

INTERIM PRACTICE ADVICE ON STOP AND SEARCH IN RELATION TO THE TERRORISM ACT 2000

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Association of Chief Police Officers
by the National Centre for Policing Excellence



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PRACTICE ADVICE ON STOP AND SEARCH UNDER THE TERRORISM ACT 2000

The document is being released as interim advice in order to balance the need for its availability to the Police Service against the short consultation period that has taken place. It must be emphasised that key organisations and stakeholders have been consulted and it is only the sensitive nature of the powers that means a longer consultation period is necessary. Final consultation will follow and the document will be incorporated into the stop and search practice advice due to be published in April 2006.

This document has been produced by the National Centre for Policing Excellence (NCPE) on behalf of the Association of Chief Police Officers (ACPO). It will be updated according to legislative and policy changes and re-released as required.

The NCPE was established by the Police Reform Act 2002. As part of its remit the NCPE is required to develop policing doctrine, including practice advice, in consultation with ACPO, the Home Office and the Police Service. Practice advice produced by the NCPE should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service. The implementation of all practice advice will require operational choices to be made at local level in order to achieve the appropriate police response.

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This practice advice contains procedures and practical working guides to assist agencies in England, Wales, Northern Ireland and Scotland to deal with stop and search under the Terrorism Act 2000.

Disclosure of the contents of this practice advice under the Freedom of Information Act 2000 or Freedom of Information Scotland Act 2002 could seriously reduce the capabilities of agencies across the country when dealing with stop and search activity.

Any authority that receives a Freedom of Information request for any of the content of this manual must inform the Police Central Referral Unit immediately at foi.referral@hampshire.pnn.police.uk

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PREFACE

Stop and search activity is an important tool with which to combat the threat of terrorism. It can help to deter, disrupt and detect terrorist activity by creating a hostile environment for terrorists to operate in. Its use can, however, create significant problems within the community, particularly in relation to faith groups and ethnic minorities. The powers must be used with sensitivity and respect. It is essential to gain the trust of all sections of the community in order to enlist their support. Better community intelligence will be obtained through appropriate styles of policing, which should help to identify suspects and detect offences.

Stop and search activity has raised concerns over the disproportionality of its use among black and ethnic minority groups. This is liable to be accentuated by its use in relation to terrorism, especially when countering the threat from international groups.

The Terrorism Act 2000 gives powers to police officers which enable them to counter terrorist activity. The Act's main features are:

- Outlawing certain proscribed terrorist groups;
- Providing the police with enhanced powers to investigate terrorist activity, including additional powers of stop and search;
- The creation of specific offences such as incitement and seeking and providing terrorist training at home or abroad, including the use of firearms, explosives or chemical, nuclear or biological weapons.

This practice advice focuses on the use of stop and search powers under sections 43 and 44 of the Terrorism Act. It gives clear advice on the rationale and processes involved in obtaining authorisations, appropriate use of the powers and community impact factors.

Routine policing in relation to stop and search is provided for under PACE and other reasonable suspicion powers.

SECTION 1

DEFINITION OF KEY TERMS

Part V of the Terrorism Act 2000 provides the Police Service with counter-terrorist powers to be applied operationally, including powers of Stop and Search under sections 43 and 44 of the legislation. Definitions of these sections are covered in this part of the guidance.

1.1 TERRORISM

The Act defines terrorism as being:

'The use or threat of a specified action where the use or threat is designed to influence the government or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious or ideological cause. The action is a specified action if it involves serious violence against a person; involves serious damage to property; endangers a person's life, other than the person committing the action; creates a serious risk to the health or safety of the public or a section of the public; or is designed seriously to interfere with or disrupt an electronic system.'

1.2 SEARCHES AUTHORISED UNDER SECTION 44

An authorisation may be given by an officer who is at least the rank of Assistant Chief Constable (or equivalent). The authorisation will be for a specified area or place and must be considered to be expedient for the prevention of acts of terrorism. The period of authorisation will not exceed 28 days and must be confirmed by the Secretary of State within 48 hours (section 46).

An authorisation under section 44 authorises any constable in uniform in an area or at a place specified in the authorisation to stop and search a vehicle or pedestrian as follows:

- The vehicle;
- The driver of the vehicle;
- A passenger in the vehicle;
- Anything in or on the vehicle or carried by the driver or passenger;
- The pedestrian;
- Anything carried by him or her.

Section 45 then gives the powers to conduct the search as below.

The purpose of these searches is to look for articles of a kind which could be used in connection with terrorism, whether or not the constable has any grounds for suspecting the presence of those articles.

A constable may detain a person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.

A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

Note: Officers should be aware of the cultural sensitivities surrounding the removal of headgear.

There is a power to seize and retain anything which is discovered in the course of the search where the officer reasonably suspects that it is intended for use in connection with terrorism.

The power is only to stop and search. This means that there is no power to detain for the purpose of questioning or to ask questions to allay the need for search.

A record of the stop should be given as required by PACE Code A.

Offences

Where an officer exercises powers conferred by an authorisation under section 44, a person commits an offence under section 47 if he or she:

- Fails to stop a vehicle when required to do so by a constable;
- Fails to stop when required to do so by a constable;
- Wilfully obstructs a constable.

There is no power of arrest for failure to comply with the above powers, although general arrest conditions may apply in appropriate circumstances. For the full text [see the Terrorism Act 2000](#).

Note:

- The purpose of the search is to discover articles of a kind which could be used in connection with terrorism;
- No grounds are required for suspecting the presence of such articles;
- This Act allows an additional requirement to that within PACE to remove headgear and footwear;
- There is no power to detain a person for the purpose of questioning them, the power is only to detain for the purpose of a search.

1.3 SEARCHES BASED ON REASONABLE SUSPICION UNDER SECTION 43

An officer may stop and search someone under section 43 of this Act, providing they reasonably suspect that the person is a terrorist. The person may be searched to discover whether or not they have in their possession anything which may constitute evidence that they are a terrorist. Officers should be given adequate training and briefing in the use of this power in order that they can make appropriate use of it when they have not been specifically briefed and tasked in the use of section 44. Section 41 provides that 'a constable may arrest a person whom he reasonably suspects to be a terrorist.' For the full text [see the Terrorism Act 2000](#).

Note:

- Based on reasonable suspicion that the person is a terrorist, the purpose of the search is to discover evidence that the person is a terrorist;
- No authorisation is required, and the power is always available where the threshold of reasonable suspicion is met.

Searches conducted using powers under PACE may be restricted to a part of the body or clothing depending on what is suspected of being carried. Searches carried under the Terrorism Act, however, are not restricted in this way. The unrestricted nature does not extend to an intimate search.

A full definition of reasonable suspicion can be found in [Paragraphs 2.2-2.11 of PACE Code A](#).

MANAGEMENT ISSUES

- Ensure all officers are made aware of the difference between section 43 and 44 of the Act.
- All officers must receive training in respect of the use of sections 43 and 44.

SECTION 2

OPERATIONAL PROCEDURES

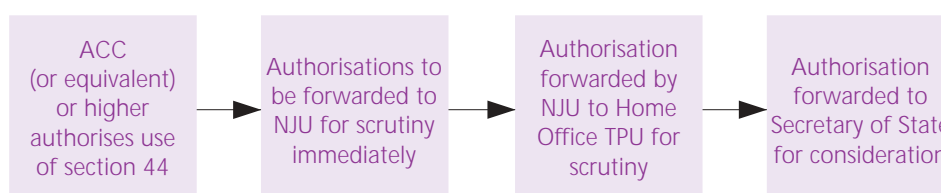
Stop and search carried out under the Terrorism Act 2000 is an essential counter-terrorism tool. This section sets out the authorisation procedure under section 44 and also provides guidance in the practical application and use of these powers.

2.1 AUTHORISATION PROCESS

An authorisation takes immediate effect, but must be confirmed by the Secretary of State within forty eight hours, otherwise it expires. If the authorisation is not confirmed, the power will cease to have effect at the end of the period or at a time specified by the Secretary of State. Even in cases of expired authorisations, a copy of the authorisation must be forwarded to the National Joint Unit (NJU) and subsequently the Terrorism and Protection Unit (TPU) at the Home Office.

The process for granting the authority to implement section 44 Terrorism Act 2000 is shown in Figure 1.

FIGURE 1. Section 44 Authorisation Process



Home Office Circular (038/2004) Authorisations of Stop and Search Powers under section 44 of the Terrorism Act 2000, gives comprehensive guidance notes for the completion of the authorisation request form, see <http://www.circulars.homeoffice.gov.uk>

The application must be made on the appropriate form and provide comprehensive information about the threat, and the grounds for requesting the authorisation so that the Minister can make an informed decision. Applications that are incomplete, incorrect or fail to make a satisfactory case will be rejected. Particular attention should be made to setting out:

- The reasons why the use of section 44 has been authorised;
- Full descriptions and justification of the geographical area subject to the powers, including a map where possible;
- Full information regarding the operational use of the powers, including training, briefing and statistical returns.

The powers to stop and search under section 45 then follow from the authorisation. The correct authorisation process must be followed for these powers to be used. As reasonable suspicion is not required, the power may be seen by the public and the media as controversial or extreme. Its use must be managed in such a way as to ensure that the relationship with the community is not damaged. A consultation process must be used by forces to enable a united approach with the local community to tackle terrorism [see 3 Community Impact and Consultation](#).

2.1.1 ESTABLISHING APPROPRIATE GROUNDS

The only grounds on which an authorisation can be given are where the person giving it considers it expedient for the prevention of acts of terrorism. Prior to making an application for authorisation, forces must objectively examine the information and intelligence and the national threat assessment. Forces should review sites and locations in their policing area which could present a target to terrorists and consider this information along with national and local intelligence. Any decision not to authorise the powers must also be based on an evidenced assessment of all available intelligence and information.

Section 44 is a unique power designed to combat a heightened threat and must only be applied where it can be justified. This justification can be evidenced by using the following:

Proportionate - is the use of the power a proportionate response?

Legal - does the available information and intelligence establish appropriate legal grounds?

Accountable - are decision making and other processes documented and auditable?

Necessary - is the use of the power necessary in the circumstances?

Other policing tactics, such as having a higher visible police presence at key locations, can deter terrorists and reassure the public, and may be more appropriate in some circumstances. The use of stop and search will always form part of a wider range of counter-terrorism tactics.

Senior officers must keep a full audit trail of the authorisation process, including the rationale behind their decision making. It should be possible to show a direct link from the original intelligence, through the briefing and tasking to the use of the power, and the reasons officers give to individuals for stopping them.

Community consultation is essential when seeking to exercise these powers, excluding exceptional and urgent cases when consultation will have to occur as soon as possible after the authorisation has been granted, [see 3 Community Impact and Consultation](#).

2.2 BRIEFING AND TASKING

The correct use of these powers is essential and officers should be adequately informed about all current information and intelligence, how the powers should be used and who should use them. They should also be reminded that the other powers under PACE and other reasonable suspicion powers may be appropriate to use. These powers must also be used fairly and proportionately in order to ensure confidence in the use of counter-terrorism measures.

2.2.1 BRIEFING

Officers should be fully briefed and aware of the difference between section 43 and section 44, and the circumstances in which it is appropriate to use either power. Officers must use the information provided in the briefing to influence their decision to stop and search an individual. A thorough understanding of all the issues involved is key to officers using the powers in a proportionate and effective manner.

Where an authorisation under section 44 is in place, all officers should be aware of its existence and the geographical area it covers but the power should only be used by those that have been specifically briefed to do so, [see 2.2.2 Tasking](#).

Briefing officers should clearly identify the purpose of the particular section 44 operation within the briefing. The briefing should make officers aware of all relevant current information and intelligence. With the high level of media coverage given to terrorist threats, officers should be warned against basing their operational decisions on information taken from media broadcasts.

The content of the briefing should include the current threat assessment, information, intelligence and relevant locations, especially if the authorisation relates to a wide designated area. If there are a number of potentially vulnerable sites within an authorisation area, it may be of benefit to identify locations requiring particular attention based on a vulnerability assessment of each location.

If there is reliable, timely and accurate intelligence indicating that a terrorist threat exists from groups more likely to be of a particular ethnic origin, it is appropriate to include this in briefings.

It is not appropriate to stereotype people of a certain faith or ethnicity as terrorists but these factors may be significant when taken as part of a combination of other factors. It is known that some terrorists will adopt behaviours and appearances typical of local cultures to avoid identification and it is not, therefore, appropriate to use these factors as a preconceived basis for searches. It is important to remember that where profiles of suspects are available, they are subject to change and can become quickly outdated.

Even where officers are drafted in at short notice, they should be briefed prior to deployment.

Officers should be directed in briefings to use their powers in consideration of the following points which are relevant to both powers:

- Authorisation - is an authorisation under section 44 in place, and what are its geographical limits?
- Person - does the person they propose to stop and search fit any description provided by information or intelligence?
- Location - is the place where they propose to use the power attractive to terrorists in accordance with the briefings they have received, eg, critical transport routes?
- Time - is it a significant period of the day, eg, is the location particularly crowded?
- Behaviour - is the person acting in a way which gives rise to concern?
- Clothing - could the clothing conceal a weapon or other terrorist paraphernalia?
- Carried items - could an item being carried conceal a weapon or any terrorist paraphernalia? This can include maps, plans, photographs and financial information.

Note: Terrorists come from all ethnic groups and all walks of life. Actions define a terrorist not ethnicity, race or religion.

Officers should also be made aware that one of the reasons for obtaining a section 44 authorisation is to disrupt potential activity. This activity would include hostile reconnaissance by terrorist groups to identify potential targets. This element of a section 44 authorisation confers a random use of the power, but this must be done with care and consideration so as not to alienate members of the community.

The briefing should include a reminder that while they are at the front line of the defence against those seeking to commit atrocities against the public, officers must use the powers with tact and sensitivity. It is important not to alienate people the police are trying to protect. The powers are of concern to some groups and sections of society whose support, where possible, should be gained in the fight against terrorism. Officers should be clear on how to use the powers during an operation, how this relates to the intelligence and how the operation supports a counter-terrorism strategy. This will assist officers in providing consistent and accurate information to members of the public about how and why the powers are being used. Officers should be provided with a form of words that they can use when explaining the use of these powers.

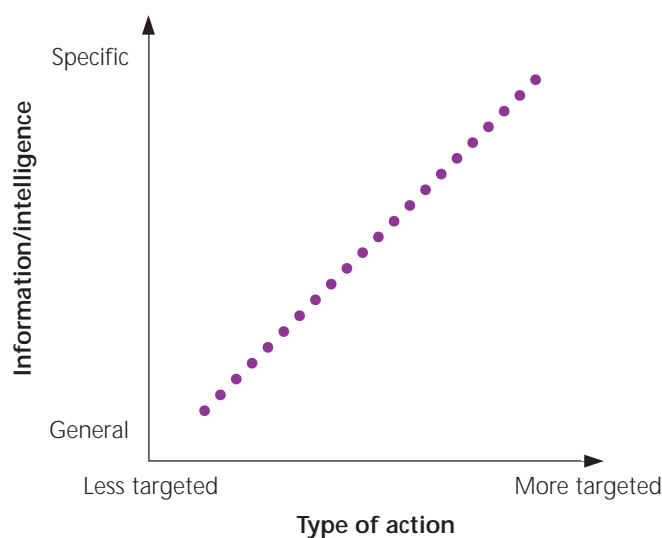
2.2.2 TASKING

Officers using powers under a section 44 authorisation must be briefed in its use before being tasked to use it. There may be exceptional circumstances, however, where it is impractical to do this and steps must be taken to rectify this as soon as possible.

Decisions about operational activity must reflect current information and intelligence, and there will be a range of activities to be undertaken depending on the nature of that information and intelligence. It is essential that officers understand the purpose of their patrol activities and how they will use their powers in relation to the section 44 authorisation.

Figure 2 illustrates the relationship between the available information and intelligence, and the targeting of activity. The intelligence can refer to people, locations, or methodology, or a combination of all three. As the intelligence becomes more specific, so the action under section 44 becomes more targeted. Conversely, where the information is less specific, the activity becomes more random within the authorised area. The specific or random nature of the activity can apply to locations or people, depending on what information is known.

FIGURE 2. Targeting of Activity



A useful tactic that can be employed under section 44 authorisations is to stop all persons at a particular location. This will, however, be governed by the physical layout of the location, how many people are present and how many police officers are available for the task. A location or part thereof, will be identified and officers deployed to search everyone at or passing through that location. An example of this could be to select one entrance to a building. By necessity, the search activity may only last for a short period of time before moving to a new location. This activity can be supplemented by handing out leaflets explaining the police action.

Special care is needed when policing public order events at locations that may have a counter-terrorist dimension. The use of stop and search may be appropriate to minimise the terrorist threat. It must be absolutely clear, however, to all those employed on these types of duties that stop and search powers cannot form part of the tactics to control demonstrators. Only public order powers can be used for this purpose.

It is not appropriate under any circumstances to use the powers under the Act to stop and search persons for matters that do not relate to terrorism. Officers should be aware of and prepared to use other powers where necessary.

Officers must remember that not all stop and searches under section 44 will yield terrorist paraphernalia, therefore, the number of arrests arising from the use of section 44 powers must not be seen as the measure of its success.

2.3 PRACTICAL APPLICATION OF THE POWERS

The power conveyed by section 44 of the Terrorism Act 2000 must be used in accordance with the Human Rights Act 1998. Any police activity which infringes the rights of an individual under the Human Rights Act must be proportionate, legal and necessary. People must be treated with sensitivity, respect and dignity.

The purpose of a search under the legislation is to look for items of a kind that could be used in connection with terrorism.

Officers must use the intelligence provided in the briefing to influence their decision to stop and search an individual. They must do this using the factors listed in [2.2.1 Briefing](#).

Officers should ensure the quality of stop and search encounters. Those who are stopped and searched must be informed of the reasons for this and treated respectfully. A measure of the quality of an encounter is how the person stopped feels after that encounter, and research has shown that this is significantly influenced by their perception of whether they have been treated with dignity and respect.

2.4 HOW TO SEARCH - PERSONS

When making a stop under section 44, an officer must:

- Explain why the person or vehicle has been stopped;
- Reassure the individual that the stop is a routine part of counter-terrorist policing;
- Remain polite at all times and treat the person with respect and dignity;
- Complete a record of the stop and search on the appropriate form stating the reason for the stop ie, under section 44 Terrorism Act 2000;
- Provide a copy of the completed form to give to the person stopped.

Note: It is the quality not quantity of encounters that is important.

2.4.1 PUBLIC AND PERSONNEL SAFETY IMPLICATIONS

The probability of stopping a terrorist en route to carry out an attack and in possession of a live device is low. There are, however, significant safety precautions to be taken should such a situation occur. If it is thought that the person is in possession of such a device, no approach should be made to the individual unless by appropriately deployed officers. Current advice on officer and public safety issues must be contained within briefings, and this can be found on the National Operation Rainbow website. This is usually available through force special branch.

2.5 DATA SHARING

Forces may wish to consider providing data on the use of these powers to their local communities. This will give transparency to their operations, but in some cases operational and security issues may prevent this. Community confidence can be improved if the figures on using the powers are given in context, rather than as a national picture. This decision needs to be balanced against the operational security risks of highlighting particularly vulnerable areas where the powers are used.

2.6 USING INFORMATION

It is important that the police service makes use of information obtained as a result of stop and search. The data recorded by officers during encounters may have intelligence value, but only if it is collected and recorded in usable form.

MANAGEMENT ISSUES

- Ensure that full consideration is given to the authorisation process in the light of all available information and intelligence, and that the application is completed in full.
- Ensure consultation with the community.
- Give appropriately developed briefings to officers tasked to act in respect of an authorisation.
- Ensure that the most current information on officer and public safety is given to officers.
- Consider the requirements of the Human Rights Act, European Convention on Human Rights and relevant disability and discrimination legislation.
- Supervise the use of the powers to ensure that they are being used appropriately.

SECTION 3

COMMUNITY IMPACT AND CONSULTATION

Stop and search powers under the Terrorism Act 2000 have many implications for community relationships. This section provides guidance for officers in working with the community and other stakeholder organisations to enable a cooperative approach to tackling terrorism.

3.1 CONSULTATION

Reasonable suspicion is not required under section 44 of the Terrorism Act to carry out stop and search. This has the potential to increase tensions within communities and ongoing community consultation is, therefore, essential to minimise those tensions and improve police and community relations.

There are three main benefits of community consultation:

- Increasing confidence in the police through a greater understanding of why the power is needed and the reasons for its use;
- Reassuring the public;
- Increasing the flow of information and intelligence from the community to the police to assist in the investigation of terrorist activity.

Although it is not possible to consult with the community on an individual basis, the police should consult as widely as possible. It is important to seek out those who are representative of the relevant groups and who have some influence among them. Consultation can be carried out in a number of ways including the use of existing community consultation groups which forces use to discuss policing issues. Forces should be prepared to use various consultative mechanisms. Care should be taken to identify all sections of the community, including those with whom communication is difficult or non-existent, to avoid the danger of failing to consult those members of the community who are more directly affected by a section 44 authorisation. Full use of the media should be made whenever possible to inform and reassure the community, but use of the media must not be seen to absolve the force from consulting with the community. Forces may also wish to consider working with groups such as:

- Crime and Disorder Reduction Partnership (CDRPs);
- Local Criminal Justice Boards (LCJBs);
- Local Strategic Partnerships (LSPs).

The purpose of this working with partnerships should be to present a united approach to the community. There must also be a balance between the needs of consultation and operational integrity.

There is a danger that the nature of section 44 powers to stop and search may remove a significant aspect of accountability, namely the requirement on an officer to record their justification for exercising the power. Effective community consultation on the use of the power will help to maintain accountability and transparency. Forces must, therefore, ensure that the use of section 44 is proportionate to the risk, particularly in the light of the most recent information and intelligence and current threat level. Use of section 44 must also be justifiable and only authorised where there is sufficient information, intelligence and threat to support this measure. Care should be taken when informing communities as to the location and extent of a section 44 authorisation, as public safety is paramount. Keeping the community informed not only acts as reassurance but can also lead to a flow of community intelligence. The use of posters and signs explaining that section 44 is in use can be a useful addition to a visible police presence. When producing any such posters, it is important to be mindful of the wording and language so as not to increase public anxiety, and to make it understandable to all sections of the community.

A Community Impact Assessment (CIA) should be completed by all forces prior to the initial section 44 authorisation being granted. Where, because of operational reasons, it is not possible to complete a CIA prior to the authorisation (eg, imminent terrorist attack), it should be completed at the earliest opportunity after section 44 is authorised. The CIA should also be reviewed periodically throughout the life of the authorisation. If any help or guidance is needed with the CIA, the National Community Tension Team (NCTT) should be contacted at: nctt@acpo.pnn.police.uk

Where operational reasons prevent consultation with the community prior to a section 44 authorisation, the consultation should take place as soon as possible. Forces should also inform the community of why the authorisation is in place.

Some forces use Independent Advisory Groups to monitor the use of an authorisation, commenting on how it is used and the impact on the community.

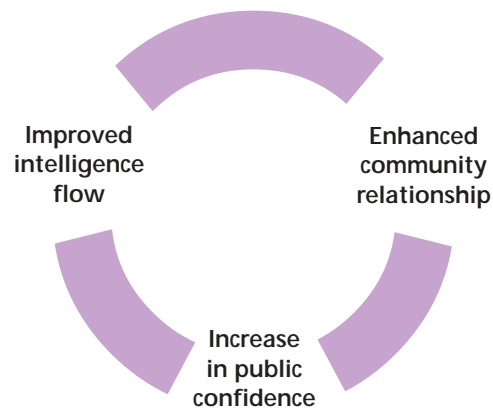
A further operational community impact assessment may be undertaken to address specific local issues as they are affected by the use of the power. This will be particularly relevant when the authorisation covers a large area or a number of discrete locations. The requirements of the Human Rights Act 1998 and Race Relations (Amendment) Act 2000 should be included, along with consideration of other diversity issues.

3.2 DEVELOPING COMMUNITY INTELLIGENCE

In order to combat the threat of terrorism, the police must have good quality intelligence, and a valuable source of this will be local communities. It is essential that community members feel able to share information with the police and are seen and treated as equal partners in the fight against terrorism. Communities should be made to feel valued and respected.

The opportunities for the flow of intelligence can be increased by improving the relationship between the police and the local community and this will in turn lead to an increase in public confidence.

FIGURE 3. The Information Cycle



There are several ways in which the police can work together with the community to strengthen their relationship with them. The methods that have been used elsewhere include:

- Community consultation;
- Education through schools and colleges;
- Multilingual leaflets;
- Community education.

For further advice and help see: www.communityengagement.police.uk

Consultation with the community can alert them to a terrorist threat and enable dialogue with as wide a range of representatives of the community as possible. This consultation must be with the relevant people, and not with individuals who purport to be representative but in fact are not.

It is essential that the police are open and honest in this process while being mindful of the need for discretion in certain areas so as not to prejudice investigations. With a high level of confidence in the police, the need to not disclose certain information will be better understood and not cause concerns about why this is being done.

Improving the profile of the police through well-conducted stop and search encounters should assist communities to gain trust in the police and open a channel for communication.

Community Beat Managers have an important role to play in opening the channels for community intelligence. These include developing and maintaining good links with members of the community and gaining their trust so that they feel able to impart valuable information. Community Beat Managers can obtain useful feedback on the use of the powers to enable improved briefings to staff.

3.3 THE ROLE OF POLICE AUTHORITIES

Police authorities have responsibilities in relation to stop and search activity within the context of its broader duty to provide an efficient and effective police service. Through community consultation and engagement, improvements will be made in gaining trust, confidence and satisfaction in local policing. There is also a responsibility to ensure that there is no racial discrimination within a community and that there are good race relations between the communities and the police. This is a requirement of the Race Relations Act 1976 as amended, section 71, which provides a duty to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

Recommendation 63 of the Stephen Lawrence Inquiry Report states:

'That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of stop and search provisions and the right to receive a record in all circumstances'.

Stop and search under the Terrorism Act is included within this and should be treated accordingly.

Two aims of the police authorities are to:

- Promote awareness of policing needs and the role and achievements of police authorities;
- Uphold and champion the principles of local accountability and policing by consent.

This means that police authorities should oversee force policies and training arrangements. They also have a responsibility to uphold accountability and must therefore work with the police to ensure that they are made accountable to the local community when using these powers. This should include access to local stop and search data in order for local police authorities to monitor the use of the powers to protect the wider community from inappropriate use. Police authorities should be made aware of the potential sensitivities of such data, [see 2.5 Data Sharing](#).

Police authorities have a responsibility to ensure that the views and expectations of the local community are reflected in locally provided policing services. They should consult and engage with the community to meet these aims. Their existing contacts and consultative structures should form the basis for this. It is important that there is a tripartite relationship between the police authority, the police and the community.

MANAGEMENT ISSUES

- To ensure ongoing community consultation.
- To identify, for consultation purposes, all appropriate groups and means of contact with them in order to ensure that it is as comprehensive as possible.

APPENDIX 1

ABBREVIATIONS AND ACRONYMS

ACC	Assistant Chief Constable
CDRP	Crime and Disorder Reduction Partnership
LCJB	Local Criminal Justice Board
LSP	Local Strategic Partnership
NCTT	National Community Tensions Team
NJU	National Joint Unit (Metropolitan Police Service)
PACE	Police and Criminal Evidence Act 1986
TPU	Terrorism and Protection Unit (Home Office)

APPENDIX 2

REFERENCES

ACPO (2004) National Briefing Model

HMSO (2005) Report on the Operation in 2004 of the Terrorism Act 2000

Home Office (Circular 038/2004) Authorisations of Stop and Search Powers under section 44 of the Terrorism Act 2000

Home Office (2005) Stop and Search Manual

TSO (1999) The Stephen Lawrence Inquiry Report

APPENDIX 3

ARREST WITHOUT WARRANT

Section 41

- (1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.

SEARCH OF PERSONS

Section 43

- (1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (3) A search of a person under this section must be carried out by someone of the same sex.
- (4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.
- (5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

POWER TO STOP AND SEARCH

Authorisations

Section 44

- (1) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in an area or at a place specified in the authorisation and to search:

- (a) the vehicle;
 - (b) the driver of the vehicle;
 - (c) a passenger in the vehicle;
 - (d) anything in or on the vehicle or carried by the driver or a passenger.
- (2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search:
- (a) the pedestrian;
 - (b) anything carried by him.
- (3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (4) An authorisation may be given:
- (a) where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
 - (b) where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
 - (c) where the specified area or place is the whole or part of the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
 - (d) where the specified area or place is the whole or part of Northern Ireland, by a member of the Police Service of Northern Ireland who is of at least the rank of assistant chief constable.
- (5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

EXERCISE OF POWER

Section 45

- (1) The power conferred by an authorisation under section 44(1) or (2):
- (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism, and
 - (b) may be exercised whether or not the constable has grounds for suspecting the presence of articles of that kind.

- (2) A constable may seize and retain an article which he discovers in the course of a search by virtue of section 44(1) or (2) and which he reasonably suspects is intended to be used in connection with terrorism.
- (3) A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (4) Where a constable proposes to search a person or vehicle by virtue of section 44(1) or (2) he may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.
- (5) Where:
 - (a) a vehicle or pedestrian is stopped by virtue of section 44(1) or (2), and
 - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he was stopped, by virtue of section 44(1) or (2) the written statement shall be provided.
- (6) An application under subsection (5) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

DURATION OF AUTHORISATION

Section 46

- (1) An authorisation under section 44 has effect, subject to subsections (2) to (7), during the period:
 - (a) beginning at the time when the authorisation is given, and
 - (b) ending with a date or at a time specified in the authorisation.
- (2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given.
- (3) The person who gives an authorisation shall inform the Secretary of State as soon as is reasonably practicable.
- (4) If an authorisation is not confirmed by the Secretary of State before the end of the period of 48 hours beginning with the time when it is given:
 - (a) it shall cease to have effect at the end of that period, but
 - (b) its ceasing to have effect shall not affect the lawfulness of anything done in reliance on it before the end of that period.

- (5) Where the Secretary of State confirms an authorisation he may substitute an earlier date or time for the date or time specified under subsection (1)(b).
- (6) The Secretary of State may cancel an authorisation with effect from a specified time.
- (7) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) to (6) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

OFFENCES

Section 47

- (1) A person commits an offence if he:
 - (a) fails to stop a vehicle when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(1);
 - (b) fails to stop when required to do so by a constable in the exercise of the power conferred by an authorisation under section 44(2);
 - (c) wilfully obstructs a constable in the exercise of the power conferred by an authorisation under section 44(1) or (2).
- (2) A person guilty of an offence under this section shall be liable on summary conviction to:
 - (a) imprisonment for a term not exceeding six months;
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.