

Protective Marking	Not Protectively Marked
Suitable for Publication Scheme? Y/N	Y
Title & Version	Search & Account (Rec. 61)
Purpose	Standard Operating Procedures
Relevant to	Operational Officers and Supervisors
Summary	Procedures to following when asking someone to account for their actions, behaviour or presence in an area.
Creating Branch, Code and Operational Command Unit/Directorate	TP Patrol OCU
Date created	February 2009
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Territorial Policing – Patrol OCU Stop and Account Standard Operating Procedures

Issue 1

	Name	Signature	Date	Title
Prepared by				
Agreed by				
Approved by				
Authorised by				



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DOCUMENT REVISION HISTORY:

REVISION	DATE	PREPARED BY	COMMENTS	CR

REFERENCE DOCUMENTS:

Ref No.	DOCUMENT TITLE	DOCUMENT NUMBER	ISSUE

How to use Standard Operating Procedures

Structure The Stop and Account, Standard Operating Procedure (SOP) has been carefully structured so that it will be easy to use.

Formatted tables Some types of information have been formatted in specific ways to help you find key content quickly and to identify important steps and responsibilities.

Red tables Whenever you read content presented in a red table like the one shown below, you can be certain that you will be reading principles, this includes the responsibilities in respect to a particular role or the description of a particular issue.

Item	Responsibility

Yellow tables Whenever you read content presented in a yellow table like the one shown below, you can be certain that you will be reading facts, such as who supplies/to whom/why.

Example	Information Type

Green tables Whenever you read content presented in a green step/action table like the one shown below, you can be certain that you will be reading the procedure of exactly how to do something.

Step	Action

Blue tables Whenever you read content presented in a blue table like the one shown below, you can be certain that your will be reading what processes need to be carried out.

When.....	Then.....

Stop and Account

Standard Operating Procedures

Overview



Introduction

This Standard Operating Procedure supports the Metropolitan Police Service (MPS) Policy on Stops and Searches and must be read in conjunction with:

- Principles on Stops and Searches;
- PACE Codes of Practice - Code A; and
- Race Relations (Amendment) Act 2000; (RRAA).

Note: Where legislation has been directly quoted, grammar remains unchanged.

The Stephen Lawrence Inquiry

The Stephen Lawrence Inquiry spoke with members of the public and it became apparent that stops created a barrier between the police and the community. These stops were not monitored and no records were kept.

Contents



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About Recommendation 61



Purpose The purpose of Recommendation 61 (Stop & Account) of the Stephen Lawrence Inquiry Report is to place an obligation on police services to provide persons stopped with a credible reason and a written explanation at the time. *Code A - 4.11 to 4.20.*

Aim It is important that officers within the MPS openly inform members of the public why they in particular are being asked to account for themselves. This will ensure that all Stop and Accounts are carried out in a fair and proportionate way.

Obligation on police Stop and Account is an obligation on the police (**as opposed to a legal power**) to give the person stopped a credible and documented reason for being stopped, as defined within the Police and Criminal Evidence 1984 (PACE), *Code A - 4.11 to 4.20* and notes for guidance.

Note: Within the MPS the decision has been made to use the form 5090 as the record of the encounter.

Detect & prevent crime Stop and Account can be a valuable tool in the detection and prevention of crime.

Community confidence It is important that all encounters are exercised in a way, which has a positive impact on the confidence of all our communities.

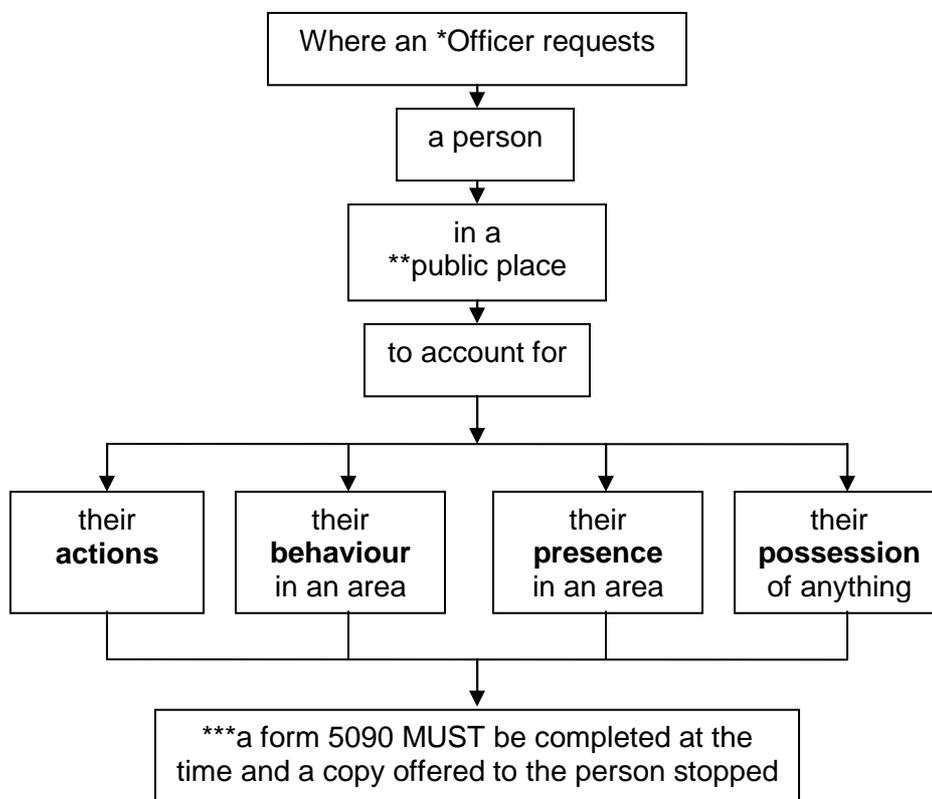


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Definition of a 'Stop & Account'



What is a Stop
& Account
Code A 4.12



* All references to officers includes; Police Community Support Officers (PCSO) - (s.38 of the Police Reform Act 2002).

** A 'Public Place' is defined as: any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission or in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling.

***After someone has been stopped and asked to account for his/her actions, a record must be made at the time unless there are exceptional circumstances, which would make this wholly impracticable, (for example in situations involving public disorder or when the officer's presence is urgently required elsewhere). If a record is not made at the time, the officer must do so as soon as practicable afterwards, - (Code A, 4.1).



Information to be Provided Verbally



MPS policy

It is MPS policy that ‘**WISER**’ is the minimum verbal information to be given to the person stopped.

The emphasis must be for officers to gain and keep the confidence of the public and it is with this in mind the mnemonic, ‘WISER’ has been designed to assist both officers and the person stopped in the encounter.

You must be mindful of other’s needs and perceptions and further explanations could be helpful.

Mnemonic – WISER

The mnemonic, ‘WISER’ is based on sound existing policing practice (GOWISLEY) and must be used for Stop and Account.

What to explain

Officers must take reasonable steps to explain the information below to the person at the beginning of the encounter:

Step	Action
W	Warrant Card – to be shown if not in uniform. - <i>in cases of terrorism or where fear of danger see below</i>
I	Identity – to be given. - <i>the officer’s name (except in the case of enquiries linked to the investigation of terrorism, or otherwise where the officer reasonably believes that giving his or her name might put him or her in danger, in which case a warrant or other identification number shall be given).....</i> - <i>Code A 3.8b</i>
S	Station to which attached to be given.
E	Entitlement to a copy of the record to be explained.
R	Reason for the encounter to be provided. - <i>this must be a credible reason based on what you have seen heard or been told</i>



Codes of Practice Recording Requirements



Must record The codes of practice require the following details to be recorded on the form 5090.

Requirement...	Then enter...
Date, time and place	The date of the stop. The time of the stop. The place of the stop.
If the person is in a vehicle	The vehicle registration number.
'Credible Reason' why the person was asked to account for his/her actions, behaviour, presence or possession of anything	Show 'J' as the 'Reason Code' and state in the 'Object' field whether the reason for the stop was because of: <ul style="list-style-type: none"> • actions; • behaviour; • presence; or • possession of anything.
Note the person's self defined ethnic background – SDE Code	Offer the person the opportunity to self define his/her ethnic background, record his/her response. Note: Officers should always make a record of their own perception using the identity code (IC code).
Outcome of encounter	The Code box referring to outcome.
BOCU	The Borough Code.
Officer	The station to which attached in full and rank.
Print name	A full legible name.
Shoulder number	A legible number.
Warrant number	A legible number.
Record requested not recordable stop	Tick as appropriate.

Continued on next page

Codes of Practice Recording Requirements, Continued



Obtaining details

Officers should make every reasonable effort to obtain the necessary details, there is no obligation for a person to provide personal details, nor is there a power to detain if the person is unwilling to provide.

Record requested

A record of an encounter must always be made when a person requests it, regardless of whether the circumstances fit the criteria for making a record.

When recording a stop and account where the officer does not believe that a record is necessary, the officer should note this on the form 5090.



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MPS Recording Requirements



Additional information

The following additional information is required by the MPS when a Stop and Account takes place, there is no power to require these details:

Requirement....	Then enter....
Name and address	Where freely supplied this should be recorded accurately - If declined, no inference should be taken.
Description	Where a name or personal details have not been asked for or are declined, record the person's description utilising unused space on the form.
Date of birth	Where freely supplied these details should be recorded.
Approximate age	When the 'date of birth' is withheld, record approximate age.
Gender	As appropriate.
Details if known	Where a person specifies a country or place of origin this should be completed.
Driver/passenger/pedestrian /vehicle	Tick as appropriate.
Vehicle attended/unattended	Delete as appropriate.
Grounds	Where the person was stopped and called to account use this area to describe reasons why.
Time in minutes	The length of time the encounter took.
Unique reference number (URN)	Record the number generated by Stops Database. Note: The inputter is to update this section.
Details of other officers present	Where other officers were present at the time of the stop record their name(s), rank, warrant number(s) and OCU(s).
Intelligence section description	It is good practice to always record the description of person stopped.

Continued on next page

MPS Recording Requirements, Continued



Additional information (continued)

Information required....	Then enter....
Stopped with	Name of other persons present.
Stop/search based on briefing/tasking/Pro-active Tasking Proforma (PATP)	Delete *Y/N as appropriate.
Reference	Detail any intelligence reference tasking, PATP or CAD number etc.,
Object	As per 'Reason' under Codes of Practice requirements (actions, behaviour, presence, possession of anything).
If copy not provided – state reason	Only in exceptional circumstances should a record not be given at the time and the reason should be stated here.
Supervisory section	Complete as shown on form following your OCU policy.
Copy provided at later date	Where a copy is subsequently provided the person responsible for providing that copy must show their name, rank, identity number (warrant/pay number) and the date supplied.

Obtaining details

There is no obligation on a person to provide these details, nor is there a power to detain if the person is unwilling to provide.

Further guidance

Further guidance on the accurate completion of the form can be found on the Stop & Account CBT training package, (on the 'Ncalt' website) which can be accessed through the AWARE system.



Ownership



Ownership The commissioning, ownership and approval of this SOP resides with the Stop and Search Strategic Committee.

Development of document This SOP was developed by the Territorial Policing Patrol OCU.

Implementing This SOP will be implemented by:

- Operational Officers;
- Supervisors;
- Duty Officers;
- Superintendents;
- Borough Intelligence Officers;
- Diversity and Citizen Focus Directorate;
- Metropolitan Police Special Constabulary (MSC); and
- Police Community Support Officers (PCSO's).

Review of document The review of this SOP will be the responsibility of the Territorial Policing Patrol OCU.



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Associated Documents



Legislation The Police & Criminal Evidence Act 1984 Code of Practice - Code A
Human Rights Act 1998
Article 3 – prohibition of torture, inhuman or degrading treatment;
Article 5 – the right to liberty;
Article 8 – the right to respect for private life;
Article 10 – the freedom of expression; and
Article 14 – the prohibition on discrimination.

Race Relations Act 1976
Race Relations (Amendment) Act 2000; (RRAA)
Freedom of Information Act 2000

**Policies and
SOP's** MPS - Policy on Stops and Searches
MPS - Principles on Stops and Searches



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Feedback - Stop and Account SOP



Continued review

This SOP will be reviewed on a regular basis.

Information to be provided

If you would like to provide feedback about this document your e-mail must include the following information:

Step	Action
1	Name.
2	Rank/Post.
3	The department/unit/OCU/community group you represent.
4	Contact information.
5	The title of the section being commented on.
6	The label of the block(s) being commented on.
7	The benefit(s) of your suggestion.
8	Details of the changes suggested, (at this point it will be necessary for you to type exactly the words you are suggesting for replacement).

Submitting comments

Send your comments to:

StopsandSearches-TPHQ@met.police.uk

Where possible you will be sent an acknowledgement.

Making changes

Your comments will be taken alongside those of others submitted and your changes may or may not be implemented.



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