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Territorial Policing – Patrol OCU Principles for Stops & Searches Standard Operating Procedures

Issue 1

Date

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**METROPOLITAN
POLICE**

Working together for a safer London

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How to use Standard Operating Procedures

Structure

The Principles for Stops and Searches, 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.

A number of the formatted tables have been set up as check lists and can be printed off and used by the person carrying out the role.

These are identified by this symbol:



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.....

Principles for Stops and Searches

Standard Operating Procedures

Overview



Introduction

These Principles are intrinsically linked to the Metropolitan Police Service (MPS) Standard Operating Procedures shown below, and together will:

- highlight the valuable contribution that an intelligence focus and human rights approach can make to these encounters;
- set a standard of community expectation during encounters with officers;
- require managers and supervisors to ensure that the best possible use is made of stops and searches to address local policing needs, identified through the National Intelligence Model and community consultation;
- require managers/supervisors to provide positive leadership to enable all officers to act with confidence by giving credible reasoning to their actions whilst acting within the law and the guidance.

The Standard Operating Procedures are:

- Search Powers Prior to Arrest – Police and criminal Evidence Act 1984
 - Stop and Account – Recommendation 61 Stephen Lawrence Inquiry Report
 - S.44 Terrorism Act 1994
 - S.60 Criminal Justice & Public Order Act 1994
-

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Appropriate Use



MPS Priorities and Values

Working together for a safer London to achieve a service that inspires confidence and public satisfaction.

Responsible use

Through consultation the public tell us that they support the use of stop and search if used fairly, in a non-discriminatory way and is intelligence led.

All of these encounters are forms of intrusion:

- spoken to by a police officer;
 - called to account;
 - stopped in a motor vehicle under Road Traffic Act powers;
 - stopped under any statutory power with a view to search (whether or not one actually takes place).
-

Public satisfaction

Research has shown that people stopped are more likely to be satisfied if they are:

- treated with respect;
 - dealt with politely; and
 - given a credible reason and clear explanation for the search.
-

Community confidence

Used appropriately and proportionately, stop and search can increase community confidence in the police and make a positive contribution to reducing the fear of crime with accountability to the public.

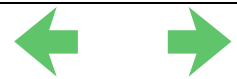
Skills required

Effective stop and search demands a number of skills, for example:

- assertion;
 - courtesy;
 - empathy; and
 - sensitivity.
-

**Contents**

Manner of Search



Conduct of Encounters

All officers must be aware of the costs and benefits emanating from stops and searches. This highlights the importance of the supervisory role in monitoring this activity.

Quality of interaction

The quality of the encounter with the person being stopped is pivotal to maintaining public support for the use of the power. The use of the power can be provocative for members of the public and it is important that they are dealt with politely and considerately.

The MPS Quality of Service Principles underpin all encounters:

- Introduce yourself
- Find out what people need and provide it
- Explain what is going to happen next
- Give a reference and contact number
- Keep people informed by providing regular updates

Negative impacts

Aggression and rudeness have a negative impact on the person stopped. This negative impact can extend to their families and the local community.

What the Codes of Practice say

The Codes of Practice emphasis how to use the powers correctly:

"Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. The Race Relations (Amendment) Act 2000 makes it unlawful for police officers to discriminate on the grounds of race, colour, ethnic origin, nationality or national origin when using their powers. - Code A 1.1

The intrusion on the liberty of the person stopped or searched must be brief and detention for the purpose of a search must take place at or near the location of the stop. - Code A 1.2

If these fundamental principles are not observed the use of the powers of stop and search may be drawn into question. Failure to use the powers in the proper manner reduces their effectiveness. Stop and search can play an important role in the detection and prevention of crime, and using the powers fairly makes them more effective."
- Code A 1.3

All stops and searches must be carried out with courtesy, consideration and respect for the person concerned. This has a significant impact on public confidence in the police. Every reasonable effort must be made to minimise the embarrassment that a person being searched may experience. [See Note 4 of Code A]
- Code A 3.1

The co-operation of the person to be searched must be sought in every case, even if the person initially objects to the search. A forcible search may be made only if it has been established that the person is unwilling to co-operate or resists. Reasonable force may be used as a last resort if necessary to conduct a search or to detain a person or vehicle for the purposes of a search.” - Code A 3.2



Contents

Reasonable Grounds to Search



Stereotyping

Reasonable suspicion cannot be founded on inappropriate generalisations or 'stereotypical images' and suspicion must be linked to accurate and current intelligence, information or specific crime problems.

Objectively based grounds – Code A, 2.2

The Codes of Practice clearly sets out the requirement to justify a search:

".....Reasonable suspicion can never be supported on the basis of personal factors alone without reliable supporting intelligence or information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity."

Reliable information Code A, 2.6

The Codes of Practice also say:

"Where there is reliable information or intelligence that members of a group or gang habitually carry knives unlawfully or weapons or controlled drugs, and wear a distinctive item of clothing or other means of identification to indicate their membership of the group or gang, that distinctive item of clothing or other means of identification may provide reasonable grounds to stop and search a person."

More thorough searches Code A, 3.6

*"Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view,.....
[See Notes 4, 7, and 8 Codes of Practice]"*

*".....for example, **in a police van** unless paragraph 3.7 applies, or police station if there is one nearby.
[See Note 6 of Code A of the Codes of Practice]"*

*"..... Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but **not a police vehicle**)".....
[See paragraph 3.7 and Searches at 'nearby' Police Stations]*

Reasonable Grounds to Search, Continued



'Test'

It is important to note that different legislation requires a different 'test' for reasonableness:

- Searches Prior to Arrest – *Code A 2.2. – 2.11*
- Searches under s.60/60AA CJPO Act 1994 – *Code A 2.2 – 2.18*
- Searches under s.44 TACT 2000 – *Code A 2.19 – 2.26*

Support your decision

Properly gathered and disseminated intelligence combined with circumstances, behaviour and the experience of an individual*, support the basis of a decision to conduct a search.

***Note:** The individual can be an officer or a member of the public who is in a position to provide information.

Records

It is particularly important to ensure that any sources of information are properly recorded.

Source information

Example of information may include:

Example	Information Type
1	Briefings.
2	Intelligence reports.
3	Information from Integrated Borough Operations (IBO) and CCC.
4	Information direct from members of the public.



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Responsibilities



Positive impact

The most important decisions that directly impact on the community are made by operational street police officers.

Stops and searches must be exercised in a way which has a positive impact on the confidence of all our communities and leaves the person with a positive impression of the MPS.

Justification

It is not enough for a search to be legally justified or a stop & account to comply with the Codes of Practice, you must in every case ensure any action taken is proportionate, necessary and based on 'best' information and intelligence.

Note: The checklist in the Human Rights section should guide your decisions.

Individual responsibility

All police officers have an individual responsibility to challenge inappropriate behaviour.

Liability

Be aware that you are liable, not only for your own actions, but also for the actions of your colleagues when conducting stops and searches together.

Resented stops

On occasions the person(s) searched or stopped will appear to resent the encounter, you have a responsibility to satisfy them that you have acted correctly.

Where there still appears to be resentment at the conclusion you must:

Step	Action	√
1	Inform your Duty Officer as soon as possible.	
2	Provide the Duty Officer with the completed 5090/5099.	
3	Complete a full report in your notebook.	



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Date: Ref No: Officer:



Race Relation (Amendment) Act 2000 (RRAA)



Origins	The RRAA 2000 arises directly from the recommendations of the Stephen Lawrence Inquiry.
Extends the RRA 1976	It strengthens and extends the scope of the Race Relations Act (RRA) 1976, placing a new enforceable positive duty on public authorities.
Promote equality	There is a general duty requiring the MPS and individual officers to have due regard to eliminating unlawful discrimination and proactively promote equality of opportunity and good race relations. The Act enables discrimination or victimisation in the use of stop and search to be challenged.
Legal action	Officers must be aware that to go beyond their powers and search somebody solely on grounds of race, colour, or otherwise treat someone unfavourably on such grounds is unlawful and the individual officer, in addition to the Commissioner, may face legal or disciplinary proceedings.



Contents

Profiling



Credible reasons

Any manner of profiling is undesirable where person(s) from a particular group are targeted by officers exercising powers without the existence of additional credible reasons which clearly identify the individual who is going to be stopped, called to account or searched.

Racial profiling

In order to understand profiling and disproportionality we have borrowed the following quote from Amnesty International USA who define racial profiling as:

"The targeting of individuals and groups, even partially, on the basis on race, ethnicity, national origin or religion, except where there is trustworthy information, relevant to the locality and time frame, that links persons belonging to one of the aforementioned groups to an identified criminal incident or scheme."

Actions or Behaviour

It is the actions or behaviour of individuals that will generate the grounds for a stop or search not a racial profile.



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Extent of Search



Appropriate power

The legislation under which the search is being carried out will determine the extent to which the officer can search.

You must refer to the relevant legislation and Codes of Practice and Standard Operating Procedures for this information.

Proportionate

All searches must be justified under the law and be proportionate to the article(s) you believe you will find.

Co-operation

A sensible approach is to apply the principle contained within *Code A – 3.2*, which states you must always seek the co-operation of the person to be searched in every case, even if the person initially objects to the search.

Preserve dignity

Officers may discover articles of a personal, intimate, religious or sentimental value during a search. When dealing with such articles every attempt must be made to prevent embarrassment and preserve the dignity of persons present.



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Sensitivity



Medical conditions

Whilst the Code of Practice allows for the removal of certain items of clothing, this may expose or highlight medical or other embarrassing conditions, for example:

- loss of hair through chemotherapy;
- false limbs;
- scarring.

You must always be mindful of the effects of your actions on individuals and the harm that this may cause.

Headgear

Many people customarily cover their heads or faces for religious reasons - for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. Any requirement to remove headgear must be carried out with courtesy, consideration and respect. Where there may be religious or cultural sensitivities about ordering the removal of such an item, the officer should permit the item to be removed out of public view (for example in a police van or police station if there is one nearby). Where headgear is required to be removed, the item should be removed where practicable in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex. The cooperation of the person searched should be sought, even if the person initially objects. When seeking their cooperation, the officer should fully explain the reason for the requirement and the consequences of failure to remove headgear.

Vulnerability

Whilst you are trying to achieve a lawful purpose you must also be mindful that you may be dealing with someone who is vulnerable due to their age, physical or mental disability, disfigurement, religious or personal reasons.

Balancing potential harm caused

Having considered the sensitivities and vulnerability of the person you will need to balance the likelihood of discovering the article to the potential harm you may cause to the person.

Casual observers

Situations may arise where a person not involved in the encounter wishes to observe the proceedings, every reasonable effort must be made to minimise the embarrassment that the person being stopped or searched may experience.

You will need to use your discretion when dealing with casual observers, taking into account:

- the wishes of the person being stopped or searched; and
- safety of officers and members of the public.

If there is no legitimate reasons to interfere the person should be allowed to observe.



Human Rights



Apply human rights legislation

It is very important that officers apply Human Rights legislation, to ensure police action is lawful and all encounters respect the rights of the individual.

Check list

The checklist should be applied to all your police decision-making:

Letter	Meaning
P	Your actions must be proportionate to the purpose;
L	Have a legal power or purpose;
A	You are accountable ;
N	Is your action necessary in the circumstances;
B	Use the best information available.

Principles

The principles of the check list are:

Word	Meaning
'Proportionality'	Actions must be fair and achieve a balance between the needs of society and the rights of the individual. You should consider different options capable of achieving the objective and select the least intrusive .
'Legality'	Actions must be supported by legislation or stated cases. You must know your basic powers well.
'Accountability'	Actions will be open to scrutiny. You should fully record your actions and the options considered. Show what factors influenced your decision, include reasons for not taking action .
'Necessity'	Actions must be ' necessary in a democratic society'. You must be able to justify any infringement of rights.
'Best'	Make any decision against the best information reasonably available to you at the time. Don't accept at face value ; explore, examine and investigate.

Justify your actions

Following these guidelines will enable you to justify your actions whether the scrutiny is immediate or delayed.



Stakeholders



Consultation & Monitoring

There is a necessity to develop public confidence by consulting and monitoring with stakeholders. Working with community groups and partnership agencies will ensure participative information exchanges regarding the independent monitoring of stops and searches thus providing better information about stops and searches.

Stakeholder groups

Examples of stakeholder:

- stop & search local monitoring groups;
 - Race Equality Council;
 - youth Councils;
 - consultative groups;
 - black and minority ethnic monitoring organisations;
 - ward panels;
 - local residents;
 - local businesses in the area.
-

Policing plan

Invite stakeholders to be involved in the Borough Policing Plans and joint setting up of Policing Plan objectives which will engender cooperation towards achieving successful objectives.

How to build confidence

It is recognised that communities within each borough will want access to a range of information according to local confidence levels and criminal activity.

A key element of building confidence is the sharing of clear and meaningful information for the independent monitoring of statistics on stops and searches. This data is available via the monitoring mechanism and can be accessed through the website: met.police.uk/stopandsearch



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Intelligence Led Policing



When to use	There is an expectation that stops and searches in a particular area will mirror the criminal activity and reported crimes for that area. We know that undirected bulk stops and searches do little to reduce crime.
Focused activity	Detection is most often achieved if stops and searches are focused, targeted and intelligence-led.
Pre planned operations	When considering a pre planned operation that includes stop and search as a tactic, a Community Impact Assessment (CIA) must be completed.
Spontaneous stops and searches	It is recognised that a number of stops and searches will be spontaneous and result from either: • calls from members of the public through Command and Control system (CCC), • information received directly from members of the public • patrolling officers identifying circumstances that they determine require further investigation.
Intelligence cycle	The result of properly conducted stops and searches can contribute to the intelligence cycle and will have a deterrent effect on crime. Crimint reports are not required in relation to stops or searches unless additional intelligence (not already recorded on the F5090) is apparent. The Stops Database is searchable using existing processes.
Prompt submissions	Prompt submission of correctly completed and supervised form 5090's/5099's will ensure that the relevant intelligence is captured.



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Briefings



Personal example

Line managers should not underestimate the impact their behaviour and actions have on their personnel.

Positive and dynamic

Positive and dynamic briefings enable the senior management team of an OCU to set the scene and expectations for the shift or operation.

Supervisors will detail the standards of behaviour and give guidance and leadership.

Patrol plan

Stops and Searches in many cases should be as a result of pre-planned taskings and by individual officers formulating a patrol plan for their tour of duty.

Patrol plan will be developed as a result of briefings, taskings and policing priorities for their OCU.

Responsibility Supervisors/Briefing Officers must:

Item	Responsibilities	√
1	Ensure that officers are equipped with the best available intelligence which is focused and objective. This is necessary to engage in proportionate and effective policing activity.	
2	Ensure the best possible use is made of stops and searches in support of local policing needs.	
3	Ensure a clear message is given to officers of the importance of feeding information back into the National Intelligence Model (NIM) cycle. This will further inform future briefings.	
4	Ensure officers are reminded of officer safety requirements and the correct use of officer safety equipment.	
5	Ensure officers are reminded of their responsibilities as set out on pages 10 & 15 and are not limited to the information represented by the GOWISELY mnemonic.	

Date: Ref No: Officer:

Children and Young Persons



Awareness of vulnerability Some people, particularly those under 18 years, may be more vulnerable and have greater concerns about the encounter when approached or questioned by officers.

Implications The person stopped or searched may have fears about their parents, carers guardians, or peer groups reactions when finding out about the encounter. It should also be noted that a positive or negative stop and search encounter can have a long, even lifetime effect on a child or young person.

Tolerance Officers need to be tolerant, patient and aware of any concerns when seeking co-operation.

Be SMARTT A representative group of UK Youth Parliament and London IAG working with the Stops and Searches team developed a two way approach for encounters:

Letter	Meaning
S	Smile
M	Manners
A	Attitude
R	Respect
T	Tolerance
T	Talk

Time and location Consider the time and location when stopping or searching a child or young person under 18 yrs.

Place of safety Consider the option of removing a child or young person to a place of safety.

MERLIN entries Where a child or young person comes to notice, officers should remind themselves of the instructions of when a 'MERLIN' entry must be completed in addition to the completion of the form 5090.

Searching at nearby police station Where a child or young person has been taken to a nearby police station for a search, consideration must be given to securing the presence of a parent/guardian or appropriate adult prior to the search taking place.

Also see section on: Searches at 'nearby' Police Stations.

Further advice For further advice on Children and Young Persons See SDC 5 Child Protection Policy Unit intranet site for further advice.

Written Record of Encounter



Stop & account *Code A 4.12*

Code A 4.12 requires that a record of a stop and account be:

- recorded at the time; and
 - a copy provided to the person concerned at the time.
-

Searches *Code A 4.1*

There is a requirement under Section 3 of PACE to:

- record searches at the time; and
 - provide a copy to the person concerned at the time.
-

Record not made at the time *Code A 4.1*

In all circumstances if a record is not made at the time, the officer must do so as soon as practicable afterwards.

Form 5090

Form 5090 will be used to record those stops and searches as defined within paragraph 4.1 and 4.12 of Code A of the Police and Criminal Evidence Act 1984.



Contents

Searches at 'nearby' Police Stations



What the Codes of Practice say Code A, 3.7

*Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (**but not a police vehicle**). These searches must be conducted in accordance with paragraph 11 of Annex A to Code C except that an intimate search mentioned in paragraph 11(f) of Annex A to Code C may not be authorised or carried out under any stop and search powers. The other provisions of Code C do not apply to the conduct and recording of searches of persons detained at police stations in the exercise of stop and search powers.*

A search in the street itself should be regarded as being in public for the purposes of paragraphs 3.6 and 3.7 above, even though it may be empty at the time a search begins. Although there is no power to require a person to do so, there is nothing to prevent an officer from asking a person voluntarily to remove more than an outer coat, jacket or gloves (and headgear or footwear under section 45(3) of the Terrorism Act 2000) in public. - [Note 7]

Searching officer

The following procedures should be in place when exercising search powers at 'nearby' police stations:

Step	Action	√
1	Inform the IBO of the intention to carry out such a search.	
2	Only use the room nominated by the SMT Stops and Searches Lead to carry out the search, not in a custody suite.	
3	Arrange for another officer to be present at the search.	
4	Complete the form 5099 at the time of the search.	
5	Complete the form 5090 (in addition to Form 5099) at the time of the search.	

Continued on next page

Date: Ref No: Officer:



Searches at 'nearby' Police Stations, Continued



Supervisors

Supervisors must:

Step	Action	√
1	Ensure that the search is carried out within the requirements of the law.	
2	Ensure the forms are fully completed.	
3	Ensure that the field 'Steps to allay sense of grievance' is completed with appropriate steps taken.	
4	Ensure the forms are filed in the appropriate folder.	
5	Ensure the forms are numbered consecutively in the folder.	

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Screening (Knife) Arches in Schools



Background There has been considerable focus on the issue of young people carrying and using knives. This has led the Home Secretary to advocate the use of Screening arches in schools.

MPS Position The use of Screening arches in schools is a good tactic to encourage the safest possible environment for young people to learn and be safe, although it should be noted that it is only one tactic in a complex and challenging area of policing.

The MPS does support the temporary deployment of arches (not just in schools), when there is intelligence that supports its use and when resource and response can be adequately provided.

Key Points Screening arches only detect metal and therefore only act as an indicator that a person has metal in their possession. The sensitivity of the arches can be adjusted to avoid being activated on every occasion.

Officers should be sensitive to the consideration given by schools to the use of arches. Some schools will be reluctant to agree to the use of this tactic. Therefore police must consult with all stakeholders and reach an agreed written protocol prior to the operational use of arches.

A number of colleges in London have used arches as a condition of entry. Secondary schools are a different proposition, and require clear instructions and guidance around the logistical issues, roles and responsibilities, risk assessments and disposal policy when prohibited items are found.

The searching of pupils within the boundaries of a school is not within the remit of police as there is no power to support such action unless intelligence dictates otherwise. Instead, the services of properly trained security guards / teachers would need to be considered.

Approval Written permission is required from the establishment in question prior to any deployment of an MPS Screening arch. This person would need to be in a position of authority and empowered to give such permission.

**Advice and
Guidance**

These instructions need to be read in conjunction with the Standard Operating Procedure for Screening Arches (these sops are currently being developed – due to be published December 2008).

**Contents**

Code of Practice Recording Requirements



Guidance

The table below gives guidance on the correct completion of the form 5090.

Requirement	Description
Name of the person searched	No obligation on the person to provide this information. If withheld a description is to be recorded.
Person's Address	No obligation for the person to provide this Information.
Date of Birth	
Note of the person's self defined ethnicity	Offer the person the opportunity to self define their ethnic background, (SDE Code), record their response. There is no obligation for the person stopped to provide this. Officer should always make a record of their own perception using the identity codes, (IC code).
If a Vehicle is searched	The vehicle registration number.
Date, Time and Place that person or vehicle was first detained	As stated.
Date, Time and Place the person or vehicle was searched	If the person or vehicle is searched at/on a different date/time/place than above, record the details accurately.
The purpose of the search	Object - Give details of what you were looking for.
Grounds for making the search	Write the grounds for making it. In the case of searches under: s.60 CJPO Act 1994; and s.44 (1) and (2) TAct 2000, the nature of the power and of any necessary authorisation and the fact that it has been given.
Outcome	Select the most appropriate code from the list.

Continued on next page

Code of Practice Recording Requirements, Continued



Guidance (continued)

Requirement	Description
A note of any injury or damage resulting from the search	Record as appropriate. Immediately inform the patrol supervisor (via IBO).
BOCU	Borough Code.
Officer	Show station to which attached in full and rank. This section relates to the searching officer not officer completing the form (if different).
Print Name	Full legible name.
Shoulder Number	Must be legible.
Warrant Number	Must be legible.

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.



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MPS Recording Requirements



Guidance

The table below gives guidance on the correct completion of the form 5090.

Requirement	Description
Description	Utilising the space in the intelligence section. Record a full description of the person searched.
Approximate Age	If date of birth withheld, record approximate age.
Gender	Record as appropriate.
Details if Known	This area is for when a person specifies a country or place of origin.
Driver/Passenger/ Pedestrian/Vehicle	Tick as appropriate.
Vehicle attended/unattended	Delete as appropriate.
Time in minutes	Length of time the encounter took.
Unique Reference Number (URN)	Number generated by Stops Database. The inputter is to update this section.
Details of other officers present	Enter the names, warrant number, rank and OCU of other officers present at the time of the stop.
Stopped with	Name of other persons present.
Intelligence section description	It is good practice to always record a description.
Stop/search based on briefing/tasking?	Delete *Y/N as appropriate.
Reference	Show reference number, for example: • Pro-Active Tasking Pro-forma (PATP); • CAD number etc.,
Searched at station 5099 completed	Where a person is searched at a police station in addition to a form 5090, a form 5099 must also be completed in every case.

Continued on next page

MPS Recording Requirements, Continued



Guidance (continued)

Requirement	Description
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. – <i>Code A 4.1</i>
Supervisory Section	Complete as shown on form following OCU policy.
Copy provided at later date	Where a copy is subsequently provided the person responsible for providing that copy must show their name, identity number (warrant/pay number) and the date supplied.



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Evidence



Power to seize articles

Section 1(6) PACE 1984 - provides the power to seize articles which a Constable discovers in the course of a search, which he/she has reasonable grounds for suspecting to be stolen or prohibited articles.

Seized property

The completed form 5090 should show details of any property seized.

Recording property – person not arrested

Where an arrest does not take place, the property should be recorded on Form 66/Bk 58 (as appropriate) at the police station and cross-referenced to the search form 5090.

Think forensic

All evidence must have its forensic integrity preserved, which includes evidence discovered during stops and searches prior to arrest. Consider the following:

Step	Action	√
1	Prevent cross-contamination.	
2	Secure items for forensic examination, including fingerprints, footprints, tool marks, clothing and fibres.	
3	Secure items which may contain DNA evidence such as: • saliva; • body fluids; or • hair.	
4	Ensure integrity of exhibits through correct packaging.	



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Supervisor Responsibilities



Effective supervision

Effective supervision is a fundamental necessity, drawing on leadership skills and knowledge.

Stops and searches

Stops and searches are amongst a number of policing activities you will either supervise at the time or after the event.

Pivotal role

A supervisor's role is pivotal in ensuring that stop and search procedures are followed to a successful conclusion and they must:

Item	Responsibility
1	Examine the work undertaken by officers, making sure that their patrol activities match the tasks to which they were assigned during their briefing.
2	Ensure stop and search powers are being used fairly, lawfully and without discrimination.
3	Provide advice and guidance over the radio, attend the scene (where appropriate), review reports and provide feedback.
4	Encouraging officers to self review their actions to enable continuous improvement. This will go a long way towards meeting the requirements in Code A Para 5.1.
5	Remind officers that they may be required to justify their actions and the use or authorisation of such powers.
6	Supervise the policing activity that led to the completion of the form 5090/5099, (see Supervising form 5090/5099).

What the Codes of Practice say Code A 5.1

*'Supervising officers **must** monitor the use of stop and search powers and should consider in particular whether there is any evidence that they are being exercised on the basis of stereotyped images or inappropriate generalisations. Supervising officers should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with this Code. Supervisors must also examine whether the records reveal any trends or patterns, which give cause for concern, and if so take appropriate action to address this.'*

Consequence

Breaches of the Code of Conduct bring discredit on the MPS and the misuse of these powers may lead to disciplinary action.



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Supervisor Responsibilities



Toolkit

Review the form 5090/5099 and check the following areas:

Step	Action	Y/N
1	Are the reason/grounds of 5090/5099's: • directly linked to intelligence and/or briefing • information received from a member of the public • officers observations	
2	Are there indications of stereotyping or inappropriate generalisation;	
3	Are the grounds based on more than personal factors;	
4	Do the grounds support the extent of the search;	
5	Is the object of the search recorded and does it match up with the grounds;	
6	Is the object of the search permitted under Stop and Search legislation - <i>Code A, Annex A</i> ;	
7	Have the Terrorism Act searches and section 60 searches been conducted within the area and time period for which the power was authorised;	
8	Have all intelligence records been updated and cross referenced;	
9	Is the writing on the form legible;	
10	Has the form been submitted in a timely manner?	
11	Has the SDE been completed?	



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Date: Ref No: Officer:



Feedback – Supervisor's Actions



Feedback on quality

Feedback to the officer on the quality of interaction is critical to the success of improving public confidence in police activity with regard to stops and searches:

Give a clear message

It is important that the message must be clear – *'quality, not quantity'*.

Make sure that your officers:

- are aware that the number of searches conducted is not a personal performance indicator;
- know the intelligence value of stops and searches.

Always identify, praise and promote good practice.

Standards

Using the guidance within this document, you will have established whether the information recorded is of a sufficient standard.

Rear of form 5090

The rear of the form 5090 provides supervisors with the opportunity to conduct an immediate feedback session.

Record feedback

Supervisors should note any actions taken, this will include:

- guidance;
 - identified training needs; or
 - provisions for mentoring.
-



Contents

Misconduct and Complaints



Public feedback	Comments and feedback from the public should be viewed as an opportunity to improve the practice of stops and searches.
Cause for concern	During the supervision and feedback processes supervisors may identify circumstances which give them cause for concern and should be dealt with proportionately to the circumstances.
Identify reason for problem	Supervisors must establish how the problem has arisen, for instance this may be due to a lack of knowledge on the part of the officer concerned.
Take immediate action	Immediate action must be taken to deal with such matters and appropriate records maintained, this will include the supervisors section on the form 5090.
IPCC advice	The Independent Police Complaints Commission (IPCC) advise us that complaints made by members of the public relating to stops and searches should where possible be resolved locally at the earliest opportunity.
Complaints procedure	When a member of the public complains about how they have been treated, it will be dealt with in line with current procedures. This may be an explanation of police powers and procedures, local resolution or an investigation by Directorate of Professional Standards (DPS).



Contents

Administration of Forms



Access to record

The security of the information contained within the form 5090/5099 is paramount.

Failure to have a secure process for collection, storage and retrieval could have a significant impact on the MPS, when answering section 84 complaints or civil claims.

Clearly defined action

Each borough must have a clearly defined process to:

Step	Action	√
1	Enter the data onto the Stops Database within 5 working days of the encounter (1 working day for s.44).	
2	Check that 5090/5099's have been supervised.	
3	Index and file form 5090/5099's consecutively.	
4	Retain and store form 5090/5099's for 7 years on the BOCU.	



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Date: Ref No: Officer:



Monitoring



Monitoring at different levels

An ACPO officer is responsible and accountable for the use of stop and search within the MPS.

Monitoring activity takes place at different levels:

Corporate – Op Pennant, TPHQ Stops and Searches team
BOCU – 1st line supervisors, Stop & Search leads etc
Community – Community Monitoring Group

Operation Pennant

Op Pennant is the performance framework for stop and search and monitors activity in a number of key areas including; disproportionality, arrest rates, disparity in ethnic arrest rates, timeliness and self defined ethnicity inclusion.

BOCU

See supervisor's responsibilities on P31 & stop and search lead on P39 for details on BOCU monitoring.

Community Monitoring

The MPS publishes stop and search data on a monthly basis for each borough and the MPS via the monitoring mechanism on the website. This enables community monitoring groups to hold their local borough commanders to account in relation to stop and search activity.



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Senior Management Team (SMT)



Responsibility Senior Officers within Boroughs and other OCUs and those with force wide responsibilities must also monitor the use of stops and searches and where necessary take action at the relevant level.

Code of Practice requirement Code A 5.1 Senior Managers are reminded that the Codes of Practice have placed a duty upon them and team supervisors to supervise and monitor staff activity with regard to stops and searches.

Role of senior managers The main role of senior managers must be to provide the necessary support, time and resources to the team supervisors to enable them to comply with the Codes of Practice.

This will mean ensuring that you have robust systems and processes in place to enable staff to efficiently carry out supervision and monitoring.

Systems and processes Examples of the systems and processes will include:

Systems	Process
SMT Lead	Appointing a Senior Management Team (SMT) member to be responsible for the monitoring of stops and searches activity on their OCU.
Community consultation	Carry out community consultation and feedback.
Partnership consultation	Carry out partnership consultation and feedback.
Data collection	Ensure NIM compliant intelligence data collection and dissemination.
NIM Procedures	Ensure the NIM control strategy is in place and known to staff.
Briefings	Ensure briefings are being conducted by skilled staff in a structured format and quality checked.
Facilities	Identify facilities available for de-briefing.
Security	Ensure the secure collection of forms 5090/5099.

Continued on next page

Senior Management Team (SMT), Continued



Systems and processes (continued)

Systems	Process
Complaints	Carry out monitoring of complaints arising from stops and searches.
Data input	Ensure stops forms are inputted onto the database within time limits.
Analysis	Carry out data analysis.



Contents

Senior Management Team Stops and Searches Lead



Contact details

A list of OCU Senior Management Team (SMT) Stops and Searches Leads can be found on the TP Stops and Searches Team Intranet site.

Responsibility

The appointed lead will:

Step	Action	√						
1	Nominate suitable room(s) to conduct searches at police stations (form 5099) – Code A 3.7;							
2	Make sure all staff are aware of the nominated search room(s);							
3	Ensure that officers of Inspector, Chief Inspector and Superintendent rank know their responsibilities as authorising officers under Section 60 of the Criminal Justice and Public Order Act 1994. • All authorising officers must be made fully conversant with the Section 60 Standard Operating Procedures before exercising this power.							
4	Brief officers from outside the borough before deploying them to ensure that they understand: • community issues which have been highlighted within the local Equality Impact Assessment; • the policing standards set by the Borough Commander; • the exact nature of their tasking.							
5	Check every form 5099 (Search at Nearby Police Station) for: <table border="1"><tr><td>1.</td><td>Compliance with PACE and Codes of Practice;</td></tr><tr><td>2.</td><td>Compliance with Human Rights Act;</td></tr><tr><td>3.</td><td>Effectiveness of the use of these powers, including: • arrest rates; • sanction detections; • offences brought to justice (OBTJ's).</td></tr></table>	1.	Compliance with PACE and Codes of Practice;	2.	Compliance with Human Rights Act;	3.	Effectiveness of the use of these powers, including: • arrest rates; • sanction detections; • offences brought to justice (OBTJ's).	
1.	Compliance with PACE and Codes of Practice;							
2.	Compliance with Human Rights Act;							
3.	Effectiveness of the use of these powers, including: • arrest rates; • sanction detections; • offences brought to justice (OBTJ's).							
6	Ensure that the inputting of F5090's onto the 'Stops' database is properly resourced and managed.							

Continued on next page

Senior Management Team Stops and Searches Lead, Continued



Responsibility (continued)

Step	Action	√
7	Utilise the Stops Reporting Tool to scrutinise data from the stops database to identify for example: • disproportionality; • suspect profiles; • crime trends; • intelligence; • tasking activities.	
8	Take responsibility for: • regularly sharing data with the community via the local monitoring group; • agreeing and reviewing the style and content of data supplied.	
9	When sharing information with the community, demonstrate how stops and searches are impacting on local crime trends.	
10	'Dip sample' 5090/5099's on a regular basis.	
11	Check that where a CRIMINT entry is necessary, it has been completed comprehensively, (i.e. for s.60 operations).	
12	Ensure a Community Impact Assessment is completed for pre planned operations, where stop and search is utilised as a tactic.	



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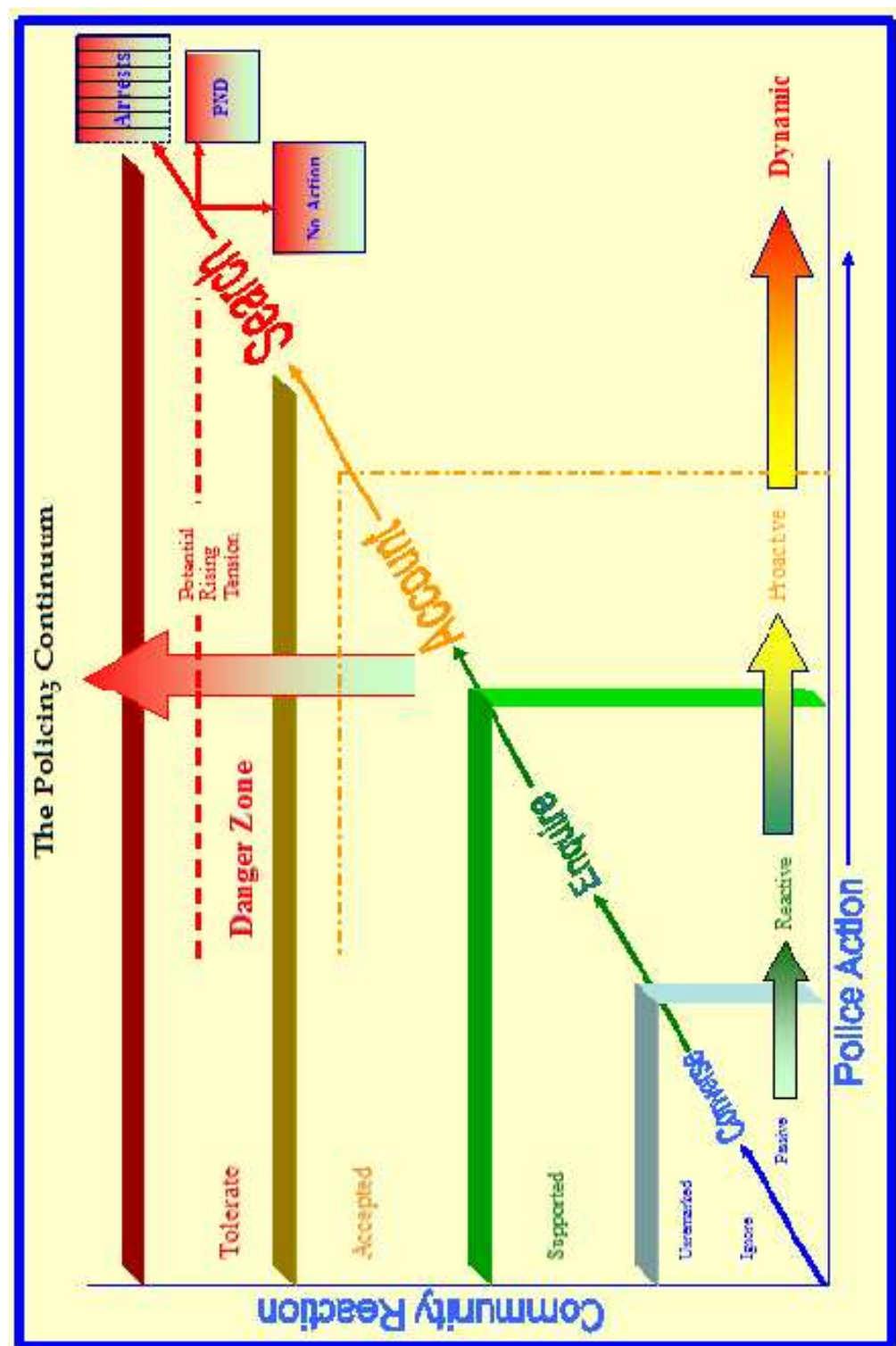
Date: Ref No: Officer:



The Policing Continuum

Community reaction v police action

This diagram shows the process of community reaction v police action from the point of encounter to a search:



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; • SMT stops and searches leads; • Duty Officers; • Superintendents; • Borough Intelligence Units (BIU); • Management Information Units (MIU); • 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.



Contents

Associated Documents and Policies



Legislation	The Police & Criminal Evidence Act 1984 Code of Practice - Code A Knives Act 1997 Crime and Disorder Act 1998 Human Rights Act 1998 - Article 5 – the right to liberty; - Article 8 – the right to respect for private life; - Article 14 – the prohibition on discrimination. Home Office Circular 7/99 Police (Health & Safety) Act 1997 Police (Health & Safety) Regulations 1999 Race Relations Act 1976 Race Relations (Amendment) Act 2000; (RRAA) Freedom of Information Act 2000
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Relevant documents	ACPO guide to the use of stop and search Stephen Lawrence Inquiry Report Metropolitan Police Authority (MPA) Scrutiny on Stop and Search MPS Risk Assessment – Searches prior to Arrest MPS Risk Assessment – Searching Section 60 CJPO Act 1994
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Polices and SOP's	MPS Policy on Stops and Searches MPS Stop & Account - Standard Operating Procedures MPS Search Powers Prior to Arrest - Standard Operating Procedures MPS Section 44 Terrorism Act 2000 - Standard Operating Procedures MPS Section 60 Criminal Justice & Public Order Act - Standard Operating Procedures
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Contents

Feedback - Principles for Stops and Searches 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:

<mailto: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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