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Stop and Search - Q&As

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Why does the MPS use stop and search?

Stop and search remains a hugely important police power for protecting Londoners, tackling crime and keeping our streets safe. It is an extremely valuable tool which we need to use in tackling knife and gun crime, resulting in over 3,500 arrests for weapon possession last year.

What is the vision for stop and search in London?

The Commissioner supports stop and search by officers who are acting lawfully, courteously and are held to account. We will continue to work with our communities and stakeholders to improve the quality of interactions and ensure that stop and search continues to protect Londoners.

What is the definition of Fair & Effective?

A stop and search is most likely to be fair and effective when:

- the search is justified, lawful and stands up to public scrutiny;
- the officer has genuine and objectively reasonable suspicion they will find a prohibited article or item for use in crime;
- the person understands why they have been searched and feels that they have been treated with respect;
- the search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item.

Stop and Search is not a social control tactic; what powers are available to deal with people loitering and intimidating members of the public?

Section 50 of the Police Reform Act 2002 empowers a constable to request the name and address of a person acting in an anti-social manner. Where that person fails to give their name and address or the name and address is false or inaccurate, he commits an offence.

Section 59 of the Police Reform Act 2002 allows a constable in uniform to seize a vehicle being driven both anti-socially and driving carelessly, inconsiderately or an off road offence.

Section 35 Anti-social Behaviour, Crime and Policing Act 2014 - Dispersal powers allow police to remove a person from a specific location for up to 48hrs and confiscate any property which is contributing to the ASB (such as alcohol) if authorised by an Inspector or above.

Section 63 Anti-social Behaviour, Crime and Policing Act 2014 - Introduces powers to require persons not to consume alcohol or to surrender containers of alcohol in public areas designated under a Public Spaces Protection Order. Failure to comply with the police officer's request, without reasonable excuse, is an offence.

Section 67 Anti-social Behaviour, Crime and Policing Act 2014 - creates the offence of failing to comply with a Public Spaces Protection Order. An order may have been made in relation to unreasonable persistent behaviour affecting the community's quality of life in a particular public space - e.g. graffiti / rubbish / noise. (Note: Consuming alcohol in breach of a Public Spaces Protection Order is a specific offence under s.63)

Section 3 Vagrancy Act 1824 makes begging in public a criminal offence.

Section 12 Licensing Act 1872 makes it an offence just to be drunk in public.

Section 91(1) Criminal Justice Act 1967 makes it an offence to be drunk and disorderly.

Section 87 Environmental Protection Act 1990 makes it an offence to litter in a public place that is open to the air.

Section 5 of the Public Order Act 1986 creates an offence of being threatening or abusive in a way which is likely to cause harassment, alarm or distress.

Section 4(1) Road Traffic Act 1988 provides the offence of driving or being in charge of a vehicle when unfit through drugs.

Section 165A of the Road Traffic Act 1988 allows you to seize vehicles driven by uninsured drivers or drivers who do not have a valid licence.

Common Law - Breach of the Peace is an ancient common law concept which is of importance to police officers, providing a number of powers: (1) to arrest; (2) to intervene and / or detain by force; to prevent any action likely to result in a breach of the peace in both public and private places.

Other tactics to deal with Anti-Social Behaviour include: **Acceptable Behaviour Contract, Parenting Contract, Civil Injunction, Community Protection Notice, Closure Order** (of premises) etc.

What are 'reasonable grounds for suspicion'?

'Reasonable grounds for suspicion' is the legal test which a police officer must satisfy before they can stop and detain individuals or vehicles, to search them under powers such as s.1 PACE 1984, s.23 Misuse of Drugs Act 1971. The following test must be applied to the particular circumstances in each case:

- An officer must have formed a *genuine suspicion* in their own mind that they *will* find the object for which the search power being exercised allows them to search;

and

- The suspicion that the object will be found must be *reasonable*. This means there must be an *objective* basis for that suspicion based on facts, information and / or intelligence which are relevant to the likelihood that the object in question will be found so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and /or intelligence.

Reasonable suspicion can never be supported on the basis of personal factors. This means that unless the police have information or intelligence which provides a description of a person suspected of carrying an article for which there is a power to stop and search, the following cannot be used, alone or in combination with each other, or in combination with any other factor, as the reason for stopping and searching an individual, including any vehicle they are driving or being carried in:

- A person's physical appearance (including any of the 'protected characteristics' set out in the Equality Act 2010, or the fact that the person is known to have a previous conviction; and
- Generalisations or stereotypical images that certain groups or categories of people are more likely to be involved in criminal activity.

Reasonable grounds for suspicion should normally be linked to accurate and current intelligence or

information, relating to articles for which there is a power to stop and search being carried by individuals or being in vehicles in any locality. Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person.

You **MUST** be able to justify your grounds for suspicion. The mere appearance of a person is not sufficient - there must be something about their manner, deportment, conversations and the surrounding circumstances which afford that suspicion. A hunch or instinct which cannot be explained or justified to an objective observer can never amount to reasonable grounds.

To further assist understanding, the following guidance has been developed (this list is not exhaustive):

- Known criminal - not to be used as a ground for search. PACE Code A does not allow the fact that someone has a criminal conviction as a reason for searching that person.
- Known drug user - not to be used as a ground for search as it is non specific and if correct, would relate to a criminal conviction and therefore falls under the above bullet point.
- Smell of drugs - insufficient in itself and needs to be expanded with the circumstances / conversation with the individual / their appearance, actions, behaviour etc.
- Anti-Police - not to be used. It is not suspicious to dislike or be uncooperative towards the police.
- High crime area - must have a reference to a specific briefing or tasking location.
- Crime or drugs hotspot - must have a reference to a recent specific briefing, tasking, CAD etc.
- Evasive to questions - include reference to what the questions were about e.g. evasive to questioning about where they had just come from.
- Appeared nervous - needs to be expanded to include specific actions or behaviour e.g. sweating, muscles tensed, pacing, refuses to co-operate, repeats question before answering etc.
- Fitted description of a suspect for a recent crime - must include a summary of the description and the reference (CAD, CRIS etc) e.g. White male, 18yrs, blue hoody, CAD 63 refers.
- Acting as a lookout – needs further explanation. Describe what you saw them doing e.g. observed for 3 minutes at the rear of a closed shop premises; crouching down behind a wall; kept peering over the wall looking left and right down the alley.
- Avoids police - describe what they did e.g. changed direction and/or speed of walking having seen police, or, ran away from police when approached.
- Discarded item when approached by police – describe the item seen to be discarded, and / or what you believed it to be (and why).
- Concealed an article on seeing police – describe the item, and / or what you believed it to be (and why). Describe where / how it was concealed e.g. inside their jacket, up their sleeve, inside their sock etc.

Is there a resource available to assist with formulating reasonable grounds?

The table below will assist you to formulate your grounds:

Record your POSH grounds		Key points	Examples	Are your grounds linked to		
				Subject?	Object?	Having the object now?
Paint the Policing Picture	Paint the scene <i>What is <u>your</u> Policing Picture?</i> <i>What do you know?</i>	Intelligence	Crimint ANPR Habitual knife carrier Briefing slide CAD Officer knowledge			
		Information	From Member of Public Location relevant Time/date relevant			
		Tasking	Daily tasking Predictive policing MPS/ local Priority S60 authority			
Use your senses	Observe <i>What have you seen?</i>	Behaviour	Deviations from baseline Hiding Looking into vehicles/premises Following people			
		Clothing	Unseasonable or Inappropriate To hide identity or property Carrying suspicious bags or items.			
		Restlessness Avoidance Physical signs	Fidgeting, pacing Avoid/ hide from Police Sweating, panting.			
	Smell		Petrol Paint Drugs			
	Hear <i>What have you heard?</i>	Q&A's	Evasive to questions about...			
		Noises	Broken glass Alarms			
		Voices	Conversations Shouts			

How should I record my reasonable grounds on CrimInt?

The grounds for search recorded on F5090 must be replicated when entered onto the CrimInt database. On CrimInt you can further explain the bullet points recorded on your F5090 but you cannot add further grounds that are not recorded on the form.

When using iPads and PDAs to record stop and search, make use of the free text field to record detailed grounds. Just relying on 'tick box' grounds is not sufficient.

Should I ask questions before I conduct a search?

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.

Problems often occur when officers use stop and search rather than having a simple conversation first. If someone is behaving suspiciously officers should consider asking them to explain themselves. If they can't give an explanation for their suspicious behavior, officers should tell them

they have real grounds for a search (and explain the grounds) and generally people understand that and will co-operate.

What is the Quality of Encounter model?

The Quality Encounter Model has been adapted to suit general police encounters and in particular stop & search. It is encapsulated into four simple headings: **Explain, Ensure, Record, Reassure**.

- Explain** - An appropriate introduction and explain what is going to happen during the encounter.
- Ensure** - Obtain agreement or understanding and thus co-operation.
- Record** - Provide acknowledgement of the encounter (hand over a copy of the search form/receipt).
- Reassure** - A positive departure (explain you are acting to protect Londoners).

For more information see the [stop and search intranet site](#).

What about Human Rights?

It is very important that officers apply Human Rights legislation (PLAN) when conducting stop and search, to ensure police action is lawful and all encounters respect the rights of the individual:

- Proportionate
- Legal
- Accountable
- Necessary

Does the National Decision Model (NDM) apply to stop and search encounters?

Yes, you must apply the NDM when conducting stop and search encounters:

> Gather Information and Intelligence > Assess threat and risk and develop a working strategy > Consider powers and policy > Identify options and contingencies > Take action and review what happened >

The NDM puts the Code of Ethics at the heart of all police decision making. This distinguishes the NDM from other decision making models and recognises the need for all police decisions to be consistent with the principles and standards of behaviour set out in the Code.

Can a person submit to a voluntary search of themselves?

No, voluntary searches of people is unlawful. A person must not be searched where no power to search exists, even if the person stopped gives permission.

Exception: This does not apply to searching persons entering sports grounds (and other venues) where searches are still carried out with consent as a condition of entry.

Is getting a bike frame number a stop and search?

Not if the person consents to you looking at it. If they do not consent, it is a stop and search.

What actual powers do I have to stop a motor vehicle in order to carry out a search?

In order to carry out a stop and search on a vehicle under Section 1 PACE, an officer would use section 163(1) Road Traffic Act 1988 and must be in uniform.

- **Section 163 Road Traffic Act 1988**

163(1) A person driving a mechanically propelled vehicle on a road must stop the vehicle on being required to do so by a constable **in uniform** or a traffic officer.

Other powers to stop vehicles in order to search include:

- **Section 23 Misuse of Drugs Act 1971**

23(2) If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations or orders made thereunder, the constable may -

- (a) search that person, and detain him for the purpose of searching him;
- (b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for the purpose require the person in control of the vehicle or vessel to stop it;
- (c) seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search, which appears to the constable to be evidence of an offence under this Act .

- **Section 47 Firearms Act 1968**

47(4) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

- **Section 60 Criminal Justice and Public Order Act 1994**

60(4) confers on any constable **in uniform** power to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

What power do I have to use force when searching under s.23 Misuse of Drugs Act 1971?

The statutory power to use force when carrying out a search under this section is provided by section 3 of the Criminal Law Act 1967.

Do I always have to give GOWISELY before a search?

Several recent court of appeal decisions have held that a police officer must give GOWISELY prior to conducting a search. What is required is shown below;

Grounds - The amount of information you give may be influenced by OST considerations but you have to give the basic information.

Object - Be clear about what you are looking for.

Warrant/ Identity: Unless you are in full uniform you need to show your warrant card, being in plain clothes and a Met Vest is not uniform. It has even been held if the person knows you from previous searches you still must identify yourself again.

Station: You must say which geographical station you are from, saying TSG2 or Tasking Unit, for example, is not enough.

Entitlement: You should give them a copy at the time but they are entitled to a copy of the 5090 if they apply within three months of the search if they do not want to wait. Hence the need for a geographical location of your station to be recorded.

Law: Explain the legal power you are acting under.

You are being detained: Explain that the person is being detained under the law to be searched, it is not voluntary. It has been held in court that unless told, a person will not know that they have to co-operate and any assault/obstruction charges will not be proven.

Should persons be removed from public view when being searched?

PACE Code A provides specific guidance on when a person should be searched out of public view: *Where on reasonable grounds it is considered necessary to conduct a search which is more thorough than a superficial examination of a persons clothing, this should be done out of public view.* However, all stops and searches must be carried out with courtesy, consideration and respect for the person concerned. Every reasonable effort must be made to minimise embarrassment that a person being searched may experience and this may include searching out of public view. The co-operation of the person to be searched must be sought and, depending on the circumstances, officers should consider asking the person to be searched if they want the search to take place out of public view. Where there may be sensitivities (religious or other) about the removal of a head or face covering, the officer should permit the item to be removed out of public view.

Can an officer search a person of the opposite sex?

Yes, it is legitimate for an officer of any sex to stop and search a person of any sex providing the search is in public and is restricted to a superficial examination of outer garments. An officer can also place his or her hand inside the pockets of outer clothing, and feel round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search. A person's hair may also be searched in public (subject to the restrictions on removal of headgear).

However, every reasonable effort must be made to minimise embarrassment that a person being searched may experience. Therefore, where practicable an officer of the same sex as the person to be searched should conduct these types of searches, unless an officer of the same sex is not readily available and waiting would unnecessarily delay the length of time taken to conduct the encounter or frustrate the object of the search.

Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.

Where there is doubt as to the sex of a person, the person will be asked what gender they consider themselves to be. They will then be treated by officers as their elected gender.

Note: The gender of the searching officer may cause offence to the person being searched as would insensitivity by the searching officer towards persons who have undertaken gender reassignment. Failing to respect the confidentiality of the person being searched may be an offence under the Gender Recognition Act 2004.

Can I conduct a mouth search?

Yes, **BUT** before a mouth search takes place an officer must take reasonable steps to give the person to be searched information required under section 2 PACE which is contained in the mnemonic 'GOWISELY'. It is recognised there may be exceptional circumstances where it is not reasonable for the officer to go into a detailed explanation prior to the search, but the information must still be communicated. In those exceptional circumstances, as a minimum prior to the search the officer should communicate who they are, where they are from, what they are seeking to do and why. They should still give the full information required under section 2 PACE as soon as practicable.

A search of the mouth after arrest is expressly authorised by Section 32 PACE and it may be more suitable for an officer to use this power for mouth searches. Under S.32(1), officers may search when they have reasonable grounds to believe that the arrested person may be a danger to themselves or others. There is also a power to search for evidence of an offence following an arrest under S.32(2).

A person who is arrested and who is believed to have swallowed drugs should not be taken to a police station custody suite but should go straight to hospital. See the Criminal Justice toolkit for the procedures for dealing with persons arrested who may have swallowed drugs or other items which could cause harm.

Guidance on tactical options to conduct mouth searches are contained within the **National Personal Safety Manual**. The principles of "Use of Force" are central to all aspects of physical

intervention and officers are reminded of the overriding factor that their actions must be lawful, proportionate, reasonable and necessary. (See '[Useful Resources](#)' for the National Personal Safety Manual).

It is very important that officers who have conducted a mouth search, fully document their decision making process and actions in their pocket book or statement. When a person who is stopped and searched is offered medical aid (particularly when it is suspected drugs have been swallowed) and they refuse it, the person should be asked to sign the officer's record.

Are school premises deemed to be public places for searches under s.1 PACE?

No, a school is deemed private premises and includes all buildings, corridors, outbuildings and playing fields within the school boundary. The boundary also extends to those premises owned and used by the school that are at a different location.

Can I stop and search persons for controlled drugs within school premises?

Yes, s.23 Misuse of Drugs Act 1971 provides police with the power to search persons for controlled drugs and detain for the purpose of search if they have reasonable cause to suspect unlawful possession. This power is not restricted to public places and therefore can be exercised on school premises.

What power do I have to stop and search persons for offensive weapons or pointed / bladed articles within school premises?

S.139B Criminal Justice Act 1988 provides that a constable may enter school premises and search persons on those premises for:

- (a) any article for which Section 139 applies (sharply pointed and bladed articles), or
- (b) any offensive weapon within the meaning of Section 1 Prevention of Crime Act 1953,

if he has reasonable grounds for suspecting that an offence under Section 139A of this Act is being, or has been committed.

Should I deal with children and young persons any differently?

Some people, particularly those under 18 years of age, may be more vulnerable and have greater concerns about the encounter when approached or questioned by officers. A negative stop and search encounter can have a long (even lifetime) effect on a child or young person. Officers need to be tolerant, patient and aware of any concerns when seeking co-operation.

In situations where a child under 10 is searched and illegal items are found in their possession, the child should be considered as an exploited victim rather than an offender. An appropriate assessment and action must be put in place as required. The parent / guardian must be notified when a child under 10 is stopped and searched.

In situations where a child over 10 years' old or a young person is searched and illegal items are

found, officers have to be aware of the impact of their stop and search but the child or young person will not automatically be treated as a victim.

Does Every Child Matters (ECM) impact on stop and search?

Yes, where a child or young person is stopped and searched officers must consider the requirements of the Children Act 2004. Safeguarding and welfare must be of paramount consideration when undertaking stop and search on a person under 18. In situations where a child is searched and illegal items are found in their possession, the child should *generally* be considered as an exploited victim with no capacity to make their own choices rather than an offender. Where ECM applies a MERLIN PAC must be completed in addition to a stop and search form. Consideration must be given to removing the child or young person to a place of safety (See '[Useful Resources](#)' for more information on Every Child Matters').

Note: ECM does apply to a search of a child under 10 years old and a MERLIN PAC must be completed and the parent / guardian notified in these circumstances.

Should I deal with adults at risk any differently?

Yes, officers must recognise that they will come into contact with adults who are vulnerable during their daily duties and it is important that they identify and assess vulnerability.

Vulnerability may result from an environmental or individual's circumstances, or behaviour, indicating that there may be a risk to that person or another. Those who come to the attention of police as vulnerable will require an appropriate safeguarding response. Additional factors to vulnerability may include mental health, disability, age or illness and should include multi-agency intervention especially in case of repeat victimisation.

A searching officer must balance the crime or incident being investigated against the impact of the stop and search on the individual. Identification of vulnerability may affect the manner of the search and steps should be taken to reduce the risk of harm to the person, but the presumption will be that the existence of vulnerability factors will not stop the search taking place.

A Merlin must be completed when an officer stops and searches an adult they identify as vulnerable using the Vulnerability Assessment Framework, or someone who is subject to any mental health legislation. Refer to the [Vulnerability and Protection of Adults at Risk Toolkit](#).

How can disability impact on a person's ability to communicate?

Some disabilities severely affect a person's ability to communicate which can lead to a misunderstanding of their actions or behaviour. This is commonly found with neurodiversity based disabilities e.g. Dyspraxia, Autistic spectrum disorders, Aspergers, AD(H)D, Tourettes Syndrome and others. Perhaps a well known example is diabetics when hypoglycemic (low blood sugar), who may appear to display physical signs similar to drunkenness. It is therefore essential when reviewing the grounds for a stop & search to be aware that disability can impact on a person's ability to communicate, their actions and behaviour.

It is also important to respect an individual's diversities and if a decision is made to search the person, take time to ensure they understand why they are being searched, what is going to happen and what you want them to do.

How do I carry out a search of a wheelchair user?

If it is relevant and necessary to search a wheelchair user, ask discrete questions about the disability and how both the searcher and the person may work together to complete the search e.g. politely ask if they are able to stand for a short time.

If you need to touch or move a person, ask them if it will cause them a problem. There may be pain or other physical issues.

Make sure you talk to the person you intend to search NOT the helper or person they are with unless the person you are searching requests you to.

A wheelchair is part of the user's physical space and searching a wheel chair requires the same tact as searching someone's lower body and legs.

Practically, searching a wheelchair is similar to searching a motor vehicle in regards to possible hiding places or potential threats.

How do I carry out a search of someone who is blind / visually impaired?

- Always speak to the person prior to touching them.
- Explain to the person why they are being searched, what is going to happen and what you want them to do.
- Give a running commentary as you do things so that nothing is unexpected.
- Good communication is the key.
- An assistance dog is a working animal and not a pet and should be treated accordingly.
- If a physical check is necessary ask the handler to assist. Only make a full physical check if you think it is necessary.

How do I carry out a search of someone who is deaf or hearing impaired?

- Always face a deaf person when communicating with them.
- Do not obstruct your mouth when speaking.
- Do not shout. If a person is lip reading shouting distorts the lip movements and makes it difficult to interpret.

Do I need to be mindful of anything when dealing with someone who may be lesbian, gay or bisexual?

As with any encounter, ensure your actions are respectful. Be especially mindful of a person's right to privacy regarding their sexual orientation, and not 'outing' them.

Can I require the removal of headgear in public?

Under PACE powers, a police officer cannot require the removal of a head or face covering in a public place (only outer Coat, Jacket and Gloves).

However, under s.60AA Criminal Justice and Public Order Act 1994 (s.60AA CJPOA) a police officer can require the removal of a head or face covering in a public place where there is reason to believe that the item is being worn by the individual wholly or mainly for the purpose of disguising identity – but only where a s.60 or s.60AA authorization is in place.

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. Where there may be religious sensitivities about requiring (under s.60AA CJPOA) the removal of such an item in public, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.

How do I deal with casual observers?

Situations may arise where a person not involved in the encounter wishes to observe or record / video 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 are no legitimate reasons to interfere, the person should be allowed to continue.

Can I stop someone taking photos or filming?

Members of the public and the media do not need a permit to film or photograph in public places and police have **no power** to stop them filming or photographing incidents or police personnel.

Can I view digital images in mobile phones or cameras under s.43 Terrorism Act?

Officers have the power to view digital images contained in mobile telephones or cameras carried by a person searched under s.43 of the Terrorism Act 2000 to discover whether the images constitute evidence that the person is involved in terrorism. Officers also have the power to seize and retain any article found during the search which the officer reasonably suspects may constitute evidence that the person is a terrorist. This includes any mobile telephone or camera containing such evidence.

Officers do not have the power to delete digital images or destroy film at any point during a search. Deletion or destruction may only take place following seizure if there is a lawful power (such as a court order) that permits such deletion or destruction.

Is a 'pat down' of a detained person prior to arrest (by an Authorised Firearms Officer for example) classified as a stop and search?

Yes it is, and it has to be recorded as with any other stop and search.

Do I have to record if I require someone to remove more than their jacket, outer coat and gloves (JOG)?

Yes, further details of more thorough searches (more than JOG removed) must be recorded on the CrimInt search record.

NOTE: Until software changes are implemented, users of electronic recording devices (PDA / iPad) must separately log into CrimInt when they return to the police station and manually update their electronic search record with further details of whether more than JOG was removed.

Under what circumstances can I conduct a More Thorough Search where Intimate Parts are exposed (an MTIP search)?

Searches involving exposure of intimate parts 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.

The thoroughness and extent of a search must depend on what is suspected of being carried, and by whom.

In order to conduct a more thorough search, the searching officer must reasonably consider:

- the detained person may have concealed an article for which the officer has reasonable grounds to search for; and
- an MTIP search is proportionate and necessary to find such an article.

More thorough 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. The co-operation of the person to be searched must be sought in every case, even if the person initially objects. The search shall be conducted with proper regard to the sensitivity and vulnerability of the person in these circumstances and every reasonable effort shall be made to minimise embarrassment. Persons who are searched shall not normally be required to remove all their clothes at the same time.

MTIP searches must be conducted in accordance with paragraph 11 of Annex A to Code C (which refers to the conduct of strip searches of detainees in custody).

Do I need authority to take someone back to the police station for an MTIP search'?

Yes, you require the authority of a supervisor (Sergeant or above) and it has to be recorded on the CrimInt search record. The person must be offered a copy of the form 5090 before they leave.

How do I record an MTIP search?

Form 5099 is obsolete. You must now record full details of more thorough searches where intimate parts are exposed on the CrimInt search record.

NOTE: Until software changes are implemented, users of electronic recording devices (PDA / iPad) must separately log into CrimInt when they return to the police station and manually update their electronic search record with further details of whether more than JOG was removed.

Do I have to complete notes of incident for an MTIP search?

Yes, you must always complete notes of incident (in addition to Form 5090 and CrimInt search record) in your notebook or an EAB when conducting a more thorough search where intimate parts are exposed, even where the incident does not amount to a 'resented stop'.

Can I conduct an MTIP search in the back of a police van?

No, more thorough 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). You can complete a more thorough search in a police van (e.g. by requiring a person to take off a T-shirt), but you cannot expose intimate parts of the body.

How do I establish the gender of a person for searches which are 'more thorough'?

A transgender person being searched in the street can be searched by any officer as long as that search is necessary and carried out in accordance with the provisions of PACE Code A, i.e. removal of no more than jacket, outer coat and gloves and restricted to a superficial examination of outer garments.

When establishing whether the person concerned should be treated as being male or female for the purposes of 'more thorough' searches (removal of more than jacket, outer coat, gloves, headgear, footwear or any item concealing identity), the following approach which is designed to minimise embarrassment and secure the person's co-operation should be followed:

- (a) The person must not be asked whether they have a Gender Recognition Certificate;
- (b) If there is no doubt as to whether the person concerned should be treated as being male or female, they should be dealt with as being of that sex.
- (c) If at any time (including during the search) there is doubt as to whether the person should be treated, or continue to be treated, as being male or female:
 - (i) the person should be asked what gender they consider themselves to be. If they express a preference to be dealt with as a particular gender, they should be asked to indicate and confirm their preference by signing the search record or the officer's notebook. Subject to (ii) below, the person should be treated according to their preference;
 - (ii) if there are grounds to doubt that the preference in (i) accurately reflects the person's predominant lifestyle, for example, if they ask to be treated as a woman but documents

and other information make it clear that they live predominantly as a man, or vice versa, they should be treated according to what appears to be their predominant lifestyle and not their stated preference;

- (iii) if the person is unwilling to express a preference as in (i) above, efforts should be made to determine their predominant lifestyle and they should be treated as such. For example, if they appear to live predominantly as a woman, they should be treated as being female; or
- (iv) if none of the above apply, the person should be dealt with according to what reasonably appears to have been their sex as registered at birth.

Once a decision has been made about which gender an individual is to be treated as, each officer involved in the search should, where possible, be advised before the search starts of any doubts as to the person's gender and the person informed that the doubts have been disclosed. This is important so as to maintain the dignity of the person and any officers concerned.

The gender of the searching officer may cause offence to the person being searched as would insensitivity by the searching officer towards persons who have undertaken gender reassignment. Failing to respect the confidentiality of the person being searched may be an offence under the gender Recognition Act 2004.

What is the policy in relation to transgender officers conducting more thorough and MTIP searches?

- I. Those officers who identify as transsexual, (transgender being an overarching term) can go through a process of transitioning and be granted a Gender Recognition Certificate (GRC). If an officer holds a GRC she or he can conduct more thorough and MTIP searches in the way that others can.
- II. If a person identifies as transsexual but hasn't started the processes of transitioning or is on their journey, but has not yet been granted a GRC, then they can apply for an exemption certificate which will preclude them from carrying out more thorough and MTIP searches.
- III. Officers who identify as bi-gender or non-binary or gender fluid can only conduct more thorough and MTIP searches on those who have the same gender assigned at birth (same sex).

Can I stop & search a shoplifter in the store manager's office?

The answer depends on where you make your decision to search. You must make your decision to search when the person is stopped in a public place (PACE Section 1(1)A). Difficulty arises when police are called to someone detained by security in the security / managers office. An officer then arrives, hears the facts and decides to search, that decision has been made in a private place and so is illegal.

Compare that with where a person is stopped by security at the store entrance / exit, police are called to the public entrance / exit area and decide to search for the goods (based on the information provided by security). The police then take the person to the security office to conduct the search. That is fine as the decision to search was made in a public place.

Can I examine a mobile phone for an IMEI during a stop and search?

Officers are not entitled to routinely examine mobile phones for IMEIs without having reasonable grounds to suspect that the mobile phone is stolen.

What if I find a large amount of cash (MINIMUM OF £1,000.00) during a stop and search?

See the link to Seizure of cash (Financial Investigation) in the '[Useful Resources](#)' document in the toolkit.

Do I have to complete a Form 5090 for every person who goes through a screening arch or who is scanned using a hand held metal detecting device (wand)?

No. Walking through the arch and scanning with a wand are screening processes not searches. Only if the person is then detained and searched by an officer should a form 5090 be completed. (See '[Useful Resources](#)' for more guidance on screening arches and hand held devices).

Do I have to complete a Form 5090 when searching a person in public / private premises under a drugs search warrant?

Form 5090 should not be used to record such searches. PACE Code B covers searching premises (and anyone within) and seizing property, full details of anyone searched, power used, authorising court, searching officer details etc should be recorded in Book 101 which is your Search record (not 5090).

Does the person searched have to provide their name, address and date of birth?

The person searched is under no obligation to provide their name, address or date of birth and they should not be asked to provide this information just for the purpose of completing the search record. However, an officer can ask for this information during the encounter for the purposes of detection of crime; vulnerability assessment; intelligence gathering; public scrutiny.

Should I always complete a 5090 and give the person stopped a copy?

You must complete a 5090 at the time (on the spot) and offer the person a copy (or a receipt if an e-5090 is completed via PDA / iPad) unless very exceptional circumstances make this wholly impracticable, in which case the record must be made as soon as practicable after the search is completed. The 5090 must then be entered onto the Crimint 'Stops' database within 24hrs.

What are the MPS stop and search outcome codes?

- 1 - No Further Action
- 4 - Arrested

- 9 - Cannabis or Khat Warning
- 11 - Penalty Notice (PND / FPN)
- 12 - Postal Charge Requisition / Summons
- 13 - Community resolution
- 14 - Caution (simple or conditional)

What is a Caution (simple or conditional)?

Cautions are an alternative case disposal option to a charge, they are intended to be a swift and effective means of dealing with straightforward cases where the offender is willing to and has admitted the offence.

An Adult Caution (Simple Caution) is a specific case disposal outcome, administered by a Sergeant or above. The Caution has to be authorised by either the CPS or a Police ERO / Decision maker.

A Conditional Caution is also an outcome administered by a Sergeant or above. A Conditional Caution has to be authorised by either the CPS or a Police ERO / Decision maker.

What is a Community Resolution?

Community Resolution (CR) is a form of judicial disposal. It is a restorative justice process which brings those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. CR gives victims the chance to tell offenders the real impact of their crime, to get answers to their questions, and an apology. It lets offenders understand the real impact of what they've done, to take responsibility and make amends. CR holds offenders to account for what they have done, personally and directly, and helps victims to get on with their lives.

There is a field on the electronic search record, 'Was the object of search found? Yes or No', what does this mean?

Did you find the initial object for which you had grounds to search for e.g. where you searched for a stolen phone and found a stolen phone you would answer, 'Yes'.

Where are paper F5090s stored?

On the borough where the original stop and search took place.

How long are original 5090s retained?

If the record supports the investigation / prosecution of a crime, retain in line with the offence's MoPI grouping (See the MOPI Group table in the [Records Management Toolkit](#)). If not, retain for 3 years.

As well as recording the 5090 on the Crimint (Stops) database, do I need to complete a separate Crimint 'Information Report' for a stop and search?

The fields on form 5090 provide for only limited information to be recorded. Accurate intelligence is fundamental in the fight against crime. It is the responsibility of all police officers and police staff to gather and record information and intelligence. When performing stop and search officers must consider the intelligence value of the discussions they are having and the searches they undertake, they must submit CrimInt Information Reports when they obtain information / intelligence that is not captured on form 5090. All staff must know the borough priorities and the associated intelligence gaps, which should be available through published briefings and taskings.

What if someone comes to the police station and asks for a copy of their search record?

There is a 'Print Record' facility for every Stop & Search record on Crimint, on the occasions when a person attends a police station and asks for a copy of their record, the SRO or other officer who deals with the person at the front desk should verify identity and then log into Crimint and print off a copy of their record.

If the original search was recorded electronically via PDA and a receipt was given, the SRO / Officer should search the Crimint Stops database for the reference number shown on the 5090A. If it was originally recorded on form 5090 and no copy was given at the time of the search, the SRO / Officer will have to search the database to find the specific search record relating to that individual on the date specified.

How should I do deal with a resented stop?

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:

- Inform a Supervisor as soon as practicable;
- Provide the Supervisor with the completed 5090;
- Complete a full report of the incident in your notebook.
- If the stop is captured on body worn video (BWV) it is very important that the footage is not automatically deleted after 31 days, this requires the following action by yourself: Indicate on the BWV server that retention of the video clip is required for: MPS - Other policing purpose.

How do Supervisors supervise stop and search records?

All Stop and Search records (including PDA / iPad records) must be supervised electronically via CrimInt; the requirement for supervisors to sign Form 5090 is obsolete. See '[Form 5090 Supervisor Checklist](#)' in the toolkit for more information.

What is a Stop and Account?

This is where an officer requests a person in a public place to account for themselves, i.e. their actions, behavior, presence in an area or possession of anything.

For more information see the '[More Information](#)' document in the toolkit.

Does the MPS still record Stop and Account?

Yes, form 5090 (or electronic device: PDA / Tablet) is used to record Stop and Account.

What information is recorded for Stop and Account?

- Self Defined Ethnicity code
- Date
- Time
- Location
- Officer details

Is the person entitled to a copy of their Stop and Account record?

Yes, you must give the person stopped a receipt at the time of the encounter. A receipt for a stop and account is either a copy of form 5090, or a form 5090A (for Stops recorded electronically).

Where can I find out more?

- See the '[Useful Resources](#)' document in the toolkit for a collection of useful resources.
- See the '[More Information](#)' document in the toolkit.

I have a suggestion, how can I feedback?

Policy toolkits are a way of developing and sharing best practice. If you have any suggestions, questions, useful documents for the 'Useful Resources' etc, please contact the subject matter expert Inspector Andy Walker on Met Telephone: 780967, E-mail: Andy.G.Walker@met.police.uk