

We believe 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, that it was ethical & that they feel 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.

Aims and objectives



South Yorkshire Police support the proportionate and ethical use of stop and search powers and recognise its effectiveness in the detection and prevention of crime. The use of Stop and Search powers directly impacts upon our relationship with the public and it has led to national debate, media scrutiny and friction between the police and public.

Apparent disproportionate use with regard to minority ethnic groups is a key area of concern, so our use of this power must be fair and open to scrutiny, balancing the rights of individuals with the safety of the public, whilst at the same time increasing public confidence.

We can help achieve this by:

- Increasing the use of Body worn video, as this is a key part of ensuring transparency in the use of stop and search.
- Improving training and processes by the use of scrutiny panels, allowing perspectives of others to be considered.
- Ensuring supervisors have an oversight of all stop and searches.

Commonly used legal powers



Section 1 PACE 1984 - A constable may search any person, vehicle, or anything which is in or on a vehicle, if they have reasonable grounds for suspecting that they may find any, Stolen property or Prohibited articles. Prohibited articles includes, offensive weapons, bladed or sharply pointed articles, corrosive substances, prohibited fireworks or articles in connection with any theft, or criminal damage. (stopping of a vehicle must be in uniform under 163 Road traffic act).

Sec 23 Misuse of drugs act 1971 - A constable who has reasonable grounds to suspect that a person is in possession of a controlled drug may detain and search that person, or any vehicle or vessel.

Sec 36 Psychoactive substances act 2016 - creates a power to stop and detain a person for the purpose of search where a police officer has **reasonable grounds to suspect** that the person has committed, or is likely to commit, a PSA offence. **As simple possession is not a PSA offence, there is no power to search for simple possession.**

SEC 47 Firearms Act 1968 - A constable who has reasonable cause to suspect a person of having a firearm with him in a public place, or committing or about to commit elsewhere than a public place, an offence relevant for the purposes of this section (sec 18, carrying a firearm with criminal intent), or (sec 20, trespassing with a firearm), the constable may detain that person and/or vehicle, for the purpose of search.

Voluntary person searches where no power exists are unlawful.

**Legal Requirements:
Sec 2 pace**



You must ensure the following is explained to the person being searched

- Identity, Your name unless terror related/specific risk to the officer.
- Station attached, (must be a geographical location, i.e FSG, TSG not sufficient).
- Object, Be clear what you are looking for.
- Grounds for the suspicion, what you've seen, info/ intel received.
- Entitlement to copy of search record within 3 months.
- Legal power used.
- Warrant card if not in full uniform (plain clothes with body armour is not full uniform).
- You are detained for the purpose of search.

**Extent of search/
intrusiveness**



In public view. Jacket outer coat and gloves (JOG).

Out of public view e.g police van. More thorough search. Must be completed by officer of the same sex unless no more than headwear/footwear removed.

Out of public view at a nearby police station/nearby location. (not in a police vehicle). Exposure of intimate body parts. Must be completed by an officer of same sex and consultation with supervisor **prior to searching**.

Vulnerable persons and children



Officers should make every effort to ensure that the person's vulnerability does not prevent them from understanding why they are being searched. Where a search exposing intimate parts of the body is to be conducted on a vulnerable person or child, an appropriate adult must be present unless there is a risk of serious harm to the person or someone else. VC forms should be submitted.

Body worn Video



Body worn video MUST be used for stop and search encounters and titled "Stop&Search" on DEMS (The camera should be covered or directed away from the person, whenever intimate body parts are exposed. Audio should remain recording).

Supervisors must check BWV reference is recorded on the search record which must have been recorded on the PRONTO App.

Location data



The PRONTO App within the phone has GPS data. The pin, which is found in the location field, must be dropped at the start of each stop and search encounter to allow for accurate location data recording of where the search has taken place.

**Casual observers
/taking photos or
filming**



There is no legal power to stop filming of incidents or police personnel in public places, however every reasonable effort must be made to minimise the embarrassment the person being stopped and searched may experience.