



Stop and Search Policy

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Section 1 – Policy Intentions

POLICY & PROCEDURE STRATEGIC AIM

- 1.1 This policy and procedure establishes a corporate proportionate approach to the use of Stop and Search as a tactic in fighting crime and protecting the public; and for increasing the confidence of our communities in our use of this tactic.
- 1.2 The procedure has been aligned with, and gives due regard to, the [Authorised Professional Practice](#) (APP) for [Stop and Search](#), and the College of Policing definition (2016) which defines a Stop and Search as 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
- 1.3 A police officer has powers to Stop and Search a person if they have reasonable grounds' to suspect they're carrying:
 - Illegal drugs
 - A weapon
 - Stolen property
 - Something which could be used to commit crime (including criminal damage)

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- 1.4 A police officer has powers to Stop and Search a person without reasonable grounds if it has been approved by a senior police officer. This can happen if it is suspected that:
- serious violence could take place
 - a person is carrying a weapon or has used one
 - a person is in a specific location or area
- 1.5 It will be our policy to adhere to this definition in our use of Stop and Search powers.
- 1.6 **APPLICABILITY**
- 1.6.1 This Stop and Search policy affects:
- All Gloucestershire Police Officers, Special Constabulary and Police Community Support Officers (PCSO).
 - Officers utilising this power within the County of Gloucestershire for any reason whether from the Gloucestershire Constabulary or another Police Force.
 - Persons subject to Stop and Search.
 - The communities of Gloucestershire including all the people who reside, work or visit here for any reason.
 - Observers as part of the Ride-Along-Scheme.
 - Members of the public in the vicinity of the Stop and Search.
 - Members of the Stop & Search Community Scrutiny Panel (SSCSP)
- 1.6.1 Senior oversight and responsibility for Stop & Search in Gloucestershire is provided by:
- Strategic- Superintendent
 - Tactical- Chief Inspector
 - Operational- Inspector

Section 2 – Policy wording

All detail added into procedural guides

Section 3 – Procedural guides

2.1 THE STOP & SEARCH PROCEDURE

- 2.1.1 All persons subjected to Stop and Search must be treated with dignity and respect. Stop and Search will be used fairly and proportionately and only when necessary in compliance with legislation and training
- 2.1.2 The default method of recording a Stop and Search for any officer who has been issued with a mobile device is by way of that device, with a paper Gloucestershire Constabulary Stop and Search form (R65) as the fall-back alternative. Completion of a record is required to verify that a Stop and Search has taken place on any person or vehicle, using police powers under

legislation. Any Stop and Search in Gloucestershire must be conducted in accordance with the relevant legal power and code of practice.

- 2.1.3 An electronic record via mobile device or R65 must be completed fully on every occasion unless exceptional circumstances apply. Exceptional circumstances may include:
- Situations involving serious public disorder
 - Other-operational reasons
 - Large numbers of persons involved
 - Adverse weather
- 2.1.4 The completed electronic record or R65 must be submitted by the searching officer to their Sergeant before the conclusion of duty and that Sergeant MUST quality assure the Stop & Search record and submit it with 24 hours.
- 2.1.5 In particular Sergeants have a statutory duty to ensure compliance with legislation and that officers are using this tactic proportionately and only where reasonable grounds exist. The expectation is that if a Sergeant suspects non-compliance with the law or with this policy they will challenge that non-compliance. This will be proportionate to the nature of the perceived breach ie from a professional discussion and feedback, through to the involvement of the Professional Standards Department.
- 2.1.6 The electronic record or original R65 is to be stored for the statutory twelve months from the date of the Stop and Search.
- 2.1.7 **To maintain the confidence and respect of our communities**, all officers conducting a Stop and Search must work through the process of Y GO WISEL for each Stop and Search .This information should be provided to the subject of the Stop and Search before it takes place unless exceptional circumstances apply.
- **You are detained**
 - **Grounds**
 - **Object**
 - **Warrant card** (if not in uniform)
 - **Identification**
 - **Station attached to**
 - **Entitlement to a copy**
 - **Legislation**
- 2.1.8 Any intelligence arising from the stop & search is to be submitted via COVERT.
- 2.1.9 Officers must inform persons who are subject of Stop and Search that if they have concerns or are unhappy about the why and how the Stop and Search was undertaken they have the right to make a complaint and how they may do so.
- 2.1.10 Police officers operating in Gloucestershire will always record the outcome of a Stop and Search and stipulate whether there is a link between the reason for the Stop and Search and the outcome.
- 2.1.11 There are specific guidelines regarding the use of Stop and Search powers under Sections 43 & 44 of the Terrorism Act 2000. Officers must be cognisant of all police powers before they use them.

- 2.1.12 Officers should explain their actions to the member of the public searched in straightforward language and check that the person understands what they have been told.
- 2.1.13 Any misuse of the powers is likely to lead to lower confidence and trust within our communities. Misuse will therefore likely lead to breach of the Code of Conduct and potentially disciplinary action.
- 2.1.14 Body Worn Video will be used throughout an every encounter when conducting a Stop and Search to improve transparency and accountability. Searches exposing intimate parts can be recorded however Officers **MUST** cover the camera (or direct it away from the person) whenever intimate body parts are exposed. Audio recording should remain activated.

Body Worn Video has to be present and recording during any stop search. If BWV is not available then the searching officer should request authority from an Inspector prior to commencement of any search. The officer can only conduct the search without BWV with an Inspectors authority, if there is a realistic risk of loss of evidence or injury to any person.

3.1 HOME OFFICE BEST USE OF STOP AND SEARCH SCHEME 2014

- 3.1.1 Gloucestershire Constabulary are committed to the Home Office Best Use of Stop & Search Scheme
- 3.1.2 The principal aims of the scheme are to achieve greater transparency, confidence, and community involvement in the use of Stop and Search powers, supporting a more intelligence-led approach, leading to better outcomes.
- 3.1.3 The features of the scheme are:
- Data Recording
 - Lay observation Ride-Along Scheme policy
 - Stop and Search complaints 'community trigger'
 - Reducing section 60 'no-suspicion' Stop and Search

3.2 DATA RECORDING

- 3.2.1 In addition to the minimum Home Office data collection requirements of, outcomes, gender and ethnicity Gloucestershire Constabulary officers will record all mandatory data:
- Officers' station
 - Stop search reason
 - date and time of start and end of the search
 - search type (Person / and vehicle)
 - Power under which search conducted
 - Object of Search
 - gender and estimated age
 - self defined ethnicity and officer-defined ethnicity
 - Injury caused
 - Clothing removed or removal of more than outer clothing
 - Intimate parts exposed Yes/No

- location of the search including grid references
- Police and Neighbourhood Area
- Reasonable grounds
- Items seized Yes/No
- Copy requested Yes/No and reason copy not requested
- Outcome
- Outcome linked to object of search Yes/No

3.3 LAY OBSERVATION - Ride-Along Scheme

- 3.3.1 The Ride-Along Scheme is not limited to Stop and Search. It is a general participation and legitimacy initiative during which time an opportunity to observe Stop and Search could arise. This position has been taken due to the low numbers of stops and searches completed and following consultation with the Independent Advisory Group. The scheme is fully detailed in the lay observation policy.
- 3.3.2 Members of the public across Gloucestershire will be encouraged to accompany police officers on patrol and take part in our ride-along-scheme, by application to the local Inspector.
- 3.3.3 Applicants to the scheme must be at least 18 years of age.
- 3.3.4 Persons with a criminal record or caution may be excluded from the scheme by the local inspector. The final decision for inclusion or exclusion on the scheme rests with the Inspector. Exclusions should however be rare.
- 3.3.5 Upon receipt of an application the local area inspector shall ensure that all papers within the application are completed including the risk assessment and disclaimer and that a PNC and intelligence check is undertaken upon the applicant.
- 3.3.6 The person taking part in the scheme will be encouraged to complete a feedback form and at the conclusion of the appointment any feedback should be returned to the strategic lead for Stop and Search, the local Inspector, and the local Stop and Search Champion.
- 3.3.7 In the event that a Stop and Search situation arises and that grounds are met, the member of the public will be encouraged to witness this and provide specific feedback within the official feedback documentation.

3.4 INTERNAL STOP AND SEARCH MONITORING AND COMPLIANCE

- 3.4.1 Responsibility lies with searching officers to ensure that they comply with both PACE and the BUSSS.
- 3.4.2 Responsibility lies with individual sergeants to properly supervise the use of stop and search by their officers through oversight of the stop and search records that are submitted. It is also the responsibility of individual Sergeants to monitor officers behaviour and to identify any developing patterns that could lead to loss of community confidence through disproportionate use of stop and search.
- 3.4.3 The Professional Standards Department will notify supervisors of stop and search related complaints that officers are subject to.

- 3.4.4 Responsibility lies with local policing Inspectors to monitor and assess any areas of disproportionality, amount of searches undertaken and the proportion of searches in which the object is found. These will be balanced against geographical and demographic areas.
- 3.4.5 Stop and Search performance monitoring shall be entirely focused on the effectiveness and legitimacy of our use. The Constabulary's Legitimacy Board will be provided, by the stop and search tactical lead, a quarterly update that draws together the findings of Stop Search Community Scrutiny Panel (SSCSP) and the Stop Search Governance Panel (SSGP) any information to support monitoring of legitimacy, performance, and governance.
- 3.4.6 The Stop and Search Governance Panel will be chaired by the tactical Stop and Search Lead and will examine statistical trends and identify any individual, community-based, or geographic concerns.

3.5 THE STOP & SEARCH COMMUNITY SCRUTINY PANEL (SSCSP) AND COMMUNITY COMPLAINTS TRIGGER MECHANISM

- 3.5.1 The SSCSP will convene to review Stop and Searches every other month. These will be freely selected via the Force Stop and Search dashboards by the independent SSCSP chairpersons. The panel are made up of a diverse range of community members. They will also have the opportunity to discuss statistical data, community perceptions, and Body Worn Video as part of the review process.
- 3.5.2 Underpinning the community complaints trigger is a requirement for officers to signpost effectively the appropriate mechanism for members of the community to raise any concerns or complaints that they have with the way that a Stop and Search has been carried out.
- 3.5.3 The panel will convene when required on occasions outside the meeting schedule when a **Community Complaints Trigger Mechanism Threshold has been met**. The trigger mechanism threshold for Gloucestershire will be met if :
1. There is a significant rise in the amount of Stop and Search-related complaints
 2. There is a significant increase in the disproportionality of those that are subject of stop and on the basis of race
 3. A single event or incident occurs related to Stop and Search activity that causes significant concern amongst our communities regarding police use of this tactic
 4. Any other issue upon consultation with the Gloucestershire Constabulary Lead for Stop and Search
- 3.5.4 The Stop & Search Community Scrutiny Panel will be independently chaired by a member of the community or IAG.
- 3.5.5 The Chair of the Stop & Search Community Scrutiny Panel will be supported by the Chief Inspector with responsibility for Stop and Search in ensuring a scheduled series of meetings each calendar year is arranged and published

beforehand. Also that venues are arranged and that an appropriate agenda that scrutinises police performance in use of this tactic is put into place prior to each meeting.

- 3.5.6 The Gloucestershire Police and Crime Commissioner or their delegate shall be invited to take part.
- 3.5.7 An information sharing agreement will be arranged between the police and the members of the Community Scrutiny Panel that safeguards the sharing of personal data scrutinised by the panel.
- 3.5.8 The Chief Inspector with responsibility for Stop and Search will be responsible for arranging and facilitating any ad hoc Community Scrutiny Panel in the event that any of the Community Complaints Trigger Thresholds are met.

3.6 SECTION 60 STOP & SEARCH AUTHORISATIONS IN ANTICIPATION OF VIOLENCE

- 3.6.1 The level of authorisation required has reverted to that stated in legislation, following the relaxation of the Best Use of Stop and Search Scheme requirements in relation to Section 60 Authorities.
- 3.6.2 Section 60 Authorisation for Stop and Search must be applied in accordance with case law and only used if necessary; in particular, the case law in R v Roberts must be applied.
- 3.6.3 The limit of the initial authorisation is 24 hours after this a Superintendent authority is required. The maximum overall duration is 48 hours.
- 3.6.4 Communication regarding the authorisation of a Section 60 to local communities should still be made (where operationally feasible). This communication should, where possible, be made in advance to help deter criminals and enhance community trust and confidence. The outcomes should also be communicated afterwards so that the public are informed of both the purpose and the result of the authorisation.
- 3.6.5 Section 60 authorisations will be recorded for auditing purposes and it is the authorising officer's responsibility to provide the Force Intelligence Bureau with the details of the Section 60 so it can be centrally recorded.
- 3.6.6 Live Section 60 authorisations will be sent to the Communications Department for inclusion on the Constabulary website to increase transparency in our use of this power.
- 3.6.7 All Sec 60 authorities will be saved in a secure electronic storage system to support long term scrutiny.
- 3.6.8 All Sec 60 authorities will be reviewed by the SSCSP after they have ceased.

3.7 CHILDREN AND VULNERABLE PERSONS

- 3.7.1 Certain groups, such as young people, those with learning difficulties, or difficulties with hearing or understanding may have greater concerns in relation to Stop and Search and being approached by the police. Officers should pay

particular attention to explaining clearly the reasons for the Stop and Search and confirming that the vulnerable person has understood the information given.

- 3.7.2 Code A PACE Section 3.11 states “If the person to be searched, or in charge of a vehicle to be searched does not appear to understand what is being said or there is any doubt about the person’s ability to understand English, the officer must take reasonable steps to bring information regarding the person’s rights and any relevant provisions of this code to his or her attention. If the person is deaf or cannot understand English and is accompanied by someone, then the officer must try to establish whether that person can interpret or otherwise help the officer to give the required information.” If appropriate, consideration should be given to using Language Line.

3.7.3 **STRIP SEARCHES OF CHILDREN OR VULNERABLE PEOPLE**

- 3.7.4 There are two distinct types of strip search that are outlined under the Police and Criminal Evidence Act (PACE) 1984. A More Thorough Search (MTS), as part of a stop and search, is where an officer deems it necessary that the subject removes more than an outer coat, jacket or gloves. This process does not reveal intimate parts of the body.

- 3.7.5 Powers for this more thorough search are set out under PACE Code A, paragraph 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, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby. 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.’

3.7.6 **SEARCHES INVOLVING EXPOSURE OF INTIMATE PARTS OF THE BODY**

- 3.7.7 It is accepted that only in exceptional circumstances should a strip search involving the Exposure of Intimate Parts of the Body of a child, or vulnerable person, occur. In these circumstances it is the policy of Gloucestershire Constabulary that a supervisor of at least the rank of Inspector be consulted before conducting such a search.

- 3.7.8 Gloucestershire Constabulary recognises the impact of Adverse Childhood Experiences on children and will take a trauma informed approach with a focus around safeguarding that child or vulnerable person.

- 3.7.9 Searches involving the exposure of intimate parts of the body are where the person removes all or most of their clothing. They are, by definition, one of the most intrusive forms of search. As with searches involving less intrusion, they must only be used where it is necessary and reasonable, bearing in mind the object of the search.

- 3.7.10 Any police officer conducting the search must be of the same sex as the person being searched and the process must be conducted in accordance with paragraph 11 of PACE Code C, Annex A. Full powers are set out under PACE

Code A, paragraph 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.

- 3.7.11 The College of Policing – Authorised Professional Practice – states that searches involving exposure of intimate parts of the body may only be carried out at a nearby police station or other nearby location which is out of public view (but not a police vehicle).
- 3.7.12 In the case of children 'Unless there is a risk of serious harm to the person or to someone else, there must be a minimum of two persons present in addition to the person being searched. One of those must be the appropriate adult if the person is a child or vulnerable adult unless, in the case of a child, the child and appropriate adult both agree that the adult should not be present during the search.'
- 3.7.13 Any police officer intending to conduct such a search of a Child or vulnerable person will arrange for an Appropriate Adult to be present (except in cases of urgency where there is a risk of harm to the child being searched or others).
- 3.7.14 If the person is under 18 and does not wish for an appropriate adult to be present during the actual search, the searching officer will follow Code C, PACE, Annexe A, paragraph 11 (C)14 . which states 'Except in urgent cases ... a search of a juvenile may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the appropriate adult that they do not want the adult to be present during the search and the adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult.' Where the appropriate adult does not agree, this should be escalated to an officer of **at least the rank of Inspector**.
- 3.8 BETTER UNDERSTANDING AND SEARCHING OF TRANS INDIVIDUALS (Section written by a LGBTQ community member in consultation with the IAG)
- 3.8.1 Trans is an umbrella term used to identify individuals whose identity differs from that of the gender/sex they were assigned at birth.
- 3.8.2 Trans individuals may self-identify on the trans spectrum for which there are many titles and variants, Other trans individuals may have been formally assessed as perhaps Transsexual or a variant of this commonly assessed via NHS routes to achieve the beginning of the trans individual's journey.
- 3.8.3 It is always best etiquette when verbalising trans matters to use the word 'trans' in simple terms, referring to someone as trans does not pre-suppose or clumsily assume where the individual may, or may not be on the trans spectrum, you are far less likely to offend.
- 3.8.4 If you simply do not know or feel unable to progress there are some very simple and polite options available to you.

ASK: "May I ask your name". This may offer an excellent insight as to the preferred or aligned gender that the individual identifies. If this does not provide you with enough information, again ASK: "May I ask, how you would prefer I address you"

The correct or incorrect use of pronouns are huge and if wrongly assumed and addressed this can have huge negative impact. The Trans individual may become hurt, offended, unwilling to co-operate. You as an Officer may also project lack of understanding and impact confidence in the Police. If you don't know or cannot fathom it ASK.

- 3.8.5 The Trans Community is sometimes characterised as being individuals who wish to transition from one gender to another. In reality the wide spectrum of gender identity is a little more complicated.
- 3.8.6 Increasingly individuals feel ever more comfortable expressing themselves in more than the traditionally assumed binary of either male or female. Therefore Gloucestershire Police Officers and staff should ensure a basic knowledge of Trans.
- 3.8.7 Gender Expression: The way individuals express. E.g. By what you wear, how you act, how you speak.
- 3.8.8 Gender Identity: An individual's internal sense of being, who they really are. Trans individuals in simple terms have the wrong bodywork to their internal knowing of who they really are or the gender they were wrongly assigned at birth.
- 3.8.9 Sex or gender: The reality is we often know what this means when reading the words. Sex often refers to the basic characteristics of genitalia and our reproductive organs, it's also often what you see on forms. There is a growing shift to the use of the word 'gender' rather than sex, gender reference tend to work best in trans community.
- 3.8.10 Sexual Orientation/Sexuality: Is an individual's emotional and romantic attraction to another. Being trans does not suggest the individual is gay, like all of us in all our differing communities we all have varied sexual orientation. Trans is relative to gender not sexuality.
- 3.8.11 Trans Man: An individual who was assigned female at birth, identifying as and living as male. Female to Male – F2M simply refer to the individual as male/him/he.
- 3.8.12 Trans Woman: An Individual who was assigned male at birth, identifying as and living as female. Male to Female – M2F simply refer to the individual as female/her/she.
- 3.8.13 Non-Binary, or Mx (pronounced Mix) and Gender variant: An individual who's gender does not align with commonly accepted binary genders i.e. male/female. A non-binary individual may consider themselves to be neither male nor female, or a mix of both, or a mix of both with a prominence towards a more commonly referenced gender.

Now this is where it's gets complicated.. for non-trans folk... non-binary, Mx individuals often prefer non-binary gender references and may refer or kindly ask for gender neutral pronouns, i.e. them, their, they. Grammatically this may not sound correct but it is the accepted etiquette.

3.8.14 Intersex: Intersex individuals have reproductive features and anatomy that contrary to commonly defining binary's that resembles a mix of both male and female genitalia.

3.8.15 SEARCHING OF TRANS INDIVIDUALS

3.8.16 LEGISLATION

3.8.17 Gaining recognition for a new gender: The Gender Recognition Act 2004 allows people who have taken decisive steps to live fully and permanently in their acquired gender to gain recognition in that gender.

3.8.18 Commonly this is known as the Real Life Test or RLT where individuals who have lived in their preferred gender for at least two years (individuals do not have to undergo reassignment surgery to qualify) are entitled to apply for a Gender Recognition Certificate (GRC) so they can apply for a new birth certificate in their new gender.

3.8.19 There is no legal obligation on any person in possession of a GRC and/or a new birth certificate to inform the police that they have changed their name or gender. (Police do not have any legal right to demand sight of the GRC under any regular circumstances).

3.8.20 Searching: The following sections of the Police and Criminal Evidence Act PACE 1984 need to be considered in cases which involve the searching of transgender and non-binary individuals:

3.8.21 Code A. Paragraph 3.1 states:

"Every reasonable effort must be made to reduce to the minimum the embarrassment that a person being searched may experience."

3.8.22 Code A. Paragraph 3.6 states:

"....Any search involving the removal of more than an outer coat, jacket, gloves or headgear or footwear 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 specifically requests it".

3.8.23 Code C, Annex L 1-5 and Code A, Annex F: establishing/established gender of persons for the purposes of searching:

3.8.25 Establishing gender: To help Officers determine the preferred gender of a person, you should:

If the gender is apparent treat the individual as that gender.

If there is doubt as to the person's gender.. best practice suggests first approach should be to politely enquire ASK gender they consider themselves to be. 'May I ask?'

3.8.26 Also consider If the individual is identifying as non-binary, Mx, Officer should refer again to Annex L Code C (4c I-IV) establishing a potential of any predominant gender and determine how best the search should be conducted.

Being guided by the individual is key.

3.8.27 If individual expresses a preference to be dealt with as a particular gender, ask the person if they may sign:

- The custody record;
- Your device/pocket book; or
- Other appropriate document; or to indicate their preference.

3.8.28 Be aware that if that person has a GRC then Section 22 of the Gender Recognition Act is relevant and the records should be considered confidential

3.8.29 The person should be treated according to their preference. If the person is unwilling to indicate their preference efforts should be made to determine the predominant lifestyle of the person, e.g. if they appear to live predominantly as a woman, they should be treated as such.

If the individual's gender is still in doubt the person should be dealt with and according to what reasonably appears to have been their sex as registered at birth.

Referencing PACE CODE C annex L 1-5 may assist.

3.8.30 Officers should be ever mindful that the experience for the trans, non-binary individual will quite probably be a stressful and possibly a worrying time. Officers are unlikely to receive obstruction but this may be suspected or mis-interpreted by the great potential for the trans individual not perhaps wishing or appear willing to want to share gender history or status with Police. Disclosing gender history can be a stressful matter of what may be very private information when engaging with the Police.

3.8.31 Officers should best adopt an understanding and supportive attitude but clearly state the lawful requirements before and during any such searches.

3.8.32 Officers should further be aware that the associates of the Trans individual may not be aware of their gender history/born gender.

DO NOT INAPPROPRIATELY DISCLOSE OR ASSUME FRIENDS AND ASSOCIATES KNOW. Be aware again Section 22 of the Gender Recognition Act and the lawful reasons for which Officers may disclose.

3.9 GENDER OF SEARCHING OFFICER

3.9.1 Any officer, regardless of gender, can search the outer coat, jacket, gloves, headgear, footwear whether or not it is removed, or any item concealing identity or outer garment of any individual who is being searched. They can also carry out any search that includes searching pockets in outer clothing, or feeling around the inside of collars, socks and shoes if this is necessary in the circumstances to look for the object of the search. (PACE Code A - Sections 3.5 and 3.6) Officers should ensure that offence is not given when searching headgear that has a religious connotation (e.g. Islamic hijab or Sikh turban) and those searches are conducted discretely, taking into account the sensitivities of the persons concerned and their beliefs.

- 3.9.2 Any search that goes beyond this MUST be conducted by an officer of the same gender as the person stopped, and not in the presence of an officer of the opposite gender, unless the subject of the search specifically requests their presence.
- 3.9.3 The gender of the officer conducting any searches undertaken by virtue of Section 43 Terrorism Act 2000 MUST be conducted by a person of the same gender as the person stopped in order to comply with the Act.
- 3.9.4 In order to comply with PACE, officers who identify as transsexual or transgender and who have not been granted a Gender Recognition Certificate (under Gender Recognition Act 2004), must not be involved in the conduct, assistance or observation of any searches, other than those mentioned in 13.1 above. Officers with a Gender Recognition Certificate may lawfully conduct searches that go beyond those mentioned in 13.1 so long as their acquired gender is the same as that of the person being searched.

3.10 TERRORISM ACT 2000

- 3.10.1 Section 43 of the Terrorism Act 2000 provides police the power to Stop and Search any person who is reasonably suspected of being a terrorist. The search must be carried out by an officer of the same gender as the subject.
- 3.10.2 Section 44 of the Terrorism Act 2000 provides police the power to Stop and Search, in areas specified and authorised by an officer of at least the rank of Assistant Chief Constable, vehicles, their occupants and pedestrians.
- 3.10.3 Section 44 authorities will detail the specific areas and locations within Gloucestershire that are covered by the authority.
- 3.10.4 This section additionally gives police power to seize and retain any article which they discover in the course of the search, which the officer reasonably suspects to be intended for use in connection with terrorism. Police also have the power under this section to detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.

POWERS UNDER SECTION 43 SHOULD BE USED WITH PRUDENCE.

POWERS UNDER SECTION 44 WILL ONLY BE USED ON THE AUTHORITY OF THE CHIEF CONSTABLE SUPPORTED BY LEGAL ADVICE.

3.11 UNATTENDED VEHICLES

- 3.11.1 Where the search of an unattended vehicle is carried out, the officer conducting the search must complete an electronic record via mobile device or R65 form. A copy of this or notice will be left in a prominent position inside the vehicle.
- 3.11.2 Records must be submitted for all unattended vehicles searched and if appropriate intelligence submitted via COVERT.
- 3.11.3 A search of an unattended vehicle cannot be completed under s.23 Misuse of Drugs Act 1971, in addition force cannot be used to search the unattended vehicle under this power. A warrant is required.

- 3.11.4 A search of unattended vehicle can be conducted using s.1 PACE if the officer can rely on s.117 PACE which governs the use of reasonable force. This would be entirely dependent upon the circumstances, and whether such force was reasonable given the circumstances.

Section 4 - Relevant Legislation: (Human rights/diversity/Health & Safety/any other specifics)

PACE Codes of Practise

Authorised Profession Practise (APP)

Stop Search APP

Body Worn Video APP

Body Worn Video local Policy

Terrorism Act

Human Rights

Best Use of Stop Search

Section 5 - Related References:

None to add

Section 6 - Identification, Monitoring and Review

Policy will be routinely reviewed every 12 months. In addition if the is revised national guidance to necessitate urgent adjustment to policy.

GSC Security Marking:	NO MARKINGS REQUIRED
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Type	Policy
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Department	URN	Strategic Board 'signed off'	Author/Reviewer
		IGB – include date signed off	Chief Inspector Emma MacDonald

Version	Date	History of changes (ensure public copy amended and uploaded to external website)	Complied with Policy Guidance ✓
		Version history pre 2016 have not been recorded or maintain in version 7 of policy	

Version	Date	History of changes (ensure public copy amended and uploaded to external website)	Complied with Policy Guidance ✓
V5.1	23/6/2016 & 24/6/2016	Reformatted with final revision from review (Insp Steve Wood) Added correct EIA version (Insp Steve Wood)	
V5.1b	23/9/2017	Reviewed and no changes made (Insp Steve Wood)	
	21/2/2018	Added generic decision making wording as requested by the CC	
V6.1	16/1/2023 28/2/2023 19/4/2023	Policy reviewed and revised Section 60 CJPO changes following BUSSS relaxation updated Inclusion of changes following Child Q review relating to strip searches of children (C/I Mark Soderland) Amendments made arising from consultation Minor Amendments following IGB and CLP feedback	
V 7.0	9/8/23	<p>Section 1.6.1 New SRO assigned to lead on Stop Search. This will be Supt Bourne (Strategic) CI MacDonald (Tactical) Insp Motala (Operational).</p> <p>Section 2.1.14 Policy changed to state that BWV is now mandatory for Stop Search</p> <p>Stop Search scrutiny panel altered to monthly as opposed to bi-monthly</p> <p>GSC of document altered to “No protective marking” to allow external sharing</p> <p>Policy added to new generic template</p> <p>Section 2.1.7 GOWISELY changed to Y GOWISEL</p> <p>Section 3.4.3 Stop Search Champions sections removed</p> <p>Section 3.6.7/7 Added to improved scrutiny of Sec 60 authorities</p>	

Version	Date	History of changes (ensure public copy amended and uploaded to external website)	Complied with Policy Guidance ✓
		<p>Section 3.11.3 Inserted to cover unattended vehicles (Drugs)</p> <p>Section 3.11.4 Inserted to cover unattended vehicles PACE</p> <p>Section 4 Legislation adjusted</p>	

Formatting and Publication:	Governance and Compliance Team
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Next Document Review Date:	
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EIA	EIA Sign Off – name and date	EIA Review – name and date
Low/Medium/High – Ensure EIA created and reviewed in line with policy creation/review	K:\Waterwells\Equality Impact Assessment\Stop Search EIA Sept 2017.doc	

Link to EIA – G&C to complete hyperlink action

SIA – if required	SIA sign off	SIA review

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