

Case 1 | Issue 33 – Stop and search

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LEARNING THE LESSONS

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Communication during a stop

Stop and search of a man, raising issues about:

- *Communication and use of language during the encounter.*

This case is relevant if you work in:

Stop and search



Overview of incident

At around 11.45pm, while on foot patrol, PS A was told by Police Community Support Officer (PCSO) B in the CCTV control room that he had seen a black man in baggy clothing putting an object, believed to be a knife, down the front of his trousers.

PCSO B provided PS A with a description of the man, and the direction that he was heading.

PS A and a number of his colleagues ran to the area where the man had been seen.

Accounts of what happened next differ.

Mr C describes four officers jumping him from behind and forcing him to the floor in what felt like a rugby tackle. He says he felt a knee on his back and on his neck. Mr C said that the way officers handled him made people stop and stare and made him feel like a criminal.

PC D recalled that PS A was the first to approach Mr C.

PC E said that he and three other officers approached Mr C quickly from behind, two on either side. PC E said that as he grabbed Mr C he shouted, “police” and heard all his colleagues also shouting “police”.

PS A recalled pushing Mr C towards a fence before taking him to the ground in a controlled manner with the help of his colleagues. Mr C was then handcuffed to the rear to prevent him from harming officers or reaching for a weapon. Mr C was then pulled to his feet and given the grounds for the search, with PS A running through GOWISELY.

Authorised Professional Practice (APP) on stop and search

If the person understands the reasons for an officer's action, they are more likely to accept it and not see it as arbitrary or unfair. To maximise the person's understanding before starting the search, officers exercising stop and search powers must adopt the following steps in accordance with [GOWISELY](#):

- identify themselves to the person
- show their warrant card if not in uniform
- identify their police station
- tell the person that they are being detained for the purpose of a search
- explain the grounds for the search (or authorisation in the case of section 60 searches)
- explain the object and purpose of the search
- state the legal power they are using
- inform the person that they are entitled to a copy of the search record and explain how this may be obtained

Find out more online:

<https://www.app.college.police.uk/app-content/stop-and-search/professional/>

PC E said that Mr C was hostile and abusive, especially towards PS A .

PC F then carried out the search. Mr C confirmed both his name and date of birth. Mr C did not have identification, money or a phone on him.

During the search Mr C said he repeatedly asked why we was stopped and why he was being searched.

The search was negative. PS A asked for a van so that a more thorough search could be carried out at the local police station because it was believed that Mr C still had a pointed item which had not been found.

Authorised Professional Practice (APP) on stop and search

Search involving exposure of intimate parts of the body

A search exposing intimate parts of the body (an EIP search), also referred to as strip search, is the most intrusive form of search permitted under stop and search powers. It should not be a routine extension of the initial search if nothing is found. As with searches involving a lesser degree of intrusion, it must only be used where it is necessary and reasonable, bearing in mind the object of the search.

APP requirement

Officers identifying a need for an EIP search must consult a supervisor prior to carrying out the search, to explore the reasons why it is necessary and proportionate in the circumstances. The supervisor's role in this context is to support and encourage good decision making by providing suitable challenge. The officer who identifies the need for the EIP search – and not the supervisor – is responsible for the decision to proceed with the EIP

search (having taken due regard of the advice given by the supervisor), unless the supervisor gives a lawful order instructing the officer not to carry out the search. This supervisory guidance and support beforehand, rather than after the fact, aims to protect officers from complaints, ensure the appropriate use of police powers, and reassure the public about the oversight of intrusive searches.

If an officer cannot contact a supervisor within a reasonable timeframe, the officer must balance the need to have the ethical discussion with a supervisor against the need to conduct the EIP search within a reasonable timeframe, ie, one that does not antagonise the person being searched or delay the search for an unreasonable time.

If an officer decides to proceed with an EIP search following consultation with their supervisor, the officer should include the reasons for extending the search as part of the search record, as well as confirming that supervisory consultation took place, with whom and when. If they were unable to contact a supervisor, they should still record their reasons for extending the search, as well as the steps taken to contact a supervisor.

Searches exposing intimate parts of the body must be conducted at a nearby police station or other location out of public view, **not in a police vehicle**

Find out more online:

<https://www.app.college.police.uk/app-content/stop-and-search/legal/legal-application/>

While they were waiting for the van to arrive, PC E carried out a Police National Computer (PNC) check. While PC E stood with Mr C waiting for the result, Mr C became abusive.

PC E said that when he had the result of the PNC check he told his colleagues and PS A that Mr C was known for a number of reasons. He told his colleagues this meant that Mr C was now a known high-risk suspect.

Mr C alleged that when PS A returned there was an exchange between them in which PS A called him a, “nonce” and a “scumbag” and he called PS A, “Stupid, a shit officer and old”. PS A then allegedly grabbed him and pushed his face against a wall, four or five steps away from where they had been standing, away from the other officers, and said in a lowered voiced that he hated his, “Type of people”. PC F heard PS A say something along the lines of, “You’re not welcome here because you’re a criminal,” to Mr C.

Mr C subsequently complained that the reference to, “People like you,” was a reference to him being black, and was racist.

PS A explained that he often used words to the effect of, “This place isn’t for people like you anymore. We’re trying to make this a place for nice people so you are going to have to find somewhere else to hang around,” towards people following a PNC check, which showed that they were known criminals. He said this would give them the clear message that the area was no longer the place to carry out criminal activities. PC F explained that he had heard PS A say similar things to numerous people and did not believe this was intended to be a racist comment.

While they were waiting for the police van to arrive, Mr C continued to shout and swear and asked passing members of the public to assist him because the officers were roughing him up. As a result, PS A said that he moved Mr C to stand facing some hoardings, and asked PC G to stand with him. At one point Mr C bumped his forehead on the hoardings. He alleged that PS A

grabbed him and pushed his face against the wall, however PS A said Mr C was stood too close to the hoardings and hit his head while turning it suddenly. Mr C told the officer he was going to make a complaint about this.

PS A explained that PC G had told him that Mr C had complained that his handcuffs were too tight, PS A said he checked the handcuffs which he said in his view were not too tight, before moving Mr C closer to the hoardings. Following this, Mr C complained that his arm was broken and that he wanted an ambulance. PS A said that he responded by saying that his handcuffs were not too tight, and that he did not need an ambulance.

When the van arrived Mr C was taken to the local police station. On arrival, Mr C was taken into a room for a strip search. Four officers were present and the search was carried out by PC F and PC G. Officers found a cannabis grinder and a small amount of cannabis during the search, but decided not to arrest Mr C because they decided it was not in the interests of the public or the police to prosecute.

PS A said that Mr C had explained that he was going to complain that he had banged Mr C's head on the wall and that he had injuries. PS A said that he told Mr C that he could complain. He said that an offer to arrange for photographs to be taken for evidence was refused.

Type of investigation

IPCC independent investigation.

Outcomes for officers and staff

PS A

PS A, was found to have no case to answer in relation to use of racist language towards the complainant, and in relation to excessive use of force on Mr C. The force provided the officer with words of advice outside of the formal disciplinary process.

Questions to consider

Questions for policy makers and managers

1. What has your force done to educate officers about the reasons why people react differently to being stopped and searched in light of historic and current issues that shape their experience of policing?
2. Does your force give officers the opportunity to practice giving grounds and communicating with people in a mock stop and search encounter, before using powers for real?
3. As part of training on stop and search does your force give officers the opportunity to hear from members of the public about what it feels like to be stopped and searched, and how officers can improve the quality of these encounters?

4. As a supervisor, would you routinely give officers feedback on the language they use during stop and search encounters, to advise them on words or phrases that could be misconstrued, or contribute to the deterioration of communication during a stop and search?
5. Does your force regularly monitor feedback on stop and search encounters, and body-worn video footage of stops, to identify opportunities to improve the way that officers can improve the quality of encounters?
6. Does your force give officers clear guidance on how to respond to members of the public attempting to record or intervene in a stop and search?
7. Does your force train officers on how to handle handcuffed suspects to protect them from injuring themselves or others?

Questions for police officers and police staff

8. What would you have done if faced with this situation?
9. Would you recognise that certain phrases or terms could be misconstrued, or open to different interpretation when used in the context of a stop and search encounter?