



Information for Suffolk Schools - Stop and Search

The purpose of this information sheet is to provide staff at educational premises with some knowledge of the law and local policy associated with Stop & Search. It should give an overview of what to expect if Officers are called to deal with incidents associated with the use of the power. It should also empower those members of staff to challenge officers where they feel that the safeguarding of a child and young person is in question.

Officers are provided with significant training around Stop & Search however the breadth of the legislation means that the scrutiny of the use of the powers is important for community confidence.

Stop and Search is the practice whereby members of the public are searched by police officers when they are suspected of possessing stolen or prohibited articles, drugs, or offensive weapons, to allay or confirm suspicions about individuals without exercising the power of arrest. Stop and search can play an important role in the detection and prevention of crime.

Before an officer initiates a search, they must conclude that the search is proportionate, necessary, and legal, based on an objective view of the present circumstances, and information available to them at that specific time. Officers are accountable for their action and are aware that they may be scrutinised, both internally and externally from Community Groups.

A person can be detained for the purpose of a search and reasonable force can be used if required. Use of force may include physical restraint of the person, including handcuffs. The detention must take place at or near the place where the subject was first stopped; the time of detention should be kept to a minimum. As soon as the grounds for detaining a person for a search cease to exist, the person must be released. This includes the need to remove any handcuffs at the earliest opportunity.

Officers conducting stop searches will often refer to the pneumonic "GOWISELY" in order that they facilitate the lawful requirements of a search. This pneumonic can be useful as a reminder of what to expect of the police officer when witnessing a search.

G	Grounds to suspect
O	Object/s searched for
W	Warrant Card
I	Identity of the officer
S	Station of the officer
E	Entitlement to a copy of the record
L	Legal power used to search
Y	You are detained

Prior to commencing a search, the searching officer must inform the person of the grounds for the search. It is the responsibility of the individual officer to decide if reasonable **grounds to suspect**, based on fact, information and/or intelligence, an object will be found. The officer must tell the person being searched the grounds which have caused the decision to search. Rebuttal of these grounds at the time, unless accompanied by immediately available evidence are unlikely to reverse the decision.

The officer must also tell the person what **object they are searching for**, the officer should also **identify themselves** and provide the **location of the station** at which they are based. In the case of officers in plain clothes, a **police warrant card** should be shown.

The person being searched is also offered a **copy of the record of the search** (or provided a reference for which they can use to obtain a copy)

The person being searched must also be told of the **legal power** being used to enact the search and the fact that this power allows an Officer to **detain the person** whilst the search is being conducted.

Where a person refuses to be searched, then Officers have the power to use force to allow the search to take place. This may include the use of handcuffs.

During a stop and search the officer can require the removal of the persons jacket, outer coat, and gloves (JOG). The officer may also request the removal of head wear and footwear. Any further removal of clothing is considered a strip search.

Police officers may search subjects of the opposite sex to themselves, unless the search is to be a strip search, in which case the search should be conducted by an officer of the same sex. A search requiring the removal of clothing should be completed out of public view, while a strip search must be complete out of public view, a strip search requiring the exposure of intimate body parts must only be conducted within a nearby police station or other suitable location such as a Police Investigation Centre, or a secure office within a building.

Searches should not be undertaken within an educational setting unless absolutely necessary and only with approval of a supervisor. This would cover all premises where person under the age of 18 would attend for the purposes of education (Schools, Colleges, training centres etc.). If any doubt Officers should consult with a supervisor.

Officers who are in possession of working body worn video recording devices should set them to record the stop search except in cases where intimate body parts are exposed, in which case the device should be set to record audio only.

Every person under the age of 18 who is the subject of a stop search will be considered vulnerable. The searching officer must consult a supervisor (of at least one rank above the searching officer) prior to a search. The exception to this requirement is in cases of urgency, where there is a risk of harm to the subject or to others, or it is not practicable to do so. Where a Strip Search (Exposing Intimate Parts) is required, then this should be authorised by a supervisor, of at least two ranks above the searching officer. If the searching officer is a Sergeant or above, then in the absence of an officer of Chief Inspector rank or above being on duty, this can be authorised by a Duty Inspector.

The role of an appropriate adult is to safeguard the rights, entitlements and welfare of the vulnerable person being searched. The appropriate adult is expected to support, advise, and assist the person when they are asked to provide or provided information in relation to the search. The appropriate adult should help the person to understand their rights and assist them in communicating with the officer. The appropriate adult should observe whether the police are acting properly, in accordance with the persons rights and entitlements, treating them fairly, with dignity and respect. Should the appropriate adult have concerns they may wish to discuss this with their DSL and/or direct supervisor and contact police via their usual contact methods to highlight the concern.

Other than in cases of strip search, an appropriate adult need not be present during the stop search. In the case of a strip search the officer will treat the situation as if the search was taking place within police custody, adhering to the requirements defined within [Annex A, Code C PACE](#). A strip search shall take place in an area where the detainee cannot be seen by anyone who does not need to be present, nor by a member of the opposite sex, except an appropriate adult who has been specifically requested by the detainee

Except in cases of urgency, where there is risk of serious harm to the detainee or to others, whenever a strip search involves exposure of intimate body parts, there must be at least two people present other than the detainee, and if the search is of a juvenile or vulnerable person, one of the people must be the appropriate adult. A strip search of a juvenile, aged 14 to 17, 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 appropriate adult to be present during the search and the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult. The decision on whether the appropriate adult is present during a strip search on a juvenile who has not yet attained the age of 14, is a decision for the appropriate adult, consent of the juvenile is not required. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances. The search shall be conducted with proper regard to the dignity, sensitivity and vulnerability of the detainee in these circumstances, including in particular, their health, hygiene and welfare needs.

When dealing with under 18s officers will consider:

- Safeguarding measures
- Notifying a parent or guardian

A child under the age of 10 will only be stopped and searched under exceptional circumstances, i.e. when there are significant concerns that not to do so would lead to an unacceptable rise in threat or harm presented to the child or another

The person being searched must also be told the legal power under which the search is being carried out. Police have numerous powers relating to stop & search, these include.

- **Police and Criminal Evidence Act 1984, Section 1** – A power that allows police officers to search a person or vehicle and anything in or on that vehicle in any place, other than a dwelling, for specified items, including offensive weapons, an article made or adapted for use in crime, fireworks or stolen items.
- **Misuse of Drugs Act 1971, Section 23** – A power that allows an officer to detain a person, vehicle or vessel for the purpose of searching where a reasonable suspicion is held that controlled drugs may be found.
- **Firearms Act 1968, Section 47** – A power that allows an officer to enter any place where he has reasonable cause to suspect that a person is in possession of a firearm or is about to commit an offence under the Firearms Act, to detain and search that person.

This is not an exhaustive list, but the most common powers used by officers in execution of their duties. A full list of stop & search powers can be found in [Annex A, PACE Code A](#).

Other legal powers exist and are available to officers under certain circumstances. These powers include Section 60 of the Criminal Justice and Public Order Act 1994 and Section 47 of the Terrorism Act 2000. Neither of these powers require the formation of “reasonable grounds to suspect”, however the powers must still be used reasonably, proportionately, and legally.

Suffolk Constabulary expects its officers to act with integrity, openness and transparency, every stop search will be recorded, and the person notified that a copy of the record is available to them. A record can be requested within 28 days at a police station.