

# Professional

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Written by College of Policing

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Interactions with the public during encounters must be professional. This applies to stop and account and powers akin to stop and search (stops under [section 163 of the Road Traffic Act 1988](#) and PCSO powers under the [Police Reform Act 2002](#)), as well as encounters under stop and search powers.

## Why does professional matter?

Interacting with people in a professional way during stop and search encounters is crucial to maintaining public trust in the police. While people who are satisfied with a stop and search are, on average, no more or less likely to trust the police, dissatisfaction tends to have a large negative effect on trust<sup>1</sup>. Members of the public say they are less likely to be dissatisfied with stop and search when:

- they do not feel unfairly targeted
- officers give them a good and credible reason for the encounter
- they are treated politely and with respect by officers
- the encounter does not last a long time<sup>2</sup>

Stop and search powers should therefore be used in a way that minimises dissatisfaction and does not cause community resentment or undermine police legitimacy. Failure to do so will reduce the ability of the police to work with the public to reduce crime in their areas<sup>3</sup>.

Procedural justice (fair decision making and respectful treatment) should help ensure that the police use of stop and search powers is seen by the public as legitimate<sup>4</sup>. Doing so will involve officers adopting a professional and unbiased approach that complies with standards of conduct.

Respectful treatment is a key element of the procedural justice approach. It centres on how the person's experience of contact makes them feel and applies as much to what officers do as how they do it. The effect on the person being searched depends, to a large extent, on how the officer interacts with them, how their individual needs are responded to, whether they have an opportunity to participate and whether they understand the reasons for the officer's actions<sup>5</sup>. These elements significantly influence whether a person perceives the experience of being stopped and searched as negative or neutral<sup>6</sup>.

*Stop and search can be highly emotive and, if misused, can be harmful to the trust and confidence young people feel towards the police. Young people's confidence and transparency in our use of this power is critical because it is one of the most intrusive powers we have and can give rise to strong feelings and resentment.*

*The interaction which takes place between an officer and a young person should be seen as an opportunity to engage and build relationships with young people in a positive way.*

*- Chief Constable Olivia Pinkney, NPCC portfolio lead for the policing of children and young people.*

## What does professional mean in the context of stop and search?

Police interaction with the public during stop and/or search encounters must be professional in nature. This includes encounters involving police community support officers who have been designated under [section 38](#) of the Police Reform Act 2002. During stop and/or search encounters, officers must:

- comply with professional standards of conduct and the [Code of Ethics](#)
- communicate effectively with people
- treat people with dignity and respect

## Comply with professional standards of conduct

Officers must act in accordance with the [Code of Ethics](#) when interacting with the public during stop and search and other related encounters. This means applying the nine [policing principles](#)

and complying with the standards of professional behaviour.

Officers are responsible for their own professional development and should seek to maintain or enhance their capacity to practise legally, safely, ethically and effectively. This includes being proactive about completing any stop and search training required by force policy or where there is a performance or development need. Officers should ensure that they routinely apply it in their everyday practice.

Officers who do not comply with professional standards of conduct make themselves more vulnerable to complaints by members of the public.

## Communicate effectively

Officers should think about how they come across when they approach members of the public and while conducting a stop and/or search encounter – for example, in terms of:

- what they say (words used)
- how they say it (tone of voice)
- their non-verbal communication (body language, stance, gestures, expression)

The starting point should always be for officers to carry out stop and search with a person's cooperation. Officers should seek to develop and refine their own strategies for putting someone at ease, maintaining their cooperation and de-escalating any conflict.

Officers should aim to be as measured and non-threatening as possible. Sometimes a person who feels threatened can become defensive, hostile or evasive, which is a normal response. This reaction may make the encounter more challenging and confrontational for the officer and could lead to injury. It may also make it more difficult for the officer to interpret the person's behaviour and assess reasonable grounds for suspicion.

Active listening skills should be used during stop and search encounters, which may involve officers making eye contact, nodding and asking follow-up questions. Members of the public should be given the opportunity to tell their side of the story, as the information they provide may confirm or dispel an officer's suspicions. People who are denied this opportunity or feel they have been dismissed may be less satisfied with the encounter.

It is recognised that officers may deal with people who are verbally and physically abusive towards them or who are passive-aggressive and will not cooperate during stop and search encounters. Officers should remember that they are the professionals in the encounter and must continue to act in a professional manner no matter how challenging the person becomes. This is especially important if dealing with a child or young person who may be aggressive, tall for their age or displaying non-childlike characteristics due to peer pressure, vulnerability or a lack of emotional or intellectual maturity.

Officers should also be open and honest about what they are doing and why – for example, by:

- explaining why they have detained the person
- telling the person what they are looking for
- avoiding police jargon
- checking the person has understood

People are more likely to have a positive attitude during encounters when officers explain their decision making, offer reassurance, ask them about their wellbeing and are polite<sup>7</sup>.

|   |  |
|---|--|
| G | A clear explanation of the officer's <b>grounds</b> for suspicion – for example, information, intelligence or specific behaviour of a person.                        |
| O | A clear explanation of the <b>object</b> and purpose of the search in terms of the article being searched for.   |
| W | <b>Warrant</b> card, if not in uniform or if requested.  |
| I | <b>Identity</b> of the officer(s): name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number. |
| S | <b>Station</b> to which the officer is attached.   |

|   |  |
|---|--|
| E | <b>Entitlement</b> to a copy of the search record within three months. |
| L | <b>Legal</b> power used.   |
| Y | <b>You</b> are detained for the purposes of a 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<sup>8</sup>. 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

When a person is searched under section 60 of the Criminal Justice and Public Order Act 1994 (CJPOA), the officer should provide them with details about the authorisation that is in place, such as:

- the fact that authorisation has been given
- the terms of the authorisation, including time limits and geographical boundaries
- the nature of the power

**Section 2 of the Police and Criminal Evidence Act 1984 (PACE)** , **Code A** and case law (in particular R v Bristol) make it clear that these steps must be taken before starting the search and that failure to do so makes the search unlawful. The officer's name and police station must always be given, even if they know the person to be searched.

Only an officer in uniform can:

- exercise stop and search powers under [section 60 of the CJPOA](#)
- stop a vehicle under stop and search powers ([section 2\(9\) of PACE](#))

When asking the person to define their ethnicity as required for the stop and search record, the officer should explain why that information is being recorded (to improve monitoring of disproportionality and ensure that stop and search is being used in a fair and effective way).

The officer should try to end the encounter in an appropriate manner and with a view to minimising dissatisfaction before moving on to other tasks, unless it is a matter of urgency. The officer should briefly explain the outcome of the stop and search and (where appropriate) offer reassurance or thank the person for their cooperation. Under the [BUSSS](#), force policy should ensure that individuals who are stopped and searched are made aware of how they can complain. When closing the encounter, the officer should therefore also explain to the person how they can complain if they wish to, in accordance with force policy.

Where an officer initiates an encounter because of information from a witness, but finds insufficient grounds to proceed with a search (for example, cannabis was smelled but not seen, and there are no other factors found), they may also need to explain to the witness – if nearby – why the person could not be searched.

## **Members of the public filming or recording the stop and search**

Members of the public are permitted to film or otherwise record the encounter provided it does not place anyone's safety at risk.

This means that, unless someone's safety is at risk, officers cannot:

- stop the person from recording

There is no power to:

- take or seize the recording device
- seize or delete the recording
- compel the person with the device to delete the recording

## **Treat people with dignity and respect**

In line with the [Code of Ethics](#) and the procedural justice approach, officers should treat every person they stop and/or search with courtesy, consideration and respect. The evidence shows that dignified and respectful treatment has a significant impact on public confidence<sup>9</sup>. The search should be conducted in such a way as to minimise the impact on the person and cause as little embarrassment as possible. Officers must never be disrespectful to members of the public during stop and search (for example, being rude or belittling, or making derogatory remarks).

Even if a person appears confrontational or agitated, officers should make every effort to be polite when speaking to them (for example, greeting them, using their name, thanking them for cooperative behaviour). Being polite can encourage a person to adopt a more positive attitude<sup>10</sup>. Encouraging a person to do something voluntarily, by acknowledging their emotional state and being polite to them, may be more effective and safer than ordering or physically compelling them to do so.

While a person's cooperation should always be sought, the officer should respond in a proportionate manner if they do not cooperate, using the minimum level of force necessary to conduct the search.

Another important element of the procedural justice approach is for officers to demonstrate their trustworthiness<sup>11</sup>. During stop and search, this could involve officers reassuring a person who is concerned, asking about their wellbeing or offering practical advice – for example, about how to stay safe. Again, doing so can encourage a person to become more positive during the interaction<sup>12</sup>.

Treating people with dignity means being sensitive to people's individual characteristics and needs and being prepared to make allowances for these in order to minimise the impact of a search. For guidance on transgender searching, including those involving transgender officers and staff, see [Detention and Custody APP](#). Officers must consider vulnerability due to age, gender, mental ill health or disabilities, but there are other forms of individual needs that may make the experience of being searched more traumatic than usual.

Annex L to PACE Code C provides useful information on the approach to be followed to establish the gender of the detainee for the purposes of a search or procedure. Annex L to PACE Code C, notes for guidance (note L5) also states:

*Chief Officers are responsible for providing corresponding operational guidance and instructions for the deployment of transgender officers and staff under their direction and control to duties which involve carrying out, or being present at, any of the searches and procedures described in paragraph 1. The guidance and instructions must comply with the Equality Act 2010 and should therefore complement the approach in this Annex.*

If the person to be searched does not seem to understand what is being said or may not understand English, officers should take reasonable steps to make them aware of their rights and of the relevant provisions of [Code A](#). If they are hearing-impaired or do not understand English and are accompanied by someone, the officer should establish whether that person can interpret or help with understanding. Officers should be sensitive to the fact that being stopped by authority figures speaking brusquely in a language the person does not understand may be frightening for reasons connected to past experiences in their country of origin.

Many people cover their head or face for religious reasons and may find removal of the covering in public distressing. Where there are religious sensitivities involved, officers asking a person to remove a covering as part of a search – for example, to search hair – should allow the covering to be removed out of public view and where practicable in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.

## **Vulnerable people**

The person to be searched may be vulnerable on grounds of age, gender, mental ill health or physical or learning disabilities.

Officers should make every effort to ensure that the person's vulnerability does not prevent them from understanding why they are being searched. They should talk to the person and check their understanding. Where there is a doubt as to the person's ability to understand, officers should consider seeking assistance from a parent, guardian or carer, an interpreter (including of sign language) or any other person deemed appropriate in the circumstances to reduce any negative impact.

Where a search exposing intimate parts of the body is to be conducted on a vulnerable person, [paragraph 11](#) of Code C, Annex A requires that an appropriate adult must be present unless there is a risk of serious harm to the person or someone else. Unless an appropriate adult is available at another safe and controlled location out of public view – for example, the person's home – such a



search may, in practice, need to be conducted at a police station.

The person's vulnerability may also cause the experience of being searched to be more frightening or challenging to the person's dignity than it otherwise might be. Consideration should be given to vulnerability factors when assessing proportionality of impact, and the necessity of both the search itself and extent of the search. A transgender person or a person in a wheelchair, for example, may find a search involving exposure of intimate parts of the body both difficult and humiliating. A person on the autistic spectrum who cannot tolerate any physical contact may have an extreme reaction to being touched by a police officer.

Many vulnerabilities are not immediately apparent. They may even explain conduct that a member of the public reported as suspicious – for example, where a mental health condition causes unusual behaviour. Officers should be alert and sensitive to the potential vulnerability of the person to be searched and be prepared to reassess the existence of reasonable grounds for suspicion in light of the vulnerability. If they note that there is – or appears to be – a vulnerability, or the person reacts in an unexpected way that may be caused by a vulnerability, officers should:

- talk to the person
- identify and assess the vulnerability, considering whether it may have contributed to apparently suspicious behaviour
- explain in clear and simple terms why they need to search the person and what they are searching for
- if unsure that the person understands what is being proposed, talk to them and check that they do
- consider seeking the assistance of an appropriate person
- take the vulnerability into account when considering proportionality and necessity of the measures to be taken

## Children

In all encounters with children and young people under 18, it is important for the officer to remember that a child should be treated as a child first and foremost, even if they are known to the police or appear older. If that child or young person is putting themselves in a situation where they may be at risk of harm, then that should be the officer's priority.

Consideration should be given to the safety and welfare of any child stopped, in accordance with [section 11](#) of the Children Act 2004. Force safeguarding policies should be followed. If any risks or

concerns are identified, officers should seek immediate guidance from a supervisor and consider making a safeguarding referral. This includes where a young person is stopped multiple times and nothing is found, so no criminal justice route is being taken.

In an emergency, where there is reasonable cause to believe that a child would otherwise be likely to suffer significant harm, consideration should be given to using police protection powers under [section 46](#) of the Children Act 1989.

Relevant factors or enquiries that may identify cause for concern include:

- the time of the stop – for example, if they are out during school hours or it is very late at night
- whether there is someone with them who may be exerting pressure to commit crime or otherwise exploit them
- signs of vulnerability, such as physical signs of neglect, difficulty in communicating, bravado or insolence used to disguise undue alarm or actual fear
- if the child is looked after or missing from home

If a person who has been stopped is identified as being, or believed to be, under 18, officers should, without compromising their own or others' safety:

- adopt a manner appropriate to the child's age (for example, non-threatening stance and mild tone of voice)
- not make assumptions about literacy or numeracy – use straightforward language and read out key parts of the stop and search form
- not lose sight of the fact that although children and teenagers can be confrontational, those under 18 are still children and it is the responsibility of the officer to defuse the situation
- identify, if possible, a responsible adult who can assist
- remember that a young person who is treated fairly and respectfully may become more cooperative during the encounter and in the future

Where a search exposing intimate parts of the body is to be conducted on a child or young person, [paragraph 11](#) of Code C, Annex A requires that an appropriate adult must be present unless there is a risk of serious harm to the person or someone else. Unless an appropriate adult is available at another safe and controlled location out of public view – for example, the child's home – such a search may, in practice, need to be conducted at a police station.

Children under 10 should only be stopped and searched in exceptional circumstances. Where it is necessary to do so, regardless of the extent of search, every effort should be made for the search to be conducted in a child-friendly location in the presence of an appropriate adult. This could mean taking the child to their home to be searched in the presence of their parent or guardian. Where this is not operationally possible, the search should as a minimum take place in a safe and controlled area, a police station being preferable to the street or in a police vehicle.

Although children under 10 are below the age of criminal responsibility, their presence in circumstances where it is necessary to stop and search them in itself gives serious cause for concern. In its 2014 [inquiry report](#), the All Party Parliamentary Group for Children recommended that a copy of the stop and search form relating to any child under 10 be forwarded to the force's child protection team for onward referral to children's services where appropriate (Recommendation 15).

Children and young people should be given information about how to give feedback or make a complaint about their experience of being stopped and searched. This should be in a format appropriate to their age and forces may wish to consider developing their standard information leaflet with children in mind to avoid duplication.

## Respond appropriately to dissatisfaction

If a complaint is made or likely to be made, the officer should:

- try to resolve the person's concerns and minimise their dissatisfaction
- comply with any relevant force policies
- give the person information about how they can make a complaint
- notify their supervisor at the earliest opportunity

Information on how to make a complaint should be in a format that is understandable to children as well as adults. Literacy should not be assumed and key details should be provided orally as well as in writing. The process for complaints should be clear and easily accessible.

## Tags

Stop and search