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Stop and Search

This Service Instruction outlines Police Service of Northern Ireland specific stop and search guidance, in support of that provided in Authorised Professional Practice stop and the relevant codes of practice.



Table of Contents

1. Introduction.....	3
2. Aims	3
3. Fair and Effective Stop and Search	3
4. Powers of Search	4
5. Recording.....	6
6. Supervision and Monitoring	7
7. Children and Young People.....	7
8. Gender of searching officer.....	8
9. Transgender	9
10. Accountability	9
11. Human Rights.....	9
Appendix A Flowchart Process.....	10
Appendix B Contact Us	12

1. Introduction

The Police Service of Northern Ireland (PSNI) has adopted [Authorised Professional Practice \(APP\) stop and search](#), which provides the systematic procedures and appropriate detection techniques. The PSNI stop and search policy is governed by '[Service Policy 1316 Police Search](#)'

Personnel involved in stop and search should, where applicable:

- Substitute England and Wales specific legislation (contained in APP) with the relevant Northern Ireland (NI) version; and
- Take cognisance of the following PSNI specific guidance.
- Take note that ports officer's examinations and searches under Schedule 7 to the Terrorism Act 2000 are not governed by this instruction (Please refer to [Examining Officers and Review Officers under Schedule 7 to the Terrorism Act 2000](#) for guidance in relation to Schedule 7 to the Terrorism Act 2000).

2. Aims

The aim of this instruction is to ensure that officers keep people safe whilst complying with the law, by exercising their powers to stop and search members of the public fairly, responsibly, without unlawful discrimination and with respect and dignity, whilst showing - We Care, We Listen, We Act.

3. Fair and Effective Stop and Search

Stop and search is a police power which, when used fairly and effectively can play an important role in the prevention and detection of crime. Officers should note that the primary purpose of stop and search powers is to enable us to allay or confirm suspicions about individuals without exercising powers of arrest. Using stop and search powers fairly makes them more effective.

Whilst carrying out stop and search, police officers will act in accordance with the:

- [Police and Criminal Evidence \(Northern Ireland\) Order 1989](#)

- [Justice and Security \(Northern Ireland\) Act 2007](#) and [Codes of Practise](#)
- [Terrorism Act 2000](#) and [Codes of Practice](#);
- [Misuse of Drugs Act 1971](#); and
- [PSNI Code of Ethics](#).

The College of Policing has developed a definition of [fair and effective](#) stop and search in collaboration with police practitioners, force senior officers and the National Police Chiefs' Council (NPCC) lead for stop and search.

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 that s/he will find a prohibited article or item for use in crime;

- The person understands why they have been searched and feels they have been treated with respect; and
- The search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item.

Four core elements underpin this definition:

- The decision to stop and search a person must be fair;
- The search must be legal in basis and in application;
- Interaction with the public during the encounter must be professional; and
- Police use of stop and search powers must be transparent and accountable.

4. Powers of Search

Powers requiring Reasonable Grounds for Suspicion

Most stop and search powers e.g. Misuse of Drugs Act/PACE 3-5 require an officer to have reasonable grounds for suspicion.

This is defined in [PACE Code A](#) which should be consulted for further information.

Officers must understand this definition and know how to apply it in practice, as this will decide whether a stop and search is lawful.

A summary of the main stop and search powers can be found at [Annex A](#) of the PACE Code of Practice.

All officers conducting stop and search must work through the process of PD GOWISE. The information must be provided to the subject before a stop and search takes place, and must be recorded on Body Worn Video:

- **P**ower used;
- **D**etained for purpose of search;
- **G**rounds;
- **O**bject of the search;
- **W**arrant card if not in uniform;
- **I**dentification;
- **S**tation attached to; and
- **E**ntitlement to a copy of the record.

Powers which do not require reasonable grounds for suspicion

There are occasions when officers carry out stop and search using legislation which does not require reasonable grounds for suspicion. These are likely to be counter terrorism powers under the Justice and Security (Northern Ireland) Act 2007 and the Terrorism Act 2000. Links to the relevant Codes of Practice are available above.

Whilst reasonable grounds are not required when carrying out certain searches under the Justice and Security (NI) Act 2007, appropriate authorisations from senior police must be in place.

In addition to this authorisation there must also be a lawful basis to carry out the search. This basis must be recorded by the searching officer or officer completing the form PACE 1/TA. The Origin application allows for the selection of briefing, incident, subject’s behaviour and subject’s location as the basis of the search. In addition to selecting the basis from the drop down list, officers must also record a short narrative regarding the basis selected. This should be a short rationale as to why that person has been stopped. Officers should be aware that to not fully

record this basis, could lead to a breach of the search subject/s right to privacy under Article 8 ECHR.

In cases where the search is of a child who accompanies the principal subject of the search (i.e. is not the target of the search but happens to be present in the vehicle or at the scene), the officer must record the reason why they decided that it was necessary and proportionate to conduct the search of the child, in addition to the search of the adult subject(s).

5. Recording

Body Worn Video

All stop and search encounters must be recorded on body worn video when such a device is worn by the searching officer. Any reason for not recording will be captured on the PACE1/TA and in the officers Police issue notebook.

The use of body worn video cameras help to reassure the public that their interactions with the PSNI are recorded. The technology offers greater transparency for those in front of the camera as well as those behind it. Body worn video allows us to gather evidence and demonstrate our professionalism during stop and search.

PACE 1/TA

On all occasions where a stop and search of a person or vehicle is carried out, a form PACE 1/TA will be completed electronically via the Origin application, which is available on the officers' mobile data device.

The officer completing the form must record the date along with the stop and search reference number on the search information card. This must be offered to the person searched and will be used as follows:

- Where any person or persons' vehicle is stopped and searched.
(NB: If the person is in the vehicle and both are searched, and if the object and the grounds for the search are the same, then only one record is required).
- Where unattended vehicles are searched (a record should be left on the windscreen for example).

Where a technical issue prevents an officer from recording a stop and search onto a mobile data device, then the details must be recorded in the officers police issue notebook for transfer when the technical issue has been resolved. In such circumstances the person searched must still be issued with a search information

card with sufficient information to enable details of the stop and search to be retrieved if required at a later date.

The outcome of a stop and search must always be recorded on the PACE1/TA.

6. Supervision and Monitoring

The monitoring of the use of stop and search powers by individual officers will ensure they are being applied appropriately, lawfully and fairly.

Supervisors are required to conduct dip sampling of all stop and search carried out by officers under their supervision.

Particular attention to the grounds of the search will assess whether the search was fair and effective. Supervisors should take timely and appropriate action to deal with any improper use of powers, such as performance or misconduct procedures.

When monitoring the use of stop and search, supervisors should be mindful of the proportionality in respect of community background and ethnic minority groupings, to ensure that powers are used fairly and appropriately at all times.

In relation to use of stop and search powers under the Justice and Security

(Northern Ireland) Act 2007 and the Terrorism Act 2000, in areas where use of said powers is high, supervisors should ensure that particular attention is given to the lawfulness and appropriateness of any search activity. When carrying out dip sampling in relation to searches using powers under the Justice and Security Act, supervisors should ensure that the basis of the search is recorded.

The outcome of all dip sampling of search records must be recorded electronically for audit purposes.

7. Children and Young People

Officers have the power to stop and search persons of any age. Those under the age of 18 should be considered vulnerable due to age and their safety and welfare should be paramount during any encounter.

Where officers consider it necessary to conduct a stop and search on a child or young person, the grounds for the search must be clearly communicated in simple and easy to understand language, the use of technical or legal language should be avoided unless required by law.

Any decision taken to stop and search a child must be in the best interests of that child, taking into consideration that exploitation of the child may be a factor in the case.

In the circumstances whereby an individual refuses to provide their date of birth to a searching officer, and it appears to the officer that the individual may be under 18, the officer should treat the individual as an under 18 and treat as vulnerable due to their age, and prioritise that individuals safety and welfare during the stop and search.

Officers should be aware that not all children of the same age will have the same level of understanding and should allow time for the child or young person to ask questions before a search begins, whilst the search is ongoing and upon conclusion of the search. Every effort should be made to ensure that the rights of the child are upheld during any stop and search encounter. Officers must take care not to discriminate unlawfully against any children or young people on the grounds of religious belief or political opinion, racial group, age, sexual orientation, gender or disability.

Information cards should be provided to the child/children subject to the search. This will facilitate any request for a copy of the PACE 1/TA search record. It may be appropriate to read or explain the content of the information card to the child, particularly if it is known that the child or young person has a learning or literacy difficulty. If it appears obvious to the searching officer, but not disclosed by the child or young person, that they have a learning or literacy difficulty, then the officer should treat that child or young person as if they have a learning or literacy difficulty. Consideration can be taken by the searching officer to contact an appropriate adult if required.

Further information on considerations when dealing with children can be found at [UNICEF](#).

8. Gender of searching officer

Searches and other procedures may only be carried out by, or in the presence of, persons of the same sex as the person subject to the search or procedure.

A police officer who has been granted a Gender Recognition Certificate will be able to stop and search an individual of the

same gender without any reference being made to the fact that their gender identity differs from the sex they were assigned at birth.

9. Transgender

Sensitivity must be shown when conducting searches of transgender individuals to minimise any embarrassment, avoid discrimination and promote equality. If any doubts exist as to the gender of the individual subject to the search, they should be asked which gender they wish to be treated and for any other information the searching officer deems relevant to carry out the search professionally and appropriately for those circumstances. Guidance on the searching of transgender individuals can be found in [Code of Practice C – Annex L](#).

10. Accountability

Stop and search is scrutinised internally by District and Departmental supervision checks, assurance reviews and quarterly governance meetings chaired at ACC level.

Externally, stop and search is scrutinised by the Northern Ireland Policing Board,

Independent Reviewer of the Justice and Security (NI) Act 2007 and Independent Reviewer of the Terrorism Act 2000. The Police Ombudsman for Northern Ireland may investigate complaints made by members of public in relation to stop and search.

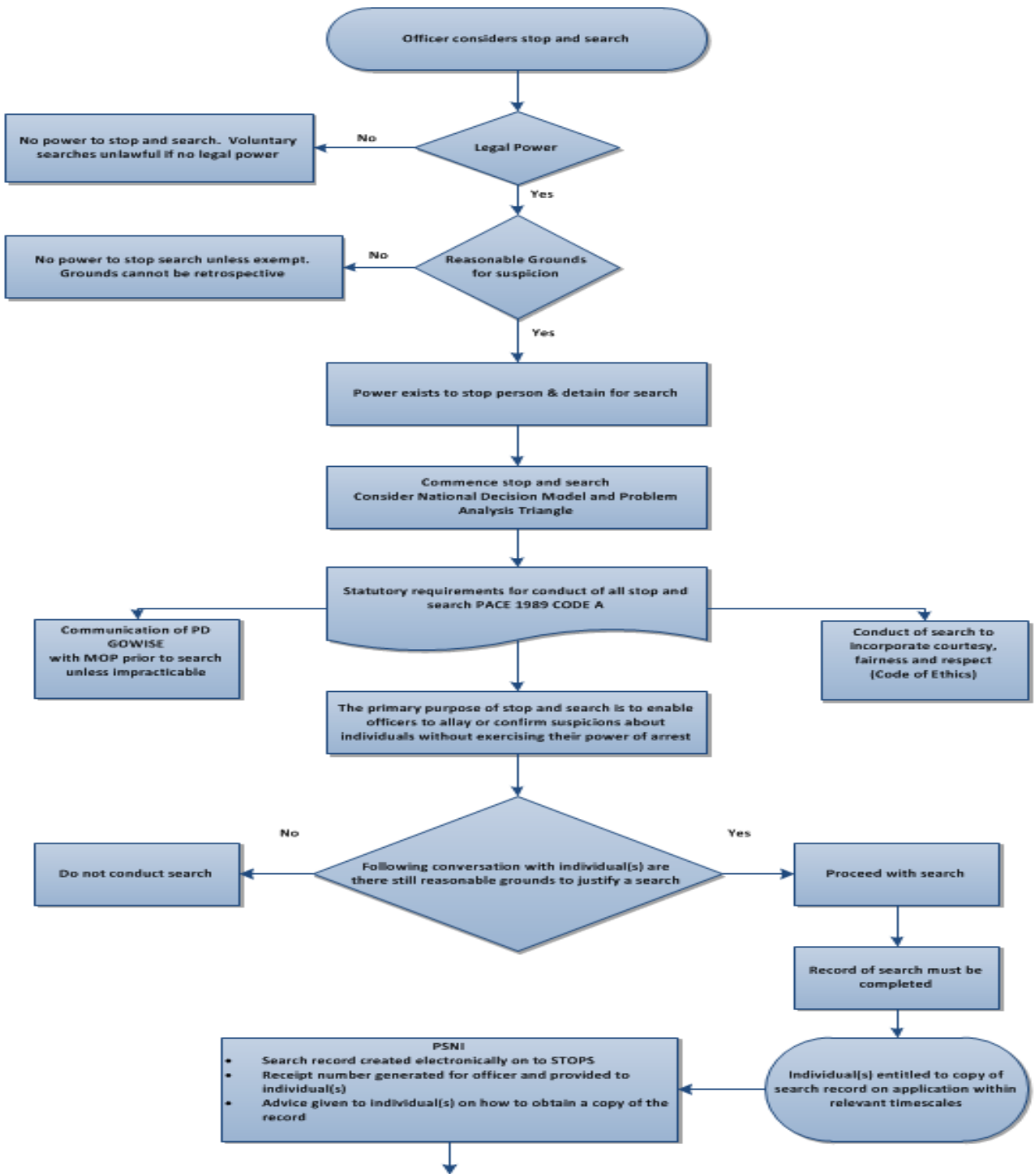
11. Human Rights

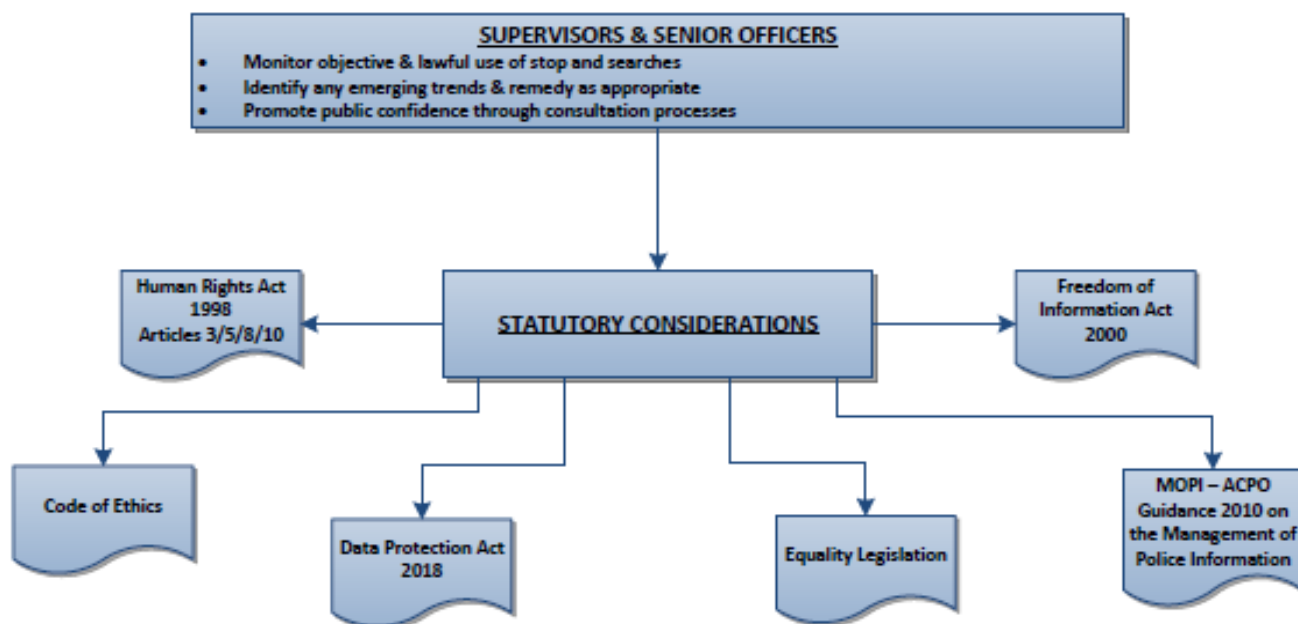
Officers should be mindful that the following articles of the [Human Rights Act 1998](#) could be engaged during stop and search:

- Article 3 – Prohibition of torture and inhumane treatment.
- Article 5 – Right to liberty
- Article 8 – Right to respect for private life
- Article 14 – Prohibition on discrimination

Police Officers must ensure that use of any stop and search power is proportionate, justified and in accordance with the relevant Code of Practice. Officers must be mindful that their conduct during stop and search can impact on the persons perception of the Police Service.

Appendix A Flowchart Process





Appendix B Contact Us

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