

SOPPP'S OBERVATIONS ON OFFICERS SEEKING PERSONAL INFORMATION AT A STOP AND SEARCH

1. **16/12/20:** The issue of requests for personal details & often ID at a Stop Search (S&S) was raised with A&S.

2. **20/12/20** Avon and Somerset Constabulary (A&S) replied:

- Explaining the benefits of asking for this information.
- Agreeing that people should know they are not required to provide their name etc.
- Confirming that APP states 'Code A does not require a person searched to give their name, date of birth, address or any other contact details. Officers must take care not to create an impression that the person is obliged to do so'.

3. **04/02/21 Independent Scrutiny Group meeting**

SOPPP raised this issue and the ISG asked for evidence that officers do create an impression that a person is obliged to provide personal information. It was noted that this issue would be brought back to the ISG.

4. **April 2021 SOPPP scrutinised 29 Stop & Search cases**

For each of the above cases, the following question was asked:

Did the officer ask for personal information prior to or during the search? If so, did she/he create the impression that the individual was obliged to do so?

Of the 29 S&S cases:

- 8 started as a vehicle stop
- 7 had no or incomplete BWV
- 4 had a positive outcome
- 24 showed personal information being taken before, during or after the search
- 10 PNC checks were made
- In 2 cases, telephones were seized and scrutinised
- In 1 case, the officer accepted the person's refusal to provide personal information.

After excluding the 8 RTA stops, personal information was taken in 16 cases out of 21 (76%).

5. **A&S's replies to the above cases were as follows:**

- IMEI (International mobile equipment identity) is helpful in terms of intelligence. The process by which they are obtained during S&S is currently under review to ensure A&S is complying with ECHR obligations.
- A&S notes the Panel's feedback with thanks. Regarding the observation about asking the detainee for ID, persons detained for S&S do not have to provide their name and address either verbally or by other means. This will be reiterated to officers in the Constabulary's next quarterly S&S bulletin (Summer 2021)
- Further work is being done around the requesting of personal details during a S&S and has been included in internal scrutiny work going forward.
- As regards requesting personal details and checking against the police national computer, this is common practice in general policing, not just limited to S&S. The internal scrutiny team are including the request for personal details in their review work, to ensure that people are aware that they are under no obligation to provide the information, although it does not prohibit the request being made, if done in the correct manner.

6. **12/05/2021 ISG meeting**

This issue was discussed, resulting in Action 52, 'RC, VHM and PW to review the impression that personal information is obligatory to provide'.

7. **22/07/2021**

In VHM's reply to SOPPP, she wrote that, 'We have covered the position around asking for personal information and provided an explanation to the Panel during earlier internal panel meetings.'

8. **SOPPP'S position**

We are grateful for the information already provided, but to conclude this matter it would be helpful to:

- Understand A&S's training/guidance to officers about requests for personal information at an S&S.
- Receive an explanation of what steps officers should take to avoid creating the impression that someone stopped is obliged to provide their personal information.
- Receive an explanation of the officer's powers to confiscate mobile phones and to obtain the IMEI details during an S&S.

17/8/2021 Superintendent Wigginton's emailed reply:

Dear David

Thank you for the email.

Having reviewed the various communications, I think the query you refer to relates to:

We are grateful for the information already provided, but to conclude this matter it would be helpful to:

- Understand A&S's training/guidance to officers about requests for personal information at an S&S.
- Receive an explanation of what steps officers should take to avoid creating the impression that someone stopped is obliged to provide their personal information.

These 2 x points are clearly linked. I think that Vicky has referenced this, however, I know this was subject to quite a bit of conversation previously. This was an area covered in training previously delivered to all officers regarding Stop Search, however, there isn't a specific script or mandated steps as such for officers to follow in relation to this.

As we discussed previously, this is not a straight forward area and each case will be dependent on the circumstances, albeit I note from the previous panel feedback a number of cases where the panel identify an issue. It will often be the right thing to do for an officer to ask for the persons details - I think we explored these previously around effective Policing, discounting the need for stop search on occasions through conversation, accurate data recording and so on. Clearly in relation to a standard stop search, if a person does not wish to provide their details an officer should not suggest or imply that this is mandatory.

Due to this and due to the panel raising this as a common theme, this has also been a focus for Vicky's stop search focus team in their internal scrutiny - this has resulted in development and feedback for officers. It continues to be a focus for this team.

Please let me know if there are further queries or whether you wish to discuss further before the meeting.

Many thanks.