

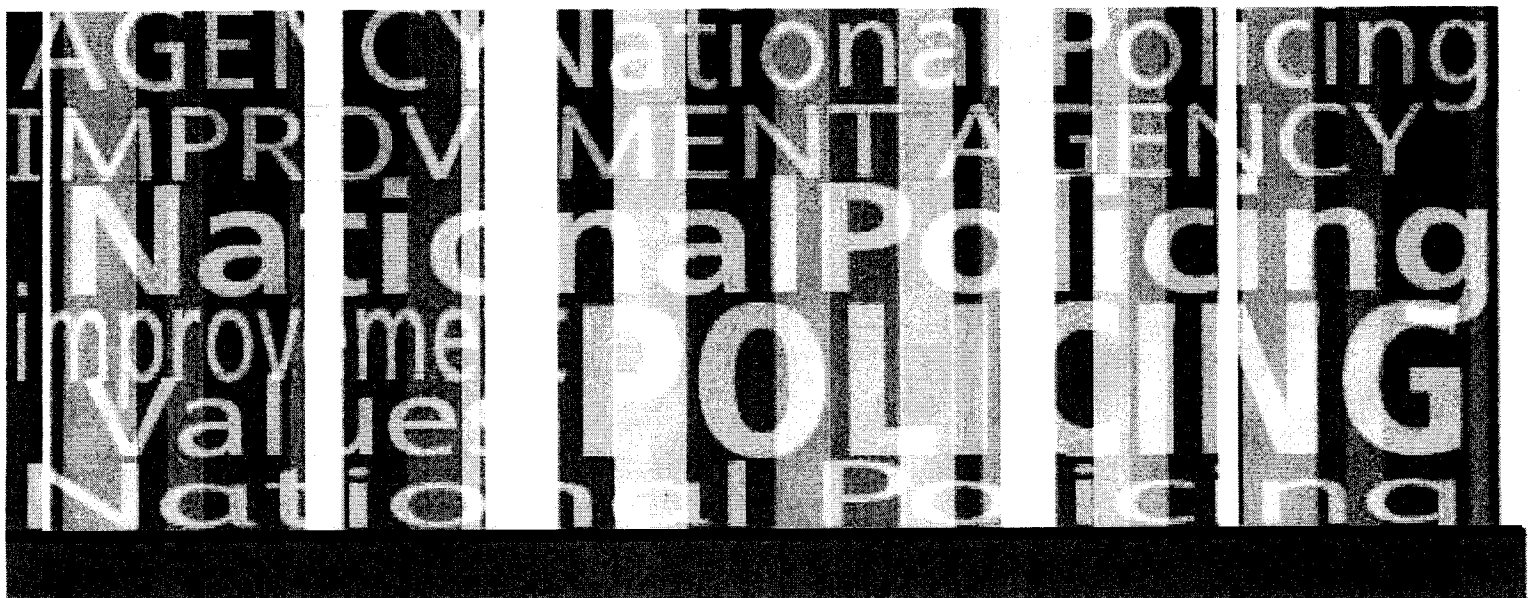


LPG1.2.04

Stop and Account

Student Notes

Version 1.0



The NPIA is operating as the Central Authority Executive Services for the design and implementation of the Initial Police Learning and Development Programme (IPLDP), Wider Policing Family (WPF) learning and development programmes, associated products and services.

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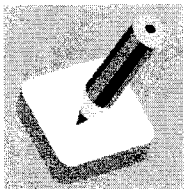
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Learning Outcomes

When you have successfully completed these student notes, you will be able to explain and demonstrate your knowledge in relation to:

- Recording of encounters not governed by statutory powers (Stop and Account)

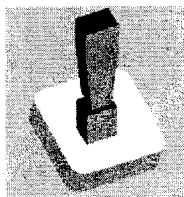
Key to Graphics



The pencil indicates an exercise or knowledge check for you to complete.



The microscope tells you when there is a topic that may require a closer look or further research or reading.



The exclamation mark highlights an area that you need to pay close attention to.

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Introduction

These notes will look at the recording of encounters not governed by statutory powers, often referred to as 'stop and account'. This should not be confused with powers to stop and search, although the two areas can be closely linked and at times a stop and account may lead to a stop and search.

Stop and Search is dealt with in full in LPG1_2_02 Section 1 PACE 1984 student notes. The power is only applicable to police officers, but it is worth taking a brief look here at the background that shaped this power which also led to the introduction of recording public encounters under stop and account which is applicable to both police and PCSO staff.

Powers to stop and search originated in the 1830s when they were given to the police of London and some other forces. These powers were not used effectively and by the early 1980s there were increasing calls for their reform. Matters came to a head in 1981. In that year, the Metropolitan Police ran an operation in Brixton called 'Swamp 81'. 'Swamp 81' was in response to an increase in reported street robbery and stop and search powers were used as a major tool. The use of stop and search powers impacted disproportionately on young black men and this was a contributory factor in the riots that followed.

Later that year an inquiry under Lord Scarman investigated the causes of the riots. Many complex issues were highlighted, but loss of trust and confidence in the police and policing methods, in particular stop and search, were identified as important factors. It was recommended that the various stop and search powers be scrapped and replaced with a single power for the whole country. This later emerged as the power we have now - Sections 1 to 3 of

the Police and Criminal Evidence Act (PACE) 1984.

The events following the death of Stephen Lawrence again put relationships between the police and minority communities in the spotlight. The Stephen Lawrence Inquiry was set up with the main task of examining the circumstances surrounding Stephen's death and the subsequent police investigation. It was also given a wider brief to identify lessons to be learned for the investigation and prosecution of racially motivated crimes.

Stephen Lawrence Inquiry Report

The resulting report was called the Stephen Lawrence Inquiry Report and it highlighted stops and searches as a significant source of friction between the police and, particularly, young black people. The Government has largely accepted the resulting recommendations from the Stephen Lawrence Inquiry which lead to Code A of the PACE Codes of Practice being amended. For more information on the Stephen Lawrence Inquiry you may wish to revisit IND01 – 'Underpinning Ethics, Values of the Police Service' student notes.

Recommendation 61 and stop and account

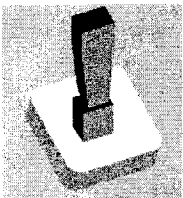
One of the ways in which the police service can build trust and confidence in the public that we serve is to be transparent and accountable in our policing methods. The recording of public encounters arises from Recommendation 61 of the Stephen Lawrence Inquiry Report and meets the concerns arising from public encounters between the police and public for which there was previously no recording requirement. By ensuring that a record is made of certain encounters with members of the public, trends can be monitored more accurately and any misuse of police powers that are being exercised on the grounds of stereotyped images or inappropriate generalisations can be identified quickly.

Recording of Encounters not Governed by Statutory Powers

When you are trying to discover whether, or by whom an offence has been committed, you can talk to and question anyone who may be able to offer useful information (subject to certain restrictions in Code C PACE Code of Practice 1984).

Nothing in the Codes of Practice affects your freedom to speak to or question a person in the ordinary course of your daily police duties. All citizens have a duty to help the police to prevent crime and discover offenders, but this is a civic duty rather than a legal one.

A person's unwillingness to reply doesn't alter this entitlement for you to ask questions, nor do they commit an offence if they decide to not answer your questions. However, in some situations, a record must be made that the encounter has taken place and why such questions were asked.



**The encounter
must be in a
public place**

What is an encounter that must be recorded?

When an officer requests a person in a public place to account for certain things, a record of the encounter must be completed at the time and given to the person who has been questioned. This requirement does not apply to general conversations such as when you give someone directions to a place, or when you are seeking witnesses. Similarly, it doesn't include occasions when you are seeking general information or questioning people to establish the background to incidents that have required you or another officer to intervene to keep the peace or resolve a dispute.

The encounter must be in a public place and you must be asking the

person to account for one or more of the following:

What a person is being asked to account for

- their actions
- behaviour
- presence in an area, or
- possession of anything.

As you can see, this is beyond a 'general conversation' because it is focused to asking the person to explain or justify one of the above four areas.

An encounter is beyond a general conversation

The encounter could happen quite casually and informally, but it is the nature of your questions that determine if the encounter is a recordable one, together with it taking place in a public place. For example, you see a person in the street late at night that you do not recognise as being local to the area. You approach them and start chatting, during which you ask the person what they are doing in that particular area.

Now you have asked them to give you an account of themselves as to why they are in that location. They do not commit any offence if they choose not to answer your questions, or give you an answer that is clearly not a believable one, but you must now record the encounter and comply with the requirements of Code A PACE Codes of Practice 1984.

Recording the encounter

When you request a person in a public place to account for themselves, a record of the encounter must be completed at the time

and a copy given to the person who has been questioned unless there are exceptional circumstances that would make this wholly impracticable. This would be in situations of public disorder or when your presence is urgently required elsewhere.

If a record is not made at the time, you must do so as soon as practicable afterwards. There may be situations where it is not practicable to obtain the information necessary to complete a record, but you should make every effort to do so.

Each force will have their own form for recording encounters; you should familiarise yourself with it as soon as you are able.

Occasions when a record is not required

There are certain times when you can ask a person to account for their actions, behaviour, presence in an area, or possession of something and not be required to record the encounter on the appropriate form. These situations are:

- when stopping a person in a vehicle, a separate record does not need to be completed when a HORT/1 form, a Vehicle Defect Rectification Scheme notice, or a Fixed Penalty ticket are issued,
- when a specimen of breath is required under Section 6 of the Road Traffic Act 1988 and
- when issuing a penalty notice for an offence.

In each of the above situations, a traffic related form will be completed as a result of that encounter (a form is completed when a breath test is administered irrespective of the result of the test),

therefore a record exists of the interaction. If a person complained that they were being stopped more times than they felt was reasonable, this information is retrievable from the records that will have been completed and therefore no additional record is required.

Information that must be recorded

The following information must be included in the record:

- the date, time and place of the encounter
- if the person is in a vehicle, the registration number
- the reason why the officer questioned that person
- a note of the person's self-defined ethnic background, and
- the outcome of the encounter.

Self-defined ethnic background

Code A details the procedure for monitoring the ethnicity of people who are the subject of a stop and search or stop and account by using the '16+1' system of self defined ethnic background. This is to provide more accurate statistics as to stop and search activities and make the results compatible with the 2001 census categories. The person should be asked to select one of the five main categories representing broad ethnic groups and then a more specific cultural background from within this group.

The ethnic classification should be coded for recording purposes using the coding system outlined next to this column on your form. An additional 'not stated' box is available but should not be offered to the person explicitly.

You should be aware and explain to members of the public, especially

16+1 system

**The 'not stated
box'**

where concerns are raised, that this information is required to obtain a true picture of stop and account activity and to help improve ethnic monitoring, tackle discriminatory practice, and promote effective use of the powers.

**Incorrect
answers**

If the person gives what appears to you to be an 'incorrect' answer, you should record the response that has been given, but also record your own perception of the ethnic background of every person stopped and this must be done by using the PNC/Phoenix classification system shown below. If the 'not stated' category is used, the reason for this must be recorded on the form.

**PNC Phoenix
classification
system****White W**

White – British W1

White – Irish W2

Any other White background W9

Mixed M

White and Black Caribbean M1

White and Black African M2

White and Asian M3

Any other Mixed background M9

Asian A

Asian – Indian A1

Asian – Pakistani A2

Asian – Bangladeshi A3

Any other Asian background A9

Black B

Black – Caribbean B1

Black – African B2

Any other Black background B9

Other O

Chinese O1

Any other O9

Not Stated NS

There is no power to require the person questioned to provide personal details. If a person refuses to give their self-defined ethnic background, a form must still be completed, which includes a description of the person's ethnic background.

If the person requests a record the officer should provide one

A record of an encounter must always be made when all the previously mentioned criteria has been met. If you consider that the criteria have **not** been met and have decided that you do not need to complete a record but the person requests a record, you should still provide them with a copy but record on the form that the encounter did not meet the criteria. For example, you may simply have been asking a person for general information that does not fall within the criteria of asking them to account for their actions, behaviour, presence in an area or possession of anything.

However, you can refuse to issue the form if you reasonably believe that the purpose of the request is deliberately aimed at frustrating or delaying legitimate police activity. For example, where someone engages in conversation with you but you did not initiate or engage in contact about the person's individual circumstances.

Data from completed stop and account records is collated at both a force and national level. Analysis will provide data with possible explanations for any discrepancies or disproportionality, for example, single incidents or circumstances that have led to unusual levels of officers conducting stop and accounts. This level of accountability and transparency within the police service will assist with public confidence at both a force and national level. If you complete incorrect information or fail to complete a search record at all, you

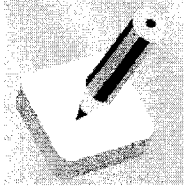
could adversely affect public perception of the police service in relation to accountability and transparency.

Information to be given to the person

You must inform the person of their entitlement to a copy of a record of the encounter, including their entitlement to a record of the encounter if an application is made within 12 months if it is wholly impracticable to make a record at the time.

You should also give the person information about police powers to conduct a stop and account and the individual's rights in these circumstances. Some forces print this on the form itself so that all you need to do is draw their attention to the information.

There may be times when a stop and account develops into something else. For the police officer it may be that as a result of questions asked they now have reasonable grounds to suspect an offence leading to the officer conducting a stop search or possibly even making an arrest. Similarly, a PCSO may find themselves using their designated powers to deal with an offence that has come to light, request a person's name and address or even detain the person. You must always stay alert to the fact that circumstances may change during any interaction.



Knowledge Check

1. For the purpose of recording encounters not governed by statutory powers, the encounter must take place in a public place. What must the officer be asking the person to account for to make it an encounter that must be recorded?

2. You speak to the driver of a vehicle and conduct a PNC check. No offences are disclosed and you do not need to detain the driver. Is this a stop and account that needs to be recorded?

Yes No

3. Give two examples of **exceptional circumstances** when it is accepted that it would be impracticable to make a written record of a stop and account at the time.

4. When stopping a person in a vehicle a separate record does not need to be completed when a HORT/1 is issued. Give two other examples when a record is not required.

- 5. What should you do if a person refuses to give you an answer when asked for their self defined ethnic background?

- 6. If the 'not stated' category of self defined ethnic background is used on the form, what else must you record?

- 7. What information must be given to a person who has been the subject of a stop and account?

Knowledge Check Answers

1. **For the purpose of recording encounters not governed by statutory powers, the encounter must take place in a public place. What must the officer be asking the person to account for to make it an encounter that must be recorded?**

The officer must be asking the person to account for:

- their actions
- behaviour
- presence in an area, or
- possession of anything.

2. **You speak to the driver of a vehicle and conduct a PNC check. No offences are disclosed and you do not need to detain the driver. Is this a stop and account that needs to be recorded?**

No. Undertaking a PNC check in itself would not necessarily require you to ask the driver about the ownership of the car. However, if the driver is asked to account for themselves, then this would be a stop.

3. **Give two examples of exceptional circumstances when it is accepted that it would be impracticable to make a written record of a stop and account at the time.**

In situations of public order or when the officer's presence is required urgently elsewhere.

4. **When stopping a person in a vehicle a separate record does not need to be completed when a HORT/1 is issued. Give two other examples when a record is not required.**

- when a Vehicle Defect Rectification Scheme notice, or a Fixed Penalty ticket are issued, and
- when a specimen of breath is required under Section 6 of the Road Traffic Act 1988.

5. **What should you do if a person refuses to give you an answer when asked for their self defined ethnic background?**

If the person gives what appears to you to be an 'incorrect' answer, you should record the response that has been given, but also record your own perception of the ethnic background of every person stopped and this must be done by using the PNC/Phoenix classification system.

6. **If the 'not stated' category of self defined ethnic background is used on the form, what else must you record?**

The reason for using this category must be recorded on the form.

7. **What information must be given to a person who has been the subject of a stop and account?**

You must inform the person of their entitlement to a copy of a record of the encounter, including their entitlement to a record of the encounter if an application is made within 12 months if it is wholly impracticable to make a record at the

time.

Summary

Having completed this session, you should be able to determine if an encounter is one that is required to be recorded. You will be able to comply with recording requirements in line with legislation, policy and procedures and complete the required documentation.