

Reasonable Grounds – Officer Guidance



Excluding 'no grounds searches', in order to conduct stop search, the searching officer must have 'reasonable grounds for suspicion' that the subject has the property on him/her that is being sought.

This depends on the circumstances in each case. There must be an objective basis for the suspicion based on facts, behaviour, information and/or intelligence which are relevant to the likelihood of finding an article of a certain kind. Reasonable suspicion can never be supported on the basis of personal factors.

The fact that a person has a previous conviction cannot be used alone or in combination with any other factor as the reason for a search. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity.

Guidance

Known criminal or offender/PPO/known drug user/dealer

This terminology is recognised by the public as a reference to previous convictions. Not to be used as a ground or part of a ground for search as it is non-specific and, if correct, would relate to a criminal conviction and therefore falls under the provision of PACE code A as above.

Smell of drugs

The smell of drugs is insufficient in itself to provide reasonable grounds for a search and other element(s) are required in addition to this in order to meet the threshold. (This now includes trained drug dogs)

High crime area/crime or drugs hotspot

These may form part of the grounds for a search but other element(s) are required in addition to this in order to meet the threshold. What factor led to the subject being searched (as opposed to someone in the area at the same time who would not be searched).

Appeared nervous/failed to offer explanation/avoids police

These offer weak grounds and should be used only in addition to stronger, core grounds for a search. Many people will appear nervous when engaged with by police whether they are guilty of wrongdoing or not. Avoiding police will require a description of what they did.

Acting suspiciously/furtively

Needs description of what they were actually doing.

Concealed item/discarded item

Detail what the item was thought to be.

Witness or officer 'believes' (eg witness believed drug dealing taking place)

Needs description of what was actually happening.

Using stop and search alongside covert tactics

Every person searched must be informed of the 'reasonable grounds' for the search. This does not mean a search subject must be informed of **all** the information police have but the grounds provided must meet the threshold for 'reasonable grounds'. The use of covert tactics does not negate the need to do this. Officers planning operations combining stop and search elements with covert tactics should consider what searching officers will record and detail to the subject (in the same way we do with some arrests). If it is not possible to provide 'reasonable grounds' to the search subject without disclosing covert tactics then other options may need to be considered.

Searching groups of people

There must be "reasonable grounds" for each individual searched. A presumption that the grounds for one member of a group will automatically apply to others in the group should not be made. Each search must be based on the individual circumstances pertaining to it.

Example One

A witness reports she has just seen a young male wearing a red top in the next street showing a large knife to his friends. At the identified location there are three youths – one matching the description from the witness.

Based on the witness being credible and in the absence of additional factors there are reasonable grounds for a search of the male described by the witness. Without additional information the grounds to search the other two males would not amount to "reasonable grounds". This does not preclude efforts to gain additional grounds nor the use of other police powers.

Example Two

Officers approach a parked car and there is a strong smell of cannabis coming from it. On speaking to the occupants (4) the FSP states he smoked some cannabis in the vehicle earlier that evening.

In the absence of other factors there are reasonable grounds for a search of the FSP. Without additional information the grounds to search the other vehicle occupants would not amount to "reasonable grounds". This does not preclude efforts to gain additional grounds nor the use of other police powers.

Example Three

Officers approach a group of youths and one of them can be seen to have a small bag containing cannabis herb in his hand.

In the absence of other factors there are no grounds to search others in the group based on the finding of one of them in possession of a personal use quantity of an illegal substance. This does not preclude efforts to gain additional grounds nor the use of other police powers.