

OVERVIEW OF POWERS

Three powers make up those 'frequently used' for stop and search by West Midlands Police.

These are s23 of the Misuse of Drugs Act (MDA), s1 of Police and Criminal Evidence Act (PACE), and s47 of the Firearms Act.

Collectively, 98.5% of recorded stop and searches in the West Midlands invoke one of these three powers with S.60 making up 2.4% of the remaining searches. (April 2024)

POWERS FREQUENTLY USED BY WEST MIDLANDS POLICE (1st May 2023 – 30th April 2024)			
% of S&S	No. of S&S	Stop and Search Power	Description
47.7%	12,864	Section 23, Misuse of Drugs Act 1971 (MDA)	Provides that a constable may search a person suspected of being in possession of a controlled drug and detain them for the purpose of the search. They may also search any vehicle or vessel in which they suspect the drug may be found and can require the person in control of the vehicle or vessel to stop it for that purpose. This provision specifies that the person must be suspected of being in possession of the drug, not merely to have used it or been present during its use by others. With respect to a vehicle, the provision similarly requires the officer to suspect that the drug may be found in it.
48.2%	12,988	Section 1, Police and Criminal Evidence Act 1984 (PACE)	Provides police officers with the power to stop and search any person, vehicle, or anything which is in or on a person or vehicle, for stolen or prohibited articles, points and blades, or fireworks. Prohibited articles include offensive weapons and articles with which a person is going equipped to steal or cause criminal damage.
2.6%	700	Section 47, Firearms Act 1968	If a constable has reasonable cause to suspect a person of having a firearm with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the constable may search that person and may detain him for the purpose of doing so. With the same suspicion the constable can stop and search a vehicle.

POWERS RARELY USED BY WEST MIDLANDS POLICE (1st January 2022 – 19th December 2022)

% of S&S	No. of S&S	Stop and Search Power	Description
0.02%	5	Section 43, Terrorism Act 2006	A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist. The same applies to stopping and searching vehicles.
2.4%	179	Section 60, Criminal Justice and Public Order Act 1994 (CJPO)	<p>In WMP we understand the concerns associated with S.60 and it's use so while we still allow for Inspectors to authorise dynamic S.60 for 24 hours, It must as soon as practicable be raised for sign off to Assistant Chief Constable (ACC).</p> <p>If a police officer of or above the rank of inspector reasonably believes—</p> <ul style="list-style-type: none"> a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence, b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason, <p>This power applies to a specific geography for a specific amount of time, during which police officers can stop and search people without needing to evidence reasonable cause or suspicion.</p>
0.77%	208	Section 36, The Psychoactive Substances Act 2016 (PSA)	Creates a power to stop and detain a person for the purpose of search where a police officer has reasonable grounds to suspect that the person has committed, or is likely to commit, a PSA offence. As simple possession is not a PSA offence, there is no power to search for simple possession.