

**PROPOSAL FOR THE INTRODUCTION OF A VICTORIA POLICE
STOP AND SEARCH RECEIPTING POLICY**

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PREPARED BY:

ARNOLD BLOCH LEIBLER

FLEMINGTON & KENSINGTON COMMUNITY LEGAL CENTRE



MELBOURNE
SYDNEY



PROPOSAL FOR THE INTRODUCTION OF A VICTORIA POLICE STOP AND SEARCH RECEIPTING POLICY

A new policy is proposed that would require officers of Victoria Police to complete a form and issue a receipt every time they stop, or stop and search, someone. The proposed policy is a response to community perceptions that members of some racial or ethnic communities within Victoria are stopped and searched by police officers more often than members of the anglo-saxon community within Victoria.

The policy would create greater transparency as to the use of stop and search powers, by creating concrete data about every police stop and search in Victoria. The results of the policy would show either that the perceptions of racially-motivated policing are unfounded, or that those perceptions are accurate. If there is, in fact, a problem with any members of Victoria Police using stop and search powers in a discriminatory manner, the proposed policy would bring greater accountability to the use of those powers. It would also provide a firm factual basis for the introduction of policies to remedy such discrimination.

Greater transparency and accountability in the use of police powers is beneficial to society's level of confidence in policing as well as the rule of law.

Part One of this proposal explains what the policy means for you, members of the Victorian public.

Part Two sets out briefly the rationale for the policy.

Part Three places the policy in an international context.

Annexure 1 is the form that the policy would require police officers to complete immediately upon conducting a stop and search. This would also become the receipt given to the person.

Annexure 2 sets out the proposed amendments to Victoria Police Guidelines relating to searches, so as to require the receipting policy to be implemented.

Annexure 3 contains the policy of the Metropolitan Police Service in London in relation to receipts for stops and searches.

Annexure 4 is a copy of UF-250, the form completed by police officers in New York City after conducting a stop and search.

PART ONE – WHAT DOES IT MEAN FOR YOU?

What is a stop and search?

- 1 The police have the legal right to stop members of the public and search them in certain circumstances.
- 2 The police can stop you and ask for your name:
 - (a) if they believe on reasonable grounds you have committed or are about to commit an offence; or
 - (b) if they believe on reasonable grounds you may be able to assist in the investigation of a serious offence.
- 3 The police can stop and search you:
 - (a) if they suspect on reasonable grounds that you're carrying a weapon, drugs, a graffiti implement, or you are under 18 and they suspect you are carrying volatile substances; or
 - (b) if you are in a designated search area; or
 - (c) if you are under arrest; or
 - (d) as part of anti-terrorism laws.

Who can stop and search you and why?

- 4 Only a police officer can stop and then go on to search you, your clothes and anything you are carrying.
- 5 The grounds the police officer has for stopping you must be based on facts, information or intelligence relevant to crime prevention or detection or law enforcement.
- 6 You should not be stopped just because of your age, race, ethnic background, nationality, faith, the language you speak or because you have committed a crime in the past.
- 7 Under the policy, the police officer must explain why you are being stopped or stopped and searched.

The proposed Victoria Police Stop and Search Receipting Policy

- 8 The Victoria Police Stop and Search Receipting Policy would require all members of Victoria Police who conduct a stop or a warrantless search on a person to complete a form like form VP19C, which is Annexure 1 below.
- 9 The VP19C form would contain at least the following details:
- (a) details of the officer stopping or searching the person;
 - (b) time and location of stop or search;
 - (c) reason for the stop or search and why the person was selected for the stop or search;
 - (d) outcome of the stop or search;
 - (e) ethnicity of the person stopped (either self-defined or based on the officer's perception);
 - (f) name (if provided) of the stopped or searched person;
 - (g) the ethnicity of the person stopped or searched (you are under no obligation to state your ethnicity and if you don't, the officer will guess);
 - (h) for a vehicle stop and search (see below), the vehicle registration number; and
 - (i) what the officer was looking for and what, if anything, was found.
- 10 The officer conducting the stop or stop and search would be required to provide a copy of the VP19C form to the person stopped (this is referred to below as a 'receipt').

Occasions when receipt not required

- 11 There are occasions when a person might talk to police, which would not qualify as either a 'stop' or 'stop and search' that would require completion of a VP19C form. Under the proposed policy, a person would not be treated as 'stopped' if, for example:
- (a) they stop an officer to ask for directions or information; or
 - (b) they interact with a police officer at a community function where the police are not engaged in law enforcement activities.

In cases such as those, the person has not been stopped for the purposes described in this policy, a record of the encounter would not be made and the person would not be given a receipt. However, if the person felt they had been stopped, they could insist on the officer recording the encounter and giving a receipt.

Vehicle stops

- 12 A vehicle can be stopped at any time and the driver can be asked to show driving documents, such as a drivers licence. Under the policy, if the process ended there, this would be considered a 'vehicle stop' and no receipt would be required.
- 13 If, on the other hand, a police officer then tells the person to step out of the vehicle and the vehicle of the person is then searched, that would be a 'vehicle stop and search', and would require a receipt.

What can I expect from the officer stopping or searching me?

- 14 Police officers must use stop and search powers fairly, responsibly and without discrimination.
- 15 All stops and stops and searches must be carried out with courtesy, consideration and respect.
- 16 The police officer will ask a few questions and then if necessary search you. The search is not voluntary. If you do not cooperate the officer can use reasonable force to conduct the search.
- 17 If the officer uses force to search you, they also have to complete a use of force form.

During a stop and search what information do the police have to give me?

- 18 Under the policy, the police who stop and search you must provide you with certain information including:
- (a) their name and the station where they work;
 - (b) the law under which you have been stopped;
 - (c) your rights;
 - (d) why you have been stopped and searched;
 - (e) why they chose you; and
 - (f) what they are looking for.

During a stop and search what information will the police ask for?

- 19 The police have a legal requirement to obtain certain information from individuals who have been stopped and searched. This includes:
- (a) date and time of the stop and search;
 - (b) location of the stop and search;
 - (c) why they stopped you (ie the grounds);
 - (d) what they were looking for; and
 - (e) names of the officers conducting the search and others present.
- 20 The police officer will ask for your name and address and date of birth. You do not have to give this information if you do not want to, unless the police officer tells you they believe on reasonable grounds you have committed, or are about to commit, an offence or have information relating to the investigation of a serious offence.
- 21 Everyone who is stopped or stopped and searched will be asked to define his or her ethnic background. You do not have to answer this question. If you do not, the officer will guess your ethnic background.

Some questions about how the policy would affect you

Would the receipt be a police record?

- 22 The fact that you are stopped and questioned and/or searched does not mean that you are under arrest or have done anything wrong. Under the policy, the police officer stopping or searching you would be required to complete a form. The completing and issuing of the search form or stop receipt would not mean you have a police record.

What paperwork would I get after a stop or a stop and search?

- 23 Under the policy, the police officer would be required to issue a receipt in the form of VP19C at the time of the event. If you wanted to complain either about being stopped or searched, or the way it was carried out, this receipt, and the corresponding record kept by police, would help identify the circumstances.
- 24 Victoria Police would maintain copies of the VP19C forms. The forms would be used for purposes including monitoring the use of stop and stop and search powers and checking for any inappropriate use of those powers, including

racial bias. Only the statistical information on the form would be used to monitor inappropriate use, and your privacy would be maintained.

- 25 You would ordinarily be given a receipt at the time of the stop or stop and search. There would be an exception for situations where operational demands (such as public order situations, large public events, or if an officer is called to an emergency) would make this impractical, in which case you would be told where to collect the receipt later. Victoria Police would be required to make the receipt available to you for up to four years after the incident.

PART TWO – THE BACKGROUND TO THE INTRODUCTION OF A NEW POLICY IN VICTORIA

Background - power to stop and search

- 26 In Victoria, the police have power to stop a person and ask them certain questions and / or to stop a person and search them in certain circumstances:
- (a) The police have the power under section 456AA of the *Crimes Act 1958* to require a person to give them their name and address if the police officer believes on reasonable grounds that the person has committed, or is about to commit, an offence or may be able to assist in the investigation of an indictable offence.
 - (b) The police also have the power to ask a person for their name and address when they believe on reasonable grounds a person has committed, or is about to commit, a public transport or graffiti offence (section 218B *Transport (Compliance and Miscellaneous) Act 1983*) or is driving a motor vehicle (section 59 of the *Road Safety Act 1986*).
- 27 The power to search a person (without a warrant) arises:
- (a) under sections 60E and 82 of the *Drugs, Poisons and Controlled Substances Act 1981*;
 - (b) under sections 10 and 21P of the *Control of Weapons Act 1990*;
 - (c) section 13 of the *Graffiti Prevention Act 2007*;
 - (d) section 21P of the *Terrorism (Community Protection) Act 2004*; and
 - (e) section 10I of the *Control of Weapons Act 1990* (in this instance), police must provide a written notice stating their name rank and police of duty.
- 28 The above Acts also give police the power to search cars and bags.
- 29 The purpose of a stop and question or a stop and search is to allay or confirm suspicion about the commission of crime without exercising a power of arrest. The powers to compel responses or require people to subject themselves to a search are confined to occasions where a specific legislative power exists or where the person consents.

Current reporting requirements

- 30 Members of Victoria Police are already subject to reporting requirements in some circumstances.
- 31 For example, Victoria Police officers are required under section 10(l) of the *Control of Weapons Act* to provide to a person a written notice setting out the police officer's name, rank and place of duty and the reason for the search (ie that the person is in a designated search area).
- 32 A similar requirement exists under section 13 of the *Graffiti Prevention Act* and section 149 of the *Firearms Act 1996*. Under section 10A of the *Control of Weapons Act* and section 149A of the *Firearms Act 1996*, a police officer must create a record of prescribed particulars of the search. A searched person may request a copy of the record of search within a year of the search being conducted.
- 33 Under section 16(1) of the *Graffiti Prevention Act 2007* records are also mandated in the following terms:
- (a) A member of the police force who conducts a search under section 13 must make a written record of the search containing the following information:
 - (i) the member's name, rank and place of duty;
 - (ii) the date of the search;
 - (iii) the time of the search;
 - (iv) the place where the search took place;
 - (v) the name of the person searched and, if applicable, a description of any clothing, vehicle, package or thing searched;
 - (vi) the grounds relied on for conducting the search; and
 - (vii) a description of any item seized from the person searched.
 - (b) The record must be made as soon as practicable after the completion of the search.
 - (c) A person subjected to a search under section 13 is entitled, on request and without charge, to a copy of the record of the search, if the request is made not later than one year after the date of the search.

(d) A request under the above subsection is made to the officer in charge of the place of duty, referred to in section 13(3)(a), of the member who conducted the search.

34 Warrantless searches under section 82 of the *Drugs, Poisons and Controlled Substances Act 1981* do not require reporting under the Act, however the Victoria Police Manual requires that these searches be recorded in a Form 501 or an official diary. In practice, police record such searches in a Form VP L19C (see Annexure 1).

35 Victoria Police also conduct searches 'by consent'. The Victoria Police Manual requires that searches by consent be recorded in Form 246 and 501s or official diaries.

36 There is no legislative requirement for recording of stops (for example street, car, public transport) in Victoria. However as a matter of practice, name and addresses gathered get recorded in police running sheets and contacts with people who are on the police radar get then entered into the LEAP data base as a field contact.

Rationale

37 The PACE Code A (2009) UK provides a best practice example of the data collection and receipting in the area. The policy of the Metropolitan Police Service London ("Metropolitan Police") is a best practice example of the implementation of this policy.

38 The introduction of the proposed Victoria Police Stop and Search Receipting Policy will ensure that Victoria Police adopts international best practice. In reality, the requirement to record certain data is merely an extension of requirements which exist under specific legislative regimes in Victoria.

39 The implementation of the policy will assist to:

- (a) prevent and reduce unnecessary stops and searches;
- (b) provide persons stopped and searched with a record of the reasons for the stop or search;
- (c) provide persons stopped and searched with transparent information and provide them with information concerning avenues for complaint; and
- (d) ensure that data is collected that will serve to allow analysis to be conducted by policy makers and the community about the existence

of any racial biases in police stop and search practices and the effectiveness of stop and search practices.

- 40 The new Victoria Police Stop and Search Receipting Policy will apply to all stops and searches and will enhance the capacity of Victoria Police to collect data on the practice of stop and searches, as well as increase the community confidence in policing.
- 41 The policy will require police to complete a modified version of Field Contact VP Form L19C for all stops and searches. The form is intended to be a carbon form so that a copy can be simultaneously created and provided immediately to the person who is stopped and/or searched at the time of the search.

PART THREE - THE INTERNATIONAL CONTEXT AND POLICY RATIONALE

United Kingdom

42 In February 1999, Sir William McPherson of Cluny brought down his finding and recommendations in the Stephen Lawrence Inquiry (“the Inquiry”) which was an examination of the investigation into the death of Stephen Lawrence, a young black man who was murdered in a racist attack by five white youths. The purpose of the inquiry was:

To inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes.

43 The Inquiry was inspired by the failure of the Metropolitan Police to adequately investigate the teenager’s death and the widespread accusations that institutional racism affected the Metropolitan Police’s response to black people as both victims of crime and as suspects.

44 Among other findings, the Inquiry found that institutional racism was apparent in the racial disparity in “stop and search figures” and was able to reach from these figures “a clear core conclusion of racist stereotyping”.

45 The Inquiry made a series of recommendations, the overall aim of which were “elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing”¹ as well as the restoration of confidence in the Metropolitan Police.

46 Recommendation 61 of the Inquiry was:

That the Home Secretary, in Consultation with Police Service should ensure that a record is made by police officers of all “stops” and “stops and searches” made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so called “voluntary” stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic of the person stopped. A copy of the record shall be given to the person stopped.²

47 Following the above recommendations, in March 2002, the UK Home Office published a revised *Police and Evidence Act 1994* Code A (known as PACE Code A).

¹ The Stephen Lawrence Inquiry 1999 Chapter 47, Recommendations 2

² The Stephen Lawrence Inquiry 1999 – Recommendation 61

- 48 On 1 April 2003, a phased implementation of Recommendation 61 began across seven police forces including the Metropolitan Police.³
- 49 A 2009 review of the Implementation of the Recommendation found that it took police 7 minutes to complete the data⁴. This led to a slight revision of Code A⁵.
- 50 On 1 January 2009, it became mandatory under the *Police and Evidence Code A* that police in the UK provide people they stop and search with a document containing the following data:
- (a) Their name and station where they work.
 - (b) The legal basis for the stop.
 - (c) The person's rights.
 - (d) The reason the person has been stopped and searched.
 - (e) Why the police chose that person.
 - (f) What the police were looking for.
- 51 On 18 March 2011, under amendments to PACE Code A, the mandatory requirements in respect of record keeping became discretionary. The reported reason for this was to save on time and paperwork. However, widespread community concerns were reported that saving on time will be counterbalanced by a loss of community trust. To avoid the loss of community trust, the Metropolitan Police, the greatest and most significant user of stop and search powers, has determined to maintain the system of reporting and receipting.⁶
- 52 As a result, it remains the policy of the Metropolitan Police that police are required to complete a record of stops which contains the following details:

³ Phased Implementation of Recommendation 61 of the Stephen Lawrence Inquiry, 31 March 2003 UK Home Office

⁴ Runnymede Report – Chapter 13 – 2009

⁵ Relevant parts of the Code attached.

⁶ See:

<http://www.met.police.uk/stopandsearch/index.htm>

http://www.met.police.uk/stopandsearch/what_is.htm

<http://www.guardian.co.uk/commentisfree/2011/feb/01/police-stop-search-data-equality>

- (a) the officer details;
- (b) the date, time and place of the stop and search;
- (c) the reason for the stop and search;
- (d) the outcome of the stop and search;
- (e) the person's self-defined ethnicity;
- (f) the vehicle registration number (if relevant);
- (g) what the officers were looking for and anything they found; and
- (h) the person's name or a description (if the person refuses to give name).⁷

53 The Metropolitan Police maintains a comprehensive database – which is publically available – organized by borough, which reveals that, in many instances, the rate of stop and searches of black people is significantly higher than for white people, even though the level of actual criminal activity in each community is about even.⁸

54 The stop and search monitoring reports published by the Metropolitan Police provide data on the arrest rate from searches, the ethnic appearance of people searched, the self-defined ethnicity of those stopped and the number of searches per age group.

55 The data reveals that the stop and search rate per 1000 head of the population is significantly higher for black residents compared to other ethnicities across the majority of boroughs. It is evident from the data that the stop and search rates are consistently higher for black members of the population compared to

⁷ (Source – Metropolitan Police – Stop and Search information)
www.met.police.uk/stopandsearch/what_is.html#paperwork.

⁸ See in relation to the borough by borough data on stop and search:
http://www.met.police.uk/stopandsearch/borough_data.htm
 Related complaints process:
<https://secure.met.police.uk/complaints/>
 Documentation concerning the monitoring of the scheme:
http://www.met.police.uk/foi/pdfs/policies/stop_and_searches_monitoring_report.pdf
http://www.met.police.uk/foi/pdfs/policies/stop_and_searches_impact.pdf
 The Metropolitan Police also has a race equality scheme
http://www.met.police.uk/foi/pdfs/priorities_and_how_we_are_doing/corporate/mps_race_equality_scheme_2005-08.pdf

white members of the population of any particular borough.⁹ In the borough of Kensington and Chelsea, for example, the number of searches by ethnic group per 1,000 head of the population were 65.78 Black, 9.90 White, 30.89 Asian and 23.19 other.¹⁰ Similarly, in Brent, the number of searches by ethnic group per 1,000 head of the population were 71.02 Black, 15.96 White, 21.95 Asian and 23.43 other.¹¹ The data from many of the boroughs shows that the arrest rates were approximately equal for Black and White residents of any particular borough. In Brent for example, the arrest rates by ethnic group were 13.66% white and 11.51% Black, 8.04% Asian, 17.05% other and 8.62% not known.¹² This suggests that someone is more likely to be stopped if they are black, but no more likely to be arrested.

56 The policy of the Metropolitan Police published on their public website is set out in Annexure 3.¹³

United States

57 The American Civil Liberties Union (“the ACLU”) supports the use of data collection of the ethnicity of people police stop as a tool to understand and eliminate police stops based on race.¹⁴

58 A similar conclusion was reached by The Institute on Race & Poverty (“the Institute”) in their research on best practice components of racial profiling legislation.¹⁵

⁹ http://www.met.police.uk/foi/units/stop_and_search.htm

¹⁰ Metropolitan Police Authority, Stops and Searches Monitoring Mechanism, May 2011, Kensington and Chelsea, page 12. Accessed online at: http://www.met.police.uk/foi/pdfs/priorities_and_how_we_are_doing/borough/kensington_and_chelsea_stop_and_search_monitoring_report_may_2011.

¹¹ Metropolitan Police Authority, Stops and Searches Monitoring Mechanism, May 2011, Brent, page 12. Accessed online at: http://www.met.police.uk/foi/pdfs/priorities_and_how_we_are_doing/borough/brent_stop_and_search_monitoring_report_may_2011.pdf

¹² Metropolitan Police Authority, Stops and Searches Monitoring Mechanism, May 2011, Brent, page 13. Accessed online at: http://www.met.police.uk/foi/pdfs/priorities_and_how_we_are_doing/borough/brent_stop_and_search_monitoring_report_may_2011.pdf

¹³ Policy appears at: <http://content.met.police.uk/Home>

¹⁴ See for example “Unequal under the law, racial profiling in Louisiana” ACLU 2009 available at: http://www.laaclu.org/PDF_documents/unequal_under_law_web.pdf

¹⁵ See Institute report 5 March 2001, “Components of Racial Profiling Legislation” available at: <http://www1.umn.edu/irp/publications/racialprofiling.html>

- 59 The Institute identified the following as necessary components essential in creating anti-racial profiling legislation:
- (a) Mandatory Collection of Data.
 - (b) Necessary Data collected to include.
 - (c) Location, date, time.
 - (d) Race, age and gender of driver.
 - (e) The reason for the stop, the authority for the stop.
 - (f) The outcome of the stop.
 - (g) Ongoing – permanent data collection.
 - (h) Officers to be identified and tracked.
 - (i) Advisory committee to be established that includes community representatives.
- 60 In the United States, 4,000 cities and 6,000 police departments collect data on the ethnicity of people they stop. Nine states - Maryland, Missouri, Nebraska, Nevada, South Dakota, Texas, Kentucky and Tennessee have laws that mandate data collection.¹⁶
- 61 In 2000, police in Montgomery were trained to use hand held computers designed to record the race and other details of motorists stopped in the county. The introduction of their use was the result of an agreement that settled a three year civil rights suit. The 3 by 5 inch computer was said by the police chief to cost the county US \$373,000.¹⁷
- 62 On 9 October 2003 it was reported that LA Police were to be issued with wireless handheld computers to collect data while they were on foot patrol. It was reported that these computers would in future be able to print tickets.¹⁸
- 63 The availability of this technology indicates that data collection and receipting is within the capacity of police agencies.

¹⁶ ACLU Report 2009 at note 14 above.

¹⁷ "Police to Record Motorists' Race: Montgomery Hopes Traffic-Stop Data Will Ease Fears of Bias" *Washington Post*, 26 July 2000 available at <http://www.highbeam.com/doc/1P2-542707.html>

¹⁸ "Vytek and Symbol Technologies Provide Los Angeles Police Department with Innovative Handheld Computer", *Business Wire*, 9 October 2003

64 Amid concerns over the increasing prevalence of stops that appear to be racially discriminatory, the Center for Constitutional Rights in New York has filed *Floyd, et al. v. City of New York, et al*, a federal class action against the New York City Police Department (“**NYPD**”) and the City of New York challenging what appears to be the NYPD's practice of racial profiling. The case will use information mandatorily recorded on a form called “UF 250”. The UF 250 form is a “stop, question and frisk” form that records the following details in relation to a police stop:

- (a) Time and place of stop.
- (b) Description of the crime the person is suspected of having committed.
- (c) Length of the stop.
- (d) Circumstances that led to the stop.
- (e) Name of the person stopped.
- (f) Race of the person stopped (6 options given).
- (g) Whether force was used.
- (h) Outcome of the stop.

Attached in [Annexure 4](#) is a copy of the UF-250 form.

Canada

65 The 21 October 2003 “Paying the Price of Racial Profiling Report” of the Ontario Human Rights Commission recommended in Action 10 that police collect data on racial profiling.¹⁹

“Where anecdotal evidence of racial profiling exists, the organization involved should collect data for the purpose of monitoring its occurrence and to identify measures to combat it. Such organizations should consult with affected communities and the Ontario Human Rights Commission to establish guidelines on how the data will be collected and its use. Such data should not be used in a manner to undermine the purposes of the Ontario Human Rights Code.”

¹⁹ Ontario Human Rights Commission, 2003, “Paying the Price”

In 2009 the Canadian Human Rights Commission and Canadian Race Relations Foundation urged police to collect data on the ethnicity of people they interact with.

“In Canada, equal treatment for all is guaranteed under the law regardless of race, national or ethnic origin, colour or religion. Nevertheless, members of diverse community groups do report being profiled by members of police forces and security agencies based on personal characteristics. Decisions that are described as profiling may be sound in the context of policing and national security.*

Research shows that there is insufficient evidence to legitimize the practice of profiling. In the absence of evidence-based profiles, people are prone to fall back on personal stereotypes when making decisions.

Since many decisions made by front-line law enforcement and security personnel are discretionary, documenting them offers advantages. It provides the evidence to demonstrate whether or not profiling occurs and why. Several countries and jurisdictions, including the United States, collect human rights-based data as a means of preventing discrimination. The collection of such data is becoming the norm. Canadian police and security agencies are encouraged to integrate relevant human rights data into their existing collection systems.

Collecting data and reporting is also a show of openness and transparency on the part of agencies responsible for policing and security towards the communities served. Overseeing agencies mandated to monitor the activities of policing/security agencies need to play a role in reporting on human rights issues and in encouraging appropriate corrective action, where necessary.”²⁰

ANNEXURE 1

PREPARED BY:

ARNOLD BLOCH LEIBLER

FLEMINGTON & KENSINGTON COMMUNITY LEGAL CENTRE



MELBOURNE
SYDNEY



Field Contact - Stops and Searches without Warrant				Forward Direct to DIU		VP Form #	
Submit one form for each person stopped/searched. Ensure PART A is attached to Part B or Part C. "Contact" time is "Stop/Search" time. "Member" is member conducting search. If persons searched together, ensure same Contact Date/Time & Stop/Search Location on all forms. Use L19 Field Contact if NO person stopped/searched. Also use Form L11 if applicable.							
REPORTING STATION		CONTACT DATE		CONTACT TIME		MEMBER REG. NO.	
NAME OF MEMBER CONDUCTING STOP/SEARCH				RANK			
STOP/SEARCH LOCATION	Flat No.	Street No.	Street Name & Type				
TOWN/SUBURB						RZ	
If not stopped/searched inside street number, then describe where stop/search occurred							
STOP/SEARCH TYPE Metal Detector Used <input type="checkbox"/> Other <input type="checkbox"/>							
PERSON STOPPED/SEARCHED MNI No.				1 st Name			
FAMILY NAME				2 nd Name			
DOB	Age	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Ethnic Appearance			
Flat No.	Street No.	Street Name & Type					
TOWN/SUBURB				Contact Is Member of Gang Called			
PERSON STOPPED/SEARCHED PHYSICAL DESCRIPTION							
ARE YOU OF ABORIGINAL AND/OR TORRES STRAIT ISLANDER (T.S.I.) ORIGIN?				<input type="checkbox"/> Aboriginal <input type="checkbox"/> T.S.I. <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> Not Stated/Unknown			
Height	cm	Weight	Kg	Nationality			
HAIR COLOUR		HAIR LENGTH		HAIR STYLE		EYE COLOUR	
<input type="checkbox"/> Abnormal Colour		<input type="checkbox"/> Long		<input type="checkbox"/> Straight		<input type="checkbox"/> Blue Grey	
<input type="checkbox"/> Black		<input type="checkbox"/> Shoulder		<input type="checkbox"/> Curly		<input type="checkbox"/> Black	
<input type="checkbox"/> Brown		<input type="checkbox"/> Collar		<input type="checkbox"/> Afro		<input type="checkbox"/> Blue	
<input type="checkbox"/> Blonde/Fair		<input type="checkbox"/> Short		<input type="checkbox"/> Braided		<input type="checkbox"/> Brown	
<input type="checkbox"/> Grey		<input type="checkbox"/> Crew		<input type="checkbox"/> Tied Back		<input type="checkbox"/> Diff/Dual Eye Colour	
<input type="checkbox"/> Auburn/Lt. Brown		<input type="checkbox"/> Partially Bald		<input type="checkbox"/> Mohawk		<input type="checkbox"/> Grey	
<input type="checkbox"/> Red/Ginger		<input type="checkbox"/> Extensively Bald		<input type="checkbox"/> Dreadlocks		<input type="checkbox"/> Green	
<input type="checkbox"/> White		<input type="checkbox"/> Totally Bald		<input type="checkbox"/> Flat Top		<input type="checkbox"/> Hazel	
<input type="checkbox"/> Yellow		<input type="checkbox"/> Other		<input type="checkbox"/> Wig/Toupee		<input type="checkbox"/> Red	
				<input type="checkbox"/> Punk/Spiked			
				<input type="checkbox"/> Wavy			
				<input type="checkbox"/> Other			
CLOTHING HEAD		CLOTHING UPPER BODY		CLOTHING LOWER BODY		CLOTHING FOOT	
<input type="checkbox"/> Peaked Cap		<input type="checkbox"/> Long Coat		<input type="checkbox"/> Sports Pants		<input type="checkbox"/> Work Boots	
<input type="checkbox"/> Knitted cap		<input type="checkbox"/> Jacket		<input type="checkbox"/> Suit pants		<input type="checkbox"/> Sports Shoes/Boots	
<input type="checkbox"/> Balaclava		<input type="checkbox"/> Suit		<input type="checkbox"/> Jeans		<input type="checkbox"/> Thongs	
<input type="checkbox"/> Stocking mask		<input type="checkbox"/> Pullover		<input type="checkbox"/> Shorts		<input type="checkbox"/> Dress Shoes	
<input type="checkbox"/> Akubra style		<input type="checkbox"/> Windcheater		<input type="checkbox"/> Track pants		<input type="checkbox"/> Sandals	
<input type="checkbox"/> Head band		<input type="checkbox"/> Vest		<input type="checkbox"/> Work pants		<input type="checkbox"/> Casual Shoes	
<input type="checkbox"/> Scarf		<input type="checkbox"/> Shirt		<input type="checkbox"/> Overalls		<input type="checkbox"/> Barefooted	
<input type="checkbox"/> Helmet		<input type="checkbox"/> Tee Shirt		<input type="checkbox"/> Slacks		<input type="checkbox"/> Other	
<input type="checkbox"/> Plastic/Rubber Mask		<input type="checkbox"/> Track Top		<input type="checkbox"/> Dress			
<input type="checkbox"/> Other		<input type="checkbox"/> Uniform		<input type="checkbox"/> Skirt			
		<input type="checkbox"/> Naked		<input type="checkbox"/> Naked			
		<input type="checkbox"/> Blouse		<input type="checkbox"/> Other			
		<input type="checkbox"/> Singlet					
		<input type="checkbox"/> Raincoat/Parka					
		<input type="checkbox"/> Oilskin					
		<input type="checkbox"/> Other					
VEHICLE DETAILS Vehicle Searched <input type="checkbox"/> Yes <input type="checkbox"/> No				Relationship of Person Stopped/Searching to Vehicle		<input type="checkbox"/> Driver <input type="checkbox"/> Passenger	
REGO No.	State	VEHICLE MAKE					
Type	Model	Body Type					
Year	Colours						
Identifying features/Remarks re vehicle							

Search Conducted under (cross one box)	<input type="checkbox"/> Control of Weapons Act (S.10) - Non Designated Area	<input type="checkbox"/> Firearms Act (S.149)	<input type="checkbox"/> Graffiti Prevention Act (S.13)	L19C (PART B)	
<input type="checkbox"/> Control of Weapons Act (S. 10g) - Designated area - Strip Search	<input type="checkbox"/> Control of Weapons Act (S.10G/10H) - Designated area - Person/Vehicle/Thing (not strip search)				
GROUND s relied on for conducting search (as told to person) (not required on L19C for Control of Weapons 10G or 10H), reason the person was selected, what the member was looking for. <i>(This information is not recorded in LEAP - but may be released to the person)</i>					
If a student under 18 years of age is searched at a school, endorse name of nominated adult person present during search					
OBJECT/S SEARCHED	<input type="checkbox"/> No Objects Searched	Or, cross box/s to indicate what was searched and follow instructions for describing object	<input type="checkbox"/> Vehicle (complete Vehicle Details section)	<input type="checkbox"/> Package (describe below)	<input type="checkbox"/> Thing (describe below)
WEAPONS/FIREARMS/ARTICLES/GRAFFITI IMPLEMENTS FOUND DURING SEARCH					
Cross applicable box and endorse the quantity of the item between the check box and the item code (eg. <input checked="" type="checkbox"/> 3 106 Laser Pointer)					
PROHIBITED WEAPONS		FIREARMS			
<input type="checkbox"/> 101 A slingshot that is manufactured and intended for commercial distribution	<input type="checkbox"/> 102 An article designed or adapted to discharge oleoresin capsicum spray	<input type="checkbox"/> 103 An article designed or adapted to emit or discharge an offensive, noxious or irritant liquid, powder, gas or chemical so as to cause disability, incapacity or harm to another person	<input type="checkbox"/> 104 An article designed or adapted to emit an electric current into a human body for the purposes of incapacitation or injury	<input type="checkbox"/> 105 An acoustic anti-personnel device that is designed to cause permanent or temporary incapacity or disability, or to otherwise physically disorientate a person	<input type="checkbox"/> 106 Laser pointer
<input type="checkbox"/> 107 Studded glove	<input type="checkbox"/> 108 A mace or any other similar article	<input type="checkbox"/> 109 A ??? or any other similar	<input type="checkbox"/> 110 A whip with metal lashes	<input type="checkbox"/> 111 A cat o'nine tails with knotted lashes	<input type="checkbox"/> 112 Baton-chucks/Bo-chucks
<input type="checkbox"/> 113 Kama	<input type="checkbox"/> 114 Kasarl-Fundo/Kusarl-Fundo / Manriklgusarl	<input type="checkbox"/> 115 Kuboten	<input type="checkbox"/> 116 Ninja climbing claws/Ninja hand claws/Ninja foot claws	<input type="checkbox"/> 117 Nunchaku	<input type="checkbox"/> 118 Sal/Jille
<input type="checkbox"/> 119 Suan Ywe Gou	<input type="checkbox"/> 120 Shoge/Nninja Kyokeysu-Shoge/Kyotetsu Shoge	<input type="checkbox"/> 121 Throwing star (including where the throwing star is attached to a belt-buckle)	<input type="checkbox"/> 122 Chinese whip/Whip spear/7 piece iron chain/9 piece iron chain/Bien Tzu Chiang / Lien Tzu Chiang	<input type="checkbox"/> 123 Butterfly Sword	<input type="checkbox"/> 124 Tonfa
<input type="checkbox"/> 125 Flick knife	<input type="checkbox"/> 126 Dagger	<input type="checkbox"/> 127 Knuckle Knife	<input type="checkbox"/> 128 Bowen Knife Bell	<input type="checkbox"/> 129 Swordstick	<input type="checkbox"/> 130 Riding crop designed or adapted to hold a blade or spike that is concealed from view until withdrawn from the crop
<input type="checkbox"/> 131 Butterfly knife	<input type="checkbox"/> 132 Double-end knife	<input type="checkbox"/> 133 Black Eagle Knife	<input type="checkbox"/> 134 Push knife	<input type="checkbox"/> 135 Trench knife	<input type="checkbox"/> 136 Throwing blade
<input type="checkbox"/> 137 Ballistic knife	<input type="checkbox"/> 138 Non-metal / Ceramio knife	<input type="checkbox"/> 139 A crossbow that is reasonably capable of being carried or concealed about the person; and raised and discharged by one hand	<input type="checkbox"/> 140 Blow gun	<input type="checkbox"/> 141 A dart designed to be projected from a blow gun or similar device	<input type="checkbox"/> 142 Saunders Falcon Hunting Sling
<input type="checkbox"/> 143 A catapult, shanghai or hunting sling (without arm brace) that is manufactured and intended for commercial distribution	<input type="checkbox"/> 144 A dart projector such as the Darchery Dartslinger	<input type="checkbox"/> 145 Shark Dart	<input type="checkbox"/> 146 Extendable baton	<input type="checkbox"/> 147 Knuckle-duster	<input type="checkbox"/> 148 Weighted glove
DANGEROUS ARTICLES		CONTROLLED WEAPONS			
<input type="checkbox"/> 201 Bottle/Glass	<input type="checkbox"/> 202 Axe/Tomahawk	<input type="checkbox"/> 203 Bat/Bar/Club	<input type="checkbox"/> 204 Syringe	<input type="checkbox"/> 299 Other weapon (specify) _____	
<input type="checkbox"/> 301 Rifle	<input type="checkbox"/> 302 Air rifle/gun	<input type="checkbox"/> 303 Shotgun	<input type="checkbox"/> 304 Handgun	<input type="checkbox"/> 305 Machine Gun	
<input type="checkbox"/> 306 Sawnoff firearm	<input type="checkbox"/> 307 Imitation firearm	<input type="checkbox"/> 308 Cartridge ammunition	<input type="checkbox"/> 399 Other firearm (specify) _____	OTHER ARTICLE	
<input type="checkbox"/> 401 Knife (other than a knife that is a prohibited weapon)	<input type="checkbox"/> 402 Crossbow (other than prohibited weapon)	<input type="checkbox"/> 403 Spear-gun	<input type="checkbox"/> 404 Baton or cudgel (not including extendable batons)	<input type="checkbox"/> 405 Sword	
<input type="checkbox"/> 406 Bayonet	<input type="checkbox"/> 407 Imitation firearm (longarm only); - imitation handguns are firearms as per the Firearms Act 1996	<input type="checkbox"/> 408 Cattle prod	<input type="checkbox"/> 501 Drugs	<input type="checkbox"/> 601 Wildlife	
<input type="checkbox"/> 999 Other (specify) _____	GRAFFITI IMPLEMENTS	<input type="checkbox"/> 761 Aerosol paint container	<input type="checkbox"/> 762 Texta / Marker	<input type="checkbox"/> 789 Other graffiti implement (specify) _____	

VP FORM L19C (WHICH FORMS A SUBSTANTIAL PART OF THIS DOCUMENT) IS PUBLISHED BY VICTORIA POLICE
 A COPY OF VP FORM L19C WAS OBTAINED FROM VICTORIA POLICE VIA FREEDOM OF INFORMATION

Search Conducted under (cross one box) <input type="checkbox"/> DP&CS Act S.60E (Person under 18, vehicle, package or thing) <input type="checkbox"/> DP&CS Act S.60F (Person any age that police believe could supply volatile substance or thing)			
GROUNDS relied on for search/apprehension/detention/seizure (as told to person) <i>(this information is not recorded in LEAP - but may be released to the person)</i>			
If search conducted at a house - endorse name of nominated adult person present during search			
OBJECT/S SEARCHED	<input type="checkbox"/> No Objects Searched	Or, cross box/s to indicate what was searched and follow instructions for describing object	<input type="checkbox"/> Vehicle <input type="checkbox"/> Package <input type="checkbox"/> Thing
SUBSTANCES - ITEMS SEIZED	Cross applicable check box/s	AND	Endorse the quantity of the item before the item code (eg. <input checked="" type="checkbox"/> 3 701 Aerosols)
Type of volatile substance <input type="checkbox"/> 701 Aerosols (paint, insect/hair spray, deodorant, etc.) <input type="checkbox"/> 702 Gases (lighter fluids, bottled gas, nitrous oxide, etc.) <input type="checkbox"/> 703 Solvents (petrol, glues, thinners, felt tipped markers, etc.) <input type="checkbox"/> 799 Other (specify) _____		Item used with volatile substance <input type="checkbox"/> 801 Plastic bag <input type="checkbox"/> 802 Paper bag <input type="checkbox"/> 803 Container (plastic, metal, glass, etc.) <input type="checkbox"/> 804 Clothing (sleeve, t-shirt, etc.) <input type="checkbox"/> 899 Other (specify) _____	
SUBSTANCES - ITEMS SURRENDERED ON REQUEST		Indicate quantity of substances or items surrendered on request - before search (See 60H(1)(b))	<input type="checkbox"/> None <input type="checkbox"/> All <input type="checkbox"/> Some (ie. others found during search)
PERSON SEARCHED EXPLANATION - Person's explanation for carrying/possessing substance/item:			
APPREHENSION/DETENTION OF PERSON - complete if apprehension/detention is only under Section 60L NB: Only a person under 18 years can be detained.			
Location of Apprehension		Apprehended at	hrs on
Location of Detention		Released at	hrs on
State name (and agency - if applicable) of suitable person into whose care detained person is released:			
DISPOSAL OF SUBSTANCE or ITEM			
If anything seized, then photocopy Parts A & C of this form and attach to property book		Property Book No.	Station Code
Quantity of items to be FORFEITED to the Crown? (Section 60P)		<input type="checkbox"/> None <input type="checkbox"/> All	<input type="checkbox"/> Some
Quantity of items RETURNED to person within 7 days? (Section 60N) (if any returned - forward photocopy of form to DIU)		<input type="checkbox"/> None <input type="checkbox"/> All	<input type="checkbox"/> Some
Quantity of seized items DISPOSED of or made safe? (Section 60O) (If any disposed of/made safe, then complete following details of disposal/making safe)		<input type="checkbox"/> None <input type="checkbox"/> All	<input type="checkbox"/> Some
Disposed of / Made safe:			
at	hrs	on	at Place
Reason for belief that that disposal/making safe was necessary			

Field contact/stop conducted under (cross one box) <input type="checkbox"/> Crimes Act s.246AA <input type="checkbox"/> Road Safety Act 1986 <input type="checkbox"/> Transport (Compliance and Miscellaneous) Act 1983 <input type="checkbox"/> Other _____
GROUNDNS relied on for the stop (as told to person) _____ <i>(this information is not recorded in LEAP - but may be released to the person)</i>
REASON the person was stopped _____ <i>(this information is not recorded in LEAP - but may be released to the person)</i>
OUTCOME of the stop _____ <i>(this information is not recorded in LEAP - but may be released to the person)</i>
COMPLAINTS If you are unhappy with the reason given to you for the stop or search or the treatment you received during the stop or search you should make a complaint to: Office of Police Integrity Tel: 03 8635 6188 Email opi@opi.vic.gov.au Mail GPO Box 4676 Melbourne Victoria 3000 Or go to: Level 3, South Tower 459 Collins Street Melbourne Victoria 3000 Or The Ethical Standards Department Tel: 1300 363 101 Email Address ethical.standards@police.vic.gov.au 637 Flinders Street Melbourne Victoria, 3005 For help contact: Victoria Legal Aid or your nearest Community Legal Centre. Victoria Legal Aid - 9269 0120 or 1800 677 402 Federation of Community Legal Centres- 9652 1500

ANNEXURE 2

PREPARED BY:

ARNOLD BLOCH LEIBLER

FLEMINGTON & KENSINGTON COMMUNITY LEGAL CENTRE



Victoria Police Manual — Procedures and Guidelines

Stop and Searches of persons

Source policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- VPMP Stop and Searches of persons

Application

These Procedures and Guidelines apply whenever a person is requested to provide their name and address or account for themselves or whenever a person is searched.

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the Professional and ethical standards to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and guidelines

1. General guidelines for specific types of searches

Transgender and intersex persons

- A transgender person should be searched by a member of the same gender with which the person identifies.
- The person may request that a member of the alternate gender perform the search. A Supervisor should consider such requests. Lack of operational members is not a sufficient reason to refuse the request.
- Only the searching member and one other member (of the same gender) should be present during a full search.

Concealed or ingested drugs

Where there are reasonable grounds to believe that a person is concealing drugs or related evidentiary items:

- in their mouth:

- assess the person against the Medical Checklist and take action as required. Where necessary, seek advice from the Custodial Medicine Unit, VIFM or local FMO
- take reasonable steps to ensure the person does not ingest anything further
- verbally encourage the person to surrender the item/s. Do not use force to prevent the person from swallowing.
- in a body cavity other than the mouth:
 - assess the person against the Medical Checklist and take action as required.

Where necessary, seek advice from the Custodial Medicine Unit, VIFM or local Forensic Medical Officer (FMO)

- conduct an intrusive body search rules as detailed in **VPMP Searches of person**.

2. Particular search powers

Common Law

- Reasonable grounds that an arrested person is in possession of:
 - material evidence
 - object/s that might cause harm to persons or property
 - object/s that might be used in an escape

Recording:

- Form 501 or Official Diary
- Attendance or Custody Module if conducted at police premises
- Form 237/237A if force used to remove clothing or in conduct of search

Control of Weapons Act 1990 (s.10)/Control of Weapons Regulations 2000

- Reasonable grounds that a person is carrying or has in their possession (in a public place):
 - a prohibited weapon,
 - a controlled weapon or dangerous article
- Being found in an area with a high incidence of violent crime may be a consideration in determining reasonable grounds
- May search person and any vehicle, package or thing in their possession or under their control
- May request person to produce any thing that the member has reasonable grounds for suspecting is a weapon or dangerous article.
- Must warn the person that failure or refusal to produce any thing may be an offence
- Must inform the person of:
 - name, rank and place of duty (provide in writing on request); must produce identification if not in uniform.
 - grounds for suspicion
- Comply with legislative conditions for conduct of the search (r.12 *Control of Weapons Regulations 2000*):
 - may conduct pat-down search with or without the use of a metal detector.
 - must conduct search in a manner which affords reasonable privacy.
 - must conduct search as quickly as reasonably possible.
 - pat down search involving running hands over a person must be conducted by member of same gender where possible.
- Must provide the person with a copy of a completed VP
- Comply with legislative provisions for conduct of the search at a school of a student under 18 (r.13 *Control of Weapons Regulations 2000*) — i.e. notification and attendance of an adult

Recording:

- Form 501 or Official Diary
- Attendance or Custody Module if conducted at police premises
- Form 237/237A if force used to remove clothing or in conduct of search
- Form L19C -

Firearms Act 1986 (s.149)

- Reasonable grounds that a person:
 - is committing or about to commit an offence against the Act; and
 - has in their possession a firearm, cartridge ammunition, silencer or prescribed item
- Being found in an area with a high incidence of violent crime may be a consideration in determining reasonable grounds
- May search person and any vehicle, package or thing in their possession or under their control
- May request person to produce any thing that member has reasonable grounds for suspecting is a weapon or dangerous article
- Must warn the person that failure or refusal to produce any thing may be an offence
- Must inform the person of:
 - grounds for suspicion
 - name, rank and place of duty (provide in writing on request); must produce identification if not in uniform.
- Must provide the person with a copy of a completed VP Form L19C

Recording:

- Form 501 or Official Diary
- Attendance or Custody Module if conducted at police premises
- Form 237/237A if force used to remove clothing or in conduct of search
- Form L19C - Work Unit Manager of the member who conducted the search to provide a copy of the record of the search, when requested, to the person searched within 1 year from the date of the search. (s.149(3)-(4) Firearms Act)

Drugs Poisons and Controlled Substances Act 1981 (s.82) — Drug of Dependence

- Reasonable grounds there is a drug of dependence, in respect of which an offence has been committed or is reasonably suspected to have been committed:
 - on or in a vehicle in a public place;
 - on an animal in a public place;
 - in the possession of a person in a public place;
 - on or in a boat or vessel, underway or not;
 - or
 - on or in an aircraft
- May search the person, vehicle, animal, boat, vessel or aircraft Recording:
- Form 501 or Official Diary
- Attendance or Custody Module if conducted at police premises
- Form 237/237A if force used to remove clothing or in conduct of search
- Must provide the person with a copy of a completed VP Form L19C

Drugs Poisons and Controlled Substances Act 1981 (Part IV, Division 2)—Volatile Substances -

Person is in a public place, or on private premises with consent of occupier or owner, and member has

- May search any person, vehicle, package or thing in possession or control of the person
- Must provide the person with a copy of a completed VP Form L19C

<p>reasonable grounds that:</p> <ul style="list-style-type: none"> • Person under 18: <ul style="list-style-type: none"> - has a volatile substance or an item used to inhale a volatile substance in their possession or control, - is inhaling or will inhale a volatile substance • Persons of any age: <ul style="list-style-type: none"> - intends to provide a volatile substance or an item used to inhale a volatile substance to a person under 18 	<ul style="list-style-type: none"> • Must inform the person of: <ul style="list-style-type: none"> - name, rank and place of duty (provide in writing on request); must produce identification if not in uniform. - that although it is not an offence to possess a volatile substance or item used to inhale a volatile substance, police may use reasonable force to search and seize • Must request production of volatile substance or item used to inhale volatile substance • Not required to inform of power to search/seize and request to produce item if member has reasonable grounds to believe: <ul style="list-style-type: none"> - person is unable to understand the information and request because of the effects of inhaling a volatile substance; or - it is otherwise impractical to do so • Must ask the person why they are carrying or possessing a volatile substance or item unless as per above exception. • Comply with conditions for seizure of items and apprehension/detention of persons. • Comply with legislative conditions for conduct of the search (r.5 • Drugs Poisons and Controlled Substances (Volatile Substances) Regulations 2004) — <ul style="list-style-type: none"> - may conduct pat-down search with or without use of a metal detector - must conduct search in a manner which affords reasonable privacy - must conduct search as quickly as reasonably possible - pat down search involving running hands over a person must be conducted by member of same sex where possible • Comply with legislative provisions for conduct of the search on private premises of a person under 18 (r.6 Drugs Poisons and • Controlled Substances (Volatile Substances) Regulations)— i.e. attendance of an adult <p>Recording:</p> <ul style="list-style-type: none"> • Form 501 or Official Diary • Attendance or Custody Module if conducted at police premises • Form 237/237A if force used to remove clothing or in conduct of search • Form L19C
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Graffiti Prevention Act 2007 K.13)	
<ul style="list-style-type: none"> • Reasonable grounds that: <ul style="list-style-type: none"> - a person over the age of 14 has in their possession a prescribed graffiti implement on property, or in a place, referred to in s.7(1); and - relevant evidence is likely to be lost or destroyed if a search is delayed until a search warrant is obtained • Being present in or near a location with a high incidence of graffiti or a location that appears to have been recently marked with graffiti may be a consideration in determining reasonable grounds. 	<ul style="list-style-type: none"> • May search the person and any vehicle, package or thing in the • possession of the person • Must inform the person of name, rank and place of duty (provide in writing on request). Produce identification if not in uniform • Must request production of graffiti implement • Must ask the person why they are in possession of a graffiti implement • May conduct pat-down search of person 14-18 (note, no legislated provision regarding use of metal detector for persons 14-18 and no legislated provisions regarding persons over 18) • Must conduct search in a manner which affords reasonable privacy • Must conduct search as quickly as reasonably possible • Must cease graffiti powers search and comply with Part IV, Division 2 Drugs Poisons and Controlled Substances Act (volatile substances) if person is under 18 and volatile substances search is appropriate in the circumstances • Must provide the person with a copy of a completed VP Form L19C <p>Recording:</p> <ul style="list-style-type: none"> • Form 501 or Official Diary • Attendance or Custody Module if conducted at police premises • Form 237/237A if force used to remove clothing or in conduct of search • Form L19C

Corrections Act 1986 (Part 9A) — Pollee Gaols	
<p>Visitors — Formal search</p> <ul style="list-style-type: none"> Members have power to search any person wishing to enter or remain in a police gaol as a visitor to detect the presence of drugs, weapons or metal articles <p>Charged person, visitor or other</p> <ul style="list-style-type: none"> Reasonable grounds that search is necessary for the good order or security of a police gaol or detained persons <p>Detained person</p> <ul style="list-style-type: none"> Reasonable grounds that search or examination is necessary: <ul style="list-style-type: none"> for the security or good order of the police gaol; for the safety of persons at the police gaol (whether in custody or not); to locate a weapon, or any thing that may be used in the escape of a person from a police gaol; or to locate any thing connected with, or affording evidence of, the commission of the offence for which the person is detained 	<p>Visitors - Formal search</p> <ul style="list-style-type: none"> Search by electronic or mechanical device <p>Charged person, detained person, visitor or other person</p> <ul style="list-style-type: none"> Authority of OIC of police gaol required May search and examine any charged or detained person, a visitor to the police gaol, a police officer or any other person in the police gaol In addition to the visitors formal search, members may require a person wishing to enter a police gaol to submit to a search and examination of the person and of any thing in the person's possession or under their control — does not apply to: <ul style="list-style-type: none"> Magistrate, County Court or Supreme Court Judge; relative or friend of a detained person person visiting a detained person who is a child, as defined in the <i>Children, Youth and Families Act 2005</i> <p>For charged or detained persons, the search should occur:</p> <ul style="list-style-type: none"> within the police gaol in the presence of the arresting member or other police member <p>Recording:</p> <ul style="list-style-type: none"> Attendance or Custody Module if conducted at police premises Form 237/237A if force used to remove clothing or in conduct of search Must provide the person with a copy of a completed VP Form L19C

3. General guidelines for stop and account powers

Whenever a person is stopped and asked for their name and address, or to account for themselves, they must be given a copy of a completed VP Form L19C.

These forms are not necessary if a person initiates contact with the police or the interaction is not in an operational setting (for example where police have been invited to a homework club or community meeting).

4. Particular stop powers

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Crimes Act 1958 (s.456AA)	
<ul style="list-style-type: none"> • Reasonable grounds to believe that a person has committed or is about to commit an offence; • Reasonable grounds to believe a person may be able to assist in the investigation of an indictable offence. 	<ul style="list-style-type: none"> • May require person to provide their name and address • Must warn the person that failure or refusal to provide name and address may be an offence • Must inform the person of: <ul style="list-style-type: none"> - name, rank and place of duty (provide in writing on request); must produce identification if not in uniform. - grounds for suspicion • Must provide the person with a copy of a completed VP Form L19C <p>Recording:</p> <ul style="list-style-type: none"> • Form 501 or Official Diary • Attendance or Custody Module if conducted at police premises • Form 237/237A if force used • Form L19C

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Transport (Compliance and Miscellaneous) Act 1983 (s.218B)	
<ul style="list-style-type: none"> • Reasonable grounds that a person: <ul style="list-style-type: none"> - is committing or about to commit an offence against the Act; and - is committing or about to commit an offence against the Graffiti Act. 	<ul style="list-style-type: none"> • May require person to provide their name and address • Must warn the person that failure or refusal to provide name and address may be an offence • Must inform the person of: <ul style="list-style-type: none"> - name, rank and place of duty (provide in writing on request); must produce identification if not in uniform. - grounds for suspicion • Must provide the person with a copy of a completed Form L19C. <p>Recording:</p> <ul style="list-style-type: none"> • Form 501 or Official Diary • Form 237/237A if force used • Form L19C
Road Safety Act 1986 (s.59)	
<ul style="list-style-type: none"> • For the purpose of: <ul style="list-style-type: none"> - carrying into execution the provisions of the Act or regulations; - for the purposes of any traffic survey; 	<ul style="list-style-type: none"> • May require person to provide their name and address • Must warn the person that failure or refusal to provide name and address may be an offence • Must inform the person of: <ul style="list-style-type: none"> - name, rank and place of duty (provide in writing on request); must produce identification if not in uniform. - grounds for the stop • Must provide the person with a copy of a completed Form L19C. <p>Recording:</p> <ul style="list-style-type: none"> • Form 501 or Official Diary • Form 237/237A if force used • Form L19C

4. Recording stop and searches - requirements for specific searches

Full search of a large number of persons

- Keep a log identifying the individual persons searched by each police member
- Complete Form L19C and provide a copy to the stopped or searched person

Consensual stops and searches

In addition to the Form 246 (see the table in VPMP Searches of persons):

- Record details of the search on the Form 501 or an Official Diary
- File the Form 246 with a short report at the relevant station
- Complete Form L19C and provide a copy to the stopped or searched person

Field contact

Complete Field contact [Form L19C] whenever you stop a person, search a person, ask a person to account for themselves, or request a person's name and address. In addition:

- complete the Form L19C immediately after the stop or search and provide a copy to the person
- include a description of the person, where they are unable to be identified by name
- send the Form L19C to the DIU before the completion of a shift so that the DIU can:
 - enter the details onto LEAP;
 - file copies for at least 12 months; and
 - supply a copy to the Work Unit Manager on request.

Further advice and information

For further advice and assistance regarding these Procedures and Guidelines, contact your supervisor or the local training officer.

Update history

Date of first issue	22/2/10 - APPROVAL DATE	
Date updated	Summary of change	Force file number

ANNEXURE 3

PREPARED BY:

ARNOLD BLOCH LEIBLER

FLEMINGTON & KENSINGTON COMMUNITY LEGAL CENTRE



MELBOURNE
SYDNEY



Metropolitan Police – Stop and Search Policy

Why do the police in London use stop and search?

The use of stop and search powers allow the police to tackle crime and anti social behaviour, and to prevent more serious crimes occurring.

Generally stop and search happens in public places - in the area around football matches, for example, or in neighborhoods that have been experiencing problems with crime or vandalism.

The police have the legal right to stop members of the public and search them for a variety of reasons and using a number of powers, including :

- Section 60 Criminal Justice and Public Order Act 1994, gives police the right to search people in a defined area at a specific time when they believe, with good reason, that: there is the possibility of serious violence; or that a person is carrying a dangerous object or offensive weapon; or that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality. This law has to be authorised by a senior officer and is used mainly to tackle football hooliganism and gang fights.

Across London you may encounter three different police forces, the Metropolitan Police Service, City of London Police and the British Transport Police. Officers from these three forces, at various times, work together on specific crime and terrorist operations.

Why me?

- Being stopped does not mean you are under arrest or have done something wrong. In some cases, people are stopped as part of a wide-ranging effort to catch criminals in a targeted public place.

A police officer, or a community support officer must have a good reason for stopping or searching you and they are required to tell you what that reason is.

There are, however, occasions when the police can search anyone in a certain area, for example when there is evidence that serious violence has taken place or may take place, (Powers under S60 Criminal Justice and Public Order Act 1994). The officer should explain this to you and must be searching for items to be used in connection with violence

You should not be stopped just because of your age, race, ethnic background, nationality, faith, the language you speak or because you have committed a crime in the past.

The police can stop or stop and search you:

- If they think you're carrying a weapon, drugs or stolen property
 - If there has been serious violence or disorder in the vicinity
 - If they are looking for a suspect who fits your description
 - As part of anti-terrorism efforts
-

What is a stop?

There are three different types of stops that you may encounter:

1. **STOP** - when a police officer or police community support officer stops you in a public place and asks you to **account for yourself** and may ask you the following questions:
 - What you are doing
 - Where have you been
 - Where you are going
 - What you are carrying
2. **STOP AND SEARCH** - when a police officer stops and then searches you, your clothes and anything you are carrying.
3. **VEHICLE** - a police officer can stop any vehicle and ask the driver for driving documents. This is not the purpose of stop and search, but you may be given documentation relevant to road traffic matters. It becomes a stop if:
 - you or any passengers with you are asked to account for themselves; or
 - a search is carried out of the vehicle, you or any passengers with you.

You will not necessarily be searched every time you are stopped. Sometimes you may just be stopped and questioned.

The police officer or police community support officer must explain why you are being stopped and held to account for your actions or presence in an area.

There are plenty of occasions when you might talk to police, and most of these do not qualify as either a 'stop' or 'stop and search'.

You have not been officially 'stopped' if, for example:

- You stop an officer to ask for directions or information
- You have witnessed a crime and are questioned about it to establish the background to the incident
- You have been in an area where a crime recently occurred and are questioned about what you might have seen

In cases such as those, you have **not** been stopped for the purposes described on this website, a record of the encounter will not be made and you will not be given a receipt.

However, if you feel you have been stopped you can insist on the officer or police community support officer recording the encounter and giving you a receipt.

What is a stop and search?

Only a police officer can stop and go onto search you, your clothes and anything you are carrying

You may be stopped as the officer may have grounds to suspect that you are carrying:

1. Drugs, weapons or stolen property;

2. Items that could be used:

- to commit crime.
- to cause criminal damage.

The grounds the police officer must have should be based on facts, information or intelligence or could be because of the way you are behaving. There are times, however, when police officers can search anyone within a certain area, for example:-

- Where there is evidence that serious violence has or may take place. (Section 60 Criminal Justice and Public Order Act 1994)

The police officer should explain this to you and must be searching for items that could be used in connection with violence.

Who can stop me?

- A police officer, or
- A police community support officer.

A police community support officer must be in uniform. A police officer does not have to be in uniform but if they are not wearing uniform they must show you their warrant card.

Where can I be searched?

- In a public place
- Anywhere, if the police believe you have committed a crime

If you are in a public place, you only have to take off your coat or jacket and your gloves, unless you have been stopped in relation to terrorism or where the officer believes you are using clothes to hide your identity

If the officer asks you to take off more than this or anything you wear for religious reasons, such as a face scarf, veil or turban, they must take you somewhere out of public view. This does not mean you are being arrested. In this case, the police officer that searches you must be the same sex as you.

What if I am in a vehicle?

Your vehicle can be stopped at any time and you may be asked to show your driving documents, such as your drivers licence.

A police officer can legally stop any vehicle at any time and ask to see the driver's licence. They can also ask where you're going and why. If the process ends there, this is considered a 'vehicle stop'.

If, however, a police officer then tells you to step out of the vehicle and it is then **searched**, this is a 'vehicle stop and search'

What should I do if I am stopped or/and searched?

Everyone has a civic duty to help police officers prevent crime and catch offenders. The fact that the police may have stopped someone does not mean they are guilty of an offence.

Apart from the inconvenience, people may feel irritated that they've been stopped when they haven't done anything wrong – that's completely understandable. However, the stop or stop and search will be much quicker if a person co-operates with police officers.

It's up to you whether you provide your name and address. You don't have to, but the best advice is that you should co-operate with the police.

Don't forget that the stop or stop and search must be carried out according to strict rules – the police have responsibility to ensure that people's rights are protected. Everyone should expect to be treated fairly and responsibly. In almost all cases, an individual should be given a record of the stop or stop and search at the time it happens. The police use these powers to help make the local community safer by disrupting crime – public co-operation is an essential part of that.

How should I react?

Be patient

The police are aware that being searched is an inconvenience, and that you're probably in a hurry to get where you're going. They should make the search as brief as possible. But in the interest of public safety they must also be thorough.

Be calm

- Remember, you are not under arrest.
 - Don't refuse to be stopped or/and searched.
 - The process is not voluntary - the law gives police the authority to stop and search.
 - Officers do not need your permission to go through your belongings - if you refuse, you can be searched by force.
 - Try to stay calm and don't be afraid to speak to the officer if you think your rights are being infringed.
-

What can I expect from the officer stopping or searching me?

The officer must be polite and respectful at all times. The Metropolitan Police are committed to continuously improving standards around the delivery of service to London's communities.

All stops and searches must be carried out with courtesy, consideration and respect.

We are aware that the process may take a little time but the process should be handled quickly and professionally.

The police officer will ask a few questions and then if necessary search you.

The search is not voluntary. If you do not cooperate the officer can use reasonable force to conduct the search.

Police officers, and police community support officers must use stop and search powers fairly, responsibly and without discrimination.

During a stop and search what information do the police have to give me?

The police who stop and search you must provide you with certain information including:

- Their name and the station where they work (unless the search is in relation to suspected terrorist activity or giving his or her name may place the officer in danger. They must then give a warrant card or identification number)
- The law under which you have been stopped
- Your rights
- Why you have been stopped and searched
- Why they chose you
- What they are looking for

During a stop and search what information will the police ask for?

The police have a legal requirement to include certain information from individuals who have been stopped and searched. This includes:

- Date and time of the stop and search
- Location of the stop and search
- Why they stopped you, the grounds
- What they were looking for
- Names of the officers conducting the search and others present

The police officer will ask for your name and address and date of birth. You do not have to give this information if you don't want to, unless the police officer says they are reporting you for an offence.

Everyone who is stopped or stopped and searched will be asked to define his or her ethnic background. You can choose from a list of national census categories that the officer will show you.

You do not have to say what it is if you don't want to, but the officer is required to record this on the form. The ethnicity question help community representatives make sure the police are using their powers fairly and properly.

Is this a police record?

The fact that you are stopped and held to account and/or searched does not mean that you are under arrest or have done anything wrong. The officer is required to complete a form. The completing and issuing of the search form (or a receipt for a stop) does not amount to you having a police record.

What paperwork do I get after a stop and a stop and search?

You should receive a written record of the search or a receipt of the stop at the time of the event. If you want to complain either about being stopped or searched or the way it was carried out, this record / receipt will help identify the circumstances.

Supervisors at the police station also keep a copy of the search record. They use it to monitor the use of stop and stop and search powers and check for any inappropriate use. The police service must also make arrangements for community representatives to look at their stop and search records.

Police may use the search record at a later date to contact you about anything that may have happened in that area around the time you were stopped.

You will normally be given a search record at the time of the event. However, because of operational demands (public order situations, large public events, or if an officer is called to an emergency) you may be told where to collect the record later. A record must be made available for up to 3 months.

What information does the record contain?

The search record must contain the following information:

- the officer details
- the date, time and place of the stop and search
- the reason for the stop and search
- the outcome of the stop and search
- your self-defined ethnicity
- the vehicle registration number (if relevant)
- what the officers were looking for and anything they found
- your name or a description if you refuse to give your name – you do not have to provide the officer with your name and address.

ANNEXURE 4

PREPARED BY:

ARNOLD BLOCH LEIBLER

FLEMINGTON & KENSINGTON COMMUNITY LEGAL CENTRE



MELBOURNE
SYDNEY



**STOP, QUESTION AND FRISK
REPORT WORKSHEET**
PD344-151A (Rev. 11-02)

(COMPLETE ALL CAPTIONS)

Pct. Serial No.	Date	Pct. Of Occ.
Time Of Stop	Period Of Observation	Radio Run/Sprint #
Address/Intersection Or Cross Streets Of Stop		
<input type="checkbox"/> Inside	<input type="checkbox"/> Transit	Type Of Location
<input type="checkbox"/> Outside	<input type="checkbox"/> Housing	Describe:
Specify Which Felony/P.L. Misdemeanor Suspected		
Specify Which Cross Streets Suspected		
Duration Of Stop		
What Were Circumstances Which Led To Stop? (MUST CHECK AT LEAST ONE BOX)		
<input type="checkbox"/> Carrying Object In Plain View <input type="checkbox"/> Used In Commission Of Crime e.g., Slim Jim/Ply Bar, etc. <input type="checkbox"/> Fits Description <input type="checkbox"/> Actions Indicative Of "Casing" Action Or Location <input type="checkbox"/> Actions Indicative Of Acting As A Lookout <input type="checkbox"/> Suspicious Bulge/Object (Describe) <input type="checkbox"/> Other Reasonable Suspicion Of Criminal Activity (Specify):		
Name Of Person Stopped	Nickname/Street Name	Date Of Birth
Address	Apt. No.	et. No.
Identification: <input type="checkbox"/> Verbal <input type="checkbox"/> Photo I.D.		Refused
Other (Specify)		
Search Method: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		
Age	Height	Weight
	Hair	Eyes
		Build
Other (Scars, Tattoos, Etc.)		
Did Officer Explain If No, Explain:		
Reason For Stop		
Were Other Persons Stopped/Questioned/Frisked?	Yes	If Yes, List Pct. Serial Nos.
If Physical Force Was Used, Indicate Type:		
<input type="checkbox"/> Hands On Suspect	<input type="checkbox"/> Drying Firearms	
<input type="checkbox"/> Suspect On Ground	<input type="checkbox"/> Baton	
<input type="checkbox"/> Pushing Firearm At Suspect	<input type="checkbox"/> Pepper Spray	
<input type="checkbox"/> Handcuffing Suspect	<input type="checkbox"/> Other (Describe)	
<input type="checkbox"/> Suspect Against Wall/Car		
Was Suspect Arrested?	Ortense	Arrest No.
Yes <input type="checkbox"/> No <input type="checkbox"/>		
Was Summons Issued?	Offense	Summons No.
Yes <input type="checkbox"/> No <input type="checkbox"/>		
Officer In Uniform?	If No, How Identified?	I.D. Card
Yes <input type="checkbox"/> No <input type="checkbox"/>	Verbal	

Was Person Frisked? Yes No IF YES, MUST CHECK AT LEAST ONE BOX

Inappropriate Attire - Possibly Concealing Weapon Furtive Movements Refusal To Comply With Officer's Direction(s) Leading To Reasonable Fear For Safety

Verbal Threats Of Violence By Suspect Actions Indicative Of Engaging In Violent Crimes Violent Crime Suspected

Knowledge Of Suspects Prior Criminal Violent Behavior/Use Of Force/Use Of Weapon Suspicious Bulge/Object (Describe)

Other Reasonable Suspicion Of Weapons (Specify)

Was Person Searched? Yes No IF YES, MUST CHECK AT LEAST ONE BOX Hard Object Admission Of Weapons Possession

Outline Of Weapon Other Reasonable Suspicion Of Weapons (Specify)

Was Weapon Found? Yes No If Yes, Describe: Pistol/Revolver Rifle/Shotgun Assault Weapon Knife/Cutting Instrument

Machine Gun Other (Describe)

Was Other Contraband Found? Yes No If Yes, Describe Contraband And Location

Demeritor Of Person After Being Stopped

Remarks Made By Person Stopped

Additional Circumstances/Factors: (Check All That Apply)

Report From Victim/Witness Evasive, False Or Inconsistent Response To Officer's Questions

Area Has High Incidence Of Reported Offense Of Type Under Investigation Changing Direction At Sight Of Officer/Flight

Time Of Day, Day Of Week, Season Corresponding To Reports Of Criminal Activity Ongoing Investigations, e.g., Robbery Pattern

Suspect Is Associating With Persons Known For Their Criminal Activity Sights And Sounds Of Criminal Activity, e.g., Bloodstains, Ringing Alarms

Proximity To Crime Location

Other (Describe)

Pct. Serial No. _____ Additional Reports Prepared: Complaint Rpt.No. _____ Juvenile Rpt. No. _____ Aided Rpt. No. _____ Other Rpt. (Specify) _____

REPORTED BY: Rank, Name (Last, First, M.I.)	Tax#	REVIEWED BY: Rank, Name (Last, First, M.I.)	Tax#
Print _____	_____	Print _____	_____
Signature _____	Command _____	Signature _____	Command _____