

# More harm than good

A super-complaint on the harms caused by 'suspicion-less' stop and searches and inadequate scrutiny of stop and search powers

Amal Ali and Nina Champion  
May 2021



**Criminal  
Justice  
Alliance**

# About

The Criminal Justice Alliance (CJA) is a network of 160 organisations working towards a fair and effective criminal justice system. Our members include charities, social enterprises, think tanks, research institutions and staff associations. They work across the criminal justice system, from policing to prisons, probation to victims' services.

In 2017 the CJA produced a briefing, *No Respect*, which featured insights from young people who had experienced stop and search.<sup>1</sup> The briefing also featured polling of Black, Asian and minority ethnic people aged 16-30 about their views of policing. Three quarters of respondents felt that Black, Asian and minority ethnic people tend to be unfairly targeted by stop and search, and two in five thought that police officers do not exercise their stop and search powers based on fair and accurate information.

In 2018 the CJA applied to become a designated body under the new police super-complaints process and was duly appointed in November 2018. The system was created to allow designated organisations to raise issues on behalf of the public about harmful patterns or trends in policing.

The CJA's latest briefing on this issue, *Stop and Scrutinise*, was launched in February 2019.

It looked at how community scrutiny can be used to hold the police to account and create transparency around stop and search for those affected by it.<sup>2</sup> The briefing highlighted four key principles for community scrutiny: independent and empowered; informed; representative; and open and visible. These principles have been included and expanded by the College of Policing, as part of an enhancement to the Authorised Professional Practice on transparency in relation to community engagement and scrutiny.<sup>3</sup>

In June 2020 the CJA responded to the Home Affairs Select Committee inquiry on 'The Macpherson Report: Twenty-one years on' highlighting concerns about continued racial disparity in the use of police powers, including stop and search, in particular suspicion-less searches.<sup>4</sup>

This report forms part of a super-complaint made by the CJA in May 2021 on the harms caused by 'suspicion-less' stop and searches and inadequate scrutiny of stop and search powers. In addition to this report, a series of supporting statements from other individuals and organisations were submitted as part of the super-complaint.

[www.criminaljusticealliance.org.uk](http://www.criminaljusticealliance.org.uk)  
@cjalliance

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- 1 Keeling, P. (2017) *No respect: Young BAME men, the police and stop and search*, Criminal Justice Alliance.
  - 2 Kalyan, K. and Keeling, P. (2019) *Stop & Scrutinise: How to improve community scrutiny of stop and search*, Criminal Justice Alliance.
  - 3 College of Policing. (2016a) *Authorised professional practice: stop and search - transparent*, updated 2020.
  - 4 Ali, A. (2020) *The Macpherson report: twenty-one years on*, Criminal Justice Alliance.



# Acknowledgements

This report would not be possible without the information and expertise shared by many organisations and individuals. We are particularly grateful to all those who contributed to this super-complaint by preparing either a comment or statement including:

Account

Dr Adam Elliot Copper

EQUAL

Equally Ours

Hodge, Jones & Allen Solicitors

JUSTICE

Kids of Colour

Leaders Unlocked

Liberty

Montell Neufville, Chair of Bedfordshire's community scrutiny panel

Nick Glynn, LLB (Hons), MSt (Cantab)

Northern Police Monitoring Project

Race Equality First

Race on the Agenda

Reach Every Generation

The Runnymede Trust

Spark2Life

Unjust CIC

Voyage Youth

Y Stop

We would also like to thank our Chair Kevin Wong, our Communications and Engagement Officer Jamie Morrell, Gemma Buckland (Do It Justice), Winnie Agnew-Pauley (Flinders University) and Gavin Hales for providing advice and assistance. We are indebted to the CJA trustee task and finish group. We would also like to give thanks to the CJA Stop and Search Expert Group for sharing their invaluable expertise including:

Donna Murray-Turner, Another Night of Sisterhood  
Niamh Eastwood, Release

Rose Dowling, Leaders Unlocked

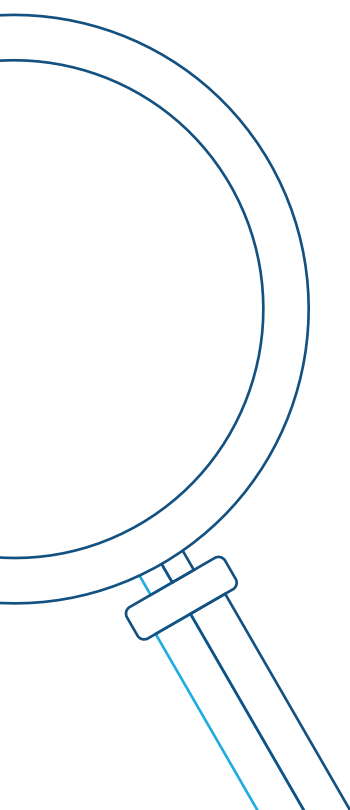
Shadae Cazeau, EQUAL

Temi Mwale, 4Front Project

Whitney Iles, Project 507

We are very grateful to the funders who support our work on race equality and scrutiny, including the AB Charitable Trust, the Barrow Cadbury Trust, and the Esmée Fairbairn Foundation.

**The views expressed in this super-complaint are not necessarily those of any individual CJA member or funder.**



# Limitations of Freedom of Information data provided by police forces:

To better understand what data is collected by forces and how they are using it to monitor their use of Section 60 (s.60) 'suspicion-less' stop and searches, we requested information under the Freedom of Information (FoI) Act 2000. We requested information from all 44 police forces (43 territorial police forces and the British Transport Police) in England and Wales on all s.60 authorisations that took place between 1 September 2018 and 30 January 2020.

## Phase One

The first FoI request sought data on s.60 authorisations and stop and searches from all 44 forces between 01/09/2018 – 31/08/2019 and 01/09/2019 – 30/01/2020 to examine: any trends in s.60 use and the nature and outcomes of s.60 authorisations and searches. In total, 16 of 44 forces responded to this FoI request and provided data on s.60 authorisations and resulting searches within the time period requested. In addition, 13 of the forces contacted during Phase One told us they had not authorised any s.60 searches during the time period requested.

## Phase Two

A second set of Fols were sent to 35 forces (excluding those that had not authorised any s.60s) and requested information on:

- Community scrutiny and engagement in relation to s.60 authorisations (via copies of community scrutiny group minutes of where s.60 was discussed, actions plans produced as a result of community scrutiny or details of any public meetings and engagement events held)
- Equality impact assessments conducted on s.60
- Results of any public confidence or satisfaction surveys

- Details on the training that officers, and Inspectors, received on s.60

Of the 35 forces contacted, 15 provided data in relation to the second FoI request.

FoI data was provided by forces in a variety of formats (e.g. Excel spreadsheets, word documents, PDFs) and to varying degrees of completeness. Many of the fields of data provided contained missing data and there was a mixture of aggregate and unit-level data. Due to the limited nature of the FoI data, where possible we refer to other data sources to get a more accurate picture.

.....  
[Where we refer to FoI data within the report we use a different colour font and dotted lines.](#)  
.....

Please see the research report Section 60 Stop and Search in England and Wales for a full list of limitations to the FoI data provided.<sup>5</sup>

## Note on language

We do not use the 'BAME' or 'BME' acronyms due to the limitations of these terms. Where possible we have disaggregated information and data for different ethnic groups.

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<sup>5</sup> Agnew-Pauley, W. (2021) Section 60 Stop and Search in England and Wales.

# Foreword

I am a retired Metropolitan Police Service (MPS) officer, who successfully survived the hostile environment of the occupational culture for 30 years and through extreme determination strived to achieve the rank of superintendent, before retiring in 2013. During this time, I was proud to be a founder member and past Chair of both the Metropolitan Black Police Association and the National Black Police Association, where I took the opportunity to give written and oral evidence to the Macpherson Inquiry, looking into the racist killing of Stephen Lawrence. The formulation of this foreword has had greater poignancy for me, because it was written during celebrations of Stephen Lawrence Day 2021.

In my professional opinion, section 60 has a traumatic impact on communities, leads to racial profiling, damages trust in policing and doesn't prevent or reduce crime. For these reasons, I support the CJA's recommendation that the government must repeal section 60. It was in preparation for giving evidence to Macpherson that I started to take a closer look at police powers and the impact they had on the public, especially the disproportionate impact on people who identified themselves as Black or another ethnic minority. My specific concerns on the impact of section 60 fully emerged during the last nine years of my career as superintendent, from 2004 to 2013, especially during my first three years as Deputy Borough Commander of Hackney. This was followed by my work on the All Parliamentary Commission on Youth Violence from 2016 to 2020, which heightened my concern due to the traumatic impact section 60 was having on the same community's young people.

In my recently published autobiography - Closing Ranks - I was proud to state that during my time in Hackney from 2004 to 2007 I had the lowest authorisation rate of section 60s across the Metropolitan Police Service, by ensuring the application put before me was heavily scrutinised for the reliability of the intelligence to justify the scope and scale of the authorising area. Under no circumstances would I authorise a borough wide area as some applications requested, because I always saw them as disproportionate and unnecessary. My stance did not impair our performance as a borough command unit, in fact it was quite the opposite, because we achieved three consecutive annual Commissioner's commendations during this period and at the same time the public's trust in us was at its highest levels for years. The bottom line for me was the importance of using section 60 tactics decisively and objectively, focusing on the main perpetrators with minimum disruption and/or traumatic impact on the public, especially those historically subject to heavy-handed policing.

As the years have passed by the frequency and scope of section 60s have increased as an enforcement tactic across the country, together with the disproportionalities on Black and ethnic minority communities. This has reinforced the perception that the Metropolitan Police and other constabularies are more like an occupying force than a police service, adopting racial profiling without the necessary checks and balances internally by the senior leadership teams; in addition to externally from Police and Crime Commissioners, regional mayors and central government. This has picked up pace when the relatively recent rank reduction in the section 60 authorising officer from superintendent to inspector was adopted, because the critical distance between the authorising officer and the applicant is significantly reduced, reinforcing the perception that applications are being rubber stamped without the necessary scrutiny. This lack of rigour makes the entire process lacking in accountability. The draconian nature of its use reminds me of my policing experience in the 1960s and 70s, hence referring to the current use of section 60 as a 'Sus Law on steroids'. I do not say this without a great deal of thought but I must reinforce my concerns by making it known that section 60 should end up like the Sus Law and be taken off the statute books. Therefore, I agree with the CJA's recommendation for the government to repeal section 60 powers.

Over the years police have shown they are incapable of objectively self-controlling their use of section 60 and currently there is no political will to incorporate the critical independent oversight necessary to hold them to account. I have always maintained that police powers should be lost if they don't prevent and/or reduce crime they are targeted against, especially when it's clearly linked with racial profiling and the associated trauma it inflicts. If it contributes towards a heavy-handed form of policing on a regular basis, causing the related community tension and a significant reduction of public trust in police due to an abuse of their powers, then the only conclusion is 'if you abuse it you must lose it!'

**Leroy Logan MBE**



Photo credit: Rich Barr

# Section 60 stop and search



Unlike other forms of stop and search, section 60 of the Criminal Justice and Public Order Act 1994 allows the police to stop and search anyone in a given area for a set period of time **without needing reasonable grounds** to suspect they've committed a crime.

18x

Likelihood for Black people to be stopped and searched when compared to White people **under section 60**.

9x

Likelihood for Black people to be stopped and searched when compared to White people **under standard stop and search**.

Section 60 is used in an even more disproportionate way than standard stop and search (section 1 of PACE and associated legislation).<sup>1</sup>

## Section 60 is a blunt and ineffective tool with very low arrest rates.<sup>2</sup>



Just 4% of stop and searches under section 60 resulted in an arrest.



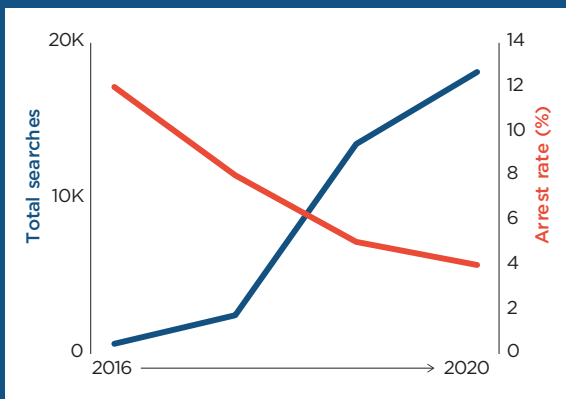
Only 1% of stop and searches under section 60 resulted in an arrest for weapons.



In comparison, 13% of stop and searches under standard stop and search resulted in an arrest.



The use of section 60 is increasing and the arrest rate is decreasing.



The Metropolitan Police Service accounts for 63% of all searches under section 60 across England and Wales.<sup>3</sup>

## Section 60 may be making it harder for the police to tackle crime.



National and grassroots organisations told the CJA that section 60 is damaging young people's trust and confidence in policing.

Previous research by the CJA as well as the Youth Violence Commission and the London School of Economics has found that low levels of trust and confidence can prevent victims and witnesses from coming forward and cooperating with the police.

## Section 60 is unnecessary and causes damage to young people.

One former high-ranking police officer told the CJA that section 60 has caused 'immeasurable damage to young people.' He said section 60 is unnecessary because other stop and search powers – where officers require reasonable grounds – are sufficient.

For these reasons, the government must repeal section 60.

# #RepealSection60

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# List of abbreviations

Association of Police and Crime Commissioners – APCC

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Authorised Professional Practice – APP

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Best Use of Stop and Search Scheme – BUSSS

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Body Worn Video – BWV

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College of Policing – CoP

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Community Scrutiny Panels – CSPs

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Criminal Justice Alliance – CJA

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Criminal Justice and Public Order Act, 1994 – CJPO

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Equality Impact Assessment – EIA

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Freedom of Information – FoI

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Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services – HMICFRS

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Independent Office for Police Conduct – IOPC

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Mayor’s Office for Policing and Crime – MOPAC

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National Police Chiefs’ Council – NPCC

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Office for National Statistics – ONS

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Police Effectiveness, Efficiency and Legitimacy – PEEL

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Police and Crime Commissioners – PCCs

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Police and Criminal Evidence Act 1984 – PACE

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Public Sector Equality Duty – PSED

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Section 1 of the Police and Criminal Evidence Act 1984 – s.1

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Section 60 of the Criminal Justice and Public Order Act 1994 – s.60

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The Metropolitan Police Service – The Met, or MPS

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# Introduction

It is widely accepted that policing is most effective when it secures the co-operation, trust, and confidence of the public. The police themselves recognise that these features are critical to their relationship with the public and form an important part of their day-to-day working culture. This co-operation, trust and confidence is being undermined by unfair and disproportionate stop and search practices. Such practices cause alarm and distress to members of the public, damage trust and confidence in policing, and make the police's job more difficult overall. We therefore believe that due to the harms outlined in this report, the government must urgently repeal the harmful s.60 police power and instead invest in working with communities to improve trust and confidence and tackle the root causes of violent crime.

Furthermore, insufficient scrutiny of stop and search powers means that the police are not effectively being held to account where there is evidence of unfair and discriminatory use of these powers. Fair and effective community scrutiny for all police forces should be mandated, adequately resourced and supported by an independent national body.

Section 60 (s.60) of the Criminal Justice and Public Order (CJPO) Act 1994 allows a constable in uniform to stop and search any pedestrian, or any vehicle for offensive weapons or dangerous instruments. This legislation was originally introduced to tackle football hooliganism and the threat of serious violence at football games. Today, s.60 permits officers to search a person or vehicle in anticipation of violence if an officer of or above the rank of inspector '*reasonably believes that incidents involving serious violence may take place in any locality*'. These powers are only to be authorised in a designated area for a specific period of time.

S.60 can be distinguished from other powers which enable the police to stop and search, the most common of which include:

1. Powers granted under Section 1 (s.1) of the Police and Criminal Evidence (PACE) Act 1984<sup>6</sup> enable a police constable to stop and search

any person or vehicle in a public place. Officers are only permitted to use these powers if they have reasonable suspicion that they will find the object they are looking for (e.g. weapons, points or sharps). The officer must have objective basis for this suspicion, and it cannot be because the person is known to the police or that they have been in trouble before. The objective element could be gained through intelligence, information, or relevant facts such as observation of the person's behaviour.

2. Powers granted under Section 23 of the Misuse of Drugs Act (MDA) 1971<sup>7</sup> enable a police constable to stop and search if they have reasonable grounds to suspect that any person is in possession of a controlled drug.
3. Powers granted under Sections 43 and 47A of the Terrorism Act 2000, relating to searches for evidence or articles in connection with terrorism.

## A suspicion-less power

S.60 is a sweeping power which enables police to search anyone in a given area for a set period of time, even if they have no reasonable grounds to suspect that person has committed a crime. The College of Policing (CoP) has described the powers granted under s.60 as '*the most far-reaching search power as it allows 'no suspicion' searches in a defined area.*'<sup>8</sup> Policing at its best is intelligence-led, but s.60 goes against this principle. The Justice Secretary, Rt Hon Robert Buckland QC MP, recently said that stop and search must be intelligence-led and discussed the importance of having reasonable grounds for searches.<sup>9</sup>

## An ineffective power

S.60 is a blunt tool which is being used with increasing frequency, inhibiting the liberty of thousands of innocent people each year despite it resulting in very low arrest rates.

6 Police and Criminal Evidence Act 1984, Available at: [Police and Criminal Evidence Act 1984 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1984/6).

7 Misuse of Drugs Act, 1971, Available at: [Misuse of Drugs Act 1971 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1971/38).

8 College of Policing. (2016b) [Authorised professional practice: stop and search – legal basis](#), updated 2019.

9 White, M. (2021) [Stop and search can be 'act of compassion' as it saves lives, Justice Secretary tells LBC](#), LBC.

In the year ending March 2020, there was a 35% increase in suspicion-less searches compared to the previous year, with a total of 18,081 people stopped and searched.<sup>10</sup> Of those, no further action was taken after the search in 17,383 cases. As in previous years, the arrest rate in England and Wales following s.60 searches (4%) was much lower than those under s.1 of PACE (13%). The arrest rate for weapons, the object of these searches, is even lower at only 1%.

## A discriminatory and traumatising power

The absence of need for reasonable grounds leads to severe bias, with Black people 18 times more likely to be stopped and searched under this subjective power than White people. The Home Office and police are required to eliminate discrimination and harassment and foster good relations under the Public Sector Equality Duty (PSED) created under the Equality Act 2010. The significantly disproportionate use of this power, without clear evidence as to why this is legitimate, indicates that the PSED is not being adhered to. Evidence shows that the overuse and misapplication of stop and search can damage trust and confidence in policing. This undermines efforts to build constructive relationships between the police and Black, Asian and minority ethnic people. Those working directly with Black and minority ethnic groups say *'they are over-policed and under-protected. They don't feel safe.'*<sup>11</sup> The impact of stop and search can be long-lasting and traumatising, especially when used on children and young adults, permanently altering their perceptions of the police. As a Police and Crime Commissioner (PCC) recently said at an event on reducing race disparity: *'every contact leaves a trace'*.<sup>12</sup>

## An opaque and unchecked power

As part of our own research, we found that many police forces are neither collecting data on the use of the power in a consistent way or analysing it effectively. This illustrates that the nature of its use is not being scrutinised effectively within police forces or by the Home Office and demonstrates an alarming lack of transparency. The lack of data also limits the capacity of external bodies, such as Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), to conduct independent scrutiny. Of particular concern, the Home Office introduced a pilot in April 2019 which removed some of the checks and balances that were in place to limit the use of s.60 powers when they were first legislated for. These changes included:

1. Reducing the level of authorisation needed for officers to deploy and extend s.60 from senior officers to inspectors and superintendents.
2. Lowering the degree of certainty required by the authorising officer from reasonably believing an incident involving serious violence 'will' occur to 'may' occur.
3. Increasing the initial enforcement period from 15 hours to 24 and increasing the overall period over which an extension can be granted from 39 to 48 hours.

These changes were piloted in seven police force areas. While the government initially said that the pilot would run for one year with a review after six months,<sup>13</sup> the changes were instead rolled out nationally within those six months without any public consultation or sufficient time to conduct an evaluation. At the time of submitting this super-complaint, the Home Office still hasn't published its evaluation of the impact of the changes, over two years since they were introduced.

18x

Likelihood for Black people to be stopped and searched when compared to White people **under Section 60.**

10 Home Office (2020) [Police powers and procedures, England and Wales, year ending 31 March 2020.](#)

11 Freeman-Powell, S. (2019) [What has really happened since Macpherson's report, BBC.](#)

12 Association of Police and Crime Commissioners. (2021) [PCCS, parliamentarians and partners discuss race disparity at virtual event.](#)

13 Home Office. (2019a) [Greater powers for police to use stop and search to tackle violent crime.](#)

## Undermining reforms

These unevidenced changes in s.60 policy described above marked a worrying shift away from working practices and safeguards which had been set out in guidance under the voluntary Best Use of Stop and Search Scheme (BUSSS).<sup>14</sup>

Introduced in 2014 by the Home Office, the principal aims of this scheme were to achieve greater transparency, increase community involvement in the use of stop and search powers and support a more intelligence-led approach, leading to better outcomes. It was also expected that by raising the threshold for the application of s.60 it would reduce its use.<sup>15</sup> For example, BUSSS invoked stricter criteria which included raising the level of authorisation to a senior officer (above the rank of Chief Superintendent) and limiting the duration of authorisations from 24 hours down to 15. Other safeguards included forces being encouraged to record a range of stop and search outcomes, for example, arrests, cautions, penalty notices for disorder and all other disposal types. Recording requirements also meant that forces were to show the link between the object of the search and the outcome. This made it easier to identify where officers were unable to link the initial objective of the search and the outcome. The 2019 decision to dilute the safeguards provided by BUSSS was taken without any public consultation. This is in stark contrast to the introduction of BUSSS, when significant communication and engagement with the public, young people and community organisations had been carried out.<sup>16</sup>

However, since the launch of BUSSS there have been challenges with forces fulfilling requirements under the voluntary scheme. HMICFRS inspection processes illustrate that some forces were failing to take the basic BUSSS standards seriously and that progress on meeting these was slow. In 2015, HMICFRS assessed the compliance with each feature of the scheme in each of the 43 forces in England and Wales, as part of the 2015 Police Effectiveness, Efficiency and Legitimacy (PEEL) inspection. The inspection identified that *'only 11 forces were complying with all five features of the scheme; 19 forces were not complying with one or two features of the scheme; and 3 forces were not complying with three or more features.'*<sup>17</sup> In February 2016, the then Home Secretary suspended these 13 forces from the scheme but later readmitted them following a further

inspection.<sup>18</sup> Since this time no further information has been published by the inspectorate on force compliance with BUSSS despite much impetus being given to the scheme early on in its conception.

## A counter-productive and damaging power

When BUSSS was introduced, the then government itself recognised the importance of exercising caution in the use of stop and search, stating that:

*'...while stop and search is undoubtedly an important police power, when it is misused it can be counter-productive. It can be an enormous waste of police time and, when innocent people are stopped and searched for no good reason, it is hugely damaging to the relationship between the police and the public.'*<sup>19</sup>

Our No Respect report highlighted that stop and search is a humiliating and invasive act that can permanently alter both individual and community trust in the police.<sup>20</sup> This can create a 'wall of silence' from witnesses and victims of crime, making it harder for the police to tackle crime. It also makes it harder for the police to build a more diverse workforce.

## An example of 'mission creep'

It was reported in November 2018, that the National Police Chiefs' Council (NPCC) had met with the then Home Secretary to discuss removing the need for reasonable grounds for carrying out stop and searches.<sup>21</sup> Greater use of s.60 powers and introducing new proposed powers such as Serious Violence Reduction Orders effectively opens the door to the removal of the important safeguard of reasonable grounds—a pre-requisite for other forms of police searches. And government data shows that before the Home Office relaxed the criteria for authorising a s.60 in the pilot areas in April 2019, the use of the power was already increasing. This is a worrying example of mission creep and could continue to be a slippery slope unless the need for objective reasonable grounds is required for all stops and searches, so they can be properly scrutinised.<sup>22</sup>

14 Home Office and College of Policing. (2014a) [Best use of stop and search scheme](#).

15 College of Policing. (2016a) Loc. cit.

16 Home Office. (2014b) [Police powers of stop and search: Summary of consultation responses and conclusions](#).

17 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2016) [Improved best use of stop and search after HMIC revisits](#).

18 Home Office. (2016) [Home Secretary re-admits 13 forces to the best use of stop and search scheme](#).

19 Home Office. (2014c) [Stop and search: Theresa May announces reform of police stop and search](#).

20 Kalyan, K. and Keeling, P. (2019) Loc. cit.

21 Dodd, V. (2018) [Police in talks to scrap 'reasonable grounds' condition for stop and search](#), The Guardian.

22 StopWatch. (2019) [Section 60 – a brief history of mission creep](#).

## Lack of scrutiny and accountability

We have demonstrated above various ways in which s.60 causes damage to trust and confidence in policing and the concerning implications of that. Yet, we know that this applies to other forms of stop and search practice too.

Our 2017 report, *No Respect*, found that when stop and search is used in a way that is perceived to be unfair or ineffective, it has a lasting corrosive impact on young peoples' trust in the police and their willingness to cooperate with the police.<sup>23</sup>

One way to ensure fair and proportionate use of stop and search is through Community Scrutiny Panels (CSPs). However, there are several barriers to effective community scrutiny identified in our 2018 report, *Stop & Scrutinise*<sup>24</sup>, which means police are not effectively being held to account for their use of these powers.

In 2020, the CoP updated its Authorised Professional Practice (APP)<sup>25</sup> on community scrutiny and engagement. This is a positive and welcome move; however, it is only advisory and hence not compulsory. There is evidence that action must be taken to improve trust in the use of stop and search and effective external scrutiny is a way of achieving this. The Independent Office for Police Complaints (IOPC) published research in 2020 about the public's perception of stop and search. More than half of those surveyed thought

stop and search is not applied as it should be or is unnecessary.<sup>26</sup> Yet, HMICFRS recently found that there were still some forces who didn't have any community scrutiny mechanisms, and other forces were ineffective as panel members were not given the tools they needed to perform the role.<sup>27</sup> The inspectorate also found that *'too many forces still do not analyse and monitor enough information and data on stop and search to understand fully how fairly and effectively the powers are used. And not enough action is taken on the disparities they identify.'*

Introduced in 2012, Police and Crime Commissioners (PCCs) can play a key role in holding chief constables to account for the delivery of a Police and Crime Plan including scrutinising the use of stop and search. In 2014, when BUSSS was introduced, the then Home Secretary told the police and PCCs that to adhere to the code's requirement they *'should make arrangements for public scrutiny of stop and search records so communities can hold forces to account'*<sup>28</sup>. She told them that if they did not do so, the government would bring forward legislation to make this a statutory requirement. The time has come to make this a statutory requirement, mandating fair and effective community scrutiny for all police forces which is adequately resourced and supported by an independent national body.



23 Keeling, P. (2017) Loc. cit.

24 Kalyan, K. and Keeling, P. (2019) Loc. cit.

25 College of Policing. (2016a) Loc. cit.

26 Independent Office for Police Conduct. (2021) [Public feel confident police respond fairly and proportionately to incidents, but questions remain around use of stop and search.](#)

27 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2021) [Disproportionate use of police powers: A spotlight on stop and search and the use of force.](#)

28 Home Office. (2014c) Loc. cit.

# Recommendations

1

## **Recommendation One: The government should repeal s.60 powers.**

Given the evidence contained in this report, we believe that the only solution to fully address the harms caused by s.60 stop and searches is for the power to be repealed. The government should require all officers carrying out all forms of stop and search to have reasonable grounds, which act as a fundamental safeguard for the public. Instead of suspicionless searches, officers should use existing powers under PACE to conduct searches for weapons.

2

## **Recommendation Two: If s.60 powers are retained, the government should introduce stronger safeguards to mitigate the harms caused.**

These safeguards should include:

- a. The Home Office reversing the changes implemented in March and August 2019.
- b. The Home Office publishing the evaluation of the pilot and rollout.
- c. The government introducing primary legislation to make the BUSSS mandatory and to make sanctions for non-compliance statutory. HMICFRS should report on compliance with BUSSS at force level as part of annual PEEL investigations.
- d. HMICFRS should investigate forces which have high levels of s.60 use or high levels of racial disproportionality in s.60 use.
- e. The Home Office should require forces to carry out manual checks to clarify if searches of Black, Asian and minority ethnic people are supported by the reason for the authorisation.
- f. The Home Office should publish an updated national Equality Impact Assessment (EIA) for s.60 powers which should be reviewed annually.
- g. The Home Office should require forces to carry out local EIAs on their use of the power, co-produced with impacted communities and regularly updated.
- h. The Home Office should require all forces to issue paper receipts after conducting stop and searches.
- i. The Met should restrict the use of s.60 powers by Territorial Support Group officers.
- j. The Home Office should revise Code A of PACE with a particular focus on data collection in relation to use of handcuffs during stop and search and use of force.
- k. The IOPC should publish local force data on the number of complaints made regarding s.60 stop and searches. Data should include a demographic breakdown of the complainant (including ethnicity, gender, age), how long the investigation took, and whether the complaint was upheld. These figures should be collated and included in the IOPC's annual police complaints statistics.
- l. The Home Office should require forces to undertake annual, independent evaluations on the use of s.60 and make the results publicly available.
- m. The government should revise Code A of PACE, with a particular focus on the use of Body Worn Video (BWV) to ensure footage of all s.60 searches is reviewed by community scrutiny groups and an independent national body.
- n. The Home Office should require forces to communicate s.60 authorisations on a variety of appropriate media and social media platforms to ensure that residents in an area are informed, with specific strategies for engaging children, young adults and Black, Asian and minority ethnic communities.
- o. The College of Policing (CoP) should evaluate the effectiveness of police forces communicating s.60 deployments on social media platforms.

- p. The government should specify the definition of 'locality' under the Criminal Justice and Public Order Act 1994 to ensure that legislation is interpreted consistently and searches are targeted. All forces should record locality consistently.
- q. The Home Office should mandate and develop additional training for officers carrying out s.60 searches and those who authorise them. Data on the number of people undertaking the training, and refresher training, should be published quarterly, including a breakdown by force area and rank of the officer.
- r. The College of Policing should develop specific guidance and training on the use of s.60 searches on children and young adults.
- s. The Home Office should provide dedicated funding to train officers to identify trauma and build their awareness around Adverse Childhood Experiences.
- t. Local forces should incorporate anti-racism/uncomfortable conversations into police training. This should be delivered in person and should be led by Black members from the local community.
- u. The Home Office should provide additional resources to run community mediation and restorative circles with police and ethnic minority communities.

**3**

**Recommendation Three:**  
**The Home Office should mandate the current CoP guidance on community scrutiny for stop and search across all police forces.**

**4**

**Recommendation Four:**  
**The Home Office should establish an independent, national body to scrutinise national stop and search trends and support robust community scrutiny.**

**5**

**Recommendation Five:**  
**The Home Office should improve the consistency of data recording to increase transparency of all stops and searches particularly for age and ethnicity.**

**6**

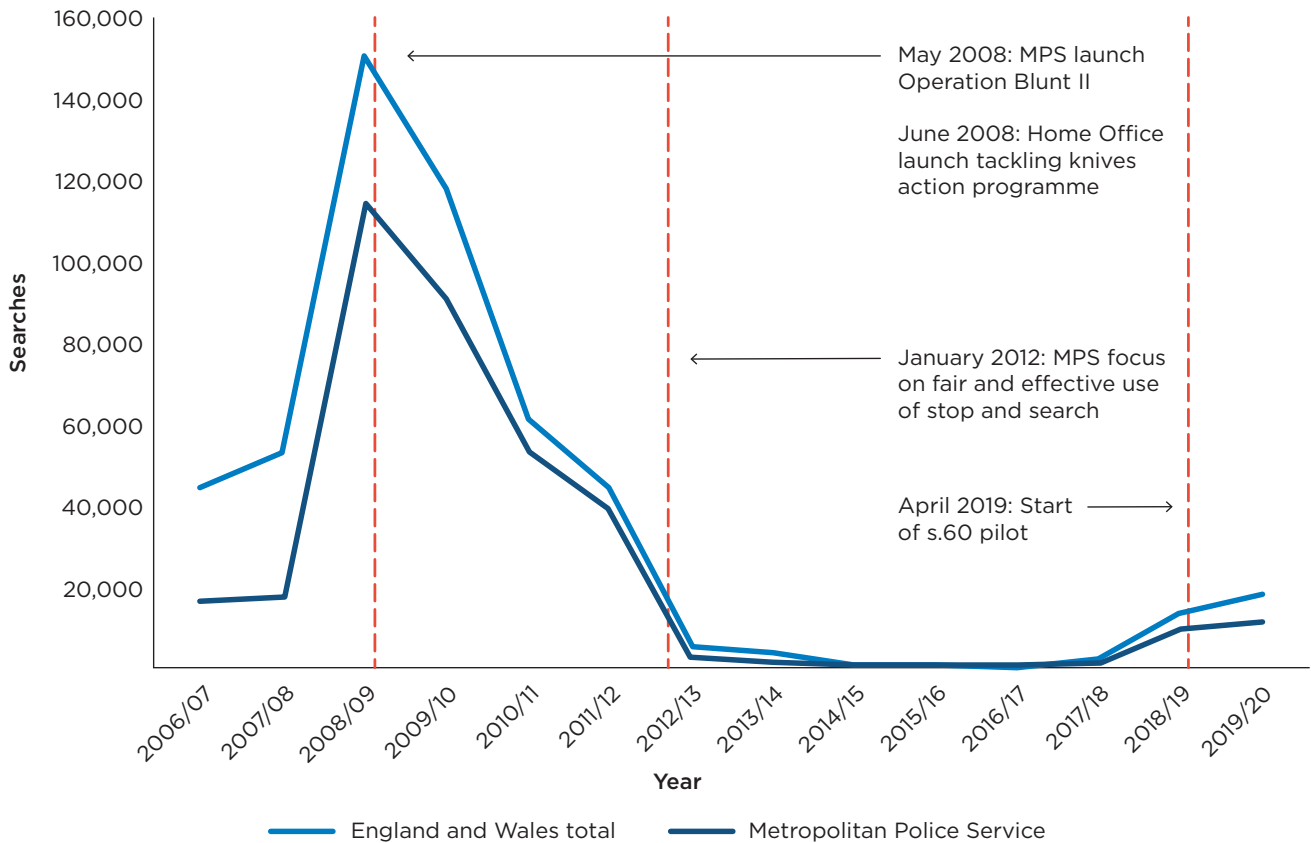
**Recommendation Six:**  
**The government should reinvest and ring-fence funding for youth services to ensure targeted support is available for those at risk of involvement in knife crime.**

# Section 1: Effectiveness

**The rising use of s.60:** Official data on police powers and procedures published by the Home Office shows that the number of s.60 stop and searches has increased over the past four years.

Despite s.60 being on a downward trend following its peak in 2008/09, the use of this power is worryingly on the rise again.

**Figure 1: Numbers of stops and searches under s.60 CJPO Act, comparing England and Wales and the Metropolitan Police Service years ending March 2007 to 2020<sup>29</sup>**



29 Home Office. (2020) Loc. cit.

Between 2016/17 and 2019/2020, there was an increase of 17,459 in the number of people searched under this power in England and Wales from 622 to 18,081, representing an increase of over 2800%.<sup>30</sup> The 18,081 searches made under s.60 in

the year ending March 2020 by police in England and Wales (excluding Greater Manchester)<sup>31</sup> represented an increase of 35% compared with the previous year when 13,414 searches were undertaken.

**Table 1 Stop and searches under s.60 of CJPO Act, England and Wales, 2016/17 to 2019/20**

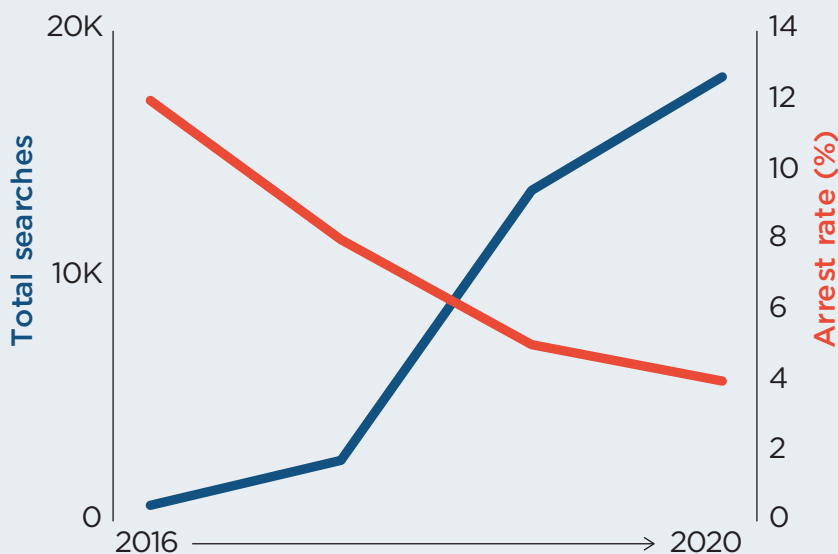
Year	Searches	Change (number when compared to previous year)	Change (percentage) when compared to previous year
2016/17	622	-344	-36%
2017/18	2,502	1,880	302%
2018/19	13,414	10,912	435%
2019/20	18,081	4,667	35%

However, the overall figure masks significant differences between forces in the use of s.60 powers. For example, the increase in the latest year (2019/20) was driven by stop and searches conducted by the Met, which accounted for 39% of the increase. Other forces with relatively large increases were Essex and Merseyside, which

accounted for 18% and 17% of the rise, respectively. However, West Midlands Police had an 85% decrease in the number of stop and searches under this power in the year to March 2020.

**Arrest rates:** As the number of suspicion-less searches has increased over the past four years, the arrest rate has fallen (see Figure 2).

**Figure 2 Stop and searches resultant arrests under s.60 of CJPO Act, England and Wales, 2016/17 to 2019/20**



In England and Wales, the proportion of s.60 searches that resulted in an arrest in the latest year was 4%, a fall of 1 percentage point compared with the previous year. However, the arrest rate for offensive weapons – intended to be the target of the searches when they were legislated for – is much lower at only 1% (see table 2). As in previous

years, between April 2019 and March 2020, the arrest rate in England and Wales following s.60 searches was much lower than those under s.1 of PACE (4% compared to 13%).<sup>32</sup> See tables 3 and 4.

<sup>30</sup> Ibid.

<sup>31</sup> According to the Home Office, Greater Manchester Police were unable to provide stop and search data for the year ending March 2020 following the transition from a legacy IT system to a new force system.

<sup>32</sup> Home Office. (2020) Loc. cit.



**Table 2 Stop and searches and resultant arrests for offensive weapons under s.60 of CJPO Act, England and Wales, 2016/17 to 2019/20**

Year	Searches	Arrests	Percentage
2016/17	622	17	3%
2017/18	2,502	71	3%
2018/19	13,414	161	1%
2019/20	18,081	187	1%

**Table 3 Stop and searches and resultant arrests under s.60 of CJPO Act, England and Wales, 2016/17 to 2019/20**

Year	Searches	Arrests	Percentage
2016/17	622	72	12%
2017/18	2,502	202	8%
2018/19	13,414	635	5%
2019/20	18,081	698	4%

**Table 4 Stop and searches and resultant arrests, under s.1 of PACE (and associated legislation<sup>33</sup>), England and Wales, 2016/17 to 2019/20**

Year	Searches	Arrests	Percentage
2016/17	300,681	51,529	17%
2017/18	277,105	47,822	17%
2018/19	366,912	57,709	16%
2019/20	558,973	73,423	13%

The significant proliferation in the use of this tactic is therefore highly questionable given the very low percentage success rate in finding weapons. As Spark2Life—a programme aiming to help eradicate crime and gang culture and encourage positive personal and social behaviours—highlighted in its supporting statement:<sup>34</sup>

*‘The evidence of using s.60 shows it’s a blunt tool when looking at outcomes and it wouldn’t even pass the test of being a successful evidence-based practice – as a leader of a charity this wouldn’t get funding as it doesn’t produce value for money and can often have a negative impact on communities.’*

**Tackling violent crime:** While searches under s.60 represent only a small proportion of the overall numbers of stop and searches, the recent increases are very concerning. The government has cited that s.60 powers are needed to tackle knife and other forms of violent crime.<sup>35</sup> However, the CoP has cautioned that *‘simply increasing stop and search, without using an intelligence-led approach, is unlikely to reduce crime.’*<sup>36</sup> The Home Office’s own evidence shows that stop and search has a limited impact on disrupting violent crime. It concluded in a report assessing the impact of Operation BLUNT 2 – a Met Police initiative aimed at reducing knife crime that began in the spring of 2008 and resulted in a nine-fold increase in s.60 searches – that stop and search had *‘no statistically significant crime-reducing effect from the large increase in weapons searches during the course of Operation BLUNT 2. This suggests that the greater use of weapons searches was not effective at the borough level for reducing crime.’*<sup>37</sup> The CoP drew similar conclusions in its research and noted that *‘changes in the level of stop and search have only minimal effects – at best – on trends in violent crime, even when measured at the local level.’*<sup>38</sup>

**Unnecessary:** There is also evidence that the need for s.60 powers is superfluous. Nick Glynn, a retired Chief Inspector and former lead on stop and search at the CoP, concluded in his supporting statement for this super-complaint that some chief constables believe policing could operate without the use of s.60 because PACE provides sufficient police powers: *‘After several months of the new arrangements [introduced under BUSSS], several Chief Constables told me in private that they believed that policing could indeed operate without s.60 powers, because the provision of stop search powers under PACE, where reasonable grounds for suspicion are required, were sufficient.’*<sup>39</sup>

33 By associated legislation, we mean stop and search powers under section 47 of the Firearms Act 1968, section 23 of the Misuse of Drugs Act 1971, section 43 of the Terrorism Act 2000 as well as other legislation.

34 See Annex - Spark2Life

35 The Government. (2018) [Serious Violence Strategy](#); Home Office. (2017) [Minister supports police action to tackle knife crime](#).

36 College of Policing. (2016b) Loc. cit.

37 McCandless, R. et al. (2016) [Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2](#), Home Office.

38 Quinton, P. et al. (2017) [Does more stop and search mean less crime? Analysis of Metropolitan Police Service data, 2004-2014](#), College of Policing.

39 See Annex - Nick Glynn

# Section 2: Racial Disparities

**Disproportionality:** Force information on the application of s.60 for different ethnic minority groups is collected by local police forces and then published annually by the Home Office in the police powers and procedures data. There is strong evidence that Black people are disproportionately impacted by stop and search powers and that in the case of s.60 this is particularly severe.<sup>40</sup> In the year ending March 2020, Black people in

England and Wales were 18 times more likely to be searched under s.60 than White people.<sup>41</sup> In the same period, Black people were nine times more likely to be searched under s.1 of PACE (and associated legislation) when compared to White people. Similarly, people of Mixed Ethnicity were searched at a rate of four times under s.60 and three times under s.1 when compared to their White counterparts (See table 5).

**Table 5 A comparison of ethnic disproportionality rates to White people, searched under s.1 of PACE (and associated legislation) and s.60 of CJPO, England and Wales, 2019/20**

	Black/White rate	Asian/White rate	Mixed/White rate	Other/White rate
s.1 of PACE	9	3	3	2
s.60 of CJPO	18	3	4	3

High rates of stop and search in London are an important driver of national ethnic disproportionality as a large proportion of the Black and minority ethnic population in England and Wales live in the capital.<sup>42</sup> The Metropolitan Police Service (the Met) uses s.60 powers at a far higher rate than other forces and in 2019/20 they conducted 63% of s.60 searches recorded nationally. In 2019/20, Black people were stopped and searched under s.60 powers at a higher rate than White people, by every reporting force in England and Wales where there was a search of at least one Black person and one White person. There is disparity in how the powers are applied across police force areas, for example, Home Office data for 2019/20 showed that Black people were seven times more likely to be searched under s.60 powers in London compared to White people, per 100,000 of the population, whereas in South Wales, Dorset and West Yorkshire, the comparable rates were 43 times, 20 times and 11 times, respectively.<sup>43</sup>

**Potential for bias and discrimination:** The PACE Code of Practice provides statutory guidance to the police in exercising stop and search powers and states that when selecting persons and vehicles to be stopped under s.60 ‘*officers must take care not to discriminate unlawfully against anyone on the grounds of any of the protected characteristics set out in the Equality Act 2010*’.<sup>44</sup> This is particularly important for s.60 powers as the potential for bias and discrimination is at its highest when police officers have the broadest discretion. This was highlighted by the government’s own Equality Impact Assessment (EIA) for the changes to s.60 powers implemented in April 2019 which noted that such powers have a disproportionate impact on Black, Asian and minority ethnic people and stated that ‘*it is possible that this disparity is at least in part a result of discrimination / stereotyping on the part of officers and forces carrying out searches under s.60*’.<sup>45</sup> The Home Office has itself concluded in its research on stop and search that ‘*it is likely that, in at least some cases, discriminatory officer practice plays at least some role in disproportionality*’.<sup>46</sup>

40 See Annex - Unjust, Spark2Life, Race on the Agenda, Race Equality First, Reach Every Generation, Liberty, Leaders Unlocked, Justice and Account.

41 Home Office. (2020) Loc. cit.

42 The Government. (2018) [Regional ethnic diversity](#), updated 2020.

43 Home Office. (2020) Loc. cit. See also Race Equality First Annex.

44 Home Office. (2014d) [CODE A Revised Code of Practice for the exercise](#) by: Police Officers of Statutory Powers of stop and search Police Officers and Police Staff of requirements to record public encounters, Para 2.14a.

45 Home Office. (2019b) [Equality impact assessment \(March\)](#): Relaxation of section 60 conditions in the best use of stop and search scheme.

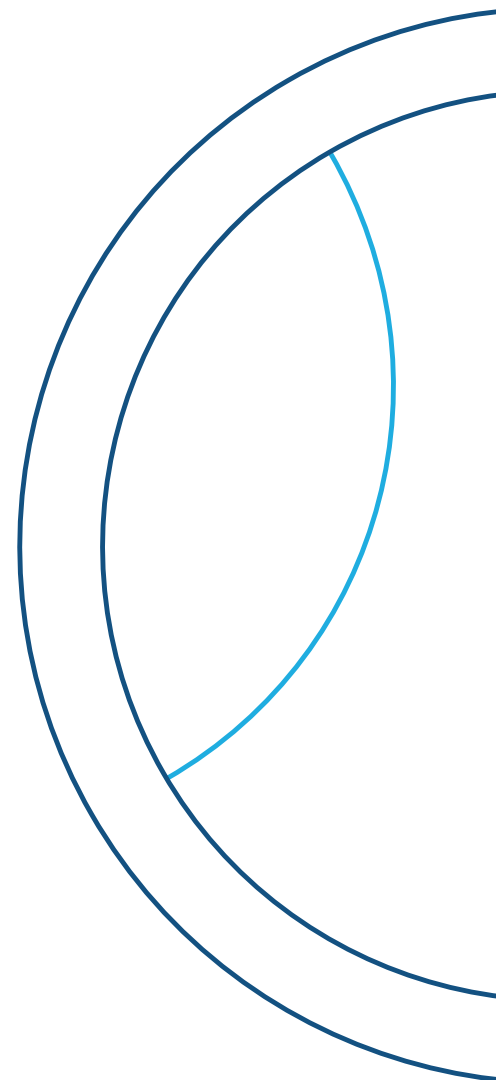
46 Miller, J. et al. (2000) [The Impact of Stops and Searches on Crime and the Community](#), Home Office.

**Unfair application:** In its recent report on disproportionality, HMICFRS recommended forces ‘analyse their data to understand why people from ethnic minority groups are more likely to be stop and searched.’<sup>47</sup> Furthermore, the inspectorate highlighted the need for s.60 searches to be considered alongside a fairer measure of the application of such powers. This new measure would examine whether the intelligence used by forces to gain authorisation for these powers matches the characteristics of people being stopped under these powers. As an example, the Inspectorate noted that ‘searches authorised under s.60 due to intelligence suggesting that a White gang is carrying knives in an area should not result in searches of Black people.’<sup>48</sup> As unfair application of the powers cannot be determined by simply looking at the number of authorisations in any given area, there would be a need for forces to check manually the information on which each authorisation is based against the ethnicity of those searched. The issue of internal monitoring and scrutiny is discussed in section 8.

**Unknown ethnicity:** We are also concerned with the high volume of searches in which ethnicity is recorded as ‘unknown’. In the year ending March 2020, ethnic background was either not stated or not recorded in a quarter (4,493) of the 18,081 searches conducted under s.60 legislation in England and Wales.<sup>49</sup> Most concerningly, the Home Office’s own data shows that the proportion of cases in which ‘not stated / unknown’<sup>50</sup> is recorded by forces for s.60 stop and searches has increased over the past four years from 15% to 25% (see table 6).<sup>51</sup> To tackle this, HMICFRS has recommended that ‘where the person does not state their ethnicity, the officer should record their own perception of the person’s ethnic background’.<sup>52</sup> The absence of data acts as a barrier to accurately calculating and identifying levels of racial disproportionality in s.60 stop and searches. As HMICFRS has observed, such a high volume of records in which the ethnicity is not stated means that there is an ‘incomplete picture of the extent to which s.60 and stop and search more broadly is being used on different ethnic groups’.<sup>53</sup>

**Table 6 Stop and searches under s.60 of CJPO Act where no ethnicity was recorded, England and Wales, 2016/17 to 2019/20**

Year	Total	Not stated / unknown	Percentage
2016/17	617	95	15%
2017/18	2,501	485	19%
2018/19	13,175	2873	22%
2019/20	18,081	4493	25%



47 Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services. (2021) Loc. cit.

48 Ibid.

49 Home Office. (2020) Loc. cit.

50 For example, where the person did not state their ethnicity, or the police were called away to an emergency.

51 Home Office. (2020) Loc. cit.; Home Office. (2019b) [Police powers and procedures, England and Wales year ending 31 March 2019](#); Home Office. (2018) [Police powers and procedures, England and Wales, year ending 31 March 2018](#); Home Office. (2017) [Police powers and procedures England and Wales year ending 31 March 2017 second edition](#).

52 Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services. (2021) Loc. cit.; Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services. (2017) [PEEL: Police legitimacy 2017 – A national overview](#).

53 Ibid.

# Section 3: Trust and Confidence

**Policing by consent:** Effective policing in England and Wales is reliant on public trust and confidence. Trust and confidence are central tenets of the Peelian principle of ‘policing by consent’, which is defined by the government as ‘*a philosophy of policing unique in history and throughout the world because it derived not from fear but almost exclusively from public co-operation with the police, induced by them designedly by behaviour which secures and maintains for them the approval, respect and affection of the public*’.<sup>54</sup>

**Measuring trust and confidence:** There are many ways to measure trust and confidence in the police and various bodies and organisations have attempted to do this. As part of the Crime Survey for England and Wales, the Office for National Statistics (ONS) collects and publishes information on public perceptions and ratings of local police forces. In the latest Crime Survey for England and Wales (year ending March 2020), 55 percent of adults expressed overall confidence in the police in their area.<sup>55</sup> At a local level, some forces conduct their own monitoring of public trust and confidence. For example, the Mayor’s Office for Policing and Crime (MOPAC) collects data on public attitudes and perceptions of the Met and the City of London police. MOPAC found similar rates of confidence in the police to those reported by ONS. In December 2020, 56 percent of Londoners agreed that the police were doing a good job.<sup>56</sup> This had fallen by 2 percentage points from 2019. It is interesting to note that research by the London School of Economics found that measuring confidence in policing is ‘unusual’ when compared with other public services as contact with the service can have a negative impact on trust and confidence: ‘*For example, people are more likely to express satisfaction with the National Health Service if they are current or recent users of NHS services. Conversely, those who have had no recent contact with the police are more likely to feel they are doing a good job than those who have*’.<sup>57</sup>

**Trust and confidence in ethnic minority communities:** However, the public is not a homogenous group. Some datasets on public attitudes and perceptions of the police provide insights about the respondents which

demonstrates that public rating and confidence levels in the police vary across different ethnic groups. The government collates information on confidence in local police forces which includes a demographic breakdown on the ethnicity, age, gender and the socio-economic status of the survey respondents. In the latest year ending March 2019, this data shows that ‘*people from Black and Mixed backgrounds were less likely than White and Asian people to have confidence in their local police. In every year covered by this data, Black Caribbean people were less likely than White British people to have confidence in their local police*’.<sup>58</sup>

“It only takes one bad encounter with police; one excessive use of force, one use of a taser, one disrespectful interaction, to create a lifetime of hostility, mistrust and resentment. Experiencing violence or disrespect from authority figures who are meant to protect you can have a knock-on effect to how you think about your place in the world.”

-Account, Hackney’s youth-led police monitoring group.

**Impact of stop and search on trust and confidence:** Martin Hewitt, Chair of the NPCC has said he wants to ‘*change generations of history between police and Black communities, strained by stop and search and decades of reports finding Black people were being treated differently to White people. The reason it is important is because all of that takes you to the legitimacy of us [the police], as a service*’.<sup>59</sup>

54 Home Office. (2012) [FOI release: Definition of policing by consent](#).

55 Office for National Statistics. (2020) [Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending March 2020](#).

56 Mayor’s Office for Police and Crime. (2021) [Public Perceptions of the Police: Greater London Authority](#).

57 Bradford, B. et al. (2009) [Contact and confidence: revisiting the impact of public encounters with the police](#), The London School of Economics and Political Science.

58 Home Office. (2021) [Confidence in the local police](#).

59 Dodd, V. (2021) [Race crisis damages our legitimacy and effectiveness, says top police chief](#), The Guardian.

CJA members have also provided examples in their statements of the deep and long-lasting impact that repeated experiences of stop and searches have on individuals and communities. For example, Account, Hackney's youth-led police monitoring group, said 'it only takes one bad encounter with police; one excessive use of force, one use of a taser, one disrespectful interaction, to create a lifetime of hostility, mistrust and resentment. Experiencing violence or disrespect from authority figures who are meant to protect you can have a knock-on effect to how you think about your place in the world.'<sup>60</sup> Kids of Colour also said: '*When I was stopped and searched, I was embarrassed. Me and my friend walked off feeling humiliated and angry, they said we fit the description of those they were looking for, a Black and Mixed-race male. From that day I understood my place in society as a Black person*'.<sup>61</sup>

**Sense of unfairness:** As s.60 searches do not require reasonable grounds or require officers to have suspicion, the sense of unfairness and injustice of being stopped and searched under this power can be especially acute. The government's own EIA, produced for the relaxation of the s.60 safeguards, acknowledged that '*more Black, Asian and minority ethnic individuals are searched under this power despite not committing any offences, and without being provided with significant person specific justification for searches taking place*'.<sup>62</sup> It also accepts '*this would probably risk having a negative effect on a part of the community where trust / confidence levels are typically low*.'

**Racial profiling:** Individuals feel racially profiled when they experience multiple stop and searches over a period of time or when they do not understand why they have been targeted. Referring to s.60, Account stated: '*To many young people we work with, being stopped 'for no reason' feels authoritarian in nature. To search someone without needing a reason, without explanation – regardless of what the law says – can feel like a violation of human rights... It is not hard to see how this can lead to racial profiling*.' Leaders Unlocked explained that '*s.60 searches can exacerbate the feeling that young people have of being targeted and*

*profiled on the basis of race, social background, appearance and other stereotyped factors.*' There is also publicly available evidence of people who appear to have been racially profiled, with footage being posted online by frustrated individuals who have been searched under s.60 powers.<sup>63</sup> As Kids of Colour highlighted in its supporting statement: '*We continue to hear stories of stop and search that are underpinned by racism [for example] 'your kind are always getting in trouble*'.<sup>64</sup>

**The 'wall of silence':** An absence of trust and confidence among communities can be detrimental to the police in solving crimes.<sup>65</sup> Where police legitimacy is undermined, or perceived as such, it can deter people from Black, Asian and minority ethnic communities from seeking help as victims or witnesses of crime, generating a 'wall of silence' which in turn impedes the ability of the police to solve crime.<sup>66</sup> The CoP APP guidance on stop and search recognises: '*If used unnecessarily, unlawfully and/or in an unfair manner, it may cause alarm or distress to members of the public and have negative consequences in the longer term that make the police's job harder*'.<sup>67</sup> This is echoed in research on trust and confidence in the police from the London School of Economics and the University of Oxford.<sup>68</sup>

**Impact on police diversity:** A lack of trust and confidence can also thwart efforts to improve diversity through the recruitment of new officers. CJA member Race Equality First highlighted: '*It is therefore important for the police to recognise the wider impacts that certain police powers, such as stop and search can have on Black, Asian and minority ethnic communities, particularly in relation to trust and members of such communities considering going into policing as a viable career choice, which in turn impacts their long-term goals – to achieve a more representative workforce*'.<sup>69</sup> Research carried out by NatCen in 2018 on increasing diversity in policing found that '*recruitment efforts within BME groups may have a limited impact due to (historic) negative perceptions of police and policing, such as disproportionate stop and search practices*'.<sup>70</sup>

60 See Annex - Hackney Account.

61 See Annex - Kids of Colour.

62 Home Office. (2019c) [Equality impact assessment \(August\): Relaxation of section 60 in the best use of stop and search scheme](#).

63 UK Freedom Audits. (2020) [Cop Using Section 60 To Stop & Search & Intimidate](#), YouTube.

64 See Annex - Kids of Colour.

65 See Annex - Y Stop, Voyage, Unjust, Spark2Life, Race On The Agenda, Race Equality First, Reach Every Generation, Leaders Unlocked, Liberty and Justice.

66 Youth Violence Commission. (2020) [Youth Violence Commission final report](#).

67 College of Policing. (2016b) Loc. cit.

68 Jackson, J. et al. (2012) [Just Authority?: Trust in the Police in England and Wales](#), Routledge.

69 See Annex - Race Equality First

70 Bury, J. et al. (2018) [Enhancing diversity in policing](#), NatCen.

# Section 4: Public Sector Equality Duty

**The Equality Act 2010:** The Home Office and police are required to eliminate discrimination and harassment and foster good relations under the Public Sector Equality Duty (PSED). This duty was developed to harmonise the equalities duties for all public bodies and compliance is a legal obligation. The police and Home Office must therefore have due regard to the need to achieve the objectives set out under s.149 of the Equality Act 2010:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Equality Impact Assessments:** A key element of the PSED is the requirement of public authorities to show 'due regard' in its decisions to eliminate discrimination.<sup>71</sup> While there is no legal obligation to publish Equality Impact Assessments (EIAs) in England (the position is different in both Wales and Scotland<sup>72</sup>), public authorities including the police have a legal obligation to demonstrate that they followed the PSED and that they have taken various factors into account to mitigate any direct or indirect discrimination. In the absence of other measures, EIAs facilitate transparency and encourage consideration of, and compliance with, the Public Sector Equality Duty. At a national level, the Home Office conducted and published EIAs<sup>73</sup> after it had rolled out changes to s.60 in October 2019. This followed requests from the Criminal Justice Alliance in letters to the then Home Secretary.<sup>74</sup> Both EIAs – one of which related to the March 2019 pilot and the other to the August 2019 nationwide rollout – highlighted that *'there*

*is evidence to suggest that an increase in the use of stop and search is unlikely to be conducive to improving community relations, including trust in the police.'*

**Lack of public consultation:** The published EIAs were produced internally and not subject to external review or challenge, as there was no public consultation for either the pilot or the national rollout. It is our understanding that members of the public, including those with key protected characteristics, were not engaged in the creation of the published EIAs. The EIAs stated: *'The impact of any relaxation would be under regular review and scrutiny, including one year after the announcements of said changes.'*<sup>75</sup> To date no updated EIAs have been published and there has been no published review or evaluation of the equalities impact of the national rollout.

**Lack of local EIAs:** We are concerned that local police forces have not conducted EIAs to examine and mitigate the impact of the use of s.60 on people with protected characteristics, including race and age, in their force areas.

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As part of our FoI requests, police forces were asked to provide copies of local EIAs since the changes to s.60 policy. None of the forces that responded to our request could provide us with one. We also encountered evidence within the FoI data of some forces being asked by members of their own Community Scrutiny Panels (CSPs) for localised EIAs following the national change to s.60 policy. A member of the Scrutiny of Police Powers Panel in Avon and Somerset asked *'when the s.60 Stop and Search Policy was changed, was an EIA written by the Constabulary?'* The force responded that no local EIA had been produced, *'however, the Constabulary are very aware of disproportionality. More work to be done.'*

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71 Equality Act, 2010, section 149, Available at: [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/100/section/149)

72 Advance HE, [Equality impact assessment](#), accessed 13 May 2021.

73 Home Office. (2019c) Loc. cit.; Home Office. (2019d) Loc. cit.

74 Criminal Justice Alliance and EQUAL. (2019) [CJA and EQUAL respond to s.60 stop and search equality impact assessments](#).

75 Home Office. (2019c) Loc. cit.; Home Office. (2019d) Loc. cit.

**Cumulative impact:** We are concerned that there is also a lack of centrally collated and analysed information on the potential cumulative impacts of multiple Home Office and Ministry of Justice policies, which identify indirect discrimination, on entrenching racial disparities in the criminal justice system. In response to a parliamentary question, the Ministry of Justice recently revealed that it did not *'keep central records of all [its] equality assessments undertaken since December 2019.'*<sup>76</sup> Similarly, in response to a separate parliamentary question, the Home Office said it didn't hold information centrally on the number of EIAs it had undertaken since January 2019 that identified the possibility of indirect discrimination.<sup>77</sup> The minister added that this could only be obtained at disproportionate cost. This reinforces our concern that where EIAs are being undertaken and indirect discrimination identified, there is little evidence that mitigatory measures or alternative policies are put in place, or even any action to ensure effective monitoring of race disparity once the legislation / policy change is implemented.

**'We are concerned that local police forces have not conducted EIAs to examine and mitigate the impact of the use of s.60.'**



76 UK Parliament. (2021a) [Ministry of Justice: Equality: Question for Ministry of Justice](#), UIN HL13233, tabled on 10 February 2021.  
77 UK Parliament. (2021b) [Home Office: Equality, Home Office written questions](#), answered 18 March 2021.

# Section 5: Safeguarding children and young adults

**Children Act 1989:** Children are among the most vulnerable members of society and police officers must consider their safeguarding and welfare needs. This is stipulated under the Children Act 1989 and officers are required to adhere to this for every stop and search encounter involving a child. Unlike when a child is arrested and / or interviewed, there is no requirement for the presence of an appropriate adult during a stop and search. This means that safeguards to protect the interests and welfare of children are at a minimum when they are stopped and searched and arguably even more so when searched under s.60 powers where there is no need for reasonable grounds.

**Children stopped and searched:** There are an alarming number of children subjected to s.60 stop and searches. The annual Home Office publication of police powers and procedures does not include a breakdown of searches by age.

However, figures obtained as a result of our FoI request show a high volume of children are stopped and searched under s.60 powers. Comparing before and after 1 September 2019 for the forces that provided this data (excluding the Metropolitan Police, Essex and South Yorkshire<sup>78</sup>), the proportion of persons under 18 searched compared with those over 18 increased from 31.8% to 49.2%. It appears that the relaxation of safeguards for s.60 stop and searches introduced in August 2019 may have disproportionately affected children. For the Metropolitan Police, comparing before and after 1 September 2019, the proportion of persons under 18 searched was similar, with a slight increase from 26.5% (before 1 September 2019) to 28.3% (after 1 September 2019).

**Perceptions of the police:** Professional practice guidance (APP) published by the CoP has acknowledged the harms of stop and search on children and drawn attention to the potential impact on police legitimacy. It states: '*Children*

*may be more likely to find the experience of stop and search traumatic. This may have long-term effects on their perceptions of the police.*'<sup>79</sup> The low level of trust in stop and search by children and young adults has also been evidenced in recent data published by the IOPC. A recent survey on public perceptions of stop and search revealed that age was a significant factor when determining confidence levels. The IOPC found that those aged 55+ and those who are White tend to agree to a larger extent that stop and search is necessary. It also found that these groups are more likely to agree that the police are currently using stop and search in the right way. Conversely, respondents from a Black, Asian or minority ethnic background and those aged 18-24 were more likely to perceive stop and search as unnecessary and something that the police should stop using in their work.<sup>80</sup> Data and information collated by the government on confidence in local police forces also suggests that this varies by ethnicity among young people. In the year ending March 2019, a lower percentage of 16-24 year olds from Black (61%) and Mixed backgrounds (68%) had confidence in their local police than White 16-24 year olds (77%).<sup>81</sup> These findings echo earlier results from our *No respect* report, with YouGov polling finding that three quarters of young Black, Asian and minority ethnic people think they and their communities are targeted unfairly by stop and search.<sup>82</sup> It is such perceptions of the police that can have a ripple effect on trust and confidence across the whole criminal justice system. This has been identified as a factor in increased racial disparities at later stages of the criminal justice process.<sup>83</sup>

**A sense of injustice:** The lack of reasonable grounds can contribute to an increased level of confusion, frustration and sense of injustice among children searched under s.60. There are several acronyms children are taught through peer-support programmes to inform them about their rights.

78 Essex and South Yorkshire provided data on the number of persons searched under 18, however due to how this was recorded these figures may have included data on persons aged over 18. Due to these inconsistencies, data from Essex and Yorkshire on searches of people under 18 were removed (see methodology in research report for more details).

79 College of Policing. (2019b) Loc. cit.

80 Independent Office for Police Conduct. (2021) Loc. cit.

81 The Government. (2021) Loc. cit.

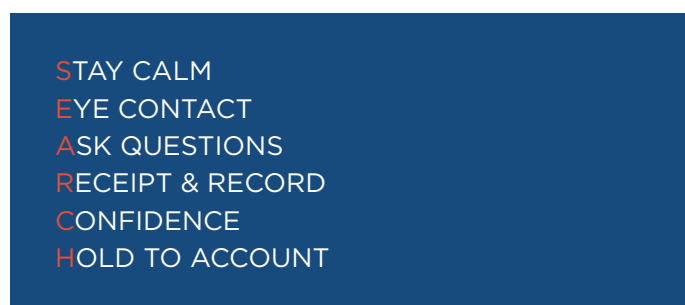
82 Criminal Justice Alliance. (2019b) [CJA/MoJ Policy Forum on BAME victims of crime](#); Lammy, D. (2017) [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#).

83 Lammy, D. (2017) Loc. cit.



For example, the ‘Y-STOP’<sup>84</sup> project uses the SEARCH acronym (see Figure 3) and is designed to ensure children know their rights during a stop and search and to reduce the potential for harm. The police are encouraged to use the ‘GOWISELY’ acronym (see Figure 4) to maximise a person’s understanding before a search. The G stands for ‘A clear explanation of the officers’ grounds for suspicion e.g. information / intelligence or the specific behaviour of a person’;<sup>85</sup> however, this does not apply to s.60 as there is no requirement for reasonable grounds. The absence of such a requirement has the potential to make encounters more confusing and frustrating for children and young adults.

**Figure 3 - YSTOP SEARCH acronym**



**Figure 4 - GOWISELY acronym**

- G** A clear explanation of the officer’s **grounds** for suspicion, eg. info/intel or specific behaviour of person.
- O** A clear explanation of the **object** and purpose of the search in terms of the article being searched for.
- W** **Warrant** card, if not in uniform or if requested.
- I** **Identity** of the officer(s) name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number.
- S** **Station** to which the officer is attached.
- E** **Entitlement** to a copy of the search record within 3 months.
- L** **Legal** power used.
- Y** **You** are detained for the purposes of a search.

## Intrusive and/or repetitive stop and searches on children have been linked with trauma and anxiety.

**Trauma and anxiety:** Intrusive and/or repetitive stop and searches on children have been linked with trauma and anxiety.<sup>86</sup> A child’s first encounter with the police can have a lasting impact on how they view the police and engage with them as adults.<sup>87</sup> Fraught exchanges, poor communication and failure to ensure that a child’s welfare is paramount can perpetuate mistrust. CJA research on young Black, Asian and minority ethnic people’s experiences of stop and search in 2017 found that ‘when a search is not carried out with basic levels of decency and sensitivity, it can have a lasting effect on a young person and can make him feel ‘victimised’, ‘humiliated’, even ‘violated’.<sup>88</sup> Spark2Life highlighted the added trauma of being racially profiled: ‘We need to be careful that in trying to address one public health issue of violence we don’t create another by underestimating the trauma young people experience when being racially profiled and victimised because of the colour of their skin.’<sup>89</sup>

**Paper receipts:** We have heard from our members that children and young adults are often confused and unaware of which powers they are being searched under. They often do not receive a paper receipt as some forces no longer provide them. Instead, the onus is shifted onto the child or young adult to collect a record of the search from the police station within three months. These concerns were echoed in several supporting statements. Kids of Colour said young people disclose that they are ‘frequently stopped on their routes home from school, but [they are] never sure why’. Account said: ‘Young people rarely know what a s.60 power is, let alone that one may or may not be in place.’<sup>90</sup>

84 Y-Stop, [The approach of Y-Stop and why it’s needed](#), Accessed 13 May 2021.

85 College of Policing. (2016c) [Authorised professional practice: stop and search – professional](#).

86 Keeling, P. (2017) Loc. cit.; Account. (2020) [Policing in Hackney: Challenges from youth in 2020](#); Geller, A. et al. (2014) [Aggressive Policing and the Mental Health of Young Urban Men](#), American Journal of Public Health.

87 Independent Office for Police Conduct. (2018) [Views and the experience of stop and search from our Youth Panel](#).

88 Keeling, P. (2017) Loc. cit.

89 See Annex - Spark2Life; Account. (2020) Loc. cit; Bowling, B. and Marks, E. (2015) [Stop and Search: Towards a Transnational and Comparative Approach](#), in Police Powers and Criminal Justice: Examining Stop and Search edited by Rebekah Delsol and Michael Shiner. London: Palgrave.

90 See Annex - Kids of Colour and Account

# Section 6: Use of force

**Lack of data:** Police officers are empowered to use reasonable force to carry out a stop and search, if necessary. Different types of police force include Taser, firearms, batons, and the use of handcuffs. The use of force has the potential to cause physical harm and be traumatic. Like stop and search, it has the potential to fuel further mistrust and damage confidence in the police if misapplied. Yet there is a lack of data on the use of force during s.60 (or indeed any search). Guidance produced by the CoP specifies that *'officers should not routinely handcuff people to carry out a stop and search.'*<sup>91</sup> However, there is publicly available footage of people being handcuffed as part of s.60 stop and searches with little warning or justification.<sup>92</sup> We have been unable to examine this in more depth as there is insufficient publicly available data on the number of s.60 searches where force has been used. Before 2017, because of a lack of recording, no police force could determine how many times force was used or whether it was appropriate and fair. Despite the police now being required to record use of force, HMICFRS states that *'current data is insufficiently robust due to the likelihood of high levels of under-recording.'*<sup>93</sup>

**Use of force during stop and search:** Despite advancements in data collection on the police use of force, there are still considerable gaps. For example, there is currently no legal requirement for forces or officers to record information about whether handcuffs (or indeed any use of force) are used during a stop and search. This information is expected to be recorded separately on a use of force form. The CoP has produced guidance on recording the use of force and states *'forces are expected to record all instances of use of force electronically and in such a way that allows for ready retrieval and analysis of this information. In particular, this data should allow for analysis by age, ethnicity and offence and should form part of the custody record or be explicitly referenced in it.'*<sup>94</sup> Information and data on the police use of force is published annually by the Home Office. However, this is not linked to whether use of force occurred during a stop and search or which type of search. It is our understanding that current police systems are not configured in a way which allows an officer to make a seamless transition from stop and search records to use of force records, making it difficult

to monitor whether the two are being applied in conjunction with one another.

**Territorial Support Group use of s.60:** We also wish to raise concerns about s.60 searches being conducted by the Territorial Support Group (TSG), the Met's unit of specially trained riot officers who are deployed to police public order situations such as demonstrations and protests. While policing in London is undertaken by smaller teams based locally, the TSG's remit permits it to operate across the capital. TSG officers are therefore not local neighbourhood police officers and can lack local knowledge and cultural awareness. We have been involved in a number of community discussions hosted by CJA member Another Night of Sisterhood (ANOS) – a voluntary organisation in Croydon that aims to meet the needs of the community. We have anecdotally heard concerns about the TSG's involvement in stop and search, including searches under s.60, and that this is a cause of growing tensions between the Met and Black, Asian, and ethnic minority communities. This is particularly worrying as the specialist unit has a history of complaints and misconduct cases for excessive use of force.<sup>95</sup> In recent research on tackling racial injustice in the youth justice system, JUSTICE found that *'Black, Asian and minority ethnic children were often experiencing aggressive policing tactics by the TSG.'*<sup>96</sup> Similar concerns have been identified by both Account<sup>97</sup> and by Unjust CIC – a community interest company established to challenge structural discrimination within policing and the wider criminal justice system – in their supporting statements to this document. Unjust CIC highlighted heavy-handed policing by TSG officers where a father was *'wrestled to the ground'* and placed in handcuffs prior to any questioning, within public view and in the presence of his wife and 15-year-old son.<sup>98</sup> We are concerned that the use of s.60 is perpetuating trauma through use of force and heavy-handed tactics, where such interactions will have an impact on an individual's physical, emotional and psychological wellbeing and on trust and confidence in the police. There is also a lack of reporting by the Met on how many s.60 searches are carried out by the TSG.

91 College of Policing. (2016b) Loc. cit.

92 Mxmovement. (2020) tweet available at: <https://twitter.com/mxmovement/status/1272264691281285133>.

93 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2021) Loc. cit.

94 College of Policing. (2013) [Authorised professional practice: Detention and custody - Control, restraint and searches](#), Updated 2020.

95 Taylor, D. (2020) [Man paralysed after being shot by police with Taser weapon vows to get justice](#), The Guardian; Dyer, H. and Gayle, D. (2020) [Revealed: fewer than one in 200 complaints against Met unit upheld](#), The Guardian.

96 JUSTICE. (2021) [Tackling Racial Injustice: Children and the Youth Justice System](#).

97 Account. (2020) Loc. cit.

98 See Annex - Unjust

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# Section 7: Transparency

**Limitations of available data:** As we have already identified when discussing other matters of concern above, there is a lack of transparent data on how police forces are exercising their s.60 powers. Transparent, consistent and complete data is essential to monitor and analyse the use of discretionary powers and to enable internal and external scrutiny on how fair, effective and proportionate their use is. According to BUSSS guidance, the recording, availability and scrutiny of data should lead to an increase in ‘positive outcomes’ (i.e. arrests, out of court disposals etc) resulting from stop and searches because it will encourage greater accountability of policing powers.<sup>99</sup> However, we have found that limitations in the level of data available restricts the ability of forces to monitor their own performance and of external bodies and the public to scrutinise and challenge.

**Inconsistent information:** Some statistics on s.60 powers are included in annually published data on stop and search from the Home Office. Nevertheless, we have identified numerous shortcomings in the data which makes it challenging to examine how s.60 is being used in practice. For example, the published data fails to include information on:

- The number of s.60 authorisations
- The geographical reach of each authorisation
- The reason for each authorisation
- The length of time for each authorisation
- A breakdown by age

.....  
Many forces were unable to provide us with s.60 data following our FoI request. In total 16 of 44 forces (15 of 35 in our second request<sup>100</sup>) provided information, either in whole or in part to our request. Of the forces contacted, 13 had not authorised any s.60 searches during the time period requested. Some forces asserted that they were unable to provide information, either because there was ‘no information held’ or it was not available in a retrievable format.  
.....

The reported inaccessibility of this data indicates that such information is not being routinely reviewed by forces themselves, the Home Office or CSPs. Where data on s.60 was received under

the FoI, there were inconsistencies in how it was recorded and reported, making it difficult to assess trends. For example:

- **Ethnicity data:** There was a high volume of people for whom ethnicity was recorded as unknown. This is not in accordance with the minimum details required to be collected, specified in Code A of PACE: ‘*a note of the self-defined ethnicity of the person being searched (if provided) and, if different, their ethnicity as perceived by the officer conducting the search.*’<sup>101</sup> Accurate recording of the characteristics of people targeted in individual stop and searches is crucial to police accountability in its exercise of s.60 powers.
- **Age data:** At present, there is no consistent recording of age, with different age brackets used by different forces. For example, information relating to age provided by some force areas was labelled ‘0-19’, ‘10-16’ and ‘17-21’ making it difficult to meaningfully analyse the impact on children (those aged under 18) or young adults (those aged 18-25) as specific groups.
- **Locality recording:** Forces were asked to provide information on the geographical remit of each s.60 authorisation. The format in which the data was provided by different forces varied. For example, some included images of maps, others referred to a variety of postcodes and others mentioned specific street names. This made it difficult to analyse the geographical reach and how targeted the locality was (see section 10 for further details).
- **Weapons recovered:** Forces were asked to provide the number of weapons that were recovered during s.60 searches. Forces provided this data in two different formats: either by reporting the number of weapons recovered or by reporting the number of searches that led to the recovery of a weapon (i.e. more than one weapon may have been found). Where just the number of weapons recovered were provided, it was not possible to determine how many searches had resulted in finding a weapon.

99 Home Office and College of Policing. (2014a) Loc. cit.

100 The second FoI request was sent to 35 forces (excluding those that had not authorised any s.60s).

101 Home Office. (2014d) Loc. cit., para 5.4.

**Recording requirements:** A requirement of BUSSS was to increase the recording requirements of forces, including an expectation to *'publish a full range of stop and search outcomes (including, for example, cautions and penalty notices for disorder) rather than simply recording arrest figures.'*<sup>102</sup>

However, subsequent inspections looking at force compliance with BUSSS by HMICFRS found that *'some forces monitor little more than the total number of stops and searches by ethnic group, the ages of those stopped and searched and the overall arrest rate'*.<sup>103</sup> This lack of internal scrutiny not only undermines one of the principal aims of BUSSS—to achieve greater transparency—but also hinders forces' abilities to understand the extent to which these discretionary powers are being used in a fair and proportionate manner.

**Limited data on outcomes:** Furthermore, the 'success' of stop and search is frequently measured by counting the number of times a search has resulted in a criminal justice outcome (e.g., an arrest or out of court disposal). While we know how many arrests are made for possession of weapons found during s.60 searches, information is limited in relation to arrests for other offences. There is insufficient data on whether the outcome is linked to the reason for the search or indeed whether an arrest is for other offences related to the stop and search interaction itself, for example for a public order offence, obstruction or assault. This information would provide better evidence to examine how effective s.60 are in terms of the nature of arrests made. These concerns were echoed by Reach Every Generation, an organisation which provides support to young people aged 10-17 who are at risk of crime, serious violence, and exploitation: *'We know [of] well documented incidents where s.60 stop and searches lead to a charge of 'assault on emergency worker', therefore a s.60 stop and search which could end with nothing found, ... [but] lead to an innocent young person receiving a criminal conviction.'*<sup>104</sup>

**The quality of intelligence:** There is also limited information about the quality of local intelligence that is used to authorise s.60 powers.

In the data we received back from Fols, police forces provided a reason for invoking the power in less than one in ten incidences (64 of 792) for s.60 authorisations occurring between 1 September 2018 and 30 January 2020. Much of the missing data stemmed from the Met being unable to provide this information due to the time it would take to anonymise it. The Met's inability to provide this information is alarming due to the large volume of searches the force conducts under s.60 powers.

Furthermore, the lack of consistent reporting on the intelligence used to authorise s.60s is particularly concerning as evidence suggests that a targeted and intelligence-led approach to stop and search has important implications in terms of efficacy.<sup>105</sup> This is why the Home Office's reduction of the degree of certainty needed for an s.60 authorisation from believing an incident involving serious violence 'will' occur to 'may' occur is particularly worrying, as the threshold for the quality of intelligence has been lowered.

**Data on s.60 complaints:** Concerns have been expressed repeatedly about the timeliness and effectiveness of IOPC investigations. So much so that in 2020 the Home Affairs Select Committee launched an inquiry on police conduct and complaints.<sup>106</sup> In particular, young people and people from Black Asian and minority ethnic communities are said to lack confidence in the complaints system.<sup>107</sup>

Each year the IOPC publish data on the complaints that forces have recorded. This annual report includes information about the number and type of complaint made including demographic data. In the year 2019/20, there were 355 complaints recorded in relation to stop and search under PACE.<sup>108</sup> However, there is no data on the number of complaints recorded in relation to searches granted under s.60 powers. We are concerned because a transparent complaints system is vital for trust and confidence in policing and the IOPC.

102 Home Office and College of Policing. (2014a) Loc. cit.

103 Ibid.

104 See Annex - Reach Every Generation

105 Chaaney, S. and Macdonald, I. (2012) [Stop and search, the use of intelligence and geographic targeting, findings from case study research](#), National Policing Improvement Agency.

106 Home Affairs Select Committee. (2021) [Police conduct and complaints inquiry](#), Oral evidence transcripts.

107 Independent Office for Police Conduct Youth Panel. (2019) [Key findings and recommendations 2019](#).

108 Independent Office for Police Conduct. (2020) [Police complaints: statistics for England and Wales 2019/20](#).

# Section 8: Scrutiny and accountability of s.60

## **Importance of scrutiny and accountability:**

Scrutiny and accountability are key to ensuring the trust and confidence of communities in the fair use of stop and search.<sup>109</sup> A key lesson of the Lammy Review into the treatment of Black, Asian and minority ethnic people in the criminal justice system was that *'bringing decision-making out into the open and exposing it to scrutiny is the best way of delivering fair treatment'*.<sup>110</sup> For stop and search in particular, scrutiny by those communities most affected by its use can play a crucial role in building trust by providing transparency and accountability. Most force areas have some sort of external Community Scrutiny Panel (CSP), made up of members of the public who hold the police to account for their use of stop and search.

## **Community scrutiny as a vehicle for building trust:**

We have demonstrated above (see section 3) the various ways in which s.60 causes damage to trust and confidence in policing, thereby undermining legitimacy. Action must be taken to improve trust in the use of stop and search, and effective scrutiny internally and externally is a way of achieving this. As part of their internal monitoring, forces should analyse data and information about their use of stop and search to understand and improve how they use it. This should be coupled with external scrutiny, for example CSPs which open up police practices to communities for closer examination. CSPs can be effective vehicles for driving change, engaging overpoliced groups and providing external forums of accountability for stop and search (see section 12) if run in accordance with CoP guidance.<sup>111</sup> But reasonable grounds are required for CSPs to work effectively in practice.

## **Reasonable grounds important for effective scrutiny:**

Ordinarily, most CSPs would review reasonable grounds to judge whether a stop and search was fair. Indeed, some community scrutiny mechanisms reflect this in their name, for example Northamptonshire has a Reasonable Grounds Panel.<sup>112</sup> A case study shows that if the Reasonable Grounds Panel finds there were no reasonable grounds for the search, the officer in question is informed and a process of escalating consequences ensues. In the first instance, the officer and their supervisor are offered training.

In the second instance, this training becomes mandatory. In the third instance, the officer and the supervisor are suspended from using stop and search until a specific development plan has been completed. Reasonable grounds therefore provide a crucial mechanism by which the public can monitor and assess whether powers are being used fairly. However, as s.60 searches do not require reasonable grounds, this presents significant challenges for community scrutiny, as there are no reasonable grounds for the panel to scrutinise.

Despite not being able to scrutinise reasonable grounds, there are a number of steps which could be taken by forces to enable some level of community scrutiny of s.60 searches. This could include reviewing the reasons for the authorisation against the intelligence the police had at the time, reviewing the geographical area and time the authorisation was agreed to cover, dip sampling searches to review the Body Worn Video (BWV) footage of how searches were carried out, reviewing outcomes data (such as arrests and out of court disposals) for searches carried out under s.60, reviewing any complaints received and examining any ethnic disproportionality.

**Community scrutiny of s.60 varies:** As part of the FoI data requests, forces were asked to provide information on community scrutiny of s.60 authorisations since 1 September 2018. This included requesting copies of minutes where s.60 authorisations had been discussed with CSPs and copies of any action plans produced. From the little information provided in response to the FoI requests and available online, it appears that the use and effectiveness of community scrutiny of s.60 varies significantly.

There were some positive examples of community engagement relating to the use of s.60, discussed in Section 9 in more detail.

109 See Annex - Y Stop, Voyage, Unjust. Spark2Life, Race Equality First, Justice, Leader Unlocked, Montell Neufville.

110 Lammy, D. (2017) Loc. cit.

111 College of Policing. (2016a) Loc. cit.

112 Kalyan, K. and Keeling, P. (2019) Loc. cit.

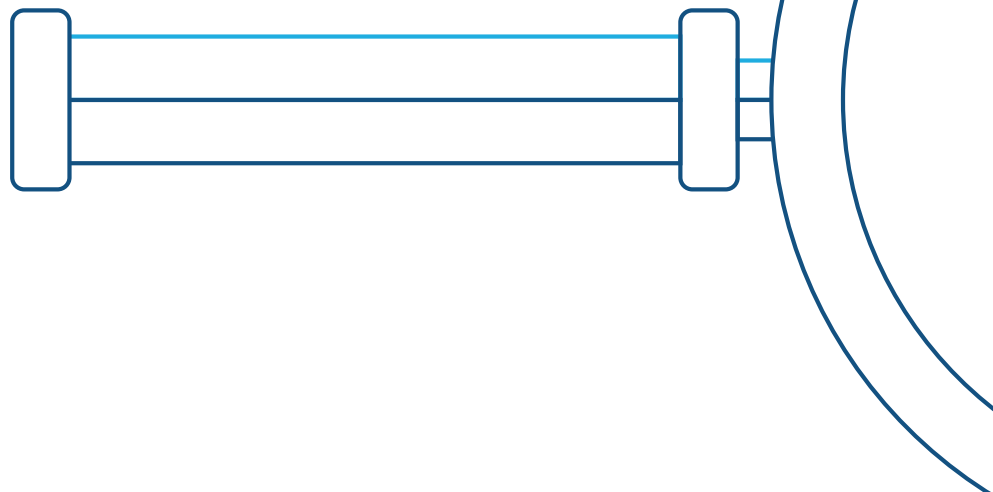
However, there were few examples of community scrutiny and none of the forces were able to provide any copies of action plans that had been produced as a result of such scrutiny. Bedfordshire CSP<sup>113</sup> provided evidence that ‘once a s.60 has been authorised the number [of searches] and their outcomes are then reported back to the scrutiny panel for oversight. This helps ensure there is trust and confidence.’

In Staffordshire, the CSP scrutinised a s.60 authorisation with questions asked about the police intelligence which led to the authorisation, the rank of the person who made the authorisation and whether the process of recording was sufficient. However, it was concerning to note that the panel was unable to undertake any scrutiny due to poor recording of s.60 searches under this authorisation. The lack of clear data meant that the panel did not know if any searches had been made using this power or not. We did not find any examples of CSPs reviewing BWV footage of s.60 stop and searches or discussing the ethnicity and age of people stopped under this power.

.....

**Manual checking of s.60 processes:** HMICFRS recently proposed that one way of scrutinising s.60 searches would be to examine ‘fair application’. This was defined as ‘*whether people searched under each authorisation match the information on which that authorisation is based. For example, searches authorised under s.60 due to intelligence suggesting that a White gang is carrying knives in an area should not result in searches of Black people.*’ The inspectorate noted that this cannot currently be discerned by examining the data relating to each search authorisation; it can only be determined by manually checking the information on which each authorisation is based against the ethnicity of those searched. HMICFRS concluded that it ‘*remains essential that forces carry out those manual checks to ensure the power is used effectively and fairly, and that this is demonstrated clearly to the public.*’<sup>114</sup>

**Scrutiny and accountability are key to ensuring the trust and confidence of communities in the fair use of stop and search.**



.....  
113 See Annex - Montell Neufville

114 Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services. (2021) Loc. cit.

# Section 9: Communication and community engagement

**Lack of consistent communication:** Currently, there is no consistent way forces communicate that a s.60 has been deployed in a given area. This has led to a postcode lottery in the extent to which the public are engaged about authorisations, again highlighting the lack of transparency and consistency in the use of this power. Police forces are expected to communicate to the public when s.60 stop and searches have been authorised. BUSSS stipulates that:

*'Participating forces must communicate with the public in the areas where a s.60 authorisation is to be put in place in advance (where practicable) and afterwards. The public need to be informed of the purpose and outcomes of each s.60 operation. However, it is a matter of local discretion to participating forces as to how they communicate this information.'*<sup>115</sup>

According to data from the FoI requests, only 16 forces were able to demonstrate how s.60 authorisations were communicated to the public. Five forces were unable to provide data on this for either one or both time periods requested. It appears that the most commonly used method of communicating the commencement of a s.60 was via social media (e.g. Twitter or Facebook). For some authorisations, more than one communication method was used.

**Use of social media to share s.60 information:** Social media platforms such as Facebook and Twitter can provide the police with a means of sharing information with the public in real-time and can improve transparency as to when and where a s.60 has been deployed, its purpose and outcomes. However, we have found that forces present information relating to s.60 authorisations in different formats and provide varying levels of detail. To effectively communicate s.60 authorisations, every effort should be made to engage with the widest range of people possible, using a range of media and social media. The use of social media heavily relies on the presumption that high numbers of the local population are following police accounts. It goes beyond the scope of this report to examine the analytics and engagement with police social media accounts for s.60 announcements. However, it should not be assumed that everyone who needs to be informed uses social media or follows police force accounts.

It should also be noted that the effectiveness of using social media as a channel for sharing information relating to stop and search powers has not been evaluated. Undoubtedly, where s.60 authorisations cover large areas and localities that are densely populated it becomes increasingly more challenging to communicate this and ensure that members of the public are aware of the authorisation. There is limited evidence to suggest that disproportionately impacted communities and young people are adequately engaged and made aware of the authorisations. It is also our understanding that no evaluation has been undertaken to examine the effectiveness of police using social media to communicate information relating to s.60 authorisations. Therefore, forces cannot rely solely on social media to do this and should also be using additional communication channels.

**Alternative ways of communicating about s.60 authorisations:** Other methods of communication we came across included issuing notices on the force website, announcing on local radio, communication on the ground by deployed officers and informing key stakeholders (e.g. ward councillors and independent advisory groups). Montell Neufville, Chair of Bedfordshire's Stop and Search Scrutiny Panel, said in his supporting statement: *'If there is time [prior to a s.60 being authorised] the ACC [Assistant Chief Constable] or force lead will consult with the chair of the scrutiny panel beforehand, if not due to urgency or operational reasons the panel is informed at the earliest possible time period.'*

However, it is clear from the FoI data that this approach is not adopted by all force areas. Where the authorisation was not communicated to the public, reasons were only provided in some cases. For example, South Yorkshire stated that a s.60 was not communicated to the public 'due to the short notice of this authorisation, but it was publicised after the event'.

**Communication of s.60 and deterrence:** The CoP guidance on transparency stipulates that forces should be proactive in *'publicising details (e.g. via social media, police A-boards and key individual networks) where and when authorisations have been made, clearly and as soon as practicable, to inform the public, provide reassurance and*

115 Home Office and College of Policing. (2014a) Loc. cit.



*maximise any deterrence effect.*<sup>116</sup> However, as highlighted above in section 5, the public, especially young people are often confused by what a s.60 is and are often unaware when it has been deployed. This point was emphasised in youth group Account's supporting statement; *'The 'deterrent' effect of s.60 powers has also never been conclusively proved in research. This feels unsurprising given our experience in the community. Young people rarely know what a s.60 power is, let alone that one may or may not be in place. Based on this, it is important to question what the legal justification for the power's use is.'*<sup>117</sup> There was also confusion among some CSPs about the requirement to communicate information relating to s.60 to members of the public.

From Fol data, some members of the Bedfordshire panel considered that it was important to communicate s.60 to the public and others raised the possibility that this could alert 'offenders.'

There has been no published research on the specific deterrence effect of s.60 authorisations. There has been research published on localised 'hot spot' policing;<sup>118</sup> however, evidence suggests that hot spot programmes that took a problem-solving approach rather than an enforcement approach were more successful, and the potentially adverse effects on community perceptions were not explored in detail.

**Engagement with local groups:** As we have noted above, there was limited evidence to demonstrate how forces were specifically engaging with community members about s.60, particularly those from Black, Asian and ethnic minority communities or young people which are known to be disproportionality impacted groups. There were two exceptions to this.

The first was Merseyside, which provided evidence of the Community Engagement Unit attending a range of community meetings about s.60 authorisations, with organisations such as the Young Persons Muslim Group, Somali Community Centre and National Citizenship Service. However, no information appears to have been collated on the impact of the engagement, including what views or concerns were raised. The second example was through the Independent Police Advisory Group in Kent, where young people were engaged primarily. Following a murder, police made contact with young people to inform them about a s.60 that was being deployed. It should be noted that these findings are limited to what was recorded in the minutes and further discussion may have taken place that is not evidenced.

116 College of Policing. (2016a) Loc. cit.

117 See Annex - Account

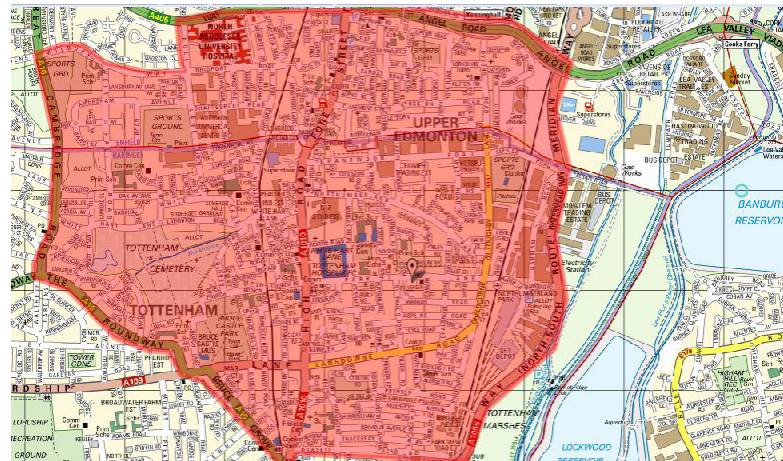
118 Braga, A. et al. (2012) [Hot spots policing of small geographic areas effects on crime](#), Campbell Systematic Reviews.

# Section 10: Geographical reach

**Net-widening:** S.60 permits powers for police to stop and search in anticipation of (or after) violence if ‘an officer of or above the rank of Inspector reasonably believe that incidents involving serious violence may take place in any locality in his police area.’<sup>119</sup> The meaning of ‘locality’ under the CJPO Act is not clear and is therefore being interpreted by forces in different ways, resulting in a lack of consistency. It is well evidenced that the use of good quality intelligence can help maximise the effectiveness of stop and search through improved targeting.<sup>120</sup> We would argue that where a s.60 is authorised to cover a large geographical area, it weakens the likelihood of these powers being intelligence-led and results in ‘net-widening’ of more innocent people being searched without suspicion. Therefore, the geographical reach of s.60 authorisations is a key indicator of how effectively and appropriately the power is being used.

**Targeted and untargeted authorisations:** We requested police forces to provide information on the geographical remit of s.60 authorisation. These were then categorised as ‘targeted’ (area smaller than a borough, whole town or village) or ‘untargeted’ (area of a borough size or larger, or whole town/village or larger).<sup>121</sup>

Our analysis of FoI data showed there had been a decrease in the number of geographically targeted s.60 authorisations between the pilot (in April 2019) and post national roll-out phase (after August 2019). From reviewing FoI response data, it is also evident that information on the geographical area of s.60 authorisations is not collected in a consistent manner by different force areas. The geographical areas of s.60 authorisations were of varying degrees of specificity and scale. Some authorisations were of narrowly specified streets, while some included an entire borough or town.



**Notting Hill Carnival:** Of particular concern in London is the use of borough-wide authorisations, covering large and densely populated areas. Every year, seemingly automatically, the borough of Kensington and Chelsea is granted a s.60 authorisation.<sup>122</sup> The Notting Hill Carnival takes place in the borough over a two-day period during the August bank holiday. In data provided by the Met, a peak in the use of s.60 powers is seen during this time.<sup>123</sup> According to FoI data published by the Met, there were a total of 463 arrests over the two-day period within the Notting Hill Carnival footprint.<sup>124</sup> Of these arrests, 34 were for offensive weapons but the majority were for drug offences (209). Both the Notting Hill Carnival and Glastonbury Festival have a large attendance.<sup>125</sup> However, Glastonbury Festival does not attract a s.60 authorisation each year in the way that the Carnival does. This suggests that it is possible to police large-scale events without the use of s.60 powers, instead relying on search powers that require reasonable grounds, alongside other measures such as knife arches.

119 Criminal Justice and Public Order Act 1994, Section 60, Available at: <https://www.legislation.gov.uk/ukpga/1994/33/section/60>  
120 Miller, J. et al. (2000) Loc. cit.; Chainey, S. and Macdonald, I. (2012) Loc. cit.  
121 See Agnew-Pauley, W. (2021) Section 60 Stop and Search in England and Wales, p.17.  
122 The Metropolitan Police Service. (2018) [Police interventions put in place for the Notting Hill Carnival weekends from 2014 to 2018](#), Freedom of Information request reference no 2018100000045; Dodd, V. (2018) [Police activate stop and search powers for Notting Hill carnival](#), The Guardian; BBC. (2019) [Notting Hill Carnival: Police searches granted after 100 arrests](#).  
123 The Metropolitan Police Service, [Stop and search dashboard](#), Accessed on 13 May 2021.  
124 The Metropolitan Police Service. (2019) [Crime allegations within the Notting Hill Carnival footprint](#), Freedom of information request reference no: 01.FOI.19.011298.  
125 Lafferty, H. and Whitehouse, J. (2019) [S.60 in action at Notting Hill](#), Queen Mary University.

# Section 11: Training and guidance

**Importance of training:** Given that s.60 searches have a greater potential to be considered unfair and unjust due to the lack of reasonable grounds and that they are used disproportionately against Black, Asian and minority ethnic people and frequently on children, we expected that officers using s.60 powers would receive dedicated training. This might reasonably include, for example, cultural competence and unconscious bias, as well as trauma-informed policing to de-escalate situations that can be emotionally distressing and humiliating for the person being searched. However, it appears that there is insufficient and inconsistent training provided both for officers who carry out s.60 searches and for the inspectors and superintendents who can now authorise them.

**Insufficient training:** Of the 24 forces that responded to our FoI request on training provided to officers following the changes in s.60 policy, 15 forces did not mention any additional s.60 training. Of these, 14 commented that stop and search training received following recruitment was sufficient, and that additional training, specific to s.60, is not necessary. Only nine forces provided details on specific s.60 training given to officers in addition to their initial training, which included e-learning modules, face-to-face sessions, stop and search refresher training, and officer safety training (which included a s.60 stop and search element).

It is clear therefore that officers can be in the police for many years without receiving refresher training or tailored training contextualised to the local communities they serve or the specific power being used.

This is particularly concerning given that FoI data indicates that (excluding the Met), there was an increase in the number of authorisations that were authorised by an inspector from 41.5% of authorisations (pre-pilot) to 77.6% (post-pilot). Similarly, the number of authorisations by an inspector in the Met increased from 56.2% (pre-pilot) to 95.3% (post-pilot).

**Enhanced stop and search training:** This lack of additional training is concerning, especially as enhanced training on stop and search is available. For example, the CoP has developed a two-day course for frontline officers with the Equality and Human Rights Commission. The second day is devoted to role play scenarios and how to handle stops and searches in a fair manner and how to exit situations where nothing has been found without leaving negative impressions. However, this training is not mandatory, and we understand that uptake has been limited. A recent HMICFRS report found that despite training some officers still lack confidence in the use of stop and search powers. The inspectorate also found that *'in some forces, training backlogs meant some officers weren't receiving [stop and search] training regularly'*.<sup>126</sup> The backlog in training is concerning as officers may not be informed on changes to legislation or force policy such as the reforms to s.60 introduced in 2019.

**Distinct needs of young adults:** There is a lack of information on the adequacy of training and guidance in equipping police officers to properly recognise and address the distinct needs of young adults (aged 18 – 25) when conducting s.60 searches. There is a body of evidence to support the development of a tailored and distinct approach towards young adults across all agencies of the criminal justice system.<sup>127</sup> Research has demonstrated significant variations in the rate of social, psychological and neurological maturation among this age group.<sup>128</sup> Therefore, training for officers should take into account the needs of this cohort particularly when engaging with them during stop and search interactions. However, there is limited evidence of this being undertaken.

126 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2021) Loc. cit.

127 Justice Select Committee. (2018) [Young adults in the criminal justice system](#); Ministry of Justice. (2017) [Government Response to the Justice Committee's Seventh, Report of Session 2016-17: The treatment of young adults in the criminal justice system](#).

128 Prior, D. et al. (2011) [Maturity, young adults and criminal justice: A literature review](#), University of Birmingham; The Police Foundation. (2018) [Policing and young adults: Developing a tailored approach](#).

# Section 12: Independent and effective oversight of stop and search powers

## **The need for independent scrutiny of stop and search:**

Independent, external scrutiny is important as stop and search can have a negative effect on people's trust and confidence in the police, particularly those from communities that are disproportionately policed. For police to tackle violent crime, communities must have the confidence to contact the police and disclose information. Effective community scrutiny of police powers helps to build trust, hold the police to account and engage the public. However, there is a significant lack of consistency and effectiveness in how stop and search CSPs operate across police force areas in England and Wales, which harms police legitimacy and the trust and confidence of impacted communities.

**Key principles for effective scrutiny:** Our 2019 report *Stop and Scrutinise* highlighted the results of a survey of CSPs across England and Wales.<sup>129</sup> The aim was to understand how CSPs could be used to hold the police to account and create transparency around stop and search for those affected by it. For community scrutiny to be effective, the report identified four key principles:

1. **Independent and empowered:** Led by the community, acts as a 'critical friend', provides constructive challenge and influences change.
2. **Informed:** Has effective and transparent access to a wide range of data and records on stop and search, including body worn video footage, and access to appropriate training and guidance.
3. **Representative:** Reflects the communities most affected by stop and search, stays dynamic by periodically reviewing and refreshing its membership and actively engages young people and Black, Asian and minority ethnic people in its work.
4. **Open and Visible:** Promotes its work widely in the community, particularly with young people and 'harder to reach' groups, publishes summaries of meetings and outcomes, and is easily contactable by members of the public.

## **Forces not fulfilling community scrutiny requirement:**

According to PACE Code A, police forces in consultation with their PCCs and/or equivalents are required to make arrangements for stop and search records to be scrutinised by community representatives. As noted in section 7, there are notable gaps in Home Office stop and search data including data on ethnicity and age, which can limit the effectiveness of CSPs. We also found that many local areas do not currently fully adhere to the above principles. For example, survey respondent in our Stop and Scrutinise Report revealed that:

- Almost a third of respondent CSPs were not chaired by a member of the public, but instead by representatives from the police or the office of the PCC.
- A third of respondent CSPs did not monitor the demographics of their members and most CSPs only recruited new members 'as and when needed' rather than ensuring membership is periodically renewed.
- Almost a quarter of respondent CSPs offered no training. Where training was offered, there was a lack of consistency in its content across forces.

**CSPs and the use of Body Worn Video:** Body Worn Video (BWV) is often said to be an effective tool in increasing public trust and confidence in policing. The importance of BWV has been reinforced by MOPAC which stated that BWV should be '*a central element of community scrutiny of policing, providing irreplaceable insights into specific incidents.*'<sup>130</sup> Our research indicates that one third of CSPs do not have access to BWV, and those that do often don't have access to random dip samples of footage to view.<sup>131</sup> A recent report by HMICFRS found that almost all the forces it inspected in 2018/19 were not reviewing BWV as part of structured internal or external scrutiny processes. Only one of the 19 forces inspected included a review of BWV footage as part of its internal monitoring of stop and search. BWV footage was used by only five forces as part of their independent external scrutiny arrangements.<sup>132</sup>

129 Kalyan, K. and Keeling, P. (2019) Loc. cit.

130 Mayor's Office for Police and Crime. (2020) [Action plan: Transparency, accountability and trust in policing.](#)

131 Kalyan, K. and Keeling, P. (2019) Loc. cit.

132 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2021) Loc. cit.



- A duty for Safeguarding Trust group minutes to be published.
- An ability for groups to scrutinise and hold police services to account on policing activity and disparities in stop and search, use of force, workforce mix and internal misconduct.
- An ability for groups to review stop and search authorisations made under s.60, where police will be required to provide the Safeguarding Trust group with a rationale as to why a s.60 was authorised.

While we welcome the Commission's focus on improving community scrutiny and accountability, it is unclear how the Safeguarding Trust groups would work in practice. The recommendation lacks detail on how these groups would operate alongside established CSPs or indeed any other mechanism that scrutinises use of police powers. We would also argue that the recommendation for Safeguarding Trust groups to scrutinise 'the rationale for why a s.60 was authorised' could go further. Among other things, this group could scrutinise how the s.60 is communicated with the public, the quality of the intelligence used to deploy these powers, the geographical reach of each authorisation, the outcome data and disproportionality data. We also welcome the recommendation for the Safeguarding Trust groups to be representative of their communities. However, there could be stronger emphasis on involving impacted groups such as children and young adults as well as those from Black, Asian and ethnic minority backgrounds.

**Independent national body:** For CSPs to achieve their intended and full potential a national body like the Independent Custody Visitors Association (ICVA) should be established. The exact format of this body should be consulted on and co-designed with existing CSPs and impacted communities. For example, one element of this national oversight body could be to bring CSPs together to look at disproportionality in police powers. There is also no independent national body looking at national trends in stop and search data and holding the police and Home Office to account on the use of stop and search powers. An independent national body could fulfil this role by collating data and examining national trends in stop and search. At present, there is also a lack of consistent governance and structure of CSPs. A national body similar to ICVA would support panels with scrutiny frameworks, training materials and recruitment of panel members.

We also understand that members of London community scrutiny groups were not able to review footage between January and October 2020 due to concerns about data protection.<sup>133</sup> This is deeply troubling as we know BWVs are not always used when and how they should be, as highlighted by the IOPC's recent review of the Met's use of stop and search, which found there was a 'failure to use BWV from the outset of contact'.<sup>134</sup> There is currently no legal requirement for forces to share BWV, therefore we are concerned that forces can restrict scrutiny panels from reviewing vital footage.

**Minimum standards framework:** In 2020, the Prime Minister asked a newly established Commission to investigate race and ethnic disparities in the UK. The Commission recommended that 'the CoP, working alongside the Association of Police and Crime Commissioners (APCC), and NPCC, develop a minimum standard framework for community Safeguarding Trust groups'.<sup>135</sup> The function of these groups would be to scrutinise and problem-solve alongside policing, but also to ensure there is a minimum level of engagement with communities in every police service area. The Commission states, that, among other things, the minimum standards framework should include:

- A requirement for stop and search data to be made more granular and publicly available for groups to scrutinise.
- A requirement for groups to be independently chaired and representative of their communities.

133 Mayor's Office for Police and Crime. (2020) Loc. cit.

134 Independent Office for Police and Crime. (2020) [Review identifies eleven opportunities for the Met to improve on stop and search.](#)

135 Commission on Race and Ethnic Disparities. (2021) [Commission on race and ethnic disparities: The report.](#)

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