

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

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INTRODUCTION

As part of its super-complaint on Section 60 of the Criminal Justice and Public Order Act 1994, the Criminal Justice Alliance (CJA) conducted its own research. While the CJA is the designated complainant, we felt it was incredibly important to include people who are experts by experience and those working directly on the issue. We wanted to elevate the voices of those who have been impacted by the power and share those experiences that have accelerated distrust and acted as a barrier for engagement with the police.

The CJA contacted members and external organisations / persons working with young people and communities impacted by stop and search and section 60 (s.60) powers. They were asked to write a supporting statement or comment on:

- Why they think s.60 searches are harmful to individuals and to the wider community / public.
- Why they believe there should be improved community and national scrutiny of all stop and search powers.

Statements and comments were then collected and submitted alongside the super-complaint.

SECTION ONE: STATEMENTS

ACCOUNT

Account is an independent advisory group of young people that monitors, researches and represents the community on policing issues in **Hackney**. The group started in 2012 as a Young people's Stop and Search Monitoring Group, tasked with scrutinising police activity in the borough.



The following statement has been produced by the young people at 'Account', Hackney's youth-led police monitoring group:¹

The impact Section 60 powers have on our communities is huge. For many in the Black community the traumatic history of the 'sus' laws – where young Black men were targeted seemingly 'for no reason' – looms large. Many see Section 60s as a return to those earlier days of over-policing and harassment, with police seeming above the law. 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.

The effectiveness of Section 60s and Stop and Search in general is difficult to measure. When looking at the research, we can see that studies have never been able to find a conclusive link between Stop and Search and reduction in crime. This includes research from the College of Policing and the Home Office. The only time when Stop and Search seems to have any measurable impact is when it is targeted at a very local level (i.e. one street corner), and only then in combination with a range of other interventions. The evidence for this however is minimal at best. It is therefore concerning to see Section 60 powers consistently rolled out for long periods of time and over large areas of London. With section 60s we see the 'blunt tool' of stop and search made even blunter.

The 'deterrent' effect of Section 60s has also never been conclusively proved in research. This feels unsurprising given our experience in the community. Young people rarely know *what* a section 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 is for the power's use is.

As with the rest of London and the UK, in our local borough we see Section 60 searches as highly disproportionately impacting young Black men. Accounts of racial profiling are rife in the community, and something we believe needs to be taken seriously. This is backed up statistics compiled in our report 'Policing in Hackney: Challenges from Youth in 2020'. In our report we found that young Black men are not only more likely to be stopped, but also consistently less likely to be found with prohibited items (known as 'positive outcome rates'). We are concerned that Section 60s give officers the freedom to search based on assumptions – the way people dress, talk, look – instead of evidence. It is not hard to see how this can lead to racial profiling.

Especially concerning is the possibility that frontline officers are being given a mandate to target young black men via Section 60s due to generalised statistics about violent crime rates coming from a senior level. When presenting evidence about disproportionality to senior leaders in the Met we are constantly given the defensive response that 'young black

¹ 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; Bradford, B. and Tiratelli, M. (2019) [Does stop and search reduce crime?](#), UK Justice Policy Review, Issue 4; Tiratelli, M. et al. (2018) [Does Stop and Search Deter Crime? Evidence From Ten Years of London-wide Data](#), The British Journal of Criminology, Volume 58, Issue 5; Account. (2020) [Policing in Hackney: Challenges from youth in 2020](#); Home Office. (2014) [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.

men are more likely to be offenders and victims of violent crime'. These responses are often crude and unscientific. We have never been presented with any evidence that shows Black people are 4 or 5 or 9 times more likely to commit violent crime. Furthermore, even if the statistics about young black men being overrepresented in violent crime are true, there is no legal grounding for Stop and Search to be used to target a specific minority or race on the back of this.

If a child is beaten when they are young, they will grow up to despise authority. And the same thing applies in policing. 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.

It is for these reasons that we are supporting the super-complaint made by the Criminal Justice alliance.

EQUAL

EQUAL National Independent Advisory Group (NIAG) chaired by Iqbal Wahhab OBE, works collaboratively to address the poorer outcomes experienced by black, Asian and minority ethnic (BAME) groups and Muslims in the criminal justice system. EQUAL members are mostly from civil society organisations and universities and are joined by officers from Her Majesty's Prison and Probation Service (HMPPS), Ministry of Justice (MOJ), and Youth Justice Board (YJB). Much of EQUAL's work following the publication of the Young Review has been on supporting the implementation of the Lammy Review recommendations. Our three priority areas are prisons and probation, policing and BAME young people and the youth justice system.



Disproportionality, trust, and confidence

1. Section 60 authorisations and subsequent searches have been proven to be ineffective; decrease trust and confidence in policing and have a traumatic impact on BAME groups who are consistently overrepresented in s60 statistics.
2. Evidence shows that only 0.5% of s60 searches carried out between 2006/7 and 2018/19 resulted in an arrest for a weapon.² Furthermore, between 2019/20 weapons were recovered in only 1.4% of stops. However, despite its ineffectiveness, the s60 pilot was extended to all 43 Police forces across England and Wales.
3. In 2018/19 black people were searched under s60 at almost 45 times more than white people and following the extension of the pilot in 2019/20 18,081 s60 searches were carried out in anticipation of violence; an increase of 35% compared with 2018/19. Black people are currently 11 times more likely than their white counterparts to be stopped and searched under s60 and, despite the Covid-19 pandemic, s60 stops more than doubled in May 2020 when compared with May 2019.³
4. A recent survey by the Independent Office for Police Conduct (IOPC) reflects the lack of trust and confidence felt by BAME groups in policing and stop and search more widely with the majority (63%) believing the Police do not apply stop and search in the same way to all groups which is evidenced in the s60 ethnicity data collected by the Home Office.⁴ A poll by the Criminal Justice Alliance also found that 36% of young BAME people have less trust in the Police because of what they know about stop and search, demonstrating how the disproportionate use of stop and search (in which s60 is included) towards BAME groups has decreased trust and confidence in policing.⁵
5. The obvious and consistent use of disproportionate stop and search and 'suspicion less' s60 stops directly impacts on trust and confidence in BAME communities resulting in a lack of engagement and unwillingness to assist in investigations which can have a wider impact on community relations. The implications of a lack of trust and confidence in public bodies can be dire. The recent Covid-19 pandemic vaccination programme is just one example where a lack of trust and confidence in the 'system' has led to a reluctance in BAME communities engaging with the programme.

² Hughes, G. (2019) [Criminologist Marian FitzGerald on stop and search](#), *University of Kent*.

³ Home Office. (2021) [Stop and search](#).

⁴ Independent Office for Police Conduct. (2020a) [IOPC public perceptions tracker – 'stop and search' summary](#).

⁵ Keeling, P. (2017) [No respect: Young BAME men, the police and stop and search](#), *Criminal Justice Alliance*.

Traumatic Impact

7. Closely linked with their disproportionate use, s60 stops also have a traumatic impact. Unlike s1 of the Police and Criminal Evidence Act 1984 which requires 'reasonable grounds' for a search, the 'suspicion-less' nature of s60 can be traumatising particularly for young people who do not understand the differences. There is very little evidence of the traumatic impact as often young people do not realise they are experiencing a s60 stop. However, evidence gathered by EQUAL over the last 12 months found that those who had been stopped under s60 had suffered significant trauma. One of the individuals we spoke to told us that her son refused to go to school for weeks following his section 60 search. *"He refused to leave the house for over a week and had to be forced to go to school, he also began acting out of character, becoming rude, moody and introverted."*⁶
8. Despite the lack of evidence to demonstrate the traumatic impact of s60 stop and search, in 2013 StopWatch found that young people were worried about the effects of telling their parents about their stop and search experiences with the term 'trauma' used repeatedly throughout the event.⁷ We also know anecdotally that police stops have a significant impact on the individuals and families involved, particularly for BAME communities who have historically lacked trust in the Police.

Community and National Scrutiny Panels

9. Sufficient community and national scrutiny is imperative to improving trust and confidence in BAME communities, promoting transparency, and holding the police service to account. Many police forces already have scrutiny panels in place however, many of them fail to provide the level of scrutiny or transparency needed to gain the trust of both the BAME and wider community. Evidence from the Criminal Justice Alliance Stop and *Scrutinise* report suggests that despite having scrutiny panels in place many of them are not chaired by members of the public; they do not monitor their demographics and are often not given any training.⁸
10. Scrutiny panels are one of the only ways communities can express their concerns about policing. However, without true independence, BAME communities more specifically are unlikely to engage with them. Lack of trust and confidence in policing extends itself to scrutiny panels particularly when many of them are chaired by the Police themselves. Stop and search scrutiny panels need to ensure that they are representative of the communities they serve and transparent about attendees and cases of public interest.
11. Despite the UK having a formal police complaints process in place, the IOPC's *Public Perceptions Tracker 2018/19* found that BAME respondents had the least trust in the Police handling complaints fairly.⁹ The tracker also found that BAME respondents were the least likely to have confidence in the IOPC's impartiality. Given that BAME groups have shown a consistent lack of trust in the formal complaints processes it is even more crucial that stop and search scrutiny panels are effective in scrutinising policing practice, and in holding Police forces and officers to account. Scrutiny panels, if effective, can positively impact on community relations, building a relationship of trust which may lead to improved engagement overall. Evidently, there is a clear benefit for

⁶ Qualitative evidence gathered as part of EQUAL's work on section 60 police stops from March 2020 – March 2021

⁷ Travis, A. (2013) [Misuse of stop and search powers risks undermining police, says watchdog](#), *The Guardian*.

⁸ Kalyan, K. and Keeling, P. (2019) [Stop & Scrutinise: How to improve community scrutiny of stop and search](#), *Criminal Justice Alliance*.

⁹ Independent Office for Police Conduct. (2019) [The Independent Office for Police Conduct: Public Perceptions Tracker](#).

both the community and the Ps60 in ensuring that community and national scrutiny is robust, reflective of the community and transparent.

Recommendations

12. Following the extension of the s60 pilot and its ongoing lack of effectiveness in tackling crime, we are asking for the withdrawal of s60 powers under the Criminal Justice and Public Order Act 1994. In lieu of any withdrawal of s60 powers we are recommending that:

- s60 powers are reversed to ensure authorisations can only be made by a Superintendent or above.
- s60 powers are subject to geographical limitations
- s60 authorisations are transparent and communicated to the public using a wide range of media channels
- All s60 encounters are recorded, including recording the ethnicity, age and gender of the individual/s searched.
- All s60 authorisations are automatically referred to the relevant stop and search scrutiny panels.

Equally Ours

Equally Ours is a UK charity that brings together people and organisations working across equality, human rights and social justice. Through our members and networks, we join up research, policy and communications to shift public opinion and policy in positive and powerful ways.



Equally Ours previously worked on a human rights campaign on race disproportionality in stop and searches in 2014. The video spotlights the experiences of British police officer, Nick Glynn who has repeatedly been stopped by police, which he believes is in a discriminatory manner.¹⁰ More recently, Equally Ours joined a coalition of organisations in signing an open letter to the Prime Minister asking for the government to withdraw the elements of the Police, Crime, Sentencing and Courts Bill, which will further entrench race inequality in the criminal justice system.

The disproportionate use of stop and search powers is widely recognised as an ineffective infringement on individual human rights, in particular the right to privacy and freedom of movement and association. In 2010, The Equality and Human Rights Commission review of the disproportional impact of stop and search on Black and Asian people in England and Wales highlighted that current police use of the Police and Criminal Evidence Act (PACE) stop and search powers "may be unlawful, disproportionate, discriminatory and damaging to relations within and between communities."¹¹ This is supported by HMICFRS's report on disproportionate use of police powers, which evidenced that in 2019/20, Black, Asian and Minority Ethnic people were over four times more likely to be stopped and searched than White people.¹² This statistic was even higher when looking at Black people specifically, who are almost nine times more likely to be stopped and searched in comparison to their white counterparts. Furthermore, under section 60 of the Criminal Justice and Public Order Act 1994, Black people were 18 times more likely than White people to be searched. Under the Public Sector Equality Duty in the Equality Act 2010, public authorities must actively consider how to advance equality, which includes eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. This replaced and extended a similar duty under the Race Relations (amendment) Act 2000, introduced in response to the MacPherson Report's finding of institutional racism in the police force¹³. The continuing evidence of the discriminatory use of stop and search powers raises questions adequacy of action under PSED.

¹⁰ Equally Ours. (2014) [When we feel unfairly treated - human rights](#), YouTube.

¹¹ Equality and Human Rights Commission. (2010) [Stop and think: A critical review of the use of stop and search powers in England and Wales](#).

¹² 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](#).

¹³ Equality and Human Rights Commission, [Background to the equality duty](#), Accessed on 14 May 2021.

Leaders Unlocked

Leaders Unlocked is a social enterprise that enables young people to have a stronger voice on the issues that affect their lives. Within the policing sector, we've established Youth Commissions in collaboration with PCCs across England and Wales to allow young people to influence decisions about policing and crime prevention in their areas. We also work with the Independent Office for Police Conduct to facilitate their Youth Panel nationally to allow young people to have a voice on the police complaints system.

**LEADERS
UNLOCKED**

As an organisation we feel that s60 searches run the risk of damaging young people's confidence in policing, and further eroding trust among young people and marginalised groups where trust is known to be low. S60 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. When experiencing s60 searches young people are not always clear why they are being searched and what their rights are. There is also a risk that S60 searches will widen the racial disproportionality that already exists in stop and search and in the wider justice system.

We believe there should be rigorous community and national scrutiny of all stop and search powers, and that young people and communities should be involved in scrutiny panels and activities. This is vital to ensure s60 is being used fairly and proportionately, and to make sure we understand the impact and potential harm of s60 on the affected groups and communities.

JUSTICE

JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system. It is the UK section of the International Commission of Jurists. Our vision is of fair, accessible and efficient legal processes in which the individual's rights are protected and which reflect the country's international reputation for upholding and promoting the rule of law.



In October 2019, JUSTICE convened a Working Party, made up of experts in criminal law and youth justice from leading legal, policing and NGO backgrounds, to collect evidence and examine the causes of disproportionality in the Youth Justice System ("YJS") of England and Wales for Black, Asian and minority ethnic ("BAME") children and young adults.

Its report, titled *Tackling Racial Injustice: Children and the Youth Justice System*, makes 45 practical recommendations with the aim of ensuring that the justice system in its entirety, works specifically for BAME children. It calls for criminal justice agencies to refrain from applying adult standards and expectations to those who are growing up and maturing, both in their sense of self and their behaviours. While the Working Party found many examples of good practices within the criminal justice system, it remained concerned that these are not shared equally among all children. In sum, the Working Party concluded that agencies within the system must take a child-first approach so as to earn the confidence of those communities, and not take it for granted.¹⁴

With the benefit of the Working Party's findings, JUSTICE submits this statement in support of the Criminal Justice Alliance's super complaint on the police's use of section 60 powers under the Criminal Justice and Public Order Act 1994, and community scrutiny thereof. JUSTICE has serious concerns with such policing practices, especially in relation to the significant damage they cause to BAME communities and children. For instance, the Working Party finds that too often the police fail to meet their legitimate expectation of fair and impartial treatment. Alongside our concerns, we set out the Working Party's recommendations which would serve to improve the issues identified.

Why section 60 powers are harmful

Section 60 of the Criminal Justice and Public Order Act 1994 ("CJPO") allows any senior officer to authorise the use of stop and search powers within a designated area for up to 48 hours where they reasonably believe that incidents involving serious violence may take place, or that weapons are being carried. Once authorisation is given, the implementing officer does not require any grounds to stop a person or vehicle within the area.

In the year ending March 2019, the section 60 power was used 13,17515 times¹⁶ and in the year ending March 2020 it was used 18,081 times.¹⁷ This increase was driven by London's Metropolitan Police Service, which accounted for over 63% of section 60 stops.¹⁸ This steep rise has been further aided by a Home Office pilot scheme that made the following changes to the authorisation process for section 60 powers:

1. reducing the level of authorisation needed for officers to deploy and extend Section 60 from senior officers to inspectors and superintendents;

¹⁴ JUSTICE. (2021) [Tackling Racial Injustice: Children and the Youth Justice System](#).

¹⁵ Home Office. (2019a) [Police powers and procedures, England and Wales, year ending 31 March 2019](#), Statistical bulletin, p.1.

¹⁶ *Ibid.*

¹⁷ Home Office. (2020) [Police powers and procedures, England and Wales, year ending 31 March 2020](#), Statistical bulletin p.5.

¹⁸ *Ibid.*, p.12.

2. lowering the degree of certainty required by the authorising officer, so they must reasonably believe an incident involving serious violence 'may' rather than 'will' occur; and
3. extending the initial period in which section 60 can be in force, from 15 to 24 hours, as well as the overall period from 39 to 48 hours.¹⁹

Damage to BAME communities' confidence in the police

The Working Party found these changes concerning, as they have made it even easier for the police to exercise a power which already disproportionately targets BAME communities, particularly young Black men and children. Under section 60, between March 2019 and March 2020, Black people were 18 times more likely to be stopped and searched than White people.²⁰ Unsurprisingly, this leads to BAME communities being unfairly targeted and over policed, and the Working Party heard many BAME individuals express concerns as to the damage inflicted on their communities' confidence in the police.

Regrettably, the use of all stop and search powers disproportionately target BAME communities and their children, particularly young Black men.²¹ The particular harm of section 60, however, is that this disproportionate targeting is exacerbated by a lack of person specific justification for a search taking place.²² Under section 60 a police officer has a very broad discretion about who to stop and this creates greater space for the decision to be affected by biases or stereotypes.²³ Further, without a clear reason for a search taking place a person stopped is more likely to think they are being unfairly targeted. It is acknowledged by the College of Policing that feeling unfairly targeted during a stop and search tends to negatively affect the trust a person has in the police.²⁴

The Working Party considered that the use of section 60 weakens BAME communities' confidence in the police that they will be treated fairly and justly. This issue is articulated clearly in a roundtable held by the Home Affairs Committee.²⁵ During that discussion, a black child said that "*we know the police treat Black people differently...it means that we do not feel safe ever.*" Another child said that "*the only interaction that you have with police nowadays is when you are being pulled over, when you are being stopped and searched.*" The child said that his first interaction with the police was at primary school when the police would come with their cars and that "*people loved the police.*" He went on to say that "*my next interaction after that was being pulled over because there were suspicions that I had a knife on me; and I was about six years old coming home from the park.*"

Moreover, in the words of Detective Sergeant Janet Hills, Chair of the Metropolitan Black Police Association, "[s]top and search can have a negative effect on young BAME people's trust in the police. But to tackle violent crime, communities need to have confidence to contact the police and share information".²⁶ As a result of damage to community relations, victims, witnesses and suspected offenders in BAME communities are understandably

¹⁹ Home Office. (2019b) [Government lifts emergency stop and search restrictions](#).

²⁰ Dodd, V. (2020) [Black people nine times more likely to face stop and search than white people](#), *The Guardian*.

²¹ Home Office. (2020) Loc. cit.

²² In 2019, the Home Office's Equality Impact Assessment evaluated the relaxation of section 60 conditions, stating "it is likely that more BAME individuals are searched under this power despite not committing any offences, and without being provided with significant person specific justification for searches taking place". See, Home Office. (2019c) [Equality Impact Assessment Relaxation Of Section 60 Conditions In The Best Use of Stop and Search Scheme](#), p.10.

²³ The Runnymede Trust, [Section 60 stop and search powers](#), Accessed on 14 May 2021.

²⁴ College of Policing. (2016) [Authorised professional practice: Stop and search](#).

²⁵ Home Affairs Select Committee. (2019) [Serious youth violence, Sixteenth report of session 2017-2019](#).

²⁶ Kalyan, K. and Keeling, P. (2019) Loc. cit.

likely to be more reluctant to co-operate with the police. This risks crimes going unreported, and unaddressed, resulting in increasing damage to communities alongside associated policing costs.

Section 60 powers as an ineffective policing tool

On top of the damage that section 60 powers inflict on BAME communities and their confidence in the criminal justice system is the Working Party's conclusion that such powers are largely ineffective where their alleged purpose is to tackle crime.²⁷ Recent Home Office statistics show that only 4% of stops under section 60 result in an arrest.²⁸ Moreover, while some weapons may be taken off the street as a result of searches, there is limited evidence that stop and search reduces serious violence. At best, it shifts violence from one area to another.²⁹

However, despite the lack of evidence that stop and search, particularly pursuant to section 60 powers, works, police representatives continue to argue for its use. The Metropolitan Commissioner of Police, Cressida Dick, has stated that the tactic has been "an extremely important part of our success in the last few months in suppressing violence in some areas."³⁰ However, the evidence on crime prevention points against greater use of the section 60 power. JUSTICE therefore agrees with the College of Policing that the police should always use an evidence-based approach to policing³¹, which section 60 powers depart from. For example, West Midlands Police, which refused to adopt the pilot measures (as set out above) relaxing section 60 conditions³², saw an 85% decrease in the number of stops and searches in the year up to March 2020 (i.e. 316 from 2041 in the previous year),³³ with crime falling by 5% over roughly the same period.³⁴

In sum, the Working Party failed to see any material benefits in how section 60 stops are currently used. Rather, it is of great concern that continued use of this tactic in this way will continue to damage the relationship between the police and the communities that section 60 targets. Given its ineffectiveness and its undue targeting of BAME people, the Working Party recommended that the Home Office should immediately suspend any further section 60 authorisations until it has undertaken an independent evaluation of the impact and effectiveness of these searches, supported by public consultation. In the meantime, while section 60 authorisations continue, the Working Party recommended that the changes made under the pilot scheme be immediately reversed so as to ensure that a higher threshold exists to exercise them, and that they be subject to the prior review of Community Scrutiny Panels, as set out below.

Improved National and Community Scrutiny of all Stop and Search Powers

In lodging this super complaint, the Criminal Justice Alliance rightly highlights the importance of robust accountability mechanisms for the exercise of police power with respect to all stop and search events and the inadequacy of the existing regime. The findings of the Working Party concur with this position, especially as concerns children,

²⁷ *Evidence on the effectiveness of stop and search at reducing violent crime is extremely limited. An academic review published in early 2018, using ten years of data from London examined the potential effect of the tactic on different forms of crime. The researchers found that a 10% increase in stop and search (S&S) was associated with a 0.32% monthly drop in "susceptible crime"—a statistically significant but very small effect. The authors concluded it "seems likely that S&S has never been particularly effective in controlling crime", and yet "police officers believe that S&S is a useful tool of crime control".* See, Tiratelli, M. et al. (2018) Loc. cit.

²⁸ Home Office. (2020) Loc. cit.

²⁹ Tiratelli, M. et al. (2018) Loc. cit.

³⁰ Home Affairs Committee. (2019) [Oral evidence: Serious Violence](#), HC 1016', Q 312.

³¹ College of Policing, [About us](#), Accessed on 14 May 2021.

³² Home Office. (2019b) Loc. cit.

³³ Home Office. (2020) Loc. cit.; Gayle, D. (2019) [Police force declines new powers lowering bar for stop and search](#), *The Guardian*; Criminal Justice Alliance. (2019) [CJA and EQUAL respond to s.60 stop and search equality impact assessments](#).

³⁴ West Midlands Police. (2020) [Crime falls by five per cent in the West Midlands](#).

and maintain that a perceived lack of accountability can foster the belief that there is “one rule for us and one rule for them”. BAME communities lack faith in accountability mechanisms within the criminal justice system, especially the police. This is profoundly damaging to their legitimate expectation of fair and impartial treatment.

A further effect of poor accountability is the extent to which bad practices become embedded in the criminal justice system. In order for standards to improve, the police must reform the entire culture within which so-called ‘bad apples’ have arisen. Holding people to account for their actions creates an impetus to adhere to standards and avoid bias-informed actions. The Working Party considers that BAME children would be better served through improvements to the scrutiny mechanisms of police conduct generally, and through greater and more consistent use of Community Scrutiny Panels (“CSPs”) specifically.

Independent Office for Police Conduct

The Independent Office for Police Conduct (“IOPC”) was founded in 2018, replacing the much-maligned Independent Police Complaints Commission. It is an investigative body with no power to decide outcomes.³⁵

The Working Party found that the IOPC’s ‘lack of teeth’ is a major barrier to improving police accountability.³⁶ Once a complaint is referred back to the police, it falls to a panel³⁷ to come to a decision about whether to agree with the IOPC’s findings and whether any consequences should follow. No data is collected on how often these panels agree with the findings of the IOPC. We therefore recommend that the IOPC should be empowered to collect data on the outcomes of police conduct panels and the consequences for officers. This should include a breakdown of the complainants’ ethnicity, as well as the police force (and subdivision, such as the Territorial Support Group) to which the complaint relates.

In February 2020, the IOPC gained powers to commence an investigation of its own initiative.³⁸ This is important as the ability for misconduct to come to their attention has increased with social media and the propensity for people to film police incidents. We hope this will help address the reticence of many children to raise a complaint in the first place.³⁹ In considering these issues, and with a view to strengthening the process, the Working Party therefore recommended that all complaints relating to children should automatically meet the threshold for an IOPC investigation. Adapting procedures in this way would not only mean children have an extra assurance that their complaints will be properly investigated but also that more evidence is collected as part of the IOPC’s thematic focus on race discrimination investigations, given the wider scope of complaints captured.⁴⁰ It is hoped these recommendations would improve the scrutiny of the police’s use of stop and search powers as well as the use of police powers more generally.

³⁵ Once a decision is reached, it must refer the matter either back to the relevant police force (where misconduct is found) or to the Crown Prosecution Service (where criminal conduct is found) for a final decision to be made.

³⁶ Busby, M. (2021) [Fewer than one in 10 police officers fired after gross misconduct finding](#), *The Guardian*.

³⁷ *This panel is comprised of one member of the relevant police force (or representative of Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services where the complaint concerns a senior officer), another person and chaired by an independent, legally qualified person, not selected from a pool held by the local police force.*

³⁸ *“The IOPC may treat any complaint, conduct matter or DSI matter which comes to its attention otherwise than by being referred by the appropriate authority, as having been referred, whether or not that matter has been recorded.”* See, Independent Office for Police Conduct. (2020b) [Statutory Guidance on the police complaints system](#), para 9.36.

³⁹ *The lack of complaints is particularly apparent with BAME children. Release and Y-Stop developed an app that allows children and young people to make a complaint following being stopped and searched. The app also has a function that automatically sends the information to Release so that the complaint is not lost. Despite being download 30,000 times, only a tiny number of complaints have been made through the app. However, more children have sent details to Release, not wishing to start the formal complaints process, demonstrating a desire to at least document any alleged malpractice.*

⁴⁰ Independent Office for Police Conduct. (2020c) [IOPC announces thematic focus on race discrimination investigations](#).

Community Scrutiny Panels

In addition to the IOPC's formal complaints mechanism, regular scrutiny of police actions can also serve to improve performance. Under PACE Code A,⁴¹ community scrutiny is a requirement for stop and search, with the College of Policing providing guidelines on such processes.⁴² This has led to the establishment of CSPs⁴³ in different force areas, albeit with inconsistencies in effectiveness from area to area.⁴⁴

CSPs have the ability to hold the police to account for their use of stop and search, for example, by reviewing incidents of stop and search after they have happened, giving each stop a rating.⁴⁵ While the Working Party raised concerns with respect to the overall inconsistencies across the country, it equally found many examples of good practice that show how effective CSPs can be when properly implemented. For example, in the CSP in Bedfordshire has the opportunity to review an area's 'section 60' designation in advance of its application. Although they have no power to stop a section 60 notice, the process has led to some instances where the police have agreed that the power was not necessary.

However, the Working Party remained conscious that CSP members may, in some cases, be more punitive than the police forces, meaning opportunities for learning may be lost. This could be exacerbated where scrutiny panels do not reflect the full diversity of their community, especially those groups that are stopped and searched the most. For instance, on the Edgware Road in London, Kurdish boys form a large number of those stopped and searched, with the relevant CSP lacking a single Kurdish member. The Working Party learned that CSP members tend to be older and White, possibly due to having increased availability in retirement to take on a voluntary role.

These concerns highlight the importance of consistent practice with strong community input to mitigate any biased outcomes. For this to happen, the Working Party recommended that the College of Policing's guidance on CSPs should become mandatory, combined with the establishment of a national oversight body for CSPs. This would monitor CSPs and ensure they are adhering to guidance and best practice. This guidance should require that CSPs:

- i. meet regularly;
- ii. receive comprehensive training on what constitutes an appropriate stop and search, with particular attention given to the concerns of BAME communities;
- iii. reflect their local community through proactive recruitment efforts; and
- iv. have a prior review power of section 60 notices.

Such changes, while beneficial, cannot take place in isolation. The Working Party therefore considered that, for CSPs to be effective, it is important that they have access to all available evidence. Body Worn Video ("BWV")⁴⁶ has the potential to provide objective evidence of an incident.⁴⁷ As such, the Working Party recommended that all CSPs should

⁴¹ Home Office. (2014) Loc. cit.

⁴² College of Policing. (2016b) [Authorised Professional Practice: Stop and Search - Transparency](#).

⁴³ CSPs are made up of members of the public that meet regularly each year to scrutinise the police's use of stop and search powers.

⁴⁴ Kaylan, K. and Keeling, P. (2019) Loc. cit.; College of Policing. (2016b) Loc. cit.

⁴⁵ *Ibid.*

⁴⁶ Cameras police officers wear that capture video and audio during interactions with the public.

⁴⁷ For example, the Met have suspended CSPs from reviewing BWV since January 2020. This is highly concerning given the large volumes of stop and search the Met conduct. See, Independent Office for Police Conduct. (2020d) [Review identifies eleven opportunities for the Met to improve on stop and search](#). The IOPC review into the Met's use of stop and search found 'failure to use body-worn video from the outset of contact'. While we understand that some CSPs are not given BWV footage for data protection reasons, we consider these concerns can be addressed. For example, footage can be uploaded onto a web platform, with a unique code provided to the CSP to access the footage and review it, following which access can be restricted.

be given access to BWV footage. This would require the MPS to reinstate the ability to share such footage externally and change the current practice of destroying BWV after thirty days, given that most CSPs meet once a quarter.

Unfortunately, the Working Party found that the recording of incidents is often inconsistent, with allegations of police officers not turning on their BWV during whole or part of an incident. In recognition that stop and search can have a negative impact on some community relations, Greater Manchester Police require all stop and searches to be recorded.⁴⁸ Moreover, the College of Policing recommends that officers record incidents whenever they invoke police power.

The Working Party agreed, and recommended that recording of all stop and searches, especially under section 60, should be mandatory. JUSTICE considers that this suggestion would assist in improving scrutiny mechanisms to help promote accountability and deter misconduct where coercive police powers are exercised. This is all the more apt with respect to the use of section 60 powers, given the broad discretion that officers enjoy. Should a camera not be switched on or be switched off during an interaction, the reasons should be recorded and provided to the CSP for review.

⁴⁸ Greater Manchester Police. (2020) [Body Worn Video \(BWV\): Policy and Procedure](#), p. 6.

Kids of Colour & the Northern Police Monitoring Project

Kids of Colour is a Manchester based organisation supporting young people of colour to explore their experiences of 'race' and identity, and to challenge their experiences of both interpersonal and institutional racism. Northern Police Monitoring Project (NPMP) is an independent grassroots organisation working to build community resistance against police violence, harassment, and racism. Both organisations work closely together, challenging the injustices enacted against the communities of Greater Manchester by Greater Manchester Police. In 2020, both Kids of Colour and Northern Police Monitoring Project were part of recent reports published on the harms of policing in Greater Manchester. Including:



- Decriminalise the Classroom: A Community Response to Police in Greater Manchester's Schools⁴⁹
- A Growing Threat to Life: Taser Usage by Greater Manchester Police⁵⁰

In a previous statement⁵¹ written by NPMP following the extension of the S60 pilot to cover all 43 police forces in England and Wales, we noted: **'Stop and Search is highly ineffective in preventing violent crime. As well as the vast array of negative outcomes of stop and search, and specifically of section 60, it is also important to note that – as a significant body of research has shown – stop and search is highly ineffective in reducing levels of violent crime. The government's own data shows that whilst stop and search generally is ineffective, stops under section 60 are even more ineffective. Unless, of course, the aim is actually to create an intimidating environment for particular communities. In response to violent crime, we would advocate for public health approaches that prioritise investment in community centres, schools, and youth work. This approach will be far more effective than punitive policing.'**

This point was raised alongside four other concerns. The police force is institutionally racist; existing research on S60 highlights racism, the requirement of 'reasonable suspicion' should be protected; and black communities are already less able to trust the police. All of which we firmly stand by today.

We want to ensure resistance to the use of S60, whilst also recognising that it is not separate from the everyday policing that causes significant harm to communities: it is part of that picture, and the use of S60 is a commitment to extending that harm, and to the rolling out of more ineffective policing. Policing is traumatising for communities. In context to our work with young people in Greater Manchester, it leaves them angry, anxious, and fearful of the police. As a young man shared:

'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'

⁴⁹ Kids of Colour and Northern Police Monitoring Project. (2020) [Decriminalise the Classroom: A Community Response to Police in Greater Manchester's Schools](#).

⁵⁰ Resistance Lab. (2020) [A Growing Threat to Life: Taser Usage by Greater Manchester Police](#).

⁵¹ Northern Police Monitoring Project, [Why we are opposed to 'Section 60' pilots](#), Accessed 14 May 2021.

From the reports we receive, and as evidenced through reports such as Stopwatch's *Being Matrixed*⁵², for many young people stop and search is a frequent occurrence and often a piece of a much bigger picture of how young people's lives are policed daily. In Greater Manchester and London, we are also being subject to the increase of police in schools, embedding policing into the everyday lives of racialised communities. The intelligence gathering we know to be a driver for police in schools is the same driver which leads the use of S60, aiding the construction of racialised groups as a 'crime' problem and supporting their over-policing.

Kids of Colour receives ongoing anecdotal evidence of the harms of community policing. A 12-year-old stopped in the car with a parent and forced to prove their connection to their father due to a different skin colour. A young man told at school by an officer that if he were seen on the street he would be 'locked up' due to being a 'menace to society'. Another who shared he was stopped 18 times in 6 months, and young people disclosing that they are frequently stopped on their routes home from school, but never sure why. We continue to hear stories of stop and search that are underpinned by racism: 'your kind are always getting in trouble', and families have approached our projects after being on the receiving end of physical police violence as they become collateral damage to the over-policing of 'gangs'.

Alongside discriminatory encounters, like many community groups we are continually informed of the failure to conduct stop and searches appropriately. No receipts, not even collectable from the station. Body cameras off and the eradication of footage. Questions posed to the victims of such encounters such as 'why do you think we're stopping you today?'. The police continue to be highly incompetent when it even comes to 'routine' policing, and no doubt this will be and is amplified in the application of extended powers. Furthermore, as we work to support community members with holding police to account for their harms, we face several barriers, from the ineffectiveness of the IOPC to the failure to respond to FOIs in a timely manner.

Therefore, much like all policing, we remain opposed to S60 as a specific police power and as a piece in the much larger picture of the over-policing of racialised and working-class communities. As we continue to argue⁵³, solutions to societal problems lie not in the expansion of the police, but in the investment of communities following a decade of austerity.

⁵² StopWatch (2018) Being Matrixed: [The \(over\)policing of gang suspects in London](#).

⁵³ Joseph-Salisbury, R. and Legane, R. (2019) [Youth violence in Britain's schools needs great support and investment, not more policing](#), *Ceasefire*.

Montell Neufville

Montell Neufville Police ethics advisor and chair of the Bedfordshire Community Scrutiny Panel



Subject use of police Section 60 Powers.

I have chaired a police community scrutiny panel in Bedfordshire for five years. In addition I have provided training to community members young people and police officers on policing powers for more than ten years.

Background to Section 60 of the Criminal Justice and Public Order Act 1994

This law provides the power for police officers to search people in a defined area during a specific time period when they believe, with good reason, that serious violence will (or may) take place and it is necessary to use this power to prevent such violence.

The law was introduced to deal with football hooligans, particularly when rival football fans or "firms" arranged to meet. It is now used almost as a response to satisfy politicians and the media rather than to achieve a legitimate a policing outcome.

The objective of using the power is for officers to confirm or ally their suspicions that a person is carrying a dangerous object or offensive weapon; or that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality.

Section 60's can be authorised by an officer of or above the rank of Inspector. Under the Best Use of Stop and Search scheme reforms agreed by all police forces this was raised to an Assistant Chief Constable or their equivalent rank. The benefit of having an authorisation from a senior officer is they often wanted more information to satisfy themselves that serious violence may or will take place in the designated area and that these powers could prevent this or at least detect those going equipped

The actual time period this law is in place should be the exact amount of time required to search for the said offensive weapons. (up to a max of 15 hours). This time period can be extended for up to 24 hours.

I am aware that the powers are use all over the country to different degrees, more often in London (the Metropolitan Police Area) far more than in the counties. However although we have influence over what happens in our area through scrutiny we are very concerned in how other police forces including the Metropolitan police use section 60 powers because residents from our area and from all over London travel into London for work, to study, for shopping for leisure to meet friends or family etc.

The problem with section 60 usage and interpretation

This power can easily be misused because the following wording was included "without reasonable suspicion" This provides individual people the excuse to abuse this power. Many officers often say to members of the public "we don't have to give a reason or be looking for anything specific".

There are officers who think they can act in a way which can be discriminatory. There are individuals who think this means that the Code of Ethics and the Equality Act does not apply and they can do whatever they like to whoever they like when this authorisation has been made. Another issue is there are occasions when a Section 60 has expired and an officer still quotes this power or a section 60 was not authorised in the first place. The detained person would not know this.

Like in every policing area there should be feedback and reflection. This means that if there are no weapons but high levels of disproportionality. The use of section 60 does appear to be a carbon copy of the Sus laws. Sus' allowed the police to stop, search and arrest anyone they suspected may do something. This was based on the hunch or opinion of an officer.

In Bedfordshire the police use Section 60 powers in a way which in my view is fair and solely for the purposes of fighting crime. If they have intelligence that people are planning to meet at a certain place or a particular area to carry out violence and that they are likely to have offensive weapons an Inspector may ask the ACC for a section 60 authorisation. If there is time the ACC 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.

There are few section 60's issues in our area, all are reported and explained. Police officers area aware that they can equally use other policing powers such as PACE1984 and Section 23 of the Misuse of Drugs Act when those laws are applicable.

Officers using this power (along with all policing powers) are informed that there must be a lawful policing reason to use those powers which of course is necessary for legitimacy. Once a section 60 has been authorised the number and their outcomes are then reported back to the scrutiny panel for oversight. This helps ensure there is trust and confidence

My recommendations and suggestion

Supervision, scrutiny and accountability are key factors to ensure the 'trust and confidence' of communities in the use of policing powers. For Section 60's. authorisations must be justified on the basis that the exercise of the power is a proportionate and necessary response for achieving the purpose for which Parliament provided the power.

This legislation should always be authorised by a senior officer of ACPO rank – ACC, so the senior officer should account why he or she authorised this in the first place and what the outcome was after the authorisation. Was it necessary and how did they know it prevented serious violence?

Section 60 stop and searches should always be used "to fight crime and protect the public." Officers should always give a reason to every individual stopped and searched to build trust and confidence and to demonstrate they are acting with impartiality, and in line with the Code of Ethics.

Once a section 60 has been authorised the following process would lead to a fairer and more equitable process.

- 1) A sergeant should ensure that they and their officers use the powers in line with the code of ethics, only for legitimate policing purposes.
- 2) Every officer using the power is accountable for the fair use of those powers and can be held responsible for their misuse. This includes responsibility for to tea people fairly, not to discriminate and to follow the code of ethics
- 3) Officers should be mandated to explain the reason for searching the individual and they should say the specific "object" the search is for.
- 4) Every inspector should report back to the community scrutiny / monitoring panel and on the police website / Facebook page the results and finds of the section 60 together with the original reason for the authorisation and the outcomes

Nick Glynn

I am a retired senior police officer, having served for 30 years. I have worked as a subject matter expert on stop and search for over a decade and am an expert witness on the subject of stop and search and racial profiling. My last role in policing was as the lead on stop and search at the College of Policing. I was appointed in 2014 as a result of the reforms to stop and search that I led in Leicestershire from 2010-2013.⁵⁴ I co-produced the Best Use of Stop & Search Scheme (BUSSS) and with the Home Office introduced BUSSS to all forces in 2014/2015. One of the key elements of the BUSSS reforms was a recognition that Sec 60



suspicionless stop and search powers had been misused, with impunity and little oversight, for years. BUSSS increased the authority level to (at least) ACC (or Commander in the Met). This measure had an immediate impact and ensured that Sec 60 powers were subject to effective scrutiny and oversight when they were invoked. Whilst there was significant and vocal opposition to this, it was adopted and implemented across England & Wales. After several months of the new arrangements, several chief constables told me in private that they believed that policing could indeed operate without Section 60 powers, because the provision of stop search powers under PACE, where reasonable grounds for suspicion are required, were sufficient. Section 60 suspicionless stop and search powers have caused immeasurable damage to thousands of young people, and they are not effective against violent crime, as is shown by College of Policing research.⁵⁵

More recently, the BUSSS provisions appear to have been rescinded, and the use of Section 60 has increased, albeit not to previous levels. I have personally experienced the ways in which Section 60 can be misused, having been subject to an unlawful Sec 60 search myself, for which I received an official apology and compensation.

In my opinion, Section 60 stop and search powers are unnecessary. Where officers perceive a need to use stop and search powers, PACE Section 1 powers are sufficient, as is borne out by the BUSSS experience in 2014-2016. I fully support the super complaint being proposed by the organisations represented by the Criminal Justice Alliance.

⁵⁴ BBC. (2014) [Leicestershire police inspector in UK stop and search reform.](#)

⁵⁵ Tiratelli, M. et al. (2018) Loc. cit.

Race Equality First

Race Equality First has 45 years of experience as the recognised lead body in South Wales for tackling discrimination and hate crime and promoting the message that race equality is a human right. We support victims of hate crime and discrimination, provide health advocacy to eliminate inequalities in healthcare and are committed to researching into racism and hate crime in Wales.

Race Equality First



"Working with you
to make equality a reality"

As a race equality council, we have a firm interest in any matters relating to racial inequality and racial discrimination, especially the disproportionate use of police powers, such as stop and search, amongst others, on Black and Minority Ethnic (BME) individuals. REF has responded to numerous calls for evidence on racial inequality in the UK from the UK government and the United Nations. Our responses highlight racial disparities in accessing and working in both healthcare and education, alongside raising issues of institutional racism within the UK's public sector, notably within the police and the impact of this. More specifically, we include discussions on ethnic disparities in the use of police powers, such as stop and search, use of force, arrest and sentencing. These are just a few areas we have provided feedback on with detailed evidence and recommendations on how to combat these extensive problems. As well as this, REF hosted a focus group with the Police and Crime Commissioner for South Wales Police on 4th December 2019 on stop and search with a total of eight attendees. I will refer to this focus group with more detail further on in this supporting statement.

Why Race Equality First think that s.60 searches are harmful to individuals and to the wider community/ public:

REF shares the CJA's concerns surrounding s.60 of the Criminal Justice and Public Order (CJPO) Act 1994, that they are a draconian power that 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. REF agrees with the CJA in their argument that s.60 is a blunt and ineffective tool with very low arrest rates, that impedes on the liberty of thousands of innocent people each year.

Moreover, the removal of the need for reasonable grounds has contributed to a pronounced racial bias, with Black people 18 times more likely to be stopped and searched under the power than white individuals. This comes off the back of the knowledge that Black People are disproportionately targeted under stop and search, with Black Britons stop and searched for any reason at 8.4 times the rate of whites – this is a figure that has more than doubled since 1998-99⁵⁶. Furthermore, Home Office data shows a similar reality in Wales, with Black people in Gwent being eight times more likely than white people to be stopped and searched by police⁵⁷.

Alongside this, there are a number of studies that suggest the impact of stop searches on keeping the public safe in terms of reducing knife crime is at best marginal⁵⁸. According to Home Office statistics between April 2017 and March 2018, a mere 2 per cent of stop and searches carried out under s.60 actually led to an arrest for an offensive weapon⁵⁹. More recent data shows that in the year ending March 2020 there was a 35 per cent increase in s.60 searches compared to the previous year, totalling 18,081 people⁶⁰. Of

⁵⁶ Townsend, M. (2018) [Racial bias in police stop and search getting worse, report reveals](#), *The Guardian*.

⁵⁷ Thomas, N. (2020) [Gwent Police stop-and-search figures for BAME people](#), *South Wales Argus*.

⁵⁸ Ffrench, K. (2019) [Knife crime is a real problem, but stop and search isn't the solution](#), *The Guardian*.

⁵⁹ *Ibid*.

⁶⁰ Home Office. (2020) Loc. cit.

those people, 17,383 had no further action taken after the search; thus, as in previous years, the arrest rate in England and Wales for s.60 searches (4%) was much lower than those under section 1 of PACE (13%)⁶¹.

Within our work at REF we have seen first-hand, the impact disproportionate use of stop and search on BME individuals and discrepancies in officer action when exercising such powers, has on BME communities. In 2019, the Police and Crime Commissioner for South Wales Police asked to host a focus group at REF with REF beneficiaries to hear the experiences of young BME people with stop and search. All eight attendees were from a BME background and in the 18-24 age bracket.

During the focus group, attendees were informed by representatives from the Police and Crime Commissioner for South Wales Police, that if stop searched, an officer must do the following things:

- Treat you with respect at all times.
- Record the search.
- Explain why you are being stopped and searched, what they are looking for and the law under which you are being searched.
- Give you their details, including their name, force number and police station.
- Provide you with a stop and search receipt which includes the date and time of search or explain how you can obtain one.
- During a stop search an officer will ask you for your ethnicity alongside your name, D.O.B and address.

All female attendees had never been stop searched. All male attendees reported that they have been stop searched multiple times and sometimes by the same officer, both on foot and in a vehicle. All male attendees reported incidents in which the officers that stopped them have not given the station they belong to, not given a receipt or informed the individual of how they can obtain one, not recorded the search at all, or only partly recorded the search, not asked for the individual's ethnic origin to record any racial disparities in stop and search, and not provided an adequate reason to stop and search (not stating what they are expecting to find or the law under which they are searching them). For example, one attendee reported that he was stopped in his vehicle and the officer asked him how he could afford to drive such a car.

Despite the small sample size (three females, five males) of the focus group there is evidence to suggest that the police are not abiding by the stop and search guidelines as outlined above. There is also evidence to support the presence of both a gender and racial bias in the use of stop and search powers.

From the focus group, it is not clear whether the attendees stop searched were done so under s.60 or not. This is because attendees who had been stopped, reported experiences where officers did not follow the above guidelines as they are supposed to, detailed above. This therefore illustrates that issues lie within both 'suspicion/ intelligence-led' stop searches as well as use of s.60 powers.

The use of s.60 powers alongside wider stop and search practice damage trust and confidence in policing among BME communities. This was also evident in the focus group when attendees were asked if they would work for the police. All attendees said no, their reasoning for this was that they felt their own communities would shun them. Participants stated: "*I have grown up to believe that the police are against us, our ethnicities,*" and, "*I*

⁶¹ *Ibid*, p.13

have grown up with a negative view of the police.” This therefore illustrates that ethnic disproportionality in stop and search has a wider impact on BME communities and supports the CJA’s argument that the disproportionate use of such powers is damaging trust as well as confidence in policing and only hindering efforts by police to rebuild relationships within these communities.

It is therefore important for the police to recognise the wider impacts that certain police powers, such as stop and search can have on BME 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.

Lastly, the experiences of the focus group attendees are supported by Freedom of Information (FOI) requests made by the CJA, which have found that many police forces are not collecting data on the use of the power in a consistent way or analysing it effectively. Not accurately recording ethnicity in stop searches for instance, is problematic with major implications including there being significant gaps in data and the statistics failing to accurately reflect the level of ethnic disproportionality in the use of stop and search powers. This also suggests that such data is not being scrutinised within police forces, by the Home Office or by external bodies either, exposing an alarming lack of transparency in the use of s.60 powers as well as wider stop and search practice.

Why Race Equality First believe there should be improved community and national scrutiny of all stop and search powers:

Correct and effective scrutiny of s.60 powers and wider stop and search practice is paramount to repairing and enhancing community relations and perceptions of the police among BME communities.

As outlined above, REF has witnessed, first-hand, the wider impact that incorrect and disproportionate use of stop and search powers can have on BME communities. Our experience therefore supports the arguments outlined in the CJA’s 2017 report, *‘No Respect’* which found that when used in unfair or ineffective ways, stop and search has “a lasting corrosive impact on young peoples’ trust in the police, their willingness to cooperate with the police and, consequently, the police’s ability to carry out investigations and reduce crime.⁶²” In addition, REF argue that alongside the above, incorrect and disproportionate use of stop and search also negatively impacts on the ability of the police to meet their longterm goal of diversifying the 43 forces across England and Wales.

REF agrees with the CJA, that one way to ensure fair, transparent, and proportionate use of stop and search is through community scrutiny in the form of Community Scrutiny Panels (CSPs). However, the CJA has highlighted a number of barriers to effective community scrutiny that exist in their 2019 report, *‘Stop and Scrutinise’*. The report includes the results of a survey of CSPs across England and Wales, which exposed a significant lack of consistency and effectiveness in how these panels are organised and operated. The results revealed the following:

1. 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 Police and Crime Commissioner⁶³.

⁶² Keeling, P. (2017) Loc. cit.

⁶³ Kalyan, K. and Keeling, P. (2019) Loc. cit.

2. 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 renewed⁶⁴.
3. Almost a quarter of respondent CSPs offered no training. Where training was offered, there was a lack of consistency in its content across forces⁶⁵.
4. The report also found that a third of CSPs did not have access to Body Worn Video (BWV) footage, so did not have sufficient data to effectively challenge the police⁶⁶.

These are shocking findings that should not occur in modern day policing. It is extremely important for the police to acknowledge the extent to which inconsistent and ineffective scrutiny harms police legitimacy and the level of trust and confidence of impacted communities.

Furthermore, REF agrees with the four key principles highlighted by the CJA in their report for community scrutiny to be effective. They are for CSPs to be independent and empowered, informed, representative and open and visible⁶⁷. It is clear that, at this moment, community scrutiny does not follow these four principles. Nonetheless, since the publication of the '*Stop and Scrutinise*' report, the College of Policing expanded on the above principles in its Authorised Professional Practice (APP) to encourage more community engagement and scrutiny⁶⁸. Although this is a positive start, it does not go far enough as it is only guidance and not mandated.

REF therefore argues that the four key principles, highlighted by the CJA in their report, must become mandatory for community scrutiny to be effective. The police and Crime Commissioners must ensure that CSPs become independent and empowered, informed, representative and open and visible. Only then will we begin to see effective accountability across all 43 forces across England and Wales.

Alongside this, the CJA has highlighted that there is also no independent body looking at national trends in stop and search data and holding the police and Home Office to account. REF supports the CJA in their statement that in order for APP to embed in practice, the government must establish a national body for community stop and search scrutiny panels, similar to the Independent Custody Visitors Association so effective community scrutiny can take place.

REF argues that, without ensuring greater transparency of police powers such as stop and search through independent and empowered, representative and open and visible scrutiny, all attempts to enhance community relations and perceptions of the police among BME communities will be futile, as continued disproportionate use of stop and search powers will continue to fuel distrust of the police within BME communities and hinder efforts by police to rebuild relationships within these communities.

Therefore, in order to improve and enhance community relations and perceptions of the police within BME communities, correct, effective and accountable scrutiny must be prioritised.

The bigger picture:

Complaints about the police and police misconduct are also relevant matters to reference here. Three per cent of all complaints made across England and Wales claim discrimination,

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid*, p.13

⁶⁷ *Ibid*, p.3

⁶⁸ College of Policing. (2016b) Loc. cit.

according to the Independent Office for Police Conduct (IOPC)⁶⁹. In the South Wales force area specifically, 1.4 per cent of complaints relate to racial discrimination⁷⁰. This represents a raise in complaints about officers being discriminatory, and it is important to consider the wider impact this can have on public confidence in the police also. As well as this, despite the racial disproportionality in stop and search, in the South Wales force area, there have only been 27 complaints about stop and search in the last nine months⁷¹. This suggests that there is under-reporting and an issue surrounding BME communities coming forward to complain about police behaviour they are not happy with. More research is therefore needed into what the barriers to reporting/complaining about police misconduct are within BME communities.

However, it is no surprise that we see an under-reporting from BME communities on police misconduct. Arguably, most alarmingly, BME individuals are more than twice as likely to die in police custody alongside being twice as likely to die after being on the receiving end of excessive use of police force⁷². According to a 2015 report from the Institute of Race relations, more than 500 Black and ethnic minority individuals have died in suspicious circumstances in the UK while in state detention since 1990 (348 in prison, 137 in police custody and 24 in immigration detention)⁷³. A large proportion of these deaths involved undue force and many more a culpable lack of care⁷⁴. These include the following Black men: Edson Da Costa, Darren Cumberbatch, Rashan Charles, Mark Duggan, Leon Briggs and

Jimmy Mubenga, to name a few. However, no officer has been convicted of manslaughter or murder for any of these deaths and there have been no successful convictions of a police officer for the killing of someone in police custody since 1971⁷⁵.

In many of the named cases above (and many others) there was alleged racial profiling and incorrect use of police powers, including excessive use of force, that has resulted in death.

However, these cases have resulted in disappointing outcomes following a referral to the IOPC. It is therefore understandable that many BME individuals are hesitant to come forward to report police misconduct. Such examples only discourage BME communities further from reporting encounters with the police that they are not happy with, as within the aforementioned examples, the officers involved have been cleared of wrongdoing. To echo the words of the mother of Leon Briggs: "we have lost all faith in the IOPC and systems that are meant to ensure officers' wrongdoings will not go unchecked."⁷⁶

This therefore raises further questions about whether the IOPC and the Police and Crime Commissioner are fulfilling their role in lawfully holding the police to account for misconduct and further supports the argument of the CJA and REF that ensuring greater transparency of police powers such as stop and search through independent and empowered, representative and open and visible scrutiny, is paramount to ensure the police are held to account for wrongdoings and to improve and enhance community relations with the police.

This notion is further supported by the campaign group Stopwatch, who claim that the police complaints system is not fit for purpose as it requires forces to police themselves

⁶⁹ Independent Office for Police Conduct. (2020e) [Police complaints: Statistics for England and Wales 2019/20](#), p.8.

⁷⁰ The statistics for SWP were provided in a presentation by Mark Kavanagh from the SWP Police Standards Department on 23rd November 2020.

⁷¹ *Ibid.*

⁷² News & Star. (2020) [Black people twice as likely to die in police custody in UK - study reveals.](#)

⁷³ Institute of Race Relations. (2014) [Dying for justice](#); Athwal, H. and Bourne, J. (2015) [Dying for Justice](#), p.2.

⁷⁴ *Ibid.*

⁷⁵ Full Fact. (2020) [We know of one successful conviction of a police officer for the killing of someone in police custody since 1971.](#)

⁷⁶ BBC. (2020) [Leon Briggs: Custody death misconduct case collapses.](#)

by opaque rules that are unknown to the public⁷⁷. REF agrees that the police complaints system is not fit for purpose and requires more transparency. REF recommends that a new, independent body should be established to correctly investigate cases where there is evidence of police misconduct and to hold the police to account for wrongdoing. Full and transparent investigations into police misconduct must be conducted, which involve consulting experts of both race equality and police brutality.

Lastly, within our work assisting victims of hate crime and discrimination, we feel that it is important to discuss the wider impact that unfair and incorrect use of police powers, such as s.60 powers, as well as wider stop and search practice, has on the level of hate crime reporting. According to the Home Office, in the year 2019/20 there were 105,090 incidents of hate crime recorded by the police, an 8% increase from the previous year and the highest number since records became available in 2011⁷⁸. However, it is widely accepted that the statistics available are inaccurate due to under-reporting as many victims of hate crime do not report the incidents of hate they have encountered to the police. Therefore, it is also important, when looking at the bigger picture, for the police to recognise how ethnic disproportionality in the use of police powers, such as stop and search, and the lack of effective and open scrutiny surrounding the use of such powers, has a larger and wider impact on public opinion of the police. This too greatly influences whether people who experience hate will report it or not. If the public feel people are not receiving the justice they deserve, then there is nothing in place to reassure them that something positive will come out of reporting the hate they have experienced, no matter how big or small, to the police. This then allows the abhorrent behaviours that formulate hate crimes to perpetuate within our society. Ethnic disproportionality in the use of stop and search powers and the absence of correct, representative, and open scrutiny therefore also hinders the police in having a better understanding of hate crime and more accurate statistics of the number of hate crimes that take place in England and Wales being publicly available.

To close, REF provide the following recommendations for the police:

- All officers must receive mandatory training on how to correctly carry out stop searches and to make sure they are carrying out the six points, (as outlined on page three), every time as they are supposed to.
- A detailed investigation must take place into stop and search and whether the police power does more harm than good, focussing on what are the results of stop searches.
- The four key principles, highlighted by the CJA in their report, '*Stop and Scrutinise*' must become mandatory for community scrutiny to be effective. The police and Crime Commissioners must ensure that CSPs become independent and empowered, informed, representative and open and visible. Only then will we begin to see effective accountability across all 43 forces across England and Wales.
- The government must establish a national body for community stop and search scrutiny panels, similar to the Independent Custody Visitors Association so effective community scrutiny can take place.
- The police must carry out further research into what the barriers are for people from BME backgrounds to reporting police misconduct, especially in relation to a stop search they are not happy about, and how to mitigate these barriers.

⁷⁷ BBC. (2021) [Stop and search: Six Met PCs disciplined after almost 5,000 complaints.](#)

⁷⁸ Home Office. (2020) [Hate crime, England and Wales, 2019 to 2020.](#)

- The police must go into schools/ colleges/ universities/ community centres etc. to educate people on their rights when it comes to stop searches. People must be informed that they can report/ complain if they are not happy with a stop search.
- A new independent body must be established to correctly carry out full and transparent investigations into police misconduct, consulting experts of both race equality and police brutality to hold the police to account for wrongdoing.

Spark2Life

Spark2Life (Sharing Positive and Relevant Keys 2 Life) is The Greenleaf Trust's award-winning programme, aiming to help eradicate crime and gang culture, encouraging positive personal and social behaviours. The service is holistic, utilising trauma-informed mentoring, outreach and detached work and delivery of AQA accredited educational programmes. Our experience spans working with those on the periphery of offending, those vulnerable to criminal and other exploitation, those who have offended, those who have been convicted, those who are incarcerated (through prison 'in reach' work) and 'through the gate' reintegration.



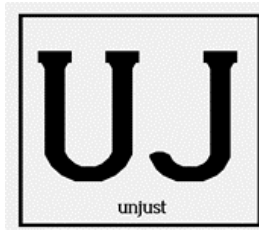
Being a charity that was founded by and is now led by a person of colour we are in a space where we are supporting and advocating for our client group most of whom are from ethnically diverse communities and we see first-hand the disproportionality of many from our community being excluded from schools, incarcerated and being stopped and searched – the stats don't lie - as Lammy said 'Explain or Reform'. We have a member of our staff who sits on our local authorities stop and search monitoring group and the CEO has been asked by the NE BCU Commander to present to new student officers as a critical friend from the black community their perspective and understanding of Stop and Search. We are also considering whether to lead on the IOPC for the NE BCU Boroughs.

If stop and search is not intelligence led with a trauma informed approach it often leads to perpetuating community and police tensions/division. In a time when systemic racism and disproportionality is high on the agenda of those advocating for an anti-racist society s.60 is not being used fairly. As a therapist trained to teach trauma awareness, 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. 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. As an example: Three young black male workers at Spark2Life with work identification have been stopped and searched (on one occasion one was handcuffed) several times while out working with young people in a local area funded by the local authority. As a charity that works with all sectors of the community it has reinforced first-hand the racial profiling that happens towards people of colour.

The debate and discussion around stop and search has been going on for years and the data we have so far shows evidence that people of color are disproportionately being stopped and searched often without good reason and not intelligence led. To build community confidence it's imperative that transparent scrutiny happens by the community. The police serve us the community by consent and should never be by force or by an abuse of power, having local and national scrutiny will empower all parties to look at the facts and hold those misusing the power of stop and search to account. If it's not going away, we need to do this properly otherwise things will never change - police need to be held to account for how stop and search is being used.

UNJUST CIC

UNJUST C.I.C is a London based organisation with a national remit. Founded and directed by Katrina Ffrench, UNJUST is focused on challenging structural discrimination within policing and the wider criminal justice system. Acutely aware of the harms of disproportionate policing, UNJUST empowers people to know, understand and enforce their legal rights. Guided by the belief that the role of the policing needs to be reimagined, UNJUST is committed to promoting state accountability, public safety and effective community engagement. To assist in fostering social cohesion UNJUST offers a variety of services supporting individuals, communities, organisations, and institutions.



The former chief executive of StopWatch, a national research and action organisation specialising in stop and search policing, Katrina oversaw the publication of several evidenced-based reports and led on a range of advocacy initiatives aimed at influencing policy and practice. A confident and effective communicator, in June 2020, she provided oral evidence to the Home Affairs Committee, The Macpherson Report: twenty-one years on inquiry. Dedicated to enhancing the public's understanding of disproportionate policing and shifting the mainstream narrative, in addition to delivering keynote speeches at conferences, Katrina has participated in panels and events alongside elected officials, academics, lawyers, police officers and civil liberties campaigners. She has also featured on local, regional, national and international news outlets.

Since 2015 Katrina has volunteered her time to provide community scrutiny to the policing power of stop and search; she was the chair of the Islington Stop and Search Community Monitoring Group for three years. Additionally, Katrina held the vice-chair and chair positions on the Mayor's Office for Policing and Crime Pan-London Stop and Search Community Monitoring Network. Katrina has experience of sitting on local community partnerships and was an executive member of the Islington Safer Neighbourhood Board.

Having supported people that have been stopped and searched under section 60 authorisations, the harm being caused is incredibly concerning. Whilst the narrative propagated by the State promotes the efficacy of the policing power and its positive impact on deterring violent crime, official statistics and testimonials from people searched reflect a different picture.

On Friday 22nd February 2019 around 12 midnight, my partner, our son and I were on our way home when we were suddenly stopped and searched by TSG police under what is known as a section 60.

My partner just finished working and before making our way home we popped into a supermarket in Clapham Junction to do some shopping. Driving home we went via Loughborough Road and as we drew closer to Minet Road, we noticed that the road was all taped off. As we looked into Minet Road we noticed a police van flash us so we moved out of the way. Unbeknown to us that they were actually pulling us over.

Next thing we knew, around 5/6 officers jumped out of the van, starting banging in the windows, trying to open the doors and shouting vigorously and shaking the car. My 15-year-old son was startled. My partner and I were in shock. It was so bad that we thought the windows were going to break so my partner opened the door to avoid this from happening.

I wound down my window and asked them what the hell were they playing at, my son was just in shock and he came out of the car. Before I knew it they had my partner on

the floor, in handcuffs and wrestling him on the ground. He was going hysterical and asking them what have I done? What have I done?

At this point I came out of the car. My son kept looking over to see what was happening to us and one of the officers shouted at him telling him to stop looking back. I kept trying to tell the officer that he was a minor and that he is was not be searched or questioned without me there, they ignored me.

They asked me numerous of questions. Such as who was the owner of the car, where were we coming from? Why are we on this road? Etc. They took my driving licence and came back to me said that I had 14 or 16 counts of theft against my name. I said that that was impossible. I have never done such a thing. They said they thought it was three Guys in the car hence why they stopped us. My partner said but you can see I am in uniform; they said many gang members use this as a disguise. They advised me to change my car because they said loads of gang members are using Audi A3's and BMW one series.

I had a screwdriver in my car that I took from my sister to fix a cupboard in my home. They were stating that they could book me in for it as it was a weapon even though I explained to them why I had it.

They fluffed around and then let us go but my son was shaken up as this was his first encounter with the police. He suffers from ADHD and he's dyslexic so that was my real concern. Overall, this experience was very disheartening; we were just a law abiding family going home after doing some shopping.

With an evident lack of scrutiny surrounding stop and search powers, it is difficult to conceive how accountability can be achieved. UNJUST believes that communities impacted by disproportionate policing need to be heard, listened to and empowered to participate in policy-making arenas. However, if policy-making arenas remain as 'talking shops' with no impactful avenue for redress then people impacted by policing will continue to have little incentive to participate.

VOYAGE YOUTH

Our view at VOYAGE is that stop and search is not an effective tool in the reduction of serious youth crime. What it does, however, is effectively enable the police to discriminate against ethnic minorities, particularly young black males. This in turn damages the relationships between these communities and the police. Because Section 60 provides a platform for the police to aggressively control large swathes of the community, there is an exacerbation of flashpoints with minorities, again in particular young black males.



At VOYAGE, we try to work closely with our counterparts in the police to engage our young people in a positive dialogue on how both parties can interact in the spirit of mutual trust and respect. We believe that we have managed to achieve this primarily through the delivery of our Young Leaders Safer Cities programme and a number of opportunities in which young people have been able to positively engage some excellent police officers.

The challenge going forwards is ensuring that the Home Secretary, Priti Patel's extension of stop and search powers under section 60 does not do further damage to already fragile relationships given that they have eroded some of the safeguards which were introduced by Theresa May whilst she was Home Secretary. In light of recent cultural movements, BLM in particular, it is crucial that there is genuine, meaningful engagement between the police and minority ethnic communities. This needs to run alongside evidence-driven policing of communities as opposed to draconian blanket use of section 60 powers.

Y Stop

Release was established in 1967 to respond to how drug laws were being used to target and harass those from the counter cultural movement and people of colour, in particular the Black community. The organisation provided free legal services to people arrested for drug offences. The organisation



continues to do this work by highlighting the racial disparities in drug law enforcement, and support people who are at risk of stop and search, especially young Black and Asian people, through our Y.Stop programme (run in partnership with Stopwatch). The team is made up of lawyers, drug experts, community outreach workers, and policy researchers. Our work on racial disparities has been cited in policy debates and in broader policy reviews of how the criminal justice system impacts on minorities. This work has also resulted in engagement with police forces and police and crime commissioners who are committed to reducing racial disparities, as well as implementing drug diversion schemes.

We know that Black and other minority communities are overpoliced through the use of stop and search, with young people often the primary target. The use of section 60 has damaged trust and confidence in the police, with it being disproportionately used. In addition, COVID-19 and lockdown restrictions combined with the Coronavirus Act, exacerbated the use of Section 60 powers. At the height of the pandemic last year in May 2020, the MPS stopped 1,418 people under section 60, up from 682 in May 20. As police were granted extra powers to enforce lockdown, we saw a rise in stop and searches overall and this only further served to diminish trust and confidence in the police.

From a harm reduction and safeguarding standpoint, it's imperative that we scrutinise police action that leads to the harm of young people who are stopped and searched. Y.Stop continues to do this work by engaging with Black and other minority communities, particularly young people, as well as continuous policy review and scrutiny to highlight and reduce racial disparities.

SECTION TWO: COMMENTS

Dr Adam Elliott-Cooper, Research Associate in Social Science, University of Greenwich said: *'Section 60 powers are ineffective in improving long-term community safety, escalate the likelihood of police violence and reproduce institutional racism. There is no reason, practically, morally or politically, why this power should not be immediately repealed.'*

Caroline Liggins, Senior Associate & Head of Youth Team at Hodge Jones & Allen said: *'Stop and search under section 60 allows police to stop and search any person in a designated area without the need to establish that they have 'reasonable suspicion' for stopping that person – 'reasonable suspicion' being the key term. Code A PACE outlines that reasonable suspicion must be "objective...based on facts, information and/or intelligence" and importantly, "cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity." The requirement to have reasonable suspicion is a crucial safeguard to ensure the appropriate use of stop and search. The statistics show that use of section 60 is not effective and that it is racially disproportionate. It threatens to erode the already fractured relationship between the public and the state, fuelling mistrust and fear. We support the Criminal Justice Alliance's super-complaint on the use of s.60 power.'*

Liberty, the UK's largest civil liberties organisation said; *'Liberty supports the CJA's call for section 60 of the Criminal Justice and Public Order Act ('CJPOA') 1994 to be repealed. It is a blunt and harmful tool which magnifies the over-policing of communities of colour. The Government's decision to relax the, already limited, BUSSS safeguards is profoundly concerning given evidence of staggering levels of racial disproportionality in use of powers that do not require individualised suspicion. Research shows that unfair use of stop and search marginalises minority communities, undermines trust in the authorities, and funnels young people into the criminal justice system.'*

In addition to the repeal of section 60 CJPOA, Liberty wants to see the introduction of a new mandatory scheme aimed at improving stop and search outcomes. A meaningful consultation exercise should be conducted to determine the scope of a revised scheme, which, at a minimum, should include sanctions for individuals and forces failing to meet prescribed standards.'

Race on the Agenda, a leading social policy think-tank fighting for racial equality said; *'Race on the Agenda offers its unequivocal support to the Criminal Justice Alliance's super-complaint on Section 60 powers. As an organisation, we have repeatedly highlighted the harm that Section 60 powers have on our communities where Black men are 18 times more likely to be stopped and searched than their white counterparts. The continued disproportionate use of these powers has a extremely detrimental impact on the relationship between black and minority ethnic communities and the police and this damaged relationship is a major impediment to efforts to fight crime in certain communities. We urgently need more transparency and scrutiny when it comes to stop and search, and an end to Section 60 powers in its current form.'*

Reach Every Generation support young people aged 10-17 who are at risk of crime, serious violence, and exploitation said: *'We often work with young people who are marginalised and over scrutinised, over policed and have very little trust in professionals. Thus said, we are supporting the CJA s.60 reform, we believe that s.60 searches are harmful to individuals and wider communities because it is well known that certain communities are over policed and s.60 stop and search are used excessively in some cases. We have had a young person, YP A who was stopped and searched numerous times'*

a week, each time nothing was found. YP A explained "I understand why people are stopped and searched, but come on man, they treat me like I am a criminal. I don't trust the police, it is only some of them but I get scared when I see police now". We know 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, could then lead to an innocent young person receiving a criminal conviction. This is not progressive, it labels, restricts and criminalises young people, we need a more intelligence led approach to this rather than a blanket approach to individuals and communities.'

The Runnymede Trust, a race equality think tank said; *'The Runnymede Trust is clear that Section 60 suspicion-less stop and search powers are not fit for purpose, discriminatory and hugely damaging to black and ethnic minority groups. Our previous work has highlighted our deep concern about the use of these powers last year, during which young Black people were stopped and searched in London more than 20,000 times – a figure equal to more than a quarter of all Black 15 - 24-year-olds in the capital⁷⁹. As an organisation we have called for Section 60 to be scrapped and have raised our profound concern about the relaxation of Best Use of Stop and Search scheme guidance in 2019. We support the action being taken by the Criminal Justice Alliance in raising this super-complaint. For as long as Section 60 exists in its current form, it will cause ongoing discrimination of BME communities at the hands of the police.'*

⁷⁹ Grierson, J. (2020) [Met carried out 22,000 searches on young black men during lockdown](#), *The Guardian*.