



Equality Impact Assessment [EIA]

Demonstrating Compliance with the Public Sector Equality Duty (PSED)

Due regard must be shown:

- Decision-makers must be made aware of their duty to have 'due regard' and to the aims of the duty
- Due regard is fulfilled before and at the time a particular policy or operational activity, that will or might affect people with protected characteristics is under consideration, as well as at the time a decision is taken. It is not a box ticking exercise.
- Due regard involves a conscious approach and state of mind. The duty must be exercised with rigour and an open mind.
- The duty cannot be delegated to another body and will always remain on the body subject to it.
- The duty is a continuing one.
- It is good practice for the public body to keep an adequate record showing that they have considered their equality duties and considered relevant questions.

1. Name and outline of policy proposal, guidance or operational activity

Policy: Relaxation of conditions in the Best Use of Stop and Search Scheme on the use of section 60 stop and search powers

Policy Objective

Section 60 (s60) of the Criminal Justice and Public Order Act 1994 (CJPOA) enables officers to conduct 'no suspicion' stop and search for dangerous instruments or offensive weapons. Section 60 is only used in anticipation of or in response to serious violence and is limited in duration and geographical reach. It makes up 1.3% of all instances of stop and search (year to March 2021), with section 1 of the Police and Criminal Evidence Act 1984 (PACE) – which requires an officer to have reasonable grounds for suspicion before carrying out a search – accounting for most searches. In terms of relative numbers, s60 accounted for 9,230 searches out of a total of 704,239 instances of stop and search in 2020-21, excluding Greater Manchester Police.

In 2014, the Best Use of Stop and Search Scheme (BUSSS) introduced five non-legislative voluntary conditions on the police's use of s60 powers. BUSSS was introduced as part of a broader drive to reduce the number of searches, address racial disparities and increase the effectiveness of stop and search. Alongside the s60 conditions BUSSS also included restrictions on other types of stop and search. All forces signed up to these conditions voluntarily and have been operating accordingly since.

Since 2014 there has been an increase in serious violence, including knife crime. It is the Government's objective to reverse this rise in serious violence. The use of stop and search, when proportionate, lawful and intelligence-led, can be a vital police tool as part of a broader approach to disrupt and reduce serious violence. As part of this Government objective, in March 2019 the then Home Secretary announced the relaxation of two voluntary conditions (i, ii below) of s60 BUSSS in seven forces. In August 2019, the current Home Secretary extended the pilot by relaxing the remaining three conditions (iii, iv, v below) and extending this to all 43 forces and the British Transport Police. The aim of the pilot was to examine the impact removing the conditions, with a view to making s60 easier for police to use and allowing forces to intervene faster in response to serious violence and potentially save lives. It would also provide forces with a consistent starting position when considering whether to grant a s60 authorisation and allow them to add their own safeguards reflective of the particular circumstances and ways of working in their area.

The effect of these relaxations was to return forces' use of s60 to the original legislative position laid out in the 1994 Act and did not go further than this. In effect, relaxation of s60 BUSSS meant:

- i. Reducing the threshold that must be met before a s60 authorisation can be given from reasonably believing serious violence "will" occur to "may" occur;
- ii. Lowering the rank of officer able to give an initial s60 authorisation from Senior Officer to an officer of or above the rank of an Inspector;
- iii. Increasing the maximum period in which a s60 authorisation can remain in place (without extension) from 15 hours to 24 hours;
- iv. Lowering the rank of officer required to extend a s60 authorisation from Senior Officer to Supt or above and increasing the maximum period to which an authorisation can be extended [beyond initial 24h] from 39h to 48h
- v. S60s authorisations no longer needed to be publicly communicated to communities in advance.

Research undertaken during the pilot suggested that police welcomed the greater operational flexibility associated with some of the relaxations. This assessment accompanies advice which considers a permanent decision to implement on a permanent basis one of the below options:

- Option 1) relax all conditions to provide full operational flexibility to forces
- Option 2) relax the first two conditions above in line with the findings from the pilot reports
- Option 3) revert to the full range of s60 BUSSS conditions which were in place prior to the pilot scheme.

2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

This document reflects the main equalities considerations and impacts of the above options. In line with the on-going public sector equality duty, we will continue to consider the impact of the policy as it develops.

The policies outlined in this EIA have been arrived at following:

- consideration of all the relevant information and the evidence that has been summarised in this EIA;
- engagement with police officers and community scrutiny leads as part of the research into the relaxations; and
- consideration of previous EIAs.

Summary of Home Office pilot research

The Home Office undertook research with police forces involved in the pilot of relaxed conditions to (i) gather views on the operational consequences of the relaxations, (ii) identify perceived good practice examples and (iii) identify any unintended consequences. The research also aimed to describe the nature and pattern of s60 authorisations and any changes in these following the relaxations. The analysis is covered in two studies, one based on interviews with police officers and community scrutiny leads (CSLs) and the other based principally on quantitative data collected as part of the pilot. It did not set out to measure the impact of the relaxations on levels of serious violence as it would not have been feasible to establish whether the pilot relaxations would have a causative impact on crime levels. The relatively modest nature of the relaxations, the scope for police forces to adopt or reject them, and the relatively small number of s60s expected to be undertaken during the pilot meant it was impractical to run an outcome-focused study.

This research found that relaxing the s60 BUSSS conditions had perceived operational benefits for tackling serious violence. Of the conditions relaxed in March 2019 (the original pilot), lowering the rank of authorising officer appears to have contributed to a marked shift towards inspector authorisations during the pilot. Most police interviewees felt that this change had advantages in terms of speed of authorisation decisions and ease of use. Concerns were raised about this relaxation resulting in less consistent authorisation decisions and CSLs were generally not in favour. Police interviewees pointed to mitigations which had been put in place around this relaxation either through more senior officer sign off or post authorisation reviews. The change permitting use of s60 where violence 'may' occur rather than only where it 'will' occur was also generally welcomed by officer interviewees as it better reflected the difficulties of seeking to predict future violence with certainty. CSLs voiced fewer concerns about this change although were usually not well-sighted on the specifics of individual authorising decisions.

Overall, officers viewed the conditions relaxed in August 2019 (the extended pilot) – on s60 initial duration, extension length and rank of authorising officer, and not requiring communication with the public – as being less influential on operational decision-making. This may be due to lower awareness of these

relaxations in some forces. Although the extension of the initial s60 duration was broadly welcomed as it gave more flexibility, take up was low amongst the original seven forces (as part of the original pilot in March 2019) but more common for the later forces that joined the pilot in August (as part of the extension to the pilot in August 2019). Take up of extensions remained low during the pilot (some forces preferred to authorise individual sequential s60s rather than extend them). Officers and CSLs were strongly in favour of communicating authorisations with the public. This was argued for on grounds of transparency and public reassurance. Some officers also saw public communication as critical to the operational success of s60 stop and searches as it was felt to be a key part of the mechanism by which offenders were deterred in weapons possession. However, it was acknowledged that in exceptional operational circumstances, for example to avoid the risk of deterring potential offenders and hence not catching them, this relaxation could be helpful.

There was a 29% increase in s60 use during the pilot period¹, compared with the previous year (2018/19), but it is not possible to be specific on whether this increase was solely a result of the relaxations. This is due to a number of factors – for example the year previous to the pilot had shown an increase in the use of s60, the way the pilot was rolled out in two stages (original and extension), the absence of a control group to compare relaxations against, and overlaps with the Serious Violence Fund which made additional resources available to 18 forces with the highest volumes of knife crimes which could have changed the way s60 is used quite separate to these relaxations^{2 3}. In the following year after the pilot took place, there was a decrease in the use of s60 (down 49% from 18,043 in 2019/20 to 9,230 in 2020/21), which may be due to restrictions on movement due to COVID-19.

Summary of s60 statistical evidence [Police Powers and Procedures data, Race Disparity Unit datasets and MPS Dashboard]

BUSSS was introduced in August 2014 amidst an already falling number of s60 searches, following the end of Operation Blunt, a Metropolitan Police Service (MPS) initiative aimed at reducing knife crime that began in 2008, and police focus on fair and effective searches. The use of s60 fell significantly between 2008-09 and 2012-13, from around 150,000 searches per year to 5,000. In the years 2015-16 and 2016-17 the number of searches carried out under this power was just 966 and 622 respectively, with most of these searches being conducted by the MPS. Between 2016-17 and 2019-20, there were year-on-year increases in the number of searches conducted under s60, up to 18,043 in 2019-20. In 2020-21, the number of s60 searches decreased by 49% to 9,230.

¹ The period covered by these data was 1 April 2019 to 31 March 2020 for the 'original' seven forces that joined the pilot on 1 April 2019. For the remaining 'later' forces that joined on 12 August the pilot period covers 12 August 2019 to 31 March 2020.

² Smith, V. Dewar, L. Farrugia, D. Diver, M. and Feist, A. (2021) *The S60 Stop and Search Pilot: Interviews with Police Officers and Community Scrutiny Leads*. London: Home Office.

³ Diver, M. Dewar, L. Smith, V. Hargreaves, J. Fulton, R. Haslam, J. and Feist, A. (2021). *The S60 Stop and Search Pilot: Statistical analysis and review of authorisations*. London: Home Office

Arrest rates for s60 were 2.8% when the recorded number of s60 searches was at its highest (2008-09), compared to 11.6% when searches were at their lowest in 2016-17. In 2020-21, the arrest rate for s60 searches was 4.0%, largely unchanged from 2019-20 (3.9%).

Forces report using s60 to prevent serious violence at major or public events (e.g. carnivals, football matches, protests) or, more commonly, in the immediate aftermath of incidents of serious violence to find offensive weapons. Use of s60 is not spread evenly across police forces. Only 21 of the 44 forces in England and Wales (including British Transport Police) conducted at least one stop and search under s60 in 2020-21, with other forces not using the power. The Metropolitan Police Service accounted for most s60 searches in 2020-21 with 58% of the total recorded, followed by Thames Valley Police (11%) and Merseyside Police (10%). Within forces, s60s are not evenly distributed and appear to be concentrated in specific local areas.

Caveats to statistical evidence:

Data used to inform this EIA are restricted to impact with regard to race, age, and gender⁴ (in relation to the protected characteristic of sex) due to data availability issues for other protected characteristics. Groups with these protected characteristics are the ones that academic evidence suggests are most impacted by stop and search.

Robust national data on the impact of stop and search on other protected characteristics is not presently available, and so the impact on these groups cannot be fully considered. For the first time in the year ending March 2021, the Home Office has collected record-level data on stop and search from police forces, meaning that each row of data relates to a single incident of stop and search. Furthermore, the Home Office has expanded the data collected on stop and search to cover the age and gender of a person searched (in reality, data collected are likely to be a mix of sex and gender). We have focused where possible on official statistics, particularly the Home Office's Police Powers and Procedures data which is an annual statistical bulletin including detailed figures on stop and search⁵. Data are also cited from the MPS dashboard and FOI data gained from the Criminal Justice Alliance's super-complaint.⁶

The Race Disparity Unit's recent report on stop and search data and the effect of geographical differences highlighted three factors around the interpretation of ethnic disparity rates and the use of stop and search⁷. First, the importance of the geographic clustering of stop and search. Stop and search is concentrated in a small number of forces with large numbers of individuals from ethnic minority backgrounds e.g. the MPS. This means that a disparity

⁴ The data collected asks forces for the gender of the person searched however it is likely that forces use a mixture of gender and sex when recording this data.

⁵ GOV.UK (2020) National Statistics. 27 October. Available at: [Police powers and procedures, England and Wales, year ending 31 March 2020 second edition - GOV.UK \(www.gov.uk\)](https://www.gov.uk/policy-and-procedure/policing/policing-powers-and-procedures) (Accessed: 10/05/21)

⁶ GOV.UK (2021) More harm than good. Available at: [Police super-complaints: police use of stop and search powers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/policy-and-procedure/policing/policing-powers-and-procedures). (Date accessed 01/07/2021).

⁷ GOV.UK (2021). Race Disparity Unit. 31 March [Stop and search data and the effect of geographical differences - GOV.UK \(www.gov.uk\)](https://www.gov.uk/policy-and-procedure/policing/policing-powers-and-procedures) (Accessed: 10/05/21)

rate calculated for the whole of England and Wales should be interpreted with caution as it will conceal marked variations in force level disparity rates. Whilst the relative disparity between black and white people is 7.0 for all forces (including BTP and excluding Greater Manchester Police (GMP)), the disparity rate for the MPS only is 3.4. This is closer to the disparity rate for all forces excluding BTP, GMP and the MPS which is 4.6. This is known as 'Simpson's paradox' which happens when data from two or more groups are combined and previously observed patterns in the data can reverse or disappear altogether.⁸ A second issue around interpreting stop and search disparity data is the relatively high level of missing data on the ethnicity of individuals who are stopped. In the year to March 2021, self-assessed ethnicity was missing in 19% of stop and searches in England and Wales. Finally, the report highlights the fact that the current method for calculating disparity rates uses 2011 census data. These data do not reflect up to date patterns of residence. Nor do they take account of the impact of transient populations (i.e. commuters, students, tourists and visitors).

The Metropolitan Police Service publish stop and search figures as part of their publicly available data dashboard⁹. However, it should be noted that this only covers use of stop and search in London so will not give a representative picture of the whole of England and Wales.

Stop and search and crime

A number of mechanisms have been suggested as to how stop and search might 'work' in relation to reducing crime (Weisburd et al., 2021). Stop and search may deter crime by increasing the perceived likelihood of would-be offenders that they might be apprehended. Stop and search can also retrieve weapons and other items that are used to commit crime, thus limiting the means to commit offences. Others have suggested that stop and search deters crime simply by increasing the visible police presence in high-crime areas. For s60s, officers interviewed as part of the qualitative research on the relaxations suggested that the impact on crime may be in preventing a small number of 'anticipated' violent offences – possibly retaliations in response to an earlier violent incident – rather than in terms of a wider effect on crime (Smith et al., 2021). Finally, and also in relation to s60, it has been suggested that simply informing the public that a s60 authorisation is in place in a specified location might be sufficient to deter would-be offenders (even if no searches are undertaken) (ibid, 2021). More than one in ten authorisations during the pilot period involved no stop and searches, while a further 60 per cent involved fewer than 20 searches.

Although operational officers tend to believe that stop and search is an effective crime fighting tool, the limited UK research evidence is less supportive. Whilst some US studies – for instance Weisburd et al's study of New York (2015) – show the US equivalent of stop and search (stop, question, frisk) to have a depressive effect on crime in areas close to where stops take place, UK studies have found little or no effects on crime at the

⁸ Norton, H.J & Divine, G (2015) 'Simpson's paradox ... and how to avoid it'. Significance. Available at: Simpson's paradox ... and how to avoid it - Norton - 2015 - Significance - Wiley Online Library (Accessed: 17/05/2021)

⁹ The Met (2021). Stop and search dashboard. April 2021. Available at: [Stop and search dashboard | The Met](#)

local authority level. McCandless et al (2016) examined whether a Met police initiative - Operation Blunt 2, which involved a surge in the use of stop and search - was effective at reducing knife crime. Most of the increase in stop and search was accounted for by an increase in searches under s60. Recorded crime data and London Ambulance data on knife-related assaults were compared across Operation Blunt 2 boroughs and those not receiving additional stop and search resources. Controlling for relevant socio-economic factors, the analysis found no discernible crime-reducing effects on violent and acquisitive crimes from a large surge in stop and search activity at borough level. However, the report did note that borough level data could have masked more localised crime reducing effects, and that a base level of stop and search activity might have an effect after which there are diminishing, or even zero, returns.

Tiratelli, Quinton & Bradford (2018) examined the deterrent effects of stop and search on crime rates in London from 2004 to 2014. Overall, the authors concluded that the analysis provided only limited evidence that stop and search had a meaningful deterrent effect on crime. Although the analysis found some associations between stop and search use and reductions in crime, the associations were typically weak and inconsistent. There was no evidence of reductions in robbery/theft, vehicle crime or criminal damage. Use of stop and search under specific powers revealed a lagged negative association between weapon searches and violent crime (week-on-week only). However, this was the weakest of the crime type associations.

A Campbell Systematic Review (Weisburd et al 2020) of the evidence on the effectiveness of stop and search is currently ongoing. In the meantime, it is hard to interpret the mixed evidence from UK and US studies. The more positive results of some US studies may reflect differences in the US/UK criminal justice system, and specifically different approaches post-arrest. It is also possible that UK studies, which have tended to look at effects across larger geographic areas (e.g. London boroughs) are not capturing more modest localised, short-term crime reduction effects. This might be particularly the case for capturing the impacts of s60s on comparatively rare, serious violent crimes. Attributing modest offence reductions in what are already rare serious violent offences to the introduction of a s60 authorisation is likely to be challenging in the design of any evaluation.

Criminal Justice Alliance (CJA) super-complaint:

HMICFRS received a super-complaint on s60, the pilot and the inadequate scrutiny of stop and search powers from the CJA on 24 May 2021. The complaint includes six recommendations for the Home Office, NPCC and police forces. Specific to the s60 pilot, it recommends the full repeal of s60 powers and, if not, the implementation of 22 safeguards including the reversal of the s60 pilot, annual evaluations of s60 use at force level and the publication of the Home Office s60 research considered throughout the EIA below. The super-complaint contains an extended annex based on a series of

Freedom of Information (FOI) data requests to forces involved in the pilot. Generally, responses from forces to the FOI were mixed and did not cover all forces which makes an overall assessment of this evidence difficult. Most of the areas covered by the FOI are reflected in the more comprehensive bespoke data collection analysed in Diver et al. (2021). Where the FOI data generates additional material, principally on age of those stopped, this has been reflected in this EIA. In August 2021 the super complaint was accepted and decisions are currently being made by HMICFRS, the IOPC and the College of Policing about the nature and scope of the subsequent investigation.

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

Data demonstrates that certain groups are more likely than others to be subject to all stop and search powers, including s60. It is reasonable to assume that a permanent decision to relax some or all the BUSSS conditions, which would be with a view to increased operational flexibility, could lead to a further increase in s60 searches and could, in turn, mean that disparities may continue or are exacerbated. This is set out below.

Age

Direct Discrimination –

No direct discrimination has been identified on age grounds in the use of stop and search, and we do not believe this would be introduced by any of the options under consideration.

Indirect Discrimination –

Younger people are disproportionately more likely to be subject to stop and search within London, according to the MPS dashboard¹⁰. From May 2020 to April 2021, 26% of all stop and searches carried out by the MPS were of young people aged 15-19, who make up around 5% of the total population of London according to the Office of National Statistics (ONS), and 27% of searches were of young people aged 20-24, who make up around 6% of the total population of London according to the ONS¹¹. (These population estimates refer to 2019.) These data only reflect the situation in London, but data from police.uk similarly suggests that stop and searches may be disproportionately carried out against those aged under 24 across England and Wales. Note that none of these data considers s60 searches specifically, and the police.uk data have not been subject to rigorous quality assurance (and some of the data are missing).

¹⁰ The Met (2021). Stop and search dashboard. April 2021. Available at: [Stop and search dashboard | The Met](#)

¹¹ ONS (2020) Population estimates. 24th June. Accessed at: [Population estimates: quality information - Office for National Statistics \(ons.gov.uk\)](#) (Accessed: 10/05/21)

It is reasonable to assume that a permanent decision to relax all the BUSSS conditions as in Option 1, or some of them as in Option 2, could lead to a further increase in s60 searches and could, in turn, mean that disparities continue or are exacerbated. We would also assume that under Option 3 disparities are likely to be maintained at their levels before the pilot was launched.

Analysis undertaken by the CJA as part of their super-complaint identified (before and after 1 September 2019) that the proportion of persons under 18 searched compared with those over 18 increased from 31.8% to 49.2% and suggested that the changes to s60 authorisations may be disproportionately impacting on young people in these forces. However, this analysis was based on only 13 forces which accounted for only 18% of all s60 searches during the pilot period.¹² This also excludes the MPS which made up 80% of searches over this time. For the MPS, comparing the same period, the proportion of persons under 18 searched were similar, with a slight increase from 26.5% (before 1 September 2019) to 28.3% (after September 2019).

The Home Office has been collecting statistics on age (on a voluntary basis) since April 2020. These were published as part of the Police Powers and Procedures: Stop and search and arrests Bulletin on 18 November 2021. Data from Police Powers and Procedures statistics, for England and Wales overall in 2020/21 show that over half (54%) of all stop and search of people were on those aged 24 or under, with 17% of the total under 18. For s60 searches, these numbers increased to 63% of total individuals stopped being under 24, and 21% of the total being under 18. Age disproportionality within stop and search can now be monitored at a national level and officials will continue to review whether any mitigations or safeguards are required as a result.

To the extent that those with protected characteristic of age are indirectly discriminated against by the use of s60, it is our view that this can be objectively justified in Option 1 or Option 2 under consideration, which remove some or all of the BUSSS safeguards on s60 use, as it is a proportionate means of achieving the legitimate aims of preventing and investigating crime, as long as each stop and search is fairly conducted and based on evidence and intelligence, not on age profile. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use so it should be assumed searches will remain at current levels under this option.

Disability

Direct Discrimination –

We have no evidence to determine if direct discrimination exists on disability grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

¹² The period covered by these data was 1 April 2019 to 31 March 2020 for the 'original' seven forces that joined the pilot on 1 April 2019. For the remaining 'later' forces that joined on 12 August the pilot period covers 12 August 2019 to 31 March 2020.

Indirect Discrimination –

We have no evidence to determine if indirect discrimination exists on disability grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Gender Reassignment

Direct Discrimination –

We have no evidence to determine if direct discrimination exists on gender reassignment grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Indirect Discrimination –

We have no evidence to determine if indirect discrimination exists on gender reassignment grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Marriage and Civil Partnership

Direct Discrimination –

We have no evidence to determine if direct discrimination exists on marriage or civil partnership grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Indirect Discrimination –

We have no evidence to determine if indirect discrimination exists on marriage or civil partnership grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Pregnancy and Maternity

Direct Discrimination –

We have no evidence to determine if direct discrimination exists on pregnancy or maternity grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Indirect Discrimination –

We have no evidence to determine if indirect discrimination exists on pregnancy or maternity grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Race

In 2020-21, based on self-defined ethnicity only, ethnic minority and black individuals were respectively 3.5 and 7.0 times more likely than white individuals to be searched under all stop and search powers. However, a methodology for calculating disparity which uses the officer observed ethnicity of people searched (when their self-defined ethnicity is not stated), suggests that these disparities may be higher (4.2 times for people from an ethnic minority background, and 8.7 times more likely for black people). The number of ethnic minority and black individuals searched has fallen since 2009/10 (by 52% and 55% respectively) but disparities have increased as the number of white individuals searched has fallen even more (59%). On s60 searches specifically (which make up 1.3% of all stop and searches) – ethnic minority individuals, and particularly black individuals, are more likely to be searched than white individuals. Nationally, ethnic minority and black individuals were respectively 6.2 and 14 times more likely than white individuals to be stopped and searched under s60 in 2020-21. However, this will reflect to some extent that most s60 searches (around 60%) are carried out by the MPS in London, where the ethnic minority population is higher than England and Wales as a whole¹³. Furthermore, as noted above, calculating disparity rates on smaller geographies will generate markedly different patterns.

Data collected as part of the s60 pilot's bespoke data collection exercise identified that in the pilot period, and excluding cases where the ethnicity was not known, 41% of searches were of people who either self-identified as white or, in the MPS where self-defined ethnicity was not stated, the officer recorded the person's ethnic appearance as white¹⁴. A similar proportion (40%) of searches were conducted on those who either self-identified as black, or the officer recorded their ethnic appearance as black. This was followed by the Asian group (12% of searches), the Chinese and Other ethnic group (4% of searches), and the mixed ethnic group (3% of searches).

The bespoke data collected also showed that an arrest or other outcome arose in 12% of those searched from a mixed ethnic group, 9% of those from a black or an Asian ethnic group, 8% of white individuals, and 7% of individuals from a Chinese and Other ethnic group. While data on outcomes other than arrest were not collected specifically for s60 searches in previous years, the arrest rate for each ethnic group was compared with 2018/19. Across all ethnic groups, the arrest rate was lower in the pilot period than in 2018/19. The arrest rate was highest amongst the mixed ethnic group for both years, at 7.1% in 2018/19 and 5.2% in the pilot period¹⁵.

Data on outcomes for searches under s60 were collected as part of the 2020/21 Annual Data Requirement. The arrest rate was highest amongst

¹³ GOV.UK (2021). Race Disparity Unit. 31 March [Stop and search data and the effect of geographical differences - GOV.UK \(www.gov.uk\)](#) (Accessed: 10/05/21)

¹⁴ Diver, M. Dewar, L. Smith, V. Hargreaves, J. Fulton, R. Haslam, J. and Feist, A. (2021). *The S60 Stop and Search Pilot: Statistical analysis and review of authorisations*. London: Home Office

¹⁵ Diver, M. Dewar, L. Smith, V. Hargreaves, J. Fulton, R. Haslam, J. and Feist, A. (2021). *The S60 Stop and Search Pilot: Statistical analysis and review of authorisations*. London: Home Office

people from mixed ethnic and black backgrounds (6%). The arrest rate for white people was 3%.

It is likely that, compared to the pre-pilot position, Option 1 (full relaxation) and Option 2 (partial relaxation) will lead to an increase in the number of stop and searches under s60, and as there is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use it should be assumed searches will remain at current levels under this option. Any increase in stop and search under s60 is likely to lead to more people from a minority background being searched. Overall, disproportionality rates between white and ethnic minority individuals decreased during the pilot period (from 16 times higher in 2018/19 to 9 times higher during the pilot period), and continued to decrease to 6.2 times higher in 2020/21). However, data from the pilot period is not directly comparable with previous years and 2020/21, due to differences in measurement of ethnicity (e.g. officer observed vs self-defined) and the impact of COVID restrictions which meant that many large events were cancelled during 2020/21. Moreover, we have already noted the challenges around placing too much weight on an overall disproportionality rate given the variation in force level rates. Finally, it is not possible to infer that any change in disproportionality was a direct result of the relaxations.

Direct Discrimination –

Although it is difficult to find explicit evidence of direct discrimination, disproportionality in the use of stop and search cannot always be adequately explained.

In their recent Spotlight report, HMICFRS expressed concerns that forces could not always adequately explain disproportionality in their use of section 1 PACE stop and search.¹⁶ In the stop and search records that they reviewed, they found a higher proportion of what they considered to be weak recorded grounds for all drug searches (possession and supply) on black people (29% compared with equivalent searches on white people (24%). They saw a similar difference in possession-only drug searches (29% compared with 23%). But due to the sample sizes for these specific groups, it was not possible to draw conclusions from this.

For Section 60 searches it is not possible to replicate this analysis since reasonable grounds are not required for these searches. However, the report highlighted the importance of considering ‘fair application’ – that is, whether people searched under each authorisation match the information on which that authorisation is based (e.g. certain age, gender or race of perpetrators) when looking at the disproportionality rate in s60 searches. This Spotlight report did not explore this as it would have required manually checking the information on which each authorisation is based against the ethnicity of those searched. However, this will be explored in future PEEL inspections.

¹⁶ 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. 26th February. Available at: [Disproportionate use of police powers – A spotlight on stop and search and the use of force - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/spotlight-reports/spotlight-on-stop-and-search-and-the-use-of-force/) (Accessed: 06/04/21)

Within this Spotlight report and others¹⁷, there were calls for greater scrutiny in terms of individual search justification; this included recommendations for increased evidencing of individual search justifications, ideally using BWV. This was similarly recommended in the CJA super-complaint.

One study (Vollmer and Stewart, 2021) undertook a detailed analysis of stop and searches in one English force with the aim of explaining in more detail the factors that lay behind disparities.¹⁸ Their research, based on 36,000 searches by 1,100 officers undertaken between 2014 and 2018, estimates officer-specific measures of ‘over-searching’ against two baselines: the ethnic composition of crime suspects that officers interact with; and the ethnic composition of areas patrolled by officers. The analysis found that officers ‘over-searched’ compared with the ethnic minority profile of all crime suspects that they had interacted with (although this may assume similarity between the ‘crime profile’ for stop and searches offences and for all suspect interactions). But the analysis also found that deployment decisions were also relevant, as areas with higher minority populations also had high levels of officer deployment (what the authors term ‘over-patrolling’). The authors acknowledge that, with the available data, it is not possible to state what the mechanism is that causes minority areas to be over-patrolled, nor what role the distribution of crime might play in that.

Other stakeholder reports have identified the disparate use of stop and search and s60 in certain areas. For example, StopWatch, who campaign against the disproportionate use of stop and search, argued in their 2018 report that in London, in high affluence boroughs, black people are singled out for attention, as whilst overall rates of stop and search are low they have high rates of racial disparity.¹⁹ However, this didn’t distinguish between s1 and s60 stop and search and so it is difficult to extract specific impacts with regard to s60 and potential relaxations.

Indirect Discrimination –

The available data suggests a disparity in the use of s60 stop and searches against individuals from ethnic minority backgrounds, particularly black individuals.

There is evidence that the distribution of s60s and its disproportionate use in some locations is a reflection of the use of the power to tackle serious violent crime. Street-based knife and gun offences tend to be concentrated in a small number of predominantly urban areas (Home Office, 2018)²⁰ and also tend to be associated with stop and search hotspots²¹. These areas also tend to be areas with more mixed ethnic minority resident populations (e.g. in London,

¹⁷ Commission on Race and Ethnic Disparities (2021) The report of the Commission on Race and Ethnic Disparities. 31st March. Available at: [The report of the Commission on Race and Ethnic Disparities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/942217/Commission-on-Race-and-Ethnic-Disparities-report-31-March-2021.pdf) (Accessed: 06/04/21)

¹⁸ Vomfell L, Stewart N. Officer bias, over-patrolling and ethnic disparities in stop and search. *Nat Hum Behav.* 2021 May;5(5):566-575

¹⁹ Shiner, M, Carre, Z, Delsol, R and Eastwood, N (2018). *The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales.* StopWatch.

²⁰ GOV.UK(2018) Serious Violence Strategy. Available at: [Serious Violence Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/742217/Serious-Violence-Strategy-2018.pdf). (Date accessed: 01/07/2021)

²¹ Annex A of [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/942217/Police-powers-and-procedures-Stop-and-search-and-arrests-England-and-Wales-year-ending-31-March-2021.pdf)

Tower Hamlets and Newham have a high proportion of ethnic minority populations and some of the highest stop and search rates²²) and since a majority of s60s are related to responding to particular incidents of serious violence we would expect s60s to be more heavily concentrated in the same areas. Authorisations in London showed some correlation with the distribution of finished admission episodes for assaults with a sharp object. Evidence from the data collection on the relaxations indicates that most s60s are in response to incidents or incidents and intelligence (Diver et al., 2021).

In the qualitative research into the s60 relaxations, there was some recognition that the intelligence case informing an authorisation might identify the demographic profile of those individuals who might be the focus of a s60 stop and search²³. For example, known members of gangs, those falling within a specific age range or from a particular ethnic background could be part of the demographic parameters of an authorisation, e.g. in response to witness descriptions of an alleged perpetrator given the research indicated many s60 authorisations resulted from an incident of serious violence.

It is likely that Option 1 (full relaxation) and Option 2 (partial relaxation) will lead to an increase in the number of stop and searches under s60, and as a consequence could also see an increase in this existing disproportionality. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use and so it should be assumed that searches will remain at current levels under this option. Overall, disproportionality rates decreased slightly during the pilot period (from 16x higher in 2018/19 to 9x higher during the pilot) and continued to decrease to 6.2 times higher in 2020/21. However, data from the pilot period is not directly comparable with previous years and 2020/21 due to differences in measurement of ethnicity (e.g. officer observed vs self-defined) and we have already established the weaknesses of interpreting an overall disproportionality rate given the variation in local rates. And it is not possible to infer that any change in disproportionality was a result of the relaxations.

To the extent that those with protected characteristic of race are indirectly discriminated against by the use of s60, it is our view that this can be objectively justified as it is a proportionate means of achieving the legitimate aims of tackling crime, as long as each stop and search is fairly conducted and based on evidence and intelligence, not on race or ethnic profile.

Religion or Belief

Direct Discrimination – No direct discrimination has been identified on religion or belief grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Indirect Discrimination –

²² [Exploration of an alternative approach to calculating stop and search rates in the Metropolitan Police Force Area – Experimental Statistics - GOV.UK \(www.gov.uk\)](#)

²⁴ [Police Stop and Search Within British Muslim Communities: Evidence From the Crime Survey 2006–11 | The British Journal of Criminology | Oxford Academic \(oup.com\)](#)

Limited research has been undertaken on the relationship between stop and search and religious background. One study (Hargreaves, 2018²⁴) drew on combined sweeps of Crime Survey data between 2006 and 2011. This found that while being Muslim did not increase the chances of being stopped on foot, once stopped, Muslim respondents were significantly more likely to report a search than those who described their religion as Christian. Muslim respondents were eight times more likely to be involved in a search once stopped, controlling for other characteristics, while those with other non-Christian religions had much more modest increase in the likelihood of being searched. However, the study acknowledges that other significant factors such as multiple deprivation may determine whether a person is stopped and searched and that the analysis is based on a small sample and therefore the findings are merely indicative.

Sex

Direct Discrimination – No direct discrimination has been identified on sex grounds in the use of stop and search, and hence whether it would be exacerbated under Option 1, Option 2 or Option 3.

Indirect Discrimination – Males are disproportionately more likely to be subject to stop and search in England and Wales. The Home Office has been collecting statistics on gender (on a voluntary basis) since April 2020. This was published as part of the Police Powers and Procedures: Stop and search and arrests Bulletin on 18 November 2021. Data from Police Powers and Procedures statistics, for England and Wales overall in 2020/21 show that Males accounted for 90.5% of all stop and search of people (where the gender was known). This increases to 94.4% for searches under s60 only. Officials will continue to review whether any mitigations or safeguards are required as a result.

It is likely that Option 1 (full relaxation) and Option 2 (partial relaxation) will lead to an increase in the number of stop and searches under s60, and as a consequence also increase the number of males stopped. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use and so it should be assumed that searches will remain at current levels under this option.

There is good evidence that males are overrepresented amongst those who perpetrate serious violence: for instance, for the three-year period year ending March 2018 to the year ending March 2020, the vast majority of suspects convicted of homicide were male (93%) (Office for National Statistics, 2021).²⁵

To the extent that those with the protected characteristic of sex are indirectly discriminated against by the use of s60, it is our view that this can be

²⁴ [Police Stop and Search Within British Muslim Communities: Evidence From the Crime Survey 2006–11 | The British Journal of Criminology | Oxford Academic \(oup.com\)](#)

²⁵ ONS (2020). Homicide in England and Wales: year ending March 2020. [Homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#). Date accessed 01/07/2021.

objectively justified as a proportionate means of achieving the legitimate aims of tackling crime.

Sexual Orientation

Direct Discrimination –

We are not aware of any evidence of direct discrimination due to sexual orientation in the use of stop and search, and hence whether it would be exacerbated for Option 1, Option 2 or Option 3.

Indirect Discrimination –

We are not aware of any evidence of indirect discrimination due to sexual orientation in the use of stop and search, and hence whether it would be exacerbated for Option 1, Option 2 or Option 3.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The pilot's policy aim was to make s60 easier for police to use, with the intention of allowing forces to intervene faster in response to serious violence, taking weapons off the streets and potentially saving lives. We are aware of evidence which suggests an increase in s60 use, because of relaxations under Option 1 or Option 2, would discourage people with protected characteristics from participating in daily activities. After reviewing the research presented and looking at the data provided throughout the pilot we do not believe that Option 1, Option 2 or Option 3 would impact people's likelihood to participate in daily activities. On the contrary, evidence set out below indicates that individuals with certain protected characteristics (age, race, sex) are more likely to be impacted by serious violence, meaning that this policy could increase equality of opportunity by decreasing risk of violence.

Age –

Research indicates that younger people are more likely to be the victims and perpetrators of serious violence.²⁶ NHS England data on hospital admissions for assault by a sharp object shows that typically 4 in 10 victims are under the age of 25²⁷. As s60 searches are meant to prevent violence or reduce the risk of further violence after an initial incident, any successful deterrent effect from the increase of s60 searches that could result from the relaxing of some or all restrictions under Option 1 or Option 2 could be claimed to advance equality of opportunity.

Disability –

²⁶ GOV.UK(2018) Serious Violence Strategy. Available at: [Serious Violence Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684217/Serious_Violence_Strategy_-_GOV.UK.pdf). (Date accessed: 01/07/2021)

²⁷ NHS Digital (2021a) Monthly hospital admissions for assault by sharp object December 2020. Available at: <https://digital.nhs.uk/data-and-information/supplementary-information/2021/monthly-hospital-admissions-for-assault-by-sharp-object-december-2020> (Accessed: 21/04/21)

We do not have any evidence that disability status makes an individual more likely to be impacted by stop and search, and hence whether equality of opportunity would be advanced or otherwise under Option 1, Option 2 or Option 3.

Gender Reassignment –

We do not have any evidence that gender reassignment status makes an individual more likely to be impacted by stop and search, and hence whether equality of opportunity would be advanced or otherwise under Option 1, Option 2 or Option 3.

Maternity and Pregnancy –

We do not have any evidence that maternity and pregnancy status make an individual more likely to be impacted by stop and search, and hence whether equality of opportunity would be advanced or otherwise under Option 1, Option 2 or Option 3.

Race –

Over-representation of ethnic minority individuals as victims of violence is evident at a national level. NHS England data on hospital admissions for assault by a sharp object show that black or black British victims accounted for 12% of the total in 2019-20 (according to the 2011 Census 3% of the population of England and Wales were black). Comparable figures for hospital admissions for Asian/Asian British/Mixed/other ethnic groups and white victims were 23% and 64% respectively²⁸.

S60 searches are designed to help police prevent anticipated violence in a particular area. The Home Office's research into the pilot found that the rationale for most s60s during the pilot period was in response to incidents. Our detailed review of 143 authorisation forms revealed that almost all s60s which were the result of incidents involved some form of assault, and the vast majority of these involved a weapon (typically a knife). Given the over-representation of ethnic minority individuals amongst victims of violence, any successful deterrent effect from a possible increase of s60 searches that could result from a policy change within Option 1 or Option 2 could therefore be claimed to advance equality of opportunity. There is no evidence to suggest Option 3 will lead to a decrease in s60 use and so it should be assumed that searches and, accordingly, their impacts will remain at current levels under this option.

Although the UK evidence on the use of stop and search suggests a limited effect on crime it is not possible to rule out that a targeted increase in the use of s60 stop and searches might have a small, localised positive impact on serious violence offences, if the power is used in a highly targeted way in local areas.

Religion and Belief –

²⁸ The corresponding 2011 Census figures were 11% (Asian/Mixed/Other) and 86% white.

Evidence that religion or belief makes an individual more likely to be impacted by stop and search, s60 or by serious violence is limited. Caveats around the link between stop and search and crime reduction would apply as outlined above.

Sex –

Research indicates that males are more likely than females to be involved in recent increases in homicide.²⁹ As in previous years, most homicide victims in the year ending March 2020 were male (73%)³⁰. As s60 searches are intended to prevent violence or reduce the risk of further violence after an initial incident, any successful deterrent effect from the increase of s60 searches that could result from full or partial relaxations under Option 1 or Option 2 respectively could be claimed to advance equality of opportunity. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use and so it should be assumed that searches will remain at current levels under this option.

Sexual Orientation –

We are not aware of evidence that sexual orientation makes an individual more likely to be impacted by stop and search or by serious violence, and hence whether equality of opportunity would be advanced or otherwise under Option 1, Option 2 or Option 3.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it

The wider evidence indicates that disparities (age, race, sex) in the use of s60 exist and it is still reasonable to assume that any increase in s60 searches as a result of a permanent decision to relax all (Option 1) or some (Option 2) of the BUSSS conditions will disproportionately impact these groups. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use and so it should be assumed that searches will remain at current levels under this option. We are aware that evidence suggests that low confidence in the police is associated with those who have unsatisfactory police-initiated contact. Evidence is considered which suggests that an increase in stop and search may not be conducive to improving community relations – but this evidence is not specific to s60. We consider the fostering of good relationships between the police and these groups below.

Black groups have lower confidence in the police than those from a white background – in particular, those from a black Caribbean background sit at 54%.³¹ Research looking at the relationship between police-initiated contact –

²⁹ Home Office (2018). *Serious Violence Strategy*.

³⁰ [Office for National Statistics \(2021\) Homicide in England and Wales: year ending March 2020. Available at: Homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#) (Accessed: 16/04/2021)

³¹ Office for National Statistics (2021). "Perceptions of the police" in Annual Supplementary Tables. Available at: [Crime in England and Wales: Annual supplementary tables - Office for National Statistics \(ons.gov.uk\)](#) (Accessed: 10/05/21)

including stopping people in their vehicles or on foot – and public confidence has indicated that the likelihood of having confidence in the police among those who reported satisfactory experiences was not statistically significantly different from those of people who had no contact.^{32 33} The critical issue is the nature of these police-initiated encounters. Experiencing ‘unsatisfactory’ police-initiated contact was associated with lower likelihood of being confident in the police compared to those who had no contact.

Consistent with the wider academic literature^{34 35}, a common theme from the qualitative interviews – both community scrutiny leads and the police – was the importance of the nature of the interaction between the individual who has been stopped and searched and the officer performing the search. This covered how officers conversed with those being searched, and in particular how any discord was managed. Similarly, some officers also recognised the importance of quality interactions with passers-by. Recent qualitative research conducted by NatCen (2021) for the Commission on Race and Ethnic Disparities (CRED) report highlighted the variable experiences of those stopped and searched³⁶. The young men who took part in this research who had been stopped and searched more than once reported a mix of consistent and inconsistent processes in both initiation and delivery of stop and search. A strong theme across all participants (police and young men) was the importance of effective communication during stop and search, particularly in terms of the reasons for initiating the stop and search. This research was not exclusively focused on s60 stop and search.

It is possible that s60 specifically may be a point of contention, as officers do not have to have ‘reasonable’ grounds to justify the search. Research found that where individuals are given a reason for being stopped, they were more likely to be satisfied – no reason given was the strongest predictor for dissatisfaction.³⁷

The qualitative research into the relaxations found widespread acknowledgment – across all interviewees – of the importance of community relations in informing the decision making, planning and execution of s60 authorisations. However, practically teasing out views on how communities viewed the relaxations was challenging. There were few obvious changes in procedure arising from the relaxations that would have been felt visibly different by those who were stopped and searched during the pilot.

³² Myhill, A., & Beak, K. (2008). Public confidence in the police. *Research, Analysis and Information. National Police Improvement Agency–NPIA*. Available at: <https://library.college.police.uk/docs/npia/public-confidence-in-the-police.pdf> (Accessed: 11/05/21)

³³ Bradford, B., & Myhill, A. (2015). Triggers of change to public confidence in the police and criminal justice system: Findings from the Crime Survey for England and Wales panel experiment. *Criminology & Criminal Justice*, 15(1), 23–43.

³⁴ Mayor’s Office for Policing and Crime (2018a) Youth Voice Survey 2018

³⁵ 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. 26th February. Available at: [Disproportionate use of police powers – A spotlight on stop and search and the use of force - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/publications/disproportionate-use-of-police-powers-a-spotlight-on-stop-and-search-and-the-use-of-force/) (Accessed: 06/04/21)

³⁶ Commission on Race and Ethnic Disparities (2021) The report of the Commission on Race and Ethnic Disparities. 31st March. Available at: [The report of the Commission on Race and Ethnic Disparities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/95222/crer-report-2021.pdf) (Accessed: 06/04/21)

³⁷ Bradford, B. (2016) *Stop and Search and Police Legitimacy*, Routledge, 2016. ProQuest Ebook Central

The relaxation that is most relevant to engagement with the community was the proposal to remove the need to publicise authorisations in advance. This relaxation may compound some of the negative impacts described if choosing Option 1. The pilot research suggested that authorising officers tended to value proactively communicating with the public about s60s, for a range of reasons (transparency, assurance and deterrence) which is reflected in Option 2. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use, or that the methods of communication would change, and so it should be assumed the fact and method of any such neighbourhood communications will remain at current levels under this option. Therefore, Option 1 could compound existing complaints about understanding reasons for searches, whereas Options 2 or 3 are more likely to foster good relations between groups.

Age –

Evidence suggests younger people may lack confidence that the police are using stop and search fairly. A study examining children stopped and searched in the Metropolitan Police force area found that the children surveyed, and their parents, felt they were treated with more suspicion than adults and judged on the way they dress.³⁸

Disability –

We do not have evidence specifically considering the impact of stop and search on disability status, and hence an impact on fostering good relations between communities of Option 1, Option 2 or Option 3.

Gender Reassignment –

We do not have evidence specifically considering the impact of stop and search on gender reassignment status, and hence an impact on fostering good relations between communities of Option 1, Option 2 or Option 3.

Maternity and Pregnancy –

We do not have evidence specifically considering the impact of stop and search on maternity and pregnancy status, and hence an impact on fostering good relations between communities of Option 1, Option 2 or Option 3.

Race –

There is considerable evidence which suggests that individuals from an ethnic minority background are less likely to have confidence in the police's use of stop and search, and to view the police negatively as a result.

Given the potentially negative impact on trust in the police that an increase in stop and search might have, it is likely that Option 1, which removes the

³⁸ Flacks, S. (2018). The stop and search of minors: A 'vital police tool'? *Criminology & criminal justice*. Vol. 18(3), pp. 364-384.

requirement on police to communicate use of s60 with communities, could have a negative effect on a group with existing low levels of trust and confidence levels. Since trust in the police and co-operation with them is often necessary for effective community policing, such changes may create broader issues. On the other hand, however, there is evidence that there is a desire across all communities for a visible police presence to deter crime, and a lack of satisfaction with current police visibility.³⁹ The pilot research suggested that authorising officers tended to value proactively communicating with the public about s60s, for a range of reasons (transparency, assurance and deterrence) which is reflected in Option 2. There is no evidence to suggest Option 3 (no relaxation) will lead to a decrease in s60 use and so it should be assumed that announcements made on searches will remain at current levels under this option, and hence Options 2 or 3 may be more likely to foster good relations than Option 1, which removes the requirement to communicate use of s60 with communities.

According to HMICFRS 2017 PEEL inspections, disparity rates continue “to threaten trust and confidence in the police”, with improvements required to the operation of stop and search if the tactic was not to “continue to undermine police legitimacy”.⁴⁰ They also noted concerns that forces could not always adequately explain disproportionality in their use of stop and search⁴¹. We note above that HMICFRS are working to implement ‘fair application’ into their PEEL assessments.

StopWatch highlighted that the disparity in the use of public s60 and other forms of public stop and search risks reinforcing stereotypes around the criminality of ethnic minority individuals. This in turn may impact upon the other forms of discrimination ethnic minority individuals face in society. As noted above, lower confidence in policing is associated with those who have experienced unsatisfactory police-initiated contact. A YouGov study explored the views of 500 young men from an ethnic minority background – results found that 36% of participants stated that general stop and search gave them less trust in the police, while 42% disagreed or strongly disagreed that it is based on fair and accurate information.⁴² Both police and the young men who participated in the recent qualitative research conducted by NatCen (2021) identified an issue with a lack of trust and confidence in the police.

Forces are required, under statutory guidance, to monitor the community impact of stop and search via their local scrutiny groups, so should be considering the potential for decreased trust and taking steps to mitigate it. Recent steps towards increased use of body worn video during stop and searches – which was less common when much of the research cited above was carried out – will help forces and local scrutiny groups monitor stop and search more effectively. The Home Office is also exploring the position of

³⁹ Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (2018) [Public Perceptions of Policing in England and Wales 2018](#)

⁴⁰ Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services, [HMICFRS](#) (2017) *PEEL: Police legitimacy 2017. A national overview*.

⁴¹ 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. 26th February. Available at: [Disproportionate use of police powers – A spotlight on stop and search and the use of force - HMICFRS \(justiceinspectorates.gov.uk\)](#) (Accessed: 06/04/21)

⁴² Keeling, P. (2017) *No respect: Young BAME men, the police and stop and search*. Criminal Justice Alliance.

local scrutiny panels as part of a wider programme of work on trust and confidence in policing following the report of the Commission on Race and Ethnic Disparities.

Religion and Belief –

The evidence on the impact of stop and search on those with different religions or beliefs is limited but is likely to be closely related to racial disparities.⁴³

Sex –

Although males are more frequently stopped and searched than females, we are not aware of specific evidence considering the impact of stop and search on relationships with this group. Males who were stopped and searched were more likely to be dissatisfied, and rate police fairness and effectivity much lower, but it is not possible to draw a causal relationship between these factors from opinions gathered at only one point in time.⁴⁴ It is likely that general points raised above around ways to increase community trust will apply.

Sexual Orientation –

We do not have evidence specifically considering the impact of stop and search on sexual orientation, and hence an impact on fostering good relations between communities of Option 1, Option 2 or Option 3.

⁴³ Parmar A, (2011). *Stop and search in London: counter-terrorist or counterproductive?* Policing and Society, 21(4), 369-382

⁴⁴ Bradford, B. (2016) [Stop and Search and Police Legitimacy](#), Routledge, 2016. ProQuest Ebook Central

4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
Age	Negative	Young people are disproportionately more likely to be subject to stop and search, and to view such interactions with the police negatively, which can reduce community trust in the police. An increase in the use of this power as a result of the relaxations under Option 1 or Option 2 may see increase s60s and therefore a greater number of young people stopped. We also note that effective, equal opportunities may increase as younger people are more likely to be victims of serious violence.	<p>We note age disparities may exist in stop and search based on force-level data. We are now collecting this data as part of our national-level annual data collection. We will monitor disparities to see whether additional mitigations or safeguards are required. Local scrutiny groups, PCCs, others and HMICFRS inspections scrutinise forces on their disparities. These scrutiny processes feedback to forces – positive or neutral reflections or suggested improvements to consider – and forces can determine whether changes are required because of these discussions. Future policy could look to explore the option of mandating fair application data collection to compare those stopped under an authorisation with the authorisation parameters.</p> <p>During the s60 pilot, forces implemented their own mitigations on their use of s60 (noted in section 5 below) although these were not specific to age. We anticipate forces will continue with these mitigations if there is a permanent policy change on s60.</p>
Disability	None known	We are not aware of data which considers stop and search impact with regards to disability status, or evidence that there would be increased negative impact or discrimination under Option 1, Option 2 or Option 3.	None as no negative impact expected.
Gender Reassignment	None known	We are not aware of data which considers stop and search impact with regards to gender reassignment status, or evidence that there would be increased negative impact or discrimination under Option 1, Option 2 or Option 3.	None as no negative impact expected.
Marriage and Civil Partnership	None known	We are not aware of data which considers stop and search impact with regards to marital status, or evidence that there would be increased negative impact or discrimination under Option 1, Option 2 or Option 3.	None as no negative impact expected.
Pregnancy and Maternity	None known	We are not aware of data which considers stop and search impact with regards to pregnancy and maternity status, or evidence that there would be increased negative impact or discrimination under Option 1, Option 2 or Option 3.	None as no negative impact expected.

Race	Negative	Ethnic minority individuals are disproportionately more likely to be subject to stop and search, and significantly more likely to view such interactions with the police negatively, which can reduce community trust in the police. A permanent policy change under Option 1 or Option 2 may increase use and lead to more people from minority backgrounds being stopped. We also note that effective, equal opportunities may increase as black and people of an ethnic minority background are more likely to be victims of serious violence.	<p>We note disparities in s60 use have decreased since the pilot, but they are still high. Safeguards exist to mitigate the risk of anyone being stopped based on race or ethnicity such as statutory codes of practice, BWV and extensive operational guidance. We discuss disparities with the NPCC and forces to understand why they exist – although s60 searches rely on searching people who match the information on which an authorisation has been based on (e.g. certain age, gender or race of perpetrators) which could underpin certain disparities.</p> <p>We will continue to monitor disparities in s60 use and consider if additional mitigations or safeguards are required. Local scrutiny groups, PCCs, others and HMICFRS inspections also scrutinise forces on their disparities. These scrutiny processes feedback to forces – positive or neutral reflections or suggested improvements to consider – and forces can determine whether changes are required as a result of these discussions. Future policy could look to explore the option of mandating fair application data collection to compare those stopped under an authorisation with the authorisation parameters.</p> <p>During the s60 pilot, forces implemented their own mitigations on their use of s60 (noted in section 5 below), although these were not specific to race. We anticipate forces will continue with these mitigations if there is a permanent policy change on s60.</p>
Religion and Belief	Negative	Evidence is limited but some indications of disparities based on religion and belief, and of negative community impacts.	Disparities may exist, but evidence is very limited. Safeguards exist to mitigate the risk of anyone being stopped based on any protected characteristics such as statutory codes of practice, BWV and extensive operational guidance. If the evidence base becomes more extensive or disparities come to light, we will monitor to determine if additional mitigations or safeguards are required. Local scrutiny groups, PCCs, others and HMICFRS inspections continue to scrutinise forces on any disparities. These scrutiny processes feedback to forces – positive or neutral reflections or suggested improvements to consider – and forces can determine whether changes are required because of these discussions.
Sex	Negative	Males are disproportionately more likely to be subject to stop and search. A permanent policy change under Option 1 or Option 2 may increase use and lead to more men being stopped. We also note that effective, equal opportunities may increase as males are more likely to be victims of serious violence.	Gender disparities may exist in s60 use based on force-level data. We are now collecting this data as part of our national-level annual data collection. We will monitor disparities to see whether additional mitigations or safeguards are required. Local scrutiny groups, PCCs, others and HMICFRS inspections scrutinise forces on their disparities. These scrutiny processes feedback to forces – positive or neutral reflections or suggested improvements to consider – and forces can determine whether changes are required because of these

			<p>discussions. Future policy could look to explore the option of mandating fair application data collection to compare those stopped under an authorisation with the authorisation parameters.</p> <p>During the s60 pilot, forces implemented their own mitigations on their use of s60 (noted in section 5 below), although these were not specific to sex. We anticipate forces will continue with these mitigations if there is a permanent policy change on s60.</p>
Sexual Orientation	None known	We are not aware of data which considers stop and search impact with regards to sexual orientation status, or evidence that there would be increased negative impact or discrimination under Option 1, Option 2 or Option 3.	None as no negative impact expected.

5. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

The use of stop and search powers are attached to a number of legislative safeguards, including statutory codes of practice which govern a search, body worn video to hold officers and the public account and external scrutiny processes.

The Home Office also collects more data on stop and search than ever before – including the race, age and gender of the person searched, what they were searched for, and how often objects were found for each force. As noted in section 3a, we have collected additional data (including age and gender) from April 2020 (on a voluntary basis) – which we will continue to review to identify whether further mitigations or safeguards on our policy are required. This data was published as part of Police Powers and Procedures statistics on 18 November 2021. Once available, disproportionality within stop and search can be monitored at a national-level and officials will continue to review whether any mitigations or safeguards are required as a result. This will address concerns raised in the CJA super-complaint report. We are also collecting more detailed data from April 2021 – which we will continue to review to identify whether further mitigations or safeguards on our policy are required – this data should be published in October 2022. This data is published online annually, allowing local scrutiny groups, PCCs and others to hold forces to account, and it is discussed with relevant NPCC leads and forces to understand why disparities may arise. We continue to consider how we can improve data on s60 authorisations.

HMICFRS also look at force level disparity and usage data, including the rates at which items are found on different racial groups, as part of force assessments. HMICFRS also noted the importance of considering ‘fair application’ – that is, whether people searched under each authorisation match the information on which that authorisation is based (e.g. certain age, gender or race of perpetrators) when looking at the disproportionality rate in s60 searches.⁴⁵ HMICFRS do not currently explore fair application, but this will feature in future PEEL assessments. Exploring this further in terms of future data collection could go some way in underpinning why force disparities in s60 use exist and towards forces ensuring that ‘fair application’ is used in s60 – this could also help mitigate against concerns on disproportionate use.

Extensive operational guidance exists for forces to follow for best practice safeguards on stop and search. The College of Policing Authorised Professional Practice (APP) includes advice that stop and search is most likely to be fair and effective when the search is justified, the officer has genuine and objectively reasonable suspicions they will find a prohibited

⁴⁵ 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. 26th February. Available at: [Disproportionate use of police powers – A spotlight on stop and search and the use of force - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/disproportionate-use-of-police-powers-a-spotlight-on-stop-and-search-and-the-use-of-force/) (Accessed: 06/04/21)

article and the individual understands why they have been searched and feels that they have been treated with respect. As part of the piloted relaxing of BUSSS conditions, we asked the College to further update their APP to strengthen the understanding of the use of the powers and increase public confidence. This guidance was published in July 2020 and includes best practice on community engagement and scrutiny.⁴⁶ Examples include improving scrutiny panels to ensure they are independent of the police and representative of the community the force area serves as well as better publication and transparency of how the powers are used. The CJA super-complaint considered forces' community engagement and scrutiny of s60 authorisations and found forces were poor at this. However, CJA research was conducted prior to the College's APP update in July 2020 and therefore we expect if this was explored now, forces would have made significant improvements.

The Home Office has committed to reviewing minimum standards of scrutiny and the role of body worn video in stop and search, because transparency is vital. This will reflect the report and recommendations of the Commission for Race and Ethnic Disparities, to which the Government is intending to publish a response in early 2022.

We have also monitored the impact of this policy change as part of the pilot study. Views of officers and community scrutiny leaders were investigated to understand the impact of the relaxations.⁴⁷ This identified various mitigations used by forces such as consideration of senior officer-level oversight. Community scrutiny leads indicated a preference for the involvement of higher ranks in the authorisation process. This case was generally made on the basis that senior officers are likely to have a higher level of both experience and impartiality. Community scrutiny leads' concerns around the possibility that s60 authorisations could rise rapidly.

Forces introduced mitigations in s60 authorisations to ensure senior oversight and review occurred in real time or in retrospect – this was felt to allay some of the concerns raised in the study by community scrutiny leads.⁴⁸ The quality of searches – and quality of interactions with passers-by – were also determined to play a key role in alleviating concerns found in stop and search. Community scrutiny leads highlighted BWV footage as a potentially helpful source of scrutiny material to allow the quality of the encounter to be considered. However, the sharing of BWV footage and accessibility to it at scrutiny panels was found to vary significantly with some panels having no access at all. When quality footage was shared it could be used to understand the stop and search interaction. The College of Policing's updated guidance (above) also provides clearer best practice examples of sharing BWV with review panels, which should mitigate negative impacts if followed by forces.

⁴⁶ College of Policing (2020) [Stop and search transparent guidance](#)

⁴⁷ Smith, V. Dewar, L. Farrugia, D. Diver, M. and Feist, A. (2021) *The S60 Stop and Search Pilot: Interviews with Police Officers and Community Scrutiny Leads*. London: Home Office.

⁴⁸ Smith, V. Dewar, L. Farrugia, D. Diver, M. and Feist, A. (2021) *The S60 Stop and Search Pilot: Interviews with Police Officers and Community Scrutiny Leads*. London: Home Office.

6. Review date – July 2022

7. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been given to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

8. SCS sign off: Name/Title:

9. Directorate/Unit: Policing Policy Directorate

10. Lead contact:

11. Date: 5 January 2022

For monitoring purposes all completed PES documents **must** be sent to the PSED@homeoffice.gov.uk

Date sent to PSED Team: 10 December 2021