

**Sent by email:**

**Andy Cooke QPM DL**

His Majesty's Chief Inspector of Constabulary

**Chief Constable Andy Marsh**

Chief Executive Officer College of Policing

**Tom Whiting**

Interim Director General

Independent Office for Police Conduct

9<sup>th</sup> February 2024

Dear all,

**RE: Criminal Justice Alliance super-complaint – Section 60 Stop and Search.**

Following the publication of your Report on the Criminal Justice Alliance's super-complaint please find the NPCC response outlined below:

**1. Purpose and introduction**

1.1 This is the National Police Chief's Council (NPCC) response, on behalf of policing, to HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), College of Policing and Independent Office for Police Conduct (IOPC) report on the Criminal Justice Alliance's (CJA) super-complaint – Section 60 of the Criminal Justice and Public Order Act 1994 and independent community scrutiny of stop and search published on 15 December 2023.

1.2 An initial response was provided by NPCC Stop & Search Lead ACC Andy Mariner on the date of publication, acknowledging that the policing power can have a negative impact, especially among black people, and that policing must do more to improve these experiences for the public. He stated it was vital that each police interaction was handled sensitively, and in line with policy ensuring that policing learns from when it has not got the balance right.

**2. Background**

2.1 HMICFRS, the College of Policing and IOPC collaborated on the investigation of a super-complaint submitted by the CJA in May 2021 regarding the usage of Section 60 of the Criminal Justice and Public Order Act 1994, and the scrutiny around its use including the impact this policing power has on communities.

2.2 This report also complements recommendations made by the Police Race Plan in Workstream 2 for Police forces to identify and address disproportionate use of Section 60 powers on Black communities which undermines public trust and confidence in the Police.

2.3 This document specifically covers the recommendations made to the NPCC.



### **3. NPCC response to recommendations**

3.1 The following is the response to each individual recommendation where the action is attributed solely to the NPCC, or where the NPCC is one of the parties that are required to take a recommendation forward.

3.2 The recommendations meeting the criteria above, and the role of the NPCC in taking it forward are acknowledged and accepted.

#### **3.3 Recommendation 2:**

3.4 The NPCC should work with the College of Policing to agree minimum requirements for:

- Logging police decision making in response to, or anticipation of, serious violence involving knives and offensive weapons, including which alternative powers are considered,
- Recording Section 60 authorisations, extensions, and decisions not to authorise Section 60,
- Briefing relevant officers following a Section 60 authorisation,
- Reviewing policing operations involving the authorisation of Section 60.

Powers under Section 60 of the Criminal Justice and Public Order Act 1994 are a tool that can be used by Police forces in certain circumstances where serious violence has or may take place or where individuals are carrying weapons. This involves individuals being stopped and searched without suspicion for offensive weapons and dangerous instruments only.

The NPCC understands the implications of using these powers in this legislation and recognises that it can have a lasting impact on individuals and communities. It is only right therefore these decisions are documented including the consideration for use of alternate powers and the impact to the community.

Police forces record their authorisations however the information recorded differs across forces within England & Wales. By developing requirements, Police forces will be able to understand what should be recorded as a minimum, bringing greater consistency and opportunity for scrutiny.

The NPCC will achieve this in part by utilising its Stop and Search National Delivery Group and through collaboration with the College of Policing.

The National Delivery Group is attended by Regional Police Leads for Stop & Search, who that meet to discuss best practice, share innovation and problem solve, there is representation for every Police force in England & Wales.



Minimum requirements will be devised with the College of Policing in line with existing Authorised Professional Practice and will be shared with the National Delivery Group for their feedback. This will then be presented to key stakeholders and interested parties for their input. Once the requirements have been agreed, these will be published internally.

### **3.5 Recommendation 6, Action 2:**

3.6 The College of Policing will submit bids for initiatives that support officers using stop and search powers to the Police Science Technology and Research fund, working with the NPCC and forces to develop initiatives for evaluation.

The NPCC is committed to supporting officers so they use their stop and search powers in well-targeted and procedurally just ways, recognising the significant negative effect and disproportionate impact the incorrect usage of these powers can have on individuals and communities. The report has highlighted there needs to be a focus on the end-to-end processes when Section 60 powers are used by Police forces. Further thought and development is required in this area to look at what is currently being done and how this can be improved to reduce disproportionality, and Police forces can maintain public trust and confidence in their utilisation of this legislation.

The investment in development, evaluation and sharing of new initiatives will bring improvement in how these powers are executed, and enable officers to use them confidently, correctly, and consistently.

The NPCC has strong links with the College of Policing and is committed to working with them to develop these concepts so effective evaluation can take place to measure whether the powers are used fairly, proportionately, and effectively and to also understand the subsequent impact to those individuals and communities. This will be achieved by engaging with policing, partners, and communities throughout the development process for their opinions, existing knowledge and lived experiences.

The report highlights several examples of Police forces using new ways of working, which in some cases have yet to be evaluated, but may yield improved outcomes for our communities, through involving our partners and communities in this, we can work together to reduce disproportionality and generate greater opportunity for further innovation.

### **3.7 Recommendation 9**

3.8 The Home Office is finalising the national minimum standards framework for community scrutiny panels working with the NPCC and other interested parties which will include provisions to ensure: children and young people are included in the scrutiny process, that training and development of panel members exists, to review grounds for authorisation and use of section 60 stop and search powers and use of force in stop and search encounters, and effective oversight is put in place.



The NPCC welcomes a National minimum standards framework for community scrutiny panels understanding the importance of appropriate external scrutiny by our communities. The NPCC is committed to working with the Home Office alongside other partners to establish the role Police forces will play as part of this new framework.

The framework will provide consistency in the way groups are set up and ensure that common areas are reviewed by all panels to assist with comparability, however panels will have the autonomy to enable them to explore and focus on specific issues which affect their individual communities. Training members to a specific level will ensure the expectations of being a part of a panel are understood and appropriate external scrutiny can take place.

Throughout the implementation of the framework, the NPCC will continue to promote good community panel practice and support Police forces in delivering this by sharing best practice via the individual Police Stop & Search leads and this support will be maintained once established.

### 3.9 Recommendation 10

3.10 Within 56 days of the publication date of the report, the NPCC should inform HMICFRS, the IOPC and College of Policing how they intend to respond to the recommendations.

The NPCC has complied with the requirement to provide its response to the IOPC, College of Policing and HMICFRS within the required 56 days.

## 4. Recommendations to Chief Constables

4.1 The NPCC will continue to work with and support Chief Constables in responding and delivering the recommendations outlined in the report.


We look forward to continuing to work closely with your respective teams and Chief Constable to reduce disproportionality and enable the fair, proportionate and effective use of these powers.

If you have any further questions, please do not hesitate to get in touch.

Yours Sincerely,



Gavin Stephens QPM  
Chair  
National Police Chiefs' Council



Andy Mariner  
National Lead for Stop & Search  
National Police Chiefs' Council

