

Our position on the section 60 stop and search pilot scheme

July 2023

Introduction

In June 2023, [the Home Office published findings](#) from commissioned research into ‘the use of section 60 (s60) stop and search in a pilot introduced in 2019’. The pilot in question was the Home Office’s relaxation of the [Best Use of Stop and Search \(BUSS\)](#) scheme conditions, initially trialled for seven police forces (‘original forces’) in March 2019, then extended to all forces and the British Transport Police (‘later forces’) in England and Wales in August of the same year.¹

The research gathered the opinions of police officers and community scrutiny leads over the use of s60 powers during the pilot period (qualitative), as well as data of the pattern of s60 authorisations before and during the pilot (quantitative).

When we consider that the arrest rate for offensive weapons under s60 of the **Criminal Justice Public Order Act 1994** has never been higher than 4%, according to annual Home Office records², then the qualitative findings from this pilot provide perspective on how the officers expect the power to be used beyond the question of its effectiveness. However, as this paper will explain, it is clear from the quantitative findings of the pilot that s60 stands in contrast to the home secretary’s claim that stop and search powers can ‘seize dangerous weapons and prevent knife crime’³.

¹ [Greater powers for police to use stop and search to tackle violent crime - GOV.UK \(www.gov.uk\)](#); [Government lifts emergency stop and search restrictions - GOV.UK \(www.gov.uk\)](#)

² [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022 - GOV.UK \(www.gov.uk\)](#), Table SS.09: Searches of persons or vehicles under section 60 of the Criminal Justice and Public Order Act 1994 and resultant arrests, England and Wales¹, 2001/02 to 2021/22

³ [Police urged to use stop and search to save more lives - GOV.UK \(www.gov.uk\)](#)

The numbers behind the pilot

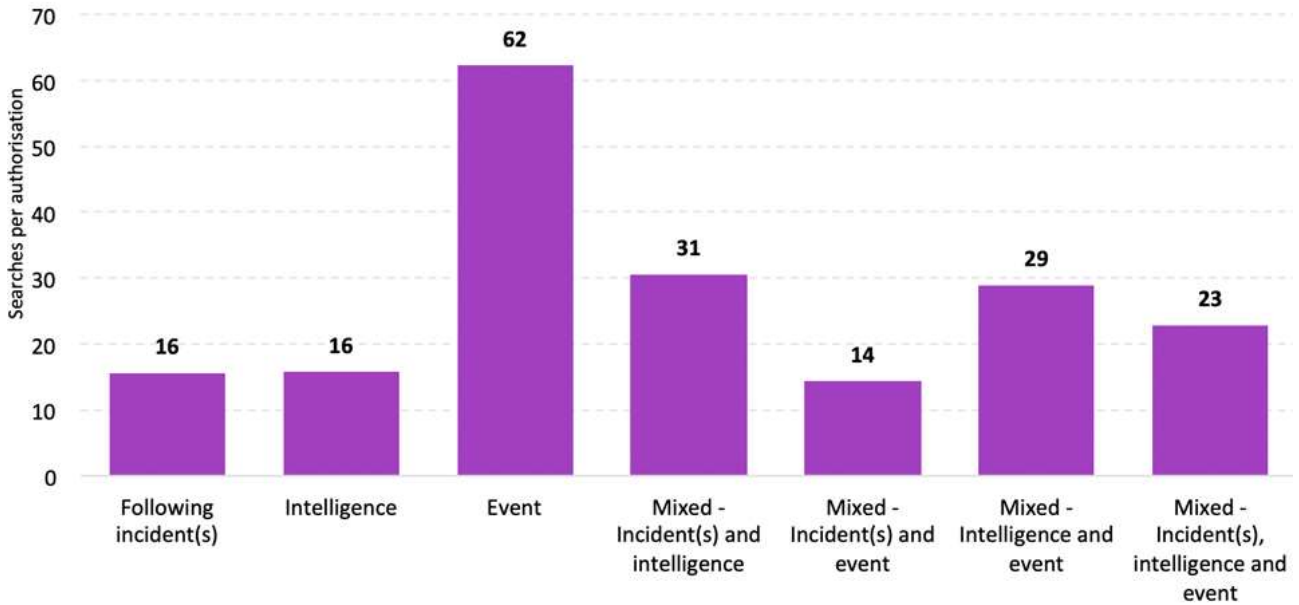
The [statistical analysis and review of authorisations](#) report found a 9% increase in total s60 searches by the original forces in two years. The MPS, which is the largest user of s60 searches by a large margin, had a 19% increase in use (1,808 more). The increase cannot be conclusively attributed to the pilot scheme for various reasons, namely the Treasury allocating £63.4m in the financial year ending March 2020 to 'surge policing'⁴, which refers to a surge of police activity to target police priorities such as knife crime. That said, 91% of the total s60 searches in the scheme resulted in 'no further action'. The arrest rate was only 3.9%, lower than the 4.7% before the scheme. Furthermore, a knife was found only in 1% of searches. The figure is similar to the police powers and procedures statistics for total searches (1.4% in [the financial year ending March 2020](#)). In other words, both the pilot and other police initiatives to target serious violence and knife crime by increasing searches do not appear to make notable progress towards their objectives.

On the other hand, the scheme affected the grounds of authorisation. 51% of authorisations were commendably grounded in previous incidents, of which 9 in 10 incidents described were reported to have involved the presence or use of a weapon. However, 13% were intelligence-only authorisations, 5% were 'other/not known' and 1% were (upcoming or planned) event only; a total of 19%. While there was no comparison data in the report, it was previously required by the [BUSS scheme guidelines](#) for the authorising officer to reasonably believe the authorisation is 'necessary' and 'a higher degree of certainty' when informed by intelligence. The remaining 30% of authorisations were based on mixed grounds with 5% for mixed intelligence and event authorisation, and it is unclear which ground was the primary reason for authorisation.

Although 'events' are not a common ground for authorisation, the number of searches conducted during an event authorisation (average 62 searches) is far higher than incident authorisation or intelligence authorisation (average 16 searches). The mixed grounds authorisations also generally had a higher number of searches (see graph).

⁴ [Police to start 2023 with 'surge activity' targeting 'Matters of Priority' across Northamptonshire | Northampton Chronicle and Echo](#)

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Number of searches per authorisation, by rationale, pilot period (figure 6.3)

Paradoxically, authorisations with fewer searches had a higher success rate in terms of an arrest or criminal justice outcome. Authorisations with between 1 and 10 searches have a success rate of 13%, compared with half that (7%) for authorisations between 51 and 60 searches. Therefore, non-incident searches are more common than they initially appear, but it has a negative correlation to successful outcomes.

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Number of searches within authorisation	% No further action	% Arrest	% Other CJS outcome
1 to 10	87%	7%	6%
11 to 20	91%	4%	5%
21 to 30	92%	4%	4%
31 to 40	91%	4%	5%
41 to 50	94%	2%	4%
51 to 60	93%	3%	4%
over 60	92%	3%	5%
Total	91%	4%	5%

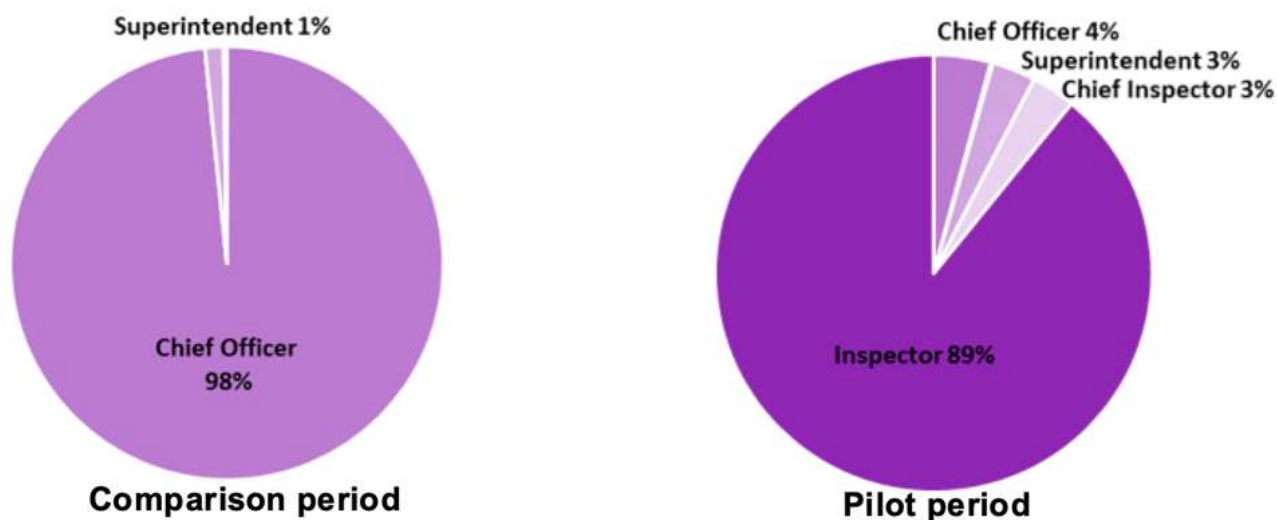
Notes:

1. Based on all pilot forces.
2. For all searches that could be linked to an authorisation.

Number of searches per authorisation, by rationale, pilot period (table 6.1)

Meanwhile, 89% of authorisations were made by an inspector, compared with 98% by the chief officer in the comparison period. Therefore, there was a marked shift to authorisations by a lower-ranking officer.

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Authorisations, by rank of initial authorising officer in the 6 forces (figure 4.2)

It was found that chief officer authorisations had more comprehensive justifications, referring to wider statistical data or intelligence on future offences, and references to alternative tactics. That said, chief officer authorisations tend to result in a higher number of searches because they often authorise event-based s60s. As such, it is unclear how the rank of the authorising officer affects the success rate of s60 searches.

It should be commended that most authorisations lasted a maximum of 15 hours, and only 2% of authorisations were extended. However, the fact that only roughly half (54%) of authorisations were publicly communicated via one social media platform (Twitter) shows that many forces in England and Wales were all too ready to deny the public any transparency into the nature of their operations as soon as the BUSS scheme relaxations presented the opportunity.

Officers' reflections on the pilot

As part of the pilot, the Home Office ran qualitative research into officers' own views of the effects of lowering BUSS scheme's guidance on s60 usage. Interviewees' perceptions of the rationale, effects, and best practice highlight a lack of coherent underpinning or understanding of this egregiously invasive power.

Several participating searching officers (those deployed to an area where a s60 was in force) inadvertently highlighted the problems with suspicionless stop and search. One officer said,

But I don't think any cultures are necessarily targeted and it is an unfortunate part, you know, [X] got many different races, cultures and if you go to an area, you are going to find more [of] one than [...] another.

Another searching officer put it more bluntly when they stated that it is very hard to get across to the public that:

Actually the reason why you were being stopped is because you're in the suspect parameters in obviously the crime that's being committed.

In the context of a suspicionless search, it is difficult to read these quotes as other than as euphemisms for racial profiling.

Meanwhile, there was consensus among community scrutiny leads regarding the need to avoid picking people 'indiscriminately', instead preferring a 'targeted approach'. One scrutiny lead was confident that s60 authorisations were 'intelligence based', and as such, 'whether the outcomes happen or not, is not what we're looking at'. How else the success of such an intrusive authorisation might be evaluated is unclear; as described above, the vast majority of searches (91%) resulted in no further action.

Despite a superficial acknowledgement that there are 'sensitivities' around s60 orders, interviewees cited confirmed they did not seek a community view frequently, with one officer stating that they would not even know who to contact for this, should they wish to do so. Despite this, officers felt that community impact was an important factor to be weighed up in decision-making around granting s60 orders. How this could be done without community input is unclear and suggests that authorising officers may impute what the community impact may be by themselves.

Officers who were able to comment on the areas covered by s60s under the pilot confirmed that they had remained broadly the same as before. Whilst community scrutiny leads interviewed conveyed that s60s should not become a routine way of 'dealing with a particular area', this is difficult to square with where and how s60s have

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been used historically. The report cites that some interviewees hinted that larger authorisations represent less thoughtful decision-making – short of getting rid of the power, this would suggest a need to tighten, rather than loosen, safeguards around s60 authorisations.

An emerging theme in the interviews is a tension between an understanding of the s60 power as a wide and generalised one on the one hand, and as a specific, intelligence-led, targeted power on the other. It is unclear how a measure can be simultaneously broad and narrow. References to a 'targeted approach' step in to justify the sweeping and invasive reality of s60, in order to make it appear more palatable. A 'targeted approach' by definition could not involve subjecting swathes of people to suspicionless stop and search.

Staggeringly, there was no consensus between the officers that s60 orders made any discernible impact on levels of crime, with some officers and community leads suggesting it to be a counterproductive tool. Indeed, academic studies would agree with this sentiment: between 2004 and 2014 'it did not appear that a sudden surge in usage had any effect on the underlying trend in non-domestic violent crime.'⁵ Further decreasing safeguards around s60 orders will not transform them into an effective policing tool; instead they will represent a further attack on our civil liberties.

⁵ [Does Stop and Search Deter Crime? Evidence From Ten Years of London-wide Data | The British Journal of Criminology | Oxford Academic \(oup.com\)](#), p. 1,224

Conclusion

The statistics tell a familiar story: pilot or none, s60 is not, and has never been an effective power for finding offensive weapons, illicit substances, or any evidence of wrongdoing, but with hindsight a notable effect of the BUSS restrictions was an uptick in arrest and find rates under the power. It follows that the most notable effect of the pilot's relaxations is to further highlight the improvement in s60 outcomes during the BUSS scheme period.

However, the fact that a noted feature of the pilot was its focus on police officers' opinions about their use of the power indicates a readiness on the part of the police and the Home Office to adopt an alternative rationale for the use of s60 at the expense of its efficacy. It is therefore predictable that the pilot's prioritisation of police voices over raising police standards has led to a deterioration in s60 outcomes, and a returning willingness among some forces to overpolice groups of people and so-called 'hotspot' areas on a set of faulty premises about 'targeting' serious violence.

Overall, the findings of the pilot portray a fundamental dishonesty in the justification of s60 use. Many forces instinctively know this, which explains why the power has remained dormant for the last five years for several forces (Cleveland, Cumbria, North Yorkshire, Warwickshire, Wiltshire, Dyfed-Powys, Gwent) and it is only intermittently used among many others. This, combined with the persistently abysmal find and arrest outcome rates, only prove that s60 offers nothing but a home for systemic abuses of police authority and that all forces would benefit from the power being scrapped altogether.

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About StopWatch

StopWatch is a coalition of legal experts, academics, citizens and civil liberties campaigners. We aim to address excess and disproportionate stop and search, promote best practice and ensure fair, effective policing for all.