

Suffolk Constabulary - Response to CJA Section 60 Super-Complaint

This briefing document outlines Suffolk Constabulary's response to a joint investigation by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing and the Independent Office for Police Conduct, into a "Super-Complaint" made by the Criminal Justice Alliance (CJA), in relation to the use of Section 60 of the Criminal Justice and Public Order Act 1994, and independent community scrutiny of Stop & Search.

Summary

In May 2021 the Criminal Justice Alliance submitted a complaint in relation to several Force's alleged misuse of Section 60 CJPOA 1994. Section 29A of the Police Reform Act 2002 defines a super-complaint as a complaint -where "a feature, or combination of features, of policing in England & Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public".

The CJA considers the very low arrest rates and seizures of weapons after section 60 stop and searches show that section 60 is ineffective in dealing with violent crime. In addition, the CJA maintained that people and communities are harmed by use of the power. It was concerned that it is a "discriminatory and traumatising power", and that "the impact of stop and search can be long-lasting and traumatising, especially when used on children and young". The CJA argued that "co-operation, trust and confidence is being undermined by unfair and disproportionate stop and search".

The investigation itself was conducted as a joint approach by the HMICFRS, College of Policing, and the IOPC and included:

- reviews of section 60 policy and community scrutiny policy throughout 11 forces;
- interviews with over 150 police officers and staff throughout 14 forces;
- reviews of 51 body-worn video recordings of section 60 searches from 4 forces;
- reviews of 27 section 60 authorisations from 4 forces;
- an assessment of individual force and police service-wide (England and Wales) data on section 60 stop and search encounters;
- a survey sent to all 43 police forces in England and Wales about their local practices and procedures on section 60 and community scrutiny;
- interviews with 35 stakeholders, including academics, about their knowledge and experience of section 60;
- a roundtable online conference with representatives from a range of community, charity and grassroots organisations;
- interviews with community scrutiny panel chairs and/or members from 12 forces;
- attending four community scrutiny panel meetings;
- a review of academic literature on the impact of stop and search powers on crime and public confidence; and

- a review of nine IOPC cases relating to section 60.

It is worth noting that Suffolk Constabulary was one of the 11 “Phase 2” forces investigated, who had been selected based on known Section 60 practices and independent Stop & Search Scrutiny.

Suffolk Constabulary’s selection was based on a request from the Criminal Justice Alliance, for the force to be included, due to being considered by them as a force of “best practice”.

The investigation within Suffolk included interviews with the Force lead for Stop & Search and other stakeholders, including the chair of the independent scrutiny group, the Suffolk Stop & Search Reference Group (SSRG).

The findings of the report were published on 15th December 2023 and can be found here:

<https://assets.publishing.service.gov.uk/media/657afeb7095987000d95e118/cja-super-complaint-section-60-independent-community-scrutiny-stop-search.pdf>

The report outlines 10 Recommendations for Chief Constables, the Home Office, National Police Chiefs Council and Police & Crime Commissioners (or equivalent).

Recommendations

In assessing Suffolk Constabulary’s position, against the recommendations, consideration has been given to the fact that the current Stop & Search Policy is a Joint Policy with Norfolk Constabulary, and that the implications of any changes will be governed through the Joint Use of Police Powers Board.

Recommendation 1: Chief Constables	By 14 June 2024, chief constables should make sure their forces review the content of training on section 60 of the Criminal Justice and Public Order Act 1994 and how they provide it. The review should consider current national police curriculum requirements and the adequacy of force training for: <ul style="list-style-type: none">• officers who may be required to authorise section 60s; and• officers who may be required to conduct section 60 stop and searches. The review and any associated actions should be proportionate to each force’s use of Section 60
---	---

The Learning & Development Department (L&D) have undertaken a comprehensive review of the training undertaken by Officers in relation to Section 60 CJPOA.

They have now reviewed all products relating to Student training and the current package delivered is the College of Policing package and is delivered across the Eastern Region by Anglian Ruskin University and further supported by training when Student Officers return to L&D.

Bespoke Sergeant & Inspector training into Section 60 was given in February/March 2023, and Section 60 is also now included on the STRIPES training, which is specific training provided to newly promoted Sergeants and those that carry out acting responsibilities.

Guidance on use of Section 60 was given to all Officers in the summer 2023 and a further reminder given at recent Stop & Search refresher delivered to all frontline uniformed staff, toward the end of 2023/early 2024.

<p>Recommendation 2: NPCC</p>	<p>The NPCC should work with the College of Policing to agree minimum requirements for:</p> <ul style="list-style-type: none"> • 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; and • reviewing policing operations involving the authorisation of section 60. <p>The minimum requirements should provide tactical support to authorising officers informed by authorised professional practice on stop and search, operations and the national decision model. They should promote a consistent problem-solving and community-focused approach to the authorisation and review of section 60 across England and Wales.</p> <p>The NPCC should promote the minimum requirements through its network of force stop and search leads and the knowledge hub for UK policing.</p>
---	---

This recommendation is for the NPCC and College of Policing to agree however the likely requirements have been reviewed against the current Joint Norfolk & Suffolk Stop & Search Policy.

Robust process for Section 60 is embedded within the Joint Stop & Search policy last reviewed in January 2023 and published in June 2023.

This includes checklist for Section 60 and authorisations/ extensions forms and already cover the content suggested within this recommendation.

<p>Recommendation 3: Chief Constables</p>	<p>By 14 June 2024, chief constables should make sure briefing and debriefing the forces activities under section 60 of the CJPO 1994 are thorough and in line with PACE Code A and APP content and guidance. Chief constables must make sure section 60 authorisation briefings are recorded. This may be as a written briefing. But formal verbal section 60 authorisation briefings should be given on audio/visual devices such as body-worn video or approved handheld communication devices. They should be capable of being recorded as part of the policing operation and be subject to scrutiny.</p> <p>Section 60 briefings to officers who are required to use their stop and search powers should include information on:</p> <ul style="list-style-type: none"> • the relevant law and guidance; • the particular grounds for authorising the use of section 60 stop and search powers; • all relevant and current information and intelligence; • the geographical area covered and time limitations authorised; • all relevant community information (including policing history) and any community impact assessment; • how any debriefing and force learning will be conducted; and • the importance of recording all section 60 stop and search encounters on body-worn video in their entirety.
---	---

The Joint S&S policy current states that the authority for a Section 60 should be followed by a formal briefing and this is currently done through an Athena briefing or written briefing completed by the authorising Inspector or delegated to the local Intelligence Development Unit (IDU).

On review of the Policy there are some gaps that need to be considered specifically around the recording of Section 60 briefings and debriefs to be formalised within the policy.

At this time the actual briefing to Officers is not visually or audio recorded unless it is done over the airwave system and debriefs are subject of any concerns relating to that specific authority.

Review and any changes to the Joint Stop & Search Policy to be monitored through the Suffolk Police Powers Delivery Group and the Internal Stop & Search Scrutiny Panel (chaired by ACC Local Policing).

A review of the policy is already underway.

<p>Recommendation 4: Chief Constables</p>	<p>By 14 June 2024, chief constables should make sure all officers who may exercise stop and search powers understand, and comply with, their responsibility to safeguard children who are stopped and searched.</p> <p>In doing so, chief constables should make sure that:</p> <ul style="list-style-type: none"> • in line with the national policing curriculum, officers undertaking searches are appropriately trained to take the necessary steps to minimise any emotional harm that may be caused through these encounters; • their force has processes in place to assist appropriate safeguarding referrals when children are stopped and searched; and • there is robust checking and assessment of all such searches that takes account of the safety and welfare needs of the child.
--	---

Recent Stop & Search training includes specific input on safeguarding of U18's and relevant requirements regarding legal application and policy requirements around authorities.

With regards to Section 60 there is 100% scrutiny by the Stop & Search reference Group and through both this group and the PCC's Accountability and Performance Panel, details of any Section 60's including demographics of those searched is included within the public papers allowing for scrutiny as required.

All Sections 60 to date have taken place in Ipswich where there is strong governance around Section 60 through the relevant operation such as Op Hull. The Child Exploitation & Gangs Team will monitor those involved in criminality who are subject to all S&S's not just Section 60 and take mitigating measures to safeguard where necessary.

**It is worth noting that Suffolk Constabulary was specifically mentioned within the report around innovation in safeguarding Children and Young People.*

<p>Recommendation 5: Chief Constables</p>	<p>By 14 June 2024, Chief Constables should make sure forces effectively communicate with communities and interested parties on the police use of section 60 stop and search powers. This should include:</p> <ul style="list-style-type: none"> • making sure communications reach the communities most likely to be affected by the section 60 authorisation and checking their communication strategies were effective; • publicising details to inform the public, give reassurance and maximise any deterrent effect; and • reporting back to communities and interested parties on operational outcomes.
--	---

With regards to Section 60 there is 100% scrutiny by the Stop & Search reference Group and through both this group, and the PCC's Accountability and Performance Panel, details of any Section 60's including demographics of those searched is included within the public papers allowing for scrutiny as required.

All operational outcomes are fed back to communities and public as required in local media.

Following the removal of restrictions to S60 under the BUSS Scheme, Suffolk decided to keep one action in place relating to contact of the Independent Scrutiny Panel either prior to or immediately following the authority for a section 60 to allow for community representations. This is done on every occasion and ISCRE are contacted and updated on the authority and use of S60.

When authorised a CIA and media plan are created.

<p>Recommendation 6: Home Office</p>	<p>At the earliest opportunity, the Home Office should change the Annual Data Requirement to require all police forces to record and return annual data on section 60 that includes:</p> <ul style="list-style-type: none"> • the number, locations, area and durations of section 60 authorisations granted; • the number of authorisations refused; • the number of searches made under each authorisation; and • the outcome of each search. The Home Office should publish this information in a way that allows the public to compare the data, including comparing geographical locations and size of area covered by section 60 authorisations.
---	--

This requirement is for the Home Office to change the Annual Data Requirements on forces to include Section 60 relevant information. This information is already available for Suffolk Constabulary through our method of recording Stop & Search and this will be ready once the Home Office have made that request.

<p>Recommendation 7: Chief Constables</p>	<p>By 14 June 2024, chief constables should satisfy themselves that their force gives community scrutiny panels (or their equivalents) all relevant information to help them scrutinise police stop and searches and other police actions arising from section 60 authorisations. This should include:</p> <ul style="list-style-type: none"> • the grounds and underlying reasons for the authorisations; • any recordings of briefings; • written records of searches; • information about the outcomes of searches; and • body-worn video footage of entire encounters. <p>In addition, chief constables should satisfy themselves that their force incorporates feedback from community scrutiny panels (or their equivalents) when evaluating improving the force's use of Section 60.</p>
--	--

As part of the Stop & Search Reference Group "Service Level Agreement", the Ipswich & Suffolk Council for Racial Equality is updated on all Section 60's and are notified at the point of authorisations and where necessary will make any representations on behalf of the Community.

All Sections 60's are discussed at the SSRG which is a public meeting and ISCRE have access to all BWV for review if requested (if available, subject to retention policies).

All outcomes are provided either following the end of the authority, through the SSRG or through the PCC's Accountability and Performance Panel.

All learning is fed back through these groups or alternatively through the Internal Stop & Search Scrutiny Group or through the Police Powers Delivery Group. Any further learning will be shared across both forces through the Joint Police Powers Board.

**Recommendation 8:
Chief Constables &
PCC's**

By 14 June 2024, chief constables and where applicable police and crime commissioners (or equivalents) should make sure their forces work in partnership with community scrutiny panels (or their equivalents) to:

- review panel membership and vetting arrangements to remove any unnecessary barriers to recruiting panel members;
- promote the recruitment of culturally diverse members, with a particular focus on representing, involving and retaining those from under-represented communities and young people;
- promote the representation, involvement and retention of those who have been stopped and searched;
- make sure the force gives community scrutiny panels information on the police use of force, including handcuffing, relevant to the police use of stop and search powers;
- make sure they support and help community scrutiny panels to review section 60 authorisations, searches, community impact assessments and associated complaints;
- give members appropriate training and support to help them effectively carry out their role scrutinising all stop and searches, taking account of the effect the role could have on them; and
- provide the right level of police representation at panel meetings to support and advise as required, and to make sure the panel's feedback helps improve both individual officer and organisational learning.

Suffolk has a long-standing Service Level Agreement with ISCRE who chair the community led SSRG.

- There are currently no barriers to recruitment
- The panel consists of diverse members of the community and any member of the public can attend the SSRG
- The SSRG can have access to any data relevant to the scrutiny on the forms and where sensitive provided to ISCRE members who are vetted accordingly
- ISCRE are provided training into Stop & Search
- Police senior leaders attend every public meeting and Officers are invited to attend to see what discussions take place.

The SSRG also reviews the use of force and handcuffing within a S&S incident and have access to BWV where available.

In March 2024 a new contract will be agreed which will transform the SSRG into an Independent Police Powers Scrutiny Group and broadening out what is scrutinised across Police Powers. As part of a new Memorandum of Understanding a number of key requirements will be placed on both ISCRE and the Constabulary to ensure that the new panel has appropriate membership and is well represented by the public across the County.

Suffolk is unique in that only ISCRE members of the panel are vetted to allow the data to be reviewed, and subsequently means the Scrutiny meetings can be attended by any member of the public subject to suitable advertisement of the planned events. The main public meeting is preceded by a Body Worn Review meeting involving those vetted members of ISCRE who feedback discussions and learning at the public meeting.



<p>Recommendation 9: Home Office</p>	<p>The Home Office, in finalising the national minimum standards framework for community scrutiny panels, working with the NPCC and other interested parties, should include provisions to:</p> <ul style="list-style-type: none"> • make sure the terms of reference, practices and scrutiny processes are consistent for all community scrutiny panels; • include children and/or young people in the scrutiny process, including those who have been stopped and searched; • make sure community scrutiny panels review the police use of force during stop and searches, including when handcuffs are used; • make sure community scrutiny panels review the police grounds for authorisation and use of section 60 stop and search powers; • train and develop community scrutiny panel members to carry out their scrutiny roles; and • secure effective oversight arrangements.
---	--

This is a requirement for the Home Office however flexibility will be included within the new contract with ISCRE for the Independent Police Powers Scrutiny Group, which will allow for any new framework can be incorporated into existing processes.

<p>Recommendation 10: NPCC, APCC, Home Office & Chief Constables</p>	<p>Within 56 days of the publication date of this report, the NPCC, the Association of Police and Crime Commissioners and the Home Office should inform Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services, the Independent Office for Police Conduct and the College of Policing how they intend to respond to the recommendations. Within 56 days of the publication date of this report, forces should publish on their websites an explanation of how they have responded or will respond to the recommendations. Forces should send the NPCC links to where this information can be found</p>
---	---

These recommendations are tracked through a Force tracker and the publication of this document on the Suffolk Police webpages will fulfil the requirements of this recommendation and shared with both the Suffolk OPCC and NPCC.

On 7th February 2024, the OPCC was briefed on the Constabularies position as detailed in this briefing document.

Conclusion

Suffolk Constabulary’s involvement in the original investigation provided an opportunity to develop practices and processes in preparation for this report, alongside the ongoing development of the new Suffolk Police Powers Scrutiny Group. Assessing the force against the recommendations would suggest that other some minor amendments to the Joint Stop & Search Policy, there no other blockers to ensuring that the recommendations placed upon the force are met by 14th June 2024.