



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 S60 conditions in the Best Use of Stop and Search Scheme

Policy Objective

Section 60 (s60) of the Criminal Justice and Public Order Act (CJPOA) 1994 enables officers to conduct ‘no suspicion’ stop and search for dangerous instruments or offensive weapons. However, s60 is only used in anticipation of or in response to serious violence and is limited in duration and geographical reach. It makes up 3.1% of all stop and search (year to March 2020), with Section 1 of the Police and Criminal Evidence Act (PACE) – which requires an officer to have reasonable grounds for suspicion before carrying out a search – accounting for most searches (s60 accounted for 18,081 searches out of a total of 577,054 searches in 2019-20).

In 2014, the Best Use of Stop and Search Scheme (BUSSS) introduced five non-legislative voluntary conditions on 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.

Since 2014 there have 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 previous Home Secretary Sajid Javid announced the relaxation of two voluntary conditions (i, ii below) of s60 BUSSS in seven forces. In August 2019, the current Home Secretary Priti Patel 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 of making s60 easier for police to use, with the intention of allowing forces to intervene faster in response to serious violence and potentially save lives.

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. The relaxed conditions ("s60 BUSSS") were:

- 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. We are now considering a permanent decision to partially relax some of these conditions (i-ii) to provide operational flexibility to forces whilst also retaining the remaining conditions (iii-v), which the pilot research found to be less readily taken up or officers felt they were less operationally beneficial.

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

This document reflects the main equalities considerations for the relaxation of s60 conditions in BUSSS. 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, this EIA 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 perceptions of 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.

This research found that relaxing the s60 BUSSS conditions had perceived operational benefits for tackling serious violence. 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 less consistent authorisation decisions with this change 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 from violence 'will' occur to violence 'may' occur was also generally welcomed by officer interviewees as it better reflected challenges of predicting 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 August relaxations – on s60 initial duration, extension length and 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 s60s 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 this relaxation could be helpful.

There was a 29% increase in s60 use during the pilot period, but it is not possible to be specific on whether this increase was solely a result of the

relaxations. This is due to 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^{1 2}.

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 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 Metropolitan Police Service (MPS). Since 2016-17, the number of searches conducted under s60 has risen over the years, to 18,081 searches in 2019-20.

The decrease in use corresponded to an increase in arrest rates. The arrest rates 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. Recent increases in s60 searches have been accompanied by decreases of the arrest rate – in 2019-20 this was 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 serious violence to find offensive weapons. Use of s60 is not spread evenly across police forces. Only 25 of the 44 forces in England and Wales (including British Transport Police) conducted at least one stop and search under s60 in 2019-20. The Metropolitan Police Service accounted for most s60 searches in 2019-20 with 63%, followed by Merseyside 7%, British Transport Police 5% and Essex 5%. 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 primarily restricted to impact on race, age, and gender due to data availability issues for other protected characteristics – and we are only able to speak with any degree of confidence about the impact on race. These groups are the ones that academic evidence suggests are most impacted by stop and search.

Robust national data is not currently collected on the use and impact of stop and search on other protected characteristics so the impact on these groups cannot be fully considered. We have given some consideration to police.uk

¹ 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.

² 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

data which includes information on stop and search broken down by location, age, gender and ethnicity, although it should be noted that these data are not fully quality assured and not all forces submit data to be included. 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 search³. Data are also cited from the MPS dashboard and FOI data gained from the Criminal Justice Alliance's super-complaint.⁴

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 search⁵. 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 Black and Minority Ethnic backgrounds e.g. the MPS. This means that a disparity 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 8.9 for all forces (including BTP and excluding Greater Manchester Police (GMP)), the disparity rate for the MPS only is 4.0. This is closer to the disparity rate for all forces excluding BTP, GMP and the MPS which is 5.4. 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.⁶ 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 2020, self-assessed ethnicity was missing in 17.3% 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.

The Metropolitan Police Service publish stop and search figures as part of their publicly available data dashboard⁷. 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

³ 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/government/uploads/system/uploads/attachment_data/file/534242/police-powers-and-procedures-england-and-wales-year-ending-31-march-2020-second-edition.pdf) (Accessed: 10/05/21)

⁴ 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/government/uploads/system/uploads/attachment_data/file/534242/police-super-complaints-police-use-of-stop-and-search-powers.pdf). (Date accessed 01/07/2021).


⁵ 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/government/uploads/system/uploads/attachment_data/file/534242/race-disparity-unit-report-2021.pdf) (Accessed: 10/05/21)

⁶ 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)

⁷ The Met (2021). Stop and search dashboard. April 2021. Available at: [Stop and search dashboard | The Met](https://www.met.police.uk/stop-and-search/)

apprehension by would-be offenders. 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 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, force annual evaluations of s60 use 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.

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

Data demonstrate that some groups are more likely than others to be subject to all stop and search, including s60. It is reasonable to assume that a permanent decision to partially relax some of the BUSSS conditions 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.

Indirect Discrimination –

Younger people are disproportionately more likely to be subject to stop and search within London, according to the MPS dashboard⁸. 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 ONS⁹. (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).

It is reasonable to assume that a permanent decision to partially relax some of the BUSSS conditions could lead to a further increase in s60 searches and could, in turn, mean that disparities continue or are exacerbated.

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.¹⁰ 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. This is expected to be published as part of the Police Powers and Procedures: Stop and search and arrests Bulletin in October 2021 (depending on data quality) and will identify whether disproportionality occurs within stop and search powers including s60. Once available, age 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.

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 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.

⁸ The Met (2021). Stop and search dashboard. April 2021. Available at: [Stop and search dashboard | The Met](#)

⁹ ONS (2020) Population estimates. 24th June. Accessed at: [Population estimates: quality information - Office for National Statistics \(ons.gov.uk\)](#) (Accessed: 10/05/21)

¹⁰ 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.

Disability

We have no evidence to determine if direct or indirect discrimination exists on disability grounds.

Gender Reassignment

We have no evidence to determine if direct or indirect discrimination exists on gender reassignment grounds.

Marriage and Civil Partnership

We have no evidence to determine if direct or indirect discrimination exists on marriage or civil partnership grounds.

Pregnancy and Maternity

We have no evidence to determine if direct or indirect discrimination exists on pregnancy or maternity grounds.

Race

The available data suggests a disparity in the use of s60 stop and searches against individuals from Black and Minority Ethnic backgrounds, particularly Black individuals.

In 2019-20, Black and Minority Ethnic and Black individuals were 4.1 and 8.9 times more likely to be searched under all stop and search powers than White individuals. The number of Black and Minority Ethnic and Black individuals searched has fallen since 2009/10 (56% and 55% respectively) but disparities have increased as the number of White individuals searched has fallen even more (67%). On s60 searches specifically (which make up 3.1% of all stop and searches) – Black and Minority Ethnic individuals, and particularly Black individuals, are more likely to be searched than White individuals. Nationally, Black and Minority Ethnic and Black individuals were respectively 6.8 and 18 times more likely than White individuals to be stopped and searched under s60 in 2019-20. However, this will reflect to some extent that most s60 searches (around two-thirds) are carried out by the MPS in London, where the Black and Minority Ethnic population is higher than England and Wales as a whole¹¹. 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

¹¹ 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/government/uploads/system/uploads/attachment_data/file/94444/stop-and-search-data-and-the-effect-of-geographical-differences.pdf) (Accessed: 10/05/21)


recorded the person's ethnic appearance as White¹². 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 group (3% of searches).

The bespoke data collected also showed that an arrest or other outcome was given to 12% of those searched from a Mixed ethnic group, to 9% of those from a Black or an Asian ethnic group, to 8% of White individuals, and to 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 period¹³.

There is a risk that the relaxations might increase use of s60 and as a consequence also increase disproportionality and lead to more people from a minority background being searched. Overall, disproportionality rates between White and Black and Minority Ethnic individuals decreased during the pilot period (from 16 times higher in 2018/19 to 9 times higher during the pilot period). However, this isn't directly comparable with previous years due to differences in measurement of ethnicity (e.g. officer observed vs self-defined). 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 stop and search.¹⁴ In the stop and search records that they reviewed, they found a higher proportion of 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.** 

¹² 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

¹³ 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

¹⁴ 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/spotlight-on-stop-and-search-and-the-use-of-force/) (Accessed: 06/04/21)

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. Within this Spotlight report and others¹⁵, 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.¹⁶ 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.¹⁷ However, this didn’t distinguish between s1 and s60 stop and search.

Indirect Discrimination –

The available data suggests a disparity in the use of s60 stop and searches against individuals from Black and Minority Ethnic backgrounds, particularly Black individuals.

¹⁵ 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/944217/Commission-on-Race-and-Ethnic-Disparities-report-31-March-2021.pdf) (Accessed: 06/04/21)

¹⁶ Vomfell L, Stewart N. Officer bias, over-patrolling and ethnic disparities in stop and search. *Nat Hum Behav.* 2021 May;5(5):566-575

¹⁷ Shiner, M, Carre, Z, Delsol, R and Eastwood, N (2018). *The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales.* StopWatch.

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)¹⁸. These areas also tend to be areas with more mixed ethnic minority resident populations 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 search¹⁹. 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.

There is a risk that the relaxations might increase usage and as a consequence also increase disproportionality. Overall, disproportionality rates decreased slightly during the pilot period (from 16x higher in 2018/19 to 9x higher during the pilot). However, this isn't directly comparable with previous years 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.

Indirect Discrimination –

Limited research has been undertaken on the relationship between stop and search and religious background. One study (Hargreaves, 2018) drew on combined sweeps of Crime Survey data between 2006 and 2011. This found

¹⁸ 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/681222/Serious_Violence_Strategy_-_GOV.UK.pdf). (Date accessed: 01/07/2021)

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 the analysis is based on a small sample and that the findings are indicative.

Sex

Direct Discrimination – No direct discrimination has been identified on sex grounds.

Indirect Discrimination – Males are disproportionately more likely to be subject to stop and search within London²⁰. Between October 2019 and September 2020, 93% of all stop and searches carried out by the MPS were of males, who make up 49% of the population²¹. This data only reflects the situation in London, but data from police.uk similarly suggests that stop and searches may be disproportionately carried out against males across England and Wales.

Note that none of this data considers s60 searches specifically, and that the police.uk data has not been subject to rigorous quality assurance (and some of the data is missing). However, it is still reasonable to assume that any increase in s60 searches as a result of this policy change will disproportionately impact males. There is good evidence that males are overrepresented amongst those who perpetrate serious violence (Home Office, 2018) 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).²²

The Home Office has been collecting statistics on gender (on a voluntary basis) since April 2020. This is expected to be published as part of the Police Powers and Procedures: Stop and search and arrests Bulletin in October 2021 (depending on data quality) and will identify whether disproportionality occurs within stop and search powers including s60. Once available, gender 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.

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

²⁰ The Met (2021). Stop and search dashboard. April 2021. Available at: [Stop and search dashboard | The Met](#)

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

²² 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 it is a proportionate means of achieving the legitimate aims of tackling crime.

Sexual Orientation

We do not hold any data on stop and search broken down by sexual orientation. We are not aware of any evidence of either direct or indirect discrimination due to sexual orientation.

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 not aware of any evidence which suggests an increase in s60 use, because of these relaxations, would discourage people with protected characteristics from participating 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.²³ NHS England data on hospital admissions for assault by a sharp object shows that typically 4 in 10 victims are under the age of 25²⁴. 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 we expect to result from this policy change could be claimed to advance equality of opportunity.

Disability –

We do not have any evidence that disability status makes an individual more likely to be impacted by stop and search.

Gender Reassignment –

We do not have any evidence that gender reassignment status makes an individual more likely to be impacted by stop and search.

Maternity and Pregnancy –

²³ ²³ 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/724242/Serious_Violence_Strategy_-_GOV.UK.pdf). (Date accessed: 01/07/2021)


²⁴ 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 maternity and pregnancy status make an individual more likely to be impacted by stop and search.

Race –

Over-representation of Black and Minority Ethnic communities 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% respectively²⁵.

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 Black and Minority Ethnic communities amongst victims of violence, any successful deterrent effect from a possible increase of s60 searches that we expect to result from this policy change could therefore be claimed to advance equality of opportunity.**

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 –

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.²⁶ As in previous years, most homicide victims in the year ending March 2020 were male (73%)²⁷. 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

²⁵ The corresponding 2011 Census figures were 11% (Asian/Mixed/Other) and 86% White.

²⁶ Home Office (2018). *Serious Violence Strategy*.

²⁷ [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 \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicide-in-england-and-wales-year-ending-march-2020) (Accessed: 16/04/2021)

searches we expect to result from this policy change could be claimed to advance equality of opportunity.

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.

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 continued increase in s60 searches as a result of a permanent decision to partially relax some of the BUSSS conditions will disproportionately impact these groups. 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%.²⁸ Research looking at the relationship between police-initiated contact – 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.²⁹ ³⁰ 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 literature³¹ ³², 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

²⁸ 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 \(ons.gov.uk\)](https://www.ons.gov.uk/crime-in-england-and-wales/annual-supplementary-tables) (Accessed: 10/05/21)

²⁹ 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)

³⁰ 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.

³¹ Mayor’s Office for Policing and Crime (2018a) Youth Voice Survey 2018

³² 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/disproportionate-use-of-police-powers-a-spotlight-on-stop-and-search-and-the-use-of-force/) (Accessed: 06/04/21)


conducted by NatCen (2021) for the Commission on Race and Ethnic Disparities (CRED) report highlighted the variable experiences of those stopped and searched³³. 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.³⁴

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.

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. 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).

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.³⁵ 

Disability –

We do not have evidence specifically considering the impact of stop and search on disability status.

Gender Reassignment –

³³ 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/944133/credd-report-31-march-2021.pdf) (Accessed: 06/04/21)

³⁴ Bradford, B. (2016) *Stop and Search and Police Legitimacy*. Routledge, 2016. ProQuest Ebook Central

³⁵ Flacks, S. (2018). The stop and search of minors: A 'vital police tool'? *Criminology & criminal justice*. Vol. 18(3), pp. 364-384.

We do not have evidence specifically considering the impact of stop and search on gender reassignment status.

Maternity and Pregnancy –

We do not have evidence specifically considering the impact of stop and search on maternity and pregnancy status.

Race –

There is considerable evidence which suggests that individuals from a Black and Minority Ethnic 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, this would probably risk having a negative effect on a part of the community where trust and confidence levels are relatively low. 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.³⁶

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”.³⁷ They also noted concerns that forces could not always adequately explain disproportionality in their use of stop and search³⁸. 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 Black and Minority Ethnic individuals. This in turn may impact upon the other forms of discrimination Black and Minority Ethnic 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 of Black and Minority Ethnic 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.³⁹ Both police and the young men who participated in the recent qualitative research

³⁶ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2018) [Public Perceptions of Policing in England and Wales 2018](#)

³⁷ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, [HMICFRS](#) (2017) *PEEL: Police legitimacy 2017. A national overview*.

³⁸ 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)

³⁹ Keeling, P. (2017) *No respect: Young BAME men, the police and stop and search*. Criminal Justice Alliance.

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.

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.⁴⁰

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.⁴¹ 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.

⁴⁰ Parmar A, (2011). *Stop and search in London: counter-terrorist or counterproductive?* Policing and Society, 21(4), 369-382

⁴¹ 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 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. Once available, 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 partial 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 is impact or discrimination. | 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 is impact or discrimination. | 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 is impact or discrimination. | 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 is impact or discrimination. | None as no negative impact expected. |

| | | | |
|----------------------------|----------|---|---|
| Race | Negative | Black and Minority Ethnic 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 partial policy change 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 Black and Minority Ethnic people 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 partial policy change 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. Once available, 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 |

| | | | |
|---------------------------|------------|--|---|
| | | | <p>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 sex. We anticipate forces will continue with these mitigations if there is a permanent partial 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 is impact or discrimination. | 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 are collecting 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 – depending on data quality this should be published in October 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.

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.⁴² 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 article and the individual understands why they have been searched and feels

⁴² 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)

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.⁴³ 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. In terms of scrutinising s60 authorisations, the Home Office is committed to looking at how this could feed into any Government response to the Commission on Race and Ethnic Disparities (CRED) and its recommendations on policing, and how we can improve data collection on s60 authorisations.

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.⁴⁴ 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.⁴⁵ 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.

Forces have indicated that the relaxations enabled greater confidence in the use of stop and search as part of their broader approach to tackling violence.

⁴³ College of Policing (2020) [Stop and search transparent guidance](#)

⁴⁴ 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.

⁴⁵ 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 – May 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 Directorate

10. Lead contact:

11. Date: July 2021

Date sent to PSED Team: cleared in June 2021