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Title:	Stop & Search Policy Toolkit - S.60 Criminal Justice & Public Order Act (CJPOA) - Questions and Answers (Q&As)				
Summary:	S.60 Criminal Justice & Public Order Act (CJPOA) - Q&As				
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### **S.60 CJPOA - Q&As**

The Home Office '*Best use of Stop and Search*' scheme made changes to s.60 CJPOA which the MPS signed up to and implemented on Tuesday 26th August 2014.

#### **What has changed in relation to s.60 under the '*Best Use of Stop and Search Scheme*'?**

- Only a National Police Chief's Council (NPCC) officer can authorise s.60.
- The duration of the initial authorisation is limited to a maximum of 15 hours.
- An extension is limited to a maximum of 9 hours (making the maximum duration of any authority 24 hours).
- The public (relevant community members) must be informed of the s.60 operation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.
- The authorising officer must reasonably believe that violence **will** take place rather than *may*.
- An authorisation will only be made under s.60 where it is **necessary** rather than just *expedient* to do so.

In essence this now means an authorising officer is Commander or above, and they now have to answer two questions prior to making an authority:

1. Will the threat happen?

And

2. Is a section 60 authorisation necessary to counter the threat?

#### **How are s.60 authorities recorded in the MPS?**

S.60 must be electronically recorded on a specific Authorisation form within the s.60 Entity in CrimInt.

## **Who is responsible for creating the CrimInt s.60 authorisation form?**

A Superintendent will retain ownership and be responsible for overseeing the operational use of s.60 and the completion of the s.60 CrimInt Authorisation form.

## **What if the Authorising Officer does not have access to CrimInt at the time of making the authorisation?**

The Authorising Officer must make a written record, e.g. in a decision log or their day book or e-mail, specifying the grounds on which the authorisation is given, the locality in which the powers may be exercised and the period of time for which they are in force (a maximum of up to 15 hours).

Reference must be made in the CrimInt authorisation form to this written record.

## **How does an Authorising Officer validate their s.60 Authority?**

The Authorising Officer must log in to CrimInt, open the 'Authorising Officer' page of their authority and click on the 'Edit' button. They must then validate their authority by putting a tick in the box on the 'Authorising Officer' page and then click on the 'Update' button. The tick box effectively activates their electronic signature, only they can tick this box as it is linked to their warrant number.

## **How do I update the status of a s.60 authorisation?**

The Status of a s.60 cannot remain 'In Preparation', it must be updated to either 'Authorised' or 'Not Authorised'. To change the Status, go to the 'Authorising Officer' page, click on the 'Edit' button and select the correct status from the drop down list, then click on the 'Update' button.

## **When should s.60 powers be authorised?**

S.60 is a unique power intended to prevent serious violence or the commission of offences involving the use of weapons or dangerous instruments.

The authorisation of s.60 must be considered for the following (this list is not exhaustive):

- Serious youth violence and retribution involving the commission of offences involving weapons or dangerous instruments.
- Gang related violence and retribution involving the commission of offences involving weapons or dangerous instruments.

- Incidents where weapons or dangerous instruments have been used to injure and are still being carried in the locality.
- Incidents of affray or violent disorder where weapons or dangerous instruments have been used or seen.
- A significant increase in knife-point robberies in a limited area.
- Where there is intelligence / information of imminent disorder involving offensive weapons or dangerous instruments.
- Threat to life - where persons are believed to be attending a specific locality to commit serious violence using weapons or dangerous instruments.
- Events that typically include a large-scale gathering of people, which combined with other intelligence/information, indicate imminent disorder will take place.
- Football related violence involving the commission of offences using weapons or dangerous instruments.

s.60 powers should not be used instead of normal powers of stop and search in dealing with routine crime problems.

Authorisations must be justified on the basis that the exercise of the power is, in all circumstances a proportionate and **necessary** response for achieving the purpose for which Parliament provided the power.

### What is Serious Violence?

Whether or not an incident / event amounts to serious violence is a judgement for the NPCC authorising officer but this can include; Homicide and Child Destruction, Attempted Murder, Wounding or other act endangering life, Grievous Bodily Harm and Weapon Enabled Crime.

### What is the intelligence / information?

The intelligence / information should be **insufficiently distinct** to enable the use of s.1 PACE or arrest powers. Any judgement about the credibility of the intelligence will be a matter for the senior officer.

### What is 'Belief'?

This is a higher threshold than 'suspicion'. Informed by intelligence / information, authorising officers must have a higher degree of certainty by reasonably believing that incidents involving serious violence will take place (or dangerous instruments or offensive weapons are being carried) rather than it being a possibility.

## What is 'Necessary'?

The effect of Article 8 of ECHR is that necessity remains relevant to each decision as to whether an authorisation is justified. Other tactics / powers should be considered in line with the National Decision Making Model. Any authorisation under s.60 must be made only when the officer considers it necessary.

## What determines the geographical area for a s.60?

This should not be wider than is believed necessary to prevent the actual or anticipated violence.

The officer should take into account:

- the nature and venue of the incident that has taken place or anticipated incident;
- the number of people who may be in the immediate area of that incident;
- their access to surrounding areas and the actual or anticipated level of violence.

## How long can an extension to an initial s.60 be made for?

An initial s.60 authority can only be extended by an NPCC officer up to a maximum of 9 hours.

## Who makes the decision to end a s.60 authorisation early?

The Superintendent overseeing the operation.

## How are s.60 operations evaluated?

At the conclusion of a s.60 authorisation, the Superintendent responsible for implementing the authority will ensure the operation is evaluated and details of the evaluation recorded on the s.60 authorisation form. As well as identifying whether the objectives of the operation were met, quantitative and qualitative measures will be evaluated.

When evaluating a s.60, points to consider are:

- Did the selection of individuals stopped and searched reflect an objective assessment of the nature of the incident or weapon in question and the individuals and vehicles thought likely to be associated with that incident or those weapons?

- If only very low numbers of searches were conducted, why? E.g. did the suspects shown in the authority fail to turn up? Or were there insufficient officers on duty to carry out searches? etc
- Were the objectives of the operation met?
- Did the operation impact on other crime in the area?
- Did the local community in the area of the authority feel safer as a result of the s.60 been implemented?
- Were weapons sweeps conducted as part of the operation and if so how successful were they?

Additionally (specifically in relation to public notification):

- Whether a matrix sign was deployed?
- How many leaflets were distributed?
- Whether social media (local Twitter account) was used to notify the public of a s.60? What message/s were sent out (Tweeted)?
- What other methods of communication were used to notify the public in the locality of the ongoing s.60 authority?

Suggested forums to discuss the evaluation of the authorisation, include Tasking and Daily Grip meetings.

### **What forms of community engagement should I undertake for a s.60 operation?**

The local Stop and Search Community Monitoring Group should be informed (as a minimum), together with local IAGs, SNB and other local stakeholders of the purpose of the s.60 operation in advance (where practicable).

NOTE: Where an authority is made overnight, a verbal update to the Chair of the local Stop and Search Community Monitoring Group at a reasonable hour the following morning will suffice.

Further general notification of the purpose of the authority should be made during the times of the operation via Social media, Signage (Matrix signs available via CCC Ch Insp Met Grip), Leaflets, Community Networks, Ward Panels, etc.

### **What information can I share with the community about s.60 authorities?**

Only relevant and appropriate information should be shared, this should be sufficient to justify the authority but must not include personal details of individuals or other confidential / sensitive information. Any information shared must be justified on a case by case basis. However, it is vital that liaison takes place in order to maintain community confidence and

support.

### **How do I submit a Tension Indicator?**

Complete a CrimInt Information Report containing a 'Tension Indicator' information marker.

### **Who can I search under s.60?**

The selection of pedestrians and vehicles under s.60 to be stopped and, if appropriate, searched should reflect an objective assessment of the nature of the incident or weapon in question and the individuals and vehicles thought likely to be associated with that incident or those weapons.

The powers must not be used to stop and search persons and vehicles for reasons unconnected with the purpose of the authorisation.

### **What should I explain to the person to be searched under s.60?**

You must be in uniform and identify yourself by name and police station attached. You must explain the power under which you are acting (section 60 Criminal Justice and Public Order Act 1994), the object of the search (offensive weapons or dangerous implements) and why you are doing it. You must make a written record on MPS stop and search form 5090 and explain to the person searched of their entitlement to a copy of the form.

### **What should I write in the 'Grounds' section of Form 5090 for a s.60 search?**

Officers should provide a rationale / credible reasons in the 'Grounds' section to justify stopping / searching any pedestrian or vehicle under this power. Officers must also record that s.60 has been authorised and the name of the authorising officer.

### **When should s.60AA powers be authorised?**

Where an authorising officer reasonably believes that activities may take place in any locality in his police area that are likely to involve the commission of offences and it is expedient in order to prevent or control the activities to grant an authorisation.

### **Can I order the removal of a face covering if a s.60 authority is in place?**

Yes, where a s.60 authorisation is in force s.60AA is automatically authorised and this empowers a constable to require the removal of any item worn to conceal identity. However, if there is no s.60 in place, a separate s.60AA authorisation can still be made

under s.60AA (3).

Many people customarily cover their heads or faces for religious reasons - for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. Where there may be religious sensitivities about requiring (under s.60AA CJPOA) the removal of such an item in public, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.

### **Drivers of vehicles stopped under s.60 are entitled to a 'Written Statement', what is this?**

Where a vehicle is stopped under s.60, the driver will be entitled to obtain a written statement that their vehicle was stopped and/or searched under this power if they apply within 12 months from the date of the stop / search. In the MPS this statement will take the form of an MG11.