

# BRIEFING

AND FACTSHEET



## STOP AND SEARCH

*The case for scrapping  
Section 60 stop and search*



compiled by **Stand Up To Racism**

[twitter.com/AntiRacismDay](https://twitter.com/AntiRacismDay) • [instagram.com/standuptoracismuk](https://instagram.com/standuptoracismuk) • [facebook.com/StandUTR](https://facebook.com/StandUTR)



**Pictured: Metropolitan Police Commissioner Cressida Dick. The government is angling for a return to the discredited 'Sus' laws**

# Section 60 searches explained

**S**ection 60 search powers are the most controversial because of their wide extent and the ease with which they can be invoked by police.

The powers were challenged as unlawful in the Supreme Court but the case failed.

A Section 60 search authorisation can initially last up to 24-hours, but superintendents and higher ranks can extend it by a further 14 hours, up to a maximum of 48 hours.

The “reasonably believe” clause of Section 60 gives the police wide discretion to invoke the powers if they believe the following conditions are met:

- Incidents involving serious violence ‘may’ take place
- A violent incident has taken place and they are seeking to recover the weapons, so authorisation is “expedient”
- People are carrying “dangerous instruments” or offensive weapons.

Although legislation requires police applying the powers to designate the smallest area necessary to achieve the required results, often whole boroughs will

constitute the boundary of a Section 60 authorisation.

Between 15 May 2018 and 28 December 2018 a quarter of authorisations in London were applied borough-wide (42 out of 162). (1)

Section 60 searches are rising as a proportion of all stop and searches.

In 2018/19, 3% were under Section 60 (roughly 13,000 out of 384,000).

In the last two years Section 60 stop and searches have risen from 631 in 2016/17 to 13,175 in 2018/19.

Section 60 (pre-condition) searches accounted for around 10% of the increase in stop and search usage between 2017/18 and 2018/19.

Almost all the increase in the use of Section 60 searches is accounted for by the London Metropolitan police and the West Midlands police.

On 11 August 2019



## Police powers to stop and search come broadly under four groupings:

- 1** Reasonable grounds under Section 1 of Police And Criminal Evidence Act 1984 (PACE) and under Section 23 of the Misuse of Drugs Act 1971.
- 2** Searches without reasonable grounds under Section 60 of the Criminal Justice And Public Order Act 1994, 1996, also known as “pre-condition” search as it has to be authorised by a senior officer (an Inspector or higher rank) under certain preconditions.
- 3** Covid
- 4** Terrorism

*This briefing is focused on Section 60 searches*

**Pre-condition searches**  
Thousands

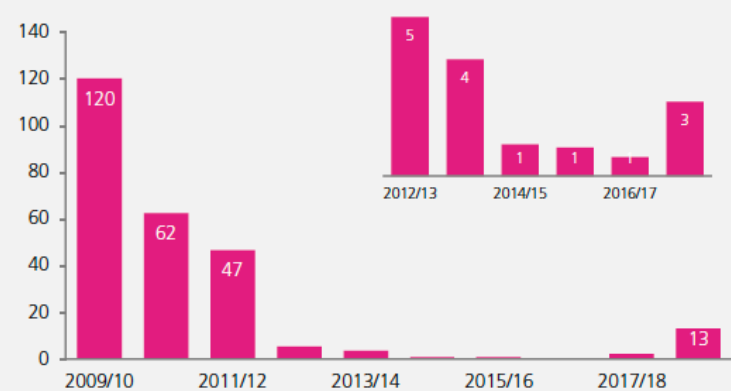


Chart source: Commons Library Briefing, 17 June 2020

## Pre-condition searches

Force	2017/18	2018/19	% increase
Metropolitan Police	1,836	9,599	423%
West Midlands	103	2,041	1882%
Merseyside	149	143	-4%
South Yorkshire	48	15	-69%
City of London	2	15	650%
West Yorkshire	0	0	*
South Wales	0	0	*
Greater Manchester	1	1	*
Other forces	364	1,361	274%
<b>Total</b>	<b>2,503</b>	<b>13,175</b>	<b>426%</b>

Chart source: Commons Library Briefing, 17 June 2020

Home Secretary Priti Patel lifted the following emergency stop and search restrictions, which were introduced as voluntary guidance in 2013:

- They required authorisation by an Assistant Chief Constable (or Commander in London).

- Initial authorisation was only for 15 hours and up to a maximum of 24 hours.

- Changes made by Theresa May to the wording in the legislation from there 'may' be to there 'will' be a likelihood of an outbreak of serious violence.

These measures were introduced in the Home Office's Best Use of Stop and Search Scheme (BUSSS). As a result no-suspicion stops fell 36% between 2013 and 2018 (from 4,000 to 2,500). Priti Patel has now reversed this.

[twitter.com/AntiRacismDay](https://twitter.com/AntiRacismDay) • [instagram.com/standuptoracismuk](https://instagram.com/standuptoracismuk) • [facebook.com/StandUTR](https://facebook.com/StandUTR)

## Data points

- BAME people are 4 times more likely to be stopped by police than white people. (2)

Black people are 10 times more likely to be stopped by police than white people.

- Police officers found nothing in 72% of searches in 2018/19.

- In Dorset black people are 25 times more likely to be stopped than white people.

- Between March & May 2020, 21,950 black males between 15 and 24 were stopped, a figure which equates to 30% of all young black males in London, although some individuals may have been searched more than once.(3)

- Eighty per cent of those searches resulted in no further action being taken.

- The Home Affairs Select Committee also found that the London Metropolitan Police Service increased stop and searches markedly during the lockdown.

- Stops in May were double the figure for the same month a year ago. (43,000 versus 21,000).

- Stops in April were 30,608 – 10,000 higher than the same month a year ago (20,981 in April 2019)

- In May 2020, one in eight of all black males aged 15 to 25 were stopped in London (there are estimated to be 70,000 to 80,000 black male individuals in that demographic).

# No return to the discredited ‘Sus’ laws

The ‘sus’ laws is the colloquial name for Section 4 of the Vagrancy Act 1824.

This law allowed the police to stop and search anyone they suspected of loitering in a public place with the intention of committing an arrestable offence.

The law was used against black and ethnic minority communities from the 1960s onwards until its abolition in 1981.

In the 1970s it was estimated that nearly half (44%) of all those stopped and searched in London under the law were from an African-Caribbean background – mostly young men, according to the Runnymede Trust. Black people at the time made up only 6% of the population in London, .

The law gave the police widespread freedom

to harass black people in inner city areas leading to the outbreak of open conflict between communities and the police.

Persistent campaigning led to a Royal Commission on Criminal Procedure in 1979 in which community organisation presented evidence showing that it was “virtually impossible to rebut” a sus charge as it only required the word of two officers to validate a charge. (4)

It was a mass sus operation in 1981 – called Operation Swamp 81 that triggered the uprisings in Brixton and across the UK that year.

This brought matters to a head and the Home Affairs Select Committee recommended the ‘sus’ laws repeal.

Section 4 was repealed but the Act is still in force and used against homeless people.

## Stop and search doesn’t deter or detect crime

**According to the House of Commons Library Briefing Paper Number 3878, 17 June 2020: “There is little evidence to suggest that stop and search provides an effective deterrent to offending.”**

**“There is no evidence to suggest that BME people are more likely to carry items that officers have powers to search for. Neither is there evidence that suggests they are more likely to be involved in criminality associated with stop and search enforcement.” (5)**

**The Commons Library Briefing, citing Equality and Human Rights Commission research, states: “Societal racism and its effects (including unconscious bias in some officers) appears to explain most of the disparity in stop and search rates by ethnicity.” (6)**

**In addition, research published in *The British Journal of Criminology* found that the impact of stop and search on crime is “likely to**



**be marginal, at best” and has “relatively little deterrent effect”. (7)**

**Only 2% of Section 60 stop and searches result in finding a knife or offensive weapon.**

**Between 2009 and 2018, Section 60 searches resulting in an arrest did not rise above 3%.**

### NOTES

(1) Mayor of London, Mayor’s Question Time, Borough-wide stop and search section 60 [2019/0255], 21 June 2018.

(2) House of Commons Library Briefing Paper Number 3878, 17 June 2020, Jennifer Brown – hereafter referred to as Commons Library Briefing)

(3) <https://www.theguardian.com/law/2020/jul/08/one-in-10-of-londons-young-black-males-stopped-by-police-in-may>

(4) Institute of Race Relations. A5, 184pp., ISBN 0 85001 033 0, 1987 (out of print).

(5) Home Office, Serious Violence Strategy, April 2018, p35

(6) Equality and Human Rights Commission, Stop and think: A critical review of the use of stop and search powers in England and Wales, March 2010, p58;

Home Office, Equality Impact Assessment: Relaxation of section 60 conditions in the best use of stop and search scheme

(7) Matteo Tiratelli, Paul Quinton, Ben Bradford, Does Stop and Search Deter Crime? Evidence From Ten Years of London-wide Data, *The British Journal of Criminology*, Volume 58, Issue 5, September 2018, Pages 1212–1231