



South Yorkshire

POLICE

Criminal Justice Alliance's super-complaint: Section 60 of the Criminal Justice and Public Order Act 1994 and independent community scrutiny of stop and search

South Yorkshire Police Response

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Recommendation 1

By 14 June 2024, chief constables should make sure their forces review the content of training on section 60 of the Criminal Justice and Public Order Act 1994 and how they provide it. The review should consider current national police curriculum requirements and the adequacy of force training for:

- officers who may be required to authorise section 60s; and*
- officers who may be required to conduct section 60 stop and searches.*

The review and any associated actions should be proportionate to each force's use of Section 60.

Response:

As a force, South Yorkshire Police have not authorised a Section 60 (S60) search since July 2023 and in the last 6 years, only seven S60 authorities have been in place. As such, although it is recognised that both authorising and involved officers require training in this area, it is important that both the initial and refresher training that is delivered is proportionate to the limited frequency that this power is being utilised.

A current review of training for S60 is underway to ensure that there is training capture for all officers who may be required to partake in searches and for authorising officers.

The policy within South Yorkshire Police is that in reactive cases, S60 searches are authorised by officers of Inspector rank or above who then informs Gold at the earliest possible opportunity. In pre-planned cases, authority is given by Gold. This is covered within the South Yorkshire Police Policy Pi19.2 - Stop and Search Instructions.

In relation to training for officers who may be required to authorise S60 searches, the following training is currently being planned and implemented:

- To be included in an 'Operational Update' cascaded to all supervisor's force wide via email.
- Included within Public Order Commander refresher training every quarter.

In relation to training officers who may be required to partake in S60 searches, the following training is currently being planned and implemented:

- Input currently included in the training delivered to DHEP and PCDA students in line with curriculum requirements.
- 'Street Skills' training attended by all operational frontline officers to include session on Stop & Search where S60 will be covered. This is planned for the June – September phase. This training will also capture Sergeants and Inspectors.
- Level 2 Public Order refresher training (next phase beginning in April 2024) to include classroom input.
- Online Learning Package (COP_DS_275_O_EL_001_06_00) to be rolled out for officers to be refreshed as includes S60 powers. This will be disseminated as part of an operational update for completion by officers prior to the delivery of the Street Skills training package between June and September.
- 'Bitesize' video to be cascaded to all officers and shown in briefings. There is work underway currently to adapt these videos which were originally created by the Metropolitan Police Service to reflect South Yorkshire policy and procedure, we are just awaiting confirmation from the Metropolitan Police of a formal release of the videos to enable us to complete changes reflecting SYP processes and edit accordingly.

Recommendation 3

By 14 June 2024, chief constables should make sure briefing and debriefing the forces activities under section 60 of the CJPO 1994 are thorough and in line with PACE Code A and APP content and guidance. Chief constables must make sure section 60 authorisation briefings are recorded. This may be as a written briefing. But formal verbal section 60 authorisation briefings should be given on audio/visual devices such as body-worn video or approved handheld communication devices. They should be capable of being recorded as part of the policing operation and be subject to scrutiny.

Section 60 briefings to officers who are required to use their stop and search powers should include information on:

- the relevant law and guidance.*
- the particular grounds for authorising the use of section 60 stop and search powers.*
- all relevant and current information and intelligence.*
- the geographical area covered, and time limitations authorised.*
- all relevant community information (including policing history) and any community impact assessment.*
- how any debriefing and force learning will be conducted; and*
- the importance of recording all section 60 stop and search encounters on body-worn video in their entirety.*

Response:

Due to the spontaneous nature of reactive S60 searches, it is recognised that the briefing policy has a requirement to be flexible.

The authorisation document, GEN 232, provides guidance for briefings which is in line with the National Briefing Model and includes:

- Period of authorisation
- Location
- Grounds for authority including information and intelligence.
- Law and guidance
- Authorising officer details.
- Recording and Body Worn Video (BWV) requirements.

Within the South Yorkshire Police Policy Pi19.2 - Stop and Search Instructions, it is mandated that a briefing is given either verbally or in written format and that it should be recorded on BWV. It is specified that the briefing should be conducted via airwaves should the situation be time critical.

For recording purposes, it is also mandated within policy that a Command & Control incident should be created and details of the authority along with all searches should be posted on that incident. A stop and search record will also be created for each search with the power selected to 'section 60' so data can be collated post-incident.

All S60s will be brought to attention in force Daily Management Meeting at the time of the authorisation/conclusion.

Review and debriefing will be conducted by the force lead. Circumstances, authority, and BWV will be examined by the subsequent Community Scrutiny Panel.

Recommendation 4

By 14 June 2024, chief constables should make sure all officers who may exercise stop and search powers understand, and comply with, their responsibility to safeguard children who are stopped and searched.

In doing so, chief constables should make sure that:

- in line with the national policing curriculum, officers undertaking searches are appropriately trained to take the necessary steps to minimise any emotional harm that may be caused through these encounters.*
- their force has processes in place to assist appropriate safeguarding referrals when children are stopped and searched; and*
- there is robust checking and assessment of all such searches that takes account of the safety and welfare needs of the child.*

Response:

South Yorkshire Officers receive regular training regarding the safeguarding of children, most recently on the force wide 'Child Matters' training which was delivered in 2022 and 2023.

South Yorkshire Police has adopted the SHARED tool, developed in partnership with the NSPCC to record Vulnerable Child (VC) referral forms. These are reviewed in partnership with Social Care.

Within the South Yorkshire Police Policy Pi19.2 - Stop and Search Instructions, it is mandated that for every Stop and Search encounter with a child, a VC form is submitted. This would include searches forming part of a S60 authority.

All stop search records are reviewed by the searching officer's supervisor, including those involving children. This, alongside data review and scrutiny from Performance and Governance and evaluation within community scrutiny panels, ensures robust checking and assessment.

Recommendation 5

By 14 June 2024, Chief Constables should make sure forces effectively communicate with communities and interested parties on the police use of section 60 stop and search powers. This should include:

- making sure communications reach the communities most likely to be affected by the section 60 authorisation and checking their communication strategies were effective.*
- publicising details to inform the public, give reassurance and maximise any deterrent effect; and*
- reporting back to communities and interested parties on operational outcomes.*

Response:

The documentation which is completed by the authorising officer (GEN232) includes a requirement for the authorising officer to consider how search details are to be

communicated to the public. It is suggested that social media, main-stream media, and the South Yorkshire Police website is updated with information.

Following a S60 authorisation, it is mandated within South Yorkshire Police Policy Pi19.2 - Stop and Search Instructions that a Community Tension Indicator Assessment (CTIA) is completed and the CTIA paperwork is included within the GEN 232 authority paperwork. This will ensure that there is community engagement post-incident.

It is also mandated that a silver meeting is called within 48hours of the S60 authorisation which is chaired by the local Neighbourhood Inspector which calls local community leaders and key stakeholders to a debrief conducted via Microsoft Teams. This is recorded and stored.

The Independent Ethics Panel will be notified by the thematic lead and when available, the BWV of any searches as a result of the authority will be available for scrutiny by the panel.

Recommendation 7

By 14 June 2024, chief constables should satisfy themselves that their force gives community scrutiny panels (or their equivalents) all relevant information to help them scrutinise police stop and searches and other police actions arising from section 60 authorisations. This should include:

- *the grounds and underlying reasons for the authorisations.*
- *any recordings of briefings.*
- *written records of searches.*
- *information about the outcomes of searches; and*
- *body-worn video footage of entire encounters.*

In addition, chief constables should satisfy themselves that their force incorporates feedback from community scrutiny panels (or their equivalents) when evaluating improving the force's use of Section 60.

When a S60 search is authorised, it will automatically be brought to the Community Scrutiny Panel's attention.

Response:

Panels are presented with:

- The Gen 232 authorisation document. This contains a section titled "belief and grounds for granting authority", detailing the grounds and reasons for authorisation.
- Any CTIA completed as a result of the S60.
- Information displaying the results of the S60.

The panel review the recording of the S60 briefing given to Police Officers. This is in the form of either BWV or an audio recording.

BWV that was recorded during the S60 by searching officers is collated and random samples are selected by the panel. This is in the same way panels review more traditional searches (S1 PACE, S23 MDA etc.). Any documentation completed by individual officers is also presented to the panel.

When the panel is shown BWV footage of the search in action, the footage is clipped to contain the search along with any footage either side that is considered relevant.

Following reviewing the documents and the footage, the panel members complete a feedback form detailing their thoughts and views. The form contains questions structured around the documentation and BWV viewed, including lawfulness, proportionality of action taken and compliance with regulations.

An open discussion then takes place between the panel and officers present. This is an honest discussion between all parties.

These discussions are recorded in the form of minutes. The minutes are used to form feedback to be provided to the officers who completed the searches, be it positive or highlighting areas of concern or development. This feedback is delivered in person by an Inspector or above and any actions required are for the officers local supervision to facilitate.

Points of concern or praise raised in previous panel meetings are raised and updates are provided in the following meeting.

If learning themes are identified, these are reviewed with SYP Organisational Learning & Development Department colleagues so that salient messages or training inputs can be used to remind officers/staff during their mandatory training.

Recommendation 8

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

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

Response:

Panels are advertised to members of public and an application form must be completed. The applications are reviewed by an officer of at least the rank of Sergeant. A vetting process is then completed using internal and external systems. The results of these checks determine if the applicant is suitable to be part of a panel. Due consideration is given to the fact that South Yorkshire Police actively wish to engage with members of public who have been subject to a stop and search, there is no set rule for acceptance or rejection, it is at the reviewing officer's professional judgement and discretion.

The scrutiny panels are made up of members of the communities that South Yorkshire Police work within. Invitations to the panels are sent out to community leaders, who are identified by SYP district Neighbourhood Policing Team Inspectors. The Inspectors use their knowledge of the communities they work within to focus on under-represented groups. Ideally the panels contain members from a wide range of age, sex, social status, and cultural backgrounds. Work is ongoing to make sure the panels are as diverse as possible to ensure the feedback received is an accurate representation of our communities' views. There is also work ongoing to move the location of the panels into community spaces to provide a better opportunity of a diverse panel makeup.

New panel members are shown a short presentation covering search powers, use of force legislation, search methods and terminology. This information is displayed to the member again when they complete feedback forms for the searches scrutinised.

At the end of each session, panel members are reminded that there are numerous support services available if they wish to discuss anything they have witnessed or have been impacted by what they have seen.

In attendance at the meetings will be at least three police officers from South Yorkshire Police;

- Force lead on Stop and Search (Chief Inspector)
- Force deputy on Stop and Search (Inspector)
- Supporting officer (Sergeant or above)

These roles have been chosen as they are subject matter experts and are equipped with the knowledge to answer any questions or points to clarify that may come from the meetings.