



Devon and Cornwall Police response to the recommendations contained within 'Section 60 of the Criminal Justice and Public Order Act 1994 and independent community scrutiny of stop and search' published by the College of Policing, HMICFRS and the IOPC

On the 15th of December 2023, the above report was published following a joint investigation conducted by HMICFRS, the College of Policing and the IOPC into a super-complaint made by the Criminal Justice Alliance (CJA).

The super-complaint made by the CJA, entitled 'More harm than good' raises concerns about harm caused by 'suspicion-less' stop and searches, using powers under section 60 of the Criminal Justice and Public Order Act 1994 and the inadequate scrutiny of these powers.

The report makes a total of 10 recommendations, 7 of these are for chief constables.

Recommendation 10 asks forces to publish their response to these recommendations on their website. Contained below, are the recommendations and our current force position.

Recommendation 1 asks forces to review the content of training on S60 of the Criminal Justice and Public Order Act 1994.

A rapid review of the training for S.60 of the Criminal Justice and Public Order Act 1994 has been conducted.

Training is currently being rolled out force wide to all front-line officers and supervisors (Constable and Sergeant ranks). That training covers the legislation of S.60 of the Criminal Justice and Public Order Act 1994, who authorises and for how long the authority lasts. This is consistent with the Best Use of Stop and Search (BUSS) Scheme.

Inspectors are provided training as part of the post promotion leadership training. S.60 of the Criminal Justice and Public Order Act 1994 is not a routinely used legislation within Devon and Cornwall. Over the last 4 years Devon and Cornwall has only one recorded authority, which resulted in 4 searches.

Training and guidance for Superintendents Authorities could be clearer and training does not routinely take place. Devon and Cornwall will commit to refreshing this guidance and training for officers required to authorise section 60s.

Recommendation 3 asks forces to ensure the briefing and debriefing of activities under S60 are inline with The Police and Criminal Evidence Act 1984 (PACE) and authorised professional practice (APP). As part of this, S60

briefings should be recorded. The recommendation details what should be contained within these briefings.

DCP-OPr-041 is the operational procedure guidance for the use of Stop and Search Powers.

Section 3.5 of that guidance is dedicated to S.60 of the Criminal Justice and Public Order Act 1994. Having reviewed that guidance, it does not specifically cover the briefing and debriefing requirements as detailed within the recommendation. By the 14th of June 2024 Devon and Cornwall will commit to updating DCP-OPr041 to ensure the requirements of this recommendation are captured. Which includes the refreshing of a checklist for authorising officers to follow. This checklist will complement the authorisation form, be published, and communicated.

Recommendation 4 asks forces to ensure anyone who exercises a S60 power understands and complies with their responsibility to safeguard children who are stopped and searched.

Training is currently being rolled out force wide to all front-line officers and supervisors (Constable and Sergeant ranks). Safeguarding requirements are covered within that training.

DCP-OPr-041 is the operational procedure guidance for the use of Stop and Search Powers. Section 3.8 and 3.9 of that guidance is dedicated to the searching of children and young people and details the necessary safeguarding requirements. This includes treatment and interaction with the child, their safety and welfare, and referral requirements.

There are numerous legitimacy scrutiny panels held geographically across the force, whereby the monitor the quality of stop and search interactions. The panels specifically focus on search that are given 'red flag' status. Any search of a child is identified as a 'red flag' interaction to ensure it is subject of the scrutiny panels. The result of this scrutiny is then further reviewed at the force stop and search operational group.

The Childrens Commissioner published a report in 2023 regarding stop and search interactions between police and children. Devon and Cornwall made necessary changes to the operational procedure as a result. This is included within the current training programme.

To further strengthen this area, DCP-OPr-041 is currently having a peer review by the Child Centred Policing team to ensure stop and search safeguarding requirements for children is robust.

Recommendation 5 asks forces to communicate to communities their use of the S60 power.

DCP-OPr-041 is the operational procedure guidance for the use of Stop and Search Powers. Section 3.5 of that guidance is dedicated to S.60 of the Criminal Justice and Public Order Act 1994.

Having reviewed that guidance, it does cover the requirement to communicate with communities, assess the value and impact of the authority, as well as understanding community impact.

By 14th June 2024 Devon and Cornwall will commit to updating DCP-OPr041 to ensure the requirements of this recommendation are captured in greater detail. Which includes the refreshing of a checklist for authorising officers to follow. This checklist will complement the authorisation form, be published, and communicated.

Recommendation 7 asks forces to assure themselves that they are giving scrutiny panels all the relevant information needed for the panel to effectively scrutinise use of the S60 power.

Devon and Cornwall have a Community Scrutiny panel in existence chaired by Reverend Nathan Kiyaga.

S.60 of the Criminal Justice and Public Order Act 1994 is not a routinely used legislation within Devon and Cornwall. Over the last 4 years Devon and Cornwall has only one recorded authority, which resulted in 4 searches.

The last time a S.60 authority was given, it was before the Community Panels were in existence. Therefore, Devon and Cornwall have not yet had the need to provide S.60 authorisations.

Should a S.60 authority be given in the future, then this detail will be provided, including all the requirements of the recommendations.

Currently the community scrutiny panels are given relevant stop and search written records, grounds, outcomes, and body-worn video footage for scrutiny.

Feedback from the community scrutiny panel is routinely incorporated, when evaluating its use of stop and search.

The community scrutiny panel have given additional recommendations regarding the use of S.60 authorisations that will be incorporated into the updated S.60 guidance as described above.

Recommendation 8 asks forces and police and crime commissioners to work with community scrutiny panels to review panel membership, vetting arrangements, promote diverse members, assist with training and support and provide police representation.

Devon and Cornwall have a Community Scrutiny panel in existence chaired by Reverend Nathan Kiyaga. He has been consulted when determining a response to

this recommendation. These are his observations and response to these recommendations.

Reviewing membership should be done by the public, not the police, but consultation and update on membership should be shared.

The community scrutiny panel aspires for competency in the members recruited. As a panel, they believe in equality of opportunity, but not equality of outcome. The police should work with the panel to publicise the opportunity but allow the community to lead on assembling the most effective team.

Involvement and retention of those who been stopped and searched is welcome, but only if they are deemed competent and trained.

Devon and Cornwall Police gives and will continue to give community scrutiny panels information on the police use of force, including handcuffing, relevant to the police use of stop and search powers. This will include any future S.60 authorisations, searches, and community impact assessments.

Community panel members are given appropriate training and support to effectively conduct their role.

Devon and Cornwall Police already provide the right level of police representation at meetings, this includes an officer at the rank of Chief Inspector and on occasion is attended by Executive Members, the force stop and search lead and the force legitimacy planning and performance manager.

Discussions are currently ongoing as to whether the Office of Police and Crime Commissioner are better placed to oversee and support the community scrutiny panels to ensure additional independence from the police. Currently the community scrutiny panels are supported directly by Devon and Cornwall Police.