

APCC, NPCC and Home Office accept HMICFRS recommendations following investigation into the CJA's super-complaint calling for the repeal of Section 60 stop and search powers

Introduction

On 15 December 2023, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) released a report investigating [our super-complaint, which advocated for the repeal of Section 60 stop and search powers](#) (this super-complaint was initially issued in 2021). The report, along with the CJA's response and videos capturing the experiences of young people concerning Section 60 and stop and search more generally, can be accessed [here](#).

The investigation into our super-complaint yielded numerous recommendations to chief constables, the National Police Chief's Council (NPCC), the Home Office, and the Association of Police and Crime Commissioners (APCC). [Six months on, their responses have now been published and we are pleased to see the recommendations accepted.](#)

The context

As stated in our response to the HMICFRS report in December, our primary request to repeal Section 60 police stop and search powers was not accepted. While disappointing, this outcome was not unexpected.

The super-complaint bodies (HMICFRS, College of Policing, and the Independent Office for Police Conduct) do not have the powers to repeal legislation; that authority lies with the Government. Under the current government, the policy trajectory has been to advocate for increased stop and search activity, and to relax the constraints on the powers introduced by the best use of stop and search scheme (BUSS).

The CJA maintains the position presented in our super-complaint entitled [More harm than good](#). Although the HMICFRS response was critical of constabularies' failure to comply with agreed voluntary frameworks and statutory obligations, it fell short of acknowledging the central argument set out in More harm than good. This central argument highlights Section 60's propensity to exacerbate racial disproportionality, diminish arrest outcomes, and erode community trust and confidence.

Six months after the HMICFRS published their report, it seems that the policing establishment continues to justify these powers despite their harmful effects and inferior outcomes compared to the more widely used stop and search powers under the Police and Criminal Evidence Act 1984.

Our disagreement with this conclusion will undoubtedly be shared by those individuals and communities disproportionately affected by the negative impacts of these powers. It is regrettable that no individuals who experienced Section 60 stop and search were interviewed as part of the HMICFRS process, which we view as a significant oversight in the report's methodology.

We assert that even with the full implementation of the HMICFRS recommendations, these entrenched trends inequities are unlikely to change. Has this failure prompted a serious reflection within policing and its respective inspection bodies?

Recent media statements on this issue from prominent police leaders, such as The Metropolitan Police Commissioner Sir Mark Rowley, have lacked nuance regarding the

need for more stop and search. His comments, echoed in [in an interview on LBC on 1 May](#), emphasised the perceived effectiveness of stop and search in reducing violent crime, aligning with prevailing wisdom within policing culture. Despite HMICFRS finding no evidence of stop and search effectiveness in reducing knife crime and serious youth violence, senior police leaders continue to perpetuate this myth, suggesting that little serious reflection has occurred, certainly within the Met.

The Met has been embroiled in several scandals in recent years, with public confidence at an all-time low. Baroness Casey's review echoed the conclusion reached by Sir William Macpherson 24 years earlier following his inquiry into the racist murder of Stephen Lawrence: that [the Met is institutionally racist](#). Casey also asserted that the relationship between the Met and Black Londoners had deteriorated to such a point that a drastic reset is needed.

We hope for a reset, not only in London, but across policing and the country. This is why the CJA supports the [NPCC's Police Race Action Plan](#) and the work of its [Independent Scrutiny and Oversight Board](#). It is crucial for these commitments made by police leaders to build an anti-racist police service to be fully supported and followed through. This will require politicians to show the determination to resist inevitable calls to change course.

As we enter an election year, both dominant parties are likely to make strong pitches regarding policing and crime. We hope that a more sober assessment of stop and search practices, particularly regarding Section 60 powers, can encourage evidence-based approaches.

Central to this is listening to and respecting the experiences of those individuals most impacted by these powers and the trauma they endure. Only through collaboration with these communities and an engagement with lived experiences can lasting solutions to serious youth violence and other crimes be developed.

Moving forward

The HMICFRS report, nor the acceptance of its recommendations, mark the end of our work on Section 60. The CJA remains committed to advancing the campaign through the following actions:

- Continuing engagement with super-complaint bodies on implementing the report's recommendations and related developments. This includes efforts to establish pilot projects with PCCs and constabularies to utilise the Public Sector Equality Duty more effectively and innovatively.
- Meeting with the Children's Commissioner to discuss the impact of stop and search on children and our proposal for a fundamental review of current arrangements to protect children in relation to police stop and search powers.
- Continuing engagement with the Home Office, policing, and politicians to strengthen and invest in local scrutiny and oversight frameworks, particularly concerning stop and search, use of force, and reducing racial disproportionality.
- The launch of a pre-election report informed by six thematic consultations with our members, including proposals for Baroness Casey to conduct a follow-up review in 2025, and granting HMICFRS statutory powers to enforce the implementation of their recommendations.
- Continuing collaboration with our members through our Race Equality Expert Members Group, with a specific focus on the Section 60 campaign.

- Developing partnerships with frontline youth organisations to gather real testimonies of young people's experiences with stop and search.
- Holding an academic symposium in early 2025 on 'A safe criminal justice system', including a dedicated workshop on 'Does stop and search make communities safer?'
- Exploring the feasibility of legal action regarding potential breaches of the Public Sector Equality Duty under the 2010 Equality Act.

Conclusions

Our super-complaint was driven by the collective effort of our 200+ members. They work directly with those within the criminal justice system, those exiting it, and those at risk of being pulled into it. It was our members who identified Section 60 as a critical issue and advocated for its repeal as the optimal solution.

The CJA remains committed for the long term. The communities we stand for and collaborate with rightfully demand a departure from approaches fixated on punitive measures, which often fail to address the complex and deeply rooted issues at hand. Our ongoing campaign aims to shift this narrative towards more holistic solutions.

At the heart of our next phase will be facilitating and working closely with the affected individuals and communities, along with exploring the viability of legal action to ensure policing adheres to the Public Sector Equality Duty.