

Section 60/60AA Criminal Justice & Public Order Act 1994 Fact sheet

Section 60 Criminal Justice and Public Order Act 1994 (S60) gives police the right to search people in a defined area during a specific time period when they believe, with good reason, that: serious violence **may** take place and it is **necessary** to use this power to prevent such violence; or that a person is carrying a dangerous object or offensive weapon; or that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality.

It requires the authority of a **Duty Superintendent**. (Please see Spontaneous authority below)

Initial authority can be for a specified period not exceeding 24 hours. If it appears to an officer of or above the rank of Superintendent that it is necessary to do so, having regard to offences which have or are reasonably suspected to have been committed in connection with the authorisation they may direct that the authorisation continue for a further 24 hours.

Pre-planned Authorisation

An operation will be considered to be pre-planned if there has been any thought or planning given in advance of how the operation should run. In these circumstances the authorising officer should be the **Duty Superintendent**. Any authorisation under this section shall be in writing, signed by the officer giving it and shall specify the grounds on which it is given and the locality and the period during which the powers conferred by this section are exercisable. A direction shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

An authorisation need not be given in writing where it is not practicable to do so, but any oral authorisation must state the matters which would otherwise have to be specified and must be recorded in writing as soon as it is practicable to do so.

Spontaneous Authorisation

Where a S60 authority is urgently or spontaneously required Authorisation can be made by an **Inspector** initially, but once in place, the **Duty Superintendent** must be contacted **as soon as practicable** to ratify authorisation.

In both cases the Authority forms should be completed and document saved to SharePoint – Operational Policing – Territorial Policing – Stop & Search. Please also Email a copy to the Force SPOC - gemma.hannah@cumbria.police.uk

To Note;

- The case law in *Roberts* confirms that although the word “necessary” does not appear in section 60(1), the effect of Article 8 of ECHR, is that **necessity** remains relevant to each decision as to whether an authorisation is justified.
- An S60 authorisation must be made only when the officer **believes** it is necessary. In practice, in addition to expediency explicit in the 1994 Act, the authorising officer must consider the authorisation necessary to prevent serious violence / to find dangerous instruments / weapons after an incident involving serious violence, or to apprehend persons carrying weapons.
- Officers carrying out searches using this power are **not** required to have reasonable grounds to conduct the search. They are known as “no-suspicion stop and searches”
- Officers have to be in uniform
- The selection of pedestrians and vehicles to be stopped and, if appropriate, searched under S60, should reflect an **objective assessment** of the nature of the incident or weapon in question and the individuals and vehicles likely to be associated with that incident or those weapons.
- Even though a S60 is authorised, officers have the option to use other search powers where reasonable grounds to search exist.

SECTION 60 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 (POWERS TO STOP & SEARCH IN ANTICIPATION OF VIOLENCE)

Information / intelligence received concerning possible occurrence of

- Serious violence or
- Dangerous instruments / offensive weapons being carried

Inspector or above reasonably believes that incidents involving **serious violence MAY take place** in any locality in police area **and it is necessary to give authorisation to prevent their occurrence**

Inspector or above reasonably believes that persons **ARE CARRYING dangerous instruments or offensive weapons** in any locality in his police area **without good reason**

OR

Consideration should be given to appropriateness of also using S.60AA (Powers to require removal of disguises **ONLY**) where activities may take place in any locality in the ACPO rank's police area that are likely (if they take place) to involve the commission of offences, and that it is expedient, in order to prevent or control the activities.

• Is the requirement immediate?

YES

NO

- **Initial Authority** can be made by **Inspector or above** but **Duty Superintendent MUST** be informed ASAP to ratify authorisation. for a period of up to 24hours in writing ONLY

- **Applicable to initial Authority ONLY:**

- ✓ If not practicable to record in writing at time, authority must be noted on the incident log.
- ✓ Consider commencement of Community Impact Assessment (CIA).

- Pre-planned Section 60 Authorisations must be completed by a Superintendent.

- **Applicable to initial Authority ONLY:**

- ✓ If not practicable to record in writing at time, authority must be noted on the incident log.
- ✓ Consider commencement of Community Impact Assessment (CIA).

Completed Authority Document saved to:

SharePoint – Operational Policing – Territorial Policing
– Stop & Search
Email to – gemma.hannah@cumbria.police.uk

Extension (Record on initial Form Completed)
UP TO AN ADDITIONAL 24 HRS

ONLY IF appears expedient to **Superintendent or above**, having regard to offences, which have or are reasonably suspected to have been committed in connection with any activity in initial Authority

Authority ends.

**A Constable's Powers under:
Section 60 Criminal Justice & Public Order Act 1994
(Powers to Stop & Search in Anticipation of Violence)**

A constable in uniform may stop:

Any Pedestrian and search the person or anything carried by the person

Any Vehicle and search the vehicle, its driver and any passenger:

for **offensive weapons** or **dangerous instruments**

If in the course of a search under this section a constable discovers a dangerous instrument or an article for which there is reasonable grounds for suspecting to be an offensive weapon, the constable **may seize it**.

For the purpose of s.60, '**Vehicle**' includes:

- **ships**
- **aircraft**
- **hovercraft**
- **caravan** as defined in s 29(1) Caravan Sites and Control of Development Act 1960

Pedestrian or Driver:

- **is entitled** to obtain a written statement that the person was searched or the vehicle was stopped under the powers conferred by this section
- **must** apply for such a statement not later than the end of the period of three months from the day on which the person was searched or the vehicle was stopped.

A person who fails

- **to stop,**
- **to stop a vehicle .**

when required to do so by a constable in the exercise of this power shall be liable on summary conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding level 3 on the standard scale or both.

'Dangerous instruments' means instruments which have a blade or are sharply pointed;

'Offensive weapon' has the meaning given by s.1(9) of PACE

For the purposes of s.60 a person 'carries' a dangerous instrument or an offensive weapon if he / she has it in his / her possession