



PRESS RELEASE – FOR IMMEDIATE RELEASE

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Appeal granted to challenge discriminatory section 60 stop and search

This morning, at the Royal Courts of Justice, Lord Justice Laws granted leave to appeal in the case of R (Roberts) v Commissioner of Police Metropolitan Police. The case challenges the lawfulness of powers granted under section 60 of the Criminal Justice and Public Order Act 1994. Section 60 allows for police officers to be authorised to search any person or vehicle for weapons in an area where serious violence is reasonably anticipated, without the need for individual reasonable suspicion.

Ms. Roberts, a thirty-eight year old black woman who works with children and young adults with learning disabilities was stopped and searched on the 9th September 2010, in Haringey in response to intelligence about impending gang violence. The ticket inspector informed a police officer who searched Ms. Roberts under the section 60 authorisation due to the fact that she “was holding on to her bag in a manner that suggested that she had something to hide.”

The challenge was originally heard in the High Court in May 2012. However, the application for judicial review was dismissed. The permission granted today allows the challenge to be heard in the Court of Appeal. The challenge is brought on the basis that there are insufficient safeguards limiting officers’ discretion in respect of the use of powers under section 60, leading to a risk of arbitrariness and discrimination.

The case comes off the back of StopWatch concerns about the abuse of section 60 powers. Over the last decade there has been a significant increase in the use of section 60. Annually S60 stop and searches peaked at over 150,000 in 2008/09. An increase of 2000% over the preceding decade. This was accompanied by unprecedented racial disparities. Black people are 37 times more likely to be stopped and search under this power, the highest level of disproportionality ever recorded internationally. And yet, less than 0.5% of these searches lead to an arrest for weapons, the legal reason for the power. In the wake of the legal challenge the numbers of stop and searches under section 60 have declined and yet the lack of legal regulation encourages future abuse.

Ms Roberts’ lawyer, Michael Oswald of Bhatt Murphy, said:

“The Court of Appeal has recognised that the matters Ms Roberts has raised in this case are of great public importance. The decision to grant permission to appeal means that the Court will consider the powers of authorisation and stop and search under section 60 to review their compliance with the rights guaranteed by the European Convention on Human Rights.”

Dr. Rebekah Delsol, of the Open Society Justice Initiative and member of StopWatch said:

“The massive reduction in section 60 over the last year is a tacit recognition by the police that the powers have been misused. It is important that the law is changed to make sure that the power cannot be abused in the future.”

Now that the permission has been given for a full hearing, STOPWATCH are hopeful that the Court will ensure that section 60 of the Criminal Justice and Public Order Act 1994 is subject to more rigorous procedural safeguards in line with other stop and search powers.

END

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Notes to Editors:

1. STOPWATCH is a coalition of legal experts, community activists, civil society groups, academics and young people that works to reduce disproportionality and promote best practice in stop and search powers. For more information on StopWatch please visit www.stop-watch.org.uk
2. Ms Roberts is represented by Michael Oswald, Bhatt Murphy Solicitors, Solicitors for the Claimant and Hugh Southey QC, Tooks Chambers, Counsel for the Claimant
3. For data on section 60 including the numbers, disproportionality and outcomes see: [http://www.stop-watch.org/uploads/documents/Factsheet - Section 60.pdf](http://www.stop-watch.org/uploads/documents/Factsheet_-_Section_60.pdf)