

**Stop and Search**

# **Improvement Progress Report for the Cabinet Secretary for Justice**

**Update by Police Scotland**

**June 2019**



**Scottish Government**  
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## Introduction

The Police Scotland March 2015 report – Stop and Search Update Report to the Cabinet Secretary - set out 18 recommendations to help progress improvements in stop and search across the country. The Police Scotland December 2015 report - Stop and Search Improvement Progress Report - updated the Cabinet Secretary that Police Scotland had provided sufficient evidence to discharge 16 of the recommendations and that 2 recommendations remained in progress. This report updates the Cabinet Secretary on the progress Police Scotland has made implementing and discharging the 2 outstanding recommendations and after consideration of the evidence by the Police Scotland Stop and Search Strategic Group.

### **Recommendations**

The following provides an update on Police Scotland's improvement progress against recommendations 11 and 16, as part of the Stop and Search Improvement Plan:

#### **Recommendation 11: Police Scotland, in consultation with the SPA, to explore methods to identify and assess links between the use of stop and search and positive outcomes.**

The December 2015 report updated that Police Scotland, in consultation with the SPA via the Research Evaluation and Operational Review Group (REORG) and the Stop and Search Tactical and Strategic Groups were considering how best to reliably demonstrate the link between the use of stop and search and outcomes.

It is recognised by Police Scotland there is little evidence of a correlation between violence reduction and volume stop and search. This has been evidenced through academic research and highlighted through the ongoing reviews and improvement activity. Furthermore, where stop and search is used inappropriately, Police Scotland are aware that this can have an adverse effect on communities and be counter intuitive to generating good relationships between the general public and the police.

Police Scotland have instigated significant changes around the use of stop and search, recognising the importance of the individual engagement and the requirement to ensure that each individual search is carried out under a specific statutory power for which reasonable grounds must exist.

To ensure that this improved approach is mainstreamed, Police Scotland have developed bespoke training, informed and guided by academic research and learning from the Fife Pilot and its evaluation, which provides specific learning on the impact stop and search can have on children and young people. This training includes the necessity for every search to be supported by reasonable grounds as well as providing officers with skills on how to understand what they know, see, hear and experience to support them making decisions based on this information if a search is necessary and appropriate. This includes providing officers with an understanding of unconscious bias which may exist as a result of their own personal experience.

Furthermore, the training promotes the positive engagement with children and young people, and is consistent with Police Scotland's strategy "Children and Young People 2016/20 - Our Approach". The approach sets out our ambition for the children and young people of Scotland to feel empowered, engaged and have their voices heard. It is our commitment to them, and the people who care for them, that they will be treated with integrity, fairness and respect in line with our policing values. This approach will ensure that the lessons learned in addressing this recommendation, are mainstreamed across all aspects of policing in Scotland.

The reactionary survey carried out by officers and staff after classroom training indicated high levels of satisfaction (98%) with the training content and delivery. The workplace evaluation carried out 6 months post training also showed a high level of confidence (84.5%) among officers using stop and search in establishing reasonable grounds and using only statutory powers (5.8% provided a neutral response, 3.1% disagreed or strongly disagreed and 6.7% provided no response). To maintain momentum on continually improving the use of stop and search, Police Scotland carries out regular Stop and Search Focus Groups in each Division involving officers using stop and search. The Focus Groups allow for reflection on the training, the use of stop and search since the Code came into effect, and to identify and share good practice and solutions to future areas for improvement.

In order to ensure that the operational use of stop and search is focussed on positive outcomes and tackles the priority issues within local communities, the bespoke training was extended to Senior Management Teams across all of Scotland. This included training for officers on the expectations placed on them by the Code of Practice for stop and search, and ensuring that the use of the tactic in their area is in

accordance with the law, necessary, and proportionate and that they remain accountable and are subject to appropriate scrutiny.

Police Scotland's changes in policy and practice including, initially, the move to a presumption of statutory searches over consensual and the removal of key performance indicators has supported the transition to a more intelligence led, evidence based approach and a reduction in the number of searches. Taking the learning from the Fife Pilot Evaluation, the use of language during training and communication is focused on positive engagements and interactions. This prepared Police Scotland to ensure the use of stop and search was appropriate in advance of the introduction of the Code of Practice, which clearly sets out the expectations of policing in this regard.

Police Scotland developed and agreed a Stop and Search Assurance Process with the SPA Policing Committee at the end of 2017. The process is supported by analytical product with comprehensive statistical information made available locally (by, division, sub-division and local authority). It provides more meaningful stop and search equality monitoring information on a regular basis at a local level for use by divisional commanders and local authority scrutiny boards which can inform operational practices. This Assurance Process is aligned to Police Scotland's Performance Framework 2018-19 which includes a measure that Stop and Search is carried out in accordance with the Code of Practice, helping ensure that the use of stop and search is delivering positive outcomes contributing to local priorities

Police Scotland's National Stop and Search Unit is supporting management teams embed stop and search assurance into local policing governance processes to make best use of the tactic to contribute towards outcomes supporting local priorities.

**Following consultation with stakeholders, and recognising the significant developments in policing, particularly promoting an evidence-base and outcome focussed approach, Police Scotland consider this recommendation to be discharged.**

**Recommendation 16: Police Scotland, in consultation with the SPA, to report at an appropriate time during 2015, on work undertaken in respect of violence prevention and the related reporting of police use of stop and search to the SPA and Scottish Government.**

The use of stop and search is wider than preventing violence, and furthermore, it is recognised that all policing activity should be focused on the delivery of improved outcomes. The lessons learned throughout the stop and search improvement journey are informing the wider policing approach, with the recent remodelling of Licensing and Violence Reduction Division and National Safer Communities to form a single Safer Communities Business area and provide a collaborative, preventative and evidence based focus across all of the policing priorities.

It is recognised by Police Scotland there is little evidence of a correlation between violence reduction and volume stop and search. This has been evidenced through academic research and highlighted through the ongoing reviews and improvement activity. Furthermore, where stop and search is used inappropriately, Police Scotland are aware that this can have an adverse effect on communities and be counter intuitive to generating good relationships between the general public and the police.

Police Scotland identified that it was necessary to focus the use of stop and search towards outcomes. As a result a user reference guide for violence and anti-social behaviour was created to support officers. This reference guide provided detail of a 5 stage approach, creating a framework to support officers to identify how partners may assist in both understanding and addressing the threats from violence. Furthermore this approach allows officers to consider what tactics (police led or otherwise) will produce positive outcomes to address and prevent violence.

To further support this approach and in preparation for the Code of Practice on Stop and Search, Police Scotland have taken significant steps to ensure that the use of stop and search is lawful, proportionate, justifiable and appropriate with specific recognition of the values of fairness, integrity and respect. This relates to both an individual level and an organisational level.

The work of the Research and Evaluation Operational Review Group (REORG) continues to ensure that academic research informs operational practice. This is allowing continuous improvement around stop and search.

In terms of reporting to the SPA and Scottish Government, Police Scotland provide regular Exceptions Reports. These Exceptions Reports include the number of: strip / intimate searches of those under 18 years; protection of Life / other searches; seizures and surrenders of alcohol in accordance with Section 61 Crime and Punishment (Scotland) Act 1997 and local authority byelaws; the use of stop and search under Section 60 Criminal Justice and Public Order Act 1994; and the number of complaints.

Since the introduction of the Code of Practice on 11 May 2017, Police Scotland have been publishing stop and search information including: the number of searches carried out under each statutory power; how many persons searched on two or more occasions; the age gender and ethnicity of the persons searched; the proportion of searches that resulted in something being seized; the proportion of searches resulting in a case being reported to the Procurator Fiscal; the number of strip searches; the number of authorisations issued under S60 of the Criminal Justice and Public Order Act 1994; the number of complaints made and the number of receipts issued.

Police Scotland's Performance Framework 2018-19, includes a measure to assure that Stop and Search is carried out in accordance with the Code of Practice. The monitoring of outcomes against this measure will help ensure that the use of stop and search is contributing to local priorities.

**Recognising the significant developments to policing in Scotland, promoting an evidence based and outcome focussed approach, it is suggested that this recommendation has been addressed.**

**As Police Scotland propose that recommendations 11 and 16 have been addressed, confirmation is now sought as to whether the Scottish Government are content that all recommendations made in the Stop and Search Update Report to the Cabinet Secretary, March 2015, have been discharged.**



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Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
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ISBN: 978-1-78781-921-4 (web only)

Published by The Scottish Government, June 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS595930 (06/19)

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