

Twelve Month Review of the Code of Practice for Stop and Search in Scotland

Qualitative Report

June 2019



Scottish Government
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Twelve Month Review of the Code of Practice for Stop and Search in
Scotland: Qualitative Report

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February 2019

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Acknowledgements

We would like to thank everyone who gave up their time to speak to us for this review – police officers, police supervisors, representatives of the National Stop and Search Unit, practitioner organisations, and all the young people who spoke to us about their experiences of stop and search. We are also very grateful to the Independent Advisory Group for this study who have provided invaluable support and advice. We would also like to thank our academic advisor, Ben Bradford (University College London), for his expert insight and advice throughout this study, for which we are extremely grateful.

All analysis and interpretation in this report is the responsibility of the authors.

Ipsos MORI Scotland

Executive Summary

Aims of the 12-month review

The statutory Code of Practice (CoP) governing police use of stop and search was enacted in Part 2 of the Criminal Justice (Scotland) Act 2016, and came into operation in May 2017. Following a six-month interim review of the CoP, conducted by Professor Susan McVie, it was recommended that the 12-month review should examine evidence on how effectively the CoP was operating, with a particular focus on the following areas:

- identifying any potential gaps in the legislation around young people and alcohol
- identifying any other potential gaps in the legislation or lack of clarity in the CoP
- searches of individuals with protected characteristics.

Methodology

The review was carried out using a qualitative approach, with five groups of participants: police officers, police supervisors, representatives from the Police Scotland National Stop and Search Unit (NSSU), young people aged 16-19 who had witnessed or experienced a stop and search since the CoP was introduced, and practitioners working with young people or other vulnerable groups that were more likely than average to have experienced a stop search.

To allow for a focussed, in-depth exploration of experiences and perceptions of stop and search, a targeted case study approach was taken. Participants were selected from three areas across Scotland, specifically chosen due to the high rates of stop and search in the area. The chosen case study areas were: Peterhead and Fraserburgh; Falkirk; and Southside Central (the Govanhill area) in Glasgow.

This review was carried out using a qualitative approach. Qualitative samples are generally small, and are designed to ensure a range of different views and experiences are captured. It is not appropriate given the number of interviews conducted to draw conclusions from qualitative data about the prevalence of particular views or experiences nor is it appropriate to extrapolate these views to all police officers, across all divisions within Scotland.

Key findings

The stop and search procedure

- Feedback from police participants indicated that the key stages of the stop and search procedure had remained largely unchanged since the introduction of the CoP. The main exceptions to this were the issuing of receipts and entering details into the stop and search database, with police raising few concerns about these changes.
- Police stressed that one of the key stages of the procedure was the establishment of reasonable grounds for suspicion. While all officers were conscious of the requirement to establish reasonable grounds for suspicion, some felt this restricted their ability to search individuals in certain circumstances, particularly since the cessation of non-statutory consensual searches.
- Generally, officers felt that guidance on reasonable grounds was clear and they felt confident using their judgement on how to apply the test in practice. However, there was a sense that the test for reasonable grounds was primarily based on the individual judgement of each officer, and that the CoP could not be prescriptive about what those grounds were.
- Young people, for their part, were generally negative about their experience of being stopped and searched, particularly three key elements of the procedure: the way police spoke to them; the public nature of the search which caused them to feel embarrassed; and the justification for the search itself which they tended to say was unfair and unwarranted. Such views tended to be framed within negative overall opinions of the police, either as a result of past personal experiences or more deep-rooted attitudes towards police in general.

Volume of use and outcomes from stop and search

- Among the NSSU and other police participants, it was widely perceived that there had been a reduction in the number of overall stop searches in Scotland over time. It was noted that this change in approach had been observed in advance of the implementation of the CoP, and particularly since the cessation of the non-statutory consensual searches. The impact of this cessation, and associated reduction in stop searches, had been more clearly felt in the West than in the North or East.
- In terms of police views on the extent to which stop and search was used, opinions varied between those who felt it was used as much as it should be, to those who felt it was under-used. Among those who felt it was not used enough, there was a perception that the requirement for all searches

to be statutory-based could create a degree of caution around using the power. This caution could be compounded by a fear about future ramifications for the officers in question if their justification for the search might later be viewed as unfounded.

- In terms of young people's views, several felt that stop and search was over-used, and perceived it to be targeted towards people of their age group. This view was supported by practitioners working with young people.
- Two of the key aims of stop and search are to help prevent and detect crime; police gave mixed views on the effectiveness of stop and search in achieving these aims. Where searches had resulted in the recovery of an item, this had the direct impact of detecting and solving the relevant crime and increasing public safety by removing the prohibited item from the individual. However, police found it more difficult to say whether or not stop and search had deterred individuals from carrying out criminal behaviour.

Searches of individuals with protected characteristics

- From a police perspective, there was no discernible difference in the rate of searches of children and young people since the introduction of the CoP. However, in the West it was noted that the rate of these searches had decreased since the cessation of non-statutory searches.
- Police largely felt confident in their approach to searching children and young people, though stressed the importance of communicating in an appropriate way and managing the situation in order to minimise any potential conflict or distress for the young person.
- In terms of the guidance available about searches of children and young people, police had mixed views, with some feeling that it did not go far enough in providing specific advice on how to engage with individuals of this age group.
- Young people were generally negative about their experience of being stopped and searched, with some feeling they were "picked on" and targeted by the police, a sentiment that was supported by practitioners.

Young people and alcohol

- Searching of young people for alcohol did not emerge as a particular issue in the current review. This was true both of police and young people who participated in the research.

- Police were largely aware that young people and alcohol did not fall within the remit of a stop and search procedure, and that they did not actually have a power to search young people that they suspected of having alcohol. Rather than feeling conflicted or unclear of their grounds when encountering young people with alcohol, they instead relied on their discretion and their policing skills to manage the situation. Invariably, this resulted in the young person surrendering the alcohol, therefore removing the need for an arrest to be made.
- Young people, for their part, found dealing with the police when they had alcohol in their possession much less problematic than being stopped and searched. They also cited examples of situations where they were seen drinking on the street and were simply asked to hand over the alcohol in their possession, as opposed to being searched.
- The dominant view from police participants was that the guidelines on dealing with young people and alcohol were clear and this was in line with the experiences they described. That said, there was a sense, albeit not a particular emphatic one, that the power to search for alcohol would help to close the potential “loophole” that young people could be arrested if they refuse to hand over alcohol.

Other gaps in the legislation

- The research explored whether or not the current legislation had left significant gaps in the police’s powers to stop and search, and whether this had resulted in searches being carried out that were considered justifiable by officer, but not covered by legislative powers. Potential concern over these gaps were not, however, borne out in this research.
- No examples were given of searches having been carried out outside of Section 65 of the Criminal Justice (Scotland) Act 2016, or in breach of the CoP. Where potential gaps in legislation were noted, these were in relation to powers to carry out a search of someone in private property when there was a need to protect life and to search for pyrotechnics; though actual experience of these scenarios was limited.
- While there was concern that, prior to the addition of paragraph 3.4 of the Code of Practice, police may have been restricted from searching an individual in private premises where someone was at risk of hurting themselves or someone else, officers were aware they now had the power to carry out a search for the purpose of protecting life (under the Police and Fire Reform (Scotland) Act 2012) and felt that this would take precedence, allowing them to intervene in these situations as needed. With respect to pyrotechnics, experience of this was again limited, though

it was noted that police were without a power to search individuals for these items and that power to do so could prevent potential harm being caused.

- In relation to dealing with vulnerable individuals, police felt satisfied with the guidance available on how to manage these situations, and did not identify any particular gaps in the legislation in this regard. It was suggested, however, that the approach taken to these searches was based more on experience and general policing skills, rather than specifically being attributed to the CoP.

1. Introduction and background

1.1 Introduction

The police power to stop and search people in public places was, until recently, relatively uncontroversial in Scotland. In stark contrast to the situation in England and Wales, and in relation to ‘stop and frisk’ powers in the United States, police in Scotland enjoyed relatively uncontested formal and informal powers to stop, question and seize goods in encounters legally and substantively different to those of arrest. This changed in 2014, when ground-breaking work by Kath Murray at the University of Edinburgh (Murray 2014) revealed the extent of police use of stop and search powers by Police Scotland and its legacy forces. Levels of stop and search in Scotland were in some cases remarkable: per capita rates in some areas exceeded those of London and New York, with young men particularly prone to being stopped (*ibid.*). Yet there was relatively little public debate about, or even awareness of, this mode of police activity; unlike the situation in England and Wales. For example, police data on stop and search was not made publicly available on any regular basis.

Since 2014, there has been an on-going programme of academic research and policy development around stop and search in Scotland, which has revolved most importantly around three issues: the sheer level the use of stop and search powers had reached; the use of non-statutory ‘consent-based’ searches; and a disproportionate focus on young people, particularly young men. A central component of this process was the establishment by the Cabinet Secretary for Justice of the Independent Advisory Group on Stop and Search (IAG) in 2015. The IAG recommended the abolition of non-statutory ‘consent-based’ searches, the regular publication of stop and search data by Police Scotland, and a statutory Code of Practice (CoP) governing use of the power. These changes were enacted in the Criminal Justice (Scotland) Act 2016, and the CoP came into operation in May 2017. It is thus within a much altered, and still fluid, political and regulatory climate that the project described below is located.

The CoP was subject to a six-month interim review, conducted by Professor Susan McVie and published in 2018. The review concluded that: police use of stop and search did not alter substantially after the publication of the CoP, largely because use had fallen substantially before that time; the proportion of positive outcomes had increased as use fell; that young people continued to be disproportionately more likely to be stopped; and that there was significant geographic variation in use of the power across the country. It is worth noting at the outset that within the UK none of these three developments is unique to Scotland – indeed, all apply equally well to the situation in England and Wales, although Northern Ireland remains an outlier (Topping and Bradford 2018).

1.2 Aims of the 12 Month Review

The six-month interim review made a series of recommendations about areas the 12-month review should explore further. The purpose of the 12-month review was to examine evidence on how effectively the CoP was operating, with a focus on four key areas:

- identifying any potential gaps in the legislation around young people and alcohol;
- identifying any other potential gaps in the legislation or lack of clarity in the CoP;
- whether there has been any increase in the use of Section 60 of the Criminal Justice and Public Order Act 1994;
- searches of individuals with protected characteristics.

On commencement of the study, and in discussion with the IAG, it was agreed that there were so few examples of Section 60 searches in practice that this area was no longer a requirement for this strand of the research¹. The remaining three areas were therefore the focus of this review.

The 12-month review was carried out in three separate strands; a quantitative strand of the review was carried out by Professor Susan McVie, exploring the volume, trends, and patterns of stop and searches in Scotland; an internal review of stop and searches by Police Scotland; and this qualitative strand carried out by Ipsos MORI Scotland in partnership with Professor Ben Bradford. The aims of the qualitative research were three-fold:

- a) to gather information on the experiences and views of police officers who have been involved in conducting, supervising or authorising searches during the first year of implementation of the CoP;
- b) to gather information about the experiences, perceptions and views of young people who have experienced or witnessed stop and search taking place during the first year of implementation of the CoP; and
- c) to gather information from other stakeholder groups, including practitioners who work with children and young people, to ascertain their views and perceptions about any changes that have occurred since the introduction of the CoP.

¹ As noted in the quantitative 12 month review, data provided by the National Stop and Search Unit showed there had been only three authorisations under Section 60 since the implementation of the CoP, providing evidence that there has been no increase in the use of Section 60 authorisations as a way of creating wider opportunities for search under the CoP.

1.3 Methodology

The review was carried out using a qualitative approach, with five distinct groups of participants: police officers, police supervisors, representatives from the Police Scotland National Stop and Search Unit (NSSU), young people aged 16-19 who had witnessed or experienced a stop and search since the Code of Practice was introduced, and practitioners working with young people or other vulnerable groups that were more likely than average to have experienced a search.

To allow for a focussed, in-depth exploration of experiences and perceptions of stop and search, a targeted case study approach was taken. Participants were selected from three areas across Scotland, specifically chosen due to the high rate of stop and search in the area, based on data available in the National Stop and Search Database (as at June 2018). A high prevalence of stop and search allowed a greater chance of identifying and recruiting young people who had experienced stop and search, and correspondingly police officers who had recently used the power. Data used to identify the case study areas is summarised below, based on the number recorded seizures and searches among those aged 18 and under.²

Table 1.1 – Number of recorded searches and seizures of those aged 18 by command area (March 2017 – April 2018)

Area	Number of cases (top 5 highest shown for each Command Area)
North Command Area	
Inverurie and District	178
George St/Harbour (Aberdeen)	109
Peterhead (North and South combined)	100
Inverness Central	81
Fraserburgh and District	76
East Command Area	
Falkirk (North and South combined)	77
Edinburgh City Centre	72

² Data sourced at the National Stop and Search Database (period, March 2017- April 2018). Available at <http://www.scotland.police.uk/about-us/police-scotland/stop-and-search/stop-and-search-data-publication/>

Almond (Edinburgh)	67
Bathgate	54
Galashiels and District	53
West Command Area	
Southside Central (Glasgow)	195
Anderston/City/Yorkhill (Glasgow)	148
Clarkston, Netherlee and Williamwood (East Renfrewshire)	115
Giffnock and Thornliebank (East Renfrewshire)	111
Pollokshields (Glasgow)	89

In addition to the prevalence of searches, other practical factors were considered in the choosing of case study areas, including: achieving a mix of large and small urban areas; likelihood of a high footfall of young people that could be recruited to take part in an interview over the course of a day; and their proximity to Police Scotland stations where fieldwork with police would be carried out. Taking this range of considerations on board, and to allow for a spread across the three Police Scotland Command Areas, the chosen case study areas were:

- North: Peterhead and Fraserburgh³
- East: Falkirk
- West: Southside Central Glasgow (the Govanhill area).

1.3.1 Sampling

While qualitative research does not aim to provide findings that are in any way representative, some steps were taken to ensure a range of different perspectives were represented. Beyond the use of a case study approach to account for regional variation, the recruitment aimed to achieve a mix of:

- police officers from different units, including both community based officers and those from response units, and both those working in uniform and in plain clothes

³ Young people were interviewed in Peterhead, but police were interviewed in Fraserburgh (with representative from officers that also covered the Peterhead area).

- both female and male young people who had witnessed or experienced a stop and search, including those from different ethnic backgrounds
- practitioners working with a range of different potentially vulnerable groups, including young people, homeless individuals and those with substance use problems.

1.3.2 Recruitment

A range of techniques was used in recruiting participants for the research, tailored to the different audiences.

- Police Scotland representatives were recruited with the assistance of the NSSU and via lead contacts within each of the three case study areas. Police officers and supervisors were asked to attend the relevant police station on a specific day, allowing the research team to conduct focus groups and interviews over the course of that day. Although research was carried out within police stations located in the case study areas, officers and supervisors that participated in each area included representatives from a range of divisions, to allow for representation from a wider geographical area.
- Young people were recruited through a 'hall-testing' on-street approach. The research team based themselves in a central venue in each study area, with recruiters stationed in the immediate vicinity. Recruiters approached young people and invited them to participate, using a specially designed questionnaire which screened for those who had experienced, or had witnessed, stop and search within the last 12 months. Where a participant had experienced multiple incidences of stop and search, they were asked to describe the most recent. Each young person that participated in an interview was offered a £20 voucher as a 'thank you' for their time.
- Practitioners were recruited primarily through direct email and telephone contact, from a compiled list of professionals working with young people and other potentially vulnerable groups such as homeless adults, adults with substance use issues, and BME individuals in the three areas, identified through desk-based research. A supplementary snowball approach was also used, capitalising on participants' networks and specialist knowledge. While efforts were made to ensure interviewees were based as close as possible to the selected case study areas, in order to speak to as many relevant stakeholders as possible and to capture a variety of different perspectives, we allowed for a degree of flexibility in the locations of practitioner interviews, including some practitioners based in Edinburgh to inform the Falkirk case study, and some working more broadly across Aberdeenshire to inform the Peterhead/Fraserburgh case study.

1.3.3 Fieldwork

Fieldwork was conducted in September and early October 2018. Two days were spent in each of the case study areas, with additional fieldwork carried out by telephone with participants who were unable to attend on fieldwork days. In total, the fieldwork comprised:

- 3 mini groups and 10 in-depth interviews with police
- 3 mini groups and 2 in-depth interviews with police supervisors
- 54 semi-structured interviews with young people, across the three case study areas
- 9 in-depth interviews with practitioners working with young people and other potentially vulnerable groups, across the three areas
- and 3 in-depth interviews with representatives from the NSSU.

All the interviews with young people were conducted face-to-face, and all interviews with practitioners and NSSU staff were conducted by telephone at a time of their convenience, minimising any burden on participants; interviews with police officers and supervisors were conducted in both modes, for the convenience of the participant and therefore to maximise participation rates. The Discussion Guides used in interviews are listed in the Appendix.

Young people who participated were given an information sheet about the research and asked to sign a consent form prior to their interview, as well as contact details of organisations offering support and advice on completion of the interview.

1.3.4 Analysis

All interviews and focus groups were audio-recorded with the consent of participants, and detailed notes were made by the researchers. All police interviews were transcribed for analysis purposes.

Interview and focus group notes, transcriptions and recordings were then systematically analysed to identify key themes emerging in relation to each question in the discussion guide, along with the key points relating to the overall aims of the review.

1.4 Reporting conventions and structure

1.4.1 Reporting conventions

As noted above, this review was carried out using a qualitative approach. Qualitative samples are generally small, and are designed to ensure a range of different views and experiences are captured. It is not appropriate given the number of interviews conducted to draw conclusions from qualitative data about the prevalence of particular views or experiences. As such, quantifying

language, such as *'all'*, *'most'* or *'a few'* is avoided as far as possible when discussing qualitative findings, though where an opinion has been made by just one participant, this is made clear.

In order to protect anonymity, participants are identified using anonymous titles only, and quotes from police are not attributed to specific case study areas (given the small numbers of participants in each area, a job title in combination with the location could easily be identifying).

In this report, reference to 'police' and 'the NSSU' means the representatives that participated in the review, rather than the views of Police Scotland or the NSSU as a whole. Similarly, references to 'young people' relates to those who participated in the research, and does not claim to represent the wider views of young people in the case study areas or beyond.

1.4.2 Report structure

The remainder of this report is structured as follows:

- Chapter 2 describes **the current stop and search procedure**, noting any changes in the process since the CoP, details of the current oversight of the process, and training provided to officers
- Chapter 3 outlines perceptions on **level of use and impact of stop and search**, specifically the volume of use, how that has changed over time, and the perceived effectiveness of the power
- Chapter 4 considers the research question relating to **searches of individuals with protected characteristics**
- Chapter 5 considers views on searches of **young people for alcohol** drawing on the experiences of both police and young people
- Chapter 6 includes views on any **other perceived gaps in the legislation or lack of clarity in the CoP**, including around interaction with vulnerable individuals.
- Chapter 7 discusses the **conclusions** from the review, by revisiting the three key research questions.

2. The stop and search procedure

2.1 Introduction

This chapter describes how the stop and search procedure currently works, and the extent to which it has been carried out in line with the CoP. It then outlines the current structure in place to oversee use of the procedure, and views about the training provided to officers carrying out stop and search.

2.2 The current procedure

Feedback from police and the NSSU suggested that stop and search was generally being carried out in line with the CoP, though this was not always supported by the accounts of young people. Views on each stage of the procedure are explored in more detail in the sections below.

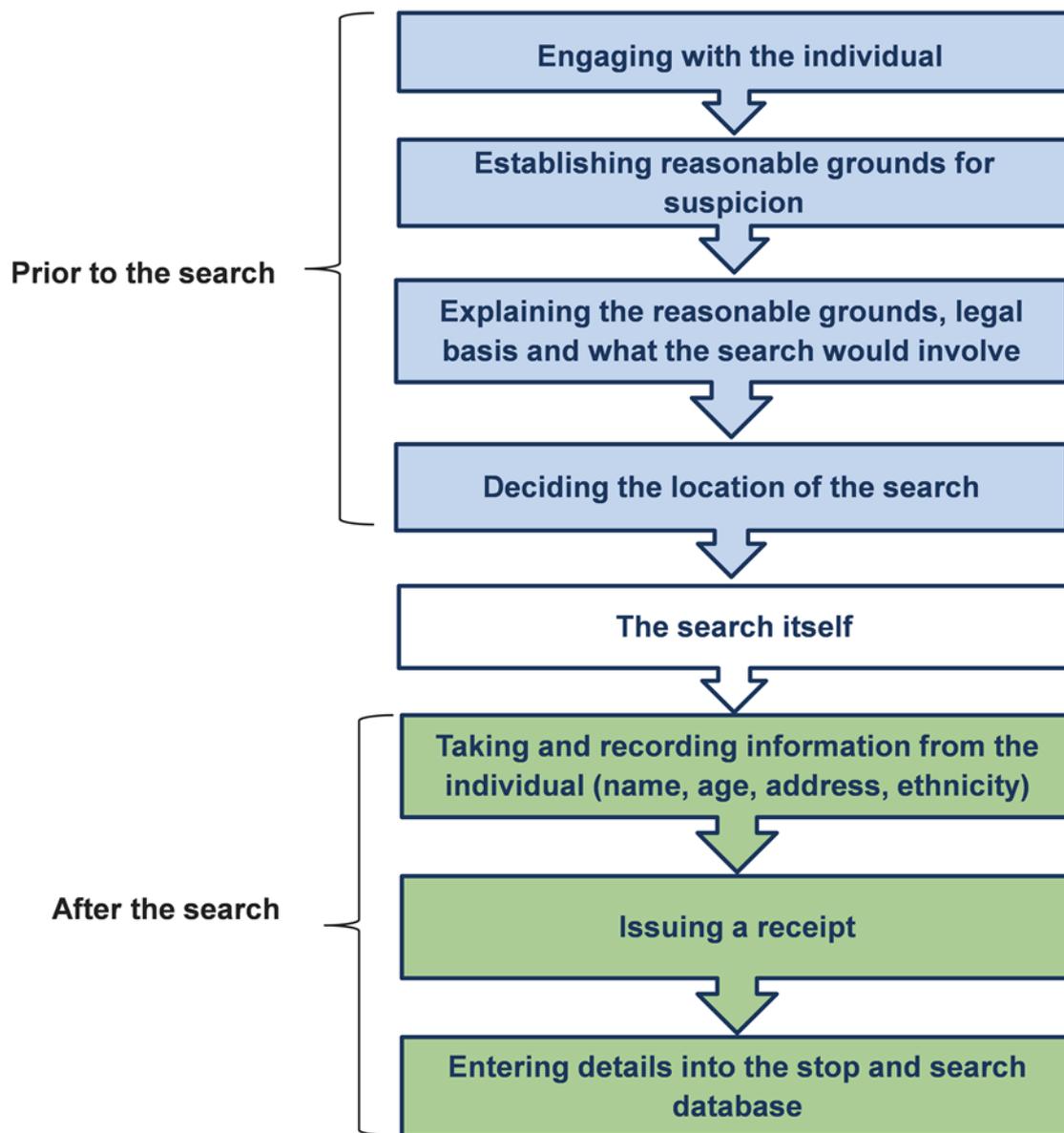
2.2.1 Summary of key stages in the procedure

Based on feedback from both police and young people, stop and search was primarily carried out where the individual was suspected of carrying drugs, an offensive weapon, or stolen property. Police noted that drugs were the most common reason for searches overall (supporting findings from quantitative analysis), though this varied depending on the area and the unit in question (e.g. officers from violent crime teams said they were more likely to be searching for offensive weapons than drugs).

The key stages in the stop and search procedure, as described by police representatives, are summarised in Figure 2.1 below and reflect the broad stages of the process outlined in the CoP. The key stages of the procedure shown have remained largely unchanged since the introduction of the CoP. The main exceptions to this were in the latter stages, specifically the issuing of receipts, which was new to the process and expanding the amount of detail entered into the stop and search database.

The key stages of the process are explored in more detail below, based on feedback from both police and young people who had experienced stop and search.

Figure 2.1: Key stages in the stop and search procedure



2.2.2 Engagement with the individual

The CoP states that “before detention and carrying out a search, the constable should try to engage with the individual and ask questions about the person’s behaviour or presence which gave rise to the constable’s suspicion” (s4.10).

Police said that in almost all cases they would engage with individuals first before a stop and search was carried out. The only exceptions would be if they knew the individual was carrying a knife and had the potential to use it, in which case they may restrain the person first before beginning to ask questions.

Police highlighted the importance of engagement with individuals as part of the process. Partly, this was as a means of establishing the reasonable

grounds for suspicion (see 2.2.3 below) before deciding whether or not to carry out a search. However, it was also seen as a crucial aspect in the overall process, as it helped to build rapport with the individual and make them as comfortable as possible. Police officers would also alter their communication style as necessary depending on the individual in question. This ability to adapt was seen as particularly important when engaging with vulnerable people, including those with mental health conditions, and young people. Police officers also adapted their language to ensure that the individual understood what was happening. Observations of behaviour during the initial engagement were also seen as important in establishing whether there was any potential risk of the individual trying to run away or becoming violent, with police officers again adapting their approaches accordingly.

"[You use your] social skills. There's not really one hard and fast way how you're approaching someone about a stop search."

(Police officer)

"Basically, it's your normal mechanics of speaking to people. If I think that person is a threat, then my elbow is going to go to the 90 degrees, so you're able to react, defend yourself or intervene if they try to get away. Then you are talking as best you can, calm, clear, concise, and then you immediately explain what you're going to do and the reason why."

(Police officer)

Feedback from young people suggested that in almost all cases police had engaged with them in advance of the search taking place. When describing their experience, young people typically said that the police had initially approached them (either on foot, or having exited a police vehicle), spoke with them, and asked questions of them (such as what they were doing, where they were going, and where they had been) before telling them that they had suspicion to search them.

In terms of the nature of the engagement from police, young people expressed mainly negative views. While some participants noted that police had spoken to them in a calm and pleasant manner, it was more common for them to take exception to the way in which police had interacted with them, describing their tone as "rude" and at times "aggressive", both at this initial stage and throughout the process. Indeed, the communication style used by police was often highlighted as one of the factors which contributed to them having a negative view of their experience overall. It is worth noting that such views tended to be framed within negative opinions of the police, either because of past personal experiences or more deep-rooted attitudes towards the police in general. Within the context of these wider perceptions, communication and engagement style was one of the main areas that young people felt should be addressed as a means of improving their views of, and relationship with, the police.

2.2.3 Establishing reasonable grounds for suspicion

While police took a range of factors into consideration in deciding whether or not to search an individual, the fundamental basis on which they did so was the legal test of “reasonable grounds for suspicion”. As stated in s4 of the CoP: *“Reasonable grounds for suspicion is the legal test that a constable must satisfy before they can stop and detain a person to carry out a search under almost all statutory provisions. The usual requirement is a reasonable suspicion that the person has committed, or is committing, or is about to commit, a particular crime or is in possession of a prohibited article.”*

It was common for police officers to say that they would not carry out a search if they did not feel confident that they had reasonable grounds for suspicion. In particular, they were conscious of the prospect that unreasonable grounds could potentially be challenged in court at a later date, and they therefore had to be confident that this legal test had been satisfied.

A range of factors were taken into consideration in establishing reasonable grounds, drawing on a combination of intelligence about individuals and officers’ own observations of behaviour while engaging with members of the public. Intelligence about an individual could include: reports from members of the public such as witnessing theft of property; and intelligence that had been gathered by the police over a period of time. Police also used a more reactive approach when they observed people behaving in a way that led them to suspect they may be carrying an item. Factors taken into consideration included behaviour that would suggest drug use, such as smelling of cannabis, slurred speech, and dilated pupils, or other unusual behaviour such as running away when police approached. However, the overall sense was that reasonable grounds was multi-faceted and was down to the police using their judgement on a case-by-case basis.

“It could be a smell, it could be an observation, it could be nervousness or looking like they're trying to hide something, or it could be a variety of things. It's a tough one to explain... it is a build-up of all those different factors rather than any one factor.”

(Police officer)

“‘Reasonable’ is subjective. So, what’s reasonable in one set of circumstances might not be reasonable in the next and it’s impossible to say.”

(Police officer)

While all officers were conscious of the requirement to establish reasonable grounds for suspicion, some felt this restricted their ability to search individuals in certain circumstances. Specifically, it was noted that police were often aware that an individual had been searched multiple times in the past, each time with the positive recovery of an item, and that searching the same individual again would be likely to result in the same outcome.

However, in the absence of any other information that would establish reasonable grounds, they knew they would be unable to carry out that search. This had become more apparent since the cessation of non-statutory consensual search, and officers who had carried out such searches in the past felt they were now using the power less.

“If I stopped [someone] with drugs on them yesterday, there is a good chance they might have drugs on them today... but because you've got no grounds, you can't stop them.”

(Police officer)

In terms of guidance on reasonable grounds within the CoP, there were mixed views. Generally, officers felt that guidance on reasonable grounds was clear and they felt confident in using their judgement on how to apply the test in practice. However, even among those who felt the guidance in the CoP was clear, there was a sense that the test for reasonable grounds was primarily based on the individual judgement of each officer, and that the CoP could not be prescriptive about what those grounds were. The onus on individual officers to apply their own judgement was seen as one of the challenges of the process, particularly for less experienced officers that had encountered fewer 'real life' incidents that they could draw on to aid their judgement.

Though not a common view, some officers also felt that this subjective approach to reasonable grounds created inconsistency in its interpretation, and therefore felt that the guidance within the CoP lacked clarity and sufficient detail about what constituted reasonable grounds.

“It all comes down to personal experience and just learning on the job ...having a Code of Practice doesn't necessarily change those reasonable grounds and it can't be prescriptive about them.”

(Police officer)

“There is not enough in-depth information and that confuses cops, they just don't know what is right ... each circumstance is different, it's never the same and trying to relate what you've read to what you're dealing with at the time is really difficult.”

(Police officer)

2.2.4 Explanation of reasonable grounds, the legal basis and what the search would involve.

When describing the key stages of the stop and search process, police noted that they would, as standard, explain the reason for the search, provide the legal basis for the search, and provide a description of what the search would involve before proceeding. These steps were followed with the aim of ensuring the individual understood each of these elements, reflecting the requirement that *“constables must ensure, so far as is reasonably practicable, that the person understands why they are to be searched and what the search will involve”* (s6.10).

Based on the accounts of young people, it appeared that the grounds for suspicion and details of what the search would involve had usually been explained to them. However, while there were a number of young people who specifically remembered explanation of the legal basis, including those who could recall the specific legislation cited (e.g. the Misuse of Drugs Act), this was not commonplace.

Whether or not the reasonable grounds for suspicion, or the legal basis, had been explained, there was repeated suggestion by young people that police had “no reason” for searching them. This was coupled with a sense they were they were “picked on” by police, or searched because of who they were, how they looked (“they just think I look dodgy”), or who they associated with. This speculation suggests that, if police had explained their reasons for searching these young people, those reasons had either been forgotten or had not been believed. Again, such views should be interpreted in the context of wider negative opinions held about the police by young people.

2.2.5 Location of the search

In relation to the location of the search, the CoP states that “the search must be carried out at or near the place where the person was first detained” (s6.4), and that “where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off more than an outer coat, jacket, gloves, headgear or footwear), then this should, where possible, be done out of public view” (s6.7).

Police described either carrying out the search at the place where the person had been stopped, or moving them to a more private, discreet location such as a doorway or a side street. Officers said the reason for moving them would be to avoid embarrassment for the individual, particularly as they would be removing items of clothing, and to avoid attracting undue attention from members of the public. If a strip search was being carried out, for example if the officer had reason to believe that the individual had concealed items within their body, the individual would be taken to the station and the appropriate authorisation for the search would be sought.

"Most of the time you would try and [search] discretely, so you would perhaps go into a close, or round a corner, you would hope not to do it in the full glare of the public... So, you always do your best to minimise any embarrassment or to create a scene or to even attract others."

(Police officer)

Young people gave mixed accounts about the location of the search; some recalled being asked if they would like to be moved elsewhere, while others did not. Among those that had been asked, they usually said they were happy to be searched there and then to get it “over and done with”. However, for those who did not recall being asked, the location of the search was one of their main issues with the process. If carried out in a public place, young people felt embarrassed and uncomfortable. Indeed, when asked what they felt the police could do differently if carrying out a stop and search in future, one of the most common suggestions was doing so in a more private location away from passers-by.

2.2.6 The search itself

The actual search was described in similar terms by both police and young people, and usually involved the removal of the persons’ jackets, hats and shoes, turning out all pockets, and patting them down. Young people did not raise concerns about the way in which the physical search was carried out.

The main challenge noted by police was the need to manage any hostile, negative feedback from the person while the search was taking place, which in extreme cases could include physical violence. Where there was violence, or the threat of it, police used communication tactics to attempt to calm the situation, or restrained the person using handcuffs where necessary. However, this was seen as “part and parcel” of an officer’s role and one that they felt equipped to manage.

2.2.7 Taking and recording of details

Police and young people both described the information that was typically collected during the search, which consisted of names, dates of birth, addresses, and contact phone numbers. No particular issues were raised by police or young people in relation to the recording of these details.

Police were asked in more detail about a specific query raised in the six-month review, which noted that there had been an increase in the proportion of cases for which ethnicity was recorded as “unknown/not provided”. With a view to explaining this increase, participants were asked about the extent to which they recorded ethnicity and whether or not they faced any difficulties when doing so. Police said they asked and recorded ethnicity in “most” cases, and did not spontaneously raise any challenges in doing so. However, when asked about the large number of “unknown/not provided” cases, it was suggested that police officers may not have asked about ethnicity in these

cases because they felt it would have been uncomfortable or insensitive to do so. It was noted that the stop and search process is already a sensitive one, which requires careful management of the interaction between officer and individual, and that asking for ethnicity details could risk upsetting or offending the person being searched. As was a common theme throughout police views on the procedure, the importance of communication skills and the ability to judge the most appropriate approach to each situation was again emphasised.

“If you’ve stopped an Asian person in Glasgow and say, ‘What ethnicity are you?’ [and they answer] ‘I’m from Glasgow’...you don’t really want to start asking any further questions, because I’d probably find that quite insulting... you don’t want to press the issue and cause a potential offence.”

(Police supervisor)

2.2.7 Issuing of receipts

Issuing of receipts was noted by police as one of the main changes that came into place with the introduction of the CoP. Officers said they issued receipts for most searches they carried out. In cases where receipts were not issued, this was usually because the individual had run away before it had been prepared, or because they had declined the receipt. However, where this was the case the details of the search would still be recorded on the database. Though not common, there were also instances of officers carrying out a stop and search without their receipt book, for example if they were in plain clothes and not carrying their usual range of equipment and materials. In these cases, the receipt would be issued retrospectively.

“A receipt is written out [every time] and if they refuse it we generally keep them and then obviously it is logged on the system with the number and the fact they refused it.”

(Police officer)

Police supervisors and the NSSU noted that monitoring of receipts was in place, and that the data indicated that receipts were being issued in most cases. Where there was a record of a receipt not being issued, this would be followed up with the officers in question and an explanation would be sought.

“We constantly monitor if a receipt has been issued or not. So, if the database records that no receipt has been issued, we are able to then look and find out why. It allows us to maintain that record of...whether or not receipts have been issued and if not, what is the reason? Is the reason a legitimate reason?”

(NSSU representative)

In contrast to police views, feedback from young people suggested that receipts were not issued in all cases. Indeed, most of the young people we spoke to did not recall having received a receipt the last time they had been searched, including those that had been searched multiple times in the past and were therefore aware of the need for receipts to be offered. Where a receipt had been issued, they had tended to accept it because they wanted a record of the search for themselves or to show to their parents. Those that refused the receipt had done so because they “were not bothered” and did not see the benefit of having a record of the experience.

Overall, police officers were broadly positive about the use of receipts, though pros and cons were discussed. The perceived benefits of receipts were that they provided a formal and transparent record of the search that would both provide the person being searched with reassurance of the legitimacy of the procedure, and stand up to potential future scrutiny if the procedure was challenged in the future. Supervisors also noted that the introduction of receipts had led some officers to think carefully about their grounds for suspicion, as the receipt would involve details of the search being provided to the person, along with the opportunity to request more information and potentially complain if they felt justified in doing so.

“There is a wee bit more scrutiny towards it, because you are giving people receipts saying, ‘feel free to make a complaint.’ Everything has to be 100 per cent in your notebook, 100 per cent in your stop search form. So, that way it has improved just because of the importance of the information you've got to put in to cover yourself.”

(Police supervisor)

“I am a fan of the receipts, because I think it encourages...more transparency in officers, because they have to hand it out, so I think it probably makes them think about their grounds a bit more because they are going to be issuing somebody with a ticket.”

(Police supervisor)

The drawback of receipts, though relatively minor, were that they were somewhat of “a pain” to complete as they required more time and placed an additional level of administrative burden on the police.

2.2.8 Recording details on the Stop and search database

Based on feedback from police officers, details of all searches were recorded on to the stop and search database once the officer was back at their station. Generally, the database was considered straightforward and easy to use. A small number of officers, however, had faced difficulties providing the level of detail required within the database, which has increased as a result of the CoP. This included providing the postcodes for the search, which officers did

not always know the exact details of, and the amount of information required to explain their grounds for the search, which some struggled to articulate in sufficient detail. A more common view, even among those who found the database straightforward to use, was that it was time-consuming and difficult to fit around their other day to day tasks, which at times resulted in a backlog in records not being entered into the database.

2.3 Oversight and training

2.3.1 Oversight of the process

Officers carrying out stop and search are overseen by their supervisors (of sergeant rank), whose role includes: answering any queries officers might have about any aspect of the process; offering advice and guidance on any areas of uncertainty, including reasonable grounds for suspicion; reviewing officers' notebooks and ensuring that each stop and search is recorded as it should be.

Oversight of stop and search is also provided at a national level by the NSSU. Their role includes reviewing and maintaining standard operating procedures, and giving advice to police divisions about the CoP and the stop and search process. They also collate and monitor data recorded on the national stop and search database, including reporting on the number of incidences by area and identifying any trends over time. As part of their work, the NSSU also identify any cases where officers have not followed standard stop and search procedure, in which case they follow up with the officers in question for more details.

No concerns were expressed about the current oversight of the process. The NSSU did note, however, that their oversight of the process may ultimately be transferred to individual divisions and that appropriate preparation for this should be put in place.

2.3.1 Training

Prior to the CoP being introduced, a national training programme was delivered to help prepare officers for changes introduced by the code. This multi-faceted and extensive training programme consisted of online modular learning (via 'Moodle', the Police Scotland online learning platform) and face-to-face classroom based training for every officer up to and including the rank of Inspector in Scotland. The face-to-face training included topics such as:

- how to engage with individuals when carrying out a stop search
- the role of unconscious bias in decision making
- powers relating to children and young people, including how to handle seizure of alcohol

- how to establish reasonable grounds and articulate reasons for a stop search (including use of scenarios)
- how to record reasonable grounds using the stop and search database.

Feedback from officers and supervisors primarily related to the online training, with only a minority giving feedback on the face-to-face training.

It is important to note that while the police officers were fairly critical of the training received, this did tend to be related to the online training platform rather than the training itself. It was felt that use of the online platform made it difficult for officers to fit the training around their other daily tasks, which invariably resulted in them rushing to complete it before the deadline or completing it outside of their standard working hours. That said, there was at least some negative feedback on the language used within the online training was also criticised, seen as overly-formal and complicated, and too reliant on “jargon” that was difficult to understand.

"It was just a Moodle but for me it doesn't work, because you are given a time limit for when you need to be done by and you're either doing it on a night shift about five o'clock in the morning when you're absolutely shattered and you're not taking anything in or you're doing it when you're rushing and you're not taking anything in"

(Police officer)

While the initial training programme included both online and face-to-face training, it was suggested that in any future training a face-to-face approach would be preferable to online, both because this would give officers a specific day and time that they had to attend, and because it would foster an environment of learning from shared experience. It was also suggested that any future training should focus as much as possible on practical, real-life examples, particularly in relation to examples of reasonable grounds of suspicion.

"It's not always ideal to maybe sit a group down and have an input, but that's what it needs, everybody needs to be able to share experiences"

(Police officer)

3. Volume of use and outcomes from stop and search

This chapter describes police views on the frequency and volume of stop and search, and on the outcomes achieved from stop and search. It is worth reiterating that this research did not seek to quantify the number of stop and searches, that being the remit of the quantitative strand of the 12-month review. The qualitative research, rather, explored views on the reasons for any patterns in the number of stop and searches, and whether or not the power had been used enough.

3.1 Frequency and patterns of use

Police generally found it difficult to quantify the number of stop and searches they carried out, and said that it varied depending on the circumstances they encountered or the nature of intelligence they were working with at any one time. However, broadly speaking, community policing teams had carried out stop and searches as often as daily, while other units (response units, CID) tended to carry them out less often.

Observed patterns of activity by time and place, again, varied. However, police generally reported that the volume of stop and searches was usually higher on Friday and Saturday nights, particularly in relation to drug searches, and at times of year when people were more likely to be socialising, such as Christmas and bank holidays. Incidents were also more common around large events, such as concerts, festivals and football matches.

There were no particular types of people who police felt were more or less likely to be stopped and searched, but there were some observed patterns in terms of age group. Again, broadly speaking, those searched for recreational use “party drugs” at weekends were more likely to be aged 18 to 30, whereas those who were searched for drug dealing were more likely to be “career criminals” and therefore older. Overall, however, police stressed that the technique was used on a range of people and based on intelligence and/or observed behaviour rather than on the characteristics of the individual.

“It is completely mixed in terms of demographics and age - here you can have local people, people from England, all races, religions... I don't think [there are] stereotypes here, it is just [carried out] on the basis of the information we have.”

(Police officer)

Among the NSSU and other police participants, it was widely perceived that there had been a reduction in the number of overall stop and searches in Scotland over time, reflecting the trend noted in the quantitative 12-month

review (McVie, 2019)⁴. The reduction in the number of stop and searches was attributed to changes in the way the technique was carried out, specifically the cessation of non-statutory (consensual) searches. It was noted that this change in approach had been observed in advance of the CoP, as a result of the various pieces of preparatory work including the review of stop and search by Police Scotland, the independent review by HM Inspectorate of Constabulary (HMICS, 2015), and the Stop and Search Improvement Plan in 2015. This, again, mirrors findings from the quantitative review, which found that the decline in the number of seizures and searches since the introduction of the CoP reflected an ongoing, steady decline which can be traced back to 2015 (McVie, 2019).⁵ Police views were that the CoP had formalised a change that was already beginning to take place as a result of this preparatory work.

“A lot of work was done in preparation for the code coming in, so when it came in it cemented the improvements that we were already making...the development of the code of practice was equally as important as the code [itself].”

(NSSU representative)

In terms of the case study areas, police in the West felt that that they were carrying out fewer stop and searches than they had been before the CoP was introduced. In the other two case study areas, however, police felt that consensual searches had so rarely been used that the cessation of this approach had not had a significant impact on their volume of searches. In these areas, police said that before the CoP came into place they had always carried out stop and search based on having reasonable grounds for suspicion. They therefore felt that the CoP had formalised an approach that they were already using, rather than introducing significant changes.

“I don’t think anything ultimately really changed in the way I do things, other than formally issuing receipts and logging searches on the system...It hasn’t particularly affected the way we go about a stop and search on a day to day basis – the same reasonable grounds still exist and the same process has got to be followed.”

(Police officer)

However, as noted above, the impact of the cessation of non-statutory searches had been more clearly felt in the West. In this area, police spoke

⁴ McVie notes that during the twelve month period following the introduction of the CoP (June 2017 to May 2018), there were 32,307 encounters involving either a search or a seizure in Scotland, compared to 44,249 during the equivalent twelve month period of the previous year; a 27% reduction in the use of these police tactics.

⁵ The quantitative report by McVie (2019) notes that this trend can be traced back to the publication of the audit and review of stop and search carried out by HMICS in 2015.

about having previously used consensual searches and noted that the ending of this approach had resulted in fewer stop searches being carried out, attributing this to the additional onus placed on establishing reasonable grounds for suspicion.

"Five years ago it was multiple, daily searches...you could be doing two or three a day. [In the last] seven months I've probably done about ten... to justify a stop and search now is very, very, difficult."

(Police officer)

3.2 Perspectives on volume of use

In terms of police views on the extent to which stop and search was used, opinions varied between those who felt it was used as much as it should be, to those who felt it was under-used.

Among those who felt it was not used enough, there was a perception that the requirement for all searches to be statutory-based had created a degree of caution around using the power, particularly among less experienced officers who may not be confident in justifying reasonable grounds for suspicion. It was thought that this level of caution could cause some officers to hold back on using stop and search if they were not confident that they had reasonable grounds to do so. This caution could be compounded by a fear about future ramifications for the officers in question if their justification for the search might later be viewed as unfounded.

"It's not used enough... a lot of [officers], especially younger people in service, are maybe a bit more scared because of all the changes that have come in. They're scared they're going to get in trouble, they are scared they don't have enough grounds."

(Police officer)

"Officers now are thinking twice before stopping people...because of that extra scrutiny. And I do believe it's important that there is scrutiny, however I think...rightly or wrongly, it has put some officers off. There's probably a large amount of officers not doing as many stop searches."

(Police supervisor)

Aside from the legislative remit within which they could use the power, police noted further practical restrictions on the extent to which stop and search was used due to limited opportunities to engage with members of the public. Some police officers, particularly those in units covering a large geographic area, felt they did not always have enough time or capacity to stop and search as many people as they otherwise would. Similarly, those in response units who were dealing with a range of incidents, noted that they could carry

out more stop and searches if they had more opportunities to “be out an about” and engage with individuals in the community on a regular basis.

“There are times when it could be used a lot more, but because of the area we're in, there is not enough time to do it... you're going from job to job to job, because there is only one unit.”

(Police officer)

In terms of young people specifically, it was difficult to gauge their perceptions on the volume of use of stop and search, as each participant tended to discuss their own personal experience rather than making observations about the overall volume or trends in use. However, several young people felt that stop and search was over-used, and perceived it to be targeted towards people of their age group. Such assertions are difficult to support or discredit within the remit of this research, based as they are on participants' personal perspectives about use of the power and framed within their wider attitudes towards the police. However, they are worthy of further reflection, as they illustrate the nature of the perceptions held by these young people and the challenges this presents in terms of their ongoing relationship with the police.

Practitioners, for their part, also tended to feel that stop and search was used too much. Based on their experiences of working with young people who had been subject to stop and search, practitioners felt that the tool was being repeatedly used among the same groups of young people and in extreme cases was causing them to feel treated and labelled as criminals. One practitioner felt that young people were being searched repeatedly as they were “easy targets” for the police.

“I think they do it too much, and they have to be careful and very understanding when stopping young person, [because] you have to understand how you affect that young person.”

(Practitioner)

3.3 Outcomes from stop and search

In terms of the proportion of positive outcomes (i.e. recovery of an item) to negative outcomes (i.e. no items found), a range of views were put forward by police, ranging from those who felt a positive outcome was achieved “most of the time” to those who said this only happened in the minority of cases. This range in perspectives reflected the overall sense that outcomes were dependent on a range of factors, including whether there was intelligence in advance of the stop and search, the quality of that intelligence, and the type of item that was being searched for. It was felt that searches where police had intelligence were more likely to lead to a positive outcome, in comparison with searches that are solely based on reacting to an individual's behaviour.

While for several participants it was difficult to quantify any changes in outcomes over time, it was felt that the proportion of positive outcomes had increased since the implementation of the CoP. As noted above, the volume of searches had reduced since the cessation of consensual searches, and there was a sense that the approach was now based on “quality not quantity”. Specifically, it was felt that the CoP had placed an emphasis on having reasonable grounds for suspicion, and that officers therefore felt they needed to be confident they could justify those grounds before conducting a search. As a result of having reasonable grounds in place for every search, it was suggested that there was now a greater chance of achieving a positive outcome. This was compared with the period when consensual searches were being carried out, when there was such a high volume of searches that the proportion of positive outcomes was “diluted” by the sheer number of searches.

“Before [the Code of Practice] they were just impromptu searches on the off chance you might get something, possibly...which then meant your good results were diluted, massively diluted.”

(Police supervisor)

3.4 Effectiveness of stop and search as a police power

As stated in the CoP, one of the primary aims of stop and search is to help prevent and detect crime; police gave mixed views on the effectiveness of stop and search in achieving this aim.

In terms of *detecting and solving* crime, one of the key benefits of stop and search was that it involved direct engagement with individuals and therefore created the opportunity to “strike while the iron is hot” and recover any prohibited items on their person. Where searches had resulted in the recovery of an item, this was noted to have had the direct impact of detecting and solving the relevant crime and increasing public safety by removing the prohibited item from the individual.

“For detecting [crime], I would say it's useful...[With] weapons, it's a big public safety thing, it gives us the power to go and do something; if a member of the public tells us this person has got a weapon, it means that we can go and deal with it, detect it and solve their problem and hopefully protect somebody from getting hurt.”

(Police officer)

Police had also experienced indirect impacts of stop and searches, as a result of information becoming available through talking with individuals while they were being searched, which provided intelligence that could help solve crimes at a future date. This additional intelligence was even seen in cases where the search itself resulted in a negative outcome.

"I don't think there is any stop and search that isn't beneficial. [Even] though it is negative in terms of the search for drugs, you are probably going to end up getting some intelligence from that."

(Police supervisor)

Views on stop and search as a crime *deterrent* were mixed. On the one hand, some police suggested that use of the tactic may have deterred individuals from carrying prohibited items due to fear of being stopped and searched, though it was difficult for police to be certain of this. On the other hand, others felt that it was difficult for stop and search to act as a deterrent because of the nature of individuals involved, who were often likely to reoffend even if they had been caught with items in the past. It was also suggested that stop and search had become less of a deterrent since the introduction of the CoP, as members of the public were now more likely to be aware that consensual searches could no longer be used, and may therefore simply be more careful about how they behaved rather than actually ceasing criminal activity.

These views notwithstanding, the NSSU stressed that stop and search should not be viewed in isolation, but rather as one tactic that forms part of a wider strategy of violent crime reduction. When examining the longer term impact of tactics such as stop and search, they highlighted the importance of also looking at other elements that have an impact on offending behaviour, including education, health, and social care. This was a view echoed by practitioners, who noted the need for a holistic approach to addressing the needs of young people who have had contact with the police, in recognition of their vulnerable, chaotic lifestyles.

"I think a mistake we have made in the past is that we felt stop and search was an answer to all of society's ills and was going to keep people safe, when actually we have learnt to understand that it is one tactic that needs to be done appropriately, but there is a host of other things that actually work towards a positive outcome."

(NSSU representative)

4. Searches of individuals with protected characteristics

4.1 Introduction

In the six-month review, concern was expressed about the disproportionate use of stop and search among children and young people. These concerns had first been raised in 2014 after research suggested there was a higher rate of searching in Scotland compared to other countries and that children and young people were disproportionately subject to police searches (Murray 2014).

The CoP specifically covers searches of children and young people (in s7), and the training introduced by Police Scotland prior to the introduction of the CoP included elements aimed at improving methods of engagement with young people. The CoP also places restrictions on the extent to which any protected characteristics can be used as reasonable grounds for suspicion stating:

“The following cannot be used alone as the reason for stopping and searching any individual: a person’s physical appearance with regard to the relevant protected characteristics set out in the Equality Act 2010, section 149, i.e. age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.”

With this background in mind, one of the specific areas for consideration in the 12-month review was the use of stop and search among people from protected characteristic groups, particularly young people.

4.2 Searches of children and young people

4.2.1 Experience of the police

As with observed patterns of stop and searches generally, police had mixed experiences of searching children and young people, ranging from those who had done so very rarely to those who did so regularly. This range in volume and frequency somewhat reflected differences in police roles, with community police encountering young people more often than other units.

In the North and East, there was no discernible difference in the rate of searches of children and young people since the introduction of the CoP. However, in the West it was noted that the rate of these searches had decreased since the cessation of non-statutory searches, echoing the view on the overall rate of stop and searches in that area. Aside from frequency of searches, there was a sense that, since the introduction of the CoP, young people had become more aware of the stages involved in a statutory stop and search, and had become more likely to ask questions about the process and request receipts – although this did not necessarily tie in with the experiences of the young people included in the research who had little interest in receiving receipts.

Police largely felt confident in their approach to searching children and young people, though it was not without its challenges. One such challenge was linked to negative views that this age group often had about police, demonstrated through argumentative and confrontational reactions when approached and engaged with by an officer. As a result, officers stressed the importance of drawing on their communication and inter-personal skills to help make the interaction as calm as possible.

As well as the requirement to involve a parent or guardian where necessary, engagement with children and young people involved similar considerations as those of other vulnerable individuals, specifically the need to take extra

care in ensuring that the individual understood what was happening, and altering the communication style accordingly. It was also noted that there was need to be aware of any potential stress or anxiety that an encounter with the police might have on a young person, placing further emphasis on the importance of careful communication and management of the situation.

"When you're dealing with a younger person... you've got a wider consideration of how a young person could be impacted by having a police person detaining them and searching them."

(Police officer)

In terms of the guidelines provided on searching children and young people with the CoP, opinion was once again mixed. On the one hand, it was felt that the information on children and young people was clear and helpful, while on the other hand it was suggested that it did not go far enough in providing specific advice on how to engage with individuals of this age group. For those who felt there was a lack of clarity, this had contributed to a sense of uncertainty about how they should engage with young people, and in extreme cases had caused them to feel apprehensive about carrying out searches among this age group.

"I'm very confident with the legislation. Whether somebody is 15 or 50 it's the same power, [but] how you actually deal with young people is different...I don't know how clear that is in the Code of Practice."

(Police officer)

"I think I would feel a bit apprehensive about like stopping and searching a young person... maybe just to do with uncertainty in the legislation."

(Police officer)

4.2.2 Young people's perspectives

Of the young people who participated in the research, few had been found with an item in their possession. Perhaps reflecting this, almost all were negative about their experience of having been stopped and searched. When describing their experience, it was common for participants to say they felt the process had left them feeling "intimidated", "picked on" and that they were "treated like a criminal". These views were expressed in relation to the overall process, but specific aspects were highlighted as leaving a particularly negative impression; as noted earlier this included the way police spoke to young people, the location of the search, and the justification for the search having been carried out.

These negative views included a sense that young people were targeted because of their age. When asked why they had been stopped and searched, responses included speculation that it had been because they were "hanging

around with nothing to do” in the centre of town, which young people felt unduly arose police suspicion.

It should be noted that this point of view was also acknowledged among police participants, who were aware that young people often attributed being stopped and searched to being targeted by the police (though police stressed that this was not the case). It was suggested that young people were more likely than other age groups to share stories about their encounters with police, which would mean that negative perceptions about the procedure, and about the police in general, would easily be spread to others.

"They'll talk about it to their pals and they'll share stories.... [which has] a very damaging negative effect, beyond that individual. I think that's when the police become something which [young people] feel automatically negative towards."

(Police officer)

4.2.3 Practitioners' perspectives

Practitioners largely echoed the views of young people, though they saw both positive and negative impacts of stop and search. From a positive perspective, it was felt that stop and search could be an effective tool in encouraging and facilitating public safety, by removing weapons from young peoples' possession and potentially deterring them from using drugs. Use of stop and search was also seen as sending a positive message to young people, making them aware that they should not be in possession of illegal items and that if they did so they were likely to be caught.

However, these views were outweighed by more negative perceptions among practitioners. There was a general impression that stop and search was having an adverse impact on relationships between young people and the police. As noted above, practitioners felt that young people were being stopped and searched too regularly, leading to perceptions of targeting by the police. These were not seen to have abated since the introduction of the CoP, as they did not feel there was a discernible change in the frequency or manner in which the power was used. Reflecting on these concerns, practitioners stressed the importance of police being aware of the potentially stressful and traumatic impacts that a stop and search can have on a young person, and the need for police to manage the approach accordingly.

"[Young people] congregate in groups and hang about in parks and closes, wherever they can. Young people that are seen congregating... the stereotypical view [of the police] is "what's happening here? There's going to be trouble". And some of the [young people] know that if they get together, [they will be] pulled by the police whether they're up to anything or not."

(Practitioner)

“The police started targeting young people, and I did see that first hand. And it’s quite traumatising for a young person who’s never been in trouble with the police to get searched and sometimes ...it takes time to get over that.”

(Practitioner)

4.3 Searches of other protected characteristic groups

Discussion around searches of individuals with protected characteristics largely focussed on children and young people. The only other protected characteristic that was discussed was ethnicity, though this too was limited.

In terms of ethnicity, the quantitative 12-month review notes that the vast majority of searches and seizures in Scotland involve people who self-define as belonging to a white ethnic group (McVie, 2019). This finding is echoed by the views of police participants, who noted that the profile of individuals they engaged with tended to be pre-dominantly white, including those they stopped and searched. Police therefore raised few concerns about using the power among non-white individuals. The only exception was the aforementioned caution around asking an individual to describe their ethnicity, due to the potentially sensitive nature of the question (see 2.2.6).

Reflecting views of police, there were few issues relating to ethnicity raised by young people or practitioners. Indeed, non-white participants mentioned, unprompted, that they did not feel their ethnicity had been a reason for having been stopped and searched.

4.4 Perceived gaps in legislation

No gaps were noted in relation to the legislation surrounding searches of protected characteristic groups; police felt comfortable that there was sufficient clarity in their powers to stop and search in this respect. Where amendments were suggested, these were in relation to powers outside of stop and search, specifically searches of young people and alcohol, which are explored in the following chapter.

5. Young people and alcohol

5.1 Introduction

One of the key areas the research sought to address was to identify any potential gaps in the legislation around young people and alcohol. The lack of police powers to search young people for alcohol was one of the most contentious issues in the public consultation on stop and search. Following detailed consideration, the IAG recommended that there was insufficient evidence for the creation of new powers, but that this should be re-assessed after the CoP had been implemented.

This chapter addresses the findings from the research in relation to young people and alcohol in the context of stop and search.

5.2 Current approach to young people and alcohol

Under Section 61 of the Crime and Punishment (Scotland) Act 1997, the police have a power to seize alcohol. This allows officers to ask children and young people to hand over any alcohol where it is known or suspected that they are in possession of it in a public place. The police have no specific legislative power to search a person for alcohol, even if officers suspect them of concealing it and they have refused to surrender the alcohol. The only exception to this is at designated sporting events where the police have an alcohol search power in accordance with Section 21 of the Criminal Law (Consolidation) (Scotland) Act 1995, which enables officers to check bags and clothing as people enter the venue.

When asked about their experience of encountering young people with alcohol, police participants did not raise this as a problematic part of their duties – even though it was a relatively common one.

It appeared that police participants were following the correct protocol when it came to young people and alcohol. A number explicitly referenced the fact that they had no power to search young people for alcohol. But it was much more common for them to indirectly relay this through references to approaching young people because they were engaging in ‘public’ or ‘visible’ drinking.

“Generally, it is quite obvious – we can see them carrying it. We will ask them what it is, they will tell us and hand it over.”

(Police officer)

This was also borne out through the experiences of practitioners and the young people themselves. Practitioners described the procedure much in the same way as the police, highlighting that the police were not able to search young people for alcohol and noting that this usually did not happen.

Young people, for their part, found dealing with the police when they had alcohol in their possession much less problematic than being stopped and searched. They also cited examples of situations where they were seen drinking on the street and were simply asked to hand over the alcohol in their possession, as opposed to being searched. This was seen as “no big deal” and the officers encountered were polite – although some did express disappointment that the alcohol was seized.

One officer distinguished between the different legislation at play when dealing with a young person with alcohol, as opposed to that involved when conducting stop and search. However, they also stated that the actual procedure was “just the same” as stop and search and that the young people could be searched if there were reasonable grounds. This could suggest that

among at least some officers there is still confusion over whether or not they can search for alcohol. This finding was borne out to at least some extent from the findings from young people. Although less common, some did say that they had been asked to 'open their bags' when suspected of being in possession of alcohol – although their person was not searched.

The approach police took to interactions with young people they suspected were in possession of alcohol varied, and was based on the discretion of the officer and their policing skills. As with more general interactions with young people (discussed in section 5), it was the communication skills used that were thought to be key to a successful resolution of the encounter.

For the most part, interactions with young people with alcohol were thought to be straightforward by police officers and were dealt with as such. The police officer would approach the young person and ask for the alcohol to be handed over and in most scenarios the young people simply did so.

“Up here on a Friday or Saturday night, obviously you get a lot of young people going about the town with alcohol and stuff, and you hear the bottles clicking or you see the bottle through the bag. ‘Right, is that alcohol?’ ‘Right, we’re seizing it’ basically - it’s about communication.”

(Police officer)

It was also common to highlight that in certain situations, for example if the young person was visibly drunk, it was more appropriate to approach the situation from a welfare perspective. If this approach was taken, in addition to seizing the alcohol, actions taken included getting the young person medical assistance, taking them home to their parents and completing an entry on the vulnerable persons database.

When speaking hypothetically about a situation where a young person might refuse to hand over suspected alcohol, police officers were emphatic that they would not arrest an under-age person for refusing to hand over the alcohol – even though they knew that they have the power to do so. There was a feeling that this would be contrary to the wider drive to decriminalise young people and encourage police officers to put the welfare of young people at the centre of their interactions. Instead, police said that they would either let the young people go, or take them home to their parents. Only in situations where other crimes had been committed, such as criminal damage or anti-social behaviour, would they consider arresting the young person an appropriate action to take.

5.3 Perceived gaps in legislation

The dominant view from police participants was that the guidelines on dealing with young people and alcohol were clear and this was in line with the experiences they described.

It was uncommon for police to say that they thought the guidelines could be clearer, although this view did emerge. However, when those who found the guidelines unclear were asked, they could not elaborate on what aspects needed clarity. This could suggest that this could be an issue of familiarity with the guidelines rather than a problem with the content.

There were mixed views on whether the police should have a power to search for alcohol. While there was no real objection to introducing a power to search for alcohol, there was a feeling that it was not necessarily required as the current procedure was working and it was rare for officers to encounter problematic situations. Nonetheless, it was also suggested the introduction of a power to search would help to close the 'loophole' that young people could be arrested if they refuse to hand over the alcohol they have in their possession – although it appears that this does not happen in practice. However, as the legislation stands this is a possible scenario and participants were keen that in order not to criminalise young people this did not happen.

While the young people in the research were largely not conscious that the police cannot search them for alcohol, there was feedback from practitioners that some of their clients were becoming aware that this was the case. It was thought that this knowledge, in combination with young people's more combative behaviour when they had been drinking, may lead to a greater chance of arrest and the criminalisation of young people. For this reason, practitioners also supported a specific police power to search for alcohol.

While not something encountered by police participants on a day to day basis, the issue of large scale, spontaneous events such as the event on Troon Beach was raised (see McVie, 2018 p. 69 for more detail on the incident). In these situations, thousands of young people can congregate together and a large proportion of those will be in possession of alcohol. Police are not able to search the young people and if they choose not to give up their alcohol when asked, it could in theory lead to the arrest of hundreds – something that is not logistically possible or an appropriate response to the situation.

Other gaps in the legislation

6.1 Introduction

Under Section 65 of the Criminal Justice (Scotland) Act 2016, officers may only conduct searches in circumstances where they have explicit legal powers. The review therefore explored whether or not the current legislation had left significant gaps in the police's powers to stop and search, and whether this had resulted in searches that were considered justifiable by

police officer but which were not covered by Section 65. This included searches to protect life, under the Police and Fire Reform (Scotland) Act 2012.

This chapter presents views on any such gaps in the legislation, or lack of clarity in the CoP, and specifically explored any gaps in relation to searches of vulnerable individuals.

6.2 Clarity and remit of current legislation

Police generally felt clear on the remit of the current legislation surrounding stop and search, and which situations fell within the remit of other pieces of legislation. That said, it was acknowledged that officers needed to have knowledge of several pieces of legislation and that any means of helping them to recall the legislation easily, such as an aide-memoire, would be welcomed⁶.

"There are so many pieces of legislation out there. The one thing that used to be handy would be an aide-memoire at the start of our book, showing exactly what [they] were."

(Police officer)

Police officers and supervisors had not personally been involved in searches outside of Section 65, or in breach of the CoP. They therefore did not have direct experience of any conflicts between the legislation and their own justification for a search. It was noted that there had been a period where police had lacked the power to search individuals before they entered a police vehicle, but that the power to stop and search had recently been extended to include this; this was welcomed by officers who felt it was for the benefit of their safety and that of the individual.

While they had not personally been involved in searches not covered by the legislation, police and the NSSU did suggest areas where there may be, or may have been in the past, potential confusion surrounding the extent of police powers to search; these fell under two main areas.

Firstly, incidents where it may be necessary to carry out a search in order to protect life. The example was given of police being called to an incident involving an individual within a private residence who is at risk of suicide and may be concealing a weapon. The NSSU noted that this may create potential confusion around whether or not a search of that individual involves a breach of police powers. It was acknowledged, however, that the inclusion of section 3.4 of the CoP, stating "*a constable must take all steps necessary to protect life*" (as stipulated in Sections 20 or 32 of the Police and Fire Reform

⁶ It should be noted that the Stop and Search receipt books that are issued to police officers do contain information on the different powers of search despite this feedback.

(Scotland) Act 2012), had helped to clarify that police did have the power to intervene in these types of situation.

“An officer going into that person’s pockets [would have been] carrying out an unlawful act. But the Code of Practice picked that up and said nothing the code would stop an officer acting in a way for the purpose of protecting somebody’s life.”

(NSSU representative)

While supervisors and officers had limited experience of these situations, they also generally felt their duty to protect life took precedence over other aspects of the legislation. Where there was some uncertainty, however, was in cases where the individual may be in possession of pills or other harmful consumable substances; these would not fall under legislation relating to offensive weapons, but could still be used to inflict harm.

“I would be comfortable doing it knowing that it might not be defined in the law, but the reason for doing it was for good intention and to protect life, which is ultimately one of our main aims.”

(Police supervisor)

“You maybe get someone that's suicidal and...you don't really have reasonable cause to suspect they've got a knife, but maybe they've got something else, or pills in their pocket... a bit more clarification [would be useful], because so many calls are to do with mental health.”

(Police officer)

The second potential area for confusion was around the power to search for pyrotechnics. There was, again, limited direct experience of these types of searches among officers or supervisors. They felt this power would mainly be required at sports matches and that the power to search may be part of the condition of entry to the sports premises. However, it was again raised by the NSSU as a potential gap in the legislation, as officers did not have grounds to search for pyrotechnics and flares under the stop and search CoP which restricted their ability to intervene even though these items potentially posed risk of harm.

“Pyrotechnics within groups of people can cause a real threat or risk...we don't have the power to search for them, whereas if we did we could intervene early and move the potential risk of these things.”

(NSSU representative)

It was noted in the six-month review that there may be potential gaps in the legislation relating to police powers to search a vehicle for offensive weapons, as this fell outside of the stop and search powers. However, this did not emerge as an issue in this research, as officers had rarely faced any lack of clarity or conflict surrounding their power in relation to vehicle. Officers said they would usually have intelligence supporting their grounds to search a vehicle, and where necessary a warrant, and that they would be justified in searching a vehicle if it was clear that there was an immediate risk of crime.

In terms of monitoring of any incidents outside of the CoP, the NSSU noted that any incidents of searches that were carried out in breach of the code, were noted within the stop and search database. Through the NSSU's monitoring of the database they can identify any searches that may not have complied with the legislation, and follow up on them accordingly. This review process involves a member of the NSSU contacting the officer who carried out the search, speaking to them to understand their rationale for carrying out a search, and then providing any guidance or advice as necessary to help address any lack of clarity about the legislative remit of the power. The NSSU report any findings from the review to the Scottish Police Authority and Scottish Government.

6.3 Searches of vulnerable individuals

Section 8 of the CoP provides additional guidance relating to searches of vulnerable adults. It states that vulnerability is most likely to be encountered in situations where a person has mental illness, personality disorder, autism or a learning disability, and outlines steps that should be taken to mitigate any potential stress for the individual.

Police officers said they often encountered people who were in vulnerable situations, including those with mental illness, substance and alcohol addiction issues and other characteristics associated with chaotic lifestyles. In terms of their approach to a stop and search among these individuals, it was stressed that reasonable grounds for suspicion would not necessarily be different when dealing with a vulnerable person. However, the overarching view was that it was essential to take each person's needs into consideration, be sensitive to any vulnerabilities, and respond accordingly. Communication was once again highlighted as an important element of the process, with officers saying they would alter the language and style of communication accordingly, or ensure that an appropriate adult was present who was capable of understanding what was happening.

"I think when it comes to mental health issues or persons with learning difficulties, yes it's a different kettle of fish, but you can't ignore the fact there are grounds there. You just have to be a bit more sensitive about it and make sure there is somebody there who does understand before you do anything."

(Police officer)

"Safety comes first if somebody is vulnerable. If you're speaking to somebody ...maybe just doesn't understand or they don't have the capacity to understand then there has got to be consideration given how to best go about responding to that."

(Police officer)

Echoing their views on searches among young people, practitioners stressed the importance of police taking a sensitive approach to searches of vulnerable individuals, both in terms of ensuring their understanding but also taking steps to minimise any distress caused to the individual during or after the encounter.

Though it was rare for police to specifically make reference to the CoP, they tended to feel comfortable with the guidance provided on how best to approach searches with vulnerable individuals. They therefore did not identify any particular gaps in the legislation in this regard. It was suggested, however, that the approach taken to these searches was based more on experience and general policing skills, rather than specifically being attributed to the CoP.

7. Conclusion

This concluding chapter revisits the three key areas for focus for the 12 month review, and reflects on the key findings with respect to each, as well as noting other areas for further consideration that emerged from the research.

7.1 Identifying potential gaps in the legislation around young people and alcohol

Though raised as one of the most contentious issues in the public consultation around stop and search, and highlighted in the six month review (McVie, 2018) as one of the key areas for further consideration, searching of young people for alcohol did not emerge as a particular issue in the current review. This was true both of police and young people who participated in the research.

In terms of the existing legislation governing their powers, police were largely aware that young people and alcohol did not fall within the remit of a stop and search procedure, and that they did not actually have a power to search young people that they suspected of having alcohol. While ostensibly this would suggest a gap in the current legislation, in reality police had not encountered difficulties when faced with these situations. Rather than feeling conflicted or unclear of their grounds when encountering young people with

alcohol, they instead relied on their discretion and their broader policing skills to manage the situation. Invariably, this resulted in the young person surrendering the alcohol, therefore removing the need for an arrest to be made.

That said, there was a sense, albeit not a particular emphatic one, that the power to search for alcohol would help to close the potential “loophole” that young people could be arrested if they refuse to hand over alcohol. This could help to clarify police response to large scale spontaneous events, such as the incident on Troon Beach. Though discussed in hypothetical terms, this type of event would leave officers without the power to search for alcohol, potentially resulting in large scale arrests being made. The desire not to criminalise young people in these types of situation was seen as a potential argument for introducing a power to search for alcohol.

7.2 Identifying any other potential gaps in the legislation or lack of clarity in the Code of Practice (especially around dealing with vulnerable individuals)

The research explored whether or not the current legislation had left significant gaps in the police’s powers to stop and search, and whether this had resulted in searches being carried out that were considered justifiable by officers, but not covered by legislative powers. Potential concern over these gaps were not, however, borne out in this research. Police were generally cognisant of the legislation, and the CoP, and were largely aware of the remit of the stop and search power. No examples were given of searches having been carried out outside of Section 65 of the Criminal Justice (Scotland) Act 2016, or in breach of the CoP.

Where potential gaps were noted, these were in relation to powers to carry out a search of someone in private property for weapons when there was a need to protect life and to search for pyrotechnics; though actual experience of these scenarios was limited. While there was concern that, prior to the addition of paragraph 3.4 of the Code of Practice, police may have been restricted from searching an individual in private premises where someone was at risk of hurting themselves or someone else, officers were aware they now had the power to carry out a search for the purpose of protecting life (under the Police and Fire Reform (Scotland) Act 2012 and felt that this would take precedence, allowing them to intervene in these situations as needed. With respect to pyrotechnics, experience of this was again limited, though it was noted that police were normally without a power to search individuals or groups for these items and that power to do so could prevent potential harm being caused.

A similar picture emerged in relation to dealing with vulnerable individuals – police felt satisfied with the guidance available on how to manage these situations. It is worth noting, however, that actual reference to the guidance

within the CoP was rare, suggesting that police may benefit from a reminder of the information contained within the code on this subject.

7.3 Searches of individuals with protected characteristics

Consideration of individuals with protected characteristics primarily related to searches involving children and young people. Views of police were balanced with those of young people and practitioners, to identify any potential issues with the procedure, any changes in use of stop and search among this age group, and any gaps in the current legislation.

Police largely felt confident in their approach to searching children and young people, though stressed the importance of communicating in an appropriate way and managing the situation in order to minimise any potential conflict or distress for the young person. In terms of the guidance available about searches of children and young people, police had mixed views, with some feeling uncertain about their powers of searching this age group. As with guidance relating to vulnerable individuals, it may be beneficial to encourage officers to revisit the information contained in the CoP relating to searches of children and young people, and for feedback to be sought on any outstanding areas requiring further clarity.

Young people were generally negative about their experience of being stopped and searched, and put this down to a number of factors: the manner in which police spoke to them; the public nature of the search which caused them to feel embarrassed; and the justification for the search itself which they tended to say was unfair and unwarranted. Some went further, saying that young people were “picked on” and targeted by the police, a sentiment that was supported by practitioners. As noted in early sections of this report, these views were framed within, and potentially tainted by, negative overall opinions of the police; though this makes them no less valid in terms of illustrating the challenge faced in managing the relationship between police and young people.

7.4 Other issues raised by the review

Overall, the findings from the review suggest that stop and search was being carried out in line with the CoP and that the CoP had made a positive impact on the police’s approach to the power. However, the review did raise a number of issues (outside of the three research questions outlined above) with regards to training needs that warrant further reflection:

- The online aspect of training provided to police officers and supervisors on the CoP was criticised, both in terms of the nature of delivery (though an online learning tool) and its content, while very few mentioned the face-to-face training that they received. It was suggested any future training should be delivered face-to-face rather than through online tools, and should focus on practical application of the power, including the opportunity to share experience with other colleagues.

- Repeated reference was made to the importance of the communication style used by police officers when conducting a stop and search, and the ability to read a situation and adapt their approach accordingly. Often these were seen as key skills that were developed and honed over years of experience and that, ultimately, all officers should have. It is worth exploring the extent to which officers, particularly the less experienced, would continue to benefit from specific guidance on how best to manage their communication skills in the context of a stop and search, particularly through the use of real-life, practical examples.
- While officers and supervisors generally felt comfortable with the legislative basis for conducting a stop and search, and the guidance available for how to do so, feedback suggested that officers were not always familiar with all of the guidance contained within the CoP. This included guidance on conducting searches with children and young people and vulnerable adults, as noted above, but may also extend to other content within the CoP. Encouraging officers to revisit all the content within the CoP may help to identify whether or not any further clarity is required.

Appendix – Discussion guides

Police officers' discussion guide

1. INTRODUCTION

- Thanks for taking part
- Introduce self and Ipsos MORI
- Introduce the research (on behalf of Scottish Government, role of the Independent Advisory Group (IAG), work to date by the IAG, the 12 month review of the stop and search guidelines, including quantitative review, qualitative portion comprises interviews with officers, supervisors, NSSU and young people, analysis and reporting winter 2018)
- Explain to officers why they have been asked to discuss stop and search –exploring perceptions of how the Code is working in practice, identifying if there any areas for improvement and if further support is required to use of stop and search effectively
- Duration of interview/group
- Confidentiality – won't use any names in reports or refer to location if quote professionals directly
- Recording – for Ipsos MORI use only, will be securely stored and deleted after project. Check consent to record?
- Ground rules – one at a time for recorder; moderator role – ensure cover everything and everyone gets chance to have a say.
- Any questions?

Could we just start with a quick introduction – if we go around the group and everyone just says their name and how long they've been a police officer?

2. VIEWS AND EXPERIENCES OF STOP AND SEARCH

Thanks. We will get into the specifics of the procedure a little later on, but first I'd like to ask you a bit about your experiences of conducting stop and search more generally. Unless otherwise specified, please answer in relation to period since the introduction of the Code of Practice.

Overall, what are your views of stop and search as a tool to prevent and deter crime?

Overall, what are your views of stop and search as a tool to detect and solve crime?

And have your views on this changed at all since the introduction of the Code of Practice? In what way?

- If not mentioned: as a tool to prevent crime
- As a tool to detect crime?

How often would you say you conduct stop and search?

- Patterns by time of year/events
- Patterns in age/demographics of those stopped
- Any change since introduction of the Code of Practice?
- If so, was the change due to the Code of Practice or other factors? What other factors?
- Do they think it is used enough / not enough / too much?

In which situations/circumstances would you normally use stop and search?

- Has this changed since the introduction of the Code of Practice?
- In which situations/circumstances is it most effective?
- In which situations/circumstances is it less effective?

What are the main challenges in carrying out stop and search?

- Has this changed since the introduction of the Code of Practice?

Has the way you use stop and search changed in any other way since the introduction of the Code of Practice? In what way?

Are you aware of any differences between the way officers in your division and other divisions use stop and search?

What are your views on the training you have received in the use of the new Code of Practice?

- Formal/informal?
- Helpful/unhelpful?
- Any other guidance provided?

What further training, if any, do you think is required?

3. THE STOP AND SEARCH PROCEDURE

We're now going to talk about the actual procedure of stop and search in a little more detail. Again, please think about those conducted in the last 12 months.

How do you decide whether to approach an individual for stop and search?

- What factors do you take into account?
- Has this changed in any way since the introduction of the guidelines?
- IF NOT MENTIONED: The legal test for most stop and search is that a constable has 'reasonable grounds for suspicion' that the person has committed, or is committing, or is about to commit, a particular crime or is in possession of a prohibited article. What, in your view, constitutes reasonable grounds for suspicion? Can you give me an example?
- How clear is the Code of Practice on what are 'reasonable' grounds for suspicion?

How do you initially approach individuals?

- Do you always engage with individuals prior to deciding to search? How do you find this (e.g. challenging, unnecessary, easy)?
- What do you say to them?
- How does this differ between different groups (e.g. young people, vulnerable groups)?
- Has this changed in any way since the introduction of the Code of Practice?
- What are the challenges?

Once you have determined that there are grounds for a search, what happens next? Could you talk me through the key stages?

- What information is provided to the individual?
- Where does the search take place?
- In which situations would a strip search be necessary? How is this authorised?

PROBE FOR ALL: Has this changed? What are the challenges? Is the Code of Practice clear?

What information is collected from the individual?

- How do you go about recording ethnicity? Have you ever recorded it as not provided/unknown? In what circumstances might you do that?
- Has this changed?
- What are the challenges?
- Is the Code of Practice clear?

How often do you make a record of a stop and search?

- What sort of situations if any, is this not possible?

And how often do you issue a receipt after a stop and search?

- Does this vary according to the circumstances of the search?
- Are there any situations where it is not possible to issue a receipt?

- How often do people take the receipt and listen to the explanation about their right to examine their record?

Do you always record searches on the stop and search database?

- How easy and convenient do you find it to use the database?
- Are there any problems with recording searches and using the database?

How do you feel about carrying out stop and search among vulnerable individuals? *(If necessary, vulnerable groups include those with alcohol and substance addition problems, mental health conditions, learning difficulties etc.)*

- How often does this happen?
- Are there any differences when it comes to carrying out stop and search with different groups?
- What are the challenges?
- Do you feel the guidelines are clear on this? Are there any areas at all you feel are unclear?

Have you ever encountered any situations which the Code of Practice did not cover?

- What do you do when faced with these situations?
- What guidance is provided on what to do in these situations?
- Where else would you look for guidance if required?
- Who could you ask for guidance if required?

Have you ever carried out a search that fell outside of the Code of Practice?

- Can you talk me through what happened?
- How did you reach the decision to carry out that search?
- How did you feel about the course of action that you took?
- If faced with the same situation again, is there anything you would do differently?
- Do you feel the guidance on what to do in these situations is clear?

What, if anything, have you changed about what you do during the procedure since the Code of Practice was introduced?

PROBE: What has changed? Has anything about the procedure improved? Got worse?

4. OUTCOMES

In your experience, how often does stop and search lead to a positive outcome - in other words the recovery of an item?

- Has this changed since the introduction of the Code of Practice?
- In what way has it changed?
- What do you think are the reasons for this?

What is your experience of dealing with negative outcomes (if required: non-detection of an item)?

- Does this present any particular challenges?
- Can a “negative” search result in any other outcomes? Can anything good come out of these searches?

Thinking more widely about the longer-term impacts of carrying out stop and searches, would you say it affects your relationship with individuals/communities?

- In what way(s)?
- Has this changed at all since the introduction of the Code of Practice?

5. YOUNG PEOPLE

Now I'd like to talk a little bit about the use of Stop and Search among young people (under 18) specifically.

How often do you tend to engage with young people? [IF COVERED EARLIER REFER BACK]

- Would you say this has changed at all since the introduction of the CoP?

What issues, if any, do you face when engaging with young people?

How do you feel about carrying out searches of young people?

- In what situations would result in a search of the young person?
- Any particular/specific challenges?
- Are there any factors in your decision-making that differ from searches with adults?

In your experience, how often would you say positive searches of young people are made? Is it higher or lower than for searches generally or about the same?

Has the rate of positive outcomes changed since the Code of Practice was introduced?

- What do you think are the reasons for this?

Do you feel the guidelines in the Code of Practice on engaging with young people are clear? Is there anything at all that is not clear?

What happens when you suspect a young person of having alcohol? Can you talk me the process you tend to follow?

- What factors do you take into account in deciding what approach to take?
- In what circumstances would alcohol be seized?
- If a seizure is not made, are any other courses of action taken?
- In what circumstances would an arrest be made?
- Do you feel the current guidance on young people and alcohol is clear?
- Is there anything that is not clear?

In what ways, if any, would you like to see powers relating to stopping and searching young people changed? IF YES: How? For what reasons do you say that?

6. POTENTIAL GAPS IN LEGISLATION

Are there any situations/circumstances where you feel you should be able to conduct a stop and search but you are currently not able to?

Are there any situations when it is unclear which legislation should be used?

IF NOT SPONTANEOUSLY RAISED

What about the need to conduct a stop and search in order to protect life?

What about searching for weapons in a non-public location, such as a flat or vehicle?

What about searching for pyrotechnics and flares?

PROBE FOR EACH ISSUE THAT IS RAISED: Have you ever been in that situation? What are the challenges in that situation? Do you think a specific legislative power is required? What would be the advantages/disadvantages?

7. CLOSE

Thanks.

That's all the questions I wanted to ask you today. Before we finish off, is there anything else you would like to say or ask that we haven't covered?

THANK AND CLOSE

Police supervisors' discussion guide

1. INTRODUCTION

- Thanks for taking part
- Introduce self and Ipsos MORI
- Introduce the research (on behalf of Scottish Government, role of the Independent Advisory Group (IAG), work to date by the IAG, the 12 month review of the new legislation around stop and search and the Code of Practice, including quantitative review, qual comprises interviews with officers, supervisors, NSSU, practitioners and young people, analysis and reporting winter 2018)
- Duration of interview/group
- Confidentiality – won't use any names in reports or refer to location if quote professionals directly
- Recording – for Ipsos MORI use only, will be securely stored and deleted after project. Check consent to record?
- Ground rules – one at a time for recorder; moderator role – ensure cover everything and everyone gets chance to have a say.
- Any questions?

Could we just start with a quick introduction – if we go around the group and everyone just says their name and how long they've been a supervisor?

2. ROLE OF SUPERVISORS

Thanks. First I'd like to ask you a bit about your current role, both generally and specifically in relation to Stop and Search.

Can you describe what the role of a police supervisor is?

- What are your main duties and responsibilities?
- How is the role of supervisor distinct from that of an officer?
- How many people do you supervise?
- What areas do you cover?

In relation to stop and search specifically, what does your role involve?

- What are your main duties and responsibilities in relation to stop and search?

3. GENERAL VIEWS OF STOP AND SEARCH

Moving on, I'd like to ask you a bit about your general views about stop and search. Unless otherwise specified, please answer in relation to the last 12 months.

Overall, what are your views of stop and search as a tool to prevent and deter crime?

Overall, what are your views of stop and search as a tool to detect and solve crime?

And have your views on this changed at all since the introduction of the Code of Practice? In what way?

- **If not mentioned: as a tool to prevent crime**
- **As a tool to detect crime?**

What feedback, if any, have you had from your team about stop and search in general?

- What has changed for the better since the introduction of the Code?
- What difficulties have they faced?
- Has there been any complaints from your team?

How often would you say stop and search is carried out in your area?

- Patterns by time of year/events
- Patterns in age/demographics of those stopped
- Do you think it is used enough / not enough / too much?
- Any change since introduction of the Code of Practice?
- If so, was the change due to the Code of Practice or other factors?
What other factors?

In which situations/circumstances would you expect stop and search to be used?

- Has this changed since the introduction of the Code of Practice?
- In which situations/circumstances is it most effective?
- In which situations/circumstances is it less effective?

What are the main challenges in carrying out stop and search?

- Has this changed since the introduction of the Code of Practice?

Have you seen any other difference in the way stop and search is used since the introduction of the Code of Practice? What happened before? What happens now?

Are you aware of any current differences between the way your division and other divisions use stop and search?

What are your views on the training you have received in the use of the new Code of Practice?

- Formal/informal?
- Helpful/unhelpful?
- Any other guidance provided?

What feedback, if any, have you received from your team about the stop and search training?

What further training, if any, do you think is required?

4. THE STOP AND SEARCH PROCEDURE

We're now going to talk about the actual procedure of stop and search in a little more detail any changes you may have seen over the last 12 months.

What, if anything, has changed about the stop and search procedure following the introduction of the Code of Practice?

What, if anything, has improved?

- What impact has this had?
- On officers?
- On those stopped and searched?
- On the public?

What issues, if any, remain?

- Decision to stop and decision to conduct a search?
- Definition of reasonable suspicion?
- Grounds for search and the loss of non-statutory search?
- Engagement with the individual? – especially young people
- Information provided in advance of the search?
- The search itself?
- Collection of information about the individual?
- Recording stop and searches
- Issuing of receipts?
- Recording the search and using the S&S database?
- Seizing alcohol from young people?

IF NOT COVERED There appears to be a high level of not provided/unknown responses to ethnic status in the data than you would expect, what are your impressions of why this is the case?

And thinking specifically about search with vulnerable individuals, how well do you feel the procedure works? *(If necessary, vulnerable groups include those with alcohol and substance addition problems, mental health conditions, learning difficulties etc.)*

- How often does this happen?
- Are there any differences in procedure when it comes to carrying out stop and search with different groups?
- What are the challenges?
- Do you feel the guidelines are clear on this? Are there any areas at all you feel are unclear?

Have you or your team encountered any situations which the Code of Practice did not cover?

- What tends to happen in these situations?
- What guidance is provided to officers on what to do in these situations?
- Where else would you look for guidance if required?
- Who could you ask for guidance if required?

What has been your experience of stop and searches that did not comply with the Code of Practice?

- What happened?
- How were the searches justified?
- What was learnt from that experience?
- Is guidance on what to do in these situations clear?
- What is the impact of feedback from NSSU on officers?
- What policies and practices are in place for situations where officers are using stop and search incorrectly?
- How often have you had to talk to someone in your team about using this power in an inappropriate manner?

5. OUTCOMES

In your experience, how often does stop and search lead to a positive outcome - in other words the recovery of an item?

- Has this changed since the introduction of the Code of Practice?
- In what way has it changed?
- What do you think are the reasons for this?

What is your experience of dealing with negative outcomes (if necessary: non-detection of items)?

- Does this present any particular challenges?

- Can a “negative” search result in any other outcomes? Can anything good come out of these searches?

Thinking more widely about the longer-term impacts of carrying out Stop and Searches, would you say it affects relationships with individuals/communities?

- In what way(s)?
- Has this changed at all since the introduction of the Code of Practice?

6. YOUNG PEOPLE

Now I'd like to talk a little bit about the use of Stop and Search among young people (under 18) specifically.

How often does your team tend to engage with young people? [IF COVERED EARLIER REFER BACK]

- Would you say this has changed at all since the introduction of the CoP?

What, if any, issues do they face when engaging with young people?

What feedback have you received from your team about carrying out searches of young people?

- In what situations would result in a search of the young person?
- Any particular/specific challenges?
- Are there any factors in your decision-making that differ from searches with adults?

In your experience, how often would you say positive searches of young people are made? Is it higher or lower than for searches generally or about the same?

Has the rate of positive outcomes changed since the Code of Practice was introduced?

- What do you think are the reasons for this?

Do you feel the guidelines in the Code of Practice on engaging young people are clear? Is there anything at all that is not clear?

What happens when an officer suspects a young person has alcohol? What process would you expect them to follow?

- What factors are taken into account in deciding what approach to take?
- In what circumstances would alcohol be seized?

- In what circumstances would an arrest be made?
- If neither a seizure nor an arrest is made, are any other courses of action taken?
- Do you feel the current guidance on young people and alcohol is clear?
- Is there anything that is not clear?

In what ways, if any, would you like to see powers relating to stopping and searching young people changed? IF YES: How? For what reasons do you say that?

7. POTENTIAL GAPS IN LEGISLATION

Are there any situations/circumstances where you feel your officers should be able to conduct a stop and search but you are currently not able to?

Are there any situations when it is unclear which legislation should be used?

IF NOT SPONTANEOUSLY RAISED

What about the need to conduct a stop and search in order to protect life?

What about searching for weapons in a non-public location, such as a flat or vehicle?

What about searching for pyrotechnics and flares?

PROBE FOR EACH ISSUE THAT IS RAISED: Has someone in your team been in that situation? What are the challenges in that situation? Do you think a specific legislative power is required? What would be the advantages/disadvantages?

8. CLOSE

Thanks.

That's all the questions I wanted to ask you today. Before we finish off, is there anything else you would like to say or ask that we haven't covered?

THANK AND CLOSE

NSSU discussion guide

1. INTRODUCTION

- Thanks for taking part
- Introduce self and Ipsos MORI
- Introduce the research (on behalf of Scottish Government, role of the Independent Advisory Group (IAG), work to date by the IAG, the 12 month review of the new legislation around stop and search and the Code of Practice, including quantitative review, qualitative comprises interviews with officers, supervisors, NSSU, practitioners and young people, analysis and reporting winter 2018)
- Duration of interview/group
- Confidentiality – won't use any names in reports or refer to location if quote professionals directly. Quotes will be only be attributed to an NSSU representative. However, given the size of the unit it may be difficult to ensure complete anonymity. If there is anything you do not want us to include in the report please let us know.
- Recording – for Ipsos MORI use only, will be securely stored and deleted after project. Check consent to record?
- Ground rules – one at a time for recorder; moderator role – ensure cover everything and everyone gets chance to have a say.
- Any questions?

Could we just start with a quick introduction – if we go around the group and everyone just says their name, rank and how long they've been with the NSSU?

2. VIEWS OF STOP AND SEARCH

What is the role of the NSSU?

How has this changed since the introduction of the Code of Practice?

Overall, what are your views on stop and search as a tool to prevent and deter crime?

- Is it used enough / not enough / too much?

Overall, what are your views on stop and search as a tool to detect and solve crime?

- Is it used enough / not enough / too much?

And have your views on this changed at all since the introduction of the Code of Practice? In what way?

- If not mentioned: as a tool to prevent crime
- As a tool to detect crime?

In your experience, to what extent have attitudes changed among police officers conducting stop and search?

- Differences by command area/division?

What feedback, if any, have you had from officers about stop and search in general?

- What has changed for the better since the introduction of the Code?
- What difficulties have they faced?
- Has there been any complaints from officers?

In which situations/circumstances would you expect stop and search to be used?

- Has this changed since the introduction of the Code of Practice?
- In which situations/circumstances is it most effective?
- In which situations circumstances is it less effective?

What have been the main challenges in implementing the stop and search Code of Practice?

Have you seen any other differences in the way stop and search is used since the introduction of the Code of Practice? In what way?

Are you aware of any differences in the way different Command Areas or divisions use stop and search?

What training has been provided in the use of the new Code of Practice?

How was it delivered?

What was the aim of the training provided?

What impact do you think that training had?

What feedback, if any, have you received from officers about the stop and search training?

What further training, if any, do you think is required?

How, if at all, has the introduction of the Code of Practice changed the relationship between officers and the NSSU?

3. STOP AND SEARCH PROCEDURE

What, if anything, has changed about the stop and search procedure following the introduction of the Code of Practice?

What, if anything, has improved?

- What impact has this had?

What issues, if any, remain?

- Decision to stop and decision to conduct a search?
- Definition of reasonable suspicion?
- Grounds for search and the loss of non-statutory search?
- Engagement with the individual? – especially young people
- Information provided in advance of the search?
- The search itself?
- Collection of information about the individual?
- Recording stop and searches
- Issuing of receipts?
- Recording the search and using the S&S database?
- Seizing alcohol from young people?

IF NOT COVERED There appears to be a high level of ‘unknown’ responses to ethnic status in the data than you would expect, what are your impressions of why this is the case?

Have you encountered any situations which the Code of Practice or the legislation did not cover?

- What tends to happen in these situations?

What has been your experience of stop and searches that did not comply with the Code of Practice?

- What happened?
- How were the searches justified?
- What was learnt from that experience?
- Is guidance on what to do in these situations clear?
- What policies and practices are in place for situations where officers are using stop and search incorrectly?

What challenges have been posed by monitoring and auditing the stop and search database

What have been the challenges in providing feedback to officers?

- Impact of positive /negative feedback to officers?

4. OUTCOMES

Thinking more widely about the longer-term impacts of carrying out Stop and Searches, would you say it affects relationships with individuals/communities?

- In what way(s)?
- Has this changed at all since the introduction of the Code of Practice?

5. POTENTIAL GAPS IN LEGISLATION

Are there any situations/circumstances where you feel the use of stop and search would be appropriate but there is not currently a legislative basis?

Are there any situations when it is unclear which legislation should be used?

IF NOT SPONTANEOUSLY RAISED

What about searching young people for alcohol?

What about the need to conduct a Stop and Search in order to protect life?

What about searching for weapons in a non-public location, such as a flat or vehicle?

What about searching for pyrotechnics and flares?

PROBE FOR EACH ISSUE THAT IS RAISED: What are the challenges in that situation? Do you think a specific legislative power is required? What would be the advantages/disadvantages?

What is the role of the NSSU moving forward?

6. CLOSE

Thanks.

That's all the questions I wanted to ask you today. Before we finish off, is there anything else you would like to say or ask that we haven't covered?

Just as a reminder, is there anything we have discussed that you do not want us to quote or include in the final report?

THANK AND CLOSE

Young people's discussion guide

1. INTRODUCTION

- Introduce self and Ipsos MORI
- Introduce the research: *The Scottish Government has asked us to carry out research about how the police in Scotland carry out stop and searches. A stop and search is when a police officer carries out a search on a member of the public because they may suspect them of having an illegal or potentially harmful item (e.g. drugs, weapons)*

We are asking people like yourself to take part in the research to find out your views and experiences of police stop and searches. Your views are really important because they will allow us to let the Scottish Government know about what people in Scotland think about stop and searches, and how they could be improved in the future.

- Explain that the interview will last around 20 minutes and at the end we will give participant £20 as a thank you for taking part.
- Provide reassurances of anonymity, confidentiality and participation: *Ipsos MORI is a member of the Market Research Society and we follow their code of conduct. That means that everything you say to me today is confidential and anonymous. Any information that would allow someone to identify you as an individual will NOT be passed on to anyone outside of the Ipsos MORI research team. This means that you cannot be identified in any reports we produce.*

And just to confirm, taking part today is completely voluntary. I will be asking you questions about your experiences of dealing with the police but if at any time there is something you would prefer we did not talk about, just let me know any we'll move on to the next question. And if at any time you decide that you do not want to take part in the research any more let me know and we can end the interview.

- Request permission to record interview and confirm the all identifying information will be held securely, accessible only by the research team, and will be deleted one year after completion of the project.

- Any questions?
- Ask participant to read and sign consent form.

2. EXPERIENCE OF STOP AND SEARCH

Can I just check, have you been stopped and searched by the police personally, or have you seen it happen to someone that you know? Or have you experienced both?

How many times have you been/seen someone you know stopped and searched?

- IF MORE THAN ONCE: When was the last time this happened?

I'd like you to talk me through your last experience of being (or seeing one of your friends be) stopped and searched by a police officer. Just tell me what happened in your own words. Try to tell me as much detail as you remember but don't worry if you forget something - I will be asking some questions as we go along to jog your memory and make sure we've covered everything.

So, thinking about [when/the last time] you [were stopped and searched/witnessed a stop and search], can you tell me what happened – starting from what you were doing before the police approached you?

- PROBE AS NECESSARY ON EACH STAGE OF THE STOP AND SEARCH

3. CIRCUMSTANCES OF STOP AND SEARCH

When and where did it happen? What time of day?

Who were you with at the time it happened? What doing?

Why do you think the police stopped you/[the person searched]?

How did the police approach you/[the person searched]? Were they in uniform or plain clothes?

How did it make you feel to be approached by the police? How did you react?

- PROBE: Annoyed/angry; scared; embarrassed; safe/threatened?

4. BEFORE THE SEARCH

What did the police say when they stopped you/[person searched]?

- Did they have a conversation with you/person being searched and ask you/them questions before conducting the search?
- Did they clearly tell you/[person searched] that they were going to carry out a stop and search before they did it?
- Did they say why they were going to carry out the search? Did they say what they were searching for and why they thought you/[person searched] had it on you?

Did they provide any information before they carried out the search – their name, number, name of police station?

Did they say how they were going to carry out the search?

Did they explain why they were legally allowed to search you?

Did they ask for any information about you/[person searched] or say anything about this? What did they say?

- Do you remember if you/[they] gave any personal information to the police? What did you/[they] say?

Did you understand the information and reasons the police gave for stopping and searching you/[person searched]? Did they ask you if you understood?

Did you/[they] ask any questions before they started the search? What did you/[they] say/ask?

5. DURING THE SEARCH

Where did the police officer carry out the search? Did they ask if you/[person searched] were happy for the search to be carried out there? Could other people see them carry out the search?

Was the police officer male or female?

How did the police office carry out the search on you/[person searched]?

- What did they do? Where did they search/look?

- Did they explain to you/[person searched] what they were doing while carrying out the search?
- Did they ask you/[person searched] to remove any items of clothing (e.g. jacket, hat, shoes/trainers)?

How long did the search take?

How did it make you feel?

How did you feel about the way the police spoke and behaved when carrying out the stop and search? (e.g. how they spoke - tone, politeness, language; physical behaviour; respectful)

6. AFTER THE SEARCH

What happened once they had searched you - did they find anything and take anything from you/[person searched]?

What did they police do/say? Did you understand what they told you?

Did they inform your parents/guardians about the search?

How did you feel after the search?

- PROBE: Annoyed/angry; scared; embarrassed; safe/threatened?

Did the police record any details of the search on their tablet / notepad? Did they give you/[person searched] a receipt, which included basic details about the search? Did you/they take the receipt? (if not, why not?)

Did they explain to you that you could ask for a copy of the record of the search if you wanted?

- IF OFFERED: Did you/[they] ask for a copy of the record of the search? Why/why not?

Did the police officer say anything else after they had finished the search?

Before we move on is there anything that happened during the search that we have not talked about and that you'd like to mention?

Overall, how do you feel about how the way in which the police carried out the stop and search?

- Positives and negatives? Was it justified/fair? Any concerns?

Did your views of the police change after experiencing the stop and search?

- IF YES: How did it change your views (more positive/negative)? Why?

Is there anything that the police could do differently when carrying out a stop and search? IF YES: What could they do instead?

- Changes to who gets stopped?
- Changes to reasons for stopping?
- Changes to why stopped (e.g. alcohol, drugs etc)?
- Police manner/behaviour?
- Information police provide?

7. ALCOHOL

[IF NOT COVERED] Have the police ever asked you if you have alcohol on you and asked you to hand it over to them?

- When/where did this happen?
- Why do you think you were approached?
- Did you have any alcohol on you?
- If yes, did you hand over the alcohol to the police?
- What did the Police do?

Was the procedure the same or different than you've already described? What was different?

Have you had any other contact with the police?

IF YES: Can you tell me a bit more about what happened?

How did it make you feel?

That's all the questions I wanted to ask you today. Before we finish off, is there anything else you would like to say or ask that we haven't covered?

THANK AND CLOSE

Practitioners' discussion guide

1. INTRODUCTION

- Thanks for taking part
- Introduce self and Ipsos MORI
- Introduce the research (on behalf of Scottish Government, role of the Independent Advisory Group (IAG), work to date by the IAG, the 12 month review of the stop and search guidelines, including quantitative review, qualitative portion comprises interviews with police, young people, and practitioners working with young people. Analysis and reporting winter 2018)
- Duration of interview
- Confidentiality – won't use any names in reports or refer to location if quote professionals directly.
- Recording – for Ipsos MORI use only, will be securely stored and deleted after project. Check consent to record?
- Any questions?

2. BACKGROUND AND OVERVIEW OF ROLE

To begin with it would be useful for me to understand a bit more about your organisation, your own role, and the types of people you work with.

Could you tell me a bit about the role of [organisation]?

And what do you do in your current role?

- How long have you worked here?
- What location/areas do you cover?

What types of people/young people do you typically work with?

PROBE ON:

- Those with alcohol or substance use?
- Those in other vulnerable situations, or considered at risk?
- Those from ethnic minority backgrounds?

Of those you work with, what sort of contact do they tend to have with the police?

PROBE:

- What do they tell you about it?
- What has the nature of that contact been (e.g. arrests, stops, enquires/questioning, anything else?)

- Particular types of young people that are more likely to have been involved with the police?

3. AWARENESS AND PERCEPTIONS OF STOP AND SEARCH

As I mentioned when we were arranging this interview, the research is looking at the stop and search procedure. I will ask your views on some specific aspects of the procedures, but first I am interested in how much you know about it and your general views of it.

How much do you know about stop and search?

PROBE:

- How did you become aware of it?
- What do you know about it?
- In your own words, could you describe what stop and search aims to do?

Generally, what are your views about stop and search?

PROBE FULLY FOR POSITIVES, NEGATIVES AND REASONS WHY

Based on what you know about it, in what situations/circumstances do you think stop and search works well? Why do you say that?

And in what situations/circumstances do you think stop and search does not work well? Why do you say that?

Based on your experience, do you think the police carry out too much, the right amount or too little stop and search??

PROBE: Why do you say that?

Do you feel the procedure is used in a consistent way?

PROBE:

- Are there any types of people that are more likely to be searched than others?
- Or less likely to be searched?
- Why do you say that?

How much do you know about the procedure police follow if they suspect a young people has alcohol in their possession when they encounter them?

PROBE:

- Is this the same procedure as that used for stop and search?

- Is it different in any way?

How well do you think the current procedure for young people and alcohol works?

PROBE FULLY FOR POSITIVES, NEGATIVES AND REASONS WHY

- What should police officers' main motivation be when they approach young people with alcohol in their possession (e.g. reducing anti-social behaviour, preventing harm)?

4. EXPERIENCE OF STOP AND SEARCH

[THESE QUESTIONS/PROBES MAY HAVE BEEN COVERED IN THE SECTION ABOVE, SO TAILOR THIS IN RESPONSE TO PRECEEDING DISCUSSION]

I know want to focus on any direct experiences you may have heard about from the people you work with

Have any of the individuals you work with experienced stop and search?

PROBE:

- What sorts of people (e.g. age, ethnicity)?
- Did they experience this directly, or witness it happening to other people?

Have they discussed the experience with you at all?

PROBE:

- What did they tell you about it?
- What were they circumstances/why were they stopped and searched?
- Do you know what the outcome was?

Did they raise any concerns about the procedure?

PROBE FOR DETAILS

And have any of the individuals you work with been caught with alcohol, or had alcohol seized from them by the police?

PROBE:

- What sorts of people (e.g. age, ethnicity)?
- What did they tell you about what happened?
- In what ways was this different from stop and search?
- Were they told they would be arrested if they did not give the police their alcohol?

- Do you know what the outcome was?
- Did they raise any concerns about what happened?

How would you describe the relationship between the individuals you work with and the police more generally?

- What other contact do they have?
- How does stop and search impact on this relationship?

[TAILOR AS NECESSARY DEPENDING ON WHO THEY WORK WITH, AND WHAT HAS ALREADY BEEN COVERED ABOVE]:

Thinking about the young people you work with who are in particularly vulnerable situations, have their experiences of stop and search been different to those of others in any way?

PROBE:

- In what way are these experiences different to those of others?
- What have they told you about it?
- What particular issues have these individuals faced?

Thinking about the young people you work with from minority ethnic backgrounds, have their experiences of stop and search been different in any way?

PROBE:

- In what way are these experiences different to those of others?
- What have they told you about it?
- What particular issues have these individuals faced?

Would you say there has been any change in attitudes towards the police regarding stop and search amongst young people in the last year?

5. CODE OF PRACTICE

I now want to ask about the guidelines used by police for stop and search, and any views you may have on that.

What do you know about the guidelines that are used for stop and search?

Were you aware that the police have Code of Practice that sets out the procedure they should follow for stop search?

[IF NOT AWARE AT ALL EXPLAIN: *The Code of Practice was introduced in May 2017, and sets out the principles under which stop and search is undertaken and explains why, when and how stop and search is used*]

How important is it for a Code of Practice to be in place?

Based on what you know about it, what are your views generally on the Code of Practice? Generally positive/negative?

How, if at all, do you feel the use of Stop and Search has changed since the code of practice was introduced in May 2017?

PROBE: Any changes to:

- The number of stop and searches
- The way the procedure is carried out?
- Individual's experiences and attitudes towards the procedure?
- Outcomes from the procedure?

Are there any aspects areas which seem to be missing or that you would like to see more clarity on?

6. FINAL THOUGHTS

Finally, reflecting on everything we have discussed so far, is there anything that you think could be done better in future?

Are there any gaps that should be addressed?

Is there more information needed on any particular aspect?

Is there anything you would like to see clarified?

7. CLOSE

Thank you for your time. That's all the questions I wanted to ask you today.

Before we finish off, is there anything else you would like to say or ask that we haven't covered?

THANK AND CLOSE

References

HMICS (2015) Audit and Assurance Review of Stop and Search: Phase 1. Her Majesty's Inspectorate of Constabulary in Scotland.

https://www.hmics.scot/sites/default/files/publications/HMICS%20-%20Audit%20and%20Assurance%20Review%20of%20Stop%20and%20Search%20-%20Phase%201_0.pdf

McVie, S. (2018) Six month review of the Code of Practice for Stop and Search in Scotland. Edinburgh: Scottish Government.

<https://www.gov.scot/publications/six-month-review-code-practice-stop-search-scotland/>

McVie, S. (2019) Twelve month review of the Code of Practice for Stop and Search in Scotland: Quantitative Report. Edinburgh: Scottish Government.

Murray K. (2014) Stop and search in Scotland: An evaluation of police practice. SCCJR Report 01/2014. <http://www.sccjr.ac.uk/publications/stop-and-search-in-scotland-an-evaluation-of-police-practice/>

Police Scotland (2015) Stop and Search Improvement Plan 2015-16 <http://www.scotland.police.uk/assets/pdf/138327/306184/stop-and-search-improvement-plan-2015-16>

Topping, J & Bradford, B (2018) 'Now you see it, now you don't: On the (in)visibility of police stop and search in Northern Ireland. Criminology and Criminal Justice.



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78781-910-8 (web only)

Published by The Scottish Government, June 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS594350 (06/19)

W W W . G O V . S C O T