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Police Scotland Response to SIPR Fife Division Stop and Search Pilot Evaluation Recommendations

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Foreword

In July 2014 the Fife Division (Police Scotland) Stop and Search Pilot Evaluation was implemented to test early improvements to stop and search within an operational arena. The Scottish Institute for Policing Research (SIPR) was invited to evaluate that Pilot.

Over the following year Police Scotland, Scottish Government and governing stakeholders increased their focus on stop and search during which time the pilot was ongoing.

It was acknowledged that there were areas for improvement around the use of stop and search and Police Scotland took ownership of 18 recommendations.

In March 2015 Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) produced an Assurance Review of Stop and Search Report which provided 23 recommendations.

In response Police Scotland put in place a National Stop and Search Improvement Delivery Team (NSSIDT). The findings from the Pilot were published in June 2015 setting out 19 recommendations.

NSSIDT produced a Stop and Search Improvement Plan in three stages - Testing Phase I, Interim Consensual Phase II and Code Phase III- which set out the roadmap and direction of travel to deliver on the foregoing

recommendations amongst others from the Scottish Police Authority (SPA), the Independent Advisory Group on Stop and Search (IAGSS) and supporting further improvement and progress towards the implementation of a statutory Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland in May 2017.

This report provides an update on the improvement and progress made against the 19 SIPR recommendations set out in The Fife Division (Police Scotland) Stop and Search Pilot Evaluation report of June 2015.

Executive Summary

In July 2014 the Fife Division (Police Scotland) Stop and Search Pilot Evaluation was implemented to test early improvements to stop and search within an operational arena. The Scottish Institute for Policing Research (SIPR) was invited to evaluate that Pilot.

SIPR conducted the evaluation between November 2014 and February 2015 with the findings reported to Police Scotland in June 2015. The two main aims of the evaluation were to:

- assess the process of introducing and implementing the new methods for stop and search in Fife, and
- assess the extent to which the desired outcomes for the stop and search pilot had been achieved.

Overall, SIPR reported that the changes introduced as part of the pilot approach to stop and search were to be welcomed and found that the officers and staff involved in the management and implementation of the Fife Pilot invested a considerable degree of time, effort and resources into it. A wide variety of changes were introduced through the pilot in an effort to make Police Scotland more accountable and to command greater confidence from the public in relation to stop and search. These changes were based on extensive external consultation which was commended in the report.

SIPR's findings suggested that some elements of the Fife Pilot could be regarded as good practice. These included systematic recording of all stop searches, compliance recording checks, engagement with external stakeholders, the advice slips, the aide memoires and enhanced staff training.

19 recommendations were outlined in the report. These were wide ranging, from instigating change to Police Scotland policy, practice and guidance, supporting the cessation of consensual search and presumption of the use of statutory search powers, to improved engagement with hard to reach groups.

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The recommendations also suggested better engagement to understand the impact stop and search can have on the wider community, the apparent disproportionate use of the tactic particularly toward children and young people and the importance of partnership working to achieve a balance and support its fair and effective use. These elements were considered essential to the continuous improvement of the Service.

Police Scotland accepted all the recommendations within the report and considered these alongside recommendations made by Her Majesty's Inspector of Constabulary for Scotland (HMICS) and the Independent Advisory Group for Stop and Search in the improvement activity that followed.

This activity delivered enhancements to the stop and search database, improved recording practices and the public reporting of management information, alongside both face to face and online training of officers. Additionally, the National Stop and Search Unit (NSSU) introduced enhanced assurance of the use of stop and search tactics through defined business rules used to review all recorded stop searches.

The database improvements also enabled both internal and external inspection of governance processes. The governance was found to support the continued improvements of the use of the tactic. The work undertaken also demonstrated how the governance processes and enhanced analytical products can assist in addressing local policing priorities and those issues that can cause communities the greatest concern.

An Equality and Human Rights Impact Assessment (EQHRIA) was completed and published in 2016. This was aligned to the recommendations and involved significant consultation with internal and external stakeholders, partners and children's organisations through the establishment of a Children and Young Persons Reference Group (CYPRG). The work of the CYPRG helped influence the Code of Practice for Stop and Search, with dedicated sections on both children and young people and vulnerable groups, which informed the development and delivery of the national training programme for officers in support of the Code's introduction in May 2017 through the Criminal Justice (Scotland) Act 2016.

SIPR Recommendations Evidence

The following provides an update on Police Scotland's improvement progress against the 19 SIPR recommendations from the Fife Pilot evaluation.

Recommendation 1: The pilot is based on the premise that effective use of stop and search depends on targeting the 'right people, at the right time and in the right place.' However, it should be acknowledged that this creates a problem in that if the police continue to have a presence in the high-crime areas to which the analytical products used in the pilot direct them for the purpose of stop and search, then these areas are likely to remain as 'hot spots' for crime or anti-social behaviour. More stop and search, even with the good practice identified in the pilot, is not going to change this situation on its own. Other methods, based on problem-solving and partnership approaches, would be more effective in these areas and would better help the police to achieve the pilot's aims of public confidence and accountability. The focus of this research was on the stop and search pilot, however, it should be acknowledged that the police do not use it in isolation, but in conjunction with other, often multi-agency interventions.

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

As a result, Police Scotland identified that it was necessary to focus the use of stop and search towards outcomes. As a result a draft user reference guide for violence and anti-social behaviour was created to support officers to consider what tactics (police led or otherwise) will produce positive outcomes to address and prevent violence.

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

Training ahead of the code of Practice going live in May 2017, included the requirement for divisions to ensure appropriate governance is in place locally to monitor the appropriateness of stop and search in their areas.

Comprehensive analytical reports for local area commanders have been developed to support Divisions review and better understand the wider use of the tactic and impact

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it can have on protected characteristics and local communities set against Divisional and national data.

To support this, all data captured continues to be reviewed in detail by the NSSU, to identify any development opportunities and to monitor the use of the tactic to ensure that it remains appropriate, with a full audit process developed.

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

In addressing this recommendation and through wider consultation, Police Scotland has recognised the importance of evidenced-based policing, and have published the 10 year strategy – Serving a Changing Scotland which has included input from many academics. This strategy has been informed by the policing priorities of the people of Scotland, and built upon understanding and effectively responding to the needs of all communities. Through effective engagement, local planning and partnership working, local officers are able to understand community needs and expectations then draw on national and specialist resources to enhance this local response, by having the appropriate resources directed towards the right people in the right places at the right times. Through this project of change, Police Scotland are demonstrating an approach that is transparent, evidence based, open and which ultimately improves outcomes and public confidence. It will be underpinned by an outcomes focussed Performance Framework which will include the use of Stop and Search as a tactic.

Furthermore, the work of the Research and Evaluation Operational Review Group (REORG, see Appendix 1) continues to ensure that academic research informs operational practice. This is allowing continuous improvement around stop and search. Recognising the significant developments to policing in Scotland, promoting an evidence based and outcome focussed approach, it is suggested that this recommendation has been addressed.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 2: The effectiveness of stop and search overall was not within our remit and requires further and more detailed research. When implementing the pilot on a national scale, we would encourage Police Scotland to reflect on the intended objectives of stop and search and consult evidence regarding its effectiveness and any unintended outcomes, such as those we have identified in the pilot. Stop and search is an invasive power (members of the public stopped during the pilot mentioned being embarrassed when searched) which the police can use to recover illegal items and the current academic evidence base does not support the idea that it is suited to crime prevention in general (one of the perceived benefits of stop and search which our police respondents identified in the evaluation). We would recommend that stop and search, including the pilot approach, should be used as a last resort in any encounter with a member of the public, but especially with young people. Young people need to be engaged in non-coercive ways whenever possible, as do other vulnerable groups, even considering the good practice identified in the pilot.

In preparation of the Code of Practice, Police Scotland have taken significant steps to ensure that the use of stop and search is lawful, proportionate, justifiable and appropriate with specific recognition of the values of fairness, integrity and respect. These steps and messaging are directed at individual officers and the wider organisation to enhance operational practice.

As a result Police Scotland have developed:

- Improved Governance over the use of the tactic across Scotland (see Appendix 6).
- Improved recording of all searches, seizures and refusals to allow the grounds and circumstances to be captured for each.
- Processes to review all stop and searches, seizures and refusals to ensure that each record is appropriately recorded
- Bespoke reporting at an area level including Equality Monitoring, multiple interaction reports and the publication of detailed stop search information at quarterly intervals.

During 2015/16 Police Scotland carried out a Stop and Search Equality Impact Assessment (EIA), and a Human Rights Impact Assessment (HRIA), engaging a range of stakeholders and agencies, including children and young peoples' groups, and considered the evidence around the impact stop and search may have on different communities and groups. This information has informed the development of new reporting tools to provide a breakdown of stop and search data focused around a number of protected characteristics. These reports are enabling the ongoing monitoring of the use of stop and search, allowing appropriate action to be taken if required.

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The [EIA](#) was published on the Police Scotland Website in 2016. The following is a list of the Children and Young Persons Groups engaged through the EIA and HRIA:

- A Community in Motion
- Article 12
- Barnardo's Safer Choices
- Celsis
- Centre of Excellence for Looked After Children Scotland
- Centre for Youth and Criminal Justice
- Children Scotland
- Children's Commissioner
- Scotland's Commission for Children and Young People
- Scottish Youth Parliament
- Together - Scottish Alliance for Children's Rights
- Who Cares Scotland
- Young Scot
- Youth Community Support Agency

Police Scotland built strong working relationships with key organisations representing children and young people through Police Scotland's Stop and Search Children and Young Persons Reference Group (SSCYPRG).

The following is a list of the Children and Young Persons Groups represented on the SSCYPRG:

- CELCIS
- Children in Scotland
- Education
- Police Scotland Youth Advisory Panel
- Police Scotland Youth Volunteers
- Scottish Youth Parliament
- Who Cares? Scotland
- Youth Link Scotland

Police Scotland's Youth Volunteers Programme has assisted in practical exercises at the Scottish Police College with probationary constables. This training provides a unique interaction for the officers and feedback from the young people involved that allows officers to hear first-hand the impact that stop and search has on children and young people.

The NSSIDT held workshops with children and young people from the Police Scotland Youth Advisory Panel and Who Cares? Scotland. These sessions captured young persons' views on Police Scotland's use of stop and search, which subsequently informed policy and practice.

Police Scotland will continue engaging with stakeholders and agencies, including children and young person's groups, now that a statutory Code of Practice is in place.

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This provides a platform from which to consider any future impact stop and search may have on children and young people whilst ensuring that their views are considered and continue to make a contribution to the development of stop and search policy and practice.

[Public information leaflets](#) have been shared with stakeholders including those with an interest in children and young persons to help ensure that feedback is encouraged from members of the public across the country and from as wide a range of stakeholders as possible. The leaflet also directs people to the stop and search webpage for more detailed information.

The learning from children and young people has supported a range of improvements in Police Scotland's stop and search policy and practice. For example developments in reporting stop and search information now ensures that age categories are included. This allows for ongoing monitoring in relation to equality and human rights issues and where necessary intervention to improve compliance. Advice slips which officers issued to individuals stopped and searched during the Fife Pilot, provided easy to understand information on the use of stop and search and an individual's rights (see Appendix 5). In May 2017, these were replaced with Stop and Search Receipts to comply with the requirements of the Code of Practice.

The development of a Police Scotland stop and search webpage means that children and young people can feedback their experiences and views through the online survey. The receipts, along with the stop and search webpage include information on individual's rights, including those of children and young people.

The Fife Pilot trialed a parent alert letter which was sent out to parents of all children under the age of 16 that were subject of a stop and search. This process was fully reviewed by Scottish Institute for Policing Research (SIPR), the National Stop and Search Improvement Team (NSSIDT) and the Police Scotland Risk and Concern Project (NRCP). However this was deemed not feasible due to the element of risk it introduces to the child. It was established that the measures required to risk assess each case would be disproportionate and possibly detrimental to other child protection measures. In order to ensure the wellbeing of children with regards to stop and search, a second option relating to repeat nominals has been developed in consultation with Getting It Right for Every Child (GIRFEC) and Risk and Concern leads. This puts in place a structure and process that identifies and protects the interest of the child, conducted in a proportionate manner utilising the strengths and expertise of the Risk and Concern Departments at a Divisional level.

The full consultation sought views from all protected characteristic groups as well as more difficult to reach groups such as those from socio-economic disadvantaged backgrounds. It is recognised that stop and search may impact on some groups more than others and considerations through the Equalities Act 2010.

The REORG has already started reviewing future considerations with regards to the impact that stop and search may have on those from disadvantaged backgrounds.

Police Scotland's changes in policy and practice including the initial move to a presumption of statutory searches over consensual search, compliance with current

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legislation and the removal of Key Performance Indicators has supported the transition to a more intelligence led evidence based approach and a reduction in the number of searches.

Taking learning from the Fife Pilot and its evaluation, as well as existing and current research relating to stop and search encounters and positive interactions, helped to shape the training implemented prior to the Code of Practice. This highlights the benefits of positive interactions between Police and the Community and helps to strengthen relationships and build on public confidence.

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

To ensure that this improved approach is mainstreamed, Police Scotland have developed bespoke training, informed and guided by academic research, which provides specific learning on the impact stop and search can have on children and young people. This training includes the necessity for every search to be supported by reasonable grounds as well as providing officers with skills on how to understand what they know, see, hear and experience to support them make sense of this information, and therefore allow them to decide if a search is necessary and appropriate. This includes providing officers with an understanding of unconscious bias which may exist as a result of their own personal experience. Furthermore, the training to promote the positive engagement with Children and Young people, is consistent with Police Scotlands strategy "Children and Young People 2016/20 - Our Approach" which sets out our commitment to the children and young people of Scotland and the people who care for them. ([See link](#)) This approach will ensure that the lessons learned in addressing this recommendation, are mainstreamed across all aspects of policing in Scotland.

In order to ensure that the organisational use of stop and search is focussed on positive outcomes and tackles the priority issues within local communities, the bespoke training has been extended to Senior Management Teams across all of Scotland. This includes training for officers on the expectations that will be placed on them by the Code of Practice for stop and search, and ensuring that the use of the tactic in their area is in accordance with the law, necessary, and proportionate and that they remain accountable and are subject to appropriate scrutiny.

This training also signposts that senior managers are required to support the use of stop and search by individual officers by ensuring that they are briefed with the relevant information to use the tactic appropriately. This is a significant part of building reasonable grounds and establishing when a person is likely to be carrying a relevant item, for which a power of search applies, at the right time and places where the use of the tactic is going to impact on the specific identified issue.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 3: As is already documented elsewhere (see HMICS 2015), the stop and search database is problematic. While systematic and detailed recording of all stop searches as was done in the pilot is welcomed, officers need a much better understanding of how to input the data correctly to reduce errors and improve its use.

Police Scotland launched the Enhanced National Stop and Search Database on 1 June 2015 resulting in improved recording practices with data more accurately recorded and the database easier to use, for example containing prompts and safeguards designed to avoid data input errors. One such enhancement includes validating the age or date of birth of an individual, which has removed related data input errors. Since 1 June 2015 there have been no age anomalies. The launch of the enhanced database was supported by training and guidance documents specific to data input onto the database. This improved data is adding value to the existing evidence base and is feeding into academic research and analysis.

To provide further support to frontline officers, the Police Scotland National Stop and Search Unit (NSSU) has been conducting a review of every entry made to the enhanced stop and search database since 1 June 2015. The NSSU provides monthly internal reports to monitor and support improvements to policy and practice, initially including the move to a presumption towards using a statutory power of search and now compliance with the Code of Practice and the Criminal Justice (Scotland) Act 2016. This 100% review is a significant part of the wider review plan developed by the NSSU to ensure a clear understanding of any emerging issues, allowing appropriate action to be taken to deliver continuous improvement. (See appendix 3)

The NSSU review of records is guided by defined business rules derived from the Police Scotland Stop and Search Standard Operating Procedure (SOP) and Recording and Counting Rules. The learning identified from this continuous review in turn directs the National Stop and Search Improvement Delivery Team (NSSIDT) in developing guidance and training to support frontline officers. Compliance with the business rules for entries onto the Stop and Search Database has improved from 71.2% in June 2015 to 86.6% in March 2018.

Police Scotland's National Stop and Search Unit is continuing to review all entries on the Stop and Search Database to ensure the accuracy of records and identify any further areas for improvement.

The progress Police Scotland has made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and recommends it to be **discharged**.

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Recommendation 4: A further enhancement to the stop and search database would be to track whether the same individuals are being stopped and searched on multiple occasions. If this were to happen, these individuals should be flagged by the system in some way for alternative interventions.

The Enhanced Stop and Search Database was designed, tested and rolled out across Scotland on 1 June 2015. Comprehensive improvements to the way the data was captured successfully negated input error and provided the ability to record all searches, seizures and refusals by individuals to be consensually searched. The Police Scotland Improvement Plans have driven further enhancements to the database to support the Code of Practice. This will provide the foundation to allow further improvement going forward.

To address this recommendation, the National Stop and Search Unit have developed a Multiple Interaction report to help identify records currently held on the stop and search database that have matching nominal name/date of birth. This report is shared with divisions to consider alternative interventions and will support the local area commander analytical reports on a monthly basis. In addition, publically reported information on the number of people who have been searched more than once is available to meet the requirements of the Criminal Justice (Scotland) Act 2016.

The current Multiple Interaction report identifies those nominals aged 16 and over that have been searched 5 times or more in a month or 9 times or more within three months or for children and young people under the age of 16, 3 or more times in a month, or 5 or more in three months. The multiple interaction report is subject to review and through liaison with Divisions, the NSSU will ensure the information provided is of value and supports local managers to ensure the fair, appropriate and proportionate use of stop and search as well as allowing them to consider alternative interventions as part of their wider policing approach.

This allows local Divisions to review these reports to establish proportionality and fairness of the searches on the individual as well as assessing the welfare needs of those identified.

A process has been established for divisions to provide feedback to the NSSU.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 5: Police Scotland should consider recording refusals of consensual stop and search in the main database to give a more complete and transparent picture of the practice.

The Enhanced Stop and Search Database was designed, tested and rolled out across Scotland on 1 June 2015. As well as comprehensive improvements to the way the data was captured, it also successfully provided the ability to record all searches, and seizures and included the facility to record refusals. The enhanced database provided flexibility in recording a refusal of details by a person or a refusal to be searched.

In May 2017 the database was further enhanced to accommodate the Code of Practice, and to ensure that the recording of searches meets the provisions of both the code and the Criminal Justice (Scotland) Act 2016.

The data collected is reproduced in external reports available to the public through the Police Scotland [Website](#) providing reassurance and transparency.

The Police Scotland Improvement Plans continue to drive further enhancements to the database to support the Code of Practice. This will provide the foundation to allow further improvement going forward, particularly in relation to scrutiny and governance.

The progress Police Scotland has made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and recommends this to be **discharged**.

Recommendation 6: Related to number 2 above is the need for officers to be much clearer on what constitutes a stop and search. We found confusion on this point more than once, for example, if a search after an arrest is a 'stop and search' and the difference between a search and an intervention. Confusion remains about police powers in relation to alcohol.

An initial online training package was launched in June 2015 which all officers up to and including the rank of Inspector were required to complete. This training provided comprehensive information on all aspects of stop and search, including consensual searching and the requirement to obtain consent. The completion rate of this training was closely monitored through appropriate reporting tools.

A full training plan was implemented in advance of the Code of Practice which benefited from the learning from the Fife Pilot, its evaluation as well as existing and new research relating to stop and search and training methods. Training has been delivered through a comprehensive training package in a multi-faceted approach of E-learning and face to face training to ensure training objectives are met, understood and officers are confident in the use of stop and search.

This training highlights the benefits of positive interactions and engagements between Police and the community.

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Furthermore, this training includes specific input to officers on the existing police powers of seizure for alcohol and provides clarity on the powers available to them following the Code of Practice going live and consensual search ending.

The Stop and Search training delivered as part of the Improvement Plan is currently subject of an internal evaluation, and will be supported by ongoing monitoring of stop and search practice as part of the NSSU review plan (see appendix 3). The learning from the evaluation will be considered and will inform a further training needs analysis in the future as well as directing ongoing improvement action.

To support this training, further information and advice has been communicated to front line officers through various medium as part of a communications plan. This includes electronic briefing, workshops, internal magazines articles, memorandums, Police Scotland Television (PSTV) and information loaded on to the main intranet page and bespoke stop and search page.

A Stop and Search Standard Operating Procedure (SOP) and interim Manual of Guidance was published on the Police Intranet on 18 November 2015 supporting the previously published database user guide. An updated aide memoire, process flow charts and access to frequently asked questions was also made available for officers.

Within the SOP and online training package officers are provided with definitions and counting rules that set out clear direction as to what counts as stop and search. The online training package tested officers understanding using examples of searches and seizures for alcohol. A full list of statutory search powers was incorporated within the SOP and Aid Memoire. All probationary officers are receiving practical training on all types of stop and search which includes the definitions and counting rules, which is embedded within the probationary training syllabus.

As part of the Data Audit and Governance Plan (see Appendix 2), all records raised on the enhanced National Stop and Search Database from 1 June 2015 have been, and continue to be, the subject of review by the NSSU. The review applies clearly defined business rules, allows the impact of the training and supporting communications plan to be monitored. Where required, further guidance is provided to officers, to address knowledge gaps. Through the review the number of records that would be deleted or require amendment has reduced, which indicates officers are recording more accurately and identifying more readily what constitutes a recordable stop and search. Please refer to Appendix 3 for an overview of the Review Plan.

Following the completion of Phase 1 – the Testing Phase, the NSSIDT carried out a survey of staff across Scotland, allowing officers to provide anonymous feedback on the information they have received to support the delivery of the Improvement Plan. The results of the survey have been collated, reviewed and has been used to inform and improve training packages. In addition, the NSSIDT have held two full day workshops with single points of contact from across all Divisions to test the effectiveness of the briefing and training which has shaped further briefing.

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The progress Police Scotland has made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and recommends this to be **discharged**.

Recommendation 7: We would suggest producing one monthly data report which embeds the stop and search analysis within the other relevant contextual data (such as seasonal trends, major events, how ‘proportionality’ is determined, etc.) including the current six-week and one-year historical views of crime trends. This report would be even more robust if it also included a five-year historical view to mitigate against year-on-year fluctuations. This would improve the strength of the report as a standalone product as it would make the necessary context in which to understand the data fully apparent and would position stop and search within the broader range of police activity (as it is one option among many). This could help reduce the unintended emphasis that our interviewees perceived among their managers to highlight stop and search as a priority method and thus drive up its volume.

Police Scotland has established a mechanism for reporting stop and search activity both internally and externally. On a quarterly basis Police Scotland publishes stop and search data and the SPA published their first quarterly qualitative analysis of that stop and search activity in January 2016. That qualitative analysis provided longitudinal analysis, including time series analysis, geographic analysis and age analysis and will help inform future stop and search policy and practice. This analysis will continue to be published as part of SPAs scrutiny arrangements.

The Business Intelligence Toolkit which includes Ward Tracker and Datazone Tracker, has been further developed to include GRIDview, an analytical tool to replace the early version of the Geographical Temporal Alignment Tool. GRIDview has been developed to provide a comparative tool for crime and stop and search data per 10,000 head of population providing trending information aligned to appropriate and justifiable searches. The toolkit has been rolled out across Scotland allowing stop and search data to be considered along with crime and disorder information specific to geographical areas and assist in the aligning of stop and search activity and outcomes to the local priorities for divisional commanders and management to provide local context surrounding stop and search data.

The Code of Practice on Stop and Search which went live on the 11th May 2017 outlines the expectation on senior management to monitor the use of stop and search and provides requirements for Police Scotland to publish specific data on stop and search on an annual basis. This includes;

- the number of searches carried out under each statutory power
- how many persons searched on two or more occasions
- the age gender and ethnicity of the persons searched
- the proportion of searches that resulted in something being seized
- the proportion of searches resulting in a case being reported to the Procurator Fiscal

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- the number of authorisations issued under S60 of the Criminal Justice and Public Order Act 1994
- the number of complaints related to stop and search made and the number of receipts issued.

In addition to these reporting requirements Police Scotland also publicly report on the number of strip and intimate searches carried out within police premise and out with police premise for persons 17 years and under and those 18 years or over. All this information is reported within the quarterly management information reports for stop and search, providing accountability and transparency.

To help support Police Scotland in ensuring that the use of stop and search is appropriate and meets with the provision of the code of practice, analytical products which include Equality data have now been created supporting the review of detailed information based on protected characteristics such as age, gender and ethnicity. This information is produced at an area command, divisional and national level and provides a method to identify any indication of disproportionality on groups within the community.

Recognising this recommendation to produce one monthly data report which embeds stop and search analysis with other relevant contextual data, a stop and search data product developed for each area command and divisions is being integrated within existing divisional governance and tasking processes as outlined in the Stop and Search Analysis, Assurance and Integration [Report](#) presented to and approved at the Scottish Police Authority Policing Committee on 31 October 2017.

As part of ongoing consultation with all local divisional management teams across Scotland, the NSSU provided an overview of the new product to all command areas via an online web conference (webinar) in August 2017. This facilitated the capture of feedback on how best to share the information with local teams for tasking purposes. This mitigates risks which may arise should stop and search data be used in isolation and without the wider context from other relevant contextual data such as seasonal trends in crime, major events or how 'proportionality' is determined.

On an ongoing basis the stop and search data will be monitored through appropriate analytical product at all 3 levels and where a trend/pattern is identified, further exploration can be made by divisional police analysts to help understand the reasons for the trend. Understanding trends through the correct balance of quantitative and qualitative information will help bring more clarity to statistical variations in stop and search data.

Once sufficient time has elapsed since the introduction of the Code of Practice (11 May 2017), a baseline of stop and search activity will be included in the product and will be considered as part of the ongoing assurance framework to demonstrate proportionality and change over time. The time frame to be used will continue to grow from 1 year to 5 years.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 8: Related to Recommendation 7 is the work needed at a local level by the staff analysts to prepare the crime and disorder data for processing with the various analytical products available. There can be local circumstances or stand-alone events which may render the raw data inaccurate. Police Scotland should keep in mind the local work needed to produce the information which enhances the stop and search reports when rolling the pilot method out nationally, to ensure that there is sufficient staffing to do this.

Police Scotland and the SPA's [Serving a Changing Scotland](#) 10 year strategy has been informed by the policing priorities of the people of Scotland, and built upon understanding and effectively responding to the needs of all communities. Through effective engagement, local planning and partnership working, local officers are able to understand local community needs and expectations then draw on national and specialist resources to enhance this local response, by having the right resources in the right places at the right times.

Through this project of change, Police Scotland have been committed to demonstrating a local focused approach that is transparent, evidence based, open and which ultimately improves outcomes and public confidence. This wider approach to policing will include the use of a range of policing tactics, of which Stop and Search is one of many.

In advance of the Code of Practice going live, a Product Development Group was created to design bespoke analytical products to assist in the collation of relevant data required to produce accurate information around the use of stop and search at an area command and Divisional level.

To help support Police Scotland in ensuring that the use of stop and search is appropriate and meets with the provision of the code of practice, monitoring reports have been designed and provided to all area commanders from August 2017 as a pilot to support the review of detailed information based on protected characteristics such as age, gender and ethnicity. These products are being supported by local divisional governance processes to ensure that the appropriate action can be taken to meet local needs and the ability to feedback with action taken if required.

The Business Intelligence Toolkit, which includes Ward Tracker and Datazone Tracker, were developed to include GRIDview, an analytical tool to replace the early version of the Geographical Temporal Alignment Tool. The toolkit has been rolled out across Scotland. These provide a method to identify any indication of disproportionality on groups within the community. Furthermore, raw data is available to local analysts who have the tools available to produce locally relevant data based on emerging crime trends using bespoke reporting tools.

Following consultation with the divisions, partners and key stakeholders on the new stop and search product, options will be considered on how this is integrated across Scotland at a local level. The NSSU continue to engage with Analysis and

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Performance Unit to ensure the local divisional analyst structures can support local divisions appropriately.

Police Scotland, following consultation with stakeholders, consider that this recommendation will be **discharged** once the roll out plan for the new product has been clearly identified.

Recommendation 9: Some members of the public who had been stopped and searched during the live phase of the pilot complained about ‘random’ searches, in that there was no stated reason for the search. This suggests that even with the pilot’s methods of making the option to refuse a consensual search explicit and the advice slips, a misunderstanding remains about the purpose of consensual searches. In light of this, we would suggest Police Scotland move to a position of using legislative searches only. Only these can truly be ‘targeted’ at ‘the right people, right place and right time’ thereby enhancing accountability and public confidence, two key aims of the pilot.

Police Scotland announced in March 2015 that stop and search will be utilised with a presumption towards using a statutory power of search to support improvements in policy and practice. The Police Scotland National Stop and Search Unit (NSSU) has been conducting a review of every entry made to the Enhanced Stop and Search Database since 1 June 2015 and provides monthly internal reports to monitor and support improvements to policy and practice, including the move to a presumption towards using a statutory power of search.

The NSSU review of records is guided by defined business rules derived from the Police Scotland Stop and Search Standard Operating Procedure (SOP). The learning identified from this continuous review in turn directed the National Stop and Search Improvement Delivery Team (NSSIDT) in developing guidance and training to support frontline officers.

The NSSU review also shows a significant improvement in the percentage of entries that are reviewed as being recorded correctly, thus a reduction in the number requiring to be audited.

When recording searches, officers are providing the grounds for the search and this was initially supported by the introduction of advice slips which provided information on rights and expectations of a search. This advice slip has now been replaced with a stop and search receipt.

The Data Audit and Governance Group was created to review all aspects of data recording, auditing, monitoring and retention. Members of this group included specialist departmental leads relating to data and information management. All aspects of data retention in relation to recorded data on searches was fully reviewed and documented to ensure that the robust and justifiable business rules were implemented. A Privacy Impact Assessment was created to inform and guide the correct course of action recording rationale and policy decisions.

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The Police Scotland Stop and Search Improvement Plan has delivered improvements to the police use of stop and search in Scotland since its launch during November 2015 with significant and continued increases in the proportion of statutory searches - 69% in June 2015, increasing to 99.6% in April 2017.

In particular it has supported the delivery to frontline officers a comprehensive training package including face to face classroom training supported by electronic intranet based training.

The training has laid the foundations for the introduction of the Code of Practice on the Exercise by Constables of Powers of Stop and Search which went live in May 2017 and at which point the use by Police Scotland of consensual stop and search of persons ended.

Police Scotland's use of stop and search and compliance with the Code of Practice, will be subject to ongoing scrutiny, through Local Authority Scrutiny Boards and the SPA. The Code of Practice was subject to an [initial review](#) after 6 months by the Independent Advisory Group before a more comprehensive review is conducted after 12 months.

The 6 month review was based solely on quantitative analysis of the Police Scotland National Stop and Search Database to evaluate the implementation of the new Code of Practice on stop and search and consider potential legislative gaps. The report also provided recommendations for areas of focus by independent researchers to be appointed by the Scottish Government, which will form part a more extensive 12 month review of the Code's implementation.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 10: Police officers in our study expressed a clear impression that there are targets for stop and search, especially once the pilot launched, and as such they should do as many as possible. Therefore, we welcome the recent announcement from Police Scotland that they will be ending the target of 20% positive stop searches and the stop and search Key Performance Indicator (Police Scotland 2015). This unintended outcome of the pilot (raising the rate of stop and search) should be kept under consideration when rolling out the pilot nationally.

Police Scotland in April 2015 removed the stop and search target for the proportion of positive searches and the key performance indicator for stop and search volume. This was removed from the performance framework and is now provided to Senior Management Teams (SMT's) in the form of management information reports. This was communicated to staff and Senior Management Teams by memo, meetings, briefing and an intranet banner headline. In addition, a new Stop and Search Policy has been published setting out the purpose of the tactic whilst framing it within a context of being lawful, proportionate, justifiable and accountable.

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Police Scotland's changes in policy and practice including, initially, the move to a presumption of statutory searches over consensual and the removal of Key Performance Indicators has supported the transition to a more intelligence led evidence based approach and a reduction in the number of searches. Taking the learning from the Fife Pilot Evaluation, the use of language during training and communication is focused on positive engagements and interactions.

This has prepared Police Scotland to ensure the use of stop and search is appropriate in advance of the Code of Practice, which clearly sets out the expectations of policing in this regard.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 11: Training for officers on stop and search should initially be delivered in a face-to-face way, in sessions that are interactive (not online and not in the context of a briefing) and that illicit their feedback on the procedures. This training should take into account current research on the effects of stop and search in various populations. Anonymous systems of feedback should be considered if officers feel hesitant to provide feedback face-to-face. It may be helpful to use an external organisation to provide this training if officers would be more willing to speak openly in that context.

The National Stop and Search Improvement Delivery Team initially held workshops within every division and sought feedback from operational officers to capture issues around the use of stop and search. The feedback was anonymous, as no personal details were obtained or recorded, and officers talked freely of the perceptions, criticism and suggestions for the future.

In order to provide an opportunity for all members of the Force to provide their feedback, an online confidential and anonymous survey was created. The design of the questions and the results of the survey were outsourced to the Quality Assurance Department adding in a layer of impartiality and independence. The findings from the workshops and online survey have assisted in the development of the training and database improvements as well as providing a platform for officers to share their opinions and become involved in the future shaping of stop and search.

Police Scotland carried out a Training Needs Analysis (TNA) for stop and search. The TNA examined the likely impact on Police Scotland's officers of the Code of Practice which subsequently came into effect in May 2017, along with the impact of recommendations from Police Scotland, the Scottish Police Authority (SPA), Her Majesty's Inspectorate of Constabulary in Scotland (HMICS), the Scottish Institute for Policing Research (SIPR) and the Independent Advisory Group on Stop and Search (IAGSS).

It also took into consideration learning from the Police Scotland Stop and Search Improvement Plans and the National Stop and Search unit's (NSSU) 100% review of records made of the National Stop and Search Database. It considered recent academic research and surveys on training methods to make recommendation on how

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any subsequent training should be provided. This allowed a comprehensive training plan to be established and implemented.

Based on the research and evidence available an interactive mixed method of training was delivered. This included a combination of face-to-face training along with utilising e-learning where appropriate. For example e-learning was used to train officers in the easier to understand elements that would affect their working behaviours post-implementation of the code of practice. Face-to-face training was used to train officers on the areas of code of practice that will have the most significant impact on their working behaviours and allow for interaction and feedback on stop and search training. In addition, extending parts of the training into annual refresher Officer Safety Training programme is allowing for stop and search role-play scenarios to be incorporated, which was a recommendation from the Fife Pilot Evaluation team from subsequent consultation meetings.

A formal Training evaluation has been designed, circulated and completed by officers after the conclusion of the training. Summary findings of this report will be shared through current governance arrangements.

In addition, the training role out and the way this has been received, is being considered as part of ongoing research by a PhD candidate at the University of Dundee. The purpose of this research (entitled, “An analysis of police practice and culture in a time of change”) is to study the climate, culture and practices of stop and search in Scotland during a period of change. This research will include observation and analysis of the training and implementation of the new Code of Practice for stop and search.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 12: While the Fife Division was involved in an extensive amount of consultation with external groups and organisations (which is to be commended) we have concerns that the messages given to external stakeholders about the progress of the pilot were inappropriately positive. This was not necessarily deliberate – as we reveal about the dip sampling, the ‘complaints’ feature on the advice slip and the letters to parents, these did not illicit reliable or extensive feedback to the police about views of the public on the pilot methods, which they could then pass on to stakeholders and officers when updating them. We would suggest that Police Scotland reduce the level of self-promotion in these meetings when possible.

With advice from equalities and human rights organisations, Police Scotland has carried out a Stop and Search Equality Impact Assessment (EIA) and a Human Rights Impact Assessment (HRIA), engaging a range of stakeholders and agencies, and considered the impact stop and search may have on different communities and groups. Engaging stakeholders and agencies through the process of an EIA and HRIA ensures that the feedback to the police is accurate and reliably informs the development of national policy and practice.

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The learning taken from the EIA and HRIA has allowed for ongoing monitoring in relation to equality and human rights issues. It was acknowledged by the National Stop and Search Delivery Team that improvements to stop and search were necessary and through external consultation, open and honest discussions were held with stakeholders and Police Scotland were keen to accept suggestions and improvements from all parties in order to re-address raised concerns. This approach provided a free flow of information with feedback being recorded and acted upon through the relevant sub themes.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 13: Police Scotland should consider employing an external agency to assess the level of public satisfaction and confidence in the police in relation to stop and search (such as through the dip sampling phone calls). The fact that there were no complaints towards the police during the pilot does not mean that everyone is satisfied with stop and search. It is difficult for some people to tell the police directly what they think of them, even anonymously, especially if the police hold their personal details (name, address and phone number) or are standing in front of them in uniform. External assessors would remove the level of threat that can come with communicating with the police directly.

Police Scotland acknowledges the need to have a good understanding of a wide range of views and perspectives from across Scotland on the use of stop and search to help inform and develop policy and practice moving forward.

SIPR on behalf of the SPA and Police Scotland, explored public attitudes and opinion on the use of stop and search through the Social Attitudes Survey 2015. The survey, which concluded in April 2016, gathered information on the use of consensual search, the use of statutory powers of search, and considered public opinion on their use in terms of fairness and proportionality.

Further to that, Police Scotland's Equality Impact Assessment, Privacy Impact Assessment and Human Rights Impact Assessment processes have led to engagement with over 120 stakeholder organisations since June 2015, providing valuable consultation and feedback - helping shape policy and practice.

Police Scotland has established a Stop and Search Children and Young Persons Reference Group (SSCYPRG) which offers strong links to and continuous engagement with organisations including the Scottish Youth Parliament, Young Scot and the Police Scotland Youth Volunteers. The SSCYPRG ensures that the views of children and young people from across the country fully inform the development of the Children and Young Persons Strategy, including how stop and search is used.

The REORG took good practice from the Fife Pilot evaluation and developed an advice slip for officers to provide to individuals who are stopped and searched. This was subsequently replaced by the stop and search receipt, following the Code of Practice going live in May 2017.

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The advice slip previously and the receipt now directs a person to the Stop and Search online survey which seeks feedback on experience and opinions relating to the interaction. Additional information is provided on the receipt which displays contact details if a person wishes to complain about the interaction. Further to that, Police Scotland is utilising important links with stakeholders, to share public [information leaflets](#) to help encourage feedback from members of the public across the country.

Consultation with external assessors Scotcen took place with regards to carrying out dip sampling phone calls of those individuals that had been subject to stop and search. Following discussions it was deemed it was not practical for Police Scotland to pursue this any further due to substantial cost implications, inaccurate data through the recording of telephone numbers and lack of qualitative and quantitative responses as observed within the Fife Pilot.

The Police Scotland Annual Public Consultation Survey is now a year-long digital survey "Your View Counts" which ran through to March 2017. The monitoring of public satisfaction and confidence around the use of stop and search was considered, however the main purpose of this survey is to identify policing priorities and would not have been appropriate to alter the scope of the survey. Work is however ongoing to develop a version of this survey specifically designed to capture the views of Children and Young People.

Police Scotland's Local Policing Development Team is exploring the options for measuring public confidence however it is yet to be determined whether or not a public confidence survey will be considered.

Police Scotland have discussed with the SPA and the Scottish Government whether either are considering or would consider commissioning any further external surveys on stop and search. The SPA are not planning to commission any further surveys on stop and search.

The Scottish Government have highlighted the annual Scottish Crime and Justice Survey, which has a dedicated section on 'Confidence in Policing'. Having reviewed the question set and confirmed there is a significant baseline for comparison for the last 5 years, as well as specific references to stop and search, the survey addresses the wider question of public confidence and satisfaction in a national survey and provides a long term method of recording and public reporting of the findings.

A Police Scotland Public Confidence Steering Group was established in March 2017 with the purpose to oversee the strategic coordination and development of evidence based activity to improve confidence and satisfaction in Policing across Scotland. The Public Confidence Steering Group has a broad representation of partners and stakeholders including SIPR. The Group has agreed terms of reference listed below:

- Obtain a validated understanding of the current levels of confidence and satisfaction
- Research and prepare proposals for appropriately evaluated evidence based activity
- Draft a Public Confidence Improvement Plan for consideration of SLB

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- Oversee implementation of the above Improvement Plan.
- Evaluate progress on building confidence and satisfaction through agreed internal and external measures, linked to the Performance Framework.

Police Scotland, suggests this recommendation to be **discharged** and subsumed into the Public Confidence Steering Group work as set out in the terms of reference above as it is the Strategic lead for the development of a long term method of measuring public confidence and satisfaction in Policing across Scotland.

Recommendation 14: Should Police Scotland decide to continue with its own dip sampling method, there are issues with this which need to be addressed. These include the accuracy of the database, obtaining a representative sample of respondents, time of day in which to ring, the ability of any police officer to get a reasonable assessment of someone's views of their experiences with the police, the closed nature of many of the questions, the use of the comment box and to what use the findings are put (how widely to disseminate them and how often). Social science researchers with expertise in questionnaire methods would be best placed to advise on these and provide the necessary training to officers conducting the calls.

Following the policy decision not to conduct dip sampling, it was identified that there was no longer a requirement to obtain telephone numbers from persons stopped and searched. The Privacy Impact Assessment identified that the collation of individual's telephone numbers was considered excessive in accordance with Principle 3 of the Data Protection Act 1988.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 15: In relation to obtaining phone numbers from members of the public, there are some concerns here in terms of data protection and privacy. When members of the public are asked for their phone numbers for the dip sampling process, this needs to be stated by the police officer in question as the sole purpose for having that number. Police Scotland should also make a commitment to destroy these numbers once the dip sampling is completed for that month.

Police Scotland's Stop and search Privacy Impact Assessment (PIA) (October 2015) considered capturing, recording and retaining of personal data. Following the policy decision not to proceed with the dip sampling research through the use of the telephone number, the PIA identified that the collation of individual's telephone numbers was considered excessive in accordance with Principle 3 of the Data Protection Act 1988.

Police Scotland therefore do not require telephone numbers to be obtained from persons stopped and searched. Further to that there is no longer a function to record individual's telephone numbers on the National Stop and Search Database. The

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findings of the Privacy Impact Assessment has directed that officers are required to inform persons who are subject to a search that their personal information will be retained and held for policing purposes for up to 3 years. Stop and search data is covered by the Records and Retention SOP which has been fully updated with the findings and policy decisions from the Privacy Impact Assessment.

Existing records held within the enhanced database from the 1st June 2015 that contain telephone numbers, have been identified and those telephone numbers have been deleted.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 16: The advice slips given to members of the public when they are stopped and searched are good practice. However, these need to be given out as a matter of course in every stop and search, and a system should be devised to check that this is happening. These documents also need to be amended (or an alternative version produced) to use language more suited to young people, to provide more information on consensual searches and officers should routinely ask if the person might have any difficulty in reading the advice slip (for example, because of vision problems or dyslexia). The Police Scotland Children and Young Persons Reference Group also suggested pictures and font that is easier to read for people with dyslexia. Officers should always carry copies of the advice slips with them, as well as copies of those in alternative formats (such as the Polish language version).

The REORG considered The Fife Division (Police Scotland) Stop and Search Pilot Evaluation including the use of advice slips. The content was evaluated and through extensive consultation with children's organisations and workshops with children, the content was agreed. The group subsequently developed an enhanced version of the advice slip and after consideration by the Stop and Search Strategy and Tactical Groups these have been issued to those stopped and searched since November 2015.

The enhancements were carried out in conjunction with the Plain English Campaign and the advice slip received the related Crystal Mark. The advice slip provided easy to understand information on the use of stop and search (including consensual stop and search) and an individual's rights. The advice slip also invited those stopped and searched to provide feedback on their experience through a short online survey, through which children and young people can feedback their experiences and views.

Police Scotland worked with ENABLE Scotland to provide public information in an easy read format for individuals who may have difficulty in reading, or understanding, the advice slip. This information incorporated pictures with easy read font and has been made available (in booklet form) and was on the Police Scotland stop and search [webpage](#). The easy read leaflet has been designed and its content and layout have been tested through consultation with disability groups to test understanding and ease of use.

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To ensure the issuing of advice slips: the Stop and Search Standard Operating Procedure (SOP), an officer aide memoire and officer e-briefing provided the necessary guidance to officers to issue advice slips to every person they stop and search.

The code of Practice went live on the 11th May 2017, and with this all officers up to the rank of Inspector have been issued with a book of receipts to replace the advice slips. As per the provisions of the code, these must be issued for every stop and search carried out. These receipts are individually serial numbered and it is mandatory for officers to record this number on the National Stop and Search Database.

As well as providing advice to the person searched, this allows the person to apply for a copy of their search record at a police station or online via the Police Scotland Website.

A video clip presentation was created to support the information within the advice slip and this has been updated to reflect the new receipt process. This has been circulated to stakeholders and published on the Police Scotland Website. This presentation provides a visual format demonstrating, in a practical fashion, the expectations and rights regarding stop and search.

For those that may not have English as a first language, Police Scotland have an established Interpreter service that can be accessed and utilised during operational patrols. The contents of the advice slip (appendix 5) and the new receipt have been uploaded to Police Scotland's Stop and Search webpage. The website has the facility to translate all content and pages into multiple languages (93 choices) as required. This provides a secondary option to pass information contained within the receipt to those requiring it in a different language.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 17: The aide memoires are also good practice, especially the mandatory statement on the card explaining the right to refuse a consensual search which officers are to read aloud. However, they also need more information on consensual searches such as when it would be inappropriate to do them, for example, on people who are intoxicated or vulnerable in some way and thus unable to give informed consent (in addition to not conducting consensual searches of children under the age of 12).

The REORG considered the use of officer aide memoirs and the contents of which were circulated to children's organisations and through workshops, feedback was

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sought from a range of people including children and young people. The clear response led to a move towards a set of criteria that were required to be covered by an officer but allowed flexibility in its delivery to suit the needs of the person to be searched, thus improving the understanding for the person.

The group subsequently developed an enhanced version of the aide memoire which was rolled out across the country during November 2015 after consideration by the Stop and Search Strategy and Tactical Groups (see Appendix 4). The aide memoire was subsequently updated following the end of consensual searches and other changes brought about by the Code of Practice and is incorporated into the receipt books (Appendix 7) issued to every officer up to the rank of Inspector.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 18: The letter to parents is a difficult area. There are good suggestions which would make them more useful for parents. These include more detail on the circumstances of the stop and search, details of what brought the police officer to conduct a search, what possible outcomes or repercussions there might be for the child from the search and the use of less formal language. However, there is also a concern that the letters could have negative consequences for children in some households where contact with the police is seen as problematic. Careful consideration should be given to this and whether the letters in some cases might do more harm than good.

The REORG and the Police Scotland National Risk and Concern Project (NRCP) have given careful consideration to the parent letter used during the Fife Pilot to inform parents and guardians that their child had been stopped and searched by the police. The NRCP is focused on improving the approach to protecting the most vulnerable people to meet the principles of GIRFEC. The contents and concept of the parent alert letter was extensively consulted on and the feedback supported the findings from Fife Pilot Evaluation in that the concept was positive but contained an element of risk to the child. This aspect was fully reviewed and the introduction of risk by Police was felt to be disproportionate to the benefits of the letter and required specialist resources to conduct extensive risk assessments on the family to minimise any potential risk. The letter was deemed to be impractical and a risk to the child.

The REORG and NRCP also considered other options as an alternative to the parent letter to identify the most appropriate way to progress the best interests of children and young people stopped and searched. That is where a child or young person is stopped and searched without any evident concerns for their welfare at the time of the search. It was concluded that the 'repeat nominal' process being utilised by the National Stop and Search Unit (NSSU) should be considered. This identifies children and young people stopped and searched repeatedly within a set period of time. The NSSIDT, in consultation with the Children and Young Persons Reference Group (CYPRG) considered and agreed to criteria on time periods and associated number of searches.

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It was identified that the trigger level for children and young people under the age of 16 would be lower than that of those over 16 in order to provide an early indication of any welfare concerns or unjustifiable searches. The repeat trigger level for children and young people under the age of 16 has been identified at 3 or more searches in a month, or 5 or more in three months.

Following feedback from stakeholders, the NSSU have developed additional reporting, which notifies divisions of those in their area who have been searched more than once. This allows the division to continue to monitor these repeat nominals on a monthly basis, to ensure there are not persons being searched disproportionately, who are not identified through the Monthly Interaction Report. Area Commanders are notified of children and young people falling into the repeat nominal category, allowing for further enquiry to be carried out to identify any underlying concerns and consider a referral to other agencies.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

Recommendation 19: Once a final format for a revised approach to stop and search is developed in Scotland, this should be communicated effectively with the public to help improve confidence in the new method, along with the regular production of publicly accessible reports on progress in changing stop and search and data analysis of the rates of stop and search for local areas.

The Police Scotland Stop and Search Improvement Plans set out the revised approach and direction of travel for the use of stop and search which has delivered improvements and laid the foundations for the introduction of the Code of Practice.

The REORG's work in identifying good practice from the Fife Division (Police Scotland) Stop and Search Pilot Evaluation has helped shape and progress actions from the Improvement Plan.

Police Scotland recognises the importance of keeping the public informed about the use of stop and search. A stop and search webpage, a short video, a public information leaflet and Police Scotland advice slips have been rolled out. These have all been updated and have formed part of a comprehensive communications strategy to support the changes made around stop and search to support the Code of Practice. The webpage, video, public leaflet, advice slips and stop and search receipts provide the public with information on the use of stop and search and individuals' rights and how to obtain a copy of their stop and search record.

In particular the webpage explicitly informs individuals of the improvements being made to stop and search and allows access to a host of information including Police Scotland's Stop and Search Improvement Plans as well as providing public access to progress updates on the use of stop and search. Furthermore, Police Scotland is utilising social media and important links with stakeholders to share the public information and reach as many members of the public as possible.

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Police Scotland has established a clear mechanism for reporting and publishing stop and search statistical information via the Police Scotland Stop and Search webpage. Stop and Search data is published quarterly and the SPA publish a parallel quarterly qualitative analysis of that stop and search activity. These publications allow for enhanced public scrutiny and at both local and national levels.

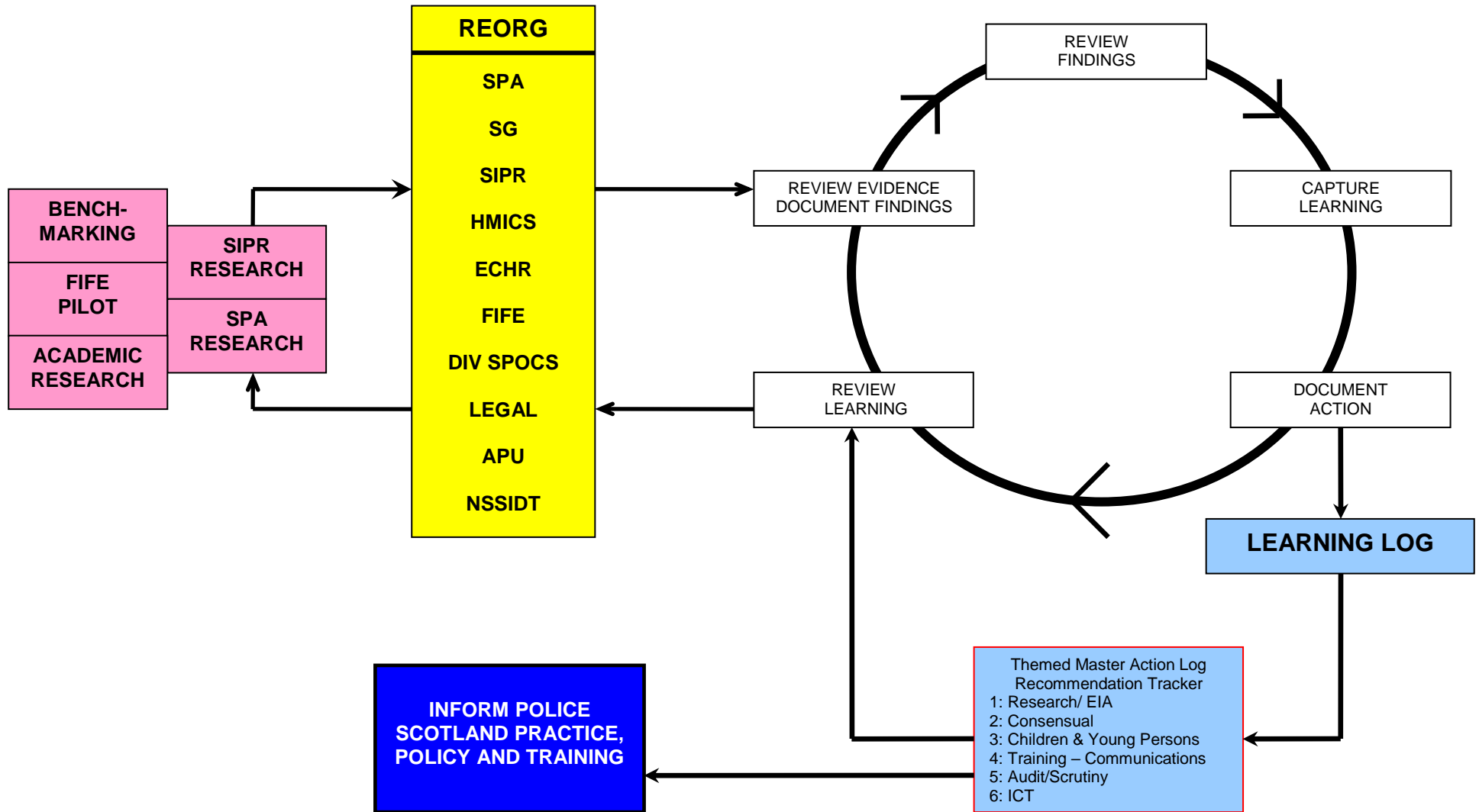
The Code of Practice on Stop and Search which went live on the 11th May 2017, as well as providing the expectation on the monitoring and management of stop and search, places further requirements on Police Scotland to publish specific data on stop and search.

This includes the number of searches carried out under each statutory power; how many persons are searched on two or more occasions; the age, gender and ethnicity of the persons searched; the proportion of searches that resulted in something being seized; the proportion of searches resulting in a case being reported to the Procurator Fiscal; the number of authorisations issued under S60 of the Criminal Justice and Public Order Act 1994; the number of complaints made and the number of receipts issued. Police Scotland's publically available published data will be updated to meet these requirements. In addition to these reporting requirements Police Scotland will also publicly report on the number of strip and intimate searches carried out within police premise and out with police premise for persons 17 years and under and those 18 years or over. All this information will be reported within the quarterly management information reports for stop and search, providing accountability and transparency.

Police Scotland, following consultation with stakeholders, consider this recommendation to be **discharged**.

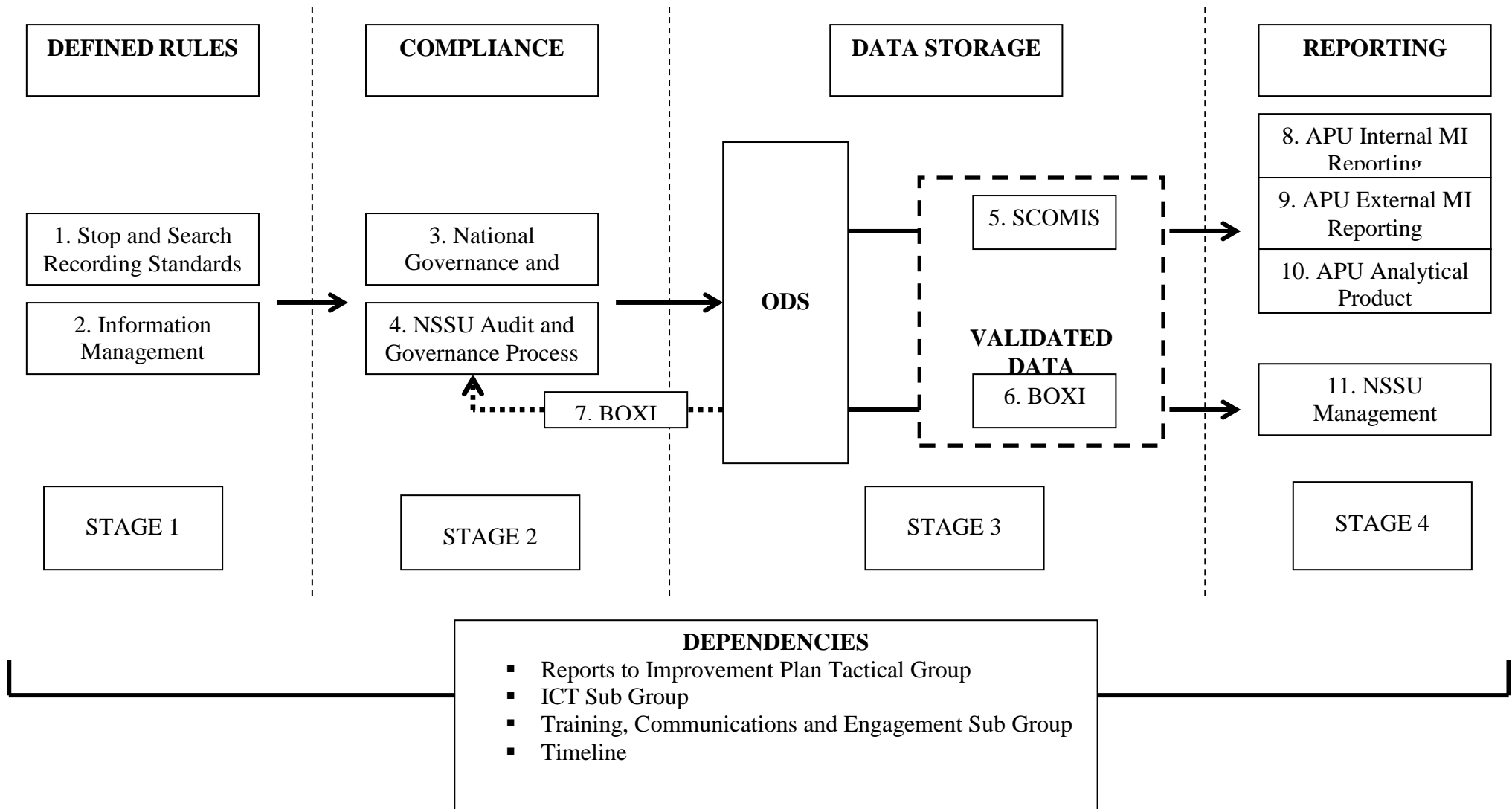
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Appendix 1 – Research and Evaluation Operational Review Group (REORG) Overview



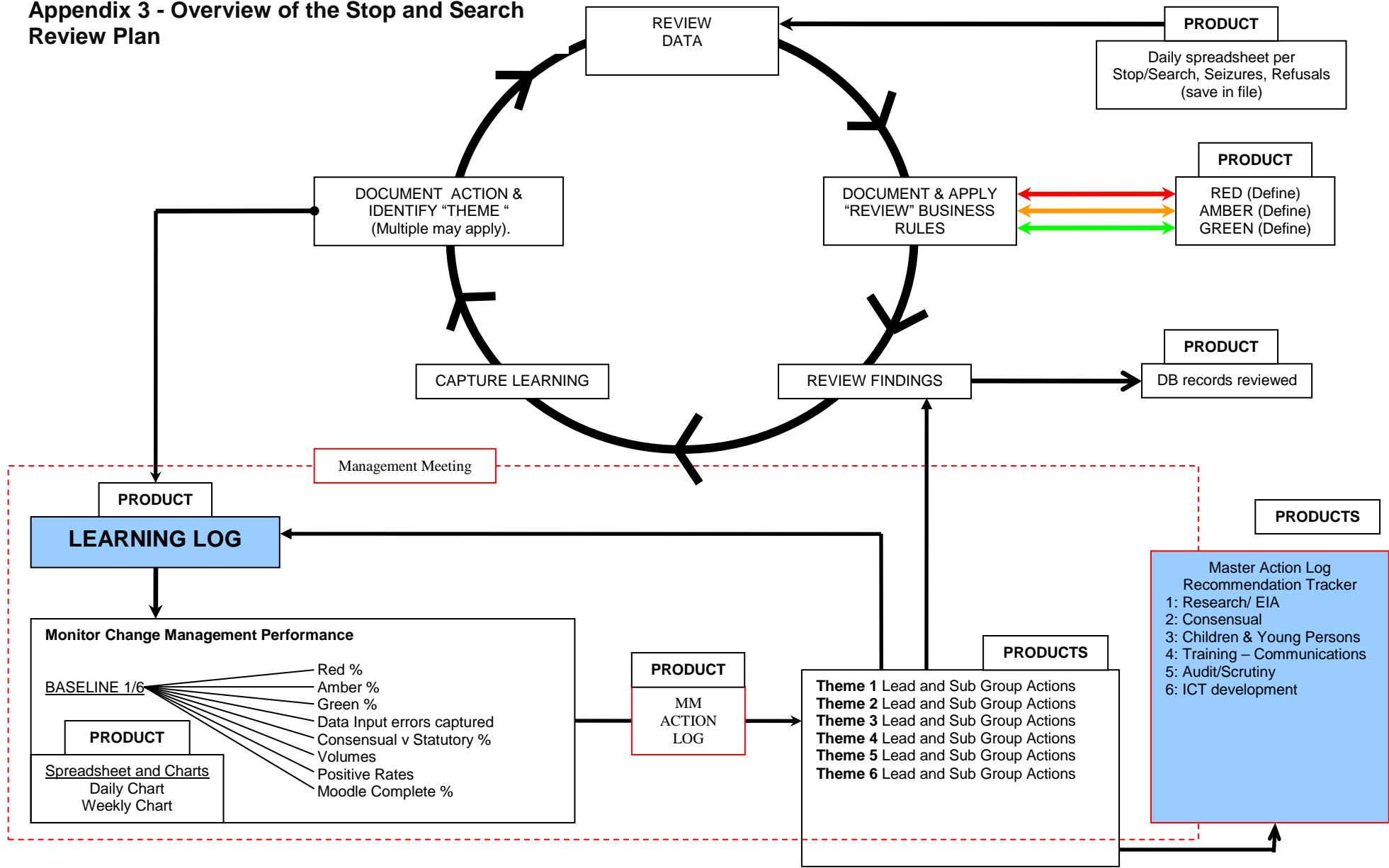
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Appendix 2 - Overview of Stop and Search Data Audit and Governance Plan



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Appendix 3 - Overview of the Stop and Search Review Plan



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Appendix 4 - Stop and Search Aide Memoire

Grounds and Circumstances

The grounds and circumstances in which an officer decides to carry out a stop and search must be clearly stated on the form from a person's perspective. It has to be written as if you have appropriate grounds to believe a reasonable suspicion person, or object, might have come to the person's attention as you may wish to state objectively as all the facts for reasons. It might include your observations and any other information along with the individual's views of conduct and thoughts at the time.

Officers should refer to the relevant sections when considering any recording grounds and circumstances, and to safety legislation that reasonable grounds and circumstances are valid for the search.

Seen	What have you seen including actions and behaviour? (e.g. drugs, dangerous items?)
Heard	Have you heard anything including conversations?
Actions	Has the person done anything that gives you suspicion? Do their actions demonstrate your grounds to search?
Conversation	What did you say to them? What did they say to you? Did they reply to what you said or attempt to avoid the question?
Knowledge	What is already known about the individual? What is the context?
Smell	Any smells that might give rise to suspicion that drugs may be present?

Notebook Entries - What to record

Notebooks and PDA records must provide sufficient information on the grounds and circumstances of the search to demonstrate the search was lawful and proportionate.

Officers are to use the following when their notebook for stop and search (where relevant):

- 1. Time, date and location of the search.
- 2. Individual's Name, Age, Gender, Date of Birth and follow the best obligation to provide any information for consensual search (if applicable).
- 3. Staff defined priority of the individual after the individual is defined their own ethnicity.
- 4. Details of officer present.
- 5. Type of search.
- 6. Reason power used (where relevant).
- 7. The grounds for a stop and search (S44(2)).
- 8. The circumstances of a consensual search or where S44(2)(c).
- 9. Summary grounds related to consensual search.
- 10. Outcome of the search (where relevant).

Remember to complete and issue an ethics slip.

- For guidance on stop and search disclosure notices - see SSP

Ethnicity

When completing an individual's ethnicity for the purposes of stop and search or equality, an individual should be asked to identify their ethnicity from the following:

White British	Other	Bangladesh
White English	Other White	Chinese
White Welsh	Mixed Ethnic Group	Other
White Northern Irish	Other Asian	South Asian
White Irish	Other Black	Black British or White Black
White Scottish	Other Black	Other Black
White European	Other	Other Black
White Yugoslav/Slovene	Other	Other Black
White Polish	Other	Other Black

When an individual refuses to identify their ethnicity or is unable, this should be recorded as 'refused'.

Personal Circumstances

There is a duty to search for items prohibited (Firearms, etc.) irrespective of where, whether consensual or not. There is something about them that might be potentially sensitive, you are allowed to ask, is there anything I need to know before I search you?



Key Points

Searches will be undertaken with a presumption towards allowing powers of search. In circumstances where there are no statutory grounds for a search and no other information or material is appearing, a consensual search may be considered. If the officers' general powers and consent is given, officers must only undertake a search if it is deemed necessary to ensure the protection, safety of that individual or any other person.

Definitions

Statutory Search - is a search conducted by a police officer in the course of their duties where the individual is considered to be a suspect or where consent is given.

Consensual Search - is one conducted by a police officer in the course of their duties with the consent of the individual being searched.

Public Stop and Search - is when an officer is empowered where powers of search apply, ultimately on the part of the individual being searched or any other is potentially compromised by the individual or person.

Refused to be searched - is when an individual does not permit their person to be searched by an officer. This only applies in a consensual stop and search.

Search - is when items are searched, or are removed from an individual for the purpose of safeguarding the health and well-being of that individual or any other, in circumstances where the stop and search under SSP does not apply and no statutory power or an individual has been given.

Consensual Searches

Where an officer has no other statutory powers available to them and they wish to request a consensual search, the following points must be considered to ensure it is lawful and that they will be satisfied:

1. The reason for the search.
2. That their consent is required for the search to be carried out being aware of their ability to consent and explain to the person they have a right to refuse.
3. That their consent is required for their personal details to be obtained unless they have the right to refuse.
4. That their details of consent will be held on a Police Database for 3 years for policing purposes.

It is the responsibility of the officer to ensure that the person has the opportunity to understand and voluntarily agree to the search. Where there is any doubt about the person's capacity, further steps should be taken and the individual must be allowed to refuse. If a person is unable to consent, officers must only undertake a search if it is deemed necessary to ensure the health and safety of that individual or any other person.

Refused to consent to a search or withdrawing personal details to not consent - is when an individual refuses to consent to a search or withdraws personal details to not consent to a search.

Consensual searches must be undertaken under S44(2)(c) and must be lawful to be undertaken. Officers must ensure that the individual is not searched and justified.

Statutory Powers of Search

Drugs	S44(2) MHA 1983, S44(2)(b) MHA 1983, S44(2)(b) MHA 1983, S44(2)(b) MHA 1983, S44(2)(b) MHA 1983
Other Property	S44(2)(c) MHA 1983, S44(2)(c) MHA 1983
Weapons	S44(2)(a) MHA 1983, S44(2)(a) MHA 1983, S44(2)(a) MHA 1983, S44(2)(a) MHA 1983, S44(2)(a) MHA 1983
Explosives	S44(2)(d) MHA 1983
Classified	S44(2)(e) MHA 1983
Alcohol	S44(2)(f) MHA 1983, S44(2)(f) MHA 1983, S44(2)(f) MHA 1983, S44(2)(f) MHA 1983, S44(2)(f) MHA 1983
Search	S44(2)(g) MHA 1983, S44(2)(g) MHA 1983, S44(2)(g) MHA 1983, S44(2)(g) MHA 1983, S44(2)(g) MHA 1983
Admission	S44(2)(h) MHA 1983
Designated Sport	S44(2)(i) MHA 1983
Public Order	S44(2)(j) MHA 1983

Seizures

A seizure must be from a specific individual and:






- not involve the search of an individual.
- be for the purpose of safeguarding the health and well-being of an individual and
- involve the seizure of an item which may cause harm to that individual or any other.

Items likely to be seized include alcohol, tobacco and other substances such as glass, knives, guns and firearms.

The following are the powers of seizure to require the production of items but do not include a general search:

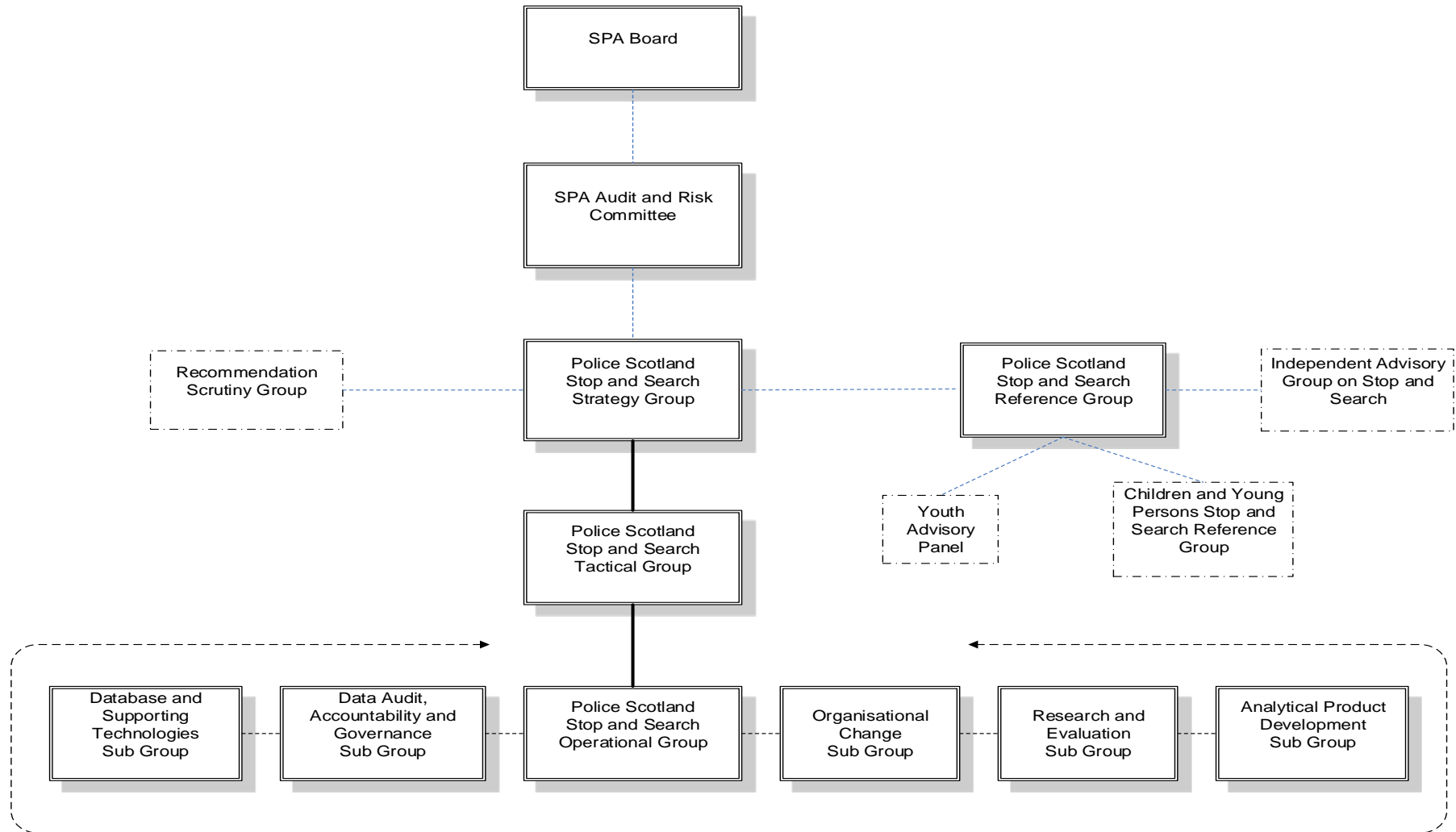
Alcohol	From 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 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3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551,
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Appendix 5 - Stop and Search Advice Slip

<p>Police use of stop and search</p> <p>We regularly stop and talk to people as part of our duties, and in certain circumstances search them. We do this to prevent crime and keep people safe. Our officers may simply want to speak to you as you are a member of the local community or to make sure that you or another person is all right. There will also be times when we want to search you.</p>	<p>Police use of stop and search</p> <p>SCOTLAND POLICE</p>  <p>Keeping people safe</p>				
<p>We use two different types of searches.</p> <p>1. Statutory stop and search</p> <p>This is when a police officer believes that you are committing a crime by carrying items illegally. The officer uses their policing powers to stop you and then searches:</p> <ul style="list-style-type: none">• you and your clothes;• anything that you are carrying, such as a bag or wallet; and• possibly the vehicle you are travelling in. <p>2. Stop and search with your consent (consensual search)</p> <p>This is when a police officer stops you and must ask for your permission (consent) to search:</p> <ul style="list-style-type: none">• you and your clothes;• anything that you are carrying, such as a bag or wallet; and• possibly the vehicle you are travelling in. <p>We must use stop and search fairly and with respect. We will not stop and search you because of your age, sex, ethnic background or religion.</p> <p>Useful information about stop and search</p> <ul style="list-style-type: none">• We may stop and search you if we suspect you are carrying illegal or harmful items.• Being stopped by the police does not mean that you are under arrest but you may need to stay with the officer until they have completed the search.• You will not get a criminal record unless you have committed an offence.• We will tell you why you are being searched. <ul style="list-style-type: none">• You don't have to give the officer your personal details unless they find an illegal or harmful item.• Any personal information collected during a stop and search will be kept for police purposes and destroyed after three years.• You can refuse to give your permission for a consensual search and we will not use this as a reason to carry out a statutory search.	<p>Today <u>DD/MM/YY</u> you have been searched by:</p> <table border="1"><tr><td>Rank:</td><td>Number:</td></tr><tr><td colspan="2">Division:</td></tr></table> <p>You were searched for the following reason:</p> <p>.....</p> <p>We would welcome your feedback</p> <p>As you have been stopped and searched, we would ask for a few moments of your time to complete a quick survey.</p> <p>The survey has six questions and will take about five minutes to complete. You can access it at:</p> <p>https://www.surveymonkey.com/tr/RFN6N7D</p> <p>How to contact us</p> <p>If you would like more information on stop and search you can visit our website at www.scotland.police.uk/stopandsearch</p> <p>If you are unhappy about the way you were treated by the police, you can make a complaint at your local police office or by contacting the police non-emergency number 101.</p> <p> @PoliceScotland</p> <p> PoliceScotland</p> <p> scotland.police.uk</p> <p></p>	Rank:	Number:	Division:	
Rank:	Number:				
Division:					

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Appendix 6 - Stop and Search Governance Meeting Structure



Appendix 7 - Stop and Search Receipt Book

DO NOT USE BEFORE 11 MAY 2017



**POLICE
SCOTLAND**

Receipt of Stop and Search

Name _____

Division _____

PSI _____

128-011 **RS000001** V1-A0217

We ask people about their ethnicity and national origin to obtain a true picture of our stop and search activity and to help tackle discrimination and promote effective use of stop and search powers.

Ask the person to identify themselves from the list:

White

- Scottish/British/English/Welsh/Northern Irish/Irish/Polish/ Gypsy or Traveller
- Other White

Mixed or multiple ethnic groups

- Any mixed or multiple ethnic groups

Asian, Asian Scottish or Asian British

- Pakistani/Pakistani Scottish/Pakistani British
- Indian/Indian Scottish/Indian British
- Bangladeshi/Bangladeshi Scottish/Bangladeshi British
- Chinese/Chinese Scottish/Chinese British
- Other Asian

African

- African/African Scottish/African British
- Other African

Caribbean or Black

- Caribbean/Caribbean Scottish/Caribbean British
- Black/Black Scottish/Black British
- Other Caribbean or Black

Other ethnic group

- Arab/Arab Scottish/Arab British
- Any other ethnic group

Conducting a search – IDEAS

- **Identify** yourself to the person being searched
- **Detain** the person using relevant search powers
- **Explain** suspected object & grounds for suspicion
- **Articulate** grounds in notebook/PDA
- **Slip** (Issue Receipt)

Recording a search – SHACKS

- **Seen:** What have you seen including actions and behaviours?
- **Heard:** Have you heard anything including conversations?
- **Actions:** Include what you did/what the person did in response. Did their action increase/decrease your grounds to search?
- **Conversation:** What did you say to them? What did they say to you? Did the reply increase/decrease your grounds to search?
- **Knowledge:** What is already known about the person? What is the time/location?
- **Smell:** Any smells or lack of odour which might give rise to suspicion, e.g. that drugs may be present?

Grounds for search
Does (a) the **relevant information** and/or (b) **observed behaviour** indicate that the person at **this time** is in possession of an article to which a power of search applies?

Recordable powers of search

Drugs	S23(2) Misuse of Drugs Act 1971 (Controlled Drugs) S23A Misuse of Drugs Act 1971 (Temp Class Drugs)
NPS	S36 Psychoactive Substances Act 2016 (Supply etc.)
Stolen Property	S60 Civic Government (Scot) Act 1982
Weapons	S48(1) Criminal Law (Cons) (Scot) Act 1995 (Offensive weapons) S49(B) Criminal Law (Cons) (Scot) Act 1995 (Offensive weapons in Schools) S50 Criminal Law (Cons) (Scot) Act 1995 (Bladed or Pointed Articles)
Firearms	S47(1) Firearms Act 1968
Crossbows	S4 Crossbows Act 1987
Fireworks	S11A Fireworks Act 2003
Wildlife	S19 Wildlife & Countryside Act 1981 S11 Protection of Badgers Act 1992 S101 Conservation (Natural Habitats etc.) Regulations 1994 S27 Deer (Scot) Act 1996 S4 Wild Mammals (Protection) Act 1996 S7 Wild Mammals (Scot) Act 2002 S53(1) Salmon & Freshwater Fisheries (Cons) (Scot) Act 2003

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Terrorism	S43 Terrorism Act 2000 (Suspect terrorist)
Aviation	S24B Aviation Security Act 1982 (Stolen or prohibited items in Aerodromes) 9(2) Edinburgh Airport Byelaws 2015 (Search in interest of public safety)
Sporting Events	S21 Criminal Law (Cons) (Scot) Act 1995 (Controlled items)
Public Order	S60 Criminal Justice & Public Order Act 1994 (Authority of inspector or above)
Proceeds of Crime	S289 Proceeds of Crime Act 2002 (Prior approval required)
Removal of Person	S66 Criminal Justice (Scot) Act 2016

Search Warrants	State power under which warrant was issued
------------------------	--------------------------------------------

- Persons searched under a search warrant must now be issued with a receipt and a record must also be made on the National Stop and Search Database

A **stop and search** is one conducted by a police officer in the course of their duties where a person who is not in police custody is searched using a specific statutory provision or in accordance with a search warrant issued by a court in Scotland.

A **recordable stop and search** must be recorded on the National Stop and Search Database and is any stop and search, with the exception of condition of entry searches - Section 67 Criminal Justice (Scotland) Act 2016 or Section 47A/Schedule 7 of the Terrorism Act 2000 which are governed by different Codes of Practice.

Remember

- Take reasonable steps to ensure that the person understands what is happening. Consider if an appropriate adult, responsible person and/or a translator is required
- Each person subject of a recordable stop and search must be given a receipt
- Always record the receipt number for each person searched in your notebook or PDA
- Receipts must not be issued for Seizures

Receipt No. 0000000 1 Time: HH:MM Date: DD/MM/YY

RECEIPT OF STOP AND SEARCH 

Details of Search

Receipt No.	0000000 1		
On (date)	DD/MM/YY	At (time)	HH:MM
Location	Locus of Search		
You were searched by	Name Shoulder Number		
Power of Search used	Refer to list		

What happens next?
Depending on the outcome of the search the police officer will have spoken to you about what further steps they may take. The police will keep the information collected about this stop and search on a database.

Your entitlement to stop and search information
You have a right to a copy of your stop and search information within 6 months from the date of search. Advice on how to get a copy of your stop and search information is available from:

- a police station
- the police non-emergency telephone number 101
- the stop and search page of the Police Scotland website (www.scotland.police.uk)

If you did not give your details at the time of the search you will not be able to get a copy of your stop and search information.

128-011 V1-A1216

Why do the police use stop and search?

The police use stop and search to promote public safety and to help prevent and detect crime.

When do the police use stop and search?

Stop and search is used when a police officer believes that you may be committing a crime or carrying illegal or harmful items. The police will use their policing powers or a warrant issued by a court to search:

- You and your clothes
- Anything that you are carrying, such as a bag or wallet, and possibly the vehicle you are travelling in

Useful information about stop and search

- All stop and search must be lawful, necessary and proportionate as set out in the Code of Practice for Stop and Search
- You will not get a criminal record unless you are convicted of an offence
- The Code of Practice including a children and young person's version is available at police stations and on the stop and search page of the Police Scotland website (www.scotland.police.uk)
- The webpage also provides useful information which is available in other languages
- If you are unhappy about the way you were treated by the police, you can make a complaint at your local police station or by contacting the police non-emergency number 101

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