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Stop and Search Improvement Progress Report for the Cabinet Secretary for Justice

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Foreword

The first Police Scotland Stop and Search Update Report for the Cabinet Secretary for Justice, dated March 2015, detailed the developments that were underway to help deliver significant improvements in the police use of stop and search in Scotland.

The Update Report submitted in March 2015 acknowledged that there were areas for improvement around the use of stop and search, and set out 18 recommendations aimed at delivering those improvements.

In the context of a number of recommendations around the use and recording of stop and search from 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 (IAG), this report describes the improvement progress made against the Police Scotland recommendations set out in its March 2015 report to the Cabinet Secretary for Justice.

Police Scotland produced a Stop and Search Improvement Plan in two stages - Testing Phase I and Interim Consensual Phase II -

which set out the roadmap and direction of travel to help deliver on those recommendations. Police Scotland is planning to develop a further Code Phase III - to support progress towards the implementation of a statutory Code of Practice in the future. Governance and scrutiny of the Stop and Search Improvement Plan are provided through regular reporting to the SPA Audit and Risk Committee and the SPA Board.

In addition, Police Scotland is consulting with partners on a Police Scotland Violence Prevention Strategy, an area where stop and search has an important role to play. The strategy is a refreshed collaborative approach with partner agencies to help ensure violence prevention is at the heart of policing to meet communities' expectations and improve safety and wellbeing.

Police Scotland is confident that the improvements in progress are laying the foundations in preparation for the introduction of a statutory Code of Practice to govern the principles of stop and search in Scotland, whilst making a wider positive contribution to the safety and wellbeing of communities in a way that is fit for 21st century Scotland.

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Aim

To update the Cabinet Secretary for Justice on progress on stop and search improvements in relation to the 18 recommendations set out in the Police Scotland Update Report on Stop and Search dated March 2015. These 18 recommendations form part of the Police Scotland Stop and Search Improvement Plan which has the aims of achieving greater transparency and community involvement in the use of stop and search powers and supporting a more intelligence-led approach, leading to improved outcomes proportionate to the threat, risk or harm from crime and disorder, including community well-being.

Background

Stop and search has historically been used by the police across Scotland to address the issues causing harm in the community, providing opportunities to intervene and prevent individuals from coming to harm from criminality, disorder and other threats to their safety.

Since the end of 2013 the use of stop and search powers by the police in Scotland has been subject to significant public debate. This has led to subsequent inspections, reviews and evaluations by 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 (IAG). The Police Scotland Stop and Search Improvement Plan captures the 82 recommendations emerging from all this work and the governance structure laid out in the plan, overseen by the SPA Audit and Risk Committee and Board, identifies and disseminates good practice across the country to continue the journey of improvement.

The following provides a summarised timeline of the significant events and publications since March 2015, when the Chief Constable's Update Report for the Cabinet Secretary for Justice was presented:

- 30 March 2015: Publication of HM Inspectorate of Constabulary in Scotland *Audit and Assurance Review of Stop and Search: Phase 1*
- 31 March 2015: The Cabinet Secretary for Justice announces the Independent Advisory Group on Stop and Search to consider the future use of consensual search by Police Scotland and draft a Code of Practice.
- May 2015: Police Scotland introduces a National Stop and Search Improvement Delivery Team to create and deliver on a Stop and Search Improvement Plan.

- 1 June 2015: Police Scotland launches the Stop and Search Improvement Plan (Testing Phase I).
- 19 June 2015: Publication of *The Fife Division (Police Scotland) Stop and Search Pilot Evaluation Findings and Recommendations*
- 30 August 2015: Publication of the Report of the Independent Advisory Group on Stop and Search
- 18 November 2015: Police Scotland launches the Stop and Search Improvement Plan (Interim Consensual Phase II)

Introduction

This report provides an update on the improvement progress Police Scotland has made on the use of stop and search as a result of the 18 recommendations outlined in its March 2015 report to the Cabinet Secretary for Justice. Police Scotland has produced two stages of its Stop and Search Improvement Plan - Testing Phase I and Interim Consensual Phase II. The Stop and Search Improvement Plan is supported by the following six priority themes:

Theme 1 - Research & Evaluation

The Stop and Search Research and Evaluation Operational Review Group (REORG) brings together key academic and other stakeholders to develop an evidence base that informs and supports the delivery of the Improvement Plan. To do this the REORG continues to consider the stop and search work carried out by the SPA, Scottish Government, HMICS, IAG, SIPR and other interested parties, identifying good practice.

Theme 2 – Consensual Searching

Police Scotland has continued to monitor and report on compliance with its policy that consensual searches are no longer to involve children under 12 years of age. As new changes have been delivered, Police Scotland has enhanced training to include best practice on consensual searches, reinforcing policy and expectations. Police Scotland has worked with partners to develop options on the future of consensual searches and to support the work of the Independent Advisory Group on Stop and Search. Police Scotland has moved to a position of presumption of statutory searching over consensual and will continue to monitor its impact of this.

Themes 3 – Engagement with Children & Young People

Throughout the improvement process, Police Scotland has worked with children and young persons as individuals and in groups to consult on current practice and proposed improvements including any potential impact for age discrimination. Police Scotland has carefully considered all feedback taking into account opinions and recommendations from children, young people and their representatives.

Theme 4 – Organisational Change

As improvements have been designed, Police Scotland has delivered appropriate communication and effective training, supported by detailed standard operating procedures to ensure that every officer is clear on the policy changes, standards and governance. The organisational changes which have taken place were managed and governed by Police Scotland's own strategic, tactical and operational groups, reporting to the SPA.

Theme 5 – Accountability and Public Information

Police Scotland has established clear internal and external reporting mechanisms on stop and search activity with comprehensive management information reported internally on a monthly basis and published publicly on the Police Scotland website on a quarterly basis. The SPA is represented on the Police Scotland Stop and Search Strategic and Recommendation Scrutiny Groups, both of which review the progress made in meeting the 82 recommendations and support the subsequent reporting to the SPA Audit and Risk Committee and the SPA Board. The SPA is also represented on the Police Scotland Stop and Search Tactical and Reference Groups. These forums provide both internal and external engagement and scrutiny across all aspects of stop and search in shaping future developments and addressing the 82 recommendations.

Theme 6 – Database and Supporting Technologies

Police Scotland has developed and continues to develop solutions to improve the effectiveness of stop and search through intelligence and crime data, ensuring all activity is directed and justified. A stop and search database has been designed and implemented to capture the relevant information required to meet the policy changes as well as making enhancements to ensure accuracy, scrutiny and governance of stop and search data.

Audit and Governance

Police Scotland recognises the need to ensure that identified improvement activities are driven, managed and successfully delivered within a reasonable timeframe. Proportionate governance is critical to ensuring that improvements against the 82 recommendations continue to be made. Governance of the Stop and Search Improvement Plan at an operational level is overseen by Police Scotland's National Stop and Search Improvement Delivery Team, and held to account by the Police Scotland Stop and Search Tactical and Strategic Groups. Also part of the Governance structure is the Stop and Search Strategic Group and the Stop and Search Reference Group.

The Police Scotland Stop and Search Strategic Group ensures that good practice and learning opportunities are identified and shared across the country. The Police Scotland Stop and Search Reference Group provides advice and support on all stop and search issues, including any consequent legislation and change in practice that will be necessary to underpin the use of stop and search in Scotland. The Reference Group has representation from a wide range of stakeholders including the SPA, Scottish Government, HMICS, SIPR, the equalities and human rights organisations, Scottish Children's Reporter Administration, Scotland's Commissioner for Children and Young People as well as Police Scotland staff associations.

A Stop and Search Recommendations Scrutiny Group (SSRSG) made up of key stakeholder representatives (which includes SPA, HMICS, SIPR and Scottish Government) gives consideration to whether Police Scotland has sufficient evidence to warrant discharging individual recommendations. The improvement progress against the 82 recommendations is then presented to the SPA Audit and Risk Committee and the SPA Board to scrutinise and ensure work delivers on the recommendations.

Recommendations

The Police Scotland March 2015 report – Stop and Search Update Report to the Cabinet Secretary - set out 18 recommendations to help progress improvements in stop and search across the country. Police Scotland's Stop and Search Recommendations Scrutiny Group (SSRSG), considers whether Police Scotland has sufficient evidence to warrant discharging individual recommendations. The SSRSG agreed at its meeting in November 2015 that Police Scotland had provided sufficient evidence to discharge 16 of the 18 recommendations. Recommendations 11 and 16 remain in progress whilst the development of a Stop and Search Outcome Delivery Model to link the use of stop and search with positive outcomes is finalised and the Police Scotland Violence Prevention Strategy is developed.

The following provides an update on Police Scotland's improvement progress against its 18 recommendations, as part of the Stop and Search Improvement Plan:

Recommendation 1

Police Scotland, in consultation with the SPA, to produce guidance for members of the public as to the police use of stop and search, their rights, including specifically the right to refuse a consensual search, and the consequences or, more importantly, the absence of consequences should they refuse. Police Scotland to work with the SPA, national and local partners to publicise that public guidance.

As part of Police Scotland's Stop and Search Improvement Plan, the Stop and Search Research and Evaluation Operational Review Group (REORG) was established. It brings together partner agencies including the SPA, Scottish Government and academic experts on stop and search from SIPR, Edinburgh University, Dundee University and University of the West of Scotland to consider available evidence and inform future developments.

Police Scotland recognises the importance of keeping the public informed about the use of stop and search. In particular the REORG has considered the Fife Division (Police Scotland) Stop and Search Pilot Evaluation and through that work identified good practice from across Scotland and the UK which has informed enhanced Standard Operating Procedures and other guidance material designed to improve the use of stop and search and in particular the information provided to those subjected to a search. This guidance has been rolled out across the country after consideration by Police Scotland's Stop and Search Strategy and Tactical Groups.

During November 2015 all officers were provided with enhanced guidance for the use of consensual searches. Officers now, prior to carrying out any consensual search, explicitly inform individuals of their right to refuse the search. A stop and search webpage, an officer aide memoire and Police

Scotland advice slips were rolled out, the latter now provided to individuals who are the subject of a stop and search. The webpage and Police Scotland advice slip provide the public with information on the use of stop and search and an individual's rights. In particular the advice slip and webpage explicitly informs individuals that where they refuse their permission to a consensual search an officer will not use this as a reason to carry out a statutory search. Furthermore, Police Scotland is utilising important links with stakeholders to share public information leaflets to reach as many members of the public as possible.

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

Recommendation 2

Police Scotland, in consultation with the SPA, to develop processes for monitoring and review of the Police Scotland national stop and search database to ensure compliance with equality and human rights considerations and effective accountability.

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. The learning from the EIA and HRIA has supported the development in the reporting of stop and search information in terms of age categories and protected characteristics. These enhancements allow for ongoing monitoring in relation to equality and human rights issues and where necessary for intervention to ensure compliance.

The stop and search data published on the Police Scotland website allows for public scrutiny at both national and local levels. Furthermore, monthly management stop and search information is made available to divisional commanders to support and facilitate local authority scrutiny boards. This enhances scrutiny and accountability on the use of stop and search at a local level.

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

Recommendation 3

Police Scotland to monitor the ongoing use of stop and search to assess any impact caused by the move to a presumption of the use of statutory searches in preference to consensual stop and search. This may involve engagement with police services in England and Wales to secure the benefits of their experience and learning from an environment which only uses statutory stop and search.

In its March 2015 report to the Cabinet Secretary for Justice, Police Scotland announced 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) 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.

Since the launch of the Police Scotland Stop and Search Improvement Plan on 1 June 2015 there have been significant and continued increases in the proportion of statutory searches - 69% in June 2015 compared with 87% in October 2015. 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.

The Stop and Search SOP and Recording and Counting Rules also provide guidance to divisional police supervisors when carrying out local quality assurance checks of stop and search records. Reviewing records locally provides additional scrutiny to ensure that statutory powers of search are being utilised in preference to consensual stop and search.

The REORG is currently considering best practice from other police services in England and Wales, including the HMIC Report "*Stop and Search Powers: Are the police using them fairly and effectively?*" (2012-2013) and the Home Office publication "*Best use of Stop and Search Scheme*" as well as research papers from the College of Policing. Consideration will be given to how this best practice might support the development of stop and search policy and practice in Scotland.

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

Recommendation 4

Scottish Government, Police Scotland and the SPA to work together to develop an appropriate, public facing statement, by the end of August 2015, to cover all stop and search practice in Scotland, which takes into account the implications it may have for the manner in which police officers in Scotland interact with the public. Particular consideration to be given to the complex legal and policy issues associated with the development of any code of practice with or without statutory force.

Police Scotland's stop and search public facing statement has been developed and published on the [Stop and Search webpage](#), a link which is provided on the Police Scotland advice slip. This has been developed following consultation with the SPA, key stakeholders and other interested parties and reads as follows:

"Police Scotland uses Stop and Search as an operational policing tactic in the prevention, investigation and detection of crime, with the intention of keeping people safe and to improve community wellbeing.

Police Scotland recognise that stopping and searching members of the public is a significant intrusion into their personal liberty and privacy and are committed to ensuring that all Stop and Search activity is carried out in a lawful, proportionate, justifiable and accountable manner.

Whilst carrying out a Stop and Search, officers will treat members of the public in keeping with Police Scotland's core values of fairness, integrity, respect. Police Scotland will ensure that an individual's rights are upheld in accordance with the Human Rights Act 1988 and the Equalities Act 2010."

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

Recommendation 5

Police Scotland, in consultation with the Scottish Police Authority (SPA), to examine the SIPR evaluation of the Fife Pilot with a view to establishing and rolling out identified good practice across Police Scotland in relation to the theme of Transparency and Fairness.

As part of the Stop and Search Improvement Plan the Research and Evaluation Operational Review Group (REORG) was established. It brings together partner agencies including SPA, Scottish Government, SIPR and academic experts to consider available evidence and inform future developments. Police Scotland recognises the importance of keeping the public informed on the use of stop and search. In particular the REORG has considered The Fife Division (Police Scotland) Stop and Search Pilot Evaluation and through that work has identified good practice which has been rolled out across the country after consideration by the Stop and Search Tactical and Strategy Groups.

The following is a sample of the good practice that has been identified from the REORG's review of the Fife Pilot and, following consultation with the Police Scotland Stop and Search Reference Group, was rolled out during November 2015:

- **Enhanced guidance for the use of consensual searches.** Officers now, prior to carrying out any consensual search, explicitly inform individuals of their right to refuse the search; their right to refuse to provide their personal details and that any information provided will be held on a police database for three years.
- **Advice Slips** are now issued to those stopped and searched. The advice slip provides information on the use of stop and search, an individual's rights in relation to stop and search and provides updates on the improvements which are progressing. It directs people to Police Scotland's Stop and Search webpage to provide feedback on their experience through a short survey as well as detailing the complaints process.
- **Aide memoires** have been issued to officers which include the enhanced guidance for consensual searches and guidance on obtaining self-defined ethnicity to support frontline practice.

The REORG is also considering 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 parent letter is being evaluated further and consideration is being given to an additional pilot in consultation with the Police Scotland National Risk and Concern Project. This project is focused on improving the approach to protecting the most vulnerable people, building upon the existing concern hub structure operating across Scotland to meet requirements of the named person scheme under the Children and Young People (Scot) Act 2014. To assist in identifying vulnerable people, specifically vulnerable children, a pilot is being considered to establish and test an end to end process to support the principles of the parent letter. This will allow any subsequent impact on concern hubs and stakeholders to be assessed whilst ensuring that the requirements of the new legislation and named person scheme can be met.

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

Recommendation 6

Police Scotland, in consultation with the SPA to proactively publish stop and search data on a quarterly basis.

The Police Scotland Stop and Search Data Audit and Accountability Governance Sub Group (DAAGG) has established a Data Audit and Governance Plan, to support the delivery of appropriate rules, processes and products around stop and search data management including the capture of data, its storage and its reporting. In parallel to this, the Police Scotland Analysis and Performance Unit (APU) established a Product Development Sub Group aimed at establishing the appropriate methods of reporting stop and search activity.

Police Scotland has established a clear 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 are developing a quarterly qualitative analysis of that stop and search activity. The NSSU initially provided weekly (now monthly) reports on searches involving children less than 12 years of age to both the SPA and Scottish Government.

On 1 June 2015 the enhanced stop and search database was implemented. To date there has been a total of 10 stop and search records created on the database for children aged under 12 years. All of these searches were statutory searches with only one providing a positive return. There have been no consensual searches recorded on the enhanced database of children aged under 12 years.

The stop and search data published on the Police Scotland website allows for public scrutiny at both national and local levels. Furthermore, monthly management stop and search information is made available to divisional commanders to inform local authority scrutiny boards and support scrutiny and accountability on the use of stop and search at a local level.

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

Recommendation 7

Police Scotland, in consultation with the SPA, to explore ways in which Scotland's children and young people may be better engaged and consulted to ensure their views are captured in the ongoing development of stop and search policy and practice (and wider policing methods), ensuring that they continue to be treated with respect and that they are aware of their rights.

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, including children and young peoples' groups to identify the impact stop and search may have on children and young

people. 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 has 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 persons involved 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 persons' groups, as progress is made towards a statutory Code of Practice coming into effect, giving consideration to any future impact stop and search may have on children and young people. This

will ensure that their views are considered and they continue to make a contribution to the development of stop and search policy and practice. Public information leaflets are being 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 progress Police Scotland has made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and is considered **discharged**.

Recommendation 8

Police Scotland, in consultation with the SPA, to examine the SIPR evaluation of the Fife Pilot with a view to establishing and rolling out identified good practice across Police Scotland in relation to the theme of Children and Young People.

The REORG has considered The Fife Division (Police Scotland) Stop and Search Pilot Evaluation and through that work identified good practice which has been rolled out across the country after consideration by the Stop and Search Strategy and Tactical Groups. This good practice has been integrated with the learning from the EIA and HRIA referred to in Recommendation 7 and the outcomes highlighted in Recommendation 5.

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 ensure 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. Police officers now have enhanced guidance for the use of consensual searches. As a consequence officers, prior to carrying out any consensual search, explicitly inform individuals, in a manner they will understand, of their right to refuse the search. Advice slips have also been developed which officers are now issuing to individuals stopped and searched, providing easy to understand information on the use of stop and search and an individual's rights. 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. Both the advice slips and the stop and search webpage include information on individual's rights, including those of children and young people.

The REORG is currently considering the parent letter used during the Fife Pilot to inform parents and guardians that their child had been stopped and searched by the police, as set out under Recommendation 5 above.

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

Recommendation 9

Scottish Government, in consultation with Police Scotland and the SPA, to explore further opportunities to consult and engage with key stakeholders to expand and widen understanding of views and perspectives on the use of stop and search in Scotland.

As part of Phase II of its Improvement Plan, Police Scotland has introduced a Stop and Search Public Confidence Plan of which a core element is to engage and consult with communities about stop and search to understand their views and concerns. 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.

The Scottish Institute for Policing Research (SIPR), through REORG and on behalf of the SPA and Police Scotland, is exploring public attitudes and opinion on the use of stop and search through the Social Attitudes Survey 2015. The survey, which is due to conclude by the end of 2015, will gather information on the use of consensual search, the use of statutory powers of search, and consider 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 Police Scotland stop and search webpage incorporates an area through which people can feedback their views and experiences, and important links with stakeholders are being utilised, to share public information leaflets and ensure that feedback is encouraged from members of the public across the country.

The progress Police Scotland has made against this recommendation was considered by the Stop and Search Recommendation Scrutiny Group and is considered **discharged**.

Recommendation 10

The SPA, in consultation with Police Scotland, to commission academic research to improve the understanding of the use of stop and search, the scope of its impact, both positive and negative, with a view to incorporating the learning to inform future policy and practice.

The SPA, along with Police Scotland, has commissioned three strands of research to help better understand the impact of stop and search. The first strand, carried out by SIPR through the REORG, is exploring public attitude and opinion on Police Scotland's use of stop and search through the Social Attitudes Survey 2015. The survey will gather information on the use of consensual search, the use of statutory powers of search, and consider public opinion on their use in terms of fairness and proportionality.

The second strand is qualitative fieldwork research by Blake Stevenson Consultancy on stop and search carried out during summer and autumn 2015 in a range of areas across Scotland, with further work expected in early 2016.

The third strand of research is *Understanding and Preventing Youth Crime (UPYC)* being carried out by The Scottish Centre for Crime and Justice Research (SCCJR). The research is surveying school children in Glasgow to seek their views on stop and search as part of a wider international study of children and young persons' experiences of and attitudes towards crime and policing.

The three strands of research are due to be complete in early 2016. The findings will be considered by the REORG.

The progress made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and is considered **discharged**.

Recommendation 11

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

The REORG has reviewed stop and search strategies and best practice across the UK and abroad. From that work and to deliver on identifying and assessing links between stop and search and outcomes, a draft Stop and Search Outcome Delivery Model has been developed. The model introduces a framework against which divisional and area commanders policing local communities can consider their emerging policing priorities and identify more easily where, when and how often stop and search should be used to achieve their desired outcomes. The difficulties in demonstrating measurable outcomes for the prevention of crime are widely acknowledged and to this end the REORG will continue to consider how positive outcomes might be best identified.

The Police Scotland Stop and Search Tactical and Strategic Groups are also considering how best emerging analytical techniques support the Outcome Delivery Model and better connect stop and search activity to local priorities, demonstrating the link between stop and search and positive outcomes.

The progress Police Scotland has made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and held to be **ongoing** pending finalisation of the Stop and Search Outcome Delivery Model.

Recommendation 12

Police Scotland, in consultation with the SPA, to examine the SIPR evaluation of the Fife Pilot with a view to establishing and rolling out identified good practice across Police Scotland in relation to the theme of Improved Evidence Base.

The REORG has considered The Fife Division (Police Scotland) Stop and Search Pilot Evaluation and through that work identified good practice which has been rolled out across the country after consideration by the Stop and Search Tactical and Strategic Groups.

In terms of improving the evidence base, the REORG has taken good practice from the Fife Pilot and developed an advice slip which officers now provide to individuals who are stopped and searched. The development of the advice slip has also informed the enhancement and development of the Police Scotland stop and search webpage. The advice slip directs a person to the stop and search webpage which incorporates an area through which feedback on experience and opinions can be captured. 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.

Aide memoires have been issued to officers which include the enhanced guidance for consensual searches and guidance on obtaining self-defined ethnicity to support frontline practice.

Beyond the Fife Pilot, the REORG will continue to work closely with SIPR and the SPA to improve the evidence base and help shape future policy and practice. The work being undertaken by SIPR into public attitudes and opinion on Police Scotland's use of stop and search through the Social Attitudes Survey; qualitative fieldwork research by Blake Stevenson Consultancy on stop and search carried out during summer and autumn 2015 in a range of areas across Scotland; and SCCJR's research - *Understanding and Preventing Youth Crime (UPYC)* - surveying school children in Glasgow to seek their views on stop and search as part of a wider international study of children; are all expected to conclude in 2016.

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

Recommendation 13

The Police Scotland Stop and Search Tactical Delivery Group to ensure continuing organisational governance in relation to the ongoing improvement activity.

The Police Scotland Stop and Search Tactical Group continues to oversee the implementation of the Improvement Plan. The Tactical Group forms an important part of the wider governance structure (which culminates in scrutiny by the SPA Board and SPA Audit and Risk Committee) and supports the strategic and operational delivery groups, identifying learning opportunities and good practice. Key stakeholders including the SPA and Scottish Government, are represented on the Tactical Group and throughout the governance structure, ensuring appropriate scrutiny and accountability.

Since the Update Report to the Cabinet Secretary for Justice in March 2015, the Tactical Group has overseen the Stop and Search Improvement Plan Testing Phase I between June and August 2015. It has since considered areas for improvement, identified good practice and overseen the development of the Stop and Search Improvement Plan (Interim Consensual

Phase II). This has delivered a range of improvements including more effective guidance to frontline officers, including enhanced guidance on the use of consensual searches, advice slips being issued to those stopped and searched informing them of their rights, and enhancements to the stop and search webpage, all of which result in better public information on the use of stop and search. The Tactical Group is now supporting Police Scotland to continue improvement following the report of the Independent Advisory Group on Stop and Search and towards a statutory Code of Practice coming into effect.

Police Scotland has recently reviewed the level of internal governance in place to ensure that this remains proportionate to the work ahead.

The progress made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and is considered **discharged**.

Recommendation 14

The SPA considers inviting HMICS to conduct a scrutiny exercise at an appropriate time in the future to assess progress against the range of work and recommendations contained within this report.

Following the publication of their *Audit and Assurance Review of Stop and Search: Phase 1*, Police Scotland provided HMICS with the Stop and Search Improvement Plan, setting out the improvement activities for stop and search, including progressing recommendations made by HMICS.

HMICS are observers on the Police Scotland Stop and Search Reference Group, and members of the Stop and Search Recommendations Scrutiny Group (SSRSG) which operates in the wider structure of governance. The SSRSG in particular provides the opportunity for Police Scotland to present evidence to key stakeholders, including HMICS, on the progress made against their recommendations and to consider whether the recommendation made has been fully implemented and can be discharged, or if further work is required.

Police Scotland will continue to engage with HMICS and prepare for a further HMICS audit of stop and search during 2016. In addition Police Scotland plans to provide HMICS with a stop and search update report early in 2016, detailing the progress made against their 23 recommendations.

The progress made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and is considered **discharged**.

Recommendation 15

The Police Scotland National Stop and Search Unit to develop improved audit processes with regular reporting to the SPA and Scottish Government to continue.

Since June 2015, The National Stop and Search Unit (NSSU) has been carrying out a review of all records of stop and searches submitted by officers on the national stop and search database. This has allowed progress to be monitored against the key areas of policy including the presumption towards using statutory powers of search, and searches involving children under 12 years of age. Furthermore it allows for emerging areas of improvement to be identified and addressed to ensure that improvement in practice continues. The review of all records has identified a significant improvement in the accuracy of the data input to the national stop and search database. For example no consensual searches involving children under the age of 12 have been carried out since 1 June 2015; and overall statutory searches now make up over 87% of all Stop and Search activity carried out by Police Scotland, compared to 69% in June 2015.

The accuracy of stop and search data is critical for scrutiny and public confidence and should clearly illustrate how the use of the stop and search

tactic is being applied; when it is being used, where it is being used and on whom it is being used.

Police Scotland's interim Manual of Guidance (MOG) supported the stop and search testing phase by providing guidance to police officers (in particular supervisors) on quality assurance at a local level. With the learning from the testing phase the NSSU have developed enhanced stop and search Recording and Counting Rules, which build upon the interim MOG to help ensure all stop and search is capable of scrutiny and is justified and proportionate.

Police Scotland has also established clear mechanisms of reporting stop and search activity both internally and externally. In particular regular reports are provided to the SPA and Scottish Government on searches involving children under 12 years of age. Further to that, stop and search data is published regularly on the Police Scotland stop and search external webpage, and in conjunction with that, the SPA are planning to publish a quarterly qualitative analysis of stop and search activity.

The progress made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and is considered **discharged**.

Recommendation 16

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

Police Scotland is developing a Police Scotland Violence Prevention Strategy, an underpinning Violence Prevention Action Plan and themed Violence Prevention Toolkits. Police Scotland will shortly be consulting with a range of partners, key stakeholders and interested parties for implementation during 2016. The strategy will strengthen the commitment and ongoing action to maintain preventative, partnership and intelligence led investigative approaches to keeping people safe. The REORG will play an important role, ensuring that available research and evidence relevant to stop and search and the Violence Prevention Strategy are captured.

Police Scotland has now established a clear mechanism for reporting stop and search activity both internally and externally. On a quarterly basis Police Scotland publish stop and search data and the SPA are planning to develop quarterly qualitative analysis of that stop and search activity in early 2016.

The NSSU initially provided weekly (now monthly) reports on searches involving children under 12 years of age to both the SPA and the Scottish Government. The NSSU also produce a monthly executive report summarising the findings from the ongoing review of all stop and search records on the enhanced database. Highlights from this report are shared at stop and search governance meetings at which the SPA and the Scottish

Government are represented. Furthermore, Police Scotland report to the SPA Audit and Risk Committee and the SPA Board on an ongoing basis as part of the governance processes which support the Stop and Search Improvement Plan.

Police Scotland has regularly updated the SPA Audit & Risk Committee on improvement progress and how Police Scotland and the SPA have responded to the recommendations within the SPA - Scrutiny Review – Police Scotland’s Stop and Search Policy and Practice published in May 2014, most recently at the SPA A&RC meeting of 11th December 2015. The review contained 12 recommendations, 10 of which related to Police Scotland. Eight of the recommendations are fully discharged, four are partially discharged and due to be completed in early 2016.

The progress made against this recommendation has been considered by the Stop and Search Recommendation Scrutiny Group and is considered to have made **significant progress**.

Recommendation 17

Police Scotland, in consultation with the SPA, to develop mechanisms for reporting of the police use of stop and search to the 32 local authority scrutiny boards.

Police Scotland’s Stop and Search Data Audit and Accountability Governance Sub Group (DAAGG) has established a Stop and Search Data Audit and Governance Plan, to support the delivery of appropriate rules, processes and products around stop and search data management including the capture of that data, its storage and its reporting. In parallel to this, the Police Scotland Analysis and Performance Unit (APU) established a Product Development Sub Group aimed at establishing the appropriate methods of reporting stop and search activity.

Police Scotland has now established a clear mechanism for reporting stop and search activity both internally and externally. The APU produce local authority scrutiny board reports containing high level stop and search information, whilst at the same time providing local policing management teams with detailed management information by local authority areas. Divisional commanders share this additional rich picture with local authority scrutiny boards. This means enhanced scrutiny and accountability on the use of stop and search in a local context. Further informing local authority scrutiny boards is the stop and search data published quarterly on the Police Scotland external website. Furthermore, the SPA is developing quarterly qualitative analysis of that stop and search activity.

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

Recommendation 18

Police Scotland, in consultation with the SPA, to provide Scottish Government with an update report as to the improvements secured and an up to date assessment of the police use of stop and search, realised as a result of the developments and recommendations outlined in this report, by 31st December 2015.

Since the Chief Constable's Stop and Search Update Report to the Cabinet Secretary for Justice in March 2015, Police Scotland has delivered a range of improvement activity in the use of stop and search.

From 1 April 2015, a 20% positive detection rate target for stop and search was no longer set and the key performance indicator for recording stop and search numbers was removed from the force performance framework. Subsequently there has been a significant reduction in the use of consensual searching and an equally significant shift to the presumption to use statutory powers of search - with over 87% (as at October 2015) of all searches carried out involving the use of statutory powers, compared to 69% in June 2015.

Enhancements to the Police Scotland national stop and search database have resulted 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.

The improved data is adding value to the existing evidence base and is feeding into academic research and analysis. In addition to recording stop and search, the enhanced database now also records seizures and refusals to give consent to stop and search, giving a much more accurate reflection of stop and search activity across the country. 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.

New and improved briefing, guidance and training has been made available and delivered to frontline officers. In addition officers are now issuing Police Scotland advice slips to those stopped and searched, and Police Scotland have developed the stop and search webpage, incorporating a public facing statement on stop and search, to improve public access to information and help people to be fully informed. This is supporting the delivery of increased transparency and public confidence that stop and search is being used ethically, legally, proportionately and appropriately at all times.

These developments have delivered significant improvements in the use of stop and search. Following recommendation by the Independent Advisory Group that consensual stop and search of the person in Scotland should end when a statutory Code of Practice comes into effect, Police Scotland will continue to monitor any gaps or risks that emerge from its complete cessation. It is intended that this work will inform the Scottish Government's public consultation, planned for 2016, to help ensure everything possible is done to reduce any subsequent risk to local communities and Police Scotland's ability to keep people safe. This report, submitted to the Cabinet Secretary for Justice in December 2015, **discharges this recommendation.**

Next Steps

The Police Scotland Stop and Search Improvement Plan (Testing Phase I and Interim Consensual Phase II) has delivered improvements to the police use of stop and search in Scotland and laid the foundations for the introduction of a statutory Code of Practice on the Exercise by Constables of Powers of Stop and Search. Police Scotland's Stop and Search Improvement Plan (Code Phase III) will be presented to the SPA early in 2016.

Code Phase III will provide the roadmap to sustain improvement, including identifying any gaps that might emerge from the cessation of using consensual search in Scotland; contributing to the Scottish Government public consultation on the Code of Practice; considering the relationship between a Code of Practice and the Criminal Justice Bill; and undertaking a training needs analysis to ensure Police Scotland is in a position to prepare officers for the Code of Practice coming into effect.

Police Scotland will continue to, through its Police Scotland Stop and Search Improvement Plan, implement the remaining recommendations from its own Update Report on Stop and Search, provided to the Cabinet Secretary for Justice in March 2015, as well as those from the reports of the Scottish Police Authority Scrutiny Review, the Review of Her Majesty's Inspectorate of Constabulary in Scotland, and that of the Scottish Institute for Policing Research.

Scrutiny of progress in implementing the Stop and Search Improvement Plan will continue to take place by the Scottish Police Authority Audit and Risk Committee and Scottish Police Authority Board.

