



**POLICE
SCOTLAND**

Keeping people safe

POILEAS ALBA

Management Information
National Stop and Search
Database: Quarterly Report

April – June 2021/22

Embargoed until 25th August 2021

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The Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland

The Code came into effect on 11 May 2017. The Code governs all situations in which constables stop and search a person without first making an arrest, unless the search is expressly excluded, either under the Code, by statute, or by virtue of the search being subject to a separate statutory Code or guidance as to its exercise. The Code also sets out the requirements to be followed by the Police for recording information in relation to all stop and search activity covered by the Code.

The Code requires as soon as practicable after the end of each reporting year (ending 31 March), the Chief Constable of a relevant police service must publish, information on how many times during the reporting year a stop and search was carried out in Scotland by constables of that service. In addition, so far as practicable, the information is to disclose:

- (a) the number of stops and searches carried out under each statutory power;
- (b) how many persons were searched on two or more occasions
- (c) the age and gender, and the ethnic and national origin, of the persons searched
- (d) the proportion of searches that resulted in:
 - (i) something being recovered by a constable, including information as to the number of cases in which the item recovered was of the type suspected by the constable at the outset of the search
 - (ii) a case being reported to the Procurator Fiscal
- (e) the number of authorisations issued under section 60 of the Criminal Justice and Public Order Act 1994
- (f) the number of complaints made to a relevant police service about the carrying out of searches (or the manner in which they were carried out) in Scotland by constables of that service.
- (g) the number of receipts issued

The National Stop and Search Database was upgraded to coincide with the introduction of the Code. These changes included:

- (a) Cessation of the recording of consensual search
- (b) A new category to include searches of a person carried out in accordance with a search warrant issued by a court in Scotland
- (c) Addition of a new power under Section 66 of the Criminal Justice (Scotland) Act 2016, removal of a person
- (d) A new search type 'Protection of Life' recorded for when an officer conducts a search (in accordance with section 3.4 of the Code), under the overarching principles of Section 20 or 32 of the Police and Fire Reform (Scotland) Act 2012, as part of taking all steps necessary to protect life
- (e) A new search type 'Other' recorded for when an officer believes it is necessary to conduct a search that is not for the protection of life and where no specific statutory power exists and considers their actions to be justified, the officer should enter Police and Fire Reform (Scotland) Act as the 'Power of Search used'
- (f) Officer's estimate of the age group of the person searched (under the age of 18 or 18 years of age and over) if not provided

The Code is available at police stations and on the stop and search page of the Police Scotland website (www.scotland.police.uk).

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Commentary Notes on Management Information

Force Level Highlights

1. All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as of 2nd July 2021.
2. This report shows the data of the enhanced database 1st April 2021 – 30th June 2021.
3. This data shows that Police Scotland is delivering the improvements set out in the Stop and Search Improvement Plan and is committed to sustaining and building on those improvements and maintaining community confidence.
4. An enhanced database was rolled out across Scotland on 1st June 2015 which included additional validations designed to improve the quality of the data by preventing inaccurate data capture through input error. Further enhancements have followed, significantly allowing more detail to be recorded since the introduction of the Code of Practice. Following the review of the data captured on the National Stop and Search Database for the period specified, it is evident that the introduction of these validation checks has made a significant impact on the level of data input errors.
5. In relation to outcomes the National Stop Search Unit (NSSU) do not validate or compare search outcomes from the National Stop Search Database with other Police systems.

Ongoing Quality Assurance

As part of Police Scotland's duty under data protection and our quality assurance process, records held on the database may be reviewed and may be subject to amendment. This involves liaising with the officer(s) involved to confirm any aspect of the recorded data which is unclear. Any adjustment in respect of these records will be reflected in future stop and search publications.

Complaints

For the period 1st April 2021 - 30th June 2021 a total of 9 complaints have been received by Police Scotland in relation to the use of stop and search.

Persons Searched on Two or More Occasions

Between 1st April 2021 and 30th June 2021, 831 persons have been searched on two or more occasions. As the National Stop and Search Database is not nominal-centric this figure can be affected by a number of variables such as persons providing alias names or variations in spellings.

Comparisons with Historical Data

Due to changes in data recording to bring the National Stop and Search Database in line with the Code of Practice, direct comparisons with historical data would provide invalid or misleading conclusions.

Definition of a Stop and Search

Stop and Search

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.

Positive Stop and Search

A positive stop and search is when an item is recovered where possession of same implies criminality on the part of the person being searched or any other or where an item has been recovered which is potentially harmful.

N.B. When a stop and search under a statutory provision has taken place and alcohol, tobacco or NPS is recovered, depending on the circumstances this should be recorded as a positive stop and search on the Stop and Search Database.

Recordable Stop and Search (must be recorded on the National Stop and Search Database)

A recordable stop and search is any stop and search, with the exception of condition of entry searches (Section 67 Criminal Justice (Scotland) Act 2016) or Schedule 7 of the Terrorism Act 2000 (which is governed by different Codes of Practice).

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Stop and Searches, Legislation

The following table identifies the type of searches recorded on the National Stop and Search Database, along with the specific legislation relative to each search type:

Search Type	Recordable Statute
Search Warrants	S109(1) Copyright, Designs and Patents Act 1988 (Piracy and trademark offences etc)
Search Warrants	S142(1) Criminal Justice Act, 1988 (Search of premises for offensive weapons)
Search Warrants	S23(3) Misuse Of Drugs Act 1971
Search Warrants	S24(1) Forgery and Counterfeiting Act, 1981 (Search for counterfeit money)
Search Warrants	S27 Deer (Scotland) Act 1996
Search Warrants	S28B(4) Immigration Act 1971
Search Warrants	S292(3) Mental Health Care and Treatment Scotland Act 2003
Search Warrants	S42(1) Terrorism Act 2000
Search Warrants	S46(1) Firearms Act 1968
Search Warrants	Other Legislation
Drugs	S23(2) Misuse of Drugs Act 1971 (Controlled Drugs)
Drugs	S23A Misuse of Drugs Act 1971 (Temp Class Drugs)
Care and Welfare	S66 Criminal Justice (Scot) Act 2016
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)
Weapons	S49(B) Criminal Law (Cons) (Scot) Act 1995 (Offensive weapons in Schools)
Weapons	S50 Criminal Law (Cons) (Scot) Act 1995 (Bladed or Pointed Articles)
Firearms	S47(1) Firearms Act 1968
Firearms	S4 Crossbows Act 1987
Fireworks	S11A Fireworks Act 2003
Protection of Life	S20/32 Police & Fire Reform (Scot) Act 2012
Aviation	S24B Aviation Security Act 1982 (Stolen or prohibited items in Aerodromes)
Aviation	Edinburgh Airport Byelaws 2015 (Search in interest of public safety)
Wildlife	S19 Wildlife & Countryside Act 1981
Wildlife	S11 Protection of Badgers Act 1992
Wildlife	S101 Conservation (Natural Habitats etc.) Regulations 1994
Wildlife	S27 Deer (Scot) Act 1996
Wildlife	S4 Wild Mammals (Protection) Act 1996
Wildlife	S7 Wild Mammals (Scot) Act 2002
Wildlife	S53(1) Salmon & Freshwater Fisheries (Cons) (Scot) Act 2003
Terrorism	S43 Terrorism Act 2000 (Suspect terrorist)
Terrorism	S47A Terrorism Act 2000 (Authority of Assistant Chief Constable or above)
Sporting Events	S21 Criminal Law (Cons) (Scot) Act 1995 (Controlled items) - Alcohol
Sporting Events	S21 Criminal Law (Cons) (Scot) Act 1995 (Controlled items) - Controlled Containers
Sporting Events	S21 Criminal Law (Cons) (Scot) Act 1995 (Controlled items) - Controlled Article or Substance
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 - cash)
Proceeds of Crime	S303C Proceeds of Crime Act 2002 (Prior approval - listed assets)
Other	S20/32 Police & Fire Reform (Scot) Act 2012

