

## Equality and Human Rights Impact Assessment (EqHRIA) Summary of Results

<b>Policy / Practice</b>	<b>Stop and Search Standard Operation Procedure (SOP). Stop and Search Guidance Document</b>
<b>Owning Department</b>	<b>Safer Communities, National Stop and Search Unit</b>
<b>Date EqHRIA Completed</b>	06/03/2017 - (Initial EqHRIA completion date)
<b>Purpose of Policy / Practice</b>	<p>The Stop and Search Standard Operating Procedure and Stop and Search Guidance Document support the Police Service of Scotland's Stop and Search Policy. In May 2017 the 'Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland' (COP) was introduced. The COP governs all situations in which officers stop and search a person without first making an arrest, unless the search is expressly excluded under this COP, by statute or by virtue of the search being subject to a separate statutory code or guidance as to its exercise. The definitions and instruction contained within the SOP and Guidance Document have been developed and adopted by Police Scotland to support police officers in the lawful, proportionate and effective use of stop and search as an operational tactic, whilst ensuring that any such use remains compliant with the COP.</p> <p>The COP is underpinned by Section 65 Criminal Justice (Scotland) Act 2016 which made it unlawful for an officer to search a person otherwise than in accordance with a power of search conferred in express terms by an enactment or under the authority of a warrant conferring a power of search.</p>

### A. Summary of Analysis / Decisions - What the assessment found and actions already taken.

Assessment concluded that there was a potential for the Stop and Search SOP and Stop and Search Guidance to impact on protected characteristics

The definitions and instruction contained within the SOP and Guidance Document have been developed and adopted by Police Scotland to support police officers in the lawful, proportionate and effective use of stop and search as an operational tactic, whilst ensuring that any such use remains compliant with the COP.

The COP in the use of Stop and Search applies to all stop and searches of a person who is not in police custody carried out pursuant to a statutory power and searches of a person carried out in accordance with a search warrant issued by a court in Scotland. The COP stipulates that the following cannot be used alone as the reason for stopping and searching any individual:

(a) a person's physical appearance with regard to the relevant protected characteristics set out in the Equality Act 2010, section 149, i.e. age, disability, gender reassignment, pregnancy and

## OFFICIAL

maternity, race, religion or belief, sex and sexual orientation

(b) a person's clothing or general appearance

(c) generalisations or stereotypical images that certain categories of people are more likely to be involved in criminal activity

(d) the fact that a person has any previous convictions

However, reasonable suspicion can be supported by information or intelligence that refers to personal factors. For example, intelligence might include a description of a person suspected of carrying an article for which there is a power of search. Such a description may refer to a person's physical appearance.

The COP has also introduced specific sections relating to the Stop and Search of Children and Young People and the stop and search of vulnerable adults. These considerations are highlighted within the Stop and Search Guidance. The guidance also includes an appendix title 'Equality and Diversity considerations for Stop and Search' which includes information regarding searching of transgender persons, engagement with persons who have Autism and Asperger's Syndrome, contact with the Sikh Community, contact with the Muslim Community and contact with the Jewish Community.

In writing the Stop and Search SOP and Guidance, Police Scotland completed an external consultation of the Stop and Search SOP and Stop and Search Guidance with in excess of 80 organisations many of whom represent protected characteristic groups. All feedback received was given due consideration and amendments where made where required in consultation with the respondent.

The owning department will continue to monitor the impact of stop and search practice and consider any appropriate adjustments to the Stop and Search SOP and Stop and Search Guidance where required.

### **B. Summary of Mitigation Actions - What else we plan to do and how we are going to check that it has been done.**

Monitoring of stop and search:

The COP provides that Supervising Officers must monitor the use of stop and search powers by individual officers and ensure they are being applied lawfully, are justified and proportionate. This ensures officer search activity is carried out in accordance with the Code, supervisors promote good recording practice and support officers with guidance where required.

Since the introduction of the Code the National Stop Search Unit have carried out 100% review of all records submitted. This responsibility has moved to local policing supervisors allowing for more effective local monitoring of officers use of stop and search and ensure compliance with the Code of Practice and our values of fairness, integrity, respect and considering individuals human rights.

In monitoring the use of stop and search by officers under their line management, supervisors are asked to satisfy themselves that the stop search record contains sufficient information to allow them to make an assessment on whether the use of the tactic meets the requirements of the Code.

Senior Officers with local responsibilities for stop and search and those who are the national policy leads for stop and search must also undertake regular monitoring of the broader use of stop and search powers to ensure the tactic is use is lawful, justified and proportionate.

Monthly Analytical reports provide data at national, divisional and sub-divisional levels. This provides divisions with the ability to identify trends or patterns in the use of stop and search and

**OFFICIAL**

ensure its use is in line with the requirements stipulated in the Code of Practice.

Divisions are required to provide reports on all activity on a quarterly basis to Executive lead for stop and search, which informs quarterly reporting to the SPA under the Police Scotland Performance Framework. This provides proportionate levels scrutiny and governance.

Police Scotland recognise the value of partnership working through tested methods with academia, which has in the past informed policy and practice and continues to be considered in future activity.

Similarly the relationship with children and young people and officers use of engagement skills were a key focus during national training for the introduction of the Code. CYP leads for Police Scotland are in the process of developing methodology to be applied for the 2020/21 engagement programme. This will include an assessment of how young people have been impacted by CoVID-19 as well as questions on our use of legal tactics including Stop & Search. In addition we will be carrying out a specific programme of engagement with Care Experienced young people which will also include their perceptions of Policing tactics. This will inform our Corporate Parenting Plan for 2021-2024.

The owning department will monitor the impact of stop and search practice and consider any appropriate adjustments to the Stop and Search SOP and the Stop and Search Guidance and EqHRIA as required.

**Management Log – Policy Support Dept. Use Only**

<b>Review Date</b>		<b>Review Date</b>	
<b>Review Date</b>		<b>Review Date</b>	
<b>Review Date</b>		<b>Review Date</b>	