1 Purpose

1.1 This briefing paper aims to provide members of the Justice Sub-Committee on Policing with advance written evidence of the ongoing improvements made by Police Scotland to its use of stop and search.

2 Position

2.1 The Justice Sub-Committee is considering evidence on the Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland. This follows the Scottish Government Consultation on a Draft Code of Practice for Stop and Search and the Consultation on Police Powers to Search Children and Young People for Alcohol. Police Scotland in its report to the Cabinet Secretary for Justice dated 30th March 2015 identified the potential value of adopting such a Code. It very much welcomes the introduction of a Code, has submitted detailed responses to both consultations and has worked very closely with partners throughout the consultation phase to ensure the responses reflect the very positive progress that has been made.

2.2 While the introduction of a Code is under consideration, it is noteworthy that Police Scotland has made significant progress in a number of key areas:

- Consensual searching has reduced from 70% of all searches in 2013/14 to 3.5% at December 2016;
- Police Scotland has strong links with children and young people and their views and opinions have helped shape policy and training for front-line officers;
- Every front-line officer up to the rank of Inspector is undergoing on-line and classroom training anticipating the introduction of the Code.

3 Background

3.1 Since the formation of Police Scotland in April 2013 the use of stop and search has been subject to significant public and media interest. Following an extensive review by Police Scotland and subsequent independent reviews by Her Majesty's Inspectorate of Constabulary in Scotland (HMICS), the Scottish Police Authority (SPA), the Scottish Institute for Policing Research (SIPR) and the Independent Advisory Group on Stop and Search (IAG), a total of 82 recommendations were made with a view to enhancing public trust and confidence and improving policy, practice and service delivery.

3.2 Police Scotland created the National Stop Search Unit (NSSU) in June 2014
to monitor the use of stop and search and develop new governance and scrutiny processes. In addition, the National Stop and Search Improvement Delivery Team (NSSIDT) was created in April 2015 to support the NSSU in the development and delivery of improvements across all aspects of stop and search. This included addressing the recommendations identified from the various reviews in 3.1 above.

4 Police Scotland Improvement Plans

4.1 The NSSU developed bespoke improvement plans (see below at 4.2) to co-ordinate and focus the improvement activities required. At the heart of these plans was an acknowledgement of the need to improve public trust and confidence in the use of stop and search.

4.2 The plans were developed and delivered over three phases, outlining significant activity and progress over a two year period from 2015 to 2017.

- **Improvement Plan I - Testing Phase** – this detailed the action required to address the recommendations from the various reviews and consider further developments to the database used to record searches;
- **Improvement Plan II - Interim Consensual Phase** – this provided the action required for phasing out consensual searching and to support the government consultation on the Code of Practice and the consultation on the power to search for alcohol;
- **Improvement Plan III - Code Phase** - this sets out the plan to put in place the necessary training and business changes to prepare Police Scotland in anticipation of the implementation of the new Code of Practice in 2017.

4.3 A governance structure was created to manage the delivery of these plans, with external oversight provided through SPA. (Please refer to Appendix).

5 Research and Evaluation

5.1 One of the key improvement themes is research and evaluation. Police Scotland fully recognises the value academic research has in informing the use and application of stop and search and as a result established a Research & Evaluation Operational Review Group (REORG) in June 2015 to bring together the Police Service, leading academics and representatives from the fields of equalities and policy.

5.2 To date, Police Scotland’s engagement with REORG members and wider academia has ensured that evidence from research has influenced the current training and guidance being rolled out to all operational officers. For example, research has been used to better inform officers of the impact stop and search can have on individuals and of the approaches which can mitigate that impact. The REORG will continue as the Code is implemented and a number of key academics will continue to act as stakeholders on the strategic and tactical policy groups.
5.3 Looking to the future, Police Scotland and the Scottish Institute for Policing Research (SIPR) have recently agreed to collaborate and sponsor a PhD student to examine stop and search in Scotland over a three year period and carry out an analysis of police practice and culture throughout this time of change as the Code is implemented.

5.4 Police Scotland foresee many advantages from reviewing this change process and although the research will focus on the stop and search journey, it is expected that the findings will be sufficiently detailed to provide a benefit in relation to other organisational change as well as to other strategic partners.

6 Consensual Searching

Since 2013/14 Police Scotland has reduced consensual searching from 70% of all searches to 3.5% of all searches. It will cease altogether when the Code is introduced. Since the 1 June 2015 there has been no consensual searches of children under the age of 12 carried out in Scotland.

6.1 Consensual searches are searches carried out by a police officer where the person has agreed to being searched. These searches take place without the officer using a specific statutory power of search, for example, the Misuse of Drugs Act 1971. Police Scotland’s use of consensual searches has been the subject of significant scrutiny with concerns raised about the scale of the use of these searches.

6.2 Police Scotland recognised that the public interest in its use of consensual stop and search had to be addressed and built into future policy and practice. In February 2015, Police Scotland brought together an Expert Reference Group (ERG) including representation from numerous external stakeholders. This led to a decision that officers considering a search should utilise a presumption on statutory powers of searching over use of consensual stop and search.

6.3 Furthermore, the IAG examined the use of consensual search in Scotland and recommended in their report presented to the Cabinet Secretary for Justice in August 2015 that the practice of consensual search should end when the Code comes into effect.

6.4 Police Scotland has made a significant effort to ensure that officers across Scotland use a statutory power in preference over consensual search. To support this, the NSSU review all searches recorded on the national database to provide quality assurance and advice to individual officers where necessary.

6.5 As a result of these policy changes the volume of consensual searches across Scotland has fallen significantly from 70% of all searches in 2013/14 to 3.5% of all searches as recently as December 2016. This is demonstrated in the following table.
Engagement with Children and Young People

Police Scotland recognises how important it is to build strong relationships with children and young people. Over recent years a great deal of work has been undertaken to engage with and listen to young people in relation to stop and search. This work has shaped officer training and influenced the responses to the consultation on the Code.

7.1 Police Scotland recognises the significant impact that stop and search can have on young people and as a result is working closely with children, young people and the groups who represent them to help inform how we use stop and search now and in the future.

7.2 Police Scotland have used this as an opportunity to consult directly with children and young people across Scotland on a number of issues. This has proven to be invaluable, with their opinions and recommendations directly informing the improvement work, whilst also shaping the ongoing changes to practice.

7.3 Police Scotland recognises that the impact of stopping and searching children and young people is significant. It is therefore vital that any move to introduce a power of search for alcohol is carefully considered and based on sound and definitive data. A great deal of development to the database for recording stop and search information has taken place over recent years but historically there is not a base of robust evidence to support the introduction at this time of an additional power to search for alcohol.

7.4 Instead, Police Scotland will consider officer feedback and other information following the Code of Practice going live, to provide evidence relating to the need or not for an additional power of search and will continue to engage with the IAG as this issue is reviewed.
7.5 Police Scotland has developed training for all officers in preparation for the Code of Practice coming into effect. Working with children and young people to help develop this training has emphasised the importance of engagement and building positive relationships. This has gone a long way to ensure that the use of stop and search of children and young people is used proportionately and only where necessary.

7.6 In the first 9 months of 2016/17, 2,310 children and young people (under 16 years) were searched. 90.5% of these searches were carried out under statutory legislation.

<table>
<thead>
<tr>
<th>Totals by Age Group</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
<th>April to December 2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-11 Years</td>
<td>1,155</td>
<td>576</td>
<td>29</td>
<td>9</td>
</tr>
<tr>
<td>12-15 Years</td>
<td>68,655</td>
<td>46,113</td>
<td>9,431</td>
<td>2,301</td>
</tr>
<tr>
<td>16-19 Years</td>
<td>159,199</td>
<td>97,362</td>
<td>23,717</td>
<td>6,645</td>
</tr>
<tr>
<td>Other age groups</td>
<td>413,975</td>
<td>282,298</td>
<td>71,280</td>
<td>22,128</td>
</tr>
<tr>
<td>Total</td>
<td>642,984</td>
<td>426,349</td>
<td>104,457</td>
<td>31,083</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage by Age Group</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
<th>April to December 2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-11 Years</td>
<td>0.2%</td>
<td>0.1%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>12-15 Years</td>
<td>10.7%</td>
<td>10.8%</td>
<td>9.0%</td>
<td>7.4%</td>
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<tr>
<td>16-19 Years</td>
<td>24.8%</td>
<td>22.8%</td>
<td>22.7%</td>
<td>21.4%</td>
</tr>
<tr>
<td>Other age groups</td>
<td>64.4%</td>
<td>66.2%</td>
<td>68.2%</td>
<td>71.2%</td>
</tr>
</tbody>
</table>

8. **Supporting the Code of Practice**

All front-line officers up to the rank of Inspector are undergoing on-line and classroom training in stop and search policy and practice to prepare them for the introduction of the Code.

8.1 To support the Code of Practice, Police Scotland are currently delivering training to every Constable, Sergeant and Inspector across Scotland. In addition, specific input is being delivered to all senior management teams across the organisation.

8.2 Through this training, Police Scotland will ensure that officers are clear on the policy, standards and governance around the use of stop and search in advance of the Code coming into effect.

8.3 This training, which is delivered in the classroom and supported by online material, focuses on the importance of positive engagement with members of the public and provides officers with additional skills to identify and understand individual actions and behaviours that may give rise to suspicion.
8.4 Police Scotland has engaged extensively with key stakeholders and partners to ensure the training for officers is relevant, comprehensive and raises the awareness of the needs of children and young people. Members of the IAG have been afforded the opportunity to view the training and provide valuable feedback and this has been very positive. On its completion, the training will be subject to evaluation.

8.5 As part of the preparation for the Code coming into effect, Police Scotland has engaged with local and national stakeholders, and worked closely on governance issues with the Scottish Police Authority (SPA). In addition, all Local Authority Scrutiny Boards will receive an input, to promote their role in local accountability around the use of stop and search and to ensure that this meets the needs of the local community.

8.6 Comprehensive stop and search data is now published by Police Scotland every three months on the internet and includes information relevant to each local authority area. Police Scotland continues to develop the reports available to meet the additional requirements anticipated in the Code of Practice.

8.7 In addition, Police Scotland is continuing to develop analytical products which will support local commanders around the use of stop and search. These products provides local commanders with the ability to monitor and review the use of stop and search in their area. This allows them to ensure that the use of stop and search remains appropriate, proportionate and lawful whilst being held accountable for the actions of the officers in their command.

8.8 Police Scotland is currently developing appropriate reports to support the review of the Code of Practice once it is introduced. This will include gathering evidence from front-line officers relevant to the consideration of a search power for alcohol.

9. Conclusion

Police Scotland welcomes the Code of Practice on stop and search and will continue to collaborate with the public, partners and stakeholders to develop policy and practice to support it. Police Scotland is fully committed to building the trust and confidence of our communities and recognises the importance of making sure its approach to stop and search is proportionate, justifiable and appropriate to meet the needs and expectations of communities across Scotland.
GOVERNANCE MEETING STRUCTURE

SPA Board

SPA Audit and Risk Committee

Police Scotland Stop and Search Strategy Group

Recommendation Scrutiny Group

Police Scotland Stop and Search Tactical Group

Police Scotland Stop and Search Reference Group

Youth Advisory Panel

Children and Young Person Reference Group

Database and Supporting Technologies Sub Group

Data Audit, Accountability and Governance Sub Group

Police Scotland Stop and Search Operational Group

Organisational Change Sub Group

Research and Evaluation Sub Group

Analytical Product Development Sub Group

Independent Advisory Group on Stop and Search