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Briefing for the Public Petitions Committee on petition PE2275: Ban Police Scotland stop and search and warrantless collection of personal data, lodged by Bruce Wayne

The petitioner is calling for a ban on police "stop and search" and "the street-level collection of personal data without a prior judicial warrant".

The petition states that:

> "These powers are exploited for mass surveillance, intimidation, and suppression of freedoms. The government must strip the police of these coercive tools and introduce strict automatic sanctions for any unauthorized interference with citizens' private lives."

The petition refers to the powers that police have to collect data and conduct street searches relying on "subjective 'reasonable grounds', which in practice serve as a cover for discrimination and police abuse".

Brief overview of issues raised by the petition

Stop and Search

The Police Scotland Stop and Search page describes stop and search as "an operational policing tactic […] for the prevention, investigation and detection of crime". It states that: "Police powers of stop and search are used when a police officer reasonably suspects you to be in possession of an illegal or harmful item" and that:

> "Officers must have a specific reason to carry out a search. It must be carried out using a specific statutory power. An officer cannot search you without a specific reason even with your consent."

There are a range of legislative provisions that give the police the power to stop and search. They are all set out in a list of statutory powers on the Police Scotland Stop and Search page. They include, for example, where an officer suspects a person to:

- be in possession of a controlled drug
- be in possession of a firearm or offensive weapon
- have been hunting a wild mammal with a dog
- be a terrorist
- be in possession of illegal fireworks

- be in possession of stolen property.

Police Scotland data on stop and search shows that between April 2025 and March 2026, there were 40,964 searches carried out. Of these, 10,491 were positive searches (meaning an item was found which implies criminality on the part of the person searched or which is potentially harmful). That is a positive search rate of 25.6%. The most common reason given for stopping and searching a person relates to suspected possession of drugs – this accounts for 28,303 (69%) of the searches in 2025/26. The positive search rate for searches conducted for this reason was 27.8%, slightly above the overall positive search rate. The Police Scotland data also shows that over 33% of searches were carried out in Glasgow City (a disproportionate figure since this area accounts for 11.7% of Scotland's population - see key points under tables 5a-c of Glasgow City Council's population information). The searches in this area had a positive search rate of 22.2%, slightly below the overall positive search rate.

There is a code of practice on stop and search for police officers. It states that:

> "Recognising that stopping and searching members of the public is a significant intrusion into their personal liberty and privacy, all stop and search activity must be appropriate" (paragraph 2.1).

The code sets out that, to be "appropriate", the stop and search must be in accordance with law, necessary and proportionate. The code also provides (at paragraph 4.3) that the following cannot be used as the sole reason for stopping and searching a person:

- their physical appearance with regard to their age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- their clothing or general appearance
- generalisations or stereotypical images that certain categories of people are more likely to be involved in criminal activity
- the fact that the person has a previous conviction.

The Scottish Government consulted on a revised stop and search code of practice between 10 February and 5 May 2026. The consultation analysis was published on 26 August 2026. Some key points raised in the consultation were the need for:

- the code "to better reflect the experiences of ethnic minority communities, including strengthening its' human rights framework and addressing potential disparities in search practices"
- the code "to have stronger safeguards when stop and search powers are applied to children and young people"
- "clearer guidance on identifying and supporting vulnerable individuals".

The Coalition for Racial Equality and Rights 2025 State of the Nation report considered the experience of stop and search by different ethnic groups in Scotland. It states:

> "Between April 2024 and June 2025, African, Caribbean and Black ethnic groups were 2.5 times as likely to be stopped and searched by the police as their expected rate, given their share of the national population. Significant disparities were also faced by those in the 'Other Asian groups' and 'Other BME groups' categories, who were over represented by 86% and 101%, respectively." (page 89)

The report also states that statistics demonstrate that:

> "white minority ethnic groups have the highest positive search rate and the positive search rate for African, Caribbean and Black groups is lower than that for white Scottish/British groups. Higher rates of negative searches (where nothing was found during a search) among Black and minority ethnic groups could be indicative of patterns of racial profiling." (page 90)

Collection of personal data

When a police officer has reasonable grounds for suspecting that a person has committed, or is committing, an offence the officer can ask that person, and any other person in the same place (and who may therefore be a witness to the offence) for their:

a) Name

b) Address

c) date of birth

d) place of birth (in such detail as a constable considers necessary or expedient for the purpose of establishing the person's identity)

e) nationality.

It is a criminal offence not to provide this information when requested (see section 13 of the Criminal Procedure (Scotland) Act 1995). The same information must be provided by someone who is arrested (see section 34 of the Criminal Justice (Scotland) Act 2016).

Key Organisations and relevant links

- Police Scotland
- Scottish Police Authority
- His Majesty's Inspectorate of Constabulary in Scotland
- Coalition for Racial Equality and Rights

- Children and Young People's Centre for Justice

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5 November 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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