Thank you for your letter dated 14 November. As you highlighted, over the course of my evidence on the Police and Fire Reform Act 2013, I agreed to come back to the Committee on a number of points raised over the course of the session.

With regard to whether a Community Impact Assessment was done for stop and search, I have been informed by Police Scotland that such an assessment would generally be used in response to a critical incident or in the planning stages of a policing event or operation which is judged as having the potential to adversely affect community harmony.

As Stop and Search is a policing practice its use would not be considered through a Community Impact Assessment but instead through an Equality Impact Assessment (EIA) or more recently, an Equality and Human Rights Impact Assessment (EqHRIA), which is undertaken in respect of all new and changing policies. These are living documents which are kept under review in light of changing circumstances to ensure full understanding of the impact of policies and decisions on all members of our communities.

In May 2013, Police Scotland conducted an Equality Impact Assessment (EIA) on the Standard Operating Procedures in relation to Search which offered guidance to Police Officers and Police Staff in Police Scotland who had responsibility for conducting a wide range of search types, albeit not specific to the use of Stop and Search. The EIA identified at that time there was no evidence to suggest that any particular group would be discriminated against or disadvantaged based on their protected characteristics however the policy would be reviewed annually and any consultation or concerns considered.

Recognising the need for improvement around the wider use of Stop and Search, Police Scotland reviewed practices in 2014, alongside independent reviews by Her Majesty’s Inspectorate of Constabulary in Scotland (HMICS), the Scottish Police Authority (SPA) the Scottish Institute for Policing Research (SIPR). Building on lessons learned, a Stop and Search Improvement Plan was implemented in June 2015, supported by an Equality Impact Assessment (EIA) and Privacy Impact Assessment, which informed Stop and Search standard operating procedures and guidance. The impact on communities of the procedures remained under review throughout the development and delivery of the Improvement Plan, supported by ongoing consultation, and included assessment of the impact on Human Rights. This was ultimately signed off in 2017 on the introduction of the Code of Practice (introduced on 11 May 2017 under the Criminal Justice (Scotland) Act 2016)).

With regard to the points raised on armed policing, the number of armed police officers and how they are deployed is an operational matter for the Chief Constable. The impact of armed policing deployment on local communities is routinely assessment by the Armed Policing Monitoring Group (APMG) on a quarterly basis.
As the Committee will be aware, at its meeting in December 2017 the Scottish Police Authority considered a paper from Police Scotland to change the deployment model for armed response vehicle (ARV) officers. Previously ARV officers were only deployed to incidents involving firearms or where there was a threat to life. The proposal was that in addition to these, ARV officers could also be deployed to incidents where vulnerability or speed of response were deemed to be critical. Decisions to deploy ARV officers would be for the Initial Tactical Firearms Commanders to determine using the National Decision Making Model. This would allow ARV officers to support local community policing and enable ARV officers to utilise and maintain core policing skills. Ahead of the change to the model the impact was assessed as low.

The change to the deployment model came into effect in May 2018 ahead of which Police Scotland engaged with key stakeholders which included local Divisional Commanders engaging with their respective locally elected representatives. The community impact of the new deployment model continues to be assessed on a quarterly basis by the APMG. In addition, Police Scotland commissioned an independent evaluation of the new deployment model by the Scottish Institute of Policing Research and an initial report is currently being considered by Police Scotland.

Since the change in the deployment model, ARV officers have supported a wide range of local policing efforts across Scotland including assisting with over 2,100 incidents reporting missing persons or concerns for person.

Positive local engagement continues. Armed Policing officers have been invited to a number of Local Authority Scrutiny Boards by Divisional Commanders to engage with elected members in the wake of the change in the ARV deployment model. I understand that this has been very well received by Local Policing and councillors, promoting the use of ARV officers for non-firearms related incidents and that further visits are in the process of being arranged.

I also highlighted over the course of questions around complaints and conduct that I was due to meet the Police Investigations and Review Commissioner later that day. I can confirm that the meeting took place as planned.

Following general introductions and discussion around the background to PIRC and how the organisation has developed over the years we also discussed a range of issues including relationships that PIRC has with other organisations and discretion across organisations including police bodies and their roles and responsibilities when to report or refer to PIRC.

We also spoke about the evidence the Commissioner provided at the Justice Committee around complaints and investigations and the further written submissions provided by both PIRC and Police Scotland. I am mindful that some of the issues raised are likely to be picked up as part of Dame Elish Angiolini’s independent review. However I indicated that I was open to hear any suggestions that might assist or improve the complaints process in the short term.
We also touched upon PIRC’s structure and finance as well as its independence, transparency and decision making.

Towards the end of my evidence I also agreed that I would meet representatives of the Scottish Human Rights Commission who both gave evidence to the Committee and offered a submission. My office is seeking a date for this to happen and I would be happy to update the Committee at a later date.

I hope this information is helpful and I look forward to reading the Committee’s findings on the Act in due course.

Humza Yousaf  
Cabinet Secretary for Justice  
9 January 2019