SCOTTISH POLICE AUTHORITY

SCRUTINY REVIEW - POLICE SCOTLAND'S STOP AND SEARCH POLICY AND PRACTICE

FINAL REPORT AND RECOMMENDATIONS - MAY 2014

Contents

Chair's summary

This report contains the findings and recommendations of a scrutiny review undertaken by the Scottish Police Authority (SPA) into the use of stop and search tactics by Police Scotland. The review was undertaken as part of the SPA's scrutiny role, and supports our aim of continuous improvement in policing.

The review was undertaken at the request of the SPA board, by a dedicated scrutiny task group comprising five SPA members and supported by SPA officers. Input was also obtained from Police Scotland, external public sources, and informed by dialogue with other stakeholders including Her Majesty's Inspector of Constabulary for Scotland (HMICS), the Association of Scottish Police Superintendents (ASPS) and the Scottish Police Federation (SPF).

Primarily, the review into Police Scotland's use of stop and search finds that, if appropriately used, stop and search can play a part in helping detect and prevent criminal and anti-social behaviour. However, there are risks in the way the tactic is applied and how this affects different groups, particularly young people and different communities.

Stop and search, if inappropriately applied, has the potential to cause a loss of confidence within the community which could undermine the principle of policing by consent and damage the ability of the police to work in partnership with the community to tackle crime. Further work needs to be commissioned to determine the short and long term impact that use of this tactic has on different groups and communities.

Our analysis highlights a number of questions around proportionality, training for officers and the recording of non-statutory searches. There is also evidence that officers perceive a pressure to conduct searches, despite messages from the Chief Constable and senior officers that no numerical targets are placed on divisions or individuals for the number of searches conducted.

The review acknowledges that, when used properly, both intelligence-led non-statutory stop and search and statutory stop and search where officers have reasonable cause to search an individual, are useful police tactics. However, clear outcome measures should be defined for stop and search.

This report makes ten recommendations for Police Scotland and two for the SPA. A summary of the recommendations can be found in section 5 of the report and are along the broad themes of:

- Ensuring there are clear outcome measures for both prevention and detection;
- Balancing policing needs with the right of individuals to go about their lawful business;
- Making better use of analysis tools to support targeting of stop and search activity on the "right people, right time and right place";
- Addressing the issue of (informed) consent;
- Improving officer training, knowledge and understanding;
- Improving recording of stop and search data;
- Increasing transparency of stop and search data;
- Improving understanding of the long and short term impact of the tactic on particular groups and communities.

We acknowledge that concerns have been raised regarding the reliability of the underlying stop and search data during interviews with police officers, in the media and in our own observations. With this in mind we are reassured to note that HMICS will undertake an inspection into the recording of stop and search activity. We welcome this inspection being part of their work plan.

The emerging findings from this review were shared with Police Scotland and the SPA look forward to working with them to improve policing in relation to stop and search.

Brian Barbour
Scrutiny Review Task Group Chair

1. Background

Following approval[1] by the SPA board, a scrutiny review[2] task group was established to conduct an in-depth review of Police Scotland's stop and search activity. The group, chaired by Brian Barbour, included SPA members Moi Ali, Jeane Freeman, Morag McLaughlin and Douglas Yates and was supported by SPA officers.

The task group agreed that the work would comprise an initial review of stop and search to look at:

- The general profile of stop and search activity across Scotland, having regard to geography and demographics;
- How stop and search activity is recorded and assessed;
- Police officer knowledge, training and views on stop and search;
- The effectiveness of stop and search in achieving its policy aims.

The review aimed to provide assurance to the SPA board that:

- Use of stop and search is appropriate and will deliver the intended outcomes;
- Activity is driven by an evidence-based approach;
- Best value influences the approach;
- The risks in using stop and search are assessed and appropriately managed.

The scoping exercise also linked the topic of stop and search and scrutiny of the tactic to the following SPA strategic objectives:

- Work in partnership to improve safety for the citizens of Scotland and reduce crime;
- Enhance Scotland's global reputation as a safe place;
- Increase public confidence in the police service by understanding and responding to the particular needs of Scotland's diverse communities.

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[1] **SPA board approval:** The SPA board agreed on 21 August 2013 at a public meeting to carry out a scrutiny review of Police Scotland's stop and search activity.

[2] **Scrutiny review:** A short term task group is established from topics proposed and selected by members of the SPA. The scope, brief and terms of the review is approved by Members on the task group after advice from SPA officers. The group consult with stakeholders and client groups, take evidence, and may commission external advice and support. A final report, along with any recommendations, is normally presented to the Authority as well as other stakeholders and interested parties.

2. Introduction

Stop and search is the tactic used by police officers to search an individual for weapons, drugs, unlawful alcohol or stolen goods, with the aim of helping to "keep people safe". Police Scotland states that the use of the stop and search tactic should always be "lawful, proportionate, intelligence-led and respectful to the member of the public involved"[3].

There are two types of stop and search used in Scotland:

1. **Statutory search**: this is intelligence-led and the power for the search derives from specific legislation on the grounds of reasonable suspicion. It does not require the consent of the person to be searched. The key statutes that confer the right to stop and search are as follows:

Drugs	Section 23 (2) Misuse of Drugs Act, 1971
Offensive weapons	Section 48(1), Criminal Law (Consolidation) (Scotland) Act 1995
Bladed/pointed items	Section 50, Criminal Law (Consolidation) (Scotland) Act 1995
Firearms	Section 47, Firearms Act 1968
Sporting events (alcohol, sealed containers, bottles, fireworks, flares)	Section 21, Criminal Law (Consolidation) (Scotland) Act 1995 sporting events
Stolen property	Section 60 (1) Civic Government (Scotland)

2. **Non-statutory search (sometimes referred to as "consensual search"):** this is not provided for in legislation. It does not require reasonable suspicion since such suspicion would enable a statutory search to be carried out. Officers are not required to inform suspects that they may refuse a search and there is no requirement to meet a particular standard of consent.

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[3] **Source:** Police Scotland (2013) *Stop and Search Operational Toolkit*.

Scrutiny review process

The scrutiny review was split into four elements, outlined below, with significant input and support from Police Scotland.

Desktop review

The desktop review utilised Police Scotland and legacy force reports and policies/processes, public sector reports, independent research and UK media coverage.

Data analysis

The analysis used the most up to date Police Scotland stop and search records available (April-December 2013) and the comparable data (April - December 2012) from legacy forces. In total, over one million stop and search records were used in the analysis.

Police officer interviews

This involved semi-structured interviews with 60 operational police officers conducted over a three week period in March 2014. This included ranks from constable to chief superintendent, a proportionate geographical spread, as well as a mix of gender. The intention of these interviews was to enable the task group to consider how the practical implementation of stop and search in Scotland related to stated policy and procedure. It also facilitated a greater understanding of police officer knowledge, the level of training they received and their personal views on the use of stop and search as a policing tactic.

Observation

Members of the task group shadowed operational policing units which were working in areas identified for additional police focus. This allowed them to observe the live use of the tactic during uniformed patrols.

As final validation, the data analysis was subject to peer review by the Scottish Government and the findings were discussed with the main police staff associations, namely ASPS and the central and regional representatives of the

SPF. In addition, there was dialogue with HMICS, Police Scotland and Scottish Government Justice policy interests.

3. Summary of key findings

3.1 The general picture of stop and search activity

Police Scotland has adopted a proactive approach to stop and search in Scotland, which is demonstrated by a significant search rate (per 10,000 people), and a high proportion (circa 66%) of searches being non-statutory. There is a high proportion of searches for alcohol and a focus towards younger people.

The rate of statutory search in Scotland per 10,000 people is broadly similar to the stop and search rate per 10,000 people in the Metropolitan Police. Comparable current data for other UK forces, or similar-sized Scandinavian countries, was not available at the time of compiling this report.

Statutory stop and search per officer and per 10,000 people, Police Scotland & Metropolitan Police (Apr-Dec 2013)

	No. of police officers	Population	No. of stop and searches	Searches per officer	Searches per 10,000 people
Police Scotland (Statutory)	17.3k	5.3m	152,622	8.8	287
Metropolitan Police	31.0k	7.2m	220,366	7.1	306

Sources: (Police Scotland) Scottish Government 'Monthly Safer Communities and Justice Brief February 2014'; National Records of Scotland mid-2012 population estimates; Police Scotland data.
(Metropolitan Police) 'About the Met' (online) http://content.met.police.uk/Site/About; 'MPS Publication Scheme – MPS Stop and Search' (online) http://www.met.police.uk/foi/units/stop_and_search.htm.

The predominant stop and search tactic used in Scotland is non-statutory search, which makes the overall rate of stop and search activity in Scotland per 10,000 people significantly higher than London. However, it should be noted that use of non-statutory search is not permitted in London or elsewhere in the UK.

Total stop and search per officer and per 10,000 people, Police Scotland (Apr-Dec 2013)

	No. of police officers	Population	No. of stop and searches	Searches per officer	Searches per 10,000 people
Police Scotland (Statutory)	17.3k	5.3m	152,622	8.8	287
Police Scotland (Non-statutory)	17.3k	5.3m	366,591	21.2	690
Police Scotland (Total)	**17.3k**	**5.3m**	**519,213**	**30.0**	**977**

Sources: (Police Scotland) Scottish Government 'Monthly Safer Communities and Justice Brief February 2014'; National Records of Scotland mid-2012 population estimates; Police Scotland data.
(Metropolitan Police) 'About the Met' (online) http://content.met.police.uk/Site/About; 'MPS Publication Scheme – MPS Stop and Search' (online) http://www.met.police.uk/foi/units/stop_and_search.htm.

3.2 Changes in stop and search activity in Scotland since 1 April 2013

The number of recorded stop and searches fell marginally (0.7%) between April and December 2013, compared with the same period in 2012 (excluding Dumfries and Galloway where the 2012 figures are not available). Including Dumfries and Galloway, the fall would have been 0.2%.

The year-on-year decline in recorded searches in Scotland was driven mainly by a reduction of 45,598 (20.2%) in Glasgow City.   By comparison, the rest of Scotland has experienced an increase in recorded search activity of over 35,000 (>14%) since 1 April 2013 compared to the same period in 2012.

Between April 2013 and December 2013, over two-thirds of local authority areas had increases in stop and search activity. There were notable increases in Angus (325.8%), Clackmannanshire (151.1%), Dundee City (102.0%), Fife (414.1%), Perth and Kinross (236.4%) and Stirling (130.5%).   Officer interviews suggest that the change has been driven by a change in approach by Police Scotland to a more proactive style of policing. This approach involves more use of non-statutory stop and search.

We are unable to give assurance that the rationale for the significant decline in the Glasgow City stop and search rate, and for the significant increase in activity across the rest of Scotland, is evidence based.

It would be useful to understand from Police Scotland the rationale and impact the change has had on outcome measures, including the impact of the activity on different groups and communities.

Changes in stop and search activity by Police Scotland command division and local authority area, between April and December 2013, compared with the same period in 2012.

Division	Local Authority	2012	2013	+/-	Change
EAST	CLACKMANNANSHIRE	327	821	⬆	151.1%
	EAST LOTHIAN	2,865	2,879	⬆	0.5%
	EDINBURGH, CITY OF	16,124	23,577	⬆	46.2%
	FALKIRK	3,976	3,945	⬇	0.8%
	FIFE	1,442	7,414	⬆	414.1%
	MIDLOTHIAN	4,075	3,202	⬇	21.4%
	SCOTTISH BORDERS	1,468	2,373	⬆	61.6%
	STIRLING	857	1,975	⬆	130.5%
	WEST LOTHIAN	3,433	5,001	⬆	45.7%
NORTH	ABERDEEN CITY	4,691	6,672	⬆	42.2%
	ABERDEENSHIRE	1,473	2,266	⬆	53.8%
	ANGUS	687	2,925	⬆	325.8%
	DUNDEE CITY	4,625	9,344	⬆	102.0%
	HIGHLAND	3,864	4,003	⬆	3.6%
	MORAY	596	745	⬆	25.0%
	ORKNEY ISLANDS	280	187	⬇	33.2%
	PERTH AND KINROSS	1,585	5,332	⬆	236.4%
	SHETLAND ISLANDS	278	281	⬆	1.1%
	WESTERN ISLES	183	185	⬆	1.1%
WEST	ARGYLL & BUTE	8,456	9,730	⬆	15.1%
	DUMFRIES & GALLOWAY	—	2,531	—	—
	EAST AYRSHIRE	25,196	30,232	⬆	20.0%
	EAST DUNBARTONSHIRE	13,958	11,502	⬇	17.6%
	EAST RENFREWSHIRE	10,961	9,882	⬇	9.8%
	GLASGOW CITY	225,772	180,174	⬇	20.2%
	INVERCLYDE	13,028	16,537	⬆	26.9%
	NORTH AYRSHIRE	24,984	26,912	⬆	7.7%
	NORTH LANARKSHIRE	35,373	38,443	⬆	8.7%
	RENFREWSHIRE	32,165	29,900	⬇	7.0%
	SOUTH AYRSHIRE	22,229	25,357	⬆	14.1%
	SOUTH LANARKSHIRE	41,104	43,141	⬆	5.0%
	WEST DUNBARTONSHIRE	14,383	11,745	⬇	18.3%
	SCOTLAND TOTAL	520,438	**519,213**	⬇	0.2%
	SCOTLAND TOTAL excluding DUMFRIES & GALLOWAY	520,438	**516,682**	⬇	0.7%

Note: Stop and search data for Dumfries and Galloway was not available for the period April to December 2012. On a like for like basis, total recorded stop and search activity in Scotland has fallen by 0.7% for the period April to December 2013 compared with the same period in 2012.
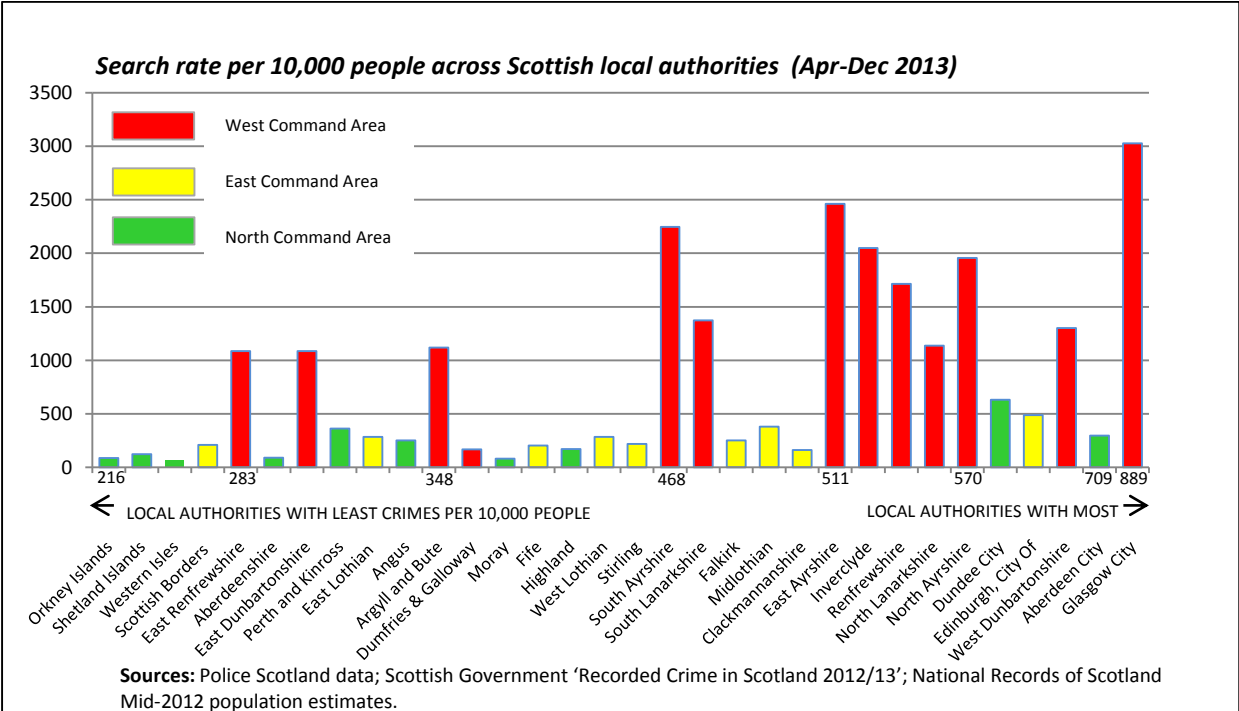**Source:** Police Scotland data.

3.3 Geography and proportionality of stop and search in Scotland

The approach taken to stop and search in practice varies across Scotland (as highlighted in the graph below). While police officers in the west command area continue to use the tactic in relatively high volumes and with a high proportion of non-statutory searches, this is not evident in the north and east command areas.

When search rates (per 10,000 populations and per local authority areas) are mapped against the crime rates for these areas, the effect of the different approaches is even more apparent.

The highest and second highest areas of recorded crime in Scotland are Glasgow City and Aberdeen City. However, they have markedly different levels of stop and search activity (3,027 searches per 10,000 people in Glasgow City compared with 297 searches per 10,000 people in Aberdeen City).

Glasgow City accounts for 19.5% of all crime in Scotland, while almost 35% of stop and search activity was attributable to this one local authority area (see Appendix 2). Therefore, the level of stop and search activity in Glasgow City appears disproportionate to the crime threat.

Search rate per 10,000 people across Scottish local authorities (Apr-Dec 2013)

West Command Area
East Command Area
North Command Area

← LOCAL AUTHORITIES WITH LEAST CRIMES PER 10,000 PEOPLE   LOCAL AUTHORITIES WITH MOST →

216   283   348   468   511   570   709 889

Orkney Islands, Shetland Islands, Western Isles, Scottish Borders, East Renfrewshire, Aberdeenshire, East Dunbartonshire, Perth and Kinross, East Lothian, Angus, Argyll and Bute, Dumfries & Galloway, Moray, Fife, Highland, West Lothian, Stirling, South Ayrshire, South Lanarkshire, Falkirk, Midlothian, Clackmannanshire, East Ayrshire, Inverclyde, Renfrewshire, North Lanarkshire, North Ayrshire, Dundee City, Edinburgh, City Of, West Dunbartonshire, Aberdeen City, Glasgow City

Sources: Police Scotland data; Scottish Government 'Recorded Crime in Scotland 2012/13'; National Records of Scotland Mid-2012 population estimates.

3.4 Age and proportionality of stop and search in Scotland

Those aged 15-19 years are most likely to be stopped and searched, followed by those aged 20-24.

The majority of search activity on all age groups is non-statutory. This bias towards non-statutory is greatest in younger age groups (19 and under) and older age groups (over 50).
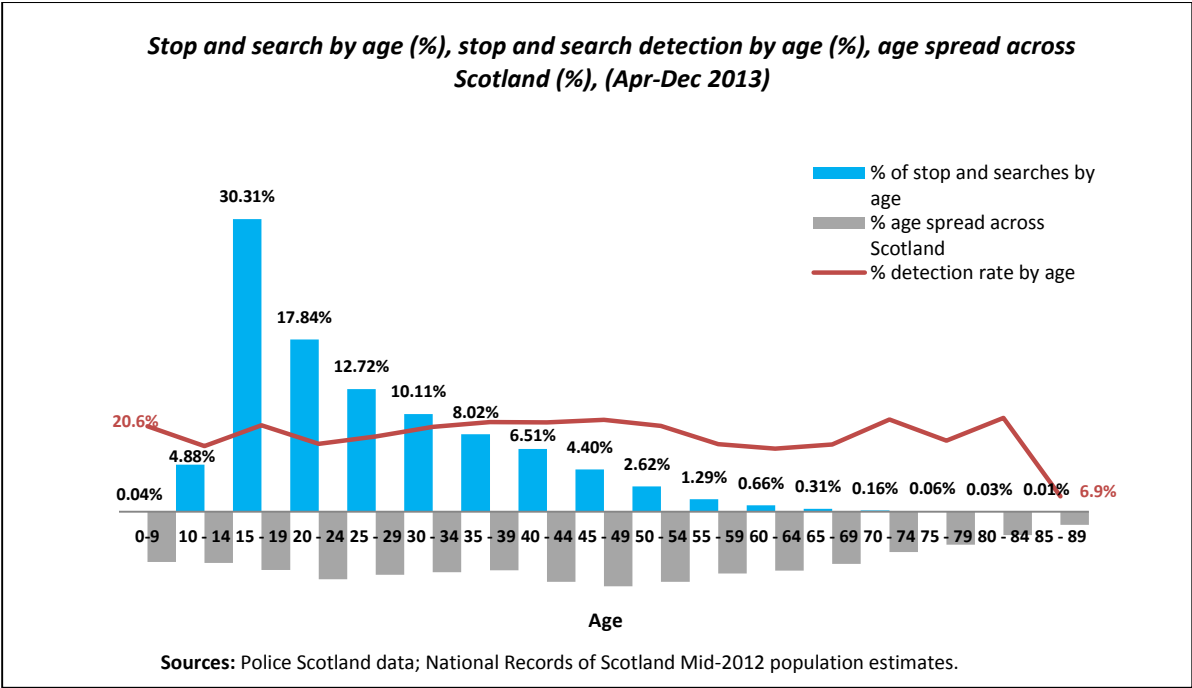
Between April and December 2013, 223 children aged nine and under were stopped and searched in Scotland. Searching children carries risks which need to be assessed and managed and the searching of young children on a non-statutory basis raises a number of significant issues.

Recorded stop and search activity in Scotland April-December 2013, by type of search, by age band.

Age Group	Non-statutory	Statutory	Total	
0-9	76%	24%	223	0.04%
10-14	80%	20%	25,324	4.88%
15-19	76%	24%	157,368	30.31%
20-24	69%	31%	92,635	17.84%
25-29	67%	33%	66,032	12.72%
30-34	64%	36%	52,494	10.11%
35-39	64%	36%	41,659	8.02%
40-44	67%	33%	33,781	6.51%
45-49	69%	31%	22,850	4.40%
50-54	72%	28%	13,615	2.62%
55-59	74%	26%	6,697	1.29%
60-64	77%	23%	3,430	0.66%
65-69	77%	23%	1,635	0.31%
70-74	78%	22%	820	0.16%
75-79	76%	24%	337	0.06%
80-84	81%	19%	135	0.03%
85-89	90%	10%	29	0.01%

Source: Police Scotland data.

As shown in the graph above, younger age groups are significantly more likely to be searched. However, as illustrated in the chart overleaf, the detection rate for this population is broadly similar to that of other age groups. In view of this it will be important to ensure that full equality impact assessments on stop and search policy and practice are carried out.

Stop and search by age (%), stop and search detection by age (%), age spread across Scotland (%), (Apr-Dec 2013)

Legend:
- % of stop and searches by age
- % age spread across Scotland
- % detection rate by age

Bar values (% of stop and searches by age): 0-9: 0.04%, 10-14: 4.88%, 15-19: 30.31%, 20-24: 17.84%, 25-29: 12.72%, 30-34: 10.11%, 35-39: 8.02%, 40-44: 6.51%, 45-49: 4.40%, 50-54: 2.62%, 55-59: 1.29%, 60-64: 0.66%, 65-69: 0.31%, 70-74: 0.16%, 75-79: 0.06%, 80-84: 0.03%, 85-89: 0.01%

Detection rate endpoints: 20.6% ... 6.9%

Sources: Police Scotland data; National Records of Scotland Mid-2012 population estimates.

It is not evident that those searched on a non-statutory basis are aware of their right to decline, nor is there evidence of informed consent having been obtained for non-statutory searches. Non-statutory search should only be carried out where there is informed consent.

3.5 Ethnicity and proportionality of stop and search in Scotland

The data for stop and search activity in Scotland, broken down by ethnicity, does not indicate that there is disproportionate searching of those from minority ethnic groups. Overall, 2.6% of searches are conducted on individuals belonging to minority ethnic groups, whereas the minority ethnic population is 4.0% of the general population.

Stop and search minority ethnic search rate across Scottish Local Authorities (Apr-Dec 2013, compared with minority group representation in the general population)

POLICE SCOTLAND NORTH DIVISION			POLICE SCOTLAND EAST DIVISION			POLICE SCOTLAND WEST DIVISION		
Local authority	Minority ethnic search rate (%)	Minority ethnic population (%)	Local authority	Minority ethnic search rate (%)	Minority ethnic population (%)	Local authority	Minority ethnic search rate (%)	Minority ethnic population (%)
ABERDEEN CITY	5.7	8.1	CLACKMANNANSHIRE	1.1	1.5	ARGYLL & BUTE	1.1	1.2
ABERDEENSHIRE	1.9	1.5	EAST LOTHIAN	2.2	1.7	DUMFRIES & GALLOWAY	3.3	1.2
ANGUS	1.3	1.3	EDINBURGH CITY	4.8	8.3	EAST AYRSHIRE	0.5	1.1
DUNDEE CITY	1.7	6.0	FALKIRK	2.2	1.9	EAST DUNBARTONSHIRE	1.8	4.2
HIGHLAND	1.7	1.4	FIFE	1.7	2.4	EAST RENFREWSHIRE	2.0	5.9
MORAY	0.9	1.1	MIDLOTHIAN	1.3	1.8	GLASGOW CITY	4.9	11.6
ORKNEY ISLANDS	1.6	0.7	SCOTTISH BORDERS	1.9	1.3	INVERCLYDE	0.7	1.4
PERTH & KINROSS	1.8	2.0	STIRLING	1.6	3.2	NORTH AYRSHIRE	0.5	1.1
SHETLAND ISLANDS	1.4	1.5	WEST LOTHIAN	1.3	2.4	NORTH LANARKSHIRE	0.6	2.1
WESTERN ISLES	1.1	0.9				RENFREWSHIRE	1.2	2.7
						SOUTH LANARKSHIRE	0.6	2.3
						SOUTH AYRSHIRE	2.1	1.3
						WEST DUNBARTONSHIRE	1.0	1.6
SCOTLAND	2.6	4.0	SCOTLAND	2.6	4.0	SCOTLAND	2.6	4.0

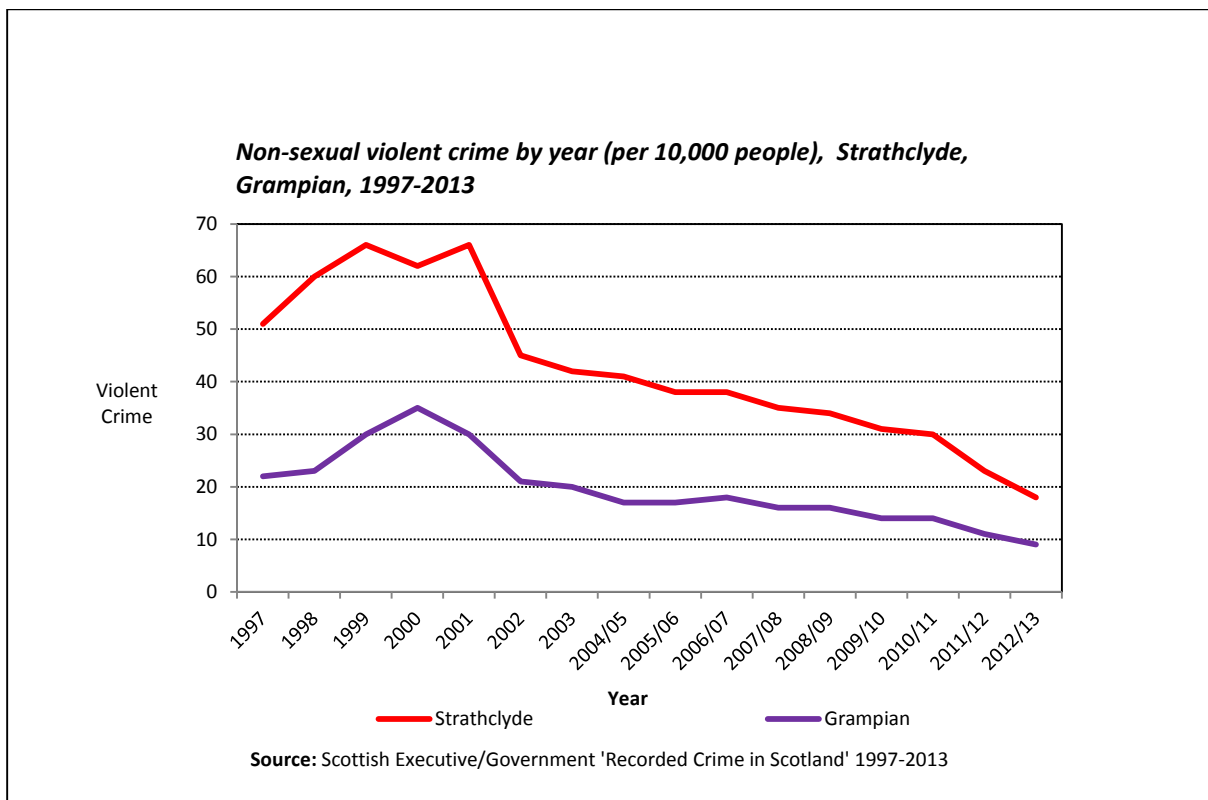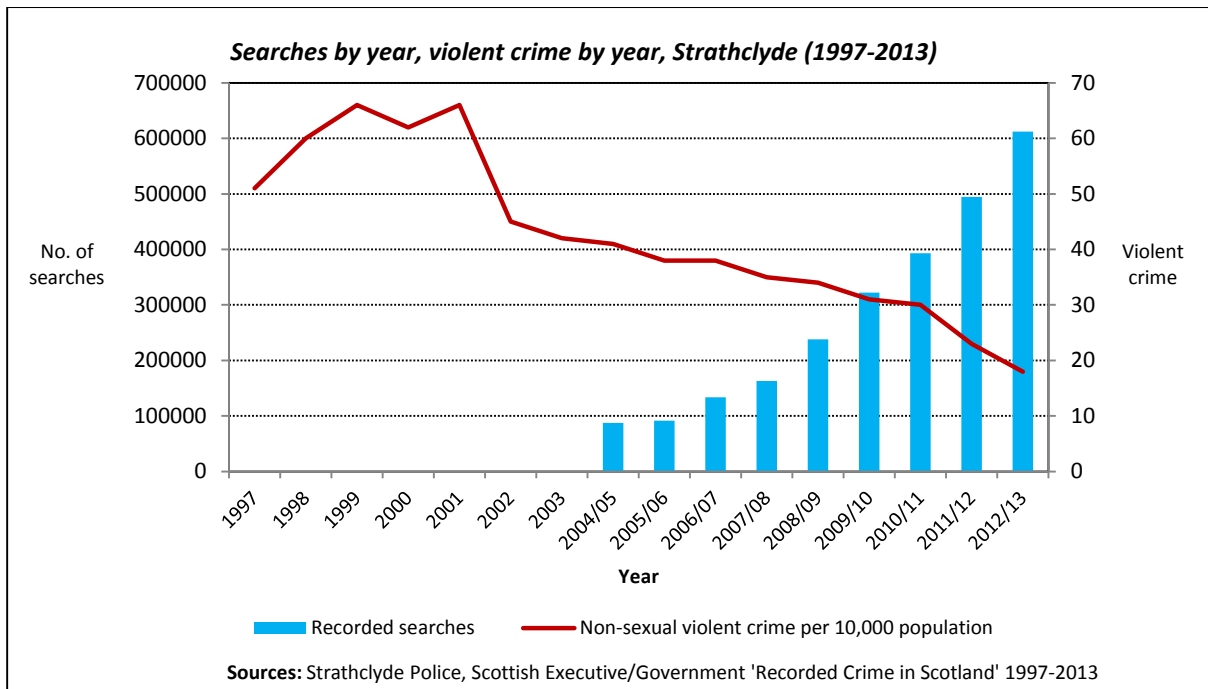**Sources:** Police Scotland data; National Records of Scotland 'Scotland's Census 2011'.

3.6 Efficiency and effectiveness of stop and search in Scotland

Police Scotland views stop and search as an important and effective tool in tackling violence, alcohol related disorder, anti-social behaviour and drugs. These issues, along with road safety, were of high concern to the public and are reflected in local ward policing plans. Given the finite resources of Police Scotland, it is important that police tactics and resource are aligned to the priorities identified by the public and Police Scotland.

It has been difficult to clarify how success in relation to stop and search is measured. Success might be indicated by a lack of detections for weapons. Success might also be indicated by a high detection rate for alcohol. While there may be justifications for both interpretations, a lack of clear indicators of success makes the tactic difficult to assess as either efficient or effective.

The deterrent effect of stop and search is difficult to establish. We can find no robust evidence to prove a causal relationship between the level of stop and search activity and violent crime or anti-social behaviour. Nor can we establish the extent to which use of the tactic contributes to a reduction in violence. However, we acknowledge that use of the stop and search tactic can be a contributor to reducing violence and reducing anti-social behaviour, as weapons and alcohol have been detected during non-statutory searches.

Police Scotland asserts that stop and search is a significant factor in the reduction in violent crime. However, as can be seen from the Grampian example overleaf, falling levels of violent crime have followed a similar pattern as the Strathclyde area despite Grampian having significantly lower volumes of stop and search activity. Violent crime has also seen a falling trend in England and Wales, where non-statutory search is not available.

Searches by year, violent crime by year, Strathclyde (1997-2013)

Sources: Strathclyde Police, Scottish Executive/Government 'Recorded Crime in Scotland' 1997-2013

Non-sexual violent crime by year (per 10,000 people), Strathclyde, Grampian, 1997-2013

Source: Scottish Executive/Government 'Recorded Crime in Scotland' 1997-2013

The majority of stop and searches are recorded as searches for alcohol and the majority of detections are for alcohol.   Alcohol poses a particular challenge for officers as there is no statutory search power for alcohol (although there are powers to remove alcohol in certain circumstances). Any search for alcohol must be on a non-statutory basis.   Some officers suggested that the absence

of a statutory search for alcohol is a significant gap in their statutory search powers.

Police Scotland stop and search detection and overall recovery rates (Apr-Dec 2013)

Search reason	Detection rate	Item	Overall stop and search recovery rate
Weapons & firearms	5%	Weapons & firearms	1 in 100 searches
Alcohol	37%	Alcohol	12 in 100 searches
Drugs	11%	Drugs	5 in 100 searches
Stolen property	32%	Stolen property	2 in 100 searches

Source: Police Scotland data.

Police Scotland stop and search detection rate including and excluding searches for alcohol (Apr-Dec 2013)

Searches including/excluding alcohol	Detection rate
Including alcohol	20%
Excluding alcohol	12%

Source: Police Scotland data.

3.7 Best value

In assessing if Police Scotland adopts a best value approach to stop and search, it is important to consider the time spent undertaking this activity and the outcomes delivered as a result.

Stop and search uses a significant amount of police officer resource. Based on a Police Scotland estimate of 15 minutes per search including recording, by two police officers, non-statutory stop and search activity consumes about 250,000 hours of policing effort every year.

The absence of clear outcome measures makes it difficult, from a best value perspective, to assess the efficiency of stop and search compared with other detective and preventive activities that police officers might undertake. Similarly, the absence of clear outcome measures for prevention and detection makes it difficult to assess the effectiveness of this level of resource in delivering the intended outcome.

3.8 Recording and publication of stop and search data in Scotland

When conducting searches, officers should record information including name, home address, age, ethnicity of the individual being searched, the location of the search, the search purpose and the result of the search in their notebook or Personal Digital Assistant (PDA). Where a search is conducted on a statutory basis, individuals are required to give their details to officers. Where the search is conducted on a non-statutory basis, an individual is asked to provide these details but may elect not to do so.

The information recorded is subsequently captured in a national Police Scotland stop and search database (apart from details of the individuals searched which remain on other police records such as the officer's notebook or PDA). Capturing details of the individuals in the stop and search database would aid prevalence reporting and analysis and allow full auditability.

We could find no evidence of recording of instances where individuals had declined to consent to a non-statutory search. Such refusal, as outlined in the Police Scotland stop and search operational toolkit, does not in itself give reasonable cause to conduct a statutory search.

There is anecdotal evidence from officers and staff associations that stop and search numbers may be inaccurate because of misunderstanding of recording standards. They added that searches may be over-recorded or under-recorded because of this misunderstanding, or because technology to record the search activity is not readily accessible. This is something that is exacerbated at the end of shifts when demand for technology by officers can be high.

Ensuring that data is accurate and is being recorded correctly is extremely important for assurance purposes.

Stop and search data for Police Scotland is not routinely published. Publishing the data would provide transparency and aid oversight by scrutiny bodies like the SPA and also local authority scrutiny committees. Making the information

readily available would also provide consistency with the police forces in England and Wales, the Police Service of Northern Ireland and the British Transport Police.

3.9 Findings from police officer interviews

These findings relate to the qualitative interviews conducted independently from the SPA in March 2014. This involved 60 semi-structured interviews with operational police officers. The ranks of those interviewed range from constable through to chief superintendent, with a spread of officers across the country.

It should be noted that the officer interview sample was not intended to be a statistically representative sample, but a means of providing the review with officer input and practical experience. The information gathered has helped inform our overall conclusions.

West and north/east

Views expressed in the interviews demonstrated differences in approach and opinions about the value of stop and search, particularly non-statutory stop and search, between the "west" and "east/north" areas. The changes in practice that Police Scotland introduced in relation to stop and search were generally seen as "business as usual" in the west, but as a significant increase in activity in the north and east.

The stop and search recording system introduced by Police Scotland was generally welcomed by officers as being straightforward. However the fact that the names of those searched were not recorded on the electronic system meant that it was not possible to fully audit activity. In addition, it is not possible for frequency analysis to be undertaken, or the number of searches carried out upon any individual to be determined.

The interviews suggested that there are instances of both under and over-recording. This has helped to inform our view that there are issues with stop and search recording.

Stop and search operational toolkit, knowledge, understanding and training

Police Scotland created a stop and search operational toolkit for officers which is available on their intranet.

The stop and search operational toolkit was not viewed by officers as a vital tool for stop and search, but was viewed as a useful reference point by some. Most officers thought they knew enough about stop and search without reference to the toolkit.

Officers tended to have greatest knowledge of the legislative basis for the statutory searches they frequently undertook. Knowledge of non-statutory search and the requirement for an individual to consent to a non-statutory search, were not well understood by some officers.

Most officers have not received any training in the use of stop and search since their probationary training. While many did not perceive a need for training, we consider that officers would benefit from refresher training and further knowledge and skills development, particularly in relation to non-statutory search.

Non-statutory search

Non-statutory stop and search was perceived as a highly useful deterrent tool by some officers, particularly for areas with underage drinking and areas where crime has risen. However, there were some different views between "west" and "north/east" about how appropriate and valuable non-statutory stop and search was. This included its potential to impact negatively on different groups.

The majority of police officers interviewed agreed that, in their view, many of those who are searched on a non-statutory basis may not be aware that they have the right to decline.

Intelligence-led

Generally, officers view intelligence-led stop and search activity that focussed on the "right person, right place and right time" as the correct approach.

The new Geographic and Temporal Alignment Tool (GTAT) was mentioned during these interviews. GTAT aids targeting search activity and was regarded as a useful tool to help police to refine their intelligence-led search activity.

Operational practice

Overall, officers should have been clear that searches should only be undertaken at "the right time, right people and right place". However, some officers indicated that they felt pressure to conduct a certain number of searches. This view was confirmed by some representatives of police staff associations.

4. Conclusions

The review finds that, if appropriately used, intelligence-led stop and search can play a part in helping detect and prevent criminal and anti-social behaviour. However, there are risks in relation to the use of this tactic and how it affects different groups, particularly young people and different communities. Further work needs to be commissioned to determine the short and long term impact that use of this tactic has on different groups and communities.

Our analysis highlights a number of issues around proportionality, policy, training for officers and recording of search activity.

There is evidence that officers perceive a pressure to conduct searches, despite key messages by the Chief Constable and senior officers that there are no numerical targets placed on divisions or individuals.

There is a clear need for well-defined measures to help ensure that activity and resources are targeted in a manner most likely to achieve the desired outcomes.

We acknowledge that concerns have been raised regarding the reliability of the underlying stop and search data during interviews with officers, in the media and in our own observations. With this in mind we are reassured to note that HMICS will undertake an inspection into the recording of stop and search activity and welcome this inspection being part of their work plan.

Alcohol has also been a consistent theme in stop and search and in particular the difficulties caused by lack of statutory powers to search for alcohol in certain circumstances. There are policy implications which are outside the remit of this scrutiny team and beyond the SPA's powers. It is an important topic that merits discussion within the wider criminal justice community.

Overall, this review has 12 recommendations, the first ten for Police Scotland and the last two for the SPA.

5. Recommendations

1. Police Scotland should define the contexts within which stop and search is used as a preventive tactic; and as a means of detection. It should also define appropriate outcome measures as well as the rationale for any target/s set.

2. Police Scotland should review operational practice in relation to any perceived pressure on individual officers to reach a certain volume of searches.

3. Police Scotland should roll out analysis tools, such as the Geographic and Temporal Alignment Tool (GTAT), across Scotland to target search activity on "the right people, in the right place at the right time".

4. Police Scotland should ensure the consistent application of stop and search by reinforcing training for officers, ensuring that officer understanding is tested and that officer training is regularly assessed.   Training should include dealing appropriately with children and young people and giving clarity about what constitutes consent with respect to non-statutory searches.

5. Police Scotland should ensure that its use of stop and search is proportionate across Scotland, focussed on successful outcomes, targeted at the right people, right place and right time. Care should be taken to ensure that:

- Particular communities and groups are not being disproportionately impacted by stop and search activity;
- Use of stop and search is proportionate to the risk of offending, crime rate and threat;
- Use of the tactic is regularly reviewed to ensure its application is still appropriate.

6. Police Scotland should ensure that the rationale for the search rate on young people is intelligence-led and that particular groups, such as young people, are not being subjected to excessive levels of searching.

7. Police Scotland should ensure that those to be searched on a non-statutory basis are aware of their right to decline.

8. Police Scotland should assess the best value implications and relative priority of the stop and search tactic against other policing activities.

9. Police Scotland should ensure the recorded details of individuals searched and information about those who do not consent to non-statutory search, are also captured in the stop and search database.

10. Police Scotland should provide the SPA with their rationale for the significant changes in the volume of stop and search activity across local authority areas in Scotland since police reform and their assessment of the impact this has had on outcomes.

11. The SPA should commission research, in conjunction with others, to establish the short and long term impact of stop and search on different groups and communities. In particular, this should cover the short and long term impact of stop and search activity on young people.

12. The SPA should publish comprehensive stop and search data on a regular basis.
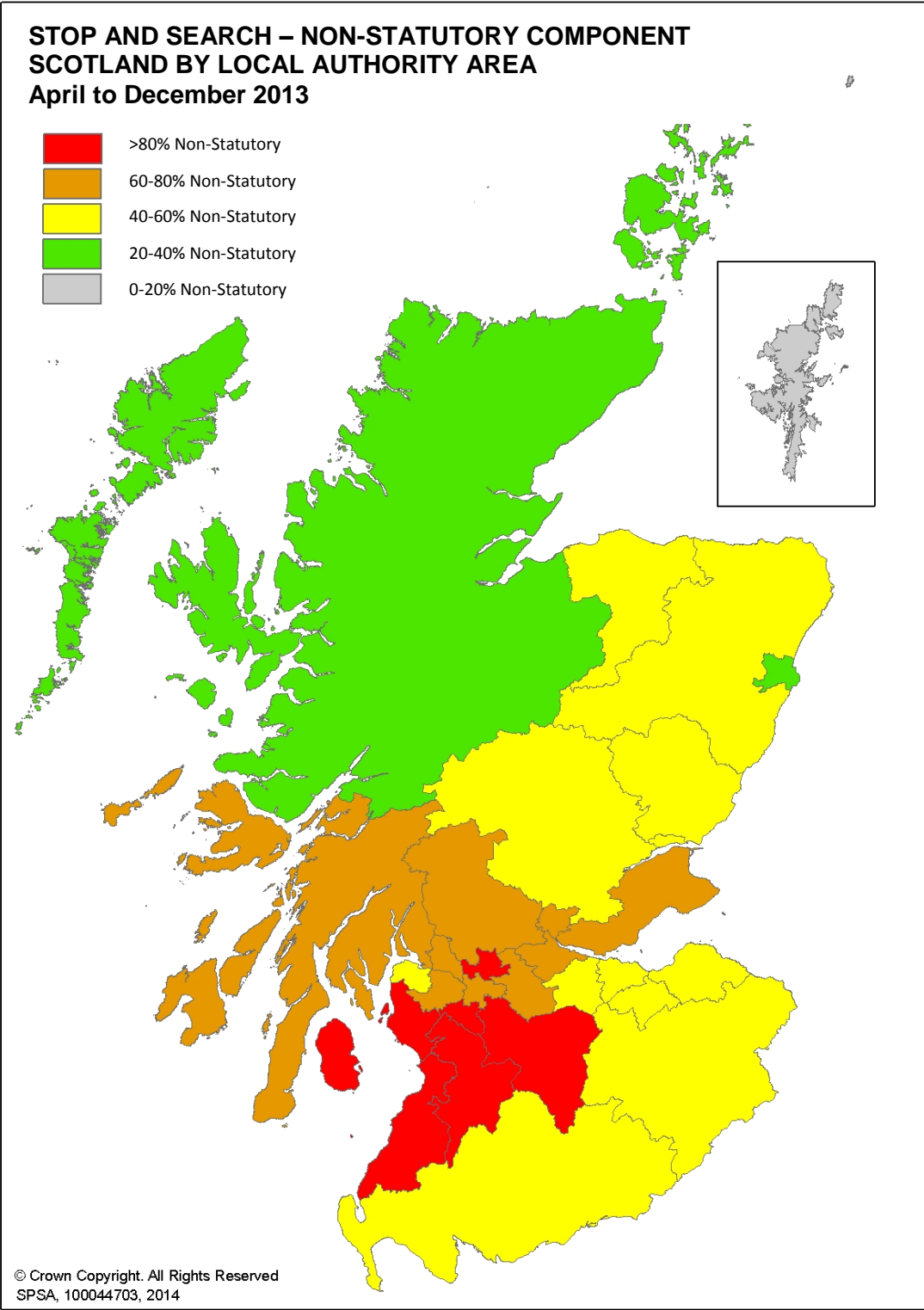
Chair's acknowledgements

The task group has witnessed first-hand that stop and search can, particularly when used in conjunction with wider policing initiatives, be a useful tool in tackling community concerns such as violence and anti-social behaviour. This is particularly the case when carried out in a polite and non-confrontational manner with members of the public, something we have seen evidence of in Police Scotland's stop and search practice. Our thanks go to the officers of Police Scotland who allowed us to witness their work.

I would like to take this opportunity to thank everyone who has contributed to the successful completion of this review. Firstly, Police Scotland for all their assistance, particularly in relation to the provision of data and in facilitating police officer interviews. To police officers across the ranks, for their professional input and candour. We have had support from independent consultants, Blake Stevenson, for their work in the police officer interview research. To HMICS, ASPS and the SPF for their input and suggestions. And to my fellow members and Authority officers who formed part of the scrutiny review task group.

Both the SPA and Police Scotland are committed to continuous improvement, and this review of stop and search should be seen in that light. We believe our findings to be soundly based on the evidence collected, appropriately tested during the review process and practical and achievable in terms of implementation. All task group members hope that our recommendations will assist in improving Police Scotland's stop and search policy and practice. We also hope that through this work and its publication we can also reduce the polarisation of views that has grown up around this issue in the last year.

Appendix 1 - Non-statutory stop and search rates across Scotland (Apr-Dec 2013)

**STOP AND SEARCH – NON-STATUTORY COMPONENT
SCOTLAND BY LOCAL AUTHORITY AREA
April to December 2013**

- >80% Non-Statutory
- 60-80% Non-Statutory
- 40-60% Non-Statutory
- 20-40% Non-Statutory
- 0-20% Non-Statutory

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Source: Police Scotland data.

Appendix 2 - Difference between local authorities with the highest crime rates, lowest crime rates and Glasgow City (Apr-Dec 2013)

Differences between the Local Authorities with the highest and lowest crime rates	Scotland Total	5 highest crime rate Local Authorities*	5 lowest crime rate Local Authorities**	Glasgow City
Stop and search incidents	519,213	231,512	12,908	180,174
Stops and search per 10,000 residents	977	1,503	466	3,028
Share of Scotland's population	100%	29%	5.2%	11.2%
Share of Scotland's crime 2012/13	100%	42.2%	2.7%	19.5%
Share of stop and search	100%	44.6%	2.5%	34.7%

*Glasgow City, Aberdeen City, West Dunbartonshire, Edinburgh City of, Dundee City
** Orkney Islands, Shetland Islands, Western Isles, Scottish Borders, East Renfrewshire
Sources: Police Scotland data; Scottish Government 'Recorded Crime in Scotland 2012/13';
National Records of Scotland mid-2012 population estimates.

Appendix 3 – Searches per 10,000 people, by local authority area (Apr-Dec 2013)

| | | Total Searches | | Per 10,000 people | | | | | |
| | | | | Total | | Non-Statutory | | Statutory | |
Division		April-Dec 2013		Number		Number	%	Number	%
East	Clackmannanshire	821		160		107	66.9%	53	33.1%
	East Lothian	2,879		285		147	51.6%	138	48.4%
	Edinburgh	23,577		489		246	50.3%	243	49.7%
	Falkirk	3,945		252		169	67.3%	82	32.7%
	Fife	7,414		202		146	72.2%	56	27.8%
	Mid Lothian	3,202		380		218	57.4%	162	42.6%
	Scottish Borders	2,373		209		86	41.1%	123	58.9%
	Stirling	1,975		217		156	71.8%	61	28.2%
	West Lothian	5,001		284		165	57.9%	120	42.1%
Total East		51,187		9.9%					
North	Aberdeen City	6,672		297		114	38.4%	183	61.6%
	Aberdeenshire	2,266		89		49	55.6%	39	44.4%
	Angus	2,925		252		125	50.4%	127	49.6%
	Dundee City	9,344		632		303	47.9%	329	52.1%
	Highland	4,003		172		48	27.7%	124	72.3%
	Moray	745		80		34	42.4%	46	57.6%
	Orkney Isles	187		87		30	34.2%	57	65.8%
	Perth & Kinross	5,332		361		201	55.8%	159	44.2%
	Shetland Isles	281		121		16	12.8%	106	87.2%
	Western Isles	185		67		14	21.1%	53	78.9%
Total North		31,940		6.2%					
West	Argyll & Bute	9,730		1120		723	64.6%	396	35.4%
	Dumfries & Galloway	2,531		168		98	58.2%	70	41.8%
	East Ayrshire	30,232		2463		2175	88.3%	288	11.7%
	East Dunbartonshire	11,502		1086		901	83.0%	185	17.0%
	East Renfrewshire	9,882		1086		889	81.9%	196	18.1%
	Glasgow City	180,174		3028		2106	69.6%	921	30.4%
	Inverclyde	16,537		2050		1091	53.2%	959	46.8%
	North Ayrshire	26,912		1956		1702	87.0%	254	13.0%
	North Lanarkshire	38,443		1138		784	68.9%	354	31.1%
	Renfrewshire	29,900		1715		1237	72.1%	478	27.9%
	South Ayrshire	25,357		2246		1979	88.1%	267	11.9%
	South Lanarkshire	43,141		1372		1148	83.7%	224	16.3%
	West Dunbartonshire	11,745		1300		812	62.5%	488	37.5%
Total West		436,086		84.0%					
Scotland		519,213		977		690	70.6%	287	29.4%