**SCOTTISH POLICE
AUTHORITY**
ÙGHDARRAS POILIS NA H-ALBA

Agenda Item 3.5

Meeting	Scottish Police Authority Policing Performance Committee
Date	15 June 2023
Location	Video Conference
Title of Paper	Stop and Search Performance Update
Presented By	ACC Johnson / Superintendent Claire Dobson
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A - Stop & Search statistics across Scotland, England and Wales, 2021-22 Appendix B – Stop & Search Benchmarking

PURPOSE

To provide a general update on Stop and Search.

Members are invited to discuss the contents of this paper.

1. INTRODUCTION

1.1   Stop and search remains a valuable policing tactic which helps prevent, investigate and detect crime to keep people safe and is just one tactical option available to officers.

1.2   Police Scotland recognises that stopping and searching members of the public is an intrusion into their personal liberty and privacy and is committed to making sure it is done in a manner that is lawful, proportionate and accountable.

1.3   Being a rights based organisation, Police Scotland ensures robust governance and transparency around the use of the tactic to ensure compliance with the Code of Practice and by extension, the upholding of Human Rights.

1.4   Officers continue to carry out Stop and Search in line with Police Scotland's values of fairness, integrity, respect and human rights with officers being fully accountable for their actions. The decision to search a person must always be based on reasonable grounds which can be formed from a number of different factors, including intelligence, information, an officer's own observations and from general engagement with anyone they encounter.

2. GOVERNANCE AND ASSURANCE

2.1   Since the introduction of the Code of Practice in 2017 and as reported to Scottish Police Authority Policing Performance Committee in 2019, the following operating model of governance still applies:

- **Local Supervision**
  Supervisors carry out 100% review of all stop search records submitted by officers and provide that first tier of assurance, guidance and review to support officers.

- **Database Quality Checks**
  Database Quality Checks have replaced the 100% review of records by the National Stop Search Unit (NSSU). This process tests the local assurance model and provides confidence levels for the organisation on compliance with business rules and overall compliance with the Code of Practice.

- **Dip Sampling of Records**
  Dip sampling of a calculated number of records, combined with the Database Quality Checks (QC) confirm that processes are proportionate and support the view that supervisors understand the application of recording criteria and the QC helps identify records that require amendment.

- **Quality Assurance Processes**
  Quality Assurance will only be undertaken at a local level as part of a wider self-assessment conducted by divisions or at a national level by NSSU if required.

2.2 The National Stop Search Unit (NSSU) reports monthly to ACC Johnson, Executive Lead for Stop and Search via the Violence, Disorder and Anti-social Behaviour Strategic Meeting as well as publishing data in quarterly Management Information Reports for external scrutiny and transparency. Additionally the NSSU reports bi-annually to the Stop Search Mainstreaming Group which again is chaired by ACC Johnston. This meeting affords the opportunity for further external discussion and scrutiny from stakeholders including, Scottish Government, Scottish Institute for Policing Research and the SPA, which further supports our transparency in using the tactic.

2.3 The close monitoring of the use of the stop and search tactic through this governance allows for trends or outlying data to be identified early and the underlying reasons explored.

2.4 When outlying data is observed, consideration must be given to ageing census data, which was last published in 2011, and to obtaining local context as data which may appear as disproportionate often has a rational explanation once fully explored. The governance adhered to by Police Scotland provides a platform for this scrutiny.

2.5 Monthly Assurance reports are provided to Local Policing Commanders which include age and ethnicity data, allowing further scrutiny around the use of the tactic in a localised context. These reports provide statistical data and comparison on Sub Division / Divisional and Force activity. The monthly reports provide indicators of search categories, including protected characteristics, which Divisions monitor and review to understand the reasons for activity and can take action to address any identified issues.

2.6   This governance also considers stop and search compliance with the Code of Practice. Compliance rates measure adherence to the Code of Practice and for the period April 2022 to March 2023, the compliance rate was 88.1% and once amended for administrative errors was 98.9% (the remaining 1.1% accounts for duplicate records or where records have been submitted when not required by the Code of Practice, e.g. custody searches). This measure continues to provide confidence that officers and supervisors are conversant with the Code of Practice and understand the recording requirements.

3.   STOP AND SEARCH ACTIVITY 2022/23

3.1   A total of 29,926 stop and searches were carried out between 1 April 2022 and 31 March 2023, which is 3% fewer when compared to the same period the previous year. The overall positive rate was 32.2% which means a prohibited item was taken off Scotland's streets from one in every three stop and searches.

3.2   The NSSU continually work with divisions to understand reasons for the lower volume of search activity. <u>The fact the positive rate has remained broadly consistent year on year gives reassurance that there is consistency in when officers are deciding to use the tactic</u>. That said the NSSU explore all opportunities to engage with operational officers to improve officer confidence on using the tactic.

3.3   Over the last 6 months Police Scotland has seen a reduction in officer numbers since the McLeod pension remedy was introduced. This allows eligible officers to retire earlier than anticipated leading to a loss of operational experience. In recognition of this, NSSU have attended Probationer Training at the Scottish Police College to ensure the training input remains fit for purpose. Furthermore, the NSSU hold bespoke Stop Search Divisional Workshops to highlight their observations, share best practise and promote the use of the tactic. When requested, the NSSU attend shift briefings to speak directly with officers to alleviate any concerns and provide refresher training on the legislation and administrative process for stop and search activity. The NSSU emphasise the importance of stop and search not just for crime prevention but also safeguarding those intent of harming themselves or others. The NSSU have also provided inputs at Divisional Management Meetings to provide an overview on the Monthly Assurance Reports and the importance of supervisory support in officers undertaking a stop and search.

3.4 An additional element of the internal scrutiny of stop and search is the monitoring of Complaints about the Police (CAPs) related to the use of the tactic. Following an anomaly which was identified in Q2 of 2022 and previously reported to SPA at the earliest opportunity, a revised administrative process to identify and categorise stop and search related CAPs was implemented, subject to strict quality control measures for six months between both PSD and NSSU to ensure its efficiency. This has now concluded and following a final review by NSSU, the process is confirmed and working effectively. A total of 87 Stop Search related Complaints about the Police were received between 1 April 2022 and 31 March 2023.

4. LOOKING FORWARD

4.1 As we progress through 2023/24, the previously described strict internal governance and scrutiny of the use of stop and search will remain.

4.2 The Fireworks and Pyrotechnic Article (Scotland) Act 2022 was passed by Scottish parliament on 22 June 2022 and received Royal Assent on 10 August 2022. On 6 June 2023 the next stage of the legislation was introduced, specifically for the misuse of pyrotechnic articles in a public place and a designated sporting/music event. This includes a search power to support the legislation. The national stop search database and receipt process has been updated to accommodate this power ahead of implementation.

4.3 NSSU are in early dialogue with colleagues from Training and Development to refresh and update training packages available to further support officers and increase their confidence in using the tactic. Additionally a bespoke package for supervisors is being explored to ensure they are aware of their oversight responsibilities for compliance and proactivity.

4.4 Body Work Video (BWV) was successfully introduced to Armed Policing in 2021. A Code of Practise was developed collaboratively with a number of key stakeholders including PIRC and COPFS who are fully supportive of a wider BWV use. The key benefits include an increase in public confidence, supporting officer and public safety and provides improved operational effectiveness for complaint resolution and post incident investigations.

4.5 A national roll of BWV would provide further transparency and accountability when officers are using their stop and search powers, with full audio and video recording. The national BWV policy and procedure is currently under development and the inclusion of stop

and search will be specifically detailed, subject to key holder consultation. A proposed initial roll of BWV to front line officers is expected from June 2024.

4.6 All operational officers now carry a mobile device which provides a range of administrative benefits and replaces the traditional handwritten notebook. NSSU are currently in dialogue with Digital Division to embed this improved IT technology in to the recording of stop and search to streamline the process. This development would allow officers to submit a stop and search form directly from their mobile devices whilst deployed within the community and provide the member of the public subject to search with an electronic printed receipt, which would replace the current hand written receipt.

4.7 NSSU continue to explore opportunities for continuous learning and development to promote good practise and consistency across the country. Bespoke divisional workshops will continue, building on the feedback received from those already delivered to both front line officers and management. It is important to continuously look to improve our application of this valuable tactic.

5. FINANCIAL IMPLICATIONS

5.1. There are no financial implications in this report.

6. PERSONNEL IMPLICATIONS

6.1. There are no personnel implications in this report.

7. LEGAL IMPLICATIONS

7.1. There are no legal implications in this report.

8. REPUTATIONAL IMPLICATIONS

8.1. The use of the stop and search tactic undoubtedly requires robust governance and scrutiny, without which the reputation of Police Scotland could be questioned. The governance, scrutiny and the transparency with which data is published provides confidence that our processes are both necessary and effective.

9. SOCIAL IMPLICATIONS

9.1. There are no social implications in this report.

10 COMMUNITY IMPACT

10.1. There are no financial implications in this report.

11. EQUALITIES IMPLICATIONS

11.1. Police Scotland recognises the sensitivity around the use of the stop and search tactic and closely monitors proportionality amongst age, gender and ethnicity through robust governance measures.

12. ENVIRONMENT IMPLICATIONS

12.1. There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of this paper.

Stop & Search statistics across Scotland, England and Wales, 2021-22

APPENDIX A –

Police Scotland recognises that stopping and searching members of the public is a significant intrusion in to their personal liberty and privacy. All stop and search activity in Scotland is therefore governed by the Code of Practice on the use of Stop and Search (COP) which sets out the requirements that officers need to follow. Every stop and search is recorded on the National Stop and Search Database and governance is in place to review and monitor those records. Police forces in England and Wales do not have the benefit of a Code of Practice and therefore guidance around the use of stop and search differs from that in Scotland.

Quality Assurance checks are carried out on all recorded stop search records at various levels. The submitting officers` line manager reviews their records to ensure compliance with the COP. The National Stop Search Unit conduct quality assurance checks on all records reviewed by line managers to ensure that reviewed records are compliant with the COP. A dip sample is also conducted each month for all compliant records to ensure accuracy.

The Code of Practise in unique to Police Scotland and there are no similar guiding principles in place for England and Wales. Consequently it is difficult to compare the stop and search data.

Notes on Comparability

A positive stop search in Scotland is where an officer, during the course of the search recovers an item which implies criminality or which is potentially harmful. This item may or may not be linked to the original purpose of the search and may or may not lead to a criminal outcome as Police Scotland will always consider other aspects, such as community safety and the safeguarding and wellbeing of that individual or other persons. In England and Wales, only the outcome is recorded, so for example the positive recording of a person in possession of an item that might be used for self-harm may not be recorded in a comparable manner.

The ethnic groupings used are based on Census Data for both Scotland and England & Wales, however at different levels (i.e. Scotland uses more ethnic group classifications). It should be noted that Police Scotland are still using 2011 census data as the most recent census data has not yet been published, so any disproportionality comparison is over 10 years out of date and used as guidance only.

Number of Stop Searches

In relation to the lower number of searches in Edinburgh compared to Glasgow, it should be noted that Glasgow formed part of Strathclyde Police prior to the unification

of Scottish forces. Strathclyde officers were operating under legacy stop and search policies such as Operation Spotlight and the night-time City Centre Policing Plan. This meant that the use of stop and search as an operational tactic and preventative measure was already embedded in officers` daily duties and the transition to the COP was more immediate. Edinburgh, previously part of Lothian and Borders Police, did not have such force wide policies, so the transition and uptake of stop search has been more gradual.

Outcomes of Stop and Search

Police Scotland publish search outcomes as part of the quarterly year-to-date Management Information reports using the following potential disposals: Fixed Penalty Notice; SPR2; No Further Action; IVPD; SID Log and Recorded Police Warning. Some searches are recorded with more than one disposal, so the total number of disposals will be greater than the actual number of stop and searches. These outcomes are not validated and quality assured as part of the compliance checks.

Demographics of those Stopped and Searched

The use of stop and search on children in Scotland is scrutinised and the circumstances of searches of children are carefully considered on an individual basis. The unknown age group in Scotland is where the subject does not provide their age/DOB and is further broken down to '18 and under' and 'over 18' on the estimation of the searching officers.

The searches per 1,000 of population are based on 2 completely different datasets, 10 years apart so are not comparable. Either the England and Wales 2011 census data should be used or these figures provided when the latest census data for Scotland has been published.

Searching Young People – North East Division Case Study

Following the tragic death of a school pupil at an Aberdeen School in 2015, 21 recommendations were made. These included Police Scotland being notified of every weapon possession incident known to a school. As a result, Aberdeen City Council worked closely with Police Scotland to establish a "clear and effective" policy on management of offensive weapons in school. Under current law, any searches must be made with a pupil's consent. Where no consent is given, the police should be notified if there are grounds to suggest a young person is carrying a weapon. Aberdeen City Council must work with police to develop and deliver training for pupils to support the knife crime strategy.

This safeguarding viewpoint remains a focus for Police Scotland when promoting the benefits of stop and search to ensure officers have the confidence to use the tactic appropriately and ensure public safety.

This incident was also a timeous reminder to review how Police Scotland and partner agencies should work collaboratively to tackle youth violence, enhance engagement and build positive relationships with children and young people to identify prevention opportunities and to understand why young people carry weapons. Multi-agency meetings are now conducted for any incidents involving youths and weapons.

Lanarkshire Division Case Study

In 2019, a report was carried out in Lanarkshire Division regarding the searching of young people in the area which concluded that 13% of those searched for drugs and weapons were under the age of 18. Comparatively, 14.5% of recorded crime in these categories was committed by juvenile offenders.

In relation to violence, 19.5% of the stop and searches carried out on juveniles were due to the suspicion of weapon carrying. In comparison, analysis shows that juveniles in Lanarkshire are responsible for a fifth (20%) of violent / antisocial crime.

Divisional supervisory overview is extremely important to support officer confidence in using the tactic. This was introduced in Lanarkshire division after recognising the under recording of negative stops searches leading to an inflated positive stop and search rate, giving an inaccurate account of divisional activity. Through their divisional analyst unit, a monthly report is circulated to the senior management team detailing stop search activity per sub division and department. This provides an opportunity for supervisors to engage with sub divisions to re-emphasise the importance of recording all stop search activity and ensure divisional consistency in using the tactic. This in turn increases public confidence in police use of stop and search powers. Stop and search activity is also reviewed in conjunction with crime and anti-social behaviour analysis to ensure officers are being deployed appropriately. This management support has proved effective with a consistent amount of stop search submissions which align with the national positive stop search rate.

Lanarkshire Division has a lower positive rate than the national average, however carry out significantly more stop searches than the rest of the country. This preventative approach has however had a significant impact in reducing violent crime and disorder in recognised community hotspots in the area.

Care and Welfare

Legislation in Scotland allows an officer to search a person when they are being moved from one place to another or for protection of life. This is not to necessarily detect a crime but more to safeguard that individual or others from harm. There is a positive outcome by this intervention where follow up support can be arranged with other agencies.

Conclusion

Police Scotland considers the use of stop and search a valuable tactic in the prevention and detection of crime, however the focus on the use of stop and search is the safety and wellbeing of the public and resulting positive outcomes rather than law enforcement.

Police Scotland are continually seeking opportunities to develop IT systems and use of technology (i.e. Body worn video - BWV) to improve the use of stop and search and provide further safeguards to members of the public, the community and police officers. A national roll out of BWV with full audio and video recording capability would provide further transparency and accountability when officers are using their stop and search powers.

Police Scotland recognises the importance of stop and search in the safeguarding and wellbeing of the public and the resulting positive outcomes. England and Wales do not have the benefit of a Code of Practice and the national conformity and compliance that this provides.

Appendix B – Stop & Search performance across Scotland, England and Wales, 2021-22

Purpose

At the end of October 2022 national statistics on stop and search in England and Wales for the year 2021/22 were published. While it is recognised that there are differences in legislation and practice between Scotland and England and Wales, a high level descriptive analysis has been undertaken to compare the key statistics from this publication with Police Scotland data for the same period. This briefing note presents the main findings of this exercise.

Background

A stop and search is conducted by a police officer in the course of their duties where a person who is not in police custody is searched using a specific statutory provision or in accordance with a search warrant issued by a court.

In Scotland, the Code of Practice on the use of stop and search has been in place since 2017, following an extensive review by Police Scotland, HMICS, the Authority and SIPR. The Code governs all situations in which officers stop and search a person without first making an arrest. The Code also sets out the requirements to be followed by the police for recording information in relation to all stop and search activity covered by the Code.

The National Stop and Search Unit within Police Scotland carries out a range of quality checks to ensure that processes are proportionate and comply with the Code. High level data are reported quarterly to Policing Performance Committee, and detailed stop and search data is published quarterly on the Police Scotland website.

While there are procedural guidelines in place in England and Wales, the Code of Practice applies only to Scotland. Statistics on the use of the powers of stop and search in England and Wales are published annually, covering the 43 territorial police forces and the British Transport Police. However it should be noted that due to known issues around the quality of data, these publications are designated as Official Statistics and **not** National Statistics (indicating that they may not be fully compliant with the UK Statistics Authority's Code of Practice for Statistics).

Notes on Comparability

There are some key differences between stop and search reports from Scotland, and England and Wales. These are as follows:

- In Scotland each stop and search is recorded as either positive or negative. A positive search is when an item is recovered where its possession implies criminality on the part of the person being searched or any other, or where an item has been recovered which is potentially harmful. This positive/negative classification is not reported for England and Wales, however an outcome of the search is reported, which includes a 'Nothing found' option. For the purposes of this benchmarking 'Nothing found' figures for England and Wales have been compared to 'Negative' searches in Scotland.

- The reasons recorded for undertaking each stop and search are significantly different between Scotland and England and Wales, with detailed definitions in place and different grounds for searches set out in relevant legislation and related guidance. Detailed comparisons of reasons have therefore not been included here.

- The ethnic groupings used for reporting publically are different in Scotland from England and Wales. As the groups used for England and Wales are at a higher level, these have been used below to summarise/aggregate the more detailed Scottish groups, to allow comparisons to be made.

- In Police Scotland's published data a specific age is recorded for every person searched, while in the England and Wales publication age groups are used. Again to allow comparison these classifications have been used to group the Scottish data.

- The England and Wales statistics include vehicle only searches. For the purpose of this benchmarking exercise these have been removed so only personal stop and searches are counted, in line with Scotland.

- As there is no Code of Practice in England and Wales, one of the main performance measures in Scotland – compliance with the Code of Practice – is not possible. This is therefore not included in this briefing.

It should also be noted that the population figures for England and Wales are taken from the 2021 census, whereas in Scotland the figures are from 2011 due to the latest report not yet being published.

Number of Stop and Searches

There were a total of 512,381 stop and searches conducted in England and Wales in 2021/22 (excluding vehicle only searches as outlined above). This equates to 86.0 per 10,000 of the population. This represents a 25.6% decrease from the year before, when stop and search was used as part of a proactive policing approach during COVID-19 lockdowns. Looking at levels prior to COVID, the 2021/22 figure represents a 6.7% decrease from 2019/20.

In Scotland there were 30,808 stop and searches conducted in 2021/22, equating to 55.9 per 10,000 of the population. Similar to England and Wales this is a 29.3% decrease from the year before, however it is also a 25.2% decrease from 2019/20. These trends are shown in Table 1 below.

Table 1

Number of searches	2019/20	2020/21	2021/22
Scotland	41,167	43,550	30,808
England & Wales	549,120	688,313	512,381

While the Scottish rate per 10,000 of the population is lower than for England and Wales as a whole, it is important to consider local differences. For example, the England and Wales figures include the Metropolitan Police, which on its own accounted for 207,445 searches in the year, a rate of 231.5 per 10,000 of their population.

As part of the agreed Authority and Police Scotland benchmarking framework a 'Most Similar Group' cluster has been identified, which identifies those UK police forces considered most statistically similar to Police Scotland in key social, operational and financial metrics. The current England and Wales MSG cluster is as follows:

- Greater Manchester Police
- West Yorkshire Police
- Thames Valley Police
- Norfolk Police
- Dyfed-Powys Police

When comparing the volume of stop and searches in Scotland to this group, as shown in Table 2 below, it can be seen that the level is far more comparable and is just above the average of these six forces (52.6).

Table 2

Police Force	2021/22 stop and searches	Per 10,000 of the population
West Yorkshire Police	15,344	65.8
Norfolk Police	5,335	58.4
Police Scotland	**30,808**	**55.9**
Thames Valley Police	13,493	55.8
Dyfed-Powys Police	2,478	47.4
Greater Manchester Police	9,134	32.2

It is also possible to look at rates for specific local areas in Scotland, England and Wales. Tables 3 and 4 provide the rates for a smaller group of urban and rural areas. For urban there is a wide range of rates, from 231.5 per 10,000 of the population in the Met to just 19.2 in the City of Edinburgh. The range for rural areas is less pronounced.

Table 3

Urban	Searches per 10,000 of the population
Metropolitan Police	231.5
Glasgow City	65.3
Greater Manchester	32.2
City of Edinburgh	19.2

Table 4

Rural	Searches per 10,000 of the population
Dumfries & Galloway	70.4
Norfolk	58.4
Aberdeenshire	53.6
Dyfed-Powys	47.4

While it is not possible to complete a detailed comparison of reasons for searches, due to differences in the datasets, for both Scotland and England and Wales the most common reason was related to drugs (75.8% and 64.5%, respectively).

Outcomes of Stop and Searches

In 374,037 of the 512,381 stop and searches carried out in England and Wales nothing was found, which equates to 73.0%. Matching this in to the classifications used in Scotland, this means that there was a 27.0% positive search rate recorded. In Scotland there were 10,683 positive searches, a rate of 34.7%.

Demographics of those Stopped and Searched

Tables 6 and 7 provide a breakdown by age and gender of those stopped and searched. It can be seen that Scotland has a smaller proportion of searches involving children and young people and more in the 30 or over age group (49.7%). Scotland also has a slightly higher proportion of searches involving females compared to England and Wales (15.4% and 10.1%, respectively).

Table 6

Age Group	England and Wales	Scotland
Under 10	0.01%	-
10-17	18.3%	12.5%
18-24	32.1%	24.1%
25-29	13.5%	13.3%
30 or over	32.6%	49.7%
Unknown	3.4%	0.4%

Table 7

Gender	England and Wales	Scotland
Male	89.1%	84.6%
Female	10.1%	15.4%
Other	0.04%	-
Unknown	0.7%	-

Tables 8 and 9 show the breakdown by ethnic group of those stopped and searched, followed by the number of stop and searches per 10,000 of the population for each ethnic group. Table 9 in particular shows notable differences in the prevalence of stop and search for different ethnic groups. In England and Wales for Black or Black British, 269.6 searches were carried out per 10,000 of the population, compared to 56.0 for White. There is less of a range of rates in Scotland, though the rate for White (57.2) does remain lower than all but Asian or Asian British (39.1).

Table 8: Number of searches

Ethnic Group	England and Wales	Scotland
White	53.2%	94.4%
Mixed	3.1%	0.8%
Asian or Asian British	9.4%	1.8%
Black or Black British	12.6%	1.3%
Other Ethnic Group	1.6%	0.6%
Not Stated	19.9%	1.2%

Table 9: Searches per 10,000 of population

Ethnic Group	England and Wales	Scotland
White	56.0	57.2
Mixed	94.3	117.6
Asian or Asian British	87.9	39.1
Black or Black British	269.6	108.4
Other Ethnic Group	65.0	132.6
Not Stated	-	-