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PURPOSE

This briefing provides context and background on the police tactic of stop and search and the requirements for ongoing assurance in a post-scrutiny, post-code of practice context. The paper outlines SPA assurance work planned to cover the requirements of the code of practice on stop and search, which commenced earlier this year with an assurance report based on Police Scotland's Stop and Search records from Quarters 1 and 2 of 2016-17.

This briefing complements the planned presentation by academic partners at this Policing Committee (Appendices Two and Three) where options will be presented as to what could be possible in terms of performance reporting and the underpinning analysis approach.

BACKGROUND

Stop and search practice and policy in Scotland has been subject to significant scrutiny review and continuous improvement activity since 2013, culminating in the current position whereby a national Code of Practice for Stop and Search was introduced on 11 May 2017 to ensure that it is undertaken in a way that maintains its legitimacy as a policing tactic and upholds the principles of policing by consent.

The SPA Policing Committee has been established to consider areas of operational policy and practice where there have been, or are expected to be, implications for the principles of policing by consent and the legitimacy of policing.

HMICS has recently acknowledged that significant improvements have been made by Police Scotland to the recording of stop and searches (and seizures), the capture and maintenance of electronic records on the national database, internal audit and management information reporting, officer training and internal and external communication, stakeholder consultation and engagement, and the utilisation of academic research findings to improve practice. The

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number of searches has declined significantly over a four-year period, largely driven by a presumption towards statutory stop and search and away from 'consensual' stop and search during 2015/16 and 2016/17, as well as improved recording practices.

CODE OF PRACTICE AND LOCAL AND NATIONAL ACCOUNTABILITY

In practical terms, the Code of Practice provides a set of standards and expectations by which the ongoing practice of stop and search can be informed and governed. As of 11th May 2017 'consensual/non-legislative/non-statutory' stop and search is no longer legitimate under the terms set out in the Code of Practice.

The introduction of the Code of Practice also facilitates the means by which senior officers, responsible for local policing delivery, can be held accountable by local scrutiny communities with respect to the policing of a local area (Divisional Commanders and the regional Assistant Chief Constables), and by the SPA with respect to the quality of local policing delivery on a national basis (the Chief Constable and the Deputy Chief Constable). Critically, these standards are of relevance as part of the wider policing performance story, where there is a focus on appraising performance with respect to the delivery of outcomes aligned to the Strategic Police Priorities and local policing priorities.

SPA ASSURANCE REQUIREMENTS ON STOP AND SEARCH

The SPA requires to be assured on a regular basis that stop and search in Scotland is practiced in a fair, justifiable, and proportionate manner across the whole of the country. The Authority expects to see evidence of stop and search activity, supported by practices and procedures that are demonstrably in compliance with the Code of Practice on Stop and Search.

An initial performance assurance report was presented by SPA officers at the Policing Committee in February 2017 and covered the period April – September 2016. The next iteration, covering October 2016 – March 2017 is currently underway, scheduled for presentation at the October 2017 Policing Committee. The format and content of the report is also being revised to take account of feedback from SPA Members, Police Scotland, and academic partners.

Following implementation of the code in May, the Authority receives monthly exception reporting by Police Scotland on stop and search activity which allows for ongoing SPA oversight between bi-annual assurance reports. Exception reporting includes the number of searches conducted under specified pieces of legislation or for the protection of life, and any non-statutory searches.

The Independent Advisory Group (IAG) on Stop and Search drafted the Code of Practice, at the request of the Cabinet Secretary for Justice. The Justice Secretary has asked the group to assess evidence once the Code has been in force for 12 months, with an interim assessment after 6 months, to identify whether any changes are required to the Code or to legislation. The Authority

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will conduct its own assurance work of Quarters 1 and 2 of 2017-18 stop and search activity when data becomes available during the latter stages of Quarter 3, with presentation of SPA findings to the Policing Committee during Quarter 4. The SPA assurance report should complement the timing, parameters, and assessment criteria of the IAG's six month review.

CONSIDERATIONS

2017-18 will mark the cessation of consensual searches and a requirement to report against the criteria laid out in the Code of Practice. As such, a rigorous analytical and statistical approach needs to be in place to test stop and search records for fairness and proportionality across a range of socio- demographic variables.

Our challenge is to ensure there is a consistent, commonly-agreed conceptual understanding of what is meant by fairness, proportionality and effectiveness from the perspective of how this manifests in quantitative data trends/patterns. *In other words, what would good look like in terms of volumes and detection rates according to geographic spread, across age, gender, ethnic, urban-rural or social-class grouping.*

Every effort should be made to agree an approach to analysis, reporting and internal audit and assurance that is proportionate, high-quality, and effective thus promoting confidence in the use of the tactic. An appropriate balance is to be reached that takes into account the frequency and geographic scale of reporting, also taking note that numbers of stop and searches and seizures carried out are now much smaller. Questions of statistical significance are important here, to avoid becoming reactive and alarmed by what is simply natural variation in numbers.

STOP AND SEARCH PERFORMANCE

From a performance perspective, it will be valuable to determine whether stop and search is aligned to local and national policing priorities and associated emerging intelligence threats, and is contributing towards the delivery of improved outcomes for communities.

Such evidence is currently not captured within the scope of assurance reporting between Police Scotland and the SPA, and would require consideration by Police Scotland in the context of the wider Performance Framework to consider how such elements could be measured and reported upon. It would however, present an opportunity to tie together, the central themes arising from the recommendations raised by the various scrutiny reviews (Appendix One) with the Code of Practice considerations.

These themes include:

1. Proportionality in terms of volume and detection success (by geographic areas and socio-demographic groups);
2. Alignment to local priorities and outcomes;
3. Stop and search driven by intelligence-led policing;

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4. Linkage to legitimacy and public confidence with respect to usage of the stop and search tactic.

It would also provide an opportunity to better align reporting to the scrutiny and oversight structure i.e. national at SPA level, and Local Authority level for Local Scrutiny Committees.

FURTHER DETAIL ON THE REPORT TOPIC

Appendix One sets out the detail of recommendations relevant to reporting on the practice of Stop and Search, as well as considerations on what this reporting should tell us.

APPENDIX ONE - Relevant Scrutiny Review Recommendations

A number of scrutiny reviews have made relevant recommendations with regard to central themes outlined above, including from the SPA's own Scrutiny Review (2014), the HMICS Audit and Assurance Reviews of 2015 and 2017, and the Independent Advisory Group's own scrutiny and engagement work to develop the Code of Practice (over the period 2015 to 2017).

SPA Scrutiny Review (2014) - The SPA's Scrutiny Review on stop and search in 2014 made the recommendation: "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; and use of stop and search is proportionate to the risk of offending, crime rate and threat".

Several points here are noteworthy in the context of ongoing performance assurance reporting post-implementation of the Code of Practice:

- **Proportionate across Scotland** – this means that the geographic distribution of stop and search activity across Scotland should accord with the geographic distribution of the risk of offending, crime rate and threat. It is apparent from analysis of stop and search data that a significant proportion of stop and search activity in the last four years has taken place in the legacy Strathclyde Police region, and in Glasgow City in particular. Recent data indicates that this position has not changed.
- **Focussed on successful outcomes** – this means that there should be evidence that stop and search is contributing effectively to the prevention and detection of crime and disorder in communities, keeping people safe in terms of its use as a direct intervention, and improving public trust and confidence in the police. It is apparent at present that the detection rate resulting from stop and search activity has been increasing over the last four years (from less than 15% in 2013 to more than 30% at the present time). It is not apparent from evidence provided to date that stop and search activity has helped to prevent crime and disorder occurring in communities, nor that use of stop and search led to improvements in public trust and confidence in the police.

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- **Targeted at the right people, right place and right time** – this means that the distribution of stop and search should accord with the underlying risk of offending, crime rate and threat according to demographic/social groups (e.g. age, gender and ethnicity), geographic location and type (e.g. urban, suburban and rural; deprived versus affluent), and temporal consideration (time of the day, day of the week, and seasonal trends). At present we know that a significant proportion of stop and search activity is concentrated on young males (aged 12-20) living in deprived urban areas of Scotland, and in Glasgow in particular. What we do not know is whether or not this focus is proportionate i.e. fair and justified. What we do know is that detection rates for stop and search against young people are significantly lower than for other age groups.
- **Particular communities and groups are not being disproportionately impacted by stop and search activity** – this means that the volume of stop and searches should not be concentrated on any particular social/demographic groups in Scotland without justification (offending risk and threat). As per above, we know that young males from deprived urban communities (particularly Glasgow) are more likely to be stopped and searched than other groups. In addition to the volume of searches, there should also not be any significant variation in the detection rate according to social/demographic groupings, irrespective of the volume of searches, since the thresholds for reasonable suspicion should not vary based on social-demographic membership.
- **Use of stop and search is proportionate to the risk of offending, crime rate and threat** – this means that all aspects of usage of the stop and search tactic should align to the underlying threat and justification for its usage. There should not be any unjustified variation in the volume of stop and searches, or the detection rates by, for example, geographic area, age group, ethnic group or gender. As outlined in the considerations above, we know at present that the volume of stop and searches and the detection rate, does vary according to geographic, social and demographic considerations. What we do not know is the extent to which such variation is justifiable according to the risk of offending, crime rate and threat.

HMICS Audit and Assurance Review (2015) - The HMICS Audit and Assurance Review of Stop and Search in 2015 made the recommendation: "Police Scotland should publish information on stop and search for local scrutiny and engagement committees and local communities. This should include detail on how this activity is aligned to local priorities and delivering positive outcomes".

This makes an important point in the context of ongoing performance assurance reporting at a local scrutiny committee level, post-implementation of the Code of Practice. At present, the vast majority of local scrutiny committees in Scotland are presented with high-level detail on stop and search. This may not be sufficient for scrutiny committees to fully hold Local Area Commanders to account regarding the practice of stop and search particularly in relation to the guidance set out in the Code of Practice concerning proportionality and fairness.

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Stop and Search Code of Practice – Section 10.3 (May 2017)

The Code of Practice, at Section 10.3, states that HMICS Audit and Assurance Review of Stop and Search in 2015 made the recommendation: “Senior officers with local responsibilities for stop and search must undertake regular monitoring of the broader use of stop and search powers to ensure that they are used fairly and proportionately and, where necessary, take action at the relevant level.

They must also examine whether records reveal any trends or patterns which give cause for concern and, if so, take appropriate action to address this”.

Several points here notably add to the performance assurance reporting requirement:

- **Regular monitoring** – local scrutiny committees generally meet on a quarterly basis to consider local policing performance.
- **Powers being used fairly and proportionately** – the volume of stop and search should be distributed in a way across geographic, social and demographic groupings that corresponds with the underlying risk of offending and/or crime and disorder rate and/or intelligence picture.
- **Trends and patterns of cause for concern** – statistically significant anomalies should be identified e.g. more searches (or lower detection rates) in a particular geographic area or against a particular age group than would be expected given the underlying threat.
- **Taking action where necessary** – evidence of positive action taken to address significant anomalies.

Stop and search scrutiny: Proportionality, fairness and effectiveness

A report prepared for the SPA Policing Committee by
Professor Susan McVie and Dr Kath Murray

4th July 2017

Introduction

Since 11th May 2017, Police Scotland's use of stop and search is governed by strict guiding principles set out in a new Code of Practice. The Code makes it clear that stop and search should be used proportionately and that it should be underpinned by principles of fairness and effectiveness. The purpose of this report is to provide guidance and advice to the Scottish Police Authority Policing Committee on how existing data could be used to inform formal scrutiny of Police Scotland's use of stop and search in terms of proportionality, fairness and effectiveness.

The report draws on extensive analysis of Police Scotland's stop and search database, which has been used to inform and support the work of the National Stop and Search Unit and formed the basis for an AQMeN training course provided for Police Scotland crime analysts in December 2015.

In terms of **proportionality**, it is recommended that Police Scotland provide detailed information on the profile of the searches conducted according to both the underlying population (particularly with reference to age, sex and ethnic group) and the level of demand (in terms of the offending context and the number of offenders in the area).

In terms of **fairness and effectiveness**, it is recommended that Police Scotland provide detailed information on the profile of the outcomes recorded according to both the underlying population (particularly with reference to age, sex and ethnic group) and the nature of the searches conducted (in terms of targeting specific problems in the local area).

It is also recommended that consideration be given to monitoring stop and search practice at a number of levels, for different purposes and to report to a range of different audiences. At a **national level**, there should be scrutiny on an annual basis to examine overarching trends and patterns in stop and search and to demonstrate proportionality, fairness and effectiveness. At a **divisional level**, it is recommended that reporting should be every 3 or 6 months and that this should feed in to formal SPA scrutiny procedures. At a **local authority level**, it is recommended that summary reports be provided every 3 months for local scrutiny committees along with other policing papers. At an **area command level**, it is recommended that reporting should be every 3 or 6 months and that this should be used as an opportunity for Divisional Commanders to monitor local patterns of search, identify differential practice and feedback on reasons for divergence from other similar localities.

National level reporting

At the national level, it is recommended that scrutiny take account of trends over time in both the raw number of searches/seizures and the rate per capita (to account for population difference or change). Specifically, analysis of trends in search and seizure should be provided broken down by age, sex and ethnicity to allow for monitoring of proportionality.

Proportionality

Monitoring of **trends in searches and seizures** should seek to determine whether trends are increasing, decreasing or remaining constant. It should also seek to examine the relationship between the two – a change in the balance of searches to seizures may suggest a gradual shift in practice, which may or may not be desirable. Analysis should provide information about typical patterns that we may expect in the data, such as seasonal effects, or changes that may indicate periods of particular activity (e.g. the Edinburgh Festival).

- The current data for 2016 shows a clear seasonal effect in terms of seizures, which suggests consistency in terms of how it is being used; but less so for searches. Searches currently show a decreasing trend from January to October 2016, which then starts to reverse once the training around the Code of Practice begins.

These data suggest we may see an increase in the number of searches in 2017 compared to 2016, which will probably reflect a growing confidence in using the tactic following the introduction of the Code. This should continue to be monitored.

Examining rates of **search by gender** should show similar patterns if the practice is being used consistently, although we would expect searches to be more common amongst men.

- The data for 2016 suggest that seizures are more common amongst women, although still less so than for men. The ratio of search to seizure is greater for men than for women: for men there are 5 searches for every one seizure, whereas for women the ratio is 3:1, on average. It would be worthwhile monitoring whether this changes.

Age is an important factor as searches have traditionally been focused on younger people. Examining the rate of search by age bands is important in terms of identifying whether there continues to be any disproportionality in the use of search or seizure. This is problematic for 2 reasons: there is no available data on the extent to which different age groups make demands on police time (i.e. the underlying offender problem); and we are unable at present to differentiate between individuals who have been searched once and those who have been searched multiple times (i.e. the multiple counting problem).

- In 2016, rates of search for men continued to be highest amongst 16-19 year olds, and seizure rates were highest amongst 16-17 year olds. Rates of search for 20-24 year olds were slightly higher than for other age groups, which are remarkably similar up to age 40, before declining.
- Rates of search and seizure were far lower for women than for men, although the pattern was similar. Amongst women, search rates were highest amongst those aged 16-19, while search rates for other ages up to age 40 were fairly similar. The seizure rate for women was relatively high compared to the search rate, especially for 16-17 year olds and, to a lesser extent, 12-15 year olds.

Data from other jurisdictions suggest that people from **minority ethnic groups** tend to be more likely to be searched than white people; however, this has not historically been an issue in Scotland. It will be important to monitor whether there are any changes in search trends amongst minority ethnic groups.

- In 2016, rates of seizure were highest for white people, but were fairly similar to those for black/African and 'other' ethnic minority groups. Rates of seizure for Asian or Indian people were much lower, probably reflecting different drinking habits for young people from

Muslim and Hindu backgrounds. Across the whole minority ethnic population, rates of seizure were only 6 per 10,000 people.

- Rates of search were lowest for white people and those from Asian/Indian backgrounds, whereas they were about double that for people from black/African backgrounds and they were 4-5 times higher for those from 'other ethnic groups' (rates seem to be particularly high amongst people from the Gypsy traveller community).

The number of searches and, especially, seizures for minority ethnic groups are very small AND the population statistics for non-white populations in Scotland is far less reliable than it is for age/sex, which means that there could be a much greater degree of error around these figures. In addition, the fact that we cannot take account of multiple searches means that we cannot be certain that a small number of repeated searches of individuals are not driving up these figures.

Fairness and effectiveness

Trends over time in the proportion of positive searches will provide valuable information on how well officers are targeting their activities (ideally the percentage of searches with a positive outcome will find a natural threshold and remain constant at that level or improve over time). Monitoring of success by age, sex and ethnicity will enable scrutiny of whether searches are being targeted in a fair and effective manner. Variation in outcome by age, sex and ethnicity should control for the context of the search (e.g. type of search, when and where it is conducted) so as to take account of differences in the situational context of searches.

- In 2016, the average positive rate was around 30% nationally. This varied a little over time, although there was no indication that the positive rate was improving over time.

There is no way of determining what the positive rate *should be*; however, in terms of long term scrutiny it will be important to examine this and ensure that a) it does not drop below at a 'satisfactory' level (should SPA wish to put a figure on that) and that b) variation across the country does not determine that it is being used less rigorously in some parts of Scotland than others.

In terms of understanding fairness and effectiveness in terms of 'protected', it is important to monitor the impact of age, sex and ethnicity on obtaining a positive result. This can be done by modelling the outcome (a positive result) based on the characteristics of the search itself (day of the week, time of day, reason for search) and the characteristics of the person who is searched (age, ethnicity and gender). Useful charts can be produced which highlight the likelihood of a positive search outcome

- In 2016, searches involving women were just as likely to result in a positive result as searches of men. So even though there was significant disproportionality in the use of search for men compared to women, there did not appear to be any lack of fairness in the use of the tactic.
- Searches involving people aged under 16 were far less likely to result in a positive outcome compared to those aged 16-20, while searches of older people (aged 21 to 45) were significantly more likely to result in a positive outcome. This suggests that there is still some inconsistency in the use of searches by age, which may indicate lack of fairness and effectiveness.
- There is some ethnic disparity in the outcome of searches. Compared to white people, searches of black/African/Caribbean backgrounds are slightly less likely to result in a positive outcome, and searches of 'other ethnic groups' and those who refuse to disclose their ethnicity are substantially less likely to result in a positive outcome.

While we have no information on those who 'refused to say' their ethnicity, it looks likely that this group were predominantly from other ethnic groups and may have felt that they were targeted as a result of their ethnicity.

It will be important to monitor the impact of ethnicity on outcome to ensure that all efforts are made to avoid unconscious bias in the searching of non-white groups in Scottish society. However, note earlier concerns that this modelling is unable to take account of multiple searches (which may reduce this degree of difference between groups).

Divisional level reporting

Scrutiny at the national level is important in terms of ensuring that overall policing remains rigorous, fair and effective over time. Comparisons at the Divisional level will also be important in terms of ensuring that there is parity in the proportionality, fairness and effectiveness of search and seizure across all parts of Scotland. Divisional Commanders will have oversight of data across their sub-divisions, but it will be important to compare the 13 Divisions to give an overarching view of policing practice.

In this respect, it will be important to produce similar figures to those that we have just discussed at the national level: i.e. compare trends over time in the number and rate of search and seizure; provide comparative trends in positive results; and examine the role of Division in predicting positive outcomes in order to monitor performance, to learn from good practice or to ensure accurate recording. Analysis according to protected characteristics will again ensure that proportionality, fairness and effectiveness are not influenced by any undue bias in decision making.

Proportionality

One issue that has been raised in prior reports is the difference in use of the tactic between Divisions in the West of Scotland and Divisions in other areas. According to the data for 2016, the following patterns could be seen:

- Rates of seizure are highest for the Divisions in the West of Scotland. Greater Glasgow has by far the highest rate of seizure, which may reflect the nature of the alcohol problem in Glasgow compared to other Divisional Areas. Seizure rates in the East and North of Scotland are, by comparison, very small.
- Search rates are also highest in Greater Glasgow (more than twice as high as the next nearest Division), and tend to be high in Renfrewshire and Inverclyde, and Argyll & West Dunbartonshire compared to other parts of the country. Search rates are not high in all West Divisions, as Ayrshire and Lanarkshire are well below average.
- Highlands and Islands have a higher than average search rate, which might warrant some further investigation by Area Command (Shetland has been noted to be especially high).
- Search rates appear to be lowest in the East of Scotland, with Edinburgh, the Lothians and Borders, and Fife especially low.

Comparing different Divisions can reveal important seasonal patterns or trends over time. It is important to study these so as to understand why level of demand might be higher or lower at particular times of the year. Feedback from Divisional Commanders explaining differences in practice will be important in order to justify geographical differences. For example, here we compare 4 divisions and propose some hypotheses for differences:

- Glasgow - appears to have a somewhat seasonal pattern for seizures, but a fairly stable search rate (a little variation, but no marked seasonal pattern). This suggests that search is used routinely throughout the year with no apparent underlying change in demand.
- Edinburgh – has a very low seizure rate – this increases slightly in June (around the time of the Edinburgh trade holidays) and August (during the Edinburgh Festival); the search rate was fairly stable at around 4 searches per 10,000 people from January to May, then plummeted for the summer months (which could be due to police holidays), although spiked in August for the Festival. It increased again in November and December (probably due to the Christmas market & fun fair).
- Fife – has a low rate of seizure overall, although this increases in the Spring and Summer months as expected (due to increased public drinking around Easter and Summer holidays). Search rates are also increased during the Spring and Summer months, and at Xmas/New Year, which probably reflects the nature of street-based policing at these times.
- Lanarkshire – had a steadily declining trend in searches throughout 2016, so does not show a distinct seasonal trend. The seizure pattern is consistent with an increase in street-based drinking during the Spring/Summer months.

2016 has continued to be a period of turbulence for Police Scotland. However, as the Code of Practice beds in, it will be important to monitor what is the 'normal' baseline for search and seizure in different Divisions and to identify plausible explanations for any sustained differences.

As with the national level data, rates of search by gender and age should be calculated for each Division.

- Preliminary analysis of 2016 data suggests that there is not much gender difference by Division for searches, but there is some difference for seizures.
- Age disproportionality at the national level showed that those aged 16-17 were most likely to be searched; however, this profile was largely driven by the numbers of searches of 16-17 year olds in Greater Glasgow. In other Divisions, there is more of a focus on older teenagers or a more balanced picture of searches across age groups. It will be important to monitor this as time goes on, and to address any specific bias in Greater Glasgow.

There is some evidence that searches of children tend to be more concentrated within areas of higher deprivation. Again, it will be important for Police Scotland to demonstrate that this is due to level of demand for stop and search policing in such areas, rather than a tactic that is used disproportionately and unfairly against people living in poorer areas.

In terms of ethnicity, the number of searches involving non-white people is predominantly driven by numbers in Greater Glasgow, where there is the greatest concentration of minority ethnic groups. The number of seizures is also higher in Greater Glasgow, although this is dwarfed by the number of searches. Overall in 2016, there were only 3700 searches or seizures involving BME (7.5% of all).

The very small raw number of non-white people who are searched at Divisional level (with the exception of Greater Glasgow) causes problems in terms of examining proportionality and fairness, as there is a high degree of error associated with working with such small numbers.

- There were some interesting differences across Divisions in 2016. Dumfries and Galloway conducted 10% of searches on ethnic minorities but no seizures. Lothian and Borders conducted a higher percentage of seizures on ethnic minorities than searches; while Greater Glasgow, Edinburgh and the North East conducted a far higher percentage of searches of

ethnic minorities than seizures. Some Divisions (Forth Valley, Tayside, Fife, Lanarkshire and Ayrshire) had a very similar balance.

Fairness and effectiveness

As noted above, a positive outcome is a good indicator of the extent to which officers are using reasonable suspicion to inform their decision to search, so it is imperative to monitor how this varies across different Divisions. Even in practice varies in terms of proportionality, the rate of successful outcomes should be more evenly distributed across Divisions if there is consistency in how the Code of Practice is being applied.

According to the 2016 figures, there is significant disparity across the 13 Divisions in the proportion of searches that result in a positive outcome.

- Ayrshire and Lanarkshire Divisions had the highest positive rate (48% of all searches on average).
- Greater Glasgow had a positive rate that was less than half of that (23% on average).
- There is no clear pattern to positive results by North, East or West Divisions, although Edinburgh, North East (including Aberdeen) and Greater Glasgow had particularly poor outcomes, which may suggest some urban/rural patterning. It will be important to monitor this moving forward.

Of course, 2016 was an eventful year so it is important to identify change over time. There was considerable improvement in positive outcomes for some Divisions.

- Overall, there was a 4% increase in positive results between January and December 2016; however this was as high as 22% for Lanarkshire and 18% for Renfrewshire and Inverclyde
- At the bottom of the chart there was a 8% reduction in positive searches for Dumfries and Galloway and a 6% drop for Highlands and Islands.

Now that the Code is in place, it would be expected that positive outcomes stabilise and become more consistent across Divisions over time. Therefore, it will be important to monitor success rates, and scrutinise those Divisions that consistently have a lower success in detection as this may be an indicator of unconscious bias in decision making or a lower threshold of reasonable suspicion being used.

Using the 2016 data, we found that there were differences in detection rate even once other characteristics of searches had been taken into account.

- Lanarkshire and Ayrshire Divisions had the most positive outcomes, even taking all other factors into consideration. Their likelihood of detecting something was twice as high as for Greater Glasgow. Otherwise, there is no significant difference between the West Divisions.
- Edinburgh and the Lothians and Borders had significantly lower success rates than Greater Glasgow when all other factors are taken into account, although Fife and Forth Valley showed no significant differences.
- The North East and Highlands and Islands Divisions had lower positive rates than Greater Glasgow, while Tayside was marginally higher.

These findings indicate considerably differences across Divisions in terms of success rates which, if the threshold of reasonable suspicion is improved across all Divisions following implementation of the Code, would be expected to reduce over time.

In monitoring outcomes, it is also important to take account of the number of searches conducted in order to determine whether particular areas perform more or less well than expected compared to other areas.

- Analysis of the 2016 data found that even within Divisions there was considerable variation in level of positive outcomes and that this varied according to the number of searches conducted.
- There were three sub-divisions in particular that conducted a high number of searches but significantly under-performed. These were: East Centre, Calton and Glasgow East; Glasgow South East; and Glasgow North.
- It is important not to stigmatise areas (especially those that experience significant crime problems within their localities); however, it will be vital to monitor whether this pattern continues and to create a 'feedback loop' that enables organisational learning from such sub-divisions.

A cautionary note about monitoring ethnicity. Search rates should be broadly similar for all ethnic groups in Scotland, as there is not generally thought to be a relationship between ethnicity and offending. However, this could change if there was strong evidence of a specific problem amongst one or more specific groups.

The number of searches carried out in Scotland on non-white ethnic groups is very small. This means it is important to be cautious about any conclusions drawn from this analysis – especially at sub-national level. National level analysis suggests that there may be some difference between ethnic groups in terms of stop and search. It is also possible to identify differences between ethnic groups in Greater Glasgow (where the total number of searches is highest); however, we could not detect ethnic differences in any other divisions or sub-divisions due to small numbers.

Previous research in other countries has shown that individuals from minority ethnic groups tend to be subject to repeated searches, but this could only be tested using data that allows individuals to be identified.

Area Command/Local Authority Level

Police Scotland is keen to ensure that Area Commanders have sufficient information to inform officer deployment and operational practice at a local level. To this aim, the NSSU has produced a Monitoring spreadsheet for Area Commanders, for both searches and seizures.

The monitoring sheets provide extremely detailed unit level information on the reason for searches, age comparison, ethnic comparison and gender comparison (including a proportionality ratio for comparative purposes). Data are provided at Area Command, Divisional and Force level and provide detail in terms of upper and lower thresholds, rates of search per 10,000 people, difference from previous year, number of recorded crimes, and positive search rate at all 3 levels.

Given that the average number of searches per month within Division is now as low as 68 (Dumfries and Galloway) and 80 (Fife), this means that some Area Commanders will be dealing with very small numbers. These smaller numbers also mean that it can be difficult to draw robust or statistically significant conclusions.

In our opinion, the most productive way to proceed at the Area Command and Local Authority level would be to provide comparative trends over time in search and seizure rates, to focus on comparing positive results, and to ask Area Commanders to feed back on the contextual factors that are influencing trends and patterns at local level. We would recommend that this type of analysis is produced on either a quarterly or a six-monthly basis.

Our presentation will focus on the data for North Ayrshire, and shows the type of information that may be useful to Area Commanders. We recommend that a similar style of report is also produced at Local Authority level so that it can be provided to Local Scrutiny Committees.

Our analysis examines search rates per 1,000 people; indexed trends over time (to allow comparison between different sized groups); absolute trends over time (the 'bigger picture'); and whether changes in a given period are significantly different. For context, the report also provides comparative data from the nearby Command Areas (South and East Ayrshire), as well as national data.

Our analysis also looks at detection rates, which provide a standardized indicator of fair and effective police practice. The report shows changing detection trends over time, the proportion of searches where the item found corresponded with the reason for the search, detection rates by age-group, and detection rates by age and gender.

Conclusion

There has been significant change in the use of stop and search in recent years, but now that the Code of Practice is in place we should expect to see increasing levels of stability and consistency in the trends and patterns.

Police use of search and seizure needs to be both proportionate (based on targeting the right people according to demand) and fair and effective (based on securing a high level of positive outcomes). A good model of scrutiny should take account of both factors.

Scrutiny needs to take place at different geographical levels and be used to inform different audiences, and it should be done over periods that are meaningful in terms of allowing a picture to build up over time. Short term review may be insufficient to allow significant change to be observed.

As well as collating data on stop and search, Police Scotland must ensure that there are feedback loops so that Divisional Commanders can have the opportunity to explain any differences in spatial patterning of practice and account for differences in positive outcomes. Local scrutiny committees should expect Divisional Commanders to explain differences between localities.

It is important to understand the profile of stop and search in terms of protected characteristics, but it may not be possible to provide detailed monitoring of all demographic groups (especially according to ethnicity) at local area level. There needs to be sensitivity to small numbers and limitations of the data.