

Meeting	SPA Board Meeting
Date	26 June 2019
Location	Pollock Halls, Edinburgh
Title of Paper	Stop and Search – Final Report from Independent Advisory Group
Presented By	Jackie McKelvie – SPA Performance Manager
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

To provide summary information on existing proposals for SPA oversight of this operational policing tactic, within the context of findings and recommendations from the recent published report from the Independent Advisory Group on Stop and Search.

1. BACKGROUND

The SPA's role of overarching oversight

- 1.1 One of SPA's main statutory functions, as set out in section 2 of the Police and Fire Reform (Scotland) Act 2012 (the Act), is to hold the Chief Constable to account for the policing of Scotland and promote and support continuous improvement. The period of transition to exclusively statutory stop and search has been a major change in both police powers and culture. SPA has played a key oversight role in scrutinising this change, in partnership with a range of external stakeholders and experts, and through working closely with Police Scotland to develop a robust assurance model, featuring regular reporting to the SPA Board on progress.
- 1.2 Key areas of SPA scrutiny and assurance work from 2013 to present-day 2019 include;
- Regular discussion at SPA Boards
 - Launch of a Scrutiny Review of stop and search
 - Membership on the Independent Advisory Group on Stop and Search (IAGSS)
 - Establishment with Police Scotland of the Research and Evaluation Operational Review Group (REORG) - to commission independent research into the impact of stop and search on different communities in Scotland
 - SPA Committee oversight of improvement recommendations from HMICS Audit and Assurance Reviews and IAGSS
 - SPA Committee oversight of data analysis, training products, academic input and subsequent assurance conclusions.

A comprehensive report on the history of SPA oversight of Stop and Search is included within the Appendix.

- 1.3 In February 2019 the SPA Strategy, Policy and Performance Committee adopted a proposal to step down the level of SPA involvement within the oversight of this operational issue. Taking into account the range of oversight and scrutiny that this tactic has received in the last 5 years and the number of mechanisms that have been established to bring about improvement in the use of this practice, it was proposed that a more mainstreamed approach to assurance should be considered.
- 1.4 It was agreed that SPA retains a seat at the Mainstreaming and Assurance Group (a bi-annual group chaired by Police Scotland and

attended by SPA) to enable a more strategic view of use of the practice. It was also agreed that SPA quality assurance work to sample Police Scotland's Stop and Search database could also be stepped down, given that no significant issues in record keeping, auditing or application of business rules had been identified over a three-year assurance period.

- 1.5 The committee considered that monthly exception reporting, provided since the implementation of the Code in May 2017, may not be needed in the future, given there were no significant concerns raised in previous information provided and that any future exceptions identified could be reported as part of the performance framework, enabling the SPA Board to ask any relevant questions as part of its usual scrutiny of police performance.
- 1.6 The above proposal was dependent on any recommendations coming forward from the final report from the Independent Advisory Group on Stop and Search (IAGSS) regarding the first twelve months of the code of practice since it was introduced in May 2017.

2. FURTHER DETAIL ON THE REPORT TOPIC

Measuring the impact of stop and search

- 2.1 For explanatory context, within the performance framework stop and search is referenced as contributing to Outcome 2 - The needs of local communities are addressed through effective service delivery – and includes a number of indicators to measure the impact of stop and search on harm and demand. Quarterly information provided by these indicators, plus relevant divisional context will be considered by Police Scotland's Executive Lead and will be reported to the SPA Board in August 2019, as set out in the framework.

Final findings and recommendations from IAGSS

- 2.2 The report was published on 13 June 2019, with a general conclusion that further independent work shows that there is very little relationship between stop and search and crime rates. The report suggests this may be an area that merits further research.
- 2.3 The report provides three specific recommendations, namely; No introduction of a general power to search young people for alcohol, due to insufficient evidence; Work to be undertaken to explore the

possibility of specific legislative provision for a power of search related to gatherings such as those at Troon beach; specific legislative provision to cover situations involving protection or preservation of life.

- 2.4 The report also suggests there would be value in Police Scotland and the SPA continuing to monitor certain groups with protected characteristics and taking steps to address issues where the data present evidence of unfairness or inequality. In addition the report suggests further training would be beneficial for officers focusing on the area of officer discretion and the need for a sound understanding of the basis for reasonable grounds to justify a search.
- 2.5 These findings provide a firm foundation for future research and continued thinking on the use of stop and search in communities as an effective policing tactic. Given that it is still an early stage in the transformation of stop and search policy, culture and practice, from an SPA oversight and assurance perspective, any future research outputs will be useful to further improvement.
- 2.6 Members may wish to consider the following questions to inform discussion on this topic;
- Are Members content with the proposal to mainstream stop and search activity and contextual information into regular performance reporting?
 - Should future SPA oversight be directed towards more strategic activity, for example, commissioning independent research, working with external stakeholders and experts, that can provide insight and comparative analysis into the impact of stop and search and other policing tactics (e.g. neighbourhood foot-patrols) to help prevent and detect crime?

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications for SPA associated with this paper.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications for SPA associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are no further legal implications beyond those detailed in the paper.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper. Earlier, high levels of stop and search encounters within Scotland, have been the subject of considerable attention and scrutiny. There is an expectation, widely-held, that improvements will be sustained. There may be reputational implications for both SPA and Police Scotland if reducing stop and search trends were to significantly reverse, or failures to comply with the Code of Practice were to be identified, without there being reasonable justification.

7. SOCIAL IMPLICATIONS

7.1 There are possible social implications associated with this paper as highlighted below.

8. COMMUNITY IMPACT

8.1 There are possible positive implications for communities associated with this paper. Continuous improvement of the use of stop and search, through increasing recovery of illicit items, ensuring training for officers and compliance with the code to demonstrate proportionality and legitimacy can all help to promote public confidence of how this policing tactic is used in communities.

9. EQUALITIES IMPLICATIONS

9.1 There are equality implications associated with this paper. The current approach to assuring the practice of stop and search includes assessing the proportionate use of the tactic amongst characteristics including age, gender and ethnicity. The Code of Practice stipulates that a stop and search cannot be carried out solely on the basis of a person's physical appearance, with regard to those protected characteristics set out within the Equalities Act 2010.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to:

Note and discuss the information contained within this paper.