

Meeting	SPA Policing Performance Committee
Date	7 June 2022
Location	MS Teams
Title of Paper	Stop and Search
Presented By	ACC Steve Johnson, Local Policing West
Recommendation to Members	For Discussion
Appendix Attached	None

PURPOSE

The purpose of this paper is to provide members with a general update on stop and search.

Members are invited to discuss the content of this paper.

1. BACKGROUND

- 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 will carry out stop and search in line with Police Scotland's values of fairness, integrity and respect and officers are 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. FURTHER DETAIL ON THE REPORT

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) confirms that processes are proportionate and support the view that supervisors understand the application of recording criteria and the QC help 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.
- 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 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 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 2021 to March 2022, the compliance rate was 87.9% and once amended for administrative errors was 99% (the remaining 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 provides confidence that officers and supervisors are conversant with the Code of Practice and understand the recording requirements.

STOP AND SEARCH ACTIVITY 2021/22

- 2.7 A total of 30,807 stop and searches were carried out between 1 April 2021 and 31 March 2022, which is 29.5% fewer when compared to the same period the previous year. The overall positive rate was 34.7% which means a prohibited item was taken off Scotland's streets from one in every three searches.
- 2.8 When considering recent data, caution must be taken when comparing to previous years and changing lockdown restrictions as a result of COVID-19. The NSSU is currently working with Divisions to understand reasons for the lower volume of search activity. The fact the positive rate has remained broadly consistent year on year gives reassurance that there is consistency when officers are deciding to use the tactic.
- 2.9 Glasgow hosted the 26th Conference of the Parties (COP26) which presented challenges for NSSU in terms of recording of stop and search activity undertaken by mutual aid officers. The national stop and search database cannot accept officer details from out with Police Scotland. A paper based solution was created to ensure all stop and search activity relating to the COP26 event was captured accurately and subjected to the same scrutiny and governance as business as usual. 47 mutual aid searches were recorded, a full breakdown of which was provided in the 2021/22 Q3 management information report. Work is ongoing to ensure that an IT solution is reached, which negates the requirement for paper based submissions from officers out with Scotland.
- 2.10 Another 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. Towards the end of the Q2 reporting period an anomaly was identified in the categorisation of stop and search related CAPs. NSSU worked closely with Professional Standards Department (PSD) to identify the cause of the issue and to resolve it. Consequently, no stop and search related CAP data was published in the Q2 and Q3 management information reports whilst this review was ongoing. SPA were made aware and kept updated throughout the review process and were consulted upon regarding the revised process.

2.11 The revised administrative process to identify and categorise stop and search related CAPs has now been implemented and will be subject to strict quality control measures for six months between both PSD and NSSU to ensure its efficiency. It is important to stress that all previously reported CAPs in relation to stop and search were appropriately assessed in line with Complaint Handling Procedures; the anomaly described was purely administrative and related to the categorisation of complaints.

LOOKING FORWARD

2.12 As we move into 2022/23, the previously described strict internal governance and scrutiny of the use of stop and search will continue.

2.13 The Offensive Weapons Act 2019 will provide a new search power for officers in relation to corrosive substances in public places. The national stop and search database has been updated to accommodate this power ahead of implementation in June 2022.

2.14 NSSU will be hosting internal workshops to identify any potential training opportunities and to promote good practice and consistency across the country as we look to continuously improve our application of this important tactic.

3. FINANCIAL IMPLICATIONS

None identified.

4. PERSONNEL IMPLICATIONS

None identified.

5. LEGAL IMPLICATIONS

None identified.

6. REPUTATIONAL IMPLICATIONS

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.

7. SOCIAL IMPLICATIONS

None identified.

8. COMMUNITY IMPACT

None identified.

9. EQUALITIES IMPLICATIONS

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.

10. ENVIRONMENT IMPLICATIONS

None identified.

RECOMMENDATIONS

Members are invited to discuss the contents of the report.