



HM Inspectorate of Constabulary in Scotland

Improving Policing across Scotland

31 March 2015

PRESS RELEASE

HMICS PUBLISH REPORT ON AUDIT AND ASSURANCE REVIEW OF STOP AND SEARCH

STRICTLY EMBARGOED UNTIL 09:00HRS TUESDAY, MARCH 31, 2015

Police Scotland should develop an approach to stop and search which would provide safeguards for the public and clear guidance to police officers.

A statutory Code of Practice, removal of stop and search targets and improved recording and public reporting have been proposed in a report published today (Tuesday, March 31).

HM Inspectorate of Constabulary in Scotland's report of its Audit and Assurance Review of Stop and Search contains a number of recommendations about the future use and management of stop and search.

The aim of its review was to assess the state, efficiency and effectiveness of the processes for recording stop and search activity within Police Scotland and the associated procedures for its supervision, audit and governance. HMICS also examined the impact of the performance framework and targets in relation to stop and search activity. It included comparisons with British Transport Police in Scotland and the Metropolitan Police on their approaches to stop and search.

HM Inspector of Constabulary Derek Penman said: "We have suggested a way forward that should result in significant reductions in consensual stop and search across Scotland, whilst at the same time building a reliable evidence base to allow a more informed view on the future need for consensual stop and search.

"We have recommended a move towards legislative stop and search which, combined with improvements in recording practices, training, supervision and audit,

should give communities across Scotland more confidence in the use of stop and search.

“We believe the development of a statutory Code of Practice would establish clearly understood principles and safeguards for the public and would be particularly beneficial in providing clear and transparent guidance on the conduct of searches.

“Due to the lack of guidance and processes, we do not have confidence in the stop and search data currently held by Police Scotland. It should not be relied upon to make informed decisions about future policy and practice in Scotland until an accurate baseline has been established.”

HMICS noted that Police Scotland has established a National Stop and Search Unit, has conducted a pilot in Fife, is currently reviewing stop and search practices and the ongoing requirement for consensual searches. It recognises the need to more fully understand current practice and consider the impact of any major changes to policy and practice before the future strategic direction is decided.

The majority of searches recorded in Scotland are consensual but HMICS found substantial variations in the use of this tactic across the country and some divisions where it had become embedded practice.

The report states there is very little research evidence on the impact of stop and search, either as a localised crime prevention measure or in terms of its wider impact on perceptions of safety in the community. The evidence that exists does not suggest any clear link between the use of stop and search and reductions in crime. It does however indicate that policing is most effective when officers engage in problem solving policing, typically in partnership with other agencies. The report also considered the impact on the younger population of these searches and of the recording of seizures of alcohol as positive searches.

HMICS recognised that police officers felt stop and search was a valuable policing tactic if used appropriately and supported the principle that it should be directed at the ‘right people, in the right place at the right time’.

It remains concerned that officers thought volume targets exist for stop and search despite clear messages to the contrary from senior management and HMICS believes more needs to be done by senior staff to ensure that targets are not encouraging negative behaviours.

The report contains a total of 23 recommendations relating to training, guidance, a presumption towards legislative stop and search, seizures of items, governance and aligning stop and search to local priorities. Other recommendations focus on data, ICT systems and placing public confidence at the centre of the activity across Scotland.

As a result of this review, Police Scotland will be asked to create an improvement plan to take forward HMICS’ recommendations. HMICS acknowledges this report builds on the previous scrutiny work on stop and search carried out by the Scottish

Police Authority and should inform Police Scotland in setting the development of the future direction of stop and search in Scotland.

During this review, HMICS took the opportunity to examine the issues with over 20,000 incomplete data records on the Police Scotland stop search database. In addition, the Scottish Police Authority asked HMICS to carry out an audit of records relating to those aged 11 years or under.

HMICS will undertake a fuller, statistically significant audit of both positive and negative searches, once Police Scotland has had time to consider the recommendations and implement improvements.

NOTES TO EDITORS

Key Findings and Recommendations from the Report are listed below.

The HMICS Audit and Assurance Review Stop and Search is available to download at the HMICS website www.hmics.org from 09:00hrs, Tuesday, March 31, 2015.

To arrange an interview with HM Inspector of Constabulary in Scotland, Mr Derek Penman QPM, or to request a photograph, please contact:

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REPORT KEY FINDINGS:

Accuracy of stop and search data

- We found that officers in Scotland do not have definitive guidance or a common view of what should be recorded as a stop and search. This makes it difficult to fully understand what is contained within the current stop and search data set.
- There is no guidance on how stop and search should be counted and there is a lack of data validation and quality control processes.
- Routine audit mechanisms have not yet been established and there is no definitive guidance for supervisors in relation to their quality assurance role.
- Due to the lack of guidance and processes to maintain this dataset, we do not have confidence in the stop and search data currently held by Police Scotland. This dataset should not be relied upon to make informed decisions about future policy and practice in Scotland until an accurate baseline is established. We do not consider it viable for Police Scotland to retrospectively improve the data quality of existing records.

- We found that Police Scotland currently record and report positive searches on the basis of what officers search for and not on what is actually recovered. This approach has the potential to skew public perceptions of local crime and disorder trends.
- Formal training on legislative search is only provided to officers during their probationary training period. There is no formal training to officers on the use of consensual search and there is no refresher training provided for officers after they have completed their probationary training.
- The national stop and search database was developed in a short timescale and the usual processes for testing and accepting ICT systems were not always followed. This impacted negatively on the quality of the data.
- The stop and search data is not an official statistic, although we recognise the legitimate public and political interest in the accuracy of the data and believe that the principles of good data management, associated with organisations that are producers of official statistics should be understood and where applicable applied by those issuing the data.

Consensual search, seizure and confiscation

- The majority (70%) of searches recorded in Scotland are consensual. These searches must have the informed consent of the person being searched.
- Almost two-thirds (62%) of consensual searches recorded are for items other than alcohol.
- The use of consensual stop and search varies substantially across Scotland and has become an embedded practice in some divisions.
- We acknowledge the recent announcement that Police Scotland will engage with the Scottish Police Authority, Scottish Government and other stakeholders to explore whether the continued use of consensual stop and search is in the best interests of the public in Scotland. We are supportive of this debate, but recognise there is a need to more fully understand current practice in relation to consensual search and clearly consider the impacts of any major changes to policy and practice, especially, in relation to young and vulnerable people, before the future strategic direction should be decided.
- There is greater scope to encourage officers to use legislative searches where reasonable suspicion exists. Police Scotland should consider a policy which raises a general presumption among officers that stop and search encounters should be legislative.
- Police Scotland currently record all seizures and confiscations of alcohol as a positive stop and search even where there is no physical search of a person. This artificially increases the number of stop and searches recorded.
- We recognise that the seizure of alcohol from young people is an important safeguard and contributes to better health and wellbeing outcomes. We are encouraged by the commitment of Police Scotland in incorporating the seizure of alcohol, other age restricted products and harmful substances into the wider safeguarding and prevention agenda.

- We believe there is merit in considering a statutory code of practice for stop and search in Scotland. This would establish clear principles and safeguards for the public in relation to stop and search and potentially provide statutory safeguards around consensual stop and search (should this practice continue). We believe that the introduction of a code of practice would be beneficial particularly to provide guidance in relation to operational practice.

Measuring the effectiveness of stop and search and performance

- There is very little research evidence on the impact of stop and search, either as a localised crime prevention/deterrence measure, or in terms of its wider impact on feelings or perceptions of safety in the community. The evidence that exists does not suggest any clear causal connection between the use of stop and search and reductions in crime. The research evidence indicates that policing is most effective when officers engage in problem solving or problem-oriented policing, typically in partnership with other agencies.
- Officers recognised one consistent message within Police Scotland that stop and search should be targeted at the “*right people, in the right place at the right time*”. We found that officers consider stop and search to be effective when it is used appropriately and believe it is a vital policing tactic in Scotland.
- Officers, supervisors and managers thought that there was too much focus on stop and search and that the target of 20% for positive searches should be removed.
- We remain concerned by the consistent feedback from officers and staff associations that performance is driving negative behaviours. Despite clear messages from the Force Executive that there are no volume targets, this does not seem to be well understood at an operational level.
- We welcome that Police Scotland intends to remove the target for positive searches. However we believe that stop and search should also be removed as a key performance indicator within the performance framework and be published as management information.
- There are opportunities for Police Scotland to build on its commitment to local policing and demonstrate greater transparency through the alignment of stop and search with local priorities.

Police Scotland data recovery and audit

- In May 2014 an ICT update to the national stop and search database contained a programming error. This resulted in the database fields containing information on the item found as a result of a positive search not being saved and retained. This prompted Police Scotland to undertake an internal audit of affected records.
- We found that the internal audit highlighted that the overall quality of the stop and search data could be improved.
- Officers generally welcomed the Police Scotland internal audit on stop and search and thought that the quality of data would improve as a result.
- The lessons learned from the Police Scotland audit of stop and search data are documented and should be used to develop a more robust approach to future stop and search audits.

- In the interests of greater transparency, we consider that the results of future audits of stop and search should be scrutinised by the SPA through its Audit and Risk Committee.

HMICS Audit of searches of children aged 11 or under

- The communication of the change in policy to cease searching children aged 11 or under could have been more effective. The time between the announcement of the change to policy and its implementation was only five days. This did not give sufficient development time to update IT systems and other key processes.
- We found that Police Scotland conducted a total of 83 consensual searches of children aged 11 or under, that were outwith its policy, between 23 June to 31 December 2014.

REPORT RECOMMENDATIONS:

Recommendation 1:

Police Scotland should develop definitive guidance and counting rules for officers to provide clarity on what constitutes a stop and search and how these should be recorded and counted. This should include what a search can involve, particularly in relation to turning out pockets or bags, to ensure there is a common understanding among officers.

Recommendation 2:

Police Scotland should require officers to record their grounds for suspicion for legislative searches and make this a mandatory recording requirement on the national stop and search database. This information should be used as a qualitative measure to support effective supervision and audit and to drive improvement in the use of legislative stop and search.

Recommendation 3:

Police Scotland should accurately record and publicly report on items recovered as a result of a positive stop and search encounter. This should provide greater transparency and better inform local communities about local crime and disorder trends.

Recommendation 4:

Police Scotland should develop, record and publicly report on disposal categories which effectively capture the outcomes of stop and search activity. This should include a range of measures which support the statutory purpose of policing to improve the safety and well-being of persons, localities and communities in Scotland.

Recommendation 5:

Police Scotland should develop definitive guidance for officers about what information should be recorded from a stop and search encounter into their notebook or personal data assistant (PDA) to ensure consistency of practice.

Recommendation 6:

Police Scotland should emphasise the rationale for recording the self-defined ethnicity of those who are stopped and searched and provide guidance.

Recommendation 7:

Police Scotland should introduce processes for the proportionate supervision of stop and search activity. This should allow opportunities for individual feedback and learning to officers, which increases their confidence in the effective use of legislative stop and search and considers the quality of the encounter.

Recommendation 8:

Police Scotland should define the roles and responsibilities of the National Stop and Search Unit and all internal business areas that impact on the end to end process of stop and search, including the quality of published data.

Recommendation 9:

Police Scotland should remove the default selection of consensual search from the national stop and search database and require officers to specifically select the legislative power exercised in their stop and search encounter from a pre-defined list. An option to select consensual search should still be maintained until such time as a decision is taken over its continued use in Scotland.

Recommendation 10:

Police Scotland should review its business processes and governance arrangements for the development, testing and acceptance of its ICT systems. This should include the testing and acceptance of ICT changes and updates to existing force systems.

Recommendation 11:

Police Scotland should identify all opportunities to improve data validation on both the national stop and search database and personal data assistants (PDA) databases to maximise data integrity.

Recommendation 12:

Police Scotland should develop proportionate quality control procedures for stop and search data, detailing how the process will be administered, what regular checks will be implemented and how data errors will be rectified and reported.

Recommendation 13:

Police Scotland should review the principles and protocols contained within the Code of Practice for Official Statistics to develop proportionate internal guidance for publicly reported stop and search data.

Recommendation 14:

Police Scotland should assess the training needs of officers in relation to stop and search and consider techniques that will improve officer confidence in the application of their legislative stop and search powers. This assessment should be informed by proposed changes to stop and search policy and practice across Scotland.

Recommendation 15:

Police Scotland should consider a policy which raises a general presumption amongst officers that stop and search encounters should be legislative. This should encourage a position where officers only revert to consensual searches, supported by informed consent, where no legislative power exists.

Recommendation 16:

Police Scotland should seek legal opinion on whether Section 61 of the Crime and Punishment (Scotland) Act 1997 can be interpreted to show an implied power of search for alcohol from young people under the age of 18 and adults in specific circumstances. This opinion should inform whether there is a requirement to seek further legislation in the absence of consensual stop and search.

Recommendation 17:

Police Scotland should record seizures of alcohol and other age restricted products separately on the national stop and search database where there is no search of the individual. This should allow them to be counted and reported independently from stop and search activity. Police Scotland should also ensure that offences under alcohol by-laws are not recorded as stop and search encounters.

Recommendation 18:

Police Scotland should engage with the Stop and Search Short Life Working Group and members of the Children and Young Peoples Reference Group to consider the implications that stop and search recording may have on young people.

Recommendation 19:

Police Scotland and Scottish Police Authority should consult with the Scottish Government on the potential development of a statutory Code of Practice for stop and search.

Recommendation 20:

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.

Recommendation 21:

Police Scotland should consider developing a framework for stop and search that aligns national and local priorities and promotes a values-based approach to the treatment of those who are subject to a search. Police Scotland should consider placing public confidence at the centre of this approach to stop and search and commit to on-going measurement through an independent survey commissioned by the Scottish Police Authority.

Recommendation 22:

Police Scotland should remove the target for positive searches and the key performance indicator on the number of searches from its performance framework. In the interests of transparency and effective scrutiny, it should continue to collect and publish this data.

Recommendation 23:

Police Scotland should put in place a proportionate audit regime for stop and search including positive and negative searches. There should be clear guidelines for officers completing the audit and those analysing the results. The findings of all audits should be scrutinised by the Scottish Police Authority Audit and Risk Committee.

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