



HM Inspectorate of Constabulary in Scotland

Improving Policing across Scotland

Wednesday, February 22, 2017

PRESS RELEASE

HMICS PUBLISH REPORT ON AUDIT AND ASSURANCE REVIEW OF STOP AND SEARCH PHASE 2

HM Inspectorate of Constabulary in Scotland's Audit and Assurance Review of Stop and Search: Phase 2 report is published today and acknowledges the substantial improvements Police Scotland and the Scottish Police Authority have made with stop and search across Scotland.

This review followed up on the recommendations made within our Phase 1 report, which was published in March 2015 and also includes an independent audit of stop and search data.

All 23 recommendations made in our Phase 1 report have now been completed.

HM Chief Inspector of Constabulary Derek Penman said: *"In our Phase 1 report we recommended a move towards legislative stop and search along with improvements in recording, training, supervision and audit which would give communities across Scotland more confidence in the use of this important operational policing tactic."*

"Since our Phase 1 report was published, Police Scotland has delivered substantial improvements in the way it conducts, records and monitors all of its stop and search activity. The number of recorded stop searches by police officers has decreased significantly, with the majority now using legislative powers. Seizures of items, including alcohol are recorded separately and provides more accurate information on stop and search activity. There is also far greater transparency through the publication of stop and search data on the Police Scotland website, which creates new opportunities for external scrutiny."

"Strong working relationships have been developed with key organisations representing children and young people and I welcome that the views and opinions of young people have helped shape Police Scotland's policy and procedure around stop and search. I also welcome the fact that Police Scotland and the SPA have commissioned research and worked with academics to identify good practice and inform the use of stop and search in a local context."

Significant national developments have been driven by the Independent Advisory Group on Stop and Search. This includes new legislation and the development of a Code of Practice for stop and search which, subject to parliamentary approval, will come into effect later this year and bring consensual stop and search to an end.

Police Scotland has developed a national training programme, which is being rolled out across Scotland to prepare officers for the implementation of the new Code. This includes clear principles around when police officers can use stop and search powers, along with helpful guidance on the stop and search of children and vulnerable adults.

In preparation for the new code, Police Scotland has developed briefing packages for its senior managers and is actively working with local authority scrutiny and engagement bodies. HMICS is encouraged by these developments and the commitment from Police Scotland to support the effective local scrutiny of stop and search.

Police Scotland has issued clear guidance to its officers on what information requires to be recorded, and has introduced a greatly enhanced national stop and search database.

An effective internal audit regime is now in place to provide assurance over data accuracy. The audit results are reported to the Scottish Police Authority and HMICS acknowledges that ongoing oversight of stop and search will be provided through the Authority's new Policing Committee.

Our review included an independent audit of a sample of stop search and seizure records held within the national stop and search database. This confirmed that Police Scotland had correctly assessed 97% of them.

As a consequence of the substantial improvements made by Police Scotland and the results of independent audit, HMICS now has confidence in the accuracy and integrity of the stop and search data held by Police Scotland.

NOTES TO EDITORS

Key Findings from the Report are listed below.

The HMICS Audit and Assurance Review of Stop and Search: Phase 2 is available to download at the HMICS website www.hmics.org from 1100hrs, Wednesday 22 February, 2017.

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Key findings:

- Police Scotland has made substantial improvements in the use and recording of stop and search activity in Scotland. All 23 recommendations made in our Phase 1 report are now fully discharged.
- Police Scotland has introduced an effective but labour intensive audit regime. This has been necessary to provide initial assurances over data accuracy although Police Scotland should consider moving to a more proportionate approach once satisfied there is compliance with the Code of Practice.
- Our independent audit of 600 randomly selected stop and search/seizure records found that the National Stop and Search Unit had correctly assessed 584 records (97.3%) in accordance with the defined rules and, where required, appropriate amendments had been made to the national database.
- HMICS now has confidence in the accuracy and integrity of stop and search data held by Police Scotland.
- The volume of recorded stop searches has significantly decreased. Figures for the period April to September 2016 (21,553) show a 67% reduction compared to the same period in 2015 (65,326). Although it is difficult to accurately attribute the reason for this decrease it is likely to be a combination of improved recording and scrutiny of stop search activity, the removal of performance targets and the more accurate recording of seizures.
- Police Scotland policy is now a presumption toward statutory stop and search with the majority of searches (96%) conducted using legislative powers.
- In accordance with Police Scotland policy, there have been no non-statutory searches recorded of children under 12 between 1 June 2015 and 30 September 2016 and only 16 statutory searches.
- Bespoke online stop and search training has been delivered to officers and a national training programme has been developed and is currently being rolled out across the country to prepare officers for the implementation of the statutory Code of Practice.
- Police Scotland has built strong working relationships with key organisations representing children and young people and has obtained the views and opinions of young people through its Youth Advisory Panel to help shape policy and procedure around stop and search.
- Although Section 61 of Crime and Punishment (Scotland) Act 1997 contains a power of arrest should any child refuse to hand over alcohol, between 1 June 2015 and 30 September 2016 there have been no such arrests. This situation will require to be monitored closely once non-statutory search has come to an end.
- The Code of Practice requires senior management with area or force-wide responsibilities to monitor the broader use of stop and search powers and where necessary, to take appropriate action. Briefing packages are being prepared for Senior Management Teams and local authority scrutiny and engagement bodies. HMICS is encouraged by these developments and the commitment from Police Scotland to support the effective local scrutiny of stop and search.
- Significant national developments have been driven by the work of the Independent Advisory Group on Stop and Search leading to new legislation and a statutory Code of Practice which, subject to parliamentary approval, will bring non-statutory stop and search to an end.
- Police Scotland and the SPA have liaised with academics to identify good practice and improve data analysis and the use of stop and search in a local context. HMICS welcomes the commitment from Police Scotland and the SPA to both commission and apply academic research to identify best practice.

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