

Justice Sub-Committee on Policing

Stop and Search

Letter from Police Scotland to the Convener

I write with reference to your letter of 26 June, 2014 in which you seek further information concerning Police Scotland's use of stop and search, following discussion by the Justice Sub-Committee on Policing on 19 June 2014.

Firstly, may I express my disappointment that you were not presented a copy of our report on the Fife pilot until the morning of your meeting. Please be assured any future publications will be submitted timeously and in the required format. I will also ensure you receive progress reports on the Fife pilot as and when they are available and at the conclusion of each phase.

In response to your request for further information on the *'Accountability Theme' and whether this will explore if stop and search is proportionate and represents an effective use of Police Scotland's resources'*, I can update you as follows:

As our report indicated, consultation and engagement with the public repeatedly informs Police Scotland that tackling violent crime and anti-social behaviour are key priorities for our communities. The use of stop and search continues to be intelligence led and targeted, ensuring our officers are in the right place at the right time, stopping and searching the right people for the right reasons.

In year one of Police Scotland, 123,551 stop searches resulted in a positive recovery of items including weapons, knives, drugs and alcohol. As a result, the application of stop and search has contributed significantly to reductions in violence, antisocial behaviour and disorder across Scotland. To provide some context, I would offer the following statistics;

- Reduction in Group 1 (Violent Crime) of 9.9%
- Reduction in the number of Serious Assaults by 10.3%
- Reduction in the number of Robberies by 18.2%
- Reduction in the number of complaints regarding disorder of 16.3%
- Reduction in the number of incidents of publicly reported ASB of 13.8%

This has resulted in;

- 745 fewer victims of Violence
- 338 fewer victims of Serious Assault
- 333 fewer victims of Robbery
- 64,530 fewer incidents of Disorder
- 55,521 fewer incidents of ASB

I would therefore contend that Police Scotland's engagement in stop and search activity is a proportionate and efficient use of its time and resource.

To provide further reassurance of this, I have created the National Stop Search Unit. This new unit will undertake quality control of stop search entries and ensure guidance and training for officers is refreshed and developed in line with stop search policy. Recognising the contribution stop and search makes towards Keeping People Safe, the Unit will capture best practice and ensure the intelligent and targeted use of this tactic.

The unit have created a Business Intelligence Toolkit, consisting of a range of analytical approaches, that will further assist us in intelligently deploying our officers. This toolkit has been available to the Fife pilot and will shortly be rolled out across the rest of the country.

In relation to your point about *the need to provide a clear definition and interpretation of stop and search, and include separate definitions of what 'consensual' and 'legislative' searches are*, I am pleased to provide the following definitions, which are contained within the Police Scotland Stop and Search Policy. These definitions are currently undergoing Equality Impact Assessment to ensure they are both proportionate and appropriate, and comply with the Equalities Act 2010.

Police Scotland Stop Search Policy

"The Police Service of Scotland (PSoS) will make use of Stop and Search as an operational tactic and in doing so will treat people in keeping with our core values of integrity, fairness and respect. Every encounter will be professional and will leave the person searched with a clear understanding of why they had been searched ensuring that these encounters are exercised in a non-discriminatory way. PSoS is committed to complying with the requirements set out by the Police and Fire Reform (Scotland) Act 2012, Code of Ethics and Police Values, European Convention on Human Rights and the Equalities Act 2010, whilst using all the powers at its disposal in the prevention and detection of crime and the pursuit of keeping people safe".

Consensual Stop Search

"A consensual search is one that is conducted by a police officer in the execution of their duty with the consent of the individual being searched. The search will be undertaken in line with their general police duties for the purpose of keeping people safe."

Stop Search

"Any encounter between a Police Officer and a person, which results in that person being searched, where the search was either conducted on a consensual basis, or where the person was searched under one of the following Legislative powers:

- Sec. 23(2) of the Misuse of Drugs Act 1971 (Drugs)
- Sec. 60(1) Civic Government (Scotland) Act 1982 (Stolen Property)
- Sec. 48(1) Criminal Law (Consolidation) (Scotland) Act 1995 (Offensive Weapon)
- Sec. 50 Criminal Law (Consolidation) (Scotland) Act 1995 (Bladed Weapon)
- Sec 47 Firearms Act 1968 (Firearms)

- Sec 43 Terrorism Act 2000 (Terrorism)
- Section 47A Terrorism Act 2000 (Terrorism)
- Section 11A Fireworks Act 2003
- Section 19 of the Wildlife and Countryside Act 1981”

Positive Stop Search

“A positive stop search is one which is either conducted with the consent of a person being searched or is one in execution of some explicit lawful power, and in consequence of which some item is recovered where possession of same infers criminality on the part of the person being searched or some other person; or compromises the safety of that person or some other person. For the avoidance of doubt, the recovery of alcohol is treated as a positive stop search.”

The consensual and legislative powers of stop and search are provided to assist police officers in the prevention and detection of crime, and to avoid unnecessary arrests in circumstances where a quick search on the street might confirm or eliminate officers’ suspicions.

The processes and practices differ depending on the type of search. If a person is being searched using legislation, this search is very formal. Firstly, they would be detained under relevant legislation, meaning they are no longer free to go about their business and must remain with the officer(s). A form of words, dictated by the legislation being applied, would be read out, leaving the person in no doubt as to why they were being stopped and searched. The subject is also required to provide their details, all which is recorded within official police notebooks.

Consensual searches are very different, and more engaging with the subject. The Fife pilot has introduced a form of words that must be read out to the subject, making them absolutely aware they are under no obligation to consent to the search.

In your letter you describe an example where during a search, one person in a group of 15 is found to have alcohol, or an offensive weapon, and ask whether that would be recorded as one successful search or 15.

I can confirm this would only constitute one positive stop search, and would be recorded as such on our system.

I trust this response meets your requirements. If you wish any further information, please do not hesitate to contact me.

Sir Stephen House QPM
Chief Constable
15 July 2014