

LETTER SENT BY E-MAIL

Sir Stephen House
Chief Constable
Police Scotland
Forward Command Base
2 St Ninians Road
Randolphfield
STIRLING
FK8 2HD

17 February 2014

Our ref: JF/LW

Dear Steve

**SCOTTISH POLICE AUTHORITY
EXPECTATIONS OF POLICE SCOTLAND REVIEW ON THE FUTURE OF NON-
STATUTORY STOP AND SEARCH**

Following the SPA public meeting on Friday, 13 February 2015, I am writing to follow up on a number of matters.

Points requiring clarification

- (i) The Authority would welcome Police Scotland's comments on what action is planned to improve the Stop and Search database which was referred to last week as 'clunky' but which the SPA understood to have been the subject of a considerable investment of time and resource.
- (ii) ACC Telfer explained that, after a further audit of the data released to the media, there were in fact 18 non statutory Stop and Searches of children aged 11 or under rather than the 289 (allowing for keying errors and record duplication) in the original data release. As the SPA Chair set out, we are formally requesting that HMICS provide us with assurance on the process and outcomes of this audit. I will be writing to HMICS today to request that HMICS consider undertaking this assurance work on our behalf. I would be grateful if this was facilitated within Police Scotland. The implications of this level of erroneous recording may be significant and The Authority will consider the next steps when we have seen the results of the HMICS scrutiny of Police Scotland's Stop and Search practice which will be published in the coming weeks.
- (iii) ACC Telfer stated that weekly quality assurance checks of Stop and Search data were stopped in August 2014. However, the written Police Scotland report to

The Authority in October 2014 reporting on progress against SPA Scrutiny Review recommendations stated:

'It was decided after consultation with the Expert and Children and Young Persons Reference Groups to cease 'consensual' searching of children under 12 years of age from 23 June 2014. This change in practice is now subject of weekly quality assurance checks by the NSSU'.

The Authority members would be grateful if the difference between the October 2014 update and the report on Friday regarding the process of quality assurance checks could be explained.

Review of non-statutory stop and search

Police Scotland have undertaken to provide an update to the Cabinet Secretary for Justice by the end of March on the review into the future of non-statutory stop and search. It is important that The Authority members have an early and formal opportunity to understand the review's direction of travel and scrutinise the underpinning rationale and evidence for any emergent conclusions and recommendations. The Authority members expect to undertake this scrutiny before any update is provided to the Cabinet Secretary.

I have asked Tom McMahon to be SPA officer lead on the review. He will join both the strategic and working groups (which I understand are currently being established under DCC Fitzpatrick) and should be first point of contact for any issues arising.

At Friday's meeting The Authority members articulated a number of expectations of this review by Police Scotland which, for clarity, I set out below:

1. The Authority will expect the review to have involved meaningful and consultative engagement on the future of non- statutory stop and search with national and local elected representatives, community representatives, special interest representative bodies (such as those representing young people and equalities groups), the Scottish Police Federation, the Association of Scottish Police Superintendents and other affected partners and stakeholders. The review should clearly demonstrate how views from across these groups and organisations have been taken into account in arriving at conclusions and recommendations.
2. The Authority will expect the review to set out clearly how the results of the evaluation of the Fife Stop and Search pilot have informed conclusions and recommendations on the future of non- statutory stop and search.
3. The Authority will expect the review to reflect the recommendations of the SPA Scrutiny Review on Stop and Search and to set out in clear terms how Police Scotland conclusions and recommendations have been informed by these.
4. The Authority will expect the review to reflect the recommendations of the HMICS scrutiny exercise that is currently underway.
5. In offering alternative approaches (to non- statutory stop and search) to maintaining people's safety and wellbeing (particularly that of young people and children) The Authority will expect the review to have taken account of available evidence of effective police interventions and what works to improve outcomes across communities.

6. When considering alternative interventions and approaches, resource implications and best value considerations will need to be taken full account of. These considerations should also apply to the continuation of current policy and practice.
7. Police Scotland has consistently set out the benefits of maintaining consensual stop and search. Authority members will expect the review to have reflected on the risks presented by continuing, ceasing or modifying the practice of non-statutory stop and search. The review should demonstrate consideration of appropriate mitigating actions for any gaps that may emerge in maintaining safety and wellbeing across communities.
8. The Authority will expect any policy proposal arrived at through the review to have been appropriately subjected to Equality and Community impact assessments.

Going forward

It was acknowledged at last week's public meeting that a performance target of 20% positive searches continues to be applied across Police Scotland. The Authority members look forward to a further discussion on this matter when they have considered the results of the evaluation of the Fife Stop and Search pilot and the HMICS scrutiny in the near future.

Lastly, given recent experience it would be helpful if discussions could now progress with some pace around the agreement of a Memorandum of Understanding on Information Sharing between Police Scotland, SPA and Scottish Government. This has been in draft format for some time and I have asked John McCroskie, SPA Director of Communications and Relationships to lead those discussions for SPA and liaise with Police Scotland and Scottish Government counterparts to progress this.

I would be happy to discuss any of this with you in the coming days.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'John Foley', is written over a horizontal line.

JOHN FOLEY
Chief Executive Officer

Copy to: Vic Emery OBE, Chair, Scottish Police Authority