Landscape Review on Stop and Search in Scotland

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EXECUTIVE SUMMARY

1. This report presents a landscape review of academic and policy research and evidence on stop and search in Scotland. The report was commissioned by the Scottish Police Authority (SPA) via the Scottish Institute for Policing Research. It is not an exhaustive systematic evidence review. Rather the aim is to provide an overview of the key findings and themes in the existing evidence base, and relate these to the direction of police policy and practice in Scotland. The review also aims to support the Authority's commitment to building a stronger and more holistic research picture on the wider societal impact of stop and search.

2. The pace of change in relation to the use of stop and search presents Police Scotland with a unique challenge. In less than two years, policy developments prompted major changes in police practice. Recorded levels of stop and search have fallen in recent months, the proportion of non-statutory searches has fallen, detection rates have improved and young people and children are less likely to be targeted. These trends suggest a more intelligence-led approach to stop and search, which is less likely to impact adversely on police-community relationships. However, the pace is unprecedented and should be carefully monitored.

3. In terms of the emerging research agenda, Scotland raises some distinctive challenges. First, academic engagement with the use of stop and search in Scotland is limited. There is however research underway, as well as a growing policy-focused evidence base which provides important and consistent insights into police practice. Second, the demographics of stop and search in Scotland do not fit the prevailing existing academic and policy agenda. Most UK research to date has focused on the impact of stop and search in terms of race and ethnicity (Delsol and Shiner, 2006; Medina 2013). However, in Scotland officers are most likely to search white working-class teenage boys. The demographics of socio-economic class and age are under-researched, both in Scotland and in the UK more widely. They are also important, particularly in terms of civil liberties, and the lack of a political voice among those communities that are most likely to come to the attention of the police.

4. The fact that stop and search only surfaced as a public and political concern following the Police Scotland merger in April 2013 presents a further challenge to researchers and stakeholders (Murray and Harkin, in press). Since reform, the degree of scrutiny directed at Scottish policing has increased considerably. On the one hand, this engagement is

welcome. Yet on the other hand, the degree of critical attention directed towards Police Scotland (of which stop and search was one component) has damaged the reputation of the single service at a time of major structural change. This suggests that one the key challenges is to develop robust and transparent governance mechanisms that will allow the use of stop and search to be made formally accountable.

5. In terms of the existing evidence base on stop and search, some broad observations can be applied to Scotland. First, the effectiveness of stop and search in terms of longer-term crime prevention and/or reduction remains unclear. This observation is striking principally because the question of effectiveness has been subject to academic and policy scrutiny for several decades. Some evidence suggests that short-term, targeted initiatives may be effective, however there does not appear to be a strong 'business case' for sustaining high levels of stop and search, particularly when the societal cost or impact is taken into account (Bowling and Phillips, 2007; 959-60). Research evidence indicates that there is in-principle public support for stop and search, provided it is used fairly, respectfully and the grounds are explained. Conversely, poor and/or excessive encounters can damage police-community relationships, discourage co-operation with the police and undermine police legitimacy more broadly.

6. Taking an overview of the policy and academic direction in the last decade, researchers have sought to balance the benefits of stop and search in terms of disrupting and preventing crime, with the societal costs, for instance, the impact on police-community relationships. This balance underpins the growing body of literature and commentary on the 'fair and effective' use of stop and search (EHRC, 2010, 2013; Stopwatch, 2013; College of Policing, 2015). In Scotland, the Scott report (2015) and its recommendations address the balance between costs and gains. Going forward, the 'fair and effective' model might provide a useful policy steer for Police Scotland.

7. Looking to the developing research agenda in Scotland, several potential areas can be highlighted. First, there is no evaluation research on the respective benefits and costs of stop and search. In light of recent changes in policy and practice, this might be viewed as a priority. Second, there is negligible research on the character or quality of stop and search encounters in Scotland, or on people's perceptions of police practice more widely. Given the importance accorded to fair treatment in the existing evidence and literature, research on officers' understanding and application of reasonable grounds would provide an important foundation for training and development. Research might also address best practice in relation to the use of search acknowledgment forms, for instance, how officers

should communicate these to the public. Third, at the time of writing, there is negligible research on the most effective ways of training officers in the fair and effective use of stop and search. However, a large-scale stop and search pilot commissioned by the College of Policing is currently underway in England and Wales, which should provide relevant insights. Fourth, there is a lack of comparative research on how police practice in Scotland compares to other jurisdictions. Whilst some evidence is available comparing Scotland with England and Wales, a wider focus would allow a deeper understanding of the rationales that underpin stop and search, as well as the benefits and limitations. Finally, evaluation research on the recent policy changes, including the new scrutiny and monitoring procedures introduced by Police Scotland, would provide important insights into the process of organizational change and the mechanics of police accountability.

Methodology and report structure

8. This report examines studies and papers accessed through a range of electronic databases made available through the University of Edinburgh electronic library resources, using relevant search terms. Additional materials were identified through snowballing methods (using references to locate similar or related titles). The review also examines monographs, unpublished (grey) literature and policy literature, including reports by the Scottish Police Authority, HM Inspectorate of Constabulary (HMICS) and material accessed through the College of Policing.

9. In June 2015, Police Scotland introduced an upgraded database that marked a significant improvement in recording standards. Additional data-fields include the legislative powers used by officers when carrying out a search as well as the grounds for searching people. The introduction of a separate recording field for statutory seizures (which do not require a statutory search) also means that police practice is captured far more accurately.

10. In early September 2015, Police Scotland released first quarter stop and search data covering the period May to June 2015. These data were released in two files: April/May and June. The June data were extracted from an enhanced national database rolled out on 1 June 2015. These data also include new validations and checks designed to prevent inaccurate data input. In late September 2015, Police Scotland released data for July 2015. This report also includes some original analysis of the June/July 2015 data, undertaken by the author. Clearly, these data provide a very small snapshot. However, they are more detailed and accurate than data previously released by Police Scotland, and provide insight into the direction of change. The report also draws on statistics recorded between

April 2014 and May 2015. Whilst the quality of data in this period is poor (HMICS, 2015) some overarching conclusions may be drawn (Scott, 2015; 19).

11. The main body of the report is structured as follows. Part one examines the emergent stop and search research agenda in Scotland, and summarizes the key findings to date. Part two provides a short overview of the development of stop and search policy and practice in Scotland. Part three reviews the existing evidence base on stop and search. The final part of the report draws together the findings, and sets out key areas for future research.

Research messages

12. A number of broad research, analytical and performance messages may be drawn from the report. First, the recent history of stop and search in Scotland, as well as other jurisdictions, demonstrates the need for in-depth systematic evaluation of operational tactics and policies. For instance, a lack of evidence and evaluation is noted by the Scott report:

> 'Non-statutory stop and search seems to have happened in recent years because it happened in the years before that, driven more by performance approaches and impressions of effectiveness than by evidence of its positive impact.'
> (2015; 24 para. 72).

13. Evaluative research and analysis should provide a robust evidence base on what works, what doesn't work, and why. Police Scotland generate a wealth of geo-coded and dated statistical data that can be exploited for evaluative and predictive analysis. Using advanced statistical methods, these data can be used to test theories, identify significant factors (rather than natural variation), develop a more nuanced understanding of operational outcomes (rather than outputs), develop evidence-based interventions, and develop more sophisticated, theory-based measures of performance to support police officer training.

14. Second, whilst it is widely recognized that successful policing is dependent on good police-community relationships and engagement, it remains difficult to capture people's views across the population. In the case of stop and search, police encounters often involve hard-to-reach sectors of the population, whose views and experiences are unlikely to be captured by standard surveys or statistical measures. Qualitative research will be required in order to fully understand the impact of stop and search on police-community relationships.

15. Third, comparative research and analysis can help to gauge whether stop and search is being used effectively and fairly, and to identify systematic inconsistencies in police practice. Previously, the legacy forces viewed stop and search in isolation. For instance, no comparisons were made across the legacy forces, or with other jurisdictions. Looking back, it seems clear that this insular perspective limited the capacity for analysis and evaluation, and obscured the fact that recorded search rates varied significantly, both across the forces, and compared to other jurisdictions. By contrast, comparative research should allow Police Scotland to recognize good practice, identify concerns, and benefit from the knowledge and experiences of those outwith the organization.

16. In September 2015, the Scottish Police Authority stated that it would lead work in building a stronger and more holistic research picture on the wider societal impacts of stop and search. Taken together, these different approaches should help to fulfil this commitment and provide a solid foundation on which to build and develop evidence-based policy.

KEY FINDINGS

1. People's direct experience of stop and search and its impact on their perceptions of the police

People's direct experiences of stop and search vary from acceptance or resignation, to embarrassment and anger. The impact on people's perceptions of the police is likely to be influenced by the quality of stop and search encounters (for instance, whether officers are fair, respectful and provide a good reason for the search), as well as the frequency with which they have been searched. Repeat police searches are likely to be viewed negatively, irrespective of how well the encounter is conducted. The importance of good quality police contact is underscored by evidence that shows poor or unsatisfactory encounters are more likely to influence people's perceptions of the police than good or satisfactory encounters. The costs of stop and search are well documented, however much of the research to date has focused on people's experiences in terms of ethnic and racial disproportionality. Whilst there is some evidence available on young people's experiences of stop and search, people's experiences in terms of socio-economic class and deprivation are under-explored.

2. Public perceptions of the legitimacy and effectiveness of stop and search

There is in-principle support for stop and search, providing the tactic is used fairly and effectively. Public trust and confidence in the police is primarily based on being treated fairly, with respect, and being given a good reason for the stop. The use of 'stop forms' (or receipts) is also supported, with the important proviso that the form is explained, and the encounter conducted fairly. A YouGov survey commissioned by HMICS found that people generally thought that stop and search was useful in relation to catching criminals, preventing crime, gathering intelligence and controlling the streets (HMICS/YouGov, 2013). However, a sizable group had no strong views on the effectiveness in their local area, whilst minority ethnic groups were more cautious on the question of effectiveness. The study also noted that most respondents had not experienced a stop and search encounter, and did not know how frequently the powers are used, or how frequently they resulted in detection.

3. The effectiveness of stop and search in reducing and/or preventing crime

The effectiveness of stop and search remains unclear, principally due to definitional and methodological factors, including a lack of clarity as to how the tactic should be measured. This finding is striking, given that research on the effectiveness of stop and search, and similar interventions dates back several decades. Whilst there is some evidence of a positive short-term effect when stop and search is targeted at a specific problem, there is no robust evidence to suggest

that maintaining high levels of stop and search is effective. The question of effectiveness also needs to take into account the potential costs of stop and search. For example, an adverse effect on police-community relationships is likely to reduce people's willingness to cooperate with the police, which may have far wider implications for police clear-up rates and community focused crime reduction strategies. Stop and search outcomes and disposals can provide a limited measure of effectiveness that can be aligned with 'fair and effective' principles, intelligence-led stop and search as well as SMART objectives. However, care should be exercised as to how 'effectiveness' is communicated. For example, detection targets are likely to result in perverse outcomes and should be avoided. Looking ahead, data generated by the new Police Scotland database should provide further research opportunities to assess whether police practice is effective and fair. For instance, these data can be used to: investigate the relationship between stop and search and patterns of recorded crime; examine different approaches to the use of disposals; and identify factors that are most likely to predict detection.

4. The impact of training and supervision of police officers engaged in stop and search

There is surprisingly little research available on officer training, in relation to stop and search, or policing more broadly. Some observational evidence is available from the Fife Pilot evaluation, and there is some evidence on the impact of training based on procedural justice principles, including work undertaken in Scotland. Also, a major stop and search training project commissioned by the College of Policing is currently underway in England and Wales. It is anticipated that findings from this project will be available in spring 2016. Looking to other fields, for example, healthcare and education, research suggests that interactive, mixed training methods and collaborative Continuous Professional Development are more effective than classroom-based learning. Given the pace and scope of policy change in Scotland, including the imminent move to a statutory model, research on training might be highlighted as a priority for Police Scotland.

5. How stop and search in Scotland compares with the use of similar tactics in other jurisdictions.

Whilst stop and search powers are used in many parts of the world, by police officers and other agencies such as border officials, there is negligible systematic comparative research which directly compares practice and experiences in different jurisdictions. There would be immense value in developing comparative research in this area. Looking to the existing literature on the use of stop and search in different geographical and institutional settings, some common themes can be identified, which partly resonate with police practice in Scotland over the last two decades. These include disproportionality toward some sectors of society, and relatedly, the fact that stop and search is one of the most widely used and least circumscribed types of police power. Both points are exacerbated by a tendency to view stop and search in loose terms, for example, in terms of

broad crime prevention, security or anti-terrorism (Murray, 2015a; Bowling and Marks, 2015). These observations suggest that one of the key challenges, both for policing stakeholders and researchers, is to pin-down what is often an opaque police practice, and to establish effective regulatory mechanisms.

6. The relative effectiveness of using stop and search to reduce and prevent crime compared with other policing approaches.

There appears to be no existing research assessing the effectiveness of stop and search, directly compared to other ways of 'doing' policing. In part, this can be attributed to the fact that the effectiveness of stop and search, outwith detection, is difficult to pin down. There is however an extensive body of research that suggests problem-solving policing approaches are more likely to deliver longer-term reductions in offending (compared to saturation or enforcement methods), improve police-community relationships, and increase job satisfaction for officers.

Suggested research areas and questions

Communities and demographics

- What are the demographics of stop and search in Scotland? How do these differ to other jurisdictions?
- What is the relationship between police practice, socio-economic class and deprivation? How does the geography of stop and search relate to these factors?
- In what way did volume stop and search impact on police-community relationships? How have communities and young people viewed the recent fall in recorded levels of stop and search?
- How do young people typically respond to stop and search?
- Few people complain about stop and search, or refuse non-statutory searches. What does this tell us?
- Avoiding unnecessary criminalization. To what extent should police discretion be encouraged?
- How can the aims of stop and search, together with people's rights and responsibilities be effectively communicated?

The effectiveness of stop and search

- What are the respective benefits and costs of stop and search, and what is the net impact?
- What factors are most likely to predict detection?
- To what extent is stop and search intelligence-led? Does the use of stop and search relate to incident patterns?
- What are the key components of a fair and effective stop and search encounter?
- What are the best methods for training officers in the fair and effective use of stop and search?

- How do officers understand and apply reasonable grounds?
- To what extent does the use of disposals vary by Division? What rationales underpin the use of different disposals?
- What is the impact of different disposals? Are some sanctions counter-productive? How effective are financial sanctions?

Procedure, regulation and training

- What do stop and search encounters 'look like' in Scotland? What is the process and the average duration? How consistent is police practice across Scotland?
- What is the impact of the recent policy changes introduced by Police Scotland, including the move to a predominantly statutory model? How are these changes viewed by officers?
- In what ways have the new recording procedures and monitoring mechanisms introduced by Police Scotland influenced police practice?
- Stop and search acknowledgement forms. How these should be communicated?
- Regulation and accountability. What are the best methods for monitoring and scrutinizing stop and search?
- How will a statutory Code of Practice influence police practice?
- What are the main training requirements? How should training be delivered?
- What long-term measures should be put in place to monitor and evaluate the use of stop and search?

Alternatives to stop and search

- How effective is police presence as a deterrent, compared to more intrusive policing tactics?
- What structures need to be put in place to develop problem-solving approaches? What are the resource implications?

PART ONE. THE RESEARCH AGENDA IN SCOTLAND: KEY THEMES AND FINDINGS

1.1. At the time of writing, published academic research on the use of stop and search in Scotland is limited to a doctoral study, and its related output (Murray, 2014a, 2014b, 2015a, 2015b), and an academic evaluation of the Fife Division pilot on stop and search undertaken by researchers at Dundee and Napier Universities (O' Neill *et al*., 2015). There is however, further work underway. This includes research by Professor Ross Deuchar on the relationship between stop and search, community safety and police-youth relationships, and a study on people's experiences and views of stop and search by Blake Stevenson Consultancy, which is due to report in spring 2016. Professor Susan McVie and Dr Kath Murray are also working on two projects, the first examining young people's experiences of stop and search, using survey data, and the second, investigating the factors that are most likely to predict detection, using Police Scotland data. There is also a growing policy-focused evidence base, which provides important and consistent insights into police practice (Reid Howie Associates, 2001; Scottish Police Authority, 2014; Blake Stevenson Consultancy, 2014; HMICS, 2015).

1.2. The publication of the Stephen Lawrence Inquiry report in 1999 (Macpherson) prompted the first policy research into stop and search in Scotland by Reid Howie Associates (2001).[1] The study found that stop and search had a negative impact on some young people and observed that children as young as six had been searched. The report also noted a lack of understanding among members of the public of stop and search powers, and highlighted the variable use of non-statutory stop and search. The study concluded that there was no evidence of ethnic disproportionality, although the researchers raised concerns in relation to the impact on young people more broadly.

1.3. Amongst its suggestions, the Reid Howie study recommended ACPOS should 'develop guidance for officers on the legal, civil liberties and practical issues raised by the use of consent, or non-statutory searches' and 'consider existing guidance in relation to search procedures involving very young children'. The researchers also exercised caution over the use of performance targets, and put forward recommendations regarding recording searches, publishing data and monitoring statistics.

[1] For a summary of the Reid Howie study see: http://www.gov.scot/Resource/Doc/157928/0042684.pdf

1.4. The concerns identified in the Reid Howie report were not acted upon (Scott, 2015; 21 para. 58; Murray 2015a) and no further research was undertaken for a decade, principally due to a lack of wider concern in regard to police practice. Rather, as several commentators have noted, stop and search tended to be viewed as unproblematic or an 'English' problem:

> 'There is little evidence that the issue of stop and search is particularly high profile in Scotland although it is controversial in England and Wales, and there is some evidence that it is regarded by many in Scotland as an "English" issue'.
> (Reid Howie Associates, 2002; ii)

1.5. This view still appears to prevail in some quarters, for example, in a parliamentary briefing note by the Scottish Police Federation.

> 'The term "stop and search" is one that, until very recently was alien to policing in Scotland. That is not to say police officers did not use search as part of their wider powers for the prevention and detection of crime as well as seeking to ensure the wellbeing of some of the most vulnerable members of our communities. They did and have done without controversy for decades.' (Scottish Police Federation 2015: 1)

1.6. Following the amalgamation of Scotland's eight police forces under the Police and Fire Reform (Scotland) Act 2012, the use of stop and search became subject to increasing media and political scrutiny. Within several months of police reform, press reports began to pick up on the 'massive scale' of stop and search in Scotland and the related use of targets to drive performance (Herald, 21/8/2013; 1/1/2014).[2]

1.7. In January 2014, a report published by the Scottish Centre for Crime and Justice Research [SCCJR] (Murray, 2014a) provided more detailed insights into police practice. Drawing on stop and search records from 2005 to 2010, the report noted a significant rise in the scale of stop and search in Scotland, with recorded rates in 2010 around four times higher than England and Wales. This research also highlighted the extensive use of non-statutory stop and search and disproportionate targeting of the tactic on children and young people.

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[2] http://www.heraldscotland.com/news/13119181.Huge_rise_in_police_stop_and_search_numbers/
http://www.heraldscotland.com/news/13138511.Police_warn_of__illegal__searches_in_bid_to_meet_new_targets/

1.8. In May 2014, the Scottish Police Authority (SPA) published its *Scrutiny Review of Stop and Search Policy and Practice*. The SPA report identified similar concerns to the SCCJR report, including age-disproportionality, the extensive and uneven use of non-statutory stop and search, and a lack of clarity as to the purpose of the tactic. In terms of effectiveness, the Authority observed that they could find 'no robust evidence to prove a causal relationship between the level of stop and search activity and violent crime or anti-social behaviour', nor could they 'establish the extent to which use of the tactic contributes to a reduction in violence' (2014: 17).

1.9. As part of its scrutiny process, the SPA commissioned Blake Stevenson, a social research consultancy, to undertake a qualitative study into police stop and search practice. Researchers carried out sixty face-to-face interviews with officers from different divisions and of varying ranks. The study found that for officers in the West, the volume approach rolled out by Police Scotland represented 'business as usual', whereas for officers in the East and North, the introduction of volume stop and search represented a culture change.

1.10. In June 2014, Police Scotland launched a stop and search pilot in the Fife Division aimed at improving stop and search data, accountability for police practice and public confidence in the use of stop and search. Academic researchers from Dundee and Napier Universities evaluated the pilot, with the final report published in June 2015 (O'Neill *et al*., 2015).

1.11. The Fife pilot evaluation reported mixed findings, some negative or unintended, others more positive. The researchers also stated that the evaluation was limited by time and resource constraints, and a lack of access to some data (2015; 28-30). In terms of police practice, the evaluation found that the number of searches increased by 42% on the same period in the previous year, whilst the number of positive searches decreased. In part, these trends were attributed to a lack of clarity among junior officers as to the aims of the pilot, and a perceived pressure to increase search rates. Consistent with existing research (Murray, 2014a, 2015a), the evaluation showed that younger people were more likely to be searched on a non-statutory basis. The researchers viewed the introduction of advice slips for those searched and aide-memoires for officers, as well as enhanced recording standards as welcome improvements.

1.12. In March 2015, HMICS published an in-depth review of stop and search policy and practice which reinforced existing concerns. The report provided insights into the governance of stop and search, and detailed information on recording practices. The Inspectorate reported poor recording standards, a lack of clarity as to what constituted a stop and search, limited training, the variable use of non-statutory stop and search, and an over-emphasis on performance management. Amongst its recommendations, the Inspectorate advised that Police Scotland introduce a presumption towards statutory stop and search, that a statutory Code of Practice should be established, that stop and search should be removed from the performance framework, and improved recording and reporting procedures be put in place.

1.13. In response to the HMICS report, as well as a concurrent review of stop and search policy and practice undertaken by Police Scotland (2015), on 31 March 2015 the Scottish Ministers announced that an Independent Advisory Group would be established, chaired by John Scott QC.

1.14. The main remit of the Independent Advisory Group was to:

- consider and report to Scottish Ministers on whether a presumption against consensual stop and search goes far enough or, alternatively, if there should be an absolute cessation of the practice.
- advise on the steps that require to be taken in the light of the conclusion it reaches, including any consequent legislation or change in practice that might be necessary.
- develop a draft Code of Practice that will underpin the use of stop and search in Scotland.

1.15. In September 2015, following the publication of the Independent Advisory Group report ('Scott Report'), the Cabinet Secretary for Justice, Michael Matheson announced that non-statutory stop and search would end and a Code of Practice would be established. These developments signalled a change of direction that has been welcomed by a range of stakeholders including the Scottish Police Authority, HMICS, the Scottish Commissioner for Children and Young People and the Scottish Human Rights Commission.

1.16. Thereafter, the recommendations set out in the Scott Report were incorporated into the Criminal Justice (Scotland) Bill, which passed in December 2015.

1.17. At the time of writing, research by Professor Ross Deuchar is underway to examine the extent to which stop and search may help to prevent anti-social behaviour and violent crime among young people in Scottish urban communities. The research will also examine whether search procedures tend to be guided by a focus on values-based policing, and if these build or deplete positive relationships between officers and young people. The project will focus on neighbourhoods with high levels of reported youth disorder in Glasgow and Edinburgh, using participant observation and follow-up interviews with officers and young people.

1.18. A further study on stop and search is being carried out by Professor Susan McVie and Dr Kath Murray. This involves a survey of young people, aged 13 to 16, in city-based schools in Scotland and England. The main aim is to ascertain the prevalence and frequency of stop and search amongst a contemporary sample of youth (who were, until recently, the most commonly searched age group); and to establish their opinions of, and satisfaction with the experience.

1.19. Professor McVie and Dr Murray are also undertaking preliminary analysis of information emerging from the Police Scotland stop and search database. The primary aim is to determine, as far as possible, the characteristics of individual search incidents that are most likely to yield a positive detection, in order that this information can be used to inform operational policing and feed into police officer training.

1.20. Taking an overview, a number of common themes and concerns run through the existing research and reports. These include the uneven use of stop and search (which cannot be explained in terms of offending trends); uneven and inconsistent use of non-statutory stop and search; bias against young people; an overemphasis on performance management; inconsistent recording standards and a lack of scrutiny and oversight. However, it is important to recognize that many of these issues are now being addressed by Police Scotland (see para. **2.15**)

1.21. The next part of the report provides an overview of police policy and practice in Scotland from the 1990s onwards. The analysis traces the rise of volume stop and search, and more recently, the significant fall in recorded searches, which reflects the steps taken by Police Scotland to tackle the concerns detailed above.

PART TWO. STOP AND SEARCH IN SCOTLAND: POLICY AND PRACTICE

2.1. Whilst media and political scrutiny of stop and search policy and practice has coincided with the Police Scotland period, it should be noted that a high-volume approach predates the single service by more than a decade.

2.2. Strathclyde Police introduced volume stop and search in the 1990s, initially under Chief Constable Leslie Sharp, and latterly under Chief Constable John Orr (Murray, 2015a). The Strathclyde operations emphasized the perceived deterrent value of stop and search, as well as detection. Search rates were boosted by non-statutory tactics (Reid Howie, 2001), and both detection and non-detection were viewed as successful outcomes, with the latter taken as evidence of a deterrent effect.

2.3. Police practice in Strathclyde appeared to be broadly tolerated by the public, insofar as there was no visible sign of public disquiet or damage to public confidence. Senior officers elicited public support through the media, who were viewed as 'active partners' (Orr, 1998: 109). Despite the volume approach adopted in Strathclyde, the use of stop and search generally remained low profile in the pre-reform period, and attracted little attention.

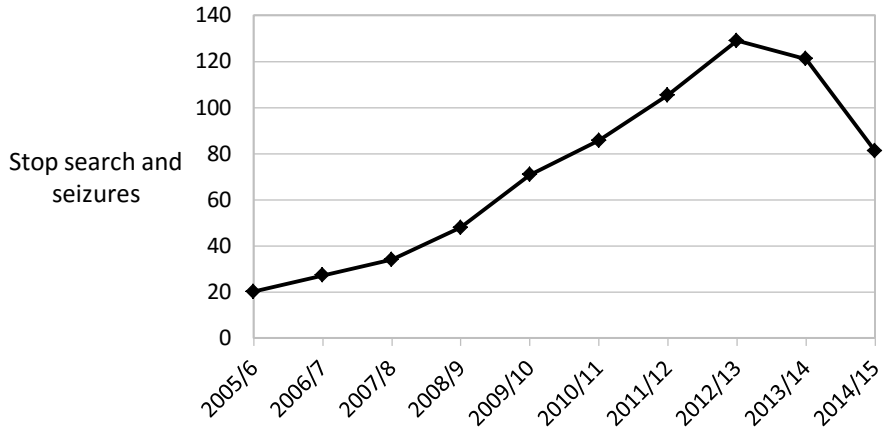
2.4. Prompted by the Race Relations (Amendment) Act 2000, in 2005, legacy forces began recording stop searches and seizures, and collating data. In practice, recording was piecemeal, particularly among some of the smaller forces. Between 2005 and 2012/13 (the year prior to reform), the rate of recorded searches and seizures rose from around 20 per 1,000 people, to 129 per 1,000 people; an increase of 545%. This trend was principally driven by Strathclyde police force, which consistently accounted for around 80% of recorded searches and seizures in Scotland.

2.5. Following the merger of the eight legacy forces into Police Scotland under the Police and Fire Reform Act 2013, stop and search quickly surfaced as a high-profile and controversial issue for the newly established single service.

2.6. This timing of this controversy is striking given that a) recorded rates of stop and search peaked in the year prior to police reform and b) stop and search was not viewed as problematic in the pre-reform period. In part, this can be attributed to a lack of scrutiny and lack of openly available data prior to reform (Murray, 2015a; Scott, 2015; 22 para. 62).

2.7. **Figure 1** shows recorded search rates per capita from 2005 to 2014/15. Note that these data include alcohol seizures, which, until June 2015 were recorded as searches.

Figure 1. Stop search and seizures in Scotland per 1,000 people 2005/6 to 2013/14 (excludes 2010/11 to 2012/13)

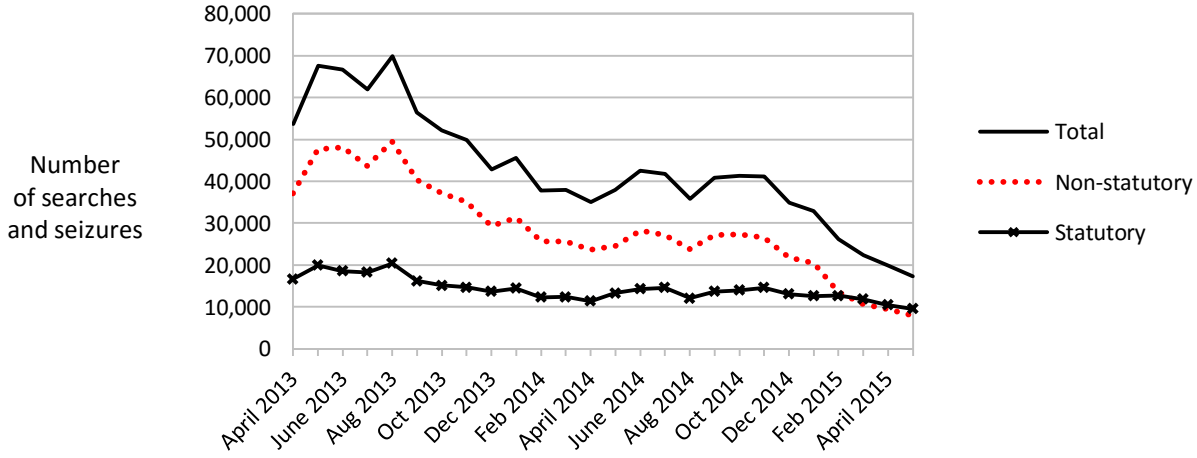


Source: Scottish Police Forces (FOISA); Police Scotland (2015b).

a. Population calculations based on ONS Mid-year estimates, 2005/6 to 2012/13
b. 2013/14 and 2014/15 calculations based on 2012/13 estimates.
c. There is a 3-month time lag in the data between 2005 and 2010. In this period, data were presented by calendar rather than financial year.
d. Missing data: Dumfries and Galloway and Fife were unable to provide data between 2005/6 and 2009/10. Tayside was unable to provide data between 2005/6 and 2008/9. However, in the years for which these three forces provided data, they accounted for 2 to 3 per cent of all searches in Scotland. As such, their omission is unlikely to affect the overall calculations.

2.8. **Figure 2** shows recorded searches and seizures from April 2013 to May 2015.

Figure 2. Number of recorded stop searches and seizures, April 2013 to February 2015



Source: Police Scotland, 2015 : http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication

2.9. Looking at the post-reform period, several broad trends can be observed (although these should be treated cautiously, given the poor quality of recording). Firstly, at the national level, following an initial spike, the overall number of recorded searches fell by 38% in the first two years. This fall was underpinned by a huge drop in the number of recorded non-statutory searches.

2.10. This shows that recorded levels peaked in August 2013, at which point officers recorded 49,477 non-statutory searches and seizures. By May 2015, the monthly recorded total had fallen to 9,489 (a fall of 81%). Statutory searches also fell across this period, although the trend was less pronounced.

2.11. At the Divisional level, the overall fall was driven by the five ex-Strathclyde Divisions, which accounted for 83% and 81% of all recorded searches in 2013/14 and 2014/15 respectively. In other Divisions, principally those where stop and search was previously less common, recorded search rates rose significantly in the first year of Police Scotland. For instance, recorded search rates rose by 474% in Fife Division (Murray, 2015b; 12).

2.12. Consistent with pre-reform trends (Murray, 2015a), a marked variation in the proportional use of recorded non-statutory searches was evident in the first two years of Police Scotland. In 2014/15, this ranged from 20% in the Highlands and Islands, to 80% in Ayrshire. The proportion of recorded non-statutory searches fell in all Divisions in year two, apart from Ayrshire.

2.13. On 31 March 2015, Police Scotland announced that it would introduce a presumption in favour of statutory stop and search (2015).[3] This directive meant that officers should only use non-statutory stop searches when no statutory powers existed. By June 2015, 31% of recorded stop searches were non-statutory and 69% statutory, in effect, a reversal of the long-standing ratio between the two types of searches. Nonetheless, geographic variations remained, with non-statutory search rates ranging from 4% in the Highlands and Islands, to 48% in Lanarkshire.

2.14. Taking a comparative perspective, search rates remained relatively high in the first two years of Police Scotland. Looking across the 43 forces in England/Wales and the 14 Scottish Divisions, Scottish Divisions accounted for seven of the ten highest ranking

[3] http://www.scotland.police.uk/whats-happening/news/2015/march/stop-search-report

Divisions and forces, with ex-Strathclyde Divisions taking the top five places. Recorded search rates were also comparatively high in other parts of Scotland. For example, in 2014/15, the per capita search rate in Tayside was higher than London (Murray, 2015b).

2.15. By summer 2015, a significant fall in recorded searches was evident. In June/July 2015, officers recorded 20,916 searches and seizures, compared to 84,144 in June/July 2014, a fall of 75%. Of these, 77% were stop searches, and 23% were seizures. These statistics also provide insights into the recent scale of stop and search in Scotland. For example, it is striking that - despite this fall – the per capita rate of stop and search in Greater Glasgow in June/July 2015 was 2.5 times higher than that of the Metropolitan police in the same period, at 8.6 and 3.4 searches per 1,000 people respectively.

2.16. Taking an overview of the recent changes in practice and policy, it seems clear that many of the concerns and criticisms directed at Police Scotland are being addressed. The input of significant resources to establish a National Stop and Search Unit, and a variety of associated reference groups, and the integral role played by Police Scotland in facilitating the work of the Independent Advisory Group on Stop and Search are evidence of the seriousness with which Police Scotland have addressed their responsibilities in this area. Notably, the overall fall in searches, driven mainly but not exclusively by a drop in non-statutory searches, suggests a shift towards a more balanced policing approach. Detailed stop and search data are now made available on the Police Scotland website, which marks a significant improvement in terms of transparency. Also, the recent introduction of advice slips which state the reason for the search and officers details should improve officer and force level accountability.

2.17. Looking ahead, the introduction of improved recording and monitoring procedures in June 2015 should provide the opportunity for detailed evaluative research and analysis, using both descriptive and predictive statistical methods. For example, stop and search data can be used to gauge whether police practice is fair and effective, to investigate geographical variation, and identify the factors associated with best practice. The fact that stop and search tends to fall on harder to reach populations also demonstrates the need for qualitative research, for instance, on the impact of stop and search, and the quality of police encounters. Taken together, these approaches should provide an evidence-based foundation for policy development and police practice.

PART THREE: KEY FINDINGS FROM EXISTING RESEARCH

3.1 People's direct experience of stop and search and its impact on their perceptions of the police

People's direct experiences of stop and search vary from acceptance or resignation, to embarrassment and anger. The impact on people's perceptions of the police is likely to be influenced by the quality of stop and search encounters (for instance, whether officers are fair, respectful and provide a good reason for the search), as well as the frequency with which they have been searched. Repeat police searches are likely to be viewed negatively, irrespective of how well the encounter is conducted. The importance of good quality police contact is underscored by evidence that shows poor or unsatisfactory encounters are more likely to influence people's perceptions of the police than good or satisfactory encounters. The costs of stop and search are well documented, however much of the research to date has focused on people's experiences in terms of ethnic and racial disproportionality. Whilst there is some evidence available on young people's experiences of stop and search, people's experiences in terms of socio-economic class and deprivation are under-explored.

3.1.1 There is a small body of research on people's experiences of stop and search in Scotland which, when drawn together, reveals a range of public responses, from tolerance and resignation, to anger and embarrassment. These findings are consistent with research undertaken in England and Wales and other jurisdictions.

3.1.2 A small-scale study by Reid Howie Associates (2001) examined young people's experiences of stop and search in Scotland. The primary fieldwork was undertaken in Edinburgh, Glasgow and Dundee, and included 12 focus groups and a street-survey of 114 young men, aged under 30 years. Prospective respondents were stopped at random in areas where young people were likely to congregate. More than half those interviewed were under 16 years (67 respondents). The rate of police contact among the street-survey respondents was strikingly high: 89% (101 respondents) had been stopped by the police in the last 12 months, and 75% (85 respondents) had been stopped and searched in the last 12 months. The level of repeat contact was also high. Of those who reported being searched in the last 12 months, 7% had been stopped once, 38% had been stopped 2 to 5 times, and 44% had been stopped more 5 times.

3.1.3 The Reid Howie study found no racial discrimination in the use of stop and search. However, there was some evidence of adverse effects on some young people, in particular among those who experienced search encounters on a routine basis. When asked about their experiences, two common responses were anger or annoyance, and embarrassment:

> It was annoying and embarrassing, my family and friends could see what was happening" (Reid Howie Associates, 2001; 63)
>
> "I was nervous and a bit angry because people think you're bad" (ibid.)
>
> "They have a job to do but it's the way they go about it – in the middle of the street when there's people passing who you know…" (ibid. 66 para. 4.32)

3.1.4 The Fife pilot evaluation (O'Neill *et al*. 2015) reported that a minority of interviewees were unhappy about their experiences. For instance, some of those stopped on a non-statutory basis, especially on multiple occasions, expressed frustration at having been stopped 'randomly', without justification.

> 'It was alright I suppose. A bit embarrassing, like, but other than that, I've not got a problem with it (…) [I was] embarrassed. That's about it (…) Just cos it was happening in front of everybody for to see'. (2015; 101 para. 4.10.4)
>
> "I find that I'm getting stopped all the time. It's getting to a stage where I feel like complaining about it".
>
> "I think it's… a bit over the score… I'd been stopped twice that night'. (2015; 100)
>
> "I wasn't that bothered until the third time – it's the police's job" (ibid.)

3.1.5 When asked how young people respond to being searched, police officers reported similar reactions (Blake Stevenson, 2014; 26 para 2.95):

> "We can end up searching someone three or four times in the same day and they can get fed up with that." (Constable, North)
>
> "Youths will say 'you're targeting us', but it's the area they're in" (Senior Officer, East)
>
> "…the West-style of stop and search isn't warranted and alienates and annoys" (Constable, North)

3.1.6 Also, some interviewees in the Reid Howie study described being scared:

> "I felt threatened. They were plain clothes police and didn't give time to see badges properly" (ibid).

3.1.7 The Fife pilot evaluation observed that members of the public who had been stopped and searched often did not have strong feelings about stop and search. This finding is consistent with doctoral research undertaken in Scotland (Murray, 2015a). The following extracts are taken from interviews carried out with serving officers (Police Constables and Sergeants) in the legacy Strathclyde and Lothian and Borders forces, both of which made extensive use of stop and search. When asked how people typically react to being searched, most officers conveyed a sense of resignation and familiarity with the process.

> "They know the story, they know the script. The people we deal with, no problem."
> (Police Sergeant, ibid; viii)

> "Most of them, come to expect it and are expecting it on a Friday night, we're searching them all the time you know. Most of the time you know, we don't get too much of a negative reaction. Obviously the odd time, you get people who are disgruntled towards the police. Most of the time, the people that we deal with [co-operate]."
> (Police Constable, ibid; 265)

> "[People are] generally cooperative, because, this doesn't sound really good, but they've probably been searched in the past, and they're used to it happening. I would say they're just used to it, and they understand that's something that happens in that area because there is a high level of disorder and fighting."
> (Police Constable, ibid; 266)

> "Very, very rarely would you get asked 'Why are you searching me?'. Because they know why I'm searching them, because of their lifestyle. And I would always tell them why I'm searching them, I tell them what the search is for… what Act and stuff. Most of them can tell you that because they're used to hearing it that many times." (ibid.)

> "Very accepting, most of them, the vast majority of people don't give you any complaints, they kind of know it's a territory thing."
> (Police Constable, unpublished)

> KM: Do you find yourself searching familiar faces, people that are known to you?
> "Very much so… I would say about 70%... it might even be higher than that to be honest." (Police Constable, unpublished)

> "Pretty expected I would say, the kind of people we're dealing with. It's very, very rare to have, you know, an exceptional reaction." (Police Constable, unpublished)

> "People that don't come into contact with the police on a regular basis are taken aback by the fact that they're going to be searched. People that do come into

contact with the police on a regular basis either accept it, or they don't really make an issue of it."
(Police Constable, unpublished).

3.1.8 To some extent, the fact that many people seemed resigned to being stopped and searched by the police appears to run counter to the more contested use of stop and search in England. In Scotland, few complaints are made and, until police force reform in 2013, use of the tactic remained low-profile (Scott, 2015). Conversely, in some parts of England, despite lower recorded rates of stop and search, stop and search appears to have acted as a lightning rod for relationships between the police and communities.

3.1.9 Scottish Crime and Justice Survey (SCJS) data provide some limited insights into how people's experiences of stop and search might influence their attitudes towards the police. Unpublished analysis of the 2010/11 SCJS sweep by McVie (2015) shows that 40% of respondents (n=1,198) had ever been stopped and questioned (while on foot or travelling on a bicycle, motorcycle or in a car), 24% (n=285) had been stopped and questioned in the last year, and 9% (n=28) had been stopped and searched while on foot or on a bicycle in the last year. As McVie notes, these small numbers cannot be used to draw robust conclusions about the experiences of those who are commonly searched (who are also unlikely to participate in this type of national survey). Nonetheless, the findings reveal some interesting differences in perception and attitudes as detailed below:

- 54% said they had been given a reason for being stopped and searched (43% had not).
- 31% felt the police were as interested in what they had to say as they expected (65% said they were less interested than expected).
- Satisfaction rates amongst those who were stopped and questioned only were high (over 80% very or fairly satisfied on politeness, fairness and overall satisfaction); but 57% of those stopped and searched said they were treated very/ fairly politely and very/quite fairly, and 41% said they were fairly satisfied with the way the police handled the situation (no one said they were very satisfied).
- Two thirds of those stopped and searched said it had not changed their view of the police, but 25% said it had made them see the police in a less favourable light. This compares with only 8% of those who were stopped and questioned only.

- Many of those stopped and searched said it made them feel annoyed (61%), angry (57%) and embarrassed (31%); this was far higher than those who were only questioned (16%, 9% and 9% respectively) (McVie, 2015; 7)

3.1.10 A number of small-scale reports and briefings provide further insights into vulnerable young people's experiences of stop and search in Scotland. A submission by Barnardo's (2015) to the Independent Advisory Group on stop and search suggested that officers often targeted 'known suspects' without due cause, and that young people were not told the reason for the search (cited in Scott, 2015; 89).

3.1.11 A small-scale qualitative study commissioned by the Centre for Youth and Criminal Justice reported:

> 'Most of the young people seemed to feel that the police were a service simply best avoided, talking about being stopped and searched, sometimes repeatedly throughout the day, and the sense of injustice and alienation that this breeds in the relationship. A big issue also seemed to be the perceived inconsistencies in police treatment of young people, and the fact that meeting the 'rare good guy' doesn't change your opinion of the rest.' (Cook, 2015; 8-9)

3.1.12 To some extent, these findings echo an earlier study on young people's relationships with the police carried out in Edinburgh (Anderson *et al*., 1994). Drawing on survey and interview data with 11 to 15 year olds, the study reported that young people seemed to be 'over-controlled' as suspects and 'under-protected' as victims. The researchers also observed that young people experienced far more serious problems as victims and witnesses, than they caused as offenders – but reported few of their experiences of crime to the police, and found their own ways of managing risk.

3.1.13 These findings resonate with a study by Sharp and Atherton focusing on young people from ethnic minority communities in the West Midlands which found that over-exposure to the police resulted in young people 'simply discounting the police as a suitable agency to deal with crimes that might be committed against them, or their families' (2007; 753).

3.1.14 McAra and McVie (2005, 2007) examined the impact of police contact on young people in the Edinburgh Study of Youth Transitions and Crime. The study showed that certain young people – 'the usual suspects' – repeatedly came to the attention of the police in terms of stop searches, police warnings and charges. This type of contact was more common amongst boys from low socio-economic status, deprived local

communities and single parent backgrounds. Previous police contact was also a key factor in predicting future police contact, even when controlling for other factors such as offending behaviour. Significantly, children who were drawn into the youth justice system were more likely to maintain their involvement in serious offending. McAra and McVie concluded that there was a serious risk of criminalisation amongst those young people, generally the most vulnerable and deprived, who were repeatedly recycled around youth justice services, with little support.

3.1.15 A study on racial profiling in North America by Harcourt (2004) described how repeat police contact risked a 'ratchet effect', which occurs when 'racial profiling produces a supervised population disproportionate to the distribution of offending by that racial group' (2004; 1279). Harcourt details the secondary implications of this effect, including reduced work and educational opportunities, and a de-legitimizing effect on the criminal justice system (ibid.; 1329).

3.1.16 The most comprehensive and systematic study on the impact of stop and search on people's perceptions of the police in the UK was undertaken by the Home Office Research Unit, following the Stephen Lawrence Inquiry (Miller *et al*. 2000, also Stone and Pettigrew, 2000). The analysis by Miller et al. drew on interviews with over 100 officers, stop and search statistics, over 340 hours of observation of police officers on shifts, and a range of visits to and telephone interviews with twelve police forces (ibid.; v). In relation to the impact of stop and search on individuals and communities the researchers stated:

> 'The experience of being searched is associated with reduced confidence in the police. The disproportionate use of searches against people from minority ethnic communities appears to contribute directly to a reduced confidence in the police among these groups. Again, this finding emerges from both qualitative and survey research.' (2000; iv).

3.1.17 Drawing on the same raw data, Stone and Pettigrew found that 'respondents from all ethnic groups talked about the police treating them as being 'guilty until proven innocent' - which they found insulting' (ibid.; vi). Importantly, they also noted that people were more likely to remember poorly conducted stop and search encounters:

> 'negative experiences… tended to be more prevalent than positive ones and people tended to reflect on and talk about these more. As a result, negative experiences were more memorable' (2000; vii).

3.1.18 This asymmetrical effect is described by Hillyard (2003), and reported in an influential study by Skogan (2006) which examined the impact of both public and police-initiated encounters on people's assessments of the police:

> 'You have ten positive encounters with the police and that's good; but one negative encounter, and all the positives disappear.' (Hillyard, 2003, cited in Skogan, 2006; 99).
>
> 'The findings indicate that the impact of having a bad experience is four to fourteen times as great as that of having a positive experience, and the coefficients associated with having a good experience including being treated fairly and politely, and receiving service that was prompt and helpful were not statistically different from zero.' (Skogan, 2006; 99).

3.1.19 A small-scale study by the Open Society Justice Initiative and Stopwatch (2013) carried out nine in-depth interviews in London, Leicester and Manchester. Interviewees included the College of Policing lead on stop and search (searched over 30 times); a retired professional footballer (searched between 25 and 30 times); and a university lecturer and special constable (searched 12 times). The interviews captured 'the frustration, pain, and humiliation that come with being regularly singled out by the police because of the colour of your skin, as well as the damaging long term effect it can have on relations with the police.' (2013; 2). One interviewee explained:

> 'The impact of being stopped and searched on regular occasions is that, in a sense, it reinforces the view that you have, that you are being criminalized because of the way you look or the beliefs you have. It creates that fear, it creates that anxiety.'

3.1.20 A report by the Vera Institute of Justice (Fratello *et al*. 2013) examined the impact of stop and frisk on young people aged between 13 and 25. The study noted that in New York City, at least half of all recorded stops annually involve those between the ages of 13 and 25 (a similar proportion to that observed in Scotland).

3.1.21 The Vera study focused on young people in highly patrolled, high-crime areas who had been stopped by police at least once. The researchers surveyed around 500 people between the ages of 18 and 25, and conducted 42 in-depth interviews with a sample of 13-to-21 year-olds. The study reported high levels of repeat searches: 44% of those surveyed had been stopped nine times or more, also only 29% reported ever been given a reason for the stop (2013; 2). The study observed that trust in the police

amongst those surveyed was 'alarmingly low' (2013; 2) and impacted on people's willingness to report crime:

> 'Young people who have been stopped more often in the past are less willing to report crimes, even when they themselves are the victims. Each additional stop in the span of a year is associated with an eight percent drop in the person's likelihood of reporting a violent crime he or she might experience in the future.'

3.1.22 The importance of this finding is underscored by high levels of self-reported victimization: half of those surveyed had been the victim of a crime, including 39% who had been the victim of a violent crime. A similar observation is made in an unpublished paper on weapons by the Violence Reduction Unit which noted that in cases of violent assault with weapons, that the victim and offender demographics were parallel (2013; 6).

3.1.23 It is important to note that the duration of stop and search encounters vary considerably. A study by Tankebe (2012) surveyed 53,838 stop and search encounters carried out in an anonymized police force between 2006 and 2011. Tankebe found that over half of the encounters (56%) took longer than five minutes. Breaking the data down, 44% of encounters lasted five minutes or less; 33% lasted between 6 and 10 minutes; 17% lasted between 11 and 20 minutes; and 4% lasted between 21 and 30 minutes.

3.1.24 Taking an overview of the available research evidence, it seems clear that police-initiated encounters such as stop and search are potentially damaging to people's perceptions of police legitimacy and fairness (Jackson *et al*., 2012, Myhill and Bradford, 2012). Whilst contact with the police tends to have a negative net effect, it also remains that when people are treated fairly and respectfully, they are more likely to support the police (Sunshine and Tyler, 2003; Tyler and Fagan, 2006; Hinds and Murphy, 2007; Hough *et al*, 2010). Part 3.2 considers these observations in more detail.

3.2 Public perceptions of the legitimacy and effectiveness of stop and search

There is in-principle support for stop and search, providing the tactic is used fairly and effectively. Public trust and confidence in the police is primarily based on being treated fairly, with respect, and being given a good reason for the stop. The use of 'stop forms' (or receipts) is also supported, with the important proviso that the form is explained, and the encounter is conducted fairly. A survey commissioned by HMICS found that people generally thought that stop and search was useful in relation to catching criminals, preventing crime, gathering intelligence and controlling the streets (HMICS/YouGov, 2013). However, a sizable group had no strong views on the effectiveness in their local area, whilst minority ethnic groups were more cautious on the question of effectiveness. The study also noted that most respondents had not experienced a stop and search encounter, and did not know how frequently the powers are used, or how frequently they resulted in detection.

3.2.1 Research undertaken by Stone and Pettigrew (see **3.1.16** for methodological details) found that people placed greatest importance on being given a valid reason for the search:

> 'The most important focus for change requested by members of all ethnic groups, was for officers to give credible explanations for each stop or search' (2000; viii)
>
> 'respondents believed that stops and searches should be carried out for legitimate reasons and that a person should be given a valid, genuine and credible reason at all times whenever he/she is stopped or searched' (2000; ix).

3.2.2 This finding is consistent with research commissioned by HMIC (HMIC/YouGov 2013), and existing research on the factors that are likely to increase people's support for the police. The finding also supports the decision by the Scottish Government to end the use of non-statutory stop and search, given the lack of robust suspicion in non-statutory encounters.

3.2.3 Stone and Pettigrew also examined people's views on the use of stop forms or receipts, which document the encounter, provide details of the officer carrying out the search and set out people's rights. Overall, these were felt to enhance accountability. However, in practice, people's reactions were informed by how the officer used and explained the form: 'there was thought to be a strong need for use of the form to go hand-in-hand with a respectful attitude from officers and the provision of a valid reason for the stop or search' (2000; 11). Doctoral research by Bland has investigated some of the interactional and practical difficulties involved in

the use of stop forms, for example, 'having to articulate a (legally) defendable account on the spot, people complaining about having to wait, about giving their name and address when they have done nothing wrong, thinking it is a form of police sanction' (2000; 180).

3.2.4 Police Scotland has recently introduced stop and search acknowledgement forms. These are formatted differently to England and Wales, and completing the form is likely to be less time-consuming. For instance, an officer will not have to complete a person's personal details. However, an officer will be required to record personal details separately, either electronically or as a notebook entry. As such, the overall duration of the encounter is likely to be similar (see **3.1.23**). Consideration also needs to be given as to how the acknowledgement form is best communicated.

3.2.5 Stone and Pettigrew reported that the public thought that information collected on stop forms should be monitored and published. This finding is consistent with the recommendations set out by Lord Macpherson in the Report of the Stephen Lawrence Inquiry (1999), and recommendations subsequently made in Scotland (Murray, 2014a; SPA, 2014; HMICS, 2015; Scott, 2015).

> 'How the police monitored the information collected on the forms was also highlighted as important. People thought there could be little accountability without regular monitoring of stops and searches. It was felt that such data needed to be published by the government or an independent body so that the general public could have access to it. Most were unaware of the current published statistics on police searches' (2000; ix).

3.2.6 Detailed stop and search statistics are now published by Police Scotland, both in tabulated format and in CSV files, although publication of these data is not widely communicated. Passed in December 2015, the Criminal Justice (Scotland) Act 2016 requires the SPA to produce an account of the use of stop and search in its annual report to Parliament.

3.2.7 A large-scale YouGov survey commissioned by HMIC (2013) examined people's views on the legitimacy and effectiveness of stop and search. In terms of effectiveness, people generally thought that the tactic was useful in relation to catching criminals, preventing crime, gathering intelligence and controlling the streets. However, a substantive group had no strong views on the effectiveness in their local area, whilst ethnic minority groups appeared more cautious on the question of effectiveness

(ibid.). The study noted that good communication remained a barrier for police forces, a point that also limits the value of public opinion. As the study explained: 'the vast majority of the respondents had not themselves experienced a stop and search encounter, and did not know how frequently the powers are used, or how frequently they result in an arrest' (ibid.).

3.2.8 Similarly, the Reid Howie study observed: 'there is little real understanding of stop and search powers among members of the public generally, and, in addition, in the view of police officers (supported by findings from discussions with community members) no real understanding of the operational issues facing officers, and which may lead to misunderstanding and misperception.' (2001; iii).

3.2.9 A Survation poll[4] commissioned by the Sunday Post and carried out in February 2015 found that 56% of the weighted sample (n = 1,011) supported stop and search without reasonable suspicion, when verbal consent is given (non-statutory stop and search). These findings varied by age. For example, 44% of those aged 16 to 24 expressed support for non-statutory stop and search, compared to 66% of those aged 55 to 64.

3.2.10 A body of evidence on police legitimacy provides theoretical and empirical support for the findings outlined above. Research from the 1990s onwards has shown that police legitimacy is influenced by the perceived fairness of police encounters or 'procedural fairness'; for instance, whether officers act respectfully, impartially and adhere to due process (Tyler 2006; Tyler and Huo 2002; Tyler and Fagan, 2006; Myhill and Quinton, 2011; Jackson *et al*. 2012).

3.2.11 The importance of fair policing is underscored by the fact that police legitimacy is associated with compliance with the law, co-operation with the police, and public support (Tyler, 1990; Sunshine and Tyler, 2003). Fair treatment promotes a sense of inclusion and shared social identity, and as such, is likely to elicit a more positive public response (Tyler and Blader, 2003; Bradford, 2012).

3.2.12 Conversely, it is argued that 'unfairness in the exercise of authority will lead to alienation, defiance, and non-cooperation' (Sunshine and Tyler, 2003; 514). These

[4] For raw data, see link to data tables: http://survation.com/wp-content/uploads/2015/02/Sunday-Post-Data-Tables.pdf

findings highlight the importance of good quality individual encounters, as well as a wider 'community building' approach to policing (Bradford, 2012; 39).

3.2.13 In the context of stop and search, the principle of 'distributive fairness' (Rawls, 1999) is equally important. Whereas procedural fairness deals with fair processes or the quality of stop and search encounters, distributive fairness deals with outcomes, for instance, whether search encounters are distributed in a proportionate and non-discriminatory way.

3.2.14 Distributive fairness runs counter to deterrence-based policing, which tends to be justified by utilitarian logic (von Hirsch *et al*., 1999). In brief, utilitarianism states that the correct course of the action is that which benefits the most people. For example, intensive stop and search might be defended on the basis that a majority benefit from the inconvenience experienced by a minority of the population. However, distributive fairness argues that deterrence-based policing goes against the principle of equal citizenship and equality before the law (Manning, 2010, see also **3.3.42**) and is likely to reduce public support for, and cooperation with the police.

3.2.15 Applying distributive fairness principle to stop and search, it follows that police practice should be based on robust suspicion, that searches should not excessively directed at certain sectors of the population, nor should stop and search be deployed as a 'crackdown' (ibid.).

3.2.16 Procedural and distributive fairness are closely connected (Bowling and Phillips, 2007). As McVie notes, 'stopping and searching the same people repeatedly has a multiplicative effect on their levels of trust and perceptions of the police, such that no amount of fairness in an individual encounter will be perceived positively. This means that it matters not just how the police interact with an individual on the street, but also how the police operationally target stops and searches more broadly within the population' (2015; 12).

3.2.17 Finally, research on organizational justice (Colquitt, 2008) highlights the importance of fairness and respect within the policing organization. Research by Bradford *et al*. (2013) and Bradford and Quinton (2014) shows that officer's perceptions of fairness within the police organization can influence officer conduct on the street. For example, when senior officers are perceived to adhere to fair and procedurally just principles, police officers are similarly more likely to adopt fair policing methods:

> 'Fairness at a supervisory and senior leadership level was associated with officers 'going the extra mile' without personal gain, following work rules, valuing the public, feeling empowered, and supporting ethical policing. These effects were largely brought about by fair treatment encouraging officers to identify with the organisation and its values, rather than a police subculture. The positive impact of fairness on attitudes and behaviour was found to exceed that of the traditional 'carrot and stick' approach, which ran the risk of fostering unthinking compliance with the rules even when officers thought it might be the wrong thing to do.' (College of Policing, 2015)

3.3 The effectiveness of stop and search in reducing and/or preventing crime

The effectiveness of stop and search remains unclear, principally due to definitional and methodological factors, including a lack of clarity as to how the tactic should be measured. This finding is striking, given that research on the effectiveness of stop and search, and similar interventions dates back several decades. Whilst there is some evidence of a positive short-term effect when stop and search is targeted at a specific problem, there is no robust evidence to suggest that maintaining high levels of stop and search is effective. The question of effectiveness also needs to take into account the potential costs of stop and search. For example, an adverse effect on police-community relationships is likely to reduce people's willingness to cooperate with the police, which may have wider implications for police clear-up rates and community focused crime reduction strategies. Stop and search outcomes and disposals can provide a limited measure of effectiveness that can be aligned with 'fair and effective' principles, intelligence-led stop and search as well as SMART objectives. However, care should be exercised as to how 'effectiveness' is communicated. For example, detection targets are likely to result in perverse outcomes and should be avoided. Looking ahead, data generated by the new Police Scotland database should provide further research opportunities to assess whether police practice is effective and fair. For instance, these data can be used to investigate the relationship between stop and search and patterns of recorded crime, examine different approaches to the use of disposals, and identify the factors that are most likely to predict detection.

Definitional and methodological issues

3.3.1 The effectiveness of stop and search has been subject to relatively little critical scrutiny (Delsol, 2015: 79). As Fyfe notes 'there is very little research evidence on the specific effect of stop and search, either as a localised crime prevention/deterrence

measure in areas where it is used, or in terms of its wider impact on feelings or perceptions of safety in the community' (2015; 1). At the time of writing, there are no published experimental or quasi-experimental studies in the UK that examine the effectiveness of stop and search in reducing or preventing crime. In this regard, Delsol states that the value of stop and search is 'largely assumed' (ibid.; 100).

3.3.2 In part, a paucity of research may be attributed to definitional and methodological factors. First, it is unclear how effectiveness should be measured, or what the benchmark should be. The fact that stop and search is frequently represented in broad-brush terms serves to illustrate this point, for example, as a tool in the 'fight against crime' (Home Office, 2013; 3) or a tactic for 'keeping people safe' (Police Scotland, 2013). In 2013, a report by Her Majesty's Inspectorate of the Constabulary (HMIC) stated that 'there is no clear definition or agreed understanding of what constitutes an effective stop and search encounter' (2013; 3).

3.3.3 In Scotland, the question of effectiveness has been muddied by the use of non-statutory stop and search, which until recently, accounted for around seventy per cent of recorded searches, and has a significantly lower search rate than statutory searches.

3.3.4 It is difficult to isolate the potential deterrent effect of stop and search from other factors, including police presence per se. As McVie notes, 'measuring the specific impact of stop and search practices on rates of violence, as distinct from other interventions (including the wider work of the Violence Reduction Unit and many other educational, health-based and prevention-focused initiatives) and demographic change occurring in Scotland (including a gradual reduction in the population of young people), would be a complex piece of work and necessitate data that is not readily accessible.' (2015; 11-12).

3.3.5 A robust assessment of effectiveness must also take into account the costs of stop and search, which compounds the methodological difficulties detailed above (Delsol, 2015; 80). These costs may include damage to police-community relationships (ibid. 80; Bowling, 2007), and a reduced willingness to comply with the police. This point is exacerbated by the fact that the young men who are most likely to be searched by the police 'are very often the same people who know who did what to whom, when and why' (Hales/Police Oracle, 2014).

3.3.6 Conducted in 1973, the San Diego Field Interrogation Experiment investigated the impact of proactive stop and question interventions. The study employed an experimental design, based on varying the intensity of officer activity in three areas (including withdrawal). Whereas an earlier study conducted in Kansas reported that passive patrol made no difference to recorded crime levels, results from the San Diego study supported the hypothesis that proactive patrol interventions can reduce crime (Boydston, 1975). The study did not identify the specific mechanics of the effect (for example, disruption or order maintenance), nor take into account potential displacement effects. Nonetheless, the study suggested police initiated contacts with the public can have an inhibitory effect on crime. Note that no research since has involved the withdrawal of police activity, principally for ethical reasons (Hoover, 2013; 49).

3.3.7 Following the introduction of intensive stop and search by Strathclyde Police in the 1990s, Bleetman *et al*. (1997) examined the impact of Operation Blade on violent related accident and emergency admissions to Glasgow Royal Infirmary. Carried out over a ten-month period in 1993, Operation Blade involved a range of measures aimed at tackling knife crime. These included a period of intensive stop and search, knife amnesties (which netted 4,569 knives over a month), safety measures such as closed circuit television, metal detectors, improved lighting, training stewards, and talks to knife retailers and secondary school pupils, alongside a high-profile media campaign. According to media reports, officers carried out around 30,000 stop searches over a three-month period.[5]

3.3.8 The Bleetman study showed that admissions fell for the ten-month duration of the campaign, but rose thereafter, to a higher level. The researchers concluded that the campaign was limited and advocated a multifactorial approach based on public health and education, as well as policing:

> 'Any attempt to combat this complex and multifactorial problem must be addressed through a combined public health and education initiative in conjunction with regular press and police campaigns to achieve a sustained effect.' (1997; 153)

[5] The Scotsman (20/1/1997) Why Operation Blade was a blunt instrument.

3.3.9 A study by Gooding (1999) examined the relationship between recorded street crime and the number of searches, using Metropolitan police data from April 1997 to May 1999. Using a relatively simple research design, the study concluded that there was no evidence to support the claim that a decrease in recorded searches by the Metropolitan Police in this period was responsible for a rise in street crime.

3.3.10 An unpublished study by Penzer (1999a-c)[6] addressed a number of methodological limitations in the Gooding study, included an overly-narrow focus on street crime, the use of a limited statistical test to establish significance (Spearman's), and a failure to take into account lag effects (recorded crime in a given month is more likely to relate to search activity in the previous month). In order to account for lagged effects, Penzer tested Metropolitan police data from April 1993 and September 1999 using a time-series regression model. The study noted that the number of recorded searches had limited explanatory power, although cautioned that 'this might not be true of all categories of crime or in each division of the MPS' (1999; 6). Overall, the study concluded that 'claiming a relationship between total crime and the number of searches seems untenable' (1999a; 6).

3.3.11 Research undertaken by the Home Office Research Unit examined the impact of stop and search on crime (Miller *et al*., 2000, see **3.1.16** for details). The study reported that:

- Stop and search appears to have a minor role in detecting offenders for the crimes they address.
- Stop and search appears to have a small role in detecting offenders for all crimes that come to the attention of the police.
- Based on British Crime Survey data, for every arrest generated by stop and search, there were 106 crimes that might have been detected. For every 26 offences recorded by the police, there was one arrest from stop and search.
- Searches appeared to have only a limited direct disruptive impact on crime by intercepting those going out to commit offences. Based on British Crime Survey data, it was estimated that searches reduced the number of 'disruptable' crimes by 0.2% in 1997.
- The role and effectiveness of searches in relation to intensive 'order maintenance' was unknown. Whilst this type of policing can have a short-term impact on serious

[6] For copies, please contact the author on: Kath.Murray@ed.ac.uk

crime, it may damage police legitimacy and police effectiveness in the longer-term (Jordan, 1998).

- Some forces had high arrest rates from stop and search,
- In some forces, stop and search contributed to arrests for specific offences, notably drugs

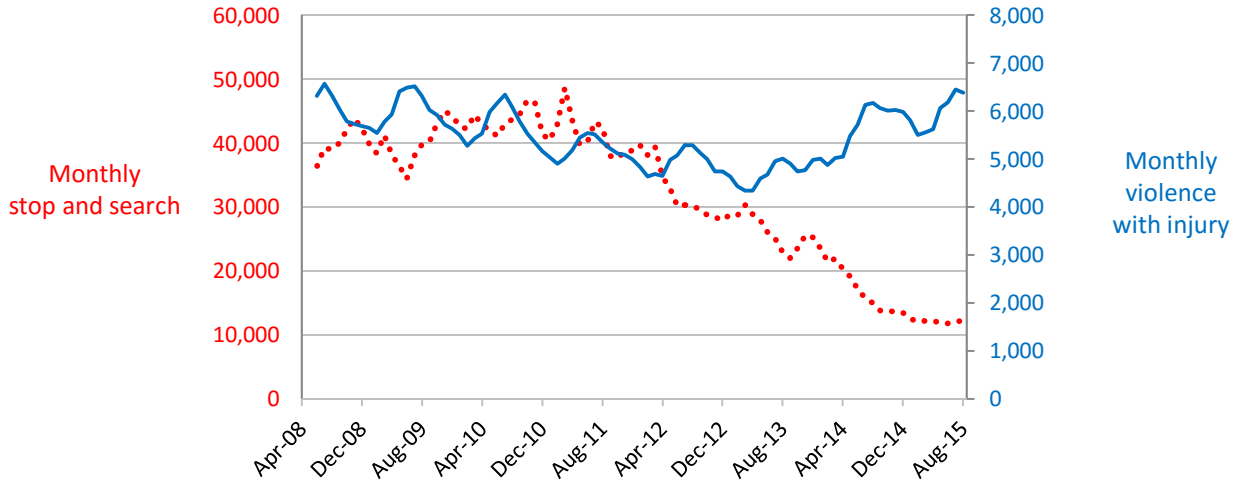
3.3.12 In regard to disruption and detection, deterrence and order maintenance respectively, the researchers concluded:

- 'it is not clear to what extent searches undermine criminal activity through the arrest and conviction of prolific offenders. However, it is unlikely that searches make a substantial contribution to undermining drug-markets or drug-related crime in this way, given that drug searches tend to focus on users rather than dealers, and cannabis rather than hard drugs.'
- 'The evidence suggests that, while searches play some role in tackling crime and lead to about a tenth of arrests nationally, they appear to have only a small impact on the detection and prevention of recorded or reported crime. The report also confirms that searches tend to have a negative impact on public confidence in the police.'
- 'There is little solid evidence that searches have a deterrent effect on crime. Certainly, within Metropolitan Police data there is no strong and consistent correlation between searches and crime levels a month later (Penzer, 1999a; 1999b; 1999c). There is, however, some evidence that the very existence of stops may prevent crime, whether or not they involve searches. This may involve deterrence. Although not investigated by this study, it is also possible that where searches are used intensively in particular locations they may have a localised deterrence or displacement effect. The subject of deterrence would benefit from further research.'
- The role and effectiveness of searches in relation to intensive 'order maintenance' activity by the police is unknown. While this type of policing in general can have a short-term impact on serious crime, it has the potential to damage police legitimacy and hamper the effectiveness of policing in the longer-term (Jordan, 1998).' (2000; iv).

3.3.13 The Scott report highlighted a lack of robust evidence on deterrence and stated that: 'the evidence in support of the tactic as a deterrent comes from police officers who base their view mainly on their own experience and perceptions of effectiveness, even when unable often to separate it out from other aspects of their policing activities' (2015; 23 para.71).

3.3.14 Looking to more recent data and trends, the Metropolitan Police Service (MPS)[7] publish monthly statistics on stop and search, together with an extensive range of data on different crime types, including serious youth violence. **Figure 3** shows monthly stop and search trends between April 2008 and August 2015, with data on violence with injury, presented as three-month rolling averages.

Figure 3. MPS stop and search, violence with injury, April 2008 to August 2015 (3-month averages)



Source: London Data Store "Metropolitan Police Service Recorded Crime Figures and Associated Data: MPS Figures August 2015 " http://data.london.gov.uk/dataset/metropolitan-police-service-recorded-crime-figures-and-associated-data/resource/491ed089-0911-4fa9-bdd9-c7fd96b46be4

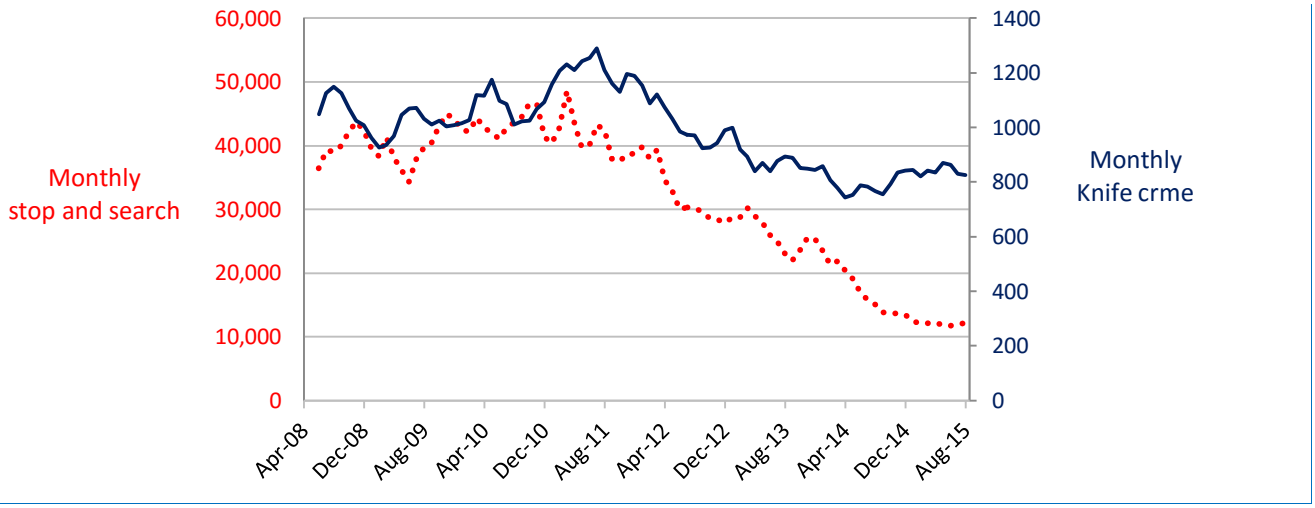
3.3.15 **Figure 3** shows that violence with injury peaked in mid-2009, dropped to its lowest level following the August 2011 riots, and has since returned to 2009 levels. The factors underpinning the increase are unknown. For example, the increase could relate to the downward trend in stop and search. It could also show that the effect of a punitive response to the riots is wearing off (Dunleavy, 2012), or might show regression to the mean. The Head of Scotland Yard's Homicide and Major Crime Command suggested that in addition to stop and search there could be a number of possible reasons for the rise, including greater availability of knives on the dark web, cultural changes among young people and improved recording of knife crime

[7] These charts were originally produced, using publically accessible data, by Gavin Hales, the Deputy Director of the Police Foundation: http://www.police-foundation.org.uk/

statistics. He also advised against a return to random stop and search tactics, in favour of more targeted intelligence driven searches.[8]

3.3.16 Drilling down further, **Figure 4** monthly shows stop and search trends between April 2008 and August 2015, with trend data on knife crime (three-month averages).

Figure 4. MPS monthly stop and search, monthly knife crime, April 2008 to August 2015 (3-month averages)



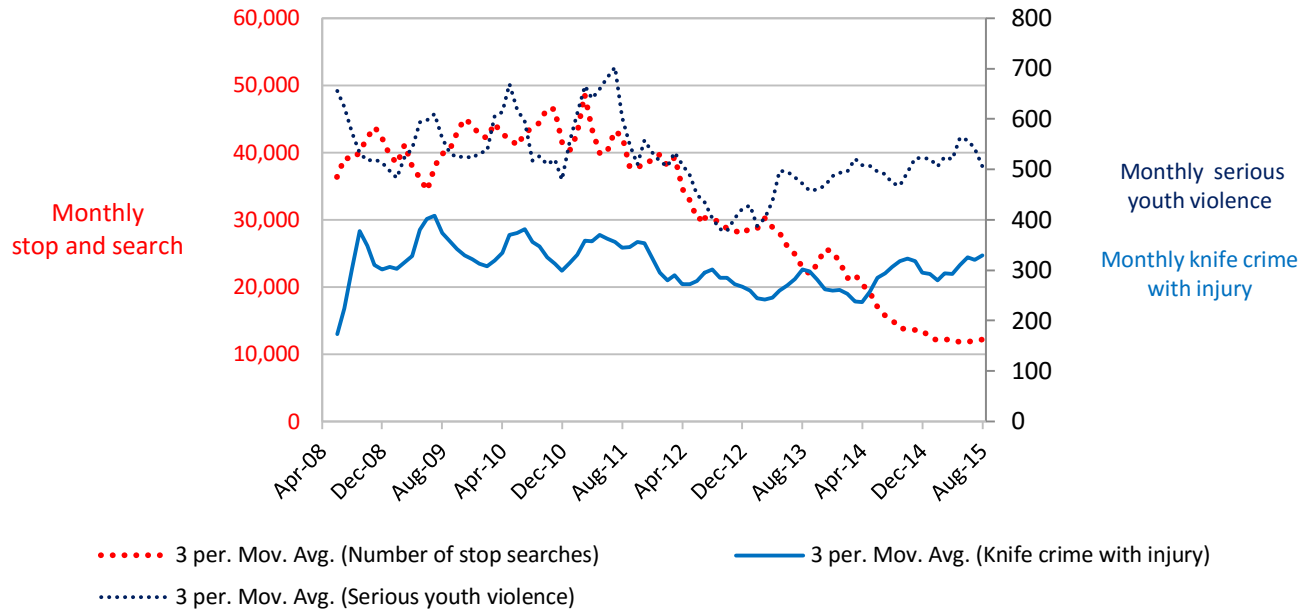
Source: London Data Store "Metropolitan Police Service Recorded Crime Figures and Associated Data: MPS Figures August 2015 " http://data.london.gov.uk/dataset/metropolitan-police-service-recorded-crime-figures-and-associated-data/resource/491ed089-0911-4fa9-bdd9-c7fd96b46be4

3.3.17 **Figure 4** suggests it is difficult to draw a meaningful relationship between the two trends over the eight-year period, insofar as the trends are broadly parallel until early 2014, and then diverge.

3.3.18 Below, **Figure 5** shows monthly stop and search trends between April 2008 and August 2015, with data on serious youth violence, and knife crime with injury (3 month averages). Again, it is difficult to discern a clear relation between stop and search trends, and longer-term trends in knife crime with injury. There would however, be value in examining the data at a local level, as per Penzer's observations (see **3.3.10**).

[8] http://www.theguardian.com/uk-news/2015/sep/20/metropolitan-police-say-knife-up-18-in-london

Figure 5. MPS monthly stop and search, serious youth violence, knife crime with injury, April 2008 to August 2015 (3-month averages)



Source: London Data Store "Metropolitan Police Service Recorded Crime Figures and Associated Data: MPS Figures August 2015 " http://data.london.gov.uk/dataset/metropolitan-police-service-recorded-crime-figures-and-associated-data/resource/491ed089-0911-4fa9-bdd9-c7fd96b46be4

3.3.19 Evidence on the effectiveness of the 'stop and frisk' in North America is mixed. A number of empirical studies undertaken have examined the effectiveness of stop and frisk, used in conjunction with 'hot-spot policing' (Delsol, 2015; 83). Delsol notes that used this way, there is some evidence that short-term, intensive stop and search can impact on offending (Weisburd *et al*., 2014). However, other academics have cast doubt on the longer-term deterrent effect (see also Fitzgerald, 1999; Miller *et al*. 2000; Paternoster, 2010).

3.3.20 A study by Smith and Putrell (2008) examined the lagged month-on-month effects of recorded 'stop, question and frisks' (SQF) on seven types of crime between February 1997 and December 2006. The study reported mixed results, with statistically significant and negative effects of lagged SQF rates on rates of robbery, burglary, motor vehicle theft, and homicide, but no significant effects on rates of assault, rape, or grand larceny. The study also found a 'declining return to scale' (or diminishing effects over time).

3.3.21 A subsequent study by Rosenfeld & Fornango (2012) estimated the effects of overall police stops, and stops of black, Hispanic, and white suspects, on precinct robbery

and burglary rates between 2003 and 2010. The model also controlled for neighbourhood conditions, including economic disadvantage, immigration, residential instability, racial composition, empty housing, and divorce rates. The researchers found few positive effects, and cautioned that the moral costs of intensive SQF should be taken into account.

3.3.22 Weisburd et al. (2016) investigated the impact of SQFs on daily and weekly crime incidents in New York City at a micro-geographic level (which takes into account the fact the tactic is usually concentrated at crime hot spots). Using advanced statistical techniques, the researchers found that SQFs produced a significant yet modest deterrent effect on crime: 'we estimated that in the peak years of SQFs in NYC, almost 700,000 SQFs would lead to only a 2% decline in crime' (ibid; 17). Whilst providing support for deterrence per se, the study cautions that 'the level of SQFs needed to produce meaningful crime reductions are costly in terms of police time and are potentially harmful to police legitimacy' (ibid; 2).

3.3.23 Nagin describes the Weisburd study as 'the best evidence available on the question of whether SQF as practiced in New York City was effective in reducing the city's crime rate' (2015; 1). However, Apel (2016) points out two potential weaknesses in terms of data. First, that SQF was only one part of a multi-pronged crime prevention in NYC, and that the role of other tactics (which are likely to correlate with the use of SQF) is not accounted for. Second, that a lack of data on alternatives to SQF means it is not possible to ascertain the incremental prevention effect of SQF, relative or compared to available alternatives (see also Lum and Nagin, forthcoming).

3.3.24 Taking these points into consideration, as well as the constitutional issues around SQF, Nagin (2016) states: 'Weisburd et al.'s findings suggest that in circumstances where the tactic is being used in a lawful manner, SQF likely prevents crime albeit with an uncertain magnitude'. Citing Sweeten (2016), Nagin also cautions that the effectiveness of SQF should be assessed with reference to public confidence in policing: 'crime-prevention effectiveness is but one criterion among many that should be used in judging the effectiveness of a crime-prevention tactic.'

3.3.25 A study by Chainey and MacDonald (2012) investigated how closely the use of stop and search related to crime patterns, or the extent to which the tactic was intelligence-led. Put another way, the study examined the impact of crime on the use of stop and search. Consistent with other research (Miller *et al.* 2000; SPA, 2014)

Chainey and MacDonald found underlying crime rates did not explain the variation in recorded search rates between police forces. The researchers noted 'there was little relationship between the volumes of crime and searches over time, suggesting searches did not track crime levels in a way that might have been expected with an intelligence-led approach' and that 'search hotspots often seemed to be 'hotter' than would have been predicted from the level of crime in the area'. The study also observed that stop and search hotspots tended to have a higher proportion of BME residents than the surrounding areas.

3.3.26 Chainey and MacDonald's findings are consistent with doctoral research undertaking in Scotland that identified a discrepancy between the geographic distribution of stop searches, and factors that might be expected to correlate with intelligence-led police activity (Murray, 2015a). This discrepancy was driven by the legacy Strathclyde force which accounted for 84% of stop searches compared to a 43% share of the population, a 49% share of Scotland's 15% most deprived crime zones, and a 53% share of recorded offensive weapon handling and drug offences. The study concluded that the top-heavy distribution of searches in Strathclyde was strongly influenced by organizational factors, including the use of numerical targets (2015a; 167), coupled with weak accountability and scrutiny mechanisms.

3.3.27 Whilst stop and search tends to be associated with tackling serious crime, including violence and knife crime, the majority of recorded stop searches across the UK relate to the unlawful possession of drugs. In 2013/4, drugs accounted for 44% of recorded searches in Scotland, 52% in Northern Ireland, 53% in England, and 46% in Wales. In Scotland, 18% of drug detections in June/July 2015 related to Class A drugs, 79% to Class B and C, and 3% to New Psychoactive Substances (NPS)[9]. Ream *et al* (2010) state that the focus on drugs is unlikely to have a significant effect on crime, in part because many users will shift their activities elsewhere. Miller also notes that detections for minor drug offences are unlikely to 'make a substantial contribution to undermining drug markets or drug-related crime' (2000; 45).

3.3.28 The proportion of recorded offensive weapon searches in Scotland is higher than in other jurisdictions. In Scotland, weapons accounted for 18% of recorded stop

[9] A small number of stop searches recovered more than one class of drug. For the purpose of calculation, stop searches were classified according to the most serious category. For example, a search which recovered Class A and Class C drugs is classified as Class A.

searches in 2013/14, compared to 7% in England, and 3% in Wales and Northern Ireland. Detection rates for offensive weapons are typically lower than other categories. For example, in June/July 2015, 11% of weapon searches resulted in detection, compared to 18% of alcohol searches, 26% of drug searches and 29% of searches for stolen property. Overall, 76% of the 3,878 stop and search detections in June/July 2015 (following the introduction of new recording procedures) related to drugs.

Detection, arrest rates and other disposals

3.3.29 Detection and arrest rates (and other disposals) can provide a useful, if limited measure of the impact of stop and search.[10] Detection is also consistent with the primary legal purpose of stop and search as an investigative tool, designed to confirm or allay an officers' suspicion (Lustgarten, 2002).

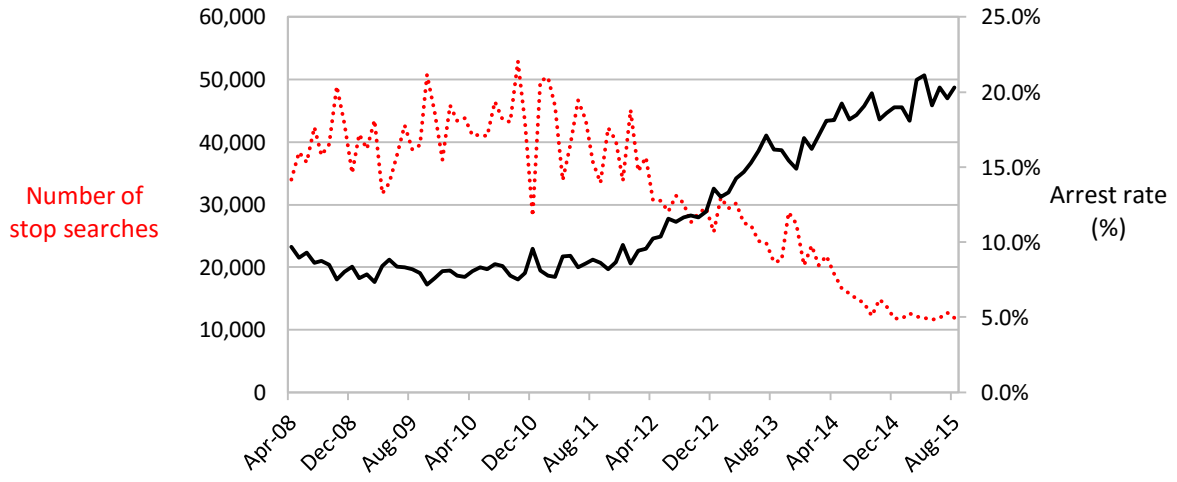
3.3.30 Searches can disrupt offenders who are planning to carry out crimes. For example, unlawful knife carrying can be disrupted or the interception of a weapon might prevent a violent offence taking place. Searches can also prevent crime through the incarceration of offenders, particularly prolific offenders (Jordan, 1998). In these instances, prevention results from unlawful behaviour, rather than deterrence (Harcourt, 2013; 256, Ashworth and Zedner, 2012; 542).

3.3.31 In England and Wales, overall arrest rates fell from 17.2% in 1986 to 10.3% in 2012/13. This trend suggests that stop and search was being used at a lower threshold in terms of evidence or intelligence, with a lower standard of reasonable suspicion (Delsol, 2015; 88).

3.3.32 In the Metropolitan Police Force area, overall arrest rates resulting from stop and search have risen, which may be due to more targeted use of the tactic. **Figure 6** shows the respective trends in stop and search and arrest rates between April 2008 and July 2015.

[10] Detection and/or arrest may not result in further legal action, or establish guilt.

Figure 6. Number of stop searches, detection rate (%) Metropolitan police, April 2008 to July 2015

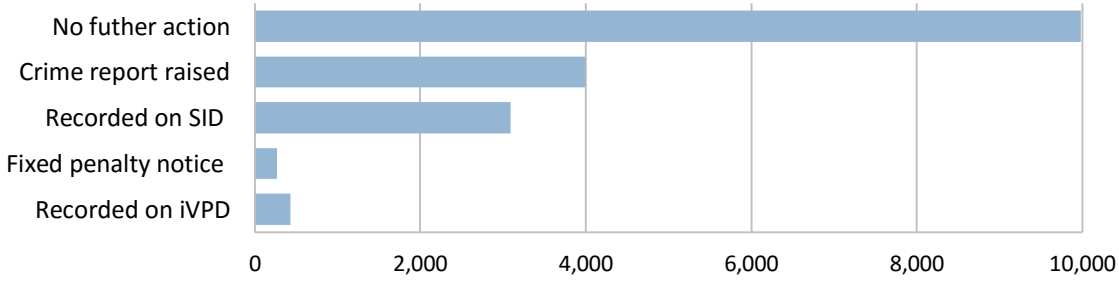


Source: Greater London Authority/Metropolitan Police, 2015
http://data.london.gov.uk/dataset/metropolitan-police-service-recorded-crime-figures-and-associated-data

3.3.33 In Scotland, there is a consistent difference in detection rates for statutory and non-statutory searches. For example, in June/July 2015, only 10% of non-statutory searches resulted in detection, compared to 30% of statutory searches.

3.3.34 Arrest data are currently not available in Scotland, however **Figure 7** provides a snapshot of disposal outcomes recorded in Scotland in June/July 2015. Note that not all the disposal outcomes resulted from positive searches. For example, 58% of the 3,095 entries recorded on the Scottish Intelligence Database (SID) resulted from negative rather than positive searches. This observation supports the idea that stop and search can, informally, act as a tool for intelligence (Miller *et al*. 2000), although further research is required to unpack this statistic. Note also, that there are no lawful grounds to search on this basis.

Figure 7. *All* recorded stop searches by disposal, June/July 2015

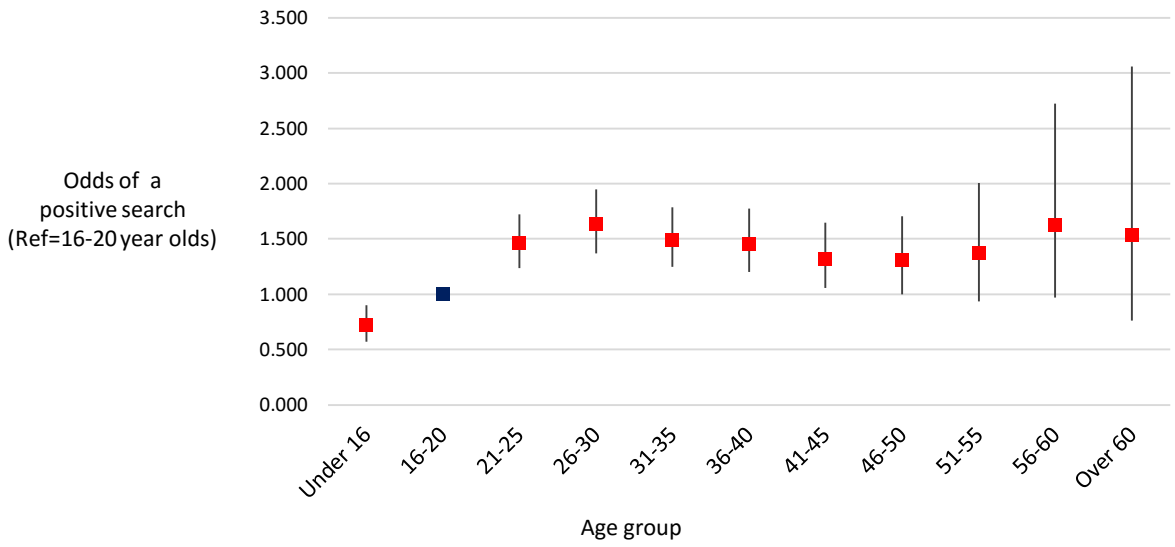


Notes: SID: Scottish Intelligence Database, iVPD: Interim Vulnerable Persons Database
Source: Police Scotland, 2015: http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication

3.3.35 Regression analysis can reveal which factors are most likely to predict detection (or non-detection) when controlling for a range of incident characteristics. For example, research by Murray (2015a) and unpublished analysis by Professor Susan McVie shows that searches that target mid-teens are less likely to result in detection, compared to older age-groups, when controlling for other known factors. McVie states: 'There does appear to be a significant age bias… Searches involving people under the age of 20 are significantly less likely to be successful. Searches involving the under 16s, which are most likely to be consensual, are the least successful in terms of producing a positive outcome when all other factors are controlled for.'

3.3.36 **Figure 8** provides an example of McVie's regression analysis output. Again, this type of statistical analysis is reasonably straightforward and provides useful insights for operational practice and training.

Figure 8. Regression model predicting a positive search by age (controlling for Division, Day, Type of search, Time, Reason, Gender and Ethnicity)



Source: Police Scotland, 2015: http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication

Order maintenance and 'broken-windows' policing

3.3.37 In New York City, Glasgow and other cities, volume stop and search (or stop and frisk) was principally rationalised in terms of order maintenance or 'broken windows' theory. Wilson and Kelling (1982) introduced the broken windows thesis in a seminal article that proposed serious crime and the fear of crime indirectly resulted from low-level neighbourhood disorderliness. Wilson and Kelling argued that low-level

disorder, such as panhandling, prostitution and graffiti, was likely to generate fear among residents and prompt people to withdraw from their neighbourhoods, thereby allowing more serious crime to flourish.

3.3.38 Wilson and Kelling, and police practitioners maintained that the police could reduce fear, strengthen communities, and prevent serious crime by tackling minor offences. Encouraged by falling recorded rates of serious crime following the introduction of such policing methods in New York City, dealing with physical and social disorder, or 'fixing broken windows, became a central element of crime-prevention strategies adopted by many American police departments (Bratton and Kelling, 1996; Kelling and Coles, 1996; Kelling and Sousa, 2001). A similar approach was adopted by Strathclyde Chief Constable John Orr as part of the Operation Spotlight campaigns, which Orr described as 'community policing with the gloves off' (1998; 106).

3.3.39 Despite the influence of broken windows on policing strategy, research evidence on the crime-control benefits of policing disorder is limited (Harcourt and Ludwig, 2006; Skogan and Frydl, 2004), or conflicting. The extent to which the 1990s crime drop in NYC can be attributed to 'broken windows' policing is unclear (Eck and Maguire, 2000; Karmen, 2000), although Weisburd et al. (2016) have recently suggested that around a 2% drop in recorded crime can be attributed to the 700,000 frisks recorded in the peak years of MSM (see **3.3.22**).

3.3.40 A study by Fagan *et al*. (2009) examined temporal and spatial patterns of police stops in New York City from 1999 to 2006. The study reported that at the sharp increase in stop activity since 1999 was concentrated in predominantly poor and minority neighbourhoods, and stops more closely tied to demographic and socioeconomic conditions than to disorder or crime. The study also showed that the effectiveness of stops, in terms of producing arrests, fell over the decade, as stops increased. This decline was most pronounced in predominantly minority neighbourhoods, where rates were highest. In the absence of reliable evidence to demonstrate that the tactics were effective in terms of crime reduction, the study attributed excessive stops to management concerns and processes, including productivity, supervision and intelligence gathering. The study concluded 'the racial-spatial concentration of excess stop activity threatens to undermine police legitimacy and diminish the social good of policing, while doing little to reduce crime or disorder' (2009; 3).

3.3.41 Other evaluations of the relationship between disorder policing and violent crime have variously reported significant reductions in violent crime (Corman and Mocan,2005; Kelling and Sousa, 2001; Weisburd et al, 2014, 2016); modest reductions (Messner *et al.*, 2007; Rosenfeld *et al.*, 2007); or no reductions at all (Harcourt and Ludwig, 2006). In general, research evidence does not demonstrate consistent connections between disorder policing and more serious crime reduction (Harcourt, 1998; Sampson and Raudenbush, 1999; Skogan, 1990).

The effectiveness of stop and search in Scotland

3.3.42 The effectiveness of stop and search in Scotland as a tool for violence reduction is unclear. Unpublished analyses by McVie identify variable relationships between recorded search rates and police recorded crime between 2005 and 2010 in legacy Strathclyde and Lothian and Borders. Using simple correlation analysis, McVie found that the gap between the number of stop and searches and the number of recorded crimes in the two cities varied considerably.

3.3.43 The City of Edinburgh saw a modest rise in the number of stop searches, which coincided with a fall in recorded crimes and offences (**Figure 9**) whereas the city of Glasgow saw a pronounced rise in stop searches that showed little, if any, relationship to the pattern of recorded crimes and offences (**Figure 10**).

Figure 9. Change in the rate of stop searches and recorded crimes and offences in the City of Edinburgh (2005-2010)

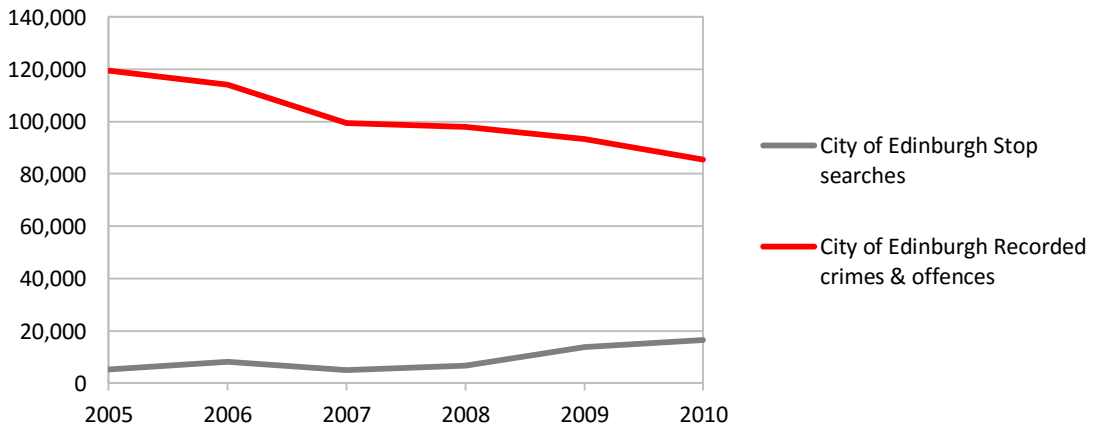
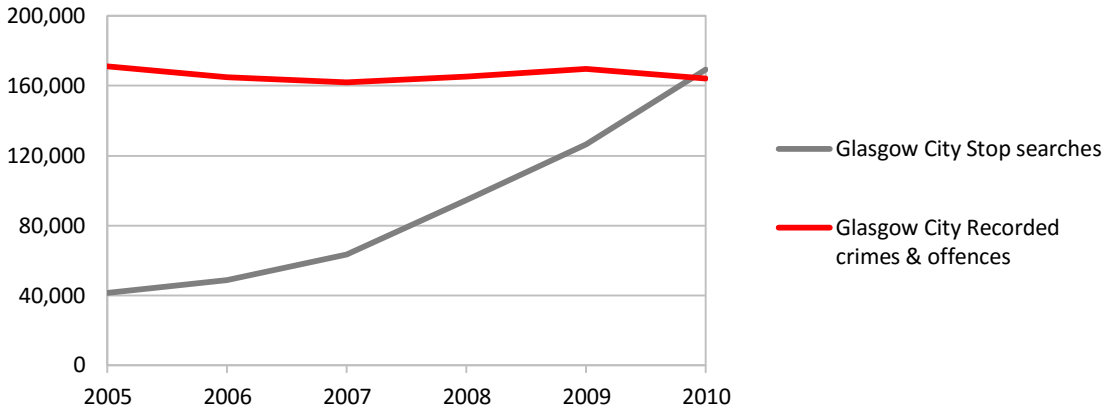


Figure 10. Change in the rate of stop searches and recorded crimes and offences in the City of Glasgow (2005-2010)



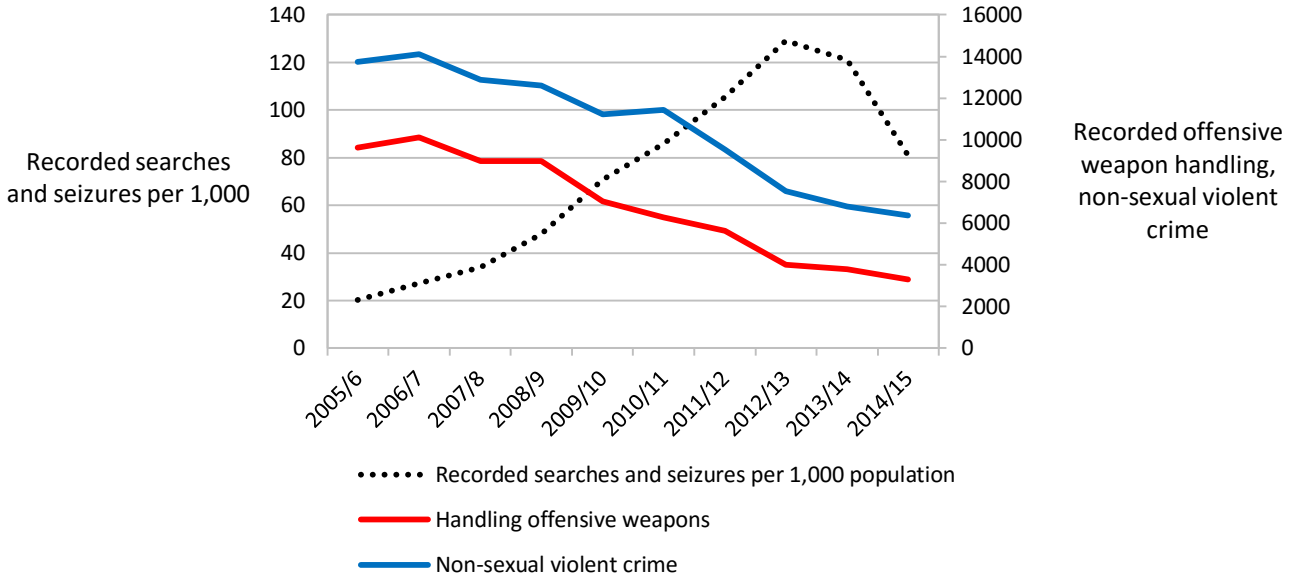
Source: Recorded Crime in Scotland (Scottish Government) Legacy Lothian and Borders and Strathclyde Police Forces (FOI).

3.3.44 As McVie observes, 'it is very difficult to distinguish the extent to which increased stop and search actually led to a sustained level of recorded crimes and offences due to increased detection. However, if this is the case, the tactic does not appear to have the same effect in all local authorities.'

3.3.45 In 2014/2015, alcohol accounted for around 54% of all recorded detections. However, these data *also* included alcohol seizures carried out under Section 61 of the Crime and Punishment (Scotland) Act 1997. Disaggregated data for June to September 2015 (following the introduction of new recording procedures) show that 91% of alcohol detections resulted from existing powers of seizure, not from stop and search.

3.3.46 **Figure 11** shows trends in violent crime, offensive weapon handling trends and recorded stop searches between 2005/6 and 2014/15. The data show a reasonably consistent fall in violent crime and offensive weapons handling over the ten-year period, compared to a steep rise and fall in recorded searches, however more detailed localized analysis is required in order to fully unpack these trends.

Figure 11. Recorded searches and seizures per 1,000 population, recorded offensive weapon handling; recorded violent crime: 2005/6 to 2014/15



3.3.47 An unpublished paper by the Violence Reduction Unit stated that the use of stop and search in Strathclyde had contributed to the fall in violent crime in public outdoor space. The paper noted the fact that indoor residential violence had not fallen in the same way was indicative of the impact of high visibility policing tactics. However, the report also highlighted a number of drawbacks, including the cost in terms of resources and time, and the societal impact:

> 'It is likely that we are continually targeting and searching a specific section of society, so instead of searches being evenly distributed across the region, the same individuals are subject to multiple searches. This strategy is acceptable if weapon presence was found during a previous search, however continually searching the same individuals with negative results is problematic as we are in danger of alienating crucial community ties that should be strengthened' (2013; 35).

3.3.48 Taking an overview of the research direction around effectiveness, research has increasingly put emphasis on the potential costs of stop and search activity, as highlighted by the VRU. As Chainey and MacDonald note: 'Given that perceptions of unfair policing are likely to undermine the public's willingness to cooperate with the police and to not break the law (Myhill and Quinton 2011; Hough et al. 2010), practitioners should question whether any short term benefits outweigh the longer terms costs' (2012; 60).

3.3.49 This balance is reflected in the 'fair and effective' model of stop and search developed by the National Police Chiefs' Council and the College of Policing. The current model states that a stop and search is most likely to be effective when:

- the search was a justified and lawful use of the power that stands up to public scrutiny;
- the officer genuinely believes the person has that item in their possession;
- the member of the public understands why they have been searched and feels that they have been treated with respect
- the search was necessary and was the least intrusive method a police officer could use to establish whether a member of the public has an item with them for use in crime and
- more often than not the item is found.

3.3.50 Below, Rosenfeld & Fornango (2012) provide an eloquent exposition of the ethical dilemma that underpins the use of stop and search, or in this instance, stop, question and frisk (SQF). The key point is that there is no 'optimal trade off':

> 'We cannot conclude from the current investigation that SQF has no impact on crime in New York. But we can be more certain that, if there is an impact, it is localized and dissipates so rapidly that it fails to register in annual precinct crime rates, much less the decade-long citywide crime reductions that public officials have attributed to the policy. If SQF is effective, but its effects are highly focused and fleeting, policy-makers must decide whether expansions in a policy that already produces nearly 700,000 police stops a year are warranted, especially given the ongoing controversy regarding the disproportionate impact of SQF on racial and ethnic minorities and the possibility that it reduces police legitimacy, which may erode its crime-reduction effects over the long term. No utilitarian calculus exists, nor is one desirable, that can disclose the optimal number of innocent persons that the police should detain, question, or search in order to reduce crime. The public, in New York City and elsewhere, wants the police to be effective and just in their day-to-day interactions with citizens; there is no optimal trade-off (Skogan & Frydl, 2004; Stoudt, Fine, & Fox, 2011). By this standard, the police must find ways to reduce crime that safeguard the rights and liberties of those they suspect of criminal activity' (2012; 20).

3.4 The impact of the training and supervision of police officers engaged in stop and search

There is surprisingly little research available on officer training, in relation to stop and search, or policing more broadly. Some observational evidence is available from the Fife Pilot evaluation, and there is some evidence on the impact of training based on procedural justice principles, including work undertaken in Scotland. Also a major stop and search training project commissioned by the College of Policing is currently underway in England and Wales. It is anticipated that research findings from this project will be available in 2016/2017. Looking to other fields, for example, healthcare and education, research suggests that interactive, mixed training methods and collaborative Continuous Professional Development are more effective than classroom-based learning. Given the pace and scope of policy change in Scotland, including the imminent move to an exclusively statutory model, research on training might be highlighted as a priority for Police Scotland.

3.4.1 A key factor in whether a stop search goes well is whether the officer has received relevant training. In standard police officer training, the focus is on the legal requirements, for example, what constitutes reasonable suspicion, and controlling potentially difficult or dangerous situations.

3.4.2 A report by the All Party Parliamentary Group for Children (APPGC, 2013/14) stated that stop and search encounters were often characterised by poor communication and a lack of mutual respect. The APPGC also noted that although many officers worked hard to create positive relationships with young people, this was not consistent across England and that training and professional development was needed to improve police practice in relation to children and young people.

3.4.3 HMICS also highlighted training as a weakness. The Inspectorate observed that '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' (HMICS, 2015; 7).

3.4.4 The Inspectorate recommended that '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' (ibid. 2015; 10).

3.4.5 In relation to training more broadly, the 2015 Police Scotland staff survey reported: 'Whilst 54% of respondents had received training in the last 12 months only 40% thought it was relevant to their current role and only 18% felt it was relevant to their career development' (Axiom, 2015; 5). The survey showed that that communication was problematic, with an over-reliance on email and the intranet, and that 47% of respondents felt overloaded by information. More worryingly, 23% stated that they received their information from the media (ibid; 52).

3.4.6 As part of the Fife Pilot, an enhanced training programme was developed, which was principally delivered electronically. The researchers found that officers' ability to recall training varied, notably by rank. The strongest impact was on senior and management officers, whereas the impact on constables was mixed, with some failing to recall the training at all. The researchers recommended that training should be delivered face-to-face, using interactive methods, rather than in briefings or emails. This recommendation is also supported by research evidence in other professional fields.

3.4.7 The Scott Report was also critical of training around stop and search in Scotland, and found that messages were sometimes inconsistent between the official training manual for new recruits and operational practice in the field (2015; 54 para. 221). For example, training guidance on non-statutory stop and search stated that there is no duty on an officer to inform a person of their right to refuse, despite assurances from Police Scotland that this was no longer the case.

3.4.8 The impact of officer training and supervision in regard to stop and search is under-researched. A rapid evidence assessment undertaken by the National Police Improvement Agency (NPIA) Research Analysis and Information Unit (Wheller and Morris, 2010) observed a lack of evidence or systematic reviews in relation to police training and changing professional behaviour.

Police Scotland suggested training requirements

3.4.9 Since the inception of Police Scotland in April 2013, stop and search has seen significant shifts in policy and practice. In 2013/14, recorded search rates increased significantly in the East and North, whilst the West maintained a volume approach (Murray, 2015b). Within less than two years, this position reversed. From June 2015 onwards, overall search rates and the proportion of non-statutory searches dropped substantially. For officers in the East and North, it is likely that these will signal a return to a more familiar low-key approach (Reid Howie, 2001). Conversely, in the West, the rapid move away from a volume non-statutory approach is likely to mark a departure from a long-standing way of policing. The pace at which police practice is changing reinforces the recommendation that effective training and supervision should be a strategic priority for Police Scotland.

3.4.10 It is clear that the transition from non-statutory to statutory stop and search will be felt unevenly across Scotland. Prior to 2013/14, non-statutory search rates varied significantly across the Scottish forces (Murray, 2014a, 2014b, 2015a). This variation persisted in the post-reform period. For example, the Scott report noted that some officers only carried out statutory searches.

3.4.11 Recorded stop and search statistics support this observation. For example, of the officers who recorded stop searches between April and December 2014,[11] 14% recorded statutory searches only, whilst a further 17% recorded only one or two non-statutory searches. Conversely, 19% of officers recorded non-statutory searches only. In relation to the ending of non-statutory stop and search, the Scott report stated:

> 'The policy, practice and cultural changes required are extensive and should be the subject of a formal implementation programme, subject to effective governance and scrutiny arrangements, training and post-implementation review.' (2015; 16)

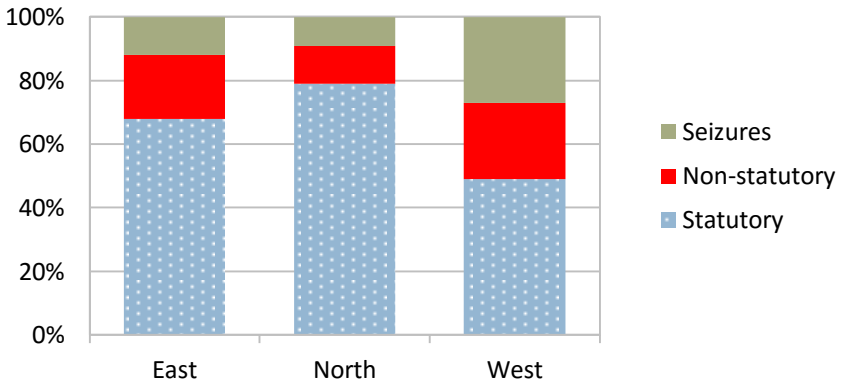
3.4.12 The introduction of the upgraded database in June 2013 should allow Police Scotland to identify training needs more accurately. For instance, preliminary analysis of these data points to training requirements in relation to the shift away from statutory stop and search, searching young people, and the related use of reasonable suspicion.

[11] Prior to centralization, non-statutory searches were less likely to be recorded than statutory searches (Murray, 2015. However it is unlikely that officers were under-recording in this period, due to the perceived pressure to increase the number of searches.

3.4.13 Recent statistics suggest that training requirements are likely to be higher in the West. Looking at stop searches only, in June/July 2015 non-statutory searches accounted for 33% of searches in the West, 23% in the East, and 13% in the North. For many of these searches, equivalent legislative powers existed. For example in the West, officers carried out 40% and 20% of recorded stop searches for offensive weapons and drugs respectively on a non-statutory basis.

3.4.14 Below, **Figure 12** shows differences in the overall proportion of recorded statutory and non-statutory searches and seizures by Command Area in June/July 2015. The highest proportion of statutory searches is in the North (79%), compared to 67% in the East, and 49% in the North.

Figure 12. Proportion of statutory searches, non-statutory searches and seizures by area, June/July 2015



Source: Police Scotland, 2015: http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication

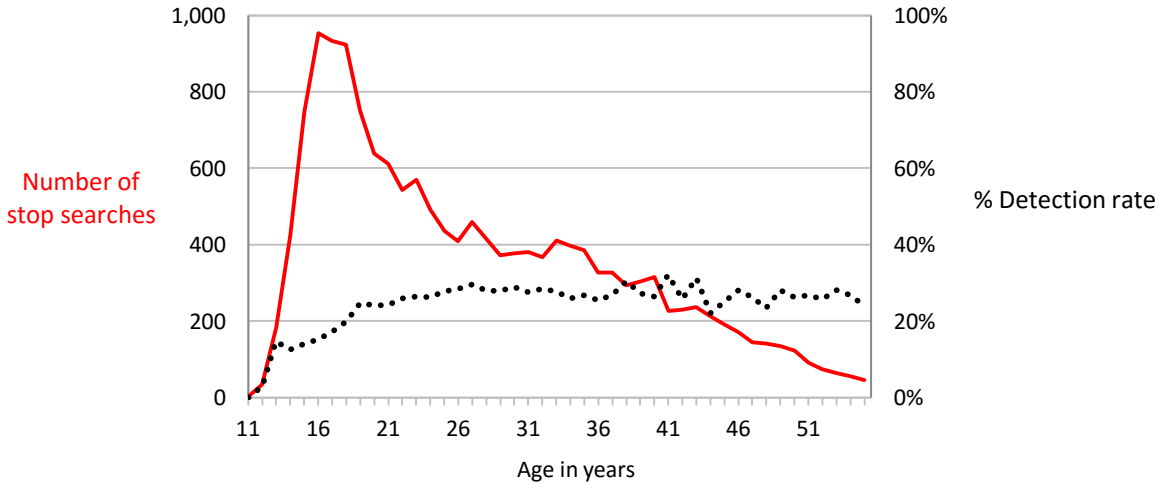
3.4.15 Stakeholders, including the Scottish Commissioner for Children and Young People and Scottish Human Rights Commissioner have previously raised concerns over the disproportionately high use of stop and search on young people and children. Recent statistics suggest that the policing direction in relation to young people is changing, both in terms of volume, and the proportion of searches falling on those in their mid-teens.

3.4.16 In June/July 2015, 6% of recorded searches and seizures fell on 16 year olds, compared to 10% in 2010. However, recorded searches continued to peak at 16 years, several years below the peak age of conviction (Matthews, 2014). This disparity suggests that searches are less likely to result in detection. For example, 15% of

recorded searches carried out on sixteen year olds in June/July 2015 resulted in detection, compared to an average detection rate of 24%.

3.4.17 Regression analysis of June 2015 data shows that searching young people (compared to older groups), was also less effective when controlling for other factors such as gender, locality and time of day (see **Figure 6**). **Figure 13** shows how the likelihood of detection increases with age, and broadly plateaus around the early twenties.

Figure 13. Age-spread of stop and search, detection rate (%) by age, June/July 2015



Source: Police Scotland, 2015: http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication

Effective training methods

3.4.18 Turning to the most effective training methods, some evidence is available in a healthcare and educational context, although this is not conclusive and the extent to which these findings can be generalized to policing is unclear. The following findings are drawn from a rapid evidence assessment undertaken by Wheller and Morris (2010) for the National Police Improvement Agency (now superseded by the College of Policing).

3.4.19 Systematic review evidence (including findings of a randomized control trial (RQT) suggests that stand-alone classroom-based training can improve individual knowledge, however this is not necessarily an effective way to improve practitioner's skills or to change their behaviour. Training methods that integrate teaching and learning into routine practice appear to be more effective in terms of improving knowledge/skills, and developing critical appraisal skills. Integrated methods are also more likely to secure longer-term changes in attitudes and behaviour. These

observations are also consistent with work on rural policing undertaken at the University of Stirling (Slade et al. 2011).

3.4.20 Multifaceted approaches are more likely to secure behavioural change than any one single approach. However, there is little robust evidence to show which specific approaches are more effective and/or efficient than others. More generally, evidence suggests that active approaches (i.e. educational sessions, peer-to-peer discussion) are more successful than the passive dissemination of guidelines.

3.4.21 Three systematic reviews of educational research suggest that continuous professional development (CPD) is more effective in regard to improving learning, practice and attitudes of teachers than classroom-based teaching. Also, collaborative CPD (involving at least two colleagues working together on an ongoing basis) appears to be more effective than individual CPD. The limited value of short-term training is highlighted in a healthcare setting: of seven studies which examined the impact of short-term training (up to a week), only one reported a positive effect (Charagi-Sohi and Bower, 2008).

3.4.22 A range of factors can contribute to successful collaborative CPD. These include the use of external expertise, observational methods, critical reflection, experimentation, peer support and allowing participants to identify their own focus. Effective collaborative CPD also requires mechanisms to encourage and extend professional dialogue, and to extend the process over time.

3.4.23 Evidence on the value of 'portfolio learning' seems unclear. This student-led method usually involves tracking self-development, for example, recording personal achievements and making critical reflections. Portfolio learning may be used in conjunction with CPD, however some evidence suggests that it is 'not universally popular, does not suit all learning styles and is considered time consuming' (2010; 6).

3.4.24 Some evidence suggests that simulation-based training (for example, computer simulation, virtual reality learning and peer to peer learning) is more effective than traditional classroom methods. A systematic review of simulation training in a clinical context found that in six out of twelve studies, simulation training delivered additional gains in knowledge, critical thinking ability, and confidence. No evidence was available on the value of learning technologies and virtual learning such as interactive web-based platforms.

3.4.25 Reflective practice, whereby practitioners critically reflect on their experiences, is also under-researched. However, Wheller and Morris note that the 'concrete experience' element of reflective practice has strong parallels with integrated teaching methods, insofar as both involve training through routine practice. Reflective methods are also an important part of collaborative CPD approaches.

3.4.26 In terms of developing interpersonal skills, evidence from a health-care setting suggests that patient-based feedback may be effective (one study reported a significant positive effect).

3.4.27 A review of controlled evaluation studies in a healthcare setting found no evidence that problem-based learning (whereby which students learn about a subject through solving an open-ended problem) was more effective than other training approaches in terms of increasing doctors' knowledge and performance. There were however, were few relevant studies to draw on and these were of varying quality. Problem-based learning may be of greater value to police training, given the discretionary nature of police-work.

3.4.28 Strong evidence from six separate randomised controlled trials found that outreach visits, in which a trainer delivers information to practitioners in their own setting, are effective at changing behaviour, for example, in reducing inappropriate prescribing or increasing the delivery of preventative services.

3.4.29 Whilst valuable, this type of setting-based training (as delivered by professional trainers) may not be compatible with Police Scotland's training needs around stop and search. One option which Police Scotland might consider is peer-led training. Research on the police knowledge and practice in rural settings also highlights the value of on the job training, which can be tailored to local demands:

> 'On the job training is critical to learning how to effectively police in rural areas. Officers have to learn the job quickly, often without training. It was reported that the standardised formal training given at the Police College was largely based on urban models of policing. From the nature of crime, the assumption of resource allocation to the relationship between the police and the community, the training at Police College relied on urban policing practices. Therefore local on the job training was viewed as critical to officer development, especially in learning how to work on your own and build relationships with the community.'
> (Fenwick *et al*. 2011; 4).

College of Policing pilot

3.4.30 In September 2015, the College of Policing (CoP) launched a major training pilot in six forces, involving over 1,300 officers. The CoP developed the pilot in partnership with the Equality and Human Rights Commission, and will be used to develop National Policing Curriculum (NPC) learning standards on stop and search, and to design evidence-based training materials.

3.4.31 The pilot is designed to tackle issues around unconscious bias, fairness, effectiveness, legality, decision-making and how officers handle encounters with the public. The pilot will be evaluated to assess the impact on the way in which officers approach stop and search, hit rates and the quality of the grounds for stopping someone. As a result of the training, officers should be in a position to:

- Outline the different types of police initiated encounters with members of the public
- Describe the potential adverse impact of a stop and search encounter on the officer, the person being searched and wider society
- Explain the impact unconscious bias can have on decision making
- Explain the impact that conscious bias can have on decision making
- Explain how to establish whether there are reasonable grounds for a lawful stop and search under Code A of the Police and Criminal Evidence Act 1984

3.4.32 In order to scope out the pilot, the CoP examined eight studies involving interventions based on procedural justice principles: for example, impartial decision-making, allowing people a 'voice' and a sense of influence over decision-making, demonstrating trustworthiness, and treating people with dignity and respect.

3.4.33 Of those studies examined by the CoP, two examined the impact of procedural justice 'scripted' conversations on public perceptions of officers, one based in Scotland, the other in Queensland, Australia. Both employed a randomized control trial (RCT) design. The Australian Queensland Community Engagement Trial (QCET) used a large-scale randomised field trial methodology to test the effect of a procedurally fair scripted message in the context of routine traffic encounters. The study found that the script had a direct positive impact on driver perceptions of procedural justice, satisfaction with the encounter, and reported willingness to comply with the law (Mazerolle *et al*, 2012; Mazerolle *et al*, 2011). Significantly, the QCET study concluded that there was 'a causal link between implementation of procedurally just forms of policing and the formation of public opinion and conferment of legitimacy'.

3.4.34 In 2013 the Scottish Government funded a project to test the QCET findings in a Scottish context. Working in partnership with road police officers, the ScotCET project adapted the QCET experimental design, taking into account legislative and operational differences.

3.4.35 Twenty road police units participated in the ScotCET experiment, which took place during the Festive Road Safety Campaign 2013-14. At the outset, units were randomly assigned to experiment or control conditions. In week one, all officers conducted 'business as usual' and distributed questionnaires to drivers asking about their experiences. Thereafter, half the units operated under experimental conditions, delivering a set of key messages during encounters and distributing a leaflet designed to enhance perceptions of procedural justice. The aim was to introduce a level of consistency to encounters and demonstrate procedural justice principles, whilst allowing officers to protect their responsivity and 'natural' style of interaction.

3.4.36 Contrary to the QCET findings, the scripts used by Scottish officers had no effect. Rather, it appeared that the scripts resulted in increased levels of public dissatisfaction. The researchers put forward two explanations. First, the use of the scripts was not effectively communicated to the officers involved (as a result, some officers did not use the lines). Second, it was suggested that the existing style of traffic encounters differed from that in Queensland, and was possibly already more consistent with procedural justice principles.

3.4.37 The ScotCET findings suggest that in contexts where public satisfaction with the police is already reasonably high, it is not sufficient to increase the 'dosage' of procedural justice in order to improve public perceptions of the police. For example, it is unlikely that 'adding in' procedurally just messages will increase public confidence. As the researchers put it, 'on their own, these are not sufficient to improve, or even maintain, public perceptions of the police' (Bradford and MacQueen, 2015). Focusing on interpersonal skills, the researchers noted, 'in policing contexts where interaction and satisfaction are already high, other factors, for example subtleties and nuances of communication context, content and style, can intervene. Failure to acknowledge and provide for these in attempting to operationalise the procedural justice model may, perversely, undermine public trust and police legitimacy' (ibid.).

3.4.38 Bradford and MaQueen's findings also resonate with evidence that suggests the *quality* of interaction is distinct from procedure (Bies and Moag, 1986; Folger and

Bies, 1989; Colquitt, 2001). For example, an officer may follow procedure to the letter, but without satisfactory quality of interaction, the benefits of procedural justice are lost. In the case of the ScotCET experiment, it is possible that officers placed emphasis on procedure, to the detriment of interaction.

3.4.39 The Greater Manchester RCT (Wheller *et al.* 2013) tested the impact of communication skills training for serving officers, focusing on contact with victims of crime. The 2-3 day training course had a strong focus on self-reflection and practice, and was found to have a positive impact on officer attitudes, behaviour in role-play scenarios, as well as victim perceptions of police contact.

3.4.40 A randomized control test undertaken in Chicago tested the impact of new training material used in induction training for 157 new recruits (Rosenbaum and Lawrence, 2012). Training included case studies, scenarios, role-playing, and developing verbal scripts. Positive effects were relatively limited, although the researchers noted that the training duration was shorter than planned, and the relatively small sample size prevented some changes being detected.

3.4.41 A subsequent large-scale RCT in Chicago involving over 3,000 officers tested the impact of a one-day training course based on procedural justice principles (Skogan *et al*., 2014). The course consisted of five modules, including cynicism, and race and policing in a historical context. Although conducted in a classroom setting, the course used a range of teaching methods, including presentations, video-clips and groups exercises. The training was found to have a positive impact on officer attitudes, which was thought to be largely sustained. Monitoring, supervision and discipline were highlighted as necessary supporting mechanisms for sustaining longer-term change.

3.4.42 In Scotland, the Scottish Police and Citizen Engagement (SPACE) trial tested the impact of procedural justice training on 159 new recruits (Robertson *et al*., 2014). Although initially designed as an RCT, the study was delivered as a quasi-experiment with small sample sizes, which meant that opportunities to identify effects were more limited. Training to new recruits was delivered in nine forty-five minute sessions that included procedural justice principles, public perceptions of police contact (for example, young people and victims), road policing and active listening. Academics delivered the training in large classes, with limited opportunities for practice. The pattern of results pointed towards the training having positive results in some areas, and negative in others. The researchers stated: ‘overall the evaluation indicated a

more procedure-driven approach [to existing training], perhaps at the expense of procedurally-just approaches, although the two are not mutually exclusive and ideally both would be given appropriate consideration in police training' (Robertson and MacMillan, 2015; 10).

3.4.43 The CoP also considered two studies on staff training, which were less directly tied to procedural justice, but still relevant. The first, in a prison context (Shiner *et al*., 2014), used a quasi-experimental design to test the impact of structured communication tools. Overall, the results were mixed, but more positive in the one prison where tools were embedded into practice. This prison was thought to be calmer after training had occurred and there was some evidence of reduced use of force and segregation.

3.4.44 Second, an implementation-based study by the Open Society Foundation (2011) examined the impact of a series of workshops involving young people and police officers. The Critical Encounters project aimed to challenge the stereotypes and preconceptions of both young people and the police, both generally and in relation to stop and search. The project consisted of a series of workshops, designed by young people, aimed at exploring street encounters. The workshops involved drama-based games, trust exercises and role-play scenarios to explore street encounters. Four key issues were covered: power imbalance, social awkwardness, hostility and defensiveness, and the need for long-term sustainable intervention. More than 275 TSG and TP officers participated in the project between 2005 and 2011. Whilst the workshops were viewed positively, the small sample size precluded any statistically significant differences being detected.

3.4.45 Taking an overview of the available evidence, albeit in different professional contexts, it seems reasonably clear that interactive, mixed-method training approaches are more effective than passive classroom-based training. Also, ongoing CPD provides a useful tool for securing professional change.

3.4.46 In terms of delivering training in Scotland, two further observations can be made. First, in two of the studies examined in the CoP review, police and prison staff commented that the training materials were 'common-sense' and delivered in a way that at times felt patronizing. As such, consideration should be given to the nature or style of the training materials, as well as the trainers appointed to deliver the training. This point also underscores the value of peer-led training, whereby training

is delivered by police officers. Second, there needs to be more clarity on the purpose of stop and search in order to support training. The evidence around detection is reasonably straightforward and can be used to inform officers on best practice. However, the evidence on deterrence or crime prevention is difficult to determine, which makes it difficult to communicate the training aim. One way of resolving this difficulty might be to adopt the 'fair and effective' model of stop and search.

3.5 How stop and search in Scotland compares with the use of similar tactics in other jurisdictions.

Whilst stop and search powers are used in many parts of the world, by police officers and other agencies such as border officials, there is negligible systematic comparative research which directly compares practice and experiences in different jurisdictions. There would be immense value in developing comparative research in this area. Looking to the existing literature on the use of stop and search in different geographical and institutional settings, some common themes can be identified, which partly resonate with police practice in Scotland over the last two decades. These include disproportionality toward some sectors of society, and relatedly, the fact that stop and search is one of the most widely used and least circumscribed types of police power. Both points are exacerbated by a tendency to view stop and search in loose terms, for example, in terms of broad crime prevention, security or anti-terrorism (Murray, 2015a; Bowling and Marks, 2015). These observations suggest that one of the key challenges, both for policing stakeholders and researchers, is to pin-down what is often an opaque police practice, and to establish effective regulatory mechanisms.

3.5.1 Whilst police stop and search powers are used in many parts of the world, there is a lack of systematic, comparative research in this area. In part, this is due to methodological issues. As Bowling and Marks note, 'inconsistency in global recording practices and the lack of oversight of police, border controls and private actors directly hampers research in this area' (2015).

3.5.2 These issues notwithstanding, there would be immense value in developing research in this area. For example, comparison of jurisdictions with differing rates of stop and search would allow researchers to investigate the varying rationales for stop and search, and the effectiveness of police practice.

3.5.3 Looking more broadly at stop and search in an international context, Bowling and Marks reveal some common themes: 'similar patterns in the use of stop and search, and similar controversies surrounding the power, are emerging in various different contexts' (ibid; 192).

3.5.4 Taking a global overview, the use of stop and search tends to be directed towards particular sectors of the population, often disproportionately. These include the Roma minority in Hungary (Toth and Kadar, 2012); Aboriginal people in Australia (Weber, 2012); Black and ethnic communities in England and Wales (EHRC, 2010, 2013; Quinton, 2011; Medina, 2013); Muslims in London (Parmar, 2011); Chinese and Korean people in Japan (Namba, 2012); Mexican immigrants in Arizona (Provine and Sanchez, 2012); and Black populations in Toronto (Wortley and Owusu-Bempah). A study in France showed that Black people were six times more likely to be searched than whites, whilst Arabs were 7.6 times more likely (Jobard and Levy, 2009). In some jurisdictions, the use of stop and search was more broadly targeted, for instance in Mumbai, India (Belur, 2012) and South Africa (Marks, 2014) road-blocks were used in conjunction with police searches.

3.5.5 In Scotland, there appears to be no robust evidence of discrimination in terms of race and ethnicity. In June/July 2015, 93% of recorded stop searches and seizures fell on white members of the public, which is slightly lower than the white proportion of the population in the 2011 census (96%). The proportion of recorded searches involving white Scottish people was slightly higher than the white Scottish population, at 87% and 84% respectively. Qualitative data, including officer interviews (Murray, 2015), suggest that the disproportionate use of stop and search in Scotland is more likely to fall along lines of age and socio-economic class.

3.5.6 Research from around the world shows that stop and search is one of the widest and least circumscribed' powers (Bowling and Marks, 2015; 170-1). This observation also extends to Scotland where, until recently, the extensive use of non-statutory stop and search suggested a lack of certainty and consistency as to the purpose of the tactic (Murray, 2015a; Scott, 2015).

3.5.7 This lack of clarity around stop and search tends to be exacerbated by the 'preventative' rationales that are widely associated with the tactic. Prevention is an exceptionally flexible concept, which is difficult to pin down. For example, Henry notes that 'activities as diverse as incarceration, school education, target hardening,

and housing policy can be, and have been, justified on the grounds that they 'prevent crime'' (2009; 42). Note also that the logic of prevention tends to be viewed in positive terms (Hughes, 1998; 20), at times, unthinkingly (Gilling, 1997; 6). In the context of stop and search, prevention may involve detection, disruption or deterrence. However, these are different processes, that carry very different implications for how stop and search is used, and the wider societal impact.

3.5.8 In the UK, a lack of clarity is evident in relation to anti-terrorism and public order powers, which do not require reasonable suspicion. Section 44 of the Terrorism Act allowed a wide geographical area to be designated for stop and search, without reasonable suspicion, on the authorization of an Assistant Chief Constable. For ten years, Greater London was designated as an area in which anyone could be stopped and searched without suspicion. Section 44 was repealed in May 2012, following a legal case before the European Court of Human Rights, which stated that the power ruled that section 44 was he power was so broad it failed to provide safeguards against abuse.

3.5.9 Conversely, in December 2015, the Supreme Court dismissed an appeal challenging the lawfulness of section 60 of the Criminal Justice and Public Order Act 1994, a power that allows police officers to stop and search without reasonable suspicion if violence is anticipated. In this instance, the court argued that it is in the interests of young black men to be searched by the police, and that were 'great benefits to the public in such a power'. The court also pointed out that the grounds for making an authorisation under section 60 are more tightly framed than those under section 44.

3.5.10 Comparative analysis between Scotland and England/Wales provides useful insights into the way in which regulation and scrutiny can influence police practice (Murray and Lennon, under review). As Scotland's nearest neighbours, England/Wales acts as a useful comparator due to the similarity in crime trends and underlying statutory powers. Until recently, the main points of divergence between the two jurisdictions related to non-statutory stop and search, which is used only in Scotland, and the lack of a statutory Code of Practice. These regulatory differences can help to explain the marked variation in recorded searches rates between the two jurisdictions from 2005 onwards.

3.5.11 In both jurisdictions, the use of suspicionless stop and search prompted an increase in search rates. In England and Wales, suspicionless stop and search acted as the

main driver of change from 2001 onwards. In Scotland, the increase in search rates from 2005 onwards was underpinned by the use of non-statutory stop and search (ibid.).

3.5.12 Lennon and Murray (forthcoming) suggest that a lack of scrutiny and oversight in Scotland also contributed to the exponential increase in stop and search from the mid-2000s onwards. Whilst the increase was driven by target-based policies, the policy direction appeared to be facilitated by a high discretionary environment, weak regulation and a lack of scrutiny.

3.5.13 Turning to statutory powers, standards of reasonable suspicion vary between Scotland and England/Wales. In England/Wales, PACE Code A states that the officer must have formed a genuine suspicion in their own mind and that reasonable suspicion must be based on *objective* grounds, whether facts, information/ intelligence or the behaviour of the person (Home Office 2015a: para 2.2). In Scotland, reasonable suspicion is currently set out in Standard Operating Procedures as that which is 'backed by a reason capable of articulation and is something more than a hunch or a whim' (2015c: 10). This definition allows for exclusively subjective grounds, and could undermine the role of reasonable suspicion as a safeguard.

3.5.14 These observations, together with research from many other jurisdictions, highlight the importance of robust regulation and scrutiny, as well as training in the fair and effective use of stop and search. The observations also suggest that one of the key challenges for researchers and policy-makers is to establish the most effective ways of regulating stop and search.

3.5.15 Taking an overview of organizational change in England and Wales from 2000 onwards, Shiner (2015) suggests that the existing regulations 'have been largely ineffective in restraining police use of stop-and-search' (2015; 165). On the other hand, it is arguable that the disparity between search rates in England/Wales and Scotland (driven principally by non-statutory stop and search) reflects how under-regulation can influence police practice, albeit to an unquantified extent.

3.5.16 Neither PACE nor the proposed statutory Code of Practice for Scotland (as currently drafted) include and an enforcement mechanism, for example, sanctions for

improper use.[12] However, Shiner cautions that more punitive enforcement regimes may be divisive and counter-productive (Harris, 2013; Braithwaite, 2012).

3.5.17 Shiner suggests that the way in which organizational change is packaged can influence officer compliance. In relation to the post-Macpherson reforms, which included new recording requirements, Shiner states: 'by tying its recommendations to the findings of institutional racism, the Lawrence Inquiry amplified the inherent reform resistance of the police organization, ensuring a predictably defensive reaction that distanced the new recording requirement from its intended purpose' (2015; 165).

3.5.18 In order improve officer compliance, Shiner concludes that the regulation of stop and search should be explicitly tied to principles of fairness, legitimacy and procedural justice:

> 'Appeals to fairness, legitimacy and procedural justice are more likely to motivate compliance than denunciations of racism because they coincide with police priorities and self-interest, while having the added advantage of emphasising to officers the wider purpose of regulation and its motivating principles' (2015; 166)

12 http://www.heraldscotland.com/news/homenews/13778302.Matheson__stop_and_search_code_breaches__will_not_merit_legal_claim_/

3.6 The relative effectiveness of using stop and search to reduce and prevent crime compared with other policing approaches.

There appears to be no existing research assessing the effectiveness of stop and search, directly compared to other ways of 'doing' policing. In part, this omission can be attributed to the fact the effectiveness of stop and search, outwith detection, is difficult to pin down. There is however, an extensive body of research that suggests problem-solving policing approaches are more likely to deliver longer-term reductions in offending than saturation or enforcement methods, to secure more constructive relationships with communities, and to increase job satisfaction for officers.

3.6.1 In the last decade, the use of stop and search in Scotland has taken up significant officer resources. An unpublished report by Strathclyde Police Authority in 2012 estimated that '[s]ince 2004/05, stop and search activity has cost the force in the region of £39 million in real terms with negative searches accounting for approximately £35 million of this'. Using the same methodology, it was estimated that stop and search in the first year of the single service cost over £14 million, and that negative searches accounted for over £10 million of this total (Sunday Herald, 31/10/2014).[13] The Scott report also observed: 'even some police sources have conceded that the extent of use of the tactic took it beyond any available intelligence and best use of officer hours' (2015; 22).

3.6.2 The recent fall in recorded stop and search should free up officer resources for other policing activity, and provide the opportunity for Police Scotland to develop alternative policing approaches. Whilst there is a lack of evidence which directly compares the existing use of stop and search with other policing approaches, research evidence is available on other policing methods.

3.6.3 Systematic review evidence indicates that although hot spots policing is an effective crime reduction strategy, the impact may be modest (Braga, 2007; Braga *et al.* 1999, Braga *et al*., 2010). Hot spot policing appears to work best for drug offences, and violent crime and disorder, and seems less effective in relation to property crime (although there are some positive effects in this regard).

[13] http://www.heraldscotland.com/news/13177576.Police_Scotland_spent___10m_on__unlawful__stop_and_search/

3.6.4 Hot spot policing also tends to coincide with narrow 'law enforcement' style policing methods, such as intensive stop and search. Whilst hot spot policing has some affinities with problem-solving policing (see below), in terms of analysis and use of intelligence, problem-solving policing is generally viewed as a more effective and constructive approach (Braga, 1999, Weisburd *et al*. 2008).

3.6.5 Herbert Goldstein developed problem-solving policing in the 1980s, as an alternative to incident-led or reactive policing. Goldstein argues that traditional policing methods prioritize processes over outcomes. Typically, officers respond to repeat calls for recurring problems, with little net impact on crime and disorder or public confidence in the police. In response to these limitations, Goldstein argues that policing should look to identify and analyse recurring problems, and tackle the underlying difficulties.

3.6.6 Problem-solving approaches tend to overlap with community policing and are likely to involve collaborative relationships between local communities and the police. Given that solutions often lie beyond the research of the police, problem-solving approaches are also likely to involve partnership working with other agencies.

3.6.7 Problem-solving policing involves taking a structured approach to problems, based on rational and evidence-based analysis. As such, the emphasis is on research, prevention and precise diagnosis. This involves researching each problem, documenting the current police response, assessing its adequacy, and assessing alternatives responses. Underlying conditions may include the characteristics of those involved (potential offenders and victims), social settings and the physical environment.

3.6.8 Problem-solving policing requires a clear focus, good intelligence-gathering and data, and robust analysis, with a view to identifying the complex mechanisms that underpin problems, and developing tailor-made interventions (Goldstein, 1990; Eck and Spelman, 1987).

3.6.9 The SARA model is one of the most commonly used problem-solving approaches. This involves four cyclical or iterative stages, with assessment (and modification) on an ongoing basis. These are summarized below.

Scanning Identify and prioritise problems

Analysis Gather information and intelligence, review data to identify the underlying causes and research what is known about the type of problem. Problems should be analysed in terms of three key perspectives: offender, victim and location

Response Apply tailored activities designed to address the causes of the problem. A response plan should be developed which sets out clear objectives and identifies responsible partners Different options can be considered by researching what has worked in other areas, and/or brain-storming for new ideas.

Assessment Measure the effects, and make changes to the response as required. Determine if the objectives have been attained by a comparison of pre and post intervention data, both qualitative and quantitative.

(Extracted from 'The effects of problem-oriented policing on crime and disorder: What Works Briefing' College of Policing).[14]

3.6.10 Researchers have found a problem-solving approach to be effective in controlling a wide range of crime and disorder problems (Skogan and Frydl 2004; Weisburd and Eck 2004; Braga, 2002). These include shop robberies (Hunter and Jeffrey 1997), prostitution (Matthews 1990), street-level drug markets (Hope 1994), and gang violence (Braga *et al*. 2012). Measures may include situational crime prevention, enforcement of regulatory codes, aesthetic improvements, investigation and enforcement. In particular, research highlights the value of working in partnership with other agencies.

3.6.11 A randomised controlled trial carried out in Jacksonville, US suggested that the deployment of combined tactics in crime hotspots was likely to be effective (Taylor *et al*. 2010). The experiment tested the respective effects of a problem solving approach, saturation patrol and normal patrol (the control group) over a ninety-day period.

3.6.12 The study found that intensive patrol activities (including street interventions like stop and search) reduced violence in the short term, whereas a problem-solving approach delivered larger and more sustained reductions in the longer term. The problem-solving approach was associated with a statistically significant 33%

[14] Available at: http://whatworks.college.police.uk/Research/Briefings/Documents/CoP%28What%20works%28online_land_POPV3%29.pdf

reduction in street violence during the 90 days following the intervention, relative to trends in the control locations. Violence declined by up to 20% in the directed-saturation patrol locations during the intervention period; however, this was not statistically significant and could not be clearly distinguished from natural variation in crime over time. Also, violence levels rebounded after the intervention. The researchers further cautioned that officers should be aware of the potential for displacement.

3.6.13 Finally, it should be noted that problem-solving policing requires flexibility from senior officers. Neyroud and Beckley (2001; 119-120) argue that a genuine commitment to problem-solving policing is incompatible with fixed objectives and command and control leadership. In line with the truism 'what gets measured gets done', they suggest that proactive prevention and learning tends to get 'squeezed out' by KPIs, league tables and similar.

4.8. The fact that the effectiveness of stop and search is still unclear is insightful in its own right, and serves to demonstrate the methodological difficulties around pinning down the tactic. The potential costs of stop and search, which may lessen any positive effects, complicate the issue further. Whilst detection rates and other disposals can provide some insights as to whether the tactic is being used effectively, these should be treated cautiously.

4.9. In other areas, the evidence base is well-established. Research in the UK and beyond demonstrates that people's perceptions of the police are likely to be influenced by the quality of stop and search encounters; whether officers are fair, respectful and give a good reason for the search, as well as the frequency of searches. By the same token, the unfair and excessive use of stop and search can damage police-community relationships. On this point, it is also worth noting Rosenfield's caution that 'no utilitarian calculus exists, nor is one desirable, that can disclose the optimal number of innocent persons that the police should detain, question, or search in order to reduce crime' (2012; 20).

4.10. Relatedly, it is clear that regulation is key to securing the fair and effective use of stop and search. The fact that day to day policing is discretionary, with relatively little direct supervision means that the effective regulation of stop and search remains an ongoing challenge for policing stakeholders and researchers.

4.11. Outwith a single small-scale study conducted in the 1990s, there is no research evidence on the relationship between stop and search and poverty or socio-economic class. This omission is a major gap in the evidence-base and Scotland is in a position to make a significant and original contribution in this area. Police Scotland is examining the viability and ethics of introducing geo-coded variables on the stop and search database (for example, a person's postcode). These data would represent a major step forward in terms of understanding the impact of stop and search on specific communities, which would benefit policing across the UK and beyond.

4.12. Training on the use of stop and search has been identified as a priority for Police Scotland. This is reinforced by the rapid pace of change in policy and practice. There are however, research gaps as to the most effective training methods. At the time of writing, a major research project on officer training in relation to stop and search,

commissioned by the College of Policing, is underway. Whilst this should provide important insights into best practice, there is further scope for research which takes into account the distinctive situation in Scotland, including the abolition of non-statutory stop and search, as well as some of the shortfalls in training identified by HMICS (2015) and the 2015 Staff Survey (Axiom, 2015).

4.13. In order to support training, clarity will be required on the purpose of stop and search. As noted, evidence on detection is reasonably straightforward and can be used to inform best practice, for example, in relation to the formation of reasonable suspicion. However, evidence on crime prevention or deterrence is more elusive, which makes training problematic. This difficulty might be resolved by adopting the 'fair and effective' model of stop and search.

4.14. Looking back, volume stop and search was not the predominant model for policing in many communities across Scotland. The significant fall in stop and search rates over the last year should open up the possibility for other, more effective policing approaches. As McVie notes: 'there must be good models of positive policing that can be drawn upon in terms of finding a new approach to policing that does not rely on widespread use of intrusive methods' (2015; 10).

4.15. Police Scotland has made significant progress in relation to stop and search. The input of considerable resources to establish a National Stop and Search Unit, associated reference groups, and the integral role played by Police Scotland in facilitating the work of the Independent Advisory Group on Stop and Search are evidence of the seriousness with which Police Scotland have addressed their responsibilities in this area. Notably, the overall fall in searches, driven mainly but not exclusively by a drop in non-statutory searches, suggests a shift towards a more balanced policing approach. In addition, detailed stop and search data are now routinely made available on the Police Scotland website, which marks a major step forward in terms of transparency.

4.16. Looking ahead, the fall in recorded searches should not only free up officer resources for other activities, but also provide the opportunity to foster more constructive and collaborative policing methods, and to strengthen relationships with communities. This will require a strong and demonstrable steer from senior officers. A more creative and constructive approach to policing, supported by robust evidence and ongoing evaluation, and focused on outcomes might be viewed as the legacy of stop and search in Scotland.

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