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Stop and Search - Public Briefing

Briefing No. 16



May 2024



Summary

This Public Briefing has been created to provide a summary of stop and search - an operational police tactic used by Police Scotland. It also provides an overview of the governance in place to provide confidence and transparency around its use.

What is Stop and Search?

Police Scotland use stop and search as a tactic in operational policing. Stop and search is a way for a police officer to follow up on intelligence to check for illegal items such as controlled drugs or weapons. According to the [Code of Practice](#) its purpose is:

- To promote public safety
- To help prevent and detect crime

Under stop and search powers, an officer is permitted to search:

- The individual and their clothing
- Anything an individual is carrying, for example a bag or wallet
- The vehicle an individual is travelling in

Individuals being subject to the use of stop and search have [the right](#) to key pieces of information, including:

- 1. Information on the search:** The police officer should explain why they want to conduct the search, what they are looking for, and the legal basis for the search.
- 2. Identification of the officer:** The police officer conducting the search will provide their name and identification number.
- 3. Record of the search:** The officer will provide a receipt of the search, which includes details such as the reason for the search, the items they were looking for and the outcome.
- 4. The right to complain:** The receipt will detail the right of the individual to complain about being searched, and how to make a complaint.

In Scotland, stop and search is intelligence-led and every search must be necessary, proportionate and in accordance with the law. Stop and search should be carried out in accordance with the law and should adhere to the Code of Practice. This means that officers must have a specific reason to carry out a search and it must be done by using a specific statutory power. When an officer is explaining to someone why they are being searched, they must refer to facts, intelligence or information as way of explanation. A police officer cannot search an individual without a specific reason, even with their consent.

Police Scotland regularly use the operational policing tactic of stop and search for the prevention, investigation and detection of crime. The tactic goes beyond recovery rates and its intention is to keep people safe and improve community wellbeing. If an individual is stopped and searched by the police in Scotland, it does not mean that they are automatically arrested. This is a temporary action, and individuals are usually free to go afterwards. Current records show that around 1 in 3 stops result in a positive finding. If the police do find something during the search that leads them to believe that the person has committed a crime, they may then arrest the individual.

Police Scotland's use of Stop and Search

Stop and search is governed by the provisions of the Criminal Justice (Scotland) Act 2016. This replaced previous legislation and aimed to strike the balance between effective law enforcement and protecting individual rights. The Act outlines the legal framework for stop and search procedures, emphasising that such actions should be carried out proportionately, with respect for human rights, and based on reasonable suspicion. The [Code of Practice](#) published by the Scottish Government governs the use of stop and search by police officers.

The use of stop and search must be conducted by adhering to the [following values](#):

- **Fairness** – a stop and search must be carried out fairly and impartially, and without unlawful discrimination.
- **Respect** – this involves two aspects. Firstly, an officer must ensure that – so far as is reasonably practicable – the person being searched understands why they are being stopped and searched. Secondly, the procedure must be carried out with respect for individual needs – including religious and cultural values and beliefs.
- **Integrity** – a stop and search will not be carried out in a manner which is abusive, discriminatory, or which amounts to harassment or intimidation; the purpose of the search must be genuinely to find a particular item in the person's possession; it will reflect the principles of good conduct and personal responsibility.
- **Accountability** – officers carrying out stop and search are fully accountable for their actions, and that all stop and search activity is accurately recorded, and open to scrutiny.



The Governance of Stop and Search

As Police Scotland has [publicly stated](#), stop and search has an impact on the privacy and liberty of individuals. As such, the Code of Practice notes that every person who is stopped and searched should be provided with a receipt following the completion of a search. An individual is [eligible to request](#) a copy of their stop and search information within six months of the search taking place.

The principle of accountability of officers' actions guides the use of the stop and search tactic in Scotland. Thorough oversight is in place to monitor Police Scotland's use of the tactic following the search taking place.

As [reported](#) by Police Scotland, assurance at the local level starts with the requirement for every stop and search to be recorded on the National Stop and Search Database, with every record reviewed by a local supervisor to confirm compliance with the Code of Practice. When an individual is subject to stop and search, the police officer will record information about the individual, which includes:

- Age
- Gender
- Ethnicity
- The location of the search
- Whether the search is positive or negative (a search is categorised as 'positive' if an item is recovered from an individual during stop and search which implies criminality, and 'negative' if nothing is recovered)
- The powers under which the search is being conducted
- Whether the individual has been issued with a receipt



The National Stop and Search database is subject to data quality checks, and there is regular dip sampling of records. Monthly reports are also shared with Local Commanders to enable further local scrutiny.

In addition to local-level monitoring, the Police Scotland National Stop and Search Unit (NSSU) report monthly to the relevant Assistant Chief Constable (ACC), with this ACC Chairing a bi-annual Mainstreaming Assurance Group. This group contains external stakeholders including the Authority, the Scottish Institute for Policing Research (SIPR) and the Scottish Government.

Stop and Search: Police Scotland data

The Authority scrutinises the reporting of stop and search data through papers presented to the Policing Performance Committee. At time of writing, the most recent of these papers was presented in [December 2023](#).

In addition, Police Scotland publish high-level stop and search statistics in Quarterly Policing Performance Reports, also brought to the Policing Performance Committee. The most recent of these papers was presented in [March 2024](#), for the period of Quarter 3 2023/24.

Police Scotland also publish reporting data on a regular basis which are [available to the public](#). Analysis of the last full reporting year (April 2022 – March 2023) shows the following:

- In the period, 29,928 stop and searches were conducted by Police Scotland. This is 56.5 per 10,000 members of the Scottish public, with an overall positive rate of 32% (9645 searches).
- Many searches resulted in the recovery of more than one item. The most commonly recovered item was drugs, representing 80.3% of items recovered (a count of 8132). The next most commonly recovered item was 'other' (8.8%, or 886 instances). This can include items such as stolen property or fireworks.

Police Scotland Stop and Search dashboard

Following the update to the December 2023 Policing Performance Committee, Police Scotland intends to launch a public facing dashboard in the near future. This dashboard will provide a more accessible way for the public to interpret and understand the data around stop and search. At time of writing, the data in this dashboard are available to the period of April 2023- December 2023.

The data can be broken down to show the use of stop and search with regards to specific age groups, ethnicities and gender, allowing the user to view the data in the last year, quarter or month. Some trends identified through Authority officer analysis conducted through the dashboard include:

- More stop and searches were carried out on men than women. 75.9 men per 10,000 of the population were searched, as opposed to 12.6 women per 10,000 population. For men, 31% of searches were recorded as positive, with 25% being positive for women.
- 18-19 year olds, had the highest rate of searches per 10,000 population of any age group. This was 159.3 per 10,000, with 34% of these searches being positive. The age range with the highest percentage of positive results is the 20-24 age range, with 37% of searches being positive. The 20-24 age range rate of being searched was 98.3 per 10,000 of population.

Police Scotland Stop and Search dashboard continued

- The region with the highest rate of searches is the West Command, with 75.2 searches recorded per 10,000 population. The lowest is the East Command, with 13.2 per 10,000, with the North Command reporting 23.6 per 10,000 population. The area with the highest percentage of positive search results is the East Command, with 41%, compared to the North and West with 40% and 27% respectively.
- Stop and Search rates are calculated based on the population living in an area. Therefore, certain places, such as city centres, will have a larger rate of stop and searches as many non-resident people spend time in these areas.
- Police Scotland and the Authority will continue to closely monitor the use of the tactic.

Stop and Search Data: England and Wales

To give some context to the stop and search data recorded in Scotland, Authority officers have collated stop and search data reported in England and Wales. It is important to note that data between England and Wales and Scotland cannot be directly compared. There are several reasons for this, including how stop and search data are recorded, the different ethnicity and age categories used between these two reporting areas and different census data used. Some key data from England and Wales includes:

- There were a total of 529,475 searches carried out in England and Wales in 2022-23, which equates to 88.8 per 10,000 of the population. Of these, 28% were positive, while for 72% nothing was found.
- The rate of searches for men was 159.9 per 10,000 of the population, compared to 18.4 for women. For men, 28% of searches were positive, with 27% for women.
- The 18-24 age category had the highest rate of searches, at 314.5 per 10,000 of the population. This was followed by the 10-17 age group at 194.4, then 25-29 at 167.6.

Conclusion

Police Scotland are subject to the processes and procedures outlined in the Code of Practice when using the tactic of stop and search. The use of this tactic continues to be transparent and subject to public scrutiny, with the launching of this new dashboard providing the public with an accessible platform to access data and trends related to stop and search.

Purpose of these Public Briefings

The Strategic Police Plan commits to the provision of policing for a safe, protected and resilient Scotland. This requires designing and maintaining services which meet rising and evolving demands in a constantly changing environment. To meet these demands, now and in the future, Scotland's police service must adapt and proportionately adopt the necessary technologies which will enable them to protect the safety and wellbeing of our communities (as outlined in the Policing Principles - Section 32 of Police and Fire Reform Act 2012).

This series of public focused and user-friendly Public Briefings has been developed to provide an overview of the benefits of emerging technology and upcoming developments within policing, the policies that will govern them, and the ethical, privacy and human rights implications.

Keeping up to date

To keep up to date with our work, please keep an eye on the Scottish Police Authority's [website](#) where you can find papers and watch livestream committee discussions, and follow us on X (formerly Twitter):

@ScotPolAuth

Date published: May 2024