

Institution: University of Edinburgh		
Unit of Assessment: 18 – Law		
Title of case study: Case Study 6: Reducing Stop-and-Search and Increasing Fairness and Effectiveness in Policing Practice in Scotland		
Period when the underpinning research was undertaken: 2005-2019		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Prof Susan McVie	Professor of Quantitative Criminology	01-Jan-1998 to present
Dr Kath Murray	Research Fellow in Criminology	04-Jun-2018 to present
Period when the claimed impact occurred: 2014-2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact (indicative maximum 100 words)		
<p>McVie and Murray's work transformed the law, policy and practice of stop-and-search in Scotland. They achieved this by: (i) increasing parliamentary, governmental, organisational and public scrutiny; (ii) influencing major legislative reform (Criminal Justice (Scotland) Act 2016), which abolished non-statutory search; (iii) co-producing a new Code of Practice; (iv) improving police recording; and (v) influencing widespread cultural change within Police Scotland, including the delivery of stop-and-search retraining to all officers. As a result, police now conduct fewer searches, more fairly and effectively, with greater success: between 2014/15 and 2018/19, recorded searches fell from 426,000 to 32,300 per annum.</p>		
2. Underpinning research (indicative maximum 500 words)		
<p>McVie and Murray conducted impactful research on the policing of young people and the use of stop-and-search in Scotland. That work has underpinned a continuous programme of collaboration and engagement with Police Scotland, the Scottish Government, the Scottish Police Authority (SPA) and HM Inspector of Constabulary (HMICS); and influenced the work of an Independent Advisory Group on Stop-and-Search (IAGSS).</p> <p>A highly influential research report was published by Murray in 2014 (3.1), which uncovered serious problems with the use of police stop-and-search in Scotland, including:</p> <ul style="list-style-type: none"> • an absence of transparency and accountability, as marked by a lack of published data, research, scrutiny or public debate on the tactic; • a dramatic growth in searches in the early 2000s, reaching 428,428 in 2010, despite a sharp drop in recorded crime; and • search rates in Scotland that far exceeded those of more crime-prone jurisdictions, including London and New York City (3.2). 		

Murray's analysis identified a shift from 'reactive' to 'pro-active' policing modes in some forces (3.3), underpinned by a performance culture and characterised by:

- higher (and increasing) search rates, compared to reactive forces;
- unfettered use of non-statutory stop-and-search (i.e. not based on suspicion or legislative powers);
- very low detection rates, especially for non-statutory searches;
- disproportionate and unchecked targeting of children and young people (CYP), in contrast to known offending patterns; and
- fixed numerical targets in some areas to drive up search rates, resulting in even greater reliance on non-statutory searches, particularly amongst CYP.

Based on these findings, Murray recommended phasing out non-statutory searches; reviewing police practice on and establishing guidelines for searching CYP; publishing stop and search data; and scrutinising police practice for proportionality.

McVie's research formed the underpinning basis for significant concern about the pattern of usage of stop-and-search identified through Murray's work. In particular, findings from the Edinburgh Study of Youth Transitions and Crime had demonstrated that deprived CYP were disproportionately targeted using policing tactics such as stop-and-search, and this had demonstrable negative effects on their later involvement in offending and their likelihood of being convicted and imprisoned (3.4).

Following initially negative reactions to Murray's work by Police Scotland and the Scottish Government (3.5), the findings subsequently led to a policy U-turn and an extensive programme of reform. McVie and Murray produced a series of briefing papers and consultation responses for the IAGSS highlighting issues of concern around stop-and-search practice in Scotland. McVie also produced a number of unpublished briefing papers for the IAGSS, which highlighted ongoing problems with disproportionate patterns of stop-and-search across groups with protected characteristics and between geographical localities.

3. References to the research (indicative maximum of six references)

3.1: Murray, K. (2014) 'Stop-and-search in Scotland: An Evaluation', SCCJR Report.*
<https://web.archive.org/web/20191016040856/https://www.sccjr.ac.uk/publications/stop-and-search-in-scotland-an-evaluation-of-police-practice/#>

*Due to its highly sensitive nature, this report was subject to intensive academic peer-review. As the first publication to document the scale of recorded searches, it has become the main point of reference for the growing body of research on stop-and-search in Scotland.

3.2: Murray, K. and Lennon, G. (2016) 'Under-Regulated and Unaccountable? Explaining Variation in Stop-and-Search Rates in Scotland, England and Wales', *Policing and Society*, vol. 28, no. 2, pp. 155-174. <https://doi.org/10.1080/10439463.2016.1163359>

3.3: Murray, K. and Harkin, D. (2016) 'Policing in Cool and Hot Climates: Legitimacy, Power and the Rise and Fall of Mass Stop and Search in Scotland', *British Journal of Criminology*, vol. 57, no. 4, pp. 885-905. <https://doi.org/10.1093/bjc/azw007>

3.4: McAra, L. and McVie, S. (2005) 'The Usual Suspects? Street-life, Young People and the Police', *Criminal Justice*, vol. 5, no. 1, pp. 5-36.
<https://doi.org/10.1177/1466802505050977>

3.5: Murray, K. (2017) 'Why Have We Funded this Research?: On Politics, Research and Newsmaking Criminology', *Criminology and Criminal Justice*, vol. 17, no. 5, pp. 507-525.
<https://doi.org/10.1177/1748895816685766>

4. Details of the impact (indicative maximum 750 words)

Published in January 2014, Murray's research (3.1) generated enormous political and public debate. Her findings put stop-and-search on the political agenda, prompted parliamentary debate and gained widespread media attention, with stop-and-search referenced over 130 times in press reports in the 7 months following publication. The Scottish Liberal Democrat Leader raised Murray's research in the Scottish Parliament and recommended changes to the Criminal Justice (Scotland) Bill to improve regulation of the practice (5.1). However, the research prompted a backlash from both Police Scotland and the Scottish Government. The Chief Constable denied Murray's claims about a performance-driven policing culture, despite documentary evidence and testimonials from police officers; and both the Justice Secretary (Kenny MacAskill) (5.2) and First Minister (Alex Salmond) (5.3) defended intensive stop-and-search, claiming its use was proportionate and had reduced violent crime in Scotland, despite a lack of evidence.

Formal reviews of Police Scotland's stop-and-search processes were conducted by the Scottish Police Authority (SPA) in 2014 and by HM Inspectorate of Constabulary in Scotland (HMICS) in 2015. Both concluded that greater transparency and regulation were needed. In March 2015, the Justice Secretary (Michael Matheson) established the IAGSS to consider legislative reform and whether a Code of Practice (CoP) was necessary. The IAGSS was chaired by John Scott QC and included representatives from Police Scotland, SPA, HMICS, Scottish Government and third sector organisations. McVie was also appointed a member.

In August 2015, the IAGSS presented recommendations to the Justice Secretary (Matheson), including proposals to abolish non-statutory stop-and-search and introduce a CoP and extensively citing Murray and McVie's research (5.4). McVie ensured that the IAGSS also recommended regular publication of stop-and-search data to improve transparency. The recommendations were fully accepted by the Cabinet Secretary and incorporated into Section 65 of the Criminal Justice (Scotland) Act 2016. The CoP was drafted by the IAGSS and implemented in May 2017, with McVie playing a leading role in aspects of its development. John Scott QC, IAGSS Chair, stated: *"Professor McVie was an integral member of the IAGSS at all stages of its work over a 4 year period. Concerns about stop and search received media and political attention because of analysis of data by academics. It was therefore crucial for the IAGSS to understand what that data meant... We could not have done this without Professor McVie's expertise"* (5.5.a).

The IAGSS continued monitoring the use of stop-and-search and McVie played a critical role in this process with responsibility for providing research reviews on the implementation of the CoP for the Cabinet Secretary after 6 and 12 months (5.5.a-5.5.c). Providing detailed analysis and scrutiny of the extent, nature, geographical patterning and proportionality of stop-and-search, McVie reported that recorded searches had reduced to 32,300 in 2017/18 – down 92% from 2014/15 (5.5.b, 5.5.c). The IAGSS used McVie's reviews to make further recommendations for legislative amendments; for example, on the use of stop-and-search to remove alcohol from young people (5.6).

McVie and Murray's work also contributed to increased scrutiny by SPA and HMICS, and the development of three Improvement Plans around stop-and-search through working closely with Police Scotland's National Stop and Search Unit, of which the Head of Unit stated: *"[T]he work carried out by Professor McVie and Dr Murray... has without doubt, directly influenced and informed the significant improvements to the practice and policy of stop and search across Scotland"* (5.7). They created internal assurance metrics to monitor 'proportionality, fairness and effectiveness' (5.8), and produced a Data Analysis Reference Guide to support statistical analysis of stop-and-search data to determine whether it is being used fairly and effectively. The SPA Policing Committee commended these methods of improving data scrutiny and the accountability of Police Scotland in the use of such an intrusive and controversial tactic (5.9).

Introduction of the CoP required a major training programme for all Police Scotland officers (approximately 15,000). McVie and Murray contributed to its development and their research fed into the new Police Scotland Standard Operating Procedure. This training was instrumental in changing operational approaches – away from stop-and-search towards ‘stop and engage’ – and contributed to both cultural and normative transformation of police practice.

Despite criticism that the stop-and-search policy change would lead to a significant increase in violent crime, ongoing research indicates that this has not occurred. Police Scotland has stated that lessons learned throughout the stop-and-search improvement journey have informed its wider policing approach, especially around violence reduction, and provided a collaborative, preventative and evidence-based focus across all policing priorities (5.10).

5. Sources to corroborate the impact (indicative maximum of 10 references)

5.1: Scottish Parliament Official Report, 2 April 2014, col. 29697.

<https://web.archive.org/web/20200924091510/http://www.parliament.scot/parliamentarybusiness/report.aspx?r=9084&mode=pdf>

5.2: ‘Police stop and search rates in Scotland four times higher than in England’, *The Guardian*, 17 January 2014.

<https://web.archive.org/web/20200924091658/https://www.theguardian.com/uk-news/2014/jan/17/police-stop-and-search-scotland>

5.3: Scottish Parliament Official Report, 23 January 2014, col. 26968.

<https://web.archive.org/web/20200718220948/http://www.parliament.scot/parliamentarybusiness/report.aspx?r=8846&mode=pdf>

5.4: Report of the Advisory Group on Stop and Search, August 2015.

<http://web.archive.org/web/20210112151751/http://scottishpolicesupers.org/wp-content/uploads/2015/09/advisory-group-on-stop-and-search-report.pdf>

5.5.a: Testimonial letter from John Scott QC, Chair of the Independent Advisory Group on Stop and Search.

b: McVie, S. (2018) ‘Six-Month Review of the Code of Practice for Stop-and-Search in Scotland’, Edinburgh, Scottish Government.

<https://web.archive.org/web/20200924090146/https://www.gov.scot/publications/six-month-review-code-practice-stop-search-scotland/>

c: McVie, S. (2019) ‘Twelve-Month Review of the Code of Practice for Stop-and-Search in Scotland – Quantitative Report’, Edinburgh, Scottish Government.

<https://web.archive.org/web/20200716160027/http://www.gov.scot/publications/twelve-month-review-code-practice-stop-search-scotland-quantitative-report/>

5.6: Letter from John Scott QC to Humza Yousaf, Cabinet Secretary for Justice, on the outcome of the Twelve-Month Review of the Code of Practice.

<https://web.archive.org/web/20200924094055/https://www.gov.scot/publications/twelve-month-review-code-practice-stop-search-scotland-independent-advisory-group-stop-search/>

5.7: Testimonial letter from the Head of Police Scotland’s National Stop and Search Unit.

5.8: Police Scotland (2018), Stop and Search Code of Practice Review (June 2017 – May 2018), pg. 23.

<https://web.archive.org/web/20201116161902/https://www.scotland.police.uk/spa-media/cvskmmne/stop-search-code-of-practice-review-june-2017-may-2018.pdf>

5.9: Scottish Police Authority (2017), Minutes of the Policing Committee Meeting, section 6.

5.10: Police Scotland (2019), Improvement Progress Report for the Cabinet Secretary for Justice, pg. 6.

<https://web.archive.org/web/20200924100439/https://www.gov.scot/publications/stop-search-improvement-progress-report-cabinet-secretary-justice-update-police-scotland/>