Institution: University of Dundee

Unit of Assessment: UoA 14 Geography and Environmental Studies

Title of case study: Changing Stop and Search Policy and Practice in Police Scotland

Period when the underpinning research was undertaken: September 2014 – June 2015

Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Dr Megan O'Neill	Role(s) (e.g. job title): Reader and Principal Investigator	Period(s) employed by submitting HEI: August 2013 – ongoing
Period when the claimed impact occurred: June 2015 - ongoing		

Is this case study continued from a case study submitted in 2014? N

1. Summary of the impact

The police method of stop and search in Scotland has been subject to dramatic change in its governing legislation, policy and practice which has improved its public accountability and enhanced social justice in policing. Police Scotland has over 17,000 police officers with responsibility for policing across Scotland. In response to research by Drs O'Neill (Dundee) and Aston (Edinburgh Napier University), Police Scotland has redesigned its database to improve recording and transparency, now publishes its records publicly, has retrained every police officer on their use of stop and search and has ended potentially harmful and unjust practices. From a peak of over 642,000 recorded searches per year in 2013/14, stop and search in Scotland has reduced to just over 41,600 searches in 2019/20 and non-statutory (consensual) searches no longer take place.

2. Underpinning research

In contrast to England and Wales (where stop and search has been subject to academic, political and public scrutiny for three decades) there had been very little attention paid to stop and search policy and practice in Scotland. There was also a lack of published data, weak accountability and little oversight of the practice. In 2014, research by Dr Kath Murray (University of Edinburgh) highlighted that recorded searches in Scotland increased dramatically from 2005/2006 to 2012/2013 to a rate about four times that of England and Wales. Police Scotland came under intense political and media scrutiny to change its practice.

Police Scotland selected 'P' Division, the Fife area of Scotland with 828 locally deployed officers, as the site for a stop and search pilot. The pilot was launched in July 2014 and aimed to test new techniques in stop and search, an enhanced database, enhanced crime analysis and more complex community engagement practices. The purpose was to improve the data on which stop and search is based, improve accountability and increase confidence in the police. O'Neill and Aston were commissioned to conduct an independent academic evaluation to review the effectiveness of the pilot, which was co-funded by The Scottish Institute for Policing Research (SIPR) and Police Scotland. O'Neill and Aston were equally responsible for the methodological design – a mixed methods approach – data collection, and analysis.

Their research found that there was a gap between the perceptions of senior officers in P Division and those of operational officers as to what the pilot was about and what it was meant to achieve. In particular, many officers interviewed had very little detailed knowledge of the pilot or how they were meant to change their stop and search practice **[R1]**. This revealed ineffective communication and training in relation to the pilot for both operational officers and their supervisors **[R2]**. However, senior officers also discussed the changes in the pilot as being framed as 'business as usual', which presented conflicting messages to officers **[R3]**. There

were also particular practices which research suggested could be ineffective at best and harmful at worst (see below) **[R3]**. Findings in relation to weak communication, ineffective training, downplaying the significance of the change that was needed and poor practice was to be foundational in the subsequent design of the stop and search reform process in Police Scotland at a national level in 2016-2017 **[R4]**.

There were five main findings which led to direct impact: **1.** Data suggested that Police Scotland **end the practice of non-statutory ('consensual') searches.** Members of the public found searches embarrassing and detrimental to police-community relations, and it was ineffective as an investigative tool due to the low success rate in any items being found. **2. Data analytics** could be improved by including contextual information, tracking changes over a longer period (up to five years rather than year-on-year) as well as tracking multiple searches of individuals. This would better account for the effects of seasonal variation, non-regular events and indicate where searches are concentrated on a few individuals. **3. More robust training** and communication based on face-to-face teaching techniques was needed, rather than the online method used in Fife, as there had been little to no impact on the daily practice of officers involved in the pilot. Finally, two initiatives introduced for the pilot were unhelpful and potentially harmful and should be stopped: **4. The letter to parents** of children who had been stopped and searched was identified as a potential risk to children in households where interaction with the police is not looked upon favourably. **5. The telephone survey** of people who had been stopped and searched presented methodological and ethical problems, and was a potential risk to the welfare of people discussing searches over the phone, especially during working hours when the calls were conducted. Also, there was a significant amount of staff time spent making calls with no result (not answered or refused).

3. References to the research

[R1] O'Neill, M., Aston, L. and Krause, A. (2015) *The Fife Division (Police Scotland) Stop and Search Pilot Evaluation: Findings and Recommendations*. Dundee: The Scottish Institute for Policing Research. Available at:
http://www.sipr.ac.uk/Plugin/Publications/assets/files/Stop_and_Search_Pilot_Evaluation_Report.pdf (Accessed: 12 February 2021)

The following articles were authored jointly and published in highly respected peer-reviewed outlets relevant to the subject of the research:

[R2] O'Neill, M. and Aston, E. (2016) 'Improving the Practice of Stop and Search in Scotland', *Translational Criminology*, Fall 2016 Available at: http://cebcp.org/wp-content/TCmagazine/TC11-Fall2016.pdf (Accessed: 12 February 2021) [invited contribution]

[R3] O'Neill, M. and Aston, L. (2018) 'Changing Stop and Search in Scotland', *European Journal of Policing Studies, 5*(4)*,* 129-152. Available at: http://www.maklu-online.eu/en/tijdschrift/ejps/volume-5/special-issue-changes-policing-improve-service-del/changing-stop-and-search-scotland/ (Accessed 12 February 2021)

[R4] Aston, E., Murray, K. and O'Neill, M. (2019). 'Achieving cultural change through organizational justice: the case of stop and search in Scotland.' *Criminology and Criminal Justice.* 21(1): 40-56. DOI:10.1177/1748895819839751

4. Details of the impact

The report **[R1]** made a total of 19 recommendations for change, all of which have been addressed, and the research on stop and search has led to direct impact in policy and practice for policing in Scotland. This has improved policing in Scotland by making it fairer and more accountable and thus has enhanced social justice in Scotland more generally.

In relation to **policy**, O'Neill and Aston have been involved in **a change to legislation governing police powers of stop and search**. Their research **[R1]**, as well as that of Her Majesty's Inspectorate of Constabulary (HMICS 2015), recommended an end to non-statutory searches. The Scottish Government responded by appointing an Independent Advisory Group (IAG). The IAG recommended the development of a code of practice and the complete abolishment of non-statutory stop and search **[E1]**. The IAG report cites recommendation 9 (only statutory searches should be used) from the research **[R1]**. The Scottish Government and Police Scotland accepted the IAG recommendations in full and the Criminal Justice (Scotland) Act 2016 was amended accordingly. The amendment places stop and search on a statutory footing, with its use underpinned by a Code of Practice that came into force in May 2017. The research is heavily cited in the IAG report **[E1]**, with detailed coverage on pages 66-67. The QC Solicitor Advocate responsible for leading the IAG confirms the influence of the research on the IAG recommendations: '*Dr Megan O'Neill has been a key contributor to our work. Her research has assisted us from the time of our original review up to the point of finalising the Code of Practice… Dr O'Neill's work on the Fife Pilot made a significant contribution to our views… While other research and position papers are mentioned in our Report, the Fife Evaluation Report was of particular significance*' **[E2]**. From a peak of over 642,000 recorded searches per year in 2013/14 (Murray, K; Scottish Centre for Crime and Justice Research Report No.6/2015), stop and search in Scotland reduced to just over 41,600 searches in 2019/20 (Police Scotland stop and search data, online). Non-statutory searches no longer take place.

Improving the way data on stop and search is used internally to guide police activity: Police Scotland has redesigned the stop and search database, and it is now publicly accessible. Although current resources do not allow for tracking multiple searches of any one individual (as recommended), manual monitoring of the data reveals where this is happening and the policing area concerned is alerted. In addition, Police Scotland has also developed a data system to assist area commanders when deciding where to deploy officers based on trends in crime and previous searches. O'Neill and Aston have been consulted on the development of this product. These changes to stop and search data have enabled Police Scotland to enhance its transparency and openness with the public. This is confirmed by Police Scotland, Assistant Chief Constable: '*Their work has helped bring about positive changes to the way that we police, which in turn impacts on the communities that we serve as we continue to use stop and search as a valuable tool, but in a way that is lawful, proportionate and accountable, in order to nurture public trust and confidence*.' **[E3]**

Improving stop and search training: The Fife Pilot used an entirely online training tool that had little impact on officers, many of whom could not remember taking it **[R1]**. To facilitate new stop and search practices, all existing officers up to the rank of Inspector, a total of 15,617, have now been retrained on the practice via new face-to-face training, and all new recruits receive the same. O'Neill was directly involved in the development of this training and has assessed its delivery. The Fife Pilot evaluation's findings **[R1]** also informed the design of the new stop and search training: '*Police Scotland have developed bespoke training, informed and guided by academic research and learning from the Fife Pilot and its evaluation, which provides specific learning on the impact stop and search can have on children and young people. …Taking the learning from the Fife Pilot Evaluation, the use of language during training and communication is focused on positive engagements and interactions*' **[E4]**. Police Scotland surveys of officers after completion of the training show high rates of satisfaction with it (98% immediately afterwards and after 6 months 84.5% of officers have high levels of confidence in using stop and search powers) **[E4]**.

Ending unhelpful communication with the public: The research suggested that letters to parents, introduced as part of the Fife pilot, represented potential harm to the children concerned and should not continue. This influenced the position taken by the IAG and the research is cited in the Supplementary Report by the Advisory Group **[E5]**. The IAG agreed that the letters were problematic and as such, Police Scotland has ended this practice.

The QC refers to this in his letter about the work of the IAG when he says, '*Subsequently, when further consultation took place as recommended in our Report, Dr O'Neill's work featured again in relation to the issue of searching children for alcohol. This is acknowledged in our Supplementary Report which was issued to accompany the final Code of Practice. It will be seen that we quote directly from the Fife Evaluation Report on the thorny question of intimation to parents.*' **[E2]**

The telephone survey of people who have been searched has also been dropped from stop and search governance processes. The Police Scotland response to the Fife Pilot evaluation ('The SIPR Report') **[E6]** accepted the recommendations: '*Following discussions it was deemed it was not practical for Police Scotland to pursue this any further due to substantial cost implications, inaccurate data through the recording of telephone numbers and lack of qualitative and quantitative responses as observed within the Fife Pilot*'. This has spared members of the public from violations of their privacy and has allowed for redeployment of those resources.

By October 2017, all of the report's 19 recommendations **[R1]** had been addressed and this is described in detail in the Police Scotland 'SIPR report' response **[E6]**. Police Scotland has published three Improvement Plans since June 2015 which track progress against the recommendations of all the stop and search review reports (HMICS, SPA, IAG, their own review and the Fife evaluation) **[E7]**

Impact beyond the evaluation: O'Neill and Aston contributed to a number of policing committees including *Police Scotland Research and Evaluation Operational Review Group* (REORG) and the *Stop and Search Strategic Group*, to monitor and guide the ongoing reform process **[E3, E8, E9]**. Through these, they have been instrumental in building evidence-based practice in stop and search in Scotland. The Inspector of Constabulary (HMICS) explains the impact that their research input has had in improving stop and search policy and practice in Scotland: '*The research findings, along with Dr O'Neill and Dr Aston's ongoing engagement with Police Scotland and the SPA… throughout the stop and search improvement journey, and their proposals for further research on the relationship between stop and search with other areas of community policing, local enforcement and prevention has been highly influential. This has led to significant improvements in the use and recording of stop and search activity in Scotland as highlighted in our Audit and Assurance Review of Stop and Search Phase 2 report, published in February 2017*' **[E8]**.

Impact beyond stop and search: The experience of the stop and search reform process and the related engagement with academic researchers, including O'Neill and Aston, has impacted policing in Scotland more generally. Police Scotland states in the *Improvement Progress Report for the Cabinet Secretary for Justice* (June 2019), that, '*The lessons learned throughout the stop and search improvement journey are informing the wider policing approach, with the recent remodelling of Licensing and Violence Reduction Division and National Safer Communities to form a single Safer Communities Business area and provide a collaborative, preventative and evidence based focus across all of the policing priorities*' **[E4]**.

The Director of Strategy and Performance at the Scottish Policing Authority (SPA) confirms this wider contribution when he writes that: '*During their time as REORG members, Drs O'Neill and Aston have engaged considerably with Police Scotland and the SPA… From the perspective of the SPA, the value of having access to relevant and robust external evidence is being recognised more and more frequently when consideration is being given to organisational change and policy development, and evaluating the effectiveness of change that has been implemented and performance review against outcomes*' **[E9]**.

5. Sources to corroborate the impact

[E1] Advisory Group on Stop and Search (2015) *The report of the Advisory Group on Stop and Search, Q.C.* Edinburgh: Advisory Group on Stop and Search Secretariat pp 17, 66-67 Available at:

https://www.webarchive.org.uk/wayback/archive/3000/https://www.gov.scot/Resource/0048/00484527.pdf (Accessed: 24ᵗʰ February 2021)

[E2] Testimonial letter from the QC Solicitor Advocate, leader of the Independent Advisory Group (IAG) for Stop and Search

[E3] Testimonial letter from Assistant Chief Constable, Police Scotland

[E4] Police Scotland (2019) *Stop and Search: Improvement Progress Report for the Cabinet Secretary for Justice: Update by Police Scotland* Edinburgh: The Scottish Government pp. 4-5 and 6, Available at: https://www.gov.scot/publications/stop-search-improvement-progress-report-cabinet-secretary-justice-update-police-scotland/ (Accessed: 24 February 2021)

[E5] Advisory Group on Stop and Search (2017) *Supplementary report by the Advisory Group on Stop and Search*, *Q.C.* Edinburgh: The Scottish Government pp5 Available at: https://www.gov.scot/publications/supplementary-report-advisory-group-stop-search/pages/1/ (Accessed 24 February 2021)

[E6] Police Scotland (2017) *Police Scotland response to SIPR Fife Division stop and search pilot evaluation recommendations* Available at: https://www.scotland.police.uk/spa-media/uz0l2iap/sipr-report-response.pdf?view=Standard (Accessed 24 February 2021)
(the 'SIPR Report' is this research)

[E7] Police Scotland (2020) *Improving Stop and Search* Available at: https://www.scotland.police.uk/about-us/police-scotland/stop-and-search/improving-stop-and-search/ (Accessed 24 February 2021).
National Stop Search Unit Improvement plans, available under 'related documents': (See the Action Plans within 'Testing Phase I', 'Interim Consensual Phase II', and 'Phase III'. References to 'SIPR' or 'The SIPR Report' refer to this research.)

[E8] Letter from the Director of Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) at the time of the impact

[E9] Letter from the Director of Strategy and Performance, Scottish Police Authority (SPA) at the time of impact