

Stop and search in Scotland: transforming policy and practice and influencing cultural change

- Research published by Dr Kath Murray in 2014 identified high rates of stop and search in Scotland compared to other jurisdictions, including London and New York
- In response to widespread scrutiny and controversy, the Cabinet Secretary for Justice appointed an Independent Advisory Group on Stop and Search (IAGSS) and Scottish Government launched a public consultation
- AQMeN researchers (McVie and Murray) played a key role in advising the Independent Advisory Group and providing a research-informed response to the consultation
- Ongoing analysis of stop and search data has influenced the development of new policies and procedures within Police Scotland and the Scottish Police Authority to monitor and scrutinise the use of stop and search
- AQMeN researchers influenced the ending of non-statutory searches, the development of a new Code of Practice and introduction of force-wide training aimed at changing police culture around stop and search in Scotland

Background

In 2014, research by Dr Kath Murray revealed that stop and search rates in Scotland were far higher than other jurisdictions, including London and New York. **She found that the vast majority of searches were non-statutory: they were not based on legislative powers and required no evidence of reasonable suspicion, a practice outlawed in England since 2003.**

Children and young people were most likely to be searched on non-statutory grounds in Scotland but these searches had the lowest likelihood of success. There was also very little transparency around stop and search, including no published data and no formal scrutiny or governance process. Murray recommended the ending of non-statutory search and better accountability systems.

This research sparked widespread controversy around stop and search in Scotland that led to significant scrutiny and critique of Police Scotland practice. This included extensive media coverage, critical reviews by the Scottish Police Authority (SPA) and HM Inspector of Constabulary in Scotland (HMICS), debate in the Scottish Parliament and scrutiny by the Scottish Parliament

Justice Committee.

In May 2015, the Cabinet Secretary for Justice set up an Independent Advisory Group on Stop and Search (IAGSS) to consider whether non-statutory searches should be abolished and whether a Code of Practice was needed to govern the use of stop and search in Scotland. The Scottish Government launched a public consultation to garner views on the legislation around stop and search, especially in relation to young people and alcohol.

Summary of research

AQMeN researchers, Susan McVie and Kath Murray, produced an extensive number and range of research-based briefing papers, research reports and academic papers which informed and supported the work of the IAGSS and Police Scotland in deliberating the future of stop and search. This work included:

- evidence-based analysis of data which revealed no strong relationship between the volume of search and recorded rates of crime and violence
- a landscape review of academic and policy research and evidence, commissioned by the SPA, which identified gaps in the evidence base

and informed Police Scotland research priorities

- a detailed response to the Scottish Government's consultation on searching children and young people for alcohol, which argued that there was insufficient evidence to support the introduction of a statutory police power; published findings from the Understanding and Preventing Youth Crime (UPYC) study, which captured children's experiences of stop and search and revealed stark differences in the experiences of children in Scotland and England
- Murray presented evidence relating to the new Code of Practice to the Scottish Parliament Justice Sub-Committee on Policing in 2017

Summary of engagement

McVie and Murray have engaged widely with stakeholders around stop and search. In May 2015, the Cabinet Secretary for Justice appointed McVie to the IAGSS. She provided regular research-based advice and analysis of data from the Police Scotland stop and search database to inform discussion and decision-making by the IAGSS on the use of both statutory and non-statutory search. McVie was also involved in drafting the new Code of Practice on Stop and Search in Scotland.

AQMeN provided bespoke training to Police Scotland crime analysts on stop and search data. Drawing on this training, McVie and Murray produced a detailed report for Police Scotland, aimed at providing guidance on the use of stop and search data to determine proportionality, fairness and effectiveness (to conform to the new Code of Practice). This led to collaboration with Police Scotland to design a set of metrics for Area Commanders to monitor stop and search at divisional and sub-divisional levels. The SPA

has also drawn on these metrics to inform the development of a national assurance framework.

Summary of impact

McVie and Murray's research and engagement work has been hugely influential in transforming the practice and governance of police stop and search in Scotland. Their body of evidence informed the recommendation to cease non-statutory stop and search in Scotland, prevented the introduction of new powers to search children for alcohol and fed into the drafting of a new Code of Practice on stop and search, which came into effect on 11th May 2017. **AQMeN was wholly responsible for ensuring that Police Scotland publish regular data on stop and search, which has become the key source of data underpinning scrutiny.**

McVie and Murray have influenced widespread change of opinion and culture within Police Scotland and Scottish Government around the use of stop and search in Scotland, and an increase in scrutiny around the use of the practice by the SPA and HMICS. **As a whole, their work has contributed to widespread cultural and normative transformation of Scottish policing practice.**

Next steps

McVie will oversee the official review of the Code of Practice on behalf of the IAGSS, which may influence further change. In addition, McVie and Murray are writing a paper on the relationship between police contact and children's perceptions of police fairness (using data from UPYC) and an academic journal article titled 'From powers of search to powers of persuasion: Cultural and normative transformation in Scottish policing practice'.

Selected publications related to this research:

Murray, K. (2015c) *Policing, Prevention and the Rise of Stop and Search in Scotland*. Scottish Justice Matters, vol. 3 (2) pp. 5-6.

Murray, K. (2016b) *Understanding and Preventing Youth Crime survey (UPYC) Early Findings: Stop and search in Glasgow and Edinburgh*. <http://www.spa.police.uk/assets/128635/352708/uypcstopandsearch>

Murray, K. and McVie, S. (2016) *The Need for a New Power to Search Children for Alcohol: A review of the evidence*. Scottish Centre for Crime and Justice Research report 05/2016.

For more information visit www.aqmen.ac.uk/research/crime or contact info@aqmen.ac.uk