



Improving  
Policing  
Across  
Scotland

## **European Cooperation in Science and Technology Action on Police Stops - Online event 24 November 2020**

Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) provides independent scrutiny of both Police Scotland and the Scottish Police Authority.

### ▪ **Context**

British policing is founded on the principles of Sir Robert Peel, giving rise to the tradition of 'policing by consent'. The Peelian principle of the 'police being the public and the public being the police', features in public messages from police leaders to this day, most recently to appeal to fellow citizens to comply willingly with the restrictions imposed by legislation aimed at reducing the spread of COVID-19.

The Chief Constable of the Police Service of Scotland (more commonly referred to as Police Scotland), has sole responsibility for the direction and control of police officers and staff, but is accountable to the Scottish Police Authority. Scottish Ministers cannot direct the police in relation to any specific operational activity.

In the lead up to police reform and the creation of the national police service for Scotland, the issue of separation between politics and policing featured large in the debate. Early controversies after the formation of Police Scotland in April 2013 included the use of the tactic of stop and search, and brought the issue of 'operational independence' to the fore.

### ▪ **Use of Stop and Search in Scotland**

During the first year of Police Scotland (2013-2014), the use of stop and search as a policing tactic attracted significant public, media, and political attention. In part, this was a reaction to the formation of a national police service, merging eight previous territorial police forces, which meant an adjustment of national and local priorities. The use of stop and search had been more prevalent in some areas of Scotland than others, and now the tactic was rolled out into areas where it was not routinely used before.

In 2014, the Scottish Police Authority (SPA) undertook a review of stop and search. The SPA report made recommendations designed to address issues and concerns raised around the use and recording of stop and search activity in Scotland.

In May 2014, the Police Scotland National Stop and Search Unit (NSSU) was created and a stop and search pilot was run in Fife Division between July 2014 and January 2015. This aimed to improve data recording practices, accountability and community confidence in the use of stop and search.

In October 2014, HMICS published its terms of reference for a review of stop and search, publishing the Audit and Assurance Review of Stop and Search, Phase 1, in March 2015.

The report found little research evidence on the impact of the tactic as a crime prevention measure and the evidence that existed did not suggest any link between the use of stop and search and reductions in crime.

There were substantial variations in the use of stop and search across the country, and there were concerns that the target driven performance regime in place at the time was leading to negative behaviours. HMICS had no confidence that the data being recorded was correct.

The report made 23 recommendations relating to training, guidance, seizure of items, governance, aligning stop and search to local priorities, data, ICT systems and placing public confidence at the centre of activity across Scotland.

Following publication of the HMICS report, Scottish Government set up an Independent Advisory Group on Stop and Search, which subsequently recommended the cessation of 'consensual' (non-legislative) stop and search and the introduction of a statutory code of practice.

The Phase 1 report can be accessed on the HMICS website or via the following link:

<https://www.hmics.scot/publications/audit-and-assurance-review-stop-and-search-phase-1>

HMICS published the terms of reference for Phase 2 in November 2016. The report of the review was published in February 2017, by which time all recommendations of the Phase 1 report had been discharged.

Significant national developments had been driven by the Independent Advisory Group on Stop and Search, including new legislation and the development of a Code of Practice.

The review found that Police Scotland had introduced an effective internal audit process to provide assurance over data accuracy and audit results were being reported to the SPA.

<https://www.hmics.scot/publications/audit-and-assurance-review-stop-and-search-phase-2>

Whilst caution is needed when looking at the recorded figures for the use of stop and search over the years, it is clear that there has been a significant reduction in the use of the tactic, without a corresponding increase in prevalence of violent crime. In 2013-14, some 640,699 instances of stop and search were recorded. During 2019-2020, the figure recorded was 41,167.

## ▪ Police use of powers under coronavirus regulations

Although police interactions with the public in the context of compliance with coronavirus regulations are not 'police stops', the legislation gives the police powers to inhibit individual freedoms for the greater good, namely to prevent the spread of infection and save lives. These are not powers with which the police or the public in Scotland are familiar. Participants might be interested in some of the work carried out to scrutinise this activity.

Police Scotland's Chief Constable has repeatedly stated the service's commitment to upholding the fundamental principles of policing by consent and police legitimacy, which are vital to maintaining public confidence.

In this context, the Chief Constable identified the need for independent scrutiny of the police use of the new powers, and announced an independent review in April 2020. To support the review, an Independent Advisory Group was established, which reports to the Scottish Police Authority (SPA).

In June 2020, HMICS carried out interviews with police officers and staff in order to glean their perspective on using the new temporary powers. The report can be found on the HMICS website or via the following link:

[https://www.hmics.scot/sites/default/files/news\\_attachments/HMICS20200706NEWS.pdf](https://www.hmics.scot/sites/default/files/news_attachments/HMICS20200706NEWS.pdf)

Another part of the scrutiny has been analysis of the Fixed Penalty Notices (FPNs) issued by Police Scotland under the coronavirus regulations. A report to the SPA Board contained analysis of all FPNs issued between 27 March and 31 May 2020, amounting to 4,328 tickets.

The third report to SPA on 19 August 2020, contains the results of this analysis as an appendix, and can be found on the website of the SPA or via the following link:

<https://www.spa.police.uk/spa-media/mgrfggey/rep-b-20200818-item-11-iag-report.pdf>

**Gill Imery**  
**HM Chief Inspector of Constabulary in Scotland**  
**November 2020**