Institution: Edinburgh Napier University

Unit of Assessment: Unit of Assessment 20 - Social Work and Social Policy

Title of case study: 'Stop and Search': Transforming policy and practice and supporting international approaches

Period when the underpinning research was undertaken: 2014-2019

Details of staff conducting the underpinning research from the submitting unit:

Name(s): Dr Elizabeth Aston	**Role(s) (e.g. job title):** Associate Professor	**Period(s) employed by submitting HEI:** 2011-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)

Research by Edinburgh Napier University has played a key role in significant changes to the law, policy and practice of stop and search in Scotland, leading to a decrease of 67% in 'stop events'. Recommendations from our research on Police Scotland's pilot approach to stop and search were included in the Scottish Government appointed Independent Advisory Group's report. This resulted in the abolition of non-statutory stop and search and the introduction of a new Code of Practice in 2017. Our 19 recommendations have been implemented by Police Scotland and were covered by the BBC and other mainstream media. Through our new EU funded network involving 29 countries police stops is now being examined in jurisdictions where it has hitherto not been considered a public issue.

2. Underpinning research (indicative maximum 500 words)

Globally, stop and search is a contested area of practice, where human rights must be balanced with safety concerns in the use of this police power. In contrast to England and Wales where stop and search has been subject to academic, political and public scrutiny for three decades, very little attention had been paid to the practice in Scotland, despite its distinct legal system. Until 2014 there was virtually no research, a lack of published data and weak accountability and oversight. Non-statutory searches were being conducted, relying on the weak notion of being 'consensual', and without a statutory basis.

Dr Liz Aston was appointed to Edinburgh Napier University as a Lecturer (2011-2015) and promoted to Senior Lecturer (2015-2018) and Associate Professor of Criminology (2018-present). Dr Aston conducted research on models of local policing in Scotland **[O1]**. Research interviews with police and focus groups with local communities showed that the introduction of a new delivery model in the legacy Strathclyde force area in 2009, had resulted in officers being pulled away from community policing and towards targets and enforcement, including stop and search. Aston's work on community policing **[O1, P1, O2]** emphasised the importance of engagement based local policing methods in enhancing public confidence.

Doctoral research by Kath Murray (University of Edinburgh) in 2014 highlighted that between 2005-2010, recorded searches in Scotland had increased dramatically, with the per capita rate in Scotland being almost four times the rate of England and Wales. Political and media scrutiny of stop and search intensified, particularly around the non-statutory searching of children and young people. Non-statutory stop and search was premised on consent to carry out the stop and search, instead of using legal authority. In July 2014 Police Scotland launched a pilot to test new stop and search techniques. The pilot aimed to improve the data on which stop and search is based, improve accountability, and increase confidence in the police. Police Scotland selected Fife as the pilot site.

In order to review the effectiveness of the pilot, an independent academic evaluation, funded by the Scottish Institute for Policing Research (SIPR) and Police Scotland, was commissioned. Building on expertise on local policing **[O1] [P1] [O2]** and teenage drug use and offending **[O3]**, Dr Aston (Edinburgh Napier University) and colleagues from the University of Dundee, were awarded GBP34,254 **[P2]** to evaluate the pilot. As Co-I Dr Aston had a central role in directing the research at all stages, from design to dissemination.

The research evaluation aimed to assess the process of introducing and implementing new methods for searches, and to ascertain the extent to which the desired outcomes for the pilot had been achieved. It reported original research for a changing area of police practice, using a rigorous mixed-methods approach **[O4]**. Primary qualitative data was collected from observations and interviews with 42 police officers and staff, and 37 stakeholders and members of the public, asking open questions regarding their experiences and opinions on the implementation of new stop and search approaches. In addition, the research analysed existing policy documentation and stop and search datasets, e.g. examining distribution of stop and search practices in different areas and age groups, as well as rates of positive searches.

The research identified a number of elements of good practice in the pilot **[O5]**, such as systematic recording of stop and search, compliance recording checks, engagement with local stakeholders, and advice slips. However, areas of concern were identified as still needing to be addressed **[O6]**, highlighted in 19 recommendations within the report **[O4]** including:
a) end the practice of non-statutory searches, considering experiences and police-community relations.
b) the police database should identify repeated searching of individuals, and use data analytics for contextual information, tracking changes and identifying patterns.
c) cease the problematic practice of officers conducting telephone satisfaction surveys of searched individuals.
d) consider risks for searched children of letters being sent to parents.
e) robust training delivered face-to-face to police officers to facilitate learning.

3. References to the research (indicative maximum of six references)
[O1] Aston, E., & Scott, K. (2014). 'Local Policing in Scotland: three pre-reform case-studies'. Scottish Institute for Policing Research Summary No 18. SIPR
http://www.sipr.ac.uk/Plugin/Publications/assets/files/Research_Summary_18.pdf
[evidence based on peer-reviewed funding through SIPR].
[O2] Aston, E., O'Neill, M., Hail, Y., & Wooff, A. (revised and resubmitted 12/2020) 'Information sharing in community policing in Europe: building public confidence'. *European Journal of Criminology* [rigorous peer review process]. Can be supplied by HEI on request.
[O3] Aston, E. V. (2015). 'Are risk factors for drug use and offending similar during the teenage years?' *International Journal of Drug Policy*, 26(4):396-403. **Submitted to REF2.**
https://doi.org/10.1016/j.drugpo.2014.11.002 [rigorous peer review process].
[O4] O'Neill, M., Aston, L., & Krause, A. (2015) 'The Fife Division (Police Scotland) Stop and Search Pilot Evaluation: Findings and Recommendations'. SIPR.
http://sipr.ac.uk/Plugin/Publications/assets/files/Stop_and_Search_Pilot_Evaluation_Report.pdf
[evidence based on peer reviewed funding (competitive tendering process through SIPR) and is a reference point for further research beyond institution and internationally].
[O5] O'Neill, M., & Aston, E. (2018). 'Changing Stop and Search in Scotland'. *European Journal of Policing Studies*, 5, ISSN 2034-760X. http://www.maklu-online.eu/en/tijdschrift/ejps/volume-5/special-issue-changes-policing-improve-service-del/ **Submitted to REF2.** [rigorous peer review process].
[O6] Aston, E., Murray, K., & O'Neill, M. (2019) 'Achieving cultural change through organizational justice: the case of Stop and Search in Scotland'. *Criminology and Criminal Justice* 21(1).. https://doi.org/10.1177/1748895819839751 **Submitted to REF2.** [rigorous peer review process].
Grants
[P1] UNITY, £4.1Million in total, £164,718 to ENU. May 2015 - April 2018, European Commission, Funder Award Reference: 653729.

[P2] Evaluation of Stop and Search Pilot, £34,254 in total, £3,252 to ENU. Sept 2014 - May 2015, Scottish Institute for Policing Research and Police Scotland.

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

The wide-ranging impacts as a result of our research and recommendations have been acknowledged by Police Scotland **[C1]**, the Scottish Police Authority **[C2],** Her Majesty's Inspectorate of Constabulary Scotland (HMICS) **[C3]** and include changes to law, new policies, impacts on police professional practice and community relations, mainstream media coverage and new international knowledge exchange with 29 countries.

Legal and policy impact:

Both the final research report **[O4]** and HMICS (2015) recommended that the practice of non-statutory searches should end. In response, the Scottish Government appointed an Independent Advisory Group (IAG) to review police stop and search practice. The IAG recommended that a new code of practice be developed and non-statutory stop and search be abolished. In doing so, the IAG report cites our recommendation that only statutory searches should be used **[C5].** Our research is cited in detail on pages 66-67 **[C5]** and the Chair of the IAG, Sir John Scott QC, states that our research made a *'significant contribution'* to their views and *'Dr Liz Aston 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.'* **[C4].**

All of the recommendations in the IAG report were accepted by the Scottish Government and Police Scotland, and, as an outcome, an amendment was made to the Criminal Justice (Scotland) Act 2016 **[C6].** A revised Code of Practice was approved **[C6]** and came into force in May 2017, marking the end of non-statutory stop and search. In response to Dr Aston's report and in anticipation of these developments, Police Scotland greatly decreased the use of non-statutory stop and search, from 70% of searches in 2015 to 3.5% by December 2016 **[C6]**, a 20-fold reduction. The volume of recorded stop searches also decreased significantly between 2015 and 2016, by 67% **[C6]**, which is significant for police community relations, particularly for individuals who are no longer being unnecessarily stopped and searched. The lower volume has broadly been sustained into 2019-20, without a corresponding increase in violent crime. In terms of effectiveness, there has been a statistically significant increase in the percentage of searches finding an illicit item **[C7]**, which then remained at an increased rate of 36%. In addition, improved standards of evidence are required in terms of reasonable suspicion **[C7]**. Given the negative experiences and embarrassment felt it is important that searches of children have reduced and the practice of their 'consenting' to searches with no requirement for reasonable suspicion has been removed **[C12]**.

Impacts on professional practice:

The 19 recommendations **[O4]** were incorporated in Police Scotland's Improvement Plans I, II (2015) and III (2016) **[C8]**. In an unusual step Police Scotland produced a 38-page report **[C9]** on their response to the SIPR recommendations, highlighting that all recommendations had been actioned. The Police Scotland strategic lead for stop and search, Assistant Chief Constable Williams noted '*Police Scotland has gone on to deliver and discharge these 19 recommendations making significant improvements to the practice and policy of stop and search across* Scotland' **[C1]**. Aston subsequently served on the National Stop Search Unit (NSSU)'s Research, Evaluation and Operational Review Group (REORG), a ground-breaking knowledge exchange forum (2015-2018), ensuring that academic research informed operational practice

and supported continuous improvement. As ACC Williams notes Dr Aston and her colleague Dr O'Neill were '*committed participants and contributors to the work of REORG*' and '*instrumental in encouraging Police Scotland to work with academic researchers to bring about improvements to practice and policy and bring about positive change*' **[C1]**.

In line with our recommendations Police Scotland developed an analytic product in 2017 to assist area commanders with stop and search **[C9].** Although it was not possible to automate tracking of multiple searches of individuals in the database, they developed a Multiple Interaction report in order to notify policing areas and encourage usage of alternative interventions which '*allows local divisions to...establish proportionality and fairness of searches…as well as assessing the welfare needs of those identified*' **[C9]**. In response to another recommendation, Police Scotland stopped conducting telephone surveys of people who were stopped and searched and explored alternative ways of assessing public satisfaction **[C9].** Our findings also highlighted the potential harmful effects of sending letters to parents of children who had been stopped and searched. This had a direct impact on the position taken by the IAG **[C5] [C4]**; and our research is cited in their Supplementary Report **[C11]**. Police Scotland ended this practice in 2015, noting that they had '*given careful consideration to the Parent Letter used during the Fife Pilot*' **[C9],** and the SPA cited this as an important contribution of the evaluation **[C2].**

Police Scotland also developed a bespoke training package focusing on positive engagements, '*informed and guided by academic research and learning from the Fife Pilot and its evaluation*' **[C10]** and in response to our recommendation initiated a face-to-face training programme for all officers up to Inspector (approximately 17,000) **[C9]**. This was received positively, and the six-month post-training evaluation showed a high level of confidence (84.5%) among officers in establishing reasonable grounds and only using statutory powers **[C10].** Her Majesty's Chief Inspector of Constabulary in Scotland notes that the recommendations have led to '*significant improvements in the use and recording of stop and search activity in Scotland*' **[C3]**. According to Police Scotland our research '*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*.' **[C1]**

Knowledge exchange and raising public awareness:
The stop and search research received coverage in national mainstream media (2015-2019) **[C14],** the BBC, the Herald, the Scotsman and The Conversation and engaged police officers and members of the public in online discussion on platforms such as Twitter.

Engagement by Dr Aston in the NSSU's REORG guided the reform process and resulted in significant changes to the policy and practice of stop and search across Scotland. Police Scotland stated that '*the work of REORG continues to ensure that academic research informs operational practice. This is allowing continuous improvement around stop and search*' **[C10].** Learning from stop and search reform also shaped improvements to principles and practices of digital triage, through Police Scotland's Cyber Kiosk's External Reference Group, chaired by Aston (2019). Stop and search reform increased accuracy in recording, allowing greater confidence in the data and more robust independent scrutiny **[C7]**. This enabled Police Scotland to rapidly introduce accurate recording mechanisms for the use of temporary police powers related to COVID-19, make data publicly available and take a proactive approach to governance

of the use of temporary powers **[C13]**, a process Dr Aston supported on a weekly basis during 2020.

International impact

Dr Aston co-led the development of an EU funded (2018-2022) COST Action network (of 29 countries) on Police Stops and is working to improve the governance of this contentions area of police practice internationally. This has led to police in jurisdictions e.g. Croatia where police stops were hitherto not considered a public issue beginning to take action. The significance of these exchanges can be evidenced by an online workshop co-led by Aston entitled *Improving the Governance and Practice of Police Stops* on 24th November 2020. The session used the successes achieved by Scottish research as an exemplar for improving stop and search, in order to inform the approaches in other jurisdictions **[C13]**. 70 attendees were registered from 15 countries, and participants (police practitioners, policy makers, civil society organisations and academics) noted that the session was '*very inspiring'* and provided them with insights to improve stop and search in their home nations. 100% of respondents agreed that the workshop and materials increased their understanding of the reform of stop search practice and ways to improve its governance. One attendee commented *'Really enjoyed it... very informative and has given me ideas on how to move the work forward in Ireland*.'**[C13]**.

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

[C1] Police Scotland letter 'Police Scotland Stop and Search Practice & Policy - the Impact of Academic Research'

[C2] Scottish Police Authority letter 'Stop and Search Impact and Contribution: Fife Pilot Evaluation, REORG'

[C3] Letter from Her Majesty's Inspectorate of Constabulary Scotland 'Stop and Search Practice and Policy -Positive Impact of Academic Research'

[C4] Letter from John Scott QC, chair of the Independent Advisory Group on Stop and Search

[C5] Scott, J. (2015) The Report of the Advisory Group on Stop and Search. https://www.gov.scot/publications/supplementary-report-advisory-group-stop-search/ (e.g. paragraphs 271, 275).

[C6] HM Inspectorate of Constabulary in Scotland (2017) Audit and Assurance Review of Stop and Search: Phase 2. https://www.hmics.scot/sites/default/files/publications/HMICS%20Audit%20and%20Assurance%20Review%20of%20Stop%20and%20Search%20Phase%202.pdf

[C7] Scott (2019) Twelve-month review of the Code of Practice for Stop and Search in Scotland by the Independent Advisory Group on Stop and Search. Scottish Government.

[C8] Police Scotland's National Stop Search Unit Improvement Plans I, II, III

[C9] Police Scotland (2018) 'Police Scotland's Response to SIPR Fife Division Stop and Search Pilot Evaluation Recommendations'

[C10] Update by Police Scotland (2019) Stop and Search Improvement Progress Report for the Cabinet Secretary for Justice. Scottish Government.

[C11] Scott (2017) Supplementary Report of the Advisory Group on Stop and Search, January 2017. Edinburgh: Scottish Government http://www.gov.scot/Resource/0051/00513098.pdf

[C12] Ipsos Mori Scotland (2019) Twelve Month Review of the Code of Practice for Stop and Search in Scotland: Qualitative Report. Scottish Government.

[C13] Police Stops Workshop on Improving the Governance and Practice of Police Stops https://polstops.eu/events/workshop-governance-practice-police-stops/. Feedback submitted.

[C14] Media file with BBC News and others