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Title: **'Changing Stop and Search in Scotland'**

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Abstract: Compared to other areas in the UK, stop and search in Scotland was on a disproportionately large scale prior to 2015 and targeted children and young people. Scottish police officers conducted more non-statutory searches than statutory, putting into question the legitimacy of this tactic. In response to external pressures, a revised approach to stop and search was developed and piloted in the Fife Division of Police Scotland from June 2014 to January 2015. Our evaluation of this pilot found that while some elements were an improvement on current practice, the use of non-statutory searches and disproportionate searches of children continued. Since our evaluation, practice in stop and search in Scotland has undergone dramatic change. This paper will discuss the contribution of the Fife Pilot and our evaluation to changes to stop and search in Scotland. It will consider the relevance of procedural justice to developments in this area of service delivery, which will be of benefit to practitioners and policy makers internationally.

Introduction

Until relatively recently (Murray, 2014; Murray and Harkin, 2016) stop and search in Scotland had received little or no academic attention. This is in stark contrast to England and Wales where stop and search had been subject to much critical consideration (e.g. Bowling and Phillips, 2007; Miller, 2010; and Quinton, 2012). In England and Wales the focus has largely been on 'race' and the disproportionate use of stop and search on minority ethnic groups (Delsol and Shiner, 2006). A governmental report (Reid Howie Associates, 2001) did not find evidence that minority ethnic groups in Scotland were being targeted, although disproportionality could not be measured due to lack of data. However, concerns were raised about the searches of children and the negative outcomes of these (Reid Howie Associates, 2001). This report found that 23% of searches carried out were on 11-15 year olds and the peak age for searches was 16-19 (40% of searches).

In England and Wales stop and search is regulated by the Police and Criminal Evidence Act (1984), and its use must be recorded and based on 'reasonable suspicion'[1]. There should be an objective basis for suspicion based on information that is relevant to the likelihood of finding an article, i.e. reasonable suspicion cannot be based on a person's race, age or appearance, and the fact that someone is known to have a previous conviction cannot be used alone. In Scotland police use of stop and search has been both statutory (underpinned by legislation) and non-statutory ('consensual' or 'voluntary'). Specific statutory powers relate to, for example, drugs, stolen property and weapons, whereas in contrast non-statutory searches are based on obtaining verbal consent. The vast majority of stop searches conducted were found to be non-statutory (Reid Howie Associates, 2001; Murray, 2014). The legitimacy of this approach is clearly questionable (Scott, 2015, Tyler et al, 2015), particularly in relation to children and their ability to give informed consent (Murphy, 2015).

A Changing Context, Concerns Raised

The landscape of Scottish policing has recently been subject to significant change and reform. With the introduction of the Police and Fire Reform (Scotland) Act 2012, the eight regional police forces were merged into a single force, Police Scotland, in April 2013. In January 2014 Kath Murray published findings from her doctoral research of stop and search records from 2005 - 2010 (Murray, 2014). These data, collected from freedom of information requests, showed that: search rates in Scotland had increased markedly during the review period of her project, rates varied dramatically across legacy force areas, and in 2010 the per capita stop and search rate in Scotland was almost four times higher than the rate in England and Wales. Alongside the development of a single police force in Scotland, the accountability mechanisms for policing also changed. In June 2014 the recently established Scottish Police Authority (SPA) produced a scrutiny review of stop and search (SPA, 2014) which raised concerns regarding, for example, recording practices for stop searches and a perceived pressure felt by officers to conduct a large volume of stop searches.

Some of the other concerns raised in Scotland at this time (by the Scottish Parliament's Justice Sub-Committee on Policing as well as in the media) included the use of stop and

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[1] The exceptions to this are the Terrorism Act 2000, s.47A and the Criminal Justice and Public Order Act 1994, s.60, both of which apply UK-wide (Lennon and Murray 2016).

search on young people (non-statutory searches in particular), the increased use of stop and search over time, its varied use in different areas, the lack of publicly available data and a lack of accountability and public confidence. In the context of increasing media attention and political pressure (see Murray and Harkin, 2016 for more on this), Police Scotland developed a revised approach to stop and search which was piloted in the Fife Division from July 2014 to January 2015. After its launch, Police Scotland commissioned an independent evaluation of the pilot, which was awarded to the authors (discussed in more detail below). During our research (September 2014-March 2015) stop and search continued to attract political and media attention, for example, concerns included non-statutory stop and search of children (Justice Sub-committee on Policing, 2014; SPA, 2015), the need for improved recording practices and IT systems, and the removal of targets for positive searches (HMICS, 2015).

Public Confidence and Stop and Search

In policing terms, public trust and confidence are important to achieve and there were concerns that the ongoing public scrutiny of stop and search would have a detrimental impact on these. Although levels of public confidence in the police had increased slightly prior to this period (Scottish Government, 2014) improving public confidence continued to be an important priority. Personal experiences with the police, especially if they are negative ones, have a demonstrable impact on attitudes towards the police (Skogan, 2006, Scottish Government, 2012). Stop and search is an aspect of police service delivery which has been associated with reduced confidence in the police (Miller, Bland and Quinton, 2000, Tyler et al 2015). Reid and Howie Associates (2001) found anecdotal evidence that many young people who were searched felt harassed, do not trust the police and feel alienated from them. Murphy (2015) has argued from the context of Australia that perceptions of fair treatment in encounters with the police are more important for young people than for adults. More recently in Scotland, the SPA recognised a wider implication from discriminatory stop and search in that:

> Stop and search, if inappropriately applied, has the potential to cause a loss of confidence within the community which could undermine the principle of policing by consent and damage the ability of the police to work in partnership with the community to tackle crime. (SPA, 2014:4)

This statement is related to the concept of 'procedural justice', which argues that the quality of an encounter with the police is as important to public satisfaction as is the outcome of that encounter (Tyler, 2004, Tyler et al 2014, Tyler et al 2015). A Scottish Government (2012)

review concluded that perceptions of procedural justice influence satisfaction, confidence and perceived legitimacy, which improves compliance and cooperation with agents of the justice system. Procedural justice is said to encompass the following elements of fairness: having your say, neutrality, being treated with respect, and feeling the police have the interests of the public at heart (Scottish Government 2012). A growing body of UK and international literature applies theories of procedural justice to policing research (e.g. Bradford, 2012; MacQueen and Bradford, 2015; Murphy, 2015; Mazerolle et al. 2012; and Tyler, 2004).

Police Scotland's Fife Pilot had three main aims, which were to 1) make improvements to the data used to inform the deployment of stop and search, 2) improvements in terms of police accountability and 3) improvements in public confidence in Police Scotland's use of stop and search. An overarching goal of the pilot was to ensure that stop and search was directed at the: 'Right People, Right Place, Right Time'. Through our interviews with the pilot management team (to be discussed below) it was clear that while the pilot was not explicitly designed to be a procedural justice intervention, the intention behind the three aims was to develop enhanced perceptions of police legitimacy through improvements to data (Aim 1), improvements to scrutiny mechanisms (Aim 1 and 2) and improvements to encounters with and perceptions of members of the public (Aim 3). Aim 3 has the most direct link to procedural justice, while the other two are linked to this literature in terms of perceptions of police legitimacy at a more strategic level of police service delivery.

In this article, we will firstly discuss some of the changes to stop and search in Scotland from 2015 onwards, and the role of the Fife Pilot and its evaluation within this process of reform. We outline the methods we used to conduct our evaluation, before moving on to consider the findings of this research. We will highlight within this the elements of police practice and policy that were an improvement on the existing procedures in stop and search and will examine elements of the pilot which were less successful. We will then discuss some of our recommendations and the resultant changes to practice in stop and search in Scotland. Finally, although mindful that the pilot was not a procedural justice intervention, we reflect on the relevance of procedural justice to our findings. Stop and search is an example of police service delivery which, if not performed appropriately and with sufficient justification, can have a detrimental effect on public confidence in the police and perceptions of police legitimacy more broadly. Our research, while limited in scope due to time and funding constraints, has had a significant impact on practice, and our analysis points to the relevance of a procedural justice orientation in the practice of stop and search.

Changes in Stop and Search Practice

The findings from the Fife Pilot evaluation (to be discussed in more detail below) were presented to Police Scotland in our final report in June 2015 (O'Neill, Aston and Krause, 2015). This added to the ongoing scrutiny and review of the practice by Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) and the Scottish Police Authority (SPA), and resulted in comprehensive changes to stop and search in Scotland. The Scottish Government had commissioned an Independent Advisory Group (IAG) to review stop and search practice, which was led by John Scott QC and reported in August 2015. The recommendations from our evaluation and from these other agencies (in addition to Police Scotland's own internal review) were compiled into the first *Stop and Search Improvement Plan* in June 2015 (Police Scotland, 2015a) which mapped all the recommendations from all five reports against each other, and charted a timeline for when these would be resolved. This has continued in the two follow-up improvement plans, published in October 2015 (Police Scotland, 2015b) and October 2016 (Police Scotland, 2016b).

The most significant of the changes to result from the period of challenge and scrutiny to stop and search in Scotland (2014 -2015) and the resulting improvement programme is the overall fall in the number of searches across Scotland and the changing ratio of statutory to non-statutory searches. Soon after the launch of Police Scotland, the monthly rate of stop and search peaked at 69,883 in August 2013. About 70% of these searches were non-statutory (Murray 2015a). The rate of stop and search in Scotland has since fallen to an average of 3,500 per month between January 2016 and January 2017. The percentage of searches being based on non-statutory grounds had fallen to 4.8% in April-June 2016 (Police Scotland, 2016a). This represents a historic shift in police practice in Scotland. Linked to this are extensive improvements to the centrally held stop and search database. In early 2015, the database became the subject of political and media scrutiny as it emerged that not only was the database flawed in terms of inconsistencies in historical recording practices, but that there were significant software errors in the current iteration which had resulted in the corruption of some of the entries (BBC News, 2015). In response to the subsequent recommendations from several of the scrutiny reports, including our evaluation report, the stop and search database received a complete redevelopment[2]. The current format is one that prevents users

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[2] For further information see HMICS (2015) and HMICS (2017).

from entering inaccurate records through such techniques as the use of drop-down lists for relevant legislative grounds and querying entries that indicate the search of children under the age of 12. The database also includes a GPS locator for the exact location of a stop search to pinpoint more accurately where the event took place. Finally, in stark contrast to historical practice, the database is now publicly available and is published on quarterly basis on the Police Scotland website. The performance target for managers of 20% 'positive' searches has also now been dropped.

Our findings from the Fife Pilot evaluation made a significant contribution to this redevelopment of stop and search policy and practice. As will be discussed below, we recommended an end to the practice of sending letters to parents of children who are stopped and searched (as this may pose a risk to some children) and this has now been implemented. Police Scotland are also no longer conducting telephone surveys of people who have been stopped as a result of our research highlighting the methodological problems with this. In line with our recommendations, all officers have been provided face-to-face training on the revised methods for stop and search. Finally, we were involved in the design of an analytical product to assist police managers in deployment decisions. Detailed information about how each of our recommendations have been actioned is contained in Police Scotland's response to our report, the text of which is agreed but as yet unpublished (Police Scotland, *forthcoming*).

By far the most publicised outcome of the various scrutiny reports, and our evaluation of the Fife Pilot, was the recommendation that Police Scotland end the practice of consensual searches completely (Scott 2015). Findings from our research informed the Independent Advisory Group, which recommended abolition of non-statutory stop and search and the development of a code of practice for stop and search in Scotland. The Scottish Government accepted these recommendations, as did Police Scotland, and has since enacted legislation to support them (the Criminal Justice (Scotland) Act 2016) and the launch of a new code of practice in May 2017.

Research Design
Having examined the broader context in which the stop and search pilot and its evaluation were situated and the impact of these on that reform process, we will now explore the evaluation in more detail. The evaluation of the stop and search pilot in Fife was based on a mixed-methods approach, collecting primary qualitative data from observations and

interviews, analysing a range of existing documentation and a limited analysis of existing datasets.

Quantitative data and analysis

In-house analysts in Fife provided stop and search data, which was analysed in order to review the number of statutory and non-statutory searches, how these were distributed amongst the population, and the number of positive and negative searches. In order to enable some comparison, the research team analysed stop and search data for the pilot period from a comparable area in Scotland, Forth Valley. In addition, the research team also reviewed and compared Fife data from the same period in the previous year. The limitations of this approach are acknowledged but for a number of reasons (e.g. availability, comparability and reliability of data) we were unable to undertake more meaningful analysis. We also examined the monthly and bi-weekly stop and search data analysis reports produced by the in-house analysts and the evidence on which these were based.

Qualitative data and analysis

The qualitative data collection involved semi-structured interviews and observations with 42 police officers and police staff across three different locations in Fife. Interviews were conducted with four senior police officers (chief inspectors and above), five management officers (sergeants, inspectors and those with a management role in the pilot), 12 police constables (PCs) and three members of police staff. In addition, three local partners and 10 members of the public who had been stopped and searched were interviewed. Extended visits and observations were carried out at the divisional headquarters and in two local police stations. Observations were of the processes introduced as part of the pilot, of meetings and of front line officers on various teams (including community and response teams). During data collection, 11 instances of stop and search involving 19 people in two different case study sites were directly observed.

In addition to the observations and interviews, number of documentary sources were collected and analysed. These include documentation about the quantitative analysis tools; the advice slips given to people who were stopped and searched and the aide memoire; the minutes of Safer Communities Committee meetings; various police agenda papers and presentations regarding the pilot; the Equality Impact Assessment; records from Twitter and Facebook posts; e-briefing presentations; reports on the results of the dip sampling calls; the

bi-weekly and monthly stop and search reports; monthly analyses of anti-social behaviour, disorder and minor assaults; documentary and email accounts regarding engagement with schools; internal correspondence about the pilot and available updates about the pilot.

The approach to qualitative data analysis was both deductive and inductive (Bazeley, 2007; Creswell, 2009). With regard to the former, from the outset the research design included a focus on the development and implementation of the pilot. A theory of change approach (Connell and Kubisch 1998) was useful in focusing on the mechanisms by which the processes introduced as part of the pilot were expected to achieve the anticipated outcomes. To reflect this, the discussion of the findings to follow will be organised by the three aims of the Fife Pilot and our analysis of each of the mechanisms introduced to achieve each. The inductive approach to analysis involved a bottom-up strategy of meaning construction (Keller, 2011), in order to allow the data to reveal systems and processes that had not been anticipated by the deductive methods. Where appropriate in the analysis, examples from the qualitative data will be used to illustrate these processes. NVivo software was used in order to assist with the storage, retrieval and analysis of the qualitative data.

Limitations

As Police Scotland did not invite bids for the evaluation project until after the pilot had launched, we were unable to establish baseline measures for current operational practice. In addition, the timeframe allowed for the evaluation was short and resources were limited, which meant that we were unable to design a pre and post intervention study or collect qualitative data collection in a control area. After recruiting for a research assistant we had only four months in which to collect data (November 2014 to February 2015). Police Scotland honoured our request to not modify any of the pilot's methods during the course of the evaluation, but wider political and media events were unfolding across Scotland at the same time which may have had an impact on the morale and operational practice of the officers and staff we were researching. Despite these limitations, the evaluation has led to important insights about improvements to service delivery which suggest a need for procedural justice in police practice, to be addressed later in the paper.

Evaluation findings and outcomes for police practice
As mentioned above, the Fife Pilot had three main aims: 1) to improve the data on which stop and search is based, 2) to improve accountability and 3) to improve public confidence. The

processes used for each of these aims in the pilot will be discussed in turn as part of the theory of change analysis (the deductive approach), followed by an assessment of which achieved the stated aims and which did not. We will also reflect on the extent to which the overarching goal of 'Right People, Right Place, Right Time' was achieved. Where appropriate, examples from the qualitative data collection will also be used to illustrate the processes of meaning construction from those involved in the pilot (the inductive analysis).

Aim 1: Improving the data on which stop and search is based

The first aim involved an attempt to improve the evidence base on which stop and search deployment decisions were made. Historically, recording practices for stop and search were extremely variable across Scotland. The Fife Pilot aimed to produce more robust records than had been the case previously, and to use these to inform and assess deployment decisions. Police staff in Fife produced regular reports on stop and search activity (statistics about the total nominal values of alcohol, drugs, firearms, fireworks, property and weapons searches) within the division over a defined period. For the pilot, this was changed from only a monthly report to a bi-weekly as well as a monthly report. These reports contextualised stop and search activity in relation to wider trends in disorder, minor assault and anti-social behaviour using specific analytical tools. The intention here is that by enabling managers to see crime trends alongside stop and search activity in their areas, they could make better informed decisions about where to deploy their resources. Existing intelligence about crimes and offenders in the area would also be taken into account, through separate reporting mechanisms. By improving the recording and hence accuracy of the data they could then assess how stop search had been deployed as a result of the analysis reports. The purpose of the new stop and search analysis document was also to be a management 'health check' to keep the use of stop and search in line with current rates of crime, anti-social behaviour and disorder. In May 2014, the stop and search reports were redeveloped to consider data from six weeks prior (rather than the previous four weeks) and to project forward by six weeks using an analysis of crime trends from the same period in the previous year. The reports then include a 'recommendation' about what level of stop and search activity would be appropriate for the upcoming period.

We conducted a documentary analysis of the stop and search reports which had been produced since May 2014. Overall, the reports did provide managers with a longer-term view of stop and search activity. However, there were weaknesses that needed to be considered.

First, year-on-year comparisons do not allow for annual variations in figures. In addition, the stop and search reports include a section where there is a brief reflection on the proportionality of the stop searches conducted in the area over the stated time fame, which is based on a simple comparison of the volume of searches to the volume of crime in the area. There is no explanation about the level or extent of that '(dis)proportionality', no comparison of the demographics of the individuals charged with a crime with those who are stopped, nor a suggestion of what would make the level more proportionate. In particular, the reports do not state in detail how '(dis)proportionality' is measured through a simple consideration of the volume of each activity. Some consideration was given to stand-alone events which may skew results, but this was done in a separate report. This means that the value of the stop and search report as a standalone product is somewhat limited, perhaps even misleading, if the contextual information needed to fully understand its findings are produced separately or verbally (as was sometimes the case) and if 'proportionality' is based purely on a direct comparison of volumes.

The purpose of the reports was to inform managers as to *where* and *when* they should direct their resources to undertake searches. The reports could not offer guidance on who should be stopped and searched, nor could it enable focused policing techniques such as 'hotspot' policing (Weisburd et al 2012) as the information was not sufficiently detailed to suggest times of day or micro-locations. Information on who to stop, as before the introduction of the pilot, was to be gained from the daily briefings built from intelligence reports as well as officers' own experiential knowledge. Thus, while the data analysis reports for stop and search could offer some broad insights on the 'right place, right time' element of the Fife Pilot overarching goal, they could not contribute to the 'right people' aspect which remained largely down to officers' discretion.

Linked to the pilot's aim of improving data is the monitoring of rates of stop and search and the extent to which an item is recovered from searches (also known as 'positive' searches). At the time of the pilot a performance measurement was in place for police managers to achieve a 20% positive rate for stop searches in their areas. An analysis of the rates for stop and search during the first three months of the pilot shows that the total number of stop searches conducted in Fife Division was 42.1% higher than the volume during the same quarterly period of the previous year (July to September 2013). In addition, the rate of positive searches had decreased (from 24% to 18.8%). Meanwhile over the same period in the

comparator area (Forth Valley) there had been a 19.7% decrease in the volume of stop searches and the 'positive rate' only reduced by 0.3%.

Table 1: Comparison of stop and search data for Fife and Forth Valley divisions of Police Scotland

Fife

July - Sept	2013	2014
Total Stop Searches	2382	3380
Searches per 10K Population	64.9	92.12
Legislative Searches	685	1023
Consensual Searches	1697	2357
Positive Number	572	634
Positive Rate %	24	18.8

Forth Valley

July - Sept	2013	2014
Total Stop Searches	2165	1739
Searches per 10K Population	72.2	58
Legislative Searches	689	726
Consensual Searches	1476	1013
Positive Number	525	417
Positive Rate %	24.2	23.9

In terms of the ratio of non-statutory to statutory searches, non-statutory searches remained the dominant method of searching in Fife during the pilot (two-thirds of all stop searches were non-statutory).

Table 2: Statutory and Non-Statutory searches by age in Fife during the pilot (July 2014 to March 2015)

	STATUTORY			NON-STATUTORY			Total Searches	Total % of Searches
Age	Number of Searches	% of all Searches	% of statutory Searches	Number of Searches	% of all Searches	% of non-statutory Searches		
11 and Under	0	0.00%	0.00%	2	0.03%	0.04%	2	0.03%
12 to 15	119	1.75%	5.27%	598	8.81%	13.20%	717	10.56%
16 to 25	746	10.99%	33.02%	1909	28.12%	42.14%	2655	39.11%
26 to 35	704	10.37%	31.16%	1067	15.72%	23.55%	1771	26.09%
36 to 45	467	6.88%	20.67%	611	9.00%	13.49%	1078	15.88%
46 to 55	167	2.46%	7.39%	256	3.77%	5.65%	423	6.23%

	Number of Searches	%	%	Number of Searches	%	%	Number of Searches	%
56 and above	51	0.75%	2.26%	81	1.19%	1.79%	132	1.94%
(blank)	5	0.07%	0.22%	6	0.09%	0.13%	11	0.16%
Grand Total	**2259**	**33.27%**	**100.00%**	**4530**	**66.73%**	**100.00%**	**6789**	**100.00%**

Young people were more likely to be searched in this way than older age groups, as had been the case previously. Although the age group most likely to be stopped and searched during the pilot period is 16 to 25 year-olds (39% of all stop searches), stop searches of young people under the age of 16 were not insignificant (10.5% of all stop searches). This means that half of all stop searches in Fife during the pilot period were of people aged 25 and under.

Table 3: Stop and search in Fife during the pilot (July 2014 to March 2015) by gender and age

	FEMALE		MALE		Total Number of Searches	Total % of Searches
	Number of Searches	**% of Searches**	**Number of Searches**	**% of Searches**		
11 and Under		0.00%	2	0.03%	2	0.03%
12 to 15	198	2.92%	519	7.64%	717	10.56%
16 to 25	415	6.11%	2240	32.99%	2655	39.11%
26 to 35	341	5.02%	1430	21.06%	1771	26.09%
36 to 45	161	2.37%	917	13.51%	1078	15.88%
46 to 55	80	1.18%	343	5.05%	423	6.23%
56 and above	23	0.34%	109	1.61%	132	1.94%
(blank)	2	0.03%	9	0.13%	11	0.16%
Grand Total	**1220**	**17.97%**	**5569**	**82.03%**	**6789**	**100.00%**

These data suggest that the Fife pilot did not change the existing practice of favouring non-statutory searches and that the age group most likely to be stopped continued to be young people. While it was not a goal of the Fife Pilot to change these elements of stop and search practice, it was these aspects for which Police Scotland was most under scrutiny. In addition, the stop and search records were not publicly available at the time.

The first aim of the Fife Pilot was to 'improve the data on which stop and search is based'. The primary techniques employed to achieve this aim were the stop and search analysis reports and detailed recording of stop searches. This aim has been met to an extent. The stop and search analysis reports are more detailed than had been the case previously and contained a comparison of the data from the previous year. However, these reports could not compensate for annual fluctuations in the figures and were vague on how the proportionality of stop and search was assessed, an assessment which was intended to guide managers in their deployment decisions. In addition, while officers in Fife were now recording stop searches routinely, the practice was still targeted at young people and at a rate higher than had been the case previously. We recommended that officers have a better understanding of how to use the database, that repeat searches of the same person should be highlighted and that officers better understand the difference between a search and seizure. Since the publication of our report, we have been advising Police Scotland on the development of an analytic product to inform commanders about rates of stop and search in their area in light of crime trends and with consideration of the demographics of the local population. As we recommended, this is no longer based on a flat comparison of volume but now includes a more robust measurement of 'proportionality'. This information, as we recommended, will not be presented to managers in isolation, but is provided as part of a package of data analysis products and intelligence sources.

Aim 2: Improving accountability
The second aim of the pilot was to improve accountability in stop and search. Police Scotland's goal here was to enhance the processes by which stop and search activity is scrutinised and assessed for quality. In order to achieve this, Police Scotland introduced a number of initiatives. The first was compliance recording checks where a random sample of stop search records were checked by supervisors for compliance with standard recording guidelines. A second approach was a dip sampling of public satisfaction where a selection of people who had been stopped and searched in the previous month were contacted by phone and asked a series of questions about their experience. The final method involved the Divisional Commander reporting on stop search activity to the quarterly meetings of the Safer Communities Committee (SCC), which is part of Fife Council and includes several local councillors. It was used as the independent 'scrutiny board' for the pilot as its remit includes the power to hold the Fife Division of Police Scotland accountable for their actions.

Our analysis of the first method, the compliance recording checks, was achieved through interviews and documentary analysis of correspondence about the procedure. Due to data protection restrictions, we were not allowed to access the stop and search entries or the compliance audits. The analysis suggests that the checks were not used in a punitive way, but as a method of improving officers' knowledge of appropriate stop and search procedure. A senior police officer argued that the checks are effective. He stated: 'compliance recording checks that have been done with notebooks and/or the people, the officers, have acted absolutely appropriately and recorded it properly' (Senior Officer 1).

The second method of accountability was the dip sampling phone calls to people who had been stopped and searched. Direct observations of the calls formed a part of our data collection, as did a documentary analysis of the questionnaire which was used. To conduct the questionnaire, a police officer would phone members of the public who had provided officers with their telephone number at the time they were searched. These calls were made during daytime hours and used a structured questionnaire format. However, the number of people who provided an accurate phone number at the time of their search and actually answered their phone when the officer rang was a very small proportion of the total possible cohort. Of those who did answer, many of them did not wish to speak to the officer or said that they did not recall being searched. On the occasions when the officer was able to complete the questionnaire, the format of the questions did not allow for qualitative detail of experiences or follow-up questions from the officer. The response rate for the completed questionnaires ranged from 4.5% to 6.9% of the total cohort of people stopped in any one month. Overall, the responses to the questionnaire were positive in that participants reported the police treated them with respect and that they were satisfied with the way the search was conducted.

We conducted ten interviews with members of the public who had been stopped and searched to explore these issues in more detail. Some felt that the experience was rather unpleasant, especially as it usually takes place in public, such as on a street. When asked: 'What were your general feelings about the stop and search experience you had?' one person stated: 'At first, like it's embarrassing like, you know, cos of people going past and they can see. But it felt alright' (Participant 10). Another one argued:

> It was alright I suppose. A bit embarrassing, like, but other than that, I've not got a problem with it (…) [I was] embarrassed. That's about it (…) Just cos it was happening in front of everybody for to see (Participant 6).

In relation to non-statutory searches, one person stated:

> [Interviewee] I mean, they [the police] must be just trying to see what the everyday man's got walking about with in their pockets or stuff like that or maybe they'll catch somebody that's got a warrant, you know, unpaid fines, things like that (…) Cos sometimes they probably do get lucky and stop somebody and they've got like some drugs in their pocket or something'
>
> [Interviewer]: Is in your view stop and search an appropriate tactic to achieve these goals?
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> [Interviewee]: Not really, no (…) It was just pot luck and they probably come up empty handed more often than not (Participant 4).

Another participant felt that not only was the stop and search encounter with the police personally upsetting, it also brings into question police competence:

> Well, I was kinda hoping that instead of stop and searches, they were stopping crime and all this stuff but the fact that they're stopping two girls in a car randomly clearly suggests that they're not really thinking about what's actually going in [our town]. They're more caring about two lassies in a carpark caught on camera sitting eating a chippy…It's not a nice feeling to know we've been searched by the police for absolutely nothing (Participant 2).

These findings from our qualitative data collection differ from the results of the police-originated telephone questionnaires. Feelings of embarrassment and being 'randomly' targeted suggest a lack of procedural justice in the encounter, which may affect perceptions of police legitimacy (Tyler et al, 2015; Bradford, 2012; Skogan, 2006). This will be developed further in the conclusion.

The final method of accountability in Fife involved the Divisional Commander reporting to the Safer Communities Committee, which is comprised of local councillors. We were not able to attend any of these meetings during our evaluation, but we were able to review documentation about them. It would appear that the SCC was consulted in the design of the pilot and did receive a few quarterly reports about stop and search activity in the area. However, stop and search was just one item of the overall agenda, so it is difficult to know how detailed the 'scrutiny' of the practice was, or how well positioned the members of the SCC would be to know if it was being conducted appropriately. This method of

accountability is unlikely to reach the general public as only community representatives were present.

The second aim of the Fife Pilot was to improve police accountability. To this end, several processes were introduced which included compliance checks of police officers' entries into the database, a dip sample of public satisfaction with stop and search procedure and reporting to the Safer Communities Committee (SCC). As with Aim 1, Aim 2 was partially achieved. The compliance checks revealed that officers were following the recording protocols and the SCC was consulted at various points during the change process for stop and search. However, the dip sampling technique (telephone surveys), while returning positive findings, had many methodological shortcomings. Our own assessment of the public's experiences of stop and search, especially non-statutory search, did not reveal the same level of satisfaction. It could be the case that those individuals who completed the telephone questionnaire felt compelled to react positively to the questions as they were being interviewed by a police officer in possession of their personal details. Our research identified numerous problems with this method and we recommended and end to the practice of officers phoning members of the public. Police Scotland has stopped this technique and is considering alternative ways of measuring public satisfaction with stop and search and confidence in the police. As our research revealed significant dissatisfaction with non-statutory searches, we recommended an end to this practice. Other scrutiny groups (especially the IAG) did the same and this practice is now no longer lawful in Scotland.

Aim 3: Improving confidence
The final aim for the Fife Pilot was to improve public confidence in policing. To this end, the pilot introduced various changes to police practice which were intended to improve encounters between members of the public and the police. These included revised training on stop and search which all officers (up to and including the rank of Inspector) were required to undertake, the introduction of the *aide memoir* for officers about procedure and the legal grounds for searches, a mandatory statement to be read before a non-statutory search, an advice slip to be handed to all people who were stopped and searched, sending letters to the parents of children who were searched and consultations with several community groups and lay advisory groups about how stop and search should be conducted. These will be discussed in turn.

The revised stop and search training was intended to improve police practice and thereby public confidence through improved encounters with police officers. We discussed this training in our interviews with officers who had taken it as well as senior officers who had been involved in designing it. We also analysed relevant documentation about the training. The training relied primarily on e-learning methods, but also included face-to-face briefings from managers with officers in their sub-divisions. The data collected from our interviews suggests that senior officers had more awareness of the training, with there being a mixed impact on police constables, some of whom could not recall the training at all. For example, The Equality Impact Assessment for stop and search in Fife, written by a management officer, includes a statement that:

> The delivery of stop and search can only be effective with trained and knowledgeable personnel. The pilot will re-train staff in the use of stop and search and Police Scotland expectations and will involve personal briefings for all Constables, Sergeants and Inspectors (this this be done by an officer at least of the rank of Chief Inspector), e-briefings and updates/reinforcement during annual Officer Safety refresher training (OST). Training sits across all three of the themes and its successful delivery is fundamental to delivery of the pilot's outcomes (Equality Impact Assessment 2014, p. 3).

In contrast, one of the officers we interviewed said the following in relation to the online training:

> But I think there was some kind of package that we went into and had to click our way through and I think it was a PowerPoint presentation and we basically clicked our way through and answered questions and at the end of it, [and it] sent an email to say that we had played that training PowerPoint. I think it was actually that, rather than sitting in a room being spoken to (…) I think the presentation itself or the online sort of training thing was – you kinda had to fit it in in your work day, so it was kinda rushed, probably not a lot – not everything has kinda sunk in, you don't take all of it in (Police Constable 3).

Several officers we interviewed likewise discussed being overwhelmed with emails and online training packages and so struggled to give it all their complete attention. This would suggest that despite the intention to develop a robust training package for all officers up to the rank of Inspector, the effect was not as comprehensive as was hoped.

A second change in the pilot from existing practice was the introduction of an *aide memoir* which provided a guide for police officers on stop and search procedure and a reminder of the legal grounds on which a stop and search could be conducted. This card also included the third change to existing practice: the mandatory statement that officers needed to read aloud

to anyone who was being searched on a non-statutory basis. This statement was to ensure that members of the public stopped in this way knew that they had the right to refuse to be searched. In our interviews with police officers in Fife we found that the *aide memoir* with its various reminders about procedure and legislation was a welcome development for them. One management officer stated that:

> It's hard to remember everything and if you've got that bit of paper that says, have you done this, this and this? And you can say, oh well, I've done that and that but I've maybe missed that, then at least it's just jogged your memory. So I don't have a problem with aide memoirs at all. I think they're pretty useful. (Management Officer 5)

In our observations with officers conducting stop searches we found that while not all officers were reading the statement about non-statutory searches verbatim, they were asking members of the public for permission to search them.

The fourth change introduced as part of the Fife pilot was the practice of issuing an advice slip when people are stopped and searched. This provided the name of the officer who carried out the stop and search, the date and time of the search and also contained general information about the grounds on which someone may be stopped and searched. Our assessment of the email correspondence between senior police officers, local partners, Police Scotland Children and Young Persons Reference Group (CYPRG), and the police officers who organised the consultations revealed issues regarding the clarity of information included in the leaflet. There was a consensus among the external stakeholders that the language used to explain the meaning of the stop and search incident is not young-person friendly and gives an individual an impression of being (unlawfully and unfairly) targeted. A local partner pointed out:

> With the information that is given on the back of the form, there is too much focus on legislative searches. There should be more information given on the consensual searches as this is where the new initiative lies. (Correspondence from Local Partner 4 to Fife Pilot manager)

Similarly, in the email to the pilot managers a member of the Police Scotland Children and Young Persons Reference Group argued that the content of the leaflets was too detailed and that it includes specific vocabulary such that young people may have to read it a few times to understand. This was referred to as 'off putting and intimidating' for someone under 16.

The fifth process introduced as part of the pilot was sending letters to parents or guardians of children under the age of 16 who had been stopped and searched. These letters contain general information about why the police conduct stop searches as well as specific information about the nature of the search, the date of the incident, what the young person was searched for, and whether the outcome of the search was positive or negative (i.e. if any items were found). Documentary sources, interviews and observations were employed to analyse this method. Stakeholders and some senior officers felt that the letters were overly formal and did not provide enough detail regarding the circumstances surrounding the child's stop and search. For example, in relation to consensual searches, one senior police officer argued:

> For me the letter doesn't explain what a consensual search is in layman's terms… i.e. "Martin [pseudonym] was found by police officers in an area in which there have been issues with under-age drinking and disturbance and the local community have raised these issues with us. In view of this my officers spoke with Martin, and although not suspecting him of any offence requested his permission to search him for alcohol/drugs/ whatever and he agreed." Or similar may be better wording. (Correspondence from Senior Officer 5 to Fife Pilot manager)

The letters contained general information which highlighted the importance of stop and search for Police Scotland for crime prevention. The Police Scotland Children and Young Person's Reference Group raised concerns in relation to parents' potential perceptions of their children should they be searched and other unintended repercussions of the letters for children.

The final process developed to improve confidence in policing was extensive consultation with various community groups, the Local Lay Advisory Group and children and young people in order to seek feedback on the design of the new processes introduced as part of the pilot. We analysed these consultations through interviews with the officers involved and through documentary analysis of correspondence between the groups and other relevant materials. The local Lay Advisory Group (LAG) is a group of individuals who provide the police with advice on various matters and it existed prior the commencement of the pilot. In the eyes of the police officers, the group is particularly important to:

> …ensure the pilot does not unintentionally alienate or exclude any protected groups within the community, the local lay advisory group has and will continue to oversee the pilot's developments and progress including scrutiny of associated documentation (Equality Impact Assessment 2014, p. 2).

Although this may have been beneficial in terms of transparency, our findings suggest that engagement with young people was also being used to build confidence in stop and search as a tactic, i.e. through emphasising the merits of stop and search during the consultation process itself. For example, in a memo from a management officer to the police officers who carry out the engagement meetings it is indicated that the purpose of the exercise was to 'educate' children and young people about stop and search. The officers who conducted the school visits kept notes of these events. In one, from a high school consultation, it is noted that:

> The very few who held negative views, did so on the grounds that they were of the opinion that the Police were "harassing innocent people". Following a discussion, most of these people then changed their views and understood the reasons why the Police could use the stop and search powers. (Extract from school visit report)

The emphasis here is not to learn from the young people about how the police should conduct searches but more for the officers to convince the young people that stop and search is a worthwhile tactic for the police to use. However, we were somewhat limited in the extent to which we could review these meetings and consultations as they were held prior to the start of our evaluation.

The third aim of the Fife Pilot was to improve confidence in policing among members of the public. In order to achieve this, the pilot introduced various processes which were intended to improve police practice when in a stop and search encounter. If these encounters are done well, they can have a positive effect on perceptions of procedural justice, especially among young people (Tyler et al 2014, Murphy 2015). Our assessment of the available secondary data on these processes and from the primary data we collected through observation and interviews shows that some of these methods were well received whereas others were not. The advice slips and the letters to parents were perceived as especially problematic for children in terms of their confidence in policing. We highlighted problems with these letterswhich the IAG cited in their decision making and advised that the practice not be continued. The revised stop and search training which was developed for police officers to enhance their practice did not seem to have made an impression on those who had taken it. We recommended that face-to-face training should be used to train all officers on revised methods of stop and search, within an emphasis on the quality of the encounter, especially with children and young people. This is with a view to enhancing procedural justice during a stop and search. Since our report was published, all officers up to and including the rank of

Inspector have been re-trained in stop and search in face-to-face sessions, which included a session on how best to engage with young people without using the power to search. We were involved in the development of this training. While some of the initiatives in Aim 3 were an improvement on previous practice, many were not, and the continued use of non-statutory search was the main source of dissatisfaction with the members of the public we interviewed, as we explored in relation to Aim 2. The practice has now ended in line with the Code of Practice for stop and search, which was introduced in May 2017. Based on the information available to us we would argue that Aim 3 was not met through the methods of the Fife Pilot, and highlights the need to consider stop and search practice in light of procedural justice theory, to be explored in more detail next.

Conclusion

The Fife Pilot aimed to improve: 1) the evidence base (data) on which stop and search deployment decisions were made, 2) police accountability and 3) public confidence. These aims were ambitious and it was perhaps unrealistic to expect the modest service delivery processes introduced to achieve these impacts. By using a theory of change approach, we have evaluated the processes and procedures developed to meet these aims through an assessment of available secondary data as well as through our own primary data collection. The evidence suggests that Aims 1 and 2 were partially met while Aim 3 was not. Aim 3 has the most direct link to improving perceptions of procedural justice with the police, while the other two can be connected at a more strategic level and could therefore influence procedural justice in policing in a less direct way. We will now consider the relevance of procedural justice to these findings, which will have implications for improvements to service delivery in policing beyond Scotland (see for example research from England and Wales, the USA and Australia: Bradford, 2012; MacQueen and Bradford, 2015; Mazerolle et al. 2012; and Tyler et al, 2015). While our research was limited in scope due to factors beyond our control and was not a test of procedural justice theory, we can see indications which support a consideration of procedural justice when improving stop and search policy and practice.

With regards to the first aim of the pilot we would suggest that further research is required with regards to the evidence base on which stop and search deployment decisions are made. Literature is starting to emerge which suggests that repeated stops of the same individuals, even if conducted well, can have a negative impact on procedural justice in those

communities (Tyler et al 2015, Murphy 2015, Bowling and Philips 2007) and therefore care needs to be taken when deploying officers to these areas in terms of what they are expected to do while they are there. Our research indicates support for this finding. Murray (2015b) has argued that that repeated stop searches from the police are frustrating, embarrassing and leave a sense of injustice among members of the public, even if each individual encounter is done well. Tyler et al (2014) from the American perspective have argued that among young men, repeated stops by the police influence their views of police fairness and lawfulness and that this had an association with lower perceptions of police legitimacy. In light of this, we recommended to Police Scotland that they introduce a mechanism in the stop and search database whereby individuals who are stopped repeatedly in a short space of time are highlighted as it may be the case that additional support from other services would be more appropriate. At the time of writing the database was not developed enough to do this, but until the database can be enhanced Police Scotland will run manual checks for repeat searches and notify appropriate partners. (Police Scotland, *forthcoming*)

The data in the analytic reports appeared to address the 'right place' and 'right time' elements, but with regards to the 'right people' the use of stop and search continued to be based on intelligence reports and experiential knowledge. The Fife pilot did not focus on *who* was being searched and its use (particularly of non-statutory search) continued to be concentrated on young people, therefore it did not address one of the aspects for which Police Scotland was under scrutiny. This relates to the 'neutrality' element of fairness within the existing procedural justice literature. Information on disproportionality of stop and search, i.e. its use by age, gender, ethnicity and socio-economic status, relative to the makeup of the population is something that needs to be effectively analysed in order improve accountability and public confidence in all policing jurisdictions (Tyler et al 2014, Murphy 2015, McVie 2018). Our recommendation for enhanced face-to-face training to build confidence in officers to engage with young people without resorting to searches has been implemented and in time may lead to encounters being more procedurally just[3]. The enhanced data analysis report for local managers, which we assisted in designing, will also allow for a greater awareness of how stop and search is being used against various demographics in the local population.[4]

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[3] This will be assessed in the Scottish Government's twelve-month review of the Stop and Search Code of Practice.
[4] See the six-month review of the code of practice for more on rates of stop and search in Scotland for certain population demographics (McVie 2018).

Indeed, the six-month review of Stop and Search Code of Practice and related training shows a marked improvement in the positive rate for searches: up by 7% in May – October 2017 compared to the same period in the previous year (McVie 2018), suggesting that searches are now targeted more effectively.

With regard to the second aim, improving accountability, some of the Fife Pilot methods could be linked to the 'voice' element of procedural justice (Tyler et al 2014). The issuing of advice slips with information about who to contact and the dip sampling phone calls to people who had been stopped and searched could be seen as methods by which people could 'have their say' but the latter were problematic methodologically, particularly in that they were conducted by police officers and during daytime hours. We recommended that a more appropriate method of improving accountability would be to improve communication and proactively seek feedback, ideally through independently administered questionnaires. Although funding is not currently available to do this, Police Scotland are exploring other ways to assess public confidence in regular surveys, which will include a consideration of stop and search. (Police Scotland, *forthcoming*) In addition, the move to publish all stop and search data on a regular basis will go some way to improving accountability and is something that could be implemented in police jurisdictions beyond Scotland.

Some of the changes introduced with the aim of improving public confidence (Aim 3) were an improvement in practice and these could be seen as related to various elements of procedural justice. The introduction of 'aide memoirs' and the inclusion of a mandatory statement, explaining the right to refuse a consensual search, to be read aloud by officers may have gone some way to making improvements in relation to being 'treated with respect' in an encounter with the police c Furthermore, the practice of issuing an advice slip with general information on the grounds of the search may be seen to be connected to 'neutrality' and to furthering the understanding of the process and how decisions are made (Tyler et al 2014). However, the advice slips used in the pilot did not provide enough information about the ground for searches and we found that people who had been stopped and searched felt it was embarrassing and were dissatisfied because they felt they had been searched 'randomly'. This is in keeping with the findings of Tyler et al (2015) that a sense of being under police suspicion damages relationships between the police and the community.

Therefore, the solution to improving procedural justice in a policing encounter must be in fundamentally changing practice, rather than minor changes to existing methods, and it is expected that abolishing the use of non-statutory stop and search will make a more significant improvement to public confidence.[5] A number of aspects of the pilot, e.g. letters to parents; engagement with young people, external organisations and social media; were being used to emphasise the importance of stop and search in 'keeping people safe'. However, rather than viewing stop and search as an important crime reduction tactic (evidence to support this is weak, see Quinton, Tiratelli & Bradford 2017), we recommended that other activities which will build trust and confidence should be prioritised, with stop and search being acknowledged as a restrictive police power which should be used as a last resort. This could include regular and well-resourced proactive community engagement programmes, with a focus on co-productive problem-solving in local areas. Police Scotland have acknowledged this and are working towards a more partnership-based approach to policing (Police Scotland, *forthcoming*). These more robust modifications to service delivery will improve the experience of members of the public when encountering the police and thereby improve perceptions of procedural justice in policing more widely. As stop and search is a tactic used in many policing jurisdictions, these findings have significance beyond Scotland and UK policing.

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[5] This will also be assessed in the Scottish Government's twelve-month review of the Stop and Search Code of Practice.

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