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POVERTY, INEQUALITY AND JUSTICE





WHEN RESEARCH AND POLITICS COLLIDE

Kath Murray on Stop and Search in Scotland

THE PUBLICATION of the John Scott Independent Advisory Group report on stop and search in September 2015 appeared to mark a turning point in Scottish policing. Signalling a departure from the narrow crime-control, performance-driven approach to stop and search that has prevailed in some parts of Scotland for nearly a decade, the report recommended the abolition of non-statutory stop and search and advised that a statutory Code of Practice should be established. In doing so, the Scott Report deftly trumped what amounted to a policy of ‘unfettered and unmonitored’ stop and search with due process and fairness.

In accepting Scott’s recommendations in full, the Scottish Government appeared to signal the end to a fractious debate on stop and search which, over the course of eighteen months, had played out in the media, in the Scottish Parliament, on Twitter and elsewhere, at times with a pantomime-like quality. The idea that intrusive police powers should be regulated and require reasonable grounds is not particularly radical (Murray, 2015). Still, the entire affair generated a considerable amount of heat.

As a researcher whose work helped to spark the controversy (Scott, 2015; 64), the events over the last two years provides some insights into the ways in which research can gain traction, as well as the raw politics that lie beneath the production of academic knowledge.

When research and politics collide

Some background. In 2010, I began researching the use of stop and search in Scotland as part of an ESRC/Scottish Government funded studentship. Given the absence of published statistics, I applied for stop and search data through Freedom of Information, a relatively straightforward procedure at this point, and netted a huge amount of data. Strathclyde Police stated that the requested records would not fit on an

Excel spreadsheet and helpfully provided the data on a disk. The size of the national dataset, over 1.2 m individual records spanning between 2005 and 2010, was a sign of the storm to follow.

Data analysis revealed a remarkable set of findings. In brief, the per capita rate of stop and search in 2010 was almost four times higher than the comparable rate in England and Wales; the rate of stop and search in Strathclyde was more than double than that of the Metropolitan Police; most were carried out without reasonable suspicion or legal authority, on a non-statutory basis, and searches were disproportionately weighted towards children and young people. Statistical modelling suggested that stop and search was widely used as a deterrent in some forces, insofar as searches appeared to be systematically structured towards negative outcomes.

The findings were deeply uncomfortable for Scottish policing. The way in which children and young people were being policed in some forces jarred with the welfarist tenor of youth justice in Scotland. The findings also reflected unfavourably on the Scottish National Party, whose support for intensive enforcement activity was suggested as far back as 1997, by dint of a manifesto commitment to zero tolerance policies (SNP, 1997; 16), and latterly in 2011, by a manifesto commitment to high volume stop and search premised on deterrence (SNP, 2011; 18). From late 2012 through to December 2013, I shared the findings with stakeholders in a series of meetings and presentations which varied in awkwardness.

In January 2014, the key research findings were made public in a report published by the Scottish Centre for Crime and Justice Research (Murray, 2014). Published into the newly politicised and heated backdrop of Scottish policing, the report prompted a defensive response by civil servants, police executives and Ministers. A press conference staged two days in advance of the report sought to deflect the

findings and promote the perceived benefits of mass stop and search. In the Scottish Parliament, Ministers put forward various full endorsements of police practice, maintaining that the extraordinarily high rates were proportionate and tied to falling rates of violent crime, a claim that would subsequently unravel (Scottish Police Authority, 2014).

I believe that the searches are proportionate. We also see from the statistics that they are remarkably successful ... I think that that shows that the searches have been based on intelligence and the clear skills and criteria that the police have developed; that they are being used appropriately; and that Scotland is a safer place because of our police officers' actions.

(MacAskill, 25/3/2014 SP. Official Report col. 29296)

Similarly, the fact that most recorded searches lacked legal authority or reasonable suspicion was viewed as unproblematic. As the First Minister stated: "I am comfortable with the fact that 70 per cent of stop and searches were consensual under the regulations." (23/1/2014 SP. Official Report, col. 26968). The rub was that there were no regulations.

The fall of mass stop and search

At the time of writing, amendments to the Criminal Justice (Scotland) Bill look set to deliver the final blow to mass stop and search. Meanwhile, recorded search rates have plummeted: statistics for June and July 2015 show a 75% fall on the same period in the previous year.

There are I think, several factors that facilitated this decline, which in many ways boil down to timing.

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First, the initial research findings dovetailed with wider concerns around the broader policing direction in the post-reform period: concerns around centralisation and lack of local input, weak accountability, enforcement-styled methods, and rigid performance management. As Donnelly (2014) put it, "stop and search provided a focus for wider questions about how far the work of police officers is defined by performance targets rather than their own discretion; and the extent to which there is a national style of policing emerging which may not be appropriate to all of Scotland's varied communities". Whether the research findings would have gained traction in a less politicised policing climate is less certain. As the Scott report notes (2015; 20), similar concerns raised by researchers over a decade ago were ignored by police chiefs and the Scottish Executive.

Relatedly, police reform reconfigured relations between the media and the police, as a perceptibly more critical press propelled Scottish policing from a position of relative social invisibility, to one marked by controversy and competing agendas. From the Highlands down to the Borders, press coverage was no longer diluted along regional lines. Published into this heated and focused climate, the findings rapidly gained a foothold in the press. This, I think, would not have happened in the more relaxed conditions that characterised Scottish policing before reform.

Cautionary notes for researchers

Looking back, the way in which the controversy unfolded also raises some awkward and unanswered questions around the production of academic knowledge and stakeholder relationships. Knowledge exchange is a familiar trope within academia: a mechanism which expedites academic-practitioner collaborations, facilitates funding, and puts the evidence into evidence-based policy. Yet as the stop and search controversy demonstrates, the process is not straightforward, particularly when politics and evidence collide. As one civil servant tellingly asked, "why have we funded this research?" (FOI, Scottish Government correspondence).

It is a revealing question, which suggests that some areas of knowledge may be privileged over others, particularly if research is initiated by users, or gatekeepers. It also seems indicative of a larger trend. Reiner (2012) suggests that the academy, to some extent, has lost its critical edge. The extent to which this shift towards perhaps more palatable and less divisive forms of research can be attributed to the economic demands of higher education is outwith the scope of this paper. Nonetheless, as Reiner observes, over the last four decades the tenor of critical policing research has changed, its sharp edges in part smoothed out by dint of collaboration, close working relationships and the rise of "pragmatic policy-orientated research on crime control" (2010; 14). This is not to say that one type of research is preferable; simply, that there should be the space to develop different perspectives, including more critical outlooks.

The case of stop and search shows that critical research can gain traction. Still, it is not comfortable producing research that raises awkward questions and challenges existing institutional arrangements. It requires a measure of perseverance, getting people on board, some difficult conversations and in particular, good timing.

Kath Murray is an early career researcher based at the University of Edinburgh. Her doctoral thesis examined the development of stop and search in Scotland from the 1950s onwards.

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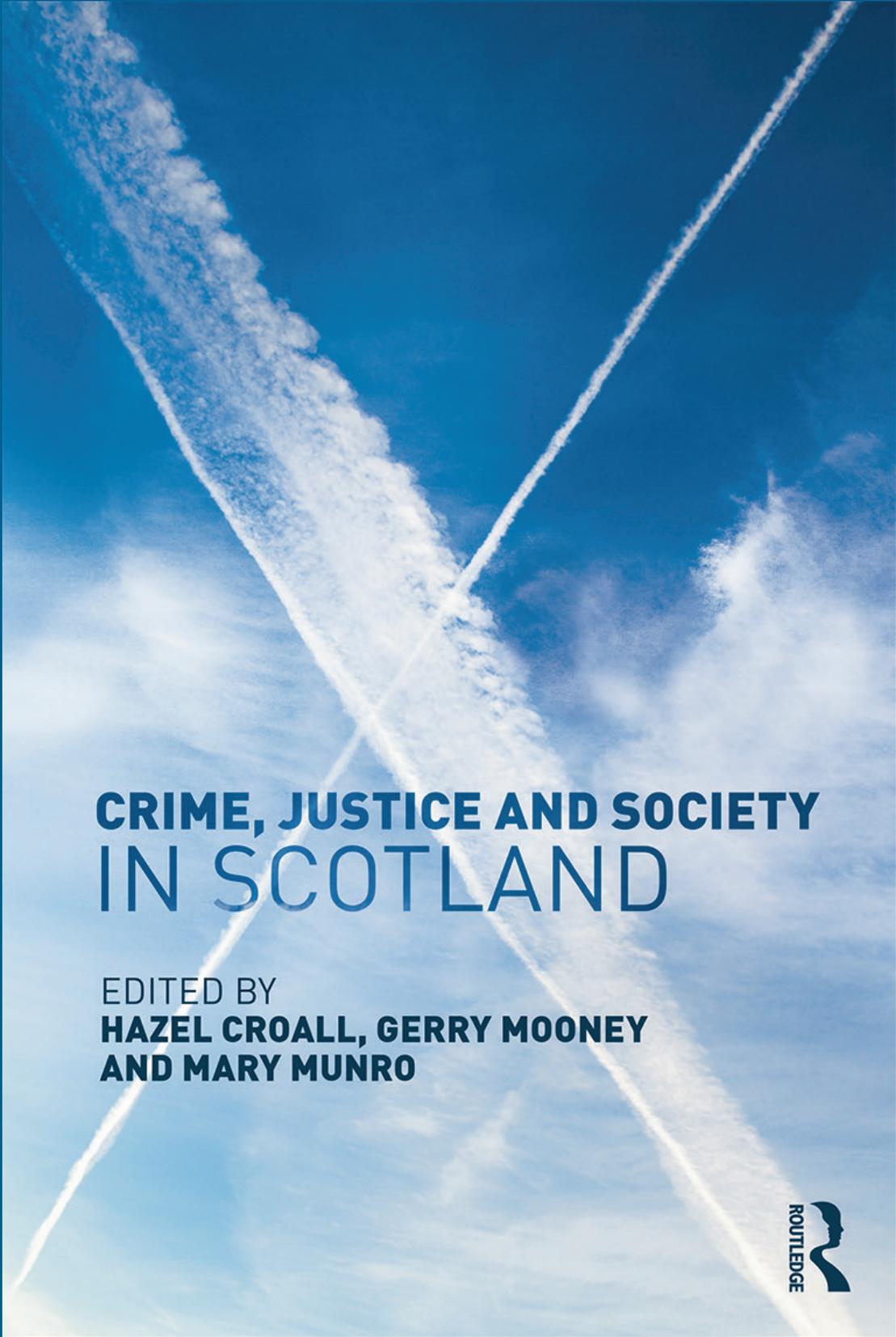
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