



Consultation on Police Powers to Search Children and Young People for Alcohol – Response from Who Cares Scotland

July 2016

About Who Cares? Scotland

Who Cares? Scotland [WC?S] supports young people who have care experience up to 26 years of age, by providing independent advocacy and opportunities for participation. WC?S aims to provide looked-after young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At WC?S we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

How did we inform this response?

Since 2014, we have consulted widely with care experienced young people on a range of topics which are relevant to Police Scotland and we have used the findings from each to guide this response. This includes research from 2014¹ in which we sought the views of care experienced young people on the Children and Young People (Scotland) Act 2014 [The Act]. We asked young people about their experiences of different corporate parents, including Police Scotland. In addition to this we will refer to our response to the review of Police Stop and Search in Scotland from May 2015.³ Also, our evidence for the Independent Advisory Group on Stop and Search in July 2015.⁴ Each of these consultation responses have involved a wide range of young people from across Scotland with various experiences of both the care system and the police. *Please see the publications page on our website to access these, or use the contact information provided at the end of this response to request copies.*

In order to directly inform this consultation response we have held six focus groups and spoken to a total of 32 care experienced young people. There was a nearly equal division by gender as 44% of the young people were male and 56% were female. Their ages ranged between 12 and 24 years, although the majority were in their mid to late teens. 46% of the young people we spoke to were in secure accommodation at the time of consultation.

Most of the young people we spoke to had experienced multiple interactions with youth justice in Scotland. Some also had contact with the criminal justice system through family involvement and personal contact with the police.

¹ Who Cares? Scotland. 2014. Interpreting the Children and Young People Act 2014: care experienced young people's views. [online] <<http://www.whocaresscotland.org/professionals/publications-briefings-research/>>.

³ Who Cares? Scotland. 2015. Review of the use of Stop and Search in Scotland. [online] <<http://www.whocaresscotland.org/professionals/publications-briefings-research/>>.

⁴ Who Cares? Scotland. 2015. WC?S response to Police Scotland stop and search consultation. [online] <<http://www.whocaresscotland.org/professionals/publications-briefings-research/>>.



1. Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public?

No. WC?S does not believe that a new stop and search power would be an appropriate way to reduce risks caused by underage drinking in public.

WC?S has welcomed the recent investigation by Police Scotland into their use of stop and search and supports the removal of non-statutory stop and search. It is clear that Scotland needs to reduce the high level of stop and searches that occur and that ending the frequently misunderstood 'consensual' search is the correct course of action. WC?S does not believe that the removal of non-statutory stop and search will leave gaps that need to be filled with new police powers as these would have the potential to counteract the positive outcome sought: **reduced levels of stop and searches.**

WC?S also welcomes the efforts being made by Police Scotland to improve relations with young people. Building relationships with young people through positive interactions and therefore improving their perception of the police is vital. From speaking to care experienced young people we know that some feel that they are repeatedly targeted by police officers due to being known to them for minor reasons. Young people in care describe being regularly asked to comply with a police stop and search. For some young people this is even daily,

'Everyday they [the police] would search me.' (16 year old)

For many young people this frequent, and almost always, public engagement with the police is more than a simple inconvenience. It is distressing, and has the potential to be harmful to the young person's wellbeing, sense of self and personal development. It can be a constant reminder that they are not perceived by some to be the same as their contemporaries and that some adults see them as **stereotypes** rather than individuals. While police officers may not intend to target care experienced young people, or perceive that they are doing so, it is important to recognise that this is a feeling conveyed by many looked after young people and care leavers. The feeling itself should be concern enough.

The consultation paper includes under-18s non-statutory search for alcohol data which reveals that only 9.7% of searches resulted in alcohol being found. This low rate of success coupled with the harmful effects of stop and search on the individual and their overall relationship with the police strongly suggests that a police power to stop and search under-18s for alcohol would be more detrimental than helpful.

WC?S feels that there are other, more appropriate ways to manage the risks associated with children and young people consuming alcohol. We ask that future consideration is given to methods that do not criminalise young people and look to a wider **multi-agency preventative intervention**. We also ask that all further explorative work and planning **includes the voice of care experienced young people.**

2. Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper?

Yes. The proposed power would allow the police to search a child or young person under the age of 18 'where a constable has reasonable grounds to suspect that person is under the age of 18 and has alcohol in a public place'.⁵ Due to the lack of evidence required other than suspicion our primary concern is that this could lead to further unnecessary **discrimination of care experienced children and young people.** This may

⁵ Scottish Government, 2016. *Consultation on Police Powers to Search Children and Young People for Alcohol*. [online] <<https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search>>.



mean that the same individuals are searched routinely and lead to young people being drawn into the criminal justice system for very minor offences.

Survey data from the Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) suggests that children from the least deprived areas drink more than their less affluent counterparts.⁶ Yet due to certain protective factors and the increased likelihood of young people from the less deprived areas consuming alcohol in their homes and those of friends they are unlikely to come into contact with the police. The proposed police power would therefore be more likely to be used on children and young people from the most deprived areas in Scotland. The effect therefore could be the **criminalisation of young people** from the most deprived areas.

Results from the 2013 SALSUS data also reveal that the levels of 13 and 15 year olds drinking is at the lowest level since monitoring began in 1990, which is part of an overall downward trend seen since 2002. This downward trend has also been noted in a similar survey in England.⁷ While this does not suggest that young people in Scotland are not in need of action and support in regards to underage drinking and the harmful effects of it, it does suggest that the **response needs to be proportionate and justifiable**. Considering the similarities between youth drinking habits throughout the UK and the history of section 61⁸, there is not any strong evidence suggesting Scotland needs police powers that police in the rest of the UK do not have.

As mentioned above, many young people in care feel disproportionately targeted by the police for stop and searches. The proposed new power may give police further reasons to search care experienced people. Many care experienced young people feel that the police are more likely to stop them than their non-looked after counterparts because they are already known for a variety of reasons such as running away from their children's home and police involvement in petty matters that would ordinarily be handled by the family;

'They just stop you because they know where you're from' (16 year old)

Others explained that they feel the police stop them simply based on the way they are dressed, or because they are out in a group;

'They already stop and search people all the time. Like if you are wearing trackies and standing in a group they will search you just because 'you look suspicious'' (20 year old)

Targeting young people for stop and searches, particularly vulnerable young people would likely have harmful consequences. WC?S' primary concern is the potential **damage to police relationships with young people**. Care experienced young people's relationships with the police can often be described as difficult, and a new power is more likely to increase the existing tensions. WC?S are also concerned about care experienced individuals' relationships with the police over the course of their lifetime. Due to adverse experiences with the police, be it personal or within the wider family, some young people develop a severe mistrust of the police and many stated during focus groups that they would **not contact the police for help in the future and would be unwilling to cooperate** with the police in any way. Comments included,

*'The police have done **** all for me. I wouldn't phone them' (19 year old)*

'I will stay as far away as I can from the police for the rest of my life' (15 year old)

⁶ NHS, 2014. *Scottish Schools Adolescent Lifestyle and Substance Use Survey*. [online] <<http://www.isdscotland.org/Health-Topics/Public-Health/SALSUS/Latest-Report/>>.

⁷ Fuller E and Hawkins V., 2014. *Smoking, drinking and drug use among young people in England in 2013*. [online] <<http://www.hscic.gov.uk/catalogue/PUB14579>>.

⁸ *Crime and Punishment (Scotland) Act 1997*. s.61 (1).



It is also important to note that some young people feel uneasy around the police, often due to past experiences as mentioned above. This can impact upon their behaviour and may make them present as hyper vigilant in an officer's presence, or demonstrate behaviours that could be misinterpreted as suspicious. Some young people suggested that experiencing a stop and search can make them feel so frustrated and angry that it provokes them to react aggressively to the police, or act in a way they later regret. One young person stated,

'It (a stop and search) would just make me angry and I would just kick off for no reason.' (16 year old)

WC?S is also concerned that a stop and search for alcohol on a young person who has already been drinking may have unintended results. During focus groups many young people admitted that when drinking they behaved differently than when sober, some young people expressed that alcohol can make them irrational. One young person commented,

'they shouldnae be able to search you when you're steaming... you'd just whack 'em' (15 year old)

Violent behaviour such as this towards a police officer conducting a stop and search is likely to result in the young person finding themselves in substantially more trouble.

WC?S believes that the negative impact of the proposed stop and search power is far greater than any temporary positive results.

3. Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public?

WC?S does not believe that the creation of a new power is necessary. We believe that other methods should be considered which aim to tackle the issue at source rather than a crisis led response.

In our focus groups with care experienced young people we asked whether they thought that this power was a good idea and we received mixed opinions. The majority of young people explained that they did not think it would work and were generally against the introduction of any new police stop and search powers. However, some young people supported the proposal especially when they were prompted to consider it in relation to the lives of their younger family members. The young people who were in favour of the power to search adults suspected of supplying alcohol to under-18s for consumption in a public place suggested that there needs to be more protection of children and young people from adults who pose a threat to their safety. There was consensus among young people who agreed with this power that it needs to be introduced alongside other support mechanisms.

If you wish to discuss this consultation response, please get in touch.

Carly Edgar, Policy Manager, cedgar@whocaresscotland.org

Emily Green, Policy Development Officer, egreen@whocaresscotland.org