

## **Police Powers to Search Children and Young People for Alcohol**

### **1. Do you think that a new power for the police to search a child or a 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. I do not think it is necessary, or desirable, to create a new statutory power to stop and search children and young people for alcohol.

At the time that the Advisory Group reported its initial findings, the Police said there would be a significant gap in their powers, should the ability to carry out 'consensual' (*i.e.* non-statutory) stop and searches on children and young people for alcohol be removed.

A subsequent report from HMICS found<sup>1</sup>, however, that many of the incidents previously recorded as stop and searches were in fact alcohol seizures made using existing seizure powers.

Since then, the recording of such incidents has been disaggregated. According to the figures set out in the consultation document, in the vast majority of cases, it is clear that seizure powers are what allow the police to remove and dispose of alcohol in the possession of children and young people, and to keep them safe.

I acknowledged that non-compliance with a request by the Police to surrender alcohol can ultimately lead to a child being arrested and charged. However, as the consultation document clearly sets out, there is nothing to indicate that children and young people have refused to surrender alcohol when asked to do so by a police officer.

I would query, therefore, if it is necessary to retain such a power of arrest in these circumstances.

Where consensual stop and search has been employed as a means of attempting to recover alcohol from children and young people, it has been unsuccessful in over 90% of cases.

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<sup>1</sup> [http://www.hmics.org/sites/default/files/publications/HMICS%20-%20Audit%20and%20Assurance%20Review%20of%20Stop%20and%20Search%20-%20Phase%201\\_0.pdf](http://www.hmics.org/sites/default/files/publications/HMICS%20-%20Audit%20and%20Assurance%20Review%20of%20Stop%20and%20Search%20-%20Phase%201_0.pdf)

There is no other scenario I can think of where a tactic or initiative with an over 90% failure rate would be regarded as something we should be seeking to employ on a more regular basis.

The UN Committee on the Rights of the Child raised concerns about the use of Stop and Search on children and young people:

**1. The Committee recommends that the State party:**

**(a) Prohibit the use of non-statutory stop-and-search checks against children;**

**(b) Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory;**

**(c) Regularly collect, analyse and publish data relating to the use of stop and search on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.<sup>2</sup>**

As such, there is the potential for the creation of a statutory stop and search power for use on children and young people alone to be regarded as discriminatory. I am of the opinion, therefore, that we should **not** create a statutory power to stop and search children and young people for alcohol. Existing powers of seizure are sufficient.

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

I would be concerned that the creation of a new statutory power of stop and search could lead to a marked increase in searches on children and young people. Having consistently campaigned for the use of stop and search on children to be reduced, and having seen significant reductions take place, I believe that the creation of a new power would be a retrograde step.

I have previously raised concerns about non-statutory stop and search powers and their disproportionate use on children and young people. I am concerned that creating a new statutory power specifically for children and young people will legitimise the targeting of children and young people for stop and search.

There is an accompanying risk that police officers will presume that a new statutory power should be used, in place of existing seizure powers. This could be very damaging

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<sup>2</sup>[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en)

to relations between the Police and children and young people. These would clearly be negative unintended consequences for children and young people.

Stop and search is an invasive tactic. It will require a child or a young person to submit to a search, when a police officer reasonably believes that they might be in possession of alcohol. In the vast majority of cases, a search will find nothing untoward.

I acknowledge that the presence of alcohol can often put children and young people at increased risk. However, I believe that risk can be successfully managed via the use of existing seizure powers. A seizure, by its very nature, has a much higher success rate and is therefore a more effective tool in safeguarding children and young people.

Any measures put in place to prevent harm need to be balanced carefully against the rights of children and young people to go about their lives without undue interference. They should be able to meet with friends in the park, for example, without the concern that they will be subject to stop and search on a regular basis.

The creation of a new statutory power appears to be a disproportionate and ineffective way of dealing with what are essentially safeguarding concerns.

I am conscious that as this new power is being consulted upon, the Advisory Group on Stop and Search's Draft Code of Practice is also out for consultation. My office was part of the Advisory Group and I welcome the human rights based approach taken by the draft Code.

I also welcome the clear monitoring processes set out in the draft Code, which include an analysis of stop and search by protected characteristics. The creation of a new stop and search power to be used with children and young people alone appears, however, to be in direct contrast to the Advisory Group's stated desire of avoiding the disproportionate targeting of children and young people.

**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?**

No. I do not believe the creation of a new power is necessary. I believe that existing powers of seizure are sufficient.