Criminal Justice Discussion Days: consulting with young people on stop and search powers for alcohol and raising the minimum age of criminal responsibility

Scottish Youth Parliament
August 2016
Introduction

The Scottish Youth Parliament consulted with young people in Scotland on two potential changes to legislation:

- A new statutory power to stop and search young people for alcohol;
- Raising the age of minimum criminal responsibility from 8 to 12.

Two consultations were carried out\(^1\) with a total of 36 young people. On the 18\(^{th}\) July the Scottish Youth Parliament held a discussion day with 17 young people from Polmont Young Offenders Institute (‘Polmont’) between the ages of 16 and 22, with direct experience of the criminal justice system. On the 23\(^{rd}\) July the Scottish Youth Parliament held a Criminal Justice Discussion Day at Dovecot Studios (‘Dovecot’) with 19 young people between the ages of 15 and 22, with varied experience of the criminal justice system.

Summary

The following summarises the main findings from both discussion days with young people from Dovecot and Polmont.

Stop and search powers for young people and alcohol

- Young people from Dovecot had a good understanding of stop and search powers generally, but a weak understanding of how these powers currently apply to young people and alcohol\(^2\);
- Young people described their experiences of stop and searches negatively. They also felt the current rules are unclear as to how a stop and search should be legitimately and appropriately carried out in practice, and that as a result there is often misuse of consensual stop and search, discrimination against young people, and frequent profiling of certain young people: “I have been searched 3 times every day for a year, and never been found with anything. I felt degraded, having to take my socks and shoes off in front of the community and the young people I mentor because of profiling” (Dovecot);
- Young people thought that there should not be a new statutory power to stop and search young people for alcohol, mainly on the basis of its potential for abuse, likely lack of effectiveness, and worsening of the relationship between young people and the police. Whereas the young people from Polmont were unanimous in agreeing that the new power should not be introduced, the young people from Dovecot were only in agreement by a slim majority about this;\(^3\)
- Young people highlighted targeting alcohol providers, improving alcohol harm reduction education and focusing on the well-being of young people after they’ve come into contact with alcohol as more effective ways of protecting young people from alcohol;
- Young people generally thought there should be a specific section in the stop and search code of practice for children and young people (as well as training), and that the code of practice should include a duty to explain the process and reasons for a stop and search, an

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\(^1\) The methodology used by the Scottish Youth Parliament in its consultations can be found in Appendix 1, and the questions asked to young people in Appendix 2.

\(^2\) For figures, see the ‘Awareness of current stop and search rules’ section on page 3.

\(^3\) 56% of respondents at Dovecot agreed it should not be introduced compared to 100% at Polmont.
accessible explanation of rights, and for a method of complaint to be disclosed to young people who are subject to stop and search.

**Minimum age of criminal responsibility**

- Young people at Dovecot had a mixed understanding of the law surrounding criminal responsibility, and whilst being aware of the age brackets, fewer were aware of the exact meaning of criminal responsibility⁴;

- Young people’s discussion of experience with the criminal justice mainly focused on several main issues concerning the lack of understanding of a child between the ages of 8 and 11 of right and wrong or awareness of the consequences of their actions beyond getting into trouble at school and with parents. Young people also identified long term effects of involvement with the criminal justice system on both their personal life and their education and professional future;

- Young people largely believed the age of criminal responsibility should be raised to 12, with 68% of respondents from Dovecot and Polmont agreeing on this. While the young people at Polmont were unanimous in agreeing that the age should be raised to 12, young people at Dovecot were only in agreement on raising the age to 12 by a slim majority - closely followed in number by a recommendation to raise the age to 10.⁵ The main reasons given mainly focused on consistency with prosecution, acknowledging others’ responsibility for a young person’s actions, the opportunity it may or may not create for early intervention, and a small number of young people who debated whether it may increase offending;

- Young people considered that offenders required support including rehabilitation and preventative measures, and in particular community and youth work: “Me and my brother had similar problems when we were young with crime, but I received more support and we have taken two different paths - he has spent his twenties in and out of prison - has been failed by the system for sure” (Dovecot);

- Young people acknowledged victims could feel a lack of justice following a change to the law; however, the majority considered that knowledge of offender rehabilitation could provide sufficient support, alongside an emphasis on victim counselling;

- Young people largely considered that information on a criminal record should be wiped clean at 16 subject to particular crimes, mainly major crimes such as rape and murder;

- Young people generally thought information sharing should be decided on a case by case basis, depending on the type of crime or reasons for requesting information.

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⁴ It should be borne in mind that respondents were provided information on the current ages of criminal responsibility and prosecution on the invitation to the event, and in an introductory speech before the discussion day at Dovecot which may affect results. For figures, see the ‘Awareness of criminal responsibility’ section on page 7.

⁵ 88% respondents at Polmont compared to 47% at Dovecot thought the age should be raised to 12.
Section one: stop and search powers for young people and alcohol

1. Awareness of current stop and search rules

**Dovecot**

- During the discussion day at Dovecot, young people were asked questions about their knowledge of current stop and search powers. Respondents were largely aware of the existence of different types of stop and search, with 84% who knew that a stop and search can be carried out with or without consent depending on the circumstances; and only 16% of respondents who thought that consent was always required. However, respondents were not aware of how current stop and search rules relate to alcohol, with 95% who thought current powers for this were both consensual and non-consensual, and the other 5% who thought these were only consensual.

2. Experiences of stop and search

**Dovecot and Polmont**

- **Negative associations:** Discussion of young people’s experiences of stop and search generally brought about negative connotations, described at Dovecot as “frustrating” “embarrassing” and “unfair”, and frequently at both the Dovecot and Polmont as “degrading”.

- **Unclear on proper use and practice of stop and search:** Young people at both Dovecot and Polmont highlighted a “lack of clarity” (Dovecot) surrounding the way stop and search is used, “The reason people don’t like the police is because there is no reason for them to stop you” (Polmont). In particular many young people emphasised problems surrounding consensual stop and search, “You can’t actually refuse a search, if you do its straight down to the station, cells, strip-searched and squatting” (Dovecot) and “Breach of the peace becomes a catchall cause for exploiting young people’s rights when they refuse a stop and search” (Dovecot). One young person said, “I’ve never been asked if I can be searched – they always just do it” (Polmont) with another young person saying “People don’t really have “rights” when it comes to the police” (Dovecot).

- **Profiling:** Young people at both Dovecot and Polmont highlighted ‘profiling’ as an issue, “The police judge you based on who you’re with and what you’re wearing” (Polmont) and “They’ll always search folk that are wearing trackies” (Polmont). One young person said, “They never search my white pals that are doing the same as me” (Polmont), and another commented, “I will be searched as soon as they find out who my family is. I will be taretted with the same brush” (Dovecot). In particular young people were concerned at excessive searches of certain individuals, “At the moment with stop and search its borderline harassment” (Polmont). One young person stated, “I’ve been searched 3 times every day for a year, and never been found with anything. I felt degraded, having to take off my socks

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6 Please note that there is no data available for the Polmont discussion day on this section.
7 Based on 19 respondents at Dovecot.
8 Based on 19 respondents at Dovecot.
and shoes in front of the community and the young people I mentor because of profiling” (Dovecot). Similarly, another young person said, “I have been searched by the same officers hundreds of times - they have never found anything on me - but they just keep doing it now because they know my face” (Polmont).

**Polmont**

- **Targeting youth:** At Polmont, young people also frequently commented that they thought the use of stop and search in particular targeted and discriminated against young people. For instance one young person said, “When you’re young you hang about the streets more in a group so this is just a way for them to be allowed to treat young people differently than everyone else”. Other young people emphasised, “How can young people overcome harmful stereotypes when the police stereotype young people so much” and “They just use stop and search as a power trip and a way to intimidate young people.”

**3. New statutory power to search young people for alcohol**

**Dovecot and Polmont**

- **Voting results:** Young people were asked at both Dovecot and Polmont whether they thought a new statutory power to stop and search young people for alcohol should be introduced. Including results from both Dovecot and Polmont, a majority of 77% of respondents said they didn’t think it should be introduced. A breakdown of the results shows that the number of respondents who didn’t think the power should be introduced was a slim majority of 56% in Dovecot, as opposed to a unanimous 100% at Polmont.

- **Effectiveness:** Both the young people at the Discussion Day and at Polmont emphasised that they didn’t believe a new power to stop and search would be effective. For instance one person said, “There’s only a small demographic that drinks on the street” (Discussion Day), with another commenting, “How do you conceal alcohol anyway? It’s obvious if you have it so that isn’t what they are looking for” (Polmont). Other young people also said, “Will it make a difference to drinking? No. there will always be a back-up plan” (Discussion Day), and “It would not work in any form as a deterrence” (Discussion Day).

- **Potential for abuse:** Young people expressed concern that, “It would open up young people to abuse” (Dovecot) as “Grounds of suspicion for alcohol unclear” (Dovecot). One young person said, “Ironically it may not be policed very well” (Dovecot) and one commented “This new power would create harassment” (Polmont). Another young person said, “Young people are searched so often anyway - this new power would make no difference ‘cos the police will just do what they want - if they want to search you they will come up with a reason” (Polmont).

- **Relationship between young people and the police:** Young people at both the Discussion Day and Polmont “It will only worsen police relations with young people” (Dovecot) and “It will have a very negative effect on the relationship between young people and the police” (Polmont). Some young people expressed concern that, “By introducing a new law police are going to drive away people to distrust and detest them” (Dovecot).

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9 Based on 35 respondents at Dovecot and Polmont.
10 Based on 17 respondents at Polmont.
11 Based on 18 respondents at Dovecot.
4. Other ways to protect young people from alcohol

**Dovecot and Polmont**

- **Education:** The main focus on discussion from young people on other ways of protecting young people from alcohol was on educating young people, “You can’t protect people from alcohol - except through education” (Polmont) and “Having better education in schools and informal settings eg. Youth work would be more effective than an authoritative approach that would damage the already fragile trust between young people and the police” (Dovecot). There were calls from young people that a “more up to date” (Dovecot) and “more realistic approach” (Dovecot) should be taken, with one young person stating that “current education is patronising” (Dovecot). Specific suggestions included, “changing Scottish culture around alcohol” (Dovecot) and gearing it towards “continental attitudes to drinking” (Dovecot).

**Dovecot**

- **Providers of alcohol to under-age young people:** Young people at Dovecot suggested addressing the means of drinking, “Work on the supply of alcohol to young people - look at the adults, not just young people”. Several young people suggested that “Targeting the shops selling to under-agers” was one way of doing this, as well as “Enforc[ing] the law about buying under-agers by introducing further penalties.”

**Polmont**

- **Focus on well-being of young people:** Young people at Polmont also commented that they didn’t believe the police should focus on preventing young people from drinking alcohol, “They should be more focused on keeping people safe - like getting young people home if they are drunk - rather than searching folk” and “They should be less focused on searching folk and more concerned with keeping young people safe and getting them home.”

5. Code of practice

**Dovecot and Polmont**

- **Explaining procedure:** The main theme young people emphasised from both discussion days was that the police should provide a detailed explanation to the person being searched, “They should tell you what they are going to do and why they are doing it in plain language instead of legal jargon” (Polmont) and “It should be on the police to make clear why and what the legislation is before not after…when they leave they should know exactly why and where they stand” (Dovecot).

**Dovecot**

- **Children and young person’s section:** Most of the young people at Dovecot considered that within the code of practice there should be, “Guidelines or training on how to deal with and work with young people”, with one person saying, “Police must follow procedures to ensure if a young person is wound up [the] searching officer must diffuse situation following guidelines enshrined in the policy”. Another young person suggested “Put UNCRC into the code of practice as well as GIRFEC and teach the SHANNARI strategy to the police”. There were, however, a smaller number of young people who did not think it necessary, “Educate
police Scotland before you start segregating young people with an additional policy” and another saying, “Why does there need to be additional guidelines for young people when in reality we should all be treated equally regardless of age.”

- **Informing on rights:** In addition, some young people also thought that police officers should ensure the person being searched knew their rights, the “The issue [with stop and search] is not the concept, it’s the lack of knowledge of people’s rights”. Young people considered that “Rights should be made clearer, more accessible”, and “Rights should be read, variable to ages”.

- **Accountability:** Some young people emphasised that “should be clearer how to report bad practice” and that “[The] officer should tell you how to make an enquiry/report things.” Another young person commented that “[There] should be a complaints procedure so parents and young people can put forward them - OPCC exclusive currently to those who know how to access system.” One person suggested, “[There should be] data published on how many stop and searches, set out trigger levels, if breached independent audit on why”.
Section two: raising the age of minimum criminal responsibility

1. Awareness of current rules

Dovecot

- During the discussion day at Dovecot,\(^\text{12}\) young people were asked questions about current rules of criminal responsibility. Most were aware of the correct meaning of criminal responsibility at 79% of respondents, with an even stronger awareness of the current age brackets for criminal responsibility and criminal prosecution.\(^\text{13}\)

2. Experiences of the criminal justice system as a young person

Dovecot and Polmont

- **Understanding of right and wrong:** An issue frequently highlighted by young people at Dovecot and Polmont centred on the idea that “Children as young as 8 have no proper idea of what is right and wrong” (Dovecot) and “Their brain won’t be fully developed at their age they don’t have the same amount of free will” (Dovecot). One young person asked, “Does an 8-11 year old have the capacity to understand their crime?” (Dovecot). Another young person commented, “When you’re 8 and you steal sweets and stuff you don’t even know it’s wrong” (Polmont). There were a smaller number of young who did however consider that “all young people know right from wrong regardless of how they are brought up” (Polmont).

- **Awareness of consequences:** Following from this, many young people from Dovecot and Polmont considered that 8-11 year olds involved in crime were largely only aware of consequences in terms of “Getting into trouble with parents and school”. Problems with authorities were described as “Less considered” (Dovecot), with another saying that the “children’s panel is an afterthought” (Dovecot). Not many of the young people asked thought that 8-11 year olds were aware of the longer term consequences of their actions at the time of offending, “They don’t think of short term consequences, never mind long term” (Dovecot). In reflecting on their own experience, one young person said “Social work are too soft on you and don’t let you actually find out the consequences of your actions...I had no idea all my charges were adding up and working against me, then when I hit a certain age it all caught up with me and I ended up with a conviction that put me in jail because of my record” (Polmont). Another young person said, “The vast majority of us [in Polmont] just made a couple of stupid mistakes - or one split second decision” (Polmont) and “Young people need to be more aware of the consequences of criminal behaviour” (Polmont).

- **Long term effects on personal life:** Young people also highlighted long term effects on their self and well-being, highlighting the issue of “Being labelled” (Dovecot). Young people emphasised the “Long term stigma surrounding offenders” (Dovecot) who are “Always known in community for negatives” (Dovecot). Several young people further highlighted

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\(^{12}\) Please note that there is no data available for the Polmont discussion day on this section.

\(^{13}\) 100% of respondents knew the current age of criminal responsibility and prosecution, based on 19 respondents at Dovecot. It should be borne in mind that respondents were given information on the current ages on the invitation to the event, and that this was mentioned in introductory speeches to the discussion day at Dovecot.
“There is a lot of effect on your confidence from being involved in youth offences” (Polmont) and “Trust issues between family and employers from being involved in offences” (Polmont).

**Dovecot:**

- **Long term effects on future prospects:** Another long term effect recognised from involvement in the criminal justice system particularly by young people in Dovecot surrounded employment, highlighting involvement in criminal activity from a young age “Hinders job prospects” and creates “Difficulties finding work in the future”. One young person simply commented, “criminal record = bad future prospects”.

### 3. Raising the age of minimum criminal responsibility

**Dovecot and Polmont**

- **Voting results:** Young people were asked at both Dovecot and Polmont about what age they think the age of criminal criminal responsibility should be. Including all respondents from both discussion days it was agreed by 88% that the age should be raised from 8. From respondents answers, 68% thought that this should be raised to 12, 20% thought it should be raised to 10, and 12% thought it should be based on maturity rather than age. However, the number of respondents who thought it should be raised to 12 was a slim majority by young people at Dovecot, the number of respondents who thought it should be raised to 12 in Polmont was more unanimous.

- **Consistency:** Young people at Dovecot and Polmont highlighted that “There should be a consistent age” and “Age should be consistent for both prosecution and responsibility” (Dovecot). Another young person said, “A benefit of raising the age to 12 is that it makes the law clearer, so that if someone is found responsible then they can be prosecuted. It would also make it clearer that you can’t just get away with committing crimes” (Polmont).

- **Effect on offending:** Some young people recognised that there could be an increase in offending as it “Could be less of a deterrent” (Dovecot) and “If the age is raised, then offending in 8-11 year olds could increase” (Polmont). Another point raised was that “If there is no responsibility then children could take responsibility for someone else’s crime” (Polmont). One person said, “There is a guy in [Polmont] who was made to take the blame for a crime that his stepdad committed cos they knew he would get less of a sentence” (Polmont). On this issue, some young people also echoed earlier themes regarding the capacity of 8-11 year olds and their understanding of actions and consequences, “About 20% of the people in [Polmont] committed offences that they actually planned to do” (Polmont).

- **Placing responsibility elsewhere:** Young people frequently commented on placing the focus of responsibility away from the young people and, “An 8-11 year old has a loose understanding of their actions but they’re not developed enough to be responsible for them” (Polmont) and “You have to hold adults in some way responsible” (Dovecot). One young person emphasised, “How much can we blame a ten year old and not think that environment and parents are the problem” (Dovecot). In addition, another young person said, “It’s the duty of social work to fix you, not society to judge you” (Dovecot).

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14 Based on 34 respondents from Dovecot and Polmont.
15 Based on 34 respondents from Dovecot and Polmont.
16 88% of respondents from Polmont thought the age should be raised to 12 compared to 47% of respondents from Dovecot.
Dovecot

- **Opportunity for intervention:** Several young people at Dovecot highlighted that raising the age would provide more time for children to change their behaviour at a young age before responsibility ensued, “So no young people are saddled with the consequences of an immature action they regret” and “To allow people to progress into positive destinations”. However, a similar amount of other young people at Dovecot considered that in absence of criminal responsibility at age 8-11 there could be a gap in addressing patterns of criminal activity displayed when young, “If children aren’t monitored and crimes are forgotten it is likely these actions will be repeated” and “Young age interventions can highlight problems at home before they escalate”. One young person said, “I accumulated 19 charges pre-16, I didn’t once appear at children’s hearings and wasn’t held responsible, so it continued”.

4. **Support for victims and offenders**

**Dovecot and Polmont**

- **Rehabilitation:** There was emphasis from young people at Dovecot and Polmont that the focus should be on rehabilitation and “less punitive measures” (Dovecot) and “Get help to change your behaviour rather than punishment” (Polmont). One young person said it was necessary to “root out reasons for criminal activity” (Dovecot) with another saying “If you can’t stop people offending - the important thing is to make sure that people don’t reoffend” (Polmont). Young people particularly identified youth and community work as a source of support for offenders, “There should be more support for young offenders - not just social work, but third sector support and funding” (Dovecot). One young person spoke of their own experience in this regard, “Me and my brother had similar problems when we were young with crime, but I received more support and we have taken two different paths - he has spent his twenties in and out of prison - has been failed by the system for sure” (Dovecot). Another young person said, “At my work we take on CPO’s [Community Payback Orders]. One woman has stayed on and volunteers 30 hours a week now ‘cos she feels she is contributing” (Dovecot).

- **Preventative measures:** Young people placed particular emphasis on support services to prevent young people from being involved in crime before it occurs, “Youth work in a youth offenders institute is great, but you shouldn’t have to get to that point before you access high quality youth work” (Dovecot). In particular a peer-focused method was highlighted, “There should be peer mentoring for young people at risk of offending by an ex-con” (Polmont) and “There should be streetwork to help young people who are at risk of offending - ‘cos they wouldn’t listen to stuff warning them in school - they are more likely to listen to people on the streets who aren’t teachers” (Polmont).

**Dovecot**

- **Counselling for victims:** The most identified support that young people thought was necessary for victims was “Therapy” and “Counselling”. Young people also considered that it was necessary to “create a support network for victims”, with a focus on “Helping them put it behind them” through things like “Group activities”.

- **Justice for victims:** When asked about the effect that raising the age to 12 could have on the victims of crimes, young people’s responses in Dovecot were mixed in their opinions. Some young people considered that “victims could feel that justice hasn’t been served”

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17 Please not for issues of sensitivity the young people at Polmont were not asked questions about effects on victims.
with another person stating “it’s just another example of the criminal justice system prioritising the criminal over the victim”. However, several young people also felt that in absence of criminal responsibility knowledge of rehabilitation would be suffice, “If the age is raised victims know they are being treated in a rehabilitation model rather than punished” and that they could “Re-iterate to the victim that education programme is going to work to overcome [the offenders] behaviour”.

5. Rules relating to information

**Dovecot and Polmont:**

- **‘Wiping clean’ criminal records:** Young people from both Dovecot and Polmont mainly felt that wiping information should be judged on a case by case basis, “There shouldn’t be set rules - it should depend on the crime” (Polmont). In general the young people asked agreed that “Certain minor crimes should be wiped from the record” (Polmont) while recognising that the “[The] system needs to account for serious crimes” (Dovecot). Several offences in particular were frequently identified in this respect, “Murder and rape are exceptions [and] should remain on the record forever (Dovecot).”

- **Disclosing information on criminal record to third parties:** Most of the comments from young people at Dovecot and Polmont focused on the idea that criminal record information should be in some way limited, “You shouldn’t reveal information about crimes committed by people under 12 - the files should be made available to people that need to see them but they shouldn’t be out there for mass consumption.” Some young people considered that it should be “Dependent on the offence” (Dovecot) for instance that “Employers should only have access to major crimes” (Dovecot). Alternatively, some young people thought that more emphasis should be placed on the reason for requesting it, “Any information should only be available if discernibly relevant to those requesting it” (Dovecot) and “Convictions of young people age 8-11 should be shared with schools etc for the protection of other pupils” (Polmont). There was a smaller number of young people who felt that information should be more widely available, “They have a right to know what you’ve done in the past” (Dovecot) and “I have committed an offence and I should have to deal with the consequences” (Dovecot).

**Dovecot:**

- **Criminal record appeals system:** Several young people at Dovecot suggested an “Alternative to the wipe clean rule”, saying instead that “Information should stay on record, but you have the right to appeal it later in life to take it off. The onus should be on you to prove you have changed to the criminal justice system and not the other way round”.
Appendices

Appendix 1: Methodology

The Scottish Youth Parliament

SYP represents all of Scotland’s young people. Our Vision for Scotland is of a nation that listens to and values the participation of children and young people. Our goal is to do our utmost to make this vision a reality. We see this as vital to ensuring Scotland is the best place in the world to grow up.

Our democratically elected members listen to and recognise the issues that are most important to young people, ensuring that their voices are heard by decision-makers. We provide a platform for young people to discuss issues that matter to them, and support them to campaign for the changes they wish to see at community, local and national levels.

SYP’s Values are:

Democracy - We are youth-led and accountable to young people aged 14-25.

Rights - We are passionate about ensuring that young people are aware of their rights and ensuring that local and national government deliver policies that ensure those rights are fulfilled.

Inclusion - We are committed to being truly inclusive and work tirelessly to ensure that we represent young people from every community and background.

Political impartiality - We constructively engage with, and challenge, decision-makers from all political parties to ensure the voices of young people are at the heart of policymaking in Scotland.

Our Approach

SYP specialises in developing youth-led and innovative processes to facilitate meaningful engagement between young people and policy-makers. We combine our expertise in youth work and public policy to ensure that young people are supported to contribute their views on a wide range of complex issues.

The SYP Advocacy and Campaigns and Youth Engagement teams worked with the Scottish Government to develop an agenda and session plan\(^{18}\) for the Discussion Days. The session employed a combination of innovative and traditional youth work techniques to facilitate discussions about a range of issues pertaining to mental health.

The SYP staff team facilitated small discussion groups, with both young people and staff scribing their feedback in an agreed feedback process. A member of staff also moved between tables taking notes of the discussions.

\(^{18}\) See Appendix B for the full agenda and session plan.
## Appendix 2: Table Questions

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### STOP AND SEARCH SECTION

**Q. Do the police need your consent to search you?**

- a. It has to be with your consent
- b. No they don’t need your consent and they can do it when they choose
- c. It can be either with your consent or without your consent depending on the circumstances

**Q. Do police powers to search for alcohol currently come under consensual or non-consensual?**

- a. Consensual
- b. Non-consensual
- c. Both

**Q. Do the police have any powers relating to young people and alcohol other than searching?**

- a. They can arrest you if you look like someone that might have alcohol
- b. They can arrest you if you have been caught with alcohol before
- c. They can ask you to give up the alcohol if they think you have it

### Setting the scene

*Beginning of table questions*

1. What do you know about the current powers of the police to stop and search young people?

   *After discussion, facilitator would explain what these powers are, and the upcoming changes to stop and search, ie; consensual stop and search will end when the code of practice is launched next year. Facilitator to write down any important points discussed.*

2. What do you think some of the possible benefits or problems could be of this new power?
**EXPERIENCES (30 minutes)**

3. If you have had experience with stop and search, what did you think of this experience? Do you think this was an effective way of protecting your and/or others’ safety? What could have been done better/differently?

   *Groups of participants will be given two sheets one with a “thumbs up” sign and one with a “thumbs down sign”. Participants will be given coloured sticky notes and will write down the things they thought were effective or could have been improved, and place on the corresponding poster.*

4. A code of practice for stop and search is currently being developed (if needed, facilitator would explain a little more about this). This is a guide for police officers to follow to make sure stop and searches are fair, respectful and uphold people’s rights.

   Do you think that the code of practice should include a section specifically on carrying out stop and search on children and young people? If so, what should this section include?

   *Participants discuss as a group, looking at what children and young people might need which should be included in the Code and whether this is the same or different as adults. There should be a piece of paper with the word “rules” written on it, participants should write answers here.*

**OPINION (30 minutes)**

5. Do you think that there should be a new power to stop and search young people for alcohol? Why do you think this?

   *Participants can discuss this in their groups, then should each be given a luggage tag. Participants should write ‘yes’ or ‘no’ on this and also write their reason for voting yes or no on the luggage tag, and these should be hung on a piece of string across the room.*

6. Do you think there are other ways of protecting young people from alcohol? If so, what would they be?

   *There should be a piece of paper with a lightbulb on it (alternatively this can be drawn). Participants can discuss this as a group and write their answers down together on the sheet of paper (or use post its if they want).*
## CRIMINAL RESPONSIBILITY SECTION

### VOTING

*Whole group voting*

**Q. What does the term criminal responsibility mean?**

- a. The age that information can be placed on your criminal record
- b. The age you can get charged with an offence
- c. Both

**Q. What is the current age of criminal responsibility and criminal prosecution?**

- a. They are both at 8
- b. The age of responsibility is 8 and prosecution is 12
- c. They are both at 12
- d. The age of prosecution is 8 and responsibility is 12

**Q. How long can a crime be kept on record?**

- a. Depends on your age
- b. Depends on the crime
- c. Forever

**Q. How long does a Police warning remain on record?**

- a. 3 months
- b. 6 months
- c. 2 years

### SETTING THE SCENE

*Beginning of table questions*

1. **What do you understand by the term “criminal responsibility”? What do you know about the current age of criminal responsibility and prosecution?**

   *If needed, facilitator would explain the difference between the 8 and 12 thresholds. Use information sheet at the beginning of this pack.*
2. What do you think some possible benefits and problems could be of raising the age of criminal responsibility to 12?

*Have a “brick wall” with “possible benefits” and “possible problems” written on them. Participants can use coloured pens to write these on the brick wall.*

EXPERIENCES

3. If you have had experience and/or involvement with offences as a young person, what did you think about this experience? Do you think that you were aware at the time of the short term and long term effects of this?

*There should be a long piece of paper (or several A4 pieces stuck together) with a timeline at one end of the room (this is included at the end of the pack). On one side there is a picture of a small person with “short term effects” and at the other side a picture of a small person with “long term effects”. Participants from all groups can get up and write down on the timeline or on post its what they thought of the experience, and what they thought the short and long term effects would be next to the side of the timeline that fits with their answer.*

4. Do you feel that there has been long term effects on your life as a result of being involved with any offences at a young age? If so, what have these been?

*There should be a piece of paper with “long term effects” written on it. Participants can write these down on a post it and place it on the paper.*

OPINION

5. Do you think that if young people commit an offence under the age of 12, that their criminal record should be “wiped clean” after a certain amount of time? Why/why not? Do you think there should be any exceptions to this?

*Participants can discuss as a group and write their answers down on post its to stick to a large piece of paper with the question written on it.*

6. What rules do you think should be in place for revealing information about harmful behaviour of young people under the age of 12?

*There should be a sheet of paper with the word “rules” written on it (you can use the version at the end of the pack). Participants can work together to write down some of the rules they think should be in place.*
<p>| | |</p>
<table>
<thead>
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<tr>
<td><strong>OPINION</strong></td>
<td></td>
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</table>
| 7. If the age of criminal responsibility is raised to 12, what do you think the effects of this could be (if any) on victims of offences carried out by young people under 12?  
*Participants can discuss as a group and write their answers down on a sheet of paper.*  
8. What do you think is needed to make sure that the victims of offences by young people under 12 are protected and supported following an offence against them?  
*There should be a sheet of paper with the outline of a person on it and the question heading. Participants can write their answers on the sheet.*  
9. Do you think the age of criminal responsibility should be raised from 8 to 12?  
*Participants should each be given a luggage tag and write ‘yes’ or ‘no’ on it and also write their reason. These should be hung on a piece of string across the room (the opposite side of the room as the string in the stop and search section.*  
10. What do you think is necessary to make sure that those involved with offending are protected and supported to change their behaviour?  
*There should be a sheet of paper with the outline of a person on it and the question heading. Participants can write on the sheet their answers.* | Large piece of paper with the question on it, pens, post its  
Paper with person outline and question written on top, pens  
Luggage tags, string, jar (or bowl), pens  
Paper with person outline and question written on top, pens |
Appendix 3: Selection of materials from discussion day

What could have been done differently?

- Make sure police know rights.
- Find too little for the amount of searches.
- Teach young people rights from a young age. e.g. ROHE
- Breach of peace becomes catchall cause for exploring YP rights when there is deep searches.
- Alcohol searching is an excuse for other suspicious.
- Police should build community relationships not use penalties.
- Way police approach YP is authoritarian and disrespects us.
- Thumbs down

Rules

- Be respectful to YP + be sensitive.
- Treat them like an adult.
- Don’t patronise
  
  (same dignity + respect)
- Be clear what is next + outcome. How to make complaints.
- Clearer how to report bad practice. Officer should tell you how to make an enquiry/report things.
- Rights are the same - express them differently.
Rules

1. Criminal responsibility
   - Age of responsibility: 12
   - Age of prosecution: 16
   - Criminal responsibility: 12
   - Responsibility: 10 (know right from wrong at this point)
   - Responsibility: 12 (with exceptional circumstances for murder & rape)
Long-term consequences

Long-term effects

- Criminal record - bad for future prospects
- PVC checks a barrier
- "cool"
- Try to see commonality as
- Sometimes if your college knows, it could cause problems
- trying to get a job is really difficult
- Always remember that you are an international student