

# **The Need for a New Power to Search Children for Alcohol: A review of the evidence**

**Dr Kath Murray and Professor Susan McVie  
June 2016**



## Table of Contents

|  |    |
|--|----|
| Executive Summary .....  | 5  |
| Key findings .....   | 6  |
| 1. A power to search children for alcohol: background .....                | 11 |
| 2. Underage drinking in Scotland .....                                     | 14 |
| 2.1 <i>Prevalence</i> .....  | 14 |
| 2.2 <i>Where young people drink</i> .....                                  | 20 |
| 2.3 <i>Sources of alcohol</i> .....  | 21 |
| 2.4 <i>Adverse consequences of drinking</i> .....                          | 24 |
| 3. Police practice .....   | 26 |
| 3.1 <i>The changing use of stop and search in Scotland</i> .....           | 26 |
| 3.2 <i>Stop and search for alcohol</i> .....                               | 28 |
| 3.3 <i>Effectiveness</i> .....   | 35 |
| 3.4 <i>A search power for alcohol on welfare grounds</i> .....             | 37 |
| 4. A power to search children for alcohol: Discussion and conclusion ..... | 41 |
| 4.1 <i>The demographics of underage drinking</i> .....                     | 41 |
| 4.2 <i>Police practice and effectiveness</i> .....                         | 42 |
| 4.3 <i>Net-widening</i> .....  | 44 |
| 4.4 <i>Relationships between young people and the police</i> .....         | 45 |
| 4.5 <i>Conclusion</i> .....  | 46 |

### Table of Figures

|  |    |
|--|----|
| Figure 1. Number of recorded stop searches and seizures, April 2013 to May 2015.....   | 11 |
| Figure 2. Proportion of 13 and 15 year olds in Scotland who drank in the last week, 1990-2013 .....  | 15 |
| Figure 3. Prevalence of drinking in the last week (15 year olds) by Police Scotland command area, local authority and Division.....  | 16 |
| Figure 4. Proportion of 15 year olds who had alcohol in the last week that got drunk, by Police Scotland command area, local authority and Division. ....                        | 18 |
| Figure 5. Frequency of drinking alcohol, 13 and 15 year olds, 2013 .....   | 19 |
| Figure 6. Frequency of drinking alcohol, 13 and 15 year olds, by SIMD (%) 2013.....  | 20 |
| Figure 7. Usual location of drinking, 13 and 15 year olds (%) 2013.....  | 21 |
| Figure 8. Sources of alcohol, 13 and 15 year olds, 2013 (%).....   | 21 |
| Figure 9. Who bought alcohol for 13 and 15 year olds (on the most recent occasion) by SIMD (%).....  | 22 |
| Figure 10. Proportion of 13 and 15 year olds who obtained alcohol from an off licence/shop in the last year, by SIMD, 2013.....  | 23 |
| Figure 11. Trends in recorded liquor licensing law offences, 2003-04 to 2014-15: selling to, and buying alcohol for children.....  | 23 |
| Figure 12. Proportion of 13 and 15 year olds reporting adverse effects of alcohol in the last year (arguing, getting into a fight, feeling threatened) by SIMD quintile (%)..... | 25 |
| Figure 13. Proportion of 13 and 15 year olds reporting adverse effects of alcohol in the last year (admitted to hospital, vomited, missed school) by SIMD quintile (%) .....     | 25 |
| Figure 14. Proportion of 13 and 15 year olds reporting adverse effects of alcohol in the last year (tried drugs, got into trouble with the police) by SIMD quintile (%) .....    | 25 |
| Figure 15. Statutory and non-statutory stop and search, and seizure, June to December 2015 .....   | 26 |
| Figure 16. Number of stop searches and proportion of non-statutory searches on under-18s by Division, June and December 2015 .....   | 27 |
| Figure 17. Reasons for searching under-18s, by Division (June to December 2015).....   | 28 |
| Figure 18. The age-distribution of alcohol stop searches, June to December 2015.....   | 29 |
| Figure 19. Number of stop searches for alcohol (under-18s) June, September and December 2015 .....   | 30 |
| Figure 20. Rate of stop and search for alcohol per 10,000 under-18 year olds, by Command Area, local authority and Division, June to December 2015.....                          | 32 |
| Figure 21. Proportion of stop searches for alcohol, by age group (%) June to December 2015 .....   | 33 |
| Figure 22. Age-distribution of alcohol stop searches and seizures, June to December 2015 .....   | 34 |

Figure 23. Number of alcohol seizures by age, June to December 2015.....34

Figure 24. Prevalence and detection rates of non-statutory stop searches for alcohol, by Division, June to December 2015 (all ages) .....35

Figure 25. Proportion of stop searches for alcohol, by age-group (%) June to December 2015.....36

Figure 26. Alcohol detections by encounter type (%) June to December 2015 (under-18s only) .....36

Figure 27. Disposals used in relation to alcohol (stop searches and seizures), by age-group (%).....38

Figure 28. Disposals for alcohol searches & seizures by age group/gender, June to December 2015.....38

Figure 29. Disposals for alcohol detections by Command Area (%) June to December 2015 .....40

**Copyright Notice**

The Authors assert their right under the Copyright, Design and Patents Act, 1988 to be identified as the author of this work. Permission is granted to reproduce any part or all of this report for personal and educational use only. Commercial copying, hiring or lending is prohibited.

Copyright © Katherine Murray, Susan McVie 2016

## Executive Summary

The aim of this report is to inform the Scottish Government consultation on the proposal to introduce a statutory power to search young people under the age of 18 for alcohol. The report provides data and analysis on underage drinking trends in Scotland, and on how police officers use their powers of stop and search, and seizure in relation to underage drinking.

The analysis suggests that current intelligence-based approaches to stop and search are not particularly effective in detecting alcohol amongst young people, compared to older age groups, and to other approaches for dealing with alcohol possession. Between June and December 2015, the number of positive alcohol searches involving young people aged seventeen or under equated to less than one a day, whilst the vast majority of underage alcohol detections result from existing powers of seizure, rather than stop and search.

In practice, officers conduct few alcohol searches involving young people. In September 2015, six Divisions did not carry out any alcohol stop searches on young people aged seventeen or under, whilst four Divisions carried out less than five. The use of seizure powers has also fallen. Taken together, these trends do not appear to suggest a legislative shortfall and in this respect, we question how much a statutory power of search would add to existing seizure powers, which already account for more than nine in ten underage alcohol detections.

We also caution there is a risk that an additional search power for alcohol could aggravate relationships between young people and the police, particularly in areas where police-community relationships are frayed by dint of excessive use of stop and search in recent years (Blake Stevenson, 2016;<sup>1</sup> Murray, 2016).<sup>2</sup>

There are, we would suggest, more constructive ways of tackling underage drinking problems. It is encouraging that around two-thirds (69%) of young people stated that they agreed or strongly agreed that their school provided relevant advice and support in relation to alcohol (SALSUS, 2013); the challenge of course is to reach those who did not. Given that young people are most likely to access alcohol from parents and carers, we would also recommend that educational initiatives are directed towards responsible adults.

There is a disparity between the overall distribution of underage drinking across Scotland, and rates of excessive drinking, which are higher in the west, and as such, warrant more targeted interventions, including those directed towards off sales. For example, in Durham Constabulary, alcohol confiscated from a young person is traced back to the retailer (using batch/lot codes), and the sale investigated using CCTV, with a view to prosecution.

Finally, carefully targeted police presence, in itself, can also reduce crime and disorder without the risks police-public relationships that adversarial police contact carries (Ariel et al., 2016)<sup>3</sup>.

---

<sup>1</sup> Blake Stevenson (2016) *A qualitative study of the impact of Stop and Search on individuals and communities in Scotland*.

<sup>2</sup> Murray, K. (2016) *Understanding and Preventing Youth Crime survey (UYPC) Early Findings: Stop and search in Glasgow and Edinburgh*, Scottish Police Authority

<sup>3</sup> Ariel, B., Weinborn, C. and Sherman, L. (2016) "Soft" policing at hot spots—do police community support officers work? A randomized controlled trial, *Journal of Experimental Criminology* (advance access). Online at: <http://link.springer.com/article/10.1007/s11292-016-9260-4#enumeration>

## Key findings

### Underage drinking: prevalence, trends and demographics

Underage drinking in Scotland is reasonably widespread, although levels are falling. As can be expected, prevalence increases with age. Underage drinking appears to be slightly higher amongst girls, compared to boys. Girls are also more likely to get drunk, compared to boys. Young people are most likely to access alcohol through parents and carers, and to drink indoors, rather than outdoors. In terms of neighbourhood deprivation (as measured by the Scottish Index of Multiple Deprivation), the prevalence of underage drinking is reasonably consistent, although young people from the most deprived areas of Scotland were more likely to have got drunk in the last seven days, compared to those from the least deprived areas.

The statistics below are based on the 2013 Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS). Unless stated otherwise, prevalence statistics refer to those who had drunk alcohol in the last seven days.

- Underage drinking levels have fallen. In 2013, underage drinking among thirteen and fifteen year olds was at its lowest level since 1990.
- Just over one in ten (12%) of thirteen and fifteen year olds had drunk alcohol in the last seven days.
- The prevalence of underage drinking increased sharply by age: from 4% amongst thirteen year olds, to 19% amongst fifteen year olds.
- Over two-thirds of thirteen year olds (68%) and just under a third of fifteen years olds (31%) had never tried alcohol.
- Prevalence was slightly higher amongst fifteen-year old girls, compared to boys, at 19% and 18% respectively. Girls were more likely than boys to have drunk excessively: amongst those fifteen year olds who had alcohol in the last week, 64% of girls had got drunk, compared to 54% of boys.
- Young people in Scotland drank more heavily, compared to their English counterparts. In Scotland, the average number of units consumed by fifteen year olds was 18, compared to 9 in England.
- Prevalence amongst thirteen and fifteen year olds was the same in the 20% least deprived neighbourhoods and the 20% most deprived neighbourhoods (19%).
- Amongst those who had drunk alcohol in the last seven days, a higher proportion from the most 20% deprived neighbourhoods reported getting drunk, compared to those from the 20% least deprived neighbourhoods, at 65% and 51% respectively.
- Prevalence amongst fifteen-year olds varied by local authority: from 9% in Eilean Siar, to 30% in Orkney.

## REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence

- Of the four largest Scottish cities, prevalence amongst fifteen-year olds was highest in Edinburgh (19%) and lowest in Dundee (14%). Both Aberdeen and Glasgow were below the national average, at 15%. However, fifteen year olds in Glasgow who had alcohol in the last seven days were more likely to have got drunk (72%), compared to the national average (59%).
- The proportion of fifteen year olds who stated they drank outdoors more than halved between 2008 and 2013, from 43% to 20%.
- Amongst those thirteen and fifteen year olds who had someone buy alcohol for them in the last four weeks, the two main sources were parents or carers (26%) and older friends (25%).
- Thirteen and fifteen year olds from the 20% most deprived neighbourhoods were more likely to obtain alcohol from strangers than those from the 20% least deprived neighbourhoods, at 18% and 8% respectively. Those from the most 20% deprived neighbourhoods were also more likely to use off sales, compared to those from the least deprived neighbourhoods, at 7% and 3% respectively.
- Thirteen and fifteen year olds from the 20% most deprived neighbourhoods were most likely to have been in trouble with the police on two or more occasions due to underage drinking, at 8%, compared to a 6% average.

### Policing underage drinking

Searches for alcohol are less successful than searches for other unlawful items such as drugs or stolen property. Detection rates are lowest for young people. Police Officers found most alcohol using existing powers of seizure under s.61 of the Crime and Punishment (Scotland) Act 1997, rather than stop and search. The statistics below are based on stop searches recorded between June and December 2015.

- Between June and December 2015, police officers recorded 3,244 alcohol stop searches (all ages). These accounted for less than one in ten (8%) of all recorded stop searches, the majority of which related to drugs (75%).
- The number of alcohol seizures was over three times greater than the number of alcohol searches, at around 11,000.
- The number of alcohol searches and seizures fell between June and December 2015: searches fell by 91%, from 1,123 to 100, and seizures fell by 79%, from 2,355 to 494.
- Alcohol searches were most likely to involve young people: half of alcohol searches involved under-18s.
- Overall, 14% of alcohol searches (all ages) led to a positive result, compared to an overall 24% detection rate for all types of stop of search.
- Alcohol searches involving young people were even less successful. Only 10% of stop searches for alcohol involving under-18s were positive, compared to 17% among those aged eighteen or over. This disparity suggests that the threshold for reasonable suspicion was lower for young people.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

- The detection rate amongst under-18s equated to less than one successful search for alcohol per day across the whole of Scotland between June and December 2015.
- Most underage alcohol detections resulted from seizure powers. More than nine in ten (91%) of alcohol detections resulted from statutory powers of seizure, compared to 6% from non-statutory stop and search, and 3% from statutory stop and search.
- In September 2015, six Divisions did not record *any* alcohol searches on young people aged seventeen or under. In December 2015, police officers recorded only 50 alcohol searches on under-18s across the whole of Scotland, of which 12 were positive.
- The number of offences recorded in relation to selling to, or purchasing alcohol for under-18s fell by 93% between 2006/7 and 2014/15, from 1,300 to 95.



## REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence

### Data and report structure

The report draws on data from the 2013 Scottish Adolescent Lifestyle Smoking and Alcohol Survey (SALSUS) 2013 and Police Scotland statistics (both detailed below), as well as Scottish Government licensing statistics, data from the Centre for Research on Environment, Society and Health (CRESH) and data from the *Understanding and Preventing Youth Crime* (UPYC) survey.

#### Scottish Adolescent Lifestyle Smoking and Alcohol Survey (SALSUS), 2013 sweep

SALSUS is the primary source of data on substance using behaviour among young people in Scotland. The 2013 survey<sup>4</sup> is part of a long running series of national surveys of young people's substance use. From 1982 to 2000 these were carried out jointly in Scotland and England to provide national information on smoking behaviour (from 1982), drinking behaviour (from 1990) and drug use (from 1998). In 2002, Scotland introduced its own (SALSUS) survey. The survey provides national policy makers with information to help develop and evaluate policies to reduce the prevalence of substance use in Scotland and to monitor progress towards achieving Scottish Government targets. The survey is carried out in Local Authority and Independent schools across Scotland. In 2013, the SALSUS sample size was 33,685, drawn from thirteen and fifteen year olds.

#### Police Scotland stop and search statistics

The report draws on Police Scotland stop and search data recorded between June and December 2015.<sup>5</sup> In June 2015, Police Scotland introduced an upgraded database, which together with extensive monitoring, led to a significant improvement in recording standards. New data-fields include the legislative powers used by officers when carrying out a search, the grounds for searching people, and disposals used by officers. The introduction of a separate recording field for statutory seizures (alcohol, tobacco) also means that officer practice is captured more accurately (data prior to June 2015 does not provide the necessary detail to analyse police activity in relation to underage drinking). It is not possible to identify how often individuals have been stopped and searched (multiple incidents) which means that analysis of the data are not 100% accurate in relation to prevalence. However, the data provide useful information about the current use of non-statutory searches in relation to incidents involving alcohol.

### Report structure

The report is structured in four parts. **Part One** describes recent policy and legal developments on stop and search in Scotland, and the background to the proposed alcohol amendment. **Part Two** examines underage drinking in Scotland. Drawing principally on SALSUS data, the analysis explores the overall and varying prevalence of underage drinking in Scotland, where young people drink, how they access alcohol, and the adverse effects of underage drinking. **Part Three** investigates police practice. Drawing on Police Scotland statistics, the analysis looks at the overall and varying incidence of searches and seizures in Scotland, and the effectiveness of searching young people for alcohol (based on detection). The analysis also examines the varying use of police disposals such as fixed penalty notices. Finally, **Part Four** discusses the key findings.

A short summary of relevant police powers in relation to alcohol in Scotland is set out below.

<sup>4</sup> For an overview see: [http://www.isdscotland.org/Health-Topics/Public-Health/Publications/2014-11-25/SALSUS\\_2013\\_National\\_Overview.pdf](http://www.isdscotland.org/Health-Topics/Public-Health/Publications/2014-11-25/SALSUS_2013_National_Overview.pdf)

<sup>5</sup> These can be accessed at: <http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication>

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Alcohol and policing in Scotland: An overview of police powers**

- Section 61 of the Crime and Punishment (Scotland) Act 1997 allows officers to **confiscate** alcohol from under-18s. Note that until June 2015, police officers recorded confiscations under Section 61 as stop searches, and that the respective number of seizures and stop searches for alcohol in Scotland was unknown.
- There is no statutory power of search for alcohol for under-18s in Scotland.
- It is not an offence for a young person under the age of eighteen to possess alcohol. It is however, an offence to buy, or try to buy alcohol if you are under the age of eighteen, or to buy alcohol for someone under the age of eighteen under the [Licensing \(Scotland\) Act 2005 \(s.8\)](#). It is also an offence to sell or allow the sale of alcohol to someone under the age of eighteen.
- Section 21 of the Criminal Law (Consolidation) (Scotland) Act provides a statutory search power for alcohol, sealed containers, bottles, fireworks, flares etc. at sporting events.
- Almost all local authorities in Scotland have an alcohol byelaw that covers a population or geographical area under [s.201\(1\) of the Local Government \(Scotland\) Act 1973](#) and applies irrespective of age. Byelaws do not provide powers of search, but can influence police officer decision-making if a person is found with alcohol.

There are some variations in the legislative approaches between local authorities; for example, the offence may be whether a person is drinking alcohol; and/or is in possession of an open container; or has continued to drink when asked to stop by a police officer. In most cases, the offence is formulated as follows:

*Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcohol in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.*

Sections 128 and 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 give police powers to issue a fixed penalty notice for drinking alcohol in contravention of byelaws under the 1973 Act. If an offender refuses to pay the fixed penalty notice or wishes to challenge the allegation in court and is then found guilty, he or she is liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale. Fixed penalty notices can be given to a person aged sixteen years or over.

- In England and Wales, police officers may seize and confiscate alcohol under the [Policing and Crime Act 2009 \(s.29\)](#). If a young person is caught with alcohol on three separate occasions in a public place, they may face a social contract, fine or arrest (s.30).
- There is no general police power of search for alcohol for under-18s in England and Wales. However, under the [Serious Organised Crime and Police Act 2005 s.8 \(8\)](#) a Chief Constable can give delegated authority for PCSO's and Local Authority Wardens to search for alcohol if they reasonably believe that someone under 18 has failed to hand it over when asked. This means that the power of search is secondary to the power of confiscation, and therefore more limited than a general search power (Chalmers, 2015).<sup>6</sup>

<sup>6</sup> Chalmers, J. (2015) 'Legislative gaps' and the possible abolition of consensual stop and search, submission to the Independent Advisory Group on Stop and Search. Online: [http://www.gla.ac.uk/media/media\\_410730\\_en.pdf](http://www.gla.ac.uk/media/media_410730_en.pdf)

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

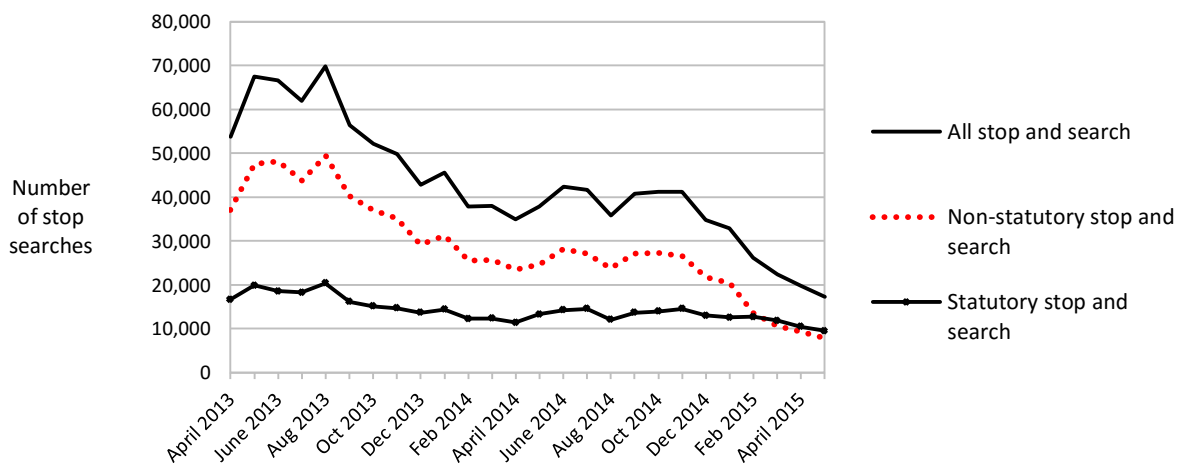
## 1. A power to search children for alcohol: background

Following the amalgamation of Scotland’s eight police forces into Police Scotland under the Police and Fire (Reform) Scotland Act 2012, the use of stop and search quickly surfaced as a controversial, and in many ways defining issue for the new single service (Scott, 2014;<sup>7</sup> Murray and Harkin, 2016).<sup>8</sup>

In fact, a volume approach to stop and search predated the single service by more than a decade, peaking in 2012/13, with a recorded rate around seven times higher than England and Wales. Nonetheless, in the ‘quieter’ climate that characterized Scottish policing prior to reform, use of stop and search remained low profile (Murray, 2015a,<sup>9</sup> Scott, 2015; 21).<sup>10</sup>

Recorded search rates began to fall shortly after the Police Scotland merger in April 2013, gradually at first, and then at a faster rate (Murray, 2015b).<sup>11</sup> By June/July 2015, recorded search rates had dropped by around seventy-five percent on the same period in the previous year, principally due to falling levels of non-statutory stop and search, which historically accounted for around seventy per cent of recorded searches. **Figure 1** shows the drop in overall, statutory and non-statutory recorded stop searches between April 2013 and May 2015 (prior to the change in recording practices).

**Figure 1. Number of recorded stop searches and seizures, April 2013 to May 2015**



Source: Police Scotland, 2015

<sup>7</sup> Scott, D. (2014) *Scotland’s single police force has had teething troubles, but there’s progress too*, The Conversation. Online: <https://theconversation.com/scotlands-single-police-force-has-had-teething-troubles-but-theres-progress-too-25177>

<sup>8</sup> Murray, K and Harkin, D (2016) Policing in hot and cool climates. Legitimacy, power and the rise and fall of mass stop and search in Scotland, *British Journal of Criminology* (advance access).

<sup>9</sup> Murray, K. (2015a) *The Proactive Turn: Stop and Search in Scotland*, PhD Thesis, University of Edinburgh.

<sup>10</sup> Scott, J. (2015) *The Report of the Advisory Group on Stop and Search*, Edinburgh, Scottish Government.

<sup>11</sup> Murray, K. (2015b) *Stop and Search in Scotland: A Post Reform Overview – Scrutiny and Accountability*, Scottish Centre for Crime and Justice Research Report 6/15.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

From June 2015 onwards, recorded stop searches continued to fall (data from this point onward is far more accurate). In December 2015, officers recorded around 4,500 stop searches and seizures – a fall of 94% from August 2013, at which point recorded stop searches and seizures had peaked at around 70,000. The fall can be linked to the unprecedented degree of scrutiny levelled at Police Scotland. Academics, journalists, opposition MSPs and advocacy groups highlighted the scale of recorded searches, the disproportionate impact on young people, and in particular, the widespread use of non-statutory stop and search, which the Scottish Human Rights Commission (2015) viewed as unlawful and open to challenge under the Human Rights Act 1998.<sup>12,13</sup>

By February 2015, it seemed clear that the future of non-statutory stop and search was uncertain. At this point, police executives publically expressed concerns that a move to abolish non-statutory stop and search might result in a ‘gap’ in officer’s search powers in relation to underage drinking:

*‘[Deputy Chief Constable Rose Fitzpatrick] said the removal of consensual stop-search would entail a “significant consequence and loss” for the police, leaving a gap which would need to be filled. She said: “If we look at our stop and searches for last year, just over a third were for alcohol and about 40 per cent of those were in relation to alcohol and under-18s. This is a big issue for society, not just the police.” (The Scotsman, 13/2/2015).<sup>14</sup>*

However, these statistics were muddled by recording practices that aggregated stop searches for alcohol with statutory seizures for alcohol. As noted earlier, police officers also have statutory powers of seizure for alcohol under Section 61 of the Crime and Punishment (Scotland) 1997 Act. Prior to June 2015, some police officers recorded Section 61 alcohol confiscations as stop searches. **This meant that it was impossible to calculate the number of alcohol detections that resulted from stop and search and the number that resulted from seizure.** Nonetheless, as DCC Fitzpatrick suggested, it was assumed that a good deal of alcohol detections resulted from non-statutory stop searches.

In March 2015, Police Scotland announced that stop and search would not be undertaken on a non-statutory basis – unless no other statutory option was available. In practice, this meant that police officers could continue to search under-18s for alcohol on a non-statutory basis, given the lack of statutory stop and search powers.<sup>15</sup> Also at this time, the Scottish Government appointed an Independent Advisory Group (IAG) to review the use of stop and search in Scotland.

On 31 August 2015, the IAG published its findings (Scott, 2015). In brief, the IAG recommended that non-statutory stop and search should end, put forward recommendations on a statutory

<sup>12</sup> ‘Police search hundreds of children despite commitment’ <http://www.bbc.co.uk/news/uk-scotland-31022269>

<sup>13</sup> ‘Commission calls for end to non-statutory stop and search’

<http://www.scottishhumanrights.com/news/latestnews/stopandsearchfeb15>

<sup>14</sup> ‘Police ‘need powers to search under-18s’ <http://www.scotsman.com/news/politics/top-stories/police-need-powers-to-search-under-18s-1-3689757#axzz3oA3ChyJR>

<sup>15</sup> Police Scotland (2015) *Stop and search update report*. Online: <http://www.gov.scot/Resource/0047/00474484.pdf>

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

Code of Practice, proposed tighter scrutiny mechanisms, and advised that the duty on police officers to consider a child's best interests should be extended to stop and search.

On the question of search powers for alcohol for under-18s, the IAG stated that it had 'not been able to form a concluded view on whether a gap in powers exists that could not be dealt with by existing powers, and also on whether a power to search children for alcohol would be desirable' (Scott, 2015; 14). A lack of consensus was also evident in the various submissions to the IAG. Some submissions argued for the introduction of search powers for alcohol for under-18s, should non-statutory stop and search be abolished, including the Association of Scottish Police Superintendents:

'There is a real concern, based on the perception of the role alcohol plays in driving such behaviours, that there are insufficient legal powers to search for alcohol in the absence of search by consent and a gap would be created that could leave young people exposed to a risk of harm.' (ASPS cited in Scott, 2015; 79)<sup>16</sup>

The Highland Council also expressed support for a power of search for alcohol, premised on the understanding that most non-statutory or 'consensual' searches related to alcohol, whilst a submission by Barnardo's<sup>17</sup> expressed potential support on welfare grounds. On the other hand, John Carnochan, the retired director of the Violence Reduction Unit argued for a more collaborative approach, without an additional power of search.<sup>18</sup> Reflecting a lack of consensus both within the IAG and among the consultation responses, the IAG recommended:

'That the Scottish Government should hold an early consultation on whether to legislate to create a specific power for police officers to search children under 18 for alcohol in circumstances where they have reasonable grounds to suspect that they have alcohol in their possession. Such a power might also extend to searching those suspected of supplying alcohol to those under 18. The Government should ensure that the consultation process engages effectively with children and young people. In introducing any such power care should be taken to ensure that there is no consequent increase in criminalisation of children and young people.' (2015; 15).

Having accepted the Advisory Group recommendations in full, in September 2015, the Scottish Government tabled a package of amendments to the Criminal Justice (Scotland) Bill, together with an additional 'enabling' amendment, which provided for stop and search powers for alcohol for under-18s, subject to public consultation.

The full package of stop and search amendments, including the alcohol Amendment, passed at Committee stage in September 2015 and was incorporated into the Criminal Justice (Scotland) Bill (Stage 2). In January 2016, the Criminal Justice (Scotland) Act received royal assent. The

<sup>16</sup> Scott, J. (2015) The Report of the Advisory Group on Stop and Search, Edinburgh, Scottish Government.

<sup>17</sup> Barnardo's Scotland (2015) *Response to the Independent Advisory Group on Stop and Search*. Online: [http://www.barnardos.org.uk/stop\\_and\\_search\\_response.pdf](http://www.barnardos.org.uk/stop_and_search_response.pdf)

<sup>18</sup> Carnochan, J. (2015) *Alcohol - Stop Search – Consensual or otherwise*, submission to the Independent Advisory Group on Stop and Search (unpublished).

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

remainder of this report examines the veracity of the case for introducing a search power for alcohol for under-18s. The report examines underage drinking patterns, how officers use their powers of search and seizure for alcohol, and considers how a power to search for alcohol powers might affect relationships between young people and the police.

## 2. Underage drinking in Scotland

Underage drinking in Scotland is reasonably widespread. Around a fifth of fifteen year olds report drinking alcohol in the last week. There is however, a downward trend (which appears to run counter to trends in adult drinking, in terms of increasing alcohol sales).<sup>19</sup> This is consistent with NHS statistics that show alcohol-related hospitalisations for under-fifteens have fallen sharply since 1995/96 (Beeston et al., 2016; 30)<sup>20</sup>. The likelihood that a thirteen or fifteen year old had tried alcohol is similar in Scotland and England; however, Scottish children tend to drink much more than their English counterparts.

The demographics of underage drinking are complex, and in some ways, perhaps run counter to some of the stereotypes about young people, drinking and disorder. Girls were slightly more likely to have drunk alcohol in the last week, compared to boys; more likely to get drunk, and more likely to report adverse effects. These results are consistent with an overview of underage drinking in the UK which found that girls aged fifteen to sixteen reported binge drinking and drunkenness more than boys, and were more likely than boys to be admitted to hospital for alcohol related harm (Healey et al., 2014).<sup>21</sup> There appears to be little, if any variation in the overall prevalence of underage drinking in terms of neighbourhood deprivation. However, young people from more deprived neighbourhoods were more likely to drink outdoors, to experience some types of adverse effects, to get into trouble with the police, and to have drunk excessively in the last week.

### 2.1 Prevalence

Evidence from the 2013 Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) shows that around a fifth (19%) of fifteen year olds had drunk alcohol in the last week.<sup>22</sup> Of these children, 59% said that they had been drunk.<sup>23</sup> Young people in Scotland drank more heavily than their English counterparts. The average number of alcohol units consumed by

---

<sup>19</sup> See Institute for Alcohol Studies: 'Scottish alcohol Sales on the increase again'.

<http://www.ias.org.uk/News/2016/25-May-2016-Scottish-alcohol-sales-on-the-increase-again.aspx>

<sup>20</sup> Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsom A. (2016) *Monitoring and Evaluating Scotland's Alcohol Strategy*. Final Report. Edinburgh, NHS Health Scotland.

<sup>21</sup> Healy C., Rahman, A., Faizal, M. and Kinderman, P. (2014) 'Underage drinking in the UK: Changing trends, impact and interventions. A rapid evidence synthesis', *The International Journal of Drug Policy*, 25 (1). Online: [http://www.ijdp.org/article/S0955-3959\(13\)00123-0/abstract](http://www.ijdp.org/article/S0955-3959(13)00123-0/abstract)

<sup>22</sup> SALSUS 2013. Table A3b. Online: [SALSUS Excel Tables: Alcohol](#)

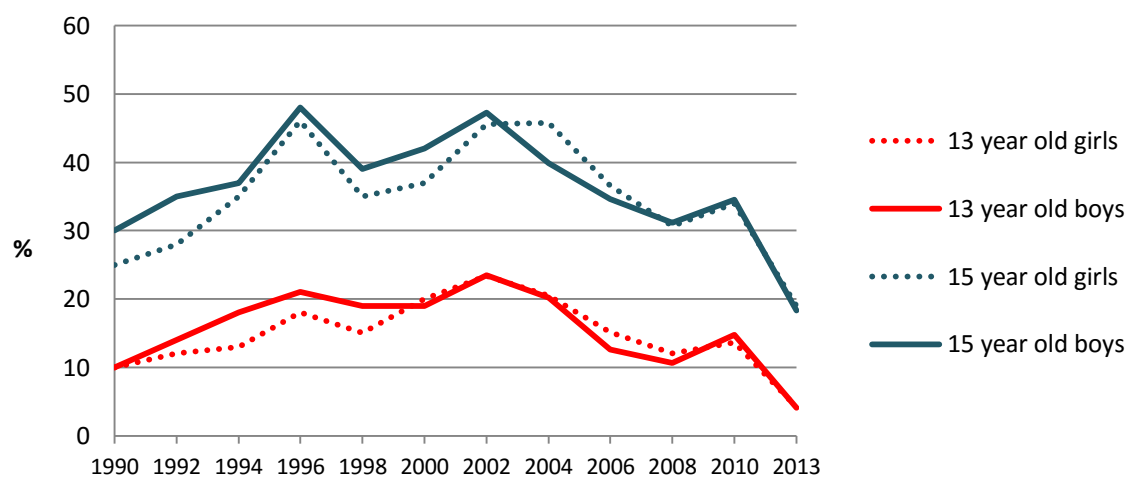
<sup>23</sup> SALSUS 2013. Table A10 (ibid.).

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

fifteen year olds who had drunk alcohol in the last week was eighteen in Scotland, compared to eight in England (SALSUS 2013 Table A5a; HSCIC 2014 Table 5.12b).<sup>24</sup>

More encouragingly, **Figure 2** shows that the level of underage drinking among thirteen and fifteen year olds in 2013 was at its lowest level since recording began in 1990. Furthermore, the gender gap that is evident in earlier years has closed, which means that that underage drinking has fallen sharply for both boys and girls.

**Figure 2. Proportion of 13 and 15 year olds in Scotland who drank in the last week, 1990-2013**



Reproduced from SALSUS 2013. Table A3a.

These findings are consistent with survey data from the Glasgow City Health and Social Care Partnership<sup>25</sup> that found that the proportion of S1 to S4 pupils that never drank alcohol increased from 46% in 2006/7, to 72% in 2014/15. The survey also found that children were less likely to get drunk: of those who had ever tried alcohol, the proportion who said they got drunk at least once per week fell from 28% to 13% between 2006/7 and 2014/15.

### 2.1.1 Geography

The prevalence of underage drinking varies by geography. **Figure 3** shows the prevalence of drinking in the last week amongst fifteen year olds (who are more likely to come into contact with the police than thirteen year olds). The data are organized by Police Scotland Command Area (north, west, east), then by local authority and Police Scotland Division (shown in brackets).

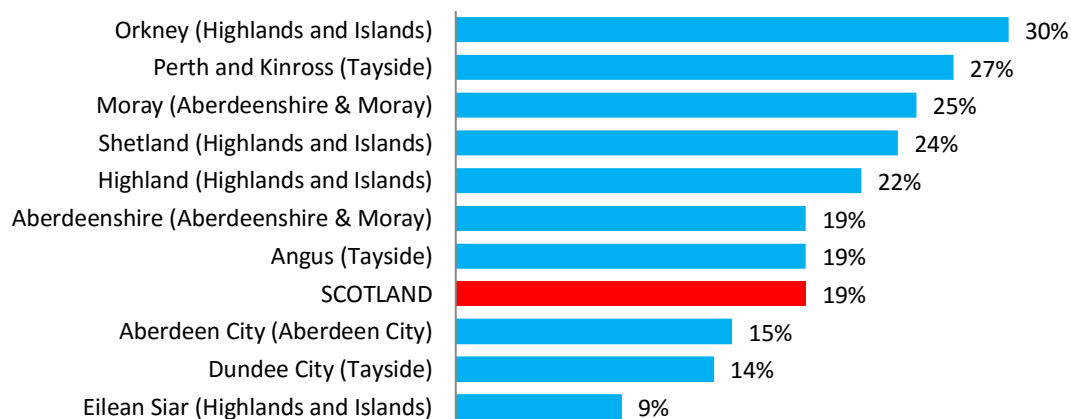
<sup>24</sup> Health & Social Care Information Centre [HSCIC] (2014) *Smoking, Drinking and Drug Use Among Young People in England 2013*. Online tables (chapter 5): <http://www.hscic.gov.uk/catalogue/PUB17879/smok-drin-drugs-young-peop-eng-2014-chap5tab.xlsx>

<sup>25</sup> Traci Leven Research (2016) *Glasgow City Schools Health and Wellbeing Survey 2014/15 Final Report* [http://www.nhsggc.org.uk/media/236921/nhsggc\\_ph\\_glasgow\\_city\\_schools\\_health\\_wellbeing\\_survey\\_2014-15.pdf](http://www.nhsggc.org.uk/media/236921/nhsggc_ph_glasgow_city_schools_health_wellbeing_survey_2014-15.pdf)

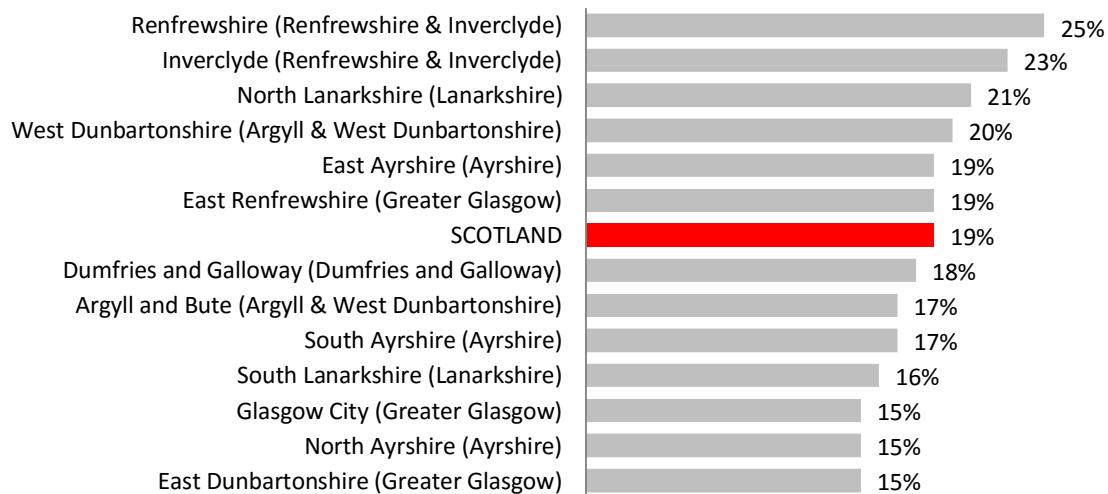
**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 3. Prevalence of drinking in the last week (15 year olds) by Police Scotland command area, local authority and Division.**

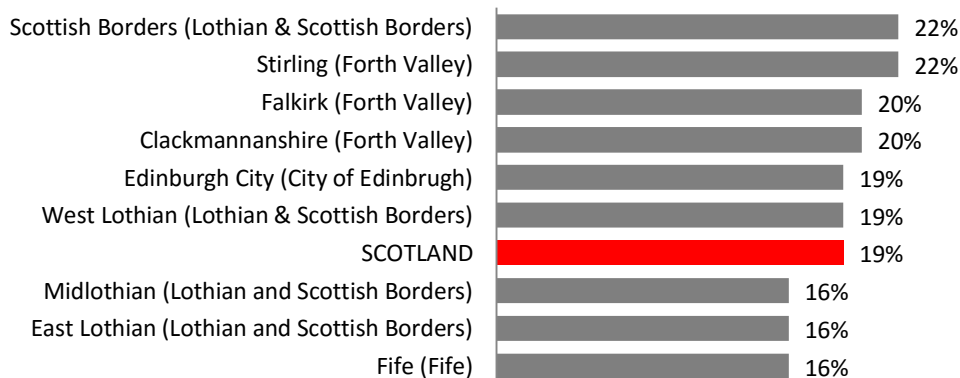
**North command area**



**West command area**



**East command area**



Source: SALSUS 2013. Adapted from Table C A3. Base: All respondents



**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 3** shows that the prevalence of drinking amongst fifteen year olds was highest in the north Command Area, which accounted for the three of the four highest-ranking local authorities (those with prevalence levels of 25% or above). Overall, five local authorities in the north were above the national average of 19%, two authorities were in line with the national average, and five authorities were below. Prevalence was also the most variable in the north, which accounted for Scotland's two highest-ranking local authorities (Orkney, Perth and Kinross) and two lowest-ranking local authorities (Dundee and Eilean Siar).

Prevalence was less variable in the west, ranging from 15% in East Dunbartonshire, to 25% in Renfrewshire. Seven authorities ranked below the national average, including Glasgow, which at 15% was one of the lowest-ranking local authorities in Scotland, and four local authorities ranged above the national average.

The prevalence of underage drinking was most consistent in the east, where rates ranged from 16% in Fife, East Lothian and Midlothian, to 22% in the Scottish Borders and Stirling (three percentage points below and above the national average respectively).

Taking an overview, underage drinking amongst fifteen year olds appears to be widely distributed across Scotland's urban and rural communities, and across both affluent and more deprived local authorities. For example, some of Scotland's least deprived local authorities (as defined by their local share of Scotland's most deprived SIMD data zones) are ranked towards the top of the scale for underage drinking (Moray, Orkney Islands and Shetland Islands). Conversely, Glasgow, Dundee and North Ayrshire rank towards the lower end of the scale in terms of underage drinking, but are amongst the five local authorities with the largest Local Share of the most deprived SIMD data zones.

### **The geography of excessive drinking**

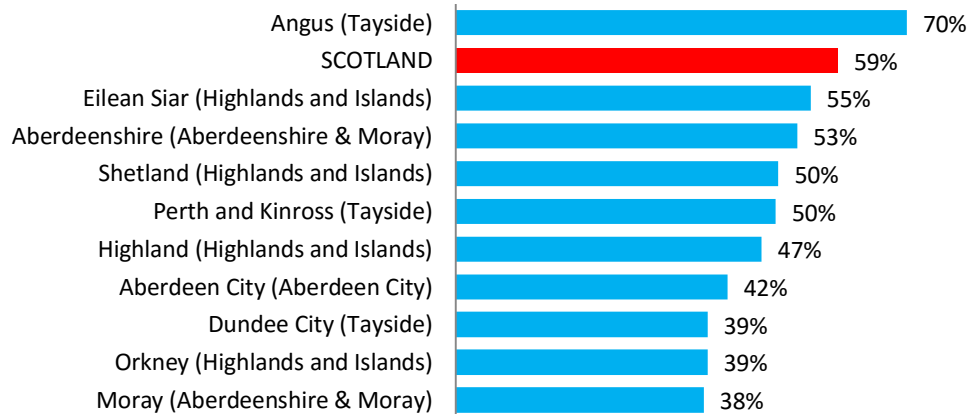
The geographic prevalence of underage drinking did not correspond with the geographic distribution of children who drank to excess. Amongst those fifteen year olds who had alcohol in the last seven days, young people in the west were far more likely to have got drunk, compared to those in the east and the north, with twelve out of thirteen local authorities in the west above the national average (59%).

In Renfrewshire, nearly eight out of ten fifteen-year olds who drank alcohol in the last seven days said that they had got drunk (79%). The lowest figures were in the north, where around four in ten fifteen year olds in Moray (38%) Orkney (39%) and Dundee (39%) said that they had got drunk. **Figure 4** shows the results.

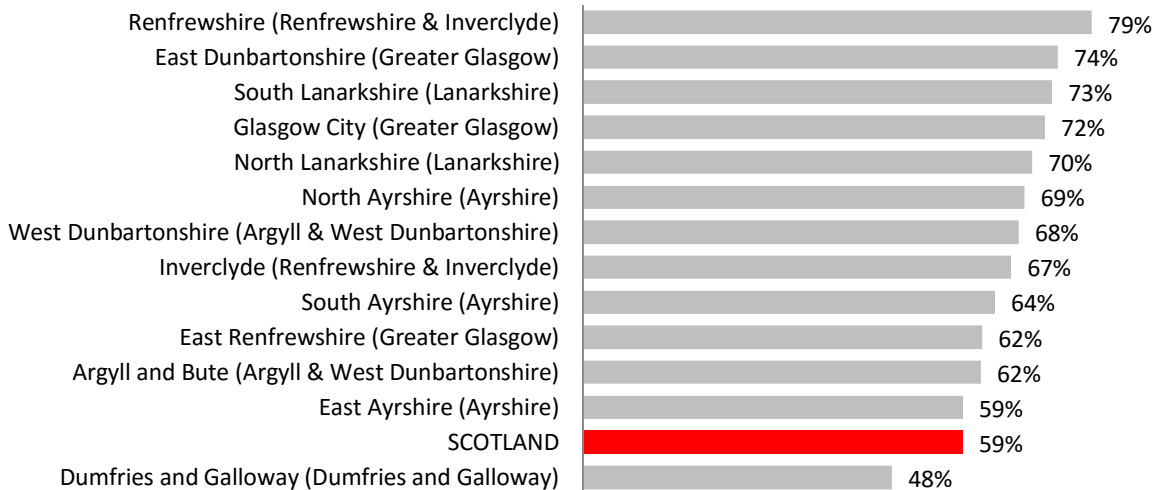
**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 4. Proportion of 15 year olds who had alcohol in the last week that got drunk, by Police Scotland command area, local authority and Division.**

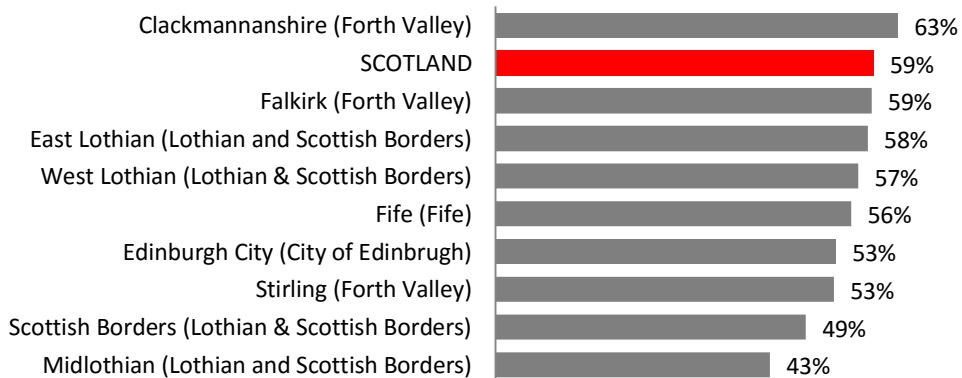
**North command area**



**West command area**



**East command area**



Source: SALSUS 2013. Adapted from Table C A10. Base: All respondents

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**2.1.2 Underage drinking and age**

As can be expected, the prevalence of underage drinking increases with age. Newburn and Shiner (2001)<sup>26</sup> identify three stages in young people’s drinking behaviour: typically moving from experimentation around age twelve to thirteen; to testing limits at around fourteen to fifteen years; and then progressively moving to more responsible drinking, as part of the transition to young adulthood from around seventeen years onward.

Figure 5 shows that the proportion of children who had never had a drink fell from 69% to 31% between the ages of thirteen and fifteen, that the proportion who drank once a week or more increased from 2% to 12%, whilst the proportion who drank ‘less frequently’ more than doubled, from 25% to 53%.

**Figure 5. Frequency of drinking alcohol, 13 and 15 year olds, 2013**

| Frequency of drinking   | Age 13 | Age 15 | Both ages |
|-------------------------|--------|--------|-----------|
| Never had a drink       | 69%    | 31%    | 49%       |
| Once a week or more     | 2%     | 12%    | 7%        |
| Less frequently         | 25%    | 53%    | 40%       |
| Never drink alcohol now | 5%     | 5%     | 5%        |
| Base                    | 17,304 | 16,217 | 33,521    |

Source: SALSUS 2013 (Variables: ALFREQ3, CLASSYR).

**2.1.3 Underage drinking and gender**

The prevalence of drinking in the last week was slightly higher amongst fifteen-year-old girls, compared to boys. For example, 19% of girls had drunk alcohol in the last week, compared to 18% of boys respectively (this difference is statistically significant). Note however, that the proportion of fifteen year olds who stated that they drank weekly did not vary by gender, also that other studies have reported higher levels of drinking amongst boys.<sup>27</sup>

Gender differences were clearer in relation to excessive drinking. Amongst those fifteen year olds who reported drinking in the last week, 64% of girls said that they got drunk, compared to 54% of boys (SALSUS 2013).<sup>28</sup> A literature review by Healy et al. (2014)<sup>29</sup> also indicated that girls were more likely than boys to be admitted to hospital for alcohol related harm.

<sup>26</sup> Newburn, T. and Shiner, M. (2001) *Teenage kicks? Young people and alcohol: a review of the literature*, Public Policy Research Unit. Online: <https://www.jrf.org.uk/report/teenage-kicks-young-people-and-alcohol-review-literature>

<sup>27</sup> For example: Fuller, E. and Sanchez, M (eds) (2010) *Smoking, Drinking and Drug Use Among Young People in England in 2009*, London, NHS Information Centre.

<sup>28</sup> SALSUS 2013. Tables A2, A10. *Alcohol Excel Tables*

<sup>29</sup> Healy C., Rahman, A., Faizal, M. and Kinderman, P. (2014) ‘Underage drinking in the UK: Changing trends, impact and interventions. A rapid evidence synthesis’, *The International Journal of Drug Policy*, 25 (1). Online: [http://www.ijdp.org/article/S0955-3959\(13\)00123-0/abstract](http://www.ijdp.org/article/S0955-3959(13)00123-0/abstract)

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**2.1.4 Underage drinking and neighbourhood deprivation**

The overall prevalence of underage drinking was reasonably consistent in terms of neighbour deprivation, as measured by the Scottish Index of Multiple Deprivation (SIMD). Just under a fifth of thirteen and fifteen year olds from the most deprived, and the least SIMD quintiles drank at least once a week (19%).

A higher proportion from the fourth and fifth least deprived SIMD quintiles said they had never drunk alcohol, compared to those from the three most deprived SIMD quintiles. Conversely, the proportion of young people from the most deprived SIMD quintile who said that they ‘never drink alcohol now’ was higher (23%), compared to the other four quintiles. **Figure 6** shows the results.

**Figure 6. Frequency of drinking alcohol, 13 and 15 year olds, by SIMD (%) 2013**

| Drinking frequency      | Scottish Index of Multiple Deprivation Score (quintile) |     |     |                |     |
|-------------------------|---|-----|-----|----------------|-----|
|                         | Most deprived   |     |     | Least deprived |     |
|                         | 1   | 2   | 3   | 4              | 5   |
| Once a week or more     | 19%   | 19% | 21% | 23%            | 19% |
| Less frequently         | 18%   | 20% | 19% | 24%            | 19% |
| Never drink alcohol now | 23%   | 20% | 19% | 20%            | 18% |
| Never drank alcohol     | 18%   | 18% | 19% | 23%            | 22% |
| Total                   | 18%   | 19% | 19% | 24%            | 21% |

Source: SALSUS 2013 (variables ALFREQ3, SIMD). Weighted data. N= 17,087.

Young people from the most deprived backgrounds were more likely to drink to excess (i.e. to get drunk). Amongst those who had drunk alcohol in the last seven days, 65% of those from the most deprived SIMD quintile reported getting drunk, compared to 51% from the least deprived quintile.

**2.2 Where young people drink**

Most thirteen and fifteen year olds drank in private indoor spaces, for example, at home, at friends’ houses or at parties. The proportion of fifteen year olds who stated they drank outdoors more than halved between 2008 and 2013: from 43% to 20%. Fifteen year-old girls were more likely to drink outside than boys, at 22% and 18% respectively (SALSUS 2013, Table A21).

**2.2.1 Location and neighbourhood deprivation**

The usual location for underage drinking varied by neighbourhood deprivation. In general, young people from the most deprived SIMD quintile were more likely to drink outside (23%), less likely to drink in their own homes (42%) and more likely to drink at their friend’s houses (42%), compared to those from the lesser deprived SIMD quintiles. **Figure 7** shows the findings.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 7. Usual location of drinking, 13 and 15 year olds (%) 2013**

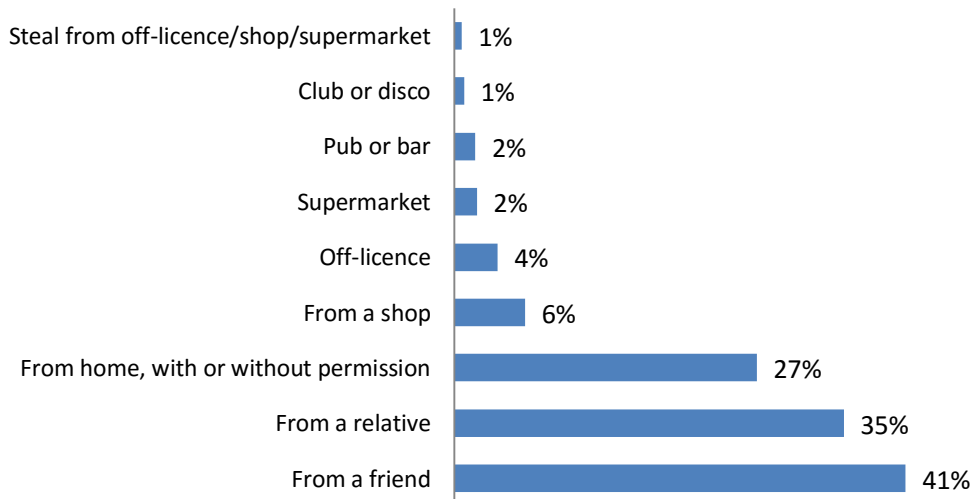
| Usual location               | Scottish Index of Multiple Deprivation Score (quintile) |     |     |     |                     |
|------------------------------|---|-----|-----|-----|---------------------|
|                              | Most deprived<br>1                                      | 2   | 3   | 4   | Least deprived<br>5 |
| At a party with friends      | 40%   | 38% | 44% | 47% | 48%                 |
| At a friend's house          | 42%   | 36% | 37% | 38% | 38%                 |
| At home                      | 42%   | 50% | 50% | 48% | 48%                 |
| Outdoors (street, park etc.) | 23%   | 19% | 18% | 18% | 17%                 |

Source: SALSUS 2013 (variables SIMD, DRKPTY, DRKHOME, DRKFRHOME, DRKOUT).  
Base: all who had ever drunk alcohol (16,286). Weighted data. Only significant responses shown (p =\*\*\*).  
Columns add up to more than 100% as more than one answer could be given.

### 2.3 Sources of alcohol

The main sources of alcohol were friends (41%), relatives (35%), or from home (with or without permission) (27%). A comparatively small proportion had accessed alcohol directly from either shops (6%) or off-licences (4%). **Figure 8** below shows the results.

**Figure 8. Sources of alcohol, 13 and 15 year olds, 2013 (%)**



Source: SALSUS 2013. Table A13. Base: all pupils who had ever drunk alcohol (14,429).

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**2.3.1 Access to alcohol and deprivation**

Amongst those young people who had someone buy alcohol for them in the last four weeks, the two main sources were parents/ carers (26%) and older friends (25%). The proportion who said a parent or carer had bought alcohol varied by local authority: from 17% in Glasgow, to 43% in Moray. These figures are striking and warrant further investigation, given that Glasgow had the one of the highest rate of self-reported drunkenness in the last week amongst fifteen year olds (72%), and Moray had the lowest, at 38% (see **Figure 4**).

Young people from the most deprived SIMD quintile were most likely to obtain alcohol from strangers (18%), compared to the other quintiles, and least likely to obtain alcohol from parents/carers (20%), compared to the other quintiles. This finding is consistent with the Glasgow City Schools Health and Wellbeing Survey 2014/15,<sup>30</sup> which found that of those who had drunk alcohol, children in the most deprived schools were more likely to ask strangers to buy alcohol for them, compared to children from the least deprived schools, at 23% and 14% respectively. **Figure 9** shows the results.

**Figure 9. Who bought alcohol for 13 and 15 year olds (on the most recent occasion) by SIMD (%)**

| Source of alcohol                      | Scottish Index of Multiple Deprivation Score (quintile) |       |       |       |                     |
|--|---|-------|-------|-------|---------------------|
|  | Most deprived<br>1                                      | 2     | 3     | 4     | Least deprived<br>5 |
| <b>Friends and siblings</b>            |   |       |       |       |                     |
| Brother or sister                      | 6%  | 7%    | 6%    | 7%    | 9%                  |
| Friend my own age/boyfriend/girlfriend | 7%  | 9%    | 11%   | 12%   | 14%                 |
| An older friend                        | 25%   | 23%   | 27%   | 28%   | 25%                 |
| <b>Parents/carer or their partner</b>  |   |       |       |       |                     |
|  | 20%   | 28%   | 30%   | 26%   | 27%                 |
| <b>Strangers and acquaintances</b>     |   |       |       |       |                     |
| Someone I knew of, but not personally  | 9%  | 6%    | 7%    | 6%    | 7%                  |
| A stranger                             | 18%   | 14%   | 8%    | 9%    | 8%                  |
| Someone else                           | 13%   | 13%   | 10%   | 11%   | 11%                 |
| Total                                  | 1,565   | 1,616 | 1,529 | 1,812 | 1,468               |

Source: SALSUS 2013 (variables BUY4WHO, SIMD)

The proportion of thirteen and fifteen year olds who were not allowed to drink alcohol at home was higher among those from the most deprived SIMD quintile (34%), compared to those from the least deprived SIMD quintile (24%).

The fact that young people from the most deprived areas were least likely to drink alcohol at home and obtain alcohol from parents/carers is reflected in off sales usage. Whilst the overall proportion of young people accessing alcohol through off sales was low, **Figure 10** shows that those from the most deprived SIMD quintile were more than twice as likely to obtain alcohol from an off-licence or a shop, compared to children from the least deprived SIMD quintile.

<sup>30</sup> Traci Leven Research (2016) Glasgow City Schools Health and Wellbeing Survey 2014/15 Final Report  
[http://www.nhsggc.org.uk/media/236921/nhsggc\\_ph\\_glasgow\\_city\\_schools\\_health\\_wellbeing\\_survey\\_2014-15.pdf](http://www.nhsggc.org.uk/media/236921/nhsggc_ph_glasgow_city_schools_health_wellbeing_survey_2014-15.pdf)

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence**

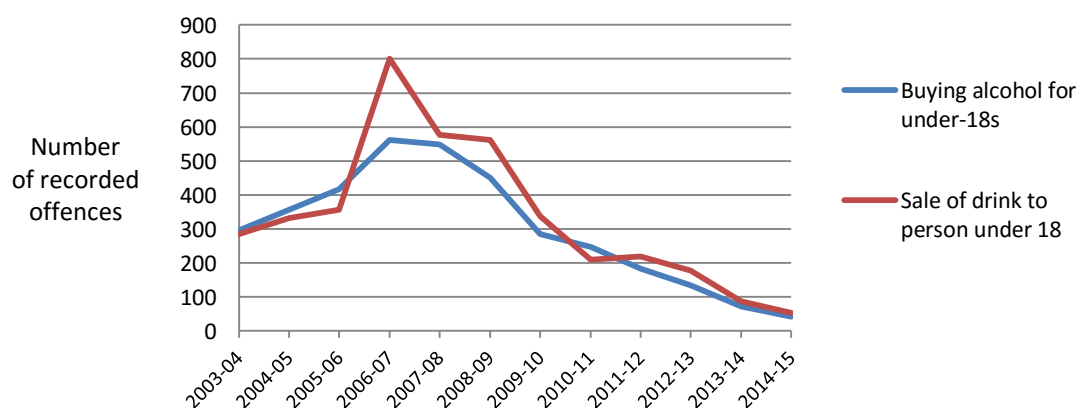
**Figure 10. Proportion of 13 and 15 year olds who obtained alcohol from an off licence/shop in the last year, by SIMD, 2013**

| Source of alcohol | Scottish Index of Multiple Deprivation Score (quintile) |       |       |       |                |
|-------------------|---|-------|-------|-------|----------------|
|                   | Most deprived   |       |       |       | Least deprived |
|                   | 1   | 2     | 3     | 4     | 5              |
| Off-licence       | 7%  | 3%    | 3%    | 4%    | 3%             |
| Shop              | 10%   | 7%    | 6%    | 5%    | 5%             |
| Total             | 2,743   | 3,041 | 2,985 | 3,717 | 2,999          |

Source: SALSUS 2013. Off-licence (variables BUYOFF, BUYSHOP, SIMD)

Clearly, these findings carry implications for policing off sales. **Figure 11** shows a 93% fall in the total number of offences recorded in relation to selling to, or purchasing alcohol for children, from 1,300 in 2006/7, to 95 offences in 2014/15.

**Figure 11. Trends in recorded liquor licensing law offences, 2003-04 to 2014-15: selling to, and buying alcohol for children**



Source: Scottish Government, 2015

The findings also raise questions about the distribution of alcohol outlets, which are more concentrated in deprived areas. The *Licensing (Scotland) Act 2005* permits licensing authorities to take into account ‘over-provision’ of licensed outlets in a given locality, in order to tackle problems caused by a proliferation. However, research from the Centre for Research on Environment, Society and Health (CRESH) shows that Scotland’s poorest neighbourhoods have the most shops selling alcohol, with the density of off-sales alcohol outlets ranging from 25 per 10,000 people in the least income deprived areas, to 53 per 10,000 in the most income-deprived areas. The research concluded that greater control over availability and scrutiny of licence applications was required (Shortt, 2015).<sup>31</sup> Scottish Government data show that of the 440 applications for premise licences received in 2014/15 (on and off sales), only 3% were refused.

<sup>31</sup> Shortt, N. (2015) *Scotland’s poorest neighbourhoods have the most shops selling alcohol and tobacco*, Centre for Research on Environment, Society and Health. Online at: <https://cresh.org.uk/2015/10/06/scotlands-poorest-neighbourhoods-have-the-most-shops-selling-alcohol-and-tobacco/>

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

## **2.4 Adverse consequences of drinking**

Young people taking part in the SALSUS survey were asked whether they had experienced a number of adverse effects in the last year as a result of drinking alcohol, for example, fighting, vomiting, getting into trouble with the police or sending a text that they later regretted.

Consistent with the finding that girls were more likely to get drunk than boys, a higher proportion of fifteen year-old girls than boys reported at least one adverse effect in the last year, at 65% and 54% respectively.

Young people from the most deprived areas were more likely to report some adverse effects. For example, 16% of those from the two most deprived SIMD quintiles said they had argued on two or more occasions in the last year, compared to 11% from the two least deprived quintiles. The proportion that got into a fight at least twice in the last year (due to alcohol) was higher amongst those in the two lowest SIMD quintiles, at 7% and 8%, compared to 4% and 5% across the remaining three quintiles. The proportion that had vomited at least twice in the last year was highest amongst those from the most deprived SIMD quintile, compared to the least deprived SIMD quintile, at 17% and 12% respectively. Young people from the most deprived SIMD quintile were also most likely to have been in trouble with the police on two or more occasions, at 8%, compared to a 6% average. This also tells us that of those young people who reported drinking alcohol, more than 90% were not detected by the police.

Other adverse consequences were more consistent across the SIMD quintiles. The proportion of young people who said they felt threatened on two or more occasions varied between 3% and 4%; the proportion that were hospitalised on two or more occasions was consistent, at around 2%; whilst the proportion who missed school on two or more occasions varied between 3% and 4%. The proportion who had tried drugs on two or more occasions in the last year (due to drinking alcohol) fluctuated between 5% and 7% across the SIMD quintiles.

**Figures 12 to 14** show the results.<sup>32</sup> The responses are ranked by SIMD quintile, running from the most deprived SIMD quintile on the left, to the least deprived SIMD quintile on the right.

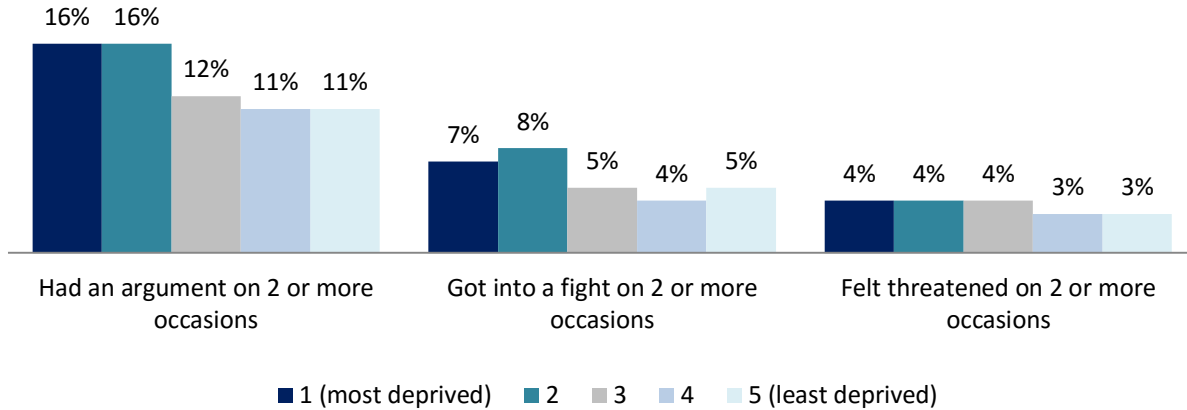
---

<sup>32</sup> Children were asked about 13 effects. Only results for behaviours relating to policing are shown in this part of the report. For further results, see SALSUS 2013, Tables A11 and A12 (the full list of effects are: Had an argument, Had a fight, Been to hospital, Had to be seen by a doctor, Stayed off school, Vomited, Tried drugs, Been in trouble with police, Ended up in a situation where you felt threatened/unsafe, Done school work badly, Posted on social media and wished you hadn't, Sent a text/email that you wished you hadn't, Done something you later regretted).



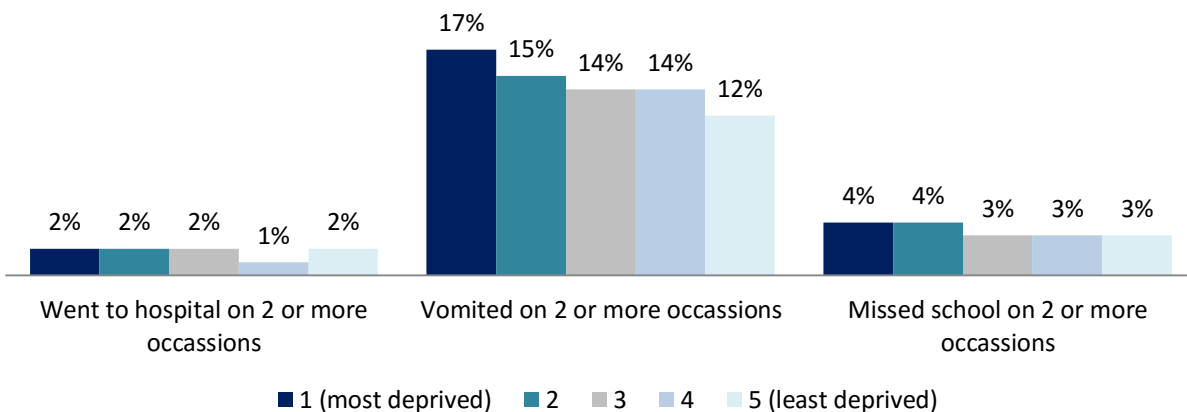
**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 12. Proportion of 13 and 15 year olds reporting adverse effects of alcohol in the last year (arguing, getting into a fight, feeling threatened) by SIMD quintile (%)**



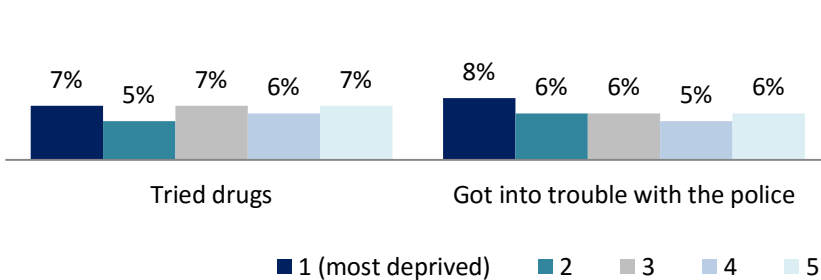
Source: SALSUS 2013 (variables: argue, threat, fight, SIMD). Base: all children who had ever drunk alcohol

**Figure 13. Proportion of 13 and 15 year olds reporting adverse effects of alcohol in the last year (admitted to hospital, vomited, missed school) by SIMD quintile (%)**



Source: SALSUS 2013 (variables: hospadm, offschl, vomit, SIMD). Base: all children who had ever drunk alcohol

**Figure 14. Proportion of 13 and 15 year olds reporting adverse effects of alcohol in the last year (tried drugs, got into trouble with the police) by SIMD quintile (%)**



Source: SALSUS 2013 (variables: hospadm, offschl, vomit, SIMD). Base: all children who had ever drunk alcohol

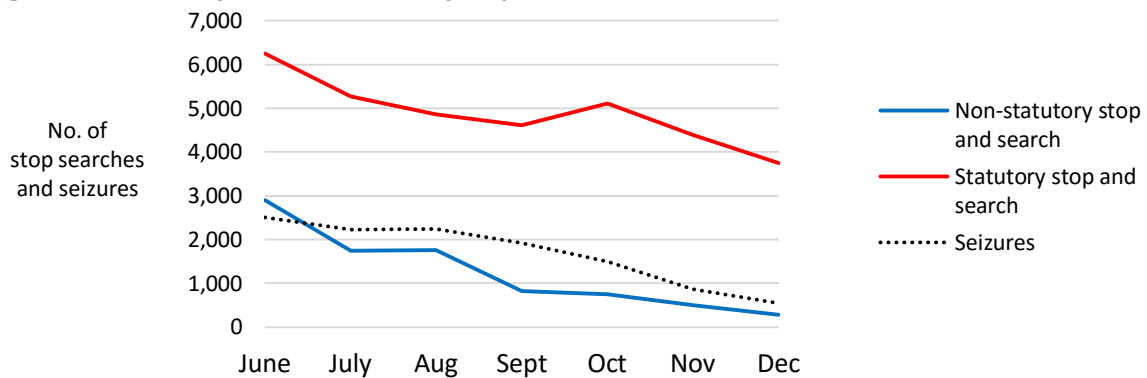
### 3. Police practice

This part of the report examines the use of stop and search in relation to alcohol, and the use of seizure powers, which allow officers to confiscate alcohol from young people. The analysis is based on Police Scotland stop and search statistics recorded between June and December 2015, following the introduction of the upgraded stop and search database. **Sections 3.1** looks at the overall pattern of stop and search in Scotland, and **section 3.2** examines the overall and varying incidence of alcohol stop searches and seizures. **Section 3.3** looks at police effectiveness, and **section 3.4** looks at the disposals used by officers in relation to underage drinking (for example, fixed penalty notices and crime reports).

#### 3.1 The changing use of stop and search in Scotland

The overall number of recorded searches fell by 56% between June and December 2015, from just over 9,000 to just over 4,000 per month. Breaking this down by search type, non-statutory stop searches fell by 90%, from 2,870 to only 279, and statutory searches fell by 40%, from 6,257 to 3,744. In the same period, seizures fell by 78%, from 2,510 to 549. These trends reflect the phasing out of non-statutory stop and search,<sup>33</sup> which is due to end in early 2017, as well as a wider shift away from volume stop and search, and the ending of performance measures around stop and search. **Figure 15** shows the trends.

**Figure 15. Statutory and non-statutory stop and search, and seizure, June to December 2015**



Source: Police Scotland, 2015

##### 3.1.1 Children and young people

Between June and December 2015, police officers recorded around 8,600 stop searches on young people aged seventeen years or under, which accounted for a fifth (20%) of all recorded stop searches. Both the number and proportion of searches involving young people fell across the seven-month period. The number of stop searches (for any reason) involving young people fell by 66% between June and December 2015, from 1,879 to 646 per month. This drop was more pronounced than the fall across the wider population (-56%). Correspondingly, the overall proportion of searches involving under-18s fell from 21% to 16%.

<sup>33</sup> In May 2015, Police Scotland introduced a presumption towards statutory stop and search. In practice, this means that officers should only use non-statutory stop and search when no statutory powers are available.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

In June 2015, one Division (Highlands and Islands) did not record any non-statutory searches involving young people (for any reason). By December 2015, five Divisions did not record any non-statutory searches involving young people, whilst six Divisions recorded eight or fewer. **Figure 16** shows the total number of stop searches involving under-18s in June and December 2015, and the proportion that were non-statutory, by Division.

**Figure 16. Number of stop searches and proportion of non-statutory searches on under-18s by Division, June and December 2015**

| Police Division                | June 2015                      |                 | December 2015                  |                 |
|--------------------------------|--------------------------------|-----------------|--------------------------------|-----------------|
|                                | No. stop searches on under-18s | % non-statutory | No. stop searches on under-18s | % non-statutory |
| Greater Glasgow                | 605                            | 38%             | 230                            | 13%             |
| Lanarkshire                    | 432                            | 61%             | 69                             | 17%             |
| Renfrewshire and Inverclyde    | 191                            | 38%             | 30                             | 7%              |
| Ayrshire                       | 151                            | 53%             | 23                             | <b>0%</b>       |
| Edinburgh                      | 109                            | 27%             | 68                             | 6%              |
| Lothians and Scottish Borders  | 74                             | 54%             | 44                             | 48%             |
| Argyll and West Dunbartonshire | 72                             | 36%             | 29                             | 3%              |
| Tayside                        | 63                             | 33%             | 40                             | 13%             |
| Aberdeen City                  | 53                             | 9%              | 41                             | 20%             |
| Fife                           | 44                             | 82%             | 1                              | <b>0%</b>       |
| Dumfries and Galloway          | 25                             | 24%             | 14                             | <b>0%</b>       |
| Aberdeenshire and Moray        | 23                             | 22%             | 23                             | <b>0%</b>       |
| Highland and Islands           | 19                             | <b>0%</b>       | 20                             | <b>0%</b>       |
| Forth Valley                   | 18                             | 22%             | 14                             | 7%              |
| <b>Total</b>                   | <b>1,883</b>                   |                 | <b>646</b>                     |                 |

Source: Police Scotland, 2015

### 3.1.2 Reasons for stopping and searching children and young people

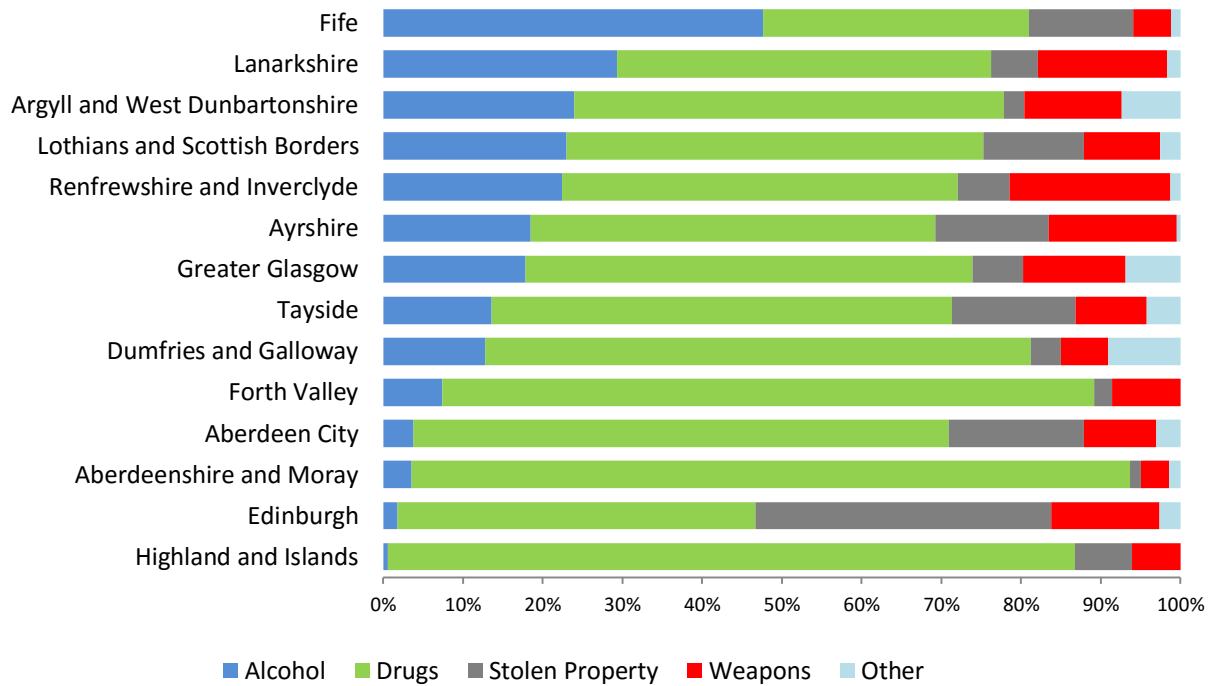
Turning to the reasons for searching young people aged seventeen or under between June and December 2015, over half related to drugs (55%). This was followed by alcohol, which accounted for a fifth of stop searches (20%), weapons (13%) and stolen property (9%).

Reasons for searching young people varied by Division. In Fife, almost half (48%) of recorded searches related to alcohol, whilst at the other end of the scale, in Edinburgh and the Highlands and Islands, only 2% and 1% respectively of searches related to alcohol.

In general, Divisions with a lower proportion of alcohol searches tended to focus on drugs. The main exception to this was Edinburgh, where officers recorded a comparatively higher proportion of stop searches for stolen property (37%), compared to other Divisions. **Figure 17** shows the breakdown of reasons for searching young people, by Division.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 17. Reasons for searching under-18s, by Division (June to December 2015)**



Source: Police Scotland, 2015  
'Other' = Firearms, fireworks and public order.

### 3.2 Stop and search for alcohol

Between June 2015 and December 2015, officers recorded around 3,244 stop and searches for alcohol (all ages). A further 33 encounters were refused. Overall, alcohol searches accounted for less than one in ten (8%) of all recorded stop searches (all ages), the majority of which related to drugs (75%).

The number of alcohol seizures was more than three times higher than the number of alcohol searches, at 11,013. Overall, of the 14,257 searches and seizures for alcohol, less than a quarter (23%) involved searches. Virtually all alcohol searches recorded in this period were classified as non-statutory, with only 16 incidents classed as statutory (less than 0.5%).

Consistent with the overall drop in searches and seizures, the number of alcohol fell by 91% between June and December 2015, from 1,123 to 100 (all ages). In the same period, alcohol seizures fell by 79%, from 2,355 to 494.

#### 3.2.1 Underage drinking and gender

Between June and December 2015, 76% of alcohol searches involving under-18s were of boys. This picture is however, complicated by the fact that Police Scotland data measure the incidence, rather than the prevalence of stop and search (that is, how many stop searches took place, rather than the proportion of people searched).

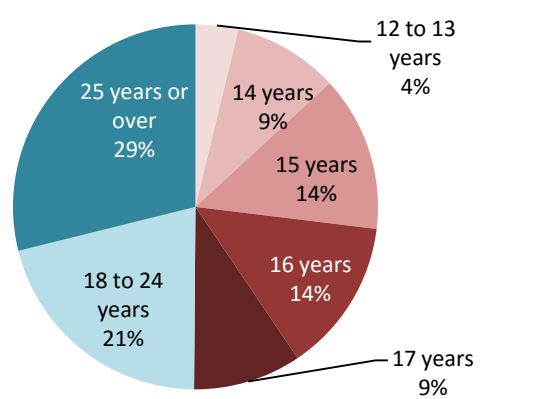
**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

Prevalence stop and search data from the UPYC survey (which is based on twelve to fifteen year old secondary school children in Edinburgh and Glasgow) shows that the overall proportion of boys who had been stopped and searched in the last twelve months was slightly higher than girls, at 26% and 21% respectively. However, 20% of boys said that they had been searched on six or more occasions, compare to 11% of girls (Murray, 2016).<sup>34</sup> In general, the gender distribution of alcohol searches, which is weighted towards boys, does not appear to reflect the distribution of underage drinking, which is weighted towards girls (see [Section 2.1.3](#)).

**3.2.2 Age**

Half of alcohol searches involved young people aged seventeen or under (around 1,600), compared to 20% for all types of stop and search. Breaking this down; 9% involved seventeen year olds; fifteen and sixteen year olds each accounted for 14%; 9% involved fourteen year olds; and 4% involved twelve and thirteen year olds. No children were searched below the age of twelve. **Figure 18** shows the results.

**Figure 18. The age-distribution of alcohol stop searches, June to December 2015**



Source: Police Scotland, 2015

At first glance, the fact that around half of all alcohol encounters involved under-18s might appear to support the case for an additional alcohol power. However, we should view these proportions with caution on three counts:

- First, the number of alcohol stop searches recorded by police officers was exceptionally small.
- Second, there are regional inconsistencies in the use of stop and search that, to some extent, suggest differences in policing styles, over and above operational demand.
- Third, although officers are more likely to search young people for alcohol, compared to older age groups, they are more likely to seize alcohol from adults, compared to younger age groups. This discrepancy raises questions as to the rationales of searching young people for alcohol.

Each point is discussed in more detail below.

<sup>34</sup> Murray, K. (2016) *Understanding and Preventing Youth Crime survey Early Findings: Stop and search in Glasgow and Edinburgh*, Scottish Police Authority.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**3.2.3 The incidence of stop and search for alcohol**

The number of alcohol searches involving young people was small. In June 2015, police officers recorded 525 alcohol searches involving young people aged seventeen or under. Between June and September, the number fell by 79%, to 112 searches. The number then fell by 55% between September and December, to 50 searches.

In December 2015, seven Divisions recorded *no* alcohol searches on under-18s, whilst in four Divisions, officers recorded three or fewer. Officers also confiscated alcohol from under-18s on 136 occasions in December 2015. **Figure 19** shows the number of alcohol searches involving under-18s in June, September (the mid-point) and December 2015 respectively.

**Figure 19. Number of stop searches for alcohol (under-18s) June, September and December 2015**

| Police Division                | June 2015  | September 2015 | December 2015 |
|--------------------------------|------------|----------------|---------------|
| Lanarkshire                    | 164        | 45             | 8             |
| Greater Glasgow                | 163        | 26             | 19            |
| Renfrewshire and Inverclyde    | 48         | 13             | 2             |
| Ayrshire                       | 44         | 4              | 0             |
| Fife                           | 34         | 2              | 0             |
| Lothians and Scottish Borders  | 26         | 1              | 16            |
| Argyll and West Dunbartonshire | 17         | 18             | 1             |
| Tayside                        | 14         | 0              | 0             |
| Edinburgh                      | 6          | 0              | 3             |
| Dumfries and Galloway          | 4          | 3              | 0             |
| Forth Valley                   | 3          | 0              | 0             |
| Aberdeenshire and Moray        | 2          | 0              | 0             |
| Aberdeen City                  | 0          | 0              | 1             |
| Highland and Islands           | 0          | 0              | 0             |
| <b>Total stop searches</b>     | <b>525</b> | <b>112</b>     | <b>50</b>     |

Source: Police Scotland, 2015

The fall shown in **Figure 19** cannot be readily attributed to seasonal trends (i.e. that young people are less likely to be drinking outdoors in the winter months) given that search levels had already fallen sharply by September 2015. Note also that officers recorded nearly 3,000 stop searches and seizures for alcohol in December 2014. Even with the caveat that figures prior to June 2015 are likely to be overstated (HMICS, 2015)<sup>35</sup> the contrast between the two years is remarkable.

<sup>35</sup> HMICS (2015) Audit & Assurance Review of Stop and Search: Phase 1, HMICS.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**3.2.4 Regional variation and age**

Per capita search rates for alcohol were highest in local authorities in the west of Scotland, compared to the east and north. To some extent this distribution is consistent with the distribution of children who had alcohol in the last week and said that they got drunk (see **Figure 4**), although the geographic variation is more pronounced in relation to stop and search. This can arguably be attributed to different approaches to stop and search across Scotland; from a more proactive, enforcement-based approach in the west; a more responsive, statutory approach in the north; and a combination of the two in the east (Murray, 2014<sup>36</sup>; 2015a<sup>37</sup>). **Figure 20** shows the results.

---

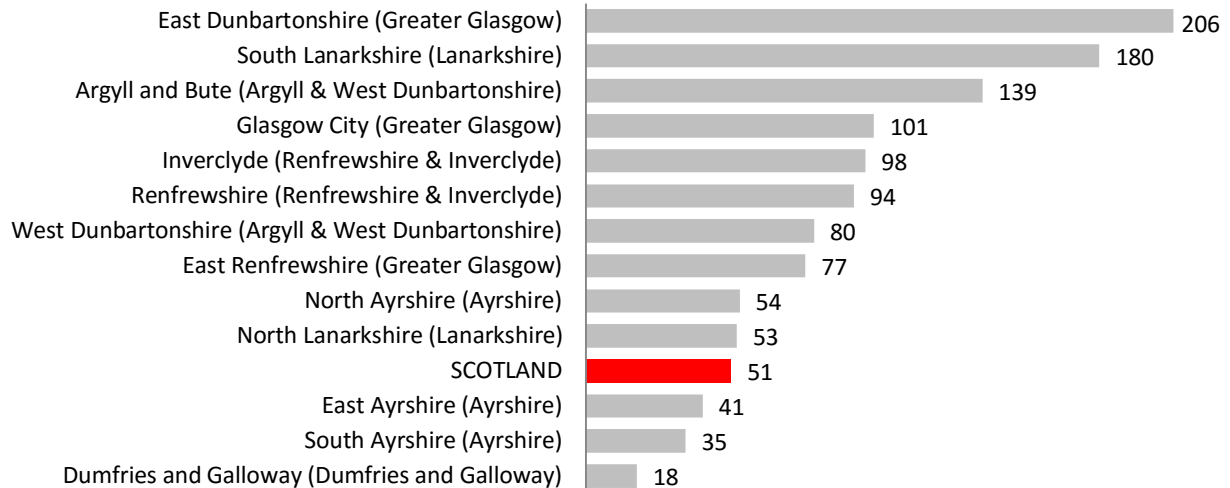
<sup>36</sup> Murray, K. (2014a) *Stop and Search in Scotland: An Evaluation*, Scottish Centre for Crime and Justice Research.

<sup>37</sup> Murray, K. (2015a) *The Proactive Turn: Stop and Search in Scotland*, PhD Thesis, University of Edinburgh.

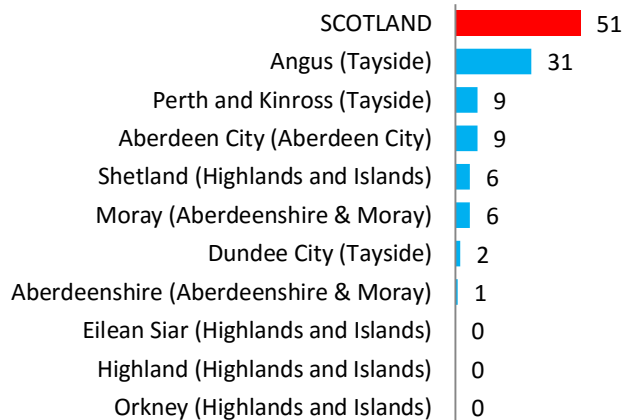
**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 20. Rate of stop and search for alcohol per 10,000 under-18 year olds, by Command Area, local authority and Division, June to December 2015**

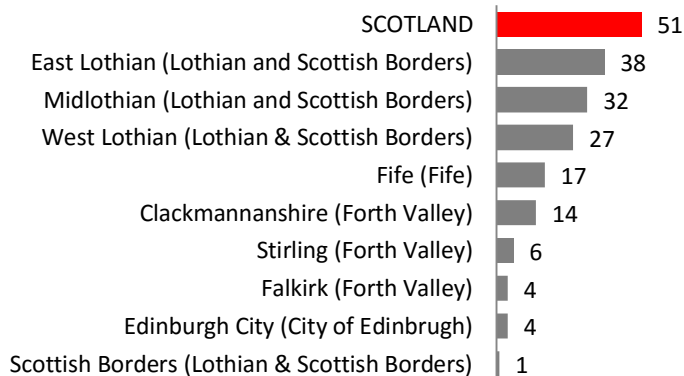
**West command area**



**North command area**



**East command area**



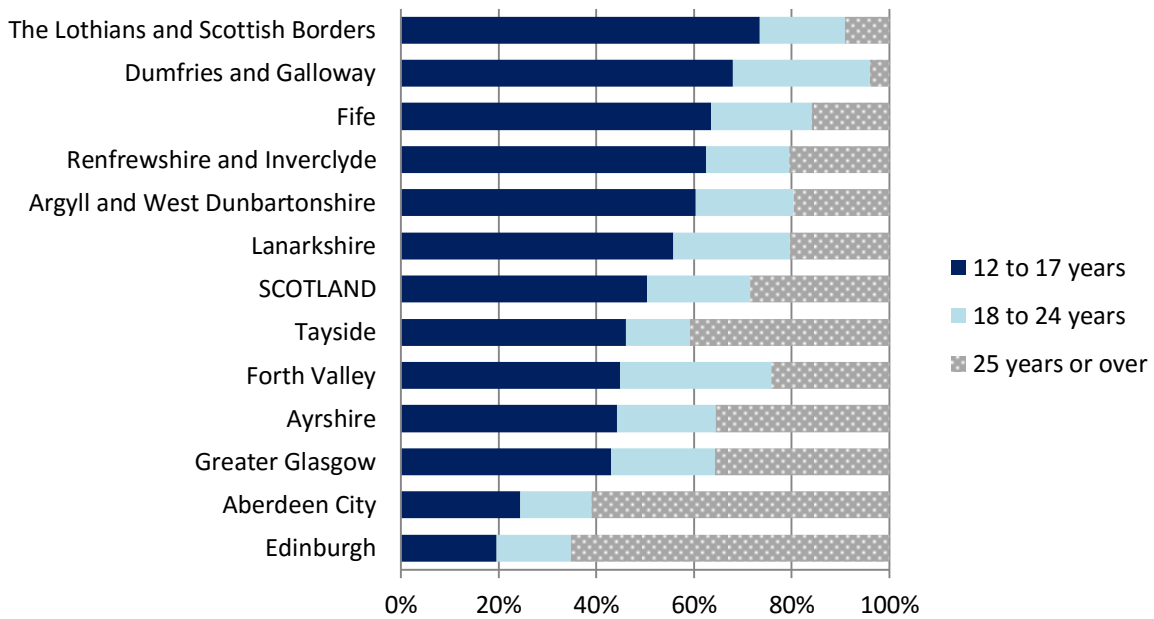
Source: Police Scotland 2015; National Records of Scotland, Mid-year population estimates



**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**Figure 21** shows the overall age-distribution of alcohol searches across the population. In general, the more rural Divisions were likely to target younger age groups than older age groups, whilst urban Divisions (Edinburgh, Aberdeen City and Greater Glasgow) seemed to use the tactic as a more general policing tactic aimed at people of all ages. This would suggest that, in urban areas at least, the introduction of a power to search under-18s for alcohol would only provide a partial solution.

**Figure 21. Proportion of stop searches for alcohol, by age group (%) June to December 2015**



Source: Police Scotland, 2015. Note: Excludes Aberdeenshire and Moray and the Highland & Islands, which recorded on seven and three stop searches for alcohol respectively.

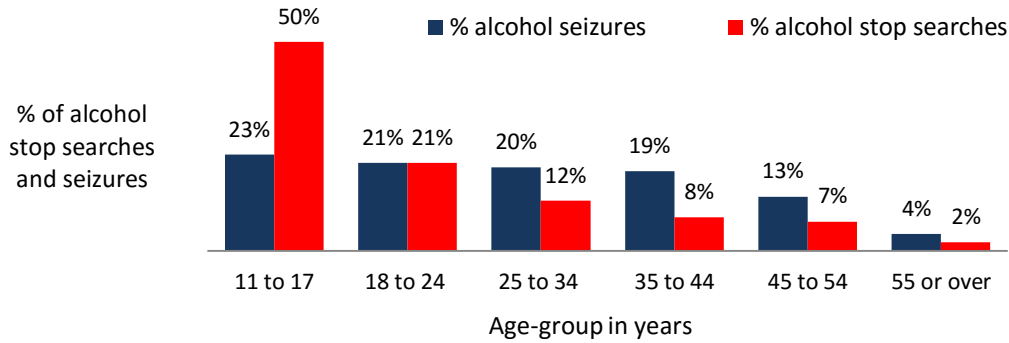
**3.2.5 Powers of seizure for alcohol**

The age-distribution of alcohol searches contrasts with that of alcohol seizures. As noted in the Executive Summary (page 10), Section 61 of the Crime and Punishment (Scotland) Act 1997 allows officers to **confiscate** alcohol from young people aged seventeen or under. In many parts of Scotland, local byelaws also allow officers to confiscate alcohol from adults drinking in public.

Alcohol seizures were more likely to involve adults than young people. Less than a quarter (23%) of alcohol seizures involved young people aged seventeen or under, compared to 50% of alcohol searches. **Figure 22** compares the age-distribution for the two types of encounter.

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence**

**Figure 22. Age-distribution of alcohol stop searches and seizures, June to December 2015**

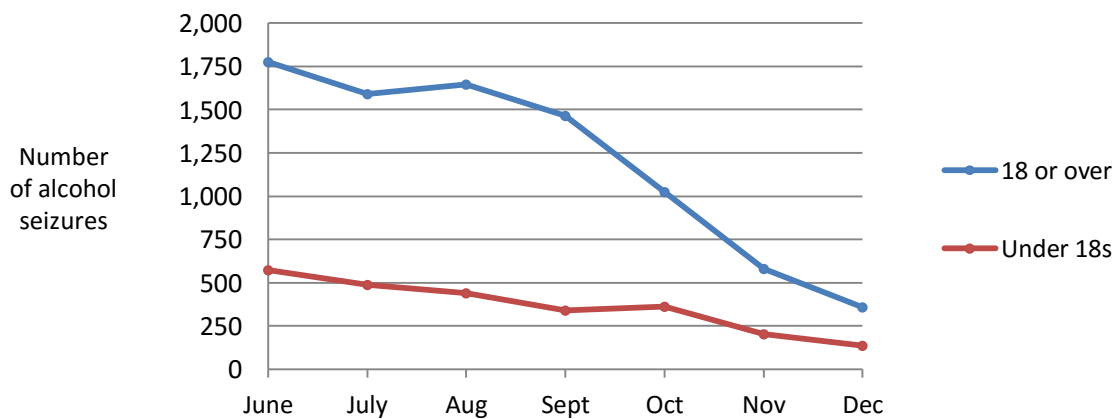


Source: Police Scotland, 2015

There appears to be no obvious operational explanation for this disparity between the two types of encounter, although the pattern may be a legacy of volume stop and search directed at young people.

It is also striking that the number of alcohol seizures fell steadily between June and December 2015. If anything, we might expect to see an increase in the use of these powers, to compensate for the phasing out of non-statutory stop and search. **Figure 23** shows that seizures involving young people aged seventeen or under fell by 76%, from 575 to 136, whilst searches of those aged eighteen or over fell by 80%, from 1,774 to 358.

**Figure 23. Number of alcohol seizures by age, June to December 2015**



Source: Police Scotland, 2015

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

**3.3 Effectiveness**

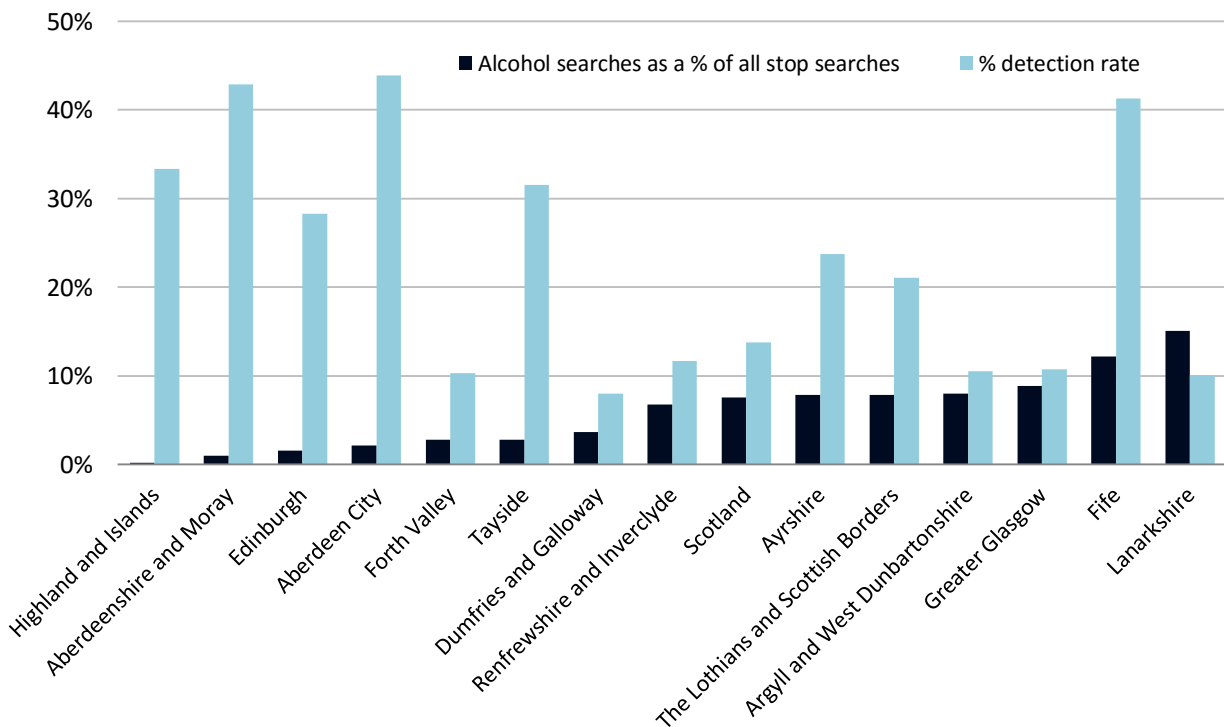
On average, 24% of all stop searches recorded between June and December 2015 were positive. Alcohol searches were some of the least effective, compared to most other reasons: 14% of alcohol searches were positive, compared to drugs (26%) and stolen property (29%) and firearms (19%). Like alcohol, offensive weapons searches also had a 14% detection rate.

**3.3.1 Effectiveness and geography**

Looking first at all ages, **Figure 24** shows that, very generally, Divisions that carried out a lower proportion of alcohol searches (dark bars, ranked low to high, from left to right) were more likely to get a positive result (light bars). In the four Divisions in which 2% or fewer of searches related to alcohol, detection rates ranged from 27% in Edinburgh, to 40% in the Highland and Islands. By contrast, 15% of stop searches in Lanarkshire related to alcohol, with a detection rate of only 9%. This indicates that volume alcohol searches may not be an effective strategy, unless led by good intelligence or evidence

The main exception to this trend was Fife, which recorded a relatively high proportion of alcohol searches (12%), as well as a high detection rate (41%). This suggests that Fife may have a better strategy for targeting individuals where they are likely to get a positive result, compared to other Divisions.

**Figure 24. Prevalence and detection rates of non-statutory stop searches for alcohol, by Division, June to December 2015 (all ages)**



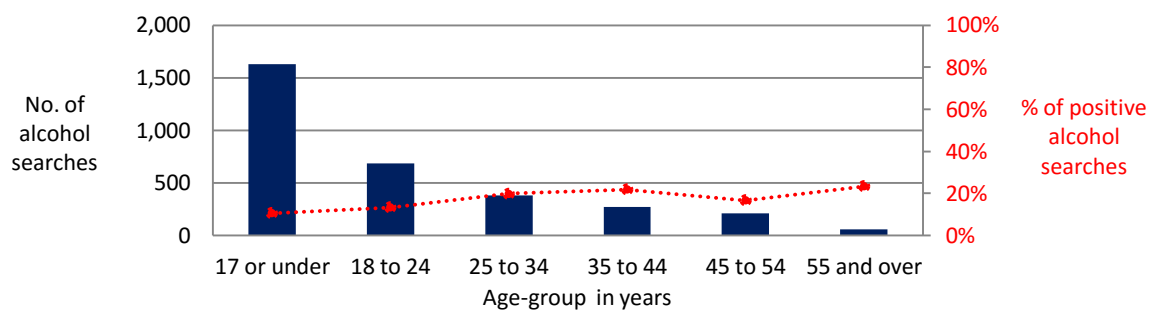
Source: Police Scotland, 2015

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence**

**3.3.1 Effectiveness and age**

Alcohol searches involving young people were less successful, compared to older age groups. Only 10% of alcohol searches involving those aged seventeen or under were positive, compared to 17% among those aged eighteen or over. This disparity suggests that the threshold for suspicion is lower for young people. **Figure 25** shows the breakdown of alcohol searches by age group, and the proportion within each group that resulted in detection (marked in red).

**Figure 25. Proportion of stop searches for alcohol, by age-group (%) June to December 2015**



Source: Police Scotland, 2015

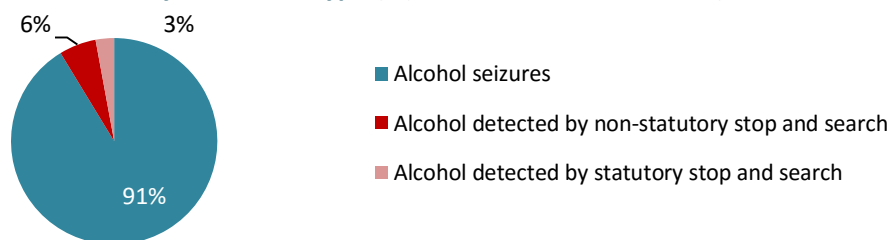
The number of alcohol searches was highest in the seventeen or under age group, whilst the detection rate was lowest, at 10%. Detection rates increased to 13% in the 18 to 24 age group, plateaued at around 20% between the mid-twenties and mid-forties, dipped slightly to 17% in 45 to 54 years age-group and peaked amongst those aged 55 and over, at 23%.

Within this period, only 171 of the 1,629 alcohol stop searches on young people aged seventeen or under were positive. **This equates to less than one successful search of a young person for alcohol per day in the seven-month period between June and December 2015.**

**3.3.2 Effectiveness and seizure**

Most alcohol detections resulted from seizure. Police officers recovered alcohol on 11,171 occasions between June and December 2015. Breaking this down by encounter type, seizures accounted for 94%, non-statutory searches accounted for 4% and statutory searches for 2%. Around a quarter (24%) of all alcohol detections related to young people aged 17 or under (2,795). Of these, 91% resulted from seizure, 6% from non-statutory stop searches, and 3% from statutory stop and search. **Figure 26** shows these results.

**Figure 26. Alcohol detections by encounter type (%) June to December 2015 (under-18s only)**



Source: Police Scotland, 2015. Base: Alcohol detections under-18s only (n = 2,795)

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

### **3.4 A search power for alcohol on welfare grounds**

Children's welfare and protection are key reasons cited for introducing a power to search under-18s for alcohol. The analysis in this section examines the different ways in which police officers currently dealt with alcohol detections. The analysis looks at how the use of police disposals varies by age, gender and geography, and the extent to which officers variously take a more enforcement-based approach (for example, issuing fixed penalty notices) or a more welfarist or benign approach (for example, reporting concerns on the Vulnerable Persons Database, or taking no further action, other than confiscation).

At the time of writing, officers can use one or more of the following disposals in relation to stop searches and seizures:<sup>38 39</sup>

- Submit a crime report
- Issue a fixed-penalty notice
- Record a person's details on the interim Vulnerable Persons Database (iVPD), which records concerns relating to children or adults.
- Record a person's details on the Scottish Intelligence Database (SID)
- Or, take no further action

Without contextual data on individual encounters, it is difficult to gauge whether disposals and sanctions used by officers were proportionate. However, it is possible to identify systematic variation in police practice that suggests how officers deal with underage drinking may be influenced by factors over and above individual circumstances. In general, the analysis suggests officers are more likely to exercise discretion when dealing with young people, compared to adults. However, it also appears that a mix of welfarist and enforcement rationales inform decision making; and that these vary by geography, and by the gender of the person stopped.<sup>40</sup>

#### **3.4.1 Alcohol disposals and age**

Under-18s were less likely to receive an enforcement-based disposal, compared to those aged eighteen or over. Around two-thirds of alcohol detections (67%) involving under-18s prompted no further action, compared to only 15% of those aged eighteen or over. Relatedly, police officers were far less likely to raise crime reports in encounters involving under-18s, compared to adults (at 13% and 50% respectively) or to issue fixed-penalty notices (13% and 35% respectively).

Consistent with a more welfarist approach, officers were more likely to enter details of under-18s into the Vulnerable Persons Database (iVPD) (10%) – thereby flagging up the encounter as a cause for concern – compared to those aged eighteen or over (less than 1%).

---

<sup>38</sup> Officers can also record 'GIRFEC review' (Getting It Right for Every Child) as a disposal, however this category is seldom used, and does not reflect the GIRFEC review process.

<sup>39</sup> In January 2016, Police Scotland introduced on-the-spot warnings for minor offences such as carrying cannabis, urinating in the street or petty shoplifting, that might otherwise result in a fixed-penalty notice, or crime report. Police warnings do not apply to the period of analysis in this report.

<sup>40</sup> Very few alcohol detections recovered other unlawful items that would warrant an enforcement response (less than 2%).

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

On the other hand, alcohol detections involving under-18s were more likely to prompt an entry on the Scottish Intelligence Database, compared to those aged eighteen or over, at 3% and 2% respectively (this difference is statistically significant). **Figure 27** shows the results.

**Figure 27. Disposals used in relation to alcohol (stop searches and seizures), by age-group (%)**

|                                      | 17 or under | 18 or over |
|--------------------------------------|-------------|------------|
| Crime report                         | 13%         | 50%        |
| Fixed Penalty Notice                 | 13%         | 35%        |
| iVPD entry                           | 10%         | <1%        |
| Scottish Intelligence Database entry | 3%          | 2%         |
| No further action                    | 67%         | 15%        |
| Base                                 | 2,795       | 8,894      |

Source: Police Scotland, 2015. Base: stop searches and seizures which only detected alcohol. Totals do not add to 100% as police officers may record more than one disposal.

### 3.4.2 Alcohol disposals and gender

The use of police disposals for alcohol varied by gender. Boys aged seventeen or under were more likely than girls to receive an enforcement-based disposal. For example, 15% of alcohol detections involving boys resulted in a crime report, compared to 9% involving girls. Likewise, 14% of alcohol detections involving boys prompted a fixed-penalty notice, compared to 10% involving girls.

Whilst a higher proportion of alcohol detections involving those aged eighteen or over led to a crime report or fixed-penalty notice, the gender difference was less pronounced amongst adults. Officers raised a crime report in 51% of encounters involving men and 45% involving women, whilst the proportion of fixed penalty notices issued did not vary.

The proportion of alcohol detections that resulted in an interim Vulnerable Persons Database entry did not vary by gender, suggesting that decision-making around vulnerability was not gender-based. However, a higher proportion of alcohol detections involving girls resulted in no further action, compared to boys, at 72% and 65% respectively. **Figure 28** shows the results.

**Figure 28. Disposals for alcohol searches & seizures by age group/gender, June to December 2015**

|                                      | 17 or under |        | 18 or over |        |
|--------------------------------------|-------------|--------|------------|--------|
|                                      | Male        | Female | Male       | Female |
| Crime report                         | 15%         | 9%     | 51%        | 45%    |
| Fixed Penalty Notice                 | 14%         | 10%    | 35%        | 35%    |
| iVPD entry                           | 10%         | 10%    | <1%        | <1%    |
| Scottish Intelligence Database entry | 3%          | 3%     | 1%         | 2%     |
| No further action                    | 65%         | 72%    | 14%        | 19%    |
| Base                                 | 2,010       | 785    | 7,632      | 1,262  |

Source: Police Scotland, 2015. Totals do not add to 100% as officers may record more than one disposal.

## REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence

Whilst further qualitative research is needed to unpack the rationales and circumstances that underpin these findings, the results suggest the officers may treat girls more leniently than boys. This observation is also consistent with research that points towards a more chivalrous approach to girls within some parts of the criminal justice system (McAra and McVie, 2005).<sup>41</sup> For example, a higher proportion of girls are diverted from prosecution, compared to boys (Murray et al., 2015).<sup>42</sup> The corollary is that boys may be at greater risk of being drawn into the criminal justice system, compared to girls.

### 3.4.3 Alcohol disposals and geography

The use of disposals for alcohol varied across Scotland, with a more enforcement-based approach in the west. Looking at alcohol detections involving young people aged seventeen or under, around eight in ten encounters in the east and north resulted in no further action (81% and 82% respectively), compared to 64% in the west. It is also striking that only 11% of alcohol detections involving adults in the west resulted in no further action, compared in 70% in the north, and 61% in the east.

As noted earlier, under local byelaws it is an offence in many parts of Scotland to drink alcohol in a public place (such as a park), irrespective of age (see page 10). At first glance then, we might look to explain these differences with reference to variation in local byelaws. Yet in practice, alcohol disposals seem more likely to be influenced by police officer discretion and local policing cultures. Looking beyond the west Command Area, there are byelaws that prohibit public drinking in more than 480 towns and villages throughout Scotland, including [Edinburgh](#), [Aberdeen](#), [Inverness](#) and Dundee. For example:

In the north, byelaws apply in Inverness, Greater Fort William, Kinlochleven, Dingwall and a further fifteen locations in the [Highland](#) Council region. Drinking in public is prohibited in Lerwick, [Shetland](#), and Stornaway, Eilean Siar, whilst in Kirkwall, [Orkney](#), it is an offence to stop drinking alcohol when asked to do so by a police officer. In [Angus](#), byelaws apply in Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. In [Moray](#), byelaws apply in Elgin, Buckie and Forres. In [Fife](#), there are byelaws in place in over seventy locations, including St Andrews, Cupar, Glenrothes, Dalgety Bay and Kirkcaldy. In Perth and Kinross, byelaws are in place in Perth, Crieff, Blairgowrie and Rattray, Alyth, Kinross and Milnathort, as well as other small towns. And in Aberdeenshire, byelaws apply in Peterhead and Fraserburgh.

In the east, byelaws apply in Falkirk, Denny, Grangemouth, Larbert, Stenhousemuir, and a further twenty-three villages in the Falkirk Council region. There are thirteen alcohol prohibition zones in East Lothian, including each of the coastal towns, whilst in West Lothian, byelaws apply in thirty-two areas, including Livingstone, Linlithgow and Bathgate. In Clackmannanshire, byelaws are in place in Alloa and in thirteen surrounding villages. At the time of writing, the [Scottish Borders](#) is the only local authority not to have such byelaws in place. This list is by no means exhaustive; rather the aim is to illustrate the breadth of byelaw coverage throughout Scotland beyond the west.

<sup>41</sup> McAra, L. and McVie, S. (2005) 'The usual suspects? Street-life, young people and the police', *Criminal Justice*, 5 (1) pp. 5-36.

<sup>42</sup> Murray, K., McGuinness, P., Burman, M., and McVie, S. (2015) *Evaluation of the Whole System Approach to Young People Who Offend in Scotland*, Scottish Centre for Crime and Justice Research. Online: <http://www.gov.scot/Resource/0047/00479272.pdf>

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

Officers in the west were most likely to raise a crime report or issue a fixed-penalty notice to young people aged seventeen or under (16% respectively), compared to those in the east and north. In the north, only 3% of alcohol detections resulted in a crime report, and 1% in a fixed-penalty notice. In the east, 3% of alcohol detections prompted a crime report, whilst 4% led to a fixed-penalty notice.

In each Command Area, only one in ten alcohol detections prompted an entry on the iVPD. Officers in the north and east were more likely to record a child's details on the Scottish Intelligence Database (6% and 5% respectively), compared to officers in the west (2%). Most alcohol detections in the East and North, in both age groups, prompted no further action. This was also true for the 11 to 17 years age group in the West; however, amongst those aged eighteen or over, only one in ten detections (11%) prompted no further action. **Figure 29** shows the results.

**Figure 29. Disposals for alcohol detections by Command Area (%) June to December 2015**

|                         | East     |            | North    |            | West     |            |
|-------------------------|----------|------------|----------|------------|----------|------------|
|                         | 11 to 17 | 18 or over | 11 to 17 | 18 or over | 11 to 17 | 18 or over |
| Crime report            | 3%       | 12%        | 3%       | 10%        | 16%      | 53%        |
| Fixed Penalty Notice    | 4%       | 15%        | 1%       | 24%        | 16%      | 36%        |
| iVPD entry <sup>1</sup> | 10%      | 1%         | 10%      | 1%         | 10%      | 0%         |
| SID entry               | 5%       | 6%         | 6%       | 7%         | 2%       | 2%         |
| No further action       | 81%      | 70%        | 82%      | 61%        | 64%      | 11%        |
| Base                    | 322      | 381        | 222      | 292        | 2,251    | 8221       |

Source: Police Scotland, 2015

Base: All stop searches and seizures that detected alcohol

<sup>1</sup>iVPD = Interim Vulnerable Persons Database.

Totals do not add to 100% as officers may record more than one disposal.



## **4. A power to search children for alcohol: Discussion and conclusion**

It is widely recognised that alcohol misuse is a major social problem in Scotland, associated with violence and ill health (Scottish Government, 2008,<sup>43</sup> 2012).<sup>44</sup> In 2009, the Scottish Government published 'Changing Scotland's Relationship with Alcohol: A Framework for Action' which advocated a preventative, multi-stranded partnership approach to tackling alcohol abuse, with the aim of achieving 'real, lasting social and cultural change' (2009; 15).<sup>45</sup> A number of proposals related to children and young people. These were diversionary or educational in tenor, or aimed at tackling adult behaviour, including licensing. For instance, the Framework proposed: improving misuse education in schools; supporting diversionary and youth work opportunities; providing support for off-sales test-purchasing programmes and tightening restrictions on alcohol advertising. The Framework also supported related educational initiatives to raise awareness among young people of the dangers of knife carrying, and set out Scottish Government support for the Community Initiative to Reduce Violence (CIRV). CIRV was introduced by the Violence Reduction Unit (VRU) in 2005 to tackle collective violence in the East End of Glasgow, and rolled out as a national VRU/Scottish Government initiative in 2006/7.

Drawing on the findings in this report, it seems at best unclear, whether a power to search children for alcohol would make a constructive addition to the existing approach. The main findings are discussed below.

### **4.1 The demographics of underage drinking**

Whilst the overall prevalence of underage drinking is even in terms of background deprivation, young people's experiences of alcohol differ in terms of background. These differences are important. As Newburn and Shiner observe, the context in which young people drink can act as a determinant of potential harm: 'while supervised drinking in the parental home is associated with low levels of intoxication, the move into independent drinking is a source of risk. Particular concern exists about drinking in hidden/outdoor locations' (2001; 69).<sup>46</sup>

In many ways, young people and children from the least deprived areas appear to benefit from protective factors. They are more likely to drink at home and are less likely to obtain alcohol through strangers or to use off licences. Young people and children from the most deprived areas are less likely to benefit from these factors. The SALSUS data suggest that they are more likely to drink excessively and more likely to get into trouble with the police, compared to those from less deprived areas. In part, these differences may relate to access and supervision, which

---

<sup>43</sup> Scottish Government (2008) *Changing Scotland's Relationship with Alcohol*, Edinburgh.

<sup>44</sup> Scottish Government (2012) *Changing Scotland's Relationship with Alcohol: A Framework for Action: Progress Report*, Edinburgh.

<sup>45</sup> Scottish Government (2009) *Changing Scotland's Relationship with Alcohol: A Framework for Action*, Edinburgh.

<sup>46</sup> Newburn, T. and Shiner, M. (2001) *Teenage kicks? Young people and alcohol: a review of the literature*, Public Policy Research Unit. Online: <https://www.jrf.org.uk/report/teenage-kicks-young-people-and-alcohol-review-literature>

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

put children from the most deprived areas at greater risk of adversarial police contact. Children from the most deprived areas are less likely to drink at home, more likely to drink outside, more likely to use off sales, less likely to obtain alcohol through parents and carers, and more likely to obtain alcohol from strangers. In other words, young people from deprived backgrounds are more likely to have lifestyles that make them more 'available' for policing (McAra and McVie, 2005).<sup>47</sup>

A strong case can be made for tackling responsible adults and off sales in more deprived areas. In part, the prevalence of underage drinking depends on the willingness of adults to sell alcohol to, or buy alcohol for children, both of which are offences. As Carnochan argues:

What about policing those off sales that sell to under-18s? It might be a better use of resources to have a local authority enforcement officer on duty outside every off sales to ensure compliance... How about taking the licences off those shops immediately that they breach the rules and sell alcohol to children. Judicial hearings would obviously follow but the licence would be revoked until the hearing.' (2015; 3).<sup>48</sup>

This will however, require a renewed emphasis on policing off sales. As **Figure 12** showed, the number of offences in relation to selling to, or purchasing alcohol for children has fallen since 2006/7. Underage drinking also depends on the provision of alcohol. Research by CRESH shows that Scotland's poorest neighbourhoods have the most shops selling alcohol, whilst SALSUS data shows that those children living in the most deprived areas are more likely to purchase alcohol from shops and off licences. This research indicates that greater control over availability and better scrutiny of alcohol licence applications is required. As CRESH puts it, 'perhaps it is time to stop placing economics before equality and public health?'<sup>49</sup>

## **4.2 Police practice and effectiveness**

In practice, police officers record few alcohol searches for alcohol involving under-18s. In September 2015, six Divisions, including Edinburgh, Aberdeen and Tayside, made no use of their existing ability to search young people for alcohol on a non-statutory basis. Whilst we can attribute the overall fall in non-statutory stop searches to the fact that Police Scotland are phasing the tactic out ahead of the Code of Practice in early 2017, it is striking that both statutory searches and seizures have also fallen, which can be read as indicative of a wider shift away from volume-based, performance-driven interventions. It is also interesting that police officers did not appear to resort to statutory powers of search and seizure in order to compensate for the loss of non-statutory stop and search. The fact that underage drinking increasingly takes place indoors also suggests that the scope for the use of police powers of search may be limited

---

<sup>47</sup> McAra, L. and McVie, S. (2005) 'The usual suspects? Street-life, young people and the police', *Criminal Justice*, 5 (1) pp. 5-36.

<sup>48</sup> Carnochan, J. (2015) *Alcohol - Stop Search – Consensual or otherwise*, submission to the Independent Advisory Group on Stop and Search (unpublished).

<sup>49</sup> Shortt, N. (2015) Scotland's poorest neighbourhoods have the most shops selling alcohol and tobacco, Centre for Research on Environment, Society and Health. Online at: <https://cresh.org.uk/2015/10/06/scotlands-poorest-neighbourhoods-have-the-most-shops-selling-alcohol-and-tobacco/>

## REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence

Turning to effectiveness, alcohol searches were more likely to involve children and young people, yet the likelihood of success in such cases was far lower, compared to adults. This might variously suggest that; intelligence-based approaches are not particularly effective in such cases; that alcohol searches involving young people are more likely to be based on speculation, with a lower threshold for suspicion; and/or that alcohol searches are more likely to be used as a deterrent (which is not a legitimate use of the tactic). At less than one successful search per day for young people aged seventeen or under across the whole of Scotland between June and December 2015, it is questionable how much a statutory power of search for alcohol would add to current powers of seizure.

There is also little evidence to support the idea of a 'gap in officer's powers. Between June and December 2015, only 6% of alcohol detections involving under-18s resulted from non-statutory searches, whilst 91% resulted from existing statutory powers of seizure under Section 61 of the Crime and Punishment (Scotland) Act 1997. On the other hand, alcohol seizures can provide a vehicle for more welfarist interventions. For example, Durham Constabulary has developed a holistic approach to alcohol seizures, as described below.

### **A holistic approach to alcohol seizures**

In England and Wales, police officers, PCSOs and Local Authority Wardens may seize and confiscate alcohol under the [Policing and Crime Act 2009 \(s.29\)](#) (note that police officers in England and Wales do not have statutory powers of stop and search in relation to the underage possession of alcohol, however PCSOs and Local Authority Wardens can be given delegated authority to search by a Chief Constable, which is the case in Durham).

In 2011, Durham Constabulary introduced a 'holistic' approach to seizing alcohol from young people, with the aim of offering consistent and appropriate interventions, as well as reducing anti-social behaviour. The approach is premised on preventative and welfarist principles, and involves a range of partner agencies, including schools, trading standards and environmental health.

In Durham, alcohol seizures prompt a three-tiered series of interventions. In the first instance, a young person will be referred to an intervention worker for advice and/or treatment services. A second seizure will trigger multi-agency intervention (for example, the school will be involved) and a Community Protection Warning under the new Anti-Social Behaviour and Policing Act 2014 *may* be issued which replaces the Acceptable Behaviour Contracts under previous ASB legislation. If alcohol is seized from a young person on a third occasion, legal action is *possible* under the Policing and Crime Act 2009 (s.30). However, due to the tiered approach this power is barely used. Since the introduction of the scheme in 2011, only one summons has been issued, which did not proceed to court. Importantly, the initiative also tackles responsible adults, whereby seized alcohol is traced back to the retailer (using batch/lot codes), and the sale investigated using CCTV, with a view to prosecution

In terms of effectiveness more generally, the proposed power hinges on the assumption that the potential impact on anti-social behaviour and crime would outweigh the costs (for example, in terms of the impact on police-community relationships, and the ability of the police to do

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

their job more broadly). Yet despite decades of research, there is no body of robust evidence to support this assumption (Delsol and Shiner).<sup>50</sup> Whilst stop searches can detect or disrupt offending behaviour, by dint of detection, the wider preventative or deterrent effect remains unclear. Empirical evidence on the marginal effect of stop and search on deterrence – or ‘how much deterrence you get for x additional stop and searches’ (Hales, 2015)<sup>51</sup> – indicates that a huge number of searches may contribute towards a small reduction in recorded crime. For example, Weisburd et al. (2016)<sup>52</sup> suggest that around 750,000 stop frisks carried out in New York City contributed to a 2% reduction in overall crime. However, the researchers also caution that the cost in terms of police legitimacy and public support is likely to outweigh the gain. A recent Randomised Control Trial in Peterborough suggested that carefully targeted, frequent (rather than lengthy) patrols by Police Community Safety Officers (with fewer powers of enforcement) can also lead to a lower crime count (Ariel et al. 2016).<sup>53</sup>

### 4.3 Net-widening

Research shows that adversarial contact with the police contact risks drawing young people into the criminal justice system. Drawing on data from the Edinburgh Study of Youth Transitions and Crime (ESYTC), McAra and McVie (2005,<sup>54</sup> 2010<sup>55</sup>) found that working class children were more likely to come to the attention of the police, compared to their middle class counterparts. Prior police contact also acted as a key factor in predicting future police contact, even when controlling for other factors such as offending behaviour. Also, children drawn into the youth justice system were more likely to maintain involvement in offending, irrespective of whether the contact was on a punitive basis, or on welfarist grounds, for instance, through the Children’s Hearing System. In this regard, McAra and McVie identified a serious risk of criminalisation amongst those young people, generally the most vulnerable and deprived, who get repeatedly recycled around youth justice services, with little support.

The ESYTC findings underpin Scotland’s progressive Whole Systems Approach (WSA) to Youth Offending, which aims to keep young people out of the criminal justice system (Scottish Government, 2015).<sup>56</sup> However, as McAra and McVie caution, there is a tension between increased use of stop and search, and the development of WSA in dealing with young people,

<sup>50</sup> Delsol, R. (2015) ‘Effectiveness’ in R. Delsol and M. Shiner (eds.) *Stop and Search. The Anatomy of a Police Power*, Palgrave Macmillan, Basingstoke.

<sup>51</sup> Hales, G. (2015) *Stop and search and knife crime in London: what we know and what we don’t*, Police Foundation. Online at: <http://www.police-foundation.org.uk/news/187/15/Stop-and-search-and-knife-crime-in-London-what-we-know-and-what-we-don-t>

<sup>52</sup> Weisburd, D., Wooditch, A., Weisburd, S. and Yang, S. (2016) ‘Do Stop, Question, and Frisk Practices Deter Crime?’, *Criminology & Public Policy* (advance publication) American Society of Criminology.

<sup>53</sup> Ariel, B., Weinborn, C. and Sherman, L. (2016) ‘Soft’ policing at hot spots—do police community support officers work? A randomized controlled trial, *Journal of Experimental Criminology* (advance access). Online at: <http://link.springer.com/article/10.1007/s11292-016-9260-4#enumeration>

<sup>54</sup> McAra, L. and McVie, S. (2005) ‘The usual suspects? Street-life, young people and the police’, *Criminal Justice*, 5 (1) pp. 5-36.

<sup>55</sup> McAra, L., and McVie, S. (2010) ‘Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime’, *Criminology and Criminal Justice*, vol. 10, no. 2 pp. 179-209

<sup>56</sup> Scottish Government (2015) *Whole System Approach for Young People Who Offend*. See online: <http://www.gov.scot/Topics/Justice/policies/young-offending/whole-system-approach>

**REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol:  
A review of the evidence**

premised on minimal intervention (2015; 291).<sup>57</sup> Similarly, there is a risk that a power to search young people for alcohol may widen the policing net by dint of unnecessary police contact. Whilst stop and search in Scotland is generally targeted in the right places, in terms of neighbourhoods with higher levels of crime and disorder, more often than not it does not appear to target the right people (Murray, 2016).<sup>58</sup>

Relatedly, it is striking that around a third of alcohol detections involving young people prompted a crime report or fixed penalty notice. Equally, it is notable that girls appeared to be treated more leniently than boys, and that young people in the west were more likely to receive an enforcement-based disposal, compared to those in the east or north

#### **4.4 Relationships between young people and the police**

Used unfairly, stop and search can damage police-community relationships.<sup>59</sup> In Scotland, a range of research has highlighted the adverse impact of stop and search on young people's relationship with the police (see for example, Anderson et al., 1994;<sup>60</sup> Reid Howie Associates, 2001;<sup>61</sup> Cook, 2015; 8;<sup>62</sup> Blake Stevenson, 2016).<sup>63</sup> A recent survey of secondary school children in Edinburgh and Glasgow found the quality of interaction between young people and the police could be problematic. Around half of those who were stopped and searched said they were not given an explanation, whilst some children felt that they were treated unfairly, or said that the officers were not polite or respectful. It also seemed likely that some children were singled out

---

<sup>57</sup> McAra, L. and McVie, S. (2014) 'The Scottish Juvenile Justice System: Policy and Practice' in (ed.) John Winterdyk *Juvenile Justice: International Perspectives, Models and Trends*, CRC Press

<sup>58</sup> Murray, K. (2016) *Understanding and Preventing Youth Crime survey Early Findings: Stop and search in Glasgow and Edinburgh*, Scottish Police Authority.

<sup>59</sup> See for example:

Bland, N., Miller, J. and Quinton, P. (2000) *The Impact of Stops and Searches on Crime and the Community*, Police Research Series, Paper 127, London, Home Office.

Fratello, J., Rengifo, A. and Trone, J. (2013) *Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications*, VERA Institute of Justice, Centre on Youth Justice, New York.

LSE/Guardian (2012) *Reading the Riots: investigating England's summer of disorder*.

Miller, J., Bland, N. and Quinton, P. (2000) *The Impact of Stops and Searches on Crime and the Community*, Police Research Series, Paper 127, Policing and Reducing Crime Unit, Home Office, London.

Open Society/Stopwatch (2013) *Viewed with suspicion: the human cost of stop and search*. Online: <http://www.stopwatch.org/uploads/documents/vws-report.pdf>

Stone, V. and Pettigrew, N. (2000) *The Views of the Public on Stops and Searches*, London, Home Office.

<sup>60</sup> Anderson, S., Kinsey, R., Loader, I. and Smith, C. (1994) *Cautionary Tales: Young people, crime and policing in Edinburgh*, Aldershot, Avebury.

<sup>61</sup> Reid Howie Associates (2002) *Police Stop and Search among White and Minority Ethnic Young People in Scotland*, Edinburgh, Scottish Executive.

<sup>62</sup> Cook, O. (2015) *Youth in justice: Young people explore what their role in improving youth justice should be*, Space Unlimited, Glasgow (online) <http://www.spaceunlimited.org/media/134827/final%20report%20youth-in-justice-1.pdf>

<sup>63</sup> Blake Stevenson (2016) *A qualitative study of the impact of Stop and Search on individuals and communities in Scotland*.

## REPORT No. 5/2016 The Need for a New Power to Search Children for Alcohol: A review of the evidence

for police attention, based at least in part, on their age, neighbourhood and factors relating to social class (Murray, 2016).<sup>64</sup>

As Chalmers (2015)<sup>65</sup> observes, the lack of a statutory power of search for alcohol in the Crime and Punishment (Scotland) Act 1997 was purposefully intended to minimise tension between young people and the police. Similarly, the Scott Report noted, that ‘The absence of such a power was mooted as “one of the great strengths” of the legislation as it was feared that the exercise of such a power might create tension and conflict between the police and young people (Scott, 2015; 37).<sup>66</sup>

### 4.5 Conclusion

At the time of writing, the direction and tenor of Scottish policing is in a state of transition. Whilst Police Scotland are moving away from a performance-driven, enforcement style of policing, there are longstanding differences in policing styles and cultures across Scotland (Terpstra and Fyfe, 2015;<sup>67</sup> Murray, 2015a), which coupled with the highly discretionary nature of policing, mean that a welfarist approach to the use of alcohol powers cannot be assured. In this respect, we would recommend future research to investigate a) the nature and quality of encounters between the police and young people in Scotland, and b) the effectiveness of alcohol searches on underage drinking and alcohol related crime, with a view to ensuring that prospective legislative developments are evidence-based.

At present, given the extent to which stop and search has been used in Scotland, there is a risk that additional powers may incur further damage to relationships between and police and young people. We would suggest that a constructive and fairer approach to stop and search will require time, resources and a clear steer from senior officers to bed down and to address older regional inconsistencies. Additional enforcement powers seem unlikely to facilitate this direction. As Carnochan cautions:

‘[W]e should judge any new law not on the benefit it provides when applied correctly but rather the damage it will do when applied incorrectly. I see little benefit in this proposed legislation but I do see the potential to damage the relationship between a police service and a significant part of the public it serves.’ (2015)<sup>68</sup>

---

<sup>64</sup> Murray, K. (2016) *Understanding and Preventing Youth Crime survey Early Findings: Stop and search in Glasgow and Edinburgh*, Scottish Police Authority.

<sup>65</sup> Chalmers, J. (2015) ‘Legislative gaps’ and the possible abolition of consensual stop and search, submission to the Independent Advisory Group on Stop and Search. Online: [http://www.gla.ac.uk/media/media\\_410730\\_en.pdf](http://www.gla.ac.uk/media/media_410730_en.pdf)

<sup>66</sup> Scott, J. (2015) *The Report of the Advisory Group on Stop and Search*, Edinburgh, Scottish Government.

<sup>67</sup> Terpstra, J. and Fyfe, N. (2015) ‘Mind the implementation gap? Police reform and local policing in the Netherlands and Scotland’, *Criminology & Criminal Justice*, vol. 15(5) pp. 527–544.

<sup>68</sup> Carnochan, J. (2015) *Alcohol - Stop Search – Consensual or otherwise*, submission to the Independent Advisory Group on Stop and Search (unpublished).