



Standing Committee for Youth Justice

CRIME AND SECURITY BILL
House of Commons Committee Stage
February 2010

Clause 1: Police powers of stop and search

AMENDMENT

Clause 1, page 2, line 3, leave out “and”,” and insert:–

“(vi) except in the case of a search of an unattended vehicle, the age of the person searched or the person in charge of the vehicle searched (as the case may be); and”;

PURPOSE

This is a probing amendment designed to explore how the Government intends to monitor how stop and search impacts on children and young people in order to ensure that they are not disproportionately targeted by the police.

BRIEFING

Clause 1 aims to reduce the reporting requirements on stop and search forms in order to limit the amount of time that police officers spend completing paperwork. The Government’s proposals, following the Review of PACE, published in 2008, set out the intention to examine *‘through pilot sites, the ability to reduce the need to provide a record of the stop and recording only ethnicity information’*.¹ It is also hoped that greater use of mobile technology to monitor stop and search will ensure more efficient deployment of police resources.

SCYJ is reassured to see that the requirement to monitor ethnicity as a safeguard against discrimination is retained in these new provisions. The research report *Just Justice* published by SCYJ member The Children’s Society in 2006, which looked at the experiences of black young people in the youth justice system, found that one of the most persistent criticisms of the police relates to the way in which they exercise their powers to stop and search people in the streets.² When the Home Affairs Select Committee looked at this issue during the 2006-7 Parliamentary session it concluded:

*‘Until such a time as the number of young black people in the criminal justice system begins to mirror that of the population as a whole, we urge government to review, revise and redouble its efforts to address overrepresentation and its causes. A great deal depends on its success in doing so.’*³

¹ Home Office (2008) PACE review: government proposals in response to the review of the police and criminal evidence act 1984

² Sharp D, (2006) *Just Justice* Serve and Protect? Black young people’s experience of policing in the community. The Children’s Society

³ Home Affairs Select Committee (2007) *Young Black People and the Criminal Justice System: Second Report of Session 2006-7*. London: The Stationery Office Ltd.

However SCYJ is concerned that the intention to limit monitoring requirements to ethnicity is too narrow. It should also be possible to disaggregate the use of stop and search by age in order to ensure that the powers are not being used disproportionately or inappropriately for young people.

- Figures show that the number of stop and searches has risen significantly in recent years. Stop and searches were more than 17 per cent higher in 2007-08 than in 2005-06, with a 27 per cent increase in searches for offensive weapons.⁴ Searches in anticipation of violence under Section 60⁵ rose by 27 per cent in the same period. Although these figures do not distinguish between children and adults it is reasonable to assume that this rise in overall figures means that increasing numbers children are being stopped and searched.
- According to a survey carried out by 11 MILLION in 11% of white and 22% of BME young people aged 12 to 17 have been stopped and searched.⁶
- It is a matter of serious concern that children below the age of criminal responsibility are also routinely stopped and search, nearly 2,000 in London in 2008 according to Metropolitan Police Association figures.⁷
- The rise in the use of stop and search has occurred at least in part in response to growing concern about gun and knife crime, particularly among young people. However while a significant number of weapons have undoubtedly been decommissioned as a result of stop and search, it is worth noting that proportion of searches discovering offensive weapons fell to its lowest level in a decade in 2006-07. In 2007-08, less than one per cent of Section 60 searches led to an arrest for offensive weapons.⁸

A report by the Children's Commissioner for England into Gun and Knife Crime, published in March 2009 highlighted children and young people's response to the use of stop and search:

'11 MILLION's survey shows some support for stop and search among those aged 12 to 17 as a way of reducing gun and knife crime, with white and black and minority ethnic (BME) young people similarly inclined towards it: 20 per cent and 19 per cent respectively. Support is stronger among lower socio-economic groups in TKAP areas, and strongest among those groups in London, at 29 per cent.⁹ ... Nine per cent of those who had been searched said they respected the police more after the experience, but it left 39 per cent feeling less respectful towards them.

"Stop and search can be a good policy but it needs to be done properly... If I'm in a group wearing trackies I'm more likely to be stopped." Male, 17, from Manchester.

This erosion of confidence is disappointing because 11 MILLION's survey shows that 73 per cent of children and young people like or quite like the police. Views become more negative with age, dipping steeply at ages 12 and 13, and are less favourable among BME children and young people.¹⁰

⁴ Figures are for searches of persons or vehicles under section 1 of the Police and Criminal Evidence Act 1984 and other legislation, and do not distinguish between children and adults: Povey, D. and Smith, K (eds) (2009) Police Powers and Procedures, England and Wales 2007/08, London: Home Office

⁵ Criminal Justice and Public Order Act 1994

⁶ 11 Million & YouGov (March 2009) Solutions to Gun and Knife Crime

⁷ <http://www.mpa.gov.uk/downloads/committees/cep/090521-04-appendix01.pdf>

⁸ Searches of persons or vehicles under Section 1 of the Police and Criminal Evidence Act: Povey, D. and Smith, K. (eds) (2009), op cit

⁹ The options from which children and young people could choose were (in order of popularity): harsher punishment, banning of all guns, imprisonment of offenders, education for children and young people, involving children and young people in youth clubs and other activities, fines for knife carriers, talks with victims and their families, more stop and search, electronic tagging, the death penalty, more police and cameras, involving parents

¹⁰ 11 Million (July 2009) Standing Together: Principles to Reduce Children and Young People's Involvement in Gun and Knife Crime

It is vital that consideration is given to the impact of stop and search on relations between the police and young people. Operation of these powers must be seen by young people to be both necessary and proportionate and not simply a reflection of negative societal attitudes towards them.¹¹ Poor relations between the police and young people not only reduce the police's capacity to effectively address youth crime but also prevent them from realising the important positive contribution that young people have to make to improving community safety. **Given this, we consider it vitally important that strategies are in place to monitor the use of stop on search in relation to young people and we urge committee members to press Ministers as to how this will be done.**

Furthermore the proposed reforms do not address, and possibly exacerbate, a number of longstanding problems with the way stop and search works *in practice* in relation to children and young people. In all normal circumstances (where there is not an immediate urgency on the street), searches of children should be conducted at a police station in the presence of an appropriate adult. If an urgent search on the street is necessary, there should be a requirement to report the search to a senior officer within 24 hours. The senior officer should then notify the child or young person's parents/guardian. **We believe that such safeguards are necessary to ensure that stop and searches of children are used correctly and appropriately and we urge committee members to question the Government about when they will be put in place.**

We raised a number of these issues in our submission to the consultation on the Government's proposals in response to the Review of PACE which took place at the end of 2007/8. No Government response to this consultation has yet been published.

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The Standing Committee for Youth Justice (SCYJ) is a membership body which:

- Provides a forum for organisations, primarily in the non-statutory sector, working to promote the welfare of children who become engaged in the youth justice system; and
- Advocates a child-focussed youth justice system that promotes the integration of such children into society and thus serves the best interests of the children themselves and the community at large.

Members are: Action for Children, Association of YOT Managers, Barnardo's, Catch22, The Children's Society, Children's Rights Alliance for England, Council for Disabled Children, The Howard League for Penal Reform, Just for Kids Law, JUSTICE, Nacro, National Youth Agency (NYA), National Association for Youth Justice (NAYJ), NCB, TACT, The Prince's Trust, Prison Reform Trust, Sainsbury Centre for Mental Health, Secure Accommodation Network, SOVA and VOICE.

The contents of this briefing do not necessarily reflect the views of all member organisations

¹¹ The concluding observations of the UN Committee on the Rights of the Children, published in October 2008 recommended that urgent measure be taken 'to address the intolerance and inappropriate characterization of children, especially adolescents, within the society, including the media'.