CHILDREN & YOUNG PEOPLE'S Commissioner Scotland

Investigation: Police use of force against children

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About the Children and Young People's Commissioner

Nicola Killean is the Children and Young People's Commissioner Scotland. She became the Commissioner in August 2023 and has a six-year term. The Commissioner works with her team to promote and protect the rights of children and young people in Scotland. That is:

- Everyone under 18, and
- Everyone up to 21 who is in care or care experienced.

The law that created the Commissioner's role says that the Commissioner must:

- Promote awareness and understanding of children's rights.
- Involve children and young people in the office's work.
- Make sure laws, policies, and practice affecting children and young people's lives are fair and respect their rights.
- Promote and carry out research to progress children's rights.
- Share examples of adults working well to fulfil children's rights so others can learn from it.

The Commissioner also has legal powers which we can use in some situations where we are concerned that human rights promises to children and young people are not being kept. We use these powers of investigation and litigation (taking action in court) when we think we can make a bigger change. Our office's role is to hold people in power to account and to take action when children's rights are breached. Our values of leadership, participation, independence, bravery, and respect guide us. They were developed from the office's work with children and young people across Scotland.

Foreword by the Commissioner

In late 2024, my office became aware of figures published by the Scottish Police Authority[1] (SPA) which suggested that children were twice as likely to experience police use of force as adults.

On the face of it, this was hugely concerning. International human rights law recognises the profound imbalance of power between children and the State, requiring higher standards of protection to account for children's age and additional vulnerability compared to adults. For example, children may be at greater risk of harm from the use of force due to their size or stage of development, while specific groups of children may have additional vulnerabilities that place them more at risk. There is evidence from other jurisdictions that some groups of children may experience use of force at a higher or disproportionate rate. The use of force at both individual and system level must be subject to robust and detailed scrutiny.

On closer examination of published data in Scotland, however, it became obvious that while there were established mechanisms for scrutiny of individual uses of force, published data did not reveal much of the disaggregated detail that would allow us to understand which groups of children were most affected, or what types of force were used on them.

These circumstances justified the exercise of the Commissioner's statutory investigation power to delve deeper, in line with the commitment in our strategic plan, Our Plan 2024-28, to "increase understanding of changes required to address forms of discrimination experienced by children and young people". We formally launched our investigation on 20 November 2024[2].

The police play an important role in maintaining public order, protecting people from harm, and securing human rights and the rule of law. In that context it is important to note that human rights law does not prevent police officers from using force in all circumstances. It is also necessary to recognise that use of force is a spectrum, with some interventions presenting higher risks of harm and rights breaches than others.

In any circumstance when the State entrusts professionals with the authority to use physical force, it must ensure it is used only where lawful, necessary, proportionate, and in a manner that is both precautionary and non-discriminatory.

1 https://www.spa.police.uk/spa-media/zjkbiv4w/doc-20240227-children-and-young-people-s-contact-with-the-police-v1-4.pdf

2 https://www.cypcs.org.uk/news-and-stories/police-use-of-force-on-children-investigated-by-childrens-commissioner/

This requires not just the examination of individual instances of use of force, but an ability for police leaders to understand it at a systemic level, and for Scottish Government, scrutiny bodies, human rights institutions, MSPs, and journalists to be able to use data to scrutinise practice and hold Police Scotland appropriately to account. This is particularly the case in terms of the new legal duties set out in the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

In considering the potential value of the investigation, we were mindful that there is precedent for this kind of data-led approach driving significant change in policing practice. When English and Welsh forces started systemic recording and reporting of use of force in 2017, it revealed, for example, that mental health, ethnicity and age were all predictors of the use of force[3]. According to HM Inspectorate of Constabulary reports, at least 30 police forces in England and Wales have since reviewed policies or practices, including officer safety training, the issuing of body armour, and internal monitoring procedures, based on insights revealed through the new national system.

We made no assumptions that the same issues would be revealed here – English/Welsh and Scottish policing contexts are different – but we saw significant value in asking the same kinds of questions.

As a result, this investigation was targeted and deliberately limited in scope. The Commissioner's powers are restricted by a non-duplication provision, meaning we must be mindful and respectful of the remits of other bodies in this space, including His Majesty's Inspector of Constabulary (HMIC), the Police Investigations and Review Commissioner (PIRC) and the National Preventive Mechanism (NPM). Indeed, we engaged with all these bodies as part of the investigation. We also have to operate within the limited resources of the office, ensuring that any investigation remains manageable. Where we consider further work needs to be undertaken, we have identified it in the recommendations.

The coming into force of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 has created a new legal context for Police Scotland to navigate. We trust that this investigation report will assist all those with responsibility for law and policy-making, delivery, inspection and scrutiny of Police Scotland to ensure that the rights of all children in contact and conflict with the law are respected, protected and fulfilled.

Nicola Killean
Children and Young People's Commissioner Scotland

3 https://webarchive.nationalarchives.gov.uk/ukgwa/20260106100941/https://www.ukri.org/who-we-are/how-we-are-doing/research-outcomes-and-impact/esrc/recording-police-use-of-force-on-the-public/

Executive Summary

At our request, Police Scotland provided us with data on a range of types of use of force, with different levels of disaggregation available.

Overall in the period 2023-24 there were 1,120 reports relating to 1,216 children. This compares to 6,558 reports relating to 6,727 adults.

Our conclusions and recommendations broadly fall into four categories.

1. **Accuracy and reliability of data**
   The data published by the SPA[4], suggesting that children experience use of force by the Police at twice the rate of adults, conflicts with that provided to us by Police Scotland in the course of this investigation. Police Scotland's data appears to show that children experience use of force by the Police at a lower rate than adults. There was also a concerning discrepancy between data supplied to us by Police Scotland, and that provided to the Police Investigations and Review Commissioner (PIRC) on use of PAVA incapacitant spray. That discrepancy was subsequently resolved by PIRC and Police Scotland on being provided with a draft copy of this report (see Page 14 for details).

   Police Scotland must satisfy itself that data recording and reporting, particularly where required by law, is accurate and can be relied upon by those to whom it is provided.

2. **Recording, reporting and monitoring of data**
   While we welcome the existence of Police Scotland's Use of Force Monitoring Group (UoFMG), we are concerned that processes and systems for recording and reporting data on use of force do not provide sufficient detail to ensure the level of scrutiny and assurance necessary, particularly in relation to protected characteristics and vulnerable groups of children.

   Police Scotland should consider whether existing systems are sufficient to meet its legal obligations, including under the Equality Act 2010, and the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. We have identified data that in our view ought to be collected and reported on as a minimum, but suggest that further engagement with human rights and scrutiny bodies, as well as with Police Scotland's own human rights advisor will be necessary to develop a full minimum dataset.

   We appreciate that this will require time and additional resource(s) to fully implement and so Police Scotland should engage with Scottish Government at an early stage to secure sufficient resources to make such changes as are necessary. We trust that Ministers will recognise the importance of addressing these issues.

4 https://www.spa.police.uk/spa-media/zjkbiv4w/doc-20240227-children-and-young-people-s-contact-with-the-police-v1-4.pdf

3. **Specific uses of force**
   We note that definitions of strip searching can be confusing and inconsistent, potentially limiting scope for oversight and accountability. We recommend Police Scotland work with relevant stakeholders to clarify and amend these.

   We consider there are strong, human rights-based arguments to immediately prohibit more significant uses of force (Taser, PAVA spray, spit hoods) in specific circumstances, particularly in custody settings.

   We are also of the view that there is scope for additional work to establish whether further restrictions are possible and in what circumstances and timescales. We recommend the establishment of an independently-chaired working group to take forward these, and other, aspects of our recommendations.

4. **Standard Operating Procedures (SOPs) and guidance**
   We note that many of the Standard Operating Procedures (SOPs) and related guidance provided to us do not make specific reference to United Nations Convention on the Rights of the Chlld (UNCRC) requirements. We recommend that Police Scotland commit to reviewing all relevant SOPs and guidance against UNCRC standards within a reasonable timeframe.

Recommendations

1. **We recommend that Police Scotland work with the SPA to identify the cause of any inaccurate information on use of force against children being reported, address it, and take the necessary steps to ensure all data reported, both internally and externally, is accurate going forward.**

2. **We recommend that Police Scotland and the Police Investigation and Review Commissioner (PIRC) confirm they are satisfied that all necessary steps have been taken to ensure that data held by both bodies on use of PAVA and Taser on children is accurate and consistent.**

3. **We recommend that Police Scotland should consider as a minimum ensuring that it routinely records data on disability and age, alongside ethnicity and sex, for all uses of force against children, in one accessible place. This could be actioned through an amended use of force form.**

4. **Further data requirements should be based on an assessment of what is necessary to ensure compliance with legal duties. We recommend that this be agreed with SPA and other regulatory/ inspection bodies including Equality and Human Rights Commission (EHRC), Police Investigation and Review Commissioner (PIRC), and His Majesty's Inspectorate of Constabulary in Scotland (HMIC).**

5. We recommend that Police Scotland engage with the Scottish Government to seek the resources necessary to improve its ability to record and report on data relating to children. We note that central government in England and Wales provided specific funding to police forces there to support the move to better and more centralised recording of information and suggest that Scottish Government could do the same.

6. We recommend the establishment of an independently-chaired Use of Force Working Group, to include representation from Police Scotland, scrutiny and human rights bodies, relevant academic/research interests, Scottish Government, and other key stakeholders. This group would review Police Scotland's SOPs, guidance and training against relevant human rights standards, in particular the UNCRC, consider whether enhanced levels of scrutiny are required for other types of use of force against children, make recommendations for any legislative change necessary, and provide the vehicle to deliver a number of our other recommendations.

7. We recommend that Police Scotland work with SPA, HMIC and other interest/stakeholder groups to establish a more consistent approach to defining different types of searches of children, to ensure that any terms have a single meaning in all settings, and different levels of search, with different levels of rights interference, can be more clearly distinguished.

8. We recommend that part of this process is a consideration of appropriate levels of recording, monitoring and scrutiny for each type of search.

9. Consideration should be given as to whether more invasive strip searches (ie those that require a child to remove all their clothing) ought to be reported to PIRC. See our Recommendation 6.

10. We recommend that Police Scotland commit to reducing the use of more intrusive strip searches of children in custody settings, limiting them to exceptional circumstances, and explore less intrusive alternatives.

11. While we welcome the fact that no uses of Taser on children in custody were recorded in the time period, we agree with the NPM evidence and recommend that Police Scotland commit to immediately prohibiting the use of Taser on children in police custody settings.

12. We recommend that Police Scotland task the Use of Force Working Group set out in our Recommendation 6 with identifying how and when use of Taser against all children could be ended in line with the recommendation of the UN Committee on the Rights of the Child.

13. While Tasering is still in use, we recommend that Police Scotland review training on Taser to ensure it takes full account of ways in which autistic or learning disabled children, or those experiencing a mental health crisis, may present, and whether any adaptation or additional training/ support is required for officers which would provide further assurance about Taser use in relation to these and other particularly vulnerable groups.

14. We recommend that disaggregated data on Taser use (see our recommendations on data recording above) should be kept under close review to monitor the effectiveness of any changes and any further need for training.

15. We recommend that Police Scotland immediately commits to prohibiting the use of PAVA spray on children in custody settings.

16. We recommend that Police Scotland task its Clinical Governance Advisory Group with reviewing the evidence base for use of PAVA on children in other settings and circumstances, including evidence of differential impact on particular groups against human rights standards. We note that this may lead to recommendations for changes to law, policy and practice.

17. We recommend that Police Scotland commit to a timetable for ending the use of spit hoods and bite guards on children.

18. As part of this process, we recommend that Police Scotland engage with the Scottish Prison Service (SPS) and UK forces that do not use spit hoods to develop alternative options which protect officers while minimising risk to children.

19. While spit hoods are in use, we recommend that disaggregated data (see our Recommendations 3-5) be kept under review so that any differential or disproportionate impacts on particular groups of children can be monitored and addressed.

20. We recommend that Police Scotland explore the use of pain-free restraint techniques on children, particularly in custody settings. This could usefully draw on work the SPS has done in this area.

21. We reiterate our Recommendation 6 on the establishment of an independently-chaired Use of Force Working Group to ensure that all relevant SOPs and guidance are reviewed against human rights, including UNCRC, requirements.

Methodology

We issued Terms of Reference and an evidence requirement to Police Scotland on 20 November and 13 December 2024, respectively. We sought data for the financial year 2023-24. An initial tranche of evidence was provided to us on 28 February 2025. However, some breakdowns and disaggregated data we had requested were not provided. Police Scotland noted the technical challenges they faced in producing the evidence and asked us to consider limiting the scope of the request.

We issued a follow up letter on 22 April 2025 which narrowed the evidence request, along with a question as to whether Police Scotland wished to provide supplementary evidence. A response to that request was provided by Police Scotland on 25 July 2025, explaining that it was not possible to produce the disaggregated data we sought and declining the offer to provide further evidence. We have therefore based our conclusions on the data provided.

Also on 22 April 2025, we made an offer to HMIC, PIRC, the NPM and the SPA to provide evidence on the basis of their roles and expert knowledge. That offer was taken up by the NPM and by PIRC and evidence was submitted on 25 September 2025 (by PIRC) and 26 September 2025 (by the NPM). Their insights and expertise have been extremely valuable in shaping our recommendations.

A draft copy of the report was provided to Police Scotland, SPA, PIRC and the NPM on 29 May 2026 for comments on accuracy (as per s11(3) of the Commissioner for Children and Young People (Scotland) Act 2003). Responses from all parties were received by 1 July 2026. A further clarifying response was received from PIRC on 10 July 2026.

We are grateful to all those who submitted evidence to the investigation.

Human rights framework

The Commissioner's powers of investigation are grounded in the United Nations Convention on the Rights of the Child (UNCRC) but can take account of children's rights under other treaties and international instruments, for example as aids to interpretation. Those most relevant to this investigation include the European Convention on Human Rights (ECHR), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), the UN Code of Conduct for Law Enforcement Officials (CCLEO), and the UN Basic Principles on the Use of Force and Firearms (BPUFF). We have extracted the most relevant elements of these below (note that this is not an exhaustive human rights analysis).

United Nations Convention on the Rights of the Child[5]

Article 2 – right to non-discrimination

Article 3 – right to have a child's best interests treated as a primary consideration

Article 16 – right to respect for private and family life (including bodily autonomy)

Article 19 – right to protection from violence, injury, abuse, maltreatment

Article 37 – right to protection from torture or other cruel, inhuman or degrading treatment or punishment

In its 2023 Concluding Observations[6] relating to its scrutiny of the UK, the Committee on the Rights of the Child (CRC) made a number of recommendations relevant to this issue. It recommended the State Party:

- Strengthen its data-collection system with regard to both qualitative and quantitative indicators to encompass all areas of the Convention and ensure that the data are disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background;

- Regularly collect, analyse and publish disaggregated data on the use of stop-and-search checks, harmful devices, seclusion, restraint, solitary confinement and isolation on children.

The Committee also urged the State party:

- To take legislative measures to explicitly prohibit, without exception, the use of: (i) harmful devices, including spit hoods, plastic bullets and taser guns, attenuating energy projectiles and other electrical discharge weapons, against children; (ii) strip searches on children;

5 https://www.cypcs.org.uk/rights/uncrc/full-uncrc/

6 https://digitallibrary.un.org/record/4013807?ln=en&v=pdf

United Nations Convention Against Torture[7]

Article 16 – prohibition of cruel, inhuman or degrading treatment or punishment

The Committee Against Torture (CAT) in its 2019 Concluding Observations[8] relating to scrutiny of the UK expressed concerns about Taser use, saying:

"...the Committee is concerned about the reported increase in their [Taser] use, including on children and young people, and their disproportionate use against members of minority groups.

"The Committee considers that the State party should ensure that the use of electrical discharge weapons is strictly compliant with the principles of necessity, subsidiarity, proportionality, advance warning (where feasible) and precaution. The State party should provide clear presumptions against the use of tasers on vulnerable groups, such as children and young people, investigate the causes for their disproportionate use against members of minorities and prohibit their use in drive stun mode."

In a 2017 report to the General Assembly, the UN Special Rapporteur on Torture said[9]: "States should establish effective systems for monitoring and reporting on the use of force, and relevant information should be made accessible to the public, including statistics on when, against whom and through which means force is used and on the resulting harm."

7 https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading

8 https://digitallibrary.un.org/record/3859788?ln=en&v=pdf

9 https://docs.un.org/en/A/72/178

European Convention on Human Rights[10]

Article 2 – right to life

Article 3 – prohibition of torture

Article 5 – right to liberty and security

Article 8 – right to respect for private and family life (including bodily autonomy)

Article 14 – prohibition of discrimination

United Nations Code of Conduct for Law Enforcement Officials[11]

Article 2 – In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3 – Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 5 – No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6 – Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

10 https://www.echr.coe.int/documents/d/echr/convention_ENG

11 https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials[12]

Article 3 – The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

Article 4 – Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

Article 5 – Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

(b) Minimize damage and injury, and respect and preserve human life;

Article 6 – Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors.

Domestic Law, Policy and Practice

There is a range of applicable domestic law relating to police use of force. This includes but is not limited to:

Section 45 of the Criminal Justice (Scotland) Act 2016[13] provides that "A constable may use reasonable force (a) to effect an arrest, (b) when taking a person who is in police custody to any place."

Both PAVA spray and Taser are classed as prohibited weapons in terms of section 5 of the Firearms Act 1968[14] ("the 1968 Act"). However, this prohibition does not apply to Police officers acting in their official capacity. They are classed as firearms under s57(1) of the 1968 Act and use by police is required to be reported to PIRC under s41B(1)(b)(ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006[15] and the Police Investigations and Review Commissioner (Investigations, Serious Incidents and Specified Weapons) Regulations 2013[16].

Searches are conducted under a range of different legislative provisions depending on the nature of the offence the officer suspects may be committed. When searching a child outwith police custody, s68 of the Criminal Justice (Scotland) Act 2016[17] provides that a constable must treat the need to safeguard and promote the well-being of that child or young person as a primary consideration.

Since July 2024, Police Scotland is also subject to the terms of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024[18], which requires public bodies, where exercising a relevant function, to do so in line with the UNCRC requirements.

12 https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement

13 https://www.legislation.gov.uk/asp/2016/1/contents

14 https://www.legislation.gov.uk/ukpga/1968/27/contents

15 https://www.legislation.gov.uk/asp/2006/10/contents

16 https://www.legislation.gov.uk/sdsi/2013/9780111019566

17 https://www.legislation.gov.uk/asp/2016/1/contents

18 https://www.legislation.gov.uk/asp/2024/1/contents/enacted

Findings

Accuracy and reliability of reported data

The first and most obvious finding we need to report is that the SPA-published data on use of force against children conflicts with that provided to us directly by Police Scotland. The SPA had reported that under 18s were subject to police use of force at a rate of 15.7 per 10,000 population compared to 6.2 per 10,000 for adults. The data provided to us by Police Scotland shows that adults are more likely to experience use of force than children (15.2 adults per 10,000 population compared to 12.1 children per 10,000).

It is obviously important both for the purposes of effective scrutiny, and public confidence in policing, that reported data on police use of force is accurate.

Evidence from PIRC also revealed a discrepancy between data on use of PAVA spray as reported to us, and data reported by Police Scotland to PIRC. Police Scotland advised us that there had been 11 uses of PAVA in 2023-24. PIRC's data showed only seven referrals relating to nine discharges. We note that Police Scotland is required to report all uses of PAVA spray to PIRC by the Police, Public Order and Criminal Justice (Scotland) Act 2006[19], and the Police Investigations and Review Commissioner (Investigations, Serious Incidents and Specified Weapons) Regulations 2013[20].

On 29 May 2026, we provided a draft copy of this report to Police Scotland and PIRC (and the SPA and NPM) as required by s11(3) of the Commissioner for Children and Young People (Scotland) Act 2003. In the draft report, we made a recommendation that "Police Scotland identify the cause of the discrepancy between the data reported to us on use of PAVA spray, and that reported to PIRC. In particular, the Chief Constable should take the necessary steps to satisfy herself that all discharges of PAVA have been reported to PIRC as required by law."

Following review, PIRC advised us on 10 July 2026, that, due to an administrative error, a system tag which would have identified a person as being under 18 was not applied to the record within its case management system. As a result, one additional referral relating to a PAVA discharge in June 2023 was not included in the submission made by PIRC in September 2025.

In addition, we received confirmation from Police Scotland on 1 July 2026, that of the 11 reports of PAVA being discharged towards children, two had been included erroneously and one report had counted two discharges in the same incident separately. There were therefore eight incidents of PAVA use, all of which were reported to PIRC.

We are satisfied therefore that the data provided by both bodies on incidents of PAVA use now aligns and have amended our recommendation accordingly.

1. **We recommend that Police Scotland work with the SPA to identify the cause of any inaccurate information on use of force against children being reported, address it, and take the necessary steps to ensure all data reported, both internally and externally, is accurate going forward.**

19 https://www.legislation.gov.uk/asp/2006/10/contents

20 https://www.legislation.gov.uk/sdsi/2013/9780111019566

2. **We recommend that Police Scotland and PIRC confirm they are satisfied that all necessary steps have been taken to ensure that data held by both bodies on use of PAVA and Taser on children is accurate and consistent.**

Recording, reporting and monitoring of data

We note the challenges for Police Scotland in providing us with disaggregated data for some characteristics due to multiple, disconnected recording systems.

We were advised that the use of force form is the principal means of recording for most uses of force and requires an officer to provide the subject's age (albeit limited to whether or not they are under 18), ethnicity, and sex. Some uses of force are recorded in a way that allows more detailed disaggregation (Taser, strip searches).

Police Scotland were able to provide us with disaggregated data as set out in the table below.

To provide us with more detailed data on age and disability for most uses of force, as well as ethnicity data for strip searches, Police Scotland informed us that they would be required to cross-reference each individual form with the Vulnerable Persons Database (iVPD), and the System for Tasking and and Operational Resource Management (STORM). We were advised that this was a complex and time-consuming undertaking. It would clearly not be done, and has not been done, on a regular basis. Ultimately Police Scotland was not able to provide the further disaggregated data we requested.

This means that information relating to these factors is not available for scrutiny, either by our office or anyone else, including the Chief Constable. This makes it very difficult to identify trends and consider potential disproportionate use of particular techniques or disproportionate impact on particular groups. We would compare Police Scotland's situation to that in England and Wales where reporting takes place via the Home Office and much more detailed data is collected and made publicly available. This provides a level of assurance that police leaders and others can have over practice, which as we noted previously, has led to changes to training, policies and procedures across a number of forces.

The absence of this kind of data also raises questions over how Police Scotland will assess and evidence its compliance with legal duties, including under the UNCRC (Incorporation) (Scotland) Act 2024, the Children and Young People (Scotland) Act 2014, and the Equality Act 2010.

Use of force	Age	Sex	Ethnicity	Disability	Location
Taser	Y	Y	Y	Y	Y
PAVA	U18 / over18 only	Y	Y	N	Y
Spit and bite guards	U18 / over18 only	Y	Y	N	Y
Baton	U18 / over18 only	Y	Y	N	Y
Handcuffs	U18 / over18 only	Y	Y	N	Y
Empty hand techniques and strikes	U18 / over18 only	Y	Y	N	Y
Strip searches	Y	N	N	N	N/A

3. **We recommend that Police Scotland should consider as a minimum ensuring that it routinely records data on disability and age, alongside ethnicity and sex, for all uses of force against children, in one accessible place. This could be actioned through an amended use of force form.**

4. **Further data requirements should be based on an assessment of what is necessary to ensure compliance with legal duties. We recommend that this be agreed with SPA and other regulatory/inspection bodies including EHRC, PIRC and HMIC.**

5. **We recommend that Police Scotland engage with the Scottish Government to seek the resources necessary to improve its ability to record and report on data relating to children. We note that central government in England and Wales provided specific funding to police forces there to support the move to better and more centralised recording of information and suggest that Scottish Government could do the same.**

Police Scotland advise that uses of force are scrutinised on an individual basis, and we are aware that use of PAVA and Taser is also subject to an independent and elevated level of scrutiny by PIRC. This reflects the seriousness and potential risks inherent in those interventions. However, there are other kinds of use of force which might present similar levels of risk and merit a similar level of enhanced scrutiny. Police Scotland should consider whether use of spit and bite guards, more invasive strip searches, and certain types of restraint, may merit more detailed scrutiny. We note that legislative change would likely be required to secure this.

6. **We therefore recommend the establishment of an independently-chaired Use of Force Working Group, to include representation from Police Scotland, scrutiny and human rights bodies, relevant academic/research interests, Scottish Government, and other key stakeholders. This group would review Police Scotland's SOPs, guidance and training against relevant human rights standards, in particular the UNCRC, consider whether enhanced levels of scrutiny are required for other types of use of force against children, make recommendations for any legislative change necessary, and provide the vehicle to deliver a number of our other recommendations (see below).**

Specific uses of force

We note Police Scotland's evidence in relation to recent changes to practice and policy relating to use of force. Specifically:

- Additional vulnerability training for Specially Trained Officers (STOs) in October 2023 which included considerations for the use of force in relation to children and persons of small stature.

- A review of the Police Scotland Operational Safety Training Manual in October 2024 which extended information on the use

of force in relation to children and persons of small stature to all officers undertaking Operational Safety Training.

- The development of a three-day Communications and De-escalation Training module, CARES, for new officers which includes education on adverse childhood experiences, trauma, and brain function.

Our recommendations take these welcome developments into account.

Strip search

Data shows 262 incidents in which a child was strip searched in police custody. We note and welcome Police Scotland's evidence that if a child refuses to comply with a strip search in custody, then they are placed on an escalated observation and care regime and that whilst reasonable force can be used to facilitate a visual examination only during a search, Police Scotland does not carry out forced strip searches. It is also welcome that a strip search must be authorised by an officer of the rank of Inspector or above. However, we also note the inherent power imbalance that exists when a child is taken into custody and the risk that assent is mistaken for consent. In light of this, while we sought data specifically on non-consensual searches due to the scope of the investigation, the Commissioner considers there may be value in more consideration being given to this area in the future.

It is notable that there appear to be different definitions of "strip search" depending on whether the search is conducted using stop and search powers, or in a custody setting. And that these definitions can encompass very different levels of interference in children's rights.

In custody, a strip search is defined within Police Scotland's Standard Operating Procedure (SOP) as the removal and examination, in stages, of all clothing, with a visual, external examination of the body[21]. A strip search carried out using stop and search powers is defined in the Scottish Government's Code of Practice as a search involving the removal of more than outer coat, jacket, gloves, headgear or footwear[22].

Both are distinct from an intimate search, which involves the physical examination of bodily orifices other than the mouth and which can only be carried out under a warrant by an authorised Health Care Professional.

Having one term mean two different things in different contexts appears unnecessarily confusing. The very broad scope of the term in a stop and search context may limit the ability of police leaders and external bodies to undertake proportionate scrutiny, as there is an obvious difference between a child removing a coat and gloves versus the removal of all clothing.

In February 2026, the Scottish Government issued a consultation on the revised Code of Practice on the use of stop and search in Scotland. One of the proposals was for a clearer differentiation between a strip search and an intimate search. However, the scope of the revised Code of Practice does not include custody settings and it would therefore appear to retain an unhelpful distinction between a strip search during a stop and search, and a strip search in police custody.

21 https://www.scotland.police.uk/spa-media/0mfjn3pa/care-and-welfare-of-persons-in-police-custody-sop.pdf

22 https://www.gov.scot/publications/code-practice-exercise-constables-power-stop-search-person-scotland/pages/8/

We note the NPM and Police Scotland's evidence that there is an escalated observation and care regime that can be applied to children under 18 in custody as a less intrusive alternative to strip searches.

7. **We recommend that Police Scotland work with SPA, HMIC and other interest/stakeholder groups to establish a more consistent approach to defining different types of searches of children, so as to ensure that any terms have a single meaning in all settings, and different levels of search, with different levels of rights interference, can be more clearly distinguished.**

8. **We also recommend that part of this process is a consideration of appropriate levels of recording, monitoring and scrutiny for each type of search.**

9. **Consideration should be given as to whether more invasive strip searches (ie those that require a child to remove all their clothing) ought to be reported to PIRC. See our Recommendation 6, on Page 16.**

10. **We recommend that Police Scotland commit to reducing the use of more intrusive strip searches of children in custody settings, limiting them to exceptional circumstances, and explore less intrusive alternatives.**

Taser

There were a total of 43 uses of Taser against children in the period. This broke down to:

Drawn – 15
Aimed – 9
Red dot (warning using the laser sight) – 17
Fired – 2

The CRC, the CAT and the European Committee for the Prevention of Torture (CPT) have made clear recommendations about the use of Taser and the way in which it ought to be governed and scrutinised.

As the CPT has noted[23] "electrical discharge weapons can cause acute pain and...they are open to abuse. Consequently, any decision to issue law enforcement officials or other public servants with EDW [electrical discharge weapons] should be the result of a thorough debate at the level of the country's national executive and legislature. Further, the criteria for deploying EDW should be both defined by law and spelt out in specific regulations."

"The guidance found by the CPT in some countries, to the effect that these weapons may be used when law enforcement officials are facing violence – or a threat of violence – of such a level that they would need to use force to protect themselves or others, is so broad as to leave the door open to a disproportionate response."

We share the concerns set out in the NPM's evidence that on the two occasions in 2023-24 when a Taser was fired at a child, no location was recorded. This is the most significant intervention the police can utilise short of lethal force, and the fact that key data is lacking is concerning.

23 https://rm.coe.int/16806cce1c

We welcome evidence from PIRC that since 2023 all uses of Taser against a child have been subject to full investigation, unless otherwise authorised by the Commissioner or the Director of Operations, to ensure that its use was lawful and proportionate in the individual circumstances.

The picture that emerges from the data and from PIRC's evidence highlights the vulnerability of the children involved. Police Scotland's data shows that on 16 of the occasions in which Taser was used, mental health was identified as a factor, with a further ten occasions relating to an autistic or learning disabled child. In 12 of the 43 reports the child was identified as having been accommodated within a care establishment at the time of the report.

PIRC's evidence shows that the two children at whom Taser was fired were both threatening to harm themselves with a weapon. Both evidenced serious mental health concerns. One was autistic, learning disabled and care experienced. The other had a history of being reported missing. These were clearly highly vulnerable children.

We are assured that both incidents have been appropriately scrutinised by PIRC, but we note concerns expressed by the Scottish Police Federation[24] that policing has become the "service of last resort" as holes in other safety nets have increased. While we are wary of straying outwith the scope of this investigation, the extent to which police officers are currently required to respond to vulnerable children in crisis situations must be addressed and considered, both in terms of training for those responding, and in decisions made at a national level around service provision and resourcing.

11. **While we welcome the fact that no uses of Taser on children in custody were recorded in the time period, we agree with the NPM evidence and recommend that Police Scotland commit to immediately prohibiting the use of Taser on children in police custody settings.**

12. **We recommend that Police Scotland task the Use of Force Working Group set out in our Recommendation 6 with identifying how and when use of Taser against all children could be ended in line with the recommendation of the UN Committee on the Rights of the Child.**

13. **In the interim, we recommend that Police Scotland review training on Taser to ensure it takes full account of ways in which autistic or learning disabled children, or those experiencing a mental health crisis, may present, and whether any adaptation or additional training/ support is required for officers which would provide further assurance about Taser use in relation to these and other particularly vulnerable groups.**

14. **We recommend that disaggregated data on Taser use (see our recommendations on data recording above) should be kept under close review to monitor the effectiveness of any changes and any further need for training.**

24 https://spf.org.uk/jcc-circular-18-of-2025-spf-policing-manifesto-2026-information/

PAVA

PAVA is a temporary incapacitant spray that works by causing severe pain, primarily to the eyes. Data initially provided indicated that PAVA spray was discharged 11 times against children (it was drawn on 19 occasions) in the time period. That was subsequently amended to eight incidents relating to nine discharges (see Page 14 for a fuller explanation).

In its 2024 Concluding Observations[25], the UN Committee on the Elimination of Racial Discrimination (CERD) recommended that the use of PAVA spray against children be banned.

A paper on PAVA spray produced by His Majesty's Prison and Probation Service's medical advisor[26] and lodged in evidence in a judicial review at the High Court (The King (on the application of the Howard League for Penal Reform) v The Secretary of State for Justice)[27] notes that there is "...a paucity of information specifically about its use in children and young people, and medical complications."

Also lodged in evidence in that case was a Children's Rights Impact Assessment (CRIA) produced by the UK Ministry of Justice[28] to support decision-making on the roll-out of PAVA in English Young Offender Institutions. It quoted NHS England as saying that "From the limited evidence available on the use of PAVA spray in neurodiverse populations it is reasonable to conclude that autistic individuals may be differently affected by the effects of PAVA and may be slower to recover. This may also be true of other neurodiverse individuals. It is an area where more research should be done".

We note the existence of Police Scotland's Clinical Governance Advisory Group (CGAG), which advises on medical practices in police operations. However, the apparent lack of data on PAVA's impacts on children generally, and its impacts on vulnerable groups specifically is concerning and raises questions over the basis on which Police Scotland can justify its use and appropriately shape training for officers to use it safely.

We welcome the fact that there were no uses of PAVA recorded in custody settings in the period and agree with the NPM's evidence that in these closed environments "...other proactive safety and security measures may be put in place to prevent high-risk situations from arising".

15. **We recommend that Police Scotland immediately commits to prohibiting the use of PAVA spray on children in custody settings.**

16. **We recommend that Police Scotland task its Clinical Governance Advisory Group with reviewing the evidence base for use of PAVA on children in other settings and circumstances, including evidence of differential impact on particular groups against human rights standards. We note that this may lead to recommendations for changes to law, policy and practice.**

25 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FGBR%2FCO%2F24-26&Lang=en

26 https://howardleague.org/wp-content/uploads/2025/12/HMPPS-medical-advisor-report.pdf

27 https://howardleague.org/wp-content/uploads/2025/12/Claimants-skeleton.pdf

28 https://howardleague.org/wp-content/uploads/2025/12/CRIA.pdf

Spit hoods and bite guards

We note that data shows use of spit hoods and bite guards on children 148 times, with 32 occasions taking place in custody settings.

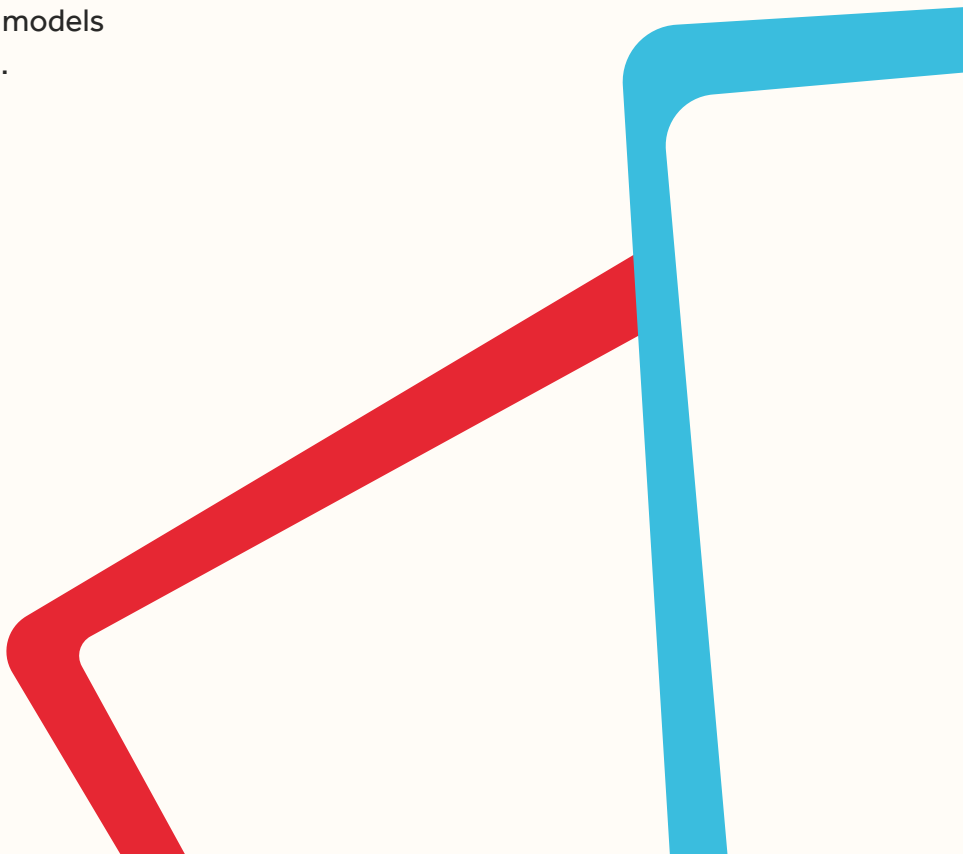
We understand the rationale for the use of spit and bite guards is to protect officers from the risk associated with spitting and biting which, in addition to the psychological impact of being subject to such an act, may carry additional risks of transmitting infection.

However, we note the evidence from the NPM, which makes clear its view that spit hoods should never be used for children under the age of 18, notes the risk of disproportionate harm including risk of suffocation and/or death, and identifies alternative options to mitigate the risk their use seeks to address. The NPM goes on to express concern about the number of uses of spit hoods, which casts doubt on the extent to which their use is necessary and proportionate. We agree with these views. We also note the NPM's evidence that spit hoods are not universally used by UK police forces, and that the Scottish Prison Service (SPS) does not use them. We agree therefore that there are "functioning models for non-use" which could be explored.

17. We recommend that Police Scotland commit to a timetable for ending the use of spit hoods and bite guards on children.

18. As part of this process, we recommend that Police Scotland engage with the SPS and UK forces that do not use spit hoods to develop alternative options which protect officers while minimising risk to children.

19. In the interim, we recommend that disaggregated data (see our Recommendations 3-5) be kept under review so that any differential or disproportionate impacts on particular groups of children can be monitored and addressed.



Baton, handcuffs, empty hand techniques and strikes

Handcuffs were, as expected, the most common use of force on children, with 1,107 uses in the time period.

Batons were drawn 48 times in the period, used to defend against knives twice, for restraint on 13 occasions and were used to strike children 28 times.

Empty hand techniques and strikes, which include punches and kicks, were used 1,313 times in the period, including 641 times for restraint, 97 times as a strike, and 539 times to "takedown" a child.

We note that uses of pain-inducing restraint techniques have been scrutinised in the prisons estate in recent years in England/Wales[29] and in Scotland[30] and progress has been made in both jurisdictions to restrict and/or eliminate their use.

20. We recommend that Police Scotland explore the use of pain-free restraint techniques on children, particularly in custody settings. This could usefully draw on work the SPS has done in this area.

29 https://assets.publishing.service.gov.uk/media/5eeb457ae90e07644e3b8f38/charlie-taylors-review-pain-inducing-techniques.pdf

30 https://cycj.org.uk/wp-content/uploads/2020/01/Rights-Respecting-Scotlands-approach-to-children-in-conflict-with-the-law.pdf

Standard Operating Procedures (SOPs) and guidance

We note that many of the documents provided to us to support understanding of the data, for instance the Use of Force National Guidance, and the Irritant Spray Guidance, do not refer to the UNCRC requirements.

In its evidence submission, Police Scotland indicates that it has recruited a number of staff roles in the UNCRC Implementation Team to "focus on giving consideration to the impact of the application of UNCRC principles to national policy and practice" and "...support the organisation to engage with children and young people during the Children's Rights Impact Assessment (CRIA) process." However, we have subsequently been advised by the SPA that this group has been stood down and that Police Scotland's compliance with UNCRC is now overseen by a UNCRC/Children's Rights Group, on which the SPA sits.

21. We reiterate our Recommendation 6 on the establishment of an independently-chaired Use of Force Working Group to ensure that all relevant SOPs and guidance are reviewed against human rights, including UNCRC, requirements. This work could be supported by the UNCRC Implementation Team.

Next Steps

Alongside publication, the Commissioner has written to the Chief Constable to confirm that Police Scotland is subject to a requirement to respond in terms of s11(2A) of the Commissioner for Children and Young People Scotland Act 2003.

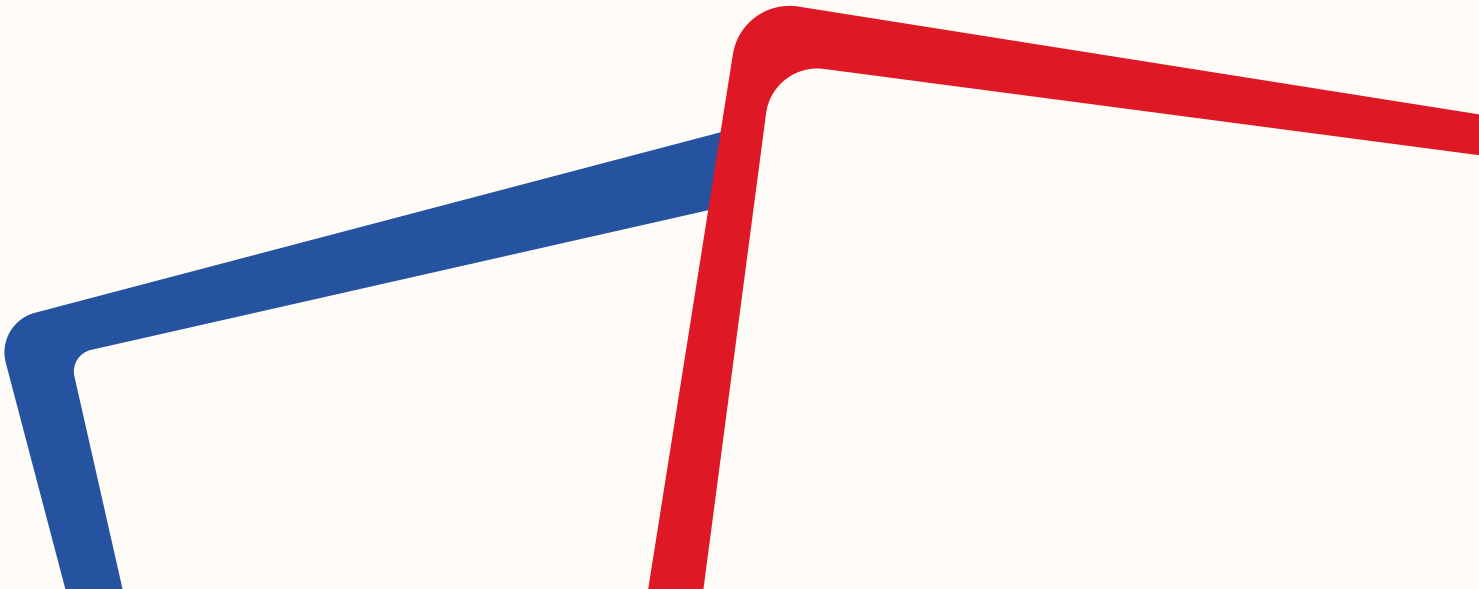
This means that Police Scotland must provide a statement in writing to the Commissioner setting out what it has done or proposes to do in response to each of the recommendations; or if Police Scotland does not intend to do anything in response to the recommendation(s), the reasons for that.

The Commissioner has allowed 28 days for the response, from the laying date of 8 September 2026. We will publish Police Scotland's response when it is provided to us.

Police Scotland data and other evidence

All data and evidence submitted to this investigation is published at www.cypcs.org.uk/police-use-of-force-against-children/

The response from Police Scotland referred to above will also be published on this page.



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