



Children speak out on policing and youth justice

About CRAE

The Children's Rights Alliance for England (CRAE) works with over 150 organisations and individuals to promote children's rights – making us one of the biggest children's rights coalitions in the world.

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

About Children's Rights and the CRC

The UN Convention on the Rights of the Child (CRC) sets out the basic things children need to thrive - the right to an adequate standard of living, to be protected from all forms of violence, to an education, to be cared for and to play. It applies to all children aged 17 and under. It has four general or guiding principles. These are rights in themselves but are also the framework through which all the rights in the CRC should be interpreted. They are: non-discrimination (article 2); the best interests of the child (article 3); survival and development (article 6); and respect for the views of the child (article 12).

The UK Government promised to uphold these rights in 1991. Roughly every five years a group of 18 independent experts from the UN – the UN Committee on the Rights of the Child - scrutinise all States that have ratified the CRC on how well they are respecting children's rights. They request evidence from government and civil society, including children, to find out if children are having their rights fully met. The UK Government had its examination in 2016 and the UN Committee made over 150 recommendations for action in order for the UK to improve its record on children's rights (see below).

About *See it, Say it, Change it*

The *See it, Say it, Change it* project supports children and young people in England to tell their side of the story to the UN Committee as part of the 2016 examination of the UK Government. It also supports them to campaign for change.

See it, Say it, Change it is led by a steering group of 22 children aged seven to 18 years-old from all over England. This is a diverse group which includes children whose rights are most at risk including disabled children, children who have faced homelessness, those who have grown up in care and children who face discrimination for many other reasons. With the support of CRAE the steering group carried out research with nearly 1000 children and young people from across England to find out how well their rights are being met. This research formed the basis of the *See it, Say it, Change it* submission¹ to the UN Committee in July 2015. Members of the steering group met with members of the UN Committee to share their personal experiences and evidence of where children's rights are not being respected and protected.

About this briefing paper

This briefing paper is on policing and youth justice and has been produced as part of the *See it, Say it, Change it* project. It identifies issues in this area where children and young people themselves have told us that their rights are not being met, building on the findings of the *See it, Say it, Change it* report and research carried out through focus groups in 2016. It was co-produced by CRAE staff and children and young people from the steering group.

It does not try to represent the experiences of all children in contact with the police or youth justice system but it reflects what children and young people have told us. When read in conjunction with CRAE's research and official statistics, it illustrates

some worrying patterns and at the end of the briefing we make recommendations to ensure these are addressed.

This briefing will be useful for policy-makers, parliamentarians, professionals working with children and children and young people themselves.

Policing, youth justice and the Convention on the Rights of the Child

As well as giving rights to all children, the CRC also gives additional rights to children in particularly challenging circumstances, including children who come into contact with the police and youth justice system. These include:

- The right not to be subjected to torture or any other cruel, inhuman or degrading treatment or punishment (Article 37 (a));
- The right not to be deprived of liberty unlawfully or without good reason. Detention must only ever be a last resort and for the shortest possible period of time (Article 37 (b));
- The right to be treated with humanity and respect, and in a way that recognises their needs as children (Article 37 (c)) ;
- The right to prompt access to legal assistance and other forms of support, and the right to challenge deprivation of liberty (Article 37 (d));
- The right to be treated in a way that promotes the child's sense of dignity and worth and which takes into account the child's age and the importance of promoting the child's reintegration in society (Article 40).

Relationships and attitudes

The National Police Chiefs Council (NPCC) has recognised that relationships between children and young people and the police is a critical and challenging area they need to improve.⁴ This was reflected in our survey of children and young people. While many of the nearly 1000 children who responded to our survey said they felt the police have a good relationship with children, the majority (55%) did not and 8% of children who responded felt that the police harassed children. Children felt that they were regularly hassled by

Following its 2016 examination of the UK, the UN Committee highlighted numerous concerns and made many recommendations around areas of policing and youth justice:

General Principles

- Ensure the best interests of the child are integrated and applied to all judicial proceedings, decisions and policies that have an impact on children.

Civil rights and freedoms

- Ensure the use of stop-and-search checks are non-discriminatory and take into consideration the age and maturity of the child;
- Regularly collect, analyse and publish disaggregated data relating to the use of stop and search on children.

Violence against children

- Prohibit the use of Tasers on children and collect and publish age disaggregated data on their use;
- Abolish use of restraint against children to make them behave themselves. Ensure force is only used against children as a last resort to prevent harm to themselves or others;
- Ban the use of pain inducing techniques on children;
- Systematically and regularly collect and publish disaggregated data on the use of restraint on children.

Administration of juvenile justice

- Raise the minimum age of criminal responsibility;²
- Ensure that children in conflict with the law are always dealt with in the juvenile justice system;
- Make sure detention is used as a last resort and for the shortest possible time and ensure it is not used discriminatorily against certain groups of children.³

Many of these issues are included in this briefing.

the police because of their age and if they wore certain clothes - in particular hoodies, tracksuits and sportswear.

In our research many children identified that the police have a negative attitude towards them. Children described the police as *'rude', 'judgemental'* and *'heavy handed'* in their interactions with them. Many children felt stereotyped by the police who they believe perceive them as criminals even when they have done nothing wrong.

Children also gave examples of personal comments directed at them by the police with the intention of humiliating or intimidating them:

'You've got a big arse... you're short.' (Male, 15)

'They try and make you feel like you're stupid because you're younger than them... they take the piss out of you. It's making kids feel depressed.' (Male, 15)

Even in circumstances where children were distressed we were given examples of the police failing to respond in a caring manner:

'I cry, then they just arrest me... and my makeups all over me. They don't care... they just don't care.' (Female, 16)

In a few cases the approach of the police appeared to contribute to long term mental health problems in children, including anxiety and depression, which can impact negatively on their educational outcomes. One child told us:

'they [the police] wrongly accused me and came to my house and threatened to take me away... it was a mix up but it left me with anxiety. I've not had an apology and now I still have anxiety even though it was over a year ago. It's affected my education; I find it hard to go to school now.' (Female, 16)

Stop and search

Stop and search has been identified by children we spoke to as a major concern and its misuse has been harmful to the trust and confidence of some young people in the police. A Parliamentary Inquiry into children and the police found that, between 2009 and 2013, more than one million stop and searches were carried out on children and young people in 26 police forces in England and Wales.⁵ 1,136 of these were on children under the age of criminal responsibility (10 years). Although the use of stop and search has fallen overall,⁶ it is disproportionately

used against BAME children (over half of all stop and searches), and in some areas its use against girls is increasing. There is no requirement on the police to record the age of the subject making its use against children hard to monitor. In 2015, Her Majesty's Inspectorate of Constabulary reported that no official records were kept of how many children undergo more intrusive searches (including strip-searches) and whether they are being conducted in a fair and lawful manner.⁷

Some children told us that they felt they're stopped for no reason:

'We're just standing outside and they [the police], want to cause a problem or stop and search people. I don't understand.' (Female, 16)

A 15 year-old boy with Special Educational Needs said he was stopped 14 times in one year, while another child told us he is stopped on average three times in one week:

'They'll stop and search me... I haven't done anything wrong. It happens constantly.' (Male, 17)

Being stopped by the police can be a very frightening experience for children:

'They have a look on their face and you just can't stop them. It's just really scary.' (Male, 16)

What needs to change

Children felt confused by the approach taken by the police:

'You're meant to be helping a community but you're going for young people, you're not going for criminals... you're going for children.' (Female, 16)

Children told us that if the police approached them differently this might help to improve relationships:

'If they [the Police] spoke to you differently then you'd react differently.' (Female, 17)

Children in both the focus groups and the survey said they hadn't been asked how to improve relationships between children and the police. Only 8% of children in the survey had been asked about this. Children in the focus groups had various suggestions about how to develop trust between children and the police, including more opportunities for police and children to meet and talk, and specific education and training for police officers:

'I think there should be a lot of education on how police should treat children and young people, and not automatically think they are criminals...' (Male, 15)

Policing: arrest, violence and detention

Violence against children

The number of child arrests reduced by 55% between 2010 and 2016; however police forces nationally carry out several thousand child arrests a year. 129,274 arrests of children and young people occurred in England and Wales in 2013, of which 9%, involved children younger than 14. In 2014 112,037 arrests of children were made, BAME children accounted for 23% of these.⁸

Children told us about the experience of being arrested. They reported force was often used unnecessarily even when they had been cooperating with the police.⁹ We know that many children in contact with the police or in the youth justice system are amongst the most vulnerable and disadvantaged in our society.¹⁰ Using force or violence against children, especially those who are vulnerable, can result in long-term damage to their mental health as well as causing physical harm and distress.

Children described the level of force used against them by police during arrest as 'ridiculous' and 'over-the-top'. A 15 year-old boy told us: *'I've had my nose broken before by a police officer.'* Other examples included:

'They just grab you and throw you about and use so much force, it's horrible. They strapped my mate up one time, and just grabbed her. They threw her in the van, and she smashed her head... they grabbed her, threw her to the floor, and all her mouth was cut open. She's got massive scabs on her face... they didn't arrest her, they just took her home, because they knew they were in the wrong.' (Female, 16)

'Three of them, they grabbed me and threw me up against the fence. I couldn't breathe... later I was in the police station with my dad, and he was taking photos. And I had cuts all over my arms, my face, everywhere. It's just ridiculous to be honest. They take it a bit too far. Because they think they've got the power.' (Male, 15)

Currently, the lack of centrally collated data on the use of Taser on children makes it difficult to get an accurate national picture; but freedom of information requests to individual police forces have revealed that

Tasers have been used on children as young as 11, and use is increasing. In 2014 and 2015, Tasers were used nearly 3000 times on children and were fired 44 times.¹¹

Children said that the threat of violence from police carrying Tasers is 'really frightening' (Male, 17). A 17 year-old boy said:

'I just saw the little dot there and... I just went all warm, scared, I thought I'm going to get hurt now, I'm going to get a shock in a minute. They just stunned him [my friend] and he was flopped on the floor. But the noise is mad, I don't like it, it scares me.' (Male, 17)

Children reported that the police did not listen to them when they expressed pain whilst being restrained, potentially placing children at risk of serious injury or death:

'You bend my hand, and I'm telling you: excuse me, you're hurting me, you're not listening' (Male, 15)

Children also felt they were unlikely to be believed if they tried to report violence used against them:

'If I say he [the police officer], attacked me first or, he put too much pressure or force on me, they don't believe us, because we're kids, and we're in the wrong.' (Female, 16)

'When I got mistreated I said, "give me your badge number", and they were like, "no, you punched me". They write a different report from what actually happened. That's why you always need to bring out your phone and record them when they mistreat you. I was just standing there and they tackled me on the floor. And they're lying... they're saying that it wasn't on camera; it wasn't on this. I'll show a video [on my phone].' (Male, 15)

In some cases children who did document violence being used against them by the police were threatened with arrest:

'My mate recorded it once and the police officer was going to arrest him because he wasn't going to delete it. And he had to delete it.' (Male, 15)

Police detention

In 2010 and 2011, 86,034 children were detained overnight in police custody, including some for minor misdemeanours, despite the duty on custody officers to transfer them to local authority accommodation. A joint criminal justice inspection in 2011 found that

in two-thirds of the cases reviewed where a child was charged and denied bail, no local authority accommodation was requested.¹² Sixty seven percent of these children could have been placed in non-secure accommodation. Instead, the children were held overnight in police cells.¹³

Children we spoke to who had been detained in police custody told us that they had not had their rights respected. Some had not been given access to food or water: *'I was in a police car for six hours, they didn't feed me'* (Male, 17). Others were held for long periods without charge and without being informed of their rights. One 17 year-old boy we spoke to in our 2015 research said at age 14 he was held for three days without charge: *'I was sitting there for three days in a sweat box'* (Male, 14).

Children who had been detained told us they were not always issued with a written code of conduct, despite this being a requirement of the Police and Criminal Evidence Act (1984) codes of practice. One child told us: *'If you ask for it, they will give you one. It depends who's at the desk.'* (Female, 17)

What needs to change

Many children that we spoke to said that the police did not give clear explanations of why they were being arrested or information about their rights:

'I think they should... talk to you; when they get to your door, not straight away arrest and grab you up. Talk to you first and explain why you're being arrested. Sometimes they don't mention that... That bit they have to say before they arrest you; sometimes they don't do that.' (Female, 17)

Officers need to always treat children and young people as children first. They must communicate effectively and sensitively with children, and explain what is happening and why in a way children can understand. Children must always be treated with dignity and respect.

Youth Justice: going to court and release from court

Going to court

Thousands of children in England attend court each year. In the year ending March 2015, 30,960 children were sentenced in England and Wales; although this is a reduction of 10% on the previous year numbers of children attending court are still significant.¹⁴ The

2014 parliamentary inquiry¹⁵ found child defendants, families, victims and witnesses are having to travel longer distances to court hearings.

Children we spoke to in our research told us these journeys present additional costs which they, and their families or carers, are struggling to meet. Some children we spoke to travelled for up to two hours in each direction to attend court and, due to irregular public transport, struggled to arrive home by agreed times sometimes triggering safeguarding measures or leading to them being disciplined. This was highlighted as a particular problem for children living in care in rural areas.

Appearing in court

Children we spoke to described appearing in court as *'very intimidating'* and *'confusing'*. They often did not understand legal processes or sentencing and solicitors had not explained what was happening in court in a way children could understand. In some cases children said they were not given the opportunity to speak in court even *'if a solicitor was not getting it right.'* (Female, 17)

Transportation to court

During transportation to and from court children told us that escort staff *'knock you around badly'* (Male, 16). Once at court children we spoke to had faced very long waiting times in holding cells, sometimes up to eight hours, which increased their levels of anxiety.

Release from court

Some of the most concerning findings in our research were around release from court. Children repeatedly told us that they are being released in dirty *'shit stained'* (Female, 17) tracksuits, with no support and no way of getting home: *'they let me go home with no coat, just like that; and it was windy, cold...'* (Male, 15)

One child described this as *'the most horrible thing ever'* (Female, 16). Another child described being given misinformation by the police before being released without support:

'They lied to me and said that my key worker was upstairs and that my keyworker is going to drive me back home because I'm all the way in London. But then there was no one. All the way back home in the uniform.' (Male, 15)

What needs to change

Children told us that they needed to be given child-friendly information before attending court. Some children we spoke to who had been sentenced told us that they did not understand what the sentence meant and needed someone to explain it to them in a way that was comprehensible. Children said they wanted to be given an opportunity to speak while in court. Children who had experience of release from court described how they often felt vulnerable at this time and said that it would help them to get home safely if they were given clean clothes and there was an adult available whose role it was to offer them support when they were released.

Youth Justice: custodial settings

Violence and degrading treatment in custodial settings

The numbers of children in custodial settings- in secure children's homes (SCHs), secure training centres (STCs) and young offender institutions (YOIs)- in England and Wales has fallen to a record low, dropping below 900 in April.¹⁶ This is a 71.5 per cent reduction from the peak in June 2008, when the number of children in custody stood at 3,072. But despite the decrease in the overall number of young people in custody the overrepresentation of children who are black, Asian or from an ethnic minority (BAME) background is increasing. In December 2015, 41% of under-18s in custody were BAME. This is up from 30.1% in the same month in 2010.

In July 2012, the Government announced a new system of restraint for use against children in YOIs and STCs: 'minimising and managing physical restraint' (MMPR). This included techniques which involve the deliberate infliction of pain on children and which have been assessed as dangerous.¹⁷ However, the use of force incidents has increased from 28.4 per 100 children per month in 2013/14 to 30 per 100 children per month in 2014/15¹⁸ and recent footage documented by the BBC,¹⁹ shows that restraint is not always used as a last resort. Many children we spoke to told us that they experienced violence in custodial settings. In general children we spoke to said that staff in custodial settings treated them aggressively, though they were more positive about staff in SCHs.

Children we spoke to who had been in STCs told us about violence being used against them by staff:

'Even when you're getting restrained or something staff always get cheap punches in' (Male, 17).

Self-harm is a common problem among children who are detained. One boy described children self-harming:

'I just heard lots of shouting children... and then one of them was crying and one of them was kicking the wall or banging their head on the wall...' (Male, 11)

One girl who was held in custody for seven days was required to shower handcuffed throughout in the presences of male and female security staff and was not given clean clothes or basic toiletries:

'Handcuffs on. And male and women people looking at me, and trying not to get me clothes afterwards. No cream, no nothing for my skin... all dried up. Yes, hair all picky. I was so vexed. It's like they want you to look like that.' (Female, 16)

What needs to change

Children we spoke to said they would have been frightened to report issues because of potential repercussions, for example, being subjected to violent treatment by staff as a punishment for complaining. Complaints mechanisms for children in custodial settings must be improved.

Those who had experienced custody told us there is an urgent need for better staff and more accountability to reduce a sense of isolation for children inside:

'...More professional people that need to watch what goes on... Potentially it's that feeling there's someone there that could be approached... There's a massive sense of isolation.' (Male, 17)

Youth Justice: support and services after release

Support after release

In 2013/14, 37,946 children received a substantive outcome, meaning that they received an out of court or court disposal and went on to be supported by the Youth Offending Team (YOT) and other support services in the community.²⁰ Children who are being supported by a YOT are 2.6 times more likely to be not in education, employment or training (NEET).²¹ In our research we talked to children about their experiences after release. Many children we spoke to struggled to re-enter education or gain employment.

Some children talked about the lack of sensitive communication between schools and the police which in some instances damaged their educational outcomes. For example one boy told us:

'When I got arrested the police said "you've got until the end of your bail... a month and a half, to inform college". So I've got a bit of time to transfer and continue my A-levels... the next day I go in and the head teachers said I need a word with you... he says "the Police spoke to me yesterday and you're kicked out"... I'm out of education now because I couldn't transfer... I could have continued if it wasn't for the particular police officer.' (Male, 17)

CAMHS, social workers and youth offending teams

We asked children to tell us about the support they received from Child and Adolescent Mental Health Services (CAMHS), YOTs and social workers after release.

Children we spoke to were very negative about support they received from CAMHS describing them as *'terrible'*. Likewise social workers were seen as unreliable and hard to contact, even in emergencies. Children told us that social workers change too often to form meaningful and trusting relationships with the children they are working with.

Children were, overall, very positive about the support they received from the YOTs. Children told us that YOTs worked with them consistently, often over long periods of time and were able to offer support with education and housing as well as supervising their sentences. They also told us it was possible to build good relationships with workers because they approached children in a positive and non-judgemental way. This helped them to make meaningful changes in their life.

What needs to change

Children told us that they needed more support to re-enter education, employment or training. Children said that advice and guidance was essential to help them reintegrate into society after release. One-stop information centres were identified as particularly useful:

'I got offers of "we can help you get back into college, we can help you with this, you can have someone to talk to... And offered to help find a job.' (Male, 17)

Safety and play

According to the Crime Survey for England and Wales 829,000 crimes were experienced by children aged 10-15 during 2015.²²

We asked children about how safe they felt in their local areas. Children from inner city urban areas reported often feeling unsafe in play areas or public spaces due to "gangs" or people watching them:

'Sometimes when I'm walking home by myself there's this gang by where I live, by my flat, and I have to pass them to get to my flat and they just stare at me, just staring... it makes me feel uncomfortable.' (Male, 10)

'Next to my local area there's a park where I get to go and play but I can't go by myself because there's a lot of drug dealers that go there.' (Female, 8)

'Sometimes when I go home... this gang near the estate, just opposite the school and they're always coming up... and always swearing and just throwing stuff.' (Female, 9)

Some children said they feel unsupported by the police in dealing with these issues and were instead told to leave play areas:

'When I was nine... there were kind of scary people. I don't know like druggies and stuff, and they're staring at me. And then they're coming close to me... And the police was right next to me and they didn't do nothing.' (Male, 10)

In one incident it seemed that after a child approached the police himself they failed to respond adequately:

'They said they'll sort it out. And two minutes later they're just standing there and they just go in the shops.' (Male, 10)

What needs to change

In survey responses children told us that one thing that would improve their feeling of safety in their local area was *'a police force that actually protects you'* (Female, 17), or *'more police on foot patrol'* (Male, 12)

Recommendations for Change

- 1.** Policing and the justice system must respect children's rights and all children must be treated with dignity and respect.
- 2.** Training on children's rights must be introduced for all professionals working with children in policing and the justice system.
- 3.** The National Police Chiefs' Council strategy for the Policing of Children & Young People needs to be implemented with urgency by all police forces across England. Clear action plans and resources need to be in individual police forces to make sure the issues raised by children in our research are addressed.
- 4.** Police officers need to communicate effectively and sensitively with children, and explain what is happening to them and why in a way children understand. In order to do this, they must receive specific training on how to talk to and approach children. Child or youth-led training should be implemented to help police officers work more positively with children.
- 5.** Violence against children by police and in secure settings must stop immediately. Physical restraint must only be used as a last resort and when the child poses an imminent risk to the safety of themselves or others.
- 6.** All staff working in custodial settings must receive specialist training on working with children to improve and professionalise standards in the youth secure estate.
- 7.** Children in contact with the police and in custody need to be listened to and their views taken into account. Complaints mechanisms must be strengthened so when problems arise – particularly around the use of force – there is immediate action taken and clear accountability.
- 8.** Children should not have to undertake time-consuming expensive journeys to court when nearer options are available. If children do have to travel outside their local area for court hearings, financial and practical support must be available to help them attend.
- 9.** Transitions should be made easier between the criminal justice system and daily life. This should include providing support services for children who have been arrested to help them re-enter education and employment.
- 10.** The role and budgets of Youth Offending Services must be safeguarded so they can continue to support children.

End Notes

1. Children's Rights Alliance for England (2015) *See it, Say it, Change it. Submission to the UN Committee on the Rights of the Child from children in England*. p21
2. The current age of criminal responsibility is 10 in England and Wales and 8 in Scotland
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7. Her Majesty's Inspectorate of Constabulary (2015) *Stop and search powers 2: Are the police using them effectively and fairly?*
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16. Ministry of Justice (2016) *Youth Custody Report March 2016*
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**See it,
Say it,
Change it.**

This report was produced by children and young people from the See it, Say it, Change it Steering group and Maria Stephens, CRAE Participation Manager.

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