



ALL PARTY PARLIAMENTARY GROUP FOR
CHILDREN

**All Party Parliamentary Group for Children inquiry into
'Children and the Police'**

Initial analysis of information request to police forces

July 2014

Foreword

Since the summer of 2013, the All Party Parliamentary Group for Children (APPGC) has been undertaking an inquiry into the relationship between children and young people and the police. In childhood, and as adults, many children and young people will need to turn to the police for help, so it seemed important to understand how society could help garner greater levels of trust between the two groups.

Drawing upon evidence from police forces, voluntary organisations and children and young people themselves, we have sought to understand the challenges facing children and young people when encountering the police, and vice versa, and to identify examples of effective practice in building positive relationships. We have also considered how the police interact with other services, including education, social care and child protection, to promote the welfare and well-being of children.

As part of the inquiry, the Officers of the APPGC wanted to enhance the qualitative evidence heard throughout the inquiry, by collecting data not routinely gathered at the national level, focusing on issues drawn to our attention during the course of the inquiry. We therefore issued a request to all police forces in England and Wales to provide data on stop and searches carried out on children and young people and on the police custody facilities in place for this age group. This short report pulls together initial analysis of the data.

Our inquiry has uncovered examples of police forces working well to develop positive relationships with children and young people. However, we have heard from many experts, and from children and young people themselves, that they still face barriers to securing trust between the younger generation and the police. The analysis set out in this report also raises a number of concerns.

Firstly, we find that a large number of stop and searches have been conducted on children in the past five years. In fact, in some police force areas, children and young people account for a significant proportion of all stop and searches carried out. Young children, under the age of criminal responsibility, are being searched, and there is evidence to suggest that in some areas black and minority ethnic children are over-represented in stop and search figures. Finally, we find that just under half of police forces do not provide separate custody facilities for children, meaning that they may be in close proximity to adults and potentially exposed to unnecessary harm and distress. In the context of these findings, the lack of sufficient statutory guidance for the police on carrying out stop and searches on children, and providing a safe custodial environment, is of great concern.

I would like to express my gratitude to the police forces who responded to our request for data. The APPGC Officers and I look forward to working with them, their national representatives and the Government to build trust and better relationships between children and the police.



Baroness Massey of Darwen
Chair, All Party Parliamentary Group for Children

About the All Party Parliamentary Group for Children

The All Party Parliamentary Group for Children (APPGC) holds regular meetings on issues relating to children and young people, and members of the Group work strategically to raise the profile of children's issues in Parliament. The Group also works extensively to hear directly from children and young people and take their views into consideration as often as possible. The APPGC regularly invites representatives of child-focused voluntary and statutory organisations and Government departments to attend meetings.

All Party Parliamentary Group for Children mission statement:

'To raise greater awareness in the Houses of Parliament on aspects of the well-being of the nation's children aged 0-18 years, and our obligations under the United Nations Convention on the Rights of the Child; and to work with children, young people, children's organisations, and politicians from all sides to promote first-class government policy for children'.

The Officers of the APPG for Children

Chair: Baroness Massey of Darwen

Vice-Chairs: Baroness Blood of Blackwatertown, Bill Esterson MP for Sefton Central, Jessica Lee MP for Erewash, Tim Loughton MP for East Worthing and Shoreham
Baroness Walmsley of West Derby

Secretary: Baroness Howarth of Breckland

Treasurer: Earl of Listowel

The Officers of the APPG for Children would like to thank Dr Amanda Henshall of the University of Greenwich for her work in helping to prepare this report. In addition, the Officers are grateful to all police forces for responding to the information request.

The National Children's Bureau provides the secretariat for the All Party Parliamentary Group for Children.

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Introduction

During the 2013-14 and 2014-15 parliamentary sessions, the All Party Parliamentary Group for Children has been conducting an inquiry into 'Children and the Police' with the aim of addressing four over-arching questions:

- 1) What is the experience of children and young people in interacting with the police?
- 2) Which particular groups of children and young people are at greater risk of being criminalised and why?
- 3) How can the police improve engagement with children and young people?
- 4) What should be the role of wider children's services in supporting this?

Following a written call for evidence last summer, seven oral evidence sessions have been held on:

- Developing good relationships between children and the police
- The detention of young people in police custody
- The prosecution and over-representation of looked after children
- Engaging with children with SEND and mental health needs
- The use of stop and search on under-18s
- Police engagement with youth gangs
- Child sexual exploitation and trafficking

In addition, police forces were contacted in January 2014 to ascertain the data, not currently collected nationally, on children and young people in relation to stop and search and custody facilities, two key issues highlighted during the inquiry's oral evidence sessions. The 43 forces across England and Wales and the British Transport Police¹ were requested to state:

- 1) *Within your jurisdiction, the number of under 18s who have been stopped and searched over the past five years – broken down by age, ethnicity, gender and whether or not they are looked after children. What is the percentage of children who have been stop and searched against the total number?*
- 2) *The number of custody facilities within your jurisdiction; and how many of these have a separate facility for holding young people under 18 detained in police custody.*

All of the 44 police forces, including the British Transport Police, responded to our request, although responses were of varying detail. This report sets out an initial analysis of the information provided, focusing on data relating to stop and search, age and ethnicity, and custody facilities for under-18 year-olds. In order to provide comparable data, some of the analysis focuses on a sample of police forces. The report also makes recommendations relating to issues arising from the data. Further analysis will be included in the inquiry's final report.

Throughout, we have used only the data provided by the police forces. It is important to note that there might be errors in the data as a consequence of police recording. For example, the initial data provided by one force on the number of under-10 year-olds stopped and searched was revised when its accuracy was questioned.

The final report of the APPGC's inquiry, including further recommendations for Government, the police and statutory bodies, will be published in October 2014.

¹ A list of all the police forces that responded to the information request is provided in Appendix A.

Key findings

- During the last five years (2009 to 2013), across 26 police forces, over one million stop and searches were carried out on children and young people. Stop and searches of children and young people account for a significant proportion of all-age stop and searches, ranging from 13 to 28 per cent across different police forces.
- Some of these children are very young: across 22 police forces, over the last five years, 1,136 stop and searches were carried out on children under the age of ten, the age of criminal responsibility in England and Wales.
- Data provided by forces suggests that stop and search is used disproportionately on black and minority ethnic children and young people.
- Police forces are unable to provide data on the numbers of looked after children stopped and searched.
- Statutory police guidance and protocols do not sufficiently reflect the fact that a sizeable proportion of stop and searches are carried out on children, providing little in the way of specific guidelines including advice on safeguarding and child protection.
- 20 of the 43 police forces that provided data stated that they had no separate custody facilities for children and young people.

Key legislation and guidance

This report makes reference throughout to the Police and Criminal Evidence Act 1984 (PACE). PACE instituted the legislative framework for the powers of police officers in England and Wales, and underpins a set of codes of practice for the exercise of those powers. Equivalent provision is made for Northern Ireland by the Police and Criminal Evidence (Northern Ireland) Order 1989. The equivalent in Scottish law is the Criminal Procedure (Scotland) Act 1995.

There are eight PACE codes of practice covering police practice in relation to:

- stop and search (PACE Code A)
- searching premises (PACE Code B)
- detention, treatment and questioning of suspects (non-terrorism) (PACE Code C)
- identification (PACE Code D)
- audio and visual recording of interviews (PACE Code E and F)
- powers of arrest (PACE Code G)
- detention, treatment and questioning of terrorism suspects (PACE Code H)

Police forces are under general duties to cooperate with local partners to promote the well-being of children and to discharge their functions having regard to the need to safeguard and promote the welfare of children².

² Children Act 2004, Section 11 (1) <http://www.legislation.gov.uk/ukpga/2004/31/section/11>

Section 1: Stop and search

Over the course of the inquiry, experts and children and young people themselves have explained that many young people understand the need for stop and search and believe that it is an important tool for reducing crime and making people feel safe. However, witnesses emphasised that stop and search was highly emotive and, if misused, can be harmful to community trust in the police, particularly for young people. For many children and young people, stop and search can be the first encounter with the police and the APPGC heard them talk of the process being frightening and humiliating and their not always being provided with an explanation or information about the process. For children with communication and learning disabilities it can be particularly difficult to understand what is happening. During the evidence sessions, witnesses also debated whether it is appropriate for children under the age of ten to be stopped and searched, and what safeguards should be put in place in relation to the stop and search of children.

Data on the stop and search of children and young people is not recorded nationally. Police forces were therefore asked to state:

“Within your jurisdiction, the number of under 18s who have been stopped and searched over the past five years – broken down by age, ethnicity, gender and whether or not they are looked after children. What is the percentage of children who have been stopped and searched against the total number?”

1.1 Stop and search: policy context

Part 1 of the Police and Criminal Evidence Act 1984 (PACE) gives police officers the power to stop and search citizens and vehicles. PACE Code A³ sets out the guidelines which police officers must follow when carrying out stop and search. However, no specific guidance is provided on how the police should carry out stop and search on children and young people, including in relation to safeguarding and child protection issues. Practice advice published by ACPO in 2006⁴ includes one short paragraph on children and young people, advising officers to clearly communicate the grounds for a search. This advice falls short of setting out in detail how the police should approach stop and search for children and young people.

The police are also able to carry out stop and search under section 60 of the Criminal Justice and Public Order Act 1994. Section 60 does not require a police officer to have grounds for reasonable suspicion to search a person, as is the case under PACE, but the power does require the authority of a senior officer and is employed much less frequently: 4.2 per cent of stop and searches during 2012 were carried out under Section 60⁵.

There is no legal requirement, as stated in paragraph 4.3A of Code A, for the police officer to record the name, address or date of birth of the person searched. Consequently, no national data is provided by the Home Office on the number of under-18s stopped and searched nationally. Nevertheless, many forces do gather data on the age of persons they stop and search, and Code A requires them to note the ethnicity of the person stopped.

³ Home Office (2013) *PACE Code A: Code of Practice for the exercise by police officers of statutory powers of stop and search*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306654/2013_PACE_Code_A.pdf

⁴ Centrex/ACPO (2006) *Practice Advice on Stop and Search 2006*

⁵ Home Office (2013) *Police Powers and Procedures England and Wales 2011/12*

<https://www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-2011-12/police-powers-and-procedures-in-england-and-wales-2011-12>

In 2013-14, the Home Office carried out a major review of the police’s use of stop and search⁶, the outcomes of which are highlighted throughout this report. The APPGC is engaging with the Home Office, the College of Policing and Her Majesty’s Inspectorate of Constabulary (HMIC) to identify how action taken following the review will relate specifically to children and young people.

1.2 Data on stop and search of under-18 year-olds

There were a number of challenges in analysing the data submitted by police forces in relation to this question. The data was presented in a variety of formats: some forces only returned the combined total for the entire five year period (2009-13), while others provided data split into each calendar year or financial year. Several forces had not been recording the age or date of birth for part of the five year period, with many citing that this was not a legal requirement as made clear in PACE Code A. It was also pointed out by forces that this data relied on the individual who had been stopped and searched giving their actual date of birth or age.

This initial analysis focuses on the 26 out of 44 forces that provided comparable data for the five years 2009 to 2013. **From 2009 to 2013, across these 26 police forces, over one million stop and searches were carried out on children.** Table 1 sets out the figures for each of these 26 forces.

Table 1: Stop and searches of under-18 year-olds, 2009-13, across 26 police forces

Police force	Total number of stop and searches, 2009-13	Stop and searches of under-18s, 2009-13 ⁷	
		Number	% of all stop and searches ⁸
West Yorkshire Police	177, 695	50,464	28.4%
Derbyshire Constabulary	Not provided	14,889	27.2%
Dorset Police	36,968	9,962	27%
Metropolitan Police Service	2,551,209	646,960	25.4%
Sussex Police	110,156	28,198	25.6%
Gwent Police	47,334	11,846	25%
Essex Police	39,675	10,138	25%
Avon and Somerset Police	Not provided	42,788	23.5%
Cambridgeshire Police	Not provided	15,090	23.5%
Suffolk Constabulary	19,364	4,512	23%
Staffordshire Police	71,942	16,215	22.5%
West Midlands Police	Not provided	31,585	22%

⁶ Home Office (2014) *Police Powers of Stop and Search: Summary of Consultation Responses and Conclusions* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307545/StopSearchConsultationResponse.pdf

⁷ Note that these figures are likely to include multiple stop and searches of the same individual.

⁸ Only 23 of these forces provided all-age stop and search figures for the same period (2009-13) allowing us to calculate the proportion of all stop and searches carried out on under-18s. Where forces provided their own calculation of the proportion of all stop and searches carried out on under-18s, without an all-age figure, the percentage provided was used.

North Wales Police	26,351	5,801	22%
Norfolk Constabulary	77,810	16,398	21%
West Mercia Police	59,781	12,440	20.8%
Cheshire Police	41,680	8,531	20.5%
Cleveland Police	Not provided	27,466	20.3%
Lancashire Constabulary	116,242	23,443	20.2%
Warwickshire Police	29,281	6,000	20.1%
Thames Valley Police	159,882	30,687	19.2%
Cumbria Constabulary	59,575	11,030	18.5%
Gloucestershire Constabulary	Not provided	5,793	13%
Wiltshire Police	25,333	1,031	4.1%
North Yorkshire Police	Not provided.	11,725	Could not be ascertained from data provided
Bedfordshire Police	Not provided	10,666	Could not be ascertained from data provided
Durham Constabulary	Not provided	7,803	Could not be ascertained from data provided
Total		1,061,461	

There is some variation across the country regarding the proportion of stop and searches that are carried out on children and young people, ranging from 13 to 28.4 per cent (with Wiltshire Police, at 4.1 per cent, considered an outlier). This does raise questions as to why some forces are carrying out proportionately more stops on children than other forces, although, from the data collected, it is difficult to draw clear conclusions about what is underpinning the figures. This is an issue that HMIC should explore as part of its new annual reviews of stop and search, announced this year following the Home Office's stop and search review.

Given that in 19 forces either a quarter or one in five stops were on children, there is a clear need to ensure that specific statutory guidance is in place for all forces for how stops should be conducted on children and young people.

1.3 Data on stop and search of under-10 year-olds

As previously stated, during the inquiry evidence sessions witnesses raised the issue of stop and search of children under the age of criminal responsibility (ten years old), with some debate around appropriate practice for this age group.

Table 2 below outlines the number of stop and searches carried out on children under the age of ten, the age of criminal responsibility in England and Wales. Of the 26 police forces that provided comparable stop and search data for the five years, 22 provided figures for the number of under-10s stopped and searched. **Across these 22 police forces, a total of 1,136 stop and searches were carried out on children under the age of ten from 2009**

to 2013. In most instances, the proportion of stop and searches on under-10s equated to less than 1 per cent of the total number of stop and searches of under-18s carried out in each force.

It should be noted that some of the other forces only provided stop and search data for children aged ten and over; they did not explicitly state whether this meant that no under-10s had been stopped and searched or that data for this age group was not held. In addition, one force advised caution when using the findings regarding the ages of children who are stopped and searched, stating that “ages of ‘0’, ‘1’, ‘2’, ‘3’, ‘4’, ‘5’ and ‘6’ are most commonly entered as an error in the system”.

Table 2: Stop and searches carried out on children under the age of ten, 2009-13

Police force	Number of stop and searches on children under the age of 10, 2009-13
Avon and Somerset	20
Bedfordshire	16
Cambridgeshire	14
Cheshire	12
Cumbria	26
Derbyshire	26
Dorset	45
Essex	10
Gloucestershire	8
Gwent	43
Lancashire	31
Norfolk	72
North Wales	4
North Yorkshire	17
Staffordshire	10
Suffolk	4
Sussex	454
Thames Valley	24
Warwickshire	17
West Mercia	12
West Midlands	138
West Yorkshire	133
Total	1136

The Metropolitan Police was unable to provide data on the number of under-10s stopped and searched for the full 2009-13 period. However, between 2011 and 2013, the force had recorded 136 stop and searches of children under the age of ten, six of which were of children under five.

Although it is difficult to draw clear conclusions from this data, once again it does raise questions as to why some forces are carrying out more stops on children under the age of ten than other forces. There are also clear safeguarding issues that need to be taken into account if a young child is being stopped and searched. This should be addressed in statutory guidance for police forces, and the matter should be explored by HMIC, as part of their annual reviews of stop and search.

1.4 Breakdown of stop and search data by ethnicity

The data on the ethnicity of children and young people stopped and searched was a challenge to collate as forces provided data using a variety of approaches to ethnic categorisation. Police officers are obliged under PACE Code A to ask the person stopped to self-declare their ethnicity according to the Home Office self-defined ethnic classification categories⁹, and/or to record, if different or a response is not provided, the ethnicity perceived by the police officer (using the Visual Assessment Ethnicity Codes¹⁰). The Visual Assessment Ethnicity Codes do not easily map onto the broader Home Office Self-Declared Ethnicity Codes making it challenging to analyse all of the forces' data. Occasionally, police forces used categories which did not fit either of these systems of categorisation: for example, the use of Asian and Asian British-Chinese category in Dorset, and a 'black and minority ethnic' category in Essex combining all the non-white ethnic groups. However, it is not known if this is how the data is recorded on their individual systems, or whether it was a decision made by the individual compiling the data return.

Table 3 provides an analysis of the findings. To provide as meaningful an analysis as possible, data has been taken from the 14 police forces that provided comparable data and used the broad categories contained within the Home Office Self-Declared Ethnicity Codes, or where the information provided could be easily translated into those codes.

Due to the lack of reliable data on the ethnicity of under-18s within police force areas, it is challenging to make meaningful conclusions from the data provided. However, table 3 does indicate that there are a number of forces where black and minority ethnic (BME) children are highly represented in the under-18 stop and search figures. Although within these police force areas there may be substantial BME populations, such as in Greater London, Thames Valley, the West Midlands and Bedfordshire, the data suggests a degree of disproportionality. For example, data provided by the British Transport Police, a nationwide force, raises concerns that a significant number of black children are being stopped and searched. This is another area of inquiry that should be covered by the HMIC's annual review of the use of stop and search.

⁹ These constitute broad categories, for instance Asian, under which a person could specify themselves as Indian, Pakistani, Bangladeshi or any other Asian background. See Home Office (2013) *PACE Code A: Code of Practice for the exercise by police officers of statutory powers of stop and search*, Annex B https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306654/2013_PACE_Code_A.pdf

¹⁰ These include categories such as White- North European, White- South European, Arabic or North African.

Table 3: Stop and search of under-18s by ethnicity, 2009-13

Police force	Total U18s stop and searches, 2009-13	Total White	Total Black	Total Asian	Total Mixed	Total other	Total not stated, unknown and/or not recorded
Bedfordshire Police	10,666	7,016 (65.8%)	932 (8.8%)	1,252 (11.8%)	556 (5.2%)	70 (0.7%)	840 (7.9%)
Cambridgeshire Police	15,090	13,124 (87.0%)	369 (2.4%)	691 (4.6%)	418 (2.8%)	74 (0.5%)	414 (2.7%)
Cumbria Constabulary	11,030	10,344 (93.8%)	12 (0.1%)	19 (0.2%)	22 (0.2%)	70 (0.6%)	563 (5.1%)
Durham Constabulary	7,803	7,731 (99.0%)	8 (0.1%)	11 (0.1%)	13 (0.2%)	3 (0.1%)	37 (0.5%)
Gloucestershire Constabulary	5,793	5,241 (90.5%)	190 (3.2%)	63 (1.1%)	243 (4.2%)	17 (0.3%)	39 (0.7%)
Lancashire Constabulary	23,443	21,403 (91.3%)	274 (1.2%)	1106 (4.7%)	301 (1.2%)	41 (0.2%)	318 (1.4%)
Metropolitan Police	646,960	253,490 (39.2%)	229,666 (35.5%)	85,723 (13.3%)	33,956 (5.2%)	11,694 (1.8%)	32,431 (5.0%)
North Wales Police	5,801	5,655 (97.5%)	12 (0.2%)	16 (0.3%)	25 (0.4%)	22 (0.4%)	71 (1.2%)
North Yorkshire Police	11,725	10,959 (93.4%)	56 (0.5%)	83 (0.7%)	65 (0.6%)	16 (0.1%)	546 (4.7%)
Staffordshire Police	16,215	14,706 (90.7%)	222 (1.4%)	671 (4.1%)	461 (2.8%)	29 (0.2%)	126 (0.8%)
Suffolk Constabulary	4,512	4,086 (90.5%)	170 (3.8%)	61 (1.4%)	175 (3.9%)	15 (0.3%)	5 (0.1%)
Thames Valley Police	30,687	23,031 (75.1%)	1,819 (5.9%)	1,958 (6.4%)	1,705 (5.6%)	134 (0.4%)	2,040 (6.6%)
West Midlands Police	31,585	14,924 (47.2%)	4,747 (15.0%)	7,952 (25.2%)	1,806 (5.7%)	302 (1.0%)	1,854 (5.9%)
Wiltshire Police	1,031	917 (88.9%)	34 (3.3%)	22 (2.1%)	18 (1.8%)	1 (0.1%)	39 (3.8%)
Total	822,341	392,627 (47.7%)	238,511 (29.0%)	99,628 (12.1%)	39,764 (4.8%)	12,488 (1.5%)	39,323 (4.8%)

1.5 Data on stop and search of looked after children

Looked after children and care leavers are over-represented in the criminal justice system: they are nearly twice as likely as their peers to be cautioned or convicted of an offence, and

a third of children in custody have been looked after¹¹. It is therefore concerning that **none of the 44 police forces were able to submit stop and search data on looked after children**. In explaining this omission, 19 forces stated that it was because they did not gather data on looked after children, whilst 10 said that the provision of this data would have necessitated returning to each individual form, going beyond the 18 hour deadline and £450 cost for the completion of an individual Freedom of Information request. 15 police forces offered no reason as to why they could not provide data on looked after children. If we are to have a better understanding of the use of stop and search on looked after children, and the possible links to their over-representation within the justice system, the Government and police forces should consider implementing new monitoring arrangements.

¹¹ Department for Education (2014) *The Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review [Supplement]* <https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review>

Section 2: Custody facilities for children and young people

In 2011-12, there were 167,995 arrests of young people (aged 10-17) for notifiable offences, accounting for 13.6 per cent of the total number of arrests. Research carried out by the Howard League for Penal Reform found that there were more than 40,000 overnight detentions of children aged 17 and under in police stations across England and Wales during 2011, including over 2,000 children aged 10-13. The Howard League estimates that this equates to almost 800 children being kept overnight in police cells each week¹². During the inquiry's evidence sessions, the APPGC heard about children and young people being detained in police custody. This included children experiencing overnight detention, despite the legal requirement that they be transferred to local authority accommodation, an issue that will be explored in more detail in the inquiry's final report. Experts described custody facilities as being noisy, scary and intimidating for children and young people. We therefore sought to gather data from police forces to better understand the facilities they have for children arrested and detained.

Police forces were asked to state:

"The number of custody facilities within your jurisdiction; and how many of these have a separate facility for holding young people under 18 detained in police custody"

2.1 Custody facilities: policy context

PACE Code C sets out the guidelines which police officers and custody sergeants must follow with regard to the detention in police custody of children and adults. Code C states that *"a juvenile must not be placed in police custody unless no other secure accommodation is available and the custody officer considers it not practicable to supervise them.... A juvenile must not be placed in a cell with a detained adult"*¹³. There is no legal requirement under PACE for custody suites to have dedicated facilities for children and young people. Section 38(6) of the PACE Act provides that a child or young person aged 16 or under, detained in police custody overnight following charge, should be transferred to the care of the local authority. Evidence gathered by the Howard League and given at the inquiry's oral evidence sessions suggests that this frequently does not occur.

Following a judicial review, the High Court ruled in April 2013 that 17 year-olds should be given the same legal safeguards as younger children. In light of this, PACE Code C was changed so that all 17 year-olds are given access to an 'appropriate adult'. However, there is still no requirement for 17 year-olds detained in custody by the police overnight to be transferred to local authority accommodation.

¹² Howard League for Penal Reform (2013) *Overnight detention of children in police custody 2010–2011: Research briefing*
https://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Overnight_detention_of_children_in_police_cells_2011.pdf

¹³ Home Office (2014) *PACE Code C: Code of Practice for the detention, treatment and questioning of persons by police officers*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306657/2013_PACE_Code_C.pdf

2.2 Data on custody facilities for children and young people

Of the 44 police forces, 43 provided figures for the number of designated custody facilities in the police force area and the number of those that included separate facilities for children and young people. Table 4 sets out the findings.

Table 4: Proportion of custody facilities providing separate facilities for children and young people

Name of police force	Total number of designated custody facilities	Custody facilities providing separate facilities for children and young people	
		Number	Proportion of all custody facilities ¹⁴
Cumbria Constabulary	6	6	100%
Derbyshire Constabulary	4	4	100%
Dyfed-Powys Police	7	7	100%
Greater Manchester Police	10	10	100%
Humberside Police	6	6	100%
Lincolnshire Police	4	4	100%
Merseyside Police	5	5	100%
North Wales Police	6	6	100%
South Yorkshire Police	6	6	100%
Sussex Police	6	6	100%
West Midlands Police	11	11	100%
Wiltshire Police	3	3	100%
Northumbria Police	7	6	86%
Durham Constabulary	6	5	83%
Surrey Police	4	3	75%
Essex Police	11	8	73%
Leicestershire Constabulary	3	2	67%
Avon and Somerset Police	17	10	59%
Dorset Police	8	3	38%
British Transport Police	6	2	33%
Staffordshire Police	3	1	33%
Hampshire Constabulary	11	3	27%
Devon and Cornwall Police	7	1	14%
Bedfordshire Police	3	0	0%
Cambridgeshire Police	15	0	0%
Cheshire Police	3	0	0%

¹⁴ Percentages are provided only to allow readers to compare across the forces the proportion of custody facilities that provide separate facilities for children and young people.

City of London Police	3	0	0%
Cleveland Police	3	0	0%
Gloucestershire Constabulary	3	0	0%
Gwent Police	2	0	0%
Hertfordshire Constabulary	4	0	0%
Kent Police	7	0	0%
Metropolitan Police Service	36	0	0%
Norfolk Constabulary	6	0	0%
North Yorkshire Police	6	0	0%
Northamptonshire Police	2	0	0%
Nottinghamshire Police	3	0	0%
South Wales Police	7	0	0%
Suffolk Constabulary	6	0	0%
Thames Valley Police	8	0	0%
Warwickshire Police	2	0	0%
West Mercia Police	7	0	0%
West Yorkshire Police	9	0	0%
Total	292	118	40%

Just over half (23) of the 43 forces had separate custody facilities in their area, with 12 (28 per cent) providing separate facilities in *all* of their custody suites. However, the data indicates that **20 police forces do not provide any separate facilities for children and young people, representing almost half of the sample**. These forces cover densely populated urban areas, including the Metropolitan police force, as well as rural areas. Among the remaining 10 police forces, there was variation in the proportion of custody facilities that provided separate facilities for children and young people, ranging from approximately 14 per cent to 86 per cent.

Considering the risks posed to children and young people's safety and well-being while being detained in custody near adults, the Home Office and police forces should take steps towards ensuring that all custody suites provide separate facilities for children.

Section 3: Conclusion and recommendations

We would like to thank all 43 police forces and the British Transport Police for responding to our information request. Key findings from this initial analysis of the data include:

- During the last five years (2009 to 2013), across 26 police forces, over one million stop and searches were carried out on children and young people. Stop and searches of children and young people account for a significant proportion of all-age stop and searches, ranging from 13 to 28 per cent across different police forces.
- Some of these children are very young: across 22 police forces, over the last five years, 1,136 stop and searches were carried out on children under the age of ten, the age of criminal responsibility.
- Data provided by forces suggests that stop and search is used disproportionately on black and minority ethnic children and young people.
- Police forces are unable to provide data on the numbers of looked after children stopped and searched.
- Statutory police guidance and protocols do not sufficiently reflect the fact that a sizeable proportion of stop and searches are carried out on children, providing little in the way of specific guidelines including advice on safeguarding and child protection.
- 20 of the 43 police forces that provided data stated that they had no separate custody facilities for children and young people.

Given these findings, it is vital that police forces have the right age appropriate procedures and practices in place for dealing with children and young people. At present this is not the case. The following recommendations are intended to address this.

3.1 Stop and search recommendations

There is currently no requirement for police forces to record on formal documentation the date of birth or age of persons who have been stopped and searched. Through the analysis of data provided by police forces, we can ascertain that police officers do generally record the date of birth or age of children and young people stopped and searched. However, inconsistencies in the collection and collation of this data mean that it is difficult to get an accurate picture for all forces in England and Wales. Following its review of the use of stop and search, the Home Office announced a package of reforms¹⁵, including plans for HMIC to carry out an annual review on the use of stop and search powers to inform its assessment of forces' performance.

Recommendation 1: HMIC's annual review of stop and search powers should assess proportionality of stop and searches in relation to age, including the stop and search of under-10s.

HMIC's thematic inspection of the use of stop and search powers found that 27 per cent of stop and search records examined did not record 'reasonable grounds for suspicion', the legal basis for stop and search¹⁶. As a result, and following its stop and search review, the Home Office has announced that PACE Code A will be revised to make clear what constitutes 'reasonable grounds for suspicion'. This provides an ideal opportunity to amend

¹⁵ Home Office (2014) *Police Powers of Stop and Search: summary of consultation responses and conclusions* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307545/StopSearchConsultationResponse.pdf

¹⁶ HMIC (2013) *Stop and Search Powers: Are the police using them effectively and fairly?* <http://www.hmic.gov.uk/media/stop-and-search-powers-20130709.pdf>

Code A to include comprehensive guidelines on carrying out stop and search on children and young people, including advice on safeguarding and child protection.

Recommendation 2: PACE Code A should be revised to include:

- a requirement for police forces to record the date of birth of children and young people on stop and search forms and central recording systems;
- specific guidance on carrying out stop and search on children, including advice on safeguarding and child protection and what action should be taken to protect vulnerable children, for example children in care or those at risk of abuse and exploitation.

It has been challenging with the data available to assess the degree to which certain ethnic groups are over- or under-represented in stop and searches of under-18s. However, the findings suggest some level of disproportionality in the stop and search of black and minority ethnic children and young people. These findings were echoed by evidence gathered during a focus group at Cookham Wood Young Offenders Institution, which contrasted the experience of boys from different ethnic origins in relation to stop and search.

Recommendation 3: HMIC's annual review of stop and search powers should specifically assess the proportionality of stop and searches of under-18s in relation to ethnicity.

PACE Code A does not require police forces to record data on looked after children or to follow up with children's services to ascertain if a child is looked after. No forces provided data on the stop and search of looked after children. We know that looked after children and care leavers are over-represented in the criminal justice system. However, the lack of consistent monitoring of the numbers who are stopped and searched makes it difficult to assess whether this area of police practice has an impact on looked after children's entry into the justice system.

Recommendation 4: the Home Office and Department for Education should work with police forces to consider how best to monitor rates of stop and search of looked after children.

Less than 1 per cent of stop and searches were carried out on children and young people under the age of 10, according to our data analysis. However, we remain concerned that young children can be stopped and searched when they are under the age of criminal responsibility without a parent or guardian being present, and that there is a lack of specific statutory guidance relating to safeguarding and child protection. Evidence presented to the APPGC suggests that some of these stops take place because the police are concerned that young children are being used to conceal drugs and/or stolen goods. This raises serious questions about the safety and well-being of children in such circumstances.

As set out above, PACE Code A needs to be revised to include advice on safeguarding children when they are subject to stop and search and what appropriate action should be taken to protect young and/or vulnerable children and young people, for example, referral to children's services.

The APPGC Officers will continue to consider recommendations on the stop and search of under-10s for our final report, including whether there should be a presumption against under-10s being stopped and searched other than in exceptional circumstances; where stop and search takes place; and whether it should only occur in the presence of an appropriate adult, carer or parent or in the family home.

3.2 Custody facilities for children and young people recommendations

Police custody facilities have been developed with adults in mind so if a child or young person is to be detained in police custody, it is important that they have access to specialist facilities and trained staff to protect their physical, mental and emotional health and well-being. The findings from this information request indicate that just under half (20) of the 43 forces that provided information do not have separate facilities for children and young people within their custody suites.

There is no legal requirement for police forces to provide designated custody facilities for children and young people, although PACE Code C states that children should not be kept in the same cell as adults. However, unless they are provided with separate facilities, it remains likely that they will come into contact with detained adults. What is more, failure to provide separate facilities for children undermines the UK Government's efforts to meet its children's rights obligations. Article 37 of the United Nations Convention on the Rights of the Child states that:

*“Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, **every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so** and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.”¹⁷*

Recommendation 5: All newly built custody facilities should include a separate custody area for children and young people, and the Home Office should direct all police forces to consider allocating areas that can be used as separate facilities for children and young people within existing custody facilities. The Home Office should also work with the Association of Chief Police Officers to share good practice in developing juvenile custody facilities.

The final inquiry report will make recommendations relating to the overnight detention of children within police custody, focusing on the importance of ensuring that all under-18s are transferred to local authority accommodation.

¹⁷ Article 37, United Nations Convention on the Rights of the Child (emphasis added)
http://www.unicef.org/crc/files/Rights_overview.pdf

Appendix A: Police forces that responded to the information request

[British Transport Police](#)

All police forces in England

[Avon and Somerset Constabulary](#)

[Bedfordshire Police](#)

[Cambridgeshire Constabulary](#)

[Cheshire Constabulary](#)

[City of London Police](#)

[Cleveland Police](#)

[Cumbria Constabulary](#)

[Derbyshire Constabulary](#)

[Devon & Cornwall Police](#)

[Dorset Police](#)

[Durham Constabulary](#)

[Essex Police](#)

[Gloucestershire Constabulary](#)

[Greater Manchester Police](#)

[Hampshire Constabulary](#)

[Hertfordshire Constabulary](#)

[Humberside Police](#)

[Kent Police](#)

[Lancashire Constabulary](#)

[Leicestershire Police](#)

[Lincolnshire Police](#)

[Merseyside Police](#)

[Metropolitan Police Service](#)

[Norfolk Constabulary](#)

[North Yorkshire Police](#)

[Northamptonshire Police](#)

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[Nottinghamshire Police](#)

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[Staffordshire Police](#)

[Suffolk Constabulary](#)

[Surrey Police](#)

[Sussex Police](#)

[Thames Valley Police](#)

[Warwickshire Police](#)

[West Mercia Police](#)

[West Midlands Police](#)

[West Yorkshire Police](#)

[Wiltshire Police](#)

All police forces in Wales

[Dyfed-Powys Police](#)

[Gwent Police](#)

[North Wales Police](#)

[South Wales Police](#)