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Consultation response: The Mayor's draft Police and Crime Plan 2013-2017

The Howard League for Penal Reform welcomes the opportunity to respond to the Mayor's Office for Policing and Crime draft Police and Crime Plan. We have largely confined to ourselves to comments pertaining to our work on policing and young people.

About us

Founded in 1866, the Howard League is the oldest penal reform charity in the UK, campaigning for less crime, safer communities and fewer people in prison. We aim to achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's current work includes the U R Boss project, which works with children and young people in the criminal justice system.

Introduction

The Howard League has recently commissioned and conducted its own research on the treatment of children by the police. Our research in this area includes: *Out of place: the policing and criminalisation of sexually exploited girls and young women* (Howard League 2012a); *On our side: young people and the police* (Howard League 2012b); *Overnight detention of children in police cells* (Howard League 2011a); and *Life Outside: Collective Identity, Collective Exclusion* (Howard League 2011b). The charity also provides support to the All Party Parliamentary Group on Women in the Penal System that last year conducted an inquiry into girls in the penal system and included written and oral evidence from chief constables about the policing of young women. Two briefing papers were published as a result of this inquiry, *Keeping girls out of the penal system* (Howard League 2012c), and *From courts to custody* (Howard League 2012d).

In 2011, the Howard League for Penal Reform requested freedom of information (FOI) data from all police services in England and Wales. The data requested related to all children (aged 10–17) who had been arrested in the years 2008, 2009, and 2010, and was broken down by age, gender and ethnicity. A second request replicated the data for 2011. The Howard League response to the Police and Crime Plan is based on our analysis of these figures.

In addition, the Howard League's U R Boss project consulted over 60 young people from London who were in contact with the criminal justice system about their experiences with the police, their responses were overwhelmingly negative. This led us to deliver a campaign targeting Police and

Crime Commissioners during the 2012 elections, emphasising the importance of consulting young people and improving relationships between young people and the police.

Child arrests

Children can be arrested by the police from the age of 10 years, the age of criminal responsibility in England and Wales. This is low in relation to other European countries that have an average age of criminal responsibility of 14 years (Cipriani 2009; Davies et al, 2005; Howard League, 2008). Wrongdoing by children in England and Wales is more likely to receive a criminal justice response than a welfare one (Jacobson et al, 2010: 1). Similarly, this forces a shift in the responsibility, for what can amount to 'naughtiness', away from parents and guardians into the remit of the state.

The treatment of children in the police station is anomalous. Generally a child within the criminal justice system is aged 10 to 17 years old, inclusive. However, in the context of the police station a 17 year old is treated as an adult. This means that they are not afforded the additional protections offered to children when they have been arrested such as having a parent or an appropriate adult present during interviews with the police. As this letter is being written the Howard League and Children's Legal Rights Centre are engaged in a judicial review of the failure to provide these protections to 17 year olds and a judgment is expected by summer 2013.¹

In the four years 2008–2011 there were 1,045,269 child arrests in England and Wales. While this is far too many, our analysis shows that year on year the number is falling. In 2011, there were 206,895 child arrests which was a third fewer than in 2008.

The City of London Police Service saw a reduction in figures from 274 in 2008 to 192 in 2011. The Metropolitan Police Service saw a reduction in their figures from 49,292 in 2009, to 39,901 in 2011.

Arrests of girls

Girls accounted for around a fifth of all child arrests each year. Between 2008 and 2011, there were more than 200,000 arrests of girls. Following the downward trend in the overall number of child arrests there was a reduction of 44 per cent in the time period.

The Metropolitan Police Service saw a reduction from 7,694 arrests of girls in 2008 to 5,792 arrests in 2011. However, the City of London Police Service saw a 50% increase in the figures, albeit in small numbers, with an uptrend from 22 arrests of girls in 2008 to 44 arrests in 2011.

Implications of arrest

As the primary gatekeepers to the criminal justice system, the police therefore are the arbiters of who and how many people enter the system. An arrest has the potential to affect children's futures adversely in many ways, for example through future CRB disclosures that could result in an employment or university place being overturned.

An inappropriate response to childish misdemeanours has significant resource implications for the police and other services as the process to arrest a child, quite rightly, requires more staff checks, particular conditions and access to more support (see Howard League 2011a for more information). Once arrested a child is more likely to go to court which in turn generates considerable cost to the taxpayer, much of it dealing with trivial matters that could have been managed safely by professional policing or children's services.

Policing practice

The young people we spoke to raised a number of concerns about policing practice, these fall into four general categories:

¹ The Howard League has applied to intervene in on-going judicial review litigation that has been brought by Just for Kids Law challenging this provision in the domestic legislation. Permission is due to be considered in February 2013 (*H.C. (a child, by his litigation friend C.C.) v. Secretary Of State For The Home Department and Commissioner Of Police For The Metropolis*; CO/7772/2012).

- **Quality of relationships:** The police are seen as not caring about or respecting young people
- **The ‘usual suspects’:** Young people felt that once they had been in contact with the police they became labelled as the ‘usual suspects’
- **Racism:** In spite of some progress it is hard to counter that people of BME origin have more negative experiences and stop and search practices remain a concern for young people
- **Extreme examples of bad practice:** The blame for such practices may be due to a few rogue officers, but they must be rooted out and investigated as they discredit the whole police force

Police operate within parameters affected by legislation, policing priorities and targets, as well as local decision making and policing culture. In recent years, much has been made of the ‘target driven’ culture which may have led to the police focusing on ‘low hanging fruit’, which would include children. At its high point in 2007, Newburn (2011) suggested that over 240,000 children were sanctioned. This approach was described as a political arms race on custody and punishment whereby children were criminalised rather than supported or educated (Police Foundation 2010). To put it simply, it is easier to achieve a ‘brought to justice’ target by arresting a child caught stealing a sweet than by catching a professional burglar.

There is evidence that different policing areas have adopted markedly different policing styles (May et al 2010), which may illuminate why some police areas have different arrest rates. Some police forces are characterised by a professionalised ‘rule of law’ approach while others are more adversarial and personalised in style, placing less priority on respectful and fair treatment (ibid.: v). Police forces will also trade-off between reactive (i.e. responding to victim reports of crime) and proactive policing (i.e. uncovering crimes in the course of policing). Research suggests that reactive arrests account for more young people entering the youth justice system than proactive arrests, for example two-thirds of arrests for acquisitive crime are a result of reactive policing (ibid.). Given the Mayor’s focus on driving down crime by 20% in categories such as robbery and theft of the person, it is to be expected that policing efforts as regards these offences may well see increased contact between police officers and young people. This is an opportunity to think carefully about the police response to these crimes when children are involved.

The Association of Chief Police Officers (ACPO, 2010) acknowledged that enforcement is often a blunt tool and that punitive sanctions have little effect on reoffending. Instead ACPO suggests focusing on how the police might work with partner agencies and look to divert way from the need for police intervention.

The Legal Aid, Sentencing and Punishment of Offenders Act 2010 has made way for proposals to introduce more discretion and restorative justice. The application of this approach by the Metropolitan Police Service would help to reduce the number of child arrests and forge better relations between police, young people and the wider community.

Public confidence, particularly among groups that currently have low levels of satisfaction with the police, and neighbourhood policing

As we have detailed above, excessive rates of unnecessary and expensive arrests and regularly reported poor relationships between young people and the police reduce, not increase, public confidence in policing. At a time when budget cuts are a concern for all the knowledge that children and young people are being arrested and detained unnecessarily serves to reduce public confidence in policing plans.

As evidenced above, young people, particularly those who have had contact with the criminal justice system, are a key group that need to experience increased, demonstrable confidence in the police. To our knowledge this draft plan has not taken any steps to consult young people, engage young people through easy to access information or hold events to listen to young people’s opinions. This is a significant failing in the consultation process. Furthermore, although increased

confidence is an admirable target, there is very little about how this will be measured. Unless young people are explicitly involved in this measurement the outcome will be meaningless.

Young people's recommendation's on improving relationships with the police:

"...it all needs changing not just the officers but all of it and the ones at the top need to know what the officers on road are doing and how they are acting."

"Listen to us, it's not hard to see that the Police and the kids around here don't get on but what have they done to make a difference, harass us! Kids won't talk to the Police but that's because of how we get treated by them but there are others we talk to"

"Leave us alone, if we are robbing someone or causing trouble then yeah they should deal with that but when just hanging around or coming from centre just let us go about our business"

"They need to work for the community not the government, not all young people are criminals, not all black people are drug dealers, not all Muslims are terrorists if you don't know community you can't work with them"

"Be normal people...don't act like you always right and never make mistakes. Talk to people without an attitude and then maybe we can see they have some kind of respect for us"

"They need knowledge of that area so maybe before they join they should have to do youth or community work in that area. Then they may understand the problems people face and not just judge on people actions"

Justice reinvestment and payment by results

Finally, the Howard League notes the mention of payment by results in the Mayor's Police and Crime plan (Mayor of London 2013, p.27) and would highlight the success of the justice reinvestment pilots in five London boroughs (Croydon, Hackney, Lambeth, Lewisham and Southwark), which as the consultation notes has successfully reduced demand on the criminal justice system and seen £950,000 ploughed back into London communities to spend on further initiatives to reduce reoffending.

It is therefore of concern that the Ministry of Justice is proposing reforms to the probation service that would prevent the continuation and expansion of justice reinvestment initiatives. The Ministry of Justice plans to privatise the majority of probation work and utilise a narrow and more restrictive version of payment by results, introducing a national commissioning structure and a sub-prime model along the lines of the Work Programme. This is incompatible with justice reinvestment, which requires a local approach to enable a multitude of organisations to work together to reduce crime and demand on the justice system in particular communities, in the way that the London Crime Reduction Board is successfully doing.

We are keen to work with the Mayor's Office for Policing and Crime and the Metropolitan Police to improve the policing of children in the capital. Indeed I met with the Commissioner to discuss this last month and have further meetings planned with senior managers in the Metropolitan Police to explore our recommendations.

Yours faithfully

Frances Crook
Chief Executive

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