



## Child arrests in England and Wales 2013

### Research briefing

# the **Howard League** for **Penal Reform**

## Key points

- In 2013 there were 129,273 child arrests in England and Wales
- The number of child arrests since 2008 has reduced by almost two thirds (59 per cent)
- There were 1,107 arrests of primary school age children (children aged 10 and 11 years old) in 2013
- Numbers of child arrests are affected by different policing styles, with variations across police service areas. A move away from target-driven policing to community resolution and restorative justice has helped to reduce unnecessary child arrests
- Between 2008–2013 overall numbers of child arrests fell, with 88 per cent of police service areas successfully reducing child arrests by at least half over the six-year period
- Most police forces have developed successful local initiatives that resolve issues quickly and cheaply, involve victims, and avoid criminalising children
- This analysis is based on freedom of information data from 43 police service areas and the British Transport Police in England and Wales. Data was provided on the number, age, gender and ethnicity of child arrests in the study period.

## Introduction

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). Minor 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). This forces a shift in responsibility, for what can amount to naughtiness, away from parents and guardians into the remit of the state.

As the primary gatekeepers to the criminal justice system, the police determine who enters. Academic research has shown that the more entrenched a child becomes in the criminal justice system, the more likely it is they will reoffend (McAra and McVie, 2007). If intervention outside the parental home is required, children should be diverted away from the criminal justice system into more effective welfare support and interventions.

Generally, a child within the criminal justice system is aged 10 to 17 years old inclusive. However, in the context of the police station, until April 2013, a 17-year-old was treated as an adult. This meant that they were not afforded the additional protections offered to children when they were arrested, such as having a parent or an appropriate adult present during interviews. This was changed by a landmark judgment in the High Court, where it was acknowledged that the law was out of kilter with domestic and international provisions

that recognise those aged 17 and under as children. The Howard League supported this judicial review, taken by Just for Kids Law, and it represents a major milestone in the Howard League's campaign to remove a serious legal anomaly in the Codes to the Police and Crime Evidence Act (PACE) 1984.

The Howard League is concerned that too many young people are brought into conflict with the criminal justice system, with negative implications for their future lives. We monitor the levels of child arrests across the country, campaign for a reduction in child arrests and are always interested to hear how different police services are making progress in this key area of practice. This briefing sets out the latest figures for child arrests in 2013.

## Research aims, data and analysis

In 2013, the Howard League for Penal Reform published a research briefing *Child arrests in England and Wales 2008–2011*. This report analysed data from a Freedom of Information (FOI) request to all 43 police services in England and Wales, looking at the numbers of children aged 10–17 who had been arrested in the years 2008, 2009 and 2010. The briefing presented figures broken down by age, gender and ethnicity. A second request replicated the data for 2011. Forty-one of the 43 police services in England and Wales gave the information requested following the FOI; data for all 43 police areas was received for 2011. In the four years 2008–2011 there were over a million (1,041,607) child arrests in England and Wales. Yet over the course of the study period, the number of child arrests had fallen by a third (Howard League, 2013).

The Howard League has since made further FOI requests seeking the same information for 2012 and 2013. The FOI request was also sent to the British Transport Police for the first time. Forty-one of the 43 police services and the British Transport Police gave the information requested following the FOI request for 2012. Derbyshire police were unable to provide the data requested for 2012, as the introduction of a new recording system resulted in the loss of half of their data for that year. All 43 police service areas and the British Transport Police gave the information requested following the FOI request for 2013.

### United Nations Convention on the Rights of the Child, Article 37 (b)

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

### Police and Criminal Evidence Act 1984 (PACE)

*Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers - Code C*

For an arrested child, the person responsible for their welfare must be informed that they have been arrested, why and where they are being detained. An appropriate adult must also be contacted.



**Table 1: Number of child arrests 2008–2013 by police service area**

Police service area	2008	2009	2010	2011	2012	2013
Avon and Somerset	9169	7479	7255	5608	4321	2929
Bedfordshire*	3257	2737	2551	2106	1770	1390
British Transport Police					1461	1399
Cambridgeshire	4054	3795	3440	2099	1473	1067
Cheshire	2537	2037	1870	1904	1508	1269
City of London	274	251	273	192	136	122
Cleveland	4882	4735	4367	3368	2407	1862
Cumbria	1964	1676	1274	1864	1263	1125
Derbyshire	5608	4513	4194	3938	**	1930
Devon and Cornwall	5495	4757	4132	3363	2398	1431
Dorset*	3173	2822	2310	1600	1252	815
Durham	4594	4116	3658	2841	1767	1445
Dyfed Powys	2974	2610	2307	1643	1584	1165
Essex	10763	10006	7739	5870	4237	3931
Gloucestershire	3035	2435	1516	1412	1268	920
Greater Manchester	***	***	***	10903	7807	6144
Gwent	3185	2871	2503	2163	1698	1569
Hampshire	10458	9436	8245	6533	5091	3929
Hertfordshire	5366	4995	3948	1809	2478	1776
Humberside	6607	6272	5751	2067	2732	2008
Kent	10157	10089	7505	6409	4412	4602
Lancashire	11115	10511	9779	5476	4158	3201
Leicestershire	3752	3603	3322	2865	2252	1670
Lincolnshire	***	***	***	1918	1290	1027
Merseyside	11330	11001	10197	8421	6213	5066
Metropolitan	49292	46546	46079	39901	30155	26442
Norfolk	3341	2772	2510	2201	1316	1384
North Wales	5559	4567	3420	2596	2022	1780
North Yorkshire	6240	5269	4566	3904	1152	1556
Northamptonshire	3069	2757	2594	2177	1660	1289
Northumbria	16460	13717	11407	9280	6983	5990
Nottinghamshire	7008	6114	5743	4640	2989	2189
South Wales	3525	2386	3948	2551	3111	3244
South Yorkshire	8974	7439	6235	5094	3344	2693
Staffordshire Police	5219	4438	4163	3316	2491	1741
Suffolk Police	4840	4376	3716	1684	1383	1092
Surrey Police	2913	2287	1955	1974	1483	1524
Sussex Police	7081	6653	5779	4564	4423	4018
Thames Valley Police	12288	10297	8012	6539	2531****	3808
Warwickshire Police	2147	1774	1419	1050	673	623
West Mercia Police	7580	6458	5491	3442	2664	1758
West Midlands	23105	18397	14387	10487	7484	7213
West Yorkshire	19706	16233	12947	10600	7492	6148
Wiltshire	2395	2751	2262	1997	1596	1079
<b>Total</b>	<b>314,491</b>	<b>277,978</b>	<b>244,769</b>	<b>204,369</b>	<b>149,928</b>	<b>129,273</b>

\*new updated figures supplied for all years – will be different from previously printed information; \*\*half of the 2012 figures lost when new system was introduced; \*\*\*Police force did not supply data; \*\*\*\*data limited to the period 15 May to 31 December 2012, the introduction of a new custody management database meant the force was unable to extract data from the system

## **Child arrests**

The data obtained by the Howard League shows that in 2013 there were 129,273 child arrests. This constitutes a reduction of 59 per cent since 2008, the first year of surveyed figures. Since the Howard League's last briefing publicised the figures from 2008–2011, there has been a further fall of 36 per cent in the number of child arrests. Overall, there has been steady progress year-on-year across the country.

While there was an overall decline in the number of child arrests in 2013, there were some variations in practice. Six police force areas witnessed an increase in arrest figures in 2013, the highest being North Yorkshire Police with an increase of 35 per cent and Thames Valley Police with an increase of 50 per cent.

## **Primary age children**

In 2013, there were 11,368 arrests involving children aged under 14 years. This represents nine per cent of total arrests. There were 1,107 children of primary school age (i.e. children aged 10 and 11 years old) which means the police were making an average of three arrests per day involving children of primary school age. There were seven arrests of children between the ages of 7–9 years even though the age of criminal responsibility in England and Wales is 10 and therefore it would have been unlawful to arrest them.

## **Girls**

There were a total of 21,287 arrests of girls in 2013. Girls accounted for 17 per cent of all child arrests in 2013. The child arrest figures for girls could be slightly higher than stated as 130 children were recorded as gender unknown in the breakdown figures supplied for 2013.

## **Ethnicity**

The FOI request asked for information about the ethnic origin of the children arrested. The data provided was difficult to interpret, reflecting the findings from the Howard League's previous research on child arrests (Howard League, 2013) which showed that police service area data on ethnicity included a mixture of self-defined and police assumed ethnicity, and a large number of children were classified as unknown ethnicity.

## **Trends since 2008**

In the six years 2008–2013, there were 1,320,808 arrests of children.

The overall figures for child arrests across England and Wales have fallen each year since 2008, from 314,491 in 2008 to 129,273 in 2013, an overall reduction of 59 per cent over the last six years.

All 43 police service areas have reduced their overall numbers of child arrests since 2008. This positive trend across all police forces is to be welcomed and commended. Police forces have reviewed their arrest policies and procedures over the years as a result of the Howard League's positive engagement with them.

Twenty-three police service areas reduced their overall arrest figures by two thirds; and 88 per cent of police service areas at least halved their overall numbers of child arrests.

In the six years from 2008–2013, there were a total of 247,954 arrests of girls. There was a steady decline in arrests of girls year-on-year, with an overall decline of 66 per cent since 2008. Once again, this is a success for the Howard League's campaign to reduce the number of girls getting caught up in the criminal justice system.

## **Implications of arrest**

As the primary gatekeepers to the criminal justice system, the police determine who enters. An arrest has the potential to affect a child's future adversely in many ways, for example through future Disclosure and Barring Checks (DBS) that could result in a job offer or university place being withdrawn. An Edinburgh University cohort study of 4,317 children who started secondary school in Edinburgh in the autumn of 1998 showed that young people who had been caught by the police were considerably more likely to continue offending than those who had not been caught (Smith, 2006).

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, 2011 for more information). Once arrested a child is more likely to go to court, at considerable cost to the taxpayer, often to deal with trivial matters that could have been managed safely by parents, professional policing or children's services.

## **Trends in the youth justice system**

The police operate within parameters affected by legislation, policing priorities and targets, 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 includes children. This approach led to children being criminalised rather than educated or supported (Newburn, 2011; Police Foundation, 2010).

However, the overall number of children entering the youth justice system has witnessed a downward trend since 2008. Reductions have been seen in the number entering the system for the first time, as well as reductions in those receiving disposals in and out of court (Ministry of Justice, 2014). This reduction in first-time entrants to the criminal justice system follows policy changes designed to reduce the number of children and young people drawn into the criminal justice system. They include ending the use of performance targets, encouraging police to maximise the number of 'offences brought to justice' and the introduction of targets by the Youth Justice Board for reducing the number of 'first-time entrants' (Police Foundation, 2013).

At a time of austerity and budget cuts, the police have an opportunity to reassess the most effective way of using their resources. Police budgets are set to be reduced by a projected 20 per cent by 2015 (HM Treasury, 2010), and it is estimated that preventing just one in ten children from ending up in custody would save over £100 million a year (Audit Commission, 2004).

### **Policing practice**

This briefing shows that there is good news: there are now almost 60 per cent fewer child arrests than in 2008. Better policing practices and a change in priorities have had significant effects on child arrest numbers. There is evidence that different policing areas have adopted markedly different policing styles (May et al., 2010), which may illuminate why different police areas have different arrest rates. Not all young people who come into contact with the police formally enter the youth justice system. Police forces across England and Wales have widely adopted restorative approaches for dealing informally with antisocial behaviour and the least serious offences, and as formal, diversionary alternatives to prosecution (Police Foundation, 2013). There is also evidence from Howard League correspondence and visits to police service areas which indicates an increase in the use of diversionary and restorative justice practices.

### **Case studies**

#### **Proportionate justice**

Durham Police has promoted the reduction of arrests of young people by focused measures. The introduction of P.A.C.E Code G in November 2012 has had an impact on arrests generally. Officers now have a positive obligation to look at alternatives to police cell custody for vulnerable groups. Supervisors and managers have been trained on this issue and additionally the force has invested

in a dedicated custody function whereby the duty custody/PACE Inspector will screen all arrests for necessity. Other measures such as community programmes for sentencing introduced in Durham, as well as pre-court work, have received national awards (runner-up, awarded by the Howard League, 2010, Youth Justice Award, 2012).

Hertfordshire Police: The principle of proportionate justice is where police consider whether their objectives can be met without having to arrest a young person. For example, interviews can be conducted without arrest where the child attends voluntarily at a police station or other venue for interview. The police still take into consideration the nature of the offence, the situation of the victim, the circumstances of the child and the needs of the investigation process, before deciding whether to arrest or not. However, this approach is quicker, cheaper and less resource-intensive and can be more proportionate than the use of police custody.

#### **Triage and community resolution**

Northumbria Police has committed to working in partnership with other services to reduce unnecessary arrests and first time entrants to the youth justice system. All officers have had training on community resolution and this is now fully integrated into force procedures and protocols. In addition, a triage approach operates in all Northumbria custody suites for child arrests. Here, police officers based with the youth offending service (YOS) review all young people bailed for 'youth surgeries' and, where appropriate, ensure a restorative justice approach is undertaken rather than a formal reprimand/warning. This system allows interventions and referrals to appropriate agencies to be considered at an early stage. Development with the YOS in Newcastle means that all community resolutions involving a young person are assessed for their suitability for additional positive interventions.

Suffolk Police is committed to reducing child arrests through the use of community resolution. Its experience has shown that this approach satisfies the victim and keeps the young person out of the criminal justice system. Suffolk Police introduced a triage pilot system operated by the Suffolk Youth Offending Service called Challenge 4 Change in April 2013, which targeted young people. This triage aims to reduce the number of first time entrants to the criminal justice system, improving the life prospects of young people, and supports the victims of crime and the wider community.

## Community resolution

Surrey Police told the Howard League that the Effective Resolutions scheme practiced by the force in the past resulted in increased bureaucracy and higher numbers of cases being dealt with through arrest and custody rather than on the street. The policy has now been reviewed and a new Community Resolution policy gives police officers the power to use discretion by removing the requirement for a supervisor's authority in straightforward cases. Although Surrey police has experienced a slight rise in its child arrest figures over the last year, it expects the levels to fall over the next year as the use of Community Resolutions becomes the most appropriate way of dealing with minor cases involving young people. Dealing with young people in a proportionate way is now a priority for Surrey Police.

## Restorative justice (RJ)

Cheshire Police service had been subjected to policies focusing on performance management and league tables. It told the Howard League that children and young people became an unforeseen victim of these policies. Many children received reprimands for crimes such as low-value shoplifting and fighting with other children. Cheshire Police wanted to work with children and young people to help them understand that such behaviour was not acceptable but at the same time take responsibility for their actions and, importantly, give them the opportunity to put things right with the help of police support.

Cheshire Police's aim is to become a restorative police force, to enable a proportionate and victim focused approach to crime while considering what is in the best interests of the offender and the community. All new officers and PCSOs are now trained in RJ as part of their foundation training at Chester University, and there has been refresher training conducted with front-line staff.

## Recommendations

- Raise the age of criminal responsibility in England and Wales to 14 years, in line with the European average. The United Nations Committee on the Rights of the Child has stated that an age of criminal responsibility below 12 is not acceptable
- All police forces across England and Wales should demonstrate best practice by moving towards community resolution and restorative justice work with children. Chief Constables should encourage a policing culture which keeps children away from the penal system. They should encourage officers to use their discretion and resolve matters informally without resorting to arrest
- The reduction in child arrest should be consolidated through positive development of PCC police and crime plans
- The recording of police data needs to be scrutinised and a uniform custody management system introduced. This would alleviate the problems evident in ethnicity and gender data recording and also differing recording practices between forces.

A full list of references is available on our website at <http://www.howardleague.org/publications-policing/>.

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## About the Howard League for Penal Reform

The Howard league is a national charity working for less crime, safer communities and fewer people in prison.

It campaigns, researches and takes legal action on a wide range of issues. It works with parliament, the media, criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change.

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