



## Child arrests in England and Wales 2008–2011

### Research briefing

# the Howard League for Penal Reform

## Key points

- In the four years 2008–11 there were over a million child arrests in England and Wales
- 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
- During 2011 there were 2,006 arrests of primary school age children (i.e. children up to and including 11 year olds)
- Between 2008–2011 overall numbers of child arrests fell: ten police service areas have at least halved the number of child arrests over the four year period
- Numbers of child arrests are affected by different policing styles, with variations across police service areas. A move away from target-driven policing has helped to reduce unnecessary child arrests
- There appears to be an increase in the use of informal and restorative sanctions. While this is to be welcomed when it lessens the severity of the intervention, the potential impact of these sanctions on children's futures should be acknowledged
- As funding to third sector organisations is cut, the police could find themselves with increased responsibility for the welfare of children. This is inappropriate and to be avoided
- The Howard League's UR Boss project succeeded in getting PCCs to promise to consult young people in contact with the criminal justice system
- The analysis is based on freedom of information data from all 43 police service areas in England and Wales. Data was provided on the number, age, gender and ethnicity of child arrests in the study period.

## Introduction

In the four years 2008–11 there were over a million child arrests in England and Wales. While this is far too many, this analysis shows that year on year the number is falling. In 2011, there were 203,408 child arrests which was a third fewer than in 2008.

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). This forces a shift in 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. As this briefing is being written, judicial review proceedings that challenge the failure to provide these protections to 17 year olds are being taken forward in the High Court, supported by Just for Kids Law and the Howard League and the Coram Children's Legal Centre.

### Box 1: Domestic and international policy

#### 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.

## Research aims, data and analysis

The research examined the number of child arrests by all police services across England and Wales in 2008, 2009, 2010 and 2011.

The Howard League for Penal Reform requested freedom of information (FOI) data from police services in England and Wales. The data requested related to children (aged 10–17) who had been arrested in the years 2008, 2009, 2010 and 2011 and was broken down by age, gender and ethnicity.

Forty-one of the 43 police services gave the information requested following the first FOI request; data for all 43 police areas was received in 2011. In the first data set Greater Manchester police service is missing which represents a large under-estimate in the numbers. In addition, some police areas did not provide a full breakdown of the figures; therefore the data provides an under-estimated picture of the number of child arrests.

### Child arrests

In the four years 2008–2011 there were 1,020,030 child arrests. While the number has fallen each year by 33 per cent, there is variation across police service areas with some areas such as Cumbria falling by just 5 per cent.

### 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.

### Primary age children

During 2011, there were at least 16,664 arrests involving children aged under 14 years. This represents 8 per cent of total arrests. These arrests include 2,006 children of primary school age (i.e. children up to and including 11 year olds) which means on average, each day during 2011, the police made five arrests involving children of primary school age.

### Ethnicity

The FOI request asked for information about the ethnic origin of the children arrested. The data provided was difficult to interpret for two reasons:

1. A mix of self-defined and police-assumed ethnicity which provided discrepancies in findings. Some police service areas, like Surrey, provided two sets of data where others just provided one. Using Surrey as an

**Table 1: Number of child arrests 2008–2011 by police service area**

Police service area	2008	2009	2010	2011
Avon and Somerset	9169	7479	7255	5608
Bedfordshire	2574	2154	1853	1692
Cambridgeshire	4054	3795	3440	2099
Cheshire	2537	2037	1870	1904
City of London	274	251	273	192
Cleveland	4882	4735	4367	3368
Cumbria	1964	1676	1274	1864
Derbyshire	5608	4513	4194	3938
Devon and Cornwall	5495	4757	4132	3363
Dorset	3892	3917	3574	1053
Durham	4594	4116	3658	2841
Dyfed Powys	2974	2610	2307	1643
Essex	10763	10006	7739	5870
Gloucester	3035	2435	1516	1412
Greater Manchester	*	*	*	10903
Gwent	3185	2871	2503	2163
Hampshire	10452	9436	8245	6533
Hertfordshire	5366	4995	3948	1809
Humberside	6607	6272	5751	2067
Kent	10157	10089	7505	6409
Lancashire	11115	10511	9779	5476
Leicestershire	3752	3603	3322	2865
Lincolnshire	*	*	*	1918
Merseyside	11330	11001	10197	8421
Metropolitan	49292	46546	46079	39901
Norfolk	3341	2772	2510	2201
North Wales	5559	4567	3420	2596
North Yorkshire	6240	5269	4566	3904
Northamptonshire	3069	2757	2594	2177
Northumbria	16460	13717	11407	9280
Nottinghamshire	7008	6114	5743	4640
South Wales	3525	2386	3948	2551
South Yorkshire	8974	7439	6235	5094
Staffordshire Police	5219	4438	4163	3316
Suffolk Police	4840	4376	3716	1684
Surrey Police	2913	2287	1955	1974
Sussex Police	7081	6653	5779	4564
Thames Valley Police	12288	10297	8012	6539
Warwickshire Police	2147	1774	1419	1050
West Mercia Police	7580	6458	5491	3442
West Midlands	23105	18397	14387	10487
West Yorkshire	19706	16233	12947	10600
Wiltshire	2395	2751	2262	1997
<b>Total</b>	<b>314,521</b>	<b>262,257</b>	<b>239,844</b>	<b>203,408</b>

**Table 2: Number of arrests: girls 2008–2011 by police service area\***

2008	2009	2010	2011
1999	1725	1483	1150
520	438	298	240
910	898	807	423
557	411	341	306
22	28	40	44
837	748	709	568
528	444	325	341
1058	903	741	700
1247	1044	905	813
805	788	758	202
1010	908	740	542
641	541	476	322
2494	2270	1750	1230
798	633	322	305
*	*	*	1683
590	547	472	357
2163	2150	1748	1307
1178	1099	701	193
1263	1156	886	476
2110	2176	1531	1267
2034	2001	1582	891
595	592	512	393
*	*	*	*
2127	1923	1708	1393
7694	7698	7475	5792
671	576	485	412
1109	952	729	557
1463	1287	999	*
535	460	447	358
3998	3183	2459	1862
1453	1262	1104	857
723	555	857	408
1828	1488	1238	1000
983	977	735	556
1009	886	723	410
585	477	443	317
1691	1711	1276	1033
2527	2200	1453	1165
407	351	286	165
1431	1375	1046	744
4515	3368	2688	1511
4357	3532	2440	1915
504	706	489	399
<b>62,969</b>	<b>56,467</b>	<b>46,207</b>	<b>34,607</b>

\* Some police service areas returned statistics of arrests which recorded unknown gender therefore the statistics may not show the exact split of boys and girls arrested.

example service in 2009, the data showed 120 instances where the children were assumed by the police to be black, yet on only 77 occasions was this self-defined. Home Office research (Bland et al., 2000) has highlighted the desire among sections of the public for people to define their own ethnicity rather than have it described by another person.

## 2. Confusion between ethnicity and nationality.

It was also notable that large numbers of child arrests were recorded as either unknown ethnicity or their ethnic identity was not stated.

### **Police legitimacy**

As funding for third sector organisations is cut it is likely that welfare provision for children will reduce. This could impact on the police – insofar as the police function as providers of a place of safety for children – and mean they have increasing responsibility for the welfare of children. The Howard League questions whether the police should have such responsibility for children's welfare. There is also a risk that children involved in low-level crime, anti-social behaviour or who are sexually exploited (see Howard League 2012a) are more likely to come into contact with the police. More emphasis should be placed on services and resources that enable parents and guardians to support their children.

### **Policing practice**

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 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 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.).

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 away from the need for police intervention.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 has made way for proposals to introduce more discretion and restorative justice. The application of this approach by the police would help to reduce the number of child arrests and forge better relations between police, young people and the wider community.

The Howard League is also concerned about plans to diminish the role of the police custody sergeant. Currently, these officers are important gatekeepers ensuring that arrest and detention in the custody suite is appropriate and necessary. There is a move to change the role of custody sergeants to a more supervisory role, with civilian staff taking over the gatekeeping function in the custody suite. This means a child's reception will be seen merely as administrative.

### **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) (Disclosure and Barring Checks have now replaced Criminal Records Bureau checks) 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 offenders who had been caught by the police were considerably more likely to continue offending than offenders who had not been caught*  
(Smith, 2006: 4)

## Box 2

“They have no respect for us, so we have no respect for them.” Young person, 16 years

“They should have more understanding of the issues that young people face and should be more supportive and not just trying to punish us all the time, as people just keep getting into trouble so what they do can’t be working.” Young person, 13 years

“There isn’t any positive reason to come into contact with the police.” Young person, 16 years

“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 the road doing and how they are acting.” Young person 13 years

Quotes taken from the Howard League’s U R Boss project

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 professional policing or children’s services.

### Police and Crime Commissioners

Eliciting young people’s experiences and views of the police has formed part of the Howard League’s U R Boss project (see <http://www.howardleague.org/u-r-boss/>). Some young people’s concerns about their experience of policing appear in box 2. The project worked with young people to ask all candidates standing for election as PCCs to sign a pledge (Howard League, 2012b). Candidates were asked to run a campaign that avoided stereotyping or using negative language about young people. They were asked to consult young people – especially those with direct experience of the criminal justice system – in developing their police and crime plan. Twenty-three of the 41 elected PCCs signed the pledge.

Cuts to policing budgets and the consequential impact on police numbers remains a highly charged political debate. Policing priorities and the use of scarce resources need careful consideration. We would urge PCCs not to succumb to the mores of penal populism and pursue children as ‘easy’ arrests in attempts to garner positive local opinion. The challenge to all PCCs is to regard the reductions in the number of child arrests between 2008 and 2011 as the starting point and to ensure that their policies and plans consolidate and continue the reductions in their police service area.

### How has this been achieved?

#### A cautionary note

This briefing shows there is good news: there are now fewer child arrests than in 2008. Better policing practices and a change in priorities provide some of the answers. Some forces are encouraging front line officers to use professional discretion and to resolve conflicts or bad behaviour promptly and without recourse to arrest. In some schemes the child is diverted before arrest, whilst in others they are diverted after a police interview (Wessex Youth Offending Team, 2010; London Borough of Barking and Dagenham, 2011; Home Office, 2012). A further option used by police forces has been to ask children to come to the front office of the police station by appointment rather than be arrested, where they are then dealt with informally.

The Howard League has found evidence that some police services are using informal sanctions more frequently, sometimes delivered by support officers who have little or no training or expertise in dealing with children. One such incident is outlined below:

*A team of Police Community Support Officers (PCSOs) was working in schools funded by the local police. The Howard League was told about an incident in a school playground involving a couple of 12 year olds who were using insulting language to Jewish children. The PCSO and the school worked with the children to teach them about Judaism, taking them to visit the local synagogue. On the surface this appears to be a very positive response to a nasty incident, but despite being dealt with under the police approved enhanced restorative justice process, it was recorded on the police computer system as a ‘race hate’ crime.*

Chief constables have discretion to reveal such information for enhanced criminal record checks but they also have discretion

to expunge the record. Such discretion allows for discrimination and unfairness. Children are not told that the information could be passed on years later to potential employers or to educational establishments. Children will not have had the benefit of legal advice, and may have been completely innocent, but are still pressured into agreeing to the sanction. Whilst the Howard League has been told that it would be unusual for informal sanctions to show on a DBS, there is less clarity regarding the degree of discretion surrounding the use of restorative justice interventions. Whilst we acknowledge the protective element of these checks and the need to share information (particularly in light of the Bichard recommendations (House of Commons, 2004)), the automatic disclosure of all convictions and cautions on CRB checks, regardless of their relevance to the job in question, is disproportionate – and therefore incompatible with the right to private life under article 8 of the Human Rights Act.

## Recommendations

- Leadership is required to set the tone and policing priorities. Leadership must come from both PCCs and chief constables and must flow through policing ranks
- Policing must shift away from an adversarial approach to children
- There must be better coordination with other services so that children's services take responsibility for children in need
- The temptation to broaden the role of the police as a place of safety in a time of budget cuts to many welfare-oriented services for children should be resisted. Instead there should be investment in resources and services to enable parents and guardians to support their children

- The reduction in child arrests should be consolidated through positive development of PCC police and crime plans
- Police community support officers and police should be removed from routine placement in schools. Police should visit schools to provide advice to staff and children, for example on safety, but should not be based inside schools. Responsibility for dealing with children's behaviour while on school premises should be given back to schools
- Children aged 12 or under should be diverted to children's and other services
- There must be clear routes for children to feed back their experiences and for PCCs to be accountable to children when targets and priorities are not met
- 17 year olds should be included in the additional protections afforded to young children including involvement of a parent or an appropriate adult
- Should a child need a caution or other police intervention, this can be done by a front office appointment not through an immediate arrest.

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

## 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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