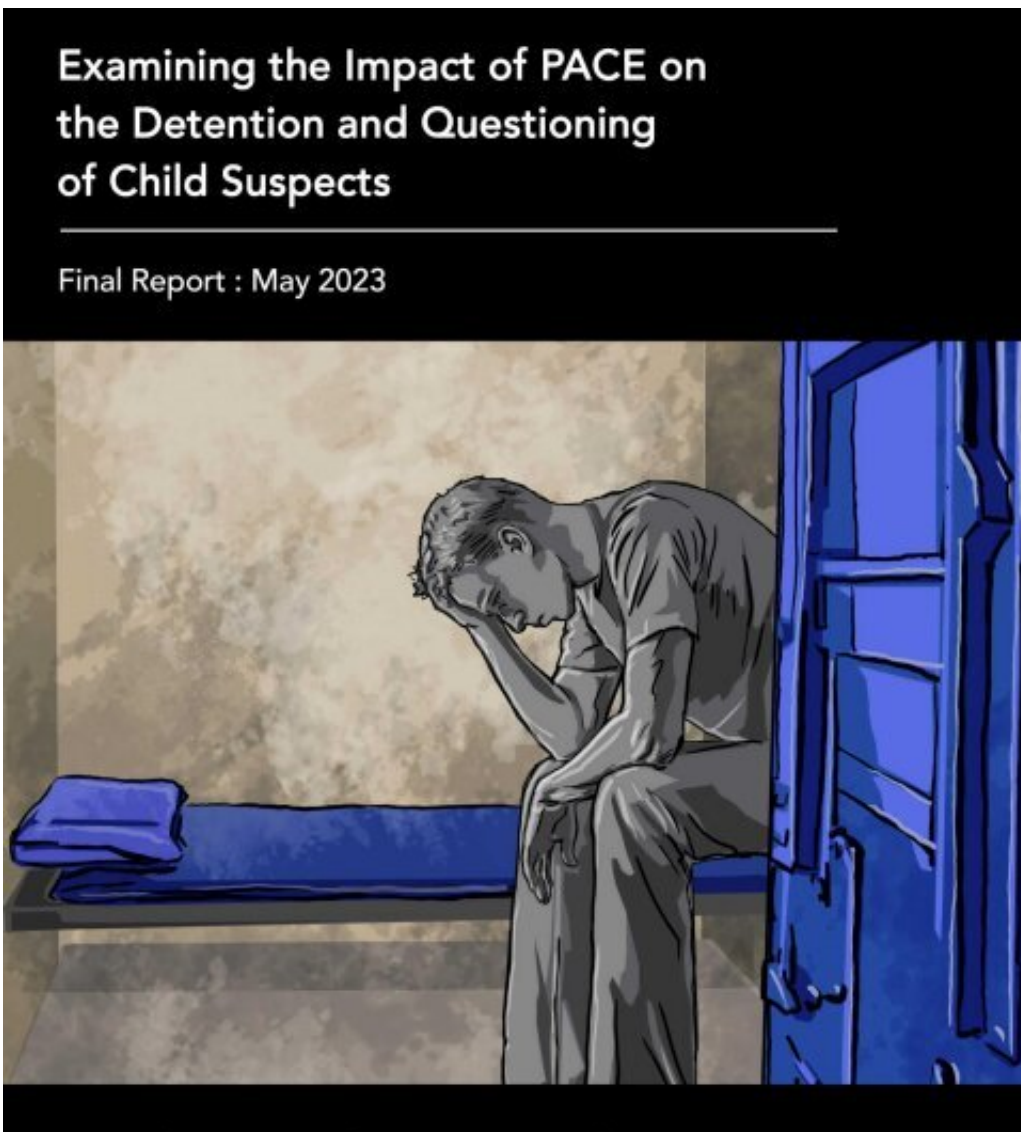


'Harsh reality' for children in police custody detailed in new UK study

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Credit: University of Nottingham

Guidance for police dealing with children in custody must be overhauled, a [new study](#) has concluded, where for the first time in England and Wales, researchers engaged with child suspects while they were detained in police custody.

Their findings include:

- Children were held in [custody](#) on average for 11 hours and 36 minutes (with 54% being detained overnight), and 80% requested legal advice
- With [children](#) left alone in cells for many hours, their experience of police custody is harsh and punitive
- The majority of children interviewed as part of the study view police custody as part of their punishment—this was also the view of some police officers, with a presumption of guilt rather than innocence.
- However "no further action" was recorded against the majority of child suspects
- Some children were detained for their safety with police unable to engage health and social welfare agencies to support the child at short notice—however police then went on to interview them about an alleged offense.

The academics conclude that major reforms to the PACE guidelines are needed and enhanced legal protections for child suspects are required. They recommend adopting a "Child First" approach, which means viewing child suspects as children rather than adults and/or "offenders," encouraging collaboration with them while they are detained, and seeking to maximize opportunities to divert them away from the stigma of coming into contact with the criminal justice system. They say detention should only be used as a last resort.

The experts argue that a Child First approach would have the aim of

reducing the number of children brought into police custody and would instead require the adoption of diversion, minimum intervention and problem-solving and restorative approaches. For those children who must be detained, a child-focused and rights-based approach needs to be adopted in custody that differentiates children from adult suspects.

Lord Carlile of Berriew CBE KC, Chair of the study's Steering Group, said, "For the first time, the findings presented in this report illuminate in depth what happens during the early stages of the criminal process in police custody from a child's perspective. For too long, what happens to children drawn into police custody has been hidden. The comprehensive set of measures set out in this report provides a framework within which changes to PACE can be piloted by researchers in partnership with the police and other agencies."

The study found that while police custody officers have the power not to authorize the detention of someone arrested and brought into custody if they deem it unnecessary, this occurred in less than 1% of cases—despite, in the majority of cases, no action being taken by the end.

In relation to the final case outcome, while 21% of children were charged and 14% received an out-of-court disposal (such as a caution), "no further action" was recorded against 56% of the child suspects and a further 5% of cases remaining outstanding.

In all cases observed by the researchers, once a child was detained, even if custody was effectively being used as a place of safety (due to the police being unable to engage health and social welfare agencies in supporting the child at short notice), the priority for the police was to interview the child about an alleged offense.

Under PACE guidelines it is mandatory for a child to have an

appropriate adult to support them while they are detained but, generally, due to restrictions in them gaining access to police custody, the study found that contact with the child was limited until just prior to the police interview.

Similarly, in most cases where legal advice was requested, a child's first contact with their lawyer tended to be just before the police interview. The researchers argue that these delays are not acceptable, not least because a child needs access to these adults as soon as practicable following detention so that they can help them to understand and exercise their legal rights.

With children being left alone in a cell for many hours waiting to be interviewed, they experienced police custody as harsh and punitive, fostering resentment and undermining trust in the police and the wider youth justice system.

The academics say that they are concerned that not only did the majority of children in the case studies view police custody as part of their punishment, but this was also the view of some police officers, with a presumption of guilt rather than innocence.

The researchers suggest that, with no action being taken in the majority of cases, the early involvement of the lawyer, appropriate adult, health and/or social welfare services could have led to cases being resolved more quickly or being taken out of the criminal process altogether.

Dr. Vicky Kemp, study lead and Principal Research Fellow in the School of Law at the University of Nottingham, said, "When viewing the harsh realities of police custody through the lens of a child, it becomes all too clear that children should not be brought into this environment unless they are being dealt with for very serious offenses. Instead of a punitive and adult-centered approach, a child-friendly and child-centered system

of justice needs to prioritize problem-solving and restorative approaches that help in reducing offending."

As part of the study, 51,504 electronic custody records were examined, with 3,722 (7%) relating to children. These were drawn from eight police forces in England and Wales for two separate months (March and September) in each of 2019, 2020 and 2021. These records included information about the time children spent in custody, whether legal advice was requested and the outcomes of cases. They also contained demographic information about each child's age, gender and ethnicity.

A total of 32 observational case studies were carried out in eight custody suites in three police force areas with a view to further understanding child suspects' experiences both while detained and during the police interview, and how they understood their legal rights. This data included at least one research interview with each child, with these interviews taking place prior to and/or after the police interview. Where possible, those involved in the questioning of the child—including police interviewers, the lawyer and the [child](#)'s appropriate adult—were also interviewed. The case studies also included examining recordings of police interviews and talking to custody staff.

Rob Street, Director of Justice at the Nuffield Foundation, said, "This important study focuses on a critical aspect of the youth justice process—[police](#) detention and questioning of children—that often does not get the attention that it should. The research vividly illustrates how essential it is to take account of children's needs at this stage, but also the challenges of doing so."

Provided by University of Nottingham

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