

LEARNING THE LESSONS

> Young People

Issue 37

January 2020

[www.policeconduct.gov.uk/
learning-the-lessons](http://www.policeconduct.gov.uk/learning-the-lessons)

Improving policing policy and practice



MEET THE EDITORIAL TEAM

Welcome to issue 37 focusing on young people, our first to be guest edited by members of the IOPC youth panel. The youth panel was created in January 2018 to help us gain greater insight into the experiences of young people, helping to inform our work.

Let's meet the editorial team . . .



Chloe

Hi, I am Chloe. I am 18-years-old and from Chester. I am currently at sixth form studying history, geography and criminology. I work part-time in a bar, and I volunteer my spare time to the IOPC, Cheshire youth commission, The Independent Advisory Group, and The Youth Advisory Group within Cheshire police.

I got involved in the youth panel because I want young people to have more of a voice about what goes on in society. I got involved with the development of Learning the Lessons because I want to make sure police officers understand young people's points of view.



Nadine

I am Nadine. I am 23 and from West Sussex.

I got involved in the youth panel because I am passionate about youth voice. I wanted the opportunity to express my views on the policing of young people, in particular Black, Asian and minority ethnic young people, and to help spread awareness of the IOPC.

My message to police officers reading this issue is to humanise all interactions with young people.



Amania

I am Amania. I was born and raised in Brixton and have just finished my criminal justice and criminology masters degree.

Seeing family, friends and peers have disproportionate contact with the justice system, plus my community's historic tension with law enforcement, has made me eager to be involved in work where I can enhance youth justice and empowerment. I want to bridge those who are under-represented and the system(s) they feel work against them.

I think it is important to involve young people in discussions and processes that affect them. I believe acknowledging and embracing our opinions, on behalf of a younger demographic, could have a significant impact on interactions between youth and the police.

The experiences and interactions we have with you as children inextricably influence our opinions of, and approaches to, you as adults. So try and make them as positive as possible (and always ask about age!)



Lyle

I am a young person who is passionate about making a difference to the people I work with.

I got involved in the youth panel because I wanted to understand the criminal justice system better. I wanted to develop ways to spread knowledge so young people, and people in general, can understand their rights.

I also wanted to express the views of young people across the UK to the IOPC. I hope to help the IOPC develop how it works with the police to understand some of the challenges young people go through, and how we can work together to make it easier.

I think Learning the Lessons is a good way to reach the people we are trying to target. It is something young people and the police can read in their spare time. Both groups can get a better understanding of each other's perspective.

The message I give police officers reading this issue is to be empathetic. Think about a young person they know and love, and how they would want that person to be treated. Treat the young people they come across accordingly.

"Be the change you wish to see in the world".



Giosué

I'm Giosué. I am a 22-year-old microbiology student who is passionate about positive, youth driven change.

I got involved with the youth panel because I wanted to make an impact and promote change for young people, who are often neglected by the system and are voiceless.

The message I give to officers reading this issue, is I appreciate your hard work, and I hope you find this issue insightful. It gives a unique look into young people's issues and ideas.

I am honoured to be part of this project, and I hope anyone reading is inspired to improve and learn from it.

A big thank you to members of the IOPC youth panel who gave up their time to support the development of this issue, and to the team from Leaders Unlocked who supported them throughout this work.

LEADERS UNLOCKED

Leaders Unlocked enables young people and under-represented groups to have a stronger voice on the issues that affect their lives. In education, policing, health, justice and elsewhere, we help organisations to involve the people who matter and shape decision-making for the better.

Find out more at <http://leaders-unlocked.org/>

CONTENTS

Communication

Communicating the decision to arrest

Case 1

Page 5

Probing/Asking the right questions

Case 2 | 5 | 8 | 9

Page 8 | 26 | 35 | 42

De-escalation before using force

Case 1 | 7

Page 5 | 32

Vulnerability

Managing difficult behaviour

Case 1

Page 5

Investigating child sexual exploitation

Case 2 | 3 | 5 | 6 | 9

Page 8 | 16 | 26 | 28 | 42

Young people and appropriate adults

Case 4

Page 19

Managing risk

Identifying risk

Case 2 | 8

Page 8 | 35

Assessing risk

Case 4 | 8

Page 19 | 35



Scan this QR code to download issue 37 from our website.

CONTRIBUTORS

7



Caroline Adams, staff officer for the NPCC children and young people portfolio, talks about the work of police officers in schools.

10



We meet Deputy Chief Constable **Jo Shiner**, the new national policing lead for children and young people.

12



Casey Clay from the Prisons Advice and Care Trust (Pact) introduces its 'Hear Our Voice' project.

14

Members of the IOPC youth panel share their experiences of contact with the police.

22

We look at the IOPC youth panel's report into barriers to having trust in the police complaints system. We also consider work being done to take forward its recommendations.

24



IOPC youth panel members interview IOPC **Director General Michael Lockwood**, finding out about his work with the youth panel and plans for the future.

30

Members of the IOPC youth panel share hints and tips for officers.

38



Chris Bath from the National Appropriate Adult Network (NAAN) talks about young people and access to appropriate adults.

40

We hear how Nottinghamshire and North Yorkshire police forces involve young people in oversight and scrutiny of police practice.

CASE
1**SCHOOL PUPIL NOT INFORMED OF ARREST AND DE-ARREST**

A 13-year-old girl was arguing with another pupil at school and was sent to the assistant headteacher's office. The girl would not calm down, so staff sent for the safer schools officer.

The officer had been involved in a number of incidents involving the girl before. He had been able to calm her down on previous occasions.

The police officer arrived and asked the girl to sit down and listen to her teachers. The assistant headteacher said when the girl refused to sit down, the police officer put his hands on her shoulders and pushed her down until she sat in the chair. The girl continued to stand back up.

The police officer told the girl he was going to put handcuffs on her until she calmed down. The assistant headteacher recalled the police officer saying "I'm not arresting you..." The police officer told the IOPC he made a "deliberate choice" not to tell the girl of her arrest and de-arrest. He justified this by referring to the force's local policy on safer schools. This stated officers should be "prepared to do things differently".

The girl's behaviour escalated after the officer put the handcuffs on. Teachers described her struggling and thrashing her arms.

All witnesses to the incident told the IOPC they did not believe the girl was under arrest. The girl explained she had been arrested and cautioned by this officer before, so she believed she had not been arrested this time.

The assistant headteacher explained to the girl she had been excluded for a fixed term. The officer removed the handcuffs.

After leaving the office, the girl tried to go in the opposite direction to where she had been told to go. The assistant headteacher and another teacher each grabbed one of her arms and walked her down the hallway. They paused outside a set of double doors with magnetic locks and the girl pulled her arm free of the teacher. The officer was behind them and grabbed her arm. The officer and the assistant headteacher continued to escort the girl down the hallway.

The officer recorded in his day book he considered empty hand skills and powers under criminal law before putting the girl in a Home Office approved arm lock.

Police and Criminal Evidence Act, Part 3, Section 28 states:

- (1) Subject to section (5) below, where a person is arrested, otherwise than by being informed that he is under arrest, the arrest is not lawful unless the person arrested is informed that he is under arrest as soon as is practicable after his arrest.
- (2) When a person is arrested by a constable, subsection (1) above applies regardless of whether the fact of the arrest is obvious.
- (3) Subject to subsection (5) below, no arrest is lawful unless the person is informed of the ground for the arrest at the time of, or as soon as is practicable after, the arrest.
- (4) Where a person is arrested by a constable, subsection (3) above applies regardless of whether the ground for the arrest is obvious.
- (5) Nothing in this section is to be taken to require a person to be informed –
 - a. That he is under arrest; or
 - b. Of the ground for the arrest,

If it was reasonably practicable for him to be so informed by reason of his having escaped from arrest before the information could be given.

Find out more:

www.legislation.gov.uk/ukpga/1984/60/section/28

Criminal Law Act (1967), Section 3:

“Use of force in making arrest, etc.

(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

(2) Subsection (1) above shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified for that purpose.”

Find out more:

www.legislation.gov.uk/ukpga/1967/58/section/3

The IOPC accepted the officer’s rationale for use of force as reasonable and proportionate in the circumstances.

The teachers said the girl did not indicate she was in pain at this time.

The girl went home after being escorted out of school. When she arrived home she told her mother she had pain in her right wrist. They went to the hospital where medical staff confirmed an injury to her wrist and referred her to the fracture clinic.

The girl said she believed the injury happened when the officer put her in the arm lock.

Later that day, a log was entered onto force systems for ‘breach of the peace’ at the school. This entry was recorded on the instruction of the officer at the school, who said he had arrested and de-arrested the girl ●

Key questions for policy makers/managers:

- How does your force make sure officers are aware they need to tell a person they are being arrested and the grounds for the arrest under the *Police and Criminal Evidence Act (PACE)*?
- What advice or training do you give to officers to help them communicate effectively with children and young people?
- Does the guidance or training you give to officers advise them to treat young people differently depending on their age?

Key questions for police officers/staff:

- If you were the police officer in this incident, what other methods would you have considered to deal with the girl’s behaviour

Outcomes for the officers/staff involved:

- The officer involved in this incident had a case to answer for misconduct. This was for failing to tell a young person of her arrest (in breach of PACE). The officer attended a misconduct meeting, at which misconduct was proven. The officer received training regarding the use of the National Decision Model and interpretation of PACE.
- [Read the full learning report](#)

YOUTH PANEL COMMENT

It is important to put the safety of the child first.





Comment from the NPCC: Police in schools

Police work in schools varies from force to force. In some areas, officers are based on school premises and work solely with that school. More likely an officer is formally dedicated to a specific group of schools, or is part of a wider team serving one or a number of schools.

Sometimes officers act as a dedicated contact for a school, while in other cases they provide support in a team as part of their formal duties as and when requested.

The role they perform is equally varied. Generally, all officers work with schools, in whatever capacity, to respond and deal with crime-related incidents. It is important they only investigate and respond to incidents which are appropriate and relevant for police involvement. There is a risk, when based in a single school, they are drawn into dealing with behaviour incidents that would not reach the threshold for police involvement. The NPCC children and young people portfolio has created guidance for schools on 'when to call the police'. This will help school leaders understand the threshold for police involvement in crime-related incidents.

Officers can play a valuable role in supporting the curriculum, usually the Personal Social Health and Economic (PSHE) curriculum. This is a great way to build a relationship with young people in the school community, and show the police as trustworthy to young people.

Using procedural justice theory principals this education prevention activity provides valuable learning for children and young people regarding the law and police legitimacy. The NPCC children and young people portfolio, with the PSHE Association and the London School of Economics, are in the middle of evaluation work to establish an evidence base for this. The final report will be available by May 2020.

A real benefit of having a relationship with schools is the opportunity to intervene early in recognising vulnerability and taking a safeguarding approach to prevent harm from occurring.

Caroline Adams QPM Staff officer for the NPCC children and young people portfolio



CASE 2 SAFEGUARDING THE WELFARE OF THREE YOUNG WOMEN



Three young women (aged between 14 and 16-year-old) met two men (aged 17 and 22 years old). The group got into the vehicle of one of the men and drove away.

Their vehicle caught fire while driving along a dual carriageway. They pulled over and all of them got out of the vehicle and sat on a verge near to the road.

The fire was reported to the police and resources were sent to the scene. The first police officer to arrive was a police sergeant who was driving a marked police people carrier. Ambulance and fire services also went to the scene.

The man who had been driving said he spoke to a police officer and gave details about what had happened. He also gave the officer his name, address and details of the vehicle that had caught fire.

The man who had been driving also said he told the officer the young women were his friends. The man noted he asked the officer whether the police would take his friends home, but he said he was told the group would all need to be taken back to one place.

A paramedic who went to the incident said after he arrived he treated one of the young women who was believed to be having an asthma/panic attack. The paramedic explained he asked the young woman for some details, and she said she was 16-years-old. The paramedic stated he saw a police officer go between a police vehicle and the verge a number of times.

In interview, the police sergeant said when he arrived he saw a group of people on a verge. He said he remained near to his vehicle for his own safety and did not approach the group. The police sergeant confirmed he did not speak to the group.

Shortly afterwards, the fire was put out. Two police constables, who were on duty as road traffic patrol, went to the scene. One of the police constables said he spoke to the police sergeant about what he and the other police constable could do to help. He recalled the police sergeant said everything was in hand. The two police constables left the scene a short time later. They both noted they had no contact with the occupants of the vehicle.

In his interview, the police sergeant explained the two police constables spoke with the occupants of the vehicle. He stated he believed the two police constables had taken over management of the incident.

One of the young women stated a police officer approached the occupants of the vehicle after the fire had been put out. She recalled the officer addressed the man who had been driving, asking whether they were ready to go. The young woman did not recall any conversation about where they were being taken.

The young woman asked the man who had been driving whether they could return to their home town. According to her, the man replied the officer had told him he would only go to a second town, not the home town of the young women. This was because the officer was from the second town.

One of the other women noted while the group were sat on the verge, a police officer approached and asked where they were going. She recalled the man who had been driving told the officer he should take the group back to his home (in the second town).

In their accounts, two of the young women stated the officer did not ask for their details, including their names or ages.

The five occupants of the vehicle got into the police sergeant's vehicle, and he drove to the second town. One of the young women stated she and another young woman cried during the journey. She also said the third young woman was panicking.

During his interview with the IOPC, the police sergeant said he believed the two police constables told him to take them to the second town where the occupants had arranged to be picked up. He denied he was ever asked to take any of the group to the home town of the young women.

The police sergeant recalled during the journey the occupants of the vehicle were in good spirits, but he did not speak with any of them. He believed all of the group were in their 20s, but acknowledged this was based on how they looked and not on being told their ages. He confirmed he was not aware of any details of the group, including their names or ages. The incident log was updated stating the police sergeant had dropped the occupants of the vehicle at home in the second town.

Subsequently, two of the young women complained they were sexually assaulted while at the address of the man who had been driving. This was investigated by the police, but no further action was taken.

In his interview with the IOPC, the police sergeant stated it was not his responsibility to safeguard the three young women because he was not managing the incident ●

Key questions for policy makers/managers:

- How does your force make sure all officers and staff are aware of their responsibilities to safeguard vulnerable people?
- What training does your force give to officers and staff about identifying vulnerability, particularly in children and young people?
- What guidance does your force give to officers and staff about the actions they should consider if they identify any risks to a child or young person?

Key questions for police officers/staff:

- What questions would you have asked to identify the circumstances of this incident, in particular the details of the occupants of the vehicle?
- What would your assessment have been about the risks to the three young women's welfare?
- What actions would you have taken to manage any risks to the three young women's welfare?
- Would you have considered contacting the parents or guardians of any of the occupants of the vehicle who were under 18 years old?
- As the officer first on the scene, would you have taken any additional action(s) to engage with the three young women in the vehicle to identify potential welfare or safeguarding concerns?
- As the officer first on the scene, would you have asked the occupants of the vehicle if they needed help to contact anyone to inform them of the situation?
- If you were a member of the traffic unit who arrived on the scene after the road block(s) were lifted, would you have had any contact with the occupants of the vehicle?
- Would you have considered separating the girls and speaking to each of them separately?

Outcomes for the officers/staff involved:

- The police sergeant was found to have a case to answer for misconduct. This was for failing to make sufficient enquiries to find out the age or identity of the three young women, and for failing to properly assess the risks of taking the young women to a second town rather than their own homes.
- The police sergeant was dismissed without notice in relation to another matter before he could attend a misconduct meeting concerning this incident.
- **Read the full learning report**

YOUTH PANEL COMMENT

It is important to be curious and analyse what might be happening.



Introducing the new national policing lead for children and young people

IOPC youth panel members spoke to Deputy Chief Constable Jo Shiner, the new national policing lead for children and young people, to hear about her vision for the future. These were the questions the panel put to her.



Jo Shiner is Deputy Chief Constable at Sussex Police. Jo started her policing career in Norfolk in 1993, serving up to the rank of Chief Superintendent. She transferred on promotion to Kent as Assistant Chief Constable in 2014, before joining Sussex Police as Deputy Chief Constable at the end of 2018.

Her career in the police spans almost 27 years. Her roles have been predominantly operational, both in uniform and as a detective within the Child and Adult Protection Unit, and CID as a firearms, public order and critical incident commander.

Jo sits as a Trustee for the charity Embrace (Child Victims of Crime), and has volunteered and raised money for The Princes Trust.

What made you want to become the national policing lead for children and young people?

It may sound like a cliché, but I do believe that children and young people ARE our future. The way in which we, in policing (and elsewhere) engage and listen is vital.

I served for more than three years as a detective sergeant in a child protection unit in my early career. I saw first-hand how we could make a difference by changing our approach to children and young people living with adverse childhood experiences.

The policing approach to children and young people has always been important to me. I am a passionate advocate in supporting young people to make sure they have the best possible information and opportunities to make the right choices. Policing has a critical role in supporting this, and I see the work of this portfolio as instrumental in driving and enhancing this complex area. I work closely with a number of charities which support children and young people, and this will continue to be a key focus.

How do you work to minimise or mitigate the presence or impact of racial disproportionality?

The ability to understand the impact of different policing styles and powers is critical, and we need to make sure we are led by evidence and listen to the experiences of young people.

Our partners will be crucial to assist the police service to ensure a proportionate, lawful and engaging strategy. We are working with partners, including the National Youth Justice Board, to progress this important area.

What is the NPPC doing to make sure that vulnerable children and young people are not unfairly criminalised?

The significant shift in national policing towards identifying and recognising vulnerability highlights the importance modern day policing places on dealing with young people appropriately and safeguarding them. This has to be balanced with criminal consequences in appropriate circumstances.

There are many different schemes across the country which educate and rehabilitate young people, rather than criminalise them. There will be circumstances where prosecution is appropriate. Never before, with the increase in serious violence, bullying, on-line crime and exploitation etc, has it been more important to drive work forwards to educate young people and prevent them from becoming victims, offenders, or both.

How will you involve children and young people in the development and implementation of the child centred policing strategy?

Children and young people should, and must, play an active part in helping us shape and form our approach. Therefore, I will build on the ways in which the portfolio does this. We will introduce fresh ideas, giving young people the opportunity to engage in appropriate ways, and sit on key decision making meetings with a proper voice. Using experienced third parties will complement our approach.

How do you think policing of children and young people will have changed in five years' time?

Our current ambition is 'to improve the quality of policing for children and young people by acknowledging their differences, recognising their vulnerabilities and meeting their needs.' I hope in five years' time we will do this more intelligently, with statutory partners working more seamlessly together.

Furthermore, I hope we will see the impact of some of the diversionary and preventative measures being invested in now. I would also like to increase the ways in which society celebrates the achievements of children and young people, enhancing young people as role models.

What training do officers receive to work with children and young people, and do you think it is good enough?

There is a range of training available to officers depending on their specific roles. However, like all challenges in policing, we always strive to improve. There is little doubt the training is now more intelligent, balanced, and has a clear focus on identifying vulnerability. The question for me is whether we have looked widely enough at what some of our partners and charities can offer to ensure a different perspective.

How does the policing of children and young people differ (thinking specifically about how different age groups should be policed)?

We know every child and young person has unique life experiences, so the key is to build trust and police according to individual needs, and the needs of those around them. What works for some children or young people will not work for others, and we must be mindful of the metaphorical mark we leave. Positive engagement at the earliest age possible is really important. Influencing the communities our children and young people live in is also critical.

What do you think trauma informed policing looks like for young adults?

The increased recognition of the impact of Adverse Child Experiences (ACEs) and the training being delivered to our officers and staff is really valuable for the future. We are already seeing the difference an informed approach can make to reduce violence and offending, or indeed self-harm. I intend to work closely with other portfolio leads to make sure we continue to drive progress in this critical area.

How will you encourage the police service to implement more diversion schemes for young people to keep them out of the justice system?

The vast majority of forces already have new, maturing or successful schemes aimed at diverting children and young people away from adverse situations. In my previous voluntary role with The Princes Trust, my current role as a Trustee on the Board of the charity Embrace (Child Victims of Crime) (who support children and young people exposed to crime and ACEs), and my day-to-day policing role, I have seen first-hand the life changing benefits that such schemes such as REBOOT can offer. I intend to develop even greater links with sport-related and other schemes which tackle the increasing challenges of poor mental health. I see diversion as a critical preventative tool which builds skills for the future.



Pact: 'Hear Our Voice' project



Casey Clay,
South West Programme Manager,
Prison Advice and Care Trust

What is the Prison Advice and Care Trust (Pact)?

Pact is a national charity providing support to prisoners, people with convictions, and their families. We support people to make a fresh start and minimise the harm that can be caused by imprisonment to people and their families, including children and young people.

How do you involve young people in your work?

One of the most important ways we involve young people is by hearing what they have to say. We ask young people what matters to them and listen to their ideas about how to make things better. We do not want to speak on behalf of young people, rather give them the platform to speak for themselves because they are the experts in their own experience. As part of our 'Hear Our Voice' project, we have supported some incredible and eloquent young people to share their experiences in a way that is meaningful for them – for example, Ollie and Kyra told their stories through animations which you can see on our website (www.prisonadvice.org.uk).

Your 'Hear Our Voice' project talked about the impact of police home raids on young people. What were the key messages coming from this work?

One of the most important messages of our 'Hear Our Voice' project is it is vital to listen to young people so we can understand their experiences and what needs to change. The whole project was a direct result of listening to young people tell us about the trauma of experiencing a home 'raid' (the execution of a warrant in a family home). The practical recommendations we made were developed in partnership with young people to address the issues that matter most to them. It is easy to assume that any solutions need to be overwhelming, but what we actually found was even small changes can have a big impact on the lives of those affected.

The practical recommendations from the project are:

- We need to find out the scale of the problem. We do not know for certain how many children are affected by police home raids. A representative police force should run a short data project to give a more accurate figure.
- The College of Policing should lead efforts to train all new police officers in the impact of police home raids on young people. Individual police forces should make sure training is rolled out to police officers already taking part in home 'raids'. Even simple changes to police behaviour could have a big impact.
- Each police force should offer guidance for police officers to help them execute a warrant. This could include considering the presence of children during pre-arrest planning; making sure that a dedicated child welfare/safeguarding officer is present, and leaving families with a 'calling card' of useful information that answers questions like 'What happens next?' and 'How do I find out where my loved one has been taken?'

What action has been taken by the police service to respond to the issues coming from the 'Hear Our Voice' work?

We had a really positive response from police forces who are keen to minimise the harm caused to young people by police home raids. Pact has delivered 'Hear Our Voice' training to 78 officers within the Avon and Somerset neighbourhood police team. We are working closely with them to put guidance in place for when home raids are conducted in the future. Pact will also deliver 'Hear Our Voice' training to other police forces in England and Wales. We hope all police forces will eventually work with us to keep children and young people safe during home raids. If this is something you are interested in learning more about, please get in touch by emailing me at casey.clay@prisonadvice.org.uk.

What services or resources do you provide for young people?

All the services and resources we provide are available for anyone affected by imprisonment, including young people, from our website (including digital visitors' guides for every prison and our helpline which is available seven days a week). Please get in touch if you have a question or you just need someone to talk to about what you are feeling or what happens next. The Prisoners' Families Helpline is available on 0808 808 2003 or contact us through our website www.prisonadvice.org.uk.



Casey Clay joined Pact two years ago and currently works as South West Programme Manager.



Testimonials

Young people's experiences with the police can shape their future views and relationships with the police. In this article, we look at what youth panel members told us about their contact with the police.

Amy

"My local police officers were always around my school, chatting to people and saying hello to us all. They were super friendly and always promoted us doing well in school. They ran many workshops during my time at school and this is what has made me want to become a police officer. I want to make an impact on other people's lives, just like they have on mine."

Ola

"My experience with the police has left me with negative impact and thoughts about the police. My experience has left me sceptical of police and generally uneasy when approached by them."

Sarah

"I was arrested as a teen for shoplifting, and the store manager detained me in the back room until the police arrived. I explained to the officers on arrival it was not my intention to steal, mainly that the items were stuck on top of my bag as I left the shop. However, the officers still proceeded to place me under arrest, handcuff me, and take me to a station for processing. I was held in a cell for four hours, then released with no further action."



Shawny

"As part of a national scheme entitled the 'Takeover Challenge', I had the opportunity to step into the world of policing for the day. I spoke to a vast array of different people about their role in the county's service, as well as discussed the key issues revolving around young people and their relationship with the police. I was invited to speak with firearms officers based in Thirsk, and visited North Yorkshire police's headquarters in Northallerton to speak with the rural task force, recruitment officers and the newly appointed temporary acting chief constable. I was told North Yorkshire police are working on improving their relationship with younger members of the public; the recruitment team are encouraging younger people to get involved in policing through work experience, volunteering and education; and the rural team were looking into working alongside local schemes to get young people more active within rural communities.

Overall, the experience to speak about the working relationship between the police and young people was a valuable opportunity. The relationship between young people and organisations within the policing sector, including police forces and the IOPC, is something that is important in contemporary times. The experiences I had have shown me just how positive the outcomes can be when the police are accountable and honest."

Ahmed

"When a stop and search is carried out by an officer, whether or not it is perceived as a tool that helps prevent crime, it is one of the most degrading and embarrassing things I have come across! When stop and searches were carried out against me, I felt I did not have the ability to do something about it, as well as feeling wide open and visible to the public. Officers speak down at you and to top it off, nothing is found on me or in my car! There is never an apology or anything done to restore the situation. This has caused a lack of confidence in the police, for me and thousands of other young people like me. Without justification or the usual "it's occurring under a section 60", the police reinforce the idea they are stopping and searching me as I fit the description of 'typical delinquent'."

CASE 3 FAILURE TO INVESTIGATE CHILD SEXUAL ABUSE ALLEGATIONS



A 16-year-old girl made sexual assault allegations against her stepfather. She disclosed he had behaved sexually inappropriately towards her in the past, and was now doing the same towards her five-year-old sister. She specifically alleged he was touching her sister improperly when changing her nappy.

A Multi-Agency Safeguarding Hub (MASH) strategy meeting took place, where it was decided a joint agency visit would be carried out by police and social services. A detective constable and a police constable from the force's serious investigations unit (SIU) completed a joint visit with a social worker on the day the allegations were made.

The detective constable was the lead during the joint visit as the police constable was an inexperienced officer with only two weeks experience in the SIU.

“ During the visit, the 16-year-old cousin of the girl who made the original allegations made further allegations against the stepfather. Both alleged he had touched them inappropriately when they were younger. ”

The disclosures amounted to at least two allegations under Section 9(1) *Sexual Offences Act 2003*. Appendix C of the *Sexual Offences Act 2003* states when an allegation of abuse amounts to a criminal offence, the police always have primacy over the criminal investigation.

Despite this, both officers told the social worker while at the address that the police would have no further involvement. They said the investigation would continue as a single agency investigation conducted by social services. They did not speak to the five-year-old sister, despite the initial allegation primarily referring to her. They did not record anything had been disclosed to them as crimes.

They reported to their supervisor the matter would be dealt with as a single agency investigation by social services as there had been no clear disclosure and there were no immediate safeguarding concerns. The detective sergeant who was their supervisor did not review the case.

Social services carried out their own investigation, during which further allegations were made against the stepfather. Social services did not pass this, or any further information, to the force as they had been told the matter was a single agency investigation.

Within a week of the joint visit, a member of the crime management unit (CMU) made an entry on the case log stating the case should be recorded as a crime, one report for each girl and each allegation against the stepfather. She was not certain a crime had been committed, and left the decision to the officer in charge. She did not create a task to make sure the officer in charge saw the advice because it was not policy to do so. It was assumed within the force that officers in charge would regularly review their cases.

However, no such review took place. This was because, despite taking the lead in the joint visit, the detective constable was not listed as the officer in charge on the force's case management system (CMS).

Home Office counting rules

The Home Office counting rules state that:

“An incident will be recorded as a crime for offences against an identified victim if, on the balance of probability the circumstances as reported amount to a crime defined by law and there is no credible evidence to the contrary.”.

Find out more:

www.gov.uk/government/publications/counting-rules-for-recorded-crime

Section 9(1) Sexual Offences Act 2003

Section 9(1) Sexual Offences Act 2003 states:

A person aged 18 or over (A) commits an offence if—

- (a) he intentionally touches another person (B),
- (b) the touching is sexual, and
- (c) either—
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.

Find out more:

www.legislation.gov.uk/ukpga/2003/42/section/9

The task which should have made sure the case was allocated was mistakenly allocated to the wrong force area. A member of police staff marked this task complete, without checking it, as there were no actions for her team.

The case was assigned to a detective sergeant in a supporting role. This involved allocating work to other sergeants' officers, but not investigating or reviewing cases. Due to the nature of this role, she had numerous open cases. She did not notice the case had been assigned to her until 13 months after the initial allegation was made.

She observed the detective constable who attended the joint visit had added notes about the visit to the case. She contacted her to ask her to "update and close" the case. She assumed the case was ready for closure as it had been open for 13 months. As the detective constable was an experienced officer, she assumed she would already have taken the necessary actions. For example, the case would have been reviewed by her supervisor.

Nine days later, the detective constable closed the case stating: "no clear disclosure has been given to [the police constable who also attended] when asking questions of the girls. No further police action." She claimed she had spoken to the police constable on the phone and the police constable had told her there was no clear disclosure. The police constable disagreed with this, stating they spoke on the phone on a different date and she told the detective constable she could not recall the outcome. Phone records supported the police constable's account.

On the same day the detective constable made her inaccurate entry, she assigned a task to the CMU for the case to be closed. She mistakenly believed the CMU could have chosen not to close the case if they believed it should not have been closed. An admin clerk filed the case away without further checks as it was not the admin clerk's role to review the cases they were filing.

The failure to investigate this matter came to light because, 14 months after the case was closed, the five-year-old sister alleged to staff at her primary school that the stepfather had behaved in a sexually inappropriate way towards her. While investigating this matter, the force discovered the investigation into the previous allegations made against the stepfather. The matter was referred to the IOPC because of the apparent lack of police action ●





Key questions for policy makers/managers:

- How do you make sure officers are told which cases are part of their case load?
- What do you do to make sure serious investigations do not 'fall off the radar'?
- How do you make sure officers are kept up-to-date with significant developments when control of an investigation has been passed to another agency?

Key questions for police officers/staff:

- What do you do to make sure your caseload is accurately reflected on force systems and vice versa?
- What steps do you take to avoid incorrect assumptions about the roles and responsibilities of your colleagues?

Outcomes for the officers/staff involved:

- The detective constable who took the lead during the joint visit and closed the case 13 months later with a false entry, having carried out no investigation, was found to have a case to answer for gross misconduct. She left the force but a hearing was carried out in her absence. She was found to have breached the Standards of Professional behaviour in respect of 'honesty and integrity' and 'duties and responsibilities'. The decision was reached that she would have been dismissed had she still been a serving officer. The panel also decided she be put on the barring list over concerns about her integrity and capabilities.
- There was no case to answer for the inexperienced police constable who also went on the joint visit.
- The member of police staff who marked the task not meant for her as complete, without checking it, received management action.
- The detective sergeant who was the supervisor of the detective constable and the police constable and who should have reviewed the investigation, was found to have a case to answer for misconduct for breaching the Standards of Professional Behaviour in respect of 'duties and responsibilities'. A misconduct meeting was considered unnecessary. He was given management action to remind him of the importance of conducting initial reviews for cases allocated to his staff, and to seek clarity from his staff following joint visits to make sure any decisions are appropriately challenged where required.
- The detective sergeant who was mistakenly allocated the case and had it sit with her for 13 months, was not found to have a case to answer for misconduct. She was required to attend a first stage unsatisfactory performance procedures meeting to remind her to regularly review all cases allocated to her, to make sure her assigned case load is accurate and correct, and there are no outstanding high-risk matters mistakenly assigned to her.

- **Read the full learning report**

CASE 4

SELF-HARMING INCIDENT IN CUSTODY



Around midday, a police officer was told a 16-year-old man had committed criminal damage at his care home and was missing.

The young man was arrested at the home of his girlfriend's mother around half an hour after the officer became aware of the incident. He was cautioned and taken to the police station.

The custody sergeant booked the young man into custody and made a risk assessment. The young man said he had been drinking, taking drugs, and social services had parental responsibility for him. A police sergeant noted the young man needed an appropriate adult, safeguarding, and had warning markers for anxiety and self-harm. The police sergeant carried out a Police National Computer (PNC) check. This revealed warning markers for violence, weapons, drugs and mental health. The police sergeant set the observation level to level one with visits every 30 minutes.

The young man was taken to a juvenile cell with CCTV.

The young man told the police sergeant he was feeling unwell and 'on a come down'. The police sergeant requested a health care professional (HCP). The young man's girlfriend's mum was identified as his appropriate adult.

The HCP visited the young man and confirmed level one checks were appropriate.

At around 3pm, the police sergeant handed over to a different police sergeant. The new police sergeant was told the young man was a juvenile in care with historic self-harm and anxiety.

Around half an hour later, a detention officer visited the young man in his cell and made a bloc record in the custody log for a number of cell checks. The detention officer said he did this because it was difficult, for example, to visit 14 cells and make 14 different entries given the time it would take to add an entry on the force system.

Soon after, the young man asked how long it would be before he was interviewed. He was told no timeframe had been set. The young man responded by saying if it took too long, he would take his own life.

The police sergeant stated this did not make him change the risk assessment or observation levels because there was nothing to confirm the claims and no additional information that would change the level of risk. He said he thought this was a conditional threat dependent on the timeframe for the interview. At around 4.30pm, a detention officer visited the young man for two seconds. A few minutes later another detention officer took the young man to the toilet and left him alone for 52 seconds. He was taken back to his cell.

College of Policing Authorised Professional Practice (APP) – levels of observation

Level 1 observation

Following full risk assessment, this is the minimum acceptable level of observation required for any detainee. It includes the following actions:

- The detainee is checked at least every hour (the risk assessment is updated where necessary)
- Checks are carried out sensitively in order to cause as little intrusion as possible
- If no reasonable foreseeable risk is identified, staff need not wake a sleeping detainee (checks of the sleeping detainee must, however, continue and if any change in the detainee's condition presents a new risk, the detainee should be roused)
- If the detainee is awake, staff should communicate with them

Find out more:

www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/#levels-of-observation

Police and Criminal Evidence Act (PACE) Code C

Risk assessments must follow a structured process which clearly defines the categories of risk to be considered and the results must be incorporated in the detainee's custody record. The custody officer is responsible for making sure those responsible for the detainee's custody are appropriately briefed about the risks. If no specific risks are identified by the assessment, that should be noted in the custody record.

Find out more:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/826813/PACE-Code-C_2019.pdf

Shortly after returning to his cell, CCTV showed the young man removing his t-shirt. He ripped it to make a number of strips that he tied around his neck and hands. He did this for around 45 minutes. During that time, one of the detention officers visited the cell for three seconds. He went to the cell door and moved the metal hatch covering the window. CCTV showed the young man was sitting opposite the cell door tearing his t-shirt. The detention officer recorded the young man was awake and appeared ok.

Shortly after, the young man was seen on CCTV placing a ligature around his neck. He gestured as though he were tying it in a knot before removing it again.

At around 5.30pm, a detention officer visited the young man in his cell. The young man handed some ligatures to the detention officer after a conversation that was not captured on audio.

The detention officer who made this check told the police sergeant he had taken a neck scarf from the detainee and he was suicidal. The police sergeant told the IOPC he considered that by removing the scarf, he had removed the threat. He also said if he had known it was a ripped t-shirt, it may have caused him more concern.

The young man removed a further ligature from under the blankets of his bed and tied it around his neck.

At around 6.05pm, the young man was taken to an interview room with his solicitor and appropriate adult (his girlfriend's mum). During the interview, the young man became agitated and involved in a struggle with the interviewing officer. The young man ran out of the interview room and the interviewing officer stated he was worried about the young man's safety. He tried to bear hug him, however, he was unable to use the young man's

Police and Criminal Evidence Act (Code C) – Annex A – intimate and strip searches

When strip searches are conducted:

- (a) a police officer carrying out a strip search must be the same sex as the detainee (see Annex L);
- (b) the search shall take place in an area where the detainee cannot be seen by anyone who does not need to be present, nor by a member of the opposite sex (see Annex L) except an appropriate adult who has been specifically requested by the detainee;
- (c) except in cases of urgency, where there is a risk of serious harm to the detainee or to others, whenever a strip search involves exposure of intimate body parts, there must be at least two people present other than the detainee, and if the search is of a juvenile or vulnerable person, one of the people must be the appropriate adult. Except in urgent cases as above, a search of a juvenile may take place in the absence of an appropriate adult only if the juvenile signifies in the presence of the appropriate adult that they do not want the appropriate adult to be present during the search and the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

Find out more:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/826813/PACE-Code-C_2019.pdf

legs as leverage. This resulted in the young man head butting the wall.

The interviewing officer hit the panic alarm and several officers went to the cell. One of the officers saw the young man head-butt the floor. The young man was taken back to his cell.

When he was alone in his cell, the young man tied a ligature around his neck and pulled the ends tight. An officer entered the cell and tried to remove the ligature, before pressing the panic button. Two officers entered to help but were unable to remove the ligature.

A detention officer entered the cell and gave one of the officers a safety knife to cut the ligature. The police sergeant was able to calm the young man down by saying they were dealing with his criminal damage charge.

The police sergeant authorised a strip search of the young man. He said this was to remove an article the detainee was not allowed and put him in an anti-harm suit. A female officer was present in the cell for the first five seconds of the strip search. The young man's appropriate adult was not present during the search. When asked about this, the police sergeant said it was because he believed there was an immediate risk of harm to the young man. Therefore, he was allowed to strip search him without an appropriate adult.

The strip search was carried out in a room covered by CCTV with the door open.

The young man removed his upper body clothing and one of the officers gave him anti-harm clothing. He put the replacement top on before removing his bottom half clothing. The young man can be seen on CCTV trying to hide his body behind the anti-harm shorts and a blanket. The custody sergeant told the IOPC he was not searching the young man while he was changing.

The young man was never seen by a HCP during his time in custody or before his release at around 10pm. A HCP arrived in custody within an hour of being called, but other detainees were prioritised.

The police sergeant noted on the online risk assessment before releasing the young man that he had suicidal or self-harm tendencies, and had tied a ligature around his neck during his time in custody. He also noted social services had been informed and he would remain in the care of his girlfriend's mum ●

Key questions for policy makers/managers:

- How does your force make sure strip searches are carried out so that no one (except an appropriate adult) can see?
- How does your force make sure strip searches involving juveniles or vulnerable adults always take place with an appropriate adult, except where the searched person gives permission and the appropriate adult agrees?
- How does your force make sure risk assessments about people kept in custody are regularly reviewed?
- What guidance do you give to officers on assessing the risk to children and young people brought into custody, and does this differ to guidance given to officers on assessing risk in relation to adults?
- How does your force make sure officers of a different sex are not present when someone is strip searched?

Key questions for police officers/staff:

- Would you have considered placing the young person on constant observation?
- Would you have done anything differently after the young man threatened to take his own life?
- Would you have done anything differently when the young man was first booked into custody, specifically the risk assessment?

➤ **Read the full learning report**



Giving young people a voice in the IOPC



Lizzy Jones, Senior Stakeholder Engagement Manager, IOPC



Tom Jones, Stakeholder Engagement Officer, IOPC

For 15 years we have tracked the public's confidence in the police complaints system. Consistently, the data has indicated young people and black and minority ethnic communities have the lowest confidence. Young people are also least aware that an independent body oversees the complaints system.

We wanted to better understand the drivers of low confidence amongst young people, the barriers preventing them from making a complaint, and to get advice from young people on how we could build their trust. We also wanted to create a long-term, structured means for young people to have a voice in the IOPC to both inform and scrutinise our work.

In January 2018, with the help of Leaders Unlocked, we set up the IOPC youth panel, comprised of 28 young people aged 16-25 with a diverse range of backgrounds and life experiences. Our youth panel co-led consultation events with more than 800 of their peers from across England and Wales. At the end of their engagement, they presented us with a report setting out what they had heard about the barriers and influences affecting young people's trust in the police complaints system.

Their findings across five themes are pertinent not only to the IOPC, but to everyone working in policing.

The youth panel found a significant issue with **powerlessness** in the face of authority. Young people felt they may not be taken seriously, or even believed, by those in positions of power, owing to their age and lack of status.

One of the key factors behind this sense of powerlessness is that many young people do not understand the role and powers of the authorities they interact with, nor do they understand their rights in relation to these authorities, particularly the police. Young people did not understand police powers, what constitutes misconduct, nor their rights in relation to police conduct. Many young people said they would be afraid of complaining, fearing the consequences and repercussions from the police and their communities.

“ While exploring the dynamics of trust, the youth panel found that many young people simply do not trust authorities, especially the police. ”

Young people had doubts about the IOPC's relationship with the police, and whether we exert sufficient power over the police to achieve real justice for citizens affected by misconduct. They did not feel they could trust the complaints process, as it requires a young person to first lodge their complaint with the force they feel wronged by.

The youth panel found that identity and diversity characteristics, in particular age, ethnicity, class, gender, sexual orientation, and lived experience, had a real impact on trust and confidence. Young people from **marginalised and minority groups** felt less likely to be believed and more likely to be discriminated against when making a complaint.

Young people also highlighted the key role of **social media and wider social influences**. Young people told us negative stories and images of police conduct spread very rapidly on social media, with posts and videos going viral, and contributing to a skewed picture of reality.

Young people commented that social media may fuel a negative perception of the younger generation on the part of the police. Among young people in general, and those from ethnic minority communities in particular, the panel found many young people would avoid any contact with the police for fear of being labelled a snitch. In some communities and cultures, young people said any association with the police would be seen as unacceptable. As a result, in some cases young people may be dissuaded from making a complaint by family members.

The youth panel found there are some practical barriers facing young people who may want to make a complaint. Young people said they would not know where to go to make a complaint and, when the complaints process was explained to them, the panel found the process itself may deter young people from complaining. Young people expressed concern about the length of time it would take, whether they would understand the language and the steps involved, and the perceived hassle of the procedure. There were also concerns there may be particular barriers for those with learning difficulties, mental health issues, and English as a second language. Overall, the youth panel concluded more should be done to make the police complaints system more **inclusive, accessible and visible** to individuals across the youth population.

The youth panel made a number of recommendations to the IOPC, relating to communications and social media, community engagement, and diversity and people, which we are committed to addressing. This year, the panel has created a quick guide to the complaints system, advised us on the impact on young people of a high-profile stop and search case, assisted with the recruitment of key public-facing roles, and co-edited this issue of Learning the Lessons! Their challenge and advice on these projects and several others has been invaluable and we look forward to working closely with them in 2020.

Lizzy Jones is Senior Stakeholder Engagement Manager at the IOPC

Tom Jones is an IOPC Stakeholder Engagement Officer and leads our youth panel work. Tom has over 10 years experience in youth and community work, working with some of the most underprivileged communities in the country.



Two years on: Bringing the voice of young people into the IOPC's work

IOPC youth panel members speak to IOPC Director General Michael Lockwood two years on from the launch of the IOPC youth panel. They find out how panel members are influencing the IOPC's work.



Michael Lockwood became the IOPC's first Director General when the organisation launched in January 2018. Michael was previously Chief Executive of the London Borough of Harrow.

Following the fire at the Grenfell Tower in June 2017, Michael was asked by the government task force to lead on recovery and remediation work, as well as acting as the main interface with bereaved families, survivors and the wider community.

What impact has the youth panel had on the IOPC?

A huge one! The youth panel has been up and running since January 2018. It has made a really great impact on our work across a number of areas. The report they produced, following conversations with more than 800 other young people, gave us very clear advice about what young people think about the police complaints system and what they consider gets in the way.

On a more practical level, the panel helped us in a number of areas, such as how we can better use social media to engage young people, and the recruitment processes for key members of staff. All our staff who worked with the youth panel were really impressed by their enthusiasm, drive and commitment to help make a difference.

Which of the themes discussed in the youth panel's report did you find powerful or interesting, and why?

What really struck me was the panel's description of feeling powerless in the face of authority. It cannot be right young people feel as though they are not listened to by those in power, purely because of their age. This is an area I am really keen for us to address in relation to the police complaints system – I want all young people to believe if they have concerns about the way in which they have been treated by the police, they can raise these matters and trust they will be dealt with in a fair and transparent way. I am hopeful our continued work with the youth panel, and more broadly, will help us improve access to, and belief in, the system for young people.



What is the IOPC doing to build on the engagement work with young people that the youth panel started before launching its report?

We are taking on board the very practical feedback we were offered by the panel since they started our work with us. We are looking at how we use social media, the information available on our website, and how this is perceived by young people.

One of the ideas from the panel was to produce a young person's guide to the complaints system to make it easier to understand and access. This is something the panel have helped us to develop over recent months.

We are also looking at ways we can engage young people on issues of importance to them. For example, we held a couple of stop and search-focused events. Those with real experiences of being stopped have shared their feedback with us.

I was also really struck by the simple checklist for police officers, put forward by youth panel members, for use during stop and search/stop and account (which you can find in issue 33 of Learning the Lessons). Following simple guidance like this could start to make a real impact on the way in which the police are perceived by young people. We are only at the start of the journey, but will continue to work hard on this important area. I am really keen we make great improvements here.

What is the IOPC doing to improve the presence and representation of young people within its staff?

I am pleased to say we are already doing quite a lot. We offer apprenticeships within the IOPC, and although these can be undertaken by people of any age, they give young people with limited experience the opportunity to join us in a range of departments, such as human resources, operations, legal and ICT.

In summer 2020, we will offer the opportunity for people to undertake internships with us. This will be another great way for young people to get experience in the work place, while they earn money.

We also just completed a series of taster days for university students at a handful of universities around the country. We talked about our organisation and what a career with us could look like. We also offered some pointers about how to succeed at interview.

CASE 5 CONCERN FOR WELFARE OF A MINOR



A man called the police to report concerns about his 17-year-old daughter and her place of work. In particular, the people who worked there and “what [he’d] been told goes on above the takeaway”. He told the call handler his daughter was vulnerable as she had learning difficulties, had moved out of her mother’s home, dropped out of college, and started hanging around with a different crowd. He told the call handler the family were not aware of where his daughter was living and she had not been seen at her place of work.

The call handler had received training in THRIVE risk assessments and vulnerability.

“ The man made references to Rotherham, Rochdale, Oxford, child sexual exploitation and grooming during the call. ”

The man told the call handler “you know if you put everything together”. The call handler replied “I know what you’re pointing to and it’s the warning signs.”

The call handler told the man she would carry out intelligence checks for any police interest in his daughter’s place of work, and also check whether his daughter had come into police care or was on any police systems.

The call handler contacted her supervisor. Her supervisor told the IOPC the call handler told him the man was concerned his daughter was working long hours in the takeaway. The call handler confirmed intelligence checks had been carried out on the girl and her workplace with no results. The supervisor told the IOPC he directed the call handler not to create an incident log as he believed no police action was necessary.

The supervisor later acknowledged, having seen a transcript of the call, had he known about the girl’s learning difficulties and clear concern expressed by the man, he would have recommended a different course of action, including police attendance.

The call handler told the man no police action would be taken and recommended the man should go to his daughter’s workplace himself.

The call handler told the IOPC in hindsight she believed she should have liaised with social services to find out where the girl was living. She stated she believed there was no policy on the responsibilities of social services and the police if there is a concern for welfare of a young person.

No further action was taken by the call handler.

Around a month later, the man called the police again. He reported he had been told his daughter had been raped by someone at her work ●

College of Policing Authorised Professional Practice (APP) – police response to concern for a child

An investigation begins with a report of child abuse. Officers and police staff should establish as much detail as possible to support a thorough investigation. A victim or witness making a report of child abuse may not always identify it as such. Police officers and staff need to ask relevant questions and clearly identify reports as child abuse.

Find out more:

www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/concern-for-a-child/#information-for-an-initial-report



Key questions for policy makers/managers:

- What does your force policy say about working with social services where a concern for welfare of a minor is found?
- How do you make sure call handlers ask the right questions to identify where people may be at risk of child abuse?
- How does your force make sure information from initial calls is accurately relayed to supervisors?

Key questions for police officers/staff:

- If you were the call handler, what other questions would you have asked to gather more information about the risk to the man's daughter and/or her whereabouts?
- What other action could the call handler have taken to establish the risk posed to the man's daughter?
- Would you have done anything differently in response to this incident, knowing the young person's mental health or learning difficulties?

Outcomes for the officers/staff involved:

- The call handler was found to have no case to answer for misconduct over the allegation she failed to consider the man's concerns about his daughter. The IOPC recommended the call handler may benefit from informal management guidance to be more aware of risk and vulnerability in future and to make sure she raises concerns with supervisors in detail.
- **Read the full learning report**

CASE 6

CONTACT BETWEEN A MINOR AND A REGISTERED SEX OFFENDER



A 16-year-old man called 999 to report he was being emotionally blackmailed for sex. The call was answered by a police constable who worked as a resource allocator dispatcher (RAD) in the force control room.

The officer recorded the young man did not know who the offender was, and had received text messages and a phone call from the offender.

The officer had experience of working in a response function, but did not take 999 calls full-time and had not had any training in handling 999 calls despite regularly performing this role.

The officer's role was mainly on the service desk dealing with checks for other officers. However, the role had evolved to include taking 999 calls.

The officer advised the young man to contact his network provider to block the number he was being contacted from. The officer advised the young man he would make enquiries about the phone number he was contacted from. The officer recorded an entry on the incident log summarising the conversation he had had with him. He recorded a risk assessment which stated he did not believe there was an inherent risk, and no vulnerability had been disclosed.

College of Policing Authorised Professional Practice (APP) – information and intelligence checks

Information and intelligence checks of all available databases are critical to effective investigations and safeguarding children. These checks should apply to all individuals relevant to an investigation. The information gathered should be recorded. Violent or sexual offences committed against victims of any age by a child abuse suspect are relevant, in addition to any other offences that may influence an assessment of risk. Information on the circumstances of each offence will assist in determining the extent of risk presented.

Depending on the circumstances and what is proportionate to the situation, checks should include the following databases or systems:

- Integrated Children's System, Contact Point and any local systems for accessing information about children who are the subject of child protection plans
- PNC
- ViSOR
- PND
- Child abuse investigation unit database (or equivalent database for recording concerns for children)
- Local databases
- Missing Persons Index
- Young Offenders Index
- Force intelligence systems
- Force control room records for any related incidents occurring within a specified area and at relevant addresses
- Records of crimes and other incidents in respect of relevant addresses and individuals
- CEOP Child Exploitation Tracking System searches relating to identified email addresses, user names and associated relevant information
- Childbase
- European and international

Find out more:

www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/police-response/information-management/#information-and-intelligence-checks

Previous entries on force systems showed the young man had low-level autism and learning difficulties. The officer who took the call did not check the force systems, and therefore did not know about the young man's autism and learning difficulties.

The officer also did not ask the young man's date of birth and therefore was not aware he was a child. The officer accepted he would usually always ask a caller for their date of birth.

The officer who took the call had received safeguarding training between five and ten years before. The force told the IOPC they did not have any policy or guidance on how often officers should complete training on safeguarding, except for officers in specialist roles.

The officer who took the call did not carry out any intelligence checks on the telephone number which had sent the text messages, despite telling the young man he would do so. He told the IOPC he did not do this because he did not see any reason to pursue the call further.

Approximately three weeks later the young man made a second 999 call and spoke to a different call handler. He reported a man was blackmailing him for sex and said he was due to meet the man the following day. He asked if police could go with him to arrest the man. During the call he disclosed he had had a sexual relationship with the man and the man was threatening to tell his mother. He gave a phone number - which was the same one given to the officer who took the initial call three weeks before.

The call handler who took the second call carried out intelligence checks on the young man and recorded on the incident log he had low-level autism, and he was clearly very vulnerable and reluctant to give any information.

Further checks carried out on the phone number indicated the possible identity of the offender.

The call handler recorded on the incident log the suspect was a registered sex offender in breach of his sexual offenders prevention order (SOPO). He was not allowed internet access or unsupervised access to anyone aged 16 or under. This information would have been revealed earlier if intelligence checks had been carried out following the initial call ●

Key questions for policy makers/managers:

- How does your force make sure all officers and staff who handle 999 calls are trained to do so?
- What policy or guidance does your force have about how often officers and staff should complete safeguarding training?
- What guidance does your force have about the questions that should be asked when handling a 999 call?
- How do you make sure adequate intelligence checks are carried out as part of potential child abuse incidents?

Key questions for police officers/staff:

- What other questions would you have asked if you took the initial 999 call?
- What other action would you have taken if confronted with this incident?

Action taken by this police force:

- The force implemented mandatory training to make sure officers and staff working within contact centres were confident in taking 999 calls and dispatching resources.
- Officers and staff received training in THRIVE+ risk assessment model.

Outcomes for the officers/staff involved:

- The officer who took the initial call was found to have a case to answer for misconduct. This was for failing to carry out system checks and ask questions to enable a full risk assessment to be carried out. The officer attended a misconduct meeting, received management advice, and was required to undertake individual learning.
- **Read the full learning report**

HINTS AND TIPS FOR OFFICERS

The youth panel has developed tips for officers covering a number of possible scenarios where officers might come into contact with young people. This follows positive feedback on the stop and search tips that youth panel members developed for issue 33.

Tips for when you come into contact with young people

Remember I am a young person – this might be my first contact with the police, I might not know my rights, I might be scared, and I might not react the same way as an adult would in the same situation.

Do not assume my age based on how I look – I might be younger than you think. Ask me if you are not sure.

Talk to me in a way I can understand what you are saying – do not assume I speak English proficiently. Use plain English, but do not talk down to me.

Do not jump to conclusions – try to see the full picture, understand my point of view, how I am feeling, and what I need. Try not to make assumptions about my involvement in something until you have some evidence.

Signpost support that might be available to me – whether that is an appropriate adult, or support offered by another agency or organisation.

Make sure I am safe – if you think I am vulnerable or at risk of harm, ask me if there is anything I need, or anything you can do to help.

Reflect on your contact with young people – think whether there is anything you could do differently next time you are in the same situation.

If you think you have seen or dealt with me before

Do not assume the worst – keep an open mind. I might not have done anything wrong.

Do not judge me based on who I am associated with – there will be people in my family, people I grew up with, or people in my neighbourhood who are involved in things that I am not a part of or that I do not agree with.

If I am a victim of a crime

Listen and take me seriously.

Try to recognise the courage it took for me to tell you about what happened – avoid shaming and blaming me.

Keep an open mind – do not use my past to judge me.

Make sure you keep me informed – let me know what to expect from the process, and keep me informed of progress.

If I am in crisis

Treat me with calmness and sensitivity – recognise I might be scared, afraid, distressed or angry.

Make sure I am safe – help me get the support I need, and be solution focused.

Explain what is happening – tell me what my options are, what is going to happen next, and what support is available to me.

If you are stopping and searching me or using stop and account

Be sensitive to where you are stopping me – do not humiliate me in front of friends, family or work colleagues.

Tell me why you are stopping me – use GOWISELY and check I understand what you have told me.

Tell me if you are recording the stop on body worn video.

Treat me with respect – do not talk down to me or be aggressive.

Give me a record of the stop or tell me where I can get it.

Let me know how I can provide feedback – tell me how I can make a complaint or provide feedback if you can see I am unhappy.

Apologise if you do not find anything.

The tips around stop and search formed part of an article developed by the youth panel. This first appeared in Learning the Lessons 33 (stop and search). This was published in November 2018.

If you come to my home to deal with a matter involving someone else

Remember you are entering someone's home and someone's personal space – people might not always welcome your presence, it might make some people upset, distressed or angry.

Think about how you deal with the people who are present – be calm, explain what is happening, treat people with respect, and think about how other people not directly involved are being effected.

Try to avoid making assumptions – do not assume everyone in the house is a criminal or involved in what has happened.

If I am taken into police custody

Consider whether custody is the right place for me – try to keep my time in custody to a minimum.

Make sure I have appropriate support – provide me with access to an appropriate adult or any other support I might need.

Explain what my options are – tell me when I can call parents or carers.

Explain my rights – remember it might be my first time in custody.

Explain how I can contact you when I am in the cell, when I will get food and drink, when you will check on me, how I can get access to washing or sanitary products, and what I need to do if I am feeling unwell.

Do not be afraid to ask me how I am feeling – I might not always be calm and polite but it might help you to identify if I am vulnerable, distressed or struggling to cope with my time in custody.

If there is noise and disruption elsewhere in the custody suite, check how it has affected me when it is safe and appropriate to do so.

If you want to involve me in oversight and scrutiny of police practice

Help me to be properly involved – provide me with suitable support and training, and think about how you can remove the barriers which might stop me being fully involved.

Respect me, my ideas, and my lived experience – do not patronise me or talk down to me. Recognise I might have experienced things that you have not, and do not know about.

Be inclusive – try to involve a diverse range of young people. Do not just target the obvious volunteers, but look at how young people can remove the barriers to young people's participation.

Involve young people in the design and delivery of projects – ask us how we want to be involved, what good looks like for us, and think about how we can benefit from involvement.

Be realistic about the impact we can have – help us to understand how we can make a difference, and be realistic about the limitations.

If I want to make a complaint or provide feedback about my contact with the police

Make sure information about how I can complain or provide feedback is easy to access – this might include being visible on stop and search forms, in custody suites, police station front offices, force websites, or other places where I might find information (either locally or online).

Let me know who else can provide me with support and advice on how to make a complaint – signpost the IOPC and any organisations working locally who can help me to make a complaint.

Keep in touch with me if I make a complaint – let me know you have received it, what the next steps look like, keep me updated on progress, and let me know if I have a right of appeal at the end of the process.

Be realistic about the outcomes – tell me what you think is likely to happen next.

CASE 7

BODY WORN VIDEO DELETED AFTER SEARCHING 17-YEAR-OLD



A woman called the police at around 7.40pm to report various matters, including the behaviour of her son's friends. They were 17-year-old and she believed drugs were being taken at her house. Around an hour later, the woman called police again to report her daughter had been assaulted.

A few hours later two police officers arrived at the woman's house. One of the officers was a student constable with a couple of weeks' experience. This officer was under the direct supervision of the other officer, who was his tutor constable. Soon after arriving, the officers searched one of the young men at the house under Section 23 of the *Misuse of Drugs Act*. One of the officers noted there was a knife on the floor between the young man and the officers.

The young man who was searched told the IOPC the officers did not say which police station they were from before carrying out the search. The officer who carried out the search recorded in his daily feedback form he had gone through the 'GO WISELY' process with the young man before searching him. However, the search record was not endorsed to state GO WISELY had been given.

Both officers grabbed the young man. One of the officers pinned him on the bed and handcuffed him, while the other officer gave four distraction strikes to his back. Following the strikes to his back, the officer who used them was asked why he had done it. He replied "because you're acting like a f*****g dickhead". The officer claimed he struck the young man close to his shoulder blades as distraction strikes are meant to stun muscle groups. A nurse examined the young man eight days after the incident and only found bruises to his rear right loin area, close to where the kidneys sit. Neither officer completed a use of force form. The officer who gave the strikes to the young man's back acknowledged he advised the other officer not to complete a use of force form. He did so because he did not believe the use of force he had used required one. The same officer who had struck the young man acknowledged he recorded the incident on body worn video camera.

However, he admitted he deleted the footage of the incident approximately five days after. He stated he showed the footage to his line manager before deleting it, to which his line manager described the use of force as "not pretty but not unlawful". He stated he deleted the footage because he did not believe the incident would be subject to a complaint as usually complaints are received within 24 hours of an incident. Force policy stated officers should keep material for 31 days when they believe an incident is likely to be subject of a complaint.

The officer's line manager said he did not take any steps to make sure the body worn video footage was kept because he believed officers were aware footage should be downloaded to force servers as soon as possible.

The woman who initially called the police asked for the young man who was searched to be removed from her house. The officers agreed to take the young man home, keeping him handcuffed to the rear in the police vehicle. Eventually they moved the handcuffs to the front as this was more comfortable. The student constable prevented the young man from using his phone in the car and kept him handcuffed until he was dropped off at his home. It is not clear under which power the officer was preventing the young man from using his phone. The student constable denied the detention of the young man in this way was unlawful ●

Key questions for police officers/staff:

- What does your force policy on body worn video say about keeping footage?
- How does your force make sure officers are aware of the circumstances in which use of force forms should be completed?
- How do you make sure officers and staff are aware of the need to complete use of force forms to record force used?

College of Policing Authorised Professional Practice (APP) – stop and search

GOWISELY

- G** A clear explanation of the officer's **GROUND**S for suspicion, eg, info/intel or specific behaviour of person
- O** A clear explanation of the **OBJECT** and purpose of the search in terms of the article being searched for
- W** **WARRANT** card, if not in uniform or if requested
- I** **IDENTITY** of the officer(s): name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number
- S** **STATION** to which the officer is attached
- E** **ENTITLEMENT** to a copy of the search record within three months
- L** **LEGAL** power used
- Y** **YOU** are detained for the purpose of a search

If the person understands the reasons for an officer's action, they are more likely to accept it and not see it as arbitrary or unfair. To maximise the person's understanding before starting the search, officers exercising stop and search powers must adopt the following steps in accordance with **GOWISELY**:

- identify themselves to the person
- show their warrant card if not in uniform
- identify their police station
- tell the person they are being detained for the purpose of a search
- explain the grounds for the search (or authorisation in the case of section 60 searches)
- explain the object and purpose of the search
- state the legal power they are using
- inform the person they are entitled to a copy of the search record and explain how this may be obtained

Find out more:

www.app.college.police.uk/app-content/stop-and-search/professional/

Key questions for police officers/staff:

- If you were the police officer's line manager, what steps would you have taken to preserve the body worn video footage?
- What steps would you have taken to talk to the young people/de-escalate the situation before using force?
- How do you make sure you avoid jumping to conclusions when dealing with suspected offenders?

Outcomes for the officers/staff involved:

- The officer who struck the young man and deleted the body worn video footage had a case to answer for gross misconduct. The officer attended a misconduct meeting and received a written warning.
- The officer who searched the man had no case to answer for misconduct as he was in the early stages of training and under the direct supervision of his tutor constable.
- The officer's line manager, who took no steps to preserve footage on the body worn video camera, had a case to answer for misconduct and received management action.
- **Read the full learning report**

National Police Chiefs Council (NPCC) use of force monitoring form: guidance (2017)**When to record use of force:**

- A record is to be completed as soon as is practicable and preferably within the tour of duty the force was used. If you are going on a period of leave then this should be completed before you go.
- Each member of staff is required to record their own use of force. A record is to be completed when an individual officer or member of police staff uses force. If an officer / member of police staff uses force on more than one person, a new report will be completed for each person on whom force is used.
- Recognising the potential lack of detail, one record should be completed where force has been used over a period of time against person/s not subsequently apprehended in a designated public order event.
- Where the incident does not occur in your home force area, officers should complete their own force's records.

A record is to be created when one of the following techniques or tactics is used:

- Handcuffing (compliant)
- Handcuffing (non-compliant)
- Unarmed skills (including pressure points, strikes, restraints and take downs)
- Use of dogs
- Drawing or use of baton
- Drawing or use of irritant spray
- Limb / body restraints
- Spit guard
- Shield
- Conductive Energy Device (C.E.D. currently TASER - in any of the seven categories of use)
- AEP: aimed or discharged
- Firearms: aimed or discharged
- Other / improvised

Find out more:

www.npcc.police.uk/documents/Operations/Guidance%20on%20Use%20of%20Force%20Data%20V4Mar18.pdf

CASE 8

16-YEAR-OLD BECOMES UNWELL IN CUSTODY



At around 10am, police were called to an address where they arrested a young man on suspicion of using violence to secure entry. Officers thought he was an adult due to his physical size and build. They only found out much later he was actually 16. His family told officers they were concerned he had taken an illegal substance.

The officer said the young man was agitated and aggressive. They said he shouted abuse at officers and resisted them. The officers' put handcuffs and leg restraints on him and he had to be carried to the police vehicle. Once at the station, he remained handcuffed in the front-stack position. He was carried directly to a cell with the help of the custody sergeant.

In his cell, he was restrained face down on the mattress by at least three officers. The custody sergeant told an officer to control the young man's head. Officers said they tried to use a brief moment of calm to tell him why he was being arrested.

The custody sergeant noted the young man's breathing was laboured and grunting. He suspected he had taken drugs. He interpreted the brief calm as the young man becoming exhausted.

The officers maintained the assumption the detainee was older than he actually was due to his size and strength. A strip search was authorised as he had been violent and officers suspected he had taken an illegal substance. During the strip search, officers were stationed at and trying to control the young man's legs, hands, arms and head. The officer at his head monitored his breathing and directed the pace of the search. The young man remained relatively calm while officers put him in anti-harm shorts.

The situation deteriorated rapidly when officers tried to remove the young man's top. They said he would not cooperate with the removal of his handcuffs. An officer applied pressure points to his neck and they gained enough control to remove his upper body clothing.

Authorised Professional Practice (APP) on the prone position and positional asphyxia

When a detainee is restrained in a prone position, a safety officer should be responsible for monitoring the detainee's conditions, particularly the airway and response, protecting and supporting the head and neck. That person should lead the team through the physical intervention process and monitor the detainee's airway and breathing continuously. Care should also be taken not to place pressure on a detainee's chest or obstruct the airways.

Find out more:

www.app.college.police.uk/app-content/detention-and-custody-2/control-restraint-and-searches/#the-prone-position-and-positional-asphyxia

Authorised Professional Practice (APP) on monitoring in custody

A detainee who is restrained, including restraint using mechanical equipment, should be under constant observation (level 3) or in close proximity (level 4) so that officers and staff can monitor all vital signs and make appropriate intervention if a medical emergency arises.

This supervision may also involve being:

- in the cell with the restrained detainee
- in the cell with the detainee and physically restraining them
- outside the cell and observing the detainee through the open cell door or a see-through door

Find out more:

www.app.college.police.uk/app-content/detention-and-custody-2/control-restraint-and-searches/#monitoring-in-custody

Officers told the IOPC the young man actively resisted when officers tried to put his handcuffs back on. They said he kicked out several times and broke free of the officer who was trying to control his legs.

Officers placed the young man into a crossed leg restraint and handcuffed him. They said he continued to struggle and fight.

Officers later said they worried they would get hurt if they could not control the young man. The officers discussed the risks of leaving him handcuffed in the rear-stack position. The custody sergeant said it was okay to leave him with the handcuffs on for the moment as the officers were going to stay outside of the cell with the hatch down and monitor him.

The officers closed the cell door and the custody sergeant started immediate observations through the spy hole and hatch. He later said his reason for doing so was the young man was exhausted and wearing handcuffs.

At 10.33am, CCTV showed the young man continuing to cough, grunt and breathe heavily. Although his legs were moving at first, he gradually got quieter and quieter until he appeared silent and still. Then he appeared to stop.

The custody sergeant quickly entered the cell and put the young man in the recovery position. He was unable to find a pulse in his wrist but found a pulse in his neck. He could not feel the young man breathing so he requested an ambulance and first aid equipment. He rolled the young man onto his back. He began breathing again.

Officers later said the young man seemed groggy and was coughing a lot as they tried to keep him calm.

The ambulance crew arrived but officers said the young man was still aggressive. The paramedics could not confirm if he had actually lost consciousness or not, but they stayed with him until they were satisfied he was fine.

It was around this time the officers became aware of the young man's age.

The custody sergeant decided to leave the young man for ten minutes to see if he would calm down. He placed him under level four observations with two officers outside the cell door. The young man's handcuffs were removed.

After 20 minutes, the custody sergeant heard a commotion from the cell. He saw on CCTV that officers were once again struggling. He went to the cell and activated the emergency alarm.

Officers said the young man became aggressive again. He stood up and officers said they believed he was either going to assault them or try to escape from the cell. An officer pushed him back into the cell.

He was handcuffed to the rear with leg restraints. The custody sergeant tried to de-escalate the situation and asked the young man what was annoying him. He said the restraints were bothering him so the custody sergeant agreed to move the handcuffs to the front position.

However, the young man tried to remove his leg restraints. The custody sergeant told him if he carried on trying to remove the restraints, he would have to move the handcuffs back. The young man kept trying so the handcuffs were moved.

The young man was placed on double constant police supervision with the door closed. He was in the cell, handcuffed to the rear with leg restraints on, and laying on his side with officers watching him.

At 1.37pm, the custody sergeant returned to the cell and talked to the young man. He found out he had not taken any drugs and had no history of self-harm. He was able to build a rapport with him and return his clothes. The young man calmed down to the point he did not need to be restrained. He was moved to level three – constant observation.

He remained calm throughout a visit from a healthcare professional and for the remainder of his custody ●

YOUTH PANEL COMMENT

Use your initiative – check about age

Key questions for policy makers/managers:

- Does your force provide officers with training or guidance covering positional asphyxia, and the circumstances during restraint where risk may be heightened?
- How does your force tackle unconscious bias relating to age or other factors based on physical appearance?

Key questions for police officers/staff:

- If you are unsure about the age of someone in custody, what steps would you take to try and find out their age?
- Where would you identify points of heightened risk of positional asphyxia?
- Would you have done anything else to reduce the risk of positional asphyxia?



Action taken by this police force:

- The force has included this case as a case study in personal safety training courses delivered to custody staff.

Outcomes for the officers/staff involved:

- The custody sergeant was found to have a case to answer for misconduct in relation to:
 - Telling the police officers who restrained the young man in his cell to leave the cell, and leaving him in a prone position while still handcuffed to the rear (knowing that he was showing signs of exhaustion).
 - Monitoring him through the spyhole and then through the hatch. This was inappropriate as he was on level four observation – close proximity, and still handcuffed to the rear in a prone position.
- The force disagreed with the decision that there was a case to answer for misconduct. They suggested dealing with the issues raised through a team debrief and to use the case as a case study in future training. The IOPC agreed this was appropriate.
- **Read the full learning report**



Children and appropriate adults



Chris Bath, Chief Executive, National Appropriate Adult Network

The National Appropriate Adult Network (NAAN) is a charity. It was set up by practitioners to improve the effectiveness of the appropriate adult (AA) safeguard by providing a national centre of expertise. It is funded by its membership, the Home Office, and provision of AA training and qualifications.

Children's experience

Powerlessness, indignity, isolation, frustration, confusion, humiliation and fear. These are the feelings children often describe about time spent in police custody, though they may conceal them from police with bravado.

The average human brain takes 25 years to develop. Yet at just ten, a child is criminally responsible and must make key decisions, such as whether or not to have legal advice.

Children in custody are disadvantaged by more than cognitive development. They are much more likely than other children to have poor mental health, a learning disability (up to 32% versus 4%), communication disorder (up to 90% versus 7%), be autistic (15% versus 1%), or have suffered a head injury with loss of consciousness for more than 20 minutes (18% versus 5%). Race, gender, abuse, neglect, trauma, exclusion, and looked after status can also compound disadvantage.

Much of this is invisible unless actively looked for. Children detained regularly may 'know the ropes' while still being distressed and disadvantaged.

Appropriate adults

The *Police and Criminal Evidence Act (PACE)* requires police to involve AAs when detaining, or voluntarily interviewing, any child or vulnerable person (defined in Code C 1.13(d)). Without one, proceeding with many processes would breach PACE, risking an unfair investigation and inadmissible evidence.

AAs safeguard a person's interests, ensuring fair treatment, effective participation, understanding of rights, and the ability to exercise them. They support, advise and assist; observe and intervene; and assist communication. Importantly, they cannot give legal advice but can make sure a lawyer attends, even if a child has declined legal advice. The AA role covers the entire custody episode and can be complex and challenging.

Parents and trained AAs

PACE prioritises parents as AAs (unless involved in the case), and many children will value someone familiar and trusted who understands them. Yet, in emotional circumstances, parents must interpret PACE, understand their role, and challenge police appropriately, while relying on them for information. Well trained AAs (volunteers or paid) have the knowledge and experience to challenge without obstructing an investigation and, in theory, could be subject to inspection or regulation. But they are usually unknown to the child and must be skilled in building rapport. The ideal may be for schemes and parents to work together.

Access to support

The AA safeguard is essential, but too often it is not used effectively. While many children receive rapid, extensive and excellent support, some only get an AA immediately before an interview. They spend hours without support, significantly increasing risks to justice.

PACE requires police to tell the AA and secure their attendance as soon as is practicable, and children have a right to consult privately with their AA at *any* time. However, research has found police delaying referrals and limiting access to children.

Legislation and standards make it clear council AA provision must be available at any time. Nevertheless, availability is a common frustration. Some schemes do not operate 24/7, respond quickly, support the entire custody process, or support voluntary interviews. Councils must design and resource AA schemes that enable PACE compliance.

Minimising detention

Minimising children's detention is central to the United Nations Convention on the Rights of the Child, National Police Chiefs Council strategies on custody and children, and College of Policing Authorised Professional Practice. Yet average detention times have risen. Children are sometimes unnecessarily detained in the day and overnight - a risk for them and police. The extent to which authorisations and reviews of detention are focused on children's interests varies. Councils fail in their legal duty to provide accommodation and sometimes police do not ask.

Voluntary interviews

Voluntary interviews address custody concerns, but bring their own risks. In addition to most AA schemes, most liaison and diversion services (which expertly identify vulnerability in custody) are not configured to serve them. With no independent custody officer, investigating officers are responsible for rigorously applying safeguards against themselves. Children (and parental AAs) may see such interviews as informal chats, not deserving of legal advice.

Resources and culture

There is a significant, perhaps widening, gap between law and practice. Some PACE requirements are seen as impractical. Breaches are commonplace and often considered a minor matter, especially where cases will not go to court.

Resources are critical. Both police and councils are doing difficult jobs in challenging circumstances.

However, so is culture. Notwithstanding the police's rigorous focus on physical safety, and initiatives on modern slavery, trafficking, county lines, and using custody constructively, children are in the first stage of an adversarial justice system. They are in crisis and at risk. They are not 'safe'.

Much more must be done by all of us: NAAN, government, police, lawyers, councils, providers, and AAs. We must make sure our 'children first' laws and policies apply in practice.

Resources

Visit www.appropriateadult.org.uk/information/police.

This includes a range of helpful resources, including guides for untrained AAs.

Chris Bath is the Chief Executive of NAAN. Chris has worked for criminal justice charities for 15 years, and is a member of the PACE strategy board. Follow him on Twitter @AA_NAAN





Young people in oversight and scrutiny

Nottinghamshire

The Nottinghamshire Youth Commission enables young people across the county (aged 14-25 years) to inform decisions about policing and crime prevention. The Youth Commission is funded by the Police and Crime Commissioner, Paddy Tipping.

The Youth Commission was established in 2015 and has engaged with more than 5,700 young people from a diverse range of backgrounds in schools, colleges and alternative providers. The topics it has engaged with included: Confidence and Diversity with Police, Hate Crime, Night-Time Safety, Education and Crime Prevention, Sexual Offences, Stop and Search, Rehabilitation, and Knife Crime.

The Youth Commission is positively received by local partners and has been invaluable shaping local police and partnership youth engagement, broader policies and practices. The Youth Commissioners are involved in Independent Advisory Groups (IAGs), force scrutiny panels, and through the people's panels we were involved in the senior promotion and recruitment processes – even being involved in recruiting the current chief constable, who has since been a strong supporter of their work.

Examples of work to date include:

Knife crime roadshow

The Nottinghamshire Youth Commission set-up a road show to start dialogue with young people across Nottinghamshire about knife crime. They spoke to 1600 young people across 32 events and discussed the root causes, as well as possible solutions to the problem.

Read more at <https://www.nottinghamshire.pcc.police.uk/NYC-Knife-Crime-Roadshow-Report-2019>

Recruitment of Schools and Early Intervention Officers (SEIOs)

The Youth Commission has been involved in the recruitment of SEIOs, and in reviewing workshops created by SEIOs

Stop and search scrutiny panel

Since 2015 Nottinghamshire Youth Commission has been a regular member of the stop and search scrutiny panel. The panel provides opportunities for members of the public to review body-worn video footage filmed by officers. The panel also reviews stop and search data and information and receives updates on local and national developments. The panel allows people to ask questions on any of the footage and/or officer accounts to scrutinise.

For more information about the Nottinghamshire Youth Commission contact:

Kaytea Budd-Brophy – kaytea@leaders-unlocked.org

Gabrielle Jones – Gabrielle@leaders-unlocked.org

North Yorkshire

North Yorkshire youth commission was established in 2015 with funding from Police and Crime Commissioner (PCC), Julia Mulligan. It enables young people aged 14 – 25 to inform decisions about policing and crime prevention in North Yorkshire.

One way the youth commission has fed into the work of North Yorkshire Police is through a sub-group model. This allows groups of youth commission members to come together with North Yorkshire Police specialists and key partner agencies to have focussed discussions about the youth commission's priority topics. Six subgroups were developed to address different priorities: stop and search; hate crime; abusive relationships; mental health; drug and alcohol abuse; and missing from home.

Examples of results delivered by the sub-groups include:

- The stop and search subgroup advised North Yorkshire Police to change the design of the forms used for stop and search - adapting the language, making it more user-friendly, and adding signposting information.
- The mental health subgroup led to North Yorkshire youth commission members getting involved in a training video for all North Yorkshire Police personnel in collaboration with the 'Connect Project' and the University of York.
- The hate crime subgroup led to North Yorkshire youth commission influencing North Yorkshire Police's decision to add misogyny as a hate crime category.

They engaged with thousands of young people from across North Yorkshire, condensing their findings into priority areas and making several recommendations for the police, the PCC and the youth commission. These recommendations included:

- North Yorkshire Police to hold mental health outreach stands with local organisations and increase officer training on mental health and young people.
- The PCC to encourage more peer support groups and work with young people to develop these groups.
- North Yorkshire Police to increase communication between the police and victims throughout the victim's journey, highlighting the support that is available.
- North Yorkshire Police to create a champion for hate which could be used to train and support in raising awareness.
- The PCC to create a young people's board to support employing officers across the country.

Over the last 12-18 months the youth commission has worked to further develop the priority findings with partners, including a multi-agency mental health summit and the development of the KYMS (Keeping Your Mates Safe) game to engage with young people across all six priorities.

Read more at <https://www.northyorkshire-pfcc.gov.uk/for-you/young-people/youth/final-report/>

“ KYMSGAME has been received really well and we have some good links now. It is interesting to see how people are tackling vulnerability and crime across North Yorkshire, and to see their perspectives on how we can come together and work with the police, local councils and charities to create solutions. ” Katie, Youth Commission member

“ The Youth Commission is a hugely valuable part of our scrutiny and policy development work. This is particularly important because they represent a voice which is often lost in policing, and the public sector more widely, which is the vitally important voice of young people. They have genuinely shaped policing in North Yorkshire, and I thank them for their hard work, articulacy and enthusiasm. ” Julia Mulligan, PCC

CASE 9



CONCERN FOR WELFARE OF A MINOR OVERHEARD ON A TRAIN

At around 7.30am a woman approached two officers at a train station to report suspicious behaviour she had witnessed on her train. She told the officers she had seen a man video calling a young girl, engaging in lewd conversation, and saying he was travelling the length of the country to meet her. She also told the officers the man had said words like “you can’t go to school until I get off the train.” She gave a description of the man, the coach he was travelling in, and the station she believed he was changing trains.

Both officers who spoke to the woman said she did not give any further information about the “lewd” conversation. However, they also accepted they did not press her for further information and accepted in hindsight they wish they had done so.

The officer who led the conversation with the woman said he took a landline phone number for the woman. He said at that stage it did not occur to him he might need to contact the woman urgently. He stated in hindsight it would have been better to take a mobile number.

A police sergeant asked another officer to meet the train at a station further down the line, before the station he was reported to be changing trains at. This officer said the police sergeant could not describe the man. The officer spoke with one of the officers who received the initial report, who said there “wasn’t much of a description” but the man was believed to be white, with greasy black hair, and seated on the right hand side of the coach. The officer met the train and searched the coach but was unable to find anyone matching the description given. He updated the incident log to say officers at the station where the man was alleged to be changing trains should try to meet him if possible.

Three officers met the man at the station where he changed trains. Two of the officers were student constables and the other was their tutor constable. One of the student constables, who was seven weeks into his eight week tutoring phase, led the conversation with the man. The tutor constable explained it was common practice for student constables to lead in similar circumstances and he was confident this particular student constable had sufficient experience to handle the incident. Body worn video footage showed the student constable explaining to the man they had received reports of him engaging in lewd conversation with a young girl.

The man claimed this was his 14-year-old daughter. He claimed he was homeless and was moving to the city where the girl he claimed was his daughter lived. He gave officers his last address. Officers asked the man for identification but he said he did not have any. The footage also showed the man giving conflicting information and destination which were not picked up by the officers. The man was only carrying a carrier bag despite claiming to be moving to his destination. None of the officers questioned this.

The man provided a false name and date of birth to officers. The student constable who led the interaction relayed the name and date of birth to the control room who carried out intelligence checks but with no results.

The officers allowed the man to carry on his journey. The student constable said they did this because they had no power to detain the man. The other officers involved agreed with this assessment.

A force data compliance officer reviewed the incident log and asked for someone to contact the original witness to get further details about the “lewd” remarks. She said she did not believe the incident log contained enough information.

The officer who originally spoke to the witness tried to contact her on the landline number she had given but there was no answer and no voicemail facility.

Soon after, the tutor constable from the interaction with the man at the train station requested officers meet the train in the city the man had said was his final destination. Previous entries on the log said the man was leaving the train at a different city to the one this officer said.

Neither the police sergeant nor the inspector in command of the incident acted on the log update which said the man was getting off at a different station to the one mentioned in previous updates. Officers were unable to intercept the man at the train station when he got off.

At around 6pm, the log was updated to say the original witness had given further details about the “lewd” conversation. She said the man had said “I can see your underwear” and “I have travelled the whole country to

come and meet you, don't forget." She also said she believed the girl was a child because the man had asked her to wait before going to school.

Further intelligence checks were carried out, as well as house-to-house enquiries. These failed to find the man.

At around 12.30pm the following day, a girl reported to police she had been abused by family members. Police interviewed the girl who disclosed she had had sexual intercourse with the man from the train.

The man was arrested and pleaded guilty to child sex offences. He was sentenced to four and a half years in prison and a further three years on licence ●

Key questions for policy makers/managers:

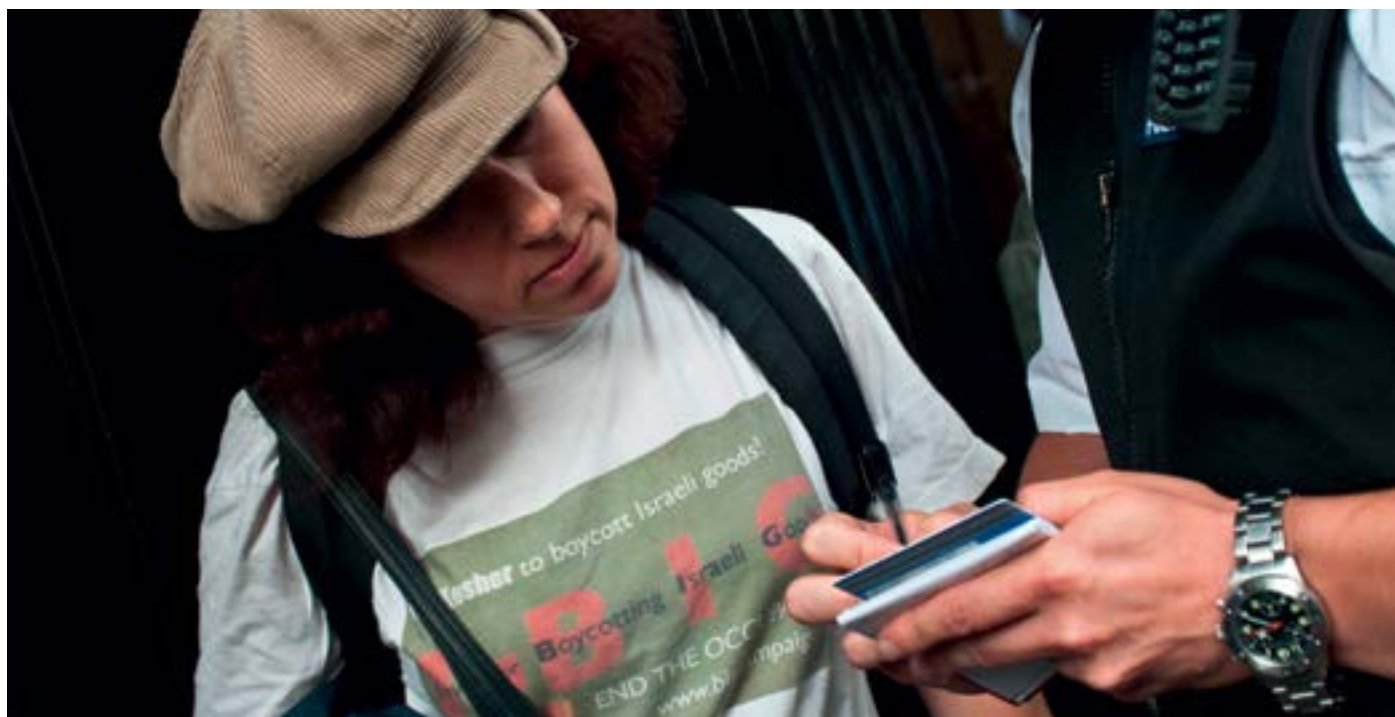
- How does your force make sure officers and staff probe or question the accounts of suspected offenders?

Key questions for police officers/staff:

- What further questions would you have asked the woman who reported hearing the conversation between the man and the young girl?
- How would you have clarified the man's identity and purpose for travel when speaking to him at the train station?

Outcomes for the officers/staff involved:

- The officer who initially received the reports from the woman at the train station and failed to obtain further details had no case to answer for misconduct. It was recommended management action take place for unsatisfactory performance. The officer resigned before this happened.
- The tutor constable who was there when the man was spoken to at the train station had no case to answer for misconduct for failing to challenge the man's account of who he was and the reason for travel. However, he attended a meeting for unsatisfactory performance and received management action.
- **Read the full learning report**





Want to get **involved** in the **development** of Learning the Lessons?

We are creating a new virtual panel, bringing together a range of stakeholders from the police, the community and voluntary sector, and academia, to support the development of future issues of Learning the Lessons.

If you are interested in joining the panel, please complete our [online registration form](#) to register your interest.

For more information email learning@policeconduct.gov.uk

Learning the Lessons magazine is published by the IOPC.

It is developed in collaboration with partners in policing.

✉ learning@policeconduct.gov.uk

🌐 www.policeconduct.gov.uk

🐦 [@iopc_enquiries](https://twitter.com/iopc_enquiries)

January 2020

© Independent Office for Police Conduct (IOPC)