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youth  
promoting best practice with young people at risk

**Response to the Police Service of Northern Ireland's Consultation on its draft Policy Directive on Policing with Children and Young People.**

**November 2005**

## **Introduction**

Include Youth promotes best practice with young people at risk of social exclusion. We achieve this through the development and promotion of resources, the provision of training, information and support of practitioners and organisations. We also undertake activities which attempt to influence public policy and public awareness locally and nationally.

Include Youth promotes the development of positive choices and opportunities for vulnerable and challenging young people whether in the community, residential care or custody. Include Youth promotes the use of community alternatives to care and custody for children and young people.

Amongst the young people at risk with whom, and on whose behalf Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those from a care background, those who have had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

## **General Comments**

Include Youth welcomes the opportunity to participate in the Police Service of Northern Ireland's Consultation on its draft Policy Directive on Policing with Children and Young People. As you will be aware, Include Youth, as an organisation which works to promote the rights and best interests of young people at risk, has a particular interest in policing issues. We are committed to working in partnership with our colleagues in the Police Service and have developed good working relationships and have been involved in delivering training on Young People and Policing to Community Beat Officers across Northern Ireland, which we hope to extend in the course of the coming year. Moreover, our Young Voices participation project which supports young people with experience of the criminal justice system to become involved in decision-making processes which impact upon their lives has been involved in a number of initiatives addressing the issue of policing. These have included participating in the PSNI Conference on Policing, Human Rights and Young

People in 2003, and conducting a number of direct meetings with officers from Community Safety Branch. Young Voices is also beginning a new Pilot project with PSNI in North Belfast District Command Unit which aims to enhance communication between police and young people in the area.

### **Consultation**

Include Youth understands that the draft Policy Directive on PSNI Policing with Children and Young People has been circulated for comment to a range of statutory and children's sector organisations, but it is not clear whether children and young people were directly consulted in the drawing up of this document. Children have a right to be consulted about decisions affecting them (Article 12 UN Convention on the Rights of the Child), and if the policy directive is to be effective it is important that children and young people are given the opportunity to contribute to the policy process, at all stages. In addition, Include Youth submits that a version of this draft policy directive should be produced in forms accessible to children and young people of different ages, telling them about the policy directive and about how they should expect to be treated by police officers. We would therefore be grateful if you would forward copies of your child accessible format of this document, and if you could provide us with details of how you have or intend to consult directly with children and young people as the group likely to be impacted upon most by the implementation of this Policy Directive on PSNI Policing with Children and Young People, in order to comply with Section 75 of the Northern Ireland Act 1998 and Article 12 of the UNCRC.

In respect of the process of consultation Include Youth is concerned that the policy omits any mention either at Section 4 (Consultation) or Section 5 (Human Rights and Equality) of how consideration was given to, or consultation undertaken on, issues around section 75. A policy relating specifically to children and young people is obviously one that requires an equality impact assessment, particularly given the commitments (at 3.2, Crime Reduction objective 2, and 4.5) to working the policy in compliance with s.75. The policy should include information on the process and outcomes of the screening referred to at 3.3.

We would also be grateful if you would also respond with details of the system which you intend to use to analyse responses to this consultation process including the degree of weight which will be attributed to both individual and organisational responses. This is a vital element to drawing conclusions from responses and progressing with identified areas for immediate action or otherwise. For this reason, we would appreciate information both on the system itself and on its operation for the purposes of analysis.

### **Policy Statement**

It is well documented that problems exist in the relationship between some young people and the police in Northern Ireland (for example, NICCY 2005, Jarman et al 2005, Hamilton et al. 2003, Ellison 2001). Whilst the difficulties for the police in establishing positive relationships with young people are not unique to Northern Ireland, it must be recognised that there are unique aspects to the issue in this jurisdiction. For example, the Northern Ireland Commissioner for Children and Young People (NICCY) commissioned research "*Children's Rights in Northern Ireland*" 2004, which interviewed over 1000 children and young people, identified some key issues in relation to policing, which included an absence of the 'best interests' principle in policing policy and strategy; differential and discriminatory treatment of children and young people on various grounds; and use of intimidation and unreasonable force against children and young people in certain locations, from moving on to assault.

Include Youth believes that the draft policy is potentially weakened by not explicitly recognising the difficulties which police have had, in Northern Ireland and elsewhere, in establishing positive relationships with young people. We consider that the policy directive would be more effective if it more directly acknowledged these challenges, and the reality in which police operates in this jurisdiction. However, we welcome any steps taken by the PSNI to improve its role in relation to young people, including the development of this policy directive.

### **International standards**

The draft policy directive refers to only two international human rights standards: the ECHR and the UNCRC. Whilst we are pleased to note the references to the UNCRC,

we believe that much more weight should be given to the Convention as a set of basic standards on which the policy is formulated, particularly in light of the fact that this policy is designed to impact solely on children and young people. The principles of the UNCRC are all relevant to the discussion of policing and young people in Northern Ireland. The “best interests” principle (Article 3 CRC) should be included in the draft so that all officers are aware that when dealing with children they must prioritise the child’s best interests. Similarly express reference to Articles 2 and 12 should be included to increase all officers awareness of the child’s right not to be discriminated against (Article 2), and to meaningfully participate in all aspects of their lives (Article 12).

Moreover, we believe that it would be helpful to include reference and ensure consistence with other international standards such as: the UN Code of Conduct for Law Enforcement Officials; the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines); the UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

Further reference should also be made to PSNI documents such as the Code of Ethics, which is mentioned only in passing.

### **Specific Comments**

## **2. POLICY STATEMENT**

### **Section 2.1 Policy**

Include Youth believes that this current draft Policy Directive should be the overarching policy governing all policing actions involving children and young people. In respect of the Child Protection Policy which is cross-referenced in this paragraph, it is our view that all of the PSNI policies must be underpinned by this policy. We are however very concerned that the child protection policy was not consulted on in line with the PSNI’s section 75 obligations. We believe that all of the PSNI’s policies must operate in accordance with its child protection policy, even those which are not immediately obviously related to children, such as the PSNI’s policy on the discharge of plastic bullets and its policy on house searches. We believe that all members of the PSNI who come into contact with children and young

people should receive Child Protection Training. We further believe that this section should also cross-reference with police policy on use of young people as covert human intelligence sources, and should note that children should not be used as informers.

## **Section 2.2 Who does this Policy apply to?**

Include Youth submit that this draft policy should refer explicitly to children and young people who are victims or witnesses of crime, as well as those in trouble with the law.

In relation to the definition of children and young people to whom this policy will apply, whilst as the draft notes, the UNCRC makes it clear that the term ‘child’ refers to all people under the age of 18 this is recognised to be the minimum acceptable standard. Include Youth recommends that PSNI adopt the definition of ‘the child’ as accepted by the Office of the First Minister and Deputy First Minister (OFMDFM): that is, that the term ‘child’ refers to all people under 18 and young people with disabilities and care leavers up to the age of 21.

We are unclear in respect of the discourse around definition of ‘young people’ as to why in acknowledging the OFMDFM standard, the draft policy states that the definition is flexible, and immediately goes on to fix the definition at 20 years, offering no rationale. In defining the term ‘young person’ Include Youth suggests that the PSNI adopt the definition accepted by the Youth Service, i.e. up to the age of 25.

## **3. INTRODUCTION**

### **Section 3.1 Summary**

(f) The proposal to set up four Independent Advisory Groups for Young People (IAGs) across Northern Ireland is welcome in that they appear to promote effective interaction between the PSNI with young people. The statement that the PSNI will ensure that the membership to the IAGs will reflect the local community is encouraging, however, we stress the need to be as representative and inclusive as possible in order to hear the voices of all children and young people, including all section 75 groups, marginalised young people whom consultation processes generally

do not reach, for example, children in the youth justice system, children being looked after, members of minority ethnic groups, such as Traveller children etc.

Whilst we recognise that the IAG's represent an opportunity to build good relations with children and young people, we have some concerns around the proposed purpose of the IAGs 'to establish the views and experiences of young people and that of delivering policing within their communities'. It is essential that the IAG mechanism provides a clear, transparent and robust structure to facilitate real and meaningful participation for children and young people. How will children and young people taking part in the IAG'S, and the many others not participating be reassured that their views and recommendations for change are taken on board seriously by decision-makers? We submit that the efficacy and impact of young people's engagement in the IAG's must be clearly demonstrated in responsive policy / practice decisions within the PSNI, and through independent monitoring.

And while it is envisaged that the young people will be 'constructive' in their criticisms as a receiver of police services, it is also stated that they will identify positives as a receiver of police services. While there will certainly be positives to identify, we feel that it is also necessary to allow scope for IAGs to identify negative experiences of the police so that problems can be identified and immediate remedial action taken. To deny this scope to the IAGs will unduly fetter the potential of the IAGs, and exclude the sometimes harsh realities of young people's experience of policing from a consultation process which has the potential to be a catalyst not only for increasing confidence in and improving relations between children, young people and the police, but also for improving policing policy, practice and service delivery.

Our experience in facilitating the Young Voices project suggests that in order for young people at risk to meaningfully participate in decision-making processes it is important to build relationships and mutual understanding within and between young people and adults, in order that effective communication can take place. Similarly, in order for this IAG process to work, Include Youth suggests that it will be important to support police officers at all levels through training to gain the necessary knowledge, skills and understanding to 'meet' / 'interact with' the children and young people participating in this process.

We believe that the remit of the IAGs should be a matter for joint discussion and agreement between young people and the police. There is a risk of alienating young people if they are not involved in the development of the IAGs and there is a very real possibility that prescriptive terms of reference which young people have no input into will render such consultation tokenistic and young people will not engage.

(g) We have concerns with the proposal that schools may be used by police as bases to patrol local areas. We believe it would be helpful to examine this proposal in much greater detail in the draft policy, as there are a range of complex issues to be held in the balance. In order to enable us to provide a fully informed view of this matter, it would be useful for example, to have information provided as to the impact on children and young people of this kind of initiative in other jurisdictions, and to state whether this approach will sit alongside proposals for Extended Schools. Such proposals must be treated individually and in full consultation with communities and children and young people.

At the end of Section 2 we agree with the statement that there can often be a negative perception of children and young people who come into contact with the police. However, we are unclear as to whether this recognition refers to the general population or to members of the PSNI specifically, because it is evidenced by high numbers of reports to police of Youths Causing Annoyance. It is our view that the policy should explicitly acknowledge the fact that this negative perception of young people is held by some members of the PSNI, in order to ensure that the policy can address this issue through, for example, training. Moreover, we believe that this section of the draft policy would be strengthened by an express recognition of the, at times, negative relationship between young people and the police and an acknowledgment that this has not always been the responsibility of the young people. However, we welcome the statement that the vast majority of children do not engage in criminal or anti-social behaviour, and would wish to see this positive type of statement included throughout the document.

### **3.2 Aims and Objectives**

## **(1) Engagement with Children and Young People**

Whilst we believe that the emphasis upon involving young people by listening to their views, building positive relationships and ‘constructive dialogue’ is encouraging, it is our view that this section could be worded more strongly in terms of children’s right (Article 12 CRC; S75 NI Act 1998) not only to be listened to but to be able to participate in decisions affecting them.

Include Youth, as an organisation working to promote the rights and best interests of young people at risk, particularly welcomes the emphasis on developing effective consultation with hard to reach, vulnerable, isolated young people and the emphasis on consultation with a representative range of children and young people. While we note the commitment to researching and identifying good practice from other police services and Youth Justice Agencies outlined in the draft policy at 3.2.1.6., we wish to point out the fact that there is a wealth of good practice which exists in the voluntary and community sectors around the issue of Engagement with Children and Young People which the PSNI should draw upon and this should be also included under this objective. In particular, we would make specific reference to our Young Voice’s participation project, which to date has been involved in a number of initiatives around policing, which are referred to above, and which is working to develop a demonstrable model of engagement of young people at risk of social exclusion, with public policy development in Northern Ireland.

## **(2) Children and Young People as Victims and Witnesses**

We are concerned with the reference to ‘reinforcing responsibilities of all citizens in society’, and believe that in the context of a draft policy which addresses policing with children and young people, the strong implication is that children’s rights are contingent on their exercising ‘responsibilities’. Include Youth is strongly opposed to any attempt to make access to children’s rights dependent upon being a child discharging responsibilities or being deemed a ‘good’ citizen, which conjures up notions of deserving and undeserving children. Not only does this approach run contrary to international standards on human rights and children’s rights, but in our view the explicit reference to ‘responsibilities’ when discussing children’s rights is a discriminatory use of language which may not as readily be used in reference to other

Section 75 categories. We firmly recommend that the word ‘responsibilities’ be removed from the draft Policy Directive and any discussion of children’s rights must give clarity and prominence to the spirit and letter of the UNCRC and to ensure compliance with international standards.

### **Section 3.2(3): Crime Prevention**

In this Section, at Objective 3, we believe that the issue of Family Support should be expressly included. In relation to Objective 4, Include Youth believes that after the phrase ‘Anti Social Behaviour Orders’ the words ‘which should be used as a last resort’ should be inserted. We note Objective 5 and the reference to developing the appropriate use of restorative interventions, and wish to state our strong recommendation that a commitment is made by the PSNI to the use of restorative interventions instead of ASBO’s as this is much more in line with the recommendations of the Criminal Justice Review, the subsequent Implementation Plans, the Justice (NI) Act 2002 and international standards.

### **Section 4 Crime Reduction – Interventions by Police**

#### **Aim**

The aim in relation to Crime Reduction should include “to deal with children and young persons who have offended, quickly, *fairly* and effectively.”

#### **Objectives**

2. We are pleased to note the reference to ensuring that all children are dealt with in a manner which is consistent with Human Rights, the UN Convention on the Rights of the Child, however, we recommend that the manner children are dealt with by the police should also be consistent with the UNCRC Committee’s concluding observations, the Beijing Rules and the Riyadh Guidelines and we feel that this should be explicitly stated at this point in the document. In addition, it is our view that more detail should be provided here on the requirements of Section 75 of the Northern Ireland 1998 in relation to the implementation of this policy directive.

Moreover, Include Youth believes that training should be provided for all officers in children’s rights in relation to the criminal justice system, and which would include issues of diversity, effective interventions for working with young people at risk, and challenging negative perceptions / stereotypes, which Include Youth has been

involved in delivering to Community Beat Officers across all District Command Units. Such training must also be accompanied by training in Child Protection for all police personnel who come into contact with children and young people.

4. Once again, we welcome the objective committing to the use of restorative interventions and reiterate our recommendation that a commitment is made by the PSNI to the use of restorative interventions instead of ASBO's.

5. Whilst we welcome the recognition that multi-agency work and interventions must include engaging with parents or carers, we believe that this work with families should be expressly stated much earlier in the draft policy, particularly in both the Summary and in the previous section on Crime Prevention, as it is well established that a Family Support model which is based on early intervention can greatly mitigate against the risk of a child later becoming involved in risk-taking behaviours, including coming into conflict with the law.

Another issue which Include Youth believes is relevant to the issue of Crime Prevention, concerns the use of custody for children and young people, and in particular the use of remand under PACE, with 73% of all admissions from Care to the Juvenile Justice Centre in 2003 having been made under PACE legislation. Clearly this runs contrary to international children's rights standards. Whilst we recognise that responsibility in this area includes but is not exclusive to the Police Service, and that much work has and continues to be done to solve this significant problem, we believe that this draft Policy Directive should contain reference to the development of clear protocols between police and other agencies (e.g. residential care homes) which will ensure that vulnerable children and young people are no longer inappropriately placed in custody by allowing for more creative responses to dealing with children who present behavioural challenges.

#### **(5) Human Resource Development to support Specialist roles and the Organisation at Large**

We strongly support the policy commitment to ensure that staff of the PSNI working with children and young people will be appropriately vetted, selected and trained to ensure that they have the correct skills to perform their role. We feel that it is

fundamental that the training which such staff receive includes training in the UNCRC and on international standards, child protection and child rights generally as recommended by the NICCY research 2004 (Page 1`81). However, we would like to see more detail on which personnel are considered to have ‘specific contact’ with children and young people – it is essential that all officers who interface with children and young people receive this training. It is not sufficient to simply train Youth Diversion Officers, those within Community Safety or CARE Branches, or those officers who deliver CASE Programmes within schools. Rather it is imperative that for example, Community Beat officers, Response teams, Custody Officers, Detectives, together with any and all officers who find themselves deployed in emergency situations, such as the period of unrest in Belfast in September 2005, receive adequate children’s rights training.

### **3.3 Legal Basis**

Include Youth believes that as this is a policy specifically referring to policing with children and young people, that the UNCRC together with relevant binding and non binding human rights standards should be included alongside the ECHR at this point in the draft policy directive. In addition, we are somewhat concerned about the assertion that this draft policy has been subject to the section 75 screening process. As mentioned earlier in our response, we believe that this policy ought to have been screened in for the purposes of Section 75, and that a full EQIA conducted, as we would anticipate that this policy could have clear potential to adversely impact upon a number of designated groups, including race, religion, gender etc.

## **Section 4 Implications of the Policy**

### **4.2 Human Resources / Training**

Include Youth believes that this section should contain a commitment to delivering Children’s Rights / Best Practice Training for PSNI staff.

### **4.5 Risks**

Include Youth does not agree with the statement that “this policy must be consistently applied across every Police District to ensure that every child or young person receives the same level of service and support”, because in our view it does not distinguish between discrimination and measures which treat people differently to

achieve equality of outcome. Clearly, the policy must be applied consistently across Northern Ireland. However, children living in some areas, particularly in communities experiencing deprivation, or specific groups, for example, members of the Travelling community, will be more likely than others to either need police support or experience contact with the police on a daily basis. Some children will also have different needs arising from their individual or family circumstances, cultural backgrounds or other valid considerations, which may require a different approach to be adopted. Equality will not be achieved by treating everyone the same, rather by assessing the needs of individual children and young people and of the families and communities they live in and tailoring the response to fit.

### **Section 5 Human Rights and Equality**

We suggest that the draft Policy Directive should also refer to the broader range of international human rights standards listed earlier. In terms of the ECHR, Article 3 (Freedom from torture, inhuman and degrading treatment) is also important, as is Article 14 (non-discrimination in enjoyment of Convention rights).

### **Section 7:**

With regards to the issue of foot patrolling, which the draft Policy Directive states should be carried out by Neighbourhood Policing Teams to ‘enhance contact and familiarity with children and young people’, it is important to note while it may be desirable in terms of building confidence and lessening the fear of crime in some communities, this approach will not always result in positive contact with young people.

For example, the young people participating in our Young Voices project regularly raise the issue of being moved on by police officers several times during the course of one evening, often as there is nowhere else for them to go. However, in this context, and for the purposes of this policy response, the young people can clearly distinguish between what makes a ‘good’ and ‘bad’ police officer – often this can be distilled down into those who treat young people with respect and those who don’t:

*‘It’s a hard job to do, but they bring criticism on themselves – some of them are intimidating, they treat young people like us differently, and don’t show*

*us any respect – they could just speak to me like I am a person – they just think we are all hoods or paramilitaries’* (Young Voices Participant)

These experiences have also been supported by research, including Hamilton et al (2003) which studied young people’s views of police accountability. They found that during the course of a year 56% of young men and 28% of young women reported contact with the police, and described their experiences of the police as having been ‘predominantly negative’ with 24 % were very dissatisfied with the police. Being stopped and searched by the police and being moved on were the most frequent reasons for contact. Most young people regarded this as harassment. The main forms of unacceptable behaviour were disrespectful behaviour and/or impoliteness (58%). Other types of ‘unacceptable behaviour’ included a constant police presence and being watched, confiscation of goods and verbal abuse. 70% of complaints by young people to the Police Ombudsman’s Office were for ‘oppressive behaviour’ by police, compared to 41% of complaints by over 25 year olds. The broad category of ‘oppressive behaviour’ includes assault and harassment. An additional 12% of young people’s complaints were for ‘incivility’. Thus, four out of five young people who complained to the PONI considered they had been treated with varying levels of disrespect. The young people’s complaints were also more likely to refer to events that occurred between 9pm and 6 am and at weekends, than those of people aged 25 and over.

Include Youth submits that as it is probable that young people will come into routine contact with foot patrols more regularly than older adults, there is more potential for hostile interactions, particularly if the young people are being ‘moved on’ by police. And while it is important to enhance community safety it is also incumbent on the Police Service of Northern Ireland to consider young people’s right to privacy, to peaceful assembly etc. We recommend that appropriate training should be provided to ensure that foot patrolling is not perceived as intrusive or oppressive.

Similarly, training is essential for all officers who interface with children and young people to equip them with the knowledge, understanding and skills to adopt the Problem Solving approach to working with children and young people as envisaged at both Section 7.2 and 7.4

### **Section 7.5 Accountability**

Include Youth is pleased to see an emphasis on accountability and would recommend that this commitment is expressly reiterated in the main document.

### **Conclusion**

The Include Youth welcomes the opportunity to be involved in the PSNI's consultation on the Draft Policy Directive on PSNI Policing with Children and Young People. We are committed to working alongside you to help ensure that the Police Service of Northern Ireland fully takes into account the rights and best interests of all children and young people, understands and is responsive to the complexities of the lives of young people who come into conflict with the law. We hope that our comments have been constructive and useful to the PSNI and are more than happy to meet with you to discuss anything in this response. We wish to be kept fully informed of progress in the development of the PSNI's Policy Directive on PSNI Policing with Children and Young People and look forward to the issues raised and recommendations made in this response being addressed, taken forward by the PSNI and hearing from the PSNI in the near future. We also look forward to receiving your response to the questions we have asked in the response and receiving the additional information requested including the child accessible version of this consultation document. In addition, we would be grateful to receive a copy of your analysis of responses when same becomes available.