

# include YOUTH

## **Response to Police Ombudsman Policy on Recording Complaints from Juveniles April 2013**

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## **Include Youth**

Include Youth is an independent non-governmental organisation that actively promotes the rights, best interests of and best practice with disadvantaged and vulnerable children and young people.

The young people we work with and for include those from socially disadvantaged areas, those who have had poor educational experiences, those from a care background, 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.

The Give and Take Scheme aims to improve the employability and increase the self-esteem of young people in need or at risk from across Northern Ireland. The Scheme works with approximately 135 young people from a care or criminal justice background. The Scheme aims to support young people to overcome particular barriers that prevent them from moving into mainstream training or employment and towards independent living. 75% of young people on the Scheme are care experienced while over a third has a background in offending.

Include Youth also delivers an Employability Service on behalf of two of the Health Trusts for young people aged 16 + who have had experience of the care system. This service is designed to offer tangible and concrete opportunities to assist young people leaving care to prepare for, and engage in work.

Include Youth has also been a Specialist Support Provider to DEL's Training for Success Programme since 2007. This service helps improve retention and encourage progression for young people who present with multiple barriers to their learning.

The organisation also leads on collaborative initiatives (Youth Works and Start) across several sites in Northern Ireland, working with community based organisations to improve education, employment and training outcomes for the most disadvantaged young people.

Include Youth's Young Voices project is a way of delivering participative democracy to marginalised young people in Northern Ireland. Its main aim is to support marginalised young people at risk or with experience of the criminal justice system, to become involved in decision making processes which impact on their lives, particularly in social welfare, education and criminal justice matters. The project works with a range of groups of young

people in the community, in Woodlands Juvenile Justice Centre and in Hydebank Wood Young Offenders Centre.

Include Youth's policy advocacy work is informed by relevant international human rights and children's rights standards, is evidence based, including that provided by young people and practitioners and is based on high quality, critical analysis.

Reflecting the profile of the young people we work with, Include Youth's two main policy priority areas are employability and youth justice. We have engaged closely with the development by the Department for Employment and Learning of the recently published Pathways to Success Strategy as well as with the Department of Justice's reviews of youth justice and prisons as well as Reducing Offending and Faster, Fairer Justice initiatives

## **General Comments**

Include Youth has previously raised concerns that in our opinion, based on the experiences of the young people we work with, the Police Ombudsman's office has not in the past functioned effectively as an independent complaints mechanism for children and young people. Many of the substantial issues were raised by us in our response to the consultation document on the 'Future Operation of the Office of the Police Ombudsman for Northern Ireland, which we submitted in June 2012, which is attached for your convenience.

Include Youth welcomes the opportunity to comment on this policy and appreciates the Ombudsman's interest in seeking out the views of young people on the policy. In preparing this response, we consulted with five young people in the Juvenile Justice Centre in March 2013.

## **Specific Comments**

### **Consultation with Young People in the Juvenile Justice Centre**

#### **General awareness of role of the Police Ombudsman:**

The young people on the whole were not fully informed about the work of the Police Ombudsman, and those who had some knowledge, were critical of their experiences to date. Some did know that they could make a complaint to the Police Ombudsman but did not know how to go about it.

*"Don't do nothing for you."*

*"I'd make a complaint but don't know how."*

Some of the young people were not clear what the distinction was behind the PSNI and the Police Ombudsman and sought clarification on whether the Ombudsman office was part of the PSNI.

*“Are they cops?”*

#### **Experience of making a complaint:**

One of the young people had made a complaint but felt that they did not receive a satisfactory outcome or receive enough information about what happened following their complaint.

*“I had a complaint in for the cops harassing me. Useless – did nothing about it. They interviewed me at home.”*

*“I would like to have known what they did.”*

*“I personally previously complained to the Ombudsman, I can’t remember outcome.”*

*“It didn’t change any outcomes – I wanted them sacked.”*

The young person said they found the process stressful and intimidating and often were not fully aware of what was going on. They relied on their parent to assist them.

*“I got Dad to do it. I wouldn’t have had a clue how.”*

*“I didn’t know what they were saying.”*

They also complained that the process took too long.

*“It is taking too long for a complaint to be investigated.”*

#### **Appropriate Adult:**

The young people were asked for their views on working with an ‘appropriate adult’ in the police station.

Some of the young people had used a parent as an appropriate adult, while others had one assigned. Several of the young people had not had good experiences.

*“They kept interrupting the solicitor and wouldn’t let me talk. I didn’t want one but I had to.”*

*“they ask stupid questions.”*

*“Stupid, didn’t want them there anyway.”*

The young people were in favour of more specialist training for appropriate adults, which would cover expanding their knowledge on the experiences of young people in the justice system and developing their skills on how to communicate with and listen to young people.

*“Just on how to listen to our case.”*

*“More training on listening to what young people want.”*

*“Social people, good social skills, help you, talk to you.”*

*“Experience of juvenile justice and what we have been through.”*

When asked who they thought would make a good appropriate adult, one young person replied:

*“someone who has been through it.”*

Several of the young people said that they would prefer having their parents as an appropriate adult.

*“Mum or Dad – prefer that because you know them.”*

Some of the young people expressed their unease with the suggested involvement of Mindwise and said they did not regard this as appropriate.

*“they don’t know a thing about you – what you’re like, your mental health.”*

*“They don’t care about what’s going on.”*

*“They are only there because they are paid to be.”*

#### **Monitoring Form:**

Some of the young people questioned why so much personal information needed to be collected on the monitoring form.

*“Why do they need that much information”.*

*“It should be all about the complaint.”*

*“They are looking too much information.”*

Others were unclear what some of the terms meant, eg. ‘Nationalist’ and ‘political opinion’. One young person questioned if the monitoring form catered for someone from a diverse background.

#### **Reasons given for not making a complaint:**

There was very strong feeling amongst the young people that they were in general not listened to and that it did not matter how good the process was, it would still not result in them being taken seriously or having injustices against them addressed. They felt that the odds are stacked against them.

*“You don’t have voice – you are seen as children – you don’t have a voice until you are 18.”*

*“You are made to feel like nothing – you are just children.”*

*“You’ll never win no matter what evidence you bring.”*

*“Nobody listens to you.”*

*“What’s the point – it’s their word over ours.”*

Those young people who have come into contact with the criminal justice system or have been in custody do not regard the complaint mechanism as an option which is directed at

them because they feel that the system has already labelled them and the Police Ombudsman's office is seen as just another element of that system. Despite the fact that some of the young people claimed they had experienced harassment and had been assaulted by the police, they generally were not in favour of making a complaint.

*"We are scum to them."*

*"We feel we can't win against the law."*

*"We are criminals."*

*"They would take the police word over our word – we are criminals."*

*"A criminal record influences their perception, how they respond."*

Another young person said that it would be too intimidating and stressful to pursue a complaint and that ultimately the perceived higher status of the PSNI would mean that they, as a young person, would not be taken seriously anyway.

*"Courts think they wear a uniform, they are more important."*

One young person was fearful that there could be negative consequences if they made a complaint.

*"Fighting the police and complaining makes it worse for you."*

One young person simply stated that it would be too inconvenient to make a complaint and that they would not be able to provide all the necessary information.

*"It's too much hassle, you need to know all the dates, I can't remember."*

### **Concluding Comments**

Include Youth welcome the introduction of the Policy on Recording Complaints from Young People less than 18 years of age. Our consultation with young people clearly flags up the wider issues which remain to be addressed about young people's lack of awareness about the role of the Police Ombudsman's office, and most importantly, their continued lack of confidence that making a complaint will make any positive impact.

While the young people have made helpful suggestions around how improvements could be made on how the complaints process operates, and in particular, on how the appropriate adult element operates, we do believe there are fundamental issues which remain to be addressed if we are to see an accessible and effective complaints mechanism for children and young people.

1. The lack of awareness and clarity about the role of the Police Ombudsman amongst children and young people needs to be addressed. As we said in our response of June 2012, we would support the development of a dedicated and resourced

outreach and engagement campaign to raise awareness of the office among children and young people, but in particular to target children and young people who are the most vulnerable, including children who are in conflict with the law. Particular efforts need to be made to clarify the distinction between the PSNI and PONI.

2. Young people need to be made aware of the existence of the Complaints Procedure and given access to child friendly information explaining the complaints process.
3. Further specialist training is required for Appropriate Adults. In particular this should include raising awareness of the particular circumstances and experiences of young people who come into contact with the criminal justice system and enhancing skills on how to communicate with young people.
4. The terms used on the monitoring form need to be re-examined and steps must be taken to ensure that young people are fully aware of the reasons why they are being asked to complete the form and that they understand the questions and terminology contained within the form.
5. Improvement should be made to make the process of making a complaint less stressful and intimidating for young people.
6. Documentation and accompanying leaflets should be proofed to ensure they are accessible to children and young people.

Undoubtedly, the acknowledgement of the need for and development of this specific policy for under 18 year olds is to be welcomed and we commend the Police Ombudsman for acting swiftly in this regard. We look forward to working with the Ombudsman in the further development of his efforts to ensure an effective complaints mechanism for children and young people.