



Response to Draft Northern Ireland Policing Plan 2017/18

For further information contact Paula Rodgers
Policy Co-ordinator, Include Youth, Alpha House, 3 Rosemary Street,
BELFAST, BT1 1QA

028 9031 1007 paula@includeyouth.org
www.includeyouth.org @includeyouth

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 and/or alcohol, engaging in unsafe or harmful sexual behaviour, or at risk of being harmed themselves. We provide a range of tailored employability programmes for these young people, including programmes in partnership with community based organisations.

Our Give & Take Scheme adopts a youth work approach to improving the employability and increasing the self-esteem and confidence of young people aged 16 to 24 who are not yet ready to participate in mainstream training.

Many of these young people have experienced social exclusion, poverty or have other complex challenges in their lives and therefore need additional support to overcome these barriers and positively progress their education, training or employment needs. Seventy-five per cent of young people on the Scheme are care experienced, while over a third have a background in offending. We offer a range of tailored programmes including

- Core - for young people referred to us through the Health Trusts
- Start Programme – a collaborative partnership programme with community based organisations, targeted at young people in the North Down, Ards and Belfast areas
- Outreach - for groups or organisations throughout Northern Ireland
- One to One - for young people at risk of child sexual exploitation
- Transitional support - for those moving on from our Scheme and into mainstream education, training or employment

Our main offices are in Belfast, Armagh, Ballymena, Derry, Enniskillen, Newtownards and Omagh.

Include Youth also delivers an Employability Service on behalf of two of the five 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. We also deliver a joint employability mentoring project with Business in the Community.

Include Youth also engages in policy advocacy work in the areas of employability, youth justice and policing. This 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.

Comments

Consultation process:

Include Youth welcome the opportunity to comment on the Draft NI Policing Plan 2017/18. We have previously made comments on our concerns around the consultation process and of the importance of consulting directly with young people to inform aspects of the plan.

We are keen to hear how the NIPB carried out direct consultation with children and young people on this draft plan and if accessible versions of the draft were made available to children and young people. We would draw attention to the NIPB's obligations with regard to Section 75 of the NI Act 1998 and Article 12 of the UNCRC.

Include Youth have consistently called for the PSNI and PBNI to comply with statutory obligations in relation to the development of the Policing Plan by screening the plan and by carrying out an Equality Impact Assessment (EQIA). An EQIA should be conducted in accordance with Equality Commission recommended practice and we would recommend that guidance is sought from the Commission on how to go about this in the most effective way.

Clearly, children and young people will be affected by the Policing Plan and as such they should be consulted with in a method and format which enables them to participate fully. Include Youth believe that other formats of the plan should be produced including a children's version, a young people's version and an easy read version.

Commitment to deliver on relevant recommendations from existing reports:

Include Youth would welcome a specific commitment within the plan to deliver on the recommendations from the Thematic Report and updated Thematic Report on Children and Young People.

The Plan should also make reference to and include a commitment to address the most recent recommendations and concluding observations made by the UN Committee on the Rights of the Child with regard to UK Government's compliance

with the UNCRRC. There are a number of recommendations which are directly relevant to the Policing Plan and as such be included within it:

37 (a) Prohibit the use in public spaces of acoustic devices used to disperse gatherings of young people (so-called “mosquito devices”);

(b) Collect data on measures used against children, including children aged 10-11 years, to deal with antisocial behaviours and for the dispersal of crowds, and monitor the criteria and proportionality of their use.

38 (a) Prohibit the use of non-statutory stop-and-search checks against children;

(b) Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory;

(c) Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.

40 (a) Prohibit the use on children of electrical discharge weapons, such as Tasers, attenuating energy projectiles (in Northern Ireland) and any other harmful devices and systematically collect and publish age-disaggregated data on their use in order to monitor the implementation of such prohibition;

(b) Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children;

(c) Ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort;

(d) Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

45 (c) Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland;

(e) Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims;

49. (c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.

79 (b) Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18 years, and that diversion measures do not appear in children's criminal

(d) Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children;

(e) Ensure that child detainees are separated from adults in all detention settings;

(f) Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances and regularly inspect the use of segregation and isolation in child detention facilities.

Confidence in Policing:

Include Youth welcome the specific commitment within the plan to “improve young people’s confidence in policing in areas where it was identified as being lower and report to the Board on the results of initiatives carried out in collaboration with PCSPs and relevant others within the community”.

We appreciate that the current work on researching young people’s confidence in policing across six areas by Perceptives Insight (PI) will establish a baseline. Once a baseline has been established Include Youth believe the priority should be to analyse and disaggregate this information and work should begin to target improvement in confidence levels. We would be interested to know more about what level of analysis will be provided from the research and what level of detail will be available. There should also be plans to establish a baseline on a wider scale, which would go beyond just the six areas selected for the PI research.

It would be beneficial if a wider data collection on young people’s confidence in policing could be disaggregated by geographical location, religion, race etc. Only through this disaggregation can we ensure that problems are identified and tailored solutions are developed. Specific targets should be included to ensure that young people’s confidence in policing is improving over a period of time and in response to relevant initiatives.

Co-Design:

We welcome the commitment to ensure that the PSNI demonstrate locality-based police-community decision making through co-design. We would stress the importance of ensuring that young people are included in the co-design and efforts

are made to ensure that our hardest to reach young people are involved in this process.

Young People as Victims/ Looked After Children:

We welcome the recommendation that the PSNI demonstrate an effective contribution to protecting young people by implementing initiatives and interventions to improve outcomes in relation to child sexual exploitation and abuse and children who go missing. We would draw particular attention to the extreme vulnerability of looked after children in this regard and would like to see the needs of these young people prioritised within the Policing Plan.

Include Youth have highlighted our concerns on numerous occasions about the over-representation of looked after children in the youth justice system. We remain concerned about the inappropriate use of custody for children and young people, and in particular the use of remand under PACE. 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 the Plan should contain reference to the need to address relationships between police young people 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.

"I got 25 convictions in 2 months in a care home... my solicitor said they were too quick to lift the phone and call the police. I got booked for throwing a cup at the wall, and they phoned the cops and I got done for criminal damage."

"I never got convictions 'til I went into care ... I got 66 convictions in 2 years... wouldn't have been in here only I was in care. Even if we went into the staff office (in care home) to wind them up, they would threaten to phone the police."

Many of the young people we work with believe that the police treat them differently because they are from a care background. They sense that the police treat them with suspicion and they are often more likely to be stopped and questioned. The view from young people that looked after children are more likely to be brought into the justice system where those not in care would not have been is extremely common and expressed to us on a regular basis.

We remain concerned about the high levels of PACE particularly for bail breaches involving looked after children. Include Youth believe that the JJC should never be used as a 'place of safety' and that no young person should be detained because

they do not have an address. Breach of bail is a common reason for detention and we would like to see more done to ensure that the PSNI contribute to the setting of realistic and achievable bail conditions and do not add to the likelihood that a young person will be set up to fail.

Include Youth are concerned about the continued paramilitary threat to children and young people. We would strongly encourage the collection of information in relation to the frequency, location nature and age profile of those affected by so called 'punishment attacks'. Paramilitary control remains a very real threat to many of the young people we come into contact with.

"No, they (paramilitaries) are scumbags. I hate that they get children, you can get brought into them too easily, they want kids to do stuff for them, to do their skivvying for them."

"Kids are committing suicide because dissident paramilitaries are trying to get them to do stuff they don't want to do."

"There should be more done to tackle paramilitarism."

"The threat from paramilitaries is ridiculous. It's a disgrace. The paramilitaries have the advantage and all the propaganda that goes out, around the 12 th July and the Easter Rising and all, they have money to do what they want, the spotlight should be changed from them and should be put on young people. "

Anti-social behaviour:

We welcome the commitment within the plan to reduce the harm caused by anti-social behaviour and on the need to protect those who are most vulnerable. While welcoming the focus we still believe that there is a need for dialogue and agreement on a shared definition of anti-social behaviour.

As we have previously stated, Include Youth would welcome some focus on police officers approach to antisocial behaviour. Antisocial behaviour is a complicated subject which often impacts upon confidence levels in the police, the stereotyping of young people, 'stop and search', community relations, the use of public space and children's rights. Often 'antisocial behaviour', used in relation to young people, can describe both legal and illegal actions and indeed some activities young people are completely entitled to engage in (such as congregating in public places). In practice this creates a point of conflict between young people and the PSNI, a conflict which has substantial impact on the confidence levels of young people and which has the potential to dramatically affect the tone of how individual young people interact with the criminal justice system as a whole. We cannot underestimate the importance of a shared and understood definition of antisocial behaviour. It is clear that there are

drastically different interpretations on what constitutes antisocial behaviour with variations between the police, some members of the public and young people. If unresolved this will continue to have an impact on the number and types of incidents reported, the police response to those, the relationship between young people and the police and perceived levels of antisocial behaviour.

Stop and Search:

In our previous responses to Policing Plans we have consistently raised the need for the use of stop and search to be examined and included as a key priority. We believe these points need reiterated. Include Youth remain concerned about the high numbers of children and young people subject to stop and search and questioning. As the NIPB update on the thematic review of policing of children and young people stated, we are also concerned that there is a possibility that stop and search powers are being used inappropriately.

Over the years we have conducted a number of consultations with children and young people on issues of policing. Almost of all of the young people we spoke to had negative experiences of being stopped and searched, more often than not this was on a consistent basis and was itself a factor in the level of confidence they held in the police. In some cases it was reported that negative stop and search incidents had led to additional charges for young people. Include Youth consistently raise the issue of 'stop and search' and point out that young people feel targeted and victimised as a result of the use of 'stop and search' powers. They also report inconsistent experience of Officers' communication when it comes to providing a rationale for the 'stop and search' and their rights within that process. Young people also believe that 'stop and search' powers are used against them at a much higher rate than against adults. Include Youth are concerned about the extensive use against young people and also the experiences of those young people when they are stopped.

Include Youth would like to see the effectiveness of 'stop and search' assessed. The experiences of young people suggest that not only does the excessive use of 'stop and search' damage relationships but also subsumes substantial police resources, with this in mind an analysis of the data and the effectiveness of this practice would be extremely useful. All powers to stop and search children should be exercised in compliance with human rights and in particular with key provisions on the UN Convention on the Rights of the Child, including Article 2 (non-discrimination) and Article 3 (best interests). The use of stop and search powers should also comply with the PSNI's obligations under Section 75 of the Northern Ireland Act 1998.

The young people we work with tell us they feel targeted and demonised by the PSNI and it is clear this has an associated negative impact on their level of confidence in the police service. Young people we work with feel that their age, appearance, location and family history means they are demonised and specifically targeted by Officers. They believe this manifested itself as extra attention, excessive use of 'stop and search', constantly being viewed with suspicion, being looked down on by officers, being forced to disperse from public spaces and in many cases incivility. They believed the attention they receive from the police, including being questioned or searched on the street had a knock on effect on how young people are viewed by the communities in which they live.

"They treat young people differently, we are branded."

"They make assumptions and judgements about young people."

"You are more likely to be stopped because of what you are wearing."

"They always stop you if you are wearing a hoodie."

"They treat you worse if you are from a worse area."

"The PSNI harass young people."

"Young people are treated differently."

Relationships between young people and the police must be addressed in the Policing Plan and actions included to build respect and confidence levels.

Discretion/ Speedy Justice:

We would welcome an inclusion within the Policing Plan of the need to fully examine the impact of 'speedy justice' measures which have been introduced.

We agree with the need to address avoidable and unnecessary delay and are fully supportive of any attempt by the PSNI to divert young people away from the criminal justice system and to speed up justice. But this must never be done at the expense of due process or the child's right to a fair trial. We are concerned that 'speedy justice' has the potential to unnecessarily bring young people into the system and it is widely recognised that contact with the criminal justice system has major implications for children and young people. We have consistently called for diversion out of the system. There is a danger that if diversion is done in a way which is not consistent with that envisaged by the Youth Justice Review, that we will actually see a case where more young people are brought into the system than would have otherwise been the case. We are concerned that use of police discretion without

necessary training and safeguards in place could result in children involved in low level offences being brought into the system.

We remain concerned about the impact of needing to make an admission of guilt to access the youth engagement process. We would question the level of involvement the young person has in this process and the extent to which they feel in control of that decision. It is paramount that the young person understands what the implications are when they admit guilt and how this can impact on their future choices. Informed consent is vital to ensure the child's right to a fair trial. Given the profile of young people in the justice system we are also concerned about the capacity of some young people to give informed consent. Despite these additional safeguards we believe there is still the potential for young people and their families to feel pressured to admit guilt.

We are concerned that some young people may feel pressured to admit guilt and take part in the YE clinic by their parents. The issue of securing independent legal representation for young people engaged in the process remains an overriding area of concern. Include Youth is extremely concerned that disposals such as restorative cautions, informed warnings and diversionary youth conferences are being offered at the Youth Engagement Clinics and are being accepted by the children and young people, without access to independent legal representation.

The provision of effective support tailored to the needs of the young person, is a central component of the youth engagement clinics. We would welcome more detail on the type of support offered to young people, the range of providers and given one of the aims of the clinic is to reduce reoffending, we would welcome information on the outcome of the support packages.

We would like to the Policing Plan to address these important issues and call for a full and independent review of 'speedy justice' initiatives, including the application and outcomes of youth engagement clinics.

Concluding Comments

Include Youth welcomes the opportunity to comment on the Draft NI Policing Plan 2017/18 and are happy to engage further or expand on any of the issues raised, if that would be helpful.