

APPG on Children in Police Custody

Inquiry into achieving the rights of children in police custody: Terms of Reference

The APPG on Children in Police Custody are conducting a Select Committee style inquiry into achieving the rights of children in police custody. The inquiry will enable children's voices to be heard about their experiences in police detention, will explore the impact of the current arrangements for their treatment in police custody and develop recommendations for reform of policy and practice.

In particular the Inquiry will investigate:

1) How can the numbers of children being taken into police custody be reduced?

Police custody (the part of the police station where arrested people are detained) is a very adult setting and can often be a traumatising place for a child. Although there has been a [large reduction](#) in recent years, there were just under 53,000 child arrests in England and Wales in the year to March 2022. [Thousands of children](#) are still being detained in the police station each year on suspicion of theft, criminal damage and non-notifiable offences (the most minor category of offences), many of which could be addressed without bringing the child into police custody.

2) How can the length of time children spend in police custody be reduced?

Too many children are being detained for too long in police custody. Overall time periods spent by children in police custody have extended in recent years, with children frequently spending 10 or more hours in police cells. [Recent government figures](#) show that 45% of children detained in police custody were held overnight and that Black and minoritized children are significantly over-represented amongst children coming into custody and those being detained overnight.

3) How can we ensure children have effective adult support in police custody?

The main support for a child in police custody is the presence of an 'appropriate adult'. Their role is to safeguard the child's interests, including their rights, entitlements and welfare. The appropriate adult is expected to provide independent support, advice and assistance to the child, including helping them with communication and intervening if the police do not act fairly. They are not legal or communication professionals.

Most often family members, guardians or adults known personally to the child are asked to act as the appropriate adult. Typically, they have had no training in the process or how to assist a child in detention and rely on the police for information. Often they have no contact with the child until hours into their detention.

4) What can be done to ensure that every child receives legal advice in police custody?

At present children as young as ten have to decide whether they want legal advice in police custody, with very little guidance to understand how a lawyer might help them. Research has shown that children, particularly younger children, refuse legal advice more often than adults. Supporting adults are often called into police custody so late that they can be

reluctant to override a child's refusal of legal assistance. As a result children are often asked to make significant decisions without the benefit of legal advice.

5) How can the numbers of children strip-searched by the police (in custody and in the community) be reduced?

The phrase 'strip search' is generally used by children to refer to searches which involve exposing intimate parts (whether this takes place in the community (under the rules contained in Police and Criminal Evidence Act 1984 (PACE) Code A) or in police custody (under PACE Code C). Recent cases, such as the [experiences of Child Q](#), have revealed how traumatising strip search can be. Too many children are subject to strip searches, particularly Black children, both [in the police station](#) and [in the community](#), and there is very little oversight of how the police use this extraordinary power. In particular there is a lack of official data about the numbers of strip searches carried out by the police and about the characteristics of the children who are searched in this way (their age, ethnicity and gender).

The APPG on Children in Police Custody will gather information in several different ways. These will include:

- A call for written evidence (which will be launched in May/June)
- FOI requests to police forces in relation to training and data collection (which will be launched in June)
- Oral evidence sessions:

Evidence session 1: Hearing the voice of children and young people (in relation to police custody and strip search)	25 Apr '23
Evidence Session 2: Legal advice for children in police custody	23 May '23
Evidence Session 3: Appropriate adults and other supporters	TBC June/July '23
Evidence session 4: Reducing detention times for children	TBC Sept/Oct '23
Evidence session 5: Policing perspectives (inc.training and data collection)	TBC Dec '23

The APPG propose to produce a written report with recommendations for policy and practice in the Spring of 2024.