



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA



POLICE
SCOTLAND
POILEAS ALBA

Places of Safety for Children in Conflict with the Law

The event will
begin at 10am



#PlacesofSafety

Places of Safety for Children in Conflict with the Law

Welcome and
Introduction





A warm welcome to our partners:



AMNESTY
INTERNATIONAL





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Safeguarding Message

The case studies today contain information relating to domestic abuse, sexual crime or sexual offending, and repeat victimisation involving young people, that some may find distressing.

Please do not feel compelled to take part in the event from 11.30am onwards, unless you are comfortable to do so. Whilst discussions will not be graphic in nature, they will include references to domestic abuse, sexual assault and repeat victimisation involving young people.

There will be a break at 11.20am to allow anyone to leave.

Wi-Fi Details

COSLA Guest

Password: 5804269531



Michelle Miller

Scottish Police Authority
Board Member and
Event Moderator



Martyn Evans

Chair of the
Scottish Police Authority



Scotland has a population
of 5,466,000



55%

of children and young people agree or strongly agree that they have confidence in the police in their local area

Police Scotland and the SPA are
Corporate Parents



Around
40%

of young people in the prison system report they have been in care

In 2021/22
ICVS raised no
concerns about
the treatment of
U18s in
custody.

2 out of 10 people in Scotland are under 18



Police Scotland undertake
Proactive Engagement

with under 18s



- ▷ School Based Officers
- ▷ Events and Festivals
- ▷ Local Policing

These figures detail the proportion of young people who have experienced specific policing approaches in **Scotland** and **England and Wales** (per 10,000 of the population in 2020/21):

0.1	use of Taser	2	16.5	police use of force	42.7
Scotland		E&W	Scotland		E&W
40.4	going into police custody	N/A	46	stop and search	90.9
Scotland		E&W	Scotland		E&W

Working together for our children



Protection from harm
and neglect

Mental health and emotional
wellbeing

Meeting the requirements set out
in UNCRC

Ensuring a place of safety during
times of need

Putting the needs of children first

The SPA does not consider police custody to be a suitable setting for children who are in conflict with the law.



Key evidence findings

- **More contact with police = less trust of the police**
- **Strong fear of not being believed when reporting crime**
- **Child protection is inconsistent within and across services – delay and drift**
- **Good multi agency working critical to both investigation and safeguarding**





Some key research findings to improve all our approach



- **Treating children with compassion, empathy and respect**
- **Ensure timely and effective communication with children and their carers**
- **Ensure there are clear opportunities for children's voices to be heard and acted upon**
- **Support children to maintain a sense of control**

Malcolm Graham

Deputy Chief Constable
Police Scotland



LAST YEAR



3730

Children and Young
People (under 18)
taken to a Police
Station



568

Children and Young
People (under 18)
held for Court



HUMAN RIGHTS

1473

Younger
Children
(<16 + CSO)

2257

Older
Children (16
& 17)

78 (5%)

Younger
Children
(<16 + CSO)

490 (22%)

Older
Children
(16 & 17)

LAST YEAR



3730

Children and
Young People
(under 18) taken
to a Police Station



HUMAN RIGHTS



568

Children and Young
People (under 18)
held for Court

“Are there other, more appropriate places that children, many of whom are previous victims themselves, could be taken to facilitate investigations which avoid the trauma of being taken to police stations, held in police cells and dealt with alongside adults in police custody?”

Fiona Dyer

Director, Children and
Young People's Centre for
Justice



Place of Safety?

- National Child Protection Guidance (2021)
- Children's Hearing (Scotland) Act 2011 -s.39 Consideration by sheriff: application by local authority or other person & s.202 (1) Interpretation
- Age of Criminal Responsibility (Scotland) Act 2019 – s.28 Power to take child under 12 to place of safety
- Criminal Justice (Scotland) Act 2016 - s.22 Under 18s to be kept in place of safety prior to court



Age in Scotland

- **12** - Age of Criminal Responsibility/a child can appear in Court
- **16** – age a child can be referred to Children’s Hearing System
- **16** - Age of a child is defined as an adult in Criminal Justice Legislation (16/17 if on CSO)
- **17.5** – age a child can be remitted to CHS from Court
- **18** - Age of a child in recent childcare Legislation
- **18** – Age of a child under UNCRC
- **21** - Youth Justice Policy to extend WSA
- **21**- Structured Deferred Sentencing Court
- **25** - Brain Development
- **25** - Sentencing Guidelines for Young People
- **25** – Glasgow Youth Court
- **25** - Leaving Care Legislation

Policy Landscape

- The Promise
- UNCRC
- Youth Justice Vision & Action Plan
- Standards for those working with children in conflict with the law
- Rights Respecting?
- Child Protection
- GIRFEC
- Bairns hoose
- Sentencing Guidelines for young people



Policy Landscape





the promise
scotland

- **Whilst working to prevent the criminalisation of children, and especially those in care, Scotland must develop a more progressive, rights based youth justice approach that builds on the Kilbrandon principles and makes them a reality for all.**
- There must be far more alternatives for community based support and monitoring.
- **Scotland must recognise that 16 and 17 year olds are children in line with the UNCRC and must be accommodated within Secure Care rather than within Young Offenders Institutes and the prison estate. This must include children who are on remand and those who have been sentenced.**
- People and Risk – Scotland must support the workforce to contribute to a broader understanding of risk. Scotland must understand, through its people and structures, the risk of children not having loving supportive relationships and regular childhood and teenage experiences.

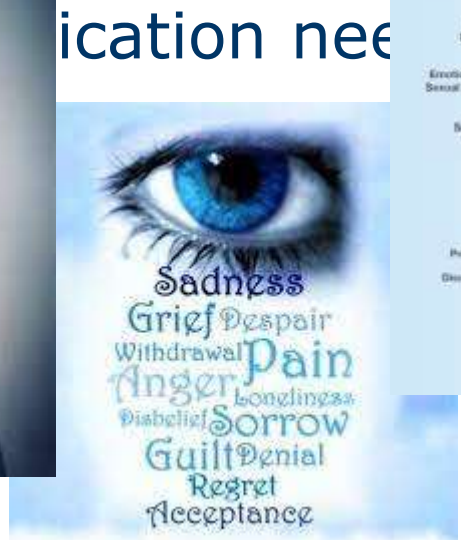
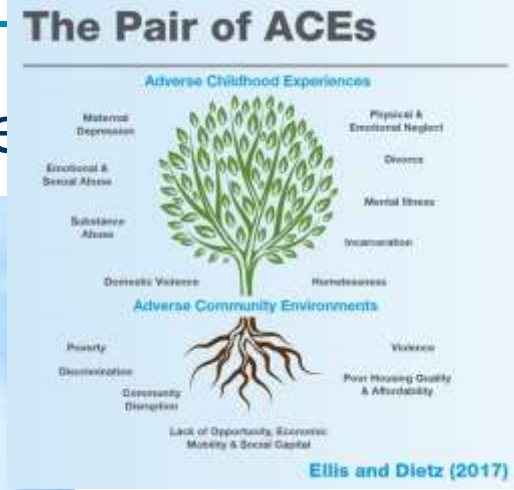
UNCRC

- UNCRC defines a child as a person under the age of 18
- The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time (Article 37b)
- Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings should be followed (Article 40(3))

Evidence (2022)

- Most children who offend in adolescence do not go on to offend in adulthood, and many of those engaged in serious offending are not known to justice organisations.
- Children who experienced a range of adversities (including poverty, trauma, care experience, etc) are significantly more likely to offend in adolescence and into adulthood.
- Pathways of criminal conviction from childhood to early adulthood vary considerably depending on people's early life circumstances, and are associated with a wide range of behavioural, familial, contextual and experiential factors. However, those who come persistently into contact with the justice system over time tend to be amongst the poorest and most vulnerable people in our cohort.
- Children who have contact with the criminal justice system are not necessarily more likely to desist from offending and, in some cases it may act as a catalyst for continued offending into adulthood.
- References: McAra L & McVie S (2022)

Children in Conflict with the Law



ication need

Evidence from CYCJ

- **Fear and Stress** Police custody was often perceived to be the most stressful / frightening aspect of the process, with a big impact on mental health and emotional wellbeing “**because the amount of time I was in the cell all night, I was crying myself to sleep, I was taking an anxiety attack and I was an emotional wreck that night. Then I was just like crying all weekend...**”
- **Lengthy Stays** Children described lengthy stays in police custody, often over the course of a weekend. Compounded by a long day in cells at court.
- **Proximity to adults.** Children were held in close proximity to adults, adding to the fear and distress. Especially so on the transport to court. “**with those cells everybody’d banging the cell doors, and no telly so you’ve got nothing to take your mind of it.**”
- **Communication** There was a real lack of communication with parents / carers – with some saying they did not know where their child was over the weekend
- **Lack of support in custody.** “Then I was just like crying all weekend, they would come in every so often and say “are you alright?” and I’d be like “aye” but even though I was greetin’ they would just walk away.”
- **Basic human rights** were sometimes lacking i.e. ability to use the toilet in private (female), or have access to sanitary products, or get a wash before court (frequent) “**I hardly went to the toilet because there was a camera and pots and that and I didn’t feel comfortable...**”

Get in touch

[Sign up for our monthly e-bulletin](#)

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Gordon McCreadie

Divisional Commander,
Criminal Justice Services
Division,
Police Scotland



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Police Custody Provision



The purpose of Police Custody Provision is non-punitive.



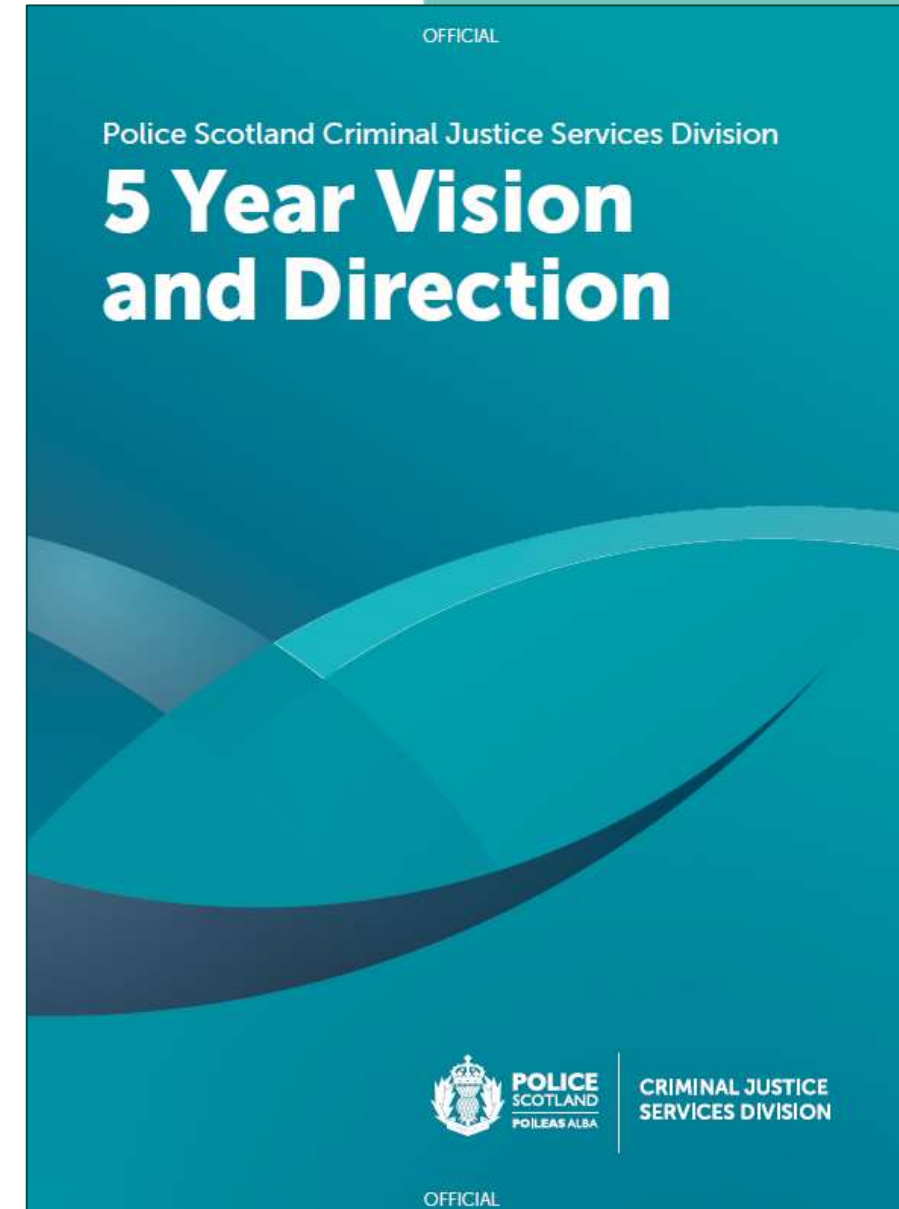
Around 100,000 people come into custody every year. 3% to 4% are Children.



Custody is a risk laden environment where trauma is present, visible & experienced.

Vision & Direction

- Aspiration to divert children from Police Custody
- In the interim – invest in modernising custody facilities for everyone, children and adults
- Trauma Informed Practices for our People
- Cultural Change – Organisational and Operational Risk
- Improved Partnerships – holistic and non-boundary based
- **But what does the current reality look like.....**





**Whilst
the following film
is fictional it portrays
a realistic depiction of
events**



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Tracy

Stephens

Chief Social Worker,
Moray Council



Michelle Miller

Scottish Police Authority
Board Member and
Event Moderator



James Docherty

Scottish Violence
Reduction Unit



Navigating the Custody Environment with ACEs Trauma...



Safety, trust, choice, collaboration, empowerment!

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The event will resume
at 11.20am

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Michelle Miller

Scottish Police Authority
Board Member and
Event Moderator



Case Study 1 – Part 1

Oliver (15) has been arrested, although not officially accused, following disclosures made by his 10 year old sister. Disclosing he raped her the previous day and has also raped her on numerous occasions in the past year. Oliver stays at home with his mum and two sisters aged 10 and 8, with no further local family support. His maternal grandparents reside in Cardiff. Oliver attends mainstream education however requires additional learning support and is in the process of an autism assessment, there are no other communication concerns.

An Interagency Referral Discussion has taken place with Joint Investigative Interviews, medical examinations and witness statements all agreed. This will take several hours to progress.

A forensic medical examination and suspect interview have been set as priorities for Oliver.

What would the initial expectations be around Oliver?

Is it proportionate for Oliver to be arrested and taken into Police Custody?

Would another facility be more suitable?

What does legislation allow for? How can partners work together?



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Case Study 1 – Part 2

The family reside in a small coastal town, the nearest suitable Custody Centre is around 50 minutes travel and crosses local authority boundaries.

Oliver is likely to spend several hours in Police Custody, he requires support in relation to being processed and engagement with a solicitor. These events are taking place on a Saturday afternoon.

Who is best suited to support Oliver during his time in Police Custody, considering his sisters also require support?

Case Study 1 – Part 3

Oliver and family are known to Police and Social work for an incident 5 years ago where the father of all children was arrested for possession of indecent images of children. He left the family home at the request of the mother who was seen as a protective factor. The family have had no contact with the father since.

Oliver's solicitor has advised that the medical examination should be refused, the investigating officers are now progressing a warrant however this will create a considerable delay. It is 7pm and Oliver has now been in a Police Cell for 4 hours. The warrant request and authorisation will take a minimum of 2 hours. The medical examination and interview have still to take place.

Does this change any opinions on the progress or proportionality?

Would there be a difference if the allegation was that Oliver raped his sister a week, month or year ago?

Case Study 1 – Part 4

Oliver's 10 year old sister is found to have injuries consistent with penetration and has confirmed detail around the abuse in a Joint Investigative Interview. Oliver's 8 year old sister has disclosed non-recent sexual assaults by Oliver. It is 11pm and Oliver has been charged with the rape of a younger child and other sexual offences. The Custody Sergeant has to decide on a suitable disposal to allow for the matter to be progressed to Court.

What should the mechanism be (held in custody to appear at Court tomorrow, 1st day undertaking, 14 day undertaking, report, etc)?

Who should take responsibility for Oliver to ensure care and welfare, then facilitate his appearance at court?

Is it fair for Oliver to wait in a custody cell until decisions regarding his care are made?



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Case Study 1

- "Oliver"

Plenary Session



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Places of Safety for Children in Conflict with the Law

The event will resume
After lunch
at 1.50pm

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Case Study 2 – Part 1

Emma (16) has been arrested for a disorder offence, Section 38 Criminal Justice Licensing (Scotland) Act 2010, in a Scottish City Centre. Emma is intoxicated but not a medical risk.

Emma is a subject to a compulsory supervision order, however she was recently accommodated in an independent residential house based in a bordering local authority area. It transpires Emma had not returned to the house for an agreed curfew and was in the process of being reported missing.

Emma is taken to the City Centre Police Custody Centre. It's 11pm on a busy Saturday night.

Although she has numerous other pending cases, the Custody Sergeant is of the opinion that an undertaking for court appearance later in the month is appropriate for the circumstances. It is likely to take several hours to complete the custody processes and undertaking forms.

Staff from the residential house state they will collect Emma around 9am in the morning.

Is this a proportionate disposal decision for the circumstances?

Is it fair for Emma to wait in Police Custody for these processes



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Case Study 2 – Part 2

Emma is aggressive and volatile on processing, she has spat on the police officers and is kicking out. One Police Officer is injured with a cut to their lip. Emma has to be restrained on the ground for a period of time by 4 officers to protect Emma and the Officers.

On previous visits to Police custody Emma has been found in possession of small blades used to self-harm, she had hidden these in her underwear. Emma is threatening self-harm should she be left alone.

How do we mitigate the risk to Emma and provide care for her in these circumstances?



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Case Study 1 – Part 3

There are previous concerns for Emma's risk of Child Sexual Exploitation. When arrested, she was in the company of 4 older males who were known to the Police for being involved in the supply of drugs, however they were not committing any offences at the time.

In her possession Emma has two new mobile phones, £250 cash and several unopened beauty products.

The arresting officers were suspicious of the circumstances, however Emma denied any exploitation or coercion.

Does this change any opinions on Emma's status and care?

Case Study 1 – Part 4

Emma eventually engages well with staff, she becomes calm and compliant. She sleeps throughout the night with regular checks from staff and requires constant CCTV observation, removing a Police Officer from operational duties for 10 hours.

City Centre Out of Hours Social Work staff risk manage other demands throughout a busy evening and visit Emma in Police Custody to provide support.

Due to Emma's threats of self-harm, Custody Supervisors make a decision in line with policy that Emma requires a mental health assessment prior to leaving the centre. The Police Doctor conducting this assessment will arrive around 10 am to assess Emma and attend to other urgent clinical business in the custody centre.

Residential house staff arrive prompt at 8am, however Emma is not suitable for release until deemed fit for release following a mental health assessment. Emma is released at 11am.

How could we better care for Emma and other vulnerable children or young people in similar circumstances?

Considering the allocation of time and resources for all services, how could we better serve Emma, other service users / needs and the wider public?



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Case Study 2

- "Emma"

Plenary Session



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Michelle Miller

Scottish Police Authority
Board Member and
Event Moderator



Scott Ross

Head of Change and
Operational Scrutiny,
Scottish Police Authority



Gordon McCreadie

Divisional Commander,
Criminal Justice Services
Division,
Police Scotland

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A sincere thank you to our partners:



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