



Just for Kids Law
Unit 4D Leroy House
436 Essex Road
London
N1 3QP
info@justforkidslaw.org

The Rt Hon Priti Patel MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London
SW1P4DF

Cc: Kit Malthouse MP, Minister of State for Crime and Policing

23 March 2020

Dear Secretary of State,

CORONAVIRUS – CHILDREN IN POLICE CUSTODY

We write further to the UK Government's advice to the population at large in respect of the coronavirus pandemic and social distancing. We are extremely concerned about the safety of children and young people in conflict with the law, some of the most vulnerable in our society, who may be exposed to COVID-19 through arrest or detention. We strongly urge you to issue immediate guidance to the police asking them to refrain from arresting children, and exposing them to greater risk of contracting COVID-19, unless absolutely necessary. Arrest should only be as an absolute last resort, in relation to only the most serious crimes and maintaining public order, in line with the Government Coronavirus action plan.

Despite children seeming to be less at risk from the virus, the heightened chance of infection in busy and confined spaces such as police stations, still poses a real danger to them, especially those with underlying health conditions, their families and wider communities. The risk brought about by this pandemic is disproportionate to the need to arrest and detain children and young people for minor offences.

The Police and Criminal Evidence Act 1984 (PACE) Code C is clear that "*all persons in custody must be dealt with expeditiously and released as soon as the need for detention no longer applies.*" Specifically, the College of Policing requires officers to take into account the age of a child or young person when deciding whether any of the statutory grounds for arrest apply. Officers should pay particular regard to the timing of any necessary arrests of children and young people, ensure that they are detained for no longer than necessary, both pre and post-charge, and avoid holding them overnight in police cells unless absolutely necessary.

We know from data provided to us by the Metropolitan Police that in 2019 alone a total of 7,038 children were detained in police custody overnight in London. This is despite the fact that, PACE s38(6) places a duty on the police to transfer children who have been charged with a criminal offence and refused bail to



local authority accommodation rather than keeping them in the police station overnight. The National Police Chiefs' Council further reiterates the need to *"use custody for children only as a last resort."*

We call upon you to remind local police forces of their duties to children and young people and to take immediate action, in particular:

- 1) Limit arrests and only pursue the most serious offences committed by children and young people
- 2) Avoid placing any child or young person in police cells whilst COVID-19 risk levels remain high
- 3) Suspend overnight detention of any child or young person in police custody.

These are exceptional times which warrant extraordinary political leadership. We hope that, having considered these issues, you will take immediate action to protect the health and wellbeing of children and young people coming into contact with the police.

Best wishes,

A handwritten signature in black ink, appearing to read "Enver Solomon".

Enver Solomon,
CEO

Just for Kids Law, including Children's Rights Alliance for England and Youth Justice Legal Centre