

One minute guide

Operation Divan

Operation Divan is a Police-led partnership initiative to challenge and discourage the carrying of knives by young people in North Yorkshire. This guidance explains the context of Operation Divan, and the role which Children & Family Services have in supporting it.

Youth knife crime is still very low in North Yorkshire, but we are seeing a rising trend consistent with the national picture. Agencies, communities and families must work together to protect our children from this grave harm.

When NY Police receive reports or intelligence about young people carrying knives, these will initially be investigated to establish whether a crime has occurred, and if there is sufficient evidence for criminal charges.

If this is so, the Police are required by national crime reporting rules to process it through criminal channels. This may be by referral to the Youth Outcomes Panel or by charging directly to Court.

Operation Divan arises when the circumstances do not establish that a provable crime has occurred, but there are general concerns that the young person may be putting themselves or others at risk through association with knives. Operation Divan is a prevention and safeguarding intervention, offering positive support to those young people.

Instigation -

If the investigating Police Officer is satisfied that no provable crime has occurred, but that the circumstances indicate general concerns about knives, they will arrange to carry out a joint Operation Divan intervention with a worker from Children & Family Services.

If the young person or their family is currently or recently open to a CFS team, then it is presumed that their allocated worker will participate in the Operation Divan intervention. If the young person and family have no current or recent CFS involvement, Early Help Service will provide the Operation Divan response. If the young person has previous recorded criminal outcomes, this will be undertaken by Youth Justice workers.

Importantly, this is a swift and informal response. Police officers will instigate an Operation Divan joint visit via a streamlined notification pathway.

Intervention -

Operation Divan is simply a focused discussion with the young person and their parents, to share our concerns and offer positive support.

This meeting will usually take place by appointment at the family home, but it may sometimes be preferable to use a private room in a school or other venue. Arrangements in each case will need to be negotiated to fit availability, but should be prioritised as a safeguarding action.

This is a non-statutory process, and families are entitled to refuse to participate. CFS staff should not emphasise or encourage this, and it may be more effective in some cases for the Police Officer to make the arrangements. If the young person is under YJS supervision, this visit should be incorporated into their plan.

The investigating Police Officer will state clearly that the criminal investigation has finished, no provable offence has been identified, and this is not a criminal "PACE Interview" of a suspect. What the young person says now is not admissible in evidence, and they can talk freely (but see important note below).

The Police Officer's main objective will be to explain the risks of knives to the young person and parents. This will include references to the criminal penalties, but the main focus is the very serious risks of personal injury or death.

We then want to understand the young person's perspective and experiences. Are knives becoming more common in their school or community? If so, why do they think this is? We should be alert

to issues like bullying, peer pressure or fear of being attacked with a knife.

We should also capture intelligence and learning for services, to help us more effectively discourage young people from carrying knives. Which shops are selling knives to children, how are they being smuggled into schools, etc? Is there a connection to organised drug distribution, or a particular threat in their community which causes the young person or their friends to feel unsafe?

The CFS worker should support and develop this discussion, moving towards agreement of what positive actions the young person and parents can take to reduce risk, and what support they may need. If continued support will require new service referrals and consents to be completed, this can be completed with the family.

At the end of the visit, the Police Officer will wish to leave a leaflet or notice which summarises key points of the anti-knife message. They may ask the young person or parents to sign an acknowledgement that they have received this. This has no legal effect, the intention is only to symbolise and reinforce the discussion. But if they prefer not to accept or sign anything, that's okay.

Important Notes -

Admissions and Disclosures –

The primary aim of Operation Divan is to promote safer choices, by providing information and advice to young people and their families, supplemented by service support if needed.

It is however possible that during this discussion, new information may come to light. Police officers cannot ignore new information which suggests that the child may have committed a serious crime. We do not expect this situation to arise often.

If new information causes the Police officer to suspect a serious crime, they cannot continue with the informal discussion. The child has now become a criminal suspect, and they can only be interviewed under strictly-regulated arrangements to ensure evidential integrity (a “PACE Interview”).

The Police officer would be ethically obliged to immediately explain this change of circumstances. There is no advantage to them by avoiding this, because nothing that the child says in informal discussion can be used in evidence against them. To obtain admissible evidence, they must arrange a formal PACE interview.

In that situation, the CFS worker should remind the young person and family that nothing previously said is admissible in criminal proceedings, and they should take legal advice before engaging in a formal PACE interview. The Operation Divan visit would terminate.

The young person may also mention events or circumstances involving others. They may not wish to identify the other people, and they should not be pressured to do so. But it is also possible that they might *want* to tell us that a friend is being bullied, or a drug dealer is threatening their peers. In those circumstances, the CFS worker & Police

Officer will need to consult and agree an appropriate course of action.

Legal and Illegal Knives –

Broadly speaking, the possession of knives and weapons is prohibited in public places. However this does not apply to small folding pocketknives with a blade less than 3 inches, which are legal to carry except with intent to use as an offensive weapon. And although schools usually have rules against this, there is (surprisingly) no law which prohibits a young person taking a small folding pocketknife into school.

This may be mentioned during an Operation Divan intervention, as an excuse or justification for carrying a knife. If so, we have to recognise that this right does exist and that young people can lawfully carry small folding knives, but we should push beyond this to challenge the more important risk and safety issues. A small folding knife can still cause grievous or fatal injuries, and can still be taken from it's owner and used against them.

Use of Operation Divan Materials after Criminal Process –

A range of good intervention materials has been assembled to support Operation Divan, and these are often very suitable for work with young people who have admitted or been convicted of knife-related offences.

It is however important to maintain the distinct purpose and scope of Operation Divan as an informal, pre-criminal safeguarding intervention. For example, when giving advice to YOP or Referral Panels we cannot suggest “referring to Operation Divan”, because those young people have gone beyond the range of Operation Divan.