

Youth Justice

**Patricia Gray, Reader in Criminology and Criminal Justice, School of Law,
Plymouth University**

Five key challenges face the new government in the field of youth justice. First, research evidence informs us that youth crime is a normal part of growing up and that young people who offend should be diverted from formal youth justice processes to avoid the damaging effects of criminogenic labelling (McAra and McVie, 2007). Arguably commendably, during the previous coalition government there was a significant drop in the number of young people entering the youth justice system, with 'first time entrants' in particular falling by 75% from 2003/04 to 2013/14 (Ministry of Justice, 2015). However, it is unclear whether this reduction was a result of rational policy decisions to promote pre-court diversion or was simply the unintended outcome of a drop in youth crime, revisions to police targets and cuts in public spending. Critics even challenge the extent to which the expansion of diversionary schemes are truly diversionary and progressive in the type of support they provide to young people in conflict with the law (Smith, 2014). The challenge for the new government will be to ensure that diversionary programmes find the right balance between offering meaningful support to address welfare needs while avoiding the unnecessary criminalisation and stigmatisation of young people who offend.

Second, young people who enter the youth justice system are often emotionally distressed, socially disadvantaged and economically deprived, having experienced a wide range of family, school, mental health and employment difficulties. The Carlile inquiry (2014), along with numerous research studies, show that despite the multi-agency composition of Youth Offending Teams (YOTs) and their partnerships with social welfare providers in education, health and children's services, these difficulties are not being adequately dealt with in the youth justice system. Part of the problem lies in public spending cuts and other austerity measures set in place by the previous coalition government which have made it almost impossible for YOTs and their partners to address the complex social welfare needs of young people who offend. Another problem rests in the way in which these needs are 'problematized' solely in terms of their link to young people's risk of reoffending. This results in the 'criminalisation of

social need' (Goldson, 2013: 123) as young people's social welfare problems are individualised or interpreted as individual shortcomings and dematerialised or abstracted from wider socio-economic constraints. The message to the new government based on the research evidence is that in order to support young people to stop offending they must be treated as 'children first' and 'offenders second'. This means that holistic social support should be provided through non-criminalising, inclusive policies delivered by mainstream social service agencies. Such support requires to be adequately resourced. Attempts to cut costs by reducing the quantity and quality of these resources will simply lead to more entrenched problems and recourse to more expensive and questionable solutions.

Third, throughout most of the 1990s and early 2000s the rate of youth custody was rapidly rising (Bateman, 2012). This was spurred by a 'punitive turn' following the murder of James Bulger in 1993 and the subsequent politicisation of youth crime and the demonization of young people who offend between the ages of 10 to 18 years. There has since been a dramatic decline in the number of young people entering custody, with the average youth population in prison falling by 56% in the last 10 years (Ministry of Justice, 2015). But we continue to have one of the highest youth custody rates in Europe not justified by the volume or seriousness of youth crime. We do not use the imprisonment of children (below 18 years) as a 'last resort' and 'for the shortest appropriate period of time' as recommended by Article 37(b) of the 1989 *United Nations Convention of the Rights of the Child* (UNCRC). The research evidence also makes it quite clear that this is undoubtedly the most criminalising form of punishment/rehabilitation (depending on how it is perceived) with 67.9% of young people reconvicted within one year of release from custody (Ministry of Justice, 2015). The current plans to build 'secure colleges' for young offenders further smacks in the face of research evidence that such large scale educational facilities or 'super-child' jails simply reinforce criminal identities and anti-social behaviour. These colleges, as evidenced by past experience (see Goldson, 2014), are likely to be rife with high levels of bullying, violence and suicide and havens for the type of 'inhuman' and 'degrading treatment' strongly criticised by Article 37(a) of the 1989 UNCRC. Like youth custody in general, these colleges should be scrapped and only if necessary replaced by smaller-scale secure units for those young people who it is certain do present a significant danger to the community.

The fourth challenge facing youth justice relates to the uses of restorative justice. In recent years restorative justice has taken on an almost idealised status in youth justice policy guided by the principles of 'responsibilisation' or holding young people

accountable, 'restoration' or repairing victim-offender-community relations, and finally 'reintegration' or social inclusion by supporting young people's entry or re-entry to the mainstream. But in practice the meaning of restorative justice and its position in youth justice processes have become confused with the research evidencing that 'responsibilisation' has tended to outweigh making amends and social inclusion, leading to an emphasis on compliance and punishment with the interests of victims, young offenders and the community neglected. While several more enlightened programmes have tried to maintain a more even balance between the three principles, the Criminal Justice Joint Inspection (2012) continues to criticise the lack of coherence in the delivery of restorative justice and recommends a more systematic and consistent approach. Serious consideration must therefore be given to critically interrogating how the concept of restorative justice is to be interpreted and its place in youth justice as a form of 'innovative justice'.

The final challenge surpasses all the others because if addressed it would make serious inroads into encompassing all the others. The minimum age of criminal responsibility (MACR) in England and Wales is 10 years, which is well below the average minimum age of 14 years in the rest of Europe. By raising the MACR we would immediately take a significant step forward towards developing a less destructive youth justice system based on the ethos of treating young people who offend as 'children first' and 'offenders second'. Even greater numbers of young people who offend would be directed away from the criminal justice system towards universal children's services where their complex social welfare needs could be met without resort to criminalisation (Goldson, 2013). The greatest impact would undoubtedly be seen in the use of youth custody because it is known from the research evidence that higher rates of diversion from formal processing by the courts are related to lower levels of youth imprisonment (Bateman, 2012). Ultimately a higher MACR would provide the opening and incentive for restorative justice to become the standard-bearer for progressive and innovative youth justice policies and practices for young people in conflict with the law.

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