



**MAKING COMMUNITIES SAFER:
MAKING SOCIETY STRONGER**

**SDLP PROPOSALS FOR A MORE EFFECTIVE
YOUTH JUSTICE SYSTEM**

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1) INTRODUCTION

1) Eleven years on from the Good Friday Agreement, ten years since the policing reforms of Patten and nine years since the Criminal Justice Review, the SDLP believes it is time for a further step change in the nature of policing and justice in Northern Ireland.

2) The SDLP believes that Patten and the Criminal Justice Review were not the beginning and end of policing and justice reform; but the first phase.

3) This paper's focus is on the Youth Justice System and not the wider Criminal Justice System.

4) What is clear is that fear of crime in communities is high and that the level of public confidence in the youth justice system is low; people are frightened due to high incidents of anti-social behaviour and criminal activity. What is also clear is that our youth justice system as it currently operates is not tackling the issue of serious anti-social behaviour or criminal activity as effectively as a youth justice system could, or indeed as a youth justice system should.

5) However what is equally clear is that children and young people as an entity are readily demonised for what must be acknowledged as the anti-social or criminal actions of a very small minority of young people.

6) A youth justice system must exist to serve the public; through protecting the public and instilling public confidence in the system and agencies that operate in that system, through serving and catering to the needs of crime victims, through prevention and reducing the likelihood of those who have offended from re-offending.

7) This is what the SDLP will outline in this document; a Youth Justice System that does just that.

8) The SDLP also believes that there will be a category of offences/repeat offences for which custody is appropriate and necessary. That is why more stringent bail requirements, longer sentences for serious and aggravated crimes, appropriate penalties for serial youth criminals and proportionate responses to a category of offender are needed.

9) These matters are not the particular focus of this document, but they are features of a strategic response to youth crime and justice issues.

2) WHAT WE AIM TO ACHIEVE

10) In our society it is too often the case that too many young people feel like they have nothing to lose and nothing to gain.

11) The SDLP will outline in this paper proposals that will instil a sense of belonging and citizenship into young people. We want to make young people feel that they are an active participant of the youth justice system, that the system exists to serve and protect them and their rights and best interests, as much as everybody else's.

12) This document contains proposals that will help prevent first time offending, reduce re-offending, ensure young people have access to appropriate services in a timely manner, instil a sense of pride and public confidence in the youth justice system and ensure that young people are confident about their place in society, playing a positive and constructive role and become active citizens.

13) This document will outline a **targeted preventative approach** to youth crime, judicial good practice, measures to ensure children's right to participate and input into policies that affect them is upheld and facilitated, and ultimately how we as a society will benefit both financially and in how we support and utilise our young people's potential: **making communities safer, making society stronger.**

3) IS THE CURRENT SYSTEM EFFECTIVE?

"It is now widely accepted that conviction can have the effect of increasing, rather than diminishing, juvenile behaviour...juvenile offenders have problems common to all children and like all children in need of care and assistance should have those met on their merits"

The Black Report: Children and Young Persons Review Group: 1979

14) Any justice system must exist to serve and protect the public by preventing offending and reducing re-offending, to serve victims and instil public confidence in public safety - it is clear that the current system is not achieving these aims and that public confidence is low.

15) In its February 2008 report, the Criminal Justice Inspection NI recommended a system-wide review into current practices in youth offending, advocating a clearer and more integrated system.

16) The Centre of Crime and Justice Studies independent audit into youth justice reforms in England and Wales in May 2008 went further and criticised the government's current policy and advocated a dramatic change in policy direction.

“It is time to raise some fundamental questions about whether the youth justice agencies can really address the complex economic and social factors which are the cause of youth offending...Are more effective solutions to be found outside the youth justice system...After a number of years of expansion should youth justice be scaled back and social support-led prevention scaled up?”

The Centre of Crime and Justice Studies: Ten Years of Labour’s youth justice reforms, an independent audit, May 2008

17) This call is neither new nor recent. The Black Report, Children and Young Persons Review Group, published in 1979 advocated a preventative approach, acknowledging that the primary determinant of any child’s behaviour is the social, moral and economic climate within which they have grown up. The report found that there is an onus on society to take account as early as possible of children’s experiences; in essence a targeted preventative approach.

18) Statistical evidence and best practice suggest there is real merit in adopting a **targeted preventative approach** to youth crime and anti-social behaviour.

19) Taking into consideration many young people who enter custody may well have come from a home with complex familial problems, have no stable accommodation, come from residential care, have poor educational attainment, will not be in any full time education, training or employment, may well have alcohol and drug abuse issues or have mental health concerns, commonsense would tell us that if we tackle these issues head on, before they materialise and result in criminal behaviour, crime may be prevented.

Percentage of 10-17 year olds 1-year re-offending rates:

- Young offenders Centre: 82.4%
- Juvenile Justice Centre: 68.4%
- Overall 1-year re-offending rate: 39.3%

Youth Justice Agency Statistics

20) This should have significant benefits, not only for the young person but also for potential victims, the local community and society as a whole.

70% of young people detained in Young Offenders Centres (which accommodate males including 15-21 years old) have literacy and numeracy skills below level 1 – age 11

Parliamentary Question to Secretary Of State for NI from Mark Durkan MP
MLA

4) RECOMMENDATIONS AND GOOD PRACTICE

A) EARLY INTERVENTION AND PREVENTION

“... no room for complacency when so many children are faced with what amounts to multiple deprivation arising from poverty, poor living conditions, long term unemployment and a poor social and physical environment.....the needs of children are many and varied.....there is an onus on society to take account as early as possible of these and other problems faced by children in growing up...”

The Black Report, 1979

21) It remains the case that too many children and young people who have been identified as being at risk cannot get access to services UNLESS they have broken the law. This is an untenable situation if we as a society want to move forward.

22) It also remains the situation that when a young person is identified and signposted to services after breaking the law, in some cases those services can be inconsistent and those agencies appointed to work with the young person may not work together as closely as they should, may not share relevant information. This results in young people falling through the cracks in the current system: this needs tightened up.

- (i) The SDLP is therefore proposing a **targeted preventative approach** through a **single point of contact** for those young people identified as being at risk of offending
- (ii) This will ensure the adequate and coordinated sharing of relevant information in a timely manner, adequate data protection procedures and most importantly, consistency and a sufficient level of service
- (iii) The SDLP does not believe that this agency should be administered within the formal Criminal Justice System.
- (iv) The SDLP is proposing the implementation of a **dedicated strategy to address the varied and complex issues of children from residential care.**

It is an unacceptable fact that a disproportionate number of children from residential care end up with a conviction or in custody and that a disproportionate number also have special educational needs.

These vulnerable children, many of whom have suffered the worst traumas through no fault of their own, should not be let down by the state.

- (v) Further to identifying children at risk, children also need to feel confident and comfortable with their place in society. The SDLP is proposing a **dedicated strategy within our schools** and extended to children who are not traditionally in the formal education system, such as children in care, custody or traveller's children. This dedicated programme will ensure children understand the importance of positive participation in communities and society.

- (vi) Children and young people with learning/behavioural difficulties need to be kept in mainstream education and only as a very last resort should they ever be removed. Appropriate measures need to be identified that will allow disruptive children to be kept in school while not disturbing the rest of the pupils' education. Evidence shows that children who stay in mainstream education do better socially and economically than those who leave early.

- (vii) Young people should have the opportunity to participate and influence the agencies that affect them, and equally, agencies that serve and deal with young people should have the benefit of young peoples' experience and advice. The SDLP is therefore proposing **youth advisory panels** appointed and consisting totally of young people to advise all those agencies that deal with young people directly.

B) DIVERSION: ALTERNATIVES TO CUSTODY

23) Currently our system places an emphasis on custody even when a custodial sentence may be unnecessary. On the other hand we put young people through diversion programmes and these programmes are seen as 'getting off a proper sentence' i.e. not getting a custodial sentence. The balance and purpose of both these sentences needs addressed.

24) Placing children and young people in custody may not always be the most appropriate or effective way of ensuring that they do not re-offend again in future. It remains the case that we have an unacceptably high overall re-offence rate (39.3%), which suggests we are not addressing the issue of preventing re-offending adequately.

- (i) The Youth Justice agency plays a vital role in diversion and providing alternatives to custody, such as youth conferencing. This has the support of both young people and victims, with a **94% satisfaction rate among victims** for the youth conference service.
- (ii) The **Youth Justice Agency needs expanded and invested in** in order to meet the complex needs of many young people and provide them with the best service.
- (iii) Reforms need to take place around how the system operates and the **SDLP proposes a review** into the service to determine how it should expand and reform - some areas we have identified include imposing more stringent penalties for young people breaching the conditions of their programme, or speeding the process up - it currently takes an average of 36 days for a youth conference to take place from court order. A

child or young person best understands the consequences of their actions when those consequences are closest to the action.

- (iv) In most instances it will be appropriate for the Youth Justice Agency to work with a young person's family if there are issues around home life. Parents have a big role to play in the focus and direction of a child's life, and some may require support. It must be acknowledged that the vast majority of families do an excellent job but a small minority struggle. The SDLP is proposing that **early intervention and family support will be given** to those families that are assessed as needing some assistance.

C) CUSTODY

25) There is no doubt that for some young people custody will be a necessary and appropriate response, for those young serial offenders of aggravated and violent crimes, but there is also no doubt that custody alone may not always be the best solution.

26) When children and young people are put into custody a baseline of services must be put in place. Evidence shows us that prison hardens and further alienates those young people who enter custody and that many re-offend, with the re-offending rate for those in the young offenders centre at 82.4%.

The SDLP proposes the following:

- (i) Adequate services must be put in place to ensure that those young people who enter custody with mental health or substance

misuse problems, special educational needs and learning difficulties, are given sufficient, adequate and proper support.

- (ii) All children and young people in custody must be meeting the statutory requirement for education and training of 25 hours per week within a reasonable timeframe from entry. The SDLP further proposes that all education being administered must be from the NI statutory curriculum.
- (iii) UNCRC obligations must be complied with regarding children in custody: keeping children separate from adults, providing adequate and appropriate services, ensuring an anti-bullying strategy is in place, providing educational and training programmes. The Criminal Justice Inspector NI and the Northern Ireland Commissioner for Children and Young People will take a greater role in monitoring Juvenile Justice Centres.

D) POST RELEASE

27) The SDLP believes that the re-offending rate is too high. Those that leave custody are not being supported enough to ensure that they do not re-offend and turn away from crime and become active members of society.

28) That's why in custody we must ensure that they are given opportunities and support, through education and training so that they do not become hardened to crime as a way of life. Post release we must ensure that those most in need are given support. Those who entered custody with familial problems will have familial problems when they leave custody and will need support; equally those who had no stable accommodation when they entered

custody need support to give them stable accommodation when they leave custody.

- (i) The SDLP is proposing an ***individual post release support package*** involving all appropriate agencies based on the individual needs of the young person. All those leaving custody would be assessed for progress in education and training, and the individual's familial, social, educational, emotional and skills needs will be taken into account.
- (ii) The Criminal Justice Inspector for Northern Ireland would take a lead role in assessing the administration and results of the packages.

5) CONCLUSION

29) It is in our interest as a society to ensure that crime and anti-social behaviour is tackled effectively, that fear of crime is reduced and confidence in the Youth Justice System is increased.

30) Preventing crime is always a better approach than simply reacting to it. Sharing information and effectively joining up and coordinating services is essential to any system working effectively.

31) Young people need to have an input into the system and the system must work for them, they must be confident and comfortable of their place in society.

32) First time offending and re-offending must be significantly reduced and our current system is not achieving that aim. It is usually our most vulnerable

children and young people that end up on the wrong side of the law, their potential and opportunities are usually cut short by a life of crime. We need to target these young people and provide extra support and services to reduce crime, reduce the youth justice budget and help many people who don't have the opportunity to, to realise their full potential.

33) Society as a whole will benefit from such a system through increased public savings. A system that puts an emphasis on utilising the skills of it's young for the economic and social advancement of the North will compete much better in the a global economic system and progress to become leading innovators in a competitive world.