

# The Harshest Punishment: young offenders and suicide

Since 1990, 25 boys between the ages of 15-17 have hanged themselves while in custody. Paul Cavadino describes the need for an inquest into one such recent tragedy: the death of Joseph Scholes.

Joseph Scholes should not have been given a custodial sentence. When he was given a custodial sentence, he should not have been held in Prison Service custody. He should have been held in local authority secure accommodation which is a more suitable environment for vulnerable and disturbed young people.

Joseph had a history of anxiety and depression, had disclosed a history of alleged sexual abuse, had been in local authority care, had a history of serious self harm and had threatened suicide. Sadly, a combination of such problems is common among young people held in young offender institutions.

In a study called *Wasted Lives*, in which Nacro researchers interviewed a sample of children under 18 in young offender institutions, we drew up a list of 11 risk factors often associated with offending with young people such as physical abuse, sexual abuse, parental neglect, unstable living conditions, misuse of alcohol or drugs, school exclusion, family conflict etc – and we found that on average the children in the sample had six of the eleven risk factors.

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Most of the young people who are now sentenced to custody should be sentenced to supervision programmes in the community – in some cases intensive supervision programmes – which can tackle the problems and attitudes which are at the root of their offending. The minority of young offenders who do need to be detained in some form of custody should not be held in Prison Service institutions but in secure local authority child care establishments. Why aren't they?

Because this country has adopted punitive attitudes and punitive sentencing policies which mean that we lock up more young people than our European neighbours and absurdly regard a two year sentence as appropriate for a vulnerable child like Joseph without any significant previous criminal record who had been involved in stealing mobile phones.

Courts do not send young people to custody only when they have no alternative. Often there are alternatives presented to the courts – better alternatives; alternatives which would hold out more hope of preventing further offending; alternatives which would not involve placing children in institutions full of tougher, more experienced offenders; alternatives which would not increase their depression, increase their fear of assault and abuse from other young prisoners and increase their risk of self harm. But courts often reject these alternatives because they do not see them as a sufficient punishment for the offence, or because sentencing guidelines tell them that they are insufficient punishment of the offence.

It's time we stopped judging sentences by asking "Does this punish the offender enough?" and started judging sentences by asking "What good will this sentence do?"

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We need to end this country's fruitless punitive approach to sentencing young people. We need to ensure that intensive sentences of community supervision are not just available for young people but are used by the courts. We need to ensure that sentencing guidelines do not prevent the courts from using them but positively encourage courts to use them for young people whom they now jail. We need to ensure that a sufficient supply of local authority secure places is available for those young people who genuinely need to be held in some form of secure custody.

And we also need to examine the issues arising from this case which fall well outside the remit of the youth justice system. Joseph's death asks questions of society and how it should respond when children show clear signs of being disturbed and in



*Joseph Scholes died just one month after his 16th birthday and nine days after being sent to Stoke Heath YOI. The sentencing judge and his mother had explicitly drawn the attention of the authorities to Joseph's history of vulnerability, depression and self-harm. His mother Yvonne Scholes is pictured here with Chris Ruane MP, who with Nacro, INQUEST and other organisations and MPs is supporting her call for a public inquiry into Joseph's death.*

need of professional intervention. It raises questions about how agencies and individuals could have intervened in Joseph's case and how we can ensure that we have better systems and better practice in the future.

These are issues of policy which no inquest – however well conducted – can cover in the way a public inquiry could. Just as the Stephen Lawrence Inquiry was able to explore and make recommendations on systemic issues concerning institutional racism, so an inquiry into a case like Joseph's would be able to examine the fundamental flaws in our system for dealing with children who break the law – flaws which have led to 25 children aged 15 to 17 taking their own lives in custody since 1990.

*Paul Cavadino is the Chief Executive of Nacro.*