

### Chris Eades reviews recent developments in criminal justice.

#### Consultation on forced marriages means no change in the law

The Government's Forced Marriage Unit was asked to consider creating a new offence to specifically outlaw forced marriages, but after consulting 157 organisations and individuals on the issue has decided that no new law should be written at this time. If such a law were written, the unit was told, the already secretive practice could be driven further underground, making it harder to find and protect women victimised in this way, and more people could be hurt in the process.

Instead, the unit decided, action should be taken to:

- Improve training for professionals who work within the communities in which forced marriages occur, so that they can offer more help;
- Further educate agencies dealing with the problem on ways they can intervene to protect women; and
- Ensure that existing legislation is properly utilised to stop the practice through the courts.

The government has not ruled out the possibility of developing new legislation on forced marriages, and will consider it if these changes prove insufficient in addressing the forced marriage issue.

#### Young people, gangs and offending

At the end of May, the Home Office released its research study *Delinquent Youth Groups and Offending Behaviour: Findings from the 2004 Offending, Crime and Justice Survey*. The report examined the extent of young peoples' involvement in 'delinquent youth groups' and the delinquent and criminal behaviour of members of such groups who are aged 10 to 19 in England and Wales. The study found:

- Overall, an estimated six per cent of young people aged 10 to 19 were classified as belonging to a delinquent youth group (roughly 500,000 young people). Levels were similar for males and females (six per cent each).
- Involvement in delinquent youth groups was highest among those aged from 14 to 15 (12 per cent) and 16 to 17 (nine per cent).
- Nearly two thirds (63 per cent) of those belonging to delinquent youth groups have committed at least one of a specified list of 'core offences' in the last year. This is significantly higher than for non-members (26 per cent).
- Only about a third of group members had committed a serious offence (34 per cent) or had committed six or more offences in the last year (28 per cent) and seven per cent had committed a serious offence on six or more occasions.

- These figures are significantly higher compared with the equivalent in young people not classed as members (13, 7 and 2 per cent respectively). "Consequently, the six per cent of individuals who were members of delinquent youth groups were responsible for around a fifth (21 per cent) of all core offences committed by this age group".
- A small proportion of young people belonging to a delinquent youth group said they had carried weapons (13 per cent had carried a knife and only one per cent had carried a gun).
- The most common delinquent group activity carried out together was using drugs. One half (51 per cent) of those belonging to a delinquent youth group said their group had used drugs together in the last year.
- Other common activities were threatening or frightening people (40 per cent reported that their group had done this), graffiti (36 per cent); breaking, damaging or destroying things (31 per cent) and using force or violence (29 per cent).

The report is expected to give weight to the Government's 'Respect' agenda. However, it has been criticised as a poor piece of research that fails to increase understanding of the issues beyond the headline figures. Mixing up children who sell drugs with those who experiment with them, and children who annoy the neighbours with those who commit racist assaults will not add to the body of knowledge on what can be a real problem. The report also seems to reflect the Government's greater focus and increasingly punitive stance to children who misbehave or commit crime.

#### Compensation for miscarriages of justice

On April 19, 2006, the then Home Secretary, Charles Clarke, announced changes to the compensation scheme for victims of miscarriages of justice – some of those changes have already been implemented while others require new legislation. With immediate effect:

- No new applications under the discretionary scheme for compensation will be considered.
- Applications are now subject to time limits.
- Applicants' previous convictions and conduct deemed to have "contributed to the circumstances leading to the miscarriage of justice" will now reduce awards.

New legislation is expected to:

- Cap payments at £500,000.
- Allow for the reduction of compensation to zero based on the applicant's criminal convictions or "contributory conduct".

Plans to introduce a new verdict in the Court of Appeal of 'not proven', as exists in Scotland, are also being considered to avoid payments based on alleged 'legal technicalities'.

These plans, according to the former Home Secretary, are intended "to bring about a better balance with the treatment of victims of crime" and save £5 million for the Home Office (budget £19 billion). Gerry Conlon, one of the Guildford Four wrongly imprisoned for over 15 years for an IRA bombing in 1974, said that he was "absolutely horrified". "If Charles Clarke wants to make cuts, let him cut the pensions of the forensic scientists and the police officers who have lied or contaminated or fabricated evidence that sent these innocent people to prison."