

Tough on youth crime and tough on young people

Liz Lovell and Kathy Evans review the research indicating that young people are more sinned against than sinning when it comes to crime and violence.

Press and public attention continues to focus on crimes committed by young people, and the exaggerated fear of crime. *The British Crime Survey* shows that the public repeatedly overestimates both the amount of crime committed by young people, and the proportion of all crimes the young are responsible for. In response, criminal justice policy and debate has focused heavily on 'tough' responses to youth crime and anti-social behaviour, yielding record increases in the numbers of young people in custody. In the meantime, very little attention is paid to the experience of children and young people as the victims of crime, and particularly the prevalence of violence in the lives of children. Where is the public outrage and high profile political agenda to tackle the low reporting and conviction rates for violence and abuse of children, in many cases the very same children who are ending up in our jails?

detection. This target directly encourages an increase in arrest rates and pursuing a formal outcome, which in turn leads police attention to be devoted to pursuing reported offences that may not be the most serious on their casebooks, but may be the most likely for which they can find and process the perpetrator. As noted by Rod Morgan at the recent YJB Annual Convention, "young people are the lowest apples on the tree and therefore easy to pick off".

Looked-after children are particularly likely to end up in court for minor matters. This can partly be attributed to the behaviour management regimes in care homes. Care home staff are often inexperienced or inadequately trained in behaviour management and there are cases of staff calling the police for matters which should really be dealt with by care home staff. Certainly, there are numerous examples of police being called to manage situations in

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Youth crime rates are falling according to official statistics, yet ever-greater numbers of young people are being processed by the youth justice system. The number of indictable offences committed by young people under 18 has fallen from 143,000 in 1992 to 112,900 in 2004 – a drop of 21 per cent (Nacro, 2006). Although there has been a small rise in the absolute number of violent incidents, the majority of crimes committed by young people continue to be directed against property. Crimes of violence, robbery and sexual assault remain relatively rare among the young.

Many organisations, including The Children's Society, are concerned about the number of young people, especially those who are looked after, who are being brought before the courts for minor infringements of the law.

There are a number of reasons for this. The first is the net-widening impact of current policies, in particular around anti-social behaviour and the introduction of new offences, which are drawing more young people into the system. Another key factor is the police 'offences brought to justice' target, defined as those that result in a sanction

children's homes that, had they occurred in a private family home, would not have provoked police involvement. The Magistrates Association cite examples that include the following: accusations of criminal damage for breaking a broom handle, another for damage to a wooden drawer, stealing alcohol from the local supermarket – and possession of an offensive weapon, despite the fact that there was no evidence of intention to use it but substantial evidence of the child's self-harming behaviour. It is hoped that new guidance from the CPS and the proposals contained in the Green Paper on Looked After Children, *Care Matters*, will help improve this situation.

However, probably the key factor in children appearing in court for minor crimes is the automatic nature of the current system: following a 'Reprimand' and 'Final Warning' there is no other option but a court appearance. In addition, it is far from clear whether all children appearing in court have had both a Reprimand and a Final Warning. An expansion of the pre-court system would be one of the most effective ways of reducing the numbers of young people coming to court, particularly for

minor misdemeanours.

Pre-court diversion is one of the most effective means of responding to low level behaviour and can have a huge impact on the custody rate. During the 1980s a high custodial population was greatly reduced at the same time that pre-court diversion options were increased; conversely, the dramatic fall in the rate of pre-court diversion in the 1990s from around 70 per cent of cases to just over 50 per cent resulted in an increase in the number of children prosecuted for trivial offences (Nacro, 2005).

But what about these young people's experiences of being victims of crime, and of the criminal justice system as a deliverer of justice and protection for them? *The Crime and Justice Survey 2003* produced several very important findings that have gone largely unheard in public policy. Firstly, it found that over a third of 10-15 and 16-25 year-olds had experienced at least one personal crime in the last 12 months, more than twice the rate for the rest of the population (14 per cent). Perhaps even more striking, one in five 10-15 year-olds had experienced five or more violent incidents in the previous 12 months. Within the young cohorts of the study, it found that those most likely to feature among those who are victim to violent crimes are those who also reported "three or more types of anti-social behaviour" (Wood, 2005). In other words, the same children who are the subject of such concern and approbrium for the disruption and damage they cause to communities are the very children who are most likely to be living with the impact of violence and crime committed against them.

Research and analysis by the NSPCC details that in the year ending March 2003, 5,989 reports of child abuse were made to the police. Convictions for child abuse offences that year were in the low hundreds, a poor rate of 'offences brought to justice' under any circumstances. But the report goes on to point out that beneath that figure of police reports there were 32,809 children on the child protection register, who were themselves a small proportion of the 570,000 referrals to social services made where there was a concern about a child's safety. When we add to this the widely accepted view that many people who suffered abuse and violence as children live long into adulthood before ever disclosing their experience or it being noticed by anyone, it may be assumed that the number of real incidents of child abuse is far larger than the number of concerns reported to social services or to the police. Finally add to this the fact that 1997 research for the Department of Health on smacking found "91 per cent of children had been hit, with the youngest and most vulnerable hit the most often", and we build a picture of the other side of the news, the extent to which our children grow up and live with violence about which there is no national scandal, no major

new government initiative. But if more children grew up without being exposed to crime, bullying and violence, and saw it more vigorously tackled when it did happen, who knows what an impact it might have on reducing youth crime.

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References

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