

Catch and convict, or prevent and succeed – influencing policy at the local level

Jim Hopkinson provides an example of how government policy can be subverted to fit local needs.

Who would argue that preventing youth crime is a bad idea? Youth Offending Teams (YOTs) welcome their performance indicator relating to the reduction in the number of young people offending for the first time. Through Local Area Agreements and Local Public Service Agreements many local authorities have placed preventing youth offending close to the heart of their planning processes. Most of us would agree that young people's life chances are not enhanced by acquiring a criminal sanction. But have we collectively considered to what extent young people's progression to successful adulthood can actually be hindered by a criminal record? What account might risk adverse employers take of criminal records?

Consider, for example, the case of a 13-year-old girl who has fallen out with her 14-year-old best friend and has a fight in the school playground. To the bystander, it is the classic case of six of one and half a dozen of the other, and not clearly apparent who is the aggressor and who is the victim. There are no particular injuries, and by the end of the day the girls are friends again. However, the next day, the mother of the 14-year-old reports the matter to the school year head. Mindful of his accountability to the parent, the year head calls the police and reports the incident, passing on the mother's allegations relating to perpetrator and victim. The matter is duly recorded by the police as a crime.

No immediate action is taken, and the matter appears to be forgotten.

Some weeks later, it is coming to the end of the quarter, and criminal justice agency performance managers are busy preparing their returns to central government. The bemused 13-year-old receives a knock on the door and is asked to go down to a police station with her grandmother with whom she lives. She is booked into the custody suite, and her DNA and finger prints are taken. Her grandmother declines legal representation. She is asked if she had a fight some weeks ago. She admits her involvement and is offered a reprimand, which she accepts. She leaves the police station four hours later.

Roll forward three years. The girl has had no further contact with the police. This is not unusual—70 per cent of young people who get reprimands do not go onto re-offend. She completes her GCSEs and decides to apply to the local FE College for a childcare course. She is initially accepted, and a Criminal Records Bureau (CRB) check is ordered by the college. The reprimand she received for common assault against another child shows up on the CRB. The college withdraws the offer of a college place, stating that it will be unable to secure her a placement and advises her to reassess her career options, avoiding social care.

What has happened? The Crime and Disorder Partnership has had yet another violent crime to report on,

adding to the perception that the public is unsafe on the streets from out-of-control violent children. The authority's targets to prevent offending by young people is threatened. Police officer resources have been tied up for several hours. However, there has been one positive output—the police, as the quarter ended, have recorded another sanctioned detection—they at least can report that another recorded offence has been brought to justice. But what about outcomes for communities? What about outcomes for the young person? What about her opportunities to make a successful transition to adulthood? Should she feel unfairly treated? Should she give up on her social care career ambitions? Will her disappointment lead to disengagement; will her lack of employability increase the chances of her committing offences in the future?

So, there are clear policy tensions. The fact is that large numbers of young people self-report that they have transgressed at some point within their adolescent years. It is by no means unusual for young people to be involved in a school-based fight, steal something, or commit minor acts of vandalism. Should we deal with all of these people through the criminal justice system and risk clogging up scarce resources that could be used to impact on more dangerous or persistent offenders? Should we deal with none of these children through the criminal justice system and risk the accusation that we have gone soft on anti-social behaviour? Should we leave it as it is now—effectively a lottery as to whether our young people emerge into adulthood with or without a criminal record?

Should, then, we revisit our targets. Should YOTs and local authorities dispense with their target of reducing first-time entrants and work with the police towards bringing more low-level behaviours into the criminal justice system? Or should the police share YOT and local authority targets relating to the prevention of first-time entrants?

Many YOTs can be justifiably proud of the impact they have made

in preventing youth crime. Most cities have developed youth crime prevention strategies. Key to this are sophisticated systems for identifying those young people who are most at risk of school disengagement, anti-social behaviour, and offending. Through a network of Junior and Senior Youth Inclusion Programmes (YIPs), Youth Inclusion and Support Programmes (YISPs), Positive Activities for Young People (PAYP), Positive Futures, parenting programmes and other targeted youth support, a difference can be made. There is a clear evidence that targeted intervention secures better outcomes for some young people and can lead to reduced levels of offending.

However, no matter how successful these programmes, costs are attached, and their impact on overall levels of youth crime will remain modest. Instead, the real impact on first-time entrants to the youth justice system will come from developing common responses to low-level behaviours. Agencies need to agree where the threshold between diversion into other interventions and arrest followed by criminal sanction should be. We need to turn the clock back so that the police regain the confidence in their discretion to deal with reports of low-level offences in a manner that makes sense to society, without being concerned about their sanctioned detection targets.

In the interim, YOTs have little choice but to come up with localised agreements enabling them to 'get around' their competing performance targets and avoid criminalising young people unnecessarily. One such approach in Leeds has centred on the rising number of school-based incidents that have been recorded as crimes—particularly those relating to low-level violent crimes, criminal damage, and theft. A protocol has been jointly developed between the YOT, police, and education departments. This seeks to assist all agencies to establish appropriate thresholds to those behaviours that require a criminal justice response and those that the schools should deal with by internal sanction or referral to other agencies. To prevent reports being instantaneously recorded by police crime desks, the vision is for each school to have a named link police officer (variously Neighbourhood Policing Team inspectors, School Liaison Officers, or Safer Schools Partnership Officers). The protocol seeks to enable schools to consult informally with the police with regard to pupils' behaviour and come to a consensus as to the best way forward. Where applicable, it is felt that restorative justice can be a credible alternative to destroying young people's life chances unnecessarily. Reflecting on the case study at the beginning of this article, further questions come to mind. How different would her

outcomes have been if this protocol was in place when she had her playground fight? However, one could equally reflect that it should not need a protocol to deliver common sense?

To conclude, can, then, those engaged in operational delivery within their localities influence, bend, or subvert central policies? In this case, the answer is yes to all three—but it takes time. Too many young people have been dragged unnecessarily into the youth justice system, but, belatedly, pressure is forcing the climate to change. The Police Federation and members of the Association of Chief Police Officers have echoed the call from YOT managers and others for a change in policy. There is little doubt that this groundswell of opinion will result in changes to central policy. However, too often, central policies can appear reactive, not proactive, and it can certainly take time for central policies to catch up with local interpretations. In the interim, those whose role includes implementing disparate policies need to remain vigilant for perverse consequences, need to identify local solutions, and, most importantly, need to disseminate and share these solutions while they wait for central policy to catch up. ■

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