



**J.O.D.A.**  
**Juvenile Offenders Detention**  
**Alternative in Europe**

*JUST/2013/JPEN/AG/4573*

*National Report*  
*Northern Ireland*





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## **Juvenile Offenders Detention Alternatives in Europe (JODA) National Report Northern Ireland**

**June 2014**

*“You’re locked away – they don’t care about you anymore.” (Young Person)*

*“The needs of young people in conflict with the law and the reduction of reoffending are best served by community-based, restorative solutions rather than those provided by traditional, custodial settings.” (Practitioner)*



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## Juvenile Offenders Detention Alternatives in Europe (JODA) Northern Ireland National Report

### Background

#### **Aims of the youth justice system in Northern Ireland**

According to section 53 of the Justice Act (NI) 2002<sup>1</sup> the principal aim of the youth justice system is to protect the public by preventing offending/reoffending by children (persons under the age of 18). All aspects of the youth justice system exercise this primary aim with a view to encourage children and young people to recognize the effects of crime and to take responsibility for their actions. All bodies involved in the youth justice system must also continually regard the welfare of children. All actions within the system must further the personal, social and educational development of the child or young person.

In 2010 the Minister of Justice launched a review of the youth justice system.<sup>2</sup> This was carried out by a team of independent experts. The terms of reference for the review were to critically assess the current arrangements for responding to youth crime and to make recommendations on how this could be improved. The review team published their findings and recommendations in 2011.<sup>3</sup> This review recommended that the principle of the best interests of the child as a primary consideration should become part of the principle aim of the youth justice system. In June 2014 the Department of Justice introduced the Justice Bill part of which will make changes to youth justice arrangements in the form of amendments to the aims of the youth justice system, as contained in section 53 of the Justice Act (NI) 2002. The amendments are made to reflect the best interests principle as set out in Article 3 of the UNCRC.

#### **Key legislation**

In the last 20 years the youth justice system in Northern Ireland has developed in terms of legislation, policy and practice. Below is an outline of the key milestones:

- **Children (NI) Order 1995** - The principal piece of legislation governing the care, upbringing and protection of children in Northern Ireland. It affects all those who work and care for children, whether they are parents, paid carers or volunteers;
- **Criminal Justice Order 1996** - This introduced restrictions on the imposition of custody for serious and persistent offenders;
- **Criminal Justice (Children) (NI) Order 1998** - This piece of legislation removed the safeguard of 'doli incapax' from children aged 10-13 and introduced new sentencing through a new custodial order (from 6 months to 2 years split between custody and supervision in the community). In this order the Youth Court and the presumption of bail in youth cases were also established;

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<sup>1</sup> Justice (Northern Ireland) Act 2002

<sup>2</sup> <http://www.niassembly.gov.uk/record/reports2010/101101.htm>

<sup>3</sup> Department of Justice (DoJ), (September 2011), A Review of the Youth Justice System in Northern Ireland, DoJ: Belfast.



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- **Good Friday Agreement April 1998** – a major political development in the peace process in Northern Ireland, on which the current devolved system of government is based. As part of the process the government agreed to a fundamental review of policing and criminal justice.
- **Criminal Justice Review 2000** - This review addressed the structure, management and resources of the publicly funded elements of the criminal justice system. It recommended many changes including the introduction of restorative practices;
- **Justice (NI) Act 2000** - This established the overarching aim of the youth justice system. It introduced new orders such as Reparation order, Community Responsibility Order and Custody Care Orders. It introduced youth conferencing at diversionary and court level. The youth justice system was also extended to include 17 year olds.
- **Criminal Justice (NI) Order 2008** - This removed girls from adult custody and addressed inconsistencies between rehabilitation periods for different youth court disposals.

### Age limits

In Northern Ireland the age of criminal responsibility is set at 10 years of age. When a child under 10 years of age commits an 'offence' the behaviour is addressed through family, social and educational means, outside the justice system. At the age of 18 years the young person will enter the adult justice system.

### Offending patterns in Northern Ireland

Offending behaviour by children and young people tends to be less serious when compared to that of adults. In 2012/2013 8.5% of total crimes committed (by all age groups) were committed by children. The number of young people (10-17 years) involved with the Youth Justice Services in 2012/2013 was 1,039.<sup>4</sup> This means 1 in every 180 young people were involved with youth justice services. The total number who entered into custody was 211, of these 43% were related to PACE<sup>5</sup>, 46% to remand and the remaining 11% were sentenced.<sup>6</sup> The majority of young people were sentenced under the principal offence categories of Violence against the Person, Criminal Damage or Burglary.<sup>7</sup>

The justice system does not impact on children in Northern Ireland equally. An overview of sentenced young people shows us that 90% are male, 83% are aged 16 or 17 and 67% are from a catholic background.<sup>3</sup> Children from areas of high deprivation are also more likely to be at risk of offending and prosecution. This is particularly true of communities affected by the conflict as they also tend to be the areas of highest social deprivation.<sup>8</sup> Criminal behaviour of young people is also linked with being in state care or having experienced neglect/ abuse within their families, misuse of drugs or alcohol, and having learning and

<sup>4</sup> Youth Justice Agency, Annual Workload Statistics 2012/2013.

<sup>5</sup> PACE: where the Juvenile Justice Centre is used as a place of safety to hold a child overnight following their arrest, in advance of further police questioning or a court appearance the following day.

<sup>6</sup> Youth Justice Agency Annual Workload Statistics 2012/2013

<sup>7</sup> Police recorded crime in Northern Ireland 2012/2013

<sup>8</sup> See McAlister et al (2010) *Childhood in Transition Experiencing Marginalisation and Conflict in Northern Ireland*, Belfast: Queen's University Belfast, Save the Children and Princes Trust for detailed explorations of the social and economic impact of the conflict on children and young people within disadvantaged and marginalised communities



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behavioural difficulties.<sup>9</sup> An inspection of the Woodlands Juvenile Justice Centre, the custodial detention facility in Northern Ireland for under 18 year olds and operated by the Youth Justice Agency, reported that of the group of children detained there at that time:<sup>10</sup>

- One third were in alternative care
- 82% were from a single parent family
- 34% had experienced domestic violence at home
- 38% had a statement of learning needs
- 14% had a learning disability
- 80% had issues related to school exclusion or absconding from school
- 92% had misused drugs and alcohol
- 32% had self-harmed

Almost all had experienced some form of trauma in their lives, including:

- Suicide of family member (s) or friend (s)
- History of sexual, physical or emotional abuse
- Parental substance abuse
- Parental mental health difficulties
- Victim of bullying at school or in community
- Victim of paramilitary threat

## Criminal justice agencies

A number of organisations have differing responsibilities and duties within the youth justice system. All, bar the Youth Justice Agency, have responsibilities for both adults and children.

- **Police Service of Northern Ireland (PSNI)** are responsible for the detection and prevention of crime. Their purpose is 'to work with communities and partners to make Northern Ireland safe, confident and peaceful'.
- **Public Prosecution Service (PPS)** has the responsibility of deciding whether or not to prosecute. They decide on appropriate charges and have the responsibility of prosecuting.
- **Northern Ireland Courts and Tribunals Service (NICTS)** has the responsibility of supporting the judiciary in their role of adjudicating, determining guilt and passing sentence.
- **Probation Board for Northern Ireland (PBNI)** is responsible for supervising offenders in the community and providing Pre-Sentence Reports to courts.
- **Youth Justice Agency (YJA)** has the responsibility of working with children who have offended or who are at serious risk of offending (up to the age of 18). They provide a range of services, both in the community and in custody, to help children to address their offending behavior, divert them from crime, assist their integration into the community and to meet the needs of victims of crime.

## Diversion

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<sup>3</sup> Criminal Justice Inspection Northern Ireland (CJINI) (2008), Inspection of Woodland Juvenile Justice Centre

<sup>10</sup> Criminal Justice Inspection Northern Ireland, CJINI, (2011), Inspection of Woodlands Juvenile Justice Centre



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The Police Service for Northern Ireland (PSNI) operate the Youth Diversion Scheme (YDS) which provides a restorative framework for police to deal with children and young people under 18 years who come to their attention.<sup>11</sup> One of the aims of the YDS is to discourage young people from getting involved in crime. This means that YDS police officers will monitor nuisance behaviour and take action to make sure it does not go any further. These diversion responses include an informed warning or a restorative caution. An informed warning is not a conviction, but will remain on a criminal record for 12 months, unless further offending takes place. A young person may receive a restorative caution for more serious offences. It provides an opportunity for the young person to gain a greater understanding of the impact of their offending behaviour. The process provides an opportunity for the victims of crime to be involved in how their case is dealt with. A restorative caution is not a conviction but will be recorded for 2½ years on a criminal record, unless further offending takes place. New arrangements for ‘filtering’ criminal records have been introduced in 2014<sup>12</sup>. Under this system individuals may be required to disclose involvement in diversionary youth conferences for offences committed when less than 18 years old. The filtering period for under 18’s receiving a caution is 2 years, 1 year for an informed warning and 5.5 years for those convicted with non - custodial sentences.

If the young person admits to the offence the PPS can issue a diversionary youth conference. Diversionary youth conferences were first introduced in 2003. They are organised by the Youth Justice Agency and managed by professionally trained conference co-ordinators. A diversionary conference is a meeting or a series of meetings held to give all involved an opportunity to discuss the offence. This process usually will result in a conference plan. This plan could include an apology, reparation, compensation or curfews.

The Youth Justice Review team recommended the extension of police discretion while also ensuring adequate safeguards and an increased use of cautions and warnings rather than dealing with children through more formal mechanisms. In recent years there has been an expansion of discretion by the police. A number of groups have expressed concern about this development and given the evidence that exists of mistrust of the police by young people<sup>13</sup> some groups have questioned whether these additional powers will be used constructively and effectively. Discretion will only work if operated within a framework of human rights and an agreed code of conduct.

Youth Engagement Clinics are a relatively new but significant initiative from the Department of Justice. They were developed along with key justice partners (PSNI, PPS and YJA) in 2012 as a means of tackling the causes of delay in youth cases and to deal effectively with those cases suitable for diversionary disposal, as an alternative to prosecution through the Youth Court, and ultimately aim to reduce re-offending by young people. The pilot project involved young people, whose case had been identified by the police and the PPS as being suitable for a diversionary disposal, attending a Youth Engagement Clinic whereby they met with a police Youth Diversion Officer and a YJA practitioner to discuss their options. Whilst a young person may be referred to a Clinic even if they have not admitted guilt (in which case

<sup>11</sup> [http://www.youthjusticeagency.ni.gov.uk/youth\\_justice\\_system/youth\\_diversion\\_scheme/](http://www.youthjusticeagency.ni.gov.uk/youth_justice_system/youth_diversion_scheme/)

<sup>12</sup> Justice Bill (NI), as introduced to Northern Ireland Assembly on 16 June 2014, Part 5 on Criminal Records

<sup>13</sup> Nelson et al, 2010, *Beyond the Margins: Building Trust in Policing with Young People*, Institute for Conflict Research.; Lloyd, T, 2009, *Stuck in the Middle*, University of Ulster and Youth Action; *Human Rights Thematic Review: Policing with Children and Young People*, Northern Ireland Policing Board, January 2011 (available to download through the publications section of the Policing Board’s website: [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)).



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the PSNI will insist they have a legal representative present), the diversionary disposal itself can only be delivered once the young person has admitted guilt.

At the Clinic young people are supported by appropriate adults and in some cases, a lawyer. The clinic allows a multi-agency team of professionals to explain to the young person, in a safe environment, the nature of the case against them and their options. Diversionary disposals available following attendance at a Youth Engagement Clinic include an informed warning, restorative caution or a diversionary youth conference. The aim of the initiative is to further divert young people who have committed low-level offences away from court and into a reparative process, with the option of support or intervention at an earlier stage. It is also hoped the initiative will improve processing times for youth cases that are unsuitable for diversionary action. Having now been evaluated the programme has been deemed a success in diverting young people away from the courts and will be rolled out across Northern Ireland<sup>14</sup>.

### **Bail and remand**

If a young person is arrested for an offence and there is insufficient evidence to charge them they may be released with or without bail. If the custody officer believes that it is necessary to secure or obtain evidence they may detain the young person under the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE).

When a defendant is a young person they must to be released on bail unless it is necessary to remand them to protect the public. Young people under the age of 18 will most likely be remanded to the Juvenile Justice Centre. As previously stated the numbers on remand are high, with 46% of those in custody in 2012/13 being on remand. If they are released on bail certain conditions are normally put in place, for example a curfew may be imposed or they may not be allowed in certain areas or to meet with certain people. The young person may also be referred to the Youth Justice Agency's Bail Support Scheme.

### **Youth Court**

If a young person commits an offence and the PPS had made a decision to prosecute the case is usually referred to the Youth Court. Youth Courts are held in 17 venues across Northern Ireland. The Youth Court is part of the Magistrate Court and is made up of a district judge who chairs the court and two lay magistrates (one of which should be a woman). The Youth Court may sit several days a week but in rural areas it might be fortnightly or monthly. The court is less formal than the adult court system and allows more participation by the child and their family; wigs are not worn and the young person does not stand in a dock. All participants sit at the same level. There is also no jury and the court is not open to the general public. Children attending Youth Court cannot be named or identified in the media although there are some exceptions to this. The young person is usually accompanied by a parent or care worker and is usually represented by a solicitor. The main disposal given in the Youth Court is a Youth Conference Order, although there are also a range of community sentences available. The Youth Court has the power to send the young person to custody in Woodlands Juvenile Justice Centre.

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<sup>14</sup> Department of Justice, (2014), Equality Impact Assessment of Youth Engagement Clinics, DOJ: Belfast



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## Crown Court

Despite the UNCRC committee underlining the importance of ensuring that all children who come in conflict with the law are tried within the juvenile justice system this is not always the case in Northern Ireland.<sup>15</sup> If a young person is charged with a very serious offence (such as murder, rape or robbery) they may have to appear in a Crown Court. A young person might also be sent to the Crown Court from Youth Court for sentencing or when an appeal against sentencing is made.

## Youth Court Disposals

On an admission or finding of guilt the court, in the majority of cases, offers a youth conference. Where this is not appropriate any of the following youth court disposals can be ordered.

- **Absolute/conditional Discharge** - finding of guilt with or without conditions. This occurs when, although the young person is found guilty, no punishment is deemed to be required.
- **Fine** - This is limited to £1,000 and is determined by the young person's age.
- **Reparation Order** - This order requires the young person to make amends to their victim or to the wider community by carrying out an agreed activity. The order can be for a period of 12 to 24 hours. The Youth Justice Agency will work with the young person to complete this. Examples of activities include; helping with a local charity writing a letter of apology or meeting the victim in person to apologize, repairing criminal damage for which the young person has been responsible, cleaning graffiti or collecting litter.
- **Attendance Centre Order**- This occurs over a period of 12-24 hours and involves the young person attending a programme which will work on addressing the offending behaviour.
- **Community Responsibility Order**- This is a type of community service. The order would usually be served over a period between 20 to 40 hours. The young person time is split between instruction in citizenship and relevant activity (similar to that of a reparation order) The Youth Justice Agency will work with the young person on a range of activities. The overall aim of this order is to help the young person to understand their responsibility to the community and to give them an appreciation of the impact of the offence.
- **Youth Conference Order**- A court ordered disposal which consists of a tailored conference plan with reparative/restorative theme. A youth conference is a meeting in which involves at a minimum a skilled facilitator who acts as the co-ordinator, the young person, an appropriate adult and a police officer. Family members and the victim of the offence or a representative are encouraged to attend. This order provides an opportunity to discuss the offence and usually will result in a conference plan. This plan could include an apology, reparation, compensation or curfews.

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<sup>15</sup> UN Committee on the Rights of the Child (2008) Concluding Observation on the United Kingdom



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- **Probation Order-** This order requires that the young person will have a probation officer for a period of between six months to three years. During this time the probation officer will work closely with the young person to address their offending behaviour. The order can include specific requirements such as attending a particular programme.
- **Community Service Order-** This order is only available for young offenders over 16 years of age. The order requires the young person to complete 40-240 hours of unpaid work in the community.

The largest proportion of referrals received by the Youth Justice Service are diversionary (51%). A further 41% of referrals were court ordered referrals and the remaining 7% were made up of community orders (4%) and other referrals (3%).<sup>16</sup>

### Detention

- **Juvenile Justice Centre Order (JJCO)-**This is a custodial sentence and can be given to children and young people between the ages of 10-18 years old. The sentence can be between 6 months to 2 years, half of the time is spent in the Juvenile Justice Centre and half is spent under probation supervision in the community.
- **Young Offenders Centre (YOC) Order -** From the age of 16 young males can be sentenced to custody at Hydebank Wood Young Offenders Centre for a period of up to 4 years. However, in response to considerable lobbying from the youth justice voluntary sector and the youth justice review recommendation that no under 18s should be held in the YOC, the Department of Justice announced that all under 18s will now only be held in the Juvenile Justice Centre.<sup>17</sup>
- **Custody Probation-** This is only available for young offenders over 16 year of age. It involves a custodial sentence followed by a period on probation supervision.

The Department of Justice have proposed changes that will replace these custody provisions. Depending on consultation responses, this may take the form of a new combined order, or it may result in a new order being put in place to replicate some or all of provisions of the YOC Order for 16 and 17 year olds.

### Custody

The Juvenile Justice Centre (Woodlands) is a secure environment for up to 48 boys and girls between the ages of 10 and 17. The centre is made up of six units or houses. Each unit has a manager and a team of care staff. Education is central to Woodlands and young people will spend much of the day attending classes. Young people also attend programmes to help them address their offending behaviour; these could include victim awareness, anger management or substance abuse awareness.

## Alternatives to detention in Northern Ireland

<sup>16</sup> Youth Justice Agency Annual Workload Statistics 2012/13

<sup>17</sup> Department of Justice, Consultation on Custodial Arrangements for Children, 2013.



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Northern Ireland has received international praise for the use of alternatives to detention. The Youth Justice Review Team have stated that the most positive development in this country is the expansion of its use of restorative practices.<sup>18</sup>

*“We have been told about and observed ourselves restorative practices in NI which offer an inclusive, problem-solving and forward looking response to offending and are well embedded at statutory and community levels. Perhaps because of Northern Ireland’s difficult past, we felt there was a common understanding of the power and efficacy of using this approach in addressing the needs of young offenders and victims alike.”<sup>19</sup>*

The formal youth justice system is supported by a strong and active voluntary and community sector in Northern Ireland. Much of their work is aimed at preventing offending and re-offending by supporting children and their families in their communities. Many schemes often operate on a restorative basis, such as Community Based Restorative Justice (CBRJ). CBRJ schemes evolved as a means of mediating between paramilitaries and young people who were involved in crime. At the height of the conflict in NI, and in some instances still to this day, young people were commonly violently punished for their behaviour by paramilitaries. CBRJ is designed to reduce offending behaviour and to reintegrate young people back into their communities. CBRJ organisations have now been accredited and work in partnership with the government, the police and other criminal justice agencies.

The review team recommended that the successful practice of community based restorative justice schemes such as those operated by Northern Ireland Alternatives and Community Restorative Justice Ireland, should be built on in NI and that more use should be made of this valuable community initiative.

The process of youth conferencing has been particularly successful and has been shown to maximise the chance of diverting a young person from the justice system. The Independent Commission on Youth Crime and Anti-social Behaviour conducted research in the U.K which stated that restorative youth conferencing in Northern Ireland provided the best approach to alternative criminal proceedings.<sup>20</sup>

Although Northern Ireland has received praise for the practice of youth conferencing, it lags behind other countries in terms of its use of custody for remand. Of the total of 10,467 days of custody provided by the Juvenile Justice Centre in 2012/13, 57% were for remand.<sup>21</sup> Most of these young people are not serious or persistent offenders. The Youth Justice Review Team commented on this saying that these high numbers were most likely due to the lack of suitable bail packages to ensure that young offenders can safely reside in the community.<sup>22</sup>

### Overview of practice of alternatives to detention

The results of this report are based on the following: focus groups of young people within the Juvenile Justice Centre in Northern Ireland; an online questionnaire that was sent to national experts including law professionals, police, academics and practitioners; a one-to-one interview with a judge in Northern Ireland; and case studies provided by the Youth Justice

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<sup>18</sup> Ibid 5

<sup>19</sup> Ibid page 59

<sup>20</sup> Independent Commission on Youth Crime and Antisocial Behaviour (2010) Time for a Fresh Start

<sup>21</sup> Youth Justice Agency Annual Workload Statistics 2012/13.

<sup>22</sup> Ibid 5



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Agency. The report also draws upon findings produced by the Youth Justice Review Team, as well as the existing work of Include Youth, in particular the organisation's previous consultations with young people on a range of policy issues. The purpose of this research was to describe the practice of alternatives to custody in Northern Ireland, determine the positive and negatives of alternatives to custody and to provide recommendations on how improvements could be made.

## 1. Youth conferencing

The steps in a youth conference process are as follows:

- Referral to Youth Conference Service can come from Public Prosecution Service (PPS) as a diversion from prosecution or from courts as a court ordered conference, following an admission of guilt.
- Conference takes place.
- As a minimum the youth conference involves the young person, an appropriate adult, the police (usually a Youth Diversion Officer) and a Conference Co-ordinator as a facilitator.
- The conference can also involve others who may make a useful contribution such as a social worker, probation officer, teacher or family friend.
- The young person must give full consent to participate in the youth conference.
- Following the conference a conference plan is agreed which may be affirmed by the PPS or the court.
- Once affirmed it becomes a statutory order which is monitored by the Youth Conference Co-ordinator.
- Action must be taken if the plan is breached.

As explained previously youth conferencing is used as both a diversionary measure and as an alternative to custody. Most young people who offend are dealt with by youth conferencing.

Youth conferencing was first piloted in Northern Ireland in 2003 and was rolled out in 2006. In 2012/2013 there were 1,556 diversionary and court ordered referrals in total. The largest proportion of referrals received by the YJS are diversionary with 51% received in 2012/13. A further 41% of referrals were court ordered referrals. Most referrals are male and over half are aged 16 and 17.<sup>23</sup>

It has seen much success in terms of reoffending rates. Figures from 2010 show that compared with a 72.9% reoffending rate for those young people who had been given a custodial sentence, only 40% had reoffended when they attended a court ordered youth conference and 20% when then attended a diversionary youth conference.<sup>24</sup> It has received high praise from the review of the youth justice system in Northern Ireland. The review team produced a favourable report in terms of victim satisfaction (75%), reoffending rates (4 out of 5 who attended a diversionary youth conference did not go on to commit further offences in the following year) and rate of referral (15%).

In 2014 the Department of Justice released figures on the one year proven reoffending rate for a cohort of youth people (3,248 in total) who received a non-custodial disposal at court, a

<sup>23</sup> Youth Justice Agency Annual Workload Statistics 2012/13 March 2014.

<sup>24</sup> MacQuarrie, Youth Justice Agency evidence to Assembly Health Committee Feb 2010; Department of Justice NI, 2011, Northern Ireland Youth Reoffending: results from the 2008 cohort, Research and Statistical Bulletin 2/2011



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diversionary disposal or were released from custody in 2010/2011. Of the 33 young people released from custody in that year, 26 committed a proven reoffence. The one year reoffending rate for Court Ordered Youth Conferences was 59%. The one year proven reoffending rate for young people who received a PPS ordered Diversionary Youth Conference Plan was 31%.<sup>25</sup>

Youth conferencing uses a restorative model which encourages young people to recognise the effects of their crime and take responsibility for their actions and actively involves the victim in the process. It espouses three overall advantages:

- it reduces offending
- it is cost effective
- it supports the victim.

Several evaluations have supported these claims.<sup>26</sup>

“Where victim and offender can be brought together in a carefully moderated environment there is no question that restorative conferencing can be extremely effective.”<sup>27</sup>

The Youth Justice Review Team concluded that the strengths of the system are:

- Young offenders make the links between their behaviour, the conference discussion and the plan.
- Young people fully participate in the process and are held to account for their behaviour and what they will do to make amends.
- Those conducting the conference are well trained, professional in their behaviour, fair in their approach and supportive of those attending.
- The community service element allows the young person to ‘do good’ in a way that reintegrates them into society and underpins prosocial norms and behaviour.

<sup>28</sup>

Professionals who participated in the JODA online questionnaire stated that the strengths of youth conferencing include:

*“It makes the child think about the consequences of their actions and the impact on others.”*

*“It is a positive approach with evaluated levels of success which can promote offender/victim understanding and empathy and allows for reparation.”*

*“It enables the child to remain in the community.”*

*“Maintaining young people within the community is the main strength.”*

*“It means custody is only used for serious or persistent offending thus reducing the number of children entering custody.”*

*“The financial cost is much less.”*

In a case study which highlighted the effect of youth conferencing on a young person’s life, the young man stated that as a direct result of youth conferencing he was now aware of the consequences of his offending behaviour, both to himself and to the wider community. He self-reported that he felt that the process helped him to look at his behaviour from the point

<sup>25</sup> Department of Justice NI, June 2014, Youth Reoffending in Northern Ireland (2010/2011 Cohort), Research and Statistical Bulletin 6/2014

<sup>26</sup> Campbell, C et al, 2005, Evaluation of the Northern Ireland Youth Conference Service. Northern Ireland Research and Statistics Series, Report No.12, Northern Ireland Office

<sup>27</sup> CJINI, Youth Conference Service, Inspection of Youth Conference Service in NI, February 2008.

<sup>28</sup> Op cited at note 3



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of view of his victims, his family and also all those that had been indirectly affected by it in the community in which he lived.<sup>29</sup>

A number of areas for improvement of the current youth conferencing system have been highlighted both in the Youth Justice Review Team's report<sup>30</sup>, in previous Include Youth reports<sup>31</sup> and in the current research. The recommendations from the youth justice review include:

- maximising direct victim participation rates
- ensuring conference outcomes are proportionate and relevant to the offending
- reducing the time taken from arrest to conference disposal
- ensuring co-ordinators use their discretion to return to court those cases which would be better dealt with formally

***“As it is possible for the child to have more than one youth conference at a time it can be seen as a let-off.” (online questionnaire respondent)***

One of the key themes emerging from the youth justice review was the need to look at how persistent offenders are dealt with. According to the review, of those who were referred to youth conferencing 6% had more than 3 conferences.<sup>32</sup> The youth justice review team saw this as being determinative to the young person in terms of them making sense of multiple conference plans. When young people have to attend more than 1 or 2 conferences the young person can have difficulty making sense of the plans. The respondents to the online survey also commented that having multiple conferences could make youth conferencing seem like a light, non-serious option.

As a result of working with a range of young people who are subject to Youth Conference Orders, Extern, an NGO, has observed that some young people who have multiple orders are confused and as a result there can be a loss of impact and lack of purpose into the meaning of such an order. This clearly highlights the need to provide intensive support to young people toward understanding and adhering to orders such as Youth Conference Orders, especially when there is a multiplicity of them.<sup>33</sup>

Other respondents to the online questionnaire also noted that youth conferencing may not actually have a major impact on the numbers of children entering custody as it is normally used for lower tariff cases that should not have been in the justice system in the first place.

Another respondent noted that as the emphasis is primarily on the individual's motivation to change, the youth conference *“has difficulties in addressing some of the social and systemic issues that lead to young people coming into contact with the system in the first instance.”*

Victim involvement has been shown to be pivotal in the success of youth conferencing. However when talking to young people in the Juvenile Justice Centre they commented that victim participation was poor. The Youth Justice Review Team also highlighted this as an area for improvement.

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<sup>29</sup> Case study supplied by Youth Justice Agency

<sup>30</sup> Op cited at note 3

<sup>31</sup> Include Youth, 2011, Submission to the Youth Justice Review Team's Review of the Youth Justice System in Northern Ireland; Include Youth and Youth Safety Network, May 2011, Young People's Views and Experiences of the Youth Justice System: A Submission to the Youth Justice Review.

<sup>32</sup> Op cited at note 3

<sup>33</sup> Extern Response to Youth Justice Review September 2011.



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Include Youth's work with young people has revealed a number of concerns around the practice of youth conferencing and while we acknowledge that it has been successful for many young people, there are other young people for whom it is not a positive experience. This view is shared by a number of other bodies including academics working in the field of youth justice.<sup>34</sup> With regards to victim involvement, previous research completed by Include Youth showed that young people thought the victims were there to shame them into an apology.

*'It's not [support]- because you're sitting there in front of this person and you have to say in front of him what you did- it's like name and shame.'*

*'I would've said sorry if it had been a wee girl or something whose bike I stole, but not to a cop.'*

While strong advocates for restorative justice, Include Youth has raised several concerns based on our feedback from young people. Evaluations of youth conferences have focussed on the process and overall satisfaction of the process rather than the outcomes for young people involved. Concerns have been raised regarding informal consent and meaningful participation by young people.<sup>35</sup> Some young people appear to agree to actions and conditions which they do not fully understand.

*"They (conferences) don't change your views on what you do and you don't do all the things they want you to do."*

*"They make you agree to stuff and you don't want to do it."*

*"They write a big list for you and you just sit there in the room and you just have to do it."*

Despite the challenges raised we acknowledge that there have been significant improvements in the practice of youth conferencing and more generally in the work of the Youth Justice Services since the youth justice review recommendations were published. These include:

- Increased victim involvement in youth conferences
- Addressing proportionality of youth conference plans
- Supporting young people with speech, language and communication needs
- Bail information and support service
- Intensive supervision and support programme for young people involved in persistent or serious offending for as long as is deemed necessary
- Reduced number of multiple orders.

As previously stated the vast majority of young people are dealt with by the Youth Justice Agency, and predominantly through youth conferencing but we wish to briefly highlight a number of alternatives to detention which are administered by the Probation Board for Northern Ireland (PBNI). In 2012/13 PBNI had 4,468 people under supervision – only 90 (2%) were under 18 years of age.

<sup>34</sup> DoJ, 2012, Consultation on Youth Justice Review Recommendations; Summary of Responses

<sup>35</sup> Queen's University Belfast, 30 December 2011, Childhood, Transition and Social Justice Initiative, Response to the consultation on the report of the review of the youth justice system in NI.



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## 2. Probation

A Probation Order involves 6 months to 3 years community supervision and can include specific requirements such as attending a programme. A Probation Order involves a probation officer working with the young person over a period of time in order to address their offending behaviour. This has been shown as a successful alternative due to the fact that probation can provide a whole package of support to address the young person's behaviour. This package can include a mentor, work placements, electronically monitored curfew, treatment for drug and alcohol dependency, attendance at youth club, victim awareness programme etc. Young people are expected to stay out of trouble and attend meetings and agree a plan to help reduce reoffending. Those sentenced to a probation order have no requirement to carry out community service. The following case study, while not specifically looking at the outcome of a Probation Order, demonstrates the value of community supervision and the need to develop a package of support which can be tailored to suit the particular young person.

### Case study<sup>36</sup>

Upon his release from the Juvenile Justice Centre a young man was supervised by the Youth Justice Agency. This supervision included contact and regular meetings with a mentor. His local Youth Club agreed that he could attend there on Tuesday and Thursday evening, and he began to become involved in midnight soccer games once a week. He was also given a careers advisor who organized for him to attend a local training organisation, which give him the opportunity to obtain a placement to study retail. The success of this order can be seen in the change in the young man's behaviour and can be seen in feedback from both the young man and his mother. His mother appreciated the probation agency's help and commitment to her son and to herself. She said that **"They did not judge and they were always there"**. The young man also stated that he benefited from his time and that he is now motivated not to offend again.

*"An alternative to detention is supervision in the community where it is not only the responsibility of statutory bodies but also appropriate adults through extended family and voluntary/community groups. The aim is to provide support but challenge people to change behaviour, the opportunity to find employment and support change through relevant health supports." (Online questionnaire)*

*"The young person must also admit to the offence to qualify for an alternative to prosecution." (Online questionnaire)*

Feedback on probation services are not always as positive. Focus groups that took place within the JJC showed that young people were often frustrated with probation services. They were often overwhelmed in how much a probation order intruded on their time. They were not always convinced that the work that they did with probation was productive in helping them to stop offending. They appeared to see probation service as a tick box exercise that did not have any lasting effect on influencing their behaviour.

**'Probation drives you to crime cause it just makes you annoyed.'** (young person)

<sup>36</sup> Case study supplied by Youth Justice Agency



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### 3. Community Service

In Northern Ireland there are a number of types of order that involve some aspect of community service. These have been outlined previously and include; Reparation Order, Community Responsibility Order and Community Service Order.

The delivery of community service involves a number of community and voluntary organisations ranging from local charities and church groups to community development organisations and resource centres that provide work placements to assist PBNI.

The online questionnaire completed by professionals in the field stated that these types of order had the strength of keeping the young person within their community and there is a feeling that it helps to give the young person something to focus on.

***'It [community service] enables the child to remain in the community; it provides for restorative justice by directly involving the victim, it makes the child think about the consequences of their actions and the impact on others.'***

However one respondent stated that it does not always address the underlying issues that lead the young person to the justice system in the first instance.

***'Community service ... this practice does little to address the offending behaviour and the reasons for such.'***

***'The young person must also admit the offence to qualify for an alternative to prosecution.'* (online questionnaire)**

This point is perhaps reiterated by one young person in the Juvenile Justice Centre who stated that:

***'It's a way to stop you from being put in here, but I'd rather just be in here [the JJC].'***

## Lessons learnt from the use of alternatives in Northern Ireland

A topic that came up frequently throughout this research were occasions when alternatives to custody were not appropriate. From analysis of the online questionnaire two main reasons for this were identified. Firstly respondents thought that if the young person had previously been diverted from the justice system or had been given alternatives to custody on too many occasions before, then custody was the only option for them. Secondly the respondents also thought that it depended on the seriousness of the offence ie. sex crimes and violent crimes should be dealt with by more punitive measures. In a one-to-one interview with a judge, comments were made that the age of the child should also be taken into consideration. The judge thought that it would be increasingly harder to justify a non-custodial sentence for sexual or violent crimes as the young person was approaching 18 years of age.

***'While they are still children until they are 18, none the less, as you grow up you should be more responsible and know what the consequences of your crime would be.'* Judge**

When asked on the appropriateness of alternatives to custody the young people within the Juvenile Justice Centre gave quite a different response. They were of the opinion that it did not matter what the sentence was, custodial or not, the young person needed to be ready for



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reform. In fact within the focus groups the young people often reflected on the preference for the use of custody. They were able to comment on a number of positives of being detained in the JJC; they liked the structure, they felt that they received a better education and they felt safer. The interview dialogue with a judge showed that he was aware of this situation too, stating **'they get excellent education in the JJC'** but that **'they don't come out and say "crime doesn't pay"'**.

According to the results of the online questionnaire the public and political opinion of alternatives to custody are not positive. Respondents stated that most of the public were unaware of the benefits of rehabilitation and stated that most of the public would be in favour of more punitive measures. This theory was backed up in the judges interview as he continually referred to having to 'justify' non custodial sentences.

***'I would say there is a high proportion of political representatives who would oppose an alternative to deprivation of liberty, and see custodial as the only option for offenders.'*** (online questionnaire)

***'Alternatives to deprivation of liberty are seen as soft and as young people getting away with it.'*** (online questionnaire)

More positively respondents stated that this was most likely to be due to the fact that the general public were not fully aware of the situation and that if this was properly explained to them, alternatives to custody would have a better reception. The one-to-one interview with the judge drew further light on public opinion. The judge commented that the **'public latch on to labels'** commenting that they are too influenced by the media and often do not know the story behind the headline. Other professionals agreed.

***'It depends how it is framed. I think when information is provided regarding the requirements of alternatives and the potential benefits, this can be positively received.'*** (online questionnaire)

Research has shown the importance of effective communication to the public on the perception of crime and sentencing and demonstrated that those who are informed are more confident in alternative approaches being used.<sup>37</sup>

Currently we have a situation where many people gain their knowledge on the justice system from media reports, often which focus on the most punitive elements of sentencing and less on efforts to reintegrate offenders back into the community and subsequently reduce their offending.

As well as increasing public knowledge of the benefits of alternatives to custody there are also a number of improvements that research in this area have highlighted. One of the main themes in addressing this issue was to have more programmes to divert young people from criminal behaviour earlier. The young people in the JJC had a lot to say on this idea. They commented that more structure, more community activity and more job opportunity would have helped them stay away from offending behaviour.

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<sup>37</sup> Closing the Gaps, Crime and Public Perception Closing the Gaps – Crime and Public Perceptions [www.ipsos-mori.com/\\_assets/reports/closing-the-gaps.pdf](http://www.ipsos-mori.com/_assets/reports/closing-the-gaps.pdf)



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***'Nothing would work, my head was away. I asked for help when I was younger [from health professionals] I didn't get help. Now I'm made of steel. Now my head is cut. I should have gotten help sooner like when I was 11 or 12.'***

### **The use of custody for bail and remand**

Previously in this report the overuse of custody for bail and remand, was highlighted. Due to this it is not sufficient to look only at young people sentenced to custody, but pre-trial detention also needs to be considered. The judge attributed this to the fact that a large proportion of young people had not applied for bail and also to the lack of options of a bail address given to these young people, particular those who are in care.

***'There are a lot of offences that quite naturally cause social services a problem because if you are putting them in a children's home and the child has a history of arson or sexual assault, you have to ensure that the children in the home are safe and I can understand where they're [social services] coming from.'***

The judge went on to comment on the lack of appropriate alternatives to remanding some young people in custody. It appears that in Northern Ireland community based alternatives to custody for bail and remand need to be considered.

## **Conclusion**

The current report and previous research in the area have shown the benefits and demonstrated the success of alternatives to custody in Northern Ireland, particularly youth conferencing. However more needs to be achieved to improve on this success in both diversion from offending and alternatives to custody. Before this is tackled however it might be useful to consider ways to improve the perception of alternatives both publically and politically, and perhaps more worryingly by the young people themselves. We also need evidence to be gathered which can demonstrate the effectiveness of diversion. If we are to convince the public and politicians alike that custody is not the best option then we need to be able to demonstrate conclusively that alternatives will consistently produce better results – less crime, less young people detained in custody and safer communities.



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## APPENDIX 1

### Statistics on Youth Justice System of Northern Ireland

#### Numbers in contact with justice system

In a year approx. 10,000 young people (aged 10-17) come into contact with the criminal justice system. This represents 5% of the total population of this age range.

#### Types of offences

Common assault	16%
Theft	17%
Sexual Offences	10%
Criminal Damage	15%

(PSNI Juvenile Database 2009)

#### Youth Justice Services and Custodial Services

##### **Custodial Services:**

The total number of young people involved with custodial services in 2012/2013 was 211.

Of the 211 30% had looked after status.

In 2012/13 there were 551 transactions in the Juvenile Justice Centre. Of these:

- 43% were related to PACE
- 46% were related to remand
- 11% were sentence transactions

In 2012/13 44% of transactions were for young people aged 17 years old and over.

Young people aged 10-13 accounted for 4% of Juvenile Justice Centre transactions in 2012/2013.

91% of transactions were with young men

9% of transactions were with young women

(Youth Justice Agency, Annual Workload Statistics, 2012/2013, Statistical Bulletin 1/2014)

##### **Youth Justice Services:**



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The total number of young people involved with Youth Justice Services in 2012/2013 was 1,039. This represents 1 in every 180 young people in Northern Ireland.

In 2012/2013 the referrals to Youth Justice Services were:

- 51% Diversionary
- 41% Court Ordered
- 4% Community Orders
- 3% other referrals

(Youth Justice Agency, Annual Workload Statistics, 2012/2013, Statistical Bulletin 1/2014)

### **Age at conviction**

- Convictions at Magistrates Court 2009

Offenders aged 18-24 accounted for 32.5% of all convictions

Offenders aged 10-17 accounted for just 4% of all convictions

- Convictions at Crown Court 2009

Approx only 1% were aged 10 – 17

Approx 35% were aged 18-24

(NI Conviction and Sentencing Statistics, Department of Justice Bulletin 7/2013)

- Younger age range

No 10 -12 year olds have been held in custody in the Juvenile Justice Centre on sentence between 2008 – 2012

One 13 year old was held on sentence in 2011/2012.

One young person aged 14 was held on sentence in 2011/2012

(Department of Justice NI, Custodial Arrangements for Children in Northern Ireland, Annex D, page 38)

### **Profile of young people in Woodlands Juvenile Justice Centre**

In 2012/13 the average daily population was 29.

Majority of young people held in in JJC are 16 – 17 year olds.



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- Of total transactions in 2012/13:
  - 45 % Protestant and 49% Catholic
  - 89% Male and 11% female
  - 30% from care background
  - 46% related to remand
  - 11% were sentence transactions

(Youth Justice Agency, Annual Workload Statistics, 2012/2013, Statistical Bulletin 1/2014)

- Of 30 children held in the JJC at the time of a Criminal Justice Inspection in 2008:
  - 75% had diagnosed mental health disorder
  - 50% had a history of self - harm
  - 50% had record of special need

(Criminal Justice Inspection Northern Ireland, Inspection of Woodlands Juvenile Justice Centre, 2008)

### **Reoffending**

Of 31 sentenced children released from Woodlands in 2006, over 75% reoffended within one year and over half within one month of being discharged.

(CJINI Inspection of Woodlands 2011)

Reconviction rates for children leaving custody in NI:

72.9% for custody

49.6% for probation order

44.3% for court ordered restorative conferences.

30.7% PPS directed diversionary conferences

(MacQuarrie, Youth Justice Agency evidence to Northern Ireland Assembly Health Committee February 2010)

### **Findings from Youth Reoffending in Northern Ireland from 2010/2011 Cohort, Department of Justice NI, June 2014**

- Of the 33 young people released from custody, 26 committed a proven reoffence, 18 within 3 months.
- The one year proven reoffending rate for young people who received a community disposal at court requiring supervision (such as probation order or youth conference order) was 59%.



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- The one year proven reoffending rate for young people who received a community disposal at court **not** requiring supervision (such as a fine or a suspended sentence) was 46%.
- The one year proven reoffending rate for young people who received a diversionary disposal (such as a caution or informed warning) was 20%.

## APPENDIX 2

### **J.O.D.A Results of Online Questionnaire**

#### **Q1 How is the concept of alternative to deprivation of liberty received by the public and political representatives?**

1 Views are divided with different perspectives taken by various political parties. There is a view that the minimum age of criminal responsibility should be lowered. There is minimum awareness of the benefits of rehabilitation and resettlement.

2 The concept in the abstract is supported, but when applied to real cases, perhaps skewed by media reporting, the perception of alternatives to deprivation of liberty is that it is a mere slap on the wrist and not effective, particularly in the cases of persistent low-level nuisance offenders.

3 I believe there are mixed views among the public as with political reps. I do believe the majority of the public would be in favour of punitive measures and consider community disposals as the easy option.

4 I believe opinion is divided. However I would say there is a high proportion of political reps who would oppose an alternative to deprivation of liberty, and see custodial as the only option for offenders.

5 Political and public opinion has regressed since the 1980s to place accountability and blame upon the individual rather than recognise a societal responsibility for young people's development so alternatives to deprivation of liberty are seen as soft and as young people getting away with it.

6 If well explained it can be well accepted.

7 It depends how it is framed. I think when information is provided re. the requirements of alternatives and the potential benefits, this can be positively received.

#### **Q2 Do you think that the public and political representatives believe there is a link between safety and detention?**

1 The public continue to believe that young people who are in trouble are better locked up. For some there is a sense of fear and a belief that some young people are very dangerous



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and need to be removed. They often view this as a way of maintaining safety in the community.

2 Yes.

3 There is a belief that by incarcerating troublesome young people the community is safer.

4 I would agree with this statement, but I also think that the general public and political reps would also see a greater link in justice and detention. Victims on the other hand may not view it this way.

5 Yes with the added component of 'deserved punishment'

6 Not on all occasions.

7 Yes - but this is often a very short term perspective. Agencies delivering community based alternatives to custody have sought to address this by promoting the 'public protection' dimension of their work. However, this approach has potential pitfalls. For one it situates 'offenders' outside of the public that should be protected but secondly it leaves community based alternatives as hostages to inevitable failure.

### **Q3 Is there a demand for harder more punitive responses?**

1 Yes the media will report a constant demand for prison sentences again this is divided by political opinion.

2 Yes, particularly when there is adverse media reporting of young people.

3 Again I believe the views vary, however I think the majority would be on the side of more punitive options.

4 Yes I think there is a general feeling that justice is served through punishment. Again I don't think this is the case for victims

5 In some aspects of the political world but there are also concerns about the effectiveness of custody which tends to lead to inertia in policy development

6 There can be, however when facts are explained a different view can be taken.

7 Again this depends on context - when people have more information about the circumstances in which offending occurs, including relevant background information on the person who committed the offence, they tend to be less punitive. I think there is a certain demand for more punitive responses, for certain types of offences: e.g. Sex offences, serious violent offences.

### **Q4 Are the public aware of alternative measures?**

1 The public will know through media reports that young people are subject to community



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supervision. In particular communities they will be well aware of that especially the more deprived areas where it is widely know that young people are in trouble within their own communities.

2 To a limited extent - perhaps not the nuanced differences, but at least the basics of community sentences.

3 Very limited knowledge, there is a misconception that community disposal is the soft liberal option

4 Probably not as much as they should be. It can be hard to promote alternative measure in the environment that currently exists.

5 Rarely.

6 Generally not.

7 Not typically

**Q5 In your country, are policy and practices in the field of juvenile justice influenced by serious cases committed by children, especially those cases which attract media attention?**

1 Yes two such cases

2 Completely. High profile cases involving juveniles dictate political and public responses to policy proposals for years after the offence happens.

3 Such cases irrespective of the fact that they are few are constantly referenced when policy is being developed.

4 No, I think we have some good safeguards in place in relation to youth offending, and thankfully it is rare that young people are involved in serious offences that would lead to such attention.

5 Yes

6 Regrettably

7 Sometimes - recent examples include the 'swifter' justice meted out to young people involved in public disorder and rioting. Also, from time to time high profile sexual and violent offences lead to calls for public identification and/or longer sentences.

**Q6 Could you define what an alternative to detention is?**

1 An alternative to detention is supervision in the community where it is not only the responsibility of statutory bodies but also appropriate adults through extended family and voluntary/community groups. The aim is to provide support but challenge people to change



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behaviour. The opportunity to find employment and support change through relevant health supports.

2 Any sanction for a crime for which a custodial disposal is possible but not given.

3 Alternative to detention are those which are delivered within the community, restorative practice would be a common among such. Other disposal including community service also exists, this practice does little to address the offending behaviour and the reasons for such.

4 I would describe it as non custodial, which would involve restorative practices and monitoring of offender

5 Depending on the stage of the process it could be intensive bail support or community remand initiatives. There would be a range of possible community sentences from restorative approaches to formal community supervision responses. Other alternatives to justice led detention could be social or CAMHS provision.

6 Community based work and restitution

7 A community sanction or measure - ranging from suspended sentences, fines etc. to restorative justice measures, probation and unpaid work in the community.

#### **Q7 What are your sources of information regarding alternatives to detention?**

1 I work in the youth justice field. I continue to research alternatives to custody. For some young people there is a need for more intensive supervision dependent on need and the seriousness of their offences. There are cases where it is essential that young people require detention. Again this is based on the seriousness of their offending and the risk they pose. Whilst detained they require necessary services to address their health/addiction problems.

2 Academic research, legal framework, government strategies and policies, youth justice statistics

3 Current practice within Northern Ireland.

4 I don't have any.

5 Work within the field

6 Depart of Justice NI and voluntary agencies in the field.

7 Information is available from the websites of Youth Justice Agency, Probation Board for Northern Ireland. I also have familiarity with this area from research and practice.

#### **Q8 Do you know the proportion of children who receive alternatives as opposed to children deprived of liberty?**

1 Yes.



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2 Generally I am aware that the majority of young people appearing before the courts are receiving alternative disposals to custody.

3 No

4 The majority of young people entering the justice system receive a non custodial sentence. However it could be argued that many young people enter the justice system as a consequence of normal adolescent risk taking behaviour which distorts the statistics. For more serious crimes the level of detention rises significantly

5 No

6 This depends on the definition - if you are including young people remanded in custody in this figure, the proportion will be much higher. Also, this would need to consider whether this includes children and young people in the child protection and welfare system who may be subject to secure orders.

**Q9 Do you have official data at a regional or national level?**

1 Yes

2 Such data is available

3 No

4 Yes

5 I have access to it.

6 Yes - information is available from stats produced by Department of Justice/Youth Justice Agency.

**Q10 Do you have easy access to this data? How do you use this information?**

1 Yes. I use it to inform policy development.

2 I do access this data and would use such to influence policy development.

3 No

4 Relatively easy access although some data lacks the flexibility required for good planning. Use data specific to my area of work to plan services.

5 To inform me as a legislator.

6 It has become more accessible as more regular reports are published. It is more difficult accessing recent information in the Republic of Ireland.



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**Q11 Could you give an example of an alternative measures often used in your country?**

1 Youth Justice Conferences  
Probation  
Attendance Centre Orders  
Community Service.

2 A Youth Conferencing Order.

3 Youth Conference: The youth conference is a restorative meeting which brings together the young person and those affected by the offence e.g. the victim and the community. The outcome from the meeting is a youth conference action plan which has been agreed by everyone at the meeting. This action plan which the young person has to complete can include things like community service, an apology to the victim, payment for damage caused, treatment for addiction or programmes to assist with employment or training opportunities.

4 Electronic tagging

5 Restorative approaches

6 Probation based community work schemes

7 Youth Justice Conferences Probation Attendance Centre Orders Community Service.

**Q12 What are the strengths and weaknesses of this measure as opposed to detention of liberty?**

1 Strengths: it enables the child to remain in the community; it provides for restorative justice by directly involving the victim, it makes the child think about the consequences of their actions and the impact on others, it means that custody is only used for serious or persistent offending thus reducing the number of children encountering custody. Weaknesses - as it is possible for the child to have more than one Youth Conference at a time it can be seen as a let-off, it is still a criminal disposal so the child will have a criminal record.

2 Young people are given an opportunity to understand the impact of their behaviour on an individual or community; the young person does not go to prison (which we know does not work). The financial cost is much less.

3 Strengths would be that the individual is not in custody were it is argued the young person is more likely to become a re-offender when released. The weaknesses would be they have usually been in a custodial establishment in order to qualify for tagging, it could be argued it defeats the purpose.

4 It is a positive approach with evaluated levels of success which can promote perpetrator/victim understanding and empathy and allows for reparation. The weaknesses are that it is usually used for lower tariff cases that should not have been in the justice system in the first place so rarely impacts on custody. It can be less effective with young people who have psychological issues such as attachment disorders



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5 Visibility of restitution, strength. Lack of visibility of schemes, weakness.

6 Maintaining young people within the community is the main strength. However, there are difficulties in addressing some of the social and systemic issues that lead to young people coming into contact with the system in the first instance, as the onus tends to be on the individual young person's motivation to change.