independentcommission
on youth crime and antisocial behaviour

Time for a fresh start

Ken Macdonald QC

Victoria's story

"I thought if I didn't show them the consequences then nothing was really going to get done. I also wanted to know why it was me they had picked on."

"I walked out of the conference feeling the bigger person. I'd rather have had this experience than gone to court. In court it's just the facts, whereas I was able to tell them how I felt."

I don't think it's soft on offenders. I think it's a lot tougher to face up to what you've done. I had no real sympathy with the girls who attacked me, but I got my closure. You get the control back."

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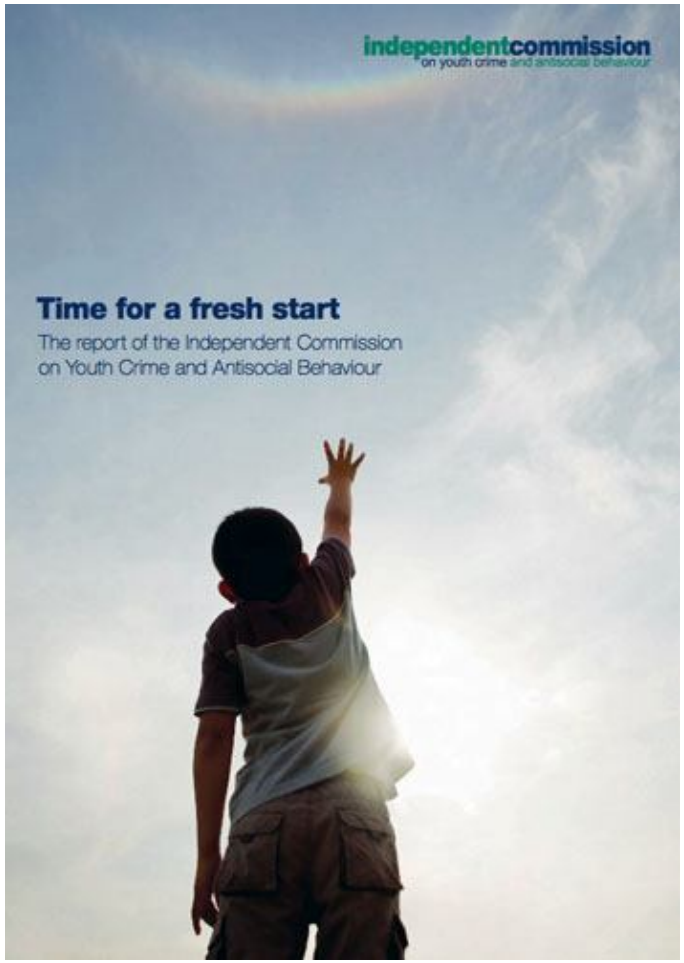
Time for a fresh start



The report of the Independent Commission on Youth Crime and Antisocial Behaviour

A ‘soft option’…?

Young offenders:

- Hear from the victim about the impact of their behaviour
- Answer the victim’s questions
- Apologise (at least), and
- Agree what sanctions should apply, including reparation to the victim and the community

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Background

Public money is being wasted because:

- Investment in proven prevention and constructive sanctions is too low
- Children and young people who could be turned away from a life of crime do not get timely help
- Persistent and serious offenders are treated in ways that do little to prevent reoffending – and may make their criminal behaviour worse

Cost-effectiveness

Returns for the taxpayer are unimpressive:

- The youth justice system recycles ‘the usual suspects’
- Numbers of children and young people in custody are significantly higher than 20 years ago
- Three out of four young offenders in custody are reconvicted within a year

The political ‘arms race’

- Despite falling crime figures, politicians have engaged in an ‘arms race’ over sanctions
- Public confidence in the youth justice system remains low
- Shifting policies have led to conflict and confusion over underlying principles

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Key principles

Better public protection through:

- Tackling the underlying circumstances and needs in children and young people's lives (prevention)
- Meaningful consequences for young offenders that hold them accountable to victims and the community (restoration)
- Retaining children and young people who behave antisocially and offend in mainstream or re-connecting them (integration)

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Prevention principles

- Responses when children and young people offend should be guided by an understanding of welfare needs
- There is no major contradiction between meeting children's long-term welfare needs and protecting the public

Integration principles

- Consequences faced by children and young people must be proportionate to their offence and offending record
- Custody – on remand or conviction – should only be used as a last resort

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Restoration principles

Children and young people should be:

- Held accountable for the harm they cause through ASB or offending
- Encouraged to accept responsibility and make reparation

Victims should be:

- Acknowledged and listened to
- Given opportunities to obtain redress for any harm or loss

Additional principles

- Measures and sanctions should do no harm (e.g. by making offending worse or impeding rehabilitation)
- Interventions should, wherever possible, be based on sound evidence concerning their effectiveness
- Institutions and services should, wherever possible, be separate from those for adults and staffed by purpose-trained specialists

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Youth conferencing

Discretionary:

- child or young person admits offence
- referred by Crown Prosecution Service
- offence not classed as ‘most serious’
- would not result in a disclosable criminal record

Court-ordered:

- child or young person convicted in Youth Court
- offence not classed as ‘most serious’ (or carrying a mandatory sentence)
- Youth Court approves, amends or rejects plans
- carries a criminal record

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A fresh start

"The damaged lives of those who become our most serious and prolific young offenders, and the high price that falls to society when we fail them, offers the last and most compelling reason why the time has come for a fresh start."

Independent Commission on Youth Crime

July 2010