



Evaluation of the  
Hamilton Sheriff Youth Court  
Pilot 2003-2005



**EVALUATION OF THE HAMILTON YOUTH COURT  
PILOT 2003-2005**

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## **EXECUTIVE SUMMARY**

### **INTRODUCTION AND BACKGROUND**

1. In recent years the Scottish Executive has explored a number of options for enhancing responses to young people who offend. A Ministerial Group on Youth Crime recommended in 2002 the establishment of a feasibility study to explore the potential for introducing a Youth Court for 16 and 17-year-old persistent offenders. A Youth Court Feasibility Group subsequently set up by the Scottish Executive concluded that the establishment of a pilot Youth Court was feasible under existing primary legislation.

2. A pilot Youth Court was introduced in Hamilton Sheriff Court in June 2003. It targeted alleged offenders aged 16 and 17 years (and appropriate 15 year olds) who were resident in parts of North<sup>1</sup> or South Lanarkshire served by Hamilton Sheriff Court, who have had at least 3 separate incidents of alleged offending which had resulted in criminal charges in the previous 6 months and who were appearing summarily before Hamilton Sheriff Court ('persistency criterion'). There was also flexibility for cases to be considered where the young person's contextual background and circumstances suggested that a referral to the Youth Court would be appropriate in terms of enhancing community safety and reducing the risk of re-offending ('contextual criterion') (Hamilton Sheriff Youth Court, 2003).

3. The objectives of the pilot Youth Court, as identified by the Feasibility Group, were to:

- reduce the frequency and seriousness of offending by 16 and 17 year olds (and some 15 year olds) through targeted and prompt disposals with judicial supervision and continuing social work involvement;
- promote the social inclusion, citizenship and personal responsibility of the young offenders while maximising their potential;
- establish fast-track procedures for young offenders appearing before the Youth Court;
- enhance community safety by reducing the harm caused to victims of crime and provide respite to communities which are experiencing high levels of crime; and
- examine the viability and effectiveness of existing legislation in servicing a Youth Court and to identify whether legislative and other changes may be required.

4. The distinctive features of the Youth Court can be summarised as follows:

- fast tracking of young persons to and through the Youth Court
- dedicated Youth Court staff to support and service the court (e.g. Fiscal, Clerk, social work) with 4 of the 9 Sheriffs from Hamilton Sheriff Court presiding over the Youth Court
- fast track breach procedures
- additional resources across agencies to enable provision of a quality and consistent service

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<sup>1</sup> Throughout this report, reference to North Lanarkshire refers to that part of the authority coming under the jurisdiction of Hamilton Sheriff Court.

- formation of a multi-agency Implementation Group, chaired by a Youth Court Sheriff, to review the working and operation of the court
- appointment of a full time Youth Court Co-ordinator to service the Implementation Group and co-ordinate practice
- ability to electronically monitor as a condition of bail
- external research and evaluation of the Youth Court's operation and programmes.

5. An independent evaluation of the pilot Youth Court was commissioned by the Scottish Executive. The aims of the evaluation were to:

- assess the advantages and disadvantages of this model of Youth Court over existing arrangements for dealing with the target group through other summary courts
- determine the effectiveness of the Youth Court in relation to process, delivery, outcome and costs
- assess the overall effectiveness of the Youth Court in achieving its stated objectives and
- explore the longer-term viability of Youth Courts across Scotland.

## **METHODS**

6. A range of qualitative and quantitative methods was employed in the evaluation. Methods included in the process evaluation were the analysis of Procurator Fiscal marking decisions; analysis of the Youth Court database; analysis of data provided by the Scottish Children's Reporters Administration; analysis of Social Enquiry Reports; interviews with professionals associated with the Youth Court; interviews with young people sentenced in the Youth Court; observation of the Court in operation; and the analysis of relevant documentary material. The outcome evaluation included a survey of community attitudes to youth crime; analysis of sentencing patterns in the Youth Court; analysis of changes in recorded crime in the area covered by the Youth Court and 2 comparison areas; individual case discussion with social workers and the analysis of reconviction among young people sentenced in the Youth Court and in comparison courts.

## **REFERRAL PROCESS**

7. Potential Youth Court cases were identified in the first instance by the police prior to being sifted by the Youth Court Procurators Fiscal. The majority of youth cases marked by the Procurators Fiscal (79%) resulted in outcomes other than prosecution in the Youth Court. Cases were most likely to be marked for prosecution in the Youth Court if they fulfilled both the persistency and contextual criteria. In the majority of cases the targets for young people to appear in court within designated timescales were met.

8. By December 2004 there had been 611 referrals to the Youth Court involving 402 young people. The majority of those referred were male (91%) and were 16 or 17 years of age (76%). They included both first offenders and those with a history of previous offending. Many young people were recorded as having previous referrals to the

Reporter, some of whom had been subject to Supervision Requirements shortly before first appearing in the Youth Court. Young people attributed much of their offending to alcohol or, less often, drugs. The majority of referrals involved public order offences (such as breaches of the peace, assaults, possessing offensive weapons and vandalism) or offences involving dishonesty.

## **OPERATION OF THE YOUTH COURT**

9. Guilty pleas were usually entered by young people referred to the Youth Court on first appearance and at intermediate diets. Only 10 per cent of cases proceeded to an evidence-led trial. Professionals were strongly of the view that the proportion of cases going to trial had reduced markedly since the Youth Court was introduced. They attributed this to fast-tracking (aided by a low level of adjournments in the Youth Court), the early disclosure of the Fiscal's case to the defence, the rolling up of cases by the prosecution and the availability of legal aid.

10. Electronic monitoring on bail as an alternative to a custodial remand was available to the Youth Court. Although it was viewed by sheriffs as a useful additional option, relatively little use had been made of it. Identifying those who would respond positively to it was regarded by social workers as challenging, reflected in the fact that just over half of those made subject to electronic monitoring on bail failed to complete it.

11. A key objective of the Youth Court is to fast-track procedures by ensuring that trial dates are set no more than 40 days after the first calling of the case in court. This target was achieved in 95 per cent of cases. Overall, Youth Court cases took an average of 34 days to resolve. Although cases in which warrants were taken took longer to resolve (a mean of 54 days) it appeared that warrants were being issued in a timely manner and were being enforced by the police. The fast-tracking of young people into and through the court was the aspect of the Youth Court that was perceived by various professionals as having been most effective. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful and was regarded as something to be aspired to in all summary court business.

12. There was general agreement among professionals that the Youth Court procedures were operating well. The existence of dedicated staff in a range of agencies was viewed as having facilitated communication and enhanced operational effectiveness, with the role of the Co-ordinator and the Youth Court Implementation Group having been crucial in this respect. However the operation of the Youth Court was believed by some stakeholders to have impacted upon the ability to schedule other court business, especially as caseloads had increased.

## **YOUTH COURT DISPOSALS**

13. The most common primary disposals in the Youth Court were deferred sentences, Probation Orders and monetary penalties. Other penalties imposed included Community Service Orders, Restriction of Liberty Orders (RLOs) and detention. Probation Orders

were often combined with other disposals (such as RLOs) or had additional conditions (such as unpaid work) attached. Information to date suggested that just under a third of those given Probation Orders in the Youth Court had been returned to court for a breach.

14. A range of additional services and resources had been put into place for young people made subject to supervision through the Youth Court. Interventions undertaken, or planned, focused on offending behaviour, employment, education or training, alcohol, drugs and family support. Services were provided by youth justice workers, by non-statutory agencies and by other local authority staff. Important gaps in provision included bail accommodation and mental health services. Greater use could also have been made of victim-focused reparation.

15. Sheriffs often undertook reviews of Orders made in the Youth Court on a periodic basis although observed reviews suggest that dialogue with the young person tended to be brief and one-sided. Sheriffs and other professionals regarded reviews as useful for encouraging compliance and recognising progress. Social worker input to reviews was relatively infrequent though social workers often spent lengthy times at court waiting for their client's review to be heard. A disadvantage of reviews conducted in open court was the occasional need to disclose information of a personal or sensitive nature. In these circumstances, the defence agent could motion the court to have the hearing held in private though this did not always happen.

16. Young people interviewed did not perceive the Youth Court as a 'soft option'. They were aware that they could be detained if they failed to comply with the community-based disposals imposed and regarded the Youth Court as having more 'teeth' than the Children's Hearings System. They had mixed views about the experience of electronic monitoring. Most interviewed young people regarded reviews as helpful in sustaining motivation and compliance with their Orders.

## **IMPACT OF THE YOUTH COURT**

17. The introduction of the Youth Court did not appear to have had a major impact on sentencing patterns in Hamilton Sheriff Court. Youth Court proceedings were more likely to result in detention or community based social work disposals than were those in the normal summary court, but this is likely to reflect the type of offender brought before the Youth Court.

18. From 2002 to 2004 there was an increase in recorded levels of less serious crimes and offences both in Hamilton and in 2 comparison court areas. There was, however, a larger reduction in crimes of dishonesty in Hamilton than in the comparison areas. It should be noted that changes in recording practices over this period demand caution in interpreting these findings.

19. Six month reconviction rates among young people sentenced in the Youth Court compared favourably with the comparator courts, especially given that the Youth Court specifically targets 'persistent' offenders whose reconviction rate might have been expected to be higher. However, the number of cases available for analysis at this stage is very low and a more detailed analysis of reconviction should be undertaken once

sufficient cases have been processed by the Youth Court and a sufficient follow-up period had elapsed.

20. There was little change in community attitudes towards youth crime over the period of the pilot, though any differences tended to be in a positive direction. In particular people reported feeling less unsafe in their neighbourhood after dark, more believed that the crime rate had improved over the previous 2 years and fewer thought that there was a problem with youth crime. However, it is not possible to say whether these changes can be attributed to the Youth Court or are part of a broader national trend.

21. Professionals were cautiously optimistic that the Youth Court would be effective in reducing re-offending, at least with some young people who appeared before it. It has available to it a wider range of services and resources than had previously been available to young people made subject to supervision by Hamilton Sheriff Court. Social workers were of the opinion that most interventions undertaken with young people would be effective to some extent, though they also believed that many young people were likely to re-offend. Interviewed young people were generally positive about the supervision and services they had received through the Youth Court.

## **CONCLUSIONS**

22. Although the impact of the Youth Court on offending among young people referred to it will take longer to establish, the research found that the Youth Court procedures were operating effectively and initial indications with respect to its impact on youth crime are encouraging. The particular strengths of the Youth Court approach included the fast-tracking of young people into the court system and the availability of additional resources appropriate to the target age group. The smooth operation of the Youth Court and the meeting of relevant timescales were made possible by the level and quality of communication and liaison between different professional groups. There was a broad consensus that the Youth Court represented an improvement over previous arrangements dealing with youth crime and that Youth Courts should be rolled out more widely.

# **CHAPTER ONE: INTRODUCTION AND BACKGROUND**

## **INTRODUCTION**

1.1 In recent years the Scottish Executive has explored a number of options for enhancing responses to young people who offend. A Ministerial Group on Youth Crime (Scottish Executive, 2002a) recommended the establishment of a feasibility study to explore the potential for introducing a Youth Court for 16 and 17 year old persistent offenders. Dedicated Youth Courts currently exist in a number of other jurisdictions, including England and Wales, Canada, Australia, New Zealand and the United States. The context for proposals for the Youth Court in Scotland was the recognition that less than one per cent of young people are persistent offenders, but that youth crime accounts for around one-third of all recorded offences in Scotland. Furthermore, persistent offenders – who have often progressed through the Children’s Hearings System – account for a disproportionate number of offences and are deemed to be a cause of concern in their communities (Audit Scotland, 2001). The Ministerial Group suggested that the development of a Youth Court should complement and build upon the Executive’s Youth Crime Strategy (Scottish Executive, 2002b). A Youth Court Feasibility Group subsequently set up by the Scottish Executive concluded that the establishment of a pilot Youth Court was feasible under existing primary legislation (Scottish Executive, 2002c).

## **THE HAMILTON SHERIFF YOUTH COURT**

1.2 A pilot Youth Court was introduced in Hamilton Sheriff Court in June 2003<sup>2</sup>. It targeted persistent young offenders in the 16-17 year old age groups who were prosecuted summarily, with the flexibility to deal with 15 year olds in certain circumstances. A fast-track process aimed to ensure that young offenders are brought to court quickly. Young people who may be suitable for the Youth Court were identified in the first instance by the police. The marking depute Procurator Fiscal then sifted potentially eligible cases in consultation, where appropriate, with the police, the Reporter and the social work department. It was intended that young people who were suitable for the Youth Court should appear before it for the first time within 10 days (and exceptionally 14) by means of custody or an undertaking to appear in court. In report cases, the police had 28 days to submit the case with the PF having a further 14 days to cite the accused.

1.3 The pilot Youth Court targeted alleged offenders aged 16 and 17 years (and appropriate 15 year olds) who were resident in parts of North<sup>3</sup> or South Lanarkshire served by Hamilton Sheriff Court, who have had at least 3 separate incidents of alleged

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<sup>2</sup> A second pilot Youth Court was established at Airdrie Sheriff Court in June 2004. There are important differences between the two pilots in respect of the target group, the basis and practice of referrals and the operation of the court. It is subject to a separate, ongoing evaluation.

<sup>3</sup> Throughout this report, reference to North Lanarkshire refers to that part of the authority coming under the jurisdiction of Hamilton Sheriff Court.

offending which had resulted in criminal charges in the previous 6 months and who were appearing summarily before Hamilton Sheriff Court ('persistence criterion'). There was also flexibility for cases to be considered where the young person's contextual background and circumstances suggest that a referral to the Youth Court would be appropriate in terms of enhancing community safety and reducing the risk of re-offending ('contextual criterion') (Hamilton Sheriff Youth Court, 2003).

1.4 Four of the 9 Sheriffs in Hamilton Sheriff Court presided over the Youth Court<sup>4</sup>. They sentenced young people who appeared in the Youth Court and could review orders made in the Youth Court on a regular basis when it was competent to do so. One of the Sheriffs chaired the Youth Court Implementation Group, which brought together representatives of the agencies with a role in the Youth Court to review the operation of the court. A full-time Co-ordinator was appointed to service the Implementation Group and to co-ordinate practice across the relevant agencies<sup>5</sup>. Whilst no additional shrieval resources have been invested in the Youth Court, additional dedicated resources include a Sheriff Clerk and 2 Procurators Fiscal.

1.5 The sentences available to the Hamilton Sheriff Youth Court were identical to those available to the Sheriff summary court. However the resources available to the Youth Court were specifically designed for this younger group of offenders and Sheriffs may stipulate access to them as a condition of a probation order or structured deferred sentence. Resources available to the Youth Court included a broader and more intensive range of community programmes, services that can tackle the social and personal problems which might lead these young people to re-offend and enhanced intervention programmes specifically targeted at the young offender age group. Orders made in the Youth Court are supervised by the local social work department youth justice teams.

1.6 The organisation of services differed in the 2 local authorities served by the Youth Court (North and South Lanarkshire). In South Lanarkshire, a dedicated youth justice team was based in Blantyre and provides a service to the Youth Court as well as a youth justice service to the local area teams. In North Lanarkshire, dedicated Youth Court social workers were located throughout the authority's area teams<sup>6</sup>.

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<sup>4</sup> As a result of turnover 6 Sheriffs in total have sat in the Youth Court.

<sup>5</sup> The role of Youth Court Co-ordinator – seconded from Strathclyde Police - entails overseeing the operation of the Youth Court and ensuring that processes and procedures are operating smoothly. With the development of the Airdrie Youth Court, the post of Deputy Co-ordinator was created and both posts were extended to both Hamilton and Airdrie Youth Courts.

<sup>6</sup> Workers in North Lanarkshire also undertake youth justice and adult criminal justice cases as part of their broader remit within criminal justice teams.

## **OBJECTIVES OF THE YOUTH COURT**

1.7 The objectives of the pilot Youth Court, as identified by the Feasibility Group, were to:

- reduce the frequency and seriousness of offending by 16 and 17 year olds (and some 15 year olds) through targeted and prompt disposals with judicial supervision and continuing social work involvement;
- promote the social inclusion, citizenship and personal responsibility of the young offenders while maximising their potential;
- establish fast-track procedures for those young offenders appearing before the Youth Court;
- enhance community safety by reducing the harm caused to victims of crime and provide respite to those communities which are experiencing high levels of crime; and
- examine the viability and effectiveness of existing legislation in servicing a Youth Court and to identify whether legislative and other changes may be required.

1.8 With respect to the last objective, the Youth Court Feasibility Group suggested that the efficiency and effectiveness of the Youth Court would be enhanced by legislative changes which would enable it to include electronic monitoring as a condition of bail, which allow for the remitting of cases between courts and ensure that remuneration under the Legal Aid scheme meets the requirements of the Youth Court process. It also suggested that evaluation of the Youth Court might elucidate whether it would be appropriate to pursue legislative change aimed at enabling the Youth Court to impose intermediate sanctions for non-compliance or to require offenders to attend post-sentence reviews of sentences.

1.9 The distinctive features of the Youth Court can be summarised as follows:

- fast tracking of young persons to and through the Youth Court
- dedicated Youth Court staff to support and service the court (e.g. Fiscal, Clerk, social work) with 4 of the 9 Sheriffs from Hamilton Sheriff Court presiding over the Youth Court
- fast track breach procedures
- additional resources across agencies to enable provision of a quality and consistent service
- formation of a multi-agency Implementation Group, chaired by a Youth Court Sheriff, to review the working and operation of the court
- appointment of a full time Youth Court Co-ordinator to service the Implementation Group and co-ordinate practice
- ability to electronically monitor as a condition of bail
- external research and evaluation of the Youth Court's operation and programmes.

## **EVALUATION**

1.10 A team of researchers at the University of Stirling, the University of Strathclyde and TNS Social were commissioned by the Scottish Executive to undertake an independent evaluation of the pilot Youth Court. The aims of the evaluation were to:

- assess the advantages and disadvantages of this model of Youth Court over existing arrangements for dealing with the target group through other summary courts;
- determine the effectiveness of the Youth Court in relation to process, delivery, outcome and costs;
- assess the overall effectiveness of the Youth Court in achieving its stated objectives; and
- explore the longer-term viability of Youth Courts across Scotland.

1.11 The evaluation was conducted in 3 phases. The first phase aimed to establish an appropriate baseline against which the impact of the Youth Court within the pilot area could be evaluated. It consisted of a survey of experiences and attitudes to youth crime in the areas serviced by the pilot<sup>7</sup> and an audit of existing provision. The second phase comprised a formative/process study of the early operation of the pilot Youth Court. This element of the evaluation documented the operation of the Youth Court during the first 6 months with a view to identifying any changes that might be required to enhance its operational effectiveness<sup>8</sup>. The third phase of the evaluation examined the influence of the Youth Court on sentencing practice, and its effectiveness in reducing offending and related problems and in promoting the social inclusion of young people. The third phase of the research also generated additional information about Youth Court processes.

## **ORGANISATION OF THE REPORT**

1.12 The remainder of this report is organised into 4 chapters. The methods employed in the evaluation are summarised in Chapter Two. Chapter Three describes the Youth Court process, including referral, sentencing, service provision and review. Chapter Four focuses upon Youth Court outcomes, including changes in sentencing and in re-offending among those given Youth Court orders. The conclusions are presented in Chapter Five.

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<sup>7</sup> NFO Worldgroup (2004)

<sup>8</sup> The resulting report (McIvor et al., 2004) is published on the Scottish Executive website.

## **CHAPTER TWO: METHODOLOGY**

### **INTRODUCTION**

2.1 The Hamilton Sheriff Youth Court evaluation entailed the use of a combination of qualitative and quantitative research methods. This chapter provides a brief description of the other methods employed, grouped according to whether they pertained predominantly to processes/procedures or outcomes.

### **PROCESS EVALUATION**

#### **Analysis of Procurator Fiscal marking decisions**

2.2 The Youth Court Procurators Fiscal in Hamilton offered to provide information on each case referred to them by the police. Data collection forms were designed by the researchers for this purpose. The details sought are detailed in the Appendix to this report. Forms were completed on referrals, whatever their marking outcome, until the end of October 2004 and for cases marked for prosecution in the Youth Court up to the end of December 2004. In total the sample included 1708 police referrals made to the Fiscal during the pilot period. Having the unique Fiscal reference enabled cases to be linked to details on the Youth Court Co-ordinator's database allowing analysis of the timing of cases to be conducted.

#### **Analysis of Youth Court database**

2.3 Information on referrals made to the court was collected by the Youth Court co-ordinator. The daily court sheets completed by the court clerk were the main source of information. These sheets recorded the progression of referrals at each stage of the court process. Supplementary information came from other agencies involved in the court process. An anonymised version of the co-ordinator's database was provided to the research team for referrals from June 2003 to the end of December 2004. Details of how a referral was defined for the purpose of analysis are presented in the appendix.

#### **Analysis of data provided by the Scottish Children's Reporters Association**

2.4 In order to gather information on Youth Court referrals' involvement with the Children's Hearings System, the Scottish Children's Reporter Administration (SCRA) provided information held on their national Referral Administration Database (RAD). This covered whether, since RAD was rolled out in 2002, the young person had been referred to the Reporter, the details of such referrals and Reporters' and Hearings decisions, including whether to make supervision requirements. In order to maintain the anonymity of young people, the Youth Court co-ordinator forwarded the name, date of birth, SCRO number<sup>9</sup> and date of first appearance in the Youth Court directly to SCRA.

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<sup>9</sup> The unique reference number assigned to an individual by the Scottish Criminal Records Office.

This enabled SCRA to provide the researchers with individually anonymised data from RAD. It was not possible to link this information to other records collected.

2.5 The recent availability of nationally computerised records means that these results should be treated as indicative of the extent of involvement with the Children's Hearing System rather than a definitive record. Initially our assessment of the young people's involvement with the Hearings System was to be restricted to the 12 months preceding their first Youth Court appearance. However as many young people were 17 / 18 years of age on first appearance this criterion would have, unless they were subject to supervision requirements, meant SCRA referral information not being available for many young people who had, in fact, previously been referred. As a consequence our analysis includes all referrals recorded on RAD while taking some account of the variable length of time information was available for. Most figures presented here are likely therefore to underestimate the extent of historic involvement with the Children's Hearing System.

### **Analysis of Social Enquiry Reports**

2.6 To gain an insight into the situation of young people at time of sentencing in the Youth Court, Social Enquiry Reports (SERs) written by social workers in one of the local authorities serving the Youth Court were reviewed. Including supplementary SERs (produced for reviews and deferred sentences), this local authority had produced at least 402 reports for the Youth Court up to the end of December 2004, an average of 21 reports per month.

2.7 The aim was to study the young person's first SER written for the court. However, in a few cases only later reports were made available. Details of the information extracted from SERs are provided in the appendix. It should be recognised that SERs are written in a specific context (to inform a Sheriff at sentence) and thus the information presented here is indicative rather than a definitive record of the young people's situations. It should also be noted that this convenience sample is not representative of all young people referred to the Youth Court. Time restraints did not allow for each SER to be scrutinised by more than one researcher. For consistency, therefore, the data were collected and coded by the same researcher over a three-day period.

### **Interviews with professionals**

2.8 During the first 6 months of operation of the Youth Court, interviews were conducted with a range of professionals associated with its operation. A further round of interviews was conducted towards the latter part of 2004/early 2005 by which time the Youth Court had been operational for around 18 months. The purpose of these interviews was to elicit views about the operation and effectiveness of the Youth Court and its associated processes. In total 41 professional interviews were conducted. A summary of those interviewed at this stage is presented in the Appendix.

2.9 For the most part, the same respondents participated in both rounds of interviews. Where this did not occur, it was as a result of personnel changes in the agencies concerned. Because of the small numbers of individuals from certain professional groups who were directly involved with the operation of the Youth Court, the interviews included all of those concerned (for example Procurators Fiscal, clerks). In other cases (such as the police and social work) advice was sought from a senior manager as to who might be approached to obtain a cross-section of agency involvement. Defence agents were identified through the Bar Association with a view to including a sample who had had direct involvement with the Youth Court and who would therefore be able to comment on its operation.

### **Interviews with young people**

2.10 Through their social workers young people who had appeared in Youth Court were asked to consent to participate in a research interview. In total 27 young people consented and 19 did not. It proved possible to interview 23 young people (18 male, 5 female), 21 of whom were on probation from the Youth Court and 2 of whom were engaged with social work as part of a structured deferred sentence. Interviews, arranged through the relevant social worker, took place either in the social work offices or, more rarely, the young person's home. Nearly all the interviews were conducted in private, with the social worker present during only one. Overall 9 young people were interviewed at the start of their order (within the first few months), 9 in the middle part of their orders and 8 towards the end of the order (with 3 interviewed both at the beginning and the end). Whilst it would have been preferable to have had more control over the composition of the sample, recruitment of interviewees proved challenging and a pragmatic approach had to be adopted, with interviews arranged through the supervising social worker. This restricted the sample to those who were currently engaged with the social work department (that is, those who had breached their Orders were not included) whose views cannot be considered representative of all young people made subject to supervisory orders through the Youth Court.

### **Observation of the Youth Court in operation**

2.11 Detailed observation of Hamilton Youth Court was made between November 2003 and July 2004. In total the business of 31 days and 200 case stages was recorded by 4 of the research team. This represents approximately one sixth (17%) of all Youth Court business during that period. Five Sheriffs sat in the Youth Court during our observations. Observation covered the full range of court business from first callings through intermediate diets and trials to sentence, reviews and breaches (see Table 1 in the appendix). Notes were processed in 2 ways: firstly quantitative information on the proceedings was entered in SPSS for analysis; secondly qualitative descriptions of what occurred during the Youth Court were written and subsequently coded for analysis. The length of each case stage was recorded (see Table 2 in the Appendix) and a judgement made on whether the business of that stage had been completed fully or partially during the hearing (Table 3 in the appendix).

## **Scrutiny of documentary material**

2.12 A member of the research team was invited to attend the regular multi-agency Implementation Group meetings. This offered an opportunity to identify emerging issues and how they were addressed. In addition, minutes of these meetings (including those that pre-dated the research) were made available to the research team, along with the regular statistical summaries compiled by the Youth Court Co-ordinator.

## **OUTCOME/IMPACT EVALUATION**

### **Survey of community attitudes to youth crime**

2.13 One of the objectives of the Youth Court is 'to enhance community safety by reducing the harm caused to victims of crime, and providing respite to those communities which are experiencing high levels of crime'. To evaluate this, a baseline and follow-up study of members of the public living within the Youth Court jurisdiction was undertaken. The overarching aim was to measure any changes in public perceptions of crime and confidence in the judicial system. To do so, the study measured changes in: perceived patterns of offending locally; fear of crime; actual experience of crime; perceptions of the criminal justice system; and awareness of the Youth Court and its effectiveness.

2.14 The fieldwork for the baseline study was undertaken between mid-September and early November 2003 and the fieldwork for the follow-up survey was undertaken approximately 16 months later, between mid-January and mid-February 2005. A total of 1069 individuals were interviewed, 541 in the baseline and 528 in the follow-up. Further details of the methodology are presented in the report of the survey which is presented as an Appendix to this report.

### **Analysis of sentencing patterns in the Youth Court**

2.15 To assess whether the introduction of the Youth Court in Hamilton had an impact on sentencing patterns of the target age group, the Scottish Executive's Justice Statistics Unit provided details of sentencing in Hamilton Sheriff Court in 2002, 2003 and 2004. There were 2 main questions to be addressed: whether the Youth Court exhibited different sentencing patterns to the normal summary court and whether it changed the way summary business was sentenced in comparison to previous years. In our analysis 2002 was treated as the baseline year. In that year all young people had their summary proceedings heard in the normal adult summary court. 2003 was a transitional year with the introduction of the Youth Court mid-way through the year.

2.16 The data provided related to sentences recorded on the SCRO database up to the end of January 2005. The 2003 and 2004 figures were provisional. For this reason, and because the focus was on comparing sentencing patterns rather than absolute numbers, the analysis compares the proportion of each type of sentence given in each year.

## **Analysis of changes in recorded crime**

2.17 To assess whether the operation of the Youth Court had impacted upon recorded crime levels in the area covered by it, recorded crime figures for the 2002 and 2004 calendar years were requested from Strathclyde Police for their operational areas serving Hamilton and Ayr Sheriff Courts and from Central Scotland Police for the region covered by Falkirk Sheriff Court. The 2 comparison courts were selected on the basis of their local authorities having a similar socio-economic profile to North and South Lanarkshire, the local authorities serving the Hamilton court. As Hamilton Youth Court commenced in June 2003, it was decided to compare the first full year (2002) without a Youth Court to the first full year of the Youth Court's operation (2004), when its impact was more likely to be evident. The possibility of gathering information on the levels of detected crime, where one of the alleged perpetrator's was in the Youth Court's target age group, was explored. However such information was not readily available in all the areas.

2.18 Recorded crime statistics are dependent on the level of crime reported to, and subsequently recorded by, the police. Evidence from the 2003 Scottish Crime Survey suggests that 49 per cent of crimes in 2002 were reported to the police (McVie et al., 2004). Historically reported crimes were only subsequently recorded as crimes if the police deemed there to be evidence of a crime having taken place. However, under the new Scottish Crime Recording Standard introduced for the 2004/05 financial year the recording of crime became victim led, meaning that reported incidents were more likely to be recorded as crimes (HMIC, 2003). Obviously these changes in police recording made direct comparison between 2002 and 2004 figures problematic as like with like were not being compared. The greatest impact of the new standard was predicted to be on minor crimes such as vandalism; the type of offence commonly dealt with in a summary court. Additionally the 2004 calendar year figures used in this report were provisional having been obtained in early 2005 before final figures were produced. Finally, it should also be recognised that even if there had not been a change in recording standards any changes in recorded crime could be caused by a variety of factors independent of the impact of any changing court process.

## **Individual case discussion with social workers**

2.19 Using semi-structured interviews, nearly all the social workers in South Lanarkshire's Youth Justice Team were asked to describe the progress of Youth Court cases they supervised, to give details of the services provided and to give an opinion on the likelihood of the young person becoming involved in further offending. This method allowed a large number of cases to be covered whilst minimising the impact on individual workers. It also supplanted earlier attempts to encourage social workers to complete written questionnaires on individual young people, which had met with limited success<sup>10</sup>.

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<sup>10</sup> Although some questionnaires were completed (9 initial, 12 6-month and 8 12-month) the low numbers precluded any detailed quantitative analysis. Instead we have drawn upon some of the qualitative data from these questionnaires at appropriate points in the report.

The cases of young people sentenced by the court to a period of probation or deferred sentence with social work involvement (a structured deferred sentence) were included. However, the data collected provide an overview of the services and should not be viewed as a definitive record of all work that took place.

### **Analysis of reconviction data**

2.20 Aggregate rates of reconviction were assessed for those sentenced in the Youth Court and in the comparator courts at Ayr and Falkirk. The Scottish Executive's Justice Statistics Unit provided information on convictions among those sentenced in these courts during the Youth Court's first year of operation (June 2003 to end of May 2004). Reconviction was only assessed for young people aged 19 or under at first sentence (to focus the analysis on the Youth Court's target age group). For further comparison rates of reconviction for people sentenced summarily in the year preceding (June 2002 to end of May 2003) were also calculated for all court areas.

2.21 The reconviction data provided was for convictions sentenced up to the end of 2004. Because of the short time frame of the study, the reconviction data for 2004 was provisional and incomplete (the minimum recommended standard for reconviction studies is 2 years post sentence to allow, not least, time for databases to be fully updated with all subsequent convictions). Rates of reconviction for offences committed within 6 months (for all those sentenced in June 2003 to end of May 2004) and 12 months following sentence (for those sentenced June 2003 to end of Nov 2003)<sup>11</sup> were identified, with pseudo reconvictions<sup>12</sup> excluded from the analysis.

2.22 To control, to some extent, for the impact of the Youth Court fast track process on the rates of further convictions (because of fast tracking young people may be convicted more quickly in the Youth Court) the date of first conviction was taken as the date of the offence associated rather than the conviction date itself. The six-month reconviction period therefore refers to all young people reconvicted and further sentenced in a court where their earliest offence associated with their reconviction case occurred within 6 months of their reference sentence date even though the conviction date may have been outside the 6 month period. Of course this approach does not mitigate completely the impact of the Youth Court fast track approach as these data are based on convictions and the fast track approach would make it more likely for any further offending to have been convicted in the short time period under study.

2.23 Our intention had been to conduct a matched case study where those sentenced in the Youth Court would be individually matched with young people in comparator courts on sex, age, previous convictions, sentence imposed and type of offence. However the short time frame and the low numbers sentenced in the first year by the Youth Court would have not allowed meaningful statistical analysis of its impact.

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<sup>11</sup> For those sentenced to custody reconviction was measured from their point of estimated release. This was taken as the sentence date plus half the imposed sentence time.

<sup>12</sup> Reconvictions but where the offence date involved pre-dates the sentence date of the reference record.

## **CHAPTER THREE: THE YOUTH COURT PROCESS**

### **INTRODUCTION**

3.1 This chapter focuses upon the processes through which young people were identified as potentially suitable for appearance before the Youth Court, the characteristics of young people referred to it and the disposals they received. It also describes the operation of the court at different stages of a case and summarises the types of interventions undertaken with young people made subject to supervisory court orders.

### **IDENTIFICATION OF POTENTIAL YOUTH COURT CASES**

#### **Initial identification of cases by the police**

3.2 The identification of potential cases for the Youth Court is undertaken by the police and the Procurator Fiscal. When the pilot was established, it was intended that the police would undertake a sift of all 16 and 17 year olds arrested to identify those meeting the Youth Court eligibility criteria of persistency and place of residence, with those that did being 'fast tracked' to the Procurator Fiscal for marking. In practice, the police report all 16-17 year olds to the Procurator Fiscal within 28 days (with the option of detaining or releasing on an undertaking those who meet the eligibility criteria). Police reports on these 'youth prosecution cases' often contain additional information on the family background and circumstances of the accused.

#### **Marking of cases for the Youth Court**

3.3 Youth prosecution cases reported by the police are reviewed by the Youth Court Procurators Fiscal. Consideration is first given to whether there is sufficient evidence for a prosecution and whether it is in the public interest to prosecute. If a case is thought suitable for prosecution at Sheriff summary court level, the Fiscal will then consider whether the case is suitable for the Youth Court. In doing so s/he will have regard to the relevant criteria and will take cognisance of previous and outstanding charges to establish whether or not there is a developing pattern of offending. In reaching a decision to prosecute in the Youth Court, the Procurator Fiscal will liaise with the Reporter, the social work department and the police to ensure that all relevant background information is considered.

3.4 Of the young people (1668<sup>13</sup>) referred by the police to the Procurator Fiscal until the end of October 2004, 45 per cent were resident in North Lanarkshire and 55 per cent in South Lanarkshire. Ten per cent of cases came from the police sub division serving the Bellshill area, 33 per cent from the sub division serving Motherwell and Wishaw, 22 per cent from the sub division serving East Kilbride and Strathaven and 34 per cent from

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<sup>13</sup> This is the maximum number of cases. The number of cases varies during the discussions of different parts of the Youth Court process due to missing data.

the sub division serving the Hamilton area. Less than one per cent of cases came from other police areas.

3.5 Ninety per cent of police referrals were male and 10 per cent female. The majority (87%) were report cases, with 7 per cent held in custody and 6 per cent released on a police undertaking. Forty-four per cent of referrals were aged 16 years, 46 per cent were 17 and 4 per cent were 15. Those outside the target age range (generally co-accused charged with a young person in the Youth Court age range) varied from 10 to 21 years of age (with half being 18 years of age). All except one of those under 15 years of age (a case marked as ‘no prosecution’) were sent to the Reporter for consideration. The young person was the only accused in 78 per cent of cases, with 12 per cent of cases featuring one co-accused. The maximum number of co-accused was 4 (4%).

3.6 The majority of youth cases referred were not deemed suitable for prosecution in the Youth Court by the Procurator Fiscal, with alternatives to prosecution being the most common outcomes (Table 3.1), though 125 police referrals (7%) resulted in prosecution in another court. Fourteen per cent of cases (237/1684) met the persistency criterion, 20 per cent (336/1676) met the contextual criterion and 10 per cent met both. Cases were most likely to be prosecuted in the Youth Court if they met both the persistency and contextual criteria (Table 3.2). However, meeting the persistency criterion alone did not necessarily result in prosecution in the Youth Court: 35 per cent of these cases were not prosecuted, presumably because the minor nature of the alleged offences was considered not to merit prosecution. This suggests that Procurators Fiscal were applying the criteria in a considered rather than mechanistic manner.

**Table 3.1: Marking outcomes of cases referred to the Youth Court Procurator Procurators Fiscal by the police (column percentages).**

Marking outcome	%
No prosecution	130 (8%)
Fiscal fine	257 (15 %)
Fiscal warning	571 (34%)
Diversion	122 (7%)
Refer to Reporter	121 (7%)
Prosecute – Youth Court	348 (21%)
Prosecute – other court	125 (7%)
<i>Total Number</i>	<i>1687(100%)</i>

**Table 3.2: Marking outcomes by whether the case met or not the Youth Court Criteria (column percentages)**

<b>Outcome</b>	<b>Meets neither criteria (%)</b>	<b>Meets persistency criterion only (%)</b>	<b>Meets contextual criterion only(%)</b>	<b>Meets both criteria (%)</b>
No / alternative to prosecution	91	35	11	1
Prosecute in the Youth Court	<1	60	81	93
Prosecute in an other court	8	6	7	5
<i>Total number</i>	<i>1270 (100%)</i>	<i>52 (101%)</i>	<i>150 (99%)</i>	<i>150 (99%)</i>

3.7 While a majority of cases marked for Youth Court prosecution met the persistency criterion (58%), there were a considerable number of young people (39%) who were being prosecuted in the Youth Court having met the contextual grounds only. From the comments provided, these cases were often marked for the Youth Court for community safety reasons because, for example, the young person's offence was relatively serious, there was a pattern developing to the offending, or an offensive weapon was involved, as the following additional comments provided by Procurators Fiscal indicate:

*“This is an assault. It is a pretty serious assault and therefore I feel it meets the community safety criteria.”*

*“Accused has offended twice in one month repeating threats of violence and vandalism to police. Threat to public safety.”*

3.8 In making their decision about whether and where to prosecute the case, the Procurators Fiscal indicated that in 26 per cent of cases they had discussed the case with the social work department, while discussions with the Reporter were held in 12 per cent of cases<sup>14</sup>. The most common outcomes for cases discussed with the social work department were prosecution in the Youth Court (288 or 62% of referrals) or diversion (81 cases or 18%). The majority of cases marked for prosecution in the Youth Court (85%) had been discussed with the social work department while 15 per cent of these cases had been discussed with the Reporter.

### **Timeframes for Youth Court cases**

3.9 The Youth Court's target was for young people to appear within 10 days (exceptionally 14) of being charged with an offence. The initial expectation was for most cases to either appear from custody or on police undertaking with only rarely young people being cited to appear after report to the Fiscal (in such cases the police target was submission within 28 days).

<sup>14</sup> Cases will only be discussed with the reporter if the information available to the Fiscal suggests a relevant connection with the Reporter.

3.10 The Youth Court database did not contain the relevant data from which the length of time between a young person being charged and first appearing in court could be calculated. To enable such a calculation to be made, albeit in a limited number of cases, the Procurator Fiscal provided the date of charge and the date of referral to the Fiscal for 83 cases marked for Youth Court prosecution between June and December 2004<sup>15</sup>. This information was linked to the date the case was first scheduled to appear in the Youth Court.

3.11 The eighteen custody cases all appeared in the Youth Court in 4 days or less following charge as legally they must appear on the next working day. The thirteen undertakings all appeared between 10 and 14 days from charge. For report cases the time from referral to the Fiscal to their appearance in the Youth Court was measured. Thirty-five per cent of the 52 report cases in this sample appeared within 14 days or less (8 days being the minimum) with 50 per cent appearing within 20 days or less. The maximum period was 183 days. Delays sometimes occurred because of the time lapse between the date on which the offence occurred and an interview of the accused. The majority of cases in this sample were, therefore, being dealt with at this stage in the prosecution process within the fast track timescales that were prescribed.

### **Perspectives on the referral process**

3.12 There was a generally held view among the various professionals who were interviewed that the identification and marking of potential Youth Court cases was operating efficiently and effectively, with appropriate cases being marked for Youth Court prosecution and the relevant time frames being met. This was attributed in large part to the quality of liaison between the police, Procurators Fiscal, Reporters and social workers and to the fact that the dedicated Procurators Fiscal were able to discern patterns of individual offending and to have, more generally, an overview of youth crime in the area. Where concerns about this stage of the Youth Court process were expressed, they typically centred around the nature and interpretation of the Youth Court criteria.

### **Perspectives on the Youth Court criteria**

3.13 There was a view among professionals that the Youth Court criteria were generally appropriate and were being appropriately applied. However some – principally Sheriffs and social workers – expressed some concern that the application of the contextual criterion was drawing in a few young people for first and relatively minor offences (such as breaches of the peace). As one Sheriff explained:

*“There are some that I ask why on earth have they been brought because it’s just one offences and when we get the report there doesn’t seem to be anything to suggest that they’re a problem or a persistent offender.”*

3.14 The absence of background problems could only be determined following further enquiry. For social workers, the fact that a few young people had few social problems

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<sup>15</sup> It should be noted that this sample is not representative of all Youth Court cases.

and were assessed as having a low risk of re-offending made it difficult to identify points of engagement and a focus for intervention.

3.15 It was, however, agreed by the Implementation Group that it would be appropriate for some young people to be referred to the Youth Court if their offending suggested a risk to public safety, even though they had not been charged with 3 or more offences in the previous 6 months. In other cases young people might not have 3 charges, but may have had several referrals to the Reporter on offence grounds in the period to their Youth Court referral. Other professionals stressed that even first offenders could represent a threat to community safety on account of the types of offences with which they had been charged.

*“I definitely think that it’s the right target group because young people who are carrying offensive weapons can be a real danger both to themselves and to other people.”*

3.16 A further difficulty initially highlighted by Sheriffs concerned the potential for the ‘persistence criterion’ to signal to the Sheriff that an accused has had prior involvement with the police. In practice, however, a Sheriff would not be aware if a young person was being referred on the persistence or contextual criteria and therefore could not make any judgement on the background of the person. This was not, therefore, a significant or ongoing source of concern.

3.17 In summary, potential Youth Court cases were identified in the first instance by the police prior to being sifted by the Youth Court Procurators Fiscal for potential referral to the Youth Court. The majority of youth cases marked by the Procurators Fiscal (79%) resulted in outcomes other than prosecution in the Youth Court. Cases were most likely to be marked for prosecution if they fulfilled both the persistence and contextual criteria. In custody and undertaking cases, the targets for young people to appear in court within designated timescales were met in our sample. In report cases, 50 per cent of our sampled cases appeared in court within 20 days of the report being submitted to the Fiscal. Professionals associated with the Youth Court believed that the identification and marking of cases had proceeded efficiently and effectively though some expressed concern about the nature and interpretation of elements of the Youth Court referral criteria.

### **CHARACTERISTICS OF CASES REFERRED TO THE YOUTH COURT BY THE PROCURATOR FISCAL**

3.18 Information from the Youth Court database provided details of all young people prosecuted in the Youth Court by the Procurator Fiscal. Up to the end of December 2004 there were 611 referrals featuring 402 people. Most had been referred only once but 28 per cent had been referred on 2 or more occasions (Table 3.3).

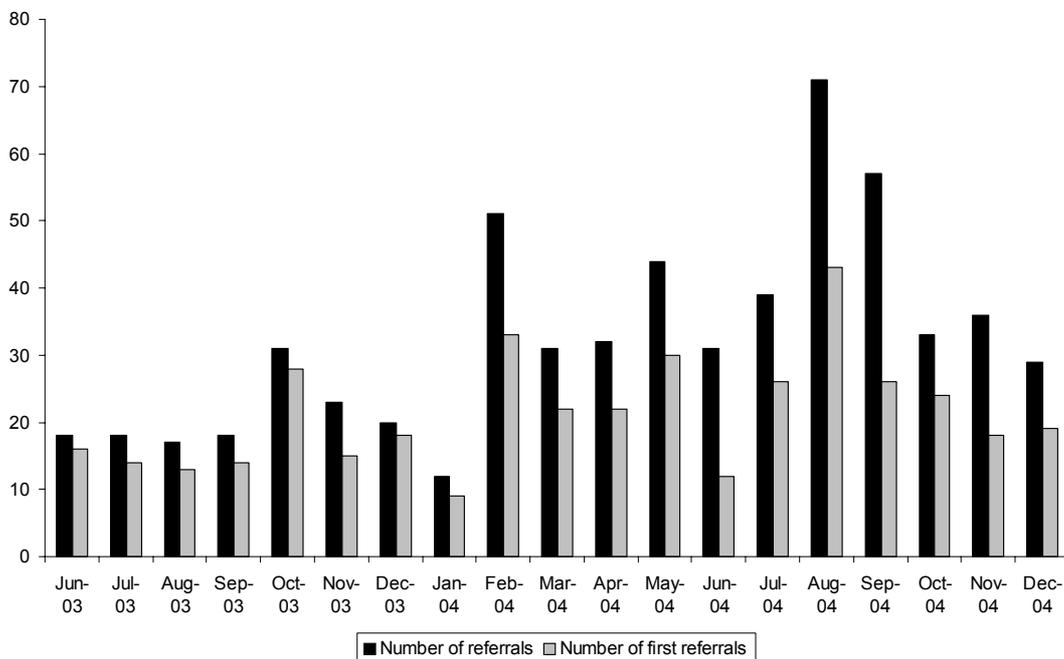
**Table 3.3: Number of referrals for each individual referred**

Number of referrals	Percentage of accused	Number of accused
One	71	287
Two	18	73
Three	3	13
Four	4	17
More than four <sup>16</sup>	3	12
<i>All</i>	99	402

3.19 These referrals constituted 475 court cases (a court case being defined as referrals covering the same incident, identified by referrals sharing the same Fiscal reference number). Three hundred and seventy-two cases (78%) featured one accused only, 79 (17%) had 2 accused and 24 (5%) had between 3 and 5.

3.20 Figure 3.1 shows the number of referrals and number of first time referrals to the Youth Court by month. There was a mean of 32 referrals per month. The number of monthly referrals has been higher since February 2004, peaking in August 2004 when 71 referrals were made. Over time the proportion of first time referrals has reduced (because more young people have been re-referred) though they still make up the majority of cases.

**Figure 3.1 Total number of referrals and first referrals to the Youth Court by month (n=611)**



<sup>16</sup> The maximum number of referrals was 9 (one young person).

3.21 Table 3.4 gives a breakdown of the 402 individuals referred by sex and age at first scheduled appearance in the court. The vast majority (91%) were male with slightly higher proportions of women in the older age groups. All the 15 year olds at first appearance were male. The majority of young people were aged 16 (36%) or 17 (40%) at first appearance in court while 7 (2%) were 15 years of age. Eighty-eight people (22%) were 18 years of age or older. They appeared in the Youth Court as co-defendants of young people in the target age range. The ethnicity of the individuals appearing in the court was not recorded in the Youth Court database: this is an omission that should be addressed.

**Table 3.4: Youth Court accused by sex and age at first scheduled appearance in court (row percentages)**

Age at first referral	Male (%)	Female (%)	Total number
15	100	0	7
16	91	9	145
17	94	6	162
18	86	14	28
19 plus	87	13	60
<i>All</i>	<i>91</i>	<i>9</i>	<i>402</i>

3.22 To summarise these findings, a total of 402 young people had been referred to the Youth Court by the Fiscal, with a mean of 32 referrals per month. Most had been referred on only one occasion and most were single accused. Three-quarters of those referred were 16 or 17 years of age and the majority (91%) were male.

### **Previous criminal history**

#### ***Age at first contact with the criminal justice system***

3.23 From their Scottish Criminal Records Office (SCRO) unique reference number it was possible to identify the year in which young people had first come to the attention of the criminal justice system. The relevant data are summarised in Table 3.5. They suggest that while many young people had had a relatively extensive history of involvement with the criminal justice system (in terms of the period of time that had elapsed since first contact) almost one quarter had first come to the attention of the police within the previous 12 months. These data are consistent with the views of professionals that Youth Court referrals contained a mixture of accused with and without prior police involvement, with the latter being referred on account of the risk they were deemed to present to themselves or others.

**Table 3.5: Year SCRO Unique Reference Number was created in relation to year of first appearance by age at first appearance (row percentages)**

Age at first appearance	Same year	1 year before	2 years before	3 years before	4 years or more before	Total Number
15	0	0	43	29	29	7
16	26	24	25	9	16	145
17	21	17	26	17	19	162
18	36	21	18	14	11	28
<i>All</i>	24	20	25	14	17	342

### *Involvement with the Children's Hearings System*

3.24 Information about previous involvement with the Children's Hearings System among those referred to the Youth Court was provided by the Scottish Children's Reporter Administration (SCRA) from the Referral Administration Database (RAD). Table 3.6 shows that 70 % of those aged 18 years or younger when referred to the Hamilton Youth Court were recorded as having had a referral on RAD<sup>17</sup>.

**Table 3.6: Young people referred to the Youth Court having a record / referral on RAD by age at first appearance (row percentages)**

Age at first appearance in Youth Court	% RAD record	Total Number
15	100	7
16	79	145
17	67	161
18	31	29
<b>All</b>	<b>70</b>	<b>342</b>

3.25 To explore why these young people had been referred to the Children's Hearing System, details of referrals which occurred up to the end of January 2005 were examined from RAD. To exclude from this analysis referrals that may have been linked to the operation of the Youth Court, 3 types of referrals were removed:

- referrals made jointly to the Procurator Fiscal and the Children's Hearing System, which had been retained by the Fiscal;
- referrals remitted by the court to the Children's Hearing System for disposal;
- referrals made on or after the young person's date of first appearance in the Youth Court.

<sup>17</sup> Given the relatively recent roll-out of RAD this may underestimate the number referred to the Reporter at some point in their lives.

**Table 3.7: Young people who had had a referral retained by the Reporter before their first Youth Court appearance by reason for referral and age at first appearance (row percentages)**

<b>Age at first appearance in Youth Court</b>	<b>% Referral retained by Reporter before Youth Court</b>	<b>% Offence referral</b>	<b>% Non offence referral</b>	<b>Total Number</b>
15	100	100	71	7
16	53	52	15	145
17	25	24	7	161
18	0	0	0	29
<b>All</b>	<b>36</b>	<b>35</b>	<b>11</b>	<b>342</b>

3.26 As Table 3.7 shows, out of 342 young people aged 18 or younger on first Youth Court appearance, 36 per cent had had previous referrals made to and retained by the Reporter. One hundred and twenty-four young people (35%) had at least one referral on an offence ground while 11 per cent had been referred on a non-offence ground<sup>18</sup> (10 per cent had referrals for both reasons). Those referred on offence grounds had had at total of 956 such referrals to the Reporter before they made their first appearance in the Youth Court, representing an average of just under 8 referrals per young person. This suggests that while some young people referred to the Youth Court had no prior recorded involvement with the Children’s Hearings System as a consequence of offending, a sizable proportion had between them a substantial record of previous offending.

3.27 As Table 3.8 illustrates, 78 per cent of the young people referred to the Reporter on offence grounds had on least one occasion been accused of a group 6 offence, most commonly a breach of the peace or an assault. Just over a third had on at least one occasion been accused of a crime of dishonesty (covering mainly thefts and attempted thefts), group 4 crimes (mainly vandalism) and other crimes (mainly possession of an offensive weapon, drug offences and resisting arrest). Referrals for the most serious crimes were, as would be expected, rare. Many of the offence referrals were recent, with 36 per cent of these young people having been referred to the Reporter within 6 months or less of their first due appearance in the Youth Court.

<sup>18</sup> Non-offence grounds most commonly included being beyond the control of any relevant person, falling into bad associations or exposed to moral danger, not attending school without reasonable excuse and misuse of alcohol or drugs.

**Table 3.8: Young people having an offence referral to the Reporter by crime / offence type (column per cents)**

<b>Crime / offence category</b>	<b>Number and percentage of young people</b>
Group 1 - Crimes of violence <sup>19</sup>	4 (3%)
Group 2 - Crimes of indecency	2 (2%)
Group 3 - Crimes of dishonesty ( <i>includes housebreaking and thefts</i> )	43 (36%)
Group 4 - Fire-raising and malicious mischief etc	46 (38%)
Group 5 - Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	44 (37%)
Group 6 - Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	93 (78%)
Group 7 - Motoring offences	6 (5%)
Other – not classified	37 (31%)
<i>Total number of young people</i>	<i>120</i>

Note: Because a young person could have had a referral for more than one crime / offence type, percentages do not add to 100.

3.28 Children’s Hearings had made continued Supervision Requirements for 66 young people (19% of those that were aged 18 or under on first appearance in the Youth Court) between RAD roll out in 2002 and January 2005. Ten of these young people attended a residential school while subject to a Supervision Requirement, 8 were resident at some point in a local authority home and 3 lived with foster carers. However, most young people had continued to live with a parent or other relative.

3.29 Twenty-six young people's supervision requirements were ongoing at the time of first appearance (8% of our under 19 sample), including 5 of the 7 15 year olds. Thirty-nine had had their Supervision Requirements terminated before they made their first appearance in the Youth Court (most - 31 - having been terminated a year or less before) and eighteen others subsequently had their supervision terminated after appearing in the Youth Court.

3.30 To summarise, 70 per cent of those aged 18 years or younger referred to the Youth Court had a record on RAD. Thirty-five per cent had had a referral to the Reporter on offence grounds prior to their dealings with the Youth Court, with an average of almost 8 offence referrals per young person. Referrals most commonly involved offences such as breaches of the peace, assaults, vandalism and dishonesty. Just under one-fifth of young people referred to the Reporter since 2002 had been made subject to a Supervision Requirement (mainly non-residential). In most case these requirements had been terminated shortly prior to or following the young person’s first appearance in the Youth Court.

<sup>19</sup> This category includes violent crimes that would be dealt with on petition.

## **Social and personal circumstances of young people sentenced in the Youth Court**

3.31 Prior to sentencing, social workers in North and South Lanarkshire would prepare a Social Enquiry Report (SER) for the Youth Court if requested to do so by the Sheriff. While SERs are required before the imposition of certain sentences (such as custodial sentences and probation orders) they are not mandatory in all cases (usually those involving less serious offences or offenders where a disposal such as an admonition or monetary penalty is likely to be imposed). Information was gathered from SERs prepared by social workers in one of the local authorities on the backgrounds of 106 young people sentenced by Hamilton Sheriff Youth Court<sup>20</sup>. It also draws, where relevant, upon interviews conducted with a smaller sample (23) of young people referred to the Youth Court. This section summarises the characteristics of these samples of young people, and thus is not representative of all the young people who appeared before the Youth Court.

### ***Involvement in offending***

3.32 Forty-six per cent of the young people were recorded in analysed SERs as having had some involvement with the Children's Hearing System and 26 per cent were recorded as having been referred to the Reporter because of their offending behaviour. Overall, 34 young people (32 per cent) had been placed on a Supervision Requirement while 3 other young people (3 per cent) had received supervision on a voluntary basis. The majority of those on supervision (24 young people) continued to live at home throughout their Supervision Requirement while 10 had been statutorily accommodated, 3 of whom had spent time in a secure unit. In 5 cases the Supervision Requirement was ongoing at the time of the completion of the SER. In 11 others the Supervision Requirement was recorded as having been terminated in the preceding 12 months.

3.33 Many of the young people who were interviewed reported having had previous involvement with the criminal justice system and the Children's Hearings System for offending and for other reasons. A number reported (older) siblings or others they knew having been involved with the criminal justice system and reported some having attended a court to support a friend or family member.

3.34 Consistent with what we already know about the offence histories of young people referred to the Youth Court, the interviews indicated that a number (5/23) had been prolific offenders, some since they were aged 13 or 14, while others (5/23) had become heavily involved in offending more recently<sup>21</sup>. Much of the offending was related by young people to the misuse of alcohol and, to a lesser extent, other drugs. It included street crime ranging from vandalism to assault (commonly assaults involved fighting with other groups of young people). Some had been involved in car theft and related offences. A few had been prolific shoplifters (often related to their drug misuse). Some described their neighbourhoods as featuring 'gangs' and felt unable to visit or walk

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<sup>20</sup> This included all young people in that authority for whom an initial SER had been requested by the court.

<sup>21</sup> Five young people did not discuss their offending in sufficient detail to permit classification of this kind.

through certain local areas as a consequence. A few said they carried weapons for this reason.

3.35 However, not all those interviewed had been ‘persistent’ offenders before coming to the attention of the Youth Court. First time offenders were not uncommon. A number of these young people admitted committing relatively serious offences (often again related to alcohol) and accepted the court’s involvement, although some were surprised by the harsh, as they perceived it, sentence they received and some appeared to regard themselves more as a victim rather than the perpetrator of any offence.

### ***Living situation***

3.36 According to the examined SERs, most young people lived in the family home or with other relatives. One young person was statutorily accommodated, 3 young people lived in their own accommodation, one was living with friends and 2 had no fixed abode.

3.37 Eighty-five of the 90 young people living in the family home resided with their mother while only thirty-nine lived with their father. Forty-seven of the young people residing at home lived in a lone parent household, most of whom (43) resided with their mother. Some young people had experienced the bereavement of a parent whilst some had experienced parental separation and divorce. Some young people had previously lived in households where there had been domestic violence, while a small number still lived in households where domestic violence remained a concern. In a small number of cases the young people themselves had assaulted one of their parents

3.38 Whilst our interviews with young people were not focused on obtaining family biographical histories, a number of young people revealed that they had had very difficult upbringings, for example extensive familial involvement in drug misuse. From the description of the circumstances some clearly lived in poverty; many said they lived in neighbourhoods with a range of social problems. This is supported by separate analysis focusing upon the data zones<sup>22</sup> in which 133 young people referred to the Youth Court resided<sup>23</sup>. This analysis indicated that 24 per cent of referrals resided in the top 10 per cent of most deprived data zones in Scotland while 85 per cent of referrals resided in the top 50 per cent most deprived data zones.

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<sup>22</sup> Data zones are the new small-scale geography for Scotland covering communities of 500 to 1000 households. Using a smaller scale than previous areas utilised for analysis (for example electoral wards), allows better identification of communities sharing similar social characteristics (Scottish Executive, 2004a). The 2004 Scottish Index of Multiple Deprivation uses these data zones as its base geography and captures deprivation in terms of income, housing, health, education, skills, training and employment and geographic access. The overall deprivation rank of an area takes account of its position across these domains (Scottish Executive, 2004b).

<sup>23</sup> The Procurator Fiscal had provided postcodes in these cases from which the relevant data zones could be identified. This is not a representative sample of all cases before the Youth Court.

### ***Education and employment***

3.39 For 91 young people information was available on when they had left school (2 others were still in schooling). Eighty-five had left school at the end of compulsory schooling (some young people had effectively left before this date as they had not been receiving any schooling). Sixty-four young people were reported to have had difficulties at school. These included: behavioural problems (41), truancy (29) and being the victim of bullying (9). Many of those recorded as having behavioural problems had served short suspension periods and reports indicated that 13 young people had been permanently excluded from a school at some point in their education.

3.40 In 40 of the examined SERs the young person's school qualifications were not given. Of the remainder (66), 21 young people were recorded as having left school with no qualifications, 36 had as their highest achievement standard grade passes and 3 young people had passed Higher examinations. For 6 young people who had achieved some qualification, the type of examination passed was not clearly stated in the SER.

3.41 Forty-three young people (41%: 43/104) were reported as being unemployed at the time of their SER, although most were reported in SERs as actively seeking employment. Including those on trade apprenticeships, 49 (47%) per cent were in paid employment while 4 (4%) were at college and 6 (6%) were involved in some other form of training.

### ***Alcohol and Drugs***

3.42 Consistent with the information provided in interviews with young people themselves, the misuse of alcohol was highlighted in many of the examined SERs as either an ongoing problem or as a major factor in the criminal incident that had brought the young person to court. For each young person a judgement was made by the researcher, on the basis of the SER, as to whether (excess) alcohol consumption was reported in relation to the offence or alcohol misuse was an ongoing problem. Sixty-one reports (58%) mentioned alcohol in these contexts.

3.43 Forty-five young people (43%) reported to the SER author that they took drugs. For most of these young people this was limited to cannabis consumption. For some this was occasional use, however reports often recorded daily cannabis consumption. In 11 cases the use of other drugs was reported - ranging from the misuse of prescription drugs through to heroin addiction.

### ***Other issues***

3.44 In 35 reports it was highlighted that the young person had been associating with other people involved in anti-social or criminal behaviour. Young people were reported to have mental health problems in 11 of the SERs reviewed, a few of whom had a history of involvement with mental health services.

3.45 To briefly recap, many young people from this convenience sample had previous involvement with the Children’s Hearings System. The SERs recorded many young people were living in lone parent households and most had left school at the end of compulsory schooling with few or no qualifications. Just over two-fifths were unemployed. Some young people reported having become involved in offending when 13 or 14 years of age while others became heavily involved in offending more recently and others were first offenders. Much offending was attributed by young people to alcohol or, less often, drugs.

### Charges faced by those referred to the Youth Court

3.46 In total the 611 referrals to the Youth Court featured 1860 charges. Thirty per cent of referrals featured one charge, 25 per cent 2 charges, 15 per cent 3 charges and 10 per cent 4 charges. The maximum number of charges in one referral was 24. Table 3.9 shows the crime or offence category of the charges. Two-thirds of charges involved other crimes (Category 5) and miscellaneous offences (Category 6). Charges relating to the most serious crimes (groups 1 and 2) were rare as would be expected in a summary court.

**Table 3.9: Charges prosecuted in the Youth Court by crime and offence categories (column percentages)**

	Charges (number and %)
Group 1 – Crimes of violence	4 (< 1%)
Group 2 – Crimes of indecency	10 (< 1%)
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	292 (16%)
Group 4 – Fire raising, vandalism, etc.	133 (7%)
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	555 (30%)
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	688 (37%)
Group 7 – Motor vehicle offences	178 (10%)
<i>Total number of charges</i>	<i>1860</i>

3.47 As Table 3.10 illustrates, at least 70 per cent of people had been charged with committing a miscellaneous offence such as a breach of the peace. An offensive weapon charge had been laid at least once against 38 per cent of the young people.

**Table 3.10: Percentage of people appearing in the Youth Court who had at least one charge in the crime and offence categories (column percentages)**

<b>Crime category</b>	<b>Charges (number and %)</b>
Group 1 - Crimes of violence	3 (1%)
Group 2 - Crimes of indecency	3 (1%)
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	115 (29%)
Group 4 – Fire raising, vandalism, etc.	82 (20%)
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	250 (62%)
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	283 (70%)
Group 7 – Motor vehicle offences□	43 (11%)
<i>Total number of people</i>	<i>402</i>

Note: Percentages sum to more than 100 as young people could have charges in a number of different categories.

## **APPEARING IN THE YOUTH COURT**

### **General operation of the Court**

3.48 The pilot Hamilton Youth Court was observed for 31 days<sup>24</sup>. This confirmed that in its broad operation it proceeded as any other summary adult court. All stages of cases were held in open court<sup>25</sup> in an adult courtroom and the court layout was that of any adult summary court. Legal professionals wore their formal court attire at all times.

3.49 Youth Court business lasted for between 2 minutes and four and three quarter hours on the days observed, with a median of 41 minutes. These timings include recesses and any down time. The fact that Youth Court business did not necessarily occupy all of the time scheduled meant that it was possible for other court business, such as short summary trials, to be re-scheduled and dealt with by the Youth Court Sheriff. Indeed, latterly other summary trials were being timetabled in to be heard by Youth Court Sheriffs immediately following the Youth Court on 2 days per week. This meant that, despite having its own courtroom, the Youth Court was not separated fully from adult proceedings since those due to attend for adult summary trials were also present in the Court.

3.50 A generally relaxed and friendly atmosphere to the court was noted before court and in recesses, with young people able to approach professionals for information. The court's full-time police officer and court clerk were particularly important in this respect. Family or other supporters often accompanied young people to the court. Young people

<sup>24</sup> As these days were not selected randomly, this data should not be taken as representative of the balance of business in the Youth Court.

<sup>25</sup> In cases involving 15 year olds hearings are held in closed court.

appearing were nearly always legally represented while social workers (usually the court social worker) were present in nearly 90 per cent of the case stages observed.

## **Progress of cases through the court**

### ***First calling in Court***

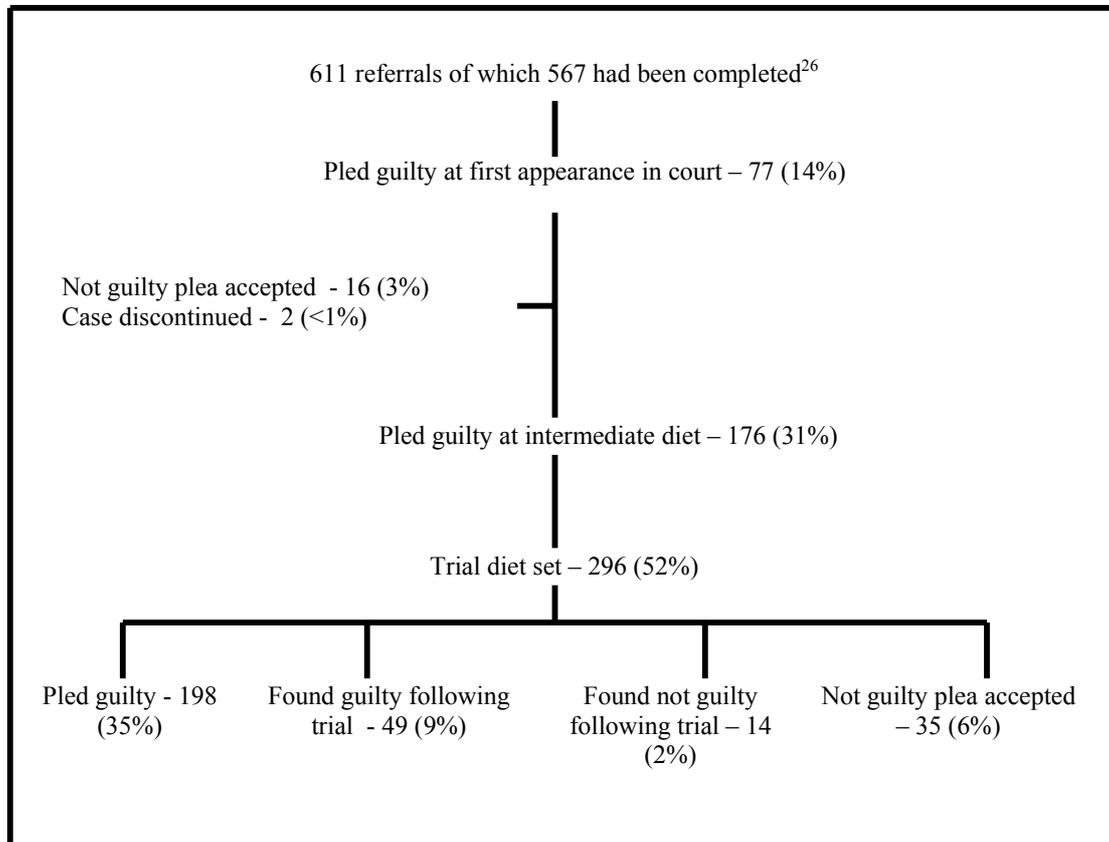
3.51 In 2004 the Youth Court sentenced 60 per cent of those aged 17 or less at sentence who were dealt with by summary proceedings. When cases are prosecuted in the Youth Court the Procurator Fiscal provides the defence with a case summary prior to the first calling of the case. The progress of cases referred to the Youth Court is shown in Figure 3.2. Those referred to the Youth Court made their first appearance at Court from police custody, on a citation or on a police undertaking. Although it was anticipated when the pilot was established that the majority of cases would appear from custody or on an undertaking, in practice 255 out of 611 referrals (42%) were scheduled to appear from custody, 100 (16%) per cent on a police undertaking and 255 (42%) were cited to appear. Overall 43 per cent of people referred to the Youth Court made at least one of their first appearances in court from custody. Custody cases involving young people arrested the previous day were scheduled in the afternoon, giving the Procurator Fiscal additional time to decide if they were suitable for the Youth Court. Pleas of guilty at first calling were relatively rare. As Figure 3.2 indicates, only 77 referrals (14% of those completed) resulted in a guilty plea at first appearance.

3.52 Although not explicitly recorded it was possible, using dates provided, to infer the bail decision of the court at first calling of the referral. Overall at first callings, where the case was not resolved, 51 out of 567 referrals (9%) were remanded, 231 (41%) were bailed (including 23 with electronic monitoring and 2 with bail supervision), with 285 (50%) being ordained to appear at the next hearing.

3.53 When the Procurator Fiscal opposed bail, it was usually in cases where the young person was alleged to have committed further offences whilst on bail or probation. More generally young people without an address would be remanded given the lack of an alternative (there was a lack of bail hostels and delays in establishing remand fostering). Where bail was not opposed the Crown sometimes requested additional conditions, usually for the young person to be excluded from certain areas or prohibited from contacting certain individuals.

3.54 At this stage in the Youth Court process administrative difficulties were rare although on occasion a case would be listed but the citation had yet to be served. On other occasions young people were given an incorrect time for their undertaking by the police. Often young people who had been bailed had to wait for some time for their bail papers to be issued at the end of proceedings.

**Figure 3.2: The route of cases through the Youth Court (June 2003 – December 2004)**



***Electronic monitoring on bail***

3.55 Although electronically monitored bail is only now being piloted in other Scottish Courts, the Hamilton Youth Court had this option made available to it. Data provided by Reliance Monitoring Services showed that electronic monitoring on bail was utilised at some point during 5 per cent of referrals (31) with 6 per cent of people (25)<sup>27</sup> referred to the Youth Court being subject to electronic monitoring on bail at some stage. Only one woman had been electronically tagged as a condition of bail. Three of the 7 young people aged 15 at first appearance in court had been tagged and 2 others were outside the court's target age group.

3.56 For the majority (21) of the 31 electronically monitored bail conditions the person was on curfew for twelve hours. Five were for periods over 12 hours with the maximum being 16 hours. The minimum period was 9 hours. All these monitored curfew

<sup>26</sup> 44 referrals were ongoing. The remaining percentages are based on 567 referrals (i.e. excluding these cases).

<sup>27</sup> Six of these young people had been made subject to electronic monitoring twice: five for separate referrals to the court and one at different points during the same referral.

conditions applied 7 days a week. One curfew's conditions depended on the day of the week. The earliest a curfew started was 5pm, the latest 11pm. The latest end of a curfew was at 9am.

3.57 Just over half the people (13 people on 18 separate occasions) were deemed to have failed to complete their envisaged period of electronic monitoring on bail because of a significant breach. In addition, 2 people who completed their period of electronically monitored bail were also recorded as having breached the curfew during it. The most common reason noted for non-completion and breaches was the withdrawal of consent for the tagging by the premises holder (9 occasions). Other reasons included the young person having gone AWOL (3) and them leaving during the curfew (1), being taken into custody (2) and having tampered with the tag's strap (1).

3.58 Electronic monitoring on bail was viewed by Sheriffs and by social workers interviewed as a useful alternative to a custodial remand, though relatively little use was made of this option and levels of non-compliance were relatively high. It was considered by social workers not to be appropriate for young people with chaotic living conditions who would have difficulty adhering to the terms of the monitoring arrangements, though they acknowledged that it was difficult to predict who would struggle to comply and who would succeed. Sheriffs stressed that electronic monitoring would only be considered as an option if a decision had already been made that a custodial remand was required. They regarded lengthy monitoring periods as unrealistic and one suggested that electronic tagging could provide an unnecessary stigma for some young people.

### ***Intermediate diets***

3.59 Where cases were not resolved at first appearance, an intermediate trial diet would be set. The Procurator Fiscal would make available to the defence statements of police witnesses prior to or at the intermediate diet. At these pre trial hearings the defence could enter a plea of guilty and the case be resolved. This usually occurred after defence discussion with the Procurator Fiscal Depute, with 176 (31%) of the completed cases resolved at this stage (Figure 3.2). Where the case was to proceed, the defence and crown would give an indication of how prepared for trial they were. Where difficulties were noted - for example with citation of witnesses - the presiding Sheriff would often arrange another intermediate diet rather than adjourn the trial diet date. Young people would often be excused attendance at these additional intermediate diets.

### ***Trial diets***

3.60 As Figure 3.2 indicates, often the case would be resolved at the trial stage before the trial itself commenced: this occurred in 198 (35%) of the completed cases. At this stage not guilty pleas were accepted by the Procurator Fiscal in a further 35 cases (6%). Only 63 cases (11%) went to trial, with 49 (9% of all completed cases) resulting in a conviction and 14 (2%) in a finding of not guilty.

3.61 Taking only cases that resulted in a conviction (500 in total), the percentages who pled or were found guilty at different stages are summarised in Table 3.11. Hamilton Sheriff Court was regarded by criminal justice professionals as having a ‘culture’ of accused pleading not guilty and the Youth Court was reported to have resulted in a lower percentage of cases proceeding to trial<sup>28</sup>. This was attributed by professionals who were interviewed to the fast tracking of cases, the early disclosure of the Crown case to the defence, the availability of legal aid – this meant that accused could secure representation by their own lawyer from the outset rather than relying upon the duty solicitor scheme - and the rolling up of cases by the Fiscal or by the court.

**Table 3.11: Prosecution stage at which conviction was secured (n=500)**

<b>Prosecution stage</b>	<b>% of cases</b>
Plea at first diet	15%
Plea at intermediate diet	35%
Plea at trial diet	40%
Evidence-led trial	10%

3.62 During trials and other hearings, details of the charges in cases were given. Sheriffs on occasion were observed to question why certain cases were being prosecuted in the Youth Court. However Procurators Fiscal indicated that the checking for pending cases and rolling up of cases meant that some minor offences could be prosecuted because they were seen as part of a pattern. The active efforts by the Fiscal to roll outstanding charges meant that fewer cases overall would go through the court. It also provided the Sheriff with the opportunity to consider all offences with which a young person had been charged and therefore provided a more complete picture. Moreover, some offences – such as carrying offensive weapons – were regarded as posing a risk to public safety and therefore required to be responded to swiftly.

3.63 In summary, just over one half of the referrals to the Youth Court resulted in a trial date being set, with most of these cases resulting in guilty plea at this stage. Only 63 cases (out of 567 that had been resolved) proceeded to trial. The proportion of cases that were resolved prior to the trial diet was reported by professionals to be higher than in Hamilton Sheriff Summary Court.

### **Reports to the court**

3.64 As previously indicated, the Sheriff will often call for a Social Enquiry Report (SERs) before sentencing a young person in the Youth Court. SERs prepared for the Youth Court contained more detail and fuller action plans than reports prepared for other courts, and Sheriffs reported in interview that they valued this. Each SER outlined the possible community sentences available, the offender's attitude to these and, where applicable, the envisaged social work plan of intervention for the young person.

<sup>28</sup> It was not possible to access the data that would have enabled this assertion to have been tested.

Generally the report writer would give a recommendation for sentence, even though social workers are not normally expected to make recommendations in reports<sup>29</sup>.

3.65 Social Enquiry Reports and supplementary review reports played a vital part in observed proceedings, informing both the Sheriffs and the defence about the young person's background. To ensure reports were completed the court did, on occasion, remand young people who were not co-operating with the social work department. The court social worker appeared to play an important role in ensuring that reports were available to other court professionals. Solicitors would advocate whilst referencing the reports and discussions between the bench and the defence were commonly based around the content of the report. The defence would highlight, for example, if the young person was a first time offender, the offence was regarded as a one-off or outline any difficulties in the young person's background and usually advocate for the report's recommended community disposal. At observed reviews of orders, defence agents would accentuate the positive and attempt to down play any non co-operation highlighted in reports.

3.66 Reports from other organisations working with the young people were also available to the court and played an important part in informing the court of young people's progress. There were, however, difficulties in the provision of psychological reports to the court within the desired timeframes.

3.67 From the analysis of a sample of SERs from one local authority<sup>30</sup>, Table 3.12 shows that most commonly (61 per cent) the recommendation was for a deferred sentence, many of these to involve social work intervention (27% recommended such a structured deferred sentence). While the main social work database - in recording sentence imposed - did not distinguish between deferred and structured deferred sentences, the Youth Court was recorded as imposing a deferred sentence in only 34 per cent of cases. Indeed the Youth Court social workers had only supervised 9 structured deferred sentences, significantly less than they had recommended. It seems that Sheriffs in the Youth Court often preferred social work involvement to occur as part of a probation order rather than as element of a deferred sentence.

3.68 In the 85 cases where both the recommended and imposed sentence was available, the sentence recommended was imposed in 64 per cent of cases. In most of the 31 cases where the Sheriff decided to impose an alternative sentence to that recommended, a more severe sentence was imposed. These included 11 cases of probation and 6 cases of community service being imposed rather than the recommended deferment. One young person was sentenced to detention rather than having their sentence deferred as recommended. A number of the cases receiving higher tariff sentences than recommended involved the carrying of offensive weapons by young people who mainly had little, if any, previous involvement with the criminal justice system but whose

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<sup>29</sup> Although the practice of making recommendations was previously common, the latest version of the National Standards for SERs suggests that social workers should refrain from doing so. The Sheriffs in the Youth Court were content for social workers to offer a recommendation where appropriate.

<sup>30</sup> It should be noted that this sample is not representative of all SERs written for the Youth Court.

behaviour could be regarded as posing a risk to public safety. Social workers expressed some concern more generally at the relative severity of the sentences imposed.

**Table 3.12: Sentence recommended and sentence given (column percentages)**

	SER recommendation %	Sentence given %
Detention	2	6
Probation	21	35
Community Service Order	6	12
Restriction of Liberty Order	3	2
Structured Deferred Sentence	27	
Deferred Sentence	34	} 34
Monetary	3	5
Admonishment	3	6
<i>Total number</i>	<i>99</i>	<i>85</i>

3.69 Some social work reports (31/106) gave an assessment of the young person's 'risk' of re-offending derived, usually, from an assessment tool such as the Youth Level of Service. Just over half of these assessments (16) concluded that the young person was at a low risk of re-offending, with the rest being at a medium (5) or high (10) risk of further offending. The low numbers prevent any broad conclusions about young people's assessed risk from being drawn. The inclusion of information about risk assessments on a more consistent basis would have been of benefit to obtain a clearer picture of the risk profile of the young people concerned.

### **Youth Court disposals**

3.70 The Youth Court has available to it the same disposals that are available to a Sheriff Court sitting summarily. This being so, Sheriffs were content with the range of options available to deal with young people appearing before the Youth Court. Similarly, the range of sanctions available to the Youth Court in the event of non-compliance by a young person on an Order was regarded as adequate.

3.71 This section now reviews the sentences imposed by the Youth Court. Firstly, an overview of sentences imposed on individual referrals is given. The primary disposal - defined as the most severe penalty<sup>31</sup> first imposed for charges in a particular referral - and the final disposal - defined as the most severe penalty given after any deferment of sentence for a period of three months or more - are shown in Table 3.13. Deferment of sentence for three months or more was used extensively as an initial disposal (39%). For 30 referrals it appears that the case was admonished after deferment presumably as the young person had been of good behaviour. Eight referrals (featuring 8 young people, 7 of whom were male) were remitted to the Children's Panel. One young person remitted

<sup>31</sup> The following severity ranking was used: detention, probation order, restriction of liberty order, community service order, deferment, fine and admonition.

to the panel was aged 15 at first appearance in the court with the rest being 16 at first appearance.

**Table 3.13: Most severe sentence imposed for referrals to the Youth Court (number of referrals)**

	Primary sentence (number & %)	Final sentence (number & %)
Detention	31 (7%)	35 (10%)
Probation Order	128 (28%)	131 (41%)
Restriction of Liberty Order	16 (4%)	18 (6%)
Community Service Order	23 (5%)	26 (8%)
Deferment (includes structured deferments) for a period of 3 months or more	180 (40%)	-
Monetary penalty (Compensation Order or Fine)	56 (12%)	64 (20%)
Admonition	11 (2%)	41 (13%)
Remitted to the Children's Panel	8 (2%)	8 (2%)
<i>Total number of referrals</i>	453 <sup>32</sup>	323

### ***Detention***

3.72 Thirty-five referrals (involving 24 individuals) were sentenced to a period of detention. All those detained were male. One young man first referred to the court aged 15 was sentenced to detention after turning 16. Nearly all periods of detention were for 6 months or less, with the maximum imposed being 17 months.

### ***Probation***

3.73 Up to the end of December 2004, 41 per cent of referrals and 34 per cent of all young people convicted (115) had been placed on probation, 11 (10%) of whom were female. Two of the 7 young people aged fifteen at their first appearance had been placed on probation. Ninety-six per cent of those given probation orders were aged 18 or less at their first appearance, including 2 of the 15 year olds were dealt with in the Youth Court. Twelve months' probation was the most common length of the orders imposed (53%), while just under a third (32%) were for 18 months, 13 per cent for 2 years and 2 per cent for the maximum of three years.

3.74 Those on probation could have had other community disposals imposed by the court either as a condition of their probation or as separate orders. Of those on probation, 39 (34%) had also had a Restriction of Liberty Order imposed alongside their Probation Order and 2 an untagged curfew as a condition of probation. A period of unpaid work was a condition of the order for 8 young people (7%), whilst a quarter had had separate Community Service Orders at some point. The extent to which Sheriffs placed other formal conditions, such as attendance on a prescribed course, on probation orders was not clear from the database however the court sheets did occasionally record courses that

<sup>32</sup> Although 500 referrals had resulted in a conviction, sentence had yet to be passed in 47 cases.

people would be expected to attend on their probation. These included attendance at counselling (often for alcohol and drugs), undertaking a cognitive behavioural programme and attending an activity course.

3.75 The Youth Court database recorded a breach of probation for 29 per cent of the young people placed on orders. A fast track breach procedure operates in the Youth Court, with breaches reported to the Youth Court clerk to be fast tracked subject to agreement of the Sheriff concerned. The mean time to breach was 23 weeks with the minimum being 6 weeks and the maximum 50 weeks, with 70 per cent of breaches occurring in the first 6 months of the orders<sup>33</sup>. Given that many orders had only recently commenced, the overall breach rate may ultimately be higher.

3.76 Further information on throughput and compliance was obtained through discussion of individual cases with social workers (41 probation orders and 4 structured deferred sentences) and is presented here for indicative purposes<sup>34</sup>. In over half the cases (25 out of the 43 for which this information was gathered) there had been full compliance or only acceptable non-compliance with social work appointments. However, social workers stated that there had been unacceptable non-compliance in 18 cases. In 11 of the 17 cases for which the relevant information was gathered a formal warning had been issued.

3.77 In 20 out of 38 probation orders, breach reports had been or were due to be submitted. The majority of breach applications (15) were for further offending. Four others were for non-compliance with other conditions of probation whilst 4 were breaches of Restriction of Liberty Orders<sup>35</sup> that ran alongside probation. Four of the 20 young people breached were said to have received detention as a result of these breaches while three young people had received a further community disposal in relation to the breach. In 5 cases sentence was deferred or no action was taken while in the remainder (8), the outcome was as yet unknown.

### ***Restriction of Liberty Orders***

3.78 Although Restriction of Liberty Orders (RLO) were not used extensively as the primary sentence in disposing of referrals, they were used, as has been shown, to complement probation. Fifty-three referrals were disposed of, in part, by the use of an RLO on its own or alongside a Probation Order. Overall 47 people (14%) convicted in the Youth Court had an RLO imposed at some point. Most of those made subject to electronic monitoring were male (46) and most (45) were under 18 years of age at their first appearance in court. The most common lengths of RLOs imposed were 3, 4 and 6 months. Only one order (for 9 months) was longer. Seventy-eight per cent of the orders were imposed for a 12-hour period, the minimum being 7 hours in one case. Sixty-five per cent started at 6pm or 7pm with the latest starting at 11pm. All ended at or before

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<sup>33</sup> Unfortunately, although the date of the breach hearing was recorded on the Youth Court database, the date of submission of the breach application was not. It was not, therefore, possible to identify how quickly breach applications were processed.

<sup>34</sup> This data is not representative of all those who received a probation order.

<sup>35</sup> The reasons for 3 breach applications were not obtained.

8am. While there could be some variation in orders across the week, only one person's order did not apply to the whole week (in this instance they were restricted to the house at the weekend).

### ***Community Service Orders***

3.79 Community Service Orders were more commonly used as primary disposals than RLOs, but were also used in conjunction with other disposals. In total 56 individuals (17% of those convicted, including 7 females) had been sentenced to a period of unpaid work either through a Community Service Order or as a condition of probation. The minimum period of unpaid work imposed was 80 hours and the maximum was 240 hours, with 120 hours being the most common.

### ***Monetary Penalties***

3.80 Monetary penalties – mostly fines - were relatively common disposals (20% of final disposals were monetary). They were also used in conjunction with other disposals. In total 88 people (26% of all convicted) had received a monetary penalty from the Youth Court, 11 per cent of whom were female. Interestingly, 22 per cent of those receiving a monetary penalty were over 18 on their first appearance in the court, possibly reflecting the fact that younger offenders may have been less likely to have an independent source of income. Fines imposed ranged from £50 to £1,000, with compensation ranging from £50 to £915.

### ***Structured Deferred Sentences***

3.81 Whilst not explicitly being recorded, the Youth Court database indicated that 9 young people (6 male and 3 female and all under 18 years of age) had been given a structured deferred sentence. For these sentences the court's expectation was that young people would co-operate with the social work department and/or other organisations during periods of deferment.

3.82 To summarise, the most common primary disposals in the Youth Court were deferred sentences, probation orders and monetary penalties. Around a third of those given probation also had a Restriction of Liberty Order imposed. Probation orders imposed by the Youth Court were recorded as having been breached in 29 per cent of cases. However, because most Orders made were still ongoing it is still too early to determine what the successful completion rate for these Orders will be.

3.83 None of the professionals who were interviewed identified additional legislative provision that would make the Youth Court procedures more effective or efficient. Existing legislation would therefore appear to be adequate to accommodate Youth Court procedures. However, a number of professionals highlighted how the length of many Youth Court sentences meant that young people would turn 18 while still subject to the jurisdiction of the Youth Court. For reviews they would appear in the Youth Court but if they re-offended the case may be heard elsewhere the court did not have capacity to retain them. Consideration should therefore be given to retaining those on Youth Court

imposed orders within the Youth Court system until their order is completed since this would allow a consistent approach to be taken to their sentencing whilst on a Youth Court order.

## **YOUTH COURT TIMEFRAMES**

3.84 A principal aim of the Youth Court pilot was the fast tracking of young people both to the court and through the court. At pre-sentence stage the main target was for a trial diet date to be set no more than 40 days after the case was first called (Hamilton Sheriff Youth Court, 2003). As an intermediate diet and trial diet date would not be set at first calling if a plea was not entered, the first calling date in this instance has been taken as the first date a not guilty plea was entered. The Youth Court Co-ordinator's database did not record explicitly the date the plea was first entered, so this was estimated taking into account any warrants for initial non appearance and continuations without pleas. Excluding the 77 referrals where the individual involved pled guilty on first appearance, information was available for 517 referrals. Ninety-five per cent of these had trial dates set within 40 days, with 46 per cent having trial dates set within 35 days. Of those outside the target, the maximum was a trial set 49 days after first estimated date of plea.

3.85 In the Youth Court, it is also expected that an intermediate diet will be set not more than 19 days after an initial plea is entered. All of the referrals had an intermediate trial date set within 10 days, with an average of 5 days. In all cases, therefore, this timescale had been met.

3.86 For each referral the date at which it was resolved by either a finding or admission of guilt was compiled. An assessment of the length of time from first calling of the referral to its resolution was made. Additionally the stage in the court process at which the case was resolved was recorded. When the young people pled guilty on answering a warrant (43 referrals and 7 per cent of all resolved cases) these referrals were assigned to the stage in the case the warrant was taken.

3.87 The majority of first calling stage referrals (80% of these 77 referrals) were resolved on the day of the young person's scheduled first appearance in court, with a mean of 7 days to resolution. The mean for intermediate diet stage resolutions was 26 days and for referrals reaching the trial diet stage it was 46 days (in the 63 referrals where the case proceeded to trial the mean time was 52 days). Overall Youth Court referrals took an average of 34 days to resolve.

3.88 The non-appearance of young people for the calling of a case could delay the court process. Sheriffs would normally issue a warrant for the arrest of a young person who failed to attend court. Professional respondents commented that when warrants were issued (as opposed to the Procurator Fiscal 'inviting' the offender to attend court) they would be enforced promptly by the police. Overall, warrants had been taken in 18 per cent of referrals before their resolution. Warrants were issued in respect of 7 per cent of referrals at scheduled first appearance, in 11 per cent of referrals that were continued to an intermediate diet and in 5 per cent of cases reaching the trial diet. In completed

referrals where guilt had been established (n = 500), 11 per cent had had a warrant taken at some point post conviction. The average time for a referral to be resolved when a warrant was taken was 54 days in contrast to the 30 days for referrals where a warrant was not taken<sup>36</sup>. Therefore although non-appearance delayed the resolution of referrals, their enforcement by the police ensured that they were generally resolved within a reasonable period of time.

3.89 For those convicted an assessment was made of the length of time from resolution to initial sentence. Only first referrals to the Youth Court were included in this analysis and referrals where initial sentence was deferred for three months or more were excluded, as this deferment was likely to have been for good behaviour. Out of 190 referrals assessed, 27 per cent were sentenced within three weeks of resolution of the case and 70 per cent within 4 weeks. Sixteen per cent were sentenced on the day of resolution of the case, with the majority of these being admonished or fined.

3.90 In most cases, therefore, the prescribed timescales for prosecution were met. Indeed, the fast-tracking of young people into and through the court was the aspect of the Youth Court that was perceived by various professionals as having been most effective. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful and was regarded as something to be aspired to in all summary court business.

## **SOCIAL WORK SERVICES FOR THOSE MADE SUBJECT TO ORDERS IN THE YOUTH COURT**

3.91 A distinctive feature of the pilot Youth Court is the availability of a range of additional services and resources for those made subject to supervisory orders. A list of the services available in North and South Lanarkshire is included in the appendix to this report. It should be noted that these services are not specific to the Youth Court: they can, for example, be accessed via the Children's Hearings System.

3.92 The services provided to young people sentenced in the Youth Court were based on an assessment of their need, as identified through the use of the Youth Level of Service risk/needs assessment instrument. In their discussion of 45 individual cases (41 probation orders and 4 structured deferred sentences) social workers in South Lanarkshire gave an overview of the type of work undertaken or planned in each case<sup>37</sup>. They also indicated who had or would undertake the work and how effective it had been (or would be) in their view (see Tables 3.14 and 3.15). The types of work undertaken with young people have been classified into 10 categories. It should be recognised that this is not an exhaustive list of interventions. Moreover, one intervention may cover a number of areas of work.

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<sup>36</sup> The mean difference was statistically significant ( $t = -9.814$ ,  $df = 564$ ,  $p < 0.001$ ).

<sup>37</sup> This convenience sample is not representative of all those individuals made subject to orders in Hamilton Youth Court who received a social work services.

3.93 The most common type of provision in this sample was offending and cognitive behaviour work followed by employment, education or training and work related to alcohol misuse. All of these were, or were to be, utilised in a majority of referrals. Mental health provision was not originally included as an explicit category in our interview schedule and so the results here are likely to underestimate the use of this type of service.

**Table 3.14: Type of work undertaken and its progress (number of cases)**

Type of work	Not indicated	To Start	Started	Total number
Offending behaviour (including cognitive behaviour etc.)	9	7	29	45
Employment / education or training	14	7	24	45
Alcohol	17	7	21	45
Drugs	25	4	16	45
Intensive support (beyond that normally provided by SW)	31	3	11	45
Restorative Justice	30	8	7	45
Support to young person's family	28	4	13	45
Accommodation	35	1	9	45
Activity programme	41	-	4	45
Mental health	-	-	5	-

3.94 In 18 cases non-statutory organisations played a role in providing services. Many of the non-statutory services provided emanated from the intensive support provided by organisations such as INCLUDEM. In 32 cases there was a service provided or to be provided by a local authority department other than the Youth Justice Team. This particularly included employment, alcohol and restorative justice work (usually through community service). Finally the Youth Justice team were involved or to be involved in providing services to at least 38 of the young people particularly through the provision of offending and cognitive behavioural work (at an individual, and to a lesser extent, group level), work on alcohol and drug misuse and in providing familial support.

3.95 The additional resources made possible by the introduction of the Youth Court and the communication between services was regarded positively by social workers and Sheriffs, though the latter expressed some concern that cases were not being allocated quickly enough because of staff shortages. Two key gaps in service provision remained: bail accommodation and mental health services for young people, though links between social work and mental health services had been developed on an informal basis. Local opposition had hampered the development of bail accommodation in South Lanarkshire. In addition, some use was made of restorative justice interventions with young people, though it would appear that this more often took the form of unpaid work for the community rather than direct or indirect reparation to the victim of the offence. This was

an area of work that social workers believed could usefully be expanded and which was viewed positively by Sheriffs.

**Table 3.15: Type of work undertaken by provider (number of cases)**

Type of work	Youth Justice Team	Other local authority	Non statutory body	Total number rated
Offending behaviour (including cognitive behavioural etc.)	31	3	10	36
Employment / education or training	9	15	14	31
Alcohol	18	7	11	28
Drugs	14	5	8	20
Intensive support (beyond that normally provided by SW)	0	0	14	14
Restorative Justice	2	11	2	15
Support to young person's family	14	1	6	18
Accommodation	6	5	6	10
Activity programme	0	1	3	4
Mental health	3	2	2	5

## THE REVIEW OF ORDERS MADE IN THE YOUTH COURT

3.96 A distinctive feature of the pilot Youth Court is the facility for the Sheriffs to review probation orders they make on a periodic basis by bringing the young person back to court. According to the Youth Court database, 61 per cent of people placed on probation had had at least one formal review scheduled or heard. Sheriffs could also review the progress of young people by deferring sentence on other charges. However it was not possible to identify the extent to which this had occurred.

3.97 Sheriffs, like other professionals, were generally supportive of the review process, believing it to be important both as a means of holding young people to account and providing encouragement when they were doing well. The potential to call a review of an Order also made it possible to respond quickly to instances of non-compliance. Sheriffs were keen to emphasise that the convening of reviews did not mean that the Youth Court was a soft option nor was it to be construed as a mechanism to build rapport with the young person.

3.98 In observed pre-sentence hearings, there was little direct engagement between the young person and the Sheriff, with most business being conducted through the defence agent. Even at observed reviews much of what the Sheriff had to communicate to the young person was directed through their solicitor. In the majority of observed reviews the Sheriff addressed the young person directly, although, with the exception of one

Sheriff, this was usually brief. Young people spoke rarely and often appeared awkward in doing so.

3.99 Despite varying shrieval styles the messages given at reviews were similar. The threat of jail was commonly used either to emphasise that the community sentence imposed was the young person's last chance and to encourage (continuing) co-operation with the conditions of a community sentence:

*"Your liberty is likely to depend on you sticking to this probation order".*  
(Sheriff to young person)

3.100 In contrast young people deemed to be doing well and co-operating with their orders were encouraged and sometimes 'rewarded', for example with charges being admonished or through the frequency of reviews being reduced. Certain characteristics such as maturity, having vision and showing capability were highlighted as positive. Sheriffs particularly emphasised the importance of work and training:

*"Jobs keep young blokes out of bother".* (Sheriff to young person)

3.101 Sheriffs took into account the impact of a sentence on work (for example, in setting the times for an RLO) and at observed reviews would take into account whether a day off was being taken to attend when scheduling future reviews. They recognised that a criminal conviction may impact on the future work prospects of young people.

3.102 Social classification of young people played an important part in observed court discourse. Young people were (positively) described by Sheriffs and solicitors as being from a 'good' background, often having 'supportive' parents who had attended court. In contrast becoming, for example, a 'NED' and/or a member of the 'Buckfast brigade', or associating with others involved in criminal behaviour were emphasised as undesirable.

*"You are becoming a prime candidate for being in and out of court and eventually jail and there is no need for this as you are from a good background".* (Sheriff to young person)

3.103 The supervising social worker usually attended court for observed reviews and whilst efforts were made to have these cases heard promptly this was not always possible and social workers often had lengthy waits. Social workers were asked for their views in around one third of observed reviews and their contribution was usually short (a maximum of 2 minutes). Social workers appeared nervous when conversing with Sheriffs and often appeared reluctant to express their own view, tending to agree with that expressed by the Sheriff.

3.104 Sheriffs seemed to take a flexible approach to non-compliance with orders, especially where there were positive signs. They usually accompanied this with a strong warning about the consequences of future non-compliance, reflecting perhaps the inherent tension between the punitive and welfare aspects of the Youth Court. The potential to be flexible in determining the frequency of reviews was viewed by social

workers as useful since individual young people generally had different requirements. A practical difficulty related to the amount of time spent by social workers in court waiting for reviews to be heard. This was not seen as making the best use of workers' time, demands upon which were increasing as caseloads grew.

3.105 In sentences and reviews and more generally throughout the court process personal details of the accused were disclosed to the open court. Attempts were made to minimise such disclosures but this was not always possible. In the pilot Drug Courts the disclosure of personal information in court is avoided through the discussion of sensitive material in pre-court review meetings. Sheriffs in Hamilton were opposed to meetings of this kind on the basis that it was inappropriate to discuss a case without the presence of the individual concerned. Consideration should therefore be given to the possibility of Youth Court business being conducted in closed court if information of a potentially embarrassing or detrimental nature requires to be openly acknowledged.

3.106 To briefly recap, Sheriffs often undertook reviews of Orders made in the Youth Court on a periodic basis although dialogue tended to be brief and one-sided during observed proceedings. Sheriffs and other professionals regarded reviews as useful for encouraging compliance and recognising progress. Social worker input to reviews was relatively infrequent though social workers often spent lengthy times at court waiting for their client's review to be heard. A disadvantage of reviews conducted in open court was the occasional need to disclose information of a personal or sensitive nature.

## **YOUNG PEOPLE'S VIEWS OF THE YOUTH COURT**

3.107 Whilst some young people of the 23 who were interviewed regarded the length of their community sentence as harsh, others had believed that they would be sentenced to detention as a result of their appearance in court. The Youth Court was perceived as providing them with an additional or final chance, through probation, to desist from their pattern of offending. However, it was not regarded generally as a 'soft option'; young people were very aware that they could still be detained. Not having an anxious wait for the case to be resolved was an advantage, for some, of the Youth Court over the normal adult court. Others appreciated all their charges being heard together thereby allowing a coherent rather than piecemeal approach to be taken at disposal. The Youth Court, in comparison to experiences in the normal summary court, was seen as taking a more active role post sentence and being more caring.

3.108 A few of those interviewed had been electronically monitored whilst on bail or as part of their sentence. Others had been assessed for a tag but were deemed unsuitable. Some of the interviewees who had been tagged found the temptation to breach the curfew - by meeting up with friends and drinking alcohol - too strong. Others, whilst being tempted to leave the house (especially to meet up with friends), tried to keep to their electronic monitoring conditions, with the avoidance of detention serving as an incentive to do so. Some were relatively positive about their experience, suggesting that it helped them stay out of trouble by keeping them off the streets at night.

3.109 A number of those interviewed had relatively recent experience of the Children's Hearings System. Some had appeared in front of a Children's Panel for their offending behaviour. For many the key difference between a Panel and the Youth Court was the perceived lack of sanctions, particularly detention, available to the former. As one young person observed, *"What can the panel do? The panel can't send you away for three months minimum."* The lack of 'teeth' available to the Children's Panel was also highlighted by some of the professionals who were interviewed.

3.110 Most of those interviewed thought that non co-operation with their orders would result in a period of detention. This was clearly the message they had received from the Youth Court at sentence and review. Reviews had, for some, a number of benefits in trying to tackle their offending. Firstly, knowing that they would have to appear in front of the Sheriff, who would have access to reports on their behaviour and compliance since sentence, was reported as motivating young people's compliance with their orders. Secondly, shrieval praise and encouragement for compliance was cited as being beneficial to continued efforts to comply. Finally, flexibility in the court's (and social work's) approach to some non-compliance was highlighted. Young people were grateful for being given such 'chances', but said that the message from the court was clear; for persistent non-compliance they would be sent to a Young Offenders Institution.

3.111 Some interviewed young people resented having to attend for reviews as this meant frequently having to take time off work. Employers were generally, but not always, reported as being understanding about these continuing court appearances.

3.112 In summary, young people who were interviewed did not perceive the Youth Court as a 'soft option'. They were aware that they could be detained if they failed to comply with the community-based disposals imposed and regarded the Youth Court as having more 'teeth' than the Children's Hearings System. They had mixed views about the experience of electronic monitoring. With regard to reviews, most young people regarded them as helpful in sustaining motivation and compliance with their Orders. Overall, young people's experiences of the Youth Court appeared to have been reasonably positive, although it must be borne in mind that this sample did not include young people who had breached their Orders.

## **PROFESSIONALS' VIEWS OF THE YOUTH COURT**

3.113 At appropriate points in this chapter, professionals' views of youth court procedures have been presented. Here, the focus is upon other issues that were identified by the professional respondents.

### **Communication and teamwork**

3.114 Professionals who were interviewed believed that, in general, the Youth Court was operating efficiently and effectively. There was shared understanding of and commitment to the objectives of the Youth Court among the different professionals associated it. The successful operation of the pilot Youth Court was recognised as being

dependent upon effective teamwork among the relevant agencies and professionals concerned. Good information sharing, liaison and communication appeared to exist across agencies and the procedures that were in place to facilitate the sharing of information seemed to be working well. The role of the Co-ordinator was pivotal in ensuring that the various professionals worked effectively together and appeared to be particularly important in the early stages of the Court's implementation. The key task of the co-ordinator included: liaising with people across all agencies and facilitating the reaching of agreement over issues as they arose; understanding the criminal justice system including how it operates and the role of different agencies in it; taking action to resolve issues; communicating effectively with other Youth Court professionals and with a wider constituency; and the establishment of appropriate information gathering systems.

3.115 Effective teamwork was also said by professional respondents to have been facilitated by the presence of dedicated staff within agencies, resulting in clear channels of communication and in the opportunity provided by the multi-agency Implementation Group to identify and address operational issues on an ongoing basis. In the Hamilton pilot, an Implementation Group was established prior to the court becoming operational but continued to meet regularly throughout the pilot period. The creation of an effective multi-agency forum for discussion of operational issues helped to promote teamwork between different professionals and ensured that any ongoing operational difficulties were identified and addressed.

### **Resources and capacity**

3.116 A reported disadvantage of the priority afforded to Youth Court cases was the impact upon other court business. This had become more of a concern as the Youth Court caseload and the numbers of cases going to trial increased. While it was a particular concern for Sheriffs and clerks, growing workloads were also impacting on other professionals' time. The Sheriffs and clerks in Hamilton were supportive of the procedural changes that had been brought about through the Youth Court pilot but were in favour of all Sheriffs having responsibility for 'Youth Court' cases, rather than this responsibility resting with 4 Sheriffs. This was because of the difficulties in accommodating the rotation of 4 Youth Court Sheriffs within the wider 9 Sheriff cycle of rotation to enable all areas of court business to be covered. There are, however, benefits of a four-week rotation. For example it enables the same Sheriff who requests a Social Enquiry Report to sentence the young person. It also allows, if necessary, for monthly reviews of cases by the same Sheriff (though, in practice, reviews were usually conducted three-monthly).

3.117 The rolling up of cases in the Youth Court and the increased proportion of guilty pleas at first appearance or intermediate diet was thought by various professionals to probably have had a positive impact on the workload of the Sheriff Court.

3.118 In broad terms the additional staffing resources made available to the Youth Court appeared to have been adequate. However, as the number of referrals and the caseload increased this began to stretch, in particular, prosecution and social work resources. For

example, there had been a few problems getting social work reports to the court in a timely manner due largely to the volume of work. In South Lanarkshire, where youth justice social workers worked together as a team to deal with Youth Court and youth justice cases, approval was obtained for 2 additional posts to maintain capacity. In North Lanarkshire the situation was, arguably, exacerbated by the location of social workers in area teams where they were allocated a range of cases in addition to youth justice. More generally, having dedicated individuals in agencies with a responsibility for Youth Court cases appears to have facilitated communication and engendered a sense of shared ownership. It also appears to have prevented time intended for Youth Court work being encroached upon by other demands.

3.119 In summary, there was general agreement among interviewed professionals that the Youth Court procedures were operating well. The existence of dedicated staff in a range of agencies was viewed as having facilitated communication and enhanced operational effectiveness, with the role of the Co-ordinator and the Youth Court Implementation Group also having been crucial in this respect.

## **SUMMARY**

3.120 Potential Youth Court cases were identified in the first instance by the police prior to being sifted by the Youth Court Procurators Fiscal. The majority of youth cases marked by the Procurators Fiscal (79%) resulted in outcomes other than prosecution in the Youth Court. Cases were most likely to be marked for prosecution in the Youth Court if they fulfilled both the persistency and contextual criteria. In the majority of cases the targets for young people to appear in court within designated timescales were met.

3.121 By December 2004 there had been 611 referrals to the Youth Court involving 402 young people. The majority of those referred were male (91%) and were 16 or 17 years of age (76%). They included both first offenders and those with a history of previous offending. Many young people were recorded as having previous referrals to the Reporter, some of whom had been subject to Supervision Requirements shortly before first appearing in the Youth Court. The majority of referrals involved public order offences (such as breaches of the peace, assaults, possessing offensive weapons and vandalism) or offences involving dishonesty.

3.122 Guilty pleas were usually entered on first appearance and at intermediate diets, though only 10 per cent of cases proceeded to an evidence-led trial. Professionals, who were interviewed, were strongly of the view that the proportion of cases going to trial had reduced markedly since the Youth Court was introduced. They attributed this to fast-tracking, the early disclosure of the Fiscal's case to the defence, the rolling up of cases by the prosecution or the court and the availability of legal aid.

3.123 Electronic monitoring on bail as an alternative to a custodial remand was available to the Youth Court. Although it was viewed by Sheriffs as a useful additional option, relatively little use had been made of it. Identifying those who would respond

positively to it was regarded by social workers as challenging, reflected in the fact that just over half of those made subject to electronic monitoring on bail failed to complete it.

3.124 The most common primary disposals in the Youth Court were deferred sentences, probation orders and monetary penalties. Other penalties imposed included community service orders, Restriction of Liberty Orders and detention. Probation orders were often combined with other disposals (such as RLOs) or had additional conditions (such as unpaid work) attached. Information to date suggested that just under a third of those given probation orders in the Youth Court had been returned to court for a breach.

3.125 A key objective of the Youth Court is to fast-track procedures by ensuring that trial dates are set no more than 40 days after the first calling of the case in court. This target was achieved in 95 per cent of cases. Overall, Youth Court cases took an average of 34 days to resolve. Although cases in which warrants were taken took longer to resolve (a mean of 54 days) it appeared that warrants were being issued in a timely manner and were being enforced by the police. The fast-tracking of young people into and through the court was the aspect of the Youth Court that was perceived by various professionals as having been most effective. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful and was regarded as something to be aspired to in all summary court business.

3.126 A range of additional services and resources had been put into place for young people made subject to supervision through the Youth Court (and which could also be accessed more widely). Based on the exploration of 45 cases, interventions most often undertaken or planned focused on offending behaviour, employment, education or training, alcohol, drugs and family support. Services were provided by youth justice workers, by non-statutory agencies and by other local authority staff. Important gaps in provision included bail accommodation and mental health services. Greater use could also be made of victim-focused reparation.

3.127 Sheriffs often undertook reviews of Orders made in the Youth Court on a periodic basis although dialogue tended to be brief and one-sided in observed reviews. Sheriffs and other professionals regarded reviews as useful for encouraging compliance and recognising progress. Social worker input to observed reviews was relatively infrequent though social workers often spent lengthy times at court waiting for their client's review to be heard. A disadvantage of reviews conducted in open court was the occasional need to disclose information of a personal or sensitive nature.

3.128 Interviewed young people did not perceive the Youth Court as a 'soft option'. They were aware that they could be detained if they failed to comply with the community-based disposals imposed and regarded the Youth Court as having more 'teeth' than the Children's Hearings System. They had mixed views about the experience of electronic monitoring. With regard to reviews, most interviewed young people regarded them as helpful in sustaining motivation and compliance with their Orders.

3.129 There was general agreement among interviewed professionals that the Youth court procedures were operating well. The existence of dedicated staff in a range of agencies was viewed as having facilitated communication and enhanced operational effectiveness, with the role of the Co-ordinator and the Youth Court Implementation Group also having been crucial in this respect.

## **CHAPTER FOUR: THE OUTCOMES OF THE YOUTH COURT**

### **INTRODUCTION**

4.1 This chapter focuses upon the outcomes of the Youth Court with particular reference to its effectiveness in bringing about reductions in recidivism. This is examined by comparing rates of recorded crime in the areas served by the Youth Court and in other areas with similar demographic characteristics and by comparing reconviction among young people sentenced in the Youth Court with those of a similar age sentenced in other courts. This chapter also considers intermediate outcomes as indicated by young people's reported responses to orders made by the Youth Court along with the views of young people themselves. First, however, the impact of the Youth Court upon sentencing patterns is examined.

### **CHANGES IN SENTENCING PATTERNS**

4.2 To assess whether the introduction of the Youth Court in Hamilton had an impact on sentencing patterns of the target age group, information about sentencing in Hamilton Sheriff Court prior to and following the introduction of the Youth Court was examined. The relevant data are presented in presented in Tables 4.1 and 4.2. Table 4.1 gives the percentage of disposals utilised in Hamilton Sheriff Court each year from 2002 to 2004 by age at sentence, while Table 4.2 divides the 2004 results into Youth Court and normal summary court.

4.3 Initial evidence would suggest that the Youth Court exhibited different sentencing patterns in comparison to business sentenced in 2004 in the normal summary court (see Table 4.2). In comparison with the Sheriff Summary Court, the Youth Court made proportionately greater use of detention and community-based social work disposals and much less use of monetary disposals. However, these differences were probably due to the referral criteria used in the Youth Court rather than its introduction dramatically changing the sentencing patterns for young people appearing at a summary level in Hamilton. It is more instructive, therefore, to compare sentencing of young people in Hamilton Sheriff Court prior to and following the introduction of the Youth Court.

**Table 4.1: Court proceedings sentenced at summary level in Hamilton Sheriff Court by age and year at sentence (column percentages)**

	2002 All Summary Court (%)					2003 All Summary Court					2004 All Summary Court				
	<=17	18	19	20	All <21	<=17	18	19	20	All <21	<=17	18	19	20	All <21
Custody	9	8	16	9	<b>11%</b>	5	10	14	9	<b>10%</b>	10	5	13	7	<b>9%</b>
Community sentence	35	31	28	27	<b>30%</b>	36	25	27	24	<b>28%</b>	28	22	18	18	<b>21%</b>
Monetary	36	50	45	52	<b>46%</b>	44	50	51	52	<b>50%</b>	37	53	56	63	<b>52%</b>
Other sentences	19	12	11	12	<b>13%</b>	15	15	9	14	<b>13%</b>	26	20	13	12	<b>17%</b>
<i>Total Number</i>	<i>242</i>	<i>331</i>	<i>348</i>	<i>302</i>	<b><i>1223</i></b>	<i>224</i>	<i>251</i>	<i>274</i>	<i>250</i>	<b><i>999</i></b>	<i>215</i>	<i>219</i>	<i>252</i>	<i>200</i>	<b><i>886</i></b>

**Table 4.2: Court proceedings sentenced at summary level in Hamilton Sheriff Court in 2004 by court type and age at sentence (column percentages)**

	2004 Youth Court			2004 Normal Summary Court		
	<=17	18	All <21	<=17	18	All <21
Custody	15	8	<b>12</b>	2	4	<b>8</b>
Community sentence	37	40	<b>38</b>	15	16	<b>17</b>
Monetary	24	21	<b>24</b>	55	64	<b>60</b>
Other sentences	24	32	<b>26</b>	28	16	<b>15</b>
<i>Total Number</i>	<i>128</i>	<i>53</i>	<b><i>193</i></b>	<i>87</i>	<i>166</i>	<b><i>693</i></b>

4.4 Comparing the sentencing of those aged 17 or younger in the Youth Court to the 2002 baseline (Table 4.1), shows that a slightly higher percentage of individuals were sentenced to detention in 2004 in the Youth Court ( 15% vs. 9%) although the percentage sentenced to a community sentence was very similar (37% vs. 35%). Again monetary sentences represented a smaller proportion of disposals in the 2004 Youth Court (24% vs 36%), with a slightly higher proportion of proceedings sentenced there being admonished or remitted to the Children's Hearings System. Comparing all summary business, involving those aged 17 or younger at sentence in 2004 to the 2002 baseline, the proportional use of detention and monetary penalties was similar. There was a slightly higher proportion sentenced to other sentences (possibly following the introduction of structured deferred sentences and other types of deferment in the Youth Court) and a slightly lower percentage of proceedings sentenced by community based social work disposal (probation, community service or RLO). The introduction of the Youth Court, for those aged 17 or younger at sentence, does not seem to have had a major impact on overall sentencing patterns. Of course, the figures used here were provisional and so the analysis should be treated with caution.

## **CHANGES IN RECORDED CRIME**

4.5 It has been estimated that a small percentage of persistent young offenders are responsible for around 25 per cent of all crimes recorded by the police (Audit Scotland, 2001). As these persistent young offenders were targeted by the Youth Court it could be hypothesised that if the court was successful, recorded crime in its police area may show a greater reduction or less steep increase over time in comparison to non-Youth Court areas.

4.6 To assess whether the introduction of the Youth Court had brought about a reduction in crime among those in its target group, and hence in crime rates more generally, a comparison was made of the levels of recorded crime in Hamilton and 2 control areas before and after the pilot commenced, drawing upon data provided by the police. Criminal incidents in Scotland are officially recorded as crimes (usually more serious) or offences (usually less serious) and these are categorised under 7 headings. As the Youth Court was a summary court it tended not to hear cases categorised in groups 1 and 2 covering violent and sexual offences. The focus for our analysis was therefore on categories 3 through to 6 that cover less serious crimes and offences. Road traffic offences were also excluded from the analysis (although offences such as theft of or from vehicles would be included under category 3).

4.7 Across these categories there was an increase in the number of crimes recorded from 2002 to 2004 (see Table 4.3). Whilst the largest change was in Hamilton, this was not much greater than the comparison areas. In all areas there was a large percentage increase in group 4 and group 6 crimes and offences; in all likelihood attributable to the new recording practices<sup>38</sup> rather than a dramatic rise in the level of these incidents. The

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<sup>38</sup> see description in paragraph 2.18

picture for group 5 crimes was less clear, with one of the comparison areas showing a decrease while the level in the other 2 areas had increased.

**Table 4.3: Percentage change in recorded crime in Hamilton and comparison areas 2002 to 2004 by crime and offence category**

<i>Crime / offence group</i>	<i>Hamilton % change</i>	<i>Ayr % change</i>	<i>Falkirk % change</i>
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	-17	-6	-6
Group 4 – Fire raising, vandalism, etc.	43	31	74
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	17	-15	19
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	41	38	16
<i>Overall</i>	<i>18</i>	<i>13</i>	<i>15</i>

4.8 Group 3 crimes decreased across the three areas from 2002 to 2004. The fall in the comparator areas was the same. However, Hamilton showed the largest decrease by 11 per cent. As this category, covering the theft of motor vehicles and housebreakings, was forecasted to be less susceptible to recording practice changes, it, perhaps, was the most valid to compare year on year. However extreme caution, for the reasons outlined in the methodology chapter, should be exercised in interpreting all these results.

## **RECONVICTION AMONG YOUNG PEOPLE SENTENCED IN THE YOUTH COURT**

4.9 Due to the time span of this research, it was not possible to conduct the standard 2-year follow-up matched reconviction study of all the young people appearing in the pilot period of the Hamilton Youth Court. This would be the only way to produce reliable results on the reconviction rate among young people sentenced in the Youth Court. An indicative 6-month reconviction study was completed, however these results should be treated with caution due to the limited duration of the study and the limited number of cases used.

4.10 Table 4.4 gives the reconviction results for all the courts. It shows following sentence 16 per cent of young people sentenced by the Youth Court had been further reconvicted and sentenced for offence(s) committed within 6 months. This was the lowest rate across all comparison courts apart from those dealt with summarily outside the Youth Court in Hamilton in 2003/04 period and this would be expected given that more persistent offenders in Hamilton (those most likely to re-offend) were heard by the Youth Court.

**Table 4.4: Reconviction rates of young people (aged 18 or under at sentence) sentenced summarily in the Youth Court and in comparison courts June 2003 to May 2004 and June 2002 to May 2003 (row percentages)**

	<b>% 6 months</b>	<b>Number</b>
<b>2003/04</b>		
Hamilton Youth Court	16	9/58
Ayr	21	25/119
Falkirk	26	45/174
Hamilton non-YC Summary Court <sup>39</sup>	6	12/194
<b>2002/03</b>		
Hamilton 02 / 03	20	56/282
Ayr 02 / 03	18	29/159
Falkirk 02 / 03	33	53/162

4.11 Overall there were some positive initial indications for the Youth Court's reconviction rate especially for further offending in the first 6 months. This is despite it being expected that those sentenced by the Youth Court would reappear and be reconvicted and sentenced quicker given the fast track process.

4.12 The short time frame of the reconviction study would not have allowed all further offending to have been convicted and sentenced and thus to register in these statistics. The numbers of young people that could be included in this exercise were small. Both these factors prohibited fuller analysis of reconviction at this stage.

## **COMMUNITY ATTITUDES TOWARDS YOUTH CRIME AND THE YOUTH COURT**

4.13 One of the objectives of the Youth Court is to 'enhance community safety by reducing harm caused to the victims of crime and providing respite to those communities which are experiencing high levels of crime'. As part of the evaluation, baseline and follow-up surveys of the local community were undertaken. The aim was to measure the impact of the Youth Court - over the 16 month period between 2 surveys<sup>40</sup> - on local perceptions of crime and confidence in the criminal justice system. The key findings of the survey are summarised here. The full report from which they are drawn is presented as an appendix.

<sup>39</sup> Excludes a few young people who subsequently had contact with the Youth Court.

<sup>40</sup> It should be noted this data may be seasonally affected due to the timings of this survey.

### **Fear of crime and impact on behaviour**

4.14 There was no difference in the proportion who worry about themselves, or someone in their household, being a victim of crime. Nor was there a change in the overall extent to which people think their quality of life is affected by fear of crime. There was little difference in concerns about specific crimes. Although there was no change in how safe people felt when alone in their homes at night, fewer reported feeling ‘very unsafe’ when walking alone in their neighbourhood after dark.

### **Perceptions of crime in the local area**

4.15 Respondents in the follow-up survey were more likely to think that the crime rate in their local area had improved over the past 2 years. However, there was rather more uncertainty about the future: fewer follow-up respondents said it was ‘not at all likely’ that their home would be broken into or that they would be a victim of crime in the next year and more answered ‘don’t know’. There was little change in relation to specific problems in the area, although follow-up respondents thought people who have been using drugs was less of a problem.

4.16 Overall, youth crime and offending was seen as less of a problem by follow-up respondents (53% thought it was a problem compared with 60% in the baseline survey). In addition to a drop in the number of people who thought youth crime was a problem, among those who *did* think it was a problem, there appeared to be a slight shift towards perceiving the problem to involve less serious crimes (such as public disorder and drunkenness, and verbal abuse and harassment).

### **Satisfaction with the criminal justice system and views of the Youth Court**

4.17 Satisfaction with the criminal justice system in the area had improved (26% of follow-up respondents were satisfied, compared with 19% in the baseline). Despite this, and the fact that youth crime was seen as slightly less of a problem, there was no change in satisfaction with how the criminal justice system in the area deals specifically with youth crime. In part, this may be due to the high proportion who did not feel they know enough about this issue to comment.

4.18 There was no change in the proportion who thought young offenders should be treated in the same way as older offenders (2/3 of respondents in each wave) and awareness of the Youth Court had not increased since the baseline survey (42% of baseline respondents and 43% of follow-up respondents were aware of it). Views on how effective the Youth Court might be were also unchanged. Most people either thought it would reduce youth crime a little or would make no difference. Few thought it would reduce youth crime a lot.

4.19 Comparison of the baseline survey results with the follow-up survey results show, therefore, that there has been relatively little change. Overall measures of worry about being a victim of crime, and the effect of fear of crime on quality of life, remain unchanged. However, where there *were* differences, they were nearly always in a

positive direction: there is less concern about having cars damaged by vandals or having things stolen from cars, fewer people feel unsafe when walking alone in their neighbourhood after dark, and more people think the crime rate has improved over the past 2 years. More importantly, fewer people think there is a problem with youth crime and there has been a slight increase in satisfaction with how the criminal justice system deals with crime in the area – although there was no difference in how it deals specifically with youth crime.

4.20 It was always going to be very difficult to attribute any changes to the existence of the Youth Court. Until comparisons of trend data can be made with results from the Scottish Crime Survey and/or Scottish Household Survey, it is not possible to say whether the changes reflect national trends, or whether they appear to be a phenomenon restricted to parts of Lanarkshire served by it which might point to the influence of the Youth Court.

4.21 However, given that awareness of the Youth Court and views on its likely effectiveness have not increased between waves, the changes are not explained simply by the existence of the Youth Court sending a message to the community that youth crime is being taken seriously and tackled more effectively. The changes are either independent of the Youth Court, or are the result of the Court making a real difference to patterns of offending and the behaviour of young people.

## **PERSPECTIVES ON THE EFFECTIVENESS OF THE YOUTH COURT**

### **Professional perspectives**

4.22 Professionals associated with the pilot Youth Court were, on the whole, cautiously optimistic that it would help to reduce re-offending among those who participated in it. How readily respondents felt able to offer a view on the Court's effectiveness and the basis on which that view was formed differed across professional groups. Some, such as the Procurators Fiscal and police, tended to have an overview of youth crime. The fact that the names of many accused appeared time and time again was regarded as indicating that the Youth Court was not 'working' in all cases. Equally, however, there were acknowledged to be individual 'successes' (attributed, in the case of the police, to electronic monitoring).

4.23 Many professionals pointed to the difficulty of changing behaviour among the target group of young people referred to the Youth Court. Similarly, the range of problems experienced by many young people was unlikely to be addressable by intervention in the short term. For this reason, preventing re-offending was regarded as longer-term strategy, though reductions in the frequency or seriousness of offending might be achieved in the shorter term.

4.24 Factors that professionals regarded as having contributed to the effectiveness of the Youth Court included the fast-tracking of cases, the availability of a wider range of

appropriate resources and services and the option of shrieval review. Inter-agency commitment and co-operation was also regarded as having helped make the Youth Court more effective. There was a shared view among many professionals that the Youth Court should not be viewed as a ‘soft option’ and that failure to comply with the court’s requirements should be dealt with swiftly to prevent undermining of its effectiveness and credibility.

### **Perspectives on individual progress**

4.25 In addition to discussing the effectiveness of the Youth Court in general, the progress of 45 individual young people under supervision through the Youth Court was discussed with their supervising social workers<sup>41</sup>. In most cases the social worker indicated that at least one intervention would have had some positive effect on the young person<sup>42</sup>. As Table 4.5 shows, social workers were generally of the opinion that across the range of interventions there had been effective work done even if in some instances the impact was relatively minor. However, when it came to rating whether the young people worked with were likely to further offend social workers considered that at least 25 out of the 45 would offend again (and in 5 of the other cases they were unsure). In some cases the level of offending was thought likely to be have been reduced.

**Table 4.5: Rated effectiveness of type of work undertaken (number of cases)**

<b>Type of work</b>	<b>Effective</b>	<b>Total number rated</b>
Offending behaviour (including cognitive behavioural etc.)	24	28
Employment / education or training	14	20
Alcohol	12	15
Drugs	11	13
Intensive support (beyond that normally provided by SW)	8	10
Restorative Justice	2	5
Support to young person's family	11	13
Accommodation	5	6
Activity programme	4	4
Mental health	2	2

<sup>41</sup> It should be noted that this convenience sample is not representative of all the individuals who were subject to social work intervention.

<sup>42</sup> Social workers were asked to indicate whether interventions were likely to be effective or not rather than rating how effective they might be.

## Young people's perspectives

### *Social work intervention*

4.26 Many of the young people who were interviewed<sup>43</sup> praised the support they had received from their supervising social worker and others involved with their case. Social workers' initial persistence in encouraging engagement through to the accessing of job advice were all highlighted as being helpful and important by young people. Generally, the young people interviewed valued having someone to provide them with advice and to share their concerns with. Some young people described the social work involvement as being pivotal to them changing their behaviour.

*"I would have gone down the wrong road; I would probably have just started offending again. I would have been straight back to court and probably ended up in jail."* (Young person on a structured deferred sentence)

4.27 A number of young people interviewed were in employment at the time of their appearance in court and some found social work appointments difficult to schedule and keep around their work. Some of those who were unemployed highlighted the assistance they had received in starting to access employment or further education:

*"I got it myself, the interview but [social worker] helped motivate me because that is what I needed. I was...I don't know what I was doing, I was just hanging around street corners."* (Young person on probation)

4.28 Others wanted more assistance in gaining employment, which they felt was made more difficult by the fact that they had a criminal record. This was particularly mentioned as an area where support had been lacking by some of those interviewed.

4.29 Community Service Orders were generally completed without problems, with young people enjoying meeting others in similar situations to their own (although the possibility of meeting certain young people was a hindrance to participation in one case). Group work completed as part of probation was similarly valued as it allowed young people to discover that others had had similar experiences and faced problems similar to their own.

4.30 Discussion of offending behaviour with social workers during appointments was not always highly regarded by young people, with some suggesting that its function was simply to pass the time in an appointment. However, even in such cases, young people would sometimes indicate that they had started, through such social work involvement, to reflect on the situations where they may offend:

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<sup>43</sup> This was a convenience rather than a representative sample of young people.

*“Just say I was going to smash that computer up, see in your head you have different ways of thinking, say ‘no don’t smash that computer up’ you know what I mean. It’s all like that, it’s all mental.”*

4.31 A number of young people had been sent for alcohol counselling. Some reported the counselling as positive as it helped them reflect on the role alcohol was playing in their offending and provided them with information about the effects of alcohol misuse. Some denied they had an alcohol problem and saw such intervention as unnecessary. Others had claimed to have reduced their consumption levels independently but reported that they continued to drink alcohol. A number recognised that alcohol had been a major factor in their offending, with some reporting regular very high levels of consumption.

4.32 Cannabis use was common and largely seen as unproblematic in this sample of young people. A small number of young people reported heroin use and for some this was ongoing. In these cases they welcomed social work intervention to access and support them on methadone programmes.

### ***Further offending***

4.33 Those young people who described themselves as ‘one-off offenders’ had no intention of offending again and thought it very unlikely they would come to the attention of the criminal justice system again. The others, who could be described as more persistent offenders before their involvement with the Youth Court, mainly hoped to stay out of trouble in the future. However, a number had had further involvement with the criminal justice system and some admitted undetected offending.

4.34 Rarely did the young people *want* to continue to offend. Many wanted to work, form relationships, have their own house and car. Some already were, or were soon to become, parents. Some said they were already growing out of their offending behaviour as they matured or had been deterred from further offending by the prospect of imprisonment. Others attributed reductions in their offending to the social work support and advice they had received.

4.35 Looking to the future a number hoped to avoid further trouble, but thought that they may end up in situations (often alcohol-related or drug-related) that made offending likely. A number reported being stopped and searched regularly by the police. Learning how to deal with such situations had been a part of the social work intervention they had received.

## **SUMMARY**

4.36 The introduction of the Youth Court did not appear to have had a major impact on sentencing patterns in Hamilton Sheriff Court. Youth Court proceedings were more likely to result in detention or community based social work disposals than were those in the normal summary court, but this is likely to reflect the type of offender brought before the Youth Court.

4.37 From 2002 to 2004 there was an increase in recorded levels of less serious crimes and offences both in Hamilton and in 2 comparison court areas though there was a larger reduction in crimes of dishonesty in Hamilton than in the comparison areas. However changes in recording practices over this period demand caution in interpreting these findings.

4.38 Six month reconviction rates among young people sentenced in the Youth Court compared favourably with the comparator courts, especially given that the Youth Court specifically targets 'persistent' offenders whose reconviction rate might have been expected to be higher. However the number of cases available for analysis at this stage is very low. It is recommended that a more detailed analysis of reconviction is undertaken once sufficient cases have been processed by the Youth Court and a sufficient follow-up period had elapsed.

4.39 There was little change in community attitudes towards youth crime over the period of the pilot, though any differences tended to be in a positive direction. In particular people reported feeling less unsafe in their neighbourhood after dark, more believed that the crime rate had improved over the previous 2 years and fewer thought that there was a problem with youth crime. However it is not possible to say whether these changes can be attributed to the Youth Court or are part of a broader national trend.

4.40 Professionals were cautiously optimistic that the Youth Court would be effective in reducing re-offending, at least with some young people who appeared before it. It has available to it a wider range of services and resources than had previously been available to young people made subject to supervision by Hamilton Sheriff Court. Social workers were of the opinion that most interventions undertaken with young people would be effective to some extent, though they also believed that most young people were likely to re-offend. Interviewed young people were generally positive about the supervision and services they had received through the Youth Court.

## **CHAPTER FIVE: CONCLUSIONS**

### **INTRODUCTION**

5.1 In this final chapter, the Hamilton Sheriff Youth Court pilot is assessed with reference to the objectives set for it by the Youth Court Feasibility Group. In addition, the advantages and disadvantages of the Youth Court model are highlighted.

### **ACHIEVING YOUTH COURT OBJECTIVES**

#### **Reducing the frequency and seriousness of offending by 16 and 17 year olds (and some 15 year olds) through targeted and prompt disposals with judicial supervision and continuing social work involvement**

5.2 Although the Youth Court has been operational for almost 2 years, it has taken time for capacity to build up and at this stage, given low numbers and a relatively short follow-up period, it has only been possible to undertake a limited analysis of reconviction. However, the 6 month reconviction rate for the Youth Court sample was encouraging compared with young people of a similar age sentenced in other courts, especially since it targets those assumed to have a higher risk of recidivism.

5.3 The Youth Court made greater use of detention and community sentences than the Sheriff Summary Court, probably reflecting the group of young people it targeted. Interviewed young people given Orders in the Youth Court were of the view that the intervention they had received had reduced their likelihood of further offending and professionals were cautiously optimistic that the Youth Court was reducing re-offending in some, though not all, cases. The additional resources made possible by the introduction of the Youth Court and the communication between services was regarded positively by social workers and Sheriffs, though the latter expressed some concern that cases were not being allocated quickly enough because of staff shortages. However, 2 key gaps in service provision remained: bail accommodation and mental health services for young people, though links between social work and mental health services had been developed on an informal basis.

5.4 Professionals were generally supportive of the judicial review process, believing it to be important both as a means of holding young people to account and providing encouragement when they were doing well. The potential to call a review of an Order also made it possible to respond quickly to instances of non-compliance. Sheriffs made it clear that the review was not a soft option or a chance to build rapport with the young person and communication between Sheriffs and young people was generally limited. The extent to which social workers were consulted during reviews also varied among Sheriffs. Given the amount of time spent by social workers in court waiting for reviews to be heard, their limited involvement in the reviews process would not appear to represent the best use of their time, demands upon which were increasing as caseloads grew.

### **Promoting the social inclusion, citizenship and personal responsibility of the young offenders whilst maximising their potential**

5.5 The services provided to young people made subject to Orders and structured deferred sentences through the Youth Court are intended to impact upon their risk of re-offending. However they are also aimed at promoting the social inclusion of young people and maximising their potential. The extent to which the pilot has been successful in this regard is more difficult to establish, especially in light of the relatively short follow-up period. Social workers believed that interventions aimed at employment, training or education would have some positive effect and some young people had valued assistance in these areas. More generally, however, many young people lived in disadvantaged neighbourhoods with a range of social problems and it is unrealistic to expect an initiative such as the Youth Court to have an impact on wider social conditions.

### **Establishing fast-track procedures for those young offenders appearing before the Youth Court**

5.6 The aspect of the Youth Court that was perceived by various professionals as having been most effective was the fast-tracking of young people into court. The time-scales for getting young people into the Youth Court and disposing of their cases were generally met. Furthermore warrants were issued in a timely manner for non-compliance and would be enforced promptly by the police. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful. This and other associated procedures – such as the early disclosure of the Crown case to the defence, the availability of legal aid and the rolling up of cases by the Fiscal or by the court – were thought by professionals to have contributed to the higher level of guilty pleas and lower incidence of trials in the Youth Court.

5.7 A reported disadvantage of the priority afforded to Youth Court cases was the impact upon other court business. This had become more of a concern as the Youth Court caseload increased. While it was a particular concern for Sheriffs and clerks (who would have preferred all of the Sheriffs in Hamilton to sit in the Youth Court to facilitate the scheduling of the court diary), growing workloads were also impacting on other professionals' time.

### **Enhancing community safety by reducing the harm caused to victims of crime and providing respite to those communities which are experiencing high levels of crime**

5.8 Just as it is unrealistic to expect an initiative such as the Youth Court to have an impact on entrenched social problems, so must expectations with respect to its ability to enhance community safety be appropriately moderated. The baseline and follow-up community survey sought to establish whether the introduction of the Youth Court had been associated with less fear of crime and altered perceptions of youth crime in the communities served by it. Although there were relatively few changes in views between the baseline and follow-up samples, most changes that did occur were in a positive direction. In particular, more people in the follow-up survey believed that the crime rate had improved over the previous 2 years and fewer of this sample believed that there was

a problem with youth crime. However, whether this can be attributed to the existence of the Youth Court is more difficult to establish, especially in the absence of similar data on national trends.

5.9 Some use was made of restorative justice interventions with young people, though it would appear that this more often took the form of unpaid work for the community. Restorative justice was an area of work that social workers believed could usefully be expanded and that was viewed positively by Sheriffs. In particular there is scope for greater use to be made of forms of restorative justice that involve direct reparation for or contact with victims.

### **Examining the viability and effectiveness of existing legislation in servicing a Youth Court and to identify whether legislative and other changes may be required**

5.10 The Youth Court has available to it the same disposals that are available to a Sheriff Court sitting summarily. This being so, Sheriffs were content with the range of options available to deal with young people appearing before the Youth Court. Sheriffs did not consider the Youth Court to be ‘distinctive’ other than in the fast-tracking of young people and believed that it would be inappropriate to treat young people appearing before the Youth Court any differently than those appearing before the Sheriff Court. Similarly, the range of sanctions available to the Youth Court in the event of non-compliance by a young person on an Order was regarded as adequate.

5.11 An additional option that is available to the Youth Court (and only now being piloted on a wider basis) is for Sheriffs to bail the young person with an electronically monitored curfew. Although this was viewed by professionals as a useful option where a custodial remand was otherwise likely, less use had been made of it than had originally been anticipated. Identifying which young people would and would not comply with such a requirement had proved to be challenging.

5.12 None of the professionals who were interviewed identified additional legislative provision that would make the Youth Court procedures more effective or efficient. Analysis of Implementation Group minutes also failed to identify legislative changes that were required. Existing legislation would therefore appear to be adequate to accommodate Youth Court procedures.

### **ADVANTAGES AND DISADVANTAGES OF THE YOUTH COURT MODEL**

5.13 As the above discussion would indicate, the Hamilton Sheriff Youth Court pilot has, as far as can be assessed, been successful in meeting the objectives set for it by the Youth Court Feasibility Group. The particular strengths of the Youth Court model over previous arrangements include the fast-tracking of young people to and through the court, the reduction in trials, the availability of a wider range of resources and services for young people and ongoing judicial review. The successful operation of the pilot Youth Court was dependent upon effective teamwork among the relevant agencies and professionals concerned. Good information sharing, liaison and communication appeared

to exist across agencies and the procedures that were in place to facilitate the sharing of information seemed to be working well. The role of the Co-ordinator appeared pivotal in ensuring that the various professionals worked effectively together. This was also facilitated by the presence of dedicated staff within agencies, resulting in clear channels of communication, and in the opportunity provided by the multi-agency Implementation Group to identify and address operational issues on an ongoing basis.

5.14 The advantages of the Youth Court outweigh the disadvantages and most professionals were of the view that Youth Courts should be rolled out more widely. Three main areas of concern were identified. First, there appeared to be a lack of consensus between different professional groups as to how the referral criteria (in particular the contextual criterion) should be interpreted. This, in turn, resulted in a concern that some young people appearing before the Youth Court were being made subject to more onerous disposals than would have been applied by the adult summary court. Although there are benefits to having Youth Court Sheriffs rotating on a four-weekly basis (for example enabling the sheriff requesting an SER to sentence the young person), a second concern centred upon the practical difficulty of scheduling Youth Court business into the wider court diary, which operated on a 9 Sheriff rotation. Sheriffs in Hamilton were supportive of the Youth Court pilot and would welcome its continuation, however they would prefer if all of the Sheriffs could preside over the Youth Court. Third, particularly in the early stages, there was a concern that, despite one court being set aside every day for the Youth Court, in practice Youth Court business occupied little shrieval time. This practical difficulty had been addressed by scheduling summary trials for the Youth Court Sheriff on 2 or 3 days a week.

5.15 In general, the additional staffing resources made available to the Youth Court appeared to have been adequate. However, as the number of referrals and the caseload increased this began to stretch, in particular, prosecution and social work resources. Accurate identification of likely workloads and appropriate resourcing will be critical factors to be taken into account if Youth Courts are developed in other locations in Scotland. Other key considerations will include the need for:

- clear identification of the target group and referral criteria;
- the establishment of mechanisms to facilitate multi-professional co-ordination and co-operation;
- the establishment of effective IT systems for monitoring the operation of the court;
- dedicated staff, all or some of whose time is devoted to Youth Court work;
- awareness of the impact of different models of shrieval involvement on other court business; and
- identification of young people's needs and ability to secure services to meet them.

5.16 In conclusion, the impact of the Youth Court on offending among young people referred to it will take longer to establish. However, Youth Court procedures were operating effectively and initial indications with respect to its impact on youth crime are encouraging. The pilot in Hamilton has demonstrated that the operation of Youth Courts in Scotland is viable without the need for legislative change. There was a broad

consensus that the Youth Court represented an improvement over previous arrangements for dealing with youth crime and that Youth Courts should be rolled out more widely. How they operate in other locations will, however, require appropriate adjustments to maximise their efficiency and effectiveness in the various contexts in which they are introduced.

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## **APPENDIX 1**

### **Information provided by Procurators Fiscal**

The individual referral forms completed by the Procurators Fiscal included the following information:

- age and sex of the young person
- local authority in which the young person resided
- number of co-accused
- whether the case was discussed with the social work department or Reporter
- whether the case met the standard Youth Court criteria or contextual criteria
- the case outcome
- the route of the referral
- for those prosecuted in the Youth Court, the date of charge that triggered the referral
- any additional observations about the case

### **Definition of a Youth Court referral**

A referral was a case, featuring one or more charges from one or more incidents, brought by the Procurator Fiscal against an individual. A young person could have had a number of referrals during the pilot. Where an individual was referred for 2 separate cases on the same day, these were treated as separate referrals if this was how the court regarded them. A young person's referral could have featured a number of charges arising from one or more incidents (with the Fiscal able to roll-up incidents when bringing them to court). Young people with multiple referrals may have had their cases merged (with the cases being heard on the same day) as they progressed through court.

### **Information extracted from Social Enquiry Reports**

The following information, where recorded, was extracted from SERs:

- any involvement with the Children's Hearings System
- the young person's living situation (including place of residence and family composition)
- the young person's education / employment situation and educational history
- reference to alcohol and drug use
- reference to anti-social / criminal associates
- reference to mental health issues
- the recommended sentence

In addition, details of the sentence imposed were gathered from social work records rather than from the SER.

## **Professionals interviewed for the research**

The professionals interviewed included:

- 5 Sheriffs sitting in Hamilton Sheriff Court, including 4 who sat in the Youth Court and one non-Youth Court Sheriff to obtain a wider perspective from the Hamilton bench
- the Youth Court Co-ordinator and Deputy Co-ordinator
- 9 police officers including a senior officer, station Inspector, 2 case markers, a custody Sergeant (duty officer) and 4 community officers
- 3 Procurators Fiscal
- 2 Reporters to the Children's Hearings System
- 3 clerks to the Court
- ten social work managers and practitioners including the Criminal Justice Managers in North and South Lanarkshire, the co-ordinator for young people at risk/youth justice, a senior social worker; 5 social workers (2 based in South Lanarkshire and 3 in North Lanarkshire) and the court social worker
- 5 defence agents who had represented clients in the Youth Court
- employees of 2 non-statutory organisations working with young people involved with the Youth Court.

## **Criteria for inclusion of cases in the analysis of sentencing patterns**

The relevant data discussed in Chapter Four refer to proceedings sentenced in each year. An individual can have more than one court proceeding against them in a year and a proceeding can feature more than one crime or offence. Where a person was convicted of a number of charges in a proceeding, only the most severe penalty given was included. If sentence was deferred, the year of final disposal rather than deferment was recorded. Proceedings where sentence was still deferred were not included. Individual proceedings sentenced on the same date were recorded separately. The analysis focuses on the impact of the Youth Court on summary level sentencing only (this includes the Youth Court and the normal adult summary court). Age in the statistics provided was taken at sentence, so it is feasible that those aged 18 at sentence would have been in the target age range at referral (in the 2004 figures provided 26 per cent of those proceeded against in the Youth Court were 18 at sentence or case end). Given this, disposals for 18 year olds at sentence were included in the analysis. Where appropriate, disposals for 19 and 20 year olds were also included, to assess the wider impact on the sentencing of young people.

**Table 1: Case stages observed**

	Number	Percentage
First calling	40	20
Intermediate diet	41	21
Trial diet	21	11
Sentencing diet	49	25
Review	44	22
Breach	4	2
Other diets	1	<1
<i>Total</i>	<i>200</i>	<i>100</i>

Table notes:

- 1) As days observed were not selected randomly (some days where reviews were to be heard were targeted) these figures should not be taken as representative of the balance of business in the court.
- 2) Because a young person may have multiple cases in the court, business at different stages is often dealt with at the same time. In these instances the primary business of the case is recorded in the table.
- 3) Because of rounding percentages may not sum to 100

**Table 2: Length of observed case stages (minutes)**

	Number	Mean	Min	Max
First calling	40	3	1	12
Intermediate diet	41	3	1	33
Trial diet	21	33	1	251
Sentencing diet	49	10	1	35
Review	44	7	1	30
Breach	4	12	4	21
Other diets	1	1	1	1
<i>Total</i>	<i>9</i>	<i>200</i>	<i>1</i>	<i>251</i>

**Table 3: Completion of observed cases by case stage**

	Number	Completed	Partially completed
First calling	40	32	8
Intermediate diet	41	29	12
Trial diet	21	16	5
Sentencing diet	49	34	15
Review	43	34	9
Breach	4	1	3
Other diets	1	1	0
<i>Total</i>	<i>42</i>	<i>147</i>	<i>199</i>

## **EXISTING AND PLANNED SERVICES: NORTH LANARKSHIRE**

### **1. OINTOC (Offending Is Not The Only Choice)**

OINTOC is a 23-session programme developed by the Cognitive Centre Foundation for young people, which includes a core groupwork programme with the capacity to be used in individual and family sessions. It makes use of IT, in particular CD-ROM. Further programmes relating to violence reduction and substance misuse can increase the density of intervention for the higher-risk group. Key aims are to reduce the chances of associating with others who support anti-social activity and to reduce the chances of the young person committing new offences. The programme focuses on the following:

- family support
- communication
- problem solving, including clearing obstacles, alternative thinking and options, selective information gathering and consequential thinking
- operant behaviour – how people learn
- cognitive restructuring, where they learn to apply skills in real situations.
- socio-moral reasoning - relating behaviour to reasons and values
- offence reconstruction
- victim awareness.

### **2. Rushes (Young Persons' Addiction Services)**

Rushes provides a harm reduction model of intervention with an initial assessment and modular intervention programme, which includes education and individual counselling input. It is aimed at 12 to 18 year olds at risk of secure care or custody or of serious or persistent offending. Rushes is currently expanding its service but is an established project in Bellshill. It was set up as an urban project in 1996 and received mainstream funding in 2000.

### **3. Remand Fostering**

This is intended as a positive alternative to custody. Rather than be held in custody and influenced by other offenders, young people on remand are placed in a specialised foster placement outwith their own community. The scheme is not considered to be an easy option: conditions should be strictly adhered to and those involved will be challenged on their attitudes and behaviour as well as being required to take decisions and accept personal responsibility.

### **4. Family Group Conferencing**

Conferences include the victim or some representation for the victim. The resultant plan addresses any identified reparation issues on the part of the victim and provides suitable supports to prevent the young person re-offending. Family Conferencing focuses on

work with younger children and families where risk factors leading to subsequent offending are identified. This early intervention strategy is considered to benefit all members of the family rather than focussing on one young person with an established pattern of offending behaviour.

## **5. Video Interactive Guidance (VIG)**

This service is provided for parents and young people aged 14 to 21, for whom relationships are stressed or broken down. The project builds upon and enhances positive interaction through the use of video clips of interactions between parents and the young person. The clips are edited and the evidence of changing interactions is used to encourage parents and the young person to “own” the progress. VIG has been operational since June 2003, although only one family was participating in this programme in summer 2003.

## **6. Restorative Justice Services**

Integrated with the community service orders scheme, the Restorative Justice Service provides individual and group work programmes as well as restorative placement opportunities. This is for young people subject to supervision orders from the Children’s Hearings or probation orders or structured deferred sentences from the Youth Court who are required to fulfil a requirement relating to community reparation and restoration. A Restorative Justice co-ordinator came into post in the summer of 2003.

## **7. Other Programmes**

Other locally developed thematic programmes focusing on offending behaviour with a cognitive underpinning will be utilised as demand requires, including the following:

- INCLUDEM intensive intervention services for 14 to 17 year olds (in partnership with South Lanarkshire) and the INCLUDEM Home Project for the most vulnerable looked-after and accommodated young people aged 14 to 18. INCLUDEM has been a service provider since 1999.
- SACRO mediation and reparation services (in partnership with South Lanarkshire)
- Community Service and New Start (Duke of Edinburgh Award Scheme)
- Active Steps Programme: sports and cultural programmes targeted at young persons with an offending profile (at bidding stage)
- Community Alternatives Programme at Kirknowe: group work for young people subject to Youth Court disposals, using OINTOC (see above)
- Barnardo’s CHOSI Scheme: an intensive intervention and support service for young people aged 14 to 17, which provides individual and groupwork programmes targeted

at young people who require a high level of support, or are at risk of secure care or involvement in the criminal justice system. In 2002-03 it worked with 54 young people at an average cost of £180 per person per week. Barnardo's CHOSI project has been in partnership with the local authority for over a decade.

- Some staff in Children and Families social work teams were working in conjunction with youth justice staff in delivering another cognitive behavioural programme, Reasoning and Reacting.

## **EXISTING AND PLANNED SERVICES: SOUTH LANARKSHIRE**

### **1. Bail and Accommodation Support**

A service was being commissioned for those young people who require support to live in the community. Expressions of interest had been sought from interested providers. The service was expected to become available during Autumn 2003, however local political opposition to the plans had delayed the introduction of this service.

### **2. Intensive Support Services**

South Lanarkshire Council already commission INCLUDEM to provide services to chaotic young people who need support outwith normal working hours and who are at high risk of custody, secure care or residential school. The average cost per placement is £5,200. This service has been in place since 2000. It works with 58 young people (contracted numbers on a year by year basis for both North and South Lanarkshire) but the cumulative number of actual service users will be less as some young people require more than a year's input.

### **3. Pathway**

Pathway has been developed by the Youth Justice Board and offers a structured approach to working with young people who offend. South Lanarkshire staff intended it to be used with young people subject to a probation order or structured deferred sentence.

Pro-social Action & Thinking Way provides a comprehensive modular cognitive-behavioural programme to address offending behaviour. It can be delivered either to individuals or groups. The programme is suitable for the 10-18 year old range. There are over 70 sessions in total, but each module can stand alone to enable flexibility in delivery. The modules are:

*working it out* – 10 sessions which use the ideal building block approach to enable young people to develop skills in problem solving – consequential thinking, information gathering, decision making, etc.;

*learning new skills* – social skills training, providing young people with the opportunity to develop the essential pro-social life skills necessary for the improvement in interpersonal relationships;

*thinking things through* – 10 sessions to facilitate skills in social perspective taking, values enhancement, understanding attitudes and skills in self regulation;

*considering others* – 10 sessions to teach skills which underpin empathic thinking and behaviour;

*working with others* – sessions to develop co-operation with others, followed by project work to engage in and practice pro-social behaviours, which provides the opportunity for youth justice teams to develop links between the programme and other areas such as work with families, mentoring and reparation.

#### **4. Restorative Justice**

Restorative Justice is expected to form an integral part of work with young people. There are different forms of service available:

- SACRO Reparation and Mediation Scheme: operational from 2002, this work is normally undertaken as diversion from prosecution for low-risk offenders, but in the context of the Youth Court could be used as part of programmed activity. It involves the young person (subject to the victim's agreement) providing some form of reparation directly or indirectly to the victim. The average cost of an intervention is £800. In 2002-03, 49 young people completed a programme.
- Community Service: this can be a specific disposal of the court. A community service resource assistant will develop options relevant to young people, and will work alongside the Youth Court social workers to develop appropriate in-house reparative packages as part of programmed activity.
- Giveback: is a scheme developed by INCLUDEM, which aims to raise victim empathy and involve the young person in appropriate reparative activities. It is aimed at the most persistent and chaotic group of young offenders.

#### **5. Befriending, Mentoring and Throughcare**

This service will be commissioned from the independent sector. It recognises that young people can desist from offending when involved in programmed activity but may require support to sustain pro-social behaviour after completing the order. The aim of this service is to support social inclusion – encouraging young people to engage in community based activities including positive use of leisure, employment, training and education.

## **6. Support to Parents and Carers**

South Lanarkshire Council is developing appropriate support services to parents which will also be available, where relevant, to those appearing before the Youth Court. As part of the wider development of family support services, young people who themselves are parents will also have access to relevant support services.

**APPENDIX 2**

**FINAL REPORT ON THE BASELINE AND FOLLOW-  
UP SURVEYS OF THE GENERAL PUBLIC**

TNS Social

Scottish Executive Social Research  
2005

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## CHAPTER ONE BACKGROUND AND INTRODUCTION

1.1 This section of the report will focus on the surveys of the local community undertaken by TNS Social.<sup>44</sup>

1.2 One of the objectives of the Youth Court is ‘to enhance community safety by reducing the harm caused to victims of crime, and providing respite to those communities which are experiencing high levels of crime’.

1.3 In order to evaluate this, a baseline and follow-up study of members of the public living within the Youth Court jurisdiction was undertaken. The overarching aim was to measure any changes in public perceptions of crime and confidence in the judicial system. More specifically, the study measured changes in:

- perceived patterns of offending locally
- fear of crime
- actual experience of crime
- perceptions of the criminal justice system
- awareness of the Youth Court and its effectiveness

1.4 The fieldwork for the baseline study was undertaken between mid-September and early November 2003 and the fieldwork for the follow-up survey was undertaken approximately 16 months later, between mid-January and mid-February 2005.

1.5 At the outset, it should be noted that there are 2 important limitations of a two-stage study of this nature. First, since the Youth Court only deals with one group of offenders it is limited in scope and therefore unlikely to produce dramatic shifts in public attitudes to crime more generally, over a relatively short period of time.<sup>45</sup> Second, even if there are some statistically significant changes over the 2 waves, it would be impossible to isolate the effects of the Youth Court from other factors, such as changes in police visibility, social education campaigns (e.g. the Safer Scotland campaign) and high profile media coverage related to crime and policing.

1.6 One possible method of controlling for the effects of these other factors might have been to undertake before and after surveys in a number of other, matched areas. However, this was judged to be prohibitively expensive. As an alternative, we included a number of questions relating to the fear of crime and views of the criminal justice system from 2 other longitudinal surveys: the Scottish Crime Survey and the Scottish Household Survey. The finalised data for the relevant waves of these surveys are not yet available. At this stage, it is anticipated that this data will be available at some point in the summer of 2005. While there

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<sup>44</sup> Formerly known as NFO Social Research

<sup>45</sup> The initial plan had been to undertake a ‘before’ and ‘after’ study, with the first wave of interviewing taking place before the Youth Court was set up and the second wave taking place around a year later. In the event, the timescales involved meant that this was not possible. The baseline survey fieldwork consequently took place between mid-September and early November 2003, around 3 months after the establishment of the Youth Court in June 2003.

will not be a 'control' for all the data, this will enable some degree of comparison with other, similar areas.

## CHAPTER TWO METHODOLOGY

### SAMPLE DESIGN

2.1 The pilot Youth Court in Hamilton is targeted on young offenders who are resident in the areas of North and South Lanarkshire which fall within the Hamilton Sherriffdom. As one of the aims is to provide respite to communities experiencing high levels of crime, the survey focused on areas of North and South Lanarkshire (within the Youth Court's jurisdiction) which were perceived by the police as being particularly affected by crime, and youth crime in particular. These areas were:

#### *North Lanarkshire*

- Viewpark, Uddingston
- Strathclyde Park, Motherwell
- Gowkthraple, Wishaw
- Craigneuk, Wishaw

#### *South Lanarkshire*

- Coatshill, Blantyre
- Burnbank and Whitehill, Hamilton
- Fairhill, Hamilton
- Calderwood, East Kilbride
- Westwood, East Kilbride
- Greenhills, East Kilbride

2.2 One hundred and twenty enumeration districts were then selected at random from within these areas (as the areas are of different sizes, probability of selection was based on the number of delivery points within each area). Each district was then matched with another on the basis of MOSAIC profile<sup>46</sup>, resulting in 60 matched pairs. One district from each pair was used in the baseline survey and the other was used in the follow-up survey. This ensured, far as possible, that no-one was interviewed twice but that the sample areas were comparable.

2.3 Both waves were undertaken using in-home face-to-face interviews, using paper and pen interviewing (PAPI) and an inter-locking quota sample of respondents based on age, sex and working status. The quotas were based on the MOSAIC profile of the relevant areas.

2.4 A total of 1069 individuals were interviewed, 541 in the baseline wave and 528 in the follow-up wave. Although sampling theory does not strictly apply to quota sampling, with a

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<sup>46</sup> MOSAIC (from Experian) is created from Census data and other sources (e.g. electoral roll, retail data, vehicle ownership information) to classify households/areas into 'lifestyle groups'. Scotland has a unique 42 point classification. The score variables can be used to try to distinguish areas of wealth/poverty and rurality/urbanity.

sample of this size, the findings for the baseline wave would be accurate to  $\pm 4.21\%$  at the 95% confidence limits and the findings for wave 2 would be accurate to  $\pm 4.27\%$  at the 95% confidence limits. A difference between waves of 6% or more would be statistically significant at the 5% level. In this report, only statistically significant differences are commented upon. Where values are shown in figures and tables, all statistically significant differences are indicated by ‘\*’ next to the follow-up survey result.

## QUESTIONNAIRE DESIGN

2.5 The main topics covered in the interview were:

- personal fear of various types of crime;
- impact of fear of crime on behaviour;
- perceptions of level of crime in local area;
- perceptions of level of youth crime in local area;
- perceptions of how youth crime is handled by the criminal justice system;
- views on how youth crime *should* be handled;
- confidence in the criminal justice system;
- whether personally been a victim of crime;
- awareness of Youth Court in Hamilton;
- awareness of the concept of a youth court;
- views on whether it might be effective; and
- demographic information.

## SAMPLE PROFILE

2.6 The profile of the respondents from the achieved interviews was very close to the actual profile of the areas in terms of age, sex and working status but the results were weighted to take account of the slight differences. See Table 2.1.

**Table 2.1: Achieved sample compared with population**

Bases: 541 (baseline survey), 528 (follow-up survey)

	Achieved sample (%) Baseline	Achieved sample (%) Follow-up	Population of surveyed areas (%)
Male	45	45	48
Female	55	55	52
16-34 years	33	34	37
35-59 years	43	44	43
60+ years	25	22	20
Working	50	51	53
Not working	50	49	47

## CHAPTER THREE FEAR OF CRIME AND IMPACT ON BEHAVIOUR

### FEAR OF CRIME

3.1 Respondents to the survey were asked if they ever worry about the possibility that they, or anyone else who lives with them, might be the victim of crime. In both the baseline and follow-up survey, 6 in 10 reported that they worried about themselves or another member of their household being a victim of crime.

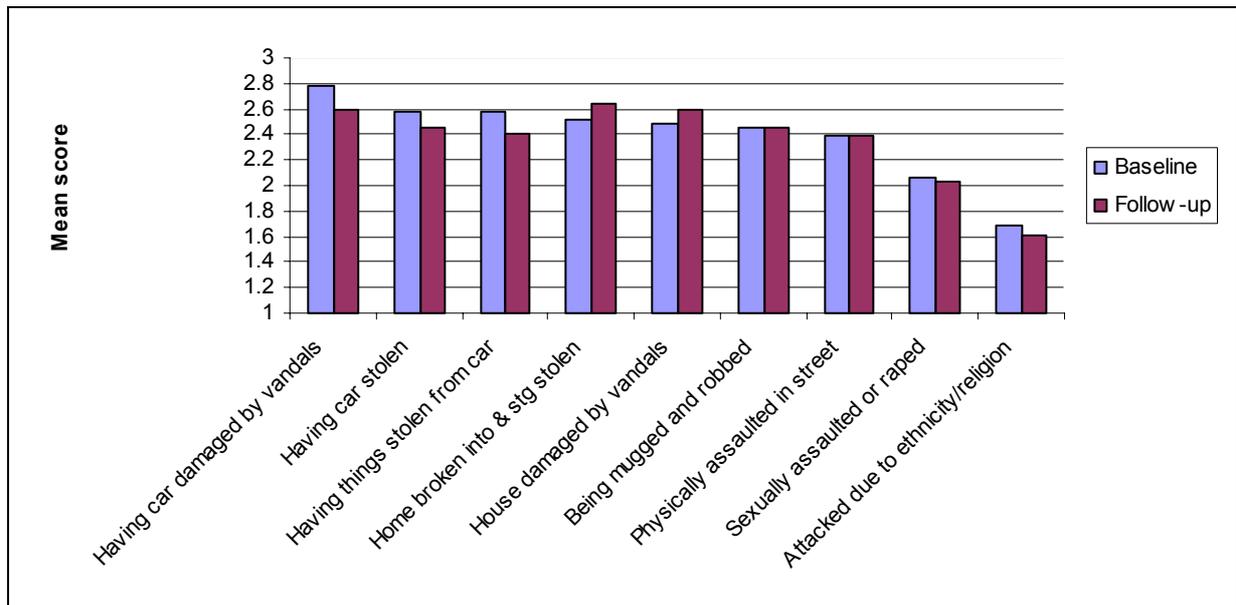
3.2 As is frequently reported in surveys about fear of crime, women were more likely than men to worry about the possibility of themselves or another member of their household being a victim of crime (65% compared with 56% in the baseline, and 66% compared with 54% in the follow-up). Those aged 45-64 were also more worried than those aged 16-24 (65% compared with 46% in the baseline, and 65% compared with 51% in the follow-up). Unsurprisingly, people who had been a victim of crime in the past year were more worried than those who had not (73% compared with 56% in the baseline, and 79% compared with 55% in the follow-up).

3.4 Respondents who reported that they were worried about children aged under 16 years living in their household being a victim of crime were asked a further question about their main concerns. In both the baseline and follow-up surveys, respondents were most worried about their children being bullied by other children; being threatened or assaulted by strangers; being sexually attacked, molested or abducted by strangers; falling into bad company; finding dirty needles; getting involved with drugs or glue sniffing; and safety on the roads. In relation to each of these concerns, over half to three-quarters of respondents who worried about children said they worried 'a lot' or 'quite a lot'. Respondents were relatively less worried about children playing in dangerous places; being a nuisance to neighbours; drinking alcohol; or getting into trouble with the police. Nonetheless, in relation to each of these concerns, over a third of those who worried about children said they worried 'a lot' or 'quite a lot'. The only significant difference between the baseline and follow-up waves was that respondents in the follow-up were less likely to say they were worried about their children getting into fights with other children (43% in the follow-up wave worried 'a lot' or 'quite a lot' about this compared with 65% in the baseline).

3.5 All respondents were asked how worried they were about personally being the victim of certain *types* of crime. Figure 3.1 illustrates the mean score for each type of crime. The mean score was derived by allocating the following values to responses: 'not at all worried' =1, 'not very worried' =2, 'fairly worried' =3 and 'very worried' =4. The only significant differences between the baseline and the follow-up waves were that respondents in the follow-up were slightly less worried about having their car damaged by vandals and about having things stolen from their car. 'Having your car damaged by vandals' was the crime there was most concern about in the baseline wave. It had a mean score of 2.78 in the baseline and 2.59 in the follow-up: 44% of those in baseline wave were 'very' or 'fairly' worried about that, compared with 38% in the follow-up. 'Having things stolen from your car' had a mean score of 2.58 in the baseline wave and 2.40 in the follow-up: 39% of those in the baseline wave were 'very' or 'fairly' worried about that, compared with 33% in the follow-up.

**Figure 3.1: Respondents' fears about being the victim of different types of crime**

Bases: 541 (baseline survey), 528 (follow-up survey)

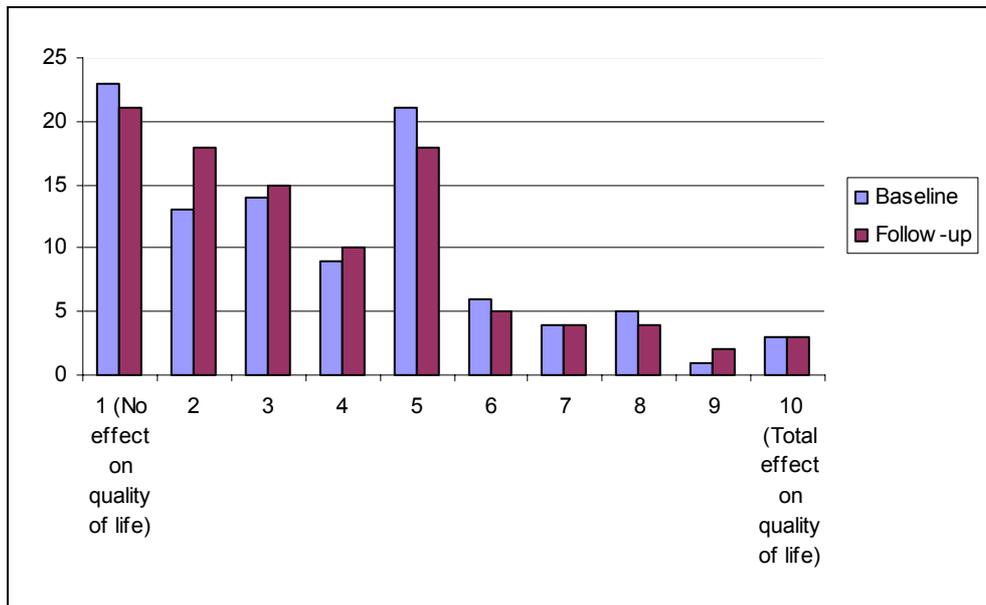


3.6 For most of the different types of crime asked about, women tended to say that they fear

3.7 In both waves, women were more worried than men about being sexually assaulted and raped, being physically assaulted in the street, being mugged and robbed, having their home broken into, and having something stolen from their car.

3.8 As a simple way of measuring the extent to which people feel that their quality of life is affected by the fear of crime, respondents were asked to report their concerns on a scale from 1 to 10 (where 1= no effect on quality of life and 10 = total effect on quality of life). Figure 3.2 below shows the full range of responses. There was no significant difference between the baseline and follow-up. (The mean score in the baseline survey was 3.79 and the mean score in the follow-up was 3.76)

**Figure 3.2:** Level by which quality of life is affected by fear of crime  
 Bases: 541 (baseline survey), 528 (follow-up survey)



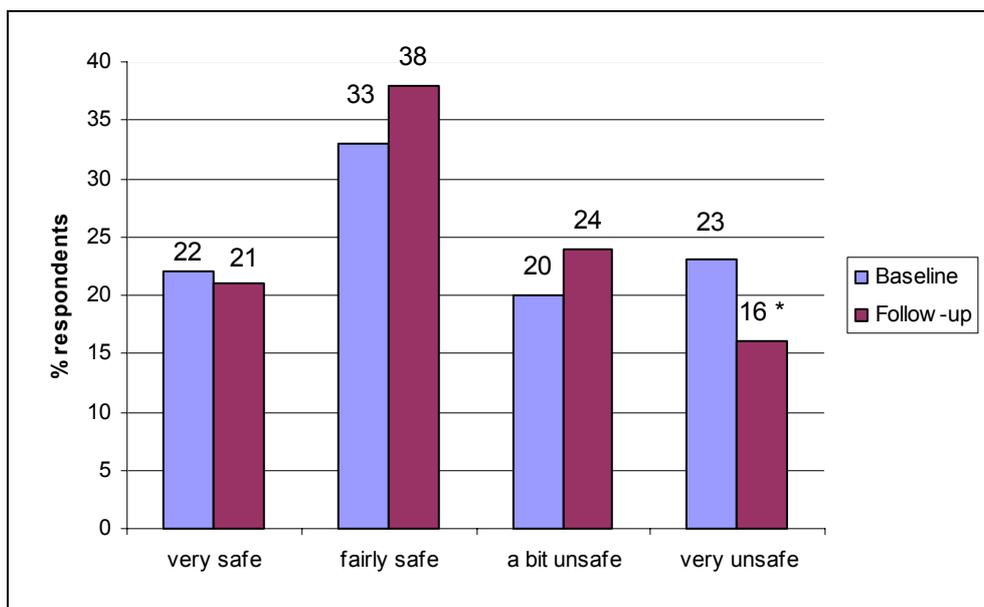
3.9 Overall, women were more likely than men to say that their quality of life is affected by a fear of crime, the mean scores for women being 4.2 (baseline) and 4.0 (follow-up) and the mean scores for men being 3.3 (baseline) and 3.5 (follow-up).

3.10 Respondents were asked how safe they feel when walking alone in their neighbourhood after dark (see below). Fewer respondents in the follow-up survey reported feeling ‘very unsafe’ (16% compared with 23% in the baseline).

3.11 Women, in both waves, were much less likely than men to indicate that they felt ‘very’ or ‘fairly’ safe (43% of women compared with 69% of men in the baseline, and 48% compared with 71% in the follow-up). Not surprisingly therefore, in both waves, men were much more likely to say that they go out in their local area after dark.

3.12 In both waves, those aged 16-44 felt safer than those aged 65+, and again, were much more likely to say that they went out.

**Figure 3.3: How safe feel when walking alone in the neighbourhood after dark**  
 Bases: 541 (baseline survey), 528 (follow-up survey)



3.13 Fewer respondents in the follow-up survey said that they ‘never’ went out in the area after dark (14% compared with 22% in the baseline survey). However, it may be that responses to this particular question were affected by the time of year – it is easier to avoid going out after dark in September/October (when the baseline survey was conducted) than in late January/early February (when the follow-up was conducted).

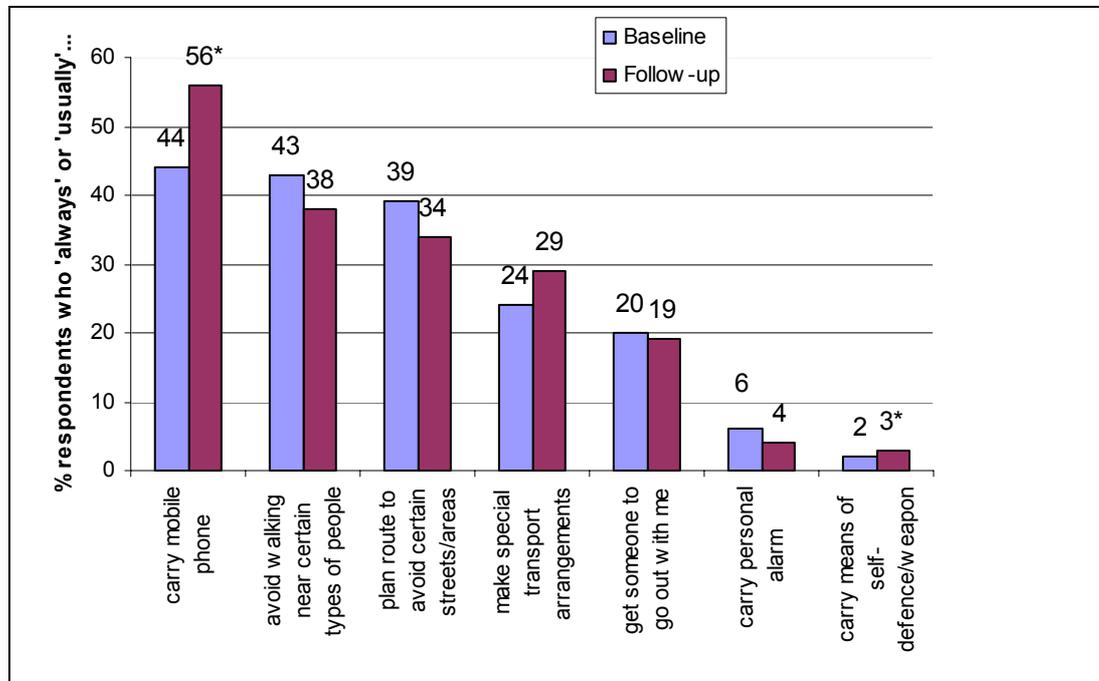
3.14 All respondents who reported that they never go out after dark, or go out less often than once a month, were also asked *why* this is the case. Clearly, there are many reasons why people do not go after dark. Some are directly related to fear of crime (‘fear of crime to the person’ and ‘fear of housebreaking/vandalism’), some may be indirectly linked to fear of crime (‘fear of going out on your own’, ‘fear of the dark/night’, ‘too old’) and some are unrelated (‘busy working’, ‘content to stay in and watch TV’, ‘don’t want to go out’, ‘family responsibilities’ and ‘no money’). The single most common reason, cited by a quarter of the respondents in both waves, was ‘fear of crime to the person’. In both waves, only 2% of those who rarely went out after dark said that ‘fear of housebreaking/vandalism’ was the reason. The only significant differences between the baseline and follow-up waves were that fewer of the follow-up wave respondents said they did not go out because of ‘fear of going out on their own’ (10% compared with 20% in the baseline survey) and ‘fear of the dark/night’ (3% compared with 14% in the baseline survey).

3.15 The respondents who said that they *do* go out after dark (78% of the baseline respondents and 86% of the follow-up respondents) were asked if they take any precautionary measures against crime. The responses are illustrated in Figure 3.4. The only statistically significant differences were that more respondents in the follow-up said they carried a mobile phone (this is perhaps unsurprising, given the increase in mobile phone ownership) and slightly more in the follow-up said they carried some means of self-defence or a weapon (3%, n=15 compared to 2%, n=9 in baseline). It is difficult to analyse this latter finding further because the actual numbers involved are so small. However, there is no evidence to suggest there has been an increase in the carrying of offensive or illegal weapons. In fact, fewer respondents in the follow-up indicated they carried a knife or sharp object (3 individuals

compared to 10 in the baseline survey), and some of the increase is due to 3 follow-up respondents saying they carried an umbrella as a means of self-defence, and 3 saying they carried a stick.

**Figure 3.4: Precautions taken against crime when going out after dark**

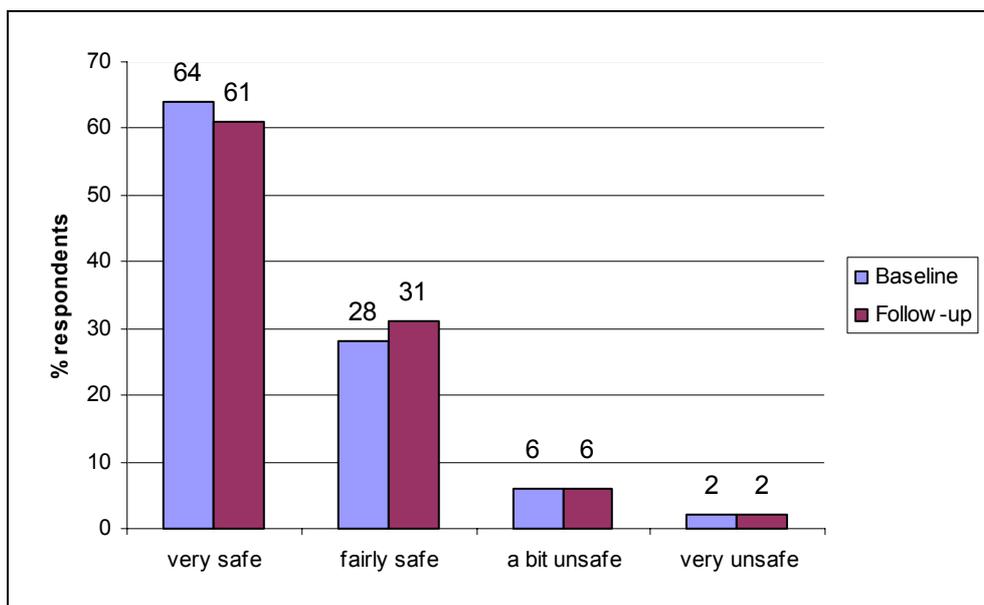
Bases: All respondents who say they go out after dark, 413 (baseline), 451 (follow up)



3.16 Respondents were also asked how safe they feel when alone in their home at night. There were no significant differences between the baseline and follow-up wave, as illustrated in Figure 3.5 below. Overall, around 6 in 10 say that they feel ‘very safe’ and a further 3 in 10 feel ‘fairly safe’. Men were more likely than women to feel very safe (70% compared with 58% in the baseline, and 68% compared with 55% in the follow-up).

**Figure 3.5: Perceptions of safety when alone at home at night**

Bases: 541 (baseline survey), 528 (follow-up survey)

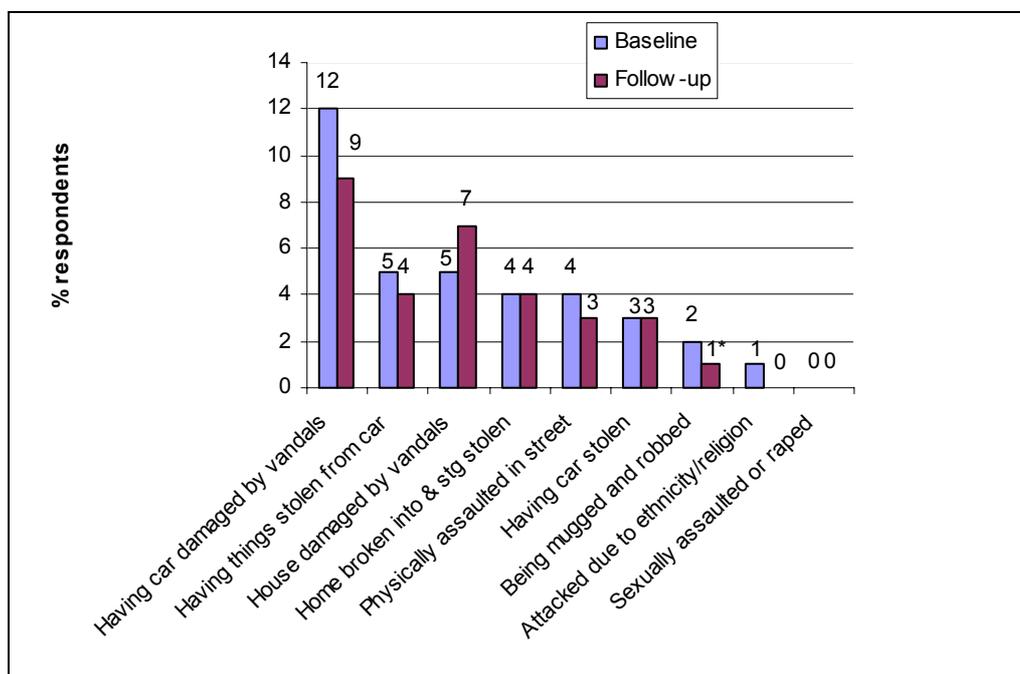


### ACTUAL EXPERIENCE OF CRIME

3.17 Looking at actual experiences of crime in the past year, the only significant difference between waves was that fewer respondents in the follow-up survey reported having been mugged or robbed (1%, n=4 compared with 2%, n=13 in the baseline survey). Having cars damaged by vandals remained the most common crime experienced.

3.18 It should be noted here that the surveys were intended primarily as attitudinal surveys, to measure changes in attitudes and perceptions, not to attempt to calculate victimisation rates for different types of crime. No questions were asked to establish the exact location or timing of the crimes mentioned, and no further details were taken which would enable a classification of incidents comparable with offence classifications used within the criminal justice system. The figures shown here should not therefore be compared with official figures on police recorded crime, or with figures from the Scottish Crime Survey. They are intended merely as broad indicators of the nature and extent of the crimes experienced by the sample.

**Figure 3.6: Actual experience of crime**  
 Bases: 541 (baseline survey), 528 (follow-up survey)



3.19 The numbers are too small to do much analysis by sub-group, but in both waves, men were more likely than women to have been physically assaulted or attacked in the street (5% compared with 2% in the baseline and 7% compared with 2% in the follow-up) and those aged 16-24 were more likely to have been attacked than older people (7% compared with 4% in the baseline and 11% compared with 2% in the follow-up).

## SUMMARY

- There was no difference in the proportion who worry about themselves, or someone in their household, being a victim of crime.
- There was no change in the overall extent to which people think their quality of life is affected by fear of crime.
- There was little difference in concerns about specific crimes. However, follow-up respondents were slightly less worried about having their car damaged by vandals and about having things stolen from their car.
- There was no change in how safe people feel when alone in their homes at night, but fewer feel ‘very unsafe’ when walking alone in their neighbourhood after dark.

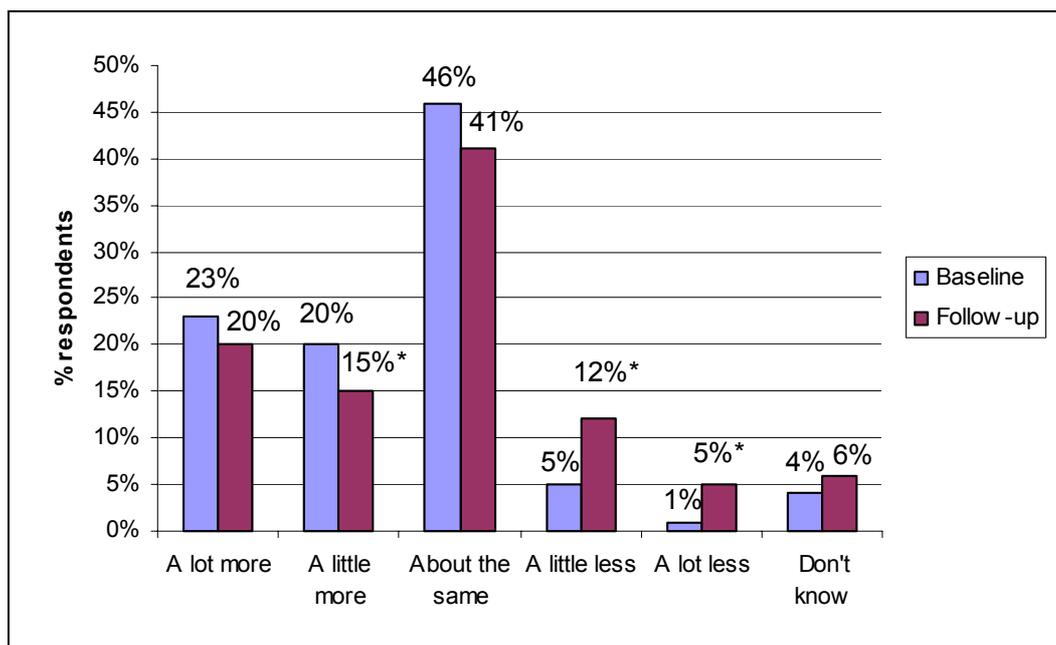
## CHAPTER FOUR PERCEPTIONS OF CRIME IN THE LOCAL AREA

### GENERAL PERCEPTIONS OF LOCAL CRIME

4.1 Respondents to the survey were asked how long they had lived in the area. The figures suggest that the area is fairly stable, with three-quarters having lived there for 5 years or more, and only 10% having lived there for less than 2 years.

4.2 All those who had lived in the area for at least 2 years were asked whether they felt the crime rate had changed in their area over the past 2 years. The results are shown in Figure 4.1 below. Respondents in the follow-up wave were more positive. While a third of respondents (35%) in the follow-up thought that there was ‘a lot’ or ‘a little’ more crime, this was less than the 43% in the baseline who thought there was more crime. Approaching half the respondents in both waves thought the crime rate was ‘about the same’, but 17% of those in the follow-up thought there was a ‘little’ or ‘a lot’ less crime over the past 2 years, compared with only 6% in the baseline survey.

**Figure 4.1: Perceptions of crime rate increase/decrease over past 2 years**  
Bases: 490 (baseline survey), 479 (follow-up survey)

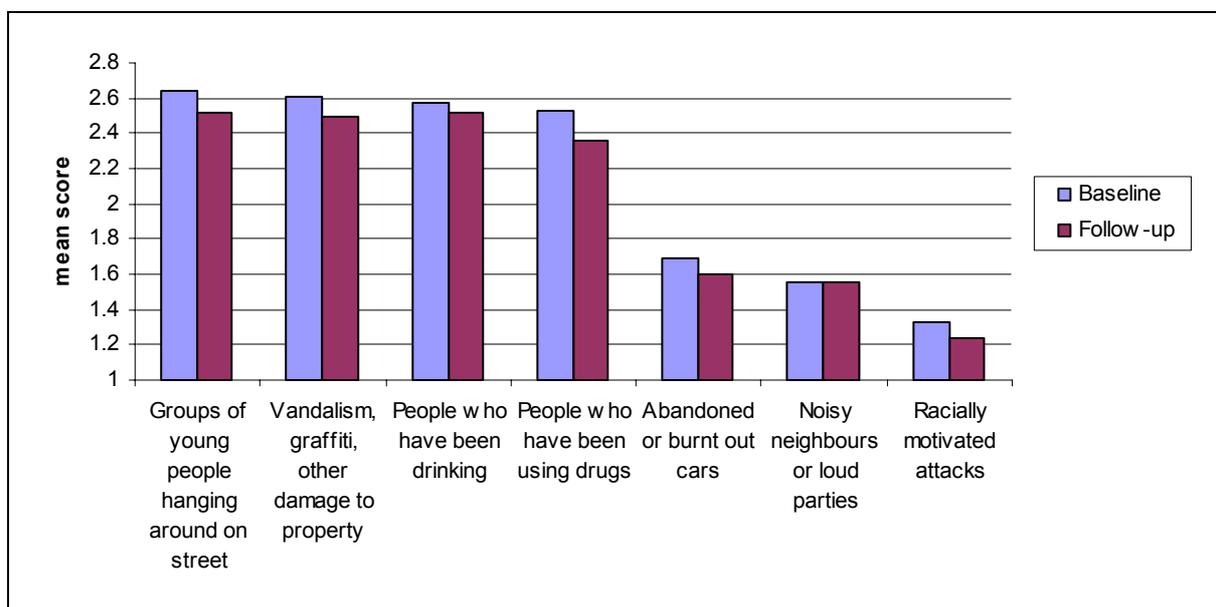


4.3 In both waves, women were more likely than men to think that crime had increased, and those aged 25-64 were more likely than those aged 16-24 to think it had increased. Not surprisingly, in both waves, people who had been a victim of a crime in the past year were more likely to report that crime had increased a lot in the area over the past 2 years. Also, those who thought youth crime was a problem in the area were also more likely to report that crime had gone up a lot over this time period.

4.4 Respondents were also asked to report the extent to which a range of potential crime-related issues were a current problem in their area. A mean score was derived by allocating

the following values to responses: ‘not a problem at all’ =1, ‘not a very big problem’ =2, ‘fairly big problem’ =3 and ‘very big problem’ =4. The results are illustrated in Figure 4.2 below. There was little change between waves. In both, the biggest problems were seen to be ‘groups of young people hanging around on the street’, ‘people who have been drinking’ and ‘vandalism, graffiti and other deliberate damage to property’. The only significant differences between waves were those in the follow-up thought that ‘people who have been using drugs’ was slightly less of a problem (37% thought it was a ‘very’ or ‘fairly’ big problem, compared with 44% in the baseline) and even fewer in the follow-up thought that ‘racially motivated attacks’ were a problem at all (77% thought this was not a problem at all, compared with 70% in the baseline).

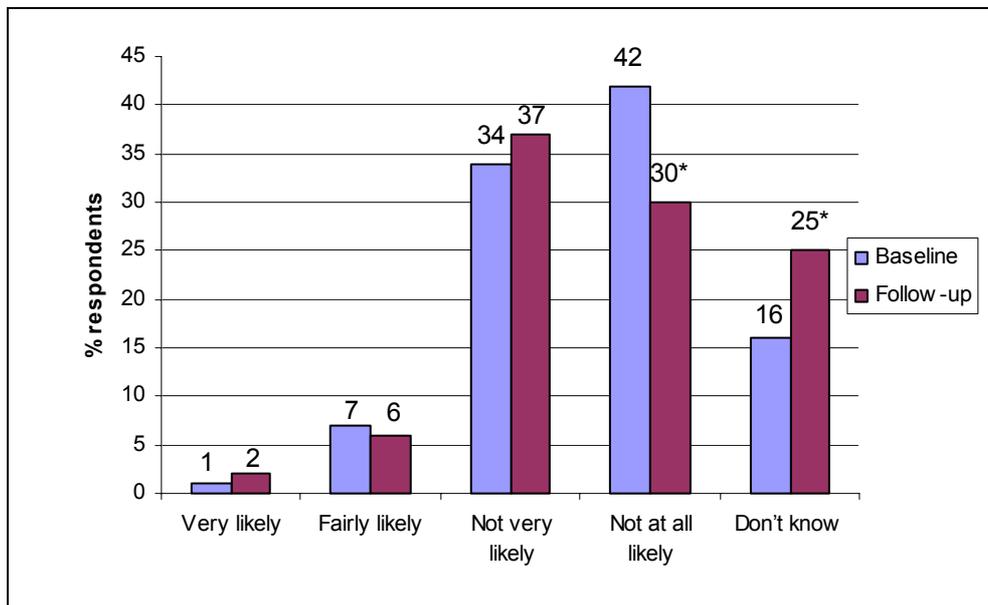
**Figure 4.2: Level to which crime-related issues are a problem in the area**  
 Bases: 541 (baseline survey), 528 (follow-up survey)



4.5 In order to gauge how people thought about levels of potential crime in their local area in the *future* respondents were asked about the likelihood of then being a victim of a crime involving violence in the next 12 months and the likelihood of their home being broken into in the next 12 months. The results were very similar for both scenarios, and suggest rather more uncertainty among follow-up respondents. In both cases, fewer follow-up respondents said they thought the event was ‘not at all likely’ and more said ‘don’t know’. See Figure 4.3 and Figure 4.4 overleaf.

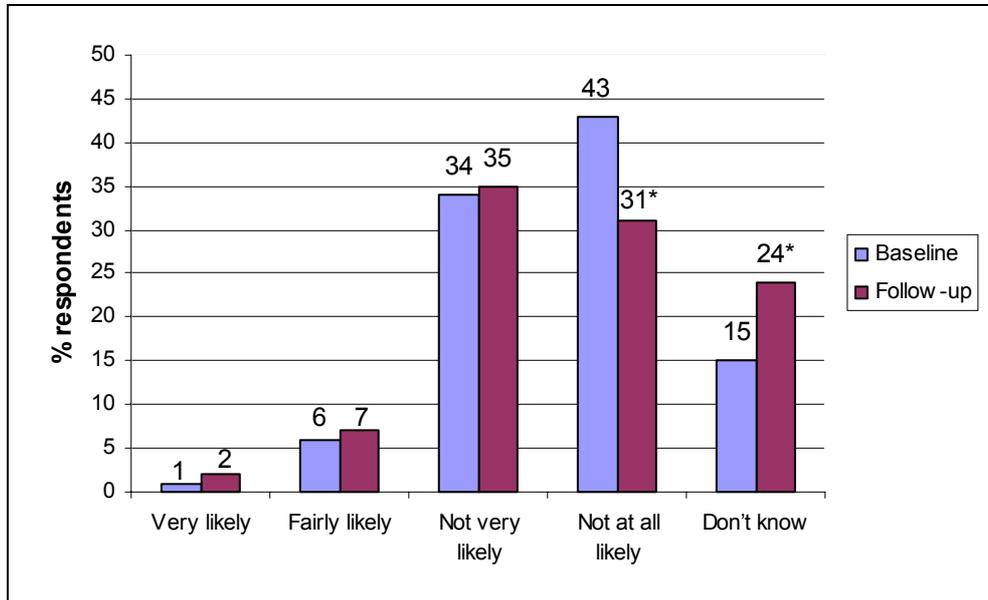
**Figure 4.3: Likelihood of being a victim of a crime involving violence in the next 12 months**

Bases: 541 (baseline survey), 528 (follow-up survey)



**Figure 4.4: Likelihood of your home being broken into in the next 12 months**

Bases: 541 (baseline survey), 528 (follow-up survey)



## PERCEPTIONS OF YOUTH CRIME IN THE LOCAL AREA

4.6 Respondents were also asked more specifically about their views in relation to youth crime in the area. On this issue, perceptions do appear to have improved. In the baseline survey, 60% of respondents thought there was ‘a problem with youth crime/offending’ in their area. This dropped to 53% in the follow-up wave.

4.7 In both waves, those who had been a victim of crime in the past year were more likely to think there was a problem with youth crime than those who had not. Similarly, in both the baseline and follow-up, respondents who had a high fear of crime were more likely to think youth crime was a problem.

4.8 In the baseline survey, there was no significant difference between men and women in perceptions of whether youth crime was a problem. However, in the follow-up, women were somewhat more likely than men to think there was a problem: 57% compared with 48%. Interestingly, in the baseline survey, respondents who were aware of the Youth Court were significantly more likely to think that youth crime was a problem in their area (65%) when compared with those who were not aware of the Youth Court (56%). However, there was no significant difference in the follow-up.

4.9 Among those in each wave who reported that youth crime *was* a problem in their area, views on the most common types crimes being committed by young people were similar (see below). The only significant differences were that people in the follow-up were more likely to think that public disorder and drunkenness was one of the most common crimes (49% of those who thought youth crime was a problem, compared with 35% in the baseline survey) and that verbal abuse/harassment was common (5% compared with 1%); but they were less likely to think that mugging/robbery was one of the most common crimes (9% compared with 15%). So in addition to a drop in the number of people who think youth crime is a problem, among those who *do* think it is a problem, there appears to be a slight shift towards perceiving the problems to be less serious crimes.

**Table 4.1: Most common types of crime committed by young people**

Bases: All respondents who think youth crime is a problem in their area, 323 (baseline), 279 (follow up)

<i>Q19. What do you think are the most common types of crime committed by young people in your area? (% respondents)</i>		
	<b>Baseline</b>	<b>Follow-up</b>
Vandalism	68	67
Public disorder and drunkenness	35	49*
Drug-related crime	32	28
Car break-in	18	17
Physical assault/ violence	18	13
Mugging/ robbery	15	9*
Car theft/ joy riding	13	13
House breaking	13	11
Drink-driving	8	13
Murder	2	1
Verbal abuse/ harassment	1	5*
Sexual assault/ rape	1	-

N.B Responses do not sum to 100% as multiple answers possible

## SUMMARY

- Respondents in the follow-up survey were more likely to think that the crime rate in their local area had improved over the past 2 years.
- However, there was rather more uncertainty about the future: in the follow-up wave: fewer follow-up respondents said it was ‘not at all likely’ that their home would be

broken into or that they would be a victim of a crime involving violence in the next year, and more answered 'don't know'.

- There was little change in relation to specific problems in the area, although follow-up respondents thought people who have been using drugs was less of a problem.
- Overall, youth crime and offending was seen as less of a problem by follow-up respondents (53% thought it was a problem compared with 60% in the baseline survey).
- In addition to a drop in the number of people who think youth crime is a problem, among those who *do* think it is a problem, there appears to be a slight shift towards perceiving the problems to be the less serious crimes (such as public disorder and drunkenness, and verbal abuse and harassment).

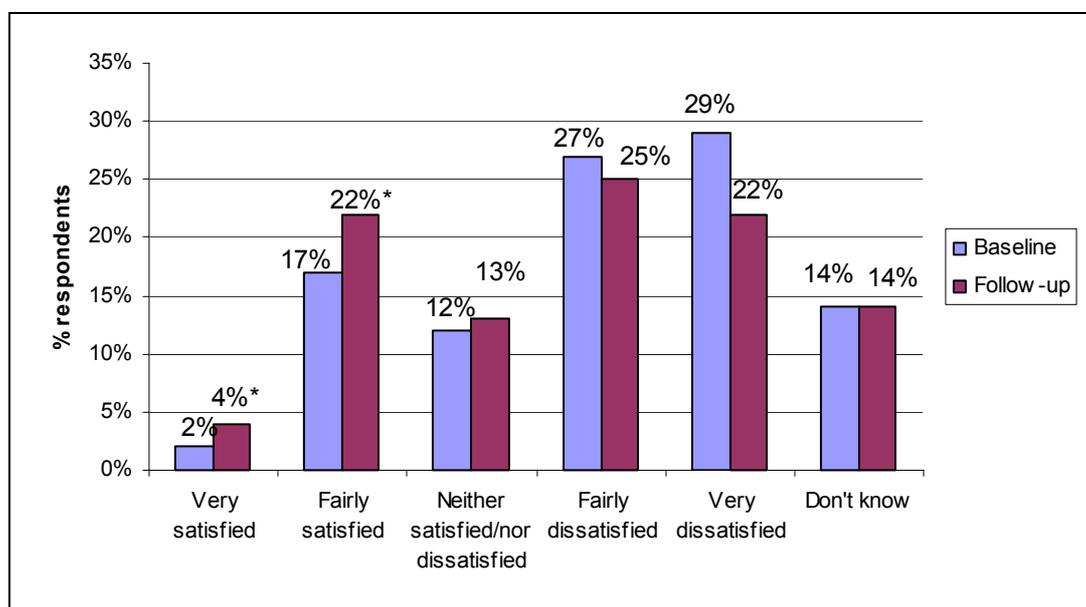
## CHAPTER FIVE SATISFACTION WITH THE CRIMINAL JUSTICE SYSTEM AND VIEWS OF THE YOUTH COURT

### SATISFACTION WITH THE CRIMINAL JUSTICE SYSTEM

5.1 All respondents were asked how satisfied they were with the way the criminal justice system<sup>47</sup> deals with crime in their local area. Satisfaction has improved between waves (see Figure 5.1 below). While people in the follow-up still tend to be dissatisfied (47% are ‘fairly’ or ‘very’ dissatisfied, compared with 26% who are ‘fairly’ or ‘very’ satisfied), this is an improvement on the baseline where only 19% were ‘fairly’ or ‘very’ satisfied.

**Figure 5.1: Satisfaction with the criminal justice system**

Bases: 541 (baseline survey), 528 (follow-up survey)



5.2 In both waves, the overwhelming reason for dissatisfaction, expressed by more than half of those who were dissatisfied, was that offenders get off too lightly and/or their sentences are not severe enough or too lenient. Those who expressed high levels of satisfaction most commonly said that this was because the police do a good job and are always walking around, or come when you need them.

### YOUNG PEOPLE AND THE CRIMINAL JUSTICE SYSTEM

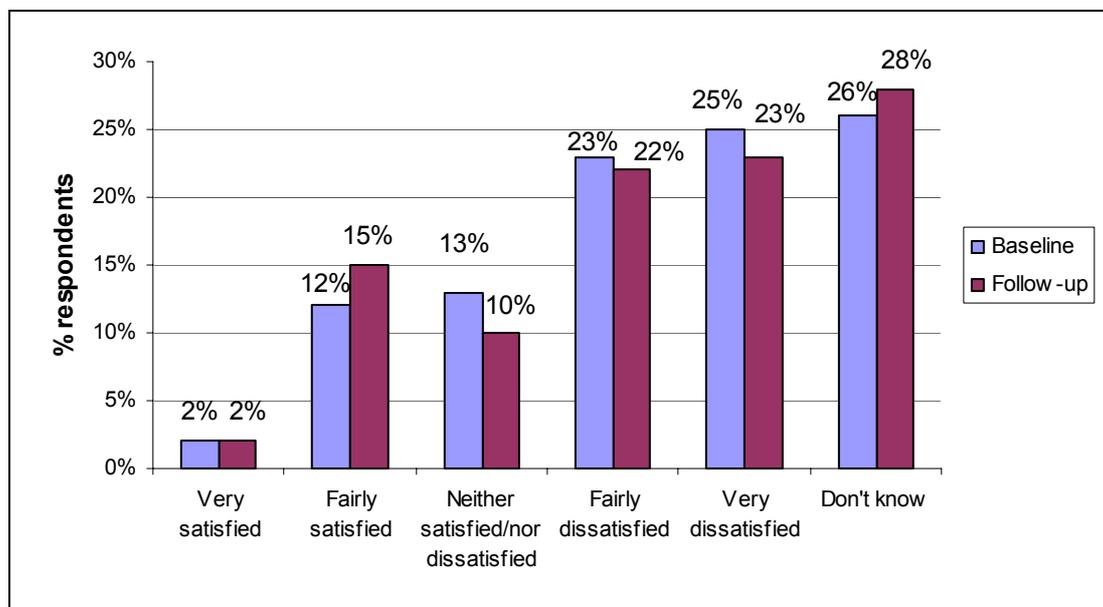
5.3 Despite the fact that satisfaction with the criminal justice system as a whole has increased a little, and fewer people think that youth crime is a problem in the area, this has not been translated into a statistically significant increase in the level of satisfaction with the way the criminal justice system deals specifically with young offenders. This may in part be due to the much higher proportion of respondents who feel they don't know enough to be able to comment: 14% in both waves said ‘don't know’ when asked about satisfaction with the criminal justice system as a whole, compared with 26-28% who said ‘don't know’ when asked about how the system deals with youth crime. Other than the much higher number of

<sup>47</sup> Interviewers explained that this meant ‘the formal system of police, prosecutors, courts and sentencing’.

‘don’t know’s, the pattern of responses to this question is similar to responses to the question about the criminal justice system as a whole (compare Figure 5.2 below with Figure 5.1 above).

**Figure 5.2: Satisfaction with the way the criminal justice system deals specifically with youth crime in the area**

Bases: 541 (baseline survey), 528 (follow-up survey)



5.4 In terms of the reasons why respondents were dissatisfied with the way the criminal justice system deals with young people, the most common response was that the system is too lenient. Where respondents were satisfied, the main reason given was that the police do their best and try to deal with the problem.

5.5 Views on whether young offenders should be treated in the same way as older offenders were unchanged between waves: in both waves, two-thirds thought they should be treated the same way (67% in the baseline and 68% in the follow-up), just under a quarter thought they should be treated differently (24% in the baseline and 22% in the follow-up), while 9% in each wave said ‘don’t know’.

5.6 Those who said that young offenders should be treated differently were also asked to specify *how* they should be treated differently. The main suggestions were that young offenders ‘should be given a chance before crime becomes a habit to them’ and that young people ‘do things for fun and should be allowed to make mistakes’. The only difference between waves was that 7% in the follow-up thought that more responsibility should be shouldered by the parents or that parents should be fined – this was not a comment made by anyone in the baseline survey, and perhaps reflects the greater focus on parental responsibility in debates on a number of issues (e.g. truancy).

## **AWARENESS OF THE YOUTH COURT**

5.7 Awareness of the Youth Court in Hamilton remained almost exactly the same between the 2 waves: 42% of those in the baseline survey said they had heard it compared with 43% in the follow-up.

5.8 In the baseline survey, men were more likely than women to have heard about it, and people belonging to social classes ABC1 were more likely to have heard about it than those belonging to social classes C2DE. People who thought that youth crime was a problem in the area were also more likely to be aware of the presence of the Youth Court. However, by the follow-up wave, none of the differences between sub-groups were significant.

5.9 Those aware of the Youth Court were subsequently asked how they had heard about it. In both waves, the majority of respondents said that they had heard about the Youth Court through the media, including television or the press (59% in the baseline, 52% in the follow-up) and a third said that they had heard by word of mouth (32% in each wave). Five per cent in the baseline and 8% in the follow-up were aware of the Court through personal experience.

## **VIEWS ON THE EFFECTIVENESS OF A YOUTH COURT**

5.10 All respondents were shown the following brief description of the Youth Court:

A Youth Court is designed to reduce offending by persistent 16 and 17 year old young offenders by:

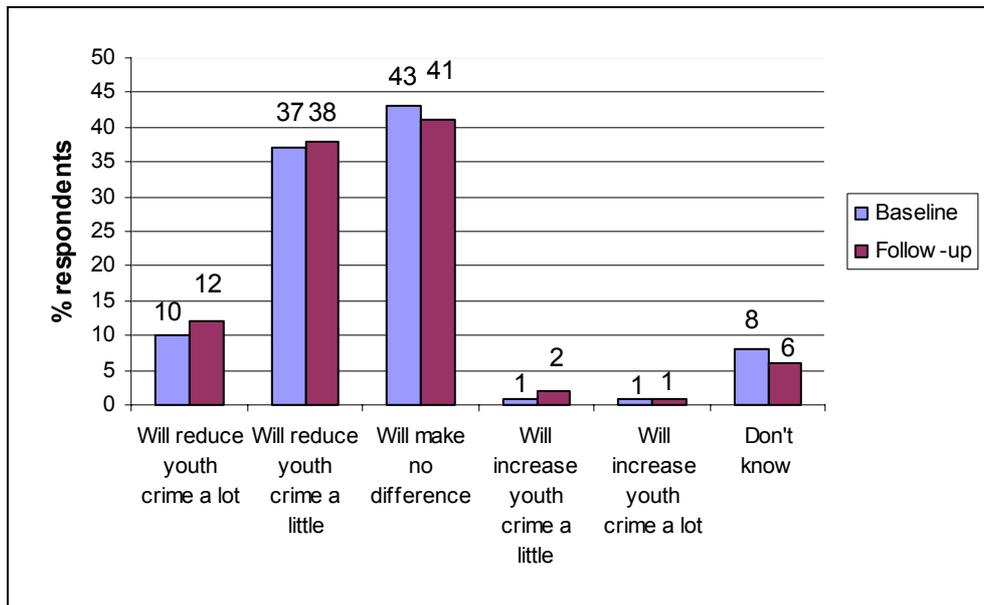
- Making sure that cases come to Court quickly (within 10 days)
- Involving social work and other services so that they can provide advice and support
- Allowing the Court to choose from a wider range of outcomes designed to suit young offenders. For example, community service orders, electronic monitoring and drug treatment and testing orders.
- Arranging regular reviews of progress

5.11 They were then asked what difference they thought such a court would make to crime committed by young people in the area. The results are shown in Figure 5.3 below. There was virtually no change in perceptions between the baseline survey and the follow-up survey. In both waves, most respondents thought a youth court would either reduce crime a little or would make no difference – with a fairly even split between the 2 categories. Few thought a youth court would reduce youth crime a lot, and almost none thought it would actually increase youth crime.

5.12 There had been no difference between men and women in the baseline survey, but in the follow-up, women more likely than men to think the Youth Court would reduce youth crime ‘a lot’ (15% of women compared with 8% of men).

**Figure 5.3: Views on the effectiveness of a youth court**

Bases: 541 (baseline survey), 528 (follow-up survey)



5.13 Of those who felt that a Youth Court would make a difference, the key reasons were that would ‘put them on the right track’ and would help to speed up the process of dealing with offenders.

5.14 Those who said that they did not think a Youth Court would make a difference said that the justice system was too lenient and that for those prone to offending, the existence of a Youth Court would not put them off.

## SUMMARY

- Satisfaction with the criminal justice system in the area has improved slightly (26% of follow-up respondents were satisfied, compared with 19% in the baseline).
- Despite this, and the fact that youth crime is seen as slightly less of a problem, there was no change in satisfaction with how the criminal justice system in the area deals specifically with youth crime. In part, this may be due to the high proportion who do not feel they know enough about this issue to comment.
- There has been no change in the proportion who think youth offenders should be treated in the same way as older offenders (two-thirds of respondents in each wave).
- Awareness of the Youth Court has not increased since the baseline survey (42% of baseline respondents and 43% of follow-up respondents were aware of it).
- Views on how effective the Youth Court might be are also unchanged. Most people either think it will reduce youth crime a little, or will make no difference. Few think it will reduce youth crime a lot.

## CHAPTER SIX CONCLUSIONS

6.1 One of the objectives of the Youth Court is to ‘enhance community safety by reducing harm caused to the victims of crime and providing respite to those communities which are experiencing high levels of crime’. As part of the evaluation, baseline and follow-up surveys of the local community were undertaken. The aim was to measure the impact of the Youth Court - over the 16 month period between 2 surveys - on local perceptions of crime and confidence in the criminal justice system.

6.2 Comparison of the baseline survey results with the follow-up survey results show that there has been relatively little change. Overall measures of worry about being a victim of crime, and the effect of fear of crime on quality of life, remain unchanged. However, where there *were* differences, they were nearly always in a positive direction: there is less concern about having cars damaged by vandals or having things stolen from cars, fewer people feel unsafe when walking alone in their neighbourhood after dark, and more people think the crime rate has improved over the past 2 years. More importantly, fewer people think there is a problem with youth crime and there has been a slight increase in satisfaction with how the criminal justice system deals with crime in the area – although there was no difference in how it deals specifically with youth crime.

6.3 It was always going to be very difficult to attribute any changes to the existence of the Youth Court. Until comparisons of trend data can be made with results from the Scottish Crime Survey and/or Scottish Household Survey, it is not possible to say whether the changes reflect national trends, or whether they appear to be a phenomenon particular to the Hamilton Sherriffdom, which would point to the influence of the Youth Court.

6.4 However, given that awareness of the Youth Court and views on its likely effectiveness have not increased between waves, the changes are not explained simply by the existence of the Youth Court sending a message to the community that youth crime is being taken seriously and tackled more effectively. The changes are either independent of the Youth Court, or are the result of the Court making a real difference to patterns of offending and the behaviour of young people.

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