

Crime and Criminal Justice

Evaluation of the Airdrie Sheriff Youth Court Pilot

Lee Barnsdale, Rhoda MacRae and Gill McIvor, Alison Brown, Susan Eley, Margaret Malloch, Cathy Murray, Laura Piacentini, Frank Popham and Reece Walters

A pilot Youth Court was introduced at Airdrie Sheriff Court in June 2004. It is targeted on alleged offenders aged 16 and 17 (and appropriate 15 year olds) who are resident in areas of North Lanarkshire and are appearing summarily before Airdrie Sheriff Court. The main aim of the Youth Court is to reduce the frequency and seriousness of offending by 16 and 17 year olds through targeted and prompt disposals with judicial supervision and continuing social work involvement.

Main Findings

- Distinctive features of the Youth Court include: fast tracking of young offenders to and through the court; fast track breach procedures; a multi-agency Implementation Group to review the operation of the court; a full-time Co-ordinator and Deputy Co-ordinator to service the Implementation Group and co-ordinate practice across agencies; dedicated Youth Court staff to support and service the court (Procurator Fiscal, clerk, social workers); and additional programmes for young offenders. The key strengths of the Youth Court appeared to be the fast-tracking of young people and the availability of a wider range of services and resources.
- By December 2005 there had been 543 cases dealt with by the Youth Court involving 341 young people. Most of those prosecuted were male (88%) and were 16 or 17 years of age (86%). The majority (74%) had no previous convictions in an adult court 43% had previously been referred to the Children's Reporter on offence grounds.
- The most common primary disposals in the Youth Court included deferred sentences, probation orders and monetary penalties. The use of community sentences increased in the first year of the Youth Court's operation but thereafter declined.
- Targets for fast-tracking cases to and through the court were met in most cases. There was agreement among professionals that the Youth Court procedures were operating well in this respect. In comparison with Sheriff Summary cases, Youth Court cases were getting into court quicker, were more likely to be resolved by a guilty plea and were concluded more quickly. The existence of dedicated staff in a range of agencies was viewed as having facilitated communication and enhanced operational effectiveness.
- Even though the pilot has been operating for almost two years, it is still too early to assess its impact on re-offending. However social workers believed that most young people given supervisory disposals were responding well and had reduced (or ceased) their offending and police officers reported that there had been a reduction in the incidence of some types of crimes in areas covered by the Youth Court.

Background

A pilot Youth Court was introduced in Airdrie Sheriff Court in June 2004. It is targeted on alleged offenders aged 16 and 17 years (and appropriate 15 year olds) who are resident in parts of North Lanarkshire and are appearing summarily before Airdrie Sheriff Court. Cases can be considered for the Youth Court where the young person's contextual background and circumstances suggest that this would be appropriate to enhance community safety and reduce the risk of re-offending.

The objectives of the pilot Youth Court are 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
- examine the viability and effectiveness of existing legislation in servicing a Youth Court and to identify whether legislative and other changes may be required.

Methods

A research team at the University of Stirling was commissioned to undertake a two-year evaluation of the Youth Court pilot. The research methods included: interviews with Sheriffs, representatives of key agencies associated with the Youth Court and young people sentenced in it; scrutiny of documents and statistics; analysis of case data; and observation of the Youth Court in operation.

Identifying cases for the Youth Court

Potential Youth Court cases were identified by the police on the basis of their age and residence prior to being reviewed by the Youth Court Procurators Fiscal. Cases were most likely to be marked for prosecution in the Youth Court if they were showing an emerging pattern of offending and their contextual background suggested such a course of actions would be appropriate.

By December 2005 there had been 543 cases dealt with by the Youth Court involving 341 young people. Most of those prosecuted were male (88%), were 16 or 17 years of age (86%) and were first offenders (74%), though 43% had a previous referral to the Children's Reporter on offence grounds. The charges most often prosecuted included breaches of the peace, petty assault, carrying offensive weapons, possession of drugs and resisting arrest.

Operation of the Youth Court

In its broad operation the Airdrie Sheriff Youth Court proceeded as any other summary adult court. Overall it was tightly run with a heavy volume of cases being heard. More than half of the cases were resolved prior to the setting of a trial diet, with only 9% of cases proceeding to trial.

A relatively high incidence of guilty pleas at first calling may have been brought about by procedures that are distinctive to the Youth Court and by the characteristics of the cases with which it was dealing. The former include fast-tracking, the early disclosure of the prosecution's case to the defence, the rolling up of cases by the prosecution or the court and the availability of legal aid.

The proportion of cases appearing on citation (61%) was higher than expected. Following their appearance in court most accused were granted bail or ordained to appear. Sheriffs had made no use of electronic monitoring as a condition of bail, preferring police monitored curfews. These were resource intensive for the police but were thought to have resulted in reduced crime levels in some areas.

A key objective of the Youth Court is to fast-track young people to and through the court. A comparison of cases processed by the Youth Court and by the Sheriff Summary Court showed that the period of time that elapsed between the charge and the first calling of the case was much shorter in the Youth Court, a higher percentage of cases in the Youth Court were resolved by way of a guilty plea and Youth Court cases were, on average, resolved more quickly than cases dealt with by the Sheriff Summary Court.

Youth Court disposals

The sentences most commonly passed in the Youth Court were, in decreasing order, probation orders, monetary penalties and detention. The Youth Court has available to it a range of additional resources and services that are intended to meet the assessed needs of young people made subject to supervisory orders. However, Sheriffs and some other professionals were initially of the view that there was little difference in the packages of intervention offered to young people sentenced in the Youth Court. This appeared

partly to reflect differing perspectives on the appropriateness of intensive packages of services for young people assessed as presenting little risk of re-offending. Social workers were wary of offering services to young people that they did not consider to be required.

The perceived quality of certain social enquiry reports was initially a source of concern to Sheriffs but this issue was resolved over the course of the pilot through steps taken by the social work department to improve the quality of reports and through the appointment of Youth Court social workers.

Prior to July 2005, most of those given probation orders had their orders reviewed by the Sheriff in court. Sheriffs found reviews useful in monitoring progress but dialogue with young people was limited and the contribution of social workers was not usually sought. Reviews tended to emphasise the consequences of non-compliance and the importance of young people taking responsibility for themselves and their behaviour. Sheriffs and other professionals expressed disappointment at the suspension of the power to review probation orders from July 2005.

Operational issues

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. The Implementation Group was believed by professionals to have contributed to the efficient operation of the pilot, though some believed that it should focus more on strategic analysis. The absence of a direct line of communication between the Implementation Group and front-line social work staff was believed to have contributed to some of the early operational problems.

In practice, the Youth Court functioned as any other court being distinguishable largely by the fast-tracking of cases. While this aspect was deemed to be worthy of wider implementation, other problems with the Youth Court model as operated in Airdrie (such as the perceived lack of clarity regarding the criteria) were highlighted.

Impact of the Youth Court

Analysis of sentencing in Airdrie between 2002 and 2005 suggested that there was more use made of community-based social work disposals in 2004 but that the

proportionate use of these disposals decreased in 2005 while the use of imprisonment rose. Compared with the Sheriff Summary Court the Youth Court made less use of imprisonment and more use of admonitions. The number of cases involving young people prosecuted summarily in Airdrie increased sharply following the introduction of the Youth Court.

Given the limited follow-up period available to the evaluation, only a very limited analysis of reconviction data was possible. It is still too early to reach any conclusions about its effectiveness in reducing recidivism.

Questionnaires completed by social workers in respect of 20 young people were generally encouraging with most being thought to have made some progress and to have reduced their offending (or ceased offending) since being made subject to supervision through the Youth Court. The small number of young people who were interviewed were also broadly positive about their Youth Court experience.

There was cautious optimism among some, but not all, professionals that the Youth Court would be effective in reducing youth crime. The police in particular believed that since the Youth Court was introduced there had been a reduction in levels of public disorder in areas served by it. While there were mixed views among professionals regarding the desirability of making Youth Courts more widely available, most concurred that the fast-tracking element of the Youth Court should be aspired to as a feature of summary justice in all courts.

Conclusions

The pilot Youth Court appeared in many respects to be working well. It was a tightly run court that dealt with a heavy volume of business. With its fast track procedures and additional resources it was regarded as a model to be aspired to in all summary court business. Whether a dedicated Youth Court was required or whether procedural improvements would have been possible in the absence of dedicated resources and personnel is more difficult to assess. Two issues in particular require further attention. First, consideration needs to be given to whether the Youth Court should be more explicitly youth focused and what this might entail. Second, greater clarity is required regarding for whom the Youth Court is intended to avoid the risk of net-widening and its consequences for young people.

If you wish further copies of this Research Findings or have any enquiries about social research, please contact us at:

Scottish Executive Social Research
4th Floor West Rear
St Andrew's House
Regent Road
EDINBURGH
EH1 3DG
Tel: 0131 244 7560
Fax: 0131 244 5393
Email: socialresearch@scotland.gsi.gov.uk
Website: www.scotland.gov.uk/socialresearch

If you wish a copy of "Evaluation of the Airdrie Sheriff Youth Court Pilot" the research report which is summarised in this research findings, please send a cheque for £5.00 made payable to:

Blackwell's Bookshop
53 South Bridge
Edinburgh
EH1 1YS
Tel: 0131 622 8283 / 0131 622 8258
Fax: 0131 622 8258
Email: business.edinburgh@blackwell.co.uk

This document (and other Research Findings and Reports) and information about social research in the Scottish Executive may be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>

The site carries up-to-date information about social and policy research commissioned and published on behalf of the Scottish Executive. Subjects covered include transport, housing, social inclusion, rural affairs, children and young people, education, social work, community care, local government, civil justice, crime and criminal justice, regeneration, planning and women's issues. The site also allows access to information about the Scottish Household Survey.