

# Drummond Hunter Memorial Lecture

## Youth Justice Coming of Age?

Lesley McAra and Susan McVie  
University of Edinburgh



‘A humanitarian, believing sincerely and deeply in the infinite potential of people’ Obituary (Herald Newspaper)

In Drummond’s own words:  
‘You have to forgive because hatred corrodes you’

# Aims of lecture

## Background

- Shrinking client group of 'youth justice' (since around 2007)
- Coincides with evidence-based and progressive policies – prevention, early and effective intervention, the whole system approach
- And against backdrop of longer term reductions in recorded crime
- It has created the conditions in which the Scottish government has been enabled to raise the age of prosecution (from 8-12) and to seek now to raise the age of criminal responsibility (from 8-12)

## Key questions

- Is the shrinking client group a result of changes in policies or changes in youth behaviour?
- And what does the answer to this question imply for understanding how a progressive vision for juvenile justice can gain traction in policy and be sustainable over the longer term?

## The evidence base

- Official crime statistics, national survey data, international research evidence
- The Edinburgh Study of Youth Transitions and Crime  
[www.law.ed.ac.uk/research/making\\_a\\_difference/esytc](http://www.law.ed.ac.uk/research/making_a_difference/esytc)

# Key claims

The changing scale and nature of the youth justice client group is a result of four 'effects':

- **The displacement effect** – there has not been a major reduction in youth offending but its primary situational context has moved from the urban landscape into cyberspace
- **The cultural dissonance effect** – criminal justice institutions have not adapted to this; policing and prosecutorial working practices are stuck in older dynamics of law enforcement (recycling the 'usual suspects')
- **The concentration effect** – fewer young people are therefore processed through the system but the captive population has complex needs and is from the most deprived communities
- **The integrated diversionary effect** – integrated systems of diversion have reduced reconviction rates (for those caught up in the system) but can only be impactful in the longer term if they operate within a wider social justice framework...

**...systems should always and everywhere be underscored by a belief in the infinite potential of children: a compassionate approach to serious and persistent offending**

# Structure of lecture

## Part 1

- Contexts – trends in youth crime and justice
- The displacement effect

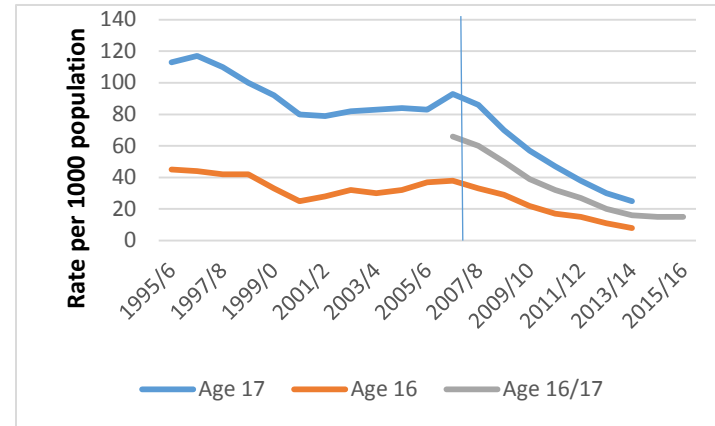
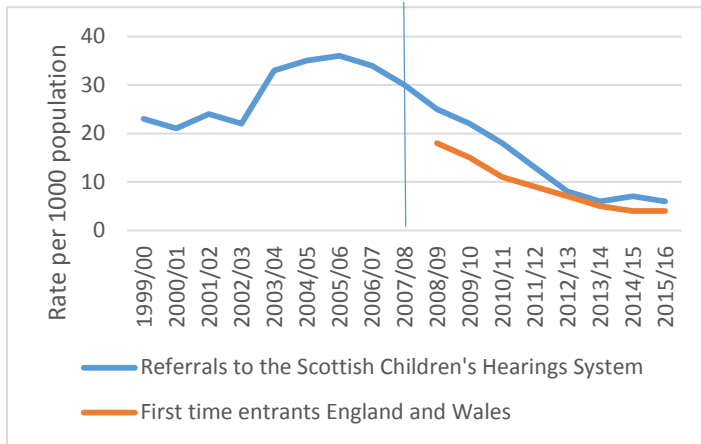
## Part 2

- The cultural dissonance, concentration and diversionary effects
- Concluding reflections: a vision for juvenile justice

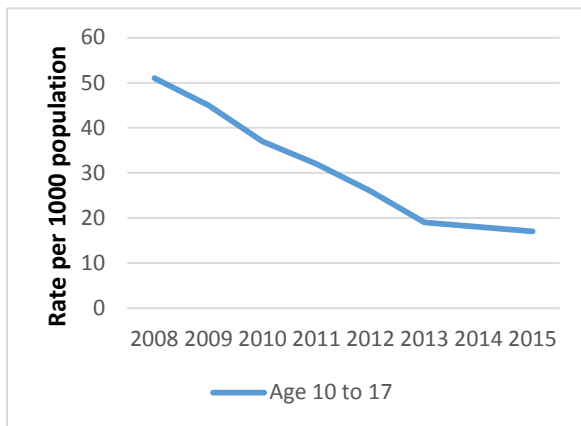
# Part 1

Trends in youth crime and justice and the displacement effect....

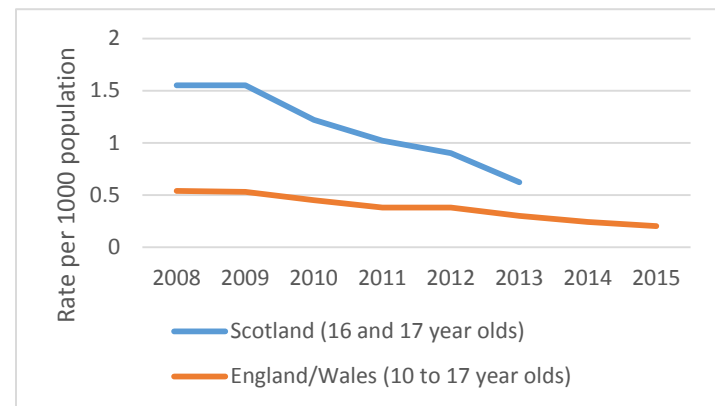
# Trends in youth justice: system contraction (and expansion)



Rate of convictions per 1000 population, age 16 and 17 (Scotland)



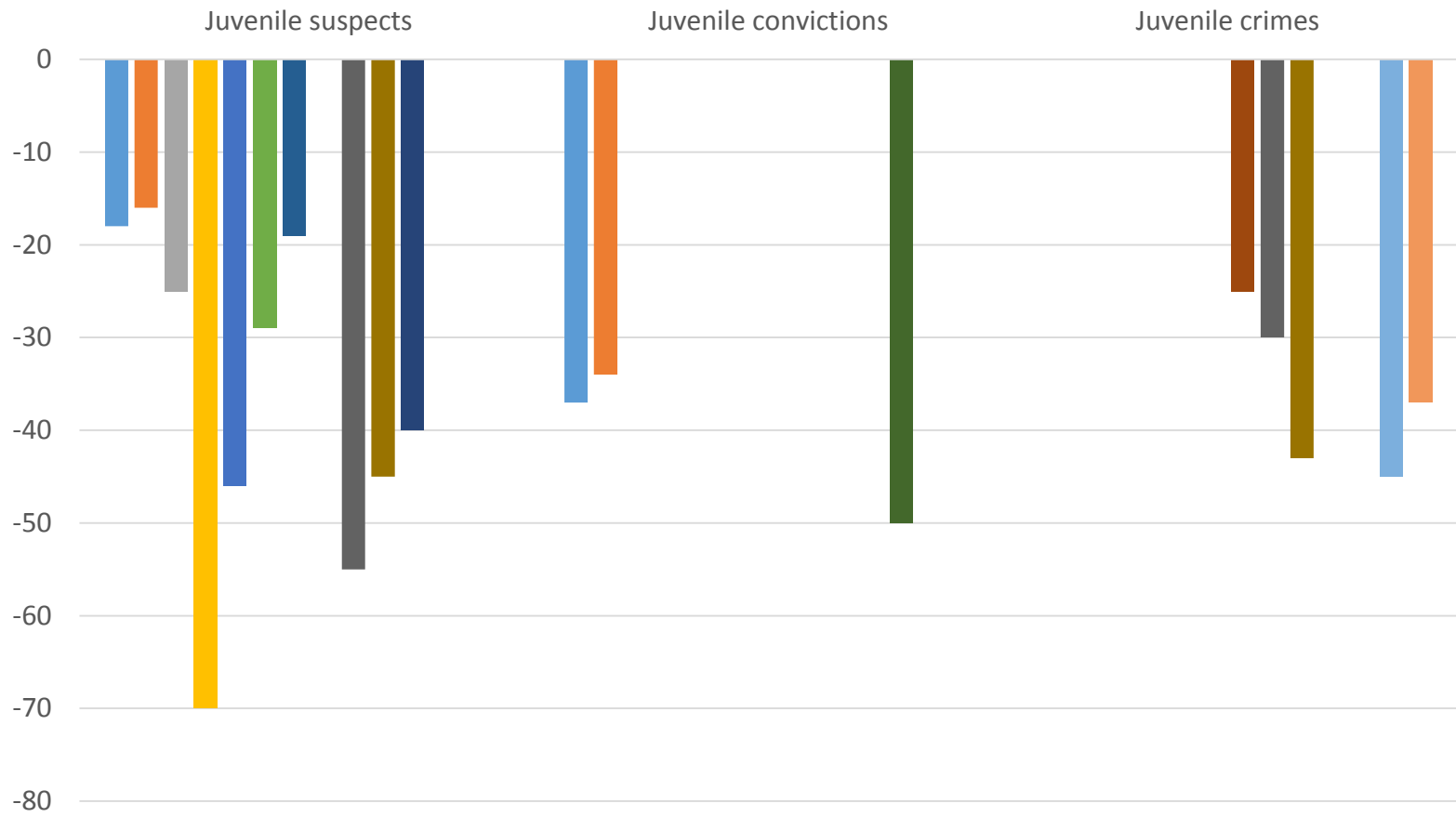
Rate of convictions per 1000 of the population, age 10-17 (England and Wales)



Rate of detention in secure accommodation or custody per 1000 population,

Country (source)	Data type	Age group	Period of decline	Extent of decline
Austria (Bruckmuller 2017)	Rate per 100,000 registered juvenile suspects (identified as alleged offenders based on suspicion by the police)	Age 14-17	2008-2014	18%
		Age 18-21	2004-2014	16%
	Number of convictions	Age 14-17	2004-2014	37%
		Age 18-21	2005-2014	34%
Belgium (Dumortier et al 2017)	Youth justice cases reported to the public prosecutor office	Not stated	2010-2014	~25%*
Denmark (Storgaard 2017)	Number of suspicions or charges by the police	Age 10-17	2006-2015	54%
		Age 10-14	2006-2015	70%
		Age 15-17	2006-2015	46%
Germany (Dunkel and Heinz 2017)	Rate per 100,000 population of police registered suspects of crimes	Age 14-17	2007-2014	~29%*
		Age 18-20	2005-2014	~19%*
Eire (Seymour 2017)	Number of offences committed by children	Age 10-17	2011-2013	25%
Poland (Stando-Kawecka 2017)	Number of juvenile crimes recorded by the police	Age 13-17	2011-2013	~30%*
	Number of juvenile suspects recorded by the police	Age 13-17	2007-2013	~55%*
Slovenia (Filipic and Plesnicar 2017)	Number of juvenile offenders involved in criminal activities registered by the police	Age 14-18	2004-2014	45%
	Number of criminal offenses committed by juvenile offenders registered by the police	Age 14-18	2004-2014	43%
Spain (Fernandez-Molina et al 2017)	Rate of police arrest per 1000 population	Age 14-17	2004-2014	40%
Sweden (Sarnecki 2017)	Rate of conviction per 1000 population	Age 15-17	1995-2005	~50%*
Switzerland (Pruin et al 2017)	Number of police registered cases charged with violations against the Criminal Code	Age 10-14	2009-2013	45%
		Age 15-17	2009-2014	37%
	Number of convicted minors	Age 10-13	2006-2013	52%
		Age 14-15	2006-2012	43%
		Age 16-17	2006-2014	38%



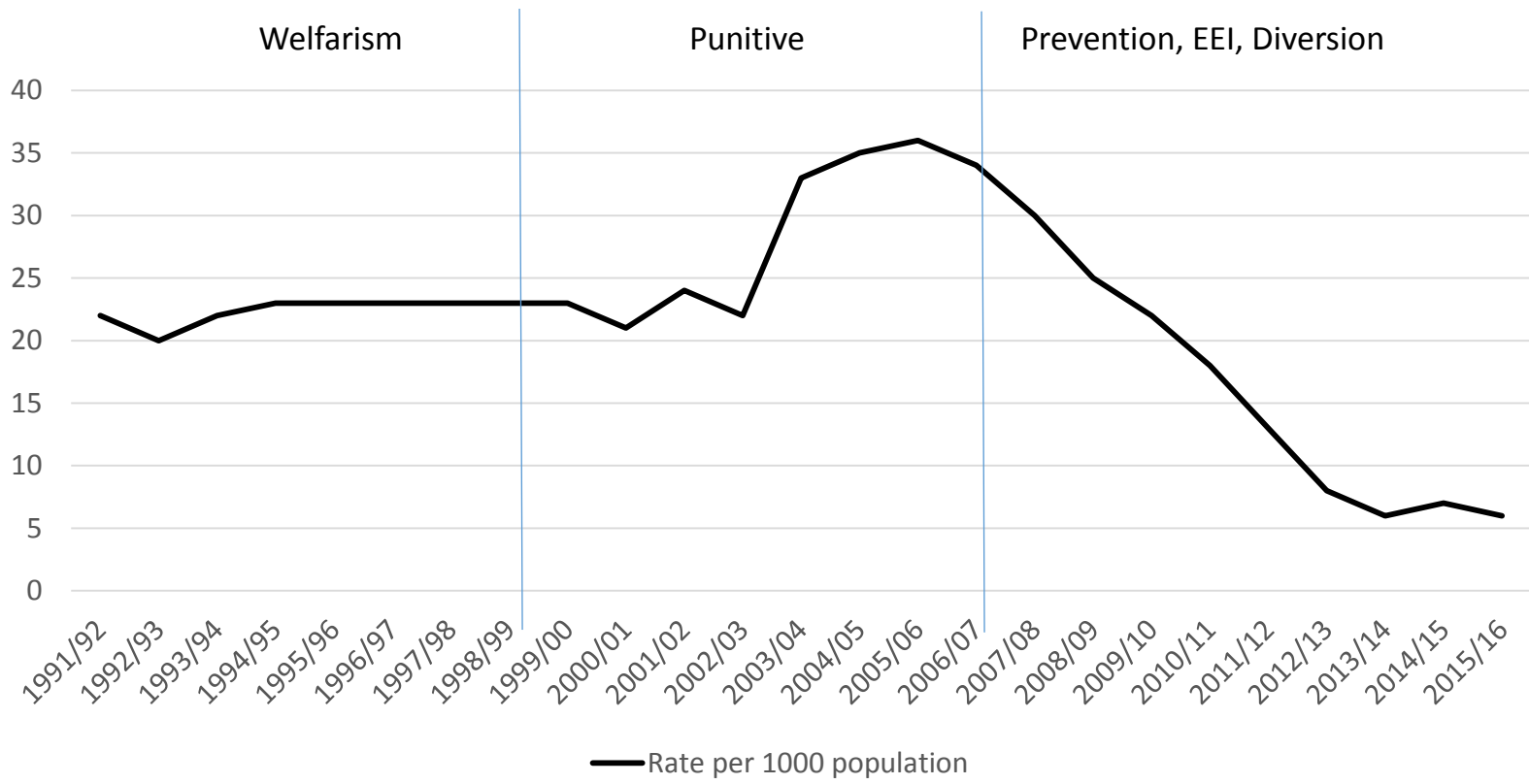


- Austria (Age 14-17)
- Austria (Age 18-21)
- Belgium
- Denmark (Age 10-14)
- Denmark (Age 15-17)
- Germany (Age 14-17)
- Germany (Age 18-20)
- Eire (Age 10-17)
- Poland (Age 13-17)
- Slovenia (Age 14-18)
- Spain (Age 14-17)
- Sweden (Age 15-17)
- Switzerland (Age 10-14)
- Switzerland (Age 15-17)

# Trends in youth justice: the policy contexts of system contraction (and expansion)

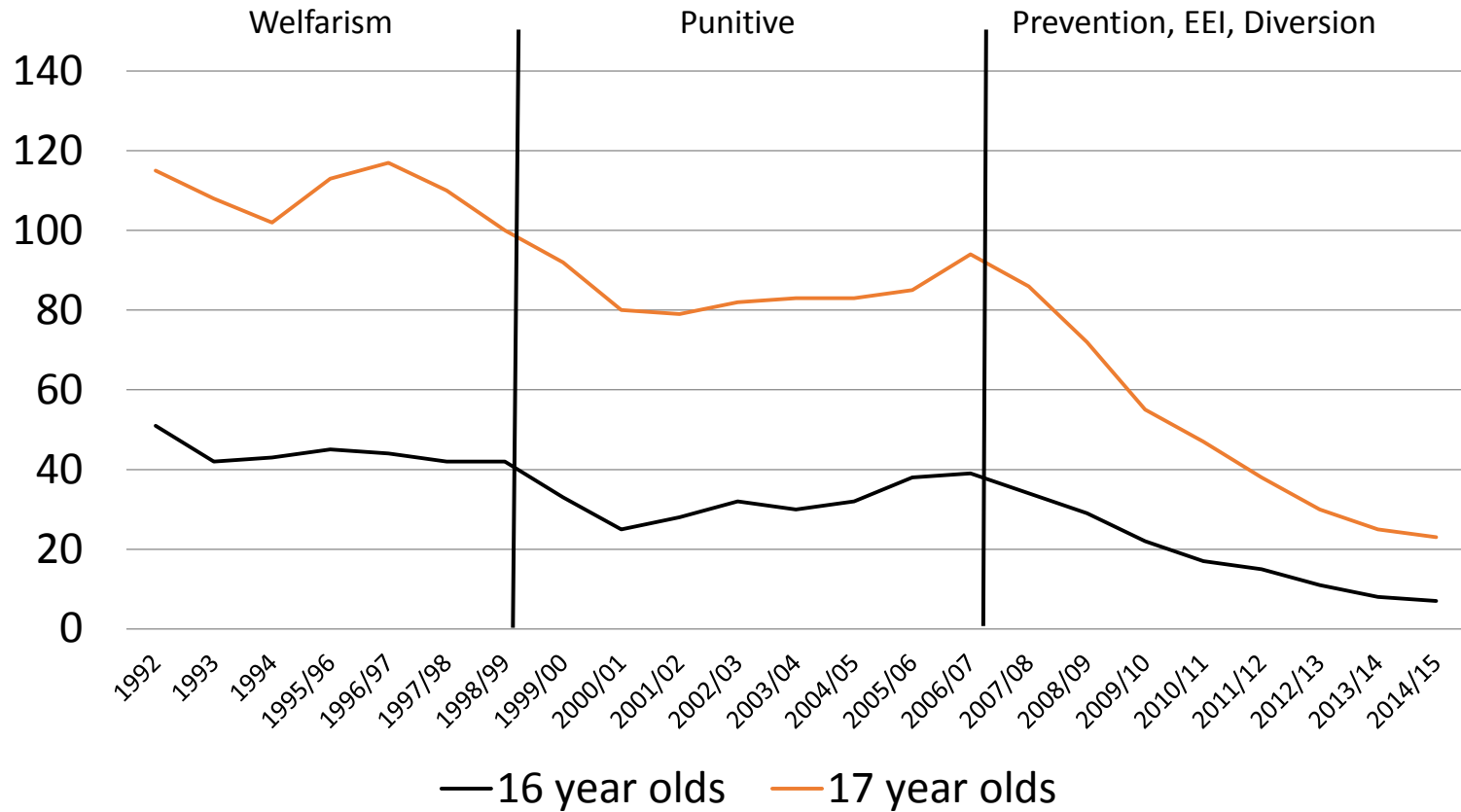
- System contraction linked to growth of diversionary imperatives
  - Policy aimed at controlling/reducing stocks and flows of young people into and through the youth justice system
- By contrast system expansion strongly associated with punitive imperatives
- Fragility of progressive policy: gains traction most in context of economic crisis??

# Offence referrals to the Children's Reporter:

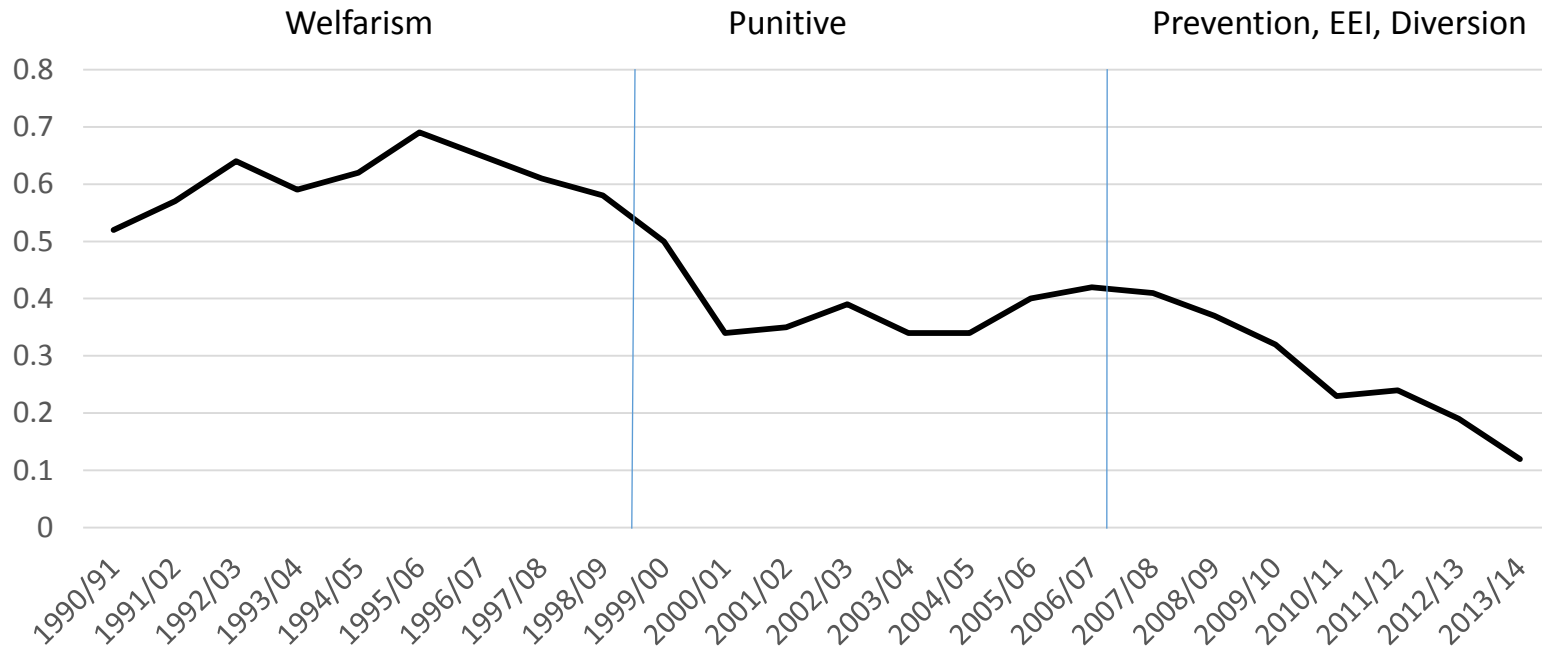


# Criminal convictions in Scotland

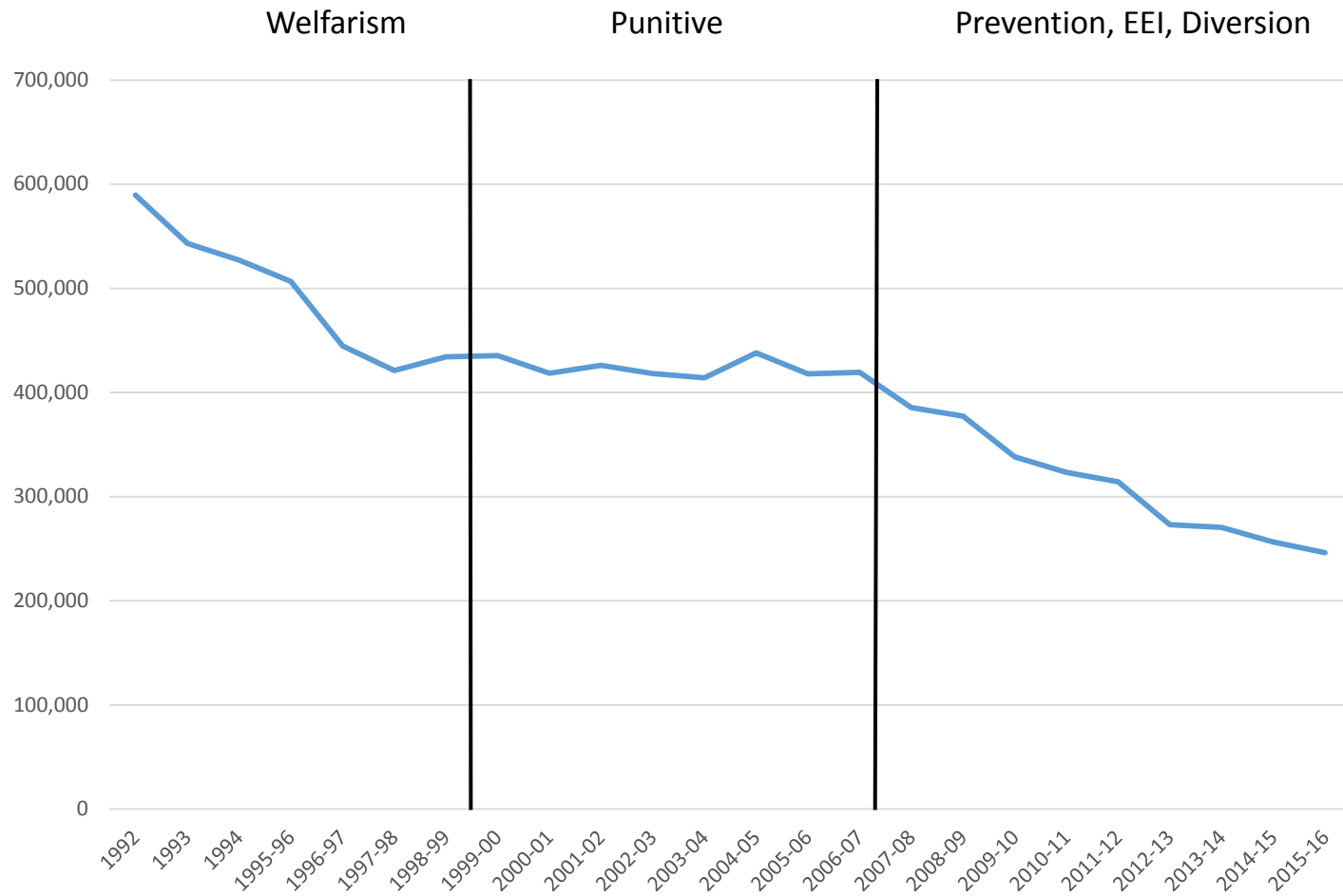
(rate per 1000 population)



# Receptions of 16 and 17 year olds into custody in Scotland (% population)



# Number of recorded crimes in Scotland



# The displacement effect

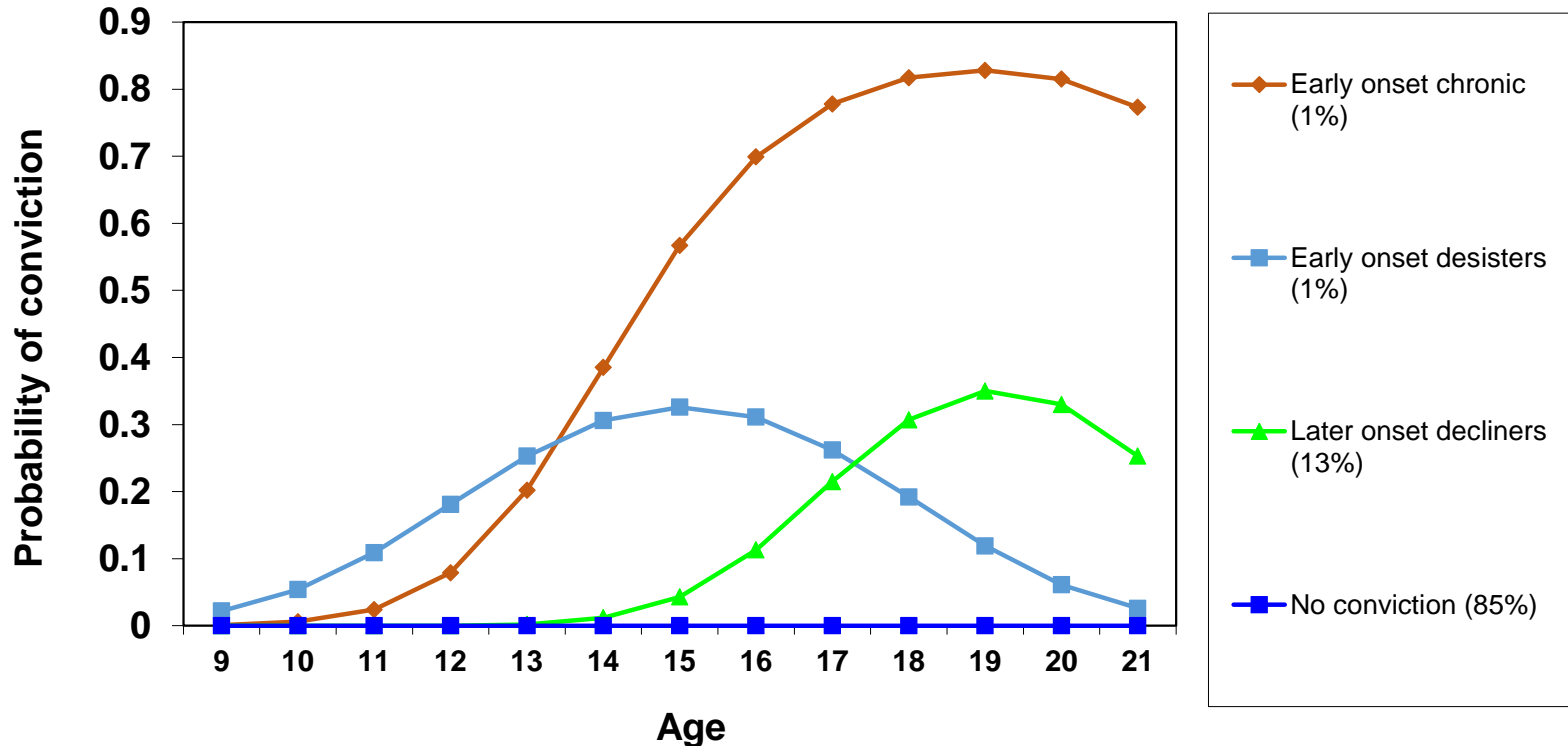
- Is the shrinking client group an outcome of policy transformations or the result of reductions in youth crime or both?

## **Take home messages**

- Records of criminal conviction bear little relation to young people's offending behaviour
- Rule breaking remains a normal part of development in the teenage years, but its primary situational context has moved from the urban landscape to cyberspace where there are far fewer 'capable guardians'
- Consequently there are fewer young people 'available' for policing

# Disjuncture between crime and punishment

(McAra and McVie 2010)



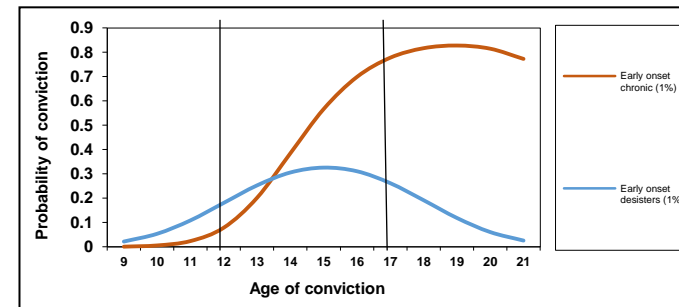
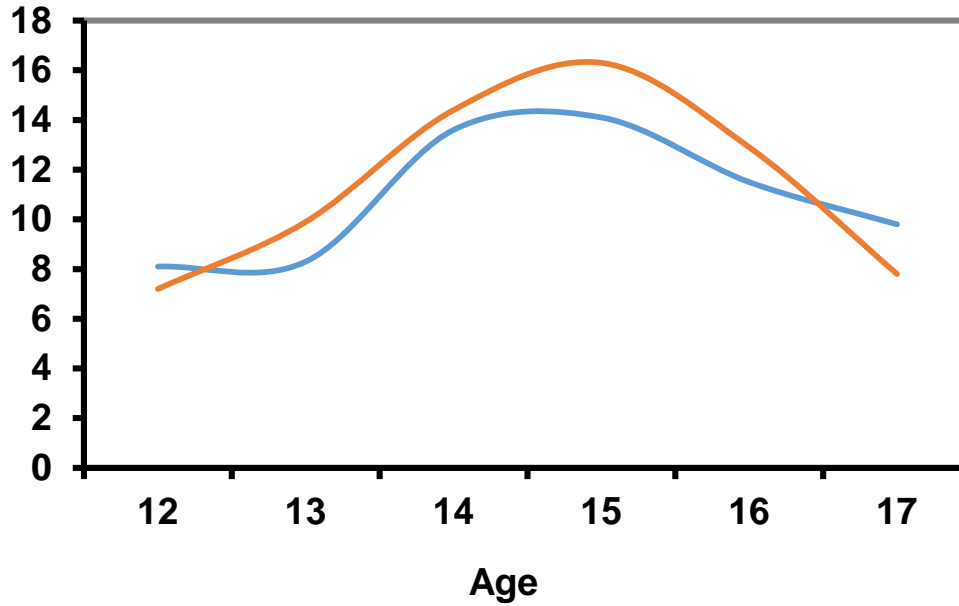
Note: Cohort=3855 whose names were checked against criminal conviction records.



# Disjuncture between crime and punishment

(McAra and McVie 2010)

Average number of serious offences

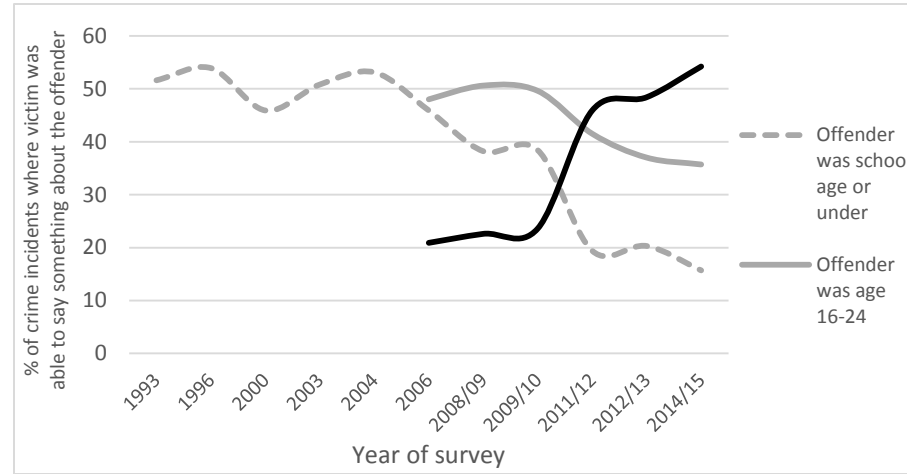


# Evidence of changing youth behaviours

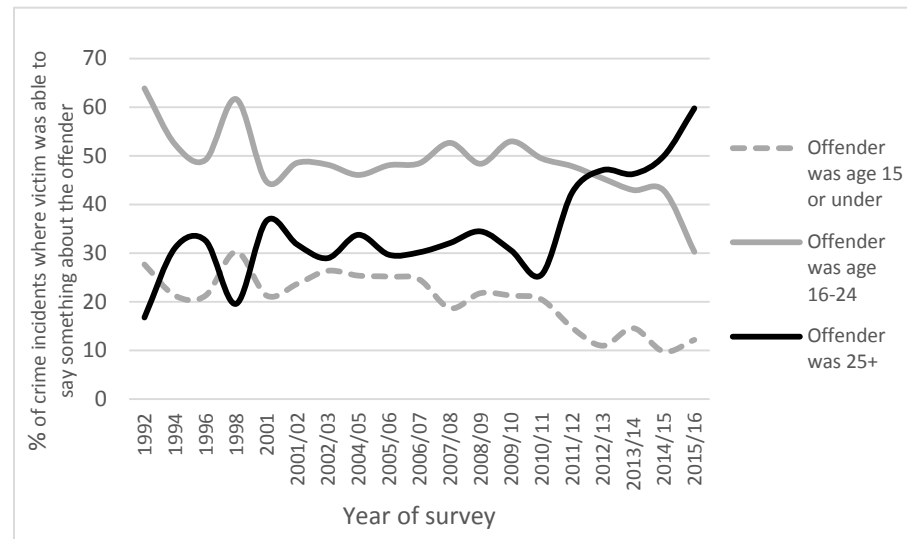
- The rate of fighting amongst 11, 13 and 15 year in the UK declined from 2002 to 2010 (Pickett et al 2013)
- The Scottish Crime and Justice Survey showed a 48% reduction in local youth groups and gangs and a 26% decline in anti-social behaviour (Scottish Government 2016a)
- Crime Survey for England/Wales showed fall of 43% reduction in teenagers hanging around and being a problem and 35% decline in anti-social behaviour (ONS 2015)
- Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) shows an ongoing reduction from 2002 to 2013 amongst 13 and 15 year old boys and girls in alcohol consumption and drug use, and an even longer term decline in smoking (Scottish Government 2016b, 2016c).
- Data published by the Scottish Public Health Observatory shows that suicide rates amongst 15-24 year olds in Scotland fell by 64% between 2000 and 2014.

# Change in the age of offenders (as reported by victims)

## Scotland



## England/Wales



# Shifting situational context of offending

3 - 15% on-line offences involving indecent images of children committed by young people	Belton and Hollis (2016) NSPCC Report
28% victim of cyberbullying 17% cyberbullies	Cross et al. (2012), UK survey of 4,500 11-16 yr olds
25% victim of online hate crime	UK Safer Internet Centre (2016), UK survey of 1,500 13-18 yr olds
33% illegally download films, media or music	Herlitz et al 2016a,b, England and Scotland, survey of 12-15 year olds,
International research: 49% illegally download – Germany 75% illegally download – Belgium 80% illegally download - Spain	Gorgen, Taefi and Kraus (2013) Christiaens and Evenepoel (2013) Fernandez-Molina et al (2017)
61% hackers – onset before the age of 16	Bosco (2012)

## Part 2

The cultural dissonance, concentration and integrated diversionary effects and their implications for juvenile justice....

# Cultural dissonance effect

## Take home messages

- The displacement of youth offending is not being measured and those involved in online offending fly below organisational radars
- Institutions set up to tackle youth offending have not yet fully adapted to this transformation, and police and prosecutorial working practices are stuck in older dynamics of law enforcement
- Police focus on problematic young people from the most deprived neighbourhoods and family backgrounds who hang around and engage in street-based offending resulting in repeated police contact
- Those drawn furthest into the system are the most vulnerable and needy children who are repeatedly referred to Children's Hearings

# Who gets policed?

(The Edinburgh Study - McAra and McVie 2005)

- What predicts initial police contact?
  - **Behaviour** – serious offending, drug use, drinking alcohol
  - **Lifestyle** – hanging around in public places (available for policing) especially amongst those from lower social class backgrounds
  - **Associates** – peers who are already known to the police
  
- What predicts ongoing police contact?
  - **Behaviour** – serious offending, drug use, drinking alcohol
  - **Lifestyle** – hanging around in public places (available for policing), truancy from school and poor parental supervision
  - **Associates** – peers who are also known to the police
  - **Social background** – low family socio-economic status
  - **Previous form** – prior police contact increases chances of future contact by 4-5 times (**stronger than all other factors**)

# Who gets drawn further into the system?

(The Edinburgh Study - McAra and McVie 2007)

- What predicts being charged by the police?
  - **Sex** - male
  - **Behaviour** – serious offending, drug use
  - **Lifestyle** – hanging around in public places, truancy from school
  - **Poverty** – low family socio-economic status and free school meals
  - **Current form** – number of police contacts in current year
  - **Previous form** – number of police charges in previous years (7 times higher)
- What predicts being brought to a Children's Hearing?
  - **Family situation** – living in a broken family
  - **Vulnerability** – number of needs identified in official files
  - **Current form** – number of police contacts in current year
  - **Previous form** – number of prior hearings (3 times higher)



# The long term effects of cultural dissonance

(The Edinburgh Study – McAra 2016)

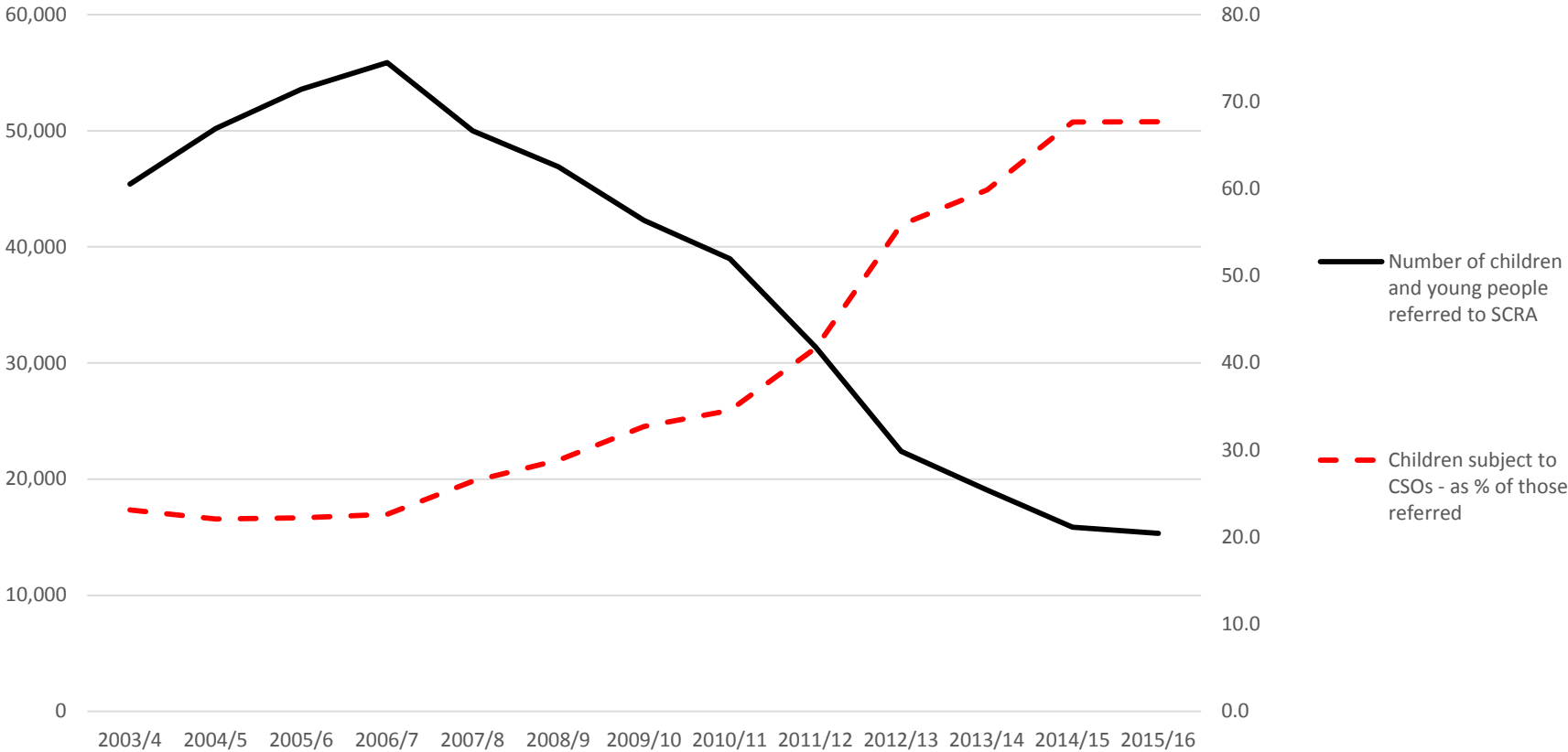
	Age 11	Age 15	Age 22
Policy era	Wefarism	Punitive	Prevention, EEI, Diversion
<b>Odds of being charged by the police</b> if this had happened in the previous year	8 times greater	10 times greater	10 times greater
<b>Additional odds</b> amongst those from lower socio-economic status backgrounds	2 times greater	1.4 times greater	3.5 times greater

# The concentration effect

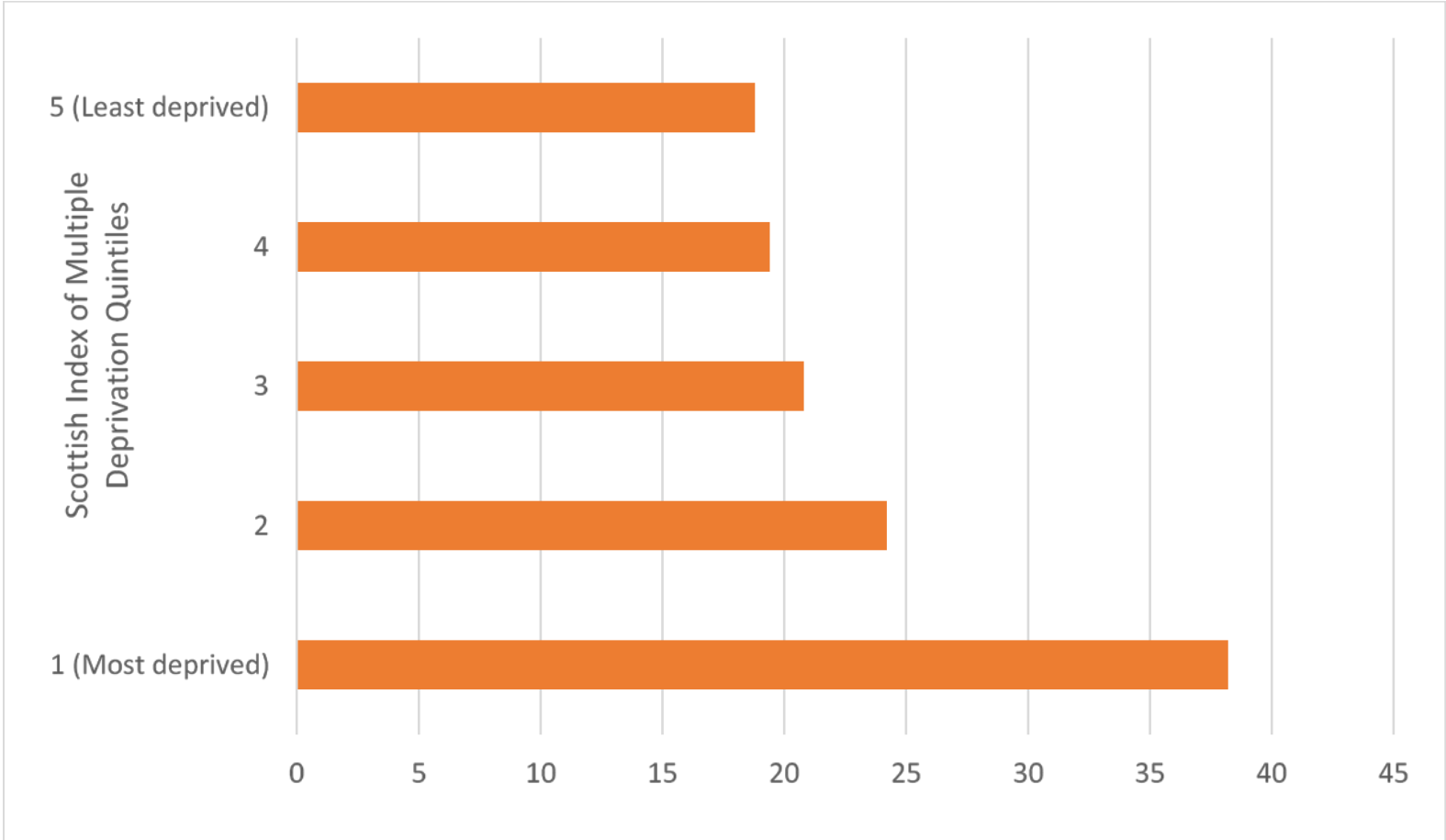
## Take home messages

- The 'shrinking client group' of young people in justice systems has been observed across Europe (despite architecture or ethos)
- The combined outcome of the displacement effect and the cultural dissonance effect is that the juvenile justice client group is smaller in scope but more intensively vulnerable and challenging - a concentration effect.
- Evidence suggests that those young people who remain in the system come from the most deprived and marginalised communities and have extremely complex needs (including challenging behaviours, extensive histories of trauma and abuse, and mental health issues)

# Children subject to Compulsory Supervision Orders as a % of those referred to the Children's Hearings System



# Rate of stop and search per 1000 12-17 year olds in Scottish Multimember Ward areas clustered by SIMD quintiles (2016)



# Inequality in the crime drop in Scotland

(aqmen.ac.uk)

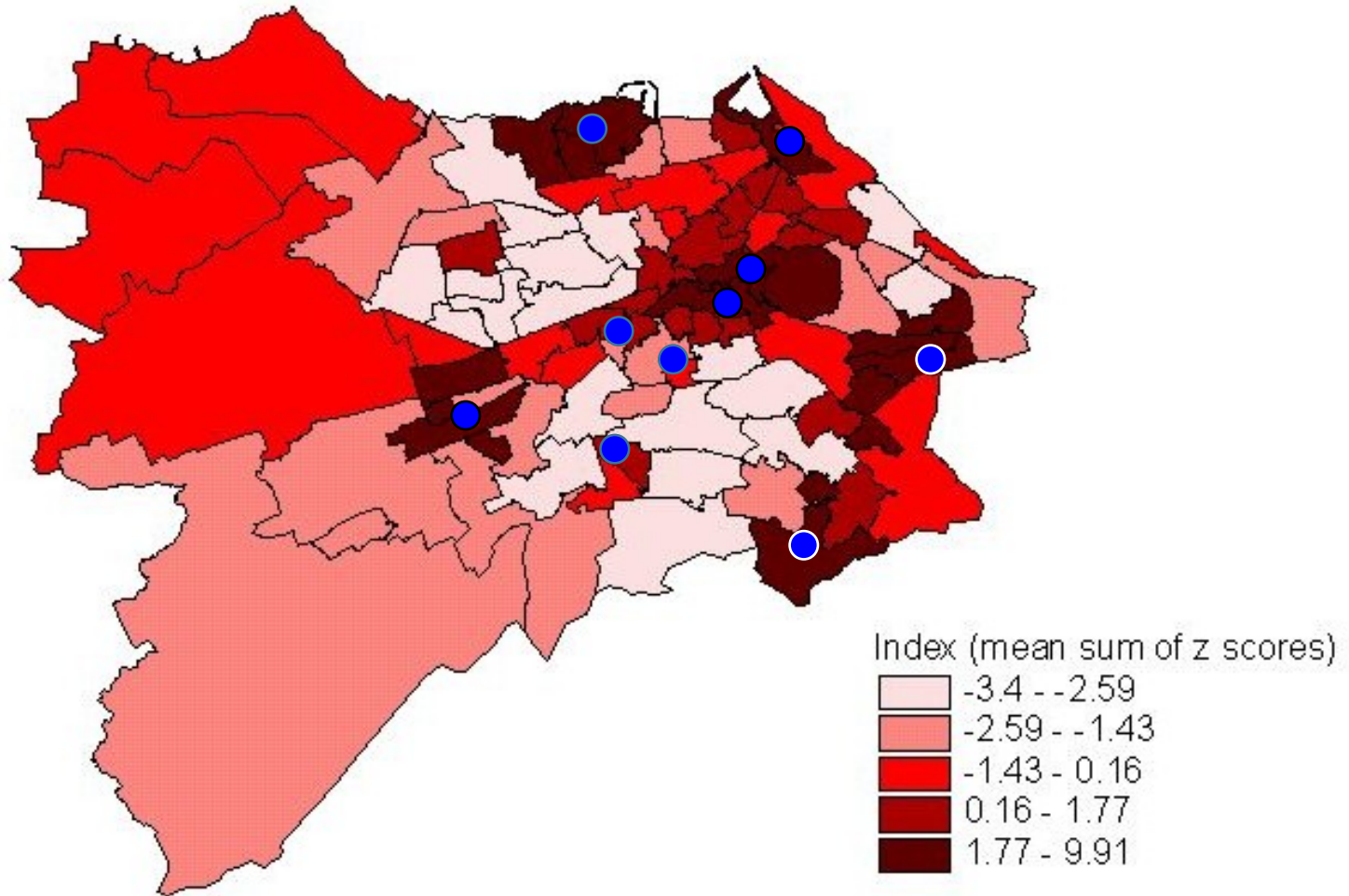
## Places

- There is significant variation in the extent of the crime drop at a local level - **some communities have benefited more than others** (Bannister et al 2017)
- In Greater Glasgow, high crime areas tended to remain high crime areas and low crime areas tended to remain low crime areas (very little change in 'ranking')
- Areas with a sustained crime drop over time experienced a greater reduction in crime 'stressors', e.g. lower social housing, less unemployment and fewer business properties

## People

- The overall risk of being victimised in Scotland has fallen, but **some people have benefited more than others** (McVie et al forthcoming)
- The risk of victimisation fell most for those who were already at least risk (one off victims of crime) but did not fall for frequent victims
- Victimisation remained highest amongst certain 'vulnerable' groups.

# Detention and poverty amongst young people (The Edinburgh Study)



Based on Census and criminal convictions data

# Drivers of the concentration effect

- The 'shrinking client group' of young people in the Scottish justice system reflects a concentration effect based on 3 main factors:
  - social deprivation (poverty)
  - complex needs (vulnerability)
  - repeated contact (visibility)
- 33% of young people in custody have care histories (see Broderick and Carnie 2015) compared to 1% of the general population of children (Scottish Government 2017).
- Scottish Prisons are now dealing with a smaller population but one with more complex needs, including challenging behaviours, extensive histories of trauma and abuse, and mental health issues (HMIP 2016).
- European data is limited; however, Estrada et al (2016) also pointed to a strong socio-economic concentration effect in the changing rates of conviction in their Swedish study.

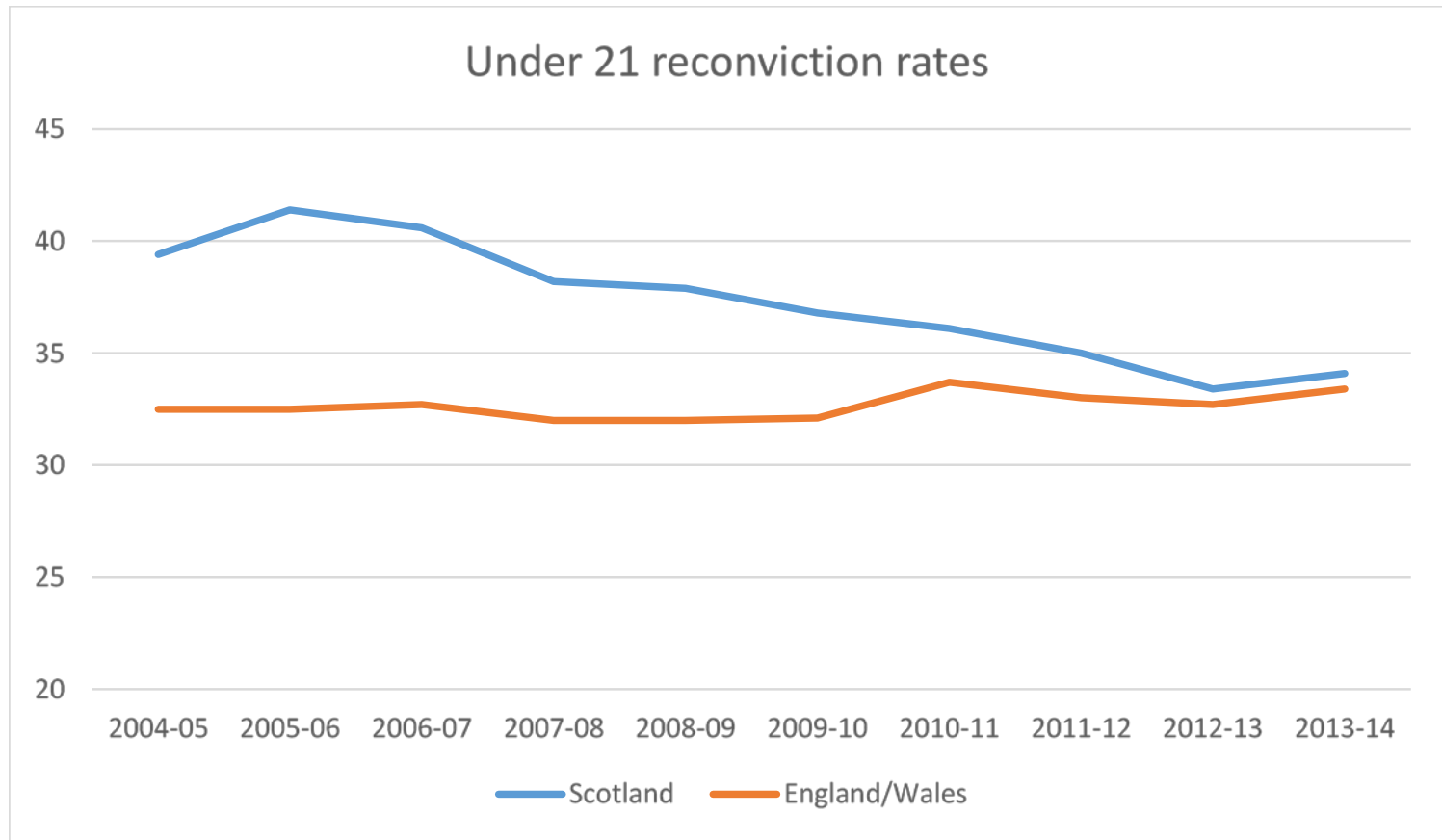
# The integrated diversionary effect

## Take home messages

- Justice systems which take a punitive approach to processing and sentencing offenders are less successful in reducing the risk of reconviction and more harmful to individual outcomes than those predicated on an integrated diversionary approach to offender management
- Without challenging the cultural dissonance effect and tackling the vulnerabilities associated with the concentration effect, there is a danger of continually recycling the most needy of the usual suspect population through the system
- The introduction of GIRFEC and the 'whole system approach' is associated with reduced reconviction rates for young people, but this can only be impactful in the longer term if it is integrated across the system and within a wider social justice policy framework



# Reconviction rates for under 21s in Scotland and England/Wales



# Youth Justice Coming of Age?

What should the ethos of a modern youth justice system be?

1. Agile, flexible and measured approach to social and technological change.
2. An integrated programme which is based on maximum diversion.
3. Holistic services to support inclusive growth and address poverty, inequality and vulnerability
4. A realistic age of criminal responsibility which takes account of both the consequences of offending and the normal process of development
5. Parsimony in system intervention where a focus on relationships is key to change
6. A wider paradigm of educational inclusion and economic opportunity  
– A SOCIAL JUSTICE PARADIGM FOR YOUTH JUSTICE