



Youth Justice
in a Populist Era
Recent Developments in England & Wales

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James Bulger



James Bulger

- # In 1993, two year old James Bulger was abducted and murdered by two truanting 10 year olds, John Venables and Robert Thompson.
 - # The case caused great media concern and generated political pressure to re-think the assumption that children are less responsible for their offences than adults
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New Labour



New Labour

- # The Bulger case paralleled the birth of 'New Labour' (NL)
- # It provided a forum in which NL could demonstrate that now the Labour party was 'tough on crime'
- # Shadow Home Secretary, Tony Blair attacked the Conservatives their *Law & Order* record
- # 1993-1997 NL and the Conservatives competed which each other to be toughest on crime
- # New Labour won the 1997 general election

Penal Populism

- # New Labour developed a youth justice policy they believed would appeal to 'Middle England', those people who had voted Conservative at the last election but were dissatisfied with the Conservative Party's record on Law & Order

Getting Tough

- # NL rejected welfarism

'...need to focus on deeds not needs.'

- # NL rejected progressive minimalism

'...early exposure to/involvement in a YJ system will prevent youth crime.'

- # Stigma becomes a deterrent strategy.
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The 1998 Crime and Disorder Act

- # New, younger, populations drawn into Youth Justice System by 1998 Act via pre-emptive civil measures targeting all children including those below the age of criminal responsibility (10) and parental inadequacy.
 - # Informalism is replaced by formal reprimands/final warnings/Anti-social Behaviour Ordrs/Child Curfews
 - # Diversion gives way to 2X community penalties 'and out',
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The 1998 Crime and Disorder Act

- # Semi-indeterminate custodial penalties introduced
 - # Age of incarceration lowered from 15 to 12 and in some cases 10.
 - # Number of 'imprisonable' offences for 10-17s increased
 - # Youth Court powers to remand 10-17s to security/custody extended
 - # 'Fast-tracking' for persistent young offenders introduced
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The Impact of the 1998 Act

1992-2002:

10-17s inside rose 90%.

10-14s rose 800%

10-17 girls rose 600%

'Black' or 'Black British' C&YP = 2.7% of 10-17s in E&W but:

6% of youth court disposals,

11% of custodial disposals

20% of long-term detention

The Impact of the 1998 Act

- # 1992-2002, custodial sentence for 15-17 year old boys increased from:
 - 5.6 months to 10.3 months for boys
 - 5.5 months to 7.1 months for girls
- # By 2003 C&YP incarceration in E&W was 4X France, 10 X Spain and 100 X Finland

The Impact of the 1998 Act



The Falling Youth Crime Rate

- # 1992-2004 -indictable offences committed by 10-18s fell from 143,600 to 112,900 (-21%)*
- # 1992-2004 15–17 Males, cautioned, reprimanded or warned for an indictable offence fell from 7,065 for every 100,000 of the population in that age group to 5,479 in 2004.*

**Data prepared by Nacro Youth Crime Unit, based on Self Report Studies/Victimisation Surveys and Home Office Criminal Statistics, March 2006*

The Falling Youth Crime rate

- # These falls pre-date the implementation of the New Youth Justice
 - # The falling crime rate is also occurring in many Western European states and in North America
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Criticism from UNCRC (2002)

- # the high and increasing numbers of children in custody generally, at earlier ages for lesser offences, and for longer sentences imposed by the recently increased court powers... [I]t is the concern of the Committee that deprivation of liberty is not being used only as a measure of last resort and for the shortest possible appropriate period of time, in violation of Article 37(b) of the [United Nations Convention on the Rights of the Child].
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Zahid Mubarak



Zahid Mubarak

- # ‘Zahid Mubarak was battered to death by his cellmate, Stewart , only hours before he was due to be released. He was serving a 90-day sentence for a minor £6 theft and interfering with an automobile.’
- # ‘The prison authority's responsibility for the terrible killing of a young Asian man is all too apparent, but this is only one side of the story. For Stewart is also a victim of official indifference and incompetence.’

The Times, 11 Nov. 2000

Current Problems in the Youth Justice System

- # ***The chaos of punishment:*** Poor drafting of the law means that low-level, early, offenders are drawn into the secure estate while more serious go to Intensive Supervision and Surveillance Programmes
 - # ***Institutional lawlessness:*** Feltham Young Offenders Institution (YOI), Portland YOI, Rainsbrook Secure Training Centre, Liverpool Jail, and others: murder, excessive restraint, staff/inmate violence a growing problem
 - # ***Racism*** is widespread.
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Current Problems in the Youth Justice System

- **Suicide and self-harm:** particularly in institutions for young women, reaches record levels. (*Jan. 1998-Jan. 2002 - 1,111 reported self-harm incidents in YOIs and 12 boys took their own lives*)
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Responses to Problems in the Youth Justice System

- # Concern in Whitehall at 'failure' of government's Youth Justice strategy.
 - # A Treasury freeze on prison building.
 - # Youth Justice Board (YJB) sets targets for decarceration and pumps money into 'prevention'
 - # Home Office focuses on reintegration/re-settlement of prolific offenders
 - # Home Office reluctantly, rediscovers 'diversion'
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