

Crime and Criminal Justice

Evaluation of the Airdrie and Hamilton Youth Court Pilots

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

Pilot Youth Courts were introduced at Hamilton Sheriff Court in June 2003 and at Airdrie Sheriff Court in June 2004. They are targeted at alleged offenders aged 16 and 17 (and appropriate 15 year olds) who are resident in areas of North and South Lanarkshire and are appearing summarily before the Sheriff Courts. Their main aims are to reduce the frequency and seriousness of offending through targeted and prompt disposals with judicial supervision and continuing social work involvement.

Main Findings

- Distinctive features of the Youth Courts 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 staff to support and service the court (Procurator Fiscal, clerk, social workers); and additional programmes for young offenders. The key strengths of the Youth Courts appeared to be the fast-tracking of young people and the availability of a wider range of services and resources, while the existence of dedicated staff appeared to facilitate communication and enhance operational effectiveness.
- By December 2004 there had been 611 cases involving 402 young people dealt with by Hamilton Youth Court and by December 2005 Airdrie Youth Court had dealt with 543 cases involving 341 young people. Most of those prosecuted in both courts were male, were 16 or 17 years of age and were prosecuted on a single occasion. The majority of young people (53% in Hamilton and 74% in Airdrie) had no previous convictions in an adult court.
- The most common disposals included deferred sentences, probation orders, community service orders and monetary penalties. In Airdrie, the use of community sentences increased following the introduction of the Youth Court then declined while the number of young people prosecuted summarily rose steeply. Less use was made of probation in Airdrie than in Hamilton.
- Targets for fast-tracking cases to and through the court were met in most cases. Professionals agreed that the Youth Court procedures were operating well in this respect. In comparison with Sheriff Summary cases, Youth Court cases were more likely to be resolved by a guilty plea and were concluded more quickly.
- Social workers believed that most young people given supervisory disposals were responding well and had reduced (or ceased) their offending. Reconviction rates were lower in Hamilton Youth Court than in comparator courts even though the former dealt with more heavily convicted young people.

Background

Pilot Youth Courts were introduced in Hamilton Sheriff Court in June 2003 and Airdrie Sheriff Court in June 2004. They are targeted on alleged offenders aged 16 and 17 year olds (and appropriate 15 year olds) who are resident in North and South Lanarkshire and are appearing summarily before Airdrie or Hamilton Sheriff Courts. Cases can be considered for the Youth Courts where the young person's contextual background and circumstances (including persistent offending) suggest that a referral would be appropriate to enhance community safety and reduce the risk of re-offending.

The objectives of the pilot Youth Courts 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.

Many of the procedures, agencies and personnel are similar in the two pilot courts. However there are some organisational differences between the two pilot sites, which reflect the size of the sheriff courts and anticipated volume of Youth Court cases. Target timescales for processing cases also take account of these factors.

Methods

A research team at the University of Stirling was commissioned to undertake a two-year evaluation of the Youth Court pilots. 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 Courts in operation.

Identifying cases for the Youth Courts

When marking cases for possible prosecution in the Youth Court, Procurators Fiscal considered whether cases met agreed criteria with respect to persistency of offending and contextual circumstances, though in Airdrie the persistency criterion was not formally applied. Procedures for identifying potential Youth Court cases were said to be operating smoothly as a result of good working relationships between the agencies concerned.

Most youth cases reported by the police to the Procurator Fiscal were not marked for prosecution. Prosecution in both Youth Courts was most likely if a pattern of persistent offending was established and other contextual factors suggested that such a course of action would be appropriate.

During the period covered by the evaluation, the Hamilton Youth Court had dealt with 611 cases involving 402 young people while 533 cases featuring 335 young people had been dealt with in the Youth Court in Airdrie. Most of those prosecuted in both courts were male, were 16 or 17 years of age and were prosecuted on a single occasion.

Most young people (74%) had first come into contact with the criminal justice system at least two years before their first Youth Court appearance. Just over a third of young people sentenced in Hamilton (35%) and 43% of those in Airdrie had had at least one

previous referral to the Reporter on offence grounds. However, only 47 per cent of young people in Hamilton and even fewer of those in Airdrie (26%) had previously been convicted in an adult court.

Most young people who appeared in the Youth Courts for whom the relevant data were available lived with a parent and many were reported to have had difficulties at school. Two-fifths of young people subject to Social Enquiry Reports (SERs) and sentenced in Hamilton were unemployed. Many of these young people acknowledged their offending to be alcohol related or, less often, related to the misuse of drugs. The charges most commonly prosecuted in the Youth Courts included breaches of the peace, petty assault, carrying offensive weapons and possession of drugs.

Operation of the Youth Courts

In their broad operation the Youth Courts proceeded as any other summary adult court. Overall they were tightly run with a heavy volume of cases being heard in Airdrie. Just under one half of the cases in Hamilton and just over half of those in Airdrie were resolved prior to the setting of a trial diet, with only 10 per cent of cases in Hamilton and 9 per cent of cases in Airdrie proceeding to an evidence-led trial. A relatively high incidence of guilty pleas at first calling in Airdrie may have been brought about by a number of procedures that are distinctive to the Youth Court. However there was no evidence that the Youth Court differed markedly from the Sheriff Summary Court in this respect.

The proportion of cases appearing on citation was higher than expected in both courts. Following their appearance in court most accused were granted bail or ordained to appear. Sheriffs in Hamilton occasionally made use of electronic monitoring as a condition of bail but Airdrie Sheriffs preferred police monitored curfews.

A comparison of cases processed by the Youth Court and by the Sheriff Summary Court in Airdrie showed that the mean 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. 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.

Youth Court disposals

Sheriffs in Hamilton were content with the quality of social work reports to the Youth Court. The perceived quality of certain SERs in Airdrie 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.

The sentences most commonly passed in the Youth Court were probation orders, community service orders, monetary penalties and detention. Hamilton made more use of probation orders than Airdrie while Airdrie made greater use than Hamilton of monetary penalties and community service orders. The relatively high use of probation in Hamilton and the infrequency of probation as a final disposal in Airdrie was particularly striking and reflects their historic usage in these courts.

The Youth Courts have available to them a range of additional resources and services that are intended to meet the assessed needs of young people made subject to supervisory orders. Services were provided by youth justice workers, by non-statutory agencies and by other local authority staff. However, Sheriffs and some other professionals in Airdrie 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 observed that some young people dealt with in the Airdrie Youth Court in particular did not have an established pattern of offending and they were wary of offering services to young people that they did not consider to be required.

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, despite them often having lengthy waits in court, the contribution of social workers was not usually sought. Reviews, which were conducted formally, 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

The existence of dedicated staff across agencies and the forum provided by the Implementation Group were believed by professionals to have facilitated the efficient operation of the Youth Court pilot, though in Airdrie some believed that the Implementation Group should focus more on strategic analysis and there was no direct line of communication between it and front-line social work staff.

In practice, the Youth Courts 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 (such as the perceived lack of clarity regarding the criteria) and the impact on other court business were highlighted.

Impact of the Youth Courts

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. There was a sharp rise in cases dealt with in Airdrie following the introduction of the Youth Court. This may be due to cases being prosecution that previously attracted an alternative, however the increase in District Court cases in 2005 could also suggest a wider trend of increased prosecutions in Airdrie. In Hamilton there was no overall change in the proportionate use of different disposals following the introduction of the Youth Court, suggesting that the greater use of community sentences and detention in the Youth Court compared with the Sheriff Summary Court reflected the characteristics of the young people concerned.

In terms of crime reduction at the aggregate level, changes in the recording of crimes in 2004 make it very difficult to interpret any changes in recorded crime levels in Hamilton, Airdrie and in comparison areas. At the individual level, only a limited analysis of reconviction data was possible in view of the timeframe for the evaluation. While the Airdrie data were too incomplete for meaningful interpretation, 6 and 12 month reconviction rates among those sentenced in Hamilton Youth Court were encouraging, particularly given the prior criminal histories of this sample.

There was little change in community attitudes towards youth crime over the period of the Hamilton 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.

Most professionals were cautiously optimistic that the Youth Courts would be effective in reducing re-offending, at least with some young people who appeared before them. 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. The Youth Courts had available to them a wider range of services and resources than had previously been available to young people made subject to supervision by the courts. 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.

Only a limited analysis of the costs and cost savings associated with the Youth Courts was possible in light of the available data. The costs of operating the Youth Courts were offset to a limited extent by savings in criminal justice costs. Although the costs of orders made in the Youth Court were higher than the costs of standard probation orders, this reflects the additional supports and services made available through the Youth Courts. These costs could be offset to a significant extent if the Youth Courts prove effective in preventing crime.

Conclusions

The Hamilton and Airdrie Sheriff Youth Court pilots have, as far as can be assessed, been successful in meeting the objectives set for them by the Youth Court Feasibility Group. Both are tightly run courts that – particularly in Airdrie - deal with a heavy volume of business. 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 Courts 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. 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 Groups to identify and address operational issues on an ongoing basis.

Whether Youth Courts are required or whether procedural improvements are 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 Courts should be more explicitly youth focused and what this might entail. Second, greater clarity is required regarding for whom the Youth Courts are intended. This suggests the need for further discussion of Youth Court targeting and its potential consequences among the various agencies concerned.

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
St Andrews 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 and Hamilton Youth Court Pilots", the report which is summarised in this Research Findings, please send a cheque for £5.00 made payable to Blackwell's Bookshop and addressed to:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
Telephone orders and enquiries
0131 622 8283 or
0131 622 8258
Fax orders
0131 662 8258
Email orders
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 womens issues. The site also allows access to information about the Scottish Household Survey.

ISBN 0-7559-6081-5

