

# The Story of Youth Justice in Scotland



**November, 2017**

# The story

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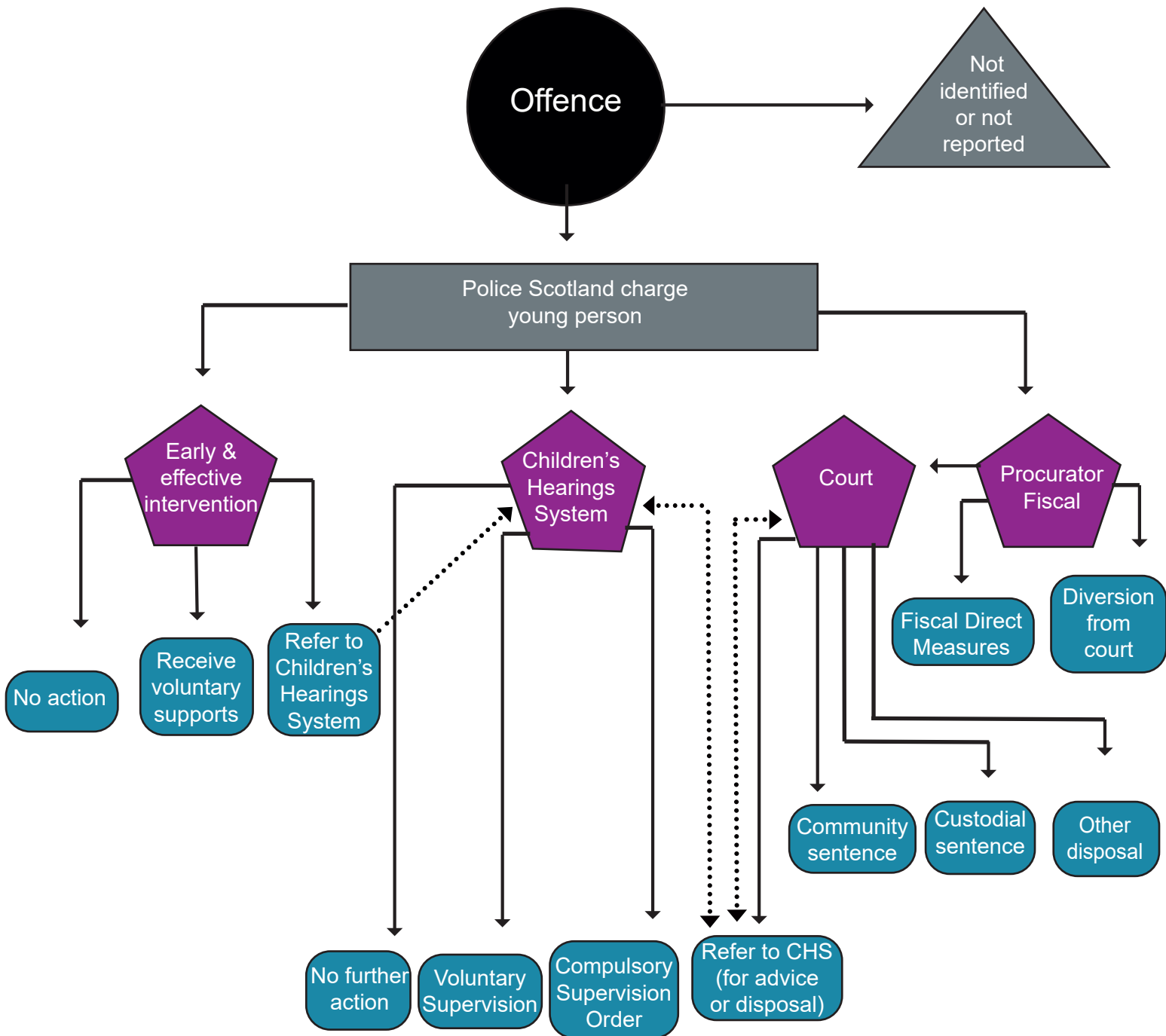
## Introduction

We all live and work in communities that are affected by crime. Understanding youth justice and youth crime patterns is therefore important to everyone. Our survey of communities and young people in 2015 found that many people misunderstand youth crime trends, but also that many people desired to have access to accurate and useful information about youth crime, especially in their local area.

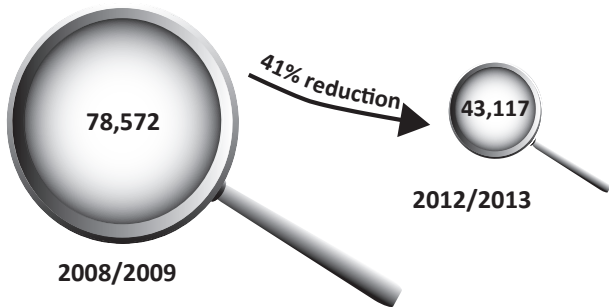
This paper draws together the current key published national statistics into one place. The Centre for Youth & Criminal Justice will be working with our partners and consulting with stakeholders to continue to bring you the most up to date statistics available.

# The youth justice process

The current process of youth justice in Scotland, following the commission of an offence, is depicted below. For more information about the different sentencing and service options throughout the system please visit [The Young Person's Journey](#) – an online interactive resource.

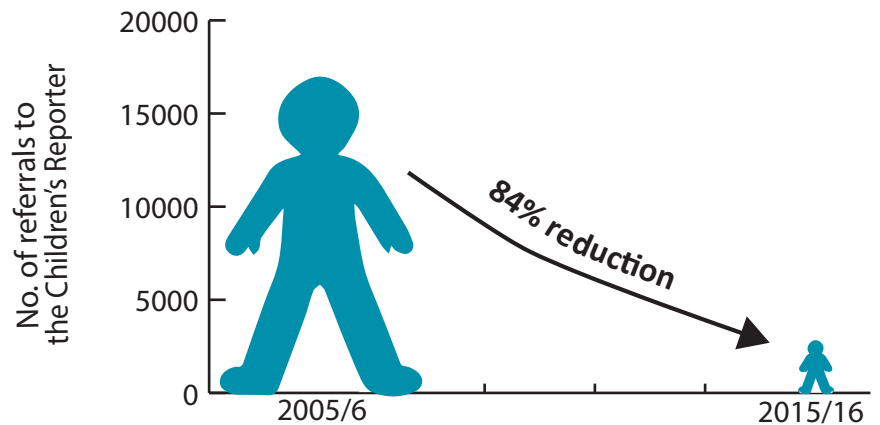


# What do we know about youth crime in Scotland?



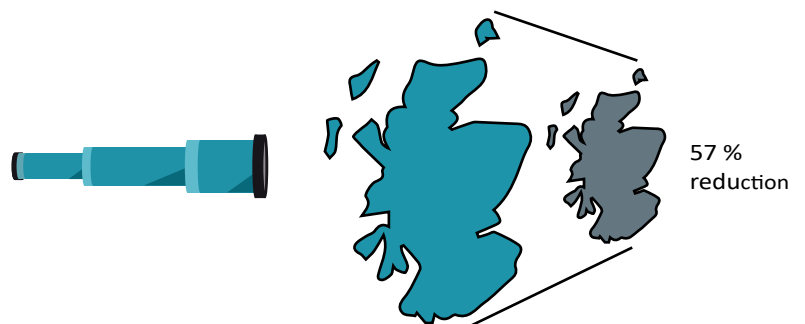
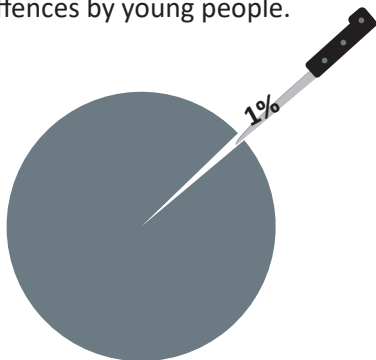
The number of detected crimes and offences by young people aged 8-17 has fallen.

The number of young people referred to the Children's Reporter on offence grounds has reduced from a peak of 17,361 to 2,761.



Youth crime is mostly petty or minor, such as breach of the peace, petty assault or underage drinking. However, we also know that even minor crimes can cause problems or fear in communities.

Crimes of violence only made up 1% of all crimes and offences by young people.



Detected crimes of violence by young people aged 8-17 have fallen from 1,233 in 2008/2009 to 533 in 2012/2013, a 57% reduction.

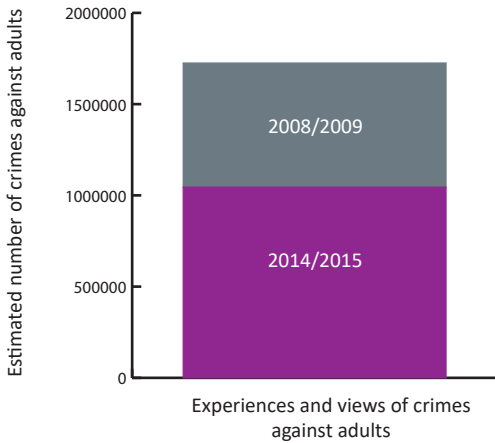
We also know that the vast majority of young people do not get involved in offending to any great extent.

Police Scotland data indicates that 23,726 young people aged 8-17 committed an offence in 2012/2013. This is only 4% of the population aged 8-17, meaning that 96% of young people had not committed an offence using this measure.

However, the Edinburgh Study of Youth Transitions, which has followed a cohort of around 4,300 young people since 1998, reports that 95% of young people admit to having ever committed one or more behaviours considered in the study. We can view involvement in minor offending (stealing from a parent's purse, or dodging a train fare for example) as part of a normal developmental pattern as young people experiment with risk, push boundaries and ultimately learn to take responsibility for their behaviour.

# The experience of crime

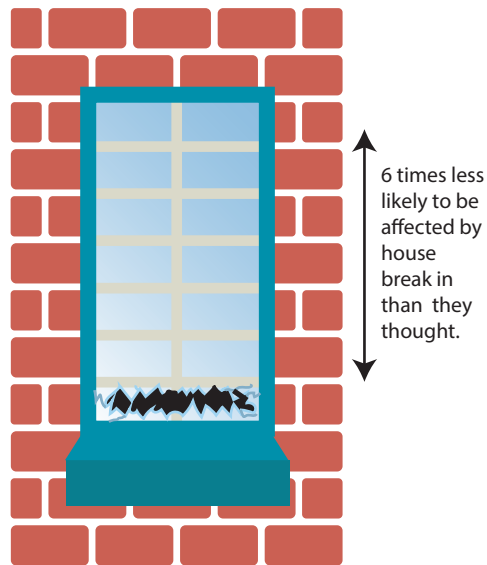
Perceptions and experiences of crime may differ from official statistics. If you have been a victim of crime, the fact that youth crime is falling may not resonate with your personal experience of crime. Crime is also not evenly dispersed throughout the country and those communities affected by higher crime rates may not feel that the statistics reflect their daily lives. Sadly, not everyone believes that the justice system is effective or is on their side, and some people may not report crime for these, or other reasons.



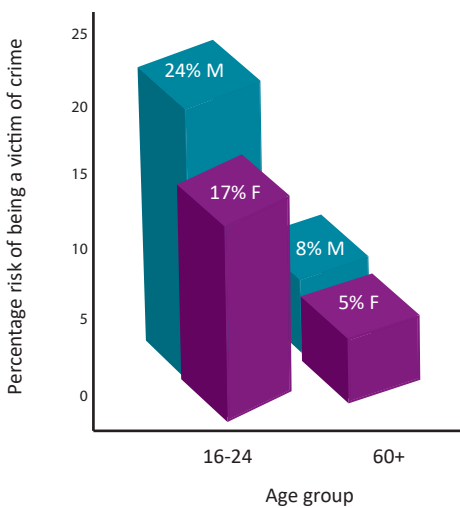
The Scottish Crime and Justice Survey interviews 11,500 adults (aged 16 or over) about their experiences and views of crime. In 2014/2015 the survey estimated that there were 688,000 crimes against adults, falling 34% from 2008/2009 when it was estimated to be 1,045,000.

Just under two-thirds (414,000) of these estimated crimes can be compared with police recorded crimes. In 2014/15, the police recorded 133,170 crimes and offences in the comparable subset, which highlights the discrepancy between actual and recorded crime.

Respondents were more likely to think that they would be a victim of crime than they actually were. For example, six times as many adults thought that they were likely to have their home broken into than actually did have their home broken into (7% compared with the actual risk of housebreaking of 1.2%).



The risk of being a victim of crime was higher for adults living in the 15% most deprived areas in Scotland (21%), compared to those living in the rest of Scotland (13%).



The risk of being a victim was highest among young people in the survey: One fifth (20%) of 16 to 24 year olds were at risk of being a victim of crime, compared with a 7% risk for those 60 or over.

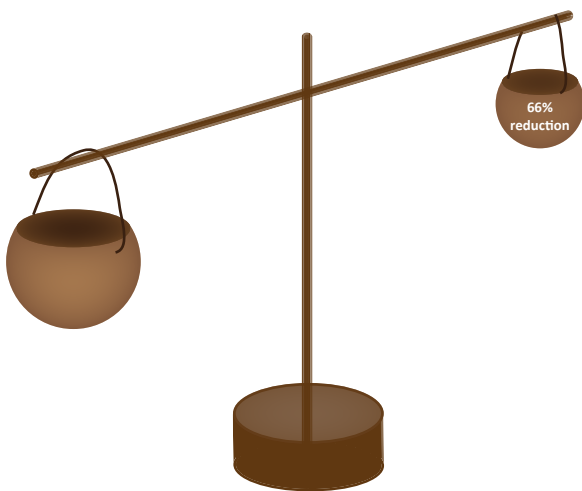
Males were more at risk of crime than females, and this was most noticeable among the 16-24 age group, where 24% of males were at risk of crime, compared to 17% of females.



# Smarter youth justice or system issues?

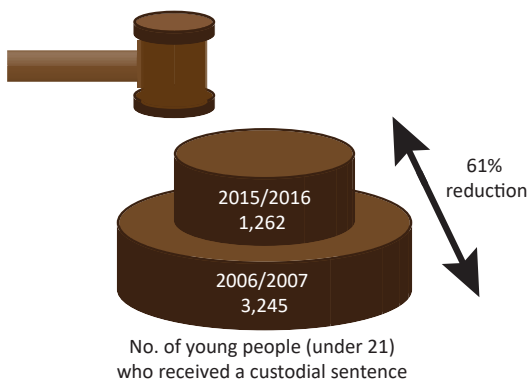
Statistics from the youth justice system, such as court statistics and prison statistics, also reflect the overall falls in youth crime. However, how youth justice policymakers and practitioners respond to youth crime can also affect the youth crime statistics. For example, if Police Scotland decide to focus on improving detection rates for a particular type of crime in an area, then crime rates may appear to rise when in fact it is the reporting and detection of these crimes that has changed. Certainly key youth justice policy developments in Scotland, such as the Whole System Approach, aim to divert young people from formal systems such as the Children's Hearings System or Court at the earliest possible stage, as we know that criminalising people at a young age can make youth offending worse. While this is undoubtedly the right approach, these factors mean it is not always easy to uncover the true picture of youth crime in Scotland as information is often only collected when a young person has formal contact with the system.

There has been a 66% reduction in the number of under 21s with a charge against them proven in court, from 28,903 in 2007/2008 to 9,779 in 2015/2016.



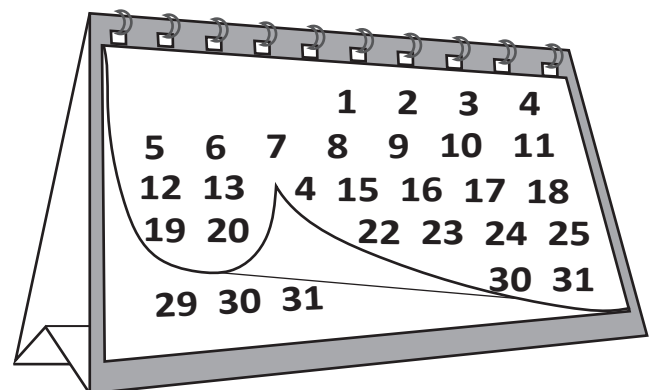
The number of young people aged under 18 who are convicted in a Court has fallen. In 2006/2007 66 young people aged 16 and 17 per 1,000 of the population had a charge proven in court, this has fallen to 15 per 1,000 of the population in 2015/2016.

The number of young people (aged under 21) who received a custodial sentence (to a Young Offenders Institution) has fallen:



However, the way the system responds not only diverts young people, but in some situations can criminalise young people or can cause young people to be drawn more deeply into the youth justice system.

Some young people get remanded to custody pending trial but do not go on to receive a custodial sentence for their offences. Other young people are released on bail pending a court appearance, and if they breach the terms of this Bail order (returning home late, or reoffending for example) may end up receiving a custodial sentence, even if their original offences were not serious enough to warrant such a sentence. We do not have current statistics on the number of young people that this affects, but we know that custody should only be used for those young people who present the most serious risk of harm, as the outcomes from custody are not always positive.

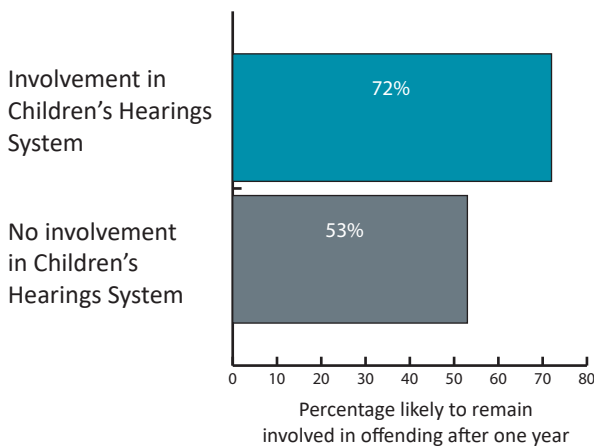


Of all people released from custody, 43% will be reconvicted within one-year and the rates among young people aged under 21 are even higher.

# What do we know about young people involved in offending?

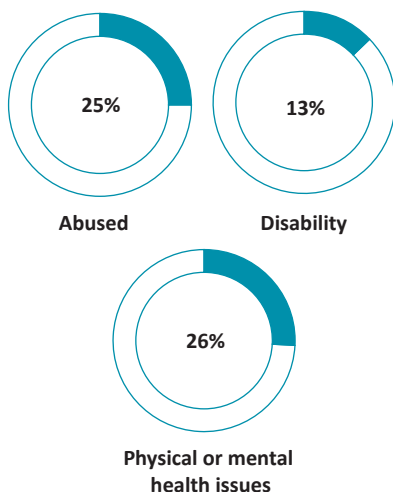
Why might the system want to respond in a way that diverts young people instead of criminalising them? This is because the evidence suggests that this is the best way to reduce crime.

The Edinburgh Study of Youth Transitions found that the majority of young people grew out of a pattern of offending behaviour, usually in their mid-to-late teenage years. However, those young people who were drawn in to the formality of the Children's Hearings System were significantly more likely to still be involved in offending after a year than a group of peers who were matched on a range of characteristics such as involvement in serious offending.

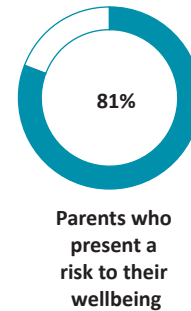


We also know that young people who remain involved in offending are some of the most vulnerable young people in Scotland. It is therefore only right that we seek to address their welfare needs, and contact with the justice system should be avoided wherever possible.

Research by the Scottish Children's Reporters Administration explored the backgrounds of young people aged under 12 who were referred to the Children's Reporter on offence grounds. The study found the following percentages in a sample of 100 young people:

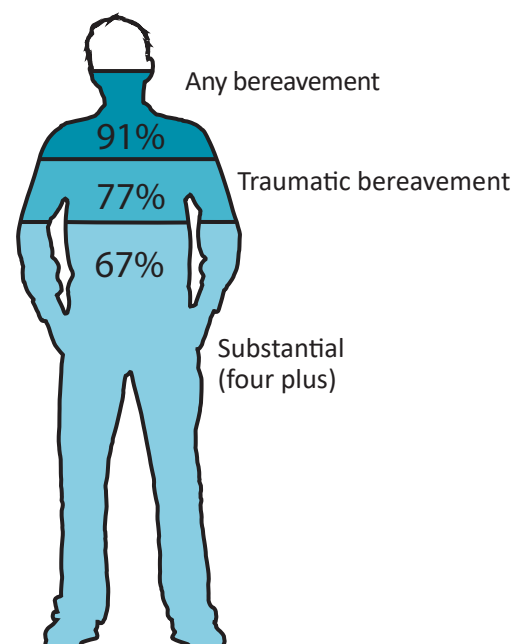


For those young people whose offending was part of a pattern of behaviour (not a one-off), 81% had parents who presented a risk to their health or well-being.

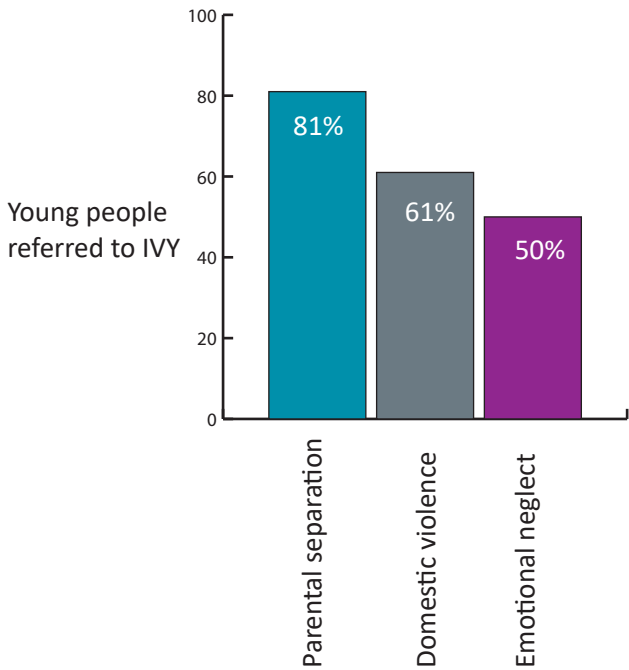


The adversity that young people involved in offending experience during childhood becomes more evident when considering those young people who are involved in more serious offending.

A study of young men in a Young Offenders Institution found that 91% had experienced at least one bereavement by the age of 20, and that most had experienced multiple and traumatic bereavements.



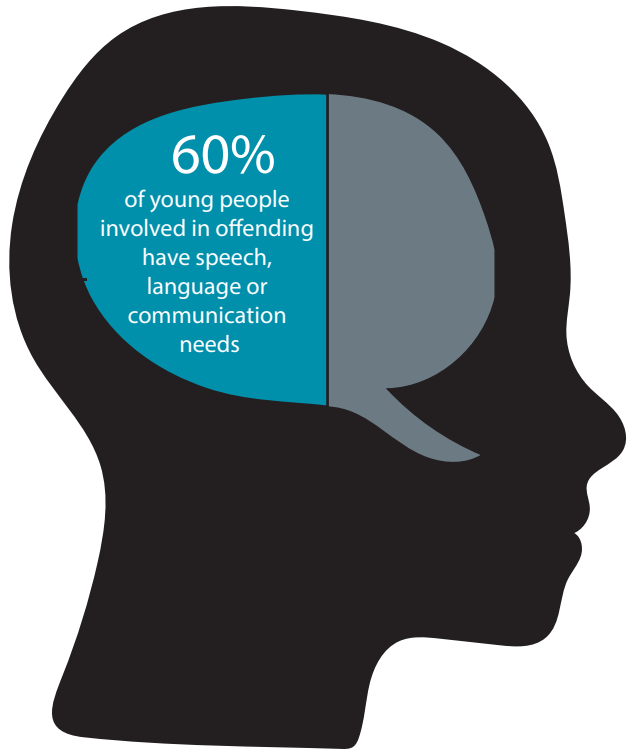
Young people referred to the national clinic for young people at a high risk to others (IVY) had experienced much higher rates of adversity than the general population, including:



The Edinburgh Study of Youth Transitions and Crime found that young males who had been the victim of crime, adult harassment or had experienced family turbulence were significantly more likely to be involved in violence at age 15 than their peers who had not experienced these things.

Having something meaningful to do is a crucial factor in young adults' desistance from crime. However, many young people involved in offending have not had positive school experiences. Young people who have been in custody also often face additional challenges that need to be overcome before they are ready for employment. And all young people with a criminal record, even those only dealt with via the Children's Hearings System, carry forward convictions with them into adulthood which may harm their employment prospects.

Data from Skills Development Scotland indicates that 41.2% of school leavers with an offending background progress to a positive destination compared to the national rate of 86.5%.



This affects their ability to engage with school or youth justice interventions, and it raises questions about whether justice is always done and whether young people can always understand what is happening when they come into contact with the justice system. However, speech, language and communication needs often go undiagnosed and even if it is, there are limited supports available for young people in contact with the justice system with speech, language and communication needs.

School exclusion by age 12 increased the odds of imprisonment by age 22 by a factor of four and was the strongest predictor of transitioning from the Children's Hearings System to the adult Criminal Justice System.

This is not to minimise the impact of youth offending on victims of crime. However, if victims, society and professionals wish to reduce the likelihood of a young person offending again, then these important factors should be borne in mind when considering the most appropriate way to respond to a young person.



## What are the limits to what we know and understand about youth crime?

- Police data on youth offending is only available up until 2012/13 when the Police Forces merged into one Police Scotland. At the moment data and reporting issues mean that more up-to-date information on youth offending is not available.
- Police data on youth offending only captures recorded and detected offences. There are good reasons for this, as if an offence is not recorded then the Police do not know it took place, and if it is not detected the Police will not necessarily know the age of the offender in order to classify it as 'youth crime' or not. However, this does mean that the data will not reflect the true extent and nature of crime in Scotland.
- Offence referrals to the Children's Reporter will not only reflect the youth crime level, but also what early intervention and diversionary systems are in place. In some circumstances Police Scotland can refer a young person to multi-agency Early and Effective Intervention (EEI) procedures that will discuss the young person's offence and needs and can make a decision about what interventions or supports might be needed, without having to make an official referral to the Children's Reporter. Consistent data on young people referred to EEI is not currently available.
- Young people aged under 16 are not represented in the Scottish Crime and Justice Survey and so the estimates only reflect crime committed against those aged 17 and over. We know that young people are disproportionately likely to be victims of crime, and so they are a substantial missing element to the survey.
- The Scottish Crime and Justice Survey does not ask about crimes where there is no specific victim i.e. speeding, and is therefore focused on property and violent crime.
- The Scottish Crime and Justice Survey estimates are about all crime, not about youth crime specifically.
- The Criminal Proceedings information only reflects information about crimes that have been proceeded against in Court. Many crimes and offences will not get as far as Court, because they are not reported, or because there is insufficient evidence to proceed, or because it is not in the public interest to prosecute.

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