

Crime and Criminal Justice Research Programme

Evaluation of the Hamilton Sheriff Youth Court Pilot 2003-2005

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A pilot Youth Court was introduced at Hamilton Sheriff Court in June 2003. It targeted alleged offenders aged 16 and 17 who were resident in areas of North or South Lanarkshire; had three separate incidents of offending resulting in a criminal charge in the previous six months or whose contextual background suggested a referral to the Youth Court would reduce the risk of re-offending and promote community safety; and were appearing summarily before Hamilton Sheriff Court. The main aim of the Youth Court was 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 included: 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 to service the Implementation Group and co-ordinate practice across agencies; dedicated Youth Court staff to support and service the court (fiscal, clerk, social workers); and additional programmes for young offenders.
- By December 2004 there had been 611 referrals to the Youth Court involving 402 young people. Most of those referred were male (91%) and were 16 or 17 years of age (76%). They included both first offenders and those with a history of previous offending.
- The most common primary disposals in the Youth Court were deferred sentences, Probation Orders and monetary penalties.
- Targets for fast-tracking cases to and through the court were met in most cases. More generally, there was 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.
- Findings from 6-month reconviction data suggest lower reconviction rates in the Youth Court than in comparator courts. There was also some evidence that fewer people in the local communities considered youth crime to be a problem.
- The research found that 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.

Background

A pilot Youth Court was introduced in Hamilton Sheriff Court in June 2003. It targeted alleged offenders aged 16 and 17 years (and appropriate 15 year olds) who: were resident in parts of North or South Lanarkshire; had three separate incidents of alleged offending in the previous six months resulting in a criminal charge (persistence criteria); and were appearing summarily before Hamilton Sheriff Court. There was also flexibility for cases to be considered where the young person's contextual background and circumstances suggested that a referral would be appropriate to enhance community safety and reduce the risk of re-offending (contextual criteria).

The objectives of the pilot Youth Court were 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 experience 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 from 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 action.

Referral to the Youth Court

Potential Youth Court cases were identified in the first instance by the police prior to being sifted by the Youth Court Procurators Fiscal. Cases were most likely to be marked for prosecution in the Youth Court if they fulfilled both the persistence and contextual criteria.

By December 2004 there had been 611 referrals to the Youth Court involving 402 young people. Most of those referred were male (91%) and were 16 or 17 years of age (76%). They included both first offenders and those with a history of previous offending. Many young people were recorded as having previous referrals to the Children's Hearing System. Young people who were interviewed attributed much of their offending to alcohol or, less often, drugs. Most referrals involved public order offences or dishonesty.

Operation of the Youth Court

Guilty pleas were usually entered by young people referred to the Youth Court on first appearance and at intermediate diets. Only 10 per cent of cases proceeded to an evidence-led trial. Professionals were strongly of the view that the proportion of cases going to trial had reduced markedly since the Youth Court was introduced. They attributed this to fast-tracking, the early disclosure of the Fiscal's case to the defence, the rolling up of cases by the prosecution and the availability of legal aid.

Electronic monitoring on bail as an alternative to a custodial remand was available to the Youth Court. Although it was viewed by sheriffs as a useful additional option, relatively little use was made of it.

A key objective of the Youth Court was to fast-track procedures by ensuring that trial dates were set no more than 40 days after the first calling of the case in court. This target was achieved in 95 per cent of cases. Overall, Youth Court cases took an average of 34 days to resolve. 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 and was regarded as something to be aspired to in all summary court business.

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. However the operation of the Youth Court was believed by some to have impacted upon the ability to schedule other court business, especially as caseloads had increased.

Youth Court disposals

The most common primary disposals in the Youth Court were deferred sentences, Probation Orders and monetary penalties. Other penalties imposed included Community Service Orders, Restriction of Liberty Orders (RLO) and

detention. Probation Orders were often combined with other disposals (such as RLOs) or had additional conditions (such as unpaid work) attached. Available data suggested that just under a third of those given Probation Orders in the Youth Court had been returned to court for a breach.

A range of additional services and resources had been put in place for young people made subject to supervision through the Youth Court. Such service provision focused on offending behaviour, employment, education or training, alcohol, drugs and family support. Interviewees identified that important gaps in provision included bail accommodation and mental health services, and that greater use could also be made of victim-focused reparation.

Sheriffs undertook reviews of Orders made in the Youth Court on a periodic basis. Sheriffs and other professionals regarded these as useful for encouraging compliance and recognising progress, although observation of such reviews revealed that dialogue tended to be brief and one-sided. Social worker input to observed reviews was relatively infrequent, though social workers often spent lengthy times at court waiting for their client's review to be heard.

Young people who were interviewed did not perceive the Youth Court as a 'soft option'. They were aware that they could be detained if they failed to comply with the community-based disposals imposed and regarded the Youth Court as having more 'teeth' than the Children's Hearings System. Most regarded reviews as helpful in sustaining motivation and compliance with their Orders.

Impact of the Youth Court

From 2002 to 2004, there was an increase in recorded levels of less serious crimes and offences both in Hamilton and in two comparison court areas. There was, however, a larger reduction in crimes of dishonesty in Hamilton than in the comparison areas. It should be noted that changes in recording practices over this period demand caution when interpreting these findings.

Indicative findings from 6-month reconviction rates among young people sentenced in the Youth Court compared

favourably with the comparator courts, especially given that the Youth Court specifically targets 'persistent' offenders whose reconviction rate might have been expected to be higher. However the number of cases available for analysis was very low and a more detailed analysis of reconviction should be undertaken once sufficient cases have been processed by the Youth Court and a sufficient follow-up period has elapsed.

There was little change in community attitudes towards youth crime over the period of the 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 two years and fewer thought that there was a problem with youth crime.

Professionals were cautiously optimistic that the Youth Court would be effective in reducing re-offending, at least with some of the young people who appeared before it. Social workers who were interviewed had the opinion that most interventions undertaken with young people would be effective to some extent, though they also believed that many young people were likely to re-offend. Young people who were interviewed were generally positive about the supervision and services they had received through the Youth Court.

Conclusions

The impact of the Youth Court on offending among young people referred to it will take longer to establish. However, the Youth Court procedures were operating effectively and initial indications with respect to its impact on youth crime are encouraging. The strengths of the Youth Court approach include the fast-tracking of young people into the court system and the availability of additional age-appropriate resources. The smooth operation of the Youth Court and the meeting of timescales was made possible by the level and quality of communication and liaison between different professional groups. There was a broad consensus that the Youth Court represented an improvement over previous arrangements for dealing with youth crime and that Youth Courts should be rolled out more widely.

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