

Chapter 25

Case Study Theme 5: Youth and Justice – United Kingdom

Box 25.1 SDG 16 Peace, Justice and Strong Institutions

Targets: 16.6 Develop effective, accountable and transparent institutions at all levels; 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels; 16.10 Ensure public access to information and protect fundamental freedoms

SDG 10: Reduce inequality within and among countries

Target: 10.2 mentions social and political inclusion

Main sector: Justice

Issue: Lack of restorative justice for young people

Strategy: Youth courts

25.1 Introduction

The following case study looks at youth-friendly service delivery for young people in the justice sector. The primary SDG it is linked to is Goal 16: Peace, Justice and Strong Institutions, which includes rule of law and justice for all.

25.2 Justice for young people through youth courts

If we are to achieve justice for all, particularly justice for youth in our case, how do we establish mechanisms within the justice system, or outside it, which take a youth-centric approach to resolving issues of youth crime? The approach of youth courts outlined here can significantly increase the likelihood of youth-inclusive and youth-friendly approaches to justice processes.

Young people make up a considerable proportion of those that come in contact with the justice system. In the year ended March 2016, the police carried out a total of 896,200 arrests in England and Wales, of which 88,600 were of people aged 10 to 17 years, 10

per cent of the total; this is the same as the proportion of young people in England and Wales in the general population that are of offending age (that is, those aged 10 years or older).¹

Youth-centric analysis of crime: The rationale for youth courts has been a careful assessment of the root causes of youth crime, including lack of social connectedness, poor intergenerational relations and poverty. Its youth-to-youth resolution mechanisms are also based on evidence of young people's resistance to adult authority and natural allegiance and respect for peers, particularly given the non-youth-centric, hierarchical nature of policing and legal systems.

As Mark Walsh, a police constable who supported the institutionalisation of youth courts in the UK, puts it:

To a youth, the officious criminal justice system which often focuses on procedures rather than restorative outcomes can produce lack of understanding, uncomfortable surroundings and can make things difficult for the young person to be able to relate to the people they are dealing with. This can make the opportunity to learn from mistakes and rehabilitation so much harder, often resulting in non-compliance and further offending. This is something which is acknowledged by professionals as the 'revolving door' of the criminal justice system.²

What are youth courts? Youth courts are a part of restorative justice systems that focus on rehabilitation and reconciliation, rather than traditional systems of punishment and incarceration. They often form an integral part of state justice systems: they need not be outside the system and may rather be adjunct to it. There are many models for youth courts. Overall, they present an alternative to the traditional justice system – one in which young people are heard and questioned, and the consequences of their actions, are judged by other young people. In most youth courts, members of the public are not allowed into the hearing, and young people are addressed by their first names to make the atmosphere friendly, informal and non-threatening.

The youth court is considered a crime-prevention mechanism that bonds young people to their communities and friends, and encourages reflection and regret for their actions; here young people feel respected by those listening to them. In addition, the youth court helps young people who perform the role of judges

to understand how government and the justice system works or should work.

Youth work in the justice system: There are explicit and implicit references to the role of youth work in this context, in developing young people's sense of belonging in their communities and developing structured activities that give them a sense of purpose in the long term to avoid their entry into crime in the first place. Solutions include providing greater support to families (young people often engage in gang activity and drug selling to generate income to feed their families and pay bills) and support education systems, which often bear the brunt of youth crime.

What difference does it make? The UK government commissioned a seven-year study into restorative justice, which showed 27 per cent fewer crimes were committed by people who had experienced restorative justice approaches. Eighty-five per cent of victims and 80 per cent of people defined as offenders stated they were either 'very' or 'quite' satisfied with the process. For every 1 pound sterling (£) that was spent on restorative justice, £9 worth of savings were delivered to the criminal justice system in England and Wales.³ While similar benefits of restorative justice processes may exist in other Commonwealth member countries, more scientific research needs to be conducted to assess these.

Young people's own assessment of their experiences in youth courts are testament to their success.

Young offenders from the Time Dollar Youth Courts in Washington, DC, say⁴:

I ain't got no father, so I could say youth court is like my father.

I have 250 hours of community service on my resume because of this youth court process. That has been really helpful for College or getting a job ... we are not bad people, we just make poor choices.

A young offender in the youth court system says:

Why I like youth courts is because it gives you a second chance, maybe you make a mistake, you regret what you did, you get a second chance ...

25.3 Implications: what enablers/disablers influenced the process?

Considering the Enablers Matrix in Chapter 4, the societal, structural, institutional and impact factors set out in Table 25.1 influenced the initiative for youth courts.

Governments and the youth sector, or other stakeholders wishing to build youth court/youth restorative justice programmes into their justice systems, would benefit from:

- working with the youth sector and groups working with young offenders in designing youth court/restorative justice processes;
- training justice sector staff and police on restorative justice and youth court processes, with a specific focus on youth development and youth engagement;
- from the outset, setting in place meaningful monitoring and evaluation mechanisms to evaluate and disseminate the outcomes of restorative justice/youth court programmes.

Table 25.1 Youth and justice case studies: analysis of enablers and disablers

Enablers/disablers	Elaboration
Societal	<ul style="list-style-type: none"> • Young offenders being seen in the same light as adult offenders
Structural – macro	<ul style="list-style-type: none"> • State commitments to financing youth courts
Structural – meso	<ul style="list-style-type: none"> • Youth-specific commitments in resource allocation for youth courts, restorative justice and rehabilitation programmes
Organisational – structures	<ul style="list-style-type: none"> • Building staff capacity for, and implementing, youth-centric analysis of crime • Staff and youth training on juvenile and general justice systems, court proceedings and working with young people • Enhancing justice sector staff knowledge of youth work approaches in youth justice
Organisational – process	<ul style="list-style-type: none"> • Youth-centred approaches to redressing youth offending cases, with youth participatory structures
Impact	<ul style="list-style-type: none"> • Lowering incarceration of youth, with a greater focus on rehabilitation programmes • Decreased recidivism • Young people build trust in society and the state • Enhanced institutional trust built between young people, the court system, the police etc.

Notes

- 1 Ministry of Justice, UK 2017.
- 2 Walsh 2014, 8.
- 3 Prison Reform Trust 2013, quoted in Walsh 2014, 8.
- 4 TimeBanksUSA 2009.

References

- Ministry of Justice, UK (2017), 'Youth justice statistics 2015/16, England and Wales', *Statistics Bulletin*, London, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585897/youth-justice-statistics-2015-2016.pdf
- TimeBanksUSA (2009), *TimeDollar Youth Court: Thoughts from Participants* [Online Video], 3 September 2009, available at: <https://www.youtube.com/watch?v=bIL1Ch9OET0>
- Walsh, M (2014), *Restorative Justice for Youth, Administered by Youth*, Winston Churchill Memorial Trust, available at http://www.wcmt.org.uk/sites/default/files/migrated-reports/1194_1.pdf

