

***Crime and Justice  
Working Group***

***Opening Comments***

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# The Aims of Youth Justice?

*“Arguably all youth justice systems (in developed countries) are required to fulfil two potentially competing objectives:*

- (i) Firstly to help troubled young people to change, develop and overcome their problems – to provide a turning point in their lives; and*
- (ii) Secondly to deliver a firm, prompt and appropriate response to youth offending – a response which offers the best means of protecting the public when necessary.”*

*(McAra, 2010: 288)*

# Aims

- **To identify both context-specific issues and universal themes.**
- **To reflect on the nature of childhood, adolescence and the condition of youth.**
- **To reflect on the nature of children and young people's offending.**
- **To consider the impact on young people of their contact with the formal criminal justice system.**

# The Nature of Childhood and Adolescence / Youth

- ❑ Children and young people: developing intellectual, social and emotional competencies.
- ❑ Young people are reliant upon adults to meet their material, social and emotional needs.
- ❑ Young people possess agency, but generally have less influence than older people over the circumstances within which they exercise choice.
- ❑ Youth Transitions: protracted and, in many cases, fractured.

# Human Rights Framework

- ❑ **A Framework of Human Rights (UNCRC, 1989; Beijing Rules, 1985; Riyadh Guidelines, 1990; etc. ): Social Rights + Entitlements; and Participation Rights.**
- ❑ **Child first, offender second?**

# The Best Interests of the Child -

## 1

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

UNCRC (1989), Article 3. Para. 1, 1989

# The Best Interests of the Child - 2

“Although young people should be held responsible for their delinquent acts, all sanctions and interventions should be focused on their rehabilitation and reintegration in society and meet the specific needs which impede their growing up into responsible citizens.”

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(European Society of Criminology)

# The Nature of Youth Offending

- ❑ 'Crime' is socially constructed.
- ❑ Rule-breaking, boundary-testing and challenging behaviour/offending are not uncommon.
- ❑ Most youth offending is relatively minor.
- ❑ Most offending is short-lived and transient.
- ❑ Youth Transitions: given the right opportunities and support, most young people 'grow out' of crime.



# Characteristics of Children in Conflict with the Law

- ❑ Age
- ❑ Gender
- ❑ Ethnicities/Social Identities
- ❑ Public Care Background
- ❑ Risk Factors: the Social Gradient and the influence of neighbourhood

# **Youth Transitions and the Criminal Justice System**

- ❑ Persistent serious offending is associated with victimisation, acute vulnerability and social adversity**
- ❑ Early identification of 'at-risk' children is not an exact science and runs the risk of labelling and stigmatising young people.**
- ❑ Pathways into/out of offending are facilitated or impeded by 'critical moments' and 'key decisions at critical points'.**
- ❑ Diversionary strategies facilitate the desistance process.**

**(McAra & McVie, 2010)**

# **Risk Assessment: Criminal Justice System**

- Contact with the formal criminal justice system: narrows future opportunities (in some cases leading to social exclusion), reinforces 'offender identity', increases risk of further offending.**
- Custody: All of the above + weakens family and community ties, corrodes self-responsibility, contamination risks, places young people at risk (physical abuse, impact on mental health, etc.)**
- CJS not necessarily the best vehicle for delivering welfare.**

# **Diversion to What?**

- ❑ Screening?**
- ❑ Domain Integrity Management?**
- ❑ Diversion to mainstream and/or specialist services?**
- ❑ Can a 'shadow youth justice system' be avoided?**
- ❑ How do we reconnect the disconnected?**
- ❑ How are problematic behaviours addressed?**

# **Youth Justice and Other Services / Systems**

- Youth Justice services cannot be considered in isolation from other services.**
- Prevention and/or delinquency management ?**
- Transition to Adult Domain: systems, services and agencies**

# References

McAra, L (2010) 'Models of Youth Justice' in DJ Smith (ed.) *A New Response to Youth Crime*, Cullompton: Willan, pp. 287-317

McAra & McVie, S (2010) 'Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime', *Criminology and Criminal Justice*, 10 (2), pp. 179-204

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