

## Crime and Criminal Justice Research Programme

# The Hamilton Sheriff Youth Court Pilot: The First Six Months

Gill Mclvor, Alison Brown, Susan Eley, Margaret Malloch, Cathy Murray, Laura Piacentini and Reece Walters

A pilot Youth Court was introduced at Hamilton Sheriff Court in June 2003. It is targeted on alleged offenders aged 16 and 17 who are resident in North or South Lanarkshire, have had three separate incidents of offending resulting in a criminal charge in the previous six months and are appearing summarily before Hamilton Sheriff Court. The main aim of the Youth Court is 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 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 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.
- Between June and December 2003, a total of 147 referrals involving 120 young people were made to the Youth Court. Deferred sentence was passed in 35 cases, 7 were found not guilty/had a plea of not guilty accepted and 65 young people were sentenced, receiving one or more disposals: probation order (38); fine (17); restriction of liberty order (16); community service order (12); custodial sentence (1).
- Electronic monitoring on bail was welcomed by sheriffs as an alternative to a custodial remand, but was not used extensively.
- Respondents perceived the multi-agency approach to be working well, with the Youth Court Implementation Group providing a useful forum for identifying and addressing operational issues.
- Issues arising in the early stages included: referral criteria being used differently by different agencies; some ambiguity in criteria relating to 'persistent offending' and 'seriousness'; and lack of clarity about certain aspects of the review process.
- One of the main strengths of the Youth Court was perceived to be its fast-track procedures assisted by factors such as: a high proportion of pleas in the early stages; rolling up of charges under one complaint which encourages plea-bargaining and fewer trials; trials being assigned more quickly; and fewer motions for adjournments.

## Background

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

The objectives of the pilot Youth Court 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.

## Methods

A research team at the University of Stirling was commissioned to undertake a two-year evaluation of the Youth Court pilot. This report evaluates the operation of the Youth Court during the first six months to identify any changes that might be required to enhance its operation.

The research methods included: interviews with sheriffs and representatives of key agencies associated with the Youth Court; scrutiny of documents and statistics; analysis of case data; and observation of the Youth Court in action.

## Referral to the Youth Court

The objectives of the Youth Court appeared to be shared across the professional groups involved (sheriffs, Fiscals, defence agents, police, court clerks, Reporters and social workers). Youth Court procedures and processes in relation to referral appeared to be working effectively, particularly the fast-track process which ensured that young people were dealt with in the Youth Court in a timely manner.

Overall, there appeared to be agreement that the criteria for referral was appropriate although several respondents indicated that in some circumstances it might be appropriate to consider young people on solemn procedure who might benefit from the range and intensity of services available to the Youth Court.

Concerns were raised that the criteria were being used differently by different agencies. In particular, the issue of contextual background and circumstances could be interpreted in different ways. While there was a recognition amongst agencies that flexibility and the use of discretion were important, it was noted that there was some ambiguity in relation to criteria on 'persistent offending' (alleged offending - not convictions) which were in need of clarification.

Procedures for dealing with 15 year olds were viewed as appropriate and the communication between the Procurator Fiscal and Reporter was considered to be constructive and effective. The general view shared across all professional groups was that 15 year olds should only be referred in exceptional circumstances (only one case had been prosecuted).

Despite concerns about the risk of 'net-widening', there was little evidence that the Youth Court was drawing in young people who would not otherwise have appeared in the sheriff court summarily.

Between June and December 2003, a total of 147 referrals involving 120 young people were made to the Youth Court. The majority of referrals were male (95%) and most were aged 16 (31%) or 17 (51%).

The procedures state that young people should make their first appearance in court within 10 days (exceptionally 14) from the date of the charge. It was perceived that the fast-tracking of referrals was working effectively. In just under two thirds of cases (64%) the young person appeared from custody, 30 per cent appeared on an undertaking and six per cent appeared on citation.

## Sentencing in the Youth Court

Procedures and practices relating to sentencing appeared to operate relatively well at this stage in the operation of the Youth Court. Legal Aid arrangements were viewed as straightforward. There was a general perception that fast-track procedures were effective, assisted by a range of factors including: a high proportion of pleas in the early stages; the rolling up of charges under one complaint which encourages plea-bargaining and consequently fewer trials; trials being assigned more quickly; and fewer motions for adjournments.

Social enquiry reports were viewed positively and the assessment and detail of information provided was considered to make an important contribution to the court process. The availability of additional resources was welcomed and a range of interventions could be accessed to meet the needs of young people.

Between June and December 2003, a total of 65 individuals were sentenced in the Youth Court, with deferred sentences being passed in a further 35 cases and seven young people being found not guilty or having a plea of not guilty accepted. Thirty-eight young people were made subject to probation orders, thirteen of which included a restriction of liberty order (RLO) with electronic monitoring. RLOs were imposed in three other cases. Curfews were most often imposed overnight, with some tailoring to accommodate young people's circumstances. A community service order was imposed on 12 young people and one was given a custodial sentence

The opportunity to include electronically monitored curfews as a condition of bail was welcomed by sheriffs, though the provision had not been used extensively. It was seen as useful in ensuring that the relevant authorities were aware of the location of the accused while they awaited their next court appearance and in addressing community concerns about young people involved in offending and 'nuisance behaviour'.

Youth Court sheriffs can determine whether there should be regular review hearings to provide judicial oversight of the young offender's response to some community supervision orders. Review hearings elicited a mixed response from respondents in terms of procedures. Issues such as confidentiality and dealing with sensitive material in open court had been acknowledged as matters for concern and steps were being taken to address these. However, respondents considered that review hearings encouraged young people to be accountable for their behaviour and provided a motivating factor for changing behaviour.

## Services available

A number of services were already in place or were being developed to support young people (and their families) and to reduce the risk of offending and/or re-offending. Youth Court professionals were generally satisfied with the range of resources available. Restorative justice was viewed as a particularly positive area of development, but concerns were expressed about the lack of supported accommodation and mental health services for young people.

Resources were viewed as sufficient in relation to the number of young people being processed through the Youth Court, indeed it was suggested that the expected number of young persistent offenders had been over-estimated.

## Multi-agency approach

The multi-agency approach of the Youth Court was working well. The Youth Court Implementation Group provided a useful forum for identifying and addressing operational issues.

Effective systems had been established for inter-agency communication and the role of the co-ordinator was viewed as important in responding to any difficulties that arose between agencies.

## Conclusions

Overall, respondents considered that the early phase of the pilot was working effectively, in particular:

- clarity among agencies as regards their respective roles
- establishment of effective protocols for multi-agency working
- fast-tracking of cases to and through the court
- a reduction in the number of trials and adjournments
- provision of additional personnel assigned to the Youth Court
- provision of a wide range of community programmes for young offenders.

The final phase of the evaluation will examine the influence of the Youth Court on sentencing practice, its impact on reducing re-offending and promoting social inclusion, and cost-effectiveness.

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