

KEY FACTS

- **There were 3,012 children under 18 in custody in April 2008, of whom 37 were under 14 years old.**
- **In 2007 there were 1,007 incidents of self-harm in young offender institutions and 78 imprisoned children received hospital treatment for the damage done by restraint, assault or self-harm in one year.**
- **By April 2008 48 children in custody were serving indeterminate sentences.**
- **More children are imprisoned for breach than for burglary.**
- **A quarter of under 17s in custody have literacy and numeracy levels of an average seven year old.**
- **30% of children in custody have been in the care of their local authority.**
- **93,730 children entered the youth justice system for the first time in the year 2006-7.**
- **Three quarters of all under 18 year olds released from custody are re-convicted within a year.**

KEY FINDINGS FROM OUR SMARTJUSTICE PUBLIC OPINION SURVEY

- **Only one in ten people think prison turns young offenders into law abiding citizens.**
- **Two in three of over 1000 polled think prisons are 'universities of crime'.**
- **Two in three think they are not effective in reducing young people's offending.**
- **Three in four back mental health care and eight out of ten drug/alcohol treatment.**
- **Nearly all (nine out of ten) want better support of young people by parents and more constructive activities to stop young people getting into trouble.**
- **Children in the UK can be imprisoned from the age of ten, but 85% of those polled think children this young should not be sent to jail for non-violent crimes.**

Introduction

The number of children sentenced to custody in England and Wales more than tripled between 1991 and 2006. We lock up more under 18 year olds proportionally than any other country in Western Europe.

In 2007 the Prison Reform Trust (PRT) launched a new programme to reduce child and youth imprisonment, with the support of The Diana, Princess of Wales Memorial Fund. The first phase of the programme is focussing on reducing the number of under 18s in custody in England and Wales. The use of detention should be reserved only for those under 18 who have committed serious, violent crimes and who pose a real physical threat to their community. Other young offenders should receive community sentences or be treated in a therapeutic setting. We are concerned at the over use of custody because:

- ▶ Locking up children is harsh and ineffective compared with other ways of dealing with offending. Children in custody are deprived of their liberty and of frequent contact with family and friends, and many suffer mental health problems as a result.
- ▶ The incarceration of children wastes money. Nearly two thirds of the Youth Justice Board (YJB) budget is spent on 3% of children in the criminal justice system (YJB Annual Workload Data 2006/7, YJB Annual Report and Accounts 2006/07).
- ▶ Prison for children makes them worse. 73% of those incarcerated are re-convicted within a year of leaving custody (Moj Re-offending of juveniles: new measures of re-offending 2000-2005).

The Prison Reform Trust (PRT) commissioned a SmartJustice survey from ICM on public attitudes to young offenders. The results revealed that most people believe that imprisonment is an ineffective punishment for young people who commit non-violent crimes. Since then PRT has engaged in extensive consultation to generate ideas and evidence for this twelve point plan to reduce child custody. To inform the plan PRT has also convened expert round table discussions on three drivers of child custody: being in local authority care, remand and breach.

Twelve ways to reduce the number of children in custody

- 1. Reduce the number of children remanded in custody.** One sixth of children who are imprisoned are held on remand. Most are awaiting trial, rather than sentence, and many are either acquitted or given a community sentence when they get to court. Children are often remanded into custody because a suitable bail package is not available. Young black people are more likely to be refused bail than their white peers. We need to reduce the number of children on remand through combating discrimination, better bail supervision, supported housing, speedier justice and convincing sentencers of the suitability and safety of bail options.
- 2. Transfer the child detention budget to local authorities.** When a child serves a community sentence the youth offending team (YOT) uses its budget to pay for this. As soon as a child is sentenced to custody, central government (via the YJB) pays. If local authorities held the detention purse strings, they would be more likely to fund ways to divert vulnerable children away from the criminal justice system, to invest in effective alternatives and ensure that courts had confidence in them. They could also invest more in prevention – in improving educational outcomes, in promoting health interventions and in providing safe accommodation for vulnerable children.
- 3. Set higher hurdles before imposing custodial sentences on non-violent offenders.** At least a third of children are locked up for non-violent crimes which would be better dealt with by community sentences. In 2006, 286 children (15-17) were imprisoned for motoring offences, 192 for drug offences, 26 for fraud and forgery and two for drunkenness (Offender Management Caseload Statistics 2006 Supplementary table 7.14). Legislation should be amended such that children can only be sentenced to custody if the offence committed caused serious physical or psychological harm to others or if the child poses a demonstrable and serious risk of harm to the public. When a child receives a detention and training order, provisions now available under the Offender Management Act should be used to detain the child in a secure, but not a penal, environment.

4. **Punish technical breaches of community orders or tagging without locking children up.** In March 2007 12% of those in child custody were imprisoned for breach (breach of bail conditions, conditional discharge or statutory order being cited as only offence, YJB unpublished figures). Liam McManus, the fifteen year old boy who committed suicide in custody in November 2007, was in prison for six weeks for breach of his licence conditions. Teenagers frequently lead chaotic lives which cause them to miss appointments. Introduce a graduated response to breach and a rewards and incentives scheme for compliance. Ensure legislation and guidance allows for full YOT discretion in punishing breach.
5. **Expand intensive fostering as an alternative to custody and remove the financial barriers to its use.** Intensive fostering, based on a successful model practised in Oregon USA, is being piloted in three areas in England and early results are promising. Foster carers are given specialised training and they work intensively with the young person and their family to change behaviour. Intensive fostering, which is backed by all the major UK children's charities, should be made available to all sentencers as a viable alternative to custody and promoted to them. In order to make this successful, the funding issues need to be resolved. Local authorities are unlikely to deliver any alternative to custody unless they receive additional funding.
6. **Ban sentencers from using imprisonment for those under 14.** In April 2008 37 children under 14 were locked up in England and Wales. We are the only country in western Europe habitually to imprison children under the age of 14. Children and young teenagers do commit serious crimes but custody is inappropriate for this age group and will do enduring harm. Wrongdoing by those under 14 should be addressed in the community or, in the case of those children who need protecting from themselves and the public, within a secure welfare or health setting. The age of criminal responsibility at ten years is too low and should be aligned at least with the European norm of 14.
7. **Require YOTS and secure establishments to screen, divert and obtain an appropriate referral for those with serious mental health problems and/or learning difficulties or disabilities** so that they do not go to, or stay in, custody. A quarter of children and young people in contact with the youth justice system have learning disabilities (Improving Health, Supporting Justice from Department of Health p 17) and one third has a major mental health need (ibid p 16). The children's secure estate is not suitable for children with serious vulnerability. If such problems were screened and referred at an early stage, children would then receive the care and support they need in the community or in healthcare settings. As it stands this does not happen. Even where children are assessed as having a mental health/emotional need, an appropriate referral is not made in a third of cases (Joint Inspection of Youth Offending Teams Annual Report 2006/7).
8. **Get local authorities to prevent so many looked-after children ending up in custody.** Over 70% of young offenders have a history of being in care or social services involvement (Youth Justice Board, Accommodation needs and experiences, 2007). There is evidence that the wrong doing of looked-after children is often processed through the criminal justice system when it could be dealt with in a care setting using restorative justice techniques. Ensure all authorities set up protocols with police and residential home staff. Local authorities also need to analyse why looked-after children are involved in serious offending and address the gaps in their care.
9. **Address justice by geography** by reducing big variations in the use of custody across different geographical areas. Newcastle has a rate of custody of 1.6% while that of Manchester is 7.3%. A research study commissioned by the YJB confirmed that some magistrates and judges will sentence to custody whereas others will use a community sentence for a similar offence. Child custody numbers would be reduced if the highest custody areas brought their practice into line with the average. Enhance training of all sentencers, ensure that viable community penalties exist and encourage high custody areas to analyse their decision making and review options to reduce custody rates.
10. **Ensure all child custodial sentences over two years are reviewed** by sentencers and the YOT team after a quarter of the original sentence has been served. If the sentence has been served without extraordinary incident, the sentencers should release the child at that point under supervision of the YOT for the same period as has been served. Thus if a child was sentenced to 4 years in custody, their sentence would automatically be reviewed after one year. They would be likely to be released under licence at this point to serve the second year under the supervision of the YOT. At the end of the second year the sentence would be reviewed again and be discharged unless the child had been reconvicted.

- 11. Prevent more young people entering the criminal justice system.** Between 1996 and 2006 the number of under 18s sentenced in court increased by 20%. In the year 2006-7 there were 93,730 first time entrants to the youth justice system. Once a child has been criminalised they are more likely to commit further crimes. More children should be diverted before being charged or appearing in court. This involves allowing the Police and the Crown Prosecution Service discretion to deal with incidents informally and to use restorative justice techniques. An examination of past trends suggests that in periods when more young people are diverted from court, proportionately fewer are sent to custody.
- 12. Motivate young people to change and engage families as a source of support.** The family is a potential source of help for teenagers in trouble with the law and those at risk of offending, as well as a possible source of difficulty. Mechanisms need to be found to involve the whole family in addressing offending behaviour. Family Group Conferencing (FGC), for example, is used in the child welfare system in the UK to engage the whole family to address child safeguarding issues. It can also be used to address children's troubled or troublesome behaviour in the justice system. Families engaged through FGCs can be supported by interventions such as multi systemic therapy, family intervention projects, parenting programmes, home-based support from YOT officers and a Sure Start-like scheme for teenagers. It is important to respect and build on the capacity of young people to change their lives for the better and provide the help they need to do so.

Public support for reducing child and youth imprisonment

Many cite public opinion as a major barrier to the reduction of child and youth imprisonment. The popular media frequently gives the impression that people want young people to be punished harshly for their crimes. But research we have commissioned suggests that the public do not believe prison works to cut youth crime. In December 2007 ICM conducted a SmartJustice poll with a representative sample of over a thousand adults across the UK. They were asked for their views on the treatment of young people who commit non-violent offences. An analysis of the full results is published for the first time in this briefing.

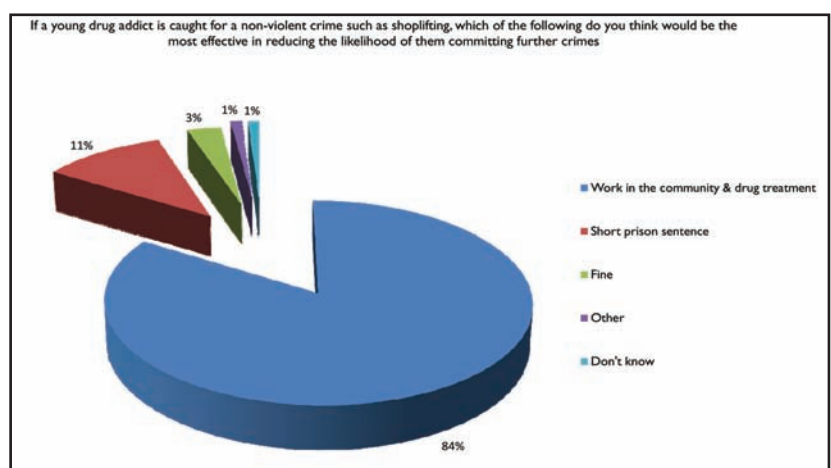
Survey and Key Points

1) If a young drug addict is caught for a non-violent crime such as shoplifting, which of the following do you think would be the most effective in reducing the likelihood of them committing further crimes:

- **Compulsory work in the community along with drug treatment (84% support)**
- **Sentenced to a short prison term (11%)**
- **A fine to be paid within the next 28 days (3%)**
- **Other (1%)**
- **Nothing – no punishment should be imposed (1%).**

The overwhelming majority, over eight out of ten (84%) thought that *compulsory work along with drug rehabilitation treatment* would be effective. Just one in ten (11%) thought that prison would work to cut non-violent crime.

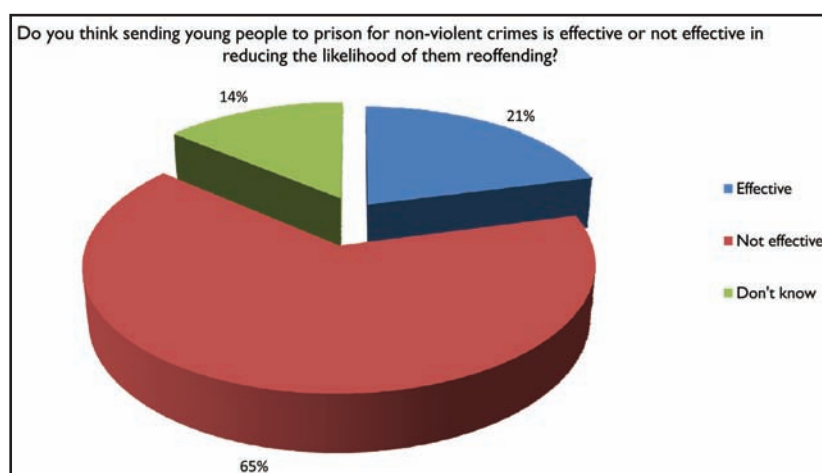
Women are more likely (89%) to support *compulsory work along with drug rehabilitation treatment* than men (78%). Challenging the view that older people are more punitive, very strong support for this was found in the 65+ group (91%), and the 55-64 group (81%). 65+ age group also showed very little support for prison (6%).



High support for *compulsory work along with drug rehabilitation treatment* was also found in Wales (90%) and the east Midlands (89%), with less than average in Yorks and Humber (79%) and the south-east (80%).

This clearly demonstrates that the public do not think that prison is effective in dealing with young drug-addicted offenders. Compulsory work means that an offender can pay back to society for the damage they have caused, rather than sitting in a prison cell for most of the day. In addition, drug rehabilitation can tackle the causes of the crime. For every £1 spent on drug treatment £3 is saved by the criminal justice system.¹

2) Do you think sending young people to prison for non-violent crimes is effective or not effective in reducing the likelihood of them re-offending? (65% think not effective)



2 in 3 (65%) said prison was not likely to reduce offending.

There was a particularly strong belief that *sending young people to prison for non-violent crimes is not effective* in the 65+ age group (73%). There was lower support amongst the youngest age group of 18-25 years (56%).

Women were more likely to think that prison would not be effective (69%) than men (60%).

Almost three in four (74%) Scottish respondents did not think that prison would be effective as did 69% of those in north-east England. Those in Yorks & Humber were the least likely to think that prison would be effective (31%).

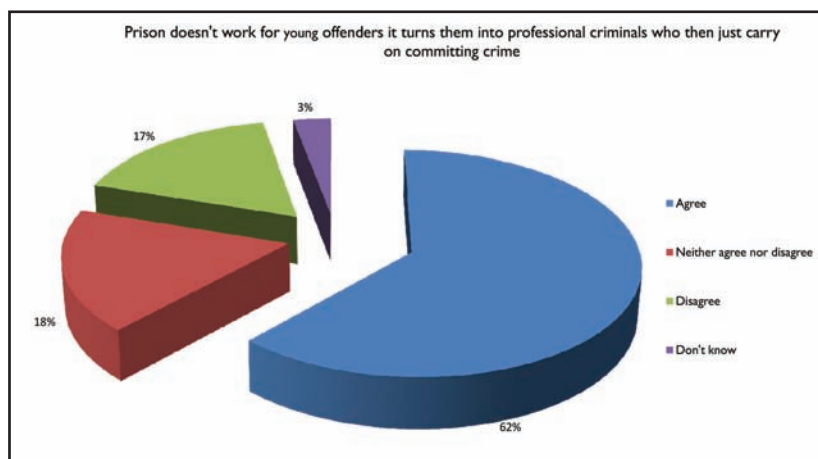
The results mirror the findings in the previous poll that SmartJustice conducted with Victim Support – mainly that prison is not effective in reducing further offending.² There is much research to show that the public do not agree with imprisonment for non-violent offences.^{3, 4, 5}

3) To what extent do you tend to agree or disagree with the following statements:

Prison doesn't work for young offenders, it turns them into professional criminals who then just carry on committing crime (62% agree)

Almost two in three (62%) thought that prisons were equivalent to 'universities of crime'.

18-24 year olds were least likely to agree with this – just over half (52%) did so, although the highest levels of support were shown in the 55-64 age group (64%) and the 65+ age group (66%). Respondents in the south-east showed strong support for this (70%), while those who live in Yorks & Humber and the West Midlands showed the least (55%), and London showed less than average support (57%).



1. Drug misuse treatment and reductions in crime: findings from the National Treatment Outcome Research Study (2005)

2. SmartJustice/Victim Support Crime Victims Say Jail Doesn't Work (2006)

3. University of Strathclyde Attitudes to crime and punishment (2002)

4. NOP/ Drugscope Too Many Women, Too Much Time (2005)

5. Joseph Rowntree Trust Anti-social behaviour strategies: Finding a balance (2005)

Prison works because it turns young offenders into law abiding citizens (11% agree)

Almost two in three (64%) disagreed with this – one in four *strongly disagreed*. Just over one in ten (11%) agreed with this statement.

Significant differences existed between men and women -16% and 7% agreed with this respectively.

There were strong regional differences too – three in four in Scotland disagreed with this (32% 'strongly') – yet just 48% in the north-east disagreed.

The 55-64 age group was most likely to agree with this at 15%. Yet almost three in four (73%) of 25-34s did not agree with this, falling to 57% of the 18-24 age group who did not agree.

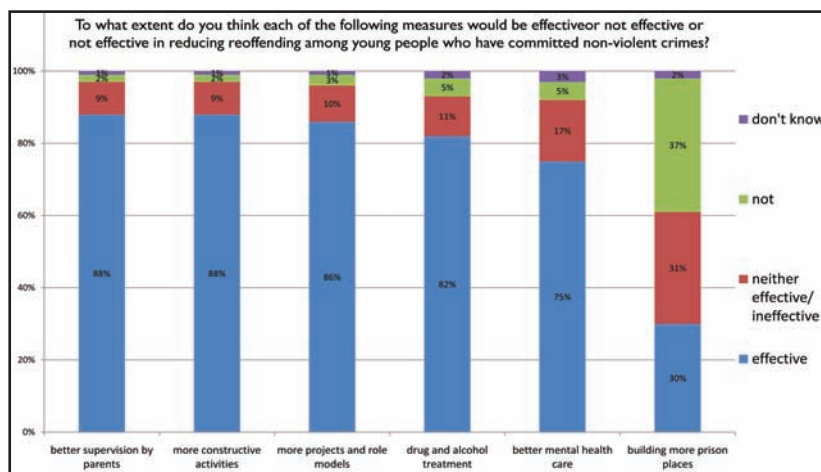
4) To what extent do you think each of the following measures would be effective or not effective in reducing re-offending among young people who have committed non-violent crimes?

- a) Better supervision of young people by parents
- b) More constructive activities for young people to prevent them getting into crime
- c) More projects that provide good role models to work with young people who are in trouble with the police
- d) More drug and alcohol treatment for young people in the community
- e) Better mental healthcare for young people in the community
- f) Building more prison places.

The vast majority - almost nine in ten (88%) thought that both *Better supervision by parents* and *More constructive activities for young people to prevent them getting into crime* would be effective.

86% supported more *Projects that provide good role models*, 82% wanted to see *More drug and alcohol treatment* while three in four wanted to see *Better mental health care*.

Less than one in three thought that *building more prison places* would be effective.



a) Better supervision of young people by parents (88% agree)

Extremely high support was registered across the board, ranging from the lowest at 81% (C2 social group) to 93% (C1 social groups, 55-64 age group). This was particularly popular in London (90%), the south-east (91%), and eastern regions (92%).

b) More constructive activities for young people to prevent them getting into crime (88% agree)

Again this showed strong support across the board, ranging from 85% to 94% (18-24 age range).

It is significant that a high level of the 18-24s support this - (94%), as they are the closest in age to the group being discussed. Those in the south-east (94%), the north-east (92%) and Wales (91%) were especially likely to support this, as did the C1 social group (91%).

Those in the south-west region were least likely to agree with this – yet still high at 83%.

Respondents with children were also slightly more likely to support this measure (90%).

Women were more likely than men to agree with this (91% compared to 85%).

c) More projects that provide good role models to work with young people who are in trouble with the police (86% agree)

86% supported this, with high levels of support (89%) in the 18-24 age range. Gender differences occurred - 81% of men supported this compared to 90% of women.

Regionally, there was most support for this in Wales (94%) and the south-east (91%) and least in the eastern region at 80% - although this is still a high level of support

d) More drug and alcohol treatment for young people in the community (82% agree)

Over eight out of ten (82%) thought this would be effective.

Women were much more likely to agree with this than men (88% compared to 74%), and there was also higher than average support in the 18-24 age groups (84%).

There was least support for this in the 45-54 and 65+ age group (79%) and those in the south-west (75%). The north-east (91%), east Midlands (90%) and Wales (90%) showed high levels of support for this.

Those who had children were more likely to agree with this (86%).

e) Better mental healthcare for young people in the community (75% agree)

75% of respondents supported this, yet significant differences existed between men and women - 68% of men compared to 82% of women. There was also higher than average support for this in the 18-24 age group (79%) and 25-34 (80%) age groups.

Those in Wales and the north-east particularly supported this with 83%, with the least support in Scotland and the north-west (68%).

Respondents with children were more likely to agree with this (78%) than those who did not (74%).

f) Building more prison places (30% agree)

Less than one in three (30%) thought this measure would be effective.

Men were far more likely to think this was effective (37%) than women (less than one in four, 23%).

The youngest age group (18-24) were by far the most punitive at 37% - support dropped to less than one in four (23%) for the 55-64 and 65+ age groups.

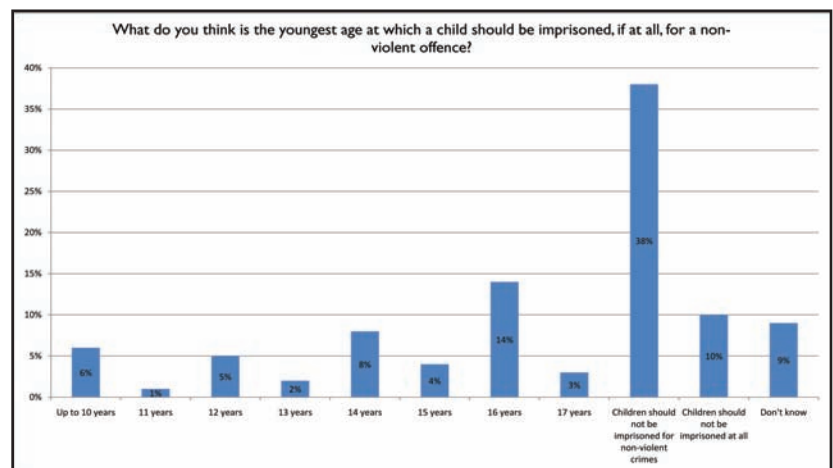
Those in the north-east were more likely to support this (40%) compared to just one in four in Scotland (25%) and the south-east (26%).

5) What do you think is the youngest age at which a child should be imprisoned for a non-violent crime/offence?

38% of people thought that children should not be imprisoned at all for non-violent offences, rising to half of all respondents aged 65+. One in ten thought that children should not be in prison at all for any offence.

Only 6% of all respondents supported the law as it stands, that ten years is an acceptable age to imprison a child, rising to 12% in both the eastern region and the north-east.

37% of those respondents who thought that children should ever be sent to prison said that the minimum age of imprisonment should be higher.



Conclusion

The Prison Reform Trust is publishing this briefing to mark the tenth anniversary of the establishment of the Youth Justice Board and to inform the Youth Crime Action Plan currently being prepared by the Department for Children, Schools and Families and the Ministry of Justice.

In a statement to Parliament on 27 November 1997, Jack Straw, then Home Secretary, set out the government's new approach to tackling youth crime in England and Wales. He told MPs

One of the most depressing things about visiting this country's adult prisons is seeing and hearing how many inmates started offending as children. By nipping youth crime in the bud, we will be preventing today's young offenders graduating into tomorrow's career criminals.

The YJB was set up to monitor the delivery of youth justice services and to help raise standards. It has brought clarity to the system, developed multi-agency youth offending teams and introduced a rigorous performance framework for them. In 2005 the Board set a target to reduce the number of children in custody by 10% within three years. The Board failed to meet that target. On June 9th 2008 the Children's Commissioners of the UK roundly criticised the youth justice system of England and Wales as "dominated by a punitive approach". They were particularly concerned by conditions in custody: children being held far away from home, limited access to fresh air and the over-use of physical control and restraint, strip-searching and segregation. On the day of publication the Archbishop of Canterbury joined the Commissioners in calling for a reduction in the use of child imprisonment. On 16th June Frances Done, new chair of the Youth Justice Board, committed the YJB to driving down the number of children in custody. Two days later, the Cabinet Office published a poll which showed that the public thinks better supervision of young people by their parents would do most to reduce crime.

Home Office research study 201 "Tell Them so They Listen: Messages from Young People in Custody" was commissioned to launch the youth justice reforms of 1998. The study carried this message from a young woman in prison

We've all been through social services, foster, children's homes, getting kicked out of school, secure unit...I'm sure we've all been through that road. It's like a journey and we've all collected our tickets along the way

For far too many young people today, the damaging journey to custody continues. The evidence of this public opinion poll and the twelve action points will help prevent more such journeys in the future.



The work of the Prison Reform Trust is aimed at creating a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

www.prisonreformtrust.org.uk



SmartJustice campaigns for more alternatives to custody and promotes initiatives that are effective in changing offenders' behaviour, stopping crime before it starts and tackling the causes of crime for adults and young people. We are based at the Prison Reform Trust in London. For more information contact sinead.hanks@smartjustice.org or

www.smartjustice.org



The Diana, Princess of Wales Memorial Fund is an independent grant-giving charity established in September 1997 to continue the Princess's humanitarian work in the United Kingdom and overseas. Our vision is a world in which the rights of the disadvantaged are respected.

www.theworkcontinues.org

If you would like to receive regular news about, or to get involved in, our programme to reduce child and youth imprisonment please send an email to Penelope.Gibbs@prisonreformtrust.org.uk