Youth Crime and Youth Justice 2015–2020

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Abstract

This article considers current issues in crime and justice in the UK and how these may bear upon young people over the next five years. It looks first at the 'crime drop' and observes that while conventional crime is falling, cyber crime is growing exponentially and that this may impact disproportionately upon the young. It examines the data on ethnicity, crime and victimisation and concludes that young Black men face particular dangers, particularly if they find themselves caught up in the penal system. It asks whether sexual offending is increasing, as the available data suggests, or whether it is just more widely reported and investigated and it raises questions about how it is to be policed in the future. It asks whether gang crime is growing or changing and, finally, it speculates about how the major parties may deal with 'law and order' in the run-up to the May 2015 election.

Key words: Youth crime, justice, policy, law and order.

THE U.S. PRESIDENT Harry S. Truman is supposed to have said, 'Somebody get me a one-handed economist! All my economists ever say is "On the one hand this – but on the other hand that ...".' But when asked to predict what might happen in the fields of crime and justice over the next five years, we have to concede that Truman's economists had a point.

Conventional crime may continue to fall

As far as we can tell, the types of crime reported to, and routinely recorded by the police are falling. According to the Crime Survey of England and Wales (CSEW) (ONS, 2014), which garners the experiences of 40,000 'heads of household', the number of victims of *Property and Violent* crime has halved since the mid-1990s. This reality flies in the face of popular fears, regularly stoked by the popular press that we are in the middle of a crime wave. Similar falls have occurred throughout the western world and are variously attributed to the removal of lead from petrol, abortion law reform, (fewer unwanted crime-prone children) an ageing population, (no longer able to climb up drainpipes) and, of course, better policing.

Although in recent years some pessimistic criminologists have predicted a reversal of this trend as

a result of wage stagnation, benefit cuts, and persistently high levels of youth unemployment, this has not happened. Whether recorded crime continues its steady decline, or surges in the wake of further government cuts, remains uncertain.

But it is still more dangerous to be young and Black

Between the 1980s and the first decade of the 21st century, those people most vulnerable to criminal victimisation and those most likely to victimise them were progressively thrown together in Britain's poorest neighbourhoods. Writing in 2010, Will Hutton observed that:

> *The unbalanced structure of economic growth over the past decade has fed straight through to a disastrous social geography, bypassing the least advantaged and rewarding the wealthy. Throughout the country the poor and disadvantaged live in ever more concentrated wards that are blighted by run-down social housing and over-stretched schools* (Hutton, 2010)

One of the consequences of this economic and social polarisation has been that while overall recorded crime, has been dropping steadily since the 1990s, crime in areas of acute social deprivation has, in many cases, become far more serious. (Bullock and Tilley, 2003; Pitts, 2008).

Crime and disorder in the poorest neighbourhoods in England has become distinctive in several ways. It is *youthful*, because the population is a young one and, in consequence, both victims and perpetrators tend to be children and young people (Pitts and Hope, 1997). It is *implosive*: likely to be perpetrated by and against local residents. It is *repetitive*: the same people are victimised again and again (Lea and Young, 1988, Wilson, 1987; Bourgeois, 1995; Palmer and Pitts, 2006; Pitts, 2008a; 2008b; Matthews and Pitts, 2007; Palmer, 2009). It is *symmetrical*, in that victims and offenders tend to be similar in terms of age, ethnicity and social class. It is also disproportionately violent and this violence tends to be intra – and inter-neighbourhood, and largely, intra-racial, tending to take place on the street and in and around schools. More recently it has involved the use of firearms (Pitts, 2007; 2008a; 2008b). It is also under-reported: victims and perpetrators in the poorest neighbourhoods tend to know one another and the threat of reprisal or local loyalties often prevents them from reporting victimisation (Young and Matthews, 1992). It is 'embedded'. Youth offending in these neighbourhoods tends to intensify because, being denied the usual pathways to adulthood, local adolescents fail to 'grow out of crime' and so adolescent peer groups are more likely to transmogrify into youth 'gangs', the age range of which may well expand, linking pre-teens with offenders in their 20s and 30s. And from the mid-to late 1980s, many of the more serious manifestations of youth crime in these neighbourhoods were related to the burgeoning markets in class A drugs (Auld and Dorn et al, 1986; Pearson, 1988).

As we note below, while it is true that in most of the 33 areas targeted by the government's Ending Gang and Youth Violence (EGYV) initiative, what the police describe as *Most Serious Violence*, which includes murder, grievous bodily harm, attempted murder and wounding, has fallen in the

last two years, rates of violent crime amongst younger adolescents in these areas remain extremely high. The victims of this crime are disproportionately young Black men. In London in 2009, 75% of all victims of firearm homicides and shootings and 79% of all suspects came from the African – Caribbean community. Even accepting that in the UK the BME population is a young one, this constitutes a huge over-representation. Marion Fitzgerald's analysis of youth homicides in London between 1999 and 2005 (2009), makes this point with alarming clarity. She found that in London 63.6 of all male homicide victims aged 10-17 were of Black African-Caribbean origin whereas the White population furnished only 29.5%. And this is one of the reasons why the BME young people are over-represented in our prisons and Young Offender Institutions. Programmes like EGYV can chip away at the problem but if nothing is done to ameliorate the social and economic conditions which generate violent youth crime in our cities, there is no reason to believe that the historically high levels of violent crime and victimisation perpetrated by and against BME young people, and their disproportionate incarceration will not continue.

And there is another crime wave that nobody seems to have noticed

While the 2013 CSEW (ONS, 2014) showed that property and violent crime were falling, it also revealed a remarkable 25% rise in fraud over the period and, increasingly, this fraud is occurring in cyberspace. Findings from the 2006/7 CSEW indicate that just one per cent of adult internet users who experienced hacking or unauthorised access to their data reported it to the police. This compares with 81 per cent who reported burglary and 55 per cent who reported robbery. Many victims didn't know to whom they should report the crime, others thought the police would be unable to do anything about it anyway, while most others reported it directly to their bank or internet service provider (McGuire, 2013) who tended to absorb the cost themselves. It was a similar story with online business fraud, with just two per cent of incidents being reported to the police (Home Office, 2013). Yet a study by the Office of Cyber Security and Information Assurance undertaken in 2011 assessed the total cost to the British economy of cyber crime to be a massive £27bn. per year. Interpol believes that this is the fastest-growing area of crime, noting that:

> *New trends in cybercrime are emerging all the time, with costs to the global economy*
> *running to billions of dollars* (Interpol, 2014)

But why should this matter to young people? It matters because they are the main market for the new mobile devices, tablets, smart phones and the like and as such, they are a major target for cyber crooks. Facebook is attacked more and more frequently to secure personal data, while downloading an app onto a phone or tablet, while far simpler than installing a new programme on a computer, is far less secure. Recent research by Sophos (2014) concluded that the Android Market's instant-download feature presents a *serious security threat*, because of the 'background' nature of the app installation process. As mobile devices proliferate, without far-reaching government action, attacks on personal data can only increase.

Has sexual offending risen or are we just hearing more about it?

In 2009/10 the Child Exploitation and Online Protection Centre (CEOP), a division of the National Crime Agency, reported that 10% of the 3,652 reports it received concerned online grooming. However, relatively few grooming offences are reported to and recorded by the police. This is due to the embarrassment or the intimidation of the victim and the fact that for grooming to be recorded as an offence there must also be an offline meeting. Because online perpetrators remain extremely hard to trace, this form of sexual offending will not be easily eradicated.

An area of sexual offending that is definitely growing is 'sexting', the generation and exchange of indecent images. In 2012/13 the Crown Prosecution Service (CPS) recorded over 14,000 charges for making, and over 3,800 for possession of an indecent photograph of a child. The actual amount of sexting is far greater than this however.

CEOP (2012) suggests that sexting represents an important shift in the nature of online sexual offending and the biggest online risk to young people. Most commentators expect to see this offence grow in the future (see for example, Furnell, et al, 2008).

In the year ending June 2013 there was a 9% increase in sexual offences recorded by the police. This was partly a result of the Operation Yewtree investigation which followed the Jimmy Saville inquiry. While some of this increase was a direct result of Operation Yewtree, there was also a 'Yewtree effect'; an increased willingness on the part of victims of sexual offences to come forward and report historical abuse. If the 'Yewtree Effect', the discovery that powerful abusers who had previously seemed beyond the reach of the law could be brought to book, were to be sustained, we can expect to see a rise in the reporting of such abuse in the future. However, historic abuse accounted for only around 10% of all recorded sexual offences: there was also a 5% rise in reports to the police of contemporaneous sexual offending. This increase was mirrored by an increase in reports of serious sexual abuse to the NSPCC helpline, which suggests an increased willingness on the part of victims of sexual abuse and sexual violence to come forward.

In Rotherham the victims of organised sexual exploitation and violence came forward, only to be discredited and discounted by the agencies and organisations responsible for their protection. In Rotherham, between 1997 and 2013, an estimated 1,400 children were subjected to abduction, rape and sex trafficking by groups of predominantly British-Pakistani men. In the light of the revelations in Rotherham, Oxford and Rochdale, the detection and prosecution of this type of organised crime, which is often interlinked with drug dealing and extortion, has become a major priority for all police services and the National Crime Agency, as has the requirement that the police share information with their partners in Children's Services, Health, Youth Justice, Probation and Youth Projects. This will create serious information sharing dilemmas for all of these groups, but it is likely to lead to many more investigations of, and prosecutions for child and adolescent sexual

abuse. But this raises questions about what a significantly reduced police force will have to stop doing in order to deal with this.

Policing will have to change

The other motivation for the police to work in partnership and share information with other agencies is budget cuts. In 2010 the government announced its intention to cut £2bn. from the Ministry of Justice £9 bn. budget. At the time it was estimated that this would mean losing 15,000 of the 80,000 people employed in the justice system. Thus, for example, Greater Manchester Police has to find savings of £135,000,000 between 2011 and 2015 (GMP, 2012) resulting in job losses of around 2,700. To achieve savings of this magnitude, adjacent police forces are planning to share 'key functions' but they are also having a serious rethink about their role. One of the fruits of this rethink is a plan to reallocate some traditional policing functions to other agencies.

The government claims there are around 50,000 families experiencing 'multiple social, economic and health problems' and a larger group, of as many as 70,000, who are at heightened risk of developing these problems. These are the 120,000 families identified by the Department of Communities and Local Government *Troubled Families Unit* (TFU) led by the apparently indefatigable, Louise Casey. Government statisticians estimate that the 50,000, 'hard core' families cost the country between £250,000 and £350,000 per year each, by dint of the support and containment they receive from health, welfare and criminal justice agencies. The government claims, for example, that one of these 50,000 families required 250 interventions in one year, including 58 police call-outs; five arrests; five 999 visits to Accident and Emergency; two injunctions; and a Council Tax arrears summons (DCLG Press release, 29 June, 2012).

If, it is argued, Troubled Families can place a worker, or indeed a small team, with each of these families, to preempt or respond to the many day-to-day crises previously dealt with by the police and the courts, the cost savings could be substantial. Police forces, some of which are subsidising the TFU, are enthusiastic because, even if the interventions make no difference to the troubled families, it could make a huge difference to policing budgets.

Whether this off-loading of policing functions to welfare agencies represents the 'criminalisation of social policy' (Rodger, 2008) or the de-criminalisation of the consequences of social deprivation is a moot point. Whichever it is, we can expect to see more of it over the next five years.

Is gang crime diminishing or changing?

The Troubled Families Unit is also working in liaison with the Home Office's national *Ending Gang and Youth Violence* (EGYV) programme which is targeting 33 gang 'hot spots' in England. With a budget 40 times greater than the EGYV programme, it is clear that the government believes the

problem of rioting, gangs and youth violence lies, ultimately, with Troubled Families. This has led to the development of projects with the families of gang members in several of these areas and, over time, these interventions have paralleled reductions in youth violence. However, it remains unclear whether this is a product of the 'family work' or of changes in the nature of gang crime in these areas. In London, for example, 'turf wars', the main purpose of which was to boost the reputations of the warring parties, have declined as gang members have grown older and turned their attentions to money-making. Whereas a decade or so ago London's 'Woolwich Boys' were a notorious, predominantly Somali, fighting gang, today the protagonists are older, their ethnicities more diverse and their illicit activities far less visible. Over the period they have become, in effect, an organised crime group, heavily involved in the importation and distribution of illegal drugs throughout the UK.

Chaotic 'turf wars' have given way to a more measured use of violence to protect or extend drug dealing territory, while new alliances have been forged between previously antagonistic groups to ensure 'business as usual'. If developments in North America are any guide, we might expect these processes to continue for the foreseeable future.

Will politicians continue to believe that imprisonment may not be a solution?

In his Mansion House speech on 13th July, 2010, Justice Secretary, Ken Clarke observed that:

> *There is and never has been, in my opinion, any direct correlation between spiraling growth in the prison population and a fall in crime. Crime fell throughout most of the western world in the 1990s. Crime fell in countries that had, and still have, far lower rates of imprisonment than ours.*

In so saying, he was telling the assembled bankers and stockbrokers that the coalition government had no intention of expanding the penal system.

Meanwhile in a series of lectures and publications, the French social scientist Loic Wacquant (2009) has argued that the criminal justice and social policies of neo-liberal states have, together, spawned what he describes as 'the third age of the great confinement'. In the process, Wacquant contends, the 'Economic State' and the 'Social State' are supplanted by the 'Penal State' and, more contentiously, that a 'carceral catastrophe' is already upon 'us'. In an earlier paper on the same theme he wrote

> *The invisible hand of the market and the iron fist of the state are complementary and combine to make the lower classes accept desocialised wage labour and the social instability it brings in its wake. After a long eclipse, the prison thus returns to the front line of institutions entrusted with maintaining social order.* (Wacquant, 2001).

This view is supported to a greater or lesser extent by other 'post-Marxist', 'post-Foucauldian', 'post traditional' (etc) theorists who, like him, also foretell impending 'catastrophe', (cf Beck's *Risk Society* (1992), Rose's *Death of the Social*, (1996), Young's *Exclusive Society* (1999) and Garland's *Culture of Control* (2005). This 'punitive turn' remains a central prop of contemporary Left-Liberal and mainstream criminologies.

However, if the promised carceral catastrophe was actually occurring, we might expect the *Penal State* to focus its attentions on the discipline and punishment of the most volatile segment of the lower classes, namely, *young people*, and for this to be evidenced by the numbers entering the youth justice system.

Yet, in 2008, the widely criticised and 'resource intensive' 'sanction detection' Key Performance Indicator (KPI), imposed upon the police by government earlier in the decade, was abandoned and replaced by a KPI concerned with reducing the number of first time entrants to the youth justice system. This pragmatic rediscovery of 'diversion' had a marked effect upon the numbers of children and young people entering the system *per se* and on the number of first time entrants, in particular, which fell from a peak of 104,361 in 2006/7 to 74,003 in 2008/9 (Ministry of Justice, 2010). Anti-social Behaviour Orders (ASBOs), which had in the past served to swell the numbers entering the penal system, having peaked at 4,122 in 2005 fell steadily to 2,027 in 2008. In 2010, Home Secretary Theresa May announced that they would be phased out.

One of the results of reducing the numbers of young people entering the 'front end' of the youth justice system has been a decline in the numbers being incarcerated in the 'secure estate' at the 'back end'. Having peaked in 2003 youth incarceration has been have been falling fairly steadily ever since (Youth Justice Board/Ministry of Justice, 2014).

Children and Young People Sentenced to Immediate Custody (Moj, 2014)

1998	4294
2001	5440
2003	7110
2004	4326
2006	4209
2008	3421
2012/13	2780

This swing of the penal pendulum (Bernard, 1992), back towards non-intervention and decarceration, is occurring in both the UK and the USA. In the case of the USA, this 'regression to the norm' follows a three decade long carceral bonanza. Although this shift is supported by

evidence that most first time entrants to youth justice systems would have desisted from crime of their own accord and that incarceration tends to compound nascent criminal careers, it is almost certainly prompted by dwindling policing and youth justice budgets.

Ultimately, the importance governments assign to any particular policy area is signified by the resources they are prepared to dedicate to it. In 2009/10 four Secure Children's Homes (Kyloe House in Northumberland, Sutton Place in Hull, Orchard Lodge in London, and the Atkinson Unit in Exeter) were closed, as was Huntercombe Young Offenders' Institution (Ministry of Justice, 2010) (The number of Secure Children's Homes in England has fallen from 30 to nine in the past decade).

In 2010 the UK economy was teetering on the brink of meltdown. Meanwhile recorded crime in general, and youth crime in particular, had been falling steadily for nearly two decades. Furthermore, penal reform was one of a number of 'lines in the sand' drawn by the Liberal Democrats in their post-election Coalition negotiations with David Cameron's Conservatives in May 2010. This was not a sticking point for the Conservative 'modernisers' on the Tory front bench however, who were more than happy to distance themselves from the 'Old Tory' 'hangers and floggers' in their own party. Moreover, it is a tried and trusted truism that, when they need to, Conservative governments are able to achieve far more radical penal reforms than their Labour counterparts because, in the popular imagination and the tabloid press, they remain the *Natural Party of Law and Order*. Besides, as new Labour found out, *Law and Order* crusades cost a great deal of money, and the Coalition doesn't have any.

Will the fall in youth imprisonment continue or will we see a swing back towards hard-nosed Law and Order policies as the Conservative leadership endeavours to shore up support from its right wing prior to the 2015 general election? Or, will the Labour Party, having been wrong-footed by the Tories on both the economy and Scottish devolution, take a leaf out of Tony Blair's book and try to outflank the Tories on their Law and Order record? The apparent recent surge in sexual offending, foot-dragging on child sexual exploitation, deep cuts to policing, and the growing unmanageability of our prisons, if cleverly spun, could open up a fresh battleground and a new political opportunity.

Has the prison become part of the problem?

The substantial over-representation of Black African Caribbean prisoners in Young Offender Institutions (YOIs) has been a hotly debated feature of the English justice system for several decades (Pitts, 1988). An analysis conducted by the Ministry of Justice in 2012 found that, for comparable offences, Black and Asian defendants were almost 20% more likely to be sent to jail than their white counterparts. Moreover, the average prison sentence for Black defendants was seven months longer than for whites.

As we have seen, in the youth justice system the total number of young people being incarcerated has been falling since 2004 but the proportion of African Caribbean young people within that population has been rising steadily. However, since 2011, as a result of the exemplary sentencing in the wake of the riots and the prioritisation of gang crime by the police the numbers of Black young people in Young Offender Institutions has risen sharply. Whereas in 2006 Black prisoners represented 23% of the YOI population, by 2009 this had risen to 33% and by 2011 it had reached 39% (Youth Justice Board/Ministry of Justice, 2014). With funding for the social intervention element of the EGYV programme running out and a renewed focus on improving practice in the areas of enhanced prosecution and joint enterprise, we might expect this disproportionality to grow.

As we have noted, this rise was paralleled by severe budget cuts at the Ministry of Justice which has led to staff cuts in penal establishments. An investigation of Feltham YOI by HMIP in July 2013 (HMIP, 2014) found that nearly two gang-related attacks were recorded every day on the institution's CCTV. The investigation was triggered because the authorities had found that warders at Feltham B, the wing reserved for inmates aged 18 to 21, used batons significantly more than at any other prison. The Prisons Inspectorate found that gang markings were daubed inside cells and prison officers were forced to move groups around in order to prevent disputes escalating. Nick Hardwick the chief inspector of prisons described Feltham B as 'a very disturbing place ... If you were a parent with a child in Feltham you would be right to be terrified. It would be very hard not to join a gang in Feltham' (Chief Inspector of Prisons, 2013).

Isis Young Offenders Institution in Thamesmead, London, opened in April 2010. In January 2012, HMIP identified the quality of staffing and gang violence as the two major problems afflicting the prison. Later in 2012 the report of the Isis Independent Monitoring Board observed that:

> *Probably the most serious local issue facing the institution is the high level of violence and bullying, mainly gang-related, among offenders and the resulting fears for personal safety* (p5).

In February 2014, following a surprise visit, the Chief Inspector of Prisons expressed concern that many of these violent incidents were serious, often involving gangs, with a higher proportion than usual involving weapons (HMIP, 2014). They also noted that many of these assaults were planned and involved a number of inmates attacking a single prisoner.

In March 2013 the Parliamentary Public Accounts Committee indicated that the 2012 MoJ spending cuts had increased the level of risk in prisons, noting that:

> *We are concerned about safety and decency in some prisons and the fact that more prisoners are reporting that they do not feel safe. Assaults on staff, self-harm and escapes from*

contractor escorts have all increased. The agency should ensure that savings plans have regard to the potential impact on risks to standards of safety, decency and respect in prisons and in the community (p.10).

Whatever the logistics of the current crisis, the question is whether a strategy of concentrating gang-involved young people in particular jails and YOIs makes sense. Most of the research suggests that prison violence tends to be 'imported' into jails by gang members (De Lisi et al, 2004) and that previously uninvolved young people are likely to become gang-involved as a means of self protection (Pitts, 2008). It is also suggested by some gang members that the proliferation and consolidation of gang-related drug-dealing networks is facilitated by throwing large numbers of gang-involved people into the same place with very little to do apart from fight and plan for a more lucrative future.

Given the high profile of the issue of prison gangs it seems likely that the MoJ will adopt a new strategy which may involve the dispersal of gang-involved prisoners throughout the system. This raises further questions about whether, by moving seriously gang-involved young people to other wings or institutions, one is solving the problem or sowing the seeds for the proliferation of the prison gang.

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