



Evaluation of the Airdrie Sheriff Youth Court Pilots

EVALUATION OF THE AIRDRIE SHERIFF YOUTH COURT PILOT

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EXECUTIVE SUMMARY

Background

1. A pilot Youth Court was introduced at Airdrie Sheriff Court in June 2004. Its objectives are to:

- reduce the frequency and seriousness of re-offending by 16 and 17 year old offenders, particularly persistent offenders (and some 15 year olds who are referred to the court);
- promote the social inclusion, citizenship and personal responsibility of these young offenders while maximising their potential;
- establish fast track procedures for those young persons appearing before the Youth Court;
- enhance community safety, by reducing the harm caused to individual victims of crime and providing respite to those communities which are experiencing high levels of crime; and
- test the viability and usefulness of a Youth Court using existing legislation and to demonstrate whether legislative and practical improvements might be appropriate.

2. In addition to judicial oversight, supervision by multi-disciplinary teams and the availability of a range of additional programmes, other distinguishing features of the Youth Court include:

- fast tracking of young people to and through the court and fast track breach procedures;
- the ability to electronically monitor as a condition of bail;
- dedicated staff to support and service the Youth Court (Procurator Fiscal, clerk, social workers);
- additional resources across agencies to enable provision of a consistent, high quality service;
- the formation of a multi-agency Youth Court Advisory Forum, chaired by an Airdrie Sheriff, to review the working and operation of the court;
- appointment of a Youth Court Co-ordinator and Deputy Co-ordinator to service the forum and co-ordinate practice;
- external research and evaluation of the Youth Court's operation and programmes.

Identifying potential Youth Court cases

3. Accused detained in police custody or released on undertaking were reported to the Procurator Fiscal by the police. In these cases and in cases where an accused had a possible citation to attend court, the Procurator Fiscal decided whether to prosecute and in what forum. Procedures for identifying potential Youth Court cases were said to be operating smoothly as a result of good working relationships between the agencies concerned.

4. Most youth cases reported to the Procurator Fiscal were not marked for prosecution. Prosecution in the Youth Court was most likely if a pattern of persistent offending was established and other contextual factors suggested that such a course of action would be appropriate.

Cases prosecuted in the Youth Court

5. The volume of cases dealt with by the Youth Court was higher than expected, with 543 cases involving 341 young people between June 2004 and December 2005. Most of those prosecuted were male (88%) and were prosecuted in the Youth Court on a single occasion (69%). Just over half of the young people (57%) had first come into contact with the criminal justice system at least two years before their first Youth Court appearance. Almost three-quarters (74%) had no previous convictions but 43% had a previous referral to the Children's Reporter on offence grounds. The charges most commonly prosecuted in the Youth Court included breaches of the peace, petty assault, carrying offensive weapons, possession of drugs and resisting arrest.

Progress of cases through the court

6. In its broad operation the Airdrie Sheriff Youth Court proceeded as any other summary adult court. Overall it was tightly run with a heavy volume of cases being heard. More than half of the cases were resolved prior to the setting of a trial diet, with only 9 per cent of cases proceeding to trial. A relatively high incidence of guilty pleas at first calling may have been brought about by a number of procedures that are distinctive to the Youth Court and the characteristics of the cases with which it was dealing.

7. The proportion of cases appearing on citation (61%) was higher than expected. Following their appearance in court most accused were granted bail or ordained to appear. Sheriffs had made no use of electronic monitoring as a condition of bail, preferring police monitored curfews. Although these were resource intensive for the police, they were thought to have resulted in reduced crime levels in some areas.

8. The professional consensus was that designated timescales relating to different stages in the prosecution process were being met, partly through the avoidance of unnecessary adjournments. This was borne out by a comparison of cited cases processed by the Youth Court and by the Sheriff Summary Court. The mean period of time that elapsed between the charge and the first calling of the case was much shorter in the Youth Court, a higher percentage of cases in the Youth Court were resolved by way of a guilty plea and Youth Court cases were, on average, resolved more quickly than cases dealt with by the Sheriff Summary Court.

Sentencing in the Youth Court

9. The perceived quality of certain social enquiry reports was initially a source of concern to Sheriffs but this issue was resolved over the course of the pilot partly through steps taken by the social work department to improve the quality of reports and partly through the appointment of Youth Court social workers.

10. The sentences most commonly passed in the Youth Court were, in decreasing order, probation orders, monetary penalties and detention. Most of those given social work disposals were assessed as having a medium or high risk of re-offending, though some were assessed as low risk. Alcohol and drug misuse were the most common problems identified by social workers among those given community based social work disposals by the court.

11. The Youth Court has available to it a range of additional resources and services that are intended to meet the assessed needs of young people made subject to supervisory orders.

However, Sheriffs and some other professionals were initially of the view that there was little difference in the packages of intervention offered to young people sentenced in the Youth Court. This appeared partly to reflect differing perspectives on the appropriateness of intensive packages of services for young people assessed as presenting little risk of re-offending. Social workers, who were generally content with the resources available, were wary of offering services to young people that they did not consider to be required.

12. Prior to July 2005, most of those given probation orders had their orders reviewed by the Sheriff in court. Sheriffs found reviews useful in monitoring progress but dialogue with young people was limited and, despite them often having lengthy waits in court, the contribution of social workers was not usually sought. Reviews, which were conducted formally, tended to emphasise the consequences of non-compliance and the importance of young people taking responsibility for themselves and their behaviour. Sheriffs and other professionals expressed disappointment at the suspension of the power to review probation orders from July 2005.

Operational issues

13. The existence of dedicated staff across agencies and the forum provided by the Implementation Group were believed by professionals to have facilitated the efficient operation of the Youth Court pilot, though some believed that the Implementation Group should focus more on strategic analysis and there was no direct line of communication between it and front-line social work staff.

14. In practice, the Youth Court functioned as any other court being distinguishable largely by the fast-tracking of cases. While this aspect was deemed to be worthy of wider implementation, other problems with the Youth Court model as operated in Airdrie (such as the perceived lack of clarity regarding the criteria) were highlighted.

Youth Court Outcomes

15. Analysis of sentencing in Airdrie between 2002 and 2005 suggested that there was more use made of community-based social work disposals in 2004 but that the proportionate use of these disposals decreased in 2005 while the use of imprisoned rose. Compared with the Sheriff Summary Court the Youth Court made less use of imprisonment and more use of admonitions. The number of cases involving young people prosecuted summarily in Airdrie increased sharply following the introduction of the Youth Court.

16. Changes in the recording of crimes in 2004 make it very difficult to interpret any changes in recorded crime levels in Airdrie and in comparison courts before and after this date. Similarly, given the limited follow-up period available to the evaluation, only a very limited analysis of reconviction data was possible. It is still too early to reach any conclusions about its effectiveness in reducing recidivism.

17. Questionnaires completed by social workers in respect of 20 young people were generally encouraging with most being thought to have made some progress and to have reduced their offending (or ceased offending) since being made subject to supervision through the Youth Court. The small number of young people who were interviewed were also broadly positive about their Youth Court experience.

18. There was cautious optimism among some, but not all, professionals that the Youth Court would be effective in reducing youth crime. The police in particular believed that since the Youth Court was introduced there had been a reduction in levels of public disorder in areas served by it.

19. While there were mixed views among professionals regarding the desirability of making Youth Courts more widely available, most concurred that the fast-tracking element of the Youth Court should be aspired to as a feature of summary justice in all courts.

Conclusion

20. The pilot Youth Court appeared in many respects to be working well. It was a tightly run court that dealt with a heavy volume of business. With its fast track procedures and additional resources it was regarded as a model to be aspired to in all summary court business. Whether a dedicated Youth Court was required or whether procedural improvements would have been possible in the absence of dedicated resources and personnel is more difficult to assess. Two issues in particular require further attention. First, consideration needs to be given to whether the Youth Court should be more explicitly youth focused and what this might entail. Second, greater clarity is required regarding for whom the Youth Court is intended to avoid the risk of net-widening and its consequences for young people.

SECTION ONE: INTRODUCTION AND BACKGROUND

INTRODUCTION

1.1 A pilot Youth Court was introduced at Airdrie Sheriff Court in June 2004. According to the Airdrie Sheriff Youth Court Information and Reference Document (2004)¹ its objectives are to:

- reduce the frequency and seriousness of re-offending by 16 and 17 year old offenders, particularly persistent offenders (and some 15 year olds who are referred to the court);
- promote the social inclusion, citizenship and personal responsibility of these young offenders while maximising their potential;
- establish fast track procedures for those young persons appearing before the Youth Court;
- enhance community safety, by reducing the harm caused to individual victims of crime and providing respite to those communities which are experiencing high levels of crime; and
- test the viability and usefulness of a Youth Court using existing legislation and to demonstrate whether legislative and practical improvements might be appropriate.

1.2 The establishment of the Airdrie Sheriff Youth Court pilot followed the introduction, in June 2003, of a pilot Youth Court at Hamilton Sheriff Court (Popham et al, 2005²). The pilot courts serve neighbouring Sheriff Court districts in the Sheriffdom of South Strathclyde, and Dumfries and Galloway. Airdrie Sheriff Court covers the northern area of North Lanarkshire while Hamilton Sheriff Court serves the rest of North Lanarkshire and the northern part of South Lanarkshire. It is anticipated that the majority of young people appearing before the Airdrie Sheriff Youth Court will reside in North Lanarkshire, though those offending in the Airdrie Sheriff Court area and resident in South Lanarkshire are also eligible to appear.

OPERATION OF THE YOUTH COURT

1.3 The Airdrie Youth Court is serviced by multi-disciplinary local authority youth justice teams in North Lanarkshire. They are responsible for providing reports to the court and serving as case managers for those made subject to supervisory orders to ensure that services provided address both the young person's behaviour and their needs. Services are provided by the local authority and by specialist programme providers from the voluntary sector who are contracted by the local authority to provide a range of individual and groupwork opportunities. Sheriffs have the opportunity to review the offender's progress throughout an

¹ Airdrie Sheriff Youth Court (2004) **Information and Reference Document**, Final Edition, May 2004.

² Popham, F., McIvor, G., Brown, A., Eley, S., Malloch, M., Piacentini, L and Walters, R. (2005) **Evaluation of the Hamilton Sheriff Youth Court Pilot**, Edinburgh: Scottish Executive Social Research

order³. Failure to comply with community supervision orders imposed by the Youth Court are dealt with by means of a fast track breach process.

1.4 The referral criteria include, potentially, any 16 and 17 year olds (and appropriate 15 year olds) who are charged by the police and not just those who are deemed ‘persistent offenders’⁴. All custody and undertaking cases meeting the age and residence requirements (living in North or South Lanarkshire) are referred by the police to the dedicated Youth Court Procurator Fiscal Deputes for marking. Youth Court accused should normally make their first appearance in court within 14 days of the date of charge. Where it is practical to do so, all known outstanding warrants and other charges will be rolled up and taken together. The Youth Court has the same range and powers of sentence as the Sheriff Summary Court. Community supervision orders available to the Youth Court include probation, community service orders, restriction of liberty orders, drug treatment and testing orders and deferred sentences (structured and other). These orders can be imposed singly or in any competent combination.

1.5 In addition to judicial oversight, supervision by multi-disciplinary teams and the availability of a range of additional programmes, other distinguishing features of the Youth Court include:

- fast tracking of young people to and through the court and fast track breach procedures;
- ability to electronically monitor as a condition of bail;
- dedicated staff to support and service the Youth Court (Procurators Fiscal, sheriff clerk, social work)
- additional resources across agencies to enable provision of a consistent, high quality service;
- the formation of a multi-agency Youth Court Advisory Forum, chaired by an Airdrie Sheriff, to review the working and operation of the court;
- appointment of a Youth Court Co-ordinator and Deputy Co-ordinator to service the forum and co-ordinate practice;
- external research and evaluation of the Youth Court’s operation and programmes.

1.6 Many of the procedures, agencies and personnel associated with the Airdrie pilot are the same as those in the Youth Court pilot operating in Hamilton. However there are some organisational differences between the 2 pilot sites, which reflect the size of the sheriff courts and anticipated volume of Youth Court cases. For example, the Airdrie Sheriff Youth Court sits one day per week (compared initially to daily in Hamilton) and target timescales for processing cases take account of this.

³ The option of conducting court-based probation reviews was suspended in August 2005 following an Appeal Court ruling.

⁴ Persistency is defined as 3 separate incidents of offending which have resulted in criminal charges within a six-month period. Charges arising from these incidents need not have resulted in a referral by the Reporter to the Children’s Panel nor a prosecution.

EVALUATION OF THE PILOT

1.7 A team of researchers from the University of Stirling and the University of Strathclyde was commissioned by the Scottish Executive to undertake an independent evaluation of the pilot Youth Court. The aims of the evaluation were to:

- assess the advantages and disadvantages of this model of Youth Court over existing arrangements for dealing with the target group through other summary courts;
- determine the effectiveness of the Youth Court in relation to process, delivery, outcome and costs;
- assess the overall effectiveness of the Youth Court in achieving its stated objectives; and
- explore the longer-term viability of Youth Courts across Scotland.

1.8 The evaluation of the Airdrie Sheriff Youth Court pilot has focused upon both process and outcomes. An initial phase of fieldwork involved the establishment of certain baseline measures against which the operation and effectiveness of the Youth Court could be assessed. This included demographic information about young people living in North and South Lanarkshire; indices of deprivation; the number and outcome of Social Enquiry Reports prepared on young people appearing before Airdrie Sheriff Court; an inventory of services available to young people made subject to supervisory orders; an analysis of recorded crime rates in North and South Lanarkshire and Scotland as a whole; and an analysis of court proceedings against young people in Airdrie Sheriff Court in 2002 and 2003.

1.9 An interim report presented findings on the operation of the Youth Court pilot over its first 9 months, with a view to providing an early indication of which aspects were working well and which, if any, required to be addressed. This final report focuses upon the operation of the Youth Court over a period of 19 months from June 2004 – December 2005⁵. In addition to process issues it examines the influence of the Youth Court on sentencing practice and its effectiveness in reducing offending and related problems.

1.10 The report is organised as follows. Section 2 describes the methods used in the evaluation while the findings are presented in the subsequent 3 sections. Section 3 describes the process of referral to the Youth Court, the criteria employed in identifying potential suitable cases and the characteristics of young people referred. Section 4 focuses upon the progress of cases through the Youth Court (including the associated timescales), the sentences imposed, services provided and review of Youth Court orders. In Section 5 Youth Court outcomes are considered including changes in sentencing and recorded crime, professional perspectives on its effectiveness and recidivism among young people sentenced in the Airdrie Youth Court and in comparator courts serving similar populations. The main findings and their implications are discussed in Section 6.

⁵ A costing of the Youth Court is not contained in this report but will be presented in an integrated report which considers the operation and effectiveness of the Youth Court pilot as a whole. This is because the cost data could not be disaggregated across the two pilot sites.

SECTION TWO: METHODS

2.1 A range of qualitative and quantitative methods were drawn upon in the evaluation. They are described briefly in this section of the report.

Analysis of marking decisions by Procurators Fiscal

2.2 From the start of the pilot in Airdrie, the Youth Court Procurators Fiscal provided information about marking decisions in respect of relevant young people reported to them by the police. The information provided included the age and sex of the young person, whether there were any co-accused, whether other incidents had been rolled up with this one, whether the case was discussed with the social work department or the Children's Reporter, whether the case met 'persistency criteria' or 'contextual criteria'⁶, the case outcome, the route of the referral and, for those prosecuted in the Youth Court, the date of charge that triggered the report. An additional space was provided for Procurators Fiscal to record any other observations about the case. This information was provided on 2,236 cases reported by the police to the Procurator Fiscal until mid-February 2006 and enabled some comparison to be made between Procurator Fiscal marking outcomes and the characteristics of reported cases.

Analysis of cases prosecuted in the Youth Court

2.3 Information on cases prosecuted in the Youth Court was collected by the Youth Court Co-ordinator. The database provided information about the characteristics of young people and the progress of cases through the Youth Court. The daily court sheets completed by the court clerk were the main source of information. Supplemental information came from other agencies involved in the court process. An anonymised version of the co-ordinator's database was provided to the research team. This provided details of 2,236 cases prosecuted in the Youth Court from June 2004 to the end of December 2005. If charged on more than one occasion, young people could feature in more than one case. For example, where an individual was prosecuted for 2 separate cases on the same day, these were treated as separate cases if this was how the court regarded them. Young people with multiple cases may have had them merged (with the cases being heard on the same day) as they progressed through court.

Analysis of data provided by the Scottish Children's Reporters Association

2.4 In order to gather information on the previous involvement of young people prosecuted in the Youth Court with the Children's Hearings System, the Scottish Children's Reporter Administration (SCRA) provided information held on their national Referral Administration Database (RAD). This covered whether, since RAD was rolled out in 2002, the young person had been referred to the Children's Reporter (Reporter), the details of such referrals and the Reporters' and Hearings' decisions, including whether to make supervision requirements. In order to maintain the anonymity of young people, the Youth Court co-

⁶ The persistency criterion referred to 3 separate episodes of offending that had resulted in criminal charges within the previous 6 months. This criterion was not operated formally in Airdrie but was applied by Procurators Fiscal when deciding whether or not to mark a case for prosecution in the Youth Court. Cases could also be prosecuted in the Youth Court if it would be appropriate in terms of enhancing community safety and reducing the risk of re-offending ('contextual criterion').

ordinator forwarded the name, date of birth, SCRO number⁷ and date of first appearance in the Youth Court directly to SCRA. This enabled SCRA to provide the researchers with individually anonymised data from RAD. It was not possible to link this information to other records collected. The analysis focused upon all referrals recorded on RAD while taking some account of the variable length of time for which information was available in individual cases. Because information was not available prior to 2002, the data are likely, if anything to underestimate the extent of historic involvement with the Children's Hearing System.

Analysis of social work data

2.5 It was intended that information be gathered on the characteristics of young people referred to the Youth Court and the services provided to those made subject to probation orders and structured deferred sentences. While some basic demographic data (age, sex) was available from the Youth Court database, it was envisaged that information held by the social work department would provide for a richer profile of Youth Court cases. Requirements of the Data Protection Act meant that it was not possible to access social work files directly. Instead, it was agreed that relevant data could be provided anonymously from the Social Work Information System (SWIS) in an electronic format. However it transpired that much of the information required was not in electronic format and that extracting it manually would be a very time-consuming exercise that was not feasible within the resource and time constraints on the research.

2.6 Alternative approaches were taken to secure additional information about the services provided to young people who were sentenced in the Youth Court. First, the groupwork project to which most individuals given supervisory disposals by the Youth Court were referred (Community Alternatives) provided anonymised information about the services made available to young people. Second, one of the Youth Court social workers provided anonymised information about the characteristics of and services provided to a sample of 39 young people who had been sentenced in the Youth Court between July and December 2005. Third, information on the background of all young people given orders (probation orders, community service orders and restriction of liberty orders) by the Airdrie Youth Court was provided by the Youth Justice Social Work Co-ordinator from North Lanarkshire Council. These data referred to Social Enquiry Reports completed prior to sentencing throughout the pilot period of the Airdrie Youth Court and related to 118 orders imposed on 90 young people. Although these approaches cannot be said to provide a comprehensive or representative overview of Youth Court cases and the interventions undertaken with them, the data thus generated are included to provide a flavour of aspects of the circumstances of the young people sentenced in the Youth Court.

Interviews with professionals

2.7 Interviews were conducted with a range of professionals associated with the Airdrie Youth Court. The purpose of these interviews was to elicit views about the operation and effectiveness of the Youth Court and its associated processes. A total of 71 professional interviews took place: 31 interviews after the court had been operational for around 6 months and 32 conducted between October 2005 and January 2006. The first round sample consisted of 4 Sheriffs from Airdrie Sheriff Court; the clerk and sheriff clerk; the Youth Court Co-ordinator and Deputy Co-ordinator; 9 social workers (including the Children and Families

⁷ The unique reference number assigned to an individual by the Scottish Criminal Records Office.

and Justice Manager, Youth Justice Co-ordinator, court social worker and 6 social workers); 3 Procurators Fiscal; 5 police officers; one Reporter to the Children's Panel; and 5 defence agents. The second round sample consisted of 4 Sheriffs; the clerk; the Youth Court Co-ordinator and Deputy Co-ordinator; 9 social work staff (including the Depute Head of Social Work Services; the Youth Justice co-ordinator for Lanarkshire, 2 court social workers, 3 youth justice social workers and 2 group workers); one reporter to the Children's Panel; 3 Defence Agents; 2 Procurators Fiscal; and 10 police officers (including 2 duty officers, 2 case management officers, a Chief Inspector, a Superintendent, 2 community officers and 2 court officers). Subject to the agreement of respondents, all of the interviews were tape recorded and transcribed.

Interviews with young people

2.8 Five interviews with young people who were made subject to Youth Court orders took place between October and December 2005. The purpose of these interviews was to elicit young people's experiences of and views about the Youth Court and the services they received through it. It had not been intended that interviews with young people would form a substantial part of the Airdrie Youth Court evaluation. Social work staff reported a significant refusal rate amongst the young people who were approached to participate in the research. Three other young people consented to be interviewed but employment and others commitments served as an obstacle to participation, with one citing having so many appointments with different people through her order as a reason for not participating in the research. Whilst it would have been preferable to have had more control over the composition of the sample, recruitment of interviewees proved challenging and a pragmatic approach had to be adopted, with interviews arranged through the supervising social worker. This restricted the small sample to those who were currently engaged with the social work department (that is, those who had breached their Orders were not included) and their views cannot be considered representative of all young people made subject to supervisory orders through the Youth Courts.

Completion of questionnaires by supervising social workers

2.9 To obtain feedback on the progress made by young people sentenced in the Youth Court, social workers involved in the supervision of young people given Probation Orders or Structured Deferred Sentences by the Youth Court were invited to complete questionnaires regarding the focus of intervention and the young person's progress approximately 6 months after the making of the Order. As had previously occurred in Hamilton⁸, attempts to encourage social workers to complete the questionnaires met with limited success. Twenty questionnaires in total were completed (16 relating to probationers and 4 to young people subject to structured deferred sentences), mostly by the dedicated Youth Court social workers, and they cannot therefore be viewed as a definitive record of all work that took place. However they provide some indication of the focus and perceived effectiveness of the interventions with which young people were engaged.

Observation of the Youth Court in operation

2.10 Observation was undertaken of the various stages of the Youth Court. The aim was to note and record the process of making judgements and to make an assessment of whether

⁸ In Hamilton, interviews were subsequently conducted with social workers to obtain information about young people's progress in individual cases. This was not, however, feasible in Airdrie in light of available resources.

the same sheriff dealt with cases at different stages of the court process. A pro forma observation schedule was used to record the court sessions observed. It included details of those present, the duration of each session, the content and nature of the interactions between the various parties (Sheriffs, offenders, Procurators Fiscal, defence agents and social workers) and the proportion of time in which the bench and the offender were engaged directly in a dialogue. Observation was undertaken of all the points where offenders appear for sentencing (referrals, intermediate diets and trial diets), reviews of orders and breaches of orders (see Table 2.1). Two of the Youth Court Sheriffs were observed over 7 days between September 2004 and October 2005 involving 145 separate case stage observations. Nineteen cases concerning young women (13%) and 126 cases concerning young men (87%) were observed. The duration of time spent observing the court on each day varied from 3 hours to 6 hours depending on the nature of the cases.

Table 2.1: Observed stages of the Youth Court process

	Number of cases observed	Percent
First calling	41	28
Intermediate	38	26
Trial diet ⁹	15	10
Review	22	15
Breach	9	6
Sentencing	20	14
Total	145	99

Note: Percentages do not sum to 100 due to rounding

Analysis of the progress of Sheriff Summary cases

2.11 One of the aims of the Youth Court is to enable the fast-tracking of cases to and through the court. An exercise was therefore undertaken to compare the timescales of Youth Court cases with cases going through the Airdrie Sheriff Summary Court. Following discussions with the Airdrie Sheriff Court clerks, the Scottish Court Service were approached to obtain information about the timeframes of case processing, stages at which guilty pleas were entered etc. in relation to adult cases calling at Airdrie Sheriff Summary Court during the pilot period. The Scottish Court Service were unable to resource this task to completion so it was therefore decided to gather this information from the court sheets and associated hard copy documents held at the court itself. Due to the resource intensive and time consuming nature of such a task, rather than examine all cases, a decision was made to sample between 100 and 150 citation cases brought before the court during the pilot period. New cases call in Airdrie Sheriff Summary Citation Court for the first time every second Tuesday. Sampling the citation cases calling at all of the diets falling within a particular month (sufficiently historical to allow the completion of most cases) during the pilot period was seen as the preferable method of gathering this information. The month of March 2005 was selected, yielding 3 diets and a total of 140 cases relating to 148 individuals¹⁰. This constituted a sufficiently sized sample to compare usefully with the data from the Airdrie Youth Court.

⁹ This includes cases in which a guilty plea was tendered on the trial date and 3 evidence-led trials.

¹⁰ On the first date sampled a total of 27 cases relating to 30 individuals were brought before the court. The second date yielded a total of 54 cases relating to 57 individuals. The third date saw 59 cases relating to 61 accused brought before the court.

Analysis of documentary material

2.12 Relevant documentary material was scrutinised to obtain insights into the operation of the Youth Court and to identify operational issues arising during the period of implementation and early operation. This included the Youth Court Information and Reference Document and minutes of the Implementation Group Meetings (the multi-agency Youth Court Advisory Forum).

Analysis of sentencing patterns following the introduction of the Youth Court

2.13 In order to establish the way young people were sentenced at a summary level in Airdrie before and after the introduction of the Youth Court in June 2004, the Scottish Executive's Justice Statistics Unit provided details of sentencing in Airdrie Sheriff Court in 2002, 2003, 2004 and 2005. This analysis focused on the impact of the Youth Court on summary level sentencing of 15-17 year olds with a view to identifying whether the absolute and proportionate use of different disposals had changed following the introduction of the Youth Court.

Analysis of changes in recorded crime

2.14 To assess whether the operation of the Youth Court had impacted upon recorded crime levels in the area covered by it, recorded crime figures for the 2003 and 2005 calendar years were requested from Strathclyde Police for their operational areas serving Airdrie and Ayr Sheriff Courts and from Central Scotland Police for the region covered by Falkirk Sheriff Court. The 2 comparison courts were selected on the basis of their local authorities having a similar socio-economic profile to North and South Lanarkshire, the local authorities serving the Airdrie and Hamilton Sheriff Youth Courts. As Airdrie Youth Court commenced in June 2004, it was decided to compare the first full year (2003) prior to the introduction of the Youth Court to the first full year of the Youth Court's operation (2005).

2.15 Recorded crime statistics are dependent on the level of crime reported to, and subsequently recorded by, the police. Evidence from the 2003 Scottish Crime Survey suggests that 49 per cent of crimes in 2002 were reported to the police¹¹. Historically reported crimes were only subsequently recorded as crimes if the police deemed there to be evidence of a crime having taken place. However, under the new Scottish Crime Recording Standard introduced for the 2004/05 financial year the recording of crime became victim led, meaning that reported incidents were more likely to be recorded as crimes¹². Obviously these changes in police recording made direct comparison between 2003 and 2005 figures problematic as like with like were not being compared. The greatest impact of the new standard was predicted to be on minor crimes such as vandalism; the type of offence commonly dealt with in a summary court. However it should also be recognised that even if there had not been a change in recording standards any changes in recorded crime could be caused by a variety of factors independent of the impact of any changing court process.

¹¹ McVie, S. Campbell, S. and Lebov, K. (2004) **Scottish Crime Survey 2003**, Edinburgh: Scottish Executive.

¹² H M Inspectorate of Constabulary (2003) *Partners in Crime – Solving and Reassuring*. A thematic inspection of crime management in Scotland, Edinburgh: Scottish Executive.

Analysis of reconviction data

2.16 To examine whether the Youth Court had an impact upon recidivism among those appearing before it, aggregate rates of reconviction were assessed for young people sentenced in the Youth Court and in 3 comparison courts: Airdrie Sheriff Summary Court, Ayr Sheriff Court and Falkirk Sheriff Court. As with the recorded crime data, the comparison courts were selected on the basis of their local authorities having a similar socio-economic profile to North Lanarkshire, the local authority serving the Airdrie Youth Court. The Scottish Executive Justice Statistics Unit provided information on convictions among those sentenced in these courts during the Youth Court's first year of operation (June 2004 to end of May 2005). Reconviction (excluding pseudo reconvictions¹³) was only assessed for young people aged 19 or under at first sentence (to focus the analysis on the Youth Court's target age group).

2.17 The data provided was for convictions up to the end of 2005. Because of the short time frame of the study, these data were provisional and incomplete. Moreover, a 2-year follow-up period following adjudication is generally accepted as being required to provide a more accurate picture of the impact of different disposals upon recidivism. Because of the short timescale this was not possible in the present study (though a longer term reconviction follow-up of young offenders sentenced in Hamilton Sheriff Youth Court was also undertaken and these data are presented in an integrated Youth Court Pilot research report).

¹³ Reconvictions but where the offence date involved pre-dates the sentence date of the reference record.

SECTION THREE: IDENTIFYING CASES FOR THE YOUTH COURT

INTRODUCTION

3.1 This section of the report describes the procedures through which potential cases are identified for the Youth Court and the outcomes of marking decisions of young people reported to the Procurator Fiscal. It also provides details of the number and characteristics of young people prosecuted in the Youth Court.

IDENTIFYING POTENTIAL YOUTH COURT CASES

3.2 The target group for the Youth Court is intended to include alleged offenders – particularly persistent offenders – aged 16 or 17 years (and appropriate 15 year olds) who are resident within North or South Lanarkshire and who would otherwise be prosecuted in the Sheriff Summary Court. There is also flexibility for cases to be prosecuted in the Youth Court if the alleged offender's contextual background and circumstances suggest that such a referral would be appropriate to enhance community safety and reduce the risk of re-offending. Professional respondents were generally of the view that the target group for the Youth Court was appropriate, though some suggested that the upper age limit for the Youth Court should be increased so that 18 –20 year olds could also benefit from the fast track approach and the additional interventions to address their needs in relations to offending. Some professionals also felt that some young people on indictment and petition could also benefit from going through the Youth Court, unless their offences were only suitable for High Court. One Sheriff also suggested that the wrong group was being targeted, arguing that it would have been more beneficial to target resources on 18 to 22 year olds who were regarded as more likely to exhibit problematic patterns of persistent offending.

3.3 The police report all cases involving an individual under 18 as potential Youth Court cases. A key aim of the Youth Court is to provide rapid access to programmes of intervention tailored to the young person's needs. A fast track procedure has therefore been introduced with a view to offenders usually gaining access to court supervised and monitored disposals within 2 months of the commission of the offence or date of detection. Reports for custody cases and undertakings should be prepared and submitted by reporting officers prior to concluding their tour of duty, with custody cases appearing in court on the next working day and undertakings appearing within 8-14 days. Reports involving non-arrested accused (cited cases) should be prepared and submitted to the Procurator Fiscal within 28 days of the commission of the offence or date of detection. It seemed from the second round of professional interviews that this process was working well. Many professionals associated the efficiency and smooth working with the dedicated staffing arrangements and the experience of staff within the Procurator Fiscal office and police case management section. It was felt that interagency training for dedicated staff encouraged co-operation and that having named and known staff improved existing lines of communication. It was also associated with the dedicated resources that allowed police officers to prepare and submit reports prior to concluding their tour of duty.

3.4 As in all prosecutions, the Procurator Fiscal is the sole judge in deciding whether to prosecute and in what forum. The Procurator Fiscal reviews all police reports in respect of 16 and 17 year olds to determine whether a referral to the Youth Court might be appropriate. The Procurator Fiscal will decide first whether there is sufficient evidence and it is in the

public interest to prosecute. If a case is thought suitable for prosecution at the Sheriff Summary Court level the Procurator Fiscal will consider whether it is suitable for prosecution in the Youth Court. Jointly reported cases are discussed with the Reporter¹⁴. More generally, any marking decisions in respect of potential Youth Court cases are made in liaison with the Reporter, social work department and the police to ensure that relevant background information is considered. Co-accused of any age of alleged offenders marked for prosecution in the Youth Court will also be prosecuted in that forum.

3.5 The procedures for identifying potential Youth Court cases were believed to be operating efficiently and effectively. An initial difficulty with police officers undertaking cases for days on which the Youth Court does not sit had been addressed through further training, though police continued to do this on occasion. The process of identifying potential Youth Court cases was reported to benefit from a good working relationship between the different agencies concerned: police, Procurator Fiscal, social work and Reporter. A strength of the procedures was regarded as the ability of the Procurators Fiscal to gain an oversight of the pattern of offending in any one case and to consider an offence in its wider context.

CASES REPORTED TO THE PROCURATOR FISCAL

3.6 This section focuses on the marking decisions made by the Procurators Fiscal in relation to 2,236 cases reported by the police. This analysis provides an insight into the criteria used in the marking of Youth Court cases by the Procurators Fiscal. Note that the totals upon which percentages are based may differ slightly as a result of missing data.

3.7 Two police sub-divisions serve the Airdrie court. In the 2,231 referrals where a police reference number was provided, 1,445 (65%) were from the NA sub-division covering Airdrie and Coatbridge, whilst 783 (35%) came from the NC sub-division serving Cumbernauld. British Transport Police had referred 3 cases.

3.8 The majority of reports (1,931/2,227 or 87%) featured young men. Sixteen referrals concerned young people between 12 and 14 years of age (jointly referred to the Procurator Fiscal and the Reporter) who had been charged with serious offences and 39 involved 15 year olds (also jointly referred and discussed with the Reporter). Twelve referrals were 18 years of age and one was aged 19 years. The majority of cases, therefore, concerned 16 (1,068/2,224 or 48%) or 17 (1,088/2,224 or 49%) year olds. Procurators Fiscal indicated that they would not mark cases involving 17 year olds for prosecution in the Youth Court if they would be 18 years of age when the case came to court. For example:

¹⁴ The Lord Advocate's Guidelines require that certain cases are jointly reported to the Reporter and the Procurator Fiscal. The categories of offences which are to be reported to procurators fiscal with a view to possible prosecution are:

Category 1: very serious offences e.g. treason, murder, rape, assault and robbery using firearms

Category 2: offences alleged to have been committed by children aged 15 years or over which in the event of conviction oblige or permit a court to order disqualification from driving

Category 3: offences alleged to have been committed by children over the age of 16 and under 18 years who are subject to a supervision requirement of a children's hearing.

However any case may be reported to the Procurators Fiscal if the police are of the opinion that for special reasons, which must be stated, prosecution might be considered. The Procurator Fiscal has discretion to pass suitable cases to the Reporter. Only the Lord Advocate can authorise criminal proceedings against a child under 16 (The Children's Hearings System in Scotland 2003 Training Resource Manual 2nd edition, <http://www.scotland.gov.uk/library5/education/ctm-13.asp#3>).

“Accused could not be presented in the Youth Court because just about to turn 18 and would not appear before his birthday.”

3.9 When the pilot Youth Court was established it was envisaged that the majority of the business would be referred to the marking Procurators Fiscal by way of police custody or undertaking. In practice, however, only 5 per cent of those reported by the police (105/2,226) were being held in custody, 3 per cent (75/2,236) had been released on a police undertaking and the majority (2,046 or 92%) were report cases that, if marked for prosecution, would be cited to appear at court. Under 16 year olds were more likely to be reported from custody (33%) than those over 16 years of age (4%). The young person was the only accused in 88 per cent of cases (1,939/2,214). One hundred and eighty-five cases (8%) featured one co-accused while 90 (4%) featured between 2 and 4. Girls were almost twice as likely (20%) to have a co-accused than boys (11%)

Marking outcomes

3.10 According to the data provided by the Procurators Fiscal, 17 per cent of reported cases (378/2,183) involved ‘persistent’ offenders. However cases could also be prosecuted in the Youth Court if it would be appropriate in terms of enhancing community safety and reducing the risk of re-offending (‘contextual criterion’). Sixteen per cent of cases (339/2,161) were deemed to have met this contextual criterion. Overall 23 per cent of cases (414/2,136) met at least one of the persistency or contextual criteria and 10 per cent (235/2,136) met both.

3.11 As Table 3.1 indicates, however, most youth prosecution cases reported to the Youth Court Procurators Fiscal were *not* marked for prosecution in either the Youth Court or another court. The most common outcome of marking was an alternative to prosecution (a fiscal fine or warning or a social work diversion programme). Ten per cent of cases were deemed not to merit prosecution while in 3 per cent of cases the young person was referred to the Reporter. Overall 19 per cent of cases (419/2,215) were marked for the Youth Court. Girls were more likely to be prosecuted at the Youth Court (25%) than boys (18%).

Table 3.1: Marking outcomes of cases reported to the Youth Court Procurator Fiscal (June 2004 – February 2006)

Marking outcome	Number and %
No prosecution	225 (10%)
Alternative to Prosecution (<i>fiscal fine, fiscal warning, social work diversion</i>)	1,394 (63%)
Refer to Reporter	66 (3%)
Prosecute – Youth Court	419 (19%)
Prosecute – other court	113 (5%) ¹⁵
<i>Total Number</i>	<i>2,215 (100%)</i>

Source: Data provided by Procurators Fiscal

¹⁵ No further information was available as to the types of court in which these cases were prosecuted. However the additional comments made by Procurators Fiscal would suggest that most were solemn cases.

3.12 As Table 3.2 shows, prosecution in the Youth Court was closely related to whether a case was deemed to have met the relevant criteria. Although the Youth Court criteria do not make explicit reference to persistency as a criterion, prosecution in the Youth Court was most likely if criteria relating both to persistency and contextual background were met (where 90% of these cases were marked for prosecution in the Youth Court). The majority of cases marked for prosecution in the Youth Court (283/363 or 78%) were deemed to have met the criterion for persistency in that they had 3 or more charges in the previous 6 months, however these charges need not have resulted in prosecution¹⁶. Additional comments provided by Procurators Fiscal suggested that when a decision was taken to prosecute cases that met the Youth Court criteria in another court, this was often because of the serious nature of the offending concerned:

“Too serious - potential high court.”

“Too serious to place in the summary court.”

Table 3.2: Marking outcomes (June 2004 – February 2006) by whether or not the case met the Youth Court Criteria (column percentages)

Outcome	Meets neither criteria (No and %)	Meets persistency criterion only (No. and %)	Meets contextual criterion only (No and %)	Meets both criteria (No. and %)
No / alternative to prosecution	1,583 (95%)	14 (15%)	1 (1%)	7 (3%)
Prosecute in the Youth Court	15 (1%)	73 (80%)	65 (83%)	210 (90%)
Prosecute in an other court	68 (4%)	4 (4%)	12 (15%)	16 (7%)
<i>Total number</i>	<i>1,666 (100%)</i>	<i>91 (99%)</i>	<i>78 (99%)</i>	<i>233 (100%)</i>

Source: Data provided by Procurators Fiscal

3.13 Discussions with the social work department about the case had occurred in respect of 90 per cent of cases marked for prosecution in the Youth Court (357/396) while 80 Youth Court cases (20%) had been discussed with the Reporter in accordance with the Lord Advocate’s Guidelines¹⁷. In 39 per cent of cases marked for prosecution in the Youth Court for which the relevant information was available (147/375 cases) other offences had been 'rolled up' for prosecution. This is slightly lower than the first 9 months of operation of the Youth Court, when 44 % of cases had other offences rolled up.

YOUNG PEOPLE PROSECUTED IN THE YOUTH COURT

3.14 Prior to the introduction of the Airdrie Sheriff Youth Court, the Implementation Group predicted that around 150 young people per annum would appear in it. This estimate was informed by the numbers of proceedings taken against 16 and 17 year olds in 2003 in Airdrie Sheriff Court, the number of Social Enquiry Reports (SERs) prepared for Airdrie Sheriff Court by North Lanarkshire Council and the experience of establishing a pilot Youth Court in Hamilton.

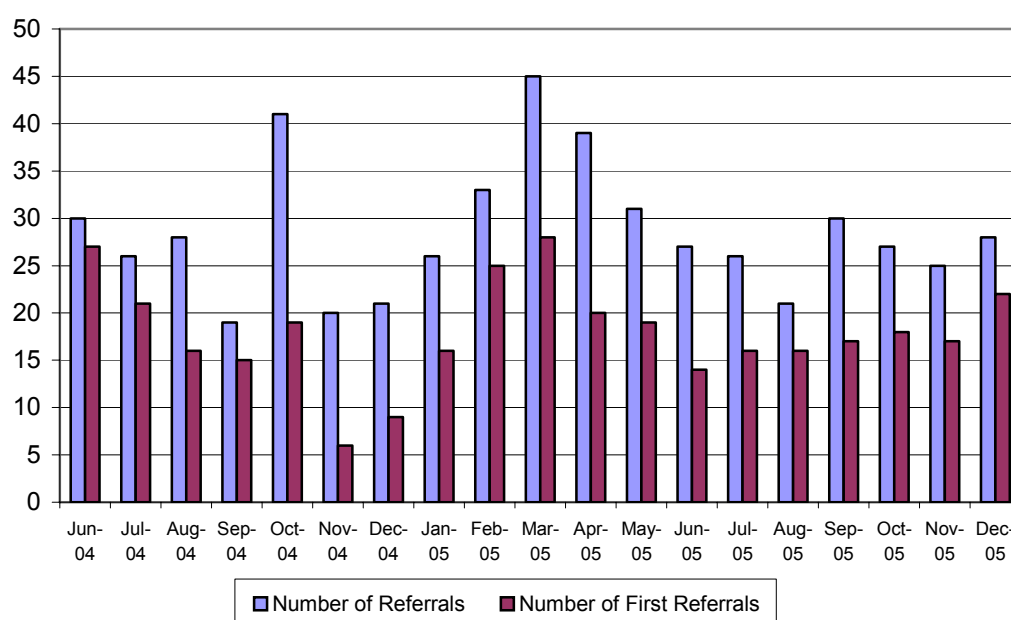
¹⁶ As we shall see, most of these prosecuted in the Youth Court had no previous adult convictions.

¹⁷ Please see footnote on page 12 for an overview of the Lord Advocate’s Guidelines.

Volume of cases

3.15 In practice, the volume of cases dealt with by the pilot Youth Court has been higher than expected. Analysis of the Youth Court database revealed that 543 cases involving 341 young people had been dealt with during the period from its introduction to the end of December 2005 (or approximately 240 young people over 12 months). Figure 3.1 gives the overall number of new cases prosecuted in the Youth Court by each month of its operation. The mean number of new cases per month was 29, ranging from a low of 19 in September 2004 to a high of 45 in March 2005. Figure 3.1 also shows the number of young people being prosecuted in the Youth Court for the first time in each of the months. The proportion of first time prosecutions ranged from an initial high of 90% in the first month of operation (27 of the 30 referrals for that month) to a low of 30% in November 2004 (6 of the 20 referrals for that month). The mean proportion of first time Youth Court prosecutions throughout the pilot period was 63%.

Figure 3.1: Total number of cases prosecuted and total number of first prosecutions in the Youth Court by month (June 2004 – December 2005)



Source: Youth Court database

Age, sex and number of prosecutions

3.16 The majority of young people prosecuted in the Youth Court were male (299/341 young people or 88%). Most young people were 16 (143 or 42%) or 17 (151 or 44%) years of age when they were first due to appear in the Youth Court¹⁸. Only 6 young people aged 15 years were prosecuted in the Youth Court during the pilot period. Forty (12%) of those prosecuted in the Youth Court were 18 years of age or older¹⁹. The number of times each young person had been prosecuted in the Youth Court is summarised in Table 3.3. Around 3 out of every 10 young people had been prosecuted on more than one occasion.

¹⁸ These figures use a base of 340.

¹⁹ These individuals were in the target age group when first referred to the Youth Court or were co-defendants of those in the target age group. The oldest person was 46 years of age.

Table 3.3: Number of individuals prosecuted by number of times prosecuted in the Youth Court June 2004 – December 2005

Number of times prosecuted	Number and percentage
Once	236 (69%)
Twice	56 (16%)
Three times	23 (7%)
Four times	15 (4%)
More than Four times ²⁰	11 (3%)
<i>Total Number</i>	<i>341 (100%)</i>

Source: Youth Court database

Offending history

Adult criminal justice system

3.16 Because of their involvement with the criminal justice system each person prosecuted in the Youth Court had a Scottish Criminal Record Office Unique Reference Number. By extracting the year code from this number, the year when the person first came to the attention of the adult criminal justice system could be established. The analysis here was restricted to those aged 18 or less on first appearance (18 year olds were included as they may have been in the target age group when first identified for prosecution).

3.17 Table 3.4 shows how many years prior to their first appearance in the Youth Court the young person's SCRO number was created. Forty-three per cent of young people had had their number created in the same or preceding calendar year to that of their first appearance in court. However, the majority of the young people had first had contact with the criminal justice system at least 2 years before their first Youth Court referral. When compared with data from the first 9 months, the only significant difference observed was the increase in young people appearing in the Youth Court in the same year that their SCRO number was created (10% in first 9 months; 21% over entire pilot period). This suggests that over time the Youth Court may have been dealing with a higher proportion of young people with no prior adult criminal history.

Table 3.4: Comparison of year SCRO number created and first appearance in Airdrie Youth Court (June 2004 – December 2005) among those aged 18 or less (column percentages)

	Percentage
Same year	67 (21%)
1 year before	68 (22%)
2 years before	53 (17%)
3 years before	46 (15%)
4 years before	32 (10%)
5 years before	21 (7%)
6 years or more before	29 (9%)
<i>Total Number</i>	<i>315 (100%)</i>

Source: Youth Court database

²⁰ Up to a maximum of 8 referrals in 2 cases.

3.18 Further details of previous involvement in the adult criminal justice system were available in respect of 117 young people who were sentenced in the Airdrie Youth Court between June 2004 and May 2005²¹. This analysis revealed that almost three quarters of these young people had no previous convictions (86 cases or 74%)²² while 17 (15%) had one previous conviction, 7 (6%) had 2 and 4 (3%) had 3. Two other young people (2%) had 4 previous convictions and one had 11 (1%). At this first sight these data may appear inconsistent with the previous data relating to first contact with the adult criminal justice system. However, an SCRO number would have been created when the individual was first charged with an offence regardless of the subsequent outcome of the case. The data reported here, on the other hand, include only those offences that had resulted in the securing of a conviction.

Children's Hearings System

3.19 Although most of those appearing before the Youth Court were, in terms of adult convictions, first offenders, it is possible that they had previous contact with the Children's Hearings System in connection with prior offending. Information about previous involvement with the Children's Hearings System among those referred to the Youth Court was provided by the Scottish Children's Reporter Administration (SCRA) from the Referral Administration Database (RAD). Data were available in respect of 292 young people²³. Table 3.5 shows that around 6 out of 10 young people aged 17 years or younger²⁴ when referred to the Airdrie Youth Court were recorded as having had a referral on RAD.

Table 3.5: Young people prosecuted in the Youth Court (June 2004 – December 2005) having a record / referral on RAD by age at first appearance (row percentages)

Age at first appearance in Youth Court	% (n) RAD record	Total Number Data Available (% of AYC referrals within age)
15	83 (5)	6 (100%)
16	67 (97)	141 (98%)
17	51 (77)	146 (98%)
All	61 (179)	293 (86%)

Source: Data provided by SCRA

3.20 To explore why these young people had been referred to the Children's Hearing System, details of referrals which occurred up to the end of January 2006 were examined from RAD. To exclude from this analysis referrals that may have been linked to the operation of the Youth Court, 3 types of referrals were removed:

- referrals made jointly to the Procurator Fiscal and the Children's Hearing System, which had been retained by the Fiscal;

²¹ This was the sample upon which the reconviction analysis reported in Chapter Five was based. The information provided by the Justice Statistics Unit of the Scottish Executive included details of previous adult convictions.

²² This compares with 61 per cent of under 18 year olds sentenced in the Airdrie Sheriff Summary Court between June 2004 and May 2005.

²³ A further 17 cases included in the data gave a suggested RAD number along with a note that the dates of birth on the SCRA system and the Youth Court co-ordinator's database did not match. As the veracity of these entries was unconfirmed, these were not included in the analyses presented.

²⁴ No data were available in respect of those aged 18 years or more at the time of their first referral to the Youth Court.

- referrals remitted by the court to the Children's Hearing System for disposal;
- referrals made on or after the young person's date of first appearance in the Youth Court.

Table 3.6: Young people prosecuted in the Youth Court between June 2004 and December 2005 who had had a referral retained by the Reporter before their first Youth Court appearance by reason for referral and age at first appearance (row percentages)

Age at first appearance in Youth Court	% (n) Referral retained by Reporter before Youth Court	% (n) Offence referral	% (n) Non offence referral	Total Number Data Available (% of AYC referrals within age)
15	83 (5)	83 (5)	50 (3)	6 (100%)
16	61 (86)	57 (81)	20 (28)	141 (98%)
17	29 (43)	28 (41)	8 (12)	146 (98%)
All	46 (134)	43 (127)	15 (43)	293 (86%)

Source: Data provided by SCRA

3.21 As Table 3.6 shows, out of 293 young people aged 17 or younger on first Youth Court appearance, 46 per cent had had previous referrals made to and retained by the Reporter. More than 4 in 10 young people (43%) had at least one referral on an offence ground while 15 per cent had been referred on a non-offence ground (12 per cent (36) had referrals for both reasons). Those referred on offence grounds had had at total of 1074 such referrals to the Reporter before they made their first appearance in the Youth Court, representing an average of just over 8 referrals per young person. These referrals related to 1279 offences, an average of 1.2 offences per referral or 10 offences per individual. These figures suggest that while over half of the young people referred to the Airdrie Youth Court had no prior recorded involvement with the Children's Hearings System, almost half had had such contact, mostly as a consequence of offending which appeared to involve a substantial number of charges in many cases.

3.22 As Table 3.7 illustrates, 71 per cent of the young people referred to the Reporter on offence grounds had on least one occasion been accused of a group 6 offence, most commonly a breach of the peace (61%) or an assault. Between 30 and 40 per cent had, on at least one occasion, been accused of either a crime of dishonesty (mainly thefts and attempted thefts), group 4 crimes (mainly vandalism) or other crimes (mainly possession of an offensive weapon (14%), drug offences and resisting arrest). Referrals for the most serious crimes were, as would be expected, rare. In terms of their timing, offence referrals tended not to be recent; around a third (31%) of these young people had been referred to the Reporter within 6 months (180 days) or less of their first due appearance in the Youth Court. The average time from the most recent prior offence referral to first calling in the Youth Court was 319 days (around 11 months).

Table 3.7: Young people prosecuted in the Youth Court (June 2004 – December 2005) having an offence referral to the Reporter by crime / offence type (column per cents)

Crime / offence category	Number and percentage of young people
Group 1 - Crimes of violence	5 (4%)
Group 2 - Crimes of indecency	5 (4%)
Group 3 - Crimes of dishonesty (<i>includes housebreaking and thefts</i>)	44 (35%)
Group 4 - Fire-raising and malicious mischief etc	49 (39%)
Group 5 - Other crimes (<i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i>)	39 (31%)
Group 6 - Miscellaneous offences (<i>includes breach of the peace and petty assault</i>)	90 (71%)
Group 7 - Motoring offences	13 (10%)
Other – not classified	63 (50%)
<i>Total number of young people</i>	<i>127</i>

Source: Data provided by SCRA

Note: Because a young person could have had a referral for more than one crime / offence type, percentages do not add to 100.

3.23 Children's Hearings had made continued Supervision Requirements for 44 young people (15% of those aged 17 or under on first appearance in the Youth Court for whom data were available) between RAD roll out in 2002 and December 2005. Six (14%) of these young people attended a residential school while subject to a Supervision Requirement, 9 (21%) were resident at some point in a local authority home and 2 (5%) lived with foster carers. However, most young people had continued to live with a parent (80%, 35) or other relative (9%, 4).

3.24 Thirty-seven young people's Supervision Requirements were ongoing at the time of first appearance (13% of our under 18 sample), including 4 of the 6 15 year olds for whom data were available. Twenty-two had one or all of their Supervision Requirements terminated before they made their first appearance in the Youth Court (most - 17 - having been terminated a year or less before) and 7 others subsequently had their supervision terminated after appearing in the Youth Court.

3.25 To summarise, 61 per cent of those aged 17 years or younger when referred to the Youth Court had a record on RAD. Forty-three per cent had had a referral to the Reporter on offence grounds, with an average of over 8 offence referrals per young person. This suggests that while relatively few young people had a conviction in the adult court when prosecuted in the Youth Court, more had previous contact with the Children's Hearings System as a result of offending. Referrals most commonly involved offences such as breaches of the peace, assaults, vandalism and dishonesty. Just under one-fifth of young people referred to the Reporter since 2002 had been made subject to a Supervision Requirement (mainly non-residential). In most case these requirements had been terminated shortly prior to or following the young person's first appearance in the Youth Court.

3.26 Under the Criminal Procedure (Scotland) Act 1995 (S. 49 (3) (b)) the Sheriff is required to request that the Principal Reporter arranges a Children's Hearing to obtain their advice as to the treatment of a young person who is subject to a supervision requirement from the Children's Hearings System and who pleads guilt to or is found guilty of an offence.

According to the Youth Court database, 47 referrals to Airdrie Youth Court involving 19 different young people featured a young person who was subject to a Supervision Requirement from the Children's Panel. All except one of those subject to such requirements were under 17 years of age. Also, 5 of the 6 15-year-olds referred were subject to a Supervision Requirement. Just as the majority of those prosecuted in the Youth Court were male, most of those subject to Supervision Requirements (16/19) were young men.

Charges faced

3.27 Each charge faced by young people was coded using the Scottish Executive's standard crime and offence coding (2005 version). Cases prosecuted in the Youth Court until the end of December 2005 featured 1372 charges (of which 1369 could be coded in this way). The number of charges featured in each case is summarised in Table 3.8, which shows that less than 4 out of every 10 cases involved a single charge.

Table 3.8: Number of charges per referral

	Number and percentage
One	209 (38%)
Two	137 (25%)
Three	78 (14%)
Four	49 (9%)
Five or more²⁵	70 (13%)
Total Number	543 (100%)

Source: Youth Court database

Note: Percentages do not sum to 100 due to rounding

3.28 Table 3.9 summarises the charges faced by standard crime and offence category. As would be expected for summary business, relatively few young people faced the most serious charges covered by Groups 1 and 2. However, it is worth noting that a significant increase in the proportion of offences coded as crimes of violence appears to have occurred since February 2005; these accounted for less than one per cent of charges in the interim report on the first 9 months of the court's operation. Overall, most charges were classed as miscellaneous offences such as petty assaults and breaches of the peace (which was the most common single charge accounting for 31% of all charges (423/1369)). Only 4 per cent of charges (51) related to the carrying of offensive weapons. Most charges in Group 5 involved possession of drugs (6% of charges; 84) (a marginally lower proportion of charges involved resisting arrest (6% of charges; 82)).

²⁵ The maximum number of charges in one referral was 20.

Table 3.9: Charges prosecuted in the Youth Court June 2004 – December 2005 by crime and offence categories (column percentages)

	Charges (number and %)
Group 1 – Crimes of violence	48 (4%)
Group 2 – Crimes of indecency	-
Group 3 – Crimes of Dishonesty (<i>includes housebreaking and thefts</i>)	120 (9%)
Group 4 – Fire raising, vandalism, etc.	137 (10%)
Group 5 – Other crimes (<i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i>)	302 (22%)
Group 6 – Miscellaneous offences (<i>includes breach of the peace and petty assault</i>)	629 (46%)
Group 7 – Motor vehicle offences	133 (10%)
<i>Total number of charges</i>	<i>1369 (100%)</i>

Source: Youth Court database

Note: Percentages do not sum to 100 due to rounding

3.29 The percentages of young people who had at least one prosecution in the Youth Court for charges in each of the standard crime and offence categories are summarised in Table 3.10. This shows that three quarters of young people had been charged at some point with a miscellaneous offence. Again, a significant increase in the proportion facing charges relating to violent offences was seen towards the end of the pilot (the comparable figure from the interim report was 4%). Sixty-four per cent of young people (218/341) had been referred to the Youth Court at least once for a breach of the peace while 13 per cent of young people (44/341) had faced an offensive weapon charge.

Table 3.10: Percentage of people appearing in the Youth Court June 2004 – December 2005 who had at least one charge in the crime and offence categories (column percentages)

Crime category	Charges (%)
Group 1 – Crimes of violence	40 (12%)
Group 2 – Crimes of indecency	-
Group 3 – Crimes of Dishonesty (<i>includes housebreaking and thefts</i>)	67 (20%)
Group 4 – Fire raising, vandalism, etc.	86 (25%)
Group 5 – Other crimes (<i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i>)	145 (43%)
Group 6 – Miscellaneous offences (<i>includes breach of the peace and petty assault</i>)	256 (75%)
Group 7 – Motor vehicle offences	34 (10%)
<i>Total number of people</i>	<i>341 (100%)</i>

Source: Youth Court database

Note: Percentages sum to more than 100 as young people could have charges in a number of different categories.

SUMMARY

3.30 Accused detained in police custody or released on undertaking were reported to the Procurator Fiscal by the police. In these cases and in cases where an accused had a possible citation to attend court, the Procurator Fiscal decided whether to prosecute and in what forum. Procedures for identifying potential Youth Court cases were said to be operating smoothly as a result of good working relationships between the agencies concerned.

3.31 The majority of youth cases reported by the police to the Procurator Fiscal were not marked for prosecution. Prosecution in the Youth Court was most likely if a pattern of persistent offending was established and other contextual factors suggested that such a course of action would be appropriate.

3.32 The volume of cases dealt with by the Youth Court was higher than expected, with 543 referrals of 341 young people between June 2004 and December 2005. Most of those prosecuted in the Youth Court were male (88%) and were prosecuted on a single occasion (69%). Just over half of the young people (57%) had first come into contact with the criminal justice system at least 2 years before their first Youth Court appearance. While almost three-quarters of young people (74%) had no previous adult convictions, 43% had at least one previous referral to the Reporter on offence grounds. The charges most commonly prosecuted in the Youth Court included breaches of the peace, petty assault, carrying offensive weapons, possession of drugs and resisting arrest.

SECTION FOUR: SENTENCING IN THE AIRDRIE YOUTH COURT

INTRODUCTION

4.1 This section of the report focuses upon the progress of young people through the Youth Court. It includes discussion of the disposals received and the range of services for those made subject to supervisory orders. It begins, however, with an overview of the operation of the Youth Court and a summary of the stages at which prosecutions were resolved.

GENERAL OPERATION OF THE YOUTH COURT

4.2 The Airdrie Sheriff Youth Court was observed for 7 days involving 145 case stages. This confirmed that its procedures were similar to any other Sheriff summary court. All stages of cases were held in open court.²⁶ The court layout was the same as that in any Sheriff summary court and legal professionals wore their formal court attire at all times. Youth Court business lasted during observed days for between 3 and 6 hours including recesses and down time.

4.4 A number of general observations can be made about the operation of the Youth Court. Firstly, it appeared that the Sheriffs dealt with young people as they would in any summary Sheriff Court. Second, Sheriffs paid close attention to the background evidence in each case and to Social Enquiry Reports. Third, the interactions between the legal representatives and Procurators Fiscal were generally congenial. Fourth, the courtroom was regularly full of the accused person's families and friends²⁷, who often appeared unaware of, or who otherwise failed to respect, the formality of the court. This resulted in the issuing of reprimands (asking members of the public gallery to remove hats, refrain from eating and stopping talking) and on some occasions a need to exert some control and order over the public gallery²⁸, though by late 2005 professionals attending court regularly indicated that that the issue of public order was beginning to improve.

4.5 Sheriffs reported having experienced problems in maintaining order within the Youth Court. Starting in Court Four, the Youth Court soon transferred to the larger Court Two in order that the numerous attendees could be facilitated, so that the court could be more easily policed and so that easier access to the cells could be available. Although these problems reduced over time, raucous and disrespectful behaviour by the large number of attendees at the Youth Court was a cause of concern for the Sheriffs. They argued that the social element of the Youth Court encouraged relationships between individuals and competitively 'gallous' behaviour in the court (and possibly out of it). Interruptions and ejections were reported to be frequent. Sheriffs argued that concentrating young offenders in this way might have been counterproductive, imbuing the court with a 'Youth Club' feel. They argued that some offenders did not take the Youth Court seriously, viewing it as an extension of the Children's Hearings, rather than an adult summary court. As one Sheriff observed:

²⁶ In cases involving 15 year olds hearings are held in closed court.

²⁷ The court was busy because it only sat on one day per week and dealt with a large volume of cases.

²⁸ Following the assault of a young person outside the courtroom a second police officer was brought in to help maintain order in the court.

“[T]here is anecdotal evidence that it has encouraged a kind of club feel about it which is why we have tried to keep quite a tight reign on it. But it is not a club that you come along to with your pals. It’s a serious business.”

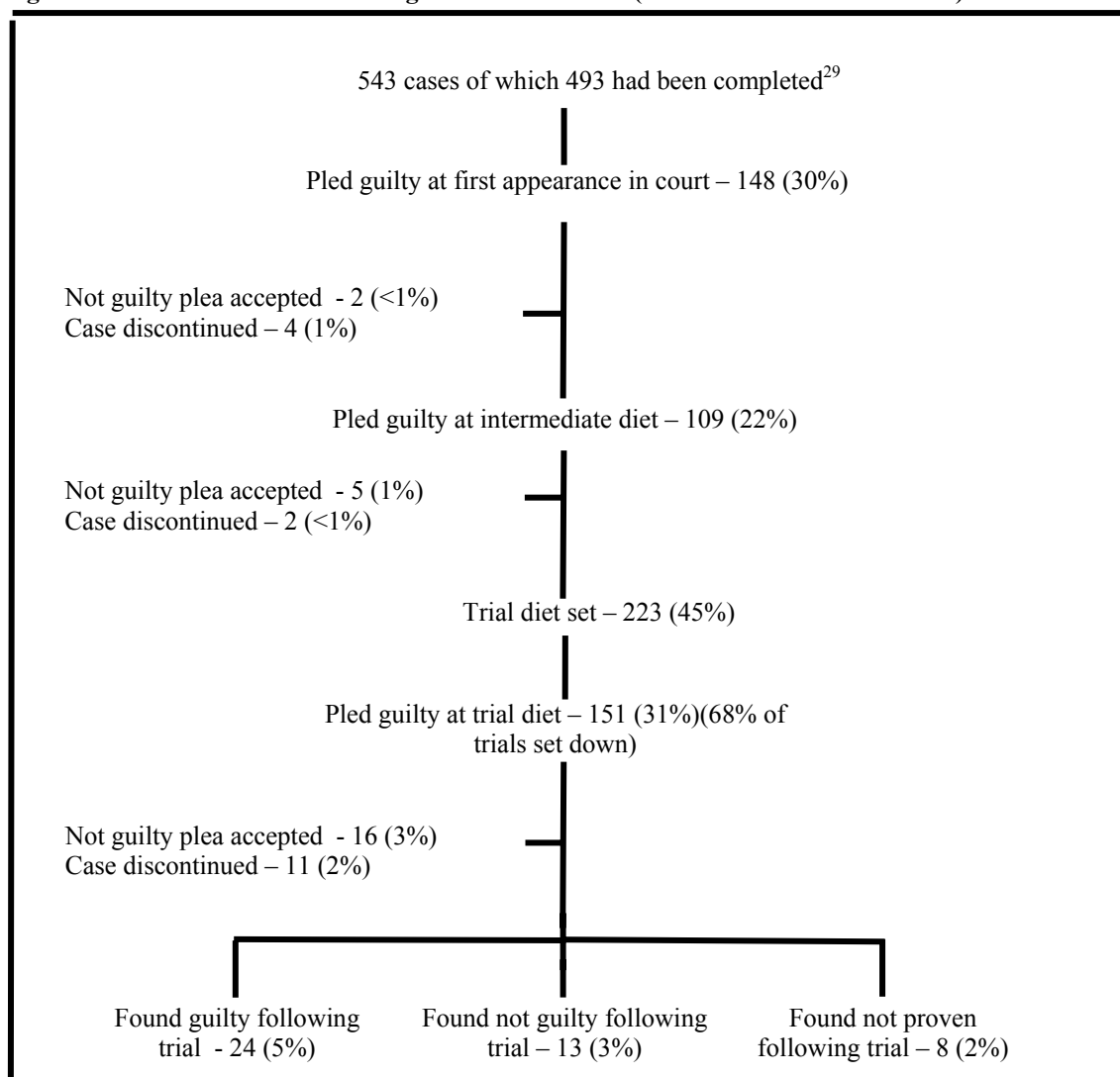
4.6 The need to maintain order in court was felt by many professionals to impinge on the potential for open dialogue between the accused and the Sheriff. Some commented that having friends and other offenders in the public gallery seemed to affect some of the young people in such a way as to give the impression they were not taking the court or the charges they faced seriously. Some professionals thought there would be benefits, particularly for communication between the Sheriff and accused, to restricting public access. However they also acknowledged that this was not practical unless the current court system was changed or Youth Court business was spread over more than one day.

4.7 Despite this, Airdrie Sheriff Youth Court gave the impression overall of being tightly run with a heavy volume of cases being heard. Despite the large volume of court work, the procedures were tightly adhered to. Those professionals more involved with court business felt that although the capacity was sufficient at present the issue should be kept under review, particularly in light of court probation reviews being reinstated and the need to maintain adequate time for trials.

PROGRESS OF CASES THROUGH THE COURT

4.8 The progress of the 493 referrals that had been completed by the end of December 2005 is illustrated in Figure 4.1. In just over one half of the cases a guilty plea was tendered at first appearance or at the intermediate diet. A further 31 per cent of accused tendered a guilty plea at the trial diet. Forty-five cases (9%) resulted in an evidence-led trial, with 24 of these (5% of referrals or 53% of evidence-led trials) resulting in a finding of guilt. No significant differences were evident when compared to data from the first 9 months of the Youth Court’s operation.

Figure 4.1: The route of cases through the Youth Court (June 2004 – December 2005)



4.9 Procurators Fiscal identified a culture of maintaining not guilty pleas right up to the trial diet and this resulted in heavy workloads for the deputes. It was commented upon at the Implementation Group meeting in December 2004 that the timing of pleas had shifted since the start of the pilot, towards a greater proportion of guilty pleas at first calling or intermediate diet. This was thought likely to have occurred as a result of some of the distinctive features of the Youth Court process. These include the rolling up of charges by the Procurator Fiscal, the early disclosure of the Crown's case to the defence - the Procurator Fiscal is expected to provide a case summary to the defence after a not-guilty plea is entered and to make available police statements prior to or at the intermediate diet - and the availability of legal aid to enable the young person's solicitor (rather than the duty solicitor) to represent them on appearance from custody or on an undertaking. The defence agents felt that young people, particularly those with no established pattern of repeat offending, were more inclined to take their advice than more hardened recidivists. The early disclosure of the Crown's case also meant the young person saw the evidence against them, this combined with the rolling up of cases and their inclination to take advice often resulted in a tendering of

²⁹ Twenty-nine referrals were ongoing. In addition, 7 other cases had been transferred into the Youth Court for sentence, 8 had been transferred out of the court before guilt was established and 6 involved new petition cases. The remaining percentages are based on 493 referrals (i.e. excluding these 50 cases).

guilty pleas earlier in the prosecution process. The availability of legal aid was seen by defence agents as a huge improvement to the system and they were keen to see such resourcing continuing for both those who pled guilty and for those who chose to go on to trial. Despite a fairly widespread view among professionals that there had been a shift towards earlier guilty pleas since the pilot started, analysis of information from the Youth Court database does not indicate this to have been the case. For example, 53% of cases were resolved by a guilty plea at first calling or intermediate diet in the first 9 months of the pilot³⁰ compared with 52% of cases across the entire period covered by the evaluation (June 2004 to December 2005). There was, however, some evidence that cited Youth Court cases were more likely to be resolved by way of guilty pleas than cases cited in the Sheriff Summary Court (see para 4.28).

FIRST APPEARANCE AND BAIL

4.10 In the majority of cases prosecuted in the court (319/521³¹ or 61%) the young person was cited to appear. Twenty-seven per cent of cases (140 referrals) made their first appearance from custody and 12 per cent (62 referrals) on a police undertaking. Overall, 28 per cent of the young people prosecuted in the Youth Court (97/341) had appeared for at least one prosecution from custody. The proportion of report cases/citations was higher than had been anticipated, leading to some concern that cases might not reach court within the expected timescales. However, it was noted at the Implementation Group meeting in December 2004 that report cases were reaching the Procurator Fiscal from the police very quickly with the result that they were being called to court within the expected timescales (see also the material on fast tracking later in this chapter).

4.11 Forty one per cent of cases (224/543) resulted in the granting of bail while 40 cases (7%) were remanded at some point in the prosecution process. In interview, Procurators Fiscal suggested that in the Youth Court Sheriffs were willing to grant bail when it was opposed – especially with a curfew - and were reluctant to remand.

4.12 When the Hamilton Youth Court pilot was established, the option of imposing an electronically monitored curfew as a condition of bail was made available to the court³². Sheriffs in Hamilton occasionally made use of this option, though identifying who would adhere to the conditions had proved challenging and the conditions had been breached in around one half of the cases³³. The Sheriffs in Airdrie agreed to this option being available to the Youth Court pilot, although this power was not used during the period up until December 2005. This was perhaps partly because of the low number of custody cases in Airdrie and an apparent Shreival preference for police monitored curfews. Sheriffs expressed a preference for the use of police monitored curfews, arguing that, due to the proactive approach taken by the police, this was an effective and rigorously enforced means of promoting compliance which could be brought to bear without delay. According to some police respondents, the additional work involved in checking addresses to verify the presence of the accused was more than offset by a reduction in the number of new incidents with which they had to deal. However others felt the curfews were personnel intensive and could prove disruptive to other members of the family. They also thought that electronic monitoring could be potentially

³⁰ Popham, F., McIvor, G., Brown, A., Eley, S., Malloch, M., Piacentini, L and Walters, R. (2005) **Evaluation of the Hamilton Sheriff Youth Court Pilot**, Edinburgh: Scottish Executive Social Research.

³¹ Information was not available in respect of twenty-two referrals..

³² This option has now been extended to 3 other areas in Scotland on a pilot basis.

³³ Popham et al., 2005, op.cit.

more effective in maintaining the young person's compliance and could offer greater monitoring flexibility. Nevertheless the police respondents believed that the curfews imposed through orders had had a positive impact on communities and that they were witnessing a reduction in some crimes in some areas through their use.

FAST-TRACKING OF CASES THROUGH THE YOUTH COURT

Youth Court

4.13 Each case in the Youth Court database up to December 2005 was examined in order to determine timescales of case processing, resolution and sentencing. The progression of cases through the court itself was influenced by a number of processes and pressures and resulted in a wide range of possible outcomes. However, it was possible to determine the length of time from first calling to the resolution of a case (this could mean a plea or finding of guilt, acceptance or finding of a plea of not guilty, a finding of not proven or a case being deserted), when cases were resolved (at first calling, intermediate diet, trial diet or after an evidence-led trial) and when sentence was passed.

4.14 Charge dates in relation to 117 cases marked for prosecution in the Youth Court were available from the forms provided by the Procurators Fiscal. In 107 cases it was possible to compare these with the dates on which complaints were received by the Procurator Fiscal. The minimum period between an accused being charged and reported to the Procurator Fiscal was zero days, the maximum was 110 days and the median time period³⁴ was 18 days. Seventy-eight per cent of these cases were reported to the Procurator Fiscal within one month of the date that charges were imposed. The minimum period between an accused being charged and the first calling of a referral was zero days, the maximum was 125 days and the median time period was 29 days. Overall, 52 per cent of these cases were called in the Youth Court within one month of the charge date.

4.15 The dates on which cases were passed to the Procurator Fiscal by the police were available in respect of 243 Youth Court cases. These data were compared with the dates on which cases were first called in the Youth Court. The minimum period between a case being reported to the Procurator Fiscal and first calling in the Youth Court was zero days, the maximum was 123 days and the mean time period was 22 days. Seventy-four per cent of these cases were called in the Youth Court within one month of the date they were received by the Procurator Fiscal.

4.16 It was also possible to assess the time from charge to first due appearance in respect of different types of referrals. For the 20 custody cases where data were available, 80% appeared in court within 2 days of charge. The median time period from charge to first due appearance for custody cases was 1 day with the maximum observed period being 15 days³⁵. For undertakings, information was only available for 13 cases of which 12 (92%) appeared in court within the 14 day target time (the remaining case was 21 days in coming to court). The

³⁴ Due to the relatively small number of cases for which a charge date was available and the susceptibility of mean averages to be skewed by the presence of outliers, medians are used when discussing charge dates from the data supplied by the Procurator Fiscal. Other data (e.g. PF referral dates, dates from co-ordinator's database) proved less problematic and are, therefore, reported using means.

³⁵ Some maxima may reflect the erroneous recording of offence date as the charge date, thus medians are used in this section.

median time period from charge to first due appearance for undertakings was 7 days. Information was available for 83 citation cases, with 11 per cent (9) cited to appear within 14 days of the date of the offence, 59 per cent (49) within 8 weeks (56 days) and 93 per cent (77) within 90 days. The median time period for citation cases was 45 days (around six and a half weeks), the minimum was zero days and the maximum was 125 days. For the cases where data were available the Youth Court timescales for this stage of the prosecution process were, therefore, being met in most cases and there is no indication that the one-day sitting of the Youth Court was impacting adversely upon the ability of these timescales to be met.

4.17 Regardless of specific outcomes, Table 4.1 shows the proportion of cases resolved at each stage of the Youth Court process and the time period for resolution associated with each stage. As anticipated, cases resolved at first calling were dispensed with quickly (78% (120) on the date of the first appearance). Case resolution at intermediate diet was also very quick; 53% (62) of these cases were concluded within one month of the first appearance. Cases resolved at the trial diet were concluded marginally quicker than at an evidence-led trial: 17% (30) and 7% (3) of the cases resolved at these stages respectively were concluded within one month of the first calling date. Overall, Youth Court cases which were resolved up to the end of December 2005 took an average of around one month to resolve, with 49% (242) concluded within one month of first calling.

Table 4.1: Number of days taken from first calling to resolution of cases through Airdrie Youth Court (June 2004 – December 2005)

Stage	N (%)	Min	Max	Mean
1 st Calling*	154 (31%)	0	108	4.8
Intermediate diet	116 (24%)	4	231	36
Trial diet	178 (36%)	11	155	50.1
Evidence-led trial	45 (9%)	21	133	61.1
Total	493 (100%)	0	231	34

*This is not zero in all cases due to instances where first callings were continued without plea, for personal appearance or where warrants were issued.

Source: Youth Court database

4.18 Three hundred and ninety-nine (81%) of the 493 referrals which were resolved resulted in at least one disposal (including deferred sentences of 3 months or more for good behaviour) being imposed before the end of December 2005. The minimum time taken to pass sentence was zero days, while the maximum time was 252 days (around eight and a half months). In the main, sentences were passed relatively swiftly; the most prevalent response was that sentence was passed on the same day that the case was resolved (101 cases, or 25%). However, in 30% of cases (119) it took more than 30 days to pass sentence, possibly indicative of a high proportion of short deferred sentences before disposals were imposed and/or non-appearance of the accused. Overall, an average of 31.5 days between case resolution and sentence was observed among all cases disposed of.

4.19 Taking account of the pre-court data, it took an average of 56.5 days (1.9 months) for cases to progress from initial charge to resolution (minimum 1 day, maximum 189 days; 116 cases). A quarter of cases (24% or 28) were resolved within one month, 97% (112) in 6 months (180 days) or less. From charge to initial disposal took an average of 91 days (3 months) with a minimum of 8 days and a maximum of 432 days being recorded (108 cases). Eleven per cent (12) of these cases were disposed of within one month, while 85% (92) were disposed of within 6 months (180 days).

Cited cases

Airdrie Youth Court

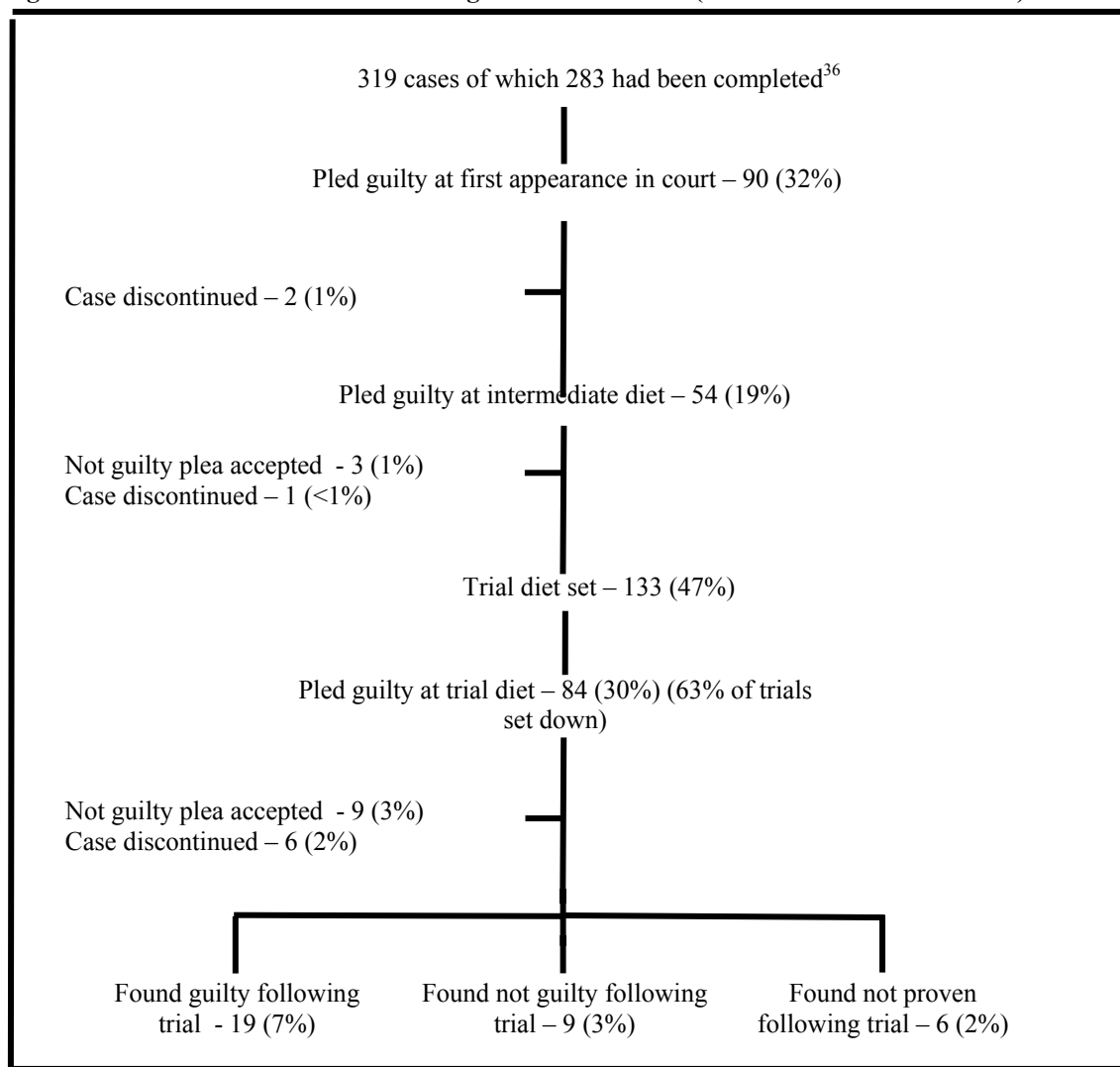
4.20 In order to compare like with like, the case processing timeframes of cited Youth Court cases were examined alongside the data from the Sheriff Summary Court. Excluding those cases not cited to appear in the court, charge dates in relation to 83 referrals were available from the forms provided by the Procurator Fiscal. In 75 cases it was possible to compare these with the dates on which complaints were received by the Procurator Fiscal. The minimum period between an accused being charged and referred to the Procurator Fiscal was zero days, the maximum was 110 days and the median time period was 10 days. Sixty-eight per cent of these cases were referred to the Procurator Fiscal within one month of the date that charges were imposed.

4.21 The dates on which cited cases were passed to the Procurator Fiscal were available in respect of 157 Youth Court cases. These data were compared with the dates on which cases were first called in the Youth Court. The minimum period between a case being reported to the Procurator Fiscal and first calling in the Youth Court was zero days, the maximum was 106 days and the mean time period was 29 days. Sixty-three per cent of these cases were called in the Youth Court within one month of the date they were received by the Procurator Fiscal.

4.22 It was also possible to compare the charge dates of the 83 cases discussed above with the dates on which cited cases first called in the Youth Court. The minimum period between an accused being charged and the first calling of a case was zero days, the maximum was 125 days and the median time period was 45 days. Overall, 33 per cent of these cases were called in the Youth Court within one month of the charge date.

4.23 Figure 4.2 shows the progress of cited cases through the court. The patterns of case resolution observed here do not differ markedly in any respect from those observed among the wider Airdrie Youth Court sample. In the full Youth Court sample, the proportions pleading guilty at the first calling, intermediate diet and trial diet stages were 30%, 22% and 31% respectively, totalling 83% across all stages. The same figure for the cited cases was 81%.

Figure 4.2: The route of cited cases through the Youth Court (June 2004 – December 2005)



4.24 Regardless of specific outcomes, Table 4.2 shows the proportion of cited cases resolved at each stage of the Youth Court process and the time period for resolution associated with each stage. As anticipated, cited cases resolved at first calling were dispensed with quickly (75% (69) on the date of the first appearance). Case resolution at intermediate diet was also very quick; 50% (29) of these cases were concluded within one month of the first appearance. Cases resolved at the trial diet were concluded marginally quicker than at an evidence-led trial; respectively, 12% (12) and 6% (2) of the cases resolved at these stages were concluded within one month of the first calling date. Overall, cited Youth Court cases which were resolved up to the end of December 2005 took an average of just over one month to resolve, with 46% (131) concluded within one month of first calling.

³⁶ Twenty-two cited referrals were ongoing. In addition, 7 other cases had been transferred into the Youth Court for sentence, 5 had been transferred out of the court before guilt was established and 2 involved new petition cases. The remaining percentages are based on 283 cited referrals (i.e. excluding these 36 cases).

Table 4.2: Number of days taken from first calling to resolution of cited cases through Airdrie Youth Court (June 2004 – December 2005)

Stage	N (%)	Min	Max	Mean
1 st Calling*	92 (31%)	0	108	5.6
Intermediate diet	58 (24%)	4	231	39.8
Trial diet	99 (36%)	14	154	51.7
Evidence-led trial	34 (9%)	21	133	62.7
Total	283 (100%)	0	231	35.6

*This is not zero in all cases due to instances where first callings were continued without plea, for personal appearance or where warrants were issued.

Source: Youth Court database

4.25 One hundred and ninety-seven (70%) of the 283 cited cases which were resolved resulted in at least one disposal (including deferred sentences of 3 months or more for good behaviour) being imposed before the end of December 2005. The minimum time taken to pass sentence was zero days, while the maximum time was 217 days (around 7 months). In the main, sentences were passed relatively swiftly; the most prevalent response was that sentence was passed on the same day that the case was resolved (54 cases, or 27%). However, in 31% of cases (61) it took more than 30 days to pass sentence, possibly indicative of a high proportion of short deferred sentences before disposals were imposed and/or non-appearance of the accused. Overall, an average of 33.4 days between case resolution and sentence was observed among all cases disposed of.

4.26 Taking account of the pre-court data, it took an average of 78.5 days (2.6 months) for cited cases to progress from initial charge to resolution (minimum 7 day, maximum 189 days; 82 cases). Only around a tenth of cases (11% or 9) were resolved within one month and 95% (78) in 6 months (180 days) or less. From charge to initial disposal took an average of 102 days (3.4 months) with a minimum of 14 days and a maximum of 432 days being recorded (75 cases). Four per cent (3) of these cases were disposed of within one month, while 81% (61) were disposed of within 6 months (180 days).

Airdrie Sheriff Summary Court

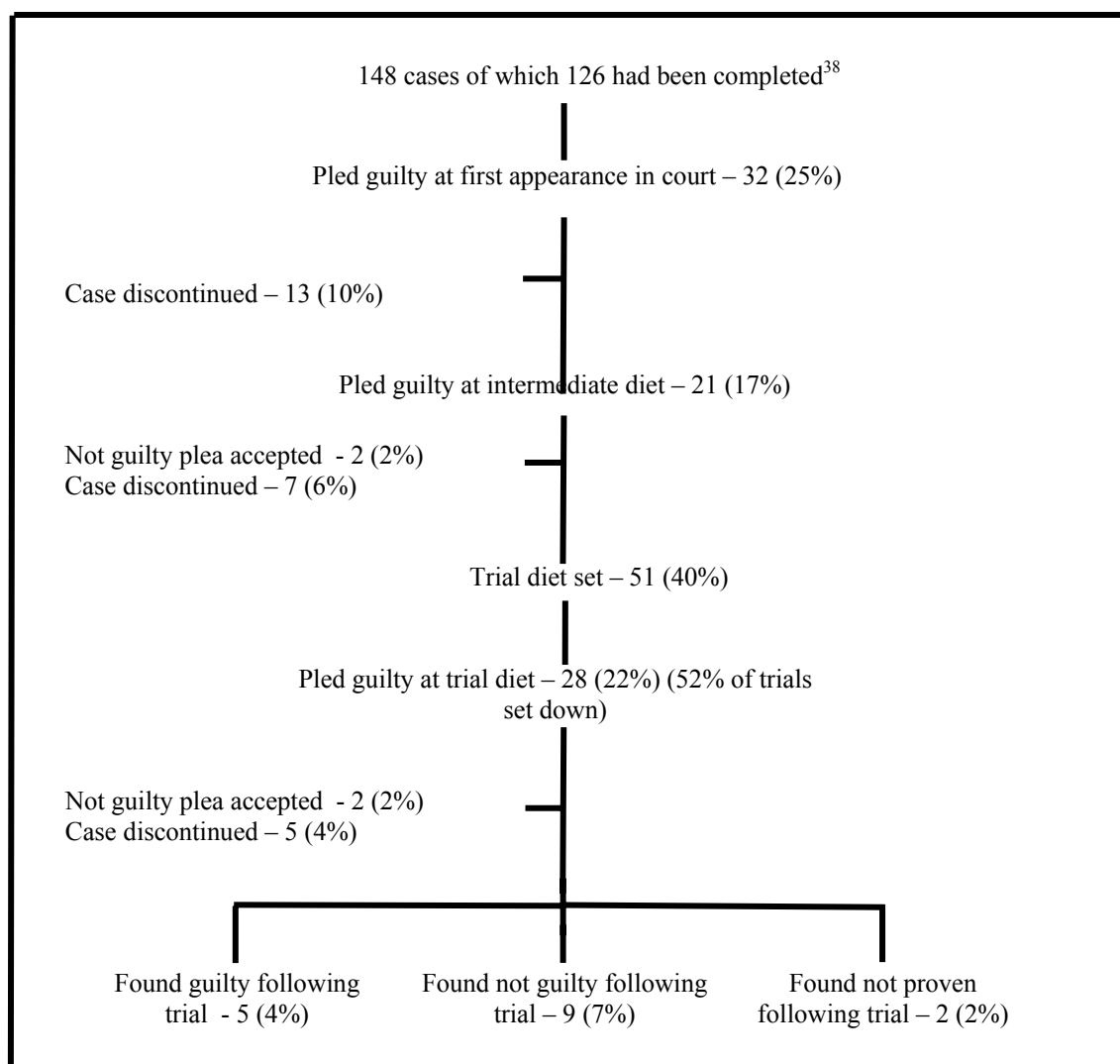
4.27 Charge dates in relation to 146 individuals were available in order to be compared to the dates on which cases first called in the court. The minimum period between an accused being charged and their first calling was 35 days, the maximum was 407 days and the mean time period was 148 days (around 5 months). The median time period³⁷ between charge and first calling was 132 days, while the comparable figure for the Youth Court was 45 days; around three months quicker than in the adult court.

4.28 Figure 4.3 shows the passage of adult cases through Airdrie Sheriff Summary Court. When compared to the data from cited Youth Court cases, broadly similar patterns can be observed in respect of when, during their passage through the court process, cases were resolved. However, it can be noted that the proportion of adults entering guilty pleas at first calling, intermediate and trial diets was slightly lower than among cited cases in the Youth Court (32%, 19% and 30% respectively). While none of these was significantly different on its own, taken together, the proportion of cases resolved by a guilty plea was much lower in the adult court (81 or 64%) than in the Youth Court (228 or 81%). Even more striking is the

³⁷ As discussed in footnote 34, medians were used in reporting charge date-related time periods in the Youth Court. Therefore, although the means for the adult courts are included (they proved not to be susceptible to skewness due to outliers), where appropriate, medians are also reported for the purposes of comparison.

significantly higher proportion of adult cases discontinued at each stage of court proceedings; these accounted for 20% of adult cases (25) compared to only 3% (9) of cited Youth Court cases. This might be due to a number of factors such as the complexity of cases, time elapsed since the offence, etc.

Figure 4.3: The route of cited cases through Airdrie Sheriff Summary Court (March 2005)



4.29 Regardless of specific outcomes, Table 4.3 shows the proportion of cases resolved at each stage of the adult court process and the time period for resolution associated with each stage. It can be seen that, as would be expected, cases resolved at first calling were dispensed with relatively swiftly. However, there was little difference in the time taken to resolve cases at the intermediate and trial diet stages (unexpectedly, the latter were resolved more quickly); both took around 6 months to conclude. Cases that resulted in evidence-led trial took the longest to resolve – an average of 7 months from first calling. Overall, cases beginning in Airdrie Sheriff Summary Court in March 2005 took an average of 4 months to resolve, a significantly longer period of time than in the Youth Court across the period covered by this evaluation (35.6 days).

³⁸ The remaining 22 cases were ongoing for various reasons, such as outstanding warrants, failures to attend etc.. The remaining percentages are based on 126 cited referrals (i.e. excluding these 22 cases).

Table 4.3: Number of days taken from first calling to resolution of cited cases through Airdrie Sheriff Summary Court (March 2005)

Stage	n (%)	Min	Max	Mean
1 st Calling*	45 (36%)	0	226	17.6
Intermediate diet	30 (24%)	48	283	171.7
Trial diet	35 (28%)	21	338	170.2
Evidence-led trial	16 (13%)	44	575	210.1
Total	126 (100%)	0	575	121.2

*This is not zero in all cases due to instances where first callings were continued without plea, for personal appearance or where warrants were issued.

Source: Data gathered from citation court records.

Note: Percentages do not sum to 100 due to rounding

4.30 Eighty-five (67%) of the 126 referrals which were resolved resulted in at least one disposal (the same as in the Youth Court, including a deferred sentence of 3 months or more for good behaviour) being imposed in the period before the data was collected. The minimum time taken to pass sentence was zero days, while the maximum time was 176 days (almost 6 months). The imposition of sentences occurred swiftly in the adult court; the most prevalent response was that sentence was passed on the same day that the case was resolved (55 cases, or 65%) while in only 14% of cases (12) did it take more than 30 days to pass sentence. Overall, an average of 14 days between case resolution and sentence was observed among all cases disposed of in the adult court. In this regard, the Youth Court was somewhat slower, with an average of 33.4 days elapsing between case resolution and sentence. This is likely to be a result of Social Enquiry Reports having been requested in a higher proportion of Youth Court cases.

4.31 Taking account of the pre-court data, it took an average of 267 days (mean: 8.9 months) for cases to progress from initial charge to resolution (minimum 40 days, maximum 684 days; 125 cases). A third of cases (33% or 41) were resolved in 6 months (180 days) or less, 78% in a year or less. The median time period from initial charge to resolution in the adult court was 262 days (8.7 months). The Youth Court was significantly quicker in this regard, with an average time period of 78.5 days between initial charge and case resolution; a difference of 6 months. In the adult court, the period from charge to initial disposal took an average of 273 days (9.2 months) with a minimum of 40 days and a maximum of 629 days being recorded (84 cases). Thirty-two per cent of these cases were disposed of within 6 months (180 days) while 76% were disposed of within a year. The median time period from initial charge to resolution in the adult court was 281 days (9.4 months). Despite the longer period of time between case resolution and initial disposal observed in the Youth Court, in terms of processing cases from charge to disposal it remained significantly quicker than the adult court. On average, this took 102 days in the Youth Court, 6 months less than the comparable timeframe for the Airdrie Sheriff Summary Court.

4.32 There was agreement among professional respondents that timescales were being met as a result of effective intra- and inter-agency co-operation and the resourced dedicated staffing. The meeting of timescales was also facilitated by the perceived increase in early guilty pleas and by the avoidance of unnecessary adjournments. Despite the workload of the court being higher than anticipated, it was suggested at the Implementation Group meeting in October 2004 that where adjournments had occurred it was for a number of reasons (such as witnesses not turning up) rather than through a lack of court time. On the 2 occasions where the volume of business for the Youth Court exceeded its capacity, additional courts had been run to facilitate Youth Court business and ensure that no trials were adjourned through a lack of court time. One difficulty that arose with fast tracking was in relation to the rolling up of

several offences. There had been a few occasions when social work reports had been compiled based only on offences known to social workers at the time but when other rolled up offences were subsequently dealt with in court. This being so, social workers may have underestimated the seriousness of the young person's situation and may not have given consideration to all appropriate disposals in the Social Enquiry Report.

YOUTH COURT DISPOSALS

Reports to the court

4.33 The Youth Court Sheriff will often call for a Social Enquiry Report (SER) before sentencing a young person³⁹. In addition to furnishing information about the background characteristics of the young person, the SER is intended to discuss the likely impact of the various sentencing options available to the court and how the young person is likely to respond to them. In the Airdrie Youth Court it was intended that the preparation of the SER would be underpinned by the use of a formal risk/needs assessment – the YLS/CMI or LSI-R⁴⁰ - and should contain an individualised action plan identifying the proposed level and method of intervention with the young person.

4.34 The perceived quality of SERs provided to the Youth Court was a source of concern to Sheriffs throughout the first 9 months of the pilot and also attracted comment from other professionals. In particular, reports were criticised as being 'bland', lacking the additional detail that was expected of them, including the likely response of the young person to different disposals and a detailed action plan – problems Sheriffs associated with the lack of dedicated Youth Court Social Workers (hence, a lack of familiarity with the client group and with the Youth Court ethos). These issues occupied an increasingly prominent role in Implementation Group discussions during the first 9 months of the pilot. Social work managers attributed the problem to delays they had encountered in appointing dedicated Youth Court workers. Although Sheriffs expressed disappointment that the Social Work Department had not made these appointments at the start of the pilot, the delay reflected wider difficulties in social work recruitment on a national basis. Interim arrangements (the screening of reports by senior social workers, dip sampling of reports by the Youth Justice Co-ordinator, the development of a Quality Assurance tool and staff training⁴¹) were put in place and facilitated enhancements in the quality of reports, which were commented upon by Sheriffs and other professionals. Sheriffs were also of the view that the appointment of dedicated Youth Court social workers towards the end of the pilot brought about a marked improvement in the standard of the SERs brought before the court. Their appointment also meant that SER authors were in court more often to answer queries regarding their recommendations. Overall, Sheriffs commended the Youth Court social workers, who were able to provide additional relevant and up-to-date information on request.

³⁹ These reports are required prior the imposition of a custodial sentence or a community-based social work disposal such as probation.

⁴⁰ Youth Level of Service/Case Management Instrument and Level of Service Inventory – Revised. The former was used with young people who were at school or who had left school within the previous 6 months: the latter was used with other young people.

⁴¹ This was welcomed by those social work practitioners who had little experience of SER writing and who acknowledged that they needed guidance in relation to the content and format of reports.

4.35 By the second round of interviews, therefore, the issue of the Social Enquiry Reports seemed to have been more or less resolved. A new form had been designed that detailed not only what intervention was recommended, but also what intervention was being ruled out. Many social workers felt that if they had been party to early discussions on this matter, what the sheriffs expected and what they were able to provide, the stressful criticisms of reports could have been avoided. This view was shared by other professionals who felt that the open criticism of reports in court was not the most constructive way of resolving the issue.

4.36 In hindsight social work staff considered that many of the criticisms reflected a difference in understanding between themselves and the Sheriffs with respect to the appropriateness of intensive interventions for young people who were assessed as presenting a low risk of re-offending. While Sheriffs were keen that all young people made subject to probation orders in the Youth Court should have access to a range of resources, social workers were reluctant to 'widen the net' and offer an intensive service to those for whom in their view such a level of intervention was not warranted. The lack of reference in SERs to detailed packages of intervention did not, as the Sheriffs had initially supposed, mean that relevant services did not exist: rather, they were not being proposed as appropriate in that particular case. Clarification of this matter appeared to have resulted in Sheriffs having more confidence in social workers' recommendations to the Youth Court.

4.37 From court observations, Sheriffs read over SERs and asked questions or made comments to the accused, particularly about their employment situation and about their alcohol or drug consumption (which featured heavily in a very high number of the cases observed). The observations also showed that at sentencing the key source of support for the young people came from the defence agents. Through in-depth accounts of the mitigating factors surrounding cases - the age and immaturity of the young people; absence of key kinship support; poor parental relations; alcohol and/or drug dependencies; family breakdowns and, in several cases, litany upon litany of personal problems (physical and mental health) - the defence agents were instrumental in their advocacy role. Backed up with Social Enquiry Reports and supporting statements from a range of individuals and social work services (some of whom might have been present in the court), the defence agents gave clear and concise indications of the young person's situation. In the following examples, it is evident that defence agents were central and not incidental in advocating services and supports:

"My Lord, not exactly clear from any reports in front of us today is that my client has difficulties with understanding reality. I ask that you take into account that he is a fantasist, with an underdeveloped emotional intelligence. His grandmother is his key support and he desperately needs some form of psychological assessment."

"My client could not take going to prison. She is very immature and when in sobriety, she thinks and reflects hard on her crimes. She self-harms, is highly impressionable and I feel strongly that if you look into her background and past, you will find a tragic fractured person. I urge that instead of prison, we find the means to monitor and work with this offender."

4.38 It had been recognised that there was no need for every social worker who prepared an SER to be present in court to speak to the report. Instead, a representative from the area

team or the dedicated Youth Court social worker were able to answer any queries that the Sheriff may have regarding a case. Some professionals observed that young people sometimes had their cases continued at the sentencing stage even when the SER and other assessments were available. Although the reasons for these continuations were not known, it was suggested by social workers that the young people could find the resulting delays stressful and frustrating.

Characteristics of young people subject to SERs

4.39 Information was provided by North Lanarkshire Social Work Department in respect of 39 young people who had Social Enquiry Reports prepared for the Youth Court (35 male and 4 female)⁴². In terms of living circumstances, 72 per cent (28/39) were living in the parental home and 13 per cent (5/39) were living with other relatives. The other 6 lived in either supported accommodation, a homeless unit, a children's unit, a remand fostering placement, had their own tenancy or were homeless. Fifty one percent (20/39) were unemployed, 28 per cent (11/39) were in full time employment, 8 per cent (3/39) were in full time training, 8 per cent (3/39) were at college full time and 5 per cent (2/39) were full time mothers. The problems that the young people were identified as having at the point of sentence are summarised in Table 4.4. Problems relating to alcohol misuse were most common, followed by the negative influence of peers. Seven young people, however, had no problems identified when their SER was prepared. A risk of re-offending assessment had been conducted on 38 out of these 39 young people. Sixty nine percent (26/38) were deemed to be at low risk, 18% (7/38) were deemed medium risk and 13% (5/38) were deemed to be at high risk of re offending. Consistent with the wider pattern of sentencing in the Youth Court (See Table 4.5), these young people were most commonly fined (10), admonished (8), had sentence deferred (11) or were given probation (6).

Table 4.4: Problems identified at the point of sentence among 39 young people who had SERs prepared for the Youth Court in July – December 2005

Offending related problem	Percent/number ⁴³
Alcohol misuse	29% (13/45)
Peer influence	20% (9/45)
None identified	16% (7/45)
Chaotic family/home circumstances	9% (4/45)
Drug misuse	4% (2/45)
Family addiction	4% (2/45)
Death/Grieving	4% (2/45)
Learning difficulties	4% (2/45)
Mental Health issues	4% (2/45)
Previous care concerns	2% (1/45)
Sexual issues	2% (1/45)

Source: Forms completed by social workers

Sentences imposed

4.40 The pilot Youth Court has available to it the same range of disposals as in the normal Sheriff Summary Court. The sentences imposed in the Youth Court up until the end of December 2005 are presented in Table 4.5. For each referral the most severe penalty imposed initially and finally (before any further sentence for breach) is recorded. The initial sentence includes deferred sentences of 3 months where it was likely that sentence had been

⁴² This was all SER requests made to the Airdrie social work office between July and December 2005.

⁴³ Some young people had more than one problem identified.

deferred to allow the young person to prove they could be of good behaviour and, in some cases, undertake work with the relevant social work department. Referrals transferred out of the Youth Court for sentence (17), where guilt was not established (59) and cases where guilt was yet to be resolved or where sentence had been deferred for less than 3 months (61) have been excluded⁴⁴. As Table 4.5 indicates, the most common disposals were monetary penalties and probation orders. By contrast, less use was made of restriction of liberty orders⁴⁵ or community service orders. When compared with figures from the interim report it appears that a significant decrease in the use of probation orders as initial and final sentences occurred (from 33% and 37% respectively after 9 months). A significant increase in the use of deferred sentences at the initial stage (from 12% in the interim report) also occurred along with a slight decrease in the use of detention (from 16%). The decreased use of probation and increased use of deferred sentences is likely to have come about as a result of the Appeal Court ruling that suspended the courts' powers to conduct reviews of probation orders in court. At the final stage of sentencing, slight increases in the use of monetary penalties and admonitions were apparent when compared with earlier figures (30% and 6% respectively in the interim report).

Table 4.5: Most severe sentence imposed⁴⁶ for referrals to the Youth Court June 2004 – December 2005 (number of referrals)

	Initial sentence (number)	Final sentence (number)
Detention	43 (11%)	53 (15%)
Community Service Order	19 (5%)	22 (6%)
Restriction of Liberty Order	13 (3%)	14 (4%)
Probation Order	66 (16%)	78 (23%)
Deferment (includes structured deferments) for a period of greater than 3 months	137 (34%)	0 (0%)
Monetary penalty (Compensation Order or fine)	107 (26%)	126 (37%)
Admonition	15 (4%)	43 (13%)
Remitted to the Children's Panel	6 (1%)	6 (2%)
<i>Total number of referrals</i>	<i>406 (100%)</i>	<i>342 (100%)</i>

Source: Youth Court database

Detention

4.41 Overall, 53 cases (15%) were sentenced to a period of detention by the Youth Court (10 after deferment). A further 8 cases resulted in a period of detention being imposed as a result of a breach of the original sentence. In total (and including sentences imposed on breach), 32 young people had been sentenced by the Youth Court to a period of detention (13% of the 255 young people found guilty of and sentenced in respect of at least one charge up to the end of December 2005). This included 4 young women and 6 young people subject

⁴⁴ These are likely to have been deferments for reports rather than for good behaviour or for some work to be undertaken with the young person.

⁴⁵ All but 2 of the RLOs imposed were for 12 hours and they varied in length from 2 to 6 months. Two of the 14 RLOs were imposed in respect of multiple referrals rolled up together. Eleven of the RLOs were imposed by the same Sheriff.

⁴⁶ The following severity ranking was used: detention, community service order, restriction of liberty order, probation order, deferment, fine and admonition.

to a Supervision Requirement from the Children's Panel when prosecuted in the Youth Court. Over half of these young people (17 or 53%) were sentenced to custody by the Youth Court on more than one occasion (2 young people each received a total of 5 custodial sentences from the court). The minimum period of detention recorded was one month and the maximum was 26 months, with a mean of 7.6 months.

Probation

4.42 Ninety-six cases involving 74 young people (29% of those found guilty of least one charge) resulted in a probation order being made (one was made following breach of a CSO). Orders varied from 6 months to 3 years, with a mean order length of 20.8 months. Ten (14 %) of those placed on probation were young women while 12 (16%) were subject to a Supervision Requirement from a Children's Panel at the time of referral to the Youth Court.

4.43 Five of the young people on probation were made subject to electronic monitoring as a condition while 15 had to complete a period of unpaid work, either as a condition of probation (3) or through a separate community service order (12)⁴⁷. Although the court sheets record courses that people would be expected to attend as a condition of probation, (such as attendance at counselling (often for alcohol and drugs), undertaking a cognitive behavioural programme and attending an activity course) the extent to which Sheriffs placed other specific conditions, such as attendance on a prescribed course, on probation orders was not clear from the Youth Court database.

4.44 Thirteen young people had breached their probation order through further offending or through a breach of conditions while 3 had breached a Restriction of Liberty Order (RLO) and 2 breached a community service order (CSO)⁴⁸. In relation to those who breached their probation orders, 6 received a custodial sentence, 6 were permitted to continue their orders, one was fined and one was admonished in respect of the breach. One of those young people who breached their RLO was imprisoned, one had their order extended and one had their RLO revoked while their probation order continued. Of those breaching their CSO, one young person was imprisoned and one had a probation order imposed. A mean of 7.6 months was imposed in relation to all instances where breach resulted in imprisonment.

4.45 Sheriffs did not, for the most part, express strong views upon the levels of compliance with Youth Court Orders because they felt they did not possess enough information to do so. They regarded compliance as generally satisfactory but expressed a sense of hopelessness in relation to some clients, stating that they were destined to breach their orders regardless of their specific content (in these cases it was argued that the fast track procedures were effective in swiftly bringing further offences before the court). However, on a more positive note, Sheriffs stated that they did not hear about many clients again – an indication that they were successfully complying with their orders. In general though, they argued that the differences in Social Work provision throughout the pilot had engendered uncertainty regarding the content of orders; a problem which, along with the absence of evaluative data, complicated the task of assessing compliance. None of the other professionals interviewed indicated that there were particular issues with compliance. Some felt that a relatively low number of orders had been breached given their view was that some

⁴⁷ A further 10 referrals resulted in a CSO being imposed without an accompanying Probation Order.

⁴⁸ One further referral was transferred into the Youth Court for disposal as a result of a breach of probation. One of the breaches of an RLO discussed relates to 2 referrals 'rolled up' together.

young people had been made subject to lengthy and tough orders that involved many interventions.

Monetary penalties

4.46 Monetary penalties were imposed in respect of 137 cases sentenced in the Youth Court (125 referrals received fines, 15 received compensation orders). For many, this was the most severe penalty imposed (Table 4.5). Fines ranged from £40 to £960 (with a mean of £282) while compensation ranged from £50 to £750 (with a mean of £308). One hundred and twenty-five young people (50% of young people found guilty in the court) had received a monetary sentence. All but 6 of those who received monetary penalties were male (95%). Sheriffs sometimes increased the weekly fine instalments because the amounts recommended by the defence agents were said to “*not hurt enough*”.

Structured deferred sentences

4.47 Thirteen referrals resulted in a structured deferred sentence being imposed. Ten young man and one young woman, with a mean age of 16.4 years at first referral, were recorded as being placed on a structured deferred sentence requiring them to engage with the social work department for a period before returning to court for final sentencing. Two of these young people were subject to supervision requirements at the time they were referred to the Youth Court. Social workers would have welcomed greater use of structured deferred sentences in some cases to enable a shorter, more focused period of intervention than would be possible with probation.

Remit to the Children's Panel

4.48 Under the Criminal Procedure (Scotland) Act 1995 (S. 49 (3) (b)) the Sheriff is required to request that the Principal Reporter arranges a Children's Hearing to obtain their advice as to the treatment of a young person who is subject to a supervision requirement from the Children's Hearings System and who pleads guilt to or is found guilty of an offence. The Sheriff may, on that advice, remit the case to a Hearing for disposal. Seven referrals involving 6 young people (3 young men and 3 young woman, all aged 16 years), 5 of whom were subject to Supervision Requirements, had their cases remitted to the Children's Panel for disposal. One was additionally placed on probation and community service by the court.

Restorative and reparation orders

4.49 There was a feeling amongst some professionals that not enough use was being made of restorative and reparation orders. Some felt restorative justice orders could possibly operate in place of community service orders. This was particularly pertinent to those young people who were working and had difficulty keeping the myriad of appointments associated with high level interventions and to those young people who had committed particular types of offences.

Level and frequency of interventions

4.50 There was a concern amongst some professionals, not only social work staff, that many young people could not cope with the level and frequency of interventions which could and did result in them not complying fully with the order. The issue of whether or not it was

always appropriate to impose interventions was one that was felt to require further clarity at the implementation group level.

Characteristics of young people given social work disposals

4.51 Information was provided by North Lanarkshire Council in respect of 90 young people who received a social work disposal from the Youth Court. Information about whether or not the young people had had previous social work contact was available in 62 cases. Thirty-five of these young people (56%) were previously known to either the Children's Hearings System and/or social work. Of these, 16 young people (46%) were previously known to the Children's Hearings system, 7 (20%) were previously known to Social Work and 6 (17%) were known to both.⁴⁹ Thirteen young people (37%) were previously known to the Children's Hearings System and/or social work on a welfare basis, while 11 young people (31%) were known in relation to their offending. Five young people (14%) were known to the Children's Hearing System and/or social work on both welfare and offences grounds⁵⁰. Information about the young person's living circumstances at the point of sentence was available in 54 cases. Most of these young people were living in the parental home (38 or 70%). The majority of the young people in respect of whom the relevant information was available were unemployed (34/59 or 57%), while just under a third (18 or 31%) were in full-time employment.

4.52 The problems that these young people were identified as experiencing at the point of sentencing are summarised in Table 4.6. In comparison with the earlier SER sample, the present sample had a higher incidence of problems, which is to be expected given that they had received a social work disposal (in most cases probation). Alcohol misuse was the most commonly identified problem, followed by drug misuse and anger management. One third of young people who had received an order from the Youth Court had no problems identified, though the extent to which this reflects missing data or an actual absence of problems cannot be identified. It should also be noted that most of these cases (21/30) involved individuals given community service orders or restriction of liberty orders where there would be no expectation of offending-related needs being identified or addressed.

⁴⁹ The remaining 6 young people (17%) were previously known to authorities, but it was not clear which.

⁵⁰ In the remaining 6 cases (17%) it was not known on what grounds the young person was known to the Children's Hearing System and/or Social Work.

Table 4.6: Offending-related problems identified in SERs resulting in Youth Court Orders (June 2004–December 2005)

Offending related problem*	Percent/number
Alcohol misuse	56% (50/90)
Drug misuse	26% (23/90)
Anger	24% (22/90)
Peer influence	14% (13/90)
Unemployment	8% (7/90)
Poor consequential thinking	8% (5/90)
Family problems	7% (4/90)
Lifestyle	7% (3/90)
Mental health problems	5% (3/90)
Attitudes to offending	5% (3/90)
Discrimination	5% (2/90)
Learning difficulties	2% (1/90)
None identified	33% (30/90)

Source: Information provided from SERs by North Lanarkshire Council

* As more than one factor associated with offending could be identified, percentages total more than 100%.

4.53 The results of risk assessments conducted at the SER stage were available in respect of 42 young people. Nine young people (21%) were assessed as having a low (8) or low-to-medium (1) risk of re-offending, 14 (33%) had a medium (13) or medium to high (1) risk of re-offending and in 19 cases (45%) the risk of re-offending was assessed as high. Most young people, therefore, appeared to present some risk of re-offending that might be addressed by a community-based social work disposal.

SERVICES AVAILABLE TO THE YOUTH COURT

4.54 Young people may be referred to the Airdrie Sheriff Youth Court if they offend within its catchment area but reside in other parts of North Lanarkshire or South Lanarkshire served by the Hamilton Youth Court. Social workers in North Lanarkshire will, however, supervise nearly all the young people involved with the Airdrie Youth Court. Young people living in North Lanarkshire, according to the Youth Court Information and Reference Document (Airdrie Sheriff Youth Court, 2004) and other documents scrutinised, could be referred to a range of services based upon their assessed needs as identified by the YLS/CMI or LSI-R. In addition to being able to access existing services, new services were introduced through the additional funding provided for the Youth Court. Further information about the services and resources available to the Youth Court is presented in the Appendix to this report.

4.55 It would appear that the availability of a range of age-appropriate resources may have persuaded the Sheriffs in Airdrie to make greater use of probation orders than had previously been the case (see Section Five). However, towards the end of 2004 they began to express concern that the expected levels of services and supervision were not available because the full complement of Youth Court social workers was not yet in post. This meant that additional resources made available to the local authority had not been fully utilised and resulted in the perception by some professionals that the content of community based disposals being offered in the Youth Court was little different from the content of those normally imposed in the summary court. In January 2005 the Implementation Group was informed that an action plan was being drawn up to improve services and that an audit of services was being undertaken by the Youth Justice Co-ordinator (covering groupwork and the use of resources and community alternatives). Temporary Youth Court social workers

were in post by March 2005 and by December 2005 Coatbridge, Cumbernauld and Airdrie all had permanent dedicated Youth Court social workers. Towards the end of the pilot Sheriffs commented that they remained uncertain about the range of resources available as some had only recently come on stream following the appointment of the dedicated Youth Court social workers.

4.56 Social workers did not, however, share Sheriffs' concerns about the adequacy of the services made available. Overall they were satisfied with the range and availability of services for the Youth Court and regarded the available resources as adequate. The main gaps in services identified by social workers included secure placements, which were not always available for young people who could be held in prison. A remand fostering scheme – introduced to provide the court with an alternative to a custodial remand - had eventually been introduced following delays in the recruitment of carers though social work respondents felt that there was still a lack of remand fostering places. Some social work respondents observed that similar services to some of those made available to the Youth Court were also available through area teams for lower risk offenders who did not require such intensive individual and groupwork programmes, through an expansion of groupwork provision in early 2005. This had required greater flexibility on the part of these services to, for example, accommodate young people who were in employment. At a more general level, some social work respondents commented that time limited funding impaired long term planning and vision for the development of effective service provision.

4.57 Regular monitoring and co-ordination was viewed by social workers as crucial when a range of services were put in place as part of a Youth Court Order. In this respect, social workers assumed the role of case manager. Social workers were reluctant to increase the number of services accessed by a young person if their circumstances did not merit it because this might result in young people being 'up-tariffed' if they failed to comply. As already indicated, the apparent difference in attitude between Sheriffs and social workers with respect to the appropriateness of intensive packages of services appeared partly to explain initial sentencer dissatisfaction with the content of Social Enquiry Reports.

4.58 Prior to the appointment of the dedicated Youth Court social workers, most social workers who were supervising Youth Court cases were not working solely with this client group and this limited the extent to which they could provide the intensive levels of supervision and support that the Youth Court Sheriffs desired. That said, all cases were allocated and provided with an appropriate service and the appointment of 3 dedicated Youth Court social workers appeared to have ameliorated this situation. With regard to capacity, social work respondents were of the view that if they were not required to carry out other work, they could take on an increased number of Youth Court cases if the demand arose.

YOUTH COURT REVIEWS

4.59 For the first 12 months of the pilot, Youth Court Sheriffs were able, if they deemed it appropriate, to have ongoing judicial oversight of the community supervision orders they imposed⁵¹ through the convening of regular Court Review hearings. The frequency at which these hearings were held was at the discretion of the Sheriff taking into account the circumstances of the case. The Youth Court database recorded that reviews had been scheduled for 55 of the young people placed on probation (74%).

⁵¹ The power of review extended to Probation Orders, deferred sentences and DTTOs.

Practical issues

4.60 The Sheriffs – like other professionals - found the review hearings to be useful for monitoring the progress of a young person and the impact of relevant interventions. They stressed that the purpose of reviews was not to establish a relationship with the accused. Communication between Sheriffs and young people was generally described as minimal, possibly in part due to the effect that the formality of the court had upon the young people.

4.61 While reviews were considered to be an important feature of the Youth Court, it was suggested by some professional respondents that social workers could be more fully involved in the process when they attended court with young people. While this did happen on occasion, the extent to which social workers were consulted was said by social work respondents to vary between Sheriffs. For social workers, attendance at reviews added to their workloads. They could spend all morning in court waiting for the young person they were working with to be called, then not be invited to contribute when the case did call. They suggested that having a separate court for reviews might allow for a more efficient use of their time. This could also benefit young people whose anxiety levels could be increased by sitting in court all morning waiting for their review to be heard.

The content of reviews

4.62 Observation of the Youth Court confirmed the views of professionals that it should not be perceived as a ‘soft option’. Although the majority of the sentences imposed were community-based disposals, Sheriffs strongly emphasised the consequences of non-compliance when disposing of the case and re-iterated this at appropriate points in an order. That said, Sheriffs also regularly demonstrated concern, encouragement and support for young people appearing before them at reviews.

4.63 Sheriffs occasionally noted the presence of family members at the court. In some cases it appeared to confirm that family breakdown could have contributed to the young person’s offending. More generally, however, Sheriffs appeared to place responsibility for improving their behaviour firmly with the young people themselves, who were often extolled to ‘get their act together’. The onus was placed firmly on young people to adhere to their orders and to meet regularly with their social workers as required. Although not a specific aim of the Youth Court, it appeared that the heavy caseload at Airdrie on one day a week may have constrained the time available for constructive and meaningful dialogue about the causes and consequences of offending.

4.64 There was only one observation of a confidentiality issue that arose out of the observed cases. This concerned an abusive relationship between the male defendant and another male. The Sheriff indicated that he had the information in front of him and that it would be better to not disclose this information publicly. This suggests that Sheriffs had given some thought to dealing with the public nature of these types of court proceedings and that sensitive issues were being considered.

Losing the Power to Review Probation Orders

4.65 The power of the Courts to review Probation Orders was lost as a result of a High Court ruling in July 2005. This was lamented by the Sheriffs and by other professionals who agreed unanimously that the loss of the power to review probation orders was a backward

step for the Youth Court. It undermined potential for continuity in the relationship between the sheriff and the young person. Professionals were of the view that court-based reviews were more effective in encouraging and sustaining the young person's motivation than were social work reviews, particularly for young people who had previous experience of the Children's Hearing System. Sheriffs also regarded the review as an important tool in promoting ongoing compliance with Orders (due to their repeated contact with the young person and the instilling of mutual expectations among sentencers, clients and workers). Though optimistic that such powers would soon be available again⁵², they argued that those clients they were reviewing before were effectively 'lost' now, only to come before them again under circumstances relating to the breach of an order. Despite this, Sheriffs made innovative use of their powers to 'keep a tight rein' on some young people, with other professionals commenting on their imaginative use of a combination of sentencing options in order to bring the young people back for reviews. If 2 charges were brought before the court Sheriffs reported making increased use of a normal or Structured Deferred Sentences along with a Probation Order, using the SER to report on the offender's response to both disposals. However, they recognised there was a lack of flexibility if only one charge was available; this usually resulted in the imposition of a Structured Deferred Sentence to bring individuals before the court on a periodic basis.

INTER-AGENCY TEAMWORK AND COMMUNICATION

4.66 Overall, inter-agency teamwork at both the operational and strategic levels was regarded as good by Sheriffs. They suggested that the appointment of dedicated staff across agencies facilitated the efficient operation of the court itself. The Youth Court Implementation Group was seen as a tightly focused forum fostering effective co-operative working between stakeholder representatives, although it was suggested that much problem-solving was done informally. Other professional respondents likewise believed that the effectiveness of the Implementation Group had increased as the experience, confidence and relationships between those who participated in it had developed.

4.67 That said, some professional respondents believed that the remit of the group needed further clarity. It was suggested that more room could be made for discussing and revisiting the roles and responsibilities of the agencies involved and that a greater emphasis could be placed on strategic analysis than discussion than on problem-solving in relation to operational matters.

4.68 Existing lines of inter agency communication remained, albeit in many instances they had improved through the dedicated staffing arrangements. It did not appear that any new lines of inter agency communication had been opened other than at the level of the Implementation Group. Grass roots staff felt there was room for improvement in this regard. For example, some professional respondents indicated that they would welcome opportunities for multi-agency discussion of cases (as opposed to processes) to enable the relevant agencies to share information particularly about those cases regarded as higher risk and more resource intensive.

4.69 Clearer lines of communication between the Implementation Group and social work practitioners were thought by social workers to be required. There appeared initially to be no

⁵² Legislative provision for the conducting of probation review hearings was subsequently introduced through Section 12 of the Management of Offenders etc. (Scotland) Act 2005 with effect from 8 February 2006.

formal direct line of communication between this group and the social work practitioners dealing with Youth Court cases. Both the Youth Justice social workers and the Youth Court social workers reported to their line manager, preventing direct dialogue between the social work practitioners dealing with Youth Court cases and the Implementation Group. Social work respondents suggested that having a dedicated Youth Court team with resources attached to it and with clear line management structures would be more effective than the initial arrangements in which practice differed across the authority. Social workers and Sheriffs alike believed that had effective links been in place much of the early criticism of SERs and misunderstandings regarding the matching of resources to offender risk could have been avoided. Steps taken to address these issues included the strengthening of social work involvement in the Implementation Group (including attendance by frontline workers) and the convening of regular meetings of Youth Court social work staff.

THE YOUTH COURT MODEL

4.70 Although Youth Court business is separated from other court business, Airdrie Youth Court was observed as operating essentially as an adult court ‘adapted’ for young people, rather than a Youth Court at the centre of which is a rationale that is youth centred. Sheriffs perceived little difference between the Youth Court and the conduct of normal summary court business, other than in the fast-tracking of cases and the availability of additional resources. Moreover, the label ‘Youth Court’ met with disapproval from Sheriffs, who suggested re-naming it as the ‘Fast-Track Court’ in order to overcome the problems relating to its perception by young people that the current label appeared to engender.

4.71 Sheriffs also suggested that concentrating young people in this way might not be the best model for dealing with young offenders. They suggested retaining the fast-tracking element (of which they were very supportive) and introducing cases involving young people in a normal fashion, or as early diets, throughout adult summary court proceedings. In this way, the control problems associated with the perceived failure on the part of some young people to appreciate the gravity of proceedings might be overcome. On the other hand, it was recognised that fast-tracking Youth Court cases created dilemmas in that resources were being diverted from the processing of other cases which, arguably (for example, on the basis of seriousness), merited a comparable or greater degree of targeting.

4.72 On the whole, there was a perception among Sheriffs (and, indeed, among other professionals) that fast-track procedures were the most notable success of the Youth Court. This led to the suggestion by some professionals that the system would benefit greatly from their wider application. The feasibility of applying the Youth Court model to other courts was, however, called into question. Sheriffs were concerned about the level of specialisation that was occurring in larger Sheriff Courts (for example, in Glasgow Sheriff Court which now had a separate Drug Court and Domestic Abuse Court) and were positive about employing each member of the Shrieval team on the Youth Court bench, rather than involving only a limited number of Sheriffs. On the other hand, they suggested that smaller Sheriff Courts with one or 2 Sheriffs would face problems implementing specific Youth Court arrangements due to the accompanying loss of time spent on other business. Sheriffs believed that in Airdrie it had been important for this reason to limit the capacity of the court to one day and to have a dedicated specialised team exerting tight control over the operation of the Youth Court.

4.73 At a more general level, a central issue concerned the perceived purpose of the Youth Court. In particular, there appeared to some lack of consensus over whether it intended to deal with persistent young offenders or with all 16 and 17 year olds who committed an offence. In other words, was it meant to identify young people who *may* become persistent offenders and intervene early or to provide services to those who *already* had an established pattern of offending behaviour and who whose risk of recidivism was already high.

4.74 This issue was complicated by that fact that, unlike in Hamilton where ‘persistent’ offending⁵³ could serve as a trigger for referral to the Youth Court, in Airdrie similar persistency criteria were neither formally adopted nor applied. Some professional respondents suggested that, as a consequence, some very minor offences and offenders were being prosecuted in the Youth Court, though others were of the view that the Procurators Fiscal took into account the nature and frequency of offending at the marking stage so that persistency was being taken into account without a formal criterion being rigidly or restrictively applied. That said, social workers reported that young people they were supervising via the Youth Court sometimes had no established pattern of offending and a low assessed risk of re-offending and this had resulted in the need to adapt existing interventions to accommodate young people for whom less intensive programmes (or little or no social work intervention) were required.

4.75 Given the perceived lack of clarity surrounding criteria for the Youth Court and the reservations expressed about the transferability of the model to other parts of the country, the question arises as to whether the Youth Court model that has been adopted in the Scottish pilots *is* the most appropriate for this age-group or whether there are alternative approaches that should be considered. For example, some social work respondents suggested that a Youth Court might best serve as a bridge between the Children’s Hearings System and adult criminal justice system.

SUMMARY

4.76 In its broad operation the Airdrie Sheriff Youth Court proceeded as any other summary adult court. Overall it was tightly run with a heavy volume of cases being heard. More than half of the cases were resolved prior to the setting of a trial diet, with only 9 per cent of cases proceeding to trial.

4.77 The proportion of cases appearing on citation (61%) was higher than expected. Following their appearance in court most accused were granted bail or ordained to appear. Sheriffs had made no use of electronic monitoring as a condition of bail, preferring police monitored curfews. Although these were resource intensive for the police, they were thought to have resulted in reduced crime levels in some areas.

4.78 The professional consensus was that designated timescales relating to different stages in the prosecution process were being met, partly through the avoidance of unnecessary adjournments. This was borne out by a comparison of cases processed by the Youth Court and by the Sheriff Summary Court. The mean period of time that elapsed between the charge and the first calling of the case was much shorter in the Youth Court, a higher percentage of cases in the Youth Court were resolved by way of a guilty plea and

⁵³ Defined as 3 episodes within a period of 6 months.

Youth Court cases were, on average, resolved more quickly than cases dealt with by the Sheriff Summary Court.

4.79 The perceived quality of certain social enquiry reports was initially a source of concern to Sheriffs but this issue was resolved over the course of the pilot partly through steps taken by the social work department to improve the quality of reports and partly through the appointment of Youth Court social workers.

4.80 The sentences most commonly passed in the Youth Court were, in decreasing order, probation orders, monetary penalties and detention. The Youth Court has available to it a range of additional resources and services that are intended to meet the assessed needs of young people made subject to supervisory orders. However, Sheriffs and some other professionals were initially of the view that there was little difference in the packages of intervention offered to young people sentenced in the Youth Court. This appeared partly to reflect differing perspectives on the appropriateness of intensive packages of services for young people assessed as presenting little risk of re-offending. Social workers, who were generally content with the resources available, were wary of offering interventions to young people who did not require them.

4.81 Most of those given probation orders had their orders reviewed by the Sheriff in court. Sheriffs found reviews useful in monitoring progress but dialogue with young people was limited and, despite them often having lengthy waits in court, the contribution of social workers was not usually sought. Reviews, which were conducted formally, tended to emphasise the consequences of non-compliance and the importance of young people taking responsibility for themselves and their behaviour. Sheriffs and other professionals expressed disappointment at the suspension of the power to review probation orders from July 2005.

4.82 The existence of dedicated staff across agencies and the forum provided by the Implementation Group were believed by professionals to have facilitated the efficient operation of the Youth Court pilot, though some believed that the Implementation Group should focus more on strategic analysis and there was no direct line of communication between it and front-line social work staff.

4.83 In practice, the Youth Court functioned as any other court being distinguishable largely by the fast-tracking of cases. While this aspect was deemed to be worthy of wider implementation, other problems with the Youth Court model as operated in Airdrie (such as the perceived lack of clarity regarding the criteria and aims) were highlighted.

SECTION FIVE: OUTCOMES OF THE AIRDRIE YOUTH COURT

INTRODUCTION

5.1 This section of the report focuses upon the outcomes of the Youth Court with particular reference to its effectiveness in bringing about reductions in recidivism. This is examined by comparing rates of recorded crime in the areas served by the Youth Court and in other areas with similar demographic characteristics and by comparing reconviction among young people sentenced in the Youth Court with those of a similar age sentenced in other courts. This chapter also considers intermediate outcomes as indicated by young people's reported responses to orders made by the Youth Court along with the views of professionals and young people themselves. First, however, the impact of the Youth Court upon sentencing patterns is examined.

SENTENCING BEFORE AND AFTER THE INTRODUCTION OF THE YOUTH COURT

5.2 Given that the Youth Court had available to it a wider range of services and resources for young people made subject to community-based supervisory disposals, it is possible that Sheriffs may have been encouraged to make greater use of disposals such as probation in the Youth Court. The Youth Court in Airdrie began operating in June 2004. Concentrating on the 15 – 17 target age group, there was a sharp increase in 2004 in the numbers of young people in this age group who were sentenced in Airdrie. The disposals received in each of the 4 years are summarised in Table 5.1.

Table 5.1: Summary proceedings for 15-17 year olds sentenced in Airdrie by year of sentence (column percentages)⁵⁴

Sentence	2002	2003	2004	2005
Detention	9 (10%)	12 (10%)	17 (8%)	27 (16%)
Community sentence	18 (21%)	22 (18%)	64 (29%)	36 (21%)
Monetary	51 (59%)	71 (57%)	110 (50%)	76 (45%)
Other sentences	8 (9%)	19 (15%)	31 (14%)	29 (17%)
<i>Total Number</i>	<i>86 (100%)</i>	<i>124 (100%)</i>	<i>222 (100%)</i>	<i>168 (100%)</i>

Source: Scottish Executive Justice Statistics Unit

Note: Percentages do not sum to 100 due to rounding

5.3 Comparing disposals, the use of community sentences (probation order, community service order or restriction of liberty order) increased in 2004 but declined again in 2005 while the use of fines or compensation orders decreased from 2003 to 2005. The use of imprisonment decreased slightly from 2002 to 2004 but increased sharply in 2005 while the use of other sentences (mostly admonitions) increased in the same year. These data suggest that the introduction of the Youth Court in 2004 may have had an impact on the use of community sentence in Airdrie in that year but that this impact was short-lived. It is possible that the suspension of the power to review probation orders in court in July 2005 dissuaded Sheriffs from making greater use of this option in the latter part of that year with the

⁵⁴ The figures were supplied by the Justice Statistics Unit towards the end of the evaluation. The sentencing data for 2005 and likely to be incomplete and the data for 2003-4 are still provisional.

consequence that the proportionate use of community-based social work disposals in Airdrie was the same as prior to the Youth Court's introduction. What is less easy to account for is the very large increase in the numbers of young people convicted in Airdrie in 2004 and 2005, though it is possible that the introduction of the Youth Court and availability of associated resources encourage prosecution of cases in it that might previously have been dealt with in some other way, such as a fiscal fine. Additional data provided by the Justice Statistics Unit indicated that the number of young people convicted in the District Court covering the Airdrie Sheriffdom had not risen in 2004 in comparison with previous years but had risen sharply in 2005 to 238 cases from 124 cases in 2004.

5.4 Table 5.2 compares sentences passed in the Youth Court and in the Sheriff Summary Court in 2005⁵⁵. This suggests that the increased use of custody in that year was attributable largely to its proportionately high use by the Sheriff Summary Court. Both courts made broadly similar use of community-based social work disposals and monetary penalties, however the use of admonitions was much higher in the Youth Court. This would be consistent with the previous finding that the Youth Court was dealing with a higher proportion of first offenders than the Sheriff Summary Court.

Table 5.2: Disposal for 15-17 year olds sentenced summarily in 2005 in Airdrie by court type (column percentages)

Sentence	Youth Court	Normal Summary Court
Detention	17 (14%)	10 (22%)
Community sentence	24 (20%)	12 (27%)
Monetary	56 (46%)	20(44%)
Other sentences	26 (21%)	3 (7%)
<i>Total Number</i>	<i>123(99%)</i>	<i>45(100%)</i>

Source: Scottish Executive Justice Statistics Unit

CHANGES IN RECORDED CRIME

5.5 It has been estimated that a small percentage of persistent young offenders are responsible for around 25 per cent of all crimes recorded by the police⁵⁶. Although the Airdrie Sheriff Youth Court did not formally nor exclusively target 'persistent' offenders, its aim was to effect a reduction in youth crime and if it was being successful in this respect, recorded crime in its police area may be expected to show a greater reduction or less steep increase over time in comparison to non-Youth Court areas.

5.6 To assess whether the introduction of the Youth Court had brought about a reduction in crime among those in its target group, and hence in crime rates more generally, a comparison was made of the levels of recorded crime in Airdrie and 2 comparator areas before and after the pilot commenced, drawing upon data provided by the police. Criminal incidents in Scotland are officially recorded as crimes (usually more serious) or offences (usually less serious) and these are categorised under 7 headings. As the Youth Court was a summary court it tended not to hear cases categorised in groups 1 and 2 covering violent and sexual crimes. The focus for analysis was therefore on categories 3 - 6 that cover less serious

⁵⁵ These data are not complete however this is the first full year in which the Youth Court was operational.

⁵⁶ Audit Scotland (2001) **Youth justice in Scotland: A baseline report**, Edinburgh: Audit Scotland.

crimes and offences. Road traffic offences were also excluded from the analysis (although offences such as theft of or from vehicles would be included under category 3).

5.7 Across these categories there was an increase in the number of crimes recorded from 2003 to 2005 (see Table 5.3). The largest overall increase was in Ayr while the increases in Airdrie and Falkirk were of a similar magnitude. In all areas there was a large percentage increase in group 4 and group 6 crimes and offences; in all likelihood attributable to the new recording practices⁵⁷ rather than a dramatic rise in the level of these incidents. With respect to Group 5 crimes, there was no increase in Airdrie while the 2 comparison areas showed an increase. In all 3 areas the incidence of Group 3 crimes decreased but the percentage decrease in Airdrie was smaller than in the comparison areas. This category, covering the theft of motor vehicles and housebreakings, was forecasted to be less susceptible to recording practice changes and is, perhaps, the most valid to compare year on year. That said, the changes in recording practices make interpretation of these data highly problematic. There is no consistent evidence from these data of a reduction in crime in the areas covered by the Youth Court in comparison to other demographically similar parts of the country. However, given these problems of interpretation, neither would a conclusion that the Youth Court had had no impact on local crime be warranted.

Table 5.3: Percentage change in recorded crime in Airdrie and comparison areas 2003 to 2005 by crime and offence category

<i>Crime / offence group</i>	<i>Airdrie % change</i>	<i>Ayr % change</i>	<i>Falkirk % change</i>
Group 3 – Crimes of Dishonesty (<i>includes housebreaking and thefts</i>)	-4%	-14%	-25%
Group 4 – Fire raising, vandalism, etc.	56%	49%	11%
Group 5 – Other crimes (<i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i>)	0%	27%	8%
Group 6 – Miscellaneous offences (<i>includes breach of the peace and petty assault</i>)	11%	46%	12%
<i>Overall</i>	<i>12%</i>	<i>24%</i>	<i>11%</i>

Sources: Strathclyde Police and Central Scotland Police

RECONVICTION ANALYSIS

5.8 Due to the time span of this research, it was not possible to conduct the standard 2-year follow-up matched reconviction study of all the young people appearing in the pilot period of the Airdrie Youth Court. This would be the only way to produce reliable results on the reconviction rate among young people sentenced in the Youth Court. An indicative reconviction study was completed, however these results should be treated with caution due to the limited duration of the study and the limited number of cases used.

5.9 Details were provided by the Justice Statistics Unit of the Scottish Executive reconvictions among 117 young people sentenced in the Youth Court between June 2004 and May 2005. Similar data were also provided in respect of 153 young people sentenced in Airdrie Sheriff Summary Court and in comparator Sheriff Courts in Ayr (163 cases) and

⁵⁷ see description in paragraph 2.18

Falkirk (219 cases). The length of follow-up period varied from case to case. This analysis indicated that 20 per cent of the Youth Court cases had had a least one new conviction compared with 22 per cent of the Airdrie Sheriff Summary cases, 18 per cent of Ayr cases and 31 per cent of cases in Falkirk. It should also be noted, however, that there were differences across courts in the numbers of previous convictions that the young people had, these being highest in Falkirk and lowest in the Youth Court. Given that previous criminal history is a one of the strongest determinants of the likelihood of reconviction, the differences in observed reconviction rates between the 4 samples might simply reflect their different a priori levels of risk.

5.10 The short time frame of the reconviction study would not have allowed all further offending to have been convicted and sentenced and thus to register in these statistics. Furthermore, numbers of young people involved that could be included here were small. Both these factors preclude fuller analysis of reconviction at this stage and prevent any conclusions from being reached at this stage with respect to the impact of the Youth Court upon recidivism.

SOCIAL WORKERS' ASSESSMENTS OF PROGRESS

5.11 From the 20 questionnaires completed by social workers in individual cases, the most frequently identified objectives were to address alcohol and anger management problems followed by addressing offending and accommodation problems. The most frequently referred to interventions were groupwork (most often programmes to address alcohol and drug problems), anger management, a placement coach and addiction services, although cognitive behavioural and individual issue work, the car offenders' programme and throughcare services were also utilised. In most cases social workers felt that these interventions would meet objectives to a large extent.

5.12 Overall the questionnaires shed a fairly positive light on the progress of young people. Thirteen young people were deemed by their social workers to be responding positively to their *orders*, while 5 were showing a mixed response and 2 were said to be responding negatively. The same number (13) were reported to be responding positively to the services that were being provided while 3 were showing a mixed response and 4 were responding negatively. Groupwork, individual issue-based intervention and cognitive behavioural work were regarded as being most helpful for young people. More generally, social workers highlighted how young people were obtaining help and support through services that had not previously been available.

5.13 Fifteen young people were regarded by social workers as having reduced (or ceased) their offending while in 2 cases the level of offending remained unchanged and in 3 cases it was perceived to have increased. In 14 cases the reduction in offending was attributed partially or entirely to the young person having been placed on supervision by the Youth Court and to the services accessed as a result. Reductions in offending were attributed to young people gaining employment (or having increased prospects of doing so), improved family circumstances, increased maturity and improved attitude.

5.14 Eight young people were considered unlikely to re-offend, 6 were thought likely to commit further offences and in 6 cases the risk of further offending was considered unclear. Those who were thought likely to continue offending were reported by their social workers as

being less motivated to engage with services. Risk of further offending was also indicated by continued offending while subject to supervision, deterioration in family circumstances, reluctance to acknowledge problems regarding substance misuse and the existence of a range of risk factors that had yet to be addressed.

5.15 Further information about the services provided to young people and their outcomes was provided by Community Alternatives: a social work funded centralised service that provides a range of individual and groupwork programmes for young people, including those made subject to orders by the Youth Courts in Hamilton and Airdrie. The service began in May 2005 and between May 2005 and January 2006 Community Alternatives have received 102 referrals from the Youth Courts in Hamilton and Airdrie. Seventy-six young people had been referred to the Placement Coach service, 30 of whom have since secured employment following periods of training in either skill seeker or career training (with another 16 young people awaiting training placements). Fifty-six young people were referred to Offending is Not the Only Choice (an offending reduction programme) of whom 22 had completed the group programme and 14 the individual programme⁵⁸. Thirty-two young people had been referred to the DROP programme, of whom 18 had completed either individual or group work.

YOUNG PEOPLE'S VIEWS ON THE YOUTH COURT

5.16 Although only 5 young people were interviewed, their experiences of being made subject to Youth Court orders are nevertheless important. Moreover, although the sample was small and these findings must be treated with extreme caution, the views they expressed about their experiences of supervision were broadly consistent with the information provided on a larger sample of cases via social worker questionnaires and the views expressed by social work staff in interviews.

5.17 Each of those interviewed stated that the offending that brought them to the attention of the Youth Court had been alcohol related. Moreover, they all indicated that their involvement in offending had initially begun after they had become involved in binge drinking and that their offences were committed while under the influence of alcohol. None of the interviewees reported that they were still offending and all stated that they had modified their pattern of alcohol consumption.

5.18 Positive changes in behaviour were associated by young people with gaining employment, changing friends, the influence of family members and girlfriends, participating in groupwork, talking to their social worker, being subject to electronic monitoring and the prospect of being returned to Polmont Young Offenders Institution. None of those interviewed had had previous social work or Children's Hearings System involvement and all but one felt that the interventions they had received as a result of being placed on their order by the Youth Court had been of some benefit. All believed that being employed provided an incentive to avoid further offending but suggesting that balancing work commitments and the requirements of their orders was difficult at times.

5.19 The Youth Court had been the sole experience of the criminal justice system for 3 of the young people while the other 2 had previously appeared in a Sheriff Summary Court. Both said that the Youth Court was faster, provided more information about your case and

⁵⁸ 12 others did not attend any sessions and 8 failed to complete.

provided more help. Both thought that while the Youth Court was more helpful and quicker, it was also harder and harsher than a Sheriff Summary court. Indeed, 3 of the young people interviewed felt that the disposal they had received had been too harsh for the types of offences they had committed, though the other 2 thought that the order that had been imposed was fair given their previous record. One respondent, in particular, complained that neither he nor his defence agent had been given prior warning that a number of offences were going to be rolled up (an observation that had also been made by some social work respondents).

PERCEIVED EFFECTIVENESS OF THE YOUTH COURT

5.20 Professionals were generally of the view that the Youth Court was having an impact on at least some of those appearing before it so long as they were able to access the necessary resources to address problems such as drug and alcohol misuse, unemployment and housing issues. Some professionals thought that even if the interventions offered through the Youth Court were not effective in all cases, the ability for the Youth Court to impose custodial sentences – at first sentence or on breach of a community based social work disposal – could enhance community safety and have a deterrent effect at both the individual and general levels.

5.21 Police respondents were particularly positive about the effectiveness of the Youth Court. They felt that the fast tracking process and knowledge amongst those being brought to court that they would go to trial without delay was having an impact. They also felt that options available to the Youth Court prior to and following sentencing, most noticeably the curfews, were having a positive impact on communities. They reported that there had been a noticeable decline in public disorder in particular areas, which they attributed to a small number of young offenders having been in custody and to the use of bail curfews, though this is difficult to substantiate from the available data on recorded crime.

5.22 Other professionals felt less enthusiastic about the Youth Court, with some suggesting that it was a political gesture rather than a solution to youth crime while others said that they needed evidence of its impact on re-offending before deciding whether it was effective. Indeed, all professionals were keen to receive feedback on this aspect of the Youth Court and some indicated that they would welcome more multi agency seminars to provide a forum for such feedback as well as further fostering inter- agency working.

5.23 Professionals were mostly unified in being positive about the effectiveness of the Youth Court in terms of bringing about speedier justice and attempting to meet the needs as well as the needs of young people. Within this there were also, however, some concerns. For example, some professionals observed that those young people who had been through the Children's Hearing System seemed to be responding less well to the Youth Court. It was thought these young people had difficulty in understanding the seriousness of the situation they found themselves in, the repercussions of not complying with their orders and the different relationship they now had with their social worker⁵⁹. They seemed to struggle with the expectations and responsibilities placed upon them by the court and needed help in managing the transition into the adult criminal justice system. One solution, it was suggested, was to provide the services that were available to the Youth Court to those identified as being at risk of recidivism while still within the Children's Hearings System.

⁵⁹ This is unlikely, however, to be specific to the Youth Court.

5.24 Reservations about fast-tracking included the observation from the Fast Track Children's Hearings pilots that getting established and appropriate services to the young people quickly may have been more important than the fast track process per se⁶⁰ and concern was expressed that an unintended outcome of fast tracking, the rolling up of cases and the use of too many or inappropriate interventions was that the young person would breach their orders and end up in custody very quickly. However, the majority view was that the benefits of fast-tracking outweighed the potential disadvantages and that as long as there were appropriate interventions that could be accessed quickly, the fast track model was one to be aspired to as a feature of all summary justice and not simply the Youth Court.

SUMMARY

5.25 Analysis of sentencing in Airdrie between 2002 and 2005 suggested that there was more use made of community-based social work disposals in 2004 but that the proportionate use of these disposals decreased in 2005 while the use of imprisonment rose. Compared with the Sheriff Summary Court the Youth Court made less use of imprisonment and more use of admonitions. The number of cases involving young people prosecuted summarily in Airdrie increased sharply following the introduction of the Youth Court.

5.26 Changes in the recording of crimes in 2004 make it very difficult to interpret any changes in recorded crime levels in Airdrie and in comparison courts before and after this date. Similarly, given the limited follow-up period available to the evaluation, only a very limited analysis of reconviction data was possible. It is still too early to reach any conclusions about its effectiveness in reducing recidivism.

5.27 Questionnaires completed by social workers in respect of 20 young people were generally encouraging with most being thought to have made some progress and to have reduced their offending (or ceased offending) since being made subject to supervision through the Youth Court. The small number of young people who were interviewed were also broadly positive about their Youth Court experience.

5.28 There was cautious optimism among some, but not all, professionals that the Youth Court would be effective in reducing youth crime through the additional resources available to it, through the deterrent effect of imprisonment and through the incapacitative effects of imprisonment and bail curfews. The police in particular believed that since the Youth Court was introduced there had been a reduction in levels of public disorder in areas served by it.

5.29 While there were mixed views among professionals regarding the desirability of making Youth Courts more widely available, most concurred that the fast-tracking element of the Youth Court should be aspired to as a feature of summary justice in all courts.

⁶⁰ Hill, M., Walker, M., Moodie, K., Wallace, B., Bannister, J., Khan, F., McIvor, G. and Kendrick, A. (2005) **Fast Track Children's Hearings Pilot**, Edinburgh: Scottish Executive Social Research.

SECTION SIX: CONCLUSIONS

6.1 In this final section, the Airdrie Sheriff Youth Court pilot is assessed with reference to the objectives set for it by the Youth Court Feasibility Group. In addition, the advantages and disadvantages of the Youth Court model are highlighted.

ACHIEVING YOUTH COURT OBJECTIVES

Reducing 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

6.2 Although the Youth Court has been operational for almost 2 years, given the timescales required for a robust analysis of recidivism it has only been possible to undertake a limited analysis of reconviction at this stage. The reconviction analysis pointed to little difference between the Youth Court and comparator courts, though it would be premature to draw any firm conclusions about its effectiveness on the basis of these data.

6.3 The Youth Court made similar use of community sentences and less use of custody than the Sheriff Summary Court, though it also appeared that the Youth Court was dealing with a higher percentage of first offenders than the Sheriff Summary Court. Young people given orders in the Youth Court were of the view that the intervention they had received had reduced their likelihood of further offending and professionals were cautiously optimistic that the Youth Court was reducing re-offending in most cases, though some young people given orders were considered to have a low risk of re-offending in any case. The additional resources made possible by the introduction of the Youth Court were regarded positively by professionals, though there had been some differences in perspectives between social workers and Sheriffs regarding the appropriateness of intensive packages of intervention for low risk offenders, resulting in a perception by the latter that services that they wished some young people to have access to were not available rather than inappropriate.

6.4 Professionals were generally supportive of the judicial review process, believing it to be important both as a means of holding young people to account and providing encouragement when they were doing well. The potential to call a review of an Order also made it possible to respond quickly to instances of non-compliance. Sheriffs made it clear that the review was not a soft option or a chance to build rapport with the young person and communication between Sheriffs and young people was generally limited. However, Sheriffs and other professionals lamented the suspension of the power to review probation orders from July 2005 and welcomed its re-introduction through new legislation in February 2006. Given the amount of time spent by social workers in court waiting for reviews to be heard, their limited involvement in the reviews process would not appear to represent the best use of their time.

Promoting the social inclusion, citizenship and personal responsibility of the young offenders whilst maximising their potential

6.5 The services provided to young people made subject to Orders and structured deferred sentences through the Youth Court are intended to impact upon their risk of re-offending.

However they are also aimed at promoting the social inclusion of young people and maximising their potential. The extent to which the pilot has been successful in this regard is more difficult to establish, especially in light of the relatively short follow-up period. Social workers believed that interventions aimed at employment, training or education would have some positive effect and some young people had valued assistance in these areas. Information provided by Community Alternatives suggested that several young people had secured employment following periods of training in either skill seeker or career training.

Establishing fast-track procedures for those young offenders appearing before the Youth Court

6.6 The aspect of the Youth Court that was perceived by various professionals as having been most effective was the fast-tracking of young people into court. Despite the Youth Court dealing with a higher than anticipated volume of cases the time-scales for getting young people into the Youth Court and disposing of their cases were generally met. Furthermore warrants were issued in a timely manner for non-compliance and would be enforced promptly by the police. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful. This and other associated procedures – such as the early disclosure of the Crown case to the defence, the availability of legal aid and the rolling up of cases by the Prosecutor Fiscal– were thought by professionals to have contributed to the higher level of guilty pleas and lower incidence of evidence-led trials in the Youth Court.

Enhancing community safety by reducing the harm caused to victims of crime and providing respite to those communities which are experiencing high levels of crime

6.7 This particular objective of the Youth Court is more difficult than the others to evaluate because the relevant data are difficult to interpret. At an anecdotal level, police officers reported that the introduction of the Youth Court and the implementation of specific measures such as police monitored curfews had resulted in a marked reduction in some types of crime in some areas covered by the court. However, changes to the recording of crimes in 2004 render any direct comparisons between figures before and after that date problematic. For this reason it is impossible to assess to what extent an observed overall increase in recorded crime in the areas covered by the Airdrie Youth Court was due to changes in recording practices.

6.8 Some use was made of restorative justice interventions with young people, though it would appear that this more often took the form of unpaid work for the community. Restorative justice was an area of work that social workers believed could usefully be expanded. In particular there is scope for greater use to be made of forms of restorative justice that involve direct reparation for or contact with victims.

6.9 The evaluation of the Hamilton pilot Youth Court included a community survey that sought to establish whether the introduction of the Youth Court had been associated with less fear of crime and altered perceptions of youth crime in the communities served by it⁶¹. More people in the follow-up survey believed that the crime rate had improved over the previous 2 years and fewer of this sample believed that there was a problem with youth crime.

⁶¹ Popham, F., McIvor, G., Brown, A., Eley, S., Malloch, M., Piacentini, L and Walters, R. (2005) **Evaluation of the Hamilton Sheriff Youth Court Pilot**, Edinburgh: Scottish Executive Social Research

However, whether this could be attributed to the existence of the Youth Court is more difficult to establish, especially in the absence of similar data on national trends.

Examining the viability and effectiveness of existing legislation in servicing a Youth Court and to identify whether legislative and other changes may be required

6.10 The Youth Court has available to it the same disposals that are available to a Sheriff Court sitting summarily. This being so, Sheriffs were content with the range of options available to deal with young people appearing before the Youth Court. Sheriffs did not consider the Youth Court to be 'distinctive' other than in the fast-tracking of young people and believed that it would be inappropriate to treat young people appearing before the Youth Court any differently than those appearing before the Sheriff Summary Court. Similarly, the range of sanctions available to the Youth Court in the event of non-compliance by a young person on an Order was regarded as adequate.

6.11 An additional option that is available to the Youth Court (and only now being piloted on a wider basis) is for Sheriffs to bail the young person with an electronically monitored curfew. Although this was viewed by professionals as a useful option where a custodial remand was otherwise likely, Sheriffs in Airdrie preferred to make use of police monitored curfews instead.

6.12 As previously indicated, the ability of Sheriffs to bring young people back to court periodically to review their probation orders was suspended by an Appeal Court ruling in July 2005. Given the perceived importance and increasing prominence of court-based probation reviews in Scotland (not just in the Youth Courts but also in, for example, the Drug Courts), legislative provision for reviews was introduced by the Scottish Executive through Section 12 of the Management of Offenders etc. (Scotland) Act 2005 which came into effect on 8 February 2006. Otherwise, none of the professionals who were interviewed identified additional legislative provision that would make the Youth Court procedures more effective or efficient. Analysis of Implementation Group minutes also failed to identify legislative changes that were required. Existing legislation would therefore appear to be adequate to accommodate Youth Court procedures.

CONCLUSIONS

6.13 The Airdrie Sheriff Youth Court pilot has, as far as can be assessed, been successful in meeting the objectives set for it by the Youth Court Feasibility Group. It is a tightly run court that deals with a heavy volume of business. With its fast track procedures, dedicated staff and additional resources it was regarded as a model to be aspired to in all summary court business. The particular strengths of the Youth Court model over previous arrangements include the fast-tracking of young people to and through the court, pleas at an earlier stage and the reduction in trials and inconvenience to witnesses, the availability of a wider range of resources and services for young people and ongoing judicial review. The successful operation of the pilot Youth Court was largely dependent upon effective teamwork among the relevant agencies and professionals concerned. Good information sharing, liaison and communication appeared to exist across agencies and the procedures that were in place to facilitate the sharing of information seemed to be working well. This was also facilitated by the presence of dedicated staff within agencies, resulting in clear channels of communication,

and in the opportunity provided by the multi-agency Implementation Group to identify and address operational issues on an ongoing basis.

6.14 The impact of the Airdrie Youth Court on offending among young people referred to it will take longer to establish. However, Youth Court procedures were operating effectively and the pilot has demonstrated that the operation of Youth Courts in Scotland is viable without the need for legislative change. There was a broad consensus that the Youth Court represented an improvement over previous arrangements for dealing with youth crime, though whether this required a dedicated Youth Court or whether these procedural improvements could be brought about by other means was less clear. For example, given that most young people who were dealt with in the Youth Court were first offenders, would it have been more appropriate for them to have accessed similar resources through the Children's Hearings System instead? Should the Youth Court be more explicitly youth focused and, if so, what might be the practical implications for the way in which it is run?

6.15 It is also important, however, to consider aspects of the Youth Court pilot that were less successful. These include operational issues that, during the course of the pilot, were successfully addressed: for example, the police undertaking accused to appear on the wrong day; shrieval concerns about the quality of reports; and the perception by Sheriffs and by some other professionals that anticipated services and resources were either not available or not being made use of. Of greater concern, however, is the ongoing lack of clarity as regards for whom the Youth Court was intended. Although some young people referred to it had established patterns of offending, many were first offenders who were assessed as presenting little risk of recidivism yet there was evidence of a sharp rise in the numbers of young people prosecuted summarily in Airdrie following the introduction of the Youth Court. Avoidance of net-widening – drawing young people into interventions that they may not require - will require careful ongoing monitoring and points to the need for further discussion of Youth Court targeting and criteria among the various agencies concerned.

APPENDIX

Services available to young people sentenced in the Airdrie Sheriff Youth Court

- **OINTOC (Offending Is Not The Only Choice)** – Intensive 13 week individual or group cognitive behavioural programme focussing on recognition of problems, problem solving, examining options and consequences, lifestyle choices, thinking morality, dilemmas and victim awareness. Provided by Community Alternatives, Coatbridge since May 2005.
- **Rushes** – Provides information, advice and support for young people to reduce problematic use of drugs and or alcohol. Based in Bellshill. Social work resource, mainline funded since 2000.
- **DROP programme (Drink Related Offenders Programme)** – A 10 week harm reduction programme which focuses on the criminogenic implications of alcohol use. Provided by Community Alternatives, Coatbridge since October 2005.
- **Placement Coach Services** – Offers support to motivate and facilitate young people to uptake employment opportunities and training. Provided by Community Alternatives, Coatbridge since May 2005.
- **A remand fostering scheme** – Offers support in living arrangements to young people placed on remand by the court. Social work resource, funded since 2004.
- **Family group conferences** – Restorative and supportive meetings including the victim or their representative, the offender and their family. To facilitate identifying problematic issues and engendering discussion. Provided by SACRO.
- **Restorative Justices Services** – integrated with the Community Service Order scheme, this will provide individual and group work programmes and restorative placement opportunities to young people whose orders include a condition of community reparation.
- **Video Interactive Guidance** – working with parents and young people where relationships are stressed or broken down. The project will build upon and enhance positive interaction between parent and young person.
- **INCLUDEM** – an intensive all hours support service for young people.
- **Anger Management Programme**
- **Active Steps programme** – Promotes positive behaviour to help tackle truancy and exclusion from school. Promotes social inclusion and improves opportunities to improve health through sporting and cultural programmes. North Lanarkshire leisure department provides application form
- **Duke of Edinburgh Award Scheme**
- **SACRO Reparation and Mediation Scheme** – this is primarily used where the Fiscal diverts cases from prosecution to social work services, although it may be used as an element of Youth Court work.

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