

## Kiviaeg ja lend Kuule kriminaalpoliitikas

November 2016

Dr. Katri-Liis Reimann and David Parks

**'I would there were no age between sixteen and three-and-twenty, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting' (*Winter's Tale*, Act 3, Scene 3).  
William Shakespeare (1623)**

In an ever changing world one thing that remains a constant is the challenge presented to and by society to and by young people, particularly young men. As Shakespeare wrote in 1623, ironically, or is it, that the ages of 16-23 are the most difficult. Our experience of learning from criminal justice policies in the UK the USA and mainland Europe has informed this essay where we propose 3 inter-linked elements of criminal policy reform. We focus principally on juvenile justice policy however the general principles can also be applied to all age and gender types:

### Strand 1

The creation of a distinct **Youth Justice Policy Team** which develops an integrated multi-disciplinary approach to assess and intervene with youth at risk, through establishing **welfare focused Youth Justice Teams**. We suggest that the scope of the team is all youths at risk aged 14-21 in accordance with research which supports the view that adolescent brain development can be associated with most of the misdemeanours and crimes committed by young people and therefore the system should respond very differently than it does for adults.

This strategy should also have a primary goal to **prevent offending**. In other words to target and help those youths who, without formal intervention, would most likely become involved in criminal behaviour. In order to achieve this there should be dialogue with the Ministries for Education, Social Affairs and the State Chancellery to pool resources. The Youth Policy Team would become the responsible authority to oversee the quality and performance of the Youth Justice Teams and ensure that the targets are being met and provide support where performance is unsatisfactory. It would be the responsibility of these inter-disciplinary teams to develop the referral pathways within a national framework of Assessment, Planning, Intervention and Review. We propose that the Ministry adopt a **single assessment tool** which will standardise risk of re-offending and risk of harm assessments for all youths at every stage in the justice system. Interventions rooted in careful assessments which identify where people are in the process, identify the measures of engagement, support and encouragement and are responsive to where they are in process and how best to support them to move forward, maximises impact. Beyond locating the individual in the change process, we also need to locate the process, the individual's own pathway, in its social and cultural context therefore attending to issues of diversity.

There is tremendous potential to develop practice and integrate the **preventative** approach with the community services already engaging with young people and ensure that there is a sharp focus on **reducing offending**.

These same teams should be given the statutory authority to oversee the community and custodial services to the young offenders brought into the formal criminal justice system through the courts and provide interventions that are acknowledged as effective practice and locally developed **evidence based practice** from robust methodologies. In any case, the interventions should be focused on **reducing re-offending**. By pooling resources the Government should see an overall reduction in cost due to reduced duplication and through increased focus on outcomes (not outputs).

This strand of work is underpinned by **Desistance theory** and we propose that the Ministry adopts a Desistance led approach to policy reform. In our view, acknowledging that desistance is not an event but a process by which people come to cease and sustain cessation of offending is a critical policy stance. This would help offenders and those at risk of offending re-define themselves and their own narratives through building on and developing relationships with key practitioners from whom they can draw consistent long term support. The evidence of learning from this approach will inform future improved interventions. Imagine you wanted to lose weight. You might be interested in knowing which of the dozens of available dieting models, diet pills, etc, have been empirically shown to be effective. This is “what works”. You might also be interested in talking to individuals who were themselves able to successfully lose weight and keep it off. That’s “desistance”. In addition to reducing offending and re-offending the teams should also be focussed on **reducing the use of custody** and only as a last resort. This can be achieved through working closely with the judiciary and prosecutors to increase confidence in the assessments and interventions and demonstrate empirical evidence of impact. The known factors to impact on Desistance are; Stable relationships, Stable employment, Feelings of responsibility, hope and self-efficacy, Increasing concern for others, esp. caring for one’s children. Incarceration impedes all of these normative processes and evidence shows that it can significantly increase the risk through of pro-criminal associations and increased sophistication in offending and break in ties with significant pro-social family, friends and colleagues.

## **Strand 2**

We propose that in a progressive Criminal Justice system the voice of the **victim** is paramount and there should be adopted a victim’s charter. This charter should set out the rights of all victims of crime and the responsibilities of agencies to ensure that victims are kept informed at all stages of proceedings regardless of the type and seriousness of the offence. In this way the public should become more confident in the system and be re-assured that justice is being served. Simply speaking by those most affected by crime i.e. the victims, being more engaged with the system the system becomes more transparent. Integral to this is the need for: 1. **Restorative interventions** to engage offenders in repairing the harm done to society through organised, meaningful community service and 2. support measures to facilitate **offender victim mediation**. The latter contributing to empowering the victim and significantly helping reduce the harm done.

There should be recruitment to the proposed new Youth Justice Teams and Probation Teams of dedicated Restorative Justice Workers who have specific training to plan and deliver victim/offender mediation. In order to achieve the most from this strand of work, the public should be in dialogue to suggest activities that the offenders can undertake by way of reparation and these projects should be published regularly to demonstrate the impact of the strategy and thus improve social capital. There is overwhelming evidence of the value of Restorative Justice in both practical and economic terms. E.g. in the UK restorative justice provides an 85% victim satisfaction rate, and a 14% reduction in the frequency of reoffending (Restorative Justice Council 2016).

We also know that many young offenders have themselves been victims of crime and/or domestic abuse and if this strand was a core measure within the reforms more young victims of crime would be supported and prevented from becoming involved in criminality themselves. In itself this also serves as a preventative measure.

### **Strand 3**

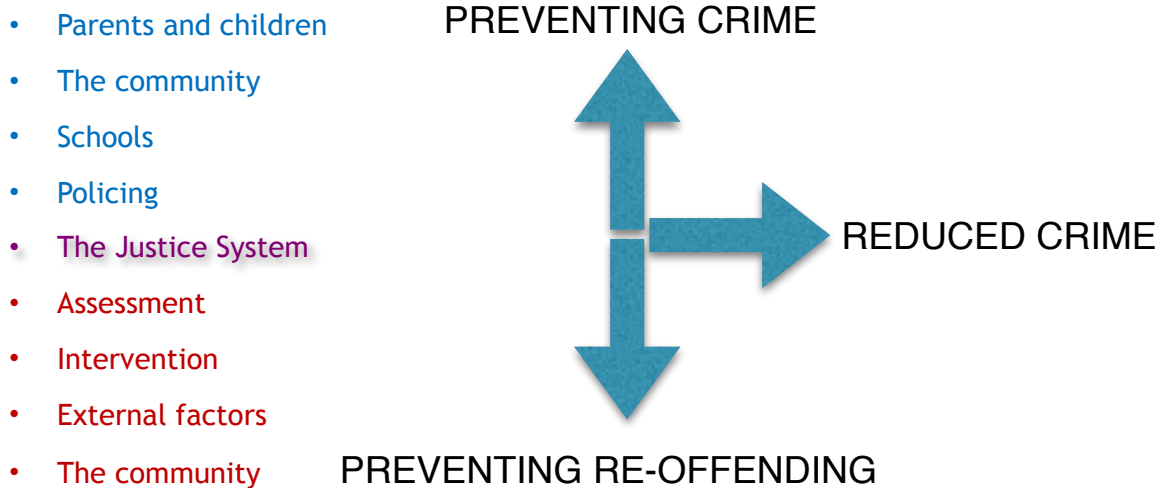
To develop **employment pathways** for young people at risk who, due to their specific needs, receive additional support into employment through the mainstream labour market or access to supported employment schemes dedicated for those who have more challenging needs and the most proven means to long term desistance from crime.

Desistance requires **social capital** (opportunities) as well as **human capital** (capacities). This suggests an advocacy role for practitioners seeking to support change and underlines the need to target systems beyond the individual offender. As desistance is about 'redemption' and involves finding purpose through 'generative activities' then this implies the need, at an appropriate point in the process, to support the process of development of a more positive identity by, for example, accessing opportunities to make a positive contribution to local communities.

This element of our proposal is centred around the principle of **co-production** and therefore becomes the responsibility of all agencies including unleashing the potential of the private sector to engage in the process. Certain 'levers' are already in place through preferential procurement rules for organisations demonstrating Social Value. It is key for all Government Departments to work together to ensure that the Corporate Social Responsibility of the private sector is unleashed and contributes to the reducing crime agenda. Co-production is: *'the public sector harnessing the assets and resources of users and communities to achieve better outcomes'* (Bovaird and Loeffler 2013). There would be an emphasis on; Reciprocity, Recognition of relationships between stakeholders in co-producing change, A focus on outcomes rather than outputs and an active role for both service users and communities.

Co-productive approaches are a way of realising relational principles: operationalising the manner of relating that can support change. It rests on principles that build on and develop people's assets and capabilities through reciprocal relationships between a range of stakeholders. A desistance focussed approach to practice will maximise individuals' engagement in the process of change and should therefore be - active, participatory and enabling. Its about interaction and negotiation with service users, volunteers, groups and

communities and the mobilisation of their resources in the design and delivery of services and practices. When this is applied to job creation it is our belief that long-term desistance from crime is most likely, particularly accelerated when applied to youth crime. We can also extend the use of the term co-production to include partnership working. All sectors of the wider system working in concert will provide the most benefit as our diagram shows.



## Conclusion.

In conclusion, we propose that the Ministry of Justice make a special case for youth justice, that the system deals with young people up to the age of 21, and that it establishes a central unit responsible for youth justice matters. Dedicated multi-agency youth justice teams are developed with a clear focus on rigorous assessment and evidence based interventions designed to:

- Reduce offending
- Reduce re-offending
- Reduce the use of custody (only as a measure of last resort)

We propose that the policy reforms place Restorative Justice at the heart of the system which will improve public awareness and confidence in the justice system and in particular help to empower victims of crime.

We propose that the Ministry dedicates resources to support youth employment initiatives where support is target towards those youths most at risk of offending or directly involved on the criminal justice system.

We also assert that the principles of Desistance and Co-production are enshrined in the reforms and there is an emphasis on the 'we', i.e. collective responsibility to reduce crime developing creative relevant employment opportunities for those at risk who are often the most vulnerable in the society in partnership with the private and community sectors.

We would be more than happy to discuss further the themes raised in this essay at your convenience.