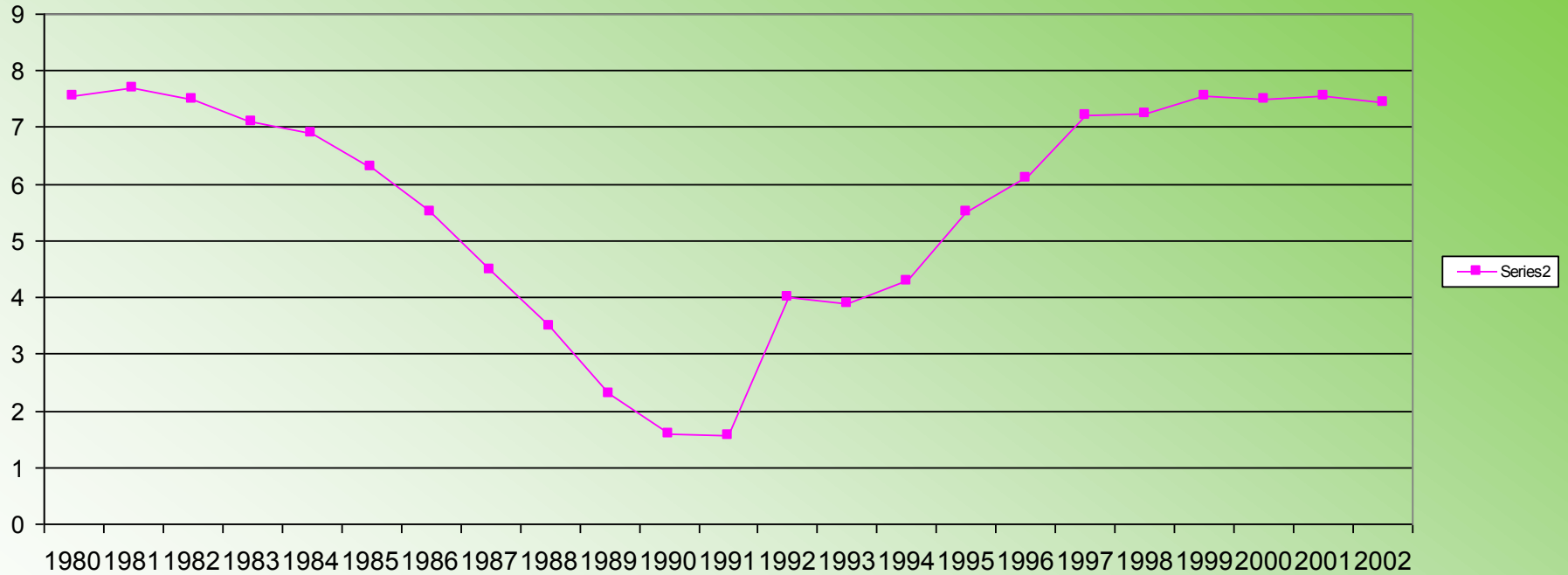


The Incarceration of Young
People:
“Intolerance, Irrationality and
Indifference”
Troubles of Youth
19.1.09.

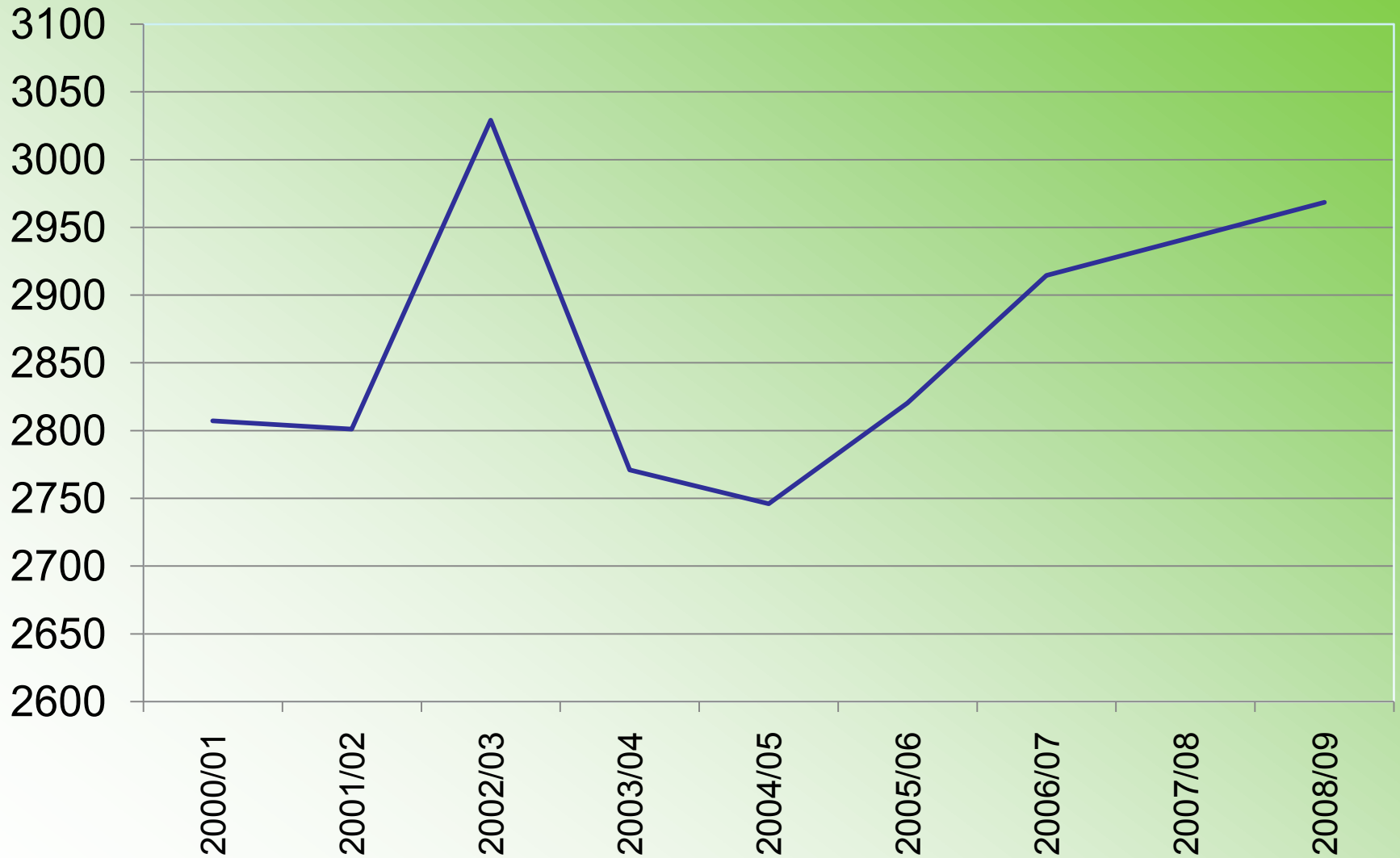
Lecture Outline

- Intolerance: a growing punitive culture
- Irrational: evidence base of ineffectiveness ignored
- Indifference: growing awareness of conditions in institutions ignored

Children and young people sentenced to custody (1000's) 1980-2002

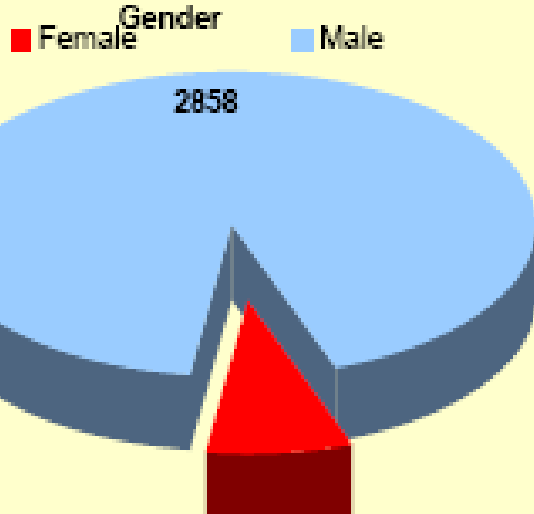


Under 18 Juvenile Secure Population 2000 -> Nov 2008

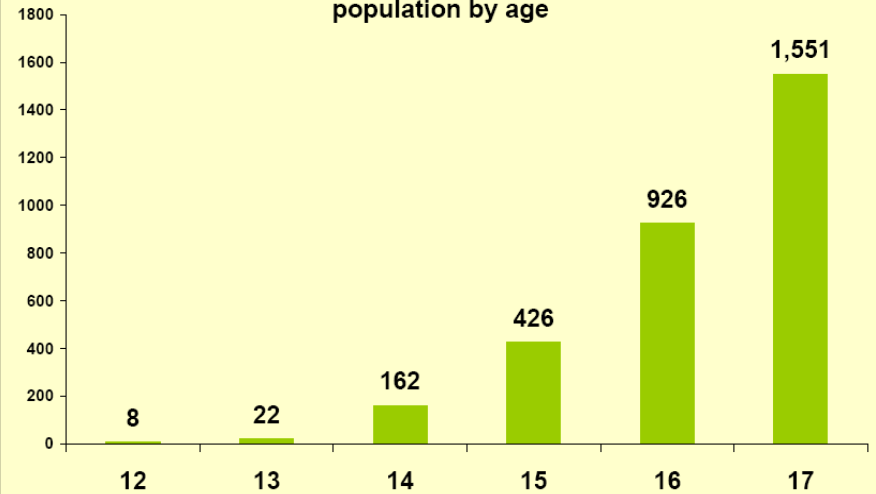


Who is Incarcerated?

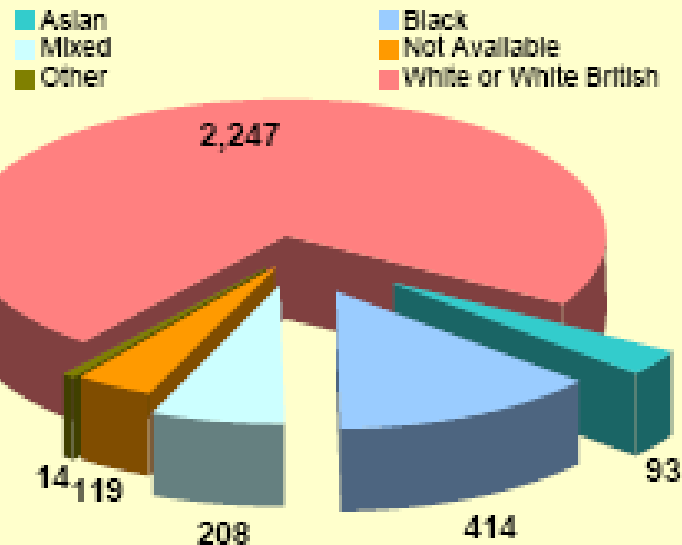
September 07 Under 18 Secure Population by Gender



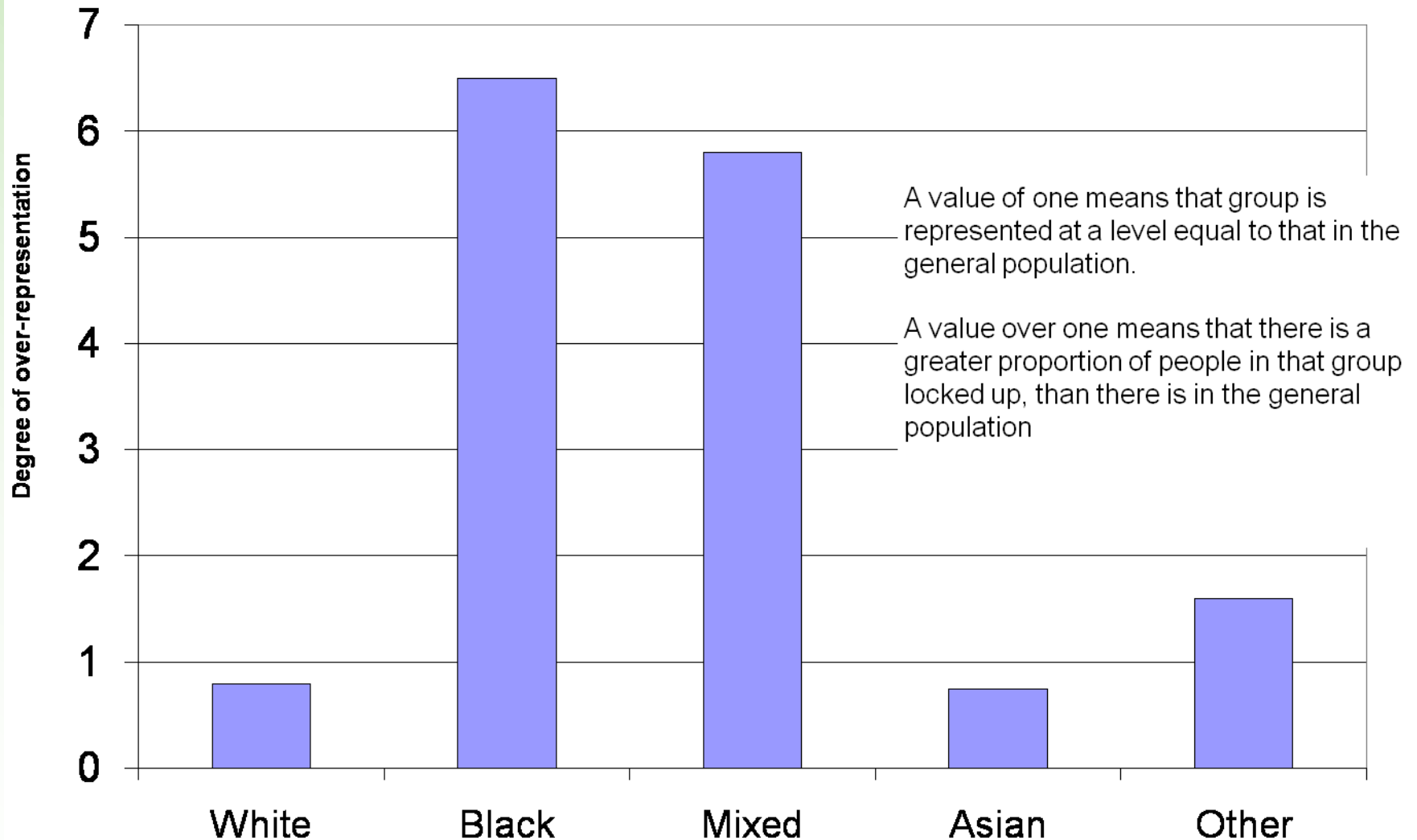
September 2007 Under 18-year-old secure estate population by age



September 07 Under 18 Secure Population by Ethnicity



Ethnic Representation in Juvenile Secure Estate



European Comparisons

Source: Council of Europe (2001)

	Median Age of prison popn.	Number of Prisoners aged under 18	% of Prisoners aged under 18
England and Wales	28	2353	3.6
Scotland	28	215	3.5
Belgium	31	187	2.3
Czech Republic	31	342	1.5
France	32	822	1.5
Ireland	24	126	4.8
Netherlands	30	59	0.5
Norway	35	12	0.5
Portugal	33	243	1.7
Spain	32	163	0.4
Sweden	34	10	0.2
Turkey	54	2188	3.4

Types and Levels of Juvenile Incarceration

- “Juvenile Secure Estate”
 - Young Offenders Institutions (YOIs)
 - 15 dedicated; 31 shared sites
 - Private Secure Training Centres
 - 4 in England
 - Local Authority Secure Children’s Homes (LASCHs)
- Sentenced to Custody, plus
 - remanded
 - as a protection to themselves or others
 - as a response to a history of absconding

Changes to Custodial Sentences (1)

- Criminal Justice Act 1991
 - returned juvenile offenders to the same statutory criteria as adults with regards to the decision to incarcerate (ie. offence seriousness)
 - “The most serious offences are no less damaging to victims and the community, and the most dangerous offenders are no less of a threat, because they involve under-18-year olds” (Every Child Matters)
- Criminal Justice and Public Order Act 1994
 - introduced secure training orders for 12-14 year olds (lowering age where custody was a possibility)

Custodial Sentences (2)

- Crime and Disorder Act 1998
 - Detention and Training Orders:
 - 12-17 year olds
 - 4 months to 2 years
 - First Half in custody: second half supervision in community
 - Intensive Supervision and Surveillance Programme
 - Sentencers required to consider
 - level of risk; whether a significant or persistent offending history; whether risks could be managed in other ways; the seriousness of the offence

Custodial Sentences (3)

- Criminal Justice Act 2003
 - Section 226: ‘serious offences’, significant risk to the public of future, serious offences – sexual or violent offences
 - Section 90 /91: if an adult offender would have received life, the court must impose the Sec 90: expanded from just murder to include other grave/serious crimes

- “The increases in custody rates and sentence length suggest that sentencers have become more severe. ... a more punitive legislative and legal framework of sentencing....at the same time, the climate of political and media debate about crime and sentencing has become more punitive, and is likely to have influenced sentencing practice” Hough et al 2003
- “it is clear from a range of statistics and research that levels of custody ... do not necessarily reflect levels of juvenile crime nor do they particularly reflect evidence on its effectiveness” Hagell 2005

Purposes of Punishment

- Deterrence: general and individual
- Incapacitation
- Rehabilitation
- Retribution

Is custody effective?

- Deterrence: weak evidence
 - Small chances of detection
 - Slow responses
 - When incarcerated, many young offenders are unaware of which crime they were locked up for
 - Mark of status
- Incapacitation
 - Escapes are rare: security not usually a problem
 - However, studies suggest the level of incarceration required to reduce crime by a few percent would be huge
 - Delaying offending, not stopping it
- Retribution
 - The restoration of a moral equilibrium in society?
 - Public routinely underestimates the extent of punishment

Rehabilitation

- Key ingredients in effective rehabilitation
 - An overall pro-social ethos
 - Good educational and work activities
 - Promotion of healthy peer group interactions
 - Provision of opportunities to develop self-esteem and responsibility
 - Assistance with resisting drugs
 - Assistance with maintaining and promoting links with families

Realities of YOIs

- Prison as a time and place to think?
 - “It had a positive impact really because I went in there, I got clean in prison. I got my fitness back up to scratch, you know.... It sort of made me realize that I am clean and what I’ve been doing.... I think that twelve month sentence, the change it had on me is that it brought me to a stage where I would now realize that what I was doing was wrong.”
 - Others
 - “learning to cope” with imprisonment
 - a slow accumulation of friends
 - Habituation to prison life; numbed to it, rather than content with it (Jose-Kampfner, 1995)
 - a time of reflection (Bentham)?
 - noisy, dehumanizing places: boredom, not reflection
 - O’Brien (2002)
 - loss of access to family: relationships severed/damaged
 - loss of a web of connections, reinforcing non-criminal values
 - Loss of accommodation
 - loss of employment and income

Does incarceration work?

- Child imprisonment: the prevention of offending?
- Reconviction Rates over two years: 80% reconviction after 2 years (Home Office, 2003)
 - Males: up 8% from 1992
 - Females: up 17% from 1992
- Child imprisonment: value for money?
- Audit Commission(2004)
 - £977 per week for a young offender in an YOI
 - £3168 per week in a private jail

Social and Psychological Problems

- Approx. half will have been 'open cases' to statutory child welfare agencies
- 84% of prisoners had been excluded from school
- 86% had regularly not attended school
- 52% left school aged 14 or younger
- 73% described their education achievement as 'nil'
- 25% of child prisoners have literacy and numeracy skills equivalent to a 7 year old
- Anne Hagell "expectations of rehabilitation should be realistic"

- 1998-2002 (Howard League): 1659 reports of self-injury or attempted suicide
- 1990 – 2005 (Howard League): 29 deaths in custody; 27 of which were suicide

Human Rights Concerns

- **Children's Rights Alliance for England (2002)**
- widespread neglect in regards to physical and mental health
- endemic bullying, humiliation and ill-treatment (both child-on-child and staff-on-child)
- long, uninterrupted periods of cell-based confinement
- inadequate educational and rehabilitative provision
- insufficient provision of opportunities to foster family contact
- virtually no opportunity to complain and/or make representations

Human Rights Legislation

- First two reports to the **UN Committee on the Rights of the Child**
- 1995: Govt should give serious consideration to raising the age of criminal responsibility
- 2002: more critical – given the lack of positive response to above, the negative change of abolishing the presumption of doli incapax, and the continuation of high rates of incarceration
- **European Court of Human Rights / Human Rights Act**
 - Article 3: no inhuman or degrading treatment
 - Article 6: the right to fair trial
 - Article 7: no punishment without law