

IV Youth crime and punishment in England and Wales

The issue of youth crime has been very much on the political agenda with press reports suggesting that the current generation of youth are increasingly anti-social and criminal. According to commentators there is a risk that a whole sector of society is being demonised.

This article summarises the available statistics relating to the offences committed by youths, the number of prosecutions and convictions, the sentences that youth offenders receive and finally their reoffending rates.

Young offenders are generally classified as those aged between 10, the minimum age of criminal responsibility in England and Wales, and 17.

Number of offences committed by youths

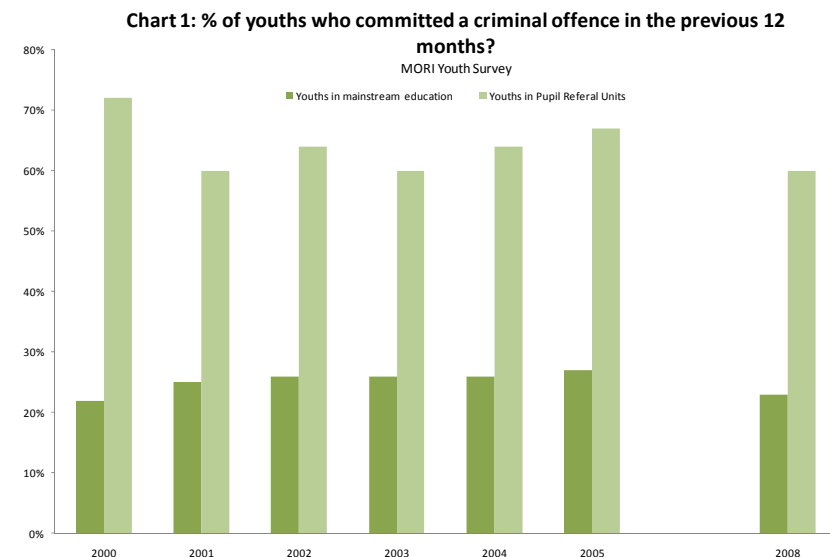
There are two main sources of crime statistics, the British Crime Survey (BCS) - a survey of the experiences of crime of people aged 16 and over resident in households – and the police recorded crime series.

There were an estimated 10.7 million crimes in England and Wales reported in the BCS in 2008/09. In that year the police recorded 4.7 million offences. In many cases victims will not have seen who committed the offence so would therefore not be able to say what age they were. For this reason it is not possible to say how many crimes are committed by young offenders.

Information about youth offending and victimisation is provided by the MORI Youth Survey, an annual self report survey conducted for the Youth Justice Board. The survey covers a sample of young people across England and Wales, aged 11 to 16 years.

According to the Youth Survey 2008 the majority of young people (68%) in mainstream education said that they had not committed a criminal offence in the 12 months prior to the survey. This proportion has increased since the two previous surveys in 2004 (65%) and 2005 (62%).

Chart 1 shows the proportion of young people who said they had committed any criminal offence in the year before being surveyed. The chart differentiates between youths in mainstream education and those in pupil referral units.



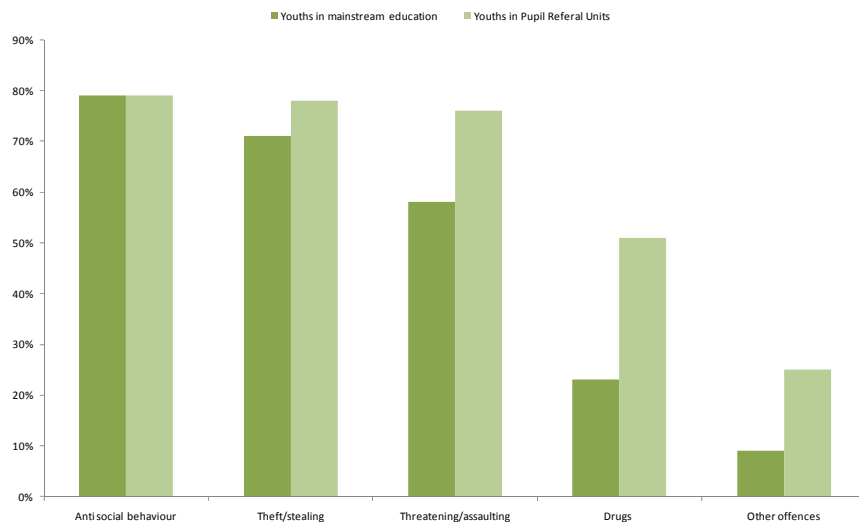
The gradual increase since 2000 in offending by young people in mainstream education has been halted as the proportion of young people admitting to offending has decreased by 4% points in 2008 since 2005: from 27% to 23%.

Offending levels among young people in pupil referral units fell between 2005 and 2008 although the decline was not statistically significant. The 2005 level was the highest since 2000.

The types of offences that are most likely to be committed by young people in mainstream education are those defined by the YJB as 'less' or 'fairly' serious, rather than 'very' serious.

The offence groups with the highest incidence of young offending behaviour are 'anti-social behaviour' (79% for both those in mainstream education and pupil referral units), and 'theft/stealing' (71% - mainstream; 78% - pupil referral unit).

Chart 2: Crimes committed by offence grouping



The most common offences committed by young people in mainstream education are similar to those seen in 2004 and 2005:

- travelling on a bus, train or underground without a ticket (53%)
- stealing from shops (45%)
- hurting someone who did not subsequently need medical attention (42%)
- damaging someone else's property (39%)
- graffiti (33%).

The most common offence committed by young people attending pupil referral units is damaging or destroying something (on purpose or recklessly) belonging to somebody else (61%). This is followed by

threatening and/or assaulting others in public and shoplifting (cited by 59% and 57% respectively).

Pre-court disposals

When young people first get into trouble, behave anti-socially or commit minor offences, they can usually be dealt with, by the police and local authority, outside of the court system, using a variety of orders and agreements. The idea behind this according to the Youth Justice Board 'is to stop young people getting sucked into the youth justice system too early, while still offering them the help and support they need to stop offending'.ⁱ

For anti-social behaviour, the police and local authority can use pre-court orders such as Anti-Social Behaviour Orders (ASBOs). In 2007 920 ASBOs were issued to young people aged 10-17 in England and Wales, taking the total number issued since June 2000 to over 6,000.ⁱⁱ

For first or second time minor offences the police can use 'out of court disposals' such as Reprimands or final warnings. A reprimand is a formal verbal warning given by a police officer to a young person who admits they are guilty of a minor first offence. A Final Warning is a formal verbal warning given by a police officer to a young person who admits their guilt for a first or second offence. Unlike a Reprimand, however, the young person is also assessed to determine the causes of their offending behaviour and a programme of activities is identified to address them.

In 2007/08 there were 210,670 disposals in total for young offenders of which almost 90,000 (43%) were reprimands and final warnings. As offenders get older pre court disposals account for a smaller proportion of total disposals – 89% of 10 year olds received a pre-court disposal compared to 26% of 17 year olds.

Court proceedings

The number of youths aged under 18 prosecuted against for indictable offences, the most serious type of offence which must be tried at a Crown Court, was 67,000 in 2007. Although this has fallen from 84,000 in 2001

the total number of prosecutions of offenders of all ages has also fallen over this period.

In 2001 prosecutions for indictable offences of youths aged under 18 accounted for 16.8% of all indictable offence prosecutions. The proportion fell to 14.7% in 2003 but has risen in each year since to stand at 16.5% in 2007.

In 2007 approximately 51,000 youths aged under 18 were convicted of an indictable offence. The number of convicted young offenders has been rising since 2003. The total number of offenders convicted of an indictable offence fell from approximately 334,000 in 2003 to 302,000 in 2006, although this had risen to 312,000 in 2007.

Chart 3 shows that more male and female young offenders are convicted of theft and handling offences than any other followed by violence against the person offences.

Since 2001 the number of young offenders convicted of violence against the person offence has increased by 17% for males and 32% for females. These increases are lower than those amongst the 18+ age group of 19% for males and 34% for females.

The proportion of young offenders receiving a community sentence for an indictable offence has risen from 49% in 2000 to 74% in 2007. Over the same period the proportion of young offenders receiving a custodial sentence has fallen from 12.4% to 9.8%.

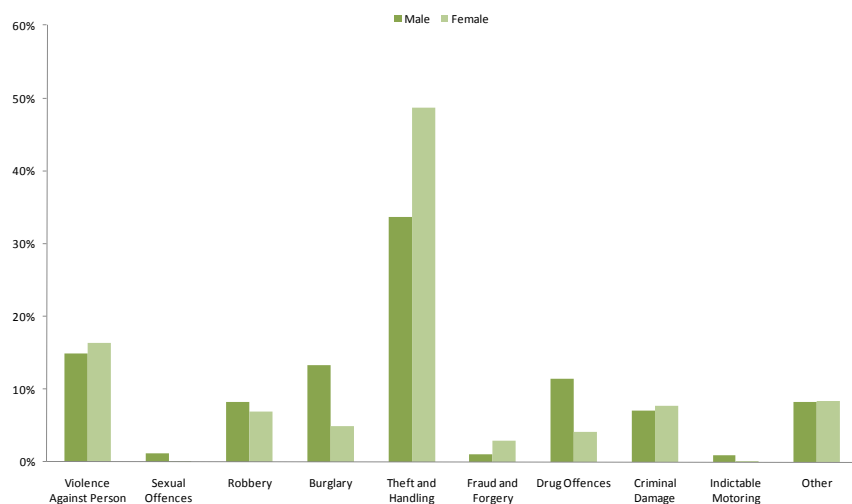
There are a number of community sentences that a young offender may receive: Referral Order, Reparation Order and Youth Rehabilitation Order.ⁱⁱⁱ

The following orders have been replaced by, and are now a part of, the Youth Rehabilitation Order: Supervision Order, Community Rehabilitation Order, Community Punishment Order, Action Plan Order, Attendance Centre Order, Drug Treatment and Testing Order, Curfew order

Young offenders are much more likely to receive a community sentence and less likely to be sentenced to custody than those aged 18 and over.

- In 2007 73% of young males and 80% of young females sentenced for an indictable offence received a community sentence.
- The rates for older offenders are much lower with 25% of sentenced males aged 18 and over and 30% of sentenced females in that age group given a community sentence.
- In 2007 11% of young males and 5% of young females sentenced for an indictable received a custodial sentence. This compares to 25% of older male and 30% of older female offenders.

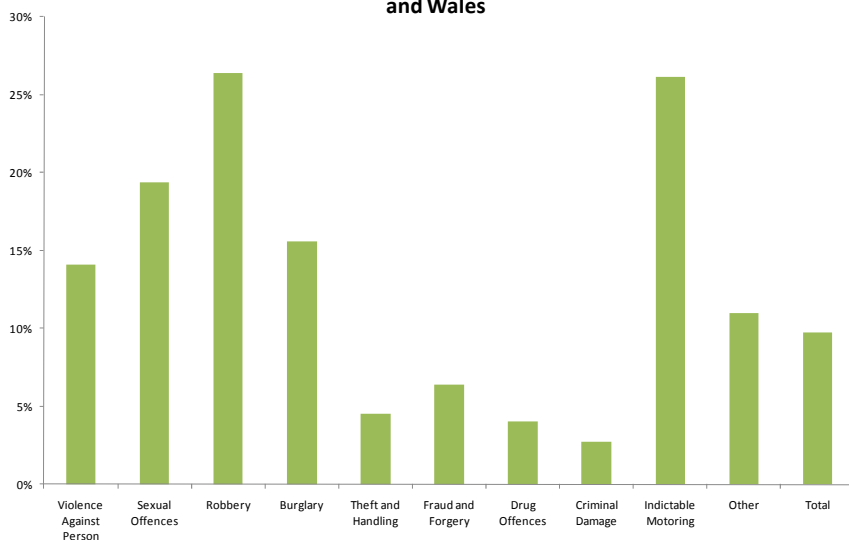
Chart 3: Young offenders found guilty by offence group, 2007, England and Wales



The custody rate varies by offence group. In 2007 the custody rate of young offenders convicted of robbery and indictable motoring offences was 26%, the highest amongst all offence groups. Amongst the theft and handling, drug offences and criminal damage offence groups the custody rate was below 5%.

Chart 4 shows how the custody rate for young offenders varies by indictable offence group.

Chart 4: Young offender custody rate by offence group, 2007, England and Wales



Youths in custody

Young people may be sentenced to a period of imprisonment under a Detention and Training Order (DTO) or under Section 90/91.

The DTO can be given to 12- to 17-year-olds and the length of the sentence can be between four months and two years. The first half of the

sentence is spent in custody while the second half is spent in the community under the supervision of the youth offending team.

Such a sentence, according to the Youth Justice Board, 'is only given by the courts to young people who represent a high level of risk, have a significant offending history or are persistent offenders and where no other sentence will manage their risks effectively. The seriousness of the offence is always taken into account when a young person is sentenced to a DTO.'^{iv} Young offenders are sentenced to a period of imprisonment under a DTO in 90% of cases.'^v

If a young person is convicted of an offence for which an adult could receive at least 14 years in custody, they may be sentenced under Section 90/91 in the Crown Court.

There are three types of secure accommodation in which a young person can be placed: secure training centres (STCs), secure children's homes and young offender institutions (YOIs). These institutions comprise the secure estate for children and young people

STCs are purpose-built centres for young offenders up to the age of 17 run by contracted private operators. There are four in England holding approximately 60 to 90 offenders each.

Secure children's homes are run by local authority social services departments. They are generally used to accommodate young offenders aged 12 to 14, girls up to the age of 16, and 15 to 16-year-old boys who are assessed as vulnerable. They have a high ratio of staff to young people and are generally small facilities, ranging in size from six to 40 beds.

YOIs are facilities run by both the Prison Service and the private sector and can accommodate 15 to 21-year-olds. They generally have lower ratios of staff to young people than STCs and secure children's homes and accommodate larger numbers of young people. Consequently, they are less able to address the individual needs of young people and are generally considered to be inappropriate accommodation for vulnerable

young people with high risk factors, such as mental health or substance misuse needs.

All young people are assessed when they enter the youth justice system, the result of which determines which part of the secure estate a young person is placed within.

Table 1 shows the trends in the numbers of young offenders sentenced to immediate custody for all offences in each year since 1997 and the average sentence length for those receiving a determinate sentence.

Table 1: Persons, aged 10-17, sentenced to immediate custody, England and Wales

	Total number given immediate custody	Prison places required	Excluding life and indeterminate sentences	
			Number	Average sentence length (months)
1997	7,083	3,029	7,056	10.3
1998	7,217	2,727	7,205	9.1
1999	7,653	2,782	7,624	8.8
2000	7,414	2,982	7,393	9.7
2001	7,596	2,991	7,567	9.5
2002	7,416	3,460	7,394	11.2
2003	6,200	2,702	6,189	10.5
2004	6,325	2,864	6,309	10.9
2005	6,015	2,578	5,961	10.4
2006	6,183	2,672	6,122	10.5
2007	5,830	2,462	5,743	10.3

Source: Table 2.4, Sentencing Statistics 2007, England and Wales, Ministry of Justice

In November 2009 there were 2,030 young offenders in YOIs, 510 of whom were on remand. The majority of young offenders in YOIs were under sentence. In addition to the young offenders in prison there were 272 12-15 year olds in STCs and 162 youths in secure children homes.^{vi}

Young offenders accounted for about 2.8% of the secure estate population in November 2009.

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ⁱ <http://www.yjb.gov.uk/en-gb/yjs/SentencesOrdersandAgreements/>

ⁱⁱ See Library Note [Anti-social behaviour order statistics \(SN/SG/3112\)](#) for further information

ⁱⁱⁱ For details of these see:

<http://www.yjb.gov.uk/en-gb/yjs/SentencesOrdersandAgreements/>

^{iv} <http://www.yjb.gov.uk/en-gb/yjs/SentencesOrdersandAgreements/DTO/>

^v Table 2.9, Sentencing Statistics 2007 England and Wales, Ministry of Justice

^{vi} <http://www.yjb.gov.uk/NR/rdonlyres/A9EFD604-0AB5-437B-86EC-8C2962CCA08B/0/November09CustodyFigures.pdf>