

A Successful Revolution in Youth Justice Revisited

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Daniel McCarthy analyses the current context of reductions in the size and scale of the youth justice system in England and Wales

Since 2008 there has been a marked reduction in the size and scale of the Youth Justice system in England and Wales. Falls in the numbers of young people held in custody, receiving community penalties, entering the youth justice system, among a host of other changes have all taken place. One of the interesting features of these reductions is that they have taken place in the context of a Conservative-majority Coalition government – a political party most known for its tough on crime stance towards young offenders. This scenario is however a familiar one. Going back to the early 1980s – a period characterised by Jones (1984) as a ‘successful revolution’ in youth justice, a similar set of changes were also taking place. These changes again occurred within the context of a Conservative government in power, with a similar social and political landscape consisting of fragile economic situations and recession, instances of civil unrest in the form of rioting, and cuts to public services. In what follows, these comparisons between the 1980s and contemporary period of youth justice will be unpacked, drawing out some of the overall explanations and conclusions regarding the associations between the Conservative government and reductions in the size and scale of youth justice.

The 1980s Context

During the 1979 general election and the subsequent rise of Thatcher as prime minister, one of the ingredients of the Conservative Party’s successful campaign was their tough law and order response. Home Secretary William Whitelaw and his ‘short sharp shock’ catchphrase advocated an authoritarian stance towards young offenders. Yet, despite this punitive rhetoric, the numbers of young people convicted or cautioned, being sent to custody, as well as receiving other court disposals were all significantly reduced during the 1980s. For 14-17 year old males, falls in the numbers sent to custody (from 6,900 in 1979 to 1,900 in 1989) and in the total number of young persons sentenced (from 56,300 in 1979 to 20,100 in 1989) (Home Office, 1989). Encapsulating the time period was the focus on diversion and decarceration, in addition to minimal intervention at most stages of the system. This included an increase in police cautions, multi-agency working to prevent youth crime, as well as a clear policy of bifurcation in operation which delivered tougher penalties for a smaller group of serious and persistent young offenders, but for more minor young offenders employed cautions and similar diversionary responses.

There are several explanations for these reductions during the 1980s period. The Criminal Justice Act 1982 placed limits on judicial discretion regarding the use of custody and encouraged greater use of penal alternatives. Rutherford (2002) further argues that the 1982 Act and the more general law and order climate was reflected through the mildly tolerant attitudes of Home Secretaries Leon Brittan (1983-85) and Douglas Hurd (1986-89), especially when compared to subsequent Home Secretaries Kenneth Clarke (1992-93) and particularly Michael Howard (1993-97) who implemented a much tougher range of policies during their terms of office. A further explanation for these responses to youth justice during the 1980s concerns political distraction, where events including the Falklands War, the miners’ strike, poll tax, and rising unemployment levels were by far the big electoral issues of the time, with youth crime

comparably low as a political priority. Finally, the economic downturn of the mid-late 1970s meant that Thatcher's first term as Prime Minister was subject to considerable curtailments on public spending, where youth justice featured as one such area where minimal financial resources were deployed.

The Tail End of Labour to the Coalition

From 1992 through to 2007, the size and scale of the youth justice system increased considerably – the reasons behind which have been subject to extensive discussion elsewhere (Goldson, 2000). From 2008 however the size and scale of youth justice began to reduce towards the end of the New Labour reign, which has since transitioned into the Coalition government's tenure. Significant reductions have been observed in terms of the number of first time entrants (27,854 in 2012/3 – compared to 79,260 in 2008/9), police arrests for notifiable offences (167,995 in 2012/3 – compared to 273,041 in 2008/9) and rates of custody (average of 1,544 10-17 year olds in prison in 2012/3 compared to 2,881 in 2008/9) – to name just a few indicators (see also Ministry of Justice, 2014). Like the 1980s period, there is also evidence of a bifurcation strategy in operation – a policy which served to divert away from formal sanctions those offenders involved in low-level crimes, compared to a response which focuses more on serious and persistent young offenders (HM Treasury, 2011). Young people entering the YJS, although far fewer in overall numbers have higher numbers of previous offences committed, as well as greater levels of re-offending following disposals (Ministry of Justice, 2014: 26). This suggests a shift in emphasis towards a small core group of persistent young offenders, as opposed to the more enlarged interventionist policy which concentrated on low-level offenders which featured as a key part of the New Labour youth justice agenda.

Cuts to a range of public services including YOTs and the police have forced a reconsideration of service provision, where a minimal-interventionist policy with regards young people involved in low-level offending – a policy certainly informed by the need to cut costs. For YOTs and the police, a renewed emphasis on diversion as illustrated by the growing use of restorative interventions which establish an informal response to deal with low-level youth offending has had a key role in reducing the numbers of young people processed through the YJS, in addition to the removal of police and court targets for 'offences brought to justice' – resulting in fewer police arrests and less of a need to process young people following arrest. So too have there been some changes in sentencing practices, with judges sentencing fewer young people to custody, with recent guidelines emphasising custody as a last resort. Although YOTs deserve some credit for these reductions, such as through their growing use of restorative interventions, there is little evidence of a discernable policy shift compared to the period prior to the reductions during the start of the New Labour tenure in 1997.

Making sense of the reductions

The key lesson from these two periods is that the political ideology of the ruling government explains little about the reductions in youth justice. Marked by the absence of any clear benevolent or abolitionist thrust to these reductions in youth justice both in the 1980s and current context, the most plausible factor responsible for these cuts is the climate of austerity with cost effectiveness and corporatist efficiency appearing to characterise the main rationales for change.

Like the 1980s, the Coalition government has ruled in the aftermath of a significantly dented economy, where cuts to public services and industry have been made, and welfare policies established which have negatively impacted the lives of the poor and socially

marginalised. Yet these political conditions have not yet led to any discernable increases in crime (so far the opposite) or indeed any identifiable backlash against these reductions in youth justice – the only obvious exception being the state reactions to the English riots which were highly draconian in punishing those involved in these incidents, but not marked by a continued and more systemic adoption of these punitive practices within the YJS and beyond.

Despite some positive aspects of these two periods of youth justice, there are some cautionary notes worth expressing. One is that following the 1980s ‘successful revolution’ in youth justice, a major policy U-turn occurred during the early 1990s which persisted throughout the majority of the New Labour tenure after. The murder of James Bulger played a key part in this punitive shift, as did the competition for tough on crime policies during the late 1990s where the New Labour government launched one of the toughest youth crime manifestos ever witnessed. It is therefore important to consider youth crime and justice as a politically volatile area which can change quickly, especially where the relative stability of other areas of public policy, not least the health service and economy, may lead to a re-emergence of a tough youth crime response from campaigning political parties. The current Home Secretary Theresa May has focused the bulk of her tenure on matters of policing and immigration, and not youth justice which may signal some positives in the run up to the general elections in 2015. Chris Grayling, the Secretary of State for Justice by contrast has recently announced proposals to build a ‘super prison’ for children despite what seems to be limited evidence behind such a measure, and perhaps a more alarming indication of his attempts to shore up public concern towards youth justice.

Finally, regardless of these noted reductions, the adult justice system does not correspond with these changes where prison populations continue to rise alongside community penalties and other court disposals (besides reductions in the numbers of police arrests and overall levels of crime). We should therefore reserve optimism regarding the claim that the case of youth justice illuminates a broader pattern of change in England and Wales, but cautiously celebrate the current climate of youth justice, especially when compared to its recent past.

References

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