



**Ulster Unionist Party Position on the Report on the Review
of the Youth Justice System in Northern Ireland**

Background to the UUP Position

The Ulster Unionist Party welcomed the Review of the Youth Justice System in Northern Ireland when it was announced in November 2010. The Review Team, consisting of John Graham, Stella Perrott and Kathleen Marshall, had broad terms of reference and undertook a comprehensive review of policy and practice in relation to youth justice. We believe that there are many positive aspects to our youth justice system in Northern Ireland and we must seek to build on these. However there are also areas of grave concern which need to be addressed as soon as practically possible. In general, it is our view that in order to get young offenders back on the straight and narrow it is imperative that we identify better ways of dealing with the underlying causes of youth criminality. On the whole, we broadly welcome the Report and its recommendations.

Early Intervention

Whilst it was important that the Youth Justice Review looked at how children and young people are dealt with within the criminal justice system, we consider it to be more prudent to take steps to ensure that children and young people do not come within the auspices of criminal justice at all if possible. This can be achieved through early intervention with those children who are considered most at risk of offending.

Early intervention is by no means a new concept with elements present in other jurisdictions (for example Youth Offending Teams and Youth Inclusion Programs in England and Wales) as well as limited examples in Northern Ireland (such as the Early Intervention Programme). However, in Northern Ireland we need to grasp this issue further and move forward in implementing early interventionalist principles. The aim is to reduce crime and anti-social behaviour through keeping young people away from crime as well as potentially saving a substantial amount of money. Given that the Department of Justice has estimated that crime costs Northern Ireland in the region of £2.9 billion a year¹ and it costs around £78,000 a year to house a prisoner (rising to nearer £95,000 given that Northern Ireland's Prisons are currently four fifths full)², it is a much more attractive proposition to invest a proportion of that money in early intervention programmes.

The Early Intervention Programme has been running in Northern Ireland since 2008 and has identified the value for money which can be attributed to the intervention they have provided for 8 - 13 year olds. After research and calculations, the average costs of the service were £4,610³ and this obviously compares favourably to other outcomes outlined above.

We agree with the recommendation that the Executive should develop an early intervention and prevention strategy. In November 2010 the Ulster Unionist Party, in its response to the Consumer Spending Review, proposed the introduction of a cross-departmental Early Years Strategy, with a

¹ DoJ Statistics and Research Branch, 'Cost of Crime against Government Departments in Northern Ireland' (2010)

² Criminal Justice Inspectorate Northern Ireland, 'Northern Ireland Prison Service Corporate Governance Arrangements' (December 2010)

³ Dawson, Dunn, Morgan; 'An Evaluation of the Early Intervention Programme for the Prevention of Offending' (October 2010)

centralised Executive fund, designed to tackle problems of health, education, youth justice and regeneration. We are pleased that the Review Team has reached a similar conclusion.

Policing

The PSNI have shown in many cases that they have an understanding of the particular needs of children and young people and there are various examples whereby interaction between the PSNI and young people is positive including local initiatives such as the Young Voices North Belfast Project, Summer Splash Scheme and Pizza 'n' Peelers. The Ulster Unionist Party also notes the Policing Board Thematic on Children and Young People which stated that the PSNI does much to enhance their relationship with young people including through neighbourhood policing teams, Youth Diversion Officers and Anti-social Behaviour Officers and Youth Diversion Officers.⁴

It is the case Response Teams and Tactical Support groups are at times not as positive in their engagement with young people as they should be and these are perhaps areas where improvement is needed. We would also echo concerns that the Policing Plan does not make specific mention of children and young people.

Diversion and Prosecution

The Ulster Unionist Party are fully aware that contact with the criminal justice system can have disastrous effects for young people and often leads to persistence in offending behaviour. Whilst there is an obvious need for the most serious offending to be dealt with using prosecution and/or custody, the majority of low level crime amongst children and young people can be dealt with outwith of the criminal justice system.

Therefore, the Ulster Unionist Party broadly supports the call within the Report for a review of police powers in relation to the use of discretion, warnings and cautions. We also favour the reinforcement of parental responsibility and empowering schools to deal with the majority of minor offending behaviour.

The Report identifies Community Based Restorative Justice (CBRJ) schemes as promoting greater responsibility for low level offending outside the criminal justice system. Whilst there are some good examples of CBRJ providing reintegration of young offenders back into communities, there are also some questionable aspects of these schemes. The Ulster Unionist Party want to ensure such schemes are cost effective, deliver tangible outcomes and are inclusive of all sections of society.

⁴ Northern Ireland Policing Board, Human Rights Thematic Review Children & Young People (January 2011)

Bail and Remand

The Law Commission is currently undertaking extensive work in this area⁵ and representatives from the Ulster Unionist Party have attended events promoting this work. The simplification of bail law in general will be a welcome development.

Too many children and young people are currently being placed on remand in custody in Northern Ireland and indeed a huge proportion of our young people in custody have been placed there on remand (the Report states that in any one day around three quarters of the Juvenile custody population is on remand). This is unacceptable given the strain it places on the criminal justice system in Northern Ireland in terms of delay in processing these cases through the courts, the costs associated with a higher prison population, the psychological effect which being remanded in custody has on children and young people and the lack of closure afforded to victims who often have to relive the crime at some point in the future once it eventually reaches Court.

The practice of using Woodlands JJC as a place of safety is also inappropriate. Alternative arrangements need to be put in place such as the suggested supported accommodation which should be available at short notice. Fostering and bail support are other areas which need to be developed further to facilitate an alternative to custody in some specific circumstances. A legislative change would be necessary to ensure that looked after children are not placed in custody where children in the general population would not have been and this particular issue could be included within the imminent Department of Justice 'Compliance Bill'.

It is a simple fact that resource implications must also be given cognisance due to the fiscal constraints we currently face as these can have a significant effect on bail and remand decisions.

Youth Conferencing

The report cites youth conferencing as a success of the youth justice system in Northern Ireland and sets out the need to build on that. The Ulster Unionist Party views restorative justice programmes which take into account the victims of crime positively and recognise that there is merit in the work of the youth conferencing service.

However, there are also difficulties; firstly, it is still not clear that the outcomes stemming from youth conferencing are convincing in reducing the rates of offending and reoffending and secondly, it is relatively expensive given that each youth conference can cost around £1,500 with 1,649 such conferences taking place between April 2007 and January 2008.

Reducing the delay associated with these conferences as well as the production of up to date statistics could begin to remedy these shortcomings. However, we should be rightly proud of the innovative youth conferencing service which is a Northern Ireland specific approach to youth offending, much like the Scottish process of the Children's Hearing System.

⁵ Northern Ireland Law Commission, Consultation Paper, 'Bail in Criminal Proceedings' (September 2010)

Youth Court

International obligations⁶ require that children and young people are dealt with according to their special needs at every stage of the criminal justice system and having designated youth courts is a good example of such theory being practiced. Unfortunately the Youth Justice Review Team found that these Courts had a lack of specialisation and poor communication. It is therefore our view that reform is needed to ensure that these Courts are functioning as well as possible and in a child specific manner.

Delay

The issue of delay is crippling our criminal justice system and has particularly adverse effects for children and young people as well as victims of crime. It also leads the wider public to lose confidence in the criminal justice system as a whole. Statistics show that this is an issue which is showing no sign of remediation and indeed the Youth Justice Review Team felt that progress was negligible in this area.

Statutory time limits have been cited by the Youth Justice Review Team (as well as by the Prison Review Team) as a means whereby the damaging out workings of delay can be resolved. A period of 120 days is suggested as the maximum period from arrest to disposal for youth justice cases. The Ulster Unionist Party accepts that a statutory time limit would certainly provide a deadline and therefore a focus to progress cases in a speedier manner. However, there is a very real concern that, should the statutory time limit elapse, then an alleged offender will not be subject to the right and proper process. There would need to be adequate safeguards in place to prevent such a scenario from occurring.

The Youth Justice Review Team does say that in tackling the problem of delay young offenders should be prioritised. This is a sound recommendation given the greater significance which the effect of delay has on this group.

The issue of delay in relation to diversionary measures was touched on under youth conferencing above. Action is needed to reduce the time these take and we agree that the Criminal Justice Board should monitor these closely with robust targets in place to ensure prompt progression of cases.

Custody

It is broadly undisputed that custodial sentences are the appropriate course of action for some young people who offend. The most contentious issue in relation to children and young people in custody in Northern Ireland is the practice of under 18's being housed in Hydebank Wood YOC. This is a generally unacceptable situation whereby children and young people are being held in an environment which is unsuitable for offenders of their age.

⁶ Such as the UN Convention on the Rights of the Child, Beijing Rules and Riyadh Guidelines

The Ulster Unionist Party would ideally like to see no children or young people being held in Hydebank Wood YOC and this must be discussed by the Justice Committee with a view to a change of legislation within the planned Compliance Bill. However, the issue should be approached pragmatically and there are resource implications to be taken into consideration. In saying that, it must be stated that the relocation of all 17 and 18 year olds from Hydebank YOC to Woodlands JJC would actually make best use of the custodial resources we have.⁷ On the other hand we are also aware of the disruption which serious and dangerous offenders could have on the regime at Woodlands JJC.

We would like sentencers to be more aware of where they are sending young people on custodial sentences. Visits to custodial institutions as well as thorough training should be compulsory to ensure that decisions are as well informed as possible and in the best interests of the child or young person and society as a whole.

Reintegration and Rehabilitation

If we are serious about reducing the levels of reoffending then we must ensure that effective reintegration and rehabilitation of offenders takes place. The Youth Justice Review Team highlighted that not enough is being done in terms of preparation for release and support post release to aid children and young people who have offended.

The underlying factors to offending are well documented and often include a lack of family and social ties, drug and alcohol problems, educational underachievement, poverty, victimisation etc. and these causal links to criminality need to be addressed both during and after a child or young person is placed in custody. We would also like to see more done to tackle mental health issues amongst young offenders and Hydebank YOC especially does not have the resources to do so at the moment. These 'special groups', which are overrepresented in the criminal justice system, must be identified and adequately provided for through targeted programmes.

The Ulster Unionist Party is keen to explore the option to incorporate a 'half-way house' approach to custody in Northern Ireland as mentioned in the Report and seen in De Hartleborgt, near Rotterdam in Holland. This would, in theory, help reintegration back into the community through day release and has been shown to work in practice in Rotterdam. However, such a process would need to be managed carefully to ensure that public safety was not compromised.

Strategic and Practical Arrangements for Delivery

A Ministerial Committee comprising the Ministers for Justice, Health, Education and Social Development would certainly improve strategic planning in relation to Youth Justice and, more specifically, increase the prevention of offending and delivery of better outcomes for children and young people. The Ulster Unionist Party views this as a viable option and we call on these Ministers to commit to the establishment of such a Committee.

⁷ Also cited by the Criminal Justice Inspectorate, 'An Inspection of Woodlands Juvenile Justice Centre' (November 2011)

If this new Committee is to be successful then it must engage with the Criminal Justice Delivery Group and the Criminal Justice Board. In our document 'Ulster Unionist Party Proposal for 2011-15 Programme for Government'⁸ we set out our aim to facilitate closer working relationships between criminal justice agencies such as seen in the Criminal Justice Board. This recommendation by the Youth Justice Review Team certainly reflects our own attachment of importance to cooperation throughout all aspects of the criminal justice system.

Children's Rights and International Standards

The Ulster Unionist Party recognises that international obligations regarding the rights of children and young people, such as the UN Convention of the Rights of the Child (UNCRC), the Beijing Rules and the Riyadh Guidelines, must be adhered to. We also note the Youth Justice Review Teams view that there is generally a clear understanding in Northern Ireland of protecting the rights of all citizens.

The age of criminal responsibility was studied at length by the Report and although some quarters have reservations about the issue being raised in the context of this report, the Ulster Unionist Party welcome the opportunity to consider this important issue. We are open to the prospect of raising the age of criminal responsibility from 10 to 12 years old with some potential caveats. Concluding observations and recommendations of the United Nations Committee on the Rights of the Child in 1995 expressed concerns about the low age of criminal responsibility throughout the UK as not being compatible with Articles 37 and 40 of the UNCRC. They also specifically recommended that serious consideration be given to raising the age of criminal responsibility. Indeed Scotland has recently raised their age of criminal responsibility from 8 to 12 in light of similar lines of reasoning. The age of criminal responsibility in the Republic of Ireland is covered by Section 52 of the Children Act 2001 as amended by Section 129 of the Criminal Justice Act 2006. This came into effect in October 2006, raising the age of criminal responsibility from 7 years of age to 12 years of age. This means that children who have not reached the age of 12 cannot be charged with an offence. There is an exception, however, for children aged 10 or 11 who can be charged with murder, manslaughter, rape or aggravated sexual assault. In addition, where a child under 14 years of age is charged with an offence, no further proceedings can be taken without the consent of the Director of Public Prosecutions. We believe that there are lessons to be learned from the system implemented in the Republic of Ireland and we are committed to an open and honest debate on the age of criminal responsibility in Northern Ireland.

Our submission to the 'Bill of Rights for Northern Ireland: Next Steps'⁹ clearly sets out our position that we believe that a UK-wide Bill of Rights possessing a subsection of addressing the particular circumstances of Northern Ireland is the most appropriate way forward. The Youth Justice Review Team state that there are clear differences for children in Northern Ireland compared to those in the rest of the UK given the contact with they can have with paramilitary organisations as well as the transitional society which they are growing up in. We are therefore open to exploring that

⁸ http://www.uup.org/images/full_uup_pfg.pdf

⁹ http://www.nio.gov.uk/ulster_unionist_party.pdf

supplementary rights be included for children and young people in Northern Ireland should a UK Bill of Rights become a reality.