

LIBRARY ARCHIVES

Report

60033

Ditchley
Conference on
Juveniles and
the Police
10-12 March 1978

THE DITCHLEY CONFERENCE 1978

JUVENILES AND THE POLICE

REPORT

The context of the discussions

1. The Conference noted that the discussions were being held against a general background of rising recorded crime which over the years seemed to have involved increasing numbers of adult and juvenile offenders, although the proportion of juveniles who had been found guilty of or cautioned for offences had fallen slightly in recent years. Increases in crimes of violence among young people were a particular cause of concern. It was argued that the rise in crime among adult offenders was also relevant to the Conference since it suggested that increasing numbers of young people were failing to grow out of criminality.
2. In general discussion the view was expressed that pressure for extending political liberty and democratic participation had come at a time when the traditional bulwarks of society (the church, the family and the school) were no longer providing the stability which should have underpinned such developments. It was suggested that many children were not given clear standards and were encouraged to expect a level of excitement and stimulation which could not practically be achieved. Young people were not trained to overcome drudgery and boredom. This problem had become particularly acute with the increase in unemployment among young people. Some members of the Conference thought that insufficient regard was paid to discipline and the place of punishment in bringing up young people.
3. The Conference recognised that parents had the primary responsibility for the upbringing of their children. There was a danger that many of the activities discussed at the Conference would detract from this responsibility. As a rule, this danger would usually be overcome by consulting the parents about the child's involvement in any activity run by another agency. Parents had for example been involved in Northern Ireland by the RUC calling a parents' meeting to involve them in developing solutions to the problems of their communities and the involvement of their children in terrorist activities. The Conference felt that many parents failed adequately to exercise their responsibilities for bringing up and disciplining their children and other agencies were inevitably involved in trying to make up for parental shortcomings.

4. Children were also influenced by their environment and by the community in which they lived. While there came a point at which the community had to be protected from those whom it could not control, there seemed to be considerable scope for encouraging the community to deal with its own difficult young people. People in the community were also in a good position to identify the major concerns about crime in an area which might well be different from those assumed by the law enforcement agencies (this had been one outcome of the meetings held by the RUC).

Co-operation

5. A major concern of the Conference was to examine the possibilities of greater co-operation and co-ordination between the various agencies and bodies concerned with the treatment of young people, in particular the police, probation, education and social services. The Conference recognised that no agency or body by itself had the answer to the increase in juvenile delinquency and that there was no single solution to the problem. By pooling knowledge and expertise, however, it might be possible to make a more effective attack on the problem.

6. The reasons for developing greater co-operation were partly a matter of resources. No one agency had sufficient resources separately to make an appreciable impact on the treatment of juvenile delinquents and, without co-operation, there was overlapping effort. Equally, by considering jointly the possibilities for action, a more coherent set of priorities was likely to emerge and each agency was more likely to concentrate on the activities most suited to its responsibilities.

7. There were also good professional reasons for developing co-operation between services. Co-operation could break down the damaging stereo-types which one service had of another and help build up greater trust and understanding between those working in each service. Without such co-operation inter-professional rivalry and misunderstanding only made worse the problems of dealing with difficult juveniles. There were considerable professional advantages for each agency in broadening their outlooks and in sharing each other's insight and knowledge of what was and might be undertaken. If such co-operation made each service more effective in its work, this would increase professional self-confidence (which was already under strain in some services), increase people's confidence in the system's ability to deal with difficult

juveniles and benefit the juveniles themselves.

8. The Conference considered how such co-ordination could be developed within force areas. It was recognised that much depended on local circumstances, in particular the size of the problem locally and the activities which were already being undertaken. It was important to have practical activities to discuss: generalised discussions were unlikely to be the best way forward. Experience had shown that inter-service co-operation on a particular problem or activity also helped in bettering general understanding and co-operation between the services involved. The development of co-operative action needed to provide links between the services not only at chief officer level but also at the operational level. These operational links were often the most difficult to achieve since it was here that resources were stretched and suspicion between services often greatest. Clear guidelines needed to be developed about responsibilities and systems of reference for those working in co-operation at the operational level. Chief officers also needed to consider and resolve problems associated with the privacy of records and how far the information contained in these records could be shared with other professional services.

Inter-disciplinary training

9. The Conference recognised that there was no substitute for the development of co-operation on practical issues. It was suggested, however, that there might be scope for developing understanding between services by sharing some elements of each service's training programme and by short-term secondments between services. Police officers, for example, might benefit from the skills developed by other services, such as the education service, in communicating with large groups of children and all would certainly benefit by having more knowledge of how other services were structured and operated. Some elements of common training already existed, such as police cadets being attached to social services departments, sociology students at Keele University being given a month-long attachment to the police and newly-appointed social workers having a day course at Kent police headquarters. The Police College also drew on the social services for their Inspectors' and Special Courses and senior officers from a range of agencies attended the annual Cambridge Senior Course in Criminology. The Conference considered, however, that there was a shortage of joint training at the induction stage which appeared to be an effective time for such training.

Community involvement

10. Another major area for development was in harnessing the efforts and

enthusiasm of the community in working with difficult juveniles. A particular example of such work was the Cheshire volunteer scheme (see the summary of Mr Penn's and Mr Tomlinson's talks at Annex B). The use of volunteers emphasised the responsibility of the community in dealing with young people and promised to provide a valuable outlet in the future to the many people who, because of the level of unemployment and changing work patterns, would increasingly have more leisure time available. There was also a need to de-mystify elements of professional social work intervention by recognising the valuable contributions which members of the community could make. The development of community involvement, however, required a firm basis of professionalism within the services who were harnessing voluntary effort and required the commitment of some time and resources. Volunteers would not replace professionals, but would be able to undertake activities which the professionals were not free or able to carry out. Volunteers could make a different, but no less valid contribution to work with juveniles and were able to allow the professional more time to concentrate on particular cases or groups of juveniles who required their special expertise. Considerable care needed to be exercised, however, in the recruitment of volunteers.

The role of the police

11. The Conference noted that the primary objective of police involvement with juveniles was the prevention of crime. This involvement need not be restricted to trying to prevent the immediate commission of crime, but could include activities whose effect might only be felt in the long term. It was important, however, that such activities should be evaluated and that the resources committed to this work should be identified. In practice, the police's commitment to preventive work with juveniles was more likely to be restricted by resource restraints rather than what was judged to be the proper work of the police.

12. The Conference considered that the police could be involved in work with juveniles not only through the consideration of whether a juvenile should be prosecuted for having committed an offence but also through work with children who may not be suspected of having committed an offence. This involved working with young people in schools and youth clubs, particularly in the younger age groups, as well as helping other agencies to identify children who might be at risk of anti-social behaviour or who needed help for other reasons.

13. There was also scope for increased involvement in follow-up action after a juvenile had come to the notice of the police for committing an offence.

The objective of such work was to reduce the possibility of him continuing to commit offences. Such work could include supervision after caution in appropriate cases selected after consultation with the other agencies involved. The Conference put particular emphasis on the scope for police officers to spend time on work with offenders outside their normal police duties. The Home Office appreciated the work by police officers in running attendance centres and the Conference noted that the number of centres was to be increased. There might be advantage in officers in charge of attendance centres meeting regularly with probation officers, social workers and juvenile court magistrates. The Conference also considered that police officers could be involved in intermediate treatment schemes since many individual officers had abilities and leadership qualities which would be very valuable in the successful operation of these schemes. While such activities need not necessarily be undertaken as part of an officer's official duties, they needed the strong support of chief constables and a readiness to amend duty rosters where necessary. The Conference did not consider that police officers should be more extensively involved in the operation of penal sanctions such as the community service order.

14. The Conference recognised the potential value of specialist departments set up to concentrate on the administration and co-ordination of the work undertaken by a force with juveniles, including the operation of the juvenile cautioning system. The Conference considered, however, that such departments should operate in a support role and that work with juveniles should be seen as part of the responsibility of every serving officer in every rank. Work with juveniles was not a specialist function which could be hived off from other police duties.

The hard-core of offenders

15. Considerable concern was expressed at the Conference that there existed a hard-core of juvenile offenders who it was suggested were unlikely to be amenable to many of the preventive activities referred to at the Conference. These offenders were thought to be responsible not only for a significant proportion of serious offences but also for leading other young people into anti-social behaviour. Some felt that it was particularly important that these offenders should be put in secure accommodation so that the degree of absconding experienced by some community homes might be reduced. It was argued that the provision of such accommodation would improve the effectiveness of the criminal justice system, and therefore the confidence of the public, the courts and the

police, and would provide an effective punishment. It was suggested that the Children and Young Persons Act 1969, in fusing the welfare and judicial aspects of work with juveniles, had failed to pay sufficient regard to the problem of the hard-core offender.

16. At the same time, some members of the Conference considered that it was difficult to quantify the number of offenders who required secure accommodation. On the basis of a juvenile having at least 10 referrals to the police, it was estimated that there were some 200 such offenders in the Metropolitan Police District. Nevertheless, there may be other offenders who had only come to notice on one occasion and yet who clearly needed to be kept in secure conditions. The work of identifying such offenders and the cost of keeping them in secure accommodation (the capital cost was £20,000 per place) placed a demand on resources which needed to be justified in the face of the research which showed that penal institutions were not effective in reducing recidivism. In the same context it was pointed out that the Children and Young Persons Act 1969 did not apply to Northern Ireland and juvenile courts had available 500 places at training schools to which they could send juveniles for three years. The reconviction rate of those sent to these schools was 64%. It was reported that there was a feeling in Northern Ireland that the authoritarian treatment of young people was unsatisfactory and ineffective and in reconsidering the treatment of juveniles there was a tendency to move more towards the philosophy of the 1969 Act since a restrictive approach, as well as being more expensive, was not proving to be successful.

17. In concluding the discussion, the Conference noted that the Children and Young Persons Act 1969 provided the framework for dealing with children in trouble; the Government had made clear that there was no present intention of substantially amending it. Nevertheless, within the framework of the legislation, it was considered necessary to provide sufficient secure accommodation for the relatively small number of difficult and intractable young people who required it. Most community homes with education were not equipped or staffed to deal with this sort of offender and often exercised their right to refuse admission to such juveniles. The Conference noted the Government's scheme for direct grants to local authorities who provided additional secure places. As a result some 480 secure places should be available in community homes within the next two years (220 in observation and assessment centres and 260 in community homes with education).

Resources

18. Many of the matters discussed during the weekend had resource implications.

The Conference recognised that if there were an appreciable increase in resources it would be possible to provide for a much increased level of effort in counteracting juvenile delinquency. It would be possible to provide more secure accommodation, more police officers for operational police duties and for specific activities with young people and to increase the work undertaken by all other agencies. It was not realistic, however, to expect that greatly increased resources could be made available for this work and there was little evidence that the commitment of resources would alone solve the problem of juvenile delinquency. It was important, therefore, that priorities should be established and that the police should consider carefully resource implications before involving their officers in additional work with juveniles. A criticism of the Children and Young Persons Act 1969 was that it had failed to provide the resources necessary for implementing the strategies it introduced. Restrictions on resources did not mean, however, that there was no scope for development. Rather it underlined the importance of acting in co-operation with other agencies, of drawing on the community wherever possible and of monitoring the effects of the resources which were committed.

Follow-up

19. The Conference was not intended to produce a series of conclusions or recommendations. The following points were noted however as matters which might be followed up as a result of the discussions at the Conference:

- (i) chief constables were invited to consider how some of the matters discussed at the Conference could usefully be followed up in their own force areas, including any of the specific projects referred to.
- (ii) It was suggested that ACPO should continue the discussion of the police's involvement with juveniles at their summer conference.
- (iii) The Home Office, in consultation with the Department of Health and Social Security and the Department of Education and Science, would consider whether some form of joint circular might usefully be issued on the possibilities for co-operation between the various agencies involved with juveniles and on the use of volunteers in work with juveniles.
- (iv) The Home Office and ACPO would explore further the possibilities for sharing information about police work with juveniles between force areas. It was recognised that one of the purposes of

circulating a record of the Ditchley Conference was to disseminate such information.

20. The Conference noted that the Home Office would prepare and circulate a record of their discussions.

DITCHLEY CONFERENCE 1978

Participants

Home Office

Lord Harris, Minister of State (Conference Chairman)
 Mr R T Armstrong, Permanent Under Secretary of State
 Sir Colin Woods, HMCIC
 Mr R J Andrew, Deputy Under Secretary of State
 Mr W N Hyde, Police Department
 Mr D Heaton, Police Department
 Mr G P Renton, Police Department
 Mr M J Moriarty, Criminal Policy Department
 Mr M H Hogan, Probation and After-Care Department
 Mr J F Halliday, Police Department
 Miss M A Clayton, Criminal Policy Department (for Saturday only)
 Miss J Lewis-Jones, Private Secretary to Lord Harris
 Mr J M Lyon, Police Department
 Mr J I Chisholm, Police Department } Conference Secretariat

Police Service

Mr R S Barratt, Chief Constable South Yorkshire Police
 Mr J Duke, Chief Constable Hampshire Constabulary
 Mr G E Fenn, Chief Constable Cheshire Constabulary
 Mr W H Gibson, Assistant Commissioner Metropolitan Police
 Mr D Hall, Chief Constable Humberside Police
 Mr P D Knights, Chief Constable West Midlands Police
 Sir David McNee, Commissioner of Police of the Metropolis
 Mr P Marshall, Commissioner of Police for the City of London
 Mr P J Matthews, Chief Constable Surrey Police
 Mr P A Myers, Chief Constable North Wales Police
 Sir Kenneth Newman, Chief Constable Royal Ulster Constabulary
 Mr K G Oxford, Chief Constable Merseyside Police
 Mr B N Pain, Chief Constable Kent Constabulary
 Mr C F Payne, Chief Constable Cleveland Constabulary
 Mr K W L Steele, Chief Constable Avon and Somerset Constabulary
 Mr B Weigh, Chief Constable Gloucestershire Constabulary
 Mr S L Whiteley, Chief Constable Suffolk Constabulary

Other participants

Mr W H Pearce, Chief Probation Officer, Inner London Probation and
After-Care Service

Mr N Stacey, Director of Social Services, Kent County Council

Mr J W Stacpoole, Children's Department, Department of Health and
Social Security

Mr J R G Tomlinson, Director of Education, Cheshire County Council

Mr W B Utting, Chief Social Work Officer, Social Work Service,
Department of Health and Social Security

SUMMARY OF CONTRIBUTIONS

Introduction to the Conference: Lord Harris

In welcoming members to the Conference, Lord Harris said that the subject of the Conference - juveniles and police - stemmed naturally from the 1977 Ditchley Conference on preventive policing. Police work with juveniles brought the police into contact with other social agencies and Lord Harris was particularly glad to welcome to the Conference distinguished members of the education, probation and social services.

The nature and extent of juvenile offending was a central question in any consideration of the subject of juveniles and the police. The statistics showed some cause for concern. There had been a 3-fold increase in the number of male offenders aged 14 and under 17 since the late 1950s, an even more dramatic increase in offending among young women, and a disturbingly greater involvement in violent offences. However, juvenile offending had increased at about the same rate as that for adult offending and there had even been a decrease in 1975 and 1976 of the number of juvenile offenders expressed as a proportion of the juvenile population as a whole. Nevertheless there was a real problem which was not getting any easier. The main purpose of the Conference was to discuss the police's response to the problem since they were in a unique position to examine the continuum from minor occasional transgressions to repeated, serious offending.

The framework for dealing with difficult juveniles was the Children and Young Persons Act 1969. The Conference had not been arranged for an examination of the 1969 Act, and Lord Harris hoped that discussion would concentrate on the practicalities of dealing with juveniles within the existing system. Important matters which might be discussed during the weekend included the responsibilities of the police for juveniles in trouble; the practice of police cautioning of juvenile offenders; and links between police and other agencies within the community.

The subject of the Conference had been suggested by chief officers and the Home Office welcomed the opportunity to have the views of the police and others with an interest in juveniles.

Police and Juveniles: Sir David McNee

Sir David McNee said that despite the extensive investment of money, research and resources in dealing with juvenile crime we were no nearer definitive answers than at the time of the first Childrens Act in 1908. No policy in respect of juveniles commanded widespread public support and each social agency concerned with children pursued their own particular course with too little regard to co-operation with other agencies with similar concerns. The police service were not exempt from these criticisms.

Experience, confirmed by research, suggested that delinquency was relatively normal behaviour amongst young people but that did not mean it should be acceptable behaviour. The primary aim of the police service was the prevention of crime and when a young person committed an offence the police, as well as parents, teachers and social services had failed.

The value of the recorded crime statistics could be debated at length but the facts were plain - over recent years crime had increased and crime by juveniles had increased particularly fast. The increase in juvenile arrest figures could not be accounted for by any other factors. In 1977 9% of London's population - the 10 to 16 year olds - accounted for 29% of all persons arrested for crime, and arrests of juveniles rose by 15% over 1976. In 1977 51% of all crime arrests were of people under 21 and nearly 40% of all persons arrested for robbery and nearly 50% of persons arrested for burglary were under 17. Not only was juvenile crime in London increasing but so also was the seriousness of the offences.

Sir David said that society had a right to be protected from delinquent behaviour and police officers would continue to arrest law breakers. However, without the resources necessary to maintain a sufficient police presence the effects of such measures were inevitably short term. The real answer was to prevent young people from becoming criminals. The police were involved in preventive action through such activities as youth club work, community involvement projects, school liaison schemes and juvenile liaison schemes involving supervision of juveniles.

Another type of preventive action was the police truancy patrol. In 1976 more than 3,000 of the 27,000 juveniles arrested in the Metropolitan Police

District were truanting at the time of their crime. Many children truanted with the tacit acceptance of parents and teachers neither of whom welcomed the return of children to home or school. The Metropolitan Police had discontinued truancy patrols in 1975 because of doubts about the legal powers of the police to operate them.

Since 1969 the Metropolitan Police had operated what was in effect a diversion scheme from the criminal justice system. In 1976 approximately one third (12,000) of all juvenile offenders referred to the Metropolitan Police Juvenile Bureaux were cautioned rather than prosecuted, a figure which suggested that one of the aims of the Children and Young Persons Act 1969 had been achieved. It was possible that the increase in cautioning had been a contributory factor in the increase of juvenile crime. Children expected punishment when they were caught misbehaving and the lack of punishment might be critical for first and second time offenders. Punishment was a valid social response to juvenile delinquency, one that society disregarded at its peril, and it should not be dismissed as one of various means for dealing with young offenders.

However, there was contrary evidence which suggested that the Metropolitan Police had considerable success with offenders who had been cautioned. This might indicate that a police caution was a more effective deterrent than a court appearance. The Metropolitan Police were in the process of computerising data about juvenile offenders which might provide some answers to the questions surrounding the decision to caution but this would not be available for 1½-2 years. If evidence emerged which suggested that cautioning contributed to crime, or even that it had no appreciable effect on recidivism, then Sir David suggested that it should be dispensed with, although this would be contrary to the spirit of the 1969 Act and would cause London's courts to grind to a halt.

Sir David said that his experience of the juvenile system in Scotland had taught him to view with suspicion any criminal justice system which lacked teeth. The Scottish system introduced in 1971 was a bold innovation designed to separate the judicial from the welfare functions but it had attracted the same criticisms which were common in England: failure to deter young offenders; lack of facilities and resources; preoccupation with offenders to the detriment of preventive work; and failure properly to supervise juveniles in care or under supervision. While in England voices might be raised to adopt the Scottish system, in Scotland there was a demand to refer

cases back to the Sheriff. The case for Childrens Panels was not proven.

Answers must be found somewhere between the extremes of punitive retribution and permissive welfare. The various social agencies concerned with the welfare of juveniles must work closely together towards a solution. Crime must be made difficult and offenders must be in no doubt about society's disapproval. A comprehensive policy of crime prevention, requiring the co-operation of all, was needed urgently. It required commitment to agreed objectives and priorities. The present Conference provided an opportunity to help determine what those objectives and priorities should be. The police service had a right and a duty to speak and make plain that the health of a society was measured as much by the absence of crime and public disorder as by the humanity it showed to those who had broken its laws.

Police and the Education Service: Mr G E Fenn and Mr J R G Tomlinson

Mr Fenn said that in Cheshire a multi-disciplinary approach to juvenile delinquency had been developed - principally involving the education service but including also the probation and social services.

The problem of juvenile delinquency was no different in Cheshire from elsewhere. Two important causes were the breakdown of the family unit and the loss of religious belief with its attendant code of conduct. Mr Fenn presented the results of a detailed analysis of the 8,363 juvenile offenders dealt with during 1976 in Cheshire. In Cheshire 41.5% of crime was committed by juveniles. 54.6% of juveniles were first offenders, 16.9% had committed just one previous offence and the remainder more than this. The success rate in relation to first offenders not coming to the notice of the police again was 69%. 41.4% of juvenile offenders received a caution, and 49.4% were proceeded against. Of the offences committed by juvenile offenders 27.6% were burglaries and 56.7% thefts. 48% of the thefts were shoplifting offences and 42.8% of the shoplifters were female. If shoplifting offences could be eradicated juvenile crime would be reduced by 26.9% and female juvenile crime by 61.7%. 80% of shoplifting offences occurred in department stores, supermarkets and hypermarkets which offered greater opportunities. The majority of offences were committed outside school hours, 28.3% between 12.00pm and 3.00pm and 26.9% between 3.00pm and 6.00pm - not when children were truanting - and the peak day for offending was Saturday, 25.6% of total offences being committed on that day.

Mr Tomlinson said that there was a common bond between head teachers and policemen in that both represented a form of authority and both felt challenged by society's changing attitudes to authority. Links between the different social agencies had been established initially between the education authorities and the social services in Cheshire and these had enabled contact between the police and schools to be developed. It had been the habit of the Chief Constable and the Director of Education to meet regularly without a fixed agenda. The handing over of the education welfare services to the social services with the Seebohm reorganisation following the Local Authority Social Services Act 1970 had initially not worked well, with teachers and social workers each stereo-typing the other. In 1972, however, a new system started to be developed. For each geographic area covered by one secondary school and its feeder primary schools a team had been established which met regularly. This team - known as the pyramid team - was made up of head teachers, social services officers, teacher/councillors, school welfare assistants and administrative support. This core group brought in other interested professions such as the police, child guidance officers, school psychologists and health visitors. The police contact was the juvenile liaison officer. The team concentrated on particular and detailed issues concerning juveniles in their area. Experience had shown that trust between agencies was developed by giving the team a clear focus of action, and by involving professionals in problems outside their immediate professional responsibilities. One advantage of having a police juvenile liaison department and of the pyramid team was to help develop a good relationship between police and schools.

Mr Fenn said that a Schools Liaison Officer had been appointed for every school in Cheshire. This responsibility was part of the duties of a uniformed officer in a school's area. The liaison officer, who was carefully selected, was encouraged to establish good relations with head teachers and staff and to visit his schools as often as possible. A standard presentation had been developed for use in giving talks to schools, the emphasis for the younger children being on the need for rules whether in football, the home or in society in general. Other police activities in schools included the teaching by police instructors of motor cycle safety to senior pupils and police speakers at school leavers' courses.

Mr Fenn described the Juvenile Volunteer Scheme which had been set up in Cheshire whereby members of the public volunteered to act as honorary "aunts" and "uncles" to children who had been cautioned. The public had been encouraged

to offer themselves as volunteers through publicity in the media (which had not always brought much response) and through approaches by resident beat officers and teachers. The juvenile had to admit an offence and the parents had to agree to the scheme. Selected children were then matched up with suitable volunteers, if possible someone who pursued an activity in which the child had an interest. It was originally envisaged that the scheme would apply only to juveniles between the ages of 10 and 17 but experience had shown that some children below the age of criminal responsibility could benefit from the volunteer scheme. It was also originally envisaged that supervision would be on a one-to-one basis but this too had been modified. For example, one couple had five juveniles placed with them because they ran tug-of-war teams. Another couple who were swimming instructors were able to cope with a number of juveniles and get them involved in competitive sport. The Volunteer Scheme had started originally in Crewe but had now been extended to every urban area in Cheshire. At present the number of volunteers participating in the scheme was 73, though 142 were available, and the number of juveniles 71. An additional 50 children had passed through the scheme.

Day-to-day administration of the scheme was by the police but the education, probation and social services assisted with the selection and training of the volunteers. Considerable contributions to the training session were also made by the original volunteers. There was close consultation and continuing guidance from the education, probation and social services as well as the involvement of others with relevant experience including juvenile courts, magistrates and members of religious denominations. A committee of representatives from these organisations met every quarter. The police monitored the scheme by maintaining contact with the juvenile, his parents and with the volunteer. The volunteers also met together every month to discuss problems.

The professional services, including the police, had originally been very sceptical about the scheme but were now enthusiastic supporters. While there was no way of measuring the success rate of the Juvenile Volunteer Scheme there had been many individual success stories. An example was a 16-year old boy thought to be semi-literate who, in eight weeks, learned not only to play an electronic organ but also to read music, much to the astonishment of the teachers at the boy's school. Certainly all those taking part in the scheme were enthusiastic and thought it worthwhile. The police did not have the resources to carry out post-cautioning work with all juveniles and it made good sense to tap the goodwill and voluntary efforts of the general public.

Mr Tomlinson said that the education service, particularly those in the educational support service, had benefited from the police volunteer scheme by being involved in its operation. There was too much professional mystique in the various social agencies and the benefits of involving the community in helping children had now been realised.

The Education Department had considered a development from the juvenile volunteer scheme. The police scheme dealt with children who had committed offences. The Education Department's proposal had been intended to identify children on the way to getting into trouble with the aim of using volunteers to help prevent them committing offences. Local youth, probation, police and social work officers considered this proposal and decided it was not acceptable on the grounds that the child was being branded, perhaps unfairly, as a potential offender. They suggested, instead, developing a network of opportunities for any child in the area. Accordingly, a "Kids Contact" scheme had been set up at Winsford to provide an information network about activities and opportunities available for all children in an area, and to put children in touch with suitable volunteers. The bureau had been going for 9 months run by a full-time worker appointed under the Government's Job Creation Scheme. The "Kids Contact" scheme was successful because it had been developed locally.

Mr Tomlinson said that inter-agency co-operation had developed in a number of other fields including non-accidental injury to children, advice for school leavers and drug abuse committees.

One of the most useful areas for co-operation was inter-disciplinary training. There had been 18 short courses run in Cheshire over the last 5 years organised by educational psychologists and directed at specific issues, such as juvenile delinquency, which were attended by police, doctors and workers in the education, probation, and social services. Such courses enabled the different services to benefit from the particular, valuable insights of the other services on similar problems.

Looking to the future, Mr Tomlinson said that there was scope for involving the police more in primary education. He thought that the police might benefit from more training in the behavioural sciences and he hoped to see official police membership on youth service training courses.

In conclusion, he said that the philosophy of working with juveniles was to react to symptoms of delinquency with a practical approach; to encourage the professional caring services, including the police, to work together; and to get them to involve the community in developing realistic solutions to practical problems.

Police and Social Services: Mr B N Pain and Mr N Stacey

Mr Pain said that the Children and Young Persons Act 1963 was seen as a victory for those working for the removal of punitive provisions in favour of treatment measures for children and young persons. However, apart from increasing the age of criminal responsibility, the powers of the police to take positive action against young offenders remained intact and because the 1963 Act did not go far enough for the advocates of "treatment" the Children and Young Persons Act 1969 was introduced.

Since the 1969 Act had been implemented there has been a large increase in juvenile crime. The two were not unconnected and if other provisions of the 1969 Act not yet implemented were brought into force, in particular the further increase in the age of criminal responsibility from 10 to 14, the situation would deteriorate further. Lack of effective punishment was responsible to some degree for the increase in juvenile crime. It was unfair to young people if they were not taught in their formative years the importance of obeying the law. The powers of the magistrates have been removed: they could not decide on the type of supervision that was needed, and the implementation of orders was now the responsibility of the executive, in the form of the social services, rather than the judiciary. The 1969 Act and the lack of resources to implement many of its provisions had left both magistrates and social services with impossible difficulties.

Mr Pain did not disagree with the concept of treatment but there was a point when society was entitled to say "enough". There had been a decline of authority over the past 20 years. Parents did not regard their children's actions as anti-social or exercise any discipline. Lack of parental guidance was one of the principal causes of juvenile delinquency. The powers of other institutions to discipline children for whom they were responsible had also been whittled away. This was most evident in schools and also in the courts. If juveniles could flout authority in the home and in school they would be encouraged to flout the laws that upheld society.

One effective way to deal with juvenile offenders was by attendance centre orders. The discipline imposed, the loss of leisure and the inconvenience were punishments that a child understood. Most of those subject to the 99 orders made in Kent in 1977 had been dealt with previously by the police and the courts on more than one occasion, yet only 6 had returned to the attendance centre for a second time. Not enough use was made of attendance centres and the 99 orders made in 1977 was a steady decline from the 130 made in 1973. The magistrates in Kent frequently failed to take advantage of the 1 attendance centre available to them in the Kent Police District. Perhaps a short sharp visit of 12 hours might deter the young offender - especially if he was threatened with a 24 hour commitment if he transgressed again. Consideration should also be given to setting up attendance centres for girls as well as boys.

In dealing with the persistent juvenile delinquent we had already moved too far towards the principle of decarceration. Not that persistent offenders should automatically be locked up for long periods, although secure institutions were needed for a small minority, but what might be considered was a development of the attendance centre to provide for an intermediate stage between supervision and the detention centre. Shorter detention centre sentences ranging from 2 or 3 days to a month might also be considered.

Recent legislation had emphasised the responsibility of the police to investigate all the circumstances surrounding an offender and this had encouraged forces to set up specialist departments to undertake work with juveniles. Juvenile liaison offices or juvenile bureaux had been in existence for some time, probably more in urban areas which had greater juvenile problems, but it was not until 1975 that Kent decided to set up a specialist department to deal with children and young persons. In 1975 a pilot juvenile bureaux scheme had been set up in the Medway Towns Division, and bureaux had now been opened in other divisions. Previously Kent had recognised their responsibility under the Children and Young Persons Act 1969 to consult the education, probation and social services before taking a decision about the welfare of a child, but this consultation was undertaken by the officer in charge of each individual case rather than by a specialist. A study of specialist departments within four metropolitan forces had indicated that a similar size and structure would not be justified for Kent in terms of cost and manpower.

The procedure adopted followed that of most juvenile bureaux set up throughout the country. The juvenile bureaux catered for children below the age of 15,

including those below the age of criminal responsibility. Representatives from the police, education, probation and social services met together at least once a week. Following discussion at the meeting and after a study of reports from the agencies concerned, a decision as to action was made by the police and if a caution was decided upon it was administered in the normal fashion by a uniformed officer. Any further supervision of a person who had been cautioned was the responsibility of the social services.

One beneficial effect of juvenile bureaux had been to develop better relationships between the police and the other social agencies. The police had experienced initial difficulties with the social services following the Seeborn reorganisation, particularly over the institution of care proceedings. Each believed the other's objectives hampered their own work. However, the institution of juvenile bureaux had fast removed misunderstandings between police and social services. Personal contacts between police officers and members of the social services in their areas had led to a better understanding of each others problems and a much better working relationship.

Good relations had also been developed with the education authorities. Officers of the juvenile bureaux were known to the children at the various schools in their areas and they frequently visited schools to advise children and teachers on a wide range of problems. The police were achieving good results through these school liaison activities. In an exercise held in November and December 1977 officers visited several schools in an area to address the children about the possible consequences of shoplifting. In the months of November and December 1976 61 juveniles had been caught shoplifting; following the talks by officers of the juvenile bureaux shopkeepers reported far less criminal activity by juveniles and only 15 were caught shoplifting in November and 15 in December 1977.

Contact between police and juveniles was not restricted to the schools. Many officers were involved in some way with voluntary work for the benefit of the community, particularly juveniles. In Kent 76 officers ran youth clubs; 2 ran skateboard clubs; and the Deputy Chief Constable was chairman of Kent Children's House Society which ran houses as youth centres. Youth centres had been set up in certain areas by the police who relied upon voluntary effort with little financial support. If more support were forthcoming they could make a major contribution to preventing juveniles becoming offenders. The police had an important role to play in social crime prevention and in the treatment of juveniles before an offence was

committed. Resources should be provided to enable departments to be established within each police force with the primary objective of juvenile and community liaison.

Mr Pain concluded that there was a balance to be struck between supervision and incarceration. Too many social workers and police officers thought they were on opposite sides. The police service and the social services had to work together, on the same side and with the same ends, not losing sight of the fact that the law of the country must be upheld; that the public must be protected; and that offenders, where necessary, must be punished and/or given treatment.

Police and Social Services: Mr N Stacey

Mr Stacey said that discussions about juvenile delinquency often generated more heat than light. There was a danger of too much prejudice and emotion, of polarization of views and a search for scapegoats.

Too many people had panaceas for juvenile delinquency; more secure accommodation; more teeth for the courts; corporal punishment. The fact was that the sanctions which society had against youngsters unwilling to conform were limited. Juvenile crime was a complex problem to which there were no easy answers. Making community homes more secure was not an answer. It was very difficult to make them secure and the cost was enormous. However, alternatives existed to institutions: these involved treatment in the community and were successful. A good example was the introduction of a fostering scheme in Kent whereby very difficult juvenile offenders who would otherwise certainly be in an institution were looked after by foster parents who were appropriately paid for these extra responsibilities.

The police had a useful contribution to make to intermediate treatment schemes. The police could help to identify and develop some activity which the young delinquent was good at: the police tradition of excellence in sport might be drawn on. Juvenile bureaux should not be seen as a panacea. If they were to encompass people working together from different professions they needed careful preparation, a careful selection of suitable officers and good training. Cautioning might also be a more effective deterrent for a child than a court appearance.

Different treatments needed to be tried for different cases through a multi-disciplinary, co-operative approach. It was essential for all the social

agencies involved with children to discuss their common problems. It was too easy to be surrounded and influenced only by colleagues, unaware of the pressures on other services. There was, therefore, a vital need for regular meetings between the chiefs of all the services involved with young people. Equally important was the need for grass roots contacts between the different services. Police and social workers held strongly stereo-typed views of each other and it was essential to establish mutual trust and understanding at operational levels if co-operation was to be achieved. Each service had a different perspective on youngsters in trouble. The police saw the effects on the victims of juvenile crimes; the teachers saw the youngsters' educational failures; and the social workers saw the home environment. These different insights were complementary and needed to be pooled.

It might be a good idea if the police could see the problems within community homes, and the social services saw the problems the police faced. Secondment between the services would be useful. Inter-disciplinary training was another useful means whereby the different services could come to understand each others perspectives. The reduction in teacher training places meant that the accommodation was available to run an inter-disciplinary induction training course of a month for the police, probation, social services, education and medical professions. It might be funded by a charitable foundation. The professions were more likely to work together if they were trained together.

Reports of Group Discussions

Group I - The extent of police work with juveniles in the community

Chairman, Mr Myers; Rapporteur, Mr Renton

Question (i): What are the proper limits of police work with juveniles in the community, eg work and schools, youth clubs?

The Group considered that the only theoretical limit to police work with juveniles was that what the police did should have some connection with their primary role of crime prevention. In practice, however, efforts in this field were likely to be constricted by other factors - in particular by other demands upon limited resources and by the existence of other social agencies with responsibilities towards juveniles. Each service concerned with juveniles had a part to play and it was important that all should work closely together by dovetailing their efforts rather than overlapping them or seeking to usurp each others role. In judging the extent of police participation therefore a balance had to be struck and this would depend on local factors such as force strength, other local schemes and commitments, and the direction

of interest and degree of commitment of the people involved. The main guiding principle should be the likelihood of there being a benefit - either in the short or long run - in terms of the prevention of crime.

Question (ii): How far should chief officers commit resources to such activities? Should it be left largely to individual officers in their spare time?

The answer to this question again depended upon local circumstances. The nature of a problem in a particular area might require resources to be formally committed to it. However, informal efforts by police officers, either as part of their duty or in their spare time, were equally important and should be encouraged. Not all police work with juveniles should be structured in specialised departments.

Question (iii): Should these activities be undertaken by specialist officers and if so how should this work be reflected in force structure?

Factors to be taken into account in deciding whether to establish a specialist unit included the size of the problem; the effects of legislation; and the need to develop expertise in the police service. The heavy investment in training and the need for expertise gave rise to a strong temptation to keep specialist officers in one place. On the other hand, there was a danger that the existence of specialist officers would mean other policemen left it to them to form relationships with young people. The optimum arrangement in the Group's view would be one in which there were just enough specialists to create a framework which would maximise the number of relationships between the police and young people.

Question (iv): What particular activities might be expanded or developed in the future?

Group I identified five topics for increased future attention:

- (1) The hard core of persistent juvenile offenders. Further thought was required as to the best way of identifying and influencing this group whose influence on other youngsters was disproportionate to their number.
- (2) Other juvenile offenders. More might be done to establish contacts with them in youth clubs and schools.
- (3) Parents. More might be done to overcome the inertia of uninterested parents, perhaps by bringing them up against the problem as dramatically as possible.

- (4) West Indian youths. All the factors commonly regarded as contributing to delinquency were present plus the added dimension of racial discrimination.
- (5) The unemployed. More would need to be done to cope with the social consequences of long-term structural unemployment and to recognise the implications of this for the distribution of resources and the nature of police work.

Group II - The extent of police work with juveniles in trouble

Chairman, Sir Colin Woods; Rapporteur, Mr Heaton

Question (i) On what basis should the police exercise their discretion in dealing with juveniles who have committed an offence, eg in deciding on an informal warning, formal caution or prosecution?

The Group considered that formal cautions had largely replaced informal warnings which had been progressively discontinued following the fear of complaints being made under the Police Act 1964. The principal criterion for a formal caution was the seriousness of the offence. Where the seriousness of the offence was not such as to require court proceedings consideration should be given to the best interests of the child; the views of parents, the child and the social agencies; previous criminal background; and the speediness of justice offered by a caution. Consistent treatment of offenders was usually desirable but could not be an absolute rule, eg when a group had been involved in the same offences, but each member had a different criminal history. A second caution could sometimes be justified, particularly when it could be followed up by some sort of supervision. The Group were convinced of the effectiveness of a formal police caution, where the circumstances allowed. The Group were unanimous that discretion whether or not to caution should remain with the police.

Question (ii): How should responsibility for exercising discretion be divided between operational and specialist officers?

In the Metropolitan Police District the decision whether or not to caution was exercised by the head of the juvenile bureau, but in general the Group saw advantage in advice being given by specialist officers and the decision being taken by the operational commander, because of his wider knowledge of the local community.

Question (iii): Should the police be involved in work with offenders, eg supervision, truants, community service orders, attendance centres? If so, what criteria should be adopted for undertaking this work?

In principle police should be involved in work with juvenile offenders. However, the police should not be involved in the operation of formal penal sanctions such as community service orders (which are for those over 17) but in such activities as supervision after caution; running attendance centres; and intermediate treatment schemes. In practice, however, resources imposed severe limitations, and such work had to compete with other needs. Work with young offenders needed to be shared between all the social agencies.

Question (iv): Are there any particular means which might be developed in future to increase police effectiveness in dealing with juveniles in trouble?

Group II identified three particular areas.

- (1) Schools - even more ought to be done in co-operation with teachers to sell the police service and put over the basic concepts of the rule of law to the young, especially the 9-12 year old age groups.
- (2) Juvenile courts - there was a case for more police involvement in decisions about children made subject to a care order. There was also a strong argument for a standardised procedure for the police supplying courts with information on previous cautions. The Group noted with approval that Home Office Circulars would shortly be issued on this subject.
- (3) Training - there was a need for practical rather than formal training in co-operation with the other social agencies, including social workers and teachers.

Group III - Liaison with other agencies

Chairman, Mr Armstrong; Rapporteur, Mr Hyde

Question (i): What should be the purpose and extent of co-operation and co-ordination dealing with individual offenders?

The purpose of co-operating with other social agencies was to prevent offending. The extent of such co-operation should be the extent required to bring that result about. In practice, however, the extent of co-operation was governed by resource constraints.

In dealing with individual offenders before deciding to prosecute or caution there was a need for good personal contacts and exchange of information between the different social agencies if the best decision was to be obtained. It was important that some cases should be discussed personally by officers of the various services to help build confidence and understanding in each other. In dealing with individual offenders after cautioning or an appearance in court there was also a need for co-operation in such activities as volunteer schemes, attendance centres, intermediate treatment and dealing with absconders from care. The involvement of police officers in intermediate treatment schemes should be voluntary and in their own time, but they needed strong support from the chief constable.

Question (ii): What other areas of work with juveniles are most appropriate for such liaison?

The Group identified the following areas of work with non-offenders as particularly suitable for co-operation: schools liaison; non-accidental injury to children; and situations where the police and other social agencies had useful information about families with children at risk of delinquency which could be shared without breaking rules of privacy. There was also scope for more general co-operation in areas with particular social problems, eg those with large ethnic minority populations or the Inner City Partnership areas. It was important to involve the voluntary as well as the statutory agencies in co-operative work with juveniles.

Question (iii): What structures are necessary to maintain liaison; and how can effective co-operation be maintained at working levels?

The Group considered that the first essential was regular meetings at chief officer level of the different social agencies to establish mutual trust and understanding. A clear lead from the top was important. Below chief officer level, the well-established juvenile bureaux structure provided a means of liaison, although structures were only needed when the practical requirements of the task to be undertaken required them.

Question (iv): What possibilities are there in developing closer liaison in future?

A strong feeling had emerged in the Group that there was a need for a lead from central Government. The Home Office, the Department of Health and Social Security and the Department of Education and Science might consider a joint circular to set out guidelines on the possibilities for co-operation between the various agencies involved with juveniles. There were a number of reasons

for doing this. Juvenile delinquency appeared to be getting worse and nothing seemed to be working; there was a lack of professional self-esteem and confidence in the various services; and more was being done than Whitehall was aware of about which it would be useful to disseminate information. The Group also proposed that ACPO should discuss the subject of the police's involvement with juveniles at their summer conference.

Final Comments: Lord Harris

Lord Harris said that the Conference had been a valuable and stimulating occasion. There had been a risk of spending too much time discussing the Children and Young Persons Act 1969, but in the event, although the Conference had discussed the Act, there had been a general recognition that the difficult and complex problem of juvenile delinquency would remain whether or not there was a 1969 Act.

On the subject of secure accommodation, Lord Harris said that it was neither liberal nor forward-looking to oppose having secure accommodation. If no alternative was provided by the social services children would instead be sent to prison. More secure accommodation was, therefore, necessary.

The question of resources had inevitably been a central feature of the Conference. Chief constables were right to hesitate before taking on more commitments. There was nothing worse than introducing a bold innovative scheme without the resources to carry it through. There was no doubt that resources were and would continue to remain limited. Nor was there any evidence that more money would solve the problems, as the experience of the United States had demonstrated. There were no panaceas to the problem of juvenile delinquency and suggested solutions must be approached with caution.

However, Lord Harris believed that community involvement pointed a way forward. Such involvement helped the community to recognise its own responsibilities for the problem and to do something about it. There was an important future also for the involvement of volunteers. In the past volunteers had not been welcomed by professionals working in the criminal justice system. There was too much "phoney professionalism" and isolation in the various social agencies. They would benefit from the contributions of lay members of the public. There was a large number of people prepared to help and this number would be increased by the likely reduction in the working week and more leisure time.

A high degree of importance had been attached at the Conference to collaboration between the different social agencies. There was still a great deal of suspicion at working levels between members of the various agencies and unreasonable expectation should not be built up about collaboration. Nevertheless a great deal could be done. There was a need to improve communication and exchange of information between the different services. The proposed joint circular might also play a useful role in bringing about greater co-operation.

The Home Office would consider carefully the ideas which had come out of the Conference and for their part chief constables would no doubt wish to consider whether they could implement in their own forces the suggestions and activities which had been referred to.

In conclusion Lord Harris thanked all those who had participated in the Conference and those who had been responsible for its organisation.

E.R.

THE DITCHLEY CONFERENCE 1978

DITCHLEY PARK: 10-12 MARCH 1978

JUVENILES AND THE POLICE

BACKGROUND PAPER

<u>Part</u>	<u>Contents</u>	<u>Paragraphs</u>
I	Statutory Provisions	1-19
II	Statistics	20-32
III	New Research Perspectives	33-43
IV	The Police Response	44-54

STATUTORY PROVISIONS RELATING TO CHILDREN AND YOUNG PEOPLE

HISTORICAL NOTE

1 The Children and Young Persons Act 1969, which is the main statute relating to the treatment of juvenile offenders and those in need of care and control in England and Wales, is part of a great body of law relating to children and young people which has been built up and developed over the last 150 years and which has reflected changing views both of the causes, treatment and control of juvenile offending and of the place of children in society including their rights to statutory protection.

2 In the first part of the 19th century, in England as in most other countries, child offenders and those awaiting trial were confined in the same prisons as adults, inevitably to be corrupted and brutalised by their experience. Although common law deemed that those under 7 were incapable of forming guilty intent and could not, therefore, be tried, and those under 14 received some protection from the doctrine of "doli incapax" which required the prosecution to prove that the child knew that he was doing wrong, there was virtually no other concession to the vulnerability and special needs of juveniles. Children were in general exposed to the rigours of the same law and to the same punishments as their elders, including transport in convict ships to penal settlements overseas.

3 Throughout the century, however, progress was made in changing the system through the work of reformers and philanthropists, notably Elizabeth Fry the prison visitor and Mary Carpenter who founded the first reformatory school. Between 1849 and 1853 the first three reformatory schools were established - at Redhill in Surrey, in Birmingham, and at Kingswood near Bristol. By an Act of 1854 the criminal courts were empowered to send young offenders to the schools, although every child had to serve 14 days in prison before being admitted. The Act led to the founding of similar residential schools by charitably minded people and religious communities in various parts of the country and by the end of 1857 reformatories had been opened in nearly all English counties. Responsibility for their supervision was passed to the Home Office in 1860 and the Department accepted responsibility in the following year for the "industrial schools" which had been established for the maintenance and education of children under the Poor Law. The placing of these two categories of residential establishment in the hands of the same Government Department was the first step towards the eventual merger of the reformatories with the industrial schools under the name of "approved schools".

Children Act 1908 - Prevention of Crime Act 1908

4 Probably the first major legal reform came with the Children Act 1908 which was heralded as the "Childrens' Charter". This Act finally abolished imprisonment for children under 14 and restricted imprisonment for the 14 to 16 age group to boys and girls certified by the court as being unruly. The most important provision of the 1908 Act was the establishment of separate juvenile courts to deal with young people under 16. The public were to be excluded from the proceedings and, pending a final decision on their disposal, young offenders were to be detained in new institutions called remand homes.

Children and Young Persons Act 1933

5 Twenty-five years later the 1908 Act was superseded by the Children and Young Persons Act 1933. This Act, with its comprehensive provisions in Parts I and II for the protection of children against cruelty and exposure to moral and physical danger, including restrictions on their employment, created two new categories of case within the civil jurisdiction of the juvenile court. Section 62 provided that any local authority, constable or authorised person having reasonable grounds for believing that a child or young person was in need of care or protection might bring him before a juvenile court, and section 64 empowered a parent to bring his own child before a court on the grounds that he was beyond parental control. The 1933 Act extended the jurisdiction of the juvenile courts to the 17th birthday and, in section 44, laid down the welfare principle which still governs all courts in proceedings concerned with a juvenile:

Every court, in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of a child or young person and shall in a proper case take steps for removing him from undesirable surroundings or for securing that proper provision is made for his education and training.

Criminal Justice Act 1948Children Act 1948

6 The Criminal Justice Act 1948 abolished the power of the juvenile court to order the birch and established attendance centres and detention centres for juveniles within the criminal jurisdiction. The Children Act 1948, which was based on the recommendations of the Curtis Committee, although not concerned with the responsibilities of the juvenile court, laid down the duties of local authorities to assume the care of those who, for one reason or another, were without parents or were being deprived of a normal home life and established the local authority Childrens' Departments.

Children and Young Persons Act 1963

7 The Children and Young Persons Act 1963 implemented recommendations by the Ingleby Committee on Children and Young Persons. The Act raised the age of criminal responsibility from 8 to 10, modified and re-defined the care and protection provisions of the 1933 Act (the right of a parent to bring his child before a juvenile court was abolished), and extended the welfare responsibilities of local authorities to cover not only children deprived of a normal home life who were the concern of the Curtis Committee but those who were at risk of suffering neglect or deprivation unless constructive preventive measures were taken. Section 1 of the 1963 Act laid a statutory responsibility on local authorities to make available advice, guidance and assistance to promote the welfare of children by eliminating the need to take them into care or bring them before a juvenile court.

Children and Young Persons Act 1969

8 The Children and Young Persons Act 1969 was the culmination of a long process throughout the 1960s of critical scrutiny of law relating to children in the light of its effectiveness, and of the developing understanding of good child-care practice, and of the complex problems of juvenile offending. This process of critical examination of the law and treatment systems as they applied to juveniles resulted in the issue of two White Papers: "The Child, the Family and the Young Offender", in August 1965 and "Children in Trouble" in April 1968. It was this latter White Paper which laid down the foundations of the legislation.

9 The 1969 Bill aimed to do away with the previous rigid and what many people considered artificial distinction between children who were officially classified as delinquent because they had come into conflict with the law, and other children in need or in trouble. The Bill stressed the importance of helping and supporting children in their own families and communities and of keeping them as far as possible out of the criminal justice system. It removed legal obstacles to the use of resources available within the community for all children in need by replacing the previous approved school order and fit person order both in care and criminal proceedings by the care order, thus transferring to local authorities responsibility for the treatment of offending children as part of their general responsibility for the child-care service. Probation was to be replaced by supervision for the under 17s, and borstal training, detention centre orders, attendance centre orders and the remand of juveniles to prison department establishments under Certificates of Unruliness would be gradually phased out as local authorities developed their resources to deal with even the most difficult juveniles. The aim of blurring the distinction between the offending and non-offending child was to be achieved by including for the first time the commission of an offence as one of the primary conditions for bringing a child or young person before the juvenile court in care

L.R.

proceedings under section 1 of the Act. Sections 4 and 34 provided for the gradual raising of the age at which a child could be prosecuted from 10 to 14. All children under the specified age of prosecutability, if accused of an offence, could only be brought before the juvenile court in care proceedings when it would also be necessary to prove that the offender required care and control which he was unlikely to receive unless the court made an order.

10 At the time the legislation was going through Parliament in 1969 it was recognised that there was a small but increasing minority of disturbed and difficult children who required treatment in conditions of security. The approved schools were, in general, open establishments; the amount of secure accommodation available in them was extremely limited, and it was generally accepted that it would have to be increased and that, since no single local authority could or would need to provide these highly specialised facilities for its exclusive use, formal joint planning arrangements would be necessary. Part II of the Act, therefore, laid on local authorities the responsibility for developing a comprehensive system of residential community homes through the establishment of Childrens' Regional Planning Committees. These Committees would also have responsibility for planning community based schemes of intermediate treatment for children placed under supervision. In addition to the community homes system, long term residential treatment for particularly disturbed and difficult children and young people in local authority care would be provided in a small number of youth treatment centres established and administered by central Government (section 64 of the Act).

11 The main provisions of the 1969 Act which came into operation 1 January 1971 were the replacement of the previous care, protection and control proceedings in a juvenile court by the comprehensive care jurisdiction under section 1; the substitution of the care order for the approved school order and fit person order; the replacement of probation for the under 17s by supervision; and various miscellaneous procedural provisions, in particular, all juveniles on remand otherwise than on bail, except those received into a remand centre or prison under a Certificate of Unruliness, became the responsibility of the local authority. The remand to prison department establishments of 13 year old girls was prohibited in March 1977, and by 1974 the age at which the Probation Service became responsible for supervision and for social enquiry reports had been raised, first to 12 and subsequently to 13. No further major implementation of the Act under any administration has proved possible since 1971. The age of prosecution remains at 10 (the same as the age of criminal responsibility); boys aged 14 to 16 can still receive detention centre orders; boys from 10 to 16 may be sent to junior attendance centres; borstal training is available to the Crown Court for both boys and girls aged 15 to 16 and girls of this age group and boys aged 14 to 16 may still be remanded to prison department establishments under Certificates of Unruliness

Problems of implementation

12 The 1969 Act, parts of which were highly controversial during its passage through Parliament, has remained controversial in practice. The additional responsibilities which it laid upon local authorities came at a particularly unpropitious time for them. They were faced with the Seebohm reorganisation following the Local Authority Social Services Act 1970 with the inevitable internal disruption and loss by promotion or movement to other jobs of many highly experienced and qualified child-care officers. The planning of the community homes system, which came substantially into effect on 1 April 1973, had to take place in the knowledge that 1974 would see a fundamental reorganisation of local government. Other legislative measures imposed additional functions on social work staff. There were major changes in educational organisation and practice and, in September 1972, the school leaving age was raised from 15 to 16. Apart from these administrative and social changes, the continuing economic constraints which have accompanied the implementation of the Act have hampered the development of local authority services, particularly of highly specialised facilities for more serious and disturbed offenders, and the increasing complexity and scale of juvenile offending has in general outstripped the provision of human and physical resources and the skills to cope with it.

Eleventh Report of the Expenditure Committee

13 An increasing volume of public and Parliamentary criticism led in 1973 to a review of the working of the legislation by the Government and, concurrently, by the Expenditure Committee of the House of Commons which began its enquiry in December 1973 and published its report in September 1975 (Cmd 6494). The Committee's conclusion was that neither the 1969 Act, nor indeed any legislation that might conceivably be passed by Parliament, has had or could have a significant effect on the general level of delinquency and juvenile misbehaviour. The extent to which a particular child committed offences which went seriously beyond sheer mischief depended on social deprivation (bad housing, poverty, poor schooling, broken families) more than any other factor. The major failing of the 1969 Act was that it was not wholly effective in differentiating between children who needed care, welfare, better education, and more support from society and the small minority who needed strict control and an element of punishment. They proposed that when a juvenile already subject to a care order appeared before a court charged with an offence, the court should have the power to make, if it thought fit, a "secure care order" requiring the local authority to place the juvenile in secure accommodation for a period not less than that specified in the order. But the Committee also recommended a major shift of emphasis away from custodial and punitive techniques and towards intermediate treatment schemes, supervision, and a much greater use of non-residential care especially fostering.

R. White Paper on Children and Young Persons Act 1969 (Cmd 6494)

14 The Government responded to the Expenditure Committee's report in a White Paper published in May 1976. In this Paper the Government pointed out that there is, and has for a long time been, a basic dilemma in our policy towards juvenile delinquency (and, indeed, it is reflected in penal policy generally). On the one hand there is a strongly felt and understandable demand for the public to be protected from the serious and persistent, albeit youthful offender. On the other hand there is a widespread revulsion against holding young people in secure custody, especially custody of the kind that resembles prison. This reluctance is reinforced by the accumulated evidence over the years that custodial treatment has very disappointing results. The 1969 Act did not create this dilemma, and the provisions in it which would do most to shift the balance away from custodial sentence are unimplemented and, for the most part, must for the present remain so. The Government accepted some of the Expenditure Committee's recommendations for a strengthening of the law but saw the over-riding need as being a renewed and sustained effort to make effective use of existing - and by no means negligible - powers and resources, with a particular emphasis on improved mutual understanding; increased community involvement; and a greater acceptance of parental responsibility, and of the part which can be played by teachers, social workers and others. As regards proceedings in court, it was of great importance that local authorities should accept and shoulder undivided responsibility for looking after difficult or dangerous young people who had become their charge by reason of the court's decision and the Government would be unwilling to contemplate any procedure which would blur the lines of responsibility between the court and the local authority.

15 The Government's broad conclusion, which it saw as being in line with the Expenditure Committee's, was that although much remained to be done to make the Act fully operative and effective, the framework it provided for dealing constructively and humanely with children in trouble remained a fundamentally sound one.

The Criminal Law Act 1977

16 The introduction of the Criminal Law Bill in 1977, provided an opportunity to implement a number of the proposals in the Expenditure Committee's report, endorsed in the White Paper, for a strengthening of the law. Section 36 of the Act provides a sanction for the wilful non-payment of fines by a juvenile. The former power to make an attendance centre order in respect of a child or young person under 17 who is in default is restored and the court will also have power, subject to parental consent, to require the parent or guardian to enter into a recognisance to ensure that his child pays the sum outstanding or, if satisfied that it is reasonable to do so, to order that any amount remaining unpaid shall be transferred to the parent

E.R.

or guardian. The Act provides an additional power to courts and supervisors in regard to juveniles placed under supervision following criminal proceedings which it is hoped will both strengthen the order and increase its effectiveness.

17 Other provisions in the 1977 Act to strengthen the law relating to juveniles are the raising of the level of maximum fines from £10 to £50 for children and from £50 to £200 for young people, and the raising of the maximum compensation available to magistrates' courts including juvenile courts from £400 to £1000 (this last provision was implemented on 1 December 1977). Schedule 12 of the Act amends the Criminal Justice Act 1948 to enable a court in any part of England and Wales to deal with a breach of an attendance centre order made by a court in another area; this has enabled the Government, by administrative means, to make existing attendance centres available to courts other than those in the area of the centre. As is made plain in the White Paper, the Government see the junior attendance centre order as a useful sanction and money has been made available for an extension of the system in areas of greatest need. One new centre, at Warrington, was opened on 3 December 1977 and offers of money have been made to another 11 areas. Consideration is being given to the establishment of an experimental centre for girls.

Further action - remands under Certificates of Unruliness

18 Apart from the changes detailed in the previous paragraphs, progress has been made since the issue of the White Paper on the phasing out of the remand of young people to prison department establishments under Certificates of Unruliness. The Children and Young Persons Act 1969 (Transitional Modifications of Part I) Order 1977 which came into operation on 15 March 1977, prohibited the committal to prison of girls under the age of 15 and consultations by the Secretary of State for Social Services with local authorities have already begun on the next step in the programme of phasing out these remands. The Home Secretary exercised the power conferred on him by section 69 of the Children Act 1975 to make the Certificates of Unruly Character (Conditions) Order 1977 which came into operation on 1 August of that year. This Order lays down a number of conditions one or more of which must be satisfied before the court is able to issue a Certificate of Unruliness.

Conclusion

19 The 70 years since the passing of the 1908 Children Act have seen a steady move away from reliance solely on punishment and deterrence in dealing with offending children. These changes have, however, highlighted the tensions inherent in a system which seeks to combine welfare with justice. Despite a considerable volume of research, both in this country and abroad, the root causes of juvenile delinquency are still imperfectly understood. The only certainty is the increasing awareness by all concerned with young people of the complexity of the problem of

E.R.

juvenile criminality and the realisation that all methods of treatment which society is prepared to tolerate - whether residential or community based - have so far proved ineffective to deal with the minority of serious and recidivist offenders.

PART II

STATISTICS OF JUVENILE OFFENDING

Introduction

20 It is known that many offences go unreported to the police (the dark side of crime). Even in those cases where offences are reported to the police, information is only available about the age or sex of those offenders who are apprehended - an offender is apprehended in less than half the cases of indictable offences recorded as known to the police. This paper looks at statistics of persons found guilty by the courts, or cautioned by the police as an alternative to court proceedings.

21 When considering trends over time the figures in graphs and tables are per 100,000 of the population in the age groups covered, to take account of changes over time in the demographic characteristics of the population.

Trends in the numbers found guilty or cautioned: by sex and age

22 Graphs 1 and 2 show by sex and age the number of persons found guilty of, or cautioned for indictable offences per 100,000 population. Although these figures have been adjusted to take account of the major changes in legislation which affect the statistics, the raising of the age of criminal responsibility in 1964 from 8 to 10, changes in the classification of some offences from non-indictable to indictable following the Theft Act of 1968 and the Criminal Damage Act of 1971, it is not possible, of course, to adjust for indirect effects of recent legislation: eg the possible changes in attitude of the police and public towards the treatment of juvenile offenders following the introduction of the Children and Young Persons Act of 1969, and changes over time in police practice and procedures.

23 It will be observed that it is those aged 14 and under 17 who show the greatest number of offenders per head of population. One very interesting feature of the graphs is that they show a dip in 1975, continued in 1976, for males aged under 17 found guilty or cautioned for indictable offences per head of population, and a corresponding dip for females aged 10 and under 14. It is too early to say whether this dip represents a change in trend, or whether the upward trend of earlier years will resume. The graphs for those aged 14 and under 17 and those aged 10 and under 14 show a steady trend from 1967 until 1974 and there is no evidence of any change in this trend associated with the coming into force of the Children and Young Persons Act (1969) in 1971. In interpreting the figures for children and young persons, it must be remembered that it is likely that some of those who, prior to the introduction in 1971 of the Children and Young Persons Act 1969, might have been brought before the court or cautioned, are now dealt with outside the criminal

24 Graphs 1 and 2 show that by far the greatest number of juvenile offenders are males. It is of interest to look at the rate of increase by age group for males and for females and graph 3 shows for males and females aged under 17 an index of the numbers found guilty of, or cautioned for, indictable offences per head of the population in each year from 1956 to 1976, with 1956 taken as the best year. That graph shows that the increase in the number of females found guilty of, or cautioned for, indictable offences has been proportionately much greater than the growth in the comparable male figures.

Proportion of offending for which juveniles are responsible

25 In considering whether or not juvenile crime has increased disproportionately to the rise in adult crime, one can consider the ratio of the number of juveniles found guilty or cautioned for indictable offences per 100,000 population to the total number of persons found guilty or cautioned per 100,000 population. The following table shows this ratio for the years 1967 up to and including 1976. The table shows that for juveniles there was little change in the proportion of crime which they committed in the period 1967 to 1971; from 1971 to 1974 there was an increase in the proportion of crime committed by juveniles followed a downward turn in 1975 (which continued in 1976).

TABLE 1

Persons found guilty of, or cautioned for, indictable offences*: per 100,000 population: ratio of the number of juveniles (aged 10 and under 17) to the total aged 10 and over

Year	Ratio
1967	2.60
1968	2.59
1969	2.56
1970	2.55
1971	2.54
1972	2.61
1973	2.71
1974	2.80
1975	2.56
1976	2.43

*adjusted for changes in legislation

Cautioning by the police

26 Graph 4 shows by age, persons found guilty or cautioned for indictable offences per 100,000 population. It will be seen that cautioning is used by the police mainly for juvenile offenders (cautioning is also used more for females than for

E.R.

males). In 1976, of those aged 10 and under 14 who were found guilty of, or cautioned for, indictable offences just over 65 per cent were cautioned; for those aged 14 and under 17 the corresponding figure was 35 per cent.

27 Table 2 shows the proportions of offenders found guilty or cautioned who were cautioned for each police force area, showing the age and sex of the offender and major category of offence.

TABLE 2

Persons cautioned as a percentage of persons found guilty or cautioned: by police force area, type of offence, sex and age

England and Wales 1976

Percentages

Police force area	Indictable offences				Non-indictable offences (excluding motoring offences)			
	Males		Females		Males		Females	
	Aged under 17	Aged 17 and over	Aged under 17	Aged 17 and over	Aged under 17	Aged 17 and over	Aged under 17	Aged 17 and over
Avon and Somerset	44	3	71	12	46	7	47	13
Bedfordshire	46	4	74	10	52	7	67	8
Cambridgeshire	39	4	45	7	52	11	51	21
Cheshire	43	1	72	10	28	10	45	9
Cleveland	25	2	49	3	42	8	41	10
Cumbria	37	2	59	12	35	6	41	9
Derbyshire	45	8	67	26	23	10	25	19
Devon and Cornwall	50	11	84	30	53	10	54	14
Dorset	59	8	75	23	48	13	65	21
Durham	34	1	46	2	1	3	3	7
Essex	55	6	76	17	54	5	33	6
Gloucestershire	55	4	66	8	56	12	35	7
Greater Manchester	44	1	74	2	18	7	24	13
Hampshire	45	3	72	9	43	7	46	11
Hertfordshire	40	1	70	3	14	6	-	13
Humberside	30	3	46	5	39	8	50	7
Kent	34	3	56	8	42	6	48	5
Lancashire	44	2	76	13	48	11	32	19
Leicestershire	49	3	70	12	63	10	52	26
Lincolnshire	61	11	75	21	57	15	66	12
London, City of	29	1	54	2	12	1	25	*
Merseyside	41	*	75	*	50	2	54	9
Metropolitan Police District	37	*	53	*	46	*	40	20
Norfolk	52	8	77	15	34	6	41	6
Northamptonshire	49	7	66	21	29	5	29	1
Northumbria	40	1	71	4	22	2	17	12
North Yorkshire	52	5	66	18	21	9	56	9
Nottinghamshire	46	9	74	17	50	8	51	16
South Yorkshire	47	7	73	20	35	10	14	15
Staffordshire	43	7	71	18	21	5	24	11

E.R.

Suffolk	47	11	69	29	55	9	48	16
Surrey	55	6	73	13	74	11	67	22
Sussex	53	5	61	12	50	5	42	7
Thames Valley	47	3	62	10	40	6	55	9
Warwickshire	43	5	64	22	36	7	38	8
West Mercia	57	5	77	12	41	12	42	15
West Midlands	41	4	64	15	24	2	31	13
West Yorkshire	43	3	63	7	38	6	30	12
Wiltshire	67	14	86	35	44	5	33	6

England	44	3	67	9	41	5	36	14
---------	----	---	----	---	----	---	----	----

Dyfed-Powys	67	4	67	12	47	8	64	3
Gwent	50	5	59	11	53	7	29	9
North Wales	41	7	65	20	35	18	35	17
South Wales	26	1	52	8	15	2	17	8

Wales	38	3	56	11	29	7	29	9
-------	----	---	----	----	----	---	----	---

England and Wales	44	3	66	9	40	5	36	13
-------------------	----	---	----	---	----	---	----	----

28 As in earlier years there is wide variation in the use of cautioning by police forces. This may be due, in part, to variability in the type of offender and in the type of offence committed in the various areas, as well as to different practices between the forces themselves.

Offences

29 Table 3 attached shows the change between 1969 and 1976 in the number found guilty of, or cautioned for, certain indictable offences per 100,000 population, by sex, age and offence group. Considering the percentage increases between 1969 and 1976, it can be seen that for each age group shown, the percentage increase in the number of males or females found guilty of or cautioned for offences of violence against the person or offences of criminal or malicious damage, has been much greater than the percentage increase of offences of theft or handling stolen goods or for offences of burglary. For offences of violence against the person it is those aged 10 and under 14 who have shown the greatest percentage increase, closely followed by those aged 14 and under 17. For offences of criminal or malicious damage, the greatest percentage increase over the period for males was for those aged 21 and over, followed by those aged 17 and under 21. For offences of burglary it is those aged 14 and under 17 who show the greatest percentage increase, there being a decrease over the period for males in the other age groups shown.

Sentencing

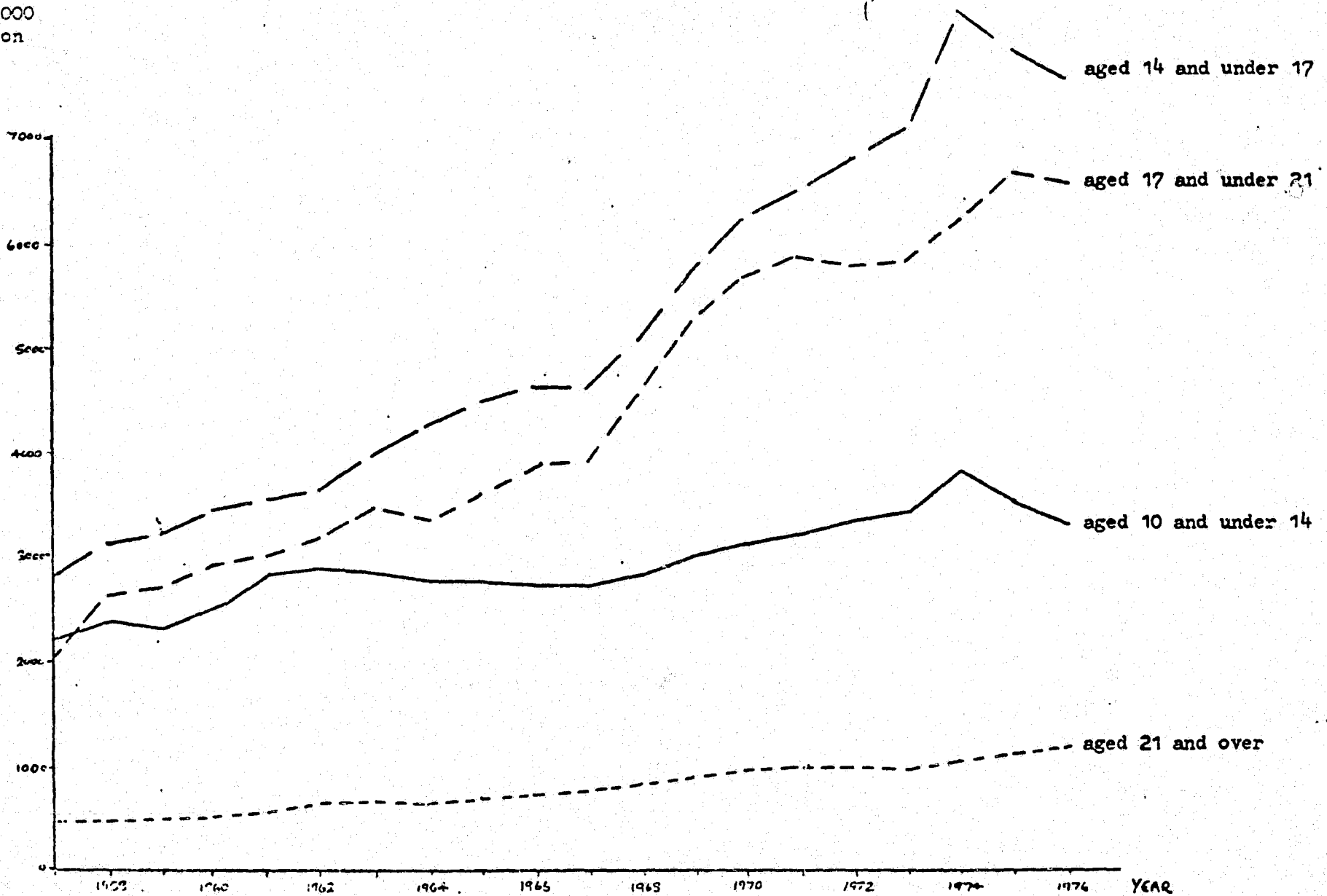
30 Graph 5 relates to offenders aged 10 to 16 inclusive. Under the Children and Young Persons Act 1969, which came into force in January 1971, supervision and care orders were brought in to take the place of probation, approved school, and fit person orders for juveniles. The use made by the courts, since 1971, of supervision orders and care orders as a proportion of all sentences, has fallen. Thus there is no evidence of any shift towards an increased proportionate use of these disposals brought in by the Children and Young Persons Act 1969. Throughout the period 1967-1976 there has been a steady increase in the proportion of those juveniles sentenced who are sent to detention centres or borstal, and a small increase in the proportion of juveniles sent to attendance centres.

31 There has been an increasing use of the conditional discharge order for this group since 1973, and, following an increase between 1968 and 1972 in the proportion of juveniles who were fined, there has been a slight fall in recent years.

32 It is relevant when considering these figures to bear in mind possible changes in the type of juvenile offender who has come before the courts in recent years. It may be that there is an increasing likelihood that the less serious juvenile offender is dealt with by way of a caution (in 1967 about 25% of juveniles found guilty or cautioned for indictable offences were cautioned; by 1976 this proportion had risen to about 50%) or by being dealt with by local authority social service schemes, or by being given a non-custodial sentence.

MALES FOUND GUILTY OF, OR CAUTIONED FOR, INDICTABLE OFFENCES* PER 100,000 POPULATION
ENGLAND AND WALES 1957-1976

No. per 100,000
population

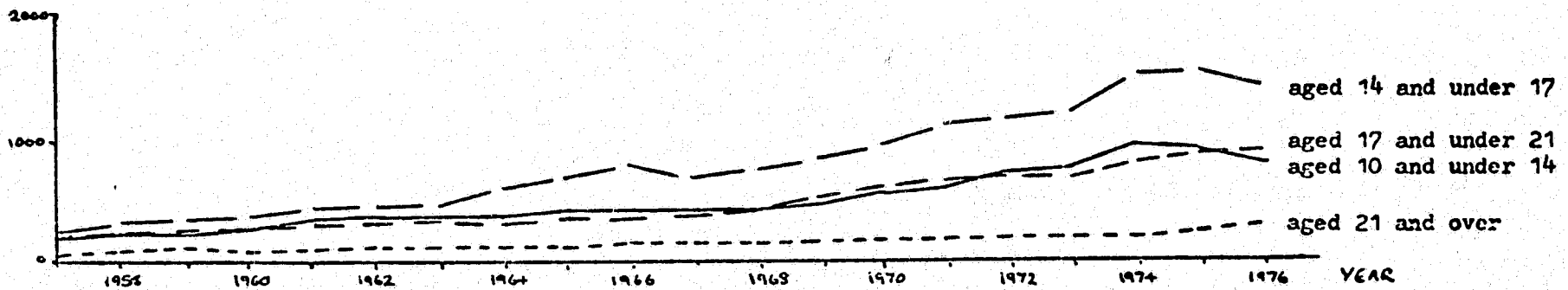


* Adjusted for changes in legislation

FEMALES FOUND GUILTY OF OR CAUTIONED FOR INDICTABLE OFFENCES* PER 100,000 POPULATION

ENGLAND AND WALES 1957-1976

per 100,000
population



* Adjusted for changes in legislation

TABLE 3

PERSONS FOUND GUILTY OF, OR CAUTIONED FOR, CERTAIN INDICTABLE OFFENCES
PER 100,000 POPULATION

England and Wales

Number and percentage

OFFENCE GROUP	AGED 10 AND UNDER 14			AGED 14 AND UNDER 17			AGED 17 AND UNDER 21			AGED 21 AND OVER		
	1969	1976	% CHANGE	1969	1976	% CHANGE	1969	1976	% CHANGE	1969	1976	% CHANGE
	MALES											
VIOLENCE AGAINST THE PERSON	37	80	116	211	431	104	411	694	69	80	138	73
BURGLARY	1,018	850	-17	1,667	2,023	21	1,222	1,200	-2	149	131	-12
THEFT OR HANDLING STOLEN GOODS	1,707	1,925	13	3,256	4,058	25	2,874	3,278	14	518	596	15
CRIMINAL OR MALICIOUS DAMAGE	230	377	64	391	736	88	405	856	111	49	109	122
FEMALES												
VIOLENCE AGAINST THE PERSON	5	18	260	23	101	339	13	48	269	5	11	120
BURGLARY	59	55	-7	60	97	62	32	49	53	3.0	3.9	30
THEFT OR HANDLING STOLEN GOODS	391	708	81	703	1,161	65	412	643	55	141	220	56
CRIMINAL OR MALICIOUS DAMAGE	10	24	140	16	60	275	12	44	267	2.9	10	245

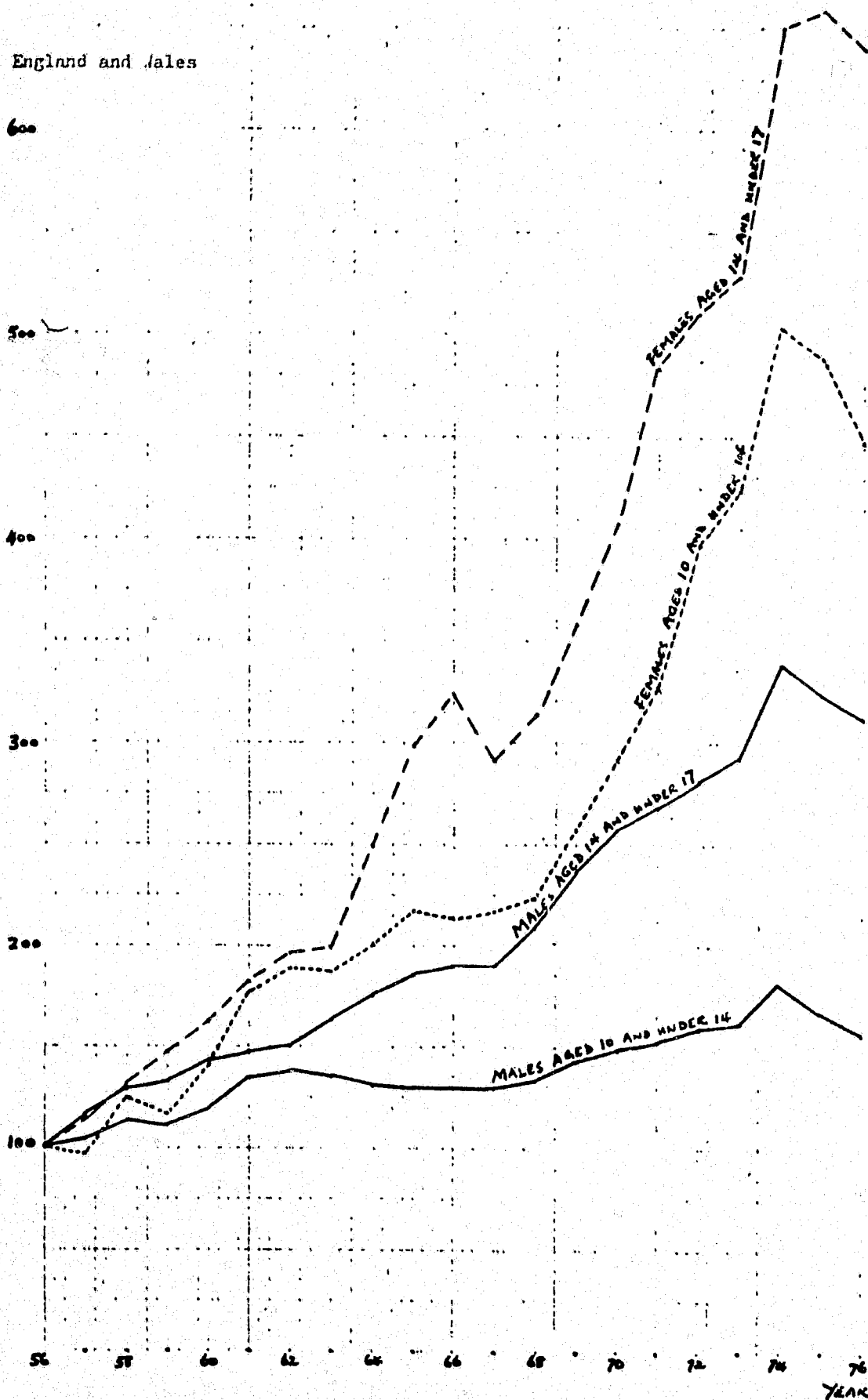
TABLE 3

INDEX OF PERSONS FOUND GUILTY, OR CAUTIONED FOR, INDICTABLE OFFENCES*
PER 100,000 OF THE POPULATION

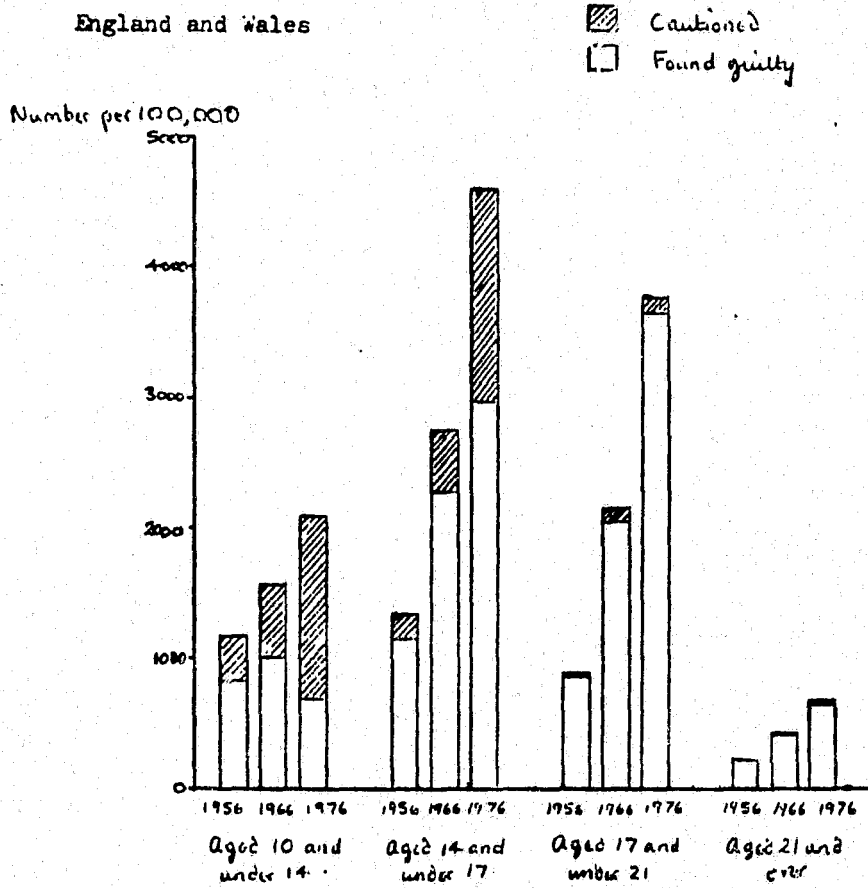
(BASE YEAR 1956)

* ADJUSTED FOR CHANGES IN LEGISLATION

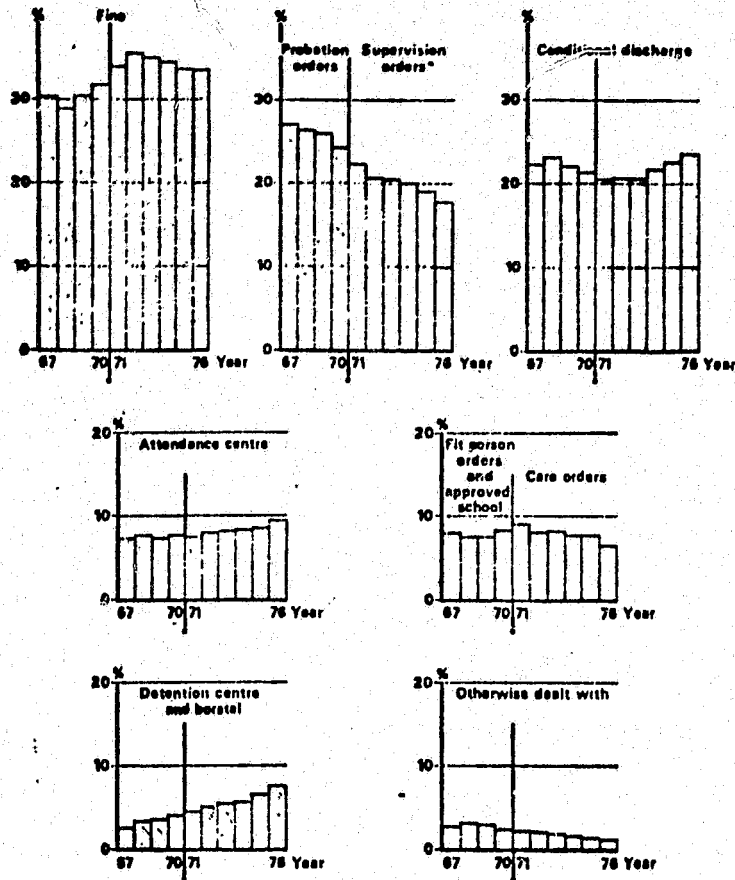
England and Wales



GRAPH 4: PERSONS FOUND GUILTY OR CAUTIONED BY POLICE, INDIVIDUAL OFFENCES PER 100,000 POPULATION BY AGE



Graph 5 Proportion of persons aged under 17 (male) given various sentences (adjusted to take account of the effect of the Theft Act 1968 and the Criminal Damage Act 1971). England and Wales.



* coming into force of certain provisions of the Children and Young Persons Act 1969

PART III

DEALING WITH JUVENILE DELINQUENCY: NEW RESEARCH PERSPECTIVES

33. This section briefly reviews the development of thought on the causes, prevention and treatment of juvenile delinquency with particular reference to the implications of recent research.

34. Following the development of the juvenile court system in this country and abroad during the early years of the present century psychiatrists, doctors and psychologists made a considerable contribution to the diagnosis and treatment of juvenile delinquents - mainly through the part they played in the development of child guidance clinics. This led naturally to the development of the "medical model" for the causes of delinquency and its treatment. This view of delinquency placed a considerable emphasis on disturbances of personality and attitudes, at the expense of environmental and social problems: the delinquent tended to be regarded as being abnormal and as psychologically sick.

35. One result of this conception of delinquency was to emphasise treatments which aimed at rehabilitating the offender through attempts to rectify the supposed maladjustments of personality and attitudes. A theoretical justification was provided, therefore, for the temporary removal of the more persistent delinquents to residential treatment environments since only there, it was claimed, could optimal conditions for such "people-changing" procedures be created. At the same time an increasing emphasis was also placed on preventing the development of delinquent behaviour amongst a much larger population of juveniles who were seen as being "at risk" of future misdemeanours. This was to be achieved through the intervention of social control agencies - including the police, courts and social services - at as early a stage as possible in cases where an individual was otherwise thought likely to become delinquent.

36. More recently, however, other perspectives on delinquency have become more prominent - largely because research has shown that the medical model of delinquency has a number of serious shortcomings. First, the traditional view that delinquency is pathological has increasingly been challenged by the evidence of a number of "self-report" studies such as that

by Belson (1975) in which samples of the general public are asked about offences they may have committed. The results of these studies suggest that criminal behaviour is not confined to a small group of persistent offenders: indeed, most children appear to commit a large range of criminal acts at some time or other as a part of the normal process of growing up.

37. Secondly, the medical model fails to take account of the possible influence which the social control system itself may have upon delinquent behaviour. May (1971), for example, has argued that the individual's experience of being identified and officially dealt with by the police and the juvenile court may do much to reinforce his delinquency. This "labelling theory" approach suggests, then, that explanations for the development of delinquent behaviour and delinquent careers might more fruitfully be sought within the systems of social control rather than in the psychological make-up of the individual.

38. Thirdly it has been argued that a policy of early intervention when no serious offence has been committed, together with the power to impose indeterminate sentences such as care orders for relatively trivial offending and to discriminate between offenders convicted of similar offences may violate principles of natural justice.

39. Finally, there is now a depressing accumulation of evidence demonstrating the ineffectiveness of treatment - more particularly institutional treatment - for reducing criminal behaviour over the long term. A Home Office Research Unit report by Brody (1976) was forced to conclude, on the basis of a large number of studies from both this country and abroad, that the results of research into the effectiveness of different sentences or ways of treating or training offenders have so far offered little hope that a reliable and simple remedy for recidivism can be easily found.

40. The result of much of this recent debate about the causes and treatment of juvenile delinquency has been a noticeable reversal of attitude. Instead of stressing the importance of early intervention amongst the population of juveniles "at risk", in order to avert the development of delinquent careers, there has been a marked change of emphasis in favour of the two broad strategies of diversion and decarceration - which aim at postponing or reducing the potentially damaging effects of official intervention in people's lives.

Thus the rapid growth over the past ten years in the practice of police cautioning (Ditchfield, 1976), especially with regard to juveniles, has diverted a considerable number of offenders from the courts. At the same time it has been suggested that a strategy of decarceration, which involves a substantial re-allocation of resources to non-institutional forms of treatment and a reduction in the number of juveniles placed in institutions, would be less intrusive, more humane, and cheaper.

41. It has been argued in another recent report by the Home Office Research Unit that residential treatment or training has failed to have a significant reformatory effect because it has neglected the effects of environment on behaviour (Cornish and Clarke, 1975). Attempts to modify personality, attitudes or behaviour which involve removing the offender from the environment in which the delinquent behaviour occurs and placing him in a special residential treatment setting are bound to fail since they take little account of, and are in a poor position to affect, the social and other environmental influences which originally provoked the offence. This, in turn, suggests that if individual behaviour is to be changed intervention must both take place in, and act upon, the environment which is the usual setting for the offender's delinquency.

42. This line of thought has provided some rationale for community-based treatments such as intermediate treatment programmes, but only insofar as these are clearly directed at reducing or counteracting those influences in the offender's immediate environment - such as the peer group - which reinforce his delinquent behaviour. Whether this approach would be any more effective in reducing delinquency is, however, open to doubt. Unfortunately, even the few treatments which have so far been implemented along these lines have not been conspicuously more successful than traditional treatments. It seems as though theoretical developments in our knowledge about modifying human behaviour merely confirm the view that there is no simple and perhaps no cost-effective, way of reducing the incidence of such complex and socially-determined behaviour through treatment - other than by methods which might be too intrusive to be justified.

43. It is of course, even more difficult and costly to change the more general and pervasive aspects of the social and economic environments from which most offenders come. Many factors which have traditionally been considered to be associated with delinquency potential - for example large families and

depressed economic circumstances - are rarely susceptible to modification, at least in the short term. One clear exception, however, concerns the opportunities for crime presented by the physical environment in which the individual finds himself. Indeed there is already some evidence that direct opportunity-reducing measures can be effective: the Post Office has virtually eliminated theft (though not vandalism) from telephone kiosks through the fitting of steel coin boxes, and opportunistic theft of motor cycles was unintentionally cut by the law requiring motor cyclists to wear crash helmets (Mayhew et al, 1976). Such measures are particularly suited to dealing with the more opportunistic types of crime. As much juvenile crime is impromptu it may be that more will be done to reduce it by limiting opportunities, than by attempting to rehabilitate the offender.

REFERENCES

- Belson W A 1975 Juvenile theft: the causal factors.
London: Harper & Row
- Broadly S R 1976 The effectiveness of sentencing.
Home Office Research Study no.35.
London: HMSO
- Cornish D B &
Clarke R V G 1975 Residential treatment and its effects
on delinquency. Home Office Research
Study no.32.
London: HMSO
- Ditchfield J A 1976 Police cautioning in England and Wales
Home Office Research Study no.37
London: HMSO
- May D 1971 Delinquency control and the treatment
model: some implications of recent
legislation.
Brit J Crim 11 359
- Mayhew P et al 1976 Crime as opportunity. Home Office
Research Study no.34.
London: HMSO

PART IV

THE POLICE RESPONSE TO JUVENILE OFFENDING

Introduction

44. The police service has for many years been closely involved in working with juveniles and has itself responded to and been affected by the statutory provisions affecting juveniles, the scale of their offending and the prevailing views on the causes of and cures for juvenile delinquency. The purpose of this section is to summarise the range of activities which the police undertake, extending from work with young people in their leisure time, through the official police response to children who come to their attention, to specific work with young offenders.

Youth leisure activities

45. Policemen and women are themselves part of the community and like many other adults voluntarily give up their spare time to work with young people in helping to run youth clubs, scout troops, football teams and other sporting and outdoor activities. As well as bringing to such work the enthusiasm, skills and qualities of leadership expected of most people involved in youth work, the serving police officer is able to use such opportunities as present themselves to show the need for a responsible approach to citizenship and the law and to encourage young people to see police officers in a more positive light. Some chief officers consider that such work with young people can be seen as an integral part of the service which a police force provides and have deployed officers to take part in such activities within official time on a regular basis. Often this is in areas where there are particular difficulties with groups of youths who are often bad school attenders or unemployed and who have a generally hostile attitude to all forms of authority.

Schools liaison

46. As well as working with youth through leisure activities, many police forces have used officers to develop a contact with young people when they are at school. The work which the police undertake in schools takes a variety of forms. At one level it can involve talks on road safety and accident prevention. Often it involves visits from specialist police units such as the dog, traffic and diving sections. Some time is spent on explaining the role and responsibilities of the police, its history, organisation and ideals, with a view both to increasing understanding of the police in the community and,

with some older children, to encouraging some to think about the police service as a career. The Home Office has recently published two information folders for use in schools on "The Story of our Police". These are available to all police forces in England and Wales. In some schools, the police are closely associated with the teachers in developing special projects on various aspects of citizenship. Police officers are also involved in the training of teachers. In order to co-ordinate police liaison with schools, and to build up a personal relationship with pupils and staff, nearly three-quarters of the police forces in England and Wales have given some officers the specific job of maintaining a close liaison with local schools, the majority working through specialised departments, but some through area constables and others as part of a department's general work on community relations.

47. Some police forces work closely with local authority education departments to try to reduce truancy from school by street patrols, visiting places where children go during school hours, and by following up persistent absentees.

Juvenile liaison

48. Police work with juveniles in school and leisure time involves them in dealings with a wide range of young people, many of whom will never come to the notice of the police for having committed an offence. Much of the rest of police work with juveniles, however, involves the police in working with, or making decisions about the criminal activities and potentialities of juveniles. Again, police involvement with offenders varies from informal contacts to carefully structured and co-ordinated procedures. Police officers have always been prepared to exercise their discretion in giving an informal warning to a juvenile (or for that matter to an adult) whose circumstances and behaviour do not merit more formal procedures.

49. The Children and Young Persons Act 1969 gave a fresh impetus to the police cautioning of juveniles which is reflected in the statistics showing the use of this disposal (see part II, paragraph 26 and graph 4). As has been explained in Part I, the ethos of the 1969 Act was to keep young people out of the criminal justice system if at all possible and the police use of cautioning was implicitly encouraged by the Home Office in the guide to Part I of the Act which it issued in 1970. The guide suggested that records of each formal caution and the circumstances leading to the giving of the caution

should be kept* (paragraph 35). The guide recognised that it was a matter for each chief officer of police to decide whether there should be a juvenile liaison scheme in all or part of his police area, but since the 1969 Act many forces have appointed officers who specialise in dealing with juveniles who come to the notice of the police. They may operate within the normal sub-divisional structure, or work within a specialist juvenile bureau. In most forces these officers concentrate on considering whether a juvenile who comes to police notice for having committed an offence should be brought before a juvenile court or formally cautioned in the presence of his parent or guardian by a senior police officer. Such decisions normally involve the police making an assessment of the juvenile's background and in many cases consultation with the local authority social services department and the education department is necessary. Such consultation has been encouraged by the Home Office, who in the guide to the 1969 Act suggested that the police and local authorities might think it desirable to work out consultation arrangements. The guide suggested that the arrangements should provide for a degree of selectivity on the extent of consultation necessary in each case, bearing in mind manpower considerations and the desirability of making speedy decisions* (paragraphs 92-98).

50. Most forces leave any follow-up action which is considered desirable after a caution has been administered to the discretion of the local authority social services department, who may in appropriate circumstances visit the juvenile in his home and, in some areas, refer him to the intermediate treatment officer if he and his parent or guardian agree.

51. Another means of following up a caution involves the use of suitable people in the community voluntarily supervising and befriending the juvenile. Under such a system, which originated in America but is now in operation in this country, the police are responsible for the organisation and running of the scheme, but personal supervision is conducted by the volunteer.

52. In a few forces police officers are engaged in the personal supervision of juveniles. Supervision in these forces usually follows a caution; it is carried out with the agreement of the parents; it is undertaken for a fairly short period; and it is done in close liaison with the probation and social

* Part I of the Children and Young Persons Act 1969: A Guide for Courts and Practitioners (1970).

services. Officers appointed to supervise juvenile offenders visit the child's home and, if necessary, his school, youth club and other contacts.

Police work with juvenile offenders

53. The police in some parts of the country are involved to a comparatively minor extent with working with juveniles in carrying out the order which the court has made against a juvenile offender. Police officers run all but three of the sixty-one juvenile attendance centres which are in operation for 14-17 year olds (and one of the two senior attendance centres). At a less formal level some forces encourage police officers to visit young offender establishments and provide help and guidance to the offenders, particularly in the period before their release. Police officers are also involved as volunteers in intermediate treatment schemes.

Conclusion

54. In general terms, police work with juveniles can be seen to serve the general objectives of encouraging juveniles to become law-abiding citizens, preventing the commission of crime and anti-social behaviour, and preventing a juvenile who has committed an offence from becoming fixed in his criminal behaviour. Taken together, such work represents an identifiable commitment of police resources to the concept of preventive policing.

February 1978

Home Office

END