

# **Review of the Hamilton & Airdrie Youth Courts REPORT**

Community Justice Services  
Scottish Government





## **Review of Youth Courts in Hamilton and Airdrie**

### **Background**

1. Pilot Youth Courts were established at Hamilton Sheriff Court in June 2003 and at Airdrie Sheriff Court in June 2004. The Youth Courts were evaluated by external consultants whose report was published in April 2006. The report concluded that the Youth Courts had been successful in meeting their objectives, as far as could be assessed at that time. The particular strengths of the Youth Court were noted as being the fast-tracking of young people to and through the court, the reduction in trials, the availability of a wider range of resources and services for young people and ongoing judicial review. It was too early at that stage to ascertain whether the Youth Courts had had an impact on offending behaviour.

2. In November 2006, the previous Administration announced continued funding of the Youth Courts for a further 3 years, with a view to their position being reviewed in Spring 2009. This review would assess the Youth Courts' impact on reoffending rates, with regard to the impact on the Youth Courts of the recent reforms of summary justice. The current Administration announced in January 2008 that a decision would be made about any further Youth Courts in the light of this review.

3. This review has been conducted by the Community Justice Services Division of the Scottish Government. In addition to the analysis of data related to the Youth Courts, discussions were held with representatives of the Judiciary, the Scottish Courts Service, the Crown Office and Procurator Fiscal Service, the Police, Lanarkshire Community Justice Authority and Social Work staff from North and South Lanarkshire Councils. The Airdrie and Hamilton Bar Associations were invited to contribute, but declined. An analysis of reconviction data was also undertaken by Professor Gill McIvor at the Scottish Centre for Crime and Justice Research.

### **Youth Court Model**

4. The Youth Courts are targeted at alleged offenders aged 16 and 17 (and appropriate 15 year olds) who are resident in North or South Lanarkshire, and whose alleged offences were committed in the Hamilton or Airdrie Sheriff Court areas. While all such offenders can be prosecuted in the Airdrie Youth Court, the Hamilton Youth Court employs a persistency criterion and a contextual criterion. Only those young offenders who have either at least 3 separate incidents of alleged offending that had resulted in criminal charges in the previous 6 months or whose circumstances suggested that a referral to the Youth Court would be appropriate in terms of enhancing community safety and reducing the risk of reoffending are eligible for referral to the Hamilton Youth Court. In practice, most cases dealt with in each of the Youth Courts have involved first offenders<sup>1</sup>.

5. The Youth Court may also deal with co-accused who are over 18, but these are not treated as Youth Court cases per say. Similarly, Sheriffs may see other alleged offenders in the same sitting as the Youth Court, if it is convenient for the Sheriff to do so, but these are likewise not treated as Youth Court cases.

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<sup>1</sup> Taken from the reconviction analysis at Annex A.

6. The Youth Courts are distinguishable from the normal Sheriff Summary Court in a number of ways:

- Separate dedicated courtroom;
- Fast-track procedure which aims to ensure that young offenders are brought to court quickly and that their cases are disposed of quickly;
- Cases rolled-up and dealt with together in the Youth Court;
- Electronic monitoring as a condition of bail;
- Intensive social work interventions;
- Regular review of Orders, with offender in court to be challenged or praised on progress;
- Dedicated Procurators Fiscal and Social Work staff<sup>2</sup>.

7. Both Youth Courts employ a fast-track arrangement, both to get the young people into the Youth Court quickly and to speed up their progress through the court to disposal. Additional funding is provided to Strathclyde Police and the Crown Office and Procurator Fiscal Service to support this fast-tracking. This allows police reporting officers to submit reports for custody cases and undertakings before they complete their tour of duty. Custody cases then appear in court on the next working day, and undertakings within 10 days (or 14 in Airdrie). This compares to a target following summary justice reform, of 14 days for submission of police reports on undertakings cases and 14 days for the Procurator Fiscal to mark cases in the normal Sheriff Summary Court. The stated target for cited cases is that they should be reported to the Procurator Fiscal within 28 days (as in the normal court). However, Strathclyde Police guidelines are that reports should be submitted to the Procurator Fiscal on Youth Court cases within 4 days.

8. The target is for trials to start within 42 days and for those offenders sentenced to community disposals to be on supervision within 2 months of the commission of the offence or date of detection. This compares to a target in the normal Sheriff Summary Court of cases concluding within 26 weeks.

9. Despite these differences in process, a Youth Court hearing is indistinguishable from the normal Sheriff Summary Court hearing. The young people prosecuted in the Youth Court are treated no differently from adults in the normal court system, and the Youth Courts have the same range of statutory sentences available to them as the normal Sheriff Summary Court. However, a range of additional interventions are available for those young people given a community disposal by the Youth Court. This allows much more intensive support for those on community disposals than would otherwise be available, and allows Social Workers

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<sup>2</sup> The Airdrie Youth Court also has a dedicated Sheriff Clerk. The dedicated Sheriff Clerk post for the Hamilton Youth Court was removed when the number of sitting days was reduced.

to build up relationships with the young people to help them take responsibility for their behaviour. As well as groupwork and one-to-one support to address offending behaviour, these interventions include support in relation to health, housing, education and family life. Both local authorities provide support in relation to training and education, and North Lanarkshire Council employs Placement Coaches who assist young people convicted in the Youth Court in finding and maintaining training and positive leisure activities. A 24/7 helpline is available for those sentenced to community disposals in both Youth Courts, as well as for their families who may be struggling with their son / daughter's behaviour.

10. During the pilot phase of the Youth Courts, multi-agency Implementation Groups sat in both Hamilton and Airdrie to review the working and operation of the courts. A Youth Court Co-ordinator and Deputy Co-ordinator were also appointed. Following the end of the pilot phase, the Co-ordinator and Deputy Co-ordinator posts were wound up, and the Hamilton Implementation Group was disbanded. Only the Airdrie Group remains.

11. The Airdrie Youth Court sits on one day per week. While the Hamilton Youth Court sat daily for the first 2 years of the pilot, this was reduced to 3 days per week in September 2005 and then to 2 days per week in November 2008.

### **Youth Court Objectives**

12. Both Youth Courts share the following objectives:

- To reduce the frequency and seriousness of re-offending by persistent 16 and 17 year old offenders (and some 15 year olds who are referred to the courts).
- To promote the social inclusion, citizenship and personal responsibility of these young offenders whilst maximising their potential.
- To establish fast track procedures for those young offenders appearing before the Youth Courts.
- To enhance community safety, by reducing the harm caused to individual victims of crime and providing respite to those communities who are experiencing high levels of crime.
- To test the viability and usefulness of a Youth Court using existing legislation and to demonstrate whether legislative and practical improvements might be appropriate.

13. It is worth noting, however, in relation to the first of these objectives, that in practice most cases dealt with by each of the Youth Courts involved first offenders rather than persistent offenders.

### **Throughput**

14. The table and charts below show the total numbers of 16-18 year olds being prosecuted in the Youth Courts and normal Sheriff Summary Courts in Hamilton and

Airdrie<sup>3</sup>, the number of 16-18 year olds being prosecuted in Sheriff Summary Courts Scotland-wide, and the number of 16-18 year olds prosecuted in the District Courts in North and South Lanarkshire.

*Persons aged 16-18 proceeded against in Airdrie and Hamilton Sheriff Summary Courts*

	2003-04	2004-05	2005-06	2006-07	2007-08	TOTAL
<b>Airdrie Youth Court</b>		121	229	195	132	677
<b>Airdrie Sheriff Summary Court<sup>4</sup></b>	246	331	179	140	204	1100
<b>Total Airdrie</b>	246	452	408	335	336	1777
<b>Hamilton Youth Court</b>	87	268	427	337	330	1449
<b>Hamilton Sheriff Summary Court</b>	500	338	368	387	414	2007
<b>Total Hamilton</b>	587	606	795	724	744	3456

15. As the table shows, from the inception of the Youth Courts until April 2008, 677 young people were prosecuted in the Airdrie Youth Court and 1449 in Hamilton. In 2004-05, when the Youth Court was introduced in Airdrie, the number of 16-18 year olds prosecuted in Airdrie in both the Youth Court and normal Sheriff Summary Court increased by 84% over the previous year. In Hamilton, the number of 16-18 year olds prosecuted in both courts decreased slightly in the first year of the Youth Court. By 2005-06, the number being prosecuted in both courts in Hamilton had increased by 26% over the number prosecuted in 2002-03, the year before the Youth Court was introduced.

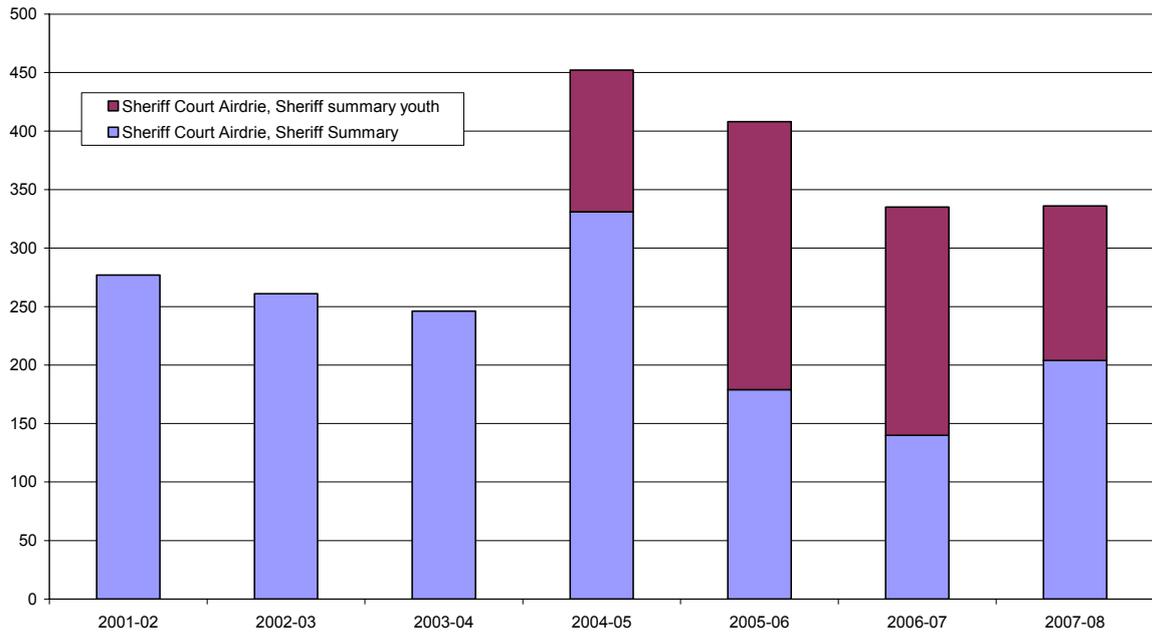
16. The number of young people being dealt with by both Youth Courts peaked in 2005-06 and has been decreasing since. By April 2008, the number of young people proceeding through the Hamilton Youth Court had dropped by 23% since its peak in 2005-06, and the number proceeding through the Airdrie Youth Court had dropped by 42%. (Scotland-wide, the number of prosecutions was higher in 2007-08 than in 2005-06, having reached a peak in 2006-07. However, the fluctuations were much smaller than in the Youth Courts, and only varied by around 12% between 2001-02 and 2007-08.)

17. Indicative figures for 2008-09 suggest that the numbers going through the Airdrie Youth Court continued at these reduced levels throughout that year, but that the numbers going through the Hamilton Youth Court continued to fall.

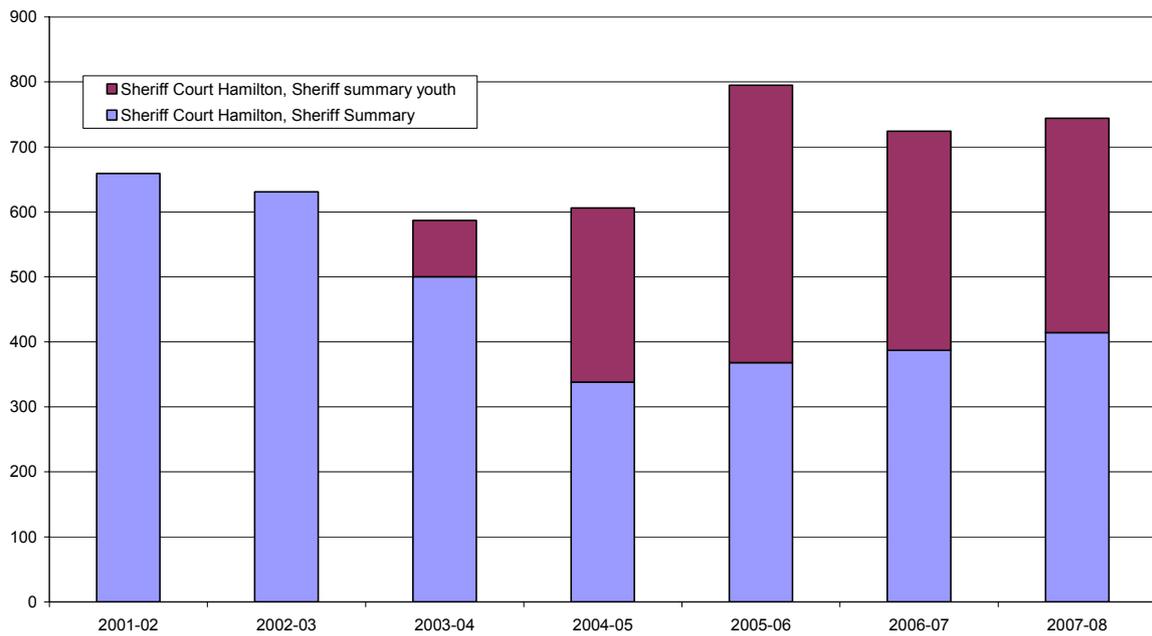
<sup>3</sup> 18 year olds are included in this analysis, as the table and charts are based on outcome data and some Youth Court offenders will have been 18 by the time their cases were completed.

<sup>4</sup> Young people prosecuted at the normal Sheriff Summary Court in Airdrie will all have been 18 at the time the offence was committed, as all 16 and 17 year olds are prosecuted in the Youth Court.

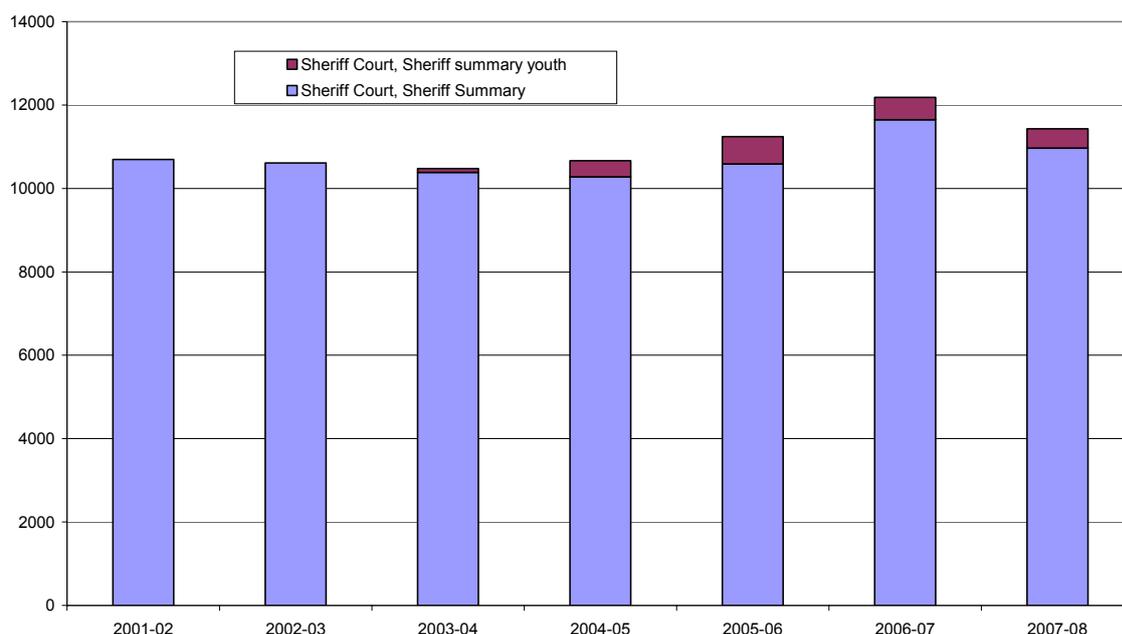
**Persons aged 16-18 proceeded against in Airdrie Sheriff Summary Courts**



**Persons aged 16-18 proceeded against in Hamilton Sheriff Summary Court**



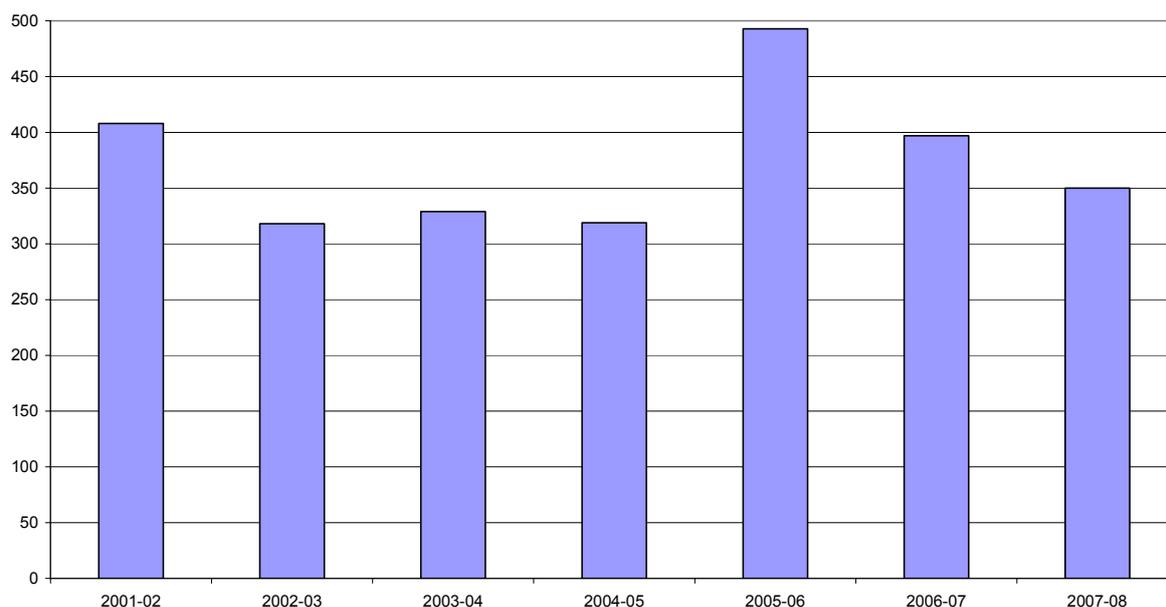
Persons aged 16-18 proceeded against in Summary Courts in Scotland



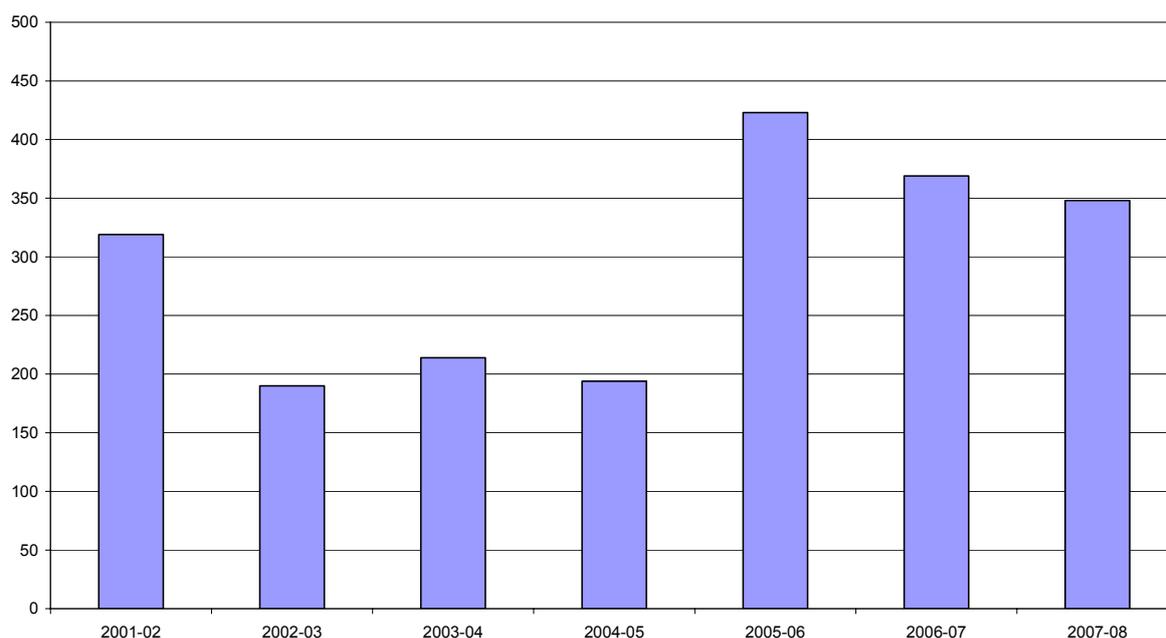
18. While it is impossible to be certain about the reason for the reduction in Youth Court business since 2005-06, there are a number of possible explanations. One explanation could be that the numbers of young people committing crimes was simply dropping after a peak in 2005-06. It is possible that the message was getting across in Hamilton and Airdrie that offending by young people was being taken seriously.

19. Another explanation for the reduction in Youth Court business could be the impact of summary justice reform. As a result of summary justice reform, there has been an increase in the number of cases Scotland-wide being marked by the Procurator Fiscal for direct measures and to the JP or District Court, and this has contributed to reducing business in the Sheriff Summary Court. This is therefore likely to be at least partly responsible for the reduction in cases being prosecuted in the Youth Courts in more recent years (although this would not have an impact until after 2007).

Persons aged 16-18 proceeded against in district courts in North Lanarkshire



Persons aged 16-18 proceeded against in district courts in South Lanarkshire



20. Another possible contributing factor might be the new powers for police to impose fixed penalties, which were introduced in the Strathclyde Police area in September 2007. Figures provided from the Hamilton Youth Court Procurator Fiscal show that police reports in relation to 16 and 17 year olds decreased from an average of 60 per week in the early years of the pilot to an average of 16 per week in early 2009, and it is likely that this reduction in police reports is due in large part to the introduction of police fixed penalty notices. Offences which meet the criteria for a police fixed penalty would not normally meet the criteria for prosecution in the Sheriff

Summary Court, so an increase in fixed penalties should not normally have an impact on the numbers being prosecuted. However, the reconviction analysis at **Annex A** notes that the data indicates that some net widening may have been taking place at the Youth Courts, which means that cases could have been prosecuted which would not normally have been. If this were the case, it would also provide some explanation for the increase in cases dealt with in Hamilton and Airdrie after the introduction of the Youth Courts.

21. Despite the reduction in prosecutions, the numbers of young people being dealt with in the Airdrie Youth Court each month remain fairly constant<sup>5</sup>. This might suggest that more reviews were taking place per person in recent years than had happened previously. In Hamilton, on the other hand, the number of Youth Court days has been reduced as a result of the reduction in court business.

### **Fast-tracking**

22. Anecdotally, stakeholders were of the view that young people appeared in the Youth Court, were sentenced and started community programmes much more quickly than those dealt with by the normal Sheriff Summary Court. However, a closer examination of the data suggests that the fast-tracking arrangements are not processing cases as quickly as was intended.

23. It had been envisaged when the Youth Courts began that most cases would be reported to the Procurator Fiscal on undertaking. These reports would be completed before police reporting officers completed their duty turn. However, it appears that most cases still go to the Procurator Fiscal as reported cases. Nevertheless, while the original intention was that these should operate on the same timescale in the Youth Courts as in the normal Courts, Strathclyde Police guidelines indicate that, for Youth Court cases, these should be submitted to the Procurator Fiscal within 4 days. Although no evidence has been submitted as to the actual speed of reporting these cases, stakeholders report that trials generally start within 5-7 weeks, against a target of 42 days.

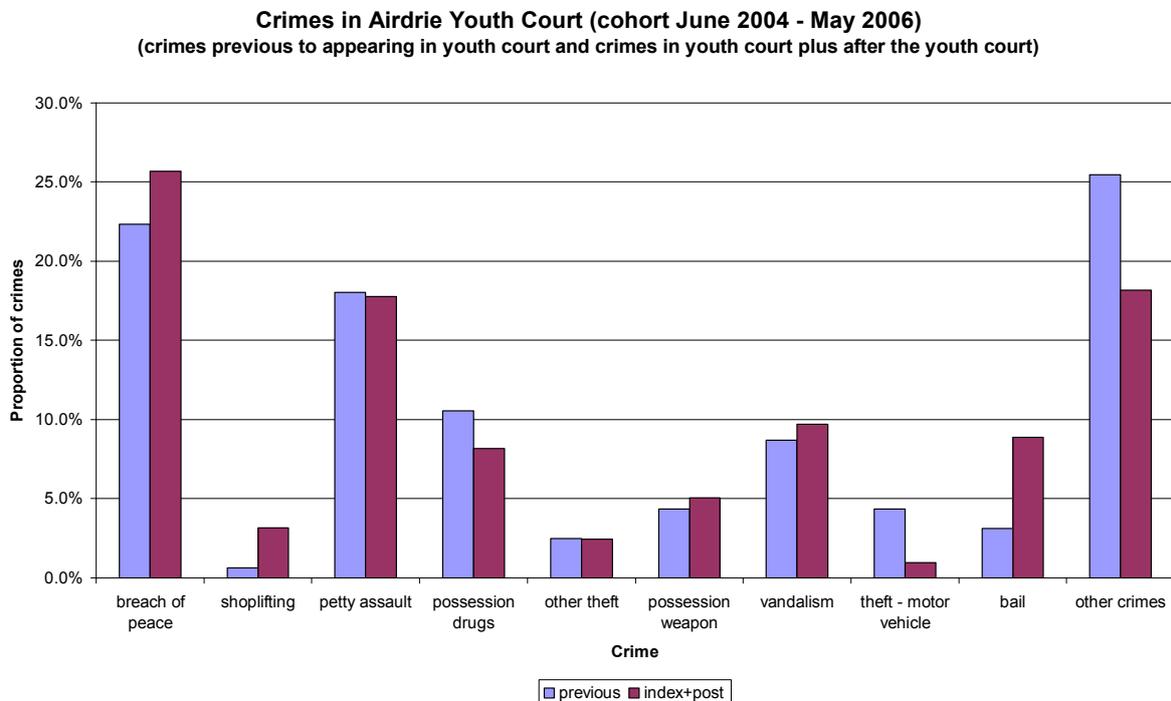
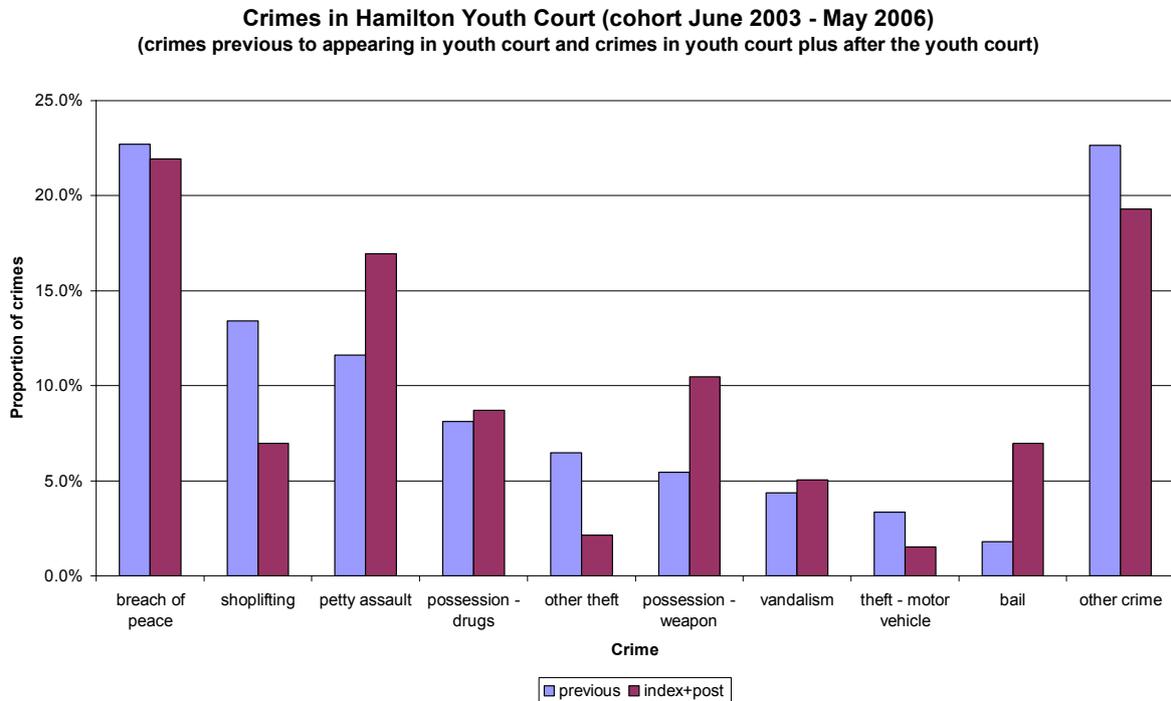
24. However, while the aim is that those offenders sentenced to community disposals should be on supervision within 2 months of the commission of the offence or date of detection, in reality this whole process from commission of offence to supervision takes around 3.5 – 4 months. Although this is still faster than the target in the normal Sheriff Summary Court of cases concluding with 26 weeks, it is not as fast as was intended.

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<sup>5</sup> Figures provided by the Youth Court Procurator Fiscal Depute at Airdrie.

## Offences and Sentences

25. The charts below show the types of crime committed by those going through the Youth Courts.



26. Sentencing patterns in the Youth Courts are broadly similar to those in Sheriff Summary Courts across Scotland, as the following tables show<sup>6</sup>.

***Persons aged 16-18 proceeded against in summary courts, by main result***

NUMBERS	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
Custody	1179	1247	1012	1027	1097	1290	1159
Community sentence	2100	2194	2033	2257	2426	2701	2634
Monetary	4004	4430	4445	4099	3997	4327	3911
Other	1332	1466	1436	1408	1578	1782	1716
Not guilty	2083	1274	1460	1484	1491	1551	1547
<b>TOTAL</b>	<b>10698</b>	<b>10611</b>	<b>10386</b>	<b>10275</b>	<b>10589</b>	<b>11651</b>	<b>10967</b>

PERCENT	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
Custody	11%	12%	10%	10%	10%	11%	11%
Community sentence	20%	21%	20%	22%	23%	23%	24%
Monetary	37%	42%	43%	40%	38%	37%	36%
Other	12%	14%	14%	14%	15%	15%	16%
Not guilty	19%	12%	14%	14%	14%	13%	14%
<b>TOTAL</b>	<b>100%</b>						

***Persons aged 16-18 proceeded against in youth courts, by main result***

NUMBERS	2003-04	2004-05	2005-06	2006-07	2007-08
Custody	5	44	79	66	63
Community sentence	37	114	144	104	92
Monetary	10	80	155	143	127
Other	1	64	127	109	117
Not guilty	34	87	151	111	63
<b>TOTAL</b>	<b>87</b>	<b>389</b>	<b>656</b>	<b>533</b>	<b>462</b>

PERCENT	2003-04	2004-05	2005-06	2006-07	2007-08
Custody	6%	11%	12%	12%	14%
Community sentence	43%	29%	22%	20%	20%
Monetary	11%	21%	24%	27%	27%
Other	1%	16%	19%	20%	25%
Not guilty	39%	22%	23%	21%	14%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<sup>6</sup> As these are outcome figures, 18 year olds have been included in the data as some of those going through the Youth Courts will be 18 at the time of sentence.

**Persons aged 16-18 proceeded against in Airdrie Youth Court, by main result**

	2004-05	2005-06	2006-07	2007-08	Total	%
Custody	9	25	24	10	68	10%
Community sentence	36	45	41	20	142	21%
Monetary	37	76	68	55	236	35%
Other	10	41	36	26	113	17%
Not guilty	29	42	26	21	118	17%
TOTAL	121	229	195	132	677	

**Persons aged 16-18 proceeded against in Hamilton Youth Court, by main result**

	2003-04	2004-05	2005-06	2006-07	2007-08	Total	%
Custody	5	35	54	41	53	188	13%
Community sentence	37	78	99	63	72	349	24%
Monetary	10	43	79	75	72	279	19%
Other	1	54	86	73	91	305	21%
Not guilty	34	58	109	85	42	328	23%
TOTAL	87	268	427	337	330	1449	

27. 21% of those proceeding through Airdrie Youth Court and 24% of those proceeding through Hamilton Youth Court received a community sentence. Fines were imposed on significantly fewer people in the Hamilton Youth Court than in the Airdrie Youth Court, where the number of fines was just slightly lower than the national average.

28. The following table sets out the number of community disposals made by the Youth Courts<sup>7</sup>.

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09 <sup>8</sup>	Total
Community Service Order	14	32	56	58	40	31	231
Structured Deferred Sentence	5	10	17	19	19	18	88
Probation Order with additional conditions	39	69	48	30	39	36	261
Probation Order with standard conditions	29	55	57	59	52	48	300
Probation Order with Community Service	10	16	21	31	21	42	141
Restriction of Liberty Order	6	8	18	12	19	20	83
Total	103	190	217	209	190	195	1104

<sup>7</sup> Figures shown are outcomes from Hamilton Youth Court provided by South Lanarkshire Council + outcomes from Hamilton and Airdrie Youth Courts requiring involvement by North Lanarkshire Council.

<sup>8</sup> These figures include community sentences dealt with by South Lanarkshire Council up to December 2008 and community sentences dealt with by North Lanarkshire Council up to March 2009.

## Reported Benefits of Youth Court

29. All of the agencies involved are positive about the benefits of the Youth Courts, which can be summarised as follows.

- **Dedicated fiscals make it easier to achieve consistency of marking and easy roll up of cases.** This means that Sheriffs are able to look at the bigger picture when dealing with a young offender, rather than dealing with each incidence of offending behaviour in isolation. From the young person's point of view, it means that they are sentenced in relation to all of their offences at once, rather than having to return to court for a previous offence during or even after completing their sentence for another offence.
- **Shrieval reviews.** Sheriffs found the opportunity to review Orders particularly useful, particularly given the extra time available in the Youth Courts to spend talking to offenders about their progress, which they considered would not be available in a normal busy court. In cases where good progress was being made on an Order, Sheriffs reported that they used reviews to praise the young person, who had often not been praised for anything before. Reviews were also reported as being helpful for reprimanding young people for not complying with their Orders and encouraging them to do so.
- **Intensive social work interventions.** Both the Sheriffs and Social Workers were of the view that the intensive social work interventions available to the Youth Courts were of benefit to the young people involved. In particular, Social Work staff considered that these interventions give a young person in the transition from childhood to adulthood the opportunity to build an effective relationship with a worker and work to be undertaken on taking personal responsibility for their behaviour.
- **Good working relationships between agencies.** A by-product of the Youth Courts was reported to be better working practices between the agencies involved. Dedicated staff in each agency means that there is a single point of contact, and that cases can be discussed easily. Good working relationships between the Sheriffs and Social Workers, in particular, mean that Sheriffs know what is available as part of community disposals and are confident that offenders are going to be dealt with appropriately.

30. There are differing views from stakeholders on some other features of the Youth Courts, however.

- **Fast-track processes get the young person into court quickly and the case disposed of quickly.** Most of those involved in the process argue that this helps to link the criminal behaviour with its consequences, and that this is particularly important for young offenders. It also means that those found not guilty are not kept out of work / education for too long. On the other hand, however, some critics suggest that the fast-track process simply fast-tracks young offenders into Polmont and so speeds up their offending career.

- **Separate Court for Young People.** Most of the professionals involved considered the use of a separate court to be a valuable part of the Youth Court, although it was agreed that it was not essential. Having a separate court meant both that young people were kept apart from older, more experienced offenders, and also that it was easier to schedule court time and thus avoid adjournments. An alternative suggestion was that an adult court might be a more sobering experience for a young person, as it would avoid having lots of young people in court together. However, the courtroom is part of normal court business and is a public court.

### **Impact on Offending Behaviour**

31. A key objective of the Youth Courts is to reduce the frequency and seriousness of re-offending by persistent 16 and 17 year old offenders (and some 15 year olds who are referred to the courts). An analysis of reconviction data was therefore carried out by Professor Gill McIvor from the Scottish Centre for Crime and Justice Research. This work included an analysis of data from the Youth Courts, the normal Sheriff Summary Courts at Hamilton and Airdrie and two comparator Courts (Ayr and Falkirk) whose young offenders have broadly similar characteristics to those in Hamilton and Airdrie. The analysis focused on offenders aged 18 or younger at the point of sentence. The full report was produced on 1 May 2009 and is attached at **Annex A**.

32. The report points out that despite the aim of the Youth Courts being to address the offending behaviour of *persistent* young offenders, most of those prosecuted in the Youth Courts were first offenders. As a result, the number of cases involving offenders with previous convictions was too low for meaningful analysis, and so the reconviction report considers the reoffending behaviour of all young offenders dealt with in Hamilton and Airdrie and by the comparator courts.

33. The report suggests that there was little difference between the proportion of offenders reconvicted in Hamilton and Airdrie after the introduction of the Youth Courts compared to the proportion of offenders reconvicted prior to the Youth Courts.

34. Comparing offenders given all types of sentences, there was no evidence to suggest that the Youth Courts had an impact on the proportion of offenders who are reconvicted within two years. Looking specifically at those offenders on community disposals, the proportion of Hamilton Youth Court offenders reconvicted after two years was lower than the proportion of Hamilton Sheriff Court offenders reconvicted after two years, thus suggesting that the Youth Court did have an impact on the reoffending rates of those on community supervision in Hamilton<sup>9</sup>. However, there is little difference between the proportion of offenders given a community disposal at Hamilton Youth Court who were reconvicted within two years, and the proportion of

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<sup>9</sup> The analysis shows that reconviction rates for offenders sentenced to community disposals in the Airdrie Youth Court are lower than for those sentenced to community disposals in the normal Sheriff Summary Court in Airdrie too. However, as all 16 and 17 year olds prosecuted in Airdrie go through the Youth Court, the comparator group in the normal Sheriff Summary Court in Airdrie will all have been 18 at the time of prosecution, so it is not possible to draw any firm conclusions based on this comparison.

offenders given a community disposal at Ayr Sheriff Court who were reconvicted within two years. While the Hamilton Youth Court seems to have had slightly more success in reducing the reoffending of its offenders on community disposals than the normal Sheriff Summary Court in Hamilton, Ayr Sheriff Court appears to have similar success rates. Likewise, there is little difference in reconviction rates between offenders sentenced to community disposals at the Airdrie Youth Court and at Ayr Sheriff Court.

35. The report also suggests that there is little evidence of a statistically significant difference in the frequency of reoffending between the various Courts.

36. Overall, the analysis, whilst not conclusive due to low sample sizes, suggests that the Youth Courts have not been particularly successful in terms of reducing reoffending.

## **Cost**

### *Total funding so far*

37. Since the start of the pilots in 2003, a total of £8.78 million has been provided to the Lanarkshire Community Justice Authority to pay for the additional Social Work interventions for Youth Court offenders supervised by North and South Lanarkshire Councils including preparation of reports and attendance at review hearings. This funding is in addition to the grant allocation provided by the Scottish Government to the Lanarkshire Community Justice Authority for offender services. It is worth noting that in the absence of the Youth Court, supervision and work with those young people currently being sentenced by the Youth Court would be funded from this offender services grant allocation. The additional funding provided for the Youth Court is therefore largely intended to support the additional interventions and not the work which would be provided for offenders sentenced in the normal Sheriff Summary Court.

38. Funding is also provided from the Scottish Government to Strathclyde Police for the additional police work required to speed up the process of reporting to the Procurator Fiscal. Since the start of the pilots, £3.04 million has been provided to Strathclyde Police for Youth Court purposes. This includes the cost of the Youth Court Co-ordinator and Deputy Co-ordinator, who were seconded from Strathclyde Police for the duration of the pilot.

39. Additional funding has also been transferred to the Crown Office and Procurator Fiscal Service to support the fast-tracking of cases to and through the Youth Courts. This funding amounts to £1.42 million to date.

40. A total of £13.24m was therefore provided from the Scottish Government to support the Youth Courts from their inception until April 2009.

### Funding provided to date

	£ million
<b>Lanarkshire Community Justice Authority</b>	8.78
<b>Strathclyde Police</b>	3.04
<b>Crown Office and Procurator Fiscal Service</b>	1.42
<b>TOTAL</b>	13.24

### *Cost per Head*

41. Data on the numbers of young people dealt with by the Youth Courts is available only up to April 2008. This shows that 2126 young people were dealt with by the courts, 1449 in Hamilton and 677 in Airdrie. During that period £3,852,300 was provided to the Police [£2,682,300] and COPFS [£1,170,000] to fast-track court cases. This amounts to an additional £1,812 of funding per Youth Court offender.

42. In addition, the Scottish Legal Aid Board has done an analysis of legal aid costs in relation to the Youth Courts in 2007-08. It concludes that the average legal aid cost for a Youth Court case in 2007-08 was £278, although it cautions that this is likely to be an underestimate as applications for legal aid in Youth Court cases do not always note that they are for Youth Court cases.

43. The average additional processing cost per Youth Court offender prior to imposition of sentence is therefore £2,090.

### *Cost per Community Disposal*

44. Over the same period, a total of 491 young people were given community sentences in the Hamilton and Airdrie Youth Courts - 349 in Hamilton and 142 in Airdrie - and a total of £7.2 million was provided to the Lanarkshire Community Justice Authority for Youth Court purposes. This amounts to an average of £14,641 per person in addition to the basic cost of standard community interventions.

45. There are, however, some offsetting savings associated with the Youth Courts. One of the aims of the Youth Court is to fast-track cases to and through the courts, and the courts have generally been successful in doing this, with fewer adjournments and more cases resolved by way of a guilty plea. Although it is difficult to analyse how much these savings might be, the earlier Stirling University evaluation calculated that there was likely to be a mean cost saving of around £69 per case, and noted that there would also be savings in legal aid as a result of fewer cases in the Youth Courts proceeding to an evidence-based trial. These savings will have been reduced, however, as a result of summary justice reform. In normal summary proceedings (both Sheriff and JP), 37% of cases now plead guilty at first calling, compared to around 20% before summary justice reform.

46. Savings could also have been made as a result of fewer young offenders going on to commit more crimes than would have been the case if they had been prosecuted in the normal Sheriff Summary Court in Hamilton and Airdrie. If this were

the case, the benefits in terms of economic and wider social costs would amount to several thousand pounds per crime. However, the reconviction analysis does not support the argument that these benefits are likely to have been significant.

## **Conclusion**

47. The purpose of this review was to assess the effectiveness of the Youth Courts, with particular regard to the following objective:

- to reduce the frequency and seriousness of re-offending by persistent 16 and 17 year old offenders (and some 15 year olds who are referred to the courts).

48. As the reconviction report notes, in practice, most cases dealt with in both Youth Courts involved first offenders rather than persistent offenders, and as a result, the number of cases involving offenders with previous convictions was too low for meaningful analysis. This review therefore assesses whether the Youth Courts have been successful in reducing reoffending by all the young people referred to them.

49. The reconviction analysis suggests that reconviction rates are no lower in Hamilton and Airdrie following the introduction of the Youth Courts than they were before the Youth Courts. For the most part, the reoffending rates of those convicted in the Youth Courts are either no lower or not significantly lower than those convicted in the normal Sheriff Summary Courts in Hamilton, Airdrie, Ayr or Falkirk. The exceptions are those offenders given a community sentence in Hamilton Youth Court, who appear to be less likely to be reconvicted than those given a community sentence in the normal Sheriff Summary Court in Hamilton (although no less likely to be reconvicted than those given a community sentence in the normal Sheriff Summary Court in Ayr).

50. The fast-tracking process has worked to a certain extent, but cases have not progressed through the courts as quickly as was intended. Although the other features of the Youth Courts – the separate Court; the ongoing shrieval review and the multi-agency approach – may, in themselves, be beneficial in how we deal with young people who offend, they appear to be having no clear impact on offending behaviour.

51. The Youth Courts are a very expensive option for dealing with young people, and have become increasingly expensive per head, given the decrease in throughput over the years. Their costs may be offset to some extent by savings made both by the fast court process and potentially in the longer term as a result of very slightly reduced recidivism. However, if net widening is occurring, there is an additional cost of court proceedings for those who would not have been prosecuted if the Youth Courts did not exist. It is also possible that net widening could have an adverse impact on offending, by drawing additional young people into the judicial system.

## Annex A – Report from Professor Gill McIvor, Scottish Centre for Crime and Justice Research

### RECONVICTION AMONG YOUTH COURT AND COMPARISON CASES

To assess whether the pilot Youth Courts were more effective in bringing about reductions in recidivism, reconviction among Youth Court cases was compared with reconviction among three other groups of cases: those sentenced in the Sheriff Summary Court and those sentenced in Ayr and Falkirk Sheriff Summary Courts over a similar period of time. In the following analysis, reconviction was measured from the date of sentence or, in the case of those given custodial sentences, from the estimated date of release<sup>10</sup>. The following analysis also excludes ‘pseudo-reconvictions’ (convictions known to relate to charges before the index sentence) and focuses upon offenders aged 18 years or younger at the point of sentence. The data were provided by Justice Department Analytical Services, extracted from the Scottish Offenders Index.

#### Hamilton Youth Court

##### *Comparison of reconviction among offenders sentenced in different courts*

Full 2 year reconviction data were provided in respect of 1251 cases in total (with 12 month reconviction data being available for thee further cases) sentenced in the relevant courts between June 2003 and May 2006.

**Table 1: Percentage reconvicted within 12 months (all disposals)**

Hamilton Youth Court (n=402)	Hamilton Sheriff Summary (n=296)	Ayr Sheriff Summary (n=234)	Falkirk Sheriff Summary (n=322)
46%	45%	47%	47%

**Table 2: Percentage reconvicted within 24 months (all disposals)**

Hamilton Youth Court (n=401)	Hamilton Sheriff Summary (n=294)	Ayr Sheriff Summary (n=234)	Falkirk Sheriff Summary (n=322)
58%	60%	58%	59%

These data indicate no difference in reconviction at 12 or 24 months between cases dealt with in the Youth Court and those dealt with in the comparator courts. However, the data in Tables 1 and 2 include *all* cases of offenders aged 18 years and younger dealt with by the relevant courts. The main vehicle through which the Youth Court might be expected to have an impact on recidivism is in the use of community sentences, where additional resources were provided to improve the range and

<sup>10</sup> Estimated to be the date of sentence plus one half of the sentence imposed

quality of services available to Youth Court cases. The same data for disposals involving community supervision only (Probation, Community Service, Restriction of Liberty Orders and other community sentences) are therefore shown in Tables 3 and 4.

**Table 3: Percentage reconvicted within 12 months (community supervision)**

Hamilton Youth Court (n=157)	Hamilton Sheriff Summary (n=107)	Ayr Sheriff Summary (n=59)	Falkirk Sheriff Summary (n=33)
53%	66%	58%	67%

**Table 4: Percentage reconvicted within 24 months (community supervision)**

Hamilton Youth Court (n=157)	Hamilton Sheriff Summary (n=106)	Ayr Sheriff Summary (n=59)	Falkirk Sheriff Summary (n=33)
62%	79%	64%	82%

The lowest reconviction rates at both 12 and 24 months were for Hamilton Youth Court cases (with significant differences between 2 year reconviction rates)<sup>11</sup>, though the number of cases involving supervisory disposals in Ayr and Falkirk was comparatively low. It should also be noted that variations in reconviction rates across courts may reflect differences in the characteristics of offenders dealt with across courts. For instance, reconviction rates are strongly related to previous criminal history and those sentenced in the Youth Court and in Ayr Sheriff Court had fewer previous convictions than those sentenced in either Hamilton Sheriff Summary or Falkirk Sheriff Court<sup>12</sup>. Given that most cases in each court involved first offenders, the number of cases involving offenders with previous convictions was too low for meaningful analysis. To control to some extent for the impact of criminal history, 12 and 24 month reconviction rates among first offenders sentenced to community supervision in each court were compared (Tables 5 and 6)<sup>13</sup>.

<sup>11</sup> P<.05

<sup>12</sup> The mean number of previous convictions was 0.34 ,0.27, 0.55 and 1.09 respectively

<sup>13</sup> Most offenders in each court were first offenders with the result that the number of cases involving previously convicted offenders was too low for comparative analysis.

**Table 5: Percentage reconvicted within 12 months (first offenders on community supervision)**

Hamilton Youth Court (n=125)	Hamilton Sheriff Summary (n=74)	Ayr Sheriff Summary (n=49)	Falkirk Sheriff Summary (n=19)
50%	64%	53%	79%

**Table 6: Percentage reconvicted within 24 months (first offenders on community supervision)**

Hamilton Youth Court (n=125)	Hamilton Sheriff Summary (n=74)	Ayr Sheriff Summary (n=49)	Falkirk Sheriff Summary (n=19)
60%	80%	61%	90%

Given the very low number of cases the data for Falkirk do not allow for meaningful comparison. Otherwise, however, the reconviction rates for first offenders sentenced in the Youth Court and Ayr Sheriff Court were almost identical and lower than for first offenders sentenced in Hamilton Sheriff Court.

There was also some evidence that the *frequency* of reconviction was lower among Youth Court cases than among comparator cases. Tables 7 and 8 show the mean number of new convictions within 2 years for the community supervision sample as a whole and for only those offenders who were reconvicted on at least one occasion. The data in Table 7 suggest that the lowest numbers of reconvictions per offender were for Youth Court cases and cases from Ayr Sheriff Court. However, offenders from these samples were also less likely to be reconvicted, meaning that the mean frequency was based on reconvictions for a smaller proportion of offenders spread over the sample as a whole. The mean number of reconvictions among only those offenders who were reconvicted is therefore shown in Table 8. This suggests that the frequency of new convictions among those who were reconvicted was slightly lower for cases sentenced in the Youth Court (though the difference was not statistically significant).

**Table 7: Mean number of reconvictions (all offenders on community supervision)**

Hamilton Youth Court (n=157)	Hamilton Sheriff Summary (n=107)	Ayr Sheriff Summary (n=59)	Falkirk Sheriff Summary (n=33)
1.9	2.8	2.3	3.8

**Table 8: Mean number of reconvictions (reconvicted offenders on community supervision only)**

Hamilton Youth Court (n=98)	Hamilton Sheriff Summary (n=84)	Ayr Sheriff Summary (n=38)	Falkirk Sheriff Summary (n=27)
3.1	3.5	3.6	4.7

***Comparison of reconviction in Hamilton Sheriff Court before and after the introduction of the Youth Court***

An analysis was also undertaken of reconviction among offenders aged 18 years and under sentenced in Hamilton Sheriff Summary Court in the three year period (1 June 2000 – 31 May 2003) before the introduction of the Youth Court (pre Youth Court). Here a comparison was made with reconviction among similarly aged offenders sentenced in Hamilton Sheriff Youth Court and Hamilton Sheriff Summary Court in the three year period following the Youth Court’s introduction (post Youth Court). Reconviction rates were compared for the sample as a whole and for cases made subject to supervisory community disposals (CSO, Probation, RLO and other community sentences). The relevant data are summarised in Tables 9 and 10. In addition, the mean *frequency* of reconviction within two years was identical for both pre and post Youth Court cases at 2.4 and 2.3 new convictions respectively among those given community sentences and 1.9 and 1.8 respectively among all offenders 18 years of age or younger.

**Table 9: Reconviction rates in Hamilton Sheriff Court before and after the introduction of the Youth Court - all offenders aged 18 and under**

	Pre Youth Court (n=454)	Post Youth Court (n=698)
12 month reconviction rate	42%	45%
24 month reconviction rate	57%	59% <sup>14</sup>

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<sup>14</sup> Based on n=695

**Table 10: Reconviction rates in Hamilton Sheriff Court before and after the introduction of the Youth Court - offenders aged 18 and under given community sentences**

	Pre Youth Court (n=152)	Post Youth Court (n=264)
12 month reconviction rate	56%	57%
24 month reconviction rate	70%	69% <sup>15</sup>

These data would suggest that the introduction of the Youth Court has had no impact upon reconviction among young people made subject to supervisory community sentences in Hamilton Sheriff Court. This conclusion is further reinforced by the finding that the mean number of previous convictions was higher (at 0.54) among those given community sentences prior to the Youth Court than among those sentenced in Hamilton Sheriff Court after the Youth Court was introduced (0.42). This finding, along with the substantial increase in the number of offenders aged 18 and under sentenced in Hamilton Sheriff Court following the introduction of the Youth Court, points to the possibility of a net-widening effect, with more and less heavily convicted offenders being prosecuted and convicted in Hamilton Sheriff Court but with no associated reduction in recidivism.

### **Airdrie Youth Court**

Twelve month and 2 year reconviction data were provided in respect of 724 cases sentenced in Airdrie Youth Court and in the relevant courts between June 2004 and May 2006. The relevant data are summarised in Tables 11 and 12.

**Table 11: Percentage reconvicted within 12 months (all disposals)**

Airdrie Youth Court (n=190)	Airdrie Sheriff Summary (n=130)	Ayr Sheriff Summary (n=172)	Falkirk Sheriff Summary (n=232)
42%	54%	51%	52%

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<sup>15</sup> Based on n=263

**Table 12: Percentage reconvicted within 24 months (all disposals)**

Airdrie Youth Court (n=190)	Airdrie Sheriff Summary (n=130)	Ayr Sheriff Summary (n=172)	Falkirk Sheriff Summary (n=232)
58%	61%	60%	63%

These data indicate that the 12 month reconviction rate was slightly (but not significantly) lower among cases sentenced by Airdrie Youth Court but that there was no difference across courts in reconviction rates after 24 months. As in the previous analysis for the Hamilton Sheriff Court however, the data in Tables 9 and 10 include all cases dealt with by the relevant courts. The same data for disposals involving community supervision only (Probation, Community Service, Restriction of Liberty Orders and other community sentences) are shown in Tables 13 and 14. The relatively low numbers of cases in each sample means that very limited conclusions can be drawn from these data.

**Table 13: Percentage reconvicted within 12 months (community supervision)**

Airdrie Youth Court (n=54)	Airdrie Sheriff Summary (n=43)	Ayr Sheriff Summary (n=46)	Falkirk Sheriff Summary (n=32)
59%	72%	57%	59%

**Table 14: Percentage reconvicted within 24 months (community supervision)**

Airdrie Youth Court (n=54)	Airdrie Sheriff Summary (n=43)	Ayr Sheriff Summary (n=46)	Falkirk Sheriff Summary (n=32)
68%	84%	65%	78%

The 12 month reconviction rates were similar in Airdrie Youth Court and in Ayr and Falkirk Sheriff Courts, with the highest reconviction rate in Airdrie Sheriff Court. After 24 months, the reconviction rates were similar for Airdrie Youth Court and Ayr cases both of which were slightly (though not significantly) lower than cases sentenced in Airdrie Sheriff Court and Falkirk.

As with the Hamilton analysis, it should also be noted that difference in reconviction rates across courts may reflect differences in the characteristics of offenders dealt with across courts. For instance, reconviction rates are strongly related to previous criminal history and those sentenced in the Youth Court and in Ayr Sheriff Court had fewer previous convictions than those sentenced in either Airdrie Sheriff Summary or

Falkirk Sheriff Court<sup>16</sup>. To control to some extent for the effect of criminal history, 12 and 24 month reconviction rates are compared for first offenders sentenced to community supervision in each court (Tables 15 and 16).

**Table 15: Percentage reconvicted within 12 months (first offenders on community supervision)**

Airdrie Youth Court (n=45)	Airdrie Sheriff Summary (n=31)	Ayr Sheriff Summary (n=36)	Falkirk Sheriff Summary (n=17)
56%	71%	53%	65%

**Table 16: Percentage reconvicted within 24 months (first offenders on community supervision)**

Airdrie Youth Court (n=45)	Airdrie Sheriff Summary (n=31)	Ayr Sheriff Summary (n=36)	Falkirk Sheriff Summary (n=17)
64%	87%	61%	76%

Given the very low number of cases in each sample (and especially Falkirk) it is difficult to draw conclusions from these data. As in Hamilton, however, the Airdrie Youth Court cases and cases in Ayr Sheriff Court appear very similar in terms of reconviction rates, which appear lower than for first offenders sentenced in Airdrie or Falkirk Sheriff Court.

There is mixed evidence regarding the *frequency* of reconviction among Youth Court and comparator cases. Tables 15 and 16 show the mean number of new convictions within 2 years for, respectively, the community supervision sample as a whole and for offenders who were reconvicted on at least one occasion. The data in Table 15 suggest that the lowest numbers of reconvictions per offender were for Youth Court cases, though the number of cases in each sample is low and the differences in means between groups are not large. The mean numbers of reconvictions among the sample of offenders who were reconvicted are shown in Table 8. This suggests that the frequency of new convictions among those who were reconvicted was similar for cases sentenced in the Youth Court and Sheriff Summary Court. Again, however, these data are based on very low numbers of cases and no clear conclusions can therefore be drawn.

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<sup>16</sup> 0.30, 0.35, 0.56 and 1.31 respectively

**Table 17: Mean number of reconvictions (all offenders on community supervision)**

Airdrie Youth Court (n=54)	Airdrie Sheriff Summary (n=43)	Ayr Sheriff Summary (n=46)	Falkirk Sheriff Summary (n=32)
1.8	2.2	2.0	3.1

**Table 18: Mean number of reconvictions (reconvicted offenders on community supervision only)**

Airdrie Youth Court (n=37)	Airdrie Sheriff Summary (n=36)	Ayr Sheriff Summary (n=30)	Falkirk Sheriff Summary (n=25)
2.6	2.6	3.0	4.0

***Comparison of reconviction in Airdrie Sheriff Court before and after the introduction of the Youth Court***

An analysis was also undertaken of reconviction among offenders aged 18 years and under sentenced in Airdrie Sheriff Summary Court in the three year period (1 June 2001 – 31 May 2004) before the introduction of the Youth Court (pre Youth Court). As with the Hamilton data a comparison was made with reconviction among similarly aged offenders sentenced in Airdrie Sheriff Youth Court and Airdrie Sheriff Summary Court in the three year period following the Youth Court's introduction (post Youth Court). Reconviction rates were compared for the sample as a whole and for cases made subject to supervisory community disposals (CSO, Probation, RLO and other community sentences). The relevant data are summarised in Tables 19 and 20. In addition, the mean *frequency* of reconviction within two years was slightly higher among post Youth Court cases than among pre Youth Court cases both for all offenders 18 years of age or under (1.42 compared to 1.25 new convictions) and for those given community sentences (1.96 compared to 1.67 new convictions).

**Table 19: Reconviction rates in Airdrie Sheriff Court before and after the introduction of the Youth Court - all offenders aged 18 and under**

	Pre youth court (n=222)	Post youth court (n=320)
12 month reconviction rate	43%	47%
24 month reconviction rate	57%	59%

**Table 20: Reconviction rates in Airdrie Sheriff Court before and after the introduction of the Youth Court - offenders aged 18 and under given community sentences**

	Pre youth court (n=49)	Post youth court (n=97)
12 month reconviction rate	55%	65%
24 month reconviction rate	74%	75%

These data would suggest that the introduction of the Youth Court has had no impact upon reconviction among young people made subject to supervisory community sentences in Airdrie Sheriff Court. This conclusion is further reinforced by the finding that the mean number of previous convictions was higher (at 0.53) among those given community sentences prior to the Youth Court than among those sentenced in Airdrie Sheriff Court after the Youth Court was introduced (0.41). As in Hamilton, this finding, along with the substantial increase in the number of offenders aged 18 and under sentenced in Airdrie Sheriff Court following the introduction of the Youth Court, points to the possibility of a net-widening effect, with more and less heavily convicted offenders being prosecuted and convicted in Airdrie Sheriff Court but with no associated reduction in recidivism.

## **Conclusions**

The preceding analysis suggest that in both Hamilton and Airdrie, cases sentenced in the Youth Courts were less likely to be reconvicted than those sentenced in the Sheriff Summary Court. It appears that in Hamilton (Table 6) and in Airdrie (Table 14) this cannot simply be accounted for by differences in the criminal histories of those sentenced in each court, since the differences in 2 year reconviction rates persist when comparisons are drawn only between cases involving first offenders. Either it reflects real differences in subsequent behaviour among those supervised in the community or other important differences between the samples (such as motivation) which cannot be identified.

On the other hand, the fact that reconviction among cases from both Youth Courts was no lower than in the comparator court with the most similar cases (Ayr) raises questions about the impact of the Youth Court on recidivism: given similar cases, if the Youth Courts were reducing recidivism then reconviction rates among Youth Court cases should have been significantly lower that among cases from Ayr.

A more robust comparison involved cases sentenced in Airdrie and Hamilton before and after the pilot Youth Courts were introduced. This analysis found no evidence of lower reconviction rates in either area following the introduction of the Youth Court but some evidence of possible 'net-widening' as indicated by higher numbers of cases with fewer previous convictions being dealt with summarily in Airdrie and Hamilton Sheriff Courts.

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ISBN: 978-0-7559-7743-7

Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for the Scottish Government by RR Donnelley B62907

Published by the Scottish Government, November 2009

ISBN 978-0-7559-7743-7



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