The Essence Of Youth Justice System

Terminology: What is Youth Justice System?

The Youth Justice System deals with those aged 21and below who have committed crimes.

The Children's and Young Persons Act 1963 states that the age of criminal responsibility is 10 years old and any person below this age cannot be prosecuted or held responsible for their criminal actions. However, reforms that were introduced by post-1997 Labour governments make it possible for an intervention to be directed at the behaviour of children below this age (by bodies such as youth offending teams) (Joyce, 2017).

Until the enactment of the 1998 Crime and Disorder Act a presumption of doli-incapax (incapable of doing wrong) applied to people aged 10-13 whereby in order to secure a conviction it was necessary for the prosecution to prove that; a child knew right from wrong in addition to establishing that they have committed a crime in which charged for. Following the enactment, it was assumed that a child of this age did know what was right from wrong unless defence proved otherwise (Joyce, 2017).

Police and Criminal Evidence Act 1984 (PACE) stated that the term Juvenile is a child under the age of 17. Section 42 of the Criminal Justice and Courts Act 2015 (CJCA) extended the definition of juvenile for the purpose of PACE to include any child or young person which appears to be younger than 18 (App.college.police.uk, 2017).

The age of criminal responsibility is 10 years old; this means that children under the age of 10 cannot be arrested or charged for a crime. However, there are other punishments for children under 10 such as;

Local Child Curfew- police ban children from being in a public place between the times of 9 pm and 6 am unless under adult supervision for up to 90 days. If this curfew is broken, they are then given Child Safety Order.

Child Safety Order- If a child commits an offence or broken Curfew order they may be placed under the supervision of YOT (Youth Offending Teams). The order can last 3 months but in some cases 12. If the rules of the order are broken then that child could be taken into care. (GOV.UK, n.d.)

A child aged between 10 and 17 is a juvenile up to the 18th birthday.

Causes of youth crime:

Family structure, family characteristics, and family dynamics have all been connected to juvenile offending. Research has reported that children from single-parent households are at increased risk of delinquent behaviour. Lack of parental supervision/ inconsistent discipline and hostile or rejecting parenting styles are some of the most common causes of juvenile delinquency. children who are victims or witnesses of abuse at home have a greater risk factor of engaging in

antisocial behaviour. Siblings, having AS siblings at a similar age group increases the likelihood of delinquent behaviour and youths whose parents engage in AS are most likely to follow their parent's footsteps (Criminal Justice, n.d.).

Peers: peers are important in youths' social networks within adolescence, most youth crimes commit crimes within peer groups. peers are known to influence an individual’s behaviour (due to peer pressure and fitting in). The gender of peers has an important factor in delinquent behaviour as male peers are more likely to encourage ASB than females. There are more male First-time entrees (FTE’s) to the Youth and justice System. In the year ending March 2018, 81% of FTE’s were male whilst making up 51% of the 10-17-year old population (Ministry of Justice, 2019).

Neighbourhood: children raised in disadvantaged neighbourhoods are at higher risk of offending than those in affluent neighbourhoods. Disadvantaged neighbourhoods have weak social controls due to isolation and high residential turnover; delinquent behaviour is more likely to go unnoticed or be ignored by others in the community. The lack of social control in poorly monitored neighbourhoods not only provides more opportunities for ASB but also increases youths’ exposure to criminal behaviour by others in the community.

School: youths who have trouble at school, are at higher risk of becoming delinquent. underachievement, very often in areas of deprivation.

Crimes committed by youths:

- Drugs
- County lines
- Criminal Damage
- Offensive weapons
- Antisocial behaviour
- Offensive weapons
- Criminal damage
- Assault
- Theft

Identity of children accused of a crime-

For children aged 10 to 17 their identity cannot be disclosed outside of the court. Those permitted inside the court include the usual participants in cases heard in court; ranging from officers of the court to the parties, parents and guardians, and bona fide members of the press.

Reporting restrictions include not revealing the defendant's name, address, school and pictures which may identify them. Youths remain completely anonymous throughout the proceedings but these restrictions can be challenged usually by the media after the proceedings have ended (Cps.gov.uk, n.d.).

Process of youth court:

Youth court is a type of magistrate's court which deals with youths.

Cases are usually dealt with by three magistrates or a single district judge.

Youth court is different from adult criminal proceedings, for example they are designed to be less formal, the public are not permitted and defendants are referred to by the first name.

Victims can observe the proceeding of the defendant but they have to request this to the court.

Youth courts generally deal with offences such as theft, burglary, ASB and drug offences. If defendants are 16 or under, their parents, guardians or carers must attend court. In more serious cases that come to Crown Court, prosecuting and defending counsel as well as the judge, may take off their wigs and robes during proceedings to put the defendants at ease (Cps.gov.uk, n.d.).