Diversion & Problem-Solving Approaches in Youth Court
Access to justice for children, 11 July 2016

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Youth Justice at the Centre for Justice Innovation

- Young people should be kept out of the criminal justice system whenever possible.
- When young are unavoidably in the criminal justice system, the system should strive to make their future involvement less likely.
- Young people required a tailored approach that they perceive to be fair.
Youth Diversion: Context

- A first offence is not a reliable signal of a future criminal career;
- Most young people grow out of crime;
- Formal justice system processing is itself criminogenic.

Youth Diversion: Our support

- Support to point-of-arrest youth diversion schemes;
  - Research
  - Practice
  - Cost

Youth Court: Context

Youth Court: Context

- Figure 1: An Offender-Based Age-Crime Curve
  (Revised Offender Proportion 1,000 Resident Proportion by Age group and Sex, England and Wales, 2005)

- Figure 2: Process Flowchart
  (Standard Process vs. Sampled Cases Process)

- Young people proceeded against at magistrates' courts, 2005-2015
  - Graph showing decreasing trend from 2005 to 2015
The scope of the international benchmarking work
Youth Court: Context

Youth Court: Research questions

i. Could applying the principles of problem-solving courts improve youth court outcomes?

ii. To what extent are these principles already present in mainstream youth courts?

iii. Where are local youth courts applying additional problem-solving principles over and above the mainstream offer?

Youth Court: Principles of problem solving

- **Specialisation**: targeting a specific population; using specialised assessments to diagnose risks, needs, and assets; conducting specialised court proceedings involving specially trained court professionals;
- **Collaborative intervention and supervision**: use of strengths-based programming; coordinated case management;
- **Fairness**: emphasising clear understanding, respectful treatment, and neutrality; involving clients in the process and ensuring they have a voice in proceedings;
- **Accountability**: use of judicial monitoring of compliance; use of a structured regime of incentives and sanctions; and
- **Focus on outcomes**: monitoring outcomes and using findings to improve services.
### Youth Court: Findings 1

- Limited research evidence on specific problem-solving youth court models
- Wider research evidence in support of *principles* of problem-solving approach in youth court, including:
  - Enhanced accountability
  - Enhanced specialisation
  - Procedural fairness
- There is reason to believe that enhancing these principles will produce better outcomes.

### Youth Court: Findings 2

- Youth courts are already applying problem-solving principles.
  - *Specialisation*
    - Targeted
    - Partially-informed by youth-specific assessments
    - Specialist magistrates and district judges
    - Often within an adapted courtroom setting
  - *Fairness*
    - Intended to promote engagement
    - Plain language
    - Concern for understanding

### Youth Court: Findings 3

- Non-exhaustive outreach revealed a number of areas with problem-solving youth court initiatives at various stages of development.
  - Post-Sentence Reviews
  - Improvements to court experience
  - Increased involvement from outside agencies
### Conclusions and next steps

- Youth courts face a substantial challenge: fewer young people, complex cases;
- Problem-solving court principles are already present in existing youth court practice, though day to day practice is variable; and
- Available evidence suggests that further development of these principles may improve outcomes.

- Practitioners should test new approaches in response to the new challenges facing youth courts;
- Our review indicates there is significant local appetite for practice development.