

Youth Justice (3)

Chapter 9

The Consumer View

What do we want from the youth justice system?

In the final stages of this book, my aim is to be forward-looking, drawing on what we have learned and understood about the youth justice system and in order to consider key questions about what we might want from it, and how it might be constituted to ensure that it operates in a way that does indeed do ‘justice to young people’ (Smith, 2011).

There is no doubt that this is an aspect of the social world which is particularly susceptible to public perceptions and political manoeuvring (Jamieson, 2006), and this suggests that any chosen intervention strategy must take account of these influences:

The dissatisfaction that people express with youth justice is real, whether or not it is grounded in the realities of current sentencing practice. There has to be *some* response to these public views. (Hough and Roberts, 2004, p. xi)

Whilst empirical knowledge and theory help us to understand the meaning and dynamics of young people’s behaviour, the impact of social factors, and the way these intersect with the machinery of youth justice, consideration of the practical steps to be taken must also address the expectations of ‘stakeholders’. An exploration of some of these perspectives here will both give us a grasp of the range of viewpoints to be taken into account, and some idea of what may be seen as practical, realistic and achievable solutions to the perennial issue of what to do about young people ‘in trouble’. Whilst we should not expect the youth justice system to be driven straightforwardly and uncritically by ‘consumer’ interests, a clearer understanding of the views and aspirations of key constituencies will shed more light on the question of ‘what is to be done?’

The Victim's Perspective

Although we have noted previously that victim interests have not been particularly well served by the youth justice system, they have nonetheless progressed steadily up the political and operational agenda in recent years. Indeed, concern for victims has become somewhat totemic, if at the same time, rather tokenistic. Williams (2000) has already acknowledged that victims have become something of a 'political football', reflected in the publication of the *Victim's Charter* in 1996 and subsequent developments. As a result the 'balance' between offenders and victims may indeed have shifted (Williams, 2000, p. 176; 2005, p. 215).

We have already seen evidence of the readiness of policy-makers to respond to such pressures the form of innovations such as the referral order, which mandates youth justice services to involve victims in formal interventions. The expectation is that victims' views and wishes will be routinely incorporated into youth justice decision-making, set out in an early version of the National Standards (Youth Justice Board, 2004, p. 32), and subsequently reiterated in the 2012 version, which requires YOTs to:

Have processes in place to ensure that victims of crime are involved, as appropriate, in a range of restorative processes that seek to put right the harm they have experienced. (Walker, 2012, p. 25)

But what does this increasing sensitivity to the needs of victims tell us about the best ways of responding to young people who offend, especially given the discouraging evidence from earlier evaluations of initiatives intended to achieve this kind of aim (see Chapter 8)? Of course, it is important to avoid falling into the trap of stereotyping victims or their views, just as we must not stereotype young offenders (Dignan, 2005, p. 87). The British Crime Survey now regularly reminds us that the risk of becoming a victim of crime is not evenly distributed (Kershaw et al, 2001; Salisbury and Upson, 2004; Upson, 2005). Indeed, it has been observed that it is young people themselves, and especially young men, who are most at risk of becoming victims of violence (Kershaw et al, 2001, p. 31); a finding which is all the more significant when we consider the established link between 'violent victimisation' and offending amongst young people (Owen and Sweeting, 2007). Figures from the 2003 Crime and Justice Survey suggest that 21% of 10-15 year olds had been assaulted during a twelve month period (Wood, 2005, p. 3), higher than any other age category. Significantly, the

interest in young people as victims of crime is comparatively recent, with official statistics on victimisation of under 16 year olds being unavailable prior to 2003. The evidence is complicated by findings that the experiences of being a victim and a perpetrator of crime appear to overlap to a substantial degree. MORI (2002) has found that groups which are more likely to offend ('children who are excluded from school') are at the same time more likely to be victims of crime. In fact, they were more likely to be victims (82%) than offenders (64%). Wood (2005, p. 5) observes that the strongest predictor of 'personal crime victimisation' amongst 10-15 year olds was '[c]ommitting an offence in the previous year', with the odds being 2.5 times those for non-offenders. Smith, D. (2004) has also explored this relationship, arguing that there is a demonstrable interaction between delinquency and victimization, even over a three-year period, with one predicting the other. In addition: 'The more often victimization is repeated, the more strongly it predicts delinquency' (Smith, D., 2004, p. 3). Smith argues that this correlation is so strong as to suggest a possible causal link, in both directions. Thus, any simplistic assumption which opposes 'offenders' and 'victims' and their different interests is clearly neither accurate nor helpful. The tendency to reify the idea of 'victimhood' must be avoided, although this is not to minimise the damaging and distressing consequences of being victimised. As Lea and Young (1984) demonstrated some time ago, the impact of crime on people and areas already disadvantaged in other ways is likely to have a powerful and demoralizing effect. People are more worried about crime where its incidence is most often identified (Upson, 2005, p. 101). As Rock has pointed out, the concern for victims has represented a substantial shift in criminological thinking over a relatively short space of time: 'until the late 1970s victims were almost wholly neglected in criminology and criminal justice' (Rock, 2002, p. 1). While, as he notes, there is an association between this growing awareness and a strong populist tide of rhetoric, there have also emerged more thoughtful analyses:

We know that our earlier assumptions about the impact, quantity and spread of crime have had to be replaced not only by an appreciation of its deep, persistent pervasive and often unexpected effects, but also by an awareness of its capacity to confound typifications of who the victim and offender might actually be (Rock, 2002, p. 11).

As a consequence, he says, there needs to be a more sensitive appreciation of ‘the victim’ and what it means to her/him to be offended against and how s/he comes to terms with the experience. It is not simply a matter of following a predetermined script, despite the best efforts of some: ‘What else do crime series and shows such as *Kilroy* and *Oprah* achieve if not to offer public representations of wounded sentiment’ (Rock, 2002, p. 18)?

One implication of these reflections is that victims’ perceptions of offenders’ level of responsibility are likely to vary, as are their views about the best way of dealing with the offence. Their responses are not limited by conventional measures of the nature and seriousness of the crimes committed either. A further level of complication is introduced when we consider the position of ‘corporate victims’ who may well have a distinctive agenda, whilst they will also be seen in a rather different way by offenders (Young, R., 2002). [Of course, many of us are also victims, often unknowingly, of corporate crime (Dignan, 2005, p. 21)].

These reflections, added to the evidence that very few offenders are ever ‘matched’ with their victims, must lead us to express some caution about the global impact of the restorative measures which are have now been integrated into the youth justice repertoire. It will, nonetheless, be helpful briefly to revisit some of the evidence on the victim perspective emerging from recent initiatives to develop a more central role for victims in youth justice processes (see Holdaway et al, 2001; Hoyle, 2002; Newburn et al, 2002; Young, 2002; Crawford and Newburn, 2003; Dignan, 2005). The introduction of the referral order, for example, has provided a good opportunity to consider at close hand just what happens when the justice system seeks to involve victims more fully. However, it should be noted that problems arise from the outset, given that securing victims’ participation at all is often problematic (Holdaway et al, 2001; Crawford and Newburn, 2003). Thus, those who reach the point of attendance at Youth Offender Panels are a relatively small fraction of an already highly selective group. Nevertheless, for those who do attend, evidence has been obtained of their underlying motivation. It is interesting, for example, that it was found to be more important to them to express their feelings or to have a direct say in how the offence was dealt with than on ensuring that they would be compensated or that a suitable punishment would be imposed.

Table 9.1 Victims' motivating factors for attending panel meetings

| <i>Motivating Factor</i> | <i>Strength of</i> | | | |
|------------------------------|--------------------|-----------------|-----------------|-------------|
| | <i>Not at All</i> | <i>Not Very</i> | <i>Somewhat</i> | <i>Very</i> |
| Expressing feelings | 4% | 9% | 7% | 78% |
| Offence resolution | 22% | 4% | 28% | 43% |
| Helping the offender | 28% | 13% | 26% | 28% |
| Seeking compensation | 33% | 13% | 15% | 35% |
| Ensuring appropriate penalty | 52% | 11% | 20% | 15% |

Adapted from: *The Introduction of Referral Orders into the Youth Justice System: Final Report* (Newburn et al, 2002, p. 45)

Thus, although this a partial view, it seems that those victims who take up the opportunity to attend panel meetings are very much concerned with engaging with the offender, and solving the problems that the offence has caused. Hoyle's study of the Thames Valley Restorative justice project also appears to support this observation; for example: 'I just wanted to get the message across to him that if it happened to him how would he feel, basically, I mean, for him to put himself in my shoes (victim, quoted in Hoyle, 2002, p. 120). Even 'helping the offender' appears to have come higher up victims' list of priorities than seeking redress (Newburn et al, 2002, p. 45). Exploring victims' views in more detail, researchers have found that their generally positive views of the process were somewhat tempered by the limited nature of their involvement, and their inability to secure the outcomes they required, in the form of compensation or apologies. Dignan (2005, p. 154), too, suggests that victims may be beneficially involved in restorative processes, but still be left dissatisfied with the outcomes. Victims appeared to want a greater sense of involvement in the entire process, rather than merely attending the formal panel meeting alone. In particular,

they wanted to know what happened afterwards, and ‘if the young person had managed to stay out of trouble. One of the most important factors for many of the victims was “has it worked?”’ (Newburn et al, 2002, p. 47).

Nonetheless, the evidence seems to suggest that for those victims who were involved in Youth Offender Panels, the process was generally viewed in very positive terms, although this was, of course, a self-selecting sample, whose very involvement may have indicated a predisposition towards negotiated solutions. Thus, there may be some indication that victims of youth crime may aspire towards an approach based on offence resolution, rather than simply on retribution.

The partial nature of victim involvement is borne out by other evidence, both more generally (Dignan, 2005), and specific to the field of youth justice. Thus, Holdaway et al (2001) have reported ‘low consent rates’ for victims approached to participate in Reparation and Action Plan Orders, with only half of those asked agreeing to either direct or indirect means of making amends by the offender. Victims were much more likely to participate if they were not asked to ‘opt in’ to the process, that is, where they were specifically encouraged to participate, rather than being left to make up their own minds. The conclusion drawn is that there is limited enthusiasm amongst victims for more direct engagement with young offenders, and, indeed, a feeling that in some cases their interests might be subsumed under those of the justice system, or even young offenders themselves (Holdaway et al, 2001, p. 81). In some cases, too, this perception has been borne out by experience:

‘The impression I got from [the facilitator] was that... he was wanting to get them off as lightly as possible.... He was looking after them. It was outrageous.... It was a very one-sided thing and we just had to go along with it....’ (mother of victim, quoted in Burnett and Appleton, 2004, p. 48)

These observations are supported by other findings (Davis et al, 1988; Hoyle, 2002; Dignan, 2005). For some, this is unsurprising, given that victims will necessarily have their own priorities. We should be more ready to doubt the ‘often unquestioned assumption that victims want to assume a role in the state response to “their” offender... most restorative justice schemes find that by no means all victims wish to be fully involved’ (Hoyle, 2002, p. 104). This certainly coincides with the present author’s experience based originally in a juvenile diversion project during the 1980s,

where the lack of pressure to involve victims meant that they could be approached on their own terms.

Victims' unwillingness to get involved clearly has a number of origins, including the fear of retaliation ('secondary victimisation'; Dignan, 2005, p. 85) and the belief that it is and should be the job of the police and the justice system to deal with the offence – in the same way, perhaps, as we might ask a plumber simply to come and mend a leak, rather than be 'engaged' in the process. For others, it may be that they do not have a particularly favourable view of the justice process itself: 'I have to say if I was a victim of a similar crime again... I've got a feeling I would administer my own justice and not involve the police...' (quoted in Hoyle, 2002, p. 125).

This again, acts as a salutary reminder that we should not draw over-optimistic conclusions from positive accounts of victim involvement in restorative programmes. Hoyle concludes that to focus solely on improving restorative processes risks overlooking the more important challenge of 'empowering victims generally' (Hoyle, 2002, p. 130). The interests of victims can be seen to range well beyond the question of appropriate engagement in youth justice interventions to wider considerations of safety, security and community participation. Restorative justice initiatives may offer positive benefits to *some* victims, but they may be ill-suited to dealing with the much larger questions of the complex relationship between offending and victimhood; for example, where their experiences overlap or coincide, as in the experience of many young people (Owen and Sweeting, 2007). Indeed, arbitrary separations between the interests of 'victims' and 'offenders' are conceptual over-simplifications and are ultimately unhelpful in obstructing the pursuit of 'inclusive' forms of criminal and social justice (Dignan, 2005, p. 187).

The Community: Conflicting needs or common agendas?

As Dignan (2005) also points out, the interests of 'the community' may stand in a complex relationship to both victims and offenders, which may lead us in the direction of rather different models of restorative justice to that currently being prevalent in England and Wales.

Following a line of argument which suggests that it is extremely difficult and, in fact, unhelpful to seek to create arbitrary distinctions between overlapping interests, it will be helpful now to move on to consider the broader concerns of neighbourhoods and communities in relation to anti-social behaviour, youth crime and youth justice. The

backdrop for any such innovations, however, is not propitious. Concerns about the behaviour of young people are connected with wider and extensive fears about deteriorating standards of living, neighbourhood decay, abandonment and moral decline. There is said to be a close link between ‘disorder’, fear of crime and a progressive cycle of neighbourhood decline and increasing criminalization (Hancock, 1999). There appears to be a direct and cumulative relationship between perceptions and experience, so that the sense of a community ‘going downhill’ is reinforced by observable events and changes in the landscape:

There are lots of young people hanging around at weekends.... There is a *lot* of litter. People throw their litter down as they walk past. We have also had problems with broken windows. Buildings have deteriorated... pride in the area has gone down. (elderly resident of Edgebank, quoted in Hancock, 2001, p. 92)

Indeed, the elision of young people with the problem of disorder and decline appears to be commonplace, and it is often assumed that it is their antisocial behaviour which causes ‘distress in neighbourhoods’ irrespective of other contributing factors (Hancock, 2006, p. 176). This message was once again at the fore in responses of leading figures, including the Prime Minister, to the 2011 ‘riots’ in parts of England; stating that something was ‘seriously wrong’ with society ‘when you see children as young as 12 or 13 looting and laughing’ (Daily Mail, 11 Aug 2011), he nonetheless chose to portray the problem as one of bad behaviour, originating in a poor upbringing, stating that ‘if we want to have any hope of mending our broken society, family and parenting is where we’ve got to start’ (Speech, 15 Aug 2011). The British Crime Survey (Budd and Simms, 2001) had previously revealed a substantial degree of concern about antisocial behaviour, which appears to be linked in people’s minds with ‘teenagers hanging around on the streets’; although we are reminded again that this is nothing new when we reflect on Corrigan’s (1979) study of young people ‘doing nothing’ on the streets of Sunderland in the mid-1970s. By 2000, over half those surveyed thought that young people ‘hanging around’ was ‘very or fairly common’, and 32% identified this as a problem in itself. At the same time, 31% of respondents thought that this was having a ‘negative impact’ on the quality of life in their neighbourhoods (Budd and Simms, 2002, p. 2); this was the

single biggest factor mentioned in this respect. Furthermore, a fifth of those interviewed cited specific examples of 'young people being rude or abusive' to them in the previous twelve months (Budd and Simms, 2001, p. 4), once again, the most common example of problem behaviour cited. It should perhaps also be noted that it was people living in poorer areas, and those from Black and minority ethnic groups who were more likely to report being victimized in this way. Young people thus appear to be widely associated with antisocial behaviour and they are blamed for a general sense of disturbance and unease experienced in communities. Detailed analysis of popular concerns about antisocial behaviour identifies 'teenagers hanging around' as a significant cause for concern, with 28% of the population regarding this as a 'very or fairly big problem' in their own area (Wood, 2004, p. 11). Although, as Hancock (2006) points out, forms of antisocial behaviour such as speeding and inconsiderate parking caused concern to the largest numbers of people, other behaviours specifically associated with young people also figured highly in the list of irritations (litter, letting off fireworks, graffiti and 'being drunk or rowdy', for example). Such findings appear to remain constant over time, with a subsequent survey of public attitudes to youth crime noting that:

Participants talked, often at length, about the disruptive and threatening presence of groups of young people in their neighbourhoods. On occasion reference was made to "gangs" but more often concerns were about informal groups "hanging about" the streets or parks. (Jacobson and Kirby, 2012, p. 7)

Additional analysis deriving from the British Crime Survey (Mattinson and Mirrlees-Black, 2000) has shed further light on this issue. The public has been reported to substantially overestimate 'juvenile involvement in crime', with 28% of respondents believing that young people were responsible for most crime, whereas, in fact, 89% of 'known offenders' are aged over 18. This mismatch may, of course, partly be accounted for by different understandings of the term 'young', and by variable perceptions of what counts as 'crime', especially those offences which are not officially recorded as such. For example, this survey suggests that as many as 40% of respondents thought that 'teenagers hanging around' and damage to property were problems in their own area:

Respondents are likely to extrapolate from their own local experience when forming a view about the national crime picture. Certainly, those respondents who said teenagers hanging around was a big problem in their area were significantly more likely to say crime was mainly committed by juvenile offenders. (Mattinson and Mirrlees-Black, 2000, p. 12)

Of course, it is not inevitable that these views will feed straightforwardly into attitudes and beliefs about how to deal with the crimes of the young and with what degree of severity. However, studies have consistently shown that most people feel that the courts are 'too soft' with offenders in general (Hough and Roberts, 2004), but that they also under-estimate the severity of sanctions actually administered (Hough and Mayhew, 1985; Hough and Roberts, 1998). Thus, demands for more stringent penalties, particularly greater use of custody for specific offences (Hough and Roberts, 1998) are largely based on a misconception about current sentencing practice. Those who have been victims of offences have been reported as being slightly more likely to demand harsher sentences (Hough and Roberts, 1998). As well as having a distorted view of sentencing practice, surveys have also demonstrated repeatedly that the public holds erroneous views about trends in youth crime (Hough and Roberts, 1998; Mattinson and Mirrlees-Black, 2000), which is likely to be associated with a belief in the need for tougher sentences. Acknowledging that perceptions of the pattern of youth crime are unbalanced, 'media portrayals of persistent juvenile offenders and the continuing influence of the James Bulger murder on the public psyche... are the most likely cause' (Mattinson and Mirrlees-Black, 2000, p. 14). Of course, the 'hegemonic' role of politicians in both echoing and reinforcing public opinion is also significant (see Chapter 8), although these authors do not comment on this possibility. Further evidence of the mismatch between public perceptions and practice has been provided more recently, and once again, the media seem to be largely to blame:

Three quarters of the population thought that youth crime was rising, when there was little evidence for this. They cited the media as the main source of information that led them to this belief. (Hough and Roberts, 2004, p. 17)

The role of the media in shaping opinions and attitudes about youth crime is supported by other research, too (Allen, 2004). The scepticism about crime levels amongst the general population may also be linked with their perception that other aspects of the youth justice system are also performing poorly. One report based on the British Crime Survey has suggested that only 14% of respondents thought that the 'juvenile courts' were doing a good job (Mattinson and Mirrlees-Black, 2000, p. 17), and those who had recently been victims of crime held even more negative views in this respect. This view seems also to be associated with a belief that courts are 'too lenient' - held by 76% surveyed in one study (Mattinson and Mirrlees-Black, 2000, p. 18) and remaining at about this level over time, according to others (Hough and Roberts, 2004, p. 26). Interestingly, it also seems that this belief applies much more strongly to the sentencing of young people who offend than adults. As has been observed, there appears to be a correlation between ignorance of the justice system and a belief that courts perform poorly and are too 'soft'. There also appears to be a correlation between concerns about 'teenagers hanging around' and poor opinions of the court process:

It may be that physical and social disorder is taken as evidence of a crime problem that is not being adequately contained. Or, perhaps, [this] reflects a belief that the police and courts remit does – or ought to – encompass dealing with such issues. (Mattinson and Mirrlees-Black, 2000, p. 23)

Subsequent investigation of attitudes to anti-social behaviour has confirmed the link between perceived levels of this type of behaviour and fears of crime, particularly violent crime (Wood, 2004, p. 38).

With the extension of the scope of curfew orders, and the introduction of ASBOs and dispersal orders, it could perhaps be argued that the remit of the justice system was indeed widened in just this way, in order to deal with 'nuisance' as well as criminal behaviour. Whether or not this will have a sustained impact on public confidence remains to be seen, although initial findings are not particularly encouraging in this regard (Smithson, 2004). What is evident to researchers is that the link between poor knowledge and negative perceptions suggests the value of providing better and more accurate information to the public about the incidence and impact of youth crime as

well as how it is dealt with (Allen, 2004; Hough and Roberts, 2004; Mackenzie et al, 2010).

The British Crime Survey has also explored respondents' views about the best way to enhance courts' powers to deal with young people who offend, and it has found that there is considerable support for the idea of making parents take more responsibility for their children's actions (15%) and greater use of custody (12%); these were the two most popular options amongst those questioned. There was support also for other options such as corporal punishment, tagging or curfews, community work and restitution. Thus it could be argued that the programme of sentencing reforms introduced from 2000 onwards did, indeed, reflect widely held and punitive public views; although the pressure in this direction appeared to be offset to some extent by a desire for greater use of restorative and welfare interventions (Mattinson and Mirrlees-Black, 2000, p. 24).

As noted by these researchers, this reflects a fairly consistent pattern, with earlier evidence suggesting that 'increased discipline in the home' (36%) and 'tougher sentences' (20%) were consistently popular strategies for preventing and responding to delinquency (Hough and Roberts, 1998, p. 33). When this question was posed in a different way in 2003, harsher punishment remained the second most popular option (17%), but this time it was 'more discipline in schools' (42%) which proved the most effective option in the public mind (Hough and Roberts, 2004, p. 20).

Taken together, these findings suggest that 'criminal justice' measures are favoured as solutions to the problem of crime by a relatively small proportion of the population:

Thus although [it has been] established that lenient sentencing is a concern to the British public, four out of five people see the most effective solution to crime as lying outside the criminal justice sphere system, namely in the home, the schools and the workplace. These trends are worth noting, as they contradict the view of the public as being exclusively oriented towards punishment. (Hough and Roberts, 1998, p. 34)

A subsequent MORI survey demonstrated substantial support for community-based crime prevention initiatives with young people, as well as recognition of the negative impact of custody, and a desire to reduce the general level of imprisonment (MORI, 2001). Further work in this area (Hough and Roberts, 2004) has indicated that, when

offences are made 'real' for people through the use of 'vignettes', they are willing to consider a variety of sentencing options, even in cases where custody might initially be indicated:

Even in the case of a robbery committed with violence by an offender with previous convictions – where Court of Appeal guidance indicates a significant custodial sentence – half of respondents would accept a community penalty involving supervision and reparation. (Hough and Roberts, 2004, p. 43)

There is also a degree of continuity over time, with both earlier and later studies demonstrating a similar level of willingness amongst the public to consider more moderate sentencing options for some offenders, in specific circumstances (Jacobson and Kirby, 2012, p. 27). Readiness to consider non-custodial options for non-violent offenders, for example, was identified as early as 1984 (Hough and Mayhew, 1985, p. 45); and, over an extended period of time, similar sentiments could be observed. Indeed, it seems that the more people know about the offender, her/his circumstances, and the range of disposals available, the more likely they are to support a non-custodial option (Hough and Roberts, 2004; Jacobson and Kirby, 2012).

These consistent findings have led researchers to suggest a number of policy implications, seeking to represent the collective view. They conclude that better public understanding is important; better awareness of the range of non-custodial sentencing options would be helpful; 'persistence' is a significant 'aggravating factor'; concerns about 'disorder' need to be addressed in their own right; and moves towards a more restorative approach might, by engaging both victims and the community, lead to improvements in public confidence (Mattinson and Mirrlees-Black, 2000, p. 45), as long as such measures are 'effectively implemented' (Jacobson and Kirby, 2012, p. 28).

There appears to be a notable shift of emphasis when questions about the problems and behaviour of young people are reframed (Allen, 2004). Against a generalized picture of fear and alarm and a desire for harsher punishment in the abstract, there appears to be a rather more ambivalent spirit at large when we consider young people as rounded and real individuals, and as members of their communities. In this context, concerns may be framed in terms of lack of facilities and restricted opportunities (Hancock, 1999), rather than their delinquent characteristics or their behaviour. Crime

prevention initiatives which take an 'inclusive' approach might therefore be expected to find an echo within communities who simply want problem behaviour to stop (Hancock, 2006, p. 176; Haines and Case, 2007, p. 350). The relationship between young people and their community is important; young people themselves can be engaged and may be seen as active contributors to crime reduction initiatives (Crime Concern, 2001, p. 5, for example).

The shift of focus away from the stereotypical and demonized individual troublemaker to young people as a group and as members of the community is an important aspect of the process of changing the public mindset (Hancock, 1999). The Audit Commission (2002), for example, has argued that most people are concerned about crime, especially those who have recently been victimised; at the same time, a MORI survey conducted for the same report indicated very high levels of support for action to improve facilities for young people as a means to promote community safety and to reduce crime. Thus, there appears to be a clear contrast between a generalised caricature of the offender who is 'not one of us' and deserves to be treated with severity (Hancock, 2006, p. 177), and a more inclusive notion of young people as part of the community with their own concerns (including being victims of crime) and needs which should be addressed (Case et al, 2011).

Lea and Young (1984) have previously suggested that there is a dualistic view of crime and offending and that neighbourhood dynamics are complex, leading to the continual attribution of criminality 'elsewhere', even in areas with an established reputation for high levels of crime. This rather contradictory position finds echoes also in the work of Garland, who elaborates two distinct 'criminologies', which reflect these ambiguities:

There is a *criminology of the self* that characterizes offenders as normal, rational consumers, just like us; and there is a *criminology of the other*, of the threatening outcast, the fearsome stranger, the excluded and the embittered. One is invoked to routinise crime, to allay disproportionate fears, and to promote preventative action. The other functions to demonise the criminal, to act out popular fears and resentments, and to promote support for state punishment. (Garland, 2001, p. 137)

Garland notes that it is the latter which predominates in public and political discourse, with the result that there is a prevailing view of offenders as representing this kind of stereotype: ‘young minority males, caught up in the underclass world of crime, drugs, broken families and welfare dependency’ (Garland, 2001, p. 136). Against this, however, should be noted the complexity and variety of perceptions and experiences, which influence assumptions and attitudes when young people and their behaviour are contextualised (Case et al, 2011).

Youth Crime and Black and Minority Ethnic Groups

It will also be helpful to consider questions of complexity and diversity further by addressing the position of those from Black and minority ethnic communities, who have a particular interest in the interlinked issues of youth and crime for two fundamental reasons. They are, on the one hand, more likely to be victims of crime than the population in general; and, on the other, some of them at least (notably young Black men) are disproportionately likely to be processed as offenders, as we have seen (see Chapter 7).

Firstly, in addressing the issue of ‘victimisation’, the British Crime Survey has repeatedly shown that certain groups are exposed to ‘unequal risks’ of being offended against (see for example, Mirrlees-Black et al, 1998; Kershaw et al, 2001; Barclay et al, 2005). Certain types of crime, such as burglary, vehicle-related theft and violent offences, are found to occur to a greater extent in ‘multi-ethnic areas’ (Mirrlees-Black et al, 1998), and those people living in inner-city areas are likely to be at greater risk of repeat victimisation, which may also account for the higher levels of ‘worry’ about crime observed amongst ethnic minority groups (Barclay et al, 2005, p. 4).

Subsequent findings have confirmed these general trends, with ‘the risk of being a victim of personal crime’ remaining higher for ‘members of all BME groups than for the White group’. Significantly, too, it has been found that BME children are ‘more worried about their safety’ than their White peers in certain circumstances (Ministry of Justice, 2012, p. 23).

In a very specific sense, minority ethnic groups are likely to be disproportionately affected by racist crimes (Salisbury and Upson, 2004, p. 3). As Bowling and Phillips (2002) demonstrate, such crimes, from harassment to murder, have been evident throughout the history of Black and minority ethnic communities in Britain, whilst recognition of this, from either criminological or other sources, has been slow to

follow. Thus, records of 'racial incidents' have only been maintained since the 1980s, and it is only from the 1990s onwards that 'concern about racist violence' has been heightened (Bowling and Phillips, 2002, p. 109), initially in response to the murder of Stephen Lawrence, and more recently that of Zahid Mubarek (Keith, 2006). The report of the inquiry into the first of these deaths concluded that too little attention was paid by official bodies to 'racist incidents' (Macpherson, 1999). In response to this prompt, the number of such incidents recorded increased from 13,878 in the year ending March 1998 to 47,814 in the twelve month period to March 2000 (245%). Despite a decline in preceding years, this figure had nonetheless risen to 51,187 by 2010/11 (Ministry of Justice, 2012, p. 11).

Such statistics are, of course, an imprecise indicator of what is happening 'on the ground', but they suggest that one or more of three possible factors are in play. It may be that police and other elements of the justice system are taking such incidents more seriously; they may show that the number of racist crimes has increased significantly; or they may suggest a greater degree of awareness and confidence in the justice system amongst people from ethnic minorities, and thus a greater willingness to report incidents. Whatever the reason, though, the figures suggest that there is a very substantial level of racist crime taking place in Britain. In one local survey, around 1 in 5 of all Black and Asian adults in Newham had experienced 'some form of racist victimisation' (Bowling and Phillips, 2002, p. 112). Perceptions about the perpetrators of such offences are similar to those for offences in general, with 'young, white males' being identified as primarily responsible (Percy, 1998, p. 1).

As Bowling and Phillips have observed, this evidence helps to explain why minority ethnic communities are more fearful of crime than their white counterparts:

Although the relationship between fear, crime and victimisation is a complex one, fear of 'ordinary crime' among people from ethnic minority communities is fundamentally shaped by their *fear of racist victimisation*. (Bowling and Phillips, p. 113)

This is not a uniform pattern (Yarrow, 2005, p. 30), but nevertheless, people from ethnic minorities are more likely to be fearful of crime (Percy, 1998; Clancy et al, 2001; Barclay et al, 2005). Percy (1998, p. 29), for example, has reported 40% of people from ethnic minorities being 'very worried' about burglary compared to 21%

of white people. Indeed, confirming Percy's (1998) earlier conclusions, Kautt (2008, p. 26), found that 'fear of crime adversely affects the quality of life significantly more for Black and Asian [British Crime Survey] respondents than White respondents. As the Stephen Lawrence inquiry forcefully demonstrated, Black and minority ethnic groups are also often dissatisfied with the official response to crimes against them. The report of the inquiry commented on a pervasive sense of mistrust:

the atmosphere in which racist incidents and crimes are investigated must be considered since that will condition the actions and responses which may follow. That atmosphere was strongly voiced in the attitude of those who came to our hearings. In the words of David Muir, representing senior Black Church leaders 'the experience of black people over the last 30 years has been that we have been over policed and under protected.' (Macpherson, 1999, para 45.7)

Similar feelings have regularly been expressed in local surveys (AFFOR, 1978; Saini, 1997; Breese, 2013), revealing a widely held view amongst victims that involving the police would be pointless. Qualitative research also reveals a degree of suspicion and mistrust amongst certain groups, such as young Black men who are victims of crime (Yarrow, 2005, p. 16), and amongst those who had been subject to specific practices such as police 'stop and searches' (Gervais, 2008, p. 68).

A distinction must be made, however, between levels of 'satisfaction' with the criminal justice system and the degree of 'confidence' held by particular groups, depending. It seems on their differential experiences, as community members, victims or alleged offenders. Thus, for example 70% of the white population were reported at one point to be 'very/fairly satisfied', whilst this figure fell to 56% for Pakistani or Bangladeshi respondents (Clancy et al, 2001, p. 3). These are persistent problems (Bowling and Phillips, 2002), related to dissatisfaction with the 'overall performance' of the police, who are found not to show sufficient interest or to be polite (Yarrow, 2005; Gervais, 2008). Such concerns about the nature of the police response are supported and reinforce more general beliefs about the unfair treatment of certain ethnic groups. The broad perception of inconsistency, lack of interest and second class treatment by the police seems to be held fairly widely (Bowling and Phillips, 2002, p. 136; House of Commons Home Affairs Committee, 2007).

However, there appears to be less concern about *other* aspects of the justice system. Indeed, people from minority ethnic groups have been reported as being more confident than white respondents that the system is 'effective in bringing people who commit crimes to justice' and that it 'meets the needs of victims of crime' (Mirrlees-Black, 2001, p. 3), although ethnicity has not been found to affect confidence in the police elsewhere (Myhill and Beak, 2008, p. 9). In other words, the concerns of Black and minority ethnic communities about the operation of the criminal justice process do appear to reflect something more than blanket disapproval. The police and the prisons are seen by these groups as being more likely to be seen as doing a 'poor job' by respondents from these groups than from the white population, possibly because these are more routinely experienced as points of contact, and of direct mistreatment (MORI, 2005); however, courts, probation and prosecutors are more likely to be seen by them as doing a 'good job' (Mirrlees-Black, 2001, p. 4). The explanation for these disparities may well lie in the distinction between a principled support for a system of justice on which people might well need to call, and the direct experiences of those coming into contact with that system, especially young people, which are discriminatory and oppressive (May et al, 2009).

It may be that the police are a specific focus for discontent because they are the first point of contact with the judicial apparatus for many, and that this contact has been experienced as inadequate and/or discriminatory by many (Yarrow, 2005):

Stop and search was generally viewed by the young people interviewed as over-zealous and aggressive.... (May et al, 2009, p. 11)

More recently, perceptions of oppressive treatment are now apparent amongst Muslim communities, where young people also appear to be disproportionately targeted by police (Choudhury and Fenwick, 2011).

The unfair treatment of young Black people who are suspected of crime results in low confidence in the police (Clancy et al, 2001), and this is compounded by a perception that they do not receive a respectful or committed response when they are victims of crime (Yarrow, 2005). Unsurprisingly therefore the solutions favoured by this group are not technical, but involve major change. For Black and minority ethnic groups the strands of racist crime, victimization and fear, and the experience of discriminatory treatment are intertwined, and lead to the conclusion that a systematic strategy aimed at (re)building mutual trust and respect is required (Macpherson, 1999; Lawrence Steering Group, 2004).

At local level, a number of such initiatives can be identified; for example, the Black Community Safety Project produced its own agenda for change, focusing on the interests of victims and young people as well as the wider community (Saini, 1997). Those people surveyed on behalf of the project wanted 'more police patrolling the streets', but they also wanted police to treat them with more respect, and wanted more police officers to be recruited from ethnic minorities. They also expected the police to improve the service offered to those affected by crime and to work on improving their relations with young people. Despite such initiatives, little progress appears to have been made in improving the confidence of Black communities in the police and criminal justice system (Lawrence Steering Group, 2004, p. 16; Allen et al, 2006; Office for National Statistics 2012).

In addition to police-specific improvements, local projects have also identified a desire to see greater emphasis on community safety and crime prevention, including prevention of racially-motivated attacks. The education system, for example, should bear some responsibility for teaching respect for people and property, and promoting greater 'parental control'. The attention given to changes *within* the youth justice system may be quite limited, focusing on issues such as the need for better support for Black people within the court setting (Saini, 1997, p. 40).

These aspirations were reflected in some of the recommendations arising from the Stephen Lawrence inquiry (for example, Recommendations 35-37 directed at the Crown Prosecution Service; and Recommendations 67-69 intended for the education system; Macpherson, 1999). Britton, too, has suggested that from the perspective of Black and minority ethnic communities a holistic approach is needed: 'statutory organisations should place tackling institutionalised racism at the centre of their policy agendas... statutory organisations should have their policies and daily practice rigorously monitored' (Britton, 2000, p. 108).

Bowling and Phillips (2002) have broadened this argument to include the impact of social variations and structural inequalities on criminal justice practices and procedures. Thus, for example, account should be taken of the way in which family circumstances impact on bail decisions, whereby apparently neutral rules of decision-making produce inequitable outcomes, with a greater number of young Black people liable to be remanded to custody. It is concluded that it is unacceptable to allow the continuation of practices which 'marginalise, criminalise and socially exclude ethnic minority communities in England' (Bowling and Phillips, 2002, p. 260).

In light of these findings, generalised moves towards harsher treatment of young offenders (Hough and Roberts, 2004) become highly problematic, since any unfairnesses built into the system will only result in more acute levels of discrimination. The technical and managerial preoccupations of New Labour with crime control and behaviour management thus seem to have been greatly misconceived (see Bowling and Phillips, 2002, p. 258), compounding rather than addressing systemic discriminatory practices. On the other hand, this is not to imply that the apparent liberalisation of youth justice from 2008 onwards can of itself be expected to resolve the problems associated with the discrimination experienced by Black and other minority ethnic groups, which appears to be highly intractable.

'What About Us?' Young People's Views

More broadly, there is also evidence that young people in general are both 'over-policed' and 'under-protected'. The context in which young people form their views about crime and punishment is one in which they are more likely than the general population to be victimised or experience 'anti-social behaviour' (Haines and Drakeford, 1998; Budd and Simms, 2001; Kershaw et al, 2001; Armstrong et al, 2005). Many children have reported to be fearful for their own safety; in one example, 42% of those surveyed reported feeling unsafe 'walking around their local area alone in the dark' (MORI, 2002), although those identified as potential offenders appeared to be rather more confident (MORI, 2004, p. 48). Levels of concern about becoming a victim of crime were high, with 45% of children in mainstream education reported as fearing theft, with 47% worrying about being physically assaulted, whilst 53% of 'Asian' young people and 42% of 'black young men' were fearful of experiencing racism (MORI, 2004, p. 49). Young people who were 'excluded' from school and therefore assumed to be more likely to offend were somewhat less worried about being victimised (23% fear theft and 26% physical assault, for example). In other studies, too, children have consistently expressed apprehension about the behaviour of older children and 'teenagers' (Hine, 2004). As children get older, perhaps unsurprisingly, they become less fearful (MORI, 2004, p.48).

Their fears are not baseless, as we have seen. MORI's Youth Surveys have consistently shown high levels of victimisation, with 49% of 'mainstream' children stating that one or more offences had been committed against them in the previous year, including being threatened (26%), bullied (23%), experiencing theft (15%), or

having property damaged (14%). Those who are 'excluded' are more likely to be victimised (55%) than mainstream children. Of those who had an offence committed against them, 74% of 'mainstream' and 59% of 'excluded' children reported that another young person had been responsible (MORI, 2004, p.54). Where young people tell anyone about the offence, it is usually parents whom they inform, then friends or teachers, and only 13% report the matter to the police (21% for the 'excluded' group). A significant proportion try to 'sort it out' themselves (26% mainstream, 39% excluded; see also, Haines and Drakeford, 1998, p. 22). The picture here is one of routine victimization of young people, who at the same time place little reliance on the formal machinery of the justice system to resolve offences.

Although young people are at least as likely as adults to experience crime, their views on the justice system appear to differ somewhat. In comparing the views of adult respondents with those of 'juveniles', it may be that the determining factor for differences of attitude is age rather than offending (Mattinson, 2000, p. 20). Those aged 12-17 appear considerably less likely to believe the courts too lenient (29%) than adults in general (76%). However, even young people appear to believe that the youth justice system is too lenient overall.

A number of exercises to ascertain young people's views have tended to support the view that young people are in favour of tough punishment; thus: if 'somebody is caught [for an offence] they should be punished severely' (12-year-old boy, quoted in Children and Young Persons Unit, 2001), and 'tougher penalties for young people' were also requested by young people surveyed in Greater Manchester (Greater Manchester Police Authority, 2002). On the other hand young people do appear more likely than adults to believe that the police and courts' treatment of offenders is 'about right'. The reasons for this are not entirely clear, although it may be that young people are inevitably somewhat closer to the actual workings of youth justice, and do not therefore share the unrealistic beliefs of the adult population. Young people might also be less willing to support punitive measures, partly because they are more 'understanding' of those who commit crime: 'Some people in gangs get involved because they could have a bad life at home, and... [they're] pressured into it. That's how people join gangs, they're pressured into it. Having a lot of trouble at home and that' (quoted in Willow, 1999, p. 52).

However, there is no evidence that young people take a less serious view of 'delinquent acts' than the population overall (Smith et al, 2001). They appear to share

a common view of a continuum of criminal behaviours, from minor infringements such as fare-dodging, through to 'quite serious' acts such as shoplifting and graffiti, and 'very serious' offences such as housebreaking, joy-riding and fire-raising (see also, MORI, 2002). However, there appears to be some evidence of 'neutralization' (Matza, 1964), whereby minor infringements can be viewed as acceptable. Those who have engaged in 'less serious' criminal behaviour are less likely than their law-abiding peers to see these as significant transgressions (Smith et al, 2001), and Hine reports an age factor in this respect:

The younger age groups are sure that stealing any item is wrong. The older groups presented more tolerance, and even approval of stealing minor items of little value, but when the item involved is more valuable (such as a CD player) there is general disapproval here too. Children and young people clearly have a moral code which they can articulate and apply. (Hine, 2004, p. 41).

The overall picture suggests that young people share many of the moral judgements and rules of behaviour of the community in general, expressing similar concerns about personal safety and the fear of crime (for example, Greater Manchester Police Authority, 2002; Hine, 2004), and holding similar views about the need for criminal sanctions and tougher punishment. This assessment finds support from wider surveys of the values and attitudes of young people which have also found that 'young people's values did not differ significantly to those documented for adults' (Thompson et al, 1999, p. 5). Despite this, it would appear that young people are not always well served by the formal justice system, with many offences going unreported, as we have seen, and a general sense of 'not being listened to', especially for Black young people (Yarrow, 2005).

Young people in Manchester have identified a need for 'more interaction by the police with young people; serious treatment of young people when reporting a crime; treating young people with respect; not being judgemental' (Greater Manchester Police Authority, 2002, p. 1). These concerns about not being taken seriously are echoed elsewhere: 'I don't trust the police cos.... Like when someone stole my scooter. And he goes, "have you got it back?" And, he goes, "yes". "But can you find the person who done it?" and he goes "Sorry, sort it out yourself" (8/9-year-old quoted in Hine, 2004, p. 31). Being treated with a 'lack of respect' remains a

persistent concern for young people coming into contact with the police (Botley et al, 2010).

The disparities between young people's beliefs and their experiences mirror those of BME groups and may account for their clearly ambivalent views about authority figures and the legitimacy of the powers they are ascribed (Thompson et al, 1999). As active participants in the social world (Smith, R., 2002c), young people do not simply take existing structures and systems of power as given; indeed, respect and recognition must be earned:

Traditional authority figures such as the police, religious leaders and the royal family received very little automatic respect from young people. They explained that respect must be earned, authority won and merit proven....

While young people did not always invest teachers with moral authority, they watched them closely to see if they were worthy of it. (Thompson et al, 1999, p. 6)

Young people seem to be looking for certain characteristics in those who claim authority over them, in order to evaluate the legitimacy of these claims – characteristics such as 'consistency, care, the ability to listen and practical skills' (Thompson et al, 1999, p. 6). It is important here to distinguish between the broad consensus to be found about what is appropriate behaviour and the means by which this is enforced, on the one hand, and the experience of the (mis)application of these normative understandings in practice, on the other. Young people consistently believe that their concerns are not taken seriously, and that they are treated unfairly: 'Police... don't make us feel safe and take their time getting to the crime scene' (14-year-old girl); and 'I have had police harassment on the streets for no reason other than being young' (16-year-old male) (from Children and Young People's Unit, 2001); and 'they've got the authority, just abuse the power they've got, so they know they can do it, they know they can get away with it, there's nothing no one can do about it' (Botley et al, 2010, p. 5). That these concerns are not new is graphically conveyed by a much earlier study: 'I fuckin' hate coppers. They've just tried to do us for robbing some fuckin' sword or something. Murky and me were walking up thee hill. Up they screeched, pulls us into the back of the car and start acting hard' (quoted in Parker, 1974, p. 162).

This kind of perception creates some difficulties for the youth justice system in laying claim to legitimacy and the authority to impose sanctions for wrongful behaviour. Moral rectitude clearly does not lie only on one side, especially for young people who are identified as offenders. While Parker's study identified the police as the initial source of distrust and hostility, the resentment of unfairly imposed authority also extended to other aspects of the justice system, including probation and social services: 'Tank was extremely disillusioned to find that the social worker who had always helped out with his rather chaotic family had finally recommended him for a period of detention' (Parker, 1974, p. 173).

Moving forward in time again, it seems that legitimacy and fair treatment remain significant areas of concern for those processed as young offenders. In terms of system effectiveness alone, it is likely that rates of non-compliance and even re-offending may be influenced by their perceptions of what is 'just'; but these issues also raise more fundamental questions about what sort of youth justice system we want. An important study carried out with young people in custody (aged 15 to 21) sheds some light on this (Lyon et al, 2000). These young people talked first about the contextual factors relating to their criminal activities:

They talked about growing up in bad areas, with high levels of crime and drug use; being labelled by education as a 'problem' and subsequently being excluded; they gave explanations for beginning offending; and they were critical of the way they had been treated by the criminal justice system. (Lyon et al, 2000, p. 7)

Their complaints focused on the police, the courts and other players in the justice system. The police, for instance, were seen to be 'taking advantage of their power... the majority of young people did not have respect for the police. Nor did they see them as any deterrent against becoming involved in crime' (Lyon et al, 2000, p. 23). These views extended to the courts, where judges were seen as both racist and biased against young women; sentencers were criticised for 'not caring'. Youth justice professionals were seen as indifferent and lazy: 'The probation officer doesn't know what's going on. They should know you – they're your probation officer. They should know that you're going down again – they should know what's happening in your life shouldn't they?' (quoted in Lyon et al, 2000, p. 27). The experience of custody itself

was seen as a poor preparation for a law-abiding life outside (a finding which has been subsequently reinforced; see Summerfield, 2011). For most, ‘prison was a dislocating experience.... It was a “whole other life”, not connected to their everyday lives before entering custody, and often not preparing them at all well for release....’ (Lyon et al, 2000, p. 29).

Despite their overwhelmingly negative experiences, the young people in this study appeared to have a real commitment to avoid offending in the future, and it was in this light that they made a number of suggestions for improving the justice system, in order to address issues both of effectiveness and legitimacy. They supported ideas for preventing crime by targeting children at risk of social exclusion; they argued for improved peer support (mentoring) programmes; they emphasised the importance of continuing education; and they identified the need for continuity and stability for those in local authority care.

Specifically in relation to the justice system, these young people argued for tougher treatment of drug dealers, improved relations between police and young people, and fairer and explicitly anti-racist practice at all stages of the judicial process. They were also supportive of ideas such as mentoring, reparation and citizenship education, which they felt might reduce re-offending. In addition, they argued for better and more consistent welfare support to enable them to be reintegrated effectively into the community. Above all, it was found, young people processed by the justice system wanted to be treated with respect, something which they felt had not been accorded to them in many cases.

The authors of this report concluded positively that:

Many of the young people’s concerns about lack of professionalism are being tackled by the Government’s agenda for reform of the youth justice system and the work of the Youth Justice Board.... The young people highlighted the need for complex solutions to complex problems. Their views support the Government’s joined-up approach to tackling social inequalities as a way to reduce crime. (Lyon et al, 2000, pp. 80-81)

A subsequent and comprehensive study of young offenders’ views confirmed many of these concerns reported, especially about their treatment by the police, discrimination,

the adverse effects of custody and the need for suitable support in the community (Hazel et al, 2002).

It seems to be the case that young people (offenders and non-offenders) share a detailed and nuanced understanding of youth offending, which means that simplistic responses are unlikely to be effective. Young people resent being targeted simply because of their age, and they feel that they have something to offer in constructing realistic solutions to perceived social problems (for example, the ‘Young Voices’ initiative in Liverpool; Hancock, 2006, p. 178). Interventions and policies need to be holistic and focus on the social context and the social construction of crime (and antisocial behaviour) as a problem as well as – and arguably, to a greater extent than its immediate manifestations. To concentrate on dealing with their behaviour in isolation and out of context is not seen as justified by young people, and seems to them to be inherently unfair and discriminatory.

The Answers are Complex

The perceptions and attitudes of those with an interest of one kind or another in the youth justice system, far from reflecting simplistic judgements and identifying simple solutions, provides ample evidence that the issue is multifaceted and demands careful analysis and considered action. Attitudes appear to be shaped partly in a context of limited and skewed knowledge (Mirrlees-Black and Allen, 1998; Hough and Roberts, 2004). Thus, for example, the public believes the youth justice system to be too lenient (Ashcroft, 2102), in fact, far more lenient than it actually is, and seeks tougher punishments in the light of this erroneous belief. Despite this, popular sentiment is not uncompromisingly punitive (MORI, 2001). Even among victims, there is support for approaches based on restorative principles (Mattinson and Mirrlees-Black, 2001), and more detailed information and understanding generates a less punitive response from the public at large (Hough and Roberts, 2004). Young people, including those who offend, appear to share widely held views about ‘right’ and ‘wrong’ (MORI, 2002), but they are concerned about the inadequacies and injustices of the criminal process, feeling that it does not take their wishes and needs seriously (Centre for Social Justice, 2012), and that it is a source of racist and oppressive practice (Lyon et al, 2000; Bowling and Phillips, 2002; Children and Young Person’s Unit, 2002; Yarrow, 2005; Home Affairs Select Committee, 2007).

Although perceptions differ quite widely, it seems that there is a broad and enduring consensus that our approach to dealing with the problems of young people needs to be substantially rethought and revised. There is also substantial support for the view that the most effective strategies must concentrate on securing wider social change outside the relatively narrow confines of the 'justice system' itself, which should not simply be treated as a 'dumping ground' for wider social issues (Centre for Social Justice, 2012, p. 12). There is a need for new and imaginative developments. If these are pursued explicitly and coherently, they might even incur public approval (Green, 2006):

When public opinion is complex and multilayered... there can be no policy justification for privileging people's unconsidered desire for tougher punishment and ignoring other dimensions to their views....
there is clearly potential for building on public support for new approaches to sentencing young offenders.... (Hough and Roberts, 2004, p. xi)