CURRENT ISSUES

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NO MORE EXCUSES: A NEW APPROACH TO TACKLING YOUTH CRIME IN ENGLAND AND WALES; A SUMMARY

INTRODUCTION

In the autumn of 1997 the British Home Office issued three consultation papers inviting those concerned to give their views in response to proposals for a radical reform of the youth justice system in England and Wales. The proposals took on a more definitive nature with the publication in November 1997 of a White Paper entitled *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales*. No more excuses are to be made, then, either for the ineffectiveness of the youth justice system or for the young offenders who end up in the system. In his preface, the Home Secretary Jack Straw even refers to the ‘excuse culture’ that has grown in the youth justice system: the White Paper draws a line under this.

The editors of the *European Journal on Criminal Policy and Research* would like to encourage the debate on the British proposals concerning youth crime. In respect of this, an extended summary is published in this issue. In the next issue comments on these proposals will be published. The summary was made by Alfred Hakkert of the Dutch Ministry of Justice.¹

In 1996 the Audit Commission found grave defects in the present youth justice system. It is inefficient and expensive when it comes to tackling youth crime, and fails to deal with the disorder caused by young offenders. It does not make enough effort to lead youngsters from a life of crime towards more constructive activities, with the result that they repeatedly pass through the youth justice system. The goals of the reform programme are:

- a clear strategy to prevent offending and re-offending;
- to encourage young offenders and their parents to take responsibility for their offending behaviour;
- earlier, more effective prevention;
- faster, more efficient procedures from arrest to sentence;
- partnership between the agencies involved to improve the effectiveness of the system.

¹ The complete White Paper can be found on the Home Office Internet site (http: www.homeoffice.gov.uk) or can be ordered from the Home Office.
These measures are to be embodied in the Crime and Disorder Bill. The White Paper also puts forward some proposals for consultation on a protocol focusing on preventing criminal behaviour. The main proposals, however, involve changing the culture of the youth court.

The various proposals in the White Paper are summarised below. Some of them are outlined in less detail in the White Paper than they were in the consultation papers: from time to time the White Paper refers to these for clarification. The same approach is adopted here.

A Clear Strategy

Principal Aim of Youth Justice System and Duty of the Agencies

Until now, according to the White Paper, the youth justice system has been split between two ideas that were actually regarded as incompatible: looking after the young person’s welfare on the one hand, and protecting the public, punishing offenders and preventing crime on the other. This confusion has resulted in a loss of public confidence in the youth justice system. But there is no longer seen to be any conflict between looking after the young person’s welfare and preventing him from re-offending: by tackling criminal behaviour we are enhancing the individual young person’s welfare as well as protecting the public. Preventing crime must be the principal aim of the youth justice system and the duty of those working in it. The Crime and Disorder Bill will make this a statutory duty. In practice, for example, this duty could result in avoiding unnecessary delay in trying a young offender’s case so that he does not re-offend while awaiting the court’s decision.

It is proposed that the principal aim of the youth justice system and the duty of agencies in the system be backed up by certain non-statutory objectives for those agencies, involving:

- fast-track justice;
- confronting young offenders with the consequences of their offending for themselves and their family, their victims and their community;
- punishment proportionate to the seriousness and persistence of offending;
- encouraging reparation to victims;
- reinforcing the responsibilities of parents;
- helping young offenders to tackle problems associated with their offending and to develop a sense of personal responsibility.