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Department Of Justice  
Information Services Division  
Block B, Castle Buildings,  
Stormont Estate  
Belfast  
BT4 3SU

Date 2 /8 /17

### **Public Prosecution Service: Development of Youth Justice Policy**

Dear Sir/Madam,

I am writing to advise you that the PPS's Policy and Information Unit has commenced the development of a new Youth Justice Policy for our organisation.

The PPS is committed to ensuring that this policy reflects best practice and procedure in this area. Therefore at the outset of the process, we are keen to engage with stakeholders across the sector in order to ascertain views on a range of issues around youth justice.

As a starting point I would invite you to complete the attached template (see Annex A below) which sets out a number of the key themes. This is not an exhaustive list and you may wish to comment, for example, on other emerging issues within youth justice as identified by your organisation.

Please note that not all of the headings may be directly relevant to your particular organisation, but we would welcome your initial thoughts on any or all of these areas.

I would be grateful if you could submit your completed return by **Friday 1 September**. If we have not heard from you by that date, we will assume you have no representations to make at this stage. However there will of course be further opportunities to comment on the draft policy at the consultation stage.

In the event that you require any further information regarding this initiative, please contact our office, either by telephone on 02890 897100 or by email to [info@ppsni.gsi.gov.uk](mailto:info@ppsni.gsi.gov.uk).

Once you have submitted a return, we will be happy to meet to discuss any of the matters raised.

Your assistance is greatly appreciated.

Yours sincerely,

**Richard Scullion**  
**Head of Policy and Information**  
**Public Prosecution Service**

## Annex A: Consultation on PPS Youth Justice Policy

<b>Organisation:</b>	Extern
<b>Name and Contact Details:</b>	Danny McQuillan, 07720440072 <a href="mailto:danny.mcquillan@extern.org">danny.mcquillan@extern.org</a> Director of Services
<b>Would you like to meet with a member of the PPS Policy Team to discuss the issues raised in this return?</b>	

Ref	Issue	Comment
1.	Youth offending – general issues	Recent statistics suggests that there is an incredibly high level of repeat offending for youth exiting detention. This would suggest more resources are required at an early stage to achieve reduction in numbers entering detention, but also a focus on therapeutic interventions ( <u>Multi-Systemic Therapy</u> ) for those exiting detention and their families in order to reduce the re-offending rates and successfully address this issue.
2.	PPS handling of youth cases	Greater cooperation with voluntary sector through the creation of more Concern Hubs as utilised within the Western Trust would be useful in helping to examine potential trajectories of youth offending and better enable agencies to track individuals.  Our experience is that there can be a lengthy delay (6-9 months) between a young person committing a crime and it being dealt with in the courts. During this time the young person, without appropriate intervention, can continue to commit multiple offences within the community, with the additional offences

		<p>being added on to the original crime. This lengthy delay can diminish the cause and effect of actions and consequences both for the offender and the victims/communities.</p>
3.	The decision to prosecute	<p>Greater understanding of trauma based behaviours with young people, particularly those who are care experienced and who often are over represented within the criminal justice system would be beneficial across the spectrum. This should not be isolated to particular areas but embedded within the system.</p> <p>Extern would advocate for greater focus on addressing the underlying causal reason behind the offending behaviour, particularly for first and second time offenders, with early intervention packages put in place which a) manage the offending behaviour, and b) address the underlying causal reasons for the behaviour.</p>
4.	<p>Dealing with youths outside the court system, including:</p> <ul style="list-style-type: none"> <li>• Restorative cautions</li> <li>• Informed warnings</li> <li>• Youth conferencing</li> <li>• Youth engagement clinics</li> <li>• Use of Community Resolutions Notices (CRNs) by police</li> </ul>	<p>These are all positive initiatives and responses, however, connectivity to local community initiatives is important. Greater linkages with community based providers should be happening from Informed Warning stage in order to assist in individual engagement. Greater linkages with the Family Support Hubs would be useful.</p> <p>Extern would like to see greater partnership working with the PSNI through the use of CRN's with the 'other' option providing the young person with the opportunity to engage with voluntary/community organisations to assist the young person through early</p>

		intervention and prevention support packages such as Extern's 'CHOICES' programme.
5.	Procedural issues, including trial on indictment	
6.	Adult co-defendants	
7.	Sexual offences by young offenders	Sexual offences by young people should be dealt with within the Courts as quickly as possible so that young people can access youth support and therapeutic services before transition to adult services. Also, greater therapeutic support is required via specialist providers such as N.S.P.CC.
8.	Misuse of drugs or psychoactive Substances	There are currently limited addiction and treatment services for young people under the age of 18. The use of secure accommodation and JJC in response to drug related behaviour needs to stop. Education provision alone for drug related behaviour is insufficient and needs to be coterminous with therapeutic, diversionary and relational based programmes. Where addiction is the underlying causal reason for the offending behaviour, any sentencing should include interventions which address this to prevent a cycle of re-offending.
9.	Offending behaviour In Children's Homes	In many cases the offences within Children's Homes are intra-personal or criminal damage to property. The normalised response has historically been to call the Police to deal with

		issues which leads to heightened escalation and criminalisation of young people. More creative responses should be explored, greater development of TCI response and Time Out (an Extern short term residential respite and intervention service) should also be explored.
10.	Offending within the school environment	Offending within school environment leads to ongoing suspension, reduced timetables and expulsion. Greater flexibility is required for service provision whilst young people are outside the school environment apart from the statutory provision of Home Tuition or EOTAS. Greater commitment from school for reintegration by connecting with service provider. Offending in school environment must be viewed within a whole child context and responses should be reflective of this.
11.	Public order offences / anti-social behaviour	Public order offences and antisocial behaviour are community based offences that require a whole community response which includes both statutory and voluntary/community organisational input.
12.	Youths with mental disorders, including learning disabilities	<p>Early intervention and prevention should be the primary response <del>to</del> in relation to youths with mental <u>health</u> disorders and learning disabilities with an agreed joint protocol between DoJ and DHSSPS.</p> <p>Where a custodial sentence is deemed the only appropriate course of action additional protective factors must be put in place to safeguard those with mental <u>health</u> disorders and learning difficulties within the custodial setting.</p>

13.	Repeat offenders	<p>Provision of services outside of JJC should have greater co-ordination for young people exiting custodial sentences. More participatory provision is required including family support, accommodation, access to mental health and addiction and the provision of dedicated Mentors within a coordinated response. The most recent NIAO Report, '<i>Managing Children Who Offend</i>', outlined that 9 out of 10 children in NI who serve a custodial sentence after breaking the law re-offend within a year of being released, with repeat offenders responsible for 72% of youth crime and disorder, with a cost of £324,000 a year to keep a young person in custody. The report also highlighted that more than half of young offenders dealt with through Community Orders re-offended, stating that it has not been demonstrated that youth conferencing has reduced re-offending in NI.</p> <p>The NIAO Report clearly shows that what we are currently doing in response to youth re-offending isn't working, so we need to do something different. Extern firmly believe that a dual process approach of a) managing the offending behaviour; and b) addressing the underlying causal reasons for the offending behaviour, will effectively reduce re-offending.</p>
14.	Human Rights / Children's Rights considerations	<p>The UN Committee on the Rights of the Child has consistently raised the issue of the Minimum Age of Criminal Responsibility in the UK, repeating its recommendations from<sup>1</sup>in 2016 when it</p>

<sup>1</sup> Para 78(a), CRC/C/GBR/CO/4, 3 October 2008.

		<p>said “<i>that the state party (should) raise the minimum age of criminal responsibility in accordance with acceptable international standards.</i>”</p> <p>There is a significant body of evidence including that contained in the Independent Review of Youth Justice which makes a compelling case for a phased approach for NI. Extern would advocate that commitments to implement Recommendations 29 and 30 of the Youth Justice Review are included in the new Youth Justice Policy</p>
15.	Victims and witnesses (including use of Special Measures)	<p>Extern would recommend equity of access to needs assessment and subsequent support to both prosecution <u>and</u> defence witnesses.</p>
16.	Other issues of interest	<p>The Independent Review of Youth Justice (2011) made 31 recommendations of which 30 were accepted. However in December, 2015, the Criminal Justice Inspectorate of NI assessed that only 59% of the accepted recommendations had been achieved.<sup>2</sup></p> <p>A number of significant recommendations remain including (amongst others): delay (rec 15), re-offending (rec 20) and the disproportionate number of looked after children unsentenced in custody (rec 19).</p> <p>Extern would refer PPS back to this Review and the recommendations coming out of this in the development of a new Youth Justice Policy.</p>

**Please return by 1 September to:**

**By email**

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<sup>2</sup> Monitoring Progress on Implementation of the YJR recommendations, CJINI, Dec 2107

[policy@ppsni.gsi.gov.uk](mailto:policy@ppsni.gsi.gov.uk)

**By post**

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