

Doncaster Youth Offending Service: Use of Custody Analysis. March 2017

Purpose

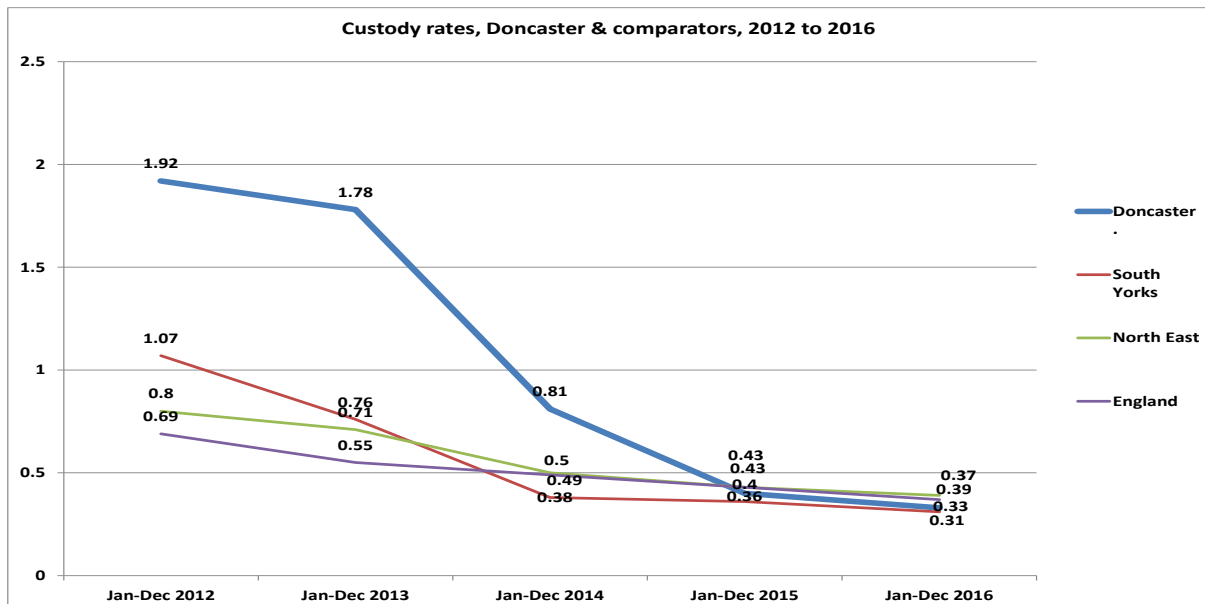
This report has been produced in order to help Doncaster Youth Offending Service gain a deeper understanding of the issues surrounding young people being sentenced to custody.

Data sources

The Youth Offending Service (YOS) case management system (Careworks) has been interrogated to extract the required case-level data. The sample is all those young people from Doncaster receiving custodial sentences during calendar years 2015 and 2016. The Youth Justice Board's YOT Data Summary (YDS) has been used to extract the summary performance data.

The performance data

Reducing the use of custody is one of the three key indicators by which Youth Offending Teams' performance is judged. Custody rates for the last 5 years for Doncaster, South Yorkshire, North East region and for England are shown in the chart below.



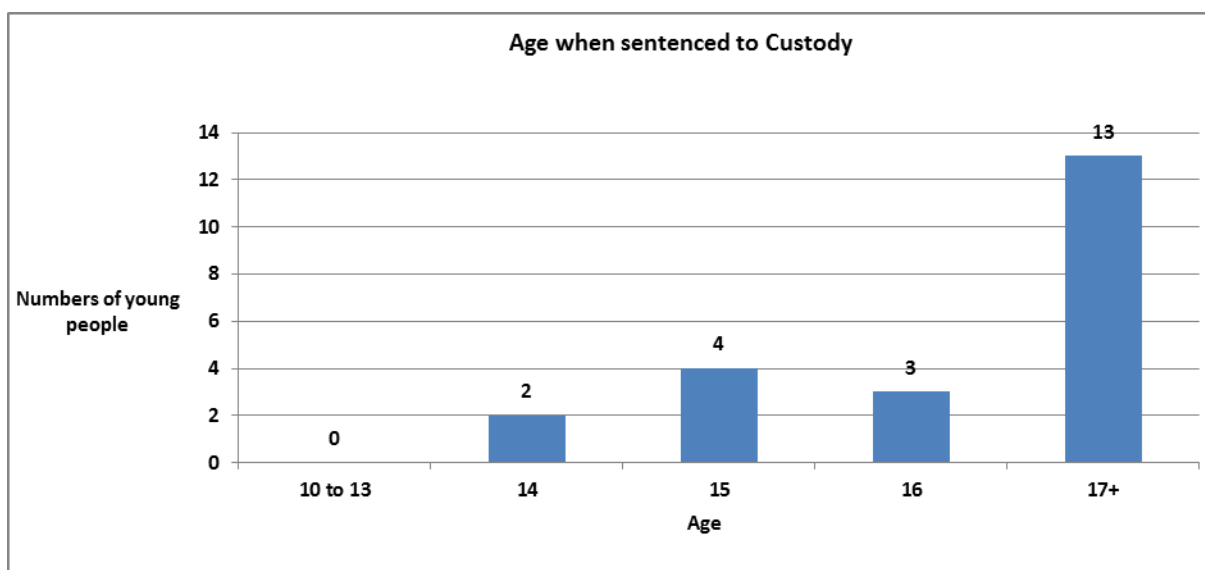
It can be seen that in 2012 and 2013 Doncaster was an outlier with rates well above those for the PCC area, the region and national, but for the last 2 years Doncaster has had rates very close to the comparators, and these have also reduced considerably over the period.

However, in order to improve further we need to understand more about the young people who are still going into custody. The next section looks at the case-level data for those going into custody over the last 2 years when performance has been much better than 5 years ago but still average compared to other areas.

The case-level data

Demographics of the sample

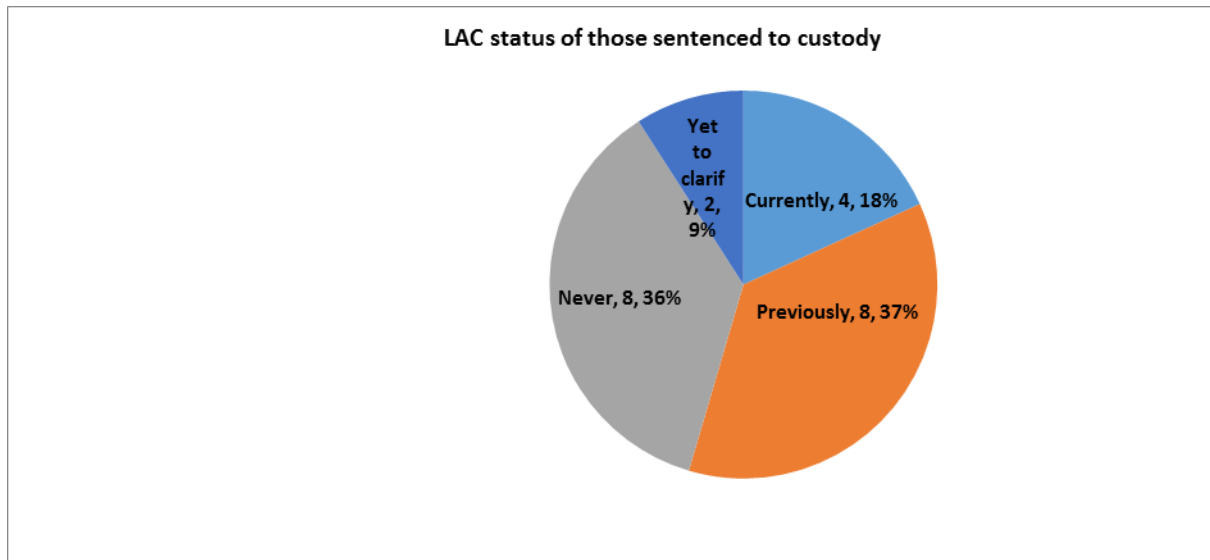
The age profile of those sentenced to custody during this period is shown below:



The majority (59%) were aged 17 when sentenced. Given how many would be close to 18 or over 18 upon release we need to ensure that arrangements are in place for such cases to be transferred to Probation for them to supervise the young person on release as appropriate.

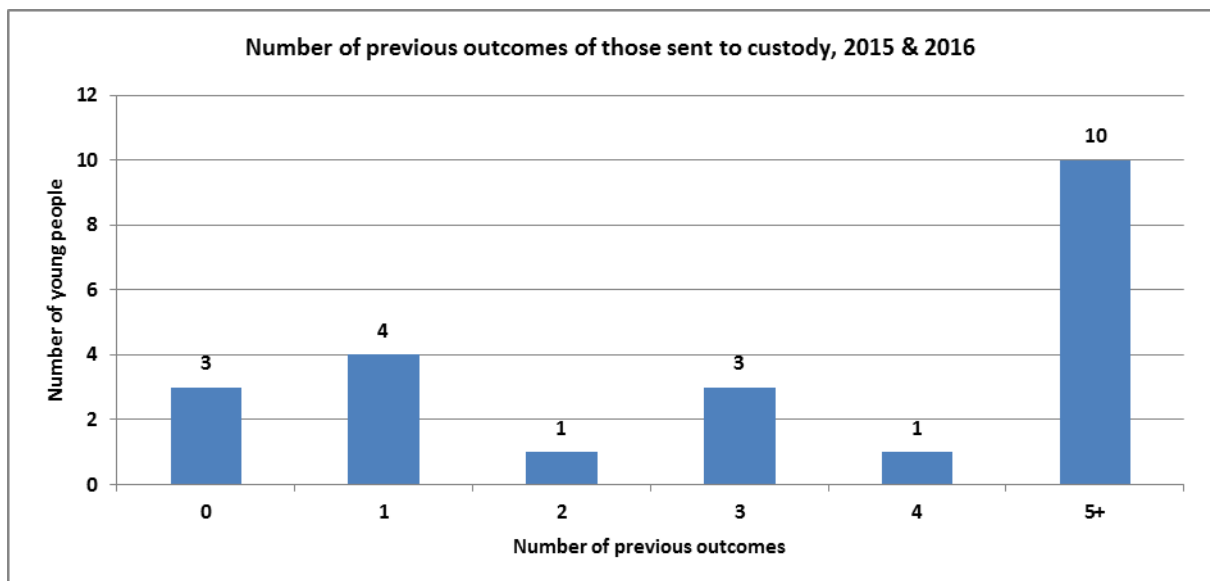
All 22 of the young people were male. 21 of them were white, one was of mixed heritage. This is not disproportionate given the ethnic profile of the borough.

The chart below shows the proportions who were currently or had previously been looked after:



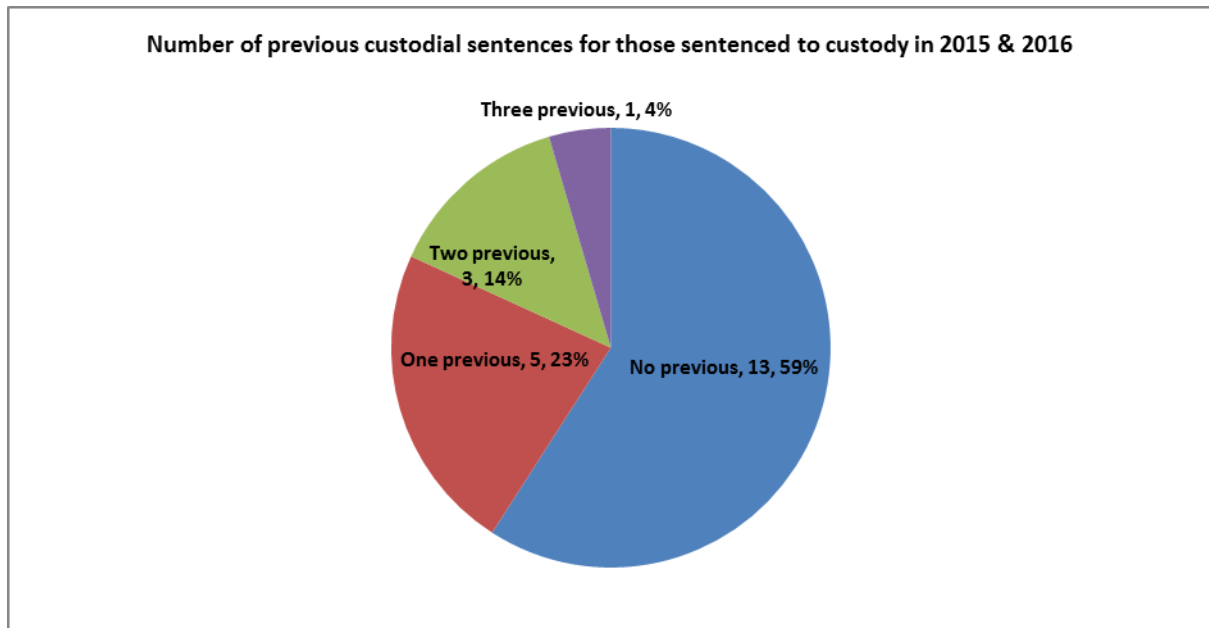
The majority (55%) had been or were currently LAC. 4 (18%) were LAC at point of sentence. As corporate parents for looked after young people the local authority / Children's Services Trust needs to consider the high proportion of young people going into custody who are currently or previously looked after. However, we also need to recognise that the issues, needs and risks associated with young people who offend are broadly the same as for those who go into care.

The chart below shows the number of previous outcomes / court disposals the young people going to custody had received:



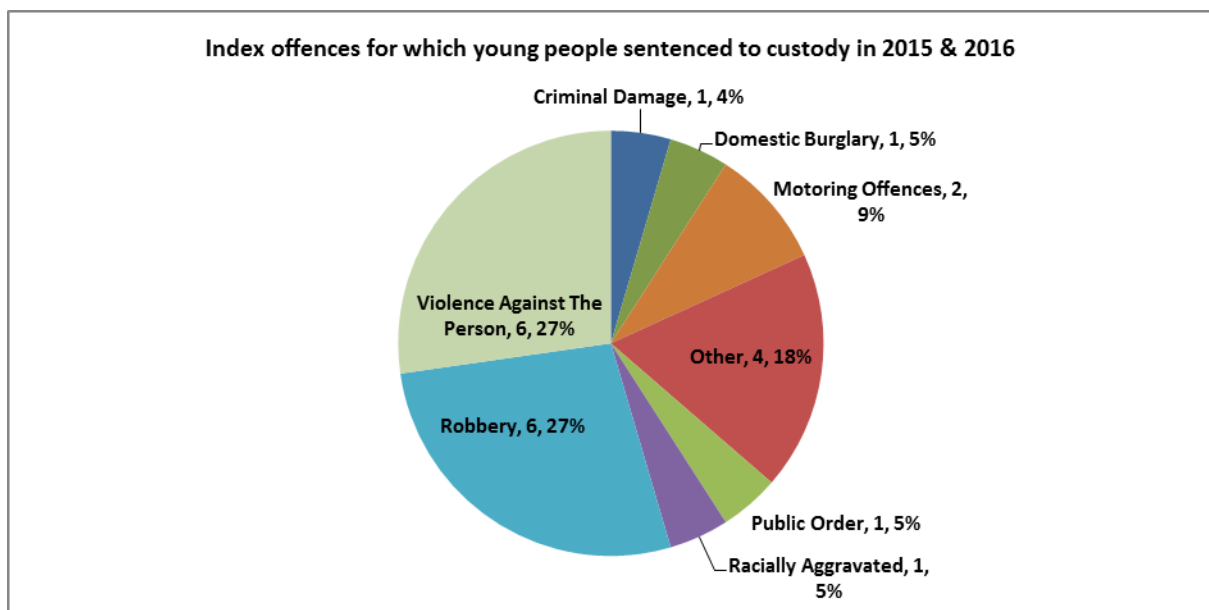
Almost half had had 5 or more previous disposals and 3 young people had had 10 previous disposals. 3 others had never had any previous disposals at all. Those having received no previous disposals were sent to custody for serious offences of Robbery and Violence. The 10 young people with 5 or more previous disposals were sentenced to custody for generally less serious types of offence, and in the majority of these cases this was under breach proceedings for failure to comply with their original order.

The chart below shows how many had been sentenced to custody on multiple occasions:



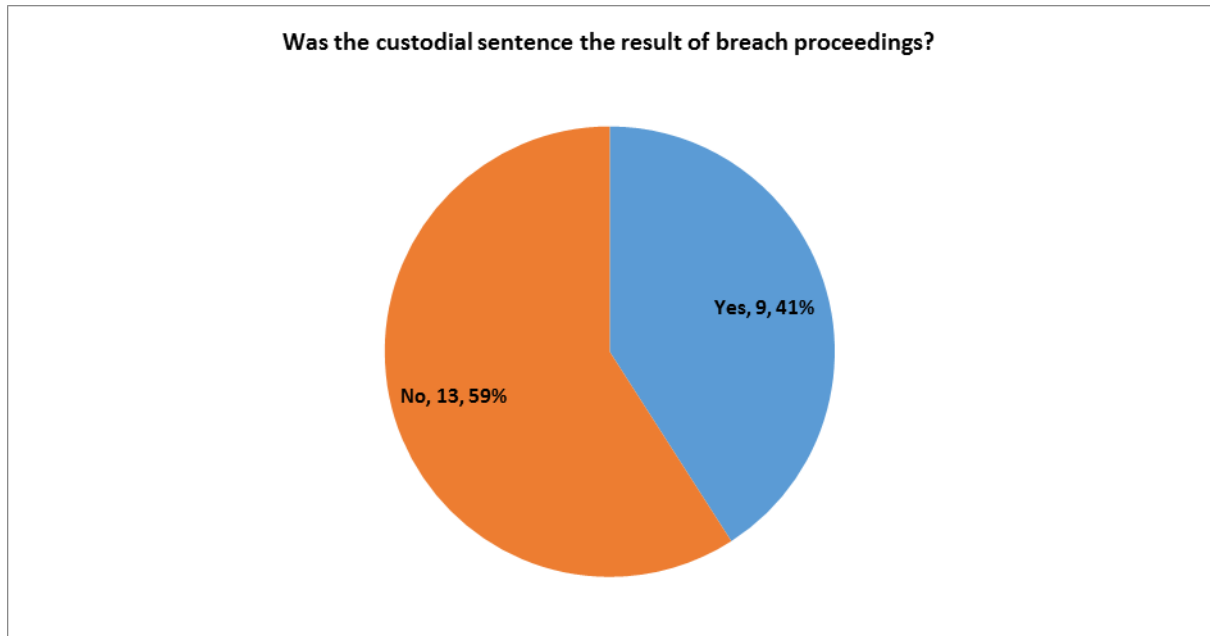
For 9 of the young people (41%) this was not the first time they had been sentenced to custody and for one young person this was the fourth occasion. This shows that the “deterrent effect” of custody for these young people is not strong at all.

The chart below shows the types of offence for which young people were sent to custody:

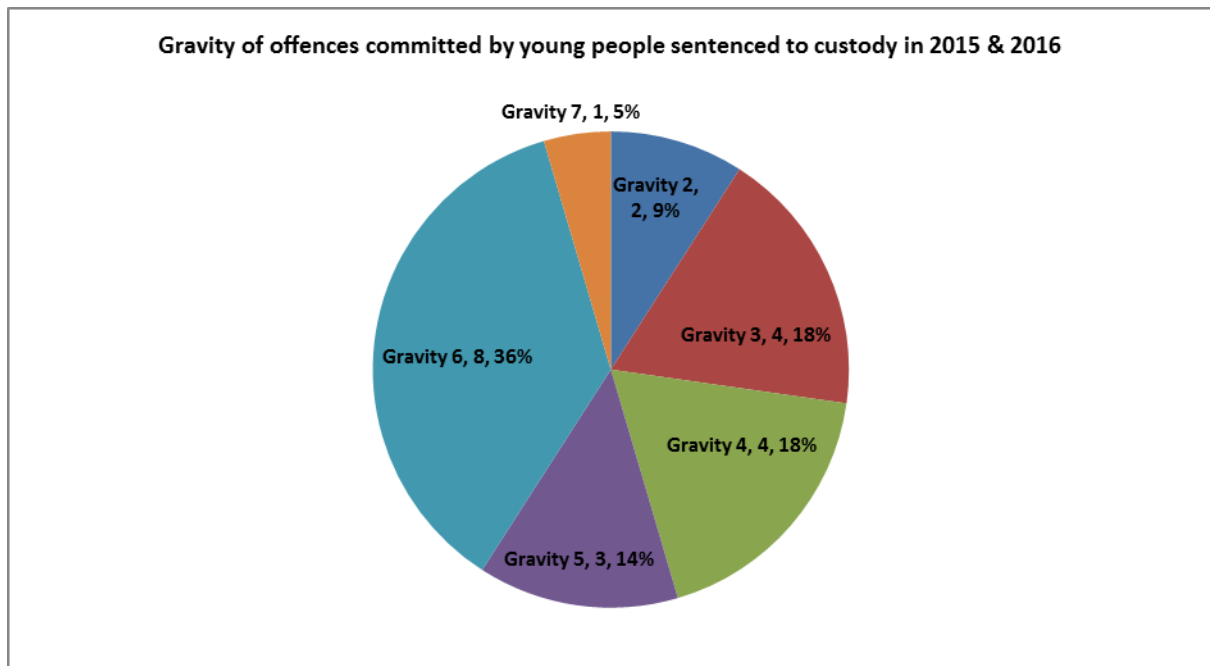


The majority (55%) went to custody for offences of violence or robbery. This suggests that if the custody rate is to be reduced further the courts need to be assured that the YOS can provide robust community-based interventions to address these particular offence types.

As previously mentioned several young people were sentenced to custody under breach proceedings as they had failed to comply with their original order. The chart below gives the breakdown:



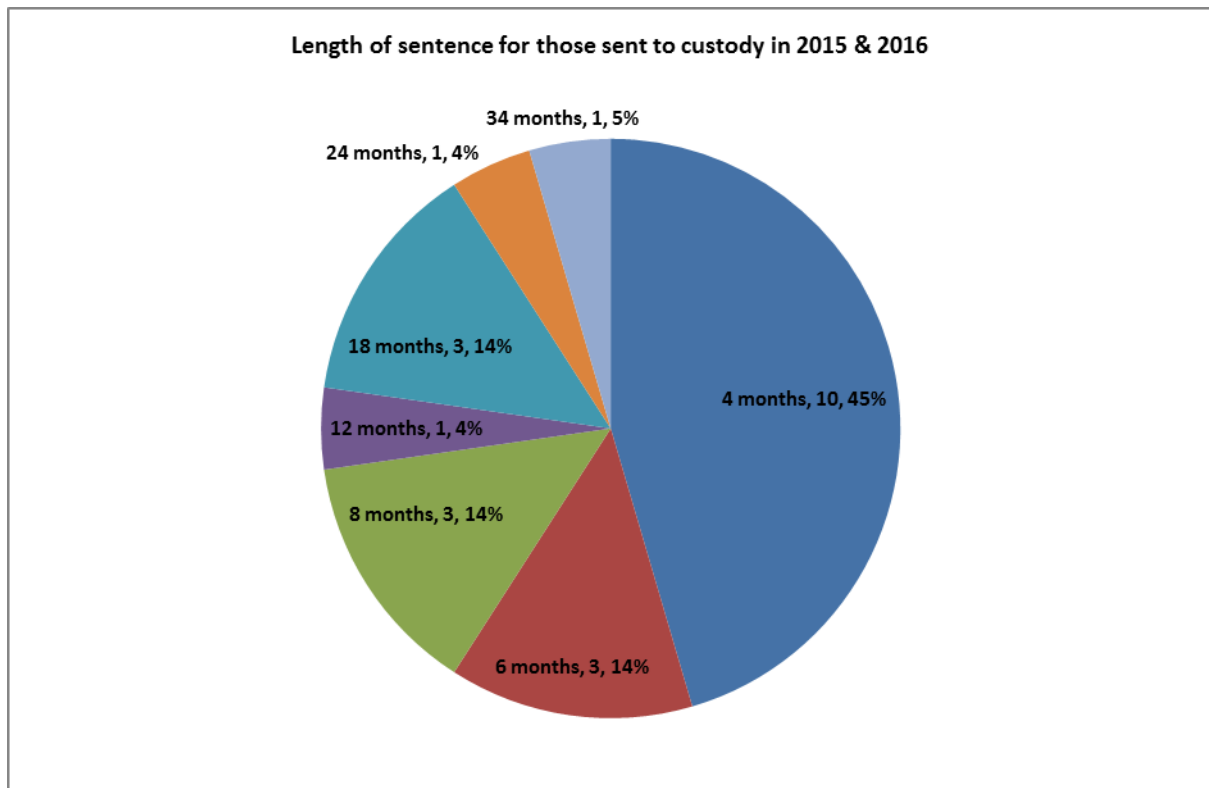
The next chart shows the seriousness of the offences for which they were sent to custody (based on the Youth Justice Board gravity score matrix):



It is of concern that 10 of the young people were sentenced to custody for less serious offences with gravity scores of 4 or less. Only 4 of these were being sentenced under breach proceedings. Neither

of those with offence gravity scores of 2 was being sentenced under breach proceedings, which begs the question as to why they were sentenced to custody at all.

The chart below shows the length of the custodial sentences received:



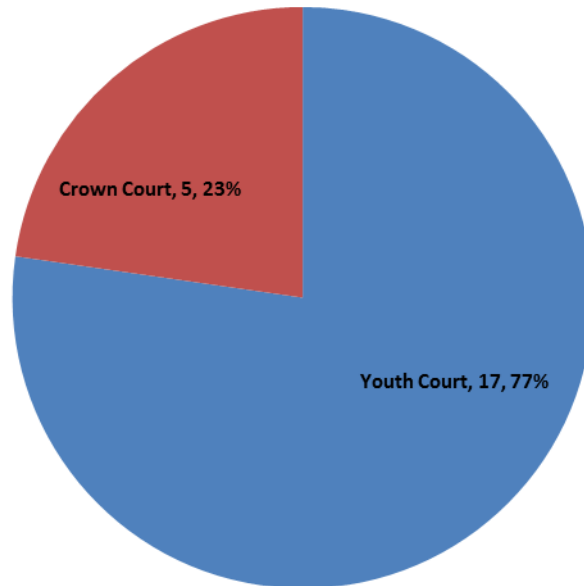
Whilst almost half (45%) received the minimum sentence of 4 months, over a quarter (27%) received sentences of 12 months or more. Amongst those receiving 4-month sentences the average gravity score was 4. All of those receiving sentences of 12 months or more had offence gravity scores of 5 or 6. As many young people committing offences with gravity score 6 receive community-based disposals it is clearly not just the seriousness of the offending which has resulted in these young people going into custody.

All but one of the young people in the sample was sentenced to a Detention and Training Order (DTO). The one case attracting a Section 90/91 Order was for an index offence of violence and he received a sentence of 34-months.

The Charlie Taylor report into Youth Justice, published in December 2016, calls for the ending of custodial sentences shorter than 12-months (i.e. 6 months in custody, 6 months post-release supervision) as they are not considered conducive to rehabilitation of the young person given the short duration of the custodial episode. If this was to come into force then almost half of the cases in the sample would not be eligible for custody. However, if this provision came into force there is a risk that in cases which might previously have attracted a short custodial sentence courts could opt for longer custodial sentences rather than community-based disposals.

The final chart below shows the type of court passing the custodial sentences:

Type of court sentencing young people to custody in 2015 & 2016



Cases are sent to the Crown Court where the Youth Court magistrates consider that their sentencing powers are too limited (a maximum of 2 years). However only one of the 5 young people sent to Crown Court received a sentence longer than 2 years. Given that Crown Courts are essentially adult courts which are unused to dealing with the complex and specific issues presented by young people, every effort should be made by solicitors and YOS staff to keep cases in the Youth Court.

Conclusion and Recommendations

Having achieved a remarkable reduction in the use of custody compared to 5 years ago, the YOS now needs to aim to have lower rates than comparator areas. To achieve this we need to:

- Improve our offer to looked after young people who offend. Too many looked after children are unnecessarily criminalised, (refer to report on LAC in the local youth justice system and 6 case studies) and some go on to receive custodial sentences.
- Develop interventions which are specifically targeted at young people committing offences of serious violence and robbery.
- Invite magistrates to view delivery of such interventions in order that they can be re-assured of their robustness.
- To ensure breach action is taken when young people fail to comply with their orders in order that magistrates have confidence in community-based disposals, whilst ensuring every effort is taken to re-engage the young person concerned before they are brought back to court.