

Probation

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*Puzzling the Youth
Custody Figures*

The Youth Custody 'Explosion': Damned Lies or Good Statistics?

There is a widespread belief that custody has escalated markedly for the under-21s since the Criminal Justice Act 1982. Andrew Bridges, SPO, Usk YCC reviews the evidence and suggests much of the published 'information' has been misleading. Is there really a new crisis or simply the continuation of a depressing trend?

Where Have All the YPs Gone?

There are three factors which have been causing the most confusion in assessing the evidence. The first is that a lot of people have overlooked Young Prisoners — something which will come as no surprise to anyone who has worked closely with the 'forgotten' world of the old YP system. Yet Youth Custody sentencing has to be compared not only with past Borstal sentences alone, but also with YP figures. In April 1983 there were over three thousand YPs held in England and Wales, and even this did not include the substantial number of YPs who had been reclassified to adult status who did not appear to the old Young Offender statistics at all. By October 1983 there were less than a thousand YP's left, and by October 1984 there were less than two hundred, all sentenced before 24th May, 1983, and mostly transferred to Youth Custody accommodation.

Where previously many YP's were 'hidden' in the prison system, being held in local prisons or actually reclassified to adult status, now far fewer YP's can be held in local prisons and the capacity to reclassify to adult status is much more severely restricted. Consequently, Youth Custody accommodation is now much more full, but this reflects a shift of population *within* the prison system rather than a shift *into* the prison system.

The Old Percentage Trick

In June 1984, *Probation Journal* stated baldly but correctly that: '15 per cent fewer boys aged 14-16 went to Detention Centres, but 60 per cent more received YC than went to Borstal in the previous year'. For this age group the 'YP factor' does not apply; instead, the key elements missing

were the actual figures. Once these are available it can be seen, as was published in the September edition on page 117, that 'from May to November 1983, the total number of 14-16 year old boys received into custody (3,230) was identical to the number during the same period in 1982'. The changes were in the *distribution* between DC and Borstal/YC. DC dropped from 2,630 to 2,250, which was a reduction of 15%. However, an almost identical numerical change to the originally much smaller Borstal/YC figure, 570 to 960, produced a much more dramatic *percentage* increase of 69%. (The 'third' element, producing the exact identical total of 3,230 in both years, was the sprinkling of 14-16 year old males sentenced under Section 53 of the C and YP Act 1933.)

Prison Statistics: A Three-Sided Equation

For some years we have been used to hearing mainly about the size of the prison population as it has remorselessly grown in recent years. It is only recently that we have looked more carefully at the other two sides of the equation, which are the lengths of sentences imposed and the number of receptions (i.e. the number of people sentenced to custody within, say, a twelve month period). For example, the same average prison population figure could arise from a few people serving long sentences or from a lot of people serving a lot of short sentences. As the NACRO Bulletin of May 1984 sought to show, the total population of Young Offenders in custody may have been slightly reduced, but there was still an increase in the number of *custodial sentences* imposed, albeit they were shorter sentences.

1. Population

The current Home Office Bulletin is the most comprehensive review so far of this problem. Naturally, it wishes to highlight the slight (but important) reduction in the Young Offender population (under-21's). From February 1983 to October 1984 the male population decreased (with some fluctuations) from 9,940 to 9,120, while the female population held steady, going from 230 to 220.² However, it does attempt to report on the other two sides of the equation as well, although the incompatibilities between the systems before and after 24th May 1983 make useful comparisons difficult.

2. Sentence lengths

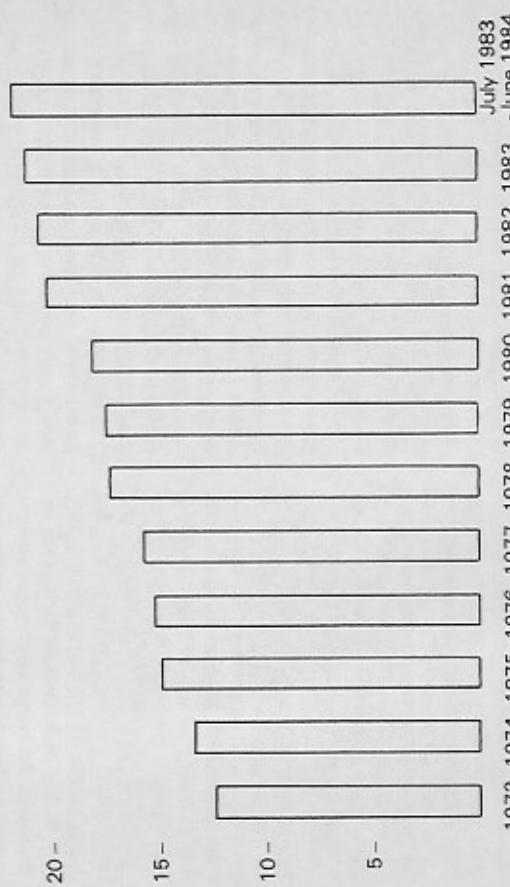
Average lengths of detention centre sentence, both Junior and Senior, have reduced by about a

quarter,³ but in the case of 14-16 year olds the reduction in remission from one-half to one-third would restore the period actually spent 'inside' to the same period as before in the case of those who had not previously been remanded in custody. On the other hand, the fact that time on remand now counts towards DC and YC sentences does in turn help to reduce the 'real' lengths of sentences in many cases.

For Youth Custody sentences, average lengths of sentence are not easily comparable with the old Borstal and YP system, but few young offenders are not experiencing long periods in custody. By law, all YC sentences for 15-16 year olds are for twelve months or less. Furthermore, the Home Office figures show that about 92% of YC sentences for 17-20 year old males are for 18 months or less.⁴ Of the inmates in these categories, about three-quarters have sentences of

Number of males aged 17-20 received with custodial sentences 1973-84, calculated from *Prison Statistics 1983* and Home Office Bulletin 2/85.

000s



The Table shows the steady numerical increase in the number of custodial sentences imposed on Young Offenders each year since 1973. So far the new legislation has hardly affected the level of the continuing increase at all. There is no 'explosion' of custodial sentences since 24th May, 1983; instead, there has been a steady increase in the number each year since 1973, and it is this increase which is continuing. However, this is a numerical increase, and an equivalent table for the percentage of convicted Young Offenders receiving custodial sentences each year would have a less dramatic increase from 16 to 19 per cent during the same period.

1. This table is males only, aged 17-20 at sentence, and excludes fine defaulters.

2. The final 'bar' covers a complete twelve month period under the new legislation, and it is reasonable to compare it with the 1982 'bar' which covers the latest complete twelve month period under the old rules. The 1983 'bar' is thus a hybrid, covering periods under both old and new rules. Furthermore, the July-December 1983 period is thus included in both the final 'bars'.

3. An equivalent chart for 14-16 year old males would show a slight reduction continuing, following the 'peak' in 1981. For females aged 15-20 there is a continuing increase, steeper than on this chart, although the total number is relatively low, at 765 for the twelve months July 1983-June 1984.

nine months or less, while a high proportion of the remaining inmates will be released on parole about six months after sentence under the Section 33 procedure. Therefore, it is probable that the average time spent 'inside' by Young Offenders (no exact figures available) has been considerably reduced under the new legislation.

3. Number of custodial sentences

The third side of the equation, the number of receptions in a given twelve month period, is less encouraging, but does not at first look too dramatic. Comparing the calendar year 1982 with the twelve month period July 1983-June 1984, the number of males received aged 14-16 dropped from 6,960 to 6,580. However, the numbers for 17-20 year old males increased from 20,831 to 21,470, an increase of about 3%, and the numbers for all females increased from 715 to 860, an increase of about 20%.⁵ Whether it is the same offenders getting several short sentences, or whether more different offenders are getting a short taste of custody cannot as yet be determined.

The True Problem Exposed?

So where is the crisis? The population of Young Offenders in custody has been reduced, and, as the Bulletin dispassionately puts it, the increase in receptions after mid-1983 'was not out of line with what might have been expected from the slow upward trend in recent years for this age group'. This is what gives the game away. These figures have been increasing steadily for years. Looking at the 1983 Prison Statistics, one finds that in 1973 by adding together all male and female Young Offenders, together with those in the same age group who were committed in default of payment of a fine, a total of 17,900 people under 21 were received into custody in 1973. This had risen to 25,300 in 1977, and in 1983 the staggering total of 33,200 was reached. (Fine defaulters totalled 4,500 in that year.)⁶

A picture now emerges of the Courts sending a steadily increasing number of offenders into custody each year over the last ten years. In response the policy makers have decided not to attack the powers of the Courts to any extent, as it is a politically sensitive issue. Instead, the 1982 legislation and the introduction of Section 33 parole has enabled the prison system to process and release its inmates much more quickly. As fast as the Courts can throw the bodies onto the 'convict ship' the faster the Prison system can now throw them

off again, so that the ship sinks no further.

Although much of this long-term increase reflects an increase in the number of Young Offenders appearing before the Courts, nevertheless the actual proportion of those receiving custodial sentences has also increased. In 1973, 16 per cent of all males 17-20 who were dealt with by the Courts for indictable offences received immediate custodial sentences. In 1979, this rose to 18 per cent, and in 1983 to 19 per cent.

The use of Community Services grew steadily during this period from 0 to 13 per cent. Probation Orders declined from 11 to 7 per cent between 1973 and 1979, but recovered slightly to 9 per cent in 1983.⁷

To Sum Up

1. There is no recent sudden explosion in the use of custody for Young Offenders.

2. The population in custody at any one time has reduced slightly.

3. The average 'real' length of sentence also appears to have reduced slightly.

4. But concentrating on these short-term trends actually detracts from the real problem. All in all, the most striking feature of recent sentencing practice is that so little has in fact changed. The real problem is that the number of young offenders sent into custody each year has been increasing for years and is continuing to increase. The new legislation has, if anything, given the Prison system some respite, but the underlying problem remains.

REFERENCES

1. NACRO Bulletin, May 1984, quoting Home Office Statistical Bulletin 3/84
2. Home Office Statistical Bulletin 2/85, Table 9, page 21
3. Ibid. Table 5, page 17
4. Calculated from Table 6, page 18
5. Tables 2 and 3, pages 14-15
6. *Prison Statistics England and Wales 1983*, Table 3.6, page 54
7. *Criminal Statistics England and Wales 1983*, Home Office 1984, Table 7.10

NOTE: NACRO's latest assessment, on the Digest page, p. 79

Correction

In the March '85 Issue, in John Goslin's *Criminal Divisions: Removing the Icing*, page 24, the third paragraph should have read:

'I would venture to suggest that even for a tenth or twentieth shoplifting, prison is an excessive penalty'.

Apologies for this error.