

Mainstreaming Restorative Justice for Young Offenders through Youth Conferencing: The Experience of Northern Ireland

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1. INTRODUCTION

Though Northern Ireland is a relatively small jurisdiction within Ireland and the United Kingdom with a population of just over 1.7 million (of which about 183,000 are 10–16 years of age – the current age of criminal responsibility for children), it has its own unique system of youth justice which very recently has undergone significant transformation. A restorative justice approach to deal with young offenders and victims has been mainstreamed through a process called “youth conferencing.” This new approach offers valuable insights in terms of youth justice policy and practice to the international forum and in this chapter we explore some of its potentials and limitations.

The chapter firstly looks at crime and how the criminal justice system in Northern Ireland deals with young people who have offended. It examines what is known about youth offending in general and looks specifically at a number of innovative approaches to criminal justice practice. The police response to youth offending is examined and their specialist teams of officers who deal with young offenders. The courts and sentencing are then looked at, with attention being placed on the new arrangements for holding children in custody. The range of measures introduced following the Criminal Justice Review are then examined, and specifically the youth conferencing arrangements, which adopt a restorative justice model to deal with young offenders. This chapter draws to a close with a critical overview of the major changes in our system of youth justice and the possible lessons that can be learnt from an international perspective. However, before exploring how this whole new system of youth justice operates it is important to understand the broader criminal justice system in context and a little about crime levels and how young people have been dealt with through the criminal justice system.

1.1. Young People, Crime Levels and Victimisation

Generally speaking, Northern Ireland has relatively low levels of crime, despite the high profile and serious terrorist related offences that have dominated the media, especially in the recent past. Police recorded crime statistics show that

recorded crime levels have generally been about half of that recorded in England and Wales. Recently recorded crime levels have increased from 62,222 to 109,053 offences between 1997 and 1999 and have continued to increase to 142,496 in 2003. This has meant that the crime rate has increased from around 37 crimes per 1,000 of the population in 1997 to 87 per 1,000 population in 2003. These changes appear to have largely been caused by new counting rules that came into effect in 1998 which record crimes that were not previously part of the official figures and together with the introduction of a new data collection system have had a significant impact on recorded crime levels. Despite these changes, however, Northern Ireland still has relatively low levels of police recorded crime, especially if comparisons are made with England and Wales or the United States of America.

Much of crime recorded by the police is property related, in fact 74% of offences in 2002/2003 involved property such as theft, burglary or criminal damage, and of these vehicle crime (including theft from and theft of vehicles) accounted for about half of all property crime. Though property related crime makes up the majority of crime recorded, Northern Ireland generally has a higher proportion of violent and sexual related offences, with 23% of offences in 2002/2003 recorded as violent, by comparison to 17% in England and Wales.

Victimisation surveys also confirm the lower levels of police recorded crime in Northern Ireland. For example, the International Crime Victimisation Survey 2000 which surveyed victims of crime in a number of different countries in Europe and North America showed that Northern Ireland actually had the lowest victimisation rate of any of the participating countries. Only 15% of those questioned in Northern Ireland had been a victim compared with an international average of 21% (Hague, 2001).

Self-reported crime data suggest that while many young people admit to committing crimes the majority of incidents are not serious. For instance, McQuoid (1994) conducted a self-reported delinquency study in Belfast in 1993 and found that about 75% of 14- to 21-year-olds surveyed admitted committing at least one delinquent act in their lives and 47% said they had done so in the past year. The vast majority of delinquent acts disclosed were such things as bus fare evasion, graffiti or minor acts of property vandalism. Relatively few admitted committing more serious acts such as violence and few were repeat offenders. These findings are common to other studies (e.g., Wolfgang et al., 1987; Graham and Bowling, 1995) and suggest that while many young people commit delinquent acts at some time in their lives, few commit serious offences or go on to be serious or persistent offenders.

Conviction data in Northern Ireland confirms that young people are much more likely to be convicted of an offence but as they get older they become significantly less likely to engage in crime. These data support the hypothesis that much of the criminality of youth occurs with their transition into adulthood,