

English summary

What happens to young offenders? On the remand of youths to the care of the social services

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In 1999, certain changes were made to the sanctioning system for young offenders in order to augment and clarify the sanction of remand to the care of the social services. The changes were intended to better satisfy the criminal justice principles of predictability, proportionality and consistency. The requirement that the reports and care plans provided to the court by the social services should be both explicit and concrete was extended, and youth service was introduced as a supplementary sanction. Finally, a requirement was introduced whereby the social services must report back to the prosecutor if a care plan is not put into effect. The opportunities for the abrogation of sanctions in such cases were extended.

THE ASSESSMENT OF THE NATIONAL COUNCIL FOR CRIME PREVENTION (BRÅ)

It is BRÅ's assessment that the reform has had a certain effect, but that it has not been completely realised. BRÅ notes that there are problems with the compatibility of the Principle of Need associated with the Social Services Act and the criminal justice principles referred to above in relation to measures for young offenders. This problem serves to make the role of the social services within the justice system somewhat unclear; clarification of this role is required. The social services also need, if possible, to be given more time to conduct their investigation and make their proposal on suitable measures. The social services also require improved knowledge on

which measures work to prevent continued criminality among young offenders.

BRÅ also makes the assessment that the judiciary and the prosecution service can work to improve the extent to which the sanction of remand to the care of the social services functions well: this could involve assistance with training to a greater extent than is the case today and the development of routines for co-ordinating work with the social services. The Office of the Prosecutor General could work together with the social services to design a form to be used for the presentation of the social services report in court cases involving youths, thereby providing clarification of the information that ought to be included.

A BROAD RANGE OF QUESTIONS AND A LARGE AMOUNT OF EMPIRICAL MATERIAL

The following constitute the principle questions posed by BRÅ in the course of evaluating the reform:

- How high is the quality of the social services reports in court cases involving youths?
- What forms of care are proposed by the social services, and what forms are put into practise?
- In which cases does reporting back to the prosecutor and the abrogation of sanctions take place?
- Do the social services' proposals affect the choice of sanction?
- When is a sanction combined with a fine or with youth service?
- Are local authorities able to put the youth service sanction into practise and if so what forms does it take?

For the purposes of the evaluation, three samples of county court judgements were drawn. The first related to judgements where the sentence involved remand to the care of the social services (199 judgements). The other two samples related to 50 judgements involving robbery and 50 relating to vehicle theft, irrespective of the sanction awarded. Five questionnaire surveys were also conducted, three within the social services and one each among judges and prosecutors. Social services representatives were interviewed in 34 local authorities, as were twelve prosecutors. Register data relating to persons convicted during the year 2000 were also employed.

FEW SOCIAL SERVICES REPORTS CONTAIN ALL THE INFORMATION INTENDED FOR INCLUSION BY THE LEGISLATORS

The vast majority of the reports studied contained information on which measures the social services intended to take, if the youth were to be remanded to their care. What was often missing, on the other hand, was information on how extensive these measures were to be, or how long they were intended to continue.

COUNSELLING CONTACTS WITH THE SOCIAL SERVICES THE MOST COMMON MEASURE

Counselling contacts with the social services were the measure most often proposed. Such measures were proposed in one-third of the social services reports. In slightly over one-quarter, they proposed that the youth be placed in care either in accordance with the Care of Young Persons Act (LVU) or the Social Services Act (SoL). In just over one in five cases, the reports studied proposed the use of a contact person and in almost as many cases structured self-training programmes were proposed, something which appears to be becoming increasingly common.

Other measures were also proposed, such as mediation, testing for evidence of drug abuse, counselling contacts outside the social services and intermediary care.

THE MEASURES PUT INTO PRACTISE ARE OFTEN MORE EXTENSIVE THAN THOSE DESCRIBED IN THE CARE PLAN

It is BRÅ's assessment that the planned care measures corresponded to those actually put into practise in approximately 40 per cent of cases. Where deviations occurred, the measures put into practise were most commonly *more extensive* or of a *more intrusive* nature than those that had been planned. In approximately ten per cent of cases, planned measures had been replaced by equivalents. One fifth of the youths had received *less extensive* measures than those presented to the court however, most commonly as a result of the youth him/herself breaking off the care measures. Mediation and counselling contacts outside the social services were the measures that tended to be discontinued most often.

INTERRUPTION OF CARE MEASURES REPORTED BACK TO PROSECUTOR IN FIFTY PER CENT OF CASES

The planned care measures were interrupted in 31 of the 199 cases examined. Fifteen of these cases were reported back to the prosecutor. The interrupted cases that were not reported back to the prosecutor did not appear to differ from those that were reported with regard to the type of measure or the extent to which the original report had contained concrete recommendations. In addition, there were approximately ten cases where the measures put into effect were less extensive or of a less intrusive nature than those that had been planned. None of these were reported back to the prosecutor by the social services.

THE QUALITY OF SOCIAL SERVICES REPORTS DOES NOT USUALLY AFFECT THE SANCTION CHOSEN

The analysis of the court judgements relating to vehicle thefts and robberies showed that the courts do take account of the measures proposed by the social services to a large extent. Even substandard reports lead to care in the majority of cases, as long as the social services propose *some kind* of measure or state that care is required.

CASES WHERE SUPPLEMENTARY SANCTIONS ARE COMBINED WITH REMAND TO SOCIAL SERVICES CARE INVOLVE MORE SERIOUS OFFENCES

Approximately one-third of all remands to social services care were combined with a supplementary sanction, consisting either in youth service or a fine. These youths had committed offences that in the abstract are regarded as more serious and they had more previous convictions than those sentenced exclusively to be remanded to social services care.

JUST OVER HALF OF LOCAL AUTHORITIES ARE ABLE TO ARRANGE YOUTH SERVICE

Approximately half of the country's local authorities reported that they had routines in place for youth service. The majority of youths awarded this sanction carried out some form of unpaid work within the local authority organisation, in some cases in combination with a number of hours of structured self-training. There is sometimes uncertainty within the social services, however, as to the difference between being remanded to the care of the social services and being sentenced to youth service.