

Criminal justice, victims and witnesses assignment

Law



The only strategy was that of punishment although the government did recognize that children had to be kept separate from older offenders who would most likely 'influence' young minds. As the nineteenth century continued, people did recognize that these youths needed re-educating and programmes developed to prevent young people from offending. Prevention at the time took the form of care and well-being (Muncie 2009). The intervention strategies at the time were not only directed at young offenders but those who seemed more likely to offend (orphan, runaway etc). This was the basis where youth justice developed in the twentieth century.

During the sass's the attitudes towards young people took a significant turn. The way society has treated young people is reflected by the social and/or political thinking of the time. For example the social revolution of the sass's prompted radical liberal thinking throughout Britain, none more so when it came to the treatment of children. Post war Britain had become a beacon of welfare's. This can be seen in legislation of time, Children and Young Persons Act 1963 established that local authorities could partake in preventive social work; it also raised the age of criminal responsibility to 10.

So the establishment of preventive social work acknowledges that crime committed by youths is a product of negative relationships within the family and/or environment (Golden & Muncie 2007). The most prominent and radical piece of welfare orientated legislation in the sass's was enshrined in 1969 when Harold Wilson's Labor government planned to bring in legislation firmly based on welfare principles. The Children and Young Persons Act 1969 changed the way in which young people in trouble were supervised in the community (Burke 2008).

One thing to come out of the Act was the establishment of a 'halfway house' between being subject to a Supervision Order (an order that requires only minimum contact between a previous and young person) and being taken into care. Although it was not specifically defined by the Act, Intermediate Treatment (IT), as it became known, was the forerunner of youth Justice as we know it today. The act abolished remand centers for juveniles and replaced them with residential and care facilities (Newbury 2007. IPPP) The intention was to make the Juvenile court a last resort.

But because children who have been taken into care for reasons other than committing an offence also were subjected to the 'halfway house' thus this blurred the distinction between the depraved and the deprived. One of the purposes behind the 1969 Act was to raise the age of criminal responsibility from 10 to 14 with the exception of homicide (Prior to 1963 it had been only eight years). Yet this was never enacted, and soon after the Act was passed the Government lost power to the Conservatives (Burke liberal aspects of the act were not put into effect. For example criminal responsibility was not raised.

The acts liberal ideals were used very little in the seventy's. The number of custodial sentences rose by 4000 from the period of 1970 to 1978 (Newbury 2007). This is directly contradictory to the provisions of the 1969 Act. It could very well be perceived as political incompetence that the public were lead to believe that a new softer approach to youth Justice was being implemented only for the 'Nothing Works' approach to be adopted considerably more (Walsh 2000) The decade saw Britain brought to its knees by the unprecedented power of the unions over the government.

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The three day working week was a cause of this, regular power cuts and the infamous winter of discontent. Terrorism was also a major concern, perhaps these were some of the reasons why so little attention was paid to young people's welfare in the sass's. Although labor did remain in power in the latter half of the sass's and kept the ideals of welfare's. Individual causes of crime was still taken into account, Personality, unemployment, deprivation, poverty, were still taken into account.

This ' soft approach' at a time when more focus on Juvenile delinquency, football hooliganism was the new problem. More and more pressure was being mounted on the effectiveness of welfare's which had been a massive part of English child law since the implementation of the 1908 Children' Act. Children's rights were in the power of social workers and magistrates and psychiatrists, they ad discretion and the power to determine the young person's future. An adult offender does not get any such treatment, the first eighty years or so of the twentieth century were dominated by the welfare of the youth.

The left wing welfare approach to youth delinquency never really made the youth fully accountable for his/her actions thus masking (though not completely) the youth as a victim (Smith 2011). This perception and attitude to young offenders changed dramatically when Margaret Thatcher's conservative government came into power in 1979, her government brought massive Criminal Justice reforms (1982 Criminal Justice Act). Her right wing approaches adopted Robert Narration's ' Nothing Works' approach to criminality. This is that punishment had taken priority over rehabilitation.

The short sharp shock strategy was a reflection of Thatcher's law and order manifesto and intensive supervision were the means of punishment for young people. Thatcher's radical approaches saw welfare being eroded in the sass's. (Walsh 2000). Although public condemnation was brewing greatly in the early ninety there was a developing panic in the public of the media's view of persistent young offenders and stories stemmed from various re-occurring disturbances of which youths were seen s the cause, Meadow in Density was one such hotshot, ' Joyriding' had become highly publicized also (Smith 2011).

More and more stories were released about out of control youths. This retributive trend continued to the point where the ancient presumption of doll Incapacity which translates to ' Incapable of evil' which also has been a part of English Law since the fourteenth century had come under substantial scrutiny (Muncie 2009). This ' attack of doll Incapacity was mainly a reaction to the high profile case of the murder of James Bulger by Terry Venerable and Robert Thompson. This changed the view of young offenders from victims of broken homes or poor parenting to devils and evil.

As the then Prime Minister John Major had put it ' Maybe children being viewed as innocent bystanders, who are usually portrayed as victims (certainly children as young as ten) was radically changed. The public outcry was unprecedented, as one headline in the Sunday Times said We will never be able to look at our children in the same way again'. They were both found guilty of murder and abduction and given maximum sentences. This event legitimated a series of tough laws.

The Public Order Act 1994 was controversial at the time even on the back of such a horrifying event of the murder of James Bulger. The act increased the time in custody from one to two years for fifteen to seventeen year olds.

Secure training orders were introduced for twelve to fourteen year olds. As a consequence young people serving custodial sentences rose by 122% in the period of 1993 to 1999 (Newbury 2007) this custody framed political thinking is a far cry from the provisions of the 1969 Children and Young Persons Act.

Media stories about degenerate young thugs and children's being evil continues today. There is usually a rise in the number of stories about youth crime right after a serious crime involving youth's has occurred, the murder of Gary Newby for example. Although Acts of children killing children are rare, there are only 27 such recorded murders in the last 250 years (Martin 2004).

The only other recent case which rouses particular attention within the press was that of eleven year old Mary Bell who murdered two children in 1968 (Muncie 2007) Mary Bell was not found guilty of murder (unlike Robert Thompson and Terry Venerable) but of manslaughter on grounds of diminished responsibility. The fact that Mary Bell was convicted of manslaughter and not murder is another example of the perceptions British society had of the youth. Furthermore there was a sense of social responsibility and acknowledgement of social failure in Mary Bell's case.

Details of her childhood had gone unheard until after the trial. Of which details of abuse are abundant. After the trial, her crimes did create her image appear of both killer and victim (Gerard 1998) The different reaction by the media and the courts to these similar cases can obviously be seen,

this can be interpreted as wow very different social thinking patterns, the sixties were defined by a social revolution, general economic prosperity and left idealism (1969 Children's and Young Persons Act) (Golden & Muncie 2007).

In contrast to the nineties where a conservative government was in power, a time of high unemployment, high youth crime and media and government having a generally retributive attitude towards crime no matter what age offenders were. After the killing of James Bulger, public perception of the youth had never been so negative. The priority now was public protection over the welfare of the child. Proof of this is the criticism from the overspent and the press of 'Doll Incapacity'.

For example Jack Straw said 'The presumption that children aged ten to thirteen do not know the difference between serious wrongdoing and simple naughtiness flies in the face of common-sense and is long overdue for reform' (Newbury 2007). This retributive attitude to young people was definitely a time in history where the young offender was not masked as a victim in the slightest. Intervention strategies were focusing on the offences of young people, rather than their welfare needs.

In 1996 two major reports were published, the Audit Commission published 'Misspent Youth', a report which heavily redistricted the youth justice system in Britain. It also made many recommendations on focus on the youth from the soon-to-be labor government is striking. With youth crime at an all time high in the late 90's (that is also just reported crime) and increasing stories about 'child crime waves' (Burke 2008). New labor came into power in 1997

and with a major focus on youth Justice; a major piece of legislation was passed.

This was the Crime and Disorder Act 1998; this was a massive piece of reforming legislation. It introduced the Youth Justice Board, Youth Offending Teams and the restructuring of the non-custodial penalties available to the youth court and also earlier interventions, maybe most importantly abolished 'doli Incapacity' new labor had radicalized the youth system (Smith 2011). The perception of a young person being depicted as being a delinquent or out of control is not a recent social history.

For some reason the negative perception of youth has been echoed throughout the last 200 years, for example a quote from the British Medical Association in 1961 says 'The adolescent has learned no definitive moral standards from his parents, is contemptuous of the law, easily bored'. Another quote from a chief constable in 1904 explains 'Our young people have no idea of discipline or subordination'. To look even further a newspaper editorial from 1843 says 'Morals are getting much worse.

When I was young my mother would have knocked me down for speaking improperly to her' (Muncie 2007). These are but a few publications which prove that the youth is worse than ever' is a myth. Each generation has its own youth problem and this is because the peak offending age is seventeen and eighteen for males and fifteen for females (Palmer 2010). Also most crimes are committed by people aged fifteen to twenty-four. The problem with official statistics is that a vast amount of crimes go unreported and this is especially true of young people.

Studies in the g's found that offences against young people were occurring far more often than their adult counterparts. Furthermore they were far less likely to report such crimes to police. More and more leading authors were concluding that far more young people had been victims rather than offenders. To bring into perspective another survey found that out of 1 , 350 young people the most common offence was physical assault with over a third admitting to this offence (Muncie 2007).

Although the differing political powers brought different social perceptions of the youth the fact of the welfare of the youth has always been a key principal. Ever since The Children's and Young Persons Act 1933 first recognized that Welfare of the child' to be paramount that requirement has been repeated many times by subsequent acts (1963 Children's Act, 1969 Children's and Young Persons Act, 1989 Children's Act, Crime and Disorder Act 1998).

Furthermore The Human Rights Act 1998 and the UN convention require that all legal actions to those under eighteen should be made in heir best interests (Walsh et al 2000). More recently, despite a continuing public condemnation of the youth as many headlines show articles, the focus on the youth was reflected in two major policies introduced in 2003 and 2005 (Every Child Matters: Change for Children and Youth Matters). The principals of these acts were to safeguard and act in the welfare of all children.

Although there has been a massive overhaul in the way the government deals with youth offending. As of 2010 the number of children aged fifteen to seventeen in custody has more than doubled in he last ten years.

Furthermore as of 2004 68.6% of those under eighteen re-offended times more likely to commit suicide in custody than in normal society (Natalie 2010). Judging by this information rehabilitation in the criminal Justice system seems to be failing young people at the foundation level. Even though in most cases parental factors do play a major role in the behavior of children and young people.

The media still generally still views most young people who have been in trouble as evil and horrid, for example this headline from a recent newspaper article in the daily mail which said ' A Decade of Delinquency: Teen Robberies, Violence and Drug Crime soar to record levels' (Slack 2009). As mentioned before the each generation has its own problem with the youth and Judging by the evidence through history, people between the ages of 16-24 are definitely the most likely age to commit crime.