



Crime and Justice:

A Vision for Modern Scotland

Professor Lesley McAra
University of Edinburgh

Apex Scotland
Annual Lecture

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3 September 2013
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Chief Constable of Police Scotland

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Scotland's Commissioner for Children and Young People

7 September 2010
Baroness Vivien Stern CBE
Senior Research Fellow at the International Centre for Prison Studies King's College London

8 September 2009
Professor Fergus McNeill
Professor of Criminology and Social Work, University of Glasgow

9 September 2008
Kenny MacAskill
Cabinet Secretary for Justice and Richard Jeffrey, The Prisons Commission

11 September 2007
Professor Wesley Skogan
Institute for Policy Research (IPR), Northwestern University, Illinois

12 September 2006
The Rt Hon Lord Cullen of Whitekirk

13 September 2005
Cathy Jamieson MSP
Justice Minister

15 September 2004
Duncan L Murray WS
President of the Law Society of Scotland

16 September 2003
The First Minister, The Rt Hon Jack McConnell MSP

18 May 1998
Henry McLeish MP
Minister for Home Affairs and Devolution, Scottish Office

Foreword

The Apex Scotland Annual Lecture sets out to give a platform to those who are able to bring something current and new to the justice environment in Scotland. Previous speakers have contributed significantly to the debate over approaches to justice and criminology and their impacts on our society.

In this year of political and social change we were delighted to welcome Professor Lesley McAra, former Dean of Edinburgh Law School and co-author of *The Edinburgh Study of Youth Transitions and Crime*, the seminal longitudinal study on young people and offending behaviour, to speak on her vision for a more just Scotland informed by the latest results from the study cohort. At a time when there is a great deal of political discourse about reducing the numbers we imprison and regular statements about focusing more on early interventions and prevention programmes, there has perhaps never been a better moment for us all to stop and consider the future. Should we continue down the road of retributive justice and reactive approaches to managing offending, or begin to consider whether money is not better invested at the point where evidence suggests the most impact can be made?

The *Edinburgh Study of Youth Transitions and Crime* has been very influential in the development of Apex's approach and has been the primary theoretical base for our Apex Inclusion model. This model has been successfully rolled out across a number of schools in Scotland including as part of the Inclusion Plus programme in Dundee in partnership with Includem and SkillForce. In updating the results of the study, Lesley not only calls for a change in emphasis in community justice thinking towards an earlier intervention approach, but confirms the early conclusions that young people excluded from

schools are significantly more at risk of offending than those who are not. At the same time she suggests that while most young offenders desist when they enter adulthood, a smaller group become enmeshed in the justice system at a later date and are more likely to go on to have more lengthy and serious offending patterns.

Apex is a strong advocate for providing services which reduce the chances of individuals being taken into the justice system, and for developing positive interventions at the earliest signs of offending behaviour. We are consequently delighted that Lesley has been able to contribute an academic rigour to what we might otherwise see as common sense but difficult to prove approaches.

We are delighted to note the significant place that academic research has been given to the redesign of community justice by the Scottish Government, and this lecture is a classic example of how our centres of research can contribute to our policies and strategies in a field which has for centuries been more influenced by natural justice and tradition. While it is always controversial to suggest that existing services tend to deal with the result rather than the cause or the problem, the 2014 Apex Scotland Lecture offers a direct challenge to current thinking and continues a promising direction of radical and progressive thinking about what a fairer and safer Scotland might look like.

I hope you will enjoy reading or viewing the lecture and that the ideas and arguments put forward will help you to consider what your own vision of a more just Scotland might look and feel like.

Alan Staff
Chief Executive
Apex Scotland

Introduction

I'd like to thank Apex very much for inviting me to give this lecture – it is a great pleasure to be here in the historic Signet Library. I am particularly delighted to be able to address you in such history making times. Not only does 2014 mark the 50th anniversary of the publication of the Kilbrandon Report (that far-sighted and radical document which has framed a distinctively Scottish approach to matters of juvenile justice) - but also because 2014 is the year of the independence referendum.

Whatever the outcome of the referendum, whether Scotland becomes independent or remains part of the Union, this constitutional moment gives us the opportunity to reflect on: the values we wish to promulgate as a society; the manner in which we wish to conduct our politics; and, consequently, the image that we, as a nation, wish to project to the wider world.

Criminologists as breed have always had a somewhat uneasy relationship with politics and politicians. Our research tells us that those who seriously and persistently offend are amongst the most vulnerable, victimised and excluded groups of young people in our society and we have weighty and persuasive evidence about the types of intervention that are more or less effective in addressing reconviction. In particular, we know that punitive interventions have very high 'failure' rates - failure rates which would be a major scandal in any other area of public policy (such as health or education). And from this knowledge our impulse is (often) to argue for the de-politicisation of crime and punishment – to make crime control a matter of public health, something best left to experts. However, we also recognise that crime control and penal practice go to the heart of contemporary democratic debates on the nature of citizenship and of inclusion, and that in speaking truth to power, our knowledge is, by its very essence, highly politicised. Consequently, in exploring the normative dimension of the power to punish or interrogating the ways in which weak governments so often have recourse to more punitive modes of discourse (in an attempt to shore up their support), there is a need to

generate more rather than less informed political debate.

The title of my lecture this evening is 'Crime and Justice: A Vision for Modern Scotland'. I want to use this lecture to assess our progress as a nation in delivering justice for children and young people. The particular benchmark I'm going to apply is the definition of a democratic criminal justice system set out by Nicola Lacey in her ground breaking book, *The Prisoners' Dilemma*, which formed the basis of her *Hamlyn* lectures. According to Lacey, a democratic criminal justice system is characterized by its capacity to:

'respond effectively and even-handedly to the harms and rights violations represented by criminal conduct, without resorting to measures which in effect negate the democratic membership and entitlements of offenders' (Lacey 2008, p 7)

Drawing on a critical analysis of policy developments post-devolution and on the findings from the *Edinburgh Study of Youth Transitions and Crime*, I am going to argue that within Scotland we have, in theory, the requisite infrastructure, in the form of the children's hearing system, to respond effectively and even-handedly to criminal conduct in ways that enhance the citizenship of young people who come into conflict with the law, but that in practice, the entrenched working cultures of agencies within both the juvenile and adult justice systems, undermine their capacity to deliver justice for young people. Indeed I will suggest, that we cannot build a truly democratic society in which all of our young people can flourish unless and until there is greater recognition that: (i) criminal justice systems have a somewhat pernicious tendency to construct and reproduce, essentially curate, their own client group (a tendency which persists over time no matter the ideological framing of the government); (ii) in spite of everyone's best efforts and for reasons beyond their control, criminal justice interventions would appear to have only a limited impact on offending behaviour over the longer term; and consequently (iii) even greater political efforts are needed to align criminal justice with social justice – an ethical approach to policy-making.

I'm going to begin the lecture with a short contextual overview of the *Edinburgh Study*. I will then benchmark Scottish policy developments since devolution utilising the 'Lacey-ian metric'. This will be followed by a more detailed review of our *Study* findings as they relate to agency culture and factors which impact on pathways into and out of offending. The lecture will conclude with some reflections on an ethical approach to policy making, and more particularly by considering at what point, with whom and by whom, interventions underpinned by democratic values are best delivered.

The Edinburgh Study of Youth Transitions and Crime: aims and method

For those of you not familiar with the Edinburgh Study, it is a longitudinal programme of research on pathways into and out of offending for a cohort of around 4,300 young people who started secondary school in the city of Edinburgh in 1998. It has been funded by grants from the Economic and Social Research Council¹, the Nuffield Foundation and The Scottish Government.

We have multiple data sources about all members of the cohort including self-report questionnaires, semi-structured interviews at ages 13 and 18, data from official records such as schools, social work, the reporter to the children's hearings, and criminal conviction data, and finally we have built a geographic information system based on police recorded crime and census data to enable us to understand the dynamics of the neighbourhoods in which young people live. The most recent phase of the *Study*, has been especially focused on criminal justice careers and their impact on desistance from criminal offending.

Importantly, our cohort has grown to maturity over the course of the devolved settlement in Scotland. Born in the mid-1980s, they reached the age of criminal responsibility in the 1990s, reached the peak age of self-reported offending (age 14/15) post-devolution during

the first of the labour/liberal democrat coalition administrations, and entered full adulthood in the first years of the SNP minority administration. The longitudinal nature of the *Study*, with data from over fifteen years of fieldwork, places the research team in a unique position to observe the individual developmental implications of the evolving cultural and political dynamics of devolution.

This takes me neatly on to the first substantive part of the lecture – benchmarking the political dynamics which form the backdrop to the lives of the cohort.

Benchmarking policy: a short history of the present

Prior to devolution Scottish criminal justice policy was predominantly under the control of penal elites (including networks of civil servants, the judiciary and sometimes senior academics).

Comparative research has shown that elite control over criminal justice often results in a more benign and welfarist approach to matters of crime and punishment, as for example in Spain in the early post Franco years (McAra 2011a).

In the immediate aftermath of devolution (1999 – 2006), crime and punishment were utilised in a much more self-conscious and populist way by the newly established Scottish Government. The post-devolution years saw a major shift away from the former predominantly welfarist values to a policy portfolio framed by a more complex and competing set of principles: actuarial, punitive, and restorative together with some vestiges of penal-welfarism (McAra 2011a, 2011b). Rights talk also permeated the system with the installation of the European Convention of Human Rights within Scots law. All of this was overlaid by the lexicon of new public management, with the attempt to hold criminal justice institutions more firmly to account via target setting and the requirement to develop corporate plans linked to key performance indicators. Youth crime and anti-social behaviour, in particular, formed a centre-piece of governance, with much

¹ Economic and Social Research Council grant numbers: R000237157; R000239150. The *Edinburgh Study* is co-directed by Lesley McAra and Susan McVie. The research team for the most recent sweep of fieldwork comprised: Sarah MacQueen; Aileen Barclay; Richard Withington; Bob Bonnar; Steve Kirkwood; Karen Cooper; Briege Nugent; Liz Levy and Jackie Palmer.

the most punitive modes of discourse being linked to ways of tackling the behaviour of young persistent offenders (McAra and McVie 2010). The populist and punitive dimensions of the policy frame were predicated on an exclusionary set of practices, borrowed mostly from developments south of the border in England. (A *Durkheim-ian* case study into how to build social solidarity through the 'othering' of offenders).

Since 2007, there has been a gradual transformation in the ways in which crime and punishment have been mobilised in the service of political strategy. Here they have been much more closely tied to a social democratic and preventative agenda, with the SNP administrations utilising the research evidence to build the intellectual case for 'compassionate justice' as a distinctively Scottish and inclusive approach to matters of crime and punishment. At the release of Al-Megrahi, the Cabinet Secretary for Justice said:

'In Scotland we are a people who pride ourselves on our humanity. It is viewed as a defining characteristic of Scotland and the Scottish People. The perpetration of an atrocity cannot be the basis for losing sight of the values we seek to hold'.

(<http://www.scotland.gov.uk/Topics/Justice/law/lockerbie>).

So Scotland post-devolution has two very different ideological approaches to polity building: did either result in greater democracy within criminal justice?

Taking the labour/liberal democratic coalition efforts first - the evidence suggests that most of the transformations made were of limited effect. The Government attempted to reach out to, and service more explicitly via the criminal justice agenda, a set of newly invoked audiences including the wider public, victims of crime and communities. It constructed over 100 new institutions to deal with criminal justice matters (a process I have described elsewhere as one of hyper-institutionalisation, McAra 2011a), and it evolved new conduits for communication with its key audiences, including the use of

the petitions committee within the Parliament, and a raft of formal public consultations – the conclusions of which were intended to shape policy imperatives.

However, all of this activity resulted in increased political/ministerial command and control over the system. It also was predicated on a somewhat narrow conception of its specified audiences – with Ministers speaking to the 'morally deserving' victim, (conveniently forgetting that victims and offenders are often overlapping groups), a law-abiding public and an already-mobilised community (with communities being simultaneously and somewhat paradoxically invoked, as a mode, site and effect of governance, Clarke 2002). This was accompanied by a major loss of expertise as academics were increasingly supplanted by survey companies as purveyors of criminological knowledge to government.

Turning to the SNP administrations: here the Government attempted to correct some of the more pernicious aspects of the former administrations through a rationalisation of bureaucracy and reconstruction of channels of communication. This phase has seen a major reduction in offence referrals to the children's hearing system and a very welcome drop in the number of young people receiving custodial sentences. But despite an overt commitment to social democracy, a number of factors have confounded some of the Government's aspirations in this regard. In centralising and simplifying in an effort to create greater efficiency, the Government has arguably undermined local democracy and may have inadvertently created competing power bases – the sites of future conflict – as testimony witness the recent controversies over the activities of the single national police force. (It is a real irony that devolution has resulted in increased centralisation – akin to a *Weber-ian* dynamic). And finally a very interesting development has been the increasing challenges posed by the human rights framework and decisions made by the UK Supreme Court overturning local decisions – which have become caught up in a row about self-determination.

In terms of our report card on the democratic nature of Scottish criminal justice, the assessment for both sets of administration would have to be: could do better! This is reinforced by certain key continuities across the post-devolution landscape which neither set of administrations has had the confidence to address: that in Scotland we continue to defy international human rights standards by retaining age 8 as the age of criminal responsibility (a national disgrace!), and by continuing to utilise the adult criminal justice system as the core architecture to process older children aged 16 and 17 who come into conflict with the law. This has been accompanied by the inexorable rise of the prison population which, until very recently, has defied every effort by politicians to stem or reduce it (but there are some green shoots of hope here!).

From this review of criminal justice as political strategy and the limitations of the democracy project, I now turn to the *Edinburgh Study* findings.

Edinburgh Study findings: the dissonance between policy and practice

Here I'm going to show some evidence which indicates that there has been a degree of dissonance between criminal justice as a political strategy and the performance, or day-to-day practices, of the institutions which make up the juvenile and adult criminal justice systems in Scotland.

Indeed, far from institutional performance reflecting the variant phases of policy (from the more punitive to the more integrative), the period of devolution indicates strong continuities in penal practice. Indeed there is evidence that the criminal justice system serves to construct, nurture and reproduce (essentially curate) its own client base – a process which is profoundly anti-democratic in both ethos and outcome.

The first piece of evidence relates to continuities in policing practices. Figure 1 below shows the results of regression modelling, exploring factors which best predict being warned or charged by the police at three different time points: immediately prior to devolution (1998), in 2003 during the labour/liberal democrat coalition years; and in 2009 during the SNP minority administration.

Continuities in policing practice			
	Welfarist	'Punitive'	'Compassionate'
Predicting being charged by the police	1998 (age 11/12) Yes=376 No=2920	2003 (age 16/17) Yes=568 No=2802	2009 * (age 22/23) Yes=43 No=190
Being male	1.6	-	6.8
Involvement in violence	3.5	4.0	5.3
Warning or charges in previous year	6.6	9.8	10.1
Top 25% socially deprived neighbourhood	1.4	1.7	-
Hang out on streets daily	2.8	1.9	-

*Sweep 7 – based on subsample of those who had contact with children's hearings system and two matched groups drawn from those with no Hearings contact at age 12 and at age 15

Figure 1

A similar dynamic is evident in each temporal sequence. As you can see and as you would expect, involvement in serious offending (violence here) is strongly predictive of warnings and charges. However even when controlling for this, the evidence indicates that the police disproportionately focus attention on those from socially deprived neighbourhoods and those available for policing as a consequence of their routine activities. But much the strongest predictor of warnings and charges is having been warned or charged in the previous year. At age 11/12 the 'usual suspects' had around six and a half times greater odds of being warned or charged than those caught for similar levels of violence but with no such police history, and around 10 times greater odds of being charged at ages 16/17 and in early adult hood at ages 21/22. The recycling of the usual suspects is further evidenced when the results of sweep 7 analysis are looked at in more detail (this is the most recent phase of fieldwork completed in 2011).

At sweep 7 we tracked the criminal justice and self-reported offending careers of two matched groups: the *Early Cases* (those with a referral on offence grounds to the children's hearing system by age 12) and the *Early Control Group* (those who had no contact with any agency of juvenile justice by age 12). The matching was done over a range of variables including self-reported serious offending and violence. Effectively – other than contact with the system – there were no differences between these two groups up to this age.

If we look first at the subsequent self-reported offending of these groups, there is no difference between them at any *Study* sweep – both exhibit a desisting trajectory from around age 14.

However, there is a major dissonance between the groups in terms of their criminal justice careers. As shown in figure 2, the early cases were significantly more likely to be warned or charged by the police in subsequent years, to be referred to the Reporter, and to be charged and brought to court for an offence in the adult criminal justice system. Indeed 64% of the early cases had a conviction in the adult courts by age 24 as contrasted with 27% of the early controls, and 42% were in custody as compared with just 9% of the controls.

What our findings show is that certain groups become the focus of the criminological gaze, a gaze which serves to have only a very limited (if any) impact on offending in the longer term.

Matched groups at age 12 Subsequent self-reported offending careers: violence (robbery, weapon carrying, assault)

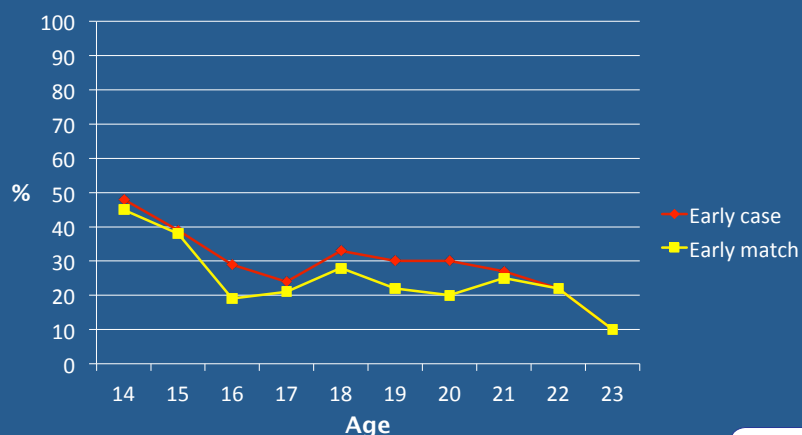


Figure 2

Criminal justice careers

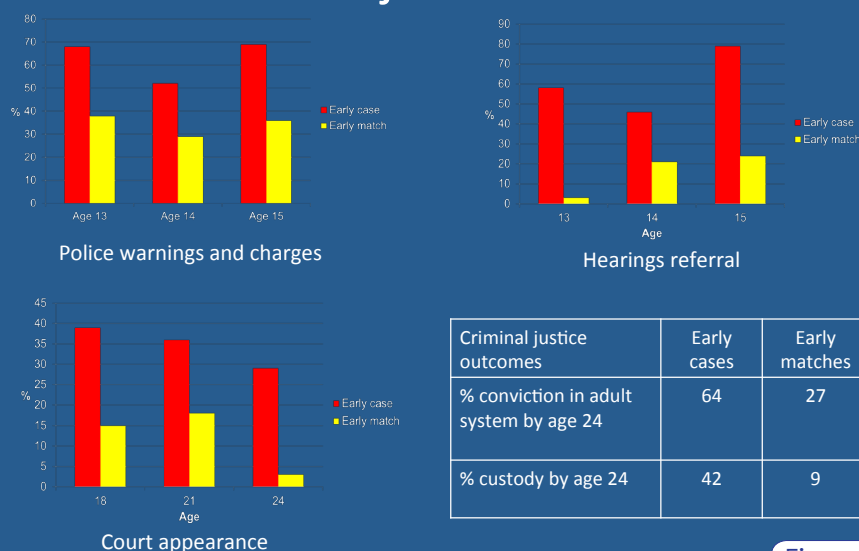
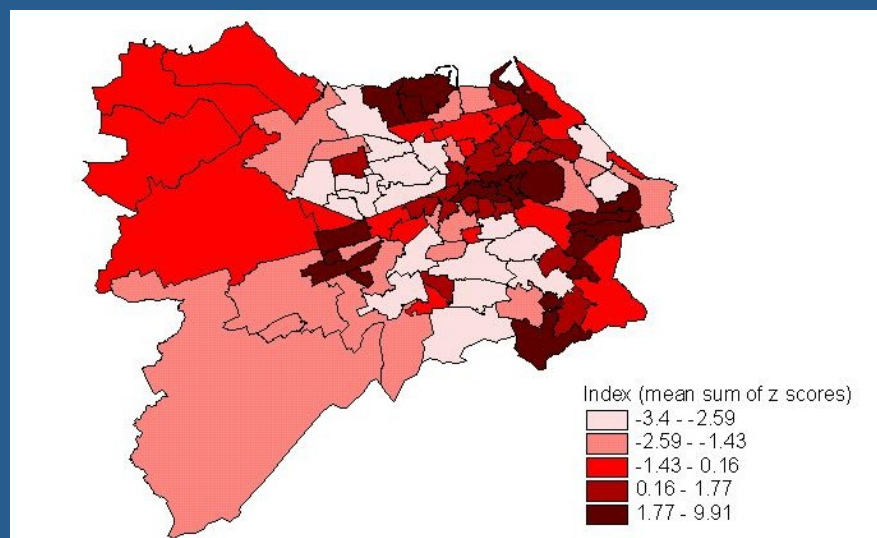


Figure 3

If we look more widely at the cohort as a whole, the evidence indicates that the groups who become the focus of such agency attention tend to come from the most vulnerable and dispossessed neighbourhoods in Edinburgh. One of the easiest ways to demonstrate this is via the maps which we created from geographic information system, highlighting the links between institutional exclusionary practices and poverty.

The first of the maps shows deprivation across Edinburgh based on census data, the darker the shading the greater the levels of poverty. The darker shaded areas are replicated on maps showing concentrations of police recorded violent crime, incivilities (such as graffiti, vandalism etc.), and school exclusions. Most significantly youngsters with experience of detention also cluster in these areas – indeed a quarter of all those who have been in secure care or imprisoned or both, come from only a few streets in a particularly deprived neighbourhood in Edinburgh.

Deprivation across Edinburgh



Based on data extracted from 2001 Census

Figure 4

The final nailing piece of evidence I want to show you, which demonstrates how institutions reproduce their own client-base, drawn from the most poor and dispossessed, comes from a series of regression models exploring the factors that best predict which youngsters known to the hearings system by age 12 end up in custody by age 24. (The following tables only include the variables that remained significant in the final models).

Criminal justice agencies curate their own client group: predicting custody and exclusion

Predicting custody by age 24	Odds ratio	Predicting school exclusion at age 15	Odds ratio
Excluded from school by age 12	4.0	Boy	2.4
Boy	3.5	Single parent or non-parental carer	1.6
Residential care by age 12	4.0	Low socio-economic status	1.5
Offence history includes violence by age 12 (self report)	2.9	Live in top 25% most deprived neighbourhoods	2.3
		Excluded in first year secondary school	2.8
		Rated by teachers as disruptive at age 13	3.2
		High volume of bad behaviour at age 15	1.6

Figure 5

As might be expected early history of violence remained predictive of later custody when other factors are held constant. However even when controlling for this, boys had three and half times greater odds of being in detention than girls, similarly those who had experience of any form of residential care by their 12th birthdays had four times greater odds of detention than those with no such history as did those with experience of school exclusion – and school exclusion has the biggest effect size in the model.

What is interesting about this model is that once school exclusion is controlled for, all measures of social deprivation fall out. However school exclusion is not a neutral process and when factors implicated in school exclusion are interrogated, poverty reemerges (effectively, within the model on the left hand side of figure 5, exclusion functions as a proxy measure for poverty).

The table on the right hand side of figure 5 shows the results of regression modelling exploring the factors predicting exclusions at age 15 (the most prolific age for exclusion). As can be seen, high volume of bad behaviour at school remains predictive of exclusion when other factors are held constant. However even when controlling for this, youngsters living in the most deprived neighbourhoods had over twice the odds of being excluded from school than their more affluent counterparts. Those living in single parent or non-parental care households had significantly greater odds

of exclusion than those living with two parents (either birth or step-parents). However, as with detention, the variable with the largest effect size in the model is early experience of exclusion. As indicated on the table, exclusion in the first year of secondary education, leads to a repeat cycle in later years, accompanied by a troublemaker reputation.

Taken together these models are suggestive of a pathway into imprisonment – beginning in poverty and shaped along the way by labelling, stigmatisation and multiple instances of exclusion. A pathway which, in practice, has limited impact on reoffending, but is one which negates the democratic membership and entitlements of these young people.

Building a democratic approach to matters of justice: lessons from the Edinburgh Study

Given that the juvenile and adult criminal justice systems appear to have a limited impact on reoffending (as opposed to reconviction rates), what do our findings then suggest about the key factors driving desistance from offending, factors which might form the focus of a more democratic approach to matters of justice?

Exploring desistance

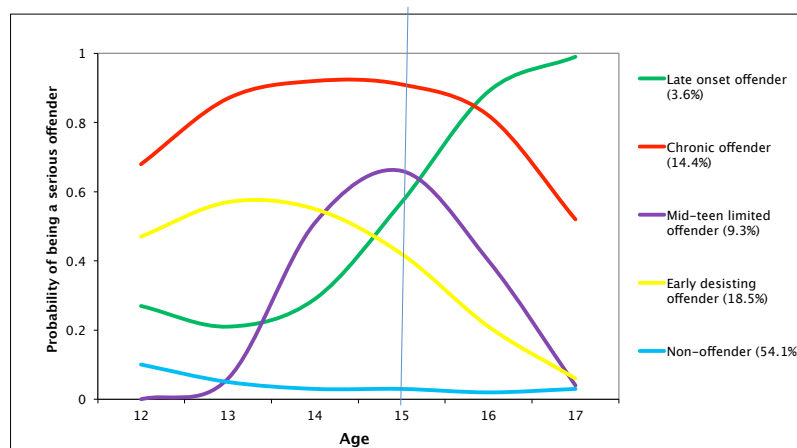
Figure 6 shows the findings of trajectory analysis exploring self-reported serious offending pathways (McAra and McVie, 2014 forthcoming). As you can see, we found five main groups: a *non-offender* group – the

largest of all, comprising around half of the cohort; a *chronic* group whose probability of involvement in serious offending was relatively high at each *Study* sweep; an *early desister* group, whose probability of offending was high in the early years of the *Study* but then fell dramatically from around age 14 to 15 onwards; a *later onset* group whose probability of serious offending began to rise significantly over the teenage years and continued into the adult years; and finally a *mid-teen limited* group, whose offending rose significantly between the ages of 13 to 15 but fell in subsequent years, stopping by age 17.

As can be seen, all offender groups, other than the *later onset* group, significantly decreased their probability of involvement in offending to a greater or lesser extent from age 15 to 17 – there is a general downward trajectory.

Self-reported serious offending trajectories

(McAra and McVie forthcoming 2014)



Serious offending = Housebreaking, vehicle theft, joyriding, fire-raising, robbery, weapon carrying and 6+ incidents of assault.

Figure 6

Early analysis indicates that the following factors are key drivers of the desisting process. Firstly a desisting pathway was promoted by transformations in key relationships. The desisting groups experienced less conflict with parents and /or caregivers, less conflict with friendship groups, and they became involved in longer term, more sustained romantic relationships. A desisting trajectory was also promoted by reductions in stressful events (such as close family members dying, parental divorce etc.), with a concomitant decrease in self-harming behaviours. Desistance was additionally accompanied by increases in self-esteem feelings and an increase in self-control, whereas there was no change in the *later onset* group. Reductions in victimisation also presaged a desisting pathway, in contrast to the *later onset* group who experienced significantly elevated rates of crime victimisation, especially victimisation from violence. Hanging around the streets

and socialising with friends who were involved in offending also diminished for the desister groups over this time frame, in contrast to the *later onset* group.

Taken as a whole, these findings indicate that the context of desistance is one in which the young person perceives themselves to have greater control over their capacity to negotiate and build key relationships in a positive and sustained way, and one in which many of the core vulnerabilities strongly linked to serious offending are diminished.

In keeping with other research on desistance, it is clear from the trajectory analysis that desistance is a process and not a single event (it takes place over years, not months or days) and that there are many challenges for young people in sustaining a desister pathway. In order to evidence this further, I want now to turn finally to some of our qualitative data.

As I mentioned earlier, we undertook semi-structured interviews at ages 13 and 18 with sub-samples of the cohort. At age 18 these included young people who had been involved in serious offending: a specific aim of these interviews was to explore desistance. We know from this interview data (as well as from the cohort's self-reports), that for many young people: involvement in offending begins as a means of gaining status and a sense of belonging within their peer groups; a pattern of offending is sustained where the rewards of an offender identity continue to outweigh the risks; and that such identities are only left behind when other modes of attaining status become available or are perceived as more desirable (McAra and McVie 2012).

At age 13 interviewees had a very strong sense of agency and did not feel that they were under pressure to become involved in offending:

'Nobody forces me to do stuff.' (Boy)

'It's my choice.' (Girl)

'There's nobody really to pressure me. If they ask me then it depends if I want to.' (Boy)

However, by age 18, there was greater realism about the longer-term influence of peers and the difficulties in moving on:

'Once you're involved [] you can never really just pull yourself away from it. There's always a tie. You can't really disconnect... But at the same time some people never forget so you've still got to watch yourself even if you're trying to move on, 'cause a lot of people are still in gangs. They'll remember you.' (Boy)

'If I'm up town or somewhere, and I'm just walking along the road and I see people fighting, and I look and it's somebody that I've known from years ago, it's one of these things. It's just instinctive to go and help them, 'cause they've done it for me in the past. And that's how a lot of the time you get big fights breaking out, 'cause it's sort of a friends thing.' (Boy)

Importantly, those who continue to be involved in serious offending in the later teenage years appear to be stuck in particular discursive pathways. Offending at age 13 is often justified on the groups of sticking up for family and friends, self-defence, or meting out revenge. Similar themes also came out at age 18. Indeed, our 18 year olds often sounded like 13 years as indicated in the following examples:

The rules of engagement at age 13

'It was an older guy and he started calling me names so I went to hit him ...everyman for his- self, right....and he dodged and he took out a knife and slashed my ankle. I was sure I hit him hard... his mouth was all bloody and you could see wee white bits.' (Boy)

'So my sister came crying to me...so I went and got my mate cos there was like two of them and they could have battered me cos one had a pole and one had a stone, so I bagged the pole off him and then I punched him right in the face and gave him a bust lip.' (Boy) 'People have taken jewellery and stuff...it's usually people who don't care much and you really really want to hurt them a lot...then the whole threatening people with knives and stuff comes out...if they deliberately destroyed it or anything then I would get back at them.' (Girl)

The rules of engagement at age 18

'I was up town...and he hit my friend, this person I never even knew him, and they started fighting and he was hitting my friend, and my friend fell, and as soon as my friend fell I just went running and kicked him right in the jaw, and his jaw's just went like that, and the boy's just fell. He just collapsed and I mind running 'cause I thought he was dead. Honest, I thought, the boy just collapsed, and we were only young, looking at him I was just like 'what have I done?' I ran away and left him.' (Boy)

'One girl started phoning me, and hurling abuse down the phone, so my pal had to phone her and she was hurling abuse back... I'd never met her in my life, but she jumped my wee sister 'cause she didn't like me, but she'd never met me either, she just argued with me on the phone. I was gonna kill her there, I would have ripped her head off....I've still not seen her in my life. Well, I've seen her but she always runs away. '(Girl)

Concluding thoughts

I want to conclude the lecture by returning to the questions I set out at the beginning: at what point, with whom and by whom, are services are best delivered to enhance justice for vulnerable young people?

At what point? Our findings suggest that there is need for 'GIRFOC' as much as 'GIRFEC'—getting it right for older children! We need to resource services which can support young people as they negotiate transitions in the early, mid and late teenage years: transitions into and then out of secondary education, into and out of care, into and out of key relationships and into and out of risky encounters.

With whom to intervene? The findings indicate that generic services are needed to support all young people in communities with heavy concentrations of poverty and social adversities. Given that early contact with agencies runs the risks of labelling and stigmatizing, universal provision within these locales would have a strong pay off. There is also a need to intervene to tackle institutional working cultures and support more reflexive practice on the part of key professionals both within schools and within the wider juvenile justice and adult systems.

And finally, by whom? The findings would suggest that formal agencies of juvenile and adult justice are rather blunt instruments for supporting the process of desistance from offending. And that these are better delivered through health services, schools, youth work and community education, YOU!

As I mentioned at the beginning of the lecture, it is now fifty years since the publication of the Kilbrandon Report. In that report the committee wrote: "If society's present concern is to find practical expression in a more discriminating machinery for intervention, it must be recognised that society's own responsibilities toward the children concerned will be correspondingly increased, and that this will make commensurate demands on the nations resources".

Scottish politics post-devolution has been characterised too often by failed attempts to respond effectively to crime in ways that enhance the democratic membership of offenders. As we stand on the threshold of a transformed constitutional settlement, we have a major opportunity to promulgate to the world a vision of juvenile justice in which improvements to the life chances of our most vulnerable young people become everyone's responsibility. Our time is now!

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