

TOMORROW'S CRIMINALS

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Ashgate Publishing, 2009.

ISBN 978-0 – 7546 – 7151 – 0

Book Review by Sally Ramage

Tomorrow's Criminals

This intensive and timely multi-agency book is devoted to the study of children who show persistent disruptive behaviour and child delinquents. It is an encyclopaedia of empirical knowledge about the development, causes and consequences of child delinquency and disruptive behaviours in children and it identifies successful preventive interventions and treatments. It identifies critical gaps in this knowledge and is a highly readable script, written for everyone concerned about children.

Its sixteen chapters are arranged into six parts. These chapters address the topics of child development, child delinquency, parent and child personality characteristics, peer relationships, bullying in primary schools, risk factors, assessments, prevention, intervention, cost-effective prevention and treatment, Children's international rights, at-risk children in Europe and a conclusion which includes very important recommendations. This highly impressive work includes an extremely impressive bibliography, abundantly useful in itself.

One of the key findings in criminology is that a relatively small number of chronic offenders in adolescence and adulthood account for more than half of all crimes including serious property crime and violence, having started their delinquency in childhood. Child delinquents have a high likelihood of becoming violent, serious and chronic offenders. In the Western world, it is juveniles from minorities who are over-represented in the justice system of many countries and also in institutions for delinquents. This does not necessarily imply that cultural background or racial discrimination itself is the only cause. There are other reasons, for example, poor living conditions and poverty itself.

Child Delinquents in the UK

This book is extremely pertinent to the United Kingdom and must be made compulsory reading for all government and voluntary agencies dealing with children. The detention of people under 18 years of age, especially in the UK Prison Service establishments, is a contemporary topic in the wake of many assaults by youths on youths at the present time. Anti-social behaviour among British youth today is a phenomenon never seen before. Instances of gangs of young people attacking and murdering other young people, rioting, attacking the police, attacking anyone who admonishes them, are rife. For example, in just one week in July 2008, an angry mob besieged a police station in Norfolk, riot police clashed with protestors at Heathrow, a man and a teenage boy were murdered in separate incidents and paramedics were attacked as they tended a father and son. There is a large portion of British youth population which has no respect for their parents or for authority. It can be said that there is a soaring rise in knife crime and a string of recent

incidents which have created an environment in which law-abiding citizens are living in the United Kingdom in terror of youths.

Delinquency factors

Notably, the characteristics of schools attended and the neighbourhood in which the children reside are risk factors for child delinquency. Other factors that cause delinquency include individual factors such as birth complications, hyperactivity, exposure to pollutants, and family factors such as parents' poor child-rearing practices (being child abuse which consists of child neglect ; physical abuse ; sexual abuse and emotional abuse); parental drink and drug abuse and parents' own delinquency. Violence against children and sexual offences come under the heading of family factors. Multiple other studies have reinforced the findings in this book. In the UK, parents with psychiatric disorders are being inadequately treated, or not treated at all, and are more likely to be violent than the general population (Yesavage, 1982; Taylor, 1985; Smith, 1989; Bartels et al., 1991; Link et al., 1992; Modestin and Ammann, 1996; Kasper et al., 1997; Swanson et al., 1997; Swartz et al., 1998; Taylor et al., 1998; Arango et al., 1999).

Child laws in the UK

As regards legislation, the UK has the Offences against the Person Act 1861; the Protection of Children Act 1978; the Mental Health Act 1983; the Family Law Act 1996; the Crime and Disorder Act 1998; the Youth Justice and Criminal Evidence Act 1999; the Children and Young Persons Act 1993; the Sexual Offences Act 2003; the Domestic Violence, Crime and Victims Act 2004 and others. Also, the Policing and Crime Bill 2009 contains some very troubling measures that both reflect the state of delinquency in the UK and the drastic measures that police think they need statutorily and these include offences of selling alcohol to children (clause 27); confiscating alcohol from young people (clause 28); persistently possessing alcohol in a public place (clause 29); and injunctions to prevent gang related violence (clause 33). These laws, however, are all reactive laws passed to address the result of child delinquency.

Police Guidance on child delinquency in the UK

The ACPO Guidance titled "It's never too early; it's never too late", published in 2005, in force since January 2008, includes the following insight (at 1.4 and 1.5):

'Whilst it is a small proportion of young people that commit crime, some of them do go on to become prolific offenders and cause great suffering and misery within our communities. It is vital that we have processes in place to identify these young people early in their criminal careers and develop the best youth justice practice to divert them from crime into more positive activities and lifestyles. For those that persist in offending, or commit serious crimes, not only will we resort to the full weight of the law, but we will ensure that intervention is tailored to the needs of the individual and the community and ensure that young offenders are positively rehabilitated in their communities thereafter. Critical to the success of this strategy is the active leadership of Chief Police Officers. Each element has a Chief Officer portfolio lead whose task is to ensure that the necessary research and development is progressed and, through a detailed work plan, our aims and

objectives are achieved. We believe this broad-based approach identifies the policing role and contribution to this agenda and provides our best prospect for success by insisting 'it's never too early and never too late'.

The above quote also underlines the present method of tackling this problem of juvenile delinquents. Juvenile offenders who commit serious and/or violent crime may require confinement to protect public safety and intensive supervision and intervention to become rehabilitated. On the other hand, many offenders can be effectively rehabilitated through community-based supervision and intervention. Secure detention differs from secure confinement both in terms of the reasons a youth is being held and in the range and intensity of programs available to an offender in each setting. Secure detention refers to the holding of youth, upon arrest, in a juvenile detention facility for two main purposes: to ensure the youth appears for all court hearings and to protect the community from future offending. In contrast, secure confinement refers to youth who have been adjudicated delinquent and are committed to the custody of correctional facilities for periods generally ranging from a few months to several years. However, this is not the cure to the problem. The cure lies in government policies and the fair treatment of humanity.

Tomorrow's Children contains valuable research findings that may highlight the fact that the 'weight of the law' is not the first step to take in tackling delinquency, but that the growing and insidious problem needs tackling at the grass roots of government policies, economic assistance and the addressing of the selfish and greedy capitalism that is embedded in Western culture, which, like a boomerang, is travelling back by way of poison in our children.

Compliance with International laws protecting children

The UK has passed the international Criminal Court Act 2001 which enables investigations give effect to the Statute of the International Criminal Court, and to provide for offences under domestic law corresponding to offences within the jurisdiction of that court. Part 1 (s.1) provides that "the ICC" means the International Criminal Court established by the Statute of the International Criminal Court done at Rome on July 17, 1998, and that "ICC crime" means a crime (other than the crime of aggression) over which the ICC has jurisdiction in accordance with the ICC Statute. Part 2 (ss.2-26) makes provision for the arrest and delivery of persons to the ICC, where such persons are alleged to have committed an ICC crime or to have been convicted by the ICC. It is divided into sections dealing with proceedings on a request from the ICC, proceedings where a court refuses to make a delivery order, proceedings where a court makes a delivery order, warrants, custody, bail and related matters and requests for transit and unscheduled landings. Part 3 (ss.27-41) makes provision for the giving of other forms of assistance. In particular, this provides for the conduct of investigations, the taking of evidence and the service of process. Part 4 (ss.42-49) makes provision for the enforcement of sentences and orders, including by detention in the United Kingdom in pursuance of an ICC sentence. This Act is relevant because there are international treaties that protect children and the UK must ensure that it complies with all the international treaties it has ratified, including crimes against humanity (see, for instance the case-law

R (on the application of Islamic Human Rights Commission) v. Civil Aviation Authority[2007] A.C.D. 5, QBD).

March of technological progress reveals the problem

Technology has enabled us to see the raw data about delinquency and crime and reveals more than the data was collected for. Crime statistics reveal discrimination, economic poverty, sexism, racism and much more than just crime numbers. The progress of technology itself reveals the thinking behind the decision-makers in our world today. For example, an EU document on finger-printing states:

‘The following applicants shall be exempt from the requirement to give fingerprints:

b) Exceptions

The following applicants shall be exempt from the requirement to give fingerprints:

– Children under the age of 6; – Children under the age of 12;

– Persons where fingerprinting is physically impossible. If, however, fingerprinting of less than ten fingers is possible, the respective number of fingerprints shall be taken.

– Persons where fingerprinting is physically impossible. If, however, fingerprinting of less than ten fingers is possible, the respective number of fingerprints shall be taken. Member States shall ensure that appropriate procedures guaranteeing the dignity of the person concerned are in place in the event of there being difficulties in enrolling. They shall also ensure that the decision as to whether fingerprinting is impossible is always taken by the duly authorised staff of the diplomatic mission or consular post of the Member State(s). Furthermore, should the impossibility be temporary, the applicant shall be required to give fingerprints at the following application. Consular staff shall be entitled to ask for further clarification of the reasons for the temporary impossibility...’.

The above is quoted from the EU document titled ‘TA-PROV(2008)0358 Common consular instructions: biometric identifiers and visa applications’.

Conclusion

The juvenile delinquent can be defined as a young person who habitually breaks the law and who commits punishable offences usually committed by adults, but denoted as juvenile crimes because the offences are committed by those under the age of eighteen. The lessons for all of us, to be learnt from this book, is that early onset of child delinquency is predictive of later chronic, serious and violent offending. Compared to many countries, the UK is shown to be one of the more punitive countries in its application of justice to juveniles and this obviously is not the answer to the very serious and growing problem of juvenile delinquents in this country.

This important book must be placed on the bookshelves of all UK public libraries. It is one of the most important publications about children ever published. There is an

emerging civil rights movement for children in the United States, which is to say that children are finally actually getting a seat at the public policy table. In the UK, and in Europe as a whole, we need to follow the example of the US and move away from criminal laws to civil action for all of our children's futures because children are a large cohort of our society that cannot vote, and therefore frequently sits on the bottom rung of the ladder of public priorities. All of our children deserve better. Those in the power elite must push child abuse victims' needs up that ladder. Children's health and education issues around the world. Need to be addressed, thereby addressing delinquency also, especially now that we are aware that childhood sexual abuse, child neglect and violence are root causes of their delinquency. We must have civil rights movements to change things for a better childhood.

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