

Review

Screening and referral – sub-evaluation of the Youth Crime Board

In 2018, the then Danish government (the Liberal Party, the Conservative People's Party and the Liberal Alliance), the Social Democrats and the Danish People's Party entered into an 'Agreement on a reform of the measures taken to combat youth crime – all actions have consequences'. The reform measures included the introduction of the Act on Combatting Youth Crime (*lov om bekæmpelse af ungdomskriminalitet*), which came into force on 1 January 2019, and the establishment of the Danish Youth Crime Board (*Ungdomskriminalitetsnævnet*).

The Research Division of the Ministry of Justice has outlined an evaluation plan consisting of six sub-evaluations, of which the present evaluation deals with the screening for and referral to the Youth Crime Board. In addition to the present evaluation, a sub-evaluation of the Board hearing was published in May 2021 and a sub-evaluation of youth protection examinations and recommendations was published in December 2021.

One of the aims of the present evaluation is to illustrate the practice and processes relating to the screening for and referral to the Youth Crime Board as well as experiences gained by key players. Focus is also on the characteristics of the target group referred to the Board and several key players' evaluations of the target group. Further, the Youth Crime Board's practice relating to the achievement of the aims established in connection with the formation of the Board is assessed on an ongoing basis.

The present sub-evaluation is based on a series of empirical studies, including data retrieved from cases processed by the Youth Crime Board, retrieval of data on children/young people who are suspected of/charged with an offence prior to the decisions made on their cases by the Youth Crime Board, statements concerning the ability of the police, the Prosecution Service and the courts to meet deadlines, data from a manual case review, questionnaire responses from Board members and child psychologists as well as interviews conducted with screening employees etc. at the police and the Prosecution Service. It is observed that the COVID-19 pandemic may have had an impact on some of the results of the investigation, particularly as regards case processing times.

A summary of the results of the analyses:

Characteristics of children and young people referred to the Youth Crime Board

- Of the 1,858 children and young people aged 10-17 referred to the Youth Crime Board from 1 January 2019 to 30 April 2021, the majority (91 per cent) were referred due to offences against the person while the remainder were referred due to other serious offences.
- A little more than half (55 per cent) of the children/young people were 15-17 years old at the time of the offence.



- Depending on the age group (10-14 or 15-17) and the type of crime (offences against the person or other serious offences) under review, boys accounted for 83-90 per cent.
- The average number of cases in which children/young people have been recorded as being suspected of/charged with an offence *prior to the decisions made on their cases* by the Board is higher for children/young people who have been referred due to other serious offences than for those who have been referred due to offences against the person.
- In the majority of the cases, the child/young person has (had) a need for social care measures. This means that the child/young person is receiving or has received social care measures or that the local authority has been notified about the child/young person. The share of children/young people who have (had) a need for social care measures is larger among children/young people who have been referred due to other serious offences.

Police screening

- As regards children/young people referred due to *other serious offences* and where the screening employees of the police are to assess the risk of recidivism, the screening employees retrieve information from the local authority. In that connection, the majority of the screening employees interviewed are of the opinion that the collaboration with case officers in the local authorities works well.
- As regards cases concerning 10-14-year olds, most interviewed screening employees are of the opinion that the collaboration with Prosecution Service staff in the local police district works well.
- However, screening employees across the police districts indicate that the volume of cases concerning 10-14-year olds discussed with prosecutors varies as does the screening employees' experience as to how and to what degree prosecutors familiarise themselves with the specific cases for use in the dialogue with the screening employees. Accordingly, the practice of the collaboration between the Prosecution Service and screening employees across police districts in cases concerning 10-14-year olds seems to vary which may be the reason why the screening employees' basis for assessment varies. However, it cannot be ascertained whether the differences of the types of cases referred to the Youth Crime Board reflect the varied collaboration across police districts.

Prosecution Service's processing of cases concerning 15-17-year olds

- In cases received by the Prosecution Service for which the screening employees of the police have recommended referral to the Youth Crime Board, the Prosecution Service follows the recommendations and claims referral to the Youth Crime Board in by far the majority of cases – 90 per cent at national level.
- Where the screening employees' recommendation to refer a case to the Youth Crime Board is not followed, the reason may be the age of the relevant person as cases where the relevant person turns 18 within less than three months should not be referred to the Youth Crime Board or that a claim is made for a youth sanction.



Criminal decisions claiming referral of 15-17-year olds

- In the majority (87 per cent) of the cases referred to the Youth Crime Board in the period from 1 January 2019 to 31 March 2021, the court imposed a suspended sentence of imprisonment while in a small number of cases, the court imposed a sentence (7 per cent) or a partially suspended sentence of imprisonment (6 per cent).

Referral of cases by police district

- It varies from police district to police district whether cases are referred due to offences against the person or due to other serious offences and depend on the age of the child/young person.

Ability to meet deadlines

- In by far the majority (92-96 per cent) of *cases concerning the 10-14-year olds*, the 10-day deadline from the relevant person is suspected of having committed an offence until it is decided whether the case is to be referred to the Youth Crime Board is met.
- In the opinion of most screening employees, there are no difficulties meeting the deadline in the majority of cases. Meanwhile, it may be difficult to meet the deadline in two types of cases: 1) cases which have not been fully investigated before the child/young person is recorded as a suspect, and 2) cases in which a 10-14 year old and a 15-17 year old are suspects/charged in the same case.
- As regards *cases concerning the 15-17-year olds*, the deadline from the charge until the case is sent to court was met in 69-72 per cent of the cases in the period from the first half of 2019 to the second half of 2020. In the first three months of 2021, 39 per cent of the cases were processed within the deadline.
- In complex cases where a full investigation of the matter is time-consuming, such as cases where the young person is remanded in custody, it may be difficult to meet the deadline.
- As regards *cases concerning the 15-17-year olds*, the courts' 37-day processing time was met in 73-80 per cent of the cases in 2019. From the first half of 2020 to the first three months of 2021, 48-53 per cent of the cases were processed within the deadline.
- In almost one third of the cases in which the deadline was exceeded, the reason was recorded as being due to 'circumstances relating to the defence'.
- A manual review of cases shows that in the case of the 10-14-year olds, almost four months pass on average from the date of the offence to the date of the Board hearing, while in the case of the 15-17-year olds, just over seven months pass on average from the date of the offence to the date of the Board hearing.

Description and assessment of cases referred to the Youth Crime Board

- The political agreement on a reform of the measures taken to combat youth crime describes the establishment of the Youth Crime Board as an initiative designed to stop young offenders from becoming part of the criminal food chain. Chapter 12 of the report deals with the assessment by professionals of whether the types of cases

- referred to the Youth Crime Board meet the purpose of preventing youth crime, including stopping young offenders from becoming part of the criminal food chain.
- Five analytical categories have been set up for children and young people based on the descriptions and evaluations – made by and frequently highlighted by the professionals interviewed – of children/young people referred to the Youth Crime Board. It is observed that it is not an exhaustive list of various types of children and young people referred to the Youth Crime Board, and the types and descriptions are not necessarily mutually exclusive.
 - As regards the types of cases involving *children/young people affiliated with criminal groups* and *children/young people at risk of committing additional crime*, the general view is that those cases are considered to relate to the criminal food chain and that the consideration of such cases by the Youth Crime Board is appropriate as a means to preventing youth crime.
 - As regards the type of cases involving *children/young people with a low risk of committing additional crime*, these children/young people are not assessed to be part of the criminal food chain and, according to the professionals, the balance between the consideration of the case and the assumed crime prevention effect lacks proportionality.
 - A fourth type of cases involve *children/young people who prior to their first referral to the Youth Crime Board were placed in an institution and who on repeated occasions are referred to the Board during their placement*, for example due to violence and threats against the institution staff. Those children/young people are assessed to be part of the criminal food chain but at the same time, it is pointed out that it may seem pointless to refer the same persons on repeated occasions to the Youth Crime Board. Several Board members point out that in such recurring cases, it may be difficult for the Youth Crime Board to make decisions that complement the existing social effort in order to improve the crime prevention measures.
 - The last type of cases involve *children/young people with a reduced mental functional capacity* where the assessment is that this group may be considered to be the type of children/young people that the Youth Crime Board is aimed at as they display criminal behaviour, and the risk of recidivism is high. Meanwhile, it is not considered appropriate for the Youth Crime Board to consider such cases. The reason is that the children/young people are not assessed to have the cognitive ability to understand the procedure and their participation in a Board hearing may be a strain on their mental health. This is also due to the perception that the children/young people to a large extent already receive social care measures under the Danish Social Services Act (*lov om social service*) and that a decision on an improvement plan and the accompanying supervision by the Danish Juvenile Prison and Probation Service (*Ungekriminalforsorgen*) is estimated to jeopardise the existing effort. Accordingly, an improvement plan with the accompanying supervision is not expected to improve the crime prevention effort.
 - It should be noted that the three latter types are estimated to account for a small share of the overall group of children/young people referred to the Youth Crime Board.
 - Several professionals point out that they are familiar with a type of children/young people who are estimated to be part of the criminal food chain but who do not comply

with the conditions for being referred to the Youth Crime Board. The descriptions of these cases typically concern children/young people who are suspected of/charged with other serious offences that are below the limit for triggering a prison sentence, such as sale of controlled substances and possession of knife, and who have repeatedly been recorded in police systems as having been encountered together with persons from criminal groups.

