

Review

Youth protection examinations and recommendations – 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 programme consisting of six sub-evaluations, of which the present evaluation deals with youth protection examinations and recommendations 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 the screening and referral process was published in December 2021.

The aim of the present sub-evaluation is to illustrate the practice and processes in connection with the preparation of youth protection examinations and recommendations to the Youth Crime Board as well as experiences gained by representatives of local authorities. The local authorities' knowledge of the children/young people referred to the Youth Crime Board is also described. Further, the practice of the Youth Crime Board in relation to the achievement of the some of the aims set out in connection with the establishment 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 considered by the Youth Crime Board, data from manual case reviews, questionnaire responses from Board members and child psychologists as well as interviews conducted with representatives of local authorities etc. 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 brief summary of the results of the analyses:

Volume of cases considered by the Youth Crime Board distributed on local authorities

- At the end of 2019, the Youth Crime Board had considered at least one case from the majority (85) of local authorities. At the end of 2020, the Youth Crime Board had considered at least one case from another nine local authorities and cases from two additional local authorities were considered by the Board during the first quarter of 2021.



- Most of the cases considered by the Youth Crime Board came from the local authorities of Copenhagen, Aarhus, Odense, Aalborg and Esbjerg, which accounted for 202, 160, 77, 66 and 59 cases, respectively.
- The number of cases considered for the majority (81 out of 96) of local authorities ranged from one to 25 cases in the period from 1 January 2019 to 30 April 2021.

Nature of local authorities' knowledge of children/young persons

- An analysis based on the 1,858 cases considered by the Youth Crime Board in the period from 1 January 2019 to 30 April 2021 shows that in about one fifth (396) of the cases, the child/young person was already known to the local authority because the child/young person was already placed in care prior to the Board hearing.
- The above-mentioned retrieved data comprise all cases but do not include information about any other measures taken in respect of the children/young persons under the Danish Social Services Act (*lov om social service*). Accordingly, a manual review of cases¹ shows that:
 - In more than half of 200 cases, at least one measure had been taken in respect of the child/young person under the Social Services Act at the time when the local authority prepared the case file.
 - In more than two thirds of 100 cases, the child/young person was already known to the local authority prior to the incident resulting in the referral to the Youth Crime Board.

Youth protection examinations

- A manual review of 100 cases shows that in 99 out of 100 cases, the local authority had had a talk with the child/young person in connection with the preparation of the youth protection examination.
- In the majority of these cases, the youth protection examinations required statements on the state-of-affairs from professionals and that matters concerning development and behaviour, family, school, health and leisure activities/friendships of the child/young person were clarified.
- In more than one fourth of the cases, a child protection examination or a child protection examination combined with updated information was used in replacement of a youth protection examination. In the remaining cases, youth protection examinations were used in the Youth Crime Board's consideration of the case.
- Several interviewed persons point out that it may be difficult to assess whether a case is sufficiently illuminated by a recent child protection examination and whether a supplement to an older child protection examination should be made.

Recommendations

Local authorities can recommend an improvement plan and/or an immediate response. An improvement plan comprises one or more measures, including placement in care, while an

¹The analyses are based on a manual review of 200 and 100 cases, respectively. See more in section 2.4.

immediate response could consist in the child/young person contributing to remedying the damage made or participating in other activities for the purpose of remedying the damage.

- Neither immediate response nor improvement plan: In 63 out of 200 cases reviewed manually, the local authority recommended neither an immediate response nor an improvement plan. Almost all of these 63 cases were referred due to offences against the person.
- The interviews conducted with local authority representatives showed a uniform description of the type of cases in which neither an immediate response nor an improvement plan was recommended. These cases largely concerned cases involving children/young people who were not assessed to be at risk of committing further offences and cases involving socially vulnerable children/young people who were already comprised by several different social measures, including placement in care.
- Immediate response: Of the 200 cases reviewed manually, only one case was recommended for immediate response by the local authority. In that case, the local authority also recommended an improvement plan.
- Most of the local authority representatives interviewed have no experience in recommending an immediate response. In the interviews, three barriers to the use of recommendations of immediate response were pointed out: 1) Doubt about the framework and guidelines for the use of immediate response, including in connection with health and safety as well as insurance matters, 2) an assessment that in real life, there will typically not be a swift response, and 3) lack of insight into the legislation and into the nature of immediate response.
- Improvement plan:
 - In more than one fifth (418) of the 1,858 cases considered by the Youth Crime Board in the period from 1 January 2019 to 30 April 2021, placement in care was recommended.
 - The data retrieved comprise all cases but do not include information about any other measures recommended by the local authorities. Accordingly, a manual review of cases shows that:
 - An improvement plan was recommended in 137 out of the 200 cases reviewed manually. These improvement plans comprise a total of 266 measures that typically involve support from a contact person.
- Most of the local authority representatives interviewed mentioned cases considered by the Youth Crime Board where the child/young person had a reduced mental functional capacity but only few had recommended to the Youth Crime Board that the child/young person be exempted from participation in the Board hearing due to the relevant person's *severely* reduced mental functional capacity. In that respect, quite a few mentioned the importance of the child/young person being offered the opportunity to express his or her views in connection with his or her own case. In two out of 200 cases reviewed manually, the local authority requested that the

child/young person be exempted from participation in the Board hearing due to the relevant person's *severely* reduced mental functional capacity. In both cases, the request was granted.

Ongoing measures and recommendations

In 105 out of 200 cases reviewed manually, it was ascertained that measures were already being taken in respect of the child/young person under sections 52, 58 or 63 of the Social Services Act. In 75 out of the 105 cases, the local authority recommended that *at least one* of the ongoing measures be continued in an improvement plan under the Danish Youth Crime Act (*ungdomskriminalitetsloven*) while no recommendations were made in the remaining 30 cases for a continuation of the children's/young people's ongoing measures in an improvement plan under the Youth Crime Act.

Examples of the advantages of continuing ongoing measures in an improvement plan were mentioned during the interviews if it was difficult to motivate the child/young person to take part in the ongoing measures under the Social Services Act.

Quality of case files from local authorities

Among the Board members formerly interviewed, several were of the opinion that the case files from the local authorities for use by the Youth Crime Board in its consideration of cases were of varying quality and lacked uniformity across the local authorities. However, there have been indications of a development towards higher quality and more uniformity. This should be viewed in light of the local authorities' increased experience in the consideration of cases for the Youth Crime Board and that templates for youth protection examinations and recommendations have become integrated in the IT solutions of DUBU (Digitisation – vulnerable children and young people) which are used by the majority of local authorities across the country in their consideration of cases concerning children and young people.

Deadlines

In 13 out of 24 cases reviewed manually² concerning 10-14-year olds, the local authorities forwarded the case files to the Youth Crime Board within the 3-week deadline from the request of the Secretariat of Youth Crime Board. In most of the cases in which the deadline was exceeded, the time period for the preparation of the youth protection examinations included Christmas and/or New Year. In about half of these cases, the local authority sent a request to the Secretariat of the Youth Crime Board for an extension of the deadline which was granted.

In almost all cases involving 15-17-year olds (66 out of 69 cases) from the manual review, the relevant local authority forwarded the case files to the Secretariat of

²Based on a review of 100 cases. See more in section 2.4. The manual case review comprised 29 cases involving 10-14-year olds and 71 cases involving 15-17-year olds. Cases that were extended are not included in the specification referred to in the note, which explains the total number of cases being 93.

the Youth Crime Board within the deadline of seven days prior to the Board hearing. In the few cases in which this was not the case, the relevant local authority forwarded the case files six days prior to the Board hearing.

Most of the local authority representatives interviewed were of the opinion that it was a short deadline which it could be difficult to meet. Two types of cases in which it was particularly difficult to meet the deadline were frequently pointed out: Cases in which the child/young person was not already known to the local authority and cases in which it was recommended that the child/young person should be placed in care and where the child/young person was not already placed in care.

Overall, it was the general opinion among the local authority representatives interviewed that the short deadline had an impact on the quality of the youth protection examination and recommendation. A few of the representatives interviewed mentioned that in some cases involving 15-17-year olds, they prepared the youth protection examination before the court hearing of the criminal proceedings took place. In quite a few cases, the child/young person was already known to the local authority prior to the incident that resulted in the referral to the Youth Crime Board and in some cases they could use information from a former child protection examination in replacement of a youth protection examination.

