



**Investigating young people's
awareness and understanding of
the criminal justice system:
An exploratory study**

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Based on her John Sunley Prize winning masters dissertation

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Abstract

This paper reports on an exploratory study designed to take soundings of young people's awareness and understanding of the criminal justice system. Focus groups were conducted with 65 young people in 6 different secondary schools, investigating their knowledge of the existence and scope of certain offences, sentencing processes and repercussions, as well as rights on contact with the police. The paper discusses the significant deficits in understanding observed and the practical and theoretical concerns which are raised; notably that the participants appeared to be ill-equipped to make reasoned judgements around certain offending, and that they may have insufficient understanding of their rights to be able to fully engage the protections theoretically afforded to them by the law. The paper closes by addressing potential avenues for future research.

1. Background

This paper reports on an exploratory study to investigate young people's understanding and awareness of the criminal justice system. It was stimulated by my experiences over a number of years representing young people in the criminal courts. I found that young defendants often claimed, or displayed, really limited awareness of reasonably commonplace features of the criminal law and criminal justice system. '*How was I supposed to know...?*' was a not uncommon outburst, followed often by '*Well if I'd known that...*' Frustratingly, it seemed that this lack of information or understanding was often a factor in adverse response to the police, or in poor decision-making around offending.

My clients appeared to display a lack of awareness in three distinct areas. Firstly, they related having been unaware of the scope or existence of certain common offences. Secondly, they appeared to have extremely limited prior knowledge of sentencing ranges and processes, and, whilst concerned about the impact of a conviction on their future prospects, they generally lacked any clear understanding of how that might manifest itself. Finally, they plainly had very limited understanding of their rights, particularly in contact with the police, and were on occasion therefore unable to engage those protections to which they were entitled, or reacted adversely to legitimate, but unanticipated, treatment in police custody.

My interest in this project lies in investigating whether this suggested lack of awareness can be identified as a more general phenomenon. My concern is that if there is such a dearth of understanding amongst young people in these areas, there is the risk that they may find themselves stumbling unaware into criminal behaviour, denied fundamental protections and disadvantaged in their engagements with the authorities because of a simple lack of information.

2. The research context

Public knowledge of crime and justice has been researched far less extensively than public opinion on, and perceptions of, these topics. As Roberts observes, this represents a significant gap in our understanding which warrants further study, '*not least because this information will promote understanding of public attitudes for which they are the foundation*'. (1992: 163-4).

The research into youth awareness and understanding of the criminal justice system is even more limited. There has in recent years been an increased interest in young people's perceptions of their experiences of the system, especially of the police (Brunson and Miller 2006, Sharp and Atherton 2007, Norman 2009, Gau and Brunson 2010, All Party Parliamentary Group for Children 2014), and of procedural fairness, (Hinds 2007, Newbury 2008, Lacey, L 2012). However, in line with Roberts' observations about adult awareness (1992), there has been very little examination of what young people know and understand about the criminal justice system. There has, in short, been scant consideration of the question: what is the residual awareness and understanding that young people have to fall back on when they face an opportunity to offend, experience a confrontation with an officer, or enter the custody suite at the police station?

Although there is a considerable volume of research on stop and search, this has tended to focus on issues of ethnic disproportionality, public trust and confidence, and police exercise of these powers (see for example Delsol and Shiner 2006). There is significant evidence, however, to support the contention that an understanding of the purpose of stop and search, and of individual rights in that procedure, can enhance acceptance of it (Norman 2009), and, conversely, clear indication from research into the riots of 2011 that frustration and anger at policing practices can be a significant catalyst for serious disorder (LSE and The Guardian 2011, Morrell et al 2011).

Nonetheless, there has been little research into young people's understanding of those rights and procedures. Most relevant is the report of workshops conducted by the Young Foundation at The College of Haringey, Enfield. Their work, albeit in a single institution, revealed that many young people's knowledge of police powers and their own rights in that process were limited, with misconceptions commonplace (Russell et al 2013).

Research into young people's understanding of the criminal justice process 'post arrest', and their rights in that regard, has tended to be quantitative and dominated by North American studies. These have found, variously, that young people do not adequately understand their rights, lack appreciation of the difference between a right and a privilege, and have a poor understanding of the function and significance of those rights (Ferguson and Douglas 1970, Grisso 1981, Wall and Furlong 1985).

In this country, Hazel et al's qualitative research into young offenders' perceptions of the criminal justice system records that '*offenders reported being anxious because they did not understand what was happening to them, or what would happen next, during police contact*' (2002: 12). Research focusing on experience at court had tended to concentrate more on young witnesses (e.g. Flin et al, 1989), but New Labour's still unfulfilled pledge (Home Office 2003) to provide an information pack for young defendants, has prompted more research from the standpoint of young detainees and defendants in a court setting (Plotnikoff and Woolfson, 2003, Jacobson and Talbot 2009). This confirms, from a British perspective, that young defendants lack clarity on whether they have rights, and what those might be. They have limited ability to engage with legal processes, which is exacerbated by linguistic and literacy problems, the anxiety of attending court and the lengthy delays involved. These findings are echoed in the evidence received more recently by the Independent Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Court (2014). Barnes and Wilson's quantitative study in the same area concludes that '*young people's lack of appropriate understanding of the criminal justice system and their human rights is a deep concern as this suggests that they may be unable to exercise their rights under the UN Convention on the Rights of the Child*' (2007: 221).

Qualitative investigation of the unconvicted youth population in this regard is even more limited. One recent study provides some confirmation that unconvicted young people express a similar lack of understanding of their rights, although the number of participants appears to be too low to justify broader generalisation (Botley et al 2010).

There has also been very little research into the public's awareness of different criminal offences and legislative change. Research on this topic is limited and often rather dated (e.g. Walker and Argyle's work (1974) on the decriminalisation of attempted suicide). This is a significant area of concern considering the '*ceaseless torrent of new legislation*' visited on us in recent years (Lord Phillips 2009). As Roberts has observed (1992), if the public remain ignorant, many of the goals of law reform cannot be achieved.

The situation is even starker in the case of young people. It has not been possible to identify any substantial research considering the awareness of young people in relation to the existence and scope of common criminal offences, or their appreciation of legislative change. There is, however, a growing concern about what is perceived to be a lack of knowledge amongst young people in this area. Hazel et al noted that young offenders consistently reported that at the time of their offence they had '*underestimated both the seriousness (including criminal status) and consequences of their behaviour, as perceived in the youth justice system.*' (2002: 10). In the Metropolitan Police Authority's (MPA) report 'Seen and Heard' (2008) reference is made to young people's lack of understanding of '*what constitutes a crime*' and their confusion surrounding the law relating to drug and alcohol use, although little evidence is cited in support of this contention. Subsequently the Stern Review (Home Office 2010) made reference to the need for there to be more publicity

and simple information made available to young people about the Sexual Offences Act 2003. More recently, Ashworth (2011) has called for '*a more concerted programme of education about those areas of the criminal law that are likely to be relevant*' to young people.

By contrast, there is no shortage of empirical evidence for the adult public's widespread lack of understanding about sentencing and the repercussions of criminal offending (e.g. Hough and Moxon 1985, Mattinson and Mirrlees-Black 2000, Hough and Park 2002, Dodd et al 2004). In general terms, the evidence reveals that the public tend to overestimate crime rates, and underestimate the severity of current sentencing practice, and these beliefs are correlated with negative attitudes towards the courts and towards sentencers in particular (Hough and Roberts 1998, Mirrlees-Black 2002, Hough et al 2008).

This may come as little surprise when one considers media studies of press reporting of sentencing (e.g. O'Connell 1999). A more recent example, Berry et al (2012), identifies a '*chaotic and confusing*' picture, with a bias towards sensationalist crimes and editorial content which is consistently critical of sentencing guidelines and the behaviour of judges, and makes frequent demands for tougher sentences.

Again, the picture is different with regards to the knowledge of young people in this area. Those over the age of 16 do feature in the Crime Survey for England and Wales (formerly the British Crime Survey) from which the bulk of the data in this area derives, but the 10-15 year old cohort, included since January 2009, have not been asked questions in this area. There does not appear to be any focused study of young people's understanding of the sentencing framework, nor how their understanding, or lack of it, correlates with their attitudes to, or confidence in, the criminal justice system.

Quantitative and qualitative research does however suggest that those who do feel informed tend to be more confident in the criminal justice approaches being used (Chapman et al, 2002, Salisbury 2004, Duffy et al 2007). Additionally, once provided with information, research participants tend to hold less punitive attitudes (Sanders and Roberts 2000, Roberts et al 2012). Finally research suggests that people are more willing to comply with rules set by legal authorities if they understand the processes and believe that those authorities act in ways that are procedurally just (Tyler 1990, Aye Maung 1995, Lacey, L 2012). However, there is dispute about the efficacy of different approaches for enhancing awareness of crime and sentencing across the general population (Green 2006, Chapman et al, 2002, Driver and Brank 2009, Maruna and King 2004), particularly whether it is possible to neutralise the distinctive stance of the mainstream media.

3. Methodology

Since the research interest lay in several different areas, and these were largely uncharted territory in terms of research with young people, it was decided to conduct an exploratory investigation. The aim was to take soundings of young people's understanding and awareness. It was decided that the research should adopt a qualitative approach; the pilot nature of the project making it unsuitable for reduction to the restrictive language of a questionnaire. In so doing, the opportunity to obtain generalisable data was sacrificed but the research gained in terms of being able to observe how young people talked about, and interacted with one another, on the different topics.

The exploratory nature of the project lent itself to a focus group approach (see Stewart and others 2007: 41-44). In particular, this format allowed the input of a reasonable number of young people and to provide to them readily understandable findings. It was also attractive as it provided the prospect of an informal structure that might encourage the participation of those who may be intimidated by a one to one interview, or feel that they have nothing themselves to say on the subject (Kitzinger 1995: 300).

Inevitably access to sufficient numbers of young people in a time-restricted study was likely to be achieved most easily through schools. The aim was to ensure that a sufficient variety of schools were involved, from Inner and Greater London, as well as provincial centres. Year 12 students (16-17 year olds) were selected as the focus of the study, in part because they are closest to the peak age of youth offending (Budd et al 2005) and additionally because their greater maturity would enable the group to cover more ground than a younger cohort. It was also anticipated that year 12 would be the least burdened with exams of the years 11 to 13 cohort.

Access was achieved via approaches to teacher contacts who were sent an outline of the research proposal (Appendix A) and eventually an adequate sample was secured. The groups were then arranged by email or telephone. In order to encourage schools to help facilitate the groups, *quid pro quo* sessions were offered, trading on my professional experience, in the form of addressing larger groups or giving a careers talk, or similar. The participants themselves received no reward for attending, bar a liberal distribution of chocolate biscuit bars.

Aware that young participants would need more questions and probes than adults (Harden et al 2000) a semi-structured scenario-based format for the groups was devised. Following introductions, and an ice-breaker session, in which participants were invited individually to describe their sources for crime-related information (e.g. print media, television, social media, internet); the groups were engaged in discussion through one or both of the scenarios, which addressed cannabis-related offending and 'sexting' respectively

(Appendix B). The focus was designedly theoretical, not encouraging confessional revelation, and the inhibitions that that may engender, but instead it aimed to gauge the respondents' awareness and understanding in a given situation.

The 'cannabis' scenario asked participants how they would respond to being invited by a friend to pass on cannabis (five small grip-seal bags) to another friend at a party. The scenario then canvassed respondents' understanding of stop and search procedures, subsequent arrest (including the meaning of the caution) and the legality of questioning in a police car. Thereafter, participants were asked what they thought would occur at the police station, including representation, attendance of appropriate adults and the circumstances of detention. Finally, the scenario addressed the giving of a reprimand or warning,¹ or alternatively prosecution and likely sentence, with consideration of the repercussions of a criminal record.

The 'sexting' scenario focused on a text message, containing an indecent image of a 17 year old, sent to the participants following a meeting at a party. The participants were asked how they would feel about being urged by a friend to forward the text to others. The ensuing discussion was designed to explore their understanding of the potential criminal liability of such behaviour. Where time permitted, the scenario continued with consideration of the likelihood of detection and prosecution, trial venue and likely sentence.

Issues relating to consent were addressed in line with the guidance contained within the LSE Research Ethics Policy. Before discussions began, the participants were provided with a one page document (Appendix C) setting out issues surrounding confidentiality, anonymity, the recording of the groups and voluntary participation. The young people's understanding of what they were being asked to participate in was confirmed and reaffirmed through oral consent from the participants. Written consent 'in loco parentis' was also obtained from the teacher contact in each case (Appendix D). The amount of personal information from the participants was very limited (Appendix E): first name, age and ethnic profile (in their own words). This was intended to allow a broad overview of the participants.

Mindful of the potential for harm to participants, and keen for the process to be a useful one for the students, the unusual decision was taken to repay the groups' discussions on a topic with the provision of genuine information on the point. Thus a discussion surrounding their awareness of the reclassification of cannabis would conclude with a very brief summary of legislative change, and its effect, or otherwise, on police action. Groups, on conclusion, were also

¹ Although the changes to out of court disposals under Chapter 7 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 came into force on 8 April 2013 (shortly before the focus groups were conducted), the scenario and discussions retained the language of reprimands and warning, to test awareness and understanding of the earlier provisions.

provided with a one page sheet providing details of useful websites for further information should they be interested (Appendix F).

The groups were recorded using two digital sound recorders (one to function as back-up), and were transcribed verbatim. Limited field notes, made predominantly immediately after the session to record group dynamics and non-verbal reactions, were also used.

Although over 6 hours of recording had been secured, the structured nature of the discussions meant that there was no need to rely on a software programme to code different discussion sections. A direct analysis of the material, adopting a systematic technique, was used in preference (Krueger 1988: 111). Transcripts were analysed to group responses by theme, from which schedules of references and key quotations for each group were produced. A systematic comparison of the material under each thematic heading was then conducted, returning to the original source where necessary. This was then distilled into a master analysis, a form of overview grid (see Knodel 1993: 43), theme by theme, using the thematic schedules for reference.

Practical challenges

As anticipated, access proved to be the greatest hurdle for the project. Although teacher contacts expressed almost universal interest in the proposal, of the twelve schools approached only six eventually hosted focus groups. The fall-off rate was accounted for by a mixture of the busy schedules of teachers, little leeway in timetables, logistics and issues surrounding safeguarding. Exam commitments, even for year 12 students, proved onerous, and any future such project would benefit from scheduling in the first half of the academic year.

Given the age of the participants, the focus groups needed to be kept short and in some groups the end of the discussion was marked by notable fatigue, even in a 40 minute session. The shorter duration meant that 'rich' discussion time was limited, since it took participants several minutes to warm to the activity. Nonetheless, the icebreaker, especially discussing favourite television police and court dramas, successfully generated animated and inclusive exchanges. Despite the unfamiliar nature of the material for many, the majority of participants were extremely positive and engaged well with the discussions.

Limitations of the research

The small sample-size and recruitment limitations mean that the data obtained is not generalisable to a larger population (Morgan and Krueger 1993: 14). As intended, what emerged represents individual soundings from a large, but particular group, namely those in full-time education, rather than a representative picture of the broader youth population. Nonetheless, the participants' understanding and awareness is an extremely important part of

the general picture, not least because, on one view, they are likely to represent that sector of the youth population most cognitively capable of understanding and analysing criminal justice issues.

The recruitment process in particular inevitably restricts the generalisability of the material. The schools which participated were, not by design but perhaps as a function of the sort of staff members willing to facilitate the exercise, all rated either 'good' or 'outstanding' by Ofsted or the Independent Schools' Inspectorate. The participants were not themselves necessarily representative of those school populations either. These features do not undermine the validity of the participants' input, but are important factors that have to be borne in mind in seeking to draw conclusions from the material.

Interpretation of the participants' contributions was also limited by the fact that no data was available nor sought about their previous contact with the police or criminal histories. Nonetheless, it would be interesting to conduct the same study with young people who had already had contact with the criminal justice system or those in identified 'at risk' groups.

In any focus group the moderator's 'voice' is likely to be a factor in shaping the material generated (Krueger 1993: 214f). This was a particular issue for this project and it is necessary to bear in mind that participants' knowledge of my previous career had clear potential to colour responses, for example prompting bravado, or reticence by virtue of participants associating me with the apparatus of the criminal justice system.

Finally, given the exploratory nature of the project and its wide ambit, each topic has in a very real sense only been touched upon. Whilst this is an awareness rather than an attitude survey, there were a number of occasions on which it would have been illuminating to probe issues further. Inevitably this limits the certainty with which any interpretation in this study can be arrived at.

4. Results

Breakdown

Between 23rd April and 10th July 2013, eight focus groups were conducted in six different schools. The shortest of those group sessions lasted 34 minutes (but had only two participants), the longest ran for 1 hour and 6 minutes.

The table (Figure 4.1) shows the breakdown of the schools where the groups were conducted, with each school being given a letter designation to preserve its anonymity. Likewise, the names of the group participants are changed where they appear. The area crime rate statistics were taken from www.police.uk/crime at the time of analysing the recordings.² In that regard it is important to note that the local crime rate will have much less relevance in the case of the independent schools where populations are inevitably drawn from a wider geographic area than the tighter catchments of the state schools.

Of the 65 young people involved, 39 were female and 26 male. There was a significant gender imbalance in several groups, yet whilst gender composition can be a significant influence on focus group interaction (Stewart et al 2007: 27f) this did not manifest itself as an obvious problem. The ages of participants ranged from 13 to 18, with the majority, 39, being 17 years old. There were twelve participants under 16 years of age (all from School D), including two 13 year olds. The participants in the three London schools almost without exception described their ethnic origin in a manner which might broadly be described as 'black or ethnic minority', whilst the focus groups outside London had a predominance of white participants.

² Data obtained on 28/07/13.

School	A	B	C	D	E	F
Nature	State	State	State	State	Independent	Independent
Location	The same Inner London borough		Greater London suburb	The same regional city		Regional town
Area Crime rate (per 1,000 residents)	110		82	89		47
Number in group (Gender breakdown F:M)	7 (2:5)	12 (6:6)	10 (9:1)	12 (7:5)	10 (1:9)	6 (6:0)
			2 (2:0)			6 (6:0)

Figure 4.1

Data Analysis

Are young people interested in criminal justice issues?

There was huge variation on this topic, often within the same group. For example, Dean, School A stated,

I'm not really interested in what happens about the police

followed moments later by Greg,

the whole concept of policing and law and order fascinates me.

However, on more than one occasion participants who had initially denied particular interest, such as Dean, became really engaged with discussions and revealed a reasonable degree of knowledge, comparatively.

Across the board, the respondents conveyed that serious or unusual events piqued their interest more than commonplace incidents, a feature of course not lost on print media editors (Jewkes 2010). But the repercussions of this media bias were plainly noticeable, thus when giving an example of offending, participants would typically conjure extremely severe instances, referencing 'stabbing', 'murder' and 'life sentences' to make their point.

Interest was generally more frequently expressed in higher crime areas, Schools A, B and D. Their interest was particularly engaged by youth matters, as captured by one exchange:

Gemma: ...say you see someone like 15 accused of something you kind of like look on it just to see...

Hayley: ...and just keep updated with it...

Gemma: ... Yeah, just like obviously cos they're young and they're kinda like you so you kinda look at it. (School D)

There was also a strong feeling of the need to keep informed about youth crime, especially as a reputational issue, encapsulated by one participant in the following way:

when police prosecute like youngsters it does interest me because like it, it involves us as well in a way because we're youngsters so it reflects on us, ...every time something happens with youngsters, everybody normally associates it with us because like when there was the rioting at summertime like people always reflect it back on us, so I always like to hear what's going on... (Charmaine, School A)

Security issues, for participants and their friends and families, also prompted interest in higher crime areas, as Kanta explained:

...if something happened to a girl, mainly, so erm like rape or kidnap, it would be, we'd talk about it between our friends and like kind of discuss like how we'd ... what we'd do in a situation or like just talk about safety in general cos it's quite a concern for us mainly so, yeah. (School B)

Where do participants get their information?

TV dramas and reality shows about the criminal justice system, particularly crime investigation, were ubiquitously cited as sources of information. Interestingly the titles given were more commonly US rather than UK shows, and there were frequent examples of references to US terms, such as 'attorney', 'probable cause' and 'Miranda rights', when the English equivalent was plainly not known. As one participant observed, 'Yeah, in America they give you one [a legal representative], I'm not sure about here.' (Tom, School E). The danger of distortion through inaccurate fictional depictions was frequently in evidence, as understanding was often mediated through television portrayals. So, for example, young people's anticipation of what might be possible in terms of forensic investigation was on occasion significantly inflated, a sort of 'CSI effect'.

There were lots of reports of taking in the news from television, a huge range of print media (from *The Sun* to *Time Magazine*), and the radio. But predominantly participants related that this was often not sought out but stumbled across 'just whatever is on', and to an extent dictated by the preferences of older family or household members.

More deliberate consumption was reported online, with the BBC's online news coverage as the standout source, although several other newspapers, including *The Mail* and *The Guardian* were accessed digitally. There was no reference to any other specialist or third sector online source, such as the Metropolitan Police's site <http://safe.met.police.uk/>³, although one participant followed their Twitter feed described by her as 'very helpful if you want to like avoid a place where there is lots of traffic or whatever' (Anna, School F).

Social media, predominantly Facebook, and to a lesser extent Twitter, also received more focused attention. There were frequent references to following links to stories trailed, 'your friends have read this' (School D) and the like. The convenience and ubiquity of Facebook were the major attractions:

it's just convenience so with Twitter most people our age, we don't, we're not famous people so we don't bother getting a Twitter, but with Facebook... nearly everyone has Facebook so we just click on it and we just read it (Arif, School A).

Several young people remarked that it was difficult to get any information about young people offending, save in extreme cases. As Arif explained:

a lot of the news involved with young people doesn't, a lot of it doesn't come up often, on the news and when it does it's usually er very serious matters like murder or something like that, so I usually get like the minor offences from hearsay, because it happens pretty often in London and areas like this so, yeah. (School A).

Word of mouth and discussions with family and friends were understandably frequently raised, especially with regard to local crime and youth offending, with *The Metro* and local newspapers being referenced as the other major sources of such information.

No participant volunteered citizenship classes, PSHE sessions or the input of Safer Schools Officers (SSOs) as sources of criminal justice information, although I did not ask questions on those sources specifically. However there were a handful of references to 'drugs talks' and debates or coursework on cannabis reclassification, which might have reflected such input.

Decision-making around offending

The overwhelming response to the invitation to offend in the first scenario was refusal, but considering the school context of the discussion, the presence of teachers in some of the sessions, and my criminal justice links that may not be surprising.

³ Last visited 18/10/2015.

More interesting were those factors which did not rank highly in the groups' concerns. Although the cannabis scenario (see Appendix B) deliberately involved peer encouragement, there was surprisingly little concern expressed in that regard. At its highest, one participant observed in a detached tone: '*if I knew J well...like they were good friends of mine I might take it discreetly*' (Karen, School F). This plainly contradicts research findings on delinquency predictors (Farrington 1996), and it is possible that a group more at risk of offending might respond differently.

Although a few participants raised a moral objection to lawbreaking, generally the illegality of cannabis possession in itself was not a big issue within the groups. One participant rather coolly observed, '*It's only illegal if you get caught*' (Anna, School F). The significance of illegality for the groups was perhaps best summarised by Jack:

It's more the consequences, than like the actual law. You wouldn't think it's against the law I'm not gonna do it, you'd be like the consequences of doing it, of getting caught like, criminal record, jobs and then family at home... (School E).

In terms of 'consequences' the clear emphasis placed by participants across the groups was on the future ramifications of arrest and conviction rather than on the immediate sentence that might be imposed. It may perhaps be a reflection of the lean job market into which these young people will soon be thrust, but the overwhelming concern lay in the damage to future employment prospects. One respondent summed it up:

It's the what would happen as a result of being caught, not necessarily the punishment or whatever, because that's, that's fair....., it's what could happen after you've been punished, the fact that you've possibly put jobs at risk or employment or whatever. (Edward, School E).

On the very few occasions when possible sentences were referenced unprompted, participants all talked about going '*to prison*'. In each case this did not seem to be an informed assessment of the likely sentence, but a shorthand way of referring to sentencing in general, as if the respondents were not familiar with alternatives to custody. This fits with findings in adult research that there is widespread lack of understanding of the existence of community penalties (Hough and Roberts 1998).

Otherwise the power of informal controls was writ large across the groups' responses, reflecting observations in earlier studies (Tittle 1980). The overwhelming concern was the response of family, and for a reasonable number this was the primary factor in abstinence. Several participants were quick to state that they would be '*disowned*' or '*kicked out*' and others lamented the likely effect of the loss of their parents' trust. Secondly, there was concern for parents that they would feel disappointment and shame, most arrestingly described with reference to mothers:

Like she may think like I brought up someone that I did not think would turn out like this. Like it's quite sad, and I'd feel sorry for her, I would not like her to go through anything like that so that is the main reason why I wouldn't... (Pema, School C).

This fits with similar findings in riots-related research (LSE and *The Guardian* 2011).

The other significant feature of informal control was the loss of reputation, specifically concern at being associated with offending 'others'. As Priya reflected,

I don't want people to judge me because now a lot of children... like us lot, are being judged for like gang fights and all that kind of stuff, like we're not like that at all (School C).

Understanding and awareness of legislative change

The vast majority understood that possession of cannabis is an offence. However, fewer respondents appreciated that passing on cannabis for someone else amounts to the more serious offence of supplying cannabis, even where money had not changed hands and there was no history of dealing.

Whilst a few were very well-informed, less than half of those asked could correctly identify the classification of cannabis. Cannabis was described as '*normal here*' by one of the Inner London participants (Nishat, School B), yet the general state of knowledge at schools A and B was surprisingly marginally worse than schools in other areas, perhaps reflecting Barnes and Wilson's finding that familiarity does not necessarily support greater knowledge (2007). Most participants in groups at schools A and B could identify the more serious consequences of the higher classification, when informed about it, although consequent changes to policing approach were more elusive, with one student asking, '*The higher the class is it the more private space they're allowed to, I don't know...impede? I don't know. I'm guessing*' (Nishat, School B). These findings tend to confirm young people's confusion surrounding the law relating to drug use referenced in the MPA's report (2008).

One participant, a foreign national, observed of cannabis,

I'm not entirely sure because I know it's not illegal in some places and is illegal in others, but just I think, just in case, I'd probably not want to take it because I'm not entirely sure. (Jia, School F).

Half of the participants were also taken through the 'sexting' scenario (See Appendix B). Many displayed, and even expressed forcefully, moral concern at the psychological damage of widespread distribution of personal images. Yet utterly unsurprisingly no-one was aware that, for the purposes of indecent images of a child, the upper threshold is 18 years of age. '*I don't think the*

police can get involved if you're 16 and over (Rupa, School B) typified the response in that regard. There was also considerable debate around whether any liability could attach if the subject was consenting. Particularly concerning, in this context, was the observation by one participant that such behaviour was surely *'too frequent'* for it to be effectively prosecuted (Camilla, School F). This accords with a study of the prevalence of 'sexting' in South Western United States (Strassberg et al 2013).

Understanding of rights on contact with the police

There was widespread understanding, especially in the Inner London schools, that the police have the power to stop and search. However, this awareness was by no means ubiquitous, with several under the impression that a search could only be conducted at a police station, whilst another asked, *'Can't you just refuse anyway?'* (Henry, School E). A good proportion understood why the power exists, as Hassan summarized, *'you're trusting them with your life.....you're hoping they catch everyone so if they can't even do their job because of you, is that good?'* (School B).

A bare majority thought that a reason or justification was required for such a stop, with very few aware that the police must detail that reason, whether requested or not. Nonetheless, several participants were alive to the tensions excited by stop and search,

Like, if you give someone power you have to trust them, but not everyone trusts the police, that's why it's such a big problem when they stop and search people because the first thing that they think is 'why you stopping me for no reason?', do you get it, right? (Mita, School B).

No significant hostility was expressed towards the police, although there were several references to the humiliation and embarrassment of being stopped and searched, *'people just looking at you like you done something wrong'* (Kanta, School B). More sobering, given the general lack of appreciation of the protections available to them, were two expressions of the vulnerability of young people in such situations:

So I allowed them to do anything really cos I thought they were the police officers, they do whatever they need to do. (Pema, School C)

So you kind of like trust that they won't abuse it and they are doing it for the safety of yourself and everyone else, type thing. (Zoe, School C)

As one participant observed, *'you shouldn't feel helpless when you don't need to feel helpless'* (Arif, School A).

A number of the participants were very familiar with the wording of the caution, apparently from television shows. One or two were even able to parrot whole sections of it. However, that familiarity was rarely matched by the

respondents' understanding of the caution, and in particular their ability to process its meaning. The phrasing and vocabulary of the caution are designed to be easily understood, and, in the relatively unstressful setting of our discussions, most groups were able to tease out the meaning of its various parts. However, the initial responses of participants tended to be confused, and they struggled, in particular, to grasp how the right to silence is balanced by the adverse inferences that might follow a failure to give an explanation. This finding reflects US research in similar areas (Grisso 1981), highlighting how difficult young people find it to engage with conceptual issues of this sort.

When the discussion turned to the police questioning people in the police car, this evinced a real range of responses. A few were extremely well-informed, but a significant minority was without a clear idea as to whether such questions could be asked, or believed that an answer could be expected, and adverse inferences drawn from silence.

In general terms, participants had a relatively accurate picture of detention in the police station, with a generally good appreciation of the right to legal advice, with most understanding that it is, at present, free at point of delivery at least. Similarly most appreciated that a parent or other responsible adult would be contacted by the police to assist them during interview.

There was a noteworthy lack of anxiety or apprehension about the processes, and general experience of being detained and questioned by the police. What however ignited almost universal surprise and animated discussion was the prospect of being detained in a cell.⁴ This was widely unanticipated, and clearly retained the power to excite real fear, especially when the approximate dimensions of a cell were discussed. The common response was to equate detention in a cell with punishment or degrading treatment, '*But they haven't proved you guilty yet, so how can they put you in a cell?*' (Zahir, School B), or '*It's against your rights*' (Nicola, School F). This accords with Hazel et al's findings of young people equating detention in a cell with 'summary punishment' (2002: 11). The prospect that at 18 one might be held in a cell with another person of the same sex on a busy night in custody prompted even more extreme concern, '*What if they beat you up?*' being a representative response (Anika, School B).

Understanding of sentencing and the repercussions of offending

The participants' suggestions for the likely sentence which would be imposed in the cannabis scenario varied wildly. Offers spanned an initial response of '*five years*' to '*a warning*' in a single group (School B). Most strikingly a

⁴ Although the case of *R (on the application of HC) V Secretary of State for the Home Department* [2013] EWHC 982 (Admin) was decided during the fieldwork period, there had not at that stage been changes to section 37(15) of the Police and Criminal Evidence Act 1984 or the associated Code C (Code of practice for the detention, treatment and questioning of persons by police officers) with regard to the treatment of 17 year olds in police custody.

significant number anticipated a much more severe penalty than would ordinarily follow, with more than ten proposing an immediate custodial sentence. Although a number of those scaled down their views on reflection, often following very little discussion, for example:

- MB⁵ *OK, what do you think you'd get? So we're talking about five small bags...*
- Michael *Dunno, probably like a couple of months.*
- MB *OK, so you think inside..?*
- Michael *Mhmm*
- MB *In whatever institution.*
- Michael *And maybe a couple of months probation.*
- MB *Sorry, so probation and inside?*
- Michael *No, just probation.*
- MB *Just probation, OK, what do other people think? What does that sort of offending ...*
- Liam *Community service maybe?*
- MB *Community service, what do you understand by that?*
- Liam *Erm, I suppose like helping out with some sort of community work to erm to serve time to benefit kind of other people. (School E).*

The distinct impression gained in a number of groups, as in the above extract, was that a reasonable proportion had no real idea about sentence at all, with a number providing an instinctive suggestion of custody followed by rather confused withdrawal into community alternatives. Beyond several references to 'community service', the groups showed very limited understanding of other alternatives to custody. In particular, only a handful of young people had heard of a referral order, and no-one was able to say what one was or understood the broad nature of the disposal. Similarly, whilst a reasonable proportion of the participants had heard the terms 'reprimand' and 'warning', there was very little understanding of the circumstances in which they might be offered and what they entailed, including whether they required an admission of offending.

It is noteworthy that the estimates given for likely penalty tended to be more severe in the Inner London schools than in other schools. An understanding of the effect on sentence of previous good character, personal circumstances and greater penalty for more significant possession or supply was, however, fairly widespread.

⁵ MB is the researcher

Despite the frequency with which students raised concerns about the effect of previous offending on employment prospects, their understanding of this area was fairly limited. The idea that youthful offending would '*stay with you for like your whole life*' (Nina, School C) was a common preoccupation. However, there was real confusion surrounding how criminal offending, in particular as a juvenile, would affect future prospects. A significant number were uncertain as to whether a reprimand, warning or caution was a criminal conviction and whether that might therefore be declarable on a job application form. Indeed more than one participant defined a 'conviction' as referring to when someone had '*served time*' for an offence (Akash, School B), although as we see in the extract above, this may not bear its traditional meaning of incarceration.

Although there was some measure of awareness about the idea of rehabilitation of offenders, a sizeable proportion of participants had limited or no understanding of this concept. However, as in other areas, once provided with some information most groups were able to arrive at reasonable suggestions for which jobs might, for example, be exempt from the provisions of the Rehabilitation of Offenders Act 1974. Strikingly, however, there was widespread belief that employers have greater access to previous criminal history than is in fact the case.

5. Discussion

In seeking to interpret the findings of this study, I return to the ad hoc observations that I had made in practice, and ask whether the concerns that I had are borne out by the soundings taken in the focus groups.

Do young people lack awareness of certain common offences?

The focus groups provide clear evidence to support the contention that some young people do indeed lack basic awareness of the scope of certain common offences. In relation to cannabis, it was encouraging to discover that most young people appreciated that possession is illegal. However, the greater degree of uncertainty about the nature of custodian supply, and the substantial lack of understanding of cannabis classification, raise more significant issues. In particular the findings suggest that more minor changes to legislation, such as reclassification, are severely limited in their power to shape public behaviour, contrary to the hopes of lawmakers and politicians. This conclusion chimes with the observations of former Home Secretary Jacqui Smith (2012), reflecting upon her decision to reclassify cannabis, that legislative change had failed to '*send out a message*' to young people about the harmfulness of cannabis misuse as she had hoped, and that perhaps '*education, treatment and information*' rather than changes to the law would be '*more effective*'.

More concerning, however, is the blanket lack of awareness across the participants who considered the 'sexting' scenario, of the upper age threshold of a child for indecent images. Given that almost all those that I spoke to had access to a camera phone, and considering the likely prevalence of this behaviour amongst young people (Strassberg et al 2013), it is extremely worrying that the respondents had so limited an awareness of criminal liability in this area. In light of the growing focus on grooming and sexual exploitation cases (e.g. Operation Yew Tree and the recent Oxford trial, *R v Karrar and others*) it is likely that pressure to prosecute in these areas will only continue to grow, yet the young people in this study were wholly ill-equipped to ensure that they do not themselves stumble into this significant offending. Whilst this lack of awareness is entirely unsurprising, given that the age threshold of 18 is out of line with the more broadly understood 'age of consent', it lends force to Baroness Stern's call for more education on sexual offences (Home Office 2010).

On a more theoretical level, this example raises real concerns about the appropriateness of the doctrine, in this jurisdiction, that ignorance of the criminal law is no defence to a criminal charge. As Ashworth observes, 'such a doctrine appears to be, '*manifestly unfair, given the diverse, technical, and changing content of the criminal law.*' He argues that '*the State's duty of security requires not just the creation of laws to protect us from significant wrongs and harms, but also recognition of the State's obligations in relation to accessibility of the criminal law and communication of its ambit to adults and*

to children' (2013: 24f). The observation of the foreign national participant about the difficulty of grasping the laws of new countries represents a further layer of complication on this issue (see Veazey 2009 for similar discussion in a US context).

How familiar are young people with sentencing and other repercussions of offending?

The majority of participants did indeed have limited understanding of likely sentence, at least in the case of cannabis possession and supply. This was exacerbated by significant gaps in their appreciation of the repercussions of gaining a criminal record. This was perhaps to be anticipated, given the '*chaotic and confusing*' representations of sentencing in the media (Berry et al 2012), and the complexity of the provisions surrounding rehabilitation.

However, in their over-estimation of the punitiveness of criminal courts, the participants' beliefs diverged from those of the adult population, who have typically been observed to underestimate the severity of sentencing practice (Roberts and Hough 2005). This represents a curious position for policy makers, because on one view the current state of the participants' misinformation is likely to represent a greater deterrent than the more benign reality of sentencing for young people. But, more practically, if there is widespread ignorance of those more benign youth sanctions, this suggests that young suspects may be enduring damaging, but wholly unwarranted, anxiety awaiting resolution of their cases.

What is particularly striking is how limited a role likely sentence played in the participants' decision-making processes. This may in part result from the extremely limited understanding, of the majority in this study, of likely sentence and available alternatives to custody. Nonetheless, both the low visibility of sentence in the decision-making process, and the lack of awareness of likely sentence level, provide further support for concerns raised in previous studies about the effectiveness of raising severity of sentence as a means of general deterrence (Doob and Webster 2003, Paternoster 2010, Bottoms and Von Hirsch 2011).

In more practical terms, the findings in this area raise broader concerns about the wholesale lack of information with which young people analyse an offending opportunity. Although a significant proportion were deeply concerned about the long-term effects of an offending history on their future prospects, they were without a reasonable appreciation of what sanction might follow their offending behaviour, how that might then impact upon job applications, and the accessibility of that information thereafter. In those circumstances it is difficult to conclude that many of the young people in this study were equipped in any real way to make reasoned judgements around offending. One might argue that young people's rationality in making offending decisions is more 'bounded' than rational choice theorists might like to admit (Clarke and Cornish 2001) and that such accurate information is not required

or deployed. But this stance would be to deny the ample evidence from these groups, at least, of the considered and thoughtful approach of many young people. If we are to ascribe criminal responsibility to our youngest citizens, and expect them to take their place in society, then we surely have a duty to ensure that they are fully enfranchised, and have a more accurate understanding on which to base their decisions.

Finally, failure to ensure that young people understand about how the sentencing process functions, its scope and aims, is to miss a significant opportunity. Research suggests that when the public are better informed about sentencing, their tendency towards punitiveness is reduced (Hutton 2005, Hough and Roberts 2004). Whilst not all commentators are so hopeful (Maruna and King 2004), deepening understanding of sentencing presents a positive and practical step in seeking to stem the rise of populist penal severity (Lacey 2008).

Do young people understand their rights on contact with the police?

The participants' understanding of their rights surrounding contact with the police was patchy and this prompts concerns on various levels. Firstly, as one participant observed, a lack of appreciation of the scope and purpose of police powers, especially surrounding stop and search, is liable to result in an adverse response to officers seeking to exercise those powers. Thus, for example, ensuring that young people have a better understanding of police powers might help prevent the criminalisation of some young people for offences such as obstructing a drugs search. The All Party Parliamentary Group for Children (APPGC) heard evidence in their Children and the Police Inquiry (APPGC 2014: 9) of the fear felt by children when approached by police because they did not know what the police would do to them; a fear which, the APPGC heard, can develop into *'frustration and anger, and ultimately leads to a complete breakdown of trust in police officers.'*

Secondly, given the groups' lack of knowledge about the grounds required for lawful search, it seems unlikely that many of the participants would be able effectively to hold officers to account if stopped and searched. This is concerning, since citizen challenge is an essential part of ensuring that such powers are not abused. Fuller information is vital to avoid the feeling of *'helplessness'* to which one participant made reference.

In addition to this, without better awareness of their rights, the responses of participants in this study suggest that young people may struggle to engage those protections afforded to them by the law, especially the right to silence and the recording of questioning. This is particularly critical in phases of contact with the police prior to the attendance of a legal representative or appropriate adult. The participants' observations provide an apt reminder, if that were needed, of the vulnerability of young people, their difficulty in engaging with conceptual issues and the power imbalance in their contacts with the police.

Finally, deepening young people's understanding is a vital tool in enhancing their feelings of engagement, and fostering the legitimacy of the police. The riots research (LSE and *The Guardian* 2011) has revealed how critical this can be and the work of the Young Foundation in Tottenham schools (2013) has shown the positive effects of raising awareness in this area. Increased confidence in the police is also important in encouraging greater reporting of victimisation amongst young people (Jackson et al 2013).

In relation to treatment at the police station, the detention of a young person in a cell was a significant gap in the understanding of young people in this study. The unexpected experience of being placed into a cell has significant power to traumatise (Lacey, L 2012), and can adversely affect the detained person's response to questioning. It would, in my view, be in the interests of young people to have more information about what to expect in that regard at the police station.

6. Conclusions and suggestions for future research

The research findings tend to support each of the three areas of concern that I had observed in practice. The critical finding of this exploratory study is that the majority of young people had substantial deficits in their knowledge of the criminal justice system. Their low level of awareness on critical issues raises two principal concerns: firstly, that the majority of the participants appear to be ill-equipped to make reasoned judgements around certain offending, and secondly that they may have insufficient understanding of their rights to be able to fully engage protections theoretically afforded to them by the law. Inevitably, the young people in this study will have particular preoccupations and areas of understanding or misunderstanding which are not matched by other groups, and vice versa. Nonetheless, the breadth of their lack of awareness in some areas, and similar findings in the limited comparable research, indicate that this may be a widespread problem.

This is not to criticize the young people who took part in the study, nor their peers generally. The significant level of interest in criminal justice issues expressed by many of the young people was heartening, and their thoughtful approach to many of the issues raised was very much to their credit. However, this only serves to highlight the importance of equipping young people with sufficient awareness and understanding to feel enfranchised and engage fully as citizens. The duty to raise awareness of these issues amongst young people must lie with the State, which places criminal responsibility upon their shoulders. The challenge, though, lies in designing and delivering awareness-raising strategies which will genuinely engage young people, and which will not be drowned out by the distortions of the mainstream media.

Suggestions for future research

Plainly the findings of this study cannot be generalised to the wider youth population. Nonetheless, the breadth of the awareness deficits observed strongly suggest that this may be a widespread problem for young people; a problem which justifies, in my view, a policy response. In particular, there is a real need for fuller investigation of this phenomenon, and for effective action to be taken to redress that shortfall in understanding.

There are three broad areas of future research that these soundings suggest would be worthwhile.

1. In order for the concerns highlighted above to be actionable, it would be important to obtain larger scale, quantitative evidence of the lack of awareness observed. The use of survey techniques would allow a much broader and more representative sample of young people to be reached and would enable the obtaining of a generalisable picture of young people's awareness and understanding of the criminal justice system.

2. These findings suggest that it would be fruitful to conduct a review of current strategies for raising awareness in these areas, both efforts in schools (citizenship teaching, PSHE and, where relevant, the involvement of SSOs), and through third sector and other providers.
3. Ideally, this thread of research would conclude with a qualitative research piece, working with young people in small focus groups to identify the areas in which they feel they would most benefit from further information, and isolating what strategies would best engage them and their peers.

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Appendix A: Research proposal

Research proposal

About me

I am a Masters student at LSE studying Criminal Justice Policy. Until early last year, I was a practising Criminal Barrister with 11 years' experience in Court. I prosecuted and defended in almost equal measure, with a good proportion of my defence work involving representing young people in the Youth and Crown Courts. I have some limited experience in teaching, having taught Latin and Greek at a secondary school for a year (1997-8) and I currently teach advocacy (freelance) on the Bar Professional Training Course at BPP Law School.

The purpose of the research project

I became increasingly frustrated in practice that I repeatedly met young people in trouble with the law who explained that they had a very limited understanding of the law surrounding common juvenile offences (e.g. having an offensive weapon, allowing oneself to be carried in a stolen vehicle and joint enterprise public order/assault). In addition, when detained by the police, most young clients had almost no understanding of their rights and protections, and the repercussions of accepting reprimands or final warnings. Finally, most young people that I encountered had little idea what the court process would be like, and a very limited understanding of likely sentences, and the long-term consequences of even a minor juvenile criminal record.

In short it seems to me that many young people have such limited awareness of the criminal justice system that they are unable to make properly informed decisions surrounding offending, and are ill-equipped to cope with the process following arrest. The courts sentence on the basis of a number of assumptions about what motivates offending in young people, their level of awareness of sentences and how they make decisions to offend. It seems to me likely that those assumptions are often ill-founded.

Surprisingly there has been very little research into young people's awareness of the criminal justice system, and their decision-making surrounding offending. In particular, almost no effort has been made to talk directly to young people about issues of this sort.

The proposed project

I would like to conduct focus groups with young people, ideally aged 16-17 years (year 12). So that all can participate the groups would preferably be no more than 8 people. The discussion would be semi-structured, with a question outline, but allowing for free-flowing discussion where areas capture the interest of the group.

In line with the above, I would propose to ask questions, using situational examples, to prompt discussion on:

- 1) Decision-making surrounding offending opportunities: how do young people weigh up opportunities to offend, and what factors prevail in decisions not to offend (e.g. fear of being caught, fear of conviction or sentence, concern about what friends/family might think, conscience/morality).
- 2) Awareness of the scope of certain offences (e.g. public order, offensive weapons, handling etc).
- 3) Awareness of procedures post arrest and understanding of the reprimand/final warning system.
- 4) Understanding of the court system, particularly Youth Court, and likely sentences for common juvenile offences (criminal damage, handling, public order, minor assault).
- 5) Understanding of the repercussions of conviction/sentence (continuing in higher education, job prospects, bar to certain professions/work with young people).

Ideally the focus groups would last approximately 45 minutes. The sessions, with consent, would be recorded and transcribed for analysis purposes.

Consent Issues

Statistically, any group of young people is likely to contain individuals who have offended, whether convicted or not. I will make it clear at the outset to groups that the discussion is intended to be entirely theoretical. I do not invite participants to give details about instances of their own offending behaviour, if any. I will also inform them, however, that if any offending behaviour is referred to, inadvertently or not, that disclosure is confidential and I have no duty to disclose any offending, or suspected offending, to the authorities (Police, Crown Prosecution Service etc), unless what is discussed raises concerns about imminent danger of injury to someone.

Any participants would be informed:

- 1) That this is a research project, and that they will be entitled to see the final report (indeed I am keen to feedback the results).
- 2) That their participation is voluntary and, subject to school commitments, they can leave the group at any time without giving me reasons.
- 3) That the discussions will be audio recorded and transcribed so that the information provided can be analysed.
- 4) That their personal information will be treated as strictly confidential, and will not be made public/given to any other person.
- 5) That the information generated by the focus groups may be published, but that the final report will not identify any individual or school by name, or in any way which could lead to the participants being identified.

Since the participants are likely to be over 16 but under 18 I would ask the school to give consent by proxy for the focus group(s), on the basis of their position 'in loco parentis'.

If it helps, whilst I appreciate that they are institution specific, I have been CRB (now DBS) checked within the last year for two organisations (my children's school as a parent governor and volunteer reader, and for a Streatham youth club for which I am a trustee).

Quid pro quo

I appreciate that accommodating even one focus group at school will be, at best, an inconvenience. Therefore I wonder whether, in return, the school would be interested in my providing some form of workshop or talk on the criminal justice system. I'm open to suggestions, but had considered that the following might be of interest:

- 1) Relying on my professional experience, I would be very happy, to conduct a workshop on the court and sentencing systems. For example, we could role-play a sentencing procedure, with groups working on different voices (the defendant's viewpoint, prosecution advocate opening the facts, defence advocate in mitigation, Judge's sentencing comments, victim impact/family press conference) with suitable props (mocked up briefs for the lawyers, wig and gown for submissions etc).
- 2) Alternatively there are excellent online resources for 'You be the Judge'-type sentencing exercises, with 'real-life' cases, in which students can decide, with accurate sentencing options and case histories, on the sentence they would hand down, and compare it to the actual sentence imposed. This would lead well into discussions about sentencing levels, and even the rationale behind different youth sentencing options, especially custody.

Taking an entirely different angle, I would be very happy to give a careers-type talk on the life of a barrister, getting into the law etc.

Appendix B: Scenarios

Cannabis possession and supply

You're walking along with a friend on your way to meet other friends. He gets a call on his phone, and has to leave. He produces a bag with five smaller bags of skunk in it. He says he'd promised to give it to another friend, J, who you'll see in the group and asks you to take it to J for him.

How would you react?

(Prompts: What would happen if you were caught with the drugs on you? Would you be committing an offence? What offence - what does possession with intent to supply mean? Does it make a difference that you're not going to sell it? What class is cannabis? Would your parents find out – what would they think/do? What would your friends think?)

Are you likely to get caught?

(Prompts: Can police stop and search you for drugs? Is that likely to happen? Why do police stop and search people?)

**You're stopped and searched by an officer and you hand over the cannabis. He arrests you for PWITS and cautions you... (You do not have to say anything, but it may harm your defence...)
What do those words mean?**

You tell the officer the drugs aren't yours. In the police car the officer asks, 'So whose are the drugs then?'

Do you have to answer him?

(Prompts: Understand police not allowed to ask about involvement in an offence until at station and tape recorded etc? Do they appreciate the caution does not require you to answer a question in these circumstances?)

He tells you he is taking you to the police station. What will happen there?

(Prompts: Would your parents/carers be told – can they come and support you? Would you get a lawyer? For free? Will they put you in a cell?)

Your solicitor tells you (s)he's going to suggest that you be given a reprimand/warning for the drugs.

What does that mean? How will that affect you?

(Prompts: Would you need to declare it on a job application form? Can it affect whether you can go into certain jobs? What about a college course – would it affect any place you have?)

‘Sexting’: Indecent image of a child: Distribution

You meet a girl/boy at a party. She tells you she’s 17, and goes to a local school. You swap numbers, and the following day she texts you a photo showing her topless, leaning in towards the camera pouting.

Your mate sees it and suggests you text it to your other friends.

Could you get in trouble for that?

(Prompts: what for, age of a ‘child’ for indecent images, possession/distribution, no gain)

Do you think it’s likely the police could get involved?

(Prompts: Inability to control circulation, danger that others post it online. Info gets back to her/school become aware/repercussions for her)

Could they trace it back to you?

(Information from complainant/traced numbers)

The police come to your house, seize your phone and arrest you. At the police station you admit to sending the photos.

What sort of punishment do you think you could get for that?

(Prompts: Community/custody? Referral order?)

You’re told you will have to attend a Youth Court – is that any different to an adult Court?

(Prompts: exclusion of the public, not in a dock, reporting restrictions)

Your solicitor says you will be most likely to receive a referral order if you plead guilty. What does this mean?

(Prompts: Understand this as an admission of guilt, criminal record, rehab of offenders, content of a referral order)

Appendix C: Note for Participants

Criminal Justice Focus Group

A few important things for you to know before we start:

- 1) This focus group is run as part of a research project. I am interested in finding out what young people know and understand about the criminal justice system.
- 2) Your participation in this focus group is voluntary. Subject to school commitments, you can leave the group at any time without giving me reasons.
- 3) Your personal information will be treated as strictly confidential, and will not be made public or given to any other person.
- 4) Our discussions, and those of other young people in similar focus groups, will be analysed after today, and a final report will be put together setting out the findings of the project. In order to make that analysis possible, our discussions will be audio recorded and transcribed.
- 5) You are entitled to see the final report. When it is finished I will forward it to your teacher and will be happy to come and discuss it with you, if you are interested.
- 6) The final report may be published, but it will not identify any student or school by name, or in any way which could lead you to being identified.
- 7) The discussion is designed to be entirely theoretical. That is, I am interested in discussing what you understand about certain situations and what you know about what happens when young people get involved with the police or the courts.
- 8) I will not be asking you to give details about instances of any previous offending behaviour, by you or anyone else. Of course, you are free to mention any previous experiences of that sort, but only if you want to.
- 9) Importantly, if you do choose to talk about any offending behaviour, or accidentally refer to it, that remains strictly confidential. I am not required to, and will not, tell anyone about any offending, or suspected offending (Police, prosecutors etc), unless what is discussed raises concerns that someone might be in immediate danger of being physically harmed.

Appendix D: Consent 'in loco parentis'

Criminal Justice Focus Groups: Consent 'in loco parentis'

I,, have discussed with Miranda Bevan the purpose and scope of the criminal justice focus group research that she proposes to conduct with students at today.

I have read the note that will be given to the participants entitled 'Criminal Justice Focus Groups' and am content with the confidentiality safeguards set out in that document.

I act 'in loco parentis' for the students taking part in the focus group(s) and give consent for their involvement in the project.

Signed:

Dated:

Appendix E: Personal details form

Name:(Just your first name if you prefer)

Age:

Gender:

How do you describe your ethnic background?.....

Appendix F: Useful websites

Useful websites for information on the criminal justice system

General

Metropolitan Police site for young people: re stop and search, rights in detention, reprimands and warnings etc:

<http://safe.met.police.uk/index.html>

The Government's information on young people and the law:

<https://www.gov.uk/browse/justice/young-people>

Justice4 youth also provide good accessible info:

<http://www.justice4youth.co.uk/accused-innocent-until-proved-guilty.html>

Further information on the criminal justice system

Have a go yourself at sentencing: 'You be the Judge':

<http://ybtj.justice.gov.uk/>

If you want to know more about young people's experiences of the criminal justice system and what it's like to be in custody:

<http://www.urboss.org.uk/>

Young Minds raise awareness about the high-incidence of mental health difficulties in those who get in trouble with the police/courts:

http://www.youngminds.org.uk/about/our_campaigns/criminal_justice

Talk to Frank provides confidential information and advice on drugs and substance misuse:

<http://www.talktofrank.com/>

About the author

Miranda Bevan was called to the Bar in 2000 and practised as a criminal barrister until 2012. On leaving the Criminal Bar she studied for a Masters Degree in Criminal Justice Policy at the London School of Economics. From November 2013 until December 2015 she was the Law Commission criminal team lawyer with responsibility for the unfitness to plead project and the Law Commission's Issues Paper and Report (Law Comm No 364) on unfitness to plead. She is currently a doctoral candidate in the Department of Social Policy at the London School of Economics. Her doctoral research focuses on the experience of children and young people detained as suspects in the police station.

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About the Howard League for Penal Reform

The Howard League for Penal Reform is a national charity working for less crime, safer communities and fewer people in prison. It is the oldest penal reform charity in the world. It was established in 1866 and is named after John Howard, the first prison reformer.

We work with parliament and the media, with criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change to create safer communities.

We campaign on a wide range of issues including short term prison sentences, real work in prison, community sentences and youth justice.

Our legal team provides free, independent and confidential advice, assistance and representation on a wide range of issues to young people under 21 who are in prisons or secure children's homes and centres.

By becoming a member you will give us a bigger voice and give vital financial support to our work. We cannot achieve real and lasting change without your help.

Please visit www.howardleague.org and join today.

Chief Executive: Frances Crook

Research Director: Anita Dockley

Investigating young people's awareness and understanding of the criminal justice system
Miranda Bevan

About the John Sunley Prize

The John Sunley Prize celebrates excellence and the impact of post graduate research into penal issues. Each year thousands of exceptional Masters dissertations are researched and written but few are even lodged in university libraries or shared with the wider penal affairs community. Many will be of publishable standard and would contribute to the pool of knowledge about penal issues. The John Sunley Prize has been established to ensure that the best of these dissertations now get the recognition they deserve.

For more information please visit <http://howardleague.org/research/the-john-sunley-prize/>

Please note

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.