

# Young offenders and open custody

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## Youth custody

- New Act from 1999 to replace prison for youth 's between 15-17 years.
- Penalty time two weeks up till four years, average penalty 10 month
- Executed at Special approved youth institutions
  - Small units (3-6 youths)
  - Treatment institutions

### **Aim:**

What is the significance of custodial openness for the everyday institutional lives of incarcerated young people, and for their subsequent re-offending.

## Qualitative data

- Interviews with staff (29)
  - From all institutions with an special assignment for youth custody (6 for boys and 1 for girls)
- Interviews with sentenced boys (32)
  - From all six institutions with an special assignment for youth custody for boys
  - Both from secure and open units
  - In general longer sentences than average – the more severe crimes
  - Homicides, aggravated assault, robbery, rape...
  - All boys had experiences of institutional leaves

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## Quantitative data

- Youth (boys) sentenced to youth custody during 1999-2006 (638 executions).
- Factors before the sentence:
  - Prior crime
  - Prior placement at a Special approved youth institutions
- Factors during the sentence:
  - Institutional leaves how many, what kind of, and when, withdrawal of institutional leave, e.g.
  - Misconduct, runaways, e.g.
  - Released from open or secured unit
- Out-come variables
  - New convictions five years later.

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## About the first institutional leave

Adam: It was tough (sighs). I... I got into a cold sweat, I... I... my heart... I mean, my heart beat increased, you could say. I er... I almost fell apart the first time. I wasn't used ... to so many people as I could see, and it felt the whole time as though someone was behind me giving me strange looks

... for example, when I went to the kiosk for the first time, there were two... er... two... an older couple, in their seventies maybe, who were behind me, and I felt the whole time that they were going to attack me.

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## Adam goes on explaining

Adam: So it was tough ... it was. And even today, it's still tough when I go out but... I'm learning, but it's a lot better when you go out. You get to practise and it's so much better when you get outside, so that you don't, like I have done, shut down... out... because that can be really tough when you get to be free.

Tove: So it's good to get out nonetheless so that *you/get used to/* so that you get used to it.

Adam: Yes.

Tove: Yes. But it's easier now than it was the first time, even if it's still tough?

Adam: Yes, it's much easier now.

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You don't participate in the daily activities, don't participate in the treatment, **you're perceived as being argumentative**, you have to participate in everything that happens, do the cleaning twice a week, **quite simply go along with everything**, don't follow the routines and so on, **get up in the morning**, aren't there for the school day, **refuse to go and shower after sports class**, refuse to go down to sports class, do what you're supposed to, follow the routines, wake up in the morning, do the cleaning, go to sports class, go to school, unpleasant attitude, **unpleasant**, choose not to follow the rules, don't go to school, don't wake up, **be nice and pleasant**, participate in your activities, **clean up when they say "cleaning"**, participate, positive, helpful and stuff like that, do what you're supposed to, be nice, respectful, listen to the staff, **not be the kind of person who causes problems**, show that you've chosen to actively participate, treat people with respect, be helpful, if you happen to say a bad word, not being on time, keeping to your schedule, **no arguing**, wake up a minute late, **participating in everything that's been scheduled**, get up in the morning, **following all the routines**.

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**Re-offending in a new custodial sentence within five years by type of unit from which the youths were released. Boys sentenced to youth custody for between two months and three years during the period 1999-2006. Percent.**

	Open unit	Locked unit
No re-offending	60	37
New court conviction, custodial sentence	40	63
Total:	100	100
N:	177	443

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## Propensity Score matching

### Treatment = released from an open unit

Matching variables

- Prior conviction
- Prior placement at a special approved youth institution
- Principal offence in youth conviction
- *Institutional leaves/days of sentence*
- *No. Of days in special approved home*
- Leave rescinded for bad behaviour
- Isolation
- Absconding
- Changed unit because of problems

*Unmatched -0.24 matched -0.14, both significant*

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## Summary

- Custodial openness reduces the harms produced by incarceration and reduce re-offending, especially re-offending in more serious crimes, but
- It also function as micro-disciplining to good behaviour
  - Best case scenario it generates good behaviour and willingness to change
  - Its obvious that it also generates desistance, more destructive relations to the staff, and superficial adaptation
- Paradox: There is thus a requirement that the youths become *institutionalised* in some way in order to be given the opportunity to experience measures that reduce this institutionalisation
- But this actually means there is potential to reduce the re-offending even more if
  - Custodial openness is used in less destructive ways by the staff, and
  - More of the youths are released from open units

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