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Abstract

Youth Justice has long been at the forefront of the political agenda in UK jurisdictions. The island of Jersey, despite its proximity to mainland UK has its own separate government and shares no political affiliation with other UK jurisdictions. The aim of this research is to explore the processes and practices of youth justice in Jersey. By undertaking two semi-structured, semi-formal interviews with senior youth justice officials it aims to examine how youth justice in Jersey has been developed, how it manages the principles of welfare and justice and to what extent if at all, legislation has been affected or influenced by youth justice policies elsewhere. By taking a comparative approach this piece will explore the positive and negative aspects of youth justice processes in Jersey when held up against the backdrop of other jurisdictions.

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Introduction

Jersey has had a tumultuous time in the media over the past decade with regards to children's services. First there were the very public and widespread allegations of child abuse dating back several decades at former children's home Haut de la Garenne. More recently, the welfare of Jersey's children has been brought into question again with allegations of mistreatment at Greenfields Secure Unit and the 'whistle-blowing' by a former centre manager in 2007 (Williamson, 2008: 22) In the wake of these most recent allegations several independent reviews have been undertaken to assess the provision of youth services in Jersey. Most notably the Howard League for Penal Reform 'A review of the Jersey youth justice system' (2008) and 'Youth Justice in Jersey: Options for change' (2010) a report commissioned by the Children's Policy Group and undertaken by Jersey Probation (This will subsequently be referred to as the CPG report, 2010)

Putting these reviews aside, Jersey is notable in criminological academic writings only by its absence. This is not surprising on one level due to the relatively low levels of crime; however because of Jersey's unique position as a self-governing microstate there appears to be a gap in the research here that needs to be filled. The interest in Jersey stems from the fact that firstly it has no political affiliation with the rest of the UK, and a separate system of government but secondly has a very unique method of prosecution for young offenders (and adults) called the Parish Hall Enquiry System which attention should certainly be drawn to. All of these aspects make Jersey an intriguing platform for discussing the very prominent issue of youth justice. This dissertation aims to explain how youth justice has been developed and shaped in Jersey by using face to face interviews with two senior criminal justice officials.

The following piece is divided into four chapters. Chapter 1 lays out the context for the main research questions; it gives a brief history and explanation of Jersey as well as mentioning some of the already existing literature on youth justice and the significance of researching the topic. Chapter 2 lays out the methods chosen to complete the empirical research and why these methods were chosen. Chapter 3 contains the main body of research findings and discussion, the chapter begins with a section explaining the importance of the findings and the subsequent sections provide an analysis using existing academic writings to draw comparisons. Chapter 4 draws together the findings by making some concluding comments and suggestions for future research.

Literature Review/Background context

A brief look at Jersey

Jersey is situated in the English Channel off the coast of Normandy, France and is one of the islands making up the archipelago of The Channel Islands. The island is 9 by 5 miles and the most recent Island wide census calculated a total population of 97,857. Of this number 26,608 are under the age of 24 (Jersey Census 2011)

Jersey is an independent island and has been since 1204 when it chose to remain loyal to the British Crown and not cede to France along with Normandy (Miles & Raynor, 2005: 302) Its residents tend to be fiercely protective of this independence and this may be in part due to the German occupation of the Channel Islands in WW2 and their subsequent liberation. This long history of independence and self-reliance can still be seen today, ancient traditions are still in place guiding the processes of law and order around the island. One such tradition is that of the Honorary Police which will be discussed in much more detail later.

Why Jersey?

It has often been remarked in the media and official reports that Jersey is one of the safest places to live in the British Isles, with crime rates being particularly low. Despite this, youth justice in Jersey has been chosen as the topic for this dissertation. This decision was made first and foremost because of the islands unique position of independence within the British Isles. Jersey is unique in several ways; it is a dependent of the British crown but not part of the UK, it has its own independent system of government (The States of Jersey) and a separate legal and administrative system. This is particularly relevant when discussing youth justice because Jersey is not bound by law to adhere to youth justice legislation in any other jurisdictions in the British Isles. Similarly as the island is not a member of the UN, it is not ratified with the UN Convention on The Rights of the Child 1989, although a commitment has recently been made to sign this treaty (Children's Policy Group, 2010: 9)

Moreover the politics of the island is very unlike that of the UK in that there are no political parties, simply one body of democratically elected senators and deputies who represent the States of Jersey. Jersey has even been described by some commentators as a microstate because of this self-governing capacity (Miles and Raynor, 2007: 302) It is this uniqueness and independence that is of such interest, how have youth justice policies been developed in such a unique jurisdiction. How has youth justice been shaped within the

context of Jersey? What have been the influences and what are the underlying principles of policy and practice? What are the similarities and differences between Jersey and the rest of the UK? Lastly despite the wide ranging academic literature on comparative youth justice in other jurisdictions, Jersey has been somewhat neglected in this field (with the exception being the literature by Miles and Raynor on the Parish Hall Enquiry System, 2005) Therefore it seemed appropriate and overdue to provide some analysis of Jersey's youth justice system.

Miles and Raynor note that often in Jersey, local solutions to local problems are favoured above any wider statutory laws (2007: 302) Even within the island itself there are 12 different self-governing parishes which are run independently and are outside the islands central control (Miles and Raynor, 2005: 5) Muncie notes that although youth justice is becoming more globalized through these processes of policy transfer and international conventions there is still resistance at regional levels and local enclaves remain who still adhere to traditional and cultural values (2005: 56) The island of Jersey is a prime example of one of these 'local enclaves' with the additional 12 sub-enclaves if you will being made up of the parishes. Each parish has its own set of Honorary Police officers; they are voluntary and completely separate from The States of Jersey Police. The tradition of an Honorary Police force in Jersey has its roots in a feudal system of organisation and although dates are not exact, parish policing is thought to have been established during the medieval period (Miles and Raynor, 2005: 5) This ancient tradition is still firmly in place today and holds a very important place for youth justice in the island.

Background on Youth Justice in Jersey

It must be noted here that unlike many other jurisdictions, youth crime (and crime in general) is not seen as a major problem in Jersey, it is a safe place to live and crime levels are low (CPG Report, 20120: 16) However much like any other jurisdiction there will always be crimes committed and low-level offending, therefore a system of dealing with this behaviour must be in place. The system of prosecution in Jersey for both youths and adults is the Parish Hall Enquiry System. All offences must go through this channel and the Centenier decides whether prosecution is in the public interest, if a decision is made to prosecute, youths will then be processed through the Youth Court.

The Criminal Justice (young offenders) (Jersey) Law, 1994 sets the age of criminal responsibility in Jersey at 10 years old but states that no person under the age of 15 may be

sentenced to custody. La Moye Prison is the only institution in Jersey able to house young offenders who have been sentenced to custody (from the age of 15) Therefore, it may be the case that provisions for the small amount of young people who offend may not be as good as they should be. Juveniles (up to 18) and young offenders (up to 21) are all housed in La Moye once sentenced. Young males are kept separately from male adults but all female offenders, regardless of age are housed together in the same wing (CPT Report, 2010: 19) As will be discussed further in the final chapter, with regards to youth offending the Parish Hall Enquiry System is particularly good at diverting young people away from the formal criminal justice system meaning levels of youth detention are low. Only 86 young offenders (aged 21 and below) both male and female were received into youth detention during 2011 (La Moye Annual Report, 2011)

Areas of importance

Two areas of youth justice were chosen as the most important and most prominent for study in Jersey, these areas were the Parish Hall Enquiry System and the Probation and Aftercare Service. The Parish Hall Enquiry System is similar to the Children's Hearing System in Scotland in that it tries to deal with children (as well as adults) who have offended, outside of the criminal justice system as much as possible, a large proportion of minor offences are able to be diverted in this manner (CPT Report: 2010) It is the islands system for prosecution and is administered by a completely voluntary, Honorary Police force. The head of the Honorary Police force of the parish (the Centenier) is responsible for facilitating the hearing itself; other people in attendance are the offender, the offenders' guardian and a member of the probation service. Several sanctions are at the Centenier's disposal; most are geared towards reparation and restoration as opposed to punitive measures.

The Probation and Aftercare Team are responsible for the through-care of young offenders; a member of probation is always present at a child's initial enquiry and will deal with the young offender all the way through the process.

Background of youth justice research in the UK

‘Most models of youth justice in Europe are now hybrid frameworks, made up of several different paradigms of justice’ (McVie, 2011: 111)

The role and place of children in society has long been a contentious issue, one that sparks debate in public and political circles. This is of particular importance when it comes to criminal behaviour and how a society deals with young offenders. Most academic commentators would agree that ‘the most established differentiation between systems of youth justice around the world is that of welfare versus justice’ (Hazel, 2008: 6) These supposedly competing principles have perplexed policy makers for decades and continue to cause problems for youth justice in contemporary societies. The welfare principle is based around treatment and protection of children, putting their needs above the need for justice. Whereas the justice approach is more formal, favouring judicial rights, due process and proportionate sentencing (Hazel, 2008: 6)

It is widely accepted that children are somehow different from adults, in the eyes of the law children are seen as not having the same capacity to make informed, moral judgements about certain behaviours (CPG Report, 2012: 7) Their needs should therefore be met and their welfare made of paramount importance. Yet at the same time society has an obligation to censor certain behaviours, punish behaviour that is deemed to be criminal and deliver justice to the victims of crime. As noted by McAra and McVie, this is often seen as an ‘irreconcilable tension’ within youth justice, but they argue that this doesn’t have to be the case. The principles are not opposing, on the contrary they go hand in hand and when applied properly can provide the base for an efficient and effective youth justice system (2010: 202)

However in recent years youth justice has become susceptible to external pressures and different jurisdictions respond in different ways to these pressures. As noted by Hazel these pressures can be international such as the United Nations Convention on the Rights of the Child 1989, but systems are also affected by political agendas, media panics and public opinion at both national and local levels (2008: 6)

Political nature of youth justice in UK

The role of politics within youth justice has become an increasingly important and influential one over the past few decades. Policy decisions are plagued with political pressure, most notably in England and Wales youth justice discourse has been dominated by an overtly political agenda since the early 90s and the introduction of 'New Labour' tough on crime policies (Goldson and Muncie, 2006: 92) Most western countries have a history of welfarism when it comes to dealing with young offenders. The ethos of youth justice in England and Wales in the 1980s was very much of a welfare nature, it was understood by youth justice practitioners that formal processing of young people through the criminal justice system was stigmatizing and detrimental (see Becker on labelling theory 1963) therefore a diversionary approach was put in place to deal with young offenders (Field, 2007: 315)

This era was successful in significantly lowering the number of children aged 10-16 in custody. Between the years of 1979 and 1990 the number fell from 7000 to 1,400 (Bateman, 2011: 12) Despite this success in keeping young people out of custody, the next political power took a considerable detour from diversionary techniques. The murder of James Bulger in 1993 was undoubtedly a major catalyst for the subsequent changes to youth justice in England and Wales. The death of such a young child at the hands of children themselves caused a public and media outcry of epic proportions. As Garland notes that this kind of populist punitiveness has increasingly started to influence political decisions regarding youth justice 'criminal justice is now more vulnerable to shifts in public mood..... and can be adopted for short term, electoral advantage' (2001: 173)

Muncie and Goldson note that Nordic countries tend to use social and educational measures over penal and believe this type of system has been 'made possible by an insistence that elites and experts are better placed to formulate and decide penal policy rather than the whims of public opinion and party politics' (2006: 208) As will be discussed further in the final chapter, it can be argued that a lack of party politics in Jersey has meant a convergence with this Nordic line of thinking for youth justice and a focus on evidence-based research to combat the reasons behind offending behaviour instead of using punitive and penal measures of punishment.

Relevance of comparative study

Comparative analysis within criminology has become increasingly popular in recent years especially with regards to policy formation and development. Youth justice has been no exception to this growth (Muncie: 2006) This seems like a logical progression for criminology, youth crime and crime in general is a problem that goes beyond national boundaries and affects jurisdictions on an international scale (Winterdyk, 2005) therefore the benefits of studying best practice in other jurisdictions and applying successful practices to your own country seem obvious. Practitioners and policy makers are always looking to other jurisdictions for examples of best practice, the impulse is to 'look across, to import novel ideas and to replicate successful models of youth justice' (Newburn and Sparks (ed) 2004: 3)

However as noted by Jones and Newburn (2006) history has shown that policy-transfer between jurisdictions as a result of comparative study can be dangerous when specific cultural, historical, economic and political contexts are not sufficiently taken into account. Policies and practices do not emerge from a vacuum, nothing is created in isolation. McAra states that 'youth justice systems are complex architectural phenomena' (2011: 287) therefore just because one model of youth justice works well in one jurisdiction there is no guarantee it will translate successfully to another.

All of these aspects will be taken into account and analysed within the context of Jersey's youth justice system within the following chapters of this dissertation.

Methodology

Research instrument

For this research project it was decided that interviews were most appropriate. This decision was made for several reasons; firstly the search for qualitative data was of paramount importance. (see Mason, 2002) The two participants were senior criminal justice officials with inside knowledge of youth justice in Jersey, their perceptions and opinions about the topic could only really be probed into by using a face to face interviewing technique. Blumer (1969) argues that human beings ascribe meaning to things based on their social interaction with others in society (Social Interactionism) Herein lies the value of the interview.

Interviews provide the basis for a more in depth discussion where the interviewer can probe deeper into certain issues of interest that arise and therefore create data from the interaction with the participant. Invaluable information regarding the background of youth justice policy in Jersey was gathered before conducting the interviews; however what this research aimed to explore was not simply the policies found in government legislation or put forward by politicians, this could have been found through an analysis of documents.

Two interviews were undertaken with senior criminal justice officials in Jersey. Although it would have been preferable to do more than two interviews, the time frame and scale of the research meant that this was not viable. It was initially hoped that more interviews may have supplemented the original two but because of the seniority of those interviewed and the added time constraints I decided to focus on the depth and expertise of two participants instead. Both interviews were recorded and transcribed with the consent of the participants, both participants remained anonymous but have been given fictional names (genders remained the same) within the write up to 'maintain a sense of individual personality' (following Souhami 2007: 14)

Adaptive Approach

From the outset of this dissertation the issue of 'theory-ladenness' (see Honderich, 2005) was identified and attempts were made to try and minimise the consequences of this. The notion of 'theory-ladenness' simply states that no data is completely free of theory, as noted by Bottoms 'all empirical work is approached through theoretical understandings' (2008: 77 cited in King and Wincup, 2008) The relevance of this here is that I already have knowledge

and subjective opinions about youth justice and Jersey itself, therefore steps were taken to ensure I did not use leading questions to move the interviews towards certain issues more than others. For this reason an adaptive methodological approach was taken regarding the research questions. Briefly, an adaptive approach means there is an ‘existing theoretical scaffold which is capable of accommodating new information and interpretations’ (Layder, 1998: 150-1) Based on this approach an initial research question was set as a starting framework but because of the relatively unknown nature of Jersey youth justice in academic literature I did not want to narrow the focus so much so that other, possibly interesting data be excluded. Several themes were identified from the wide ranging academic literature on youth justice in order to structure the interviews in a coherent way (see below) but the main research questions were very simple and direct. What is youth justice in Jersey? How is it structured? How has it been shaped by other jurisdictions? And what are the underlying principles?

Using an adaptive methodology meant that the interview schedule was informal and only semi-structured. In order to gather a wide reaching body of information both professionals were drawn from different sectors and with different areas of expertise. Therefore some themes are more relevant to certain participants than others. The interviewees will be referred to as Peter and Sharon (fictional names) in the final chapter in order to retain their gender and a sense of personal identity.

Participants were made aware that the aim of the research was to gather as much information about the nature and background of youth justice in Jersey in order to compile a comparative piece. In saying this, the interview schedule comprised six overarching themes which provided the basis for the prompts used during the interviews. These themes were *politics, history and traditions, competing principles of justice, convergence/divergence from other jurisdictions, principle vs. practice and boundaries of childhood*. As will be discussed in the final chapter an adaptive methodology was the right choice because some of these themes weren’t as relevant and others emerged as more important. The role of comparative criminology was actually not as relevant as was hypothesised from the background literature. Other themes that emerged from the interviews, were ‘the role of restorative justice’ ‘the power of informal controls in sanctioning behaviour’ ‘the importance of the parish in promoting community cohesion’ ‘individual influence on practice’ and ‘shifting paradigms of youth justice’ these themes will be discussed in more detail in the final chapter.

Another important methodological issue that needed to be addressed was that of representativeness. The people being interviewed were both in positions of power and hold quite a lot of sway. For this reason I had to be aware that a lot of the information given may be one sided as interviewees may not want to give a negative view of youth justice in Jersey. This is not necessarily a bad thing, but both participants are senior members of their organisations and important contributors to youth justice in Jersey so it is imperative to remember that these interviews cannot be seen as representative of the majority of youth justice practitioners in Jersey.

Sampling

Participants were chosen to take part in this study based on their professional background and experience of youth justice in Jersey. After considerable background research it was decided that two areas of youth justice in Jersey were of the greatest relevance to the research question, these two areas were The Parish Hall Enquiry System and the Probation and Aftercare Service.

Once these two organisations had been chosen, research was done to select candidates who would be the most suitable for interview and be able to provide the most in depth information. Sharon was chosen because of her extensive knowledge and expertise of the Parish Hall Enquiry System and Peter was chosen because of his experience of the Probation and Aftercare Service in Jersey. As an aside, both participants have a background in the social sciences at an academic level; this will be looked into more in the final chapter. Research participants were approached via email with an outline of the project and interviews were set up via this forum.

Ethics

As with all empirical, social scientific research, ethical considerations were of paramount importance for this dissertation. A level two ethics form was completed prior to the start of the research, adhering to the rules set out by the School of Law's Policy on Research Ethics. Both participants were asked to sign an informed consent form before being interviewed, the consent form set out what the aims of the research were as well as assuring complete anonymity in the final write up.

There are particular ethical issues in interviewing elite professionals (see Dexter, 1970; Odendahl & Shaw, 2002) I am a young inexperienced student interviewing people in positions of power. Therefore it was important to acknowledge that interviewees would be a lot more knowledgeable and experienced in this particular field. For this reason the aim was to keep the themes for interview questions fairly loose and allow the interviewees to share their unique knowledge and insight without feeling restricted.

The second ethical issue faced was that of anonymity. Jersey is a small island community and there is always the possibility that people know other people, therefore care was taken to ensure anonymity if any personal names were mentioned. Both participants are very senior members of relatively small organisations so could be easily identified. However it was not relevant to the research to ask about or find out about individual people, the approach was more holistic and focused on macro-practices. But just in case, this problem was addressed by keeping the positions of the participants' non-specific and changing their names. If this was a piece of published work, a finished draft would have been shown to the participants but because this work is not in the public domain this was not necessary.

Research Findings and Discussion

The importance of the Parish Hall Enquiry System

The crux of youth justice in Jersey is without doubt the Parish Hall Enquiry System. It shares similarities with Scotland in that the hearing involves lay-members of the community. However unlike the Scottish Hearing System which was only adopted in the 1971 following recommendations from the Kilbrandon Committee (McVie, 2011: 107) the Jersey equivalent is deeply rooted in tradition, culture and history and can be traced back hundreds of years. The principles of the Kilbrandon philosophy have always been present within the Parish Hall System, especially a focus on the 'needs' of children and not their 'deeds' as well as the importance of combating deeper rooted social problems. Both participants drew attention to the important role played by the Parish Hall Enquiry when dealing with youth offending, the subsequent sections will further this discussion and highlight some other important themes driving youth justice in Jersey.

The role of The Parish in promoting community cohesion

'Power rests with the community and the elected representatives from that community. That really is the cornerstone of the Parish Hall Enquiry' (Sharon)

The role of restorative justice has been growing over the last few years in developed nations, but in Jersey as noted by Sharon, *'we've had 800 years of restorative justice, the system is inherently restorative'*. The Parish Hall Enquiry System is based on ancient principles about *'restoration and making amends not punishment or retribution'* (Sharon). In itself that is the beauty of the system in Jersey, *'other jurisdictions have had to recreate those sorts of set ups and we have them and they are sort of intrinsic to the social fabric of Jersey'* (Sharon). The Parish Hall Enquiry is a system wholly unique to Jersey, as noted by Peter, *'the Parish Hall Enquiry is a real treasure, and the only other thing similar is the Norwegian Lenssman'*. However the remarkable thing about the Parish Hall Enquiry is that it is entirely voluntary and run by the unpaid, Honorary Police force. One of the main benefits of this is that *'only 1% of the States of Jersey Police annual budget is spent supporting the Parish Hall Enquiry System'* (Sharon) which is fairly astounding when you consider the expense of a separate prosecution service in other jurisdictions.

Restorative ideals within the Parish Hall Enquiry are not just about dealing with the specific offence, getting to the root of the problem and restoring peace and equilibrium to the situation is of equal importance. In this way the Parish Hall Enquiry allows for individualised responses to offending behaviour, one participant noted in relation to this,

‘With youths especially you do get the opportunity to scratch below the surface and actually ask ‘what’s happening at school? What’s prompting this sort of behaviour..... A few years ago we picked up on a band of 13/14 year old girls shoplifting which actually translated into quite a significant bullying problem at one secondary school, so of course this was coming out through the Parish Hall Enquiry’ (Sharon)

In this situation, the shoplifting behaviour on its own, had it been picked up by the States Police would have been dealt with by way of a formal warning or conviction. By using the Parish Hall Enquiry, using mediation and communication the root of the problem was found and dealt with via the right paths i.e. addressing the bullying behaviour through the education department. Some of the major criticisms levelled at the Risk Factor Prevention Paradigm in England and Wales are that as well as being open to political manipulation it also excludes some of the most important stakeholders in youth justice, that being the practitioners and the young people themselves (Case, 2007: 1). This is not the case in Jersey, the nature of the Parish Hall Enquiry System is that of inclusion and conflict resolution making sure all parties are present and included in the process. Peter gave another example of how parish and community justice can resolve a situation and satisfy all those involved,

‘A group of young children in a small parish community were playing in a nearby field where a farmer had bailed his hay. They accidentally ripped one of the bales causing £3000 worth of damage, instead of calling the States Police however the farmer called the honoraries of the parish. All the children (around 20) and their parents were brought along to a Parish Hall Enquiry, the parents were not impressed; all believing this was a bit extreme as the result of child’s play. The Centenier in charge however brought along the farmer who explained what had happened to all those present, saying he didn’t mind the children playing in the field but that he had lost nearly £3000 of his livelihood. On hearing this, all the parents were shocked and clubbed together to raise enough money for the farmer.....if the States Police had been called the children would have been charged £3000 for malicious damage.....’

Similarities can be seen here between New Zealand and their forms of family conferencing where the main goal is to agree on a plan about how best to deal with the offending behaviour that has occurred, whilst including other stakeholders such as family members and victims (see Morris and Maxwell, 1998). In this way problems are dealt with in a pragmatic and logical manner in order to achieve the best outcome not only for the victim but also for the children involved in the offending. Looking even further back in history, these kinds of practices have resonance with ancient civilisations for example the Ifugao society in the Philippines. Whilst studying this society Barton (1919) noted that ‘Neighbours and co-villagers did not want to see their neighborhood torn apart by internal dissension. Instead of feuding, claims and counterclaims were relayed by the monkalun [the go-between/mediator] until a settlement was achieved’ (cited in Gavrielides, 2011: 5). This has startling similarities to the role of the Centenier in the Parish Hall Enquiry System and indicates that long standing traditions based on a commitment to community cohesion can still wield successful results today.

Drawing a more modern day comparison, Community Policing (CP) in England and Wales strives to achieve the kind of policing done by the honoraries in Jersey. Each of the 12 Honorary Police forces in Jersey is ‘*responsible for policing their own environment*’ (Sharon). Each force is made up of democratically elected members who are arguably in the best position to police their own locality. Although CP as a concept can be seen as somewhat general and ambiguous, Tilley states that ‘Community Policing stresses policing with and for the community rather than policing of the community’ (2008: 376). This is exactly what each parishes’ Honorary Police force does and has been doing for hundreds of years, as is shown by Peter’s previous anecdote and an example from Sharon,

‘We have a large community of Latvians in one of the parishes; we’ve just done some translation work for them. They aren’t the best drivers and some of their cars are falling apart so the local Centenier will go round to the farm and have a really good chat about what is expected of them, I guess that wouldn’t happen in the UK because there wouldn’t be anyone to do it..... generally there’s very little problem and it works really well’

Henry points out that CP is often ‘hailed as a return to traditional policing of the ‘golden age’ but that this ideal is troublesome and there may be little or no evidence of this so called ‘better past’ (2009: 11). As the previous quotes from both participants show, Honorary

Policing in Jersey comes very close to this ideal of traditional policing. At the risk of sounding too nostalgic, the ‘bobby on the beat’ is still alive and a very important part of policing in Jersey today, especially when it comes to dealing with youth offending.

It is this sense of inclusion, a feeling of belonging to a community that has the potential to have such an impact on offending behaviour. As noted by Sharon, *‘if you belong to a community and feel valued and part of it, and you have a role and voice you are far less likely to offend against it as somebody who’s excluded’*. The relevance for youth justice here is evident, existing research is comprehensive with regards to subcultures and social exclusion etc. (see Cohen, 1970; Becker, 1963) and the negative effects that being excluded can have. In Jersey however, the low rates of youth crime and young people in custody may be down to this form of local and community policing as well as informal measures taking precedent over formal when dealing with youths.

The power of informal social controls

‘In any small closely knit community where people find themselves in continuing face to face relations, the threat of exposure to ridicule, disgust, provoking feelings of shame and remorse must represent an important mechanism of control’ (Roberts 1979: 40)

The role of informal social controls as a way of controlling the behaviour of young people was one of the most important themes detected throughout the interview process. McAra notes that often ‘formal regulatory frameworks of youth justice fail to function effectively as a moral compass for young people’ (2010: 293) both participants noted this as an important point steering youth justice practices in Jersey. Sharon noted that *‘all offending behaviour in Jersey is sanctioned, it’s not accepted. Somebody will sanction you for that behaviour’* this may well be down to the fact that communities are dependent on each other. When asked about the importance of informal social controls Sharon answered *‘oh yeah because we’ve got huge interdependencies, it’s not just, I mean you’ve got church, you’ve got parish, you’ve got family, you’ve got school’*. She gave an example of a recent incident where this kind of sanctioning had happened,

‘I know it sounds silly but I was in the chip shop the other day and a 13/14 year old comes in and says something like ‘effing dah dah dah’ and I said ‘language, that is not acceptable’ and he just sat down like this.....and the woman next to me was from the UK and she said ‘I

would never have done that because I would have just got a torrent of abuse' but I feel quite comfortable telling him that's not acceptable and that's kind of a Jersey thing as well. People feel more comfortable setting out how people are expected to behave'

However both participants noted the benefits of having official criminal charges as a fall back if offenders don't agree to the sanctions handed out by the Parish Hall *'you've always got that backstop which means if you don't agree with a decision you know you will be charged and appear before a magistrate'* (Sharon). This highlights that although informal social controls seem to work very well at constraining offending behaviour there is still the need for the kind of formal, punitive controls found in other jurisdictions to legitimise the former.

Shifting paradigms of youth justice

One of the initial research aims at the start of the project was to explore how Jersey managed the competing principles of justice and welfare. Although this question did not turn out to be the central theme of the research, a lot of interesting information was gathered from participants illuminating the difficulties faced by practitioners juggling these principles in Jersey over the last decade. One interviewee talked in great detail about the struggle against a rather punitive criminal justice approach. Whilst discussing successful community based initiatives they stated,

'Yes but having said that it's taken us a lot of fighting to get there, because it's actually quite a right wing community who believe 'oh just lock them up and throw away the key' it's taken literally ten years of constant pressure of raising the profile of evidence based practice' (Sharon)

The age of criminal responsibility in Jersey is still set at 10 which is deemed to be too low by most international standards (UNCRC, 1989) On a positive note Jersey does have *'in some ways more protections than England and Wales, a child under the age of 15 can't be sentenced in Jersey whereas you can be at 10 in England and Wales'* (Peter). Yet as recently as 2007 ministers in Jersey were calling for 12 year olds to be sentenced to custody because of *'a particular band of troublesome youths at the time'* (Sharon). It seems as though this kind of punitive undertone is something that is constantly being challenged and fought against by practitioners on the ground and at the top promoting welfare principles and the needs of young offenders.

The theme of principles and practice cropped up quite frequently during the interview process. The main issue mentioned was the outdated children's legislation *'if you look at all of our children's legislation the word welfare doesn't actually appear in it'* (Sharon),

'One of our difficulties here is that we're working in a legislative vacuum, our criminal procedural laws were written in 1864 when all sorts of crime just didn't exist' (Sharon)

When compared with other UK jurisdictions this is incredibly poignant, a lack of any up to date laws does mean that legislation in Jersey is outdated, but as noted by Sharon allows for *'the opportunity to interpret things in a certain way'*. In other words the role of on the ground practitioners becomes all the more important. Goldson discusses at great length the bombardment of youth legislation from the New Labour government in England and Wales. He argues that *'Since the election of the first New Labour government in the UK, in 1997, the youth justice system has been a locus of near permanent reform'* (2010: 155). This lies in stark contrast to Jersey. Peter noted that,

'Probation laws haven't changed, it's the serviced provided and the practices that make us recognised around the world as one of the most effective probation services there is'

This is hugely important because it highlights the influence and power that can be held by individuals and organisations and the very real changes that can be brought about regardless of current legislation. The difference is made by those working on the ground, practitioners and professionals who truly believe in the principle of welfare and doing what is best for children.

In many ways it seems as though Jersey today is very similar to the diversionary nature of 1980's England and Wales where social workers *'sought to limit or postpone the involvement of the criminal justice system in the belief that it tended to stigmatize young people'* (Field, 2007: 315). Despite the fact that notions of welfare are completely absent from children's legislation there is still an overwhelming sense of paternalism emanating from the Parish Hall Enquiry System that means welfare is very much prominent in Jersey today.

The principle of diversion unlike England and Wales still plays a very central role in youth justice in Jersey. The 2011 annual probation report showed that only six cases got sent to the Youth Court from the Parish Hall Enquiry System (2011: 18). Sharon mentioned the success of this approach and said *'the Youth Court only has to sit once a month now and*

that's only for serious break and entries and drink driving'. The ethos of diversion is central to the enquiry and keeping children away from formal criminal justice procedures is paramount. As pointed out by Sharon 'what happens in the Parish Hall is a Parish Hall sanction, it is therefore not disclosable as a criminal conviction, it's an informal hearing, and it's not public at all'.

However the notion that offending children are actually 'needy' is still filtering through to some areas of criminal justice. Peter stated that,

'Social services themselves are acknowledging a lot more, offending as a need amongst their client group, they'll recognise it as one of a number of problems a child has'

The debate therefore about whether children in need of welfare should be dealt with in the same system as offending children is one that has not bypassed Jersey. The relatively low level of youth offending in Jersey has arguably resulted in a lack of accommodation for the minority that do. La Moye prison caters for all offenders on the island, adult, juvenile and women, this has drawn concerns from international rights groups as it well should. However it became apparent during the interview process that new legislation was being drafted to allow *'children of school age to serve any sentence (whether criminal or referred for welfare reasons) at Greenfields Children's Home'* (Peter). At present, Greenfields Centre is able to house young offenders on remand and those who have been placed into care on a welfare order, not those who have been sentenced (CPT Report, 2010: 26). The centre is only able to house children on remand up until school leaving age, that is once they leave school at the age of 16 they then have to be housed in the islands only young offender institution, La Moye. In its final report in 2010 the CPT recommended that 15-17 year olds should be able to serve their sentences at Greenfields instead of La Moye and it would seem that this change is indeed being enacted in Jersey today, a prime example of welfare principles being filtered down and put into practice.

Island cultures and Politics

When asked about the role of politics within the island and the effect it had on youth justice, Peter provided some incredibly relevant information which might go some way to explaining the lack of recent legislation regarding children. He stated,

‘Youth justice is much less political than it is in other British jurisdictions, professionals are allowed to get on with their job, the downside to that is that because there is no or very little political agenda around youth justice, legislative changes are slow, nothing is driven from the top down’

There are two main points of interest to pull out here, firstly without the political pressure so often found in other UK jurisdictions, for example the Labour government getting ‘tough on crime, tough on the causes of crime’ legislative change in Jersey takes a lot longer. This may be why there has been such a lack of new legislation regarding youth justice in recent years (notwithstanding the new legislation being drafted regarding Greenfields Secure Home) Peter drew out another example of legislative change being slow due to lack of political pressure in Jersey. He noted that the Police and Criminal Evidence Act 1984 (PACE) for England and Wales did not view 17 year olds as children but as vulnerable adults, the equivalent legislation in Jersey followed this framework,

‘There was no political pressure in Jersey so this wasn’t picked up on as a problem, I think there was a lost opportunity for reform there. England and Wales have since changed this but without call for it, no change has happened in Jersey’ (Peter)

In Jersey, 17 year olds still treated as adults and with little or no political agenda around youth justice there doesn’t seem to be any drive towards reforming this issue.

The other important aspect to draw out of this quote relates to the more general political agenda (or lack of) in Jersey. The States of Jersey Assembly is the islands independent government and mode of administration, political decisions are made by individually elected senators and deputies, party politics plays no role and unlike the UK government The States of Jersey are not officially politically affiliated to any party.

In a comprehensive review of the Jersey Government, the Clothier report noted that Jersey’s electorate have a tendency to vote ‘more for personalities than policies’ (2000: 11). This is because those wishing to get elected don’t necessarily have to make any political

promises or put forward any policies in order to be elected. When you consider the UK and the fact that being tough on youth crime has steadily become a ‘mantra for achieving electoral success’ (Muncie, 2004: 160) it becomes more evident why politics remain at a distance from youth justice in Jersey, there is no electoral benefit. In saying this however, those who are successful in their election campaign do hold the power to bring about change with regards to legislation and public opinion. Sharon noted that *‘the trick is to keep the understanding in the political arena’* because politicians are a very important vehicle in raising awareness and discussion for reform.

So using youth crime as a political tool has not escaped Jersey completely. New Labour attempted to implement increasingly punitive measures for young offenders from across the Atlantic in the 1990s. Policies from the USA such as ‘zero-tolerance’ electronic tagging and naming and shaming became particularly appealing in the run up to the 1997 election. Sharon notes that the ‘naming and shaming’ debate reached Jersey more recently when an individual politician proposed that 13 to 17 year old offenders should be named in the Jersey Evening Post. The rest of the assembly shut down the idea but the incident highlights that although youth justice is not driven by any political agenda in Jersey it is still an issue that is prevalent in the political sphere.

Also relevant to note here with regards to culture and internal politics is the presence of 13 different police forces on the island, a situation that in itself is very unique and brings up its own tensions and difficulties. There are 12 parishes and therefore 12 separate, Honorary Forces (voluntary and unpaid) completely independent of each other and independent of the overarching rule of the paid States Police Force. When asked about the relationship between these organisations Sharon noted a very strong partnership on the whole but also some very real problems.

‘Sometimes the States Police don’t understand the nature of the honorary system, they don’t understand what it is and then you get the difficulties..... if the States Police have been taken round the block by some youngster who’s been really horrible, it sort of sticks in their throat when it comes back and they see ‘words of advice’

What Sharon is referring to here is the fact that the States Police do not have the power to charge an offender, if they arrest a youth for an offence it has to go to the Parish Hall Enquiry

and the Centenier is the only person who can decide to prosecute the offence. As noted by Miles and Raynor 'this can often lead to considerable frustration in the area of policy-making and implementation when the police authority (States' Police) cannot exercise any influence whatsoever over the practice of a particular parish' (2005: 49). Therefore it is inevitable that conflict will arise between organisations that have differing attitudes about how to deal with the offending behaviour and differing levels of power over certain areas. This is very similar to the findings from research into Youth Offending Teams in England and Wales (see Souhami, 2007). However on the whole both interviewees agreed that there was an overarching level of respect for the system from both parties. Moreover because of the ingrained nature of the honorary system to Jersey '*anything that is seen as an attack on it will be batted out straight away*' (Sharon) because traditional cultures in Jersey are still very strong,

'It's the same as it was 200 years ago, you used to get the merchant classes coming in from the UK who wanted to do things in Jersey and the parishes would just close ranks and say 'no that's an attack on the fabric of our life' and it never got past' (Sharon) (See Kelleher, 1994 for a comprehensive review on Jersey's rural history)

Individual influence

The lack of political involvement in youth justice arguably opens the door for input from elsewhere and over the past ten years there appears to have been a great push by individual professionals towards a more evidence-based approach. Both interviewees mentioned the excellent links forged between Jersey criminal justice organisations and academic institutions such as the University of Glasgow and the University of Swansea '*We have invested heavily in evidence-based research and good partnerships with Universities*' (Sharon). As previously mentioned by one participant there has been a struggle over the last ten years to try and shift political and public opinion away from punitive measures and towards welfare principles, but by using research and a strong evidence base it seems that politicians are coming around to the idea that welfare should be paramount when dealing with young people and this is undoubtedly because of the hard work done by practitioners in Jersey.

Sharon noted several occasions in which she had been in discussions with magistrates and politicians regarding how to deal with young offenders,

‘Certainly I’ve had discussions over the years, you know with magistrates who say ‘they should only allowed one written caution at Parish Hall and then they should be in my court’ yeah right, and I say well no.....it’s about welfare’

‘It was 2007 and I was standing up speaking because our Home Affairs Minister wanted to be able to imprison 12 year olds.....I said no, these are children, focus on their welfare needs’

‘It’s been a long hard fight actually to get those sorts of practices accepted as mainstream and we’re getting there now’ (Sharon)

Clearly the relevance and importance of having individuals in senior roles where influence can be had is shown here. Both participants have a background in academia and the social sciences and are working hard to keep relevant issues at the forefront of political decision making. Peter himself was responsible for instigating one of the reviews of youth justice in Jersey and noted the huge affect this had on practice,

‘If the researchers actually engage with people in a meaningful way, you can produce the change that you might be recommending at the end simply by doing it, and again that shows the importance of practice doesn’t it?’

In essence what is noteworthy here is how one individual taking the initiative to instigate a review of youth justice can highlight the problems and issues to those who may not have previously been aware. In the case of Jersey, Peter mentioned that the review made politicians more aware of the academic research supporting welfare measures for children and this is very beneficial for a jurisdiction where a lack of understanding can often prevent reform (see quotes from Sharon above)

One of the major factors in allowing this kind of change may be the size of the island. Jersey is a very small island and when you combine this with the fact that there are no political parties vying for a position of power the picture becomes clearer as to how such change can come about and individual influence can have such an effect.

Policy convergence/divergence

In relation to the theme of comparable systems, no other jurisdiction seems to come close. Peter stated that

'The nearest thing is the continental prosecution system where you have a prosecutor who considers every case and who generally in European systems has a strong emphasis on diversion'

Similarly Peter also drew comparisons with the Norwegian Lensmann, described by Christie as 'ancient but still highly active.....that is a sort of sheriff, but with numerous civil tasks in addition' (1981: 9.3) The comparisons here are still quite loose however, prosecutors in European jurisdictions are paid, and it is their profession as opposed to Jersey where the Honorary Police force are responsible for the task of prosecution. They are lay members of the community, democratically elected but who give their time and services for free.

When asked about policy transfer from other jurisdictions both Sharon and Peter felt strongly about Jersey's independence and noted some of the potential and actual problems with policy transfer from the UK. Sharon stated,

'When people come in and do reviews they always say 'Oh Jersey, small island, backwater, we'll do what we do in England and drop it on here and it'll be fine' but I always say, the English criminal justice system is not a beacon of excellence and there's actually an awful lot we certainly would not want to replicate'

This view is backed up by academic literature and the research on problems with policy transfer is wide reaching. It has been noted by Jones and Newburn that inter-jurisdictional policy transfer can be dangerous and counterproductive (2006). This is especially true within the context of Jersey which has a history of independence and self-governing. One example of policy transfer from the UK that really struggled to get a foothold in Jersey is that of multi-agency working. Youth Action Teams were established in Jersey for a short period of time and as noted by Peter 'were set up with the best intentions, to provide access to resources' in essence they were meant to bridge the gap between social services and criminal justice organisations,

'The frustration at the time when it was set up was that child offending was seen as a criminal justice responsibility and social services would close the case so those resources were not available.....But what happened really was they became a Youth Offending Team, so it was just duplicating and kind of getting in the way ' (Peter)

This provides a clear example of not only the problems associated with multi-agency working but also the difficulties faced when trying to implement a scheme from another jurisdiction. Youth Offending Teams in England and Wales have had their struggles but have also managed to overcome inter-organisational difficulties on some levels. In Jersey it seems as though the provision and management just wasn't there,

'Just as a system it didn't really work, no-one was really clear what it was there for, the manager had the odd idea that you could have police officers doing social work and social workers policing and that everyone could do child protection.....but no' (Peter)

Sharon also noted the introduction of 'fixed penalty' notices as a bone of contention between professionals in Jersey,

'Well the only reason the UK introduced fixed penalty notices was because they didn't have an honorary system, they didn't have a mechanism for dealing with this sort of low-level offending'

This was mentioned in the context of 'policy transfer' and is a useful example of how supposedly successful legislation from one jurisdiction may have no place or use in another where a system is already in place to deal with such offending behaviours.

However, policy transfer from other jurisdictions cannot be completely disregarded. Sharon noted that influences from New Zealand and Australia could be seen within the Parish Hall Enquiry System with regards to 'shaming and reintegration' techniques (See Braithwaite, 1989) the theoretical basis for this approach is 'a strong focus on shaming, informality and community involvement in response to juvenile offending' (White, 1994: 181) These are the basic principles that underpin the Parish Hall Enquiry System and have done since its inception but as noted by Sharon,

'We've had a very wide reach in looking at best practice elsewhere, Australia and New Zealand, the rise of their reintegrative shaming stuff coming out of Australia, they've got

some good ideas about coping with drink driving.....they are hot on people needing to be shamed into that sort of behaviour (not drink driving) so there are some of those things that we have looked at'

This is highly significant when you consider the nature of youth offending in Jersey. As noted previously by Sharon the majority of serious cases that make it to the formal Youth Court are for driving offences. Therefore it is very appropriate that if any policy-transfer were to occur it would be for this reason.

This notion of shaming also links back to previous discussions about the importance of the community in sanctioning behaviour. When asked about the suggestion of introducing fixed penalty notices into Jersey Sharon argued that,

'It would cost us thousands and you would lose that shaming perspective. Jersey is awash with money, I would far rather write out a cheque for £50 than have to go and get shouted at by a Centenier and be embarrassed because that constrains my behaviour, writing a cheque does not'

Shaming in a small community obviously has its attendant benefits and when it's done in the right way i.e. informally and without stigmatization through the Parish Hall Enquiry System it can be a strong factor in reducing youth offending.

Conclusions/Recommendations

As noted by one interviewee during this research process, Jersey is often seen as a backwater and an island somewhat behind the times, especially when it comes to youth justice policies and legislation. Although this is true to some extent (for example the outdated children's legislation dating back to 1864) the findings of this research highlight some aspects of youth justice that are not only examples of good practice to be envied by the rest of the UK but also by the rest of the world.

The Parish Hall Enquiry System was described by one participant as 'a real treasure' Attempts by outsiders over the years to discredit this ancient tradition of prosecution have met been met with defiance and a closing of the ranks, yet despite these attacks the system seems not only stable but continues to be effective in dealing with youth offenders..

The most interesting findings to come out of this research were based around the ideas of community and the importance of informal social controls in sanctioning anti-social and offending behaviour by youths. Because Jersey is such a small island with several tight knit communities the groundwork is already in place for the development of community based initiatives and interventions to help with the neediest in society. With regards to youth offending the benefits of these kinds of initiatives are huge. What is also noteworthy are the continuing efforts by professionals to bring welfare principles to the forefront of the political and public agenda in Jersey and the success that is being had. With this continuing drive and support from academic research and evidence there is hope for reform of current children's legislation.

Issues of national identity and culture have cropped up numerous times during this research and as noted by Souhami (2007: 8) 'these issues are strongly grounded in the lived experience of organisational members' This project was based around information collected from some of the most high ranking professionals within criminal justice in Jersey, but with regards to future research there is a huge gap to fill by interviewing practitioners on the ground and especially Centenniers about their experiences of youth justice in Jersey and the effect that local culture and national identity have on the way they practice.

Lastly, Muncie notes that often when trying to discover ‘what works’ for youth justice ‘issues of national, regional and local culture are obscured’ (2004: 152) Jersey on the contrary appears to have and be holding on firmly to the kind of positive identity that most communities and jurisdictions are constantly striving for. Instead of comparing themselves to other UK jurisdictions Jersey remains true to its own history and identity, there is no evidence of wanting to emulate youth justice practices elsewhere because ‘what works’ is effectively what Jersey is doing and has been doing for the past 800 years. This is truly something to celebrate and Jersey an island worthy of further academic interest and study.

Appendix A

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12/07/2012

Consent Form

Dear Sir/Madam

Thank you for agreeing to be part of my dissertation research regarding youth justice practices in Jersey. The purpose of this research is to explore the relatively unknown arena of youth justice in Jersey and draw comparative observations about its convergence with and divergence from other youth justice systems in the British Isles.

In order to adhere to the ethical guidelines set out by Edinburgh University all participants are asked to complete an informed consent form. Please read the below information and sign at the bottom if you consent to participation.

* Participation is voluntary and all participants are free to withdraw at any time, without giving any reason.

* Any data or information used in any publications which arise from this study will be anonymous.

* All data will be stored securely on password protected devices and only used for educational purposes in the researchers' final dissertation project. Data will be erased once the final marks have been decided.

* Due to the nature of the interview process it is necessary to audio record all interviews. If you wish to review the tapes or transcripts at any time please let the researcher know.

* Should you have any questions at any time during the process please feel free to contact the researcher on the email address or phone number above.

Thank you again for being part of this project, your help and participation is much appreciated.

Yours faithfully

Nicki Wray (Researcher)

Date

Participants Signature

Researchers Signature

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