

# STORIES OF (IN)JUSTICE?

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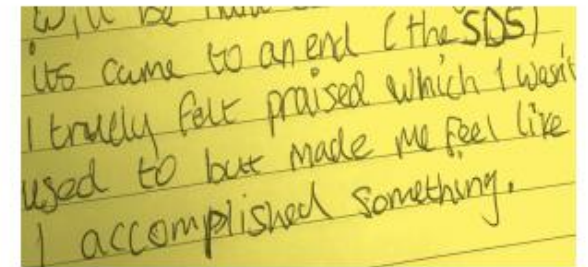
CYCJ PRESENTATION: 12.08.21

# DATA SET ONE: AN EVALUATION OF SOUTH LANARKSHIRE'S STRUCTURED DEFERRED SENTENCING (SDS)

- An innovative approach to sentencing in of young people in two summary courts in Lanark and Hamilton.
- 14 Scottish white young people, between the ages of 16-21 took part in:
  - Two boys and one girl took part in longitudinal interviews (3 interviews each, 9 in total).
  - One focus group with four participants (three boys and one girl), one paired interview (one girl and one boy), and five individual interviews (all boys).
  - Seven Ethnographic SDS Court Observations
  - Thematic Analysis of Documents (2 YP diary, CJSWR,)

**UWS** UNIVERSITY OF THE  
WEST of SCOTLAND

Evaluation of South Lanarkshire  
Structured Deferred Sentencing for  
Young People



Will be...  
its came to an end (the SDS)  
I truly felt praised which I wasn't  
used to but made me feel like  
I accomplished something.

End of Project Report

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<https://research-portal.uws.ac.uk/en/publications/evaluation-of-south-lanarkshire-structured-deferred-sentencing-fo>

# DATA SET TWO: AN EXPLORATION OF OPINIONS ON THE DRAFT SENTENCING GUIDELINES FOR YOUNG PEOPLE IN SCOTLAND.

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- 66 young people (14-25) across Scotland took part in a vignette based focus group.
- Focus Groups were carried out in: Glasgow, Dundee, Edinburgh, North Lanarkshire, South Lanarkshire, West Lothian, Perth and Kinross, Dumfries and Galloway, and Highlands and Islands. Two focus groups were also in institutional settings.

Gender	Ever been sentenced			Been a victim of a crime		
	Y	N	M/D	Y	N	M/D
31 females	4	21	6	13	6	12
33 males	18	12	3	8	7	18
2 prefer not to say	1	1	0	0	0	2
66 participants	23	34	9	21	13	32

# WHY SMALL STORIES?

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- If we collect spoken (and indeed written) accounts of ‘events’ or ‘experiences’, then we need to analyze them in terms of the cultural resources people use to construct them, the kinds of interpersonal or organizational functions they fulfill, and the socially distributed forms that they take. (Atkinson et al. 2003: 117)

# LIMITATIONS OF CURRENT ANALYSIS

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- The data sets clustered:
  - Experiences of Injustice = SDS & SSC Data
  - Experiences of Justice = Mostly SDS Data,
  - Imagining Justice = Mostly SSC Data
- Not all opinions or data from SSC research could be included as it did not 'fit small story research.
- This means the results from both SDS and SSC reports may differ from these, in terms of:
  - Beliefs in the role of Prison
  - Experiences of what justice is
  - Beliefs in role of sentencing and philosophies underpinning the,

# STORIES OF INJUSTICE

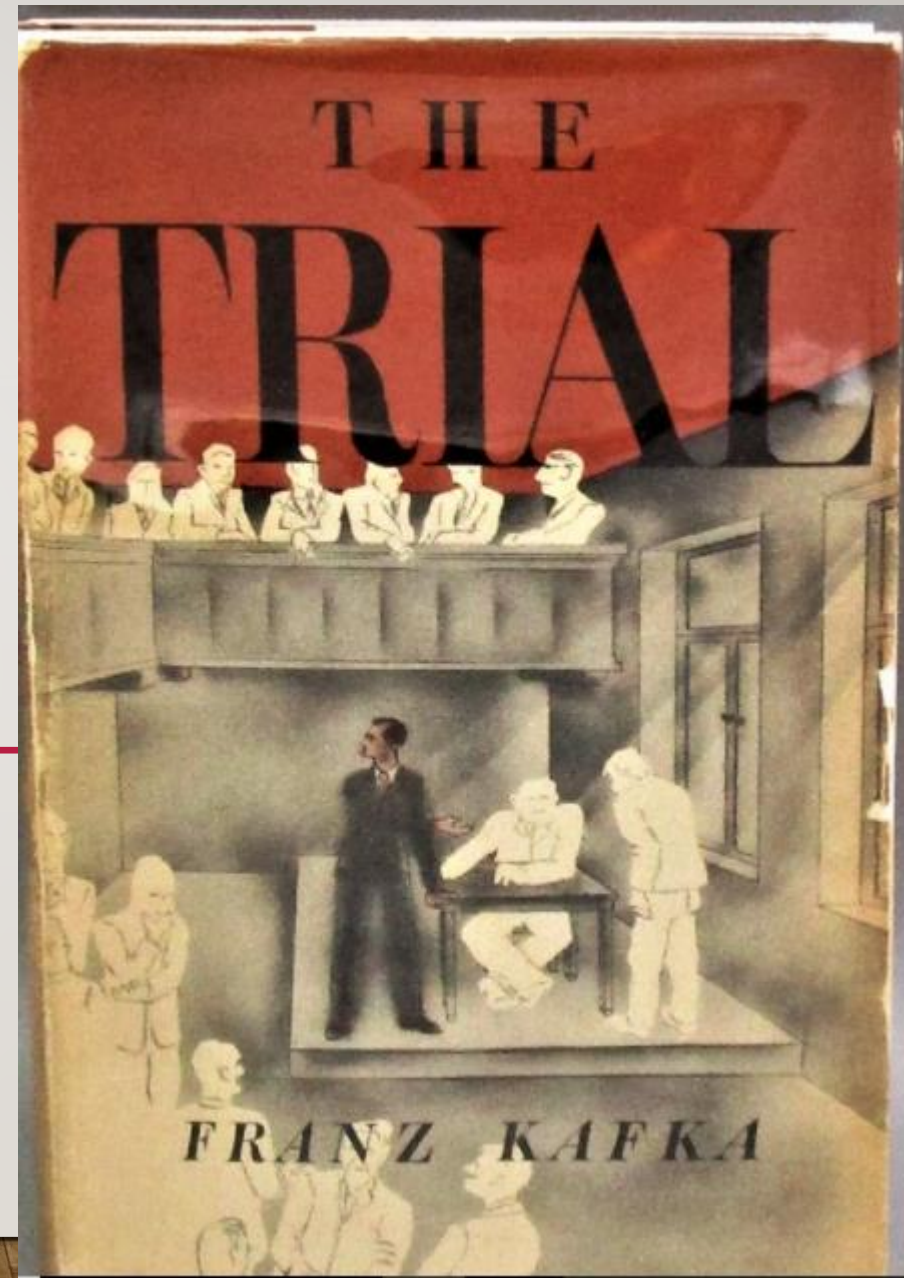
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# PROCESSING: THE UNTOUCHABLE COURTS & THE INVISIBLE MAN

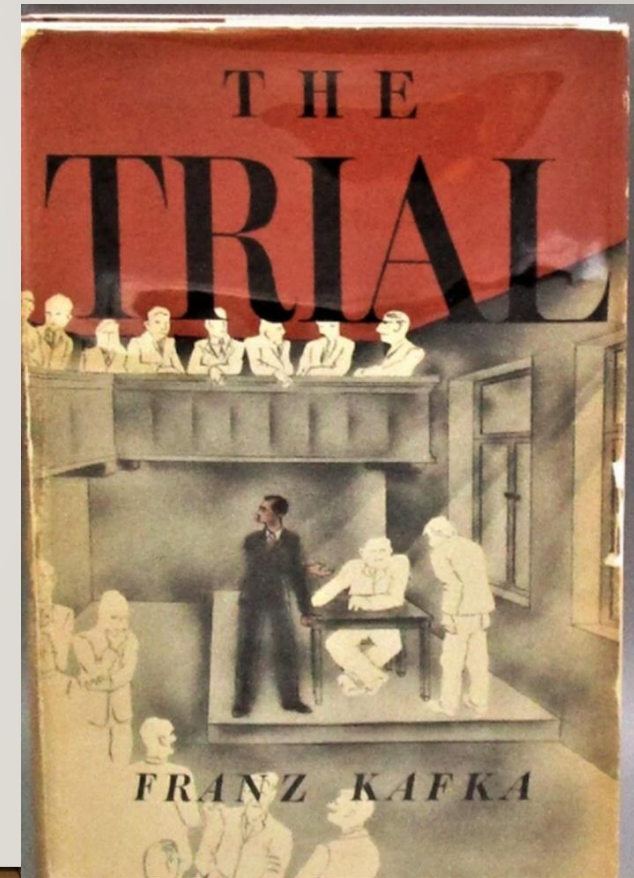
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Small stories of young peoples experiences of (in)justice



# PROCESSING & BEING PROCESSED

Because I zone out. It's like I'm there but I'm not there. So, I can't even sit and give you it. Ave See, even sitting trying to sit back and remember it's nuts. How do I not remember this? But it's because you don't want to remember it. You're trying to suppress it. Why? Well, you're there and then when you're going away, your brain goes to the chair and you don't want to be on the spot and potentially think but like what I should have been saying had I made the things worse for me. I'm not going to read, it's not the police in that case. The like he wouldn't listen to a word and he would still believe what you give him up is kinda biased. But I think, Ah really do think that the justice system is very biased. (SSG, FG6 G) It but just to even have been told that was going to happen, they would help me, because it was give me more time to actually think about what I was going to say instead of being straight, bang on the spot. To be fair, I never want to be in the position again though. It's by far the worst thing I've had to do. The whole thing, going through it was very, very bad but that particular scenario was a complete dunt because it made me realise I was seen as some sort of bad guy. It was horrible. (William, SDS)





# THE UNTOUCHABLE COURTS

Celiedh Edinburgh one is so much different from the Glasgow one as well.

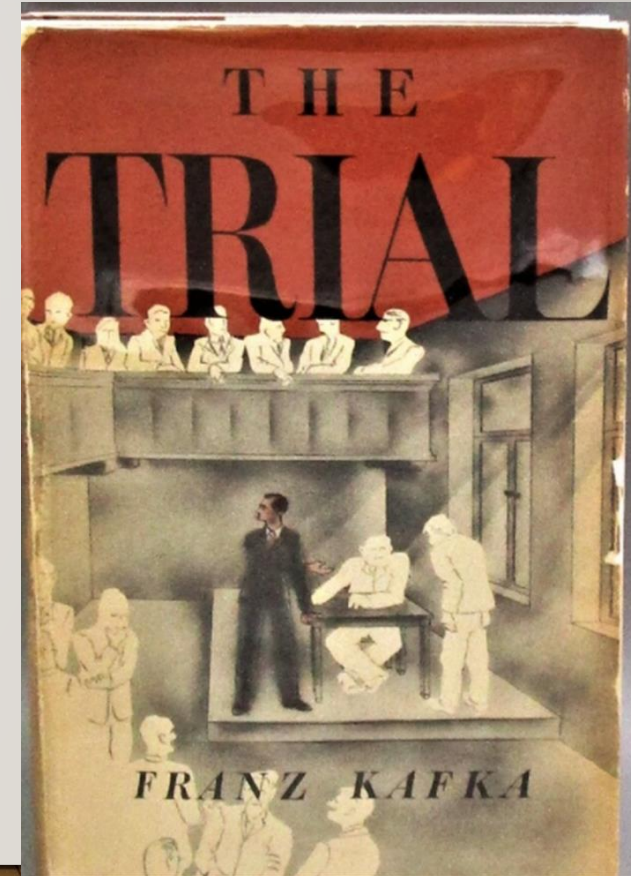
Arran They're old buildings. I don't know about Edinburgh. I've never been to Edinburgh but Hamilton court's quite old.

Celiedh She was horrible. It was like, see my Legal Aid wasn't granted, she was trying - she wanted to go ahead without a lawyer basically, and was like, "This happened to me last year, this is but passed the size of the courts in Edinburgh just be like, absolutely unbelievable. I could say long enough," and I says, "But it's taken six-month for the paperwork for me to come in to Air he likes shows you the difference between the sheriffs and even like the courts up the say that I have to go court," and then the dates they had gave me, and because Legal Aid sthonne: If he likes you or not? hadn't been granted, because they needed like, my P45 or something, she's like that to me

Celiedh If he likes you or not? basically, we should just go ahead, this is your responsibility to make sure your lawyers in And what's your part in the process?

Paul: Nothing the high court with all this like you about it, just makes a decision like hoity to John: Because in a court of decision, it's not even more that size because there's no witness not being there, she's like that, "This is a joke, this the second time this has been danger. They're getting it, Paul (SDS) she judge at the high court. Never going to happen. but off," and making it out to be my fault, do you know what I mean? It was just the way

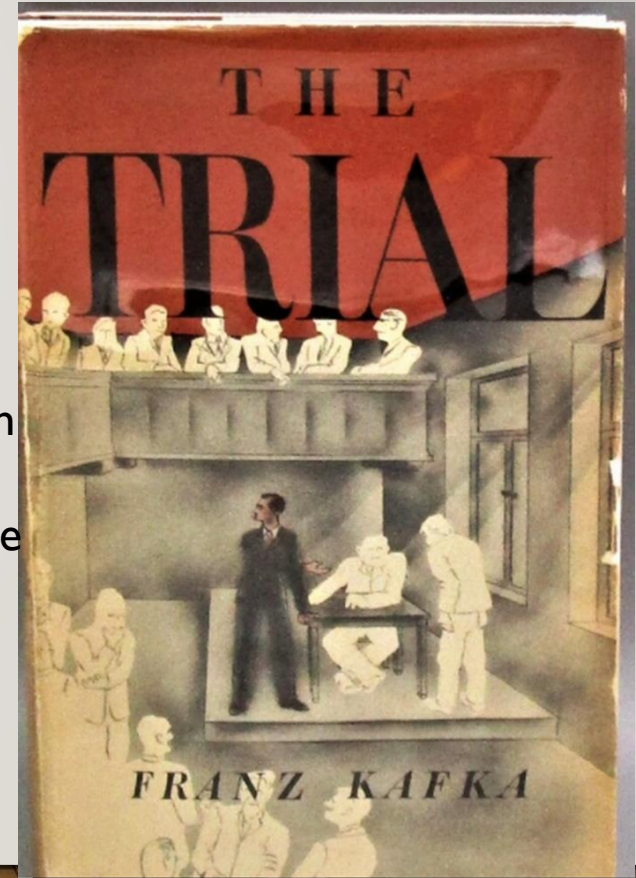
Celiedh It's as if they put up with you and you're looked down at. she was talking. You can tell by the attitude. ( Rowan, SDS)



# THE INVISIBLE MAN

Scotty - Sees, yer lawyer never tells the judge what you tell him . He just puts in a more easy way but see...

Jobilly (SSC, G, F, C) Scotty has a beef. Link, but see ae be honest, ah goat that done, eh, that's sen' in the an' done a cherry tag a leted them abt three weeks fur social work reports. But abe we have seen that you mainly airt lawyer, eye, tab' to go to nae say alch' to z' they way why say it ye age to a d'ing is n' talk on dit a d'ion to mat. ah. inag' is a dae. I lab' in' - Community services disone work, this it's ah. The say it's sony for the language, it's fucked off financially. On 1/17/91 took off the register for Wednesday. Was meant to be on it the day and it's just lucky where ah've been allowed a stay in the day. That's not a fair wage, x' it's the P' to get a be fu' k' ah' that, inde' here. Fee, y' the hope that you see the wasted if ah came in anywise on the register, get a man worker cannae pit us down' in the register, or they don't really care. So that disone works unless ye're of a system that's gonna work. (SSC, F, G, W, C) they don't have.



# PUNISHING THE INVISIBLE MAN

Mohsin: [Speaking over Johanne] Well, what about that sixteen year old? that gotf taken day lie in and hung hisel on the last day?

Mohsin: Yeah, because, for exam, people are paying taxes and stuff like just whatever they're payin' right like it's to keep pretty much a dog in a cage for a year and he's gettin thir'y eight

grand spent on him. Imagine, imagine if like you actually physically spent ne, never mind thirty

eight grand and just say eight grand on somebody, you, you, you got a mentor friend that helps him

Bill: Ahwiz in 'is old gaff an' all man. And then ye end up actin' like an animal.

Scotty: Ah, an know man an' goat, a went to just after that.

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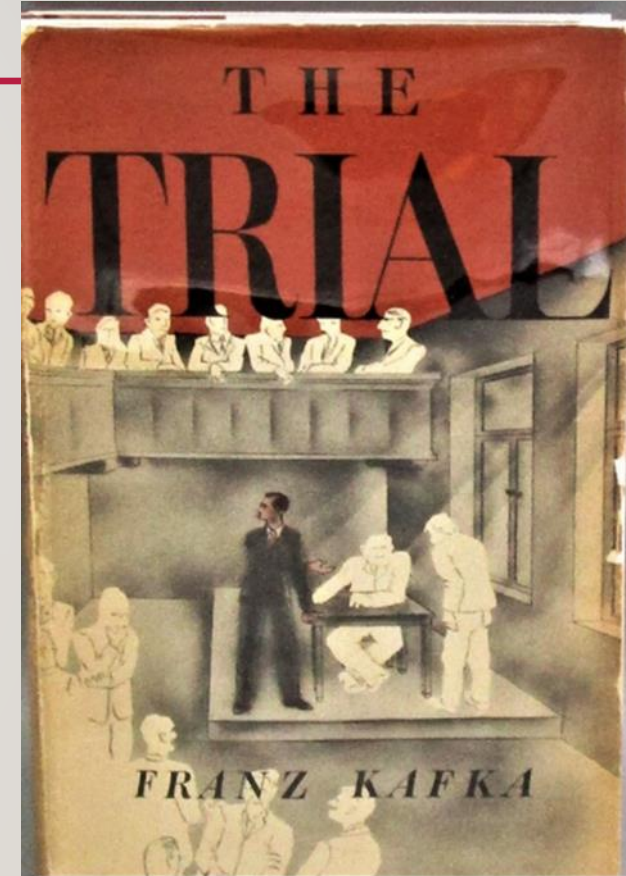
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# PUNISHING THE INVISIBLE MAN

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Wes - You know, like you [inaudible 0:50:36.5] you know you have to pay for like, they should get up like passes, you know, like you know when there's even the things she was like that though, he said you shouldn't sometime like people doesn't have it. Not gonna lie. See me today I should get a like, ah supposed to get money yesterday which ah, like, you know, the usually send it to my thingy and ah was gettin' late and where I stayed here and you lawyer isn't here. Even I got late here any. Ah was just like that, I had it no money for a day, boy like you know, haise and a curfew. Ye gettin' engine, I ended up in the jail worker wanted tae come oot and see us and because she wrote the referral ae get me that hoose, she said Dillan- [Speaking over W] Let ye go, see if ah wiz tae phone ma work on the day and go... she was because breached the curfew (appous, BPS.)

Wes - [Speaking over D] ...we pay all own money and you know ah had thing, well last time ah was like what the fuck, I'm doing community work here, forty-one hours and when I get angry, I just pay my money and get food...

Johanne - Yeah.

Wes - ...So...

Dillan- See if ah wiz tae phone ma worker the day and go look ah've, look ah'm skint know what ah mean, I'm no' gonnae be able ae eat the day, I cannae go inae communi'y service she would be like that, well ye huv tae..

# JUSTOPIA...

A child in need is a child indeed, graduated justice, and imagining a different prison, a different punishment.

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# A CHILD IN NEED, IS A CHILD INDEED.



Johnny: Aye, it's lit a 'hing ye gottae learn. People wi' nae qualifications, you can go back and get it at em  
Ella: Okay. So what do you think a sentence should include to help young people?  
Ella: I think that hanging with other people like you and instead of going to college and maybe getting a job, like I would  
want the way of dealing with it to be the same. And I think rehabilitation would be the best way because friends, you  
know, you don't tell your friends everything and people do bottle up emotions. And I would want the emotion to be  
like they're doing is wrong. Trying to you know get through to them and not put them down in  
SHARON: I don't think so. I think there's some people, a very small, like, what was it, there's like a, really  
small amount that really nothing can be done. But the majority. It depends, like, what help do you want to  
give? Like, I was saying to Cat that, like, in the prison, there's no domestic violence programme or anything  
because that's just no right [laughs] [unclear 0:02:11].  
I: Yeah okay. Elsa, what do you think?  
ELSA: Well I also think like what Roisin said with the lashing out in anger. Like it could help like control their feelings  
and like realise that hating someone isn't the best option. Like just speak to them about how you actually feel. (SSC,  
YW FG)

# GRADIATED JUSTICE

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- Darryl - But that, that, that is where the whole intent thing...Literally intent has always the

biggest issue. It's like is someb'dy just intended to fuckin' hurt a piss, know what they mean? They need to know that, obviously. Em...I dunno, really. Don't know.

Sebastian - Depends on the crime. Some others are different. There's a few different things that should be, were only two, y'five, well then there's an issue w/ that. If someb'dy intended to mibby, once you're in the, you're a young person and then between that and like, 21, you're slowly gettin' like, it's R: It should be re-evaluated, it shouldn't just be straight to, oh bye. And it should be looked at why it didn't slowly be done so, it's not like the other people, things get sent to jail, who was one, work, and it should be evaluated in terms of why didn't it actually work? [Unclear words 0:22:13], oh you did you should be sent to jail, don't think re-hon there's certain people that deserve to be in jail, (SSc, YW FG) this wrong, oh no, you're in trouble, no worse. It should be evaluated cause that might've been they've just looking at their ages. One's a young person, one's an adult, despite the fact that they are basically the same. given her the wrong sentence for that type of person. It's SSC always the person's fault. It could be the intent of the actual act, that someb'dy want. It's SSC always the person's fault. It could be the judge's fault who has looked at it in a different way, and then someone else has looked at it, they've went, well this isn't really gonna work for said person, let's look at a different way to work it out without just going, whap, stick, you've done that. (SSc, YW FG)

# BUT, IMAGINE A DIFFERENT PRISON...A DIFFERENT PUNISHMENT

Dwight I think secure units for wee 'hings like that. Secure units are good beciz time away in a secure unit, an', as secure units stand, there's a lot mair facilities and stuff for them to be addressed, know what I mean.

Boy 3 - [Speaks period by the six months period] We've a lot o' good there, know what I mean, know what I mean.

A secure unit, it's just beciz, ahm just sayin' secure unit, because it's no' prison, right: it's naewhere near as bad as a prison but there's a lot o' rules to be ahered tae. So, ye're still no' in the community. But

RM I think, no see what I dunno what this is under. See threatening, like, 'oh you're gonnae go tae jail if you're dain' you kin go out intae the community but obviously ye needae go back there rather than ye're out on yer ain'.

Boy 3 - Speaking over Boy 1. See it, see it, jail, they jail and that's not a like it's not a solution. See in jail, some people, you know that, ah ah, I like see the nice suggestions than like, oh you're gettin' oner than along, these units, I think cause you'd So, there are greave and we're [background noise] plus people they get, like they get a job, but they've got a delay in they obvious, you'd score and the mout don't have to be certain for what twen'y seven years or somefin', how realise things, know what I mean.

I also if you're in there, how can they be changed with the years. They're just stayin' in a room. Johny - Ah, think the rehabilitation is, it's lit, know what ah mean, there's nae point sendin' them to a room. Ah, I see you're from the outside world, an hour a day goin' out tae exercise. It is, it isn't a well, for a person, ye're not got the time to work, can't help, even if you do, it's send them to a jail, ye

shouldnae be a see in there, some things, that's gotty tae gao up and bang the yelle, use even pris, ye're changes. You can't just sit in a room all day, twen'y-free hours a day. (SSC CJ FG) So, goin' tae secure tae, tae jail even, know gonnae be a behaviour but they're away o' lookin', at things. (SSG, CJ FG)

as I mean, secure tae a, a young offenders institution is two completely different environments. Em, an' ah went to secure first afore ah went tae Polmont an' ah couldnae understand it, know what I mean. The difference ae it was incredible an' it, the, em, well, obviously ah wisnae expectin' whit ah I wiz goin' intae. I

wiz gettin' help and support in secure an' ah still felt lit a human bein' at the time where goin' tae Polmont, I felt [exhales], it was disgustin', know what I mean. I didnae huv the support there. I was locked up twenty-free hours a day. Em, it wisnae good fur me, which made me become somethin' else, know what I mean. So

ah don't 'hink it's good tae send young people tae secure units tae, tae then prison, if they're gonnae be in fur fur fur fur that sentence, know what I mean.



# 'UN'PROCESSING, BEING SEEN AND BEING HEARD

Arran: I agree with that 100%. You feel as if you do come away from it with more because you feel as if you're just not getting spoken at, you're actually getting spoke to.

Alistair: I mean, like some o' them like thaimes that just keep gettin' into bother, I can understand that but like ah, actually go the chance and it's changed me, know what ah mean? There are some that 'ave not even been giein' the chance that probably coulda benefited fae it. Ah 'hink they should be more like dealin' wi' the issue that happened like, you don't walk away, thinking I'm afraid to go back, I'm going to get sentenced. I'm only going back to see my social worker in a couple of weeks then I'm going to said dependin' on what the person's done, that should like gie them some form of breathin' room in a way coz it felt like they were just trying to follow the rules and take obviously all judges will but it felt like they were like I shot a pause, it's like wi' me and ma mum, for example, like that was just an argument that got heated and, down on you, you're sissie, dead, sissie, like the actually speak goin' like they have a person, it's like the look between judge and the other, you know, like the polis got called and it was like if we hadnae just sort of tried ta work on that wursel we coulda fixed it yoursel, I think it's like we've been involved wi' this for like two years now since I was like sixteen so it's like look we take this seriously, we give you a chance, we'll tell you why but if you don't let us down, they'll be a, I have en' now, it's a pain the butt. I mean, I don't know what all that means, but I will let us down, worker because if he was the positive, get some. The guy actually said, 'As long as you interact with us and keep your head down, stay out of and about, it did help us tae learn fae ma mistake but it's like ah don't know, there's, a few o' ma mates have even been trouble, I would be certain it will get admonished.' So, Ross\* and the judge actually said it and that made me sen'enced for some o' the things and it's like some o' them, ah do understand. You know, like house breakin', things I: What were they doing to do that, and what did they do different.

Arran: like just a away they can get o' ma mates go down the wrong road and it's a shame but it happens. (SSC, CJ FG - Alistair)

Celiedh: It's me think well, look he's putting me in the right direction, he wants me to get off of this in a good way and he received a mentor from a vol o' g as part of his supervision)

Arran: They said, 'Look, other people would sometimes get in much more trouble for a knife crime, but if you can stick to these rules and get your head down, just keep making appearances to court and with Ross\*, I'm pretty sure we'll be able to admonish this for you. And after that (William SDS)

Celiedh: You get positive vibes there. It's all about going forward. With the other ones, it's like they try and figure a way out of it but the way they're doing it, you're still in the same situation, but the way they're doing it, they're just adding more obstacles in your way. It's like a release. Oh, we're just putting her brief there and something you just can't get over and they just ruined it for you.

Arran: It tars them all with the same brush, doesn't it, because then you have [speaking at the same time]. When I first went to see Ross, I had pre-empted what it was going to be like. I was like I'm not doing this. But when I signed the form it was a totally different thing. (SDS)

# THANK YOU & QUESTIONS

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