**Abstract:** Antisocial behaviour is displayed more often by children and young people nowadays. This situation must lead to a modification of current proceedings. One tire may be seen in prevention and early intervention undertaken not by the criminal justice system but the local authorities. On the example of the English and Welsh system, the author puts forward a whole range of diversion, which may be applied in the case of minors violating normative order. **Key words:** juvenile, youth, diversion, anti-social behaviour, LASPO.

**Introduction**

Children and youth crime is seen as one of the fundamental problems of modern societies, both in terms of the level of perceived fear of this phenomenon, as well as the pursued criminal policy. Changing the structure, lowering the age of people engaged in criminal acts and an increase in the number of violent crimes committed by this category of offenders, is a challenge that the judiciary systems face today. Yet although the majority of juvenile offenders as they enter adulthood will abandon the criminal path, and only few will become – as T.E. Moffitt¹

¹ T.E. Moffitt has proposed a distinction of two groups of offenders: those who display behaviour that violates social order for their entire lives (life-course persistent offenders) and those that violate it only during adolescence (adolescent limited offenders). See: T.E. Moffitt, Adolescence-Limited and
described them – *life-course persistent offenders*, the answer to the question: how to prevent and respond to signs of criminal derailment as very important cannot remain unanswered.

As literature on the subject shows, there is no one common to most countries trend in approaching this issue. One can, at most, distinguish several models of the solutions adopted by the judicial systems of different countries. “This distinction stems from adopting different ideological assumptions, currently prevailing criminological theories, and also political considerations, socio-cultural context and legal tradition of the given country”.

The subject of this paper, however, is not another comparative analysis of various models or their detailed description, but only an attempt to bring closer the functioning of one of the systems, and only its fragment. The English and Welsh system of juvenile responsibility will be subjected to a detailed analysis, after changes made to *Legal Aid, Sentencing and Punishment of Offenders Act 2012*.

In addition to the fact that the analyzed system fits in Dünkel’s protective-juridical model with elements of the model of minimum intervention and elements of restorative justice, it can be said that its most important feature is its flexibility and quick response to the changing reality, but not of populist features, only taking into account critical, scientific analyses concerning the accepted solutions.

The nineties of the 20th century have clearly demonstrated to the British authorities the ineffectiveness of the functioning system of prevention and response to juvenile crime and the need for its reform.

Since the announcement of the programme and entry into force of the new reformed system of prevention and response to juvenile crime act *Crime and Dis-

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6 LASPO – as this act is described in literature – was passed in May 2012. The realization date for most provisions was scheduled for 3 December 2012, and, in the case of *out-of-court disposals* for 8 April 2013.

order Act 1998, the English and Welsh system is constantly subjected to critical assessment and analysis. This results in various amendments of previously proposed solutions. Recently, two major adjustments were adopted that substantially modify its functioning.

In 2008, the Youth Crime Action Plan was announced, formulating the main assumptions of the policies to combat crime among young people. In it the Government committed itself to the protection and enforcement of social justice through: reducing the number of juvenile offenders coming into contact with the justice system through the prevention of crime among minors; reducing recidivism among minors; building social trust, supporting the victims (of crimes) and protecting/protecting of children and adolescents, as well as ensuring youth who are under the care of the justice system five of the most important matters for children (five every child matters outcome): health, safety, activities and achievements, positive impact and ensuring prosperity (economic welfare).8

A tangible result of the realization of the objectives set out in the Youth Crime Action Plan 2008 was the adoption of Criminal Justice and Immigration Act 2008, which according to the adopted assumptions, among others, sets a new order to the measures available to the court by introducing Youth Rehabilitation Order (YRO), which is to provide it with a greater possibility of individualizing effects. By placing strong emphasis on preventive activities, and not only in a situation when the symptoms of failure to adjust already appear, forms the basis for integrated preventive actions.9

Also in the case of this legal act, the solutions adopted in it have undergone evaluation and analysis of effectiveness. Several years of application introduced by this act have allowed to detect certain insufficiencies and the need for adjustments. This was achieved by the last – so far – of the legal acts modifying the functioning of the juvenile rehabilitation system in England and Wales: Legal Aid, Sentencing and Punishment of Offenders Act 2012, which in addition to the fact that it introduces minor changes in the area of application of selected YRO elements, primarily regulates out-of-court disposals, which are at the disposal of the Police.

The subject of this paper is not a detailed analysis of the development and functioning of the system of juvenile justice, which has been featured in numerous papers10, but merely an attempt to present the current frames and out-of-

9 More about YRO see: M. Muskała, Nowe instytucje prawne w angielskim systemie resocjalizacji nieletnich, “Resocjalizacja Polska” 2013, no. 4, p. 113–129.
court procedures for dealing with children and young people displaying deviant behaviour.

The institutional dimension of minors’ social rehabilitation system

The system of institutions that make up the justice system for minors in England and Wales is strongly developed. Alongside traditional and separate courts, police or institutions of care for children and adolescents occurring in other countries, we encounter specific institutions only for this system.

The most important point of the reform of the system, and therefore the most important institution, was the establishment of Youth Offending Teams – Teams for Crime Prevention Matters (YOT). They have a very local character, currently there are more than 150. Under the act, a team comprises representatives of: social services, the education system, police, probation officer’s and health care office, but locality also enables them to include people from other institutions in a given territory who deal with issues related to children and adolescents11. “This composition of a team [...] enables to choose the best suitable programmes for minors and to respond to their current needs. This diversity and including in YOT the work of people [...] who belong to different institutions is extremely important. It causes that responsibility for minors and programmes realized for them are carried out in many offices. An additional advantage is coordinating their activities, conducted within the framework of YOT”12. The Youth Offending Teams are the ones that face the main load of activities related to the prevention and fight against crime, but also other signs of social maladjustments in their area. The tasks that have been set before YOT are very broad: from prevention activities for children and adolescents at risk of social maladjustment, through diagnosing risk and creating action plans, cooperating in the realization of many sanctions determined by the court or the police, to participation in the enforcement of isolation penalties13.

It is easy to see how such a small team, as it has been specified above, would certainly have substantial difficulties in implementing such a large scope of

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Systemy oddziaływań resocjalizacyjnych Stanów Zjednoczonych i Anglii, unpublished work at the authors’ disposal.

11 These people are employed by parent entities and delegated to work in a given YOT. It is their only professional activity, rather than padding already exercised duties. Such a delegation can last from 3 to 5 years – as cited in: W. Klaus, Reforma wymiaru sprawiedliwości wobec nieletnich w Wielkiej Brytanii, “Przegląd Więziennictwa Polskiego” 2004, no. 44–45, p. 170.
12 Klaus W., op. cit., p. 170.
13 For more on the functioning of YOT and its relations with other institutions forming the system of prevention and rehabilitation see, among others: T. Newburn et al., The introduction of referral orders into the youth justice system, London 2002; A. Souhami, Transforming Youth Justice: Occupational Identity and Cultural Change, Willan Publishing 2007.
activities. Therefore, to work directly with minors within the framework of YOT, Youth Offender Panels have been appointed, whose actions are only coordinated by the Team.

If a minor violates the legal standards, and the case is not settled within the competence of the police, it goes to court. However, in most cases, the court gives away the minor to the disposal of the Youth Offender Teams, so in practice to the Youth Offender Panel. This state of affairs is not really due to the good will of the court, but due to the letter of the law. Powers of Criminal Courts (Sentencing) Act 2000 in § 17 sec. 1 imposes an obligation to transfer a case in a situation when the offender: has pleaded guilty; has never been convicted by the court and has never been obliged by criminal proceedings in England, Wales or Northern Ireland to comply with order or correct behaviour.

Therefore, due to the number of pending cases, YOP is seen as a fundamental institution of the system of preventing and fighting crime. It comprises two representatives of the local community, and their selection is supposed to reflect the social structure, ethnicity, etc. Next to them, one representative of YOT and the offender (the presence of parents or legal guardians is possible, and in some cases required), the victim and his proxy are appointed to YOP. The purpose of the Panel is to organize a forum for all interested parties to talk about the causes, circumstances and consequences of the offending behaviour of the minor. Eventually, reaching an agreement on an action plan covering compensation (this may include community service or work for the victim, payment of compensation, a written apology), establishing the programme of activities for the offender, which aims to change his behaviour, and the do's and don'ts for a particular behaviour or being in certain places. The contract is concluded for a period from 3 months to a year. In a situation when the offender does not appear at the Panel, does not sign the agreement or violates it or does not carry out its contents, the case returns back to the court, which has a whole range of measures at its disposal, from unconditional release to isolation penalties inclusive.

Another institution taking a substantial position in the criminal justice system for minors are the courts. Both courts for minors, as well as ordinary criminal courts and civil courts. The latter, together with the local authorities, have compe-


15 Despite the number of benefits arising from inclusion of these types of solutions in the trend of restorative justice, the functioning of YOP triggers numerous critical opinions in the legal environment. “It is difficult to speak about a minor’s freedom to make decisions and voluntarily conclude a contract. The rejection of the proposal would mean returning to court [...]. In this case, concluding a contract is similar to penalizing a minor and causes interference in the sphere of his freedom without the appropriate procedural guarantees” – B. Stańdo-Kawecka, op. cit., p. 242–243.
tence to apply a developed catalogue of prevention measures to minors at risk of crime. Cases of committing an offense are dealt with by the *Youth Court*, which are generally departments of the *Magistrate’s Court*. In accordance with the issue proposed in the title of this paper they will not become the subject of analysis. However, extrajudicial forms of the system’s response to manifestations of deviant behaviour of children and adolescents will be presented.

Extrajudicial forms of the system’s response to manifestations of deviant behaviour of children and adolescents

The order of the presentation was adopted from the works of the Council for *Youth Justice Board* – YJB, where all extrajudicial measures are divided into four groups: 1. *anti-social behaviour measures*; 2. *other measures*; 3. *measures for under 10 year olds* and for use of *pre-court measures* by the Police.

Ad 1. *anti-social behaviour measures*

Firstly, the most important prevention programs will be put forward, which are addressed to minors at risk of social maladjustment and measures taken by the institutions of the local environment towards those in whom the first, initial symptoms have already appeared.

*Acceptable Behaviour Contract* (ABC) – this measure remains at the discretion of the local authorities and YOT. It is addressed to children and adolescents whose antisocial behavior is still at a low level. Such a minor, along with the parents, commits to comply with the rules of social conduct and undertaking corrective actions aimed at eliminating the root causes of these behaviours, burdensome for the local community. If a minor violates the terms of the obligations, the local authorities may apply to the civil court to issue an *Anti-Social Behaviour Order* (ASBO).

*Anti-Social Behaviour Order* – the reasons for using this measure, in addition to the above mentioned situation of violating the prohibitions ABC, come down to the occurrence of anti-social behaviour in a person over 10 years old. If the competent local authority comes to the conclusion that there are no other ways

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16 Criminal proceedings against those who are aged from 10–17 years old take place before these courts.

17 *Youth Justice Board* is responsible for monitoring the functioning of the entire justice system in cases of minors and developing objectives, standards and concepts of the system of prevention and rehabilitation of minors.

18 According to B. Stańdo-Kawecka; “Anti-social behaviour means any behavior that does not constitute a crime in criminal law, but for persons other than household members residing together with the offender is or may be burdensome or causes or may cause a sense of threat”; op. cit., p. 235.

19 The group of these measures concerns mainly behaviour which is referred to as antisocial. This includes any behavior that is not in violation of the standards of criminal law, but is, or may be burdensome or a threat to members of the local community.

20 Aside from self-government authorities and the police, the following are mentioned here: British Transport Police, Registered Social Landlords, Housing Action Trusts.
to prevent the minor from this type of behaviour, it may refer to the court\textsuperscript{21} to apply this measure. “By ruling a decision, the civil court may prohibit the minor to leaves the house at certain hours, be in certain places, maintain contacts with certain people or impose other restrictions, which it deems expedient to stop the minor from continuing such behaviour”\textsuperscript{22}. This measure, especially when compared to those previously presented, has the feature of a harsh sanction. Breaching the terms of ASBO imposed by the court constitutes a criminal offense and may result in a fine or even placement in an isolation institution – art. 1 (10)\textsuperscript{23}.

Ad. 2. other measures

A group of these measures is addressed to those minors who ran afoul of law or are at risk of it. Both YOT or the police can impose or refer to them, but also: the school, social worker and even parents.

\textit{Local Child Curfew} – if the local authorities find that the problems with which they are contending, especially those associated with anti-social behaviour, are related to the lack of care for children and adolescents, they may impose \textit{Local Child Curfew}. This is a prohibition of children under 10 years old\textsuperscript{24} to stay unattended in public places in the hours from 9 p.m. to 6 a.m. In accordance with art. 14(1b) of the \textit{Crime and Disorder Act}, it can be applied for a period of not more than 90 days. \textit{Local Child Curfew} is to be part of an integrated response to the problems occurring in the local community. Therefore, it is important when developing this proposal of a prevention system that local authorities take into account what impact this institution will have not only in the area particularly affected by the threats, but in the whole community. This requires the presentation of details concerning the nature and extent of the problem and carrying out extensive consultations with local residents and institutions of the environment. Violation of the prohibition may result in escorting home by the police, placing in a care facility, as well as a reason for judgment of the \textit{Child Safety Order} (referred to below)\textsuperscript{25}.

\textit{Gang Injunctions} GI – prohibitions/orders concerning gangs. The legal regulation preventing violence related to gangs is a tool that allows the police or the local authorities to appeal to the court to issue a prohibition against a person in

\textsuperscript{21} What has already been discussed, at this stage it is not yet a juvenile court but a civil court, e.g. Family Proceedings Court.
\textsuperscript{22} B. Stańdo-Kawecka, op. cit., p. 235.
\textsuperscript{24} There are many laws governing all the aspects of the functioning of local child curfew. First and foremost this will be Crime and Disorder Act of 1998, as well as Criminal Justice and Police Act of 2001 and Anti-social Behaviour Act of 2003. These regulations further expand the subject scope of impact of this institution on all those under 16 years old.
\textsuperscript{25} For more on the subject of Local Child Curfew see: Local Child Curfews: Full Guidance (The Crime and Disorder Act), guidelines available at http://police.homeoffice.gov.uk/publications/operationalpolicing/local_child_curfews.pdf
order to prevent violence associated with gangs. By imposing a series of prohibitions and requirements concerning a defendant GI aims to: prevent people from engaging in, encouraging or helping in violence associated with gangs; and/or protect individuals from violence associated with gangs.

Gang Injunctions are to be applied to members of violent street gangs. However, the law does not specify clearly what is to be understood as “gang-related violence”. The nature and forms of gang-related violence differ significantly depending on the area.

Youth Restorative Disposal (YRD) can be applied to people aged 10–17 years old, who have not been applied a Reprimand, Final Warning or Youth Caution. Youth Restorative Disposal is a quick and alternative – to court proceedings – response to minor offenses. This institution refers to the idea, aims and foundations of restorative justice. Hence, both parties: the victim and the offender must agree to participate in a YRD. As it can be read in papers, “This process must be resolved within a reasonable period of time (e.g. on the street or soon afterwards)”27, and mostly consists in the offender apologizing to the victim, but may also include additional compensatory measures. It is possible to use the YRD one time only. The police shall inform the local YOT that this measure was applied, which creates the possibility of early support and intervention for young people who may be at risk of criminal derailment. Thanks to the early identification of risk factors and intervention of YOT, Youth Restorative Disposal has a chance to fundamentally contribute to changing the behaviour of minors.

Ad. 3. measures for under 10 year olds

Only one measure, already named previously, belongs to this category: Child Safety Order – a measure of early intervention, addressed to children under 10 years old. According to art. 11(3) of the Crime and Disorder Act, at the request of the local authorities, the civil court issues such a provision if: the child has committed an act, which upon turning 10 years old constitutes a criminal offense; this is necessary in order to prevent committing acts referred to above; the child violates the Local Child Curfew or behaves in a way that is disruptive or threatens one or more people. “The family court has great freedom in deciding on the content of the provision, in which it can, for example, order the child to avoid specific places, regularly attend school or activities organized in their free time or prohibit leaving the house during certain hours”28. The maximum duration of this measure in exceptional cases may be up to 12 months. During this time, the child

26 The two institutions, under Legal Aid, Sentencing and Punishment of Offenders Act 2012 as of 8.4.2012 have been abolished and replaced by Youth Caution and Youth Conditional Caution.
28 B. Stańdo-Kawecka, op. cit., p. 234.
remains under the supervision of a responsible officer, which is a social worker or a member of YOT\textsuperscript{29}.

Ad. 4. pre-court measures\textsuperscript{30}

The range of these measures, being at the discretion of the Police, arising from its enactment in the structures of the authority and society, historically and culturally a little differently developed than in continental parts of Europe, is relatively broad. In contact with persons under 18 years old, who have committed a criminal offense, the Polish has the following possibilities:

- **Community Resolution CR** – quasi-mediation agreement,
- **Youth Caution YC** – caution,
- **Youth Conditional Caution YCC** – conditional caution,
- **Charge** – pressing charges.

On the contrary to previous solutions,\textsuperscript{31} there is no gradation or intensification process of impact here, so each one of the above mentioned measures can be used at any stage, where it is found to be the most appropriate measure. The decision which measure will be applied will depend on the severity of the criminal offense or misdemeanor.

**Community Resolution CR** – quasi-mediation agreement. A quasi-mediation agreement is an innovative approach to dealing with small offenses, such as: stealing property of low value, disturbing public order, vandalism and assault. It is addressed mainly to offenders committing a crime for the first time, when real remorse is expressed and when the victim has agreed that the Police does not undertake more formal measures.

Community Resolution is defined as a component of three elements: 1. every measure, which the victim demands – it may include restorative measures, such as: painting a fence destroyed by the offender, oral or written apology or the offender refunding the financial loss incurred, or only receiving council on the subject of behaviour. The solutions can be agreed on during a conference suitting the framework of restorative justice, if both parties voluntarily consent to this process\textsuperscript{32}. Alternatively, a solution can be reached by a “pendulum approach”, when the officer speaks individually to both parties providing information from

\textsuperscript{29} For more, see: Child Safety Orders – guidance, guidelines available at http://www.homeoffice.gov.uk/documents/child-safety-order-guidance?view=Binary

\textsuperscript{30} It is worth reminding that the main changes made to Legal Aid, Sentencing and Punishment of Offenders Act 2012 concerned these measures.

\textsuperscript{31} See: M. Muskała, Pozasądowe formy reakcji na zachowania dewiaczne dzieci i młodzieży w Anglii i Walii, “Studia Edukacyjne” 2012, no. 19, p. 101–118.

\textsuperscript{32} As it follows, within in the framework of CR instruments of restorative justice can be applied, but they are not necessary and do not define this procedure. If there is a full conference between the victim and the offender (when aggravating factors are present), the Second Level of CR applies. **Community Resolution** at the First Level does not require this and they are usually resolved immediately after committing the offense.
one party to the other, 2. which the offender does not agree to, if the offender does not consent to participate in any aspect of the process, then the CR will not be competent; 3. which is considered by the officer as proper and proportional – the officer works as an independent arbitrator, and is certain that CR is the best solution and any conditions associated with it are relevant, proportional, safe and in accordance with the requirements of the victim.

Not all cases of CR First Level, due to the low level of criminal behaviour, require referral to YOT, but the officer may decide that there exist such circumstances. But if we assume that CR at the Second Level is appropriate for a young person, then this must result in referring the case to YOT in order to make a careful evaluation.

According to the general rule, if the offender has already been subjected to CR within the last 12 months, it is unlikely that another would be justified. If the offender already has previous convictions, cautions or his case was already transferred for solution out of court, the officer must refer the case to his superior, in order to decide whether it is justified to resolve it through CR. In these circumstances, if a decision is made to resolve a case through CR, this decision’s full justification should be noted.

Youth Cautions. A caution is a formal tool of amicable settlement of a case, which in some circumstances may be used as an alternative to criminal prosecution of people between the ages of 10 to 17 years old. Before the police officer extends a caution, the following criteria must be met: 1. an officer decides that there is sufficient evidence to charge the young person with an offense; 2. a young person admits to the police officer to committing a criminal offense; 3. the police officer believes that the young person should not be prosecuted legally or obtain a conditional caution (YCC – as further in the text) in connection with this crime.

Previous convictions or other consensual, out-of-court settlements do not preclude the application of YC. However, the decision makers should consider whether a new offense is not part of a pattern of offending, which requires a more severe response, such as criminal prosecution.

Youth Cautions may be appropriate where:
- a lot of time has passed, which suggests that the previous caution or judgment had a deterrent effect,
- the current offense is not similar in any way to the previous offense,

34 See footnote: 32.
35 There is an almost identical legal institution applied towards adults, as Caution.
— this is the best solution for the victim and the offender, taking into account the circumstances of the specific case,
— the offender is ready to comply with possible intervention measures and previously also succumbed to such measures\textsuperscript{36}.

In order to ensure the full effectiveness of YC, the police should work closely with YOT. This is not least due to the fact of the statutory obligation to refer a minor to the Youth Offending Team in the case of applying YC. If a minor has never before received a caution or conditional caution of YOT, in such cases an assessment can be carried out and a rehabilitation programme offered. At the second or subsequent YC, or when the young person has previously received YCC, YOT has a statutory obligation to conduct such a caution and consider the implementation of an intervention programme aimed to prevent recidivism. The time the Team has to make an assessment (a shorter ASSET\textsuperscript{37} version) and present a proposal of measures is not too long, as it is only 10 working days. Interventions related to YC are not conditional and there is no separate penalty for failure to comply with them, however, failure to comply with them can be referred to in any future criminal proceedings.

In a situation when the statutory criteria are met and the Police has decided to apply YC, the procedure may be carried out immediately. Choosing the right place to extend YC is essential, because it can have an intensifying effect of the measure itself, which in turn can help a young person to change his behaviour. All places should be evaluated in terms of their suitability, they must be easily accessible to all participants (including the victim) and secure. It is assumed that it would not be appropriate to extend YC on the street. Also, the house or flat of the offender is deemed inappropriate\textsuperscript{38}.

\textit{Youth Conditional Cautions} – conditional caution. \textit{Youth Conditional Cautions} is another \textit{out-of-court disposal} available for use by the Police (as well as the public prosecutor – \textit{Crown Prosecution Service}) against offenders aged 10–17 years old. It involves applying cautions accompanied by one or more conditions.

In the \textit{Crime and Disorder Act 1998} five requirements have been set out, which must be met before a conditional caution can be used. They are:
1. the authorized person must have evidence that the young person committed the criminal offense,
2. the authorized person must determine whether there is sufficient evidence to prosecute for committing a criminal offense,
3. a young person must confess to committing the criminal offense,

\textsuperscript{36} Youth Cautions – Guidance for Police and Youth Offending Teams, Ministry of Justice 2013, p. 10.
\textsuperscript{37} For the subject on the assessment of risk and tools serving this, see: M. Muskała, Diagnoza nieprzystosowania społecznego nieletnich w Anglii i Walii czyli szacowanie ryzyka w postępowaniu z nieletnimi – unpublished text.
\textsuperscript{38} Youth Cautions – Guidance for Police..., p. 20.
4. the authorized person must explain YCC and warn that failure to comply with any condition can lead to prosecution for the initial criminal offense39,

5. a young person must sign a document containing detailed information about the criminal offense, admitting to the authorized person that the criminal offense was committed, consent to receive YCC and details concerning the conditions.

As in the case of a caution, previous convictions or other consensual, out-of-court settlements do not preclude the application of YCC. Also identical criteria is taken into account when deciding whether it is possible to apply this measure and they concern the time elapsed since the previous sentence or caution, the nature of the crime and the circumstances of the case, as well as readiness of the offender to comply with any intervention measures – they have been clearly presented when discussing YC.

Conditions associated with conditional caution must meet at least one of the following objectives:

Rehabilitation – conditions, which help modify the behaviour of the young person; are intended to reduce the likelihood of recidivism or help the young person in his return to society. They may include participation in substance abuse programmes or in any interventions available for YOT, concerning the given criminal behaviour.

Reparation – conditions that serve to repair injuries caused by a young person either directly or indirectly. Restorative conditions may include an apology or repair of the damage caused, provided that it is accepted by the victim, e.g. a special financial compensation may be paid. When the effect of an offense was the destruction of social property, repair may be in the form of: restorative activities in order to repair the damage, more general restorative activities in the community or a donation to the proper local charity or social organization.

Punishment – unpaid work or a financial penalty, which will be the penalty for a young person for his unlawful behaviour.

Unpaid work is available only for persons aged 16 and 17 years old and cannot last longer than 20 hours. This condition may be appropriate in cases where there is no individual victim, who suffered tangible losses or when damage caused by the offense cannot be repaired by the young person, but he can make amends indirectly for the community through other unpaid work. The financial penalty should be applied only when rehabilitation and restorative conditions are not suitable.

Any rehabilitation, restorative and punitive conditions must be satisfied within a period of 16 weeks.

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39 When a young person is aged 16 years or less, these explanations and cautions must be extended in the presence of a competent adult.
In every case, when a police officer or prosecutor considers extending YCC, the case should be referred to the local YOT, which must diagnose the young person and propose appropriate conditions, to which he must consent.

In a situation when there is no reasonable justification for failure to comply with the conditions, criminal proceedings may begin for the original offense, and the conditional caution will cease to be binding. Identical consequences are entailed by a minor deciding to withdraw from YCC, which he can do at any time.

All YCs and YCCs must be issued by uniformed police officers personally\(^{40}\), verbally and supplemented by written information explaining both the details concerning the criminal offense and the effects of the applied measures. By extending a caution (in any form), an officer should explain to the minor that the application of this measure, although it is not recognized as guilty by the court, is an admission of guilt and this information will be registered by the Police, which may be mentioned in any possible future criminal proceedings.

*Charge* – pressing charges. The last of the possible reactions of the Police to the committed crime is charging the offender and referring the case to the court.

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**Conclusion**

As it can be seen from the above presentation, the range of extrajudicial measures – and they have been defined very broadly, going beyond the classic understanding of *diversion* – taken against minors violating normative order in England and Wales is very broad. Such a diversity of measures allows for a more flexible response to the criminal conduct of minors, and the performed assessment of opportunities and risks to take appropriate measures in specific cases, which reduces the likelihood of repeated offenses against the law. This diversity concerns not only forms, but also the entities undertaking or even just initiating these types of measures. As it has been shown, although activity in this area concentrates mainly around the Police and YOT, also various institutions of the local community have far-reaching powers in this regard. The multi-agency approach, characteristic of this system, the best examples of which are Youth Offending Teams, seems to be the most effective form of response to the inappropriate social behaviour of minors. It is precisely the inclusion, and at a very early stage at that, of various services in the process of diagnosing and correcting the behaviour of minors, the use of restorative justice elements with indispensable reparation, which is characteristic of the English system – and not only at the pre-court disposal stage. The principle of minimum intervention, manifesting itself above all in the domination of out-of-court measures for settling cases of minors (within the framework of di-

\(^{40}\) There is no ordinance concerning the rank of the officer who may issue a YC or YCC. Usually the more important factor will be the knowledge the police officer than rank.
version), as well as reparation or even support of the victim (already emphasized in the *Youth Crime Action Plan* of 2008) by including him in the decision-making process, as well as repairing the damages caused by the deed of the minor correspond to the principles extracted by Dünkel and Junger-Tass, on the basis of which a modern approach should be developed to prevent juvenile delinquency\(^{41}\).

Leaving a minor in an environment, using out-of-court forms of response to his deviant behaviour, where he can count on the support of the family or the local community while ensuring adequate supervision could be an opportunity and prevent further engagement in deviant behaviour. However, this method of intervention, besides the obvious benefits, may entail negative consequences. In literature, net widening is most frequently exposed, also on those who in a natural way, without formal intervention, would have abandoned further behaviour of this type. Despite these comments, it seems that many of the regulations existing in the English system of the rehabilitation of minors may be an inspiration for our legislators in the course of work on the reform of the Polish system of juvenile justice being prepared.

**Literature**


