

Book Review

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Diversion in Youth Justice: What Can We Learn from Historical and Contemporary Practices?, Roger Smith (London: Routledge, 2017), ISBN 9781138697287, 174 pp., £77

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‘Diversion’ is an intervention that redirects an offender from formal criminal proceedings. Its aim is to prevent the offender from any further involvement in the criminal justice system. It is an essential tool within youth justice because of the special nature of the subjects involved: children and juveniles are, in general, vulnerable and still developing. Diversionary practices in England have been changing and improving ever since they emerged in the post-war welfare state, and in this book, Roger Smith looks closely at the historical evolution of those diversionary practices, examining both their milestones and their flaws. His expertise is beyond doubt: he understands the topic from the perspective of both the practitioner (as a Probation Officer specialised in youth diversion) and the academic (he is currently a Professor of Social Work in Durham University, following previous posts at other British universities).

The book is divided into three parts, with the first providing a general overview of the theoretical framework needed to understand how diversion works in the youth justice sphere. The second part presents a historical analysis of the different policies, critiques and solutions of the British justice system with respect to diverting youth offenders. The third and final part uses the facts narrated throughout the rest of the book in order to examine the different approaches and paradigms that exist in youth diversion, presenting four models and their distinctive characteristics. Lastly, the author considers diversion within the context of wider theories of social control.

Smith starts the book by examining several concepts needed to understand youth diversion. In order to set the scene, he theorises about age and the urge to treat children differently, defines the ideas of crime and punishment and estates the correlation between both of them. The punchline of this description is that children, due to their age and developmental level, should be treated differently within the criminal justice system. This is the justification for the existence of a separate justice system with its own pre-court decision-making process, judicial process for child suspects, and separate sentencing framework and institutional regimes for convicted children.

All the concepts described in the first chapter lay the foundations for us to understand that the ideas adults have about children shape the way society responds to youth crime. Preconceived ideas about matters such as vulnerability, maturity, responsibility, guilt, culpability and mitigation have effects on decisions and interventions in the youth justice system. Critically, this includes decisions on whether such decisions and interventions are diversionary or not.

Having sketched the theoretical framework, Smith presents a structured history of diversionary practices and their evolution. He depicts in detail the origins of youth diversion and the modifications that have followed since its creation. He analyses the social and political context of each legal change, including in particular which factors lead to promoting diversion. Additionally, he explains the critiques of diversion articulated in each period and their respective solutions.

More specifically, the second part of the book starts by explaining the origin of diversion in the post-war welfare state with policies such as the *juvenile liaison schemes*. Smith then narrates the rise of criticism of such systems in the 1960s, which argued that the growth of cautioning and police discretion could lead to unwanted decriminalisation. He also describes the problem that emerged from the ambiguity and common confusion between children at risk and young offenders. Those two terms are frequently mixed up.

During the 1970s, local and community policing programmes were developed in order to improve the diversionary youth justice system. This did not escape criticism either: it was argued that these programmes were not an alternative approach to juvenile offenders, but simply a graded pathway towards the formal system. The line between lesser and more serious crimes was unclear and the decision-making process could end up being arbitrary or discriminatory.

After that, the 1980s saw a peak in diversionary practice, when multi-agency diversion schemes were developed using the principle of minimum intervention. Nevertheless, critiques to the system were again made: the diversionary practices focused on minor offenders (some authors considered that in a way this broadened the scope of criminal youth justice) and, sometimes, the victim and his or her parents were not duly taken into account.

The golden 1980s led to the 1990s, when the idea of the 'risky child' emerged. During the early 1990s, many of the professionals in the youth justice system raised their concerns about the flaws of the system. Both the magistrates (who thought their role was changing such that they were only handling serious offences, while minor offenders were addressed out of court) and police officers (who presented themselves as advocates of both the victim and the wider public's interests) thought the approach to juvenile offenders needed to change. The early 1990s saw a punitive turn because there was a political consensus to toughen up the treatment of offenders. Yet this intervention, targeting young people at risk of offending or reoffending, proved to be both inefficient and expensive, so in 1998 the Crime and Disorder Act went back to cautioning. This included the so called 'multi-agency caution plus'.

The changes in the 1990s ended up narrowing the space for diversion and redefining diversionary practices. After that, several initiatives and innovations were launched in the area of diversionary practice, such as the now commonly used *Anti-Social Behaviour Orders* (now *Anti-Social Behaviour Injunctions*), the *Youth Restorative Disposal* and the *Durham Pre-Reprimand Disposal*. More recently (especially from 2008 onwards), both the diversionary and formal criminal proceeding fields of youth criminal justice have seen further developments.

The last part of the book is the most remarkable, because it gathers the information given throughout the rest of the book and uses it to model diversion according to the different historical phases. In order to do so, Smith explains that seeing the struggles over youth justice as a mere grapple between liberalism and conservatism, or progressive and regressive practices, is a simplification of reality. Similarly, he describes how the changing patterns are more nuanced than a simple clash between welfare and justice systems (in fact, Smith considers that welfare and justice share common ground in certain aspects and are not mutually exclusive).

In the seventh chapter, Smith establishes four different models (namely welfarist diversion; rights-based diversion; diversion and the 'risky child'; and responsabilisation model) and identifies the distinctive objectives and practices of diversion at each point in history.

The final chapter builds on everything that precedes it to consider diversion within more general theories of social control. In particular, it uses Cohen's analytical model to predict possible future narratives of diversion in youth justice.

Overall, Smith presents diversion as a form of ingenious practice that is continually changing, but which aims to offer an inclusive and socially just alternative model of intervention for young offenders.

Three points can be highlighted. First, the book is extremely useful for academics of the field, because it illustrates the fluctuations of youth justice policies and schemes, analysing them within their historical context to ensure a proper understanding of those programmes. This provides a highly valuable resource to improve those schemes in the future.

Second, the book steps beyond that historical description by theorising about different diversion models and narratives of future changes. This is helpful for both academics and practitioners, proposing as it does different possible scenarios and giving guidance to professionals involved in them.

Third, Smith hints at an interesting research topic for academics by claiming that 'social rather than criminal justice' is needed for young offenders. This is something that requires further investigation. But it is also relevant to practitioners, for whom he raises the following proposal: engaging in a constructive way in order to reach a participatory, rights-based youth justice.

In short, the book is essential to understanding young diversion. It not only provides specific historical details about the policies and schemes used in Britain; it also enlightens as to the reasoning behind those policies, providing answers to both theoretical and practical problems faced by the majority of youth justice systems.