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# **Piloting Penalty Notices for Disorder on 10- to 15-year-olds: results from a one year pilot**

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# **Piloting Penalty Notices for Disorder on 10- to 15-year-olds: results from a one year pilot**

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## Implications

- The variations in the implementation of the scheme across the pilot areas impacted on the take up of the disposal and the time savings that could be realised – in particular where the issuing of Penalty Notices for Disorder (PNDs) could only take place in custody. A more unified procedure for issuing PNDs to young people should be developed if the scheme is to be rolled out.
- More guidance should be developed for officers on the process of issuing a PND to a young person. Beneficial information could include: whether to issue with or without an appropriate adult; when and whether young people should be escorted home; whether they can issue to young people already in receipt of a reprimand or final warning; and whether or not they can take DNA or fingerprints.
- More consideration should be given to whether the offences for which a young person could be issued with a PND are appropriate or whether an alternative more interventionist disposal is required.
- Consideration should be given to making the scheme more equitable so that poorer families were not punished more. A suggestion was that the monetary value associated with the PND should be made more commensurate with the crime and should be based on the family circumstances.
- Prior to any national roll-out of the PND scheme for 10- to 15-year-olds, consideration should be given to where this disposal fits within the current structure of youth justice disposals. Clear guidance on where PNDs can usefully fit in would be beneficial in getting the most out of the youth justice system.

# Summary

## Background

The provision to issue Penalty Notices for Disorder (PNDs) to adults for offences relating to low-level disorderly behaviour was introduced in England and Wales through the Criminal Justice and Police Act 2001. The scheme was extended to juveniles aged 16 and 17 through the Anti-Social Behaviour Act 2003. In 2004, the scheme was extended to 10- to 15-year-olds for a pilot period. It allowed the police to issue PNDs to 10- to 15-year-olds in custody or on the street, for 24 specific offences (see Annex A). The juvenile PND scheme differs from the adult scheme in that the parent or guardian<sup>1</sup> of the recipient is liable to pay the penalty under notice.

The 10- to 15-year-olds PND scheme was piloted in six police force areas (one included the local British Transport Police and one was a division within a force) between July 2005 and June 2006. The seven forces were able to implement the scheme based on local interpretation of the procedures which led to differences in the way that PNDs were used.

This report provides an overview of the use of PNDs for 10- to 15-year-olds in the pilot forces. It draws on analysis of administrative data and findings from interviews conducted with the police, Youth Offending Teams (YOTs); recipients of PNDs and their parents/guardians.

## Key findings

### Number and nature of PNDs issued

- A total of 4,434 PNDs were correctly issued to 10- to 15-year-olds during the pilot period. The take up of the scheme varied across the pilot areas with Area B and Area A accounting for almost 90% of all PNDs issued. Area C issued only four PNDs. Marked variations in the implementation of the scheme by the different pilot forces may be the reason for the difference in the number of PNDs issued across pilot forces.
- Three per cent of all PNDs issued to 10- to 15-year-olds were incorrect. Mostly these were tickets issued using adult notices with higher fines of up to £80. The exceptions were PNDs issued to nine-year-olds and offenders aged over 16.
- Across all forces the highest proportion of PNDs were issued for the three offences that count as an Offence Brought To Justice (87% of all correctly issued PNDs) with each of the three offence types accounting for over a quarter of all PNDs issued – 26% for theft (retail under £200); 29% for causing harassment, alarm or distress; and 32% for destroying or damaging property (under £500).

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1 A person who, in the opinion of the chief officer, has for the time being been the main carer of a young recipient. Throughout this report this includes a local authority which has parental responsibility for a child who is in their care, or who is providing accommodation under their social service functions. Accommodation for children in care will usually be provided by a foster placement or a children's home managed by a local authority or by a private or charitable organisation. For the purpose of this report a foster carer or the registered manager of a children's home is not the guardian of a child in local authority care.

- PNDs were not issued for four offences: breach of fireworks curfew, selling alcohol to a drunken person, consumption of alcohol by a person aged under 18 in licensed premises, and allowing consumption of alcohol by a person aged under 18 in a bar in licensed premises.
- An equal proportion of males and females were issued with a PND. This is different to the profile of the offending population where males are in the majority.
- Sixty-seven per cent of PNDs issued by the end of the pilot had been paid within the statutory payment period. Thirty-one per cent had been fine registered. Of those that were fine registered, estimates indicate that almost half were paid in full by the end of the evaluation period. Taken together, an estimated 81% of all PNDs were finally paid.

### **Displacement from traditional youth disposals**

- There was evidence that cases were diverted from prosecutions, reprimands and Final Warnings to PNDs, the most significant being the 59% fall during the pilot period in the use of Final Warnings as a form of disposal. The degree of possible diversion varied by crime type with disposals other than PNDs reducing by 63% for drunk and disorderly offences as compared with 22% for criminal damage.
- The scheme also introduced a significant amount of new business. Comparisons between the number of youth disposals administered before and during the pilot indicate that in Area B and Area A over 2,000 individuals were brought into the Criminal Justice System that would previously not have been dealt with through a formal disposal. Again, the generation of new business varied by offence type with an estimated 72% of all disposals for Section 5 offences being accounted for by 'new business'. The introduction of PNDs caused the least net-widening for offences of retail theft.
- The net-widening shown by the administrative data is supported in part by the views of the police officers who were involved in the pilots. Thirty-seven officers reported having issued tickets in instances where they would not otherwise have taken action. These tickets were mainly issued for low-level criminal damage and disorderly behaviour. However, 71% of the officers interviewed insisted that they would have taken action anyway. Rather than creating new business, officers believed that the scheme has had a diversionary influence from reprimands to PNDs.

### **Implementation of the scheme**

- There was a general lack of awareness about the PND scheme for young people amongst police officers and this was thought to have deterred officers in some areas from using the disposal. Where officers were aware of the scheme, around half felt they fully understood the issues but most of this understanding was based on their experience of the adult and 16- to 17-year-old PND schemes. Most officers felt that the training on this initiative was inadequate and left them with uncertainties about how the scheme operated in practice.

- Most officers preferred to issue the PND on the street since it saved them from having to go back to the station, although there were a number of forces who prohibited officers from issuing on the street.
- Almost 90% of police officers confirmed that an appropriate adult was present during the issuing of a youth PND and most officers found the arrangements for contacting appropriate adults to be adequate.
- Officers felt there were problems with checking whether a young person had previously received a PND as only a small fraction of all recordable offences were noted as Police National Computer (PNC) recordable on the monthly data returns to the Home Office.

### Stakeholder perceptions of the disposal

- Seventy-five per cent of police officers were satisfied with the pilot scheme. Most officers believed that the introduction of the young people's PND scheme provided a good disposal to deal with low-level offending in a more appropriate way and that it was a useful and effective tool.
- Officers identified two key benefits from the PND scheme:
  - Deterring further offending behaviour particularly in first time offenders – this was felt to be largely due to the parental involvement facilitated by the financial penalty. This view was supported by 74% of youth respondents who said that receiving the PND made them feel penalised for their behaviour and stopped them from further offending behaviour. The parent/guardians of young offenders were more equivocal about the impact of the scheme on re-offending.
  - Increasing efficiency – there was felt to be time savings associated with issuing PNDs for young people particularly when they are issued on the street. In these circumstances they were estimated to have the potential to save around four to five hours of paper work.
- There were some concerns expressed about the scheme. YOTS, young people and some police officers felt that the scheme may unfairly discriminate against poorer families and may also affect the family relationship. However, the majority of respondents to the juvenile questionnaire did not feel that their welfare was endangered by receiving the notice.
- YOTs were also concerned that the PND could undermine the existing system for dealing with young offenders and the work that the teams do to try and prevent re-offending through treating the underlying causes for the behaviour. They felt that clear thought and guidance on where PNDs can usefully fit in would be beneficial in getting the most out of the youth justice system.

## Improvements to the scheme

- Officers felt that more training on issuing PNDs to young people would be beneficial, particularly around issuing with or without an appropriate adult; when and whether they have to escort juveniles home; whether they can issue to juveniles already in receipt of a reprimand or final warning; and whether or not they could take DNA or fingerprints.
- The list of offences for which a young person's PND could be issued was felt by some to need revisiting. Generally, the consensus was that more consideration needed to be given to whether the offences were the type that young people would commit and whether a PND would be appropriate as opposed to a more interventionist disposal.
- YOTs and recipients of PNDs felt that the scheme needed to be more equitable so that poorer families were not punished more. It was suggested that the monetary value associated with the PND should be made more commensurate with the crime and should be based on the family circumstances.
- The ability to carry out checks on whether an offender had previously received a PND was also felt to need improvement. Officers especially those issuing 'on the street' felt unable to adequately check an offender's status or background due to difficulties faced by control room staff in accessing local and national intelligence data bases.
- Practically, the development of another PND scheme has meant that the police have to carry an additional form. Officers on foot patrol find this impractical and have suggested that the PND tickets are all incorporated into one.

## Concluding remarks

Though there is some concern that the PND scheme for young people is punishing parents/guardians and not offenders there was some consensus that its greatest strength lies in the fact that it catches youngsters who offend early and deters them from future offending without any serious consequences or long-term implications. In addition, it has the potential to free up officer time particularly when issuing on the street. Before the scheme can be said to be effectively deterring offenders, however, re-offending rates need to be examined. This was beyond the scope of this study but it has still provided some perceptual evidence from both the police and offenders themselves that it could be a potential deterrent and an efficient means of dealing with young offenders.

# 1. Introduction and background

The provision to issue Penalty Notices for Disorder (PNDs) as a disposal for offences relating to low-level disorderly behaviour was introduced in England and Wales through the Criminal Justice and Police Act 2001 and came into operation in August 2002. The scheme was introduced as a response to both the police and the Government wanting a speedy and effective alternative option for dealing with low-level, anti-social nuisance offending behaviour without the need to involve the courts. The legislation allowed the police to issue those aged over 18 with PNDs for a range of minor disorder offences;<sup>2</sup> this was extended to juveniles aged 16 and 17 through the Anti-Social Behaviour Act 2003. In 2004, the scheme was extended to 10- to 15-year-olds for a pilot period. It allowed the police (including special constables) to issue PNDs to 10- to 15-year-olds in custody or on the street, for 24 specific offences (see Annex A) with two separate tariffs of £30 and £40. The offences are mainly summary where the most likely outcome would be a fine if the matter went to court. The list also includes three offences that are recordable<sup>3</sup> and notifiable<sup>4</sup> – causing harassment, alarm or distress, retail theft (under £200) and criminal damage (under £500). These three offences count towards the Government's narrowing the Justice Gap target of increasing the number of offences brought to justice (OBTJ).<sup>5</sup> The juvenile PND scheme differed from the adult scheme in that the parent or guardian<sup>6</sup> of the recipient is liable to pay the penalty under notice.

The provision was piloted in six police force areas (one included the local British Transport Police and one was a division within a force) between July 2005 and June 2006. The areas have been anonymised for the purposes of this report. During the pilot, the option to issue a PND was at the officer's discretion and all other forms of disposal remained available; however, a PND could only be issued when the following conditions were satisfied:

- there is reason to believe a person has committed a penalty offence and there is sufficient evidence to support a successful prosecution;
- the offence is not too serious and is of a nature suitable for being dealt with by a PND;
- the suspect is suitable, compliant and able to understand what is going on;
- a second or subsequent offence, which is known, does not overlap with the PND offence;

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2 The Police Reform Act 2002 extended the scheme to allow Community Support Officers to issue PNDs.

3 Recorded crime as defined in the Home Office Counting Rules.

4 Notifiable offences are those offences that have to be notified to the Home Office as part of the recorded crime series.

5 OBTJ comprise cautions, convictions and offences taken into consideration based on notifiable offences and includes PNDs issued for the three notifiable offences. The offences are considered as brought to justice on the issue of the PND irrespective of whether the notice is ultimately paid by the recipient.

6 A person who, in the opinion of the chief officer, has for the time being been the main carer of a young recipient. Throughout this report this includes a local authority which has parental responsibility for a child who is in their care, or who is providing accommodation under their social service functions. Accommodation for children in care will usually be provided by a foster placement or a children's home managed by a local authority or by a private or charitable organisation. For the purpose of this report a foster carer or the registered manager of a children's home is not the guardian of a child in local authority care.

- the offender is not below the age of ten;
- there is sufficient evidence of the suspect's age, identity and place of residence, and the identity of the parent or guardian. Where police powers are available they may be taken to a police station to establish this information;
- there are no welfare needs that would make the issue of a PND inappropriate.

The pilot was evaluated in order to inform the decision whether to roll the scheme out nationally.

## Nature of the scheme

Once a PND has been issued, notification has to be sent to a parent/guardian (in some cases local authority) within 28 days. From the point that the notification is sent, a statutory 21-day suspended enforcement period commences. By the end of this period the penalty has to be paid by the parent/guardian or the recipient should have requested a court hearing. Payment is not an admission of guilt and means that the recipient avoids a conviction and/or a criminal record. However, the receipt of a PND can be used to establish a pattern of behaviour in seeking an Anti-Social Behaviour Order (ASBO).<sup>7</sup> If, on completion of the enforcement period, the PND has not been paid and a court hearing has not been requested the amount of the original penalty is increased (by one and a half times) and registered as a fine. The fine would be enforced by the court, without the need for a court case, against the parent/guardian. In exceptional circumstances, if a 21-day suspended enforcement period had elapsed without any action a prosecution could be brought against the recipient of the PND for the original offence. This could be in instances where, for example, further evidence had emerged as to the seriousness of the original offence.

In addition to these requirements, the Home Office issued guidance to the police outlining the procedures to be applied when issuing PNDs to 10- to 15-year-olds<sup>8</sup> and offering practical advice. The following provides an outline of the recommended procedure.

- The PND could be issued by a police officer (including a special constable). Police Community Support Officers were not permitted to issue PNDs under the pilot.
- The PND could be issued 'on the spot/street' or in custody.
- PNDs could only be issued for the applicable offences.
- A PND should not be issued if the offence is part of a pattern of offending or requires greater punitive intervention.
- A PND should not be issued if the child appears to be vulnerable.
- Young people should not receive more than one PND for a recordable offence.

<sup>7</sup> Powers in the Criminal Justice Act 2003 allow evidence of bad character to be put before a court; the issue of PNDs comes into this category so may be put before a court.

<sup>8</sup> The guidance was prepared by the Home Office in conjunction with the Youth Justice Board (YCB), the Association of Chief Police Officers (ACPO), Department for Education and Skills (DfES) and representatives from each pilot force.

PNDs that were issued for recordable offences have to be recorded on the Police National Computer. For non-recordable offences the PND should only be issued once the child has been taken to his or her place of residence and an appropriate adult spoken to. Where fingerprints and DNA were taken (in accordance with Sections 9 and 10 of the Criminal Justice Act 2003 or with consent) and the PND recorded on the PNC, an appropriate adult had to be present.

## Evaluation of the scheme

It is important to point out that the six areas that piloted the scheme were self-selecting in that they volunteered to be considered for the pilot. In addition, as the operational guidance only suggested good practice, each pilot force was able to implement the scheme based on local interpretation of the procedures, and PNDs were, therefore used in slightly different ways across the pilot forces.

- **Area A** – piloted the scheme force wide and largely in accordance with the operational guidance.
- **Area B** – piloted the scheme force wide and largely in accordance with the operational guidance.
- **Area C** – the scheme was only piloted in one area within the force and PNDs could only be issued to 10- to 15-year-olds living in the area. PNDs were issued by the police Youth Offending Team<sup>9</sup> following an interview at a YOT clinic with parents/guardians.
- **Area D** – piloted the scheme force wide but PNDs could only be issued in custody following a Final Warning which resulted in a change to the nature of the Final Warnings. Prior to the introduction of the scheme, a Final Warning was the last disposal for a young person before court. The introduction of the PND meant that instead of going to court straight after the next offence, the young person could get a PND which could be seen as another final chance before the court system.
- **Area E** – the scheme was initially limited to a number of Operational Command Units then extended in the last few months of the pilot. There was no clear guidance as to where the PND fits in with the force strategy and PNDs could be issued at any time – ideally it would be reprimand first, then PND then Final Warning.
- **Area F** – piloted the scheme force wide.

## Aims and objectives

The evaluation covered the 12 months of the pilot (July 2005 to June 2006). The key aims of the evaluation were:

- to assess the feasibility of implementing the scheme; and
- to explore the perceptions of the police, recipients of the PNDs and their parents/guardians of the scheme's effectiveness in reducing re-offending.

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<sup>9</sup> Police YOTS are police officers seconded to YOTS.

## Method

The research draws on evidence from a range of sources both quantitative and qualitative.

### Quantitative monitoring data

Data on the PNDs issued were collected from all of the pilot forces including details of the offence for which the PND was issued; the gender, age and ethnicity of the recipient; and compliance with the notice. Data were returned to the Home Office on a monthly basis for the lifetime of the pilot. Tickets issued prior to the official start and after the end of the pilot period were not used in the analysis.

### Qualitative data

During the pilot period, qualitative data on the perceptions of the implementation and effectiveness of the scheme were collected from the following stakeholders:

- police officers in pilot forces;
- Youth Offending Teams as representatives from partner agencies who deal with young offenders; and
- recipients of young peoples' PND and their parents/guardians.

### Police officers

A key aim of the evaluation was to monitor the implementation. In order to achieve this aim, views of the police officers in the pilot forces were captured in two stages: first, in the initial six months of the evaluation, to capture the emerging views on the new disposal and, in the latter stages of the evaluation, to gather views based on more experience of the process.

The first phase of qualitative data collection involved a questionnaire that was sent electronically to lead officers in each pilot force for distribution to **all** police officers. The questionnaire<sup>10</sup> was designed to elicit the officers' perceptions of the ease of implementation of the scheme, any problems encountered and their satisfaction with the disposal. In total, 180 questionnaires were returned: 43 from Area B, 13 from Area D, eight from Area F, one from Area E, 116 from Area A and none from Area C. As these figures show, the response rate varied markedly and therefore the data cannot be said to be representative of all officers across the seven forces.

At the end of the evaluation period a series of face to face individual interviews, paired interviews, and focus groups were conducted with officers across all pilot forces. The approach provided the opportunity for a more detailed investigation of officers' perceptions. A total of 187 officers were interviewed at the end of the pilot period. However, it was not possible to select a completely randomised sample of officers due to constraints on police resources and time. Nor was it advisable to rely solely on forces to pre-select officers for

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<sup>10</sup> The questionnaire was devised in consultation with lead police officers from pilot forces.

interview due to the potential for bias in the officers selected. As a result, the majority of interviews were opportunistic in that the sample of officers interviewed were, by and large, those available at the time of the interview. However, some were pre-selected at the local level by police personnel.

In addition to the police officer interviews a small number of interviews were undertaken with YOTs. Due to availability, interviews were only conducted with representatives from the Areas C, E and D. These interviews were supplemented by information gathered from a meeting involving YOTs from all the pilot areas that took place in November 2005.

### **Recipients and their parents/guardians**

The 10- to 15-year-old pilot scheme raised concerns about possible welfare, relationship or other effects of the scheme on 10- to 15-year-olds and their parent/guardian. In an attempt to capture the hidden effects of issuing PNDs to this age group, the evaluation aimed to collect the opinions of parents/guardians and young recipients. This was done through sending questionnaires and letters to the parents/guardians of all young people who had received PNDs. Responses to the survey were voluntary and incentives were not used as consultation with YOTs and police officers raised the issue that it may act to discredit the scheme and bias responses. Two hundred and eight young people responded to the questionnaires, whilst 13 parents/guardians responded of which eight were included with the child's response. As only 5% of offenders responded, the sample is unlikely to be representative of the population of young people receiving PNDs and, therefore, whilst valuable, should be treated with caution.

### **Structure of the report**

The report comprises five chapters. The next chapter provides an overview of the take up of PNDs for young people during the pilot period including payment rates. Chapter 3 describes the impact of the PND on existing disposals for young people. Chapter 4 presents the views of the key stakeholders including the police; Youth Offending Teams; parents/guardians and the juvenile recipients themselves. Finally, Chapter 5 summarises the main issues in using PNDs for young people.

## 2. Overview of the take up of PNDs for young people

This chapter provides an overview of the use of PNDs for young people across the pilot forces. It provides a picture of the total number of PNDs issued, the nature of the offences and offenders they were issued to and the outcome of the PND.

### Number of PNDs issued

In total, 4,565 PNDs were issued to 10- to 15-year-olds in the 12 months of the pilot period, of which 4,434 were issued in accordance with the requirements. One hundred and thirty-one (3%) of all juvenile PNDs issued were done so incorrectly; mostly these were tickets issued using adult notices with higher fines of up to £80. The exceptions were PNDs issued to nine-year-olds and offenders aged over 16.

Almost 90% of the correct PNDs were issued in two police forces: Area B (52%) and Area A (37%). Area C issued four PNDs – 0.09% of the total number of PNDs issued by pilot forces.<sup>11</sup> Three hundred and one PNDs were correctly issued in Area E, 103 in Area D and 78 in Area F (see Table 2.1). Variations in how the scheme was implemented across pilot forces may explain the differences in the number of PNDs issued by each force. The higher numbers of PNDs issued in Area A and Area B could be due to the fact that both areas implemented the scheme force wide and did not limit the circumstances in which a PND could be used. Implementation was more restricted in other forces. Though piloting force wide, both Area F and Area D force guidelines required that all PNDs issued to 10- to 15-year-olds were done so in custody and after a Final Warning. Area C's adoption of the scheme was the most restrictive as they only piloted in one borough and PNDs could only be issued by YOTs following a meeting with parents at a once weekly YOT clinic.

### Offence types

Across all forces the highest proportion of PNDs were issued for the three offences that count as an OBTJ (87% of all correctly issued PNDs) with each of the three offence types accounting for over a quarter of all PNDs issued – 26% for theft (retail under £200); 29% for causing harassment, alarm or distress; and 32% for destroying or damaging property (under £500). Of the offences that did not count as an OBTJ, drunk and disorderly behaviour accounted for the greatest number of PNDs issued (275; 6% of all correctly issued).

When considering the bulk of the PNDs issued for the three OBTJ offences the distribution across the forces varied. Area A and Area B issued proportionately more PNDs for destroying and damaging property, while for Areas F, E and D these were less common than those issued for Section 5 offences (Area E and D) and theft (Area F) (Table 2.1).

Over the 12-month pilot period no PNDs were issued for breach of fireworks curfew; selling alcohol to a drunken person; consumption of alcohol by a person aged under 18 in licensed

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<sup>11</sup> Area C's contribution to the pilot is not significantly different from zero and as a result will not be used in the commentary that follows.

premises; and allowing consumption of alcohol by a person aged under 18 in a bar in a licensed premises. Clearly, two of these offences selling alcohol to a drunken person and allowing consumption of alcohol by a person aged under 18 in licensed premises, would not apply to 10- to 15-year-olds and so maybe should have been removed from the applicable list.

**Table 2.1: Number of PNDs issued correctly by force and offence type (July 2005 to June 2006)**

	Area A	Area B	Area C	Area D	Area E*	Area F	All Areas
<b>£40 Penalty</b>							
Wasting police time	23	11	0	2	13	0	49
Improper use of electronic communication	4	5	0	2	2	1	14
Knowingly giving false alarm to the fire brigade	4	1	0	0	3	0	8
Causing harassment, alarm or distress	388	713	0	44	109	26	1,280
Throwing fireworks	8	23	0	1	2	0	34
Drunk and disorderly	144	113	0	3	11	4	275
Selling alcohol to under 18s	3	0	0	0	0	0	3
Buying alcohol for person under 18	0	1	0	1	2	0	4
Purchasing alcohol for consumption in licensed premises	0	1	0	0	0	0	1
Delivering alcohol to person under 18 or allowing such delivery	0	1	0	0	0	0	1
Destroying or damaging property (under £500)	566	757	2	27	51	15	1,418
Theft (retail under £200)	453	579	2	15	70	30	1,149
Possession of a category 4 firework	1	1	0	0	0	0	2
Possession by a person under 18 of an adult firework	1	8	0	3	0	0	12
<b>£30 Penalty</b>							
Trespassing on railways	4	6	0	0	21	0	31
Throwing stones at a train	0	1	0	0	4	0	5
Drunk in highway	18	34	0	0	2	2	56
Drinking alcohol in designated public place	21	7	0	0	0	0	28
Depositing and leaving litter	12	23	0	5	11	0	51
Buying or attempting to buy alcohol by a persons under 18	2	11	0	0	0	0	13
<b>Force total</b>	<b>1,652</b>	<b>2,296</b>	<b>4</b>	<b>103</b>	<b>301</b>	<b>78</b>	<b>4,434</b>

\* Area E's figures include PNDs issued by British Transport Police.

## Place of issue

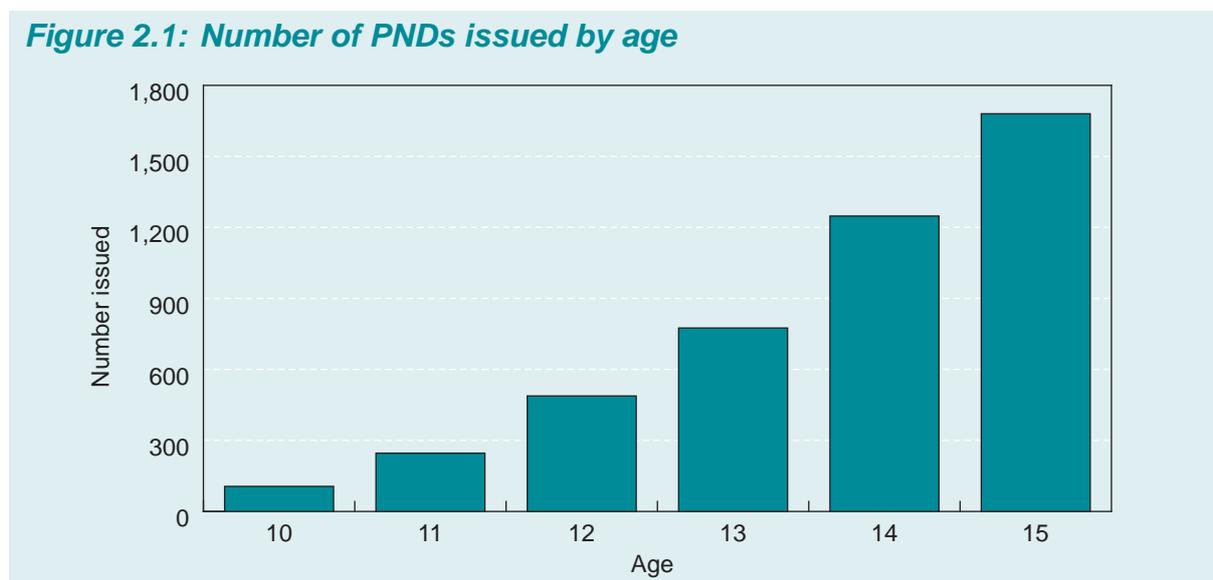
According to data received from the Central Ticketing Offices in the pilot forces the proportion of PNDs that were issued on the street or in custody varied across the forces. In Area A, 95% of PNDs issued were done so in custody, with the remaining 5% issued 'on the street,' i.e. at the offender's home address or near the place of offence. In Area B and Area D the data suggests that 100% of all PNDs were issued in custody. In Area E and Area F the data suggests that 93% and 52% of PNDs were issued in custody by the two forces respectively. The remainder were unrecorded.

## Profile of juveniles issued PNDs

### Age

Of the 4,434 juvenile PNDs correctly issued, only 103 (2.3%) were issued to ten-year-olds (Figure 2.1). As Figure 2.1 shows the number of PNDs issued increased significantly with age, with 14- to 15-year-olds accounting for over two-thirds (64%) of all PNDs issued.

**Figure 2.1: Number of PNDs issued by age**



The offence types for which PNDs were issued varied slightly by age (Table 2.2). Younger offenders were more likely to receive PNDs for destroying and damaging property (51% of the PNDs issued to 10- to 11-year-olds and 45% of PNDs issued to 12-year-olds). The highest proportion of PNDs issued to 13- to 14-year-olds was also for destroying or damaging property (35% and 33% respectively); however, these were closely followed by PNDs for theft for 13-year-olds (24%) and causing harassment for 14-year-olds (32%). Over one-third of PNDs issued to 15-year-olds were for causing harassment and they were also more likely to receive a PND for being drunk and disorderly.

**Table 2.2: Percentage of PNDs issued across areas by age and offence type**

Area	Offence type	Age						% of total
		10	11	12	13	14	15	
A	Causing harassment, alarm or distress	7	13	18	21	28	26	23
	Drunk and disorderly	0	0	1	3	8	17	9
	Destroying or damaging property (under £500)	51	54	43	35	34	26	34
	Theft (retail under £200)	34	31	36	35	24	22	27
	Other	7	2	3	6	5	9	6
	<b>Total</b>	<b>100</b>						
B	Causing harassment, alarm or distress	31	21	24	25	32	37	31
	Drunk and disorderly	0	0	2	2	5	9	5
	Destroying or damaging property (under £500)	49	48	43	35	35	23	33
	Theft (retail under £200)	15	26	29	33	22	23	25
	Other	5	5	2	5	5	8	6
	<b>Total</b>	<b>100</b>						
D	Causing harassment, alarm or distress	0	0	14	61	37	48	43
	Drunk and disorderly	0	0	0	0	0	7	3
	Destroying or damaging property (under £500)	67	100	43	28	33	13	26
	Theft (retail under £200)	33	0	29	6	15	15	15
	Other	0	0	14	6	15	17	14
	<b>Total</b>	<b>100</b>						
E	Causing harassment, alarm or distress	50	0	14	24	38	40	36
	Drunk and disorderly	0	0	0	0	1	6	4
	Destroying or damaging property (under £500)	50	43	29	27	13	15	17
	Theft (retail under £200)	0	29	29	30	24	21	23
	Other	0	29	29	18	24	18	20
	<b>Total</b>	<b>100</b>						
F	Causing harassment, alarm or distress	0	0	0	15	43	43	33
	Drunk and disorderly	0	0	0	0	14	3	5
	Destroying or damaging property (under £500)	100	0	33	31	19	9	19
	Theft (retail under £200)	0	100	67	46	19	43	38
	Other	0	0	0	8	5	3	4
	<b>Total</b>	<b>100</b>						
All	Causing harassment, alarm or distress	20	17	21	24	32	34	29
	Drunk and disorderly	0	0	1	2	6	11	6
	Destroying or damaging property (under £500)	51	51	43	35	33	23	32
	Theft (retail under £200)	22	28	32	33	23	23	26
	Other	6	4	3	6	7	9	7
	<b>Total</b>	<b>100</b>						

There were significant differences between forces in terms of the distribution of PNDs across age groups (Table 2.2).<sup>12</sup> Retail theft accounted for the highest proportion of PNDs issued to 12- to 13-year-olds in Area F and 13-year-olds in Area E. Section 5 offences were most common amongst 13- to 15-year-olds in Area D and also accounted for the highest proportion of PNDs issued to 14-year-olds in Area F. Along with retail theft, Section 5 offences were also most common amongst 15-year-olds in Area F. Though the distribution of offences across all age groups followed aggregate patterns in Area A, 13-year-olds received proportionately more PNDs for retail theft and criminal damages, whilst Section 5 offences and criminal damages both accounted for 26% of all issues to 15-year-olds. The distribution of offences across age groups followed aggregate patterns in Area B.

### **PNDs issued by gender**

The number of PNDs issued during the pilot period was split equally between male and female juveniles (gender was known for 4,427 of the 4,434 offenders). This distribution is different to that found with adult PNDs, where during the pilot, males received 86% of all PNDs issued (Halligan-Daves and Spicer, 2004) and PND statistics for England and Wales support this finding (Home Office, 2005). The greater involvement of young males within the youth justice system suggests there is a greater number of PNDs being issued to young females than would be expected. This over-representation is more pronounced in Area B where females received 67% of PNDs issued.

There was no statistically significant difference in the distribution of PNDs issued across gender for the three main offences. However, 30% of females who received PNDs committed retail theft compared to 22% of males. Males received proportionately more PNDs for destroying and damaging property (35%). Section 5 offences were also marginally higher for males, at 30%, whilst females received slightly more PNDs for the offence of being drunk and disorderly. Gender differences did, however, exist across pilot forces for all offence groups (Table 2.3).

### **PNDs issued by ethnicity**

The PND notice requires that the ethnic classification of each recipient is recorded by the issuing officer based on the recipient's self-definition and also on the officer's own visual assessment. The ethnicity of the recipient was unknown or unrecorded for half of all PNDs issued. A comparison of ethnicity information across pilot forces showed that very high numbers of offenders were unclassified in Area B and Area E at 67% and 90% respectively. Due to poor data quality no conclusion on the distribution of PNDs according to ethnic classification can be drawn. However, where known, 96% of PNDs issued were to those visually classified as White.

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<sup>12</sup> Chi-squared ( $\chi^2$ ) tests were used to perform significance tests.

**Table 2.3: Number of PNDs issued across areas by gender and offence (n=4,427)**

	Area A	Area B	Area D	Area E	Area F	All Areas
<b>Females</b>						
Causing harassment, alarm or distress	93	458	13	47	5	616
Drunk and disorderly	66	78	1	3	2	150
Destroying or damaging property (under £500)	108	518	4	13	2	645
Theft (retail under £200)	190	412	6	43	11	662
Other	38	76	2	36	0	152
<b>Total</b>	<b>495</b>	<b>1,542</b>	<b>26</b>	<b>142</b>	<b>20</b>	<b>2,225</b>
<b>Males</b>						
Causing harassment, alarm or distress	295	253	31	62	20	661
Drunk and disorderly	78	35	2	8	2	125
Destroying or damaging property (under £500)	459	238	23	38	13	773
Theft (retail under £200)	262	166	9	27	19	485
Other	63	57	12	23	3	158
Total	1,157	749	77	158	57	2,202
<b>Total of all offences</b>	<b>1,652</b>	<b>2,291</b>	<b>103</b>	<b>300</b>	<b>77</b>	<b>4,427</b>
<b>Percentage share of area total</b>						
Female	30	67	25	47	26	50
Male	70	33	75	53	74	50
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

### Repeat offenders

Of the 4,565 PNDs issued during the pilot, 87% (3,992) contained information on whether the individual had received multiple PNDs over the pilot period. Table 2.4 shows that 405 PNDs (10%) were issued to an offender who had been dealt with through a PND before. The majority of these offenders (176) only received two PNDs. Sixteen offenders received three or more PNDs.

Although the majority of PNDs (90%) were issued to individuals who had not previously received this disposal, the operational guidance required officers not to issue more than one PND to a juvenile for a notifiable/recordable offence. For non-recordable offences, officers are encouraged to consider using other disposals should it come to light that an offender has previously received a PND for a non-recordable offence. Eighty-five per cent of all repeat PNDs issued were for recordable offences.

**Table 2.4: Number of multiple PNDs issued to repeat offenders**

	Number of repeat offenders	Number of offenders committing:				Total number of offences committed
		two offences	three offences	four offences	five offences	
Area A	80	74	4	1	0	164
Area B	100	89	8	2	1	215
Area D	2	2	0	0	0	4
Area E	11	11	0	0	0	22
Area F	0	0	0	0	0	0
<b>All Areas</b>	<b>193</b>	<b>176</b>	<b>12</b>	<b>3</b>	<b>1</b>	<b>405</b>

However, the repeat issuing of PNDs may be due to poor recording of these disposals on the PNC. Both the data collected and the interviews conducted highlighted a number of issues.

- Data provided by pilot forces show that only a small fraction of all recorded offences were noted as being PNC recordable. This implies that information on most recordable PNDs was not recorded on the PNC and, therefore, would not have come to the attention of the officer issuing any subsequent notices. Indeed, in the case of Area B, bureau staff refused to include PND information on the PNC.
- Interviews with police officers in pilot forces revealed that officers were unable to use the PNC system effectively due largely to the length of time it took to contact the PNC bureau and obtain the relevant information.
- A time lag exists between issuing the PND and recording the relevant information on the PNC. Data on the notice's issue date show that a large proportion of repeat offenders received their second PND within one month of the first issue. As a result, even if all recordable offences were captured on the PNC, depending on the time taken to re-offend, a second PND for a recordable offence could be issued unawares.
- There were a large number of cases where the offender's details were not recorded accurately. These errors in recording practice means that even if officers checked the PNC or other local knowledge networks, a proportion of repeat offenders would be unidentifiable unless the offender was known to the officer.

## Payment rates and outcomes

Sixty-seven per cent of PNDs issued during the pilot period were paid within the statutory 21-day period (Table 2.5); 31% were not paid and were fine registered. Only 1% of all recipients requested a court hearing. Cancelled PNDs and those suspended pending potential prosecution also accounted for around 1% of outcomes. Less than 1% of PNDs remained classed as 'unpaid'. The payment rate compares well with the 2002 adult PND pilot, where only 53% were paid and 43% were registered as fines (Halligan-Davies and Spicer, 2004).

**Table 2.5: Outcome of PND by area (n=4,422; details for eight cases were unknown)**

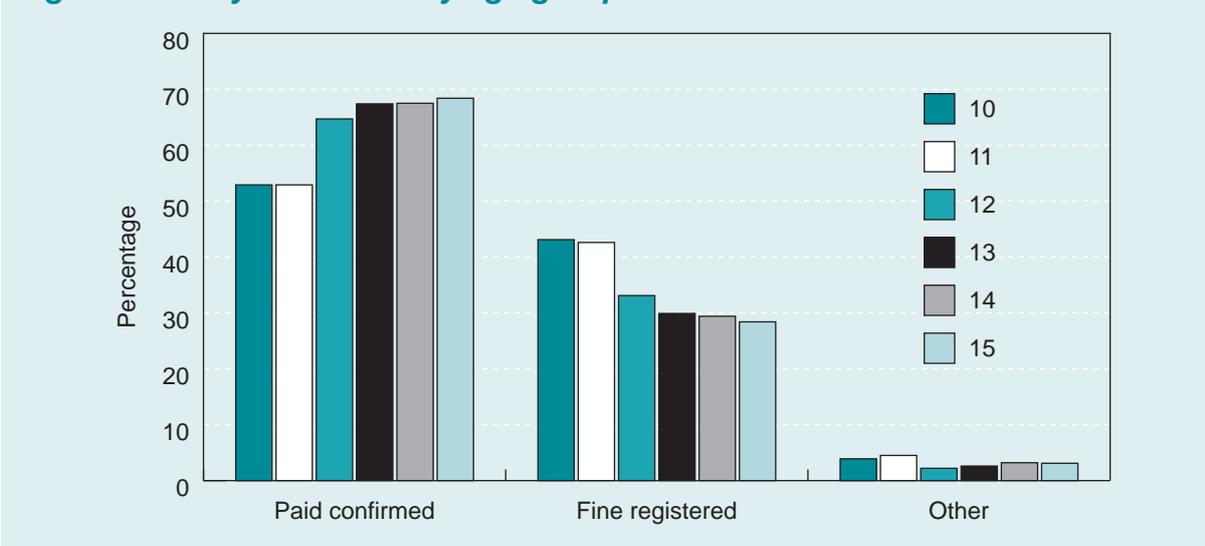
	Paid	Fine registered	Court hearing	Potential prosecution	Suspended	Cancelled	Unpaid	Total
Area A (n=1,651)	71	27	1	0	0	1	0	100
Area B (n=2,290)	63	34	0	2	1	0	0	100
Area D (n=103)	74	24	0	2	0	0	0	100
Area E (n=300)	66	29	1	0	0	1	3	100
Area F (n=78)	76	21	0	1	1	1	0	100
<b>All Areas (n=4,422)</b>	<b>67</b>	<b>31</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>100</b>

There were some, though not significant, variations in overall payment rates between forces. Payment rates were higher in Areas F, D and A, at over 70% each, compared to Area E and Area B.

### Payment rates by age

Forty-three per cent of PNDs issued to 10- to 11-year-olds were fine registered compared to 33% for 12-year-olds and 29% for the higher age groups (Figure 2.2). Payment rates increased with age from 53% for ten-year-olds to just less than 70% for 15-year-olds. Fine registration rates decline with age, falling from 43% for ten-year-olds to 28% for 15-year-olds. Payment rates were similar for males and females (68% and 65% respectively).

**Figure 2.2: Payment rates by age group**



## Fine enforcement

Of the 1,353 PNDs that were fine registered, information on the final outcome was available at the end of the evaluation period for only 20% (275). Of these, 48% were paid in full. Fifteen per cent (40) had either been part-paid and consolidated with other debts or were being paid in instalments under an agreement. Five per cent were remitted – the fine was written off. The remaining 89 were, at the time of writing, still outstanding.

Based on those PNDs that were paid outright and those that were paid after fine registration, an estimated 81% of all PNDs were finally paid (Table 2.6).

**Table 2.6: Estimated total numbers and proportions of PNDs paid in full either as a PND or as a fine (n = 4,434)**

	Number	Percentage of all PNDs issued
Paid in full within 21 days	2,946	66
Paid subsequent to fine registered (estimate)	649	15
<b>Total paid</b>	<b>3,595</b>	<b>81</b>

Note: The number of payments made following registration as a fine is an estimation as others may have been paid following completion of the research.

Payment rates will inevitably be higher still since those that are amalgamated with other fines and those paying by instalments in agreement with the court will also be paid at a later stage.

### 3. Displacement from traditional youth disposals

Apart from reducing police bureaucracy, paperwork and the time it takes officers to deal with minor offences, the juvenile PND scheme also aims to keep young people, particularly first time offenders, out of the court. Interest was expressed both by the police and YOTs as to whether the scheme would replace prosecutions, reprimands and Final Warnings or simply create new business. This chapter aims to provide some insight into this. The data used in this chapter relate only to Area B and Area A since, between them, they accounted for around 90% of PNDs issued.

#### Impact of PNDs on the use of traditional disposals

Table 3.1 (please see Page 16) shows evidence of a significant switch from reprimands, Final Warnings and prosecutions to the use of PNDs. The most significant being the 59% fall during the pilot period in the use of Final Warnings as a form of disposal. However, Table 3.1 also shows that the scheme created a significant amount of new business.

In Area A and Area B, the Final Warning was the disposal that decreased the most following the introduction of the PND, followed by the reprimand. It is important to note that some of the decrease in the number of these disposals used could simply reflect a decrease in the number of offences; however, the size of the reduction would suggest that diversion to PND accounts for some of the change. The extent to which disposals other than PNDs have decreased in the pilot period varies by crime type with a 63% reduction for drunk and disorderly offences as compared with a 22% reduction in criminal damage.

The number of PNDs issued significantly exceeds the reduction in prosecutions, Final Warnings and reprimands which would suggest that the scheme has caused some net-widening in the pilot areas. This is a phenomenon that has been found when other new disposals have been introduced, for example the adult PND scheme (Halligan-Davies and Spicer, 2004). Assuming that the number of offences that would have been dealt with using the traditional disposals remained constant between the pilot period and the same period in the previous year; estimates indicate that in Area B and Area A around 2,635 individuals were brought into the Criminal Justice System who would previously not have been dealt with through a formal disposal. The proportion of disposals that could be due to net-widening varies by offence type with an estimated 72% of all disposals for Section 5 offences being accounted for by 'new business' which can be considered as an 'offence brought to justice'. The introduction of PNDs caused the least net-widening for offences of retail theft. The increase in the number of individuals coming through the system is likely to impact on any efficiency savings made through the scheme.

**Table 3.1: Mix of youth disposals pre- and post-pilot**

	July 04–June 05	July 05–June 06	Percentage change
<b>Section 5</b>			
Prosecutions	126	96	-24
Reprimands	106	41	-61
Final Warnings	111	29	-74
PNDs	0	1,101	
<b>Total</b>	<b>343</b>	<b>1,267</b>	<b>269</b>
<b>Drunk and Disorderly</b>			
Prosecutions	69	36	-48
Reprimands	69	29	-58
Final Warnings	68	11	-84
PNDs	0	257	
<b>Total</b>	<b>206</b>	<b>333</b>	<b>62</b>
<b>Criminal Damage</b>			
Prosecutions	419	376	-10
Reprimands	460	374	-19
Final Warnings	334	194	-42
PNDs	0	1,324	
<b>Total</b>	<b>1,213</b>	<b>2,268</b>	<b>87</b>
<b>Retail theft</b>			
Prosecutions	220	175	-20
Reprimands	464	263	-43
Final Warnings	401	144	-64
PNDs	0	1,032	
<b>Total</b>	<b>1,085</b>	<b>1,614</b>	<b>49</b>
<b>All offences</b>			
Prosecutions	834	683	-18
Reprimands	1,099	707	-36
Final Warnings	914	378	-59
PNDs	0	3,714	
<b>Total</b>	<b>2,847</b>	<b>5,482</b>	<b>93</b>

## Perceptions of net-widening

The net-widening shown by the administrative data is supported in part by the views of the police officers who were involved in the pilots. Thirty-seven officers reported having issued tickets in instances where they would not otherwise have taken action. These tickets were mainly issued for low-level criminal damage and disorderly behaviour. However, 71% of the officers interviewed insisted that they would have taken action anyway. Rather than creating new business, officers believed that the scheme has had a diversionary influence: from reprimands to PNDs.

*“... for lower penalties such as Section 5, disorderly behaviour or swearing on the street the PND has really replaced reprimands.”*

When asked about situations where they (officers) could have issued a PND but did not because of non-compliance by the offender, a small number of cases were cited. In these cases the young people were arrested, charged and reprimanded. In a small number of cases, respondents also reported not issuing a PND because:

- there was a lack of satisfactory identification for the child, i.e. the young person giving false details or denying the offence;
- the young person already had a criminal history of the offence;
- the PND was deemed too lenient or too harsh.

However, the majority of officers (71%) felt that non-compliance was not an overwhelming issue.

## 4. Stakeholder perceptions of the PND scheme for young people

### Implementing the scheme

There was generally a lack of awareness about the PND scheme for young people amongst police officers particularly in Area F, Area E and Area D where a large number of officers were unaware of the scheme's existence until the interview. In Area F, seven out of the 16 officers interviewed had not issued PNDs due to lack of awareness. In Area D the figure was 68%.

Where officers were aware of the scheme, around half felt they fully understood the issues but most of this understanding was based on their experience of the adult and 16- to 17-year-old PND schemes. Most officers had received no formal training on PNDs for young people but had access to guidance notes and IT-based material. There was a general feeling however, that the training on this initiative was inadequate. In particular, it was reported that there was a lack of clarity around whether or not they could:

- issue on the street or in custody;
- issue without an appropriate adult being present;
- take juveniles home;
- issue to juveniles already in receipt of a reprimand or Final Warning;
- take fingerprints (if on the street) and/or DNA evidence if in custody.

Generally, those who did not fully understand the scheme cited the lack of formal training as the main deterrent to using the notice and the slow take up in some areas. Almost all respondents felt that there was the need for more extensive training and more efforts to increase awareness of the scheme.

In relation to the material produced, many officers felt that the operational guideline was too vague and often confusing. Officers were also of the opinion that although the scheme sounded great in principle, not enough information, training and guidance was available to enable them to make effective use of it.

### Ticket design

Ninety per cent of respondents found the PND ticket easy to complete, self-explanatory and easy to follow. Mechanisation of the juvenile tickets in Area A's custody suites further simplified the procedure. However, the overriding issue amongst officers in all pilot forces was the numerous tickets they are required to carry whilst on duty. Including the juvenile tickets, officers are required to carry around seven bulky tickets. Those on foot patrol find this impractical and often decide a priori which ticket to carry and in most cases opt not to carry youth tickets. Unsurprisingly, when asked about any changes they would like to see made to the tickets many of the suggestions were around integrating the PND forms into one multi-purpose ticket.

## Issuing PNDs

Most officers preferred to issue the PND on the street since it saved them from having to go back to the station. This was particularly highlighted in Area F where the force guideline required officers to bring juveniles into custody before issuing the PND.

An issue that could arise around PNDs is whether the offender can be identified satisfactorily. All officers said that they would not issue a PND if there was any doubt regarding identification. In cases where the young person is in custody when the PND is issued, identity would already have been established. For PNDs issued on the street, officers said that the norm was to take the young person home and then issue at the home address, usually in the presence of the parent/guardian, thereby verifying the offender's identity. If, however, the offender's identity was in doubt, the young person would be arrested and taken into custody.

## Contacting appropriate adults

Almost 90% of police officers confirmed that an appropriate adult was present during the issuing of a youth PND. The main reasons cited for issuing PNDs in the absence of an appropriate adult was the inability to contact parents/guardian; parents, once contacted, refusing to go to the station; and human error.

Generally, officers found the arrangements for contacting appropriate adults adequate. However, officers cited some problems including: young offenders refusing to or giving incorrect contact details of parents/guardians; difficulties in locating or arranging a time to meet an appropriate adult; and unwillingness of social services to collect the young person and sign a youth PND.

## Intelligence checks and recording issues

When asked if they were aware of any checks that could be made to determine whether or not a young person had previously received a PND, using the PNC to flag up the status of the offender was frequently mentioned. For summary offences they made use of local intelligence systems. Whilst officers issuing in custody found it relatively easy to complete background checks using intelligence systems, those issuing on the street were generally dissatisfied. This was due mainly to:

- poorly trained control staff unable to access the information on demand;
- difficulties in contacting and getting through to the control room or custody suite; and
- delays in putting PND information on the system.

There was strong feeling amongst officers that local intelligence systems were not adequately capturing young people issued with tickets for summary offences and raised the need for better recording practices. A particular problem highlighted by Area B officers was the refusal by the PNC bureau to include PNDs issued for recordable offences on

the national database. This implies that offenders issued with more than one PND could technically not be identified. Officers also raised the point that street issue required officers to go back to the station and create a written log which was not always properly carried out. Again, this might lead to difficulties in identifying repeat offenders.

### Satisfaction with the scheme

Seventy-four per cent of officers in pilot forces were broadly satisfied with the PND scheme (Table 4.1). However, satisfaction levels varied across the pilot forces. Officers in Area A, Area B and Area D were mainly positive about the scheme with the greater proportion of respondents “very satisfied” or “fairly satisfied” (79%, 91% and 84% respectively). Officers in Area F and Area E were less satisfied with only 33% and 44% reporting being very or fairly satisfied.

**Table 4.1: Levels of satisfaction with the PND scheme across the pilot areas**

	Very satisfied	Fairly satisfied	Neither satisfied nor dissatisfied	Fairly dissatisfied	Very dissatisfied	Other <sup>1</sup>	Total
Area A	67	81	11	7	2	20	188
Area B	40	24	4	1	0	1	70
Area D	7	26	3	1	0	1	38
Area E	3	17	18	3	5	0	46
Area F	1	7	7	9	0	0	24
<b>All Areas</b>	<b>118</b>	<b>155</b>	<b>43</b>	<b>21</b>	<b>7</b>	<b>22</b>	<b>366</b>

<sup>1</sup> Comments in this category include ‘unable to say’ and ‘not applicable’

In general, officers responding to the survey felt that PNDs were a useful disposal for dealing with young people who had committed a low-level offence. They felt that the disposal was practicable and “helps speed up custody; frees up courts and reduces workload”. In addition, they thought that parents and young people feel it is a better way of disposing with matters as the young person does not get a criminal record and, therefore, has been given a ‘second chance’. Officers in favour of the scheme reported a number of specific benefits which are discussed below.

### Improved efficiency

Eighty per cent of interviewees stated that there was significant time saved in using a PND over a standard arrest and charge. It was felt that these efficiency savings mainly arose when the PND was issued on the street and there were fewer, or none in the view of some officers, when the PND was issued in custody.

*“PNDs helped workload as some would’ve been final warnings which involve more work. Good time saving scheme.”*

*“Time saving is not for custody, no quicker to write the ticket than to write a charge. Issuing PND on the street is significantly faster and far more productive than going through custody.”*

*“Issuing ‘on the street’ and taking the youth home significantly speeds up the process by around two hours in custody and four hours on the street, especially for offences such as dropping litter where arresting youths would be ridiculous.”*

When asked how long it takes to issue a PND to a youth, respondents estimated that, on average, they spent between 20 minutes to an hour processing each ticket, although there were cases where processing time was reported to exceed two hours. The time taken to issue a PND to a youth was mainly dependent on the ease with which an appropriate adult could be contacted.

*“The main problem with this is the time it takes to contact an adult and arrange attendance at the police station, or waiting for them to return home so that the ticket can be issued. If the situation is straightforward, this is a real time saver – could take 30 to 40 minutes tops to complete.”*

However, there were a small number of officers who felt that there was little or no time-saving in using PNDs. These officers felt that there was little efficiency gain linked to the PND as the evidence still needed to be gathered, including statements and CCTV. In addition, there was a concern that decisions to issue a PND could start to be based on time considerations rather than on the circumstances of the offence.

A precise measure of the time saved by issuing a PND is difficult to achieve. However, from the sample of officers interviewed, the average time taken to issue a PND is estimated at approximately one hour whilst the average time taken to arrest then charge a young person is around six hours. As most PND offences could technically be charged, each PND has the potential to save up to five hours in paperwork and other related activities, though some officers' comments suggest that time savings are not yet being fully realised. There should, however, be additional improvement as officers become used to the nature of the PND and the processes involved. Ultimately the extent of any time saving from issuing PNDs will depend on the officers' ability to contact appropriate adults.

### **Impact on young people**

Officers in favour of the scheme believed that offenders saw receiving a PND as being more serious than a reprimand or a Final Warning. Respondents felt that the use of a financial penalty created an inconvenience factor for the offender as he or she was losing money and therefore the disposal was seen as harsher than a reprimand or final warning.

*“Verbal warnings, final warnings and reprimands bear no financial penalty so juveniles don't care. The penalty is better, good to hit them in the pocket.”*

Officers who were generally satisfied with the scheme felt that there were explicit changes in the attitude of juveniles on receiving a PND as it did not match their expectations of how they

were going to be dealt with. Officers observed that the juveniles were generally “shocked and surprised” as they were expecting a caution and instead were required to “pay for their actions”.

In addition to deterring offenders many officers felt that the PND had a beneficial effect on the parents of the young person too. It was felt that as parents were liable for payment of the PND they became more conscious of the behaviour of their child and were more likely to try and deal with the behaviour as it was impacting on them financially.

*“Good that the liability is on parents since it makes them care more as they have to pay and are therefore more likely to tell them (kids) off.”*

*“For children in care, PNDs have forced social workers or those under whom they are cared for to pay more attention to the youths and their actions.”*

Conversely, officers who were dissatisfied with the scheme felt that the PND for youths was punishing the parents rather than the offender and felt that it did not really add anything to the range of disposals currently available. It was felt that the young people did not have the funds to pay the fines so the parents ended up paying, which means that the child is not being punished or made to take responsibility for his/her actions.

*“It is ridiculous to issue financial penalties as the youths do not have the funds to pay, so it is no longer their punishment. It punishes the parent, takes away officers discretion and the juvenile takes no responsibility.”*

The perception that the PND impacted more on the parents than on the young person meant that some officers felt that, although the PND was a good detection tool, it was not an effective deterrent.

*“Hitting the parents maybe isn’t the most effective, doesn’t affect the child – they aren’t bothered and it won’t make them think about their actions. Would rather get them into the custody system – best deterrent.”*

A number of officers suggested that the PND might be more effective if the penalty was not financial but was something that impacted more on the child, for example visible unpaid work. In general, however, officers felt that the effectiveness of the scheme depended on parental reaction, home circumstances and the child in question.

*“...the PND is seen as a ‘joke’ by youths I have dealt with. They are forthright in asking for a PND and then a lift home. I do not believe it is a deterrent unless the authorities have the support of the individual families to further discipline their child.”*

*“Success depends on the parent, if pro police then it will work, if not then it won’t.”*

## Impact on victims and witnesses

Officers interviewed observed that witnesses and victims were generally pleased and supportive of the PND scheme. This was mainly felt to be because they could see the PND being used and they did not have to go to court.

However, the vast majority of officers interviewed raised concerns about the inclusion of criminal damage in the scheme and its impact on victims and public confidence as it could be perceived that the offender had been dealt with leniently.

*“Victims of criminal damage prefer heavier fines plus compensation for all damages than PNDs.”*

## Areas for development

As with most new initiatives, areas for improvement were identified. Some officers felt that the scheme could be made simpler with more structure provided for the issuing of the ticket particularly around the offence type and family circumstances. Officers also felt that there was a need for quality assurance as tickets were not generally checked by supervisors. There was also some support from officers to extending the scheme to further offences. A few officers were at the extreme end asking for “everything possible as they are very useful.” However, most officers were more tempered and suggested a few offences that they thought should be added to the scheme including:

- urinating on the street;
- all minor offences and minor instances of common assault (Section 39 assaults);
- possession of cannabis;
- minor theft (from persons);
- cycling offences;
- causing a nuisance and threatening behaviour;
- loitering and intimidation;
- breach of the peace;
- Section 30 and Section 47 offences;
- breach of curfews; and
- Section 5 breach of ASBO.

Not all officers were in favour of extending the scheme however, and a few felt that the list already included too many offences. It was felt that not enough thought had been given to the types of offences a PND aimed specifically at young people could usefully encompass.

*“[The offences] have been copied straight from the adult one and doesn’t seem to take into account the sort of offences 10- to 15-year-old would commit.”*

In particular it was suggested that the following offences were removed from the list as they were not really applicable to the age group:

- drunk and disorderly behaviour;
- being drunk on a highway;
- selling alcohol to person aged under 18;
- selling alcohol to a drunk person; and
- allowing consumption of alcohol by a person aged under 18 in a bar.

In addition, some officers suggested reducing the thresholds for criminal damage and retail theft on the ground that “for juveniles they are too high...”

The majority of officers were also against taking DNA, fingerprint and photographic evidence when issuing PNDs to young people. It was felt that collecting this information would increase the time spent dealing with young offenders, and would, therefore, conflict with the aim of the PND scheme which essentially attempts to reduce the time police officers spend dealing with low level minor offences.

*“DNA evidence useful, but PND speeds up process so that officer’s time can be freed up. Lengthy process otherwise.”*

Officers also argued that the scheme was essentially for first-time offenders committing what are essentially minor offences. Collecting DNA evidence and fingerprints under these circumstances is not appropriate. Some officers stated that they would give an alternative punishment to avoid taking DNA if forced. They also added that if officers can verify the young person’s identity, then the need for DNA or fingerprints is nullified as it was felt that identification was always obtained, in most cases by taking them home.

## **YOT involvement in the scheme**

Representatives from YOTs in Areas D, C and E were interviewed and, therefore, the findings only reflect the views from these areas none of which were the biggest users of PNDs for young people. The respondents felt that there was a general lack of understanding on how the scheme works and what it is supposed to achieve. They reported having little or no involvement with the scheme – they simply receive a list of young people issued with PNDs from the police.

There were a number of particular issues that the YOTs highlighted. These include the following.

- **Awareness** – respondents felt that awareness and understanding of PNDs by young people and their parents needed to be increased. In line with police respondents they also felt that officers lacked sufficient knowledge about PNDs and how they should be used.

- **Effectiveness** – YOT respondents felt that the scheme saves court time, and allows the police to take action against youths immediately after the offence, rather than going to court six months down the line, when the link between the offence and the punishment might be lost. Similarly to the police the YOT respondents felt that the effectiveness of the scheme was partly dependent on the parents' reaction to the disposal. However, they also felt that at times the scheme could be counterproductive as it does not address the reasons why the offender committed the crime. "If someone has been caught stealing and the reasons for doing so are not looked into, this could result in further stealing to pay the fine. One known individual sold more drugs to pay for her PND."
- **Welfare effects** – YOT respondents were also concerned that the PND could have a detrimental effect on family life, particularly in poorer or single parent families. To manage these social and welfare effects, they suggested that means testing could be introduced to make the penalty fairer. Respondents were also concerned that PNDs could (and some felt had) contribute to the deterioration of relationships between the youth and the parent(s). In addition YOTs believed that PNDs for drunken behaviour are not appropriate for juveniles as they felt that these incidents should be treated as a welfare issue and flagged for YOT intervention.
- **Equality** – Whilst YOT respondents felt that making parents accountable for their children was good in principle, they had concerns about possible inequalities. They felt that the scheme unintentionally punished poorer families more. This was partly through the potential to place the family in debt through the fine but also a perception that youths whose parents could not afford to pay were more likely to go to court and get a conviction. In addition, they felt that there was a need to clarify the identity of the responsible parent, especially in cases where parents are separated, as if the ticket was unpaid a decision needed to be made as to whom to register the fine against. Finally, they felt that the value of the PND needed to be in some way commensurate to the offence committed as otherwise it would be seen as an unjust disposal.
- **Recording and sharing practices** – YOTs generally felt that the PNDs issued by police were not being properly logged and recorded which led to officers not always being able to identify individuals who had previously received a PND. They felt that this meant that repeat offenders, especially those receiving PNDs for non-recordable offences, would not get an appropriate intervention.

### Improvements to the scheme

YOTs felt that there was a need to consider where best the PND fitted with the other youth disposals particularly in relation to whether an Asset Assessment<sup>13</sup> should take place; at

13 Asset Assessments look at 12 specific areas relating to why young people get into trouble: the family home (deprivation seen as a risk factor); relationships (family/home inc. supervision, harsh discipline); education, and emotional health etc. including what the young people's cognitive thoughts are, whether they are risk takers or they realise what they are doing wrong, to ascertain what is driving people to do what they are doing. An intervention plan is created to deal with issues that arise.

present this is conducted by the Information Team at the Final Warning stage. There was a concern that if a PND is issued without getting to the root of the problem, it could make the situation worse rather than prevent reoccurrences and that community service could be a better option. A suggestion was that the young person could be bailed to YOTs, who then decide whether they receive a PND or not. However, it was agreed this could be problematic in terms of who takes responsibility, especially if they do not turn up.

### **Perceptions of parents and guardians**

Only 13 parents/guardians provided their view of the PND scheme and, therefore, these findings need to be treated with caution; however, they give some insight into how this disposal has been received by those that are responsible for the offender. All of the parents and guardians interviewed were present when the young person was issued with the PND and they all felt that the reason for issuing the PND was clearly explained by police officers. In general, parents/guardians described their feelings about their child receiving a PND as unhappy, annoyed, upset, angry, disappointed, stressed and shocked. Ten parents stated that they had made the child pay the money.

Five parents believed that the issuing of the PND to their child was fair. This was because the reasons were fully explained and the recipients were warned of what could follow. A further five felt that it was unfair for a number of reasons, which mainly related to the accusation against their child rather than issues with the disposal. For example, they felt others had been involved; they felt that the child was not responsible for the offence; or they felt that the child had been provoked or was being used as an example by the police. Two parents were indifferent although some felt that it was good that the youth was punished but unfair that the parent had to pay.

### **Effectiveness of PNDs**

Seven of the 13 parents who responded felt the PND had stopped their child re-offending, five felt it was a waste of time and one parent commented that the child has since been tagged. In addition, two parents stated that the PND had helped to improve their child's behaviour. In relation to the concern from the YOT respondents that receiving a PND could affect the relationship between the child and the parent, the majority of parents responding said that this was not the case. Only two parents felt that receiving a PND had affected their relationship with their child at the time.

Parents did feel, though, that the families' ability to pay the PND in addition to current/special circumstances should to be taken into consideration when using this disposal. This was especially because, as children do not generally have the ability to pay the fine, it indirectly impacts on the adult and the rest of the family who have to bear the brunt of the repayment. Similarly to the YOT respondents, there were also concerns that the fines are not necessarily proportionate to the crimes that have been committed.

## Young people's response

Views on the youth PND were given by 208 out of the 4,434 juveniles who were given a PND during the pilot.<sup>14</sup> Sixty-seven per cent of recipients reported that they were first time offenders, 32% stated that they had offended before (this was unknown for the remaining 1%).

### Awareness of the young PNDs scheme

Ninety-five per cent of the respondents said that the reasons they were given a PND were explained to them by the police and the remaining 5% said that this was explained to them by their parents/guardian. Eighty-nine per cent of respondents said that they understood why they had received the PND; 9% said that they did not, and the remainder were unsure.

Eighty-eight per cent of juveniles said that an adult was present when they were issued the PND. Of these, 79% were accompanied by their parent/guardian, 4% by a social/care worker, and the remainder, who had received the PND at school or out with friends, had been accompanied by another adult. Those who were unaccompanied by parents when receiving the PND said that parents either found out by post or through a mixture of methods including being told by the offender, a family member, a social worker or the police coming to the house.

In general, the majority of young people appeared to favour the scheme as they felt that it gave them a chance to change their behaviour before getting a criminal record. In addition, they felt involving the parents made it more of a deterrent. However, there were some negative comments which mostly focused on how the police were administering PNDs. Some young people felt that the PND was handed out too easily without the proper investigation of the incident or trying to identify the perpetrator in big groups. Also, there was a concern that you could not respond to the PND without making a formal appeal which means that you have to go to court.

### Comments on equity

Fifty per cent of respondents believed that they had "done wrong" and deserved to be given a PND. However, 45% felt the police had been unfair. This was mainly felt to be because police officers had not taken into account special needs (illness) or circumstances of the offence, particularly where groups were involved. Many also felt that the punishment was excessive for the crime committed and that the PND was unreasonable since parents had to pay. Some pointed out that their parents could not afford the payment.

A few young people felt that despite provisions for appealing a PND, parents were unwilling to do so because of unfamiliarity with and fear of the court process.

*"My mother did not appeal it due to never being in a court room and feeling too intimidated by that process – so paid the fine."*

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14 The self-selecting nature of the sample implies that the responses presented in this section may not be representative of the views of the population and there is likely to be some bias.

## Reaction to receiving a PND

When asked about their parents'/guardian's reaction to them receiving a PND, 72% reported that they were told off, 64% that they were grounded, 56% were made to pay the money back and 8% stated that their parents did nothing as they did not agree with the PND, and several sought legal advice.

When they were asked about their own reaction to receiving the PND, their comments were generally mixed. The majority said they were "frightened, shocked and scared". Twelve per cent were "angry, annoyed and disgusted" saying they felt victimised especially since they believed the police had made the wrong decision. Seven per cent felt ashamed and accepted it for being their own fault. Six per cent said they were relieved or thought they had got away lightly, 12% were upset, unhappy and worried it could not be paid.

## Effectiveness of PNDs

Seventy-four per cent of youth respondents said that receiving the PND made them feel penalised for their behaviour and stopped them from further offending behaviour.

*"Receiving the PND scared me so much that I will never steal again."*

However, 18% did not feel penalised and the remainder were unsure. Those who did not feel penalised generally felt that they had "Got away lightly".

## Impact of PNDs on family relationships

In relation to the impact of receiving the PND on the relationship between the young person and their parents, 30% said there was no change and 6% said the PND had made their relationship stronger. The young people also commented that they lost their parents' trust and parents became stricter as a result. In 26% of all cases the PND was said to have put a strain on relationships, making home life hostile. This was especially the case when families could not afford to pay.

## 5. Conclusion and implications

This study provides an overview of the implementation of the PND scheme for 10- to 15-year-olds in six pilot areas between July 2005 and June 2006. It has examined the take up of the scheme across the areas; the types of offences and offenders who are being given PNDs; and the outcome of the disposal (i.e. was it paid or fine registered etc.). It has also assessed the impact of the scheme on the use of existing disposals for young people and taken stock of stakeholder views of the scheme and its potential impact. This concluding chapter brings together these findings and makes some general observations about improvements that can be made to the PND scheme for 10- to 15-year-olds if it is to be rolled out across England and Wales.

### General observations

The majority of police officers interviewed during the evaluation process felt that the scheme provided an efficient disposal that has enabled them to deal with low-level nuisance anti-social behaviour efficiently. They suggested that PNDs are seen as a better deterrent than reprimands and Final Warnings and less time-consuming as a form of disposal for officers. Officers also said that offenders and their parents, on receiving the PND, appeared to appreciate that they were avoiding a criminal record and tended, in the majority of cases, to accept the PND. Officers also felt that the scheme had an added benefit in that it forced parents/guardians to pay more attention to their child's behaviour. Recipients, for their part, mostly felt that the PND scheme had given them another chance by not criminalising them.

The general positive reception to the PND scheme for young people by the police has, in part, been reflected by a high uptake compared with other youth disposals in a number of the pilot forces who were not limited in their use of the scheme. Moreover, two-thirds of the PNDs issued during the pilot period were paid within the statutory period. When taking into consideration those offenders who pay either after requesting a court hearing or having their fines registered, the payment rate reaches over 80%. These payment rates are higher than those found in the pilot of the adult PND scheme where 53% of notices were paid within the statutory payment period.

Most PNDs were issued for three offences: 'destroying and damaging property'; 'causing harassment, alarm or distress'; and 'retail theft under £200'. Of the list of eligible offences only these three counted as an Offence Brought to Justice and, therefore, towards police targets. Unlike adult PNDs few notices were given for 'disorderly behaviour while drunk'.

Issuing young people with PNDs appears to have some potential to save court and police time. Prosecutions decreased for PND offences, as did formal warnings and reprimands. Although not conclusive, it is possible that these have been diverted to PNDs. However, the scheme generated a large amount of 'new business' and it is likely that a proportion of

these cases would not have otherwise been dealt with through the Criminal Justice System. The increase in the number of individuals coming through the system along with the fact that some areas did not allow PNDs to be issued on the street will impact on any efficiency savings made by the scheme.

## Improvements to the scheme

While the general response to PNDs for young people was positive, inevitably some areas were identified where improvements could be made.

- The scheme was implemented differently across the six pilot areas and it is clear that this has impacted on the take up of the disposal. In particular, officers in those forces who had restricted the scheme to only issuing in custody felt that the full potential time saving had not been realised as they were not able to issue on the street. Indeed, there was some confusion over whether or not officers could/should issue on the street as opposed to custody. More thorough guidance on the appropriate place to issue PNDs based on the nature of the offence may help to address this confusion. In addition, for the scheme to realise its efficiency benefits, forces may have to be willing to let officers issue on the street for certain offences. The specification of a more unified procedure may help with this.
- Officers felt that introducing training on issuing PNDs to young people would be beneficial. Particular areas where they felt more guidance could be given included: issuing with or without an appropriate adult; when and whether they have to escort juveniles home; whether they can issue to juveniles already in receipt of a reprimand or Final Warning; and whether or not they could take DNA or fingerprints.
- The list of offences for which a young person's PND could be issued was felt by some to need revisiting. Some respondents called for the list to be expanded whereas others felt that some of the existing offences needed removing. Generally, the consensus was that more consideration needed to be given to whether the offences were the type that young people would commit and whether a PND would be appropriate as opposed to a more interventionist disposal.
- YOTs and recipients of PNDs felt that the scheme needed to be more equitable so that poorer families were not punished more. Parents or guardians who find it hard to pay will be left with the choice of: (1) allowing the young person to receive a criminal record; (2) having the PND fine registered; or (3) bearing the financial cost of the child's action. A suggestion was that the monetary value associated with the PND should be made more commensurate with the crime and should be based on the family circumstances.
- The ability to carry out checks on whether an offender had previously received a PND was also felt to need improvement. Officers especially those issuing 'on the street' felt unable to adequately check an offender's status or background due to difficulties faced by

control room staff in accessing local and national intelligence databases. In addition, local intelligence systems were reportedly not adequately capturing the details of young people issued with a PND. This was in some cases due to delays in Central Ticket Officers putting PND information on intelligence data bases and poor police recording practices. This implies that repeat offenders could be issued with more than one PND which goes against the principle of the disposal. An additional data quality concern relates to the recording of offenders' ethnicity. This information was missing for 50% of all PNDs issued and, without it, any disproportionality in the issuing of PNDs cannot be identified.

- Practically the development of another PND scheme has meant that the police have to carry an additional form. Officers on foot patrol find this impractical and have suggested that the PND tickets are all incorporated into one.

## Concluding remarks

Prior to any national roll-out of the PND scheme for 10- to 15-year-olds, consideration should be given to where this disposal fits within the current structure of youth justice disposals. Across the seven pilot areas the PND was used at different stages in the offending lifecycle of a young person. For example, in Area D, the PND was issued following a Final Warning whereas in Area E the PNDs could be issued at any time following a reprimand and prior to a Final Warning. Depending on the positioning there was some concern from YOTs that the PND could undermine the existing system for dealing with young offenders and the work that the teams do to try and prevent re-offending. Clear thought and guidance on where PNDs can usefully fit in would be beneficial in getting the most out of the youth justice system.

Though there is some concern that the PND scheme for young people is punishing parents/guardians and not offenders there was some consensus that its greatest strength lies in the fact that it catches youngsters who offend early and deters them from future offending without any serious consequences or long-term implications. In addition, it has the potential to free up officer time particularly when issuing on the street. Before the scheme can be said to be effectively deterring offenders however, re-offending rates need to be examined. This was beyond the scope of this study although it has provided some perceptual evidence, from both the police and offenders themselves, that it could be a potential deterrent and an efficient means of dealing with young offenders.

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## Annex A. Offences covered by the young people pilot of PNDs

**Table A.1: Penalty notice offences attracting a £40 penalty**

Legislation	Offence	Notifiable/ Recordable
Section 5, Criminal Law Act 1967	Wasting police time, Giving false report	<b>Recordable</b>
s127(2) of the Communications Act 2003	Use of a public electronic communications network in order to cause annoyance, inconvenience or needless anxiety	<b>Recordable</b>
Section 49 of the Fire and Rescue Services Act 2004	Knowingly giving a false alarm to a person acting on behalf of a fire and rescue authority.	<b>Recordable</b>
Section 5, Public Order Act 1986	Causing harassment, alarm or distress	<b>Recordable and Notifiable</b>
Section 80, Explosives Act 1875	Throwing firework(s)	
Section 91, Criminal Justice Act 1967	Drunk & disorderly in a public place	<b>Recordable</b>
s169A of the Licensing Act 1964	Sell alcohol to person under 18	
s169C(2) of the Licensing Act 1964	Purchase in licensed premises of alcohol for person under 18	
Section 169C(3) of the Licensing Act 1964	Purchase of alcohol for consumption in licensed premises by or for a person under 18. (offence now extended to all licensed premises [was on sale only])	
Section 169F of the Licensing Act 1964	Delivery of alcohol to person under 18 or allowing for such a delivery	
s1(1) of the Criminal Damage Act 1971	Destroying or damaging property (under £500)	<b>Recordable and Notifiable</b>
s1 of the Theft Act 1968	Theft (retail under £200)	<b>Recordable and Notifiable</b>
Fireworks Regulations 2004 under s11 of the Fireworks Act 2003	Breach of fireworks curfew (11pm-7am)	
Firework Regulations 2004 under s11 of the Firework Act 2003	Possession of a category 4 firework	
Firework Regulations 2004 under s11 of the Firework Act 2003	Possession by a person under 18 of an adult firework	
Section 141 of the Licensing Act 2003 (c.17)	Sells alcohol to a drunken person	

**Table A.2: Penalty notice offences attracting a £30 penalty**

Legislation	Offence	Notifiable/ Recordable
Section 55, British Transport Commission Act 1949	Trespass on a railway	
Section 56, British Transport Commission Act 1949	Throwing stones/matter/thing at a train	
Section 12, Licensing Act 1872	Drunk in highway	<b>Recordable</b>
Section 12, Criminal Justice & Police Act 2001	Consume alcohol in designated public place, contrary to requirement by constable not to do so.	
s87(1) and (5) of the Environmental Protection Act 1990	Depositing and leave litter	
s150(1) of the Licensing Act 2003	Consumption of alcohol by a person under 18 on relevant premises.	
s150(2) of the Licensing Act 2003	Allowing consumption of alcohol by a person under 18 on relevant premises.	
Section 149(1) of the Licensing Act 2003 (c.17)	Buying or attempting to buy alcohol by a person under 18.	

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**Piloting Penalty Notices for Disorder on 10- to 15-year-olds: results from a one year pilot**

The provision to issue Penalty Notices for Disorder (PNDs) to adults for offences relating to low-level disorderly behaviour was introduced in England and Wales through the Criminal Justice and Police Act 2001. The scheme was extended to juveniles aged 16 and 17 through the Anti-Social Behaviour Act 2003. In 2004, the scheme was extended to 10- to 15-year-olds for a pilot period. It allowed the police to issue PNDs to 10- to 15-year-olds in custody or on the street, for 24 specific offences. The juvenile PND scheme differs from the adult scheme in that the parent or guardian of the recipient is liable to pay the penalty under notice. This report provides an overview of the use of PNDs for 10- to 15-year-olds in the six pilot forces between July 2005 and June 2006.

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