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One third of all children in jails are 'wrongly imprisoned'

By Robert Verkaik, Home affairs editor

More than a third of children sent to prison last year were wrongly jailed, a report into child custody rates says.

The study by Barnardo's found that the Government had breached its own guidance on child custody by allowing so many 12-, 13- and 14-year-olds to be imprisoned for a non-serious offences.

The charity examined the cases of 214 children – nearly half of those in this age group who were jailed in 2007-08 – and found that more than a third had not committed grave offences or were not persistent offenders. One in five had been sent to custody for breaching a community order.

The research suggested that 170 children in England and Wales should not have been jailed. The study also found that just under half the children had been abused, more than a third were living with a known offender and a third had witnessed family violence.

The Barnardo's chief executive and the former director general of the Prison Service, Martin Narey, said: "Barnardo's is realistic about the reality that some children, even those as young as 12, need to be locked up. But the clear intention of Government and of Parliament is that custody for teenagers as young as this should, genuinely, be used only as a last resort.

"Until 1998 it would have been illegal to send a child of this age to custody unless they had committed one of the so-called 'grave offences'. Now we do this, every year, to more than 400 children aged 12, 13 and 14."

Barnardo's calls for strict sentencing rules which reflect the intention of Parliament so that children aged 14 and under cannot be considered for a custodial sentence unless they have committed a grave crime, such as murder, or have committed a serious offence and are a persistent offender.

The charity also wants a clear definition of persistency so that custody is reserved for those who warrant it. It says that a breach of a community-based sentence should never result in imprisonment unless there has been a serious or violent offence.

Liberal Democrat Justice spokesman, David Howarth, said: "The Government's obsession with looking tough has led to large numbers of children being put behind bars when they shouldn't be. Prison should be the absolute last resort for the most serious and serial child offenders, not a default position for breaches of community sentences or [Anti-social behaviour orders].

"Locking kids ... up is likely to turn them into serious criminals. Ministers should focus on what works to stop re-offending, such as restorative and community justice."

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