UK youth justice system treats ethnic groups differently

Funded by the Economic and Social Research Council (ESRC), the Commission for Racial Equality and the Equality and Human Rights Commission, the research shows that black and mixed-race youths are over-represented in the youth justice system. This over-representation starts at the point of entry into the system, and is largely preserved as young suspects and defendants pass through it.

The research team looked at police stop-and-search records in four police areas, analysed more than 18,000 case decisions in Youth Offending Teams (YOT), and observed and conducted interviews with police and young people. The team found markedly different styles of policing in the four areas: in some, the police were highly proactive; in others, they spent more of their efforts reacting to matters drawn to their attention by victims and witnesses.

Most young people encounter the youth justice system through reactive policing when a victim of crime or a witness has made a report to the police. However, proactive policing still accounts for a significant number of arrests, meaning different approaches to policing determine who enters the system. Drug and traffic offences are accounted for almost entirely by proactive policing, with arrests typically following proactive police stops.

Researchers found great differences in the way the police carried out proactive policing of young people: some were highly personal and adversarial; others more professional, with clear leadership and standards of behaviour. The adversarial style was particularly prominent in inner-city areas, where the relationship between the police and young black people was shaped by a history of friction, and resulted in proportionately more arrests of black and mixed race youths. Elsewhere, the more professional approach resulted in fewer arrests of black and mixed race youths and improved relationships with their community.

The research found that once young people had entered the youth justice system the patterns of over- and under-representation remained. However, there was also evidence of possible discrimination against ethnic minorities at some points in the system. For example:

Mixed race suspects were more likely to be sent to court than given a police disposal;

Black and mixed race defendants were more likely to be remanded in custody prior to their hearing date;

Black defendants had a higher chance of being acquitted than white ones, suggesting that different standards of evidence may be applied to cases involving different groups of defendants;

Mixed race teenagers were more likely than others to be given a (more serious) community sentence than a (less onerous) first tier penalty or referral order.These differences in the treatment of different ethnic groups could not be accounted for by the severity of the crimes or the defendant's criminal history, indicating possible discrimination. However, taking into account the nature of the offence and the offender's criminal history, the study did not find any evidence that different ethnic groups faced different risks of getting custodial sentences.

Principal Investigator, Professor Mike Hough, said: "Police leaders need to promote a style of policing where policing is done according to due process, treating not only victims and witnesses but also suspects with fairness and respect, and using coercive force only as a last resort. This approach is needed most in the poorest communities, where relations between police and local people are often strained."

Based on the findings the researchers have made a range of recommendations for practitioners, policy makers and further research.

Provided by Economic & Social Research Council

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