

JUSTICE launches timely report on racial disparities of children in the youth justice system



This Working Party of JUSTICE, which publishes its report ***Tackling Racial Injustice: Children and the Youth Justice System*** on 25 February 2021, seeks to examine the causes of BAME disproportionality in the Youth Justice System (YJS) of England and Wales.

At most stages— from arrest to custody – the proportion of Black, Asian and Minority Ethnic (BAME) children and young adults is higher than the proportion of their White counterparts. This disproportionality can be seen at its starkest in the youth custodial estate, where the BAME population is 52%, despite being 18% of the 10-17 year old population. While the causes are undoubtedly broad and complex, at the root remains bias and prejudice; either on the part of decision-makers, or the processes within which they work. In many cases, these have become firmly embedded in the institutional culture of the organisations themselves. BAME children continue to be more likely than their White counterparts to be stopped and searched, less likely to benefit from diversion, and are at greater risk of spending lengthy periods in custody on remand.

Having sat since October 2019, the Working Party has made 45 recommendations which seek to increase decision-makers' understanding of the child appearing before them. In doing so, the aim is to eradicate, and if not, minimise, the bias, suspicion and misperception that pervades discriminatory exercise of power so as to meet BAME communities' expectations of fair and impartial treatment at each stage of, and interaction with, the criminal justice system.

Key recommendations include:

- **Suspending the use of 'section 60' stop and search powers** for serious violence in a locality, until the Home Office has evaluated its impact and effectiveness;
- **Abolishing the 'Gangs Violence Matrix'**, which indiscriminately includes thousands of BAME children and young adults, threatening their access to education and jobs;
- **Preventing the unfair use of Drill music as bad character evidence in court**, to tackle the corrosive effect of portraying a genre of music as innately illegal, dangerous and problematic;
- **Building a child-first culture in the criminal justice system**, so that all agencies take responsibility, in line with core principles we have identified, for understanding every child's background and experiences. For instance, we recommend greater deployment of comprehensive diversity training programmes, reverse mentoring, and the piloting of restorative practice circles;
- **Creating a national framework for diversion**, to ensure children everywhere can receive specialist support not prosecution;

- **Enforcing mandatory child-focused training for all criminal justice actors**, so that all those who work with children are able to do so effectively;
- **Urgently improving information available to magistrates at bail hearings**, so that remand in custody is significantly reduced;
- **Requiring all complaints concerning children** to be investigated by the Independent Office for Police Conduct; and
- **Mandating the police turn on their body worn video cameras before every stop and search**, so that improper conduct is prevented or caught.

These changes will help to build a child-first approach into the justice system, with sources of bias and discrimination addressed through changes to policy, institutional culture, and practices. While no one report can undo years of structural racism, we hope to support the continued efforts of communities seeking equal justice. In sum, it is the responsibility of the system, and not the children, to change.

Chair of the working party, Sandra Paul (Partner at Kingsley Napley) said:

“The fact that the youth justice system is failing BAME children is unfortunately not news. The focus of our work here has been the experiences of BAME (which includes Gypsy Roma Traveller) children in the youth justice system, as this represents an area where racial disparities are at their most severe and most impactful. For many, childhood experiences of the youth justice system represent the start of a life-long series of negative interactions. It is this cycle of criminalisation we wish to interrupt. Each recommendation, if implemented, would have a positive effect in reducing the number of BAME children in our youth justice system and the disproportionate outcomes which are currently so evident.”

JUSTICE’s director, Andrea Coomber said,

“While the youth justice system has made improvements in recent years, these are not shared equally. Our Working Party has found that BAME children are being left behind, languishing under years of systemic racism and poor treatment from various criminal justice agencies. Our recommendations seek to put things right; ensuring that BAME children are not treated as inherently suspicious or criminal, that their voices and experiences are made central and heard, and that those who make decisions that impact BAME children are fully held to account. A child-first approach is essential for the credibility of our justice system.”

Notes to Editors

1. JUSTICE has a long history of using Working Parties of its membership to effect systemic changes within the legal system. For example, the Ombudsman system and Criminal Injuries Compensation Board were set up on the recommendation of previous JUSTICE Working Parties.
2. The working party was generously supported by the Barrow Cadbury Trust, the Blagrove Trust, and Travers Smith LLP.
3. This Working Party, set up and supported by JUSTICE and drawn from its membership, included experts from the legal system. The Working Party was chaired by Sandra Paul, Partner at Kingsley Napley LLP and its members were Judge Mehran Behvandi,

Social Entitlement Chamber, Sam Cottman, Director of Pro Bono, Travers Smith LLP, Garry Green, Doughty Street Chambers, Maya Sikand QC, Recorder and Barrister, Doughty Street Chambers, Kate Aubrey-Johnson, Garden Court Chambers, Maya Chandegra, Travers Smith LLP, Pippa Goodfellow, Director of the Alliance for Youth Justice, Millicent Grant QC (Hon), DCC Adrian Hanstock, NPPC Lead for Stop and Search, British Transport Police, N. Lynn Hiestand, Retired Partner, Skadden, Arps, Slate, Meagher & Flom LLP, Dr. Laura Janes, Legal Director at Howard League for Penal Reform, Jude Lanchin, Bindmans LLP, Samantha Magness, Head of Policy, Crown Prosecution Service, Danielle Manson, Garden Court Chambers, Adam Mooney, Programme Manager, over-represented children, Youth Justice Board, Katya Moran, Co-head of the Youth Justice Legal Centre, Naomi Redhouse (Observer), District Judge, Amal Ali, Policy Officer, the Criminal Justice Alliance, Claire Sands, Research and Policy Manager, the Howard League for Penal Reform, Kimberley Lamb, Director of Bedfordshire Violence and Exploitation Reduction Unit, and Tariq Desai, Criminal Justice Lawyer (Rapporteur).

4. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk
5. Please direct queries to Jodie Blackstock, Legal Director at jblackstock@justice.org.uk