

Differential treatment in the youth justice system

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With the assistance of
Bina Bhardwa, Isabella Boyce
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First published Spring 2010

ISBN 978 1 84206 255 5

EQUALITY AND HUMAN RIGHTS COMMISSION RESEARCH REPORT SERIES

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Acknowledgements

This study was funded by the Economic and Social Research Council (ESRC) and the Commission for Racial Equality (CRE). The CRE's responsibilities for the project passed to the Equality and Human Rights Commission (the Commission) when the latter replaced it. We are grateful to Dr Chris Wyatt at the ESRC and to Dr Marc Verlot and Gwen Oliver at the Commission and Janice Fong formerly of the Commission for their invaluable help.

This study was possible only with the help and commitment of a considerable number of people. To preserve the anonymity of the sites, we have not thanked by name the many individuals who gave up their time, provided us with important insights into their work and helped us in numerous other ways during the lifetime of this project. We are, nevertheless, very grateful to them all. We would like to extend special thanks to the police officers who allowed us to observe them while they worked and who answered our questions with humour, patience and candour, and to the young people who gave up their time to be interviewed.

We would like to express our thanks to Magda Boutros, Stefano Cossalter, Zelia Gallo, Sumendip Shoker and Aikta-Reena Solanki for their assistance with the administration and fieldwork of this study. We would also like to thank Martin Reid from Social Software for providing us with the data for Chapter 5 of this report and for always being on hand to answer our queries.

We would also like to express our thanks to our advisory group: Professor Ben Bowling, King's College London; Rob Allen, King's College London; Claire Cooper, the Commission; Mary Duff and Ken Melsom, the Magistrates' Association; Peter Fahy, Chief Constable, Greater Manchester Police; Brendan Finegan, Policy Director, Youth Justice Board (YJB); Professor Roger Hood, Oxford University; Martina Feilzer, Bangor University; Nisha Patel, Research Manager, and Tamara Walker, Research Advisor, YJB; Neena Samota, Nacro, and Yvette Williams, the Crown Prosecution Service. We are particularly grateful to Ben Bowling and Roger Hood for their comments on earlier drafts. The views expressed in this report are those of the authors and not necessarily those of either funding body.

Glossary

BCU	Basic Command Unit
CJS	Criminal Justice System
CPS	Crown Prosecution Service
ESRC	Economic and Social Research Council
PACE	Police and Criminal Evidence Act 1984
PCSO	Police Community Support Officer
YJB	Youth Justice Board
YOIS	Youth Offending Information System
YOT	Youth Offending Team

Executive summary

Background

It has become increasingly clear that different ethnic groups are unequally represented within the criminal justice system (CJS).¹ According to a recent government report called *Race and the Criminal Justice System*, ‘members of our black communities are seven times more likely than their white counterparts to be stopped and searched, three and a half times more likely to be arrested, and five times more likely to be in prison’ (Jones and Singer, 2008:viii). While black groups are over-represented in the criminal justice system, there is a pattern of under-representation for some Asian groups.

In 2004, Feilzer and Hood presented findings of a groundbreaking study charting differential treatment of ethnic groups as they passed through the youth justice system. In broad terms they found that the differential representation of ethnic minority groups at the point of entry into the system was largely – but not entirely – preserved as young offenders passed through the system. However, they were unable to examine whether differential treatment occurred in the policing processes that led to young people entering the system. This leaves open the question whether differences at the point of entry can be attributed to differential treatment by the police, reflecting policing priorities, policies, styles and practice. Research on street robbery, for example, has shown that the increased use of police search powers in London acted as a main driver for the increase in prosecutions for robbery. Underlying this increase, however, was the fact that searches of white youths rose by a third over a two-year period while those of ethnic minority groups doubled (FitzGerald et al., 2003).

Disproportionality is also evident when one looks at the types of crimes that young people are charged with and their eventual sentence. Black teenagers tend to be over-represented in robbery and drug offences, while Asian teenagers tend to be under-represented in all types of crime (Jones and Singer, 2008).

¹ Statistics on race in the criminal justice system are collected annually under the Criminal Justice Act 1991 Section 95, while there also exists an increasing body of research evidencing disproportionality – for example, May et al. (forthcoming), Feilzer and Hood (2004), and Bowling and Phillips (2002).

Assessing the reasons for disproportionality of ethnic minorities in the youth justice system is far from straightforward. This study, however, presents new evidence to help explain how young people are brought into the youth justice system and what happens to them as they pass through it.

Methods

The research strategy combined quantitative and qualitative methods and was carried out over a two-year period between 2007 and 2009. First, we examined how much control the police were able to exert over the inflows into the youth justice system by examining stop and search and custody record statistics in four Basic Command Units (BCUs) in three police forces. The three force areas were selected to reflect a good geographical spread throughout England and to represent at least one area where there was a significant black population and one area where there was a significant Asian population.

To further understand the processes by which the police bring young people into the youth justice system, the research team interviewed 49 police officers and undertook observational work with operational police officers across all four BCUs. This was further supplemented by interviews with 32 young people in two of the BCUs to determine their perspective of being policed. Then, largely replicating Hood and Feilzer's (2004) study, we used information on 18,083 case decisions made in 12 Youth Offending Services (four of which included the BCU areas in the policing part of the study) to examine whether disproportionality between ethnic groups was amplified or reduced as young offenders passed through the system.

Entry into the youth justice system

Whether ethnic minority groups are disproportionately involved in crime is a highly contentious and contested issue. While it is possible that the over-representation of black and mixed race teenagers reflects differential reporting between victims, it is indisputable that ethnic minority groups are over-represented in the youth justice system. However, this does not necessarily mean that they are disproportionately involved in crime. Representation in the youth justice system is a consequence of having been processed for an offence, not necessarily due to offending rates.

For many reasons, figures for detected crime are not necessarily a good guide to underlying patterns of offending behaviour (Maguire, 2007).

Young people can enter the youth justice system either because victims and witnesses report cases to the police (reactive work) or because the police uncover offences in the course of their work (proactive work). Overall, reactive arrests account for a larger proportion of the inflow into the youth justice system than proactive arrests; two out of three arrests for acquisitive crimes are a result of reactive policing. This finding underlines the point that others apart from the police play an important part in shaping the character of inflows into the system.

However, proactive arrests still account for a significant number, leaving ample scope for differential policing to shape inflows into the system. There are systematic differences in the type of offence resulting from proactive and reactive policing, with drugs and road traffic offences accounted for almost entirely by proactive arrests. There are large differences between areas in the way in which young people are drawn into the system, which may reflect variations between areas in the nature of crime and disorder, or variation between policing styles across area.

Different policing areas adopted markedly different styles of policing, and these styles affected the profile of young people entering the youth justice system. Some were highly proactive, others more reactive. In some areas, encounters with the public could be characterised as following a professionalised 'rule of law' style of policing. Others were characterised by a more adversarial and more personalised policing style, which placed less priority on respectful and fair treatment. However, adversarial policing often occurred in situations which genuinely required police action, in circumstances where police were sometimes constrained by the actions of others. These people sometimes brought their own stereotypes and prejudices to the encounter, reflecting long histories of difficult relations between police and public.

It probably does not help the process of reform to try to adjudicate as to whether the forms of policing we found amounted to individual or institutional racism. The officers we observed had to deal with very complicated situations in which levels of crime and disorder were high, levels of antagonism towards the police were high, and conflict

between police and public was often racialised by the latter if not the former. Maintaining police authority in such situations is inevitably a policing priority, and there will be situations that can be handled only by tactics that appear adversarial. However, we were struck very forcibly by the contrasts in policing styles between different areas that shared similar problems and histories. Some were highly professional; others more adversarial. The former is obviously preferable to the latter.

Passing through the youth justice process

The aim of this part of the research, drawing on administrative data from 12 Youth Offending Teams (YOTs), was to see if the disproportionalities at the point of entry into the system were amplified or reduced as young people passed through the process. We found some evidence that at some stages of the youth justice system there may be discrimination against ethnic minorities, in that differences between ethnic groups could not be accounted for by features of the offence or criminal history of the suspects or defendants. Taking offence and criminal history into account, mixed race offenders and suspects were more likely than whites to be prosecuted than to be reprimanded or warned. Black and mixed race defendants were also more likely to be remanded in custody than white defendants. At court, black defendants had a higher chance of being acquitted than whites. At the sentencing stage, mixed race teenagers were more likely than others to be given a community sentence rather than a (less serious) first-tier penalty such as referral orders and fines. The use of custody appears not to differ between ethnic groups, after taking all relevant factors into account – although those who are remanded in custody are more likely to get a custodial sentence, and black defendants are, as discussed, more likely to be remanded. In general, differences between areas in the way in which they treated suspects and defendants – regardless of ethnicity – were greater than differences between ethnic groups in the treatment they received.

Recommendations

Perhaps the most important priority is to promote a vision of good policing that incorporates principles of procedural justice – that is, where policing is done according to due process, treating suspects with proper respect, and using coercive force only as a last resort.

Those officers who pursued adversarial tactics regarded these as justified, in that they targeted young people who they judged to be involved in offending. In making this assessment they tended not to take account of the damage done to police/community relations in persistently targeting youths from minority groups who saw themselves as unfairly over-policed.

The government's commitment to improving public confidence in policing is to be welcomed. However, the most important target audience for any 'confidence-building' strategies are those groups most at risk of involvement in crime which, in the sorts of area which we studied, are likely to be teenage boys and young men from socially disadvantaged ethnic groups. Any assessment of the value of stop and search and similar tactics needs to take account of the impact that the tactics have on these groups, in terms of trust in the police.

Police leadership

- A shift away from adversarial to professional policing will happen if there are changes to policing values.
- For this to occur, there has to be clear and visible leadership about the quality and style of policing that senior officers expect their staff to deliver, and about the standards of professionalism that are required.
- Leadership of this sort must flow from the most senior ranks through police forces to frontline supervisors (that is, sergeants and inspectors).
- Frontline supervisors need to pay as much attention to the quality and style of policing achieved by frontline staff as they do to the number of arrests they achieve.

Monitoring of police practice

- Effective monitoring needs to be conducted by sergeants and inspectors to ensure that stop and search is appropriately employed and the same young people are not inappropriately and persistently targeted for stop and search.

Police training

- Police forces need to find an effective way of communicating the principles of procedural justice to frontline staff in a way that will secure their ‘buy-in’ to the idea.
- Diversity training should include sessions where young people explain to the police how they feel about their local police and their experiences of being policed. This has been carried out in Area A and was deemed a success.

Police complaints/community feedback

- Local police managers need to foster good relations with local residents, including young people, to enable a meaningful flow of information to exist.
- Complainant access points (organisations such as Citizens Advice that have been approved by the Independent Police Complaints Commission) should accept complaints on behalf of complainants.
- Where relationships between police and local residents are tense, neighbourhood policing teams should review their ways of communicating with young people as a priority, especially those from ethnic minorities.

Understanding differential treatment in the youth justice process

- There are still significant – if falling – levels of missing data in YOT records of ethnicity, and recording practices need to be improved.
- The Youth Justice Board (YJB) should publish guidelines to enable a more consistent approach to ethnic monitoring throughout the country.
- If there is evidence that different ethnic groups are treated differently after taking account of relevant legal factors, it is important to find out how these differences occur, and how to take effective corrective action.

1. Introduction

How the police treat people from ethnic minority groups is a good indicator of the overall quality of policing. For complex reasons many ethnic minority groups tend to be among the most socially disadvantaged, and if these groups are treated well, it is likely that others are also treated well. Assessing whether different groups are treated properly and fairly is complicated, however. The extent to which different groups are involved in crime differs, and different groups have different 'policing histories', which may affect their involvement in crime (Clancy et al., 2001; Bowling, B. and Phillips, C., 2003). Disentangling these relationships is hard.

What is clear is that different ethnic groups are unequally represented within the criminal justice system (CJS).² Some ethnic minority groups are over-represented at every stage of the criminal justice system. According to a recent government report called *Race and the Criminal Justice System*, 'members of our black communities are seven times more likely than their white counterparts to be stopped and searched, three and a half times more likely to be arrested, and five times more likely to be in prison' (Jones and Singer, 2008:viii). While black groups are over-represented in the criminal justice system, there is a pattern of under-representation for some Asian groups.

Such patterns of over- and under-representation are mirrored in the youth justice system (Feilzer and Hood, 2004; Audit Commission, 2004; House of Commons Home Affairs Committee, 2007). Youth Offending Teams (YOTs) dealt with just under 300,000 offences in England and Wales in 2007/08. In 85% of these cases, offenders were white; 6% were black, 3% Asian and 4% mixed race (Youth Justice Board, 2009a, 2009b). As with the justice system as a whole, Asians were under-represented, whereas those from black and mixed race groups were over-represented (May et al., forthcoming:6).

Disproportionality is also evident when one looks at the types of crimes that young people are charged with and their eventual sentence. Black teenagers tend to be

² Statistics on race in the criminal justice system are collected annually under the Criminal Justice Act 1991 Section 95, while there also exists an increasing body of research evidencing disproportionality – for example, May et al. (forthcoming), Feilzer and Hood (2004), and Bowling and Phillips (2002).

over-represented in robbery and drug offences, while Asian teenagers tend to be under-represented in all types of crime. Asians are more likely than others to receive a referral order and, among those convicted, black offenders are more likely to receive a sentence of youth custody (Jones and Singer, 2008).

1.1 Defining direct or indirect discrimination

Cultural change, supported by legislation, has done much over the last half-century to make overt racism less socially acceptable. This may have actually discouraged racism, but it may also have transformed overt expressions of racism into covert ones (Foster et al., 2005). A survey commissioned by the Greater London Authority (2003) suggests that most people from ethnic minority groups will have had some direct experience of racism at least once in their lives. Of central importance for any understanding of differential treatment are ways in which organisations, rather than individuals, can operate in ways that are discriminatory. Race relations legislation distinguishes between direct and indirect discrimination. Direct discrimination arises where one person treats another less favourably on grounds of their 'race', ethnicity, culture, religion or language. Indirect discrimination refers to treatment that might be described as equal in a formal sense, but is discriminatory in its actual effect on a particular group.

It is, however, too simplistic to equate disproportionate outcomes with direct discrimination (for fuller discussion, see Bowling and Phillips, 2002; Phillips and Bowling, 2003; Bowling, 2007). Assessing whether observed disproportionality in the criminal process amounts to direct or indirect discrimination can involve complex and ultimately political and legal judgements. Ethnic minority groups each have distinctive histories of integration into British society. For example, the relationships that exist today between black youths in inner cities and the police have been inevitably shaped by several historical factors, such as:

- the overt discrimination to which previous generations were exposed (Fryer, 1984)
- the resultant tensions and mutual suspicion between police and black people (Keith, 1993)
- the few social and economic opportunities open to these previous generations (Nazroo, 1997), and

- the consequent processes of social exclusion that affected later generations (Modood et al., 1997).

1.2 Research on young people and differential treatment

The strongest evidence that some ethnic minority groups may be discriminated against comes from the study conducted for the Youth Justice Board by Feilzer and Hood (2004), which concluded that there were, at various points of the process, differences that were consistent with discriminatory treatment. Their strategy was to examine the extent of differential treatment of different ethnic groups, and to see whether these differences could be accounted for by factors other than ethnicity. For example, they found that the police were more likely to give a reprimand or final warning to Asian offenders, and less likely to give a reprimand or final warning to black and mixed race offenders, than they were to white offenders. Multivariate statistical analysis showed that the differences between Asian, black and white offenders could be largely explained by factors other than ethnicity, but that the large difference between white and mixed race offenders could not be.

This pattern of findings was mirrored at later stages of the criminal process: in general, many of the apparent differences in treatment of different ethnic groups were a function of differences in case characteristics such as criminal history or current offending patterns. However some differences could not be accounted for in this way, such as the greater use of restrictive community penalties for mixed race offenders.

Feilzer and Hood's study was groundbreaking in charting differential treatment of ethnic groups as they passed through the youth justice system. In broad terms they found that the differential representation of ethnic minority groups at the point of entry into the system was largely – but not entirely – preserved as young offenders passed through the system. However, they were unable to examine whether differential treatment occurred in the policing processes that led to young people entering the system. This leaves open the question whether differences at the point of entry can be attributed to differential treatment by the police, reflecting policing priorities, policies, styles and practice. Research on street robbery, for example, has shown that the increased use of police search powers in London acted as a main driver for

the increase in prosecutions for robbery. Underlying this increase, however, was the fact that searches of youths from ethnic minorities doubled over a two-year period while those of white youths rose by only a third (FitzGerald et al., 2003).

In 2007, the House of Commons Home Affairs Committee (2007) reviewed the evidence on the over-representation of black young people in the criminal justice system and concluded that a comprehensive account of the phenomenon, and correspondingly any solutions, would be complex and multi-faceted. It noted that the statistical information was both 'contradictory and disputed' (paragraph 17).

1.3 Explaining over-representation in the youth justice system

Commentators offer four main sorts of explanation for the over-representation of some ethnic minority groups in the youth justice system:

- Demographic factors – that there is a disproportionate number of young people from these ethnic minority groups.
- Differential involvement in crime – that these groups commit more crime, or more serious crime.
- Social exclusion and involvement in offending – that certain ethnic groups are more likely to experience poverty, deprivation and disaffection and are therefore more likely to engage in criminal behaviour.
- Differential policing - that these groups are subject to more intensive forms of policing, or otherwise discriminated against by other agencies involved in youth justice.

As we shall see, it is far from straightforward to assess whether there is differential involvement in crime, but those who advance this argument point to varying causal factors: that these groups are more likely to experience poverty, deprivation and disaffection and are therefore more likely to engage in crime; that historical over-policing has left a legacy of hostility towards the police; and that social and cultural differences are at work.

Demographic explanations

Census statistics for 2001 show that ethnic minorities have a younger age structure than the white population. Half of the mixed race group, 38% of 'other' black groups, 38% of Bangladeshis and 35% of Pakistanis were under the age of 16, compared with 20% of white groups (Office for National Statistics, 2005). This may provide one explanation as to why ethnic minority groups are more likely to come into contact with the youth justice system – though this effect can be taken into account, of course, simply by ensuring that the criminal justice statistics are benchmarked against the populations of **young people** from different ethnic groups, rather than the population of each group as a whole.

Differential involvement in offending

Whether ethnic minority groups are disproportionately involved in crime is a highly contentious and contested issue. While it is indisputable that ethnic minority groups are over-represented in the youth justice system, this does not necessarily mean that they are disproportionately involved in crime. Representation in the youth justice system is a consequence of having been processed for an offence, not necessarily due to offending rates. For many reasons, figures for detected crime are not necessarily a good guide to underlying patterns of offending behaviour (Maguire, 2007).

Many 'self-report' studies (where surveys ask young people about the crimes they have committed) do not support the idea that ethnic minority groups are over-represented in offending. Thus Graham and Bowling (1995) found that rates of offending were similar among white and Black Caribbean people aged 14 to 25. Whites reported more drug use, while Asians were less involved in offending. The Home Office Youth Lifestyles Survey found that young white men were actually more likely than young black or Asian men to report committing an offence in the previous year (Flood-Page et al., 2000). The Offending, Crime and Justice Survey in 2003 found similar results (Sharp and Budd, 2005). When multivariate analysis was applied to rates of self-reported offending to take account of other relevant factors, ethnicity was not independently predictive of offending (see Bowling and Phillips, 2002:98-104 for a summary).

In contrast, a MORI self-report school survey undertaken every year for the Youth Justice Board (YJB) shows that black children aged 11 to 16 are more likely to admit to committing offences than their white counterparts (36% compared to 26% in 2004), who in turn were more likely to commit offences than Asian children (MORI Youth Survey, 2004). However, sample sizes were quite small for minority groups, and may not have been representative of those sub-groups most likely to commit an offence.

The strength of self-report studies is that they provide a good measure of engagement in crime among the general population, regardless of whether the offences reported ever came to official notice. Their main conclusions – that across the overall population there are few differences between young white and black people in offending, and less offending by Asians – is probably supportable. The weaknesses of these studies are that they tend not to capture the small proportion of young people – regardless of ethnicity – who are extensively involved in crime. Self-report surveys are unlikely to accurately reflect the experience of the minority of young people in socially marginalised groups, and especially unlikely to capture the experience of the criminally involved within these marginalised groups.

Social exclusion and involvement in offending

Most ethnic minority groups' experience of crime – both as victim and offender – is shaped by patterns of inequality and disadvantage. Ethnic minority groups as a whole are significantly economically and socially disadvantaged compared to the white population, though there is large variation between groups. Black Caribbean, Bangladeshi and Pakistani groups suffer a range of severe forms of disadvantage, as do Black African groups, but to a lesser degree (Phillips and Bowling, 2003). In general, however, Chinese and Indian groups show little or no economic disadvantage relative to white groups.

We also know that crimes against both the person and property are concentrated in the most deprived neighbourhoods (Clancy et al., 2001; Mirrlees-Black et al., 1998) and that many of these neighbourhoods are characterised by high concentrations of ethnic minority households (Stockdale et al., 2002). Furthermore, there is good

evidence that discrimination plays a direct role in limiting economic opportunities (Wood et al., 2009; Heath and Cheung, 2006).

Unemployment among black adults is significantly higher than among whites. The social geography of educational provision too is such that children in poorer communities are less well provided for and routes to advancement are accordingly more constrained: educational underachievement is both a symptom and a cause of disadvantage. At the same time, rates of school exclusion tend to be almost twice as high for black children, raising questions about whether different 'tariffs' of punishments operate within schools, and about the relevance of the national curriculum to the needs and experiences of black young people. The relationship between lack of educational opportunities and youth crime is well established and the particular underachievement of black boys is a 'major cause of entry into the criminal justice system' (House of Commons Home Affairs Committee, 2007: paragraph 113).

The Home Affairs Committee (2007) also found that characteristics within the black community may have the potential to compound disadvantage. Higher rates of lone parenting, a consequent lack of appropriate male role models, and the quality of parental discipline were all considered by the Committee to be problematic. Black children are also significantly over-represented in the care system, which is frequently recognised as a risk factor for offending.

Research shows that offences such as robbery are more prevalent in poor neighbourhoods, and young people at greatest risk of involvement in street crime live in households with no adult earners where a criminal economy is in competition with legitimate forms of subsistence (FitzGerald et al., 2003; FitzGerald, 2006:8). In evidence to the House of Commons Home Affairs Committee, FitzGerald concluded that '44 and 45 per cent respectively of all "mixed" and "black" respondents lived in "council estates and low income areas" compared to 18 per cent of whites'.

Traditionally, criminologists have tended to resist the idea that some ethnic minority groups are over-involved in offending. However, the weight of criminological theory and research is that patterns of social exclusion must place ethnic minority groups at considerable risk of involvement in crime. Arguably the phenomenon in need of

explanation is that young people from some of the most socially marginal ethnic minority groups, notably Pakistanis and Bangladeshis, have not historically been over-represented in offending.

There currently appears to be a change of mood on this issue, with academics, politicians and other commentators being prepared to address the possibility that social exclusion may be responsible for some ethnic minority groups' over-representation in offending. For example, the House of Commons Home Affairs Committee (2007) found that one of the 'primary causes' of the over-representation of some ethnic minority groups in the criminal process was social exclusion (paragraph 98). Their report argued that young black people are disproportionately subject to socio-economic disadvantage that manifests itself in a variety of ways. Social exclusion, educational underachievement and school exclusion interact to form a web of disadvantage, bringing young black people disproportionately into contact with crime and the criminal justice system as both victims and offenders (House of Commons Home Affairs Committee, 2007:53).

Differential policing

The possibility that some ethnic groups are more involved than others in crime may, of course, co-exist with differential policing. While other criminal justice agencies may affect patterns of over-representation at the margins, there are reasons to think that the police can exert a considerable influence on who enters, and who is diverted from, the youth justice system. Some commentators have argued that the policing of ethnic minority groups, in particular black adults and young people, is characterised by a 'pervasive, ongoing targeting of black areas' (Bowling and Phillips, 2002:129), deriving from an association of young black people with criminality. Macpherson (1999) described this as institutional racism. Certainly, police activity plays an important role in 'recruiting' ethnic minority young people to the youth justice system (Webster, 2006). Young black people are almost twice as likely as their white peers to enter the criminal justice system as a consequence of being stopped and searched by the police (Home Affairs Select Committee, 2007: paragraph 166).

Stop and search

Stop and search powers are one of the most contentious issues in British policing.³ Their use has been widely criticised for being directed disproportionately at ethnic minority groups, in particular the black community. Disproportionality in stop and search refers to ‘the extent to which police powers are exercised on a group out of proportion to the number of that group in the general population’ (Jones and Singer, 2008:22). Disproportionality is a critical issue for the police service as unconstructive police practices can damage public trust in the police and satisfaction with the police (Stone and Pettigrew, 2000; Macpherson, 1999; MVA and Miller, 2000; Clancy et al., 2001; FitzGerald et al., 2002; Bowling and Phillips, 2007).

Stop and search: differential policing?

Most people interpret the statistical evidence as showing that the police target ethnic minority people as suspects by virtue of their ethnicity. There are, however, several studies that have taken issue with this perspective. In particular, Waddington et al. (2004) state that ‘different racial or ethnic groups place themselves at greater or lesser risk of being stopped by the police through their differential use of public space’ (Waddington et al., 2004:893). Consequently, ‘a simpler and more prosaic explanation is that stop and search tends to reflect the racial composition of the “available population”’ (Waddington et al., 2004:911). A similar argument was presented by MVA and Miller (2000) in research conducted for the Home Office.⁴

Even if the ‘available population’ arguments hold up, there remain important judgements to be made about the proportionality of such tactics.⁵ Although there may be no explicit discrimination in the tactics’ application, stop and search has a greater impact on some groups than others, and this disproportionality may be objectionable

³ Police officers have the power to stop and search individuals under a range of legislation, including Section 1 of the Police and Criminal Evidence Act 1984 (PACE), Section 60 of the Criminal Justice and Public Order Act 1994, and Section 44 of the Terrorism Act 2000. Section 1 of PACE allows an officer who has reasonable grounds for suspicion to stop and search a person or vehicle to look for stolen or illegal items. Section 60 of the Criminal Justice and Public Order Act allows a senior officer to authorise the stop and search of individuals or their vehicles without suspicion where there is reason to believe that this will prevent incidents involving serious violence. Section 44 of the Terrorism Act allows an officer to stop and search a person or vehicle to look for articles that could be used in connection with terrorism whether or not there are reasonable grounds to suspect the presence of such articles. Once they have stopped someone, the police must provide them with an explanation and a record of the encounter.

⁴ See also FitzGerald and Sibbitt (1997).

⁵ For example, whether they meet the proportionality test under Article 14 of the European Convention on Human Rights.

in itself, if the social costs far outweigh the benefits that derive from the practice (Bowling and Phillips, 2007; Bowling, 2007, 2008).

Ten years after the publication of the Macpherson Report, views remain polarised on whether the police and the rest of the criminal justice system have ‘put their house in order’ with respect to the treatment of suspects from ethnic minority groups. On one hand, many argue that little has changed – that the over-representation of minority groups in arrest, conviction and imprisonment statistics reflects various forms of overt or institutional racism (for example, Bowling and Phillips, 2007; Rollock, 2009; Lawrence, 2009). On the other hand, Trevor Phillips, Chairman of the Equality and Human Rights Commission, in a speech marking the tenth anniversary of the Macpherson Report, observed that the police had made much progress, and that it was no longer appropriate to describe the police service as institutionally racist. Given the movement towards a fairer system, ‘systematic bias’ was the new challenge, with ‘the need to tackle the cultural inertia that produces that systemic bias’.⁶

Discrimination by other agencies involved in youth justice

If policing helps to shape inflows into the youth justice system, the possibilities remain that the Crown Prosecution Service, the courts, YOTs and the agencies responsible for providing youth custody can preserve, reduce or increase the disproportionality that is observed at the point of entry into the system. And where disproportionality is increased, the question needs to be asked whether this can be justified against objective factors, or whether it constitutes discrimination.

1.4 Research aims

This study has assembled recent data about disproportionality and discrimination in the youth justice system. Its intention is to shed light on the competing claims about the extent to which the youth justice system delivers unfair treatment of suspects, defendants and offenders from different ethnic groups.

⁶ Speech by Trevor Phillips 19 January 2009.
<http://www.equalityhumanrights.com/fairer-britain/race-in-britain/event-ten-years-on-from-the-macpherson-inquiry/stephen-lawrence-speech-institutions-must-catch-up-with-public-on-race-issues/>
 See also Bennetto (2009).

The overall aim of this study is to derive a better understanding of the ways in which different ethnic groups are treated within the youth justice system. To do this, it is essential to understand how the inflows into the system are created through policing, and how the youth justice system itself responds to these inflows.

The objectives of the study were to:

- examine how young suspects are drawn into the criminal justice system
- assess whether the main ethnic groups are under-represented or over-represented, relative to the local population, in these inflows
- examine comprehensive data from YOTs on young people involved in the criminal justice system, and make statistical comparisons between decisions made in cases involving young people of different ethnic backgrounds
- examine whether decision-making processes amplify, reduce or leave unchanged observed differences between ethnic groups
- investigate through interviews and observations the reasons why different groups are under- or over-represented in the system, and
- assess whether over-representation of some ethnic minority groups is likely to be a function of direct or indirect discrimination.

1.5 The shape of this report

Following this introductory chapter, Chapter 2 describes our research methods. Chapter 3 presents results from the analysis of police stop and search figures, custody record statistics and observational data. The aim is to examine the extent to which the police control the inflows of young offenders into the youth justice system. Chapter 4 takes a broader look at the relationship between the police and young people, and the styles employed to police young people. It uses interview data with the police and young people, and observations of the police. Chapter 5 analyses data from 12 Youth Offending Teams (YOTs), and broadly replicates the study of Feilzer and Hood (2004). The final chapter draws together findings and offers our conclusions and recommendations.

2. Research methods

The research strategy combined quantitative and qualitative methods. First we examined how much control the police were able to exert over the inflows into the youth justice system. Then, largely replicating Feilzer and Hood's (2004) study, we used Youth Offending Team (YOT) data to examine whether disproportionality between ethnic groups was amplified or reduced as young offenders passed through the system. The policing element of the study was set in four Basic Command Units (BCUs) in three police forces. The three force areas were selected to reflect a good geographical spread throughout England and to represent at least one area where there was a significant black population and one area where there was a significant Asian population. YOT data covered 12 YOT areas (four of which included the BCU areas in the policing part of the study). Crown Prosecution Service (CPS) statistics were collected from two YOT areas. There were problems with the CPS data, and for reasons explained below, these findings are not presented in this report.

The research was carried out over a two-year period between 2007 and 2009, and had five core elements:

1. Collection of stop and search data and custody records data from four⁷ areas, to examine how young people are drawn into the youth justice system.
2. Interviews with police officers and observations of police at work in five areas, to explore the relationship between the police and young people.
3. Interviews with young people in two areas, to examine the impact of policing.
4. An examination of the decision-making processes that take place at the prosecuting stage, through interviews with Senior Crown Prosecutors in two of the areas, and analysis of CPS data.
5. A quantitative examination of the case decisions of 12 YOTs, to examine disproportionality and evidence of discrimination.

2.1 Stop and search data and custody record collection

We analysed stop and search data and custody records in four police areas which fell within four of the 12 YOT areas (labelled A to L) selected for the study.⁸ YOTs

⁷ We originally planned to cover five areas, but had to drop one area that could not provide data in a format comparable to the other four areas.

⁸ An anonymised description of the areas chosen can be seen in Appendix A.

were purposively selected to provide a good geographical spread of regions, and to have more than 14% of their caseload from ethnic minority groups.

Police statistics were collected for sub-areas of the four YOT areas (labelled A1, B1, C1, D1).⁹ Area A1 covered five wards, and policing in Area A1 was split into three units: neighbourhood policing, town centre policing and task force policing. These three units of policing were originally established to respond to the very different and diverse needs of the local residential and business communities. In Area A, 45% of the 10- to 17-year-old population was white, 36% black, 10% mixed race, 6% Asian and 3% from other backgrounds. Equivalent statistics for Area A1 were not available, as population figures broken down by age were not available at ward level. For all age groups, in Area A1, 57% of the population was white, 32% black, 5% mixed race, 3% Asian and 2% Chinese/other.

Area B1 covered two neighbourhood policing areas; while custody data and observations were restricted to Areas B1, stop and search data were available only for a wider area. In Area B 68% of the 10- to 17-year-old population was white, 1% black, 3% mixed race, 27% Asian and 1% from other backgrounds. As with Area A1, data on the ethnic composition of B1 could not be collected.¹⁰

Area C1 covers two local authority wards within Area C. In area C 86% of the 10- to 17-year-old population was white, 3% black, 5% mixed race and 4% Asian. As with Area A1, data on the ethnic composition of C1 could not be collected by age, but the overall population for area C1 comprised approximately 76% white, 11% black, 5% mixed race and 8% Asian. In other words, the ethnic composition of Area C1's total population was much more diverse than that of the young population for Area C in which it was located. It is probable that the profile for young people in Area C1 would reflect a similar high proportion of ethnic minority groups.

Area D1 covered one police station for stop and search, custody data collection, and observations. In Area D, 59% of the 10- to 17-year-old population was Asian;

⁹ This was labour-intensive work, and it would not have been possible to cover entire YOT areas.

¹⁰ Unfortunately, at the time of research, the Office for National Statistics (ONS) was unable to provide us with a breakdown of ethnicity by age in any of the sub-areas we undertook research in.

29% was white; 6% black; 4% mixed race and 2% from other backgrounds. As with Area A1, data on the ethnic composition of D1 could not be collected.

In three of the areas (Areas A1, B1 and D1), the police provided us with electronic stop and search records for the entire BCU for 2006, from which six months' worth of data was selected to be analysed.¹¹ In Area C1, researchers manually collected six months' worth of stop and search data for 2006, specifically for the part of the BCU where observational work had been conducted. The number of stop and search forms is therefore far fewer in this area compared with the other three.¹² Custody record information was manually collected for a six-month period in 2006 from all four areas.

2.2 Interviews with police officers and observations of police at work

In total, 49 officers were interviewed across four YOT areas (Areas A1-D1). The aim was to examine how officers engaged with young people, their experiences in doing so, their opinions about diversity training, and their views on stop and search. Further, 10 semi-structured interviews were conducted with senior officers in three areas to ascertain thoughts about young people and policing in general.

In each area, we conducted observational work with operational police officers at different times of the day and on different days. In total we observed 53 shifts across the four areas (Areas A1-D1), equating to approximately 530 hours of observations.

2.3 Interviews with young people

We interviewed 32 young people about their experience of being stopped and searched (12 Asian, 15 black, one mixed, four white). Young people were recruited from two YOT areas (A and D), chosen because they had, respectively, the highest proportion of black and mixed race teenagers, and Asian teenagers, out of our 12 areas. We also felt it was important to interview young people from the areas where our police interviews and observations had taken place. Young people were selected

¹¹ January, March, April, August, September, December. These six months were selected due to both practical and methodological considerations. Methodologically, the six months provide us with a good spread of months throughout the year. Practically, these months were selected as one of our areas was unable to provide us with two particular months of computerised data.

¹² Fewer forms were collected from Area C1 as researchers were able to select stop and search forms that were only relevant to the study area rather than being provided with forms from the entire BCU.

for an interview if they were aged 17 or under, had experience of being stopped and searched, and had at least one conviction. Interviews were structured; young people were asked to discuss their offending histories, their experiences and opinions regarding the use of stop and search, and their thoughts about the relationship between young people and the police.

2.4 Prosecution process

This element of the research aimed to explore whether bias may occur at the CPS stage and why. It involved interviews with seven Senior Crown Prosecutors specialising in youth offending cases in Areas A and D, and an exploration of CPS data on the outcomes of cases involving young offenders. There were problems with the completeness of data; selecting cases against criteria of age and ethnicity produced an implausibly low number of cases which could not safely be treated as representative of the caseload in the areas in question. Published statistics for the country as a whole in 2006 confirmed that there was a large amount of missing data for statistics on young offenders' ethnicity. Without having statistical material to place beside the small number of interviews, we decided not to present these findings, on the basis that the data would not be reliable.

2.5 A quantitative examination of 12 Youth Offending Teams (YOTs)

Data were collected from the Youth Offending Information System (YOIS), an electronic system used by most YOTs in the country to case-manage and report on young offenders. We assembled a purposive sample of 12 YOTs¹³, designed to yield relatively high proportions of offenders from the larger ethnic minority groups. We then extracted YOIS data on all offenders who had committed an offence in 2006 and their disposals recorded up to December 2007.

Information came in the form of 31,224 lines of data, each reflecting a 'decision point' on an offender.¹⁴ For some offenders, we had data on only one decision point – such as the decision to reprimand or warn. For others, we had information on all decisions as they passed through the criminal process. Many offenders were being dealt with

¹³ In the first instance YOTs were selected if their black and ethnic minority population exceeded, by some margin, the national YOT average (14 per cent based on YJB Annual Statistics 2005/06). The final 12 were then selected to provide a good geographical spread.

¹⁴ We have defined a decision point as the last decision reached as an offence passed through the criminal process.

for several different offences at once, and some offenders passed through the system several times. A case passing through the criminal process to its conclusion to a sentencing hearing would leave a ‘footprint’ on YOIS that might take the form of several lines of data relating to several decision points relating to several charges.

To enable comparisons to be drawn with Feilzer and Hood’s (2004) work, we analysed data at a case level. This posed some – technically complex – questions about how to define a case. While one might think that a case relates to a single charge for a single crime committed by a single offender, this is often not so. The courts may hear charges relating to several offences, committed on different dates and charged at different times. We have defined a case as follows:

A case is constituted by:

one or more sets of decisions which result in:

- one or more decisions to reprimand or warn an offender
- OR
- one or more sentencing decisions relating to the same individual and made on the same date.

To make analysis comprehensible and communicable, we defined the main offence in a case as the most serious offence (according to the Youth Justice Board (YJB) gravity score), and we have analysed sentencing outcomes by reference only to the most serious penalty. If the case includes breach proceedings (where offenders are taken back to court for breaching the conditions of a court order), we have taken account of this. Our procedure for defining cases yielded 18,083 cases in total, relating to 11,623 individuals.

The analysis strategy

We used logistic regression, a form of multivariate analysis, to see if the disproportionality observed between ethnic groups could be explained by variations between groups in factors unrelated, or only indirectly related, to ethnicity. Logistic regression can, for example, assess whether being black remains a good predictor of getting a custodial sentence, after taking account of relevant differences between ethnic groups arrested for robbery. This strategy can go some way to ruling out the

presence of racial discrimination at a given decision point, but is weaker at **proving** the existence of discrimination. This is because quantitative research is rarely exhaustive in measuring **all** relevant predictors.¹⁵

Data accuracy

YOIS is a live case management system that was not designed with research uses in mind. As is often the case with administrative databases, it proved difficult to get the data into a readily analysable format. The system is designed as a 'relational database', drawing data from several different datasets, some of which were updated as offenders passed through the youth justice process. These different databases often duplicated data and often had multiple entries.¹⁶ The datasets had to be linked together to create a history of an offender's passage through the youth justice system. Data was also provided in several stages, each presenting data quality issues. In Area F these were so problematic to download that the area has been excluded from some analyses. We have tried to build a comprehensive database of decision points, but we must stress that there are problems of data quality in our analysis. Where data quality is uncertain, this has been flagged up.

We should mention a further caveat about data on pre-court disposals – reprimands and final warnings – issued by the police. In theory, the police pass information about all such cases to YOTs, which then make an entry in the case management system. In practice, there is a 25% shortfall in YOT data on reprimands and final warnings. In 2006, 129,100 young people were given a reprimand or final warning according to police statistics published by the Ministry of Justice (2007), while YJB statistics – drawing on YOT case management data – show 96,188 disposals for the financial year 2006/07.¹⁷ Although the time periods differ, this clearly cannot account for the discrepancy. We cannot say whether the cases missing from our database differ systematically from those on which we do have information.

¹⁵ There are also complex analytic issues relating to causal ordering where predictors of outcomes are closely related to ethnicity. Is it, for example, appropriate to control for employment status when ethnic minorities are, typically, more likely to be unemployed than their white counterparts?

¹⁶ We dealt with multiple entries by using the most recent data entered.

¹⁷ Youth Justice Board Monitoring Performance Annual Workload data. Disposals - Regionally 2006/07 <http://www.yjb.gov.uk/en-gb/practitioners/MonitoringPerformance/WorkloadData/>

3. Young people's entry into the youth justice system

Both government statistics and research confirm that young people from some ethnic minority backgrounds are over-represented in 'inflows' into the youth justice process. What is less clear, however, is how young people are first drawn into the system and if there are any patterns of difference between ethnic groups that are established at the inflow, or policing, stage. This chapter examines inflows into the youth justice system by assessing the relative contributions of 'proactive' and 'reactive' police work. Proactive work refers to encounters and interventions between the public and the police that were initiated by the police. Reactive work refers to interventions that were first brought to the attention of the police via another source, such as a member of the public (both are defined in more detail below). The rationale for this distinction (defined below) is that the police can exercise considerable discretion over the former, but much less over the latter. The greater the contribution made by proactive work, the more pressing the need to examine whether disproportionality between ethnic groups is produced by differential policing practice.

After summarising how different ethnic groups are represented nationally in the youth justice system, we look in depth at custody records in four areas. We examine the primary offence for which young people were arrested and outcomes of these cases. We also present observational material which was collected over a 14-month period between November 2007 and January 2009.

3.1 Differential involvement: the national picture

In 2007/2008 the Youth Justice Board (YJB) recorded 89,554 pre-court decisions¹⁸ (reprimands and final warnings) nationally, of which 86% involved white teenagers, 4% black, 3% Asian and 2% mixed race.¹⁹ Slightly more than 120,000 court disposals were recorded; here, some ethnic minorities were more heavily represented, with 7% black, 3% Asian, 4% mixed race and 84% white teenagers.²⁰

¹⁸ This YJB figure represents about a 30% shortfall from the number of reprimands and final warnings recorded by the police in 2007. Ministry of Justice (2008). Criminal Statistics: England and Wales 2007 record 127,300 reprimands and final warnings.

¹⁹ 'Other' groups accounted for less than 1%, and ethnicity was not recorded in 3% of cases.

²⁰ 'Other' groups accounted for less than 1%, and ethnicity was not recorded in 2% of cases.

3.2 Differential involvement: the 12 Youth Offending Teams (YOTs)

Table 3.1 contrasts the proportion of each of the main ethnic groups in the teenage population with the proportion accounted for by that group in the total number of cases in our 12 YOTs. Each row in the table shows the percentage of the population accounted for by each ethnic group in a YOT area, followed by the percentage of YOT cases accounted for by that ethnic group.

Table 3.1 Population aged 10-17 and cases aged 10-17 in 12 YOTs, 2006 (per cent)

Area	Asian		Black		Mixed		White		Total	
	Popu- lation	Cases	Popu- lation	Cases	Popu- lation	Cases	Popu- lation	Cases	Popu- lation	Cases
Area A	6	1	37	72	10	8	47	19	100	100
Area B	27	16	1	3	3	3	68	77	100	100
Area C	4	2	3	9	5	8	87	81	100	100
Area D	61	53	6	7	4	11	29	30	100	100
Area E	17	6	5	15	7	6	71	72	100	100
Area F	13	4	30	55	8	12	49	29	100	100
Area G	11	5	2	8	5	5	82	82	100	100
Area H	25	12	8	12	6	9	60	67	100	100
Area I	41	23	24	34	6	9	29	33	100	100
Area J	19	6	1	3	3	4	77	87	100	100
Area K	7	2	2	12	4	4	87	81	100	100
Area L	10	3	15	41	8	9	67	48	100	100
Total area	20	11	9	19	6	7	65	63	100	100

Notes:

1: Population figures are local authority estimates for 2006 derived from 2001 census statistics.

2: Table excludes cases where ethnicity was Chinese/other (less than 1% of the sample) or 'unknown' (4% of the sample).

3: A more detailed breakdown of this table, presenting boys and girls separately and showing base figures, can be found in Tables C3 and C4 in Appendix C.

Table 3.1 shows very clear patterns of over- and under-representation in our 12 YOT areas. Asian teenagers are under-represented in caseload figures in every YOT. By contrast black teenagers are over-represented in the caseload statistics of each YOT, sometimes by large margins. Mixed race and white teenagers are over-represented in half of the YOTs.

3.3 Entry into the youth justice system: the four case study areas

In 2006, across Areas A1, B1, C1 and D1, 2,439 young people aged nine to 17 were between them arrested 3,044 times over a six-month period. Table 3.2 shows arrestees by age and ethnicity across the four areas. Slightly more than half of

arrestees were white, a fifth (21%) were Asian, 17% were black, 8% were mixed race and the remaining 3% had no ethnicity recorded.²¹ At the time, police records in Areas A1 and B1 did not distinguish mixed race as a separate category, so Table 3.2 underestimates proportions of mixed race arrestees. Seventeen per cent of arrestees were female.

Table 3.2 Age and ethnicity of arrestees, Areas A1-D1 (per cent)

Age	Asian	Black	Mixed race	White	Not recorded	Total
9-13	13	12	9	16	26	14
14-15	38	39	40	34	33	36
16-17	50	49	51	50	41	50
Total	100	100	100	100	100	100
N	517	407	183	1,248	81	2,436²

Notes:

1. Percentages may not sum to 100 due to rounding.
2. Data were missing for three young people.

Table 3.3 compares the ethnic mix of arrestees in our four sub-areas against that of the overall caseloads of the four YOTs from which the sub-areas were selected. Those arrested who received a police warning or a court disposal should in theory appear in the YOT caseload database – though in practice there is a recording shortfall for some disposals, as discussed in Chapter 5. Although we could not locate population figures for the four sub-areas broken down by age and ethnicity, it is fairly clear that the patterns of under- and over-representation, seen in Table 3.1, appear to be broadly replicated in the sub-areas. (It will be remembered that Areas A1 and B1 did not use the mixed race category in their arrest statistics at the time of the research.) The rest of this chapter aims to shed light on the processes by which these arrests took place.

²¹ It should be borne in mind that the areas were selected because they had higher than average proportions of ethnic minority teenagers in their populations.

Table 3.3 YOT cases compared with arrests in sub-area (per cent)

Area		Asian	Black	Mixed Race	White	Total	N
Area A	YOT cases	1	72	8	19	100	1,318
	A1 Arrests	1	77	-	22	100	411
Area B	YOT cases	16	3	3	77	100	3,573
	B1 Arrests	24	6	-	70	100	1,070
Area C	YOT cases	2	8	8	81	100	2,145
	C1 Arrests	3	14	8	75	100	746
Area D	YOT cases	53	7	10	30	100	973
	D1 Arrests	48	2	23	27	100	718

Notes:

1. Percentages may not sum to 100 due to rounding.
2. Table excludes the 99 cases where ethnicity was other/unknown.
3. Totals for YOT cases represent all young people who received a police or court disposal in 2006. Totals for arrests are based on six months' data. Arrests may not lead to a police/court disposal.

3.4 Circumstances of arrest

When a young person is arrested and brought into the custody suite, the arresting officer must inform the custody sergeant of the circumstances of the arrest so that the sergeant can determine whether the arrest and further detention of the young person is lawful. The circumstances of the arrest are entered as free text on the custody record. To determine whether or not arrests were initiated by the police we analysed the circumstances that led to a young person's arrest, classifying arrests as proactive, reactive or 'not known'.

Figure 3.1 shows that of the 3,044 arrests that were made, just under a quarter (22%) arose as a result of proactive policing methods. These methods included:

- police-initiated stop and searches
- arrests arising from DNA and forensic evidence, and
- catching a young offender in the act.

Just under half (46%) were arrested as a result of reactive policing methods, which we defined as arrests resulting from:

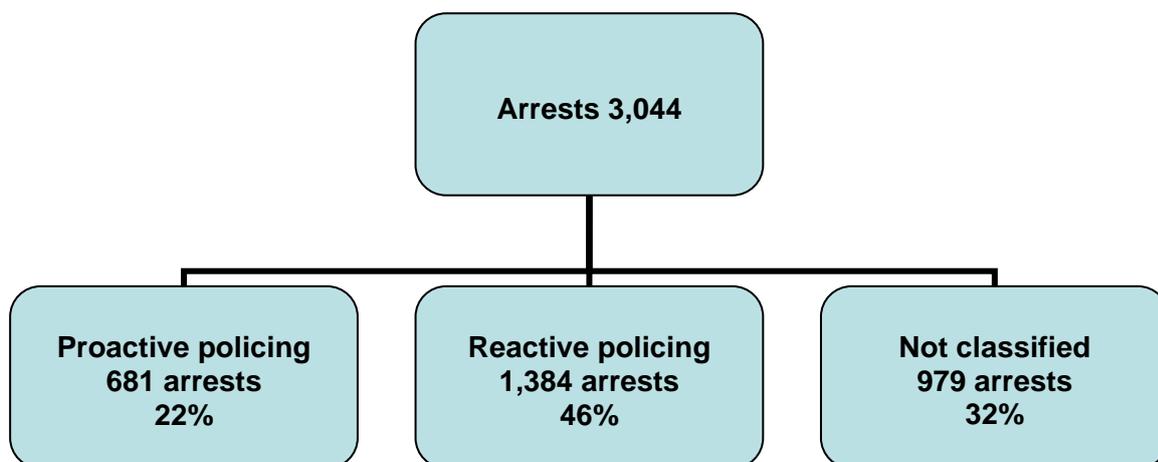
- public-initiated stop and searches
- victim or witness statements
- reports from shop staff, pub and club doormen, parents, carers, social workers, school staff and CCTV footage
- a young person's co-accused informing the police, and
- a young person admitting the offence themselves.

Finally just under a third (32%) could not be classified in either category.

These included arrests resulting from:

- intelligence reports
- warrants and breaches, and
- records that contained no information about the circumstances of the arrest.

Figure 3.1 Proactive and reactive arrests of young people aged 9-17 across Areas A1-D1



3.5 Proactive and reactive arrests

Table 3.4 shows that in Areas B1 and C1, a half and two-thirds of arrestees respectively entered the youth justice system as a result of reactive work; proactive work accounted for a much smaller proportion. In Areas A1 and D1, by contrast, proactive policing methods accounted for as many arrests as did reactive methods. Bearing in mind the fact that we were unable to fit a large minority of arrests into our classification, the analysis suggests – rather than proves – that only a minority of cases enter the system as a result of highly discretionary policing tactics. A complete classification of arrests across our four areas would probably show that more than

half were reactive. However, this is not to suggest that officers' hands are completely tied in reactive cases.

Table 3.4 Proactive and reactive arrests by area (per cent)

Area	Entry into the YJS	Asian	Black	Mixed race	White	Total
Area A1	Proactive	-	31		34	31
	Reactive	20	30	Not recorded	31	30
	Other	80	39		35	39
	Total	100	100	N/A	100	100
	N	5	316	N/A	89	410
Area B1	Proactive	18	7		11	13
	Reactive	41	39	Not recorded	51	48
	Other	41	54		38	39
	Total	100	100	N/A	100	100
	N	258	59	N/A	753	1,070
Area C1	Proactive	5	22	21	19	19
	Reactive	70	48	61	65	63
	Other	25	30	18	16	18
	Total	100	100	100	100	100
	N	20	105	62	559	746
Area D1	Proactive	32	44	35	41	35
	Reactive	36	19	30	30	33
	Other	32	37	35	29	32
	Total	100	100	100	100	100
	N	345	16	164	193	718

Notes:

1. Percentages may not sum to 100 due to rounding.
2. Table excludes cases where ethnicity was other/unknown.

Across Areas B1, C1 and D1, differences can be seen between the largest ethnic minority group and whites in the types of arrests. The exception is Area A1, where the difference between arrests of black and white teenagers is not large. In Area B1, a higher proportion of young Asians are proactively policed, in C1 a lower proportion of young black teenagers are reactively policed, and in D1 a lower proportion of Asians and mixed race teenagers are proactively policed. Across the four areas as a whole 25% of arrests for Asian teenagers were proactive; the equivalent for black and mixed race teenagers combined was 28%, and for white teenagers it was 19%. While the differences between Asians and whites at the group level compared to the area level are similar, the group difference for black and mixed race teenagers compared to whites appear to be larger than the area differences. This indicates that while an individual area may treat different ethnic groups in similar way, if proactive

policing is focused on those areas where black and mixed race groups are largest, then, inevitably, proactive policing will bear down more heavily in aggregate on these groups.

Below are two case studies from our observations of two police-initiated arrests which we have classified as proactive. They illustrate what we mean by proactive arrest, and show the complexity of interactions of this sort. The first was triggered by the group of teenagers flagging down the police van, but the police clearly exercised their discretion in initiating the contact. The second is unambiguously proactive.

Proactive arrest of young girl on the street

21.40 The police drive past a group of young people who flag them down. It is a busy main road so one of the officers jumps out of the van to see what they want; the other officer turns the van around to join him. When we [the researchers] arrive the young people are shouting at the officer and seem to be very angry about something. The group comprises five boys and two girls all aged 14 to 17. Six of them are white and one is Asian.

One girl has a two-litre bottle of cider in her hand. One officer asks how old she is. She tells him to 'fuck off'. The officer asks again and she again tells him to 'fuck off'. One of her friends says that she is 15. The officer takes the bottle from her and pours the cider down the drain. At this point she kicks him between his legs. The two end up in a scuffle. The officer eventually gets the young girl into a headlock, handcuffs her and pushes her to the ground. She is outraged by this, as are her friends, and they all start shouting at the officers. The young woman is shouting, spitting and kicking out at anyone that goes near her, particularly the police officers. One officer suggests they take her home to her parents. The other refuses and arrests her for assaulting a police officer and for being drunk and disorderly. She is placed in the back of the van. Throughout the journey to the station she kicks the back of the van, headbutts the Perspex divider, and spits and screams at the officers. On arrival at the station she is left in the van where she continues to scream abuse at the two officers, calling them 'pigs', 'fat cunts' and 'Nazis'. She then tells the officers she is pregnant and needs the toilet. The officers ask for a female officer from custody to come and help. A female detention officer arrives and speaks to the girl, telling her she will be

released from the van when she has calmed down. After about 10 minutes the young woman starts to calm down. She is now slumped over, crying. At this point she is led into the custody area.

The girl is eventually charged with assaulting a police officer and for being drunk and disorderly. She has previously received a final warning and a supervision order for other offences, so is not eligible for a police disposal. She has two previous assault charges, one for assaulting a PC and one for criminal damage. It is a matter of speculation whether the encounter could have been handled better. It was never clear what the teenagers wanted of the police in the first place, as the interaction turned sour as soon as the girl was asked her age.

Proactive arrest of young boy on bike

17.15 The police are driving along a back street when they spot two teenage boys riding their bikes on the pavement. They stop the car and ask the boys to stop. Both comply without question. The boys are aged 15 and 16; one is mixed race, the other white. One officer asks the boys why they are cycling on the pavement. Both shrug their shoulders. The officer tells them that cycling on the pavement is for the under 10s, not teenage boys. He asks if they have anything on them they shouldn't. Both shrug their shoulders. The officers tell them they are going to be searched. The police find a small bag of herbal cannabis (worth about £5) on the mixed race boy, who admits that it is his, but says that he had forgotten he had it on him. The officer says he will arrest him, and calls for a van to take the boy and his bike back to the station. The other boy is allowed to go with a warning about cycling on the pavement.

One of the officers tells the arrestee that most of the robberies in the area are carried out by teenagers on bikes riding on the pavement snatching bags, which is why they were stopped in the first place. The boy is angry and tells the police, 'I'm no street robber; I've never done nothing like that before.' The police ignore his protestations. He has been arrested previously for a minor offence and has a reprimand. The officer tells him he is likely to receive a final warning for the offence. The teenager shrugs his shoulders and tells the officer that the whole thing is 'stupid and a waste of everyone's time, the system is a fucking joke, like arresting me will stop me smoking, it's just stupid'. The officer replies that 'the system may be a joke but you need to

show a bit of respect, stop swearing and accept that if you break the law and get caught there are consequences. That's life, you should think on it and grow up a bit rather than moaning about it'.

The van arrives and takes the boy to the station. Later that night he receives a final warning. I ask the officer if he thinks the cannabis laws are fair, given that adults can receive a cannabis warning for the same offence. He says it's not his job to decide whether the law is fair or not, and he's not going to risk his career by letting the boy go. In his mind cannabis possession is illegal and juveniles should be arrested. He believes that the law may act as a deterrent and the boy may think twice about smoking cannabis now.

3.6 Differences in offences between proactive and reactive arrests

Table 3.5 shows the offences that young people were arrested for via proactive and reactive policing methods respectively. For proactive arrests, road traffic offences emerged as the most common, followed by acquisitive offences (6% for burglary, 6% for shoplifting, 3% for robbery, 3% fraud, 2% car theft crimes) and drugs. For reactive arrests, acquisitive crime tops the list (18% shoplifting, 12% robbery and 10% burglary) followed by violent and sex offences, and criminal damage. While serious offending by young people tends to attract a great deal of media attention, few arrests for offences such as firearm or serious violent offences were carried out in any of our areas, all of which have reputations either at a national or local level as areas populated by 'hoodies' and out-of-control teenagers. Appendix B outlines offences by area and ethnicity.

Table 3.5 Types of offence yielded by proactive and reactive arrests, Areas A1-D1 (per cent)

Offence	Proactive arrests	Reactive arrests	Total
Road traffic offences	31	6	14
Acquisitive crime	21	40	34
Drugs offences	15	1	6
Public order	12	10	11
Going equipped/carrying weapon	8	2	4
Violent and sex offences	4	18	14
Criminal damage	5	15	12
Other	5	7	6
Total	100	100	100
N	660	1,341	2,001

Note: Percentages may not sum to 100 due to rounding.

Table 3.5 shows the proportionate breakdown of offence types for proactive and reactive tactics. In absolute terms, examining for each offence the proportion which is proactive, proactive arrests account for only one in five arrests for acquisitive crimes, but nine out of 10 arrests for drugs offences. Table 3.6 presents the data in Table 3.5 by ethnic group. Arrests for road traffic offences accounted for a high proportion of the proactive total for Asians. Arrests for acquisitive crime accounted for a high proportion of the proactive total for black teenagers, with robbery being a significant sub-category. Arrests for acquisitive crime accounted for a low proportion of the proactive total for white teenagers.²²

It should be remembered that in this analysis we have excluded the third of cases where we had insufficient information to classify arrests. The conclusions that we have drawn above rest on the assumption that the unclassified arrests show the same ratio of proactive to reactive cases as the ones we were able to classify. Clearly further research is needed to test this assumption.

²² Unfortunately, it was beyond the scope of this study to examine whether arrests reflect the different offending patterns of young people or the different policing strategies of certain areas.

Table 3.6 Offences yielded by proactive and reactive arrests by ethnicity (per cent)

Offence	Asian		Black		Mixed race		White	
	Proactive	Reactive	Proactive	Reactive	Proactive	Reactive	Proactive	Reactive
Road traffic offences	48	3	13	2	23	5	32	8
Acquisitive crime	13	47	40	51	14	43	18	36
Drugs offences	20	1	13	2	20	1	12	1
Public order	6	9	11	9	11	7	15	12
Going equipped/carrying weapon	6	2	8	2	13	5	8	1
Violent and sex offences	2	22	2	17	14	18	3	17
Criminal damage	5	9	3	9	-	15	6	19
Other	1	7	11	6	4	7	6	7
Total	100							
N	158	245	131	172	70	87	301	837

Notes:

1. Percentages may not sum to 100 due to rounding.
2. Table excludes cases where ethnicity was other/unknown.

3.7 Arrests following stop and searches

As discussed in Chapter 1, the use of stop and search is one of the most controversial areas of policing, and is the style of policing many young people – and especially those from ethnic minorities – find unacceptably intrusive. In 2006/07 the police recorded 955,113 searches for all age groups in England and Wales.²³ This figure represented a 9% increase on the previous year's figures and is the highest since 1998/99, when 1,037,000 stop and searches were carried out. Of the searches carried out in 2006/07, 16% were of black people,²⁴ 8% of Asian people and 2% of people of 'other' ethnic origin. Searches of black people were seven times more frequent, relative to the population, than those of white people,²⁵ while searches of Asian people were twice as frequent, relative to their population, as those of white

²³ This figure represents all searches and excludes all police stops where no search took place. Unfortunately the Section 95 statistics do not break down searches by age.

²⁴ Information on mixed race people was not collected for the stop and search data.

²⁵ These statistics are often interpreted as indicating that black people are seven times more likely to be stopped and searched than white people. This ignores the effect on the statistics of multiple searches. It is possible that a small group of black suspects are very frequently subject to stop and search procedures.

people. The main reason for conducting a stop and search under these powers across all ethnic groups was for drugs, as was the case in 2005/06. In 2006/07, 12% of all stop and searches resulted in an arrest; this was the same for both white and black people, lower for Asians (10%) and higher for other ethnic groups (14%) (see Jones and Singer, 2008).

Use of the power varied from area to area and by ethnicity; arrest rates from stop and searches ranged from 7% in Area A1 to 9% in Area D1. Table 3.7 shows the number of arrests following stop and searches by ethnicity in each area, and the overall 'hit rates', or proportion of searches that resulted in arrests. Appendix B presents more detailed information about the offences for which arrests were made.

Table 3.7 Arrests following stop and searches, by ethnicity

Area	Asian	Black	Mixed Race	White	Total arrested	Total stop and searches	'Hit rate'
Area A1	0	40	N/A	11	51	695	7%
Area B1	30	7	5	90	132	1,590	8%
Area C1	0	8	1	6	15	177	8%
Area D1	57	6	2	16	81	926	9%

Note: Table excludes cases where ethnicity was other/unknown.

In Area A1, 695 searches were carried out over a six-month period; of these, 51 (7%) resulted in an arrest. Forty arrestees were black; the remainder were white. Three were female; most (29) were 16 or 17 years old. None were aged under 13. All of the firearm (six) and stolen property (eight) arrests were of black boys. Some examples of the narratives on the search forms describing the circumstances of the arrest are:

Subject stopped in a robbery hotspot area fitting a suspect profile. He is a known robber and reluctant to remove hands from pockets. A mobile was found which was shown as stolen. When arrested punched PC [officer's name] in the face. (ID 8)

Black boy aged 14. Arrested for possession of stolen property

Suspect sighted in area where males matching their descriptions had been seen by an MOP [member of the public] with a firearm. One of the group had

also hit an MOP with that firearm. Searched under S.47 of Firearms Act.
No items found. Search of area by police found firearm. (ID 19)

Black boy aged 15. Arrested for possession of a firearm

Male seen riding pedal cycle on the road and pavement without lights during hours of darkness. Wearing dark hooded clothing. Matched description of robbery suspects and males seen to avoid police earlier. When asked to pull over and stop he made off from police. (ID 37)

White boy aged 17. Arrested for failing to stop for the police

In Area B1, the police carried out 1,590 stop and searches, of which 8% (132) resulted in an arrest. Just over two-thirds (68%) of arrestees were white, 5% were black, 4% were mixed race and 23% were Asian. Only one young black person was arrested for either possessing or supplying drugs. No young people were arrested for firearms offences and few young people were arrested for offences against the person. Below are examples of the circumstances leading to arrests in Area B1:

Known nominal.²⁶ Evasive to police with other nominals. (ID 2117)

White boy aged 17. Arrested for going equipped

Found in Audi in high crime area. Checked vehicle: stolen. Vehicle searched. Items used in theft and burglary found. (ID 1069)

Black girl aged 17. Arrested for burglary

Group of males pointed out by member of public believed to be involved in nuisance behaviour at school premises. School has had numerous damages recently. (ID 1103)

Mixed race white/black Caribbean boy aged 16. Arrested for assault

Stop checked regarding possible stolen bike. Strong smell of cannabis.
(ID 2659)

White boy aged 13. Searched and arrested for burglary

²⁶ A 'nominal' or 'prominent nominal' is someone who has been flagged by the police as a persistent and serious offender.

Report of five youths committing burglary. Matched description. (ID 576)

Asian boy aged 14. Searched and arrested for burglary

In Area C1, of those searched (n=177), 8% (15) resulted in arrest. All were boys. Eight were black; one was mixed race. No mixed race or black teenagers were arrested for a robbery or firearm offence. Examples of entries on search forms are:

Fitted description of male brandishing a hand gun. (ID 160)

Black boy aged 16. Arrested for a firearms offence

Seen to act furtively, avoiding police in a known high drugs supply area.
(ID 79)

Black boy aged 17. Arrested for handling stolen

Occupant of vehicle which smelt strongly of cannabis. Tried to leave vehicle after being detained, hence strip searched. (ID 99)

Black boy aged 17. Arrested for possession of drugs

Detained following a robbery. Matched offender description. (ID 48)

White boy aged 11. Arrested for robbery

In Area D1, 9% (81) of the 926 young people who were stopped and searched were then arrested. All those arrested were male. Seventy per cent of arrestees were Asian, 20% were white, 7% were black and the remainder were mixed race. Like all of the other areas, robbery did not seem to be an offence that young black people were predominantly arrested for after a search. In Area D1, Asian boys comprised all (19) of the robbery arrests, and 10 of the 16 drug arrests.

Below is an example of a police-initiated stop and search that resulted in officers deciding not to arrest: the case study illustrates the level of discretion police officers have when working on the streets and conducting stop and searches.

A police-initiated search and a decision not to arrest

15.30 Officers I am with are at the start of their shift driving around their area. They are in a quiet back street when they pass a mixed race boy of 17 who they know. They turn the car around and call out his name. The boy stops and acknowledges the officers. The officers stop the car and get out. They chat about where he has been for the last few weeks and what he's up to; he replies that he is on his way to see a friend. The officers ask if he has anything on him he shouldn't. He replies, 'Only a bit of weed.' The officers remark, 'You know the score; turn your pockets out and we'll be on our way.' The boy hands over a bag of cannabis and the contents of his pocket. The officers bag the cannabis up and ask him to sign the back of the bag. They check he is not wanted. All the checks come back negative. The officers tell him that as it's only a bit of weed and he's been out of trouble for a while they're not going to arrest him. They also tell him the sun is shining and they would rather be out and about than cooped up in custody. The three chat for a little while longer about this and that. The officers ask the teenager to sign their pocket books and then they leave. After the encounter I ask the officers why they decided not to arrest him. They reply that it was only a bit of weed, he had used up his reprimand and final warning, and hence he would have been charged with possession (which they thought would have been a waste of time), he hadn't been in trouble for a while, he admitted having the weed on him straight away and he 'played it straight with us'.

3.8 Case disposals

The Crime and Disorder Act 1998 restructured the youth justice system. The Act introduced Youth Offending Teams and the Youth Justice Board to oversee youth justice and replaced cautions with a two-tiered system of reprimands and final warnings. The reprimand and final warning system was intended to provide young people with a clear understanding of what will happen if they offend and are caught. The system provides for two warnings²⁷ (at most) before a young person is charged. The police can also refer a young person to the YOT for additional support after receiving a reprimand or final warning. Table 3.8 shows case disposals by ethnic group, according to proactive and reactive policing methods. More than a third (37%) of the proactive arrests and almost half (48%) of the reactive arrests were disposed of by way of no further action (NFA). Thirty one per cent of young people

²⁷ If a two-year time period has elapsed since a young person has received a reprimand or final warning the police may, depending on the circumstances, issue another reprimand or final warning.

who were arrested as a result of proactive policing methods were charged with the offence compared to 18% of those who entered the system as a result of reactive policing methods.

Table 3.8 Proactive and reactive case disposals by ethnicity (per cent)

A. Proactive arrests

Disposal	Asian	Black	Mixed race	White	Total
Charge	25	39	33	29	31
Reprimand	16	8	11	14	13
Final warning	3	1	4	4	3
NFA	41	28	39	38	37
Other ²⁸	15	24	13	15	16
Total	100	100	100	100	100
N	158	130²⁹	70	301	659

B. Reactive arrests

Charge	17	23	25	16	18
Reprimand	17	9	17	16	15
Final warning	3	2	5	7	5
NFA	55	42	45	47	48
Other	9	24	8	15	14
Total	100	100	100	100	100
N	245	172	87	837	1,341

Notes:

1. Percentages may not sum to 100 due to rounding.
2. Table excludes cases where ethnicity was other/unknown.

For both the reactive and proactive arrests, a higher proportion of arrested black or mixed race teenagers were charged than white or Asian teenagers. A smaller proportion of black and mixed race teenagers than white or Asian teenagers was dealt with by way of no further action. The number of young people issued with a final warning (106 in total) in the six-month period appears particularly low; this may suggest that the police and other agencies are successfully diverting young people

²⁸ 'Other' includes transfers to other forces, those detained under the Mental Health Act, court summons and fixed penalty notices.

²⁹ One young black person did not have a disposal recorded.

away from the youth justice system, or that police officers are tending to focus their attention on those known to them who, upon arrest, would be ineligible for a final warning if they have already been arrested on two previous occasions. This is further illustrated by Table 3.9, which presents arrest case disposals by ethnicity and area.

Table 3.9 Arrest case disposals by area and ethnicity (per cent)

Area	Disposal	Asian	Black	Mixed race	White	Total	
Area A1	Charge	20	34	-	28	33	
	Reprimand	-	4	-	9	5	
	Final warning	-	0	-	1	0	
	NFA	20	28	-	35	29	
	Other	60	34	-	27	33	
	Total		100	100	-	100	100
	N		5	314	-	89	408
Area B1	Charge	11	15	-	18	16	
	Reprimand	17	13	-	16	16	
	Final warning	5	-	-	5	5	
	NFA	54	55	-	51	52	
	Other	13	17	-	9	10	
	Total		100	100	-	100	100
	N		242	53	-	699	994
Area C1	Charge	15	26	30	26	26	
	Reprimand	20	12	13	13	13	
	Final warning	-	5	10	6	6	
	NFA	60	49	43	43	45	
	Other	5	8	5	12	11	
	Total		100	100	100	100	100
	N		20	102	61	544	727
Area D1	Charge	33	25	35	31	33	
	Reprimand	13	19	10	12	12	
	Final warning	1	-	1	3	2	
	NFA	47	44	43	45	45	
	Other	6	13	11	8	8	
	Total		100	100	100	100	100
	N		342	16	159	191	708

Notes:

1. Five cases were missing.
2. Percentages may not sum to 100 due to rounding.
3. Excludes 109 cases where the outcome was not recorded.
4. Table excludes cases where ethnicity was other/unknown.

Area A1 has the lowest proportion of cases ending in no further action, and the smallest proportion of cases receiving a reprimand or final warning. This could mean that only known offenders were picked up. Area B1 has the lowest proportion of young people charged, so while it draws in a relatively large amount of young people compared with other areas, only a small proportion of cases are actually charged.

3.9 Summary

Overall, reactive arrests account for a larger proportion of the inflow into the youth justice system than proactive arrests; for example, our best estimate is that two thirds of arrests for acquisitive crimes are a result of reactive policing.³⁰ This finding underlines the point that others apart from the police can play an important part in shaping the character of inflows into the system. However, proactive arrests still account for a significant minority of the total, leaving ample scope for differential policing to shape inflows into the system. When the four areas are considered in aggregate, a considerably higher proportion of arrests of Asian, black and mixed race teenagers originate from proactive work than arrests for other groups. There are systematic differences in the type of offence resulting from proactive and reactive offences, with drugs and road traffic offences accounted for almost entirely by proactive arrests. Finally there are large differences across areas in the way in which young people are drawn into the system (via proactive or reactive arrests), which may reflect variations between areas in the nature of crime and disorder, or variation between policing styles across area.

³⁰ This assumes that the arrests that we could not classify as proactive or reactive would have shown similar patterns as those that we could classify.

4. Understanding the policing of young people

The previous chapter has gone some way to answering questions about the factors that shape the inflows into the youth justice system. If our police areas are typical, somewhere in the region of two thirds of arrests for acquisitive crime arise from reactive policing. However, this is by no means the whole story. In the first place, the police can exercise a degree of discretion in deciding the outcomes of 'reactive' incidents to which they have been called by victims, witnesses or others.

Secondly, proactive policing still accounts for a significant minority of arrests – and for some categories of offence, such as drug possession and supply, it accounts for the majority.

Assessing whether the over-representation of some ethnic groups in inflows reflects differential treatment is a complex question. It requires an understanding of the reality of policing 'on the streets'. This chapter aims to shed some light on these issues. It examines street encounters, focusing on stop and search, one of the most controversial areas of policing. It examines the different approaches made by individual officers and teams, drawing on the observational work carried out with 10 policing teams working in four Basic Command Units (BCUs), Areas A to D. The teams included uniformed response teams, neighbourhood policing teams and specialist units which had been set up to tackle street robbery, youth gang crime and street crime. In addition we conducted 49 semi-structured interviews with officers about their views on policing young people and 32 interviews with young people about their experiences of being policed. The chapter first presents a typology of policing styles, derived from our observations and drawing on earlier studies of policing. It then presents a series of case studies exemplifying these styles, supplemented by interview material. It ends with findings that point to the possibilities and problems in changing policing styles.

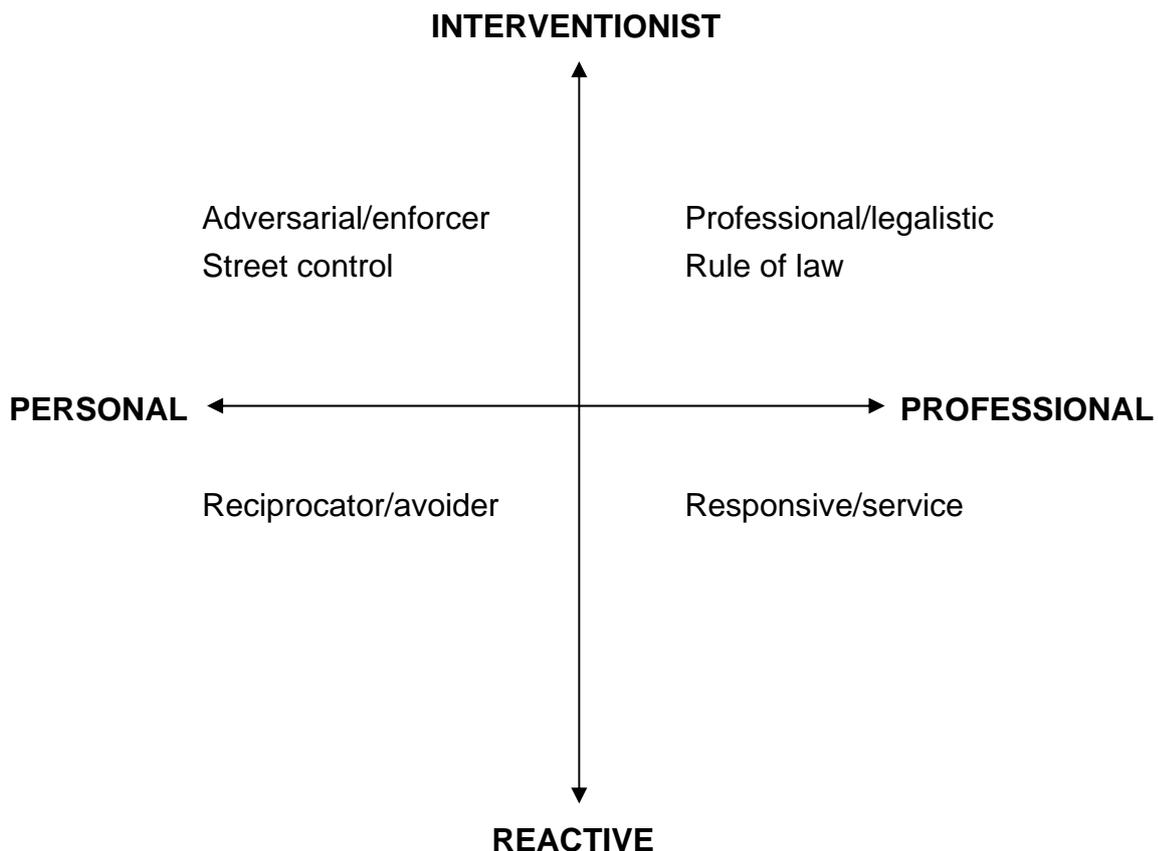
4.1 Styles of policing

Many police researchers have offered typologies of policing styles, starting with the well-known classifications of Banton (1964), Wilson (1968), Muir (1977) and Packer (1968). Drawing on these typologies and our data, we think it useful to classify policing styles on two dimensions:

- interventionism (or readiness to intervene), and
- professionalism

As we shall describe, some of our teams, and within them some officers, were clearly much more proactive than others in deciding when to intervene in situations which had the potential to provide 'police business'. And there were marked differences between areas and between officers within areas in the way that encounters were handled. Some dealt with young people with the highest standards of professionalism, treating them fairly and with respect. Others fell short of this. Figure 4.1 shows how the quartiles created by these two dimensions create different styles of policing.

Figure 4.1 Styles of policing



The typology in Figure 4.1 bears quite a close resemblance to that of Muir (1977). He derived a four-fold classification from two key dimensions that he observed in police personalities: passion (the motivation to achieve something) and perspective (a moral appreciation of the human condition). This yielded four types of officer: the 'professional', the 'avoider' (with neither passion nor perspective), the 'reciprocator' (with perspective but no passion) and the 'enforcer' – with passion but no perspective. This is a highly insightful typology for analysing individual police personality, but is less appropriate for describing the choices open to police managers in fostering policing styles. One axis of our typology, 'Interventionist' – the degree to which policing is proactive – overlaps with Muir's one of passion. However, our personal/professional axis differs from his one of moral perspective. The result is a slightly different classification which allows for the possibility that officers can perform professionally even if they are personally short on moral perspective. Wilson (1968) used a threefold classification of policing styles, characterised as the legalistic, the watchman and the service styles. The latter two correspond roughly to the two bottom quadrants, while the legalistic style maps roughly onto the top right quadrant – though it also has an element of the enforcer style about it.

The top two quadrants of Figure 4.1 are of particular relevance to this report, because those officers or teams whose style favoured the reactive had less contact with young people on the street, and considerably less contact through stop and search. We have characterised these as:

- street control
- rule of law

The evidence to support the claims that we make in this chapter, especially about these two styles of policing, is inevitably impressionistic. Assessing the dynamics of police interactions with young people is a subjective process. However, we would stress that we are drawing on an extensive amount of observation of police practice. While field notes and interviews are used to illustrate points in support of our argument, our analysis draws on a much wider collection of evidence.

4.2 Adversarial policing/street control

This style of policing emphasises the control and management of those who police officers believe to be most heavily involved in offending. It focuses simultaneously on crime control and on the assertion of control over those who pose a challenge to police authority. It is prevalent in high crime areas, but as we shall see, it is not the only style of policing adopted in such areas. Where offending is concentrated – or believed to be concentrated – among particular groups, there is a tendency for these groups to attract differential police treatment.

Stop and search tends to be enthusiastically embraced by officers adopting this type of policing. Not surprisingly, given that the rationale is to demonstrate control over the streets, the same small group of people who challenge police authority tend to be the focus of police action. We formed the clear impression that in these areas the police persistently stopped the same groups of young people, who were often known to them by name. This style of policing tends neither to foster – nor to value – good relations with those who are policed in this way.

4.3 Rule of law/procedural justice

We observed adversarial styles of policing, to greater or lesser extent, in all four areas, but few officers were committed exclusively to adversarial tactics. Officers in all four areas also exercised, to a greater or lesser degree, a more consensual style of policing designed to secure greater commitment to the rule of law through strategies that valued procedural justice. Procedural justice entails treating all those involved in police interactions with decency and respect, and according to the rules set out in law and in codes of practice (Tyler and Huo, 2002; Tyler, 2003, 2007; Jackson et al., 2009 in press). The ‘rule of law’ policing that we observed tended to be characterised by:

- strong leadership
- good internal monitoring of arrests and stop and search encounters, and
- placing value on a positive relationship with local residents and young people.

This style of policing was particularly prevalent in Area C1, where we observed a uniformed response team and a specialist young person’s inspector conducting a

reprimand and final warning clinic. However, rule of law policing was also found in all the neighbourhood policing teams we observed.

4.4 Reactive styles of policing

The two styles of policing in the lower quadrants of Figure 4.1, reciprocator/avoider and responsive/service, both encompass styles of policing that are on the reactive end of the continuum; they differ, of course, in the emphasis they place on personal or professional relationships with the public. Some teams that we observed, however (especially those in Areas B1 and D1), placed considerably less emphasis on proactive contact with young people than Areas A1 and C1. Given that the aim of our observations was to capture the varying ways in which the police interacted with young people, these areas feature to a lesser degree than Areas A1 and C1 in the case studies presented below.

Reactive styles of policing can be characterised either by personalised or professional relationships with the public. Styles of policing which were both reactive and personalised figured little in this study. Some teams and some individual officers were clearly much less interventionist than others, some to a degree that was reminiscent of Muir's 'avoider' category. However we encountered few 'reciprocators', a style of policing that is probably more characteristic of officers in low-crime areas where police are deeply embedded in areas with very homogeneous populations. However, we frequently observed interactions with the public which were both reactive and handled in a highly professional manner, in ways consistent with principles of procedural justice.

4.5 Case studies: varieties of police engagement

The adversarial style was particularly prevalent within certain teams in Area A1, our busy inner-city area, where the relationship between the police and young black people was shaped by a history of friction, dating back at least to the early 1980s. In Area A1, adversarial policing was adopted by the two teams of specialist officers whose remit was to disrupt the illegal activities of young people and to be seen to take command of the local area. It was not, however, a style adopted by Area A1's local neighbourhood policing team (whom we also observed): their style focused more on consensual, responsive policing.

Teenagers in Area A1 tended to view the police in a particularly negative light. Some drew on their own personal experience, while for others, second-hand experience of encounters that their friends or relatives had had with the police were important. Young people, on the whole, did not view the specialist officers and the job they did as particularly important, nor did they respect many of the officers they encountered.

The police in Area A1 had identified various young people – mainly black teenagers – as criminally active or engaged in gang activity. This group was targeted in stop and search tactics and was otherwise subject to rigorous enforcement. Our interpretation of this was that these tactics were being deployed to demonstrate who was in control of the streets. In some cases, the police demanded rather than negotiated respect and compliance. Equally, however, those who were the object of this policing tended to goad the police, especially if they had a crowd to play to. They appeared to enjoy the attention and the adversarial relationship, often inviting confrontation and setting out to antagonise officers. The case study below illustrates the difficulties and complexities of many of the interactions that occur between the police and young black people in Area A1.

Who owns the streets? The police versus young people

17.45 I am with two officers in an unmarked police car patrolling a busy area. We drive past a row of shops and the officers point out a group of seven young people hanging around outside the newsagent. One says that the colours they are wearing signify they are members of a particular 'crew'. The officers tell me that although the crew has been quiet for some time, it is known for violence and drug dealing. They circle the area and drive past again; one of the boys waves at the officers. The officers contact their colleagues and ask to meet them so they can discuss what to do. They meet and decide to search the group to see if they are carrying anything.

They decide to surprise them – so they cannot run away – and approach from different directions. There are five officers in two cars. They approach from different directions, jump out of the cars and surround the young people. All of them are mixed race boys under the age of 17. They do not try to walk away but look bemused. At the kerbside is a car with one of their friends in it, a young mixed race woman, with her toddler. The officers tell the group that they are going to be searched. Within five

minutes, the encounter has attracted considerable attention from passers-by. Some of these question the police about their tactics and accuse them of being heavy-handed.

The teenagers stay fairly calm but say they do not think the police have the grounds to search them, complaining that they have not been told of the grounds of the search. An officer tells them they are being searched because they are known gang members. One of the boys goes right up to an officer with his face a couple of inches from the officer's face, and laughs at him, telling him he has no idea what goes on in the streets. The officer tries to ignore him. After the teenager has been searched he moves over to the car and turns the volume up on the stereo. He then returns to where one of the officers is standing and starts to dance around him, keeping his face only inches away from the officer's face at all times. The officer stands his ground and says nothing. Some of the crowd are cheering the young man on and his friends laugh at the scene unfolding before them. One of them shouts to his friend: 'He can't do nothin' as he knows this is our manor and there is too many watching his every move, he's fucked, man, and he knows it – the pain for him, you'll pay for it the next time he sees you on your own.'

At this point the young woman in the car starts to shout at the crowd that when she was stabbed the police didn't come to help her but as soon as they see a group of black boys they are all over them. She tells me that they are 'fucking racist pigs who should be put down'. The officers ask her to remove the toddler from the car as they are going to search the vehicle. At this point the toddler is taken out of the car screaming and crying. The mother and the crowd start shouting at the officers, telling them that they are frightening the child and they are obviously not going to find anything, so they should back off and go away. The officers conduct a thorough search of the car, surrounded by the boys, the mother and her very upset child. The search produces nothing. By the end of the interaction the crowd has grown to about 35 people. The boys are given the search documentation and the officers leave. At this point many of the young people are laughing at the officers.

After we leave the area the officers discuss how difficult it is to police young people in their area. One of the officers states that most of the local residents can't decide how

they want the police to behave. He believes that in this area there is only one appropriate style of policing and that is aggressive. He further comments that whatever style of policing they adopt, it will never be right. 'We just have to accept that here we will never be in the right, or liked. We are damned if we do a lot of searches and damned if we don't.' One of the officers comments that he would rather stop and search more young people and stretch the boundaries of reasonable suspicion than turn up at a parent's front door to tell them their child is either dead or in hospital. He then comments that the local residents need to decide what they want, aggressive policing that keeps kids alive or 'nicey nicey policing' and more dead or injured kids.

This incident exemplifies some of the problems posed by the use of stop and search tactics. The use of stop and search has always been a highly contentious issue, especially in areas where there are significant black and ethnic minority communities. During our observations, officers in Area A1 used the tactic to a much greater extent than in any of the other areas we visited. The two proactive teams rarely stopped and spoke to young people without searching them. This was generally viewed by the young people as over-zealous and aggressive, and by the police as necessary. While there were mixed views from teenagers of whether stop and search was effective at reducing crime, three young people specifically mentioned feeling angry when stopped and searched, all of whom were from Area A1.

'It's gonna start a riot.'

Black Caribbean boy aged 12.

'I think it makes young persons angrier - it makes us run off even when they haven't got stuff on us.'

Black Caribbean girl aged 16.

'It's just making it worse, kids just getting angry.'

White European boy aged 13.

The relationship between the police and young people

In considering policing styles, it is essential to recognise that officers may be constrained by the situations which they encounter, and that the dynamic of an interaction can be shaped not only by the officers but by those with whom they are dealing. The case study below illustrates how the assumptions and stereotypes brought to an encounter with the police turned a low-key encounter into a confrontation.

The influence of a parent on a police encounter

23.50 The two officers I am with are called to assist two colleagues who are searching three young men. The officers have come across three young people smoking cannabis in a parked car. The car is in fact parked outside the home of one of the teenagers, who lives with his mother. Two of them are under 16, the third is 17. Two are black British; one is mixed race. When we arrive, the atmosphere is friendly with the officers bantering quite happily with the three young men about cannabis and being a teenager. The three readily admit they have been smoking cannabis but say they don't have any left.

The officers explain to them that they have to search both them and the car. The three young men are quite happy for this to happen. One of the young men asks if his mother has to be made aware that he has been searched. The officer tells him he has no interest in telling his mother unless he has to arrest him. The three ask if they are going to be arrested, and the two officers tell them that they have no intention of arresting them, but suggest that they don't smoke their weed in a parked car at this time of night. One of the officers turns to the three young men and says there are only a couple of situations when three young men sit in a stationary car: the first is when they are up to no good, the second is when they are police officers looking for people who are up to no good. Since they didn't look like police officers, they must be up to no good.

At this point a woman leans out of one of the windows of the block of flats and starts shouting down to the three boys. The officers ask who the woman is and one of the boys replies, 'It's my mum.' The officer shouts up to the balcony that it is nothing to be concerned about and that they will be on their way very soon. The mother shouts

down to let the officers know she is coming to join them. While she is on her way down the officer turns to the young boy and says that he may have to explain why he is searching him. The young man seems unconcerned. The woman comes out of the block of flats. She is very angry, pushes past her son and places herself about an inch from the officer. She shouts in his face, 'I have no respect for you whatsoever.' The officer replies: 'I'd like to be your son with that attitude. Can you leave as you're making matters worse?', to which she replies, 'I'm his mother, you can't tell me to go no fucking where.' The officer asks her to stop swearing. She refuses.

The three young men are quiet for a while, as are the four officers. The mother continues to shout at the officers for being 'fucking racist pigs', at which point the officers say to her that if she doesn't shut up and walk away she'll be arrested. At this point her son starts to get angry and shouts at the officer, 'It's just bully-boy tactics, that's all you do, the problem with you is you have a problem with your height which is why you go about bullying black boys.' The officer replies: 'What I have a problem with is people who break the law – why are you starting to sound off? Until your mother showed up you were as good as gold.' The officers continue to search the car and the young men. Nothing is found. The mother continues to stand by the officers following them around the car; the officers ignore her. The checks come back from the control room and none of the three is wanted. The officers advise the three not to smoke weed in a stationary car and leave. The mother shouts after the officers that they are racists and should be ashamed of themselves picking on teenagers. The officers get in their car and drive off.

This case study illustrates how officers have only partial control over how encounters develop. What started off as a pragmatic decision to deal with evidence of an offence – possession of cannabis – in a low-key way very nearly ended up in an arrest. It also illustrates the personal nature of the policing style; for example, the joke about the symmetry of people in cars up to no good and police in cars looking for people up to no good. The observation about the mother setting a poor example to her son also enters the realm of personal judgement – even if it seems a reasonable observation to make.

The next two case studies show contrasting approaches to stop and search. In the first example, from Area A1, the black teenagers who have been stopped and searched are provided with no explanation as to why they have been stopped,

and the suspects feel victimised. In the second example - from Area C1 - a more pragmatic style of policing is adopted by the officers.

Officer-initiated stop and search

17.30 The officers I am with receive intelligence from colleagues of a sighting of a prominent gang member who they believe is carrying a gun. The officers decide to drive to areas frequented by gang members.

Officers see three black teenagers (two aged 17 and one aged 19) on the street and follow them. They say that these are not associated with the gang they are concerned with but nevertheless think it prudent to stop and search them as they are 'walking together at a strange time of the day'. [It was unclear to the researcher what was strange about the time of day.] They pull over to talk to the three boys, who stop and immediately begin to shake their heads. The officers tell them to stand against a nearby wall, and they call for back-up. Shortly thereafter four officers arrive in two marked cars. The teenagers are searched. Each of them complies with the officers' request. It is clear that they don't know the reasons for the stop. They repeatedly ask the officers why they have been stopped and the officers respond by saying that they have the powers to do so. At no stage are the young men told why they have been stopped. However, the officers tell me (after the incident) that it is because they matched the description of a gang member who they thought was in possession of a gun.

It is obvious that the young men are unhappy about the search. However, two of the three remain calm and say nothing. The third is somewhat irate and more vocal in his dismay. He continually asks the officers to explain why he has been stopped and makes many comments about the police 'always being on the back of black men'. He protests that all he and his friends were doing was walking along the road and asks the officers how this can be regarded as criminal behaviour. One of the officers replies, saying that the way he was walking looked 'dodgy' and questions why he and his friends were out and about at this time. This infuriates the young man and he and the officer throw comments back and forth.

While waiting for the checks, one of the officers takes digital photographs of the young men. The three ask why they are being photographed and the officer informs

them that he has the permission of the Superintendent to take photographs of all those who are stopped and searched. They are told that their photos may be used for the purposes of intelligence and will be deleted within seven days if they are not required. The young men are angered by this, in part because they are asked to remove their headgear. The checks reveal that both 17 year olds are known to the police but they are not currently wanted. The outcome for each of the young males is no further action. The most vocal of the three asks for a copy of the stop and search form, which at the time has not been started. The officer remarks that the completion of the form could take anywhere between 15 to 20 minutes as his 'writing hand hurts and so it's a little slow today'. The teenager confirms that he is happy to wait and demands that a form be completed. His two friends are laughing and tell him to forget about the form so that they can be on their way. He is adamant, however, that he wants a copy.

While waiting, the young man tells his friends that he is in court the following day and will produce this and the other forms to show the judge that he is frequently stopped and searched by the police. The officers ask why he is attending court, and he tells them to mind their own business. He does, however, inform them that he will be appearing before the youth court. The officers laugh and tell him that 'the youth court is for kids' and how he isn't a real man yet because if he was he would be at the Crown Court. The young male retaliates by swearing at the officers. His friends, who are both laughing, tell him to shut up and impress upon him that the officers are winding him up for the fun of it and he should keep quiet. After some time, the officer provides the young man with a stop and search form and they depart the scene.

Police-initiated stop and search

17.45 The officers I am observing are driving through a well-known open drug market when they spot a black teenager down an alleyway with a bike appearing to fiddle with his sock while talking to a white girl. The two officers believe that the boy may be selling drugs. One of the officers jumps out of the car to see what is going on. He approaches the two and startles them. He asks what they are doing, the boy replies: 'I'm chatting to my friend.' The officer asks how old he is and if he has anything on him he shouldn't. He replies that he is 16 and he doesn't have anything on him. The girl doesn't reply. The officer tells the boy that he is in an area known for drug selling

and that he is down an alley fiddling with his sock and hence he is going to search him for drugs. The boy is taken aback and tells the officer he was tying his shoelace. He appears put out by the intrusion and asks the officer if he is being searched because he is black. The officer reiterates what he has said earlier adding that when he saw the two he didn't know what ethnicity they were. The officer carries out the search, nothing is found and the checks come back negative. The officer apologises to the young man for keeping him and asks if he wants a copy of the stop and search form. He informs him that the form will be kept back at the police station if he decides he wants it at a later date. The boy decides not to wait for the form. The officer apologises again, and jokes that he can sometimes jump to conclusions about young people in alleyways. The young man accepts his apology and leaves with his friend.

It is noteworthy that the team in this case study was managed by three sergeants and an inspector who focused their team briefings on intelligence-led policing. They tasked their officers with specific duties for each shift that officers were required to provide feedback on at the end of each shift. Officers in this area were rarely left to drive around their area without a specific goal.

Informal policing versus 'net-widening'

During our observations we encountered a number of operational officers who felt under pressure to meet arrest targets. This led them and their colleagues to stop and search and arrest young people for minor crimes, in particular minor public order and criminal damage offences, which previously would have been dealt with informally. One senior officer also believed that the pressure to increase arrest rates leads some officers to perform unlawful stop and searches:

'Illegal stop searches are one of the leftovers of the performance culture I discussed earlier. It was that drive that I suppose produced unethical and probably unlawful contours around stop and search.'

Another senior officer described how the pressure to meet and conform to bureaucratic procedures designed to ensure accountability now often leads officers to arrest when previously they would have dealt with an offender informally. This is

especially the case for those interactions in which a young person must be overseen by an appropriate adult.

‘There are now a lot of antisocial behaviour type issues that didn’t used to be in the statute books years ago, which the police could deal with informally with a ticking off or a warning, provided that the legislation allowed us to without the presence of an appropriate adult being there. If we’re not allowed to do that, instead of that youth being ticked off or given some sort of fixed penalty or a formal warning on the street, he unfortunately has to be brought to a police station so we can go through the formal process with an appropriate adult present... Maybe for youths between 14 and 17, maybe we could say there are some offences there that we could just tick them off or give them a street caution or something like that without need for parents or appropriate adults to be present and that would stop people being dragged into the system.’

Suspicion and respect

The policing of high crime areas clearly involves a difficult balancing act between intervention based on reasonable suspicion – which itself may be seen as an act of disrespect – and treating suspects with proper respect. For complex historical reasons, officers in Area A1 are now tasked with the policing of an area which is beset by high levels of petty crime, high levels of violence, a significant problem with gangs and a visible drug market. These problems have to be policed against a backdrop of uneasy – or outright hostile – relations between the police and some local residents that dates back more than 40 years. As much as the police may stereotype some young people, some local residents also stereotype the police. When the police are making a fully justified arrest in response to calls from the public, their actions are often viewed as illegitimate or with suspicion – further alienating the police from the public. The following case study is an example.

Public-initiated arrest

18.00 The police control room receive numerous calls about two groups of teenagers who are fighting on a local estate. Weapons, in particular a gun, have been mentioned by several callers. The two groups are said to be of various ages and from

various ethnic groups. The police I am with know the two gangs and agree that there is a distinct possibility that a gun could be involved. A number of officers and the firearms unit decide to attend the call. The officers I am with are en route with their siren and lights flashing. As they approach the fight they see two black teenage boys walking down the street. On hearing the siren one of them takes something out of his pocket and throws it over a wall. The police stop the car as they suspect the two may be on their way to join the fight. The teenagers walk in opposite directions away from the police. The officers ask them to stop but they carry on walking. The two are stopped. They are both 15 years old. The officers ask the two what they are doing and what they have just thrown away – neither replies. One of the officers retrieves a table leg from the front garden where the object had been thrown. They are asked what they were doing with a table leg.

While this is going on, a number of passers-by have stopped and people have come out of their houses to see what is happening. Some are shouting at the police that they have only stopped the two boys because they are black and that they should leave them alone. The officers tell the two that they are going to be searched. One of the boys is happy for this to happen; the other is happy to be searched but will not let the officer touch a small bag he is carrying. The officer starts to try and pull the bag away from him, a scuffle ensues and both the officer and the boy end up falling over on the street struggling with one another. At this point the boyfriend of the boy's mother turns up in a car and jumps out asking, 'What the hell is going on?' The officer is unaware at this point who he is and tells him to leave well alone as everything is under control. The boy stays silent.

The bag is eventually taken from the boy and the officer opens it up – there is nothing in the bag. The officer exclaims to the boy: 'Why the bloody hell have we just had a ruck over an empty bag?' The boy replies: 'Because you didn't ask if you could look in it, you just took it - it's about respect, innit.'

At this point the boy's mother arrives by car and jumps out. The crowd around the officers has now grown to about 35 people. The mother walks up to the officer and demands to know 'What the hell are you doing with my boy?' The officer asks who she is and tells her to calm down. The woman tells the officer she is his mother. The

officer explains the situation to her regarding the fight, the table leg and the bag. At this point she rounds on her son and asks, 'Why are you behaving like an idiot, I didn't bring you up to be like this, you deserve everything this officer throws at you, I don't want to see you again, don't think for a second I'm coming down to the station to hold your hand, because I'm not.' She turns and gets back in the car. The officer arrests the boy for carrying an offensive weapon. He is taken back to the police station.

The boy's uncle acts as his appropriate adult; he is eventually given a reprimand, and the Youth Offending Team (YOT) is asked to get in touch with him. When I see the officer a couple of days later I ask about the case. The officer explains that when the boy's background was looked into, it emerged that he came from a stable home, was in the top groups at school, was taking a good set of GCSEs and had never been in trouble. The officer commented that he didn't want to see him in the station again but was worried that without a bit of YOT help he may stray at the last hurdle. He concluded by saying: 'We have enough teenagers in here that have gone off the rails because of bad parents and no schooling; we don't need another one.'

Many of the teenagers we interviewed expressed similar views. A common complaint was that the police did not respect them or attempt to explain what they were doing and why they were doing it, particularly in respect to stop and search powers. When asked how the police could improve relations with young people, teenagers wanted police officers to speak to them politely, explain what they were doing, and wanted at times for police to use their discretion to stop them being arrested. For example:

'Stop searching for dumb reasons.'

Black African boy aged 16. Area A1

'Be reasonable and explain why. But punishment too hard, want more chance. People who are 18 years get cannabis confiscated but we get nicked.'

Bangladeshi boy aged 15. Area D1

'By not thinking they are the boss. Can say something mean and you can't say anything. Be polite to everyone. They are rude.'

Bangladeshi boy aged 16. Area D1

The case study below relates to a small operation put together by a shift from area C1 in response to a request from a pub landlord. It provides an example of officers responding to the needs of local residents and a pragmatic approach to a young man found in possession of cannabis.

A call from the public for police intervention

21.00 The response team we are working with have had several complaints from a pub landlord that young men are dealing drugs in his pub. He does not want it to be known that he has called the police but asks them if they will do a 'raid' on his pub to scare the dealers away. The officers I am with are part of a small team tasked by their inspector to visit the pub and carry out a number of searches. The officers arrive at the pub just after 9pm and four enter the property from the rear and four from the front. Around 10 young men spill out onto the street and run in different directions. The officers catch one of them. He is placed in the back of the car and asked what he is doing in the pub. He is a mixed race boy of 17. He tells the officers he was having a drink with his friends. They then ask him why he thought it was necessary to run from them – he shrugs his shoulders and replies, 'That's what you do.'

He is told that they have received several complaints from members of the public about drug dealing in the pub and that because he ran he is going to be searched for drugs. He hands over a bag of cannabis before they start the search. The officers take the cannabis off him and tell him that he may get arrested for possession of a Class C drug - depending on how the checks come back. The checks come back negative (he's not on bail or wanted) and the officers decide that given he is almost 18 they will issue him with a cannabis warning.³¹

He accepts the warning. The officers tell him that if he is selling drugs it will only be a matter of time before they meet him again. They also tell him that if he is selling drugs he needs to find a new place to do it as they will be regularly checking the pub now. The officers then tell him he is free to go, after handing him all the necessary paperwork. No arrests were made as a result of the operation.

³¹ The ACPO guidance on cannabis warnings – delivered on the spot for possession offences – applies only to those aged 18 or over.

Area D1's specialist robbery squad was managed by a sergeant who valued what he referred to as 'good-quality arrests' and intelligence-led stop and searches. The following case study illustrates a light-handed approach to a potentially explosive encounter. It was triggered by a call from a member of the public about a fight between 20 teenage boys.

A police-initiated stop and search

16.00 Officers I am with respond to a 999 call asking the police to attend a local park as a fight has broken out between two groups of teenagers and weapons have been mentioned. The officers from the robbery squad attend the call to assist their colleagues from the specialist youth gang crime team. Just outside the park the officers stop 10 Somali boys whose ages range from nine to 14. The teenagers tell the officers that they have done nothing wrong and it was a scuffle over a football game. All of the teenagers are wearing shorts and T-shirts and it is obvious that none of them is carrying any weapons. The officers radio their colleagues from the specialist youth gang crime team to tell them that they have stopped 10 Somali boys who have confirmed that there was a scuffle but that it was over a football game, it has finished and that none of them is carrying a weapon.

The youth gang crime team ask the officers to search the 10 boys. The robbery squad officers refuse, saying that it is totally unnecessary and that they are going to tell the boys to go home and not go back to the park. The officers from the youth gang crime team are annoyed that their colleagues will not search the boys as they believe there are grounds for them to do so. The robbery squad officers tell the 10 young boys to go home and not cause any more trouble. As we drive away the robbery squad officers comment that the youth gang crime team was essential about 18 months prior to the research, but that the need for the team had now passed. However, team members carried out unnecessary searches and sometimes arrests in order to demonstrate continuing need. The robbery squad officers commented that if they had searched the 10 boys, their sergeant would have wanted to know on what grounds they had based the search, and that there were obviously none.

Fostering good relationships with young people

Across all sites, we found officers who consistently treated young people with respect and provided them with explanations for stops and for searches. The case study

below (from Area C1) illustrates a sensitively handled stop and search of a teenager that ends with the officers attending the home address of the young boy to explain the grounds for their action to the young boy's mother.

A police-initiated stop and search

20.00 Officers I am with have been tasked with looking for a young man aged about 19 who is wanted by another police force. The description provided to officers is, however, thin: he is riding a bicycle, wearing a hooded top, about 5'10", white, violent and should be approached with caution. As the officers are driving around one of them spots a young male fitting this description cycling out of an alleyway. The officers attempt to stop him but he cycles off. The officers assume he is the man they are looking for. They chase after him and handcuff him as soon as they catch up with him. He appears to fit the description they have been given by the intelligence unit. He is hostile to the police and refuses to give his name or any other details and appears angry and confused about why he has been stopped in such a manner. One of the officers contacts his control room to ask for further details while the other officer tells the young man he is going to be searched. The young man becomes very agitated and refuses to comply with the officer. The officer forcibly unzips his hooded top to reveal a school uniform. The officer realises that the young boy he has handcuffed isn't the 19 year old they are looking for. He asks the young boy how old he is – the boy replies that he is 15. The young boy eventually gives his name and address and tells the officer he was cycling to get fish and chips for him and his mother. The officers realise they have made a mistake and he is not the wanted person. They explain to the boy that they have made a mistake, apologise to him and provide him with the stop and search form.

Half an hour later the officers pass the address that the young boy had given as his home address and they discuss speaking to his mother. The officer who has handcuffed the boy and started the search decides that he should call on the boy's mother to explain what has taken place. We approach the door and it is opened by an angry mother who has heard about the encounter from her son. The officer asks the woman if he can explain why he has called on her. The woman asks us into the house. The officer explains the situation about the wanted man and about her son cycling off and not giving any details when he was first stopped. He explains that he placed handcuffs on the young man as he was told the wanted person was violent.

He tells the boy's mother that the man is wanted for a particularly nasty domestic violence incident. He said that as soon as he unzipped the boy's hooded top he knew that they had the wrong person and he explained this to her son. The officer also tells the mother that given the boy's age and the fact that he had been handcuffed he thought he should call round to explain what had happened and why it had happened. He further comments that he would be very unhappy if his son came home and recounted a similar experience. The young boy's mother explained that her son had had a bad experience with his own father and as a result did not trust men, which is why he probably refused to talk to the officer when he was first approached. She concluded by telling the officer that she had decided to make a complaint but since he had taken the time to come and visit her she wasn't going to. She thanked him for taking the time to do this. The officer apologised to both the young man and his mother and we leave the house.

In Area B1, the neighbourhood policing team dealt with young people in much the same way as uniformed officers from Area C1. The next case study shows how two neighbourhood police officers handled a suspected break-in at a house.

A public-initiated stop

22.00 Officers I am with respond to a 999 call from a member of the public reporting a break-in at a house. The house is a large Victorian property that on first glance appears to be derelict. As officers approach the property they find two young boys aged 12 and 13, both Pakistani, sitting in the garden. The two boys see the officers and look rather sheepish. One of the boys talks first and tells the officers that he and his friend were playing 'Tiggi'. The officer asks the boys to stand still and tell him what they are doing. Both boys start to speak at once and are told to quieten down and talk one at a time. It is obvious that they are both very nervous. The 12 year old tells the officer that he and his friend were playing in the garden when his friend threw his mobile through the broken door of the house. He explains that one of them had to retrieve the phone and hence enter the property. The officer looks at the door and decides that the door has not been forced. The officer asks them why they were playing near the house. The young boys respond by saying that they weren't doing anything wrong; they were just playing 'running games'. The officer asks them if there is anyone else in the property, they tell him there isn't.

Shortly after our arrival, a police dog handler attends the scene on the offchance that he may be required to assist the two officers. He sees the two boys and nods a hello. One of the officers starts to undertake the person checks. Upon seeing the third officer the boys appear concerned that they might be in trouble. The two boys stand solemnly and very quietly. The dog handler approaches the two and asks in a theatrically serious manner, 'Do you know what I have in that van?' The boys shake their heads. He tells them that in the van is a large vicious dog which is much bigger than either of the two boys. He tells the young boys that what they were doing was trespassing and that they could be arrested for breaking and entering the house. He tells them that even though the house doesn't look lived in; it still belongs to someone and asks them to think about how they would feel if somebody were to do the same to their home.

The dog handler then goes on to tell them that had he arrived before the two officers, he would have let his dog loose and it would have caught them in only a few seconds. He then tells them that the dog is trained to sniff out humans, regardless of their age, height or skin colour, and it bites 'bad and evil people'. The boys appear quite frightened and apologise to the officer profusely.

The checks come back and confirm that the young boys are not wanted. However, it comes back that one of the boys had come to the attention of the police on four occasions, the most recent a year ago.

The dog handler informs the boys that they are going to be 'let off' this time around. He does, however tell the boys that his dog has a supersensitive nose and therefore if he ever smells them there could be trouble. The two boys are told to go home. Once again they apologise for being at the house and thank the officers for 'freeing us'. They run down the path and onto the main road.

After the encounter the officers comment that they did have reasonable grounds to search the young people as one had entered the property. However, they did not think it was necessary as the two boys seemed genuinely scared at seeing the officers. The officers also commented that the two boys were 'polite, cooperative and compliant' and they didn't look like they were trying to take anything from the property

or damage it in any way. It was just two kids playing where they shouldn't. 'There was no malice or intent.'

One senior officer from Area B1 described how he managed the relationship between the neighbourhood policing teams, meeting performance targets and fostering good relations between police community support officers (PCSOs), police officers and young people:

'From our perspective, we're trying to apply an element of common sense around how we are dealing with young people in the division, not to criminalise people just for the sake of criminalising them, just to meet performance targets. We are quite interested in looking at the offence as it takes place, so low-level shoplifting, for example: is there really need - when I know, as a police officer, who that individual is, where the parents are - to actually criminalise him and get him into the criminal justice system at that stage, or could I take a more practical approach and deal with him in the store and with the parents? That's what we're trying to influence at the moment with our staff. The idea really is that the longer term benefits [of not criminalising a young person] are obviously a lot better.'

A decision not to search after a stop

22.00 Police officers receive an immediate response call regarding a fight between 20 teenagers in an underpass. The caller has mentioned to the police operator that knives and baseball bats are being used. The two officers I am with arrive to find 12 Somali boys aged between 14 and 21 shouting at one another and a few picking themselves up off the floor. The teenagers are very angry and walk up to the officers and start shouting at them to mind their own business. The officers tell them to calm down and explain that they weren't looking for them but that a member of the public dialled 999 to report a fight. The young men do not believe the officers and start shouting and swearing at them, calling them 'fucking blood clots'. The officers tell the young men that none of them will be leaving until they have spoken to their control room and got more facts about the call, however, in the meantime they all need to calm down. They are asked if they have any weapons on them.

At this point the shouting escalates in volume and the group jostles to push past the two officers. The officers again ask them to remain where they are. Although it is January, few of the young men have coats on and it is obvious that none of them is carrying a baseball bat. Two other officers arrive and the officers I am observing ask them to look around to see if they can see any weapons. In the meantime the officers ask what the young men are fighting about and why they are all congregated in the underpass. One of the group states that they weren't fighting they were just shouting at one another over stupid stuff. The control room is unable to provide the officers with any further information regarding the call as they cannot re-contact the caller. The young men have begun to calm down and the officers tell them that they are not in trouble, it is just that they need to respond to calls when they come in, especially about weapons. A couple of the group say that people tell the police there are weapons just to get a reaction from them; the officers agree that this does indeed happen. The officers ask the boys where they are going and most say they are on their way home. The young boys are now quite calm and chatting idly to one another and the officers. The control room re-contacts the officers to say that no other calls about the incident have been received and they cannot contact the original caller. The two officers discuss between themselves whether to search the 12 young men. They decide that detaining the group for any longer would not help the situation and decide to warn them about fighting. The young men are told that if they get another call regarding any fighting and they are involved, they will all be arrested for public order offences. They are told to go home and be good. They walk off quietly.

4.6 Scope for modifying styles of policing

In the abstract, it may seem obvious that in high crime areas where there are significant numbers of disaffected young people, the 'rule of law' policing style is to be preferred to that of 'controlling the streets'. Adversarial approaches to encounters with the public seem almost purpose-designed to exacerbate young people's sense of disaffection by demonstrating their powerlessness and inability to command respect from authority. The day-to-day realities of policing, however, exert strong pressures on police officers to adopt adversarial styles of policing, and these pressures have to be understood if there is to be change.

Of the 49 officers we interviewed, only four had doubts about the value of stop and search as a tool to gather intelligence. Most (36) said that they used the stop and search powers to gather local intelligence about criminal and gang activity. Thirteen used the power to provide their intelligence systems with descriptions of young people suspected of engaging in criminal activity. In particular some officers mentioned recording descriptions of young people's clothing. Just over half (33) believed that stop and searches reassure the public, although many elaborated on this by suggesting that it is the law-abiding public that are reassured by the tactic, not those who are subjected to it:

'[Yes the public are reassured, however,] it depends on what section of the public, if someone feels targeted then no but if someone wants to see more police officers then yes.'

'The general public are reassured, i.e. those who sit and watch the news. Those who are stopped are not. Some are OK with it others are not.'

Although the arrest rate from stop and searches is often criticised, over three-quarters of officers believed that whatever the rate, the use of the power was justified. The quotes below illustrate commitment to it:

'I think it's a good tool regardless of the arrest rate.'

'If it is done to reassure the public, should the arrest rate matter?'

'You won't get an arrest out of every stop search, but it can act as a deterrent.'

'Stop search is about intelligence and it's a legal requirement. If my team go out and do no stop searches I know they've been out there all day not doing their job.'

We asked officers for their thoughts on why the power receives so much criticism. Almost a quarter thought that critics of the tactic were opposed to its use because they believe it is disproportionately targeted at ethnic minorities. Others believed

critics view its use as an infringement of people's rights and that its use is disrespectful and invasive. A small number of officers (nine) also believed that the power is criticised due to the public's lack of understanding about its use.

Just over two-thirds of officers questioned believed that the use of stop and search impacted negatively on their relationship with young black and Asian teenagers and a further eight believed that the power is disproportionately targeted at young black and Asian teenagers. Below is a selection of comments from officers who believed the power is disproportionately targeted at ethnic minority young people:

'[There are] reasons: locally, the majority of drug dealers are Jamaican or Somali and are located in a specific area. I think the way we target them is proportionate to the intelligence received.'

'They [black teenagers] commit more crimes.'

'In terms of [Area A1] unfortunately the profile of crime we are tasked to deal with is carried out by black youths.'

Outlined below are comments from officers who did not believe the power disproportionately targets teenagers from ethnic minorities

'They are not disproportionately targeted but statistics show they are. Bobbies being bobbies if you get someone who is objectively being searched and they are from a BME [black and ethnic minority] group they will say: 'It's just because I'm ... ' so a PC will record the stop to avoid the complaint but will not do so in another case where there is no such allegation. So this over-represents BME stops in the stats.'

'We are not told to go out and target, we are told to target gang-related crime. Our suspects for this crime are black. It's intelligence led.'

'White people are becoming the minority in the ethnic mix so one would expect the majority of people to be BME because they are the greater population.'

'In certain areas, black people are the majority and whites the minority; it depends on where we police. Sometimes we carry out operations in black areas and stop searches are of black people. In white areas white stop searches will be the majority.'

'I disagree with that [statement that young black people are disproportionately stop searched]. If I stop a black guy, normally he is up to no good. A good majority of the time he is. Rarely innocent people. Mainly mannerisms, way they're behaving and attitudes.'

'We target offenders regardless of ethnicity. My stop searches reflect the local community not ethnicity.'

One senior officer discussed the problems associated with the stop and search powers and outlined how he would prefer stop and search to be governed:

'If the legislators make the powers so restrictive that you've almost got to be sure that someone's got a knife to actually check, you will deter officers from using the power. However the public seem to be saying we will support random stop searches which would mean, whoever you are and wherever you are, you could be stopped and asked to account for who you are and what you're doing there and could be subject to a search to see if you're carrying an illegal implement or something like that. Now the deterrent effect of that would be fantastic. We'd need to be careful with such an open-ended power in case people abused it, but if you have a proper monitoring system in place then that will deter the police from misusing the power. If we had a means of actually monitoring individual officers' activity in terms of stop searches, and we could break it down into ethnic minorities versus white, you would have that safeguard in place to stop that rogue officer who did go out or have some sort of racial tendencies. I think this is the way we would like a pilot to be conducted on changing the nature of stop and search so it is about intelligence-gathering not about suspicion, but then having a much tighter, simplified monitoring. It's about looking at individual officer practice so that individual officers know they are being monitored rather than borough

monitoring or divisional monitoring, but putting that in context, so that if you're on one of the big public order vans and you do night clubs and your night club is in a particular area that has a BME population then yes you will have a lot more stop and searches that reflect that, so it's about putting it into context and monitoring it correctly. I don't know if that's easy to do but I will toy with it over the next couple of months.'

Of the 49 officers we interviewed, just over a third stated that their position involved engaging with young people in a positive manner. For some officers this was the remit of the neighbourhood policing team they were part of, for others they were tasked with being part of a multi-agency team engaged to work with young people. Some of these officers played football with young people as part of their role and others worked with their local schools. When asked if they thought police officers should be involved in this type of work almost all (41) interviewees thought they should. Officers who were opposed to the idea of engaging with young people outside of the criminal justice setting believed that it was not part of their job or that other agencies were much better equipped to carry out recreational activities or nurture these types of relationships.

Of those officers who believed there is a value in engaging with young people outside the traditional police role, many believed that it improves the relationship between the police and young people and builds bridges in communities where traditionally the relationship has been strained. Other officers thought that by engaging in recreational activities or working in multi-agency teams, they could provide young people with positive role models and divert young people from crime. Below are officers' views on engaging with young people outside their traditional enforcement role.

'The time aspect makes it [engaging with young people] impractical and also we need to be seen as a police force and not pink and fluffy.'

'I didn't join to be a social worker. I don't think the "softly softly" approach works. By the time we come into contact with them, they are hardened to it all.'

'The police should be there to keep law and order. Sometimes we are too involved in public relations and being too friendly; it can cause problems.'

'For some kids, we are the only contact they have with adults. We need to be putting things in place to help divert them from criminal activities.'

'You can't just do enforcement. We need specialist groups within the police to work with young people.'

'We need to build bridges due to the stuff that's happened in the past that we are still paying for (1981 riots). Kids also need guidance.'

All of the senior officers we interviewed believed that positive engagement with young people is particularly important if a reduction in the number of young people entering the youth justice system is to be achieved. One senior officer from Area B1 commented that:

'There are certain key individuals in all communities that create disproportionate amounts of crime and have a disproportionate amount of influence on other kids in the neighbourhood ... It's important that we can direct our youth service people to those individuals specifically ... and divert them away from that sort of life, in partnership with other agencies. I actually think other agencies are not putting enough resources into diverting kids away from crime. If anything they [youth workers] should increase their numbers but they should be coordinated by the police.'

Matching police ambivalence towards 'rule of law' policing, the teenagers we interviewed were divided about the scope for improving relations. Half thought the police should engage in positive activities with them. Sports, games, trips and football matches were cited as particular recreational activities that the police could set up. Reassurance and understanding was the main purpose stated by young people for positive police action.

'If they're looking at why young people turn to crime, it would give them an idea of what goes through [their] head. Set up talks on why young people do stuff that they do.'

Bangladeshi boy aged 18. Area D1

'If they were more positive with us, we might be more positive with them. If they're always on our backs we'll keep on their backs.'

Black Caribbean girl aged 16. Area A1

However many wanted no involvement with the police, many describing an 'Us/Them' divide between young people and the police that would be difficult to bridge.

'Too late for that – everyone hates police now.'

Black Caribbean boy aged 18. Area A1

'They're the police and we're us. We're not supposed to get along.'

Bangladeshi boy aged 16. Area D1

4.7 Summary

This chapter has tried to illustrate the complexity of police/public encounters in the sort of high crime areas included in this study. On the one hand, the professionalised 'rule of law' style of policing that characterised Area C1 is obviously preferable in principle to the abrasive, adversarial approaches that we often observed in the other areas. On the other hand, these adversarial approaches were observed in contexts in which:

- genuine police action was required
- police were sometimes constrained by the actions of others
- members of the public brought their own stereotypes and prejudices to the encounter, and
- long histories of difficult relations between police and public were reflected.

Any strategy for change needs to recognise such realities, while emphasising that in some areas facing similar problems, such as Area C1, police leadership has managed to make the shift from 'adversarial' to 'rule of law' policing styles.

5. Passing through the youth justice system

Feilzer and Hood's (2004) study was the first to examine systematically the treatment of different ethnic groups as they passed through several stages of the youth justice system.³² Feilzer and Hood analysed 17,054 case decisions on offenders aged 12 to 17 over a 15-month period in 2001-02 in eight Youth Offending Team (YOT) areas. The study established that there were differences in the treatment of different ethnic groups that could not be explained by offence or offender characteristics indicating the possibility of discriminatory treatment. Their main findings were:

- a higher rate of prosecution and conviction for mixed race youths
- a higher prosecution rate for black offenders
- a higher remand rate for young black and mixed race men, and in particular a higher remand rate for black offenders in cases not resulting in a conviction
- the slightly greater use of custody for Asian men
- the greater use of more restrictive community penalties for young Asian and mixed race men, especially those aged 12 to 15
- a much higher probability of sentences over 12 months for black youths
- a higher probability of long and restrictive community sentences for black and Asian men aged between 12 and 15
- a slightly greater propensity of ethnic minority offenders being committed to the Crown Court
- a much greater chance of young mixed race women being prosecuted, and
- substantial variations in outcomes between YOT areas.

This chapter aims to update this work, using data from 18,083 cases recorded by 12 YOTs through their case management systems and relating to offences which took place in 2006. Ages ranged from 10 to 19. Unlike Feilzer and Hood, we did not extract data from pre-sentence reports; instead we collected data from Asset, the

³² Mhlanga (1997) provides a thorough analysis of ethnic minority young people in Brent. However, the analysis focused on court disposals, whereas Feilzer and Hood explored both pre-court and court decisions.

needs assessment tool used by YOTs. The chapter presents a description of the sample, an outline of the disposals given to young people, and statistical tests for the presence of potential discrimination.

5.1 Sample description

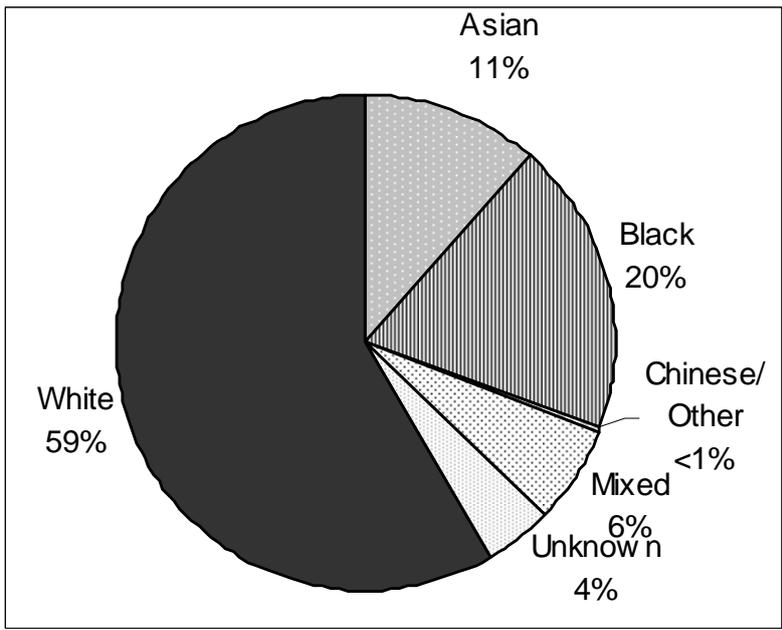
This section summarises the sample. Detailed tables are provided in Appendix C. It should be remembered that our 12 YOTs were selected on the basis that their populations had high proportions of teenagers from ethnic minorities. Thus the statistics in this chapter should not be taken to be nationally representative.

Ethnicity

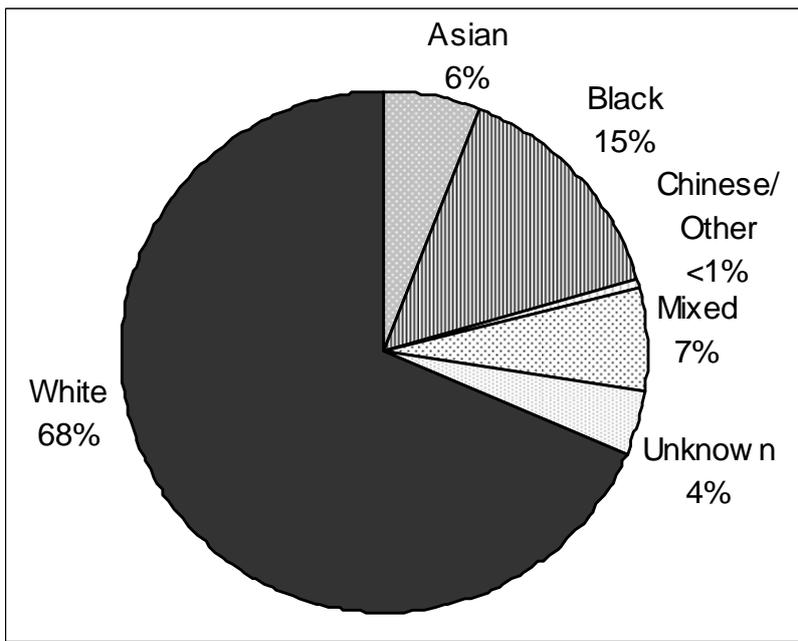
Our dataset included two ethnicity variables: one was a six-category variable used by YOTs to report back to the Youth Justice Board (YJB), which classified offenders as: Asian, black, mixed, Chinese/other, unknown and white. The other was the 16+1 classification of the census.³³ The former classified 6% of the sample as mixed, and the latter 5%. We have used the former in our analysis, on the assumption that YOTs would have used the more reliable variable in their YJB returns. The fact that a discrepancy in the recording of the mixed race group has occurred was not a surprise given that Feilzer and Hood (2004:43) noted that only a small proportion of mixed race youths were correctly identified. Recording of ethnicity has improved over the five-year period since Feilzer and Hood's study: 4% of cases in our dataset were recorded as unknown ethnicity, compared with 7% of those analysed by Feilzer and Hood (2004:42). Two of our YOTs between them accounted for six out of 10 cases with missing ethnicity data, suggesting poor records may be limited to specific YOTs.

³³ However, this became 19+1 categories as data for some young people recorded as black, mixed and white could not be assigned to a sub-group.

Figure 5.1 Ethnicity and gender of young people in the sample



Boys: n=14,573



Girls: n=3,510

Most of the sample was white: 59% for boys and 68% for girls. Thus boys from ethnic minority groups were over-represented, relative to girls. Using the 16+1 ethnicity variable (see Table C1 in Appendix C), most Asians were coded as Asian other (55% boys, 62% girls) with the second largest group being Bangladeshi (33% boys, 23% girls) followed by Asian Pakistani. Asian Indian was the smallest group, with less than 5% for both sexes. For both boys and girls, mixed white and black

Caribbean comprised most of the mixed race group (61% and 71% respectively). The profiles for white boys and girls were broadly similar, with more than 70% categorised as white British, and the second largest group categorised as 'white other' (24% boys and 25% girls). It would be of interest to examine what 'white other' was made up of, as certain white groups have faced discrimination (see Bowling and Phillips, 2002:28-30 for a discussion of the problems of categorising a white group). Chinese/other groups comprised less than 1% of the total sample.³⁴

Sex and age

The average age of boys and girls in the sample was significantly different, with girls being younger. Girls age profile peaked at 15, while for boys it was 17 (see Table C2).³⁵ All ethnic minorities in the boys sample had a slightly older age profile compared to whites (the proportion aged 16-17 for Asian boys was 54%; black 51%; mixed race 51%; white 48%). Among girls, only Asians and blacks had a higher age profile than whites (proportions aged 16-17 were: Asian 44%; black 41%; white 33%). More severe sentencing penalties can be given to young people aged over 15, which may impact upon differences in sentences among ethnic groups.

Area

Comparing our YOT samples to the relevant 10- to 17-year-old population³⁶ for the YOT areas, Asian offenders were generally under-represented. In all areas, black offenders were over-represented, and half of all areas had an over-representation of mixed race and white offenders (see Tables C3 and C4).

Crime profile

The largest proportion of a single offence type that Asian boys committed was for motoring offences (17%). Black boys committed the largest proportion of robberies (42%, compared with 31% for white boys). A large proportion of black boys were also in breach of bail (35%). Previous studies have found that levels of robberies and

³⁴ While data has been presented on the Chinese/other group, due to the small sample size, statistical tests for significance were not undertaken.

³⁵ Similar to findings presented in the 2005 Offending, Crime and Justice Survey.

³⁶ Office for National Statistics (August 2008 release). Population Estimates by Ethnic Group. Data for 10- to 17-year-olds by ethnicity in 2006. The data is recorded as being experimental and has not yet met the quality criteria of National Statistics.

breaches for black boys have been of concern to YOTs (May et al., forthcoming). The largest proportion of a single offence type committed by mixed race boys was for robbery offences (9%).

While a high proportion of black girls committed robberies (24%), this was smaller than the proportion of white girls (47%). Similar to mixed race boys, the largest proportion of a single offence type that mixed race girls committed was for robbery (18%). White girls committed a large proportion of criminal damage offences (80%). Further details can be seen in Tables C5 and C6.

The offence gravity score is an eight-point scale, where eight represents the most serious offences. The group with the largest proportion of cases graded over six on the scale was black boys (20%), Mixed race girls had the largest proportion of scores over six (13%) followed by black girls (8%). Further details can be seen in Tables C7a and C7b

5.2 Decisions within the criminal justice system

Thirty-three per cent of all cases were subject to pre-court disposals – usually through a warning or final reprimand – and 61% of cases were prosecuted at court. A further 6% of cases had an outcome where a result was unknown or still pending.³⁷ The proportion of cases with pre-court disposals (35%, after excluding incomplete cases) was similar to the figure of 38% produced for these 12 areas by the Youth Justice Board for 2006/07.³⁸

In absolute terms, YJB statistics for 2006/07 recorded 13,790 disposals in our 12 YOT areas – substantially lower than the 18,083 cases in the sample. The difference can in part be explained by the different rules used to count cases and disposals and by the different timeframes involved: our sample includes all offenders who committed an offence in 2006 (a 12-month period for offences to take place) with time provided for their disposals to be processed (up to a further 12 months), while YJB statistics are for all disposals reported in 2006/07.

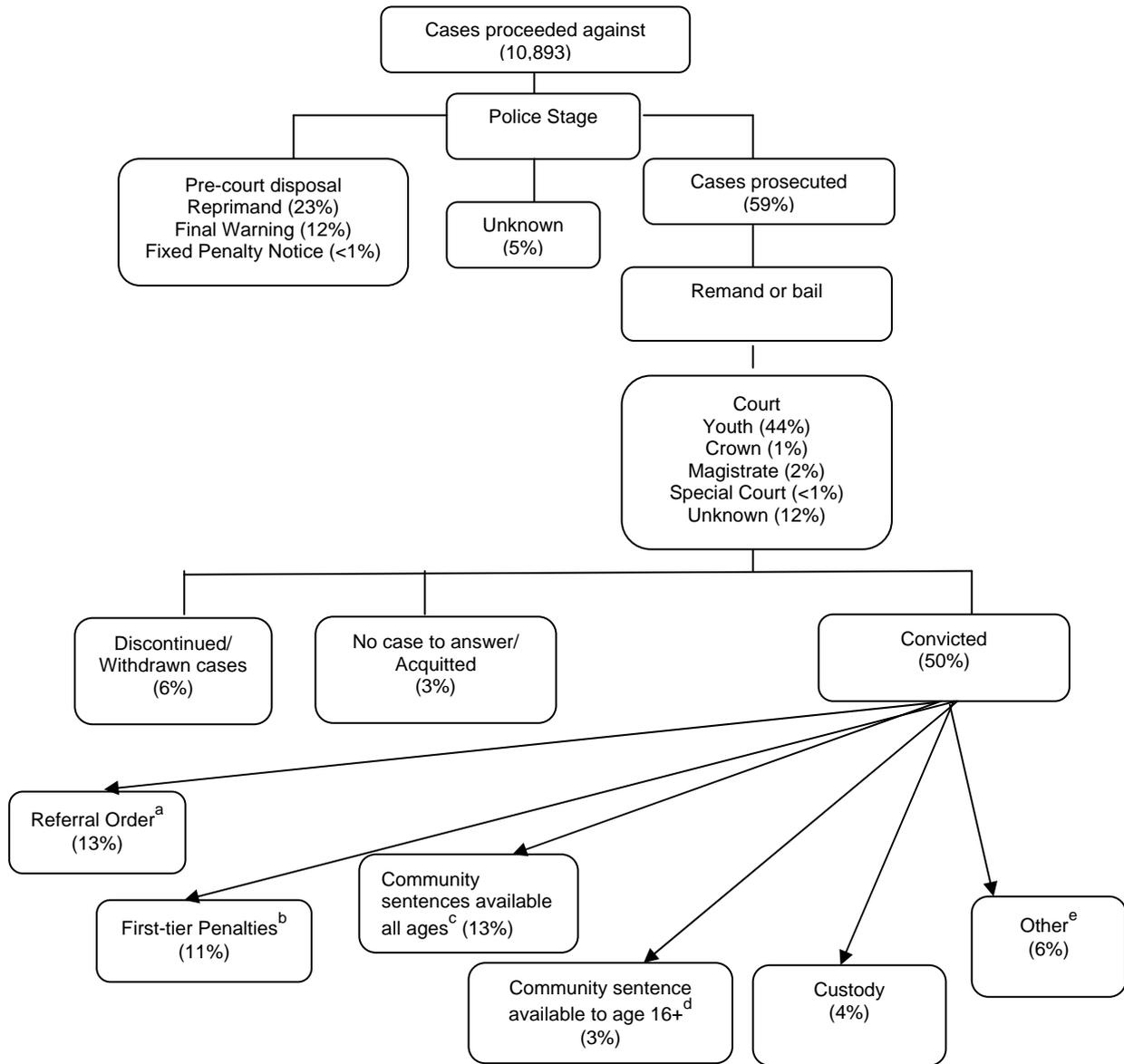
³⁷ Most commonly this was recorded as Fast Track Immediate Charge/Police Prosecution result unknown or prosecution pending.

³⁸ Youth Justice Board. *Monitoring Performance Annual Workload data. Disposals- Regionally 2006/07* <http://www.yjb.gov.uk/en-gb/practitioners/MonitoringPerformance/WorkloadData/> The sample uses the calendar year 2006 and so numbers are not directly comparable.

Gender differences in the types of disposals were prevalent in the dataset for all ethnic groups, with a higher proportion of pre-court disposals given to girls (51%) than boys (28%). Figures 5.2 to 5.5 represent the flow of cases for white, Asian, black and mixed race boys and girls through the criminal justice system. A similar flow chart was produced by Feilzer and Hood for boys and girls (2004:68 and 132).

For teenage offenders with similar characteristics and offending patterns, we would expect that, for each ethnic group, the same proportions of disposals would be despatched if no differential treatment took place. It can be seen that a higher proportion of cases were dealt with in court for black (64%) and mixed race (74%) young people compared to whites (59%) and Asians (55%). While mixed race young people had the highest proportion of cases convicted at court (61%), the proportion of convicted cases were the same for black and white young people (50%) due to black young people having the highest proportion of cases being acquitted, or for which there was no case to answer. Asian young people had the lowest proportion of cases that were convicted. Overall, the figures illustrate that ethnic minority young people receive different proportions of disposals when compared to whites. Section 5.3 tests whether the differences are statistically significant, while Section 5.4 tests whether differences are due to ethnicity or whether they are due to other characteristics of the young person, their case and their location.

Figure 5.2 Decisions made at each stage of the youth justice system – white boys and girls



a) A referral order is a new order introduced after the Feilzer and Hood study.
 b) First-tier penalties include disposals such as fines, absolute and conditional discharges, disqualification from driving and licence endorsements, and reparation orders.
 c) Community sentences available for all ages include disposals such as action plan orders, attendance centres, curfews and supervisions.
 d) Community sentences available to ages 16+ include disposals only available for young people aged 16 and over, such as Community Rehabilitation Orders, Community Punishment and Rehabilitation Orders, and Community Punishment Orders.
 e) 'Other' includes a variety of disposals such as orders which were set to continue, revoked, adjourned *sine die* and bound over, and anti-social behaviour orders.

Figure 5.3 Decisions made at each stage of the youth justice system – Asian boys and girls

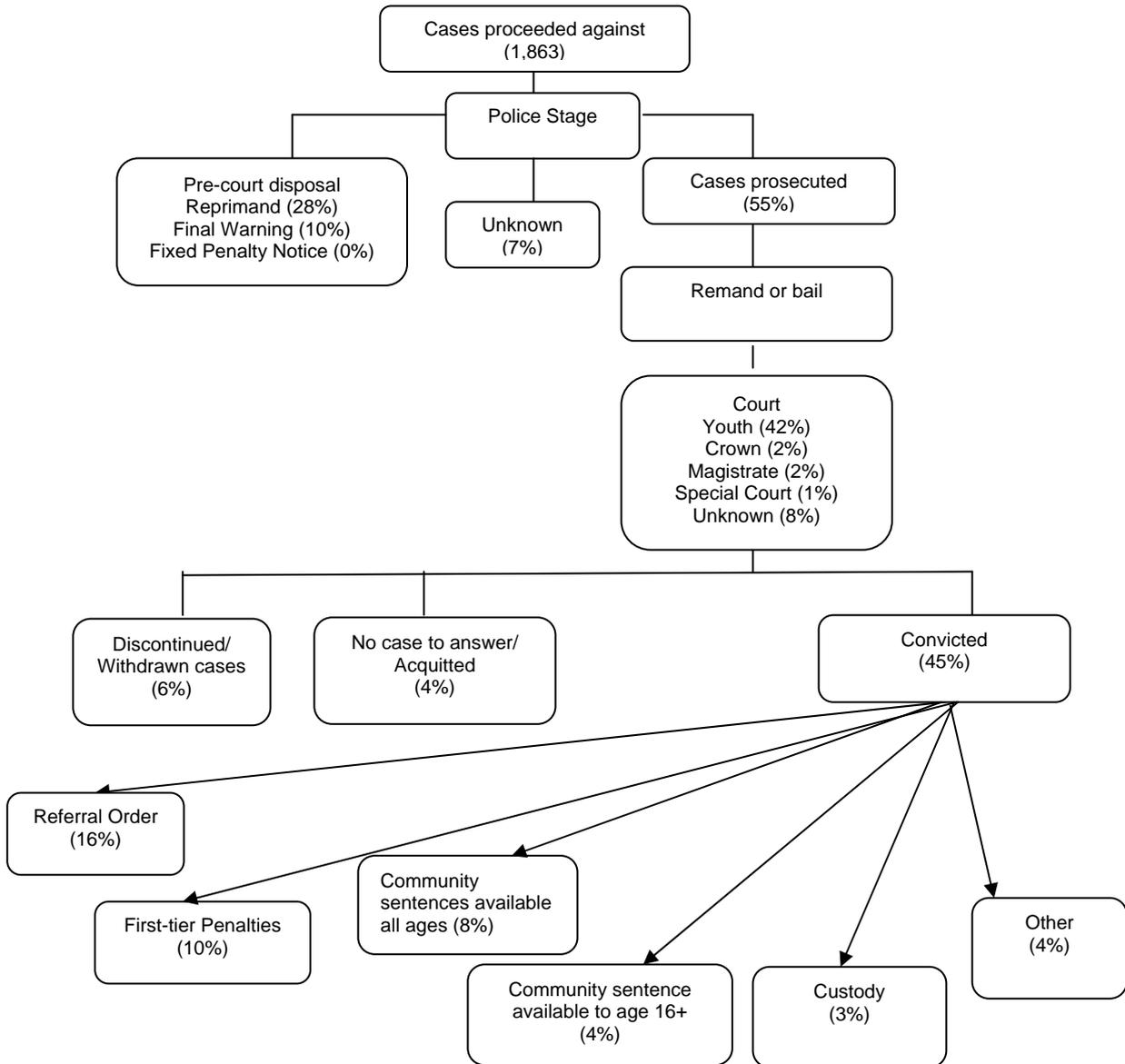


Figure 5.4 Decisions made at each stage of the youth justice system – black boys and girls

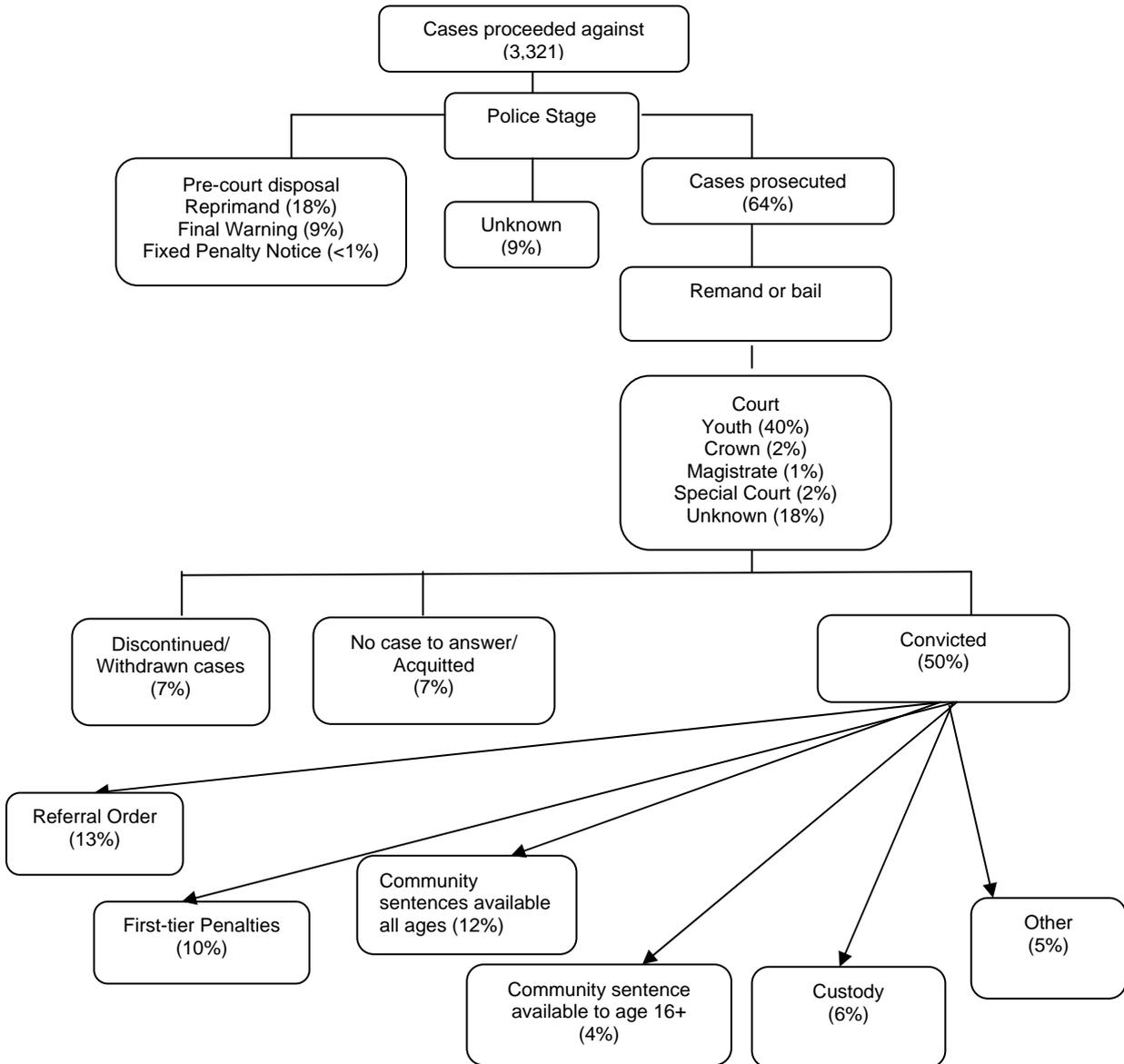
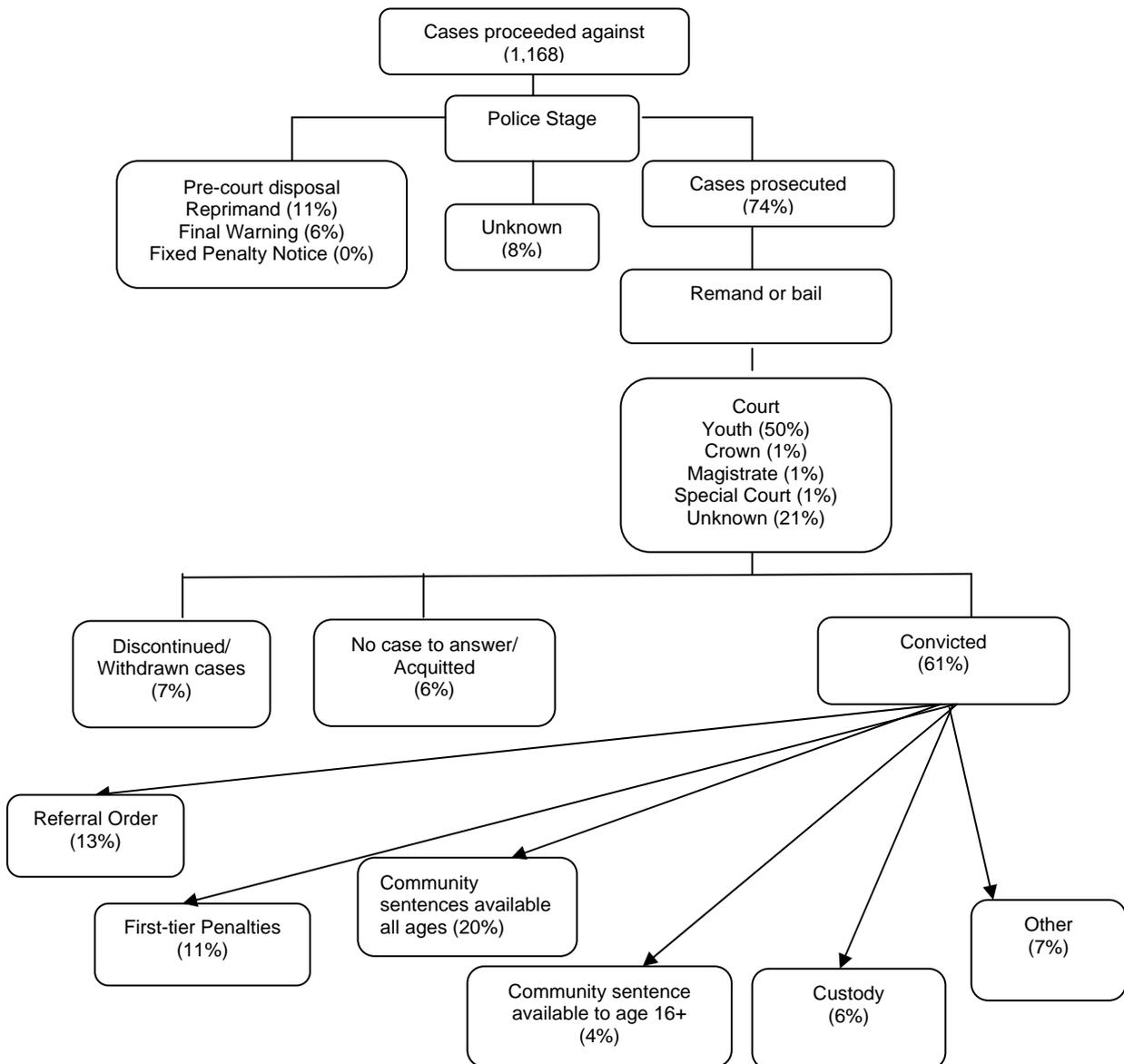


Figure 5.5 Decisions made at each stage of the youth justice system – mixed race boys and girls



5.3 Disproportionality in the youth justice system

We have discussed in earlier chapters the overwhelming evidence for the disproportionate representation of some ethnic minority groups within the criminal justice system in general, and the youth justice system in particular. Figures 5.2 to 5.5 illustrate the different proportions of disposals that each ethnicity received. This section tests for disproportionality in the YOT data,^{39,40} that is, it examines whether

³⁹ Disposals which were of an unknown result were excluded from the analysis (6% of all cases).
⁴⁰ Our sample was chosen purposively to ensure large coverage of ethnic minority young people. While it is likely they provide a good indicator of areas with high ethnic populations, statistically they cannot be used to represent the whole ethnic minority population.

the differences between the proportions of young people receiving a certain type of disposal are statistically significant. The findings provide *prima facie* indications of differential treatment of different ethnic minority groups.

Pre-court disposals

A lower proportion of black and mixed race boys were given a police disposal when compared to whites, with the consequence of their cases being forwarded for prosecution to receive a potentially harsher penalty. This was not true for Asian boys, where a higher proportion were given a pre-court disposal than white boys. There was a difference of seven percentage points between black and white boys, and a substantial 17 percentage point difference between mixed race and white boys. These differences were statistically significant ($p < .01$). Mixed race girls and those of unknown ethnicity received a statistically lower proportion of pre-court disposals, while Asian girls received a statistically higher proportion when compared to young white girls. However, no statistically significant differences were found between black and white girls (see Table C8 in Appendix C).

The fact that black and mixed race boys and girls from mixed race backgrounds or of unknown ethnicity had more of their cases dealt with at court does not necessarily mean that they are being treated more unfairly. Young people have two chances for being disposed by the police (receiving a reprimand or final warning), before being forwarded for prosecution (unless the offence is very serious in which case police warnings are not an option). In Section 5.1 it was seen that black and mixed race boys and girls were charged with the largest proportion of offences which were graded the most serious, which would mean that their cases would be more likely to be treated at court. Section 5.4 examines whether controlling for characteristics of the young person and the case explains away differences in disposals between ethnic minorities and white young people. Where differences remain once these personal and case characteristics have been kept constant, there is evidence to suggest discrimination.

Court disposals

We have seen that there are significant differences between ethnic minority and white teenagers in receiving a police disposal. It is possible that the police were

forwarding more black and mixed race teenagers for court prosecution because they were being discriminatory on ethnicity grounds. If this is the case, we would expect the Crown Prosecution Service (CPS) to address any imbalances due to differential treatment at the point of entry into the youth justice system through the application of their statutory criteria for deciding whether to take cases to court. These criteria include a test for sufficiency of evidence. Unfortunately, the data did not include reliable information to identify cases dropped by the CPS. However, an examination of cases dealt with by the courts showed significant differences between ethnic minority and white groups. Court disposals can be grouped into three types, reflecting different levels of severity. These are: first-tier penalties, community sentences and custodial sentences (the last resort). Significant differences were:

- Asian boys received a higher proportion of referral orders, and a lower proportion of community sentences that were available to all age groups, than white boys.
- Black boys had a higher proportion of cases acquitted, or for which there was no case to answer, than white boys.
- Black boys received a higher proportion of custodial sentences, and a lower proportion of community sentences that were available to all age groups, than white boys.
- Mixed race boys had a higher proportion of cases acquitted, or for which there was no case to answer, than white boys.
- Mixed race boys received a higher proportion of community sentences that were available to all age groups, and a lower proportion of referral orders, than white boys.

There were fewer significant differences between white and ethnic minorities girls in the sample:

- Mixed race girls had a lower proportion of referral orders than white girls.
- Girls of unknown ethnicity had a lower proportion of community sentences that were available to all ages than white girls.

A key finding from this section is that a higher proportion of black and mixed race boys had their cases acquitted/no case to answer than white boys in court. This could indicate differential treatment taking place in the police or CPS stages; for example, the police or CPS may have applied lower evidential standards for

these groups than for others, when putting cases forward for prosecution with the result that magistrates or judges at court faced with little evidence have to dismiss the case. A further key finding was that a higher proportion of black boys received the most severe outcome – a custodial sentence. See C9 in Appendix C for a full table of results.

There were differences between areas in the types of disposals given to young people (see Tables C10 and C11 of Appendix C). The proportion of all pre-court disposals for boys ranged from 16% (Area G) to 45% (Area B). For girls, it ranged from 33% (Area L) to 69% (Area B).

The range of court disposals for boys (see Tables C12 and C13 of Appendix C) was as follows:

- First-tier penalties (including referral orders) ranged from 40% (Area L) to 54% (Areas D and I).
- Community sentences ranged from 27% (Area I) to 38% (Area A).
- Custody ranged from 7% (Area B, which had the highest pre-court disposal) to 11% (Areas A, F and G).

For girls the area profiles were different from boys for community sentences and custody:

- First-tier penalties (including referral orders) ranged from 37% (Area L) to 66% (Area I).
- Community sentences ranged from 23% (Area A) to 48% (Area D).
- Custody ranged from 2% (Area C) to 7% (Areas A and F).

Differences in areas were tested using statistical models to establish whether the YOT area a young person is in will have an effect on the disposal they receive – an effect known as ‘justice by geography’ (Feilzer and Hood 2004:21).

5.4 Testing for discrimination

We have shown there are statistically significant differences in the types of disposals given to different ethnic groups. In summary, lower proportions of black and mixed race offenders received a reprimand or final warning than white offenders, and higher

proportions received tougher court penalties. The next stage of the analysis examines whether these differences are due to factors such as the characteristics of the case or whether there is evidence that decisions on disposals are partly based on the ethnicity of the young person.

We have largely followed Feilzer and Hood's methodology, using logistic regression with random effects to reduce bias which can occur when observations within a sample are not independent of each other.⁴¹ Variables tested by Feilzer and Hood were used in incremental stages to test whether differences between ethnic minority and white young people were present after controlling for characteristics of the case.⁴² The following outcomes were modelled for 11 of the sampled areas:^{43,44}

- decisions made before court
- decision to dismiss⁴⁵
- decision to remand
- decision to impose a referral order
- decision to impose community sentences
- decision to impose a custodial sentence, and
- length of custodial sentences.

Statistically significant⁴⁶ findings are presented for all outcomes. A list of all variables used in the models and the levels of significance can be found in Tables D1-D18 in Appendix D.

Decisions made before court

To be eligible for a reprimand, a young offender must have no previous warnings or convictions, and must plead guilty to the offence in question. To be eligible for a final

⁴¹ A young person may have been involved in the justice system several times over the year. At each point of entry, there will be unmeasurable variables unique to the individual which may influence the decision of the case, known as unobserved or residual heterogeneity. Controlling for all of the case characteristics, most of the variance that is explained by the individual becomes insignificant and the random effects model produces similar results to an ordinary logistic regression model.

⁴² Additional models of interactions between variables were also conducted.

⁴³ Area F had a large portion of missing data for key variables thought to influence decisions, so was excluded from the regression analysis.

⁴⁴ Cases of unknown ethnicity and Chinese/other were excluded from the analysis, as well as those outcomes where the result was unknown.

⁴⁵ Includes withdrawn cases, acquittals and those where there was no case to be answered.

⁴⁶ Statistically significant at the 95% level.

warning, a young offender must have no previous final warnings or convictions, and no more than one reprimand.⁴⁷

To model pre-court decisions, we needed to identify all those young people who were available for a pre-court disposal. We selected all young people who had scored less than three on the variable counting the number of previous convictions, provided that they had pleaded guilty to the current offence.^{48,49}

Of the young people eligible for a police disposal, it was found that a higher proportion of black boys (44%) and girls (68%) were eligible for this disposal when compared to white boys (43%) and girls (62%) (see Table D1 in Appendix D). However, a higher proportion of white boys and girls (62% and 76%) were given a pre-court disposal than black boys and girls (51% and 74%) (see Table D2 in Appendix D). Mixed race young people had the smallest proportion of cases eligible for a pre-court disposal (34% for boys; 47% for girls) and the lowest proportion of cases given a pre-court disposal (42% boys and 57% girls). This pattern is similar to findings from Feilzer and Hood (2004:70-71, 134-135).

To test whether ethnicity was a significant predictor of whether a young person received a reprimand or final warning, logistic regression was undertaken on the eligible sample, with the model controlling for age, ethnicity and the following case characteristics: seriousness of offence; number of offences per case; type of current offence; and YOT area (see Table D3 in Appendix D). Findings were similar to those reported by Feilzer and Hood. Mixed race boys were significantly more likely to be prosecuted at court than given a pre-court disposal, a result which was still significant after YOT area was introduced into the model. This showed that, except for Area C, all areas were more likely to have cases recommended for prosecution than be given a pre-court disposal when compared with Area B. This reinforces the earlier finding that Area B had a lower proportion of cases being referred to court, controlling for individual case characteristics.

⁴⁷ Discussion of how eligible cases were identified is presented in Appendix D.

⁴⁸ The 'guilty plea' variable includes admissions of guilt made at police stations.

⁴⁹ We are aware that offenders with two previous convictions are ineligible for pre-court disposals, but our database shows that many such offenders received final warnings. We were unable to establish whether the variable actually counts the number of contacts with the police and youth justice system including the present contact – which would make sense of the pattern of findings that we have seen.

Controlling for case characteristics and the YOT area, Asian girls had lower odds of being prosecuted when compared with whites, while the odds for mixed race girls were higher than for whites. Again, as with boys, all areas were more likely to have cases recommended for prosecution than given a pre-court disposal compared with Area B (see Table D4 in Appendix D).

Pre-court decisions

Controlling for case characteristics and YOT area:

- The odds of a mixed race young male being prosecuted was 2 times higher than the odds of a white young male.
- The odds of a mixed race young female being prosecuted was 2.1 times higher than the odds of a white young female.
- The odds of an Asian young female being prosecuted was half the odds of a white young female.

Decision to acquit/ dismiss/withdraw

It has already been discussed that prosecutions were more likely to fail in cases involving black defendants than whites. Feilzer and Hood (2004) suggested that black boys were more likely to be acquitted at least in part because they were more likely to plead not guilty. For the current sample, a higher proportion of black defendants pleaded not guilty. However, the proportion of young people pleading not guilty whose cases were dismissed was similar across ethnic groups (see Table D5 in Appendix D).

Controlling for age and case characteristics,⁵⁰ black boys were more likely to have their cases dismissed than white boys (see Table D6 of Appendix D), with 'not guilty' pleas producing the largest odds for having cases dismissed. Controlling for age and

⁵⁰ Case characteristics include: whether the young person was remanded prior to sentence, whether they were sentenced in Crown Court, if they pleaded not guilty, number of previous convictions, whether they have had a previous custodial sentence, if they are classed as a persistent young offender, if the case involves a breach of an order, number of different offences involved in the case, type of offence, seriousness of offence and an interaction between seriousness of offence and violence against the person and seriousness of offence and drugs. Area was not included in the model for young males, as this violated the assumptions of logistic random effects and was not a good fit of the model as tested with the Hosmer and Lemeshow test. If the violations were ignored, Areas E, I and L increased the odds while Areas G and J decreased the odds of having a case dismissed when compared with Area B. The same ethnicity findings resulted when areas were not included in the model.

case characteristics,⁵¹ black girls were also more likely to have their cases dismissed. However, when the YOT area was included in the model, this finding became insignificant (see Table D7 of Appendix D).

Dismissed cases

Controlling for case characteristics:

- The odds of a black young male having their case discontinued was 1.57 times higher than the odds of a white young male.

Decision to remand

The decision to remand a young person into secure accommodation has been viewed as a 'critical decision point in the criminal justice system since defendants who are remanded in custody pre-trial subsequently are more likely to receive a custodial sentence if found guilty' (Bowling and Phillips, 2002:170). Feilzer and Hood (2004) found evidence of differential treatment of young black men, but were unable to establish whether this reflected discriminatory practices as their data did not capture salient factors in remand decisions, such as stable home environment. This same caveat applies to the current dataset.

Six per cent of black boys were remanded into secure accommodation compared with 3% of young Asian, mixed race and white men. The proportion is smaller than that presented by Feilzer and Hood, which could be due in part to the stage at which details of the remand status were taken.⁵² In the current court sample, 40% of all cases were sentenced, with the remainder bailed (39%), receiving an undefined 'other' outcome (15%), or issued with a warrant without bail (3%).

Controlling for case characteristics (see Table D8 of Appendix D) with a pooled sample of boys and girls,⁵³ Asian and black offenders were more likely to be given a remand than whites. This is a slightly different finding from Feilzer and Hood's results, which showed significant differences for young black and mixed race boys compared with whites.

⁵¹ Case characteristics for girls were the same for boys excluding the interactions between serious offences and type of offence.

⁵² Information on remand comes from the last stages recorded from Youth Offending Information System (YOIS). It may be that decisions made earlier but not captured in the database would increase the proportions of remands.

⁵³ Only 18 girls from the sample of 1420 were recorded as being remanded into secure estate.

Being remanded in custody

Controlling for case characteristics and YOT area:

- The odds of an Asian young person being remanded into custody was 1.8 times higher than the odds of a white young person.
- The odds of a black young person being remanded into custody was 1.9 times higher than the odds of a white young person.

To examine whether additional characteristics of young people can explain the differences between ethnic groups, data was collected from Asset.⁵⁴ Asset is an assessment tool used by YOTs to identify the main factors which influence a young offender's risk of reoffending and to act as an indicator of their needs. Practitioners score offenders on 12 different factors associated with risk of reoffending, with scores of zero if there is no likelihood of further offending, through to four where there is a strong likelihood of further offending. High scores on the factors mean that a young offender is of high need, and is at high risk of reoffending, with scores of two or more indicating that an intervention should take place (Nacro, 2007).

The 12 core elements are:

- living arrangements
- education, training and employment
- lifestyle
- physical health
- Perception of self and others
- attitudes to offending
- family and personal relationships
- neighbourhood
- substance use
- emotional and mental health
- thinking and behaviour
- motivation to change

⁵⁴ The Asset sample has only been used for the remand model as no data was available for pre-court disposals, and levels of missing data were high for cases resulting in first-tier court disposals.

For each offender, the most recently completed Asset form could be matched with the most recent case. This produced a sub-sample of 4,269 individuals⁵⁵ (see Table C14 of Appendix C⁵⁶).

Of the 4,269 cases with Asset data, 95% (4,038) had scores across all 12 dynamic risk factors. The Youth Justice Board (YJB), in its 2007 consultation paper 'Youth Justice: The scaled approach', created three categories for Asset scores.⁵⁷ Of the YJB Asset scores, only a small proportion were classed as 'high'. However, the proportion of boys who have 'high' scores was larger for those of black or mixed race than for whites. For girls, the sample size was under 100 for ethnic minorities, so differences between those with a high score were very small (see Table D9 in Appendix D). May et al. (forthcoming) also found that black and mixed race boys were more likely to have higher needs on each of the dynamic risk factors compared with whites, with Asians tending to have the lowest level of need.

Replicating the remand model on the Asset sample (with the exclusion of drugs offences⁵⁸), Asians no longer had significantly lower odds of being remanded at the 5% level (although this was significant at the 10% level), while the odds of black and mixed race teenagers being remanded were significantly higher than white teenagers. This result is consistent with findings from Feilzer and Hood (see Table D10 of Appendix D). Including the dynamic risk factor scores in the model made little difference to the odds of remands for black and mixed race young people, which remained significant. However, having a medium and high score compared to a low score further increased the odds of being remanded.

⁵⁵ While there are 11,623 individuals within the overall sample of 18,083, due to a large amount of missing Asset data from Area F, this area was excluded.

⁵⁶ See Table C15 in Appendix C for ethnicity of the Asset sample.

⁵⁷ It has since been updated in September 2008 to include four additional scores: current offence, age at first reprimand/caution/warning, age at first conviction and number of previous convictions. This updated scoring has not been used due to missing data ranging from 20-30% of cases.

⁵⁸ Less than 1% of remand cases had a main offence of drugs.

Being remanded in custody (Asset sample)

Controlling for case characteristics and YOT area:

- The odds of a black young person being remanded into custody was 3.3 times higher than the odds of a white young person.
- The odds of a mixed race young person being remanded into custody was 2.6 times higher than the odds of a white young person.

A further model was produced to examine which risk factors provided the best explanation of the decision to remand. Adding all 12 factors into the model as a binary variable looking at the differences between those scoring higher than two and those scoring less than two, young people who scored higher than two on the emotional and mental health factor had higher odds of being remanded than those who scored less than two. Also, young people who scored more than two on the factor 'motivation to change' (high scores indicate the child shows little evidence of willingness to change their behaviour) had higher odds of being remanded than those who scored less than two. Being black and mixed race still had higher odds of being remanded when compared to being white (see Table D11 of Appendix D).

Decision to impose a referral order

A referral order requires a young person to attend sessions with a panel comprised of volunteers and a YOT worker. Referral orders involve drawing up a contract with the young offender which must be completed for the conviction to be spent. The presumption is that a referral order will be made at a young offender's first appearance in court, unless the offence is very minor, and simply requires a fine (or discharge), or is very serious, and requires a custodial penalty. It could be described as a more demanding type of first-tier disposal. A model was set up to test for differences in receiving a referral order compared with other first-tier disposals. Accounting for case characteristics, there were no significant differences between ethnic minority and white boys and girls. A model of a pooled sample of boys and girls is shown in Table D12 in Appendix D.

Decision to impose a community sentence

Community sentences available to all ages, and to those aged 16 and over, were grouped and used to explore differences in ethnic groups for those receiving a community sentence, compared with a first-tier penalty (including referral orders). For boys (n=5,493), after accounting for age and current and previous charges, those of black and mixed race were more likely to receive a community sentence than a first-tier penalty. However, including the YOT area in the model (Table D13 in Appendix D) resulted in only the mixed race finding remaining significant. For girls (n=978), no significant ethnic differences were found once case characteristics had been controlled for (Table D14 in Appendix D).

Receiving a community sentence compared to a first-tier penalty

Controlling for case characteristics and YOT area:

The odds of a mixed race young male being given a community sentence was 1.6 times higher than the odds of a white young person area.

Decision to impose a custodial sentence

It was established earlier that the proportion of black boys given a custodial sentence was significantly higher than for whites. Previous research has suggested that the use of some variables may be indirectly discriminatory; for example, 'ethnic minorities often fall into the category of people remanded in custody because of their increased chances of being homeless, unemployed, or in "disrupted" families, all of which may be perceived as being linked to failing to appear at court' (Phillips and Bowling, 2003:279).

It has been shown in this chapter that, controlling for case characteristics and area, ethnic minorities had a greater likelihood of being remanded. It could be hypothesised that the presence of a remand variable in a model of custodial sentences may hide the effect that ethnicity has on sentencing decisions. When remand decisions are added into a model of ethnicity and age predicting a custodial sentence, being black is no longer a statistically significant predictor of getting a custodial sentence. In the original model, the odds for receiving a custodial sentence were significantly higher for black offenders than white offenders; but with the remand variable included in the model, the effect became statistically non-significant.

In other words, being remanded into custody filters the direct effect that ethnicity has on receiving a custodial sentence.⁵⁹ The youth justice process appears to disadvantage black defendants when it comes to the use of custody, but the decision point at which this disadvantage first occurs relates to remand, and there is then a knock-on effect on sentencing. To examine this further, and to explore further variables which may act as mediators of other variables, an extension of the project would be to use structural equation modelling to test more fully for causal relationships.

Removing from the sample those young people who had received a pre-court disposal or had their cases dismissed/withdrawn/acquitted resulted in a sample of 6,925 boys. Controlling for all case characteristics and the YOT area in which the young person was dealt with, the likelihood of an ethnic minority young person receiving a custodial sentence was found to be no different than for a white young person. Similar to other models presented in this chapter, some areas were more likely to issue a custodial sentence than others (also established by Feilzer and Hood, 2004). The custodial model for girls followed a similar pattern to that for boys, although there were no area effects for girls receiving a custodial sentence (see Tables D15 and D16 of Appendix D).

Length of custodial sentences

For 88% of custodial disposals, data on sentence length was available. Pooling the sample of boys and girls, defendants from ethnic minorities generally tended to have longer sentence lengths (see Table D17 in Appendix D).

To test whether ethnic differences were significant in the length of sentence received, after controlling for case characteristics, a binary logistic model was produced, predicting differences in sentence lengths of 12 months and over compared to less than 12 months.⁶⁰ No ethnic differences were significant after all case characteristics had been accounted for (see Table D12 of Appendix D). Feilzer and Hood found that young black men were more likely to receive a longer custodial sentence at the Crown Court than whites. However, this test could not be replicated as the number of cases known to have been sentenced at the Crown Court was too small.

⁵⁹ A further model which included an interaction term of remand by ethnicity proved to be insignificant.

⁶⁰ An ordinal regression model was attempted, but the model violated the proportional odds assumption.

5.5 Summary

This chapter has provided evidence of the disproportionality of sentences received by young people of different ethnic groups. It shows that this unequal representation is still apparent at some stages of the youth justice system, even when characteristics of the case, such as type of offence and seriousness, and the YOT area in which the young person is dealt with are controlled for. This indicates that certain stages of the youth justice system may be discriminatory against ethnic minorities. Mixed race boys and girls had higher chances of being prosecuted at court than given a reprimand or final warning, and of receiving a community sentence rather than a first-tier penalty when compared to whites. The opposite was true for Asian girls, who were less likely to be prosecuted at court. Black and Asian young people had a higher chance of being remanded into secure accommodation. Using a smaller sample of individuals for whom Asset data was available, the findings for Asians were no longer significant at the 5% level, but mixed race young people were also found, with blacks, to be more likely to be remanded than white young people. At court, black boys had a higher chance of having their case dismissed than receiving a sentence compared with white boys.

Not all modelled stages showed differences between ethnic minority and white young people. No ethnic group was significantly more likely than another to receive a referral order rather than another first-tier penalty, or to receive a custodial sentence rather than another court sentence. However, the finding of non-significant ethnic differences for receiving a custodial sentence may be explained by two factors: the young person being remanded in custody, which was shown to be higher for ethnic minorities than whites, and the greater likelihood in certain areas that a young person would be sent to custody. The important point to convey here is that there appear to be some systematic differences in the sentences received by different ethnic groups – but that these differences reflect either the effects of earlier decisions in the youth justice process, or geographical variations in sentencing.

Area B was used as the base for comparisons between areas. In general, models for all types of sentencing found differences in areas when compared to Area B. Area B was shown earlier to have the highest proportion of cases that were given a pre-court disposal and so it could be argued that Area B is a more lenient area and somewhat

of an outlier to make comparisons with. However, further models have been run which used different areas as a base for comparison, and all showed differences in areas to a greater or lesser degree. The influence that areas have on the type of disposal received confirms Feilzer and Hood's findings, and is known as justice by geography. There are many lines of investigation which can be pursued to understand the reasons behind the different proportions of disposals which are handed out to young people. For example, there may be differences in court ethos, and differences between areas in types of offences young people commit. Factors of this sort go beyond the scope of this research but are important to understand. In Chapters 3 and 4 we attempted to understand the processes by which young people enter the youth justice system and the differences between four areas which can explain some of the area differences recorded within this chapter. Further discussion is presented in the final chapter.

6. Discussion and conclusions

This chapter aims to draw together the findings of the study and to examine its implications. The research has made an important distinction between differences in the treatment of ethnic groups at the point of inflow in to the youth justice system and differences in the treatment of ethnic groups as they pass through the process. Differential representation of some ethnic minority groups in the youth justice process occurs largely at the point of inflow.

6.1 Entry into the youth justice system

Our analysis of how young people enter the youth justice process shows that a large amount can be accounted for by reactive policing, especially for those involved in acquisitive crime. Much of the over-representation of black and mixed race youths in the system reflects their over-representation in reports about crime made to the police. This may represent differential reporting between victims, or it may be that black and mixed race teenagers are actually over-represented in some forms of offending.

This is not the whole story, however. We have seen that styles of policing varied across area and even between units within the same area. In some areas, officers pursued highly proactive and adversarial styles of policing, targeting defined groups of young people thought to be involved in crime, drug-dealing and gang activities. The aim of this appeared to be to assert control over the streets. The tactics in the stop and searches that we observed were intensively focused on small numbers of young people known to the police and on social groups believed by the police to be most involved in crime. The use of these tactics was justified by those using them in terms of differential involvement in offending on the part of those stopped and searched. Whatever the case, these tactics added to the over-representation of some ethnic minority groups in public order offences, drugs offences and driving offences.

We do not think that these tactics are necessarily justified by police claims about differential involvement in crime. A more appropriate question to ask is whether use of the tactics is proportionate to the problems they are designed to tackle, taking into account not only the crime-control benefits but also the broader social costs. It was

clear that adversarial styles of policing compounded the alienation and disaffection of those who were exposed to them, eroding whatever commitment there was to the rule of law. We agree with Bowling's (2008) argument for 'good enough' policing, whereby the police need to achieve a 'satisficing' balance between fairness and effectiveness. Judged against criteria of fairness, he argues that the present over-representation of some ethnic minority suspects in stop and search statistics, and the low arrest rates that result from this tactic, 'provides a clear example of where policing is not good enough' (Bowling, 2008:30).

It probably does not help the process of reform to try to adjudicate as to whether we found forms of policing that amounted to individual or institutional racism. The officers we observed had to deal with very complicated situations in which levels of crime and disorder were high, levels of antagonism to the police were high, and conflict between police and the policed was often racialised by the latter if not the former. Maintaining police authority in such situations is inevitably a policing priority, and there will be situations that can be handled only by tactics that appear adversarial.

However, we were struck by the contrasts in policing styles in Areas A and C. The former's adversarial style was in marked contrast to the 'rule of law' emphasis on procedural justice in Area C. Although not exactly comparable in terms of population mix, these sites shared a history of poor police/community relations, high crime rates, and problems of drug markets and disorder. We have no doubt that the emphasis on procedural justice is correct. It is now a sociological cliché that teenage boys and young men from the most socially disadvantaged groups need and want, like all of us, a sense of self-worth and self-respect, but have limited access to legitimate ways of meeting these needs. Subjecting them to a style of policing which further denies them respectful treatment strikes us as short-sighted at best and, at worst, inequitable and counter-productive.

6.2 Passing through the youth justice system

Our analysis of the experience of different ethnic groups as they pass through the system has shown that, in general, the disproportionality that exists at the point of entry is largely preserved throughout the system. There is some evidence that over-representation is increased at some points in the process. For example, mixed race

defendants had a higher chance than others of being taken to court rather than reprimanded or warned. And at other points, over-representation is decreased: for example, black teenagers were more likely to be acquitted or have their cases dismissed than others. It is important to monitor these processes closely, to ensure that any correctable forms of differential treatment that occur 'upstream' in the process are actually corrected later in the process. However, the most substantial differences are at the point of entry into the system.

6.3 Recommendations

Viewing youth justice through a procedural justice lens may help bring a better balance to strategy. Procedural justice theorists such as Tyler (2003, 2007) have argued that securing compliance with the law through strategies of deterrence and incapacitation is a much more costly strategy (both in social and fiscal terms) than those that emphasise securing normative commitment to the law. And normative commitment to the law is shaped in part by the styles of criminal justice agencies. If police and Youth Offending Team (YOT) workers act in ways that lack procedural justice, this damages the legitimacy of the institutions of justice, and thus erodes their authority and their ability to command compliance. The implication is that police and youth justice managers, and sentencers, should always assess the impact of their work not only in terms of their narrow instrumental value, but in terms of their impact on institutional legitimacy. Policy should set a high value on equity and public trust in justice. Acting in ways that are fair, are perceived to be fair and which contribute to securing the trust of young people is especially important.

The differences that we have seen in policing style reflect differences in leadership at middle and senior level across police forces. The last decade of policing has been defaced by a crudity of performance management that involves the pursuit of the simplest (and often most inappropriate) numerical policing targets. Perhaps the most important priority is to promote a vision of good policing that incorporates principles of procedural justice. That is, for policing to be done according to due process, treating suspects with proper respect, using coercive force only as a last resort. The aim should always be to maximise commitment to the rule of law on the part of the policed. As Reiner (2009) puts it, 'Good policing can be seen as the craft of handling trouble without resort to coercion, usually by skilful verbal tactics.'

The government's commitment to neighbourhood policing, with values that are rooted in traditional community policing, is to be welcomed. However, we have seen a tension between the desire to reassure the public – for example through visible assertive policing – and to retain the confidence of those who are most often or most heavily policed. In our view the most important target audience for any 'confidence-building' strategies are those groups most at risk of involvement in crime – which, in the areas we studied, will be teenage boys and young men from socially disadvantaged ethnic groups.

Our examination of young people's experience once they have entered the youth justice process suggests overall that the disproportionality that occurs at the point of entry is preserved as they pass through the system. Differential treatment occurs at some points in the system – indicating the possibility of discrimination between groups – though we found no evidence of differential use of custody except at the remand stage (which may have knock-on effects at sentencing). In general, differences in the treatment of different ethnic groups were smaller than differences across areas. Clearly the need here is for continued monitoring to check for differential treatment, and to see if ethnicity rather than other relevant factors is a predictor of these differences. For this to be done, there needs to be periodic repetition of the sort of analysis presented here and in Feilzer and Hood (2004). Simple monitoring of differences in outcomes for different ethnic groups is necessary, but not sufficient to establish whether the system is operating fairly.

The recommendations below relate largely to policing, because our analysis suggests that the issues that need most attention are at the point of entry, rather than in the later stages of the youth justice process.

Police leadership

We see a need for a shift from adversarial to professional styles of policing young people. This requires changes to policing culture and values, which is not easy to achieve. For this to occur, there has to be clear and visible leadership about the quality and style of policing that senior officers expect their staff to deliver, and about the standards of professionalism that are required. Making this change happen is

difficult, because the everyday realities of street policing can propel officers into adversarial styles.

Leadership clearly needs to flow from the most senior ranks through police forces to frontline supervisors – sergeants and inspectors. These frontline supervisors need to pay as much attention to the quality and style of policing achieved by frontline staff as they do to the number of arrests they achieve. It is unlikely that the necessary shifts in policing style can be achieved through target-setting and other managerial processes, and possible that some forms of target-setting may actually amplify the problems.

Clearly sergeants and inspectors need to monitor their officers to ensure that they are putting effort into the right problems and are working productively. There is also a more subtle monitoring task: ensuring that the way in which tactics such as stop and search are used is sensitive and appropriate. They need to ensure that the workforce is attuned to the damage done by poorly managed encounters with young people, as well as the benefits that flow from intelligently used stop and search powers.

Police training

If the primary route to achieving more professionalism in the policing of young people is through leadership, training must also have a role. Police forces need to find effective ways of communicating the principles of procedural justice to frontline staff in a way that will secure their 'buy-in' to the idea. This needs to be done both at initial training and thereafter.

The central ideas to convey to inexperienced officers are that police legitimacy is a resource that must be nurtured and not squandered, and that the ability to command public trust makes their job easier. This is best done by ensuring that officers in training are given opportunities to listen to the experience of young people who have been the subject of adversarial and professional policing styles. For example, diversity training should include sessions where young people explain to the police how they feel about their local police and their experiences of being policed. This has been carried out in Area A and deemed a success.

Police/community engagement and police complaints

Achieving a shift from adversarial to professional policing styles will be helped if the flow of information between police and public is good. Local police managers need to foster good relations with local residents, including young people, to enable this to happen. The risks in poorly managed community engagement are that the ‘wrong’ voices may be heard, or the ‘right’ voices ignored. Community engagement is easily skewed away from the groups who have the most – and the most problematic – contact with the police. Where relationships between police and local residents are tense, neighbourhood policing teams should review as a priority their ways of communicating with young people, especially those from ethnic minorities.

If there needs to be positive engagement with young people, there also need to be effective remedies in situations where encounters between police and young people have gone wrong. A system that is more friendly to young people is required. Complainant access points (organisations such as Citizen Advice Bureaux that have been approved by the Independent Police Complaints Commission) should accept complaints on behalf of young complainants.

Understanding differential treatment in the youth justice process

It is important to monitor the youth justice process closely for evidence of differential treatment and of discrimination. It is especially important to have accurate and complete data on the ethnicity of those passing through the system. There are still significant – if falling – levels of missing data in YOT records of ethnicity, and recording practices need to be improved. The Youth Justice Board (YJB) should publish guidelines to enable a more consistent approach to ethnic monitoring throughout the country.

Identifying the possibility of differential treatment or discrimination in the youth justice system is only a first step, of course. If there is evidence that different ethnic groups are treated differently after taking account of relevant legal factors, there are further questions to ask about the processes by which these differences occur, and how to take effective corrective action.

Further research

This study has made good progress in shedding light on the processes via which young people enter the system, and has charted their experience as they pass through it. However we still need a much stronger research base. Further work is needed to look into operational police officers' views on stop and search to understand what works – and what is ignored. More research is needed into the differences between areas in policing styles.

More research is needed on the reasons for the large variations between areas in case outcomes. Parts of the youth justice process remain largely uncharted by research – especially the work of the Crown Prosecution Service (CPS). The inter-relationships between decisions at different points of the system need to be charted more fully. There is also a need for further research on the experiences of crime and victimisation among young people from different ethnic groups, their experiences of criminal justice and their confidence in the criminal justice system.

Appendix A: Area profiles

Area A – Busy inner city area

Area A is situated in one of England's largest conurbations. The area's population was just under 300,000. Thirty-eight per cent of the population was from an ethnic minority, while just under a quarter (22%) were under the age of 18. The 2007 index of multiple deprivation ranked the city in the top 10% of deprived local authorities. A higher proportion of Area A households was comprised of lone parents with dependent children (10%) compared to the English and Welsh average (7%). Over 100 languages were spoken in the area; after English, the two main languages spoken were Yoruba and Portuguese. Forty-five per cent of the 10- to 17-year-old population was white, 36% black, 10% mixed race, 6% Asian and 3% from other backgrounds.

Policing in Area A was split into three particular functions: neighbourhood policing, town centre policing and task force policing. The three styles of policing were originally established to respond to the very different and diverse needs of the local residential and business communities.

Area B – Residential suburb of a busy metropolitan city

Area B is situated in a busy metropolitan city. The city's population was just under 500,000. Census data (from 2001) shows that the city in which Area B is situated had a relatively youthful population compared to the UK average. Sixteen per cent of the local population classified their religion as Muslim, significantly higher than the English and Welsh average of 3%. The 2007 index of multiple deprivation ranked the city in the top 10% of deprived local authorities. Sixty-eight per cent of the 10- to 17-year-old population was white, 1% black, 3% mixed race, 27% Asian and 1% from other backgrounds.

Area C – Residential suburb close to a busy metropolitan city

Area C is a city in the south west with a population of just over 380,000. Twenty-six per cent of residents aged 16 to 74 had no qualifications, lower than the English and Welsh average (29%), although the proportion of residents employed was similar to the English and Welsh average (60%). However, the 2007 index of multiple deprivation ranked the city in the top 20% of deprived local authorities. Eighty-six per cent of the

10- to 17-year-old population was white, 3% black, 5% mixed race, 4% Asian and 1% from other backgrounds.

Area D – Busy inner city area

Area D is to the east of a large city. According to census data, Area D had a population of just under 200,000. Over a third of the population classified themselves as Muslim, which was over 10 times the national average (3%). Twenty-seven per cent of the population in this borough was aged 18 or under, statistically slightly above the figure for England (24%). According to the local authority indices of deprivation (2007), Area D was among the top 10% of most deprived local authority areas. Census data show that the unemployment rate for the area was nearly double the average for England. Fifty-nine per cent of the 10- to 17-year-old population was Asian; 29% white; 6% black; 4% mixed race and 2% from other backgrounds.

Area E – Urban area close to busy metropolitan city

Area E is an urban area located north west of a neighbouring large metropolitan city. The population of this area was just under 240,000, of which a quarter were aged 18 or under. Christianity was the stated religion of nearly 67% of residents in this area, which was lower than the English and Welsh average (72%). The second largest religious category was Sikhism (8%). Just over 40% of residents aged 16 to 74 had no qualifications, which was higher than the English and Welsh average (29%) as shown by the census data. The 2007 index of multiple deprivation ranked the city in the top 10% of deprived local authorities. Seventy per cent of the 10- to 17-year-old population was white, 5% black, 7% mixed race, 17% Asian and 1% from other backgrounds.

Area F – Busy inner city area

Area F is to the north of a large city and has a population of just over 200,000. Christianity was the stated religion of under 50% of residents in this area, lower than the English and Welsh average. The second largest religious category was Muslim (14%). A similar proportion of Area F had no qualifications when compared to the English and Welsh average. A higher proportion of Area F household composition was comprised of lone parents with dependent children (10%) compared to the English and Welsh average (7%). In 2007, Area F was ranked in the top 10% of the most deprived local authority areas. Forty-seven per cent of the 10- to 17-year-old population was white, 29% black, 8% mixed race, 13% Asian and 3% from other backgrounds.

Area G – Mixed urban and rural city

Area G is a city in the Midlands. In 2001, the population of Area G was just under 250,000. A quarter of the population of this city was aged 18 or under. Christianity was the stated religion of 67% of residents in this area, which was slightly lower than the English and Welsh average. A similar proportion of Area G had no qualifications when compared to the English and Welsh average (31% compared to 29%). In 2007, Area G was ranked in the top 20% of the most deprived local authority areas. Eighty one per cent of the 10- to 17-year-old population was white, 2% black, 5% mixed race, 11% Asian and 1% from other backgrounds.

Area H – Urban town

Area H is a large town located in the east of England. Area H has a population of over 180,000 of which 28% were aged 18 or under. Christianity was the stated religion of 60% of residents in this area, lower than the English and Welsh average. The second largest religious category was Muslim (15%). A similar proportion of Area H residents had no qualifications compared to the English and Welsh average. In 2007, Area H was ranked in the top 30% of the most deprived local authority areas. Sixty per cent of the 10- to 17-year-old population was white, 8% black, 6% mixed race, 25% Asian and 1% from other backgrounds.

Area I – Busy urban borough

Area I is situated within a large city, neighbouring other culturally diverse boroughs. The population of this area was just under a quarter of a million. Almost half the population of this region was Christian and just over 24% Muslim. A higher proportion of Area I had no qualifications when compared to the English and Welsh average (34% compared to 29%). A higher proportion of households comprise lone parents with dependent children (12%) compared to the English and Welsh average (7%). The indices of deprivation for 2007 locate this area in the top 10% of the most deprived local authority areas in England. Twenty-eight per cent of the 10- to 17-year-old population was white, 23% black, 6% mixed race, 40% Asian and 3% from other backgrounds.

Area J – Large metropolitan town

This large metropolitan town is located within a larger city with a total population of just under 220,000. This borough had a younger age structure than England, with under

16s making up 23% of the population compared with 20% nationally. A similar level of Area J residents classified themselves as Christian when compared to the English and Welsh average, however a larger proportion than the average classified themselves as Muslim (11% compared to 3%). A higher proportion of Area J residents had no qualifications when compared to the English and Welsh average (38% compared to 29%). The indices of deprivation for 2007 located this area in the top 20% of the most deprived local authority areas in England. Seventy-seven per cent of the 10- to 17-year-old population was white, 1% black, 3% mixed race, 19% Asian and less than 1% from other backgrounds.

Area K – Large metropolitan borough

Area K is situated within a large county and has a population of just under 220,000. A higher proportion of Area K residents classified themselves as Christian when compared to the English and Welsh average. A lower proportion of Area K residents had no qualifications when compared to the English and Welsh average (25% compared to 29%). The indices of deprivation for 2007 ranked this area in the mid region of deprived local authority areas in England. Eighty-six per cent of the 10- to 17-year-old population was white, 2% black, 4% mixed race, 7% Asian and 1% from other backgrounds.

Area L – Busy inner city area

Area L is a borough within a large metropolitan city with a population of just over 260,000. A lower proportion of Area L residents had no qualifications when compared to the English and Welsh average (16% compared to 29%). The indices of deprivation for 2007 ranked this area in the mid region of deprived local authority areas in England. Sixty-five per cent of the 10- to 17-year-old population was white, 14% black, 8% mixed race, 10% Asian and 2% from other backgrounds.

References:

1. Census 2001 statistics were used for each area, downloaded from the Office for National Statistics (ONS) Neighbourhood Statistics Service website and the ONS local authority profiles. <http://neighbourhood.statistics.gov.uk/dissemination/> and http://www.statistics.gov.uk/census2001/profile_home.asp

2. Office for National Statistics (August 2008 release). Population Estimates by Ethnic Group. Data for 10- to 17-year-olds by ethnicity in 2006.

3. English Indices of Deprivation 2007

<http://www.communities.gov.uk/communities/neighbourhoodrenewal/deprivation/deprivation07/>

Appendix B: Tables of offences young people charged with following stop and search

Table B1 Area A stop and search arrested offences by ethnicity of offender

Offence	White	Black	Total
Stolen property	0	8	8
Possession of drugs	2	5	7
Firearms offences	0	6	6
Offensive weapon	4	2	6
Going equipped	1	4	5
Road traffic offence	1	0	1
Other	4	15	19
Total	12	40	52

Table B2 Area B stop and search arrested offences by ethnicity of offender

Offence	White	Black	Mixed race	Asian	Other/NK	Total
Burglary	15	2	1	3	0	21
Drug possession	10	1	0	7	0	18
Car theft crimes	7	0	1	9	0	17
Theft	12	1	1	2	0	16
Criminal damage	8	0	1	0	1	10
Public order	9	0	0	0	0	9
Going equipped	8	0	0	0	0	8
Warrant/breach	4	1	0	2	0	7
Arson	5	1	0	0	0	6
Supply drugs	3	0	0	1	0	4
Offensive weapon	2	0	0	2	0	4
Minor violence	1	0	1	0	0	2
Driving offences	2	0	0	0	0	2
Robbery	1	1	0	0	0	2
Handling/fraud/deception	1	0	0	0	0	1
Total	88	7	5	26	1	127

Note: Seven cases had missing data

Table B3 Area C stop and search arrested offences by ethnicity of offender

Offence	White	Black	Mixed race	Not recorded	Total
Burglary	1	3	0	0	4
Drugs	1	2	1	1	5
Firearms	0	0	0	2	2
Going equipped	0	2	0	0	2
Handling	0	0	0	1	1
Not recorded	3	0	0	0	3
Robbery	1	0	0	1	2
Theft	0	1	0	0	1
Total	6	8	1	5	20

Table B4 Area D stop and search arrested offences by ethnicity of offender

Offence	White	Black	Mixed race	Asian	Not recorded	Total
Possession drugs	5	1	0	10	1	17
Warrants/breaches	0	0	0	1	1	2
Handling/fraud	3	0	0	1	0	4
Burglary	0	1	0	5	0	6
Offensive weapon	0	0	1	2	1	4
Driving offences	0	0	0	0	1	1
Car theft crimes	1	0	1	6	9	17
Theft	1	1	0	0	2	4
Criminal damage	0	0	0	1	1	2
Robbery	0	0	0	19	3	22
Going equipped	1	1	0	0	2	4
Public order	1	0	0	2	0	3
Other	1	0	0	8	2	11
Sex offences	0	0	0	0	1	1
GBH	0	0	0	1	0	1
Total	13	4	2	56	24	99

Custody record data**Table B5 Area A custody recorded primary offence by ethnicity**

Offence	White	Black	Asian	Not known (NK)	Total
Drug offences	8	16	0	1	25
Minor violence	8	15	1	1	25
Serious violence	3	6	1	0	10
Warrants/breaches	8	28	0	1	38
Public order	6	21	1	1	28
Handling/fraud	4	13	1	1	18
Sexual offences	0	2	0	0	2
Car crime offences	5	17	0	1	23
Driving offences	1	16	0	0	17
Robbery	9	82	0	0	91
Burglary	15	25	0	3	43
Theft/shoplifting	7	32	1	1	41
Firearms offences	1	11	0	0	12
Offensive weapon/going equipped	5	10	0	2	17
Criminal damage	4	14	0	1	19
Other	3	7	1	2	13
Not recorded	1	0	0	0	1
Total	88	315	5	15	423

Note: Data were missing on four cases

Table B6 Area B custody recorded primary offence by ethnicity

Offence	White	Black	Asian	NK	Total
Drug possession	10	0	4	1	15
Warrants/breaches	44	4	9	2	59
Minor violence	88	5	54	1	148
Handling/fraud	2	0	3	0	5
Burglary	87	7	29	3	126
Supply drugs	4	3	3	0	10
Offensive weapon/going equipped	17	3	8	0	28
Driving/car crime offences	82	1	41	7	131
Theft	69	4	22	6	101
Criminal damage	145	10	29	9	193
Robbery	20	7	10	2	39
Firearms offences	4	0	1	2	7
Public order	93	11	22	28	154
Other	15	2	6	3	26
Sexual offences	6	1	4	1	12
Arson	10	0	3	3	16
GBH	4	0	3	0	7
Shoplifting	31	1	3	0	35
Racially aggravated offences	22	0	4	0	26
Total	753	59	258	68	1,138

Table B7 Area C custody recorded primary offence by ethnicity

Offence	White	Black	Asian	Mixed race	NK/ other	Total
Drug possession	16	5	0	3	0	25
Warrants/breaches	28	8	0	2	0	38
Minor violence	55	14	2	7	2	78
Handling/fraud	8	0	0	0	0	8
Burglary	62	3	1	7	1	73
Supply drugs	1	2	0	0	0	3
Offensive weapon/going equipped	7	3	0	1	0	11
Driving/car crime offences	92	7	1	7	1	108
Theft	37	5	4	3	4	49
Criminal damage	67	2	0	8	0	77
Robbery	31	24	6	8	8	73
Firearms offences	1	1	0	0	0	2
Public order	53	7	5	6	6	73
Other	18	13	1	1	1	33
Sexual offences	7	3	0	0	0	10
Arson	6	1	0	0	0	7
GBH	9	0	0	2	0	11
Shoplifting	55	6	0	4	0	68
Racially aggravated offences	6	1	0	3	0	10
Total	559	105	20	62	23	757

Table B8 Area D custody recorded primary offence by ethnicity

Offence	White	Black	Mixed race	Asian	NK/ other	Total
Drug possession	10	0	7	18	0	35
Warrants/breaches	14	1	17	27	0	59
Minor violence	21	1	15	29	0	66
Handling/fraud	7	1	9	4	0	21
Burglary	11	2	3	26	0	42
Supply drugs	1	0	8	10	0	19
Offensive weapon/going equipped	17	1	12	11	0	41
Driving/car crime offences	36	2	17	59	0	114
Theft	17	3	9	12	0	41
Criminal damage	16	1	9	20	1	47
Robbery	12	2	30	87	2	133
Firearms offences	0	0	0	1	0	1
Public order	17	0	8	15	0	40
Other	7	1	7	4	1	20
Sexual offences	0	0	1	1	0	2
Arson	0	0	0	3	0	3
GBH	5	0	8	9	0	22
Shoplifting	0	1	4	7	0	12
Racially aggravated offences	2	0	0	2	0	4
Total	193	16	164	365	4	722

Appendix C: YOT data sample description

Table C1 Ethnicity as classified by variable 16+1

Ethnicity	% Males	% Females
Asian or Asian British: Bangladeshi	33	23
Asian or Asian British: Indian	2	4
Asian or Asian British: Other	55	62
Asian or Asian British: Pakistani	11	10
Total	100	100
N	1,669	203
Black or Black British: African	15	10
Black or Black British: Caribbean	32	35
Black or Black British: Other	48	48
Black or Black British: Unknown	5	6
Total	100	100
N	2,883	549
Mixed: Other	15	11
Mixed: Unknown	6	3
Mixed: White and Asian	11	11
Mixed: White and Black African	7	4
Mixed: White and Black Caribbean	61	71
Total	100	100
N	753	193
White: British	73	72
White: Irish	2	1
White: Other	24	25
White: Unknown	2	2
Total	100	100
N	8,575	2,415
Chinese	30	29
Other	70	71
Total	100	100
N	40	14
Unknown	653	136
Total (n)	14,573	3,510

Table C2 Age, ethnicity and gender

% Male							
Age	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
10	<1	<1	-	1	1	1	1
11	1	1	3	2	1	2	2
12	2	3	8	4	4	4	4
13	6	6	8	5	6	8	7
14	13	14	11	13	11	14	14
15	20	21	32	22	20	19	20
16	27	25	16	27	25	24	25
17	27	27	22	24	29	24	25
18	2	2	-	2	2	3	2
19	<1	1	-	<1	1	<1	<1
Total	100	100	100	100	100	100	100
N	1,661	2,799	37	938	651	8,487	14,573

% Female							
Age	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
10	<1	1	-	1	3	<1	<1
11	2	<1	-	<1	2	2	2
12	5	4	-	3	4	6	5
13	8	10	7	13	10	13	12
14	18	16	43	25	19	19	19
15	22	28	14	27	31	27	27
16	24	19	-	20	13	20	19
17	19	22	36	10	17	14	15
18	<1	1	-	1	1	1	1
19	-	-	-	-	-	<1	<1
Total	100	100	100	100	100	100	100
N	202	522	14	230	136	2,406	3,510

Table C3 ONS estimated 10- to 17-year-old male population 2006 compared to male cases aged 10-17, per cent

Area	Asian		Black		Chinese/Other		Mixed		Not known		White		Total		N	
	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases
Area A	7	1	34	70	3	1	10	8	-	4	47	17	100	100	10,520	1,136
Area B	27	18	1	3	1	<1	3	4	-	-	68	75	100	100	27,828	2,676
Area C	4	2	3	9	1	<1	5	7	-	2	86	79	100	100	17,631	1,734
Area D	58	56	6	6	3	<1	4	11	-	<1	29	26	100	100	9,583	843
Area E	17	6	5	14	1	<1	7	7	-	2	70	70	100	100	12,790	964
Area F	13	4	29	54	3	<1	7	12	-	3	47	27	100	100	9,816	1,016
Area G	11	4	2	6	1	<1	5	3	-	25	81	60	100	100	12,418	1,003
Area H	25	14	8	11	1	1	6	8	-	3	59	64	100	100	10,356	902
Area I	40	23	23	33	3	<1	6	8	-	3	29	32	100	100	14,036	1,018
Area J	19	5	1	3	<1	-	3	3	-	14	77	75	100	100	12,826	1,114
Area K	7	2	2	12	1	<1	4	4	-	3	86	78	100	100	11,390	1,058
Area L	10	3	14	41	2	1	8	9	-	1	66	45	100	100	8,260	707
Total	20	11	9	19	2	<1	5	6	-	4	64	58	100	100	157,454	14,171

Table C4 ONS estimated 10- to 17-year-old female population 2006 compared to female cases aged 10-17, per cent

Area	Asian		Black		Chinese/Other		Mixed		Not known		White		Total		N	
	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases	Pop	Cases
Area A	6	2	37	63	3	<1	10	7	-	4	44	25	100	100	10,200	219
Area B	27	8	1	4	1	-	3	3	-	-	68	85	100	100	27,200	813
Area C	4	2	3	6	1	<1	5	10	-	2	87	79	100	100	16,582	402
Area D	60	29	6	9	2	2	4	9	-	-	28	51	100	100	9,321	124
Area E	16	6	5	18	1	<1	7	1	-	2	71	73	100	100	11,960	233
Area F	13	3	29	53	3	-	8	9	-	3	48	32	100	100	9,670	146
Area G	11	2	2	5	1	-	5	5	-	11	81	78	100	100	11,854	241
Area H	24	8	8	13	1	<1	6	11	-	3	60	66	100	100	9,817	360
Area I	40	16	24	31	3	-	6	16	-	3	27	34	100	100	12,765	157
Area J	19	3	1	1	<1	-	3	6	-	18	77	73	100	100	11,852	277
Area K	7	2	2	8	1	2	4	5	-	5	86	79	100	100	10,611	325
Area L	10	2	15	34	2	1	8	7	-	-	65	56	100	100	7,845	177
Total	20	6	9	15	1	<1	5	7	-	4	64	69	100	100	149,677	3,474

% Females

Offence	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total	N
Arson	-	22.2	-	-	11.1	66.7	100	9
Breach of bail	2.2	15.6	-	8.9	-	73.3	100	45
Breach of conditional discharge	-	-	-	25.0	-	75.0	100	4
Breach of statutory order	3.0	10.3	0.3	8.2	2.7	75.5	100	331
Burglary	2.6	1.3	-	6.5	2.6	87.0	100	77
Criminal damage	0.8	11.3	-	4.7	3.5	79.7	100	256
Death or injury by dangerous driving	-	-	-	-	-	-	-	0
Drugs	4.1	22.4	-	14.3	2.0	57.1	100	49
Fraud and forgery	5.0	37.5	2.5	2.5	5.0	47.5	100	40
Motoring offences	3.9	7.8	-	7.8	11.8	68.6	100	51
Other	4.3	17.7	0.7	7.1	6.4	63.8	100	141
Public order	3.1	9.6	-	3.1	5.2	79.0	100	229
Racially aggravated	4.2	14.6	2.1	8.3	2.1	68.8	100	48
Robbery	5.5	24.0	0.7	17.8	5.5	46.6	100	146
Sexual offences	-	-	-	-	-	-	-	0
Theft and handling stolen goods	9.7	16.6	0.6	4.6	3.0	65.6	100	1,251
Vehicle theft/unauthorised taking	8.6	2.9	-	-	8.6	80.0	100	35
Violence against the person	4.3	15.2	0.3	8.1	4.5	67.7	100	798
Total	5.8	14.9	0.4	6.6	3.9	68.5	100	3,510

Table C6 Profile of crimes within ethnicity, aged 10-19**% Males**

Offence	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
Arson	0.5	0.1	-	0.2	0.3	0.6	0.4
Breach of bail	1.6	3.0	-	1.9	0.5	1.3	1.7
Breach of conditional discharge	0.1	0.1	-	-	-	0.2	0.1
Breach of statutory order	7.2	9.7	5.4	14.7	5.2	12.4	11.1
Burglary	3.1	3.8	2.7	6.3	6.0	7.0	5.9
Criminal damage	5.2	4.1	2.7	6.8	10.4	11.6	9.1
Death or injury by dangerous driving	-	-	-	-	-	0.0	0.0
Drugs	7.9	10.0	10.8	7.2	1.7	4.1	5.8
Fraud and forgery	0.7	0.8	2.7	0.1	1.4	0.5	0.6
Motoring offences	14.0	8.6	13.5	8.2	19.0	7.9	9.3
Other	4.8	5.3	13.5	4.1	5.2	5.1	5.1
Public order	5.8	4.5	-	7.1	7.1	6.8	6.2
Racially aggravated	0.7	0.5	-	1.1	0.8	0.9	0.8
Robbery	7.9	14.1	5.4	9.1	5.8	3.4	6.4
Sexual offences	1.1	1.2	-	0.6	0.5	0.6	0.8
Theft and handling stolen goods	15.6	13.1	13.5	13.4	13.8	15.9	15.1
Vehicle theft/ unauthorised taking	4.9	3.1	2.7	3.9	4.1	5.1	4.6
Violence against the person	19.0	18.1	27.0	15.1	18.1	16.6	17.1
Total	100	100	100	100	100	100	100
N	1,661	2,799	37	938	651	8,487	14,573

DIFFERENTIAL TREATMENT IN THE YOUTH JUSTICE SYSTEM

% Females							
Offence	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
Arson	-	0.4	-	-	0.7	0.2	0.3
Breach of bail	0.5	1.3	-	1.7	-	1.4	1.3
Breach of conditional discharge	-	-	-	0.4	-	0.1	0.1
Breach of statutory order	5.0	6.5	7.1	11.7	6.6	10.4	9.4
Burglary	1.0	0.2	-	2.2	1.5	2.8	2.2
Criminal damage	1.0	5.6	-	5.2	6.6	8.5	7.3
Death or injury by dangerous driving	-	-	-	-	-	-	-
Drugs	1.0	2.1	-	3.0	0.7	1.2	1.4
Fraud and forgery	1.0	2.9	7.1	0.4	1.5	0.8	1.1
Motoring offences	1.0	0.8	-	1.7	4.4	1.5	1.5
Other	3.0	4.8	7.1	4.3	6.6	3.7	4.0
Public order	3.5	4.2	-	3.0	8.8	7.5	6.5
Racially aggravated	1.0	1.3	7.1	1.7	0.7	1.4	1.4
Robbery	4.0	6.7	7.1	11.3	5.9	2.8	4.2
Sexual offences	-	-	-	-	-	-	-
Theft and handling stolen goods	59.9	39.8	50.0	24.8	27.2	34.1	35.6
Vehicle theft/ unauthorised taking	1.5	0.2	-	-	2.2	1.2	1.0
Violence against the person	16.8	23.2	14.3	28.3	26.5	22.4	22.7
Total	100	100	100	100	100	100	100
N	202	522	14	230	136	2,406	3,510

Table C7a Case profile

% Males							
	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
No. of unique offences per case							
1	81	78	89	78	84	80	80
2-3	18	20	8	20	15	18	18
4+	1	1	3	1	0	2	2
Seriousness of offence							
Offence Gravity 6+	12	20	8	15	10	9	12
N	1,661	2,799	37	938	651	8,487	14,573
% Females							
	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
No. of unique offences per case							
1	93	88	79	81	88	87	87
2-3	7	11	21	18	13	12	12
4+	-	0	-	1	-	1	1
Seriousness of offence							
Offence Gravity 6+	5	8	7	13	7	5	6
N	202	522	14	230	136	2,406	3,510

Table C7b Case profile (excludes Area F)

% Males							
	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
No charges sentenced up to current offence date							
No previous convictions	19	17	38	14	62	10	15
1-3	55	48	56	38	32	49	48
4-5	8	8	-	9	3	9	8
6-10	9	12	6	16	2	12	11
10+	9	16	-	22	1	21	18
Previous custodial							
Had a previous custodial	2	4	3	3	1	3	3
Persistent offender							
Classified as a persistent young offender	13	23	6	32	3	26	23
N	1,614	2,231	32	819	624	8,205	13,525
% Females							
	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
No charges sentenced up to current offence date							
No previous convictions	14	13	-	17	51	10	13
1-3	73	72	93	48	45	67	66
4-5	5	3	7	10	4	8	7
6-10	6	5	-	12	-	9	8
10+	2	6	-	13	-	7	7
Previous custodial							
Had a previous custodial	2	2	-	1	-	2	2
Persistent offender							
Classified as a persistent young offender	4	9	-	17	-	11	10
N	198	443	14	216	132	2,359	3,362

Note: The proportion of cases with no previous convictions is smaller than those reported by Feilzer and Hood (2004). Within the dataset there does not appear to be any other appropriate variable counting the number of previous convictions.

Table C8 Proportion of offenders receiving a pre-court disposal by ethnicity

Boys (per cent)	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
Police Reprimand	71*	61	82	62	76*	63	64
Final Warning	29*	39	18	38	22*	37	36
Fixed Penalty Notice	-	-	-	-	2	<1	<1
Total	100	100	100	100	100	100	100
N	577	637	11	135	123	2,601	4,084
Proportion of all cases dealt with at pre-court stage	37*	25*	31	16*	20*	33	30
Girls (per cent)							
Police Reprimand	80*	75	43	72	89*	71	72
Final Warning	20*	25	57	28	11*	29	28
Fixed Penalty Notice	-	<1	-	-	-	-	<1
Total	100	100	100	100	100	100	100
N	142	263	7	68	47	1,263	1,790
Proportion of all cases dealt with at pre-court stage	71*	53	54	31*	38*	55	53

Notes:

Due to small sample sizes for the Chinese/Other ethnic group, statistical tests of significance were not conducted.

* Indicates a significant difference (at the 95% level) when compared to white offenders.

Table C9 Proportion of young people receiving a court disposal by ethnicity

Boys (per cent)	Asian	Black	Chinese/ Other	Mixed	Not known	White	Total
Discontinued/Withdrawn No Case To	10	10	4	9	9	9	9
Answer/Acquitted	7	11*	8	8*	13*	6	8
Referral Order	28*	19	20	16*	21	20	20
First-tier Penalties	19	17	32	16	32*	19	19
Community Sentences available to all ages	15*	18*	20	26*	15*	22	21
Community Sentences available to ages 16+	7	7	4	7	4*	6	6
Custody	6	9*	8	9	3*	7	8
Other	8	8	4	10	3*	10	9
Total	100	100	100	100	100	100	100
N	964	1,885	25	720	495	5,385	9,474
Girls (per cent)							
Discontinued/Withdrawn No Case To	12	14	-	13	17	10	11
Answer/Acquitted	5	8	17	8	8	5	6
Referral Order	33	28	50	23*	39	31	31
First-tier Penalties	12	11	-	13	14	13	12
Community Sentences available to all ages	19	21	17	29	12*	22	22
Community Sentences available to ages 16+	7	5	-	1	1	3	3
Custody	2	6	-	5	-	3	3
Other	9	8	17	9	8	11	10
Total	100	100	100	100	100	100	100
N	57	232	6	150	76	1,049	1,570

* Indicates a significant difference ($p < .05$) when compared to white young people.

Table C10 Proportion of disposals given by area (males)

Disposal	Area A	Area B	Area C	Area D	Area E	Area F	Area G	Area H	Area I	Area J	Area K	Area L	Total
Police Reprimand	14	31	24	20	24	18	7	18	13	16	13	8	19
Final Warning	9	14	16	8	13	7	9	11	9	4	9	12	11
Fixed Penalty Notice	0	0	0	0	0	0	0	0	0	0	0	0	0
Discontinued/ Withdrawn	5	5	6	6	8	9	5	8	10	6	6	8	7
No Case to Answer	9	4	2	6	3	7	5	4	6	7	6	12	5
Referral Order	14	12	13	17	12	15	19	14	17	14	15	14	14
First Tier Penalties	13	10	11	16	12	16	17	17	17	16	13	10	13
Community Sentences available to all ages	17	14	15	13	12	10	18	15	12	17	12	18	14
Community Sentences available to ages 16+	6	2	4	6	5	7	5	4	5	5	6	4	5
Custody	7	3	5	5	5	6	8	5	6	5	7	5	5
Other	5	5	4	4	6	4	7	5	6	10	13	9	6
Total	100	100	100	100	100	100	100	100	100	100	100	100	100
N	1006	2637	1690	778	976	917	1023	866	975	1041	941	708	13,558

Note: Excludes unknown results

Table C11 Proportion of disposals given by area (females)

Disposal	Area A	Area B	Area C	Area D	Area E	Area F	Area G	Area H	Area I	Area J	Area K	Area L	Total
Police Reprimand	38	51	41	34	40	33	16	51	34	32	28	19	39
Final Warning	15	17	16	12	22	10	18	9	9	9	14	14	15
Fixed Penalty Notice	0	0	0	0	0	0	0	0	0	0	0	0	0
Discontinued/ Withdrawn	7	3	7	4	5	7	6	6	7	4	5	7	5
No Case to Answer/Acquitted	5	2	1	10	2	6	1	1	4	3	3	8	3
Referral Order	15	9	17	16	13	17	22	12	23	17	15	13	14
First Tier Penalties	5	4	6	2	3	5	11	5	5	11	7	6	6
Community Sentences available to all ages	8	9	7	15	8	11	17	9	10	12	11	19	10
Community Sentences available to ages 16+	0	0	2	4	3	4	1	1	2	1	3	2	2
Custody	2	1	1	2	1	3	2	1	3	2	3	2	2
Other	5	2	3	2	4	4	6	5	5	8	10	9	5
Total	100	100											
N	213	804	389	115	235	126	244	350	152	265	290	177	3,360

Note: Excludes unknown results

Table C12 Proportion of sentenced disposals given by area (males)

Sentenced Disposal	Area A	Area B	Area C	Area D	Area E	Area F	Area G	Area H	Area I	Area J	Area K	Area L	Total
Referral Order	22	26	25	28	23	26	26	24	27	21	22	23	25
First Tier Penalties	21	21	22	26	22	27	23	28	27	24	20	17	23
Community Sentences available to all ages	28	30	30	21	23	18	25	25	19	25	19	30	25
Community Sentences available to ages 16+	10	5	8	10	10	11	7	6	8	7	9	7	8
Custody	11	7	9	8	10	11	11	8	10	8	10	9	9
Other	8	10	7	7	12	7	10	9	9	15	20	16	11
Total	100	100											
N	634	1222	869	473	509	541	758	509	607	698	624	425	7,869

Note: Excludes unknown results, pre-court disposals and cases dismissed/acquitted

Table C13 Proportion of sentenced disposals given by area (females)

Sentenced Disposals	Area A	Area B	Area C	Area D	Area E	Area F	Area G	Area H	Area I	Area J	Area K	Area L	Total
Referral Order	42	33	49	39	41	39	37	37	49	34	30	25	37
First Tier Penalties	14	17	17	4	11	11	19	15	10	21	13	12	15
Community Sentences available to all ages	22	36	19	37	24	25	28	26	21	23	22	36	27
Community Sentences available to ages 16+	1	1	5	11	9	9	1	3	4	2	6	4	4
Custody	7	3	2	4	3	7	3	4	6	4	6	4	4
Other	14	9	7	4	12	9	10	15	11	16	21	18	13
Total	100	100											
N	73	209	135	46	75	56	144	117	72	136	141	91	1,295

Note: Excludes unknown results, pre court disposals and cases dismissed/acquitted

Table C14 Per cent of individual sample with Asset information

Disposal	Percentage of sample with Asset available	Total
Police Reprimand	3	3,213
Final Warning	29	1,473
Fixed Penalty Notice	50	6
Discontinued/Withdrawn	38	526
No Case To Answer/Acquitted	34	395
Referral Order	76	1,493
First Tier Penalties	39	1,083
Community Sentences All Ages	80	907
Community Sentences 16+	76	320
Custody	85	426
Other	78	444
Result Unknown	32	580
Total	39	10,866

Table C15 Ethnic profile of Asset sample

Ethnicity	Male		Female		Total	
	(%)	N	(%)	N	(%)	N
Asian	13	471	5	37	12	508
Black	18	628	14	105	17	733
Chinese/Other	0	11	0	3	0	14
Mixed	7	252	9	70	8	322
Unknown	0	15	1	7	1	22
White	61	2,144	70	526	63	2,670
Total	100	3,521	100	748	100	4,269

Appendix D: Multivariate logistic regression

The following tables present the results of regression analysis that tested whether there are differences in outcomes for young people of different ethnic groups controlling for a range of case characteristics. The model is based on a complete year (2006) of young people who have been charged with an offence. This means that a young person can appear in the dataset more than once, and that individual cases were not independent of each other. This violates an assumption for logistic regression which often leads to underestimated standard errors.

To adjust for the dependent data, the statistical package STATA logistic regression with random effect was used, and the intra-class correlation (which is produced as part of the model) was examined to see what proportion of the variance was explained by the repeated occurrence of the individual only. If this proportion was not significantly different to zero, then it can be assumed that case characteristics have explained away all individual effects and that results are similar to a logistic regression without controlling for the repeated occurrence (produced using the statistical package SPSS). The Hausman test was conducted on the logistic random effect model to test whether the model was consistent. In cases where the random effect model was shown to be inconsistent, but the intraclass correlation indicated that a proportion of the variance was explained by the individual, then a logistic regression was run with clustered robust standard errors.

Pre-court decisions

To model pre-court decisions, we needed to identify all those young people who were available for a pre-court disposal. We selected all young people who had scored less than three on the variable counting the number of previous convictions, provided that they had pleaded guilty to the current offence.^{61,62} This resulted in a sample of 5,325 boys and 1,931 girls. The sub-sample did not precisely identify all those who received a pre-court disposal, identifying 87% and 89% of reprimands of boys and girls, and 76% and 78% of final warning for boys and girls. The variable 'no previous convictions' may provide underestimates of young people with no previous convictions. For all cases involving boys, 15% had no previous convictions, which is smaller than the 54.8% found by Feilzer

⁶¹ The 'guilty plea' variable includes admissions of guilt made at police stations.

⁶² We are aware that offenders with two previous convictions are ineligible for pre-court disposals, but our database shows that many such offenders received final warnings. We were unable to establish whether the variable actually counts the number of contacts with the police and youth justice system *including the present contact* – which would make sense of the pattern of findings that we have seen.

and Hood (see Table C7b in Appendix C). Further, the variable indicating a guilty plea was taken from plea at the last stage of court, as date of pleas from pre-court was largely missing for court sentences. This implies that a young person may not have pleaded guilty at the time of police charging, but it has been assumed that the numbers changing plea are small.

Table D1 Eligibility for pre-court disposals

Ethnicity	Boys				Girls			
	Not eligible		Eligible		Not eligible		Eligible	
	N	(%)	N	(%)	N	(%)	N	(%)
Asian	678	45	820	55	52	27	143	73
Black	1,128	56	902	44	136	32	293	68
Mixed	499	66	256	34	109	53	96	47
White	4,383	57	3,347	43	874	38	1,399	62
Total	6,688	56	5,325	44	1,171	38	1,931	62

Table D2 Disposals given to cases eligible for pre-court disposal

Ethnicity	Boys				Girls			
	Pre-court disposal		Forwarded for prosecution		Pre-court disposal		Forwarded for prosecution	
	N	(%)	N	(%)	N	(%)	N	(%)
Asian	475	58	345	42	124	87	19	13
Black	464	51	438	49	216	74	77	26
Mixed	108	42	148	58	55	57	41	43
White	2,088	62	1,259	38	1,066	76	333	24
Total	3,135	59	2,190	41	1,461	76	470	24

Table D3 Model of prosecution versus pre-court disposal: Male

	Logistic regression robust standard errors		
	Odds/ Exp(B)	Lower Bound	Upper Bound
Ethnicity: Base=White			
Asian or Asian British	1.06	0.87	1.30
Black or Black British	1.12	0.92	1.37
Mixed	2.04**	1.52	2.74
Age 16+	2.55**	2.24	2.90
More than two unique offences	4.02**	3.21	5.03
Violence against the person	0.50**	0.43	0.59
Burglary	0.82	0.56	1.21
Robbery	1.75	0.99	3.11
Drugs	0.40**	0.38	0.65
Theft and handling	0.47**	0.40	0.56
Gravity score 6+	2.94**	1.92	4.49
Area: Base=B			
Area A	2.76**	2.06	3.70
Area C	1.12	0.89	1.41
Area D	2.61**	1.97	3.45
Area E	1.62**	1.26	2.08
Area G	2.62**	1.92	3.57
Area H	2.03**	1.53	2.69
Area I	2.97**	2.30	3.84
Area J	9.69**	6.89	13.63
Area K	3.21**	2.43	4.25
Area L	2.85**	2.07	3.93

** 1% level of significance * 5% level of significance.

Table D4 Model of prosecution versus pre-court disposal: Female

	Logistic regression random effects		
	Odds/ Exp(B)	95.0% Confidence Interval for Odds/ Exp(B)	
		Lower Bound	Upper Bound
Ethnicity: Base=White			
Asian or Asian British	0.51*	0.27	0.94
Black or Black British	0.87	0.57	1.32
Mixed	2.11*	1.20	3.72
Age 16+	1.72**	1.30	2.29
More than two unique offences	10.28**	5.90	17.93
Violence against the person	0.41**	0.28	0.60
Drugs	0.15**	0.04	0.48
Public Order	0.23**	0.13	0.42
Theft and handling	0.22**	0.16	0.31
Gravity score 6+	4.29**	2.22	8.27
Area A	2.96**	1.63	5.36
Area C	2.48**	1.55	3.97
Area D	3.08**	1.43	6.60
Area E	2.67**	1.57	4.54
Area G	4.60**	2.62	8.09
Area H	2.32**	1.37	3.92
Area I	6.44**	3.50	11.86
Area J	13.94**	7.42	26.20
Area K	3.36**	1.96	5.78
Area L	3.72**	1.89	7.31

Table D5 Proportion of young people who pleaded not guilty whose cases were dismissed at court

	Asian	Black	Mixed	White	Total
Boys (%)	57	56	57	56	56
N	161	311	108	775	1,355
Girls (%)	44	37	52	46	45
N	9	43	29	160	241

Table D6 Model of dismissal versus other court outcome: Male

	Logistic regression robust standard errors		
	Odds/ Exp(B)	95.0% Confidence Interval for Odds/ Exp(B)	
		LB	UB
Ethnicity: Base=White			
Asian	1.20	0.93	1.54
Black	1.57**	1.29	1.91
Mixed	1.25	0.95	1.64
Aged 16+	0.91	0.78	1.07
Remand	1.35	0.88	2.05
Crown Court	0.97	0.59	1.57
Plead not guilty	44.77**	37.05	54.11
No. previous convictions: Base=0			
1-3	0.71**	0.57	0.88
4-5	0.67**	0.50	0.90
6-10	0.71**	0.54	0.92
10+	0.63**	0.49	0.81
Previous Custodial Sentence	1.22	0.85	1.77
Persistent Young Offender	1.00	0.98	1.02
Breach in case	1.03	0.84	1.27
No. of unique offences per case base=1			
2-3	0.66**	0.54	0.81
4+	0.15**	0.07	0.36
Violence against the person	0.68**	0.54	0.86
Burglary	0.30**	0.16	0.57
Robbery	0.45*	0.21	0.95
Drugs	0.41**	0.24	0.69
Theft and handling	0.59**	0.47	0.75
Gravity score 6+	2.10*	1.05	4.21
Gravity score 6+ by violence against the person	0.52	0.14	1.94
Gravity score 6+ by drugs	0.14	0.01	1.74

** 1% level of significance * 5% level of significance.

Table D7 Model of dismissal versus other court outcome: Female

	Logistic regression		
	Odds/ Exp(B)	95.0% Confidence Interval for Odds/ Exp(B)	
		Lower Bound	Upper Bound
Ethnicity: Base=White			
Asian	1.15	0.47	2.82
Black	1.06	0.63	1.79
Mixed	1.06	0.62	1.83
Aged 16+	0.98	0.69	1.38
Remand	1.23	0.32	4.67
Crown Court	3.84*	1.26	11.72
Plead not guilty	25.85**	16.79	39.79
No. previous convictions: Base=0			
1-3	1.14	0.72	1.80
4-5	0.91	0.48	1.72
6-10	1.00	0.56	1.79
10+	0.84	0.45	1.57
Previous Custodial Sentence	0.96	0.39	2.39
Persistent Young Offender	1.07	0.94	1.22
Breach in case	1.07	0.69	1.66
No. of unique offences per case base=1			
2-3	0.76	0.50	1.15
4+	0.28	0.03	3.00
Violence against the person			
Burglary	0.93	0.58	1.48
Robbery	2.01	0.57	7.06
Drugs	1.27	0.29	5.56
Drugs	0.42	0.05	3.47
Theft and handling	0.52**	0.30	0.90
Gravity score 6+	0.38	0.10	1.43
Area: Base=B			
Area A	2.66*	1.21	5.85
Area C	2.46**	1.33	4.56
Area D	1.93	0.83	4.48
Area E	0.85	0.38	1.93
Area G	0.59	0.27	1.26
Area H	1.36	0.68	2.71
Area I	1.39	0.61	3.18
Area J	0.58	0.27	1.26
Area K	1.10	0.56	2.18
Area L	2.29*	1.17	4.52

** 1% level of significance * 5% level of significance

Note: Area was not included in the model of males as this violated the assumptions of logistic random effects and was not a good fit of the model as tested with the Hosmer-Lemeshow test. Ignoring these violations, Areas E, I, and L increased the odds while Areas G and J decreased the odds of having a case dismissed when compared to Area B.

Table D8: Model of Remand: Males and females

	Logistic regression		
	Odds/ Exp(B)	95.0% Confidence Interval for Odds/ Exp(B)	
		Lower Bound	Upper Bound
Constant	0.00**		
Ethnicity: Base=White			
Asian	1.75*	1.06	2.90
Black	1.93**	1.34	2.79
Mixed	1.45	0.91	2.31
Aged 16+	1.99**	1.48	2.66
Male	1.62	0.98	2.70
Plead not guilty	1.72**	1.24	2.37
No. previous convictions: Base=0			
1-3	0.87	0.53	1.45
4-5	1.47	0.80	2.71
6-10	1.84*	1.04	3.26
10+	3.33**	1.84	6.03
Previous Custodial Sentence	2.86**	2.01	4.05
Persistent Young Offender	1.74**	1.16	2.61
Breach in case	0.65*	0.46	0.93
No. of unique offences per case base=1			
2-3	2.10**	1.61	2.75
4+	2.19*	1.18	4.06
Violence against the person	1.59	0.99	2.55
Burglary	0.96	0.36	2.58
Robbery	1.11	0.39	3.11
Drugs	0.14*	0.02	0.99
Theft and handling	1.43	0.88	2.33
Gravity score 6+	7.60**	2.81	20.57
Gravity score 6+ by Violence Against the Person	2.08	0.59	7.38
Gravity score 6+ by Drugs	3.65	0.32	41.62
Area: Base =B			
Area A	1.96*	1.14	3.38
Area C	1.44	0.86	2.39
Area D	0.99	0.50	1.96
Area E	1.42	0.77	2.61
Area G	1.52	0.87	2.64
Area H	0.65	0.33	1.28
Area I	0.99	0.56	1.76
Area J	0.98	0.55	1.73
Area K	1.13	0.64	2.01
Area L	1.11	0.60	2.05

** 1% level of significance * 5% level of significance

Table D9 Total dynamic scores from Asset

Males					
Ethnicity	Low 0-15	Medium 16-30	High 31-48	Total	Number in sample
Asian	70	28	1	100	441
Black	56	37	7	100	583
Mixed	53	41	6	100	243
White	62	34	4	100	2,041
Total	61	34	4	100	3,308

Females					
Ethnicity	Low 0-15	Medium 16-30	High 31-48	Total	Number in sample
Asian	76	21	3	100	34
Black	61	33	5	100	93
Mixed	45	48	7	100	67
White	61	34	5	100	503
Total	60	34	5	100	697

**Table D10 Asset sample, model of remand with total dynamic scores:
Males and females**

	Logistic regression: Remand			Logistic regression: Total dynamic score		
	Odds/ Exp(B)	95.0% C.I. for Odds/ Exp(B)		Odds/ Exp(B)	95.0% C.I. for Odds/ Exp(B)	
		LB	UB		LB	UB
Constant	0.00**			0.00**		
Ethnicity: Base=White						
Asian	1.66	0.79	3.47	1.89	0.89	4.03
Black	3.33**	1.83	6.04	3.38**	1.85	6.16
Mixed	2.67**	1.35	5.28	2.63**	1.32	5.25
Aged 16+	1.96**	1.22	3.14	2.05**	1.27	3.30
Male	2.39	0.93	6.12	2.9*	1.12	7.56
Plead not guilty	0.63	0.30	1.30	0.66	0.32	1.39
No. previous convictions: Base=0						
1-3	0.75	0.37	1.56	0.62	0.30	1.31
4-5	1.68	0.71	3.96	1.08	0.44	2.65
6-10	1.86	0.82	4.23	1.17	0.49	2.75
10+	4.51**	1.87	10.87	2.35	0.93	5.92
Previous custodial sentence	2.37**	1.32	4.26	2.22**	1.23	3.99
Persistent young offender	1.14	0.61	2.12	1.09	0.58	2.05
Breach in case	0.65	0.36	1.17	0.61	0.34	1.09
No. of unique offences per case base=1						
2-3	1.80**	1.17	2.78	1.79**	1.16	2.78
4+	2.61*	1.02	6.68	2.33	0.90	6.07
Violence against the person	1.51	0.68	3.35	1.54	0.69	3.45
Burglary	1.30	0.52	3.26	1.32	0.53	3.30
Robbery	1.40	0.57	3.42	1.40	0.57	3.42
Theft and handling	1.22	0.48	3.09	1.32	0.52	3.36
Gravity score 6+	6.12**	2.55	14.69	6.22**	2.58	14.99
Gravity score 6+ by violence against the person	2.97	0.70	12.59	2.74	0.63	11.90

Cont.

Table D10 cont.

Area: Base =B						
Area C	0.67	0.27	1.63	0.65	0.26	1.60
Area G	1.64	0.75	3.59	1.52	0.68	3.43
Area A	1.17	0.53	2.63	0.89	0.39	2.03
Area H	0.34	0.09	1.32	0.30	0.08	1.15
Area I	0.72	0.29	1.74	0.51	0.20	1.27
Area J	0.88	0.32	2.42	0.87	0.31	2.42
Area D	1.11	0.45	2.73	0.78	0.31	1.99
Area K	0.60	0.21	1.71	0.39	0.13	1.15
Area L	0.94	0.38	2.32	0.79	0.32	1.97
Area E	0.29	0.06	1.35	0.24	0.05	1.14
Total dynamic score Base=0-15						
16-30				2.82**	1.71	4.65
31-48				6.08**	2.85	13.00

** 1% level of significance * 5% level of significance.

**Table D11 Asset sample, model of remand with individual dynamic scores:
Males and females**

	Logistic regression individual dynamic factors		
	Odds/ Exp(B)	95.0% C.I. for Odds/ Exp(B)	
		LB	UB
Constant	0.00**		
Ethnicity: Base=White			
Asian	1.99	0.98	4.01
Black	3.47**	2.08	5.78
Mixed	2.62**	1.33	5.17
Aged 16+	2.09**	1.28	3.40
Male	3.14*	1.21	8.16
Plead not guilty	0.67	0.32	1.41
No. previous convictions: Base=0			
1-3	0.65	0.31	1.35
4-5	1.16	0.48	2.81
6-10	1.16	0.50	2.72
10+	2.05	0.84	5.01
Previous custodial sentence	2.32**	1.29	4.17
Persistent young offender	1.11	0.60	2.04
Breach in case	0.58	0.32	1.04
No of unique offences per case base=1			
2-3	1.85*	1.19	2.87
4+	2.41	0.94	6.17
Violence against the person	1.48	0.66	3.32
Burglary	1.01	0.39	2.65
Robbery	1.19	0.47	2.98
Theft and handling	1.39	0.55	3.54
Gravity score 6+	7.51**	3.03	18.66
Gravity score 6+ by violence against the person	2.33	0.54	10.03
Living arrangement	0.98	0.59	1.62
Family & personal relationships	1.42	0.84	2.39
Education, training and employment	1.08	0.67	1.73
Neighbourhood	1.06	0.68	1.65
Lifestyle	1.40	0.76	2.57
Substance use	1.06	0.67	1.68
Physical health	1.11	0.54	2.30
Emotional and mental health	1.68*	1.03	2.74
Perception of self and others	1.44	0.90	2.33
Thinking and behaviour	1.22	0.63	2.34
Attitudes to offending	0.71	0.40	1.25
Motivation to change	1.97*	1.13	3.44

** 1% level of significance * 5% level of significance.

**Table D12 Model of referral order versus other first-tier penalties:
Males and females**

	Logistic regression random effects		
	Odds/ Exp(B)	95.0% C.I. for Odds/ LB	Exp(B) UB
Ethnicity: Base=White			
Asian	1.27	0.89	1.81
Black	0.87	0.62	1.23
Mixed	1.11	0.71	1.74
Aged 16+	0.49**	0.40	0.61
Male	0.76	0.57	1.02
Remand	0.39	0.06	2.50
Crown Court	4.54	0.65	31.72
Plead not guilty	0.43*	0.22	0.84
No. previous convictions: Base=0			
1-3	0.59**	0.46	0.77
4-5	0.11**	0.08	0.16
6-10	0.03**	0.02	0.04
10+	0.00**	0.00	0.00
Previous custodial sentence			
	0.15*	0.02	0.92
Persistent young offender			
	1.01	0.99	1.04
Breach in case			
	0.26**	0.17	0.38
More than 2 unique offences in case			
	2.98**	2.20	4.05
Violence against the person			
	2.81**	1.98	3.97
Burglary	2.82**	1.31	6.04
Robbery	7.91**	1.97	31.76
Drugs	0.53**	0.35	0.82
Theft and handling	1.48*	1.09	2.02
Public order	0.55**	0.36	0.82
Motoring	0.10**	0.07	0.14
Gravity score 6+	2.67*	1.02	6.95
Area: Base=B			
Area A	0.67	0.40	1.11
Area C	1.26	0.86	1.85
Area D	0.80	0.49	1.29
Area E	0.76	0.48	1.20
Area G	0.85	0.54	1.33
Area H	0.55**	0.36	0.86
Area I	0.70	0.45	1.08
Area J	0.49**	0.32	0.74
Area K	0.53**	0.34	0.83
Area L	0.63	0.38	1.07

** 1% level of significance * 5% level of significance

Table D13 Model of community sentences versus first-tier penalties: Males

	Logistic regression random effects		
	Odds/ Exp(B)	95.0% C.I.for Odds/ LB	Exp(B) UB
Ethnicity: Base=White			
Asian	1.04	0.80	1.34
Black	1.00	0.78	1.27
Mixed	1.56**	1.18	2.07
Aged 16+	0.90	0.78	1.05
Remand	2.43*	1.23	4.82
Crown Court	10.40**	4.61	23.45
Plead not guilty	0.75	0.50	1.12
No. previous convictions: Base=0			
1-3	2.46**	1.94	3.11
4-5	8.88**	6.64	11.87
6-10	14.43**	10.82	19.23
10+	16.64**	12.48	22.19
Previous custodial sentence	0.74	0.45	1.22
Persistent young offender	1.00	0.99	1.02
Breach in case	1.73**	1.40	2.14
No. of unique offences per case base=1			
2-3	2.45**	2.06	2.91
4+	10.59**	5.51	20.36
Violence against the person			
Burglary	1.63**	1.29	2.05
Robbery	1.56	0.97	2.51
Drugs	1.45	0.77	2.74
Theft and handling	0.28**	0.20	0.40
Public order	1.28*	1.02	1.60
Motoring	0.54**	0.39	0.76
Gravity score 6+	0.42**	0.32	0.55
Gravity score 6+ by violence against the person	1.58	0.91	2.74
Gravity score 6+ by drugs	0.80	0.23	2.81
Area: Base=B	7.34**	1.91	28.16
Area A	2.19**	1.56	3.08
Area C	1.17	0.90	1.52
Area D	1.36	0.97	1.91
Area E	1.54**	1.12	2.12
Area G	1.60**	1.17	2.19
Area H	0.93	0.68	1.28
Area I	1.51*	1.09	2.08
Area J	1.24	0.92	1.68
Area K	1.24	0.91	1.71
Area L	2.16**	1.52	3.06

** 1% level of significance * 5% level of significance

Table D14 Model of community sentences versus first-tier penalties: Females

	Logistic regression random effects		
	Odds/ Exp(B)	95.0% C.I. for Odds/ LB	Exp(B) UB
Ethnicity: Base=White			
Asian	1.12	0.45	2.80
Black	1.13	0.62	2.06
Mixed	1.70	0.93	3.13
Aged 16+	0.91	0.62	1.33
Remand	10.25	0.80	131.74
Crown Court	1.56	0.23	10.35
Plead not guilty	1.39	0.52	3.72
No. previous convictions: Base=0			
1-3	2.18**	1.32	3.61
4-5	4.97**	2.62	9.41
6-10	17.93**	8.53	37.69
10+	7.63**	3.07	19.00
Previous custodial sentence	0.96	0.30	3.06
Persistent young offender	1.54	0.79	3.01
Breach in case	2.27**	1.36	3.79
No. of unique offences per case base=1			
2-3	1.78**	1.17	2.71
4+	1.51	0.36	6.27
Violence against the person			
Burglary	1.21	0.71	2.06
Robbery	0.50	0.11	2.26
Drugs	0.20	0.03	1.15
Theft and handling	0.32	0.06	1.83
Public order	0.54*	0.32	0.94
Motoring	0.45	0.19	1.03
Gravity score 6+	0.49	0.13	1.84
Area: Base=B	6.97*	1.40	34.75
Area A	1.01	0.38	2.67
Area C	0.74	0.38	1.48
Area D	3.84**	1.48	9.96
Area E	1.80	0.82	3.95
Area G	1.25	0.64	2.48
Area H	1.07	0.53	2.17
Area I	1.32	0.53	3.27
Area J	0.91	0.45	1.84
Area K	1.35	0.67	2.72
Area L	3.07**	1.39	6.80

** 1% level of significance * 5% level of significance

**Table D15 Model of custodial versus other outcomes (excluding dismissal):
Males**

	Logistic regression		
	Odds/ Exp(B)	95.0% C.I. for Odds/ LB	Exp(B) UB
Constant	.01**		
Ethnicity: Base=White			
Asian	1.04	0.70	1.56
Black	1.12	0.82	1.52
Mixed	1.06	0.72	1.55
Aged 16+	1.40**	1.12	1.75
Remand	3.75**	2.58	5.46
Crown Court	5.9**	3.98	8.74
Plead not guilty	0.43**	0.24	0.77
No. previous convictions: Base=0			
1-3	0.78	0.51	1.20
4-5	1.11	0.66	1.87
6-10	2.40***	1.53	3.77
10+	5.17**	3.26	8.18
Previous custodial sentence	11.85**	8.98	15.64
Persistent young offender	1.10	0.83	1.47
Breach in case	1.60**	1.25	2.04
No. of unique offences per case base=1			
2-3	1.70**	1.36	2.12
4+	3.76**	2.46	5.73
Violence against the person	1.80**	1.25	2.60
Burglary	1.86	0.97	3.55
Robbery	3.78**	1.76	8.11
Drugs	0.15**	0.05	0.49
Theft and handling	0.83	0.55	1.26
Gravity score 6+	1.92	0.96	3.84
Gravity score 6+ by violence against the person	3.50*	1.11	11.09
Gravity score 6+ by drugs	23.46**	4.77	115.45
Area: Base=B			
Area A	1.86*	1.15	3.02
Area C	1.28	0.86	1.91
Area D	2.05**	1.23	3.40
Area E	2.61**	1.66	4.09
Area G	2.30**	1.50	3.53
Area H	1.70*	1.06	2.72
Area I	1.88**	1.20	2.93
Area J	1.16	0.75	1.79
Area K	1.46	0.95	2.23
Area L	1.77*	1.05	2.99

** 1% level of significance * 5% level of significance

**Table D16 Model of custodial vs other court outcomes (excluding dismissal):
Females**

	Logistic regression		
	Odds/ Exp(B)	95.0% C.I. for Odds/ LB	Exp(B) UB
Constant	.00**		
Ethnicity: Base=White			
Asian	0.91	0.09	8.75
Black	3.07	0.94	10.05
Mixed	2.12	0.66	6.77
Aged 16+	1.71	0.77	3.81
Remand	11.45*	1.79	73.26
Crown Court	10.83**	1.84	63.69
Plead not guilty	1.53	0.29	8.00
No. previous convictions: Base=0			
1-3	0.61	0.15	2.50
4-5	0.77	0.12	5.08
6-10	2.94	0.68	12.79
10+	5.55*	1.05	29.32
Previous custodial sentence	40.81**	16.50	100.93
Persistent young offender	0.84	0.25	2.84
Breach in case	2.24	0.89	5.64
No. of unique offences per case base=1			
2-3	1.89	0.83	4.30
4+	7.09*	1.18	42.53
Violence against the person	1.20	0.37	3.85
Burglary	0.39	0.00	32.14
Robbery	0.55	0.01	50.53
Gravity score 6+	10.90	0.13	933.11
Gravity score 6+ by violence Against the person	114.52	0.53	24,618.07
Area: Base=B			
Area A	0.92	0.14	6.07
Area C	0.73	0.14	3.91
Area D	1.53	0.21	11.27
Area E	1.22	0.17	8.62
Area G	1.17	0.25	5.45
Area H	1.17	0.23	6.04
Area I	1.88	0.34	10.38
Area J	1.52	0.35	6.63
Area K	1.27	0.34	4.81
Area L	0.24	0.03	2.16

** 1% level of significance * 5% level of significance

Table D17 Length of custodial sentences: Males and females

	Asian		Black		Mixed		White		Total	
	N	%	N	%	N	%	N	%	N	%
Less than 6 months	16	30	51	39	24	50	150	40	241	40
6 months less than 12 months	14	26	34	26	9	19	134	36	191	31
12 months less than 24 months	17	32	26	20	6	13	64	17	113	19
24 months or more	6	11	21	16	9	19	26	7	62	10
Total	53	100	132	100	48	100	374	100	607	100

Table D18 Model of custodial sentence lengths: Males and females

	Logistic regression		
	Odds/ Exp(B)	95.0% C.I. for Odds/ Exp(B)	
		LB	UB
Constant	.07**		
Ethnicity: Base=White			
Asian	0.67	0.25	1.84
Black	1.38	0.69	2.73
Mixed	1.12	0.46	2.78
Aged 16+	0.76	0.45	1.28
Male	1.55	0.62	3.87
Remand	1.53	0.84	2.81
Crown Court	8.22**	4.27	15.84
Plead not guilty	0.34	0.08	1.46
No. previous convictions: Base=0			
1-3	0.99	0.37	2.66
4-5	1.39	0.42	4.62
6-10	1.57	0.57	4.31
10 +	2.00	0.71	5.59
Previous custodial sentence	1.25	0.75	2.08
Persistent young offender	0.66	0.36	1.23
Breach in case	0.47*	0.25	0.88
No. of unique offences per case base=1			
2-3	1.39	0.84	2.30
4+	0.80	0.30	2.14
Violence against the person	2.12	0.91	4.92
Burglary	0.29*	0.09	0.90
Robbery	0.53	0.17	1.67
Theft and handling	1.29	0.44	3.73
Gravity score 6+	13.34**	4.24	41.95
Gravity score 6+ by violence against the person	0.22	0.04	1.41
Area: Base=B			
Area A	0.40	0.14	1.15
Area C	1.20	0.46	3.08
Area D	2.38	0.67	8.36
Area E	1.45	0.53	3.92
Area G	1.57	0.62	3.96
Area H	1.35	0.49	3.71
Area I	1.11	0.41	3.02
Area J	0.62	0.21	1.82
Area K	0.49	0.17	1.43
Area L	0.29	0.07	1.28

** 1% level of significance * 5% level of significance

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This report presents findings from a study on disproportionality and discrimination in the youth justice system. The study, combining qualitative and quantitative research methods, sheds light on the competing claims about the extent to which the youth justice system delivers unfair treatment on the grounds of ethnicity.

WHAT IS ALREADY KNOWN ON THIS TOPIC:

- Ethnic groups are unequally represented in the criminal justice system, an inequality which is replicated in the youth justice system.
- Disproportionality is largely (but not entirely) preserved as young offenders pass through the system. Many of the differences between those from ethnic minorities and those from the white majority could not be accounted for by features of the offence or criminal history of the defendant, indicating possible discrimination.

WHAT THIS REPORT ADDS:

- The study confirms that ethnic minority youngsters are disproportionately present in all stages of the youth justice system and that elements of discrimination are still evident.
- A greater proportion of young people are drawn into the youth justice system through reactive policing than through proactive policing tactics such as stop and search. However arrests through proactive policing still account for a significant minority of the total, leaving ample scope for differential policing to shape inflows into the system.
- Styles of policing vary markedly across area and between policing units, and these styles can affect the profile of young people entering the system.