



YOUNG DEMONS?

Race, justice and the young adult offender

The Criminal Justice and Public Order Bill introduces, among other things, new 'child jails'. The general hardening of the political-penal climate towards all young people, has led to calls for efforts to re-establish the impetus to reduce custodial sentencing for young adult offenders that was successful in the late 1980s. These initiatives depended on a consensus that prison is a place which, as Douglas Hurd said, makes bad people worse.

Widespread acceptance of these ideas, together with the development of tougher, offence-focused styles of work by the probation service, produced reductions in custody, but these reductions mainly benefitted white offenders.

The percentage of male offenders aged 17-21 sentenced to immediate custody fell from 21 per cent in 1985 to 17 per cent in 1989.

The proportion of prisoners from minority ethnic groups rose from 12 per cent in 1985 to 16 per cent in 1989 (males) and from 17 per cent in 1985 to 24 per cent in 1989 (females) (Source: Home Office: Prison Statistics, England and Wales, 1989).

Any attempts to reduce the use of imprisonment for young adults in the 1990s, therefore, must have issues of discrimination very much to the fore. Although the climate may have become more punitive towards youth in general, in trying to ensure equal opportunities in criminal justice we have the advantage of a clear commitment by the Home Office, and by all the constituent agencies of the criminal justice system, to the elimination of discrimination.

Race and justice

In the 1990s, the crime debate has become largely deracialised. The refocusing of media, political and law enforcement attention from the disorder of the 1980s to the crime of the 1990s has displaced black disorder as the major urban fear and replaced it with youth crime. In contrast to disturbances in Brixton, Broadwater Farm and elsewhere in the 1980s, disorders on Newcastle's Meadow Well Estate, Oxford's Blackburn Leys and Cardiff's Ely in 1991 were in white areas, and centred on police crackdowns on crimes (joy-riding, ram-raiding) rather than on the potential of black politically-motivated riots. In the change of police priorities from disorder (Swamp, etc) to crime (Bumblebee), policing tactics that used to be directed at black youth are now, perhaps, directed at all youth in the most

deprived inner-city areas.

Concentration on crime, plus acknowledgement of race discrimination in criminal justice processes and official commitment to its eradication, makes it probable that there will be less direct discrimination by the courts, and other agencies. The problem becomes that the 'tick box monitoring' approach of concentration on direct discrimination in formal processes will lead to a neglect of indirect discrimination, and neglect of areas of criminal justice/law enforcement involvement outside the offence focus of punishment in the community. For example:

Plea-bargaining

Although this is not the only reason for increased vulnerability to custody of black offenders, studies have consistently shown



Errol Sani

it to be strongly correlated. More black offenders plead not guilty, and therefore do not benefit from the guilty plea 'discount'. In spite of the evidence the discount is retained throughout the recent spate of legislation.

Probation

Again, evidence continues to show black offenders less likely to receive probation orders than their white counterparts (Hood, 1993; Hudson, 1989; Moxon, 1988). This is partly linked to the not guilty plea issue and the convention of probation officers not writing pre-sentence reports in contested cases, and partly due to differences in reports on black and white offenders that are written, as I have found in my own research. These differences are often hidden in monitoring exercises, and yet the qualitative research which could not only bring them to light but might also help produce better outcomes, is becoming less and less a feature of the

life of the probation service.

Unemployment

It is often claimed that the main link between race and crime, and race and imprisonment, is not through race or racism directly, but through unemployment. Some criminologists have argued that as crime is linked to economic deprivation and social marginalisation, and as these conditions bear down disproportionately on black people, we should not be surprised to find black crime rates disproportionately higher than white (e.g. Lea and Young, 1984). Others have demonstrated that unemployment is correlated with imprisonment, so again, whether or not black crime rates are higher than white, if black unemployment rates are higher, then black imprisonment rates will be also (e.g. Box 1987). The rising crime rate among white youth with the rise in social inequality, and the current apparent rise in crime rates among Asian youth as their families become less able to provide them with employment, should finally lay to rest any suggestion of a link between crime and Afro-Caribbean culture. Whilst not wanting to say unemployment is an inevitable, or the only, cause of crime, at the very least unemployment among young adults makes the developmental, maturational tasks which are essential for growing out of crime so much harder to achieve. There should, therefore, be more emphasis in community penalties on help with employment (day centres as job clubs?), and this focus should not be lost in offence-focused, confrontational approaches.

New criminalisation

Whilst the crime discourse might have been de-racialised, we remain a deeply racist society, and institutional racism is increasingly showing itself in law enforcement strategies in respect of immigration, asylum and deportation.

Justice vs economy

Black offenders (like female offenders) are rare compared with white male offenders, and so the problem of lack of provision if resources are to be used efficiently persists. There are still towns and villages (and whole counties) where black offenders are regarded as 'not a problem we have to face'. (It is important to bear in mind in this context, that in Roger Hood's study, the Crown Court in the town which had the smallest black population, was the most discriminatory.) Black offenders therefore have to bear the additional burdens of travel to a suitable centre, or face racism and inappropriate provision in a facility oriented to white males.

Continued from previous page

RACE POLICIES INTO ACTION

Race and victimisation

The criminal justice system continues to discriminate against minority communities by not taking racial attacks and racial harassment sufficiently seriously. Although there are, of course, individual services and teams which are doing innovative and effective work in relation to these offences, in general there has not been the development of expertise and experience, and the proliferation of projects, comparable to those dealing with, for instance, car crime and sexual offences.

Conclusions

Although there is commitment to anti-discriminatory criminal justice practice, this can all too easily be tokenistic, more effective in producing policy documents than in producing justice. To the extent that race discrimination in the criminal justice system has been acknowledged, the case that has been conceded is that of individual racism, rather than structural and institutional racism stemming from the social role of the criminal justice system. The probation service and allied agencies have taken steps to monitor the delivery of equal services in the spheres in which they work, but have been slow to look at newly emerging racisms and the criminal justice system's involvement in increasingly criminalised fields such as immigration control. Racial justice needs to concern itself with all the activities in relation to which minority ethnic groups are criminalised and victimised, it needs a more differentiated, person-centred notion of appropriate justice, and it needs to supplement monitoring with qualitative research concerned with racially just outcomes as well as adherence to due process.

Dr Barbara A Hudson, Centre for Criminal Justice Studies, Department of Social Work and Social Policy, University of Northumbria at Newcastle.

References

- Box, S. (1987) *Recession, Crime and Punishment* Basingstoke: Macmillan
 Hood, R. (1993) *Race and Sentencing* Oxford: Clarendon Press
 Hudson, B. (1989) 'Discrimination and Disparity: The Influence of Race on Sentencing', *New Community* 16: 23-24
 Lea, J. and Young, J. (1984) *What is to be Done about Law and Order?* Harmondsworth: Penguin
 Moxon, D. (1988) *Sentencing Practice in the Crown Courts* Home Office Research Study No. 103, London: HMSO

The work of the NACRO Race Project

NACRO's Race Issues Advisory Committee has been working since 1982 to identify and eradicate racial discrimination in the criminal justice system.

All the criminal justice agencies now have written race equality policies. But it is much harder to move beyond paper policies and put them into action, so that the effects are felt in every police station, in local magistrates' courts, in area probation offices and on prison landings. Given the available research, the NACRO committee felt that what was needed next was concrete action.

The new NACRO race project was launched at a conference in May 1993. It is working in four areas - Leeds, Leicester, Surrey and Inner London - to help to turn written policies into everyday reality at the local level where it really counts.

Four local race issues advisory committees have been established in each of these areas. Each committee includes senior representatives from the police, Crown and Magistrates' courts, the CPS, and the probation service. Race Relations Liaison Officers from prisons in the area are members, together with representatives of Victim Support, local authority social services departments and equal opportunities units, and local Race Equality Councils. Senior judges are members of the Surrey and Inner London committees.

The emphasis of the work is on *action*. As a first step, each committee gathered information about the operation of the local criminal justice process in relation to members of ethnic minorities communities - as victims of crime, as defendants and offenders, witnesses, families and as staff employed in the agencies and professions concerned. This information was reviewed and used as the basis for a programme of action.

Continuing to develop ethnic monitoring systems, and making sure that the information collected is reviewed and acted on is one of the most important elements of the work in all four areas.

To help to maintain confidence in the criminal justice system, it was seen as important that the criminal justice agencies inform the community about their work on race equality, and that they provide avenues for the community to feed in its views. This aspect of the work involves producing posters and leaflets letting users know about each agency's race equality policy; making sure that complaints procedures are accessible and publicised; and encouraging the formation of user groups on which communities are represented.

Customer satisfaction surveys are underway in the Crown and Magistrates' courts in each area, to see whether users from all the ethnic groups in the community feel they receive equally good service. Surveys of prisoners will be carried out, with a particular emphasis on resettlement needs.

Positive action

The agencies involved are looking at ways to increase the numbers of black staff that they employ, and at promotion procedures to ensure that black staff have the opportunity to reach more senior positions.

The NACRO Race Unit Newsletter describes the local work in more detail and also acts as a means of disseminating examples of good practice.



Andrew Hughes

More information and/or copies of newsletter from Anne Dunn, NACRO Race Unit, 169 Clapham Road, SW9 0PU. 071 582 6500 ext 338.