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Despite significant concerns and public inquiries concerning the treatment of ethnic minorities within the criminal justice system as a whole, research on this area in relation to the youth justice system is comparatively rare. What evidence there is demonstrates that ethnicity can have a significant impact on the progress of young people through the youth justice system. United States based research on the topic, where high proportions of ethnic minority groups are caught up within the youth justice system, is examined. Current problems to be addressed are analysed, and suggestions on how to improve the system are given, including in the area of ethnic monitoring, which we identify as a key issue to be addressed in order to identify and deal with any possible discrimination within the youth justice system.

Key Words: *Youth Justice System, Discrimination, Black and Ethnic Minority Groups*

Introduction

This article gives a critical summary of current issues and research related to the treatment of black and minority ethnic (BME) groups within the Youth Justice System (YJS) in the United Kingdom. It also examines findings from the USA, where extensive research has been undertaken on this area, in contrast to the UK, where comparatively little research evidence is available to guide our analysis of salient issues. The rationale for our analysis of the US system is that commentators on the UK youth justice system (Muncie, 2002; Nellis, 2004) have noted how the USA systems have provided a lead in youth justice reform with regard to ethnic minority issues in Britain. **This 'rationale' does not stand on its own. What does Muncie say? What does Nellis say? Why do you agree with this perspective? Need to give concrete examples.**

The article discusses several interrelated themes: first, the extent and nature of discrimination; secondly, the part played by the attitudes of those who have power to make significant decisions at various points in the system; and thirdly, the relatively neglected area of how ethnicity is recorded, and the effect this has on our knowledge, monitoring and development of policies in this area. It also draws on work on these areas undertaken between Hertfordshire Youth Justice Service and Hertfordshire University.

Whilst there has been great concern about the treatment of BME groups within parts of the adult Criminal Justice System (CJS) (e.g. MacPherson report, 1999). This is due to the over representation of BME people in all parts of the System. Examples of this are the high rate of stop and search of BME groups, the disproportionate amount of arrests of black people and the longer sentences that they receive (Home Office, 2003). African Caribbean and Asian people are also more likely to be refused bail (Phillips and Brown, 1998). In this article these examples and other issues relating to the experiences of BME groups within the CJS are drawn upon and are explored in relation to discrimination. The intention is to draw from the knowledge base that we have of the CJS and racial discrimination, in order to more fully understand the discrimination that occurs in the YJS. There is relatively little published material regarding the youth justice system and discrimination in the UK apart from that of the Youth Justice Board (YJB) (Youth Justice Board, 2004a). In particular there is very limited research and literature that examines female young offenders from ethnic minorities.

The YJB's Race audit and action planning toolkit for Youth Offending Teams (YOTs) states that, BME 'children and young people continue to be disproportionately represented throughout the youth justice system. In some respects, the gap has increased in recent years' (YJB, 2004b: 4). In response, it requires Offending Teams:

to have an action plan in place to ensure that any difference between the ethnic compositions of offenders in all pre-court and post-court disposals and the ethnic composition of the local community is reduced year on year (YJB, 2004b: 3).

The different treatment of BME groups has been linked to racism [in the CJS](#), defined in general by the Stephen Lawrence Inquiry as 'conduct or words or practices which disadvantage or advantage people because of their colour, culture, or ethnic origin. In its more subtle form it is as damaging as in its overt form' (6.4), and in institutional terms as:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people (6.34)

These are the definitions which will be used in this article. [They are appropriate for this article as they encompass a wide reaching definition of racism that has been widely quoted within the current literature on racism.](#)

BME groups in the UK Justice System

Section 95 the Criminal Justice Act 1991 includes a 'duty to avoid discrimination against any person on the grounds of race or sex or any other improper grounds', and requires the Secretary of State each year to publish annually information which will aid criminal justice workers to avoid discrimination.

However, the amount of further work needed on this area has been emphasised by a number of reports. For example, in 1999 the Home Secretary, commenting on the Stephen Lawrence Inquiry Report, pointed to individual social responsibility as well as systems failure within services:

I want this report to serve as a watershed in our attitudes to racism. I want it to act as a catalyst to permanent and irrevocable change, not just across our public services, but across the whole of our society. This report does not place a responsibility on someone else. It places a responsibility on each one of us (NACRO, 2001: 1).

In 2003, when the Commission for Racial Equality (CRE) (2003) addressed the over-representation of people from BME groups in the CJS this was linked with the recognition that people from minority ethnic groups continue to be significantly disadvantaged as a result of policies and services within a range of areas. There is evidence of disparities between different ethnic groups at all stages of the system - from how they are paid attention to as members of the public, through to their treatment whilst in detention, demonstrated in the latter area by the circumstances surrounding the murder of Zahid Mubarek by a racist cell mate (<http://www.zahidmubarekinquiry.org.uk>). Barclay et al. (2005) research supports this evidence of disparity as they found that black people of all ages are six times more likely to be stopped and searched, and three times more likely to be arrested, than white people. The findings from a Youth Lifestyle Survey of over 300,000 primary and secondary school children, found that in the 11 to 16 year old age band, 55% of white young people self-reported offending behaviour. This is in comparison to 50% of young black people, 33% of Asian young people and 61% of young people of mixed ethnicity (Armstrong et al, 2005). This survey demonstrates that white young people take part in more offending behaviour than black or Asian young people. Results from the 2002/2003 British Crime Survey found that agencies within the criminal justice process have yet to fully demonstrate justice and fairness for all.

Stop and search data demonstrates a large discrepancy between the policing of black and white people. Black people are seven times more likely to be stopped and searched than white people, relative to the resident population (Home Office, 2002). When arrested, white people are more likely to be given reprimands or final warnings than black people, 16% of the former compared to 11% of the latter.

Barclay and Mhlanga's (2000) study on decisions on how young defendants are dealt with by the Crown Prosecution Service, produced data which suggested that BME defendants were processed through the system on less robust evidence than white defendants. The study showed that white defendants were more likely than BME groups to be convicted by the courts, to be less likely to have their cases terminated early before court proceedings and have a lower acquittal rate than that for both Asian and or Black defendants.

Recent statistics from the Home Office demonstrate that within the prison population as a whole, 22% of males and 29% of the females are from BME groups (Home Office, 2003) whereas only 7.6% of the population are from these groups (National Statistics, 2002). Within the prison system itself, there is evidence of significant personal and systematic racism. Yet a study conducted by Wilson and Moore (2003) on the experiences of young black men in custody, found that the few people who had put a complaint in regarding racism had not experienced a positive response, or were not aware of any resulting action.

In this context, the YJB stated that it was committed to realising the ideals of the Race Relations (Amendment) Act 2000 which requires public authorities to become proactive in preventing discrimination (Youth Justice Board, 2004b: 6) and to monitor the impact of policies and practice on racial equality.

Reflecting the conditions of the CRJ as a whole, a YJB study (2004a) found that there existed an over-representation of BME suspects within all parts of the youth justice system, from arrest through to sentencing. This study is not clear on why such a disparity exists though it acknowledges that such overrepresentation may not reflect higher rates of offending by certain ethnic minority groups. Smith (2003) states that the results of self-reporting surveys suggest that the offending rates among young people from all ethnic groups are relatively similar, although Asian young people have a lower self-reported crime rate. Therefore, as Goldson and Chigwada-Bailey (1999) argue, the disproportionately high percentage of BME

young people within the YJS must be for reasons other than their participation in offending. Smith argues that young BME people come into contact with a 'multiplier effect', whereby

the evidence of overrepresentation of young black people at each stage of the youth justice system... produces an overall picture of progressively intensified discriminatory practice (Smith, 2003: 120).

The YJB study found that in all eight YOTs examined, young black men were considerably over represented. Black females generally were also over represented within the majority of the YOTs, while Asian females were under represented in proportion to the population within the local area. In all the YOTs studied, young people from mixed heritage background were over represented. This was also the case for females of mixed heritage although the authors state that this is due to recording inaccuracies, indicating basic flaws in the monitoring of the treatment of BME groups, to which we return later in this article. The main finding from the study was that 'the chances of a case involving a mixed parentage young male being prosecuted were 2.7 times that of a white young male with similar case characteristics' (Youth Justice Board, 2004a: 7). Such statistics demonstrate that it is import to differentiate between the situations of different BME groups both within and without the Criminal and Youth Justice system as well as to recognise the effects of racism on BME groups in general. The following examples are indicative of the nature of difference in relation to two particular groups: young black people and young Asians. [These two groups were chosen as 'Asian' and 'Black' represent Britain's largest minority ethnic populations \(National Statistics, 2002\).](#)

There are perceived tensions between young black people and authority. Antonopoulos (2003) argues that black people view the police in less than favourable ways due to their perceived differential treatment, and there is hostility on both sides due to this. This has emerged from historical circumstances, including the conditions and policies associated with immigration which have

created a climate of fear by depicting black people as 'dangerous' and as undermining British culture, and within the education system where black young people have been constructed as a 'problem'. In the 1980s there was a strong perception of black young people being disruptive, due to the media and official sources representation of urban disturbances carried out by young black people. This image of young black people especially males as being "trouble" was one that then stuck in many minds of 'white' people. There is a large amount of research that supports the view that within classrooms young black people were seen as troublemakers (Wright, 1992; Connolly, 1995). As we have demonstrated, within the YJS there exists an over representation of black young people within all areas of it, which is illustrated by current statistics (Youth Justice Board, 2004a). This is both reflected and reinforced by the over representation of black young people, especially those from an African-Caribbean background (Landau, 1981) at every stage of the YJS from the initial stop and search through to custody (Youth Justice Board, 2004a, Phillips and Brown, 1998).

According to Jefferson and Walker (1993) the hostility between black people and the police contributes to young black people pleading 'Not Guilty', and this results in them being prosecuted rather than given reprimands or warnings. Ethnic background also has a role to play in the refusal or granting of bail. A study by Phillips and Brown (1998) found that of defendants refused bail, 28% were White, 34% were African-Caribbean and 35% were Asian, and that this was the case even when criminal record and seriousness of the offence were controlled in the study. Reiner (1993) argues that both racial discrimination and black offending patterns have a part to play in the overrepresentation of black people in the criminal justice system, along with factors such as age, gender and class. It is argued that the racism that many black young people face in their everyday lives has an impact upon their 'self-esteem and confidence and excludes them from gaining qualifications and jobs, greatly increasing their marginalization' (Fleming and Keenan, 2000: 167). This in turn seems to suggest that criminal activity might

become for some an alternative activity which provides access to resources that are otherwise denied.

Although racism is just as much a reality for Asian young people as for those of Afro-Caribbean descent in Britain, Asian young people are under-represented in terms of research regarding victimisation or involvement in the commission of crime (Goodey, 2001). Webster (1997) and Goodey (2001) have analysed Asian youth links to crime in the U.K. Goodey argues that there exist changing stereotypes of Asian youth that depict British Pakistani males, for example, as the '*new urban folk devils*' (2001: 429). This has been reinforced since the terrorist attacks on London carried out by young Muslim men in July 2005. The attacks were followed by a significant increase in the targeting of Muslims for arrest under Terrorism legislation and Asians have been subject to increased incidences of race hate crimes (4/08/2005, BBC News).

The 1998 Home Office prison statistics analysed in this article look at the different percentages of BME groups incarcerated. The 'South Asians' category, which is the definition used in the Home Office statistics, seems to be under represented in comparison to their percentage in the population. However, when this group is broken down Pakistani people are over represented within it. Goodey (2001) argues that although Pakistani young males are responsible for their own actions, they are assigned negative labels by white society [which associate them with criminality](#). They may or may not choose to live up to these labels, but if they do so, it can be in terms associated with externally created definitions which help to create a specific type of 'criminal class'.

[Within the research literature and official statistics, concern has been expressed about Asian youth and criminal activity including violence, usually inter-ethnic/religious and drugs \(Barn, 2001\). The use of drugs by people who offend is a well known cited phenomenon \(Muncie, 2004\). Results from studies that have been designed to find out the actual drug use of members of BME groups, provide statistics to support the view that it both occurs and is increasing. A study by ADP \(1995\) found that out of a sample](#)

of young people in Tower Hamlets (77% of whom were South Asian), 60% had used an illicit drug at least once. Bentley and Hanton (1997) carried out interviews with 150 young South Asians in Nottingham; they discovered that there existed relatively high levels of drug use. They also found that more of their female than male respondents had never used drugs.

A study conducted for the Home Office by Calverley et al. (2004) on Black and Asian offenders on probation, found that there was an indication that Asian offenders were less likely to access programmes. A reason given for this occurrence is that they had lower average Offender Group Reconviction Scale (OGRS) scores, meaning that they had fewer previous convictions than others with higher OGRS scores who were generally more likely to be placed on programmes.

There exists a serious lack of attention from research on ethnic minority girls who are offenders. It is important to account for differences based on gender as well as those of class and race. This is because you cannot assume that the experiences of criminality and criminal justice will be the same for both male and female groups. Toor (2000) has conducted research on British born African-Caribbean and Asian girls with the aim of understanding their criminality.

“Issues of poverty, abuse, gendered socialisation, ethnicity and culture have been investigated in the research as factors influencing the criminality of these minority ethnic girls” (Toor, 2000: 2).

Carlen (1988) argues that female offenders who are from a BME group will become ‘over criminalised’ as they are the victims of both race and gender discrimination.

Over-representation of BME groups within the criminal justice system at one level reflect wider social inequalities, and at another are the consequence of the prejudices of those involved in administering criminal justice. Theories concerning

this over representation fall into 2 broad areas: reflections of wider inequalities and individual prejudice.

Dholakia (1998) discusses the marginalisation of BME groups and argues for a system of decision-making, which is demonstrably and transparently free from discrimination. At different stages within the CJS,

there is scope for discretion in making decisions. If discrimination – whether intended or not – occurs at any of these stages, it will have a cumulative effect on what happens next, all the way through the system, being reflected in the prison population figures (101).

Individual decisions made within the criminal justice process cannot be looked at in isolation but need to be seen as a whole to discern the resulting impact. For example, the decision making process in deciding whether or not a rape case will go to court is made on the basis of police statements and their assessments of the credibility of the 'victim'. There is therefore a possibility that stereotypes and subjectivity may come into the process and influence the outcomes (Kelly, 2002). Kelly argues that the majority of rape cases are lost or dropped, because they are either designated as false allegations by the police or the victim will withdraw their statement, partly due to police discouragement of their case. Research therefore suggests that there are continuing problems between the encounters between police officers and victims reporting rape.

Discrimination within the YJS is viewed by a number of commentators in this field as simply being a reflection of the inequalities that exist within wider society (Goldson and Chigada-Bailey, 1999). BME groups are more likely to live in deprived areas and be poorer, and therefore come into contact more frequently with the CJS. The system then amplifies and/or compounds these inequalities, examples being found in the child protection and looked after children systems, where there exist a disproportionate number of children and young people from

ethnic minorities, particularly black children. In 2001/2, the population of looked after children in England comprised 18% from BME groups (<http://www.dh.gov.uk>: accessed 6/3/05), whilst during that period only 8% of the population were from BME groups (<http://www.statistics.gov.uk>: accessed 6/3/05). Chand (2000) argues that there are numerous reasons for this phenomenon. Racism and unfair discrimination are the main forces but there are also issues concerning language and interpreting services, child-rearing differences, poverty and social work assessments. There is a large body of evidence to suggest that a high proportion of looked after children become involved in youth crime and that 'looked after' children are disproportionately represented amongst youth court defendants' (Ball and Connolly, 2000: 600). As BME groups are already over represented in the looked after children population, this represents one of the points at which the 'multiplier' effect comes into play.

There is also research that demonstrates a link between children who have been excluded from school and those children who become involved in the YJS (Berridge, 2001), and here African-Caribbean pupils are disproportionately affected (Wright et al, 2000). The main factor associated with the exclusion of black pupils is the negative stereotyping by white teachers who see black males as 'more aggressive' which in turn affects the attitudes of black children towards authority. [Although black and Asian girls outperform males from the same ethnic group, in school and within GCSE results, they still face consistent and significant inequalities of attainment. Bangladeshi, Pakistani and African Caribbean pupils experience particular disadvantage within the educational system and this may lead to the increased likelihood of social and economic exclusion in later life \(Gillborn and Mirza, 2000\).](#)

Given the evidence of over-representation of BME young people in these areas, the effects of social exclusion and the possibility of prejudices in decision-makers' views about such young people, all of these areas are likely to have a multiplier effect within the YJS.

Targeting of black and minority ethnic groups

Bowling and Phillips (2002) argue that the government's asylum policy has fuelled a new type of racism that is directed at the world's displaced and dispossessed, and that Labour's new crime plan will have the impact of reinforcing existing patterns of racial discrimination . They identify initiatives such as Reprimands, Final Warnings and Referral Orders as leading to new and finer 'nets', which may result in the increased 'over-charging' of young black people, where they become sucked into formal systems as a result of that net-widening.

As a consequence, British black and Asian people feel angry, unsafe and insecure. The 'double whammy' faced by these communities is that they are widely seen by the police and prison service as problematic, suspicious and sometimes, simply criminal (Bowling and Phillips, 2002: 255).

Smith (2003) conducted an analysis of current research that has consulted with young people involved in the YJS. A finding was that many young offenders view legitimacy and fair treatment as being the two main problematic areas within their experiences of the YJS. Lyon et al. (2001) state that from the qualitative research that they carried out with young people in custody, they found that young women felt that judges were racist and biased against them. A report on 'Girls in Prison' (2004) conducted by The Office of Standards in Education and the HM Chief Inspector of Prisons, found that girls held in prison are among some of the most vulnerable people within the youth justice system. At the time of the writing of the report, there were just 80 young women under the age of 18 held in prisons. Some of the main findings from the report were that the majority of the girls interviewed had poor educational histories with low levels of attainment and very low levels of self esteem. The custodial part of their sentence provided a time of respite and they valued attending education during custody. The community aspect of their Detention and Training Order were filled with risk as it did not provided suitable structure or support to cope with personal problems or help to progress in education, training or employment.

There has been greater research attention paid to ethnic discrimination in the YJS in the USA in a system that many see as having influenced UK policy to a considerable extent (Muncie and Hughes, 2002; Nellis, 2004). In the USA:

As of 1997, the institutional confinement rate for black juveniles was roughly five times that of white youth, and the rate for Hispanic youth was more than double the rate for non-Hispanic white juveniles' (Engen et al, 2002: 194)

Vazsonyi and Pickering (2003) state that approximately 30% of all cases in the criminal justice system involve African American youth.

Engen, Steen and Bridges (2002) examined some of the main theories for the disparity highlighted by Engen et al. They include imprisonment being impacted by differences in offending rates between white and BME youth, and that the effects of racial identity and attributions on case outcomes are independent of differences in offending behaviour, and that issues of racial background and ethnicity do impact on the actual decision-making process. Recent research has highlighted a large variability in the decision making process within the YJS in the USA (Leiber and Mack, 2003). Bridges and Steen's (1995) research illustrates how values and beliefs held by decision-makers had a strong negative impact on African American youth, who were more likely to be seen as being involved in crime due to internal attributions such as lack of respect and responsibility, while white youth offending was more likely to be attributed to external causes such as poverty and family life. Leiber and Mack's (2003) study of decision-makers suggests that they may feel a psychological discomfort towards black young people which makes them treat them differently. Alternatively, decision-makers may perceive that the single parent families do not fit into the traditional nuclear family unit and are therefore a corrupting influence on others. DeJong and Jackson (1998) argue that African American youths are more likely than white youths to live in single-parent homes. They state that the:

“courts may be of the belief that children from two-parent homes have more supervision than children in a single parent home. The juvenile court also may be reluctant to separate the traditional “family unit” by removing the child from an apparently stable home environment” (DeJong and Jackson, 1998: 502).

Dejong and Jackson (1998) found that from their analysis of juvenile cases from the State of Pennsylvania during the 1990s, that only white juveniles who are living with both parents are given preferential treatment, black juveniles are not. Black youths are treated in the same way regardless if they live with both parents or just with their mothers. A reason for the differential treatment of delinquents according to family status could be the result of stereotypical attitudes toward black parents. Bishop and Frazier (1996) argue that some judges may view the black family structure as being weak and therefore may treat black young people in a harsher way than other races, as they are of the opinion that their families cannot deal with them adequately.

Holzer et al. (2006) argue that about half of all black men in their late 20s and early 30s who did not go to college are noncustodial fathers. Eckholm (2006) states that studies conducted have cited a number of main causes for the deepening ruin of black youths, these are:

“terrible schools, absent parents, racism, the decline in blue collar jobs and a subculture that glorifies swagger over work” (Eckholm, 2006: 3).

These findings, we suggest, may also have impact upon recording and monitoring practices, as set out later in this article. This research, however, failed to look at the impact of decision making for youth that are from other minority ethnic groups in the USA, such as the Hispanic and Asian communities. Dejong and Jackson (1998) state that their findings show that Hispanic youths, are treated in a harsher way than black or white young people at the referral stage. They argue that disparate treatment of minority youth groups can occur in an indirect way,

particularly in regard to age, type of charges and living arrangements. However, for white young people there is no relationship between type of charge and placement. An example being that drug offences are treated more seriously for black young people than white young people.

In both the UK and the USA there exist stereotypes regarding how 'black' people cannot be trusted not to 'obstruct' justice if they were given bail rather than being kept on remand. A recent study by the Crown Prosecution Service (CPS) in Britain (CPS, 2003) highlights this, as an analysis of 13,000 case files found that the CPS were more likely to object to bail for male African Caribbeans (13.2%) compared with white males (9%) (Mulholland, 2003). A New York state study found that Black and Latino males were more likely not to be given bail than similarly situated white males who had been convicted of felony offences (Office of Justice Systems Analysis, 1995). In the case of the USA the prosecution service has a very important role to play, in terms of the power that they hold over the sentence outcome for the offender. Prosecution discretion can be exercised systematically in a way that disadvantages people from ethnic minorities and the judgement of the prosecution may be shaped by a 'self perpetuating' racial assumption (Weich and Angulo, 2002). In England, the prosecution service does not have this power in the decision making process in terms of the sentences.

Dealing With Discrimination Within The Youth Justice System

Given the evidence of discrimination in the YJS in both Britain and the USA, it is perhaps surprising that there are not more operational suggestions to deal with such a clearly acknowledged set of problems, and it is to some possible responses to these problems in Britain that we now turn.

Overall, there needs to be a mainstreaming of race equality strategies across the criminal justice service and all public services. Information in agencies needs to be more systematically and uniformly collected, monitored, and evaluated. The Stephen Lawrence Inquiry Report recommended that agencies should assess and

combat racism by conducting an audit of current policies, and the impact of practices and procedures on local communities. Routine ethnic monitoring should be conducted and then results should be made use of locally, with local communities assisting in the devising of plans to tackle any identified problems (MacPherson, 1999). This is starting to take place, an example of this being the current 'Race audit and action planning toolkit for Youth Offending Teams', that has been distributed to all YOTs by the YJB in 2004, for implementation in 2005.

However, inaccuracies within the data need to be addressed prior to the sentencing stage. **What is the nature of these inaccuracies?** Defendants from BME groups may have another dimension of disadvantage added against them if these inaccuracies are not resolved. The ways that knowledge on a defendant is presented and constructed needs to be aligned, so that full information is available on all defendants, regardless of race and gender (NACRO, 2003).

The overall aim should be that the CJS should make equality of outcome its core principle that governs all its practices (NACRO, 2003). Within the YJS a wider problem solving approach needs to be undertaken to challenge discrimination. For this to occur there needs to be a commitment from senior managers of all organisations, to the implementation of effective measures for stopping discrimination occurring and also for enforcing them (Dholakia, 1998). This needs to be done through an understanding of diversity in case management and agency performance.

Ethnic recording and monitoring

Issues of how race and ethnicity are defined, constructed, and interpreted impact directly on the crucial matter of recording and monitoring. The decision making process by individuals and how they deal with problems is an issue that cannot be ignored. If this is not addressed at local and national levels, the data on which we gain baseline information and how any changes over time can be monitored, and any changes in the treatment of BME groups, will be flawed. We know that a

high proportion- 11.1% - of ethnic backgrounds are not recorded on monitoring forms for YOTs (NACRO, 2003). In order to address individual workers' own specific issues, monitoring and training should be carried out in order to help with this process.

NACRO (2003) highlights that one major problem is that agencies are not using accurate ethnicity categories in their recordings of defendants. In order to make improvements in the treatment of BME groups, information needs to be more consistent and replicable, with different agencies using the same categories for their definitions of people's characteristics. They suggest that the Census 2001 categorisation for ethnicity should be used (White, Mixed, Indian, Pakistani, Bangladeshi, Other Asian, Black Caribbean, Black African, Other Black, Chinese and Other Ethnic Group) and that the police should take the lead, as their classifications of ethnicity are the crucial ones. Parekh (2000) argues that the majority of the racial categories currently used are unhelpful, including that of 'other'. More precise and appropriate categories are required and need to be used by institutions. In response to some of the Parekh's reports recommendations regarding ethnic monitoring, 'Her Majesty's Inspectorate of Constabulary' is now in charge of ensuring that all police services have the agreed monitoring in place (Runnymede Trust, 2004).

Meanwhile, the YJB have decided to use simplified categories of Asian or Asian British, Black or Black British, White, or Chinese or other ethnic group, and Mixed. Whilst this simplifies data capture and makes it easier to classify individuals, it also may mask significant discrimination against certain smaller groups, e.g. Travellers or young people of Pakistanis origin. The YJB's Race audit and action planning toolkit for Youth Offending specifically states that there is scope for additional categories to be included, 'for example, Gypsies and Travellers' (Youth Justice Board, 2004b: 4). This may require the addition of local categories for such groups as deemed necessary locally (Youth Justice Board, 2004b). Consistency is required within and across agencies locally and

needs to be addressed within a multi-agency forum which have the powers to determine the use of such coding, and their consistent application by individual practitioners. Therefore, it would seem important that one senior person within each of the local YJS agencies has the responsibility to have oversight of and the duty to ensure the validity of the categories determined by the YJS multi-agency forum: to monitor its effective implementation and usage, possibly including monitoring forms, to ensure that they are fully completed and accurate and include appropriate ethnicity criteria.

Using monitoring for change

However, recording and monitoring of this area has not, and cannot, produce change on its own; s95 of the Criminal Justice Act 1991 introduced monitoring of ethnicity issues, which is presented to Parliament each year, yet the evidence of continuing disparities, is still there. The MacPherson report argues that greater importance should be placed on both the reporting and recording of racist incidents and the service should aim for the encouragement of the initial reporting of racist incidents. The report also views local authorities as having an important role to play and it recommends that they should under the Crime and Disorder Act; *'Consider implementing community initiatives aimed at promoting cultural diversity and addressing racism, and the need for focused, consistent support for such initiatives'* (Commission for Racial Equality, 1999: 5).

The Social Exclusion Unit (2001) argues that it is wrong to generalise about the position of young people from BME groups. Those however, whose experience of discrimination, poverty and other forms of exclusion is particularly acute may pose challenges for policy and re-engagement work. A new approach is needed, to the treatment of young people who are at risk. At a national level, the objectives need to be based on proper evidence about young people from BME groups.

Information needs to be detailed enough to pick up the distinctions between and within groups, and between young men and young women. Government should

develop an evidence base that is used in an effective way to inform both policy development and individual programmes of departments.

At a local level, an information base needs to be built within the new mechanisms, regarding the BME groups in the local youth population. This should aim to establish where current services are not meeting their needs effectively and to ensure that processes that are set up are to meet these identified needs. People from local BME communities should be included in the development of this new structure and at all stages of policy development young people should always be involved within policies that would affect them. This includes those who are discouraged from participating in public involvement, due to their culture or a lack of English. Advice may be gained from the voluntary sector or those who act as faith and business leaders. New approaches to prevention and family support should be developed with the assistance of people who have knowledge of the circumstances of particular BME communities and the best practices for working with them.

"Official" policy on ethnic monitoring and good practice

The Youth Justice Board (2004b) stated that it was committed to realising the ideals of the Race Relations (Amendment) Act 2000, which requires public authorities to become proactive in preventing discrimination. In realising this, public authorities are required to monitor the impact of policies and practice on racial equality, both internally and in relation to the services delivered. The 'Achieving Equality' report stated that the new 'Public Duty' provision of the Race Relations (Amendment) Act 2000, makes racial equality central to the whole range of youth justice policy decision making, and the inspection/performance management regime will ensure measures are in place to effectively address racial equality procedures and practices (Youth Justice Board and Commission for Racial Equality, 2001).

One key aim is to ensure annual and quarterly data returns accurately detail ethnicity and gender findings, both in relation to offending and staffing requirements; resource staff training, designed to improve their ability to express relevant ethnicity aspects accurately in written reports for the Police, the Courts, and in support of referrals to other service providers. Across the country, the recording and monitoring of ethnicity has made the realisation of this goal problematic. (Youth Justice Board 2004b; NACRO, 2003). This information is important for the base lining of the provision of services, and how these may be changing over time.

Para below reads as though it is from a report. Needs rewording into article style. Alternatively, the following two paragraphs could be summarised, or the second one omitted with the reference to Herts. simply retained as an example in a sentence. In any case, the reference to Hertfordshire in the introduction is probably not warranted given the small amount of info. given below.

This then leads to the question of how such information is used in **the** local YJS. The findings from the report raise some fundamental questions which may be valuably addressed by an interagency group which has representation from relevant agencies at a sufficient level of seniority to drive forward change in their organisation, and be part of monitoring progress over time on the basis of the information systems developed, such as the result of the joint work carried out so far between the Hertfordshire YJS and the University of Hertfordshire. This person could then be tasked with being a 'champion' of taking forward the issues within their agency, acting as a consultant to staff on categorising ethnicities, advising their agency on training and policing and reporting back to the inter-agency group on developments/outcomes.

Hertfordshire YJS has been investing in work on these areas, and initial findings demonstrate that in accordance with national guidance from the YJB, some form of systematic approach to ethnic recording and monitoring as now being instigated by the YJB will be valuable. In addition they have decided to use an approach whereby exit interviews will be carried out with young offenders, who

are about to complete their sentences. Researchers will carry out a percentage of these interviews and analyse and compare them in order to assess the experiences of people from different ethnicities who have had similar sentences imposed on them.

Conclusion

This article has summarised some of the existing current literature on the treatment of BME groups within the YJS. Several themes have been explored: regarding the types of and the depth of discrimination; the role played by decision makers; and the way that ethnicity is recorded, the overall impact this has on policies, monitoring and our understanding of the role that ethnicity plays in the justice system. Whilst this article refers specifically to youth justice, its conclusions have relevance to the area of ethnic monitoring in general, and the full range of criminal justice agencies.

There appears to be many gaps within the literature on the United Kingdom's youth service, in particular within the areas of ethnicity. From research conducted in the USA, the literature on factors affecting the decision making process is extremely valuable and there needs to be more research in the UK on this topic. There also needs to be greater consideration and research on how a variety of different factors and characteristic of youth within the system interrelate with each other in complex ways and how they affect the outcomes of individual cases. Comparisons need to be made between the stereotypes held by decision-makers about all different BME groups, and they then need to be challenged. There also seems to be gaps in the literature and research that looks at all the different factors that can affect why young people become involved in the YJS in the first place, and the impact that this has for their progress through the system. Research is required on the connection between 'looked after children', school exclusion and youth offending, in order to develop policies and strategies which can be implemented to reduce the current trend of 'looked after' children and excluded children getting involved in youth crime and the added danger of the

multiplier effect for young people from BME groups who are disproportionately excluded and accommodated by local authorities. There is also a lack of literature into the provision of schemes and services, in terms of whom they target and the reasons for this.

There also needs to be practical improvements made within the YJS. Those within it need to improve their basis for and processes of recording and decision-making. Management needs to ensure that personal stereotypes play as small a part as possible and that important external factors are identified, so that young people are judged, and outcomes are decided, in the fairest and least discriminatory way. In conclusion the YJS needs to evaluate all the different factors that have brought young people into the justice system, including the effects of ethnicity, decision-making, recording and monitoring; as the evidence of variation and omission in such practises would undermine the YJB's aim of eliminating discrimination.

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