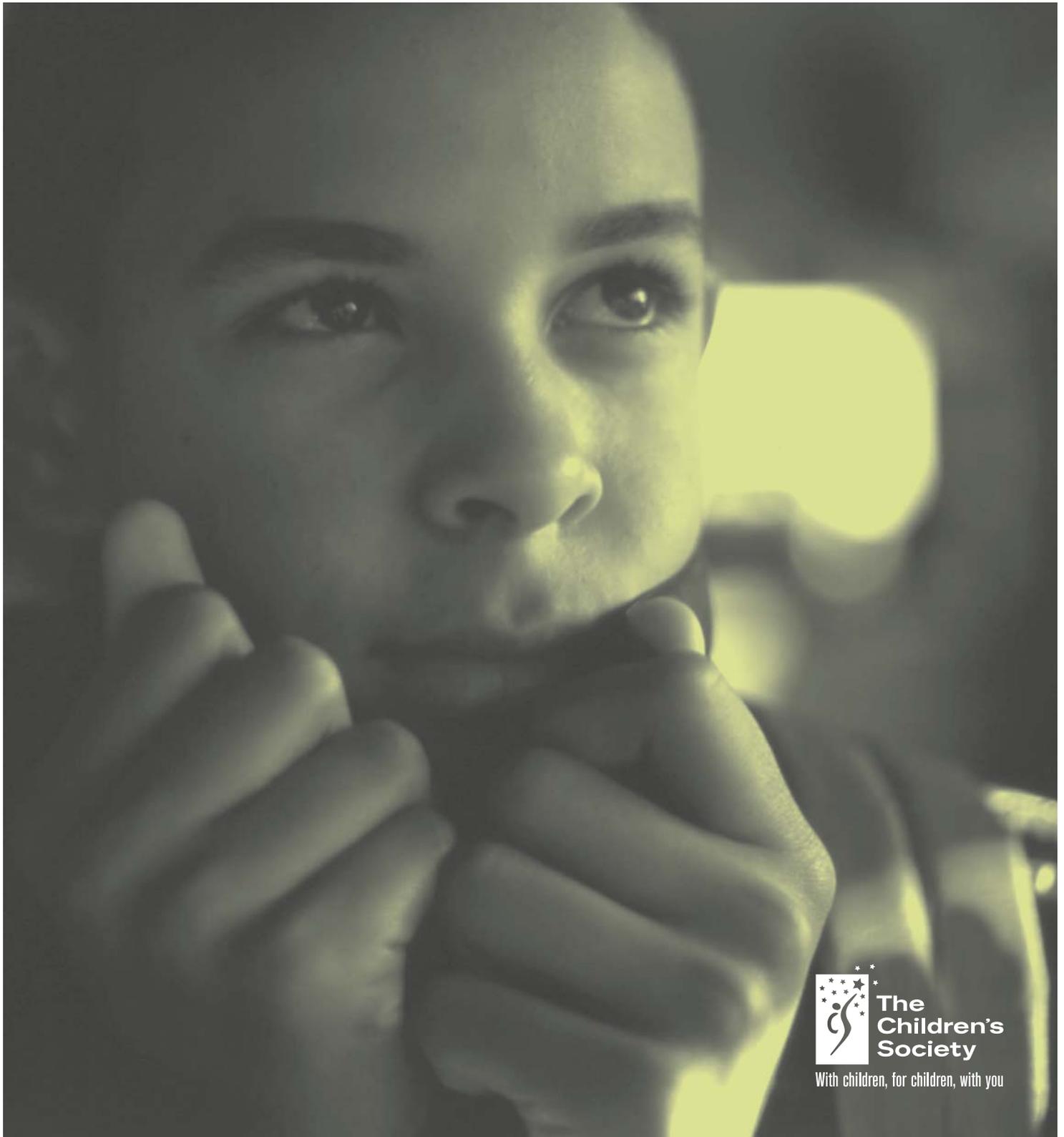


Just Justice

A study into black young people's experiences of the youth justice system

Edited by Professor David Wilson & Gwyther Rees



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Acknowledgements

We would like to thank all the young people who agreed to be interviewed as part of the research; our thanks also to our Advisory Committee, especially Ann Tolaini and The Children's Society's Right Track project in Bristol, Professor John Muncie of the Open University, Beverley Thompson of HM Prison Service, and Jean Trehitt also of The Children's Society; Sharon Moore and Dr Eleanor Peters were always encouraging and supportive, especially in the early stages of the research; Frances Crook of The Howard League for Penal Reform; Claire Babraff, Elizabeth Lovell and Sophie Rena who undertook proof-reading duties; and last, but not least, Ms Barbara McCalla who was the administrator of the research project from beginning to end.

About the authors

Professor David Wilson is Professor of Criminology at the Centre for Criminal Justice Policy and Research, University of Central England

Professor Doug Sharp is Director of the Centre for Criminal Justice Policy and Research, University of Central England

Dr Jane Hill is Senior Lecturer at the Centre for Criminal Justice Policy and Research, University of Central England

Dr John Ofutu is Postgraduate Research Fellow at the Centre for Criminal Justice Policy and Research, University of Central England

Gwyther Rees is Head of Research for The Children's Society

Elizabeth Lovell is Policy Adviser (Children in Trouble with the Law) for The Children's Society

Funding

The majority of funding for this research project was provided by the Big Lottery Research Grants Programme.

Additional funding was provided by The Children's Society.

The views expressed in this report are those of the authors of each chapter and do not necessarily reflect the views of the editors or The Children's Society.

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1

Introduction

Gwyther Rees & Professor David Wilson

This report is the product of a four-year research study into black young people's experiences of the youth justice system in England.

The research was commissioned by The Children's Society with funding provided by the Big Lottery Research Grants Programme. It was conducted by researchers at the Centre for Criminal Justice Policy and Research, University of Central England.

The study was commissioned at a time of growing evidence and concern about the over-representation of young black people in the youth justice system. The primary goal of the research was to explore young black people's own experiences with a view to highlighting potential improvements in youth justice policy and practice.

This brief introductory chapter sets the scene for the research and provides a descriptive overview of the research project.

The main substance of the report is contained in Chapters 2 to 5 which focus in turn on the four separate studies which made up the research project. The report brings together each component of the research study in the form of an edited collection. The findings presented in Chapters 2 and 3 have already been published (Sharp, 2005; Wilson & Moore, 2003). The findings of the other two studies are presented for the first time in this report in Chapters 4 and 5.

The final chapter of the report draws together and summarises the key findings from the project, and discusses some of the implications for future policy, practice and research.

Black young people and the youth justice system

The over-representation of black young people within the youth justice system in the UK is a well-evidenced phenomenon. A recent Government report by the Criminal Justice System Race Unit (Barclay, Munley & Munton, 2005: iv) noted that black people (all ages) are six times more likely to be stopped and searched, and three times more likely to be arrested, than white people.

As the report went on to point out:

'evidence suggests that this imbalance is not simply the result of people from BME groups committing a disproportionate number of crimes.' (Barclay, Munley & Munton, 2005: i v)

Barclay et al cite evidence from the Crime and Justice Survey (Bowling and Phillips, 2002) which suggests that black young people aged between 10 and 25 years old are no more or less likely to offend than white young people. Similar evidence has recently been provided by the Youth Lifestyles Survey of over 30,000 primary and secondary school children (Armstrong et al, 2005). The survey found that, in the 11 to 16 year old age band, 55% of white young people self-reported offending behaviour, compared to 50% of black young people, 33% of Asian young people, and 61% of young people of mixed ethnicity.

Furthermore, there is a substantial body of evidence pointing to differential treatment of young people once they enter the youth justice system, depending on their ethnic origin.

Statistical analysis published by the Home Office of decisions on young defendants dealt with by the Crown Prosecution Service (Barclay & Mhlanga, 2000) indicated that black and Asian defendants were more likely than white defendants to have their cases terminated early on evidential grounds, and to be acquitted in magistrates' courts.

In terms of progress through the youth justice system, some of the key patterns have been summarised in a recent review of the reformed youth justice system by the Audit Commission (2004):

- young black people are more likely to receive a higher tariff response such as community sentences, and less likely to receive Reprimands and Final Warnings (page 35)
- there has been a disproportionate increase in the proportion of black and mixed race young people on bail who are remanded to custody (page 5)
- one in 12 black young offenders, and one in ten of those of mixed race, are sentenced to custody compared to one in 40 white young offenders (page 6)

The over-representation of black young people in criminal justice systems is by no means confined to the UK. Concerns have also been expressed about the similar patterns in other countries including Canada (e.g. Wortley & Tanner, 2005) and the US (e.g. Leiber & Mack, 2003).

Thus a substantial body of quantitative evidence points to an over-representation of black young people in the youth justice system both in the UK and overseas.

In the UK, this evidence led the Youth Justice Board to commission research into ethnic differences at various stages in the youth justice process (Feilzer and Hood, 2004). The summary to this research concluded that:

'at various points of the decision-making processes, [there were] differences in outcome in the treatment of white, black, Asian and mixed-parentage young people, as well as between males and females. While many of these differences appeared to be accounted for by relevant variations in the characteristics of the cases on which decisions had been reached, this was not always the case. In other words, there were, at various points of the processes, differences that were consistent with discriminatory treatment. Concerns were raised by:

- *the higher rate of prosecution and conviction of mixed-parentage young males*
- *the higher proportion of prosecutions involving black young males*
- *the greater proportion of black and Asian males that had been remanded in custody before sentence, especially the greater proportion of black males remanded whose proceedings had not resulted in a conviction*
- *the slightly greater use of custody for Asian males*
- *the greater use of the more restrictive community penalties for Asian and mixed-parentage males – especially those aged between 12 and 15*
- *a much higher probability that a black male would, if convicted in a Crown Court, receive a sentence of 12 months or more*
- *a greater likelihood that black and Asian males aged between 12 and 15 would be under supervision for longer than 12 months if they received one of the more restrictive type of community sentences*
- *a slightly greater tendency for ethnic minorities to have been committed to the Crown Court*
- *a much greater proportion of mixed-parentage females who were prosecuted*
- *the substantial variations in outcomes between YOT areas.'*

(Youth Justice Board, 2004)

Alongside this weight of statistical evidence, there has been a relative lack of qualitative exploration of youth justice processes, and in particular of young black people's own experiences.

The research presented in this report aims to fill this gap, drawing directly on the experiences and views of young black people. It is hoped that it will make a valuable contribution to improving policy and practice in the youth justice system.

Overview of the research project

Definitions

The focus of the research is on young black people.

The term 'young' has been defined as those aged from 10 (the current lower age of criminal responsibility) to 17 years old (the upper age limit for most legal provisions for children).

The use of the term 'black' requires more discussion. As Sharp noted in an earlier report in this research project:

'In the United States the term 'black' was used during the struggle for civil rights in the 1950's and 60's and, together with the term 'black power', became synonymous with political action to secure democratic rights. According to Stuart Hall (1988), in Britain in the 1960's, the term 'black' was used within the immigrant community to reference the common experience of racism and marginalisation experienced by all post colonial immigrants. It was used to build a sense of identity across ethnic and cultural differences in order to establish a unified resistance to the racist violence experienced in communities and the racism experienced in immigration law and the operation of the criminal justice system.' (Sharp, 2005: 2)

Sharp also found, however, that this use of the term 'black' was not entirely satisfactory for the purposes of this study:

'the term 'black' was not universally accepted [by participants]. It appears that for this group at least Hall's post-colonial consensus of the 1960's has ceased to be meaningful and young people are concerned to express their own ethnic and cultural identity. For example, those from an African-Caribbean or mixed race (African or African-Caribbean and white) background readily accepted the term but strenuously rejected the notion that people of other ethnic origins, such as South Asian or Chinese could be so defined. Young people of South Asian descent were equally resistant and preferred to refer to themselves as 'Asian', or more commonly either Indian or Pakistani and, on occasions, as Muslim.' (Sharp, 2005: 2-3)

In a more recent study in this project, Hill encountered similar issues. One of the young males in this study, who was of Asian origin, said:

'Black is a completely different colour, that's black (pointing to a black pen top) my skin's not black is it?'

This highlights some important issues in relation to how young people of different ethnic and cultural backgrounds perceive themselves and others. Whilst acknowledging the significance of these issues, for the purposes of this report the term 'black' has been used consistently as having an 'inclusive use (intended to be unifying) embracing any person likely to experience racism in British society because of their "non-white" skin colour' (Beaumont, 2000 cited in Wilson and Moore, 2003). As such, the research includes all the main 'non-white' minority ethnic groupings in Britain, especially African-Caribbean and Asian.

Methodology

For reasons discussed earlier, this research programme was specifically devised so as to give young black people a 'voice' about their experiences. As a consequence interviews with, and participant observation of, the young black people were at the heart of the research and have been the means by which the research has been conducted. In giving these young black people a 'voice', the aim of the research programme is to hear how young black people deal

with, resist, accommodate or respond to the agents of the youth and criminal justice systems and how their lives are in turn shaped accordingly.

So as to give the young people that we were studying a 'voice', the research strategy adopted can best be called fethnography (Hammersley & Atkinson, 1995), and which has recently been described as the most suitable strategy when working with children (James, 2001). In particular we used two forms of data collection – participant observation, and especially in-depth interviews. A detailed discussion of the methodology and its challenges within the context of this particular study is provided in an Appendix, where it is clarified that ethnography '*involves the study of people in their natural setting*' and should be viewed as a research strategy rather than as a method or methodology.

Further details of the data collection methods used for specific studies, and the issues in encountered in conducting the research, are provided in the introductory sections to each chapter.

Structure of the report

The remainder of this report consists of chapters presenting findings from each of the four separate components of the research project, followed by a concluding chapter drawing together common threads and highlighting implications of the project as a whole.

Chapter 2 describes **Doug Sharp**'s study of black young people's experiences of policing in the community. This research was the second study to be conducted as part of the *Just Justice* project but is located first within this report because it can be seen as representing a starting point in terms of young people's encounters with the youth justice system. The chapter is an edited version of a report published last year (Sharp, 2005). It describes young black people's perceptions of, and lack of confidence in, the police and highlights the use of 'stop and search' powers by the police. It concludes with a discussion of the implications for reassurance policing and policing diversity.

Chapter 3 focuses on **David Wilson**'s study of young black men in custody. This is an edited version of the first report published as part of the *Just Justice* research project (Wilson & Moore, 2003). It explores young people's experiences within custody, and also their encounters with the police before entering custody. It highlights some of the strategies used by the young people in dealing with youth justice professionals – 'keeping quiet' and 'going nuts'. The research raises important questions about the effectiveness of race relations policies within custody.

Chapter 4 presents **Jane Hill**'s study of the perspectives of young black people after leaving custody. This study was completed during 2005 and is previously unpublished. The focus here is on the young people's experiences at different stages of the youth justice process. The research explores the connections between racism, economic disadvantage and offending. As with previous chapters, it describes the strategies utilised by young people to cope with their experiences of unjust treatment. It concludes with some discussion of young people's aspirations and dreams after leaving custody.

Chapter 5 summarises **John Ofutu**'s research which involved a tracking study of young people over an 18-month period. This study was undertaken for a PhD and is previously unpublished. The research highlights the way in which the concept of 'acting strangely' is used in relation to young black people. It explores some of the potential linkages between experiences of racism within the education system and offending. The study also provides further support for the coping strategies identified in the other studies within the project – here termed 'keeping low' or 'going mad'.

Chapter 6 has been written jointly by **Elizabeth Lovell**, Policy Adviser for Children in Trouble with the Law at The Children's Society and **David Wilson**, who led the research project at the University of Central England. It draws together the key findings from each individual research study and concludes the report with a series of recommendations from the research for future policy and practice in the field of youth justice.

2

Serve and Protect? Black young people's experiences of policing in the community

Professor Douglas Sharp

'I don't do nothing now – just let them get on with it.' (Male, 17)

'They just stop you all the time – sometimes two or three times a day.'
(Male, 16)

'They don't take us seriously. If we report racist things they never do anything so why should we help them? I have done some small things and all they want to do is keep on my back. If we need help we've got to do it ourselves.' (Male, 18)

This chapter presents the findings of a study undertaken into the experiences of a group of young black people in their encounters with the police.

This particular study was undertaken during the second half of 2004 and involved interviews with a total of 47 young people who recounted their experiences with the police in Birmingham, London and Manchester. The interviews record some of the complexities inherent in the lives of a group of young, black people and gave them an opportunity to articulate their perceptions of the role and functions of the police service and the ways in which policing impacts upon their lives.

Methodology

Two different methods were adopted to contact participants for the programme. The first is known as the 'Snowball Technique' where an individual known, or referred to the researcher, is asked to identify another person, or persons, who may be willing to take part in the research and a group of participants is built up through this process of personal recommendation. In this case this did not prove to be very successful and only five people were recruited by this means.

The second method used was to make contact with a range of community, church and youth groups and to seek their co-operation with the project. Initially this was a much more successful strategy and the organisers of a range of groups and organisations were enthusiastic in offering support. In the event, however, it was more difficult to engage the young people themselves who displayed a range of responses which varied between suspicion and even hostility, to simple indifference about any research involving questions about the police and other agencies of youth or criminal justice. These difficulties of engaging young people in the research process were shared with other studies in the research project.

The reasons for the reluctance of young people to participate is beyond the scope of this report, although it is interesting to speculate as to whether their 'lack of trust and confidence' in the police could equally be applied to researchers, who have tended, in the past, to promise much, but have delivered little by way of change. As one young participant observed:

'You know nothing will change, they don't care about us.' (Male, 17 years)

All of the young people who eventually agreed to take part were given guarantees of anonymity. This has meant that beyond simple descriptions of age and gender no other biographical information is presented and where, for example, specific incidents are described that might potentially identify an individual these have been generalised, or left blank.

A total of 47 young people took part in the study of which 38 were male and nine female. They were aged between 15 and 18 years. The majority of the males (25) described themselves as black and were from African-Caribbean or mixed race backgrounds. All of the females were African-Caribbean or mixed race. The remaining 13 males were of South Asian heritage and variously described themselves as 'Muslim', 'Indian' or 'Pakistani'.

Forty of the 47 participants, including all of the females, lived in the working class and culturally diverse areas of Aston, Lozells or Handsworth in Birmingham; five were from predominantly middle class areas of the West Midlands; and two were from London. All of the interviews were conducted in Birmingham although they relate to encounters in three different police areas, Birmingham, Manchester and London.

Forty of the young people reported a history of disrupted education with only eight having or aspiring to four or more GCSEs at grade C or above and, of those, four were taking 'A' Levels and were intending to continue their studies at university. Nineteen had at some time been excluded from school and 20 admitted to significant incidents of truancy.

Just over half of the group (25) had either a caution or criminal conviction recorded against them, mainly for theft although assault and wounding or possession of drugs also featured. At the time of the interviews five were on bail, one to the Crown Court and three were wearing electronic tags.

It was initially intended that interviews would be conducted on a one to one basis, with the proceedings being tape recorded for later transcription and analysis. However in practice this proved to be difficult. Participants were often prepared to take part in a group discussion and to have the tape recorder running for the duration of the session, but were not willing to take part in an individual interview. In other cases young people were prepared to take part in an individual interview, but were not willing to allow the use of the tape recorder. In these cases the interview had to be recorded contemporaneously in longhand, which invariably had an impact, limiting the spontaneity of the exchanges and on occasions the duration of the interview.

All of the interviews were thereafter transcribed, and subjected to detailed analysis.

Findings

The results presented below illustrate something of the experiences of this group of young people and their perceptions of the world that they inhabit. Where necessary their own words are reported directly as they recount their stories providing an authoritative insight into their experiences. While this study does not purport to be representative of the experiences of all young black people in their dealings with the police, it does provide some insight into the relationship between the police and this group of young people, and the findings of this study confirm or are confirmed by those presented in other chapters.

The encounters and experiences recollected by young people participating in this study present a picture that, almost inevitably, seems to contain an element of conflict, of hostility and of confrontation. It quickly became apparent that these young people have very little positive to say about their contacts, or their experiences, although this is not always the case and there are occasional examples of sympathetic treatment, as the following extracts suggest:

'My best was when I was arrested by a woman and a man officer and the woman officer talked to me proper. She was gentle in the way she talked and kept asking me if I was alright and told me not to worry because everything would be okay.'
(Female, 17 years)

'The first time they were okay, they told me I was a silly girl and that they'd have to take me to the station and contact my parents.' (Female, 16 years)

These two observations are interesting in that they show a markedly different attitude of the officers to the young women concerned than those generally reported elsewhere in this study. Sadly, they are not representative of the experiences of the two young women concerned who later report examples of far less thoughtful and considerate treatment by both male and female officers.

It is perhaps inevitable that the majority of those who agreed to take part felt strongly about their situation and this was sometimes expressed in anger, but what is also revealed is a sense of deep-rooted suspicion of authority figures, with a particular focus on a distrust of the police. Worse still, these encounters, which contain an element of 'over-exposure' to the police, result in the young people who make up this sample simply discounting the police as a suitable agency to deal with crimes that might be committed against them, or their families. Stated simply this over-exposure to police attention leads directly to a lack of trust and confidence in the police.

The overwhelming criticism of the police revealed here was a belief that most police officers are motivated, to a greater or lesser extent, by racist beliefs. The terms 'racism' and 'racist' are used frequently throughout the interviews and one or both terms are used by all of the respondents at least once. The belief that police officers routinely discriminate against people on the basis of racial stereotypes or prejudice is based, in part, on shared understandings transmitted from within the community but is also reinforced by the experiences of the young people themselves. It clearly informs the young people's perceptions of their relationships with the police and, to some extent, determines their reactions to police officers although it should be noted that racism was not necessarily experienced directly during each encounter. Thus:

'They weren't racist to me but I heard them making comments about a man who they had in one of the cells...he must have been sick because I heard one of them say something about a disgusting Paki being sick or something.' (Male 16 years)

In order to gain a deeper understanding of how their dealings with the police are perceived by the young people and how they respond, their accounts will be dealt with within the context of the three themes that emerged:

- Stop and search
- Confidence
- Police attitudes

Taken separately these themes highlight some of the problems and difficulties faced by these young black people. Taken together they present a considerable challenge to a police service that must re-engage with all sections of the community if it is to succeed in dealing with the problems of crime and disorder on the streets of our towns and cities.

Stop and search

One of the most persistent criticisms of the police relates to the way in which they exercise their powers to stop and search people in the streets. Prior to 1984 such powers were restricted to a number of the larger, urban police forces but were used with particular frequency in London. Although there was no formal monitoring of the use of these powers Bowling and Phillips conclude that there was:

'particularly heavy use of these powers against ethnic minorities, particularly young black people.' (Bowling and Phillips, 2002: 139)

In 1981 serious rioting in London and other major cities prompted an enquiry by Lord Scarman into the circumstances surrounding the disturbances. The subsequent report was highly critical of the police including the way that stop and search powers were being

exercised (Scarman, 1981). The Royal Commission on Criminal Procedure that reported in 1981 made recommendations to standardise and regulate police powers, which were subsequently incorporated into the Police and Criminal Evidence Act 1984 (PACE) which remains one of the principal pieces of legislation governing police powers.

Section 1 of PACE states that a police officer may, without warrant, stop and search any person in any street or public place where there exists reasonable suspicion that that person may have committed or be about to commit an arrestable offence. An arrestable offence is defined as any offence for which conviction could result in a sentence of imprisonment of five years or more.

Reasonable suspicion is not defined under PACE although codes of practice which are issued to provide more detailed guidance state that suspicion must have some objective basis (Home Office, 2004: Code A, 2.2). Other legislation confers similar powers to stop and search suspects – for example The Firearms Act 1968 and The Misuse of Drugs Act 1971– which require that a police officer has ‘reasonable suspicion’ that an offence is being committed, but again this is not defined. In practice however it is the powers under Section 1 of PACE that are most frequently used by the police in their interactions on the streets and which commonly lead to complaints from the public, particularly from the black community.

The Macpherson report into the circumstances and the investigation of the murder of Stephen Lawrence did not specifically examine the way in which stop and search powers were exercised but it did note that racist stereotyping played a part (Macpherson, 1999, 6.45b) and figures from the Home Office suggest that these powers are being disproportionately used against young, black men (Home Office 2002, 2004). The views of the young people in this study accord with this picture for their experiences lead them to the belief that the police abuse their powers and target young black people without reasonable suspicion as the following extracts suggest:

‘No, it’s about being black, they say it’s because you’re suspicious with dark clothes and a hood, but the punks [skate boarders] wear hoodies just the same and they don’t get no hassle.’ (Male, 16 years) [Skate boarding is generally considered to be an activity of white youths.]

‘They just stop you all the time - sometimes two or three times in a day. They just make up a reason, usually it’s drugs, sometimes stealing.’ (Male, 16 years)

‘Mostly they don’t bother with girls unless there is a woman police with them but if they want to hassle you they just say they think you have done something and call for a woman and you have to wait for one to come.’ (Female, 16 years)

If the protection of ‘reasonable suspicion’ is ineffective PACE provides an additional safeguard in the requirement that, following a search, the subject should be provided with a form setting out the reason for the search. It is a matter of some concern that on three occasions, relating to two separate police forces, it was reported that the forms were not provided as required.

‘When they finish they sometimes don’t give you the yellow paper so they keep on your back. If they don’t give you the paper you got no evidence so you keep getting stopped and you can’t say harassment. You need the evidence and they don’t give it.’ (Male, 17 years)

‘I’ve never been offered but if you ask they sometimes give it to you but other times they just tell you to fuck off. I don’t argue because they can just keep on your case. They won’t let you alone.’ (Male, 16 years)

Problems with the operation of the powers under section 1 of PACE have been apparent for some time and the Macpherson report (op cit) recommended that the rules should be amended to include all searches including those where the subject consented. In 2001 the Association of Police Authorities found a general agreement amongst the public that the rules should be widened to include voluntary stops. Since April 2005 the requirement to record encounters has been extended to include all cases where a person is stopped and questioned in the street whether they are searched or not. It remains to be seen if this will have any impact on the way in which street encounters are conducted and recorded.

Not all legislation contains the requirement for a police officer to have 'reasonable suspicion' that an offence is being committed before a member of the public may be stopped and searched. Under Section 60 of Criminal Justice and Public Order Act 1994 an officer of the rank of Inspector or above may authorise officers to stop and search individuals in a defined area, when it is anticipated that serious violence may occur or that offensive weapons may be being carried. In these circumstances there is no requirement for reasonable suspicion to justify individual searches. There is emerging evidence that the police are increasingly using these powers and concerns have been voiced about possible abuse. Home Office figures indicate that, between 1998 and 2002, 48% of all Section 60 searches were conducted on black or Asian people (quoted in Rowe, 2004: 96). This was certainly a concern of the following young man:

'They don't need a reason; if you ask them they just say it's Section 60. You can't get nowhere.' (Male, 17 years)

Indeed, there is a very clear perception amongst these young people that once they have come to the notice of the police for any reason they are considered to be 'fair game' for repeated stop and searches in the street.

'I have been in trouble but they won't let it go. I am trying to sort it out and get a trade but every time I go on the street they are on me. It's just, 'what are you up to now'... 'let's have a look at your bag'. I just get sick of it harassing me all the time. I just want to move on.' (Male, 16 years)

However on other occasions being a stranger to the area is often perceived to be the reason for the stop, as the following extracts reveal:

'You can't go nowhere. If they recognise you, you get hassle but if you go somewhere new it's just the same they are still on your case.' (Male, 17 years)

'My brother is in Manchester at university, last month me and XXXX went up to see him for the weekend. We had just got off the train and were going to the house that he shares and we got stopped. They asked why we were here, they said that they hadn't seen us around before. It was the first time I had had anything to do with the police and they stopped me for no reason and searched my bag and XXXX's coat pockets just because we hadn't been there before. They said it was for drugs but I think it was because we were black, there were lots of other youths around but they picked on us. They didn't swear or push us around or anything but it was very intimidating. They had an aggressive attitude and I felt that if I had complained or objected I might be in trouble.' (Male, 15 years)

The heightened security situation and fears about terrorist attacks especially in London often only serve to increase the sense of intimidation that surrounds encounters with the police:

'We were in London I was in a four-by-four with XXXX and my brother and his mate who was driving. We got pulled by a vanload of coppers and I thought they expected we had drugs but then we were surrounded by these cops with machine guns all dressed in black. There was a lot of shouting and they were saying we were Arabs or something. I was scared, you see them on TV with guns but I've never seen one close and I didn't know what was happening. I have had hassle before but it's usually that they say they suspect I am carrying drugs. They have got no evidence but they say that I have got nice clothes and they want to know where I have got my money from. I get called Paki by most of them especially in London; they just treat you like shit.' (Male, 17 years)

In Chapter 3 Wilson describes a strategy which has been adopted by young black men in the penal system in their dealings with prison officers, which he refers to as 'playing a game' which involves 'keeping quiet' or 'going nuts'. He goes on to suggest that similar strategies may be adopted in dealings with other authority figures, including the police. The results of this study do not provide direct evidence to support such a suggestion, especially in relation to 'going nuts'. However if Wilson's finding of 'keeping quiet' is expanded to include actively avoiding contact with the police – an extreme form of 'keeping quiet' – then evidence does emerge in support. Thus, for example, when confronted by the inevitability of an encounter these respondents rarely reported any response other than quiet acceptance of the situation

and acknowledged that any hostile or angry reaction could result in arrest and increased inconvenience. Of course the prison environment is very different from that on the outside world and the opportunity for avoidance in a jail, for example, if not entirely absent is extremely limited for people in custody. However, the following extracts reveal that these respondents did also 'play a game' using their knowledge of former encounters with the police to develop their strategy:

'I did struggle and gave them disrespect the first time but they just arrested me and kept me in the police station for hours. I don't do nothing now, just let them get on with it. They don't give no respect so I won't give them none but I don't argue no more.' (Male, 17 years)

'There was this once when I kicked off 'cos they had to wait for a woman to search me but they just took me in the van to the police station and I had to wait there 'til she come. When they were finished with me they just let me out but I had no money so I had to walk back. It was about three miles. I don't do that now.' (Female, 16 years)

'I just avoid them. If I see a van in the street or two of them up the road I will try to get away. I hide or sometimes I run but only if they can't recognise me because they will only come to find me if they recognise me. If there is just one I just carry on normal because they usually don't do anything when they are on their own but if there is more than one I will avoid them if I can.' (Male, 17 years)

Confidence

At the most basic level the police can only operate effectively if they have and can maintain the confidence of the public. The police alone cannot prevent or detect crime without the active co-operation of ordinary members of the community. It is therefore essential that they listen when they are presented with evidence that the public have lost that confidence. Yet the evidence from these interviews supports the findings of Home Office research that concludes that confidence in the police is lower in the ethnic minorities than in white communities (Mayhew et al, 1993). Further support can be found in more recent Home Office studies which have found for example that 16 to 24-year-olds display lower levels of trust generally than older people and that trust in the police and the courts is lower in mixed race and black people (Pennant 2005). The British Crime Survey 2002/3 found that black and mixed race victims were less likely to report crimes than white or other BME groups (Salisbury and Upson, 2004) while a study for the Criminal Justice System Race Unit and the Victims and Confidence Unit reports that there was a lack of confidence in the way that the police dealt with black victims and a belief that they took reports from black victims less seriously than those from white people (Yarrow, 2005: 7-8). Yarrow further found that black male victims were often reluctant to report crime to the police for similar reasons as other victims but, in addition, they cited a lack of respect from the police and police racism (Yarrow op cit: 13-19). The interviews undertaken in this research indicate a similar absence of trust and confidence and an alarming level of cynicism about the willingness of the service to engage with the community to tackle problems. The following extracts are typical and reveal something of the extent of the problem faced by the police:

'I wouldn't report anything that happened to me and if a crime was done to my mother I would get my cousin and seek out the ones that did it. The cops are useless anyway.' (Male, 15 years)

'Doing a crime to me and mine [my family] is to disrespect me and I wouldn't ask the police or no one to do nothing because they don't care about us. I would sort it and teach them.' (Male, 16 years)

'They don't take us seriously. If we report racist things they never do anything so why should I help them. I have done some things and all they want to do is to keep on my back. If we need help we have got to do it ourselves.' (Male, 18 years)

'The police don't protect us, they don't care what happens. The only thing they bothered about is accusing us of doing robberies and stuff so there is no point in telling them. You just have to stop it yourself.' (Male, 15 years)

In all of this there are also echoes of Wilson's suggestion (see Chapter 3) that young, black men in prison do not simply put up with the racism of the prison, but rather adapt to that racism and develop their own survival strategies. Here what seems to be being described is not an absence of a strategy, but rather a strategy that has absence as its basis. There is a lack of confidence and trust both in terms of who the police are and what they can do – *'the cops are useless'*. In short, the refusal to report a crime and a desire to sort out difficulties themselves without referring to the police is the way that these young black respondents strategise about crimes committed against them, or their families. There is a strategy that excludes the police – a service that does not inspire trust and confidence, and which is staffed by people who are viewed as racist (see below). After all, as the third respondent makes clear, the failure of the police to do 'anything' if they report 'racist things' is the background against which they judge the police more broadly. Thus, they look to each other to police their community – *'if we need help we have got to do it ourselves'*. For this group the police quite simply do not provide 'reassurance'.

Here it should be noted that these views are cumulative – they are based on the day-to-day experiences of these respondents through their inter-relationships with the police and their knowledge of how the police have behaved towards them and other members of their community in the past. Paradoxically, through 'stop and search' they feel that they 'know' the police better than other sections of the community as they have been 'over-exposed' to the police through routine policing.

Police attitudes

The literature on police attitudes and behaviour dates from the late 1960s. It provides an insight into the complexities and contradictions of police work and points to some of the negative attitudes displayed by police officers and the way in which they in turn inform the way in which policing is done. See for example Cain (1973), Smith and Gray (1983), Holdaway (1983), and Waddington (1999).

Reiner's (2000) characterisation of 'Cop Culture' describes a predominantly white male organisation that displays a conservative, cynical, action-oriented, inward looking, suspicious approach that is suffused with machismo and racial prejudice.

Despite strenuous efforts over the years to make the police more representative of society at large and to eliminate or modify these negative characteristics the service remains predominantly an occupation of white males. The numbers of female police officers have increased steadily since the passing of sex equality legislation in 1972 and women now make up over 20 per cent of the service but they are mainly restricted to the lower ranks and engaged in uniform patrol work.

There has not been comparable progress in the recruitment and retention of officers from ethnic minority communities, despite a number of high profile initiatives and campaigns and some qualified encouragement in reports of Her Majesty's Inspectorate of Constabulary (1997, 1999, 2000).

Following the publication of the Macpherson report into the murder of Stephen Lawrence (Macpherson op cit) the Home Office set demanding targets for increased recruitment of ethnic minority officers, but recently published figures from the Commission for Racial Equality (2005) point to disappointingly slow progress. This is perhaps not surprising as Stone and Tuffin report in research for the Home Office into the attitudes of members of the black and minority ethnic communities towards careers in the police service there are some deep seated problems:

'The people who took part in this study came with a series of reservations about the police based on personal experience... They were deeply concerned about racism in the police and a culture that seemed to exclude them... Respondents perceived not only a lack of understanding among the police ... but little desire on the part of police service staff to be sensitive to the needs of others.' (Stone and Tuffin, 2000: 45)

The rationale for the emphasis on the creation of a more representative police service cannot be faulted but even the slow progress that the service has made does not appear to have

resulted in any significant improvement in the relationship between the police and these particular young people. In fact the contrary appears to be the case:

'The women police are all right if they are on their own or even if there are two of them. They will usually talk to you and they don't give me much grief but it is different when they are with policemen they seem to think they have to be as hard as them.' (Male, 16 years)

'If they have to come and search you they can give you a hard time. They probably don't like being called out but they push you about when there are men police around.' (Female, 16 years)

'The black police are the worst they just disrespect you and act hard in front of the other [white] police.' (Male, 16 years)

'This Indian cop was sent to my dad's shop 'cos of some trouble there and my dad tried to talk to him in Punjabi because he could explain better but the cop just said 'speak English', all aggressive like. It was like he had to prove he was really a cop not an Indian.' (Male, 17 years)

'I was brought up to respect the police and I used to talk to them when I was small and they came to school but not now, since I got into trouble they treat me badly. They don't give me any chance.' (Male, 16 years)

Discussion

It is clear from these accounts that the treatment of young black people by the police continues to raise concerns, for whilst this study does not purport to be representative of the experiences of all young black people, what is revealed here is consistent with other research findings – for example, Holdaway (1983), Bowling (1999), Bowling and Phillips (2002), and Box (2004). Allegations about police racism are common in the literature and, as Stone and Tuffin report:

'...the terms police culture and racism were used by respondents in the focus groups. These terms arose spontaneously, they were not the result of specific questions asked.' (Stone and Tuffin, 2000: 7)

They further found that both black and Asian women were anxious about being subjected to both sexism and racism if they joined the service, a conclusion which is not altogether surprising given the experiences recounted by the young people in this research.

Sadly, what emerges here is a picture of encounters that contain elements of conflict, hostility and confrontation. The police as guardians of law and order are absent from the lives of these young, black people who believe that they are targeted as a result of prejudice and stereotypes that characterise them as potential sources of crime and anti-social behaviour. If these findings are truly representative of the views and experiences of young black people they present a serious challenge to two recently introduced themes in policing policy – Reassurance Policing and Policing Diversity.

Reassurance Policing describes attempts by the police service to address the decline in public confidence in their abilities generally at a time when there is an increasing fear of crime – despite a consistent trend of falling crime rates. To quote Carol Willis, the Assistant Director of the Home Office Crime Reduction and Community Safety Group, in a foreword to an evaluation of Reassurance Policing projects in the Thames Valley Police Area:

'Reassuring the public has become a central part of police reform. Working with communities to reduce their concern about crime and disorder is as important as bringing down the actual level of crime and disorder prevalent in neighbourhoods.' (Singer, 2004: 1)

The interviews described here reveal an almost complete lack of confidence amongst this sample of young people. On the evidence presented, one is forced to ask who exactly is being 'reassured' because it is certainly not these young people. Indeed they perceive

themselves to be the focus of a service that regards them only as problems and as potential or persistent criminals. Their experiences have led young people to reject any notion that they have value, save that which they derive from their own peer group.

The term Policing Diversity has emerged since the publication of the Macpherson Report (op cit) into the racist murder of Stephen Lawrence and is increasingly being used by police forces, policy makers, commentators and occasionally the media throughout England and Wales to describe attempts by the police service to come to terms with the multi-cultural and multi-ethnic nature of society. In one sense the adoption of the term may be seen as the police attempting to re-engage with all sections of society in the spirit of community policing. In another it can be interpreted as an acknowledgement that the efforts of the past to provide value free policing to all sections of the community have failed and that in order to re-establish trust, the police must recognise and respond effectively to the differing needs and expectations of a diverse population.

The challenge then for the service is to demonstrate that it is sensitive to differing priorities and able to respond in an appropriate fashion. At the same time Policing Diversity has to be about more than recognising that policing should be sensitive to the communities that are being policed, it must also signal an awareness that the composition of the police service must be more representative of a culturally diverse population and that extra efforts are required to encourage members of minority communities to become police officers. However in the eyes of the young people who are given a voice in this report, it is singularly failing to rise to these challenges.

The problem here is for the police to respond to the findings of this and other reports in order to re-establish trust and confidence in the community. Quite simply, the police have an image that has moved from one of being 'the best police force in the world', to one that has become tarnished by allegations and the realities of racism, discrimination and unfairness. If the police are truly to serve the needs of the community as a whole they must be representative of that community – young and old, black and white, and they must respond effectively and efficiently to problems and priorities as they emerge. That means that they must engage in meaningful dialogue with all sections of society to establish trust. They must be seen as a service responsive to the legitimate demands of all sections of the public and open to all as a worthwhile career choice.

The black and minority ethnic young people interviewed for this research generally lacked trust in the police service, and this indicates something of the depth of the problem facing the police if they are to re-establish trust with these communities. What this study illustrates is the difficulty that the service is facing in its relationship with young black people. The evidence presented here confirms other findings of a lack of trust and confidence in a service that relies upon the good will of the public to perform its role effectively. What is more they indicate something of the depth of these negative feelings.

Amongst these young black people there appears to be a firm belief that the police service has nothing to offer to them, or to their communities. Not only do these young, black people avoid contact with the police on the streets, they decline to have any contact at all. They will choose not to report crime - even if it has an immediate impact on their own families and they will not voluntarily provide information to the police investigating even serious crime.

The findings presented in this chapter should give the Home Office, and the leaders of the police service, pause for thought. Since the 1970s policies have been formulated, police training has been reviewed and the law has been changed to codify and clarify police powers. The exercise of police powers is subject to more monitoring than at any time in the past and data is collected regularly on the use of the powers to stop and search people in the streets. Yet despite all of this the evidence presented here is clear. Young men and women from BME communities have lost trust and confidence in the police and it will take many years and considerable effort to rebuild it. That is the challenge for the police service.

3

‘Playing the game’: The experiences of young black men in custody

Professor David Wilson¹

‘One of the Officers said to me – ‘You are a piece of shit. When I wipe my arse it looks like you.’ Young Offender ‘North’

‘What if it was all black Govs, and all the black lads on the servery? What if it was all black lads that worked outside as orderlies and it was all the white lads that were banged up? What if all the black lads were on the highest regimes and all the white lads on the lowest and who kept getting stitched up and twisted up? Then they’d know how it felt, because that’s how it feels to me.’ Young Offender ‘South’

‘The Race Relations Officer? What’s that?’ Young Offender ‘Midlands’

This chapter presents the findings from a study involving 45 young black men in custody. This was the first study completed within the *Just Justice* research project. The report on which this chapter is based (Wilson & Moore, 2003) was published by The Children’s Society in 2003, and two journal articles were also published based on the study (Wilson, 2003 and 2004).

Background

Black people, whether young or old, male or female, are over-represented in custody (see Chapter 1). This chapter does not attempt to explain why this is so, but rather goes beneath the surface of the reality of this institutional racism to see how those on the receiving end of it live their lives in custody. With one or two exceptions very little has been written about what imprisonment actually means for young people who are on the receiving end of this ‘multiplier effect’, despite what we are beginning to know about the experience of race in prison from research conducted by NACRO (2000) and more recently by The Commission for Racial Equality (CRE) (2003) into the circumstances of the murder of Zahid Mubarek at HMYOI Feltham.

¹ This chapter is based on a report (Wilson & Moore, 2003) originally written by Professor David Wilson and Sharon Moore (then of The Children’s Society). The portion of the original report attributable to Sharon Moore related to policy recommendations and is not contained within this edited chapter. However, The Children’s Society would like to acknowledge the major contribution to this research project made by Sharon both to the above-mentioned report, and to the *Just Justice* research project in general, during the time she worked for the organisation.

Her Majesty's Chief Inspector of Prisons (2001) has commented upon the culture of the Prison Service:

'It is a culture that adopts an attitude to prisoners that is not only judgemental, but too often includes physical and mental brutality ... One of its most obvious manifestations is in attitudes to minorities, of whatever kind, who are treated not as equal but as unequal because of their minority status. There are ... minority groups whose inequality of treatment concerns me – ethnic or cultural minorities.' (Her Majesty's Chief Inspector of Prisons, 2001: 16)

Speaking at the time of the Macpherson Inquiry, Martin Narey, then Director General of the Prison Service, admitted that the Service was 'institutionally racist' and that 'pockets of blatant racism still existed' (CRE, 2003).

The CRE has noted that the Race Relations (Amendment) Act 2000 placed a duty on the Prison Service to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good race relations between people of different racial groups.

The CRE refers to the HM Prison Service statement 'Achievements in Race Relations from 2000 to date' and acknowledges the efforts that the Prison Service has made to date to address racism. This includes 'a comprehensive range of policies and an unprecedented mood of determination at the most senior level to eradicate racism'.

The CRE report also noted a number of concerns leading up to the murder of Zahid Mubarek, including the level of awareness of racism and the role of the Race Relations Liaison Officer, as well as the failure to give appropriate priority to race relations. The report reminds us that Governor's Order 68/1999 clearly states that all racial incidents, however minor, must be reported to the Race Relations Liaison Officer as soon as possible.

There is also the matter of children's and human rights. Multiple breaches of the rights of children in custody have been catalogued in a number of official documents which together form a significant body of evidence for reform of the present system. The Joint Committee on Human Rights (2003) noted that article 37(c) of the United Nations Convention on the Rights of the Child requires that:

'Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes account of the needs of persons of his or her age.' (p. 17)

Despite this the Committee found that:

'The level of physical assault and the degree of physical restraint experienced by children in detention in our view still represent unacceptable contraventions of UNCRC Articles 3, 6, 19 and 37. These statistics do not provide reassurance that the Prison Service is implementing fully its responsibilities with respect to the rights of children in custody.' (p. 25)

Safeguarding Children, the report of the Joint Chief Inspectors (2002), on arrangements to safeguard children, raises the following concern:

'Young people in YOIs still face the gravest risks to their welfare, and this includes those children and young people who experience the greatest harm from bullying, intimidation and self harming behaviour.' (Department of Health et al, 2002: 72)

In addition, the High Court² recently found that the Children Act 1989 applied to children in prisons, although not to the Prison Service itself. In his judgement, Mr Justice Munby said, in relation to the evidence he had heard:

² R (on the Application of the Howard League for Penal Reform) v Secretary of State for the Home Department (2002) EWHC 2497 (Admin)

'[there] are things being done to children by the State – by all of us – in circumstances where the State appears to be failing, and in some instances failing very badly, in its duties to vulnerable and damaged children.'

In order to increase the levels of protection of children in custody, the Joint Committee on Human Rights has proposed a set of principles for a rights-based approach to children in custody which would ensure that children in custody knew about their rights and received help in enforcing their access to them. The need for such an approach becomes immediately apparent upon studying the research findings.

Research methods

Protracted negotiations with HM Prison Service eventually facilitated access to three young offender institutions – which cannot be identified, but which are described in this report as 'South', 'Midlands' and 'North'. In total 45 young, black, male prisoners were interviewed about their experiences of being 'young' and 'black' and in custody. These young people were pre-selected for interview by the Prison Service. No definition of 'black' was given to the Prison Service as criteria for selection of interviewees, and the Prison Service did not ask for any such definition. In explaining these areas of discussion the interviewees themselves were encouraged to question whether or not they accepted the label 'black' and whilst it was clear that several of them were of 'mixed race', none objected to this description. The intention was to allow the interviewees to self-define on the basis of their race (or religion).³ As with the broader research programme, the intention was to gain a deeper understanding of what it means to be 'young' and 'black' and in custody and in turn to see how these interviewees resist, overcome or accommodate and shape the environment in which they find themselves. Thus no attempt is made in the research to compare what these interviewees say about their time inside with a comparable group of white prisoners. All of the research findings were compared with official documents related to each of the Young Offenders Institutions, most obviously the most recent reports by the Chief Inspector of Prisons about that Young Offenders Institution, but also with internal documentation (when this was made available) and of note none of the prisons were seen as having any difficulties or problems with race. Each of the three establishments produced specific issues related to the internal dynamics of that institution – which were often associated with the number of young black people who were accommodated – but no matter what specific issues arose the interviewees voiced common concerns and outlined a common strategy about how they dealt with them.

Findings

When asked about their life within prison the young men focused mainly upon two distinct groups: other young black men and prison officers.⁴ They observed that prison officers could say 'racist things' because of the power that they had in prison, but which they felt they would never say if they encountered the interviewees on the streets, a theme which is discussed more fully below. However, the following quotes give a flavour of the types of comments that young people felt could be made inside of prison, as opposed to on the streets.

'I've been called a 'chimp' before. I was also called a 'golliwog' by one of these Officers. I ended up getting into trouble for that, and I was put on adjudication.'
(Male, Midlands)

'I was coming back from the library and I saw a poster that had graffiti on it – it said 'I hate Niggers'. I waited for weeks for someone to take that poster down. No one seemed to be bothered. We kept walking back and forth pointing out what it said and

³ In terms of conventional ethnic categories, the prisoners interviewed included 28 Afro-Caribbeans, 12 Asians and 5 mixed race young men. However, it must be stressed that at no time during the selection or interview process were these labels applied by the researchers, as the intent was to allow the young men to define their race for themselves.

⁴ When asked about their relations with staff the young people primarily focused upon relations with Prison Officers, although occasionally this would include teachers, probation officers and other groups.

we kept asking why it was still there a month later. It was there because they either don't care, or because they hate niggers too.' (Male, South)

Coping Strategies

In interview, the young people described how they coped with racist attitudes and behaviour. This emerged into two broad themes, which using the descriptions provided by the interviewees themselves are called *'keeping quiet'* and *'going nuts'*.

These two themes form a basis for understanding how these young black men attempt to deal with the reality of their incarceration and are related to a general strategy – 'the game' – that they have formerly adopted in relation to their day-to-day dealings with the police on 'the streets', but which they then import into prison but adapt to suit prison conditions and especially their relations with prison officers. The term itself was something that the young people used to describe what was happening to them and they drew parallels with their experience of racism on the outside. Within these two themes virtually every aspect of their life in prison is accommodated – from their relations with the staff and white prisoners, to their perception of how to gain regime benefits or services within the prison, such as better jobs and more privileges. These two themes represent for the interviewees a strategy for overcoming and resisting the circumstances of their custody and a way of establishing group solidarity in the face of 'the Goves' – a reference made by interviewees in South to the prison staff. In 'keeping quiet' or 'going nuts' the interviewees had found a way of coping with the problems that they might face in prison in view of their lack of knowledge about and confidence in official channels (see *The Race Relations Liaison Officer and the Race Relations Management Team*, below).

'Keeping Quiet'

'Keeping Quiet' is the first part of the strategy used by young black men in Young Offender's Institutions, although it should be noted that as one interviewee put it, 'we're not actually quiet'. Rather, 'keeping quiet' meant 'biting your tongue', 'holding fire', 'sucking it in' and 'kicking back' rather than silence.

'I just kick back man and relax. I don't let anything get into my head and work me up.' (Male, South)

'I just close up inside.' (Male, Midlands)

'I don't argue back with them. I just turn the other cheek and smile. I try and keep calm because I've got a bad temper and so I'm polite and calm. If I think I'm going to argue with them and they're making a big commotion or a fuss I go back to my pad and just sit there and be mad about it.' (Male, Midlands)

'You've got to be polite and relax around them.' (Male, North)

'Just kick back and do your time.' (Male, North)

This was not a passive response to authority but rather a prelude to seeking support from friends in the prison, often as a way of sharing information about staff and confirming views and opinions about what had been happening in the jail. Most of the interviewees would describe each other as 'brothers' or 'cousins', despite the fact that most had never met each other prior to coming into jail, and these jail friendships were vitally important in allowing these interviewees to manage their time inside.

Some measure of this support can be gained from such comments as:

'I have a friend next door who I speak to.' (Male, South)

'I just go and tell one of the boys that this one has done something to me.' (Male, South)

'I stick with my niggers⁵ – I do roll with my niggers and I don't go with many white people.' (Male, Midlands).

Indeed, although the research did not attempt to compare what these young black people said about their time inside with a comparable group of young white prisoners, despite appearances it was clear that many of the interviewees thought that it was much harder to be young and white in prison. As one interview from South put it:

'they [the white prisoners] don't talk to each other – they're not like us' [and so] 'the white lads always want to hang with a nigger 'cause they feel safe.' (Male, South)

'Going Nuts'

The second part of the strategy, which was clearly not the way that the interviewees lived day by day but was instead reserved for moments of crisis, is called 'going nuts'.

'I flare up eventually and I stop being polite. I'd go for an Officer even though it would make my sentence longer. At the end of the day I'm not going to take shit from nobody.' (Male, Midlands)

'I used to stay quiet, but then one day I'd had enough. I started to say things back and then I had a fight and then after that everyone was OK with me.' (Male, North)

'That's when you go nuts – when you've lost it. It just gets to the point when you can take no more; you're pissed off and they're laughing in your face. They think they're high because they are the Govs – they bang you up; they've got keys; they think they're big – something special. Then you lose it and you just try to beat up the guards.' (Male, South)

This was the strategy to employ when 'keeping quiet' failed to deliver the life inside that they wanted, or when a line was crossed by the staff that had to be responded to in more dramatic ways. This line could take many forms and in no particular order interviewees described issues in the prison related to their:

- regime status
- time out of cell
- relations with discipline and other staff
- jobs and orderly status
- canteen and access to electricity in cells
- religion.⁶

However, it is clear that the most common issue to prompt a change in strategic approach related to the relationship that the interviewees had with the staff, and in particular with the power that the staff were able to exercise over the interviewees and whether or not this power was seen to be justified. Indeed, interviewees thought that by and large prison officers had more power than Police Officers, for as one interviewee in Midlands puts it:

'I'd say that Prison Officers have more power because they can invade your space and your privacy all the time. They can come into your room and say 'get off your bed' and 'do this, do that'. They do little things to irritate you for no reason. It really gets you mad because you can't do anything about it, and they put you under pressure because you are in here and away from your family and things.' (Male, Midlands)

⁵ It is pertinent to note that the word 'nigger', while clearly offensive in some contexts and when used by whites, is used by the young black man in this and other instances as a positive term, on a par with 'brother' or 'cousin'.

⁶ The research was conducted at the height of the debate as to whether or not Britain should join in a coalition with the United States and others and go to war with Iraq. Several of the interviewees were Muslim and they described issues related to how they were being treated as a consequence of their faith. This has recently been a subject of academic interest and is dealt with in the published academic research. For those who are interested in this specific issue, please see Spalek (2002) for general introduction.

Here the interviewee is describing how the power of the prison officer becomes magnified in the 'closed world' of prison. The sense of being 'away' from the outside is also important, and many of the interviewees were at pains to explain that *'prison officers can say racist things in here, behind bars, but they wouldn't dare say those things on the streets'* (Male, South). This sense of 'the streets' being a more equal space than jail in relation to dealing with the formal agents of authority cropped up several times, as demonstrated by the following quotes.

'If I was out on the street they wouldn't even dream of saying some of the things that they say to us in here.' (Male, South)

'If this was [names a city] there would be no way that they would get away with some of the shit that happens in here.' (Male, North)

'They know nothing – they're all pussies. They have power, and give you stress but only in here. Out there they would do nothing.' (Male, Midlands)

There was also a sense here that 'going nuts' didn't actually resolve the problems that they might face when dealing with staff – 'you can't do anything about it'. Indeed the interviewees who did 'go nuts' would be physically outnumbered by the staff and 'twisted up' – a reference to the Control and Restraint techniques that prison staff are trained to use. As one interviewee explained:

'There were seven guards and they jumped me and pushed me to the floor and took hold of my arms and then they pulled them. I was lying down on my front chest and they pushed my elbows into the sides and then twisted me up.' (Male, South).

The use of Control and Restraint techniques might also explain the observation of one interviewee:

'I think that Prison Officers have less power than the police, but they just act as if they've got more power. I've been twisted up and punched and stuff like that in here but I've never been punched by a police officer before.' (Male, North).

In short, 'going nuts' provided only a temporary respite from the reality of their powerlessness, and also explains why 'keeping quiet' was the most developed part of their strategy.

The Race Relations Liaison Officer and the Race Relations Management Team

Of course 'keeping quiet' and using each other as sources of support, or 'going nuts', meant that either the interviewees had never heard of the prison's formal complaints procedures – in particular the Race Relations Liaison Officer (RRLO) and the Race Relations Management Team (RRMT), or other formal processes including the Prisons Ombudsman – or that they had heard of them and had chosen, for a variety of reasons, not to use them. After all, HM Prison Service has had formal procedures for dealing with race since the 1970s (see, for example, Genders & Player, 1989). Despite this, interviewees were clearly unaware of their rights. Indeed only five of the 45 interviewees had heard of the RRLO or RRMT and they were generally scathing about their effectiveness – because when they had raised a complaint they did not feel that the matter had been dealt with satisfactorily. The most striking example of this is provided below from an interviewee in 'South':

'I was on [explains that he was on a project working outside the jail] but in the end I just sat down and refused to go back. The Govs asked why and so I told them that there was a poster [displayed at the project] with the words 'get off me you black cunt' and 'nigger, nigger, welcome to our country'. They said they'd investigate, but I don't know if they sent anyone out to do that, and no one's got back to me. I'm just keeping quiet because my parole is coming up and anything I do I have to keep quiet because I need that parole. If I get problems I just talk to my brothers.' (Male, South)

However, the most common response when the interviewees were asked about the RRLO or RRMT was 'what's that?' and several of the interviewees thought (incorrectly) that their prison did not have one. It should be noted that none of the specific incidents that have been mentioned in this report, with one exception, were reported to the RRLO and thus could not have been included in any formal monitoring statistics. The most common answers about either the RRLO or RRMT were: 'no, not heard of that,' 'do we have that here?' or 'that's not for us'.

This latter observation that the RRLO or the RRMT were 'not for us' was amplified time and again after it had been explained who the RRLO was and what the RRMT actually did and how to make a complaint.

'When you fill in a complaint form they don't do shit anyway. They don't do nothing. Even if you fill out a form the Govs go upstairs and they say 'no, I didn't do that'. There's no point.' (Male, South)

'I don't make complaints because at a later date the screws get back at you. You start to lose your privileges, like they take away your association or they take away your gym and so it's not worth it.' (Male, North)

'An official complaint is not going to get you nowhere anyway, because all the screws stick together.' (Male, North)

'I don't know who the RRLO is but even if I did at the end of the day they're still in uniform and they'll help each other out. So either way, you don't win.' (Male, Midlands)

'Them lot all stick together at the end of the day. It's not like if one of the screws was racist he'd get sacked. They all stick together and so we try to deal with the problem ourselves.' (Male, Midlands)

Discussion

This study sought to provide a platform for the voices of young black men in custody to be heard. They used that platform to voice a strategy that involves 'playing the game'. The first part of this strategy dominates their response to prison life and involves them supporting and sustaining each other through the realities and vicissitudes of incarceration. That racism is part of that reality should in one sense be surprising, given the Prison Service's history of attempting to manage and promote good race relations. Yet time and again in these interviews gross and extreme forms of racism were described. That few of the interviewees reported these instances of racism is again at first glance surprising. However, given that hardly any of the interviewees had actually heard of the RRLO, RRMT or the Prison Service's Requests and Complaints procedures, and those who had were scathing about their effectiveness, perhaps this failure is not so surprising after all.

This research finding should give HM Prison Service and the Youth Justice Board pause for thought. If statistics about race and racial incidents are being kept, meetings about race being held, minutes being taken, monitoring forms filled in and Key Performance Targets being 'achieved', but none of these procedures actually captures the type of incident that has been described or has the confidence of this group of interviewees to encourage them to report them, then is not the effectiveness of these systems so compromised that it is time to adopt a new approach altogether? Indeed the ethnographic focus which characterises this research, whereby the interviewees were actively encouraged to speak out, suggests the basis for an alternative and more successful model.

However, improvements to systems in custody, essential though they are, will only go so far, and here we should also remember that the Prison Service is merely the 'recipient' of young people sent into its custody by the courts. Perhaps it is time to reconsider the overall approach taken to children and young people in trouble with the law. A significant body of evidence is stacking up against our current approach, which focuses upon the offence rather than the child or young person and fails to have regard for their welfare and rights. A way forward, as recommended by the United Nations Committee on the Rights of the Child, would be to 'establish a system of juvenile justice that fully integrates into its legislation policies and practice the provisions and principles of the Convention' (Joint Committee on Human Rights 2003: 95) and which puts the needs of the child or young person at the forefront of any response to their behaviour.

Those young black people who receive a custodial sentence have usually experienced multiple forms of disadvantage and exclusion – of which racism is all too often a feature – and prison is the inevitable symbol and consequence of the relative lack of power and status of young black men in the community. As John Pitts (1993: 128) has observed, 'The sign on the

wall of the probation waiting room says that the Service will not tolerate racist language; it is their policy. Yet where is the policy that addresses the factors which ensure that the waiting room is filling up with poor, unemployed, badly educated young people – black and white.’ None of the interviewees wanted to be in prison, no matter how successfully they could ‘play the game’. As one interviewee in South put it, prison was a ‘pause’ in his life, a life that would only begin again after he had been released. Whilst inside he, like the others, had to get on the best he could and sometimes in circumstances that NACRO (2000: 48) has described as ‘truly terrifying’. In these circumstances they had discovered that the best way to cope was to look to each other. In doing so, albeit often with only limited success, they had found a way of resisting ‘the Govs’, prison and the more general controls and regulation of the youth justice system.

4

‘Dreaming out of despair’: A retrospective post-custody study

Dr Jane Hill

‘I live every day; I could get shot on the way here.’ (Female, 16)

‘But you got to have a dream.’ (Male, 18)

This chapter reports on the third study undertaken as part of the *Just Justice* research project. It explores the experiences of young black people who have been in custody – in terms of their lives before going into custody, whilst in custody, and also after leaving custody. This study aimed to allow the young black people who took part to talk about significant events in their lives – their fears, their hopes, their dreams. In all the encounters with the young people in this study there was an ever-present sense of hopelessness that went beyond the offences for which they had been placed in custody. At the same time, the young people offered glimmers of hope that suggested different routes out of that despair.

Background

The young people who took part in this study self-identified as either black African-Caribbean, Asian or, in one case ‘mixed race’ (white/African-Caribbean). They all came from areas of high social deprivation. All of the Asian participants very quickly self-identified as Muslim. These are significant issues for research such as this and it is therefore important to be mindful of the ways in which a focus on young ‘black’ offenders from poor areas runs the risk of reproducing stereotypical notions of ‘otherness’. Furthermore, in the current climate of Islamophobia there is an onus upon researchers to take great care in order to minimise the possibility of the findings being misinterpreted in order to fuel mistrust. Indeed, as the Cattle Report (2003: 5.10.2) noted, minority ethnic people have made representations about the ways in which a focus on them serves to problematise their cultures.

Similarly, the social location of those who took part might lead to stereotypical notions about working class, as well as minority ethnic, ‘culture’. However, irrespective of whether or not official criminal statistics are accepted as ‘the facts’ about crime, it is the case that black youth are over-represented at all levels of the youth justice system and, according to a NACRO Youth Crime Briefing Paper, that over-representation is, worryingly, particularly marked at the level of custody (NACRO, 2002; see also Goldson, 2002). The NACRO Briefing Paper also reveals that in self-report studies there is not a statistically significant difference between ‘black’ and ‘white’ youth offending.

Years of criminological research, from diverse perspectives, have demonstrated that young people from working class backgrounds are more likely to end up in custody. In part this is because criminologists’ theories have often over-predicted working class crimes. Once such theories enter ‘common sense’ then they will impact upon reporting habits and upon subsequent criminal justice processes. It is likely, then, that the experiences of working class

youth from minority ethnic groups will be adversely affected by over-generalised assumptions about both 'race'⁷ and class.

In a society where racism is endemic, a correlation between social class and membership of a minority ethnic group is likely, although not necessary, because of processes of discrimination in society more generally, for example, within education and labour and housing markets. It is also no coincidence that a significant number of BME citizens are concentrated in areas with the poorest housing. These people cannot be blamed for the segregation that exists in some regions between themselves and white communities and which sets up mistrust between different sectors of the population.

When racial stereotypes are added to class stereotypes the over-representation of young black people, evident in official statistics on youth crime, can be understood not as an indicator of greater criminality amongst certain groups but, rather, as an indicator of widespread discrimination in society in general. These processes can, simultaneously, serve to reinforce negative self-identities amongst marginalised groups as well as reinforce class and racial stereotypes. That is, there is an interaction between social processes on the one hand and individual actions, self-perceptions and perceptions of others on the other. This is not to excuse criminal behaviour but to offer an explanation that challenges simple notions of individual responsibility. Of course individuals can choose not to offend, and indeed it is an insult to the many people from disadvantaged groups who do not offend to assume any straightforward linkage between social location and criminal activity. It is also to make the error of diverting attention away from those who are not disadvantaged who *do* commit crimes (albeit with greater likelihood of escaping the consequences). However, it is important to link the decision to offend to offenders' conditions of existence lest the complexity of human action is lost. Once such complexity is revealed the possibility of offering different solutions might also emerge.

The ethnographic approach taken in this study is one way of revealing such complexity and of particular importance in this study is the recognition that racism damages everybody.

This study, therefore, begins from the position that it is not unreasonable to expect that in a just society there should be a *social* commitment to address the inequalities that can so easily lead to social division. This is not a straightforward task but it is one that is crucial to the futures of the young people who become involved in the processes of criminal justice.

Research methods

When the research programme was initially designed it was anticipated that there would be little difficulty in contacting a sufficient sample of participants willing to take part in the study. However, in practice, the post-custody study was particularly problematic in terms of identifying the sample as the gatekeepers were rightly concerned about confidentiality and data protection. With the help of a NACRO regional manager a decision was made, initially to send out flyers/posters to various offices across the country with the hope that young people would volunteer by making contact with the worker named on the poster. It soon became evident that the assumption that young black people would be keen to talk of their experiences was erroneous. As Sharp's study suggests, this could well be the result of a lack of trust in people who are deemed to be in authority since those in authority are often the gatekeepers through whom access has to be gained.

Contact was also made with various Youth Offending Teams across the country and although many (not all) professionals were initially very helpful indeed, only one Youth Offending Team Manager was able to locate a worker who was keen to recruit volunteers. It is significant that this person (as it happens, a white professional) was very keen to ensure that her young minority ethnic clients had their voices heard and it was largely as a result of her encouragement that a sample came forward from the North West of England.

The rest of the sample was recruited from the Midlands. Having failed to gain a sample through formal means, contacts in the black community were used to gain access to

⁷ The term race is used in inverted commas to denote that it is a contested and socially constructed concept

community workers who were able to make links with workers in Youth Offending Teams on a less formal basis. These were all black workers who were keen to encourage the young people with whom they had been working to take part.

In all, 15 young people took part in the study and it was significant that all except one exhibited trust in the workers who had encouraged them to become involved. This was not considered too small to be a meaningful sample as the purpose of this type of research is not to make generalisations but to gain deeper understanding of a 'hidden' topic. All the young people signed consent forms and were assured of their anonymity. Whilst in Sharp's study a decision was made to keep biographical information to a minimum, in this study some biographical information is considered necessary to the task of gaining deeper understanding of the participants' lives prior to their spell in custody. However, this information is presented in such a way that it is only recognisable to those concerned who are, in any case, aware of these details. For reasons of confidentiality, however, the region from which the young people came is not divulged in the text, rather they will be identified only as male or female of a certain age.

As in the first two phases of the research and in the tracking study, a mixture of individual in-depth interviews and group interviews were employed. Some of the young people felt more comfortable speaking in groups whilst others were happy to be interviewed alone. The young people from the first area were interviewed in one of the rooms in the Youth Offending Team Offices. They were all happy for the interviews to be tape-recorded and they were relaxed throughout, the interviews often being punctuated by light-hearted banter. At the end of the interviews some of the participants went with the researcher to collect lunch where they expressed keen interest in the research and generally were comfortable in light conversation.

In contrast, none of the participants from the Midlands were happy for the tape recorder to be used. This inevitably had an adverse effect on the data that was gained. Both the researcher and her assistant made contemporaneous notes in order to maximise the amount of recorded data but this nevertheless limited the scope. This was perhaps another indication of a lack of trust, although assurances had been made regarding our status as professionals who were independent of the criminal justice system. This said, it became obvious that as the interviews progressed the participants became comfortable and rapport was built up quickly. Indeed, one of the participants accompanied the researcher to the post office after the interviews were over and continued to chat about his life experiences.

The analysis of the data was informed by previous research on racial issues and therefore began from the assumption that racism exists in all levels of British society and may be direct or indirect, intentional or unintentional. For this research an issue of concern has been the right by which a white, female, middle-aged researcher can carry out research that focuses upon young black offenders. Whilst the researcher did not have 'insider status' it is clear from the data in all the studies that such a category is open to question amongst those who have taken part (See Wilson, 2004; Sharp, 2005). As two males in Wilson's study said:

'White screws are more lenient'

'That's true man, I don't know why it is'

Young (2004) refers to the black American expression 'oreo' which is a reference to a biscuit with a chocolate centre that is used to refer to middle class black Americans who are thought to behave as if they are white. It is therefore being argued that it is not membership of a particular group or skin colour that is most important but an attitude that takes account of oppression in its various forms. It is therefore the commitment to anti-oppressive practice that provides a form of 'insider status'.

Using the work of Fines (1998:153) three important principles have influenced the analysis:

1. A commitment to '...work with, but not romanticise, subjugated voices'.
2. A commitment to search for 'moments of social justice'.
3. A constant effort to 'write against Othering'.

What these principles mean in practice is that the data presented here might sometimes present the young people in a poor light. However, in order to work with their voices there has been a constant attempt to analyse their meanings in terms of the social conditions in which

they have lived their lives. It is by identifying the instances of social injustice that attention can be shifted away from notions of 'pathological' culture ('Otherness') and on to the social conditions that impact upon social life. In this way the complexity of offending behaviour can be revealed as well as the complexity of the young people's understanding of a) their own behaviour and b) the response they have received from the state.

After a process of careful coding, the data was organised into childhood and school experiences; experiences in custody and post-custody experiences. The young people did not explicitly link their early experiences to their offending behaviour but their words reveal those linkages. The data in this phase of the study bore striking resemblances to data elicited in the other studies in the series. These resemblances lead to increased confidence that the findings as a whole may resonate with many more young black community members in this country.

The key themes that emerged were:

1. **The meanings of racism**, this theme includes three concepts: 'calling names', 'judging by appearances' and 'institutional blindness'.
2. **Strategies of resistance**, this theme includes the following sub-themes: 'names will never hurt you', 'fight the good fight', 'same game, different rules'. These themes reveal the different and often contradictory ways through which the young people learned to live with racism.
3. **Dreaming out of despair**, this theme examines the young people's routes out of, or, in some cases, into deeper, despair.

These themes will be developed in the next section.

Findings

This section begins by describing the instances of racism in the participants' lives. It provides a flavour of their responses, as well as the responses of those in authority over them, to racist events. It thereby facilitates some means of understanding the ways in which subsequent events in their lives come to be understood.

The young people divulged accounts of the ways in which white people in their spheres of experience used 'non-white' identities as terms of abuse. Their accounts reveal the essence of the abuse they suffered and demonstrate the ways in which some of the youngsters have come to understand their lack of qualifications and/or jobs, at least in part, as a result of racist attitudes in society as a whole – a perception that is difficult to dispute unless we resort to the well-critiqued notions of biological determinism and the implied racial inferiority that accompany such notions. The lack of response from those who held authority over them when racism occurred (referred to below as institutional blindness) led to the young people finding their own solutions and on occasions to them justifying their own violence. However, unless the violence that has been done to them is acknowledged, such justifications should not come as any surprise. Indeed, as the data suggest, violence can be seen as one strategy of resistance to a world that often seems hostile, uncaring and simply unfair. Thus, 'dreaming out of despair' in ways that offer hope for the future for young black offenders might well be dependent upon the extent to which the response of the state can rebuild their trust.

The meanings of racism

'When I was younger I didn't see myself as different....I liked school ...especially Urdu and media studies....school used to be good...I got all my GCSEs, well, Cs and Ds' (Male, 16)

'I got nothing, I couldn't do my GCSEs because of the court case – and you'd (to mate) have done better if you hadn't been kicked out...' (Male, 16)

When asked why he was kicked out he said:

'We were fighting with the year 11s when we were in year 10 because they kept calling us Paki.'

JH: *'Did the school respond to that?'*

'Yeah. They kicked us lot out...then they (other kids) came after us with bats.'

'The school teachers were mostly alright though, they weren't racist.' (Male, 17)

'There used to be that one though, at primary school, he used to chase us and shout "Paki, come here".' (Male, 17)

JH: *'A teacher said that?'*

'Yeah, Mr xxxxx he was called, he had his own son there and for that his son got banged out, he got knocked out.' (Male, 17)

'Yeah, by Asians and now when I see him I just give him (teacher) a mouthful.' (Male 16)

Here it can be seen that not all white people are perceived as racist but the anger that had developed in these youngsters at primary level should give cause for concern. They were not old enough to understand that they did not have to put up with a teacher who made them feel bad about themselves by calling them 'Paki' so they simply transferred their anger on to the son of the person who was upsetting them.

In more recent times these young men demonstrate that name-calling is coupled with concerns about looking 'like a terrorist'. In other words they are 'judged by their appearance'. But what does that mean? For these young people looking 'like a terrorist' is equated with being of Pakistani origin (or one might add, simply being perceived as a Muslim). What is not said is interesting in itself, since racial attacks against people who are or are perceived to be Muslim are increasing. As Ofutu (Chapter 5) has suggested, being a Muslim currently compounds racist abuse. For the participants in this sample the change in the form of racism is not of key significance, rather this is experienced as yet another expression of hatred of Pakistani people:

And when that Bin Laden thing happened – they don't even know it was Bin Laden, they just want to get someone because he was a Paki or whatever he was. They don't even know who the bomber was (a reference to events in London 7/7) but they say it's a Paki. They hate Pakis I know they do.' (Male, 16)

As these young men spoke they drifted back and forth between concerns about 'name calling' and 'judging by appearances'. Their experiences in custody simply mirrored their experiences of their social worlds where young men face each other with hostility and mistrust amidst efforts to assert their dominance:

'And when we went in (custody) right, we got called Paki so many times we lost count.' (Male, 17)

JH: *'Who called you Paki?'*

'Scousers' (Male, 16)

'Yeah, we use to get terrorised, there were loads of us so we pounded them and two of them pounded me.'

'They were calling me names and the black people (as distinct from Asian) too. There was this black guy in and he was a scouser so he would get them for me – the English lads were funny, it was just the scousers.' (Male, 17)

JH: *'Aren't scousers English?'*

'Yeah, but from Liverpool. I mean ...when the Scousers are getting funny that's it.'

JH: *'When you say getting funny, what do you mean?'*

'Calling us Paki when we never said nothing to them.' (Male, 17)

'And then they were saying this is a Scouser's prison, and we were fighting over the pool tables sometimes, fighting over various things.' (Male, 16)

JH: *'How was this dealt with?'*

'They (screws) would grab you, throw you on the floor, sit on top of you, tell everybody to go into their cells, yeah – so then we'd be banged up three days – a week - and after we come out of bang up the same thing happened again. That's why I got moved onto a smoking wing when I was 15.' (Male, 16)

'We couldn't say 'Scouser' because there was too many of them and plus the screws, they were racist.' (Male, 17)

'They nicked us.' (Male, 16)

JH: *'So what happened?'*

'We saw the Gov'nor.' (Male, 16)

The experiences of another young Muslim (18 at the time of interview, and not of Pakistani descent) were different in kind. He made a conscious decision to be a model prisoner, in Wilson and Moore's (2004) terms he was 'keeping quiet'.

'I was good as gold throughout the sentence and got a red band (inmate with a photo ID and allowed to move freely around the prison unsupervised), but at the end of the 9.6 months I did not get tagging as I was thought to be a threat to the public. I was wound up so much that I wanted to fight someone. Other inmates with offences such as armed robbery were getting tagged. The governor should have five reasons to refuse but he only had 1 for me and still refused. Why do you think that is? Why am I high risk?' (The implication was that it was because he is a Muslim).

This young man seemed therefore to understand the state's response to him as a manifestation of Islamophobia. His good behaviour, and resistance of the temptation to 'go nuts' (Wilson, 2004) did not do him any good.

The interviews with the participants of African-Caribbean origin revealed some different meanings of racism and more concern with the combined effects of economic exclusion and racism. Name-calling was not as prominent an issue as the issue of being judged 'for being black'. There was no evidence that being black (as in black African-Caribbean) was perceived either by them or 'society' in general as associated with the label 'terrorist'. However, 'being black' for this group meant looking like a trouble-maker. The data suggest that if the young people perceived themselves as trouble-makers it was because this is what they had learned in the environment in which they lived. However, there was also evidence of a more sophisticated understanding of the relationship between their environment and the social structure. They took responsibility for some of their actions but also made sense of them in terms of the institutional blindness to some of the processes of discrimination:

'I was always involved with trouble makers, but it's not school, it's the area.' (Female, 16)

'In school, though, right – they only question the black kids when things go wrong, jus' 'cos you're black it don't mean you do everythin.' (Male, 15)

'But it's environmental, it's a rough area.' (Male, 18)

'Yeah, but whites they get the education and they get the work, worthless niggers don't get work.' (Male, 17)

'Inside all the whites got jobs too, got the cleaning jobs. Our rooms were searched and you know my pad was always clean and theirs wasn't. Would you (to JH) give a cleaning job to a dirty person? Why did they give a cleaning job to a dirty person?' (Female, 16)

'In five months I got no work either.' (Female, 16)

These accounts suggest that processes of discrimination are going on in custody and that they mirror what is going on in wider society.

'They always wanted to search me 'cos I was in there for drugs.' (Male, 16)

'I was strip searched, any excuse, and when I refused they held me down...I was in for fighting. I ain't sorry 'cos it all started with two white girls setting on me and in the

end they got battered, if it was me and another black kid they'd have said the white girls acted in self-defence.' (Female, 16).

'If you behave inside they treat you well but you get called teacher's pet.' (Female, 16)

'Yeah, screw boy. But the screws don't like me 'cos I'm black, they think I'm bad.' (Male, 17)

The following accounts reveal, in line with the findings in Sharp's study (Chapter 2), that these young people are not providing a straightforward account of 'white on black' discrimination. The young people were also concerned about the ways in which black 'screws' treated them and they were struggling to make sense of it:

'The black screws pick on their own people.' (Male, 17)

'The white screws are more lenient.' (Male, 16)

'Yeah, it's true, I don't know what it is man.' (Male, 17)

'The screws break you down.' (Male, 16)

These accounts suggest that it is not enough to simply recruit more minority ethnic people into the various agencies of social control. Such recruitment has to be supplemented by a commitment to anti-oppressive practice in all its forms. Just as it has been recognised that women can be embroiled in reproducing their own oppression, so too can 'black' people unquestioningly accept the 'institutional blindness' to oppressive practice and learn to accept it as the norm. Furthermore, it would seem that the regulations that do exist to protect the rights of these young people are either, as Wilson and Moore discovered, not made known to them or they are aware that regulations are being breached but they feel that it is useless to do anything about it:

'When you're on remand they keep you banged up 24 hours a day. You only get two showers a week.' (Male, 17)

'For ten days (the induction period) I was stuck in a pad for 23 hours. It's a common experience for everybody. We should be given information for 2- 3 hours but it was only done for five minutes.' (Male, 16)

'Yeah, really they're supposed to be taking us out and explaining things for 2-3 hours, they took about five minutes telling us blaa, blaa, blaa and then it was back to our pads...they're bastards.' (Male, 17)

'It's not allowed, why are they doing that just for a few minutes?' (Male, 16)

When asked how they felt about their time in custody some said they deserved it, despite their experiences:

'I deserved to go.' (Female, 16)

'I didn't I was just trying to look after myself.' (Male, 17)

'I deserved to go, it taught me a lesson.' (Female, 16)

Yet the lessons seemed to be more of the same racism that they had been experiencing outside of custody.

Strategies of resistance

In this section the data illustrate the ways in which the young people resisted the racism in their lives. As Bourgois (2003:17) has been at pains to point out, it is easy to become angry with individuals who are the victims of the structures of power when they do bad things. Furthermore, he identifies the tempting, but also foolish, tendency to see political economy as '*...a panacea to compensate for individualistic, racist or otherwise judgemental interpretations of social marginalisation.*' Instead, he has pointed to the ways in which human beings are active 'agents' who to some extent shape their own destinies (one might add 'but not in circumstances of their own choosing'). Bourgois describes the temptation to fall back on structurally determinist explanations for the ways in which 'real people hurt themselves and their loved ones in their struggle for survival' and he grapples with the difficulties involved for

those trying to make a difference in recognising that resistance can lead to destruction. Rich data can facilitate a greater understanding of how such destruction may come about and thereby suggest ways in which it might be avoided in the future.

'Names will never hurt me'

For the young people in this sample the response to name-calling has been the seizure of the derisive terms which, when used between themselves, connote solidarity. The young Asian men who, as the data above revealed had been so angered by being called 'Paki' also spontaneously went into a chant that ended with a resounding 'We're Pakies and we're proud'. Similarly, the African-Caribbean youth were happy to use the term 'nigger' amongst themselves. One young man said he was called 'Yardie' but this didn't connote allegiance with a criminal syndicate, rather, he said:

'It's a good name, there's good 'Yardie' and bad 'Yardie'. When me mates call me Yardie it's good, it's like 'nigger'.'

So the use of the terms of derision and hate that are used by white people are subverted, they give reality to the dictum 'names will never hurt me'.

'Fight the good fight'

The violent response to racism is often more difficult to understand, especially when the focus tends to remain on surface appearances. It is particularly difficult to understand when the damaging effects of years of racist abuse seem to result in unprovoked attacks. That is, when any white person (that is, not an obvious racist) seems to become 'fair game'. It is not productive to become involved in the hackneyed debate about whether black people can be racist here, rather it is more appropriate to encourage readers to consider the complexity of the relationship between the wrong-doings of these young people and the wrong that has been done to them, not only at the individual level but also at the institutional level. There are often no simple categories of 'victims' and 'offenders' but when it appears that there are, the tendency is for understanding to be replaced by harshness. For example, the experiences of racism within the lives of some of the young people interviewed are unlikely to be heard in official quarters; the act(s) for which they find themselves before the courts are considered in isolation from their social and material conditions of existence.

'I ain't no hater. We just need to survive, if we get hit we fight.' (Female, 16)

'We would go after the boys at xxx (names school)...Because we thought they were 'rich kids'. One day we got stormed by the police and five of us got arrested and three got charged. I was not actually doing the robbery at that time but I was recognised by one of the xxx (names school) boys from the past ones I did....I was a Juvenile but I did not get sentenced until I was 18. It took one year and six months to sentence me and I kept having to go back and forth to court. When I was given a custodial sentence my jaw dropped to the ground.' (Male, 18)

In point of fact, four other younger males participating in this study were equally surprised that they were given custodial sentences, especially as they were led to believe that their pre-sentence reports had been favourable. (The researcher had access to some of the reports and indeed custody had *not* been recommended – although unfortunately the youngsters thought that they must have been told lies and to some extent this belief has shaken their trust.) This is important because it is the professionals who work with the young people, prior to court hearings as well as after custody, who are most likely to take the time and indeed to have the knowledge and skills to consider the effects of the conditions of existence of those in their charge.

In another case described in this study a white male was attacked by a group of lads. These lads did not perceive the attack as racially motivated although they believed that is how it was perceived by those in authority:

'These lot (mates) were drunk and wanted to rob someone – we wanted a camera phone. He had two sacks and a cat cage and he (pointing to his mate) thought he had loads of money in the bag but it was cat food and that. We went to rob a phone and this guy (another mate) lost his own phone there then my other mate found it and he picked it up.'

Whether or not this account was entirely true is not the issue here, rather the issue is that they received custodial sentences and, as the above data have indicated, custody reinforced group violence. The youngsters knew that they had done wrong but they did not think they had seriously harmed their victim:

'He could at least have dropped the charge, he could have said they're little lads and they don't know what they do. And then the guy made an excuse – because he lives across the road and he said he had to wake up early in the morning to go and get his mail from the shop (implying he was scared). He was lying, just chatting.' (Male, 16)

'He just wanted compensation.' (Male, 17)

JH: *'O.K. but tell me if a group of white lads or African Caribbean lads attacked one of you how would you think about that?'*

'We won't call the police, we'd get them ourselves. We'd look for them and beat them up. We won't call the police and one more thing, yeah, if we robbed an Asian guy we don't think he would have charged us as well, but at the time we weren't thinking. The four of them were drunk and didn't know what day it was.' (Male, 16)

This response indicates an acceptance of fighting, it also indicates a reluctance to trust the police. Of course this is not necessarily a feature only of black people's existence, in poor areas the police are often the last to hear of incidents.

An 18 year old described an incident in which he had attacked a younger boy. The event had been witnessed by the boy's family who watched his older brothers beat up the perpetrator. The boy's parents saw this as justice and did not want to call the police but another adult had seen what had happened:

'I was caught by a 'good Samaritan' (said with irony) a 'hero'. I got a beating off the family of the victim. The family told the Samaritan to let me go but he held me until the police came.'

In this case the 'Good Samaritan' was an elder from the Asian community of which the offender was a part.

But these types of incidents are an ever-present reality in the lives of many young people:

'No-one fights in ones anymore.' (Male, 16)

Resistance thus includes the embrace of a hyper-masculinity in which a sense of power is gained through physical aggression and in which safety resides in numbers.

In the economically deprived conditions in which all the young people were living, resentment about who was perceived to have access to state resources and the resources gained from 'informal markets' might also explain some of the wider racial hostilities in their areas. Such hostilities have been documented elsewhere in recent years, for example the Cattle Report (2002).

An issue that cannot be over-looked is that in the cases documented above the young black people had committed offences against white people. Whilst since the Macpherson Report of the Lawrence Inquiry there has been some improvement in terms of responses to black victims, the same is not true when black people are perpetrators and the victims are white. In a society that has not sufficiently addressed racism in all its forms the victimisation of a white person by a black person/s still appears to result in a harsher response from various quarters than would be expected when the perpetrator is white (see Ray and Smith, 2004).

'Same game, different rules'

'When violence is perpetrated by young black females it is likely that they will be treated even more harshly. They are likely to be judged as 'unnaturally' aggressive (that is they are perceived to be breaking not only the laws of the land but also the 'laws of nature'). The point is that girls can be found to be 'doubly deviant doubly damned.' (Lloyd, 1995)

'I had to use my fists in prison, if you had a problem with other inmates because they were spiking you (pulling faces and calling racist names when you're locked up) the only time you could sort it out face to face was in the chapel.' (Female, 16)

The fact that this was the only space in which the young inmates could meet face-to-face is not taken into account by those in authority, rather, the response is to see the resistance as a lack of respect for a 'holy' place.

Whilst this is only one incident it has been corroborated informally by a (white) prison Chaplain who has seen this happen between male prisoners on many occasions. Of note here is the response this young woman received in response to her violence in different aspects of her life:

'I got kept in longer 'cos I fought back. Me going into prison didn't teach me a lesson – I got five months but did ten 'cos they said I never behaved but I wasn't going to be scared, I fought back...the only reason I don't want to go back is 'cos you don't get enough loo roll, I'm not scared... But the inmates put soap in their socks and they hit you and when you hit back they (screws) get you. 18 (screws) held me down once, 18 for just one person and I was only 15 when that happened.'

This lively and bright young woman exhibited rich humour that belied the damage she revealed had been done to her in a variety of ways. Her anger is understandable in the light of her experiences but as Lloyd (1995) has suggested when black women are angry and refuse to collude in a system that discriminates against them this is often misunderstood.

Dreaming out of despair

Finally this study turns to the issue of whether the support that these youngsters have been getting post-custody can provide them with the route out of the sometimes visible despair that permeated all the interviews. In all but one case, it was obvious that the participants had established relationships of trust with the professionals from the Youth Offending Teams but trust was a fragile commodity that could easily be lost. The young people revealed that they had often felt that no-one cared, sometimes least of all their parents. It is hoped, however, that their accounts will not be understood in terms of a simplistic notion of 'poor parenting' for their stories reveal much more than this – absent parents, sick parents, parents in prison, parents in another country. Furthermore, the young people's accounts need to be placed in the context of a world that frequently seems to place wealth above people. Worth is measured not so much by deeds but by what is possessed, but possessions are not equally available to all and indeed they are frequently out of reach. As one young man who was trying hard to 'go straight' said:

'It's the bling. I took up with older kids and was took up by drugs. I thought they were great and I'd get the cars and the jewellery.' (Male, 18)

The attraction of 'bling' and the power and status that brings, can be the path into drug-related crimes for those who are living on the margins. As Bourgois (2003: 319) has pointed out in the context of American society, perhaps we should be focusing our attention on *'the contradictions posed by the persistence of inner city poverty in the midst of extraordinary opulence.'* He resists the temptation to blame individuals but it is difficult for children to understand their parents' neglect, abuse or indifference on anything but an individual level.

Despair began early for some, the following accounts are from young people of African-Caribbean origin:

'People just don't make you feel good about yourself, man.' (Male, 16)

'Yeah, my parents don't care.' (Male, 17)

'Everyone's parents don't care, mine didn't give a damn and when I was inside they just moaned about the things I didn't do. They don't give a fuck.' (Male, 14)

'They stink, man.' (Female, 16)

'They're my family when they choose, but no-one really cares.'

'You know, it depends what you've seen when you're little. I've seen it all. It really messes up your head...my Mum, she never praised me but she makes a fuss of my brother...he can't get a job either but he's not been in trouble. She says 'you're just like your Dad, fucking useless, she blames me for my Dad's mistakes [he's been in and out of prison all her life]. She says I'm like him....I ain't having kids. When you got problems at home they're happy when you go inside...'

'Yeah, you go in on your own and come out on your own.' (Male, 18)

'You don't trust no-one but yourself.'

'But if I'd listened to my mum I wouldn't be here.' (Male, 16)

Then a glimmer of hope from a young man of Asian origin:

'Yeah, but have they put a roof over your head?' (Male, 18)

For a group of youngsters from another area the lack of trust had become a slogan, like their chant about being a 'Paki':

'We say (shouted in unison) DTA –(don't trust anyone).'

But as the interview progressed this could be seen for what it was, a front. What emerged was a group of young men who had found a person they could trust, someone who was 'on their side' someone who was 'sound' - as one youngster put it 'sound as a pound'. The fact that this professional was white was never an issue, most importantly this person was treating them like human beings who had strengths and weaknesses that could be recognised. They recognised, in an unsophisticated way, however, that this was not enough. One worker could not battle against the system that had placed curfews upon them and which they had all breached for one reason or another:

'How can you get a job if you've got to be in for four?'

'Yeah, and we're not supposed to meet but you can't help it, we live in the same place. But me and him got arrested ...then they took us to court in the morning and we had bail again and then we go back out. Because we broke our bail conditions, that's what they're saying. We just saw each other, shook hands and were about to turn and then we got pissed (as in caught).' (Male, 16)

'They were following us, they're not supposed to follow us.' (Male, 17)

'One day he was in a haircut shop, I was in a haircut shop and we both walked out, he went straight on and then I went the same way and then they followed us.' (Male, 16)

For one of these young men another court case was looming, this time for an alleged offence that occurred before the one for which they had all been in custody. He had been out of the country when the initial court case had come up so he was facing the next court case having already been convicted for a similar offence:

'I never robbed nothing yeah, we were caught at the scene but we just ran past and I dropped my phone and I went back to that scene and I found the guy's phone. I made the mistake of picking his up, not mine. The next thing there were four cops and the next thing I know they nicked me.' (Male, 17)

JH: *'Because you'd picked up the phone?'*

'Yeah I had his phone instead of mine, I couldn't find mine. So they charged me with S18 Assault and Theft because someone had already beaten the guy up.'

'He (the white bloke who was assaulted) come in the shop yeah - and he was smacked up and that and he wanted the food for free and he tried nicking things out. So this guy (mate) come and took him out and started knocking his head off.' (Male, 16)

These young men had got qualifications in custody and had a good relationship with their Youth Offending Team worker. They were keen to get back to college or to get work and were keeping appointments for interviews at ConneXions. Two were trying to get back to the local college. However, they didn't think that it would be possible, they believed that their convictions would be held against them and one was scared that he'd return to custody. With encouragement and support from the youth offending team two of these young men have indeed returned to college since the interviews took place and they are doing well. Sadly, one is now in custody again and it is particularly ironic that this young man had been responding especially well to the post-custody work that had been done with him.

Other young people displayed negative attitudes to the work, though not the workers, as they were, understandably, embittered by their experiences. The restorative work, such as it was, came too late and it was experienced as just another aspect of punishment. Indeed in some cases, given the young people's various experiences of racism, they were scathing about the attempts to get them to apologise to their victims:

'Why should we apologise? We did time...so that's our punishment.' (Male, 16)

The programmes included in their Detention Training Orders did include some attempt at restoration, albeit loosely defined, but the opportunities for the young people to be healed from the damage done by racism, and indeed for the victims to gain some understanding of such damage were, unsurprisingly, absent. The work that had been carried out with the young people was focused upon getting them to consider the effects of what they had done to other people. Whilst they were clearly able to do this, for example they acknowledged that their victims would have been scared, it was not always evident that they could bring themselves to feel remorse, especially when they perceived themselves as 'fighting back' having frequently been in situations in which they were scared themselves. When asked how they would feel about meeting their victims there was a visible anxiety amongst some participants, this was not seen as a route out of despair:

'I don't want to.' (Male, 16)

'I would if it had meant that I didn't have to go to prison.' (Male, 17)

'No, I wouldn't want to, I want to get on with my life.'

Interestingly, such evidence as exists about the success of restorative programmes across the world suggests that healing takes place for both victims and offenders when both parties come to understand each other (Bazemore, 2001; Latimer, Dowden and Muise, 2004). However, unless this is carried out in a way that encourages support for *all* the parties concerned, which is currently not the case in England and Wales, the post-custody programmes will fall short of restorative goals. For all the evidence of the positive aspects of post-custody work with these young people there was simultaneous evidence that although the experience of custody was something that the participants did not want to go through again, most of the young people were resigned to the possibility that they would end up there again. As one young woman (16) said:

'Prison ain't changed me.'

Indeed, there was evidence to suggest that it had confirmed her view that '*black people have to fight with their fists*'. Furthermore, some of the young people felt that they had been duped into betraying their mates by the promise of community service by those who were supposedly concerned for their welfare :

'One of me mates told on the rest of us 'cos they said we would get community service.' (Male, 16)

This was perceived as a betrayal by those who were subsequently working with them and was an obstacle to mutual respect. In fact one young male (16) said '*it would have been fair to have received an Intensive Supervision Surveillance Programme for a first offence*'. However, he had an especially good relationship with his Youth Offending Team worker whom he described as 'safe' and he was also positive about the ConneXions worker:

'She gives me encouragement, she listens to what you've done and to what you want.'

For most of the youngsters there was evident new-found hope as a result of their experiences with (black and white) professionals post-custody:

'Before I got locked up there was no-one to help me. Now I go to job club with probation.'

However, as the opening quotations in this report suggest the interviews revealed contradictions in the accounts – from a young woman's fear of getting shot and one young man's claim that he never made plans to another young man's insight about the need to hold on to a dream. But only one young man seemed to lack hope completely as the dialogue between two participants below indicates:

'It's not worth trying to turn your life around, it's garbage man. You need money to turn your life around. If I go to college now how can I support myself? (his parents were not supporting him and he lived alone in a flat). I just have to go sell crack, I can only sell drugs.' (Male, 18)

'Well what about me? How can I get money?' (Male, 14)

'I still sell, I've been to the bank, I can't get a loan and no-one will give me a job. I've had the shit haircut and got a suit and as soon as they see previous I don't get the job ...and (to the researcher and her colleague) without us you wouldn't have a job, we basically pay your wages.' (Male, 18).

Such hostility is hard to accept but it is not at all surprising. Research has often focused upon those on the margins and it has frequently failed to bring about change.

Another 18 year-old who had been involved in drug related crimes didn't want to return to crime, perhaps the key difference here was that he said he had a very large family and they were trying to help him:

'My family were happy to have me back home but they have been nagging. They want me to be stable, that's something I want for myself but I can't get work. The Probation have been supportive and I've been out of trouble since ...I'm thinking about my future, I want a stable job so that I can support my family....Butterfly feelings is the best feeling you can have – it tells you right from wrong...Seeing the Probation Officer whilst on licence is useful and someone to trust. The Probation Officer has helped in a lot of ways and has an understanding of my needs...you know I would tell other young people to stay in school, not to wag, fill their head with all the knowledge they can have. Your brain is a powerful tool and is all you have.'

But whether it is enough is another question. For the moment this young man is going into school once a week, dreaming that this will be his path out of the despair he has experienced.

Discussion

It is no co-incidence that the young people who were involved in this study came from some of the most deprived areas of the country. This is not to deduce that deprivation is a direct cause of crime, but it is a contributing factor in a society that values material wealth and devalues social support. Furthermore, where there is material deprivation emotional deprivation is a close relation; families that struggle on the margins lose a sense of worth and purpose and children can become just another burden when the load becomes unbearable. (See Bazemore, 2001: 209)

When such conditions are coupled with early and continuing experiences of racism, to which the above accounts give testimony, albeit in shifting forms, it is not difficult to see why some minority ethnic young people not only become involved in crime but also come to be more readily identified as *likely* to be so involved. Once the spiral of negative labelling has gained momentum it can eventually take the form of a self-fulfilling prophecy in which some young people internalise negative racial stereotypes..

Racism is an ideology that impacts differently upon different groups of people at different historical moments. For this reason it is necessary to be aware of the forms of racism that have impacted upon the past experiences of the young people in this study as well as those that are shaping their present. As Song (2004) has identified, since the events at the World Trade Center in New York on September 11th 2001, some South Asian peoples encounter labels that imply foreignness and that stress religious differences, among other things, in such a way as to encourage new forms of cultural racism. Now, after the London transport bombings in July 2005, such forms of racism are escalating (Amnesty International, 2005) and the data suggest that they are already impacting on some of the young people's understandings of their experiences within the criminal justice system.

This is not to argue that there are hierarchies of racist oppression, rather it is to say that in order to achieve justice there must be some cognisance of the different forms racism may take as well as of the differential impacts these forms may have upon different groups of

people, who by no means belong to homogeneous cultural groups. Furthermore, as Ray and Smith (cited by Song, 2004) have pointed out, there are regional differences in the treatment of different groups. Their study, for example, identified the fact that Asians in Manchester were more likely to experience racism from white males than from their African Caribbean peers. In part this can be understood as a result of poverty, poor white people sometimes believe (largely because of racist reporting) that you have to be black to get support.

Back (2004) referring to the work of Orwell, has suggested that it is better to start from the point of view of trying to understand why racism appeals to people and what they need it for, rather than from the view that it is necessary to point out why it is bad or wrong. Poor white people might need racism in order to draw attention to their own needs. There is evidence in the Cattle report that this is a strategy that has worked, what is surprising is that the reasoning has been accepted, that is the fallacy that resources have followed minority ethnic groups rather than need has not been dismantled.

Whilst this study has been formed by the view that racism *is* bad/wrong, it has also looked for the space in which research can reveal the complexity of human experiences. Back (2004:209) has drawn attention to the ways in which researchers may often fail to present the subjects of their studies as ‘...complex, frail, ethically ambiguous, contradictory and *damaged*’ (added emphasis). This is an important insight because as the data reveal, racism damages everyone. It can set up a spiral of violence and abuse that in the end may only serve to feed the stereotypes that many researchers are trying to resist. It is for this reason that Back (2004:209) also stresses the importance of allowing the subjects of research to be ‘compounds of pride and shame, weakness and strength’ whilst at the same time highlighting the need to avoid the error of making white racists into monsters, a process that, as he rightly points out, serves to locate racism within ‘...very predictable white bodies – *and away from others*’ (added emphasis). Racists are sometimes very ordinary people who don’t have the time or privilege to theorise about why their world is the way it is. To acknowledge this is not to accept racism, rather it is to understand how certain forms come about.

Back (2004) also points to the particular temptation, when researchers are writing about excluded or stigmatised groups, to omit their subjects’ failings or weaknesses. What is implicit in Back’s insight is the fact that *white* researchers may miss out important details in case they should appear racist. In some cases this can result in a failure to respond to need in minority ethnic communities. Furthermore, it can serve to hide the damage that racism does to black people, yet to ignore that damage is to pretend that black people only have bad things done *to* them. If we fail to identify the bad things some black people do then we lay ourselves open to distorting the truth and we also fail to explore their sources. If these sources can often be shown to implicate those who have the power to oppress, then our solutions *might* be different.

Social scientists have often been accused of excusing criminal behaviour but there is a significant difference between understanding and condoning. The act of understanding is the means by which the solutions that are in use can be challenged and changed.

The findings from this research resonate strongly with those in the previous phases. The cumulative knowledge that has been built up should have increased confidence in the findings overall and therefore provide a stronger basis upon which to make recommendations. As Wilson and Moore (2003) concluded, a significant body of evidence is stacking up against our current approach to children in trouble where the focus is on the offence and not young people and their welfare. However, as the data presented here indicate the welfare of their families and communities is also a significant factor and it is often hard to disaggregate the detrimental effects of deprivation and racism, indeed, the two interact and this interaction is likely to be affecting all of our young people, but especially those who continue to live on the margins. Perhaps following the insights of debates about restorative justice we *should* focus on the bad act but in a way that provides the space to acknowledge that the person who committed it is not *simply* bad. This puts welfare first but escapes relativism about values – as in the old dictum ‘two wrongs don’t make a right’.

The glimmer of hope that springs from the voices presented here lies in the ability of most of the young people to find a person(s) in authority whom they can trust. However, in a climate of new Public Managerialism, where targets have to be achieved within limited time scales, the time to build up trust and to work with young people is limited (see Nellis, 2002).

There are obvious wounds to heal, but healing takes time and commitment. That commitment is not yet evident in our youth justice policies, for even now that restorative justice is being embraced there is no evidence that healing will be an important indicator of success. Instead it appears that responsibility is the key word but without healing and understanding of our joint responsibility for our young people, responsibility will continue to lie with the usual suspects.

5

‘Acting Strangely’: Young black people and the youth justice system

John Ofutu

‘I was walking from a swimming pool coming out then the police was passing by because someone already phoned them from the swimming pool that there was a black person in the swimming pool acting strangely. I was the only black person in there. So, as the police was passing near the swimming pool and I was coming out, they saw me and my description matched the person they say was acting strangely in the pool. So the police asked me questions and I told them, I don’t know what they are talking about. The police won’t understand me, and they say that they don’t understand me. I was kind of speaking to them and they say, they got to take me to the police station and arrest me and I told them I am not going to speak any more and they were asking me questions and I refuse to speak to them and they was arresting me and I ask them why they are arresting me, what are you arresting me for and I started to struggle and won’t enter the police car and I left a mark on the police car and they arrested me for criminal damage.’ (BS 12)

The above quotation tells the story of one of the participants in this research of how he got involved in the youth justice system. Taken on its own, the story is, undoubtedly, disturbing. Taken together with the other stories that form the basis of this report, it reveals much about the common, everyday experiences of many young black people in England. This story and the issues that it throws up constitute the subject of this research and are discussed further below.

This chapter presents the findings of a ‘tracking study’ involving 20 young black people over a period of 18 months. A dissertation based on the research has been submitted for the award of a PhD.

Research methods

As with the other research studies in this project, access to young people who were willing to participate in the research was problematic. Despite the fact that access to the Bristol project had been arranged, access to the young people at the project and to other projects, which had been earmarked for triangulation purposes, was a constant problem. Nevertheless, the relentless support from the staff at the Bristol project and the social network provided by some members of the research team did yield fruitful results, resulting not only in the successful completion of the main study at Bristol, but also in gaining access to other projects in London.

However, there is a need for anonymity and, as such, detailed descriptions of the projects is not permissible.

In all, 20 respondents were interviewed, repeatedly, over a period of 18 months with a view to gaining insight into how they became involved in the youth justice system, how they were processed by the system and how such involvement shaped their lives. Of this number, 16 were boys and four were girls. In addition to the interviews in Bristol, 72 other respondents, comprising 27 boys and 45 girls, were involved in one-off focus group discussions at the three projects in London, bringing the total number of those interviewed across Bristol and London to 92.

As the interviews took place at different places, what was said in one place could be compared to what was said in another, thereby providing data triangulation, and contributing to the validity of the research.

Ethical considerations were taken seriously throughout the research. In taking ethical decisions, the standards provided by The Children's Society, as well as the theoretical framework provided by Murphy and Dingwall, (in Atkinson et al, 2001: 339) were the practical guide. Ethical judgments were informed either by *consequentialist* considerations (that is, whether or not participants have been harmed in any way) or on *deontological* considerations (that is, participant's rights, such as rights to privacy, respect, and self-determination). In practice, this meant that participation must not only be voluntary and based on informed consent, but participants' identities must be anonymised. Tape-recording was used for most of the interviews except in a few cases where interviewees objected to its use. In such cases, extemporaneous notes were relied upon to remember interview discussions which, taken together with the transcribed tapes, formed a running narrative of the interviews. The research presented here is by no means exhaustive, or conclusive, but it does offer a rare insight into the lives of a group of people long regarded as a social problem, but about whom little was known.

Findings

What emerged from the research interviews, discussions and observations is a picture of a world where to be young, black and involved in the youth justice system is a world of multiple jeopardy - a world characterised by alienation, exclusion and oppression. There is no suggestion that the findings are representative of the experiences of all young black people. However, they do provide evidence to help us understand what it means to be young and black in contemporary England. Here, using the descriptions provided by the research participants, the world which was revealed by the research has been metaphorically captured as 'acting strangely'. Within this broad theme, several other themes are accommodated. These are encompassed in the ways by which the participants respond when they are treated as 'acting strangely'. These responses are also thematically captured as 'keeping low' or 'going mad'.

As the opening quotation shows the term 'acting strangely' emerged when an interviewee (BS12) tried to describe the circumstances of his arrest. The participant was a 17 year old male asylum seeker and had been in the country for only a few years (at the time of the interview). One day, whilst attempting to familiarise himself with his new environment, he decided to take a walk to one of the leisure centres in town. This was to be the start of his 'journey' into the youth justice system.

Many questions arise from the story: What does it mean to 'act strangely'? Who defines strange? Does the perception of some people as 'acting strangely' imply, conversely, that there is 'normal' behaviour? If so, who defines 'normality'? How does the system of 'normality' process those regarded as 'strange'? How do those perceived and treated as 'strange' respond to that perception and treatment? And, is the mindset shared, in the instance of the account given by BS (12), between the police and the public not a reflection of the social construction of young black people? The quest to find answers to these and related questions is the embodiment of 'acting strangely', which in turn, is hoped, will provide a deeper understanding of what young black people experience in and around the youth justice system. The rest of this chapter develops the theme of 'acting strangely' and builds up a picture,

based on young people's accounts, of how members of the public, teachers, police officers, magistrates and prison officers may all contribute to the presentation of 'acting strangely'.

'Black! ...I don't understand why I am called black.' (BS 7)

When the question of using 'black' to describe the participants was brought up in interview discussion, there were varied responses. Some were indifferent, saying, for example, 'It doesn't matter what people call me, black, half-caste, mixed heritage doesn't really bother me' (BS 8). The reasons for this indifference varied. For some, it's because 'I am happy with my colour' (BS 15). But others found the label rather confusing, wondering as BS (7) did, that 'My dad is white and my mum is mixed so I don't understand why I am called black'. Some of those who understood the meaning of the term rejected it outright, preferring instead to self-define as 'mixed'. BS (1), for example, said; 'My mum is white and my dad is black so I am mixed'. Undisputed logic, one might say. But, the 'mixed' category was not accepted by every one. BS (20), for example, rejected it, saying, '.... I don't like people calling me mixed race because that's racism as well'. Others were found to reject the idea of being associated with black altogether, because of its racist connotations, as BS (5), for example, said, 'I don't like being called black because it is racist'.

The rejection of black by some participants as an identity label seems understandable as the significance of any word, or of its power to offend, does not merely lie in its ordinary meaning, but in its history and the mental pictures that it conjures up. The word black, for many, is a reminder of all the hate, pain and hardship that racial discrimination represents. The image presented of a black boy 'acting strangely' is not real. It is a reflection of the type of language used by racists to express the distrust, suspicion, contempt and hatred that racism breeds. Black people do not, in fact, 'act strangely' (no more than any other person). They do so only in the mindset, stereotypes and pathologies of those who believe they do. The account of a participant regarding her stepfather's mentality about black people encapsulates most of these elements. She said:

'He will say things like black people you can't trust and you can't do things with them and things like that. Like if he sees a black person... like if a white person was working on his car then he would go off and leave it with them, but if it is a black person working on his car then he would watch them and stay with them like they are going to thief something...And then he tries to say that he knew my dad and things like that but dad wouldn't act like that and he should accept it that I am half black. And I have actually heard him say that he hates black people.' (BS 13)

Unsurprisingly then, many young black people fall victim to racial harassment and attack. The following responses are illustrative:

'I was walking home from school and this old man (described by the interviewee as 'white and racist') said I shouldn't be littering and then he came up to me and then he scratched me down my neck...He was saying things like black bitch and things like go back to your country.' (BS 13)

'My next-door neighbour called me a black bastard...when I grow up I will beat him up. I will kill him.' (BS 1)

There wasn't a large sample of Muslim participants in this research given the relatively small sample size, but those who agreed to be interviewed gave testimonies which make disturbing reading. Their accounts suggest that there is a heightened climate of fear and victimization if you are not only young and black, but also Muslim, particularly in the aftermath of September 11 2001, and following the invasion of Iraq in March 2003. The following are examples:

'You can get a lot of abuse from people, like when they are walking past, people shouting things like Bin Laden, Taliban and this and that. It is wrong.' (BS 10)

'...especially with everything that is going on in Iraq and Afganistan... You can't walk down the street with a headscarf on and a long skirt without people giving you second looks...' (LDN 3)

'I got beaten up by these boys, a gang in School. They got my hat off. I dropped it and they started kicking me. They called me paki and all that.' (BS 14)

'It is tough being black, young and Muslim at the same time. As a black person, you suffer racism. As a Muslim they see you as a terrorist. As a young person they think you are up to no good.' (BS 6)

'Teachers! They pick on the black kids at school...' (BS 8)

Experience of the school system was the next important stage to emerge in the development of the theme of 'acting strangely'. As the youth justice system has broadened to include not just those who offend, but also those who are seen as being at risk of doing so, it was considered important to take account of participants' experiences at the stage prior to getting involved in crime – in this case, their experiences of the school system. In interviews, participants gave a range of reasons why they either left school, or if still at school, why persistent difficulties resulted in their referral to youth justice services and why, in some cases, anti-social or criminal behaviour became much more likely in the end. Mostly, difficult student-teacher relationships were at the heart of these experiences. The following responses are examples:

'The main reason is because I wasn't doing good in school. I was having problems with my maths teacher. He just doesn't listen...' (BS 9)

'...I was always getting kicked out of different schools (said he had been 'kicked out' two or three times at the time of this interview). I was having fights with the teachers.' (BS 11)

'Because my welfare officer at school referred me to here because of how much problems I was getting in school and I was getting suspended so many times.' (BS13) [ten times so far, she said]

Explaining the reasons for her problems and for getting suspended so many times, BS (13) said:

'Because if I don't agree on something then I will say it and the rest of the children will keep quiet. If I don't agree on something I will say it but the teachers don't like it so they send me out, which I don't agree with them sending me out because I haven't done nothing wrong. So, I say that and they tell me to get out and I say no and then it turns into an argument and they end up suspending me.'

The above quote encapsulates the way in which some of the young people interviewed experienced the power relationships within the education system. It also provides an illustration of the chain of events which can lead from an initial, relatively minor, instance of perceived negative behaviour to exclusion from the mainstream school system. A number of the participants cited occasions where they felt that teachers had been racist towards them. For example:

'Some of the teachers were all right I suppose, but most of them were horrible. I think some of them were like racist, because I can remember one of them, my art teacher. There used to be a few black people in my school and every single black person she used to teach used to have a grudge against her...she just didn't like the black kids. She would like give them detention for no reason and stuff like that. They pick on the black kids at school... my brother and sister went to the same school as me and they used to get it a lot.' (BS 8)

The accounts reveal a variety of ways in which young people perceived teachers to be racist, for example:

'This teacher, one lady, she was racist...there was a class full of people and there was white people sitting at the front and me and my friend sitting at the back, and we were talking, and she said you kind of people never listen, but these people at the front always listen. I basically said something back to her. I just told her to shut up you stupid white fool and then walked out.' (BS13)

'They like have their favourite students, white people. Like if they are playing with a mobile phone or something, maybe playing with it for half an hour, they wont say anything. But, like if I take out my mobile phone then she notices me straightaway and tells me to put it back in. I will say no, you didn't see them but you want me to put it away. That is bare racism. And then just says to me I don't like you calling me

racist, say sorry and I say well, I am not going to say sorry. There is no point saying sorry if I am not going to mean it and she will just say to me get out.' (BS 13)

'I did notice a couple of things not direct racism but I did notice a couple of things like, for instance, I was speaking in class and then a white person speaks over me and I turn round to the white person and say what are you doing? Can't you see I am talking? The teacher would jump on me and tell me off just little things like that can be kind of racism in its own little way still...not direct racism but it's kind of racist stuff...nowadays people can be racist in many different ways and you don't even know they are being racist...' (BS 20)

'Most of them were horrible and don't really care.' (BS 16)

Building on the above picture, research participants often felt that there was a lack of support within the education system:

'They just don't support you properly. They have their favourite students, white people...' (BS 13)

One of the areas where it was felt that more support would have been helpful was where difficulties with the English language presented challenges to learning. It was felt that an inability to speak the English language in the same way as the native speakers was a disadvantage, with those affected left feeling belittled. In one case, a teacher was cited as responding negatively to foreign accents, and this in turn became a demotivator to the young person's learning. In explaining why his interest in school had waned and his attendance was erratic, a participant said:

'I don't like school because my teacher don't like me because I am from (names country of origin). When I ask her, she say she don't understand.' (BS 5)

It wasn't just at Bristol that disappointment was expressed about lack of support from teachers. Similar, disappointment was expressed by participants in London. Here a participant described teachers' response to newcomers:

'The teachers smile at first and then they leave them hanging and it's every man to himself...The teachers are all like yes we are all understanding and everything, but like give it a few days yeah, they will leave them by themselves. The boys don't understand what is going on in the lesson. They can't speak English and then at the end of the day, they don't know what work to do and they get in trouble... because they don't know what to do and the teachers are like why aren't you doing your work...you are getting detention...but the boys don't understand what's going on and the teachers don't explain it. They don't bother. It is disgraceful.' (LDN 3)

There was a general belief that school racism was the result of the thin presence, or in some cases, the total absence of black teachers in some of the schools. If there are more black teachers, BS (13) believes, 'I don't think there will be racism all the time'. It may or may not be naïve to think so – especially given what Sharp (Chapter 2) has reported about black police officers, but it is a view shared by other participants. For example:

'They understand you, know what 'am saying. They know where you are coming from. They were still harsh on you like teachers. Teachers are teachers but they didn't pick on you for who you are. They see everyone as the same.' (BS 10)

The idea of more black teachers is welcomed by young people, but not without qualification:

'I don't mean the black people that act white. But I mean people like (calls a name). She is black and doesn't try to act like white. She is herself and she knows where the black students are coming from and why they have problems and all that.' (BS13)

Young people identified the way in which negative experiences of the education system affected their morale and motivation to learn, and could contribute to a disconnection from the school system. As the following participants admit, in the end:

'It doesn't help my learning...' (BS 16)

'...I started to bunk off and hang around with the wrong people, just getting into trouble, and so in the end, I just stopped going to school.' (BS 8)

'Police! All the way man, they ain't for us.' (BS 10)

Once disconnected from the school system, getting involved in crime becomes much more likely. 'Bunking off', 'hanging around with the wrong people' and 'just getting into trouble' are all predictable consequences of alienation, exclusion and educational under-achievement. Getting into trouble often means getting involved with the police, which in turn, means that a new and critical phase opens up. The police, therefore, become the next stage in the construction of young black people as 'acting strangely'.

The police are not seen any differently from teachers. There are limited favourable views about the police, for example, BS (8) who said, 'Some of them are alright', even if quickly adding 'but most of them are nasty'. Beyond that, there is strong resentment. For example, in the eyes of BS (16), they are 'stupid'. For BS (1), they are '... feisty bastards...', because 'Most of them have got an attitude' BS (8).

One thing that emerges is a perception of differential police treatment of young black people which in turn results in lack of confidence in the police as a force that should be there to protect everyone, including black people – a finding observed too by Sharp (Chapter 2). Here in this research, the following are examples:

'If I am in a gang with my friends, most of my friends are white, they will speak to me differently than how they speak to my friends. They speak to my friends differently. They talk down at me.' (BS 8)

'I had a day off from school, it was a free day for me. I was there and there was a lot of white girls around the park yeah, I was there with my Somali friend and the police came. They didn't even look at the white girls. They came straight to us to say why are you truanting? They went to our school and saw that the school was closed and they didn't even say one word to the white girls.' (LDN 3).

'All the way man, they ain't for us. I mean basically, if me and him (referring to his friend in the room) had a fight police wouldn't get involved. But if I went and had a fight with a white kid I know I'd probably end up in jail for that...If we fight with a white person the police would take that more seriously. I've had experiences about that, know what I mean! It really pisses me off.' (BS 10)

Apart from the recent finding by Sharp (Chapter 2), we have long known that confidence in the police by black and ethnic minority people is low. The British Crime Survey (Home Office 2004a), for example, shows that white people are more frequent users of the police than other ethnic groups. According to the Home Office (2004) findings, people from all minority ethnic groups were more likely than white people to expect worse treatment; black people show were six times more likely.

Young people recounted witnessing examples of methods of arrest where a substantial amount of force had been used. For example, appearing to shiver as he recalled an incident, one participant said:

'I have seen what happens on the street. I have seen what police have done to some of my friends. Police have booted them in the head. They have metal toecaps... They also get the truncheon and get them on the ground. Yeah! That's what they do... Everyone started telling them to fuck off and things like that and then they get more police up here and it's basically war.' (BS 15)

Although young people also felt that the police modified their approach in different contexts, this was viewed as just a front. For example:

'They will be chatting to me all right then because my mum is around. When I am out on the street, they rag me around, swear at me and stuff like that.' (BS 8)

There was a belief amongst the young people that the police go to every length to make an arrest even when it is not justifiable. For example BS (16) reported that, despite not being picked out in an identity parade, she was still arrested and charged. She said:

'I went to the police station, they tape-recorded my side of the story and they said I have to go for this test for identity. They take pictures of your face and put it on the DVD and they put eight other people's faces with yours and then they show it to the victims and then the victims have got to pick you out... They looked at the DVD and the victim never picked me out, but the police are still pressing charges...I think they are very stupid.'

Young people felt that the same attitude applied when it came to prosecutions, and some expressed the view that evidence against them was 'manufactured'. Here, BS (12) describes another occasion (almost one year after the first interview encounter) when the police tried unsuccessfully to present him as violent to them:

'I had another incident and I got found not guilty for it. The police arrested me. I got arrested by the police and they said that I beat them up while they were arresting me...It was like two of them arresting me and one of them said that I beat him up and that he got a cut to his finger. Then when they went to court, he said that I beat him up but the court found me not guilty...so he said that I am the one that caused the cut to his finger but I did not cause the cut.' (BS12)

As noted in the introductory chapter, concerns have been expressed about the higher than average rates of arrest and prosecution for black young people. BS (8) recounts his experience in this regard:

'Yeah, I have been to court a few times and got arrested and my mates (referring to 'white' mates) have got worse criminal records and I haven't really got a lot – not really and like if I get arrested with them, I find that I have to go to court and they haven't. If me and my mate get arrested for the same thing, I have to go to court and he doesn't.'

'Magistrates! I reckon they are racists.' (BS 20)

Young people also passed comment on their experiences in court, and their encounters with magistrates, the court clerk, prosecution and defence lawyers, social workers and probation officers. Here, some of the magistrates were described as 'alright' (BS 12). But, just like the police, some of them were said to:

'Talk down at you and it is usually worse with the women and that is the same with the police as well.' (BS 8)

'I reckon magistrates are racist...' (BS 20)

Was this the same with both black and white magistrates? Or, were black magistrates different? To this question, a disturbing but unsurprising example response was:

'I have only seen white judges. I have never seen a black judge.' (BS 8)

The courts usually consider a pre-sentence report from probation officers or youth justice social workers before passing sentences once a case is heard. Here, there was little confidence expressed in the system. As far as BS (6) was concerned, his pre-sentence report was simply a 'stitching up' exercise.

Whilst some young people experienced some magistrates as 'alright', they were nevertheless also seen as part and parcel of wider society and of the system which sees young black people as 'strange'. Using a poster to illustrate his view, BS (20), for example, said:

'The other room has got a poster where an Asian person is in there for a car theft who got one and half years and there was a white person for exactly the same offence they got six months. The world is racist...'

All in all, BS (10) concludes:

'I still reckon we get treated unfairly, even in jail...In jail, it is blatant racism, know what I mean. They are racist to your face. Officers pick on you. I was the only black person on my wing. All the kids in there were racist.' (BS 10)

What sense do the research participants make of all this? For them, as the example below shows:

'Mostly, it's because I am young and black.' (BS 8)

'Keeping low' or 'going mad'

But, young black people are not just passive recipients of social processes. They can and do pose resistance to their construction of 'acting strangely'. It is important to note how the theme of 'keeping low' or 'going mad' amplifies the themes already developed in previous chapters by Wilson and Sharp. In his research, Wilson describes the 'game' adapted by the respondents in dealing with the police in the community to the reality of prison life, which involves either 'keeping quiet' or 'going nuts'. It was suggested by Wilson that the strategy used in prison may also be used when dealing with other authority figures. So too did Sharp, who identified an extreme form of 'keeping quiet' which involved actively avoiding contact with the police. The findings here do not only confirm the use of similar strategies with authority figures outside of the prison, but also the adaptation of these strategies in day-to-day dealings with the general public.

'Keeping low' emerged in ways similar to 'acting strangely'. Having described the jeopardy of being young, black and Muslim, BS (6) then went on to also describe his coping strategies which involve 'keeping low' or 'going mad'. As the interviewee further explained, 'keeping low' means, 'keeping out of attention'. This means keeping a low profile and being out of public attention. It means having a presence but not being loud, not attracting unwarranted attention. It means, 'keeping out of trouble'. And, in the event of being provoked, it means being tactical in response, being able to contain the provocation. It means being able to 'handle it', just 'getting on with it', 'keeping it inside' – a way of avoiding the repercussions of being perceived as 'acting strangely'.

There is admission of being 'out of order' sometimes, but this is only in response to the hostility experienced within 'acting strangely'. BS (13) described this as follows:

'I have talked to a couple of people in the school and then they go, you have been doing things and I do admit sometimes I am out of order, but I can't just get angry like that by myself. Something has got to make me angry.'

Of course, something has got to make them angry and that *something* is racism. Racism is insidious, multifaceted and, on many occasions, blatant or direct. However, by the same token, 'nowadays people can be racist in many different ways and you don't even know they are being racist'. In that case, what strategies do young people say they employ to tell a racist from a non-racist?

'I can tell racist people from non-racist people...put it this way, you are walking past someone like an old woman and the old woman got her bag in front and they try and grab it like you are going to do something to them.' (BS 20)

How do they respond when they encounter behaviour which they perceive as veiled racism?

'I just let her pass because I know I am not going to do nothing. ...because that's what they are really thinking about us that we are going to do this and that...that's the way they see black people, that they are dangerous. They just expect that from us to try and grab their handbag and to try and mug them and beat them up and take their purse and whatever you get. That's what they expect...I don't pay them no mind. If I see an old woman on the same road as me, I will cross the road just to make her feel comfortable. I don't want no complaints in my ears. I don't want no one chatting shit in my ears. I don't want none of it. I just do what I do and they do what they do.' (BS 20)

'Well, I put up with it for all that time now. I just don't care anymore. Have learned to live with it. Learned to live in a white society and being a strange person even though I am not.' (BS 10)

Young people reported feeling that the police played a game where:

'They basically try to wind you up. They ask you stupid questions and they go on and on, pretend they are going to arrest you, try to scare you and stuff like that...when they do that, it is annoying, but you don't react, do you? No, most of the time I can handle it. I just get on with it.' (BS 8)

But, there is a limit, depending on a number of factors, namely, the place, the nature of provocation and your mood. That's when you 'go mad':

'Depends on what kind of mood I am in really. If I am in like a good mood, I just ignore it... But, if I am not in a very good mood, I go mad.' (BS 8)

But, 'going mad' does not mean being literally mad. It means a form of reaction that suggests frustration with the system – when enough is enough. For example:

'There was a class full of people and there was white people sitting at the front and me and my friend sitting at the back, and we were talking, and she said you kind of people never listen, but these people at the front always listen. I basically said something back to her. I just told her to shut up you stupid white fool and then walked out.' (BS 13)

'They kept calling me names...kept calling me a thief...then one day I got angry and threw a chair at him. He was calling me names...' (BS 19)

However, they don't just 'go mad'. Sometimes they try to register their displeasure with the authorities, be they teachers, police officers, magistrates, or prison officers. They try to invoke the complaints procedures and hope that there will be a redress. But, unfortunately, there is often none. For example:

'I complained to them about some teachers and they said they are going to deal with it and they did nothing...the teachers never do nothing about it. The teachers always agree with each other. Like when the teachers shout at us they don't admit it. They like, no, I never said that. They never admit to what they do.' (BS 16)

'Waste of time. I take up my time going to them, telling them what is happening and they just don't do anything about it. They are just wasting my time.' (BS 16)

'Any complaint against the police is not worth it. It is not something I would wait around and do. I ain't got time for that. I just think what is the point complaining, know what I mean. I don't think they would bother or take it seriously.' (BS 10)

'Other boys coming in and out every week with the same offence as me got bail and it wasn't their first conviction, I didn't complain. I just got on with it. It aint worth to complain because it ain't going to give the time back to me.' (BS 10)

'If you put a complaint in against the officers, it is just a waste of time. Unless you like do it officially like through the Youth Justice Board. Even that takes time and you can never guarantee that anything is going to happen so you might as well not bother.' (BS 20)

In these young people's view, the authorities are aware of the problem but they do little or nothing about it. If the authorities won't do anything about it, then:

'I take matters into my own hands. You see, most of the reasons the teenage crimes happen is because the schools, the police authority, the government...do nothing about it so the teenagers feel they have to take matters into their own hands...you have no choice. Its either you are bullied or you resort to violence. You can't spend your entire life simply being bullied, feeling like you are nothing.' (LDN 3)

Conclusions

The research presented in this report represents one of the few occasions when research on young black people in the youth justice system has moved beyond the statistical presentation of the problem of disproportionality to one where the subjects have been given an opportunity to present their views about that problem. It is hoped that the accounts presented in this chapter not only bring refreshing insight, but also make a significant contribution by enhancing understanding of what it means to be young and black in England, facilitated by a methodology which has proved itself suitable to working with young people.

The findings of this research challenge sociological and criminological theories about the relationship between crime, race and youth. Most of what is known about young black people

in relation to crime has stemmed from theories that have roots in Eurocentric, and in some cases, Anglocentric ideas. This research suggests that the explanation for the overrepresentation of young black people in crime statistics is not so much that black people are criminally minded, as some (white) criminologists would want us to believe (as discussed in, for example, Murray, 1984; Hudson, 1996; Eze, 1997). Instead, it uses the following logic to posit a view. This logic suggests that when young black people get picked up by the police on account simply of an anonymous call from a member of the public based on an allegation that they are 'acting strangely'; when they get arrested and taken to court in disproportionately higher numbers; when they go to court and find some of the magistrates to be racist, talking down at them just as the police and teachers do; when they feel unsupported by some teachers and get excluded from school for far less serious incidents than their white counterparts; when they try to 'keep low' but are further provoked; and when they feel that 'enough is enough' and then 'go mad' at the system, then it becomes increasingly likely that the law will get broken and that young black people will be criminalised.

But, is there any solution?

The responses from the interviewees suggest extreme frustration and despair:

'I don't even know. I think the whole world should just sit back and review the whole thing...I reckon the world should just restart...I know it is impossible, but...' (BS 20)

'It can't be changed man, it can't...the people have to change...we are in the 21st century, we need to learn how to be equal with everyone because every one has the same rights.' (LDN 3)

'I don't think there is anything that could be done you know. I don't think that it would ever stop. If someone is racist then they are racist no matter what you tell them or do to them. They could probably keep it inside them and not let it out. If someone is racist they are racist...training... I don't know because I've watched a couple of videos like to do with race relations and they are all quite interesting, but...' (BS 10)

'Black prime minister in England...It will make a difference because it will show people that the country isn't racist if they can have a black prime minister...If there is black prime minister yeah, then I think racism...it might not come to a stop but there definitely will be a decrease.' (LDN 3).

The strength of some young people's feelings is evident in the following quote, which illustrates the strong sense of injustice amongst the black young people interviewed for this research study:

'How can you preach justice in a country where they don't even know the meaning of the word?' (LDN 3)

Finally, it is notable that this research represents one of the few research efforts on black young people in the youth justice system where the researcher is also from an ethnic minority background. This development is significant and must be encouraged. A great deal of what we have been told about social institutions, crime, the criminal justice system and the policies which have emerged, have been moulded by the white power structure. As was observed many years ago by Joan Moore (1973), the field of sociological (and criminological research) in many ways has continued to reflect the biases and limitations of the Anglo-white dominance of the profession. This situation is unacceptable, for as Takagi (1981) argues, the etiology of crime amongst blacks and other ethnic minorities cannot be understood by a science that does not take into account the thoughts and experiences of the people of that community.

6

Conclusions and discussion

Elizabeth Lovell & Professor David Wilson

***'The choice of whether to examine crime from the point of view of the offender, victim, potential victim or controllers, for example, is never innocent of consequences.'* (David Nelken, 1994: 22)**

Introduction

The over-representation of black and minority ethnic young people in the youth justice system is well documented (see Chapter 1). Yet relatively little is known about how black young people experience and perceive the youth justice system. *Just Justice* has sought to fill this gap by exploring young people's perceptions about their day-to-day encounters with youth justice agencies in the community and in custody and the strategies they employ in relation to these agencies. The findings of *Just Justice* have important implications for policy and practice in this field. This final chapter will set out a summary of the research findings, discuss the key themes that emerge from the studies and make recommendations.

The Children's Society believes that only by listening to young people can we fully understand their experiences and seek more effective solutions to the challenges they face. This is exactly what this study achieves: *Just Justice* gives young people a voice and enables the reader to hear their experiences which in turn gives us a richer and deeper understanding of what it means to be young and black in England. In this way *Just Justice* makes a substantial contribution to our understanding of the way in which the youth justice system interacts with black young people.

We recognise however that being black is not the only dimension of any black young person's existence. Their understanding, perception, and behaviour will be influenced by their age, faith, experiences of social exclusion, deprivation, class and gender. While these factors are not explored in depth in this study, it is almost impossible to untangle these factors when considering their experiences of crime and offending and their views on authority.

It should be noted that although small numbers were interviewed for each individual study, a total of almost 200 boys and girls, aged between 10 and 18, contributed their views to *Just Justice*. This, coupled with the fact that the young people interviewed present such similar views, gives significant weight to the findings. However, it is important to state that the studies did not seek to verify young people's claims of racism by looking into the specific examples of racism that they describe. Nor did the researchers seek to specifically interview professionals working with young people to seek their views or comments on the racism that young people reported, or to make a considered study of the official monitoring and anti-racism processes that exist in the youth justice system. To do so may have risked replicating the sense of alienation so many black young people feel when asked to 'prove' they have been the victims of racism. Indeed, to verify an event, behaviour or failure to take action, as racist, can be very challenging since at times it is an issue of perception. Rather, following Macpherson (1999:

328) a racist incident is understood as being, 'any incident which is perceived to be racist by the victim or any other person'. Following this, we have referred to all of the experiences that young people have talked about in this research as 'racist' but we do acknowledge that at times this will be determined by their perception of events. The study simply provides the reader with what young people say about their experiences and their perceptions.

Summary of key findings

Just Justice consists of four connected studies. Three of these explore different aspects of the youth justice system – looking in turn at black young people's experiences of policing in the community; their experiences of custody; and their retrospective views after leaving custody. The fourth part is a tracking study that follows young people's contacts with the system over a period of time.

Experiences of policing in the community

- The black young people interviewed painted a picture of conflict and confrontation in their day-to-day dealings with police officers within the community.
- They believed that they were deliberately targeted by the police in the exercise of 'stop and search' powers.
- They also believed that the police treated them unfairly and that this unfairness was informed by racist stereotypes and prejudice.
- As a consequence they lacked confidence in the police and had largely withdrawn from any voluntary involvement with them, tending to avoid contact wherever possible.

Experiences in custody

- The young black people in custody who were interviewed reported experiences of racism both prior to and within the custodial system, from police and from prison officers.
- Young people's primary strategy in their encounters with police and prison officers was to 'keep quiet' or hold back.
- At times of crisis, young people were sometimes unable to maintain this strategy and would 'go nuts'.
- Very few of the young people interviewed were aware of race relations policies within custody, and it was rare for young people to utilise complaints procedures in response to racist incidents in custody.

Retrospective experiences after custody

- The young black people involved in this study identified three categories of racism of which they had experience: name-calling, judging by appearances and institutional racism.
- They made a link between discrimination on the grounds of race and the economic disadvantage, which they had also experienced.
- They reported similar strategies of resistance to the above two studies: a mixture of trying to ignore racism when possible, but sometimes resorting to violence in response.
- Young people's post-custody experiences suggested that many had established positive relationships with professionals and some, but not all, had retained dreams of a more positive future.

Tracking study

- This study focused on the way in which the concept of 'acting strangely' is used as a justification for black young people's treatment in the youth justice system.
- It drew links between young people's experiences of racism within the education system, and their subsequent rejection of this system and involvement in offending.

- The study again highlighted the dual strategies which black young people used in their dealings with youth justice professionals – ‘keeping low’ and ‘going mad’.

Key themes and discussion

Experiences of racism

Just Justice highlights the all-pervasive experience of racism that the black young people interviewed feel they have suffered. They report racist encounters with members of the general public, neighbours, their peers in schools, the community and in prisons, carers, teachers, the police, magistrates, and prison officers. The study provides many examples of different types of overt racism from name-calling to physical attack. Ofutu describes a young person who was reported to the police for ‘acting strangely’, another who was physically attacked by a passer-by; one of Hill’s respondents described a primary school teacher who called his pupils ‘paki’; a young person interviewed by Wilson detailed how he was called ‘a piece of shit’ by a prison officer and others describe being verbally and physically abused by other young people in prison; and the young people in Sharp’s study reported name-calling and harassment by the police.

The research also suggests an emerging triple burden of being young, black and Muslim in a post-September 11th and July 7th world. Although Hill’s respondents simply experienced the abuse they received as just another expression of hatred of Pakistani people, some of the young people in Ofutu’s study clearly report being Muslim as compounding the racist abuse that they receive in terms of the looks and name-calling that they are subjected to.

‘It is tough being black, young and Muslim...As a black person you suffer racism. As a Muslim they see you as a terrorist. As a young person they think you are up to no good.’ (young person quoted in Ofutu, p. 40)

But there are other examples of blatant disregard and inaction by authority figures in responding to racism by colleagues, young people or others within the community. Indeed, one of the most affecting examples of racism given in this collection is the report by a young man in prison who had to walk past a poster with racist graffiti on it day in, day out, despite making complaints about it. He concluded that, ‘It was there because they either don’t care, or because they hate niggers too,’ (Wilson, p. 16). Others simply observe the differential treatment that they receive – the fact that it is all white young men working in the prison canteen; the way a teacher picks on black boys for speaking, yet ignores white students for doing the same; the police who enter a park during school-time and immediately approach the black girls for truancy, but not the group of white girls. In the same vein, they mention the absence of black staff in all professions that work in the youth justice system. While some of the young people feel that black staff can be as harsh, or harsher, than their white counterparts, the lack of black staff is highlighted as an issue for many of the young people interviewed.

Although the young people interviewed feel that many professionals they encounter are racist, they do not report experiencing racism in each and every encounter. A number of the respondents are positive about some of the professionals they meet and acknowledge that some individuals have treated them fairly and with kindness. Others were unequivocal in their blanket condemnation. As Sharp notes, this negative perception is based on cumulative experiences and in part on shared beliefs transmitted from within the community. This is reinforced by the experience of young people themselves but this wider context is relevant in informing their perception of those in authority and will, to a certain extent, determine their response.

The impact on young people

There are a number of striking features about the emotional response expressed by the young people that run through *Just Justice*. Unsurprisingly given the experiences detailed in the research, the young people interviewed exhibit deeply held negative feelings about the world around them. They also display a sophisticated analysis of the use and abuse of power and power structures; a sense of frustration and anger at the unfair treatment they receive; fear in the face of powerful, adult authority; a sense that they are not respected and therefore

will not respect those in authority; and a lack of trust in those who should really be there to care for and protect them.

The young people interviewed demonstrate an acute understanding about the use and abuse of power and they give a wide variety of concrete examples from the blatant misuse of power to the more subtle. They also display an enormous sense and expectation of fairness and subsequent anger in the face of injustice. It is likely that most young people, regardless of their ethnicity, would feel disempowered by adult authority simply because of their age. Yet the black young people interviewed are able to express clearly that it is not only their age but also their race that makes them vulnerable to the misuse of power. Throughout all of the studies they are quick to point out that the treatment they receive is different to their white peers: not only by teachers, but also by police, by prison officers, and also when being sentenced by magistrates.

Just Justice portrays young people who, because of their age and lack of knowledge about their rights, are likely to feel more intimidated than an adult when faced with powerful, authority figures. It is likely too that behind the bravado expressed by some of these young people there are feelings of fear, doubt and powerlessness. This fear is particularly notable in Sharp's study where two young people describe their encounters with the police: a young person describes his terror when surrounded by police with machine guns; another young man stopped and searched reported that 'They didn't swear or push us around or anything but it was very intimidating. They had an aggressive attitude and I felt that if I had complained or objected I might be in trouble,' (young person quoted by Sharp, p.9). But this power is, according to the young people interviewed, magnified in prison where prison officers can not only 'invade your space and your privacy all the time' but also 'twist you up', and even punch you, according to one of the respondents (Wilson, p.19).

One of the most striking features of the research is the lack of respect or trust that young people express about those in authority. This lack of trust is evident in Sharp's study of policing where young people believe that they are targeted and harassed by the police because of racist attitudes. Young people in Hill's study chant 'DTA – Don't Trust Anyone'; and the young people in prison in Wilson's paper demonstrate not only a lack of trust in prison officers but also in the official complaints procedures that are there to protect them.

One exception to this lack of trust was in relation to the professionals of the Youth Offending Teams. In Hill's study, Youth Offending Team workers are praised by the young people, who had responded well to the post-custody work that had been undertaken with them. The fact that one of the professionals was white was never an issue, most important was to be treated with respect and understanding. In fact their joy at finding someone they can trust is palpable, someone who was 'on their side', 'sound as a pound'. Yet there is a poignant moment here too as these young people realise that one worker cannot battle against a system that they feel is stacked against them.

While some of the young people felt despair about their future, others were more positive. The researchers found the young people interviewed to be creative, resourceful, funny, welcoming, hard-working, innovative, competent and charming. Some of the young people in Hill's study were clearly very keen to make something of their lives, study at college and get good jobs.

Black young people's coping strategies

What *Just Justice* so powerfully reveals is that young people are not passive in the face of racism, but rather have developed strategies for survival; in other words they 'play the game'. There are two key responses identified: firstly 'keeping quiet' and secondly, in times of crisis, 'going nuts'. These two key strategies are strikingly common across all four studies despite the very different situations of the young people interviewed, and are used in response to racism in various situations. The following sub-sections discuss these strategies and their implications for young people and the agencies involved.

'Keeping quiet'

'Keeping quiet' is described in Wilson's study as not actually being silent but rather 'biting your tongue', 'holding fire', 'sucking it in'. In prison it is a way of coping before seeking support and solidarity from peers in response to 'the Govs'. In Sharp's study 'keeping quiet' is

manifested as being apparently passive in the face of stop and search by the police, accompanied by a belief that an assertive or challenging reaction could result in increased inconvenience and possibly arrest. But Sharp also describes a more extreme and potentially more concerning form of 'keeping quiet' which involves avoiding the police altogether by hiding or taking a different route to their destination. Similarly Ofutu's research talks of 'keeping low', not only in relation to authority figures, but also in day-to-day dealings with the general public. In other words keeping out of sight, not being loud and not drawing attention to oneself.

A strategy of 'keeping quiet' or 'keeping low' might be considered a good thing. Indeed on one level it is a very positive strategy that shows the extent of self-control and emotional intelligence black young people are employing; and the way in which young people use this as an opportunity to check out their concerns with others and be supportive of one another. For many young people this strategy effectively allows them to manage the situations they find themselves in. Many professionals may also see the value in quiet, non-demonstrative behaviour. However, *Just Justice* reveals that this strategy masks issues of serious concern. Certainly, such a strategy can have negative implications for the police in particular, and ultimately the young people themselves.

Although also highlighted in Hill and Ofutu's studies, Sharp in particular illuminates the impact of 'keeping quiet' on policing. Young people in his study are quite adamant that they will not report crimes committed against them and their families to the police, nor are they willing to come forward with intelligence about even serious criminal activity in their community. As one young person states, 'If we report racist things they never do anything so why should we help them?' (Sharp, p.10). This has huge implications for the police's ability to prevent offending, to effectively engage in community policing and indeed, one could argue, to successfully pursue counter-terrorism measures which are reliant on good community intelligence.

The young people interviewed also suggest that rather than reporting crime to the police, they themselves, either alone or with family and friends, would independently seek justice for crimes committed against them and their loved ones. Time and again this is suggested in the report: 'I would get my cousin and seek out the ones that did it'; 'I would sort it and teach them'; 'If we need help we have got to do it ourselves,' (Sharp, p.10). In other words 'keeping quiet' is also linked to the potential development of vigilante action, which is neither good for the community nor ultimately for these young people who, by engaging in such behaviour, risk turning themselves into perpetrators of crime. Certainly 'keeping quiet' means that one of our key public services – the police – is failing to fully engage with a section of our society, which can only result in further division and resentment.

There is also potentially an emotional and psychological price to pay for 'keeping quiet'. These young people are not passive because they agree with the treatment that they receive but rather because they do not feel able to assert their right to question or challenge treatment which they believe to be unfair. It is unacceptable that in England in the 21st century young people feel forced to silently put up with experiences from taunts such as 'chimp' and 'golliwog' to physical attack. It is unacceptable that young people feel they have to accept feeling that they are perceived as 'being strange' even though they are not. As one of Ofutu's respondents says '[I] have learned to live with it. Learned to live in a white society and being a strange person even though I am not,' (Ofutu, p.44). We know much now about the impact of bullying and emotional abuse on young people in terms of the negative impact on self-esteem. Racism is a form of emotional abuse: keeping quiet and absorbing such racist abuse will not promote emotional well-being in young people.

'Going nuts'

If the strategy of 'keeping quiet' fails or if there is a crisis then young people may adopt a second behaviour described by Wilson as 'going nuts' or by Ofutu as 'going mad'. In other words, there is a point at which young people will be unable to contain this anger and will fight back against racism. This is not only described by the authors in relation to professionals in the police and prison service but also in relation to peers and teachers who have pushed the limits of these young people's tolerance.

'Keeping quiet' means that young people do not have the opportunity to raise issues in a way that may positively resolve or defuse potentially volatile situations, but rather they suppress

these emotions. It is therefore no surprise that when pushed their reaction can be explosive. Although *Just Justice* did not set out to consider why black young people are over-represented in the youth justice system, the testimonies of these young people indicate how the second strategy of resistance to racism, 'going nuts', can result in young people being excluded from school, criminalised or apparently receiving more brutal treatment.

Certainly, this is evident from all of the studies in *Just Justice*. In Hill's study a 15-year-old boy describes how fighting back in the face of physical attack by other inmates resulted in his being physically restrained by 18 prison officers. Similarly, the young man who was called a 'golliwog' tells how he ended up getting into trouble for that and was put on adjudication. In Sharp's study two young people in particular talk about 'struggling', 'kicking off' and giving the police 'disrespect'. Indeed, the young man reported in the opening quote in Ofutu's study implies this is exactly what happened to him as he firstly kept quiet, then struggled, and in doing so marked the police car and was subsequently arrested for criminal damage.

Ofutu notes the importance of considering school experiences now that the youth justice system has broadened to include not only those who offend, but also those who are seen as at risk of getting into trouble. Experiencing persistent difficulties in school or being excluded is picked up in both Ofutu and Hill. Ofutu's respondents perceive that voluntary or enforced exclusion from school is often due to problematic student-teacher relationships and a lack of understanding and support on the part of teaching staff, which they feel have racism at their root. The implication is that, fed up with racism, some students self-exclude and some others 'go nuts' and are consequently excluded. Such exclusion presents a high risk that young people will get into trouble with the law; indeed many respondents in this study report histories of disrupted schooling.

The young people themselves recognise that 'going nuts' does not resolve the problems that they face but see it as understandable and necessary in certain circumstances.

'I take matters into my own hands. You see, most of the reasons the teenage crimes happen is because the schools, the police authority, the government...do nothing about it so the teenagers feel they have to take matters into their own hands... You have no choice. It's either you are bullied or you resort to violence. You can't spend your entire life simply being bullied, feeling like you are nothing.' (young person quote in Ofutu, p.45)

It is clear that these young people are trying to make sense of their experiences, their own reactions and the implications that this has for them. For example a young man in Ofutu's study admits to 'being out of order' sometimes but explains that 'I can't just get angry like that by myself. Something has got to make me angry,' (Ofutu, p.44). And as Ofutu says, that *something* is racism. Hill's study also shows young people finding their own solutions and on occasions justifying their own violence in the face of institutional blindness to racism.

While violent and abusive behaviour should not be tolerated, the complex relationship between the wrong-doings of these young people and the wrong that has been done to them, not only at the individual but also institutional level, is not fully taken into account or explored during the justice process. Hill in particular points out that there is a tendency for understanding to be replaced by harshness in the face of offences committed in response to racism. However, rarely are such experiences taken into account when young people get to court or indeed in their experiences of restorative justice practice.

Using official channels of complaint, restoration and protection from racism

It is worth noting that these strategies of resistance are a way of coping in view of the lack of confidence in official channels of complaint. Time and again in the study it is clear that the lack of trust that young people express about those in authority extends to official channels of complaint and processes that are there to support them. This is most apparent in Wilson's study in which young people report that they are not aware of the Race Relations Liaison Officer or other formal processes including the Prison's Ombudsman. Those who had heard of them were generally scathing about their effectiveness because when they had raised a complaint they did not feel that the matter had been dealt with satisfactorily. Others believed that making a complaint would result in repercussions from prison officers. Ofutu also describes how before 'going mad' young people had tried to register their displeasure about the behaviour of police and teachers but with very little success. There is a hint here,

however, in this study that one young person interviewed did have some success when he went through the Youth Justice Board, but he goes on to note that 'even that takes time and you can never guarantee that anything is going to happen so you might as well not bother' (young person quoted in Ofutu, p.45).

This is in stark contrast to youth justice agencies' approach to recording and monitoring racist incidents where recording an incident is equated with proof that something occurred or did not occur. What these young people are telling us is that the current methods of recording incidents frequently fail to pick up what is happening mainly because they are reliant on young people coming forward with a complaint and do not seek to ask young people proactively what is happening in their world. *Just Justice* tells us that in many cases young people will not report racist incidents or make complaints because of their lack of trust in individuals and the system.

This is not dissimilar to what they are telling us in relation to some forms of restorative justice practices. They say that such processes are not working for them because they fail to take into account the fact that racism, either in the form of a direct assault or through cumulative experience, may have been the trigger for a young person to commit a crime. While we are not seeking here to condone offending behaviour, it is important to look at the motivation for offending if we are to offer solutions and prevent further offending. Youth offending services for black young people must start with the premise that their life experience will have been touched by racism and that this should be explored with young people in order to fully understand and support these young people. Victim-offender mediation services, which take time to explore motives and causes of crime, may offer a more sophisticated tool for addressing these complex and sensitive issues.

Further policy and practice issues for discussion: New enforcement approaches

The complex difficulties that these black young people tell us they face in their lives, coupled with the racism that they suffer on an individual and institutional level, raise questions about the appropriateness and efficacy of new measures to tackle anti-social behaviour. The New Labour rhetoric of 'no more excuses' and 'no more tolerance' presents an uncomplicated, approach to offending. The Government's 'Respect' agenda is based on a simple equation of rights with responsibilities. *Just Justice* paints a more complex picture of the interaction between rights, injustice and responsible behaviour. It suggests that denying a young person their rights as punishment for problem behaviour – which may have been provoked by racism – could be counterproductive by further compounding their sense of discrimination and unfairness.

The particular concern here is that measures introduced under the anti-social behaviour and 'Respect' agenda have made no specific acknowledgement of the complex and entrenched impact of racism on individuals and communities. Newer enforcement measures such as penalty notices for disorder for young people, and recently created additional enforcement measures such as parenting orders and anti-social behaviour orders, have been actively promoted without evidence of safeguards against discrimination. As far as we are aware these measures are not being monitored according to race, nor is there research seeking black young people's views and experiences of such measures.

Similarly, *Just Justice* raises the issue of parenting and care of young people. Sadly, many of the young people interviewed by Hill state that they often feel that no-one cares about them, least of all their parents. But Hill goes on to caution that this should not be understood simply in terms of 'poor parenting' but rather that these young people's stories reveal tales of absent parents, sick parents, parents in another country and parents in prison. In extending parenting contracts and parenting orders the Government and its agencies need to be mindful of the very real struggles that some young people face and the ways in which institutional racism can impact and shape behaviour that at times may seem unacceptable. In particular, the new Police and Justice Bill extends to schools the power to make parenting orders on a child if their behaviour in the school is unacceptable. Given what young people have told us about their relationships with teachers and peers, and the ways in which the perception of racism can result in outbursts of anger and aggression, more needs to be done to consider the motivation for such behaviour, explore the causes and find long-term solutions.

Conclusion

This chapter has drawn together the key findings and themes from chapters 2-5 of this collection of papers. Evidence from these studies has shown that young people's experiences of racism are multifaceted. However, as reported in all of the studies young people are not passive in response to racism but rather employ strategies to cope with the situations that they find themselves in: 'keeping quiet' or 'going nuts'.

This chapter has explored some of the consequences of these strategies. It is suggested that while 'keeping quiet' may be seen as a positive, non-demonstrative response in some respects, the consequences for agencies are likely to be negative. This is particularly true for the police and crime prevention. The consequence for young people is also detrimental as they suffer the emotional abuse of racism and risk turning themselves into perpetrators of crime as they take matters into their own hands. 'Going nuts' can also result in the criminalisation of young people. Thus these strategies have a direct impact on crime and the efforts to reduce and prevent youth offending.

Young people say that the official channels of complaint are not working for them. They lack trust in both individuals and the 'system'. Further, it is evident from the young people's comments that they see the justice process as failing to take into account the racism they experience, in particular when they get into trouble with the law as a result of being provoked by racist abuse. Finally, the appropriateness of the Government's anti-social behaviour was raised, given the complex picture of young people's experience that *Just Justice* paints.

Just Justice does not seek to excuse criminal behaviour but rather to understand it and by doing so find better solutions. The young people interviewed for *Just Justice* are somewhat negative about society's ability to address and overcome the issue of racism however The Children's Society is committed to seeking change for and on behalf of those who experience injustice. In accordance with this, we suggest that the recommendations below may help to address the problems that they have experienced. It is only through doing so that we will see fewer black young people getting into trouble with the law and more of them achieving positive outcomes in their lives.

Recommendations for policy and practice

Strategic

- Failing to identify, challenge and redress children's racist experiences is a failure to safeguard and promote the welfare of young people who suffer the indignity and physical and emotional impact of racism. Joint action to protect children from racist abuse, harassment and discrimination should be planned and addressed under the 'Staying Safe' outcome in the Children Act 2004.
- In order for the Youth Justice Board to meet its targets to reduce local disproportionality in sentencing for black young people, all agencies, including schools, police, courts and prisons, must play their part in addressing racism.
- Educating children from an early age about the promotion of diversity and inclusive, anti-discriminatory behaviour has the potential to make a huge impact on the reduction of offending. All children, regardless of their situation or type of school should receive such educational programmes.

Procedural

- Complaints procedures and racist incident monitoring systems – which should be present in all agencies of the youth justice system – should be reviewed and reformed to actively promote young people's right to complain. These systems should allow young people's experience to be captured and acted upon by proactively asking young people whether they have felt discriminated against or subject to racism. This may involve inverting the presumption that proof needs to be provided before validating an incident.
- Research methods used for *Just Justice* and the young people's accounts of their coping strategies place emphasis on finding safety and solutions in their peer group and

community; agencies' strategies for building trust and engagement with black young people should respect and build upon these 'safety' structures. Such work may include black peer group work and black community mentoring schemes.

- Research and evaluation of the youth justice system should pay particular and specific attention to the experience of black young people and the promotion of equal treatment. Methodologies for research and evaluation should build on the need to seek out black young people's voices proactively in ways that enable them to feel safe about speaking out.
- Targets for professionals working with young people in contact with the youth justice system should take into account the time needed to develop and sustain trust with vulnerable young people. Timescales should be flexible and of a realistic length to incorporate time to build-up trust.
- Involving black young people in the appointment and training of staff would be a powerful way of ensuring that these young people's voices are heard, promoting positive images of young people and enabling the development of mutual respect and trust between young people and professionals.

Race relations legislation

- Organisations have a duty under the race relations legislation to recruit under an anti-discriminatory framework of equal opportunities. Further deliberate strategies are required to encourage greater representation of black staff at all levels within every agency of the youth justice system including the police, courts and prison service.
- Race relations legislation also provides a requirement for all sectors of the community to be served and protected without discrimination. Therefore a commitment to anti-oppressive practice should be integral to recruitment and selection, performance review and ongoing professional training.

Appendix: Learning from the methodology

Professor David Wilson

This research programme was specifically constructed to:

'listen to and take account of young black people's life stories and experiences of being young, black and involved with the youth justice system, and by doing so gain a deeper understanding of the issues surrounding this particular group of young people,' (text taken from the original funding bid document in 2001).

Thus, it is possible to read this final report as an extended plea on behalf of ethnography as a research strategy, and the various difficulties that are encountered and have to be overcome when such a strategy is adopted.

The original bid document also wanted to use the findings of the research to:

'challenge the perceptions of the statutory and voluntary agencies working with this client group,' [and as a consequence] 'contribute to better practice'.

Thus, as can be seen immediately, and as David Nelken has drawn attention to, this research programme was never going to be 'innocent of consequences'. In short, it sought out a specific group of young people, and endeavoured to give those young people 'a voice' about the youth justice system, in the wake of the Macpherson Inquiry into the racist murder of Stephen Lawrence. Moreover it did so at a time when 'childhood' was being 'reconstructed' (James and Prout, 1990), and young people more generally were being 'turned into the human equivalent of dangerous dogs' (Wilson and Ashton, 1998). Indeed Rose (1989: 121) has described how childhood has become the most 'intensively governed sector of personal existence'. The research was therefore never going to be 'passive or neutral', to use Paul Rock's (2001: 30) phrase, but rather interactive and creative, selective and interpretive. Along the way nearly 200 young black people – both boys and girls - were interviewed, in various locations in England and Wales, and in different institutional settings to understand how they responded to this regulation, surveillance and reconstruction. Unsurprisingly, methodological, ethical and practical issues informed, shaped, and at times frustrated the research programme at every stage. And several examples of these issues are described in detail below. However, and perhaps providing a linkage, there were two immediate questions that the researchers had to face.

First, given our desire to give this group of young people a 'voice', to what extent could they actually 'speak for themselves'? After all, whilst extensive use of their voices has been used in the main and in the three mini research projects, through verbatim quotes and 'thick description' (Geertz, 1973), these voices have then been analysed, contextualised and theorised by adult, and largely white researchers. In these circumstances, how then have the research subjects actually been given a 'voice', and, more crucially, is the 'voice' that they have been given loud enough? If not, can this be justified, or is this merely another example of what Lather (2001: 482) has recently described as the 'romance of empowerment that drives much current ethnography'?

Secondly, as our open declaration of partiality makes clear, we could have been accused (and indeed might still be accused), of bias and relativism. This might not only antagonise potential audiences for the research, but could also serve to undermine the force of the arguments and conclusions that are advanced. All of this brings to the foreground the issue of our standpoint. After all, criminologists have long had to deal with the question of deciding which 'side they are on', especially as they work in a subject area that often labels 'outsiders' (Becker, 1967). Indeed this all becomes even more complicated in that we hope this research to influence practice. For whilst criminological theorising has often been wedded to

practical considerations, theorising's freedom from practical constraints is also what gives it 'its potential to undermine official claims and legitimations about crime and its control,' (Nelken, 1994: 27. See also Cohen, 1990). In short, how can theorising that is free from practice, and which thus has the potential to challenge received wisdom and policy, also be used to guide practice?

For some (see, for example, Young, 1992) the key to unlocking this conundrum has been to deny that it is possible to separate theory from practice. We do not follow this logic, and have instead attempted to fashion a solution based on resolutely listening to, and documenting what it was that the young black people we spoke to actually said. As such they have prompted, guided, and – to use an ethnographically loaded description - *grounded* our theorising (Glaser and Strauss, 1967; Corbin and Strauss, 1998; Charmaz and Mitchell, 2001), and in doing so, by allowing us to see the world through their eyes. In doing so we have been able to gain a fresh perspective on the policy and practice that has hitherto guided youth justice in England. This also helps to explain our use of creative and dynamic metaphors (but which are nonetheless rooted in what young people said to us) such as 'acting strangely,' 'a lack of trust and confidence' and 'playing the game'. Of course, this brings us back to the first question that we posed about the extent to which their 'voice' has been used. Here, in attempting to find a solution, we have been guided by Pat Carlen's (1983, 1985) observation from her research with female prisoners that there is a necessary limit as to how far the subjects of research can be made to 'speak for themselves'. After all, those who are conducting the research have to accept their responsibilities too in co-producing, rather than simply discovering the World of their research. For the researchers these responsibilities included resolving the many methodological, ethical and practical difficulties that have been alluded to, and to which we now turn.

Ethnography

The ethnographic tradition within criminology has a venerable history (Brewer, 2000; Noaks and Wincup, 2004), although there is a continuing debate about what ethnography actually is – a debate not eased by Hammersley and Atkinson's observation that the boundaries around ethnography are 'necessarily unclear' (Hammersley and Atkinson, 1995: 2). However, broadly speaking, ethnography involves the study of people in their natural setting, typically resulting in the researcher being present for extended periods of time in order to collect data systematically about this group's daily activities, and the meanings that they attach to them. Thus, ethnography is not – in the purest sense - a research method (a data collection technique), or a methodology (a philosophical framework). Rather, to paraphrase Lesley Noaks and Emma Wincup (2004), it is a research strategy that is inextricably linked to two forms of data collection – participant observation, and in-depth interviews. It is also closely linked to the methodological stance of naturalism, although of late a post-modern critique (see, for example, Denzin, 1997) has rather undermined that linkage. We ourselves have already alluded to the issue of how far the research participants could 'speak for themselves' (related to the belief that ethnography 'tells it like it is'), and the responsibilities that we as researchers shared in creating, rather than simply reporting, the world in which we immersed ourselves. Nonetheless, throughout the research programme we have attempted to present a 'realist text', which Brewer (2000: 138) has described as characterised by 'thick description and extensive verbatim quotation'. This is disputed territory beyond the scope of this final report, but our awareness of these disputes led us to ultimately describe the research as 'a form of post, post modern ethnography, which is both systematic and rigorous and uses an authoritative voice in telling its story,' (Wilson, 2004: 320).

It is also worth acknowledging that the belief that ethnography 'tells it like it is', is but one of the many myths that the 'unclear' boundaries, or 'messy business' (see, for example, Pearson, 1993: vii) of this research strategy has facilitated. To this we could add the criticisms that ethnography is seen by some as easy to do, or, by others, as lacking academic rigour. In short, it is simply a way of amassing a great deal of detailed information, and is thus indistinguishable from a 'docusoap'. Only those who have never conducted ethnographic research could imagine that it is easy to do – an issue we discuss more fully below when we consider the practical problems that emerged during the course of the research. So too the idea that ethnography lacks academic rigour is worth dwelling on, especially as more positivistic researchers, used to control groups and research that can be 'replicated', will be suspicious of our results. However, here our defence takes the form of outlining the part that

ethnography has played in developing an understanding of childhood and children, and which is thus also relevant to issues that emerged during our research process.

Allison James (2001: 246), for example, has described how ethnography as a research methodology has “enabled children to be recognised as people who can be studied in their own right within the social sciences,” and has gone as far as to describe ethnography as the “new orthodoxy in childhood research”. James’s argument is based on the reality that ethnography permits children to be seen as competent interpreters of their World, which in turn involves a shift from seeing children as the raw and uninitiated recruits of society, to seeing them as making a contribution to society. As such researchers too have to change their perspective, and instead of thinking that they are working ‘on’ children, have now to think of themselves as working ‘with’ children. Ethnography thus allows children to be seen as competent informants about, and interpreters of their own lives, and the lives of others. So ethnographic research with children has moved out of the school into other settings, such as the hospital (Alderson, 1993), the club (James, 1986), and the community (Baker, 1998), and has been used to explore other aspects of children’s lives such as health and sickness (Christensen, 1999), play (Thorne, 1993) and the taking on of gendered and ethnic identities during childhood (Connolly, 1998). This was clearly of relevance to our own research programme, which set out to understand how young, black children interpreted their own World in which being ‘young’ and ‘black’ often brought them into contact with the adult World of youth justice, and how they reacted and responded as a consequence. However, as Rock has pointed out, “the white, middle class, middle aged male sociologist would have difficulty in finding acceptance in any number of worlds” (Rock, 2001: 34). How then were we to gain access to the young people that we wanted to work with?

Practical problems everywhere

Gaining access to research institutions or people is never easy, and despite the fact that access to one project for the main ‘tracking study’— Right Track in Bristol - could be afforded through The Children’s Society, difficulties of access were a recurring and time consuming problem throughout the course of the research, and which delayed the research programme at several stages. Indeed, these delays in gaining access account for the fact that a few of the publications that we identified in our original bid document are still to be completed. In essence, these difficulties took two forms: gaining access to institutions; and thereafter gaining access to the young people themselves. In relation to the former, for example, the first of the mini research projects involved negotiating access to young black men in young offenders institutions, and this involved protracted negotiations with HM Prison Service. For example, given that our research was ethnographic we were unable to complete the Prison Service’s research proforma (and were therefore ultimately asked to re-design the proforma); we were also denied access to one institution; and the number of days that we were allowed to conduct field research at another establishment was cut to just two.

So too could staff working with young black people in both statutory and voluntary organisations, and who often therefore formally acted as ‘gatekeepers’ (and also informally as such) regularly frustrate the research process – a reality faced by the tracking study, and the two other mini research projects (policing and post custody). One particular problem, for example, centred on the issue of payment. Several staff working with the young people that we wished to interview felt that they should be paid for agreeing to take part in the research programme. After much discussion, particularly on the Advisory Group, and for various reasons, this was not something that we felt that we wanted to do, although we repeated our willingness to pay for out of pocket travel and food expenses. Nonetheless, it was clear that in raising the issue these gatekeepers had created an expectation that the research participants *should* be paid, and our unwillingness to do so undoubtedly contributed to creating a climate in which some potential research participants chose not to participate.

Here it should also be acknowledged that, with the exception of John Ofutu, all the researchers are ‘white’. More than this, two of them (David Wilson and Douglas Sharp) have also had direct experience of working in the criminal justice system - the former as a Prison Governor and the latter as a senior police officer. (It should also be noted that, prior to becoming an academic John Ofutu was a Probation Officer). The danger here is that we might have been seen, as Kate McCoy (1998) worried about her ethnographic research with drug abusers, as ‘doing spy work’. Indeed she went as far as to suggest that, in spite of the researchers’ good intentions, ‘all research is to some degree surveillance,’ (McCoy, 1998: 6).

We have no way of determining if either this racial or professional background might have deterred potential research participants from coming forward, although it should be noted that the fact that the research was on behalf of The Children's Society, rather than the government did help encourage gatekeepers and others to at least listen to us. It is also worth reflecting that when we actually did gain access to the young people we wished to speak, to the professional backgrounds of the researchers were often a source of great interest, with several of the interviewees asking for advice in relation to particular problems or incidents.

Nonetheless, these practical problems that we have described had to be overcome, and a variety of strategies were used to do so. Three in particular were employed. First, we tapped into existing networks from our own professional backgrounds, where this was appropriate, and any other networks that we could be introduced to through, most immediately, The Children's Society. So too we used networks belonging to The Howard League for Penal Reform, and graduate students at The University of Central England. Secondly, where it was possible, we used black staff on the research programme to 'vouch' for our good intentions, and this had the effect of 'badging' our work as acceptable. In this respect we were fortunate in having the services of Ms Barbara McCalla as Administrator of the research programme, and she in particular helped to facilitate access to young black people for the post custody mini research project. Finally, we used the well-established technique of 'snowballing', so that after we had conducted research with one particular individual or group we then had them recommend us to another individual or group that they thought would be prepared to speak to us.

All this having been said, and whilst a significant number of young, black people were eventually interviewed and allowed us a glimpse of their lives, the difficulties that we experienced of gaining access has to be one of the most significant aspects of the research programme. As such, it is important to consider why this should be so, especially as these difficulties were viewed by the researchers as more profound than they had experienced previously, even when they had been researching with 'hard to reach' groups, such as paedophiles after their release from prison. Two issues are perhaps worthy of consideration. First, it is quite clear that research with young people generally is fraught with difficulties. To this extent, for example, all of the researchers had to have police clearance – as required by The Children's Act – before they were able to begin the research process. This in itself was time consuming. However, of note, not one of the researchers was ever asked to produce the certificate of clearance, which rather undermined the process that the researchers had gone through. Added to this general difficulty, there was the added challenge that came with giving a group of 'black' children a voice – an issue that was felt, in particular, to have had an impact with the custody mini research project. It is our view that in the young offenders institutions that were visited there was a fear that those whom we spoke to would be 'off message'; that, in short, they would provide an insight which challenged the prevailing New Public Management culture of key performance targets and indicators that were being 'met' and 'achieved' (for a fuller discussion see below and Wilson, 2004).

Secondly, it is also become clear that young black people have become used to requests for interviews from researchers, and that they have not necessarily found it in their interests to participate. This issue became particularly marked during the second mini research project about policing, when it was obvious that some of the interviewees felt that 'nothing was going to change'. Here, it seemed to us the failure that was being articulated was not concerned with organisations and agencies of the youth and criminal justice systems, but rather with the failings of academic research. After all, a whole library of research about the counter-productivity of imprisonment – in an age of 'evidence led policy' – has not reduced the prison population (see, most recently, Wilson, 2005). Nor has our knowledge of the 'multiplier effect' of racism in the criminal justice system, from institutional racism in operational policing, through the process of prosecution, remand or bail, and sentencing decisions markedly altered the circumstances of black people when they come into contact with the criminal justice system (Home Office, 1992; Hood, 1992; Graham and Bowling, 1995; Penal Affairs Consortium, 1996; Home Office, 1997; Bowling and Phillips, 2002). Thus what seemed to us was being articulated was a pessimism about the academy, and the impact that academic research could have on practice. Here too, for example, a common criticism from many of the gatekeepers that we spoke to when we outlined the nature of the research was 'we know all of this already', 'this has been done before' and 'nothing will change'. Without doubt these sentiments would also have had an impact on the young people that we wished to speak to.

Of course we are not yet in a position to answer these charges in relation to this research programme, but we did find that keeping the young people that we spoke to informed about the course of research, and especially any publicity that it might have generated, was one way of overcoming this pessimism, at least in the short-term.

An ethical dimension

The research programme was specifically constructed with the importance of ethics paramount, and we have already described, for example, how all the researchers were required to be police cleared prior to commencing their research. However, there was much more going on here than the need to conform with various pieces of legislation, such as The Children's Act, The Data Protection Act and the Human Rights Act, for ethnographic research brings with it distinctive ethical challenges (see, for example, Noaks and Wincup, 2004: 37-52). Throughout the research we were guided by the definition provided by Jupp et al (2000: 171) that 'ethics is about the standards to be adopted towards others in carrying out research', and a recognition that an ethical dimension should guide each stage of the research programme, from design to dissemination. It is also worth noting that the original research proposal was vetted by and approved of by The Children's Society, and the Ethics Committee of the Faculty of Law and Social Sciences of the University of Central England. However, as ethnographic research is a creative, open-ended and an often dynamic process there were issues that had to be faced as they were encountered, and this inevitably resulted in the researcher exercising discretion. As such each of the mini research projects and the tracking study had their own ethical problems to face and overcome, but throughout we were all guided by three considerations: individual rights; 'informed consent'; and confidentiality.

Each of these considerations is important, but here we choose to dwell in particular on the issue of informed consent, by which we mean that the research was conducted in such a way that those who were participating had a complete understanding at all times of what the research was about, and the implications for themselves of becoming involved. How could this be done with children, some of whom were in institutions, and many more of whom were relatively powerless in relation to those conducting the research? In this sense were we not simply exploiting the young people who were talking to us, and Eisner (1991) has even gone as far as to suggest that it is virtually impossible for research not to be exploitative, given that it uses the experiences of others for one's own ends.

For the researchers informed consent assumed that participation in the research should be voluntary (see Shaw, 2003), and which also helps to explain why we chose not to pay those who agreed to be interviewed. This assumption brought with it some difficulties in that, for example, each of the Young Offenders Institutions 'chose' those who were to be interviewed for the research. How then could their participation be described as voluntary? Practically, irrespective of the fact that they had been chosen, each participant was offered the opportunity to withdraw from the research. However, this was not a simple process, and so, for example, the researcher had to ensure that the potential interviewee was advised that they could withdraw, but crucially after the member of staff who had escorted that interviewee from his cell had left the interview room. (Indeed in one Young Offender Institution the researcher had to insist that there was no member of staff present when interviews were being conducted.) Again this was not a simple matter, for if a potential interviewee wanted to withdraw, his refusal might have been interpreted negatively by the prison authorities – after all, they had 'chosen' him to be interviewed. Thus, in these circumstances, the researcher simply passed the time of day until a suitable period had elapsed, and the non-interviewee could go on his way.

So too each interviewee was promised anonymity, and this also meant that some specific issues, situations or circumstances that had been described, and which potentially could have identified the interviewee had to be generalised to maintain their anonymity. Again, reflecting issues that we have alluded to earlier, this inevitably placed limits on our desire to use their 'voice'. Here it is also worth noting that a significant number of interviewees throughout the research programme did not want their conversations to be tape-recorded at all, and which thus resulted in the researcher taking contemporaneous notes, or hurriedly attempting to write everything down after the interview had ended. This dislike by some of the interviewees of tape recorders perhaps reflects their negative experiences of being recorded in police stations, and other formal interview situations, but it is hoped that our willingness to accept their preference at the very least indicated our willingness to be guided by them.

Was all of this, as Eisner suggests, 'exploitative'? Clearly we would argue that it was not, for at least two reasons. Firstly, the research was specifically designed to provide a platform for these young people in circumstances where this would not have existed independent of the research. Indeed, we know of no other research with young black people in, for example, Young Offender Institutions beyond Elaine Genders and Elaine Player's work in the mid 1980s (Genders and Player, 1989), and more recently the otherwise very helpful paper by Goldson and Chigwada-Bailey (1999) about justice for black children which discusses every stage of the youth justice process with the notable exception of custody. Secondly, it is hoped that the research will contribute to a greater and deeper understanding of the issues faced by young black people in their dealings with the youth justice system, and thus contribute to better practice. It would be very hard to view this as exploitation, although perhaps this will also depend on whether or not practice actually changes. Here too we might make comment on the dissemination of the research. Too often this is seen as a 'once and for all' event, yet our experience suggests that dissemination is a lengthy and complex process, and crucially it takes some time for research findings to seep into public, policy and academic consciousness. Indeed, for example, as late as August 2005 research from the custody mini research project was only just being discussed on Radio 4.

The question of race

As has been described throughout this final report the intention of the research was to give young 'black' people a voice. However, the issue of race is a problematic one and raises all kinds of methodological and conceptual problems (see, for example, Pitts, 1993; Bowling and Phillips, 2002). After all, as with childhood and crime, race is a social construction, and in choosing to conduct research with young black people we might be accused of merely contributing to racial stereotypes rather than challenging them. This anxiety was particularly acute during the tracking study where Ofutu worried that in seeking to give young 'black' people a voice he might simply be contributing to the very problem that the research set out to address.

These anxieties notwithstanding, the research had to also acknowledge a plethora of evidence that suggested that the experiences of 'black' people in the criminal and youth justice systems are qualitatively different from those of 'white' people, in several important respects. For example, black people are more likely to be stopped and searched, arrested and charged – rather than cautioned by the police; more likely to be prosecuted by the Crown Prosecution Service, and face harsher charges in court; more likely to be refused bail; less likely to be subject to a pre-sentence report; more likely to be sent to prison than made the subject of a community based penalty; more likely to receive longer sentences (both custodial and non custodial); and more likely to be tried in the Crown Courts, rather than in Magistrate's Courts (Audit Commission, 1996; Fitzgerald, 1998; Runnymede Trust, 2000; Singh, 2000). Indeed, during the course of the research programme, the racist murder of Zahid Mubarek at HMYOI Feltham (by Robert Stewart) again brought a focus to the research about the treatment of young black people whilst in prison.

Faced with these statistics how then were we to approach the issue of race, and what did we mean by 'black'? Here we were guided by The Children's Society, and in particular by previous research that they had facilitated. Thus, for example, we used Beamont's definition of 'black', and his observation that 'black' has:

an inclusive use (intended to be unifying) embracing any person likely to experience racism in British society because of their 'non-white' skin colour. This use would include all the main 'non-white' minority ethnic groupings within British society – people with African-Caribbean, Asian and Chinese heritage. It would also include most people of mixed heritage (Beamont, 2000: 17).

So too we encouraged the interviewees to self-define, and thus allowed them to describe if they thought of themselves as, for example, 'black' or 'mixed race'. This open and inclusive definition of 'black' also allowed us to gain access to interviewees from Asian descent, many of whom were Muslim. This was significant, given that the research programme got into its stride after 9/11, and the second Gulf War, and thus we were afforded an opportunity to gain an insight into the feelings, anger and resentment of many young Muslims not just in relation to their experiences of the youth justice system, but also to broader, geo-political events.

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