Young People's Engagement in Youth Justice Practices: implications for racial and ethnic disproportionality

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Introduction

It is well-established that a young person's contact with the justice system increases their likelihood for further offending (Petrosino et al., 2010, Motz et al., 2020). In recent years, there has been a concerted effort by the government and the Youth Justice Board to promote the use of diversion and minimal intervention (Youth Justice Board, 2021). However, despite significant declines in the number of first time entrants to the system (Sutherland et al., 2017), that decline has been far less pronounced for black and mixed heritage children compared to their white counterparts (Bateman, 2020).

Therefore, there is a need to understand why the decline in the numbers of first-time entrants to the system has benefitted white children more than children from particular ethnic minority backgrounds (Bateman, 2020). In particular, it is critical to understand what mechanisms exist in the context of diversionary interventions that may make children from these backgrounds more vulnerable to escalation through the system.

The Centre for Justice Innovation has undertaken a small research study in this area with youth offending team staff, police, young people and their families, in order to explore the dynamics that may be shaping racial and ethnic disproportionality in youth diversion practices (Ofori et al., 2021).

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This practice note focuses on one aspect of that research: young people's engagement with diversionary programmes. Young people's participation, or lack of it, in programming shapes their experience of the system, as it can either lead to the upscaling of penalties, or can support long term prevention from criminalization and custody. We analyse the role that practitioners can play in facilitating engagement or non-engagement, by examining young people's lives through an intersectional lens. Intersectional ideas can provide us with a nuanced understanding of the multiple and interlocking social identities that young people inhabit. They can also help us explore how these identities may have shaped their experiences of the professionals and institutions they encounter before they reach the youth justice system.

Methods

Due to the exploratory nature of the research, a qualitative design was used for the study. The research process was informed by feedback from a specifically recruited advisory board. Two youth offending teams (YOTs) participated, providing participant access to YOT professionals, local police, defence lawyers, young people and parents/guardians. Both teams were based in different locations in England, with contrasting ethnic majority and minority populations. Initially, five sites were considered for the project, however as a result of restrictions due to the COVID-19 pandemic, only two were able to participate. This affected participant recruitment, as fewer individuals, especially young people, were able to take part. A total of 20 online interviews were undertaken with the following: 3 police officers, 10 YOT professionals, 3 young people, 3 parents/carers and a defence solicitor.

Engagement

Young people's engagement with youth justice interventions can play a role in facilitating behavioural change (Englebrecht et al., 2008). Yet, as many youth justice practitioners know, there are many barriers to engagement, including internal emotional barriers, such as a lack of motivation, to more structural barriers, such as lack of access to affordable transportation options. When examined through the lens of intersectionality, we can understand how each individual has a number of socially structured identities (e.g. in terms of race/ethnicity, class, gender, geography, disability and sexuality) which affect how they experience social institutions and power (Parmar, 2016, Collins and Bilge, 2020). These intersectional identities exist within a "matrix of domination" which impact on an individual's experiences of oppression and access to power (Collins and Bilge, 2020).

In the context of youth justice, the matrix of domination that young people exist in consists of a 'structural' domain of institutions which shapes their everyday lives. For many young people in the system, they will have lived in substandard housing and accommodation, experienced underfunded care and education systems, and their families may have lived precariously. The matrix also includes a disciplinary domain. Here, the lives of many young people who travel through the system will have been marked by frequent contact with school discipline and surveillance and the police. Young people also experience what Collins terms a hegemonic domain, which shapes normative assumptions about gender and sexuality, privileges whiteness, and affords power to people by age and ability.

Finally, their lives are shaped by the interpersonal domain of power, characterised by microlevel forms of social interaction, such as exposure to domestic abuse and violence, repeated police stops, and negative conditions of confinement.

This broader matrix of oppression that young people exist in, especially those who have contact with the youth justice system, has consequences for their engagement in youth justice services, and is important for practitioners to be aware of.

Data analysis

Responsibility taking

The two Youth Offending Teams had specific eligibility criteria required for young people to access diversion interventions. These demanded that the young person admit to the offence in question. However, professionals in interviews highlighted that young people from particular ethnicities (Black, Gypsy, Roma or Traveller backgrounds) were less likely to admit an offence or more likely to give 'no comment' interviews. Explanations for this centred around receiving poor legal advice and a mistrust of the criminal justice system in these communities. Although practitioners provided some explanation for non-admission of guilt and a reluctance to take responsibility, this can be further explored through an intersectional lens. Young people who have entered the youth justice system often have multiple and overlapping identities in terms of their age, gender, sexuality, race or ethnicity, ability, and geography. These complex identities have social meaning and uniquely shape young people's experiences of oppression.

Laws and policies play a role in shaping young people's lives and engagement, often in ways that have consequences for vulnerable and marginalised young people. Thus, the requirement to admit guilt serves to structure practitioner expectations of young people. Longstanding tensions between Gypsy, Roma Traveller communities and social services agencies, amplified by child removal and protection, school exclusions and suspensions, may also shape community-member suspicions of other government agencies (Cemlyn, 2000).

The ways that young people and in particular, negatively racialised young people, are disciplined, can have consequences for their engagement. The mistrust of the criminal justice system highlighted can also be understood partly as a result of the over policing and systemic injustice faced by some ethnic minority communities, which may lead them to question the legitimacy of the police encounter (Brunson, 2007). When coupled with gender and other aspects of an individual's identity, such as their age, (dis)ability, citizenship status, and the location they live in, young people in the criminal justice system can face unique forms of oppression that may shape their mistrust and hinder their initial engagement. This was highlighted in the interviews; with practitioners saying that Black males in particular were disproportionately targeted by police, leading to an overrepresentation in youth justice services.

Family engagement

Diversion practices within the two youth offending teams focus on child-centred interventions designed to manage behaviours related to the offence. These are wide-ranging but can include drug misuse and anger management sessions. A number of professionals in the interviews discussed the role of families in young people's engagement with diversion. Some professionals felt that positive parental involvement was key to young people staying engaged and completing interventions. Although practitioners generally kept their opinions relating to ethnicity vague, some did identify that they perceived Gypsy, Roma or Traveller families more reluctant to engage in diversion interventions.

The race and ethnicity of young people may interact with micro- and macro-level factors such as family context and neighbourhood-level concentrated disadvantage to influence court outcomes (Lowery and Burrow, 2019). Decisions about the institutionalization of young people made by some practitioners and court actors can mean that a young person's race and ethnicity becomes synonymous with forms of cultural pathology that are linked to neighbourhood decline and violence and dysfunctional family structures (Lowery and Burrow, 2019, p. 346).

Intersectional dynamics also shape how family dysfunction is understood and interpreted. For example, hegemonic norms about the nuclear family structure involving two heterosexual working parents may shape broader assessments of families who do not conform to that structure. Other forces that serve to pathologise families include practitioner assumptions about family attitudes toward school attendance, discipline,

and the role of extended family networks in caregiving. In turn, these ideas can shape practitioner assumptions about family member engagement in the diversion process.

Recommendations for practice

The intersectional dynamics that shape young people's engagement with practitioners are important for practitioners to reflect on as they approach their work. Below, we provide two key recommendations for practitioners working on Youth Offending teams.

Engagement in regular reflective practice which attends to the intersectional dynamics which shape offending and criminalisation processes is crucial. This will arguably help to support practitioners to engage effectively with young people. Reflective practices allow practitioners to develop a critical consciousness about how imbalances of power operate to create the systems of oppression that young people encounter before, during and after they have been arrested, and an ability to support the development and engagement of young people (Finn, 2020).

Practices which put the child and family at the centre of engagement may also help to facilitate an intersectional awareness of their lives. Based on a range of developmentally informed evidence, Case and Browning (2021) advocate for a 'Child First' approach to practice, which centres a collaborative approach with children and their families, and promotes children's individual strengths and capacities. This kind of approach can also play a role in practitioner understandings of the other social forces that might have shaped their willingness to engage with services.

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