



Sussex Police

Version 1 31/10/22

Sussex Police and Sussex Youth Justice Services

Tackling Youth Racial Disparity in the Criminal Justice System



Background

- The Lammy review 2017 contained 35 recommendations to address racial bias in the criminal justice system.
- Some years later there has been a general acknowledgement that not enough has been done to address the disproportionate outcomes levied at ethnic minority communities and specifically black children and young people.
- The study revealed that a lack of trust in the criminal justice system by black ethnic minority communities made them less likely to cooperate with police or trust legal advice, thus resulting in more not guilty pleas being entered, leading to convictions, harsher sentences and early entry to the criminal justice system. Crucially missing the opportunity for diversion, out of court sanctions and ultimately receiving disproportionate outcomes in comparison to white peer groups.

In Sussex

- Sussex Police and partners introduced the Youth Disposal Pathway (YDP) in the summer of 2020. This provides officers with a process to assess investigations and identify the most appropriate disposal outcome for the young person.
- This process requires an investigation to be complete, with sufficient evidence to charge.
- The YDP is then applied and gravity score identified which leads the officer to the appropriate disposal option.
- This process sought to make outcomes more transparent and standardised across the county.
- Yet considering the Lammy Review and recognising that;
 - face to face interviews with Police officers could contribute to overall negative experience of the Criminal Justice System for people of black minority ethnic groups
 - that a lack of trust in the Criminal Justice System processes leads to more negative outcomes.
- Sussex Police and local authority partners worked in consultation with the Youth Justice Board and devised the 'No Comment Pathway'

The No Comment Pathway

The aim:

- to reduce early entry to the criminal justice system and offer more young people the opportunity to work with the Youth Justice Service and complete diversionary work, access support and address offending behaviours.

The criteria

- To access an out of court disposal the young person traditionally had to provide an admission of guilt.
- The No Comment Pathway focuses on children and young people who have given a 'no comment interview' and have therefore not provided an admission of guilt.
- Rather than charge the young person with the offence, a referral is submitted to the Youth Justice Service.
- The approach seeks to utilise the Youth Justice Service assessments (where necessary) and hold multi-agency discussions in order to understand the young person's individual circumstances fully.
- This approach addresses the unfairness of relying on the outcome of the PACE interview and where possible prevents immediate entry to the criminal justice system whilst supports desistance and reoffending and early entry to the criminal justice system.

The Process

- Investigators identify a criminal investigation into a young person that meets the criteria of the No Comment Pathway
- Investigators contact the Youth Justice Service Police Officer to consider initial suitability.
- If accepted the matter goes through the YJS out of court disposal panel process, where appropriate multi-agency assessments are completed and the matter is presented to the 'Out of Court Disposal Panel'.

Panel decision

- Young person not suitable for an Out of Court Disposal then it will be sent back to the officer in case to charge the young person with the offence
- or
- The Young person is assessed as suitable for the No Admissions pathway and the panel will decide the most appropriate diversion activities.
- A youth worker is assigned and upon completion of the diversion the young person receives an Outcome 22.

Progress

- **39 cases have been referred through the pathway over a 3 month period that would have otherwise been charged to court**
- **Black minority and ethnic young people accounted for 15%**
- **Looked after children accounted for 54%**
- **Reoffending rate 18%**

End