Youth Justice Board chair aims to tackle racial disparities in criminal justice system in England and Wales

Keith Fraser says all agencies working with BAME children need to examine their practices, and that children should not be treated the same as adults in the justice system.

Too many schools, police forces, councils and courts are hiding behind “a veil of complexity” to excuse their failure to reduce the disproportionate number of black and minority ethnic children in the criminal justice system, according to the first black chair of the Youth Justice Board (YJB) in England and Wales.

Keith Fraser, who worked for the Metropolitan police and West Midlands force for 32 years, rising to superintendent, said tackling this disproportionality would be one of his top priorities.
In 2010, 28% of children in custody were of BAME origin, but in March 2020 the figure was 51% - despite white children making up 76% of young offenders.

Black children in particular are more likely to have mental health needs and be from a deprived area, where they are more likely to be arrested and more likely to enter the criminal justice system. Once there, they are more likely to return: last year, 47.1% of black young people reoffended, an increase of 4.6% compared with ten years ago.

In his first interview since taking on the job in April, Birmingham-born Fraser - the son of a bus driver and a secretary who emigrated from Jamaica in the 1960s - discussed how he was often stopped by the police while out driving, with officers assuming he was a criminal rather than one of them.

“Once when I was a senior officer in the Met I was going to visit a friend at another police station at night, not particularly late, and I was stopped on my way there in inner city London and they said, ‘where are you going?’, and I said ‘I’m going to this station to visit a friend’, and they said, ‘oh, is he in custody?’...

“There was definitely an assumption going on there ... At the very least, it’s unconscious bias.”

Fraser was first stopped and searched on a trip to the seaside as a young teenager, when an officer said he fitted the description of a shoplifter. Later, he would regularly be turned away from Birmingham nightclubs while his white friends were allowed in, despite him being “suited and booted and better dressed than the lot of them”.

Starting out in the Met aged just 18 - having written to the Home Office at 14 asking how soon he could become a police officer - Fraser said that for a long time he tried to play down his race: “I used to think my skin colour was irrelevant to my background: ‘I’m an individual here to provide a service and I will provide that service.’

“What I have seen more and more over time is that our difference gives us a different understanding of the world ... I don’t think there’s enough emphasis given to that difference, because with that difference you get different decision-making.”

Too many people involved in dealing with difficult children from BAME backgrounds hide behind “the veil of complexity” when discussing their overrepresentation in the criminal justice system, said Fraser, from schools to social workers to the police and courts:

“You will hear everybody saying ‘it’s complex’. We know it’s complex. We know a lot
happens before BAME children come to touch the criminal justice system, in relation to education, mental health, deprivation, but just because it’s a complex situation doesn’t mean we can’t do something.”

Every agency involved needed to examine their practices to see how they might be adding to disproportionality, said Fraser, insisting: “I don’t think that question is being asked.”

Every agency dealing with children should do more to increase diversity, he suggested, recalling a trip to a London school in an ethnically diverse area:

“A lot of the questions I got from the senior team there was about the challenges the police has in relation to recruiting physical difference. When they said that to me I wanted to hold the mirror up to them and say, ‘look at you’. Every single one of them challenging me about disproportionality was white in that senior team in that inner city area in London. It’s about all of these agencies touching these children’s lives looking at what they are doing.”

He remembered warning another senior officer that a particular incident with a racial dimension had the potential to lead to community unrest. His colleague, a white man, ignored him, only to apologise later when Fraser was proved right.

“He didn’t see it through my eyes and didn’t see the potential for what I saw, and that’s the value that you get in relation to having different people, whether that’s women, diversity or LGBTQ or whatever. That difference enables better decision-making and better outcomes. I still don’t feel there’s enough emphasis on that, there’s a bit of lip-service around that,” said Fraser.

“I wouldn’t say that police officers on the whole go out to be racist. But I think police officers need to understand their impact on communities more. When I was a senior cop I used to say to officers, ‘people don’t see you as Sally or John, they see you as a police officer and the way you interact with the public has a massive multiplier effect’: there’s the person who you have that interaction with, the people who witnessed it and the people they go to tell about it.”

Fraser said he had begun discussions with Lucy Frazer, the justice minister with responsibility for young people, on increasing the age of criminal responsibility.

Scotland recently raised its age to 12 but England, Wales and Northern Ireland still criminalise 10-year-olds. No other country in the European Union prosecutes such young children, and the United Nations committee on the rights of the child has recommended a minimum age of 14 across the world.

Fraser said he had personally questioned the age of criminal responsibility ever since the very first arrest he made after joining the Metropolitan police in London in 1985.

He cautioned a primary school child for stealing a bag of crisps, supported by both the child’s mother and teacher who wanted to “teach the child a lesson”, he recalled. “But even while I was going through the whole process I’m thinking, ‘what kind of a lesson is this?’”
Because although that individual received a caution, he still had his fingerprints taken and he still had a record off the back of it. So that caution would remain with that lad, even after it was spent it would remain on his record.”

A youth caution still remains on a child’s criminal record, despite the Supreme Court ruling in 2019 that the law should be changed.

Children must be treated differently from adults, said Fraser. “They are not small adults. Their brains are different. They are not fully mature until they are 24 years of age. There is science there to support that.”

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