

Somali youth in the criminal justice system

Introduction

Available literature and media coverage about the Somali community in Britain is replete with mostly negative stereotypes.¹ A common one is that of a young male offender and violent Somali youth. Socio-economic indicators suggest that Britain's Somalis fare much worse than other immigrants.² In his recent book *The British Dream*, David Goodheart draws upon the Somali and Polish experience to question what governments in liberal societies should do to prevent the under-performance and segregation of migrant groups. Goodheart describes Somalis as 'heavily welfare-dependant and notoriously clannish'³ and 'the most troubled significant minority'⁴.

This paper was produced for a conference hosted jointly by the Council of Somali Organisations (CSO) and the Black Training and Enterprise Group (BTEG) in September 2013 to specifically explore what brings Somali young people into the criminal justice system.

Background context

A realistic estimate of the Somali population in the country today is around 200,000.⁵ Other known facts include:

- 30% of adult Somalis are economically active
- 3% have a higher-level qualification
- Educational attainment is low – in 2005, 22% got 5 decent GCSEs compared with 46% for Ghanaians and 54% for Nigerians
- In 2010-11, 33% of Somali children got 5 decent GCSEs compared with 59% for Bangladeshis and 78% for Nigerians

¹ Harris, H (2004) *The Somali community in the UK: What we know and how we know*, ICAR available at www.icar.org.uk/somalicomunityreport.pdf; Change Institute (2009) *The Somali Muslim Community in England: Understanding Muslim Ethnic Communities*, Communities and Local Government, London

² The Economist (17th August 2013) *Britain's Somalis: The road is long*, www.economist.com/news/britain/21583710-somalis-fare-much-worse-other-immigrants-what-holds-them-back-road-long

³ Goodheart, David (2013) *The British Dream – Successes and Failures of Post-War Britain*, Atlantaic Books, London, p.213

⁴ *Ibid*, p. 230

⁵ *Ibid*, p.227

- 39% households claim income support
- 40% claim child benefit
- Estimated 60% single-parent families in Somali households
- Over 80% of Somali-speaking pupils qualify for free school meals
- More than 50% of Somalis live in rented council houses

There is yet no specific data available to show how many Somali young people are involved in the criminal justice system.

Aims and methods

This paper aims to:

- Provide a snapshot of the number of young Somalis entering the justice system and the nature of their offences.
- Test the YJB's commitment to meeting the needs of young people from diverse ethnic backgrounds.

The role of the voluntary sector in delivering effective youth justice services is acknowledged but is yet to be fully developed. The Somali voluntary and community organisations offer advice, information and support to members of their community. They offer services that are culturally specific and relevant to their service-users. The paper attempts to propel a discussion on their role in achieving positive outcomes for young people.

In August 2013 requests were sent out to all 31 youth offending teams across London requesting data on the number of Somali young people on their caseloads between 2012 and 2013. The requests were sent on behalf of BTEG and collated and analysed in preparation for the conference. Anonymity and confidentiality was maintained so that no specific data could be attributed to any particular London borough.

The youth justice system

Analysis of criminal justice data clearly show the over-representation of young black, Asian and minority ethnic (BAME) young people in the youth justice system. The Youth Justice Board (YJB) recognises and aims to address this over-representation. By

working in partnership with voluntary and community organisations the YJB intends to meet the diverse needs of BAME young people in the community rather than custody and help improve their prospects of rehabilitation. However, this can only be realised by questioning the nature and scope of Somali youth involvement in the system. This however is not easy.

Recent Youth Justice Statistics⁶ published by the YJB show a continued reduction in the numbers of young people entering the youth justice system. Data show that young people aged 10-17 constitute 10.7% of the general population but comprise 15.5% of those arrested. A total of 66,430 young people were engaged with youth offending teams in 2011/12, of which those of white ethnicity accounted for 80%, black 8%, Asian 4%, Mixed ethnic background 5%, Other 1% and unknown ethnicity accounted for 2%. In contrast, the total population in custody in 2011/12 was 1,963 of whom 7% were Asian, 16% black, 6% mixed, 62% white and 9% not known. The problem of ethnic disproportionality at key stages remains evident.

Current statistical data (youth justice) provides a breakdown by ethnicity, age and gender but not nationality. In the absence of further disaggregated data within the Black ethnic category, it is not easy to construct a clear picture on Somali youth in the justice system.

The table below shows the number of young people in custody for which offence type.

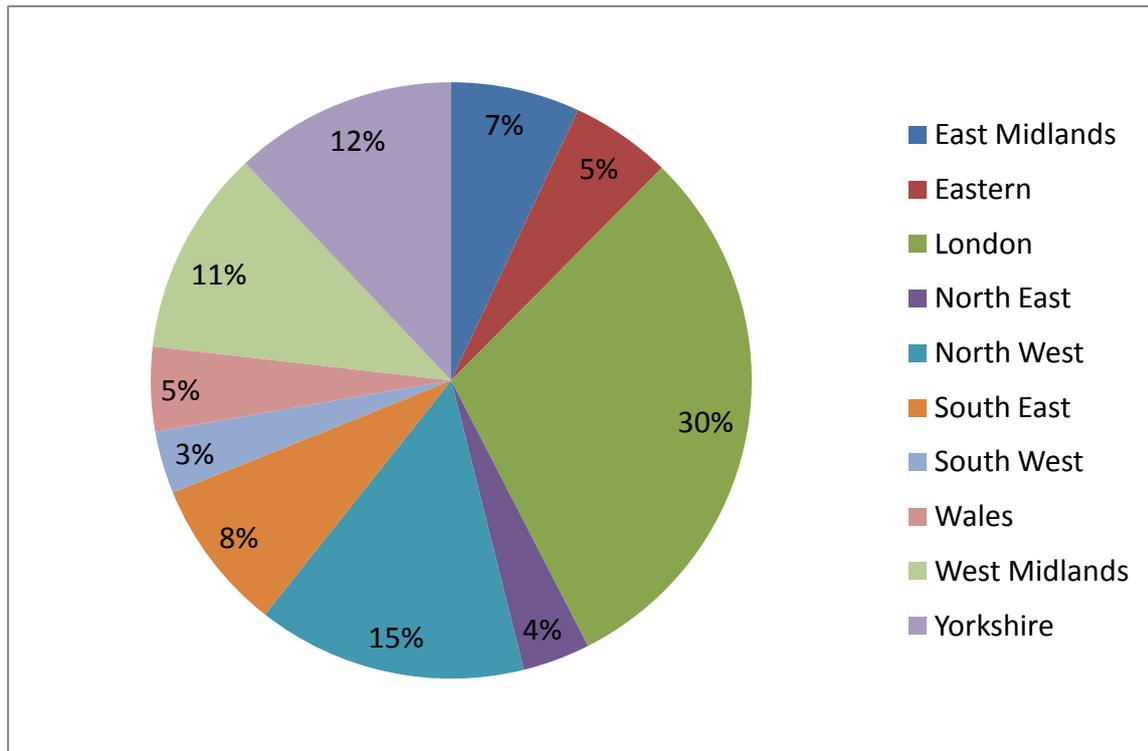
Average	Asian	Black	Mixed	Other	White	Not known	Total
Breach of statutory order	12	24	14	*	209	16	275
Domestic burglary	9	26	9	*	212	18	274
Drugs	18	27	6	*	26	9	86
Robbery	48	102	42	*	273	56	521
Sexual offences	4	10	2	*	48	14	79
Violence against the person	25	85	29	*	240	42	422
Other offences [^]	14	34	18	*	209	30	306
Total	131	308	119	3	1,216	186	1,963

Source: Young People in Custody, Youth Justice Statistics Supplementary tables, MoJ, Jan 2013

More young black people were in custody for robbery and violence against the person offences compared to their Asian and mixed peer group.

⁶ Youth Justice Board (2013) *Youth Justice Statistics 2011/12 England and Wales*, available at www.gov.uk/government/uploads/system/uploads/attachment_data/file/218552/yjb-stats-2011-12.pdf

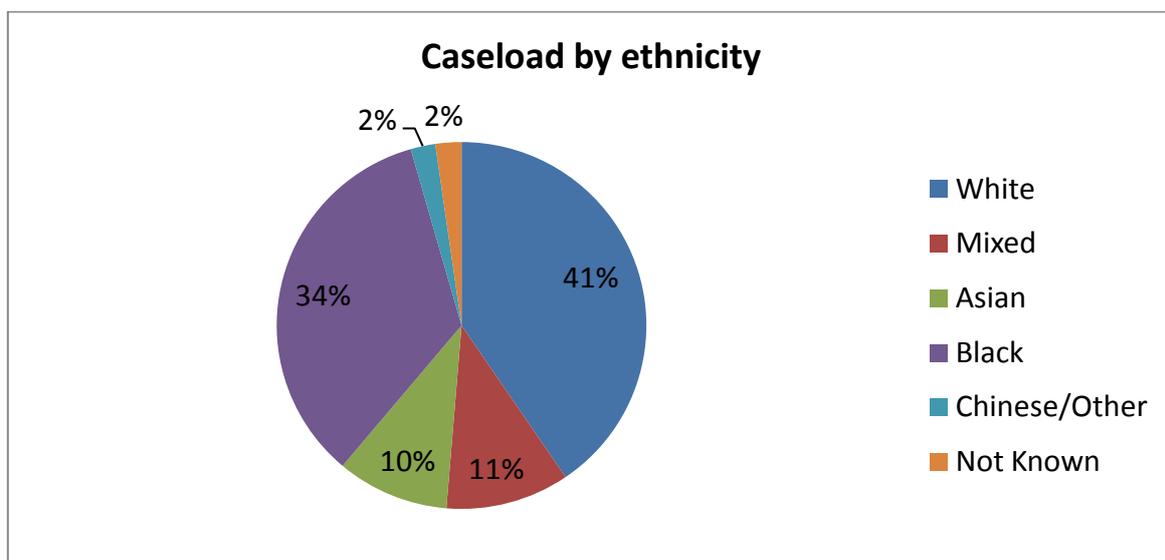
The chart below represents young people in custody from different regions.



Source: *Young People in Custody, Youth Justice Statistics Supplementary tables, MoJ, Jan 2013*

London contributes the highest proportion of the total youth population in custody. According to recent census data (2011) young people aged 5-19 account for 17.3% of the total population in London.

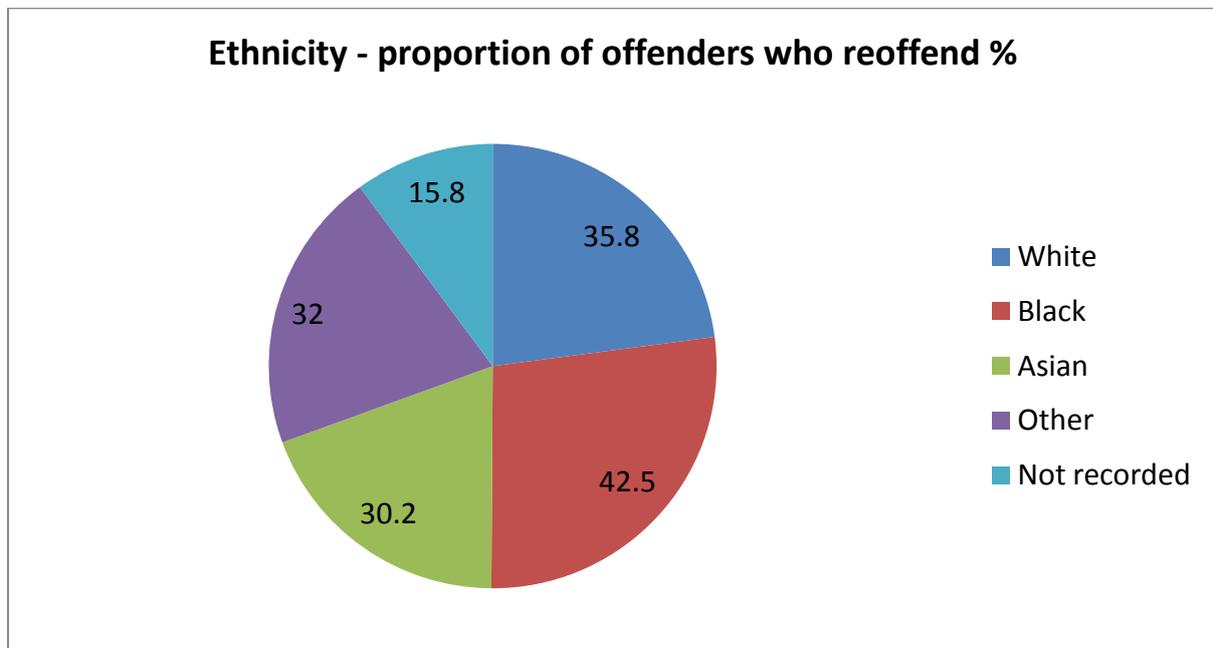
Young people engaged with youth offending teams (YOT) across London by ethnic background are shown in the chart below.



Source: *Young People in Custody, Youth Justice Statistics Supplementary tables, MoJ, Jan 2013*

Young non-white youth comprise 57%, a majority, of the caseload for youth offending teams across London.

Overall, in England and Wales, the re-offending rates for young people have remained high.



Source: *Young People in Custody, Youth Justice Statistics Supplementary tables, MoJ, Jan 2013*

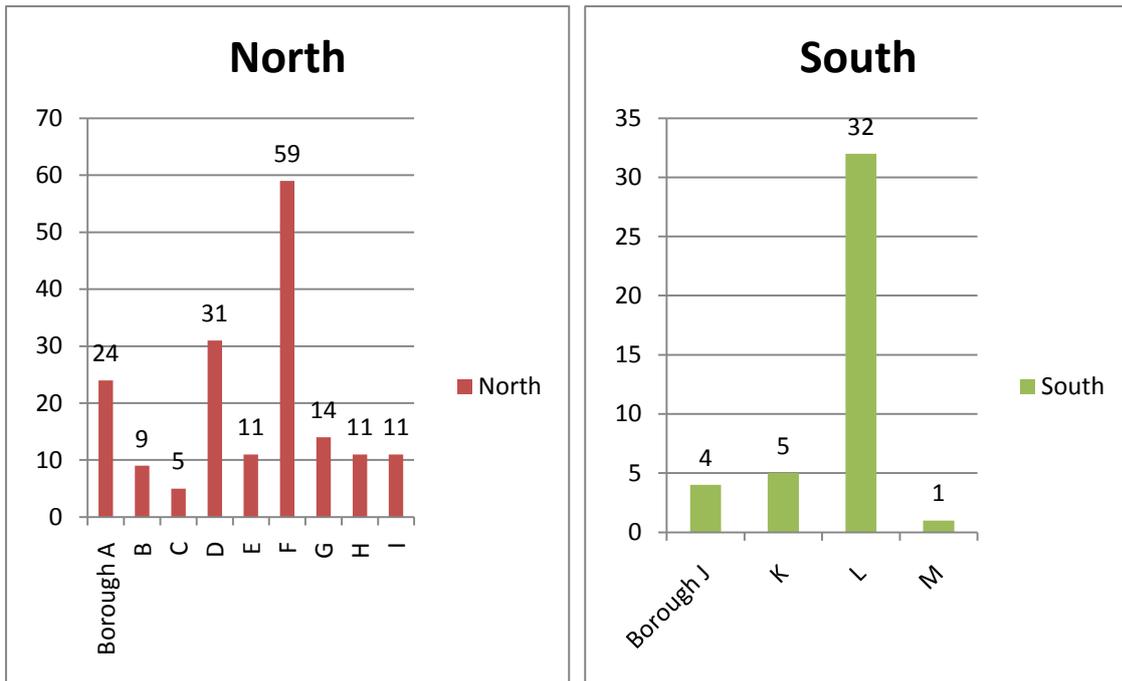
Young black people in particular have the highest re-offending rate of 42.5% compared to 30.2% for Asians and 35.8% for white young people.

Key findings on Somali young people in youth justice – London snapshot

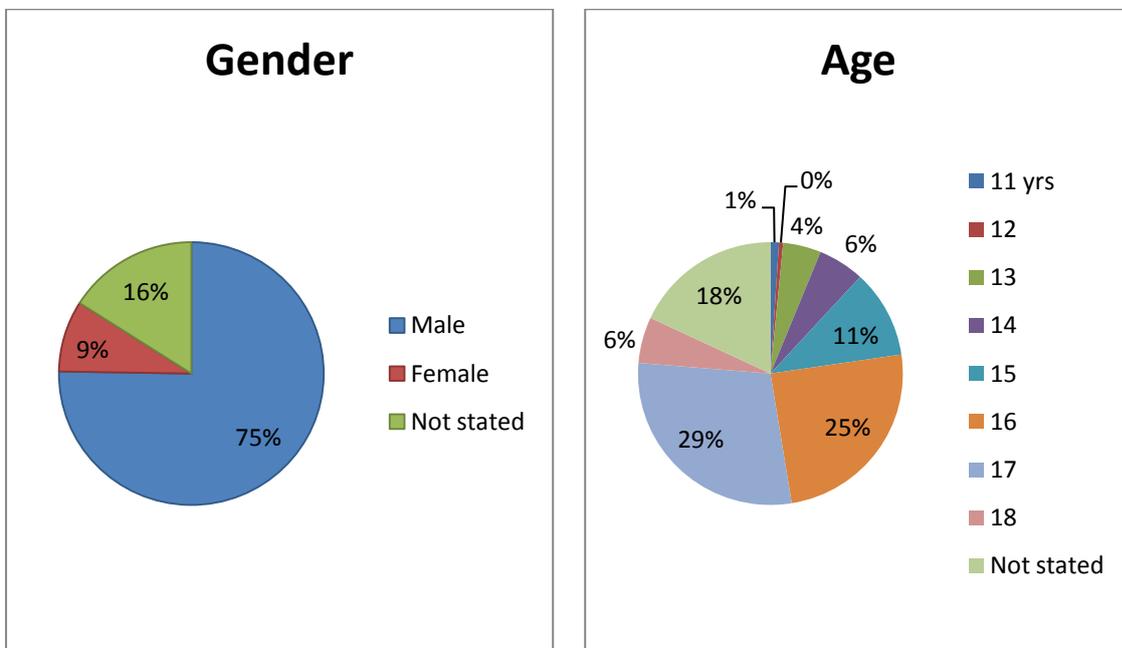
Requests were sent to all 31 youth offending teams across London to send data specifically on Somali young people (2012/13)

- 13 of the 31 boroughs responded to the request and sent data (3 boroughs sent data after the deadline and therefore 23 returns could not be included in the final analysis)
- 9 of the 31 boroughs did not reply
- 4 boroughs looked into their data and did not have any returns to make
- 5 boroughs either refused to give the data or were unable to provide data due to organisational changes

Of the 13 boroughs that sent returns 9 were from the North and 4 from the South.



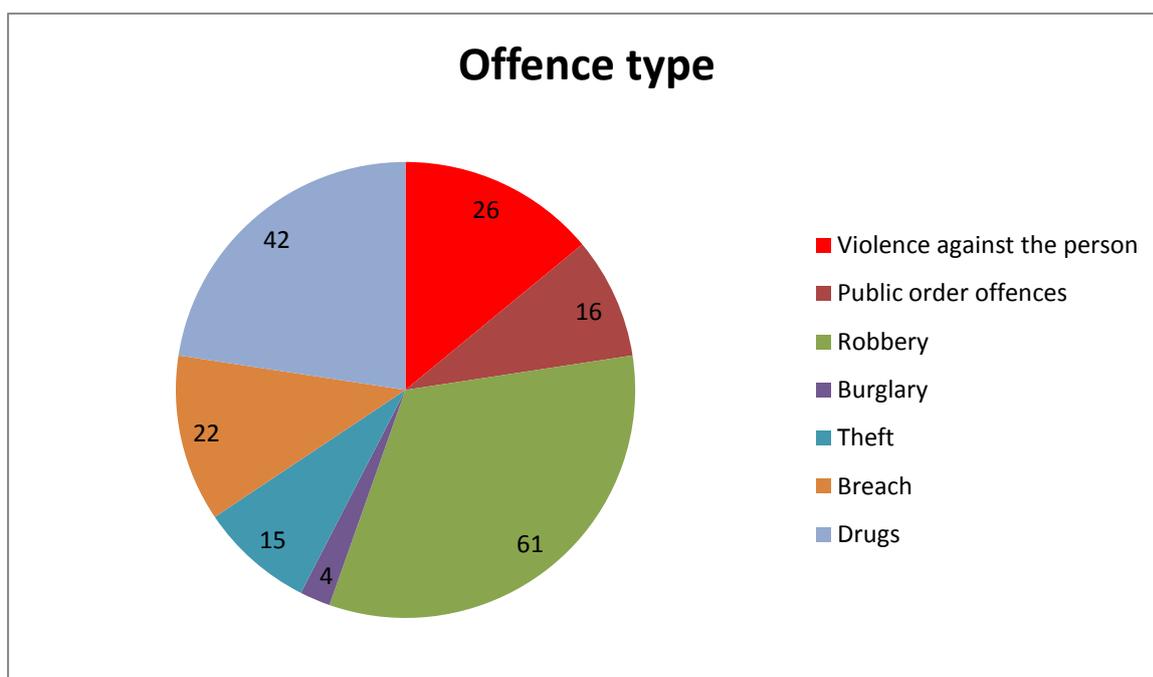
In total 217 returns were made from which 23 returns had to be excluded from final analysis as they were sent too late. In total we received data on **194** Somali young people.



The majority, 146 of the total caseload comprised young males while 17 were young females. Thirty one cases did not identify age groups although this was requested. In relation to age the figures are based on a total of 159 offenders (in 35 returns the age

was missing). A majority of whom were aged 15-17; **56** young people were 17 years, **48** were 16 years and **21** were aged 15. This is consistent with the national profile of young people engaged with youth offending teams and who are from black and minority ethnic groups.

In relation to **offence type** 186 returns were complete with 8 missing.

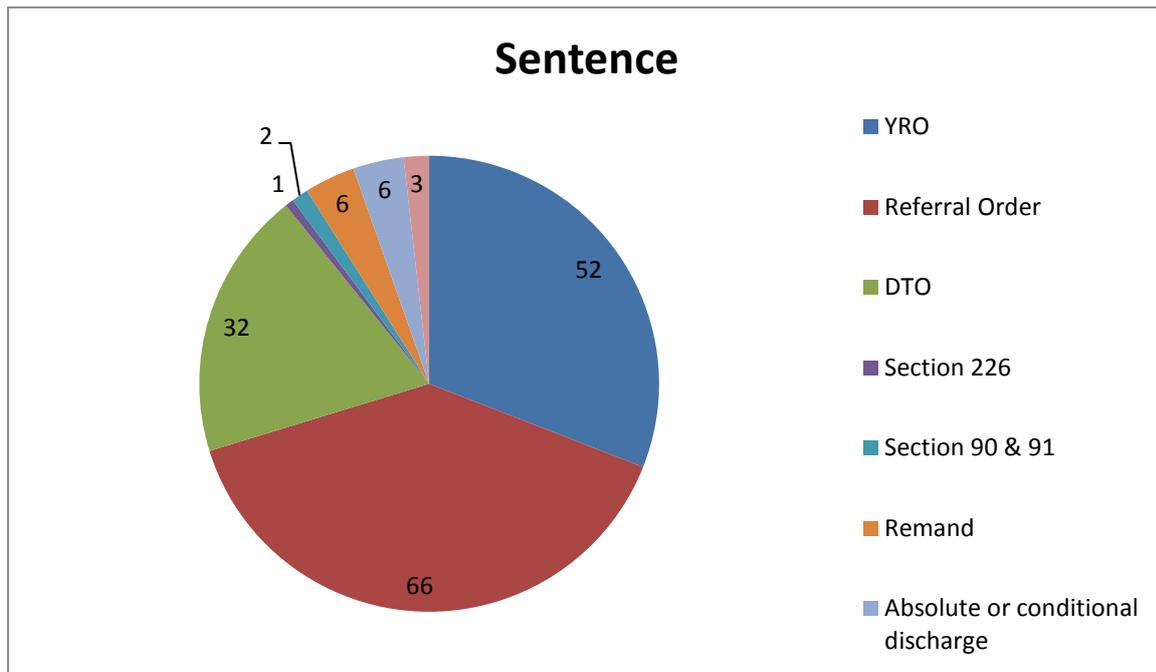


Somali young people represented in this sample were most likely to have committed robbery, drugs and violence related offences.

The most common **sentence received** by Somali young people was a Referral Order followed by a Youth Rehabilitation Order. A 177 young people received disposals in the sample and information was missing in 27 cases.

A Referral Order was received by 66 young people who pled guilty and appeared in court for the first time. The order requires the young person to attend a youth offender panel consisting of a YOT representative and two lay members. The panel agrees a contract with the young person lasting between 3 and 12 months. The contract will include reparation and a number of interventions felt suitable for that young person (for example, a substance misuse assessment, anger management etc.). If completed successfully, the Referral Order is considered a ‘spent’ conviction and need not be declared.

A Youth Rehabilitation Order was received by 52 young Somali people. The YRO provides judges and magistrates 18 rigorous community options; Supervision, Curfew, Activity, Unpaid Work, Attendance Centre order, Electronic Monitoring, Programme, Education, Exclusion, Drug Treatment, Prohibited Activity, Intoxicating Substance Treatment, Residence, Drug Testing, Mental Health Treatment, Intensive Fostering, Local Authority Residence and Intensive Surveillance and Supervision.



A Detention and Training Order (DTO) was received by 32 young Somalis. These are determinate custodial sentences which can last from four months to 24 months in length. A young person spends the first half of the order in custody and the second half released on licence. If they offend while on licence, they may be recalled back to custody. **Custodial sentences comprise 19% of the available sample which is very high.** Other sentence disposals included 1 acquittal, 1 final warning, 5 prevention programmes and 2 triage. Official data currently do not have figures for young people being diverted under the triage scheme but this picture is beginning to emerge as shown in this sample. It is positive that 2 young Somali people were offered triage and other prevention programmes.

Concluding observations

This scoping study was first of its kind and therefore had certain limitations. Official statistics across the criminal justice agencies is not nuanced enough to shed light on scope, nature and trends in offending behaviour of different ethnic groups. It emerged from discussion with YOT staff members that recording practices varied across the London YOTs. Some had no way of indicating what proportion of their caseload comprised young people of Somali origin because data was not monitored by nationality and ethnicity. That a young person was of Somali background had to be derived through informal means such as case notes or through case workers.

There was however indication of good practice where some YOTs, through their own initiative, did some additional monitoring and analysis comparing their YOT profile with the youth profile for the borough.

Ethnicity	2010-2011					2011-2012					2012-13				
	No.	Prop'	10-17 Pop	10-17 Prop'	Prop' Diff	No.	Prop'	10-17 Pop*	10-17 Prop'*	Prop' Diff	No.	Prop'	10-17 Pop*	10-17 Prop'*	Prop' Diff
White	118	36.6%	13054	47.2%	10.6%	124	47.5%	9068	30.4%	17.1%	79	37.6%	9068	30.4%	7.2%
Mixed	32	9.9%	1760	6.4%	3.6%	28	10.7%	2357	7.9%	2.8%	22	10.5%	2357	7.9%	2.6%
Asian	81	25.2%	8478	30.7%	5.5%	53	20.3%	13606	45.7%	-25.4%	47	22.4%	13606	45.7%	-23.3%
Black	91	28.3%	3804	13.8%	14.5%	55	21.1%	3871	13.0%	8.1%	62	29.5%	3871	13.0%	16.5%
Chinese/Other	0		541	2.0%		1	0.4%	893	3.0%	-2.6%	0		893	3.0%	
Unknown	7					2					7				
Total	329		27637			263		29795			217		29795		

The example above illustrates this good practice. This was by no means a common occurrence as only 1 of the 31 boroughs attempted to send this extra information. This allows local case managers to monitor the level of ethnic disproportionality in their boroughs and allows useful comparisons with other outcomes such as health and educational attainment.

The same borough also highlighted monitoring other decisions such as targeted prevention activities.

Ethnicity					Local Population	Difference
	YISP	Triage	Total	%		
White	9	52	61	45.9%	30.4%	15.4%
Mixed	2	8	10	7.5%	7.9%	-0.4%
Asian	13	20	33	24.8%	45.7%	-20.9%
Black	4	21	25	18.8%	13.0%	5.8%
Other	2	2	4	3.0%	3.0%	0.0%
NK		4	4			
Total	30	107	137			

The monitoring of such data is the first step in addressing ethnic disproportionality by looking at alternative disposals to prevent the number of first time entrants into the youth justice system.

The potential role of Somali community organisations remains untapped. One YOT Manager in North-East London admitted that this was an area for more pro-active work. In 2006 there were more than 200 Somali community organisations registered with the Charity Commission. This number, no doubt, would have reduced significantly due to local authority funding cuts and introduction of competitive tendering. Available research shows that Somali community organisations have limited impact and influence.⁷ Over the years Somali groups have failed to develop strong partnerships amongst themselves. Similar to the black-led voluntary and community sector, Somali organisations lack capacity to deliver high quality services and require support in areas of finance, staff training and development and governance.

On a more positive note Somali community organisations are established and provide vital advocacy, support and information to their communities. Family networks within

⁷ Hopkins. G (2006) 'Somali Community Organizations in London and Toronto: Collaboration and Effectiveness' *Journal of Refugee Studies* Vol. 19, No. 3 Oxford University Press

the community are strong and women and a strong tradition of youth peer-led support are both strong assets of the community. The Somali community faces challenges such as family breakdown, drug use, increased crime rates amongst young people and mental health problems.

This indicates further need to develop partnership working with education, health and criminal justice agencies. With specific aims to reduce first time entrants into the criminal justice system Somali organisations can play a vital role. The few organisations that provide support to their community members should be more actively engaged by the statutory agencies or else they will continue to work in isolation and fail to achieve more targeted outcomes for young people.

Based on this snapshot of Somali youth in the justice system, followed by themed group discussions at the conference, **four themes emerge that merit further development**.

1. Prevention and diversion activities at entry stages to the criminal justice system: Somali youth organisations under the umbrella of CSO should work in partnership with BTEG to work in partnership with youth offending services across London. This includes regular sharing of monitoring data in boroughs with high Somali youth population to understand trends and pattern of offending.
2. Develop effective rehabilitation programmes and increase visibility with offender managers and youth offending teams: Working within the criminal justice sector is relatively new to most Somali organisations. However, more than the statutory sector, Somali community organisations are well placed to develop and offer services that are culturally specific. To do this successfully organisations need to be better resourced so they can help young people achieve better resettlement outcomes. The opportunity to work closely with community organisations is welcomed by managers but these aspirations are seldom formalised. CSO and BTEG should work closely with the YJB to develop this theme.
3. Develop strategies to address specific offending behaviour among Somali youth: The sample suggests that robbery and drug related offences are the main reasons for entering the criminal justice system. Police statistics reveal a high

proportion of young people from black and minority ethnic backgrounds are stopped and searched for drugs. Those dependent on drugs are also more likely to be arrested for acquisitive crime such as burglary and robbery. While linkages can be made between delinquency, drug use and criminality, accurate relationships based on causality are more difficult to ascertain. No official data currently exists to show re-offending rates in the Somali group. CSO and BTEG should further research official statistics and community knowledge to delineate other patterns of offending behaviour within the youth population. Using co-production techniques, they should assimilate learning to help develop bespoke strategies to address offending behaviour.

4. Strengthen networking and partnership work: There appears to be a clear recognition for better partnership work amongst Somali community organisations in the first instance. In relation to addressing crime and reducing re-offending Somali organisations are in their infancy. CSO and BTEG should help these organisations to strengthen their understanding about the criminal justice apparatus, related outcomes and what organisational structures need to be in place to achieve them. Somali organisations are not well networked at a local level to influence strategic partnerships. Introduction of commissioning arrangements have added to existing weaknesses. CSO and BTEG should strengthen leadership programmes across the organisations to help influence commissioning in relation to children and young people's services. Through BTEG work should also be done with the YJB to secure better partnership working with YOT managers in local areas.

With better understanding of criminal justice data and putting knowledge about what works in their communities to intervention programmes, Somali community organisations will be better able to exercise opportunity and influence.

Submitted on behalf of BTEG by:

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