13-year-old British boy detained for two years for drug dealing

Julie Hyland
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The trial and subsequent detention of a 13-year-old British boy for drug dealing last week was a disturbing event, both in terms of the personal trauma involved and the new low the proceedings marked in juvenile crime policy.

The young boy, described as small for his age with a "baby face", had to be forcibly dragged sobbing and screaming from his mother down to the cells at a London Crown Court after the presiding Judge Quentin Campbell passed a two-year detention sentence.

The child, who has not been named, was just 12 years old when he was arrested last September in Camberwell, south London, a run-down and racially mixed area in one of the capital's poorest boroughs. He had been spotted with a 15-year-old youth by four plainclothes police officers. When searched, he was found with crack cocaine, heroin and £400 cash in one pocket and a packet of sweets in the other. He was charged with possessing Class A drugs with intent to supply. The 15-year-old was released due to lack of evidence.

The younger boy was known to the police—only months before he had been acquitted at another court on two counts of robbery. At the time of his arrest on the drugs offence, he had left home after arguing with his mother, a lone parent. She sat near her son in court as he stood crying in the dock before the bewigged judge, who told him that he faced a "substantial sentence of imprisonment" and that he was "lucky" he was not an adult. As court officials moved to take him down to the cells, he turned to his mother pleading, "I want to see my mummy, I want to see my mummy." As he tried to reach her, he began kicking out at dock officers attempting to force him from the court, falling onto the floor, before being carried out, still struggling, by five court officials.

The child is thought to be the youngest person convicted of drug dealing in Britain. Yet the trial, much less the young boy's personal circumstances, attracted virtually no critical comment. The boy's mother described her son as an ordinary, "happy-go-lucky" child, who had been manipulated by others. "I feel terrible; nothing he did gave me any suspicions, but he was out a lot when I worked," she said, adding, "He is only a little boy."

Parents working long irregular hours to make ends meet, children left alone: a scene repeated up and down the country. Labour's so-called welfare reform programme has targeted single mothers in particular, who have been told that they must either go out to work—often in minimum-wage jobs—or lose their benefits. There has been no corresponding increase in affordable, good quality child care or after-school provision. Families are thrown back onto their own resources—grandparents, neighbours, etc. If these are not available, then children are left to look after themselves.

In many areas, recreational facilities for young people are either non-existent or too costly. Virtually the only place left to socialise is on the streets, but especially in inner-city areas these are hardly welcoming or safe. In April, the drug research charity DrugScope reported that the early age when hard drug abuse now begins is unprecedented, and that the problem is particularly acute in metropolitan areas. It found children as young as 15 addicted to heroin and crack cocaine. To fund their addiction, which can cost more than £160 a week, the teenagers surveyed resorted to shoplifting, theft or prostitution, many receiving criminal charges as a result.

The growth of drug abuse testifies to the increasing numbers of people wanting to escape their reality, or at least numb its pain. Moreover, in a society that celebrates money and power, and is pretty much indifferent to how either are obtained, drug dealers are able to recruit younger children to sell their wares.

Judge Campbell admitted that the 13-year-old boy was not the "prime mover" in the drug dealing, and that he had been used by others. Perversely, however, he argued

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that the boy's young age and vulnerability meant that it was even more necessary to make an example of him. A more lenient sentence may otherwise be “looked on as an encouragement to very, very young defendants to deal in drugs, or encourage older and unscrupulous dealers to make use of very young persons as a tool in their trade,” the judge said.

The court did not examine the circumstances in which young children become involved in drugs; the trial judge specifically ruled out such an approach. But without doing this how can the problem be remedied and other children prevented from suffering the same fate?

Despite being described as a schoolboy in press reports, the child had not attended school for at least one year prior to his arrest. It appears there was no official intervention to change this, even after his previous appearance in court. Judge Campbell said in his summation that he would “make no further comment as to whether anybody is to blame that no educational authority took up the fact that you were not effectively going to school at all.”

Yet this is a crucial issue. An estimated one million children play truant from school each year in Britain. Their absence prompts little action because the main emphasis in education over the last years has been on keeping “awkward”, “disruptive”, and “difficult” pupils—or even just “poor learners”—out of the classrooms. Some 10,000 children were “permanently excluded” from their existing school last year. More than two-thirds of pupils aged 12 to 16 years old fail to return to full-time mainstream education within a year of being excluded, whilst in the primary sector just over half of five to seven-year-olds permanently excluded were out of school for more than a term.

A recent report by the National Association for the Care and Resettlement of Offenders (Nacro) showed that without remedial help, persistent truants or excluded children are virtually guaranteed to become involved in criminal behaviour. A survey for the Youth Justice Board indicated that 72 percent of children excluded from school had offended in the previous year, compared with 28 percent of those who attended school regularly. Barely one third of school absences were notified to social services departments.

The judge's refusal to consider the broader context which led the child to appear before him is in keeping with official attitudes to widespread social iniquities, i.e., to deny that they are society's problem at all. The Blair government guts social services and welfare provision in order to pass tax breaks on to the rich, whilst declaring that poverty, unemployment, drug abuse, family breakdown, illness, etc., are the outcome of individual inadequacy, laziness or poor “lifestyle choices”.

The British establishment has returned to the social policy attitudes of more than 100 years ago, prior to the establishment of any state welfare provisions. Scenes of children being dragged from an English court down to the cells crying and struggling—once associated with the time when transportation to the colonies was practiced, or when minors were imprisoned for petty offences such as stealing a loaf of bread—are becoming more and more frequent.

The old categories of the “deserving” poor and the “undeserving”, the “deserving” child and the “undeserving” have returned to official discourse. The first category may be allowed access to certain minimal provisions but only if it is understood that these are not “rights” or “entitlements,” and may be withdrawn at any time if the recipient does not satisfy some requirement or other. As for the “undeserving”, there is only retribution and punishment for what is regarded as their own failing.

Conservative and Labour governments have introduced policies overturning a century of judicial reforms aimed at protecting children and young people, and providing legal arrangements to reflect the special status of minors. Young children can now be tried as adults, with little exception made for their age. A Labour spokesman welcomed the two-year sentence imposed on the 13-year-old as proof of the government's tough approach to law and order.

The judge said that the boy would be detained in “an appropriate therapeutic, secure institution”, so that he could receive “guidance, education and help within established boundaries that will hopefully, when you come out, set you on the right road.” Without endorsing this judicial rationalisation, it speaks volumes about the current level of guidance and education generally available to young people in Britain today, that a court can seriously recommend a child should be locked away in order to receive it.

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