



The Racial Justice Gap
Race and the Prison Population Briefing
SmartJustice
2004

1. Introduction

“If I’d been given the opportunity and been treated more like a human being – I’d have developed this potential earlier on. Instead I was labelled as a black offender from Peckham,” Chris, 38, actor and ex-prisoner

The prison population has risen rapidly, with the number of prisoners in England and Wales increasing by more than 25,000 in the last ten years.

This growth has been particularly marked among Black and Minority Ethnic groups. Figures obtained by SmartJustice show that between 1998 and 2002, the proportion of Black and Minority Ethnic people entering jail rose at eight times the rate of white peopleⁱ¹.

Black British people now make up 12 per cent of the prison population and only 2 per cent of the population as a whole². And the British BME prison population grew by 124 per cent from 1992 – 2002³, while overall prison numbers grew by 55 per cent⁴. BME groups are over-represented at every stage of the criminal justice system from stop and search to custody, even though self-report surveys show little difference in offending rates among different ethnic groups.

This briefing highlights key facts about race and the criminal justice system. And, importantly, it gives examples of positive interventions by the voluntary sector that are steering young black people away from the criminal justice system at an early age.

2. Race and the Prison Population

“Last year...for every African Caribbean male on campus, there were two in jail,” Trevor Phillips, Commission for Racial Equality 2003

Key Facts

- Prison receptions of all known Black and Minority Ethnic groups increased by **37 per cent** between 1998 and 2002 - more than **8 times the increase for white prisoners**⁵
- The numbers of Black people, Chinese and other, South Asians and White people rose by **34 per cent**, **61 per cent**, **24 per cent** and **4 per cent** respectively during the same period⁶⁷
- The **BME prison population grew by 124 per cent** between 1992 and 2002⁸ while the **total prison population in the same period rose by 55 per cent**⁹.

ⁱ This figure includes prisoners holding foreign nationality and can, in part, be linked to an increase in the foreign national population as a whole during this period.

- In June 2002 - BME groups accounted for **22 per cent** of the male prison population¹⁰
- **More than one third of the** black prison population hold foreign nationality¹¹
- Black British prisoners make up **12 per cent** of the prison population and **two per cent** of the general population.¹²
- At the end of February 2003, **one in four** of the prison population, 17,762 prisoners, was from a minority ethnic group. This compares to **one in eleven** of the general population.¹³
- **Over half of Black and Minority Ethnic groups** perceived that they had been subject to racial discrimination while in prison¹⁴ (Edgar and Martin Home Office 2004)

Table: Receptions into prison under immediate custodial sentence by ethnic group: Source, Home Office

	1998	1999	2000	2001	2002	Rise	% Rise
Total	85,908	90,238	91,195	90,523	93,615	7,707	9
Black	7,664	7,676	8,102	8,868	10,254	2,590	34
Chinese and Other	2,297	2,595	2,821	2,917	3,698	1,401	61
Not Known	49	24	26	48	71	22	46
South Asian	2,170	2,246	2,196	2,401	2,687	517	24
White	73,729	77,697	78,050	76,289	76,905	3,176	4
Total known black and ethnic minority	12,131	12,517	13,119	14,186	16,639	4,508	37

3. Race and the Criminal Justice System

“If you have been unfairly treated by the system, charged with a harsher crime than was appropriate, given a custodial sentence instead of community service, given a longer prison sentence than others committing the same crime, and been bullied and victimised while in prison, are you likely to emerge from prison as a sane, sanguine, reformed character?” Gurbux Singh speech to Howard League Conference 5 September 2000

Black and Minority Ethnic groups are over represented at all stages of the criminal justice system from stop and search to custody, yet self-report studies show that there is little difference in offending rates between ethnic groups.

Key Facts

- People of mixed racial origin are more likely to be victims of crime than all other groups. Figures from the British Crime Survey 2002/3 show that **46 per cent of people of mixed racial origin** had been victims of crime compared with **30, 27 and 26 per cent of Asian, White and Black people**¹⁵
- Self-report surveys show that there is **little difference in offending rates between different ethnic groups**¹⁶.
- Black people are **six times more likely** than white people to be stopped and searched¹⁷
- Pre-Sentence Reports (reports by probation officers that help magistrates and judges make their decisions) written about black people are of a poorer quality than those written about white people. **83 per cent were satisfactory or better for white people** compared to **75 per cent for BME groups**¹⁸
- The arrest rate among for black people is **around three times that of White people**. The arrest rate for Asian people is 12 per cent higher than for White people¹⁹
- **Young black people are more likely to be refused bail than young white people**. 11.6 per cent of black and 11.4 per cent of mixed race 10-17 year olds are remanded in custody compared to 7.6 per cent of white 10-17 year olds²⁰
- Black and Minority Ethnic groups are more likely to plead not guilty, to have their case discontinued and to be acquitted²¹
- Numbers of arrests per 1,000 population were **more than three times higher for Black people than for others**.²²

4. Race and Society

"We come across a lot of young black men who are angry. They have had difficulties with racism or bullying at school. They feel they are the ones that get the blame from teachers and that they are treated differently to the white kids. They get excluded and they become trapped in a cycle. I think their anger is justified."

The Social Exclusion Unit has identified several social factors that are more common among prisoners than the rest of the population. These include being excluded from school, poor mental health, homelessness and unemployment.

Some Black and Minority Ethnic groups are more likely to have experienced these factors than White people.

Key Facts

Education

- African Caribbean pupils are four to six times more likely to be excluded than white pupils although no more likely to be truant than other pupils²³.
- In 2002, 36 per cent of Black pupils achieved five or more GCSEs at grades A*-C – a fall of 3 per cent since 2000. This compared with 50 per cent of white pupils and 62 per cent of Indian pupils.²⁴

Housing

- **70 per cent of all minority ethnic** people live in the **88 most deprived local** authority districts, compared with **40 per cent of the general population**²⁵.

Poverty

- In 1997, **28 per cent of people in England and Wales** lived in households with **incomes less than half the national average**. But this was the case for **40 per cent of African-Caribbean people and 80 per cent of Pakistani and Bangladeshi people**²⁶.

Unemployment

- This is considerably higher among minority ethnic communities. In 1998, **5.8 per cent of white people of working age were unemployed** but among the minority ethnic community it was **more than double at 13 per cent**.²⁷

Age

- The peak ages for offending are in the late teens to early twenties and **48 per cent** of the Black and Minority Ethnic groups population are under 24 years old, compared to **31 per cent** of the white population²⁸.

6. Case History

Chris, a thirty-eight year old man from south London, has spent a total of 17 years in prison on a series of short sentences.

“I grew up in south London Camberwell – the last of seven kids. We were one of the first black families in the area and we tried really hard to fit in but we were made very aware that we were different. I experienced a lot of racism including physical abuse from teachers at school. I fought back and was expelled for hitting one of my teachers.

I couldn't get into secondary school for a while but eventually they found a place for me at a special school in Kennington (south London). There was a lot of open racism from other kids – they'd call me a black bastard to my face.

I started to bond with the dodgy kids because the last thing I wanted was to be bullied. I ended up committing petty crime to fit in.

I was 12 when I was first arrested and had a criminal conviction by the time I was 13. I was given a supervision order and made to pay £70 compensation. My dad cried he was so disappointed in me.

Over the next 20 years I was being continually arrested for theft, burglary and criminal damage. I was in a Detention Centre by the time I was 15 and Borstal by the time I was 16.

Racism from institutions and the police was run of the mill. In one of the centres I saw a worker come into our dormitory at night and kick one of the boys in the stomach. When I was 16 the police beat me up so badly I had to leave the station on a stretcher and was sent straight to hospital with my nose broken in three places.

By 17 I had developed a serious drug problem and started thieving to feed my habit. All in all I spent around 17 years of my life in prison. I wasn't unhappy – I thought it was normal. I didn't really know how to cope out of prison. I used to worry before the end of my sentence – I'd think 'oh hell – only another three months – I'll be getting out soon. What am I going to do?'

I was using drugs all the way through my prison sentences and was eventually sectioned under the Mental Health Act for drug induced psychosis. I went back to prison in 1999. While I was in there I was wrongly accused of beating up another prisoner and spent three weeks in segregation. I realised then that if I didn't sort my life out I'd end up dying in prison.

I enrolled for loads of courses – anger management classes, offending behaviour groups and got into acting. I played Sir Francis Drake in Brixton Prison in 1999. I loved the way I felt - there was a real team spirit. I learned my lines in my cell and thought 'this is what I was born to do.'

I came out in 2001 and went straight into a resettlement drug rehab unit in north London and then into supported housing. Three years on I've still got no permanent accommodation.

It's been hard not going back to it because I've had no money but I'm much happier and I'm a whole person now I'm not a drug addict .

I've managed to carry on acting with theatre projects that work with ex-offenders and want to make it my career. If I'd been given the opportunity and been treated more like a human being – I'd have developed this potential earlier on. Instead I was labelled as a black offender from Peckham."

6. Interventions

"Young people start our programme filled with anger and confusion they can't explain. They feel their community blames them for every crime and it's easy for them to be hostile back.

Acting bad gives them an identity, it attracts the attention they want and gets people's recognition. At FBMF we help them to find a self-esteem that doesn't need to be proved on the streets every night," said Uanu Seshmi.

"Teachers today only see us as rappers, 100 metre runners and graffiti artists, but if you look through our eyes and listen you'd see that we want to be doctors, lawyers, teachers," Sean Bailey, 16, graduate of the Black Boys Can Association.

SmartJustice has identified several groups that are steering young black people away from the criminal justice system at an early stage. These are largely voluntary groups set up by concerned members of the black community.

They concentrate on helping young black people deal with racism, raising aspirations and self-esteem, providing positive role models and raising education standards, training and skills.

These schemes include:

From Boyhood to Manhood Foundation

From Boyhood to Manhood (FBMF) was set up by Decima Francis and Uanu Seshmi in 1996 in response to parental concerns to the high number of young black boys being excluded from school.

FBMF works with schools to reduce exclusions as well as working with excluded pupils who are most risk of being drawn into criminal or anti-social behaviour through a series of educational, cultural and sporting activities.

Through the use of one on one mentoring - the group empowers young black men to confront their lives as individuals and deal with their issues. The programme also provides them with positive role models and consistent disciplinary and behavioural patterns. It also supports parents to guide their children through their formative years.

www.usatfbmf.com

National Black Boys Can Association, Nationwide

This was set up by prominent members of the black community concerned at levels of underachievement in school.

Through a series of personal development programmes both during and outside school hours – it gives young black boys extra educational support, provides them with life skills, and the self-esteem, confidence and determination to succeed. These qualities help them to overcome disadvantage, deal with racism and realise their potential.

The group works closely with parents and schools – educating them on how to realise the potential of black boys. Black Boys Can Projects operate in several different areas of the country including Birmingham, Luton, Coventry, Oxford, Staffordshire, Wolverhampton and London. It works in partnership with community groups, churches, schools, supplementary schools and universities including Oxford.

www.blackboyscan.co.uk

Right Track, Bristol

This Children's Society project works to combat the over-representation of young black people in the criminal justice system. It grew from a group originally set up to deal with young people's complaints about the over use of Stop and Search. It works with children at every stage – from school exclusions through to young people in prison.

The group helps young people to identify the issues that are contributing towards their behaviour such as drugs, problems at school, bullying and racism.

Through one on one mentoring, group and activity based work – workers challenge unacceptable behaviour as well as supporting young people with their problems and helping them combat racism.

The group also works with parents to empower them when dealing with schools and with the education system to foster a greater understanding of issues facing Black and Minority Ethnic children.

http://www.the-childrens-society.org.uk/learn/SG_Feature/74862/6/

7. Conclusion

It is clear that urgent measures are needed if we are to address the disproportionate increase in the number of Black and Minority Ethnic people entering prison.

The Criminal Justice System Race Unit has been set up by the Home Office to look into the reasons for this over-representation and to propose a programme of action for eliminating discrimination within the CJS. This includes a Stop and Search Action Team to ensure the new police power is used as fairly and effectively as possible.

And agencies including the National Offender Management Service, the Youth Justice Board and the Crown Prosecution Service have all implemented strategies to deal with the disproportionate numbers of black people in the criminal justice system.

While these moves are to be welcomed, SmartJustice believes that grassroots experience and knowledge needs to be central to any changes.

BME groups are already seizing the initiative and working with black offenders and those likely to offend. They are restoring self-esteem that may have been battered by a life-time of disadvantage and racism, instilling pride and unlocking potential which may well have remained overlooked otherwise. The work of these groups should be supported and models of good practice spread if we are serious about stemming the tide of the black prison population.

Endnotes

¹ Home Office Figures

² Hollis et al (2003) *Prison Population Brief England and Wales October 2003*, London: Stationery Office

³ Race and The Criminal Justice System an Overview to the complete statistics 2002 – 2003, Institute for Criminal Policy Research, School of Law, King's College London

⁴ Prison Population 2002: A Statistical Review, RDS

⁵ Home Office Figures, 2004

⁶ *ibid*

⁷ *ibid*

⁸ Race and The Criminal Justice System an Overview to the complete statistics 2002 – 2003, Institute for Criminal Policy Research, School of Law, King's College London

⁹ Prison Population 2002: A Statistical Review, RDS

¹⁰ Prison Statistics England and Wales 2002, Home Office

¹¹ Prison Reform Trust, March Briefing 2004

¹² Hollis et al (2003) *Prison Population Brief England and Wales October 2003*, London: Stationery Office

¹³ *ibid*

¹⁴ Edgar, K and Martin, C (2004) 'Perceptions of race and conflict: perspectives of minority ethnic prisoners and of prison officers', Home Office Online Report 11/04, London: The Home Office.

¹⁵ Race and The Criminal Justice System an Overview to the complete statistics 2002 – 2003, Institute for Criminal Policy Research, School of Law, King's College London

¹⁶ *ibid*

¹⁷ Section 95 Statistics 2002/3 on Race and The Criminal Justice System, Home Office

¹⁸ HMIP Inspectorate Report Towards Racial Equality, 2004

¹⁹ Race and The Criminal Justice System an Overview to the complete statistics 2002 – 2003, Institute for Criminal Policy Research, School of Law, King's College London

²⁰ *ibid*

²¹ *ibid*

²² *ibid*

²³ Commission for Racial Equality

²⁴ Youth Cohort Study: The Activities and Experiences of 16 year-olds England and Wales 2002

²⁵ Commission for Racial Equality

²⁶ Social Exclusion Unit, 2002, Reducing Re-offending By Ex-Offenders

²⁷ *ibid*

²⁸ *ibid*