



RUNNYMEDE TRUST WRITTEN CONSULTATION RESPONSE TO:

A New Start: Young Adults in the Criminal Justice System

9 October 2009

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We welcome the opportunity to submit our thoughts and views on the Transition to Adulthood Alliance green paper *A New Start: Young Adults in the Criminal Justice System*. This is a timely and important review and we have read its proposals with interest. We agree with the thrust of the argument put forth in the paper, and support the supposition that there is a need for “a wholesale shift in the way the Government works with young adults in, and at risk of becoming involved with, the criminal justice system”. We agree with the assessment that young adulthood constitutes “a distinct stage in life” which therefore requires distinct strategies to be utilised by institutions dealing with those undergoing this stage. However, given the severe over-representation of BME groups in the criminal justice system (CJS), we are concerned that *A New Start* does not specifically contain recommendations to address this.

Runnymede was founded in 1968. In the past 40 years Runnymede has worked to provide research intelligence, influence policy, and build partnerships with others in order to promote a successful multiethnic Britain. Over those years Runnymede has responded to the political and social climate; adapting its style of work to meet the needs of the time. Our work has included groundbreaking research and policy engagement on the arrival of Ugandan Asian refugees in the UK in 1972, race relations legislation from the 1976 Act onwards, policing in the early 1980s, housing policy in the late 1980s, anti-Semitism and Islamophobia in the 1990s and, at the turn of the millennium, the far-sighted Commission on the Future of Multi-Ethnic Britain. Since 2000, our work has covered policy and practice in education, governance, European policy, social cohesion, new migrant communities, criminal justice, and youth engagement through the arts.

Our mandate is to respond to the latest challenges in race equality and race relations, new demographic trends, and the potential for new patterns of engagement with individuals, communities, civil society, and government.

Race plays a vital component in the probability that an individual will come into contact with the CJS, the manner in which they enter it and the way they experience it throughout the process. As the T2A recommendations acknowledge, young black men are 7 times as likely to be stopped and searched as their White counterparts, young Asians are twice as likely. However, the disparity does not stop here, but reverberates through every stage of the CJS. For example, the Ministry of Justice has reported that black people make up 15% of the current prison population, despite amounting to only 2.2 % of the national population. This level of disparity marks Britain's penal system as more unequal than that of the USA.¹ Furthermore, black people are 3.8 times more likely to be arrested than their white counterparts, despite the fact that black people are less likely to commit crime. Statistics released by the Home Office indicate that 42% of White people commit a crime in their lifetime, compared to only 28% of Black people.²

Disparities such as these clearly indicate severe social and moral shortcomings of the CJS where race is concerned, and warrant serious engagement by those trying to improve the penal system. This is not merely a moral point, however; there are also strong pragmatic reasons to look specifically at the effects of race and racism. Clearly, 'race' is a factor that affects 15% of the prison population above and beyond the criminogenic factors affecting the majority white prison population. If the aim is to divert vulnerable young adult people away from the CJS, it would be pivotal to explore how 'race' and racism influence young people's trajectories towards and into the CJS. The mean age of the BME population in Britain in 2007 was 27 compared to 40 for the White population. Therefore, BME groups represent a proportionately larger section of the young adult population that T2A aims to target, as well as a higher proportion of the young offender population (27% in 2008).³ It is clear to us that recommendations aimed at addressing the problems facing young adults in the criminal justice system must incorporate race as a key component.

We read the consultation document with great attention. Below, we focus on the recommendations where race is an important factor.

Recommendation one:

Efforts to remove young adults from the CJS as far as possible necessarily begin with the entry point of young adults to the system, i.e. contact with the police. As the T2A document acknowledges, young black men are 7 times as likely to be stopped and searched without suspicion (under legislation including prevention of terrorism) as young White men, and Asians are twice as likely. This represents an area where intervention could reduce the entry of a significant proportion of young adults into the system and an opportunity to ameliorate its negative effects on those who have entered. This disparity is mirrored at each stage of the Criminal Justice process. Black people were 3.8 times more likely to be arrested than their white counterparts in 2008, and once arrested they were proportionately less likely to be given a caution than their white counterparts (16% vs. 24% for whites). Custodial sentences are given to a greater proportion of black offenders (67%) and Asian offenders (57%) than their white counterparts (53%).⁴

Recommendation two:

Given the vast disparity between BME and particularly black youths and their white counter-parts within the CJS, any attempt to provide training for officers that does not address the specific issues and concerns of these communities regarding CJS in general and interaction with the police in particular is likely to be limited in effect. Often, the tension between BME youth and police is the direct consequence

¹ Ministry of Justice *Race Review 2008 – Implementing Race Equality in Prisons*, 2008

² Home Office *Minority Ethnic Groups and Crime: Findings from the Offending, Crime and Justice Survey 2003*, 2004

³ Ministry of Justice *Race Review 2008 – Implementing Race Equality in Prisons*, 2008

⁴ Ministry of Justice *Statistics on Race and the Criminal Justice System 2007/08*, 2009

of racial profiling. Many young black people feel both criminalised and victimised by the police on the basis of their race. Training of police officers would therefore have to include awareness of the cost of racial profiling.

Recommendation Three:

As the Race for Justice report *Less Equal than Others – ethnic minorities in the criminal justice system* indicates, there are over 3000 black non-governmental organisations in London alone.⁵ As BME groups are vastly overrepresented in the CJS, an audit which attempts to understand the issues affecting young adults in the system should make a special and specific effort to contact these groups; they offer a valuable resource of knowledge and understanding of the particular issues and attitudes that affect BME groups, both in wider society and in their progression through the CJS. In addition, the aim of including young adults aged 18-24 in the next round of National Indicators should be adjusted to take account off ethnicity.

Recommendation Four:

We endorse this recommendation. The demographic profile of the BME population in Britain is such that minority groups and in particular black communities tend to be proportionately younger than the rest of the population. As a consequence, such measures would be conducive to reducing the disparity within the CJS.

Recommendation Six:

For the reasons outlined above we would also support this recommendation.

Recommendation Seven:

We endorse this recommendation. However, given the great disparity between the BME and white prison population – particularly where young offenders are concerned – any attempt to reduce this population which does not take race into account is liable to be limited in its effectiveness. To give an example, the Ministry of Justice's 2008 Race Review stated that the by 2008 BME groups made up 27% of the young offender population. This represents an almost 10% increase over a decade, from the already vastly disproportionate 18% in 1998.⁶ By contrast, given this disparity, a focus on reducing the numbers of BME young adults – many of whom constitute some of the most vulnerable within the CJS due to wider social-exclusionary factors – represents a potentially effective measure to reduce the overall prison population while simultaneously addressing the racial disparity within it.

Recommendation Eight:

Specific attention should be given to the impact of race on substance misuse, both quantitatively and qualitatively, to establish whether there are any racial or cultural variables regarding these issues. Treatment programmes are more effective when they are appropriately targeted at the substances involved, therefore blanket attempt at providing support for substance misuse would fail to address the specific needs of BME groups. For example, Asian inmates are less likely to seek help with alcohol misuse than their black or white counterparts.⁷

Recommendation Fifteen:

Specific efforts should be made to evaluate the extent to which race impacts on the mental health needs of young adults. Members of BME groups suffering from mental health issues disproportionately enter the CJS when they should be treated by health care professionals.⁸ People from African

⁵ Race for Justice *Less Equal than Others – Ethnic Minorities in the criminal justice system*, 2008

⁶ Ministry of Justice *Race Review 2008 – Implementing Race Equality in Prisons*, 2008

⁷ The Home Office *Differential substance misuse treatment needs of women, ethnic minorities and young offenders in prison: prevalence of substance misuse and treatments needs*, 2003

⁸ Information available under: <http://www.blackmentalhealth.org.uk/>

Caribbean and African backgrounds are 44% more likely to be sectioned under the mental health act than the rest of the population, and they are 50% more likely to be referred to mental health treatment via the courts.⁹

Recommendation Eighteen:

We endorse this recommendation. Statistics from the Justice department indicate that drug offences amounted to just under 20% of all indictable offences committed by young people aged between 15 and 20 (inclusive).¹⁰ Statistics on the ethnic breakdown of these cases are not available. However, given the relative youthfulness of the BME population, as well their disproportionate representation in the CJS, measures to reduce the number of short-term inmates imprisoned for relatively minor offences, and to provide counselling for those struggling with drug misuse, will have a positive impact on the racial disparity within the CJS.

Recommendation Nineteen:

We endorse this recommendation, particularly if it took into account different patterns of substance misuse among young people in Britain today. Of equal importance, the lack of BME counsellors can act as a deterrent to BME inmates, who often feel that they would be the only person of their background attending drug rehabilitation sessions and that they would consequently struggle to make themselves and their experiences understood.¹¹

Thank you for considering our response and the concerns and issues we highlight. We look forward to learning the result of the consultation process and the next steps the Transition to Adulthood Association intends to take on the National DNA Database.

If you would like to discuss any aspect of this response, please contact Rob Berkeley (Director) at the Runnymede Trust, 7 Plough Yard, Shoreditch, London EC2A 3LP Tel: 020 7377 9222.

Further information about the Runnymede Trust can be found on our website: www.runnymedetrust.org

⁹ The Guardian *The Scandal of 'Criminalising' Black Mental Health Patients*, 2008

¹⁰ Ministry of Justice *Criminal Statistics England and Wales 2007, 2008*

¹¹ The Home Office *Differential substance misuse treatment needs of women, ethnic minorities and young offenders in prison: prevalence of substance misuse and treatments needs*, 2003