

Community empowerment approaches

The key to overcoming institutionalised racism in work with black, Asian and minority ethnic (BAME) people in contact with the criminal justice system



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Cover photo

An outdoor activity day for young adults, organised by Clinks members 1625 Independent People, Bristol
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Community empowerment approaches are the key to overcoming institutionalised racism in work with black, Asian and minority ethnic (BAME) people in contact with the criminal justice system

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Introduction¹

In light of the growing rates of racial disparity in the criminal justice system of England and Wales (CJS), it is inconceivable to discuss criminal justice interventions without reference to the dearth of interventions that acknowledge the personal, social and crime-causative needs of black, mixed, Asian and other minority ethnic people who encounter the CJS. Today minority ethnic people make up 28% of the prison population whilst comprising approximately 13% of the general population of England and Wales. Black, mixed, Asian and other minority ethnic (BAME) people are now ten times more likely to be stopped and searched than their white counterparts (Ministry of Justice, 2019). Remarkably, younger minority ethnic people make up 53% of those remanded in custody and comprise an astounding 51% of all children and young people who are confined in Young Offender Institutions (YOIs).

For Shiner et al (2018) 'ethnic disparities introduced earlier in the [criminal justice] process are perpetuated by sentencing decisions in court, producing outcomes that are startlingly unequal'. To illustrate this, whilst there has been a reduction in the use of police stop and search, such trends have not been realised for minority groups. Between 2014/15 and 2018/19 whilst there was a reduction in the numbers of white young people who were stopped and searched from 75% to 59%, this reduction was accompanied by an increase from 13% to 22% for young black people and 8% to 13% for young Asian people.

Whilst it may be simple to read ethnic disparity as a problem of the criminal justice system, this would be incorrect. Criminalisation and criminal regulation is but one illustration of the multi-dimensionality of social inequalities experienced and endured by minority groups across England and Wales. In 2016, the Equality and Human Rights Commission reported that minority ethnic children are more likely to live in poverty and are increasingly likely to live in overcrowded households. Further, black children and those of mixed white/black Caribbean parentage are more likely to be excluded from mainstream education. In the field of employment, between the years 2010 and 2015, the rate of long-term unemployment for young white people decreased by 2% and yet during the same time-period, unemployment increased for young black people by 49%.

Cumulatively, being born into a web of interacting disadvantages is likely to limit the opportunities available to minority groups and communities accompanied by the quantifiable presence of policing and surveillance apparatus within black and brown communities (Williams and Durrance 2018).

¹ This paper draws extensively on previous research and evaluation work outlined within the following book chapter. Williams, P. and Durrance, P. 'Resisting effective approaches for BAME offenders: The triumph of inertia' in P. Ugwu-dike, P. Raynor and J. Annison (eds) (2018) Evidence based skills in Criminal Justice: International perspectives on Effective Practice. Bristol: Policy press.



Resisting effective approaches for black, Asian, mixed and other minority people: the triumph of inertia

Despite the perennial concerns of politicians and well-intentioned calls to reduce ethnic disparity within the CJS, it is disconcerting that there are no clear strategies to reverse the trends and concomitant harms experienced as a result of differential treatment by the agencies and practitioners of the CJS. Of relevance to this paper, the fact that today there are no (n=0) official accredited programmes designed to respond to the personal, emotional and socio-economic needs of minority ethnic people who encounter the CJS reaffirms a blatant disregard for their rights and the disdain with which minority ethnic communities are viewed.

The absence of effective rehabilitative interventions for minority groups reveals the dominance of 'risk talk' and racialised criminalisation, which drives ethnic disparity in the CJS. Presented as a central component of the Effective Practice Initiative of the late 1990s, the ascendancy and organisational preoccupation with *risk* (Garland 2001) has triumphed to the detriment and neglect of (crime-causative) needs resolution and creative strategies of *responsivity* (HMIP 1997). It is not inconsequential then that in 2018/19 'two-thirds (67%) of children and young people who were arrested in London were from a minority ethnic group, compared with 21% for the rest of England and Wales' (Ministry of Justice 2019: 3) and that approximately 90% of people registered to the Metropolitan Police Violent Gangs Matrix are from minority ethnic groups. The enhanced police powers granted by the Home Office (2019) in order to arrest violent crime and specifically knife crime were concentrated in socially marginalised black and brown communities. The legal doctrine of joint enterprise, a brutal form of collective punishment, is disproportionately used within the prosecution of young black and mixed race children and young people resulting in untold numbers serving lengthy custodial sentences for offences that they did not commit. The significant reduction in the numbers of young people being drawn into the youth justice system has not been realised for minority ethnic children and young people. Finally, that minority ethnic people are more likely to be subject to supervision by the (high-very high risk) National Probation Service, rather than Community Rehabilitation Companies (even where they are assessed as low-risk) confirms the attribution of riskiness to minority ethnic people. Black and brown people are today (and have always been) 'viewed with suspicion' with evermore non-criminal behaviours becoming subject to scrutiny, surveillance and criminalisation, driving up their encounters with the police and the agencies of the CJS and in turn, ethnic disparity.²

² See the recent move towards the development of social media databases where the Metropolitan Police have compiled a database of over 1400 'Grime' and 'Drill' music videos.

Principles to govern minority ethnic interventions³

Empowerment approaches acknowledge that racialised criminalisation – that is the propensity to view the (non-criminal) behaviours and cultures of minority ethnic people and communities as risky – is in and of itself criminogenic (Powis & Walmsley 2002). The adoption of empowerment approaches serves to respond to the intersections between cultural identity, structural inequality and racialised discrimination. Participants are encouraged to explore how they see themselves both within the context of the family and the wider society they come from. Such explorations are a precursor to addressing questions around what sort of person they would like to be and how they might move forward within the constraints of the society within which they live (Wright and Williams 2015: 16).

Such approaches focus attention upon our biographies and backgrounds, heritage, culture and significantly, fostering a commitment to community, focusing upon the we rather than the I. Developed alongside a recognition of the significant pro-social accomplishments and contributions of minority ethnic people, such approaches serve to motivate the individual and build confidence in a belief of change. Intrinsic to this endeavour, empowerment works to challenge and contradict popular racialised stereotypes and affirm to the individual and group their rightful place within society as citizens. In meeting such critical aims, empowerment approaches build upon a number of common principles developed below.

Acknowledging racialisation and racism(s)

Racialisation and racism(s) drive social and criminal injustice. By acknowledging its existence, participants can commence the important work of exploring their knowledge of self. Currently, few statutory (groupwork or one-to-one) interventions take into account ethnic and cultural identities or the impact of negatively racialised identity and how this influences our self-concept and the group identity of minority people and communities (Howarth 2002). Such approaches then accompany the individual on a journey of self-exploration which locates the self within the context of their social environment without making assumptions about which specific factors will be most relevant for any particular individual. This recognises that, whilst minority ethnic people may have some shared common experiences, they are a heterogeneous group. Interventions then should acknowledge the social structures within which offending behaviour occurs alongside the interplay of racism(s) and discrimination in the everyday experiences of the individual.

³ The following principles are taken from a number of programmes of interventions that were designed specifically to respond to the needs of minority ethnic people and groups who encounter agencies of the criminal justice system. Namely, Black Offender Programme delivered in Greater Manchester in 1998. The Camberwell Project delivered in Inner London Area 1998. Black Offender Programme delivered by West Midlands Probation Areas in 2000. The Yes You Can programme delivered by Greater Manchester Intensive Alternative to Custody (IAC) provision in 2013. The ReConnect Project delivered by Partners of Prisoners (POPS) in 2018. The 4WARD programme, delivered by 4Front Project 2019/20 <https://www.4frontproject.org>. Hero's Journey Black Perspective (HJBP) delivered by Spark Inside <https://www.sparkinside.org>. For a fuller discussion of the above principles see Durrance and Williams (2003) *Broadening the agenda around What Works for Black and Asian offenders*. Probation Journal, 50(3): 211-224. Lewis, S. (eds) (2006) *Race and Probation*. Cullumpton: Willan. Williams and Durrance (2018) *Resisting effective approaches for BAME offenders in England and Wales: the triumph of Inertia in Ugwu-dike*, P et al (2018) *Evidence-based Skills in Criminal Justice: International Research on supporting Rehabilitation and Desistance*. Bristol. Policy Press. Wortley, S. and Owusu-Bempah, A. (2013) *The African Canadian Legal Clinic's Youth Justice Education Program: Interim Evaluation Report*. Toronto: University of Toronto.



Examining the self within the context of contemporary social circumstances helps an individual consider not only the impact of racialisation upon their ability to access social goods, such as employment and educational opportunities, but also its potential for building negative conceptions of self. The predominance of individualised explanations for offending behaviour conceals the role racism(s) can play in processes of criminalisation leading to the unhelpful prioritisation of offender management concerns around poor socialisation, cognitive deficits and thinking skills, instead of exploring the lived experiences of the individual within the structural constraints imposed by their socio-economic circumstance.

Responding to need, not risk

Current risk-based interventions concentrate on the past and deficits. Consequently, such risk models tend to be inherently negative. They imply that the individual is either not prepared to change or does not have the capacity for change: neither is an engaging message or a facilitator of change (Maruna 2001). More worryingly, prioritising the control and management of risk is likely to work against (re)settlement and (re) integration as measures such as curfews, exclusion orders, surveillance and monitoring restrict further already limited opportunities. Paradoxically these short-term control measures may actually increase long-term risk as individuals are excluded from the very community assets and resources that may facilitate improvement on the basis that their past behaviour makes them too risky (Williams 2015).

Integral to empowerment then is assessing existing skills and abilities and (re)defining others which may need to be developed. For example, people subject to empowerment approaches may be asked to consider how skills used for criminality might be utilised to achieve pro social aims. The process of reframing experience works at a number of levels. Practically, it looks at how skills can be used differently but, in parallel, it can also contribute to building self-confidence and to foster changes in self-image as people begin to see the possibilities for becoming a different sort of person.

Need-based approaches enable the allocation of resources to (re)build assets and, more importantly, to tackle the socio-economic hardship and realities experienced by many criminalised minority groups. This process is inevitably person-centred as strengths and needs will be specific to the individual in the same way as were factors precipitating offending (Williams and Durrance 2018) as to suggest that the needs of all minority ethnic people who encounter the CJS are the same arguably constitutes another form of oppression. Finally, it is important to note that a concentration on needs does not ignore the issue of risk, as some of the needs identified during this process may involve helping the individual to avoid situations which may pose harm(s) to themselves and/or others.



Results by payment 'payment-by-results'!

An innovative principle for some of the interventions studied involved the payment of participants as part of their engagement with the intervention. Whilst 'paying offenders to change' will always be met with concern, such an approach constitutes, on one level, an attempt to move individuals on from a pre-contemplative state that many find themselves in when faced with the hardships of poverty, social inequality and differential treatment within the CJS (Prochaska and Di Clemente, 1982, Wortley and Owusu-Bempah 2013). Moreover, having an income, maybe for the first time, has many practical benefits in that it removes pressing worries around accommodation and subsistence. Paying people to change lays the foundations for developing financial literacy, which can be difficult for people who have never had a legitimate income. Participants on such interventions are required to open bank accounts, keep and manage budgets and regularly discuss expenditure. Again the impact of the intervention is multi-layered – it develops skills, helps people develop the self-discipline necessary to hold down paid employment and signals a fundamental change of identity; the person is now an 'employee' (Wortley and Owusu-Bempah 2013) or 'member' (The 4WARD Project) with all the rights and responsibilities that entails. Whilst we acknowledge the potential criticisms of paying offenders to change, there already exist examples of such practices within the UK context and specifically the use of 'personalisation' where financial budgets and resources are made available to facilitate the development of bespoke interventions for people subject to community disposals and interventions (Fox et al 2014). A similar approach, known as contingency management, has found to be effective in encouraging people with drug and alcohol problems to engage in treatment (European Monitoring Centre for Drugs and Drug Addiction 2016).

Delivery by non-statutory agencies

Based upon the racialising tendencies and the presumptions of criminality inherent within agencies of the CJS outlined above, it is impractical for interventions based upon empowerment and the above principles to be delivered by statutory criminal justice agencies. Firstly, the centrality of risk precludes an engagement with the diverse needs of minority groups and individuals. More importantly, minority ethnic people are not a homogenous group and as such, it would be unrealistic to expect statutory-sector practitioners to have the knowledge and understanding needed to help move people on from offending behaviour.

In order to circumvent these difficulties, such principles advocate the use of non-statutory, community-based organisations and charities to deliver interventions for minority ethnic groups. The value of person-centred, community based projects and those which recognise the importance of identity and family is well established (Carrington & Denney 1981; Ahmed 1998; Maslaha). Given the need to respond to racial injustice and to rehabilitate individuals and communities within the society, the best way of ensuring that personal, emotional and socio-economic needs are provided for is to use pre-existing community and social groups. Intrinsic here is the question



of the responsive relationship between non-statutory practitioners and individuals who are subject to criminal justice sanctions. From our research, the success of empowerment approaches was driven by relationships marked by mutuality, authenticity and credibility – this being a grounded understanding and appreciation of racial injustice and the dissonance endured by those who reside within (social and economic) marginalised conditions.

The community is the primary provider of a pool of expertise and a resource for support and reintegration, rather than seeing it (as control agencies continue to do) as a culturally crime-causative aspect of the 'crime' problem. Within this approach then, religion is seen as a potential way out of offending, rather than being viewed as a factor potentially driving it. Such an approach reinforces the concept of rehabilitation as a two-way process the individual needs to (re)join a 'community' ready and prepared to accept them (Durrance and Williams 2018).

Conclusion

Whether implicit, conscious or unconscious, practitioner bias has a material impact upon the experiences of minority ethnic people within the CJS. For David Lammy MP, the call to either 'explain or reform' should have marked the start to dismantle the factors which drive differential treatment and racial disparity. Unfortunately, the National Probation Service and Community Rehabilitation Companies are demonstrably constrained in attempts to deliver services that acknowledge the inequality that persists within the CJS. Related to this, to think of Stephen Lawrence, Sarah Reed, Rashan Charles and the multiple victims of the Windrush and Grenfell scandals, then undoubtedly there is a mistrust of the CJS for minority ethnic groups and communities. Responding to this mistrust demands interventions which can appreciably reduce the now obscene levels of racial disparity. With this in mind, the principles discussed above should not be read as being specific only to minority ethnic people, but hold true for all people who encounter the justice system of England and Wales. At its heart is the traditional probation value and belief in the capacity of the individual to change.

In order to usher in interventions that address the multi-dimensionality of personal, social and crime-causative needs, there is perhaps a more pressing need for the probation service and Community Rehabilitation Companies across England and Wales to shift from their pre-contemplative state and embrace change to ensure the implementation of approaches that empower individuals away from the CJS.



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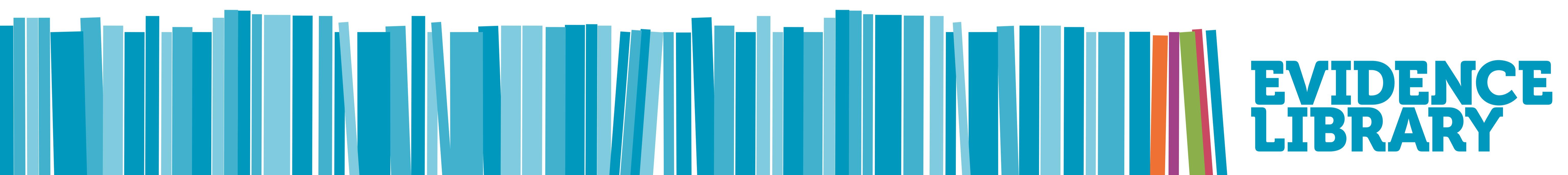
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- 1 To increase the extent to which the voluntary sector bases its services on the available evidence base
- 2 To encourage commissioners to award contracts to organisations delivering an evidence-based approach.

Each article has been written by a leading academic with particular expertise on the topic in question. The topics are selected by Clinks' members as areas of priority interest. Clinks intends to build a comprehensive directory of the best evidence available across a wide range of criminal justice topics within the next three years (2020-2023). The online evidence base is co-ordinated by Russell Webster on behalf of Clinks.

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