

Dr Tony Sewell CBE
Commission on Race and Ethnic Disparities
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Dear Dr Tony Sewell CBE

I am writing in response to the Commission on Race and Ethnic Disparities' recent call for evidence on ethnic disparities and inequality in the UK. Clinks is the national infrastructure charity for voluntary organisations working in the criminal justice system in England and Wales. We have over 500 members, from the largest service providers to the smallest charities, and our network reaches 4,000 voluntary sector contacts across England and Wales.

Our interest in and knowledge of these issues stems from our close and ongoing engagement with the voluntary sector working in criminal justice, particularly black, Asian and minority ethnic (BAME¹)-led organisations, as well as our work leading the Young Review on outcomes for young black and Muslim men. We also supported the voluntary sector to engage with the development and implementation of the Lammy Review.

We fully support the response submitted to this call for evidence by EQUAL, of which we are a member of the Independent Advisory Group. We urge the Commission to take careful consideration of this full and considered response.

In addition to our support for EQUAL's submission to the call for evidence we are writing to draw particular attention to some key points in relation to question nine and question ten which are most pertinent to Clinks' knowledge and expertise.

We are concerned about the focus and wording of question nine '*What do you consider to be the main causes of the disparities in crime between people in different racial and ethnic groups, and why?*'. It is right that the Commission should explore as a priority the overrepresentation of certain groups in the criminal justice system. This question however is unlikely to solicit the information that would enable the Commission to do so effectively.

At the root of this question is a damaging and problematic assumption that there are indeed disparities in the levels of crime committed by different racial and ethnic groups, rather than the likelihood that recorded disparities themselves stem from the racist targeting and treatment of BAME people across the criminal justice system.

¹ We acknowledge that the term BAME can be problematic as it refers to a group of people who are far from homogenous. The intersection of race, ethnicity, faith, and culture makes social identities multi-faceted and shifting: the experiences of individuals within these groups will vary. Wherever possible, we seek to be specific when describing groups of people but at times use the term BAME – albeit reluctantly – to describe inequality and discrimination across groups when necessary.

Discriminatory treatment of people from BAME backgrounds increases the likelihood that BAME people enter and escalate through the criminal justice system, for instance:

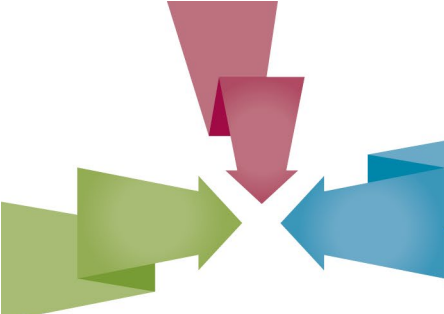
- The Lammy Review highlighted that ‘those from BAME groups were three times as likely to be stopped and searched as those who are White. In particular, those who are Black were over six times more likely to be stopped.’
- Data indicates that people from Gypsy, Roma and Traveller (GRT) communities are subject to a disproportionate use of stop and search powers and Anti-Social Behaviour Orders.
- The approach to policing ‘gangs’ is racialised and defines young black people as a risk. As of October 2017, more than three quarters (78%) of the Gang Matrix – the Metropolitan Police database of suspected gang members – were black, whilst the Metropolitan police’s own statistics said that only 27% of those responsible for serious youth violence were black.
- Black people are more likely to receive cautions and convictions, be remanded in custody, sentenced to prison and be given longer sentences than non-black peers.
- Studies have also shown that Travellers are less likely to receive bail and more likely to receive custodial sentences. This is often attributed to an institutionalised perception of GRT people as higher risk than non-GRT white people.
- Mandatory custodial sentencing aimed at deterring knife crime and the Home Office’s implementation of Knife Crime Prevention Orders (civil orders that carry the risk of imprisonment), are likely to be disproportionately used against young black people and draws them further into the justice system.

The Commission should therefore focus its attention on how policing and the policies and practice of the criminal justice system lead to disparities, and as recommended by David Lammy, where disparities exist they must be explained or reformed. For example, we support the Justice Committee’s recent recommendation that the Ministry of Justice (MoJ) conducts detailed research into why BAME communities are so disproportionately represented throughout the justice system, what action is being taken and what resources have been allocated to address this.

In relation to question ten ‘*can you suggest other ways in which racial and ethnic disparities in the UK could be addressed? In particular, is there evidence of where specific initiatives or interventions have resulted in positive outcomes? Are there any measures which have been counterproductive and why?*’ we wish to highlight a number of key issues.

Tackling overrepresentation of, and discrimination against, BAME people in the criminal justice system is a cross-government responsibility. The MoJ has significant responsibilities, but its ability to address disproportionality is also affected by the policies of other government departments, particularly the Home Office.

A consistent cross-government strategy is required to tackle racial inequality in the criminal justice system and reduce criminalisation of young black people, Muslim people and Gypsy, Roma and Traveller people. This strategy must recognise how structural racism across society effects the implementation of policies and impacts BAME people specifically, increasing the risk of them coming into contact with the criminal justice system. We also support EQUAL’s recommendation that this Commission should support the implementation of any previous recommendations made in the numerous and various reports regarding the criminal justice system and policing.

A decorative graphic in the top left corner consisting of several overlapping arrows pointing towards the center. There are two green arrows pointing right, two red arrows pointing down, and one blue arrow pointing left. The background of the top right of the page is a blue triangle pointing towards the top right corner.

From our role in supporting voluntary organisations working in the criminal justice system, we have a deep understanding of both the extraordinary difference specialist BAME-led and specialist voluntary organisations can make in this work and yet the severe challenges they face. BAME-led organisations, which are rooted in the communities they serve, offer tailored support to BAME individuals in the criminal justice system. These organisations are able to positively recognise and reaffirm people’s cultural identities in a way that aids desistance from crime, and also to recognise and address experiences of discrimination, which if ignored, can be a significant obstacle to desistance.

Our data on the sector shows that these grassroots initiatives have however been particularly affected by recent cuts in public spending and rapid changes to the local policy and commissioning environment, which has only been exacerbated by the challenges of Covid-19. Long term, sustainable and consistent support and resource is needed to address this.

Finally, I would like to offer the support of Clinks to facilitate the engagement of the voluntary sector working in criminal justice in the work of the Commission. I would be happy to discuss with you and your team the most effective way for this to take place.

Yours sincerely,

A handwritten signature in black ink that reads 'J. S. Mullen'. The signature is written in a cursive style and is set against a light grey rectangular background.

Jessica Mullen, Director of Influence and Communications