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House of Commons
Home Affairs Committee

Young Black People and the Criminal Justice System

Second Report of Session 2006–07

Volume I

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Home Affairs Committee

Young Black People and the Criminal Justice System

Second Report of Session 2006–07

Volume I

Report, together with formal minutes

*Ordered by The House of Commons
to be printed 22 May 2007*

The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies; and the administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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The following Members were also members of the Committee during the inquiry:

Nick Harvey (*Liberal Democrat, North Devon*)
Steve McCabe (*Labour, Birmingham, Hall Green*)
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Committee staff

The current staff of the Committee are Dr Robin James (Clerk), Miss Jenny McCullough (Second Clerk), Elisabeth Bates (Committee Specialist), Martha Goyder (Committee Specialist), Mr Tony Catinella (Committee Assistant), Ms Jenny Nelson (Secretary), Alison Forrester (Senior Office Clerk) and Ms Jessica Bridges-Palmer (Select Committee Media Officer).

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Contents

Report	<i>Page</i>
Summary	5
Introduction	7
1 Nature and extent of young black people's overrepresentation	10
Young black people's overrepresentation must be kept in context	10
Statistics on overrepresentation are contradictory and disputed	11
Young black people are disproportionately likely to be arrested, remanded in custody, convicted and imprisoned	12
Young black people are more likely to be victims of violent crime	15
Young black people are overrepresented as suspects for certain crimes	17
More young black people are convicted of robbery offences	17
Young black people are overrepresented for drugs offences	18
Firearms crime was a concern in many of the communities we spoke to	19
Involvement in youth affiliations which commit crime is a particular issue	21
Most problems relate to young men, but young women are a growing concern	22
Patterns of overrepresentation vary considerably within ethnic groups	24
Data gaps in key areas preclude a clear picture of overrepresentation	25
Some respondents were concerned about media distortion of young black people's involvement in the criminal justice system	26
The Committee's research showed most members of the public reject stereotyping as regards young black people's involvement in crime	27
Conclusion—the nature and extent of overrepresentation	28
2 The causes of overrepresentation	29
Social exclusion is the primary cause of overrepresentation	29
Young black people are disproportionately subject to socio-economic disadvantage	29
Educational underachievement is a symptom and cause of disadvantage	32
Educational underachievement and disaffection is accompanied by high levels of school exclusion among black young people	33
Deprivation and underachievement mean young black people lack positive role models to which to aspire	35
Other issues within black communities compound disadvantage	36
Family and parenting factors contribute to overrepresentation	36
Young black people's distinctive reaction to disadvantage also causes involvement in crime	40
Criminal Justice System factors play a direct and indirect role in promoting overrepresentation	44
Young black people who have offended are more likely to come into contact with the system	44
In some instances, discrimination contributes directly to overrepresentation	45

The perception, as well as the reality, of discrimination promotes involvement with the criminal justice system	50
Conclusion—the causes of overrepresentation	53

3 Solutions to overrepresentation **54**

Government policy and delivery must improve to meet the challenge of reducing overrepresentation	55
Government action to date has made little impact on overrepresentation	55
A coherent strategy to address overrepresentation is needed	57
Government must ensure strategies to tackle social exclusion address the needs of all ethnic groups	58
There is scope for more, focused support for positive adult influences both inside and outside the home	59
Parenting interventions must be assessed to ensure they are accessible and relevant to black communities	59
Mentoring can play a crucial role in lifting young black people's aspirations	59
Government should recognise and reinforce schools' central role in reducing overrepresentation	60
A more tailored and joined-up response is required from statutory services at local level	63
Government must ensure drug treatment is meeting the needs of all young people	63
There is scope for improvement in the allocation of housing to vulnerable young people of all ethnicities	64
Improvements to youth facilities and activities in deprived areas will be an important part of any strategy to reduce overrepresentation	64
Successful preventative and gang exit schemes at local level are the best means of combating the influence of negative youth affiliations	65
Voluntary organisations have a vital role to play in reducing overrepresentation	66
Faith-based groups have a valuable role to play	67
Statutory providers must become better partners for the voluntary sector	68
Voluntary groups could achieve more with longer-term funding	68
Robust and realistic evaluation of voluntary sector initiatives is needed	69
Broadcasters and producers have a responsibility to tackle public concern about violent and criminal content	70
All CJS agencies must work together to reduce overrepresentation	71
The Youth Justice Board's approach requires greater urgency	71
Government must urgently fill gaps in ethnic data and monitoring	72
Further measures are needed to address shortcomings in the application of stop and search powers and to improve the nature of the encounter	73
More opportunities for interaction and communication between police and young people could help overcome tensions	74
More radical measures may be required to increase ethnic minority representation amongst Criminal Justice System staff	74
Greater continuity is needed between the youth and adult justice systems	75
CJS interventions must be prompt in order to be relevant	76
Reducing victimisation and fear of crime among black communities should be a key goal of Government's strategy	76

Rehabilitation interventions must be appropriate to the needs of all ethnicities	76
Research is needed to determine the implications of so many black males being present on the National DNA Database	77
Additional action may be necessary in respect of mixed race groups	77
4 Conclusion	78
Conclusions and recommendations	79
Annex: Recommendations relating to data and research on young black people's overrepresentation in the criminal justice system	91
Formal minutes	94
List of witnesses	95
List of written evidence	96
List of unprinted written evidence	97
Reports from the Home Affairs Committee	98

Summary

It is important to place young black people's overrepresentation in perspective: in 84.7% of offences in 2004–05 involving young offenders aged 10–17, the young people involved classified their ethnicity as white. In 2003–04, 92% of black young people aged 10–17 were not subject to disposals in the youth justice system. However, statistics show that young black people are overrepresented at all stages of the criminal justice system. Black people constitute 2.7% of the population aged 10–17, but represent 8.5% of those of that age group arrested in England and Wales. As a group, they are more likely to be stopped and searched by the police, less likely to be given unconditional bail and more likely to be remanded in custody than white young offenders. Young black people and those of 'mixed' ethnicity are likely to receive more punitive sentences than young white people.

Data gaps prevent us from building a comprehensive picture of young black people's overrepresentation in the criminal justice system. However, the evidence we received suggests young black people are overrepresented as suspects for certain crimes such as robbery, drugs offences and—in some areas—firearms offences. Young black people are also more likely to be victims of violent crimes. There are variations in the overrepresentation of different groups within the 'black' category, and between females and males. We can say with greater certainty that the patterns of offending vary between different ethnic groups than that the level of offending varies significantly.

Some of our witnesses were concerned that the media distorts perceptions of young black people's involvement in crime. Research commissioned by this Committee contradicted this view, indicating that most members of the public reject stereotyping as regards young black people's involvement in crime.

Social exclusion is a key underlying cause of overrepresentation. Eighty per cent of Black African and Black Caribbean communities live in Neighbourhood Renewal Fund areas. Deprivation directly fuels involvement in some types of offence—such as acquisitive crime—and also has an important impact on educational achievement and the profile of the neighbourhood young people will live in. The level of school exclusions appears to be directly related to educational underachievement and both are linked to involvement in the criminal justice system.

Witnesses also emphasised factors within black communities which help exacerbate disadvantage and fuel involvement in the criminal justice system. They drew attention to a lack of father involvement and to other parenting issues. In the perceived absence of alternative routes to success, some young people also actively choose to emulate negative and violent lifestyles popularised in music and film.

Criminal justice system factors play an important role in promoting overrepresentation. There is some evidence to support allegations of direct or indirect discrimination in policing and the youth justice system. However, the perception as well as the reality of discrimination has an impact. Lack of confidence in the criminal justice system may mean some young black people take the law into their own hands or carry weapons in an attempt to distribute justice and ensure their own personal safety.

A coherent strategy to address the overrepresentation of young black people in the criminal justice system is needed to draw together departments' responses and set challenging goals to reduce overrepresentation. Within this strategy, further action is needed to address the causes of crime among young black people—entrenched poverty, educational underachievement, school exclusions, family conflict and breakdown and lack of positive role models. Some of this support will be aimed at all young black people and some should target specific at-risk groups, such as prison leavers. Finally, further action is needed to address both the realities and perceptions of criminal justice system discrimination and ensure the system meets young black peoples' needs

Introduction

1. In March 2006, we announced our intention to inquire into the relationship between young black people and the criminal justice system, focusing on the reasons for young black people's overrepresentation in the system. This issue was last considered by a select committee in 1976 and by Lord Scarman in 1981. This inquiry is therefore the first sustained inquiry into the overrepresentation of young black people in the criminal justice system in more than a quarter of a century.

2. Young black people represent fewer than 3% of all 10–17 year olds but constitute 6% of those within the youth justice system—a figure which has remained constant for the past five years.¹ The causes of this overrepresentation, however, remain highly contested—as witnessed by the debate following the Prime Minister's comments that the recent spate of murders in black communities were being caused by a “distinctive black culture.”² There is fundamental disagreement over the extent to which figures result from discrimination in the criminal justice system, or reflect patterns of offending among young black people. Beyond that, there is no consensus on the extent to which any distinctive offending trends reflect socio-economic disadvantage, or other factors affecting this group.

3. Our aim was to go beyond the statistics and establish whether patterns of criminal behaviour among young black people differ in any significant way from patterns of crime amongst other young people—and whether any significant policies are required to tackle this. The inquiry aimed to establish the full range of possible causes of young black people's overrepresentation in the system.³ We were also keen to understand the nature and extent of overrepresentation of young black people as victims of some crimes.

4. The Committee did not specify an age-range or attempt to define ‘young’, as it was keen to be led by the facts rather than prescribing categories. We stated that our focus would be on young people with a cultural background associated with the Census category ‘Black or Black British’, the categorisation used by the Youth Justice Board.

5. We were acutely aware of the sensitivities in undertaking such an inquiry. The vast majority of young black people are not represented in the criminal justice system. Statistics show, for example, that 85% of young arrestees are white, 6% are black and 3% are Asian.⁴ Yet concern has been expressed that black people's involvement in crime can be exaggerated or distorted by the media.⁵ We were alert to the possibility that focusing on young black people could reinforce stereotypes about their involvement in crime. To accept the statistics at face value would risk accepting and perpetuating the explanations for the high numbers of young black people in the system put forward by other sources, such as the media. However, to accept or ignore overrepresentation would be to disregard an issue of vital, and growing, significance, for black communities.

1 Ev 376

2 ‘Blair blames spate of murders on black culture’, *The Guardian*, 12 April 2007

3 ‘Committee announces inquiry into young black people and the criminal justice system’, Home Affairs Committee Press Notice, Session 2005–06, www.parliament.uk

4 Home Office, *Statistics on Race and the Criminal Justice System—2005*, July 2006, p 77

5 Ev 211

6. Recent incidents have thrust violence perpetrated on and by black young people onto the public agenda. In 2000, Damilola Taylor bled to death on a stairwell in Peckham after being stabbed in the leg by a teenager, a killing which a Metropolitan Police Commander said had “sent shockwaves through London and beyond”.⁶ In 2003, the gunning down of Letisha Shakespeare and Charlene Ellis in Birmingham focused attention on gang feuds. In 2005, the shooting dead of a young black mother at a christening party by a gang of teenage armed robbers in a community centre in Peckham again captured the headlines. In January 2006 the spotlight turned on the death of a white lawyer, Thomas Ap Rhys Price, at the hands of two violent young men, part of a gang who had carried out a 7 month robbery spree. The same year saw the shooting of Jesse James in Moss Side in Manchester, apparently an innocent victim of gang violence. In February 2007, three black teenagers were shot and killed in 11 days in south London. The following month, as this report was being written, two black schoolboys were stabbed to death in London in the space of six days.

7. Black commentators have consistently underlined the unacceptable extent of young black people’s involvement with the criminal justice system as both victims and suspects. Lee Jasper, the Director of Equalities and Policing at the Greater London Authority, has described gun crime as “the biggest threat to the black community since its arrival here.”⁷ Two years ago the Chair of the Commission for Racial Equality, Trevor Philips, warned that there were twice as many black boys in prison as in university.⁸

8. The oral and written submissions we received confounded the suggestion of the Centre for Crime and Justice Studies at King’s College, London that the Committee was taking a “controversial and contested stance”.⁹ Reverend Nims Obunge, Chief Executive of the Peace Alliance, an organisation working to combat crime and violence among communities in London, said his reaction to the inquiry was:

“About time. My gut feeling was ‘about time’ and the feeling that it has been overlooked, undermined, underplayed and has not been given the effective attention it needs. I suppose in local communities it is more obvious. The dream had been that the centre would pick it up and do something with it.”¹⁰

9. Reverend Les Isaacs, founder of the ‘Street Pastors’ initiative, told us:

“There is always discussion about how many of our young, particularly boys/men, are in jail. There is also discussion about the issues of why it is that our young boys, in particular, find it very easy to find themselves involved within the gang culture and the crime culture. These discussions are never far from the table.”¹¹

6 ‘Brothers Guilty of Damilola Death’, *The Guardian*, 9 August 2006

7 ‘Gun crime ‘threat’ to UK minorities’, *BBC News Online*, 17 May 2003, news.bbc.co.uk

8 ‘We must tackle failure of black boys’, *The Guardian*, 31 May 2005

9 Ev 221

10 Q 62

11 Q 66

10. Many other witnesses expressed weariness at constantly discussing the causes of young black people's overrepresentation, and a desire to start implementing solutions.¹²

11. We believed our inquiry could best add value by talking at first hand with agencies and organisations working with young black people on the ground, and young people themselves. We were keen to involve individuals and groups who might not normally consider contributing to select committee inquiries. To do this, we:

- a) Visited youth projects and local criminal justice agencies in Southwark, Bristol, Nottingham and Leeds to speak to young people and practitioners at first hand;
- b) Consulted focus groups of black inmates at Feltham Young Offenders Institution;
- c) Took oral evidence from witnesses including clients of a gang exit programme in Lambeth and a youth inclusion project from Nottingham, and representatives of the music industry and community groups seeking to combat violence. A full list of oral evidence witnesses is annexed;
- d) Commissioned focus group research to understand public perceptions of young black people's involvement in the criminal justice system in a number of cities nationwide,¹³ and
- e) Considered 71 written submissions from government and public bodies, private companies, not for profit organisations and individuals.

12. We would like to extend our thanks to our specialist advisers Dr Marian FitzGerald and Professor Ben Bowling, who gave a great deal of their time and provided invaluable advice, information and guidance throughout the inquiry. We are also extremely grateful to all the organisations and individuals who gave their time in hosting visits, coming to speak to us in person or supplying us with written evidence. Special thanks go to the Young Positive Advocates, the youth arm of the Metropolitan Black Police Association, for their thought-provoking DVD on relations between young black people and the criminal justice system.

12 Q 359

13 See para 86 below.

1 Nature and extent of young black people's overrepresentation

Young black people's overrepresentation must be kept in context

13. Statistics show that young black people are overrepresented at every stage of the criminal justice system. However, it is important to place this in perspective. In 84.7% of offences in 2004–05 involving young offenders aged 10–17, the young people involved classified their ethnicity as white.¹⁴ Over 92% of young black people in the year 2003–04 were not subject to disposals in the youth justice system.¹⁵ Robbery offences, for which young black people are particularly overrepresented, nonetheless constitute only 1.8% of juvenile offending. Robbery offences committed by black young people represent less than 0.5% of all offences overall.¹⁶

14. Patterns of offending which are commonly attributed to black groups are found among young people from other ethnicities. In the words of Deputy Assistant Commissioner Cressida Dick of the Metropolitan Police, “much of what you will say about young black people in the criminal justice system could also be applied to other young people from a variety of different communities, but probably not all of it.”¹⁷ Like black groups, for example, people of ‘mixed’ ethnic origin are more likely than white people to be convicted of drugs offences and robbery. Asian young people are twice as likely to be stopped by the police as white people.¹⁸ Research by the Youth Justice Board has found young people of mixed parentage experience higher rates of prosecution and conviction and are less likely to receive a pre-court disposal than black, Asian or white males.¹⁹

15. During the course of the inquiry, witnesses expressed concern about the involvement of mixed, Pakistani and Bangladeshi groups within the criminal justice system, and the potential for greater involvement by these groups in future if deprivation and educational underachievement among these groups were not addressed.²⁰ The largest group in the ‘mixed’ category are of black Caribbean and white heritage and may share many of the ‘risk’ factors for coming into contact with the criminal justice system experienced by other disadvantaged groups, including the black group.²¹

16. Young black people's overrepresentation must be placed in the context of youth offending as a whole, which has not increased since 2001 according to a survey

14 Home Office, *Statistics on Race and the Criminal Justice System—2005*, July 2006, p. 77

15 Young people subject to disposals in the youth justice system 2003–4 compared to their number in the population 2001. The Home Office was unable to supply us with figures on the percentage of the black population aged 10–17 who have a criminal record: see Ev 388

16 Ev 391

17 Q 506

18 Home Office, *Statistics on Race and the Criminal Justice System—2005*, July 2006, p. 23

19 Feilzer, Martina and Roger Hood, *Differences or Discrimination? Minority ethnic young people in the youth justice system* (Youth Justice Board, 2004)

20 Q 128

21 Ev 240, 243, 245 (figure 2), 247 (figure 4a), 248 (figure 5a)

commissioned by the Youth Justice Board from MORI in 2004.²² Public perceptions of rising crime among young people may not reflect reality. NACRO stated that:

“There remains a gap between perceived and actual levels of crime. As with crime overall, youth crime appears to have been falling in recent years, although the predominant perception among the public is of a rise”.²³

Statistics on overrepresentation are contradictory and disputed

17. In seeking to describe the nature and extent of young black people’s overrepresentation, it is important to point out that the meaning of statistics which show disproportionate representation is highly contested. Overall, we can say with greater certainty that the patterns of offending vary between different ethnic groups than that the level of offending varies significantly. Many witnesses asserted that figures showing more young black people entering and remaining within the Criminal Justice System did not simply imply a higher quantity and level of offending:

“The fact that Black young people are overrepresented within the youth justice system does not simply indicate a higher level of offending in general. The relationship is complex including the potential areas of discrimination...”²⁴

“On the issue of robbery, is that because of the way in which profiling takes place within policing to focus police activity on where they think they will get their greatest results? On sexual offences, is it... a propensity for young, black women, and black women in general, to report sexual offences, have a lower tolerance level, or a lack of reporting of sexual offences in the wider community?”²⁵

18. Evidence from the Home Office’s Offending, Crime and Justice survey suggests white young people and those of mixed ethnic origin are more likely to report offending behaviour than young males in other ethnic groups, including black young people.²⁶ The findings from Home Office self-report surveys have been remarkably similar over time.²⁷ The most recent sweep of the survey found white males aged from 10–25 were “far more likely” to have committed an offence within the last year than young males in other ethnic groups (28% compared with a range of 12% to 19% for other ethnic groups).²⁸ The survey found that once young black people committed an offence, they were more likely to come to the attention of the police. MORI self-report surveys, however, have produced different results. The discrepancy between self-report surveys is a warning against relying too heavily or drawing simplistic conclusions from any one indicator of involvement in crime.

22 Hallsworth, Simon and Tara Young, “On gangs and guns: a critique and a warning”, London Metropolitan University, p. 3

23 Ev 390. See for example Home Office Statistical Bulletin 11/05 available at <http://www.homeoffice.gov.uk/rds/crimeew0405.html>

24 Ev 377

25 Q 92

26 Minority ethnic groups and crime: findings from the Offending, Crime and Justice Survey 2003 p. 10

27 Ev 211–12

28 Minority Ethnic Groups and Crime: Findings from the Offending, Crime and Justice Survey 2003, p. vi

19. Even in the extent to which higher offending patterns for young black people are identified, the relative importance of factors such as age, geographic location and socio-economic status is unclear—although it is likely that each plays a key part. The Home Office stressed that some black groups are young compared with white groups, and that disproportionality may also be affected by this younger age profile.²⁹ London borough profiles demonstrate that the black population increases with the level of deprivation, as does the level of crime.³⁰ It is clear that ethnicity, deprivation, victimisation and offending are closely and intricately inter-related.

Young black people are disproportionately likely to be arrested, remanded in custody, convicted and imprisoned

20. Although the interpretation of the statistics relating to young black people's overrepresentation is contested, the existence of overrepresentation is not. This section sets out what we know about where and how young black people are overrepresented. The possible causes of overrepresentation are discussed in section two of the report.

21. Black people of all ages are three times more likely to be arrested than white people. Black people constitute 2.7% of the population aged 10–17, but represent 8.5% of all those arrested in England and Wales.³¹ Black people are just over six times more likely to be stopped and searched by the police than white people, although this may partly reflect the fact that three quarters of stops and searches take place in London.³²

22. The Government's annual publication of statistics relating to race and the criminal justice system³³ does not currently include information on the proportion of arrests resulting in no further action or in the arrestee being charged with an offence. However, we know black people experience lower rates of cautioning than white people when compared with the proportion of both groups in both the arrest and prison statistics.³⁴ One explanation for this may be the nature of offences committed by young black people, as discussed later in this section. A study for the Youth Justice Board found that a pre-court disposal of either a reprimand or final warning for juveniles was made least frequently among black and mixed parentage males. This was partly due to the different proportions that were eligible, having admitted the offence and having no prior convictions.³⁵ Several research studies have shown that black people are less likely to admit offences they are accused of, both before charge³⁶ and later at court.³⁷

29 Ev 265

30 Ev 239

31 Statistics on Race and the Criminal Justice System 2004/05, Home Office, table 5.5

32 Ev 267

33 Published pursuant to section 95 of the Criminal Justice Act 1991.

34 Dr Marian FitzGerald, *Young Black People and the Criminal Justice System: The Statistical Evidence*, p. 30: published on the Committee's website at www.parliament.uk/homeaffairscom

35 Differences or Discrimination? The Summary of the Report on Ethnic Minority Young People in the Criminal Justice System—YJB 2004 p9

36 Westwood, D. (1991) Cautioning and the Limits of Ethnic Monitoring—*Probation Journal*

37 Walker, M.A., Jefferson, T. and Seneviratne, M, *Ethnic Minorities, Young People and the Criminal Justice System—Main Report to the ESRC, Centre for Criminological and Socio-Legal Studies, University of Sheffield (1990)*; Hood, R, *Race and Sentencing: a study in the Crown Court (1992)*

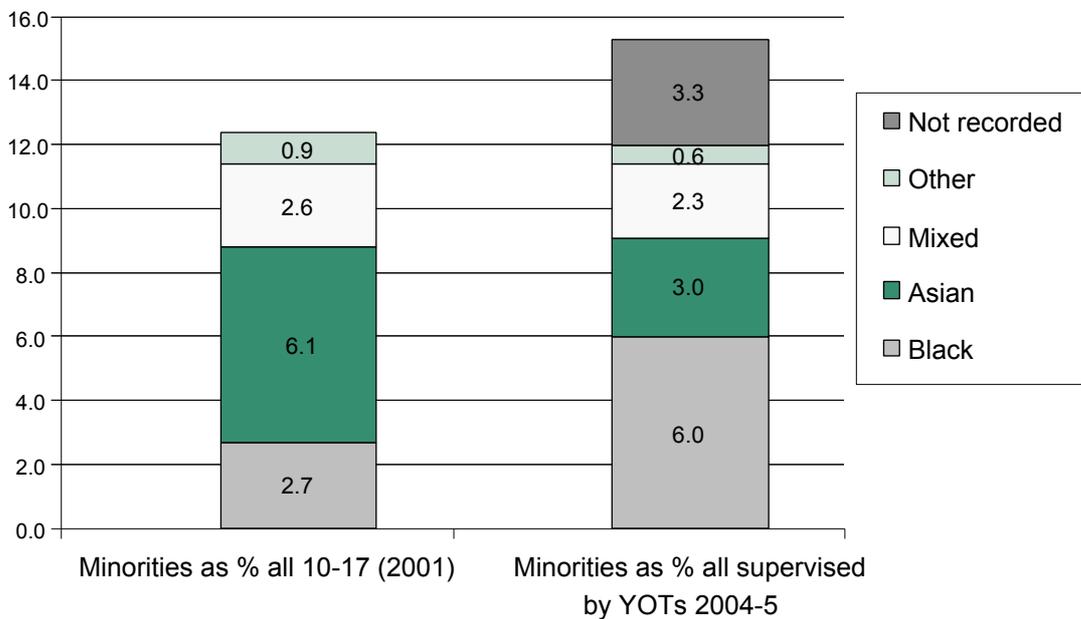
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23. Once they have been charged with an offence, black young offenders are significantly less likely to be given unconditional bail compared to white young offenders and black young offenders are more likely to be remanded in custody compared to white re-offenders.³⁸ In 2004/05, 8.1% of black people under 18 were remanded in custody, compared to 5.1% for Asian and 4.4% for white people of the same age-group.³⁹

24. We know that young black people and young people of ‘mixed’ ethnicity, when sentenced, are more likely to receive more punitive sentences than young white people. Whereas black young offenders accounted for 6% of total offences in 2004–05, they received 11.6% of total custodial sentences.⁴⁰

25. In total, young black people aged 10–17 constitute 2.7% of the population but 6% of those supervised by youth offending teams (see figure 1):

Figure 1: Minorities as a percentage of all 10–17 year olds and as a percentage of all young people supervised by Youth Offending Teams



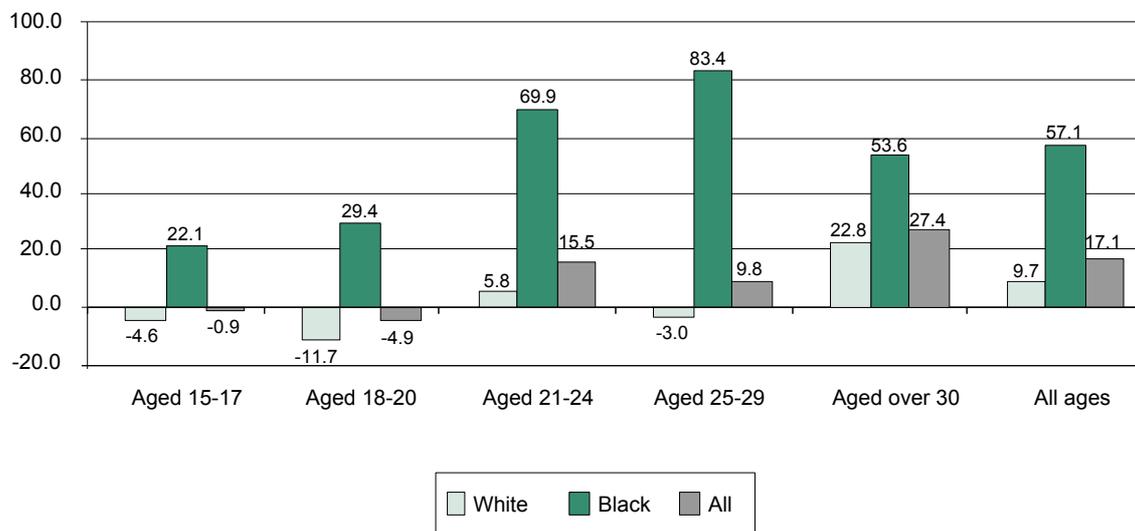
Data source: Dr Marian FitzGerald, Specialist Adviser to the Committee

26. Disproportionality in the custodial population is also stark. From 1997 to 2003 there was an overall increase of just under 9% in all British male prisoners. However, black male prisoners with British nationality increased by 21.5% over this period of time, compared to a 5% rise in number of white male prisoners with British nationality. The Youth Justice Board told us that, of an increase of 115 people in youth custody in 2005–6, 78 were black boys.⁴¹ This reinforces earlier research which shows that, historically, the black prison population has grown far more rapidly than for the population as a whole.⁴²

38 Ev 377
 39 Ev 271
 40 Ev 376
 41 Q 557
 42 Ev 215

27. The table below, provided by the Committee’s specialist adviser, Dr Marian FitzGerald, demonstrates the striking rise in the black prison population:

Figure 2: Percentage change in number of sentenced prisoners by age and selected ethnic group between 2000 and 2005



Data source: Dr Marian FitzGerald, Specialist Adviser to the Committee

28. The extent and nature of overrepresentation varies by area. According to the Youth Justice Board, “the majority of Youth Offending Teams” reported some degree of disproportionality with regard to black and minority ethnic groups as a whole when analysing data on the number of offences, court remands and disposals at the local level by ethnic classification. Over a third of YOTs specifically noted overrepresentation of black people in the youth justice system compared with the general population.⁴³

29. In London, home to more than two thirds (69%) of black people in England and Wales overall, young black Londoners aged under 18 make up 15% of the population of that age-group but represent 37% of those stopped and searched, 31% of those accused of committing a crime, 26% of pre-court decisions, 49% of remand decisions, 43% of custodial decisions and 30% of those dealt with by Youth Offending Teams.⁴⁴ At Feltham Young Offenders Institution, the only Young Offender Institution in London, 42% of inmates are black.⁴⁵

30. In Leeds, which the Committee visited, black people aged 10–17 constitute 6% of the YOT caseload despite this group accounting for just 1.5% of the local population.

31. The overrepresentation of young black people helps drive disproportionate involvement in the criminal justice system for black people of all ages. Black people of all ages come into contact with the criminal justice system more frequently than expected given their proportion of the population. Excluding foreign nationals, black people of all ages are five times more likely to be in prison than white people.⁴⁶

43 Ev 379

44 Ev 330

45 HC Deb, 27 March 2007, col. 1456W

46 Ev 268

32. Currently, DNA samples can be taken by the police from anyone arrested and detained in police custody in connection with a recordable offence. This includes most offences other than traffic offences. Samples can be taken before the suspect is charged and non-intimate samples—typically a mouth swab—can be taken without the suspect’s consent.⁴⁷

33. Baroness Scotland confirmed that three-quarters of the young black male population will soon be on the DNA database.⁴⁸ Although the Home Office has argued in the past that “persons who do not go on to commit an offence have no reason to fear the retention of this information”⁴⁹, we are concerned about the implications of the presence of so many black young men on the database. It appears that we are moving unwittingly towards a situation where the majority of the black population will have their data stored on the DNA database. A larger proportion of innocent young black people will be held on the database than for other ethnicities given the small number of arrests which lead to convictions and the high arrest rate of young black people relative to young people of other ethnicities. The implications of this development must be explored openly by the Government. It means that young black people who have committed no crime are far more likely to be on the database than young white people. It also means that young white criminals who have never been arrested are more likely to get away with crimes because they are not on the database. It is hard to see how either outcome can be justified on grounds of equity or of public confidence in the criminal justice system.

Young black people are more likely to be victims of violent crime

34. Overall, statistics indicate that black people are no more likely than white people to fall victim to crime. The Home Office does not routinely collect victimisation data by ethnicity from police forces, but British Crime Survey data shows 24% of black people were victims of a crime once or more in 2004–05—the same as for white groups and lower than the proportion of the mixed group, at 29%, who had been a victim of crime.⁵⁰

35. However, evidence does point strongly to a much greater likelihood of young black people falling victim to violent and weapon-enabled crime, including homicide.

36. Overall, black people are 5.5 times more likely than white people to be a victim of homicide.⁵¹ Analysis of data from the Metropolitan Police Service by our specialist adviser Dr Marian FitzGerald demonstrates that, in London, the largest numbers of homicides in the black group are of males aged 21 to 30, but the greatest disproportionality is at younger ages, where black males account for nearly two thirds of all murders of 10 to 17 year olds (see figure 3, below).

47 *The National DNA Database*, POSTnote 258, Parliamentary Office of Science and Technology, February 2006

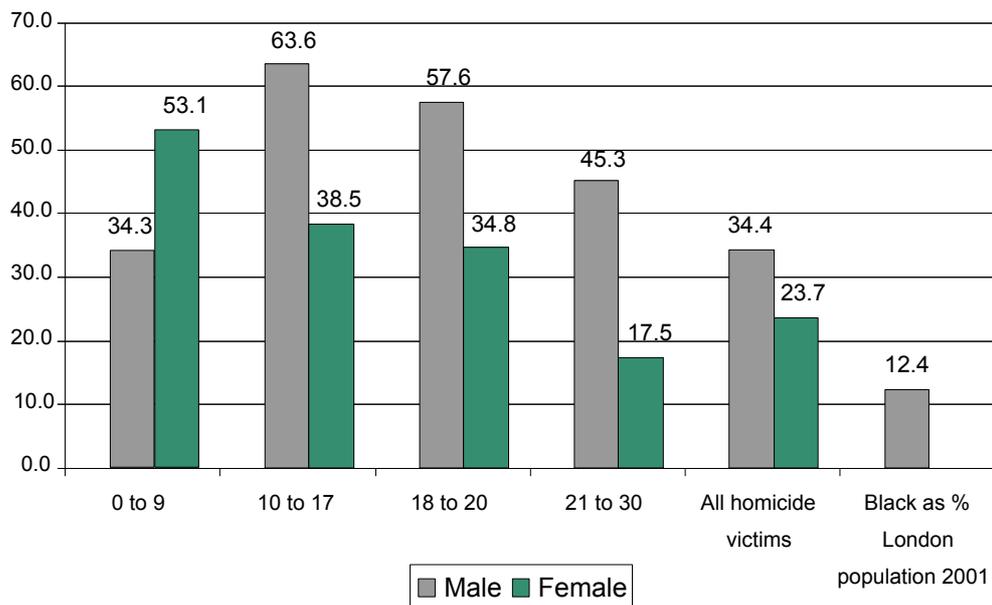
48 Q 653

49 Science and Technology Committee, First Special Report of Session 2005-06, *Forensic Science on Trial: Government Response*, HC 427, p. 6, cited in POSTnote 258

50 *Race and the Criminal Justice System—an overview to the complete statistics 2004–05*, November 2006, CJS, p. 4

51 Ev 273

Figure 3: Black people as percentage of homicide victims in London, 1999 to 2006 by gender and age band



Data source: Dr Marian FitzGerald, Specialist Adviser to the Committee

37. Young black people are also more likely to be victims of homicide involving guns. In the three year period ending in 2003–04, 31% of black homicide victims were shot compared with just 6% of white people. The black community makes up 2% of the population but one third of gun murder victims and suspects in England and Wales.⁵²

38. Figures provided to the inquiry by the Mayor of London show that black people in London are 10 times more likely than white people to be victims of a racist attack, seven times more likely to be homicide victims, three times more likely to be domestic violence victims, three times more likely to be raped, 2.6 times more likely to suffer violent crime and 1.6 times more likely to be victims of robbery.⁵³

39. The British Crime Survey shows all ethnic minorities worry more about crime than white people.⁵⁴ This finding was supported by our witnesses, many of whom said young black people live in sustained fear of victimisation:

“Many people in my community live in absolute terror, and they have armed themselves in response to that terror.”⁵⁵

40. We heard that the safety of young people travelling to and from schools is an issue which comes up “continually” in some schools.⁵⁶

41. Throughout the inquiry, it was emphasised to us that young black people primarily fear being attacked by someone of the same ethnicity. In the three years to 2004/05, in 74.2% of

52 Ev 212

53 Ev 333

54 *Race and the Criminal Justice System—an overview to the complete statistics 2004–05*, November 2006, CJS, p. 5

55 Q 13

56 Q 32

homicide cases with a suspect where the victim was black, the perpetrator was also black.⁵⁷ Gus John told the Committee that “young black people’s fear of crime is typically to do with them being attacked by other young black people”.⁵⁸

Young black people are overrepresented as suspects for certain crimes

42. Young people from different ethnic groups appear to have different profiles of offending behaviour. For example, white young people aged 10–17 are more likely than black, Asian or people of mixed ethnicity to be sentenced for public order offences, criminal damage and burglary. Asian young people in this age-group are more likely than black, white or young people of mixed ethnicity to be convicted of motoring offences.⁵⁹

43. The evidence we received indicates young black people are overrepresented among those arrested and convicted for certain crimes—notably robbery and drugs offences. They may be more likely to be involved in firearms offences and with youth affiliations which commit crime. Young black people seem particularly likely to be suspects for high profile crimes which might cause particular public attention and concern—overrepresented for personal thefts and robbery where white people are more likely to be convicted of the less serious offence of criminal damage, for example, or of property offences such as burglary.

44. Involvement in ‘contact’ crimes may bring more young black people to police attention, as victims may be more likely to report these crimes to the police and to provide a suspect description. This was recognised by many of our witnesses:

“They pop up to the police more, because the kinds of crimes they do people are more concerned with and are more visible because they are on the street.”⁶⁰

More young black people are convicted of robbery offences

45. According to the Youth Justice Board, young black people make up 3% of the youth population but account for 26% of arrests for robbery.⁶¹ According to both the Youth Justice Board and the Home Office, this has changed little over time since 2001.⁶²

46. In Southwark, we were told that young black people account for 71% of robbery arrests but just 37% of the local population. On the Committee’s visit to Leeds we were told 79% of robbery suspects in Chapeltown are black. In London during the period April 2005–February 2006, eight black youths were accused to every one white youth for robbery.⁶³

57 Dr Marian FitzGerald, *Statistical Evidence*, p. 16, figure 2 [see footnote 34 above]

58 Q 360

59 Youth Justice Board 2004-05; see also Ev 192

60 Q 4

61 Youth Justice Board, *Annual Statistics 2003–04* (2005)

62 Ev 268

63 Ev 331

Young black people are overrepresented for drugs offences

47. The Youth Justice Board told us that young black people make up 3% of the youth population, but account for 10% of those sentenced for drugs offences.⁶⁴ Drugs offences comprise a variety of crimes, ranging from simple possession to supply.

48. According to the British Crime Survey, levels of drug-use amongst 16–24 year-olds are lower for black people than for those from a white or mixed background. However, the Home Office pointed out that patterns of drug misuse among the crime-committing population may be quite different.⁶⁵

49. We received evidence that young black people may disproportionately misuse certain drugs. In London, arrest referral statistics show that almost half of arrestees who reported using crack cocaine but no other drug were black.⁶⁶ Staff at Feltham Young Offender Institution told us that young white offenders were more likely to have opiate problems, whereas young black offenders were more likely to have crack cocaine problems. Cannabis misuse may be a particular issue among young black people. Superintendent Leroy Logan of Hackney Police told us that there had been a “significant” increase in the number of young black people using the drug since its reclassification to class ‘C’. Superintendent Logan told us reclassification had increased both its cultural appeal and its availability.⁶⁷ Youth workers and from young people at Feltham Young Offenders Institution told us cannabis misuse may drive psychosis and involvement in crime:

“The cannabis our boys smoke now is stronger than the stuff people were smoking in the 60s. The stuff we smoke now is just so powerful. Most of my clients—and you are talking about boys I have known their entire lives—have had a fight because they have been basically psychotic from cannabis.”⁶⁸

50. We heard evidence that young black people may be disproportionately involved in supplying drugs. Statistics supplied to the Committee by the Metropolitan Police Service showed that, in London, black people—even at younger ages—are more likely to be charged with possession with intent to supply.⁶⁹ By contrast, white people arrested for drugs offences in London are more likely to be charged with personal possession.

51. In Leeds, we heard that some Caribbean families in the city have associations with drug supply which can be traced back through generations. Despite accounting for 11% of Londoners, black people of all ages accounted for 67% of those accused of supplying crack cocaine and almost 40% of those found in possession of this drug in London during 2003–04. According to the Mayor of London’s submission, “this has particularly significant implications as crack cocaine addiction drives a lot of acquisitive crime, some of which is violent”. Figures provided to the Committee by Nottinghamshire Police show that, in the

64 Youth Justice Board, *Annual Statistics 2003–04* (2005)

65 Ev 275

66 Ev 331

67 Ev 326

68 Q 23

69 Drugs arrests by grounds—Metropolitan Police Service 2005-06

case of black arrestees, arrests for supply are also significantly more likely to involve class 'A' drugs than arrests for supply among white people.⁷⁰

52. Superintendent Leroy Logan of Hackney police told us the sale of drugs is often associated with youth affiliations, who may progress from the misuse to the sale of drugs to make money.⁷¹ There is a strong link between the sale of drugs and the possession and use of firearms and other violent crime.⁷² We also heard that younger people in some areas are “invariably” used as runners for larger drugs cartels.⁷³

Firearms crime was a concern in many of the communities we spoke to

53. The Minister for Youth Justice at the Home Office, the Right Honourable Baroness Scotland of Asthal, told us that there was no evidence to indicate gun crime was “either solely, mainly or disproportionately an issue for young black men.”⁷⁴ Figures for London, she said, might be unrepresentative of the country as a whole. Baroness Scotland’s comments have since been directly contradicted by the Prime Minister who, discussing the prevalence of gun and knife crime in London, commented that violence will not be stopped “by pretending it is not young black kids doing it”.⁷⁵

54. The police did not dispute the link between black young men and gun crime. Chief Constable Peter Fahy told us “there are particularly worrying aspects about young black people’s involvement in gun crime.”⁷⁶ Deputy Assistant Commissioner Dick suggested that young black people were overrepresented as victims and suspects of firearms offences in the UK as a whole and in Manchester and the West Midlands, the other ‘big three’ gun crime forces.⁷⁷

55. Although the Home Office collects data on the age and ethnicity of homicide perpetrators, it does not currently collect data on the age or ethnicity of suspects for firearms offences overall. The Home Office told us that the court proceedings database is “incomplete with regard to ethnicity” and, as it reflects only those against whom proceedings are brought, “would not provide robust data on the ethnicity of perpetrators of firearms offences.”⁷⁸ Baroness Scotland told us a new system that would enable the Home Office to determine the age of firearms perpetrators was now in place.⁷⁹ The ethnicity of offenders is “increasingly” recorded by the Home Office,⁸⁰ but is not currently routinely published.⁸¹

70 Drug Arrests by type of offence and age—Nottinghamshire police

71 Q 509

72 Q 531

73 Ev 318

74 Q 606

75 ‘Blair blames spate of murders on black culture’, *The Guardian*, 12 April 2007

76 Q 506

77 Q 512

78 Ev 309

79 Q 629

80 Q 620

81 Ev 309

56. We were sceptical about the Government's reliance on gun crime statistics which include figures for air weapons. Baroness Scotland told us that the data the government held "did not indicate that a greater proportion of perpetrators were black". However, she also informed us that this assertion rested on data which included air weapons as well as conventional firearms.⁸² We were not convinced by the conflation of offences involving these two types of weapon. Air weapons differ from conventional firearms in that the weapon and the pellets discharged do not contain any explosive material. Most air weapons are of such limited power that they do not require a licence.⁸³ A lack of ethnic bias in airgun offences could therefore obscure a bias in gun crime offences involving conventional firearms.

57. If homicide by firearms is taken as an indicator, then gun crime certainly is disproportionately an issue for black communities. Over the past decade in England and Wales, each year an average of 25 black people have been victims of gun murder compared with 40 white people and 7 Asian people.⁸⁴ Black people make up 2% of the population but one third of gun homicide victims and suspects.⁸⁵ The Home Office told us the numbers for gun homicides were "too small to provide a reliable measure of the ethnicity of perpetrators of gun crime as a whole", but the homicide figures alone suggest that gun crime is a serious source of concern for black communities.

58. In London, the overrepresentation of young black men in gun crime appears to be undisputed. Figures from Operation Trident, a Metropolitan Police Service (MPS) operation set up to combat shootings among black Londoners, show that, of all MPS firearms homicides and shootings in 2006, 75% of victims and 79% of suspects were black.⁸⁶ The boroughs with highest Trident activity—namely Hackney, Lambeth, Southwark, Brent and Haringey—have the highest density of African Caribbean population in the London region, as well as being some of the most deprived.⁸⁷ Lee Jasper, The Mayor of London's race adviser, highlighted a "specific crisis" in black communities as regards the level of violence and death by guns and knives⁸⁸.

59. It was suggested to us several times that black people are carrying guns at increasingly younger ages. Representatives of local criminal justice agencies in Bristol told us that black people as young as 16 have been found carrying firearms. The Metropolitan Police confirmed that many of those being arrested for gun homicide as part of the Trident operation were teenagers and young teenagers, in contrast to the 20, 30 and 40 year olds identified by the operation when it began.⁸⁹ The peak age for victims and suspects of Trident murders and shootings is 19. Fifty four teenagers, one only 14 years of age, were

82 According to the Home Office, airguns accounted for nearly half of all firearms offences in 2005–06. See Home Office (2007) *Homicides, Firearm Offences and Intimate Violence 2005/2006* (Supplementary Volume 1 to Crime in England and Wales 2005/2006) Kathryn Coleman, Krista Jansson, Peter Kaiza and Emma Reed. Home Office Statistical Bulletin 02/07.

83 <http://www.met.police.uk/firearms-enquiries/airguns1.htm>

84 Ev 212

85 *Statistics on Race and the Criminal Justice System 2005*, Home Office 2006

86 Q 511

87 Ev 358

88 Q 100

89 Q 512

charged with Trident shootings or murders over the two years to 2006.⁹⁰ Witnesses suggested that the declining price and greater accessibility of firearms was a factor in their greater use by young people.⁹¹ A firearm which would previously have been sold for hundreds of pounds can be obtained for £50 to £100.⁹²

60. Many witnesses were of the view that gun violence is intimately connected to both the drugs trade and the growth of gangs. Revenge, or the need to get back at someone who had “dissed” (disrespected) you, were cited as motives for shooting.⁹³ Witnesses also believed peer pressure and the need to fit in with the dominant street culture may also lead young people to carry firearms.⁹⁴

Involvement in youth affiliations which commit crime is a particular issue

61. Several witnesses emphasised that the term ‘gang’ is often used loosely and inaccurately to describe a group of young people:

“Far from being used in any systematic and defined way (the term gang) has been applied in ways that problematically include groups to which the gang label ought to be applied. In the case of armed violence involving gun use (which is rare, but commands considerable media attention), the perpetrators are far more likely to be adult members of organised crime groups and not street-based groups (gangs) of which peer groups comprise a large part.”⁹⁵

“Many of them are highly disorganised, they are very fluid, I could be in your gang today and someone else’s tomorrow.”⁹⁶

62. This view was supported by young black people the Committee spoke to:

“This isn’t America—we don’t have organised gangs like the Bloods and the Crips”

“A gang is what people decide to call it. Friends are friends, business partners are business partners; associates are associates. What people want to label it is when it comes down to that.”⁹⁷

63. These imprecise definitions can lead to an exaggeration of the gang problem. In the words of Cressida Dick, “you will hear talk of hundreds and hundreds when we believe, when we have really looked at it, that you are probably talking of 15 or 20.”⁹⁸

90 Ev 363

91 Q 513

92 Q 515

93 Q 377, Q 531, Ev 319

94 Ev 319

95 Hallsworth, Simon and Tara Young, “On gangs and guns: a critique and a warning”, London Metropolitan University

96 Q 532

97 Q 174

98 Q 536

64. Nevertheless, it appears that young black people are disproportionately involved in youth affiliations which commit crime in some areas. In London, 48% of ‘gangs’ identified by the police through borough questionnaires were identified as being of African Caribbean background. The second largest group was South Asian at 21%, a group comprising Bangladeshi, Pakistani, Tamil and other undefined groups of South Asian groups. Bristol CJS representatives told the Committee that three large groups of young black people dominate the drugs scene. Gangs can include people as young as 13 and 14 years old. Representatives of Southwark criminal justice agencies said 90% of gang members in some of their gang desistance projects were black.

65. We heard that strong territorial rivalries among youth affiliations can lead them to commit violent crime in order to exercise control over their area. Superintendent Leroy Logan warned of an increase in “postcode violence”, driven by “paranoid misguided loyalties” of young people who feel threatened by the presence of strangers in their area.⁹⁹ Staff at Feltham Young Offender Institution told us loyalties connected to certain roads in London continued and spilt over into the prison, with incidents outside—such as recent murders in Peckham—causing violence within the prison. According to one of the participants in Lambeth’s gang exit programme, levels of violence have become so bad that “you cannot even go on to certain estates without being in a certain crew ... either you are with them or you are against them. That is the way they look at it.”¹⁰⁰

66. We heard that levels of violence among youth affiliations may be increasing. Superintendent Leroy Logan, deputy borough commander in Hackney, described an increasing trend for black youth affiliations to go “beyond innocent mutual identification” and move towards “street collectives or gangs”.¹⁰¹ He spoke of “growing incidents of gratuitous violence committed by younger age-groups ... predominantly among themselves, with an increasing use of weapons in an attempt to gain respect through violence.”¹⁰² This escalation in violence was confirmed by the young people we spoke to:

“It has just escalated over the years and it has just got to the point where no-one is picking up fists, everyone is picking up guns. That is why it has just got so bad.”¹⁰³

67. Witnesses frequently made an association between being involved in a gang, and misusing drugs or becoming involved in the drugs trade.¹⁰⁴ Territorial issues were sometimes, but not wholly, connected to involvement in the drugs trade.

Most problems relate to young men, but young women are a growing concern

68. The offending, crime and justice survey shows that males of all ethnicities are more likely to offend than females. Thirteen per cent of male respondents to the survey aged 10–

99 Ev 327

100 Q 147

101 Ev 327

102 *Ibid.*

103 Q 171

104 Qq 508, 509

65 admitted having committed an offence, compared to 7% of female respondents.¹⁰⁵ Males are overrepresented in the criminal justice system overall compared with females—there were 75,239 male prisoners and just 4,343 female prisoners in February 2007.¹⁰⁶

69. Youth justice board statistics are not disaggregated by both ethnicity and gender, so it is difficult to build a clear picture of the relative overrepresentation of black boys and girls. A study conducted for the Youth Justice Board showed black males were overrepresented amongst convicted offenders—sometimes considerably—in all eight youth offending teams surveyed. The study showed black girls may also be overrepresented, but not by as much as boys. Cases involving black females were overrepresented in relation to the local population at six youth offending teams, but not at the other two.¹⁰⁷

70. Statistics on prison receptions for people of all ages show black female British nationals are overrepresented in the prison population compared to females of other ethnicities, although not by as much as men. In 2002, black female British nationals accounted for 7.2% of all females received into prison, while black British national men accounted for 7.7% of all males received into prison.¹⁰⁸ Between 1994 and 2003 the rise in black female prisoners was higher, at 197.6%, than the rise for women of all ethnicities (141%). The growth in the black female prison population was significantly inflated by a rise of 233.5% in the numbers of foreign national black female prisoners. However, the rise in the number of black British female national prisoners was still higher, at 153.9%, than that of their white counterparts.¹⁰⁹

71. Many of our witnesses emphasised that the risks of involvement in the criminal justice system are much greater for black boys. Shaun Bailey, a youth worker from London, told us that “if you are a black woman and you go to school it is not held against you; if you are a boy it is.” Decima Francis, co-founder of the From Boyhood to Manhood Foundation, a school in Peckham for boys who have been excluded from school, told us “black girls have it a lot easier because black women have it a lot easier”:

“Black women are superwomen, or we are given that label: we run the house, we do whatever we have to do, we have the cars, we have the money, we are promoted much easier, so the women are brought up with that sense of the women being powerful and getting through and being able to manage.”¹¹⁰

72. However, some felt black girls’ experience was converging with that of their male peers. Gus John alerted us to “a growing level of involvement of girls in attacks on the person, that is, girls attacking other girls, and juvenile offending in and on the periphery of schools

105 *Minority ethnic groups and crime: findings from the offending, crime and justice survey 2003*, p 9

106 *Population in Custody—NOMS monthly tables*, February 2007, p 2

107 *Differences or Discrimination? The Summary of the Report on Minority Ethnic Young People in the Youth Justice System*, Youth Justice Board, 2004

108 Dr Marian FitzGerald, *Statistical Evidence*, pp. 54–55, figures 29a and 29b[see footnote 34 above]

109 *Offender Management Caseload Statistics 2005*, Home Office Statistical Bulletin 18/06, December 2006

110 Q 38

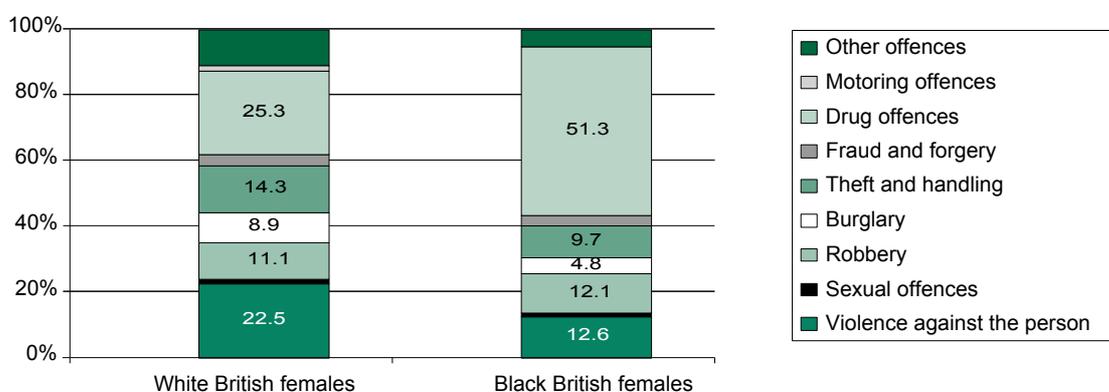
and colleges, largely as a result of inter-group conflicts which become very violent...¹¹¹ He also drew our attention to the numbers of African heritage girls operating in gangs.¹¹²

73. Camila Batmanghelidjh of the children’s charity Kids Company told us:

“I actually think the divide is diminishing: we are seeing at street level a lot more girls being recruited into the drugs trade, but I do not think they are being caught. They are often being used as decoys in cars, as girlfriends and daughters, when deliveries are made for drugs but the police do not anticipate that it is a young girl delivering ... we are seeing nine-year old [girls] delivering drugs now”.¹¹³

74. This observation is supported by Home Office figures which show drugs offences were the reason for over half of all black British women prisoners’ incarceration in June 2005:¹¹⁴

Figure 4: British female prisoners by offence category—June 2005



Data source: Dr Marian FitzGerald, Specialist Adviser to the Committee

Patterns of overrepresentation vary considerably within ethnic groups

75. The nature and extent of young black people’s involvement with the criminal justice system varies considerably according to the specific ethnic group in question and the geographic and socio-economic situation of that group.

76. Representatives of criminal justice agencies in Southwark told us that there is particular concern about the involvement of black Africans young people in gang-related violence. They were also concerned about young people from Trinidad, St Lucia and Jamaica who were privately fostered to families in the borough, for payment, to gain education, but who often could not claim benefits or enter employment due to their immigration status. Decima Francis of the ‘From Boyhood to Manhood’ programme in Peckham set out her view of the differences between black young people of African and Caribbean origin in South London:

111 Q 362

112 Professor Gus John , *Guns, Gangs and Ghosts—normalising the abnormal*, June 2006

113 Q 9

114 Dr Marian FitzGerald, *Statistical Evidence*, p. 56, figure 30b [see footnote 34 above]

“The Caribbean children commit a lot of street robberies and they will hang more with more of the other communities... The Africans—I find in Peckham we have the largest number—they are fairly new and they have come in with different issues. Some of them have been boy soldiers, some have been in war torn countries, so they have a completely different attitude.”¹¹⁵

77. Trident’s submission states that gun crime in the earliest years of the operation—in the late 1990s and early 2000s—was mainly perpetrated by Jamaican-born nationals. In the past four years, there has been a “steep rise” in the involvement of British-born suspects, many of whom are second and third generation Londoners of African Caribbean origin.¹¹⁶

78. The Committee heard that there is concern in Manchester and the Northwest about the growing involvement of young Somalis in crime.¹¹⁷ Criminal justice practitioners we spoke to in Leeds highlighted the historic involvement of Caribbean groups in supplying drugs.

79. Often, the profile of the area may be more important than ethnicity in understanding why young people from certain groups are disproportionately involved in crime. In the words of Professor Gus John, an educationalist and expert in race and urban regeneration, “we need to be careful to understand the specific circumstances in particular areas before we make overall judgements about the involvement in crime of one particular group.”¹¹⁸

Data gaps in key areas preclude a clear picture of overrepresentation

80. Key gaps in data prevent the formation of clear conclusions about the extent of young black people’s overrepresentation. We were particularly concerned about:

- a) The lack of detailed ethnicity recording by Youth Offending Teams beyond the categories of ‘black’, ‘white’, ‘Asian’ and ‘mixed parentage’.¹¹⁹
- b) The lack of monitoring of the ethnicity of those appearing in court—monitoring on the basis of ethnic appearance was possible in only 1/5 of cases in 2003–04¹²⁰
- c) The lack of detailed ethnicity data on remand decisions for people over 18¹²¹
- d) The lack of data on age and ethnicity of firearms offenders
- e) The lack of differentiation in gun crime statistics between crime involving air weapons, and that involving other types of firearm
- f) The lack of Home Office data on victimisation by ethnicity

115 Q 33

116 Ev 358

117 Q 361

118 *Ibid.*

119 Q 561

120 Ev 267

121 Ev 271

g) The lack of data on the proportion of arrests of young people of different ethnicities which resulted in no further action or charge

h) The lack of information disaggregated by ethnicity and gender, particularly at the Youth Offending Team level.¹²²

81. We make recommendations aimed at tackling these deficiencies later in the report.

Some respondents were concerned about media distortion of young black people's involvement in the criminal justice system

82. Our specialist adviser, Professor Ben Bowling of King's College, London, argued that stereotypes are deeply entrenched, tracing "the idea of black people as inherently evil, bestial, inferior, unintelligent, ruled by desire and prone to violence" back to Elizabethan times.¹²³

83. Many felt such stereotypes were perpetuated and sustained by over-reporting of black criminality today. Lee Jasper asserted that there is "a level of demonisation of young, black boys in the British media to such an extent that it affects popular perception and understanding of the black community so that we are miscategorised, we are stereotyped as being overwhelmingly engaged in criminal activity of a range of sorts."¹²⁴

84. Dr Tony Sewell criticised the under-reporting of crimes where the victim was black:

"The media highlight certain crimes; for example, if someone from the City is attacked by a black youth it will be on the front page of the Evening Standard, and rightly so. One wants to report that, but how often do we hear of crimes where a black youth has been assaulted? It happens day in day out and we hear little of it."¹²⁵

85. Respondents also emphasised the media's involvement in the creation of 'moral panics' around certain types of offending, such as crime involving gangs:

"Twenty four hour news coverage means that broadcasters are dependent upon ever more stories to fill the airwaves and so incidences that would have gone unreported in the past find their way onto our TV screens. Consequentially, we are alerted to ever more sensational criminal events, often told over and over again and from different perspectives that etch into our memory and fuel anxieties."¹²⁶

122 The Youth Justice Board told us that "data from YOT returns in general cannot be disaggregated for both gender and ethnicity simultaneously". This information is already available for secure placements; see Ev 387.

123 Ev 210

124 Q 111

125 Q 370

126 Hallsworth, Simon and Tara Young, "On gangs and guns: a critique and a warning", London Metropolitan University

The Committee's research showed most members of the public reject stereotyping as regards young black people's involvement in crime

86. To understand more about how the public perceives the involvement of young black people in the criminal justice system, we commissioned focus group research from a research company, Opinion Leader Research. The research aimed to find out:

- a) How the public perceives the involvement of young black people in the criminal justice system
- b) The perceived reasons for the degree and nature of young black people's involvement in the criminal justice system
- c) The main factors that shape public perceptions of crime in general and young black people's involvement in crime
- d) How perceptions differ between people of different genders, ages, ethnicities, socio-economic group and geographic areas.

87. The full results of the OLR research are printed in the evidence volume which accompanies this report.¹²⁷

88. The focus groups, held in four cities in England and Wales in November 2006, indicated that the public were resilient to media portrayals of particular ethnic groups as prone to crime. Ethnicity was not seen to be a significant factor affecting offending behaviour. Factors such as gender, age and socio-economic background were seen as more important in determining whether someone is likely to commit crime:

“There's as many white people committing crime in this area as there are black.”
 White British, 50+, socio-economic group SEG DE, Nottingham¹²⁸

89. The researchers found race was mentioned spontaneously in discussion with regard to certain specific types of crime, such as gang and gun-related crime:

“It is more black on black with the shootings.”—Black British, 25-49, London¹²⁹

90. A small minority of older white British participants did spontaneously mention race as a factor in a broader range of crimes. These perceptions were based on hearsay and claimed experience and often occurred where there were changing demographics in the area—such as the growing Somali community in Cardiff:

“I have a friend who lives in grange town and he is 82 and terrified. Two of this friends have been mugged by Somalis. I do think Somalis are more likely to be committing crimes.” White British, 50+, BC1C2, Cardiff

91. The overall conclusion of the research was that “while the media often makes a connection between young black people and criminal behaviour, this link does not feature

127 Ev 133-48

128 Ev 134, 138

129 Ev 138

strongly in the public's consciousness ... most are keen to reject racial stereotyping with respect to young black people's involvement in the criminal justice system. The public particularly wants to avoid the risk of making a particular racial group a scapegoat."¹³⁰

Conclusion—the nature and extent of overrepresentation

92. We can say with greater certainty that the patterns of offending vary between different ethnic groups than that the level of offending varies significantly. While it is unclear whether young black people commit more crime of all types than young people as a whole, it does appear that they are more likely overall to be involved in certain types of serious and violent crime, including gun crime.

93. The level of young black people's involvement in these crimes, and the overrepresentation of young black people in the system overall—which may reflect other factors also—represents a serious crisis for sections of black communities and for some young people of a mixed ethnic background. Nowhere was this more strongly pointed out to us than by those working with and representing those communities themselves. Lee Jasper, Director of Equalities and Policing at the Greater London Authority, told us “we have, quite literally, a crisis in the black community among our young, black people.”¹³¹

94. The variations between the nature and extent of young black people's involvement in the criminal justice system compared to that of other young people suggest that there are likely to be some specific factors in young black people's experience that need to be tackled—and that policies which do not take into account these differences are likely to be ineffective.

130 Ev 134

131 Q 95

2 The causes of overrepresentation

95. The causes of the overrepresentation of young black people in the criminal justice system are multiple, complex and interrelated. Nevertheless, we were disappointed by the reluctance of both the Home Office and the Youth Justice Board to ascribe a clear model of causation for overrepresentation, or to attach relative weight to the various possible causes. The Home Office told us:

“Due to the complexity of the relationship between race, ethnicity and crime and the lack of reliable data, we are unable to say with confidence whether people are being treated differently by the system because of their ethnic group or why disproportionality occurs.”¹³²

96. The evidence we received indicated that there are three overarching causes of overrepresentation, all of which interact and feed into each other. Social exclusion—both historic and current—is the key, primary cause of young black people’s overrepresentation. Factors specific to the black community—such as family patterns and cultures amongst young black people themselves—are both fuelled by and compound socio-economic deprivation. Thirdly, the operation of the criminal justice system, including both the reality and perception of discrimination, mean more young black people come into contact, and stay in contact, with the system.

97. For the most vulnerable young people, these factors reinforce each other to become a complex web of involvement from which it is difficult to escape.

Social exclusion is the primary cause of overrepresentation

98. Social exclusion is a key underlying cause of young black people’s overrepresentation as both victims and suspects. Not only does it fuel involvement in crime directly, it makes young people vulnerable to a host of other risk factors, such as living in neighbourhoods where crime is high and underachieving at school:

“We do not have the schools, we do not have the shops, the businesses, et cetera, to be able to bribe our children to behave in a particular way, we have nothing to pass on to the men, and the men have been really excluded.”¹³³

Young black people are disproportionately subject to socio-economic disadvantage

99. The association between socio-economic disadvantage and involvement in crime among people of all ethnic groups is well-established. Recent research in the UK has indicated that homicide rates are associated with poverty.¹³⁴ As the Centre for Crime and Justice Studies pointed out, “some of the grossest victimisations are concentrated among

132 Ev 268

133 Q 40

134 Dorling 2005, cited in Ev 222

the poorer members of society, and it is reasonable to conclude that the poor will often be perpetrators as well as victims.”¹³⁵

100. National statistics indicate that black African and Caribbean groups make up approximately two and a half times as high a proportion of the population in the most deprived areas of the country as for England as a whole.¹³⁶ Eighty per cent of Black African and Black Caribbean communities live in Neighbourhood Renewal Fund areas, those identified as England’s most deprived areas.¹³⁷ According to the ACORN classification, which places people in one of five groups according to their neighbourhood’s level of affluence, 45.5% of Black African and 38.1% of Black Caribbean pupils in maintained primary and secondary schools live in areas classified as ‘hard pressed’, the most deprived category in the scale.¹³⁸ We also know that black people of Caribbean origin experience, on average, significantly higher unemployment and lower earnings than white people.¹³⁹

101. Witnesses emphasised that this deprivation is longstanding, stretching back to the immediate post-war period and before. In the words of Leroy Logan, the first settlers in post-war Britain from the Caribbean were “forced into ghettos because of racial prejudice and restricted access to accommodation, resulting in them being stacked in deprived areas where schools were substandard, employment opportunities were minimal and long-term prospects to hold the family together were limited.”¹⁴⁰ This historic pattern can be seen in rates of unemployment over time. In the 1970s, all first generation ethnic minorities suffered higher rates of unemployment than British-born whites of the same age. The most disadvantaged group in the first generation were black Caribbeans, with an unemployment rate around twice that of whites. In the second generation in the 1990s, differentials between the employment rates of white and black Caribbean men had increased, and stood at over twice that for white British men.¹⁴¹

102. On the Committee’s visit to Leeds, criminal justice system practitioners highlighted the historic disadvantage suffered by the Caribbean community in the city. Many black immigrants moved from the island of St Kitts to Leeds amidst economic depression and settled in deprived areas vacated by Jewish communities. From the 1970s, the black immigrants suffered public stigma, driven by adverse media attention which labelled the community as overrun with pimps and drug use. This culminated in riots in 1981.

103. Some witnesses traced historic patterns of disadvantage back to slavery:

“Slavery is a crime unprecedented in human history in terms of its large scale effects, and we are still living with the contemporary effects. I say to any person round this table who doubts me, let me for a moment wave a magic wand and take away from you the last 400 years of your family history. Let me simply wipe it away, your cultural education, your economic resources, your faith, your literature. Let me take

135 Richard Garside 2006, cited in Ev 222

136 Jonathan Tinsley and Michael Jacobs, *Deprivation and Ethnicity in England—A Regional Perspective*, p 19

137 Ev 274

138 *Ethnicity and Education: The evidence on ethnic minority pupils aged 5–16*, 2006, p 20

139 *Ethnic Minorities and the Labour Market*—Cabinet Office, 2003, p 4

140 Ev 313

141 *Ethnic Minorities and the Labour Marke*—Cabinet Office, 2003, p 25

that away. Let me ask you to recreate yourself at the end of the nineteenth century as a free individual and see to what extent you would prosper.”¹⁴²

104. Many of the young people and youth workers we spoke to said crime among young black people had direct economic origins:

“Working with these young people a lot of it is about basic survival. We are not talking about fashion items and things. For some of the young people I work with it is about finding money for rent, even when they are under age at 14 or 15, it is about finding food, so some of it is basic needs.”¹⁴³

“If you speak to most of them they will tell you that they do not want to be in this, they want to just make enough to get their mum out of this, they do not want their mum living in an area like this. They are not really enjoying it, because if they were enjoying it they would want to be in it forever. They want to get out.”¹⁴⁴

105. A study of street crime conducted for the Youth Justice Board¹⁴⁵ found the main reason for young black people’s overrepresentation for street crime in London boroughs was the general level of deprivation and the proportion of households with dependent children but no earning adult. Other important factors included access to people in the same area who were not deprived and were therefore likely to be worth robbing, and population turnover, implying a greater degree of anonymity for offenders and a reduced likelihood that residents would intervene to prevent or report crimes which did not directly affect them.¹⁴⁶

106. Several respondents pointed out that poverty often implies poor housing, which can have a serious impact on young people’s well-being and ability to succeed. Shaun Bailey said lack of space could prevent young people from studying and suggested that it may lead young people to spend more unsupervised time out of the house; space in which “the power of the group grows”.¹⁴⁷

107. Some witnesses stressed the dynamic, as well as historically constituted elements of socio-economic disadvantage. Some young people and practitioners we spoke to felt getting a job was more difficult for young black people:

“I have been to many educational conferences and there are very few black people who are in senior management. You do not find even promotions and if you do not find even promotions then young black people are not going to feel there is a future for them.”¹⁴⁸

142 Q 127

143 Q 167

144 Q 168

145 FitzGerald, Stockdale and Hale 2003

146 Ev 240–41

147 Ev 195

148 Q 78

108. Many witnesses pointed to the emotional impact of socio-economic disadvantage. Emotions associated with deprivation included resignation and a sense of powerlessness,¹⁴⁹ isolation, depression,¹⁵⁰ anger and nihilism.¹⁵¹

109. As we discuss later in this section of the report, social exclusion increases the likelihood of young people being arrested through the types of neighbourhood they live in, which may be more likely to be crime 'hotspots', and their presence on the street.¹⁵²

110. There is no doubt that large sums of public money that had been invested in many of the deprived communities we visited. The investment has clearly brought many benefits to local people. However, it is also clear that the impact has not been sufficient to transform the opportunities for and achievements of all local people. This is likely to be particularly true in areas of high mobility. Our evidence suggested that, despite the investment made, too many young people in some communities remain without a real sense that it is possible to escape from deprivation.

Educational underachievement is a symptom and cause of disadvantage

111. All the minority ethnic groups within the Black category and pupils of Mixed White and Black Caribbean heritage are consistently below the national average across all Key Stages, at GCSE and equivalent and Post-16. At GCSE and equivalent, 44.9% of Black Caribbean pupils, 47.3% of pupils of Mixed White and Black Caribbean heritage, 51.0% of Black African pupils and 47.1% of other Black pupils achieved 5 or more A*–C grades compared to 57.3% nationally.¹⁵³ Although the gap between each of the black and mixed groups and the average for all pupils has narrowed at GCSE since 2005, and there has been a narrowing of the attainment gap in across other key stages,¹⁵⁴ this remains a significant discrepancy.

112. Low attainment among black other and black Caribbean groups is driven by particularly low attainment by boys in these categories. There is a gender gap between the numbers of all boys and girls attaining 5 or more GCSEs at A*–C of around 10 percentage points. However, this gap widens to 17 and 16 points respectively for the black Other and Caribbean groups.¹⁵⁵

113. A large proportion of our witnesses cited underachievement as a major cause of entry into the criminal justice system:

149 Howard League for Penal Reform, *The Howard Journal*, vol 43, no 3 (July 2004)

150 Ev 312

151 Ev 213

152 See para 165 below.

153 DfES/ National Statistics First Release—National Curriculum Assessments, GCSE and Equivalent Attainment, 15 February 2007, p 2

154 *Ibid.*, p 2

155 *Ethnicity and Education: the evidence on ethnic minority pupils aged 5–16*—DfES 2006, p 63

“The failure of the education system to educate our black boys provides a breeding ground for disaffection that undoubtedly leads many (not all) to seek alternative means of obtain a good standard of living or gain respect from their peers.”¹⁵⁶

114. Research has shown that socio-economic background is the strongest determinant of educational achievement.¹⁵⁷ However, deprivation alone is unlikely to account for the attainment and exclusions gaps. DfES told us that a greater proportion of Bangladeshi pupils are entitled to free school meals, a key measure of deprivation, than Black Caribbean pupils – but a lower proportion of black Caribbean pupils achieve five good passes at GCSE than Bangladeshi pupils.¹⁵⁸

115. We were told that teacher expectations could cause underachievement among young black people. Ken Barnes, who runs a mentoring organisation which works extensively in schools, said that teachers sometimes thought of black children as being “deficient”, and that the school system did not “accept, respect or expect” of black young people.¹⁵⁹ There is sometimes a lack of cultural understanding between teaching staff and black pupils.¹⁶⁰

Educational underachievement and disaffection is accompanied by high levels of school exclusion among black young people

116. Underachievement is fed by rates of exclusion, which is higher for black young people than any other groups except Traveller groups. A recent DfES report¹⁶¹ shows 9.61% of black Caribbean young people had had a fixed period exclusion in 2003–04, compared with a national average for all pupils of 5.02%.¹⁶² Our witnesses suggested that figures may be higher than this in practice, as the school may encourage parents to remove children for a ‘cooling off’ period after which the child does not return, or a managed move may be made to another school.¹⁶³

117. Recent surveys have demonstrated the direct link between school exclusions and involvement in the criminal justice system. In their 2004 youth survey, MORI found that 60% of young people excluded from school had offended, compared to 26% of young people in mainstream education.¹⁶⁴ A Home Office study found that permanent exclusion adds impetus to youth offending, setting in train sequences of events that can culminate in the onset or escalation of offending.¹⁶⁵ The young people we spoke to described the powerful negative effect of exclusion on self esteem:

156 Ev 233

157 Ev 237

158 *Ibid.*

159 Q 35

160 Q 39

161 DfES, *Priority Review of Black Pupils: Getting it: Getting it Right*, September 2006

162 *Ibid.*, p 5

163 Q 384

164 Ev 225

165 David Berridge, Isabelle Brodie, John Pitts, David Porteous and Roger Tarling, ‘The independent effects of permanent exclusion from school on the offending careers of young people’, Home Office, 2001

“It puts your life on hold, it makes you feel frustrated and you do not know what to do—if it is really worth it or not, if it is the right thing to do—because it feels like you cannot win. It feels like you are a loser: you got kicked out; there is nothing you can do; you are just stuck.”¹⁶⁶

118. A significant proportion of our witnesses felt that discrimination, both direct and unwitting, was responsible for exclusion.

119. Many of our witnesses told us of the “different tariff of punishment” for the inappropriate behaviour of black students and white students.¹⁶⁷ These differences in discipline often result from cultural misunderstanding rather than overt discrimination. One of the workers at “Right Track”, a Bristol project which works to reduce the overrepresentation of BME groups in the criminal justice system, told us the story of a Ugandan boy who had been disciplined at school for not looking the teacher in the eye. His parents had taught him it was rude to look someone directly in the eye, but the teacher had misinterpreted this as rudeness. Superintendent Leroy Logan pointed to “the labelling phenomenon” in schools, in which young black people are “deceived into believing they are disruptive and un-teachable in school and criminals on the street”. This may make the young person more likely to turn to crime or anti-social behaviour.¹⁶⁸

120. These views are supported by a DfES report—published at this Committee’s request—which found that “a compelling case” can be made for the existence of “institutional racism”¹⁶⁹ in schools. The report, entitled *Getting it: Getting it Right* found that “whilst overt racism (at least on the part of staff) is now unusual in schools, discrimination against the grandchildren and great grandchildren of the early Black migrants persists in the form of culturally unrepresentative curricula and low expectations for attainment and behaviour on the part of staff.”¹⁷⁰ The report found that excluded black pupils were less likely to fit the typical profile of white excluded pupils, such as having Special Educational Needs, being eligible for Free School Meals, longer and more numerous previous exclusions, poor attendance or criminal records.¹⁷¹

121. The report found the “key factor” in the persistence of disproportionate exclusion of black pupils was the marginal status of race equality in schools and the wider education system.¹⁷² Schools were significantly less likely than other public authorities to respond to a CRE survey to evaluate the Public Duty to promote race equality and good race relations in 2003.¹⁷³ Of those that responded, more than half had not identified clear goals or targets for improvement.¹⁷⁴

166 Q 218

167 Q 386

168 Ev 315

169 DfES, *Getting it: Getting it right*, p 13

170 *Ibid.*, p 13

171 *Ibid.*, p 10

172 *Ibid.*, p 19

173 *Ibid.*, p 19

174 *Ibid.*, p 20

122. Respondents pointed out that there were sometimes real issues with poor behaviour among black pupils. One parent governor highlighted specific problems with attitudes to school, and to female teachers in particular.¹⁷⁵ We formed the strong impression that the perception that racism existed may be as big a problem as actual racism. Dr Tony Sewell stressed the need to look at the causes of exclusion, not just the mechanism of exclusion itself.¹⁷⁶ Some of our witnesses believed a lack of appropriate discipline in school was responsible for poor behaviour and exclusion.¹⁷⁷

123. In some cases, shortcomings in the curriculum may cause underachievement and disaffection. A number of witnesses thought lessons were not always relevant, or sensitive, to young black people's lives. Some mentioned the lack of black history or cultural awareness as a demotivating factor in the classroom.¹⁷⁸ In other cases, schooling was "dull" and did not take account of "where young people are in their own development, or what is happening to them in their communities."¹⁷⁹

124. The evidence that high levels of school exclusions and underachievement played a major contributory part in young black people's involvement in crime seemed to us compelling. Underachievement and exclusion are a key cause of continued socio-economic disadvantage among black communities. We saw no signs of a joined up response between the Home Office and DfES on the issues of exclusion and overrepresentation in the criminal justice system, despite the clear correlations between these two problems. We were surprised that the Home Office's submission did not make a substantial reference to efforts to address this issue.¹⁸⁰ We were concerned that the findings of the DfES study into the causes of disproportionate exclusion of black pupils were made public only after repeated requests from this Committee. We make recommendations on this issue in section 3 of this report.

Deprivation and underachievement mean young black people lack positive role models to which to aspire

125. Together, entrenched deprivation and educational underachievement engender a lack of examples, either at first hand or in popular culture, of young black people who have succeeded in society. This can have a powerful negative effect on young black people's aspirations. Reverend Nims Obunge brought this point close to home by citing the ethnic composition of the Committee itself as "a reflection of the challenges we have in the black community."¹⁸¹ Professor Gus John told us that "issues to do with identity and aspiration" and young people's "belief in the extent to which they can be successful and see others around them as being successful" were key underlying factors in young people's involvement in crime:

175 Ev 389

176 Q 387

177 Qq 14, 48

178 Q 82

179 Q 386

180 Ev 275

181 Q 63

126. Hayley Littek, who came to speak to us as part of a gang exit programme from Lambeth, described the impact on young people of a lack of prominent black role models or authority figures in society:

“A lot of black people’s parents could be cleaners or just doing something that is not really much of a job, nothing much to look up to, and if you have not got a parent to look up to, who is the next person you look up to? If there is no teachers to look up to, there is no-one in government to look up to, you are really lost because you cannot really get higher than the government and you cannot see no-one, no reflection of yourself doing anything that makes a difference.”¹⁸²

127. The absence of positive role models can lead a minority of young black people to search for alternative forms of success and validation which may include crime—a point we discuss in the next section.

Other issues within black communities compound disadvantage

128. Poverty and educational underachievement are major causes of young people’s entry into the criminal justice system. However, many of our witnesses emphasised other trends within black communities which helped exacerbate disadvantage and fuel involvement in the criminal justice system.

Family and parenting factors contribute to overrepresentation

Lack of father involvement has a negative impact on young black males

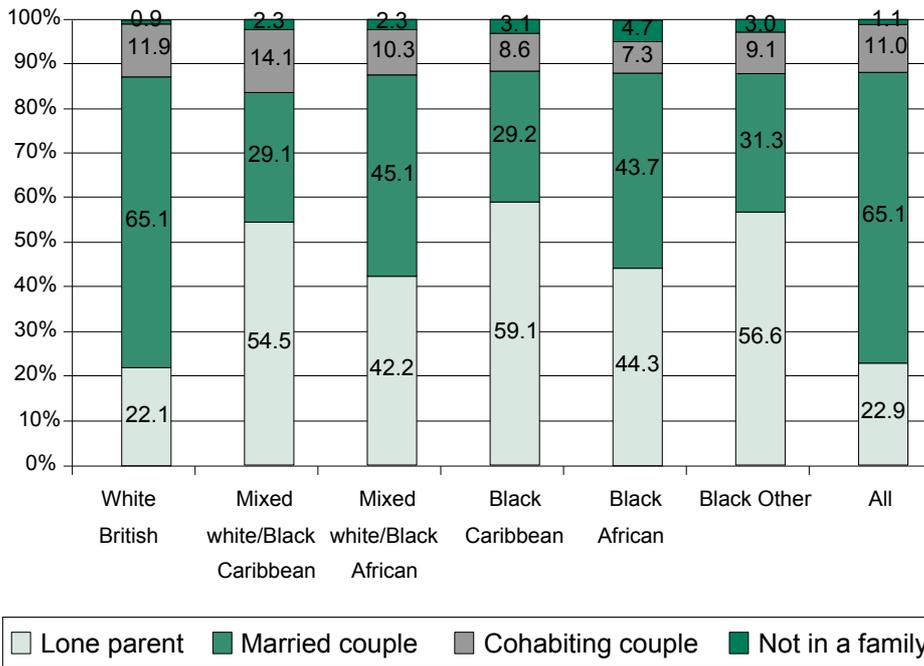
129. Black children overall are more likely to grow up in single parent households. As the graph below shows, this is particularly true of black Caribbean children and those with one white and one Caribbean parent. In most cases, the heads of these households are lone mothers.¹⁸³

182 Q 241

183 Ev 240

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Figure 5: Dependent children by family type (selected ethnic groups) 2001



Data source: Dr Marian FitzGerald, Specialist Adviser to the Committee

130. The fact that a father does not live in the same household with his children is not, in itself, an indication of insufficient parental support, as many of our witnesses made clear. Neil Solo of Barnardos, which run a programme of parenting support and advice specifically for African-Caribbean Fathers, cautioned against trying to impose a Eurocentric family model on other ethnic groupings.¹⁸⁴ He said the structure of black families “may be different, but fathers can be engaged or disengaged with the lives of their children, both within and outside the nuclear family.” Dr Jeune Guishard Pine, who has researched parenting styles among different ethnic groups, suggested a combination of variables—including socio-economic status—were more useful ways to understand family life and criminal behaviour than a single factor such as the presence or absence of a father in the child’s home. She told us that the findings from studies to examine the relationship between father absence and offending behaviour have been equivocal.¹⁸⁵

131. Dr Guishard Pine told us what matters is not simply the presence or absence of a father in the child’s home, but their availability, involvement and the quality of the father-child relationship.¹⁸⁶ The National Family and Parenting Institute told us that this relationship is important for “children’s greater self-confidence, mental health, positive behaviour and relationships, educational attainment and cognitive skills.”¹⁸⁷

132. Many witnesses said that an absent and disengaged father had a negative impact on young people’s development. This was particularly true for young males. In their joint submission, Barnardos and the Babyfather alliance said boys and young men who lack

184 Q 474

185 Ev 255

186 Ev 256

187 Ev 397

father involvement can develop ‘father hunger’, a trauma which leaves them vulnerable to peer pressure and external influences.¹⁸⁸ Reverend Nims Obunge argued that “an acknowledged breakdown in the social fabric of many black families is most typically exemplified by the lack of a strong father figure in the home.” Dr Guishard Pine pointed out that boys appear to be more affected by family breakdown than girls.¹⁸⁹

133. Young people and practitioners we spoke to made a link between the absence of a positive male role model in the home and involvement in gangs or other youth affiliations which commit crime:

“These young men are crying out for fathers... They are looking for that affirmation, they are looking for that identity; they are looking for that role model. They do not find it in the home and they go out and meet a group of men or young boys who are involved in devious activities; they find affirmation.”¹⁹⁰

“In some cases that is the reason why people resort to crime, because if they are not getting the love from home, they see it as the only love they can get is from the streets basically. They are not getting it anywhere else.”

134. Responsibility for father absence cannot be placed with the male partner alone. Camila Batmanghelidjh told the Committee of the “rejection and cruelty” of females who reject the adolescent, male, partner, preferring to cope alone.¹⁹¹ Neil Solo of Barnardos told us that the majority of African Caribbean fathers want contact, but can be frustrated by laws which place women as the primary caregiver.¹⁹²

135. Melvyn Davies, who runs a group-work and mentoring programme for boys, young men and fathers, suggested the movement of families from the Caribbean to Britain sometimes meant these groups lost the strong values and support structures of their extended family. More than one witness traced family break-up back to the legacy of slavery, and the organisation of family units in the plantation system. This could lead to a lack of familial stability and the absence of a wider extended family to rely on in times of crisis:¹⁹³

“I do not think you can ignore the history... I do not think you can ignore what the slave trade did to the black community. I do not think you can ignore the fact that you took a black man from Nigeria and a black man from Ghana and you placed them on a plantation farm, and you took the wife of the Nigerian and placed her with the Ghanaian woman and, before they could learn each other’s language, you took that woman away and eventually you destroyed the fibre of the black community in the historical context.”¹⁹⁴

188 Ev 197

189 Ev 256

190 Q 71

191 Q 20

192 Q 476

193 Qq 260, 125

194 Q 81

136. Witnesses also pointed out that African Caribbean fathers themselves were undermined by the negative image of the black male in society. Fathers themselves sometimes lack a constructive role model on which to draw.¹⁹⁵

137. Several witnesses told us that negative parental role models can be a powerful driver of offending behaviour among young people. According to Barnardos and the Babyfather Alliance, 59% of boys with a convicted parent go on to be convicted themselves.¹⁹⁶ Witnesses suggested that the high proportion of black adults in the criminal justice system may itself be feeding back into offending behaviour amongst young people.¹⁹⁷

138. While we received strong evidence that some black families make a success of parenting models which differ from the two parent norm, it was therefore clear that many young black people—and young black males in particular—experience family structures from which strong role models are absent.

Respondents questioned the quality and quantity of parental discipline

139. Some respondents perceived there to be a failure of parental discipline, and thought some black parents were afraid to take action against young people:¹⁹⁸

“One has a syndrome which is almost like the story of Lord of the Flies, where the adults have gone from the camp and the children are left to get on with it. To a certain extent, that is the story in many communities from the post-1990s until now. Poverty has a part in that, but there is a drifting away of adults to guide the young. The shepherd has left his sheep.”¹⁹⁹

140. Any lack of discipline may in part be due to fissures between traditional and modern parenting methods. Neil Solo from Barnardos told us that a ‘cultural revision’ was in progress, in which traditional African Caribbean methods of parental control—such as corporal punishment and physical discipline—are not acceptable, but “new methods are not yet always fully formulated and established.” According to Barnardos, parents are seeking new methods of enforcing discipline, but this is still “a work in progress”. Reverend Les Isaacs traced this uncomfortable transition back to the 1960s and 70s:

“There was a cultural clash in those days, which we are still bearing the fruits of when the grandmas and grandpas are saying “Our children don’t respect us any more.” I could not address someone two years older than me by their first name. Someone who is not my mother, I still call her “Mother” and I still call him “Father”. That is my generation. They have lost that and they felt that back in the sixties and seventies that was undermined by the Government.”²⁰⁰

195 Ev 197

196 Ev 198

197 Ev 256

198 Q 50

199 Q 379

200 Q 81

141. Neil Solo suggested that the adoption by black communities of a westernised, nuclear family model may also have damaged parental controls:²⁰¹

“Caribbean peoples, not to romanticise that community, exercise the idea that it takes a whole village to raise a child. Where we find ourselves now operating in nuclear units the village is no longer there, so when Johnny is down the road committing graffiti or whatever than can often get overlooked.”²⁰²

142. Family breakdown and absence of parental control can both be caused and exacerbated by broader deprivation. Nims Obunge pointed out that single parents and low income families work long hours and multiple jobs to make ends meet, “creating very little time for effective parenting” and leading children to “miss out on simple family experiences such as the dinner table, learning together and so on.”²⁰³ This observation is by no means unique to black communities, but may be particularly acute given levels of deprivation in these communities.

Rates of teenage motherhood are disproportionately high among some black groups

143. Data on mothers giving birth under age 19, identified from the 2001 Census, show rates of teenage motherhood are significantly higher among mothers of ‘Black Caribbean’, ‘Mixed White and Black Caribbean’ and ‘Other Black’ ethnicity. ‘White British’ mothers are also overrepresented among teenage mothers, while all Asian ethnic groups are underrepresented.²⁰⁴ We were told that around a quarter of mothers of Caribbean origin are aged under 20 when their first child is born and the majority of these are single parents.²⁰⁵

Black young people are overrepresented in the care system

144. The number of black children in care is higher than average; and this is particularly true of those of mixed heritage. Young people of mixed heritage aged 0–17 constitute 7% of those in care but under 3% of the population.²⁰⁶ Children from black families are more likely to be in care because of absent parenting than other groups, and are less likely that other groups to be in care because of abuse or neglect.²⁰⁷

Young black people’s distinctive reaction to disadvantage also causes involvement in crime

145. Above and beyond factors ‘pushing’ young black people towards involvement in the criminal justice system, our witnesses thought there were ‘pull’ factors which, in the

201 Ev 198, and see Q 483

202 Q 40

203 Ev 354

204 Ev 260

205 Robson and Berthoud, 2003, quoted in Ev 240

206 Ev 248 (figure 5a)

207 Ev 248 (figure 5b)

absence of conventional means of fulfilment or achievement, drew young black people towards involvement in crime. It was suggested to us that, in some cases, young black people may choose to become involved in crime because they believed it would have rewards in terms of image, street credibility and material wealth.

146. Gus John argued that that “in addition to the well known indicators of social exclusion that impact upon black young people (low educational attainment, school exclusion, low income, single parent families, repeated offending, etc.), social exclusion of an active kind is being perpetuated.” He cited a definition of active social exclusion from Tom Wiley, Chief Executive of the National Youth Agency—“the form of exclusion that comes about when young people lay claim to particular identities and make choices about lifestyles which compound their disadvantage and their existence on the margins of the society”.²⁰⁸

Young black males have powerful and negative alternative role models

147. Black young men are confronted daily with powerful, negative alternative images of black males in popular culture. In the absence of positive role models to turn to, it is perhaps unsurprising that some may seek to emulate and adopt these identities. Melvyn Davies, who has developed and runs a mentoring programme for boys, young men and fathers, said this process took place on a subconscious level and was reinforced daily:

“The black machismo male identity not only seeks to protect the individual from painful messages of rejection that he receives... it also seeks to counter in a passive-aggressive way the negative perception of self held by the indigenous population, whilst at the same time creating the emotional detachment needed to commit crime.”²⁰⁹

148. Many of our witnesses criticised rap, grime and hip hop music, films and video games for glamorising violent, criminal lifestyles. Music was the form of entertainment mentioned most frequently to us as having a direct and detrimental influence on young people’s ideals and behaviour. Decima Francis linked the arrival of American TV on her native island of St Kitts to a sharp rise in incidences of gang violence, drugs and murders on the island.²¹⁰ Shaun Bailey put this most powerfully to us:

“If you listened to music that our young black boys listen to you would be horrified. When David Cameron said that hip hop music was bad he was on to something but he has not got a clue because he actually cannot understand the words being said. If he could understand the words being said he would have said it years ago, because the stuff they talk about is utterly horrible. What it does is it sets the agenda for what is cool and what is acceptable amongst that group of people.”²¹¹

149. Young people of all ethnicities consume and admire art forms which promote negative role models. However, many of our witnesses felt deprivation and discrimination gave these cultural images a particular power to speak to young black people. Melvyn

208 Ev 310

209 Ev 234

210 Q 32

211 Q 8

Davies told us that “Videos that show black artists, being pimps, drug dealers, robbing banks, and committing acts of violence do have an effect on black youth who lack protective factors that can produce a reasonable level of resilience.”²¹²

150. Young people from Lambeth’s gang exit programme and at Feltham Young Offender’s Institution felt young black people could identify with rappers who had had similar experiences. Shaun Bailey told us, “The problem is when I listen to hip hop I identify with the artist—he is a black man who claims to be talking about where we have come from, and he is something I want to be and I am an impressionable 15 year-old who wants to be hip.”²¹³

151. Some witnesses felt music expressed realities of life in poverty rather than promoting criminal behaviour. Hayley, from Lambeth’s gang exit programme, told us:

“If you listen to people like DMX and Tupac... the things that they are saying, it might be horrible to listen to, you might think it is foul what they are talking about, but that is what they have been through, the same way that people do art work and people write poems, whatever. This is how they express themselves.”²¹⁴

152. Heidi Watson, Chief Executive of the Damilola Taylor Trust, had a different view:

“In my opinion the film industry, video game industry and music industry set the tone of youth culture more than they reflect it. Far too often they glamorise violence, portray rewards for criminal behaviour, and pander to the more base emotions which young people should be encouraged to suppress not indulge.”²¹⁵

153. The Committee also heard that in some cases there could be a direct link between involvement in criminal behaviour and the production of music videos. Peer group street collectives and gangs sometimes produce and submit videos on digital music channels which advocate violence and revenge against their rivals.²¹⁶ Some South London gangs have music production arms, and these have been known to film robberies and use the footage to promote their music.²¹⁷

154. There was no consensus in the evidence we received as to whether music and video influences reflected or contributed to criminal activity by young black people. However, the balance of the evidence suggests these influences can be damaging to those young people who might for other reasons be most vulnerable to being drawn into criminal activity. We return to this issue in section 3.

Crime is seen as a viable alternative route to success for some young people

155. We were struck by the sheer negativity of many young people’s lives. On our visit to Feltham, it seemed to us that most of the young people we had encountered had grown up

212 Ev 234

213 Q 15

214 Q 236

215 Ev 393

216 Metropolitan Police Service anti-gang activity paper, May 2006, p 3

217 John Pitts , Evaluation of the X-it gang Desistance programme, 2006, p 9

in environments where they believed there was little alternative to the culture of territory, aggressive youth affiliations and the necessity of responding to violence with violence. In this setting, conventional value systems can be reversed and crime can provide an alternative route to status and achievement for young people:

“There’s a whole status thing. If you lived in a community and you have a ‘rep’—this is one thing, you will see, rising up among communities—if you have a reputation as someone who will act violent normally... you lift your status high.”²¹⁸

156. Tony Sewell told us that gangs represented an alternative structure in which to achieve and get on:

“The gang is an interesting analogy. The gang is almost a mirror of society. If one looks at the Italian gangs, they operated almost as an alternative society. They had their own government structures and their own ways of dealing with enemies. In the same way, those boys joined gangs because they could not see their way into the mainstream.”²¹⁹

157. Protecting territory or turf from perceived rivals can become an imperative. Superintendent Leroy Logan told us of “postcode violence” in Hackney, in which groups of young people exhibited “paranoid misguided loyalties” which led them to take action against strangers who entered their territory.²²⁰ At Feltham Young Offender Institution we were told that youth affiliations connected to particular streets or roads are enduring, even spilling over into prison. Young people from Lambeth’s gang exit programme felt that on an estate with high crime and gang activity, there is sometimes no way out other than to become involved with an affiliation:

“There is no other route out unless something could happen if you do not do this or if you do not do that, like they may try a switch on you, or you are thinking about your family’s health or something like this if you do not do this, what they might do to your family.”²²¹

158. The strength of affiliations which may tie young people to others who commit crime should not be underestimated. One young man at Feltham Young Offender Institution told us he would rather serve a life sentence for a crime he did not commit than ‘snitch’ on his clique, for fear of reprisals for his family and friends and the vulnerability he himself would suffer while in custody. In the absence of economic prospects and family ties, loyalty to the group can be a central source of identity and belonging: test

“Some people are not really raised with love or whatever, so the only place where some young people are going to find it is the streets and their friends.”²²²

218 Q 8

219 Q 389

220 Ev 327

221 Q 169

222 Q 172

Criminal Justice System factors play a direct and indirect role in promoting overrepresentation

159. In presenting the Lawrence inquiry report to parliament in 1999, Jack Straw, then Home Secretary, accepted the report's definition of racism as "the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin." It could be detected, he said, in "processes, attitudes or behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people".²²³ The Lawrence inquiry into the death of Steven Lawrence in 1993 found, on this definition, the existence of institutional discrimination within the Metropolitan Police Service and other police services and institutions nationwide.²²⁴

160. Many of our witnesses believed discrimination played some part in young black people's overrepresentation in the criminal justice system. However, its impact is difficult to quantify or pinpoint. The fact that more young black people come into contact with the police cannot itself be interpreted simply as evidence of discrimination, as it is likely to reflect other factors which are discussed below. Notwithstanding the actual level of discrimination in the system, a significant finding of this inquiry was that the perception of discrimination itself may be an important cause of overrepresentation. A lack of confidence in the system can encourage young people to take the law into their own hands to distribute justice and ensure their own personal safety.

Young black people who have offended are more likely to come into contact with the system

161. The Offending, Crime and Justice survey suggests that in comparison with their white counterparts, black and mixed respondents who have offended are more likely to come into contact with the criminal justice system as victims and offenders.²²⁵ Twenty four percent of white respondents aged 10–15 in the first Offending, Crime and Justice Survey admitted to having committed an offence in the last year but only 1% of the sample had been arrested. By contrast, although just 12% of the black sample admitted to have offended, a quarter of this group (3%) had been arrested. In addition, black respondents who admitted to having 'ever' offended were significantly more likely to have been arrested and to have been to court than their white counterparts. By contrast, there were no significant ethnic differences in the extent to which respondents who were treated as "non-offenders" by the survey had been arrested.²²⁶

162. Young black people who have offended are more likely to come to the attention of the police. However, it cannot be assumed that this is evidence of discrimination on grounds of ethnicity. The Offending, Crime and Justice survey sets out eight social and demographic characteristics which are highly associated with the likelihood of arrest. The black sample is considerably more at risk than the white sample on four of these factors, which include

223 HC Deb, 24 February 1999, col. 391

224 *Ibid.*, col 390

225 Dr Marian FitzGerald, *Statistical Evidence*, p. 6 and table 2 [see footnote 34 above]

226 *Ibid.*, p 7

their association with others who are known to the police, higher rates of school exclusion, living in rented accommodation or being homeless.²²⁷

163. The type of crimes young black people may commit may also lead them to be overrepresented in the criminal justice system. Information from victims on the ethnicity of offender is often restricted to incidents where the victim had sight of the suspect. This is likely to bias reports of suspect descriptions towards crimes in which the victim would have had more contact with the offender—contact crimes such as robbery for which young black people appear to be overrepresented.²²⁸ Of victims' descriptions of the ethnicity of offenders in the British Crime Survey in 2000, black people accounted for 5% of the offenders described by victims compared to a presence in the population overall of just under 3%. The suspect was described by the victim as being black in 31% of cases of mugging according to the 2000 survey.²²⁹

164. The police are likely to put more effort into certain crimes, depending on local and central priorities and the resources available to pursue these. For example, the numbers of black young people who came into the criminal justice system as a result of arrests for robbery in London rose by 60% between 1999 and 2004–05, compared with an increase of 37% in the case of whites. Some of this increase may be due to the greater emphasis accorded to robbery by the police under the government's Street Crime initiative, which was launched in March 2002.²³⁰ The drive against the supply of class A drugs may be an additional factor which is leading to greater involvement of young black people in the criminal justice system.

165. The police are likely to focus on crime 'hotspots'—deprived areas which are more likely to have a higher ethnic minority population. Residents of these areas are more likely to come into contact with the police.²³¹

In some instances, discrimination contributes directly to overrepresentation

Stop and search is still a cause for concern

166. Stop and search accounts for a relatively small proportion of the people coming into the criminal justice system overall—7% in 2004–05.²³² Significantly, however, black people are nearly twice as likely to enter the criminal justice system as a result of stop and search (11.3%) in comparison with their white counterparts (6.2%)²³³

167. The power has been a central historical flashpoint in relations between black people and the police. Searches were a major trigger for the riots which broke out in Bristol in

227 *Ibid.*, p. 8 and table 4

228 *Ibid.*, p. 19

229 *Ibid.*, p. 10 and table 5

230 *Ibid.*, p. 31

231 *Ibid.*, p. 20

232 *Race and the Criminal Justice System: An Overview to the Complete Statistics 2004–05*, CJS, p 15

233 *Ibid.*, p 39 (table 5.3)

1980 and in London, Liverpool, Manchester, Birmingham and elsewhere in 1981, leading Lord Scarman to call for a new approach to policing black communities.

168. Most police searches of the public today take place under section 1 of the 1984 Police and Criminal Evidence Act, introduced following Lord Scarman's report. Section 1 searches require officers to have 'reasonable grounds for suspicion' that an individual is carrying prohibited or stolen goods before they can search them. However, the majority of these searches are fruitless. The proportion of searches resulting in an arrest for all ethnic groups and all reasons for searching is just 11%.²³⁴

169. Black people of all ages are 6 times as likely to be stopped and searched and Asian people twice as likely as their white counterparts. Overall, there has been a decline in the numbers of white people stopped and searched since 1997–98, whereas for black and Asian people the numbers are broadly similar to levels recorded in 1997–98.²³⁵ These national figures reflect particularly high numbers of section 1 searches of black people in three of the 43 police forces—Greater Manchester, West Midlands and the Metropolitan Police. Over 80% of all section 1 searches on black people take place in these three forces.²³⁶ The combined impact of this disproportionality means the national figures appear almost five times higher than they would be if these three forces were not included.²³⁷

170. Disproportionality in stop and search is particularly high for searches under section 60 of the 1994 Criminal Justice and Public Order Act, which allows officers to search anyone without needing 'reasonable grounds for suspicion'. The order can only be applied in a designated area 'in anticipation of serious violence' for a limited period on the authorisation of a senior officer. Section 60 searches are less common than section 1 searches and have a low arrest rate. Overall just 3% of section 60 searches led to an arrest in 2004–05.²³⁸

171. Section 60 searches accounted for nearly 8% of searches on black people in England and Wales in 2004–05, compared to 3% of searches on white people.²³⁹ Over half of all section 60 searches in that year were conducted in just one police force area, the West Midlands. The high level of section 60 searches and below-average use of section 1 statistics meant that section 60 searches accounted for more than 45% of all searches of black people in the West Midlands in 2004–05.²⁴⁰

172. In London, where young black people represent 37% of those stopped and searched overall but only 15% of the youth population,²⁴¹ the Mayor's evidence noted the high overrepresentation in some London boroughs with a relatively small black population. In Kingston upon Thames, black people are 14.4 times more likely than whites to be stopped

234 *Statistics on Race and the Criminal Justice System 2005*, Home Office, 2006, p 30 (table 4.3)

235 *Race and the Criminal Justice System: An Overview to the Complete Statistics 2004–05*, p 11

236 *Ibid.*, table 4.1

237 Dr Marian FitzGerald, *Statistical Evidence*, p. 22 [see footnote 34 above]

238 *Race and the Criminal Justice System: An Overview to the Complete Statistics 2004–05*, p 15

239 Dr Marian FitzGerald, *Statistical Evidence*, p. 25 [see footnote 34 above]

240 Analysis by the Committee's Specialist Adviser, Marian FitzGerald, from tables 4.1 and 4.5, *Statistics on Race and the Criminal Justice System 2004–05*, Home Office

241 Ev 330

and searched relative to their proportion of the population and in Richmond upon Thames, 13.1 times more likely.²⁴²

173. Work by the Home Office²⁴³ and independent studies by academics for individual police forces²⁴⁴ have indicated that ethnic differences tend to disappear if search figures are compared with the ‘street’ population rather than with Census figures for local residents, because the population on the streets where searches are most likely to occur is “systematically different” from the local resident population”.²⁴⁵ These differences may be driven by lifestyle factors, age and the presence of non-residents in the street in a particular area.

174. The police suggested that the figures tended to reflect the age structure and socio-economic characteristics of the populations in the areas the types of area on which searches were focused, in addition to the behaviour of individual officers.²⁴⁶ Analysis of stop and search figures obtained from four police forces—Greater Manchester Police, West Midlands, Nottingham and the Metropolitan Police Service—demonstrated that the extent to which stop and search was used tended to reflect levels of reported crime in the area.²⁴⁷

175. Analysis of search figures for the component divisions (or Basic Command Units) in four police forces which provided data specially for this inquiry—Greater Manchester, West Midlands, Nottingham and the Metropolitan Police Service—demonstrated that the extent to which stop and search was used generally tended to reflect variations in the levels of reported crime within the force area.²⁴⁸ Metropolitan Police breakdowns of suspect descriptions from crime reports for each of the 32 London BCUs showed similar levels of disproportionality to the ethnicity of those stopped and searched under section 1 in most areas, suggesting that the pattern of searches is broadly based on crime patterns. However, the figures raised questions about the minority of BCUs where the two sets of figures did not correspond.²⁴⁹ As discussed later, the greater involvement of young black people in contact crimes where suspect descriptions are more likely—robbery rather than burglary, for example—may also increase young black people’s likelihood of being searched.²⁵⁰

176. Arrest rates overall for black people following section 1 searches tend to be similar to those for white people in most police forces.²⁵¹ This implies that searches of both ethnicities are equally likely to be based on reasonable suspicion of the individuals involved, regardless of ethnicity. However, this does not take account of the evidence that black people may be

242 *Ibid.*

243 MVA and Miller, J., *Profiling Populations Available for Stops and Searches*, Police Research Series Paper No. 131, 2000

244 ‘Disproportionality in Police Stop and Search in Reading and Slough’—Waddington 2004

245 Ev 241

246 Ev 193

247 Ev 149, 164 (figure 13)

248 *Ibid.*

249 *Ibid.*

250 *Ibid.*

251 Dr Marian FitzGerald, *Statistical Evidence*, p. 23 and table 9 [see footnote 34 above]

more intrusively searched than other groups,²⁵² or that they may be more likely to be arrested following the circumstances of the stop itself.²⁵³

177. Some respondents did specifically cite racial prejudice among police officers as a cause of the disproportionate rate at which black people are stopped. The Home Office submission stated that officers' suspicion could arise from "wider generalisations" which had the potential to develop into "negative stereotypes".²⁵⁴ Many of the young people we spoke to on visits and in oral evidence felt they had been unfairly targeted.²⁵⁵ Marc Edwards, the founder and Executive Director of "The Young Disciples" said of his experience in Birmingham:

"The police officers who are doing the stops and checks—this comes from their own mouths—say that when they are looking into cars and at the ethnic make-up of the occupants, whether they are black, white or Asian, they decide on that basis whether or not they stop individuals. It is not done according to whether they look suspicious or anything like that; it is more to do with the colour of their skin."²⁵⁶

178. Even if the disproportionality in section 1 searches is not explained primarily by prejudice, this does little to counteract the damaging impact these encounters have on relations between the police and black people. Dr Marian FitzGerald explained that, even if there were no discrimination in stop and searches, the fact that one ethnic group was disproportionately searched means that more innocent people from that group are searched, causing understandable resentment:

"Even if there were no discrimination in searches, therefore, as long as some groups have a higher risk of being the legitimate target of searches, disproportionate numbers of innocent people in those groups will be searched... black people with no criminal involvement are right in assuming that they are more likely to be searched when going about their lawful business than they would be if they are white."²⁵⁷

179. The higher likelihood of being searched causes considerable frustration, embarrassment and anger among young people. One young man from Lambeth told us:

"They will stop me 20 times in a month. I have not done nothing once on the 20 times in a month, and I have been stopped 20 times in a month."²⁵⁸

180. The fact that black people are more likely than white people to be affected by section 60 searches—which have a lower arrest rate—further increases the disproportionate impact of searches on innocent black people and is therefore a particular cause for concern.

181. It is likely that disproportionate use of stop and search may be justified to some extent by deprivation, the street population and patterns of offending. Disproportionality should

252 Ev 214

253 *Ibid.*

254 Ev 270

255 Qq 183, 185

256 Q 400

257 Ev 242

258 Q 183

not necessarily be taken as evidence of discrimination. However, we encountered a clear perception among young people and those working with them that police officers may generalise and stop and search young black people based on “negative stereotypes”.

There is some evidence that decisions to charge black defendants may be made on weaker evidence

182. Respondents to the inquiry drew our attention to studies which demonstrate that, before responsibility for charging was transferred to the Crown Prosecution Service, black defendants were more likely to have their cases terminated due to weak evidence or because it was against the public interest to proceed.²⁵⁹ This may suggest that incorrect decisions were being made by police officers to charge more frequently in cases involving black offenders in comparison with cases than white offenders.²⁶⁰

183. A study by the Youth Justice Board in 2004 found that, of a group of cases studies, the chances of a mixed parentage young male being prosecuted were 2.7 times those of a young male with similar characteristics.²⁶¹

The number of young black people being remanded in custody before sentence is a cause for concern

184. Figures kept by the Youth Justice Board show that 9.2% of young black people and 7% of young people of mixed heritage have been remanded in custody before receiving a disposal, compared with 4.6% of white young people.²⁶² As NACRO pointed out, this means that black young people represent 9.9% of all bail and remand episodes, but constitute 19.1% of remands to local authority secure accommodation, 17% of remands in custody and higher percentages of all other bail and remand outcomes other than unconditional bail.²⁶³

185. The Youth Justice Board’s study of case decisions involving young people of different ethnicities found that concerns about possible discrimination were raised by “the greater proportion of black and Asian males that had been remanded in custody before sentence, especially the greater proportion of black males remanded whose proceedings had not resulted in a conviction.”²⁶⁴

There is some evidence of discrimination as regards sentencing

186. A major study conducted by Hood of five Crown Court Centres in the West Midlands in 1992 found that adult male black defendants were more likely to be sentenced to custody

259 ‘Race for Justice’, Gus John Partnership 2003

260 Ev 214

261 Youth Justice Board, *Differences or Discrimination?*, 2004, p 21

262 Analysis by the Committee’s Specialist Adviser, Dr Marian FitzGerald, based on Youth Justice Board table on court remands available at <http://www.yjb.gov.uk>

263 Ev 391

264 Youth Justice Board, *Differences or Discrimination?*, 2004, p 2

than white defendants, and that substantially longer sentences were given to both black and Asian than white offenders.²⁶⁵

187. The Youth Justice Board's study, *Differences or Discrimination*, found no evidence consistent with unfair discriminatory treatment of black or mixed parentage males in the use of custodial sentences. However, it found evidence of discrimination in the length of custodial sentences given to black male defendants. In the 8 YOT areas in which cases were analysed, a much higher proportion of black males (92%) were given a custodial sentence of 12 months or more than white males (62%), an outcome "consistent with discrimination against cases involving black young male defendants in the Crown Court as regards the length of custodial sentence imposed."²⁶⁶

188. The Youth Justice Board's study found that possible unfavourable treatment in the remand decision—the chances of a black or mixed parentage male having been remanded in custody were slightly higher than that of a similarly placed white male—might have increased their chance of receiving a custodial sentence.²⁶⁷ Similarly, the study found that all minority ethnic groups had a slightly higher chance of being committed to the Crown Court than white males—a factor which is known to increase the likelihood of a young person being sentenced to custody.²⁶⁸

189. Some of the young people we spoke to told us of their perceived experiences of discrimination in sentencing practice:

"I done a robbery with no weapons and no violence, basically, and I got three years. I am in jail and there is white boys that have done knife robberies in there that got two years and six months and them type of sentence there..."²⁶⁹

The perception, as well as the reality, of discrimination promotes involvement with the criminal justice system

190. Notwithstanding the existence of some discrimination in practice, the perception that it may exist is contributing to the numbers of young black people entering the criminal justice system. It may prevent young black victims or witnesses of crime from contacting the police and may encourage young people to use informal and illegal means of redressing wrongdoing and protecting themselves. As Marc Edwards put it:

"If at a young age one perceives oneself as being victimised by an agency it will create a barrier between oneself and the agency. That is where police and community relations are severed; that is the point at which young people start to turn away from a positive framework of living."²⁷⁰

265 Roger Hood, *Race and Sentencing: a study in the Crown Court*, 1992

266 Youth Justice Board, *Differences or Discrimination?*, 2004, p 14

267 *Ibid.*, p 18

268 *Ibid.*, p 19

269 Q 196

270 Q 400

Individual police officers command respect, but the police as a whole are viewed with suspicion by young black people

191. ACPO drew our attention to the improvement in the degree of confidence ethnic minorities had in the police service and criminal justice system as a whole.²⁷¹ They told us that police were increasingly viewed as “honest brokers” within their communities.²⁷²

192. The young people we spoke to acknowledged the existence of some fair and effective policing:

“Since I have been around and been in contact with the police and known of the police most of my experiences with them or things that I have seen with them are negative, but there are positive police officers. It is down to the individual what they want to do, why they join the police force, and that depends on how they carry out their job. So, really and truthfully, I do not want to say that it is negative, but the majority of it is, but there is some positive policing as well.”

193. However, we encountered a widespread belief that the police as a corporate body do not uphold the interests of young black people. During our visits and in oral evidence, young people reported having being treated violently and disrespectfully by the police. Young people expressed a feeling of having been goaded or pushed towards becoming angry or violent. Suggestions that young people might consider a career in the police were met with scorn or amusement.

194. The Young Black Positive Advocates, the youth forum of the Metropolitan Black Police Association, told us that a lack of effective communication between the police and young people, could create fear. They felt the police often relied on visual or cultural codes which could lead them to misinterpret young black people’s intentions:

“A distinct lack of understanding of the discipline codes and behaviour codes of young black people can lead to misjudgement of their behaviour and/or the wrong methodology being used to correct the young person. This can lead to an escalation where, based on this lack of understanding, situations can be dealt with out of context and extra pressure brought to bear in an attempt to ‘control’ what is perceived as an out of control situation when it is not.”²⁷³

195. Several respondents emphasised the difficulty in overcoming historical mistrust for the police. The “sus” laws—under which the police could arrest someone if they suspected they might be about to commit a crime—had led to “cross-generational mistrust of the police”.²⁷⁴ Leroy Logan linked public perceptions of the police with the internal staff culture. The mistreatment of black policemen, exemplified by the racism and ‘canteen culture’ encountered by Norwell Roberts, who joined the Metropolitan Police in 1967, may

271 Q 504

272 Ev 192

273 Ev 345

274 Ev 342; see also Ev 312–13

have reinforced a sense that the police were antagonistic and hostile to black people's interests.²⁷⁵

Lack of trust in the justice system can lead young people to seek alternative forms of redress

196. Witnesses from the police, faith and community groups²⁷⁶ said a lack of trust in the police was leading young people to turn to informal "street justice", in which friends, relatives or the victim themselves took action to gain redress. This is perceived as faster and more effective:

"The other issue is that the police are not perceived as the people who would distribute justice. It is actually a relative to whom these young people turn. There is a cycle of revenge. "You commit a crime against me, I'll get my relatives to come round and do you. That, I think, is a problem."²⁷⁷

"These young men go on to commit crime because they feel that if they go through the route of the police they will not get justice. You have a culture of young people saying, "I will deal with it myself." So there is a young man being shot, the police go in to interview him on his bed and he says: "Nothing to say." What he is really saying is, "We will deal with it ourselves."²⁷⁸

197. This view is supported by research by the Home Office, which has shown that young black men lack confidence in the criminal justice system and the response of some young men to this is to "seek to retaliate against the perpetrators".²⁷⁹

198. Figures provided by Trident show that in 40% of shootings dealt with by the operation, the victim was unwilling to assist the police even though, in many cases, they are likely to know who the perpetrator is. According to Trident, "some elect not to help police due to fear of further attacks on themselves or their family while others do not trust the criminal justice system and seek to 'settle the score' themselves in a revenge shooting."²⁸⁰

Some young people carry weapons to protect themselves

199. If young people lack confidence in the criminal justice system, they may feel they need to carry weapons to protect themselves:

"It is not everyone that walks around with guns and knives. I am just saying that some people just walk around to protect themselves, not to harm people but to protect themselves and to defend themselves."²⁸¹

275 Ev 313

276 Qq 512, 76

277 Qq 512, 76

278 Q 76

279 Criminal Justice System Race Unit and Victims and Confidence Unit, *The Experience of Young Men as Victims of Crime*, 2005, p 1

280 Ev 362

281 Q 150

“If you are feared you are safe. It is important you understand that. If you are feared you are safe.”²⁸²

Conclusion—the causes of overrepresentation

200. Many of the causes of overrepresentation among young black people are similar to those which predispose a minority of young people from all communities to involvement in the criminal justice system. Social exclusion, educational underachievement and school exclusion interact to form a web of disadvantage, bringing young black people disproportionately into contact with crime and the criminal justice system as both victims and offenders.

201. However, our evidence suggested there are issues which are particular to young black people which need to be tackled. Many but not all of these stem from the social exclusion described above. We heard that a lack of father involvement may have a negative impact on the development of young black males in particular. Our evidence also suggested there is a culture amongst some young black people, fuelled by the media and popular culture, in which ‘success’ or credibility is built on young people’s willingness and ability to break the law or exercise power through force.

202. Young black people are more likely than other young people to come to the attention of the police because they are more at risk of factors such as social exclusion, living in rented accommodation or being homeless, which are associated with arrest. The types of crimes they commit may also bring them more readily to the attention of the police. In addition, the particular relationship between black communities and the police leads to greater involvement in the criminal justice system—in some instances due to discrimination, and in other cases because suspicion or mistrust of criminal justice agencies leads young people to take the law into their own hands to protect themselves or exact redress.

203. Our evidence suggests that, in addition to addressing the underlying causes of overrepresentation, any response to overrepresentation needs to tackle those causes which are specific to black communities.

3 Solutions to overrepresentation

204. The overrepresentation of young black people in the criminal justice system is an entrenched and historic problem, with complex and multiple causes. However, we believe the current level of overrepresentation can, and must, be reduced. Too many young black people's lives are being blighted whether as victims or as perpetrators of crime. Youth crime has a far greater impact on the black communities of this country than on other communities. This is an urgent and pressing social problem on which too little progress has been made.

205. We believe that the Government should accord the overrepresentation of young black people in the criminal justice system a high priority. This will mean addressing some issues which underlie offending and victimisation in all communities. But it will also mean recognising and responding to issues which have a particular relevance to black communities. Doing so does not imply according special rights and privileges to young black people. Rather, it means understanding that we will only achieve equal rights and equal outcomes for all young people if we directly address the factors which currently produce a disproportionate involvement of young black people in the criminal justice system.

206. Our evidence suggests that this will mean tackling differences in criminal behaviour as well as discrimination. Dealing with individual risk factors affecting young black people without tackling the other negative pressures on them is unlikely to be successful. In seeking to reduce overrepresentation the police, CPS, courts and Government itself cannot and must not neglect their responsibility to protect society, reduce the numbers of victims of crime and maintain confidence in the criminal justice system overall.

207. We do not believe there is one, catch-all solution that can radically reduce overrepresentation. Dealing with risk factors affecting young black people in isolation is unlikely to be successful if other factors in the lives of young people remain unchanged. We believe steps must be taken to improve the coherence, quality, quantity and targeting of support for young black people in all the key areas which affect outcomes for this group—including parenting and positive role models, schooling, housing and health services. In the forthcoming section, we discuss shortcomings in the government's strategy and delivery and suggest ways in which these could be improved.

208. Each of these areas for intervention are complex. We do not claim to have studied them all in sufficient depth to provide highly detailed recommendations. In particular, we have not examined the broader economic and social regeneration strategies that are needed to tackle poverty and social exclusion in all deprived areas. We do believe, however, that we have identified the key issues relating to young black people that need to be addressed.

209. An important consideration in forming recommendations to combat involvement in the criminal justice system is the extent to which these should be for all young people regardless of ethnicity, and the extent to which they should be focused specifically on young black people. Given that many of the factors which cause young black people to become involved in the criminal justice system—such as deprivation—are common to all young people, many of our recommendations call for Government to ensure that services for all young people are adequately meeting the needs of young black people.

210. Certain problems—such as school exclusion—affect young black people particularly acutely, and solutions which are specifically targeted at this group may be needed. We are aware that targeting is capable of causing resentment and divisions among those who are eligible for support, and those who are not. If interventions are targeted at a particular ethnic group, such divisions may be particularly undesirable. Any targeting must therefore be applied discreetly and sensitively.

211. Select Committees normally make recommendations to Government. In this case, however, many issues cannot be resolved by government alone. Our recommendations are aimed primarily at Government because it can create space and incentives for communities to make changes, and provide resources to help this change occur. However, many of the changes themselves will be made—and in some cases are already being made—by communities themselves. In drawing up a strategy on young black people's overrepresentation, the Government should ensure young people themselves are consulted, and that local and national organisations ensure young people's views are systematically taken into account in forming and evaluating policy.

212. Our recommendations come shortly after the publication of the report of the Equalities Review, commissioned by the Prime Minister. We support the review's positive approach to equality, based on removing barriers on what people can 'be and do'. Many of our recommendations fit within the review's suggested framework for equality, based on capabilities such as health, physical security, the skills to participate in society and trust in the fairness and protection of the law.²⁸³

Government policy and delivery must improve to meet the challenge of reducing overrepresentation

213. We saw considerable evidence of a desire to understand and address overrepresentation from police officers, Home Office ministers and officials and those working within the youth justice system. However, we were concerned about the lack of progress overall in reducing young black people's overrepresentation. We were also concerned by the lack of coherence between the actions of different agencies. At the national and local level, many agencies are doing good work without a sense of how this fits into what others are doing, or of the concrete goals they are working towards.

Government action to date has made little impact on overrepresentation

214. The government's work to reduce overrepresentation to date has comprised the following main actions:

- a) Improving confidence in the CJS—the Government has adopted a PSA target to reduce the percentage of young people from BME communities who believe they will be treated worse by one or more CJS agencies compared to the baseline year of 2001;²⁸⁴
- b) Improving interactions between police and young people—the Government has introduced neighbourhood policing teams to help police build productive relationships

283 *Fairness and Freedom: The Final Report of the Equalities Review*, February 2007

284 Ev 268

with the communities they serve and has introduced the Race and Diversity Learning and Development Programme to ensure training on race and diversity is integrated with other police learning and development;²⁸⁵

c) Improving experiences of young black people in prison—Her Majesty’s Prison Service has developed a performance management and monitoring framework for race issues in the prison system and introduced more focused training for staff on attitudes and beliefs;

d) Improving services provided to young black people—the Government has strengthened the legal framework against discrimination through the Race Relations (Amendment) Act 2000;²⁸⁶

e) Attempting to reduce disproportionality in stop and search—in 2004 the Government established Stop and Search Action Teams to ensure the police power was used fairly and effectively. These have introduced recording for all stops and produced guidance and action plans for forces to help them reduce disproportionality;²⁸⁷

f) Reducing race hate crime—the Government has commissioned research into the Crown Prosecution Service’s institutional practices to ensure justice for BME groups, developed guidance for prosecutors on how to deal with race hate crime and has launched a project to improve the electronic monitoring of hate crime;²⁸⁸

g) Increasing the representativeness of the CJS workforce—the Government has launched a programme to identify ways to improve diversity in the judiciary and set targets for all Criminal Justice Agencies to be fully representative of the population by 2009;²⁸⁹

h) Creating a specific unit in the Home Office—the Criminal Justice System Race Unit—to “get behind the surface of the Race and the Criminal Justice System figures (figures published by the Home Secretary under section 95 of the Criminal Justice Act 1991) and understand the process through which discrimination may be occurring in the CJS.”²⁹⁰

215. Some of these actions appear to be achieving results. We were encouraged by:

a) The high level of diversity in the Youth Offending Team workforce²⁹¹

b) The significant decrease since 2001 in the proportion of BME people who think they would be treated worse by each of the police, the prison service, the courts and the crown prosecution service²⁹²

c) The apparent success of stop and search action teams in reducing disproportionality in places

285 Ev 271

286 Ev 268

287 Ev 270

288 Ev 271

289 Ev 272, 273

290 HC Deb, 12 July 2004, col 980–81W

291 Ev 380

292 Ev 266

216. However, it is notable that to date the Home Office's successes in this area are primarily in inputs—such as confidence and staffing levels—rather than outputs in terms of the numbers of young black people who are arrested, convicted and imprisoned. The Home Office told us that “the levels of disproportionate representation of young Black people in the CJS have changed little over time, even when changes in population and recording practices are taken into account.”²⁹³ The Youth Justice Board told us that patterns of offending had remained similar since 2001.²⁹⁴

217. We were particularly concerned that, five years on from the setting up of the Criminal Justice System Race Unit to understand the extent and origins of discrimination, the Home Office is still “unable to say ... with confidence why disproportionality occurs.”²⁹⁵

218. While the causes of disproportionality are complex and controversial, we believe that the absence of any coherent Government analysis of the problem reveals a significant weakness in its response. We have already noted the very different views expressed by the Prime Minister and Home Office Minister. In the absence of a working analysis of the problem it will be hard for the Government to ensure that its response is coherent and well organised or for other agencies to play their full role. It means that much good work may be less effective than it might be. The absence of a published and coherent strategy for reducing disproportionality also makes it hard for external organisations to offer a constructive critique of Government's policies. We found evidence of this failing throughout our inquiry.

A coherent strategy to address overrepresentation is needed at national level

219. **To provide a focus and structure for change, we recommend that the Government should draw together a specific, cross-departmental strategy to reduce the overrepresentation of young black people in the criminal justice system. The strategy should bring together a coherent overview of what is being done by all government departments and at national and local level at present to reduce overrepresentation and should make an assessment as to why it has failed. It should make specific recommendations as to the contribution which is needed from each department and agency needs to be in order to reduce overrepresentation.**

220. **The strategy to reduce overrepresentation will need to set out clearly the responsibility of central Government departments. Cooperation between the Home Office and the new Department of Justice over this issue will be key. The Office for Communities and Local Government, Youth Justice Board and NOMs will also have a vital role to play.**

221. **We do not believe that solving overrepresentation is solely or mainly an issue of more central government finance. The evidence we received suggested that there is considerable scope to improve the allocation and use of existing resources to ensure services are appropriate, accessible and targeted. We were told that young people are**

293 Ev 268

294 Ev 376

295 Ev 268

often inappropriately housed in adult hostels, for example, leading them into contact with drugs and crime and damaging their prospects for rehabilitation in future.²⁹⁶ In some areas—such as mental health services,²⁹⁷ drug treatment²⁹⁸ and some aspects of housing policy—additional resources do appear to be needed.

222. We do not believe there should be an explicit target to reduce overrepresentation. Such a target would create the perception and perhaps real danger that the exercise of justice was being distorted to meet a government target. Instead, we believe that the Government's aim should be to work towards a situation in which levels of recorded crime, self-report surveys about involvement in the criminal justice system and levels of victimisation reflect the proportions of young people from different socio-economic backgrounds in the population. The Section 95 statistics published annually by the Home Secretary should include details of progress towards this goal.

223. The department which 'owns' the strategy to reduce overrepresentation should make regular assessments of progress towards a reduction in disproportionality and should challenge other departments to report regularly on progress towards indicators for reducing overrepresentation.

224. We now set out some of the key areas which should comprise the Government's strategy.

Government must ensure strategies to tackle social exclusion address the needs of all ethnic groups

225. We are aware that the Government has published several strategies aimed at tackling elements of social exclusion in areas as diverse as housing, educational attainment and employment. Several of these have addressed the particular needs of BME communities in general and of particular BME communities. The effectiveness of these strategies needs to be kept under regular review.

226. Statutory services which impact on or aim to tackle social exclusion—such as education, youth and careers advice, youth housing services and drug treatment—should be routinely monitored to assess the extent to which different ethnic groups are able to benefit from them. This data should be regularly reviewed to explore the reasons for any shortcomings in the ability of all young people to access and benefit from services.

296 Q 19

297 Q 2, Q 23

298 Q 23

There is scope for more, focused support for positive adult influences both inside and outside the home

Parenting interventions must be assessed to ensure they are accessible and relevant to black communities

227. **We believe a full evaluation of government support for parenting—from parenting orders to interventions for struggling families—should be carried out to assess the extent to which current provision is accessible, appropriate and relevant to the needs of black groups.**

228. The Youth Justice Board told us that, of £6 million spent on parenting interventions by Youth Offending Teams since the last comprehensive spending review, all programmes are generic and none is aimed at any specific black or minority ethnic community.²⁹⁹ Tailored programmes provided by voluntary groups seem to be having some success in this area. **We recommend Youth Offending Teams and social services should consider making greater use of voluntary organisations who have established success in providing parenting support to black families.**

229. In 2006, the Government announced the creation of a new National Academy for Parenting Practitioners. The Academy will provide training and advice on parenting issue to a range of professionals working with young people and their families, including social workers, community safety officers and youth justice workers. **We recommend that the National Parenting Academy, which is due to become operational in Autumn 2007,³⁰⁰ should offer specific advice to practitioners on the needs of families of African and Caribbean origin. It could also draw on the support of voluntary organisations working in this area to deliver its training programmes for practitioners.³⁰¹**

Mentoring can play a crucial role in lifting young black people's aspirations

230. Many respondents to the inquiry emphasised the powerful impact of positive role models in helping young people imagine and achieve a different lifestyle.³⁰² Members of the Young Black Positive Advocates told us it was important to celebrate young people who did well, rather than focusing on those who did badly. Reverend Les Isaacs made clear that the most powerful role models were accessible, 'real' people from similar backgrounds to their own:

“We talk about role models on TV but the biggest problem with role models on TV is that they are not at the grassroots, in the community. It is no use me appearing on TV but nobody can find me during the week. There has to be accessibility.”³⁰³

231. **It is important to take urgent steps to expand support for mentoring programmes which are focused on young black people. Government should evaluate promising**

299 Q 579

300 *Every child matters: change for children*, at <http://www.everychildmatters.gov.uk/napp/>

301 Q 494

302 Martin Glynn, *Black male self-concept and Desistance*, 2007

303 Ev 230, 235

schemes working with young black people currently, such as ‘Generating Genius’ and the ‘From Boyhood to Manhood’ programme and, in the long term, should build on this research when prioritising funding. In the shorter term we recommend that there should be a presumption in favour of expanding the existing work of organisations which have grown from local communities and which are well supported by them.

232. School is an environment in which guidance and motivation can make a crucial difference. We suggest that schools should, where appropriate, make use of mentoring to assist and inspire young black people both in the classroom and outside. DfES could create a database of organisations offering mentoring support in different parts of the country and track their methods and effectiveness. Information on the benefits of mentoring and advice on how best to procure and deploy it should be disseminated to schools. The department should assess whether, and how much, additional funding schools will need to engage these organisations and make this available where necessary.

233. Mentoring should be preventative rather than solely curative. Ken Barnes told us that mentoring organisations are currently often brought in on a remedial basis, “after our children have reached a kind of psychosis where they are beginning to rebel against society.”³⁰⁴

Government should recognise and reinforce schools’ central role in reducing overrepresentation

234. Our evidence suggested that school exclusion and under-attainment are closely correlated with young black people’s disproportionate involvement in the Criminal Justice System. It is therefore vital that the Department for Education and Skills is closely involved in the development of strategy to reduce overrepresentation.

Exclusions policy

235. It is unlikely that significant reductions in offending by young black people will be achieved unless ways can be found of reducing school exclusions. This is a complex issue. Many of the young black offenders we met had experienced periods of exclusion from school. Many were also prepared to admit, however, that their behaviour had warranted exclusion.

236. We fully recognise that schools have to be able to exclude disruptive pupils and that this can be necessary in order to offer a good education to other children, black or otherwise. Detailed consideration of exclusion policy is beyond the remit of this Committee.

237. Many respondents believed disciplinary problems began with misunderstandings between teachers, pupils and parents. We are encouraged that the new Professional Standards for teachers, which will come in from September 2007, require specifically that teachers must know how to adapt teaching, learning and behaviour management strategies for all learners and know how to make effective personalised provision for

those they teach, including how to take practical account of diversity and promote equality and inclusion in their teaching. School inspection should prioritise assessment of the extent to which disciplinary measures are appropriate and fair.

238. It is significant that the Government's own Priority Review concluded that there are measures which can and should be taken to reduce the exclusions of young black people. We urge the Government to implement the findings of the priority review carried out by the Department for Education and Skills in 2006, which recommended that additional guidance and training should be provided to help school leaders and staff reduce gaps in areas where they are greatest and that compliance mechanisms should be strengthened to 'turn up the heat' on schools which fail to address persistent gaps.³⁰⁵ Attention should be given to ensuring all schools are fully meeting their responsibilities under the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different ethnic groups.

239. We stress the importance of ensuring that proper educational provision is made for those young people who are excluded from school. We are encouraged that, from September 2007, provisions in the Education and Inspections Act will require schools and PRUs to arrange suitable, full-time education from and including the sixth day of any period of fixed period of exclusion of six days or longer. Likewise, Local Authorities are required to arrange full-time education from and including the sixth day of permanent exclusion.

240. We also recommend that DfES should increase its efforts to explore and publicise legitimate alternatives to full exclusion, such as excluding internally or giving disruptive students constructive duties within schools. Practitioners the Committee spoke to in Bristol told us that internal exclusion, in which young people were kept in a separate classroom for lessons and lunch and break time, had both a punitive and a rehabilitative element and helped keep young people engaged.

Curriculum

241. Some witnesses felt schooling was not appropriate or relevant to young black people, and that this could deter them from education.³⁰⁶ We recommend that DfES should consult black voluntary and community groups and black pupils themselves to identify any gaps in the relevance of the curriculum to their needs. Attention should be given to identifying curricular content which interests and empowers young black people. Government should ensure history lessons are relevant to all young people in Britain. Attention should be paid to ensuring they include reference to the contribution of black communities—for example, their involvement in two world wars. Several witnesses alluded to the importance of including reference to the slave trade in the curriculum.³⁰⁷ This could form a part of the new focus on citizenship education

305 DfES, *Getting it: Getting it Right*, p 28

306 Q 34

307 Q 548

recommended by the Ajegbo review of the citizenship curriculum and recently accepted by Government.³⁰⁸

Tackling criminal behaviour

242. A number of initiatives exist to inform young people in schools about gun and knife crime and the realities of being involved in gangs. **We recommend that Government should ensure specific teacher resources are available to all schools who have gun, gang or knife crime problems.**

243. **We were encouraged by the apparent success of Safer Schools Partnerships, which bring together schools, police and crime reduction partnerships to gather intelligence and prevent crime. Many of the plans involve a police or community support officer coming into school to work with the children and teachers. According to the Government, these have led to a drop in crime and anti-social behaviour and a reduction in the numbers of children excluded for poor behaviour.³⁰⁹ Other police forces should consider instigating Safer Schools Partnerships in high crime areas.**

Primary-secondary transition

244. Many witnesses identified the transition from primary to secondary school as a key starting point for trouble. Analysis by Operation Trident of the cases of 15 individuals who progressed from acquisitive crime to Trident criminality show 10 out of 15 had been arrested by the age of 13, and all 15 had been arrested by the age of 15.³¹⁰ **We recommend that mentoring support within schools should be targeted at the primary-secondary transfer to help ensure a successful transition.**

245. **Youth inclusion programmes should be targeted particularly at at-risk young people in this age group. Schools should be trained to swiftly identify those who are headed down the wrong track and divert them to appropriate interventions.**

246. **Attention should be given to informing young people about the law and the consequences of becoming involved in crime.**

Supplementary schools

247. Several respondents pointed to the success of black supplementary schools in retaining students and combating exclusion.³¹¹ Some thought these were more intellectually stimulating for students, and argued that students would be more likely to have a greater affinity with the teachers.³¹² **Government should conduct further research to evaluate the success of supplementary schools and the reasons for this. Where appropriate, it should encourage Local Authorities to promote knowledge among**

308 DfES, *Diversity and Citizenship Curriculum Review*, January 2007

309 Q 635

310 Ev 366

311 Ev 315–16

312 *Ibid.*

mainstream schools of the existence of supplementary schools in the area, and of the possibilities for cooperation.

A more tailored and joined-up response is required from statutory services at local level

248. We heard evidence of an effective and joined up response to overrepresentation in some local authorities we visited, but were struck in some areas by the lack of a coherent approach to all the issues affecting young people. In some areas, voluntary and public sector providers seemed unaware of each other's contribution. **We recommend that local authorities should adopt a strategic approach to overrepresentation, mirroring that which we have recommended for central government. Local authorities should set out clearly the responsibilities of all relevant agencies—voluntary and independent as well as public sector—to reducing overrepresentation and should hold regular joint meetings to assess progress and address any shortcomings in the response.**

249. We also heard evidence that services at local level do not always respond well to young people's needs. Camila Batmanghelidjh told us that the organisational separation of statutory services means vulnerable young people became lost in the gaps between agencies:

“Please, look at robust structures all under one roof. Do not make a kid go to various appointments in different agencies. It is nonsense; children do not operate like that. Put all the professionals in one place; open the place from nine o'clock in the morning until eight o'clock at night; let the kids' problems be solved properly.”³¹³

250. **We recommend that local authorities should consider as a matter of priority whether services are sufficiently accessible to young black people and vulnerable young people of all ethnicities, and should offer more user-friendly alternatives where necessary.**

Government must ensure drug treatment is meeting the needs of all young people

251. We heard that there are serious shortcomings in drug treatment for all young people at local level. Camila Batmanghelidjh told us it can take nine weeks before a drug treatment worker is allocated to a young person. Some drug rehabilitation centres cannot cope with the level of aggression of the young clients they see, and reject the young person if they have an outburst.³¹⁴ However, we received evidence these shortcomings may particularly affect young black people. Young people and their youth workers told us that cannabis use was a particular problem among young black people, but this is not always reflected in local provision.³¹⁵ The Home Office told us that drug treatment may be unintentionally biased against young black people, as they are primarily cocaine and cannabis users while the Drug Interventions Programme focuses primarily on Class A drug treatment—heroin and cocaine. The Home Office admitted that:

313 Q 24

314 Q 23

315 Q 25

“Limited community support for non-Class ‘A’ drug mis-users and under-development of services for cocaine users may lead to higher levels of offending (and re-offending)”.³¹⁶

252. We recommend that the Department of Health explore ways to determine effectively the extent of drug use among young people of different ethnicities and that it conduct a review of the location and type of treatment currently available to determine how far treatment is meeting their needs and fill any gaps. We also believe that there is a need for a more detailed study of cannabis use and its use by, and effects on, young people of different ethnicities.

253. We heard that mental health agencies have particular resource limitations. This can lead to young people becoming out of control and committing crime.³¹⁷ We recommend that the Department of Health conduct a review to ensure mental health treatment is appropriate and sufficient to meet young black people’s needs.

There is scope for improvement in the allocation of housing to vulnerable young people of all ethnicities

254. We also heard about severe shortcomings in meeting young people’s housing needs. We heard evidence that young black people are particularly likely to live in overcrowded, unpleasant, unsafe accommodation.³¹⁸ The evidence we received suggested there is a need for a review of housing, for vulnerable young people of all ethnicities. We recommend that within this particular attention should be given to monitoring levels of access and success of interventions at local level for black young people to ensure the needs of this group are being met.

Improvements to youth facilities and activities in deprived areas will be an important part of any strategy to reduce overrepresentation

255. The Government’s recent discussion paper for its policy review of children and young people recognised that how and where young people spend their free time has a significant impact on their life chances.³¹⁹ Positive activities can build resilience, independence and physical and mental health.³²⁰ Such activities may include open access, unstructured activities such as swimming or going to the cinema, organised activities such as army cadets, Duke of Edinburgh’s award or local drama or sport clubs, and activities targeted at young people who are at risk of offending.³²¹

256. We recommend that Government should look to increase awareness of, and access to, safe spaces in areas of high deprivation in which young people can meet informally with friends and gain access to information about organised activities and help and

316 Ev 276

317 Q 2; see also Ev 258

318 Q 19

319 *Policy review of children and young people: a discussion paper*, January 2007, p 38

320 *Ibid.*, p 39

321 *Ibid.*

advice. Consideration should be given to how to make these centres ‘single gateways’ through which young people can gain access to a full range of other statutory services.

257. Several witnesses raised organised youth activities as a way of channelling young people’s energy positively. **We recommend that funding should be given to provision of, and awareness-raising about, opportunities for all young people in deprived areas to get involved in organised youth activities such as sport, outdoor and environmental work and drama. Local authorities should look to raise awareness of, and access to, youth activities ranging from formal, nationwide organisations to more informal or local associations.**

258. More provision for young people at high risk of involvement in crime is also needed. The Youth Inclusion Project (YIP) model, which works with young people aged between 13 and 18 who are at risk of offending, seems to have been successful at diverting young people from crime. Crime Concern told us that the programme had achieved reductions of up to 65% in the arrest rates for young people considered to be most at risk of crime in each locality.³²² We understand that there are currently fewer than 100 such projects around the country.³²³ **We recommend that Government should work towards a situation in which there are sufficient places on YIPs to meet the needs of all high risk young people in high crime areas. Government should also look to ensure that there are adequate numbers of Youth Inclusion and Support Panels (YISPs)—groups which plan and manage interventions to prevent involvement in crime among at-risk young people—and that they have sufficient capacity to meet the needs of young people in their area.**

Successful preventative and gang exit schemes at local level are the best means of combating the influence of negative youth affiliations

259. During our inquiry, we heard about a number of apparently successful gang exit initiatives. An evaluation of the X-it programme in Lambeth, which provided group work sessions, a residential course and a leadership programme for young people in partnership with the Council’s Youth and Play Service and non-statutory organisations, showed 18 of the 25 participants (72%) had desisted from offending during their involvement with the programme.³²⁴ We were struck by the scale of interventions provided by faith-based groups such as Street Pastors, an interdenominational organisation which places church representatives on the streets at night to listen to and assist people at risk of involvement in crime, and initiatives such as the TRUCE outreach programme in Hackney, in which a group of reformed Americans who had been involved in crime used hip hop to convey a Christian message and encourage young people to pursue constructive lifestyles.

260. Local authorities should identify where gang exit programmes are necessary. Where it is required, Government should provide some additional pump priming funding to enable such programmes to get off the ground. Information about

322 Ev 229

323 *Ibid.*

324 Ev 374

successful gang exit programmes should be collected at national level and disseminated to local agencies.

261. **Key to most of the gang exit programmes we heard about was their separateness from local criminal justice agencies as perceived by their clients.³²⁵ Where there is a need, local authorities should consider contracting with community or voluntary sector organisations to provide gang exit programmes in their area. We also recommend that attention be given to the idea of creating ‘safe-houses’ for young people who wish to escape from gang violence but need protection in order to do so.³²⁶**

262. We support the Government’s effort to recognise the damaging nature of gang membership by making this an aggravating factor in sentencing, but have doubts about the potential for this measure to make a difference in practice.³²⁷ The police told us youth affiliations are “highly disorganised and very fluid”, with membership difficult to define or quantify.³²⁸ They also told us that there is currently no nationally agreed definition of a gang, even amongst the police.³²⁹ Not all youth affiliations are involved in criminal activity; indeed, some may be productive.³³⁰ and criminalising membership might have the unwanted consequence of increasing tension between young people and criminal justice agencies.

263. **Where criminal gangs are clearly causing problems for local neighbourhoods, the police should use existing legislation to apprehend gang members. Where the concern is more about the potential for looser affiliations of young people who are not heavily involved in violence or crime as yet, we recommend that local youth services devote resources to draw these young people into focused activities through organised youth activities, improved access to facilities and the provision of one-to-one support and mentoring. We also believe there may be a need for more focused support at school to help young people say ‘no’ to gang membership and to raise awareness about where they can get help if they feel pressurised to join a gang.**

Voluntary organisations have a vital role to play in reducing overrepresentation

264. When young people are truly at-risk, it is often to voluntary organisations that they turn. Voluntary organisations are often closer to communities than statutory agencies, and are aware of local issues earlier.³³¹ Community and voluntary sector groups are already providing many solutions to young black people’s overrepresentation in the criminal justice system. However, the voluntary organisations we spoke to often felt that their contribution was undermined by a lack of adequate funding and, moreover, by failings on the part of the statutory agencies working in the same area. With more assistance,

325 Ev 395

326 *Ibid.*

327 Home Office Three Point Plan to Tackle Gun Crime, 22 February 2007

328 Q 532

329 *Ibid.*

330 Q 533

331 Q 25

voluntary organisations could play a more effective role in reducing young black people's overrepresentation.

265. Throughout our inquiry, we found a thriving mixture of voluntary initiatives of different sizes and degrees of organisation. In many cases—such as that of the “From Boyhood to Manhood” foundation in Peckham or “Right Track” in Bristol—proximity to the local community was a huge strength. In other cases, such as that of the “Street Pastors”, nationwide extension appeared compatible with the preservation of local knowledge and understanding. National charities such as Barnardos also seem to be delivering effective contributions in this area.

266. Despite the important role played by these organisations, there was little evidence of a consistent or sustainable strategy for funding voluntary organisations at either local or national level. The Government recent commitment of £500,000 to the Connected fund, which provides grants to community groups working on gun, gang and knife issues,³³² is welcome but is too little and too short-term to make a significant impact.

267. Identification of the means by which voluntary organisations can be funded adequately and consistently over time should form a key part of Government's strategy for tackling the overrepresentation of young black people in the Criminal Justice System. We do not think there can be a one size fits all model for effective use of voluntary and community groups to reduce overrepresentation. We would urge grant-makers and government to consider grants for small voluntary organisations as well as support for larger charities working to reduce the numbers of young black people who are represented in the criminal justice system.

Faith-based groups have a valuable role to play

268. We were struck by the valuable contribution already being played by faith-based groups in helping divert young people from involvement in the criminal justice system. Not only are these groups adept at connecting with young people and their parents where other agencies may fail, they are highly pro-active and resourceful in identifying and developing solutions to local problems.

269. For example, the Peace Alliance, a national organisation which began in Haringey and now extends its peace and community cohesion activities through many other London boroughs, organises a range of high profile meetings and youth activities to encourage community cohesion and prevent violence. We were also impressed by the contribution of Street Pastors, an organisation whose volunteers patrol urban streets in a number of UK towns and cities to provide practical help and advice to those at risk of involvement in crime. The “To Reach Urban Communities Everywhere” (TRUCE) programme set up to tackle gang violence in Hackney and Waltham Forest has engaged many young people and led to unprecedented meetings between gang members in these boroughs.³³³

270. However, the faith organisations we spoke to felt their contribution was often not acknowledged and supported adequately. Reverend Nims Obunge told us:

332 Q 674

333 Ev 321–23

“Somebody whispered at the back: “We started this whole thing.” We have been always providing this support to our communities, but it has not been acknowledged, it has not been supported.”³³⁴

271. Government should consider how it can support faith-based organisations delivering preventative interventions and make contact with young people who have fallen outside statutory activity. The Department for Communities and Local Government should carry out an evaluation of existing faith-based interventions in gang membership and should consult these groups on how they could best be supported to achieve their goals. Based on this, government should consider extending support to faith-based organisations whose interventions have proved successful.

Statutory providers must become better partners for the voluntary sector

272. The groups we spoke to, such as Street Pastors and Kids Company, were often successful in connecting with young people and encouraging them to access services. In some instances, however, the response of the statutory providers was not adequate to meet the needs of the child referred by the voluntary provider. For example, Camila Batmanghelidjh told us that housing agencies had placed a 16 year old with a history of chronic neglect and parental drug use in an adult hostel with crack users.³³⁵ This failure can undo the positive work voluntary agencies have achieved:

“What happens is you take these kids to the agencies and they have taken the first step of trying to change their lives. We managed to get this young boy off drugs and we managed to straighten him out, but he goes to these agencies and it is one brick wall after another—one brick wall after another—and they get despondent and then they turn their back on society.”

273. The evidence from our witnesses pointed to a lack of realism and sensitivity on behalf of agencies about the needs of the young people they were asked to deal with. It seemed to us that young people and voluntary agencies were being forced to fit around the frameworks of statutory organisations, rather than these agencies. **We recommend that local authorities should review their channels of communication with voluntary agencies to ensure they are responding to local need. Local authorities should seek to ensure that local agencies are giving appropriate weight to the concerns of voluntary organisations and taking action where necessary.**

Voluntary groups could achieve more with longer-term funding

274. Voluntary groups need to maintain some independence from Government, so that they can “come here and tell... the truth and are not bought with money.”³³⁶ However, the majority of voluntary organisations we spoke to were being constrained by a lack of long-term funding. They believed sustainable funding for the medium to long term would help them make them more effective. Shaun Bailey told us:

334 Q 84

335 Q 19

336 Q 27

“The key thing if you are talking about policy is how these people are funded. You must not fund them year-on-year. Projects need to be funded over a long time. It takes time to make a change, and that is the key thing. What happens now is that you get funding for a year and if you have not generated a massive change then nothing happens to you.”³³⁷

275. Decima Francis, who runs the “From Boyhood to Manhood Foundation”, a school in Peckham which educates young black people who have been excluded from school, said voluntary agencies should be funded over a minimum of 5 years in order to make an impact.³³⁸

276. Kids Company pointed out a potential conflict of interest if money was handed out via local authorities, because local charities might be penalised for taking local authorities to court over a child they had not taken into care. Camila Batmanghelidjh suggested the Office of the Childrens’ Commissioner would be an effective way of distributing funding with a degree of independence.³³⁹

277. We believe central government and local authorities should review the timescales on which they offer funding, to ensure voluntary organisations have an adequate opportunity to effect change in a particular area.

Robust and realistic evaluation of voluntary sector initiatives is needed

278. Evaluating the contribution of different voluntary providers will be vital in forming a strategy to combat overrepresentation. Yet our witnesses told us that, at present, assessments of the value of interventions from organisations in the sector do not always use appropriate measures of success.

279. Camila Batmanghelidjh told us that it was important for evaluations to ask the right questions. “When is he going to be feeling empathy?” was a more pertinent indicator of success than “How many kids went to college or university” for some of the children who access her services.³⁴⁰ Neil Solo told us that it is very difficult to measure the work the Barnardos Babyfather Alliance does in trying to change the value base of fathers so they can be more responsible and consistent in their parenting.³⁴¹ It is important that measures assess where young people are coming from rather than prescribing a milestone.³⁴²

280. Evaluation should be qualitative as well as quantitative. Shaun Bailey told us the most important thing about the job club he runs is persuading people that a job is a viable alternative. That in itself is a useful outcome, but is difficult to evaluate.³⁴³

337 Q 25

338 Ev 254

339 Q 27

340 Q 28

341 Q 499

342 Q 500

343 Q 28

281. We recommend that Government consider its guidance to the Youth Justice Board, local authorities and other grant issuing bodies, to ensure that it is sufficiently flexible to allow criteria to be tailored to the particular client group in question. Where possible, monitoring and evaluation should take a long term view and should use both qualitative and quantitative measures.

Broadcasters and producers have a responsibility to tackle public concern about violent and criminal content

282. Some respondents suggested greater censorship was needed to reduce crime and violence in popular culture. However, as the broadcasters who gave evidence to us pointed out, new methods of production and the widespread dissemination of music via the internet mean stricter codes are likely to prove ineffective:

“If you want to be a hip hop artist today you have to have a web page, you have to be on My Space, and there is nothing to stop those artists putting the unedited version on the internet. I have looked at some of those and they have in excess of 50,000 hits in a month, and that is the unedited version, the full blown version.”³⁴⁴

283. We believe that greater censorship would be both undesirable and impractical. Any government role in relation to artists and the material they produce should be restricted to ensuring organisations and individuals are not contravening the broadcasting code or breaking other laws, such as those against incitement to commit hate crime.

284. Given the impact of music and videos on young people who are already vulnerable, we believe both public service and commercial broadcasters should formulate and publicise policies on how they intend to tackle this key public concern. Broadcasters who receive videos and tracks from young artists which portray violence or crime should demonstrate that they are engaging in dialogue with young people, and showing them what is and what is not eligible to receive airtime.

285. The Department for Culture, Media and Sport should receive support to provide appropriate funding to music projects which involve young people to express their creativity positively. We also recommend that DfES should explore what training and support should be made available to youth workers and teachers to help build resilience in young people to negative messages in popular culture.

286. We also recommend that Government should work with local and national broadcasters who reach a large black audience to disseminate messages about how to report and deal with crime. Radio stations, TV channels and websites may provide useful platforms from which to publicise weapons amnesties or to give out anonymous contact numbers for Operation Trident, Crimestoppers or other helplines.

287. We believe it is critically important that young people are involved in the formulation of any policy on popular culture and how it can be used to prevent involvement in crime.

All CJS agencies must work together to reduce overrepresentation

The Youth Justice Board's approach requires greater urgency and challenge

288. The Youth Justice Board has established a new corporate objective to seek equal treatment at the local level for comparable offences by different ethnic groups. To support this, the YJB requires Youth Offending Teams (YOTs) to have in place an action plan to ensure that any difference between the ethnic composition of offenders in all pre-court and post-court disposals and the ethnic composition of the local community is reduced year on year.³⁴⁵ All YOTs were required to undertake an audit of differences between the ethnic composition of offenders and the local population and to submit action plans by June 2005. Youth Offending Teams will have to report annually to the Board on performance against the race action plan.³⁴⁶ The Youth Justice Board is currently monitoring the implementation of the action plans and providing support to YOTs.³⁴⁷ The Youth Justice Board currently requires Youth Offending Teams to reduce, year on year, differences from local populations.

289. The Youth Justice Board made it clear that, while it could help by spreading examples of good practice and prioritising certain actions through its performance framework, it “cannot directly manage the activity at a local level”. Ellie Roy, Chief Executive of the Youth Justice Board, told us that action is currently “very much down to local level because I think that the analysis at local level needs to drive the action.”³⁴⁸ The Youth Justice Board’s role is “to understand what they are finding out as they do the analysis and so that we can learn from that and help them to share best practice between areas.”³⁴⁹

290. Whilst we recognise the necessity of ensuring solutions are tailored to the needs of each local area, we are concerned that a lack of challenge by the Youth Justice Board in driving change at YOT level is reflected by an inconsistent response by YOTs to the problem. We saw evidence of commitment to reducing overrepresentation at the YOTs we visited. However, this is not uniformly the case. For example, the YJB told us that improvement in the collection of data on ethnicity by youth offending teams is ‘patchy’, but that the data belonged to local youth offending teams and that ‘only they and the local partners’ could improve recording. This appeared to us to be an unacceptably tolerant response to a pressing problem.

291. Clearly, action to address overrepresentation must take account of local variations in the extent and cause of disparities. However, we do not believe this precludes a more challenging drive to tackle this problem.

292. We recommend that the YJB should make greater efforts to ensure YOTs can demonstrate that they have identified and analysed any pattern of over-representation in their area. Where overrepresentation is a significant issue, YOTs should be required

345 Ev 378

346 Ev 387

347 Ev 379

348 Q 42

349 *Ibid.*

to show that the support they provide for young black people is designed to meet the particular needs of these young people and to reduce their risk of reoffending.

293. YOTs should be required to identify the support they will require from other agencies and voluntary organisations. They should be required to show that they possess or are developing appropriate partnerships with these organisations.

294. Given the multifaceted causes of the problem and the shared responsibilities involved in resolving these, YOT indicators should form part of the wider, overarching performance framework for local government and its partners.³⁵⁰ Throughout, close collaboration will be needed with the adult Probation Service to ensure a coordinated response at both local and national level.

Government must urgently fill gaps in ethnic data and monitoring

295. We found that a lack of data, and insufficient monitoring of existing data, is harming attempts to tackle overrepresentation and identify potential discrimination.

296. We were concerned at the number of gaps in the statistics currently available on young black people's overrepresentation in the criminal justice system. In some cases, there is not currently a Home Office requirement for agencies to collect data. In others, public bodies vary in the rigour with which they collect ethnicity data. In 2004–05, for example, the number of young people supervised by youth offending teams whose ethnicity was not recorded (9,450) was larger than the figure for any minority other than the black group (17,216), making comparisons between different ethnic groups unreliable.³⁵¹ Some agencies appear to have rich sources of data but may not be making best use of it. In some cases, the ethnic categories used by different agencies do not map onto one another. For example, the Youth Justice Board currently aggregates its ethnicity data into five categories, 'White, Black, Asian, Mixed and Other', whereas the police use just four categories—White, Black, Asian and Other—when assessing suspects' ethnicity.

297. **We understand that the Home Office has just commissioned the development of advice and guidance on the collection and use of a minimum dataset on race statistics, following the publication of the Root and Branch Review of Race and the Criminal Justice in September 2006. We welcome this move, and would emphasise the importance of local criminal justice boards taking a holistic view of the workings of the system in their area. This will require full and accurate monitoring by all agencies, including the CPS and the courts. A full set of recommendations on further data and research is set out in the Annex.**

298. Witnesses in our inquiry drew our attention to studies which demonstrate that, before responsibility for charging was transferred to the CPS, black defendants were more likely to have their cases terminated due to weak evidence or because it was against the public interest to proceed.³⁵² **The Government should undertake monitoring of CPS charging**

350 A recommendation suggested to us by the Chief Executive of the Youth Justice Board: see Ev 387

351 Ev 241

352 'Race for Justice', Gus John Partnership (2003)

decisions to verify that any undue bias to charging decisions in cases where the suspect is black has been eliminated.

Further measures are needed to address shortcomings in the application of stop and search powers and to improve the nature of the encounter

299. Clearly, use of stop and search powers needs to be based on real rates of crime in an area. There is a danger in targeting statistically equal outcomes for stop and search which may directly contradict policing need.

300. The Government has taken steps to understand the causes of disproportionality in stop and search and ensure the power is used fairly and inspires confidence. It is, however, a concern that there is a widespread belief among young black people and their advocates that stop and search powers are unfairly targeted, leading some witnesses to refer to the police undertaking ‘racial profiling’.³⁵³ This is a serious allegation which requires close scrutiny.

301. **We are encouraged that the Home Office has introduced schemes such as the Practice Oriented Package, which tries to understand the causes of disproportionality, and the Stop and Search Action Team, which seeks to improve the fairness and effectiveness of the use of these powers.** We welcome these efforts which appear to have met with some success in some areas.³⁵⁴ **We recommend that existing measures to understand and combat disproportionality should be reviewed. We recommend that strategies for the use of stop and search should explicitly recognise the balance that needs to be struck between use of the power to prevent or detect crime and the negative impact its use has on public cooperation with, and support for, the police. Such a strategy would focus on halting the increase and then reducing the proportion of stops and searches which detect no crime or criminal intent and whose impact is damaging.**

302. **Clearly, the negative impact of stop and search on innocent young people can be greatly reduced if proper attention is given to the way in which the encounter is conducted. The evidence we received suggested police efforts to improve the quality of the encounter have yet to be felt on the ground. Changes need to be made to the nature of the encounter in order to ensure it is respectful, courteous and well explained.**

303. **Our witnesses made clear that in some cases, the benefits of stop and search might be outweighed by the negative consequences in terms of the willingness of young people to communicate with and trust the police.³⁵⁵ Stop and search is not a notably productive means of tackling crime, particularly if done on an uninformed basis. Alternatives to stop and search that might help the police engage better with young people should be considered.**

304. We understand from ACPO that the Initial Police Learning and Development Programme (IPLDP), which is targeted at police probationers, contains core training in diversity. We understand that there is scope within the training for individual forces to

353 Qq 400, 401, 185–190

354 Q 594

355 Q 191

provide guidance on engaging with young people from the different ethnic minorities in their force area. **We recommend that all forces should provide as standard training on relating to local ethnic minority communities, both for probationers and on an ongoing basis as the ethnic composition of an area changes. Fairness and objectivity should be key performance measures against which individual officers should be assessed when it comes to appraisal, and the police should prioritise these attributes when recruiting.**

More opportunities for interaction and communication between police and young people could help overcome tensions

305. In London, the Metropolitan Black Police Association has formed a youth forum called the Young Black Positive Advocates, which has over two hundred members aged 14–20 from seven inner London boroughs. The group acts as a point of liaison between the police and young people. They run conferences on youth and community issues and have produced a drugs education magazine.³⁵⁶ In Barnet, Crime Concern’s Action for Youth project runs a young people and police liaison committee. This provides a mechanism for identifying issues young people think are important and helps engage the police in finding solutions to these problems.³⁵⁷ **We recommend that more police forces should create local forums in which police and young people can come together to talk about issues affecting the community. These panels could identify local flashpoints or areas of tension and find solutions and may also prove useful for gathering intelligence about local needs and priorities.**

More radical measures may be required to increase ethnic minority representation amongst Criminal Justice System staff

306. There are some indications of progress in broadening the ethnic make-up of criminal justice system employees. Lee Jasper told us the DCA had been successful in recruiting black magistrates, and reported that there had been 600 applicants for 30 places nationwide on the black magistrate shadowing scheme.³⁵⁸

307. However, black people still constitute under 1%³⁵⁹ of police officers, despite constituting 2.8% of the population as a whole. Chief Constable Peter Fahy told us it would take 17 years for the police force to become fully representative. He told us that “there are a lot of us in ACPO who think that is far too long, and that is why we are commencing a debate about affirmative action.”³⁶⁰ **As our predecessor Committee in the last Parliament commented in its report on Police Reform, published in 2005,**

The issue of positive discrimination is a very sensitive one. There is undoubtedly a problem which needs to be tackled. Despite recent increases in recruitment from minority ethnic groups, many police forces remain unrepresentative of

356 Ev 344–45

357 Ev 231

358 Q 123

359 Home Office Statistical Bulletin—Police Service Strength, 31 March 2006, table 8

360 Q 546

their wider communities. This is particularly the case in London. Doing nothing is therefore not an option. Equally, it would be counter-productive to take action which led to a lowering of recruitment standards, or which created a widespread sense of unfairness on the part of white police officers.³⁶¹

308. **We repeat the recommendation made by our predecessors:**

We believe that the best way forward is through a combination of:

(a) increased effort put into ‘positive action’, that is, promotional and outreach activities aimed at encouraging more members of minority groups to apply to join the police; and

(b) the prioritising in recruitment of certain abilities such as language skills and knowledge of cultural background, where relevant to policing needs in particular areas. A case can be made for doing this on a purely crime-fighting basis.³⁶²

309. **An evaluation of existing ‘positive action’—including targeted recruitment and other measures to increase the numbers of recruits from different backgrounds—should be undertaken. It would also be valuable to explore in more detail the reasons why the Metropolitan Police have been more successful in recruiting Community Support Officers from ethnic minorities than they have been in recruiting police officers.**

310. As Leroy Logan made clear to us, the underrepresentation of black people within the police force is not solely a numbers issue. It is also a matter of ensuring the skills of existing employees are used to the full and helping them to connect with the communities they serve.³⁶³ Criminal justice practitioners we spoke to in Leeds felt trust in the police would have to increase before ethnic minorities wanted to join. This was a view that was almost universally shared by the young people we spoke to. In Leeds, we were told that some black policemen do not want to police their own communities at present due to the stigma attached to the service. **We recommend that attention be given to improving perceptions of policing as a career option at school in ethnic minority communities. Forces should publicise work experience and internship programmes. Forces should demonstrate their commitment to the development of all employees by publicising their activities in this area to local communities and potential recruits.**

Greater continuity is needed between the youth and adult justice systems

311. The Barrow Cadbury Trust has criticised the “cliff edge” at age 18, after which the support offered by Youth Offending Teams is abruptly withdrawn as young people join the adult justice system.

312. The majority of witnesses who commented on age in relation to young people’s involvement with the criminal justice system mentioned age 25 as a more realistic cut off point, rather than age 18. **We recommend that support for young people should be**

361 Home Affairs Committee, Fourth Report of Session 2004-05, *Police Reform* (HC 370-I), para 146

362 *Ibid.*

363 Q 549

tailored to individual need, rather than age, and should continue at least until age 25 where appropriate. Support should recognise the distinct needs of young adult offenders as a group within this. The Government told us they had been looking at the transition from the juvenile to the adult criminal justice systems and said an announcement on this was “imminent”.³⁶⁴ We await this announcement with interest.

CJS interventions must be prompt in order to be relevant

313. One of the young people we spoke to had committed a serious crime earlier in life and, by the time he was sentenced, was participating in a gang exit strategy and getting his life back together again. In these cases, it is important that sentencing is swift enough to reflect the young person’s circumstances at that time. This will help ensure interventions are relevant and appropriate to young people’s situations.

Reducing victimisation and fear of crime among black communities should be a key goal of Government’s strategy

314. Reducing fear of crime among young black people is vital both as a goal in itself, and as a means of preventing young people from joining defensive street affiliations and carrying weapons in an attempt to guarantee their safety. It may also help bridge the divide between young people and the police.

315. **The police and local Crime and Disorder Reduction Partnerships (CDRPs) need to directly address fear of crime among young black people, including fear of falling victim to other young people. The police and local agencies should regard all young people as potential victims, not just as potential offenders—even if they have been involved in crime themselves.**

316. We recommend that CDRPs, neighbourhood policing teams and, where they exist, Safer Schools Partnerships, should provide regular forums to communicate with young people and understand their primary concerns in terms of personal safety and crime. This could be done by way of a drop-in session or surgery at the school. Neighbourhood police officers should publicise a local telephone number that young people can call with information and to pass on personal safety concerns. In particular trouble spots, neighbourhood policing teams should ensure there is a visible police presence on routes to and from schools.

317. At present, gun crime is a blight on some black communities. We fully support the efforts of Operation Trident in this area and urge full and continued financial backing for this operation. We recommend that forces in other areas where levels of gun crime are high might consider whether other, similar initiatives are necessary.

Rehabilitation interventions must be appropriate to the needs of all ethnicities

318. A renewed emphasis should be placed on the rehabilitation, resettlement and reintegration of all young people leaving custody. A review should be undertaken to

ensure that provision for prison leavers is appropriate, accessible and beneficial to young people from all ethnic groups. On the basis of this review, it may be necessary to devise new measures which should themselves be examined to ensure they cater to all groups.

Research is needed to determine the implications of so many black males being present on the National DNA Database

319. In one sense, the presence of so many black males on the National DNA Database is simply a reflection of wider disproportionality in the criminal justice system as a whole. However, we believe the implications of presence on the database to further increase the numbers of young black people entering the system means it may be a problem which deserves attention in its own right. **We recommend that Government should conduct a study to determine the implications of the presence of such a high proportion of the black male population on the National DNA Database.**

Additional action may be necessary in respect of mixed race groups

320. Throughout our inquiry particular concern was expressed about the disproportionate involvement of mixed race young people in the criminal justice system.³⁶⁵ **Whilst many of our recommendations will be relevant to this group, we urge the Home Office, the Ministry of Justice and the Office of Government Statistics to undertake further work to identify whether any additional actions are required.**

365 See, for instance, paragraphs 14, 15, 18, 22, 24, 93, 111, 144, 161, 183 and 184 above.

4 Conclusion

321. While the actual numbers of young black people entering the criminal justice system are small in relation to the figures for white young people, the proportion of young black people coming into the system is unacceptable. Black communities' vast social, economic and cultural contribution to this country is being held back by the proportion of young people who are arrested, convicted, imprisoned and victimised by crime. The broader trend of overrepresentation of black people of all ages in the system is being driven by the disproportionate involvement of the young. We saw little evidence during this inquiry that overrepresentation is diminishing, and heard that it may be increasing.

322. Despite the Government's evident commitment to reducing this overrepresentation, the number of young black people in custody is growing at an alarming rate, and much faster than for the general population. Our evidence painted a picture of patchy and diffuse initiatives that are often insufficiently focused and resourced. Until such a time as the number of young black people in the criminal justice system begins to mirror that of the population as a whole, we urge government to review, revise and redouble its efforts to address overrepresentation and its causes. A great deal depends on its success in doing so.

Conclusions and recommendations

Nature and extent of young black people's overrepresentation

1. We can say with greater certainty that the patterns of offending vary between different ethnic groups than that the level of offending varies significantly. While it is unclear whether young black people commit more crime of all types than young people as a whole, it does appear that they are more likely overall to be involved in certain types of serious and violent crime, including gun crime. (Paragraph 92)
2. The level of young black people's involvement in these crimes, and the overrepresentation of young black people in the system overall—which may reflect other factors also—represents a serious crisis for sections of black communities and for some young people of a mixed ethnic background. Nowhere was this more strongly pointed out to us than by those working with and representing those communities themselves. Lee Jasper, Director of Equalities and Policing at the Greater London Authority, told us “we have, quite literally, a crisis in the black community among our young, black people.” (Paragraph 93)
3. The variations between the nature and extent of young black people's involvement in the criminal justice system compared to that of other young people suggest that there are likely to be some specific factors in young black people's experience that need to be tackled—and that policies which do not take into account these differences are likely to be ineffective. (Paragraph 94)

The causes of overrepresentation

4. Many of the causes of overrepresentation among young black people are similar to those which predispose a minority of young people from all communities to involvement in the criminal justice system. Social exclusion, educational underachievement and school exclusion interact to form a web of disadvantage, bringing young black people disproportionately into contact with crime and the criminal justice system as both victims and offenders. (Paragraph 200)
5. However, our evidence suggested there are issues which are particular to young black people which need to be tackled. Many but not all of these stem from the social exclusion described above. We heard that a lack of father involvement may have a negative impact on the development of young black males in particular. Our evidence also suggested there is a culture amongst some young black people, fuelled by the media and popular culture, in which ‘success’ or credibility is built on young people's willingness and ability to break the law or exercise power through force. (Paragraph 201)
6. Young black people are more likely than other young people to come to the attention of the police because they are more at risk of factors such as social exclusion, living in rented accommodation or being homeless, which are associated with arrest. The types of crimes they commit may also bring them more readily to the attention of the police. In addition, the particular relationship between black communities and the police leads to greater involvement in the criminal justice system—in some instances

due to discrimination, and in other cases because suspicion or mistrust of criminal justice agencies leads young people to take the law into their own hands to protect themselves or exact redress. (Paragraph 202)

7. Our evidence suggests that, in addition to addressing the underlying causes of overrepresentation, any response to overrepresentation needs to tackle those causes which are specific to black communities. (Paragraph 203)

Solutions to overrepresentation

A coherent strategy

8. To provide a focus and structure for change, we recommend that the Government should draw together a specific, cross-departmental strategy to reduce the overrepresentation of young black people in the criminal justice system. The strategy should bring together a coherent overview of what is being done by all government departments and at national and local level at present to reduce overrepresentation and should make an assessment as to why it has failed. It should make specific recommendations as to the contribution which is needed from each department and agency needs to be in order to reduce overrepresentation. (Paragraph 219)
9. The strategy to reduce overrepresentation will need to set out clearly the responsibility of central Government departments. Cooperation between the Home Office and the new Department of Justice over this issue will be key. The Office for Communities and Local Government, Youth Justice Board and NOMs will also have a vital role to play. (Paragraph 220)
10. We do not believe that solving overrepresentation is solely or mainly an issue of more central government finance. The evidence we received suggested that there is considerable scope to improve the allocation and use of existing resources to ensure services are appropriate, accessible and targeted. We were told that young people are often inappropriately housed in adult hostels, for example, leading them into contact with drugs and crime and damaging their prospects for rehabilitation in future. In some areas—such as mental health services, drug treatment and some aspects of housing policy—additional resources do appear to be needed. (Paragraph 221)
11. We do not believe there should be an explicit target to reduce overrepresentation. Such a target would create the perception and perhaps real danger that the exercise of justice was being distorted to meet a government target. Instead, we believe that the Government's aim should be to work towards a situation in which levels of recorded crime, self-report surveys about involvement in the criminal justice system and levels of victimisation reflect the proportions of young people from different socio-economic backgrounds in the population. The Section 95 statistics published annually by the Home Secretary should include details of progress towards this goal. (Paragraph 222)
12. The department which 'owns' the strategy to reduce overrepresentation should make regular assessments of progress towards a reduction in disproportionality and should challenge other departments to report regularly on progress towards indicators for reducing overrepresentation. (Paragraph 223)

13. We are aware that the Government has published several strategies aimed at tackling elements of social exclusion in areas as diverse as housing, educational attainment and employment. Several of these have addressed the particular needs of BME communities in general and of particular BME communities. The effectiveness of these strategies needs to be kept under regular review. (Paragraph 225)
14. Statutory services which impact on or aim to tackle social exclusion—such as education, youth and careers advice, youth housing services and drug treatment—should be routinely monitored to assess the extent to which different ethnic groups are able to benefit from them. This data should be regularly reviewed to explore the reasons for any shortcomings in the ability of all young people to access and benefit from services. (Paragraph 226)

Support for positive adult influences

15. We believe a full evaluation of government support for parenting—from parenting orders to interventions for struggling families—should be carried out to assess the extent to which current provision is accessible, appropriate and relevant to the needs of black groups. (Paragraph 227)
16. We recommend Youth Offending Teams and social services should consider making greater use of voluntary organisations who have established success in providing parenting support to black families. (Paragraph 228)
17. We recommend that the National Parenting Academy, which is due to become operational in Autumn 2007, should offer specific advice to practitioners on the needs of families of African and Caribbean origin. It could also draw on the support of voluntary organisations working in this area to deliver its training programmes for practitioners. (Paragraph 229)
18. It is important to take urgent steps to expand support for mentoring programmes which are focused on young black people. Government should evaluate promising schemes working with young black people currently, such as ‘Generating Genius’ and the ‘From Boyhood to Manhood’ programme and, in the long term, should build on this research when prioritising funding. In the shorter term we recommend that there should be a presumption in favour of expanding the existing work of organisations which have grown from local communities and which are well supported by them. (Paragraph 231)
19. School is an environment in which guidance and motivation can make a crucial difference. We suggest that schools should, where appropriate, make use of mentoring to assist and inspire young black people both in the classroom and outside. DfES could create a database of organisations offering mentoring support in different parts of the country and track their methods and effectiveness. Information on the benefits of mentoring and advice on how best to procure and deploy it should be disseminated to schools. The department should assess whether, and how much, additional funding schools will need to engage these organisations and make this available where necessary. (Paragraph 232)
20. Mentoring should be preventative rather than solely curative. Ken Barnes told us that mentoring organisations are currently often brought in on a remedial basis, “after

our children have reached a kind of psychosis where they are beginning to rebel against society.” (Paragraph 233)

The central role of schools

21. Our evidence suggested that school exclusion and under-attainment are closely correlated with young black people’s disproportionate involvement in the Criminal Justice System. It is therefore vital that the Department for Education and Skills is closely involved in the development of strategy to reduce overrepresentation. (Paragraph 234)
22. We fully recognise that schools have to be able to exclude disruptive pupils and that this can be necessary in order to offer a good education to other children, black or otherwise. Detailed consideration of exclusion policy is beyond the remit of this Committee. (Paragraph 236)
23. Many respondents believed disciplinary problems began with misunderstandings between teachers, pupils and parents. We are encouraged that the new Professional Standards for teachers, which will come in from September 2007, require specifically that teachers must know how to adapt teaching, learning and behaviour management strategies for all learners and know how to make effective personalised provision for those they teach, including how to take practical account of diversity and promote equality and inclusion in their teaching. School inspection should prioritise assessment of the extent to which disciplinary measures are appropriate and fair. (Paragraph 237)
24. It is significant that the Government’s own Priority Review concluded that there are measures which can and should be taken to reduce the exclusions of young black people. We urge the Government to implement the findings of the priority review carried out by the Department for Education and Skills in 2006, which recommended that additional guidance and training should be provided to help school leaders and staff reduce gaps in areas where they are greatest and that compliance mechanisms should be strengthened to ‘turn up the heat’ on schools which fail to address persistent gaps. Attention should be given to ensuring all schools are fully meeting their responsibilities under the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different ethnic groups. (Paragraph 238)
25. We stress the importance of ensuring that proper educational provision is made for those young people who are excluded from school. (Paragraph 239)
26. We also recommend that DfES should increase its efforts to explore and publicise legitimate alternatives to full exclusion, such as excluding internally or giving disruptive students constructive duties within schools. (Paragraph 240)
27. We recommend that DfES should consult black voluntary and community groups and black pupils themselves to identify any gaps in the relevance of the curriculum to their needs. Attention should be given to identifying curricular content which interests and empowers young black people. Government should ensure history lessons are relevant to all young people in Britain. Attention should be paid to

ensuring they include reference to the contribution of black communities—for example, their involvement in two world wars. Several witnesses alluded to the importance of including reference to the slave trade in the curriculum. This could form a part of the new focus on citizenship education recommended by the Ajegbo review of the citizenship curriculum and recently accepted by Government. (Paragraph 241)

28. We recommend that Government should ensure specific teacher resources are available to all schools who have gun, gang or knife crime problems. (Paragraph 242)
29. We were encouraged by the apparent success of Safer Schools Partnerships, which bring together schools, police and crime reduction partnerships to gather intelligence and prevent crime. Many of the plans involve a police or community support officer coming into school to work with the children and teachers. According to the Government, these have led to a drop in crime and anti-social behaviour and a reduction in the numbers of children excluded for poor behaviour. Other police forces should consider instigating Safer Schools Partnerships in high crime areas. (Paragraph 243)
30. We recommend that mentoring support within schools should be targeted at the primary-secondary transfer to help ensure a successful transition. (Paragraph 244)
31. Youth inclusion programmes should be targeted particularly at at-risk young people in this age group. Schools should be trained to swiftly identify those who are headed down the wrong track and divert them to appropriate interventions. (Paragraph 245)
32. Attention should be given to informing young people about the law and the consequences of becoming involved in crime. (Paragraph 246)
33. Government should conduct further research to evaluate the success of supplementary schools and the reasons for this. Where appropriate, it should encourage Local Authorities to promote knowledge among mainstream schools of the existence of supplementary schools in the area, and of the possibilities for cooperation. (Paragraph 247)

Response from statutory services at local level

34. We recommend that local authorities should adopt a strategic approach to overrepresentation, mirroring that which we have recommended for central government. Local authorities should set out clearly the responsibilities of all relevant agencies—voluntary and independent as well as public sector—to reducing overrepresentation and should hold regular joint meetings to assess progress and address any shortcomings in the response. (Paragraph 248)
35. We recommend that local authorities should consider as a matter of priority whether services are sufficiently accessible to young black people and vulnerable young people of all ethnicities, and should offer more user-friendly alternatives where necessary. (Paragraph 250)

Drug use

36. We recommend that the Department of Health explore ways to determine effectively the extent of drug use among young people of different ethnicities and that it conduct a review of the location and type of treatment currently available to determine how far treatment is meeting their needs and fill any gaps. We also believe that there is a need for a more detailed study of cannabis use and its use by, and effects on, young people of different ethnicities. (Paragraph 252)

Mental health treatment

37. We recommend that the Department of Health conduct a review to ensure mental health treatment is appropriate and sufficient to meet young black people's needs. (Paragraph 253)

Housing

38. The evidence we received suggested there is a need for a review of housing, for vulnerable young people of all ethnicities. We recommend that within this particular attention should be given to monitoring levels of access and success of interventions at local level for black young people to ensure the needs of this group are being met. (Paragraph 254)

Safe spaces and youth activities

39. We recommend that Government should look to increase awareness of, and access to, safe spaces in areas of high deprivation in which young people can meet informally with friends and gain access to information about organised activities and help and advice. Consideration should be given to how to make these centres 'single gateways' through which young people can gain access to a full range of other statutory services. (Paragraph 256)
40. We recommend that funding should be given to provision of, and awareness-raising about, opportunities for all young people in deprived areas to get involved in organised youth activities such as sport, outdoor and environmental work and drama. Local authorities should look to raise awareness of, and access to, youth activities ranging from formal, nationwide organisations to more informal or local associations. (Paragraph 257)
41. We recommend that Government should work towards a situation in which there are sufficient places on YIPs to meet the needs of all high risk young people in high crime areas. Government should also look to ensure that there are adequate numbers of Youth Inclusion and Support Panels (YISPs)—groups which plan and manage interventions to prevent involvement in crime among at-risk young people—and that they have sufficient capacity to meet the needs of young people in their area. (Paragraph 258)

Gang membership

42. Local authorities should identify where gang exit programmes are necessary. Where it is required, Government should provide some additional pump priming funding

to enable such programmes to get off the ground. Information about successful gang exit programmes should be collected at national level and disseminated to local agencies. (Paragraph 260)

43. Key to most of the gang exit programmes we heard about was their separateness from local criminal justice agencies as perceived by their clients. Where there is a need, local authorities should consider contracting with community or voluntary sector organisations to provide gang exit programmes in their area. We also recommend that attention be given to the idea of creating 'safe-houses' for young people who wish to escape from gang violence but need protection in order to do so. (Paragraph 261)
44. Where criminal gangs are clearly causing problems for local neighbourhoods, the police should use existing legislation to apprehend gang members. Where the concern is more about the potential for looser affiliations of young people who are not heavily involved in violence or crime as yet, we recommend that local youth services devote resources to draw these young people into focused activities through organised youth activities, improved access to facilities and the provision of one-to-one support and mentoring. We also believe there may be a need for more focused support at school to help young people say 'no' to gang membership and to raise awareness about where they can get help if they feel pressurised to join a gang. (Paragraph 263)

Voluntary organisations

45. Identification of the means by which voluntary organisations can be funded adequately and consistently over time should form a key part of Government's strategy for tackling the overrepresentation of young black people in the Criminal Justice System. We do not think there can be a one size fits all model for effective use of voluntary and community groups to reduce overrepresentation. We would urge grant-makers and government to consider grants for small voluntary organisations as well as support for larger charities working to reduce the numbers of young black people who are represented in the criminal justice system. (Paragraph 267)
46. Government should consider how it can support faith-based organisations delivering preventative interventions and make contact with young people who have fallen outside statutory activity. The Department for Communities and Local Government should carry out an evaluation of existing faith-based interventions in gang membership and should consult these groups on how they could best be supported to achieve their goals. Based on this, government should consider extending support to faith-based organisations whose interventions have proved successful. (Paragraph 271)
47. We recommend that local authorities should review their channels of communication with voluntary agencies to ensure they are responding to local need. Local authorities should seek to ensure that local agencies are giving appropriate weight to the concerns of voluntary organisations and taking action where necessary. (Paragraph 273)

48. We believe central government and local authorities should review the timescales on which they offer funding, to ensure voluntary organisations have an adequate opportunity to effect change in a particular area. (Paragraph 277)
49. We recommend that Government consider its guidance to the Youth Justice Board, local authorities and other grant issuing bodies, to ensure that it is sufficiently flexible to allow criteria to be tailored to the particular client group in question. Where possible, monitoring and evaluation should take a long term view and should use both qualitative and quantitative measures. (Paragraph 281)

Broadcasters' responsibility and popular culture

50. We believe that greater censorship would be both undesirable and impractical. Any government role in relation to artists and the material they produce should be restricted to ensuring organisations and individuals are not contravening the broadcasting code or breaking other laws, such as those against incitement to commit hate crime. (Paragraph 283)
51. Given the impact of music and videos on young people who are already vulnerable, we believe both public service and commercial broadcasters should formulate and publicise policies on how they intend to tackle this key public concern. Broadcasters who receive videos and tracks from young artists which portray violence or crime should demonstrate that they are engaging in dialogue with young people, and showing them what is and what is not eligible to receive airtime. (Paragraph 284)
52. The Department for Culture, Media and Sport should receive support to provide appropriate funding to music projects which involve young people to express their creativity positively. We also recommend that DfES should explore what training and support should be made available to youth workers and teachers to help build resilience in young people to negative messages in popular culture. (Paragraph 285)
53. We also recommend that Government should work with local and national broadcasters who reach a large black audience to disseminate messages about how to report and deal with crime. Radio stations, TV channels and websites may provide useful platforms from which to publicise weapons amnesties or to give out anonymous contact numbers for Operation Trident, Crimestoppers or other helplines. (Paragraph 286)
54. We believe it is critically important that young people are involved in the formulation of any policy on popular culture and how it can be used to prevent involvement in crime. (Paragraph 287)

Youth Offending Teams (YOTs)

55. We recommend that the YJB should make greater efforts to ensure YOTs can demonstrate that they have identified and analysed any pattern of overrepresentation in their area. Where overrepresentation is a significant issue, YOTs should be required to show that the support they provide for young black people is designed to meet the particular needs of these young people and to reduce their risk of reoffending. (Paragraph 292)

56. YOTs should be required to identify the support they will require from other agencies and voluntary organisations. They should be required to show that they possess or are developing appropriate partnerships with these organisations. (Paragraph 293)
57. Given the multifaceted causes of the problem and the shared responsibilities involved in resolving these, YOT indicators should form part of the wider, overarching performance framework for local government and its partners. Throughout, close collaboration will be needed with the adult Probation Service to ensure a coordinated response at both local and national level. (Paragraph 294)

Further data and research

58. We understand that the Home Office has just commissioned the development of advice and guidance on the collection and use of a minimum dataset on race statistics, following the publication of the Root and Branch Review of Race and the Criminal Justice in September 2006. We welcome this move, and would emphasise the importance of local criminal justice boards taking a holistic view of the workings of the system in their area. This will require full and accurate monitoring by all agencies, including the CPS and the courts. A full set of recommendations on further data and research is set out in the Annex. (Paragraph 297)
59. The Government should undertake monitoring of CPS charging decisions to verify that any undue bias to charging decisions in cases where the suspect is black has been eliminated. (Paragraph 298)

Stop and search powers and policing

60. We are encouraged that the Home Office has introduced schemes such as the Practice Oriented Package, which tries to understand the causes of disproportionality, and the Stop and Search Action Team, which seeks to improve the fairness and effectiveness of the use of these powers. (Paragraph 301)
61. We recommend that existing measures to understand and combat disproportionality should be reviewed. We recommend that strategies for the use of stop and search should explicitly recognise the balance that needs to be struck between use of the power to prevent or detect crime and the negative impact its use has on public cooperation with, and support for, the police. Such a strategy would focus on halting the increase and then reducing the proportion of stops and searches which detect no crime or criminal intent and whose impact is damaging. (Paragraph 301)
62. Clearly, the negative impact of stop and search on innocent young people can be greatly reduced if proper attention is given to the way in which the encounter is conducted. The evidence we received suggested police efforts to improve the quality of the encounter have yet to be felt on the ground. Changes need to be made to the nature of the encounter in order to ensure it is respectful, courteous and well explained. (Paragraph 302)
63. Our witnesses made clear that in some cases, the benefits of stop and search might be outweighed by the negative consequences in terms of the willingness of young people to communicate with and trust the police. Stop and search is not a notably

productive means of tackling crime, particularly if done on an uninformed basis. Alternatives to stop and search that might help the police engage better with young people should be considered. (Paragraph 303)

64. We recommend that all forces should provide as standard training on relating to local ethnic minority communities, both for probationers and on an ongoing basis as the ethnic composition of an area changes. Fairness and objectivity should be key performance measures against which individual officers should be assessed when it comes to appraisal, and the police should prioritise these attributes when recruiting. (Paragraph 304)
65. We recommend that more police forces should create local forums in which police and young people can come together to talk about issues affecting the community. These panels could identify local flashpoints or areas of tension and find solutions and may also prove useful for gathering intelligence about local needs and priorities. (Paragraph 305)
66. As our predecessor Committee in the last Parliament commented in its report on Police Reform, published in 2005,

The issue of positive discrimination is a very sensitive one. There is undoubtedly a problem which needs to be tackled. Despite recent increases in recruitment from minority ethnic groups, many police forces remain unrepresentative of their wider communities. This is particularly the case in London. Doing nothing is therefore not an option. Equally, it would be counter-productive to take action which led to a lowering of recruitment standards, or which created a widespread sense of unfairness on the part of white police officers. (Paragraph 307)

67. We repeat the recommendation made by our predecessors:

We believe that the best way forward is through a combination of: (a) increased effort put into 'positive action', that is, promotional and outreach activities aimed at encouraging more members of minority groups to apply to join the police; and (b) the prioritising in recruitment of certain abilities such as language skills and knowledge of cultural background, where relevant to policing needs in particular areas. A case can be made for doing this on a purely crime-fighting basis. (Paragraph 308)

68. An evaluation of existing 'positive action'—including targeted recruitment and other measures to increase the numbers of recruits from different backgrounds—should be undertaken. It would also be valuable to explore in more detail the reasons why the Metropolitan Police have been more successful in recruiting Community Support Officers from ethnic minorities than they have been in recruiting police officers. (Paragraph 309)
69. We recommend that attention be given to improving perceptions of policing as a career option at school in ethnic minority communities. Forces should publicise work experience and internship programmes. Forces should demonstrate their commitment to the development of all employees by publicising their activities in this area to local communities and potential recruits. (Paragraph 310)

Transition from juvenile to adult CJS

70. We recommend that support for young people should be tailored to individual need, rather than age, and should continue at least until age 25 where appropriate. Support should recognise the distinct needs of young adult offenders as a group within this. The Government told us they had been looking at the transition from the juvenile to the adult criminal justice systems and said an announcement on this was “imminent”. We await this announcement with interest. (Paragraph 312)

Reducing fear of crime among black communities

71. The police and local Crime and Disorder Reduction Partnerships (CDRPs) need to directly address fear of crime among young black people, including fear of falling victim to other young people. The police and local agencies should regard all young people as potential victims, not just as potential offenders—even if they have been involved in crime themselves. (Paragraph 315)
72. We recommend that CDRPs, neighbourhood policing teams and, where they exist, Safer Schools Partnerships, should provide regular forums to communicate with young people and understand their primary concerns in terms of personal safety and crime. This could be done by way of a drop-in session or surgery at the school. Neighbourhood police officers should publicise a local telephone number that young people can call with information and to pass on personal safety concerns. In particular trouble spots, neighbourhood policing teams should ensure there is a visible police presence on routes to and from schools. (Paragraph 316)
73. At present, gun crime is a blight on some black communities. We fully support the efforts of Operation Trident in this area and urge full and continued financial backing for this operation. We recommend that forces in other areas where levels of gun crime are high might consider whether other, similar initiatives are necessary. (Paragraph 317)

Leaving custody

74. A renewed emphasis should be placed on the rehabilitation, resettlement and reintegration of all young people leaving custody. A review should be undertaken to ensure that provision for prison leavers is appropriate, accessible and beneficial to young people from all ethnic groups. On the basis of this review, it may be necessary to devise new measures which should themselves be examined to ensure they cater to all groups. (Paragraph 318)

National DNA Database

75. We recommend that Government should conduct a study to determine the implications of the presence of such a high proportion of the black male population on the National DNA Database. (Paragraph 319)

Mixed race young people

76. Whilst many of our recommendations will be relevant to this group [mixed race young people], we urge the Home Office, the Ministry of Justice and the Office of

Government Statistics to undertake further work to identify whether any additional actions are required. (Paragraph 320)

Annex: Recommendations relating to data and research on young black people's overrepresentation in the criminal justice system

A full and accurate picture of overrepresentation will be vital to any strategy to reduce it. We are encouraged that the Home Office has recently commissioned the development of advice and guidance on the collection and use of a minimum dataset on race statistics. We recommend that further action on statistics on race and the criminal justice system should include the following measures:

- a) When aggregating data on ethnicity, all agencies should use the same ethnicity categories to allow clear comparison of data at different stages of the system³⁶⁶
- b) The Youth Justice Board should set robust targets to Youth Offending Teams to improve recording of the ethnicity of young people being supervised, including a requirement for YOT data returns to be disaggregated by gender and ethnicity simultaneously
- c) The government should pilot research on the feasibility of police forces collecting data on victimisation, to be published as part of the Home Office's Section 95 statistics
- d) The Crown Prosecution Service should provide ethnic data on charging and disposals
- e) The Home Office should collect data from police forces on the proportion of people arrested where no further action is taken following arrest, by ethnicity. This should be published as part of the annual section 95 report
- f) Ethnic data for those who are charged with an offence should be published as part of s95 data. This is only currently available for juveniles³⁶⁷
- g) Government should collect and publish data on the ethnicity and age of those convicted of firearms and knife crime offences
- h) Government should include a breakdown of the type of weapon used in its statistics on firearms offences, to allow distinction to be made between crimes involving air weapons and those involving other types of firearms.
- i) Section 95 statistics on race should provide more information about gender to build a fuller picture of differences between males and females of different ethnicities.
- j) Government should provide a breakdown of the application of ASBOs and fixed penalty notices to different ethnic groups.

³⁶⁶ Dr Marian FitzGerald, *Statistical Evidence*, p. 69 [see footnote 34 above]

³⁶⁷ *Ibid.*, p. 41 [see footnote 34 above]

k) We recommend that compliance on provision of statistics at the local level should be monitored on a regular basis by the appropriate government department and by the inspectorates for each agency.

l) Government should undertake monitoring of CPS charging decisions to verify that there is no undue bias to charging decisions in cases where the suspect is black

In addition to further statistical data, there is a need for further research to help interpret the statistics and pinpoint effective solutions. In particular, there is a need to understand how existing interventions impact on young people of different ethnic minorities. We understand that the Youth Justice Board is planning to commission research into the needs of BME young people and young women and how these are met by criminal justice agencies, and into interventions for young people who have committed racially motivated offences.³⁶⁸ We also understand that the Commission for Racial Equality and the Economic and Social Research Council (ESRC) are planning research into the causes of ethnic minority young people's experience of the criminal justice system.³⁶⁹ We suggest that the Government and, where appropriate, the Economic and Social Research Council should also consider commissioning research into:

m) The extent of, and reasons for, different offending patterns among different ethnic groups

n) The progress of different ethnic groups through the Criminal Justice System through arrest and charge to prison, probation and aftercare. This should be a comprehensive study with qualitative and quantitative elements.

o) Factors that protect and place young people at risk of involvement in crime

p) Youth affiliation, peer groups and gangs and their relationship with criminal behaviour

q) Availability of post-sentence support for offenders of different ethnic origins and their impact on recidivism

r) Alternatives to use of stop and search by the police

s) Effectiveness of conflict resolution schemes and initiatives aiming to reduce retribution and reprisals

t) Reasons for any ethnic differences in the decision to charge young defendants, and into ethnic differences in the number of young people remanded in custody before sentence

u) Extent of, and reasons for, ethnic differences in sentencing, to establish whether any differences are accounted for by case characteristics.

There is a particularly pressing need to improve police forces' collection and use of data. In terms of stop and search, Baroness Scotland told us that "we will be able to move, even if it takes five, ten years, into real-time data" to enable forces to determine where

368 Ev 381

369 *Ibid.*

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disproportionality may lie within a force or unit³⁷⁰. This data would seem to be key in identifying potential areas of discrimination. We recommend that the police should move as quickly as possible to gather and use this data, and would hope it could be made available within the next five years.

Force level data will not always capture the full picture of if, where and how discrimination is occurring. We therefore recommend that police forces should be required to analyse their own data at Basic Command Unit level and to demonstrate to local criminal justice boards, police authorities and/or the Home Secretary that they are using this to inform practice. In many areas this will mean working with small numbers, so police forces should use qualitative approaches to understand the factors which underlie overrepresentation.

Formal minutes

Tuesday 22 May 2007

Members present:

Mr John Denham, in the Chair

Mr Richard Benyon

Mr Jeremy Browne

Ms Karen Buck

Mrs Ann Cryer

Mrs Janet Dean

Margaret Moran

Gwyn Prosser

Bob Russell

Mr Gary Streeter

Mr David Winnick

Draft Report (Young Black People and the Criminal Justice System), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 322 read and agreed to.

Summary agreed to.

Annex agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

[Adjourned till Thursday 24 May at Ten o'clock.]

List of witnesses

Tuesday 24 October 2006	<i>Page</i>
Ms Camila Batmanghelidjh , Kids Company and Mr Shaun Bailey , Youth Worker	Ev 1
Ms Decima Francis , From Boyhood to Manhood Foundation and Mr Ken Barnes , 100 Black Men of London, c-a-n-i Consultancy	Ev 10
Tuesday 7 November 2006	
Reverend Nims Obunge , The Peace Alliance and Reverend Les Isaacs , Ascension Trust	Ev 20
Mr Lee Jasper , Greater London Authority	Ev 29
Tuesday 19 December 2006	
Jason Lord Cover , Hayley Littek , Dexter Padmore , Leon Simmonds , Bianca Waite and Julia Wolton , X-it Programme, Lambeth Children and Young People's Service	Ev 38
Curtis Burk , Cean Johnson and Andrew Porter , accompanied by youth workers, Nottingham Youth Offending Service	Ev 51
Tuesday 16 January 2007	
Professor Gus John , Gus John Partnership Ltd and Dr Tony Sewell , Generating Genius programme	Ev 60
Ms Sukhvinder Stubbs , Barrow Cadbury Trust and Mr Marc Edwards , The Young Disciples project	Ev 68
Tuesday 6 February 2007	
Mr Roger Drakes aka DJ Dodge , Hip hop producer and DJ, Mr Bob Tyler , VITV/Channel U and Mr Andy Parfitt , Radio 1 and 1Xtra	Ev 75
Mr Melvyn Davis , boys2Men project and Mr Neil Solo , Babyfather Alliance, Barnardo's	Ev 85
Tuesday 27 February 2007	
Deputy Assistant Commissioner Cressida Dick and Chief Constable Peter Fahy , Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) and Superintendent Leroy Logan MBE , Deputy Borough Commander, Hackney Police	Ev 93
Ms Ellie Roy and Mr Chris Hume , Youth Justice Board	Ev 106
Tuesday 13 March 2007	
Rt Hon Baroness Scotland of Asthal QC , Minister for Criminal Justice and Offender Management, Vernon Coaker MP , Parliamentary Under-Secretary of State, and Ms Helen Edwards CBE , Chief Executive, National Offender Management Service, Ms Ursula Brennan , Chief Executive, Office for Criminal Justice Reform and Mr Simon King , Head of Violent Crime Unit, Home Office	Ev 114

List of written evidence

Asterisks (***) denote parts of the written evidence which have not been reported at the request of the author and with the agreement of the Committee.

	<i>Page</i>
1 Opinion Leader	Ev 133
2 Dr Marian FitzGerald, Specialist Adviser to the Committee	Ev 148: Ev 239
3 Ascension Trust	Ev 189
4 Association of Chief Police Officers of England, Wales and Northern Ireland	Ev 191
5 Shaun Bailey	Ev 195
6 Barnardo's	Ev 196
7 Ken Barnes, c-a-n-i Consultancy, and The 100 Black Men of London	Ev 200
8 Barrow Cadbury Trust	Ev 204: Ev 208
9 Ben Bowling, Specialist Adviser to the Committee, and Coretta Phillips	Ev 209
10 BBC	Ev 216
11 Centre for Crime and Justice Studies	Ev 221
12 Commission for Racial Equality (CRE)	Ev 223
13 Crime Concern	Ev 227
14 Mr Melvyn Davis, Boys2Men Project	Ev 232
15 Mr Roger Drakes aka DJ Dodge	Ev 236
16 Department for Education and Skills	Ev 236
17 Flipside	Ev 251
18 From Boyhood to Manhood	Ev 252: Ev 254
19 Generating Genuis	Ev 254
20 Dr Jeune Guishard-Pine	Ev 255
21 Department of Health	Ev 256
22 Home Office	Ev 265: Ev 277: Ev 294: Ev 304: Ev 308: Ev 388: Ev 398
23 Professor Gus John	Ev 309
24 Kids Company	Ev 312
25 Superintendent Leroy Logan MBE	Ev 313
26 Mayor of London	Ev 329: Ev 333
27 Metropolitan Police Authority	Ev 335
28 Metropolitan Black Police Association	Ev 341
29 Metropolitan Police Service	Ev 346
30 Office of Communications	Ev 350
31 Peace Alliance and Black Church Leaders Forum	Ev 353
32 Trident	Ev 357
33 Mr Bob Tyler, VITV/Channel U	Ev 371
34 X-it Programme, Lambeth Children and Young People's Service	Ev 372
35 Youth Justice Board	Ev 376: Ev 381: Ev 385: Ev 387
36 Janice Williams	Ev 388
37 Nacro	Ev 389
38 Damilola Taylor Trust	Ev 392
39 National Family and Parenting Institute	Ev 395

List of unprinted written evidence

Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons Library where they may be inspected by Members. Other copies are in the Parliamentary Archives and are available to the public for inspection. Requests for inspection should be addressed to the Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel 020 7219 3074). Hours of inspection are from 9.30 am to 5.00 pm on Mondays to Fridays.

Albert Barnes

The Children's Society

Dr Marian FitzGerald, Specialist Adviser to the Committee: *Young Black People and the Criminal Justice System: The Statistical Evidence* [published on the Committee's website, at www.parliament.uk/homeaffairscom]

Institute for Criminal Policy Research, King's College London

Chris Lewis and Tom Ellis, Institute of Criminal Justice Studies, University of Portsmouth

Graeme McLagan

Judicial Policy and Practice Committee, Magistrates' Association

Mothers Against Guns, and Urban Concepts

The Runnymede Trust

Reports from the Home Affairs Committee

The following reports have been produced by the Committee since the start of the 2002–03 Session. Government Responses to the Committee's reports are published as Special Reports from the Committee or as Command Papers by the Government. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2006–07

First Report	Work of the Committee in 2005–06	HC 296
Second Report	Young Black People and the Criminal Justice System	HC 181
Third Report	Justice and Home Affairs Issues at European Union Level	HC 76

Session 2005–06

First Report	Draft Corporate Manslaughter Bill (First Joint Report with Work and Pensions Committee)	HC 540 (Cm 6755)
Second Report	Draft Sentencing Guideline: Robbery	HC 947
Third Report	Draft Sentencing Guidelines— <i>Overarching Principles: Domestic Violence and Breach of a Protective Order</i>	HC 1231
Fourth Report	Terrorism Detention Powers	HC 910 (Cm 6906)
Fifth Report	Immigration Control	HC 947 (Cm 6910)
Sixth Report	Draft Sentencing Guideline: Sexual Offences Act 2003	HC 1582
First Special Report	Memorandum from the Home Office: Progress in implementing accepted Committee recommendations 2001–05	HC 1007

The following reports were produced by the Committee in the previous Parliament.

Session 2004–05

First Report	Rehabilitation of Prisoners	HC 193 (Cm 6486)
Second Report	Work of the Committee in 2004	HC 280
Third Report	Home Office Target-Setting 2004	HC 320 (Cm 6592)
Fourth Report	Police Reform	HC 370 (Cm 6600)
Fifth Report	Anti-Social Behaviour	HC 80 (Cm 6588)
Sixth Report	Terrorism and Community Relations	HC 165 (Cm 6593)

Session 2003–04

First Report	Asylum and Immigration (Treatment of Claimants, etc.) Bill	HC 109 (Cm 6132)
Second Report	Asylum Applications	HC 218 (Cm 6166)
Third Report	The Work of the Home Affairs Committee in 2003	HC 345
Fourth Report	Identity Cards	HC 130 (Cm 6359)
Fifth Report	Draft Sentencing Guidelines 1 and 2	HC 1207 (HC 371)