

2022
UPDATE

EQUAL POLICY POSITIONS

Our priorities addressing racial
disparity in the UK's criminal
justice system.



EQUAL
ACTION FOR RACE EQUALITY
IN THE CRIMINAL JUSTICE SYSTEM

OUR WORK

EQUAL is a national independent advisory group set up to tackle racial inequality in the criminal justice system, and improve outcomes for Black, Asian and minority ethnic people and Muslims affected by racial disparity in the system. Our work is shaped by our advisory members. Action for Race Equality provides Secretariat support for EQUAL.

Learn more on www.equalcjs.org.uk

OVERARCHING POSITION

A fundamental principle of justice is that people should be treated equally under the law.

Evidence of disproportionate outcomes for people from Black, Asian and minority ethnic communities consistently shows that our criminal justice system fails to meet this standard.

In the interest of a fairer justice system, equality requires perpetual vigilance. It is vital that criminal justice agencies are held to account to their public sector equalities duties and seek to 'explain or reform' racial disparities in the spirit of the Lammy Review (2017) with a clear strategy on how the recommendations will be operationalised. EQUAL intends to contribute to that effort.

OVERARCHING POSITION (continued)



Part of our role is to explain the reasons discrimination occurs. We believe that a key driver of racial disparity within the criminal justice system is the idea that Black, Asian and minority ethnic communities are riskier than their white counterparts.

We believe that this notion of risk is hard wired into what should be objective tools which leads to differential treatment of Black, Asian and minority ethnic and Muslim communities throughout the CJS.



It is our view, that to undermine the current notion of risk around Black, Asian and minority ethnic and Muslim communities there needs to be a shift towards seeing each person as an individual.

What we think about.....

PRISONS AND PROBATION





PRISONS AND PROBATION

Racial disparity in prisons must discontinue in both the adult and youth estates.

There needs to be action taken throughout the criminal justice system to address the double disadvantage faced by Muslim prisoners through the intersectionality of faith and race.

The overrepresentation of Muslim prisoners must be discontinued.

Prison race and faith outcomes data should be published and catalogued using the 18+1 ethnic minority categories.

All prison staff to be provided with effective training on identifying and dealing with race disparities and discrimination which should specifically include training on the impact of systemic racism on Black, Asian and minority ethnic communities, their needs, and the ways they engage with prison services.

Training should be delivered face to face where possible to support staff in discussing and understanding nuanced issues specific to culture/ethnicity.



○ PRISONS AND PROBATION

Her Majesty's Prison Probation Service (HMPPS) should commit to funding a permanent senior level equalities lead in each prison and regional probation area.

Data should be published on the use of force and PAVA spray in prisons including breakdown of usage by age, ethnicity and prison region.

HMPPS should create and publish a strategy for ending disproportionality in use of force with no further rollout of use of force tools (i.e., PAVA Spray) until disproportionality is discontinued.

All security functions – e.g., use of force, segregation, categorisation, incentives and earned privileges, adjudications, and temporary release – should be tested under the ‘explain or reform’ principle established by the Lammy Review.



Revise the system for reporting discrimination, in line with the recommendations of David Lammy’s review; with particular attention to setting a more reasonable threshold for the ‘balance of probabilities’. Prisons should also regularly consult prisoners about how the process is working.

● PRISONS AND PROBATION

Black, Asian and minority ethnic voluntary sector organisations should be seen as a key partner in supporting the probation service to meet the needs of Black, Asian and minority ethnic people under probation supervision. They should be enabled to work alongside the probation service through appropriate commissioning and funding opportunities.



Probation services and all contracted providers working alongside them must be required and held to account in appropriately meeting the needs of Black, Asian and minority ethnic service users, working in a culturally competent way that acknowledges the impact of structural racism and discrimination on service users; with Black, Asian and minority ethnic organisations engaged in the implementation of this.

Pre-sentence reports should be provided in writing, ensuring they represent the individuals needs and are free from bias.

The EHRC should ensure HMPPS properly comply with the Equality Act 2010 Public Sector Equality Duty (PSED).

What we think about.....

THE POLICING OF YOUNG BLACK, ASIAN AND MINORITY ETHNIC PEOPLE





POLICING ETHNIC MINORITY YOUNG PEOPLE

The Gangs Violence Matrix (GVM) used by the Metropolitan Police and other forces as an intelligence tool should be removed.

In lieu of the GVM being removed, these ethnically biased tools should be independently reviewed annually and the report published.

Police section 60 searches under the Criminal Justice and Public Order Act (CJPO) 1994 should only be exercisable by a senior ranking officer.

Section 60 searches should be rigorously monitored with data made publicly available and broken down into protected characteristics.

The EHRC should ensure police forces in England and Wales comply with the Equality Act 2010 Public Sector Equality Duty (PSED).

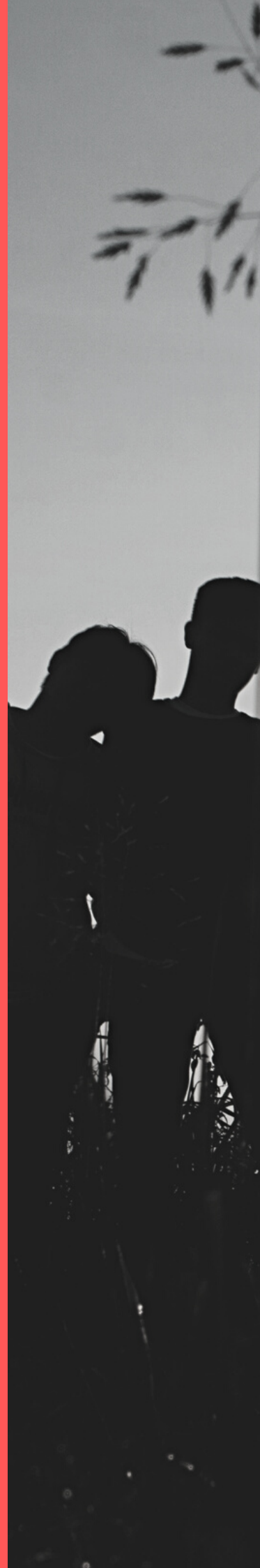
Racial disparity in stop and search powers under the Police and Criminal Evidence Act 1984 must discontinue.

Police intelligence must be based on evidence, not on negative racial stereotypes and properly corroborated.

Police officers should be provided with adequate cultural competence training.

What we think about.....

THE YOUTH JUSTICE SYSTEM





THE YOUTH JUSTICE SYSTEM

Racial disparity in the youth estate must discontinue.

The rate of imprisonment for black, Asian and minority ethnic children must be reduced.

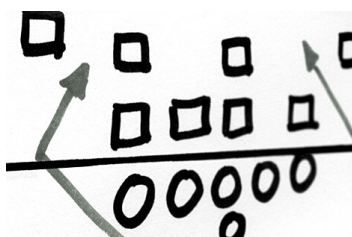
That re-offending rates for black, Asian and minority ethnic children must be reduced by addressing the systemic racism impacting on outcomes for those children.



All departments across the youth justice system should publish a clear strategy identifying the role they play in increasing racial disparities in re-offending rates and how they will reform their processes to divert black, Asian and minority ethnic children from reoffending.

Black, Asian and minority ethnic focussed organisations must form part of the menu of local rehabilitative interventions.

Ethnic disproportionality of referrals to Youth Offending Institutions instead of Secure Training Centres must be reduced.



The Judiciary should publish a diversity strategy with a particular focus on ensuring the youth courts are reflective of the communities it serves.



WANT TO WORK WITH US?

Since our inception in 2014 as the Young Review Independent Advisory Group, we have worked collaboratively across the criminal justice sector to address racial disparity.

We have recently worked in partnership with:

Liberty, Maslaha, Criminal Justice Alliance, Clinks, and Barrow Cadbury Trust alongside government bodies including MOPAC.

We welcome interest from other civil society and voluntary criminal justice organisations working with Black, Asian and minority ethnic, and Muslim communities. Please reach out if you have a project or are interested in collaborating via social media or email **info@equalcjs.org.uk**



EQUAL is kindly supported by:





Help us end racial inequality in the UK's Criminal Justice System.

Action for Race Equality provides Secretariat support for EQUAL. We need to raise funds for this and for other charitable purposes.*

www.easydonate.org/ARE22

* Fundraising, payments and donations will be processed and administered by the National Funding Scheme (Charity No: 1149800), operating as DONATE. Texts will be charged at your standard network rate. For Terms & Conditions, see www.easydonate.org



www.equalcjs.org.uk