

Black Mental Health UK

BMH UK Submission to the Harris Review into 'self-inflicted' deaths in NOMS Custody of 18–24 year olds

The perspective of black people from the UK's African Caribbean
communities

Insights from the Diaspora

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Annex 1 by Professor Gus John

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deaths in NOMS Custody of 18-24 year olds

The perspective of black people from the UK's African and Caribbean Communities

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1. About Black Mental Health UK

Black Mental Health UK (BMH UK) is human rights campaigns group established in 2006 that focuses on raising awareness of and seeing a reduction in the disproportionate numbers of people from the UK's African Caribbean communities subject to detention under the Mental Health Act.

Our work focuses on establishing new models of health promotion that addresses the social and economic exclusion, as well as the reduced life expectancy of those living with a diagnosis of severe and enduring mental illness.

BMH UK is the only agency working in the area of public policy with a focus on the inequalities in treatment and care of black people who come in contact with these services, which also campaigns on behalf of these communities' interests. We also work towards addressing the injustices and inequalities that people from this community face in other custodial settings across the criminal justice system.

Also an online publisher we use our website, www.blackmentalhealth.org.uk and online magazine, entitled *The Solution*, to raise awareness and address the stigma of this health condition within the communities most affected but least informed about this issue.

BMH UK's *The Solution Magazine* is the only publication of its kind with a focus solely on the African Caribbean experience of mental health and mental health services.

2. Introduction

This submission has been produced by BMH UK for the Harris Review's into Self-Inflicted Deaths in NOMS (National Offender Management Service) Custody of 18-24 year olds. BMH UK would like to thank Lord Toby Harris for hosting the community round table, chaired by BMH UK's director Matilda MacAttram at the House of Lords in January.

BMH UK would also like to thank Lankelly Chase for the in supporting the community consultation and engagement work needed to convene a round table and produce a report, specifically targeted at getting the views of professionals working across the criminal justice system, health practitioners, front line workers, and family members with loved ones currently in this system as well as those with firsthand experience of this system who are from the UK's African Caribbean communities.

This submission is informed by the discussions at this community roundtable event and focuses on theme of the Harris Review from this community's perspective. While the Harris Review has engaged in extensive consultation over the 12 months of the review, BMH UK's meeting has been the only forum convened that has focussed solely on securing the views and articulating the concerns of black Britons.

BMH UK is connected to the United Nations Working Group of Experts on People of African Descent (UN WGPAD) through their fellowship programme completed by its director Matilda MacAttram.

The UN WGPAD has a remit looking specifically at the condition and experience of the Diaspora across the world. The UN General Assembly has proclaimed 2015 as the start of the Decade of People of African Descent. This UN Observance will be used to actively raise the awareness of societies in the fight against prejudice, intolerance and racism that people of African descent are subject to around the world.

Justice is a major theme of this Decade and as such, BMH UK's community engagement consultation event and report that comes out of it will also raised in this arena.

3 . Background

From 1 April 2007 until 31 December 2013 there were 84 recorded self-inflicted deaths among 18-24 year olds in custody; this represents 19% of all recorded self-inflicted deaths in this period.

On 6 February 2014 the Justice Secretary announced an independent review into self-inflicted deaths in National Offender Management Service (NOMS) custody of 18-24 year olds.

The purpose of the Harris Review is to make recommendations to reduce the risk of future self-inflicted deaths in custody and focus on themes including vulnerability, information sharing, safety, staff prisoner relationships, family contact, and staff training.

The Harris Review is of significant relevance to the UK's African Caribbean Diaspora because of the large numbers of people from this community, between 18 and 24 years old, in the prison system. This means that any recommendations that come out of this work will have a direct impact on their welfare and wellbeing and in turn, also the communities that they come from.

There is debate as to whether or not young people from the UK's African Caribbean community are more affected by this disturbing trend of self inflicted deaths. Data indicates that black prisoners are reportedly no more likely to take their own lives than their white counterparts. However for BMH UK these figures mask the true picture as they do not compare like with like. In order to establish if indeed if young black people within this age range are more likely to commit suicide while in prison the comparison has to be made with those in the community from the same group, not in comparison with their white counterparts in this system. It is only by looking at these figures will a more accurate insight be gained into how prison has an impact on the likely hood of this group committing suicide in this setting.

4.Ethnicity: dedicated focus on African Caribbean experience of the Criminal Justice System.

Delegates attending BMH UK round table repeatedly pointed out the importance of noting that it is one specific ethnic group, people from the UK's African Caribbean communities, not BME (Black and ethnic minorities), that continue to be disproportionately adversely impacted by inequalities faced by this group at every stage of the criminal justice system. The consensus within this community is that this is an issue that needs to be emphasised as in the past this term, BME, has watered down any strategies that have been put in place to address what have now become entrenched issues relating to black Britons over representation within the prison system.

5. Stereotyping: blanket criminalising of communities through use of the term gang

'One of the concerns that we have been picking up in the INAPP, is the way in which the system is I agree criminal but the criminalisation of our communities. We are concerned about the institutionalised stereotypes that have seeped into the discourse around gangs that is actually criminalising a whole section of young people of African Descent.

This is going contrary – you spoke in your introduction Matilda about the work of the WGPAD, and this is going contrary to the work of this group to address the injustices that PAD face,' **barrister, and PhD student.**

'The term gangs is no more t the language used to marginalise and criminalise a whole generation of our young people without ever given them the support educationally or socially that they need. Social issues are only managed by the justice system which is the entry route in the prison system, which once they come in contact it find it almost impossible to extracte themselves from it,' **editor of community newspaper and producer of weekly African radio show.**

'The question of police containment of our communities is a main policy of the British government for black people. The narrative of gangs is part of the tool used to implement this. The solution is for people need to be employed, to talk about this

issue we must include social justice, or there is no real justice to talk about at all,'
head of Diaspora community activist movement.

6. Policing and Britons African Caribbean communities

Different ethnic groups are unequally represented within the criminal justice system (CJS). Some ethnic minority groups are over-represented at every stage of the criminal justice system. The government report entitled: Race and the Criminal Justice System, 'members of our black communities are seven times more likely than their white counterparts to be stopped and searched, three and a half times more likely to be arrested, and five times more likely to be in prison'¹

'The way the prison system is overcrowded, and there how our young people are brought into the criminal justice system is a set up from the outset.'

'The ease of access into this criminal justice system leads straight to a trajectory that can destroy a life, it is the equally opposite path to accessing education and training for the young people from our communities.'

'I see it in the work I do, with young people in the community it, everything is waiting for them, it's like it has all been set up. That is how this system is set up for them, to the point where the system has branded them and given them a name; and by using the name gang, which evokes a sense of fear in the community, it justifies the way the police and the system behaves towards these young people – it starts from a very young age.'

'How can it be cheaper to put young man in private education than send them to prison but the jails are full – every person who goes into jails make money. When people are picked up and taken into custody, the custody officer is waiting for him. At the court, the judge is waiting for him, when he gets to prison, the warden and a cell is waiting for him. They never say, 'oh, we weren't expecting you'.

‘I don’t think people understand that we are in the system, we are the commodity in that system. There are a lot of things behind the scenes that people are not aware of.

It is important that how we are being treated by this system is acknowledged, and we can’t have people speaking for us on this – for far too long people who do not have our skin colour or background have been speaking about us without us. There are meetings and policy is drawn up about us without us being there or even knowing what is going on.’

‘Why is it that the experts whose opinions are taken on board when it comes to important issues like these are not those who have lived it and really understand the issue, but rather information is always taken second hand from someone who has studied it,’ **teacher and community worker at music academy.**

7 Prison population and UKs African Caribbean communities

The proportion of people from this group aged 18-20 years old within the prison estate is 17.3%, which over all is significantly higher than the 3%² of the national population that this group represent, and over all black prisoners account for (50%) the largest ethnic minority with the prison system³.

Data published by the Equality and Human Rights Commission (EHRC) indicates that there is now a greater disproportionality in the number of black people in prison in the UK than in the United States⁴ with black people now seven times more likely to be imprisoned than white people per head of population in England and Wales⁵

Human rights concerns have been raised over practices employed within the US prison industrial complex. Little attention however has been given to this issue as it relates to the prison population in the UK, even though Britain has one of the highest incarceration rates in the Europe: and ['there are some prisons in the south east which are virtually all black'](#)⁶ populated almost only by people from the UK's African Caribbean communities⁷.

8 Prison pipeline of school exclusion

The relationship between lack of educational opportunities and youth crime is well established and the particular underachievement of black boys is a 'major cause of entry into the criminal justice system' (House of Commons Home Affairs Committee, 2007: paragraph 113)⁸.

'I work for organisations which deal with school exclusions and for at least four decades we have had disproportionality with the number of boys, African boys being permanently excluded from school.

The Youth justice board had looked at the correlation of school exclusion and youth offending.'

So when one looks not just at the YOI but the prison system altogether the over representation of black young people, it is by any measure a massive ethnic penalty for being black in this society in the first place.'

'When one considers that the illiteracy rate of prisoners is way up there at 60% to 70% figure, and that they are denied their education at school level by the over representative number of school exclusions one has to ask the question that why is the government even as Lord Harris is chairing this Review, is making it easier for head teachers to exclude? The latest ruse is that head teachers should no longer be required to demonstrate evidence that they are using exclusion as a last resort. In other words any capricious, wilful, bad head teacher could decide to exclude children without having to prove that they have done all kinds of other things to keep the child in school.

There is a correlation between that, never mind the schooling outcomes for black children in the general population, there is a correlation between all of that and the number of young people being put into young offender institutions.,' **academic and chief executive charity supporting families of pupils excluded from school.**

9 .Unemployment, social and economic exclusion

Unemployment among black adults is significantly higher than among whites. The social geography of educational provision too is such that children in poorer communities are less well provided for and routes to advancement are accordingly more constrained: educational underachievement is both a symptom and a cause of disadvantage⁹.

‘The highest expression of a democracy is a community’s self determination. If we want to see an end to these so called ‘self inflicted’ deaths of young people in the prison system then, we black people should be able to govern themselves and determine how law enforcement agencies treat us. Half of the black population in the UK live on less than half of the national average income. That is a heart breaking statistic, it is saying that our people have to do something else to survive, something illegal to survive, and the ruling class know that – they know that there is no way that you can live in the UK on less than £11k a year.

You can’t take your children out, you can’t have quality time – people are on pay as you go for the gas, electricity, phone and these payment plans always costs more. Someone is asks another person ‘how are you getting on’ you hear them say just surviving’, it is a criminal system. We are living in a criminal system. But it is nothing new, it is part of our 500 year history,’ **head of Diaspora community movement.**

10. Sentencing

There is a body of data which shows that people from the UK’s African Caribbean communities face harsher sentencing than their white counterparts¹⁰

Studies have shown that black offenders were 44% more likely than white offenders to be sentenced to prison for driving offences, 38% more likely to be imprisoned for public disorder or possess on of a weapon and 27% more likely for drugs possession¹¹.

Ministry of Justice data also shows that black people are more likely to be charged and sent to prison than white people - and to receive longer custodial sentences. This data also

shows that black people are less likely to receive an out of court disposal for an indictable offence and more likely to be proceeded against at magistrates' courts than all other ethnic groups.

The most common sentence outcome for white and mixed ethnic group offenders is a community sentence, while the most common outcome for black or other offenders was immediate custody.

The average custodial sentence length for indictable offences was higher in for offenders from a black and minority ethnic group compared with those from a white group.

Following conviction, 26% of white people were jailed, compared with 31% of black people. On average white offenders received 19.9 months in custody and black defendants 23.4 months¹².

'I know of many cases personally, where people have committed more heinous crimes than the one that that of my relative, but they were given much more lenient sentences. There are lots of people who are in prison who have been given unjustifiably sentences particularly those from African Caribbean backgrounds.

This is something that was even mentioned in the Ministry of Justice report on sentencing published in 2013, that black people get longer sentences than their white counterparts for the same offence.' **Director community in-reach support agency based in Bristol.**

11. Over –representation of young black people in the prison system

The question of why there are so many prisoners aged 18-24 in the prison system has been examined by the Harris Review, as well as what could have been done earlier in prisoners their lives to provide them perhaps with appropriate mental health services, or to divert them from the criminal justice system by investing in their education and training.

‘Tony Blair ‘realist’ slogan ‘Tough on Crime, Tough on the Causes of Crime’ in January 1993 in an attempt to wrestle the Law and Order agenda away from the Conservatives, was part of the construction of the black community having a ‘particular’ social order problem. These ‘causes’ were first spelt out in detail in the consultation document Tackling the causes of crime (Straw and Michael 1996).

New Labour’s 1998 legislation The Crime and Disorder Act arguably, for the first time, put law breaking and violation of social and moral codes on the same footing.’ This is known as the criminalisation of nuisance which means behaviour that would have been seen as petty (maybe get a caution/telling off) became a criminal act.

"We need a new approach to catch, convict, punish and rehabilitate more of them [child offenders] ... persistent offending should lead to increased punishment ... firmer measures will be taken ... our proposals are based on a simple principle: stay straight or you will stay supervised or go inside. (LabourParty, 2001:3)." (Goldson & Muncie, Youth Crime and Justice, 2006:213/4)

Youth cautions and increased number of offences 'net widening'; ASBOs has increased the amount of young people in the CJS and as people from the UK’s African Caribbean communities are over represented at all levels the conclusion is obvious.

12. Prison regime and mental health and well being of prisoners

The psychological damage inflicted on prisoners as a consequence of 'tougher regimes' is reflected in increasing levels of suicide and self-harm, and a growing population of seriously mentally ill prisoners¹³.

‘What surprises me is that more people don’t take their own lives in those wretched places, because the bullying. A person can get excluded for the most spurious of reasons, then people get involved with the police, sometimes through stop and search, they get inside the custodial system, they are abused, they are raped, they are bullied, all kinds of nastyness is going on to unsuspecting young people who simply happen to be disruptive or whatever it happens to be, some of them have needs like ADHD or something else that has not been picked up, it is a criminal system. The system is criminal more than some of the criminals inside this system, and that is what needs to be addressed

I hope Lord Harris you will make strenuous efforts to point out to this government and this whole system, how stupid it is that they are concentrating on this kind of issue as if it is something that is episodic, rather than looking at the systemic nature of it.

13. Riots and disturbances within prison settings

The number of occasions Prison Service Gold Command, the national group convened during serious incidents and disturbances, has been opened over the last three years has increased by 153% since 2011-12. In 2013-14 it opened on 81 occasions. There has also been a 14% rise in serious prisoner-on-prisoner assaults between 2010 and 2013, and the number of deaths in custody last year was the highest on record¹⁴.

Also the National Tactical Response Group (NTRG) dealt with 223 prisoner disturbances in 2014 – nearly double the number of incidents (118) it responded to in 2010. Use of the NTRG has increased markedly with last year's figures showing a near 10% increase on 2013, when there were 203 call-outs, and 2012 when there were 129¹⁵. The numbers of people subject to restraint, cs spray, batons or Taser as well as details of injuries of prison officer, police and inmates has not been made public. Data on what staff are involved in such incidents and the characteristics of staff across all professions involved in such incidents as this would allow for any patterns in behaviour toward certain groups of prisoners to be identified, which would then help with accountability of staff in their treatment of in-mates.

14 . Transforming Rehabilitation - culturally appropriate community support

The Transforming rehabilitation programme that aims to bring down re-offending rates while protecting the public works with the National probation Service and Community Rehabilitation Companies to support people who have left prison. Many are in need of psychological, not psychiatric support when they leave prison. Many agencies who attended BMH UK's round table on the Harris Review who work on the frontline observed that those employed to provide this type of support, particularly for black people do not engage with this group, but rather fear and so pathologise and criminalise many of their cultural norms.

Support services for people leaving the criminal justice system are as poor as those within the system and consistently fail people from the Diaspora who are over represented in this system even though from the community's perspective it is often clear what their needs are.

'We find that all the people paid to support with the mental health needs of the black people coming out of prison, do not want to engage with them or have anything to do with them.

Even when they are in a hostel and it is on their records that they need support in this area it is ignored. They workers who are paid to support them just say that they are hard to engage or are not interested. It is not that young black people are hard to engage, but those who have been in the criminal justice system need to know that they can trust the people who are supposed to be supporting them. All too often this is not the case.

We need professionals from our communities to support these youths and give them the psychological support that they need, because many of them are traumatised, because of what they have gone through when in the system and cannot open up about this or get the help that they need from the services as they are set up at the moment.

There needs to be investment in community based black led agencies who understand the youths, rather than the contacts going to those who may be able to put a good bid and business plan together, but do nothing to stop them going back into the system on that revolving door cycle,' **community probation and youth worker.**

15. Prison chaplaincy - need for back church engagement

While it has been noted that there have been an marked increase in the number of Imams who are now the Prison Chaplaincy Services¹⁶, many leaders of black majority churches have voiced concern at the difficulty and barriers faced by black clerics in accessing this important area of ministry, particularly in light of the disproportionate over representation of black people in this system.

They point to out that there is a need for pastors and clerics from the black churches to be allowed to have proportionate representation among those who are working to serve this group, as it has been noted that clerics from other ethnicities often view black prisoners as dangerous and gang members rather than the vulnerable and disposes who in are in the greatest need of support while locked up in jail.

BMH UK recommend that clerics in the Diaspora, from the UK's Black Majority Churches set up to serve the UK's African Caribbean communities, who have a calling in this area should be given the opportunities in line with Imams to work specifically with back inmates to support them in and pastoral role. BMH UK view this a particularly important as they do not view black prisoners through the lens of being 'gang member' or 'all violent and angry' but have a deeper and more humane and compassionate understanding of their condition and so will be more able to support them and minister to their spiritual needs.

Footnotes

¹ Equalities and Human Rights Commission (EHRC) Research Report. 2010 [Differential treatment the youth justice system](#). EHRC.

² Office for National Statistics (ONS) 2011. [Census 2011](#). ONS

³ The Prison Reform Trust . [Projects and research – Race](#). The Prison Reform Trust

⁴ The Equality and Human Rights Commission, 2010. [How Fair is Britain? Equality, Human Rights and Good Relations in 2010](#). The First Triennial Review.

⁵ The Guardian. 2010 [More black people jailed in England and Wales proportionately than the US](#). The Guardian.

⁶ The Guardian. 2010. [More black people jailed in England and Wales proportionately than the US](#). The Guardian.

⁷ The Voice 2013. [Church leaders ask PM why prisons are 'almost entirely black'](#). The Voice

⁸ Equalities and Human Rights Commission (EHRC) Research Report. 2010 [Differential treatment the youth justice system](#). EHRC.

⁹ Equalities and Human Rights Commission (EHRC) Research Report. 2010 [Differential treatment the youth justice system](#). EHRC.

¹⁰ The Independent 2013 [Courts are biased against blacks with white offenders handed more lenient sentences says official report](#). The Independent.

¹¹ The Guardian. 2010 [Black people more likely to face drug arrest](#). The Guardian

¹² The Law Gazette 2015 [MoJ data shows black offenders more likely to be jailed](#). The Law Gazette.

¹³ Inside Time (IT). 2014 [Scapegoating the undeserving poor](#). IT.

¹⁴ Prison Reform Trust 2014 [State of our prisons: figures reveal damaging impact of drastic budget cuts](#). Prison Reform Trust.

Annex 1

Suicide in Prison

- The Abandonment of Hope and the Death of Aspiration

Submission to the BMH UK Parliamentary Round Table on the Harris Review into 'self-inflicted' deaths of 18-24 year olds young in prison

Professor Gus John

20 January 2015

On 6 February 2014, the Justice Secretary announced an independent review into self-inflicted deaths in National Offender Management Service (NOMS) custody of 18-24 year olds and invited Lord Toby Harris, Chair of the Independent Advisory Panel on Deaths in Custody to conduct it. Black Mental Health (BHM) UK organised a round table discussion on 19 January 2015, hosted by Lord Toby Harris on 'self-inflicted' deaths of young people in prison, at which some 24 African practitioners and academics/activists, including me, shared verbal evidence. BHM UK's invitation to the round table noted:

'The purpose of the review is to make recommendations to reduce the risk of future self-inflicted deaths in custody and focus on themes include vulnerability, information sharing, safety, staff prisoner relationships, family contact, and staff training. There is debate as to whether or not young people from the UK's African Caribbean Community are more affected by this disturbing trend of self-inflicted deaths'.

This written submission supplements the verbal contribution I made to the round table discussion.

I write in three capacities. First, as a former Assistant Education Officer and Head of Community Education in the Inner London Education Authority where I held responsibility for education provision in all five London prisons; second, as a former Director of Education and Leisure Services in the London Borough of Hackney and third, as Founder-Trustee of the Communities Empowerment Network (CEN), a charitable organisation that provides advocacy and representation services to excluded school students, predominantly males of African heritage, and their parents/carers. In addition, I am an independent consultant and have delivered organisational auditing and staff training services to young offender and prison establishments in the North West of England.

A suicide or 'self inflicted death' is an episode. It is an episode that rarely ever results from an individual of sound mind and contentment of spirit deciding that it would be a wonderful thing to experience what it is like to die and consequently killing themselves in order to get the experience. Most suicides are the culmination of a process, a process of self erasure that represents the abandonment of hope and the death of aspiration. To concentrate solely on the act of suicide and upon the circumstances immediately surrounding that act, therefore, would eclipse completely the genesis of the process of self erasure and the life events, protracted or not, that contribute to that process. It is for that reason I believe BHM UK's focus upon the representation of African heritage victims of suicide, males in particular, is so critical to Lord Harris' review.

One hopes that Lord Harris' review would provide statistical evidence of the number of 18-24 year olds of African heritage who commit suicide in custody in UK prisons, relative to their number in young offender institutions, as compared to the number committing suicide outside prison, relative to their number in the African heritage population in the UK.

Whatever those comparisons would tell us, I take it as axiomatic and incontrovertible that the number of 18-24 year olds committing suicide in custody correlates to the disproportionate number of Africans in the prison population in the country, relative to our representation in the UK, or England population overall. Such suicides also correlate, therefore, to the condition of being young and black in British society, a condition that is characterised by over-representation and disproportionality on a number of indices: from

school exclusions (including exclusion of looked after children and those with assessed special education needs from primary, secondary and special schools), to quality of schooling outcomes, to police 'stops and searches', to unemployment, to involvement with the criminal justice system. Some of those life events combine to induce low self esteem and individuals' lack of belief in their capacity to lead well adjusted lives, as well as low aspirations and expectations of success in life. As such, the correlation between ethnicity, gender, educational disadvantage and social inequality as a backcloth to offending, nihilism and hopelessness is something which is increasingly acknowledged, but such knowledge does not give rise to coherent, cross-cutting policies and initiatives to break those links.

Forty years ago, with Derek Humphry, then a staff reporter at the Sunday Times, I wrote 'Police Power and Black People' which was published by Panther in 1972. The concluding chapter of that book deals extensively with the issues of schooling and young black people's involvement in crime. Two years earlier, John Lambert, a sociologist at the University of Birmingham, in his study of police and race relations in that city pointed to the under-representation of West Indians, young and old, among the population of offenders, but warned, presciently, that there was a very real danger that their numbers would increase:

"In contrast with the typical British delinquent and his family, the few West Indian delinquents appear to come from families with high aspirations and ambitions. West Indians in general are aspiring and ambitious; many are acutely aware of the poor status that attaches to the kinds of areas and houses in which they live and are ambitious for a better way of life. They are not part of the failure that life in such areas means for many. They seek success within the general framework of values and generally rise above the delinquent and criminal standards prevalent in the areas in which they live.

Clearly the danger is that if their legitimate aspirations for betterment in terms of employment and housing opportunity are not met, with time the crime and disorder which surround them will contaminate their life style and lead, in years to come, to a crime rate that matches that of their neighbourhoods. Such influences may particularly infect and misdirect their children's achievement and undermine their chances for success and mobility".

- John Lambert: **Crime, Police and Race Relations**, pp.128-130,
 Oxford University Press and Institute of Race Relations, 1970.

Black boys are three to five times more likely to be **excluded** from school than their white counterparts and ten times more likely to be the subject of 'managed moves' (voluntary withdrawal by parents, usually at the instigation of the school). Roughly the same number of mixed (African-Caribbean & English white) boys are permanently excluded as Black Caribbean boys from maintained schools. Slightly more Black Caribbean boys are permanently excluded from Academies.

In the Borough of Lambeth in 2008/09, for example, Black Caribbean students represented 18.4% of the school population in the borough, but accounted for 44.6% of permanent exclusions, a difference of 26.2%. Mixed heritage children of white and Black Caribbean parentage made up 1.4% of the school population in Lambeth, but accounted for 14.3% of permanent exclusions, a difference of 12.9%.

- (Lambeth School Exclusions Scrutiny Committee Report, 2010)

Nationally, *persistent disruptive behaviour* accounts for the highest percentage of school exclusions as it does in Lambeth and most other London boroughs. Over the years, research has shown that black school students (Black Caribbean boys in particular) receive harsher punishment, including fixed term and permanent exclusion, for the same misdemeanours committed by all other students.

Black young people are seven to ten times more likely to be stopped and searched. Black or Black British people are five times more likely to be arrested than white people. Baroness Scotland, former Attorney General, confirmed in her evidence to the Home Affairs Committee in 2007 that *'three quarters of the young black male population will soon be on the DNA database'*.

In June 2007, global majority (minority ethnic) groups of all ages made up 8% of the UK population but accounted for 26% of the prison population (19 per cent being British nationals)

Statistics on Race & the Criminal Justice System 2006/2007; Ministry of Justice 2008

20 - 25 per cent of those in custody were 18 to 24 year olds. Young adults with a mixed ethnic background were over-represented: 18-24 year olds make up nearly 40% of all mixed ethnic groups in custody.

In Bristol in 2007, I worked with 80 Black 12-16 year old school students, two thirds of them males, from three schools including an Academy. At one point in the programme, I set them the following task:

At this stage of your life, write down the three things you fear most.

Without conferring, each student listed their three worst fears. Having collated their responses, the picture that emerged was as follows. Their fears, listed in the order of most frequently expressed to least frequently, were as follows:

- Dying
- Death
- Being killed/murdered
- Going pen (going to prison)
- Getting stabbed
- **Our youths**
- Not achieving goals
- Not being able to afford the things I want in the future(house, car, etc)
- Not getting the opportunities I want
- My loved ones dying around me
- Anything happening to my family
- Losing loved ones
- Not succeeding
- Living by myself
- The Tories in power

It was deeply concerning that so many young people lived daily with the fear of being killed or physically harmed. It was instructive, too, that they had a concern that they would not fulfil their potential. Worse yet, when we discussed their responses and I asked how aware their schools were of their anxieties and how were their teachers assisting them in dealing with their fears, most of them commented that these were not matters of concern to their schools. Despite that, however, some of their pranks and their boisterous conduct towards one another were often interpreted by schools as 'bringing gang culture into school', or wanting to operate 'vigilante groups in the school'. Such claims were invariably accompanied by warnings about 'zero tolerance' of 'that culture which has no place in our school'. These claims by headteachers are made increasingly in letters to parents informing them of the fixed-

term or permanent exclusion of their child, as we in CEN have found in our advocacy and representation work with excluded students and their families.

It has been our experience in CEN that the sorts of behaviours and incidents involving individual or groups of boys which heretofore headteachers or pastoral heads would have dealt with routinely, are being referred to the resident police officer who, in secondary schools in particular, is seen as part of the school staff. Students are therefore being routinely warned, or threatened with police action, or/and permanent exclusion if certain behaviours are repeated or similar incidents recur. No suggestion here that it is the business of the school to assist students to unlearn inappropriate behaviours, or unacceptable ways of resolving conflict. The emphasis is exclusively on coercion, conformity to rules and punishment, rather than on learning, growth and development of emotional literacy, self-management and life skills.

There is a growing tendency for schools, police, neighbourhood workers and civil society generally to attribute the conduct of young black males as reflecting and being tantamount to 'gang' membership and 'gang culture'. This is epitomised by comments made by former Prime Minister Tony Blair in April 2007 and by Prime Minister David Cameron during the widespread disturbances in August 2011 following the police killing of Mark Duggan in Tottenham, North London.

On Wednesday April 11 2007, the Daily Express under a by-line: *Blair action pledge on gang culture*, reported Tony Blair as saying:

'Britain's black communities must speak out against gang culture', as he renewed promises of tough action in the wake of a series of murders of young people.

'The Prime Minister insisted recent "severe disorder" was not a symptom of a wider social problem but caused by individuals who needed to be **"taken out of circulation"**.

It would take "significantly toughened" knife and gun laws, intensive police work and **the denunciation of the culprits' communities**, he told an audience in Cardiff. Mr Blair said tackling violence was the "missing dimension" to an otherwise successful regeneration of Britain's cities....

"There needs to be an intensive police focus on these groups. **The ring-leaders need to be identified and taken out of circulation; if very young, as some are, put in secure accommodation**

"The black community - the vast majority of whom in these communities are decent, law-abiding people horrified at what is happening - need to be mobilised in denunciation of this gang culture that is killing innocent young black kids.

"But we won't stop this by pretending it isn't young black kids doing it."

(My emphasis)

Mr Blair was careful to distinguish between 'the vast majority of decent, law abiding people' in the black community and 'culprits... who needed to be taken out of circulation'. By counterposing those two groups, Blair is suggesting that the decent, law abiding black community should denounce, disown and distance itself from those causing 'severe disorder'. But, even if one were to accept his analysis that the conduct of those 'culprits' -who according to him are responsible for 'this gang culture'- was not symptomatic of 'a wider social problem', that still does not explain the massive disproportionality in the number of black males in young offender institutions and prisons up and down the land.

The Youth Justice Board's statistics (2014) indicate that African heritage people (aged 10–18) make up 3.5% of the general population, but account for 21% of under 18s in young offender institutions, while all other groups are under-represented, relative to their proportion of the general population. Data published in 2014 by the Equality and Human Rights Commission (EHRC) indicates that there is now a greater disproportionality in the number of black people in prison in the UK than in the USA.

Beyond 'Joint Enterprise'

Cambridge Institute of Criminology research indicates disproportionality also in the number of African heritage young people convicted of 'joint enterprise':- 37.2% while accounting for 3.5% of the 10-18 population. In 'joint enterprise', a person may be found guilty for another person's crime if they knowingly assist or encourage the crime and agree to act together with the primary offender. This has major implications for the state's construction of 'gangs' and the questions: when is a group of young people not a 'gang' acting with a presumed common purpose and collective

group identity? For generations, there have been rivalries between secondary schools in the same or adjacent districts. Those have invariably given rise to joint action by headteachers and governing bodies in the particular local authority, typically with the support of parents, bus companies and the local police. Nowadays, such encounters would immediately be seen as involving 'gangs', except of course in mono-ethnic and mono-cultural suburban areas, or in 'middle England'.

Some police forces operate a robust and aggressive 'dispersal' policy that empowers police officers to 'split up and move on' groups of young people standing still or walking in public places. In Birmingham, for example, brothers and cousins visiting one another's homes or walking to gyms, or leisure and youth centres, are made to split up and go in a different direction from the rest of their group, often after the 'obligatory' searches to establish what they're carrying and what their business is on the streets. This form of essentialising (in a nutshell, seeing the profile and behaviour patterns of a section of the population as essential characteristics that define the population as a whole), in which police, schools, Mayors, Home Secretaries and the rest see the world of inner-city youth only through the prism of 'gangs', not only distorts the relationship between young people and those in authority, it effectively constitutes a 'war on youth' which mirrors the state's 'war on terror', a war which impacts indiscriminately upon all African and Asian heritage young people.

Professor Claire Alexander in a study for the Runnymede Trust provides a much needed critique of the construction of 'gangs' that drives the strategies of governments and police to combat 'gangs'.

Alexander, C. 2008. *(Re)Thinking 'Gangs'*. London: Runnymede Trust.
 eScholarID:[208047](#)

Building upon that work, Patrick Williams, a senior lecturer in Criminology at Manchester Metropolitan University, writing in the current issue of *Race & Class*, demonstrates how the state and the police, aided by certain academics have created a 'gang industry' that conflates youth crime and race, giving rise to increasingly draconian measures for dealing with black young people engaged in youth crime. Williams make the critical point in all this, i.e. that the 'gang'/race nexus eschews any consideration of the structural factors and societal experiences that engender the anomie, nihilism and attitudes to offending that influence the conduct and attitudes of young people identified as 'gang members'.

Williams, P. 2015. Criminalising the Other: challenging the race-gang nexus. *Race & Class*, Vol. 56, Number 3. London: Institute of Race Relations

On 22 January 2015, the London Mayor, Boris Johnson, launched **‘One rule for all’ – a tough new gang intervention programme’**. The press release on the initiative stated:

The Mayor, Boris Johnson, has announced the launch of a tough new gang intervention pilot, **which will see members of some of the most active gangs in London collectively punished for the criminal actions of individual members**, as part of the Mayor’s ongoing commitment to tackle gang violence in the capital. The Mayor’s Office for Policing And Crime (MOPAC) are providing £200,000 funding for the “Shield” pilot, which will be run in partnership with the Metropolitan Police and three pilot boroughs – Haringey, Westminster and Lambeth –chosen for their well-established gang programmes and strong links with the communities affected. **It is the first project in the capital to go beyond individual members to target gangs as a whole and will see every known member of a gang penalised through a range of civil and criminal penalties when any one gang member commits a violent crime such as a stabbing. Under the pilot, the arrest and prosecution of the main perpetrator will be fast-tracked while the rest of the gang will face a range of criminal and civil sanctions.** These include injunctions preventing them from entering a certain area, or requiring them to be recalled to prison if on licence, or mandate them to attend an employment course. Any members of the gang who genuinely wants to leave their violent lifestyle behind will also be helped to do so under the pilot scheme. (My emphasis)

Apart from creating a legal minefield, this pilot scheme is clearly an incubator for massive miscarriages of justice. Apart from the fact that Johnson fails to state the criteria by which any young person would be judged to be a member of a ‘gang’, the presumption here is that all youth groups designated a ‘gang’ are engaged in ‘gang violence’ and that all members of that group could legitimately be held responsible for the actions of any one member, irrespective of whether or not they all sought to persuade that member to renounce violence and resolve conflict by other means. Meanwhile, the Government’s Serious Crime Bill:

'includes a number of provisions designed to make it easier to obtain injunctions (against 'gang' members for a maximum of two years), for example removing the need to show a member wears displays of gang allegiance'.

- London Evening Standard, 19 January 2015

The Mayor's press release carried a 'note to editors' which stated:

Since the launch of the Trident Gang Crime Command in 2012 there have been significant reductions in gun and knife crime; however gangs in the capital are still responsible for 40 per cent of all shootings and 17 per cent of all recorded violent crime. According to current MPS (Metropolitan Police Service) intelligence there are 186 recognised gangs in London, comprising of around 3,600 gang members. Fifty-eight gangs are considered particularly active - accounting for two thirds of offences where a named gang has been identified as being involved. Gangs range from organised criminal networks involved in Class A drugs supply and firearms, to street-based gangs involved in violence and personal robbery. MPS data shows 1,306 gang members are currently subject to judicial restrictions such as gang injunctions, ASBOs, electronically tagging or managed under license.

<https://www.london.gov.uk/media/mayor-press-releases/2015/01/one-rule-for-all-mayor-launches-tough-new-gang-intervention>

Presumably, Boris Johnson would love to see those 3,600 'gang' members 'taken out of circulation' as Tony Blair called for in 2010, further adding to the burgeoning prison population and the massive over-representation of African heritage people among them.

Johnson is introducing this gang intervention programme at the same time that Nick Hardwick, the Chief Inspector of Prisoners, is reporting on 'gang culture' in prisons. Reporting on 13 January 2015 upon his inspection of Feltham young offenders' institute (in which 75% of all inmates are so-called black and minority ethnic, Hardwick pointed to the worrying situation involving 'gangs' at Feltham. LBC reported as follows:

A government watchdog has warned that gang culture is rife in Feltham young offenders' institute, with 48 gangs active.

Nick Hardwick, chief inspector of prisons, has written a report that states that the approx. 240 boys currently held in the institute "have to join" gangs in order to avoid being picked on. He also identified staff shortages as a major problem, saying it had led to some of the young offenders being locked up for 23 hours of the day. They're aged 15-18 and the report suggest staff are engaged in "constant juggling" in order to prevent serious acts of violence breaking out. But the report included descriptions of "reckless and unpredictable" attacks amongst the inmates.

<http://www.lbc.co.uk/gangs-very-real-problem-at-feltham-young-offenders-institute-103161>

Reporting on Hardwick's Annual Report in October 2014, the Guardian noted:

Hardwick said the spike in suicides, and the rise in violence and self-harm, cannot be attributed to a single cause. But he said: "In my view it is impossible to avoid the conclusion that the conjunction of resource, population and policy pressures, particularly in the second half of 2013-14 and particularly in adult male prisons, was a very significant factor."

"A few prisoners might spend 23 hours a day in such a cell. 20 hours was relatively common in a local prison. Prisoners would eat most of their meals in their cell. The food budget was reduced from £2.20 per prisoner per day in 2012 to £1.96 a day in 2013."

Too many vulnerable prisoners were segregated. At least seven of those who took their own lives had been in segregation. Recommendations from the prisons and probation ombudsman following self-inflicted deaths were too often not heeded or implemented, and understaffing, both from lack of resource and unfilled vacancies, contributed to the rise in self-inflicted deaths.....The human impact of the highest level of suicides in prisons for 10 years was described by the chief inspector as "a terrible toll". ...It was the rise in self-inflicted deaths, he said, which was "the most unacceptable feature" of the state of prisons today – gripped by rising levels of violence, deteriorating safety, overcrowding and shortages of staff.

Hardwick highlighted how safety outcomes in prisons have declined significantly, and in a third of prisons were deemed not good enough in 2013-14.

<http://www.theguardian.com/society/2014/oct/21/hardwick-report-whole-prison-experience-clues-suicide-spike>

If we accept Blair's claim that certain crimes committed by young black people are not symptomatic of a wider social problem, is it being suggested by Tony Blair and sociologists and criminologists of his persuasion that disproportionality in the number

of black people in prison is explained by their genetic predisposition to commit crime?

The disproportionality that persists in BME representation in the prison population cannot be separated from the growth of a privatised industrial prison complex that the government is creating to deal with the increasing number of people being sent to jail. Existing government policies and the vying between political parties as to who could be toughest on crime would most likely lead to ever increasing numbers of African, Asian and mixed heritage people in prison. Here then, is a Diaspora that having been rendered surplus to requirements in 'the colonies', were brought to help rebuild Britain after two devastating World Wars, only to become surplus to requirements all over again, a status that has been visited upon each succeeding generation. In order to control and contain them, the British state is assembling a 21st century brand of plantation owners, Serco, G4S, Sodexo and the rest, to help run, for profit, a national offender containment and management service, rather than anything resembling a national offender rehabilitation service. These 21st century 'slave masters' will manage this and future generations of Africans, 'Made in Britain', in much the same way as their forebears managed the enslaved Ancestors of those new Africans.

Given the evidence the Chief Inspector of Prisons, the Prison Officers Association and others place before successive governments about escalating violence and unrest in the prison system, where ever longer sentences for causing mayhem inside or outside prison is evidently not serving as a deterrent for those who have abandoned hope and are ready to die with their aspirations, it surely won't be long before prison guards are toting guns, tasers, pepper spray and other such kit in order to keep themselves safe and ensure containment.

In 2006, a report for the Department of Work and Pensions noted that African & Asian people make up 1 in 13 of the UK population. In the preceding 20 years, they accounted for two-thirds of the growth of the total UK population. African Caribbean, Pakistani and Bangladeshi groups have the lowest educational attainment and lowest occupational status:

‘..the **net disadvantage** of ethnic minorities in the labour market has become greater for men born in the UK. Those born in the UK have gained higher

qualifications than their overseas-born parents, but the playing field has become more uneven. ..

This ethnic penalty means greater unemployment for Indian, Pakistani, Bangladeshi and Caribbean men, and even more so for those born in the UK'.

- L. Simpson, K. Purdam, A. Tajar, E. Fieldhouse, V. Gavalas, M. Tranmer, J. Pritchard and D. Dorling Ethnic minority populations and the labour market: an analysis of the 1991 and 2001 Census, DWP, 2006

Britain adopts a more punitive approach to young people of school age than most other European countries. It certainly excludes more children from school than any other European country. Such punitive measures, however, have the effect of compounding young people's social exclusion and sense of being rejected by society rather than 'teaching them a lesson' that might deter them and others from similar conduct.

Recently, in London, I addressed a gathering of ex-offenders and their families. At the end of the session a young man sought me out and told me of his situation. He had been excluded from his secondary school, fixed term, on a number of occasions and permanently at age 15. He was convicted and imprisoned at age 16. Now 27, the longest period he has spent out of jail since 16 was eight weeks. Currently out on licence, he is trying to find work and he sleeps in a car as none of his relatives would have him come and live with them because they feel the risk of them being harmed by people coming after him is far too great. He has not been able to find work as would-be employers tell him he 'has spent too much time inside'. He wants to turn his life around, but feels that he just cannot access the support he needs in the community in order to do so. He has found himself in a similar situation several times before and each time he has 'ended up right back inside'. He now doubts whether he would ever be able to get over the emotional scars *'that have built up in layers from when I was at school and lead a normal life. I would like to write my story and lots of things I carry around in my head, but I feel I need I need some help with that. This is why I was determined to grab you before you left'*.

It costs the government roughly £100,000 to keep one young person in gaol for a year. For every ten young people in a young offender institution, the cost is £1m. Where those young people are looked after children in local authority care, the

cumulative cost is considerably higher. How much more cheaply and in a more humane and children friendly environment could the state provide for such people, before they offend..., in a learning environment that acknowledges their emotional and developmental support needs, rather than one that effectively makes them yet another statistic among the 135,000 children not in mainstream schooling provision and in relation to whom the last government introduced its 'Back on Track' programme. This programme was designed to encourage private providers to make provision 'otherwise than at school' for those 135,000 school students, the equivalent of 135 large secondary schools. Private provision or not, evidence suggests that a disproportionate number of that 135,000 would join the ranks of those rendered surplus to requirement, of those with poor schooling outcomes and of the 60% in the euphemistically called 'secure estate' who are functionally illiterate and yet have no access to education in prison as an entitlement.

Conclusion

While the above is not related directly to the incidence of self-inflicted killings among 18 to 24 year olds, I believe it provides an important context to youth offending. It raises questions about a penal policy that puts more and more people, especially the young and dispossessed, into already overcrowded prisons, there to implode upon themselves and react violently to the containment regime that displaces any notion

of rehabilitation and acquiring skills for making a fresh start. It certainly speaks to the issue of the extent and quality of self-management skills, emotional maturity and coping mechanisms young people in custody have that might assist them in managing the experience of imprisonment and of the brutalising culture that characterises so many prison regimes, and that help determine whether they see rehabilitation as a goal and as a distinct possibility, or consider that life is just not worth living.

Above all, it poses a challenge to government of any hue with regard to the way the nation deals with the inevitable results of the application of neo-liberal policies, including marketization, the privatisation of everything and the philosophy of the survival of the fittest. When the state represents to a growing section of the population the devil that takes the hindmost, and when the social structure is designed to produce more and more of those left behind, it is time for all of us to ask searching questions about the cost to the society of this planned human obsolescence, especially when it is so patently racialized.

Professor Gus John

¹⁵ Converse Prison News (2014) [Prison riot squads called out four times a week](#). Converse Prison News.

¹⁶ The Young Review (2014) [Improving outcomes for young black and/or Muslim men in the Criminal Justice System](#). The Young Review.

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