Reducing re-offending by ex-prisoners

Report by the Social Exclusion Unit

Annex C Black and Minority Ethnic Prisoners

C.1 As Chapter 2 noted, some black and minority ethnic groups are disproportionately represented in the prison population:

Black and minority ethnic men make up 19 per cent of the male prison population — between two and three times the proportion in the general population.
Black and minority ethnic women make up 25 per cent of the female prison population — over three times the proportion in the general population.
In 1998/99, arrest rates per 10,000 of the population were 117 for black people, 44 for Asian people and 27 for white people.

C.2 The reasons behind this over-representation are complex. Several indicators can be found in the profile of the black and minority ethnic population generally that suggest why contact with the criminal justice system is so much higher. People from some black and minority ethnic backgrounds are disproportionately likely to suffer from a range of aspects of social exclusion; and as Chapter 2 demonstrated, high levels of social exclusion are overwhelmingly to be found in the prison population. The table below summarises a few of these:

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<tr>
<th>Social Exclusion Factor</th>
<th>Black and minority ethnic profile</th>
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<tr>
<td>Living in a deprived area</td>
<td>In 1998, 56 per cent lived in the 44 most deprived local authority areas. These contained proportionately four times as many people from minority ethnic groups as other areas.</td>
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<td>Poverty</td>
<td>In 1997, 28 per cent of people in England and Wales lived in households with incomes of less than half the national average. But this was the case for 34 per cent of Chinese people, over 40 per cent of African-Caribbean and Indian people, and over 80 per cent of Pakistani and Bangladeshi people.</td>
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<td>Taken into care as a child</td>
<td>In 1991, 19 per cent of children in care were from a black or minority ethnic background, compared to only 9 per cent of the under-16-year-old population as a whole.</td>
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<td>Excluded from school</td>
<td>In 1999/2000 black pupils were three times as likely to be permanently excluded than white pupils.</td>
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C.3 Other reasons could include:
- Disproportionate contact with the police. Policing is usually proportional to the level of crime in an area, and people from black and minority ethnic groups live disproportionately in high crime areas. Although there has been a substantial fall in the recorded numbers of stop and searches carried out by police, black people are still overall five times more likely than white people to be stopped and searched.
And many black and minority ethnic young people strongly perceive that the police see them as potential criminals rather than the most likely victims; and

- **Age profile.** The peak ages for offending are in the late teens to early twenties and **48 per cent** of the black and minority ethnic population are under 24 years old, compared to **31 per cent** of the white population.

Subsequent impacts of the criminal justice system

**C.4** Having been arrested, African-Caribbean people (particularly young people) are more likely to be **remanded in custody** than other offenders charged with similar offences. A recent report found **28 per cent** of African/African-Caribbean offenders remanded in custody, compared to **16 per cent** of white offenders.

**C.5** Results from five pilot police force areas on magistrates’ court decisions indicated that black and Asian defendants were less likely to be found not guilty than white defendants (**56 per cent** compared to **65 per cent**).

**C.6** Although previous evidence has suggested disparities in the rate of custodial sentences for different groups, a recent survey has suggested that the differences are less marked. Little difference was found between rates of custody for white, black or Asian offenders. This remained true for black and white offenders even when other differences, such as nature of offence, were allowed for. However, Asian men were found to be significantly more likely to be sentenced to prison. Differences between the rates of other sentences were in the main due to the different rates of those pleading not guilty and the different nature of offences tried.

**C.7** Research also suggests that black prisoners are likely to be given longer sentences than either white or Asian prisoners. In 1998, for young offenders, **75 per cent** of white, **77 per cent** of Asian and **89 per cent** of black males had sentences over 12 months. The figures for sentences over 4 years for adult prisoners were **47**, **58** and **63 per cent** respectively.

**C.8** Length of sentence will have long-term consequences. However, as noted in the main section of this report, it will also have a more profound impact on existing positive housing, employment or family links. And length of sentence also affects the period before an offence is ‘spent’ under the Rehabilitation of Offenders Act 1974. Prison sentences in excess of 30 months never become ‘spent’, with knock-on effects on employment prospects.

**C.9** One key issue which sentencers may take into account in deciding length of sentence may be the Pre-Sentence Report (PSR), prepared by the Probation Service, should this be requested by the Court. There is some evidence that coming from a black and minority ethnic background may have a bearing here. In 2000, Her Majesty’s Inspectorate of Probation found that:

- a significantly poorer quality of PSRs overall were written on African-Caribbean offenders than on white and Asian offenders — **49 per cent**, **60 per cent** and **63 per cent** respectively of the PSRs were considered satisfactory or better;
- there was a failure to comment on the management of risk (having identified that there was a risk) in the majority of PSRs prepared on African-Caribbean offenders;
- there were significant variations in performance between Services visited. 'Most operated some form of quality assurance procedures, but the findings raised questions about the efficacy of these procedures.'

Black and minority ethnic background and the prison experience

**Race relations in prison**

**C.10** The Prison Service, through its RESPOND and RESPECT initiatives (see below), has sought to tackle racism and racist attitudes within the prison system, whether they arise from staff or prisoners. There is some limited evidence that this appears to be producing results — a survey of minority ethnic prisoners in 2000 found that almost **three-quarters**
of those asked described relations with prison officers, and **85 per cent** relations between prisoners from different ethnic groups, as ‘OK’ or ‘better than OK’.

**HM Prison Service RESPOND and RESPECT programmes**

HM Prison Service is committed to promoting race equality and the RESPOND programme represents the first time that the Service has taken a strategic approach to both staff and prisoner race issues.

The RESPOND (Race Equality for Staff and Prisoners) programme aims to make the Prison Service more representative of the whole community and deliver a better service by ensuring equality of opportunity and just treatment for staff and prisoners of all ethnic groups, and by eliminating all forms of discrimination within the Service.

It contains five key strategies:

i) confronting racial harassment and discrimination;

ii) ensuring fairness in recruitment, appraisal, promotion and selection;

iii) developing and supporting minority ethnic staff;

iv) ensuring equal opportunities for minority ethnic prisoners; and

v) recruiting minority ethnic staff.

The RESPECT (Prison Service National Minority Staff Support Network) programme, launched in 1999, is part of the RESPOND strategy to develop and support minority ethnic staff. It aims to eliminate racism in the workplace, and improve the working environment and career opportunities for minority ethnic staff within the Service. The Network provides a freephone support line for staff to speak to RESPECT Contact Advisers as an additional source of support.

**Physical and verbal abuse**

C.11 However, for a number of prisoners, their black or minority ethnic background results in physical and verbal abuse. **7 per cent** of prisoners asked in 2000 said they had been victims of physical abuse and **18 per cent** verbal abuse because of their minority ethnic background.

**Prison discipline**

C.12 The only element of regime that is routinely monitored and recorded on black and minority ethnic issues is that of offences and punishments within the prison. In 2000, on average black male prisoners were found guilty of around **40 per cent** more offences than white males, while black females had **32 per cent** less proven offences than white females. Prisoners from South Asian and Chinese/other minority ethnic groups all had relatively low adjudication rates.

C.13 While patterns of punishment varied between establishments and establishment types, overall in 2000 black male prisoners received a slightly higher number of punishments per offence (**1.8**) than white male prisoners (**1.7**).

**Access to rehabilitative work during custody**

C.14 Definitive figures on many aspects of rehabilitation — such as a breakdown of participation in different aspects of the prison regime — are not currently systematically available. However, from the limited research that is available, it seems likely that coming from a black and ethnic minority background does have an impact. It should also be recognised that the Prison Service has to deal with large numbers — particularly in the women’s estate — of foreign national prisoners, for whom meaningful resettlement activity is extremely difficult, and who place particular pressures on the prison system.

**Employment in prison**

C.15 A 1989 study found a significantly higher proportion of inmates of ‘West Indian’ origin allocated to workshops or left unemployed, and a significantly lower proportion allocated to on-wing jobs and off-wing work parties. Inmates from other minority ethnic groups, while also significantly more likely to be allocated to workshops, were less likely to be unemployed.

C.16 More recent research suggested that prisoners saw many ‘trusty’ type jobs as being allocated primarily through word of mouth recommendation — either by staff or other inmates. Being a member of a black and minority ethnic group may have an impact here.
This may also have later consequences in limiting an individual’s ability to show that he or she is reliable and does not present a risk, when it comes to applications for Release on Temporary Licence, parole or discretionary release.

**Education and training**

C.17 Research suggests that black and minority ethnic prisoners are more likely than white counterparts to have taken part in further education outside prison and have attended education classes in prison. Among younger prisoners, they are also significantly more likely to begin and complete some form of vocational training while inside than white or Asian inmates.

**Community and family support**

C.18 There is some evidence that black prisoners in particular are less likely to receive visits than white or other minority ethnic prisoners. For example, **30 per cent** of white female prisoners surveyed in 2000 received regular visits from spouses and partners compared to **15 per cent** of black women, and **28 per cent** of white women were visited by children compared to **15 per cent** of black women.

C.19 There may be a number of reasons for this, including the high proportion of foreign national prisoners in the black and minority ethnic prison population (particularly for women prisoners where foreign nationals make up over half the black and minority ethnic population) and the location of prisoners. While over half of the country’s black population live in London, most prisons in this area are local prisons which move inmates out quickly to training prisons spread over a much wider geographical area. As a result black prisoners’ families may find it more difficult to visit.

**Housing Advice for Black and Asian Prisoners (HABAP)**

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<th>The HABAP scheme has been running since 1998 and is part of the Prison Resettlement Team. HABAP provides housing advice, guidance, support, advocacy and information to enable black and Asian prisoners to retain their accommodation on entry to prison and to make positive housing choices on release. On entry to prison, those with housing needs are referred to advice workers for a full housing needs assessment. Housing Advice workers then work with the local authority, Jobcentre Plus and Council Tax departments on their behalf. HABAP also:</th>
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<td>• assists prisons with identifying and meeting prisoners’ cultural needs and providing on-the-spot guidance on practical issues;</td>
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<td>• organises training events and workshops for prisoners, staff and external organisations aiming to develop culturally sensitive services within prisons;</td>
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<td>• facilitates family mediation; and</td>
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<td>• works in partnership with community organisations providing ongoing support for black and Asian prisoners on release.</td>
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<td>Since 1998, HABAP has dealt with over 2,500 enquiries from black and Asian prisoners at HMPs Leeds, Wealstun and New Hall, 600 of which were referred on to accommodation. Evaluation of the scheme is currently underway.</td>
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**Offending behaviour work**

C.20 The extent to which the current accredited offending behaviour programmes are sensitive to differences in ethnic background and culture is the subject of debate, and an issue which the Prison Service and Probation Service are currently addressing. But there are concerns about operational aspects of the programmes. Recent research on black and minority ethnic prisoners’ experience of offending behaviour programmes and more general offending behaviour work found a strong conviction among black prisoners that they had a greater difficulty accessing courses than their white counterparts. Many reported having to register for courses many times, or having to wait for longer periods.

C.21 However, this concern is not borne out by recent research on access to accredited programmes undertaken by the Prison Service. This found that only in respect of access to the Sex Offender Treatment Programme is there any sign of appreciable under-representation by black and minority ethnic prisoners.

C.22 Many black prisoners the Social Exclusion Unit met also claimed they had been made to do courses which they saw as of little relevance and unrelated to their offences, or that
they had been offered a limited choice compared to white prisoners. In some instances, they felt pushed onto stereotypical courses, such as anger management, regardless of their needs.

Access to support following release

**C.23** Although there is comparatively little available evidence on the effect of black and minority ethnic background upon access to accommodation or broader resettlement support post-release, there is some evidence about the presumptions that some might make in this area. A 1989 study found that prison officers surveyed saw Asian prisoners as needing less after-care or welfare than black prisoners. However, this might have been based upon presumptions about the availability of family support to the respective groups — and probation officers surveyed did not report this view.

**C.24** The report by Her Majesty’s Inspectorate of Probation in 2000 found that:

- of the (then) 52 probation services, only 20 had allocated any of their partnership budgets to projects specifically targeted at minority ethnic service users. And in only 3 services was this above **5 per cent** of that budget; and
- ‘the level of supervision and oversight of minority ethnic offenders by the majority of services was poor’ and that ‘surprisingly little use was made of the expertise available through partnership organisations’.