Entrenching Racial Disparities

Response to the Police, Crime, Sentencing and Courts (PCSC) Bill
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This response is submitted on behalf of a coalition of organisations: EQUAL, Criminal Justice Alliance, Clinks, Alliance for Youth Justice, Agenda, Transition to Adulthood Alliance, Prison Reform Trust, Zahid Mubarek Trust, Maslaha, Do It Justice Ltd, Revolving Doors Agency, Leaders Unlocked, Switchback and Women in Prison.

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Introduction

We are a group of organisations deeply concerned that the government's Police, Crime, Sentencing and Courts Bill will further entrench racial inequality in the criminal justice system. The government has in recent years committed to tackle racial disparity in the criminal justice system, which we applaud. Yet, despite this commitment, Black, Asian and minority ethnic people continue to face much poorer outcomes than White people and have much lower levels of trust and confidence in the criminal justice system.

Racial disparities in the CJS

It is alarming that in England and Wales, over one quarter (27%) of people in prison are from a minority ethnic group, despite making up 14% of the total population.[1] If our prison population reflected the ethnic make-up of England and Wales, we would have over 9,000 fewer people in prison — the equivalent of 12 average-sized prisons.[2] Black people are 53%, Asian 55%, and other ethnic minority groups 81% more likely than White people to be sent to prison for offences that can be tried only at the Crown Court, even when factoring in higher not-guilty plea rates.[3] Black men are 26% more likely than White men to be remanded in custody, and due to a lack of trust in the system, they are also nearly 60% more likely to plead not guilty, meaning if found guilty they can face a harsher sentence.[4] Black women are 29% more likely than White women to be remanded in custody at Crown Court and following conviction they are 25% more likely to receive a custodial sentence.[5] Racial disproportionality in the youth justice system is even more pronounced. Black, Asian and minority ethnic children make up more than half of all children in custody, and they are more likely to be sent to prison to await trial and receive harsher sentences than White children.[6]

There is also a cumulative impact of racism and structural inequalities on people who come into conflict with the law. Who comes into contact with the police is driven by decisions about where and on whom to focus police time and effort. This means that some types of crime receive a lot of attention (which can be described as over-policed) whereas other types of crime are under-policed.

The PCSC Bill will deepen racial inequality

Overall, the government's new Police, Crime, Sentencing and Courts Bill will only deepen this inequality. There are some welcome proposals which could help reduce racial inequality, such as reforming criminal record rules and measures aimed at reducing the number of children sent to prison to await trial. However, the positive potential of these provisions sits aside the wider changes that will sweep an increasing number of Black, Asian and minority ethnic people into the criminal justice system for ever-increasing periods of their lives.

The government claims that addressing racial disparity in the justice system is a priority and proposes that other work to reduce race disparity mitigates the fact that these policies will entrench race disparity further. Nevertheless, progress in implementing recommendations made by David Lammy MP in his review in 2017 has been woefully slow and inadequate and racial inequality in the CJS continues. The new sentencing policies will simply make it harder for other efforts to reduce race disparity to be successful.

Public Sector Equality Duty

In drafting legislation, the government must pay due regard to its Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 which requires all public bodies to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These principles must be considered in light of the protected characteristics (race, sexual orientation, marriage/civil partnership, gender, religion or belief, gender reassignment, disability, age and pregnancy/maternity) set out in the Equality Act 2010.

Many of the measures proposed in the Police, Crime, Sentencing and Courts Bill come with an explicit acknowledgement, in various equalities statements and equality impact assessments, that they will exacerbate the existing racial inequalities in the criminal justice system (CJS).

Indirect discrimination

The equality impact statement accompanying the Bill in relation to sentencing, release probation and youth justice measures, acknowledges that *'indirect discrimination occurs when a policy applies equally to all individuals but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not. Our initial assessment recognises that some individuals with protected characteristics are likely to be over-represented in the groups of people the sentencing, release, probation and youth justice measures will affect as a result of the demographics of the existing offender population.'*

Within the various equalities statements and equality impact assessments relating to the Bill, it is concerning that there appears to be several examples of confusion (detailed below) about the nature of indirect discrimination, what constitutes a 'particular disadvantage' and what is a 'proportionate means of achieving a legitimate aim' (which by implication is more important than avoiding discrimination). The evidence for the disproportionate impact is clear, but no evidence is adduced for the supposed public protection benefits said to justify the indirect discrimination.

Lack of evidence for justification

The equality statement published alongside the Bill shows the government's confusion about the Public Sector Equality Duty it is legally required to obey. In parts, the statement acknowledges the probability of indirect discrimination, but states that this is justified as a proportionate means of 'achieving a legitimate aim' (which by implication is more important than avoiding discrimination).

But in other parts of the statement, the argument that a measure is justified is used to claim that no discrimination will occur. In other sections a third argument is used, which is that the discriminatory impacts identified do not amount to 'any particular disadvantage' despite the evidence of existing disadvantage in both sentencing and experiences of imprisonment among Black, Asian and minority ethnic individuals, which will be worsened by spending many additional years in custody.

The government's justifications for going ahead with these measures when they are known to be discriminatory are set out in a series of equality impact assessments. These include 'improving public confidence', 'ensuring the time fits the crime', 'justice has been done', 'reflect the severity of the crime' which are all subjective and make no reference to any evidence that any of the measures will better reduce crime or protect the public. The government's own research evidence shows that people often underestimate the severity of sentencing and are relatively lenient compared to actual sentencing practice when asked to give a sentence on hypothetical cases.[7]

Intersectionality

The government's Female Offender Strategy acknowledges that there are *'unique challenges for Black, Asian, and minority ethnic and foreign national female offenders in the CJS, both in custody and the community. This is why we will be looking closely at what further action can be taken to identify and address needs specific to these groups*.' However, the government's equality impact assessments and statements do not consider the intersection of race and gender on its sentencing policies included in the Bill. It also fails to address the intersection of race and age, and of race and religion.

Possible adverse consequences

There may also be adverse consequences to some of the policy proposals. The government claims in the equality impact assessment that reduction of time spent under supervision in its view 'should not affect rehabilitation adversely.' There is no evidence for this, which again undermines the government's justification for overriding its legal duties on equality by introducing measures which it assesses may be discriminatory. Measures to increase police powers also do not consider possible adverse consequences of labelling people trying to move away from crime, as well as the potential it could lead to the exploitation of children or young women.

Lack of consultation with impacted groups

There was no open, public consultation on the sentencing proposals as it was introduced as a White Paper. The equalities statements and equality impact assessments produced for the White Paper and the Bill do not reference any consultation with or reports by Black, Asian and minority ethnic-focused or led organisations, including organisations representing Gypsy, Roma and Traveller communities.

Given the acknowledgement of the risk of indirect racial discrimination, the government should have made greater effort to engage with organisations representing disproportionately-impacted communities and reflect on their views in considering and mitigating equality impacts in designing sentencing policy. We call on the government to withdraw the elements of the Sentencing Bill which it concedes will increase racial disparity and launch a proper public consultation, rather than rushing this Bill through parliament. If the government takes the time to get this right, it can introduce legislation which improves — rather than worsens — outcomes for Black, Asian and minority ethnic people, and which makes our criminal justice system fairer and more effective for all.

Below we set out in detail the clauses which are indirectly discriminatory, the function of the clause, our assessment of the evidence and the relevant information contained in the equality statement and/or equality impact assessment.

Increasing the maximum sentence for assaulting emergency workers

Clause 2 of the Bill will increase the maximum sentence for assaulting an emergency worker from 12 months to two years.

Assessment and evidence

We recognise the importance of protecting frontline workers but have concerns about what factors might lead to assault of an emergency worker, particularly the police. During a stop and search, the way in which a search is conducted by the police can impact on the outcome.[8] For example, if police officers are unable to find the item that raised their suspicions, they can sometimes engage in what is known as 'fishing' where they pursue the individual for an alternative offence. As this can be perceived by the person being searched as unfair, in some cases this treatment can escalate resulting in a charge against the individual, usually 'assault on an officer'. In Black, Asian and minority ethnic communities, experiences of heavy-handed policing and 'fishing' are quite common, and they can be used by the police as a technique to deter individuals from making a complaint about their experience.

The sentences for such offences have already been increased, including as recently as 2018[9] and there is no evidence that these increases have had the effect of deterring this type of crime. Indeed, despite sentences having risen, assaults without injury on police officers have been increasing.[10]

The average custodial sentence length is longer for Black and Asian people.[11] Increases in sentence length between 2009 and 2017 disproportionately affected Black and Asian people.

Average sentence lengths for White people increased from 15 to 18 months, whereas for Black people they increased from 20 to 26 months and for Asian people from 19 to 27 months. Therefore, increasing the maximum sentence is likely to disproportionately impact those from Black and minority ethnic backgrounds.

Analysis of equality impact assessment/statement

The EIA for this proposed change acknowledges that Black people would be more affected by this measure:

'By virtue of the overrepresentation of these groups in the cohort of offender to which this policy applies, we acknowledge that any adverse impacts arising from these changes will be more likely to affect male and Black prisoners.'

It acknowledges that more women are affected by this offence than other assault-related offences. However, it does not look specifically at the intersection of race and gender to assess whether Black women are likely to be disproportionality impacted by the change:

'Of the 11,091 offenders proceeded against for Assault of an Emergency Worker, 70.7% were male and 29.3% female, compared to 84.8% male and 15.2% female in the comparison group of Common Assault and Battery offenders.'

It is surprising, and concerning, that given the proposed change would increase maximum sentence length and therefore time spent in prison, the statement concludes that Black people would not be at a 'particular disadvantage':

'We do not, however, consider that these overrepresentations will likely result in any 'particular disadvantage' for people with protected characteristics.'

The statement goes on to justify the indirect discrimination as *'a proportionate means of achieving our aim to better protect the public by ensuring the maximum penalty reflects the serious nature of the offence. Overall, therefore, we do not consider that these policy changes are likely to result in any unlawful indirect discrimination.'*

No evidence is provided that these changes will better protect the public or reduce crime. No mention is made of the evidence that previous increases in sentences for this offence have not seen a reduction in these offences.

Criminalisation of trespass and new police powers for encampments

Clause 60C will create a new offence of residing on land without consent in or with a vehicle and prevents a person returning to a site within a 12-month period.

Clause 60D will create a power to seize a vehicle (which could include homes) until the conclusion of criminal proceedings.

Assessment and evidence

Gypsy, Roma and Traveller people are disproportionately represented and experience poorer outcomes in the criminal justice system.

In terms of the prison population, 5% say that they are Gypsy, Roma or Traveller, compared to an estimated 0.1% of the general population in England.[12] In the youth justice system, 11% of children held in secure training centres and 6% of children held in young offender institutions identify as being from Gypsy, Roma or Traveller backgrounds.[13] It is understood by the Ministry of Justice that these figures are likely to underestimate the scale of the problem, due to low rates of self-declaration and data not being captured. The Lammy Review highlights that Gypsy, Roma and Traveller prisoners are more likely than non-Gypsy, Roma and Traveller prisoners to report needing support across a range of issues but are less likely to say that they have actually received such support.[14]

In recognition of the equality and human rights implications and the existence of powers which already allow police to respond to encampments on the basis of the behaviour of the trespassers, most police forces and Police and Crime Commissioners that responded to a Home Office consultation opposed the proposal to criminalise trespass.[15]

In addition to breaching human rights legislation, by criminalising unauthorised encampments, the government risks pulling more Gypsy, Roma and Traveller people into contact with the criminal justice system, and potentially increasing their overrepresentation in prison, where we know they face further discrimination and worse outcomes. This would be in direct conflict to the government's commitments to implement the Lammy Review and to implement a national cross-departmental strategy to tackle the inequalities experienced by Gypsy, Roma and Traveller people.[16] Another solution would be for local authorities to meet their obligations to provide access to sites which meet the accommodation needs of Gypsy and Traveller communities. This is the solution the police prefer.[17]

Analysis of equality impact assessment/statement

A consultation was held in 2018 by the Home Office and the government responded in 2019. The government's consultation response noted that many respondents raised concerns about indirect discrimination of Gypsy, Roma and Traveller Communities and their welfare:

'In general, it was felt that the extension of powers could have a potentially detrimental impact on Gypsy, Roma and Traveller groups as the ethnic groups most affected by the change. However, adequate counter-measures, like adequate site provision and appropriate welfare checks, were felt to be ways to mitigate risks. Traveller organisations highlighted the risk of an extension of powers inadvertently criminalising an otherwise acceptable way of life. Local authorities emphasised the need for adequate welfare checks to be carried out before any eviction, and that the provision of authorised stopping places would mitigate negative impacts and would allow greater local authority oversight.'

'Traveller groups and equality bodies have emphasised the very significant risk of appearing to criminalise a way of life, thus pushing a vulnerable community that is poorly integrated even more towards the margins of society.'

The proposals fail to acknowledge that there is insufficient site provision for Gypsies and Travellers, nor are there any proposals to address this.

Diversionary cautions and community cautions

Clause 77 (2) (b) is a provision requiring an admission of guilt for diversionary cautions.

Clause 86 (2) (b) is a provision requiring admission of guilt for community cautions.

Assessment and evidence

We welcome efforts to divert people from courts through measures known as out of court disposals. However, Black, Asian and minority ethnic people are less likely to benefit from these measures, usually given by the police, as low levels of trust and confidence in the criminal justice system mean they are less likely to admit guilt.[18]

If access to diversion is unequal, it can increase racial inequality. The Centre for Justice Innovation has found that Black, Asian and minority ethnic children are less likely to benefit from schemes which divert children from the criminal justice system.[19] Research by Revolving Doors Agency confirms this is also the case for young adults, and that Black young adults are over eight times more likely to receive a conviction for a low-level and non-violent crime compared to their White counterparts. [20]

These measures have been tested by the government, but it has not been clear what the research showed about equalities or whether any equalities monitoring was done. Under the Equality Act the government must provide mitigation if measures are likely to be discriminatory. The government's suggestions for mitigating this (i.e. a code of ethics and training) already exist.

One option to reduce the potential disparity could be to remove the need for an admission of guilt for a community caution.

Analysis of equality impact assessment/statement

The EIA on this proposed change cites Lammy evidence on lack of trust leading to a lower likelihood of benefiting from these provisions, resulting in a risk of indirect discrimination that may impact on fostering good relations, but falls back on 'proportionate means' and 'no particular disadvantage' as grounds for ignoring it.

'We believe that reforming the two-tier OOCD framework may pose a risk of indirect discrimination within the meaning of the Equality Act as explained below. For both tiers of the statutory framework, the offender needs to admit guilt and agree to the particular OOCD in order for the offence to be dealt with outside the court process. [..]

We know from the Lammy Review that some BAME defendants have little trust in the CJS or in the officers in the police station, which can lead them to offer a no comment response interview or not admitting to the offence. This can result in an escalation of the matter by the police resulting in a prosecution. There is therefore a risk that the requirement to accept responsibility or admit guilt would mean a BAME individual would be less likely to receive an early intervention via an OOCD and would be more likely to be prosecuted. '

The EIA sets out a pilot scheme to address this issue of trust and says the evaluation will inform policy decisions in this area. However, the two-tier system, both requiring an admission of guilt, could hamper future efforts to have schemes that don't rely of admissions of guilt, instead relying on acceptance of responsibility.

It is therefore important that in approaching this policy we work to mitigate risk that this could be perceived to disadvantage anyone. We are, therefore, taking two important steps:

i. Continue to operate the Chance to Change pilots so that we can inform our long-term approach.

ii. Operate this policy in the context of CJS scrutiny panels, with independent chairs, who should carefully consider any disproportionality in respect of race and OOCDs.

The EIA goes on to say: '*In order to tackle racial disproportionality in criminal outcomes, the MoJ is currently running a deferred prosecution pilot called 'Chance to Change', with two police forces, based on a recommendation in the Lammy Review. The Chance to Change model places less emphasis on admission of guilt and can divert offenders to intervention services without them accepting responsibility for the offence. Evaluation of the pilot will take time, however any evidence will be used to inform policy decisions in this area.'*

Mitigation mentioned includes guidance (which is not mandatory), training and scrutiny panels that will track disproportionality. However, existing recording practices do not enable an understanding of the proportionality of use of Out of Court Disposals and none of these measures address the fundamental issue of requiring an admission of guilt.

The EIA says: *'To mitigate against this, in our new OOCDs Guidance, we will address the disproportionately issue as highlighted by the Lammy Review. All police officers already undergo mandatory training which includes substantial coverage of ethics, equalities, self-understanding, hate crimes and policing without bias. The College of Policing, who set and maintain training standards for policing, published a Code of Ethics in 2014, which includes a set of principles for policing, including that all officers and staff should take active steps to oppose discrimination and make their decisions free from prejudice. All forces should already have independent criminal justice scrutiny panels in place in relation to out of court disposals. In July 2019 the NPCC published updated guidance to all forces on the panel function, and advising the panel chair should be independent of the Police. It also requires forces to undertake examination of disproportionality in respect of race and OOCDs.*'

Despite acknowledging the risk of indirect discrimination and impact on good relations, the government justifies this as a proportionate means of achieving a legitimate aim of 'simplification' and 'consistency' and therefore concludes it is lawful discrimination.

The EIA says: *'Despite the risk identified above, we consider that this change is a proportionate means of achieving the legitimate aim of creating an OOCDs framework that provides consistency, simplification and opportunity for engagement with intervention services. Overall, therefore, we do not consider that the policy change is likely to result in any unlawful indirect discrimination.'*

In an annex to a letter from the Secretary of State for Justice to the Criminal Justice Alliance (CJA) and EQUAL, the government stated:

'We are also engaging with the NPCC on the new legislation, to discuss the retention of the use of the existing non-statutory disposal, namely Community Resolutions, for lower end offences, which do not require a formal admission of guilt, but rather an acceptance of responsibility. These do not carry the implications of formal OOCD's, but can be an effective tool, particularly for swift intervention for first time offenders in suitable cases.'

These discussions are welcome; however, it is not clear why the Bill could not instead remove the need for an admission of guilt from a diversionary and/or community caution.

Mandatory minimum sentences for particular offences

Clause 100 introduces mandatory minimum sentences for particular offences.

Clauses 100 (2) and (5) amend the minimum sentence for the offence of threatening with a weapon or bladed article, and for repeat weapon offences for 16+.

Clause 100 (3) amends minimum sentences for a repeat drug trafficking offence.

Current legislation says that 'the court must impose an appropriate custodial sentence unless the court is of the opinion that there are particular exceptional circumstances which (a) relate to the offence or to the offender, and (b) would make it unjust to do so in all the circumstances. 'Particular' becomes 'exceptional circumstances' and (b) becomes 'justify not doing so'.

Assessment and evidence

Black people are more likely to be remanded and sentenced to prison and are more likely to be sent there for longer than their White counterparts.

A 2016 government study showed that for drug offences, the odds of receiving a prison sentence were around 240% higher for Black, Asian and minority ethnic people than non-Black, Asian and minority ethnic people.[21]

Another government study found that even when factoring in guilty plea rates, in similar circumstances Black people were 53%, Asian 55%, and other ethnic minority groups 81% more likely to be sent to prison at the Crown Court.[22]

The average custodial sentence length is also longer for Black and Asian people.[23] Increases in sentence length between 2009 and 2017 disproportionately affected Black and Asian people. Average sentence lengths for White people increased from 15 to 18 months, whereas for Black people they increased from 20 to 26 months and for Asian people from 19 to 27 months.

The Chief Inspector of Prisons regularly finds that these groups are also more likely to have poor experiences in prison, including being restrained or placed in segregation, officers using force to move them, and in their treatment through incentives and privileges schemes.[24]

There is less research on the specific experiences of Muslim people in the criminal justice system. We do know however that the number of Muslim men in prison has doubled in the past 16 years and Muslims now make up 15% of the prison population, but just 5% of the general population. Muslim prisoners report more negatively about their treatment by staff in prison than non-Muslim prisoners.[25]

There is no evidence that increasing sentences stops people from committing these types of crimes.

The most effective responses to repeat offending shows that reconviction rates are lower when courts continue to use community sentences rather than resorting to custody.

Ministry of Justice analysis shows that Black women are about 25% more likely than White women to be sentenced to custody at Crown Court. Disproportional outcomes are particularly noticeable for certain offences. For every 100 White women sentenced to custody at the Crown Court for drug offences, for example, 227 black Women received custodial sentences.[26]

Analysis of equality impact assessment/statement

The EIA admits that it does not have the data to make a full assessment of the equalities impact:

'Full equalities data is currently unavailable as the required data on repeat offenders is not published. We are therefore unable to identify the characteristics of those who are in scope (those with previous convictions for repeat offences) and out of scope (those without previous convictions for repeat offences) of this policy proposal.'

It relies on other data to provide an 'indicative' assessment. Using this data, it acknowledges an over-representation of certain ethnic groups and the increased likelihood of them being sentenced to custody and given a longer sentence:

'We recognise that some individuals with protected characteristics are likely to be over-represented in the groups of people this policy will affect, by virtue of the demographics of the existing offender population. [..]'

'BAME individuals appear to have high representation in the Class A drug trafficking cohort and possession of or threatening with a blade, whereas white individuals appear to have high representation amongst those sentenced for domestic burglary. As a result, the proposal may put people with these protected characteristics at a particular disadvantage when compared to persons who do not share these characteristics since they may be more likely to be given a custodial sentence and serve longer sentences than before.'

There is some acknowledgement that the impact might be considered a 'particular disadvantage.' However, it justifies this indirect discrimination as follows: *'To the extent that the impacts from these over-representations might be considered a particular disadvantage for those impacted (and hence be potentially indirectly discriminatory under the 2010 Act), our overall assessment is that such impacts would be justified as a proportionate means of*

achieving the legitimate aims of the policy which is to ensure that offenders receive custodial sentences that reflect the severity of their crime and offending history. This should restore confidence in our Criminal Justice System by ensuring that offenders receive sentences that offer the appropriate level of punishment, reflecting the severity of the offence and their offending history.'

What is considered 'appropriate' is subjective and could therefore be used to justify any length of sentence. There is no evidence that these measures will increase public safety or reduce reoffending. There is no evidence given that they will 'restore confidence' in the CJS. It does not acknowledge that proposals which would apply disproportionately to particular ethnic groups risk impacting good relations. Therefore, it does not acknowledge such measures could damage trust and confidence among particular ethnic groups whose communities would be disproportionately impacted.

An annex to a letter from the Secretary of State for Justice to the Criminal Justice Alliance (CJA) and EQUAL states some mitigating factors:

'The Sentencing Council include a reference to the Equal Treatment Bench Book across all of its sentencing guidelines. This gives detailed information for judges and magistrates on fair treatment and disparity of outcomes for different groups in the criminal justice system. Additionally, to raise awareness amongst sentencers, where there is sufficient evidence of disparities in sentencing outcomes for certain offences, the Council is now including tailored references within offence specific guidelines – for example, for drugs offences and firearms offences.'

Although this is a welcome development, the fact remains that for certain offences, some ethnic groups are still more likely to receive a custodial sentence and are more likely to be given a longer sentence than their White counterparts for the same offence. And that people from certain ethnic groups will have a worse experience of custody due to their race. There is no discussion in the EIA of the intersection of race and gender and the impact these changes are likely to have on Black, Asian and minority ethnic women.

Whole life orders for 18 to 20-year-olds and changes to the Detention at Her Majesty's Pleasure sentence

Clause 102 will make it possible for judges to impose whole life orders on people aged 18 to 20 in exceptional and serious circumstances. Currently, whole life orders can only be imposed on people aged 21 and over.

Clause 103 relates to Detention at Her Majesty's Pleasure (DHMP). DHMP is a mandatory life sentence for people who commit the offence of murder when they are a child. As with all life sentences, the court must set a minimum term to be served in custody before the offender can be considered for release by the Parole Board.

The clause would introduce a sliding scale of starting points for minimum terms which 'takes into consideration the age of the child and the seriousness of the murder. The older the child

and the more serious the murder, the higher the starting point.' So 17-year-olds could receive longer offences, for example:

- 10 to 14-year-olds - Particularly high: 15. Less serious: 13. All other: 8.
- 15 to 16-year-olds - Particularly high: 20. Less serious: 17. All other: 10.
- 17-year-olds - Particularly high: 27. Less serious: 23. All other: 14.

Clause 104 restricts possibilities for minimum term reviews for children sentenced to DHMP. Currently applications for a minimum term review can be made at the halfway point, and then every two years. Under the proposals, only people who are under the age of 18 when sentenced to DHMP are eligible for the minimum term review process, and the process is restricted so that a first review can still be applied for at the halfway point, but a second application can only be made if it's been 2 years since the previous application was determined and they are still under 18.

Assessment and evidence

The Lammy Review in 2017 highlighted racial disparity in youth justice as its 'biggest concern'. Children from ethnic minorities are overpoliced, more likely to be stopped, searched and arrested, less likely to be diverted, and are therefore disproportionately likely to end up in the criminal justice system and also in custody. Black and minority ethnic children now represent 52% of children in prison, compared with only 18% of the child population. During their time in youth custody, Black and minority ethnic children consistently report worse experiences and treatment than white children.

In research on ethnic disproportionality in remand and sentencing in the youth justice system, the Youth Justice Board found that minority ethnic children were more likely to be given custodial remand, and in 'almost all cases' Black, Asian and mixed ethnicity children were more likely to receive harsher sentences, and less likely to receive out of court disposals.[27]

Black children specifically face more severe court sentences, with differences in court assessments of Black children appearing to contribute to harsher outcomes.

Even for the most serious offences there is evidence that they are treated unequally. For example, the Independent newspaper has found in its research that one in four Black teenage boys convicted of homicide were given maximum jail sentences while their White counterparts were more likely to be convicted of the lesser crime of manslaughter.

In increasing sentences for serious offences for children and removing the distinct treatment of 18 to 20-year-olds, the government is ignoring both its own evidence that the brain continues to develop into at least the early 20s and its obligations towards children who should be treated differently according to international convention. These provisions therefore fly in the face of research which the government has previously accepted and promised to consider in its policy.

Some of these provisions are being made following single recent cases but give sentencers the opportunity to use them more widely and increase disproportionality. There is also a group of young adults in the system who have not benefited from recent changes in policy towards

a more welfare-oriented, violence reduction approach to children who offend, who may now have escalated to committing more serious offences without having had the reasons which brought them into contact with the system identified and addressed. There is evidence that in the youth justice system BAME children are less likely to be recorded as having problems with mental health, learning difficulties and troubled family relationships, suggesting many may have unmet needs.[28]

Spending long sentences in prison at this stage of a young adult's development will not help them to develop positive identities and move away from future criminal behaviour. It ignores the research (available on the government's own website) on the adverse impact of longer sentences on this age group, such as institutionalisation, mental ill-health and a lack of hope, which could have a negative effect on their rehabilitation and resettlement.

Analysis of equality impact assessment/statement

Again, the EIA admits that it does not have the data to make a full assessment of the equalities impact:

'We are not able to identify by protected characteristic the cohort of offenders affected by this policy.'

Despite the obvious relevance of age for this change, this is not mentioned in the EIA. Nor is the fact of over-representation of Black and minority ethnic children in custody. The only protected characteristic considered is gender. In relation to that the statement justifies it by saying the change is *'considered necessary as a matter of public interest.'*

There is no explanation of the public interest, evidence for it or any evidence this change will improve public safety or reduce reoffending.

Discretionary life sentences

Discretionary life sentences may be imposed where a serious offence (such as manslaughter, rape or grievous bodily harm with intent) has been committed. When imposing such a sentence, the court must set a minimum term (commonly known as a tariff) that must be served in full in custody before the prisoner can be considered for release by the Parole Board.

Clause 105 will change how the starting points for discretionary life sentence minimum terms are calculated. Courts will have to calculate the minimum term on a starting point of at least two-thirds of a determinate sentence instead of half of such a sentence as at present.

Assessment and evidence

This clause—effectively requiring courts to set longer tariffs in discretionary life sentence cases—is described as a necessary consequence of the change to the release point in longer determinate sentences for sexual and violent offences.

It is also a reaction to another single high-profile case in which defendants were convicted of manslaughter, the punishment was disapproved of in the press, but a government sponsored appeal on the grounds that the sentence was unduly lenient was rejected.

Analysis of equality impact assessment/statement

Again, the EIA states the government does not have the data to assess the equalities impacts:

'We are not able to identify by protected characteristic the cohort of offenders affected by this policy.'

Increasing sentence lengths for certain violent and sexual offences

Clause 106 provides that people sentenced to an adult standard determinate sentence of between 4 and 7 years for certain serious violent and sexual offences (where that offence attracts a maximum penalty of life) will be required to serve two-thirds of their sentence in custody instead of half.

It also places in statute an Order, introduced in 2020, which meant that those who receive an adult standard determinate sentence of 7 years or more for an offence that attracts a maximum life sentence must serve two-thirds in custody before they are automatically released on licence for the remainder of the sentence.

This also applies to under 18s who receive a section 250 sentence of seven years or more for certain serious violent and sexual offences, where that offence attracts a maximum penalty of life.

Clause 107 introduces the above for 'other offences.'

Assessment and evidence

This clause significantly increases the punishment element of a sentence where it relates to sexual or violent conduct. Sentences for such crimes have already lengthened considerably over the last two decades. No evidence is presented to support the government's assumption that harsher sentencing increases public confidence. Relevant research in this area has found that the public is poorly informed about the actual severity of existing sentencing.

Research shows Black men are more likely to be sentenced to custody and for longer than their White counterparts for the same offence. We can therefore predict that young Black boys will likely face even longer terms in prison than their White counterparts. Sentences for some drug offences will be covered by this sentence term. We are not aware of any evidence that being tougher on children or adults will work.

Increasing the time in prison will also mean less time spent being supervised by the probation service after release. The government has already acknowledged that there is no evidence of deterrent impact from increasing the punitive part of the sentence.[29] It has sought instead to justify them based on crime prevented during a longer period in custody.

However, this will be undermined by a reduction in the rehabilitative part of the sentence (the period when people who have left prison receive support and supervision from probation services to help them stop committing crime). The government seems to have overlooked the impact of this important period on increasing public safety.

There is not adequate training for prison officers to raise awareness of conscious and unconscious bias in HMPPS.

Analysis of equality impact assessment/statement

The EIA states that these changes mean that people 'not deemed dangerous by the court' will spend two thirds of their sentence in custody, bringing it in line with those the court does deem dangerous.

The EIA justifies this as *'removing this inconsistency in the more serious cases seeks to better protect the public and improve confidence in the administration of justice.'*

Again, no evidence is provided for how the public will better be protected, in particular as these are people the court have not deemed dangerous and who will now spend less time on licence in the community as a result of spending longer in custody. The EIA states that 'in our view' this will not affect rehabilitation, however, provides no evidence or reasoning for that subjective view:

'These offenders will spend 17% more of their sentence in custody, with the equivalent reduction in the time spent under probation supervision on licence in the community. In our view, the shorter period of probation supervision should not affect rehabilitation adversely as the period of supervision will remain at least one year and offenders can begin their rehabilitation towards the end of the custodial period.'

At least in this part of the EIA, there is acknowledgement that the change will also impact children and families of people in prison:

'The change will also affect the offenders' families including spouses and civil partners as well as children, but data on the impact on marriage/civil partnership is unavailable.'

The EIA acknowledges Black groups and young adults will be disproportionately impacted:

'Where ethnicity was known, the proportion of White offenders in the unaffected group (79%) decreases to 76% for the affected group who would be in scope of the change. This is due to a slight increase in the proportion of Black (12% compared to 10%) ethnic groups'

However, it does acknowledge that the cohort of people to which these changes apply are over-represented by non-White groups:

'By virtue of the overrepresentation of these groups in the cohorts of offender to which these policies apply, taking the policies together we acknowledge that any adverse impacts arising from these changes will be more likely to affect male, non-White and older prisoners.'

However, given the impact of the proposed changes in terms of additional time spent in prison, it is surprising and concerning that the government does not consider this a 'particular disadvantage'. As the Prison Reform Trust has commented: 'This is surely ludicrous – how can substantial extra time in custody be anything other than a particular disadvantage?'

'We do not, however, consider that these overrepresentations will likely result in any particular disadvantage for offenders with protected characteristics.'

It justifies the changes using various subjective reasons such as 'ensuring the custodial time fits the crime' but provides no evidence they will better protect the public:

'Our assessment is that the changes described by these policy proposals is a proportionate means of achieving our aim to better protect the public by ensuring the custodial time fits the crime. There will also be benefits for victims of serious sexual and violent crime, plus an improvement in confidence in the administration of justice. Overall, therefore, we do not consider that these policy changes are likely to result in any unlawful indirect discrimination.'

In a bizarre turn, the EIA goes on to discuss how some inconsistent improvements to family contact and engagement services in some prisons will act as mitigation for a longer prison sentence. It also appears to suggest that separating people from their families for longer periods of time could strengthen their relationships, despite providing no evidence of this and despite evidence to the contrary.[30] Although efforts to increase family contact are welcome, it is deeply concerning that this is then used to justify holding people in prison for longer.

'HMPPS already has measures in place which will help offenders who will spend longer in prison. Longer periods in custody can be used to work with offenders on strengthening relationships with families or significant others. Following the 2017 publication of Lord Farmer's review into the importance of family ties for male prisoners, £5.5 million has been devolved to Governors of all public-sector prisons to deliver family engagement services. The in-cell Telephony Project has also equipped 30 public-sector prisons with the technology that allows people in custody to make telephone calls from their cell, to allow more frequent family contact for offenders serving longer sentences. A further 21 public-sector prisons are in the process of being fitted with in-cell telephony.'

The EIA goes on to say that the '*Our assessment is that the changes described by these policy proposals is a proportionate means of achieving our aim to better protect the public by ensuring the custodial time better reflects the severity of the crime. There will also be benefits for victims of serious sexual and violent crime, plus an improvement in confidence in the administration of justice.'* Again, no evidence is provided for these claims.

Discretionary powers to prevent automatic early release

Clause 108 introduces a new power for the Secretary of State to prevent the automatic early release of prisoners serving a standard determinate sentence who are identified as a significant public protection through referral of high-risk cases to the Parole Board. This is in effect a 're-

sentencing' provision for people who become 'dangerous offenders' in prison or are determined as such post-sentence.

Clause 109 enables the rules the Secretary of State may make to confer a power on the Parole Board to set aside its own release decisions administratively on application from the Secretary of State without the need for a judicial review of the decision by the High Court.

Assessment and evidence

This would enable people convicted of non-terrorism offences to be prevented from release at the end of their sentence if there is concern that they have become radicalised in prison and now present a terror threat. The government states that this power could also be used against 'a small number of offenders' who are deemed to present 'a significant danger to the public for other reasons' but whose offence at the point of sentencing was not serious enough to meet the threshold for a sentence with Parole Board oversight. This is retrospective sentencing by the government which bypasses the important protections of judicial process.

Maslaha has found that the perception of a link between Islam and terrorism has become institutionalised in the criminal justice system.[31] This is despite only 1% of Muslim prisoners being convicted of terrorism-related offences. Maslaha highlighted the discrimination and daily challenges that this has created for Muslim people in prison who feel that they are stereotyped as risky and their behaviour more likely to be perceived as extreme and through a lens of terrorism. For example, Muslim men reported practicing their religion more in prison because it provided a source of comfort, stability and motivation on their journey through the criminal justice system. They felt that their behaviour was continually policed and that turning to their religion was seen negatively by the prison system due to concern that activities like praying out loud and in congregation were signifiers of radicalisation.

Labelling someone a terrorist will have a significant impact on that individual's life. Any public protection concerns must be founded on firm facts/evidence, not uncorroborated opinion.

We are concerned that the government is legislating based on isolated cases without any public examination of the failings in the criminal justice and security systems that may have allowed two terrorist attacks in late 2019 and early 2020. While the government says that the application of these powers will be rare, the criteria in the Bill are broad and there is no way of stopping the powers from being more widely applied. This undermines long-standing legal principles in England and Wales of the Crown having to provide evidence and have it tested in open court and the opportunity for the accused to have access to legal professionals to provide a defence.

Analysis of the equality impact assessment/statement

The EIA acknowledges Black, Asian and minority ethnic people are likely to be disproportionality represented in the affected group:

'Males, those aged 30-39, and BAME individuals are over represented in the overall SDS group to whom the power may potentially apply. Quantitative data suggests that of individuals

arrested, charged and convicted of terrorism; Male, Asian and White individuals made up the majority of this cohort, where trends reflect the terrorist ideologies prevalent in the UK, most notably Islamist Extremist and extreme Far Right terrorism, and this trend may follow for those who may become a threat in prison.'

The EIA acknowledges: *'Males, those aged 30-39, and BAME individuals are over represented in the overall SDS group to whom the power may potentially apply.'*

It also acknowledges that discretion in decision-making could be impacted by bias:

'The overrepresentation of some groups within scope of this policy reflect both the characteristics of those who receive SDS sentences and, in respect of those who may pose a terrorist threat, the nature of terrorism in the UK at any given point. The new provisions will apply to all relevant SDS prisoners; regardless of ethnicity, religion, sex or otherwise. However, we recognise that there may be the potential for unconscious bias through discretion in decision-making in relation to the assessment of risk and dangerousness, leading to the decision on whether to refer the offender to the Parole Board.'

The EIA states that to mitigate this risk, the use of the power by the Secretary of State will be monitored and reviewed. However, it does not explain what will happen if the power is found to be used in an unfair and disproportionate way:

'We will closely monitor and record how the power is being used and will regularly review this information to check for any indications of unfairness and disproportionality. Furthermore, we will ensure that we produce a clear HMPPS published policy which clearly outlines the threshold that must be met and the principles which will underpin the Secretary of State's decision-making procedure in determining whether to refer a case to the Parole Board.'

Given the research by Maslaha around the risks of stereotyping by prison staff and people practising Islam in prison being seen through a 'risk lens', it is worrying that the EIA concludes that:

'*Our assessment is that this proposed measure is unlikely to impact on fostering good relations between groups with different protected characteristics'*

And the annex to the letter from the Secretary of State to CJA and EQUAL goes on to state specifically that the government does not anticipate any faith-based equalities issues:

'As we have publicly stated, this power will not be used to keep anyone detained due to their religious beliefs. It is not specifically designed to prevent early release where an offender has become 'radicalised'. It is instead intended to be used in rare cases where the offender poses a significant risk of serious harm to the public or a national security threat. As such, we do not anticipate that any faith-based equalities issues will arise as a result of this power.'

Despite not anticipating any issues, it goes on to name some mitigating actions to prevent it being 'used inappropriately or to target particular groups', but has not yet published the operational guidance (not mandatory) mentioned:

'We will ensure that the threshold that will apply in order for the power to be used, the safeguards needed in the process, and the Parole Board test are clear on the face of the Bill. It will be accompanied by operational guidance to underpin the legislation, to ensure it is not used inappropriately or to target particular groups. We will be happy to discuss the detail further as the legislation is introduced and progresses through Parliament.'

The government *'do[es] not anticipate any faith-based equalities issues will arise as a result of this power'*, but there is a clear risk that people who appear Muslim or are practicing Islam will be unfairly assessed as presenting a significant danger to the public.

The overarching equalities statement says: *'We think this measure is unlikely to result in any particular disadvantage for the small number of offenders it will affect, and that, overall, the policy is a proportionate means of achieving the legitimate aim of protecting the public from dangerous offenders.'*

Labelling someone as a terrorist and potentially spending longer in prison are clearly particular disadvantages.

Licence conditions

Clause 110 gives responsibility for setting licence conditions for fixed term prisoners to probation officers.

Clause 126 creates a new power for a responsible officer to vary a curfew requirement made under a community order or suspended sentence order.

Assessment and evidence

This would give individual probation officers the power to restrict a person's liberty in ways that go beyond what the court has decided is necessary, by requiring that the person sticks to additional conditions or goes to extra appointments and spends longer periods under curfew when their movement is restricted. The consequences of failing to abide by such additional restrictions could involve breach proceedings and may result in imprisonment.

A recent report by HM Chief Inspector of Probation found that BAME groups felt that probation services lacked cultural understanding.[32] Examples included not letting a Jamaican man attend a family funeral for risk of potential drug related crime. Before giving probation staff powers to vary licence conditions and curfews, the government should assure itself that officers do not have unconscious biases or are able to understand the cultural challenges BAME groups might face in adhering to requirements.

Serious Violence Reduction Orders

Clauses 139 and 140 will allow courts to make a Serious Violence Reduction Orders (SVRO) against those who are convicted of offences involving knives or offensive weapons. Police officers will have the power to stop and search a person subject to an order to look for knives

or offensive weapons and individuals can be subject to it from 6 months to 2 years. The breach of an SVRO can result in up to two years of imprisonment, an unlimited fine or both.

SVROs can also be imposed lawfully where:

- a person does not use or have possession of an offensive weapon during the commission of an offence.
- more than one person is involved and that person 'ought to have known' that another person was in possession.

Assessment and evidence

Serious Violence Reduction Orders (SVRO) aim to expand stop and search powers for people who have been convicted of an offence without the need to form any reasonable suspicion.

The Bill would create a new offence of breaching an SVRO, for example by failing to do anything required by the order, doing anything prohibited by it, or obstructing a police officer in the exercise of any power relating to it. This could be interpreted broadly, criminalising people requesting that police provide the legal authority for subjecting them to a stop and search or failing to provide an answer to a question put by a police officer.

This order can result in a period of imprisonment of up to two years following a breach of its requirements, even though there will have been no criminal process in relation to the original, alleged offending behaviour. It can also be imposed in a wide range of circumstances, including where a person does not use or have possession of an offensive weapon during the commission of an offence; and in cases where more than one person is involved, it would only require that a person 'ought to have known' that another person was in possession. This means that this sweeping power to stop and search someone anywhere at any time can be imposed on a person despite no evidence they ever handled a weapon.

These orders can be set to have effect for between six months and two years, and can be renewed indefinitely, in which time they run continuously whenever the person is in a public place. This is a drastic extension of suspicion-less stop and search powers which are currently limited to 24 hours in a restricted area under S.60 CPO Act to 24 months and beyond with SVROs. This is the latest in a line of recent civil orders which can be given on a lower standard of proof than in a criminal court (such as Knife Crime Prevention Orders and Criminal Behaviour Orders).

We believe police officers already have adequate powers to stop and search under the Police and Criminal Evidence Act Code A. Rather than additional surveillance, additional support should be provided to people who have been convicted of these offences. There could also be adverse consequences to the implementation of this new power which might make people and communities less safe. For example, it will disrupt a person's rehabilitative journey by encouraging officers to continuously stop and search an individual, even after they have made a commitment to change their lives. This labelling and stigmatisation could reinforce negative stereotypes and cause harm and trauma, potentially drawing them back into a life of crime rather than away from it.

It could also have an adverse impact on trust and confidence. Government statistics have shown that people from Black, Asian and minority ethnic backgrounds, particularly Black Caribbean people, 'were less likely than White British people to have confidence in their local police' for each of the last five years.[33] We are concerned that SVROs will further damage trust and confidence and undermine legitimacy. This is because individuals and communities will see and feel the general increase in stop and search of young black men, adding to their mistrust in policing. Often young people do not know what power they are being searched under. We are therefore also concerned SVROs will further complicate police powers.

If stops and searches are not conducted sensitively or individuals are frustrated at being stopped and searched on a regular basis, we are concerned that there might be an increase in the number of stop-searches which result in arrest for public order offences, obstruction or assault. This could lead to criminalisation of individuals under an SVRO and those mistakenly stopped under this power, which in turn would also contribute to increasing racial disparity in our criminal justice system.

Analysis of equality impact assessment/statement

The government has not published an equalities impact assessment on this part of the Bill. We know that stop and search powers are already disproportionately used against Black people. In 2019/20, Black, Asian and minority ethnic people were over four times more likely to be stopped and searched than White people. For Black people specifically, this was almost nine times more likely.[34] Introducing a new order is likely to compound this disproportionality.

A public consultation took place in 2019; however, this was on the details of the implementation, rather than the substantive decision whether or not to introduce the orders. There was no option on the consultation form to oppose the introduction of the orders. In addition, no equalities impact assessment was published alongside the consultation. The consultation document did however acknowledge the likelihood of indirect discrimination:

'This may mean that people from an ethnic minority who are subject to an SVRO are more likely to be searched in practice.'

The government's response to the consultation also acknowledged that a disproportionate number of Black people are convicted or cautioned for knife offences and stop and search can have a disproportionate impact on people from minority backgrounds:

'SVROs would only be available to the court when someone is convicted of a relevant offence. They would not be targeted at people because of their age, sex, race or any other protected characteristic. We do acknowledge, however, that although most people who are sentenced for knife or offensive weapons offences are male and white, black adults are disproportionately more likely to be convicted or cautioned for a knife or offensive weapons offence. While we acknowledge that stop and search can have a disproportionate impact on people from minority ethnic backgrounds, at the same time, people from BAME backgrounds are disproportionately more likely to be a victim of violent crime and therefore could see a greater benefit from the policy.'

There is no evidence provided to substantiate that Black, Asian or minority ethnic victims will benefit from the change in policy as there is no evidence provided that this change will reduce crime or violence.

The government published its response to the SVRO consultation the day before the PCSC Bill was introduced to parliament. In this response it stated that disproportionality had been a key concern of respondents:

'Responses highlighted that the Government has a duty to ensure the fair implementation of SVROs, with many highlighting the potential disproportionate impact on BAME individuals, in particular black men.'

The response goes on to detail some mitigation, including starting it as a pilot and adding in court discretion:

'We have taken into consideration the concerns expressed by the respondents in relation to our equality duty, as well as their suggestions. As a result, we have decided to amend our initial proposals to ensure that the courts have discretion about whether to make an order. We also propose running a pilot to robustly monitor and evaluate the impact of SVROs before a decision is made on national roll out. We will develop statutory guidance for how the orders are implemented in partnership with key stakeholders, and the legislation will be kept under regular review.'

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[1] Table 1.4, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020.
[2] Table 11, Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice and Lammy, D. (2017) The Lammy Review.
[3] Colahan et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015.
[4] Ibid
[5] Ibid
[6] Lammy, D. (2017). The Lammy Review
[7] See for example, Hough, Mike, Bradford, Ben, Jackson, Jonathan and Roberts, Julian R. (2013) Attitudes to sentencing and trust in justice: exploring trends from the crime survey for England and Wales.
[8] See examples of such treatment in Criminal Justice Alliance (2017) No respect: Young BAME men, the police and stop and search, pp11-14.
[9] Assaults on Emergency Workers (Offences) Act 2018
[10] Home Office. (2020) Statistics on the number of police officers assaulted in 2019/20, England and Wales.
[11] Ministry of Justice (2018) Average length of custodial sentences.
[12] Prison Reform Trust (2019) Bromley Briefings Prison Factfile.
[13] HM Inspectorate of Prisons (2019). Children in Custody 2017- 2018
[14] Lammy, D. (2017). The Lammy Review
[15] Friends, Family and Travellers (2021) Briefing on new police powers for encampments in Police, Crime, Sentencing and Courts Bill: Part 4 and The Traveller Movement (2021) The Traveller Movement's response to The Police Crime Sentencing and Courts Bill
[16] Ministry of Housing, Communities & Local Government (2019). New national strategy to tackle Gypsy, Roma and Traveller inequalities.
[17] Dolling et al. (2020) Police renew calls for more Gypsy and Traveller sites in opposition to the criminalisation of unauthorised encampments.
[18] Lammy, D. (2017). The Lammy Review.
[19] Centre for Justice Innovation. (2021) Equal diversion? Racial disproportionality in youth diversion.

[20] Revolving Doors Agency (2020) Racial bias is pulling young adults into the revolving door.
[21] Colahan et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice
[22] Ibid
[23] Ministry of Justice (2018) Average length of custodial sentences.
[24] See for example, HM Chief Inspector of Prisons (2020) Annual report 2019–20 and Lammy, D. (2017). The Lammy Review.
[25] Ibid.
[26] Uhrig, N. (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales.
[27] Youth Justice Board (2021) Ethnic disproportionality in remand and sentencing in the youth justice system.
[28] Lammy, D. (2017). The Lammy Review.
[29] See this question posed to Chris Philp MP in the House of Commons by Alexander Stafford MP.
[30] Her Majesty's Prison and Probation Service. (2019) Supporting relationships between prisoners and their families.
[31] Mohammed, R. and Nickolls, L. (2020) Time to end the silence.
[32] Her Majesty's Inspectorate of Probation (2021) Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff
[33] Office for National Statistics. (2021) Confidence in the local police.
[34] HMICFRS (2021) Disproportionate use of police powers A spotlight on stop and search and the use of force