



# Improving Race Equality in Crime and Justice

## Background

The Welsh Government has made a commitment to publish a Race Equality Action Plan designed to tackle structural racial and ethnic inequalities in Wales (Welsh Government, 2020). This policy briefing summarises one of six reports produced by the Wales Centre for Public Policy to provide independent evidence to inform the development of the Action Plan. It focuses on evidence and recommendations for action related to race equality in crime and justice.

## Introduction

The criminal justice system is frequently identified as an area where racial injustices are manifest, and the evidence suggests the problem has been worsening year on year (Lammy, 2017; Jones, 2020). In Wales, Black, Asian and minority ethnic people are over-represented at every stage of the criminal justice system: as victims of crime, in stop and searches, within the prison population – which shows higher levels of racial disproportionality compared to England – and within the probation population (ONS, 2020; Home Office, 2019; Jones, 2020).

This policy briefing presents the evidence relating to what works in reducing race disparities within the criminal justice system in relation to six key areas. Whilst much of criminal justice policy is not devolved in Wales, there are actions that the Welsh Government can take to tackle/reduce crime and promote rehabilitation, which are summarised across these six areas.

## 'Explain or reform'

The principle of 'explain or reform' stipulates that 'if criminal justice agencies cannot provide an evidence-based explanation for apparent disparities between ethnic groups then reforms should be introduced to address those disparities' (Lammy, 2017).

## Recommendations

- The police, Crown Prosecution Service, the judiciary and HM Prison and Probation Service should publish a strategy on Black, Asian and minority ethnic people in Wales and report annually to the Senedd.
- Extend the 'explain or reform' principle into devolved competencies that play a role in racial disparities in the criminal justice system.

## Data on racial disparities

In order for criminal justice and other agencies in Wales to identify racial disparities and interrogate and improve their practices, they need robust information and data about racial disparities across all stages of the criminal justice journey.

## Recommendations

- Expand the adverse childhood experience (ACE) prisoner survey to female prison populations.
- Include a breakdown of ethnic groups within the ACE survey.

- Improve ethnicity data recording and monitoring across factors known to be associated with offending behaviour e.g. school exclusions, opportunities for employment.

## Tackling hate crime

The number of police recorded hate crimes in Wales has increased substantially over the past seven years, reaching 2,634 offences in 2019/20 – double the number in 2012/13 (Home Office, 2013; 2020). The majority (65%) of offences in 2019/20 were race hate crimes, meaning Black, Asian and minority ethnic groups and minority faith communities are disproportionately affected.

### Recommendations

- Increase funding for hate crime services, with the aim of expanding current provision.
- Improve signposting of legal and institutional responses to hate crime, including through awareness raising campaigns.
- Adopt a wider range of preventative approaches to hate crime.
- Adopt a multi-agency and holistic strategy to tackling hate crime in Wales, which includes educational interventions that aim to reduce prejudice and raise cultural diversity awareness.
- Improve data on hate crime prevalence in Wales through a Welsh Crime and Justice Survey, or by adding questions about hate crime to the National Survey for Wales.

## Reducing violence against women and girls (VAWG)

Services for women and girls facing violence and domestic abuse are under increasing pressure due to funding cuts, which have had a

disproportionate impact on specialist services for Black, Asian and minority ethnic women and girls (Welsh Women’s Aid, 2018). Although the available data do not indicate that Black, Asian and minority ethnic women and girls are at greater risk of violence in aggregate, the forms of abuse they face and their experiences in accessing support can differ, necessitating the option of tailored support services (ONS, 2018).

### Recommendations

- Safeguard funding for specialist VAWG services in Wales to adequately meet anticipated demand during and after the pandemic.
- Increase the awareness of specific needs of different groups within existing perpetrator programmes via practitioner training, to enable effective cross-cultural working.

## The youth justice system

Racial disparities have increased in the youth justice system as well as in the criminal justice system as a whole, particularly in the case of more severe sentencing options such as custodial sentences (Youth Justice Board, 2020).

### Recommendations

- Dedicate greater priority and resource to researching the interrelated contributing factors to child offending as they relate to Black, Asian and minority ethnic children specifically; and how these break down across specific ethnic groups.
- Use findings from this research to inform the design of prevention and diversion interventions for Black, Asian and minority ethnic children who are first time offenders, or at risk of offending, with the aim of stemming the flow into the formal youth and adult justice systems. Tailored

## Recommendations

diversion models might include those which do not require admission of the offence as a mandatory element for diversion.

- Encourage greater partnership working between police forces and youth offending teams (YOTs) in Wales to increase take-up of diversionary practices which rely on more flexible criteria than mandatory admission (e.g. accepting responsibility).
- Tailor rehabilitation programmes or interventions for those already formally involved with the youth justice system for Black, Asian and minority ethnic children with the aim of increasing responsivity.
- Spearhead a distinctive and targeted approach to prioritising the needs of Black, Asian and minority ethnic children involved in, or at risk of involvement with, the youth justice system, through partnership working between the Welsh Government, Welsh YOTs and agencies that work closely with them (e.g. children's services and schools).

## Access to justice

Access to justice for Black, Asian and minority ethnic individuals is inextricably linked to levels of trust in the criminal justice system, which are in turn, linked to racial disparities in the courts system and preceding police contact. Whilst around a third (35%) of British-born White people believe the criminal justice system discriminates against particular groups, over half (51%) of British-born Black, Asian and minority ethnic people believe the same (Bowen, 2017).

## Recommendations

- Take forward principles and strategies (e.g. relating to transparency, procedural fairness and bias) that have been shown to positively impact trust in criminal justice

processes within areas of devolved competence.

- Explore ways of mitigating the impact of cuts to legal aid funding on access to justice for Black, Asian and minority ethnic groups.

## Welsh Government powers and policy levers

As most areas relating to crime and justice policy are not devolved to the Welsh Government, the majority of recommendations in existing reports and inquiries have been aimed at a UK-level. However, potential actions in the previous sections could be enacted by Welsh Ministers using either their soft powers or through their influence over policy areas which have an impact on crime rates. For example, the Welsh Government can take action to make better use of existing datasets that could shed further light on the drivers of increasing racial disproportionality in the justice system in Wales.

It could also build on existing areas where Welsh approaches to crime and justice have diverged from the other UK nations, e.g. in adopting a 'child first' approach to youth justice, or where there is possibility to do so in future e.g. through the Welsh Government's relationship with Police and Crime Commissioners.

## References

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## Find out more

For the full report see Roberts, M. (2020). **Improving Race Equality in Crime and Justice**. Cardiff: Wales Centre for Public Policy.

## About the Wales Centre for Public Policy

Here at the Centre, we collaborate with leading policy experts to provide ministers, the civil service and Welsh public services with high quality evidence and independent advice that helps them to improve policy decisions and outcomes.

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