

# Racist offenders: punishment, justice and community safety

Nearly two years 'post-Lawrence' the number of recorded racist incidents continues to rise sharply as does the number of racist offenders being processed through the criminal justice system. **Ben Bowling** asks whether populist punitiveness provides a sound basis to protect communities from violent racism.

**A**s we approach the second anniversary of the publication of the Stephen Lawrence Inquiry, announced as an historic 'landmark' in the developing public response to violent racism, there will undoubtedly be critical reflection on what has been achieved as a result of the policy developments that have followed. In these times of populist punitiveness and the emergence of crime reduction as a 'principal aim' of the criminal justice process, among the most obvious questions to ask is whether our communities are safer today than they were two years ago.

Recorded crime statistics are, as is well known, an unreliable and sometimes misleading measure of actual experiences of crime. Such statistics are even less useful as a means of capturing the process of victimisation or the experience of being safe or unsafe. Nonetheless, they remain one of the most frequently cited measures of crime and police effectiveness and deserve critical scrutiny. Between

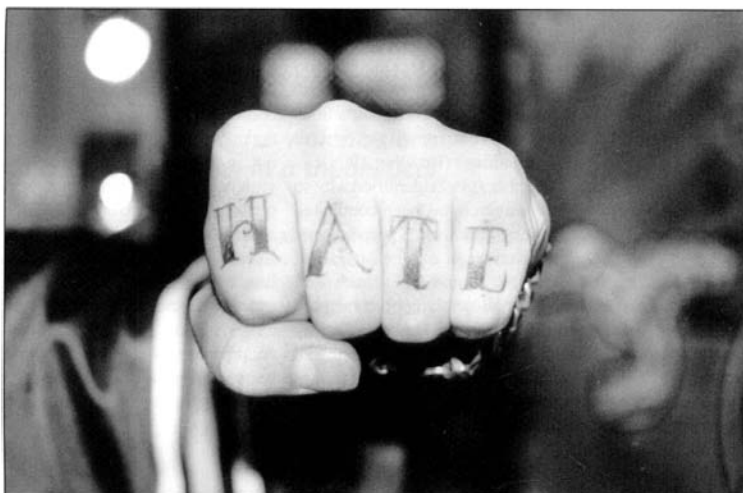
the year ending March 1998 and March 1999, recorded racial incidents in England and Wales increased by two thirds from 13,878 to 23,049. The national figures for 1999/2000 were not published at the time of writing, but the Metropolitan police alone recorded 23,346 racial incidents last year, doubling the number of incidents recorded in London and exceeding the previous national total. By any standard, this is a remarkable increase and one that has been interpreted in predictably conflicting ways. One view is that this indicates a serious increase in the extent of violent racism. Another view is that the rise in recorded incidents reflects an increasing willingness on the part of victims to report incidents and for police officers to be more compliant in recording them. The police may feel that the statistics show some hope that confidence is returning, but I doubt that they are much comfort to actual or potential victims, who might reasonably conclude that, at best, they face no lesser risk of victimisation today than they did two years ago.

Whichever view is taken of the meaning of the statistics, it is certainly true that violent racism remains unacceptably common and may even have escalated post-Lawrence. Of all the overt instances of racist violence in recent British history, David Copeland's nail-bombing campaign stands out as among the most horrific. The impact of the bombs that exploded in Brixton and Brick Lane in April 1999 can hardly be underestimated. Throughout London and elsewhere, minority communities were asking themselves where the bomber would strike next. When a third nail bomb exploded in the Admiral Duncan pub, on Old Compton Street, Soho, at the heart of London's gay community, seriously injuring 79 people and killing John Light, Nick Moore and Andrea Dykes (who was pregnant at the time), the terms of debate turned a corner. Copeland's 'hate crimes' - directed against all minorities - united the experiences of black, Asian and gay communities and, indeed all Londoners who

found themselves under attack from one of the most serious instances of racist terrorism ever witnessed in Britain. Thankfully, one of Copeland's co-workers recognised him from CCTV images shown on television and he was arrested within hours of the Soho bomb. On conviction he received six life sentences.

More recently still is the shocking murder of 19 year-old Zahid Mubarek, beaten to death by his cellmate on the eve of his release from Feltham Young Offenders' Institution where he was imprisoned for minor property offences. After bludgeoning Zahid to death, Robert Stewart scrawled a swastika on the wall of his cell and the words "just killed me pad mate". The Daily Mail reported that a month before the murder, Stewart had written letters expressing hatred for 'non-whites' and his intention to take "extreme measures to get shipped out" of Feltham, including "I'll kill me \*\*\*\*\* pad mate if I have to... make myself a Ku Klux Klan suit and walk out me pad holding a flaming cross" (Rebecca English, Daily Mail, 6 November 2000). This case underlines the twin fallacies that imprisonment protects innocent victims and reforms offenders.

If the absence of racist crime, or even reducing it to tolerable levels, is too stringent a criterion against which to evaluate the effectiveness of the police and criminal justice system, then perhaps 'visible activity' is more reasonable. We should perhaps be encouraged if more is being done, and there are certainly grounds to believe that enforcement has increased sharply. In London, the number of 'intelligence reports' submitted by police officers has increased geometrically, while the number of arrests increased from around 100 per month in 1998 to an average of more than 400 per month at present. This enforcement activity has been welcomed after the denial and inactivity that characterised the state response to racist violence in the 1980s and early 1990s, but there remains evidence that the response remains



far from effective in providing protection from victimisation. It is too early to say what impact the escalation of enforcement will have on the extent and nature of violence, assuming that such an assessment is possible given the limitations of the data.

The cases of Copeland and Stewart make it obvious that we need to give more thought to the penology of racist violence. The dominant, if implicit, philosophies behind the punishment of racist offenders have been denunciation and retribution emerging within a broader politics of punitiveness. The expression of moral outrage in response to offenders seen (literally) to have got away with murder has led many (myself included) to the view that 'more must be done'. This 'more' has been interpreted largely in punitive terms - including the introduction of penalty enhancements in the form, for example, of the racially aggravated offences in the CAD (Crime and Disorder Act) 1998 and increased levels of enforcement described above.

In utilitarian terms, it may yet turn out that 'locking up racists' serves to deter, or incapacitate sufficient offenders to reduce the extent of victimisation. However, it must also be remembered that punishment often fails to achieve its stated ends and sometimes has unanticipated and unwanted

consequences. Punishments perceived as unfair by offenders can result in both defiance and the confirmation of deviant identities that lead to increased rather than decreased levels of offending. Many criminologists and criminal justice practitioners have pointed to the contradictions between the intention of policing and the criminal justice process and its actual effect on the problems it is intended to (re)solve. These contradictions, which may be even more acute than in other cases, seem to have been forgotten when people are accused or convicted of racist offences. For example, the potential to confirm a criminal or racist identity, to forge new violent or racist associates while in custody is, arguably, more likely for these individuals.

The question of preventing re-offending or rehabilitation (to revive an unfashionable term) among people imprisoned or on probation orders for offences aggravated by racism has hardly been broached by criminological theorists or criminal justice practitioners. Programmes directed at challenging violently racist behaviour are in their infancy, and few, if any, have been properly evaluated. The tragedy of Zahid Mubarek's murder while in prison custody is also a reflection of the failure of the prison service to respond effectively to offenders

convicted of racist offences in past decades. The overwhelming approach seems to be no more imaginative than warehousing offenders. Not only do prison-based programmes for this challenging group not exist, but their content has yet to be envisioned by prison or probation officers and, indeed, criminologists.

This observation raises a further unresolved question of what is to be done with convicted racist offenders when they are released from prison. In the cases of Stewart and Copeland, this is a bridge that will be crossed only in the distant future. It strikes me that the murderer who is also a committed racist poses a danger to society that is qualitatively different from an 'ordinary' killer.

Even though levels of enforcement have increased dramatically over the past two years, there is no evidence that the problem of violent racism is being brought under control. We must ask ourselves whether a response to racist violence based on 'zero tolerance', intelligence-led enforcement, arrest and punishment is likely to produce a safer society if offenders are simply propelled through the criminal justice process and back into society either immediately or after a spell in prison.

This leads to the bigger question of whether populist punitiveness is any more viable a philosophy of punishment in this sphere than it is elsewhere. I think we need to envision a much broader restorative response that can mobilise communities and social institutions to challenge racist and violent behaviour and which seeks to do justice to both victims and offenders in ways that genuinely enhance community safety.

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