

of action aimed at accomplishing an equal measure of each? The challenge remains, therefore, as it has now for over thirty years for penologists interested in Gill's proposed innovations to grapple with their many intricacies. A more fully developed proposal might help change a system that is now grossly overcrowded and in desperate need of a results-oriented approach to the classification and treatment of its offenders.

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2002 Perrie Lecture

Responding to Racisms in the Criminal Justice System: undoing the criminalisation of black people in England

Ben Bowling, Reader in Criminology and Criminal Justice, King's College London and
Coretta Phillips, Lecturer in Social Policy, London School of Economics.

This paper draws extensively on the authors' book, 'Racism, Crime and Justice' (Longman 2002).

As we bask in the warm, glowing aftermath of the Queen's golden jubilee — and its celebration of the diversity of British society — it may seem churlish to return to the unresolved issues of racism and discrimination. One could argue that great strides have been made in the past 50 years: people of Asian, Caribbean and African origin have moved from the margins of the old Empire to the centres of English domestic life. Ethnic minority communities — about six per cent of the population — have become part of the accepted face of Englishness, reflected in black and Asian people contributing to global success in culture, media, business, politics and sport. As criminologists, however, it is our responsibility to draw attention to the more difficult issues of racism, discrimination and disadvantage in general and within the criminal justice process in particular. In this article we examine the striking rise in the rate of imprisonment of people men and women of African and Caribbean origin that has occurred over the past 15 years and ask policy makers and practitioners to take action now to prevent further criminalisation.

The theme of 'responding to racism' suggested by the organisers of the 2002 Perrie lectures is both timely and of vital importance. It reminds us that we have still to prevent the tragedy of racist murders within and without the prison

system and that we still do not do enough to protect communities from racist violence. It also reflects a wider unease that racism — the ideas and practices of racial oppression — have wider, deeper, and more insidious effects within the criminal justice process. We would like to broaden the debate to suggest that the problem of racism should be understood in the plural, as complex and diverse *racisms*.

There is, most obviously, 'explicit racism'. In England there is a 70-year history of right-wing extremism, building on US segregationist and Nazi ideology, that remains alive and well today. Visit the *Stormfront* web-site for example, a world-wide portal into overt, politically organised racism of the extreme right. The site — announcing itself for 'whites only' — links 'Aryan race warriors' and Nazi fetishists with openly racist political parties such as the National Front and British National Party and their counterparts elsewhere in continental Europe and North America. Whatever one's reaction to the racist extremism that bubbles just below the surface of political life in England, no analysis of racism, crime and justice can afford to ignore it.

'Violent racism' is the most headline-grabbing form of racial hatred, exemplified by the terrifying acts of 'nail-bomber' David Copeland and the murders of Stephen Lawrence and Zahid Mubarek. These cases where overt racism is expressed in its most violent and deadly form are the most visible among thousands of racist attacks that happen

every year (Bowling 1999a). Then — less visible and more complex than its overt and violent forms — there is 'everyday racism', the attitudes, stereotypes and petty discrimination that are part and parcel of everyday routines. Here we are concerned with the faulty assumptions, stereotyped beliefs, inappropriate language and prejudiced decisions that lead to discrimination and disadvantage in everyday life.

Finally, there is 'institutional racism' which is often the product of 'everyday racism', defined clearly in the Lawrence Inquiry report as 'the collective failure to provide an appropriate and professional service to people because of their colour, culture or ethnic origin' (Macpherson 1999, Bowling and Phillips 2002: 40-1). Less overt or explicit than most other forms of racism, institutional racism provides a concept to describe the ways in which policies and practices of government, the police, courts and prisons directly and indirectly discriminate against people from ethnic minority communities.

We argue elsewhere that understanding all of these forms of racism is important for the police, prison and probation services (Bowling and Phillips 2002). In the remainder of this paper, we want to focus not on political or violent racism, but on 'everyday' and 'institutional' racisms and, in particular, the processes through which black people in England have been criminalised.

Racisms and disadvantage in English society

Space does not permit us to consider the shameful history of racism and discrimination in England in the 1960s, '70s, and '80s (Fryer 1984, Solomos 1993). The published literature shows that racist ideas about white superiority, black 'criminality' and Asian 'deviousness' were common, permeated society and were deeply entrenched across society including the criminal justice occupations (Gordon 1983). The overwhelming conclusion that can be drawn from the research evidence in this field is that the discursive practices of racism in England contributed to creating material conditions in which many ethnic minority groups, are *de facto* excluded from specific areas of residential space, sectors of the housing market, sectors of the economy and labour market (Bowling and Phillips 2002: 44-51).

People from ethnic minority communities are concentrated into the cities and into the most disadvantaged boroughs and neighbourhoods (Smith 1989, Mason 2000). Their housing conditions are markedly worse than those of their

white counterparts and much more frequently lack basic amenities, are overcrowded and in poor repair (Mason 2000). Black and Asian people — particularly those of African-Caribbean, Pakistani and Bangladeshi origin — are more likely to be unemployed or casually employed and concentrated into occupations of low status and low income (Jones 1996, Modood and Berthoud 1997, Mason 2000). Consequently, levels of absolute poverty and destitution are significantly higher for these groups. Linked to these broader processes of economic exclusion, and concentrations of poverty, it is also clear that while the aspirations of the children from ethnic minority communities, like their white peers, remain high (Mason 2000: 77), they face discrimination in schools, achieve poorer examination results and have higher rates of truancy and exclusions (Modood and Berthoud 1997, DfEE 2000). These processes of social exclusion are mutually reinforcing: poverty, poor housing, poor schools, educational under-achievement, exclusion from the mainstream of the jobs market are all inter-related (Smith 1989).

Criminological research shows that victimisation clusters in 'criminogenic contexts' such as homelessness, high unemployment, high housing density, crumbling infrastructure, and poor schools (McCarthy and Hagan 1991). Given that people from ethnic minority communities are disproportionately likely to be found in such contexts, it can be expected that the extent of crime and deviance would be greater than among communities who are not socially excluded. Aggregate statistics conceal micro-level variations in socio-economic conditions that reveal concentrations of exclusion, for example, where unemployment is endemic and inter-generational. The material conditions — such as joblessness and homelessness — that provide the context for the commission of certain specific forms of deviance, also mean that many offences occur in urban settings and in public places where they are more visible and liable to surveillance and police intervention. Consequently, there is a greater likelihood that offenders from the ethnic minority communities will be drawn into the criminal justice system.

It is crucial to consider not simply the statistics, but also how these social and economic conditions are *experienced*. The strain that arises from the aspirations of late-modern society, the power of consumerism expressed through the mass media and the reality of systematically blocked opportunities, destroy hope and creates despair, frustration, anger and resistance (Bowling and Phillips 2002: 71-4).

The black prison population: a product of the criminal justice process

Police: the 'gatekeepers' of criminal justice

The history of the relationship between police and migrant communities is defined by its conflictual nature (see Fryer 1984, Gilroy 1987). Among the enablers of this conflict were moral panics based on the myth of 'black criminality', the local and national politics of exclusion, immigration legislation that defined black and brown people as a 'a problem', and overt racism in police and criminal justice occupational cultures (Solomos 1993, Keith 1993). Contemporary criminal justice statistics show that the areas with the largest black communities are also those that have the greatest deployment of police officers and are the subject to 'enforcer-style' policing. Both police and survey data indicate that black people, and to a lesser extent, people of other ethnic minority origins, have a much greater likelihood of being stopped by a police officer and questioned in the street (Skogan 1990, 1994, Clancy *et al* 2001, Home Office 2000). Once stopped, they are more likely than their white counterparts to have their clothing, bags or vehicles searched, and to be stopped and searched repeatedly (Skogan 1994, Clancy *et al* 2001.).

'Proactive policing' — enforcement activity initiated by the police — has greater autonomy and involves much more extensive exercise of individual discretion than 'reactive policing', where an officer responds to a call from the public. 'Proactivity' can take the form of 'stop and search', 'on-street interrogation' and clothing searches, as well as more sustained and strategic practices such as 'intelligence-led-policing'. The use and abuse of police 'stop and search' powers contributes to the disproportionate flow of people from ethnic minorities into the criminal justice process because it is frequently directed specifically on these groups. The tactic takes a wide variety of forms and is conducted under a range of powers¹. Under Police and Criminal Evidence (PACE) codes of practice, the decision to stop and search is not justifiable on the basis of stereotyped generalisations about who is believed to be involved in crime, nor on a person's 'criminal history', but only on the basis of 'reasonable suspicion' that a person is in possession of stolen or prohibited articles. However, it is clear that in many cases no grounds

for suspicion exists and there is widespread and arbitrary use of the power. The wide use of discretion and low levels of supervision, accountability and visibility that characterise the use of stop and search powers, are precisely the contextual conditions that enable discrimination to occur (FitzGerald 1993).

The pattern of selective enforcement is consistent with stereotyping and the 'heightened suspicion' of black people in general noted in the 1980s by Holdaway (1983), Smith and Gray (1985), Graef (1989), Reiner (1991) and more recently by Fitzgerald and Sibbitt (1996) and Bowling (1999a). In the 1980s, stereotypes were freely expressed: Smith and Gray's interviewees commented that they stopped black people because 'nine times out of ten they would have drugs' (Smith and Gray 1983: 129). While many aspects of policing have changed in recent years, over-generalisations and stereotypes persist. In FitzGerald and Sibbitt's (1997) study one police constable commented that '[i]f 99 per cent of people committing robberies are black — and in an area like this they are — then you would expect to find 99 per cent of the stop/searches to be of black people' (FitzGerald and Sibbitt 1997: 36). This view was shared by an inspector. In Quinton *et al*'s study of police stops, decision-making and practice, an officer commented that '[w]henver a robbery comes in [over the radio] ... 90 per cent will be thinking it's a black man because of the description and because you know who does robberies in the past' (2000: 38).

These examples illustrate the link between specific stereotypes (black people are robbers and drug users), the formation of suspicion (this black person is likely to be a robber or possess drugs) and a course of action (this black person should be stopped and searched). As one Home Office study put it, 'the police contribute to the large ethnic differences in the PACE data by virtue of their heightened suspiciousness of black people. This is pervasive and deeply entrenched; and it may significantly increase the chances of black people coming to the attention of the police relative to other groups' (FitzGerald and Sibbitt 1997: 66). As Stuart Hall and colleagues show, racially prejudiced attitudes and stereotypes do influence expectations and lead to discriminatory behaviour even though the links are neither automatic nor straightforward (Hall *et al* 1998: 6-9).

1. The most frequently used powers are those under s.1 of the Police and Criminal Evidence Act 1984, s.23 Misuse of Drugs Act 1971, s.60 Criminal Justice and Public Order Act 1994, s.44(1) and (2) Terrorism Act 2000, and s.47 Firearms Act 1968. Additionally, vehicles may be stopped under s.163 Road Traffic Act 1988 and searched under s.4 Police and Criminal Evidence Act 1984.

The use of the conduct of 'PACE searches' as a performance indicator (that is, the more the better), exemplifies the problem of institutional racism. In areas of high ethnic minority concentration, stop-search practices, have been promoted enthusiastically as a means of demonstrating effective job performance (Bowling 1999b). While it may not have been the intention of Home Office Ministers and police managers to escalate the disproportionate use of coercive power against black people, this was, in fact, what occurred during the late 1990s. Disproportionate stop and search activity makes it more likely that wrongdoing among black people comes to the attention of the police than wrongdoing among other ethnic groups. Enforcement activity of this kind is *experienced* as police harassment which is a problem in itself, but also leads to distrust and fear of the police and the criminal justice system more generally (Phillips and Brown 1998). This distrust sets the context for police-public encounters: it predisposes the person suspected by the police to challenge the basis for police legitimacy which increases the likelihood of arrest.

Proactive policing has contributed to criminalisation of ethnic minorities, and also to damaging the confidence and trust of these same communities. In giving evidence to the Lawrence Inquiry, former Metropolitan Police Commissioner Sir Paul Condon acknowledged the 'unfair use' of 'arbitrary powers' and current senior officers concur privately that stop-search powers are being used unfairly and unlawfully. This point is underlined by the fact that the power to stop and search under the Prevention of Terrorism Act 1989 was used disproportionately against black and Asian people even though there were no grounds for suspecting their involvement in IRA activities that were the target of the legislation (Home Office 1998, Bowling and Phillips 2002: 142).

Pre-trial decisions: arrest, prosecution, remand and mode of trial

Black people are disproportionately likely to be arrested by the police for a wide range of offences in comparison to both their 'white' and Asian counterparts (Home Office 2002). Once in police detention they are less likely to be cautioned or to have 'no further action' taken against them, and are consequently more likely to be formally proceeded against by the police (Phillips and Brown 1998). In the case of juveniles, black suspects are less likely to be referred to a multi-agency panel (an important mechanism for diverting cases away from court) and more likely to be charged (*ibid.*). In some instances this appears to be the

result of direct discrimination by police officers who deliberately 'over-charge' black suspects (*ibid.*). In another example of indirect discrimination, black arrestees, who are more likely than their white counterparts to deny the offence for which they have been arrested, are unable to take advantage of the less severe outcomes of the arrest process and face a greater chance of facing formal action (*ibid.*).

Although black and Asian lawyers have complained of racism within the legal profession (and it would be surprising if there were none) the role of the Crown Prosecution Service (CPS) does appear to be anomalous in that its decisions tend to favour ethnic minority defendants. Thus, defendants of African, Caribbean and Asian origin are *more* likely to have their cases terminated by the CPS either because the evidence presented by the police is weak or because the public interest was against prosecution (because the allegation was trivial, for example) (Phillips and Brown 1998). This might be explained by the fact that CPS decision-making is largely recorded, subject to detailed guidance for prosecution, and taken mainly on the neutral criteria set out in the Code for Crown Prosecutors. It is noteworthy that (*ibid.*) found that in about 40 per cent of cases, prosecutors had no information about the arrestee's ethnic origin. Prosecution is a point in the criminal justice process where levels of discretion are at their lowest and where subjective factors play the least prominent role. It is also the case that the ethnic diversity of the CPS is much greater than the police service and many other criminal justice agencies (Home Office 2000, Bowling and Phillips 2002: 220-3).

One of the clearest examples of indirect discrimination is the effect of remand status on subsequent sentencing decisions (Bowling and Phillips 2002: 154-5, 169-71). Empirical research studies show that black people are significantly more likely to be remanded in custody before and during their trial (Walker 1989, Hood 1992, Phillips and Brown 1998). This is very important because studies of prosecution and sentencing show that there is an increased likelihood that a defendant who has been remanded in custody during the court process will be sentenced to custody if they are subsequently convicted. Being 'of no fixed abode' is one of the most common criteria for refusing bail; and, as we have seen (above), homelessness or unstable housing conditions disproportionately affect people from ethnic minority communities who are, as a result, more frequently remanded in custody. Defendants who are remanded in custody have fewer opportunities to prepare their defence and to appear clean and well dressed in court, with

the effect that, on conviction, they stand a greater chance of being sentenced to custody. Thus, the apparently neutral legal factor relating to the likelihood of court appearance is loaded against ethnic minorities.

A similar indirect effect occurs in relation to election for Crown Court trial and not-guilty pleas, options which are taken more frequently by black defendants who appear to be more hopeful of a fair trial by jury rather than in the Magistrates' Court. Black defendants also lose out on discounts for guilty pleas when they plead 'not guilty' either because they are genuinely innocent, believe themselves to be innocent or simply feel unable to trust the system. However, election for Crown Court and entering a 'not guilty' plea both increase the likelihood of the most serious sentence being imposed in the event of a conviction. Each of these practices cumulatively disadvantages ethnic minority defendants, especially those of African-Caribbean origin.

Sentencing

The empirical research evidence indicates that, on conviction, black people are more likely to be sentenced to custody, even once all other legally relevant factors have been considered (Hood 1992). When imprisoned, sentences are longer for both blacks and Asians than whites. Hood's (1992) definitive multi-variate analysis of sentencing practices in the West Midlands found that in the region's Crown Courts in one year, black defendants had a seven per cent greater probability of having a custodial sentence imposed than white defendants once all conceivable legally relevant factors were accounted for. Black defendants also received longer sentences than their white counterparts for comparable offences.

Although Hood's data are now more than a decade old, this study remains powerful evidence to explain discrimination within contemporary criminal justice practice. First, the study provided conclusive evidence that direct discrimination was an important contributory factor in explaining black over-representation in prison in addition to the indirect effects explained above (Bowling and Phillips 2002: 181-7). As Hood (1992: 190) put it, '[i]t will not be possible any more to make the claim that all the differences in the treatment of black offenders occur elsewhere in the criminal justice system. At least some of it occurs in the courts, and more often in some localities than others'. Second, custodial sentences imposed unfairly ten years ago have affected the defendant's 'criminal history' and their trajectory up the sentencing tariff. In much the same way that 'compound

interest' can blight the life of the debtor, a seven per cent greater probability of custody at each court appearance could have a very significant cumulative effect in a ten-year period (Bowling and Phillips 2002: 185-7). Finally, there are no compelling reasons to believe that sentencing practices have changed markedly in the intervening period. Studies of the scale and complexity of Hood's *Race and Sentencing* are unlikely to be replicated frequently. Until such replications are forthcoming, we must assume that direct and indirect discrimination persists in sentencing practice.

Imprisonment

Imprisonment is the end-point of the criminal justice process and its most obvious 'product'. Levels of imprisonment can be measured either by raw numbers of people from different groups in prison, or by '*per capita*' rates of imprisonment. These latter figures published in Prison Statistics measured as the number of prisoners for every 100,000 population (Home Office 2001, figure 6.6). These figures indicate that compared with white people (imprisoned at a rate of 188 per 100,000 population), British nationals of African and Caribbean origin have significantly higher rates of imprisonment at 1,615 per 100,000. Among people of Asian origin — Pakistani (328), Chinese and 'other Asian' people (1,399) have rather higher *per capita* rates of imprisonment than whites, but those of Indian (126) and Bangladeshi origin (183) have lower rates. The most startling of these statistics is that which indicates that 1.7 per cent of the black Caribbean population in England and Wales is in prison, eight times that of the white population (*ibid.*). We do not, at present, know the *per capita* rate of black imprisonment among particular age groups (young males have a much greater likelihood of imprisonment), nor the 'lifetime imprisonment' rate.

The ethnic minority prison population has fluctuated with the rises and falls of the white majority prison population. However, over the past 15 years, the overall increase in the ethnic minority prison population has far outstripped that of the white population. Thus, among males, while the white prison population has increased by 31 per cent, the black population has grown by 109 per cent, the South Asian by 71 per cent, and 'Chinese/other Asian' population has increased by 128 per cent. The women's prison population has risen more sharply than the male prison population and again, the white prison population has increased by 106 per cent (to 2,522) while the black population has increased by 235 per cent (to 643 prisoners) and the Chinese/Other has gone up

by 206 per cent to (153 prisoners). Against a general trend of increasing imprisonment, the number of South Asian women in prison has remained at a more or less constant low level: while there were 28 South Asian women in prison in 1985, there were still only 36 in 2000, a relatively modest increase of 29 per cent.

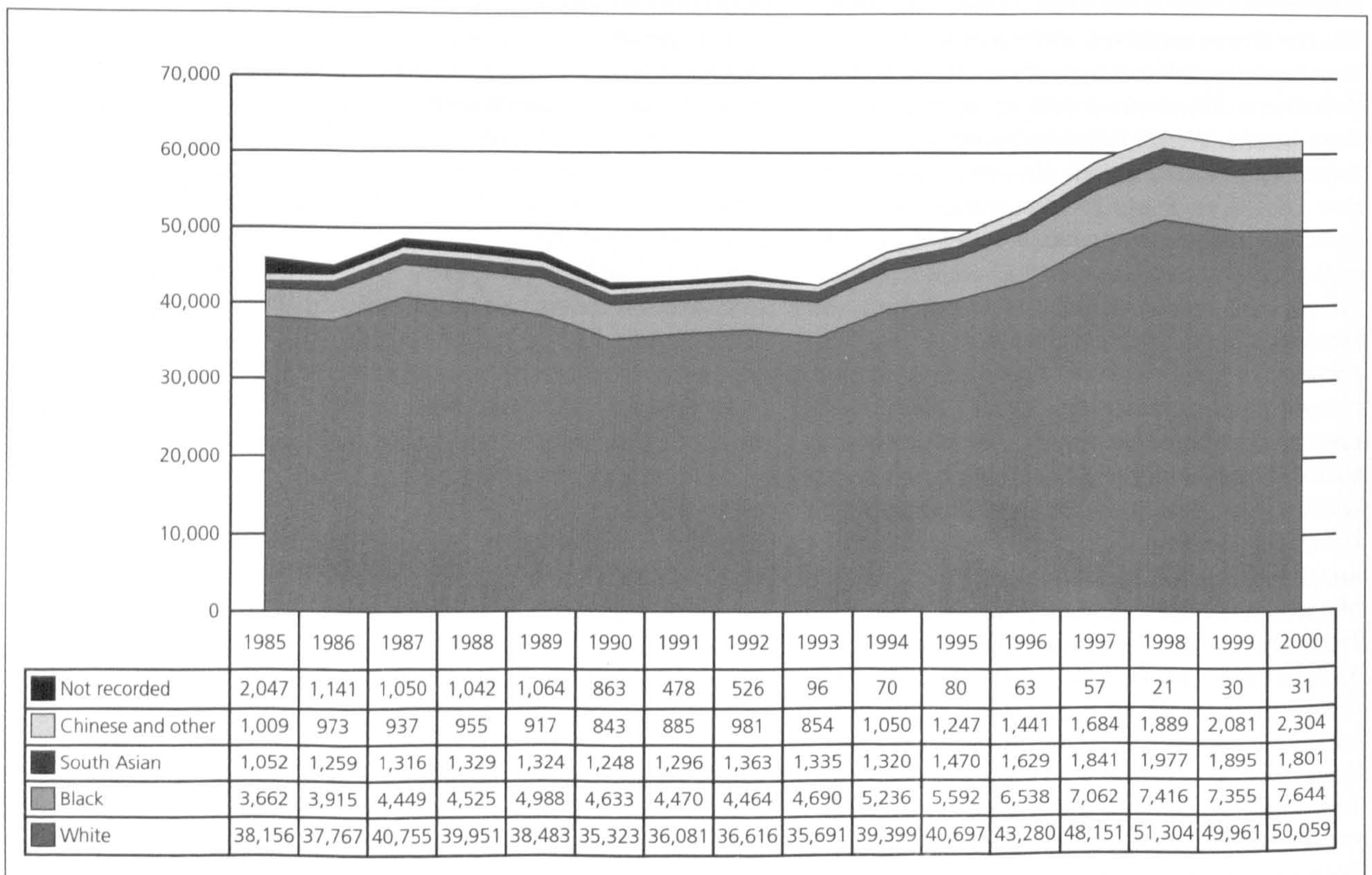
Although there is insufficient recent research looking at the experience of individuals from ethnic minorities once in prison, the evidence we have shows that they are likely to be discriminated against, for example, suffering racist abuse and a lower likelihood of early release (Bowling and Phillips 2002: 192-212; Genders and Player 1989, Chigwada 1997, Clements 2000). Stereotyping of black people as 'violent' and 'dangerous' legitimises brutality against them, and allows their mental and physical health needs to be overlooked when in the care of police and prison services. Similarly, prison officers' desire to 'disperse' black prisoners because of 'control' and 'management difficulties' (Genders and Player 1989) resonates with stereotypes and the 'numbers game' in the immigration debate. The 'textbook management'

of disciplinary infractions by African-Caribbean prisoners is another instance of the 'abuse of discretion' that has the effect of black people being treated more harshly through the imposition of sanctions under prison discipline. On release, black people are faced with discrimination in finding a job because of being both an ex-offender and a member of an ethnic minority community. If their experiences lead them back into offending and propel them back into the criminal justice process, any previous custodial sentence will increase the chances that on conviction they will be imprisoned again.

Conclusion

In the early days of Thatcherism, the acutely perceptive sociologist Stuart Hall identified a drift towards a 'law and order society' (Hall 1980). In the following two decades of increasingly 'tough' measures in criminal justice, the powers of the police have widened dramatically, the sentences of the courts have been growing longer and the prison population has expanded far beyond what

Figure 1¹ Population in prison, by ethnic group 1985-2000, males only



1. These figures show the ethnic minority prison population for British nationals only. Including foreign nationals, 19 per cent of male and 25 per cent of female prisoners are from ethnic minority groups (Home Office 2001).

might have been predicted in the early 1980s. The impact of this 'populist punitiveness' (Downes and Morgan 2002) has been particularly severe on the population of African and Caribbean origin.

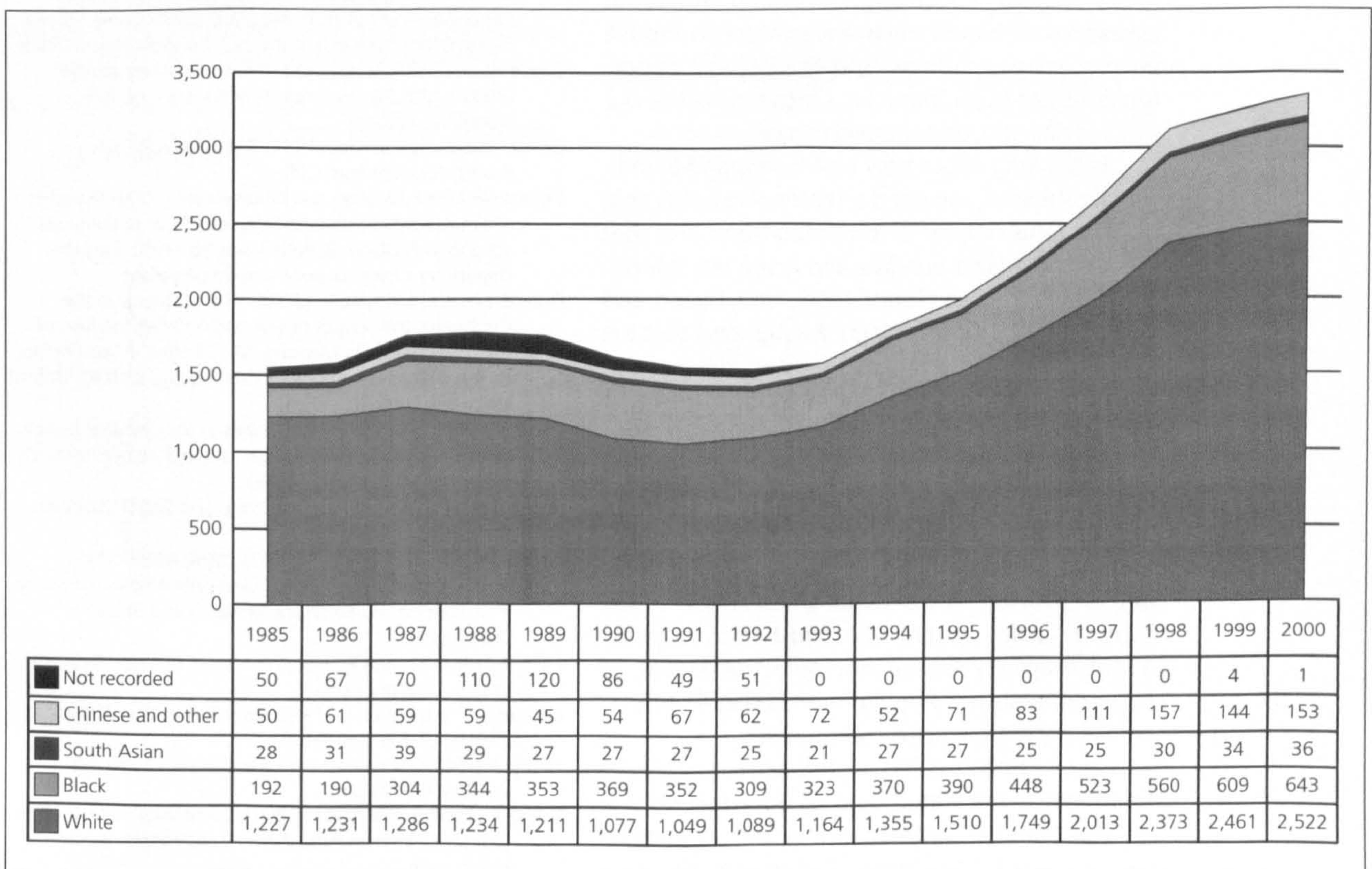
Criminalisation is the fulcrum of racialised social exclusion; it is where the *metaphor* of social exclusion is transformed into an explicit, formal social practice and personal experience of being literally excluded from society. In England and Wales as a whole, one in three males born in 1953 will have acquired a criminal record by the time they are 40 years old and seven per cent will have served a prison sentence. Of course, these figures will be much higher for men of African-Caribbean origin, though by how much is unknown. Whatever the figures, it is clear that over the past few decades, a significant proportion of the black population has acquired criminal records including intelligence files, stop/search and arrest histories, criminal convictions and prison records.

The experience of prison profoundly disrupts the social stability of those who endure it, and this clearly has consequences that stretch back into the roots of the community. Criminalisation and

prisonisation have predictable effects such as exclusion from the job market, the creation of barriers to maintaining rented property, mortgages on homes and the provision of support to families. Prison splits families, exerts stress on the partner, children and others whose mother, father or partner is behind bars. In effect, disproportionate imprisonment compounds and concentrates poverty among those who are already most likely to be socially excluded.

In a number of ways, the present situation for people from ethnic minority communities in Britain echoes that in the USA, described in detail in Michael Tonry's (1995) *Malign Neglect*. Tonry argues that the US 'War on Drugs' had an extremely damaging effect on the nation's inner city ethnic minority residents. This effect, he argues, was clearly foreseeable by policy-makers who should be held 'morally accountable for the havoc they have wrought among disadvantaged members of minority groups' (1995:104). Despite indications that drug use was in decline before the 'war' was mounted, and that, drug use was lower among African Americans than their white

Figure 2' Population in prison, by ethnic group 1985-2000, females only



1. These figures show the ethnic minority prison population for British nationals only. Including foreign nationals, 19 per cent of male and 25 per cent of female prisoners are from ethnic minority groups (Home Office 2001).

counterparts, drug trafficking was portrayed in the media as a phenomenon of the inner city. 'Supply-reduction' approaches increased levels of law enforcement by the police in minority communities, harsher sentencing, and a decline in funding for education and drug treatment programmes. The result was a doubling of the prison population after 1980 with much greater increases in the ethnic minority communities. In an earlier article, Tonry (1994) pointed out that the extent of racial disproportionality was at least as great in English prisons as it was in the USA though the extent of imprisonment was much smaller. Our anxiety now is that any further steps down the road towards the use of mass incarceration is that it will have a profoundly damaging effect on life within black British communities.

We urge criminal justice policy-makers and practitioners to use all available means to prevent further criminalisation of the black community in Britain. In our view, this means taking an alternative path towards a more inclusive criminal justice process, emphasising the values of fairness, harm reduction, community safety, restorative justice. Policies in this direction would aim to build the resilience of communities through investment in family support, education, citizenship and youth leadership. It would mean investment to reduce poverty, increase training and employment opportunities so as to put hope back into the lives of our most socially excluded young people.

In thinking about how best to respond to individual offenders, we need a sentencing policy that enables rehabilitation and reintegration and that produces the *least punitive and restrictive punishment* in each case (Tonry 1995, von Hirsch and Roberts 1997, Hudson 1993). Recognising that the pursuit of 'just deserts in an unjust world' is reprehensible, a 'social adversity mitigation' policy is required to prevent ethnic minority offenders having their employment and social status held against them at the point of sentencing. We agree with von Hirsch and Roberts' (1997) recommendation that 'there should be an explicit aim of seeking to alleviate gross racial imbalances in the criminal justice system'. We must think urgently about ways to reduce not only the extent of imprisonment, but also limit its damaging effects on already marginalised communities.

In an 'outcomes-led' world, where equality of treatment is the stated goal of government, it is an indictment of English society and its criminal justice process that fairness, justice and liberty are so unevenly distributed. We are of the view that present trends in criminal justice practices will, if they are continued, increasingly marginalise,

criminalise and socially exclude ethnic minority communities in the UK, especially those of African and Caribbean origins. These trends, exacerbated by direct and indirect discrimination in policing and the criminal justice process, are now clearly visible. While these malign effects are continuing, no politician or policy-maker can claim, like Lord Scarman claimed more than 20 years ago, that it is happening 'unwittingly' (Scarman 1981). On the contrary, racial discrimination in law enforcement and the criminal justice process are happening 'knowingly, as a matter of policy' (*ibid.*). In the name of justice, it is time to start undoing the criminalisation of black people in Britain.

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