

Key Findings

Dangerous associations: Joint enterprise, gangs and racism

An analysis of the processes of criminalisation of Black, Asian and minority ethnic individuals

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Following the publication of Baroness Young's review *Improving outcomes for young black and/or Muslim men in the Criminal Justice System* in 2014, the Centre for Crime and Justice Studies commissioned this exploratory study into the processes of criminalisation that contribute to unequal outcomes for young Black, Asian and Minority ethnic (BAME) people.

Dangerous associations: Joint enterprise, gangs and racism also forms part of the authors' response to a call by the House of Commons Justice Committee for a rigorous consideration of the possible relationship between the disproportionate application of collective punishments/sanctions and in particular, the Joint Enterprise (JE) upon BAME individuals and groups.'

Two key questions the study addressed were:

- How is the 'gangs' discourse used in the process of prosecution within JE cases?
- To what extent do 'gang' discourses influence the process of criminalisation of young Black men?

Data sources

The research draws on a JE prisoner survey which captured the experiences of 241 serving JE prisoners. The survey explored the relationship between their experiences of collective punishments and the use of the 'gangs'

discourse. Further, two actual case studies of JE prosecutions from Birmingham were developed in order to provide a context to understanding the process of criminalisation.

In seeking to examine the role of the 'gang' discourse in policing and prosecution strategies, which lead to the disproportionate criminalisation of particular groups, the report presents analysis from a range of official data sources.

Drawing on criminal justice data sources in three cities in England (Manchester, London and Nottingham), the analysis seeks to highlight important differences in the profile of those identified as 'gang' involved and those convicted of serious youth violence. The research team invested significant resources developing networks in support of requests for official data on gangs and serious youth violence. In the majority of cases such efforts were unsuccessful, whether due to lack of resources or the increased fragmentation of cohort data held by different parts of the system. This reveals that, despite policy strategies and media discourses which link gangs and violence, these important practices remain hidden. This point also extends to JE sentences, which to date are not captured and reported.

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Detail of the prisoner survey, the case studies, the official data sources used, the 13 research findings, and full referencing, can be found in the full report which can be accessed here: www.crimeandjustice.org.uk/publications

Key findings

In this key findings document we highlight three key themes which reflect the dangerous associations that can be formed between the doctrine of Joint Enterprise, the construction and racialisation of the ‘gang’ and the ‘gang’ discourse, and the notion of foresight that is central to JE prosecutions.

1. Establishing foresight: Making associations to support JE prosecutions

Chart 1 reflects the 144 JE cases where respondents to the JE prisoner survey confirmed that the ‘gang’ was invoked at trial. This information reveals personal accounts regarding

the evidence provided by the prosecution, in some cases drawing on expert witnesses including police officers, face mapping and cell-site analysts. This type of evidence, used to create an association, is a key step in connecting the individual to the event and establishing possible ‘foresight’. The findings reveal that prosecutors regularly rely on racial stereotypes in relation to black defendants, using a range of signifiers to direct juries to increase the likelihood of conviction of secondary parties. For example, prosecution teams were reported as being more likely to appropriate discourses of ‘gang insignia’ and music videos or lyrics, particularly ‘hip hop’ and ‘rap’ genres, as a way of building a JE case against BAME prisoners. Similarly, policing which focuses on phone or text contact was also reported as being used disproportionately with BAME JE prisoners. With almost half of the questionnaire respondents reporting not being at the scene of the offence, such strategies are particularly relevant in the process of collective punishment.

Chart 1: Evidence used to establish ‘foresight’ by ethnicity (percentage responses)

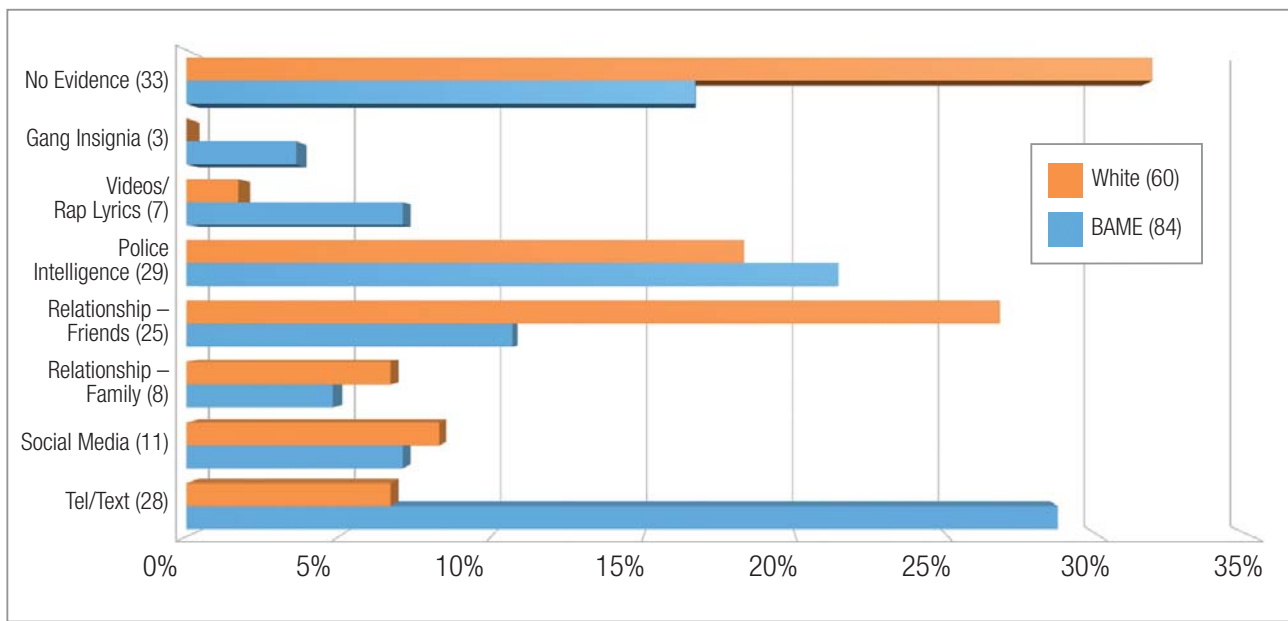


Chart 2: JE prisoners reporting the gang being invoked at trial by ethnicity

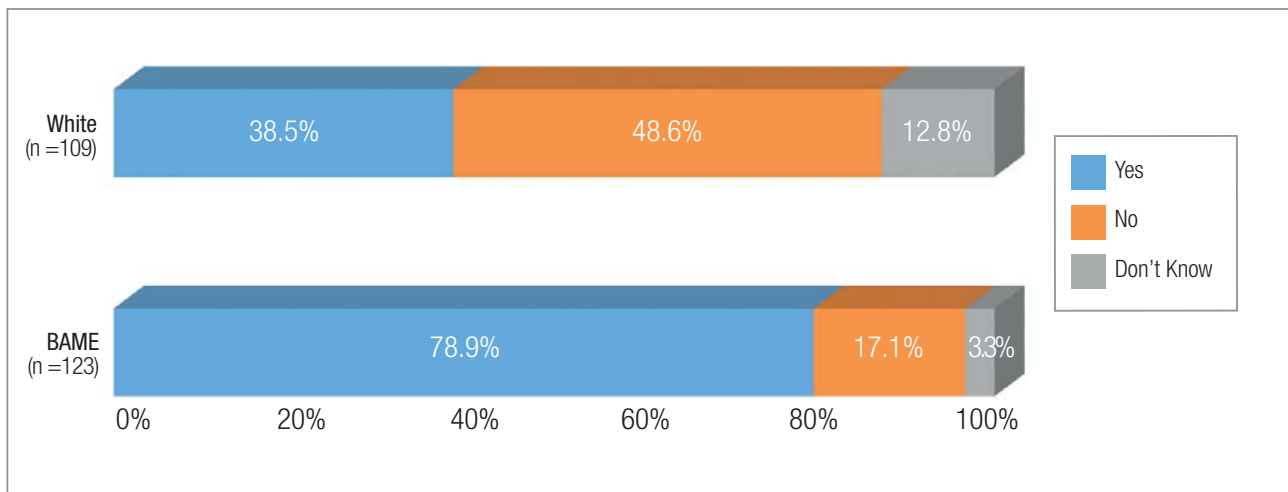
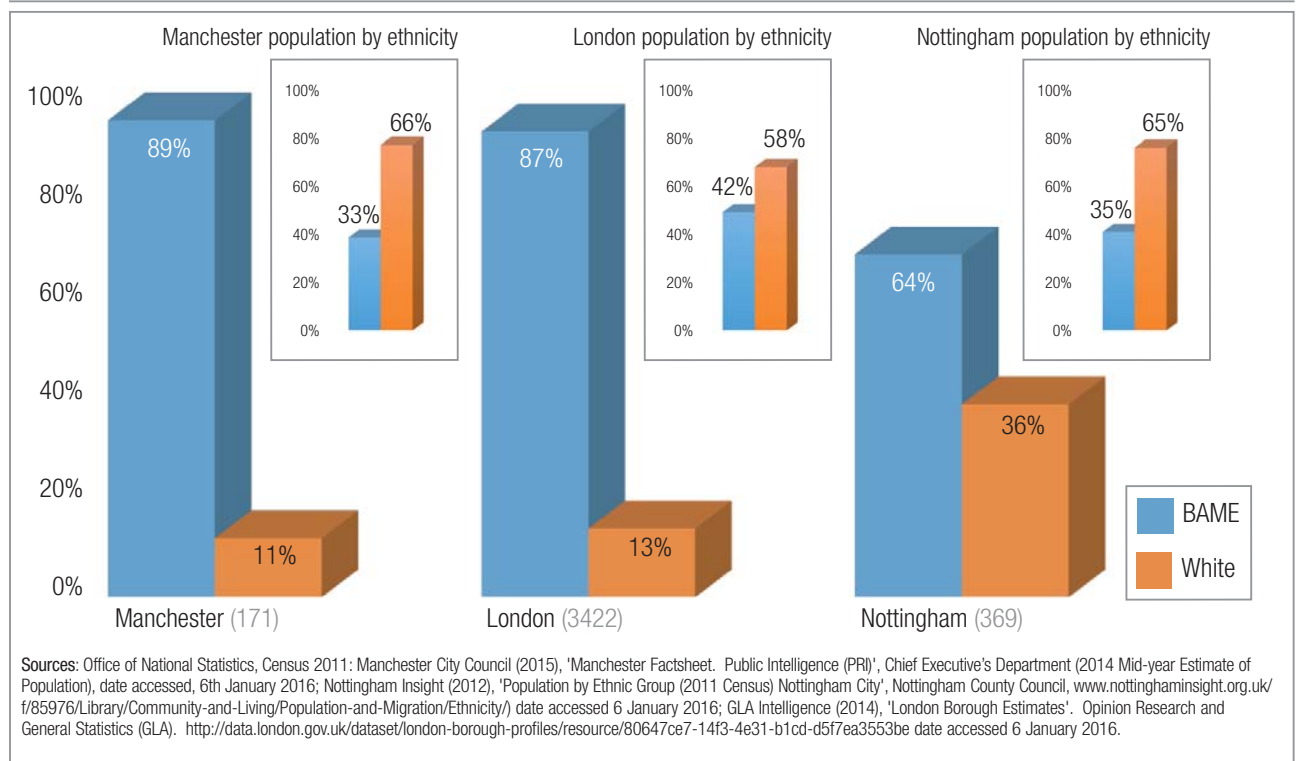


Chart 3: Gang membership by ethnicity

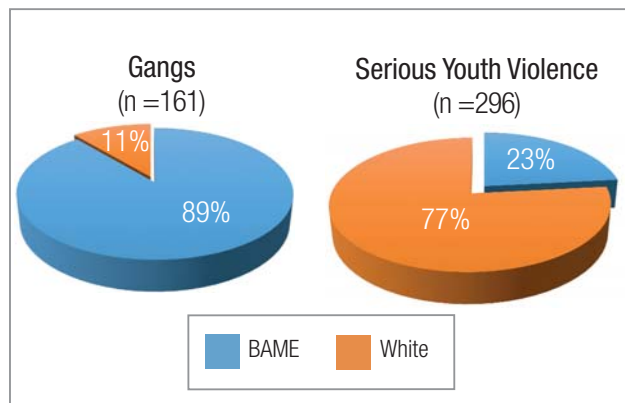


2. The 'gang' as a racialised signifier of association

Chart 2 shows the 'gangs' discourse was significantly more likely to be cited in the prosecution of BAME JE defendants

than white defendants. Whilst some individuals recognised connections to their co-defendants, be those through family or friendship ties, the overwhelming majority contest that such associations reflect 'gang' involvement.

Chart 4: Gang and serious youth violence cohorts by ethnicity for the Manchester area – BAME and 'white' groupings

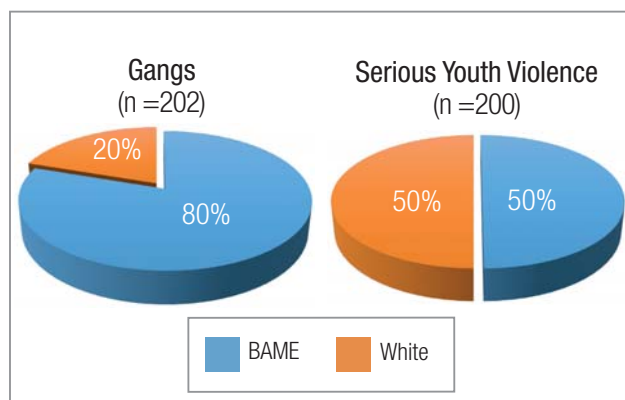


3. Challenging associations: A disconnect between racialised gangs and serious violence

Chart 3 illustrates that the gang label is disproportionately attributed to BAME people, when compared to both the size of the BAME populations within each of the cities presented and the numbers of white British people flagged or registered as involved with gangs. From Manchester, through to Nottingham and London, the gang construct is racialised to Black and Brown men.

Despite featuring heavily in gang databases, young black and minority ethnic people do not appear to be responsible for most serious violence in their areas. Indeed, official data illustrates that the majority of successful prosecutions for serious violence are of white people. Chart 4 and 5 show the gang and serious youth violence cohorts differentiated by ethnicity in the London and Manchester areas. It is BAME people who are overwhelmingly identified and registered to 'gangs' lists, although they make up a much smaller proportion of those convicted of youth violence.

Chart 5: Gang and serious youth violence cohorts by ethnicity for the London area – BAME and 'white' groupings



By grouping individuals differently according to ethnicity, and then focusing on young Black British, Black Caribbean and Black Mixed Race individuals, Charts 6 and 7 (overleaf) demonstrate that where the 'Black only' group is compared to 'non-Black' groups (including 'White' individuals and those classified in the police data as being from other minority ethnic groups) this disconnect becomes more stark. We can conclude that whilst the gang label is

particularly attributed to Black men, very few Black individuals are located within the serious youth violence cohorts.

Charts 3 to 7 provide an opportunity to consider the problematic nature of the 'gang' and its use as a resource to criminalise racialised groups. It is difficult not to conclude that young black and minority ethnic people end up on gang databases as a result of racialised policing practices, not because of the objective risk they pose.

Conclusion

This study was undertaken in response to emerging evidence of the overrepresentation of the use of the JE doctrine against young BAME people. The key findings offer a troubling insight into the complex processes of the criminalisation of young Black men, indicating the criminal justice system is more flawed than we might imagine. In light of the ambiguous nature of 'gang' definitions, the lack of transparency in the attribution of the gang-label, and the declared punishment as deterrence of those who are defined as gang-involved or associated with the gang,

we believe it imperative that there are both research and policy responses to the report findings.

A serious response to the violence and harm experienced by individuals and communities is not under question. However, responding to serious youth violence through the 'gang' construct is deeply flawed and likely to be unsuccessful. The perpetration of violence is not aligned to 'race' or ethnicity in ways that are imagined by the current strategies deployed to identify, police and prosecute violent individuals.

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Footnote

1 Crewe, B., Hulley, S. and Wright, S. (2014), 'Written submission on joint enterprise', Institute of Criminology, University of Cambridge, available at: www.crim.cam.ac.uk/research/ftp_from_young_adulthood/evidence_to_justice_committee.pdf

Chart 6: Gang and serious youth violence cohorts by ethnicity for the Manchester area – 'Black' only and 'All non-black' groupings

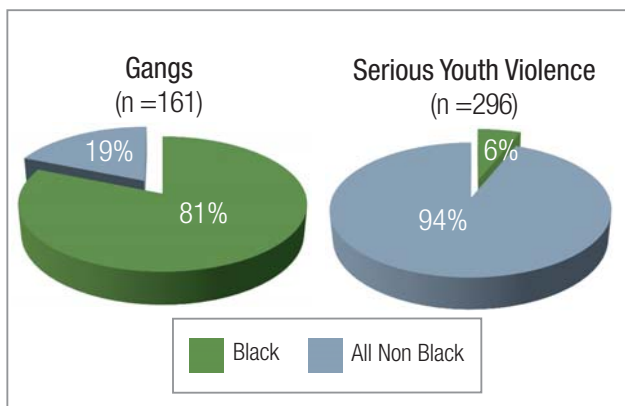
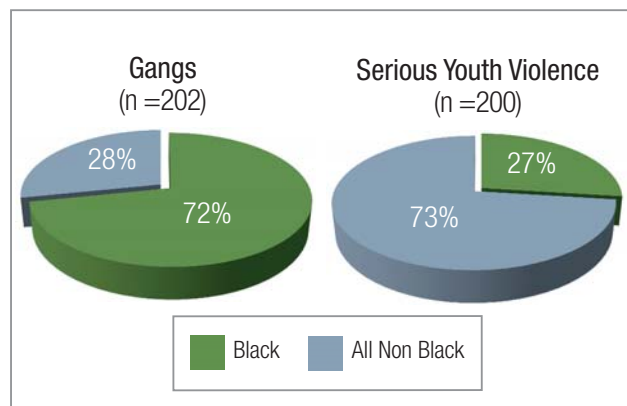


Chart 7: Gang and serious youth violence cohorts by ethnicity for the London area – 'Black' only and 'All non-black' Groupings



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