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Interview with David Lammy MP

David Lammy MP is the Shadow Secretary of State for Justice.

David Lammy has been the Labour MP for Tottenham since 2000. In April 2020, David was appointed the Shadow Secretary of State for Justice.

Lammy was born in Tottenham in 1972, one of five children raised by a single mother. He was called to the Bar of England and Wales in 1994, practised as a barrister in England and the United States and became the first black Briton to study a Masters in Law at Harvard Law School, graduating in 1997.

While in Parliament, Lammy served for eight years (2002-10) as a Minister in the last Labour government, including as Culture Minister and Higher Education Minister, and was appointed to the Privy Council in 2008. In January 2016, the then Prime Minister David Cameron asked Lammy to lead an independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the criminal justice system. The Lammy Review¹ was published in September 2017, and included 35 wide-ranging policy recommendations for Government and the criminal justice sector.

This interview took place in November 2020.

PSJ: Could you describe your background and your route into politics?

DL: I grew up in Tottenham in the 1970s and 80s. There weren't many Black role models. These were the days of Alf Garnett and Jim Davidson, when we were often mocked or figures of fun. This was also the era of Aled Jones making the Top Ten with 'Walking in the Air', and I got a break because my family went to church and I got into the choir. That led to me being accepted into the Peterborough Cathedral Choir and going to the school there. It was what I call my 'Billy Elliot' moment. It was tough, in the boarding school I was the only Black kid and there were 700 white children. There was racism, but in the end I flourished and that was my opportunity. From there I went on to study law at SOAS in London and then on to Harvard Law School.

Once I started working, I realised I wanted to change the world, not just go from case to case. I was asking myself big questions — why has this person

ended up in jail? What's the story behind this? Really the story was something I understood about poverty, education, employment, role models and access to opportunities. That is why I went into politics. I'm very fortunate that as a Member of Parliament I represent my home.

PSJ: You have had a long standing interest in criminal justice, why has this been a particular issue that you focussed on?

DL: Having grown up in a community like Tottenham, I have many friends and family members who have been caught up in crime and have served time. It's often a throw of the dice. I've said before that if I didn't get my break, I might have ended up in the same position that many others did. I've always had an interest in criminal justice throughout my life and career and it is very important to my constituents.

PSJ: You have been shadow Secretary of State for Justice since April 2020, where are you in relation to developing an overarching policy on prisons?

DL: The last general election was only a matter of months ago. There has been an immediate agenda to respond to the coronavirus pandemic. The impact of this has been to cause a backlog in our courts and the lockdown of our prisons for 23 hours a day. I am worried about access to education, particularly for young people and others in our prisons. I'm worried about prisoners' mental health and well-being. Looking forward, I'd particularly like to see a reduction of the number of women in prison. Also, while we need state of art prisons to replace Victorian prisons, that doesn't mean we should be increasing the number of prison places. I disagree with the government on this point. We have one of the highest prison populations in Europe and we've got one of the highest recidivism rates in Europe. It is clear to me that our prison policy is not working and the probation reforms have collapsed. These are the issues that the next Labour government would scrutinize.

I also disagree with the government on short sentences. It doesn't make sense to send people to prison for short sentences. We need to be clear that we

1. Lammy, D. (2017) The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. Available at <https://www.gov.uk/government/publications/lammy-review-final-report>. Accessed on 07 February 2021.

want to rehabilitate and support people, not just punish them in an ineffective way.

PSJ: How would you describe the purpose of imprisonment?

DL: The purpose is, of course, to punish, but we also have to reform and rehabilitate offenders. I'm a big believer in redemption. It is an opportunity for those who have committed a crime to reflect on what they have done and the role they played. It is also an opportunity for those leading prisons to prepare them for release back into their communities. 75 per cent of ex-prisoners reoffend within nine years of release² that is a real problem. Something isn't working.

PSJ: In September 2020, you stated: 'We are concerned about short sentences because we know that short sentences don't work and they lead to that pipeline of prisoners going back and back, and round and round, in the criminal justice system'³. Given your concern about this, what are your ideas for reducing short term sentences or making them more purposeful?

DL: There is a wide consensus across the criminal justice system that short prison sentences are ineffective. They clog up the system often with offenders who have committed relatively minor crimes. We need a probation service that can deal with these cases through community sentences and technology such as electronic tags. There are better ways to deal with that group of people.

The government has produced its own report on short sentences showing that short prison sentences are associated with an increase in reoffending compared to community orders or suspended sentences⁴. So the government's own work shows that short sentences don't work. Yet a quarter of people are sentenced to prison are sentenced to six months or less⁵. That is one of the reasons we have such an inflated prison system.

PSJ: You have also expressed concern about the imprisonment of women. You have described that: 'We remain very concerned at women in prison. I have to say personally I am yet to meet a woman who is in prison not because of a man who has abused her, who has pimped her, who has made her run drugs'⁶. Again, what are the solutions to these problems? Is it reducing the use of imprisonment or changing what happens inside?

DL: There has been a frequent use of short sentences for women. There has to be a recognition that when you imprison women you are often also condemning their children through the criminal justice system to the care system. The vast majority of women are not in prison for crimes of violence. There are also real issues around the mental health of prisoners, and we've seen this during the lockdown. They need socialisation and interaction. I am concerned that we've seen a spike in self-harm amongst women in prison during the last year.

PSJ: You have previously discussed some of the factors that contribute towards crime, including family breakdown, individualised culture⁷, and unemployment⁸. How would you propose to be

tough on these causes of crime?

DL: One of the issues we need to look at is the youth justice system. I spent a long time looking at this as part of my Review. Rather than pushing people down the criminal justice pipeline, I recommended that particularly with first or second offences, we looked more widely at issues such as anger management, drug misuse, domestic violence, education, special needs and other issues that might be behind offending behaviour. By dealing with that and cracking those problems, we can hopefully avoid that person becoming an adult prisoner.

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2. These figures are taken from Ministry of Justice data produced in 2010 cited at <https://www.theguardian.com/uk/2010/nov/04/jail-less-effective-community-service>. Accessed on 07 February 2021.
3. See <https://labourlist.org/2020/09/david-lammy-sets-out-labours-plan-for-criminal-justice-reform/>. Accessed on 07 February 2021.
4. Eaton, G and Mews, A. (2019) The impact of short custodial sentences, community orders and suspended sentence orders on reoffending. London: Ministry of Justice. Available at <https://www.gov.uk/government/publications/impact-of-short-custodial-sentences-community-orders-and-suspended-sentence-orders-on-reoffending>. Accessed on 07 February 2021.
5. See <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2020>. Accessed on 07 February 2021.
6. See <https://labourlist.org/2020/09/david-lammy-sets-out-labours-plan-for-criminal-justice-reform/>. Accessed on 07 February 2021.
7. See <https://www.thebookseller.com/feature/david-lammy-solving-riots-338916>. Accessed on 07 February 2021.
8. See <https://www.bbc.co.uk/news/uk-politics-14895665>. Accessed on 07 February 2021.

The other issue I identified was about probation and pre-sentence reports. Probation officers used to go into the home and produce very thorough reports for our judges. They are now not able to do this. Instead they are rushed, or not even being written. It is very hard to get a full picture of what is happening without that detailed work.

PSJ: In 2017 you published your landmark report on the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. Despite making up just 14 per cent of the population, BAME men and women make up 25 per cent of prisoners, while over 40 per cent of young people in custody are from BAME backgrounds. What drives this disproportionality?

DL: That has gotten worse. The majority of young people in custody are now Black, Asian or from a minority ethnic community⁹. I came up with 35 recommendations right across the criminal justice system. It is driven by factors that come even before the criminal justice system such as access to special educational needs services, the care system, housing and policing. Many young Black men grow up in housing estates, which have fallen into the grip of criminal gangs. There have then been issues with policing, including the use of stop and search powers. Then we get into the criminal justice system, from charging decisions, juries, how our prison system is working. My Review identified 35 recommendations and if the government implemented them, we could make a real difference to disproportionality in our country.

PSJ: Within prisons, you described the evidence of differential treatment including problems not being identified, poorer relationships with staff and less access to jobs and offending behaviour programmes. What would you recommend prisons do to address these problems?

DL: I have visited a number of prisons. Most recently, Nottingham and Huntercombe, and I am seeing prison governors and prison staff working with prisoners. They are looking at my Review and working more closely than they did before. They are looking at access to services such as release on temporary licence, how they are dealing with conflict and violence, who is getting access to education. They are scrutinizing the data. I am pleased that work is happening. The big question is whether that is making a difference? Are prison governors acting upon the data and is it making a difference to the experience of Black, Asian and

minority ethnic prisoners? That is patchy across the country and some places are not changing quickly enough.

PSJ: Have you seen examples of effective scrutiny, where organisations meaningfully identify and take action on disproportionality?

DL: I will return to my Review five years on. I want to wait until that point before I say how things have or have not improved. I am also aware that the coronavirus pandemic has affected how prisons are running. For example there is less release on temporary licence and less access to education. The amount of time that people are locked up has also meant less opportunity for conflict. I want to wait before I make a judgement on progress.

PSJ: Have you seen initiatives where trust is effectively built between minority communities and criminal justice institutions?

DL: There is a great approach being taken in my own constituency called 'Project Future'¹⁰. It is an effective wrap around service that helps with mental health and well-being, employment and therapy. It does cost but it has been successful and we are looking at how we can extend that project. There have also been some good projects in prison, including work at Pentonville around race, employment and mentoring. The Criminal Justice Alliance and organisations such as Clinks are also well-established charities doing excellent work.

PSJ: You also described that the lack of diversity among prison officers, including prison leadership, helps perpetuate a culture of 'us and them' with BAME prisoners. How would you recommend criminal justice organisations improve recruitment, selection and promotion?

DL: There have to be targets. We have to bring forward people. There are officers but they have to be supported, encouraged and promoted to become governors. It makes a real difference to prisoners. It is unacceptable that prisons are languishing so far behind other parts of the public sector. Prisons are less diverse than schools, health or police. I cannot understand why that is the case. The Unlocked scheme has brought in a new cadre of people, and greater diversity. That is a very good scheme. There is more that needs to be done to ensure that there are governors, deputy governors and people in management positions across the system. We are not seeing enough of that, which is why I have recommended targets.

PSJ: As you know, in 2020, prisons had to respond rapidly to the threat from the coronavirus

9. See <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>. Accessed on 07 February 2021.

10. See <https://mac-uk.org/project/project-future/>. Accessed on 07 February 2021.

pandemic. This required regimes to be curtailed in order to reduce transmission risk. What are your views on the actions taken in England and Welsh prisons?

DL: I've been blown away by the work done by prison staff. They have adapted quickly to the crisis and they have saved lives. They have been the hidden heroes of the crisis, often forgotten despite the work they do on the frontline. The decisions made at the early stages were important, but I am concerned about the impact of people being locked up for 23 hours a day. I am concerned about some of the reports by the Inspectorate of Prisons into youth prisons, particularly the lack of access basic facilities. I am concerned that will mean that when they come out they will commit more crime. I'm worried about the mental health of prisons. Having said that, I do applaud staff for the way they responded, for creating a framework to operate by, and for having saved lives.

PSJ: In the past, the Labour Party have opposed private prisons. The 2019 manifesto proposed to bring private prisons back into the public sector and that there would be no more private prisons¹¹. What is your current position on the role of the private sector in the prison system?

DL: Areas of privatisation in the criminal justice system have been nothing short of failure. We've seen the part-privatisation of the probation service and it has been an unmitigated disaster. The G4S have been selected to run the mega-prison at Wellingborough when they ran Birmingham prison into a state of crisis

and a contract failure. There won't be a knee-jerk to privatisation if I am Secretary of State for Justice. Having said that, I haven't yet had the opportunity to go to a private prison, so I do need to do that in order to make an assessment of where we are.

PSJ: Again, in the 2019 Manifesto, the Labour Party proposed to invest in over 2000 new prison officers. What do you see as the role of prison officers and why are more needed?

DL: Prison officers were cut back to the bone and we had serious unrest as a consequence. The government have finally moved to increase the number of officers, which we welcome. There's a lot to do in order to ensure we have a professional cadre of officers who are properly rewarded and fit for the 21st century. I continue to have very good conversations with the POA, the Prison Governors' Association and others about what we might do to support progress should we come back to power in 2024.

PSJ: What is next for you?

DL: I'm very much enjoying this role. We have to work through the coronavirus crisis. We are having this interview the day after it was announced that very good progress has been made with developing a vaccine. It is important that front line workers get access to that vaccine including in courts and prisons. It is also important that prisoners get access to the vaccine along with the rest of the population. That will enable us to move through this crisis. That is the agenda for the coming months.

11. See <https://labour.org.uk/wp-content/uploads/2019/11/Real-Change-Labour-Manifesto-2019.pdf>. Accessed on 07 February 2021.