

Rt Hon David Lammy MP
Speech to Criminal Justice Alliance

26 April 2016

Introduction

Thank you very much for having me.

One of the things that always struck me as a Minister in government – and I am reminded of again as I begin this independent Review – is the challenge of getting different agencies to work with one another to achieve shared goals.

As skills minister I was determined to make a difference to prison learning, for instance.

I knew that provision wasn't good enough.

Everyone else knew that provision wasn't good enough.

And we all knew how important it is to helping prisoners make a go of their lives when they are released.

But ministerial commitment – and a lot of effort – don't always translate into the progress you hope for.

You inch forward, as I think we did. But different professional frameworks, different language, different funding streams and different accountability systems all hamper the types of conversations that produce real leaps in progress.

So it is great to come to speak to an organisation that brings together such a diverse collection of organisations:

- From police and prisons to housing and mental health.
- Membership bodies to research centres,
- Faith groups to campaigning NGOs.

The breadth of interests and expertise in this room is a huge asset to your alliance and to our criminal justice system.

I'm sure that under Ben's leadership you'll continue to make the best use of it.

The Review

Ben tells me that one issue you'll be focussing on in the next few months is Stop and Search.

It continues to be a vexed issue.

With a new cohort of Police and Crime Commissioners elected in just a few weeks, ensuring that powers are used strategically and sensitively will be very important.

In that work you will have one major advantage.

There are many years' worth of enquiry and debate to draw upon when it comes to Stop and Search.

Many years of academic research, public campaigns, political argument and media reporting.

By contrast, the Review that I will be leading over the next 12 months deals with the parts of the criminal justice system that have been in the spotlight much less.

As some of you may be aware, in January the Prime Minister asked me to examine why official figures show that black, Asian and minority ethnic groups are over-represented at most stages of the criminal justice system, and what can be done about it.

The Review will address issues arising from the Crown Prosecution Service onwards, including the court system, prisons and young offender institutions and rehabilitation in the community.

These are parts of the system that have been the subject of much less scrutiny, from a race perspective, over the years.

I will be looking at the way the Justice System deals with both young people and adults from ethnic minority backgrounds.

My task is to look at the way the system itself works – whether people are treated fairly at all points.

And it is to understand what more can be done to help people from different backgrounds turn their lives around once they have been found guilty of a crime.

That's a huge amount to cover in a year. But my findings will be published in Spring 2017.

(I will note, at this point, that the *Autumn* statement last year was delivered at the *end of November*, so I reserve the right to decide next year exactly Spring starts and ends...)

The Review is a real opportunity.

Others have looked at these issues before me. This is not a year zero moment.

But this Review is sponsored by government.

That means we have access to government data and resources to aid our analysis.

So we will produce new analysis and put it in the public domain.

And it is an opportunity to create a cross-party consensus.

The Prime Minister is concerned enough to have commissioned the Review.

Colleagues in parliament – on both government and opposition benches – have been extremely encouraging.

They know, as I do, that we are not alone in facing this problem. Similar racial disparities afflict developed nations around the world.

But they know that this is a problem we have yet to solve – and they want that to change.

I am determined not to squander that cross party consensus.

Evidence-based

My own background is in the Law.

Before I entered politics I qualified and worked as a barrister, first in the US and then in the UK.

As a lawyer you become steeped in the idea that you get the truth through rigorous debate, based on the facts on the case.

That is the way I want to go about this Review.

In particular, I am determined that the Review will break new ground in the evidence it produces and publishes.

In this country, for example, we know that there are nearly four times as many black prisoners than you would expect, from looking at the population as a whole.

Similarly, we know that the number of Muslim prisoners has almost doubled in the last decade.

But what we don't know is *where* in the Criminal Justice System this disproportionality starts, and where it rises and falls.

- To what extent it is already there by the time the Crown Prosecution Service gets involved to advise on charging decisions, or prosecuting cases?
- Does it increase or decrease with jury verdicts or sentencing decisions?
- What are the reoffending rates different minority groups when you compare them on a like for like basis?

At the moment, we don't know the answer to these questions.

Just last week I was in the United States. The contrast there couldn't be stronger.

The US has a huge problem with mass incarceration.

It has 25 per cent of the world's prisoners and 60 per cent of them are either African American or Latino.

Race is high up on the agenda in any discussion about the criminal justice system.

But perhaps because of this, they are ahead of us in way they track outcomes for different minorities across the system.

They can tell you, for example, that for burglary cases referred to juvenile courts, black defendants are detained in custody on 40 out of 100 times. This compares with white defendants detained just 28 times out of 100 times. The same crime, different outcomes.

Similarly, they can tell you that for every 100 property crime cases, white defendants are granted probation 66 times, compared with 62 for black defendants.

In other words, they can tell you not just that Black people and Latino are over-represented in the criminal justice system, but the points at which that over-representation increases and decreases.

We need that kind of detail in the UK.

I don't want a debate based on assertion, but one based on evidence.

So as part of the Review I'll seek to bring the UK up to speed with the most rigorous approaches from around the world.

If there are places or methods that you think we could learn from then that's the first thing I want to hear from you about.

Analysis and debate

Now as any lawyer knows, though, the facts alone are not enough.

Facts need analysis and interpretation to become meaningful.

Let me give you one example.

In the UK, offenders from minority backgrounds are more likely to face prison sentences than white offenders committing the same offences.

The odds are 39 per cent greater, in fact.

My job is to find out why.

Is it plain old racism – as some of the offenders I have already spoken to have argued?

Is it so-called 'unconscious bias' – in which apparently right-thinking people act on biases that they are not even aware of?

That is something I know Lord Neuberger spoke to you about not long ago.

Or is the disparity down to something entirely different?

It appears to be the case, for example, that defendants from minority backgrounds are less likely to plead guilty to charges than white defendants.

This means, in turn, that they are more likely to face jury trials and less likely to benefit from reduced sentences.

But this explanation raises its own questions.

Why should the colour of your skin affect the likelihood that you will plead guilty?

Are defendants from minority backgrounds receiving worse legal advice than their white counterparts? If so, why?

Is there an issue of trust here – about whether the promises of reduced sentences will be kept?

Or is the real reason 'none of the above'?

In the Review we'll get to the heart of these questions through a discussion that is as open and inclusive as possible.

I want to hear from victims and witnesses, from prisoners and ex-offenders, from lawyers, magistrates, judges and clerks, from academics, NGOs and community groups.

So my second request this morning is that you contribute to the Review and encourage others to do the same.

You can do that formally, through the public call for evidence, launched at the end of March and running until the end of June.

You can find it through the [website](#).

I promise that everything submitted will be read, however brief or detailed it is.

And if that is too formal or too time consuming for people to engage with, there are other ways.

The hashtag #lammyreview on Twitter is another way for people to have their say. From a point made in 140 characters to a link to a video or a document that somewhere online.

I know from many years as constituency MP that insight comes not just from those in positions of power, but those who have seen all sides of life.

I am determined the Review reflects that.

So people will come to us with evidence and insight, but I will go to them too.

The Review covers England and Wales and I am acutely aware that the challenges in Bradford and Birmingham may be different from those in Cardiff or Camden.

I will be visiting different parts of the country myself.

That process has started close to home, with my local court in Wood Green. But in the next few weeks it will take me to the North of England and to Wales to hear about the experience there.

I want to keep that up throughout the Review – and I know the danger of speaking to the usual suspects in a project like this.

So if there are people or projects you think we should be visiting, I want to hear about those too.

One of the contributions that the Review can make is to highlight the best of what we have already.

Conclusion

I'd like to leave you with one story that sums up why I think this Review is needed and why it is so important that we get it right.

On a visit to Pentonville prison I spoke to one young man, a Muslim, from Yorkshire who had been sentenced at York crown court.

I asked him about his experience of the Justice System.

His response was that: 'My solicitor was white, my barrister was white, the prosecutor was white, the judge was white, the jury was white, and when I first went to prison the governor was white and so were all the guards'.

The implication was clear: he didn't trust the system.

Now it may be easy to dismiss him as just one young man, with one particular experience.

But we would be making a mistake if we did.

The last substantial piece of work into trust in the justice system found cause for concern on a wider scale.

A higher proportion of ethnic minority defendants felt they had been treated more unfairly than was the case for white defendants.

One in five black defendants in the Crown Court – and one in ten in the magistrates' courts – felt they had been treated unfairly due to their race.

The figure was one in eight Asian defendants in both the Crown Court and the magistrates' courts

The same study also asked the views of other observers of court proceedings.

Court ushers and clerks were asked if they thought there was always equal treatment of ethnic minorities by the courts. Ninety eight per cent of white staff thought this was the case, compared with 71 per cent of Asian staff and just 28 per cent of black staff.

Lawyers were also asked their opinion. Sixty nine per cent of white lawyers thought there was always equal treatment of minorities. This compared with 63 per cent Asian and 43 per cent of black lawyers.

Forty three per cent – less than half of black lawyers.

That study took place several years ago now.

And of course it covered *perceptions* of the courts rather than the outcomes of cases.

But in a way that makes the point.

As things stand, we don't have good enough answers for the young Muslim man I spoke to, or others like him. We have a deficit of evidence and a deficit of trust.

And we won't solve one until we have the other.

We need a justice system that is both trusted *and* trustworthy.

This Review will succeed if it is founded on evidence and if it produces ideas that tackle inequities both real and perceived. That is a big task and I will need your help with it.

So I look forward to our discussion today and to working with you all in the future.

Thank you very much.