



**Written Response to the New Crime Strategy  
by The Runnymede Trust, 17 April 2007**

We welcome the opportunity to submit our thoughts and views on the Equality Impact Assessment of the New Crime Strategy. The Runnymede Trust is an independent policy research organisation focusing on equality and justice through the promotion of a successful multi-ethnic society. Our mandate is to promote a successful multi-ethnic Britain – a Britain where citizens and communities feel valued, enjoy equal opportunities to develop their talents, lead fulfilling lives and accept a collective responsibility, all in the spirit of civic friendship, shared identity and a common sense of belonging. The criminal justice system (CJS) has long been of special concern to us.

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The development of a new crime strategy is timely and important and we have read the outline with interest, but do have some concerns and recommendations that we outline below. We recognise the importance of assessing the potential impact of the new crime strategy on race and ethnicity, and welcome the government's efforts to make the strategy as inclusive as possible. After considering the issues raised in the outline, we have the following comments.

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**Statistics published under s95**

1. We would like to stress the importance of the statistics published under section 95, and that they are used to inform policy and practice in the CJS. We have already submitted a written response to the Root and Branch Review of Race and the CJS Statistics. For our general position, we refer you to this document.<sup>1</sup> However, it is worth reiterating two brief points.
2. Qualitative research should figure more prominently in criminal justice policy. The outline of the new crime strategy states that the role for local authorities to lead their communities needs to be strengthened. In terms of race equality within the CJS, statistical data collected under s95 are of paramount importance, as they are the primary tool through which different experiences of the CJS of different ethnic groups are identified. However, local agencies generally do not use s95 statistics to make organisational decisions. For this reason, we recommended that qualitative research be given a firmer place within the CJS evidence base. Qualitative research – focusing on dynamics and processes – has the potential to: a) demonstrate on a local level

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<sup>1</sup> The response is downloadable from: <http://www.runnymedetrust.org/about/policyResponses/s95%20Root-Branch%20Review%20Response.pdf>

why data is collected under s95, and b) to make s95 statistics relevant to local practice.

3. Connected to the previous point is the ownership of s95 data. The *Root and Branch Review of Race and the CJS Statistics* clearly stated that local staff “felt that the Home Office was really responsible for policy and the real owner of the statistics collected”<sup>2</sup> which results in disassociation from the process of using s95 data. A number of recommendations of the review stated that local criminal justice boards (LCJBs) should take the strategic lead in collecting, using, and promoting local statistics in their own area. These recommendations were rejected by the government; it is our position that they should be reconsidered.

## **ASBOs**

4. We have already emphasized the importance of keeping good statistics for ensuring that policy measures fulfill the race equality duty. In a recent report, we have addressed the question of statistical monitoring for ASBOs in particular.<sup>3</sup> While the government is of course legally required to keep such data, they are also necessary for evaluating whether a particular policy is actually achieving its aim.
5. ASBO policy is justified by the ‘respect’ agenda.<sup>4</sup> The idea is that those who commit anti-social behaviour are disrespectful of others. The aim is then to create a ‘culture of respect’ in Britain, with the assumption being that a reduction in ASB will achieve this goal. Given the lack of current monitoring it is impossible to determine whether or not this goal is being attained. Furthermore, if the aim is to enhance respect, we must also be sure that this doesn’t have a disparate impact on different communities.
6. The discussion of anti-social behaviour and its causes does not match the discussion of criminal causes in this draft New Crime Strategy. Whereas the latter focuses more on drug and alcohol abuse, ASBO policy concentrates more on poor parenting and a general culture of disrespect among a certain part of the population. As explained below, the draft Crime Strategy (and indeed ASBO policy) would benefit from more attention to disadvantage and deprivation.
7. Lack of monitoring on race makes it even more difficult to assess whether ASBOs enhance respect in Britain – their putative aim. If ASBOs are disproportionately applied to BME populations, it is of course possible that BME individuals will be shown less respect by the rest of the community. On the other hand, if we were able to determine whether ASBOs were being used against racist violence, it is more likely that respect for everyone will be advanced.

## **Understanding Respect**

8. In a recent policy review, Runnymede therefore considered the idea of ‘Respect’ as a justification for policy more generally. In thinking about respect, the government should distinguish between the respect owed to all persons as humans and the respect owed to individuals for their actions or behaviour. After discussing why the

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<sup>2</sup> Lewis, C. and Ellis, T. (2006). *Root and Branch Review of Race and the CJS Statistics: Final Report*. London: Office of Criminal Justice Reform.

<sup>3</sup> Isal, S. (2006) *Equal Respect*. London: The Runnymede Trust.

<sup>4</sup> *Respect Action Plan*. London: Cabinet Office, 2006.

- first type of basic respect, linked to the notion of human dignity, is important in democracy, we will expand the discussion to criminal and social justice.
9. To maintain democratic legitimacy, a state must respect the basic worth of every citizen. The legitimacy of the state lies in its protecting the value of individuals, even as those individuals agree to accept the authority of the state. Both liberal morality – in recognizing the worth of persons – and liberal democratic theory – where its legitimacy derives from the consent of the governed – place high value on dignity or respect and on human rights as instantiating that value.
  10. This is one reason why antidiscrimination law and also protection from racist violence has been necessary. BME people have not always been treated with equal moral worth by their co-citizens. The continued danger of racist violence indicates that some Britons continue to deny the equal moral worth of BME citizens, as does the increasing vote share of the BNP.
  11. So any respect agenda must affirm the value of human rights. While we understand the idea that ‘rights come with responsibilities’, even those who are ‘irresponsible’ should have their basic rights upheld, even where that requires measures that seem to protect criminals. This is also where criminal justice links more generally to democratic legitimacy and social justice. When groups begin to feel humiliated and disrespected this is not bad merely for their sense of self-worth. Rather, there can be a real danger that they are not being treated as equals by the state, and in the past BME individuals and migrants have been particularly vulnerable to such differential treatment.
  12. Current government policy on refugees and asylum-seekers suggests that government is not alive enough to this danger. According to the recent Criminal Law Review, human rights laws are going to be reviewed to ensure that they do not ‘restrict the delivery of the Government’s approach to asylum and immigration’.<sup>5</sup> The review identifies four key strategies for immigration policy, including to ensure that documents such as the UN and EU conventions on Human Rights ‘facilitate the Government’s approach’. But human rights or human rights law cannot be a mere tool to facilitate other policy goals, however desirable such goals might seem. Ensuring basic dignity and respect should not be thought of as a middle-class or lawyer’s contrivance but as the first requirement of morality. Government actions can be more likely to undermine such respect, even if that is not their intent, and some groups are particularly vulnerable. We already know that asylum-seekers have poor health outcomes<sup>6</sup>, suffer an unacceptably high number of early deaths<sup>7</sup> and are the target of some sections of the press.<sup>8</sup> We appreciate that responding to the challenge of migration in an increasingly globalized world is no easy task, but questioning the application of human rights – a standard that protects every human’s recognition respect – is surely no way to advance a culture of respect in the UK. It is also unlikely to have an equitable impact on all citizens or contribute to social or criminal justice.

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<sup>5</sup> Prime Minister’s Strategy Unit (2006) *Building on Progress: Security, Crime and Justice*. London: Cabinet Office, 2007.

<sup>6</sup> Kelley, N. and Stevenson, J. (2006) *First Do No Harm: Denying healthcare to people whose asylum claims have failed*. London: Refugee Council.

<sup>7</sup> Athwal, H. (2006) *Driven to Desperate Measures*. London: Institute of Race Relations.

<sup>8</sup> Berkely, R., Khan, O. and Ambikaipaker, M. (2006) *What’s New About New Immigrants in Twenty-first Century Britain?* York: Joseph Rowntree Foundation.

## **The causes of crime: beyond drug and alcohol misuse**

13. A central concern of the outline is early intervention and prevention, as part of an effort to adopt a more holistic approach to crime. We support this approach in principle, but feel that the authors have misplaced the focus of cross-cutting drivers of crime. Where it is repeatedly stated in the outline that drug and alcohol misuse are the key drivers of crime, this is an unhelpful starting point.
14. Research has shown that for the majority of problem drug users, criminal careers start before or at the same time as first involvement with drugs. Chaiken and Chaiken, for example, have demonstrated that “[a]mong populations involved in drug abuse and predatory crime, a temporal sequence from drug abuse to predatory criminality is not typical; on the contrary, predatory criminality more commonly occurs before drug abuse.”<sup>9</sup> Similar results have been shown for other types of street crime as well.<sup>10</sup> It is true that when high-rate offenders reduce their drug use, they also reduce their level of criminal activity. However, within the framework of early intervention and prevention, an explicit focus on drug and alcohol misuse may prove to be counter-productive, as it can clearly not be said that drugs and alcohol are the root causes of crime.
15. Unfortunately, under the heading of ‘drivers of crime’ the draft document only lists ‘drug misuse’ and ‘alcohol misuse’. We have already suggested that the link between alcohol and drug misuse on the one hand and criminal behaviour on the other is tentative at best, but there is an additional worry from a race equality standpoint. We know that black people are overrepresented at all stages of the criminal justice system in the UK. If we are to believe that drug and alcohol misuse are the sole drivers of crime (or even the more important ones), the obvious conclusion is that black people are more likely to be abusers of drugs and alcohol. This, we think, is a dubious and dangerous proposition. But this is not simply a question of theoretical concern or ‘political correctness’; instead, we are concerned that an overemphasis on these ‘drivers’ will compromise prevention work and make crime strategies far less likely to succeed.
16. This point doesn’t apply only to black or other BME groups. If the drivers of crime are drug and alcohol misuse, how do we explain the over-representation of men in the criminal justice system? Whatever the disproportionate misuse of drugs and alcohol among men, it doesn’t match the disproportionate number of men in the CJS.

## **Deprivation and crime**

17. Instead of the focus on drug and alcohol misuse, we would suggest that the point of departure should be deprivation and disadvantage. There is substantial evidence to suggest a correlation between area and criminal involvement, a correlation that is characterized by deprivation. A recent Youth Justice Board study concludes “deprived areas where crime is high are also areas with much higher than average numbers of

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<sup>9</sup> Chaiken, J. and Chaiken, M. (1990). Drugs and Predatory Crime. *Crime and Justice*, 13: 203-239.

<sup>10</sup> Collison, M. (1996). In Search of the High Life: Drugs, Crime, Masculinities and Consumption. *The British Journal of Criminology*, 36(3): 428-444; Burr, A. (1987). Chasing the Dragon. *British Journal of Criminology*, 27(4): 333-357.

young people whose personal circumstances put them individually at greater risk of becoming involved in crime.”<sup>11</sup>

18. A change of focus from drug and alcohol misuse as the drivers of crime towards a more holistic approach of multiple deprivation would require the new crime strategy to expand its policy concerns to include social and economic policy. We were pleased to see that the outline includes Public Service Agreements for equality of opportunity and social exclusion. However, we are concerned about the lack of discussion of these factors in the outline of the proposed end-to-end approach to tackling crime. For example, the section on violent crime discusses primarily CJS related initiatives to reduce violent and high harm offending. Again, violent crime not only demonstrates clearly the links between deprivation and offending, but also the necessity to link criminal justice policy and social policy for a crime reduction strategy to be successful.
19. If we consider murder, for example, changes in murder rates are highly differential between areas and economic status groups. In the last 20 years, murder rates have gone down for the least poor section of the population, while significantly increasing for the most poor. Indeed, as is made clear in the Home Office Statistical Bulletin, *Crime in England and Wales 2005/06*, amongst the most relevant factors putting individuals at risk of violence are being young, unemployed and living in a high physical disorder area. The authors conclude that even when other factors are taken into account, “many of the relationships between the socio-demographic factors and risk of victimisation still held true.”<sup>12</sup> As the new crime strategy is particularly concerned with increasing the focus on low volume/high harm crimes, addressing issues of poverty and structural disadvantage is clearly of paramount importance.

### **BME citizens, crime and deprivation**

20. The points addressed above have particular implications for a race equality agenda, as ethnic minorities are likely to be concentrated in high crime areas, and are thereby more likely to be exposed to crime as both victims of crime and potential perpetrators. Indeed, if the link between disadvantage and crime holds, this could go a long way in explaining why ethnic minorities are severely over-represented in all stages of the CJS, and why this trend seems only to be growing;<sup>13</sup> they are more likely to live in poor housing in a deprived neighbourhood, attend worse off schools, face discrimination in the job market, and be unemployed. Reducing the over-representation of ethnic minorities in the CJS therefore not only falls under a criminal justice policy area, but clearly requires attention from social and economic policy areas as well.
21. The causes of criminal activity are of course complex but we know that those in more deprived areas suffer from higher levels of crime. And although crime figures have in general been falling over the past decade, there is a worrying trend of certain sorts of crimes increasing in more deprived areas, not least violent crime involving knives and

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<sup>11</sup> Fitzgerald, M., Stockdale, J. and Hale, C. (2003). *Young People and Street Crime: Research into Young People's Involvement in Street Crime*.

<sup>12</sup> Walker, A., Kershaw, C., and Nicholas, S. (2006). *Crime in England and Wales 2005/06*. Home Office Statistical Bulletin 12/06. London: Home Office.

<sup>13</sup> In 1985, ethnic minorities constituted 12.5% of the prison population; in 1990, this figure stood at 16% ; in 2005, it was 19.8% .

guns. Many BME communities are overrepresented in these deprived areas. This of course means that they are more vulnerable to crime and surveys have consistently shown that black and Asian groups are more fearful of physical attack than white groups.<sup>14</sup>

### **Criminal Justice and Social Justice**

22. The recent Criminal Law Review produced by the Prime Minister's Strategy Unit emphasized the importance of programmes such as the New Deal, Sure Start, and school standards as 'wider social welfare reforms' for tackling the causes of crime. We endorse this emphasis, in particular the linkage it provides for thinking about criminal and social justice together, and suggest it should be highlighted more prominently in the New Crime Strategy.
23. Tackling deprivation is not simply a question of social justice but of criminal justice. Given their higher risk of being a victim of crime, social welfare policies can indeed be an effective criminological tool as well as enhance social justice in our society. And given the higher levels of disadvantage among some BME communities, criminal justice policy cannot ignore these data. This is especially so because of the higher proportion of black people in the criminal justice system.
24. Finally, these are not merely theoretical points. We all want to reduce offending behaviour and the risk of crime for all citizens. A crime strategy that doesn't discuss the issue of social justice will probably fail to meet race equality standards, but it is also unlikely to reduce offending more generally. In the New Crime Strategy draft, such issues are addressed but unfortunately underemphasized. We know that the government is aware of the importance of social welfare measures through its policy statements and justifications, but such policies should be more central in the final report on the new crime strategy.

If you would like to discuss any aspect of this response, please contact Michelynn Lafèche (Director) at the Runnymede Trust, 7 Plough Yard, Shoreditch, London EC2A 3LP Tel: 020 7377 9222.

Thank you for considering our response and the concerns and issues we highlight. We look forward to learning the result of the consultation process and the intentions of government on implementing the much needed changes.

The Runnymede Trust  
17 April 2007

*Further information about the Runnymede Trust can be found on our website – [www.runnymedetrust.org](http://www.runnymedetrust.org)*

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<sup>14</sup> See the Home Office Citizenship Survey 2005 and in previous years.