

Press release: Lammy publishes historic review

The Right Honourable David Lammy MP has today (8 September 2017) published his [final report](#) into the treatment of, and outcomes for, Black, Asian and Minority Ethnic (BAME) individuals in the criminal justice system.

It contains 35 recommendations, including introducing assessments of a young offenders' maturity, exploring how criminal records could be 'sealed', and allowing some prosecutions to be 'deferred'. David Lammy also urges the justice system to take major steps to increase diversity and transparency.

The study found that BAME disproportionality in the criminal justice system costs the taxpayer at least £309 million each year, as well as a number of other concerning statistics. For example, the proportion of BAME young offenders in custody rose from 25% to 41% between 2006 and 2016, despite the overall number of young offenders falling to record lows.

Meanwhile, evidence shows the rate of Black defendants pleading not guilty in Crown Courts in England and Wales between 2006 and 2014 was 41%, compared to 31% of white defendants. This means they lose the possibility of reduced sentences and it raises questions about trust in the system.

The Lammy Review also revealed that the BAME proportion of young people offending for the first time rose from 11% in 2006 to 19% a decade later. There was an identical increase in the BAME proportion of young people reoffending over the same period.

The Review has taken 18 months to complete and, as well as visiting communities and institutions across the UK, has encompassed fact-finding visits to countries including the US, Canada and New Zealand.

Taking inspiration from youth justice in Germany, David Lammy argues that rigorous assessments of a young offender's maturity should inform sentencing decisions. Those judged to have low levels of maturity could also receive extended support from the youth justice system until they are 21.

The Review also calls for 'Local Justice Panels' to be established, taking inspiration from New Zealand's Rangatahi courts, where local people with a direct stake in a young offender's life are invited to contribute to their hearings. These panels would normally deal with first-time offenders given community sentences, include key figures such as teachers or social workers, and hold local services to account for a child's rehabilitation.

On youth justice, the Rt Hon David Lammy MP said:

Youth justice may be regarded as a success story, but this is no time for self-congratulation.

Despite fewer young offenders than a decade ago, the proportion of BAME young offenders has risen disturbingly.

The system also appears to have given up on parenting – just 189 parenting orders were issued last year, despite 55,000 youth convictions.

Unless we see fundamental reform, these young people will become the next generation of adult offenders, stuck in a cycle of crime, unemployment and welfare.

David Lammy also makes pioneering recommendations for judges, prosecutors and prisons. In one particularly radical proposal, he calls for a 'deferred prosecution' model to be rolled out, allowing low level offenders to receive targeted rehabilitation before entering a plea. Those successfully completing rehabilitation programmes would see their charges dropped, while those who did not would still face criminal proceedings.

The scheme has been piloted in the West Midlands, with violent offenders 35% less likely to reoffend. Victims were also more satisfied, feeling that intervention before submitting a plea was more likely to stop reoffending.

All sentencing remarks in the Crown Court should also be published, making justice more transparent for victims, witnesses and offenders, and addressing the 'trust deficit' between BAME individuals and the justice system. David Lammy argues this has contributed to Black and Asian men and Asian women being over 50% more likely than their White counterparts to enter a not guilty plea.

The Review found that BAME defendants often pleaded "not guilty" and opted for trial in the Crown Court, because they had more confidence in the fairness of juries than they had in the fairness of magistrates' courts.

On the 'trust deficit,' David Lammy said:

Over representation of BAME individuals has resulted in a chronic 'trust deficit', as well as costing the taxpayer over £300 million a year.

Many BAME defendants simply do not believe that the justice system will deliver less punitive treatment if they plead guilty.

The best way to ensure fair, equal treatment is to subject decision-making to scrutiny – helping identify and eliminate bias at source.

He also argues the UK should learn from the US system for 'sealing' criminal records, claiming ex-offenders should be able to apply to have their case heard by a judge or independent body, such as the Parole Board, where they could prove they have reformed.

The judge would then decide whether to 'seal' the record, having considered factors such as time since the offence and evidence of rehabilitation. If the decision goes the applicant's way, their record will still exist, but the individual would not need to disclose it and employers would not be able to access it.

On sealing criminal records, David Lammy said:

A job is the foundation of a law-abiding life and the key to reform for any offender.

Our criminal records regime must protect the public, but it is having the opposite effect and trapping offenders in their past.

We need a more flexible approach which recognises when people no longer pose a risk to society and gives a chance to start afresh.

Other notable recommendations include:

- the Crown Prosecution Service should revisit its approach to gang prosecutions, including reviewing its role in protecting vulnerable children and women who are often coerced into gang activity
- new tools like modern slavery legislation must be used to hold adult criminals to account for their exploitation of young people
- the government should set a national target to achieve a representative judiciary and magistracy by 2025
- the prison governors should ensure Use of Force Committees are not ethnically homogeneous, with consequences for officers misusing force on more than one occasion.
- the Prison Service should set public targets for moving a cadre of BAME staff through into leadership positions over the next 5 years
- a new approach should be agreed to record and publish ethnicity data. In particular, the CPS and courts should collect more data on religion so the treatment of different religious groups can be examined

On his recommendations as a whole, David Lammy said:

My review clearly shows BAME individuals still face bias – including overt discrimination – in parts of the justice system.

It is only through delivering fairness, rebuilding trust, and sharing responsibility that we will build the equal and just society so often spoken about.

As the Prime Minister said, if you're black, you're treated more harshly by the criminal justice system than if you're white. Now is the time to stop talking and take action.

However, he makes clear that many of the causes of BAME over-representation

lie outside the criminal justice system. For example, black children are more than twice as likely to grow up in a lone parent family, and black and mixed ethnic boys are more likely than white boys to be permanently excluded from school. David also makes clear that government policy can only go so far, and challenges communities to assume greater responsibility.

On community responsibility, David Lammy said:

The criminal justice system has deep-seated issues to address, but there is only so much it can do.

The factors behind BAME over-representation begin long before a guilty plea, court appearance, or prison sentence.

Communities must take greater responsibility for the care and development of their people – failing to do so only damages society as a whole.

These formal recommendations mark the completion of the Lammy Review, and follow the publication of its emerging findings last November. The Review commissioned an analysis paper looking at disproportionality in the criminal justice system which found that BAME defendants are more likely to go to prison for certain types of crime. One finding was that for every 100 white women handed custodial sentences at Crown Courts for drug offences, 227 black women were sentenced to custody. For black men, this figure is 141 for every 100 white men.

Notes to editors

In January 2016, the former Prime Minister David Cameron asked David Lammy to lead a review of the Criminal Justice System in England and Wales, to investigate evidence of possible bias against black defendants and other ethnic minorities.

His successor, Theresa May, said on the steps of Downing Street that: “If you’re black, you’re treated more harshly by the criminal justice system than if you’re white”.

The Lammy Review was supported by the Ministry of Justice and a panel of expert advisers. The review considered evidence from the point of arrest onwards

David Lammy is MP for Tottenham and has served as chair of the All Party Parliamentary Group on Race and Community since 2010. A former Minister of State, he qualified as a barrister in 1995. David received cross-party praise for his work on the 2011 London Riots and authored the book ‘Out of the Ashes: Britain after the Riots in 2011’.

The members of the advisory panel for the Lammy Review are: Lord Victor Adebawale CBE, Dame Sally Coates DBE, Dame Linda Dobbs DBE, David Isaac CBE, Professor Binna Kandola OBE, Baroness Ruby McGregor-Smith CBE, Sir Martin

Narey DL, Dame Anne Owers DBE, Sarah Payne CB, Trevor Phillips OBE, Matthew Ryder QC, Sir Keir Starmer KCB QC MP, Baroness Lola Young OBE, Simon Woolley, Shaun Bailey AM, Suella Fernandes MP.

For interview requests, a copy of the review or more details, please contact the Lammy Review press team on 0203 334 3503.