



Evidence briefing: Racial bias is pulling Black young adults into the revolving door



Acknowledgements

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About Revolving Doors Agency

Revolving Doors Agency is a national charity that aims to change systems and improve services for people 'in the revolving door' – people who come into repeat contact with the criminal justice system due to multiple unmet needs such as mental ill-health, substance misuse, homelessness, poverty and other traumatic life events.

We work to create a smarter criminal justice system that makes the revolving door avoidable and escapable. We do this by working alongside national and local decision-makers. We combine lived experience insight, robust research and system knowledge to create policy and practice solutions that work.



About New Generation Policing

New Generation Policing is delivered by Revolving Doors Agency and supported by three independent funders, the Barrow Cadbury Trust, the Esmée Fairbairn Foundation, and the Lloyds Bank Foundation for England and Wales. It is a three-year programme supporting police and crime commissioners and police services to develop and implement new interventions to stop young adults from being caught in the cycle of crime and crisis.

Our partnership with local commissioners and police services broadly aims to create more evidenced and deliberate interventions to divert young adults at the cusp of the ‘revolving door’ away from the criminal justice system. Evidence suggests this can be best done by narrowing the net using pre-arrest and at-the-point-of-arrest diversion schemes and deferred prosecutions.

While we do not take a prescriptive approach to the local partnerships, we believe the alternative approach will need to address the three main drivers of the ‘revolving door’: that is the profound and persistent experiences of trauma, poverty and racism among this population.

About the Transition to Adulthood Alliance

The Transition to Adulthood (T2A) initiative is part of the Barrow Cadbury Trust’s criminal justice programme. The Trust is an independent, charitable foundation committed to bringing about socially just change.

The Trust’s criminal justice programme develops and promotes evidence of effective policy and practice for young adults at all stages of the criminal justice system and supports the voices of those with lived experience to be heard.

The T2A Alliance makes the case that developmental maturity is a better guide than age when deciding on the best response to offending by young adults. It has developed a robust case for a more effective approach to young adults. This has been achieved through research, pilot projects and supporting practitioners and policy makers. This programme of work is available at T2A website www.T2A.org.uk.



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Introduction

In April, we published a briefingⁱ that showed how young adults are dragged into the criminal justice system for relatively minor and non-violent offences¹ primarily driven by profound and persistent experiences of trauma and poverty. In our consultation with young adults we heard numerous accounts of two other significant factors that compound and exacerbate the chances of a young adult being pulled into the criminal justice system – and those are racism and discrimination.

This is not a grand revelation. We owe much to multiple inquiries and reviews which have laid bare the racial disparities in our criminal justice system. In the past ten years alone, the Harris Reviewⁱⁱ showed the disproportionate levels of self-inflicted deaths among imprisoned Black men; the Young Reviewⁱⁱⁱ argued for the probation and resettlement services to acknowledge and address the over-representation of and poor outcomes experienced by Black and Muslim young adult men, and called for culturally sensitive, data-driven, lived-experience led practice; the Lammy review^{iv} provided clear evidence that people from Black and Minority Ethnic backgrounds are over-represented in the criminal justice system and that this “starts long before a young man or woman ever enters a plea decision, goes before a magistrate or serves a prison sentence”.

This briefing focuses on a very specific group of people in the criminal justice system – young adults who are, or at risk of being, in the revolving door. These young adults come into the criminal justice system for relatively minor and non-violent offences. We reviewed the evidence on racial disparities among this group, because we believe that if we can predict inequalities, we can prevent the revolving door too.

In looking at the evidence, we noticed Black young adults are more likely to be pulled into the revolving door than any other group of young adults. For that reason, this paper focuses explicitly on the racial disparities experienced by Black young adults.

We drew on a range of published data in this briefing, and in doing so faced one of the most common obstacles in any reviews of this nature: the data is incomplete, out of date, unpublished, or otherwise problematic. For example, it was not possible for us to get a picture of young adults from Gypsy, Roma, and Traveller communities; or to compare different faith groups; or to get a more granular level analysis for young Black women in this analysis. We aim to be vigilant in getting this data wherever possible and scrutinising it.

The evidence presented in this briefing helps us to understand the complexities, but it also raises questions. We have listed some of the big unknowns in Section 6, and we believe these

ⁱ The full list of offences included in this analysis can be found in Appendix-I.



are the issues that we need to understand to effectively predict and prevent young adults entering the revolving door.

Population trends among people in the revolving door

The government's estimates on the ethnicity of “prolific offenders”^v are based on the aggregated data on police identification based on “appearance”, which has clear limitations². These estimates suggest that:

- 88% of “prolific offenders” were identified to be of White “ethnic appearance”, while 8% were identified to be of Black “ethnic appearance” – this distribution is similar with those found in the “non-prolific group”.
- The proportion of “prolific offenders” of Black “ethnic appearance” doubled between 2000-2016 rising from 5% in 2000 to 10% in 2016.
- The proportion of people who are identified to be of Black “ethnic appearance” is the highest among children (9.4%), then tapers off with each age category (to 8.3% among 18-20 year olds, and 7.3% among those aged 21+).

The Ministry of Justice does not comment on why these racial disparities exist among this population. Neither does the data follow children into adulthood; leaving no explanation about what happens to Black children with a history of prolific offending (4 or more convictions before the age of 18) once they become adults and in later life. Looking at the data we cannot say where these children end up in the system. Are they being supported away from the criminal justice system and leading happier lives? Are they handed down longer custodial sentences and therefore not presenting to the criminal justice system? Are they finding themselves in a mental health crisis, being admitted or detained in inpatient care^{vi}, or taking their own lives?^{vii}

² NPCC (and formerly APCO) highlighted the importance of collating self-identified ethnicity information consistent with the Census, following the recommendations of the Stephen Lawrence inquiry.



Cautions

In 2018 the police gave over 8,000 cautions to young adults aged 18-24 for "revolving door offences" - by this we mean relatively minor and non-violent offences, such as theft, summary non-motoring offences and drug offences. The data toolkit used in this analysis does not provide a breakdown of these figures by ethnicity.

The latest information^{viii} available on ethnicity among people who are given a caution covers the period 2004-2014. An analysis based on these figures should be treated with caution given the 60% reduction in the number of cautions given to young adults for a "revolving door pattern" since 2014.

The data reveals that between 2004-2014, across England and Wales:

- 2.3 million cautions were given for "revolving door offences" across all ages
- 28% of these cautions were given to young adults (aged 18-24)
- Black young adults (18-24) were twice as likely to receive a caution compared to white young adults.
- The proportion of cautions given to young adults varied significantly across police services, for example, Black young adults received 25% of cautions given by London's Metropolitan Police (Black young adults account for 3% of the population), 13% in West Midlands (0.2% of the population), 8% in Nottinghamshire (0.3% of population), 5% in Avon and Somerset (0.8% of population).
- Since 2014, the total number of cautions for "revolving door offences" has decreased by 60%, but the proportion of cautions given to young adults for these offences has increased from 28% to 31%. There is no information available on how the disproportionality of cautions received by Black young adults has changed since 2014.

There has been historic over-representation of Black young adults in cautions handed out by the police, especially in certain areas. But because there is no ethnic breakdown of this data since 2014, we are unable to fully assess the impact of police cautions on people from ethnic minorities.



Convictions

In 2018, over 23,000 convictions for “revolving door offences” have been handed out to young adults aged 18-24. Information about the ethnicity of a person receiving a conviction is either not available or not stated for 40% of people who receive a conviction for a “revolving door offence”. This makes any analysis on racial and ethnic disparities incredibly problematic. Based on the limited data available, we found that:

While the number of convictions for such offences for young adults has more than halved in the last decade, the rate of fall has been different across ethnicities. For example, the rate of fall for convictions for white young adults was 55% in contrast for Black young adults it was 34%. This has led to an increase in the proportion of Black young adults in the system (Table-2)

The rate of fall in convictions among young adults in the last decade

White	-55%
Black	-34%
Asian	-42%
Mixed	-45%
Chinese and other	-50%

Table-1

The proportion of Black young adults (aged 18-24) who receive a conviction for a “revolving door offence” has increased by 80% in the last decade. Black young adults are now **8.4** times more likely to receive a conviction for such an offence compared to White young adults of the same age bracket (Table-2).

Proportion of convictions for “revolving door offences” among young adults (18-24)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
White	0.80	0.79	0.79	0.79	0.78	0.77	0.74	0.67	0.65	0.64
Black	0.09	0.09	0.10	0.10	0.11	0.12	0.13	0.18	0.19	0.20
Asian	0.06	0.06	0.06	0.06	0.06	0.06	0.07	0.08	0.09	0.09
Mixed	0.04	0.04	0.04	0.04	0.04	0.04	0.05	0.05	0.05	0.05
Chinese and other	0.01	0.01	0.01	0.01	0.01	0.01	0.02	0.02	0.02	0.02

Table-2



The disproportionality in convictions among people in the revolving door is stark across all ages, but it is even starker among young adults. The proportion of convictions given to Black people has increased by 36% across all ages in the last decade. Black people are **3.8 times** more likely to receive a conviction for such an offence compared to White people (Table-3)

Proportion of convictions for “revolving door offences” across all age groups

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
White	0.83	0.83	0.83	0.83	0.83	0.83	0.82	0.79	0.79	0.78
Black	0.08	0.08	0.08	0.08	0.08	0.09	0.09	0.11	0.11	0.11
Asian	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.06	0.06	0.06
Mixed	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03
Chinese and other	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01

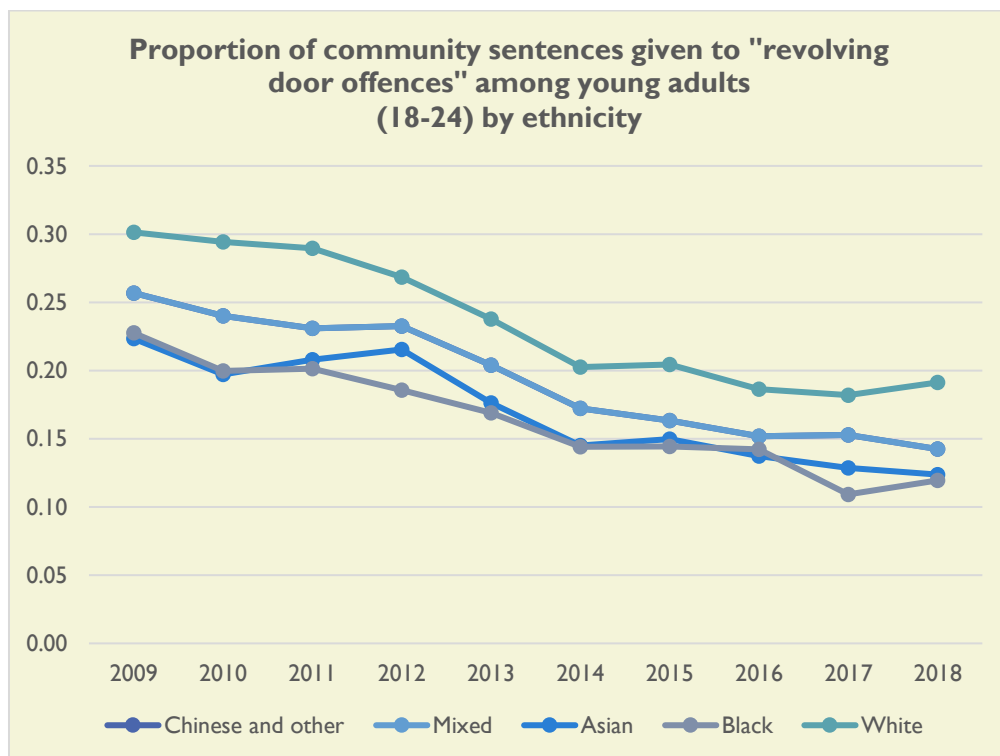


Sentencing Outcomes

Information on sentencing outcomes by ethnicity is either not available or not stated for 40% of people going through the criminal justice system. The data available usually comes from the triable-either-way offences, and mostly from the Crown Court³. This means that the length of sentences in this analysis is typically at the “higher end” for people in the revolving door.

Based on the limited data available, we found that:

Between 2009 and 2018, the proportion of young adults who are given a community sentence for a “revolving door offence” has fallen by 41% (from 29% to 17% of all sentencing occasions). (Figure-1)



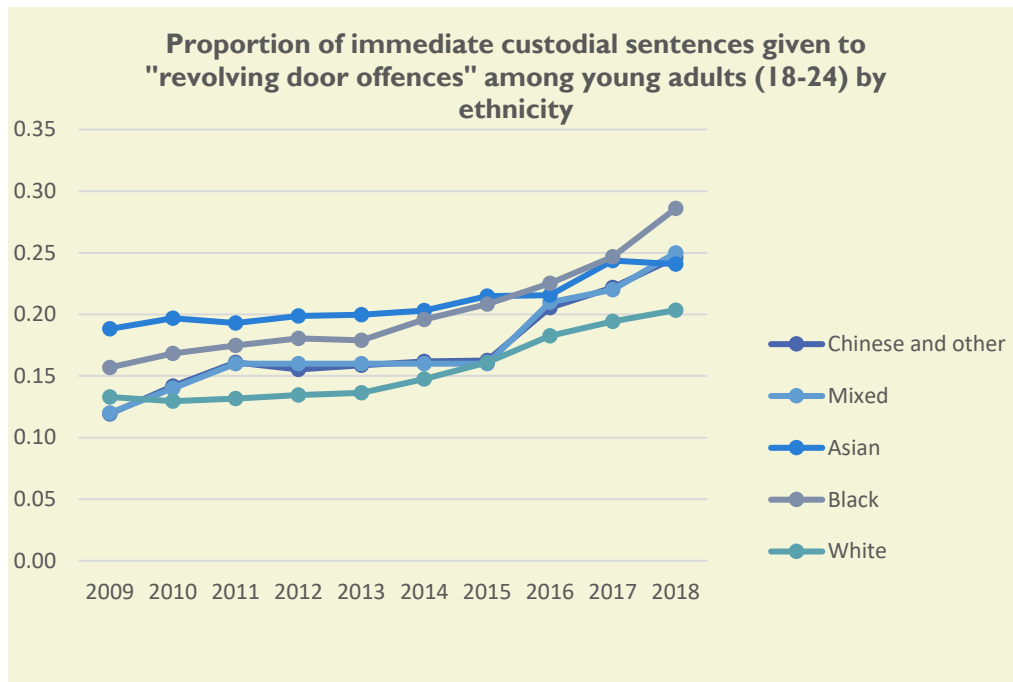
In contrast, the proportion of immediate custodial sentence given to all young adults for the same offences has increased by 64% (from 14% to 23% of all sentencing occasions).

Sentencing trends have disproportionately affected Black young adults (see Figure-1 and 2). Black young adults who commit “revolving door offences” are now 47% less likely to receive a

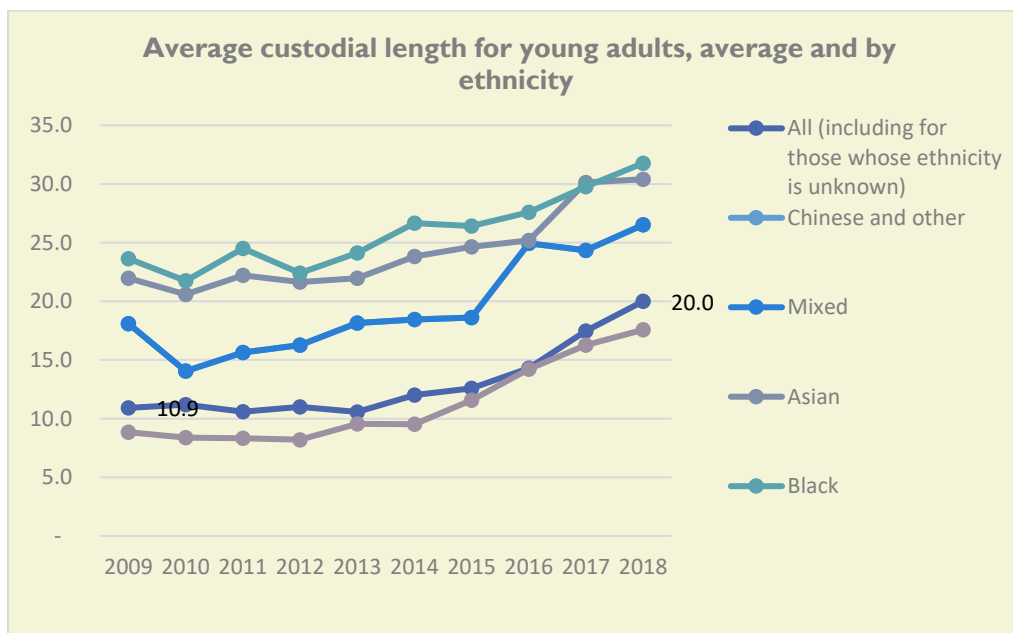
³ Triable-either-way offences (such as theft and drugs) can either be tried at the Crown Court or magistrates’ court and summary non-motoring offences are dealt with by the magistrates’ court.



community sentence and 81% more likely to receive a custodial sentence than they were a decade ago (Figure-2).



Compared to white young adults, black young adults are 1.5 times more likely to serve a custodial sentence for the same group of low-level and non-violent offences and serve sentences that are 80% longer (Figure-3).



Data gaps - what we do not know

In collating the evidence for this briefing, we were struck by the lack of data on the ethnicity of people coming through the criminal justice system. This left some questions unanswered. Some of the things we want to know more about are:

- Why there is no publicly available data on cautions broken down by offence types, ethnicity and local areas from 2015 onwards, and how the over-representation of Black young adults in cautions for relatively minor and non-violent offences has changed since 2014.
- Why nearly half of the convictions for low-level and non-violent offences are missing information on the ethnicity of the person who is sentenced, and how the CPS might be better able to collate this information to enable public scrutiny.
- How many young adults committing low-level, non-violent crimes have been diverted away from the criminal justice system (through routes such as no-further-action, conditional caution and deferred prosecutions) and what proportion of these were Black young adults.
- To what extent the over-representation of Black young adults is driven by the earlier stages in the criminal justice pipeline, such as stop and search, or by the diminished use of police discretion to divert.

What needs to change

1. Publish, explain and reform

This briefing highlighted, once again, the need for accountability in the system. Much of the data on ethnicity in the criminal justice system is incomplete, out of date, unpublished, inconsistent, or otherwise problematic. Where figures are available, worrying trends emerge.

- It is absolutely vital for all public services, including police, to publish data broken down by ethnicity in all instances. They should then provide an evidence-based explanation as to why there are racial disparities and demonstrate what they are doing to reform and tackle inequalities. This commitment should be led jointly by the Home Office and the Ministry of Justice to assess the conduct of police and, separately, the outcomes at court.
- Her Majesty's Inspectorate for Constabulary and Fire and Rescue Services must play a vital role in encouraging and enabling the police services to publish better data on ethnicity. We recommend that they develop a methodology to assess, monitor and drive up the quality of data.



- Police and crime commissioners must provide local leadership on race inequality in policing. The first Race Equality Audit of Police and Crime Plans, carried out by the Black Training and Enterprise Group^{ix}, highlighted that three quarters of police and crime plans lack reference to race equality and improving outcomes for people from Black, Asian and Minority Ethnic communities. The new election cycle presents an opportunity to get this right.

2. Assess, divert and document

Too many young adults are being pulled into the criminal justice system, when they could have been supported elsewhere to address the underlying reasons for offending stemming from the trinity of disadvantage (poverty, trauma and racism).

- There is reason to believe that pre-court diversion schemes^x which do not require people to admit guilt to be eligible for diversion, may help both disproportionate representation and poorer outcomes for Black young adults. In implementing deferred prosecutions and diversion services, police services need to ensure that the number of Black young adults diverted is a disproportionately large number in line with the levels being pulled into the criminal justice system.
- Diversion services need to ensure that they are assessing young adults from Black, Asian and Ethnic Minority backgrounds proportionate to the levels in the criminal justice system, rather than proportionate to the whole population. Diversion services will also need to have strong links with local mental health, housing and other relevant support services, including specialist and culturally sensitive services for people from Black, Asian and Ethnic Minority backgrounds.
- Currently, police services are not obliged to document the decision to divert or not divert for eligible arrestees. Since the lawenforcement-led diversion relies on officer/custody sergeant discretion, documenting how that discretion is used is important for review and retaining this information.

3. What we will do

- In our partnership with Police and Crime Commissioners and police services, we will ensure collection, analysis and publication of data on racial disparities among young adults entering the revolving door.
- We will continue to invest in our New Generation Forum and be led by young adults with lived experience of the 'revolving door' in the design and delivery of policing interventions, and our research and campaigns. We will make sure that our New Generation Forum represents young adults who are over-represented but largely unheard in the criminal justice system.



Appendix I- Revolving door pattern offences

Offence types included in this analysis are non-violent offences, including theft, summary non-motoring and some drug offences.

The analysis focused on low-level crime which is the typical presentation of the 'revolving door' cohort to the criminal justice system. These include triable-either-way offences, which can either be tried at the Crown Court or magistrates' court and summary non-motoring offences which are dealt with by the magistrates' court⁴.

Theft

Included:

- Theft from the person of another
- Theft in dwelling not automatic or meter
- Theft by an employee
- Theft or unauthorised taking from mail
- Theft of pedal cycle
- Theft from vehicle
- Theft from shops, theft from automatic machine or meter, other theft or unauthorised taking
- Theft of a motor vehicle (excluding aggravated vehicle taking).

Excluded:

- Unauthorised taking of motor vehicle, which is a summary motoring offence. In this offence, there is no intention to permanently deprive the owner of their property, unlike with theft offences.

Drug-related offences

Included:

- Possession of a controlled drug (including Class A, B, C, cannabis and unknown class)
- Production, supply and possession with intent to supply, a controlled drug including Class A, B, C, cannabis and unknown class)
- Other summary offences under the Drugs Act 2005
- Other offences under the Misuse of Drugs Act 1971, which may include offences such as knowingly or recklessly giving any information regarding possession, cultivation or supply of any drugs including in shared premises.

⁴ If a defendant has a summary offence in addition to the triable-either-way offence, the magistrates' court may also send the summary offence to be tried at the Crown Court along with the more serious offence.



Excluded:

- Incite another to supply a controlled drug (class A, B, C, unknown class)
- Forgery etc. of drug prescription
- Motoring offences such as driving a motor vehicle under the influence of drink or drugs; pedal cycle whilst unfit to ride through drink or drugs; causing death by driving without due care or consideration while over the prescribed limit; or when under the influence of drink or drugs; and all other offences related to drink or drug-driving.

Summary non-motoring offences

Included:

- Offences under Dangerous Dogs Acts – summary
- Protection from Harassment Act 1997 – Summary offence of harassment
- Causing intentional harassment, alarm or distress – summary
- Causing fear or provocation of violence – summary
- Benefit fraud offences – summary
- Housing Act 2005 – Summary S.71(1), (2) & 6 and 95(1) and 5
- Housing Acts - Summary – Other offences
- Town and Country Planning Act 1990 – Summary offences
- Other summary non-motoring offences.

Excluded:

- Encouraging or assisting in the commission of one or more, summary, either-way or indictable offences (other than murder)
- Firearms Acts – summary offences
- Racially or religiously aggravated harassment, alarm or distress – summary



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