

British Muslims and the Criminal Justice System

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List of Acronyms

ACPO	Association of Chief Police Officers
BAWP	British Association of Women Police
CAP	Complaint Access Point
CJA	Criminal Justice Act
CPS	Crown Prosecution Service
CSV	Community Service Volunteers
FAIR	Forum Against Islamophobia and Racism
HAT	housing action trust
HMP	Her Majesty's Prison)
HMSO	Her Majesty's Stationery Office (Government information service)
IHRC	Islamic Human Rights Commission
IPPC	Independent Police Complaints Commission
NCWMP	National Council for the Welfare of Muslim Prisoners
NOMS	National Offender Management Service
NPS	National Probation Service
PSAs	Public Service Agreements
RIMS	Racist Incident Monitoring Scheme
RRA	Race Relations Act
RR(A)A	Race Relations Amendment Act 2000
SOVA	Society of Voluntary Associates

1. EXECUTIVE SUMMARY

A feeling of confidence that the legal system provides justice and fair process is central to a sense of belonging and inclusion in a society. The majority of Muslims come into contact with the criminal justice system as (direct or indirect) victims of crime. However, whether they are victims, witnesses, suspects, offenders, prisoners or employees, Muslims face particular challenges in their interaction with the criminal justice system.

Pakistanis and Bangladeshis, who make up 60 per cent of Muslims in the UK, are more likely than other ethnic groups to be victims of crime, including racially motivated crime. They also have the lowest satisfaction levels with public-initiated police contact, and the lowest levels of confidence in the police. Unlike in other public services, Muslims who have had contact with the Crown Prosecution Service, the Prison Service and the Probation Service are more likely to feel they will be discriminated against than those who have not had contact with these services. Muslims make up three per cent of the UK population but nine per cent of the population of prisoners.

This report argues for more nuanced policies that are sensitive to the specific needs of Muslims. A pre-condition for developing such policies is better data collection. At present, accurate statistics on Muslims' experiences of the criminal justice system are not available, because the statistics that are available are mainly disaggregated on the basis of a restricted number of categories, based on race and/or ethnicity. To remedy this situation, this report recommends that, where data on ethnicity is collected, it should at least include Pakistani and Bangladeshi as distinct categories. Wherever possible, however, data should also be collected on the basis of religion or faith identity.

An understanding of Muslims and the criminal justice system cannot ignore the impact of anti-terrorism legislation and policing on Muslim communities. The gap between the number of stops and searches and the number of actual arrests that lead to charges and convictions is fuelling a sense within Muslim communities that they are being unfairly policed. At the same time the incarceration without trial of detainees at HMP Belmarsh, under anti-terrorism legislation, further undermines Muslim's confidence in the criminal justice system. Perceptions of unfair treatment by the police should be a real cause of concern. These perceptions can influence how people engage with the police, how much trust they have in policing and how secure they feel in their daily lives.

The challenge that the Police Service faces is finding ways in which anti-terrorism policing can take place, while also building confidence with Muslim groups at the same time. Engagement by criminal justice agencies with local Muslim communities is central to meeting this challenge. This engagement must involve a broad cross section of the Muslim community, including women, young people and those marginalised

within the Muslim community. The concerns of these various groups should be built into local crime-reduction strategies.

Confidence in criminal justice agencies would, of course, also increase with greater employment of Muslims in all areas. Employment targets for the recruitment of ethnic minorities should include specific targets for Pakistanis and Bangladeshis. Particular attention should be paid to the effective recruitment and subsequent retention of police officers. In local areas with a significant number of Muslims, consideration should be given to introducing specific targets for the recruitment of Muslim police officers. Diversity training for those working in the criminal justice system should also enhance trainees' understanding of the faith diversity of the UK.

Monitoring of faith or religious identity can also be an important step towards ensuring appropriate and effective service delivery by agencies in the criminal justice system. With the introduction of a religiously aggravated element to crime, under the Anti-Terrorism Crime and Security Act (2001), the Crown Prosecution Service is increasingly considering the religious identity of victims. Within the Prison Service, monitoring of the religion or faith of prisoners has enabled prisons to better cater to the needs of Muslim prisoners. The religion of an offender may also be relevant in developing suitable cognitive skills programs that address offender behaviour. However, although the Probation Service has an increasing focus on diversity issues, less attention has been paid to developing programmes for Muslim offenders.

There are many ways in which volunteers contribute towards the criminal justice system. Agencies should support, encourage and facilitate voluntary participation by Muslims as lay visitors, independent custody visitors at police stations or members of prison boards. However, for Muslims to act as representatives on boards and forums related to criminal justice, there needs to be a greater focus on providing them with training about criminal justice issues. The practical, emotional and psychological support provided to victims of crime may need to take the victim's faith into consideration. Muslims can be victims of racially and religiously motivated hate crime and also of crime in general. Victim-support services therefore need to be sensitive to the specific needs of Muslims and other faith communities.

There are examples of good practices among the many Muslim organisations and community groups that provide services for Muslims. However, at present, mainstream organisations that receive Government funding refer clients to unfunded Muslim organisations, which provide welfare services tailored to meet the needs of Muslims. Because they do not receive government funding, Muslim community and voluntary sector groups report a lack of capacity as a key barrier to greater participation. Any strategy for increasing the confidence of Muslims in the criminal justice system must explore capacity building to facilitate participation.

2. INTRODUCTION

In the criminal justice arena, a particular focus on the experiences of Muslims has generally been omitted, because debates around issues such as policing, community and criminal justice and victimisation have taken place through the lens of race and ethnicity – but not religion. Although the vast majority of Muslims in Britain belong to minority ethnic groups, the 2001 Home Office *Citizenship Survey* clearly shows the interconnected nature of religion and ethnicity, suggesting that both should be considered when addressing criminal justice policy issues.¹ This report considers the broad range of ways that Muslims interact with the criminal justice system, both as members of minority ethnic communities and as members of their wider faith community.

Many positive criminal justice-related policy developments are currently taking place within the UK Government. These include the creation of a Civil Renewal Unit, seeking to promote and support local people in solving the problems that affect their communities; the formation of a Faith Communities Unit, aiming to encourage and facilitate faith communities' involvement in the voluntary and criminal justice sectors; and the issuing of a series of important strategy documents by the Home Office, such as *A New Deal for Victims and Witnesses*.²

This chapter aims to examine such recent developments and to suggest ways in which these new initiatives might be more inclusive of British Muslim communities.

There are many reasons why a particular focus upon British Muslim communities in relation to criminal justice policy is timely and important. Statistics published by the Home Office and agencies of the criminal justice system suggest that Muslims face specific challenges as victims, witnesses, suspects, offenders, prisoners and employees. Recent findings from the British Crime Survey show that Pakistanis and Bangladeshis, who comprise almost 60 per cent of UK Muslims, are significantly more likely than

¹ C. Attwood, G. Singh, D. Prime and R. Creasey, *Home Office Citizenship Survey: people, families and communities*, London, Home Office, 2001 (hereafter, Attwood et al, *Home Office Citizenship Survey*).

² The Civil Renewal Unit has been set up by the British Government to promote the Home Secretary's agenda for civil renewal, working across the Home Office and the Government. The Faith Communities Unit was created to lead Government engagement with faith communities, so that the Government will recognize and utilize the experience, skills and diversity of faith communities. *A New Deal for Victims and Witnesses* is a national strategy for new initiatives to help crime victims and witnesses. This includes the ongoing development of the Witness Service by Victim Support, the introduction of Victim Personal Statements and the provision of information to victims by the Crown Prosecution Service. Further details of all of these projects can be found on the Home Office website at <http://www.homeoffice.gov.uk/justice/victims/index.html> (accessed 21 September 2004).

White or Black people to be the victims of household crime.³ They are also significantly more likely to be the victims of racially motivated attacks than Indians, Blacks or Whites.⁴ However, Pakistanis and Bangladeshis also indicate the lowest satisfaction with public-initiated police contact and the lowest levels of confidence in the police.⁵

Research suggests that a lack of confidence in the police is common across minority ethnic groups in the UK. For example, a study by Docking reveals that minority ethnic groups share a perception that police discriminate against or stereotype them. Young people in these minorities said they believe that they are more likely to be stopped and searched than White people. This study also found that older people from minority ethnic groups felt that the police did not take them seriously when they reported crimes, and they felt that the police did not trust them.⁶

The Home Office *Citizenship Survey* also reveals that – unlike in other public sector services, such as education and health – minority ethnic groups who have had contact with the police, the courts, the Crown Prosecution Service, the Prison Service and the Probation Service, are more likely to feel that they will be discriminated against than those who have not had any contact with these organisations.⁷ Moreover, 28 per cent of Pakistanis and Bangladeshis said that they would be discriminated against by the police, as opposed to four per cent of White respondents. And 19 per cent of Pakistanis and 16 per cent of Bangladeshis said that they would be discriminated against by the Prison Service, as opposed to four per cent of White respondents.⁸

The terrorist attacks in the US on 11 September 2001, and the subsequent government response to the threat of terrorism in the UK, have involved a number of significant

³ According to the 2001 National Census, over 90 per cent of Pakistanis and Bangladeshis in the UK are Muslim. Also, 43 per cent of Muslims are Pakistanis, and 17 per cent of Muslims are Bangladeshis, so that these two ethnic groups make up 60 per cent of the Muslim population in England and Wales. 2001 UK National Census, *Ethnic Group by Religion*, available at <http://www.statistics.gov.uk/census2001/profiles/commentaries/ethnicity.asp> (accessed 21 September 2004), (hereafter, UK 2001 National Census).

⁴ A. Clancy, M. Hough, R. Aust, and C. Kershaw, *Crime, Policing and Justice: the experiences of ethnic minorities, Findings from the 2000 British Crime Survey: Home Office Research and Statistics 223*, London: Home Office, 2001, p. 2, (hereafter, Clancy et al *Crime, Policing and Justice*).

⁵ Clancy et al *Crime, Policing and Justice*, p. 2.

⁶ M. Docking, “Public Perceptions of Police Accountability and Decision-Making”, in *Home Office Online Report 38/03*, 2003, available at <http://www.crimereduction.gov.uk/activecommunities49.htm> (accessed 21 September 2004).

⁷ Attwood et al, *Home Office Citizenship Survey*, p. 47.

⁸ Attwood et al, *Home Office Citizenship Survey*, p. 43.

consequences for British Muslim communities. Anti-Muslim sentiment and Islamophobia, which have long existed within western societies, were heightened in the aftermath of the atrocities that were committed.⁹ Muslim men, women and children, as well as Muslim places of worship, became the targets of hate crime.¹⁰ In the current situation, Muslim communities are living in a state of heightened anxiety, as evidenced by their requests for greater police protection and their adoption of precautionary strategies to try and avoid becoming the targets of hate crime.¹¹

The implementation of the Terrorism Act (2000), and the introduction of the Anti-Terrorism Crime and Security Act (2001), which was hurriedly put together in the aftermath of the terrorist attacks of 11 September 2001, has important implications for Muslim communities. The new anti-terror laws have been criticised as being both draconian and ineffective in improving national security.¹² These laws, which will inevitably be used disproportionately against Muslims, create a unique challenge in relation to UK Muslim communities. The Government must balance the need for greater surveillance against the need to maintain Muslims' confidence in the criminal justice system.

There is an increasing perception among Muslims that they are being targeted unfairly by the police, and, in particular, that they are being disproportionately stopped and searched. Direct evidence of the number of Muslims who have been targeted by the police, either as part of wider anti-terror operations or due to more general policing initiatives, is generally unavailable, due to the data-gathering methods of agencies of the criminal justice system. Statistics tend to be collected on the basis of race and/or ethnicity, so that individuals' religious affiliations are rarely recorded. According to recent Home Office statistics, whereas the number of White people stopped and searched under the Terrorism Act (2000) increased by 118 per cent from 2001-02 to 2002-03, the number of Asians stopped and searched increased by 302 per cent.¹³ This

⁹ See: E. Said, *Orientalism*, Harmondsworth, Penguin Books, 1978.

¹⁰ See: Islamic Human Rights Commission, *The Hidden Victims of September 11th: prisoners of UK Law*, London, IHRC, 2002 (hereafter, IHRC, *The Hidden Victims of September 11th*).

¹¹ B. Spalek, "Hate Crimes against British Muslims in the Aftermath of September 11th", in *Criminal Justice Matters*, 2002, 48, 3, 2002, pp. 20–22.

¹² See Liberty's critique of the anti-terror laws and their impact upon Muslim communities, *Reconciling Security and Liberty in an Open Society: Liberty Response*, August 2004. available on the Liberty website at <http://www.liberty-human-rights.org.uk/resources/policy-papers/2004/liberty-and-security.pdf> (accessed 21 September 2004), (hereafter, Liberty, *Reconciling Security and Liberty*).

¹³ Home Office, *Statistics on Race and the Criminal Justice System – 2003. A Home Office publication under section 95 of the CJ Act 1991*, London, Home Office, 2004, p. 2, (hereafter, Home Office, *Statistics on Race and the Criminal Justice System – 2003*).

is likely to have an impact upon Asians' confidence in policing and in the wider criminal justice system in general.

The Prison Service is the only agency of the criminal justice system to collect data on the religious identity of prisoners, due in part to the Prisons Act (1952), which states that members of other religious groups have the same right to practice their faith as Christian prisoners. This data reveals that the number of Muslims in prison doubled between 1993 and 2000, whereas the number of all Christians grew more slowly, falling from 75 per cent of the total prison population in 1993 to 59.5 per cent in 2000.¹⁴ On 30 June 2002, there were 5,379 male Muslim prisoners, compared to 430 Sikh and 256 Hindu male prisoners.¹⁵

Social and economic deprivation appears to be a factor behind the large number of Muslim offenders. Statistics in relation to Pakistani and Bangladeshi communities, as well as other Muslim ethnic communities, reveal that they are much more likely than other groups to be living on low incomes, with almost 60 per cent of the one million people in this group living in low-income households.¹⁶ The statistics indicate that the link between social exclusion and crime is well-established.¹⁷

In light of the issues highlighted above, this report considers the broad range of ways that Muslims interact with the criminal justice system, as victims, witnesses, suspects, offenders, prisoners and employees.

Section three of this report highlights how difficult it is to get accurate statistics illustrating Muslims' experiences of the criminal justice system. Statistics on offenders, suspects, victims, witnesses and employees tend to be collected on the basis of race and/or ethnicity, and monitoring of religious or faith identity rarely takes place. This focus upon racial categories makes it difficult to substantiate any claims of discrimination or bias that members of Muslim communities might be experiencing within the criminal justice system, since Muslims do not overwhelmingly belong to any one particular race. This statistical problem is compounded by the difficulty in trying

¹⁴ F. Guessous, N. Hooper and U. Moorthy (2001) *Religion in Prisons, 1999 and 2000, England and Wales*, London, Home Office, 2001, 15/01, p. 1, (hereafter, Guessous et al, *Religion in Prisons, 1999 and 2000*).

¹⁵ Home Office, *Prison Statistics England and Wales – 2002. CM5996*, London, Home Office, 2003, p. 133, (hereafter, Home Office, *Prison Statistics England and Wales – 2002*).

¹⁶ Department for Work and Pensions, *Family Resources Survey, 2000/2001*, London, DWP, 2003, (hereafter, DWP, *Family Resources Survey, 2000/2001*).

¹⁷ D. Farrington "Human Development and Criminal Careers", in M. Maguire, R. Morgan and R. Reiner (eds) *The Oxford Handbook of Criminology* (2nd edn), 1997 Oxford, Clarendon Press, pp. 361–408, (hereafter, Farrington, *Human Development and Criminal Careers*).

to gain information about particular ethnic groups who are likely to be Muslim, such as Pakistanis and Bangladeshis.

Since April 2003, a 16-point system of ethnic monitoring, based on the system adopted in the 2001 UK National Census, has been in effect. Although this new system allows for the compiling of information that is more detailed than in the past, statistics about offenders, suspects, victims, witnesses and employees of the criminal justice system, and any targets that are set, are likely to be presented according to a modified five-point scale, which uses the categories “Black, White, Asian, Chinese and Other” (one category), and “Mixed”. This means that the experiences of particular Muslim communities will continue to be subsumed within very general racial groupings. For instance, Pakistanis’ and Bangladeshis’ experiences are likely to continue to be merged with Indians’ experiences within a general “Asian” category. As a result, in Section three, this report recommends that a more nuanced approach to the presentation of data should be introduced, so that the experiences of specific ethnic groups can be made visible. In particular, where data is available regarding Pakistanis and Bangladeshis, this should be separated from the general Asian category. This report also stresses that religious or faith identity should be monitored more often, so that religious affiliation, as well as ethnicity, would help to inform policy and practice.

Section four examines policing issues with respect to Muslim communities. Of particular concern is how anti-terror legislation seems to have influenced Muslims’ perceptions of the Police Service. Representatives from a wide range of Muslim organisations argue that there is little acceptance amongst Muslims that anti-terrorism legislation should mean the disproportionate policing of members of their communities. Perceptions of policing within Muslim communities include the notions that they are being criminalised, that police officers are operating “religious profiling” when deciding whom to stop and search, and that young Muslims are being unfairly targeted. At the same time, there is a perception that some police officers are Islamophobic. Cases of alleged police abuse or mistreatment quickly become common knowledge amongst Muslim communities, and these cases have the potential to detrimentally affect the community’s relationship with their local police forces. Nonetheless, when it comes to community involvement in policing issues, there are some cases of good practice, such as the Muslim Safety Forum, which should be more widely reproduced.

Section four of this report also highlights that police forces should be encouraged to recruit more Muslim police officers, as this would boost Muslims’ confidence in policing. Particular attention should be paid to the recruitment and retention of female police officers, who face multiple discrimination. Much like the changes being implemented within the Police Service due to the *Macpherson report*, new policies should include tackling Islamophobia and anti-Muslim prejudice.

Section five looks at the Crown Prosecution Service and the courts. It highlights how the Crown Prosecution Service is increasingly considering the religious identity of victims, since the Anti-Terrorism Crime and Security Act (2001) introduced a religiously aggravated element to crime. So far, there have been relatively few prosecutions of religiously aggravated criminal cases, as can be seen from the annual report on racially and religiously aggravated crime, published by the Crown Prosecution Service. Nonetheless, the majority of the victims in these cases are Muslim.¹⁸ *Section five* of this report also stresses that – while a considerable amount of research has examined direct or indirect discrimination in the courts, and the extent to which minority ethnic communities feel they are treated equally – the focus of these studies has been on ethnicity and not religious identity. Research on ethnicity should, at the very least, disaggregate statistics, to show any disadvantage experienced by Pakistanis and Bangladeshis. Research should also look at Muslim communities and their perceptions and experiences of the courts.

Section six of this report illustrates that, in the last few years, there has been a significant increase in the number of male Muslim prisoners. In response to this growing inmate population, many changes have been implemented within prisons to better cater to the needs of Muslim prisoners. For example, in 1999, the Prison Service appointed a Muslim adviser, whose work has involved a focus upon three areas: Friday prayers, access to Imams and *halal* diet. In 2003, for the first time, full-time Muslim chaplains were also employed. A multi-faith ethos has also been pursued in the Prison Service Chaplaincy. A Chaplaincy Council has been created, and its members include Prison Service faith advisers from a variety of different religions. The Chaplaincy Council provides a forum for consultation on a broad range of prison issues.

Despite these changes, difficulties remain. For example, the authenticity of *halal* food has been questioned, in spite of official assurances. This issue is of crucial concern for Muslim prisoners, and it has become a frequent source of frustration. Meanwhile, because prison staff members are often ignorant of the spiritual and practical aspects of Islam, these workers may get the impression that religious requests are a privilege rather than a necessity. Such an attitude among prison staff may lead to the inappropriate treatment of Muslim inmates.

Section six also examines offender rehabilitation programmes within prisons, and looks at whether these might be tailored to engage Muslim offenders more effectively by incorporating considerations of their religious identities. Similar to the Sycamore Tree programme that is run through chaplaincy departments for Christian prisoners, a programme could be developed by representatives from Muslim communities, run by

¹⁸ Interview in April 2004 with Seamus Taylor, Head of Equality and Diversity, Crown Prosecution Service (CPS), Equality and Diversity Unit, London.

Imams, to help challenge offenders' rationalisations and to help provide offenders with a clear moral framework from which to re-build their lives. Muslim representative bodies and Islamic theological colleges/bodies should encourage members of their communities to help rehabilitate Muslim offenders, as currently, prison issues tend not to be high priority for many Muslim organisations.

Section seven looks at the work of the Probation Service. The report argues that it is of vital importance for the Probation Service to have knowledge about the number of Muslim offenders with whom it is in contact, as well as the nature of the communities that those individuals belong to, so that appropriate responses to Muslim offenders can be put together. This means that the Probation Service should adopt a system of ethnic and religious monitoring, so that it can make informed decisions about practice and policy regarding Muslim offenders. The Probation Service should also examine the sensitivity and responsivity of the services used by Muslim offenders. For example, the service should consider the issue of whether probation hostels offer *halal* food. Staff should also be properly trained in faith issues, since the race awareness training programmes that are currently offered are unlikely to give faith issues the level of focus that is required.

Section eight examines the role of partnerships between the Police Service and other statutory and voluntary agencies in reducing crime, and their relevance for Muslim communities. The section also looks at the role of volunteers working in the criminal justice system. It is argued that, even though statutory guidance under the Crime and Disorder Act (1998) makes community safety partnerships responsible for involving faith communities in their work, faith communities are rarely consulted by the lead agencies undertaking crime and disorder reduction partnerships. Section eight highlights the enormous diversity of the Muslim population in Britain and the need for engagement with a broader range of Muslim groups for consultation. This should include voices that are often marginalised, such as women's groups and young Muslims.

One way of engaging with the wider Muslim community is to encourage, support and facilitate their participation as volunteers. Volunteers are considered to bring the community perspective to bear on community justice-related issues. Clearly, Muslim volunteers, whether acting as members of Muslim charities, welfare and support services, or other Muslim organisations – or as individuals – have much to offer the criminal justice and community safety sectors. Currently, however, the involvement of Muslims in mainstream criminal justice-related initiatives is relatively low, and many obstacles lie in the way of gaining greater Muslim involvement. Researchers have found that participation in local crime prevention activities is most common among individuals who are fairly concerned about crime, but it is more likely to occur where crime levels are low. In high-crime areas there is likely to be very little participation by the wider community in community justice initiatives. Social exclusion and inequality

is high amongst Muslim communities, and many Muslims live in socially and economically deprived areas. The stress factors associated with living in areas with high rates of crime and disorder are likely to deter Muslims from volunteering their services to the criminal justice system.

Muslim faith groups that run services for their local communities are also likely to be poorly funded, relying mostly on voluntary donations, which means they are unlikely to have the resources to work with the criminal justice sector. Muslim groups usually do not receive public resources, because funding for local housing, welfare and crime reduction initiatives cannot be used to support religious projects, only projects based on race and/or ethnicity. It would be unrealistic to expect greater involvement of Muslim service providers in community and criminal justice if there are no better ways for them to raise funds. The situation could be improved via the Active Community Unit, which could explore ways of helping Muslim groups to secure funding. Greater collaboration between Muslim specialist service providers and mainstream providers should also be encouraged.

Section nine looks at the issue of Muslims as victims of crime. This section of the report points out that the majority of Muslims who come into contact with the criminal justice system will have been affected by crime, either because they are a direct victim or an indirect victim – someone who has seen a crime, is related to a victim or is a friend of the victim.¹⁹ As the report shows, Muslim communities are not only likely to experience racist crime, but also crime that is motivated by religious hatred. It is therefore of vital importance to investigate the incidence of religious hate crime and its impact upon victims, so that adequate services can be developed to cater to victims' needs.

The risk of being a victim of crime is not equally distributed amongst the general population. Muslim communities, whose members are more likely to experience social and economic deprivation, are also at high risk of experiencing a wide range of different crimes, which may or may not include a racist and/or Islamophobic component. It is therefore important that the needs of Muslim victims are adequately researched and addressed. Organisations that offer help and support to the victims of crime also need to examine their core values more closely, and find ways in which to better accommodate the experiences and perceptions of Muslim communities – as well as other faith communities. Although agencies that help victims may focus upon providing practical, emotional and psychological support, there is also the issue of spiritual healing and support. Spiritual support presently seems to be denied to people, yet it may be of great benefit to many individuals. It should be remembered that, even

¹⁹ OSI Roundtable on British Muslims and the criminal justice system. *NB. OSI held a roundtable meeting in London, 8 June 2004, hosted by the Diversity Forum, Victim Support, to invite critique of this chapter in draft form from invited experts.*

though people may not regularly attend prayer meetings, they may nonetheless identify themselves as being part of a religious community. Mainstream victim support organisations should therefore consider widening the range of organisations that they suggest people contact to include the option of spiritual support.

3. DOCUMENTING EXPERIENCES OF MUSLIMS IN THE CRIMINAL JUSTICE SYSTEM

The Home Office recently published a report based on the findings of the *2001 Citizenship Survey*, which addresses aspects of religion and self-identity and civil participation in society.²⁰ That report highlights the interconnected nature of religion and ethnicity, and stresses that religious affiliation and ethnicity should be considered together, rather than separately, when carrying out research and when making policy decisions. The report also shows that religious affiliation is often a much more fundamental aspect of the self-identity of members of minority ethnic groups, as compared to White Christians. In contrast to the 17 per cent of White respondents who said that religion was important to their self-identity, 44 per cent of Black and 61 per cent of Asian respondents deemed religion as important. For Muslims, religion was ranked second only after family in terms of the importance to their self-identity.²¹

The system of race and ethnic monitoring presently in place in the criminal justice system therefore has a number of policy, practice and research implications for Muslim communities. These can be linked to wider debates. First, it could be asked whether the current system of monitoring might be further improved, so as to better monitor, and develop policies for, a wider range of Muslim ethnic communities. Second, it could be asked how extensively religious identity should also be monitored by agencies of the criminal justice system, and how this should be carried out.

This section shows that agencies of the criminal justice system tend to monitor race and ethnicity, rather than religious identity, of offenders, suspects, victims, witnesses and employees. Until very recently, a nine-point system of race and ethnic monitoring was used to gather statistics. It was based on the categories used by the UK 1991 National Census (hereafter, 1991 Census). However, the ways in which statistics are often collected and analysed is based on a modified four-point scale that includes “Black, White, Asian and Chinese and Other” (Chinese and Other being one category). This focus upon racial identity, rather than ethnicity, makes it difficult to substantiate any claims of discrimination or bias that Muslim communities might be experiencing within the criminal justice system, because Muslims are racially and ethnically diverse, and do not belong overwhelmingly to any one category.

April 2003 saw the introduction of a 16-point race and ethnic monitoring system, based on the system adopted in the UK 2001 National Census (hereafter, 2001 Census). The aim of this change is to provide a single common system for collecting

²⁰ M. O’Beirne, *Religion in England and Wales: findings from the 2001 Home Office Citizenship Survey*, London, Home Office, 2004 (hereafter, O’Beirne, *Religion in England and Wales*).

²¹ O’Beirne, *Religion in England and Wales*, p. 18.

data on race and ethnicity in all agencies of the criminal justice system.²² However, the new 16-point system of classification raises similar issues to those found under the nine-point system of ethnic monitoring. The new system does mean that more detailed information can be compiled in relation to individuals' ethnicities. But statistics in relation to offenders, suspects, victims, witnesses and employees of the criminal justice system, and any targets that are set, are likely to be presented according to a modified five-point scale, which focuses on the racial categories of "Black, White, Asian, Chinese and Other and Mixed".

This means that, under the new system, the experiences of particular Muslim communities will continue to be subsumed within these racial classifications. For instance, Pakistanis' and Bangladeshis' experiences are likely to continue to be merged with Indians' experiences within a general Asian category. This report therefore recommends that agencies of the criminal justice system, as well as the Home Office, should release data that relate to specific ethnic communities, and that specific targets should be set for these specific communities. In particular, data in relation to Pakistanis and Bangladeshis should be separated out from the general Asian racial category. Furthermore, this chapter stresses that, following the lead taken by the Prison Service, religious identity should also be increasingly monitored.

3.1 The Collection of Data on Ethnic and Faith Groups

The monitoring of minority ethnic groups' experiences of the criminal justice system has been done largely through the lens of race and ethnicity, and the issue of religious identity has rarely been addressed. This is due, in part, to the secular nature of the race relations movement. Researchers who have documented racial disadvantage and discrimination have, for many years, argued that public bodies should routinely assemble information about ethnicity (but not religion) in order to monitor disadvantage, and to ensure that their policies and practices do not disadvantage particular communities.

Local authorities were the first public agencies to begin ethnic monitoring in the late 1970s. The Race Relations Act (1976) was a powerful impetus here, because it extended the law to cover indirect, as well as direct, discrimination. Furthermore, Section 7 of that act gives local authorities specific responsibilities for ethnic monitoring.²³ At the same time, Section 95 of the Criminal Justice Act (1991) led to new measures to establish

²² Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 4.

²³ M. Fitzgerald and R. Sibbitt, "Ethnic Monitoring in Police Forces: a Beginning", in *Home Office Research Study 173*, London, Home Office, 1997, (hereafter, Fitzgerald and Sibbitt, *Ethnic Monitoring in Police Forces*).

consistent ethnic monitoring within agencies of the criminal justice system.²⁴ More recent legislation, under the Race Relations (Amendment) Act (2000) (RR(A)A), stipulates that those providing public services ensure that their policies and services are fair. The specific duties require key bodies to prepare and publish a Race Equality Scheme, which should demonstrate how they will promote race equality for staff and for the public that they serve. These bodies also have to set out their arrangements for assessing and consulting on proposed policies, to monitor for any adverse impact of their policies on the promotion of race equality and to ensure public access to information and services.

Official ethnic monitoring of suspects and offenders on a national basis first took place within the Probation Service and the Prison Service. But the Probation Service received poor returns on ethnicity, apparently due to concerns that this information might be used against minority ethnic groups rather than for them. The Prison Service, therefore, was the first agency of the criminal justice system to collect detailed data on the race and ethnicity of prisoners, a practice it began in 1985.²⁵ Ethnicity was initially determined through a combination of self-assessment by the prisoner and observation by the prison officer. In 1992, however, the Prison Service implemented a new system, which required prisoners to classify themselves. This system of classification mirrored the nine-point structure of the 1991 Census.²⁶ In March 2003, the Prison Service introduced the new ethnic categories based on the 16-point classification used in the 2001 Census.²⁷ Statistics based on this count have not yet been published.

The Prison Service is the only agency of the criminal justice system that also monitors religious affiliation. When prisoners arrive at a prison, they are asked to self-classify their religion.²⁸ This is due in part to the Prison Act (1952), which provides that

²⁴ Home Office, *Statistics on Race and the Criminal Justice System – 2003*.

²⁵ Fitzgerald and Sibbitt, *Ethnic Monitoring in Police Forces*.

²⁶ Home Office, *Statistics on Race and the Criminal Justice System – 2003*. See also: Appendix 1 Definitions: ethnic categories in the 1991 census.

²⁷ V. Hollis, I. Cross, and T. Olowe, *Prison Population Brief, England and Wales, October 2003*, London, HMSO, 2003. See also: Appendix 1 Definitions: ethnic categories in the 1991 census.

²⁸ The prison service use the following categories: Anglican (Anglican, Church in Wales, Church of England, Church of Ireland, Episcopalian), Roman Catholic, Free Church (Baptist, Celestial Church of God, Church of Scotland, Congregational, Methodist, Non-Conformist, Pentecostal, Presbyterian, Quaker, Salvation Army, United Reformed Church, Welsh Independent), Buddhist, Hindu, Jewish, Church of Jesus Christ of the Latter-day Saints, Muslim, Sikh, Other (Protestant, Jehovah's Witness, Greek/Russian Orthodox, Seven Day Adventist, Ethiopian Orthodox, Spiritualist, Chrisadelphian, Christian Scientist), Other non-Christian religions (Pagan, Druid, Taoist, Jain), Unrecognised Religions (Rastafarian, Nation of Islam), No religion (Atheist, Agnostic). See: Guessous et al, *Religion in Prisons, 1999 and 2000*.

members of other religious groups have the same right to practice their faith as Christian prisoners. This data reveals, for example, that Muslims form eight per cent of the prison population.²⁹

At the local level, the police have collected information on ethnicity for many years, partly due to the information given by witnesses about the physical appearance of offenders. Local police forces have also been increasingly operating within an environment involving working partnerships and voluntary and statutory consultation arrangements with representatives of various ethnic groups. This has created the need for the collection of data on ethnicity, and, for this reason, local monitoring initiatives have been put together since the early 1990s. At the national level, a number of developments have led to an increased focus upon ethnic monitoring by the police.

Section 95 of the Criminal Justice Act (1991) requires that, every year, the Home Secretary must

publish such information as he considers expedient for the purpose of (a) enabling persons engaged in the administration of criminal justice to become aware of the financial implications of their decisions, or (b) facilitating the performance by such persons of their duty to avoid discriminating against any persons on the grounds of race or sex or any other improper ground.³⁰

This led to the issuing of Home Office Circular 70/1992 to all chief constables, which highlighted that additional monitoring would be necessary in order to fulfill the requirements of the act.³¹

Other important developments during this time include the Royal Commission on Criminal Justice, in 1993, which argued that a national system of race and ethnic monitoring should be implemented in the Police Service, in order to establish how minority ethnic communities are treated by the criminal justice system and to ensure that practices and procedures do not disadvantage particular groups. A joint working party involving the Association of Chief Police Officers (ACPO) and the Commission for Racial Equality (CRE) in 1993 also issued a strategic policy document, which included discussion of how ethnic monitoring is to be covered. At the same time, the Police Inspectorate introduced a Performance Indicator requiring all forces to provide

²⁹ Home Office, *Prison Statistics England and Wales – 2002*, p. 127.

³⁰ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. iv.

³¹ Fitzgerald and Sibbitt, *Ethnic Monitoring in Police Forces*, p. 9.

ethnicity statistics on their use of stop and search powers under the Police and Criminal Evidence Act (1984).³²

While it was agreed that the data collected must be comparable to the 1991 Census nine-point structure, in some instances, this would not be possible. For example, in stop and search situations, this might not always be practical, as it would require police officers to ask people to classify themselves. It was decided that police officers in the street should use a four-point scale, modified from the 1991 Census nine-point structure, consisting of “Black, White, Asian and Other”. It was argued that, based on a person’s visual appearance, a police officer could group them into these basic categories.³³ This system would retain comparability with the 1991 Census codes, and the fuller nine-point scale could still be used in situations where it was feasible to do so. In 1996, mandatory ethnic monitoring came into effect in all police force areas, for stops and searches, arrests, cautions and homicides. The classifications were based on the police officer’s visual perception of the suspect/victim, using the four-point scale.³⁴

The Probation Service’s data on race and ethnicity was first systematically collected in 1992, using the following categories: “Black, White, Other (please specify) or Refused”. This data was gathered based on the question: “Where would you say your ethnic group comes from?” Results have been mapped based on the 1991 Census nine-point structure, or based on the four-point system referred to above.³⁵ The creation of the new National Offender Management Service (NOMS) in June 2004 has implications for data collection for the Probation and Prison Services. In the future, the probation part of NOMS may follow on from the Prison Service’s lead and start to collect data on the religious identity of offenders.

From April 2003, all agencies of the criminal justice system were to begin collecting data on offenders, suspects, victims, witnesses and employees, based upon self-classification, using the 16-point classification system employed in the 2001 Census. This will make it possible to create a single common system for the collection of race and ethnic data in all agencies.³⁶ One result of this change is that, in addition to the visual assessment using the four point classification, it is mandatory for all police forces to record ethnicity based on the self-assessment of the suspect, using the 16-point

³² Fitzgerald and Sibbitt, *Ethnic Monitoring in Police Forces*, p. 9. See also: *Policing and Racial Equality: a practical guide to the ACPO strategic policy document “Setting the Standards for Policing: meeting community expectations”*, Commission for Racial Equality, London, 1993.

³³ Asian in this context refers to individuals who are of Indian, Pakistani or Bangladeshi origin. Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 12.

³⁴ Home Office, *Statistics on Race and the Criminal Justice System – 2003*.

³⁵ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 11.

³⁶ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 12.

classification.³⁷ However, it is sometimes impractical to secure cooperation from suspects or arrestees in classifying their own ethnicity.³⁸

Crown and magistrates' courts have been asked to include information on the ethnicity of defendants in all new cases received from October 2001, based on information supplied to them by the police. Currently, information from magistrates' court is limited, due to the absence of a single national computer system, though steps are being taken to expand coverage. The Crown Prosecution Service has also agreed to introduce ethnic monitoring to all of their casework decisions. However, this is dependant upon the successful operation of new IT systems, which were to begin implementation in 2004. Staff will rely on ethnic data collected by the police.³⁹

3.2 Monitoring Employees Working within the Criminal Justice System

Following race relations legislation, as well as Section 95 of the Criminal Justice Act (1991), agencies of the criminal justice system also collect data about the ethnicity of employees, this being according to the 16-point classification system since April 2003. However, the reports that agencies issue about the minority ethnic representation within their organisations, and the ethnicity targets that are set, tend to be presented according to the modified four point system ("White, Black, Asian and Other"), and, increasingly, according to the modified five-point system ("White, Black, Asian, Other and Mixed").

Similarly, statistics published by the Home Office in relation to the representation of minority ethnic practitioners within the Police Service, the Prison Service, the Probation Service, the Crown Prosecution Service and the Lord Chancellor's Department Headquarters, under the Home Office publication *Statistics on Race and the Criminal Justice System*, are according to the following categories: "White, Black, Asian, Other and Mixed". Statistics on the Crown Court staff are presented only slightly differently, according to the categories of "White, Black, Asian, Mixed, Chinese and Other".

However, for Magistrates' Court, statistics on staff do reveal the number of Bangladeshi, Indian and Pakistani employees. For example, for the period 2001-02, there was a total of 50 Pakistani Magistrates' court staff, as opposed to 143 Indian and

³⁷ Home Office, *Statistics on Race and the Criminal Justice System— 2003*, p. 12.

³⁸ Institute for Criminal Policy Research, *Race and the Criminal Justice System: an overview to the complete statistics 2002–2003*, London, Criminal Justice System, Race Unit, Home Office, 2004, p. 5.

³⁹ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 4.

19 Bangladeshi staff.⁴⁰ Similarly, information about the number of Bangladeshi, Indian and Pakistani barristers in independent practice and Queen’s Counsel is also provided. For example, for the period 2001-02 there were 91 Pakistani barristers in independent practice, as opposed to 221 Indian and 30 Bangladeshi barristers.⁴¹ Nonetheless, information about the specific ethnicities of the judiciary, magistracy and solicitors is not provided – instead, the following general racial categories are used: “White, Black, Asian, Mixed and Other”.⁴²

Within the Police Service, the Macpherson Inquiry into the death of Stephen Lawrence,⁴³ together with the HM Inspectorate of Constabulary report, *Winning the Race*, gave heightened focus to the need to pay greater attention to the recruitment, retention and career development of minority ethnic police officers.⁴⁴ The Government has established a national target of seven per cent for minority ethnic officers by 2009.⁴⁵ Most forces have some proactive recruitment measures in place. Personnel departments have collected data according to the nine-point format, and departments now collect data using the 16-point format. However, for the purposes of analysis, police forces use a modified five-point scale (“White, Black, Asian, Other, Mixed”).⁴⁶ Targets are therefore set according to this modified scale, rather than being directed particularly at Pakistani and Bangladeshi, or other Muslim, communities.

Since April 2003, the Probation Service has been using the 2001 Census 16-point classification system for ethnic monitoring of staff and offenders.⁴⁷ However, the way in which ethnic representation amongst the workforce has been presented in publications, such as *The Heart of the Dance* (2003), has been according to the more general four-point format. Using this format, the National Probation Service has acknowledged that a disproportionately low number of Asians are employed, compared to African/African-Caribbean staff, and the service has set itself a goal of increasing

⁴⁰ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 79.

⁴¹ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 81.

⁴² Home Office, *Statistics on Race and the Criminal Justice System – 2003*, pp. 76–81.

⁴³ *The Stephen Lawrence Report*, Report of an Inquiry by Sir William MacPherson of Cluny, Cm. 4262-I, London, HMSO, 1999.

⁴⁴ Her Majesty’s Inspectorate of Constabulary, *Winning the Race: embracing diversity*, London, HMIC, 2000.

⁴⁵ Home Office, *National Policing Plan for 2003–2006*, London, Home Office, 2002, p. 27, (hereafter, Home Office, *National Policing Plan for 2003–2006*).

⁴⁶ J. Cotton and C. Smith, *Police Service Strength England and Wales March 31st 2003*, London, Office of National Statistics, 11 March 2003, p. 6, (hereafter, Cotton and Smith, *Police Service Strength England and Wales March 31st 2003*).

⁴⁷ Home Office, *Statistics on Race and the Criminal Justice System – 2003*.

Asian representation in its workforce by 20 per cent.⁴⁸ However, no specific targets for Bangladeshis/Pakistanis have been considered.

Within HM Inspectorate Reports on race equality, the ethnic composition of Probation Boards is referred to as “minority representation”, so it is not possible to know exactly what communities are being referred to here.⁴⁹ Thus, the publication *Towards Race Equality* highlights how, by 2001, minority representation on Probation Boards was 16 per cent of the total board membership. This report also refers to the selection of 18 minority ethnic Probation Board members, who are to act as diversity advisers to all Probation Boards. However, further information about the ethnicity of these individuals is not given.⁵⁰

The Prison Service also sets targets for the percentage of minority ethnic representation in general. According to the HM Prison Service Annual Report 2004, the service met its target for 2003–2004 of ensuring that 5.5 per cent of its staff came from minority ethnic groups.⁵¹

The Crown Prosecution Service presents employment statistics according to two basic categories: White and minority ethnic. According to data issued by the Crown Prosecution Service Human Resources Department, out of all staff members who provided details on their ethnic background in 2004, 14.1 per cent belonged to minority ethnic groups.⁵² Statistics issued by the Home Office in relation to the Crown Prosecution Service are more detailed. According to the Home Office, for the period 2001/02, while the proportion of ethnic minorities within the Crown Prosecution Service rose from 9.2 per cent to 12.2 per cent, there was a decline of 6.9 per cent for Asians.⁵³ A staff survey is also carried out every two years by the Crown Prosecution Service, and recently it has included a question regarding the religious identity of

⁴⁸ National Probation Directorate, *The Heart of the Dance: a diversity strategy for the National Probation Service for England and Wales 2002–2006*, London, National Probation Directorate, 2003, p. 11, Objective 1.2.1 “To increase the existing Asian Representation (250) within the NPS workforce by 20 per cent”, (hereafter, National Probation Directorate, *The Heart of the Dance*).

⁴⁹ HM Inspectorate of Probation, *Towards Race Equality: Follow-up Inspection Report*, London, HM Inspectorate of Probation, 2004, (hereafter, HM Inspectorate of Probation, *Towards Race Equality: Follow-up Inspection Report*).

⁵⁰ HM Inspectorate of Probation, *Towards Race Equality: Follow-up Inspection Report*, p. 41.

⁵¹ HM Prison Service, *Annual Report and Accounts April 2003–March 2004*, London, HM Prison Service, 2004, p. 49.

⁵² Statistics obtained from the Pay and Performance Team, Human Resources Department, Crown Prosecution Service (CPS), “CPS Staff in Post: ethnic background by level as at 1st April 2004”, p. 1.

⁵³ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 75.

employees.⁵⁴ Results are not yet available. According to statistics issued by the Home Office, for the period of 2001/02, four per cent of senior grade employees working within the Lord Chancellor's Department Headquarters were Asian; there were also five Asian district judges, 15 Asian recorders and two Asian circuit judges.⁵⁵

Victim Support, a network of affiliated charities that run court and community-based services aimed at helping the victims of crime, collects data about the race and ethnicity of staff, volunteers and trustees, using the 16-point system of classification. In 2003, for those volunteers who gave information about their ethnicity, 1.1 per cent were Pakistani, 0.2 per cent were Bangladeshi and 1.5 per cent were Indian. In 2003, for those members of staff who provided details about their ethnic background, 0.6 per cent were Pakistani, 0.5 per cent were Bangladeshi and 1.7 per cent were Indian.⁵⁶ Victim Support wants the ethnicity of volunteers and staff to reflect not only the wider general population, but also to reflect the ethnic composition of the local communities that volunteers and staff serve.⁵⁷

The fact that agencies of the criminal justice system predominantly use very general racial categories when presenting data and setting targets for minority ethnic representation among employees has some important limitations. Although it is known that people from minority ethnic backgrounds are under-represented in all grades as employees in the Police Service and the Prison Service, and in all senior posts in all criminal justice agencies, the extent of under-representation of specific communities, and of Muslims in general, has not been assessed.⁵⁸

Moreover, while some areas of the criminal justice system – such as the Probation Service and Victim Support – have been extremely successful in recruiting minority ethnic staff, it may be the case that the increased level of recruitment has not come from Muslim communities specifically. Indeed, the statistics issued by Victim Support serve to illustrate this point, because the representation of Pakistanis and Bangladeshis, amongst both volunteers and members of staff, is much lower than that of Indians. Thus, although minority ethnic representation has increased, Muslim representation may not have significantly increased. In fact, it may have stayed the same, or even decreased.

⁵⁴ Interview with Seamus Taylor, Head of Equality and Diversity, CPS Equality and Diversity Unit, April 2004, London.

⁵⁵ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, pp. 79–80.

⁵⁶ Victim Support, *Ethnicity of Volunteers and Staff for 2003*, London, Victim Support, Research Department, National Office, 2003, p. 1.

⁵⁷ Interview with Fiona Richmond and Ben Smith of Victim Support, National Office, London, March 2004.

⁵⁸ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 8.

For those agencies of the criminal justice system where minority ethnic representation among staff has been substantially improved, some important examples of good policy and practice may be drawn and passed onto other agencies of the criminal justice sector. However, for this to be effective, there needs to be greater specificity in terms of identifying exactly which minority ethnic groups have benefited, and creative ways must be found to increase the representation of groups that are under-represented.

Where Pakistanis and Bangladeshis are grouped together with Indians within a broader Asian or South Asian category, the particular difficulties faced by Pakistani and Bangladeshi communities can be obscured, because these groups experience more socio-economic deprivation, and higher offence and incarceration rates, than Indian groups. At the same time, any criminal justice policy targets that are set to give benefits to members of the general category “Asian” may not reach the more-deprived Pakistani and Bangladeshi communities. Instead, targets may be reached through the greater involvement of Indian communities. This is a problem because, it has been argued, the social and economic profile for Indians is similar to the White population – though according to data from the 2001 Census, 12.7 per cent of Indians are Muslim.⁵⁹

In order to increase the representation of Muslims among their employees, agencies of the criminal justice system should collect and use more detailed data for any reports that they issue, and for any proactive targets that are set. First, where data is available regarding the number of Pakistanis and Bangladeshis who work for a particular agency, this should be explicitly presented, so that statistics relating to Pakistani and Bangladeshi employees are separated from those relating to Indian employees. Agencies should also consider setting targets according to Pakistani and Bangladeshi representation, keeping them distinct from any overall Asian target. Second, agencies should consider broadening the ethnic monitoring of staff, to include other minority ethnic groups. Finally, agencies should consider carrying out surveys of the faith or religious affiliation of staff, in order to obtain a better picture of Muslim representation among staff.

3.3 Monitoring Victims of Crime

It is not only important to reconsider the collection of statistics covering the race and ethnicity of criminal justice system employees, offenders and suspects. The ethnic monitoring of victims is also important. Most police forces record the ethnicity of victims, and they are currently moving towards using the 16-point format. Following the

⁵⁹ Clancy et al., *Crime, Policing and Justice*. See also 2001 UK National Census, *Ethnic Group by Religion*, available at <http://www.statistics.gov.uk/census2001/profiles/commentaries/ethnicity.asp> (accessed 21 September 2004).

implementation of the Police Performance Assessment Framework in April 2004, which includes a measure on detection rates by victim ethnicity for offences of violence against the person, victims' ethnicity will increasingly be classified in a more standardised manner.⁶⁰ Details of victims' ethnicity might then be passed on to the Probation Service's victim liaison officers, staff of the Crown Prosecution Service and Victim Support staff and volunteers – all of whom may be providing help and support to these individuals.

According to the HM Inspectorate of Probation report *Towards Race Equality*, there has been no central work by the National Probation Service to facilitate local access by probation areas to victim monitoring information that is held by the police or the Crown Prosecution Service. Out of 42 probation areas, 35 areas had no data at all on the race and ethnicity of victims, while four others were attempting to build up monitoring arrangements. Only three areas had achieved a comprehensive monitoring of victims: Dyfed-Powys, Nottinghamshire and County Durham.⁶¹ The HM Inspectorate of Probation report, *Valuing the Victim*, highlights the need for a nationally based agreement with the police.⁶²

Data on victims' ethnicity is collected by the Witness Services and the Victim Supportline run by Victim Support. However, Victim Support has not yet put in place a national system for gathering this data. Currently, a project is underway that will look at the kinds of statistics that are collected within the local victim support schemes, and this will include demographic information relating to victims supported.⁶³ Information about victims' ethnicity is recorded by some local support schemes. For example, in Northamptonshire, the County Racist Incidents Officer at Victim Support collects statistics about the ethnicity of victims of racist incidents who report these incidents directly to them. These statistics are compiled in six-monthly formats and include the following ethnic identities: Bangladeshi, Pakistani, Somali, Indian, Travellers and Kosovar.

Data about minority ethnic groups' experiences of victim support is also collected via Witness Support and Satisfaction surveys, carried out by the Home Office. These

⁶⁰ The Police Performance Assessment Framework is an initiative by the Home Office, Association of Chief Police Officers and the Association of Police Authorities. It sets out a set of indicators for assessing the performance of the police forces.

⁶¹ HM Inspectorate of Probation, *Towards Race Equality: Follow-up Inspection Report*, p. 19.

⁶² HM Inspectorate of Probation, *Valuing the Victim: an inspection into national victim contact arrangements*, London, HM Inspectorate of Probation, 2004, (hereafter, HM Inspectorate of Probation, *Valuing the Victim*).

⁶³ E-mail correspondence with a policy officer Victim Support, 30 July 2004.

surveys include a booster sample of minority ethnic groups.⁶⁴ However, for the 2002 Witness Satisfaction Survey, an insufficient number of minority ethnic witnesses were interviewed. The small sample size meant that it was impossible to draw any firm conclusions about differences in the satisfaction or experiences of specific minority ethnic groups. Data relating to ethnicity is limited here, and is presented according to a general four-point format: “White, Black, Asian and Other”⁶⁵ Victim Support is about to implement a national Victim Satisfaction Survey, which will include the use of the 16- point system of race and ethnic monitoring.⁶⁶ It is important that, where data is available regarding Pakistani and Bangladeshi communities, they are publicly released.

The British Crime Survey offers a further means for documenting Muslim communities’ experiences of crime and the criminal justice system. The annual British Crime Survey allows policy makers to look at a wide range of crime-related issues, including the levels of crime reporting to the police, attitudes towards the police, attitudes towards the criminal justice system and individuals’ fear of crime. Unlike the Witness Satisfaction Survey or the data collected by police, the data obtained by the British Crime Survey is not reliant upon people officially reporting their experiences to agencies of the criminal justice system. As a result, this survey can capture the experiences of a wider range of individuals.

From January 2001, the British Crime Survey has included an annual minority ethnic boost sample. This is because a sample of the general population will not contain a sufficiently large number of individuals of minority ethnic identity. Researchers designing and implementing the British Crime Survey argue that greater disaggregation of minority ethnic groups is desirable. However, due to the need for cost-effectiveness, and given the size and geographical distributions of the diverse communities, this has not happened. Although researchers argue that they would like to differentiate between Pakistani and Bangladeshi groups, at present the two groups are combined, because the numbers are too small to support reliable statistical analysis.⁶⁷ This problem of sample size highlights an important difficulty in introducing greater specificity into the monitoring of ethnicity, a point addressed in more detail later in this chapter.

⁶⁴ The Witness Satisfaction Survey was carried out by the Home Office (in 2000 and 2002) in order to explore and monitor witnesses’ experiences of the key agencies of the criminal justice system, these being the police, the CPS/prosecution lawyers, defence lawyers, court staff, judges and magistrates, Victim Support and the Witness Service. Witnesses are recruited from Crown Court centres and Magistrates Courts. See: H. Angle, S. Malam, and C. Carey, *Witness Satisfaction: findings from the Witness Satisfaction Survey 2002, Report 19/03*, London, Home Office, 2003 (hereafter, Angle et al, *Witness Satisfaction*).

⁶⁵ Angle et al, *Witness Satisfaction*.

⁶⁶ E-mail correspondence with Ben Smith, Policy Officer, Victim Support, 30 July 2004.

⁶⁷ Clancy et al Crime, *Policing and Justice*, p. 2.

3.4 Confidence in the Criminal Justice System

The Government is currently tackling the issue of confidence in the criminal justice system. Results from the British Crime Survey show that people from minority ethnic groups are more likely than the rest of the population to believe that the criminal justice system as a whole is doing a good job. However, it is also clear that their experiences of criminal justice are very different from White people. For example, minority ethnic groups are more likely to show confidence in the courts, judiciary, magistracy, the Crown Prosecution Service and probation services than the White majority, but they are less likely to have confidence in the police and prison services.⁶⁸ A study by the Home Office shows that, although a lower proportion of minority ethnic respondents (58 per cent, compared to 63 per cent of the overall sample) are confident about how crime is dealt with in the area where they live, a higher proportion of minority respondents (53 per cent, compared to 47 per cent overall) are confident about the way crime is dealt with nationally.⁶⁹

The *2001 Citizenship Survey* findings indicate that minority ethnic groups believe they will be treated worse than people from other races by the criminal justice system, especially the police, prison service, courts and the Crown Prosecution Service.⁷⁰ The Home Office has introduced Criminal Justice System Public Service Agreements (PSAs) in order to boost the efficiency of the criminal justice system. One key target that has been set is in relation to increasing the number of crimes for which an offender is brought to justice, since there is a large gap between the number of offences that are recorded and the number that lead to an offender being arrested and punished. Two further, related targets are: the need to raise public confidence in the criminal justice system and the need to increase, year-on-year, the satisfaction of victims and witnesses. Public confidence and satisfaction is considered important because it is argued that the justice system relies on public co-operation and involvement to function effectively. These targets have been published in a framework document, *Improving Public Satisfaction and Confidence in the Criminal Justice System*, which is aimed at local Criminal Justice Boards and outlines the approach agreed by the National Criminal

⁶⁸ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 9.

⁶⁹ B. Page, R. Wake, and A. Ames, *Public Confidence in the Criminal Justice System: Home Office Research Findings 221*, London, HMSO, 2004, p. 1.

⁷⁰ Attwood et al, *Home Office Citizenship Survey*, p. 5.

Justice Board. The document provides guidance on developing local plans for improving public satisfaction and confidence.⁷¹

Agencies of the criminal justice system have also been given national and local targets in relation to increasing public confidence in the effectiveness of the criminal justice system. A national target of a three per cent increase in Black and minority ethnic groups' confidence in the effectiveness of the criminal justice system in bringing offenders to justice has been set. This will be measured by comparing data supplied by the British Crime Survey 2005-06 with data supplied by the 2002-03 British Crime Survey. The Government also plans to introduce local targets for increased confidence in areas where there are high Black and minority ethnic populations, including London, West Midlands, Greater Manchester, West Yorkshire, Thames Valley and Leicester. Local data will be collected via the introduction of a new local crime survey.⁷²

The introduction of PSAs, and targets to boost minority ethnic communities' confidence in the criminal justice system, is a significant and positive development. Nonetheless, the Government's targets seem to be set in relation to Black and minority ethnic groups in general, which means that it will not be possible to see what groups in particular show an increase in confidence. Particularly in relation to the impact of anti-terrorism legislation on British Muslim communities, it would be useful to know if Muslim communities' confidence has been increased as a result of any measures that have been introduced via the local criminal justice boards, especially in areas where there is a high proportion of Muslims. Here again, there needs to be a re-consideration of the system of ethnic monitoring in place. Authorities must consider whether, either via the British Crime Survey or local crime surveys, data that is collected, presented and analysed about ethnicity might be more specific. Additionally, consideration needs to be paid to the issue of religious identity and whether this should also feature in measures to boost minority ethnic groups' confidence in the criminal justice system.

3.5 Improving the Monitoring of Ethnic Groups

The collection of data on race and ethnicity within the criminal justice system have, over the years, become more nuanced, especially with the current movement towards standardisation, through the adoption of the 2001 Census 16-point scale. However,

⁷¹ The National Criminal Justice Board was created in 2003, and is responsible for supporting 42 local criminal justice boards to deliver the Criminal Justice System PSAs. The Board also has responsibility for combating inequality and discrimination in the criminal justice system, and for communication across the system.

⁷² Home Office, *Improving Public Satisfaction and Confidence in the Criminal Justice System Framework Document*, London, Home Office, 2003.

the examples discussed in the previous sections highlight how a more nuanced form of monitoring is necessary, over and above any classification of faith or religious affiliation that may be introduced. In particular, greater specificity in terms of the ethnic categories that are used – and greater specificity in the ways in which data is subsequently analysed and research statistics are presented – would be advantageous for better assessing the specific situation of Muslims in the UK.

Where criminal justice agencies use the full nine-point or, more recently, the 16-point classification systems, data should be available regarding the experience of Pakistanis and Bangladeshis, who constitute almost 60 per cent of the Muslim population in Britain.⁷³ This means that it might be possible to get an accurate picture of the issues related to criminal justice facing Pakistanis and Bangladeshis, and it may be possible to set targets specifically for these communities within current monitoring systems.

This approach, however, has some important limitations. First, not all Bangladeshis and Pakistanis are Muslims. According to data from the 2001 Census, 92 per cent of Bangladeshis and Pakistanis living in the UK are Muslim. Second, the present system of monitoring does not reveal any information about the 40 per cent of British Muslims from outside of these communities. Finally, whilst, in theory, the nine- or 16-point race and ethnic monitoring formats are encouraged by the Home Office and agencies of the criminal justice system, in practice, race seems to be the predominant focus. The collection of statistics, the presentation of this data and the ways in which research is conducted and statistically analysed is according to a modified four-point system of racial classification, which uses the categories “White, Black, Asian and Other” – though, more recently, under the 16-point system of monitoring, the “Mixed” category is increasingly being introduced.

With respect to research reports related to crime and criminal justice, whereas some studies will feature the experiences of Pakistanis and Bangladeshis, other reports will subsume these groups within a broader Asian or South Asian category. For example, prison statistics published by the Home Office are sometimes presented according to the categories “White, Black, South Asian, Chinese and Other”, but, in other cases, these statistics are presented in a more nuanced format, using the nine-point or 16-point structures. Statistics about the male population under sentence, by ethnic group and offence type, are presented according to the four basic categories.⁷⁴ However, the incarceration rates of male and female British nationals are presented according to the more detailed format. The more specific statistics reveal that the incarceration rate per

⁷³ Both the nine-point and 16-point systems include the ethnic categories Indian, Pakistani, Bangladeshi. See Appendix 1: Definitions.

⁷⁴ Home Office, *Prison Statistics, England and Wales – 2000*, London, Home Office, HMSO, 2001, p. 113, (hereafter, Home Office, *Prison Statistics England and Wales – 2000*).

100,000 of the general population is 126 for Indians; 329 for Pakistanis; and 193 for Bangladeshis. But according to more general statistics, the overall incarceration rate for the category Asian is 199.⁷⁵ The decision of whether to use racial or ethnic categories seems to be related to sample sizes and issues of statistical significance. In situations where the samples are too small to draw firm conclusions about the experiences of Pakistanis or Bangladeshis, the general Asian category will be used instead.

The British Crime Survey generally avoids combining Indian, Pakistani and Bangladeshi groups into a single Asian category. As a result, the survey does contain information about Pakistanis' and Bangladeshis' experiences of crime and justice. Still, the available information is rather limited, and statistics from the British Crime Survey are also often presented according to the general categories of "Asian, Mixed Background, Chinese/Other, Black and White". For example, in a report stemming from the British Crime Survey 2001/2002, *Ethnicity and Drug Use*, findings are presented according to the categories "Asian, Mixed Background, Chinese/Other, Black and White". Sample size appears again to be a major limitation, because the authors argue that, due to the small numbers of people engaged in drug use across the different ethnic groups, it is not possible to explore links between drug use, ethnicity, social disadvantage and exclusion. Nonetheless, they argue that once two or more similar survey years are available, data might be combined, to allow further investigation.⁷⁶

Yet, even if the Asian category is divided into Pakistani and Bangladeshi subgroups for the purposes of statistical analysis, this still leaves unexplored the experience of the remaining 40 per cent of Muslims who are from other minority ethnic communities, such as Afghan, Arab, Iranian, Indian, Kosovar, Kurdish, Turkish and Somali Muslims. Indeed, the research report on the *Citizenship Survey* (2001) specifically highlights the diversity of the Muslim faith community, and Muslim research participants indicated that they were from 11 of the 15 ethnic groups listed in the study.⁷⁷ This means that there is a significant case for looking beyond Pakistani and Bangladeshi experiences, so that a wider range of Muslim groups are also recognised, and so that policies and targets that are set on improving the disadvantage and discrimination experienced by minority ethnic groups can include the diverse range of Muslim communities living in Britain.

The Race Relations Amendment Act (RR(A)A) 2000 requires that those providing public services ensure that their policies and services are fair. Specifically, the act

⁷⁵ Home Office, *Prison Statistics, England and Wales – 2000*, p. 115.

⁷⁶ R. Aust and N. Smith, "Ethnicity and Drug Use: key findings from the 2001/2002 British Crime Survey", in *HM Prison Service Annual Report and Accounts*, London, The Stationery Office, 2003.

⁷⁷ O'Beirne, *Religion in England and Wales*, p. 8.

requires key bodies to prepare and publish a Race Equality Scheme, which should involve an examination of policies and procedures in terms of whether they may have a negative impact upon minority ethnic groups. The scheme should also set out a format for ensuring that any forms of discrimination are addressed. In addition, the act requires key bodies to describe their arrangements for assessing and consulting on proposed policies, to allow monitoring for any adverse impact of the proposals on the promotion of race equality and to ensure public access to information and services. It would appear that the RR(A)A 2000 might act as the legislative mechanism through which agencies of the criminal justice system should consider monitoring the experiences of a wider range of minority ethnic communities and implementing policies aimed at those specific communities.

There is also a very practical reason for the documentation of a wider range of minority ethnic groups. Voluntary welfare organisations working within, and for, these diverse communities may need to have details about where their service users are located within the criminal justice system. Under the present system of ethnic monitoring, however, such information is generally unavailable. For example, the IQRA Trust recently received a request from a Somali organisation wanting to locate Somali prisoners, so as to be able to help them whilst they are incarcerated. However, details regarding the whereabouts of Somali prisoners are not easily available, either under the ethnic monitoring or the religious monitoring systems of classification used by the Prison Service.⁷⁸ Another example involves the Aziziya Mosque in Stoke Newington, which was keen to help members of the Turkish community who are in prison, many of whom are non-English speakers.⁷⁹ Again, details about Turkish prisoners are not easily available, so it is very difficult for welfare groups to establish contact with these prisoners.

While collecting information about the specific ethnicities of individuals being processed by the criminal justice system would undoubtedly be of practical benefit, in many instances, this approach also has some important limitations. Such information may not easily translate into the compilation of research statistics in relation to these communities, due to the low numbers of individuals belonging to these diverse groups. According to the 2001 Census, the minority ethnic population constitutes 4.6 million people, or 7.9 per cent, of the total UK population of 58.8 million. However, those individuals classified as “Other Asian”, “Black African”, “Black Other” and “Other” constitute just 1,061,141 individuals, or 1.8 per cent of the total population. This means that it may not be possible to carry out valid statistical analyses in relation to each individual community, and so communities may inevitably have to be grouped

⁷⁸ Interview with Salah el-Hassan, Director of the IQRA Trust, April 2004, Birmingham University.

⁷⁹ Interview with Salah el-Hassan, Director of the IQRA Trust, April 2004, Birmingham University.

together according to various aspects of their class/ethnic/religious identities. This point takes us to the issue of monitoring the religious identity of offenders, suspects, victims, witnesses and employees within the criminal justice system.

3.6 Religious Monitoring

The focus upon ethnicity means that the role of religion in individuals' lives, and the significance of their religious identity, has been largely omitted in policy-making terms. Whilst direct and institutional racism by the police, the courts and the penal system has been documented, and policies have been implemented to tackle these issues, discrimination on the grounds of religion has rarely been addressed. The racist murder of Stephen Lawrence led to the publication of the *Macpherson Report* (1999), which defined institutional racism as "unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people". The need to tackle institutional racism within public services has led to the implementation of new policies, training procedures and recruitment targets. A report commissioned by the Runnymede Trust found that "Islamophobia" is endemic to British society:

The term Islamophobia refers to unfounded hostility towards Islam. It refers also to the practical consequences of such hostility in unfair discrimination against Muslims and to the exclusion of Muslims from mainstream political and social affairs.... Islam is seen as violent and aggressive.⁸⁰

Islamophobia leads to both covert and overt discrimination that disadvantages Muslim communities. Anti-Muslim sentiment and Islamophobia have increased in the aftermath of the terrorist atrocities of 11 September 2001.⁸¹ In a survey looking at the effects of the events of 11 September on discrimination and implicit racism in five religious and seven ethnic groups, religion was found to be more important than ethnicity in indicating which groups were most likely to experience racism and discrimination.⁸² Moreover, this research indicates the existence of "modern" and implicit religious discrimination. The phrase "modern religious discrimination" indicates that prejudice against religious communities continues to exist in a "post-civil rights, politically correct era". "Implicit" religious discrimination refers to daily life situations in which covert religious prejudice, such as being treated rudely or not being

⁸⁰ Commission on British Muslims and Islamophobia, *Islamophobia, a challenge for us all*, London, The Runnymede Trust, 1997, p. 10.

⁸¹ IMRC, *The Hidden Victims of September 11th*.

⁸² L. Sheridan, R. Gillett, E. Blaauw and F.W. Winkel, *Effects of the Events of September 11th on Discrimination and Implicit Racism in Five Religious and Seven Ethnic Groups*, Leicester, University of Leicester School of Psychology, 2003, p. 19, (hereafter, Sheridan et al, *Effects of the Events of September 11th*).

taken seriously, can be experienced.⁸³ British White People also reported a rise in post-11 September discrimination, and of the White people in the study who said they faced religious discrimination, almost half were Muslim.⁸⁴

These reports and surveys highlight the difficulty of approaching the documentation of Muslim communities' social and criminal justice experiences solely through the lens of ethnicity. As O'Beirne's report on the *Citizenship Survey* (2001) makes clear, religious affiliation is a fundamental aspect of the lives of many individuals belonging to minority ethnic groups, and so approaching diversity predominantly through the strand of ethnicity fails to take into consideration people's religious identities and their social experiences in relation to their faith.⁸⁵ Indeed, according to the Commission on the Future of Multi-Ethnic Britain, Muslims have become disillusioned with an anti-racism movement that refuses to combat Islamophobia.⁸⁶ Specific attention should be paid to the negative stereotyping of Muslims and the direct and indirect discrimination they face.

Monitoring is an essential tool for identifying discrimination. It is important to consider points at which data on religious identity might be collected within the criminal justice system, so that religious affiliation, as well as ethnicity, might help to inform policy and practice. Based on discussions with individuals who work in the criminal and community justice fields, there appears to be an assumption among government agencies and the voluntary support sector that asking people for information about their religious affiliation is intrusive. These workers seem to feel that questions about religion might serve to damage the relationship between the client and the service provider. However, there is no research to either validate or dismiss this assumption. As a first step, it is important for service providers to carry out research into whether their clients perceive religious monitoring to be overtly intrusive, or whether a significant proportion of clients would welcome such monitoring. At the same time, however, adequate protections must be put into place, to prevent abuse of such potentially sensitive data.

Following on from this point, each agency of the criminal justice system should carefully consider the points at which religious monitoring might take place. The 2001 Census included a voluntary question about religious identity, and agencies might be able to adopt this format. Alternatively, the format used by the Prison Service, which is more detailed, might also be used. Monitoring religious identity would enhance our knowledge about a wide range of crime and criminal justice issues, and this would have

⁸³ Sheridan et al, *Effects of the Events of September 11th*, p. 13. and 19.

⁸⁴ Sheridan et al, *Effects of the Events of September 11th*, p. 20.

⁸⁵ O'Beirne, *Religion in England and Wales*, p. 1.

⁸⁶ Commission on the Future of a Multi-ethnic Britain, *The Future of Multi-ethnic Britain: the Parekh Report*, London, Profile Books, 2000, p. 62.

some important practical benefits. For example, faith communities involved in the re-settlement of prisoners have argued that it would help them if statistics could be made available regarding the re-offending rates of particular faith communities.⁸⁷ Currently, however, statistics about this topic are compiled on the basis of an ethnic monitoring system.

There are three developments within criminal justice that might lead to an increased focus upon religious monitoring.

First, police forces will do more to monitor the religious identity of victims, particularly in the context of religiously aggravated offences. Where local partnerships between the police and other statutory and voluntary agencies begin to focus upon religiously aggravated crimes, then local police forces may feel increased pressure to monitor the religious identity of victims. This will also help agencies cater to victims' needs more specifically, and, where these details are passed on to the Crown Prosecution Service, the Probation Service and Victim Support, they can be used as the basis from which to inform service delivery.

Second, the merger of the Prison and Probation Services into the new NOMS (National Offender Management Service) will enable the probation part of the new service to consider monitoring the religious identity of offenders that it manages. Since the Prison Service already collects data about the religious identity of prisoners, the probation wing of NOMS might consider the extent to which it will be possible to use the Prison Service's categories and systems of monitoring. These statistics can then be used in order to draw conclusions about Muslim offenders and to inform practice and policy decisions, an issue we will return to later on in this report.

Third, from April 2003, Crown Prosecution Service areas will be required to submit the standard Racist Incident Monitoring Scheme (RIMS) forms in cases of religiously aggravated offences. When appropriate, these forms will have to be clearly marked to identify that the case involves a religiously aggravated offence.⁸⁸ See section five for further details about RIMS.

⁸⁷ Meeting of Chaplaincy Council, November 2003, Interview with Salah el-Hassan, Chairman of the IQRA Trust, April 2004, Birmingham University.

⁸⁸ Crown Prosecution Service, *Racist Incident Monitoring Scheme (RIMS): Annual Report 2002–2003*, London, CPS, p. 35, (hereafter, *RIMS Annual Report 2002–2003*).

3.7 Researching Muslims' Experiences, and Perceptions, of Crime and Criminal Justice

At the moment, Muslims' experiences and perceptions are not being directly explored by agencies of the criminal justice system. As was explained in the preceding sections, this is due, in part, to the system of race and ethnic monitoring that is currently in place. This system uses very general race categories to monitor individuals' experiences. Therefore, as was explained, Muslims' experiences are subsumed within broader categories and generally remain hidden. Religious monitoring is rarely carried out.

There is an urgent need for detailed research to examine the following core issues:

1. Anti-Muslim sentiment, Islamophobia and discrimination in Muslims' daily lives.
2. Muslims' perceptions of the risk they face in being the victims of religious/racist hate crime, racially/religiously aggravated offences and discrimination and prejudice.
3. the extent to which Muslim communities are being unfairly targeted by the new anti-terror powers.
4. Muslims' perceptions that they are being unfairly targeted by anti-terror legislation.
5. Muslims' perceptions of, and confidence in, the correctional services – the police, the Crown Prosecution Service, the Probation Service and the Prison Service.

The voices of young Muslims and women are particularly likely to be marginalised through the existing consultation processes that are now in use, so research should specifically focus on their experiences.

Muslim organisations have been, and remain, active in monitoring Muslims' experiences of Islamophobia. For example, the Islamic Human Rights Commission (IHRC) documented the rise in aggression against Muslims following the 11 September attacks in the United States. Information was collected from a wide range of Muslim organisations, and victims were also directly reporting incidents to the IHRC. According to the IHRC report, Muslims experienced malicious phone calls and death threats, and women and children in particular experienced physical and verbal abuse. The IHRC documented 188 cases of verbal and written abuse, 20 cases of discrimination, 108 cases of psychological pressure and harassment and 344 serious crimes of violence.⁸⁹ The Forum

⁸⁹ IMRC, *The Hidden Victims of September 11th*.

Against Islamophobia and Racism (FAIR) has also logged Islamophobic incidents using a wide range of sources, including reports in both the Muslim and mainstream media and reports that were brought directly to the organisation.

There is now a need for more extensive research. Large-scale surveys should specifically focus on Muslim communities, to record Muslims' experiences and perceptions of the criminal justice system, as well as their feelings of (un)safety and their experiences of victimisation. The data needs to be carefully analysed, so that there is better understanding of how perceptions and experiences differ according to variables such as age, class and gender. This analysis might employ national or local crime surveys. The British Crime Survey might be one mechanism through which such statistics can be delivered.

Despite the wide diversity of Muslim communities, it might be argued that certain oppressive structures and discriminatory practices in relation to Muslims' faith identity frame individual lives. In the aftermath of the terrorist attacks in the United States on 11 September 2001, and in the course of the subsequent fight against terrorism, it can be argued that the documentation of the experiences of crime amongst Muslim communities is crucial, and the British Crime Survey might be an effective tool for doing this. By classifying individuals according to their religious affiliation, it may be possible to produce a booster sample consisting of a diverse range of Muslim communities, so that statistically valid results might be obtained in relation to these communities' experiences of crime and the criminal justice system. As will be argued later on in this report, Muslims' perceptions of policing include the notion that they are being unfairly targeted by the police as part of the ongoing fight against terrorism, but we need to have more extensive research that examines this issue.

The British Crime Survey, through the inclusion of a booster sample of Muslim communities, could help to systematically research this issue. However, such national crime surveys significantly undercount sensitive topics like hate crime.⁹⁰ Furthermore, researchers within the Home Office might argue that it is too costly or impractical to carry out a survey that specifically samples Muslim communities. Therefore, local crime surveys – carried out in partnership between Muslim organisations and universities, or other organisations, such as the CRE, might be a better, and more realistic – way forward.

Local crime surveys could target cities in which there are significant numbers of Muslims, including London, Birmingham, Manchester and Bradford. They can include questions about a wide range of issues, such as attitudes towards the

⁹⁰ B. Bowling, *Violent Racism: victimisation, policing and social context*, revised edition, Oxford, Oxford University Press, 1999, (hereafter, Bowling, *Violent Racism*); and S. Walklate, "Appreciating the Victim", in R. Matthews and J. Young (eds.), *Issues in Realist Criminology*, London, Sage, 1992, pp. 102–118.

community; attitudes towards crime; attitudes towards the police; experiences with crime, as a victim or a witness; and experiences with the police and other agencies that deal with crime. Specific information can also be sought regarding details of the offence, the offender and the impact of the crime on the victim. Muslim organisations can be involved in the design and evaluation of surveys, and they are crucial in terms of establishing trust and trying to get a high response rate from research participants.

An examination of Muslims' perceptions of, and confidence in, the correctional services might then be used as the basis from which to set targets to increase Muslims' confidence levels, as, currently, the government's targets seeking to boost minority ethnic communities' confidence in the criminal justice system do not relate specifically to Muslims. There is also a need for qualitative research that explores, in-depth, Muslims' experiences and perceptions of crime, criminal justice and community justice. In particular, the experiences of Muslim youth need to be further explored. There are currently only a limited number of studies looking at the experiences of both perpetrators and victims.⁹¹

⁹¹ See: M. Quraishi, *Muslims and Crime*, London, Ashgate, 2005 (forthcoming); A. Wardak, *Social Control and Deviance: A South Asian Community in Scotland*, London, Ashgate, 2000; and C. Webster, "Youth Crime, Victimisation and Harassment: The Keighley Crime Survey", in *Community Studies*, No 7, Bradford, Bradford and Ilkley Community College, Department of Applied and Community Studies, 1994.

4. POLICING MUSLIM COMMUNITIES

Following the passage of the Police Reform Act (2002), the first annual National Policing Plan for the Police Service in England and Wales has been published by the Home Secretary, in consultation with the Association of Chief Police Officers, the Association of Police Authorities and other key stakeholders.⁹² This plan outlines a set of national priorities for the Police Service, as well as the indicators against which performance will be judged. It provides the framework within which chief police officers and police authorities should prepare their own local three-year and annual policing plans.

National priorities are closely linked to the Home Office PSA (Public Service Agreement) targets. Target one requires the Government to reduce crime and the fear of crime. Target four is to improve the level of public confidence in the criminal justice system. This includes increasing the confidence of minority ethnic communities and increasing, year-on-year, the satisfaction of victims and witnesses, whilst respecting the rights of defendants.⁹³ Underpinning these priorities are two larger goals that the Government expects all forces to aim for as part of a national effort:

- community engagement and civil renewal; and
- countering terrorism and the threat of terrorism.⁹⁴

Both these goals should serve to reinforce each other if the task of policing is to be done effectively.

4.1 Building Community Confidence in the Police

Official data shows that police are using the new powers granted them under anti-terrorism legislation to target a large number of individuals, who are being stopped and searched – even though the vast majority are not subsequently arrested. According to statistics released by the Home Office, whereas the number of pedestrians stopped and searched under section 44(2) of the Terrorism Act (2000) increased from 946 in 2001/02 to 4,774 in 2002/03, only seven arrests were made in connection with these stops.⁹⁵ The number of Asians, Black people and “other minority ethnic” people who

⁹² Home Office, *National Policing Plan for 2003–2006*.

⁹³ Home Office, *National Policing Plan for 2003–2006*, Annex A.

⁹⁴ Home Office, *Policing: Building Safer Communities Together, a consultation exercise*, London, Home Office, 2003, p. 1.

⁹⁵ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 28.

have been stopped and searched rose significantly during 2002-03.⁹⁶ Muslims feel that they have been directly targeted by the state.⁹⁷ This is likely to influence their confidence in the police and the wider criminal justice system. At the same time, the incarceration without trial of detainees at HMP Belmarsh, under anti-terror legislation, further undermines Muslims' confidence in the criminal justice system, because many feel that the principle of due process underpinning British justice is being significantly compromised here.⁹⁸

According to Home Office statistics, there has been a substantial rise in the number of Asians, Black people and those classified as "other minority ethnic" people stopped and searched during 2002/03. Across all police forces, there has been a 36 per cent rise in the number of Asians, a 38 per cent increase in the number of Black people, and a 47 per cent increase in "other minority ethnic" groups stopped and searched under the Police and Criminal Evidence Act (1984).⁹⁹ Under the Terrorism Act (2000), whereas the number of White people stopped and searched increased by 118 per cent from 2001-02 to 2002-03, the number of Black people stopped and searched rose by 230 per cent, and the number of Asians stopped and searched increased by 302 per cent.¹⁰⁰

There is growing perception within the Muslim community that the police are increasingly targeting them in stops and searches. Ethnic data on stops and searches are recorded according to a four point format: "Black, White, Asian and Other". Statistics specifically in relation to Muslim communities are not available. Between 2000–2001 and 2001–2002, while the number of stops and searches recorded by the Metropolitan Police fell by eight per cent for White people, stops and searches of Black people rose by 30 per cent and stops and searches of Asians, who include Indians, Pakistanis and Bangladeshis, rose by 40 per cent. In England and Wales, excluding the Metropolitan Police Service, statistics show that, whereas the number of stops and searches for White people fell by an average of two per cent, stops and searches rose by an average of six per cent for Black people and 16 per cent for Asians.¹⁰¹ The Government has set up a

⁹⁶ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 28.

⁹⁷ Interview with the Chairman of the Islamic Human Rights Commission, March 2004, London. Interview with Rashid Skinner, Muslim community representative, March 2004, Bradford.

⁹⁸ See: Forum Against Islamophobia and Racism, *Anti-Terrorism, Crime and Security Act 2001 Review. A Submission from FAIR*, London, FAIR, 2003, (hereafter, FAIR, *Anti-Terrorism, Crime and Security Act 2001 Review*).

⁹⁹ The *Police and Criminal Evidence Act 1984* is the main piece of legislation that regulates the use of stop and search powers by police officers in England and Wales.

¹⁰⁰ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 28.

¹⁰¹ Home Office, *Statistics on Race and the Criminal Justice System – 2003*, p. 5.

Stop-and-Search Action Team in response to the significant rise in stops and searches carried out against minority ethnic groups.¹⁰²

Interviews with a wide range of Muslim community leaders and organisations (including An-Nisa Society, Forum Against Islamophobia and Racism, Islamic Human Rights Commission, IQRA Trust, and the Muslim Council of Britain), indicate that there is little acceptance amongst Muslims that anti-terrorism legislation should mean the disproportionate policing of members of their communities. Perceptions of policing within Muslim communities include the notion that community members are being criminalised, that police officers are operating “religious profiling” when deciding whom to stop and search and that young Muslims are being unfairly targeted. At the same time, there is a perception that police officers are Islamophobic. Cases of police abuse and mistreatment – such as the controversial arrest of a Muslim in Tooting, where police officers were allegedly racist, Islamophobic and heavy handed¹⁰³ – have quickly become common knowledge in Muslim communities. These incidents have the potential to detrimentally affect Muslim communities’ relationship with their local police forces.

There is also a perception that the criminal justice system is concerned more with the political control of Muslim communities than with their safety and protection, and that police officers often seek informants from communities for anti-terrorism activities rather than for issues relating to crime and disorder. And there is anxiety that Muslims are being spied on by the authorities, which makes the Muslims very distrustful of any engagement in civil/public life, causing many to retreat within their own communities.¹⁰⁴

The perceptions that Muslims have of the police should be an area of concern and focus in their own right. Perceptions will influence how people engage with the police, how much trust they have of policing and how secure they feel in their daily lives. There needs to be an attempt to reconcile the claims made by senior police officers with the lived experiences and subjectivities of Muslim communities. Further research is therefore necessary, in order to examine how common these poor perceptions of the criminal justice system are amongst Muslim communities – whether they are widespread throughout the UK, or whether they are to be found in particular areas, such as London. Muslims’ perceptions of policing also need to be explored across

¹⁰² Home Office, *Government and police must engage communities to build a fairer criminal justice system*, Home Office Press Release 220/2004, London, Home Office, 2 July 2004.

¹⁰³ H. Muir, “Inquiry into Arrest of Muslim Suspect”, *The Guardian*, 24 January 2004.

¹⁰⁴ This information has been obtained through interviews that were conducted with representatives of the Forum Against Islamophobia and Racism, the Islamic Human Rights Commission, the IQRA Trust, An-Nisa Society February–March 2004. See also *Anti-Terrorism, Crime and Security Act 2001 Review*; and Liberty, *Reconciling Security and Liberty*.

gender, class, age and ethnic groups, and there is a need to investigate whether encounters with the criminal justice system leave Muslims with a better or worse perception. As highlighted earlier on in this report, the British Crime Survey, or local crime surveys, might be used to document Muslims' perceptions.

A key challenge for the Muslim community and the police is to find ways in which to pursue anti-terrorism policing while at the same time building confidence with Muslim groups. Police engagement with local communities can take place on many different levels. Every police force in England and Wales has a police authority, which must ensure that community consultation takes place regarding the ways in which a particular area is policed and regarding policing priorities that a particular police force adopts. Police authorities can also work with local police forces on community engagement. They have helped develop many important initiatives that seek to build the trust of local communities and to increase community involvement in policing.¹⁰⁵

Examples of good practices in community involvement should be more widely reproduced. For example, in Balham, South London, Special Constable Farhad Ahmed has set up a crime prevention and advice centre in the Tooting Islamic Centre. The crime centre, which acts as a contact point for the local South Asian Muslim community to liaise with the police, is the first of its kind in the country.¹⁰⁶ The Government has sought to stress the importance of such initiatives, and publicise them, through the creation in 2003 of a National Centre for Policing Excellence, whose remit is to identify, develop and spread good practice in operational policing, so that police forces can learn from each other.

Research shows that different communities have different needs, and so it is necessary to employ a wide variety of means of interaction.¹⁰⁷ This research found that, while all participants wanted to have more information about an individual's rights, especially in relation to being stopped by the police, people from minority ethnic groups thought that they were more likely to need this information, as they were more likely to be stopped. In light of the increasing numbers of stops and searches Muslims are likely to

¹⁰⁵ A. Myhill, S. Yarrow, D. Dalglish, and M. Docking, "The role of police authorities in public engagement", in *Home Office Online Report 37/03*, 2003, available at <http://www.crimereduction.gov.uk/activecommunities50.htm> (accessed 21 September 2004), (hereafter, Myhill et al., *The role of police authorities in public engagement*).

¹⁰⁶ Home Office, *Policing: Building Safer Communities Together, a consultation exercise*, London, Home Office, 2003, p. 11.

¹⁰⁷ See: Myhill et al *The role of police authorities in public engagement*, chapter 4. For example, different age groups preferred different methods of publicity and consultation. Younger age groups favoured TV, newspapers, the Internet and email. People in the 30-59 age range, and also some of those aged 60 or more, were enthusiastic about public meetings.

face under the anti-terrorism legislation, it is important that Muslims receive accurate and accessible information about their rights when they are stopped and searched.

A key organisation working with the Metropolitan Police Service is the Muslim Safety Forum.¹⁰⁸ The Forum is an important mechanism through which Muslims' concerns about police tactics and approaches are regularly raised. For example, the issue of the heavy-handed police tactics used in the case in Tooting was brought up at a Safety Forum meeting with the Metropolitan Police Service. The police officer investigating the allegations of abuse in this case also attended a Forum meeting. Another example of where the Muslim Safety Forum has played a significant role in community safety issues is in relation to the recent advertising campaign warning people to be vigilant due to the threat from terrorism. The Muslim Safety Forum argued for the withdrawal of a poster showing an image that resembled the mostly covered face of a Muslim woman. A new poster was subsequently distributed. The Muslim Safety Forum is also one organisation that has been asked to work with the Home Office Stop and Search Action Team, which is looking at how police powers are being used.

Officials need to engage in greater consultation with Muslim representatives, from a broader range of Muslim communities, and the London initiative of the Muslim Safety Forum should be encouraged in different cities where there is a significant Muslim population. Part of the process of consultation should include a focus upon examining how policing can meet the demands of countering terrorism while at the same time increasing the involvement of Muslim communities – not just in the war on terrorism but also in issues that affect local communities, such as street and property crime and neighbourhood incivilities.

Under the Police Reform Act (2000) a new independent body to investigate complaints about the Police Service has been established. One responsibility of this body, called the Independent Police Complaints Commission (IPCC), is to improve access to the police complaints system. To do this, the IPCC has set up arrangements with a number of local and national organisations – such as the Citizens Advice Bureau – that agreed to become Complaints Access Points (CAPs). At the CAPs, people can make complaints about the police and can find out information about the IPCC. It is possible for mosques and Muslim community centres to become CAPs, so that people from the local communities that they serve have a place where they can make complaints about the police. Indeed, the Churches Criminal Justice Forum, an organisation whose remit includes sharing experiences and information about criminal justice issues and different religious needs,

¹⁰⁸ The Muslim Safety Forum is comprised of representatives from a variety of Muslim groups and associations, including the Al-Khwei Foundation, the Union of Muslim Organisations, the Regent's Park Mosque, the Islamic Human Rights Commission and the IQRA Trust. The Metropolitan Police Service regularly consults the Muslim Safety Forum with respect to criminal justice and community safety issues.

has in the past helped to develop a church-based, third-party reporting scheme for complaints relating to racism by police officers.¹⁰⁹

4.2 Recruitment of Police Officers

There would naturally be more confidence in policing if there were greater involvement of Muslims in all parts of the policing process. The Government is seeking to achieve a “truly representative Police Service,” and it has set a national target of increasing the proportion of minority ethnic officers from 2.6 per cent on 31 March 2003 to seven per cent by 2009.¹¹⁰ The Government is also seeking to improve the retention rate and rate of progression of minority ethnic staff, by rooting out racism and creating “an environment in which racist attitudes and behaviour are freely and openly challenged”.¹¹¹ These policies are a response to the Macpherson report.¹¹²

Following the lead taken on tackling racism in the Police Service, decisive action is now necessary to challenge anti-Muslim attitudes. In particular, police forces in local areas where there is a large Muslim population should consider introducing targets for the number of Muslims that they seek to recruit, so that their force reflects the Muslim identities of the local population. The Home Office is encouraging every force to use members of local communities as assessors,¹¹³ which means that communities become involved in the selection of their own police officers. It is important that police forces consider Muslim assessors in areas where there is a substantial Muslim population.

The recruitment of Muslim women police officers merits special attention, especially because women officers remain a minority group within the Police Service. In 2003, women made up approximately 44 per cent of the economically active population, but they represented only 19 per cent of police strength.¹¹⁴ According to a report of the Fawcett Society’s Commission on Women and the Criminal Justice System, women

¹⁰⁹ For further details of this scheme, see the Metropolitan Police Service Race and Hate Crime section.

¹¹⁰ Home Office, *National Policing Plan for 2003–2006*, p. 27.

¹¹¹ Home Office, *Dismantling Barriers*, Equality and Diversity Team, Police Personnel Unit, Home Office, 2004, available at <http://www.homeoffice.gov.uk/crimpol/police/equality/index.html> (accessed 21 September 2004), (hereafter, Home Office, *Dismantling Barriers*).

¹¹² Home Office, *Dismantling Barriers*.

¹¹³ Assessors will be part of selection panels when recruiting police officers.

¹¹⁴ Cotton and Smith, *Police Service Strength England and Wales 31st March 2003*, p. 5.

police officers are concentrated in the lowest ranks. Only five out of the 43 Chief Constables in England and Wales are women.¹¹⁵

There are no statistics available on the number of Muslim women police officers. Muslim women police officers are, effectively, balancing a number of often competing demands and expectations that are linked to their gender, ethnicity, faith identity and professional roles. The conflict among these demands helps to explain why so few join the Police Service. Interviews with Muslim women police officers suggest that, within their own communities, there exist cultural expectations about the type of work women should do, and policing carries little status.¹¹⁶ According to a British Association of Women Police (BAWP) report, entitled *The Gender Gap*, the cultural barriers to Muslim women joining the police are further exacerbated by the low progression rates for minority ethnic women.¹¹⁷ It therefore takes a very committed and strong woman to break cultural norms and family expectations by joining the Police Service.

Out on the streets, Muslim women police officers face abuse from many angles. They report experiencing abuse from Muslim community members, who question these women's loyalty to the community and suggest that they have "betrayed" their fellow Muslims by joining what is perceived to be a racist and Islamophobic Police Service.¹¹⁸ Muslim women officers also experience racist, sexist and Islamophobic abuse from members of the wider general public. They are also likely to be harassed for being police officers as they carry out their duties. Whilst Muslim women police officers accept that this is an inevitable aspect to their work, the sexist, racist and Islamophobic abuse that they face from some of their own colleagues is intolerable.¹¹⁹

Women also report being discriminated against in terms of career opportunities and promotion.¹²⁰ However, they are unlikely to proceed with formal disciplinary procedures, because there is a low level of confidence in the effectiveness of these procedures and there is the added fear that lodging complaints might further stigmatise them. Other, more informal, types of support have been pursued through networks, such as the Black, Asian and Muslim Police Association, and organisations for women specifically, like the BAWP. These networks and Muslim women police officers have

¹¹⁵ The Fawcett Society, *Women and the Criminal Justice System*, London, The Fawcett Society, 2004, p. 9.

¹¹⁶ Interviews with four Muslim women police officers in February and April 2004.

¹¹⁷ British Association of Women Police, *The Gender Gap*, London, BAWP, 2001 (hereafter, BAWP, *The Gender Gap*).

¹¹⁸ Interviews with four Muslim women police officers in February and April 2004.

¹¹⁹ Interviews with four Muslim women police officers in February and April 2004.

¹²⁰ Interviews with four Muslim women police officers in February and April 2004.

also sought assistance through alliances with those senior White police officers who are regarded as being “sympathetic” to race and gender issues.

Some police forces have introduced a policy whereby Muslim women can wear their *hijab* when they are in uniform and carrying out their duties. This policy, by itself, however, is unlikely to increase the number of Muslim women police officers, as there needs to be a wider change in police culture and practice. Interviews with Muslim women police officers suggest that they are unlikely to opt to wear a *hijab* in a working environment in which they encounter sexist, racist and Islamophobic harassment.¹²¹ Indeed, in the absence of any adequate training about British Muslim identities in the Police Service, allowing women police officers to wear the *hijab* may only serve to “demonise” Muslim women further, because other police officers are unlikely to understand the role of the veiling. Instead, officers are likely to be prone to the type of misunderstandings that prevail in wider society.

The effective recruitment and subsequent retention of Muslim women police officers must begin with detailed research into Muslim women’s perceptions of the Police Service and their reasons for not wanting to become police officers. Research is also needed to better understand the experiences of Muslim and minority ethnic women working in the Police Service, to examine how long they stay in the Police Service and the reasons why they decide to leave.

The BAWP report, *The Gender Gap*, highlights many ways in which the Police Service can become more inclusive of women officers in general, and minority ethnic women officers in particular. One recommendation is the establishment of fully funded mentoring schemes for women police officers.¹²² This does not mean, however, that Muslim women police officers should be automatically linked to other female or Asian members of staff. Connecting women with “sympathetic” senior male police officers might actually change the work environment more effectively. Another recommendation is to reconsider lengthy, residential training courses. Some on-site training could instead be replaced through greater use of information technology and distance learning packages, which allow for home study. This change could boost the number of Muslim women applying to join the Police Service, as the idea of having to undergo residential training is off-putting to many.¹²³

In conjunction with the BAWP, the Home Office recently launched a number of advertisements in the national press, to challenge misunderstandings that women might hold about policing, including misperceptions about height limits, age and

¹²¹ Interviews with four Muslim women police officers in February and April 2004.

¹²² BAWP, *The Gender Gap*.

¹²³ BAWP, *The Gender Gap*.

fitness requirements. Advertisements also appeared in several women's magazines, such as *Marie Claire*, *Cosmopolitan*, *Red* and *She*. These advertisements featured female police officers discussing their careers and experiences.¹²⁴ It might be beneficial to apply this approach to the particular issue of Muslim women and policing, by designing advertisements featuring Muslim women police officers and by targeting the Asian and Muslim press. These advertisements could stress how Muslim women police officers have managed to balance the many demands placed upon them, and they could include the routes to promotion, thereby enhancing the status of policing. Again, the BAWP could play a significant role here.

A Home Office study looking at attitudes towards a career in the Police Service reveals that a variety of perceptions discourage individuals from minority ethnic groups from joining the police. These perceptions include: concerns that they would have to work in a racist environment; concerns that they would face prejudice from both colleagues and the general public on a daily basis; concerns that the sense of isolation that minority ethnic police officers would feel in a predominantly White male culture would lead them to having to deny their cultural identity in order to fit in; concerns that there would be pressure from the local community to decide where their loyalties are; and, for Asian Muslim women with strong religious beliefs, concerns about whether the job is appropriate for a woman.¹²⁵

The Home Office study also asked respondents to recommend some steps that the Police Service might take in order to increase the likelihood that they would apply to join the police. Respondents suggested that more needs to be done in terms of dealing with racism. They also said that the ways in which the police handle stops and searches needs to be addressed. There could be a similar study researching the attitudes of Muslims, particularly Muslim women, towards a career in the Police Service.

4.3 Training of Police Officers

According to the HM Inspectorate of Constabulary report, *Diversity Matters*, "training has a key role in equipping staff with the skills necessary to handle effectively both the external and internal aspects of diversity".¹²⁶ This particular report found that, whereas

¹²⁴ BAWP, *The Gender Gap*, p. 11.

¹²⁵ V. Stone and R. Tuffin, *Attitudes of People from Minority Ethnic Communities towards a Career in the Police Service*, Police Research Series Paper 136, London, Home Office Research, Development and Statistics Directorate, 2000.

¹²⁶ HM Inspector of Constabulary, *Diversity Matters: Executive Summary*, London, HM Inspector of Constabulary, 2003, p. 1, (hereafter, HM Inspector of Constabulary, *Diversity Matters: Executive Summary*).

most race and diversity training programmes in the Police Service focus appropriately on race issues, the training needs of wider diversity issues are not being sufficiently identified or addressed. Police forces reported that the requirements of the RR(A)A (2000) provided key motivation for a specific race focus in diversity training, even though there is an increasing recognition of the broader range of diverse communities.¹²⁷

At present, race and diversity training is delivered throughout the Police Service via a number of different approaches, and there is an absence of national guidance and standards. Attempts have been made at setting standards of content and outcome. Partly in response to the Stephen Lawrence Inquiry, the Police Service devised Community and Race Relations Occupational Standards. However, so far, there has not been widespread compliance with these standards.¹²⁸ Nonetheless, pressure for further standardisation is likely to increase through the current adoption of National Occupational Standards,¹²⁹ which are aligned to the newly implemented National Competency Framework.¹³⁰ The Police Training and Development Board has agreed to set a national strategy to promote learning in the Police Service. A target has been set that by April 2006, 95 per cent of courses offered nationally, regionally and locally will be mapped against National Occupational Standards.¹³¹

Police race and diversity training packages need to pay greater attention to the issue of British Muslim identities and the needs of Muslim communities. The Police Training and Development Board should give national direction, and there should be feedback from local communities about the impact of training on practice. It is also important to consider developing methods of assessment that measure the learning of each individual trained.

Any training programme should ensure that Muslims are not “otherised” through discussions that only focus on the differences between Muslim communities and broader “mainstream” society. Instead, the broad range of Muslim identities should be

¹²⁷ HM Inspector of Constabulary, *Diversity Matters: Executive Summary*, p. 14.

¹²⁸ HM Inspector of Constabulary, *Diversity Matters: Executive Summary*, p. 14.

¹²⁹ National Occupational Standards describe performance in terms of what needs to be achieved to reach recognized levels of competence. They form the basis of a wide range of vocational qualifications. See *Diversity Matters: Executive Summary*, p. 20.

¹³⁰ The introduction of a National Competency Framework (already piloted in some areas) is planned across the Police Service. The Framework is designed to provide standard definitions of role tasks and a means of measuring an individual’s performance against them. See Her Majesty’s Inspector of Constabulary, *Diversity Matters: Executive Summary*, p. 20.

¹³¹ Police Training and Development Board, *National Learning Strategy to Promote Learning in the Police Service, 2004*, available at <http://www.policereform.gov.uk/ptdb/natlearningstrategy.html> (accessed 21 September 2004).

highlighted, and commonalities should be stressed. As part of the research for this paper, interviews were conducted with individuals describing themselves as Muslim, and they each had different interpretations of their own Muslim identity. If one Muslim individual speaks about Islam as part of a training package, the training will not reflect the diverse range of British Muslim identities, and it may serve to reproduce stereotypical images of Islam.

Training packages must therefore seek to engage people to critically reflect on the diverse nature of Islam, as well as the many commonalities of experience between Muslim communities and other communities. Any training package must also include a focus upon gender, since it is likely that Muslim women will have particular requirements from the police. Research indicates that minority ethnic women want the police to understand more about their cultural and religious needs.¹³² According to this research, women feel that the police patronise them, stereotype them and listen to any man present before turning to the woman complainant.¹³³ These issues can be addressed through better training.

According to HM Inspectorate of Constabulary, police training will increasingly need to reflect the local communities that the separate police forces serve. The HM Inspectorate of Constabulary report, *Diversity Matters*, notes that there is presently little evidence of community involvement in identifying police learning requirements, or in designing and evaluating police training programmes.¹³⁴ Recommendation 9.5 of the report states that the race and diversity content of training should be restructured, to provide an in-depth understanding of the community that officers will be policing. The report also found that few police forces conduct any kind of community survey to assess whether their performance has improved as a result of training.¹³⁵

The development of effective training requires greater involvement of Muslim communities in the design and evaluation of police training on race and diversity. If policing is to reflect the needs of local communities more specifically – as per the National Policing Plan – then local police forces should do more to engage with the diverse range of Muslim groups when considering training issues. In areas where there is a significant Muslim population, Muslim communities should be involved in the design, development and evaluation of courses delivered by police staff-development and training units.

¹³² S. Todd, *Seen but not Heard – Women’s Experiences of the Police: Report of a Collaboration between Thames Valley Police, Todd Consulting and the University of Surrey*, London, Thames Valley Police, 2002 (hereafter, Todd, *Seen but not Heard*).

¹³³ Todd, *Seen but not Heard*, p. 9.

¹³⁴ HM Inspector of Constabulary, *Diversity Matters: Executive Summary*, p. 9.

¹³⁵ HM Inspector of Constabulary, *Diversity Matters: Executive Summary*, p. 131.

5. THE COURTS

This section takes a look at the work of the Crown Prosecution Service and highlights how, now that an anti-religious element can be considered in crimes, the service needs to achieve greater engagement with specific religious communities. This section also focuses briefly upon the courts, noting that there is a lack of research into Muslims' experiences of court processes. Detailed research in this area is urgently needed.

5.1 The Crown Prosecution Service

In 2002, a Crown Prosecution Service Inspectorate reviewed the way in which the service deals with cases having a minority ethnic dimension. The inspectorate found that prosecutors were routinely reducing the seriousness of offences by disregarding the racial element to certain crimes. It recommended further training for prosecutors, more appropriate monitoring of cases and better community engagement.¹³⁶ In 2004, a follow-up review of Crown Prosecution Service casework with a minority ethnic dimension found that police identification of racist incident cases has improved. The 2004 review also noted improvement in the overall commitment of prosecution staff to the Racist Incident Monitoring Scheme (RIMS), which gathers information on prosecution decisions and outcomes in all cases identified by the police or Crown Prosecution Service as racist incidents.¹³⁷ The review found the level and effectiveness of community engagement had improved significantly, and it noted that a number of worthwhile and innovative initiatives are being pursued. However, the 2004 review noted that, even though such instances are less common, there are still a significant proportion of cases involving a racist incident in which charges are reduced inappropriately.¹³⁸

¹³⁶ HM Crown Prosecution Service Inspectorate, *Thematic Review of CPS Casework with a Minority Ethnic Dimension*, London, HMCPS Inspectorate, 2002.

¹³⁷ HM Crown Prosecution Service Inspectorate, *A Follow Up Review of CPS Casework with a Minority Ethnic Dimension*, London, HMCPS Inspectorate, 2004, (hereafter, HMCPS Inspectorate, *A Follow Up Review of CPS Casework with a Minority Ethnic Dimension*).

¹³⁸ HMCPS Inspectorate, *A Follow-up Review of CPS Casework with a Minority Ethnic Dimension*, p. 7.

Following the introduction of a religious element to crime¹³⁹ under the Anti Terrorism Crime and Security Act (2001), in April 2002, the Crown Prosecution Service began requiring prosecutors dealing with religiously aggravated cases to submit a summary of the facts and decisions taken in the case to the Director of Public Prosecutions. The Director of Public Prosecutions may ask to see the file, and he can review the case himself if he has any reservation about the decision taken. From April 2003, Crown Prosecution Service areas will be required to submit a RIDS monitoring form for religiously aggravated offences, just as they have had to do for racist incident cases. The RIDS must be clearly marked to identify that the case involves a religiously aggravated offence.¹⁴⁰ So far, there have been relatively few religiously aggravated prosecutions, according to the RIMS annual report on racially and religiously aggravated crime by the Crown Prosecution Service. Nonetheless, the majority of victims involved in cases with a religious element are Muslim.¹⁴¹

Whilst community engagement is an important part of Crown Prosecution Service policy and practice, the 2004 Crown Prosecution Service HM Inspectorate review found that, generally, awareness of religious differences is not as developed as it might be, and there may be a tendency to put all minority ethnic communities under the same umbrella. However, very recent developments within the Crown Prosecution Service suggest that religious monitoring and the religious identity of community groups is increasingly being taken into consideration. Victim and witness care units are currently being established in a partnership between the Crown Prosecution Service and the police, with the service taking the lead on this initiative. The units will be monitored in terms of victims' and witnesses' usage, take-up and satisfaction, and religious monitoring will be included. The Crown Prosecution Service is also drawing

¹³⁹ Some offences can be charged as specific religiously aggravated offences. For these offences, prosecutors have to prove first that the offender committed one of the basic offences (including offences of assault, wounding, harassment, damage and public order offences, such as causing people to fear violence or harassment) and then prosecutors have to prove that the offence was religiously aggravated in one of two ways: either the accused person demonstrated hostility to the victim because the victim was thought to belong to a particular religious group, or the accused person was motivated by hostility towards the victim for the same reasons. See: Crown Prosecution Service, *Racist and Religious Crime – CPS Prosecution Policy*, London, Equality and Diversity Unit and the Policy Directorate, CPS, 2003, p. 5.

¹⁴⁰ *RIMS Annual Report 2002–2003*, p. 35.

¹⁴¹ *RIMS Annual Report 2002–2003*, p. 36. Breakdown of religion of victims for religiously aggravated offences between 14 December 2001 and 31 March 2003: out of a total of 18 cases, ten involved Muslim victims, two Sikh victims, two Hindu victims, one Jewish, one Jehovah's Witness, one Christian victim and one victim whose religion was not stated.

up a directory of community groups and contacts, including representatives of Muslim communities, which will be available on the Crown Prosecution Service intranet.¹⁴²

5.2 The Court Service

Research has raised serious questions about the prevalence of custodial sentences for minority ethnic defendants in the Crown Court. These concerns have led to an increased focus upon the issue of direct or indirect discrimination in the courts, as well as a focus on the extent to which minority ethnic communities feel they are treated equally.¹⁴³ The Department for Constitutional Affairs has recently commissioned research looking at the experiences of minority ethnic magistrates, ethnic diversity and the jury system, ethnic diversity and the tribunal system and minority ethnic families' experience of care proceedings.¹⁴⁴

Research has focused upon ethnicity and not religious identity. However, the commissioned research on ethnicity should, at the very least, disaggregate statistics to show any disadvantage experienced by Pakistanis and Bangladeshis. If the results of this research indicate significant adverse treatment, then future research may need to place a greater focus on Muslim communities and their perceptions and experiences of the courts.

¹⁴² Interview with Seamus Taylor, Head of Equality and Diversity, Crown Prosecution Service Equality and Diversity Unit, London, April 2004.

¹⁴³ R. Hood, *Race and Sentencing*, Oxford, Clarendon Press, 1992.

¹⁴⁴ The Department for Constitutional Affairs Research Programme, *Courts and Diversity Programme*, 2004.

6. THE PRISON SERVICE

This section looks at the recent efforts made by the Prison Service to accommodate the needs of Muslim prisoners. It is argued that, despite good progress in areas such as diet and prayer facilities, more attention now needs to be focused upon offender programmes that are run inside prison. The Prison Service should consider whether these programmes could be more inclusive of Muslim prisoners. Muslim communities must also be encouraged to work with the Prison Service, in order to help rehabilitate Muslim offenders.

June 2004 saw the creation of the National Offender Management Service (NOMS), which is intended to provide the end-to-end management of offenders – whether they are serving sentences in prison, in the community, or both – in order to ensure that the whole sentence of the court is planned and delivered in an integrated and effective way. The Prison and Probation services will eventually become delivery arms for NOMS. However, as a date is yet to be established for this transition,¹⁴⁵ the following sections will continue to refer to the Prison and Probation services. Nonetheless, in anticipation of the greater role for NOMS, some recommendations will also be aimed at this particular body.

6.1 Provision for Muslim Prisoners

British prisons today are incarcerating an increasingly diverse ethnic, cultural and religious population. In the last few years, there has been significant growth in the number of male Muslim prisoners. While the number of Muslim prisoners was increasing, the number of prisoners registering as Christian was steadily decreasing.¹⁴⁶ On 30 June 2002, there were 5,379 male Muslim prisoners, compared to 430 Sikh and 256 Hindu male prisoners. The link between social exclusion and crime is well-established, and social exclusion and economic deprivation appears to be a factor in the large number of Muslim prisoners.¹⁴⁷ Statistics for Pakistani and Bangladeshi communities, as well as other Muslim ethnic communities, reveal that they are much

¹⁴⁵ “End-to-End Management of Offenders at Heart of NOMS”, *Her Majesty’s Prison Service News*, 19 August 2004, p. 1, available on the Prison Service website at <http://www.hmprisonservice.gov.uk> (accessed 2 November 2004).

¹⁴⁶ J. Beckford and S. Gilliat, *Religion in Prison: equal rites in a multi-faith society*, Cambridge, Cambridge University Press, 1998.

¹⁴⁷ Farrington, *Human Development and Criminal Careers*.

more likely than other groups to be living on low incomes, with almost 60 per cent of the 1 million people in this group living in low-income households.¹⁴⁸

Traditionally, in most prisons, Christian chaplains have provided religious care and services. However, members of other religious groups have the same right to practise their faith as Christian prisoners. The Prison Act (1952) states that the prison chaplain should ensure that every prisoner is able to practise his or her faith. In recent years, the facilities provided for Muslim prisoners have improved. In 1999, the Prison Service appointed a Muslim adviser, whose work has involved a focus upon three areas: Friday prayers, access to Imams and *halal* diets. In 2003, for the first time, full-time Muslim chaplains were also employed. A *Directory and Guide on Religious Practises in HM Prison Service* was issued in 1996, in order to enable staff to cater more adequately to the religious needs of prisoners.¹⁴⁹ The directory describes matters related to worship, sacred writings, diet, dress, ministry and aspects of social functioning, such as the role of families, personal hygiene and race.

The Prison Service Chaplaincy has also pursued a multi-faith ethos. This body has created a Chaplaincy Council, whose members include prison service faith advisers from a variety of different religions. The Chaplaincy Council provides a forum for consultation on a broad range of prison issues and guides and advises the Prison Service Chaplaincy. The National Council for the Welfare of Muslim Prisoners (NCWMP), set up in 1999, is a body consisting of representatives from a number of Muslim organisations. The NCWMP's remit includes: suggesting policy recommendations, via regular meetings with the director general of the Prison Service and meetings with the Chaplaincy Council; supporting the work of the Muslim adviser; and making annual prison visits, in order to assess the quality of the services provided to Muslim prisoners. The NCWMP's work has included assessing the needs, and quality, of facilities provided to detainees held under anti-terror legislation at HMP Belmarsh.

A number of areas continue to concern Muslim prisoners and their representatives. According to the Muslim adviser, due to staff lunch breaks, there has been a shortage of prison officers to escort Muslim inmates, so that they may not be able to go to the place of worship for prayer times.¹⁵⁰ In addition, there are concerns that washing facilities are not available close to prayer rooms, which may also be inadequate in terms

¹⁴⁸ Department for Work and Pensions, *Family Resources Survey, 2000/2001*, London, 2001, (hereafter, DWP, *Family Resources Survey, 2000/2001*.)

¹⁴⁹ HM Prison Service, *Directory and Guide on Religious Practices in HM Prison Service*, London, HM Prison Service, 1996.

¹⁵⁰ M. Ahmed, "Muslim Religious Provision in HM Prison Service", in *Prison Service Journal* 137 (September), 2002, (hereafter, Ahmed, *Muslim Religious Provision in HM Prison Service*).

of size, design or location. The authenticity of *halal* food has been questioned, despite official assurances that the food meets *halal* requirements. This matter is of crucial concern to Muslim inmates and a frequent source of frustration.¹⁵¹ Concerns involving personal hygiene also feature significantly in Muslim prisoners' daily lives. The Prison Service has been advised to build cubical showers, so that individuals do not have to share communal showers, though, in many prisons, there are now curtains or modesty screens.¹⁵²

The NCWMP stresses the large discrepancies in service to be found between the different prison establishments. For example, in HMP Belmarsh, where there are approximately 150 Muslim prisoners, 100 of whom attend Friday prayers, only one full-time Imam is presently employed by the prison. In contrast, at Brixton Prison, where there are around 80 Muslim prisoners, there is one full-time Imam and two relief Imams to support his work. At Feltham Young Offenders Institute there are approximately 135 Muslim prisoners, who are served by one full-time Imam and four relief Imams.¹⁵³

6.2 Staff Training

Anti-Muslim sentiment, discrimination, overt racism and violence, involving members of staff as well as prisoners, are features of prison life.¹⁵⁴ After the death of Zahid Mubarek at HMP Feltham, and other highly publicised incidents at HMP Brixton and Full Sutton, the Commission for Racial Equality (CRE) conducted a formal investigation into the Prison Service, and the director general announced that the service is institutionally racist. The Prison Service has committed itself to working with the CRE to build considerations of race relations into all aspects of its work. A five-year joint Prison Service/CRE action plan, entitled *Implementing Race Equality in Prisons: A Shared Agenda for Change*, was launched in December 2003. The plan will cover

¹⁵¹ Ahmed, *Muslim Religious Provision in HM Prison Service*.

¹⁵² Ahmed, *Muslim Religious Provision in HM Prison Service*.

¹⁵³ Interview with Salah el-Hassan, General Secretary of the National Council for the Welfare of Muslim Prisoners, Birmingham, April 2004.

¹⁵⁴ E. Genders and E. Player, *Race Relations in Prisons*, Oxford, Clarendon Press, 1989; R. Burnett and G. Farrell, *Reported and Unreported Incidents in Prisons: Occasional Paper 14*, Oxford, Centre for Criminological Research, 1994; and S. Bryans and D. Wilson, "The Prison Governor: theory and practice", in *Prison Service Journal*, Leyhill, 1998.

areas such as employment, staff development and training, and performance improvement.¹⁵⁵

Ignorance about spiritual and practical aspects of Islam may lead prison staff to act as if religious requests are a privilege rather than a necessity, and this attitude may lead to the inappropriate treatment of Muslim prisoners. There has been an increased focus upon the need to train staff, to raise their awareness of Islamic issues. A recent study found that most prison officers surveyed were aware of the identity of Muslims, and they knew that Muslim prisoners had particular requirements. Nonetheless, some prison officers appeared to be judgmental of Muslim prisoners who broke Ramadan rules or who chatted to friends during prayers.¹⁵⁶

6.3 Programmes for Prisoners

Cognitive skills programmes were first introduced in the Prison Service during the early 1990s. The “Reasoning and Rehabilitation programme” was introduced in 1992 and “Enhanced Thinking Skills” in 1993. These programmes started with the premise that the way offenders think, including how they reason and solve problems, is an important factor in their criminal behaviour. To prevent criminal behaviour, these programmes aim to teach offenders the process of consequential thinking, so they will avoid patterns of thinking that lead them to offend.

A recent evaluation study of the effectiveness of prison-based cognitive skills programmes found that those offenders who started a programme but failed to complete it were no less likely to be reconvicted than their matched comparison group, who did not take part in a programme. Moreover, 14 per cent of the young offenders and nine per cent of adult males involved in such a programme failed to complete it, and a substantial proportion of these dropped out through their own choice.¹⁵⁷

Research is required to determine Muslim prisoners’ needs in terms of the cognitive skills programmes currently in place. It is important to examine whether these programmes could be tailored to engage more effectively with Muslim offenders, by incorporating their religious identities. At the same time, the issue of whether other

¹⁵⁵ *Implementing Race Equality in Prisons: A Shared Agenda for Change*, HM Prison Service, 2004, available at www.hmprisonservice.gov.uk/abouttheservice/actionplan/ (accessed 21 September 2004).

¹⁵⁶ J. Beckford, *Preliminary Results on Provisions for Muslims in French and British Prisons*, paper presented at the Centre for Ethnic Relations University of Warwick, 12 December 2003, p. 21.

¹⁵⁷ J. Cann, L. Falshaw, F. Nugent and C. Friendship, *Understanding What Works: accredited cognitive skills programmes for adult men and young offenders*, Home Office Research Findings 226, London, Home Office, 2003, p. 4.

programmes could be developed, in addition to the cognitive programmes currently in place, needs to be considered.

For Christian prisoners, there is a programme delivered through chaplaincy departments, called the Sycamore Tree programme. This programme uses a biblical story to illustrate issues similar to those worked on in cognitive programmes. The Sycamore Tree programme is offered in addition to cognitive programmes, and it is only for those who choose to take part. Offenders often use rationalisations to deny or justify their offending activities, but a Muslim chaplain, or other authority figure, can help point out offenders' rationalisations and provide offenders with a clear moral framework from which to build their lives. A chaplain or trainer could use religious stories, and the wisdom that these stories provide could be applied to offenders' everyday lives. In this way, the teachings of Islam can be used to help rehabilitate offenders, so that they are less likely to re-offend upon release from prison.

Although the religious identity of prisoners is monitored by the Prison Service, diversity monitoring with respect to access to, and use of, facilities such as educational courses is carried out in terms of ethnicity, which means that it is hard to know the extent to which Muslim prisoners are, or are not, accessing the available facilities.¹⁵⁸ This report, therefore, recommends that the services that prisoners can access from inside prison should be monitored according to the religious identity of prisoners, to gain a clearer picture of the training and development undertaken by Muslim prisoners. This knowledge will make it easier to formulate policies to tackle any under-representation.

In terms of rehabilitation, a particularly important development consists of Community Chaplaincy schemes, which are a way of involving volunteers of all faiths in the resettlement of prisoners, who can request such help via the prison chaplaincy. Through the Community Chaplaincy Scheme, wide-ranging support is given to ex-offenders when they are released from prison, so that the transition between prison and outside life is eased. This support may include practical help in finding accommodation and work, but it may also include providing spiritual assistance, when this is requested.

Community Chaplaincy schemes, however, tend to feature Christian organisations far more predominantly than Muslim organisations. Indeed, it seems that prison issues are not a high priority for many Muslim groups, and so it is important to gain their help and support. Muslim representative bodies, service providers and Islamic theological colleges/bodies, should encourage Muslim communities to help rehabilitate Muslim offenders. This can mean getting involved in community chaplaincy schemes, as well as getting involved in implementing prisoner programmes.

¹⁵⁸ J. Beckford, OSI Roundtable on British Muslims and the Criminal Justice System, London, 8 June 2004.

7. PROBATION WORK AND MUSLIM COMMUNITIES

The following section focuses upon the National Probation Service, which emerged in April 2001. A key aim of the National Probation Service was to achieve consistency of service delivery across the 42 probation areas.¹⁵⁹ It is argued that, despite its increasing focus upon diversity issues, the National Probation Service now needs a greater recognition of Muslim offenders. A series of recommendations are proposed here, including the need to monitor the sensitivity and responsiveness of the services used by Muslim offenders. Staff training is also an important concern, because race-awareness training programmes that are currently offered are unlikely to give faith issues the level of focus that is required.

When the Prison and Probation Services are eventually merged into the new NOMS, the change will provide a new opportunity to enhance systems for monitoring the religion of offenders and NOMS staff members. It is of vital importance for NOMS to have knowledge about the number of Muslim offenders that it has contact with, as well as the nature of the communities that those individuals belong to, so that appropriate responses to Muslim offenders can be put together. NOMS should adopt a system of ethnic and religious monitoring, which will allow for better practice and policy decisions regarding Muslim offenders.

NOMS will be responsible for managing both offenders who are in custody and offenders who are being supervised within the community. This means that NOMS can pilot a programme that takes both ethnicity and religious identity into account when looking at Muslim offenders' needs in relation to prison and community work. In 1999, as part of the Government's Crime Reduction Programme, probation services were invited to submit proposals to develop effective programmes targeting a wide range of offenders. These proposals could include STET projects, such as those for Asian and Black offenders.

7.1 Diversity and Race Equality in the Probation Services

A race equality agenda within the probation service has gained increasing significance over the last few years. Following the inquiry into the murder of Stephen Lawrence, HM Inspectorate of Probation published a thematic report entitled *Towards Race Equality*, in June 2000. The report examined the extent to which the probation service promoted and achieved race equality in its employment practices and its work with offenders. The report contained 19 recommendations that addressed policy development, improving the quality of service delivery to offenders, the recruitment

¹⁵⁹ See: National Probation Directorate, *The Heart of the Dance*.

and training of staff and performance monitoring. Its publication led to the formulation of a national action plan.¹⁶⁰

Other important developments include: the publication of *A New Choreography: an integrated strategy for the National Probation Service for England and Wales*,¹⁶¹ the Race Relations Amendment Act (2000); the publication of *The Heart of the Dance, a diversity strategy for the NPS for England and Wales 2002/2006*,¹⁶² and the follow-up inspection report by the HM Inspectorate of Probation, *Towards Race Equality* (2004), which examined the extent to which the recommendations of *Towards Race Equality* (2000) had been implemented.¹⁶³ The pursuit of race equality issues has led to the development of a number of important initiatives, such as the implementation of STET projects for Black and Asian offenders, the promotion of examples of good practice for race equality and the development of links with local minority ethnic communities.¹⁶⁴

The Probation Service has adopted a broad diversity agenda, which includes addressing issues related to disability, sexuality, gender, age and religion. In February 2004, a Faith Conference was organised to discuss implications of the EU Directive which 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment an occupation prohibiting discrimination in employment on the grounds of religion or belief. In the probation area of Humberside, the Probation Service was involved in a project that looked at the religious needs of offenders in hostels.¹⁶⁵

Clearly, these are important developments taking place within an organisation that has experienced, and is continuing to experience, huge change. In 1998/99, 46 per cent of ethnic minority offenders starting probation were supervised by just five Probation Services: Inner London, Middlesex, North East London, South East London and South West London.¹⁶⁶ However, it is not possible to have an accurate picture of the

¹⁶⁰ This action plan combined the targets and recommendations set out in both the thematic inspection report, *Towards Race Equality*, and an earlier report to the Home Secretary, *Developing Minority Ethnic Representation in Probation Services*. For more information see: HM Inspectorate of Probation, *Towards Race Equality: follow-up inspection report*.

¹⁶¹ National Probation Directorate, *A New Choreography: an integrated strategy for the National Probation Service for England and Wales*, London, National Probation Directorate, 2001.

¹⁶² National Probation Directorate, *The Heart of the Dance*.

¹⁶³ HM Inspectorate of Probation, *Towards Race Equality: follow-up inspection report*.

¹⁶⁴ National Probation Directorate, *The Heart of the Dance*.

¹⁶⁵ Interview with Diane Baderin, National Probation Directorate, London, April 2004.

¹⁶⁶ B. Powis and R. Walmsley, *Programmes for Black and Asian offenders on probation: lessons for developing practice*, London, Home Office Research Study 250, 2002, p. 10.

number of Muslims in contact with the probation service, because statistics are collected only on the basis of race and ethnicity.

7.2 Programmes and Training

Programmes for Black and Asian offenders can be classified into two basic types: separate provision and specialist provision. In separate provision, programmes are provided in groups exclusively for Black and Asian offenders, and the work done is the same or similar to that done by White offenders. In specialist provision, Black and Asian offenders are offered interventions that specifically address their perceived needs, where these are seen to be different from those of White offenders. Specialist programmes are likely to have a focus upon empowerment, and there is likely to be an acknowledgment that minority ethnic offenders have encountered both direct and institutional racism, so that specialist forms of rehabilitation are required. Indeed, the South West Probation Training Consortium has published a handbook that gives guidance on the best way to work with Black offenders, and the book includes an explanation of the need to understand racism, as well as an acknowledgement of the differences between Black and White values, learning styles, language and manner.

Some debate has also taken place over the advantages and disadvantages of providing separate group work programmes for Black and Asian offenders. In the probation areas where there is a high proportion of minority ethnic offenders, there needs to be some discussion about whether there could be separate or specialist provision for Muslim offenders, under the *What Works* agenda. This falls into Priority Objective 4, set out in *The Heart of the Dance*: effective and appropriate service delivery. The National Probation Service must ensure that its services are accessible, appropriate, inclusive and responsive to all offenders from minority groups in all aspects of service delivery and policy covering accredited programmes, hostel regimes and general case management.

There may be a cultural/religious context to offences. For example, research on domestic violence against Black women shows that there is often a specific cultural context to this violence, as some men use religion to assert their right to control women.¹⁶⁷ The pervasiveness of Islamophobia in society also means that Muslim offenders are likely to have experienced prejudice not only on the grounds of their race but also due to their faith identity, and the significance of this factor is likely to have increased in the aftermath of 11 September. Even when individuals are not particularly observant of their faith, religion is still strongly linked to culture and how individuals make sense of the world, so that the effectiveness of work with offenders could be

¹⁶⁷ A. Mama, *The Hidden Struggle: statutory and voluntary responses to violence against black women in the home*, London, Whiting and Birch Ltd, 1996.

enhanced by focusing upon individuals' faith.¹⁶⁸ Probation officers who have worked with young Muslim men report that they have to negotiate their way between two mutually exclusive worlds – one world influenced by the street and drugs and the other influenced by the home, mosque and work.¹⁶⁹

Probation programmes tend to be based on cognitive behavioural theories that have been identified as being successful with a wide variety of offenders. It might be argued that this generalist approach does not sufficiently engage with individuals from specific minority communities.¹⁷⁰ Cognitive behavioural programmes generally have significant drop-out rates.¹⁷¹ By tailoring programmes so that they engage with the individual more closely, it might be possible to obtain better completion rates and, therefore, lower re-offending rates. Probation areas need to consider more closely the possibility of establishing partnerships with Muslim organisations to work specifically with Muslim offenders. This point links to Priority Objective 5 in the *Heart of the Dance* document: communicating and connecting with local communities and working in partnership. This objective includes the following goals:

- the National Probation Service should significantly increase its profile and credibility amongst those groups;
- the National Probation Service should build trust, confidence and close connections with diverse groups, communities and agencies that reflect the local population; and

¹⁶⁸ J. McManus, *Friends or Strangers?*, p. 3.

¹⁶⁹ J. Walters, "The Probation Service: working with Muslim communities", in *The Muslim Community and the Criminal Justice System: speeches delivered at the conference, February 3rd 2000*, London, IQRA Trust, 2000 pp. 22–25.

¹⁷⁰ The introduction of the National Probation Service in 2001 signalled a movement towards centralisation and consistency of approach between different probation areas. This led to a reduction in the level of diversity amongst programmes being offered to offenders, since programmes have been increasingly designed to take account of principles of effective practice under the *What Works* initiative. This has stimulated some critical debate and scrutiny of the *What Works* agenda. See G. Mair (ed.), *What Matters in Probation*, Cullompton, Willan Publishing, 2004; S. Farrall, *Rethinking What Works with Offenders: probation, social context and desistance from crime*, Cullompton, Willan Publishing, 2002.

¹⁷¹ See, for example, J. Cann, L. Falshaw, F. Nugent, and C. Friendship, *Understanding What Works: accredited cognitive skills programmes for adult men and young offenders, Research Findings 226*, London: Home Office, 2003, p. 4, A total of 220 of the young offenders (14 per cent) and 202 of the adult males (nine per cent) failed to complete a cognitive skills programme.

- by 2006, the National Probation Service should established good models of consultation with minority ethnic communities.¹⁷²

In developing offender programmes, it might be beneficial to appoint experts on Muslim communities to act as consultants. It is also important to consider the religious identity of programme deliverers, who should be Muslim if they are running programmes specifically for Muslim offenders. Programme deliverers need adequate training, adequate resources must be made available for programmes, and translators or interpreters may also be required. Some of the programmes that have been developed for Black and Asian offenders have used invited guest speakers, who are usually of a minority ethnic background and who might be successful professionals. A couple of these programmes have also implemented mentoring schemes, whereby mentors are of the same ethnic background as the offender. When considering implementing programmes specifically tailored to Muslim offenders, it would be worthwhile to also explore the possibility of using Muslim speakers.

The National Probation Service must also examine the sensitivity and responsivity of the services used by Muslim offenders. For example, do hostels have *halal* food, and where this is provided, are there questions about its authenticity? Are prayer facilities provided? The expertise of the National Association of Muslim Prisoners can be drawn on here, since this organisation regularly visits prisons in order to examine the sensitivity of the facilities provided to Muslim prisoners.

Probation staff training needs to include an in-depth focus upon faith issues and how these link to culture. The race awareness training programmes that are currently offered are unlikely to give faith issues the level of focus that is required. According to the HM Inspectorate of Probation report, *Towards Race Equality*, whilst there are good practice examples of staff involvement in the planning, development and ownership of diversity training, cultural awareness training is less common.¹⁷³ Staff training needs to focus on British Muslim communities and their needs, as well as effective engagement with these communities. In addition, there is a need to examine the way pre-sentence reports are written, to assess how and if biases can occur due to officers' misunderstandings of Islam.

7.3 Recruitment

There are no statistics on the number of Muslims employed in the Probation Service. It is important to improve the monitoring of the ethnicity of staff members according

¹⁷² National Probation Directorate, *The Heart of the Dance*, pp. 23–24.

¹⁷³ HM Inspectorate of Probation, *Towards Race Equality: follow-up inspection report*, p. 57.

to the 16-point system, because there are still large gaps in the information available here. And once NOMS is fully operational, that agency should consider monitoring the faith identity of employees, to ensure that targets for the employment of ethnic minorities include the recruitment of Muslims. NOMS should also set policies that take “dual discrimination” into consideration. The HM Inspectorate of Probation report, *Towards Race Equality*, highlights how one fifth of minority ethnic probation staff questioned indicated that they felt discriminated against in ways other than racism, including discrimination on the basis of their faith.¹⁷⁴

Recruitment targets can be set for religious minority groups, so that local staffs more closely reflect the composition of their local communities. Targets can also be set in terms of the number of Muslims in senior positions within NOMS, and innovative initiatives can be taken to improve Muslim recruitment. For example, Muslim advisers can be used on recruitment panels for senior posts. The North East Training Consortium, which is responsible for the recruitment and training of trainee probation officers, published a booklet that included case studies of minority ethnic people joining the probation service.¹⁷⁵ A similar booklet of case studies of Muslims joining the Probation Service can be published by the Probation Training Consortia, which are also responsible for recruiting trainee probation officers.

7.4 Victim Work in the Probation Service

Even though the Probation Service’s work is predominantly aimed at offenders, the agency has been involved with victims since the early days of the victims’ movement. Probation officers have played an important role in the development of Victim Support schemes, and the first scheme was set up in 1974, as a result of inter-agency discussions about the impact of crime on individuals. However, the Probation Service’s work with victims did not have a significant impact on probation practice, as the service’s main focus continued to be on offenders.¹⁷⁶

¹⁷⁴ National Probation Directorate, *Towards Race Equality: follow-up inspection report*, p. 53.

¹⁷⁵ North-East Training Consortium “Probation works, do you have something to contribute?”, in National Probation Directorate, *Towards Race Equality: follow-up inspection report*, p. 55.

¹⁷⁶ B. Spalek, “Victim Work in the Probation Service”, in W. Chui and M. Nellis (eds.) *Moving Probation Forward*, London, Pearson, 2003 (hereafter, Spalek, *Victim Work in the Probation Service*).

The Victim's Charters of 1990 and 1996 have had a pronounced impact on probation work.¹⁷⁷ Policy documents and circulars issued by the Probation Service highlight several areas in which victim-focused work is being applied.¹⁷⁸ This includes giving the victims of sexual and violent offenders a greater voice, by providing them with information about the criminal justice process once the offender has been sentenced to a term of more than 12 months. The Probation Service also seeks to give victims the opportunity to state their views on proposed conditions surrounding the offender's release. And the service acknowledges the need to incorporate a victim's perspective when dealing with offenders. There is even a movement towards developing restorative justice strategies.¹⁷⁹

The National Probation Directorate has stressed the need to develop local community links, because local groups can provide extra resources to help support the victims of crime more effectively, and they can also provide insights into their communities that might benefit probation practice with victims. At the same time, service uptake from minority ethnic communities is low, so there is an acknowledgement that more needs to be done in promoting probation area services to these communities.¹⁸⁰

The HM Inspectorate of Probation report on victims, *Valuing the Victim*,¹⁸¹ recommended that the race and ethnicity of victims contacted by the service should be routinely monitored, in order to be able to examine how well the needs of minority ethnic communities are served.¹⁸² Some probation areas are now beginning to obtain information about victims' ethnicity from the police, at the point of referral, in order to help inform service delivery. However, consideration should be paid to collecting information about the faith identity of victims, so that faith issues can also inform service delivery. This would help the National Probation Directorate to ensure that all victims have equal access to the contact service and that the specific needs of those

¹⁷⁷ The Victim's Charter is published by Government, setting out what kind of services that victims should expect to receive from the criminal justice system. Details can be found on the Home Office website at <http://www.homeoffice.gov.uk/justice/victims/charter/vicfore.html> (accessed 21 September).

¹⁷⁸ See: Home Office, *Probation Service Contact with Victims*, Probation Circular 61/95, 23 August 1995, available on the Home Office website at <http://www.homeoffice.gov.uk/docs/vapp.pdf> (accessed 2 November 2004). Also guidance provided by the Association of Chief Officers of Probation (ACOP) and Victim Support.

¹⁷⁹ Spalek, *Victim Work in the Probation Service*.

¹⁸⁰ Interview with Pat Brown-Richards, Head of Victim Liaison Unit, West Midlands Probation Area, Birmingham, March 2004.

¹⁸¹ HM Inspectorate of Probation, *Valuing the Victim*.

¹⁸² HM Inspectorate of Probation, *Valuing the Victim*.

from minority groups are given appropriate consideration, as was recommended by the HM Inspector of Probation.¹⁸³

Victim liaison officers working in areas where there is a high proportion of Muslims need to develop a greater understanding of Muslim communities. Liaison officers need to ensure that they engage with all parts of the Muslim community, including those marginalised within the Muslim community.

An example of good practice is found in the West Midlands Victim Liaison Unit, which has put together an excellent directory of local minority ethnic community groups. This directory serves as a way of informing victim liaison officers about groups that are willing to work with them, and the list includes Muslim community groups, such as the Dudley Mosque and Community Centre, the Tipton Muslim Centre and the Wolverhampton Mosque Trust. This information will enhance the responsiveness of victim liaison units to the needs of minority and Black ethnic communities, as it provides victim liaison officers with the local contacts they need to give advice about culturally sensitive support services for victims from minority ethnic backgrounds. At the same time, this initiative helps to raise the awareness and accessibility of the Probation Service's victim contact work amongst minority ethnic communities.

It is important to replicate this initiative in other probation areas. Examples of good practice can be spread via the National Probation Service or the HM Inspectorate of Probation. While many local organisations are willing to work with victim liaison units, offering general advice and acting as a link with their communities, there seems to be less enthusiasm to give actual support to victims. This hesitancy can no doubt be linked to resource issues.¹⁸⁴

Specific attention must also be paid to the issue of hate crime. According to the HM Inspectorate of Probation, there seems to be confusion across probation areas about what is meant by "hate crime", with most areas assuming that it consists of racially motivated attacks.¹⁸⁵ Probation staff should have clear guidance about the issue of religious hate crime, so that they can properly address the needs of victims of religiously motivated attacks.

¹⁸³ HM Inspectorate of Probation, *Valuing the Victim*.

¹⁸⁴ Interview with Pat Brown-Richards, Head of Victim Liaison Unit, West Midlands Probation Area, Birmingham, March 2004.

¹⁸⁵ HM Inspectorate of Probation, *Valuing the Victim*.

8. COMMUNITY PARTNERSHIPS, VOLUNTEERING AND CRIMINAL JUSTICE

8.1 Community Partnerships

The development of partnerships between the Police Service and other statutory and voluntary agencies is a central component of the Government's approach to reducing crime.¹⁸⁶ The Crime and Disorder Act (1998) gave local authorities and the police joint responsibility for the formulation of crime and disorder reduction strategies in each district, borough or unitary local authority area in England and Wales. These strategies set out a range of objectives and targets, which may include reducing offences by youths, tackling drug-related crime and reducing the fear of crime.

Statutory guidance, under the Crime and Disorder Act (1998), gives community safety partnerships the duty to involve faith communities in their work.¹⁸⁷ Yet faith communities are rarely consulted by the lead agencies involved in crime and disorder reduction partnerships. In a survey conducted in 2002 by Jim McManus, out of 200 crime and disorder reduction partnerships, only nine mentioned religious communities as part of their plans. He concludes that there may be a biased, misplaced perception of faith communities, which might affect decision-making at the local and national level, leading to the exclusion of faith communities.¹⁸⁸

Because funding structures within local government and mainstream services have traditionally been organised, and continue to be organised, around ethnicity rather than religious identity, local government agencies are more experienced and more comfortable in working with groups of a non-religious nature. Faith communities are, therefore, often excluded from partnerships with local government.¹⁸⁹ It is likely that the local authorities, and other agencies involved in the crime and disorder reduction partnerships, do not know what Muslim organisations to contact or what individuals those organisations represent, and they may be suspicious of them.¹⁹⁰

The Muslim community in Britain is particularly diverse. It is claimed that the Muslim community has 56 nationalities, speaks 70 languages and prays in more than 1,200

¹⁸⁶ D. Mullett, *The NACRO Guide to Partnership Working*, London, NACRO, 2001, p. 2.

¹⁸⁷ McManus, *Friends or Strangers?*, p. 2.

¹⁸⁸ J. McManus "Faith Communities and Community Safety", in J. Howarth, *Report of the Fourth Interfaith Meeting held by the Churches Criminal Justice Forum*, 2 November 2002, p. 1, (hereafter, McManus, *Faith Communities and Community Safety*).

¹⁸⁹ McManus, *Faith Communities and Community Safety*, p. 2.

¹⁹⁰ J. McManus argues that some faith communities are particularly stigmatised and regarded as criminally inclined. See: McManus, *Friends or Strangers?*, p. 4.

mosques. Furthermore, there are about 7,000 Muslim organisations in Britain.¹⁹¹ Muslim councillors, the representatives of local mosques or national organisations that claim to represent the wider Muslim community, do not necessarily reflect grassroots concerns, so there needs to be a more detailed exploration of the broader range of Muslim groups that are available for consultation. It is important to also consider Muslim women's groups, which are often particularly marginalised. Women's voices may not be heard through the usual consultation processes, and while men may act as a useful means for connecting to the women of their communities, direct engagement with Muslim women's groups should be encouraged. At the same time, the voices of young Muslims are likely to be unheard, so greater attention must be paid to establishing links with Muslim youths.

In areas where there is a substantial Muslim population, local councils should consider appointing Muslim community workers, who can help gain the increased engagement of these communities, for social, economic and neighbourhood renewal. There are already examples of the consultation of local faith communities by local authorities, and a February 2002 publication, entitled *Faith and Community: a Good Practice Guide for Local Authorities*, has had a significant impact upon local authorities' dealings with faith communities.¹⁹² Central Government is also increasingly acknowledging the important role that faith communities can play in community justice, and the Home Office Faith Communities Unit publication, *Working Together: co-operation between Government and faith communities*, contains a series of recommendations for Government departments to follow, so that they can improve their engagement with citizens from faith communities. These recommendations include the need to: target carefully, ensuring mailing lists are up to date and appropriate; allow enough time for faith communities to take the initiative and make positive suggestions in response to policy proposals; and pursue "faith literacy" and participate in internal faith awareness training.¹⁹³

Increased dialogue with Muslim faith communities will make it possible to build their concerns into crime-reduction strategies. The Government is seeking to ensure that "the criminal justice system will continue to address the challenge of developing more

¹⁹¹ See: H. Khan, "Unite but follow me: the tragic comedy of Muslim representation", in *Q News*, March 2004, pp. 24–25; and H. Khan "Portfolio: Who Speaks for British Muslims?", *Q News*, March 2004, p. 23; and S. El-Hassan, *A Report on a Consultation with Individuals from the Muslim Community*, London, IQRA Trust, 2003, p. 2.

¹⁹² Home Office, *Working Together: cooperation between Government and faith communities*, London, Home Office, Faith Communities Unit, February 2004, p. 62, (hereafter, Home Office, *Working Together*).

¹⁹³ Home Office, *Working Together*, p. 1.

effective community engagement”.¹⁹⁴ If crime and disorder reduction strategies are going to take account of Muslim communities, the issue of religious hate crime needs to be included in any targets that are set. Local crime and disorder partnerships offer an ideal opportunity for Victim Support and other victims’ services to connect with faith-based communities.¹⁹⁵

Agencies of the criminal justice system, together with those organisations taking a lead role in crime and disorder partnerships, need to gain a greater understanding of the theological basis of Islam. Greater participation of Muslim organisations can be encouraged by appealing to Islamic beliefs and practices about Muslims’ role in the life of society and their role in helping to prevent crime, for example, by helping to rehabilitate offenders. Engaging with Muslim faith communities at a theological level might make it easier to get these communities involved in crime and disorder partnerships.

8.2 Volunteering in the Criminal Justice System and Active Citizenship

Community involvement in the criminal justice system can also take place through volunteering. The involvement of Muslims in mainstream criminal justice-related initiatives is relatively low, and many obstacles lie in the way of changing this situation. Social exclusion and inequality is high amongst Muslim communities, and many Muslim individuals live in socially and economically deprived areas. The stress factors associated with living in areas with high rates of crime and disorder are likely to deter Muslims from volunteering their services to the criminal justice system. At the same time, Muslim faith groups that run services for their local communities are likely to be poorly funded, relying mostly on voluntary donations, so they are unlikely to have the resources to work with the criminal justice sector. This means that, before a greater involvement of Muslim service providers in community and criminal justice can be realistically expected, it is important to find ways of helping them to raise funds.

Within Government, there is a strong emphasis upon active citizenship and community involvement in the delivery of criminal and community justice. A Civil Renewal Unit was recently established to develop the Active Citizenship Centre and ensure that policies and practices consistently take into account the need to advance citizenship, strengthen

¹⁹⁴ Blunkett, *Active Citizens, Strong Communities – building Civil Renewal*, The Scarman Trust Forum Lecture, 11 December 2003, London, Home Office, 2003, available at the Home Office website at <http://www.homeoffice.gov.uk/docs2/activecitizens.pdf>, p. 29, (hereafter, Blunkett, *Active Citizens, Strong Communities*).

¹⁹⁵ OSI roundtable on British Muslims and the Criminal Justice System, London, June 8, 2004.

communities and deliver in partnership with communities.¹⁹⁶ A Faith Communities Unit has also been established, and its remit is to lead Government engagement with faith communities, to ensure that policies and services across Government are delivered appropriately to those communities. The Government has also set up an Active Community Unit, to promote the development of the voluntary and community sector and encourage people to become actively involved in their communities, particularly in deprived areas. The Active Community Unit is responsible for the achievement of the Government's target of increasing voluntary and community sector activity, including community participation, by five per cent by 2006.

The Government is also seeking to "encourage community participation and volunteering within the most disadvantaged communities".¹⁹⁷ The Government sees faith communities as potentially valuable allies in tackling social exclusion, as these communities can provide access to some of the most marginalised groups in society.¹⁹⁸ This is partly why the Government is inviting faith communities to open up their services to other sections of the population, and to apply for statutory funding in the same way as other local welfare providers.¹⁹⁹

There are many ways in which volunteers contribute towards the criminal justice system. Traditionally, laypersons have been involved in the jury system and in magistracy, both of which share the ideal that a defendant should be judged by their own peers. Volunteers also now work for the Police Service, as special constables. And all Police Forces have Lay Visitors or Independent Custody Visitors, who make unannounced visits to police stations to carry out checks on custody areas. Crime prevention panels undertake campaigns aimed at tackling specific types of crime that affect local areas, and these panels consist of people from the local community.

Volunteers also contribute to the work of the Probation and Prison services through voluntary sector agencies, such as The Society of Voluntary Associates (SOVA), or Community Service Volunteers (CSV). Every prison establishment in England and Wales also has a board of visitors, comprised of volunteers from the local community who are appointed by the Home Secretary. These boards, which are independent, monitor complaints by prisoners and the concerns of staff, and they report to ministers as necessary. Prisons work with Samaritans and about 900 local organisations on a range of activities, including resettlement, drug and alcohol treatment and advice,

¹⁹⁶ Blunkett, *Active Citizens, Strong Communities*.

¹⁹⁷ Home Office, *Confident Communities in a Secure Britain. The Home Office Strategic Plan 2004-08*, London, Home Office, CM 6287, July 2004, p. 108, (hereafter, Home Office, *Confident Communities in a Secure Britain*).

¹⁹⁸ Home Office, *Confident Communities in a Secure Britain*.

¹⁹⁹ Home Office, *Working Together*.

befriending prisoners, counselling and relationship support.²⁰⁰ The National Probation Service also has a significant record in encouraging community involvement, and local probation areas are engaged with a number of local charities and other organisations to provide a wide range of services.²⁰¹

Women's groups, which function largely on the commitment of volunteers, run help lines, refuges and centres for victims of domestic violence and sex crime. Over 11,000 volunteers also provide community-based support to the victims of crime, offer support to witnesses and help run a victim support line for Victim Support Schemes across the country. It is estimated that up to 10,000 volunteers work in the youth justice system.

8.3 Muslim Volunteers and Muslim Service Providers

The use of volunteers is considered a good way to bring the community perspective to bear on community justice-related issues. Clearly, Muslim volunteers, whether as individuals or as members of Muslim charities, welfare and support services or other Muslim organisations, have much to offer the criminal justice system. Although there are many Muslim welfare organisations staffed by Muslim volunteers, involvement in mainstream criminal justice-related initiatives is relatively low.²⁰² There appear to be a number of factors that need to be considered by policy makers if greater participation by Muslim volunteers is to be developed in this area.

Researchers have found that participation in local crime prevention activities is highest among individuals who are moderately concerned about crime but live in areas where crime levels are low. In high-crime areas, where the fear of crime is also likely to be significant, there is likely to be a low level of participation by the wider community in community justice initiatives.²⁰³ Social exclusion and inequality is high amongst Muslim communities, and many Muslim individuals live in socially and economically deprived areas. The stress factors associated with living in areas with high rates of crime and disorder are likely to deter Muslims from volunteering their services to the criminal justice system.

Muslim faith groups that run services for their local communities are likely to be poorly funded, relying mostly on voluntary donations, and so they are unlikely to have

²⁰⁰ Blunkett, *Active Citizens, Strong Communities*, p. 31.

²⁰¹ Blunkett, *Active Citizens, Strong Communities*, p. 31.

²⁰² See: McManus, *Friends or Strangers?*, p. 2. McManus argues here that Christian agencies are more heavily involved in providing projects than their non-Christian counterparts.

²⁰³ Home Office, *Confident Communities in a Secure Britain*, p. 106.

the resources to work with the criminal justice sector.²⁰⁴ Projects to fund local housing, welfare and crime reduction initiatives are unlikely to subsidise Muslim groups to meet Muslims' needs, because they have to focus on race and ethnicity, not religion. For example, a housing action trust (HAT) that owns a socially and economically deprived housing estate and has received large sums of money to regenerate the area, including millions of pounds for community development, has rejected proposals that are designed to help Muslim communities in particular. The HAT said it will not finance projects such as Muslim nurseries or women-only Muslim support groups, because the trust cannot fund religious projects.²⁰⁵

Groups such as the Muslim Women's Helpline, Mushkil Aasaan, which develops religious and cultural primary care packages that service providers can purchase, and the An-Nisa Society, which offers numerous services, including accredited training in Islamic Counselling, all struggle along on voluntary contributions. Despite many applications for community funding, these groups' Muslim identity, which is so central to the particular services that they offer, has meant that government funding has been difficult to obtain.²⁰⁶ This attitude can be linked to the historical separation of church and state: Traditionally, religions have been self-financing, depending on bequests, investments, property, charitable trusts and contributions.²⁰⁷

Muslim community and voluntary sector groups report a lack of capacity as a key barrier to greater involvement. They find that their capacity restricts them to receiving small amounts of money to fund specific projects. However, even to obtain small grants, they need to know how to go about accessing this money. Many groups are unlikely to know how to get grants and are likely to lack the contacts to find out. Furthermore, even if money is found for specific projects, this does not pay for the costs of office space or administration. Muslim community groups are therefore likely to use their fund-raising energy in trying to find voluntary donations to help pay for their basic operating costs. This means they have less time to put toward accessing funds for specific projects.²⁰⁸

The funding problem should be of great concern to the Government, because mainstream organisations that receive government funds will refer their clients to unfunded Muslim organisations. For example, Victim Support Schemes might refer

²⁰⁴ Interview with Khalida Khan, Director of the An-Nisa Society, London, March 2004.

²⁰⁵ M. Bunting, "The New Anti-Semitism", *The Guardian*, 3 December 2001.

²⁰⁶ F. Ahmad, S. Sheriff, "Muslim Women of Europe: welfare needs and responses", *Social Work in Europe 2003*, Vol. 8 (1), pp. 2–10, (hereafter, Ahmad and Sheriff, *Muslim Women of Europe*).

²⁰⁷ E-mail communication with Jane Howarth, Churches' Criminal Justice Forum, 2004.

²⁰⁸ Interview with Khalida Khan, Director of the An-Nisa Society, March 2004.

Muslim victims to the Muslim Women's Helpline, which provides support to Muslim women for a wide range of issues, including divorce, domestic violence, arranged marriages, sexual abuse and incest.²⁰⁹ However, this organisation has not as yet received any funding from the Government and relies mainly upon voluntary donations. Muslim welfare organisations have found that the fact that they cater to individuals' religious and spiritual needs means that there is a large demand for their services from, for example, secular women's refuges, mental health services, schools and so forth.²¹⁰

8.4 Encouraging Greater Involvement of Muslims in Criminal Justice and Community Safety

The Active Community Unit carried out a consultation exercise with the voluntary and community sector in 2003. The report stemming from this exercise acknowledges that the minority and Black ethnic sector is comprised of many communities with different needs. At the same time, there is a "need for specialist Black and minority ethnic support, particularly for advocacy, lobbying, campaigning, policy guidance and language assistance. There is support for more active collaboration between specialist providers and more sharing of learning with mainstream providers".²¹¹ The Active Community Unit should focus upon Muslim specialist services and explore ways of helping them to secure funding and other sources of support, by, for example, encouraging greater collaboration between these specialist services and mainstream providers. It is important for the Active Community Unit to examine the agendas of mainstream providers and use these as the delivery mechanisms through which greater collaboration can be encouraged.

The criminal justice system is not well understood, so individuals who might be willing to help are unlikely to know how to go about doing this. The Churches' Criminal Justice Forum and the Prisoners' Advice and Care Trust have published a booklet entitled *What Can I Do?*, which is aimed at people from a faith community and explains about 20 ways in which individuals can lend assistance to the criminal justice system. Muslim communities need a similar booklet, explaining the many ways in which Muslims can volunteer their skills throughout the criminal justice system. At the same time, there should be a greater effort made to train Muslims about criminal

²⁰⁹ B. Spalek, "Muslim Women's Safety Talk and their Experiences of Victimisation: a study exploring specificity and difference", in B. Spalek (ed.), *Islam, Crime and Criminal Justice*, Cullompton, Willan Publishing, 2002, pp. 50–75.

²¹⁰ Ahmad and Sheriff, *Muslim Women of Europe*, pp. 2–10.

²¹¹ Home Office, *Voluntary and Community Sector Infrastructure Executive Summary of consultation responses: Final Report*, London, Home Office, Active Community Unit, 2004.

justice issues, so that Muslims can act as representatives on criminal justice-related boards and forums.

The organisers of Islam Awareness Week, which takes place each year, should highlight ways in which Muslims can get involved in the criminal justice system as volunteers. Muslims should be actively encouraged to volunteer for work with offenders or victims, because this would boost community involvement in the criminal justice system. At the same time, Islam Awareness Week should be used as an opportunity to raise the profile of Muslim organisations and community groups whose work relates to criminal and community justice issues.

Clinks is a charity that provides a network for voluntary bodies, religious or secular, working in the criminal justice field. Clinks offers a CD ROM with a directory of organisations that is updated annually and free to members. Muslim groups working in the area of criminal justice should be encouraged to join Clinks.

Muslim volunteer involvement in criminal and community justice would increase if efforts to address justice were more socially inclusive. For example, mainstream organisations should pursue policies aimed at Muslim communities specifically, rather than subsuming Muslims within broader debates and policies on diversity. A socially inclusive process should also involve the establishment of effective partnerships between mainstream organisations and a wide range of Muslim groups.

As an example of good practice here, an excellent initiative has been developed by a local Victim Support Scheme in Nottinghamshire.²¹² This particular Victim Support Scheme has developed good links with a locally-based Muslim charity, so that some of the Muslim volunteers belonging to this charity have taken part in training programmes run by Victim Support. Victim Support has many years of experience in helping the victims of crime. By training the volunteers of the Muslim charity, they are empowering them to offer practical and emotional support to the victims of crime from within Muslim communities. This is important because Muslim victims of crime may not seek the help of Victim Support Schemes directly, preferring instead to access services arising from their own communities.

This is an example of how a mainstream organisation, with its own set of values, can engage with a faith community group without imposing its culture onto that community, allowing volunteer members of the community group to continue working within their own spiritual mission and faith identity. It is important to protect minority faith communities from potential coercion by larger organisations – especially where those organisations are secular in nature and will therefore have little appreciation of the importance of faith in Muslims' lives. However, it is important to

²¹² Interview with Javid Kaliq, Victim Support, Kimberley, Nottingham, March 2004.

bear in mind that greater partnership work is only possible if Muslim groups are adequately funded. At the same time, funding for mainstream services may also be inadequate, since funding for Victim Support is often prone to fluctuation and uncertainty, and not all services are funded to provide training the way it was offered by Victim Support Nottinghamshire.²¹³

²¹³ Comments from the OSI roundtable discussion on British Muslims and the Criminal Justice System, London, 8 June 2004.

9. VICTIM AND WITNESS SERVICES AND MUSLIM COMMUNITIES

The majority of Muslims who come into contact with the criminal justice system will have been affected by crime as a direct or an indirect victim. An indirect victim is a person who has seen a crime or is related to the victim or may be a friend of the victim.²¹⁴ It is important to consider Muslims' needs as victims of crime and to suggest ways of enhancing criminal justice responses to their victimisation.

9.1 The Impact of Crime on Victims

Much research has explored the consequences of crime upon victims. The research suggests that the process of victimisation is often severe and multi-faceted. Different types of crime, including rape, physical and sexual assault, robbery, burglary and incest, impact upon the victim in a multitude of ways: psychologically, emotionally, behaviourally, financially and physically. The ill-effects may be immediate, or they may linger over weeks, months and years.²¹⁵

Following a number of racist murders in the 1990s, there has been substantial research interest in the impact of racially motivated crime upon victims.²¹⁶ For example, according to a local crime survey carried out by Bowling in the London borough of Newham, 21 per cent of Black women, 19 per cent of Asian men, 18 per cent of Asian women and 17 per cent of Black men had experienced some form of racist violence, as compared to eight per cent of White men and seven per cent of White women.²¹⁷ Victims' reactions included anger, feeling shocked and being afraid. Bowling further describes how victims' behaviour might change after a crime: they might move house, they might avoid certain places (for example, football matches or the pub), and they might invest in crime prevention items, such as shatterproof glass and fireproof mailboxes.²¹⁸

²¹⁴ Comments from the OSI roundtable discussion on British Muslims and the Criminal Justice System, London, 8 June 2004.

²¹⁵ D. Indermaur, *Violent Property Crime*, Leichhardt NSW, The Federation Press, 1995; R. Janoff-Bulman, "Criminal versus Non-Criminal Victimisation: victims' reactions", in *Victimology: An International Journal* (1985) Vol.10(1-4): 498-511; R. I. Mawby, *Burglary*, Devon, Willan Publishing, 2001.

²¹⁶ Clancy et al *Crime, Policing and Justice*, p. 21.

²¹⁷ Bowling, *Violent Racism*, p. 196.

²¹⁸ Bowling, *Violent Racism*, pp. 216-233.

Research has introduced the notion of a continuum of violence, an idea that acknowledges that victims of racist violence are often repeat victims, so that individuals' everyday lives are framed by the actual, or perceived, threat of racist acts, abuse and violence.²¹⁹ The British Crime Survey asks respondents whether they think that an incident of crime that they experienced was racially motivated.²²⁰ Results from the British Crime Survey (1992) indicate that Pakistanis are most likely to regard incidents as racially motivated. Fitzgerald and Hale (1996) found that 31 per cent of Pakistani victims regarded incidents as racially motivated, in comparison to 18 per cent of Indian victims and 14 per cent of African Caribbean victims.²²¹ The impact of racist crime is particularly severe: findings from the British Crime Survey (2000) indicate that a much larger proportion (42 per cent) of victims of racial incidents said that they had been very much affected by the incident than victims of other types of incident (19 per cent).²²²

9.2 Muslims as Victims of Crime

Muslim communities are not only likely to experience racist crime, but also crime that is motivated by religious hatred.²²³ As a result, it is of vital importance to investigate the incidence of religious hate crime and its impact upon victims, so that adequate services can be developed to cater to victims' needs. The British Crime Survey, as well as local crime surveys, could be used to do this. The risk of being a victim of crime is not equally distributed amongst the general population. Victim surveys reveal that people over age 60 are least likely to become crime victims, whilst people aged between 16 and 29 have the highest rates of victimisation for personal crimes of violence and theft.²²⁴ Crime surveys also show that lower income groups are more likely than others to suffer a personal, violent victimisation, including sexual assault, robbery or physical

²¹⁹ B. Bowling and C. Phillips, "Racist Victimisation in England and Wales", in D. Hawkins (ed.), *Violent Crime: assessing race and ethnic differences*, Cambridge, Cambridge University Press, 2003, pp. 154–170.

²²⁰ The British Crime Survey definition of a racially motivated offence is broadly in line with the definition recommended by the Macpherson Report – "A racist incident is any incident perceived to be racist by the victim or any other person." See: Clancy et al, *Crime, Policing and Justice*, p. 21.

²²¹ M. Fitzgerald and C. Hale, "Ethnic Minorities, Victimisation and Racial Harassment", in *Home Office Research Study No.154*, London, Home Office, 1996, cited in Clancy et al, *Crime, Policing and Justice*, p. 22.

²²² Clancy et al, *Crime, Policing and Justice*, p. 37.

²²³ IHRO, *The Hidden Victims of September 11th*.

²²⁴ C. Mirrlees-Black, P. Mayhew and A. Percy, *The 1996 British Crime Survey*, London, HMSO, 1997, p. 10.

assault.²²⁵ This means that Muslim communities, which are likely to experience social and economic deprivation,²²⁶ are also at high risk from a wide range of different crimes, which may or may not, include a racist and/or Islamophobic component. As a result, it is of importance that the needs of Muslim victims are adequately researched and addressed.

9.3 Victim Services for Muslims

In the *New Deal for Victims and Witnesses*, the Government aims to reduce the adverse effects of crime on victims and witnesses, to encourage more victims and witnesses to come forward and to offer more options to victims and witnesses. The Government also wants to do everything it can to make sure victims and witnesses are treated with respect, in partnership with other public and voluntary organisations.²²⁷

Although there is no direct evidence to show that Muslims are not accessing mainstream victim support services, indirect evidence suggests that this is the case. This evidence includes accounts given by Muslim welfare service providers, such as the Muslim Women's Helpline and An Nisa Society, as well as accounts given by criminal justice system employees who are one way or another involved in victim support. There is direct evidence that minority ethnic communities do not access certain mainstream services. Racial violence, for instance, is under-reported to the police.²²⁸ However, most referrals to Victim Support come via the police – for example, for the period 2002-03 the police supplied nine out of ten referrals to Victim Support.²²⁹ This means that the majority of victims of racist crime are unlikely to be referred, due to the significant level of under-reporting of this type of crime. Indeed, out of all referrals that were made to Victim Support between 2002 and 2003, only 2,180 were for racially motivated crimes, in comparison to 397,884 referrals for burglary and 73,029 referrals for robbery.²³⁰ Furthermore, in the 2002-03 period, the Victim Supportline²³¹ took

²²⁵ E. Fattah, "Victims and Victimology: the facts and the rhetoric", in *International Review of Victimology*, Vol.1, 1989, pp. 43–66.

²²⁶ *Family Resources Survey, 2000/2001*.

²²⁷ *New Deal for Victims and Witnesses: national strategy to deliver improved services*, London, Home Office Communication Directorate, 2003, p. 3.

²²⁸ Bowling, *Violent Racism*, p. 154.

²²⁹ Victim Support, *Annual Report and Accounts for the year ended March 31 2003*, London, Victim Support, 2003, p. 20, (hereafter, *Victim Support Annual Report and Accounts 2003*).

²³⁰ Victim Support, *Annual Report and Accounts 2003*, pp. 18–19.

²³¹ This is a national telephone line to provide victims with emotional and practical support.

only 99 calls about racial harassment, as compared to 2,014 calls for domestic violence.²³²

Nonetheless, the Witness Service – which is run by Victim Support, in both Crown Court and Magistrate Court, and which is aimed at providing victims and witnesses with emotional and practical support and information, before, during and after the trial – was accessed fairly well by minority ethnic communities during the same period of time. Thirteen per cent of the people referred to the Crown Court Witness Service between 2002-03 were from ethnic minorities, whilst nine per cent of people referred to the Magistrate Court Witness Service belonged to a minority ethnic community.²³³ Some local Victim Support schemes are attempting to encourage greater take-up of their services by employing racist incidents officers, who work in partnership with the police, race equality councils and other agencies. These special efforts by Victim Support are intended to highlight the work that Victim Support does, and also to increase the level of reporting of racist incidents.²³⁴ Anti-Muslim prejudice and religious hate crime should also be included in policy developments within Victim Support, so that Muslims are encouraged to access Victim Support services.

Access to Victim Support is important, because, according to a policy paper by Victim Support, victims have certain, key rights, which include the right to receive information and explanation about the progress of their case, the right to receive compensation and the right to receive respect, recognition and support.²³⁵ One way of combating the discrimination and disadvantage that Muslim victims experience is to ensure that criminal justice agencies give victims their full rights.²³⁶ Mainstream services, such as Victim Support, witness support schemes, domestic violence refuges or counselling/therapy, need to take into consideration particular issues in order to ensure that their services are sensitive to the needs of Muslims.

There may be significant cultural differences in the ways in which Muslims address their victimisation. Many writers have noticed that western society currently seems to be experiencing a “cult of victimhood”, whereby individuals are increasingly eager to

²³² Victim Support, *Annual Report and Accounts 2003*, p. 22.

²³³ Victim Support, *Annual Report and Accounts 2003*, pp. 20–21.

²³⁴ See, for example, the *Stamp Out Racism Report!* leaflet issued by Northamptonshire Victim Support, Northampton.

²³⁵ National Association of Victim Support Schemes, *The Rights of Victims of Crime: a policy paper by Victim Support*, London, National Association of Victim Support Schemes, 1995, pp. 8–10.

²³⁶ Comments from the OSI roundtable discussion on British Muslims and the Criminal Justice System, London, 8 June 2004.

identify themselves as victims.²³⁷ Hundreds of books and articles have been written by, and about, the victims of a wide range of traumatic events, such as murder, rape, incest, kidnapping and war. Talk shows, like *Kilroy* and *Trisha* often involve individuals relaying their experiences of suffering or their sense of outrage at a perceived injustice or form of victimisation.

In contrast to this outspoken, confessional approach, which is increasingly dominant in western society, individuals from more traditional Muslim communities may prefer not to speak or disclose information about negative or traumatic events. Muslims may believe that speaking about victimisation may exacerbate the problem, or at least not help the situation. This is because many Muslims seem to subscribe to the idea that speaking out about a particular issue is only worthwhile if some good will come from it. This more reserved attitude towards victimisation means that many Muslims will be unlikely to approach mainstream organisations for help. It also means that Muslims are likely to be implicitly stigmatised by those organisations and wider society, since the broader cultural value of self-disclosure evident in western society is used as the norm against which Muslim communities are directly or indirectly compared and judged.

Organisations that offer help and support to the victims of crime should examine their core values more closely, to find ways in which the experiences and perceptions of Muslim communities, and other faith communities, can be better accommodated. For example, Victim Support Schemes carry out excellent work, but perhaps the frames of reference/understanding adopted by Victim Support could be culturally and religiously more sensitive. It seems that Victim Support values giving control back to the victims of crime, since crime is seen as taking control away from the victim. This approach contains the assumption that, prior to experiencing crime, people feel that they are in control of their lives. However, it may be the case that individuals who follow a faith, including Muslims, believe that the world is unpredictable, and they have little control over it, because God and other forces are at play.²³⁸

Although agencies that help victims may focus upon providing practical, emotional and psychological support, there is also the issue of spiritual healing and support. Currently, spiritual support seems to be denied to people, yet it may be of benefit to many individuals. Even people who may not regularly attend prayer meetings may nonetheless identify themselves as being part of a religious community.²³⁹ Indeed, in

²³⁷ See: C. Sykes, *A Nation of Victims: the decay of the American character*, New York, St Martin's Press, 1992; F. Furedi, *Culture of Fear: risk-taking and the morality of low expectation*, London, Cassell, 1997; and P. Rock, "On Becoming a Victim", in C. Hoyle and R. Young (eds.), *New Visions of Crime Victims*, Oxford, Hart Publishing, 2002, pp. 1–22.

²³⁸ Interview with R. Skinner, Clinical Psychologist, at the IQRA Trust, London, March 2004.

²³⁹ O'Beirne, *Religion in England and Wales*, p. vii.

recent years in Britain, increasing numbers of people have been seeking alternative/spiritual forms of healing. Mainstream victim support organisations should therefore consider widening the range of organisations that they suggest people contact. Spiritual support and guidance and, in the context of this report, Islamic counselling can be a huge comfort to victims.²⁴⁰

Support services for the victims of domestic and sexual violence are secular in nature, which means they lack an appreciation of the centrality of faith in some women's lives. Secular women's refuges, for example, may not be able to provide adequate support, so Muslim women may choose to remain in their abusive domestic environments. It may also be the case that the needs of South Asian Muslim women may be different from the needs of Asian Sikh and Hindu women – and actually more similar to English, Bosnian or Arab Muslim women.²⁴¹ Choice is a key issue here, because some Muslim women may specifically want a Muslim counsellor/therapist/refuge, whereas others might prefer to seek help from people outside their own communities.

A Domestic Violence, Crime and Victims Bill is currently going through Parliament. This proposed legislation would aim to strengthen the rights of victims and witnesses. Measures in the bill include providing a new Code of Practice for victims, to replace the last Victim's Charter (1996). The new Code of Practice represents a minimum level of service that victims can expect from agencies of the criminal justice system in England and Wales. The Domestic Violence, Crime and Victims Bill would also allow victims to take their case to the Parliamentary Ombudsman if they feel the code has not been adhered to by the criminal justice agencies.²⁴² It is important that Muslims are included alongside all other groups in receiving the standards of service laid out in the Code of Practice. It is also important for Muslim communities to be informed of how to go about making a complaint if a service has failed to meet the minimum standards that are expected.²⁴³

²⁴⁰ Ahmad and Sheriff, *Muslim Women of Europe*, pp. 2–10.

²⁴¹ Ahmad and Sheriff, *Muslim Women of Europe*, pp. 2–10.

²⁴² The *Domestic Violence, Crime and Victims Bill* is available on the website of the UK Parliament at <http://www.parliament.uk/>. Details on the new Code of Practice for victims, published by the Government, are available at <http://www.crimereduction.gov.uk> (accessed 21 September 2004).

²⁴³ Comments from the OSI roundtable discussion on British Muslims and the Criminal Justice System, London, 8 June 2004.