



Race consciousness and the law: Criminal defence practitioners' perspectives

Howard League for Penal Reform

Key points

- Stark racial and ethnic disparities exist at all levels of the criminal justice system in England and Wales.
- Lawyers are present at almost every stage of the criminal justice system and are in a unique position to identify and challenge racism, but the knowledge and experience of this group has been under-researched.
- Focus groups with 30 lawyers practising in crime in England and Wales were conducted.
- The widespread adherence by the legal system to the notion that the law should be “colourblind” and “race neutral” is a barrier to eradicating and challenging racist and discriminatory practice.
- Lawyers were conscious of the difficulties in establishing and maintaining trust with clients from ethnic minority backgrounds, sometimes being unable to prevent their clients from withdrawing from the relationship.
- There is a lack of financial and educational support to help lawyers challenge and eradicate racism in the criminal justice system in England and Wales.
- Lawyers should engage in race conscious advocacy of their clients which acknowledges their clients’ often-negative experiences in the system and leverages existing expertise on structural racism.
- Lawyers should cultivate expert witnesses who can help to elucidate and contextualise the ways that systemic racism has contributed to their clients’ experiences over their life course

Introduction

There are stark racial and ethnic disparities which exist at all levels of the English and Welsh criminal justice systems (Lammy, 2017, Sveinsson, 2012, Chada, 2020). These disparities exist at the front end of the system in terms of the racially and ethnically disproportionate impact of stop and search; the racialised placement of individuals on police databases such as the Metropolitan Police's Gangs Matrix; decision-making by magistrates and judges; and the barriers that people of colour face in accessing the legal profession, and, in particular, the judiciary (Williams and Clarke, 2016, Fatsis, 2019, Densley and Pyrooz, 2019, Centre for Justice Innovation, 2017, Gibbs and Kirby, 2014, The Law Society, 2020b).¹

Defence practitioners can offer vital insights about criminal justice system practices as they are court 'insiders', with unprecedented access to legal procedures, negotiations, and practices, as well as access to legal cultures and cultural codes which are inherently racialised. They also have valuable knowledge about their clients' lives and experiences in the system. However, this knowledge is rarely harnessed, despite the ways that it can be brought to bear in support of better outcomes for clients. Frontline legal practitioners also offer perspectives on the legitimacy of the justice system, both as individuals who have their own experiences of injustice, but also through an understanding of their clients' experiences. There has been very little research on defence practitioners' perceptions of the fairness of the criminal justice system landscape in England and Wales. Much of the research on defence practitioners has focused on the relationships that are established between practitioners and their clients and the role of trust in those relationships, and has been almost exclusively conducted in the United States (Flemming, 1986, Boccaccini et al., 2004, Sandys and Pruss, 2017, Campbell et al., 2015, Clair, 2020).

There is anecdotal evidence to suggest that the experiences of lawyers of colour in the justice

system in England and Wales are shaped by the dynamics of race, class and gender (Wilson, 2020, Johnson, 2020), and that their perspectives provide valuable insights into the working practices of the courts, but there is very little research evidence about these perspectives.

In its specialist legal service for children and young people, the Howard League for Penal Reform identified a need to support legal practitioners in engaging in anti-racist practice in police stations, the courts and beyond. Together with Black Protest Legal Support and in consultation with an advisory board, the Howard League (2021) developed a guide aimed at assisting lawyers in the criminal justice system in educating themselves to engage in anti-racist practice. As part of this initiative, the following research conducted a series of four focus groups with practitioners from England. The report and subsequent focus groups were centred on practitioner perspectives on anti-Black racism in particular. Although the experiences of racism and bigotry are not limited to Black people, this narrow focus of the research emerged through an analysis of existing data on the disproportionately negative effects of systemic racism on Black people in England and Wales (Uhrig, 2017).

Sample and methods

This briefing is based on data collected during four hour-long focus groups that took place in February 2021 with legal practitioners from across England and Wales. Practitioners responded to a call to participate in focus groups that was circulated on social media, through Howard League networks, and through professional associations.

Fifty-six practitioners volunteered for the focus groups, and all volunteers were invited to participate. A final sample of 30 legal practitioners from across England and Wales participated in the focus groups. The final sample included 15 criminal defence barristers and eleven solicitors, and the remaining participants represented a range of roles in the court system, including paralegals and a volunteer in the criminal justice system. Just over 80 per cent of the sample practiced in London. Pseudonyms are used throughout

¹ In October 2022, in response to pressure from a number of organisations across the country, the London Metropolitan police commissioner Sir Mark Rowley has committed to significantly reforming the Gangs. The reforms will address significant issues related to, in particular, the ways the tool amplifies racial disparities.

this report to protect the confidentiality of the participants.

The participants were largely experienced in the field, with an average of 14 years of experience. Sixty-three per cent of the sample were women. Half the sample were from Black, Asian or ethnic minority groups. According to the Law Society's most recent data, Black, Asian and minority ethnic solicitors accounted for 17 per cent of solicitors in 2019 (The Law Society, 2020a) and 14.1 per cent of barristers (Bar Standards Board, 2020).

The aim of the focus groups was to identify key gaps in knowledge for practitioners interested in engaging in anti-racist practices, identify key areas where anti-racist practices could make a contribution to client engagement and outcomes for Black clients, and to identify barriers to anti-racist legal practice. Questions focused on three key points of the system: police custody, the courts, and client experiences after court. We asked questions that focused on a) what practitioners perceived to be the key challenges that their Black clients faced in these key settings and b) key examples of racist practices that lawyers faced in the profession.

Key findings

Challenges in confronting a 'colourblind' legal system

The practitioners who participated in the focus groups were overwhelmingly aware of the racial and ethnic disparities that exist in the justice system in England and Wales, which they witness in their daily work. However, practitioners faced opposition in the courts in their efforts to highlight the roles that race and ethnicity may have played in key decision-making by legal authorities, particularly the police. A number of the practitioners explained that their efforts at being *race conscious* (Gonzales Rose, 2017) in their work were often stymied by legal authorities' demands, both explicit and implied, that they be *race neutral* in their presentation of the facts of the case.

Scholars have pointed to the role that colourblind or race neutral ideologies have played in perpetuating systemic harms against

people of colour in the criminal justice system, in part by neglecting to understand the ways that racialised dynamics shape the construction of laws, legal decision-making, and patterns of criminalisation (Alexander, 2010, Van Cleve and Mayes, 2015). The sociologist Eduardo Bonilla-Silva defines colourblind racism as an approach to race which explains "racial matters as the outcomes of nonracial dynamics" (2020, p. 1). Bonilla-Silva and others have argued that practices of colourblind racism have led legal and system actors to neglect the serious and disproportionate consequences of criminal justice practices, for example, in the lives of people of colour (Murakawa, 2019, Parmar, 2016).

The practitioners in the focus groups spoke about the challenges of practicing in an environment where they knew that their clients' lives had been negatively affected by racism, but where they felt that they had few avenues to raise those matters as relevant to the criminal case. They talked about facing people in positions of authority in the legal system who would invoke the language of neutrality and colour blindness in the face of stark racial disparities.

Every judge will tell you that they apply the same rules to everyone, to everyone that comes before them. We know, as a matter of fact, and as a result of David Lammy's inquiry but also the MacPherson report... that is simply not true. We know that a Black defendant will receive a higher sentence for the same offence, in the same way that a Black pupil is half as likely to get pupillage if they present with the same qualification. We know that the system is inherently designed against Black people, and people of colour. So, we can't simply deal with it by, all albeit well-meaning measures, it's not going to fix the problem. We've had government commissioned reports that tell the criminal justice system, you are racist, and do nothing about it. So the only way I think that we can effect real change is by publicly demonstrating at every single given opportunity, the disparities that continue to exist, and persist day in day out every single quarter (Jennifer, Black female barrister).

Jennifer argued that the only way to face the racism was to address it openly. However, other lawyers felt that it was more challenging to openly address those disparities, particularly in court contexts where they may not be understood by a predominately white judiciary. A young barrister articulated this challenge as having to work “sideways” to articulate claims about race. She said:

...one of the really difficult things is we do it all by sleight of hands at the moment. So you make all these arguments; you can never address the elephant in the room head on, you never say to the judge, “what you have in front of you is a young Black man who [appears] to be sentenced. And you must recognize that and take that into account and not allow that to influence your judgment.” I don’t --I would never dare say that to a judge. Instead, you say things like “take into account your socio-economic background” ... I’ve tried a number of times with saying “take into account COVID conditions and the disproportionate impact on BAME populations.” And you do it all sideways. And I think that we all need to be much more comfortable in just saying to judges, magistrates—“you have to take this into account, and I want you to address me in your sentencing as to specifically how you’ve taken it into account because you never get it”...But the idea that we the way we talk about race needs to be explicit, it can’t be in dressed up in legalistic language anymore (Anya, Asian female barrister).

In general, practitioners felt that they needed to present their advocacy in a race neutral manner in order to be ‘heard’ by legal authorities. In response to a focus group question about whether practitioners could present evidence about the ways that racism may have shaped their clients’ lives, a barrister responded: “you’ve got to tailor to the individual because otherwise, there will be pushback from the courts, if you were simply to say a particular category of defendants or particular category of people must be treated in a particular way” (John, white male barrister). Some lawyers frequently recognised that their Black clients encountered a court system where they felt highly conscious of their racial identity and the judgement it carried. For example, a barrister

noted of her Black clients:

...that impression that... Black skin is always judged in the worst way, you know, any behavioural thing is that they’re being aggressive or that they are, you know, that they are angry and things like that. And just, it’s all of those labels, things that happen I think, even before one gets to the courtroom that weighs in on how Black defendants feel in a courtroom. (Sophie, Black female barrister)

Like this barrister, a number of the lawyers thus conveyed a race conscious outlook on their clients’ experiences, but found themselves struggling to articulate those outlooks in the face of demands by legal authorities that they express their claims through a race neutral lens.

Solicitors working in police stations also struggled to highlight the racialised nature of their clients’ experiences to the police. One solicitor working with young people noted that the police were defensive and sometimes aggressive when she would explicitly identify her clients by their race:

...as soon as you step into that police station, you’re automatically put into a corner. And it’s the way that also the police react to you. Because as soon as you start using those words, “this is a BAME child, look what you’re doing, this isn’t appropriate behaviour, why are you doing this,” it puts their back straight up, and you are put in a corner straightaway. So you then have to show your client that you are supporting them, and getting them through this position as best way you can so that they can get out of the police station... But as soon as you start mentioning those things, they start getting very aggressive towards you, I’d say. And the attitude completely changed...Because it’s... an automatic criticism of what they’re doing (Amy, white female solicitor).

This solicitor argued that accusations of racism against the police force them to become defensive; by implication, this makes the work of the solicitor in challenging police practices difficult. The scholar Alana Lentin has called this form of defensiveness “not racism,” pointing to the ways that individuals and institutional actors often position themselves as “not racist” in

response to claims of racism in order to deflect and ultimately diminish the significance of racism in public life (Lentin, 2020).

The police station and the courts as racialised social systems

A number of the practitioners in the focus groups pointed to the accumulated experiences of racism their clients had experienced from an early age, and in social institutions which had shaped their lives even before reaching the police station. Some lawyers spoke of the difficulties and lack of skill in unpicking the accumulation of systemic harms, which weigh on their experiences of simply being in the courtroom and the dilemma progressive lawyers faced when their Black clients demanded white representatives in the belief that this would help their cases be taken seriously.

One barrister noted that her Black client's negative experiences at the hands of authorities preceded their experiences in the criminal justice system (see also Phillips, 2020), and also arguably shaped them:

... this isn't a criminal justice system problem. It actually starts before the first arrest, children are often victimized and abused. In school, we know that Black children, Black boys, in particular, face the same type of abuse from teachers, as they do from their first interactions with police. So they become desensitized to it. So by the time they are stopped and patted down at Stratford International station by police officers, they're used to that abuse in another way by their teachers, because they've been kicked out of school, they've gone to Pupil Referral Unit, it's all part of the course. And so it just falls into line with what is already a pre-existing campaign of discrimination and racism within the system (Jennifer, Black female barrister).

A solicitor spoke about the challenge she faced when she met with clients in custody in detailing what may have happened with them before they reached the police station:

So part of the difficulty that I experience at the police station is that by the time I get there, there has already been an issue, because particularly with Black clients, you know, that they're already feeling aggrieved.

So ... before you even get down to the law, what you're having to do is unwind what happened, why it happened, what the rationale was, what the issue was, and, and deal with, as far as you can, identifying, you know, either a challenge to the arrest the way the police did it, why there are handcuffs why they're on so long, you know, did you have the correct ground set. So before you even get to any of the law to do with that there is a whole bunch of stuff that needs doing and kind of like absorbing, understanding, taking seriously making those inquiries before you do anything else (Beth, Black female solicitor).

This solicitor described the challenges that she faces in working on a case where the client may have had a negative set of interactions with the police, which is particularly profound for Black clients. Yet this experience was not limited to the police station itself. A barrister noted the challenges facing his clients after they have had significant and negative interactions at the hands of police, who come from “a completely different standpoint” with “their own prejudices and their own racism”:

And I think the problem that a lot of the clients that I have to deal with... comes about by their interaction and having to deal with the police on a daily basis. And so therefore, when it comes to the courts, we've got to try to unpick how everything developed, where it developed from (Walter, Black male Barrister).

Walter described the ways that these negative experiences were amplified for his clients who face significant forms of racism and prejudice from the moment they walk through “the front door of the court, how they are dealt with, by the security, how the ushers deal with them, how court staff, how barristers deal with them, how solicitors deal with them, is right the way through. So it's systemic, right, right through the whole system.” Like the solicitor who spoke about her work in the police station, Walter spoke about the challenge of his work to:

unpick, you know, all the problems that they have with the case, first of all, and yet they still have all the other problems of just being in court and being in a party to the court proceedings on top of that. So it's a multitude

have to unfortunately go through the court system. That's the reality of it is that we're not going to be able to stop people being arrested, or people being processed, but try to ensure that there is fairness in how they are dealt with, from the point of view of being spoken to by a police officer to them being at the police station. So then, if a decision is made to charge them and then processing them through the whole court.

Sophie echoed this claim, noting that her Black clients have faced an 'accumulation' of systemic harms, which weigh on their experiences in the courtroom:

... it's like an accumulation of kind of... like being treated as a threat and a racialised threat over the course of one's experience throughout these institutions. And then you sort of get to this place in the courtroom where it's kind ... of the one of the end points of that long point, you know, that long treatment.

The challenges that solicitors and barristers partially face in doing this work to 'unpick' the harms that their clients have faced is that those clients often distrust *them*, and duty solicitors often have to challenge "the assumption ... that you work with the police" (Mark, white male solicitor) s. Other lawyers spoke about the difficulty in obtaining instructions from clients when they are in police custody because their clients are frustrated and angry, and unwilling to fully participate in the legal process. The scholar Matthew Clair (2020), in his research about attorney-client relationships, found that individuals often experience "lifelong racialized and classed advantages and disadvantages" (2020: 182) that they carry with them to their court experiences, and that they may withdraw from attorney-client relationships in contexts of accumulated systemic mistrust. Other lawyers spoke about the challenges that they faced once they were able to establish trust with their clients in *maintaining* that trust, particularly in the face of lengthy legal processes where outcomes – particularly during COVID-19 – would take many months, if not years, to reach.

The lawyers themselves recognised that their clients were aware that the power of the court system was partially shaped by race and ethnicity. One solicitor spoke about

encountering Black clients who asked for white barristers, assuming that they may have better representation if they had an advocate who was white:

I have had on at least three occasions, young Black men, when I have recommended a specific barrister who happens to also be Black, say, "No, I want a white barrister, I want a white barrister, the jury will take them more seriously. They'll be able to stand up for me better if I have a white barrister." And so I'm then put in this invidious position of... I'm being asked to not give work to a good Black barrister, but it's by a Black client. And I can kind of see his point. And it's a very difficult and genuinely upsetting situation to see that that's what a young Black man thinks, you know, the jury is going to be mainly white, they're not going to listen to the right guy. And we need to get through that as well, you know, within the way our clients feel that other Black people are perceived in the criminal justice system (Bill, white male solicitor).

Even if the lawyers were able to engage with their clients of colour about challenging racist practices, they would often find that their clients were reluctant to challenge police practices through a civil action/claim. One solicitor, in response to what she described as challenging the "blatant racism" her clients faced, said that when she told her clients that "you really ought to take this further, consider about police action, and they'll say to you, 'well, nothing's going to happen anyway.'" She said that "if you can't make a difference, and if you can't do anything about it, to hold them accountable here, then nothing is going to happen" (Mary, Black female solicitor). The lawyers felt that their clients' experiences reflected a kind of desensitisation their clients had to the harms that they had experienced, and a few lawyers described this is a form of "racialised trauma" or racial stress. Mary noted that "they then become hardened, people you represent become hardened," resigned to their fate in the system.

The solicitors and barristers spoke frequently about the challenges they faced in navigating their clients' systemic distrust. One strategy that a number of lawyers engaged in was to simply acknowledge their clients' negative experiences with the system before they can even proceed

in working with them. One solicitor noted that without that acknowledgement, “I have no credibility, you’re as bad as them [the police].” Yet, this difficulty in navigating the relationship often took its toll on the lawyers. One solicitor, a Black woman who faced significant discrimination herself in the system by her colleagues and members of law enforcement, had decided to leave practice because she became deeply frustrated as she constantly faced the pain of seeing her clients face systemic racism:

that trauma wasn't just for the people I was representing, it was for me, too. I like I started being angry and aggressive, every time I turned up to the police station. So that trigger goes both ways for the practitioner who turns up at the police station, and sees that and knows it's blatant racism, and feeling the frustration of what do I do with this? (Mary, Black female solicitor).

Mary’s experience conveys the particular challenges that lawyers of colour face in working in a system from which their clients have been profoundly alienated. This makes their work more challenging, in part because they are the key advocates for their clients of the legitimacy of that system.

Evidence and experts

Lawyers in the focus groups consistently argued that the evidence presented against their clients in the courts perpetuated racial stereotypes and myths about their clients’ involvement in criminal activity in ways that have serious consequences for case outcomes. Key factors identified in the research were a lack of experts and evidence to challenge these myths.

The American legal scholar Jasmine Gonzales Rose (2017) has pointed to the ways that legal evidence is structured by and through racialised social systems and assumptions. She argues that the “racialized reality” (“the lived experience of racial differentiation and hierarchy”) (2017: 2244) of people of colour is often excluded from consideration in the courts, and that the reality of white people’s lives often evades scrutiny. She also argues that the presentation of evidence by experts about the lives of people of colour is often framed through

voices who are ‘insiders’ to the courts (2017: 2244).

The legal practitioners in this study expressed a similar set of concerns about the racialised presentation and use of evidence in the courts in England and Wales. There were two themes to emerge in the focus groups about evidence. The first theme was a concern about the overreliance by the prosecution on police experts who perpetuate myths and stereotypes about Black clients. The second theme was a concern about the use of tools like the London Metropolitan Police’s Gangs Matrix or similar databases said to be used in cities like Manchester and Birmingham, in court bail arguments against clients of colour, despite limited evidence that these tools are effective.

A number of the legal practitioners noted that while there had been some recent improvements, juries and the staff in the courts, including barristers themselves, were predominantly white. This, they argued, played a role in shaping how their Black clients were understood. According to Joe, a Black male barrister:

... in terms of the court system generally speaking, there's a real lack of Black or brown faces other than prison officers, although they're at the back of the court. Generally speaking, you will not see a Black or brown judge. A lot of the time you won't see a Black or brown barrister. And if you do, it'll be rare that you will see one that's a leader in terms of representation on either side. And when you get to so-called expert witnesses, in my time, I don't think I've ever seen a Black or brown expert witness on gangs, ever...

Sophie noted that “a lot of times in some cases ... myself and the client might be the only Black people in that courtroom.” The lawyers argued that it was often difficult to contextualise their clients’ lives in this environment where those lives would largely be interpreted by people who may have had wholly different experiences in terms of race and class.

One concern expressed by the practitioners was that the kinds of experts who had legitimacy in these courts were actors like

police officers, whose expertise largely went unquestioned.

You'll have police officers who were involved in the investigation, who are allowed to pronounce on who's in a gang or not, and use horrendous stereotypes going back decades without question from and including defense counsel (Joe, Black male barrister).

... as far as experts are concerned, it's, it's pretty easy these days to become an expert, especially if you're a police officer, because after, after you been working as a local community officer, and have gathered sufficient information about what's happening in your local area, and then being called on a number of cases, it's very easy to create your own CV, if I can put it that way, to place yourself in a position whereby other officers can then rely upon you as being an expert (Walter, Black male barrister).

Other lawyers spoke about their difficulties in challenging police practices, such as building witness parades, or challenging white police officers on their racialized assumptions:

I mean, all police officers will describe everyone as IC-3.² And I've had quite a lot of success, sadly, not trial success, but certainly made some headway cross examining officers on what they mean by that, and inviting them to see if they can give any more detail, and they almost invariably just start squirming. And just can't, don't have the language to subdivide categories (Sam, white male barrister).

The practitioners spoke about the dearth of defence experts in the areas of gang policing, and thus the difficulties in challenging police as expert witnesses:

From the defence side, it's extremely difficult to get experts to deal with that, that topic in that area, because there are so few and far between available to us as practice practitioners to get experts. So we're left to our own devices and our own experiences and our own knowledge and research, to challenge the police officers in relation to the views they put forward (Walter, Black male barrister).

According to this barrister and others, they frequently observed other barristers failing to challenge the evidence: "unfortunately, a lot of this information just gets put before the courts without challenge." Referring to racialised evidence related to gangs, for example, Sophie said "I just think that if we're not careful, and we're, meaning ... defence counsel, those things can go in, and they can quite easily settle in the minds of juries."

One of the pieces of evidence that lawyers found difficult to challenge was the use of the Gangs Matrix. According to Andrew, a Black male barrister, the presence of an individual on the matrix is used to deny their clients' bail. He noted that the judges overwhelmingly depend on prosecution privilege about an individual's relationship to a gang to guide their decision making, and yet this often goes unchallenged:

I know that when they do get into court, certain vague comments are made about where they are placed in the gang matrix to explore where someone places, who's linked to them on the gang matrix. And then the difficulty is that, for example, I heard someone say, "yeah, someone's linked to someone number 15 on the gang matrix," and I said, "that is so vague. What does 15 mean? Is number one supposed to be the most serious, is number 200 the most serious?"

Another lawyer echoed the concerns about the use of the Gangs Matrix, noting that "it's being used -- has been used -- for a number of years in an incredibly dangerous and scattergun way" (Anne, white female barrister).

A number of the lawyers knew that their clients were often subject to over-policing simply because of where they lived, and that there was a nexus between race, class and geography. Sam noted of his clients of colour, "that they'll be overly policed and they'll have police officers taking action. In cases that would simply merit a verbal reprimand in other areas." Andrew argued that "it's a difficulty of that whole thing of the kind of areas, particularly [the areas where] Black people will be living, and especially in social demographics, because of a particular social demographic, particular race in a particular area, [it increases] your chance and likelihood of you being on the gang matrix.

² IC is an identity code used by the police, and IC-3 is a category used to describe people of African descent from Sub-Saharan Africa and the Caribbean.

That's, that's where the problem starts, isn't it?" The lawyers recognised that the disparities in policing were reflected in the cases that appeared before them, but talked about their frustrations in challenging those disparities, in part because of the legitimacy that the largely white officers had in courts.

Overall, the use of evidence that the lawyers described existed within a system that emphasised race neutrality in the presentation of that evidence, and yet was deeply racialised in its effects and implications. These lawyers describe their efforts to challenge the use of that evidence within the existing framework.

Best practice

The practitioners highlighted key challenges they faced in navigating the racialised landscape of the courts, but they also spoke about examples of best practice in supporting their clients as they faced the system. The lawyers highlighted the importance of recognising the dignity and worth of their clients (see also Clair, 2020: 184) by attending to issues of substantive justice, acknowledging their experiences before they reached the court system, and attending to their experiences while they were in the system.

The practitioners also highlighted the impact that ongoing educational opportunities shared by members of the legal community had developed which supported their education about racism. Some practitioners highlighted the recent work of Garden Court Chambers, for example, on the policing of music lyrics and the use of the Gangs Matrix as useful to their everyday practice.

Recommendations

Below, we advance a key set of recommendations aimed at legal practitioners working in the courts who are presented with incidents of systemic discrimination. We also present recommendations aimed at legal associations, chambers, and other agencies representing lawyers, in order to support their members.

Across legal disciplines

- Summon the courage to have difficult conversations with clients about their experiences of racism, classism and sexism before the law.
- Engage in legal advocacy that is race conscious, as opposed to race neutral.
- Develop and cultivate a range of experts who are knowledgeable and have expertise in racialised realities, and who can speak to the accumulation of systemic disadvantages that clients of colour have faced before they have arrived in the system.
- Develop and support continuing legal education programmes which focus on equipping practitioners with the resources necessary to confront racialised forms of evidence.

At the police station

- Record and report client experiences of discrimination based on race and ethnicity.

In court

- Engage in robust and vigorous challenges to the presentation of evidence by the police, particularly evidence that relies on weak or limited claims about clients' gang association.
- The Sentencing Guidelines now include 'warning labels' about disproportionate sentencing of Black people for certain offences - e.g. drug offences. Legal practitioners should be empowered to use these resources.

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About the Howard League for Penal Reform

The Howard League for Penal Reform is a national charity working for less crime, safer communities and fewer people in prison. We campaign and research on a wide range of issues including short term prison sentences, real work in prison, community sentences and youth justice. We work with parliament and the media, with criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change to create safer communities. Our legal team provides free, independent and confidential advice, assistance and representation on a wide range of issues to young people under 21 who are in prisons or secure children’s homes and centres. By becoming a member, you will give us a bigger voice and give vital financial support to our work. We cannot achieve real and lasting change without your help. Please visit www.howardleague.org and join today.

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