

## Black inmate reveals shocking extent of racism within the prison service

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**By Deborah Gabriel**

It is a sad fact that whilst black people make up just 2 per cent of the total population in England and Wales (2001 Census) figures published by the Home Office reveal that in December 2001 black inmates made up 14.79 per cent of the total prison population.

Worse still is that prison numbers have been rising steadily over the last few years and as the CRE noted in its 2003 *Investigation into HM Prison Service*, increases in the prison population are always "accompanied by an increase in the population coming from ethnic minorities and most significantly from the black group."

The Home Office publication: *Statistics on Race and the Criminal Justice System* published in December 2004 showed that by February 2003 16 per cent of all male prisoners were black and 25.3 of all female prisoners were from the black population. Despite the high numbers of black individuals who are incarcerated in the UK, racial discrimination is rife within the prison system as the CRE report revealed.

Black Britain got a glimpse of what it is like being a black prisoner subjected to constant abuse, unfair treatment and even physical violence when we were contacted by the white family friend of a black prisoner. Mr Smith (name changed to protect his identity) told us how a friend of the family serving time in a rural prison was "being brutalised by prison officers", to the extent that he "feared for his safety."

After contacting the prisoner's solicitor to verify the facts, Black Britain heard from the prisoner directly how he had suffered repeated racial abuse and attacks over the last few years and each time has been transferred to a different prison. Leroy, (name changed to protect his identity) a 29-year old category B prisoner told Black Britain: "I have been subjected to such a degree of racism and brutality that I now view such abnormality as par for the course."

He alleges that in 1999 while incarcerated at Swaleside Prison seven officers entered his cell and attacked him. After the beating they tried to tie a home made noose around his neck. Leroy told Black Britain: "I was beaten to such an extent that the police, when they eventually came refused to accept custody of me insisting that I go to hospital first." He referred to the rural prison where he is currently incarcerated as "the prison services black Siberia", stating that due to its remote location it is "used by the prison service to alienate black inmates... I do not feel safe here"

Mr Smith, who brought Leroy's plight to our attention, told Black Britain that he felt there was "a racist motive" in moving Leroy to his current location, hundreds of miles away from his family. Leroy has suffered from verbal racial abuse as well as physical assaults, alleging that on one occasion he was told by a prison officer to "shut the f\*\*\* up you black \*\*\*\*."

He also stated that he has witnessed other black prisoners being called "darkie bastard" whilst prison officers sometimes whistle to the tune of *bah bah black sheep or brown girl in the ring* as they walk around outside cell doors.

### **Solicitor claims 'pattern of racial abuse' at Whitemoor Prison**

Dan Rubenstein, a solicitor at Hodge, Jones and Allen has an informed view of race discrimination in the prison service having represented prisoners who have made claims

against the Home Office.

He told Black Britain that he believed some "prison officers themselves are actually racist" although he thought it was "more a question of discrimination or bullying conduct by these officers rather than any kind of systematic policy by the staff as a whole." However, Mr Rubenstein said that there are circumstances that might suggest there have also been "racially discriminatory actions by higher management."

Mr Rubenstein told Black Britain that the worst cases of racial discrimination that he has encountered have been at Whitemoor, with several clients complaining of "exactly the same treatment." He said: "It's really in terms of incidents at HMP Whitemoor that there appears to be a pattern. I couldn't say the same about the other prisons but there are more isolated incidents in other prisons from assaults by staff to racist abuse by staff."

According to the solicitor the Home office is painfully slow in responding to letters detailing claims on behalf of prisoners. He told Black Britain: "They have never taken less than four months to respond." Mr Rubenstein described follow-up action by the Home Office into complaints of racial discrimination as being "very patchy indeed."

The solicitor also commented that black prisoners who had made complaints of racial discrimination were constantly being transferred stating that where there had been an adjudication "or something problematic they simply get transferred." He added: "Instead of the grievance being dealt with there and then they just pass the problem onto someone else."

Mr Rubenstein said that government officials sometimes express the attitude that prisons reflect the society we live in, so that invariably a proportion of prison staff will be racist in much the same way as the general public. He told Black Britain: "To me those arguments are rubbish and are completely unacceptable. The police and prison service have a particular responsibility to act in a way that isn't racist and to rise above attitudes in the general public."

Mr Rubenstein added that it appears the government is not prepared to put time and money into improving conditions for prisoners and in making the criminal justice system more responsive to the needs of both criminals and victims.

### **Former inmate is prisoners' champion for tackling race discrimination**

Felix Martin, Chair of the Prisoners Race Discrimination Unit (PRDU) makes no secret of the fact that he was incarcerated in a number of different prisons in the UK between 1991 and 2003. As an ex-prisoner turned case-worker, aspiring lawyer and author Mr Martin has the benefit of first-hand experience of racial discrimination within our prison service and therefore has an informed perspective on many of the issues raised by the 2003 CRE *Investigation into HM Prison Service*.

In terms of reported incidents of race discrimination Whitemoor has one of the highest levels of complaints. Mr Martin cautioned that the figures are likely to be higher in reality as: "A lot of them don't bother to report it. They just get on with their daily routine." In the CRE's 2003 report it stated that "Some prison staff discouraged or prevent[ed] prisoners from making race complaints", and those who plucked up the courage to speak out against discrimination "were punished or victimised for making the complaint."

A Home Office spokesperson told Black Britain that "The Prison Service is committed to treating all the people it holds with decency and humanity" including respect of ethnic

diversity. The spokesperson added that any prisoner who had been discriminated against or bullied should make a complaint which would "be investigated thoroughly." Mr Martin told Black Britain that racial discrimination within prisons takes many forms and vary from being given a small portion of food in the canteen to receiving a behaviour warning for pressing a buzzer to request a phone call. He said:

"Some officers come out with racial insults and there are ones who really bully and pick on certain inmates." Echoing the findings of the CRE investigation Mr Martin said: when a black prisoner decides to make a complaint "that's when it turns into open warfare and the victimisation comes pouring on." However, whilst many welcomed the CRE's investigation there has been widespread criticism of the government's failure to bring prosecutions against prison staff identified as perpetrators of racist behaviour.

Following the publication of the CRE's investigation, instead of seeking justice for black and minority ethnic prisoners who had been victims of racism within the prison system, the CRE joined forces with the government to implement an action plan for reform. One of the proposals to come out of the action plan is a mediation unit to be staffed by re-trained prison officers. Mr Martin told Black Britain: "This is a perfect way of ensuring that everything stays inside and nothing gets outside. This is what it's about. Mediation is supposed to be independent. This mediation policy will set the prison service back by twenty years."

The PRDU Chair stressed that an independent complaints system is crucial to gain the confidence of prisoners and to ensure fairness and impartiality. He also recommends that the prisons are "purged" of racism, suggesting that there should be a five -year period during which all prisoners may qualify for legal aid to bring cases of race discrimination against the Home Office. At the present time claims under £5000 do not qualify for legal aid. Mr Martin admitted that this may not prove popular as there is always a possibility that a small percentage of prisoners may abuse this privilege.

The Home Office spokesperson told Black Britain that the Action Plan, which evolved after the 2003 CRE investigation "took account of the steps already taken by the service to promote race equality", providing a new framework for change. In December 2000 whilst still in prison Mr Martin set up the Association of Ethnic Minority Prisoners, the predecessor of PRDU to counter the lack of representation for black prisoners suffering from racial discrimination.

In 2004 he won the Peace Alliance Turnaround Peace Award. He is editor of the Prison Discrimination Law Journal and author of *The Black and Asian Prisoners Guidebook and the Law*. Speaking to Black Britain about his position as Chair of PRDU, Mr Martin said: "I am so happy that I am working in this role, I am so privileged to be able to speak out on behalf of prisoners in this way – because who else is going to?"

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