

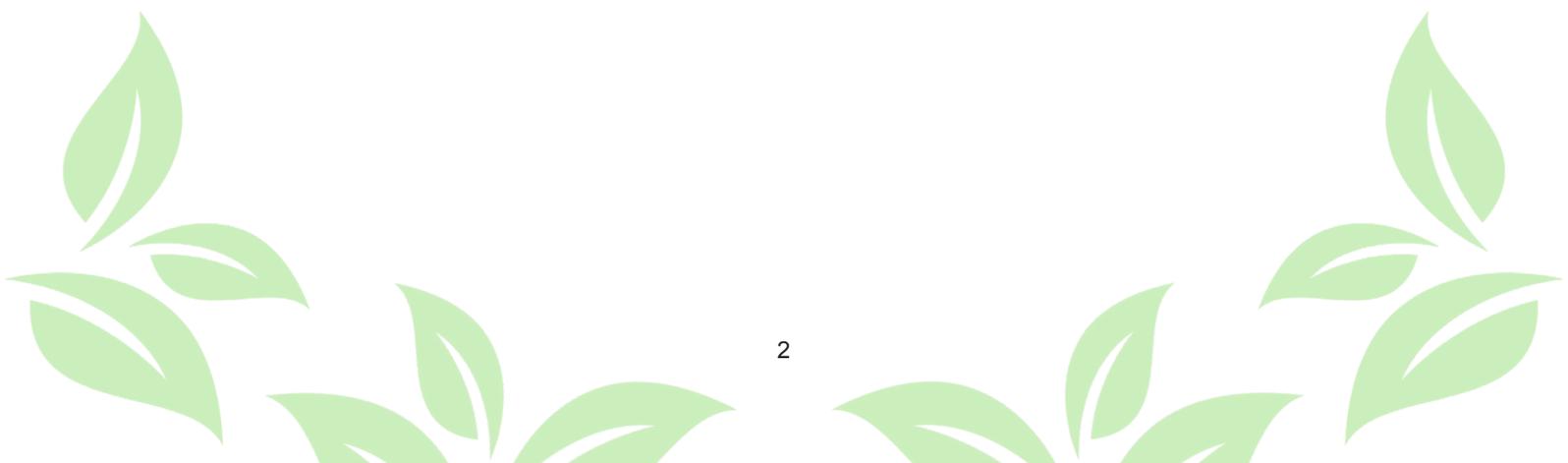
HARM TO HEALING

Resisting Racial Injustice in the Criminal
Legal System of England and Wales

Temi Mwale and Patrick Williams

Contents

Foreword	3
Executive Summary	4
Introduction: “There’s nothing in place for us...”	8
The persistence of racialised criminal injustice across England and Wales.....	9
The Criminalisation of Black people.....	10
The relationship between government policy, racialised criminalisation and the emergence of ‘by and for’ community groups and organisations.....	11
Our approach to the research project	12
Desk Research.....	13
Research conversations.....	13
Research Validation workshop.....	14
Research findings	14
Part One: Mapping the space - where are they and what do they do?	14
Profile of by and for groups/organisation.....	15
“It’s a labour of love”: the work and activities of Black-led ‘by and for’ groups/organisations.....	15
Part Two: Research conversations and validation	17
Becoming politicised: the origins of ‘by and for’ groups and organisations.....	17
Capacity: “this work will consume you...”.....	18
Funding: competing with the usual suspects.....	20
Political Framing.....	22
Conclusion: A Labour to Love	24
Recommendations and proposed next steps	26
References	31



Foreword

We commissioned this report to map specialist grassroots organisations led by, and working with, racialised groups impacted by the criminal legal system, and to make recommendations for action.

But when we first put out the tender, we could not have foreseen that it would lead to such an impactful piece of work. It has been a great privilege to work with the authors, who have put their expertise, experience, and energy into developing the research, and envisaging what a better world might look like. The strength of their findings and recommendations are a credit to them and to the groups they worked with along the way, and a validation of the approach they took to the work. The end result is more powerful than we could have imagined.

Work to address the harms set out in the report is urgent and requires long term investment. The report's recommendations propose a new way of doing things, rooted in and led by the communities most impacted. They call for attitudinal and cultural change within the funding and philanthropic sector. We are committed to supporting this work for the long term. We take the report as a call to action, and we hope that you will too.

Our wholehearted thanks go to the authors Temi Mwale and Patrick Williams, and to all the participants who gave their time and expertise to participate.

*Philippe Bonavero, Chair
AB Charitable Trust*

October 2023

Executive Summary

This report explores the purpose, role and experiences of Black-led 'by and for' groups and organisations¹ that are working at the intersections of racial injustice and the criminal legal system² of England and Wales.³ For decades, racially minoritised communities have been severely and disproportionately impacted by the harms inflicted by the criminal legal system. Black groups and communities in particular have borne the brunt of criminal legal injustice as evidenced through numerous official and academic reports and publications that demonstrate alarming levels of policing, sentencing and prosecution and imprisonment. Unashamedly this report accepts that institutional racism and the racialisation of criminality drives racial injustice across the criminal legal system. Relatedly, Black groups and communities are required to contend with the dual harms caused by the erosion of community infrastructure due to sustained disinvestment in Black communities alongside significant investment in criminal legal apparatus trained upon and within Black communities.

The research aims were to:

- Map the grassroots organisations operating in this sector, outline their activities, aims, needs, and resources.
- Consolidate evidence on why supporting 'by and for' specialist organisations is important.
- Collate insights and produce actionable recommendations.
- Inform future funding by donors and shift philanthropic practice.

The project was conducted across three interrelated stages to build understanding from the position and standpoint of 'by and for' community groups and organisations. First, a mapping exercise was undertaken to identify groups and organisations who are engaged in racial injustice work across England and Wales. Second, research conversations were conducted with groups and organisations who are working across areas of criminal injustice. Finally, the emerging themes from the previous two stages were presented to the groups and organisations involved in interviews to validate the research findings and to inform report recommendations.

¹ For further discussion of the conceptualisation and framing of 'By and For' and 'Lived Experience' see the work of Imkaan (2022) "By and For": Self-determination. Autonomy.' <https://www.imkaan.org.uk/by-and-for> and Baljeet Sandhu (2017) 'The Value of Lived Experience in Social Change: the need for leadership and organisational development in the Social Sector.' <https://thelivedexperience.org/wp-content/uploads/2017/07/The-Lived-Experience-Baljeet-Sandhu-VLE-summary-web-ok-2.pdf>

² 'Criminal Justice System (CJS)' is used collectively to refer to the institutions involved in administering criminal law. A growing movement offers us the opportunity to reclaim the term justice, by renaming this system the Criminal Legal System (CLS), as a direct challenge to the way it produces injustice while attempting to gatekeep the meaning of justice. In recognition of the historical and contemporary harms caused by this system, and the absence of justice, that many who contributed to this report are compelled to pursue - the term Criminal Legal System (CLS) will be used throughout this report as a more accurate description of the crime control and punishment apparatus parading as a 'justice system'.

³ Inclusive of the Police Service, Crown Prosecution Service, His Majesty's Court Services, Youth Justice Service, National Probation Service and Prison Service. Significantly, we extend this definition to recognise the growing multi-agency arrangements that extends the reach of the criminal legal system into local authority provision (e.g., social services, education departments, statutory and social housing providers, etc.). The term 'Criminal Justice System' may still be used in this report referenced materials.

Findings

Based upon the criteria detailed in this report, we found there are very few Black-led 'by and for' groups and organisations working at the interface of racial injustice and the specific (personal, social, emotional and economic) harms caused to community members by the criminal legal system. Driven by a compulsion to serve, such groups displayed a commitment to building communities of: safety, nurturing, growth, dignity, belief and belonging, as an act of community resistance and to reduce the likelihood of other community members coming to harm.

Generally, the Black-led, by and for groups and organisations identified through this process were characterised by (i) their proximity to the communities they served, demonstrating an authentic awareness and understanding of the problems experienced by community members; (ii) the activities and actions of such groups were designed to respond directly to the harms that were generated by the criminal legal system (iii) such groups viewed the drivers of racial injustice across the criminal legal system as the manifestation of institutional racism and discrimination and (iv) campaigned and advocated for a radical transformation of the criminal legal system in order to minimise and eliminate the harms of the criminal legal system.

With limited resources, Black-led groups creatively innovated, working tirelessly to insulate and protect community members from the attention of the criminal legal system – through the provision of services by, and for the community. With low capacity, the groups have managed to raise the profile and understanding of racialised criminal injustice to national attention. This cannot be overstated! Collectively, a dedicated core of Black-led 'by and for' groups/organisations have raised awareness and challenged the racialised intent, outcomes and harms of the criminal legal system in the following ways.

First, by surfacing and challenging the incursion of police 'gang' units and the increasing use of 'gang' databases across England and Wales. Utilising legal strategies to reveal and contest the increasing use of collective forms of punishment, including conspiracy and the legal doctrine of joint enterprise. Further, it is Black led, 'by and for' groups and organisations who have mounted high-profile campaigns for the release of innocent children and young people from prisons and have procured the services of legal firms and support (solicitors and barristers) to challenge the institutional racism that drives the prosecution and conviction of Black community members. Collectively, they have fought against the encroachment of police and law enforcement practitioners into schools and other educational establishments – alongside the provision of educational and employment programmes and opportunities for community members, within community. This core of 'by and for' groups have with grace, held and walked alongside families bereaved of their loved ones due to police violence.

While not exhaustive, it is such examples that have led the authors of this report to conclude that with increased resources, capacity and commitment from funders, there could be an appreciable reduction in the harms of the criminal legal system, alongside an increase in optimism, hope and opportunities for the members of Black and racially minoritised communities who reside in disinvested communities.

Unsurprisingly, the theme of capacity arose as a complex and ever-present barrier during our conversations. 'By and for' groups/organisations also disclosed how they often struggled to negotiate and manage the demand for their support and services, which at times affected the mental health and wellbeing of workers and volunteers. Indeed, it was the seemingly unending levels of personal, social, emotional, and economic problems within austerity-scarred disinvested communities, that moved one of our respondents to acknowledge that "if we stop, there will be an impact upon our communities." Integral to capacity, funding was disclosed as essential to supporting the work and for building further capacity to serve, alongside establishing the conceptual and physical spaces necessary to collectively reimagine, (re)construct and build community toward nurturing, safety, dignity and belonging.

However, within the context of funding Black-led groups disclosed how they would often encounter a lack of trust, commitment, and belief in the work they did by funders. The majority of groups and organisations were therefore increasingly reliant on precarious, "intermittent" short-term funding arrangements. One respondent disclosed that they had never received long-term funding, typically bidding for, and receiving grants for 12-month periods at a time. By necessity, they were required to utilise their precious capacity on fundraising activities and other time-consuming strategies to increase resources which 'distracted from the work'. There were calls then for a level of funding that could transform and rebuild the depleted infrastructure of Black communities across England and Wales – an infrastructure that recognises the interconnectedness and complexities of the racial, social, economic, and criminalising harms experienced within overpoliced communities. Such funding would alleviate the capacity-draining effects of firefighting the harms of the criminal legal system, offer relief and create a space within which Black led groups and organisations, alongside the community members they serve, can shift away from harm to healing communities.

From Harm to Healing: The HtH Coalition.

For the Black-led 'by and for' groups/organisations who contributed to this report, the pursuit of justice centralises and foregrounds community. The work is layered and complex, striving to build a community infrastructure that alleviates the harms of the criminal legal system and responds to the needs of those most affected. To advance this work, there is an urgent need to curate communities premised upon values of nurturing, safety, dignity, and belonging. The findings of this research have culminated in what we have collectively termed the Harm to Healing (HtH) Coalition – the building of a transformative ecosystem that will tackle racial injustice and the harms of the criminal legal system.

Transitioning from harm to healing will demand a significant level of investment to redress the chronic levels of community disinvestment and to build an ecosystem that will reverse the illogical reliance upon the criminal legal system. We envisage the pathway from harm to healing will be considered, patiently growing at the pace of ('by and for' groups and organisations) trust. Being guided by the vision and hopes of those who are compelled to serve, and who contributed to this report, the HtH Coalition will move us all closer to the goal of community transformation and systemic change.

The HtH Coalition would be the first of its kind in the country, adopting the values of community empowerment, and self-determination with an emphasis on the 'we' rather than the 'I'. Such approaches foreground the personal, social, emotional, and financial needs of community members as the foci for individual and community development and growth. It is a bold and exciting opportunity intentionally developed to address the injustices that emanate from the criminal legal system.

Introduction: “There’s nothing in place for us...”

For decades racialised communities have been severely and disproportionately impacted by the harms inflicted by the criminal legal system of England and Wales. However, consistently Black groups and communities have borne the brunt of this harm. In this report we consider the role of Black-led ‘by and for’ groups and organisations who are working across the interconnected areas of racial injustice and the criminal legal system of England and Wales. From the outset, we foreground the stories, voices and narratives that were generously shared with us by these groups as part of this research project.

“This government, this system will bring you to poverty. They’ll take every penny that you have, so that you can’t find out how your loved one died... It’s huge, but what I like to focus on, because for me there is no justice. It’s just that there isn’t any justice, but we cling on to hope and we must pursue justice because justice is in the pursuance of it. [1]

“I volunteered in one of the longest standing youthwork buildings in the city. It was like an institution, part of the fabric of the neighbourhood. And it was the kind of building that you would never expect to close because it had run successfully for decades... It just closed, gone. And there was a kind of loss, a mourning of all the stories associated with these buildings and what was provided through them for the community. The tiles above the doors in that building said, ‘Black African-Caribbean Centre’, it was like written into the building and it’s just closed.” [2]

From the outset, founders and organisers of ‘by and for’ groups/organisations recollect the erosion of community infrastructure caused by decades of successive government policies. In particular, they reflect on the debilitating impact of ‘austerity’ characterised by severe financial cuts to public (and community) services, including the “sudden closure” of youth and family provisions, in response to the global financial crisis of 2008 (Oxfam 2013). Of note, research undertaken by the UK Parliament (2023) offers further evidence of the violence of austerity, estimating that over 300,000 excess deaths have been caused by the fiscal policies and financial cutbacks introduced since the late 2000s.⁴ Whilst these global crises and government policies have had profound impact across the UK, there is evidence of the disproportionate effects of community disinvestment for racially minoritised and marginalised communities. These systemic harms mark the continuity of Britain’s ‘entanglement in a broader global history of European slavery, colonisation and empire’ (Alexander and Byrne 2020:11).

Alongside the disinvestment in community infrastructures, conversations with groups/organisations also highlight the consequence of the (over)investment and encroachment of the criminal legal system into socio-economically marginalised communities - characterised by over-policing and surveillance of Black communities (Scott 2018). Liz Fekete of the Institute for Race Relations notes.

“[C]ollective memory is material. It finds its reflection in the many reports and studies which document how the over-policing of racially minoritised communities leads to psychological harm, injury and death. The collective memory of past injustices combines with negative everyday experiences of the police... to produce a trauma which should not be easily trivialised or dismissed’ (Harris et al 2021:8).

⁴ UK Parliament (2023) ‘Mortality rates among men and women: impact of austerity.’ London: House of Lords Library. <https://lordslibrary.parliament.uk/mortality-rates-among-men-and-women-impact-of-austerity/#:~:text=A%20recent%20study%20argued%20there,policies%20pursued%20by%20the%20government>

Throughout this report we intentionally draw upon this collective memory as a powerful resource to explore how 'by and for' community groups and organisations experience and contend with (i) the erosion of community infrastructure alongside (ii) the increasing presence of a criminal legal apparatus which harms racially minoritised people.

Unashamedly this report accepts that the racialisation of crime and institutional racism drives racial injustice across the criminal legal system. Relatedly, disinvestment in Black and other marginalised communities have had a profound effect on the capability of community infrastructure to keep pace with the personal, social, emotional and economic needs of community members. Therefore, it remains of critical importance for Black people to have 'our own community responses to meet our needs' (Mwale 2023). It is from this position that semi-structured interviews with 17 groups and organisations first explored the origins of Black-led 'by and for' groups which was marked by a 'compulsion to serve'. Second, themes concerning the capacity of groups and organisations within Black communities emerged and its implications for service delivery and the wellbeing of 'by and for' organisations' team members/staff. Third, funding was discussed within a context of the lack of trust, commitment, and belief in the work of groups and organisations that are responding to the multiplicity of harms experienced within the community. Finally, was the theme of political framing – in recognition that aiming to radically transform the criminal legal system affects the level and type of resources available to Black-led 'by and for' community groups and organisations. Further still, such calls are also accompanied by increased levels of scrutiny, surveillance and external political challenge.

Drawing upon a careful consideration of the report findings, we present recommendations and a proposal to build a new ecosystem: the Harm to Healing Coalition, designed to effectively address racial injustice and criminal legal system harm - creating tangible community and systemic change.

The persistence of racialised criminal injustice across England and Wales.

Racially minoritised groups and communities are at increased risk of encountering the practitioners and agencies of the criminal legal system (MoJ 2021, Young 2015, Lammy 2017, HMIP 2021, HMPS 2021). According to the Ministry of Justice, racially minoritised groups are more likely to be stopped and searched by the police, arrested, exposed to more punitive community orders/interventions and are more likely to be sentenced to lengthier custodial sentences when compared to white people (MoJ 2021). Evidence of 'differential treatment' throughout the criminal legal system has persisted as an unresolved controversy since the earliest publications of 'Statistics on Race in the Criminal Justice System of England and Wales' (RCJS) in 1991, affirming a community held view, shared by anti-racism groups and community campaigners, of racism and discrimination as an integral feature of the criminal legal system (Bourne 2001).

Yet, official government sources (see Uhrig 2016 and Lymperoupoulou 2022) demonstrate that the offending behaviour patterns of Black people are similar to

and more often than not, lower than their white counterparts. Therefore, the over-representation of Black people within the criminal legal system of England and Wales cannot be explained by differential crime rates. Despite this, official statistics continue to present 'race' and ethnicity as omnibus categories which conceal the specific ways in which 'ethnic minority' [sic] groups experience criminal injustice. The crude grouping of a wide range of social, personal, political and cultural signifiers – into 'black', 'Asian', 'mixed' and 'other' is illustrative of ongoing imperialist constructions that mis-identifies and conflates 'race' with ethnicity.

The Criminalisation of Black people.⁵

Due in large part to the Lammy Review, contemporary explanations for 'racial disparity' emphasise unconscious or implicit bias and cultural incompetence as a result of the stereotypical/prejudicial beliefs of criminal legal practitioners. Such beliefs, it is argued, (unwittingly) influences the practitioners' perceptions and therefore treatment of racially minoritised people who come into contact with the criminal legal system. Such attitudes may also contribute to mistrust held by racially minoritised groups which then distorts their treatment within what is a fair and procedurally just system.

For Lymperoupoulou writing in 2022.

'The unequal treatment of ethnic minority people in the CJS cannot be attributed solely to individual criminal justice actors who make (conscious and unconscious) decisions based on stereotypes which cause certain groups to be viewed as more dangerous and blameworthy for their offences. Individual decisions are embedded within systemic, institutional, political, and cultural processes which interact to produce racism and ethnic inequalities in the CJS.' [emphasis added].

She continues, that differential outcomes found across policing, court sentencing, (community or custodial) remand decisions and eventual imprisonment cannot be accounted for by the number (or history) of offences committed, offence type, category, or seriousness (Lymperoupoulou 2022, ZK Analytics 2021). Indeed, the disparity and diversity discourse briefly referenced above has served to disambiguate the role and function of the criminal legal system from the unequal societal structures that the criminal legal system is organised to serve. Racial disparity does not (and cannot) acknowledge how such attitudes are embedded within the institutional arrangements of the criminal legal system that drives systemic injustice. From this position, the concepts of racialisation and criminalisation better explain how racist constructions of Black risks, crime and criminality become integral to the corporate memory of criminal legal system agencies which then drives the institutional practices that view Black people as 'at risk' groups to be regulated, managed and contained. For Spalek (2007), racialisation refers to processes of attributing,

'negative characteristics to groups based upon their belonging to a specific ethnic group. It [racialisation] recognises power relations as a historical socio-political feature of any given society and therefore helps us to understand why different groups, at different times, are portrayed as problematic in different European countries.'

⁵ Throughout this report the term Black will be used to describe all people of Black, Black African, Black British or Black Caribbean heritage / background.

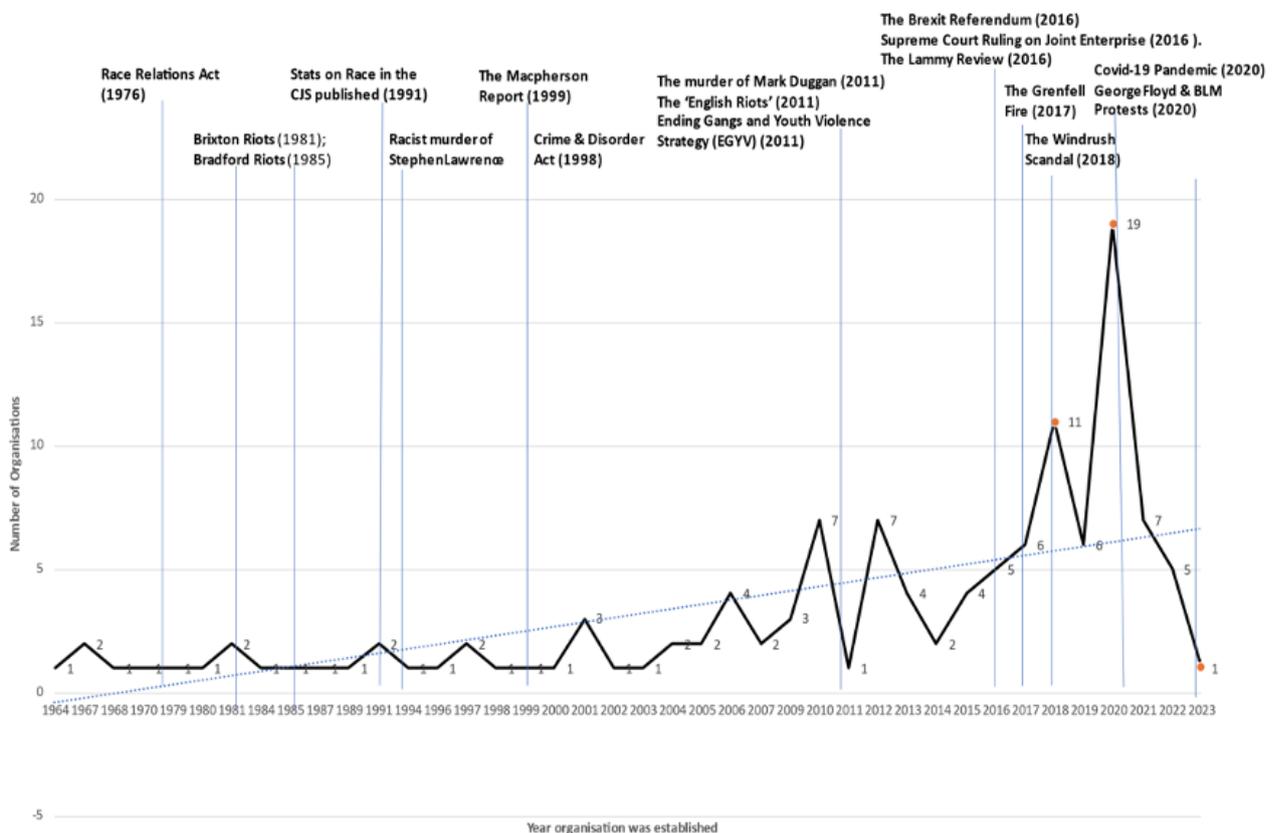
Relatedly criminalisation is the process whereby,

'...police and law enforcement agencies infer criminality on the behaviours, traits or characteristics of a group, behaviours that in isolation are non-criminal. The processes that drive criminalisation are enabled by policy makers and law enforcement agencies who define what behaviours are criminal and therefore what and who should be policed.' (Williams and Kind 2019)

Racialised criminalisation demonstrates how the social and political construction of Black criminality becomes communicated, increasing the likelihood of Black groups and communities coming into contact with the police. Offence categories such as drug dealing (and county lines) (Agozino 2003; Chowdhury 2019; Koram 2019), street robbery (or mugging) (Hall 1978), 'gangs' and serious youth violence (specifically knife crime) (Scott 2018), have become part of a 'public consciousness' which is also retained within the corporate memory of criminal legal institutions and organisations across England and Wales (Williams 2015).

The relationship between government policy, racialised criminalisation and the emergence of 'by and for' community groups and organisations.

It is implausible to consider the purpose and role of 'by and for' groups and organisations working within the field of the criminal legal system without acknowledging the harmful policies and practices that give rise to such groups.



Drawing upon the mapping process undertaken as part of this project, the above chart plots the year that profiled groups and organisations were established, against a series of significant events that directly affected racially, socially, economically marginalised communities across England and Wales.

The year 2011, marked by the fatal shooting of Mark Duggan by the Metropolitan Police that led to the 'English Riots' paradoxically set in train a particular set of criminal legal initiatives culminating in the implementation of Ending Gangs and Youth Violence (EGYV) initiative in the same year. Equally, the withdrawal of the UK from the European Union (more commonly known as 'Brexit') in 2016 was beset by a public and media campaign characterised by an onerous xenophobic discourse against the presence of racially minoritised groups across the United Kingdom (Alexander and Byrne 2020). This moment preceded the aforementioned publication of the Lammy Review (2017).

Tragically, racially marginalised communities were forced to contend with the horrors of the Grenfell Fire (2017), in which 72 people lost their lives. Described by Cooper and Whyte (2018) as institutional killing, the structural and institutional arrangements that harm Black community members was again revealed through the 'Windrush Scandal', where Black British citizens were 'wrongly detained, denied their legal rights and threatened with deportation', and where, in 83 cases, people were wrongfully deported.

Finally, in the midst of a global Coronavirus pandemic in 2020, and when much of the UK was subject to lockdown conditions, the murder of George Floyd by Minneapolis police in the USA sparked (inter)national condemnation serving as a visceral reminder of the police violence and institutional killings that have taken place across the UK. Painfully, the response to the institutional killing of Mark Duggan in 2011 saw government and Civic Society Organisations (CSO) funding targeted upon the community reaction to the violence that killed, rather than on identifying and dismantling the institutional arrangements that enabled the police institutional killing. Ironically, despite being triggered by the institutional killing of George Floyd, a significant portion of funds raised in the UK for racial justice work in the aftermath were not intentionally directed towards addressing criminal legal system harm, including police violence. It is such realities which have compelled Black groups and communities to organise in order to gain redress for the considerable harms affecting members of Black communities.

Our approach to the research project.

The aim of this project was to identify and outline the work of Black-led 'by and for' community groups and organisations who are responding to the problems of racial injustice and criminal legal system harm. Specifically, the research was designed to:

- Map the grassroots organisations operating in this sector, outline their activities, aims, needs, and resources.
- Consolidate evidence on why supporting 'by and for' specialist organisations is important.
- Collate insights and produce actionable recommendations.
- Inform future funding by donors and shift philanthropic practice.

In response, the project adopted an interventionist critical social research approach (Clarke et al 2017) designed to build knowledge and understanding from the position and perspectives of 'by and for' community groups and organisations. It is noteworthy that throughout the commissioning of this research project, it was not clear what constitutes a 'by and for' community group/organisation. While connected to the concept of 'lived experience', it was decided that rather than imposing definitions upon groups and organisations, that the concept of Black-led 'by and for' organisations would be explored in conversation with the groups and organisations included in this study. Within the following we briefly describe the interrelated stages that informed the research process.

Desk Research

The research team commissioned desk research to identify and map groups/organisations that could be approached for inclusion in this project. Following identification, organisations were selected on the following criteria.

1. Groups/organisations that are Black-led: where more than half of the leadership are of Black British, Black Caribbean or Black African background; Groups characterised by their close proximity to the communities they serve and demonstrate high levels of experience and understanding of the problems experienced by and within communities.⁶
2. Groups/organisations that are responding directly to harms of the criminal legal system.
3. Groups/organisations that articulate the drivers of racial injustice in the criminal legal system as the institutional manifestation of structural racism.
4. Groups/organisations who campaign and advocate for the radical transformation of the criminal legal system of England and Wales.

Drawing upon internet search engines, social media and the researchers professional and community networks, a list of **147** groups/organisations was created. However, not all groups/organisations met the criteria to be included in this study. Indeed, and to be considered within the findings section of this report, there are very few Black-led 'by and for' groups/organisations focussing specifically on the intersections of racial injustice and the criminal legal system across England and Wales. Taken together, we were only able to identify **eight** groups/organisations (5%) who met all of the above criteria.

Research conversations

Drawing upon the initial mapping exercise highlighted above, a sample of groups/organisations were invited to take part in research conversations. Conversations were designed to explore the experiences of groups/organisations including (i) discussion of the events that led to their emergence, (ii) a focus on their aims and goals, (iii) reflections on the challenges and barriers of responding to the effects of

⁶ Systemic Justice (2022) 'Surfacing Systemic (In)justice: A Community View'.
<https://systemicjustice.ngo/communityview/>

the criminal legal system for Black groups and communities; and (iv) their visions and aspirations for the future. All conversations were recorded and then transcribed for the purpose of analysis. Further, the analysis of research conversations was intentionally sensitive to the geographical and community contexts within which the groups and organisations were operating. Taken together 17 conversations were conducted between April and June 2023.

Research Validation workshop

Finally, the research process incorporated a validation workshop organised to collectively discuss the emergent themes from research conversations. To this end, 17 groups/organisations were invited to participate in the validation workshop with 14 groups/organisations attending. The validation workshop was used to verify the research findings and to guide solutions toward the realisation of an authentic racial justice movement that responds to the harms of the criminal legal system.

Research findings

Part One: Mapping the space - where are they and what do they do?

Having identified 147 groups/organisations, our focus on Black-led 'by and for' groups and organisations meant the majority (n=125) became ineligible for inclusion in this study, for the following reasons.

Low proximity to racial injustice: Forty-four (44) groups/organisations were found to have low proximity to the communities they served. According to Systemic Justice (2022), low proximity reflects those groups/organisations who have reduced/limited understanding of the particular criminal legal harms/experiences endured within Black communities. Our assessment found that low proximity groups formed a significant part of the wider criminal legal system apparatus, with some contracted to undertake work on behalf of the agencies of the criminal legal system. In addition, groups/organisations characterised by low proximity were seemingly more likely to be aligned to the operational goals and objectives of the criminal legal system, rather than being governed by the needs of community.

Black-led: A central aim for this study was the identification of Black-led groups/organisations who are working at the intersections of racial injustice and criminal legal system harm. Our analysis of the 147 groups/organisations found that approximately 50% (n=76) of the groups/organisations were (i) Black-led, (ii) had significant Black representation in their leadership structure.

Non-criminal legal focus: Forty-one groups/organisations were not working to address the criminal legal system of England and Wales. Despite this, many of these organisations were engaged in initiatives that supported Black and minoritised people and communities across the areas of (mental) health, education, mentoring support, dedicated fundraising for minoritised groups and communities, or were undertaking policy change activities as part of wider anti-racism networks of groups/organisations.

Anti-racist: Similarly, 23 organisations were ineligible as they did not (outwardly) foreground racism and discrimination as an integral component of their work. To be developed later in this report, such groups/organisations were engaged in work and projects that may inadvertently bring them into contact with Black people who encountered the criminal legal system. However, this was incidental, rather than the result of an integrated objective. Typically, such groups were engaged in youth violence, 'gangs' or child/criminal exploitation work or were campaigning against specific government criminal legal policies and practices that may disproportionately affect racially minoritised groups.

Profile of by and for groups/organisation

Twenty-two groups/organisations met the criteria to be included within this research project as 'by and for' groups/organisations. Twelve (12) were located within the London region, with the other groups/organisations distributed across Manchester, Yorkshire (Leeds and Sheffield), Bristol and Birmingham. Overall, but not exclusively, the groups included for this study were local community groups/organisations with the majority employing less than two members of staff, made-up of 'members' and/or a volunteer staff group.

"It's a labour of love": the work and activities of Black-led 'by and for' groups/organisations.

A central aim for this research project involved a consideration of the purpose and activities of Black-led by and for groups/organisations. Through the mapping exercise and drawing upon the information gathered in the validation workshop - a series of interconnected themes emerged to reveal the work of the groups/organisations.

- 'By and for' groups were principally organising against the material effects of discriminatory policing and criminal legal system practices; through community-led campaigns and advocacy in pursuit of justice and accountability. Such activities involved the community monitoring of policing and criminal legal agency activities, facilitating coordinated responses to episodes of police violence and institutional killings. Indeed, an important component of this work required community organising, awareness-raising and the provision of research knowledge and information as a means of informing and empowering community responses.
- Groups/organisations shared a common interest in challenging emergent and the distinct forms of criminal (in)justice and criminal legal policies and practices that deliberately target Black communities. For example, campaigns against the increasing use and locating of 'police gang' units, 'gang' databases and other forms of police surveillance and practices (stop and search, collective punishments, including Joint Enterprise, Conspiracy, resistance against the use of fingerprint scanners, or other forms of overt discriminatory policing practices; such as s60, the racially disproportionate use of strip search against children, and/or the multi-agency convergence of educational, youth justice and criminal legal policies and practices. At times, groups were required to enter formal criminal legal system spaces, as a considered strategy of 'speaking truth to power'. Whilst deemed a futile activity, there was an acute sense of needing to 'be in the room' to convey the authentic experiences of community members.

- A majority of the groups were concerned with tackling the personal, social, emotional, and educational problems experienced by Black children and young people within their communities. This included the building and provision of spaces of healing, safety and belonging, development of resources, and creation of opportunities for growth. On occasion individuals described the necessity of 'keeping watch and guardianship' which involved acting as 'appropriate adults' to children being taken into police custody or attending court with young people, community members and/or their families/carers. The significant proximity of 'by and for' groups meant that they were often the 'first point of contact', or the first person to be called when critical (and as disclosed fatal) events took place within the community.
- The primary goal of groups/organisations was providing assistance to community members who were contending with deliberate forms of marginalisation and exclusion. For example, individuals who are in prison, individuals seeking asylum or registered as undocumented migrants; children who have been removed from mainstream education; support for the bereaved family members and friends of the victims of institutional killings (including by police and other state actors); organising support for religiously minoritised Black community members and community members who were exposed to the threat of deportation or who are targeted by harmful government policies (PREVENT, 'gang-reduction' strategies, etc.). For the group/organisations included here, significant time, resources and capacity were expended on identifying sources of legal support and advice for individuals, through to the monitoring of individuals' movements through the criminal legal system highlighting the longevity of 'by and for' relationships with community members - where calls from prison establishments or queries about the conditions of National Probation Service orders, again necessitate quick response and ongoing support.
- A purpose of 'by and for' groups/organisations reflected a concern and commitment to the protection of community members from the harmful practices of the criminal legal system. This community protection function involved the design, development, and implementation of initiatives to repair, restore and heal those who were 'legally entangled'; within the system which affected their self-determination and ability to safely navigate their own lives.

Explicitly, the values of empowerment, and self-determination enveloped the approaches discussed, emphasising a focus on the 'we' rather than the 'I' (Durrance and Williams 2003). In contrast to the dominant risk-management impulse of the criminal legal system (discussed above) which presents those who are entangled within the legal system as 'offenders' for 'risk-management'; such approaches intentionally foreground the personal, social, emotional, and financial needs of community members as the foci for individual and community development and growth. Typically, this involves the sourcing and provision of (both formal and supplementary) education, training, and employment opportunities, writing personal references and advocacy for community members.

Part Two: Research conversations and validation

Becoming politicised: the origins of 'by and for' groups and organisations.

What distinguished Black-led 'by and for' groups and organisations from those organisations that were excluded from this study is an understanding of the personal, social, emotional, and economic problems experienced within their community. Such understanding was framed through a recognition of the wider systemic failings and injustices that disproportionately affects Black groups and communities. Black-led 'by and for' groups/organisations therefore unashamedly foreground structural and institutional racism as central to contemporary criminal legal policies and practices that bear down upon communities defined by the police and other outsiders as criminogenic – that is as 'crime-ridden', 'gang-affected' or 'crime hot-spots'.

For the founders of 'by and for' groups/organisations – understandings of racism(s) often followed their own personal experiences of critical moments characterised by a significant life-changing event that permanently alters their life course/trajectory. All too often, such moments were marked by traumatic incidents of loss. Viscerally remembered and retold, the critical moment was intrinsic to the (self-) identity of those who then went on to establish 'by and for' groups and organisations – being urged to reconcile their grief and loss within the context of their then life and the community in which they lived.

For one individual, following the institutional killing of her sibling by the police, she found.

"There wasn't a system that was there for us [for] us to attain justice. There is nobody. There is no service for the families at all... What people don't really talk about much is the impact of the death [by police] and the judicial system which is, the trauma is indefinite. We don't get bereavement counselling. We don't get anything from the government. We just have ourselves."

Echoing the earlier sentiments of their being "nothing" within the introduction to this report, the absence of any acknowledgement, accountability, or justice for the killing of her brother compelled her to pursue justice – in recognition that "we just have ourselves". For Afuape and Oldham writing in 2022.

"Despite personal as well as 'perpetual community trauma' (Mwale 2017) resulting from the violence and harm we suffer, individuals, families and communities are not given the support from services that they need to grieve when someone is killed by the state – although I do not know if there are any services equipped to provide this."

Notwithstanding the direct harms caused by criminal legal system practitioners, 'by and for' organisations also recognised the harms caused by interpersonal violence as it manifests within their communities. One father spoke of the trauma-inducing moment when his son was murdered by another young person recalling "there was nothing there for fathers" to come together and to grieve. Similarly, youth workers recalled moments of violence which had claimed the lives of friends, children and young people who they shared community with, or who they had supported and worked with.

Others spoke of the frustration of contending with the harms of both interpersonal violence as expressed within marginalised communities, alongside the harms of police violence disclosed as a common feature within their communities. Again,

“It limits people’s empathy. I think that people cared less about him being murdered because he was labelled as a ‘gang member’. So originally, it wasn’t actually an organisation, it was more like a campaign, to understand why. Why can something like this happen? Why was there no support for those young people? Why is there no support for us people grieving? Why is there nothing?” [5]

In this way, the pathologisation of Black youth affects not only their ability to access care and support when they are victimised, but their very ability to access the status of victimhood, despite the levels of harm they experience (Mwale 2020).

It was within the context of trauma and loss, and the absence of support, that the origins of ‘by and for’ group/organisations was birthed – in direct response to systemic failings and the deliberate erosion of services. Characteristic of the courage of those with whom we shared research conversations, there was a commitment to counter(act) the consequences of such experiences.

“I’ve been strip searched by the police. I called the police to my house because a neighbour threatened to burn it down and I ended up getting arrested and strip searched... It was horrible. Had there been an organisation like [-], I probably would have submitted some complaint or looked to sue the police. I would have wanted some sort of redress. But there wasn’t. So I just sucked it up and I suppose, live with the trauma, and I don’t want anyone else to have that.” [6]

Expressive of a compulsion to serve, ‘by and for’ groups/organisations were also distinguishable to the groups/organisations that were excluded from this study, through a curiosity to understanding why – that is, what were the drivers that cause critical moments, alongside a commitment to building community that affords all members; safety, nurturing, growth, dignity, belief and belonging, as an act of community resistance and to reduce the likelihood of other community members having to contend with their own critical moments.

Capacity: “this work will consume you...”

“There’s only me full time, another sessional worker and two part time members of staff, so we’ve not got a lot of capacity. There’s very little time because I don’t want them to do anything for free. I think another thing with this kind of work is people expect you, because you care to do stuff for free. I’m not trying to train young people from my community to do things for free because their lived experience is invaluable. It’s invaluable, so people have got to pay for that. I end up doing over the odds, but that’s me. I’m not going to let them do it” [3]

From the outset, the values and principles of the ‘by and for’ organisations who contributed interviews and who participated in the validation event imbued what hooks (2000) defined as a ‘love ethic’ founded on the dimensions of ‘care, commitment, trust, responsibility, respect and knowledge’. This was further characterised by the fact that founders remained present within and working in-service to their community (Clarke et al 2017). Here, meaningful relationships were born of familiarity, knowledge, and understanding of the community and its members, which underpinned the legitimacy of Black-led ‘by and for’ groups/organisations we spoke to.

However, credibility, authenticity and proximity meant that those who were involved in this project were also in demand for the services and support that they could provide. Evidently, the topic of capacity arose as a complex theme, presented as a particular challenge for 'by and for' groups/organisations who frequently struggled to negotiate and manage the demand. Succinctly captured within the following one founder told us that, "if we stop, there will be an impact upon our communities."

Capacity was initially discussed as restrictive, wherein it inhibited groups/organisations from working toward the more aspirational and transformative goals which had compelled them to serve. Further expressed within the validation workshop event, one participant commented that they did not have the capacity or space to conduct or undertake the research and knowledge-building necessary to further the aspirational goals of their organisation – namely stopping the encroachment and harms of the criminal legal system within the community.

Restricted capacity also meant that the founders and organisers of groups/organisations were under an inordinate pressure to 'firefight', to be present and respond to the plethora of personal, social, economic and material problems and needs of community members. This pressure was often compounded by experiences of 'perpetual community trauma' (Mwale 2017) shared by community members and, through their own connection to community, 'by and for' leaders and members of staff alike. Such feelings were expressed by one founder who in responding to the calls of young people was present at the death of four young people, and who then went on to support bereaved families and friends.

"It's almost like I'm available 24/7. Because I can't imagine a mum, at three o'clock in the morning needing to speak to someone and I don't answer my phone. And at that point, there's a lot of conversations around why they [the mothers] need to stay alive. And that, 'I don't want to be here anymore', for a mum whose son has been murdered it's a very real feeling." [3]

Of concern here, the vicarious trauma that compels those to serve, also drives a commitment and duty to (re)act to the seemingly unending demands that are placed upon groups/organisations. While on the one hand, this again highlights the overwhelming demand placed upon 'by and for' groups/organisations, it is also indicative of the authenticity and credibility intrinsic to the work undertaken by 'by and for' groups/organisations - who as members of the community are sought out by community members.

"I do casework and advocacy for individuals within our communities. People will just come [to] you with everything, I mean they just don't stop... About policing, a lot of times it's about mental ill health. Wow. Honestly, I did have a breakdown. I don't even think I can say I almost had a breakdown." [8]

Interviewees also went on to express that the demand to be available '24/7' placed them and other team members under pressure and at risk of 'emotional burnout', affecting their wellbeing and mental health. It was pointed out that, unlike statutory practitioners or those in larger NGOs or other civil society organisations, there was an expressed feeling that there was no space or opportunity to 'stop'.

Funding: competing with the usual suspects.

"[I]f we're not funded, I don't think the [project] would disappear. Because the [project] has worked without funding, and it's really based on people's commitment, and those commitments will not disappear. But it would be more difficult, strained." [2]

"I work a lot of the time unpaid because I am not that guy who is going to chase down funding and try to bend what we do to meet what the funders want." [8]

Related to the theme of capacity, funding arose as an intrinsic theme which many of the 'by and for' groups/organisations believed constrained their capacity to respond to the problems and challenges being faced in the community. When connected to the origins of the groups and organisations who took part in the research; and the overwhelming compulsion to pursue justice in-service to community, there emerged a sense of injustice with the funding landscape which frustrated participants and organisations.

There were stark differences in the financial positions of the 'by and for' organisations that contributed to this study. Some organisations had benefited from public donations in 2020, in response to the wake of George Floyd, Black Lives Matter mobilising. Although participants also reflected on to what extent commitments were honoured after this time.

"After 2020 there were more, so-called focused opportunities, that are actually talking about racism, but even then, it's still few and far between. And all of the promises, now we're talking three years on, how much money was actually allocated from that? I don't think it is a lot at all." [10]

Others (although limited) had acquired funding through more unconventional means, for example due to their personal relationships with high net-worth individuals who made financial donations of support. The majority of groups/organisations who we spoke with were reliant on precarious, "intermittent" short-term funding arrangements. One respondent disclosed that they had never received long-term funding, typically bidding for and receiving grants for 12-month periods at a time. For others, funding was secured through the extractive sub-contracting of their proximity, authenticity and (lived) experiences to be exploited and (ab)used to sustain larger statutory and civic society organisations (CSOs) to attract further funding for their organisations. This in and of itself emerged as a particular point of contention for 'by and for' groups.

Through research conversations, it was apparent that accessing funding was a constant activity, being integral to the strategy of securing capacity to respond to the needs of the community. Consequently, funding was discussed as essential to building the conceptual and physical spaces necessary to collectively reimagine, (re)construct and build community ecosystems toward nurturing, safety, dignity and belonging. In the validation workshop, there were calls for a level of funding that could transform and rebuild the depleted infrastructure of Black communities across England and Wales – infrastructure that recognised the interconnectedness and complexities of the racial, social, economic and criminalising harms experienced within the community. Such funding would alleviate the capacity-draining effect of having to firefight and

would offer relief to the overwhelming need and desire to react to critical moments. Similarly, during the validation workshop participants were committed to, (re)building community ecosystem(s) and repairing damaged infrastructures, toward community justice systems and models of support that alleviate the personal, emotional, social, and economic harms that they aim to address.

Noteworthy that some organisations felt increased funding increased the level of scrutiny from formal accountability structures and other community groups and organisations.⁷ In addition, the scarcity of resources available to 'by and for' groups and organisations created competition, where Black groups were pitted against one another and forced to compete with groups/organisations that they had working relationships with. This evoked discomfort, being an affront to the values and principles of collaboration which are essential for addressing the wider community's needs. To be clear, the 'competition' for funding and scarce resources was not an intrinsic feature of the community groups/organisations that engaged in this study, but rather representative of what INCITE (2017) have recently described as a feature of the 'non-profit industrial complex' which thrives off the "indignity" of groups/organisations to compete for funding that facilitates and maintains the state's attempts to "divide and conquer" campaigns toward racial and social justice.

"I feel statutory services and funders like the idea of collaborating with and funding grassroot organisations, but they're too risk averse to really support what that means and how you navigate that in real life when you live and work in the community that you've grown up in." [4]

The majority of groups/organisations disclosed not having the skills, experience and/or expertise to apply for funding routinely.

"So when we talk about social justice, who am I going to apply to? And who would I be going up against? ... lack of capacity and lack of opportunity." [9]

Despite this, and again representative of the commitment of those we spoke with, the work was often expressed as not being contingent upon external funding. Relatedly, respondents spoke of the need to remain true to their purpose, which meant deliberately resisting the temptation to compromise on the credibility and goals of the organisation's mission.

"Not all money is good money. And being okay with having my integrity and my values before capitalism. And that is a barrier for running this, because there are lots of things we could be doing that would maybe bring in money, but I actually think they would take us away from our cause and would probably mean we were perpetuating the harms that we are about eradicating. So it just means that we have to be really mindful of opportunities." [6]

"[Y]ou will kind of do violence reduction stuff from the grassroots, but that's not what we are about. That [violence reduction] might be a part of the work that we do by virtue of the issues that people bring to us. But that's not fundamentally what we're about. So much, much broader motivation, or drive for us. But you get pulled in those directions by funding, by trends, by narratives, by what people [funders] value at that moment in time. And I think [we're] really good at just sticking stubbornly to our core principles. Because those trends come and go, you know, issues of serious youth violence were here way before it was topical in the news. And they'll unfortunately, still be here afterwards. And there'll be something else that people are talking about." [2]

⁷ Consider recent examples of the political use of the Charity Commission to silence and regulate the activities of anti-racism CSOs across England and Wales.

Related to 'sticking stubbornly' to core principles, respondents recognised the importance of saying no. While this may read as a contradiction, given the discussion of capacity above, there emerged a view that problematise applying for funding which may inadvertently confirm Black communities as criminogenic such as Violence Reduction Unit (VRU), Ending Gangs and Youth Violence (EGYV) or Challenging Violent Extremism (CVE) funding (Williams 2015). For 'by and for' groups/organisations to apply for such funding would be harmful to the work, requiring a shift in the principles and values of 'by and for' groups/organisations. Further, to accept funding from the same institutions and agencies that drive the harms through the criminal legal system could serve to compromise the credibility of the groups/organisations and significantly undermine and 'distract from the cause'.

*Political Framing*⁸

"Because you try to find out how your loved one died. You know that, how the hell did they die? Then you realise how corrupt the system is." [1]

Noted within the introduction to this report, Black communities have long been the object of police attention which drives unwarranted levels of contact, criminalisation and criminal regulation. Arguably, the contemporary moment is marked by the intensification of regulation and targeting of those who reside in Black and marginalised communities due to the perennial (re)presented as predisposed to crime and criminality. For the groups/organisations who contributed to this study, disclosures of racism in its institutional and systemic forms is central to the experience of being policed and criminal injustice.

"The notion [the government] has put out there... that we live in a country where there isn't institutional racism... that isn't helpful, because it means we get people who head up [the] public sector who won't accept institutional racism. And if they're not going to accept institutional racism here then we can't engage or participate in anything with them...that is one of the biggest barriers at the moment to be honest with you. This failure to acknowledge and accept institutional racism." [9]

Such denials of racism typically from senior leaders of the criminal legal system arose in conversation as a particular point of frustration for 'by and for' groups. The 2021 publication of the 'Commission into Race and Ethnic Disparities' (CRED) illustrates this tension by intentionally moving to undermine Black community's claims of institutional racism as a critical driver of race and ethnic disparities within the criminal legal system. Instead, the authors go on to emphasise a series of contentious and highly individualised cultural pathologies stereotypically attributed to Black communities. As a result, the harms of the criminal legal system are repackaged and (re)presented by government officials as caused by (implicit or unconscious) biases, cultural incompetence or more simply, results from ignorance, unwitting mistakes, or a lack of (white practitioner) contact with Black groups and communities (see Lammy 2017). The 'failure to acknowledge and accept institutional racism' advertently shifts responsibility away from those who harm and onto the groups and communities who are harmed by the criminal legal system.

⁸ The term 'political' is used here to refer to activities or campaigning to change or influence policies or decisions taken by; national, devolved, local or overseas government, public bodies including international organisations such as the UN and World Bank, and national or local organisations such as regulators or NHS Trusts. It is not political in the sense of party political; it is a legitimate activity in support of the charitable objectives that underpin the work of organisations / groups to support their communities. It is also more broadly used to describe the day-to-day work that Black-led 'by and for' groups undertake within a highly challenging context, where the criminal legal system is a key agenda item in public and political discourse.

While not isolated, the views of Sewell (2021) however stand in stark contrast to a series of reports that recognise the primacy of institutional racism. For Macpherson (1999) institutional racism was defined as.

‘[T]he collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.’

Baroness Lola Young (2015:5) further noted the *‘significance of the ways in which young black and/or Muslim men experience and perceive the intensity of negative stereotyping and its impact on [criminal justice] outcomes for this group is yet to be fully grasped.’* Again, the debilitating effects of racial stereotyping was emphasised by Dame Elise Angiolini (2017:89) where it was noted that *‘the stereotyping of young Black men as ‘dangerous, violent and volatile’ is a longstanding trope that is ingrained in the minds of many in our society.’* Most recently (2023) and with particular reference to the London Metropolitan Police, Louise Casey profoundly concluded her chapter on ‘The Met and Black Londoners’ with the following. *‘We have found institutional racism in the Metropolitan Police.’* (emphasis added).

From this position, the work of ‘by and for’ groups/organisations is oppositional to the discourses that frame Black communities as crime prone and criminal by confronting the racialising tropes and stereotypes that drives criminalisation.

“Society just not admitting there is racism is a barrier to the work... Always having to convey and convince, and that takes a lot of time to then do the change because you’re having to bring lots of people along... It’s like building a house - before you build a house, you’ve got to find the people to build it and I find we’re having to explain why the house needs to be built instead of just getting the bricks out and laying it. So, I think the public are a big problem and sometimes a barrier to the work that I want to do and it’s just because they deny, or the media feed them lies, which means that we’re having to untangle the lies of the media instead of getting to the heart of the work.” [5]

Relatedly and of relevance to this report, groups and organisations who campaign against and advocate for people who have been affected by the racist practices of the criminal legal system are themselves required to encounter and contend with institutionalised attitudes – being viewed through a lens of suspicion, riskiness and as being ‘part of the problem’. As a result, their attempts to mitigate the harmful effects of the criminal legal system are increasingly challenged as ‘anti-police’ or as ‘enemies within’ who threaten our (read white British) way of life (White and Williams 2023).

It is important to re-emphasise here, that for the majority of groups/organisations who contributed to this study, their entry into the work was not political, but they were compelled to respond to the systemic injustice they encountered. Many therefore became political as a result of the pain, grief and loss that marked their critical moment. For one participant who was bereaved of a childhood friend, it was the police and media desecration of who he was, the police (re)presentation of him as a ‘gang member’ that compelled her to serve. For another,

“People don’t know who I was in my 40s. Then people know that I’m 59 [years of age]. And I want people to know actually who I was and how I came to this juncture, is because my brother died.” [1]

Critically, the racism of the criminal legal system of England and Wales is political and therefore required the founders of 'by and for' organisations to politically frame their work. This meant explicitly challenging those who work and advocate for the criminal legal system and contributing to research and knowledge that counters the dominant and racist views of Black communities.

Conclusion: A Labour to Love

Racism in its structural and institutional forms drives the over-policing, differential (punitive) treatment and institutional violence experienced by Black and minoritised people across England and Wales. Racialised processes of criminalisation have historically and presently served to target Black communities – not for their behaviours – but rather due to institutional presumptions of criminality and the suspicions attached to their presence in imagined white societies. Official evidence illustrates that Black groups are no more involved in 'crime' and criminality than white people, and yet they are forced to contend with politically sanctioned, criminal legal policies and practices that expose them to severe harm.

Throughout this report 'by and for' groups/organisations generously shared their experiences of having to respond to the harsh realities of racialised criminalisation. The accounts and testimonies shared were revealing of the prevalence of the violence that accompanies daily encounters with the police and other agents of the criminal legal system. The painful reality here is that the majority of Black and minoritised people are subject to criminal injustice, due to the racist assumptions and racialised criminalisation attached to the communities in which they live and to which, they are powerless respond.

For 'by and for' groups/organisations who are driven by their own personal experiences of encounters with injustice; who reside and/or serve in proximity to those who are constantly harmed by the criminal legal system, and who frame their experiences through an understanding of structural and institutional racism as an integral component of racial capitalism – where Black communities are systemically 'locked-out' of the resources and in turn, opportunities to navigate the society within which they live.

Remarkably, and despite the encroachment of the criminal legal system into Black communities, what this research also reveals is a compulsion to serve – driven by a dedicated core of Black-led 'by and for' groups/organisations. With limited resources, such groups have creatively innovated, working tirelessly to protect, insulate and mitigate community members from the attention of the criminal legal system – through the provision of services by, and for the community. With low capacity, the groups discussed throughout this report have collectively raised the profile and understanding of racialised criminal injustice to national attention. This cannot be overstated! Collectively, a dedicated core of eight Black-led 'by and for' groups/organisations have realised significant challenge against and raised awareness of the racist intent and outcomes of the criminal legal system in the following ways.

First, by surfacing and challenging the incursion of police gang units and the increasing use of gang databases across England and Wales. Drawing upon legal strategies to reveal and contest the increasing use of collective forms of punishment, including

conspiracy and the legal doctrine of joint enterprise. It is through this dedicated core who have mounted high-profile campaigns for the release of innocent children and young people from prisons and have procured the services of legal firms and support (solicitors and barristers) who recognise the centrality of institutional racism in the prosecution and conviction of Black community members. Collectively, they have fought against the encroachment of police and law enforcement practitioners into schools and other educational establishments - alongside the provision of educational and employment programmes and opportunities for community members. This core of 'by and for' groups have with grace, held and walked alongside, families bereaved of their loved ones due to police violence.

The ingenuity of the groups/organisations reflects their proximity to racialised criminal injustice, which affords them a problem-awareness on account of their (lived) experiences of (en)countering institutional racism. Also, the core are adept at navigating and working 'within the margins'; 'being present' and organising within community - all imbued with 'care, commitment, trust, responsibility, respect and knowledge' (hooks 2000, Clarke et al 2017).

The high-profile work of Black-led 'by and for' groups/organisations have attracted political and media attention from the very system that they are compelled to challenge and resist. The negative labelling of such Black-led groups/organisations is not new, with recent history illustrating the lengths to which the British state will go to undermine the pursuit of justice (Undercover Policing Inquiry). The covert undermining of such groups is directly related to their aspirational goals of achieving racial justice through radical transformation that eliminates criminal legal harms.

Recommendations and proposed next steps

For Black-led 'by and for' groups/organisations, the pursuit of justice centralises community. The work is layered and complex, requiring (i) building community infrastructure to alleviate the harms of the criminal legal system by responding to the needs of those impacted while (ii) building effective resistance efforts towards achieving racial justice and eradicating criminal legal system harm. In service to the above goals, the opportunities for 'by and for' groups/organisations to provide peer support, share learning and have the space to collectively vision and strategise, are critical. To advance this work, attention must now focus on building the collective infrastructure based upon values of *nurturing, safety, dignity, and belonging*.

Research alone cannot address the harms of the criminal legal system of England and Wales. In presenting the following recommendations - which arose directly from the findings of this research project - we move toward the next steps that, where implemented, will move us all closer to the goal of racial justice.

Participants of the *validation workshop* were asked to consider what to emphasise to funders.

- An acknowledgement and commitment from funders, in recognition of the inherently political nature of Black-led, 'by and for' work and activities. This should include an understanding that community responses to the harms of the criminal legal system are necessarily confrontational and will involve advocating for change to government policy and practices.
- Related to the above - in their commitment to addressing the harms of the criminal legal system, funders and donors should align to the transformative goals and anti-racist framing of both Black-led 'by and for' groups and the other racial justice groups/organisations advanced within this report. The validation workshop participants emphasised that this will be "unknown work" and therefore the visioning and ideation of an effective ecosystem must be sufficiently resourced to facilitate the seeding of *community justice* systems that protect disinvested communities against criminal legal system harms.
- A commitment from funders to resource an expansive ecosystem designed to effectively address racial injustice and criminal legal system harm. Simultaneous investment should be made to the infrastructure necessary to grow and nurture meaningful partnership and collective working, as well as strengthening individual organisations through core funding, to build their capacity and enable their participation.
- Any commitment from funders must by necessity be long-term - a minimum period of five years is recommended. In light of the profound impact of financial cuts and disinvestment in racially marginalised communities, alongside the evolution of the criminal legal system infrastructure, there must be a collective recognition that change takes time.
- A commitment from funders to extend the identification & mapping of Black-led 'by and for' groups and organisations who are working across the interconnected areas of racial justice and the criminal legal system across Scotland and Northern Ireland. In addition, to pay attention to under-represented areas such as - Wales, East Midlands, East of England, and the South-east.

- A commitment from funders to invest in the continuation of this work. Any continuation should include funding that affords Black-led 'by and for' groups/ organisations with the capacity and resources to follow-up on the research findings.

We draw together the research findings from this report and the collective contributions of *validation workshop* participants, in order to present next steps framed around the development of the Harm to Healing Coalition - an ecosystem designed to effectively address racial injustice and criminal legal system harm - creating tangible community and systemic change.

Envisioning Racial Justice: 'The Harm to Healing Coalition'

The transformation from harm to healing and towards racial justice will require a substantial and sustained investment over the long term. This investment would begin to redress the imbalance of chronic community disinvestment alongside increasing reliance on a substantially funded criminal legal apparatus. The HtH Coalition would be the first of its kind in the country, using a ground-up approach to directly address criminal legal system harm and centering the vision and leadership of the communities most impacted. The HtH Coalition will build a strategic movement with the power to not only address the needs of those most affected, but also to eliminate criminal legal harms and achieve systemic change.

This level of resourcing would enable the phased development and growth of the HtH Coalition to (i) build collective power through meaningful collaborative work focussed on the intersections of racial justice and criminal legal system harm (ii) strengthen the ongoing work of organisations directly addressing racial injustice within the criminal legal system and (iii) build the capacity of proximate community organisations and racial justice organisations from other sectors to develop and implement work centred on criminal legal system harms.

The HtH Coalition will be multi-faceted, comprising of varying membership layers:

- Harm to Healing Collective: membership for Black-led 'by and for' groups and organisations currently working at the intersection of racial injustice and the criminal legal system in England and Wales.
- Harm to Healing Alliance: membership for groups and organisations with proximity, working on issues of racial injustice or criminal legal system harm in England and Wales.
- Harm to Healing Global Network: membership for groups and organisations currently working at the intersection of racial injustice and the criminal legal system in other countries.
- Harm to Healing Resource Group: membership for funding organisations committed to creating tangible community and systemic change by addressing racial injustice and criminal legal system harm.

By necessity the HtH Coalition should be *held* by a collaborative, non-hierarchical core (including those identified through this research project) of Black-led 'by and for' groups/organisations. It is these groups/organisations who will guide and lead the ideation and curation of a transformative nationwide ecosystem capable of significantly growing community infrastructure towards achieving racial justice and eradicating criminal legal system harm. The HtH Coalition will champion ways of working rooted in shared values, practising democratic decision making, community accountability and transparency to build collective leadership and community power.

Recognising the range of subjectively different experiences of racial injustice for the various communities across England and Wales, the ecosystem will need to address the specific needs, experiences of harm and collective memory of those communities. Consequently, the pathway toward this vision must be intentionally patient, growing and developing at the pace of groups/organisations whilst steadily building community trust.⁹

The HtH Coalition is conceived of as both a *methodology*, that is a collectivist collaboration within and across communities working to respond directly to community needs and as a *facilitator* and *builder* of hope from which informed solutions can be imagined, sourced and enacted in *service* to communities.

Towards A Well-Resourced Ecosystem

In order to see such an investment realised, it will be vitally important to invite other funders into the conversation as soon as possible. The bold and ambitious aims of the HtH Coalition will not be realised by any one group or organisation. We anticipate working alongside our colleagues at AB Charitable Trust to develop an agenda of work that will influence the wider funding sector and catalyse systemic change throughout the criminal legal system.

By proposing this scale of investment, we intend to build upon the foundations of other racial justice focused funding initiatives, including:

- the Phoenix Way
- Baobab Foundation
- Lloyds Bank Racial Equity Fund
- Resourcing Racial Justice
- Trust for London & City Bridge Trust Racial Justice Fund

Through ongoing conversations with many of the individuals and organisations engaged in the initiatives outlined above it is clear that a specific challenge faced is where to host and how to distribute such a level of investment. Regarding hosting, we have considered a range of fiscal sponsor opportunities. Our concern here is that there are very few organisations whose work and values are closely aligned with the

⁹ Mason W & The Unity Gym Project (2021) Radically slow? Reflections on time, temporality and pace in engaged scholarship In Clift B, Gore J, Gustafsson S, Bekker S, Costas Batlle I & Hatchard J (Ed.), *Temporality in Qualitative Inquiry: Theories, Methods and Practices* (pp. 142-157). Routledge.

aims and agenda of the HtH Coalition. In working towards a solution, it is critical to acknowledge that funders who hold the wealth and power have the privilege to take on risk (Evans, Akinrele & Shah 2022).

“To make even a dent in racial justice work it is imperative that funders adopt a risk-sharing mechanism instead of the current model of risk- shifting on to communities.”¹⁰

Regarding the distribution of resources and investment, we are committed to exploring a range of participatory and democratic processes to ensure the voices and experiences of those most impacted by racial injustice and criminal legal system harm play a central role from the outset. Building on the foundational work of many of the initiatives highlighted above, the HtH Coalition will create and resource the space for individuals, groups and organisations who have previously been excluded from decision-making spaces to have an opportunity to come to the table and help catalyse transformative systemic change.

Next Steps

Over a minimum five-year period, the HtH Coalition will evolve through a layered and multi-modal programme comprising three interconnected phases.

Phase I:

Build the capacity of the HtH Collective

The HtH Collective will emerge through the intentional connecting and converging of the Black-led ‘by and for’ groups and organisations identified through this process, who will then hold and guide the HtH Coalition moving forward.

- Build solid foundations by defining concepts, determining the parameters, ways of working, principles of practice and goals for the HtH Collective.
- Curate visioning space(s) for the HtH Collective to imagine hopeful communities rooted in nurturing, safety, dignity, and belonging and lead the ideation of a transformative nationwide ecosystem toward community justice systems that protect disinvested communities from criminal legal system harms.

Build the capacity of the HtH Resource Group

A collaboration between HtH Collective members and invited funders and donors will build the Harm to Healing Resource Group membership. The HtH Resource Group would hold and guide the work to drive the necessary attitudinal and cultural change within the funding & philanthropic sector towards achieving racial justice. It would not be a requirement for all funders interested in investing in the HtH Coalition ecosystem to join the HtH Resource Group. However, this membership layer will form a crucial part of the HtH Coalition - ensuring it is sustainable.

¹⁰ Evans, Akinrele & Shah (2022) Racial Justice and Social Transformation: How Funders Can Act, Ten Years Time

- Build solid foundations by determining the parameters, ways of working, principles of practice and goals for the HtH Resource Group.
- Develop 'measures of impact' away from arbitrary output measures toward transformative 'quality of life' measures that seed the emergence of community infrastructure in service of the needs of communities most impacted by racial injustice and criminal legal system harm.

Phase II:

Envisioning the wider HtH Coalition

- Engage groups and organisations with proximity, working on issues of racial injustice or criminal legal system harm in England and Wales (as identified through the mapping stage of this project)
- Design and launch an expansive peer support programme for the HtH Alliance membership - building their capacity to implement work centred on alleviating criminal legal system harms.
- Sustain the work of the HtH Collective members through core funding, peer support and needs based capacity building efforts.
- Build upon community knowledge to evidence how criminal legal harm takes place to inform (advocacy and legal) strategies and to build infrastructure to reduce and minimise the harms.
- Identify and engage international groups and organisations, drawing upon existing relationships, and create new opportunities to grow collective knowledge about how to protect communities from racial injustice and criminal legal system harms through the HtH Global Network.

Phase III:

Growing the ecosystem

- Evolve the HtH Collective membership as more HtH Alliance members grow their capacity to work at the intersection of racial injustice and criminal legal system harm
- Grow the HtH Alliance membership - supporting more organisations to evolve their work to focus on addressing racial justice and criminal legal system harm
- Implement strategic system change work as envisioned and defined in prior phases to achieve the goals of the HtH Coalition

References

- Agozino, B. (2003) *Counter-colonial criminology: a critique of imperialist reason*. London: Pluto Press.
- Afuape, T. and Oldham, S. (2022) *Beyond 'solidarity' with Black Lives Matter: Drawing on liberation psychology and transformative justice to address institutional and community violence in young Black lives*, DOI: 10.1111/1467-6427.12369
- Alexander, C. and Byrne, B. 'Introduction' in Byrne, B., Alexander, C., Khan, O., Nazroo, J., Shankley, W. (2020) *Ethnicity and Race in the UK: State of the Nation*. Bristol: Policy Press.
- Bourne, J. (2001). The Life and Times of Institutional Racism. *Race & Class*, 43(2), 7–22. <https://doi.org/10.1177/0306396801432002>
- Metropolitan Police, *Baroness Casey Review: An independent review in the standards of behaviour and internal culture of the Metropolitan Police Service* (Metropolitan Police Service, 2023). Available at <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>
- Clarke, B., Chadwick, K. and Williams, P. (2017) 'Critical Social Research as a 'Site of Resistance': Reflections on Relationships, Power and Positionality'. *Justice, Power & Resistance* 1(2): 261–282.
- Clarke, B., and Williams, P. 2020. (Re)producing Guilt in Suspect Communities: the centrality of racialisation in Joint Enterprise prosecutions. *International Journal for Crime, Justice and Social Democracy* 9. 3: 116–129.
- Cooper, V. and Whyte, D. (2017) *The Violence of Austerity*. London. Pluto Press.
- Chowdhury, T. 'Policing the 'Black Party'- racialized drugs policing at festivals in the UK' in Koram, K (ed) (2019) *The War on Drugs and the Global Colour Line*. London: Pluto Press.
- Evans, E., Akinrele, C. and Shah, A. *Racial Justice and Social Transformation: How Funders Can Act*, Ten Years Time (2022). Available at <https://tenyearstime.com/wp-content/uploads/2022/08/Racial-Justice-and-Social-Transformation-2.pdf>
- Garland, D. (2001) *The Culture of Control*. Oxford: OUP
- Gordon, P. 1984. 'Community policing: towards the local police state?' *Critical Social Policy*, 4(10), 39–58. <https://doi.org/10.1177/026101838400401003>
- Hall, S, Critcher, C., Jefferson, T., Clarke, J. and Roberts, B. 1978. *Policing the Crisis: Mugging, the State and Law and Order*. London: Springer Nature Limited.
- Harris, S., Joseph-Salisbury, R., Williams, P. and White, L. (2021) 'A threat to public safety: policing, racism and Covid-19'. London: Institute for Race Relations

HM Inspectorate of Prisons (2022) 'The experiences of adult black male prisoners and black prison staff.' London: HMIP. <https://www.justiceinspectors.gov.uk/hmiprisons/inspections/the-experiences-of-adult-black-male-prisoners-and-black-prison-staff/>

HM Inspectorate of Probation (2021) 'Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff.' London: HMIP. <https://www.justiceinspectors.gov.uk/hmiprisons/inspections/the-experiences-of-adult-black-male-prisoners-and-black-prison-staff/>

hooks, b. (2016) *All About Love: New Visions*. New York: WmMorrowPB.

INCITE (2017) *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*. Duke University Press.

INQUEST (2023) Casework and Monitoring: Deaths in Police Custody <https://www.inquest.org.uk/deaths-in-police-custody> Accessed 13/2/23.

The Lammy Review (2017) 'An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the criminal justice system'. London: HMSO. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

Lymperoupoulou, K. (2023) 'Ethnic Inequalities in the Criminal Justice System: a briefing'. London: Action for Race Equality.

Macpherson, W. (1999) 'The Stephen Lawrence Inquiry'. Report CM 4262-1. London: HMSO.

Mason W & The Unity Gym Project (2021) Radically slow? Reflections on time, temporality and pace in engaged scholarship In Clift B, Gore J, Gustafsson S, Bekker S, Costas Batlle I & Hatchard J (Ed.), *Temporality in Qualitative Inquiry: Theories, Methods and Practices* (pp. 142-157). Routledge.

Ministry of Justice (2021) 'Statistics on Ethnicity in the Criminal Justice System of England and Wales 2020'. London: HMSO.

Mwale, T. (2017) Ending youth violence through community healing TEDx talk [online video]. Available from: <https://www.youtube.com/watch?v=r0zkxdDRo9E>

Mwale, T. (2020) *Building Peace: The Case for Centring Healing in Our Approach to Address Violence*. In Adegoke, Y. and Uvibinene, E. *Loud Black Girls*. 4th Estate: London. pp 213-223.

Mwale, T. (2023) *Naming Joy: Cultivating Joy Close to Home*. In Brinkhurst-cuff, C. and Soitre, T. *Black Joy*. Penguin: London. pp 378 - 387.

Oxfam (2013) *The True Cost of Austerity and Inequality: UK Case Study*. Oxfam International under ISBN 978-1-78077-425-1

Spalek, B. (2008) *Communities, Identities and Crime*. Bristol: Policy Press.

Scott, S. (2018) *The War on Gangs or a Racialised War on Working Class Black Youths*. London: The Monitoring Group.

Systemic Justice (2021) 'Surfacing Systemic Injustices: A Community View'. <https://systemicjustice.ngo/communityview/>

Uhrig, N. (2016) *Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales*. London: Ministry of Justice.

UK Parliament (2023) 'Mortality rates among men and women: impact of austerity.' London: House of Lords Library. <https://lordslibrary.parliament.uk/mortality-rates-among-men-and-women-impact-of-austerity/#:~:text=A%20recent%20study%20argued%20there,policies%20pursued%20by%20the%20government>

Undercover Policing Inquiry <https://www.ucpi.org.uk/about-the-inquiry/> date accessed, 16th August 2023.

Williams, P. (2015) Criminalising the Other: challenging the race-gang nexus. *Race & Class*, 56(3), 18–35.

Williams, P. and Clarke, B. (2015) *Dangerous Associations: Joint Enterprise, Gangs and Racism*. London: Centre for Crime and Justice Studies. www.crimeandjustice.org.uk

Williams, P. and Kind, E. (2019) 'Data-driven Policing: the hardwiring of discriminatory policing practices across Europe'. Brussels: European Network Against Racism.

Youth Justice Board (2021) 'Ethnic disproportionality in remand and sentencing in the youth justice system: Analysis of administrative data'. London: YJB.

Youth Justice Board (2023) *Youth Justice Statistics: 2021 to 2022 (accessible version)*. London: YJB. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022/youth-justice-statistics-2021-to-2022-accessible-version#children-in-youth-custody>

www.harptohealing.uk

  @HARPTOHEALINGUK