

Anti-discriminatory practice in prisons



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This briefing note will identify the problems and issues in relation to anti-discriminatory practice in prisons. “ A racist incident is any incident which is perceived to be racist by the victim or any other person”. (HMPS, 2007). Anti discriminatory practice is to challenge and reduce discrimination on the grounds of sex, race, age, disability and other forms of discrimination. Prison staff can easily discriminate other prison staff or prisoners on any of the forms of discrimination, mainly racial discrimination occurs in prison (Noden 2009). Over the last ten years the number of prisoners from ethnic backgrounds has increased dramatically, this briefing note looks at their conditions and treatments and the considerations in which to minimise racial discrimination in prisons. In many cases a prisoners particular needs are not met and they are not given the same support as other prisoners, prisoners are often treated with disrespect and experience racial abuse. The commission for racial equality announced that an investigation into racial discrimination in the prison service would be taking place, this investigation is going ahead due to the serious concerns that racism is widespread in many prisons. The commissions for racial equality are concerned at incidents of proven racial discrimination in the prison service. The decisions were made after several incidents including the murder of Zahid Mubarek, during custody at HMYOI Feltham, Zahid was murdered and was believed to be racially aggravated (BBC, 2003).

Background:

Overall, racial incidents have increased overtime, statistics show that in 2006 there were 11, 389 complaints of racism and this has increased by 25% to 14, 191 in 2008 and increasing each year. However racism between

prisoners has decreased between 2006-2008, the most common racism complaint was “ prisoners against staff” and increased by 39%, “ staff on staff” racism increased by 37% and “ staff on prisoner” racism also increased by 13% (Guardian, 2010). The murder of Zahid Mubarek lead to a formal investigation and found that the prison service had broken race laws on 17 different occasions, some of the breaches include failing to tackle a racist atmosphere in jails, discriminatory treatment of staff, and punishments based on racial stereotypes. The investigation found that “ prison culture meant that staff could ignore equality obligations and openly racist attitudes or behaviour had been tolerated” (BBC, 2003). Prison staffs of ethnic minority were found to be working in an atmosphere of racist taunting and would be victimised if they made complaints. Racial stereotyping was another factor, examples such as “ black inmates were more likely to be targeted for drugs testing than white cellmates”, and that locking a prisoner in a cell for punishment was used unreasonably towards ethnic minority prisoners (BBC, 2003). 12% of the overall prison population are foreign prisoners, they originate from many different countries, mainly Jamaica, Pakistan, India and Turkey (Prison Reform Trust, 2004). Although the increasing numbers of prisoners, the prison service does not have a dedicated policy or strategy to deal with foreign prisoners. Majority of foreign prisoners have committed drug related offences and are serving sentences of more than four years. During the early 1990s there were an increasing number of Nigerian nationals sentenced for drug related offences, this has increased in the last decade to them being the largest single group of foreign prisoners. No source of regular income has led many Jamaicans prepared to make a living from the drug trade, providing them with a way out of poverty.

“ Recent figures show that nearly 126 foreign nationals under the age of 18 were in custody and nearly half of them held in Feltham Young Offenders institution”. (Hansard)

Current Status:

During a recent interview in March 2009, Muslim inmates have told the BBC that they have been verbally abused by staff at Glen Parva institute in Leicestershire. One man said “ I’ve been called a terrorist just because I grow my beard... or stupid Muslim.” I had so many problems in this joint I can’t tell you. This is the worst prison I’ve been too... more racist than others”. During the same interview the prisoner also states that when a complaint is made, nothing is done about it, and the board always believes the prison staff. From this we can tell that racism is still rife in prisons, and that nothing seems to be done about it (BBC, 2009). Since the Zahid Mubarak case the prison reform trust has carried out many projects and researches into factors causing racial abuse and discrimination, the prison reform trust consulted BME prisoners and asked for feedback on changes that they would like to see in the prison that involve responding to racial incidents. The prisoners identified four main changes:

1. The need for an independent review and input into investigations
2. Procedures and rights in complaints should be clearly explained
3. Enhancing the role of prisoner race representatives
4. Mediation should be made available

Key considerations/options:

The prison system could apply the following changes in order to help minimise racial abuse and discrimination. Firstly each prison should adapt its solutions to meet the particular needs of the prisoners, this will increase the confidence in BME prisoners in the procedures for handling racial incidents, by implementing the changes it will enable both prisoners and staff to effectively communicate with each other and also come to an understanding.

Prisons need to evaluate and look at the harm that racism causes to prisoners and staff, they also need to focus on the different types of racism that takes place (blatant racism, institutional racism etc), direct discrimination where punishments or benefits are given out on the grounds of race is one of the more common types of racism in prison, and by prison staff is not seen as racism, prison staff should be given relevant training on equality and diversity, and also be taught to respect other prisoners religious and moral values, once prison staff are aware of their beliefs and values then they can change the manner in which they do things to prevent them from discriminating. Prisons need to look at the current policies and procedures and assess whether the methods are effective or not, and whether changes need to be made, the current policies and procedures are not working because racial discrimination is still rife in prisons, the prison board needs to address this issue and look into changing the policies to suit the prisoners and staff, which will in turn minimise the risk of racism. More importantly they should consult prisoners and learn how they would like the prison to respond when racism takes place. When prisoners are involved in setting up systems to tackle racism, they will have more confidence in the system, as many feel that it is not an effective measure, they will also realise that the

system is fair and sensitive. By consulting prisoners, solutions to problems can be identified, such as when a prisoner states that “ when a complaint is made, it is not kept confidential and if found out by other prisoners or staff could put themselves in danger to either more abuse or maybe even physical harm” (Bhui, 2009), the prison board could then improve the manner in which complaints are made and to ensure that confidentiality is kept. The prison service should also look at each prisoners record and history to see if they have a history of racial abuse or any type of racial discrimination, this will decide whether they should put a certain prisoner on his own or sharing a cell with other prisoners, if this had been carried out, then the murder of Zahid Mubarek would not have taken place. Another consideration could be that to put all prisoners of the same race on the same wings, this will minimise the risk of racial abuse from other race prisoners, however this will also stop non racist prisoners from mixing and not allowing them to integrate with people from other ethnic backgrounds or communities. The prison board should bring in new fully trained staff, who are aware of the different types of discrimination and the effects it has on prisoners and staff, this will ensure that prison staff are not committing racial acts, and prisoners can also approach staff if they are being verbally or physically abused by other prisoners, because they will have confidence that the staff can be trusted and something will be done about it. Each prison should be visited by an independent organisation once a month, it should investigate any incidents including racial and incidents that involved violence, by carrying out this measure it will put trust and confidence in the prisoners that if they were to put a complaint, an independent organisation would investigate and this could lead to the necessary changes that need to

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be made. The prison service should make sure that all prisoners are aware of the complaints procedures, aware of how they are reported and processed, and that prisoners are protected from any attacks due to putting in a complaint (Prison Reform Trust, 2010). One prisoner stated “ If he’s racist, he has got to be suspended. Right now, they have immunity to do whatever they want. There has to be a deterrent”(Prison Reform Trust, 2010), another consideration that could be made is that staff or prisoners that do carry out racial attacks should either be suspended or given some type of punishment, this will deter them from carrying out the same offence again.

Conclusion:

This briefing note has identified the problems and issues in relation to anti-discriminatory practice in prisons. It firstly shows the background of how racial discrimination affects prisons, prisoners and staff members, it then goes on to explain the facts and statistics of racial attacks in prisons, the briefing note also explains the Zahid Mubarek case and the factors surrounding it. It then goes onto look at the current status in prisons, and looking at interviews from prisoners and their views and opinions on the changes that they would like to see in the prison system. Finally the briefing note gives reasons and analyses the changes that need to be made and the advantages and disadvantages with each option.