Disrupting the ‘Gang’

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When a young person from any community loses their life it is tragic. Like any parents, we want our young people to feel safe, to grow up and live their lives.

At the start of this trial our fear was always that our sons had been prejudged, because of the colour of their skin or where they are from. They are judged because the area they have grown up in, Moss Side, is judged.

What are people such as those in the juries in these trials told about young people from our community? Who can talk about who they really are? We can, as their families.

They are not in gangs. Most of the young people in this trial had no previous contact with the police, or intelligence linking them to gangs. They were going to college, had jobs, played football.

In trying to convict all the boys in this trial of murder, the prosecution has relied on the story that they are in gangs. Without clear evidence to demonstrate their intent or culpability, the prosecution has based the story on speculation and prejudice about the lifestyles of young men living in South Manchester.

They are not guilty by association.

As families, we have had to remain silent, visit our sons in prison each week, watch them behind the glass in court each day, without being able to say anything. But we need to speak out.

The above statement, published on the Sites of Resistance website on 14th September 2017, reflects the feelings of some of the families of a group of 11 young people who were, on that date, collectively sentenced to 168 years imprisonment for the murder of an 18 year old in Manchester. In the process
of trying to support each other and their children through the criminal trials, they established Not Guilty by Association. I am one of a number of local academics, youth workers and national campaigners (from JENGbA - Joint Enterprise Not Guilty by Association) who support the NGBA family group, as we share their concerns at the racial injustice in such cases.

In this short piece, I want to capture something of the harms that arise from the policing and punishment of the ‘gang’ in England and Wales. Specifically, how, due to the racialized notion of the ‘gang’, these harms disproportionately affect young black men. In doing this, I am reflecting too on the work necessary to expose and challenge these harms. How we might disrupt the policies and practices associated to the ‘gang’ that hardwire racism into the criminal justice system.

The process of labelling an individual as a ‘gang nominal’, or gang associated, is led by the police and driven by a national definition. Most recently in June 2015, the Home Office ‘simplified’ the definition ‘so that a gang is now defined as having one or more characteristics that enable its members to be identified as a group by others’ (Home Office, 2015). This paper will cite a range of evidence that demonstrates the stigma associated to the application of this ‘gang’ label, the attribution of a series of negative and racialized criminal or violent traits can result in a range of serious harms. From criminalisation, to exclusion from education and eviction from housing, to the removal of children, to imprisonment and deportation (Clarke, 2017; Amnesty International, 2018).

The Emergence of the ‘Gang’

During the last decade, the ‘urban street gang’ has emerged as a key crime concern in England and Wales, with a range of powerful actors propelling its construction, including politicians, the media, crime control agencies, think tanks and academics. The result has been the growth of an industry incorporating, a proliferation of tools, practice and legislation. Led by specialist police and partnership ‘gangs’ teams there are gang definitions, gangs lists, gang injunctions used to identify, regulate and punish the gang.

The engine for this activity was the implementation of the Ending Gangs and Youth Violence (EGYV) policy in England and Wales. Introduced by the

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Coalition government in the wake of the disturbances of the summer of 2011, David Cameron and Theresa May, rehearsed the position already expressed by the previous Prime Minister Tony Blair - that problems of crime and violence were a result of gang culture. These explanations are inherently racialized, with gang culture viewed as being synonymous with the black community. On the 11th August 2011, the final day of the disturbances, Theresa May the then Home Secretary delivered a speech in parliament, committing ‘to do more to tackle gang culture’ believed to underlie events. She announced the EGYV policy.\(^5\)

Regardless then, that less than one month later on the 8th of September May was telling MPs that the data showed that most rioters were not in gangs, the EGYV policy was set. Since then we have seen an intensification of the focus on the urban street gang as the key source of violent crime, and a range of other societal problems, from the sexual exploitation of girls and young women, to drugs in England’s seaside towns and rural communities, down to an increase in violence in prisons.

In early 2012, Patrick Williams and I were asked by the local city council to review police and partnership data on gangs and youth violence. Manchester City were to receive funding from the Government’s EGYV policy as one of 52 local authority areas deemed with a ‘gang’ problem. This invitation provided an opportunity to examine the policy discourse and the status of the urban street gang, as defined by the police and their partners, as an explanatory device for serious youth violence in our city. The profile of those targeted as ‘gang nominals’ by crime control partners was almost exclusively (89 per cent) BME men residing in a small cluster of communities just south of the city. Whereas the ‘hotspots’ for serious youth violence were elsewhere in the city and the majority of those convicted (77 per cent) were identified as white British.

The experience surrounding this project was extremely telling. The representatives of the local agencies, although willing to accept the findings (how could they not, it was their ‘official’ data), were defensive of the results, resisting any conclusion that these findings reflected institutional racism. Whilst the group commissioned some further qualitative work to understand the process involved in defining and registering individuals as ‘gang involved’, there was no immediate discernible activity to change local practice, or ‘deregister’ any of the individuals flagged as gang involved on the criminal justice agency case management systems.

The opportunity to examine the data and challenge the practices occurring was unusual, with the procedures and data concealed. Over time academics and campaigners, often through Freedom of Information Requests (Institute for Race Relations, 2015; The Monitoring Group, 2018)\textsuperscript{6}, were able to expose similar patterns in the Metropolitan Police Service’s gangs list, named ‘The Matrix’. Since then there have emerged a number of officially published analyses of London’s ‘Gang profile’. For example, in 2016 the Mayor’s Office for Policing and Crime has replicated the analysis we had done in Manchester in 2012. The results revealed a similar disconnect between serious youth violence and gangs in the capital. Last year the London Assembly Police and Crime Committee published data demonstrating that less than 5 per cent of serious youth violence across the City is flagged as ‘gang related’ by Met police officers, this figure remained fairly constant over the five years of data presented.\textsuperscript{7}

It seems clear then that, just as with the initial moment following the disturbances of 2011 when the policy was fixed, the state’s own data reveals that the ‘gang’, as defined by crime control partners, is not responsible for problems of serious youth violence in the way that the policy imagines. Yet even when such realities are exposed, both local strategy and national policy remains fixated with tying the solution to youth violence as a strategy of ‘fighting gangs’.

We would argue that this conflation is a political manoeuvre, whereby criminal justice agencies and politicians are able to both (re)define the problem of youth violence and create objects to be policed. The social and political construct of the racialized gang is ideological. Therefore, the work required to expose and dismantle it is political.

**The Criminal Justice Functions of the ‘Gang’**

Work to interject and disrupt these practices requires us to hear the stories of those subject to them, to support those defined by the label of the ‘gang’ to share their testimonies. In late 2014, I began to work as part of a collaborative project, led by the national campaign group JENGbA who had drawn together academics and London based policy and advocacy groups Centre for Crime and

\textsuperscript{6} http://www.irr.org.uk/news/the-met-gangs-matrix-institutional-racism-in-action/
http://www.tmg-uk.org/the-war-on-gangs-or-a-racialised-war-on-working-class-black-youths/

\textsuperscript{7} https://www.london.gov.uk/sites/default/files/serious_youth_violence_report_-_london_assembly.pdf
Justice Studies (CCJS) and Black Training and Enterprise Group (BTEG). The project, Dangerous Associations, was concerned with examining the racial disproportionality in the use of joint enterprise laws, and specifically the process of criminalisation that resulted in the disparity.

Joint Enterprise (JE) is a doctrine of common law which has remerged in the courts in recent years in cases where more than one person is to be prosecuted for the same offence. Controversially, it applies even where the suspects may have played different roles and in many cases, where a suspect was not in the proximity of the offence committed.

The project would hear from nearly 250 prisoners serving sentences under Joint Enterprise laws; many of them long life sentences on average of 19-20 year mandatory minimum terms. The findings confirmed young black men are disproportionately serving such sentences, but also that key to the prosecution narrative used in their criminal trials was a racialized discourse of the black gang. The prisoners told us of the multiple strategies used in court to signal this gang narrative to the jury. This included: music videos and lyrics; photographs of young people together; telephone ‘cellsite’ evidence; and, significantly, unproven police expert witness or intelligence testimony which referred to historical accounts about their local communities.

The narrative of the violent black gang then becomes the central argument for a common purpose amongst the group of defendants in such trials, that the associations constructed demonstrate a collective criminal intent. Even where individuals were not at the scene of the crime, as was the case in almost half of the prisoners involved in our research, their association to the events through the gang narrative was sufficient to convict them under joint enterprise laws. The consequences then of these associations, of a racialized gang narrative in the context of collective punishments such as joint enterprise, is the imprisonment of a disproportionate number of young black men who are serving lengthy sentences for serious crimes which they did not commit.

Once again, in the context of these collective punishments, the harms of policing and punishing the gang remain hidden. The state does not record the use of joint enterprise at any stage of the criminal justice process, at charge, prosecution or conviction. It is only through the tireless campaigning work of JENGbA, and their drawing together of a collective of now 800 prisoners, that we can hear and expose the experiences of those convicted under these laws.

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The significance of their testimonies is their power to reveal how the narrative of the racialized gang is so central to the process of criminalisation. Our ability to disrupt this process relies on foregrounding this knowledge from prisoners who would otherwise remain dispersed and silenced.

Most recently, Amnesty International have examined the impact of the ‘gang’ label in the context of human rights law. In May 2018, they published ‘Trapped in the Matrix’, a report which collates the analysis referred to above along with new qualitative findings from their consultation with Metropolitan police officers and their partners working in the gangs teams in some boroughs of London. The findings reveal how the flawed EGYV policy, discretionary everyday practice by police officers and unaccountable data sharing across a range of agencies combines to hardwire racism into institutional processes. The report is damning, the cases discussed reveal how individuals and their families become marked, with the stigma leading to serious harms including criminalisation, imprisonment and deportation.

This was an important interjection not only to maintain pressure on those driving policy and practice, but also because the context for such debate is in the current moment is challenging. Official crime statistics for England and Wales reflect a spike in violent crime across the country. This has led to the predictable media and political rhetoric for tough responses. Also predictable has been the disproportionate focus on particular types of violent crime, certain communities, and explanations that highlight factors such as music and youth culture. The tragedy of a series of deaths in London, where the victims were young men from the black community, have led to calls for ‘something to be done’, to extend the powers of state agencies. This framing of issues of violence can create a backlash to any efforts to expose the harms that result from the conflation of responses to youth violence and the policing and punishment of the black community.

The Unfinished – The activist role in disruption

The policing of ‘gangs’ in England, the use of distinct operational tools and punishment strategies to respond to those viewed as being in an ‘urban street gang’, cannot be de-historicised from the ongoing policing of racialised communities (Institute for Race Relations, 1987; Alexander, 2014). Strategies to police, regulate and punish transmogrify.

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9 https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice
10 http://www.irr.org.uk/publications/issues/policing-against-black-people/
When exposed, institutions deny the existence of ‘gangs lists’ or ‘matrix’ or downplay their significance, attempting to recognise the inherent flaws, perhaps stating that ‘the gang has had its day’.\textsuperscript{11} This is semantics. They continue to label individuals on case management systems, and the consequences of this remain. New spreadsheets are developed and populated. By a different name, perhaps, but to serve the same purpose, the distinct practice of intelligence gathering to drive the regulation of suspect communities. Whilst policy or legislation is reviewed and renamed, joint enterprise is now ‘secondary liability’, collective punishments continue.

The lessons I take from the work to disrupt the ‘gang’ are these. That it is only through collective and persistent efforts that we can push to expose, disrupt and dismantle both the ideological and real institutional processes which underpin structural racism. The activist work to expose and disrupt will be unfinished. Such work must elevate and foreground the voices of families and communities subject to these practices. It is their testimonies that can, and have, demanded the attention of politicians, journalists and academics into the battle, those with the resources to expose that which is silenced. But that, ultimately, the work is driven by the knowledge and priorities of grassroots campaigning organisations led by those individuals and families subject to the practices.
