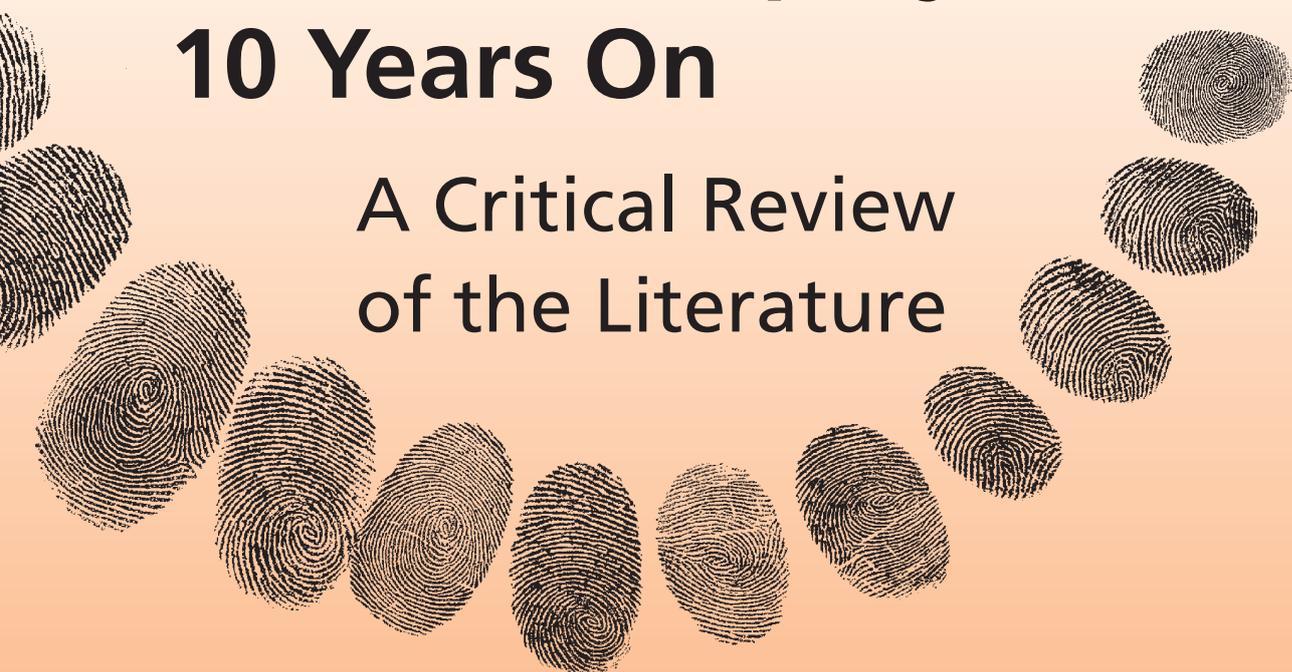


The Stephen Lawrence Inquiry 10 Years On

A Critical Review of the Literature



Inside this Report

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Nicola Rollock



RUNNYMEDE

Foreword

The publication on 24 February 1999 of the Stephen Lawrence Inquiry report was hailed as a defining moment in police relations with Black and minority ethnic groups. It highlighted the ways in which the criminal justice system had repeatedly let down the Lawrence family through 'collective failure' of the murder investigation and 'institutional racism'.

The report's recommendations sought improved openness and accountability across the criminal justice system and focused the police and other law enforcement practitioners on tackling institutional racism.

A decade later, the Runnymede Trust has sought, in *The Stephen Lawrence Inquiry 10 Years On: A Critical Review of the Literature*, to document the extent of progress in meeting the recommendations of the Inquiry.

This report summary sets out the key recommendations of the literature review. There are some indications of positive change, most notably in the way the Crown Prosecution Service takes cases involving racist motivation more seriously. However, there remain many ways in which the relationship between police and Black and minority ethnic groups has not changed significantly from 10 years ago.

This is evident in terms of the challenges faced by Black and minority ethnic police officers and staff and, in a chilling echo of the 'sus' laws of the 1970s, the continued over-representation of Black people among the figures on stop and search.

To move forward, it is crucial that we create a new form of policing for our multi-ethnic society. In this way, the legacy of Stephen Lawrence and the lessons learned through the Inquiry can remain as significant to the young people of today as to older generations. This means understanding and engaging with issues of racism, identity and justice in a way that not only focuses on Black and minority ethnic groups. We need strategies to address their needs, but also to seriously challenge the taken-for-granted practices and procedures of organizations built to serve the less diverse communities of a bygone age.

Dr Richard Stone
Former panel member, Stephen Lawrence Inquiry
Chair of the current Independent Review – 10 Years On
Vice Chair of the Runnymede Trust

Five key recommendations to support the reduction of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing

1. Effective practice on recording racist incidents should be shared across the criminal justice system

We welcome the detailed attention paid by the Crown Prosecution Service to recording and monitoring data related to racist incidents. That this information is accessible and published annually in one place warrants further commendation, and other agencies would do well to learn from and build on this successful initiative by the CPS.

2. Police forces must improve the monitoring of racially motivated crime

How police forces identify cases as having racist motivation, and their procedures for passing on this detail in their computer or case files to the CPS, leaves considerable scope for improvement. Research to examine how the police could be supported to improve their practices in both areas is recommended.

3. Public scrutiny should continue beyond the publication of an Inquiry report

Follow-up procedures for implementing recommendations that have emerged from Public Inquiries ought to form an integral part of the Inquiry process. This would enhance the credibility and openness of each Inquiry and ensure greater accountability by government and those organizations to whom recommendations have been directed. In addition, materials submitted as evidence to any Public Inquiry ought to be made available to the public within a given timeframe.

4. Police forces must address continued problems in the progression and retention of Black officers and staff

The police service continues to experience difficulties in recruiting, retaining and progressing officers from Black and minority ethnic backgrounds. While strategies such as mentoring schemes, recruitment drives and leadership programmes are worthwhile, they are largely directed at minority ethnic groups alone, and they have failed to make any long-lasting impact on the careers of Black and minority ethnic officers. To truly improve the effectiveness of such schemes, we argue for a much fuller understanding of the policing context in which they currently operate.

5. Government should review the effectiveness of stop and search procedures as a crime reduction strategy

Black groups continue to be disproportionately stopped and searched at rates similar to those recorded when the Stephen Lawrence Inquiry Report was published in 1999. The low percentage of such procedures leading to arrests, let alone convictions, leads us to conclude that: (a) there is little difference between these procedures and the restrictive and discriminatory use of ‘sus’ laws in the 1970s; and (b) that stop and search procedures are not the most effective use of police time and resources. We recommend that government should reassess the value and usefulness of stop and search as an effective ‘intelligence led’ crime reduction strategy.

The Stephen Lawrence Inquiry

On 22 April 1993, while waiting for a bus with his friend Duwayne Brooks in Eltham, South London, Stephen Lawrence was killed in an unprovoked racist knife attack by a group of five white youths. No one has ever been convicted of his murder.

Following years of persistent campaigning on the part of Neville and Doreen Lawrence, Stephen's parents, a Judicial Inquiry was announced by then Home Secretary Jack Straw in July 1997. The Stephen Lawrence Inquiry, led by Sir William Macpherson of Cluny with the support of three Advisers – Mr Tom Cook; the Rt Reverend John Sentamu and Dr Richard Stone – published its report almost 2 years later on 24 February 1999. In summarizing the report's findings, Macpherson (1999: 46.1) stated that 'the [police] investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers' and set out 70 recommendations, largely aimed at the criminal justice system, but including some aimed at the education sector too, concerning how they might address the overall aim of 'the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing'.

Research recommendations and policy actions

This Runnymede report summary draws on the findings of our literature review (Rollock, 2009), in which we examine progress in implementing the recommendations of the Stephen Lawrence Inquiry report since its publication on 24 February 1999. The review itself provides the first systematic examination of the large body of research reports, reviews and articles from across government, the academic and voluntary sectors that have sought to respond to the Inquiry's recommendations. In this section of the report summary we take a look at how our five main recommendations emerged from our full-scale critical review of the literature.

1. Effective practice on recording racist incidents should be shared across the criminal justice system

Thirteen of the Lawrence Inquiry recommendations relate to the prosecution of racist crimes and the need for those bodies, mainly the Crown Prosecution Service (CPS) and the police, to make improvement to their practice in this area. Information from the CPS indicates that rigorous processes are now in place to ensure that reference to racist motivation is included from the moment a case enters the CPS system, and across its subsequent stages. The CPS publishes data indicating which police forces demonstrate the greatest accuracy in correctly identifying cases as racist incidents. This data also shows the reliability of forces in their provision of the requisite information to support their cases (see below). The CPS data is accessible to the general public and published annually in one place (CPS, 2007). This level of detail means that the CPS can readily identify and seek to improve those areas where there is a shortfall in the identification of cases

as being racially motivated. Other agencies would do well to learn from and build on the success of the CPS in recording and publishing this information.

2. Police services must improve the monitoring of racially motivated crime

Data available from the CPS reveals wide variation in the number of police forces accurately identifying cases as racist incidents and in the incidence of cases as having a racially motivated element. Data reported in 2006/07 indicates that while some forces matched the CPS in identifying these cases, there was scope for improvement amongst others. New research might examine reasons for these differences and seek to share useful strategies between forces. In addition, in 2006/07, only three police forces provided supporting information (i.e. a copy of their racist incident report or computer record) with their file to the Crown Prosecution Service for more than 50% of their cases. Home Office-funded research found that some of these differences between forces might be attributed to varying degrees of liaison and the quality of relationship between officers at particular forces and the CPS (Docking & Tuffin, 2005). If this is the case, further research should examine which types of relationships between the CPS and the police work well to aid the sharing of this information, and seek to understand how the relationship between the two parties can be improved.

3. Public scrutiny should continue beyond the publication of an Inquiry report

Government should be obliged to ensure greater coherence and transparency in the ways in which recommendations emanating from Public Inquiries are implemented and followed up. In addition, all evidence submitted to a Public Inquiry should be made available to the public within a minimum period of time. To facilitate greater openness and understanding of the trajectory of policy-making in the process we recommend, as a minimum, that:

- (a) All documentation (including electronic formats) should carry a date of publication.
- (b) It should be clearly stated when a publication has been withdrawn or updated. Details of withdrawn or replaced documents should be provided in the most recently available publications.
- (c) Because such effort, time and (public) money goes into Inquiries, a detailed, independent follow-up to the recommendations is warranted within an agreed interval from the publication of the Inquiry report. It is important in respect of continuity, openness and accountability that critical reviews, such as the one on which this report summary is based, should form a natural part of the Public Inquiry process.
- (d) Evidence submitted to a Public Inquiry should be made accessible to the public within an agreed timetable.

4. Police forces must address continued problems in the progression and retention of Black officers and staff

The police service continues to experience difficulties in recruiting, retaining and progressing officers from Black and

minority ethnic backgrounds. While much is made of the fact that the percentage of officers from these backgrounds has doubled between 1999 and 2008, in reality this is only from a relatively low starting-point of 2% to approximately 4% (Home Office, 2007; Bullock, 2008). This is considerably below the national target (7%) set for the police service overall. At the end of 2008, almost half of the 43 forces in England and Wales (47%; 20 forces) had not reached the employment target for Black and minority ethnic officers set by Home Secretary Jack Straw almost 10 years earlier in 1999. Even so, these targets are expected to be scrapped, as announced in the recent police Green Paper, despite opposition by key groups representing Black and minority ethnic interests.

In addition, the retention of Black and minority ethnic officers at all lengths of individual service continues to be a challenge, with the discrepancy between Black and minority ethnic officers and white officers most stark for those with 2 to 5 years' service (Coaker, 2008). Previous research examining why officers left the service has indicated that those from Black and minority ethnic groups are more likely to have been dismissed or required to resign compared with their white counterparts (8.5% and 1.7% respectively) or to have left following voluntary resignation (46.6% of leavers from Black and minority ethnic backgrounds and 25.9% of all leavers from white backgrounds) (Jones & Singer, 2008).

In terms of progression, there are few Black and minority ethnic officers at the level of sergeant and above. At the end of March 2007, for example, Jones & Singer (2008) reported that only 2.9% of sergeants were from such backgrounds compared to 95.8% of their white colleagues. Yet later data shows that high-ranking Black and minority ethnic officers have worked in the service for lengths of time similar to those of their white colleagues (see Coaker, 2008). Length of service is regarded by the Home Office as a measure of parity in terms of progression (Home Office, 2008a). We argue that, in addition to comparing length of service by ethnic group, the importance of addressing the number of Black and minority officers at each rank should not be overlooked. When considering progression, government publications should take into account length of service as well as the percentage of Black and minority ethnic officers at each rank.

In terms of disciplinary procedures, while data on the type of complaint and the ethnicity of the complaining officer is not collated centrally, the most recent information available from the Metropolitan Police Service indicates that Black and minority ethnic officers are over-represented in Fairness At Work procedures (the internal grievance procedures which take place before action at an Employment Tribunal) and in those lodging claims at Employment Tribunals. These findings echo those reported in the Morris Inquiry report of 2004 (Morris, Burden & Weekes, 2004).

Strategies such as mentoring schemes, recruitment drives and leadership programmes, introduced in an attempt to address many of these problems, appear to have had little long-lasting impact on the career experiences of Black and minority ethnic officers. We believe that the Ministerial Steering Group, set up in November 2008 and

led by Home Office Minister Vernon Coaker to oversee an improvement in the recruitment, retention and progression of Black and minority ethnic officers, would do well to commission research that examines the working culture of the police service. It is only with better understanding of the procedures, practices and culture of what former Home Secretary Jack Straw described as a 'long-established, white-dominated organization', that strategies to improve the careers of Black and minority ethnic officers will be truly effective.

5. Government should review the effectiveness of stop and search procedures as a crime reduction strategy

In 1999, when the Stephen Lawrence Inquiry report was published, Black people were six times more likely to be stopped and searched than their white counterparts. In 2008, they were seven times more likely to be stopped and searched. In other words, while there continue to be variations in the use of stop and search procedures across the 43 police forces, nationally there has been no improvement in the rate of disproportionality for Black groups in the decade since the Inquiry report was published.

Further, on average only 12% of all stop and searches lead to arrest; and not all arrests lead to conviction. From this we conclude that:

- (a) little difference exists between these procedures and the restrictive and discriminatory use of 'sus' laws in the 1970s;
- (b) stop and search procedures as a method of 'intelligence led' policing are not the most effective use of police time and resources.

The Stephen Lawrence Inquiry report recommended that the powers of police to use stop and search under existing legislation should remain unchanged. However, in light of the available evidence cited here, we recommend that the government should review the cost and the effectiveness of stop and search procedures as a crime reduction strategy.

* * *

The Stephen Lawrence Inquiry's overall aim was the 'elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing'. Having examined the literature we remain unconvinced, despite some small areas of progress and despite the best of intentions, of the effectiveness of such guidance in meeting the Inquiry's central recommendation.

Ten years after the publication of the Inquiry report, there is still significant progress to be made – notably in relation to the career experiences of Black and minority ethnic officers and the disproportionate use of stop and search procedures against Black groups. It is difficult, in light of these continued challenges, to argue that the charge of institutional racism no longer applies.

With government commitment, however, there is the possibility for genuine reform, so that the principles of justice and fairness can be translated into reality for everyone in our society, regardless of their ethnic background. ■

Appendix I

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Appendix II

The Stephen Lawrence Inquiry 10 Years On: A Critical Review of the Literature

Structure of the full report

The purpose of the full critical review from which this summary is abstracted is to examine, for the first time in one place, the various research reports, reviews and articles from across government, the academic and the voluntary arenas that have sought to respond to the recommendations of the Stephen Lawrence Inquiry. It charts developments since the publication of the Stephen Lawrence Inquiry report a decade ago by offering an overview of key arguments, identifying areas of progress, as well as potential shortcomings and knowledge gaps, and makes suggestions for areas requiring further examination or research. Due to the wide reach of the recommendations the critical review focuses on changes to the criminal justice system only within England and Wales. All relevant publications up to and including those of November 2008 have been taken into account.

We recommend that the report should be read in full; what follows is a summary of its principal headings and section themes.

Ch. 1 outlines those key political and policy concerns of the last decade that have had a direct or indirect bearing on the (race) equality agenda.

Ch. 2 sets out the overall context in which the debates and changes within the criminal justice system need to be understood.

Ch. 3 discusses the concept of 'institutional racism' and its role in the Stephen Lawrence Inquiry. Although no specific recommendation in the Inquiry report relates to 'institutional racism', the Inquiry was central in placing the term at the forefront of political and public consciousness.

Subsequent chapters (4–14) consider, theme by theme, the Stephen Lawrence Inquiry's recommendations as they are set out in the original Inquiry report. Chapters 4–10 principally cover police relationships with the public and other criminal justice agencies. Chapters 11–14 deal with the police service's internal functioning.

Inquiry recommendations: (a) theme by theme

Ch. 4. Openness, accountability and the restoration of confidence (an overview of recs 1–11)

The key, overarching, recommendation that sets the context for those that follow is for a Ministerial Priority to 'increase trust and confidence in policing amongst minority ethnic communities'. This was accepted by Home Secretary Jack Straw in 1999 but revoked in 2003, although a more general commitment to 'inspire public confidence in the police, particularly among minority ethnic communities' is set out in the (2004) National Policing Plan 2005/08.

Further recommendations in this section cover a range of topics that include: the disclosure of information under the Freedom of

Information Act; the requirement that the inspectors of the police service, Her Majesty's Inspectorate of Constabulary (HMIC), conduct a review of the Metropolitan Police Service's (MPS) handling of murder investigations and of their own reviews of these investigations; and that the membership of police authorities should reflect the cultural and ethnic mix of the communities those authorities serve.

Ch. 5. Definition of a racist incident (recs 12–14)

The new definition of a racist incident proposed by the Stephen Lawrence Inquiry sought to facilitate greater recording of incidents as racist. Subsequently it has formally been accepted by government departments and agencies.

Ch. 6. Reporting and recording of racist incidents and crimes (recs 15–17)

With substantial differences in the number of racist incidents recorded across the police services of England and Wales each year and across time, it is difficult to ascertain whether these differences are due, for example, to improvements in recording, or to increased incidences. [In this regard see also Runnymede Key Recommendation 2]

Ch. 7. Police practice and the investigation of racist crime (recs 18–22)

A number of key police agencies have published guidance to support the police during their investigations and reviews of racist crime, especially where these have involved murder. The most significant of these is the Association of Chief Police Officers' Murder Investigation Manual published in 2006. During its most recent inspection in this area, the MPS was found to be fully compliant in its following of ACPO's guidance and in its handling of such crimes.

Ch. 8. Family liaison (23–28)

The role and management of Family Liaison Officers (FLOs) is clearly set out in a number of ACPO guidance documents, in particular the Murder Investigation Manual and the ACPO Family Liaison Strategy Manual. A 2005 government review assessing the impact of the Stephen Lawrence Inquiry found that detectives largely welcomed improvements to FLO training and the ways in which FLOs now logged aspects of their involvement with families. However, it also indicated a continued lack of understanding by some police officers about the wariness of Black and minority ethnic families towards them.

Ch. 9. Victims and witnesses (recs 29–31)

A Code of Practice which became law in April 2006 sets out the services that victims and witnesses can expect when they become involved in the criminal justice process. The criminal justice service follows particular procedures when handling particular types of witnesses or victims (e.g. vulnerable, hostile, significant) depending on the nature of the crime.

Ch. 10. Prosecution of racist crimes (recs 32–44)

Information from the Crown Prosecution Service (CPS) indicates that rigorous procedures come into effect from the moment the CPS are made aware of a case and at all stages of the associated prosecution to ensure that reference to racist motivation is included. CPS data shows wide variations in the number of police forces that accurately identify cases as racist incidents. Clear guidelines now set out how the victim or the victim's family should be consulted and kept informed of key decisions, particularly of the decision to discontinue proceedings. [See also Runnymede Key Recommendation 1]

Inquiry recommendations: (b) police culture, procedures and training

Ch. 11. Race awareness and cultural diversity training (recs 48–54)

Police training on 'race awareness and cultural diversity' featured strongly in the Stephen Lawrence Inquiry report of 1999. A number of inspections of the police service have reported such training to lack coherence in terms of training objectives. In response to criticism the Home Office worked in collaboration with APO, ACPO and Centrex (the latter now part of the National Police Improvement Agency) to set out specific learning outcomes and a training framework so that staff can meet National Occupational Standards (NOS) on race equality and cultural diversity introduced in February 2008. Overall changes are expected to feature as part of the Equalities Standards being taken forward by the NPIA.

It remains unclear how training on race equality and cultural diversity to date has been successful at engaging with and challenging the continued difficulties faced by the police service relating to Black and minority ethnic groups; in particular, the recruitment, retention and progression of Black and minority ethnic officers, and the continued over-representation of Black groups in the annual figures on stop and search procedures.

Ch. 12. Disciplinary procedures and complaints (recs 55–59)

When police officers lodge complaints, information on the characteristics of the officers lodging them (at any stage of the process) and the nature of the complaints themselves is not collated centrally.

The most recent information available from the Metropolitan Police Service indicates that Black and minority ethnic officers are over-represented in Fairness At Work procedures and among those lodging claims at Employment Tribunals in findings that echo those of the 2004 Morris Inquiry. The disciplinary and complaints process has sought to address some of the recommendations of the Morris Inquiry and the subsequent Taylor Inquiry (2005): new policies, including a new police Standards of Professional Conduct, came into effect on 1 December 2008.

Ch. 13. Stop and search procedures (recs 60–63)

The Stephen Lawrence Inquiry report recommended that the powers of police to use stop and search procedures under existing legislation should remain unchanged. Efforts to increase individual (notably young people's) awareness of their rights under the law about being stopped and searched include the APA's 'Know Your Rights' campaign.

Annual government data on race and the criminal justice system shows that Black people continue to be up to 7 times more likely to be stopped and searched than their white counterparts. This figure is worse than in 1999, and with the continued low arrest and conviction outcomes stop and search procedures remain questionable as an effective method of crime detection. [See also Runnymede Key Recommendation 5]

Ch. 14. Recruitment and retention of minority ethnic staff (recs 64–66)

The number of Black and minority ethnic people joining the police service as Police Community Support Officers (PCSOs) and Special Constables continues to rise, while the police service itself continues

to experience difficulties in attracting Black and minority ethnic recruits. Research indicates that the role of PCSO attracts Black and minority ethnic recruits because of its community focus and because it raises fewer concerns about racism. A career in the police service suffers from comparison with other occupations, which are seen to offer better opportunities for promotion and pay, combined with less extensive concerns about racism.

Retention and progression of Black and minority ethnic officers is also a problem for the police service. Disproportionate numbers of Black and minority ethnic officers leave the service within their first 5 years of service. Progression concerns turn on the low number of officers of all ranks from Black and minority ethnic backgrounds even though the evidence indicates that at the level of sergeant and above they serve for similar number of years as their white colleagues. A Ministerial Steering Group has been proposed to oversee improvements in the recruitment, retention and progression of Black and minority ethnic officers. [See also Runnymede Key Recommendation 4]

Ch. 15. Conclusion

The report's conclusion deals with the five key areas for further examination – as summarized at the outset of this Report Summary.

Appendices

These comprise an extensive Bibliography and a selection of documents that include: Ranks within the police service; Police Code of Conduct 2004; Standards of Professional Conduct 2008; High-profile cases concerning Black and minority ethnic officers and staff; Stop and search forms (old) and (new).

Abbreviations Used for Police Related Agencies

| | |
|--------------|---|
| ACPO | Association of Chief Police Officers |
| APA | Association of Police Authorities |
| APO | Association of Police Officers |
| CPS | Crown Prosecution Service |
| FLO | Family Liaison Officer |
| HMCIC | Her Majesty's Chief Inspector of Constabulary |
| HMIC | Her Majesty's Inspectorate of Constabulary |
| IPCC | Independent Police Complaints Commission |
| MPS | Metropolitan Police Service |
| NPIA | National Policing Improvement Agency |
| OCJR | Office for Criminal Justice Reform |
| PCSO | Police Community Support Officer |

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About Runnymede

The Runnymede Trust is an independent policy research organization focusing on equality and justice through the promotion of a successful multi-ethnic society. Founded as a Charitable Educational Trust, Runnymede has a long track record in policy research, working in close collaboration with eminent thinkers and policy makers in the public, private and voluntary sectors. We believe that the way ahead lies in building effective partnerships, and we are continually developing these with the voluntary sector, the government, local authorities and companies in the UK and Europe. We stimulate debate and suggest forward-looking strategies in areas of public policy such as education, the criminal justice system, employment and citizenship.

Since 1968, the date of Runnymede's foundation, we have worked to establish and maintain a positive image of what it means to live affirmatively within a society that is both multi-ethnic and culturally diverse. Runnymede continues to speak with a thoughtful and independent public voice on these issues today.

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