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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 poor treatment and failed police investigations. 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: An Analysis of the Literature, to understand the extent of progress in meeting the recommendations of the Inquiry.

While there have been some indications of change, most notably in the way in which the Crown Prosecution Service takes seriously cases involving racist motivation, there are many ways in which the relationship today between the police and Black and minority ethnic groups has not changed significantly from what it was 10 years ago. This is evident in terms of the challenges faced by officers from these backgrounds who work for the police service and, in a chilling echo of the old ‘sus’ laws, the continued over-representation of Black people in the figures for those exposed to Stop & Search procedures.

To move forward, it remains so very important that we envisage a new form of policing for our multi-ethnic society, one where the legacy of Stephen Lawrence remains as significant to young people as to older generations. This means understanding and engaging with issues of race, identity and justice in a way that not only focuses on Black and minority ethnic groups and strategies to address their needs, but also seriously challenges the taken-for-granted practices and procedures of organisations built to serve the less diverse communities of a bygone age.

Dr Richard Stone
Former panel member, Stephen Lawrence Inquiry
Vice Chair of the Runnymede Trust
Five Key Recommendations

Since the publication of the Stephen Lawrence Inquiry Report on 24 February 1999, there have been numerous initiatives, policy and guidance documents published, aimed at improving performance in some way across and within the criminal justice system. Though we note some small areas of progress, in light of the continued failings by the police service in relation to Black and minority ethnic recruitment, retention and progression and the disproportionate number of Black people being stop and searched, it is difficult to conclude that the charge of institutional racism no longer applies.

Having examined the literature, we now make five key recommendations aimed at supporting the Lawrence Inquiry’s overall aim of eliminating ‘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.
Executive Summary

Background
- Stephen Lawrence was killed in an unprovoked racist knife attack by a group of five white youths while waiting for a bus with his friend Duwayne Brooks in Eltham, South London on 22 April 1993. No-one has ever been convicted of his murder. Following years of persistent campaigning on the part of Stephen’s parents Neville & Doreen Lawrence, 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 findings almost 2 years later on 24 February 1999. In summarizing the Report’s findings, Sir William Macpherson (1999a: 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’ (Macpherson 1999a: 46.1), and set out 70 recommendations. Aimed at the criminal justice system, but with some directed at the education sector too, their purpose was to address an overall objective: ‘the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing’.
- The purpose of this literature review 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 this literature review focuses on changes to the criminal justice system within England and Wales specifically, and covers relevant publications up to and including those of November 2008.

Broad structure of the report
What follows is an outline of how the 15 chapters of this report have drawn on the Stephen Lawrence Inquiry recommendations in order for us to produce recommendations of our own. However rigorous it may be, an executive summary cannot do justice to the detail of policy documentation, academic literature and the wider debates made public in the media that have been instrumental to shaping this review. We therefore recommend that this report be read in full.

Section I – the Stephen Lawrence Inquiry in context
- Chapter 1 introduces the report and the chapters that follow.
- Chapter 2 outlines those key political and policy concerns of the last decade that have had a direct or indirect bearing on the (race) equality agenda.
- Although no specific recommendation in the Stephen Lawrence Inquiry Report relates to ‘institutional racism’, the Inquiry was central in placing the term at the forefront of political and public consciousness. A discussion of the concept and its role in the Inquiry, therefore, forms the basis of Chapter 3.

Section II The Inquiry’s Recommendations Theme by Theme
4. Openness, accountability and the restoration of confidence (recs 1–11)
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 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.

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 later 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.
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.

6. Reporting and recording of racist incidents and crimes (recs 15–17)
There are 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 their actual increased incidence.

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 Metropolitan Police Service was found to be fully compliant in its following of ACPO’s guidance and in its handling of such crimes.

8. Family liaison (recs 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 key government review published in 2005, which assessed the impact of the Stephen Lawrence Inquiry, found that detectives largely welcomed improvements to FLO training and the ways in which FLOs now log aspects of their involvement with families. The review also indicated that there continued to be a lack of understanding and a certain defensiveness amongst some officers about the wariness of Black and minority ethnic families towards the police.

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. There are particular procedures which the criminal justice service follows when handling particular types of witnesses or victims (e.g. vulnerable, hostile, significant) and depending on the nature of the crime.

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.

Data available from the CPS shows that there are wide variations in the number of police forces that accurately identify cases as racist incidents. CPS data also shows that only three forces in 2006/07 supplied supporting information (i.e. a copy of their racist incident report or a computer record) with their file to the CPS for more than 50% of their cases.

Clear guidelines, including a timeframe, set out the ways in which the victim or the victim’s family should be consulted and kept informed of decisions to discontinue proceedings.

Section III. The Inquiry’s Recommendations on Police Culture, Procedures and Training

11. Race awareness and cultural diversity training (recs 48–54)
The subject of police training on ‘race awareness and cultural diversity’, already prominent in the Scarman report of 1981, featured again 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 – e.g. stating how many officers will be trained, to what standard and by when.

In response to such criticism the Home Office worked in collaboration with the Association of Police Authorities, the Association of Chief Police Officers and Centrex to set out specific learning outcomes and a framework within which such training should take place.

Forces are expected to work with their staff to ensure that they meet these National Occupational Standards (NOS) on race equality and cultural diversity. New NOS were introduced in February 2008 and overall changes are expected to feature as part of the Equalities Standards being taken forward by the National Police Improvement Agency.

It remains unclear how training on race equality and cultural diversity to date has sought to engage with continuing 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 & Search.

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 (the internal grievance procedure which takes place before moving to an Employment Tribunal) and among those lodging claims at Employment Tribunals. Not all of the claims relate to race discrimination per se. These findings echo those reported by the Morris Inquiry (Morris, Burden & Weekes, 2004).

The disciplinary and complaints process has undergone considerable revision and has sought to address some of the recommendations of the Morris Inquiry and the subsequent Taylor Inquiry (Taylor, 2005). New policies, including a new police Standards of Professional Conduct seeking to make the disciplinary and complaints process more transparent, came into effect on 1 December 2008.

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.

There have been many campaigns to increase individual (notably young people’s) awareness of their rights under the law about being stopped and searched. The most notable of these is the ‘Know Your Rights’ campaign initiated by the Association of Police Authorities.

While there are variations in the use of stop and search across the 43 police forces, 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. There has been relatively no change in this figure since 1999, when Black people were 6 times more likely to be stopped and searched than their white counterparts.

Trends in the use of stop and search procedures with Asian groups are evident, with increased use of this power under the Terrorism Act 2000 since shortly after the London bombings.

Stop and search is questionable as an effective method of crime detection. On average only 12% of all stops and searches lead to arrest; not all arrests lead to convictions.

14. Recruitment and retention of minority ethnic staff (recs 64–66)
The number of people from Black and minority ethnic officers joining the police service as Police Community Support Officers (PCSOs) and Special Constables continues to rise. In 2007, those from Black and minority ethnic backgrounds accounted for 11.7% of all PCSOs and 8% (above the target of 7%) of Special Constables.

The police service continues to experience difficulties in recruiting Black and minority ethnic officers. Since 1999, the percentage of minority ethnic officers in the police service has increased from 2% to 3.9%.1 This is below the overall target of 7% set for the service. Almost half of the 43 forces in England and Wales (47%; 20 forces) did not reach their target, set by Home Secretary Jack Straw in 1999. These targets are expected to be scrapped, as recently announced in a police Green Paper despite opposition from key groups representing Black and minority ethnic interests.

Research examining why Black and minority ethnic people want to become PCSOs indicates that, generally, they are attracted by the community focus of the role, they regard it as a way of learning about the police service before making a decision about whether to become officers, and, for others, it represents a way of being protected from concerns about racism, which was seen as pervading the police service.

Research using focus groups to explore the views of Black and minority ethnic groups about a career in the police service found that other occupations were seen to offer better opportunities for promotion and pay, and without such extensive concerns about racism.

Retention and progression of Black and minority ethnic officers is also a problem for the police service. The latest data indicates that the issue with retention is particularly stark for those with between 2 and 5 years of service, when disproportionate numbers of Black and minority ethnic officers leave the service compared with their white colleagues (see Coaker, 2008). Previous reports indicated that the issue was most prevalent among officers within their first 6 months of service (see Jones & Singer, 2008). Jones & Singer reveal that Black and minority ethnicity officers are more likely to have been dismissed or required to resign compared with their white counterparts (8.5% and 1.7% respectively) or to leave following voluntary resignation (46.6% of leavers from Black and minority ethnic backgrounds compared with 25.9% of all white officers leaving the service).

In terms of progression, in total 37% of officers (of all ranks) from Black and minority ethnic backgrounds compared with 55% of white officers have 10 or more years’ experience. This is both due to attempts to improve the recruitment of those from Black and minority ethnic backgrounds

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1 Some reports give this as 4.1%, but this figure includes central office secondments not included in the data for previous years.
meaning that many of these recruits are relatively new to the service and also due to the aforementioned problem of retention of these officers early on in their career. While length of service of Black and minority officers is comparable to white officers at the level of Sergeant and above, their actual number at these higher level ranks remains extremely low.

A review published by Home Office Minister Vernon Coaker (Coaker, 2008) has assured that there will be a Ministerial Steering Group to oversee his recommendations for garnering improvement in the recruitment, retention and progression of Black and minority ethnic officers.

Section IV. Conclusion
The task of collating evidence for this review has been enormous. Over the last decade, numerous initiatives, policies and guidance documents have been published, each aimed at improving performance in some way across and within the criminal justice system. However, in light of the continued failings by the police service in relation to Black and minority ethnic recruitment in general and the disproportionate number of Black people to be found in the annual statistics on stop and search in particular, it is difficult to conclude that the charge of institutional racism no longer applies.

In response to this we have identified five key areas that warrant further examination:

(i) Crown Prosecution Service. We welcome the detailed attention paid by the CPS to recording and monitoring data related to racist incidents from the moment this information enters their system across all subsequent stages of the prosecution process. 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 their success.

(ii) Racist Incidents. There remains considerable scope for improvement by the police service in relation to how they handle information pertaining to racist incident cases; specifically: in relation to (a) the classification of cases as racist incidents, and (b) the provision of their records of these cases to the CPS. In 2006/07, only 3 police forces provided such data for more than 50% of their cases.

(iii) Accountability. Recommendations and archive materials which have emerged from Public Inquiries need to be maintained with much greater coherence, and consistently made available to the public. This would include such basic procedures as:
   (a) ensuring that all documentation (including that in electronic form) has a date of publication;
   (b) indicating clearly when publications have been withdrawn or updated;
   (c) guaranteeing that, in respect of continuity, openness and efficiency, all significant reviews such as this critical review and others, become an integral part of the Public Inquiry process;
   (d) building on the considerable time, effort and (public) money that goes into Inquiries by ensuring that a detailed, independent follow-up to the recommendations should be carried out some time after the Inquiry Report has been published;
   (e) always setting a deadline by which evidence submitted to a Public Inquiry should be made publicly available.

(iv) Black and minority ethnic communities – recruitment, retention and progression of police officers. 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 can only be regarded as truly effective alongside a detailed surgical examination and understanding of the procedures, practices and culture of what (then) Home Secretary Jack Straw described as a ‘long-established, white-dominated organisation’.

(v) Black and minority ethnic communities – stop and search procedures. Black groups continue to be disproportionately stopped and searched at rates similar to those of 10 years ago. The low percentage of such procedures leading to arrests let alone convictions causes us to conclude that (a) there is little difference between these procedures and the restrictive and discriminatory use of the ‘sus’ laws of the 1970s; and (b) that stop and search procedures as a method of ‘intelligence led’ policing are not an effective use of police time and resources. We recommend that the government should review the use of stop and search as a crime reduction strategy.

In conclusion, having examined the literature and available evidence, we remain unconvinced, despite some small areas of progress and despite the best of intentions, of the effectiveness of such guidance in meeting the overarching recommendation of the Stephen Lawrence Inquiry – to eliminate ‘racist prejudice and disadvantage’ and to demonstrate ‘fairness in all aspects of policing’.
Section I. The Inquiry in Context

Chapter 1. Introduction

The murder of Stephen Lawrence
On 22 April 1993, Stephen Lawrence was killed in an unprovoked racist knife attack by a group of five white youths while waiting for a bus with his friend Duwayne Brooks in Eltham, South London (see also Lawrence, 2006). In describing the severity of his injuries, the Stephen Lawrence Inquiry Report states:

Stephen had been stabbed to a depth of about five inches on both sides of the front of his body to the chest and arm. Both stab wounds severed axillary arteries, and blood must literally have been pumping out of and into his body as he ran up the road to join his friend. (Macpherson, 1999: 1.7)

Following a series of blunders and two failed police investigations, Stephen's parents launched a private prosecution against the prime suspects\(^2\) in September 1994. Three of these suspects were taken to trial in 1996 but the private prosecution failed due to a lack of any 'firm and sustainable evidence', and resulted in the acquittal of the three men (Macpherson, 1999: 2.3). February 1997 saw the end of the Inquest into Stephen's death with the jury concluding that he was 'unlawfully killed by five white youths'. Finally, in July 1997, following persistent campaigning by Mr & Mrs Lawrence, the Home Secretary Jack Straw announced the launch of a Judicial Inquiry under section 49 of the Police Act 1996 to:

... inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes. (Straw, 1997)

The Stephen Lawrence Inquiry
The Stephen Lawrence Inquiry marked a critical watershed in both race relations and policing. Beginning in March 1998, the Inquiry panel held 69 days of public hearings, heard from 88 witnesses and received approximately 100,000 pages of evidence. In concluding the Inquiry Report, Macpherson and his Advisers made, in total, 70 recommendations (summarized below) that were presented to then Home Secretary Jack Straw on 24 February 1999. The Inquiry panel made a number of recommendations for revisions to policy and guidance across, for example, the sectors of education and the criminal justice system.

More recently, the government’s stated commitment to ensuring race equality has been set out in the 2007 Public Service Agreements (PSA) 21 and 24 which specify the expected key priority outcomes for Building more cohesive, empowered and active communities (PSA 21) and Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public (PSA 24) for the period 2008 to 2011 (Her Majesty’s Treasury, 2007a, b). Both PSAs are relevant to this review; however, Indicator 4 of PSA 24 ‘Understanding and addressing race disproportionality at key stages in the CJS’ has particular relevance.

Focus and scope of the literature analysis
The recommendations of the Stephen Lawrence Inquiry, summarized in Table 1, have an extremely wide remit covering, for example, aspects of education, the Crown Prosecution Service, the investigation and review of murder investigations and many areas of English law.

This literature analysis focuses solely on recommendations relating to the criminal justice system. Recommendations 45–47 First Aid Training and 67–70 Prevention and the Role of education are not explored here. However, Gillborn (2008) discusses the broad issue of education and the Stephen Lawrence Inquiry while Rollock (forthcoming 2009) provides a detailed examination of progress in meeting the education recommendations set out in the Stephen Lawrence Inquiry Report. Finally, while Macpherson and his advisers were sensitive to the concerns of minority ethnic communities on the subject of deaths in custody and the potential, if not addressed, to ‘damage the relationship between police and public’, they were clear in stating that an examination of this area was beyond their terms of reference (Macpherson, 1999:

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2 Brothers Neil and Jamie Acourt, Gary Dobson, Luke Knight and David Norris have been widely cited in the media, public and private, as the primary suspects for the murder of Stephen Lawrence.
Deaths in custody as such are not discussed here either.3

Table 1. Summary of the Stephen Lawrence Inquiry Recommendations

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<tr>
<th>Rec no.</th>
<th>Theme</th>
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<td>Definition of racist incidents</td>
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<td>18–22</td>
<td>Police practice and the investigation of racist crime</td>
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<td>64–66</td>
<td>Recruitment and Retention</td>
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<tr>
<td>67–70</td>
<td>Prevention and the role of education</td>
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Organization of the literature analysis

Each chapter begins by listing the relevant Stephen Lawrence Inquiry recommendations. It then goes on to provide an overview of the background to the recommendations before examining the current situation in greater detail.

The review begins in Chapter 2 by describing the sociopolitical context in which the Stephen Lawrence Inquiry Report came to be published, and the events and debates which have informed thinking and policy over the subsequent 10 years. While no specific recommendation relates to institutional racism, it would be remiss not to include some examination of the significant way in which the concept was foregrounded in the Inquiry, and as a result in wider public discourse, and the prominence and indeed controversy that has surrounded the term since. This forms the focus of Chapter 3.

After setting the context in Section I, Section II looks theme by theme at the recommendations of the Macpherson Panel of Advisers.

In Chapter 4, the first set of recommendations examine the need for improved openness and account-ability from the police service and stress the need for increasing the confidence of minority ethnic communities in their attitudes to and dealings with the police service.

The Stephen Lawrence Inquiry drew considerable attention to the ways in which the Lawrence family and Duwayne Brooks (who was with Stephen Lawrence at the time of the murder) were treated by the police and by the Crown Prosecution Service during the course of the investigation and subsequent reviews. Chapters 5, 6 and 7 therefore focus respectively on the way in which racist incidents are understood and defined within the criminal justice system and amongst those organizations working with victims of racist incidents. These chapters examine how such incidents are reported and recorded and how racist crimes are investigated by the police.

Chapter 8 details recommendations proposed in response to the Inquiry’s concern about the poor treatment of the Lawrence family during the police investigation by the Family Liaison Officer. This chapter describes improvements to defining the role and management of these Officers and how police forces have responded to such changes.

Chapter 9 then goes on to examine the recommendations for improvement in the treatment of victims and witnesses of racist crimes. Chapter 10 largely centres on the Crown Prosecution Service and the prosecution of racist crimes.

Section III focuses on police practices, culture and procedures. This stems from the emphasis the Stephen Lawrence Inquiry Report placed on the need for the police service to better understand and engage with minority ethnic communities. Chapter 11 reviews the demand for better ‘racism awareness’ training. Chapter 12 turns the focus onto the employment practices of the police service in relation to the management of complaints both against police officers and those lodged by them in response to internal grievances. Chapter 13 takes on Stop & Search practices, an area of significant and long-standing controversy in relation to Black communities. Finally, Chapter 14 reviews progress on the recruitment, retention and progression of Black and minority ethnic staff.

As well as awarding recognition to the considerable developments made in relation to the Lawrence Inquiry recommendations over the last 10 years, Section IV, the conclusion, concentrates on two central issues to have emerged during the course of the literature review, namely that of government accountability and the relationship between race, power and inequity.

Where possible, direct comment is made about the Metropolitan Police Service – not to single out this force above others, but because many of the recommendations of the Stephen Lawrence Inquiry relate to the MPS specifically.

This analysis of the literature relates to England and Wales, and covers existing publications up to the end of November 2008.

3 Further information about key campaigns, debates and policy on deaths in custody can be obtained from Inquest [http://inquest.gn.apc.org/].
Chapter 2. Sociopolitical Context

The decade since the publication of the Stephen Lawrence Inquiry Report has seen significant and often controversial developments in policing and race equality. What we set out here is an overview of the politics and the policymaking, the sociopolitical context in which the debates and findings presented in this literature review should be understood.

Dividing the chapter into election terms serves as no more than a heuristic device. Policy should be seen as a process rather than an object (Ball, 2008), and here we have been able to just touch on the key movements and shifts in this ongoing, contested procedure.

New Labour’s first election term: May 1997 to May 2001

The election of the Labour party in May 1997 was met by a tide of hope for an egalitarianism that had not been evident under the previous Conservative governments. For example, 1998 saw the introduction of the Crime and Disorder Act which covered the new offences of racially aggravated violence, criminal damage and racial harassment as an explicit recognition that all of Britain’s minority ethnic groups should be protected from such acts under the law (see Chapter 10).

This political re-engagement with an equity discourse was also exemplified through the initial support given by the (new) Home Secretary Jack Straw to the work of the Commission on the Future of Multi-Ethnic Britain (CFMEB, 2000), and in the approach taken by the Stephen Lawrence Inquiry Report, both of which, in essence, encouraged a shift away from debates which focused almost exclusively on the prevention of discrimination to a more proactive focus on what actually needed to be done to promote race equality (Faulkner, 2002; Pilkington, 2008).

This first term was important for its equality legislation, witnessing the introduction, in 2000 for example, of the Human Rights Act (HRA) which incorporated the European Convention on Human Rights (ECHR) into UK law and was informed by broad values such as dignity, equality and respect (see Wildbore, 2006). Amendments to the Race Relations Act 1976 were also introduced in 2000 (see Chapter 1), and as part of their statutory duties under the RR(A)A 2000 public bodies were required to put in place a race equality scheme (or policy) by May 2002 in England, Wales and Northern Ireland, and by November 2002 in Scotland (John, 2006).

Concern for social justice was balanced by a drive to impose a narrower concept of social order. Emphasis on race equality shifted to concern about what members of minority ethnic communities were required to do to be regarded as fully fledged, ‘integrated’ members of British society. An indication of the contradictions inherent in New Labour’s approach was the announcement from (then) Secretary of State for Education and Employment, David Blunkett, on the same day as the publication of the Stephen Lawrence Inquiry Report, of a new commitment on the teaching of citizenship as a way to ‘promote social justice in our communities’ (Blunkett, 1999; Gillborn, 2008). Further, in moves that tended to contradict the social justice agenda, immigration policy continued to be restrictive, with asylum-seekers and particular groups of racialized immigrants being regarded as a threat to the British way of life (Pilkington, 2008; see also Bhavnani, Mirza & Meetoo, 2005).

New Labour’s second election term: June 2001 to May 2005

During May 2001, riots broke out in Oldham. Later, in June and July 2001 respectively, riots also erupted in Burnley and Bradford. The government commissioned reports into these disturbances. The one for Oldham was carried out by David Ritchie, for Burnley by Lord Clarke, and the Bradford Vision report had already been commissioned from Lord Ouseley, who had been asked to report on race and community affairs for the city (John, 2006).

Central to all three publications were concerns about communities divided along racial, faith and cultural lines and a need for better ‘community cohesion’. In general, the government response (notably expressed through the Cantle report) paid little attention to issues of inequality, the role of economic factors, institutional racism and political disenfranchisement, but instead focused on Asian communities (although white groups were also involved in the riots) as the locus of the problem. They found themselves characterized by deviance and criminality, and their purported choice to exclude themselves from mainstream society (Cantle, 2001; Berkeley, 2002; Bourne, 2007).

A few months later, with the tragic attacks on the World Trade Center in New York and the Pentagon in Washington during September 2001, the panicked political gaze was directed to the perceived problems of the ethnic ‘Other’, with the additional perceived threat of ideological incompatibility (namely Islam).

4 The government later distanced itself from the report, following widespread (unfounded) criticism within the media that it advocated a rejection of the use of the term ‘British’.

There’s a new ball game here – with the 2001 riots in Britain and 7/7 [July 2005], the government
has been thrashing about for answers as to how to handle its ethnic minorities. First, with the riots, it blamed the self-separatism of Asian communities for the disaffection between Asians and whites — never acknowledging that successive governments' policies of culturalism, combined with their neglect of the inner cities, had created the enclaves which had turned Asians against whites and vice versa. Thus, the government's thinking this time was not on the lines of 'ethnic disadvantage', as Scarman had it, but of (too much) ethnic advantage, too much 'multiculturalism', not enough integration/assimilation or the much more euphemistic term 'community cohesion'.

And now, after July 7, despite the discovery that the suicide bombers were home-grown and wholly British, the thinking in the UK is to embrace the backward and undoubtedly Islamophobic discourse that is issuing from mainland Europe. Cultural pluralism has gone too far, it threatens our values and our very national safety. A line has to be drawn on difference. Ethnic minorities have now, in the domestic context of the War on Terror, to effectively subsume their cultural heritage to Britishness. (Sivanandan, 2006)

While the Commission on the Future of Multi-Ethnic Britain (CFMEB, 2000) included cohesion as part of the balance with diversity and equality that was necessary to achieve a successful multi-ethnic Britain, community cohesion became the defining policy move of this period. However, there were and continue to be significant difficulties in defining and measuring this new concept (Khan, 2007), and as Berkeley (2002) has argued 'its significance in forging a progressive path towards racial equality and harmony' remains questionable. Yet, as will become apparent, such matters did not deter government thinking or policy development in the area.

In terms of policing, Commander Cressida Dick, then head of the Metropolitan Police Service's Diversity Directorate, re-stoked debates on the police’s relationship with racism by declaring in April 2003, 10 years after Stephen Lawrence’s death, that despite some notable improvements the force was unlikely to ever eliminate institutional racism (Shackle, 2008). This lay the groundwork for the intense political controversy and media attention that was sparked both before and after its broadcast, in October 2003, of the Panorama programme’s documentary ‘The Secret Policeman’, in which reporter Mark Daley went undercover as a police constable in Greater Manchester police force and revealed crude examples of racism amongst a number of officers both there and in two other forces. Initially dismissed by David Blunkett (who by this time was Home Secretary) as ‘a stunt’, the programme led to the resignation or dismissal of a number of officers and police trainers, following an investigation by the Police Complaints Authority and a later investigation into policing in England and Wales by the Commission for Racial Equality (CRE, 2005)

**New Labour's third election term:**

*June 2005 to present*

By now, policy discourse had become marked by a distinct move away from multiculturalism, which was seen to have created divided and fragmented communities, to a need for those (minority) ethnic communities to integrate. The contradictions this posed in light of the findings of the Morris Inquiry into professional conduct and employment matters within the Metropolitan Police Service seemed to be either overlooked or the connection missed altogether. Reporting in December 2004, the inquiry panel found that Black and minority ethnic officers were treated differently from their white colleagues in respect of their conduct (Shackleton, 2008). They were less likely than white officers to be reprimanded for minor incidents, with managers likely to resort to formal rather than informal processes when pursuing action against them compared to their white colleagues. In other words, ‘integration’ was not the issue for these officers; on the contrary, it was how differently they were treated on account of their ethnicity (Morris, 2004).

These findings were given further impetus just 3 months later in March 2005 by the critical findings of the Commission for Racial Equality’s investigation (mentioned above) into the police service. While the investigation team reported significant developments in race equality since the Stephen Lawrence Inquiry, a number of concerns were expressed about how managers handled matters regarding race (CRE, 2005).

Meanwhile the government’s focus continued to be trained on an agenda of integration and cohesion, a perspective that gained easy reinforcement following the attempted London bombings of 21 July 2005, for which three Muslim men were tried.5

October 2005 saw the publication of the final (6th) Annual Report and the disbandment of the Lawrence Steering Group (LSG), which had been set up to oversee the implementation of the recommendations of the Stephen Lawrence Inquiry. The (then) Home Secretary Charles Clarke announced that the LSG would be replaced by a ‘new project based approach’ to dealing with the Race Agenda (Home Office, 2005a).

‘Community cohesion’ continued to play a central role in government policy and spending commit-

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5 Bombings also took place in London on 7 July 2005, killing 56 people, four of whom were suicide bombers.
ments through, for example, the launch in 2006 of the Commission on Integration and Cohesion, with its aim of discovering how local areas can play a role in forging cohesion, and, later, the Government’s Public Service Agreement 21 (HM Treasury, 2007a). This commitment to cohesion has been evident against a political backdrop that has continued to attempt to define the parameters and values of Britishness (Pilkington, 2008). Consistent with this theme, Prime Minister Tony Blair, speaking at a Runnymede-hosted ‘Our Nation’s Future’ lecture, stressed ‘the duty to integrate’ (emphasis added); the need to define ‘our common values’ and the imperative to make ‘it clear that we expect all citizens to conform to them’ (Blair, 2006; for responses see Friedman, 2006; Rollock, 2006).

Following Tony Blair’s resignation in June 2007, and Gordon Brown’s appointment as Prime Minister, the Racial and Religious Hatred Act 2006 was introduced. This Act makes it a criminal offence to use threatening words or behaviour with the intention of provoking hatred against any group of people because of their ‘racial background’ or what they may or may not believe with regard to religion.

A review of discrimination law and equalities, begun in 2006, led to proposals for a Single Equality Bill, which formed part of the government’s legislative timetable for 2009. In advance of a rationalization of the legal framework, the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission merged to form the Equality and Human Rights Commission, with a remit to examine inequalities pertaining to disability, gender, racial equality, age, sexual orientation and religion or belief.

In terms of policing, the Flanagan review, which examined how police practice might be made more efficient, reported in February 2008 (Flanagan, 2008). With an emphasis on reducing bureaucracy for police officers and helping them to make better use of existing resources, one of the key controversial changes which was advocated was a reduction of the amount of information to be recorded, and hence time spent, during stop and account procedures.

To date, this third term of Labour government has been marked by an increasing scrutiny of the police service, and in particular of the Metropolitan Police Service (MPS) following the accidental shooting dead of Jean Charles de Menezes in 2005. The case went to trial in September 2008 amidst a year of high-profile disciplinary claims by a number of high-ranking officers and staff from Black and minority ethnic backgrounds (Appendix I). The Metropolitan Black Police Association reacted by stating that it would actively discourage Black and minority ethnic groups from joining the police service because it is a racist organization. This has led the Metropolitan Police Authority, under its new chair Boris Johnson, to announce a review of attitudes to race and faith within the Metropolitan Police with the aim of publishing it in Spring 2009. Mere days later, and following the controversial resignation of the Metropolitan Police Commissioner Sir Ian Blair, a BBC Panorama documentary – a follow-up to ‘The Secret Policeman’ aired 5 years previously – revealed that racism was still a persistent problem for many Black and minority ethnic police officers across all of the 43 forces, and that a number of forces had not reached their recruitment figures for Black and minority ethnic groups (Panorama, 2008; see also Chapter 14). The programme carried an interview with the country’s only Black Chief Constable Mike Fuller who, despite his having reached this senior role, reflected on the role of racism during his period of service, and declared that Black police had to work twice as hard as their white counterparts.

In response, Home Secretary Jacqui Smith called for a rapid 2-week examination, led by newly appointed Police Minister Vernon Coaker, of the police’s recruitment and progression of Black and minority ethnic officers (Police Information Newsletter, 2008). The review, published on 21 November, summarized existing data regarding the recruitment, retention and progression of minority ethnic officers and staff. Its proposals included many of the changes already proposed in the police Green Paper to address equality and diversity issues across the service. For example, both documents recommend that the setting of national targets for recruitment be rejected in favour of ones set locally, and that implementation of the new Equality standards for policing already in development by the National Police Improvement Agency should go ahead. Improvements to the exit interview process and a good-practice guide to recruitment, retention and progression were also proposed (see Chapter 14 of this review for further details). The Minister recommended establishing a Ministerial Steering Group (to include key police agencies as well as members of the Post Lawrence Project Groups) to oversee the proposals set out in the assessment, with a review of the MSG itself after 6 months.

These internal challenges for the police services took place against a backdrop of ongoing violent knife crime (Sveinsson, 2008) similar to that which took Stephen Lawrence’s life, and increasing public worries about youth involvement in gang-related activity (Alexander, 2008). The need for an effective criminal justice system persists – a system that responds to the needs of victims from all parts of society without the danger of being overshadowed by the police service’s continued struggles with racism, equality and diversity.
Chapter 3. Racism and Institutional Racism

Our crime is living in a country where the justice system supports racist murders against innocent people. The value that this white racist country puts on black lives is evidence as seen since the killing of my son. In my opinion what had happened in the Crown Court last year was staged. It was decided long before we entered the court room what would happen but the judge would not allow the evidence to be presented to the jury. In my opinion what had happened was the way of the judicial system making a clear statement saying to the black community that their lives are worth nothing and the justice system will support any one, any white person who wishes to commit any crime or even murder against a black person, you will be protected, you will be supported by the British system. To the black community your lives are nothing you do not have feelings, you do not have any rights to the law in this country that is only here to protect the white man and his family and not you. (extract from a statement by Doreen Lawrence: Macpherson, 1999: 42:13)

The Inquiry into the death of Stephen Lawrence did much to place the term ‘institutional racism’ at the forefront of awareness and indeed debate within British society (Murji, 2007). In 1998, for example, there were only two uses of the term in the Guardian newspaper compared with 153 instances in 1999 when the Inquiry Report was published, and 63 to date in 2008. There has been extensive academic examination and deconstruction of the way in which the term was defined by Macpherson and his colleagues. This will be visited briefly later in this chapter. In addition, a number of government reviews have, in the years subsequent to the Inquiry, sought to capture how police officers themselves have both understood and reacted to the term. This research is also examined here, but first, we give a brief background to the term and its deployment in relation to policing.

Background

The term ‘institutional racism’, originally conceptualized by Stokely Carmichael and Charles V. Hamilton in the USA in 1967, received its first significant attention in Britain in the report by Lord Scarman on the 1981 Brixton disorders (Scarman, 1981; Grieve & French, 2000; Rattansi, 2007). However, Scarman famously rejected the concept, highlighting instead the ‘racial disadvantage’ of African Caribbean families (later to be addressed through the funding of a variety of groups and projects aimed at particular religious and ethnic groups) and the ‘racial prejudice’ of a few officers:

Racial prejudice does manifest itself occasionally in the behaviour of a few officers on the street. It may be only too easy for some officers, faced with what they must see as the inexorably rising tide of street crime, to lapse into an unthinking assumption that all young black people are potential criminals. (Scarman, 1981:4.63)

In what has since come to be known as the ‘bad apple’ theory, Scarman argued that such prejudice was not evident amongst high-ranking officers and could only be witnessed amongst a minority of officers. Therefore, his recommendations to address this ‘racial prejudice’ centred on identifying and eliminating racist individuals at the recruitment stage and through ongoing training (McGhee, 2005). This concept of racism ignored the institutionalized aspect, which was later to form the centre of the Stephen Lawrence Inquiry.

The Stephen Lawrence Inquiry and institutional racism

The Macpherson panel considered submissions from a number of academics, advocacy groups and individuals as well as taking account of the experiences of Black community groups before attempting to arrive at a definition of institutional racism (e.g. Carmichael, 1967; Bowling, 1999; Macpherson, 1999b: 6.22–6.43; Oakley, 1999). Murji (2007) describes the political challenges faced by the group as they sought to establish a definition that was fair and sufficiently broad to encompass the types of acts which they had evidenced during the course of the Inquiry, and one that was likely to be accepted by all involved. For example, in his statement to the Inquiry, then Police Commissioner Paul Condon, while acknowledging in principle the dangers of institutional racism, was reluctant to accept the term as being usefully applicable to the police service, arguing that ‘labels can cause more problems than they solve’ (Macpherson, 1999b: 6.25). While the eventual definition was subject to intense criticism (see below), the panel remained sensitive to an understanding of the challenges that arriving at any single definition might pose:

We must do our best to express what we mean by those words [pertaining to a definition of institutional racism], although we stress that we will not produce a definition cast in stone, or a final answer to the question. What we hope to do is to set out our standpoint, so that at least our application of the term to the present case can be understood by those who are criticised. (Macpherson, 1999b: 6.6)
After extensive debate they arrived at the definition that is now renowned in the frequency of its citation:

[Institutional racism is] the 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. (Macpherson, 1999b: 6.34)

Speaking on the day of the publication of the Stephen Lawrence Inquiry Report Home Secretary Jack Straw accepted this definition of institutional racism, stating:

That is a new definition of institutional racism, which I accept – and so does the Commissioner [Paul Condon]. The inquiry's assessment is clear and sensible. In my view, any long-established, white-dominated organisation is liable to have procedures, practices and a culture that tend to exclude or to disadvantage non-white people. The police service, in that respect, is little different from other parts of the criminal justice system – or from Government Departments, including the Home Office – and many other institutions. (Straw, 1999)

In making this statement, the Minister to some extent echoed the views of the Metropolitan Police Service's (MPS) Black Police Association (MBPA) who in their submission to the Inquiry described institutional racism as ‘permeating’ the MPS and causing officers to act ‘albeit unconsciously and for the most part unintentionally, and treat others differently solely because of their ethnicity or culture’. The MBPA emphasized the role of the canteen and organizational culture of the police service which ‘given the fact that the majority of police officers are white, tends to be the white experience, the white beliefs, the white values’, resulting in ‘negative views and assumptions about black people’ (Macpherson, 1999b: 6.27–6.28).

In stressing the pervasiveness of this discriminatory occupational culture, the MBPA highlighted how both Black and white officers were consumed by its norms, which influenced their views and perceptions of particular communities.

In the view of the Macpherson panel, institutional racism was evident in the Metropolitan Police Service in relation to:

1. the police investigation & treatment of witnesses in relation to the murder of Stephen Lawrence;
2. a general concern in relation to the policing of the African Caribbean community in Britain in relation to e.g. disproportionate application of stop and search powers;
3. concerns relating to the under-reporting of racist incidents due to lack of trust in police by many members of the African Caribbean community;
4. concerns about the evident lack of police training in racism awareness that emerged in relation to the specific inquiry into the murder and from the various hearings held, for the inquiry, around the country. (McGhee, 2005)

However, institutional racism was not regarded as limited to the Metropolitan Police Service. Other agencies such as those dealing with housing and education were also regarded to be suffering from this ‘corrosive disease’ (Macpherson, 1999b: 6.34, 6.54; Pilkington, 2008) and it is for this reason that some of the recommendations were directed explicitly towards at least one of these sectors (see Introduction; also Rollock, 2009).

Gillborn (2008) has argued that the Macpherson definition builds on existing definitions of institutional racism in two fundamental ways. First, it denounces individual action, behaviour and attitudes, and organizations and agencies whose ‘processes’ serve to disadvantage particular ethnic groups. Second, the definition has advanced debates that have tended to focus on the concept of ‘intent’ by centring instead on the outcomes of actions on the basis that ‘unwitting’ acts are just as problematic as overt racism.

However, as the next section shows, the term was greatly misunderstood by many sections of the media (notably the tabloid press) and police officers, and continues to be subject to intense debate both amongst academics and practitioners.

**Criticisms of and research responses to institutional racism**

The Stephen Lawrence Inquiry Report has been subject to intense criticism over its definition of institutional racism. This criticism has mainly concerned the conflation, by the Inquiry, of individual racism and that which is institutional in nature (Lea, 2000; Stenson & Waddington, 2007) and a failure on the part of the panel to clearly describe the history of institutional racism and to examine the actual mechanisms that contribute to it (Solomos, 1999; for a recent discussion see Khan, 2002). In what has been described as a ‘missed opportunity’ (Sivanandan, 2000; McGhee, 2005), Lea (2005) states that the Inquiry, by its very nature, involved an examination of the actions of individual officers, of ‘how they treated suspects, witnesses, relatives of the victim etc’. These individual officers were subsequently seen as a distinct group guilty of engaging in behaviours not shared by all.
officers. As a result, Lea argues, it becomes difficult to extrapolate individual (or group) action or racism from that which is institutionalized or incompetent.

However, others (e.g. Ignatieff, 2000; Skidelsky, 2000) subject the authors of the Inquiry to vehement criticism for the alleged undue emphasis given to the role of racism and institutional racism. Skidelsky (2000: 2) insists that the main reason for the failure to secure justice was in fact due to ‘gross deficiencies in the police investigation’, which he argues was ‘all too typical of police handling of low-profile crime’. He asserts that the poor service received by Mr & Mrs Lawrence was due to the contributory factor of social class, which was overlooked in the analysis of the investigation. He adds that ‘poor people, or neighbourhoods, get poor service whatever their race’. Others have also argued about the importance of the role of other social constructs such as social class and gender. For example, Anthias (1999) has largely offered a far more nuanced deconstruction than Skidelsky (2000), acknowledging the complex intersection of social class and gender with race and racism as central to an understanding of the muddled trajectory of the investigation. Indeed, Macpherson and his colleagues never actually singled out racism (institutionalized or otherwise) as the single factor in shaping the failed police investigation and subsequent trial, asserting instead that:

The investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers.

(Macpherson, 1999a: 46.1)

Nonetheless, the failure of the Inquiry panel to give clear articulation to the concept of institutional racism led to false and misleading interpretations of the term being the same as conventional overt racism by a large sector of the tabloid press. This form of racism, in turn, was not positioned as multifaceted but simply as the type of extreme, violent racism perpetuated by Far Right groups. It became identified, in the words of McGhee (2005:26), as the domain of a ‘small group of abnormal, excessively racist individuals’ that was embodied or ‘pathologised’ (McLaughlin & Murji, 1999: 377) in the form of the five suspects in the case. Racism, therefore, in any form, was seen to have little to do with the vast majority of the British public who in communal condemnation of the suspects became positioned as well-meaning, liberal and just.

The media’s largely negative interpretation of (institutional) racism had a powerful negative impact on many police officers. Those surveyed and interviewed as part of a key Home Office review published 6 years later were reported to be angry about the label of institutional racism and were similarly confused about the distinction between individual and institutional forms (Foster, Newburn & Souhami, 2005). The researchers uncovered a ‘widespread resentment’ towards the term:

I thought ‘how dare they’. I felt really aggrieved. I still do. I’m still angry about it. (Detective Inspector, Site 7)

When all of this was going on …you’d go to the pub and they’d say ‘I read the paper today, and you are an institutional racist.’ And if they think that, then what are the public thinking? (Site 5; cited in Foster et al., 2005: 25)

The researchers found a significant reduction in the use of racist language at all but one of the sites surveyed in their research project. This reduction was seen to be as a result of the threat of potential disciplinary proceedings and of the ongoing surveillance and threat of reprimand from senior officers. However, as indicated elsewhere in this review, such developments were not evident in the general continued use of misogynistic and homophobic language.

Arguably, the limited definition posited by the Inquiry has also led to an institutionalization of anti-racism with an unhelpful focus on ‘solutions’ that centre on ‘staff competences’ and ‘development’ (Sivanandan, 2000), married with a distinct lack of understanding of how institutional racism is differently ‘played out’ in different contexts. Lea (2000: 221) argues that any bid to progress from these shortcomings would require a better understanding of the ‘patterns of behaviour’ that lead to particular patterns of institutional operation.

Discussion

The prominence given to the term institutional racism as a result of the Stephen Lawrence Inquiry Report has not been without some controversy. While Macpherson and his Advisers were keen, even after having reviewed a considerable body of submissions on the topic, to point to the impossibility of ever establishing a definitive definition, such caution was largely overlooked by their critics. The definition was criticized for being too narrow and for not sufficiently differentiating between individual and institutional acts of racism as they pertained to the failed police investigations surrounding Stephen Lawrence’s murder. However, the Inquiry panel through their definition did much to highlight the fact that greater attention needed to be paid to institutional processes and the way they disadvantaged particular ethnic groups. They also acknowledged that a greater focus should be applied to achieving equitable outcomes for ethnic groups rather than a preoccupation with establishing the intent to commit a racist act.
Section II. The Inquiry’s Recommendations Theme by Theme

Chapter 4. Openness, Accountability and the Restoration of Confidence

Introduction
This section relating to ‘openness, accountability and the restoration of confidence’ differs in layout to later chapters. This is because the recommendations set out here encompass a number of areas within the criminal justice system rather than a single overarching theme as with the Victims and Witness (Chapter 8) or Stop and Search procedures (Chapter 13) for example. To guide the reader each Lawrence Inquiry recommendation is followed by a notation (contained within square brackets in the recommendations table) that either indicates where further information can be found or highlights a subheading within which the recommendation is discussed in more detail.

The first of the Stephen Lawrence Inquiry’s recommendations is the request that a Ministerial Priority be established for all Police Services to increase trust and confidence in policing amongst minority ethnic communities. By placing this Priority first, Macpherson and his Advisers were setting the tone and context within which the following 69 recommendations should be understood.

Using his powers under section 37 of the Police Act 1996,6 Home Secretary Jack Straw accepted this recommendation in full as indicated in The Police (Secretary of State’s Objectives) (No. 3) Order 1999 (HMSO, 1999). This was later revoked by John Denham in 2002 to be replaced by a Priority for all police authorities and the Metropolitan Police Authority to:

Reduce the fear of crime in all sections of the community and in particular to increase the trust and confidence in policing amongst minority ethnic communities. (HMSO, 2002)

Stephen Lawrence Inquiry Report recommendation 1
1. That a Ministerial Priority be established for all Police Services: ‘To increase trust and confidence in policing amongst minority ethnic communities’. [Ministerial Priority] (Macpherson, 1999)

This in turn (along with other Priorities set at the time) was entirely revoked as of 1 April 2003 (HMSO, 2003). However, the National Policing Plan published in 2004, which sets out the framework for policing for 2005/8, incorporated the Lawrence Inquiry Ministerial Priority within the key priorities of (then) Home Secretary David Blunkett. The aim was to:

... provide a citizen-focused police service which responds to the needs of communities and individuals, especially victims and witnesses, and inspires public confidence in the police, particularly among minority ethnic communities. (Home Office, 2004: 1)

It might be argued that by being increasingly subsumed within other commitments, the Lawrence Inquiry Ministerial Priority lost some of its rigour over time. For example, the impact of the semantic shift from ‘increases confidence’ to ‘inspires confidence’ might be regarded as minor but in fact it poses important questions about how ‘inspiration’ is assessed.

Various strategies were introduced to address the practical application of this Ministerial Priority. Foster, Newburn & Souhami (2005) explain that a key response was the introduction of Community Concern Assessments, which were completed by Senior Investigating Officers (SIOs) in consultation with the Borough Commander within 4 hours of a murder being discovered.

Gold groups were established for particularly sensitive or high-profile cases, in which independent advisers, the SIO, the local Borough Commander and an officer from the Association of Chief Police Officers (ACPO) discussed investigative strategies and how best to ensure community concerns were addressed.

In addition, the Racial & Violent Crime
Task Force (RVCTF), led by Deputy Assistant Commissioner John Grieve, established a lay advisory group known as the Independent Advisory Group (IAG) to lend an independent and critical steer to the work of the MPS via the RVCTF. Specifically, its aims were to advise and make recommendations on:

- Reviewing and improving the investigation and prevention of racist crime;
- Creating an anti-racist police service;
- The handling and resolution of critical incidents;
- Improving the trust and confidence of London’s diverse communities in their police service;
- Any other aspect of the policing of London which impacts on minority ethnic communities. (Metropolitan Police Service – Independent Advisory Group, 2000)

Foster et al. (2005) found that despite the perceived benefits of IAGs, analysis of murder review cases revealed that although community impact assessments were undertaken, they were not always updated or continuously reviewed, and tended to be viewed as a one-off document instead. In addition, use of independent advisers was found to vary, and their expertise was not always considered central to understanding the needs of minority ethnic communities during murder investigations. More recently, the Diversity and Citizenship Focus Directorate of the Metropolitan Police Service has been conducting a review of IAGs which encompasses an examination of members’ recruitment, remit, governance and vetting. The recommendations emerging from this review will form part of the standard operating procedures for advisory groups that will ‘govern and inform the MPS approach and relationship with independent advice’ (HMIC, 2008a).

As mentioned at the start of this chapter, most of the recommendations listed here summarize the topics addressed by other Lawrence Inquiry recommendations and as such will be discussed at length in the relevant chapter. Further, the extent to which the ‘overall aim’ has been met will be explored as part of the conclusions.

However, it is worth considering here data from the Police Performance and Assessment Framework (PPAF) data relating to the satisfaction of minority ethnic groups compared with white groups for 2006/07 which begins to address Recommendation 2.5. In comparing the satisfaction of minority ethnic users of the police service (including the handling of racist incidents) 74.9% of minority ethnic groups were satisfied with the service compared with 80% of white users. This represents an increase in disparity by 1 percentage point in 2006/07 compared to 2005/06 data and suggests more work needs to be done to meet this Lawrence recommendation.

Interestingly, this data can be disaggregated by police force (Figure 1). The PPAF guidance states that the aim of such data is not to place forces in a hierarchy but simply to gain a general indicative picture of a force’s progress on any measure compared with its peers. Nonetheless, such information does provide some indication of overarching patterns in relation to any given area of assessment.

As Figure 1 shows, each force can receive one of four assessment ratings (poor, fair, good or excellent) based on its performance in comparison to its peers (i.e. forces with similar
characteristics) in the first year of assessment in 2004/05. A force’s performance is also judged in comparison to the previous year and therefore can be considered to be stable, to have improved or deteriorated. For example, Hampshire received a ‘poor’ rating in terms of comparative minority ethnic satisfaction but this was seen as ‘stable’ or having stayed the same as the rating it received the previous year.

Figure 1 shows that of the 43 police forces in 2006/07, 42% (18 forces) were rated ‘poor’ in relation to the comparative satisfaction of minority ethnic groups, and of those a further 55% (10 forces) had deteriorated in their performance compared to the previous year. Of the 12 forces rated as ‘good/excellent’, three (Gloucestershire, Humberside, South Yorkshire) had improved from the previous year.

Stephen Lawrence Inquiry Report recommendations 3 to 11
Recommendations 3 to 11 are considered individually within sections denoted by the bold text in the list box on page 17.

**Inspection powers of Her Majesty’s Inspectorate of Constabulary – recommendation 3**

Recommendation 3 – That Her Majesty’s Inspectors of Constabulary (HMIC) be granted full and unfettered powers and duties to inspect all parts of Police Services including the Metropolitan Police Service.

HMIC is an independent body responsible for examining and improving the efficiency of the Police Service in England and Wales. Inspectors (HMsIs) inspect and assess each of the 44 forces in England, Wales and Northern Ireland.

Inspectors are appointed by the Crown, following the recommendation of the Home Secretary, and report to Her Majesty’s Chief Inspector of Constabulary (HMCIC). The HMCIC is the Home Secretary’s principal policing adviser but remains independent of the Home Office and of the Police Service. Traditionally Inspectors were selected from the ranks of the most senior officers serving in the provincial forces and the

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**Figure 1. Comparative satisfaction of minority ethnic groups (by percentage of police forces) 2006/07**

- **“Poor” police forces:**
  - Bedfordshire
  - Cambridgeshire
  - Derbyshire
  - Dorset
  - Greater Manchester
  - Humberside
  - Greater Manchester
  - Lancashire
  - Merseyside
  - Metropolitan Police
  - North Wales
  - Northamptonshire
  - Nottinghamshire
  - Staffordshire
  - Surrey
  - Thames Valley
  - West Mercia
  - West Midlands
  - West Yorkshire

- **“Not assessed police forces”:**
  - City of London
  - Cumbria
  - Devon & Cornwall
  - Durham
  - Dyfed Powys
  - Gwent
  - Norfolk

- **“Good/excellent” police forces:**
  - Avon & Somerset
  - Cheshire
  - Essex
  - Gloucestershire
  - Hampshire
  - Humberside
  - Kent
  - Leicestershire
  - North Yorkshire
  - Northumbria
  - South Wales
  - South Yorkshire

- **“Fair” police forces:**
  - Cleveland
  - Lincolnshire
  - Suffolk
  - Sussex

- **Direction of travel:**
  - Not assessed: Forces with a confidence interval greater than 10% on the difference in satisfaction are not assessed
  - Poor: Deteriorated
  - Good/excellent: Improved
  - Fair: Stable

Stephen Lawrence Inquiry Report recommendations 3 to 11

3. That Her Majesty’s Inspectors of Constabulary (HMIC) be granted full and unfettered powers and duties to inspect all parts of Police Services including the Metropolitan Police Service. [Inspection powers of HMIC]

4. That in order to restore public confidence an inspection by HMIC of the Metropolitan Police Service be conducted forthwith. The inspection to include examination of current undetected HOLMES based murders and Reviews into such cases. [HMIC inspection of the Metropolitan Police Service]

5. That principles and standards similar to those of the Office for Standards in Education (OFSTED) be applied to inspections of Police Services, in order to improve standards of achievement and quality of policing through regular inspection, public reporting, and informed independent advice. [Principles and standards applied to inspections of Police Services]

6. That proposals as to the formation of the Metropolitan Police Authority be reconsidered, with a view to bringing its functions and powers fully into line with those which apply to other Police Services, including the power to appoint all Chief Officers of the Metropolitan Police Service. [Formation of the Metropolitan Police Authority]

7. That the Home Secretary and Police Authorities should seek to ensure that the membership of police authorities reflects so far as possible the cultural and ethnic mix of the communities which those authorities serve. [Membership of police authorities]

8. That HMIC shall be empowered to recruit and to use lay inspectors in order to conduct examination and inspection of Police Services particularly in connection with performance in the area of investigation of racist crime. [Recruitment and use of lay inspectors within Her Majesty’s Inspectors of Constabulary]

9. That a Freedom of Information Act should apply to all areas of policing, both operational and administrative, subject only to the ‘substantial harm’ test for withholding disclosure. [Freedom of Information Act]

10. That Investigating Officers’ reports resulting from public complaints should not attract Public Interest Immunity as a class. They should be disclosed to complainants, subject only to the ‘substantial harm’ test for withholding disclosure. [Public Interest Immunity and police complaints]

11. That the full force of the Race Relations legislation should apply to all police officers, and that Chief Officers of Police should be made vicariously liable for the acts and omissions of their officers relevant to that legislation. [Race relations legislation and the police service]

Metropolitan Police Service. In a bid to ensure continued openness, objectivity and independence one HMI with responsibility for inspecting police personnel, training and diversity is selected from a non-police background [recommendation 8] (HMIC, 2008b). In the publication Winning the Race: Embracing Diversity (HMIC, 2000), the most recent of three key inspection reports on Community Race Relations, it was announced that HMIC had appointed two non-police Assistant Inspectors of Constabulary ‘from visible ethnic minorities’ to support HMIs in their work around CRR. While this goes some way to supporting recommendation 8, this situation had changed by 2004 to just one appointment:

In HMIC we have a clear focus on race and diversity; on our staff we have an Assistant Inspector … who majors in this area … We have Race Equality Schemes, and the police service attestation to monitor and diversity, both inside forces, and in communities, firmly fixed in our inspection methodology. My colleagues – the four regional HMIs – discuss mandatory personal diversity objectives with each chief constable. And within HMIC we have our own RES, our own Diversity Strategy, and we are looking to make the Inspectorate more representative of the service we serve, and held to account for its efficiency and effectiveness. You will see me and my own team regularly wearing this badge: Respect for Diversity. (Field-Smith, 2004)

At the time of writing, there are no Assistant Inspectors supporting the HMIC on race matters and it remains unclear whether the posts are likely to be reinstated.

Her Majesty’s Inspectorate of Constabulary (HMIC) inspection of the Metropolitan Police Service (MPS) – recommendation 4

Recommendation 4 – That in order to restore public confidence an inspection by HMIC of the Metropolitan Police Service be conducted forthwith. The inspection to include examination of current undetected HOLMES based murders and Reviews into such cases.

Following recommendation 4 of the Stephen Lawrence Inquiry, the Home Secretary Jack Straw directed HMIC to carry out an inspection of murder investigations and community race relations

9 The publications are: HMIC (1997) Winning the race; HMIC (1999) Winning the race revisited; HMIC (2000) Winning the race: Embracing Diversity. They are commonly referred to as Winning the race I, II and III respectively.

As part of this inspection and in what was regarded by the then Inspectors of Constabulary as an unprecedented level of scrutiny compared with the experiences of other police forces in England and Wales, the Metropolitan Police Service (MPS) was subject to an intensive 6-month examination of its strategies, policies and practices in relation to murder investigation and community and race relations. The inspection included, but was not limited to, the following areas:

- **Community and Race Relations:**
  - consultation and partnership with the wider community service delivery to minority ethnic communities and race relations training
  - recruitment and retention
  - self-inspection

- **Murder Investigation:**
  - attitudes and approaches to murder investigation communications with the Crown Prosecution Service

Many of these areas relate to separate Stephen Lawrence Inquiry recommendations and therefore will be considered within those chapters of this review. Discussion here merely summarizes the findings in relation to each of the above areas.

The Crime and Disorder Act 1998 and the Police Act 1996 placed a legal responsibility on the police to consult both statutory and non-statutory partners and the wider community; including sections of society with whom relations might be difficult or occur infrequently. The Inspectors found that, in terms of relationships with the wider community, there were a number of statutory consultation mechanisms in place within the MPS but their effectiveness varied. They advised that further work was required to ensure that feedback from communities was used to inform the planning process at strategic and local level. HMIIs considered service delivery to minority ethnic communities to be extremely important, arguing that:

> … it is the ultimate arbiter and assessment of success; it is key to restoring and maintaining trust and confidence. It is what communities see and experience that is the definitive, qualitative measure. However laudable and innovative other initiatives may prove in discrete but important areas such as training, it is the victim of racism or the person ‘stopped’ who will measure any beneficial change. (Home Office & HMIC, 2000: 7)

The Metropolitan Police Service was commended for its efforts, energy and leadership commitment in improving services to minority ethnic communities, most notably in relation to the work of its Racial and Violent Crime Task Force and Community Safety Units (CSUs), the latter of which had been set up in June 1999 in direct response to the Lawrence Inquiry (see Chapter 6). However, HMIIs reported that a gap persisted between the understanding and commitment of these specialist workforces and other, non-specialist police officers who did not fully grasp the reasons for such tailored group-specific provision. As also documented several years later by Docking & Tuffin (2005), HMIIs found that non-specialist police officers tended to perceive targeted provision for minority ethnic groups as special treatment, believing that it would only serve to fuel prejudice and ill-feeling amongst the wider community. In response, HMIIs argued that the MPS should advance a thorough programme of Community Race Relations (CRR) training on the basis that:

> Until officers and staff understand the impact of hate crime because of skin colour or cultural difference, securing the appropriate initial response to victims will remain an unfulfilled challenge. (Home Office & HMIC, 2000: 6)

However, CRR training provision in the MPS was itself found to lack direction and leadership (for details see Chapter 11).

Commitment to improving the recruitment and retention of Black and minority ethnic staff was found, during the inspection, to be piecemeal and lacking in strategic direction. This was despite an overarching concern by the MPS to address the low figures. HMIIs were, in particular, critical of recruitment procedures which were judged to be subject to unclear and inconsistent practice across the service (see Chapter 14).

ACPO published a manual in September 1998 providing guidance to police forces about the ways in which they should conduct murder investigations...
and how they ought to tackle unsolved cases. In relation to murder investigation, between 1989 and 1998 the average murder detection rate for the MPS stood at 84% compared to a national average of 92%. Following inspection, HMIIs felt there were a number of areas which would benefit from improvement and, as a result, facilitate an increase in detection rate. For example, after the publication of the Stephen Lawrence Inquiry Report, an additional 156 officers were posted to the five Area Murder Investigation Pools (AMIPs) within the MPS. However, this transition was not accompanied by a business plan. In addition, further work was also channelled into the AMIPs’ already heavy workload. Inspectors felt that the efficiency of the AMIPs would be increased by the allocation of more staff, which was already part of the MPS’s plans, through the better delegation of resources to murder investigation and by increasing the priority given to the investigation of the offence of murder within the MPS.

The inspection also revealed the lack of clear lines of communication, accountability and command during murder investigations with inconsistencies also evident in the service level agreements within each of the five AMIPs. On a more positive note, despite being under-staffed and poorly resourced, staff commitment to their roles drew approving comments from inspectors.

HMIIs advised that all MPS staff and officers should, as a matter of urgency, understand that murder investigations should be treated as a priority. They also stressed the importance of a coherent AMIP-wide approach to service level agreements to minimize variations in service delivery. Finally, recommendations were also made in relation to the use of and support given to forensic science teams and the need to liaise with the CPS in a more rigorous and structured manner at the early stages of a murder investigation.

**Recommendation 4** – ‘... the inspection to include examination of current undetected HOLMES based murders and Reviews into such cases.’

HOLMES (Home Office Large Major Enquiry System) is a computerized database in which officers record all information (including actions and decisions taken) relating to murder investigations. It received attention during the Stephen Lawrence Inquiry because key police officers had not been trained on HOLMES and yet others did not use it effectively (see Macpherson, 1999: 14.5 and 16.11). However, Innes (1999:7) critiques the attention given to its use, arguing that the Macpherson panel members were not sufficiently sensitive to the ‘systemic problems’ which the database presented. For example, he maintains that the system can become easily flooded with too much information, therefore dampening the effectiveness of even the most efficient investigators.

As well as carrying out investigations into murders, police are expected to conduct reviews of those murders which have not been solved. ACPO’s Crime Committee issued guidance on conducting such reviews in November 1989. A later document, issued in October 1998, sought to encourage greater consistency across forces nationally; it therefore clearly set out the purpose and benefits of carrying out formal reviews of investigations. This policy, effective from March 1999, specified periods at which reviews of undetected murders should take place:

Every undetected murder should be reviewed, by officers outside the investigation team, 28 days following the commission of the offence. That is unless an arrest is imminent. A further review should take place after six months have passed and then two years following the offence and every two years after that. (ACPO Crime Committee 1998; cited in Home Office & HMIC, 2000)

In response to the ACPO policy and evident at the time of the HMIC Policing London inspection, the MPS had introduced three Area Murder Review Units (AMRUs). However, despite the commendable ‘enthusiasm and energy’ of its staff, inspectors found that review teams were not always operating to full effect. They did not, for example, consistently provide feedback regarding new lines of inquiry to senior investigating officers (SIOs); identify areas for improvement nor make sufficient use of or track the information provided in the HOLMES database. Therefore, included in their 41 recommendations following the Policing London inspection, HMIIs advised that:

- The MPS should revise its current low staffing levels so that HOLMES could be used to full effect. Reviews should be individually commissioned by a chief officer, in accordance with ACPO guidelines to ensure that each review takes full account of the specifics of each murder case. Forensic Science Service specialists be normally included as part of a murder review team. Consideration be given, where appropriate, to the appointment of a review team from outside the MPS, in line with ACPO guidelines.

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11 This particular manual was unavailable from ACPO as it is frequently replaced by newer versions, the most recent being ACPO (2006).
In the most recent HMIC major crime inspection report inspectors’ main concerns regarding HOLMES centred on the ‘limited interoperability’ between significant databases used for investigated serious crime and the bureaucracy in terms of accessing and using various MPS data systems (HMIC, 2008a). The same inspection found that the MPS has a ‘highly effective’, ‘comprehensive case review policy’ which ensures that major crime cases are reviewed in accordance with ACPO guidance. It found that the specialist crime review group established in April 1999 now has a wider remit with workloads controlled via a departmental tasking process.

**Principles and standards applied to inspections of Police Services – recommendation 5**

**Recommendation 5** – That principles and standards similar to those of the Office for Standards in Education (OFSTED) be applied to inspections of Police Services, in order to improve standards of achievement and quality of policing through regular inspection, public reporting, and informed independent advice.

Recommendation 5 states that the inspection process for the police service should be informed by principles and standards similar to those employed by Ofsted. While Ofsted has latterly received its own criticisms in relation to its performance on race equality matters and been required to revisit its own commitment to the area (e.g. Osler & Morrison, 2000; Gillborn, 2008; Rollock, forthcoming 2009), Macpherson and his Advisers were supportive of the broad standards to which Ofsted expected to adhere. However, the formal HMIC inspection process requires that inspectors carry out detailed examinations of those areas of policing organization and practice deemed central to the ‘efficient and effective discharge of the policing function’ (HMIC, 2008b: 7). HMIs evaluated the extent to which each force achieves the best results with the resources available to them and whether those results are the right ones. Inspections are guided by:

- The Government’s Public Service Agreement performance targets for policing
- The objectives set locally by police authorities and the Northern Ireland Policing Board
- Other priorities determined in consultation with the Home Office
- Issues determined by HMIs, based on trends identified during the inspection process.

**Forms of inspection and assessment:**

Inspections are conducted openly and the recommendations of the HMIs are arrived at independently. HMIs’ reports are normally published and placed on (the HMIC) website, and good practice is garnered and disseminated. (HMIC, 2008b: 5)

There are many forms of inspection, and their type, frequency, duration and priority are determined by HMIC. Until 31 March 2006, HMIs carried out baseline assessments of each force every 3 years. These assessments helped them to monitor change in each police force against a performance baseline, meaning that the performance of different police forces could be compared and assessed across a range of core policing functions and activities. Until the aforementioned date, these assessments took place under the following headings:

- Citizen focus
- Reducing crime
- Investigating crime
- Promoting safety
- Providing assistance
- Resource use
- Leadership and direction

As mentioned previously, achievement in each area could be rated as ‘excellent’, ‘good’, ‘fair’ or ‘poor’, and could be identified as having ‘improved’, ‘deteriorated’ or remained ‘stable’. Since 1 April 2006, rather than conducting frequent, in-depth inspections covering wide aspects of policing across each force, HMIC now focuses on ‘concentrating its resources on key areas of risk’ through fewer but more in-depth inspections (Inspectorate website, last accessed 16 September 2008) although if a force presents with particular challenges or if HMIC has been instructed by the Home Secretary, it may undergo a full force inspection. Evidence gathered under these new ‘Programmed Inspections’, is verified and then assessed against an agreed set of national standards known as Specific Grading Criteria (SGC). Programmed Inspections cover the areas of Neighbourhood Policing/Citizen Focus; Performance Management; Protecting Vulnerable Persons; and Major Crime. HMIC documentation stresses that the main objective of inspections is not to make judgements per se about any particular force but to ‘drive improvements in policing’. It advises against a focus on what it describes as the ‘headline grades’ and requests that attention be focused on opportunities for improvement [recommendation 5].
**Formation of the Metropolitan Police Authority (MPA) – recommendation 6; and Membership of police authorities – recommendation 7**

**Recommendation 6** – That proposals as to the formation of the Metropolitan Police Authority be reconsidered, with a view to bringing its functions and powers fully into line with those which apply to other Police Services, including the power to appoint all Chief Officers of the Metropolitan Police Service.

**Recommendation 7** – That the Home Secretary and Police Authorities should seek to ensure that the membership of police authorities reflects so far as possible the cultural and ethnic mix of the communities which those authorities serve.

The Association of Police Authorities was set up on 1 April 1997 to represent police authorities in England, Wales and Northern Ireland, both in a local and national context. It influences policy on policing and supports individual police authorities in their local role. Most police authorities comprise 17 members, 9 of whom are local councillors appointed by the local council; 5 are independent members appointed following advertisement and the remaining 3 are magistrates from the local area.

Following the Greater London Authority (GLA) Act 1999 section 310, the Metropolitan Police Authority (established in July 2000) comprises 23 members on account of London’s size. Its membership changed on 1 October 2008 when the Mayor of London became chairman of the MPA. The Deputy Mayor for Policing was appointed to the role of vice chairman. The Authority comprises 12 London Assembly members (including the chair and vice-chair) who are appointed by the Mayor of London and 11 independent members, of whom at least one must be a magistrate and one of whom is appointed by the Home Secretary. Membership lasts 4 years. Each member is linked with at least one borough in order to maintain a London-wide overview of policing issues.

The second part of recommendation 6 has not been upheld. Under the GLA Act 1999, the appointment of the Chief Officer (referred to as the Commissioner for the Metropolitan Police Service) is made by Her Majesty following recommendation of the Secretary of State. The Secretary of State takes into account recommendations made to him/her by the Metropolitan Police Authority and the Mayor of London.

(5) Before recommending to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis, the Secretary of State shall have regard to –

(a) any recommendations made to him by the Metropolitan Police Authority; and

(b) any representations made to him by the Mayor of London.

(6) Any functions exercisable by the Mayor of London under subsection (5) may only be exercised by him personally.

(Greater London Authority Act 1999, s.315)

As of November 2007, 8.5% of all police authority members were from Black and minority ethnic backgrounds and 30.7% were women.

**Freedom of Information Act – recommendation 9**

**Recommendation 9** – That a Freedom of Information Act should apply to all areas of policing, both operational and administrative, subject only to the ‘substantial harm’ test for withholding disclosure.

The White paper ‘Your Right to Know’, published in 1997, promised a presumption in favour of openness and the general public’s legally enforceable right to obtain documents from government and other public authorities (Peele, 2004). However, these bodies can exempt certain aspects of documentary content on the basis that the information might cause ‘substantial harm’ (e.g. relating to matters of national security) – first

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12 At the time of writing, the Commissioner of the Metropolitan Police retired following discussion with the Mayor of London in his new capacity as Chair of the Metropolitan Police Authority. This stimulated great controversy not least because of a number of high profile stories associated with the Commissioner (www.guardian.co.uk/politics/2008/aug/20/ian.blair.profile last accessed 3 October 2008) but also because it was not clear whether the new Chair of the MPA had followed full protocol in encouraging the departure. With regard to the removal of the Commissioner or Deputy Commissioner, the GLA Act 1999 states that:

1. The Metropolitan Police Authority, acting with the approval of the Secretary of State, may call upon the Commissioner of Police of the Metropolis to retire in the interests of efficiency or effectiveness.

2. Before seeking the approval of the Secretary of State under subsection (1), the Metropolitan Police Authority shall give the Commissioner of Police of the Metropolis an opportunity to make representations and shall consider any representations that he makes.

3. Where the Commissioner of Police of the Metropolis is called upon to retire under subsection (1), he shall retire on such date as the Metropolitan Police Authority may specify or on such earlier date as may be agreed upon between him and the Authority.

(Greater London Authority Act 1999, s.318)

introduced in the 1989 Official Secrets Act – if disclosed (Coxall & Robins, 1998). The specifics of these rights were set out in legislation under the Freedom of Information Act 2000 and public authorities were obliged to abide by the Act following a timetable of gradual implementation. The police (and prosecuting bodies) were expected to have submitted their publication scheme by 30 April 2003. Full compliance with the Act was expected to be met by 1 January 2005.

These schemes describe the types of information that the authority publishes, the form in which it is published and details of any changes. The schemes should also indicate which information requires payment or is available at no cost. These schemes, which must be approved by the Information Commissioner, should be subject to regular review (www.yourrights.org.uk last accessed 3 October 2008).

**Police complaints and Public Interest Immunity – recommendation 10**

**Recommendation 10** – That Investigating Officers’ reports resulting from public complaints should not attract Public Interest Immunity as a class.

They should be disclosed to complainants, subject only to the ‘substantial harm’ test for withholding disclosure.

Public Interest Immunity (PII) is a procedure which restricts the disclosure of evidence to other litigants in a case where it is perceived that disclosure would be damaging to the public interest. Investigating officers’ reports are not automatically disclosed but can be accessed on request. In its statutory guidance about the complaints system, the Independent Police Complaints Commission (IPCC; the body responsible for handling complaints against the police) recommends that Investigating Officers (IOs) should conduct their work with the presumption that the reports they produce may be disclosed to the complainant or to the police officer or member of staff at some stage in the investigation (IPCC, 2005). The IPCC advises IOs to carry out risk assessments in the course of gathering evidence about whether information should be contained in the main body of the report that will be disclosed, or in an annex of material that will not be disclosed. This follows s.20 of the Police Reform Act 2002, which states that the non-disclosure of information is necessary ‘on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure’.

**Race Relations legislation and the police service – recommendation 11**

**Recommendation 11** – That the full force of the Race Relations legislation should apply to all police officers, and that Chief Officers of Police should be made vicariously liable for the acts and omissions of their officers relevant to that legislation.

The Race Relations Act 1976 made it unlawful to discriminate on racial grounds in relation to employment, training and education, the provision of goods, facilities and services and certain other specific activities. While the 1976 Act applied to all public authorities including the police, in relation to the aforementioned areas, not all of their functions were covered. The 1976 Act made employers vicariously liable for acts of discrimination by their employees. As police officers are ‘office holders’ rather than employees, the 1976 Act included a specific provision making chief constables vicariously liable for the acts of officers in their force but only in relation to employment discrimination. In posing recommendation 11 the Macpherson panel were challenging the serious gaps in the RRA relating to police powers and liability for discrimination in carrying out police functions, matters that had been raised elsewhere by the Commission for Racial Equality (HMSO, 2000a).

Complying with recommendation 11, the government extended the provisions of the Race Relations Act 1976 under the Race Relations (Amendment) Act 2000 (RR(A)A 2000) to include police and public authority functions not previously covered, making it unlawful for the police to discriminate in carrying out functions such as arrest, stop and search and detention. The RR(A)A 2000 (HMSO, 2000b: 34 s.4) also amended the RRA 1976 to make chief constables vicariously liable for discrimination by their officers in all aspects of police functions.

Going beyond the Macpherson recommendations, responding to an effective campaign by the CRE and various Black and minority ethnic organizations, the government included in the RR(A)A 2000 a duty on public authorities, including Chief Officers and police authorities in carrying out their functions, to have due regard to the need to promote equality of opportunity and good race relations between people of different racial groups and to eliminate racial discrimination (referred to as the ‘general race equality duty’). Specific duties introduced under secondary legislation by the then Home Secretary aim to encourage better and increased adherence to the general duties. Specific duties include publishing a race equality scheme...
with arrangements for assessing and monitoring the impact of policies and functions on race equality, and monitoring workforce matters by ethnic group.

Discussion
The wide sweep of the recommendations in this chapter does not render it particularly straightforward to summarize. However, some general points can be made.

First, although Macpherson and his colleagues attempted, in the Conclusion to the Inquiry Report, to set out the justification for each of the recommendations, this has not always been evident for those listed within this chapter. This makes establishing whether or not a recommendation has been met, and understanding the trajectory of the policy or guidance surrounding the recommendation sometimes challenging. Clearly, summarizing the background for each recommendation is helpful to the reader, especially in the context of historical retrospect. This might be an area for future Public Inquiries to address.

A second observation relates to the maintenance of (notably government) information held in the public domain. For example, it was only following some persistence that a date could be attributed to the data that appears on the Association of Police Authorities’ website pertaining to the ethnicity of its membership. Similarly, where reports have been updated and replaced, as with the ACPO Murder Investigation Manual, this ought to be stated in the most recent available publication. In this way, interested members of the public as well as those inside the profession might be able to establish and better understand the continuity of thought informing policy and official guidance.
Chapter 5. Definition of a Racist Incident

Background
At the time of the Stephen Lawrence Inquiry police forces and many other agencies were using a definition of a ‘racist incident’ that had been advocated by ACPO:

‘A racial incident is any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person.’ (ACPO, 1985)

While the Macpherson panel appreciated that there might be positive support for the continued use of the definition they were persuaded (through the various submissions to the Inquiry and from public meetings) that it presented a source of confusion. The panel were mainly concerned about two key issues.

First, the use of ‘racial’ and ‘racially motivated’ were seen to be inaccurate and confusing, based on an erroneous presumption of different biological races. The panel believed the term ‘racist’ to be a better adjective.

Second, the ACPO definition was seen to place too much weight on the perceptions of officers, thus allowing them scope to underestimate the extent of racist attacks and their impact on victims. As Holdaway (2003: 61) has argued, the ‘success of the ACPO definition depends ultimately on officers’ acceptance of their policy guidelines and other people’s accusations of racial motivations’. In support of this argument, the panel insisted on a revised ‘crisper’ definition (see Recommendation 12) that directed attention to the experience of the victim (see also Bowling, 1998; Macpherson, 1999: 45.16; Khan, 2002).

Current situation
In 1999, the government accepted and adopted the definition proposed in the Stephen Lawrence Inquiry Report for use by the police, the Crown Prosecution Service and other criminal justice agencies (Home Office, 2000, 2005a; Crown Prosecution Service, 2007a; Jones & Singer, 2008). The Home Office Code of Practice for the Reporting and Recording of Racist Incidents specifically emphasizes that the purpose of the new definition is to ensure that investigations of the reported incident fully take account of the possibility of a racist element, and that statistics related to such incidents are collated regularly and uniformly.

In the Home Office review, Foster et al. (2005) found that all forces in their study had adopted the Macpherson panel definition. However, they noted that one site frequently misunderstood the definition, believing it to refer only to incidents where minority ethnic victims were being targeted exclusively; where the racist motivation for the incident was explicit; and there was no other motivating factor. Docking & Tuffin (2005) found in their postal survey that forces and local authorities made good use of the Lawrence Inquiry definition, but in the free text section of the survey discovered that some officers continued to refer to ‘racial incidents’, echoing the previous ACPO terminology. Hall (2008) in work being carried out with HMIC reports similar findings, that officers still do not understand the particular attention and difference in treatment attributable to racist (including more broadly ‘hate’) crime. He also notes that there are persistent problems around the definition and interpretation of such incidents making it difficult to track changes over time.

Challenges and criticisms
The new definition is clearer and more succinct than that previously used by the police service. It is also considerably more victim-focused and encompasses both crimes and non-crimes (Docking & Tuffin, 2005). However, it received a great deal of criticism both at the time of the publication of the Inquiry Report and subsequently.

Chahal (1999), for example, has denounced the definition’s usefulness, claiming that it does nothing to alter how a racist incident is perceived or who is most likely to be the target. He contends that the recommendation that the definition be accepted was ‘politically naïve and doomed to
failure’ for those community groups who had generally accepted and worked within a framework of racism to inform their understanding of racial harassment. The Inquiry definition allows, according to Chahal, too much scope for white people to also claim they have been subject to racist attack or harassment:

For the critics of diversity and anti-racism, the Macpherson definition of a racist incident should be seen as a victory because now white people can claim that they are also the victims not just black and minority ethnic people – even they can see the absurdity in a definition which proposes that anyone can make a complaint about another person and apply a racist label. (Chahal, 1999: 1.6)

Indeed, it was exactly this type of criticism that the definition received in the tabloid press and elsewhere. In a damning attack Skidelsky (2000) lambasts the flexibility that the definition seeks to allow on the part of victims, arguing that it has been stretched so far as to be ‘invulnerable to falsification’. Despite this, he makes no suggestion on how to tackle the problem of the under-reporting of racist incidents even though a Home Office study published a few years earlier estimated that 15% of all incidents against ethnic minorities were motivated by racism (Percy, 1998). He also fails to make any suggestion about how to improve the Macpherson panel definition, insisting instead that ‘the notion that the perception of a fact makes it a fact is a legal and philosophical monstrosity’ (Skidelsky, 2000: 2).

Ignatieff (2000: 22) echoes this sentiment, maintaining that ‘if racism is in the eye of the beholder, we will never be finished with it’. He argues that the definition will simply result in a ‘racializing’ of every incident between the police and ‘the non-white public’, which is to overlook not just the contentious history between the two groups, but to trivialize the racist attacks and harassment experienced by many people from Black and minority ethnic communities. Further, it also patronizes every person from these groups as a time-wasting trouble-maker with nothing better to do than to ‘play the race card’ at every opportunity. This ignores the persistent complexities of racism in the lived experiences of many Black and minority ethnic groups (see also Chahal, 1999).

Anthias (1999) also draws attention to the unhelpfulness of defining racist incidents solely ‘on the perception and articulation of individuals’. While she concedes that it is important to take account of the views and experiences of victims and observers, she emphasizes the importance of also having clear procedures and rules of accounta-
Chapter 6. Reporting and Recording of Racist Incidents and Crimes

Background
Tackling racist attacks and harassment was considered a priority many years before the Stephen Lawrence Inquiry. In 1986, a report by the parliamentary Home Affairs Select Committee, which was endorsed by the Home Office, advised that all constabularies should make addressing this area a priority. This commitment has been repeated in subsequent Home Affairs Select Committees (see Khan, 2002).

During the various public meetings held as part of the Inquiry, the panel became increasingly aware of concerns about the need for better ‘multi-agency partnership’ between, for example, the police, local government, housing and education sectors and probation officers. While they were encouraged by examples of good practice in this area, they ultimately were of the opinion that such cooperation could be substantially improved both in relation to challenging racism but also in terms of the collection, recording and exchange of information between the aforementioned parties (Macpherson, 1999: 45.18–45.19). This would require the effective implementation of the relatively new Crime and Disorder Act 1998 (see s.5–7) which stressed the importance of such communication [recommendation 17].

Current situation
A Code of Practice (the Code) which sets out procedures for the effective reporting and recording of racist incidents was published by the Home Office in 2000 in consultation with other government departments and agencies [recommendation 15]. The Code is applicable to all statutory, voluntary and community groups involved in the ‘multi-agency reporting and recording of racist incidents’ (Home Office, 2000: 3). It also sets out the minimum data requirement for forms used by such agencies for recording racist incidents, since the accurate collation of such statistics is considered helpful to facilitate a better understanding of the changing patterns of events locally and nationally. In addition, improved recording enables the targeted allocation of funds and resources to support victims and may help as a preventative measure in identifying potential tensions. Following the disbandment by the Home Secretary in 2005 of the Stephen Lawrence Steering Group, a Racist Incident Group (RIG) was set up to provide ‘independent scrutiny’ with regard to policy development and local, regional and national delivery in this area. The Strategy and Action Plan for 2006/07 and 2007/08 specifically states that the group will concentrate on the following activities:

- identify gaps and barriers to effective reporting and recording of racist incidents
- examine the process of local and national analysis of racist incidents
- promote the collation, analysis and dissemination of good practice
- assess helpline services and third party reporting
- evaluate access to information and support provided to victims
- identify areas of cross-working with other BME project activity
- develop a programme of regional workshops
- produce a strategy and annual action plan of work identifying priority outcomes and milestones

The Group initially reported on progress on a quarterly basis to the Improving Opportunity, Strengthening Society (IOSS) Strategy Delivery Board at the Home Office which provided an

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Stephen Lawrence Inquiry Report recommendations 15 to 17

REPORTING AND RECORDING OF RACIST INCIDENTS AND CRIMES

15. That Codes of Practice be established by the Home Office, in consultation with Police Services, local Government and relevant agencies, to create a comprehensive system of reporting and recording of all racist incidents and crimes.

16. That all possible steps should be taken by Police Services at local level in consultation with local Government and other agencies and local communities, to encourage the reporting of racist incidents and crimes. This should include:
  - the ability to report at locations other than police stations; and
  - the ability to report 24 hours a day.

17. That there should be close cooperation between Police Services and local Government and other agencies, including in particular Housing and Education Departments, to ensure that all information as to racist incidents and crimes is shared and is readily available to all agencies.
overview of the individual secretariats established by the Home Secretary to promote race equality. As of 1 April 2007, the National Police Improvement Agency (NPIA) took over responsibility from the Home Office for the secretariat of the group. RIG now works alongside the Race, Confidence and Justice Unit and also contributes to the ACPO Hate Crime Group. A Race for Justice Action Plan, launched in November 2006 and supported by an advisory board, also works closely with RIG.

Following the Stephen Lawrence Inquiry, victims have been able to report racist incidents to Community Safety Units (CSUs) within London police forces. Launched in June 1999, CSUs are specialist units charged with tackling racist incidents locally. Foster et al. (2005) found that staff in these units were often experienced at dealing with a range of complex issues related to hate crime overall. Other than at police stations, reports can also be lodged with Race Equality Councils, housing services, local authorities and various third-party agencies such as community organizations and Citizen Advice Bureaux (Isal, 2005; see also Docking & Tuffin, 2005) [recommendation 16].

While the Code acknowledged the need for the provision of 24-hour reporting, it only indicated that local agencies and authorities should give further consideration as to how they might better provide this service. It would seem from a cursory web-search of a selection of such organizations that local Victim Support groups, housing associations and local authorities take the issue of the reporting of racist incidents seriously, offering online reporting facilities and various additional avenues through which reporting can be carried out. This might include, for example, providing additional contact details of partner or specialist organizations. Specific examples of such sites include Stop Hate Now, RaceActionNet, Birmingham Racial Attacks Monitoring Unit and Newham Monitoring Project. Other more innovative reporting sites include supermarkets, fast food restaurants and youth clubs (Docking & Tuffin, 2005). While the authors noted that there was good 24-hour telephone provision at one of the research sites with support offered in a wide range of languages, they mainly found such provision to be limited [recommendation 16].

The Stephen Lawrence Inquiry was an important catalyst for change at many London sites in relation to racist and other hate crimes (Foster et al., 2005). With regard to cross-agency communication [recommendation 17], Docking & Tuffin (2005) report the increased use, since the Inquiry, of multi-agency panels or common monitoring systems as methods of enabling different organizations to work together to tackle racist incidents. Collectively or individually these agencies tend to be involved in a range of activities, which include training, education, monitoring the extent of racist harassment in the locality, and direct work with local schools and pupils to raise the awareness of racism (see also Chahal, 2003). Some CPSs frequently liaise with external groups, keeping one another up-to-date by sharing practice and policy developments through a series of regular cross-departmental meetings (Ebsworth, 2008).

The Code encourages schools to work closely with the police and to advise them of any racist incidents that might be considered a criminal offence (Home Office, 2000: 8). While there appeared to be some evidence of this liaison occurring, some schools seemed reluctant to fully engage with the process due to concerns about damaging their reputation and about labelling children. Evidence has also shown that schools conveyed a lack of understanding about racism and racist incidents and tended to believe that such recording was bureaucratic (Docking & Tuffin, 2005; Ofsted, 2005).

Racist incidents

Two sources of statistics on racist incidents are published annually: (1) incidents recorded by the police in England and Wales; and (2) the British Crime Survey report regarding people’s experiences and perceptions of crime including whether victims of crime perceived the incident to be racially motivated.

Statistics relating to racist incidents (and hate crimes more broadly) tend to vary across police forces. This may be due to a range of reasons: actual differences in the occurrence of these incidents or differing police and voluntary sector strategies to encourage the reporting of racist incidents, for example. Overall, the number of racist incidents recorded by police in England and Wales increased by 3.7% from 59,000 in 2005/06 to 61,000 in 2006/07 (Jones & Singer, 2008). This figure contrasts with the British Crime Survey findings, which report the number of racially motivated incidents in 2006/07 as an estimated 184,000 incidents, an increase of 32.4% from the previous year (Jansson, 2006; Jones & Singer, 2008).

From Figure 2, it can be seen that Cleveland and

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14 A government endorsed website designed to provide information about hate crime (including race and religion) and to offer a means of recording incidents was launched in May 2004. True Vision was initially set up through the coordinated efforts of 23 police forces. The site provides links to individual forces although not directly to the hate crime section of their websites. Speaking at its launch, Home Secretary David Blunkett praised the site as offering the opportunity to ‘make a significant contribution to encouraging victims of hate crime to report to the police’. The online reporting facility was not active when last accessed on 12 October 2008 [www.report-it.org.uk/].
Figure 2. Percentage of change in racist incidents 2005/06 to 2006/07

Source: Jones & Singer (2008)
North Yorkshire reported the greatest decrease in racist incidents between 2005/06 and 2006/07 with the largest increases for the same time period being reported by South Yorkshire (77.1%) and Thames Valley (45.8%). However, these ‘percentage changes’ hide important variations in the actual number of reported racist incidents across police forces. For example, while both the City of London and Gwent recorded increases of approximately 21% in police recording of racist incidents, the number of incidents was actually over four times greater in Gwent for both years (339 incidents in 2005/06; 335 incidents in 2006/07) compared to the City of London (76 incidents in 2005/06; 92 in 2006/07). While, as a whole, it is evident that there have been considerable increases over the two time periods, with roughly half of all forces exceeding the 3.7% average percentage increase for England & Wales (indicated in the graph by the short solid bar towards the centre and above the line) these figures do not reveal whether these increases are actual: for example, relating to specific increases of incidents, increased reporting by victims and other individuals or due to improved police methods of data collection. Nor do they reveal anything of the social landscape of the particular police force which may have contributed to significant changes in the numbers of incidents reported.

Docking & Tuffin (2005) found that the police and other agencies felt that the levels of reporting of racist incidents had increased as a result of the Stephen Lawrence Inquiry and the new definition (see Chapter 5). Where under-reporting was still evident, it was perceived to be due to the fact that the incident had been categorized as minor by the police, because police officers did not understand the definition or thought additional work would be involved once they labelled it as a ‘racist incident’. Docking & Tuffin (2005) also contend that under-reporting may have occurred due to officers’ negative views of particular ethnic groups and their failure to comprehend why a particular episode might be construed as racist. These views gain a troubling coherence in light of results obtained from Foster et al.’s (2005) study. Their findings from both police staff and community groups suggest that a lack of confidence in approaching the police and in their anticipated response, language problems, a perceived lack of support for victims and fear of retribution were, amongst others, common reasons for under-reporting.

Racially aggravated offences

If the racist incident amounts to a criminal act then the perpetrator can be charged with a specific offence (see Chapter 9 for a detailed discussion). There were 42,551 racially or religiously aggravated offences during 2006/07, a 2.6% increase on the previous year. While there was considerable variation in the extent and type of offences committed across police forces, over half of all forces reported an increase in offences. However, this may in part, according to Jones & Singer (2008), be due to the increased use of Penalty Notices for Disorder.15 Nationally most offences (65%) were for harassment, 13% for less serious wounding, 12% criminal damage and 10% common assault.

In 2006/07, 9145 defendant cases were identified as racist incidents, an increase of 23.1% from 2005/06 (Crown Prosecution Service, 2007a; Jones & Singer, 2008). Of these, 84.1% (7694) were prosecuted and the remaining 15.9% (1451) defendant cases were discontinued, dropped or could not be prosecuted because the defendant/witness failed to appear at court. The total number of charges increased by 23.8% from 10,940 in 2005/06 to 13,544 in 2006/07. Of this latter number, 75% (10,179) were prosecuted charges; the remaining 25% (3365) were dropped charges (Crown Prosecution Service, 2007a).

For the last 4 years, the CPS has also been recording statistics on religiously aggravated offences and has reported a 37.2% decrease from the 2005/06 figures in such crimes with 27 defendants received by the system for 2006/07. Of these, 22 were prosecuted (Crown Prosecution Service, 2008).

Discussion

On the issue of reporting and recording racist incidents, this chapter has pointed in particular to the challenges of ascertaining specific reasons why there are such variations between police forces in the percentage of racist incidents reported for any given year. It has been argued that increases over time may be due to improvements in the reporting and recording of these incidents rather than an increase in their occurrence per se. Further work might be carried out to elicit a more detailed understanding of the social trends behind the percentage changes in racist incidents over any given time period. This work might well include an in-depth examination of demographic data alongside a qualitative angle to better explore some of the processes that contribute to fluctuations in reporting and police recording. The views and experiences of local voluntary and community groups would clearly be central to such research.

15 Penalty Notices for Disorder (PND) were introduced under the Criminal Justice and Police Act 2001 (s.1–11) as part of the Fixed Penalty Notice Scheme. They allow the police to issue one-off fines, for more low-level anti-social behaviour such as throwing fireworks or being drunk and disorderly, to anyone over 16 years old. Their aim is to target anti-social behaviour and also reduce police bureaucracy and paperwork. [www.homeoffice.gov.uk/anti-social-behaviour/penalties/penalty-notices/; also www.respect.gov.uk/members/article.aspx?id=7974 (both last accessed 12 October 2008)]
Chapter 7. Police Practice and the Investigation of Racist Crime

Background
As mentioned previously (see recommendation 4, Chapter 4) ACPO published a policy document in 1989 recommending that reviews be carried out on all murders that remain unsolved after 28 days. These reviews facilitated, for example, the opportunity to reflect on, identify and develop possible gaps in the investigative process and the chance to identify and build on good practice. Further guidelines to enhance the conduct of reviews were issued in 1998 by ACPO Crime Committee as part of the Major Incident Room Standard Administrative Procedures (mIRSAP) [recommendation 19].

Current situation
There are a number of government and police documents relating to racist incidents (latterly subsumed within the broader term ‘hate crime’) and murder investigations (see also Chapter 4). In 2005 ACPO published, with the Home Office, ‘Hate Crime: Delivering Quality Service’ in which it sets out guidance to all 44 forces in England, Wales and Northern Ireland for dealing with hate crime. This document was produced largely in recognition of the recommendations of the Stephen Lawrence Inquiry and those of the ‘Winning the Race’ inspection trilogy, in order to better support practice in relation to hate crime. It includes detailed information about different types of hate crime and the legislation to which it is applicable and also describes reporting and recording procedures, the responsibilities of key officers and considerations relating to victims and witnesses.

The Murder Investigation Manual (MIM) to which recommendation 18 refers, has since been updated twice. The most recent edition was published in 2006, some 6 years after the previous version, to take account of changes in legislation and case law as well as of scientific and technological advances [recommendation 18]. It focuses mainly on the role of the Senior Investigating Officer and on strategic issues relating to the investigation of homicide [see recommendation 22]. For example, it describes how best to handle witnesses and the practical

Stephen Lawrence Inquiry Report recommendations 18 to 22

POLICE PRACTICE AND THE INVESTIGATION OF RACIST CRIME

18. That ACPO, in consultation with local Government and other relevant agencies, should review its Good Practice Guide for Police Response to Racial Incidents in the light of this Report and our Recommendations. Consideration should be given to the production by ACPO of a manual or model for such investigation, to complement their current Murder Investigation Manual.

19. That ACPO devise Codes of Practice to govern Reviews of investigations of crime, in order to ensure that such Reviews are open and thorough. Such codes should be consistently used by all Police Services. Consideration should be given to such practice providing for Reviews to be carried out by an external Police Service.

20. That MPS procedures at the scene of incidents be reviewed in order to ensure coordination between uniformed and CID officers and to ensure that senior officers are aware of and fulfil the command responsibilities which their role demands.

21. That the MPS review their procedures for the recording and retention of information in relation to incidents and crimes, to ensure that adequate records are made by individual officers and specialist units in relation to their functions, and that strict rules require the retention of all such records as long as an investigation remains open.

22. That MPS review their internal inspection and accountability processes to ensure that policy directives are observed.
crime found the force to be fully compliant with ACPO standards set out in MIM and procedures relating to major incident rooms. MIM provides detailed guidance on crime scene management including information about the roles of various officers and working with other agencies [recommendation 20].

Recommendation 21 is discussed in relation to recommendation 34 concerning the recognition and inclusion of any evidence of racist motivation, Chapter 9.

Due to concerns about the coherent engagement of all officers with force policies and procedures, Macpherson and his colleagues recommended that the Metropolitan Police Service review their internal inspection and accountability processes [recommendation 22]. Such review processes have been discussed in some detail elsewhere in this report (see Chapter 4). They include, for example, within the MPS the establishment of a specific review unit to ensure adherence to official guidelines concerning murder investigations and reviews. In the most recent HMIC inspection the MPS’s case review policy was found to be ‘comprehensive’ and ‘highly effective’ (HMIC, 2008a). This supports findings by Foster et al. (2005) some 3 years earlier which reported a greater degree of supervision and more rigorous review of investigations, alongside greater leadership by senior officers.

Discussion

In considering the recommendations on police practice and investigations of racist crime, this chapter has taken as its primary source guidance information published by ACPO and HMIC inspection reports. It is important to stress that this literature review relies solely on this type of secondary information rather than on findings from our own fieldwork-based research, which might seek to explore the extent to which this policy has affected practice. With this in mind it can be said that a much more coherent picture of the MPS working strategically, collectively and with adherence to guidelines is conveyed through the most recent 2008 HMIC report of the MPS, compared to the more fragmented scene depicted in its 2000 Policing London report (see Chapter 4 for discussion).

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16 HMIC defines major crime as including ‘any investigation that requires the deployment of a senior investigating officer and specialist assets’ (HMIC, 2008).
Chapter 8.
Family Liaison

Background
Macpherson and his Advisers considered the failings of family liaison during the investigation into the murder of Stephen Lawrence to be ‘one of the saddest and most deplorable aspects of the case’ (Macpherson, 1999: 46.7). They state that Mr & Mrs Lawrence were not dealt with or treated as they should have been; they were patronized and not given the necessary information that related to the investigation. For these reasons, the Inquiry panel made the above recommendations.

Current situation
Family Liaison Officers (FLOs) are expected to act primarily as investigators, managing the day-to-day relationship with the family throughout an investigation, and the Senior Investigating Officers/Senior Identification managers (SIO/SIM) are to ultimately ‘ensure that families are treated appropriately, professionally and with respect to their needs’ (ACPO, 2003):

The appointment of a Family Liaison Officer (FLO) is essential in all homicide investigations, but is critical in cases when the offence may be exacerbated by community tensions, for example, when racism is suspected as a motive. In such cases tensions are likely to be highly charged around those close to the victim and others within the local community. (ACPO, 2006)

However, specific MPS guidance states that FLOs may also be useful in cases where there have not been any fatalities but ‘where there is a need for enhanced police response to the investigative strategy’ (Metropolitan Police Service, 2008a). In appointing each FLO, SIOs should also give consideration to the cultural background or lifestyle of the family seeking, following consultation with the family, to reflect this where possible in the appointment. This is done with a view to facilitating better insight regarding the experiences and mindset of the family. FLOs are expected to be an integral part of the inquiry team and are, according to the ACPO manual, ‘primarily if not exclusively dedicated to the task’ [recommendation 25].

A number of key documents detail the expectations of Family Liaison Officers (FLOs) and the experience and training required of them to enable them to carry out the role successfully (e.g. ACPO, 2003; 2006) [recommendation 26]. For example, the ACPO Family Liaison Strategy Manual sets out in detail the list of personal qualities and knowledge that FLOs should have as well as the skills they are expected to acquire on completion of the relevant FLO training to ACPO standard. Trained FLOs should be able to describe the responsibilities of the family liaison officer (FLO) in relation to the management of intelligence; state the issues to be considered in relation to the identification of the family, including ethnicity, culture and lifestyle diversity; describe the immediate issues to be addressed on first contact with the family; summarize the law and procedures in respect of witness intimidation/harassment; and outline the issues in respect of ethnicity, culture and lifestyle diversity that should be borne in mind when working with the family17 [recommendation 24]. Police forces are expected to follow the procedures and guidelines set out in both the Murder Investigation Manual and the Family Liaison Strategy Manual.

Once appointed, the SIO/SIM works with the FLO to establish a strategy for managing the particular case. This strategy is recorded in the

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17 For a full list see ACPO (2003: 15).
SIO’s policy file and should include:

- Objectives of the strategy
- Selection of FLOs and criteria employed for selection
- Number of FLOs deployed and to whom
- Information released to the family
- Any requests made by the family which have not been acceded to, and the reason for this action
- Any complaints made by the family and the SIO’s action to progress and resolve the matters raised [recommendation 27]
- Decisions concerning involvement of the Victim Support Scheme and other support services
- Use of interviewers
- Involvement of lay advisers
- Exit strategy for the FLO (ACPO, 2006: 213)

FLOs should also maintain a log of when they meet with the family and of related events. ACPO states that the police service should respect the use of support groups or services (referred to by ACPO as ‘interveners’) within the wider community who may be used as a means of communicating with the police. It is advised that involvement with Victim Support and other local support groups, including community groups, should be discussed at an early stage of contact with the family [recommendation 28]. In their assessment of the impact of the Stephen Lawrence Inquiry Foster et al. (2005) found that detectives welcomed moves to enhance record keeping and the training of family liaison officers. More information also tended to be made available to families. However, the researchers did report instances where officers were defensive and unable to appreciate the apprehensions and, on occasions, lack of trust in the police expressed by minority ethnic families. Foster et al. note that:

... this [officer’s anger or defensiveness] was not a helpful starting point and the more ‘demanding’ (i.e. those who challenged police legitimacy, questioned procedures and processes and did not automatically trust the police) a family was perceived to be the more likely they were to be seen as ‘the problem’, just as the Lawrence family were perceived to have been (see Macpherson, 1999), and could end up receiving a poorer level of service even though their needs were greater. (Foster et al., 2005: 76)

FLOs’ skills in respect of their relationships with minority ethnic families were found to vary (Foster et al., 2005).

Discussion
Documented evidence clearly defines the role and experience expected of the family liaison officer. There are clear strategies which set out how the Senior Investigating Officer should appoint, manage and agree the detail of the FLO’s role for each specific case. This strategy should be reviewed as the investigation progresses. While research has indicated that detectives welcome the emphasis on having trained FLOs and a more rigorous recording process, this same research has also revealed a lack of understanding about the particular experiences of minority ethnic families and their wariness at dealing with the police. Further research might be carried out to examine the extent to which understanding and hence engagement with these families has improved in later years. Research may also wish to explore whether recommendation 25 – that FLOs are dedicated ‘primarily if not exclusively’ to a case – is evident in practice and assess improvements to the handling of complaints by family members.
Chapter 9. Victims and Witnesses

Background
The Macpherson panel was highly critical of the way in which Mr & Mrs Lawrence and Duwayne Brooks were treated throughout the course of the investigation (see also Chapter 10 on the Prosecution of Racist Crimes). The Victims’ Charter, first published in 1990, lists 27 standards of service which victims of crime should expect to receive from the criminal justice agencies. However, this charter was later replaced [recommendation 29], under the Domestic Violence, Crime and Victims (DVCV) Act 2004, when it became incumbent on the Home Secretary to produce a Code of Practice (the Code) relating to the level of service victims can expect from each criminal justice agency in England and Wales.

Current status
The Code was published in October 2005 and became law as of April 2006. It details victims’ statutory rights with regard to the services they can expect to receive [recommendation 29] and, in particular, specific timelines by which they can expect certain courses of action (OCJR, 2005). The following agencies are committed to the Code:

- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The Criminal Injuries Compensation Appeals Panel
- The Crown Prosecution Service
- Her Majesty’s Courts Service
- The joint Police/Crown Prosecution Service Witness Care Units
- All police forces for police areas in England and Wales, the British Transport Police and the Ministry of Defence Police
- The Parole Board
- The Prison Service
- The Probation Service
- Youth Offending Teams

In relation to recommendation 30, all victims are entitled, under the Code, to receive information about local support services in their area. This should take place no later than 5 working days after an allegation of criminal conduct. Victims receive a range of support, one feature of which is a ‘Victims of Crime’ leaflet (first published in 1988) to outline their rights, including their right not to have their details passed on to Victim Support (which otherwise happens automatically in situations where there are aggravating factors such as repeat victimization or when the victim has been subjected to hate crime).

Victims who have suffered racially aggravated offences are amongst those considered ‘vulnerable’ (see also the Youth and Criminal Justice Act, 1999). There is a range of guidance to support officers in identifying those who are defined as vulnerable victims so that they can receive appropriate information and support throughout their encounter with the criminal justice system. The guidance to the police service on Vulnerable Witnesses states:

The identification of a vulnerable or intimidated witness at an early stage is of paramount importance. It will assist the witness to give information to the investigating officer and later to the court, and also the investigation, improving the process of evidence gathering. It is, therefore, likely to emphasize the likelihood of fair and equitable trials. It can also help to ensure that the witness has been adequately supported to give evidence. (Home Office, 2006a)

Even though the Crown Prosecution Service is liable under the Code, it has also published its own guidance for supporting victims and witnesses as part of its Prosecution Policy. For example, some witnesses or victims (e.g. children under 17 years; adults considered vulnerable due to a learning disability for example) may be eligible for ‘special measures’ to help them give evidence in a manner which incurs minimal stress.
This might involve providing evidence through a previously recorded statement or using a live television link. A report by Hamlyn, Phelps & Sattar (2004), describing surveys of vulnerable and intimidated witnesses using special measures after the introduction of the Youth and Criminal Justice Act 1999, found that they were more likely to report satisfaction with the criminal justice system overall; they also reported feeling less anxious than comparable witnesses not using special measures.

Overall, confidence in local police is more likely to be high amongst Black and minority ethnic groups compared to white groups (Moley, 2008: 118). However, this finding excludes those who have been a victim of crime during the preceding 12 months. The pie chart in Figure 3 shows force assessments relating to the satisfaction of victims of racism for 2006/07 (see Chapter 4 for discussion of background information for these assessments). Nationally, there was a 0.9 percentage point increase in the satisfaction of victims of racism compared with 2005/06. No force received a rating of poor, with the majority (37 forces) being assessed as fair on this measure. Of these 37 forces, 32 had achieved no change in their assessment on this measure compared to the previous year. Note that no direction of travel was reported for Lincolnshire. However, Durham, the Metropolitan Police Service (MPS) and Wiltshire had deteriorated in their performance compared to the previous year. HMIC's 2008 inspection of the MPS highlighted how victim satisfaction was a performance area that required further work. The MPS achieved 78% against a target of 81% for victim satisfaction with their overall service, and 64% satisfaction against a target of 72% for victims of racist incidents. In terms of the national picture, Figure 3 indicates that those forces rated as ‘good/excellent’, Greater Manchester and Surrey, had improved their performance compared to the year before.

The ACPO Murder Investigation Manual (MIM) referred to earlier clearly sets out the strategies for interviewing witnesses according to the type of crime and the categorization (e.g. hostile, significant, vulnerable) of the witness (ACPO, 2006). In addition to MIM, there are several other guidance documents relating to the handling of victims and/or witnesses which cover information about making use of interpreters, local contacts and voluntary organizations to support victims and witnesses (e.g. Criminal Justice System, 2006) and issues for consideration when dealing with some minority ethnic and/or religious witnesses.
With reference to family liaison officers and their relationship with witnesses/victims, MIM states:

The appointment of a Family Liaison Officer (FLO) is essential in all homicide investigations, but is critical in cases when the offence may be exacerbated by community tensions, for example, when racism is suspected as a motive. In such cases tensions are likely to be highly charged around those close to the victim and others within the local community. (ACPO, 2006)

ACPO’s Family Liaison Strategy manual (see Chapter 8) sets out the background knowledge, experience and personal qualities required by applicants for family liaison training, and a list of the activities they should be capable of once trained (ACPO, 2003). Among other responsibilities, the family liaison officer (FLO) must outline: their responsibilities in relation to the management of intelligence; the issues to be considered in relation to the identification of the family, including ethnicity, culture and lifestyle diversity; the immediate issues to be addressed on first contact with the family; and the law and procedures in respect of witness intimidation/harassment (for a full list see ACPO, 2003: 15).

**Discussion**

The three Lawrence Inquiry recommendations relating to victims and witnesses have largely been concerned with the improved treatment of victims and witnesses by the police services. Attention has focused on the large body of guidance materials which set out practices and procedures for identifying and interviewing different types of witnesses according to the categorization of the crime. Detailed guidance also exists which describes the training and role of family liaison officers (FLOs). While reference has been made to a Home Office-funded survey of intimidated witnesses, it would be useful to explore how these codes and guidelines have been adopted in practice (see also Docking & Tuffin, 2005:3 for a similar argument). With regard to FLOs, future research might examine the extent to which those wishing to train as family liaison officers meet the entry requirements, assess the training outcomes themselves, and evaluate victims’ and witnesses’ experiences of engaging with this area of the criminal justice system.
Chapter 10. Prosecution of Racist Crimes

Background
In a move that set the Labour Party apart from previous governments, newly elected Prime Minister Tony Blair had promised in the Party’s 1997 manifesto to ‘create a new offence of racial harassment and a new crime of racially motivated violence to protect ethnic minorities from intimidation’ in recognition that all members of Britain’s ‘multiethnic and multicultural society’ should receive protection under the law (Labour Party Manifesto, 1997). The notion of racially aggravated offences was introduced for the first time in Part II of the Crime and Disorder Act 1998 (the Act) although a number of other European countries and the USA had, at this time, already made legal provision for such offences (see Malik, 1999: 409). The Act states that an offence is defined as racially aggravated if:

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a racial group; or
(b) the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

(Crime and Disorder Act 1998, Part II, Section 28.1)

There are specific racially aggravated offences relating to assault, criminal damage, public order and harassment for which increased sentencing tariffs, notably additional fees and/or increased periods of imprisonment, are set out in the Act (see s.29–32). The Act also provides (s.82) that if any other offence, for example, GBH, arson or robbery, is racially aggravated the court, in determining the sentence, must treat the aggravated element as a factor which increases the seriousness of the offence (now s.153 Powers of Criminal Courts (Sentencing) Act 2000). The Crime and Disorder Act 1998 was amended by the Anti-terrorism, Crime and Security Act 2001 to include specific offences relating to religiously aggravated assault, criminal damage, public order and harassment and to add religiously aggravated offences to s.153 Powers of Criminal Courts (Sentencing) Act 2000.

Later legislation allows higher sentences to be applied for homophobic crimes and those related

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PROSECUTION OF RACIST CRIMES

32. That the standard of proof of such crimes should remain unchanged.
33. That the CPS should consider that, in deciding whether a criminal prosecution should proceed, once the CPS evidential test is satisfied there should be a rebuttable presumption that the public interest test should be in favour of prosecution.
34. That Police Services and the CPS should ensure that particular care is taken at all stages of prosecution to recognise and to include reference to any evidence of racist motivation. In particular it should be the duty of the CPS to ensure that such evidence is referred to both at trial and in the sentencing process (including Newton hearings). The CPS and Counsel to ensure that no ‘plea bargaining’ should ever be allowed to exclude such evidence.
35. That the CPS ensure that a victim or victim’s family shall be consulted and kept informed as to any proposal to discontinue proceedings.
36. That the CPS should have the positive duty always to notify a victim and victim’s family personally of a decision to discontinue, particularly in cases of racist crime, with speed and sensitivity.
37. That the CPS ensure that all decisions to discontinue any prosecution should be carefully and fully recorded in writing, and that save in exceptional circumstances, such written decisions should be disclosable to a victim or a victim’s family.
38. That consideration should be given to the Court of Appeal being given power to permit prosecution after acquittal where fresh and viable evidence is presented.
39. That consideration should be given to amendment of the law to allow prosecution of offences involving racist language or behaviour, and of offences involving the possession of offensive weapons, where such conduct can be proved to have taken place otherwise than in a public place.
40. That the ability to initiate a private prosecution should remain unchanged.
41. That consideration should be given to the proposition that victims or victims’ families should be allowed to become ‘civil parties’ to criminal proceedings, to facilitate and to ensure the provision of all relevant information to victims or their families.
42. That there should be advance disclosure of evidence and documents as of right to parties who have leave from a Coroner to appear at an Inquest.
43. That consideration be given to the provision of Legal Aid to victims or the families of victims to cover representation at an Inquest in appropriate cases.
44. That Police Services and the Courts seek to prevent the intimidation of victims and witnesses by imposing appropriate bail conditions.
Figure 4. Police/CPS identification of racist incident cases by area 2006/07

Source: Crown Prosecution Service (2007)
to disability. The law was changed by section 146 of the Criminal Justice Act which did not create any new offences but imposed a duty on courts to increase the sentence for any offence aggravated by hostility based on the victim’s presumed or actual disability. In practice, this means that when an offender has pleaded guilty or been found guilty the court, when deciding on the sentence to be imposed, must treat evidence of hostility based on disability as an element which makes the offence more serious. Reference to the seriousness of the offence must be made explicit when sentencing. Similar laws apply to discrimination on the grounds of a victim’s presumed or actual sexual orientation (although this does not extend to cases of transphobia) (Crown Prosecution Service, 2007a, b, c).

**Current situation**

As described in the Introduction (Chapter 1), this literature review seeks to set out the current position as well as significant developments over the last 10 years in relation to the Stephen Lawrence Inquiry recommendations. Most of the recommendations in this section are based on crown prosecution proceedings and, as a result, what is stated here is merely a description of the guidance and statutory procedures as well as some of the key debates in the area rather than a specific examination of how these procedures are employed, unless that information is readily available through existing research. A presentation of specific codes or guidance should not be taken as indication of what happens in practice.

The Crown Prosecution Service (CPS) is an independent authority, established under the Prosecution of Offences Act 1985, responsible for prosecuting criminal cases investigated by the police in England and Wales under the guidance of the Director of Public Prosecutions (DPP). It is inspected by the independent body – Her Majesty’s Crown Prosecution Service Inspectorate – which carries out inspections on a 2-year cycle and has jurisdiction in England and Wales. Most of the recommendations in this section pertain to the CPS.

Standards of proof relate to the way cases are considered in court (see s.39.12, Macpherson, 1999). In criminal proceedings, the standard is that the court (i.e. the jury in the Crown Court; the judge/magistrates in the Magistrates Court) must be satisfied ‘beyond reasonable doubt’ of the defendant’s guilt. In civil proceedings, the party bringing the claim must satisfy the court that ‘on the balance of probabilities’ the defendant is liable for the alleged civil wrong. As a result of EU legislation, the civil standard applies in all discrimination claims, but the burden of proof shifts to the defendant once the claimant has established facts from which it may be presumed that there has been unlawful discrimination and it remains for the defendant to then prove that no such discrimination has taken place. In formally recommending that the standard of proof should remain the same [recommendation 32], the Stephen Lawrence Inquiry was responding to submissions that there should be a lower standard of proof in racist crimes given the lower rate of conviction for such crimes.

According to the Code for Crown Prosecutors, which gives general guidance about principles to be applied when making decisions about prosecutions and aims to ensure that the process is both fair and effective (Crown Prosecution Service, 2004), decisions about whether to charge for an offence must be based on the Full Code Test. This test comprises two stages. The first is the ‘evidential stage’ during which there is a consideration of the evidence. If the case does not pass this stage then it cannot continue (for details of issues affecting the consideration of evidence see Crown Prosecution Service, 2004: 5). If, however, this stage is passed then the second stage of the test can be applied which relates to whether the case is seen to be within the public interest. Recommendation 33 argues that once there is sufficient evidence it should be automatically assumed that the case is in the public interest. This has been taken a step further by the CPS. According to the ‘Racist and religious crime – CPS prosecution policy’, even when a racist or religious offence has not passed the first (evidential) stage of the Full Code Test, considerable weight is given to whether prosecution can still proceed on the grounds of public interest. In light of the seriousness with which racist or religious cases are viewed, and the concern relating to the impact of such offences on the victim and the victim’s family, the public interest in such cases is ‘almost always … in favour of a prosecution’.

The CPS oversees various stages of the prosecution process, namely: it advises the police on cases for potential prosecution; reviews cases submitted by the police; determines any charges in all but minor cases; prepares cases for and presents cases at court. The CPS has been collating and publishing data on racially aggravated offences, since April 1999, following the introduction of the Crime and Disorder Act 1998. According to a national agreement between the police and the CPS, all cases of racist incidents submitted to the CPS by the police are clearly marked [recommendation 34]. If the reviewing lawyer finds that a case which has not been recorded as such does in fact relate to a racist incident, it is subsequently marked.
Figure 5. Percentage of cases for which police supplied a copy of their racist incident report or computer record with the file to the CPS

Source: Crown Prosecution Service (2007)
As can be seen from Figure 4 (Police/CPS identification of racist incident cases by police force area), there are distinct differences across forces in the way in which incidents are interpreted and therefore recorded as racist incidents, and the ways in which related information is passed on to the CPS. According to the 2007 data, Cleveland, Bedfordshire and North Yorkshire police forces were least likely to correctly identify a case as a racist incident. Cleveland failed to make this identification in almost a fifth of its total cases. Figure 4 shows that the greatest accord (i.e. where the police and CPS matched equally on their identification of racist incident cases) was for Cheshire, Dorset, Durham, Gloucestershire and North Wales.

In addition to the identification of racist incidents, each police force should supply the CPS with a copy of their racist incident form or computer record, which details information that might prove to have evidential significance or act as a basis for the CPS lawyer to make recommendations to the police for the improved collation of their records. Of the 9145 defendant cases referred to the CPS, the police supplied such information in only 15.7% (1433) of cases, a decrease of 1.3% from the previous year. As can be seen from Figure 5 (percentage of cases where police supply a racist incident report to CPS) only three forces (Humberside, Cumbria and Essex) supplied this additional information for more than 50% of their cases. Dorset, Gwent and Northamptonshire did not supply computer records or a copy of their racist incident report for any of their cases, which numbered 103, 77 and 107 cases respectively. Docking & Tuffin (2005) suggest that some of these between-force differences may, in part, be explained by varying amounts of liaison and the differing quality of the relationships between police officers at given forces and the CPS.

Once identified as a racist incident, there may be some instances where there is insufficient evidence to justify prosecution for a racially aggravated offence under the terms of the definitions set out under the Act (see above). CPS lawyers are required to make a further record of such instances. In 2006/07, 91.9% of cases – an increase of 0.9% from the previous year – received by the CPS from the police were determined as being supported by admissible evidence.

Before being sentenced, the defendant is entitled to make a plea in mitigation [see recommendation 34]. However, this plea cannot negate or minimize the racially aggravated element of the offence. It is clear that the thorough investigation by police of the racially aggravated aspect of an offence remains central to the defendant being suitably convicted of such crimes.

According to the Prosecutor’s Pledge, which sets out the 10 key commitments that victims can expect from the CPS in terms of care and level of service [also recommendation 29], the CPS will challenge any defence mitigation which unfairly attacks the victim’s character (for details www.attorneygeneral.gov.uk/attachments/prosecutors_pledge.pdf). If, as part of the mitigation, the defendant pleads guilty or is found guilty of an offence but disagrees with the prosecution that the offence was aggravated by race (this also applies to religion, disability, sexual orientation), then the judge or magistrate is required to make a decision as to whether or not the aggravating element is proven. In a process known as a ‘Newton hearing’, the prosecution must call witnesses who can give evidence of hostility, and the defence will be able to cross-examine them before the court makes a final decision about whether or not, on the basis of this evidence, the offence was aggravated by hostility on race grounds. As mentioned earlier, if this hostility or aggravating element is upheld then the offence will attract a more severe sentence.

**Recommendation 35** – That the CPS ensure that a victim or victim’s family shall be consulted and kept informed as to any proposal to discontinue proceedings.

Recommendation 35 refers to the ways in which decisions about the case, especially decisions to discontinue, should be communicated to the victim’s family. Specifically, it arises out of the way in which the Lawrence family and their lawyer Mr Khan were informed, some time after the event, that the prosecution case against the suspects for the murder of Stephen Lawrence was to be discontinued (Macpherson, 1999: 39.58). As a result, the Inquiry panel argued the need for the CPS to have greater consideration for the feelings of the victims and that they should be better informed about each stage of the judicial process. The CPS has since revised their procedures so that they have to inform the family in writing of decisions to discontinue proceedings. The statutory code (see Chapter 8) sets out the particular protocol, including the time period within which the victim and their family can expect to be notified of decisions to discontinue [recommendations 35–37].

**Recommendation 38** - That consideration should be given to the Court of Appeal being given power to permit prosecution after acquittal where fresh and viable evidence is presented.
The rule against double jeopardy [recommendation 38] received, following the Stephen Lawrence Inquiry Report, a great deal of political and media attention (see, for example, Sedgmore, 2000; Campbell & Dodd, 2007). Speaking a year after publication of the Inquiry Report, panel member Dr Richard Stone explained the reasoning behind the recommendation:

Our recommendation in the Stephen Lawrence Report on double jeopardy is in the tentative form ... it was tentative because Sir William Macpherson, chair of the inquiry, is well aware of the long-standing rule in English law that after acquittal, there should be no risk that an innocent person can be hounded again and again for the rest of their life by the threat of repeatedly being charged for the same offence. However, we could not ignore ... that it seemed very possible that at least one of the three men acquitted of the murder of Stephen Lawrence was in fact the murderer. That the killer is still free and at large is very much a result of the collective failure of the Metropolitan Police murder investigation. We felt we could anticipate the likelihood of the future appearance of fresh evidence so strong that a conviction would be very likely. We felt we could not ignore the gross injustice of the murderer being beyond the law in that event. (Stone, 2000)

The rule, which dates back to Roman law and is better known as autrefois acquit, states that a person should not be tried twice for the same offence. In 2000, the Home Affairs Committee recommended the relaxation of the rule where there is ‘fresh and viable’ evidence (Williams, 1999); if the offence carries a life sentence; and where the Director of Public Prosecutions regards it as in the public interest to apply to the High Court for the acquittal to be annulled (for details see Home Affairs Select Committee, 2000; Zander, 2007). However, central to the Stephen Lawrence Inquiry and this review, this ‘relaxation’ of the double-jeopardy rule does not apply to cases pertaining to police failures:

... in any proceedings for quashing an acquittal it would be open to the (previously-acquitted) defendant to argue that the ‘new evidence’ could have been used at his original trial if the police and prosecution had done their job properly in the first place. A piece of evidence which turns up later but should have been uncovered by a competent investigation would not be the basis for quashing an acquittal. (Home Affairs Select Committee, 2000: s.32)

One of the many concerning and enduring images broadcast on television during the period of the Stephen Lawrence Inquiry was of police video surveillance footage showing Neil Acourt brandishing a knife and, along with Luke Knight and David Norris, making a series of inflammatory racist remarks in one of their homes (see Macpherson, 1999: s.7.32 – 7.37; also Macpherson, 1999: Appendix 10). While these acts were not regarded as admissible in court, they serve as the basis of recommendation 39. This, like the furore around the previously discussed double-jeopardy rule, also provoked considerable debate with Skidelsky (2000: 6), for example, retorting that such was the ‘fanatical determination’ of the Report to eliminate ‘unwitting racism’ that they were willing to ‘contemplate the imposition of a police state’ to achieve this objective. Many in the tabloid press used the recommendation, which in fact had only been presented as a point of ‘consideration’, to condemn the entire Lawrence Inquiry Report and all its 70 recommendations (see McLoughlin & Murji, 1999 for detailed discussion). However, in practice this recommendation would require the monitoring and judgement of behaviour conducted in a private space which not only would be difficult to enforce in practice but is also in direct contravention of Articles 8 and 10 of the European Convention on Human Rights, which was incorporated into UK law under the 1998 Human Rights Act and came into force in October 2000. Recommendation 39 has not been upheld. However, legislation introduced under the introduction of the Racial and Religious Hatred Act 2006 makes it a criminal offence to use threatening words or behaviour with the intention of provoking hatred against any group of people because of their ‘racial background’ or what they may or may not believe with regard to religion.

The ability of an individual to bring a prosecution despite having no direct interest in the matter remains part of common law (see Zander, 2007: 268) [recommendation 40]. Under the Prosecution of Offences Act 1985, the CPS is able to take over a private prosecution, and can continue it or discontinue it.

While families have not been made ‘civil parties’ as per recommendation 41, a move which would have given them a say in the prosecution process, attempts have been made to include them much more at the stage when the court is considering the impact of the offence and determining sentence. For example, families of homicide victims are now able to read out, in court, a statement indicating how they have been affected by their loved-one’s death (Batty and agencies, 2005; Oliver and agencies, 2005). These ‘Victim impact statements’
have received, since their introduction in 2006, considerable attention from parties on both sides of the judicial process with concerns that they might overly influence the judge’s sentencing decision or give the victim’s family a false sense that they have a stronger influence on legal proceedings than is actually the case [see also recommendation 29].

**Recommendation 42** – That there should be advance disclosure of evidence and documents as of right to parties who have leave from a Coroner to appear at an Inquest.

This recommendation pertains to the release of documents and evidence in relation to deaths in suspicious or contentious circumstances. In 1999, the Home Office issued Circular 20/1999 ‘Deaths in Custody: Guidance to the Police on Pre-inquest Disclosure’ which encouraged the pre-inquest disclosure of relevant documents to bereaved families in cases of deaths in police custody. However, these families are not legally entitled to this disclosure, which remains the responsibility of the police. This was later reviewed and updated to clarify, for example, that the views of the CPS should be established when disclosure of the investigating officer’s report is being considered, and the police need to clarify confidentiality surrounding such disclosures (see Home Office, 2002, for details).

In 2000, ACPO published its Family Liaison Strategy outlining examples of good practice and the importance of the role of the bereaved family in a successful investigation. In 2003, it published a manual providing fuller guidance on the family liaison role including reference to the disclosure of information. It states that it may not always be possible to disclose all information to the family because that might jeopardize the police investigation and/or the subsequent prosecution case (ACPO, 2003).

The group Inquest, which campaigns against deaths in custody and for changes in the Coroner’s court system, has consistently maintained that families require more openness about the processes involved during inquest proceedings. They have insisted that changes to be introduced under the Coroner Reform Bill would support this. However, plans to discuss amendments to the Bill were delayed in the 2007 Parliamentary session. It is likely that any Charter introduced as a result of the Bill will set out the level of service bereaved families can expect.

According to the Home Secretary’s 6th annual report (Home Office, 2005a), Legal Aid has been available to certain families in death-in-custody cases since 2001. Each case is considered on its individual merits.

The courts can impose a wide range of bail conditions on the defendant depending on the nature of the offence. These can include, for example, restrictions on the defendant’s freedom to contact named persons or to access certain places.

The CPS will, according to its own policy, take account of any information provided in the Victim’s Personal Statement (see Chapter 10 for details) to not only help make decisions about cases but also in deciding whether to ask the court to refuse bail or impose bail conditions (Crown Prosecution Service, 2007) [recommendation 44]. A defendant who breaches bail conditions is liable to be arrested and held in custody.

**Satisfaction with the Criminal Justice System**

According to the British Crime Survey in 2007/08, 44% of people were confident of the effectiveness of the CJS in bringing people who commit crimes to justice – an increase of 3% from the previous year (Moley, 2008). Confidence in the CJS tends to vary according to demographic and socio-economic characteristics, with those from Black and minority ethnic backgrounds reporting higher levels of confidence compared to white groups (Table 2).

**Table 2. Confidence in the criminal justice system by ethnic group**

<table>
<thead>
<tr>
<th>Perception</th>
<th>White</th>
<th>Black &amp; minority ethnic groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respects the rights of and treats fairly people accused of committing a crime</td>
<td>80</td>
<td>76</td>
</tr>
<tr>
<td>Effective in bringing people who commit crimes to justice</td>
<td>43</td>
<td>56</td>
</tr>
<tr>
<td>Effective in reducing crime (% very or fairly effective)</td>
<td>37</td>
<td>52</td>
</tr>
<tr>
<td>Deals with cases promptly and efficiently</td>
<td>41</td>
<td>52</td>
</tr>
<tr>
<td>Meets the needs of victims</td>
<td>34</td>
<td>51</td>
</tr>
<tr>
<td>Effective in dealing with young people accused of crime (% very or fairly effective)</td>
<td>24</td>
<td>34</td>
</tr>
<tr>
<td>Witnesses are treated well</td>
<td>68</td>
<td>69</td>
</tr>
</tbody>
</table>

Source: Moley (2008)

As Table 2 shows, Black and minority ethnic people were more confident on five of the seven aspects of the CJS that were monitored. However, white people were more likely to perceive that the CJS respects the rights of and treats fairly people accused of committing a crime. There was no difference in perception between white and BME groups in relation to whether the CJS treats victims well (Moley, 2008).
Discussion
On the prosecution of racist crimes, some of the recommendations have reiterated the need to continue with existing practice (e.g. recommendations 32, 40) whereas others, the majority, relate specifically to the need for change or improvement. The recommendations cover wide and complex areas of English Law and it is impossible to summarize them meaningfully here. However, three key areas warrant singling out.

First, as discussed, the Crown Prosecution Service (CPS) provides quite an extensive account of the ways in which it records and monitors information relating to racist incidents. The first set of data presented in Figure 4 reveals that some forces could improve the way in which they identify cases as racist incidents. Further research is recommended to examine the strategies of forces which have better rates of correspondence with the CPS in identifying racist incident cases; the findings of which could usefully be shared amongst those forces less successful in their identification.

Second, a concerning picture emerges from examination of Figure 5 (Percentage of cases /racist incident report) in which it is shown that only three forces (Essex, Cumbria and Humberside) supplied a copy of their racist incident report or computer record with their file to the CPS for more than half the total number of their cases. Some forces did not supply this information at all. It would now be useful to build on the research by Docking & Tuffin (2005), which suggests that some of these differences may be explained by differing amounts of liaison and the quality of the relationship between officers at particular forces and the CPS. It is important to gain a fuller picture of which kinds of relationships ‘work’, the reasons behind these between-force differences and to suggest strategies for the better sharing of this critical information.

Finally, while the introduction of impact statements allows victims a greater say in how they have been affected by a crime, it is important to consider how they can be used, by whom and their possible effect on proceedings. For example, the use and impact of such statements may vary according to English-language proficiency or be greater for those with confidence in engaging with officials. Research which explores the take-up and response to victim impact statements is recommended.
Section III. Policing

Many of the recommendations in the Stephen Lawrence Inquiry Report relate to the ways in which policing is conducted in England and Wales. Specific recommendations were made in relation to: race awareness and cultural diversity training (recommendations 48 to 54); disciplinary procedures and complaints (recommendations 55 to 59); stop and search powers (recommendations 60 to 63) and about the recruitment and retention of minority ethnic staff (recommendations 64 to 66). The following four chapters consider each of these sets of recommendations in turn.

Chapter 11. Race awareness and cultural diversity training

In many ways it is difficult to describe succinctly the historic to present-day trajectory relating to training in this area. HMIC has carried out a number of inspections over the last 10 years each proposing their own set of recommendations. This is has been in addition to those (often not dissimilar) recommendations presented via significant inquiries such as the Scarman report and of course the Stephen Lawrence Inquiry Report (for example, as listed on this page).

The police services, in particular the Metropolitan Police Service which has received some of the greatest scrutiny, have made increasingly bold attempts to address, review and re-address these recommendations through a range of initiatives, policies and guidance documents over the last 10 years in an attempt to better embed race equality within the mainstream culture and practice of policing.

Background

Police training until the 1970s had largely been influenced by a military agenda, reflecting the backgrounds of many of the existing senior police officers, trainers and new recruits. In the early 1970s within the Metropolitan Police, Rowe & Garland (2007:46) surmise in response to the increasing ‘multicultural and multietnic nature of London’, training began to incorporate a distinctly more social perspective.

Stephen Lawrence Inquiry Report recommendations 48 to 54

RACISM AWARENESS AND VALUING CULTURAL DIVERSITY

48. That there should be an immediate review and revision of racism awareness training within Police Services to ensure:
   a. that there exists a consistent strategy to deliver appropriate training within all Police Services, based upon the value of our cultural diversity;
   b. that training courses are designed and delivered in order to develop the full understanding that good community relations are essential to good policing and that a racist officer is an incompetent officer.

49. That all police officers, including CID and civilian staff, should be trained in racism awareness and valuing cultural diversity.

50. That police training and practical experience in the field of racism awareness and valuing cultural diversity should regularly be conducted at local level. And that it should be recognised that local minority ethnic communities should be involved in such training and experience.

51. That consideration be given by Police Services to promoting joint training with members of other organisations or professions otherwise than on police premises.

52. That the Home Office together with Police Services should publish recognised standards of training aims objectives in the field of racism awareness and valuing cultural diversity.

53. That there should be independent and regular monitoring of training within all Police Services to test both implementation and achievement of such training.

54. That consideration be given to a review of the provision of training in racism awareness and valuing cultural diversity in local Government and other agencies including other sections of the Criminal Justice system.
concept of ‘community race relations’ (CRR,\textsuperscript{18} later referred to as diversity or race relations) training was introduced into the curriculum for the first time in 1973. However, such training received marked criticism in the seminal report into the Brixton riots by Scarman (1981) as lacking coherence and vision.

It is concerning that many of the issues about training raised by Macpherson and his colleagues in 1999 had already been proposed some 18 years earlier by Lord Scarman and later by the Police Training Council (1983). The PTC’s recommendations centred on the following:

1. A clear need for any CRR training to set clearly defined aims and objectives;
2. For such training to be provided to officers at all stages of their careers;
3. For such training to be tailored to the particular needs and localised circumstances of police officers;
4. A need to include members of minority ethnic communities in the design and delivery of these courses;
5. The need for CRR training to be frequently monitored and assessed to take account of changing contexts.

**Winning the Race – Parts I, II, III inspections:**

An HMIC thematic inspection focusing on broad issues relating to cultural diversity and race equality (HMIC, 1997), conducted across six forces, made a series of 20 recommendations, many of which echoed those listed above by the PTC. In a follow-up inspection (HMIC, 1999) examination was made of 15 forces, including those previously visited as part of Winning the Race I and a pre-inspection questionnaire was sent to all forces. The inspectors expressed disappointment about the less than rigorous implementation of the previous recommendations and added a further six to the existing ones. Amongst their findings, inspectors noted deterioration in the way in which forces engaged with youth and school liaison programmes, seen to be particularly concerning in light of the sometimes problematic relations that existed between the two parties.

The third Winning the Race inspection, published in 2001, reported that progress in relation to staff training and development on race equality matters varied across England and Wales to such an extent that some forces had clear programmes in place while others had nothing. They also stressed the need for training needs analysis and for evaluation, and were concerned about the lack of involvement, in some forces, of local minority ethnic communities in helping shape the content of the training. HMIs emphasized the need for rigorous training but recognized that it did not, by itself, guarantee good service delivery.

**Policing London Inspection:**

The 2000 HMIC inspection ‘Policing London’, carried out with the Metropolitan Police Service in response to recommendation 4, included an examination of CRR matters (Home Office & HMIC, 2000). HMIs considered that between 1989 and 1998 the MPS had lacked a clear, coherent, service-wide strategy on CRR training which took account of the needs of officers across all ranks and made full use of those members of staff with CRR training expertise. By the time of the inspection in 2000, however, the MPS was regarded to have better prioritized the need for such training with every member of staff, for example, receiving 2 days of CRR awareness training as part of an ongoing programme over the subsequent 2 years. Despite this notable progress, inspectors recorded a lack of leadership in terms of who, at senior level, was responsible for directing the training. They also discerned a lack of clarity regarding how the CRR training programme fitted in with wider human resources functions as well as a lack of understanding about the strategic implementation of the training programme in relation to who would be trained, to what standard and by when. Consequently, HMIs stressed the need for:

- The development of an over-arching CRR training strategy
- A coherent needs-analysis process
- Development of common minimum standards for training
- Development of a policy covering the selection and use of CRR trainers
- A policy ensuring the delivery of a coherent, London-wide CRR training programme under the responsibility of a single MPS leader
- CRR training to consistently be given a high priority at Policy Board level
- Development of a performance management framework, which sets targets for delivery and quality and holds those responsible for delivery to account
- An evaluation strategy which assesses the effectiveness of CRR training and its impact on service delivery.

\textsuperscript{18} The term ‘Community Race Relations’ is also applied more broadly to include any area of policing activity that relates to Black and minority ethnic groups, both internally in terms of officers (e.g. recruitment, retention), and externally in terms of the general public (e.g. involvement of Black and minority ethnic communities in training development; collection of statistics in relation to Stop & Search procedures). Where possible this section focuses solely on training; other CRR areas are examined separately under the relevant Stephen Lawrence Inquiry recommendations.
Current situation

A series of investigations since the publication of the Stephen Lawrence Inquiry Report have emphasized the need for improvement in the area of training generally as well as more specifically in relation to race equality and cultural awareness (HMIC, 2002). Concern has largely focused on where and how training has been delivered; the qualifications, training and representativeness of the trainers; the quality and evaluation of the training itself; an imperative that race equality training reach officers at all levels of the service; and that the views of minority ethnic communities should be included in the design and delivery of courses (e.g. see HMIC, 2003; CRE, 2005) [recommendation 53].

In terms of the views of officers taking part in the training, it appears that much needs to be done to address the resistance of some who have tended to perceive it as a bureaucratic political exercise warranting scant attention and having little relevance to their work (see Morris, 2004; CRE, 2005). This contrasts with the findings of Foster et al. (2005), who state that most police officers found such training worthwhile. For example, they report dramatic reductions in the use of racist language among the forces involved in their study, although Black and minority ethnic staff were less impressed by this, believing such changes to be cosmetic and not indicative of a long-lasting change within the service.

Indeed, any progress in eliminating the use of racist language seemed to have been undermined by the continued use of sexist and homophobic language (Foster et al., 2005).

A strategy for improving performance in race and diversity 2004/09

In response to this onslaught of criticism, the Home Office, ACPO, Centrex and APA joined together to oversee the implementation of a specific programme ‘A strategy for improving performance in race and diversity 2004–2009’, which sets out the police services’ commitment and objectives relating to race and diversity learning (Home Office, ACPO, Centrex, APA, 2004) [recommendation 52]. Unlike previous aspects of CRR training, the programme covers all diversity areas including race, gender, sexual orientation, disability, age, and religion and

Figure 6. Learning, development and performance measurements

belief, and in order to meet the imperative of being seen as central to police training and development it is linked to other police learning and development programmes including the Initial Police Learning and Development Programme (for new recruits), the Core Leadership Development Programme and the Senior Leadership Development Programme. In addition, it has been designed as a feature of ACPO’s Race and Diversity Strategy, the National Policing Plan and wider Police Reform Programme (Home Office et al., 2004).

A principal consideration of this training is that it is tailored to the needs of individual officers: it takes account of their local context and incorporates the views of and training with local (minority ethnic) communities (APA, 2008) [recommendation 50], and across different sites [recommendation 51]. Figure 6 shows how training on these equality strands is embedded across different areas of the service.

Information from Skills for Justice states that the standards which help develop knowledge and understanding at an individual level (NOS 1A4 ‘Foster people’s equality, diversity and rights’ and 1A5 ‘Promote people’s equality, diversity and rights’) have been replaced as of February 2008 by a single standard, namely NOS AA1 ‘Promote equality and value diversity’ (Skills for Justice, 2008). Each force decides how it will meet these standards based on an understanding of local need and their resources.

At force level, performance and progress in these areas are determined by HMIC baseline assessments and through the Police Performance and Assessment Framework [recommendation 52]. Progress is also linked to competency-related threshold payments and chief officer pay.

The 2004 document sets out a commitment for those defined as ‘priority groups’, i.e. Chief Officers, Borough Command Unit (BCU) Commanders, Senior Investigating Officers, Training Managers and Staff, Supervisors, Tutor Constables, Family Liaison Officers being assessed as competent against NOS 1A5 by 2007 and for other groups assessed against this standard by 2009. The entire police family is now expected to be assessed as competent against NOS 1A4 by 2009 [recommendation 49]. It is not clear whether, with the replacement of standards 1A4 and 1A5 in February 2008 whether the same deadlines still apply.

The National Police Improvement Agency has been commissioned by ACPO to develop new Equality Standards as set out in chapter four of the police Green Paper (Home Office, 2008):

The equality standards will provide a basic framework for all forces and authorities to gain the trust and confidence of all communities and to deliver a service that reflects the communities they serve. The standards will address issues relating to age, disability, gender, race, gender reassignment, religion or belief and sexual orientation. (Home Office, 2008: 60)

At the time of writing, these are under review and are to be piloted later in 2008, with the aim of being rolled out nationally soon after. It is not yet clear how or whether the proposed standards will affect current race equality training provision.

Discussion

Police training on race equality and diversity has gone on developing over the last decade. In the past, this training was subject to much criticism for its failure, for example, to set clear objectives in terms of who would be trained, to what standard and by which date. A strategy by the Home Office, ACPO, APA and Centrex has sought to address these shortcomings and broaden the equality remit by including elements on gender, sexual orientation, disability, age and religion. It should be noted that due to the constantly changing nature of the area it is difficult to isolate a clear picture of progress at any give period. However, in terms of the existing National Occupational Standards, research could usefully explore the number and the characteristics of officers reaching them annually force by force. Using this information, a national picture could be established of the types of strategies employed by police forces who are successful in helping their officers reach these standards – information which could be shared across forces.

It remains unclear whether existing practice on this training will remain in place once the new Equalities Standards, currently in development by the NPIA, are introduced in 2009.
Chapter 12. Disciplinary Procedures and Complaints

Background
Handling complaints against the police was a subject that Macpherson and his Advisers found, along with the topic of deaths in custody, arose frequently at public meetings:

It will be no surprise that almost universally we were told that there is little confidence amongst minority ethnic communities in the present system. It may seem to some that this issue is hardly within our terms of reference. But again there is no doubt that this lack of confidence affects adversely the atmosphere in which racist incidents and crimes have to be addressed … The majority view was that the whole [complaints] system needs as a matter of principle to be independent. In particular there is much unease at the regularity of investigations, particularly in serious cases, of one police service by another … the matter requires urgent further attention. (Macpherson, 1999: 45.22)

Such concern about the complaints system is not new. In his report on the Brixton riots, Scarman (1981) was moved to report that the system must be ‘unsatisfactory and ineffective’, serving only to fuel the ‘atmosphere of distrust and suspicion’ between the police and minority ethnic communities if not addressed. Indeed, Lord Belstead in a House of Lords debate a year later gave recognition to the force of Scarman’s sentiments (Belstead, 1982) and was similarly echoed by HMIC (HMIC, 1997) in the first of the Winning the Race series of inspections.

At the time of the Stephen Lawrence Inquiry, complaints against the police were handled by the Police Complaints Authority (PCA). Following the implementation of the Police Reform Act (PRA) 2002, complaints have been dealt with by the Independent Police Complaints’ Commission which was established in April 2004 and replaced the PCA. The PRA 2002 places a duty on police forces to record all complaints made by members of the public19 (IPCC, 2005)

[recommendation 58]. The IPCC has a legal responsibility to ensure that complaints are handled in an effective and timely fashion and seeks to make explicit its understanding of and commitment to equality:

The IPCC wants to see fair and equal treatment of all complainants, police officers and staff. Promoting race equality is a legal duty of the IPCC and the police service, under the Race Relations (Amendment) Act 2000. The police service is responsible for building confidence in dealing with discrimination effectively. The IPCC will pay particular attention in guardianship to responses to complainants who believe they have been discriminated against because of race, faith, gender, sexual orientation, disability or age. (IPCC, 2005)

The IPCC comprises a chair of the commission whose appointment is recommended by the Home Secretary; the chair is supported by a team of regionally based commissioners who, in order to ensure their independence in overseeing investigations, must never have served as police...
Despite its remit of independence and clear channels of accountability, the IPCC’s decision-making and administrative procedures have been the subject of criticism (see Davies, 2008), but defended by the IPCC Chair Nick Hardwick (Hardwick, 2008).

Macpherson also emphasized the need to ensure that racist words or acts would not be tolerated within the police service. Again, this had already been advocated in the Scarman report. Concern about the ways in which grievances were handled had also been raised in the first of the HMIC ‘Winning the Race’ inspections. Inspectors reported that many Black and minority ethnic officers felt unsupported by their managers, with no alternative but to rely on support from colleagues from similar backgrounds. They also found little understanding or awareness of ‘harassment and discrimination issues’ and an overall lack of faith, on the part of many, in the grievance procedure (HMIC, 1997).

**Current situation**

Recent years have seen two key independent reviews into policing and disciplinary matters. The first, the Morris Inquiry, was charged with examining professional standards and employment matters specifically within the Metropolitan Police Service (Morris, 2004). The Taylor report, published a month later, examined disciplinary procedures across the entire police service. Following these reviews, a new Standards of Professional Conduct was introduced on 1 December 2008. The previous Code of Conduct had stressed the importance of politeness and tolerance in attitude and behaviour towards colleagues and members of the public; officers are also expected to have regard to ‘honesty and integrity’ (see Appendix II). Officers were also not expected to act in a way that is likely to bring discredit on the service. Failure to comply with this code could result in ‘action taken by the organisation, which, in serious cases, could involve dismissal’ [recommendation 57]. Unlike the previous Code of Conduct, the new standards incorporate a specific strand on ‘Equality and Diversity’ stating:

> Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly. (The Stationery Office, 2008)

There is also clearer specification of the role of colleagues in relation to the standards. Under the heading ‘Challenging and Reporting Improper Conduct’ police officers are expected to ‘report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour’ (see this report Appendix III). The new disciplinary procedures which accompany the introduction of these new standards aim to improve the level of transparency and objectivity in the way the disciplinary system works [recommendation 55]. An important aspect of these new procedures is the involvement of independent members to sit on all misconduct hearings.

In terms of recommendation 56, which relates to the possibility of reprimand for up to 5 years following retirement, the final Home Office Annual Report states that:

> Detailed work carried out so far has shown that there is not an easy way forward on discipline after retirement and possible forfeiture of police pensions. (Home Office, 2005a)

Therefore this recommendation has not been upheld. However, once retired, the officer is still liable to proceedings under general criminal law. Further, pension payments can be forfeited ‘in whole or in part and permanently or temporarily’ as specified by the police authority in particular circumstances set out in the Police Pensions Regulations 2006 (Stationery Office, 2006). These circumstances include offences of treason; offences under the Official Secrets Acts 1911 to 1989, and also:

> ... if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service. (Stationery Office, 2006: s.55)

The remainder of this section considers government and key statistics relating to internal complaints, that is complaints or grievances lodged by police officers, and external complaints, i.e. those lodged by members of the public.

**Internal complaints**

IPCC guidance explicitly states that police officers and staff members cannot make a complaint to them against a member of their own force or another force (arising from their own operational duty). In the first instance, concerns should be pursued via management channels; it is then incumbent on the manager to decide whether the concern should be recorded as a conduct...
matter. Following extensive questioning of a number of government agencies, we understand that statistics on the number of complaints by police staff (including officers) are not collated centrally. Therefore it is not possible to give an overview of such complaints by the ethnicity of the complainant; nor to establish a national picture of the types of complaints lodged; nor, finally, to determine type of complaint by the ethnicity of complaining police staff. Such information is available at force level and can be pursued on request (under FOI if required). This section, therefore, concentrates mainly on the Metropolitan Police Service as the largest force in the country and to whom many of the recommendations of the Stephen Lawrence Inquiry Report were pertinent.

**Fairness at Work**

Police officers are not currently required to follow the statutory procedure for grievances set out under the provisions of the Employment Act 2002 (Dispute Resolution) Regulations 2004. However, the Fairness at Work (FAW) policy is a grievance procedure which, according to the MPA website, is ‘fully compliant with the legislative provisions’ contained in the aforementioned Act which came into force on 1 October 2004 and requires that officers set out their complaint or grievance before application to an Employment Tribunal (see below).

According to MPS policy, line managers must take action to resolve staff concerns early and informally and there must be evidence that this has occurred before the FAW process can be formally instigated. Line managers should seek to resolve staff concerns, using processes such as mediation, within 5 working days of the matter having first been raised. Additional support from local human resources (HR) managers will ensure that all available procedures to bring about informal resolution have been exhausted before the matter becomes formalized. Details of the concern and the action taken under the informal response are usually recorded in writing. The Fairness At Work procedure is initiated if the informal process is seen to be ineffective or the issue not resolved satisfactorily, at which point, an FAW adviser is appointed to examine details of the case, which continues to be monitored by senior HR staff. These staff oversee the implementation of outcomes and also have the authority to recommend the closure of cases if the particulars of the case fall outside the parameters of the FAW policy. The MPS states that the policy will be monitored every 3 months.

**MPS Fairness At Work (FAW) cases.** In the 12 months from 1 April 2007 to 31 March 2008, a total of 192 FAW cases were lodged (amounting to less than 0.5% of the total MPS workforce). Black and minority ethnic officers accounted for 8.2% of the total police officer workforce at this time, and lodged 19 FAW (10%) of FAW cases; an increase of 1% on the previous year. This means there was an over-representation of cases from Black and minority ethnic officers based on their number in the workforce for the period 2007/08.

Black and minority ethnic staff (i.e. not including officers) lodged 39 FAW cases; that is 20% of the total number of cases. For this period, Black and minority ethnic staff accounted for 24.8% of the total police staff workforce. While this means they were not over-represented in the cases lodged based on their number in the workforce, there was an increase of 10% in the total cases lodged, up from 14% from the previous year.

The MPS reports that the number of FAW cases relating specifically to race discrimination has been low, with only one or two reported each year. As the next section on employment tribunals shows, however, an automatic association should not necessarily be inferred between minority ethnic groups and their lodging complaints relating to race.

**Employment Tribunals**

A number of high-profile cases involving staff and officers from Black and minority ethnic groups within the Metropolitan Police Service have been highlighted in the press over the last few years, and notably in 2008 (see Appendix I). This section considers statistics relating to ETs by ethnicity, and also by the type of complaint lodged within the Metropolitan Police Service.

**MPS Employment Tribunal (ET) cases.** In 2007/08 there were 117 cases lodged with employment tribunals. It should be noted, however, that cases are not always resolved in the year they are lodged and this figure therefore reflects both new cases during that year and existing cases from previous years. Of these 117 cases, 58% were lodged by white officers, 12% by Black and 13% by Asian and four cases (3%) by other groups. For 16 cases (14%) the ethnic group was not known. Black and minority ethnic officers were three and a half times more likely to lodge a claim compared to their number in the MPS workforce (Metropolitan Police Service, 2008b).

According to Report 8 submitted by the MPS’s HR department to the MPA committee on 10 July 2008, race discrimination claims accounted for 18% of all ongoing claims. However, this figure relates to cases where race was the sole element.
Where race was a sole and a joint element (e.g. the claim included another form of discrimination such as sex or age), this amounted to 45% that is almost half of the total claims for the period ending March 2008 (see Metropolitan Police Service, 2008b).

However, it is important to note that not all race-based claims are lodged by claimants from Black and minority ethnic backgrounds. The MPS reports that approximately a third of these claimants were white. Further ethnicity data is not available for approximately 10% of those making claims based on race (Metropolitan Police Authority, 2008). Morris (2004) argues that the increasing representation of white officers and staff in the figures for such claims may represent a backlash against and fundamental lack of understanding about the basis for the implementation of equalities policies.

Criticisms
HMIC conducted a race equality inspection during 2006 and 2007. The inspection covered six police forces and sought to establish the ‘impact on service delivery and organisational capability of compliance with race relations legislation, notably the Race Relations (Amendment) Act 2000 and related legislation. In relation to disciplinary and grievance issues, inspectors noted that concern was expressed in some forces about the management of performance matters and complaints against Black and minority ethnic officers. These officers reported that rather than dealing with matters at the lower levels of the disciplinary process such as through FAW, line managers were more likely to instigate formal disciplinary proceedings. This finding echoes those of the Morris Inquiry some 4 years earlier in relation to the Metropolitan Police Service (Morris, 2004). It may also go some way to explaining the disproportionate figures in relation to FAW and tribunals reported above. However, HMIs noted that for one force the retention rate of Black and minority ethnic staff and officers was deteriorating despite the fact that no FAW cases had been lodged for that year (see also Chapter 14). This may indicate a reluctance on the part of staff from these backgrounds to engage with such processes to address problems or a lack of confidence in the procedures.

External complaints
The IPCC is responsible for the collection and annual publication of national statistics for complaints and discipline in England & Wales, including ethnic monitoring data in relation to police complaints as required by Section 95 of the Criminal Justice Act 1991.

Overall picture
In 2007/08, police forces across England and Wales recorded 28,963 complaint cases, which is similar to the number for the previous year (28,998). Cases of complaint have increased generally since introduction of the Police Reform Act 2002 (Gleson & Grace, 2007) which may be due to the fact that: legislation has increased the scope for individuals to be able to make a complaint about the police; the possibility exists of making direct complaints to the IPCC; there is an increased awareness of the police complaints system and changes in how the police record complaints (see Gleson & Bucke, 2006). Each complaint can comprise several allegations: 48,280 were recorded for 2007/08, which represents an increase of 5% on the previous year. Most of these allegations were due to ‘Other neglect or failure in duty’, which accounted for 24% of allegations; 22% related to ‘incivility, impoliteness and intolerance’ (an increase of 1% from the previous year) and 14% related to ‘other assault’ (a decrease of 1% on the previous year) (Gleson & Grace, 2007).

Ethnicity
In terms of ethnicity of complainants, the IPCC receives both self-defined ethnicity and visually inferred data from forces (see Bowling & Phillips, 2007 for a critique of this as a form of ethnic monitoring). As Gleson & Grace (2007) point out, the large amount of missing data with both forms of collection makes it difficult to draw any clear conclusions about the data (see also Jones & Singer, 2008). For 2007/08, 22% of complainants’ ethnicity was unknown, which is an improvement of 3% from the previous year. There was considerable disparity at force level in terms of missing data: for example, South Wales did not record this information for 49% of complainants and Essex for 46% of complainants. North Yorkshire and Gloucestershire were better at collecting this data with 0% of missing information and 4% respectively.

With this in mind, 63% of complainants were white, 6% from Asian backgrounds, 7% Black and 3% from Other backgrounds. In relation to the types of allegations made by ethnic group, 10% of Black complaints, 9% of Asian complaints and 9% of those recorded as ‘other’ were associated with allegations of ‘discriminatory behaviour’ compared to just 1% of white complainants. A total of 3% of Black complainants were related to allegations of breach

21 Types of allegations were recorded under the following categories: oppressive behaviour (including various forms of assault, harassment etc); malpractice; breaches of PACE (including on use of stop and search, detention, treatment and questioning); lack of fairness and impartiality; discriminatory behaviour; other neglect of (or failure of) duty; incivility; traffic irregularity; “other” (see Gleson & Grace, 2007:11).
of Code A PACE on Stop & Search procedures. This compares to 1% for all other ethnic groups (Gleeson & Grace, 2007), and corresponds to data which reflects the disproportionate numbers of Black people who tend to have been stop and searched for the same period (see Chapter 13).

Gleeson & Grace (2007) also provide information, where available, on both the ethnicity and age of the complainant. They report that white complainants were more likely to be above 50 years. In relation to younger age profiles, 23% of white complainants were aged 18 to 29. This compares to 40% of those from Asian backgrounds, 30% of Black complainants and 33% of those in the Other category. Wake, Simpson, Homes & Ballantyne (2007) found that perceptions of the police greatly influence perceptions of the complaint system in general and, specifically, the propensity to lodge a complaint. They found that younger Black and minority ethnic group members, living in inner-city areas, had the lowest levels of trust in any complaints process and in the police. While they sought to avoid any contact with the police in all but the most extreme cases, any experiences they did have tended to be predominantly negative. Wake et al. (2007) describe this group as ‘highly disengaged’, in contrast to the ‘pro-police’ group who by contrast are usually older, white and middle-class with generally positive perceptions of the police and consequently the complaints’ process. Suggestions to improve awareness of the complaints’ process included increasing the number of avenues through which to lodge complaints as well as being better informed about the complaints’ process.

A separate study examining confidence in the police complaints system (Inglis & Shepherd, 2008) found that 64% of those surveyed had heard of the IPCC; only 26% of these thought IPCC were part of the police force (a reduction of 4% on 2004 figures). Respondents felt most likely to complain if an officer had physically assaulted them or used too much force (88%) or had used racist or other offensive language (85%). In terms of ethnicity, those from Asian backgrounds were least likely to have had contact with the police in the preceding 12 months; showed less of a propensity to make complaints (also lower than in 2004) and the lowest awareness of the IPCC. Although it related to a minority of respondents, those from Asian backgrounds had significantly more fear than white respondents of being harassed after making a complaint against the police.

Black respondents who had had recent contact with the police showed the lowest level of satisfaction with the way they had been treated. They were prepared to complain (though not necessarily at police stations) and showed least tolerance of racist language from police officers, tending also to pursue stiffer penalties for racism than other ethnic groups. Of all ethnic groups, they were also least likely to expect fair treatment if they complained, for fear of not being taken seriously (Inglis & Shepherd, 2008). This compares to data from the British Crime Survey where, based on the views of a sample of the general population, 59% of those from Black and minority ethnic backgrounds rated the local police as doing a good or excellent job compared with 52% of people from white backgrounds. It is likely that disaggregating the data for those from white and Black and minority ethnic backgrounds may reveal different patterns of results.

Discussion

Examination of the issues relating to the recommendations on discipline and complaints has shown overall differences in the experiences of Black compared with white officers. National data on the characteristics of who has lodged complaints (at any stage) by type of complaint is not collated centrally, therefore, this chapter has focused mainly on data provided by the Metropolitan Police Service. Black and minority ethnic officers were found to be under-represented amongst those lodging Fairness At Work proceedings; however, overall cases relating to race discrimination per se were reported by the MPS to be low. In addition, officers from Black and minority ethnic backgrounds were also over-represented in those lodging claims with Employment Tribunals. It is hoped that, following the Morris and Taylor Inquiries, revisions to police standards of professional conduct introduced on 1 December 2008 will encourage greater transparency in the complaints and disciplinary system and reduce these ethnic group differences. The point highlighted in the Morris report about the increasing number of white officers and staff lodging Employment Tribunal claims based on race discrimination is an interesting one. Morris suggests that this might represent a backlash against and poor understanding of the race equality policy. It is important that the grounds for such claims are understood. It would be useful, following the introduction of the new standards, to track patterns in such claims both across time and at force level, and to consider whether any relationship can be established between these claims and those lodged by their Black and minority ethnic colleagues in the same force.
Chapter 13. Stop and Search Procedures

Background
Along with deaths in custody, police powers to stop and search people have been amongst the most contentious in relation to minority ethnic (especially Black) communities for many years. The notorious ‘sus’ laws of the 1970s which, under the 1824 Vagrancy Act (repealed in 1981), granted officers the powers to stop anyone they perceived to be loitering with intent, has set the scene for current debates on stop and search. There were a number of prominent anti-‘sus’ law campaigns, most notably those propagated through the West Indian Standing Committee and the Scrap Sus Campaign (Whitfield, 2008).

Stops and Stop and Search procedures
Currently, police can stop an individual under three principal procedures: stop and account (sometimes simply referred to as a stop); a stop and search; and a vehicle stop. Aside from stop and account procedures, all stop and searches take place under specific forms of legislation (see below).

The fact that an individual has been stopped by an officer does not necessarily mean they are suspected of committing an offence. If the officer has ‘reasonable grounds to suspect’ that the person has conducted some unlawful act then he or she should proceed with a stop (and account) or a stop and search according to specific rules. Only in relation to terrorism offences does this notion of ‘reasonable suspicion’ not apply to stops. The information recorded, since the Stephen Lawrence Inquiry, for stops and stop and searches, is slightly different but essentially both should cover:

- the officer’s details;
- the date, time and place of the stop or stop & search;
- the reason for the stop or stop & search;
- the outcome of the stop or stop & search;
- the individual’s self-defined ethnicity;
- the vehicle registration number (if relevant);
- what officers were looking for and anything they found, if there was a search; and
- the individual’s name or a description if they refused to give their name – they do not have to provide the officer with their name and address.

<table>
<thead>
<tr>
<th>Stephen Lawrence Inquiry Report recommendations 60 to 63</th>
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<tbody>
<tr>
<td><strong>STOP AND SEARCH</strong></td>
</tr>
<tr>
<td>60. That the powers of the police under current legislation are required for the prevention and detection of crime and should remain unchanged.</td>
</tr>
<tr>
<td>61. That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all ‘stops’ and ‘stops and searches’ made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called ‘voluntary’ stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.</td>
</tr>
<tr>
<td>62. That these records should be monitored and analysed by Police Services and Police Authorities, and reviewed by HMIC on inspections. The information and analysis should be published.</td>
</tr>
<tr>
<td>63. That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of ‘stop and search’ provisions and the right to receive a record in all circumstances.</td>
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</table>

The recording and collection of this information has been estimated, in relation to stop and account, to take at least 7 minutes of a police officer’s time. This has led to calls for such records in relation to stop and account to be significantly reduced (Flanagan, 2008) or abolished altogether (Conservative Party, 2007; Independent Newspaper, 2008) although such calls have been opposed by those who fear that the police would cease to be accountable for the exercise of a power that has already proved controversial in its disproportionate application (e.g. Teather, 2008). The government has, however, responded by issuing a revised Code A which from 1 January 2009 reduces to the information that must be recorded in a stop and account and must still include the ethnicity of the person stopped (see Appendix IV).

Ethnicity
In order to comply with section 95 of the Criminal Justice Act 1991 regarding the collection and publication of information to avoid discrimination ‘on the ground of race or sex or any other improper ground’ (Criminal Justice Act 1991), the Home Office requires officers to monitor the ethnicity of the people they Stop & Search (Home Office, 1999b). Initial records were based solely on the officers’ subjective perception of a person’s ethnicity and were therefore open to ‘inaccurate or false attribution’ (Bowling & Phillips, 2007: 943). In 1998/99, one million stop and searches
were carried out by the police under the Police and Criminal Evidence Act (PACE), 9% of which were of Black people, 5% Asian and 1% ‘other’ non-white origin. At this time, Black people were, on average, six times more likely to be stop and searched by the police than white people. However, there was considerable variation across forces in police officers’ use of this power.

In England and Wales in both 1997/98 and 1998/99 the most common reason given for a stop and search was a search for stolen property, although for Black people and Asians the most frequent reason given was drugs. However, practice varied widely between forces and for the ten forces with the highest minority ethnic populations only three forces, Hertfordshire, Metropolitan Police and Thames Valley, showed drugs as the main reason for stop and search.

The HMIC inspection, carried out a few years later reported on the ‘seeming complacency’ in some forces in terms of the ‘apparent disproportionality’ in the use of stop and search (HMIC, 2000:4). The inspectors further commented on the attention paid to the ‘bureaucratic rectitude of the forms’, to the neglect of adequate analysis, and some forces’ failure to look for underlying trends and patterns of team and individual use to ‘monitor and improve the quality of Stop & Search encounters on the street’ (HMIC, 2000: 4).

**Current situation**

Following the 2003 revision of the PACE Act 1984, stop and search cannot be voluntary in nature. In other words, they must only be carried out where there are legal grounds, including reasonable suspicion for the officer to do so (Zander, 2007). All stops and stop and searches are now recorded and monitored, although this does not apply to stops carried out under Road Traffic offences unless they fit the definition of a stop under PACE (Home Office, 2005b)

**Stop and search under Section 1, PACE 1984**

Most Stop & Search procedures (92% of all statutory Stop & Searches in 2006/07) take place under this form of legislation.

While police officers interviewed for Foster, Newburn & Souhami’s (2005) Home Office review on the impact of the Stephen Lawrence Inquiry, reported feeling undermined and lacking in confidence when conducting Stop & Searches in the aftermath of the inquiry this is not reflected in the official figures on stop and search. For example, in 2006/07, Black people were just over seven times more likely and those from Asian backgrounds almost twice as likely to be stop and searched than white citizens (Jones & Singer, 2008). The main reason given for these kinds of stop and searches across all ethnic groups was suspicion related to drugs (Jones & Singer, 2008). As mentioned earlier, in 1998/99, Black people were six times more likely to be stop and searched and Asian people twice as likely under this form of legislation (Home Office, 1999b).

Overall in 2006/07, only 12% of stop and search under PACE led to arrests (see below for further discussion of this issue). Of those persons stop and searched, 12% of Black and 12% of white people were subsequently arrested compared to 10% of those from Asian backgrounds and 14% of those from Other backgrounds. However, it should be noted that being arrested does not mean

**Table 3. Percentage of Stop & Search by principal ethnic group (2006/07) (Jones & Singer, 2008)**

<table>
<thead>
<tr>
<th>Population (England &amp; Wales) (%)</th>
<th>Stop &amp; Search (under Section 1 of PACE 1984 &amp; other legislation) (%)</th>
<th>Stop &amp; Search (under Section 60 of Criminal Justice &amp; Public Order Act) (%)</th>
<th>Stop &amp; Search (under Section 44 of Terrorism Act 2000) (%)</th>
<th>Stop and Account (non-statutory) (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>4.4</td>
<td>8.1</td>
<td>10.1</td>
<td>14.8</td>
</tr>
<tr>
<td>Black</td>
<td>2.2</td>
<td>15.9</td>
<td>29.6</td>
<td>9.9</td>
</tr>
<tr>
<td>Other minority ethnic group</td>
<td>1.4</td>
<td>1.5</td>
<td>1.4</td>
<td>4.4</td>
</tr>
<tr>
<td>White</td>
<td>92</td>
<td>72</td>
<td>57.1</td>
<td>69.8</td>
</tr>
<tr>
<td>Proportion of stop/search procedure leading to arrest:</td>
<td>-</td>
<td>12</td>
<td>3.6</td>
<td>1.3</td>
</tr>
<tr>
<td>Total number of stop &amp; searches</td>
<td>-</td>
<td>955,113</td>
<td>44,659</td>
<td>37,197</td>
</tr>
</tbody>
</table>
that an individual is guilty of an offence. According to Phillips & Brown (1998) 20% of arrestees have no further action taken against them by the police.

As in previous years, the use of this power varies considerably from force to force. Jones & Singer (2008) report that the Metropolitan Police accounted for one-third of all of these searches in England and Wales. They accounted for just over one-fifth of such searches for white people, for over three-quarters of such searches for Black people and just over a half for Asian people (see Table 3).

Stop and search under the Criminal Justice and Public Order Act 1994

Searches under section 60 of this Act, which came into effect on 10 April 1995, are carried out in anticipation of acts of violence and have to be authorized, for a period not exceeding 24 hours, by a senior officer of inspector level or above (Home Office, 2005b; Jones & Singer, 2008).

In 2006/07, there were 44,659 of this type of stop and search in England and Wales; an increase of 23.2% from the previous year. Black people made up 29.6% (13,219) of searches under this legislation even though they represent only 2.2% of the population of England and Wales; 10.1% of Asians (4522) and 57.1% (25,520) of white people were stop and searched for the same period. For Black people, this represented an 84% increase in these stop and searches under this power compared with the previous year. There was also an increase of 11% for White groups. For Asian groups this was a decrease of 7%.

In 2006/07, only 3.6% of all stop and searches carried out under this Act led to an arrest. The figure for 2005/06 was 5%. The Metropolitan Police carried out over one-third, at 38%, of all stop and searches under this legislation for the period 2006/07.

Stop and search under Terrorism Act 2000

Searches carried out under this section of legislation allow officers when given authorization to:

... stop and search vehicles, people in vehicles and pedestrians for articles that could be used for terrorism, whether or not there are grounds for suspecting that such articles are present. (Home Office, 2005: 21)

There were just over 37,000 searches under this form of legislation in 2006/07. While these searches fell overall by 16.5% for all ethnic groups between 2005/06 and 2006/07, the greatest reduction (19.1%) was experienced by those within the Asian group; followed by a decrease of 15.8% for those in the white group. Those in the Other category experienced a 15.4% decrease, with the smallest change felt by the Black group at 13.3%.

Of the 37,197 stop and searches conducted under this legislation only 28 led to arrest, with arrests for ‘other reasons’ totalling 451.

There was considerable variation in the way in which searches under this type of legislation were used across the 43 police forces during 2006/07 and, as indicated above, across time. For example, some forces did not carry out any at all during 2006/07, whereas the Metropolitan Police accounted for 68%, followed by South Wales who recorded 11.1% of the total searches under this legislation 2006/07.

Stop and account

This form of stop relates to when a person is asked to account for their actions, behaviour or presence in an area or, their possession of something. Statistics pertaining to stop and account have only been collected since 2005, following recommendation 61 of the Stephen Lawrence Inquiry Report, and are published for the first time in Jones & Singer (2008). Between 2005/06 and 2006/07 there was a 33.6% increase, from 1.40million to 1.87million, in the number of such stops recorded. While the greatest rise was for white groups over these two periods (of 37.4%) and the smallest rise was for Black people (13.8%), the latter were almost two and a half times more likely to be stopped and asked to account compared with white people; Asian people were only slightly more likely to be stop to account than white people (at 1.3:1).

While differences remain, the use of this power was more evenly spread across forces compared with the use of stop and search.

Fairness of stop and search towards minority ethnic groups

Data available from the police performance assessments, allows some exploration of the extent to which police deployment of stop and search towards minority ethnic groups is fair according to ratings given by various regulatory police bodies in conjunction with the Home Office.22

In 2006/07, as Figure 7 shows, 68% of all forces were seen to be ‘good/excellent’ in comparison to their peers in the first year of assessment in 2004/05. Many of these forces had either remained stable or improved their performance compared to the previous year. Only 9 forces (21%) were judged to warrant a ‘poor’ rating, with 7 of these having deteriorated compared to the previous year.

22 PPAF assessments are carried out by the Home Office (Police and Crime Standards Directorate) with Her Majesty’s Inspectorate of Constabulary (HMIC) with advice and support from the Association of Police Authorities (APA) and the Association of Chief Police Officers (ACPO).
Key debates

There are what Bowling & Phillips (2007:943) refer to as a ‘number of conceptual and methodological problems’ relating to the recording and hence interpretation of stop and search data and it is these issues which form the basis of the ongoing highly controversial debates on the subject. For example arrest data is not, it is argued, a reliable way of determining the validity of stop and searches since being arrested does not automatically infer the guilt of having committed an offence. In terms of statistical evidence, about 20% of arrestees have no further action taken against them by police (Clancy et al. 2001 cited in Bowling & Phillips, 2007).

As discussed, the proportion of stop and searches leading to arrest, let alone conviction, is incredibly small. This has led some to question the usefulness of stop and search as a method of crime reduction. For example, Holdaway (2003) critiques the use of stop and search in the 1981 Brixton riots, noting that following an increase in street robberies and ‘so-called muggings’ police stop and search operations were put in place. However, while there were increased stops, the robberies continued and the stops did not yield any arrests. The police activity only led to increased tensions with the local community, culminating in the now historic riots.

Stop and search has also remained a feature of debates on policing and race due to the way in which it continues to affect certain, notably Black male, groups. Others have argued that social class is also a key variable although it is not clear whether a class effect is evident for Black men (Waddington, Stenson & Don, 2007). In response to the statistical evidence of disproportionality the Home Office commissioned a number of research projects. One analysis of disproportionality proposed that comparisons of those stopped should not be with the general population but instead should focus on the ‘available’ population (i.e. those who are likely to be out at times and in places where stop and search is likely to be carried out) which has a very different profile in relation to ethnicity (see FitzGerald & Sibbitt, 1997). However, critics have pointed to the circularity of this definition of ‘availability’. Pavey, for example, in a personal communication, develops this point, arguing that it is unlikely, bearing in mind the wide geographical variations (at force level but also differences in forces in northern compared to southern parts of England and Wales) in the use of stop and search (under PACE) that Black people are more likely to be ‘available’ in some areas than others. He argues it is ‘increasingly persuasive’...
that race differentials follow from differences in police-force practice (whether by policy or custom) than from community lifestyles (Pavey, 2008; also Bowling & Phillips, 2007).

In a criticism directed at the Stephen Lawrence Inquiry, Bridges (1999) maintains that the panel missed an important opportunity to challenge the policies and practices of the police in relation to stop and search. While the panel regard any suggestion that the disparity in the figures on stop and search is anything other than discrimination (see s.45.8–45.10) recommendation 60, that ‘the powers of the police under current legislation are required for the prevention and detection of crime and should remain unchanged’ is fundamentally contradictory, and therefore problematically allows the police to continue a practice steeped in disproportionality. Drawing on data that implies a low number of arrests resulting from stop and search as distinct from arrests resulting from other forms of policing, Bridges asserts that ‘it [stop and search] should, as a matter of policy, be replaced wherever possible by other means of policing which could prove to be more effective in controlling crime’ (p. 318).

Further, these arrests tend to be for acts such as theft of vehicles, drugs and motoring offences; only 3% of them tending to be related to robbery, and another 6% connected to theft from vehicles, result from stops and searches. Bridges (1999) posits that subsequent arguments justifying the over-representation of Black men in these figures due to their alleged propensity to commit such crimes lack credibility.

In summation, Bowling & Phillips (2007) have insisted that stop and search should be abolished altogether, since it continues to reflect a racially discriminatory practice which is, in turn, unlawful. Though less controversial in her stance, former head of the Metropolitan Police Service’s Homicide Unit Laura Richards recently criticized the increased use of stop and search as unhelpful for deterring knife crime, contending that such procedures are likely to increase the existing divisions between the police and young men (Orr and agencies, 2008).

Discussion
This chapter has examined available section 95 data regarding the use of Stop & Search and its impact on different ethnic groups. This has included consideration of data on stop and account (or ‘voluntary’ stops) which was published for the first time in 2008, following recommendation 61 of the Stephen Lawrence Inquiry Report. Examination of the data has found that distinct differences persist for mainly Black groups, although particular trends (i.e. increases) were evident for Asian groups notably under the Terrorism Act legislation employed in the wake of key bombings in London (see Introduction for details). Black people are almost two and a half times more likely to be stopped to account, and over seven times to be stop and searched under section 1, PACE 1984 compared to their white counterparts. They were six times more likely to be searched under s.1 of PACE in 1999.

In other words, the disproportional use of this power has not changed over the last decade. Further, there are variations in the arrest rates leading from all stops with the maximum rate recorded at 12%, a statistic which further challenges the notion that ‘reasonable grounds for suspicion’ is being intelligently applied. We recommend that any government data published in relation to stop and search procedures by ethnic group should also establish and detail both the arrest and the conviction rates for each ethnic group.

Interestingly, the disproportionality and problems associated with the stop and search statistics discussed in this chapter are not reflected in police performance ratings. Sixty-eight percent of all forces were considered to be ‘good/excellent’ on the assessment of their ‘fairness of stop and search towards minority ethnic groups’.

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23 See Chapter 4 for a detailed discussion of these assessments.
Chapter 14. Recruitment and Retention of Minority Ethnic Staff

Background

Two years before the publication of the Stephen Lawrence Inquiry Report, there were already considerable concerns about making the police service more representative of the communities that it served. In its ‘Winning the Race – Part I’ inspection published in 1997, for example, HMIC reported on the negative effects of discrimination and harassment to Black and minority ethnic police staff representation and made a number of recommendations for improving their recruitment and retention (see Table 4).

Table 4. Counting the cost of discrimination/harassment

<table>
<thead>
<tr>
<th>To the organization:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damage to reputation/public confidence</td>
</tr>
<tr>
<td>Increased sick leave</td>
</tr>
<tr>
<td>Increased wastage</td>
</tr>
<tr>
<td>Compensation payments</td>
</tr>
<tr>
<td>Lost efficiency</td>
</tr>
<tr>
<td>Opportunity cost of premature wastage/ non-performance through demotivation</td>
</tr>
<tr>
<td>Lost recruitment opportunities</td>
</tr>
<tr>
<td>Reduced diversity</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To the individual:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Embarrassment and humiliation</td>
</tr>
<tr>
<td>Anger and resentment</td>
</tr>
<tr>
<td>Demotivation</td>
</tr>
<tr>
<td>Stress</td>
</tr>
<tr>
<td>Sick leave</td>
</tr>
<tr>
<td>Premature resignation</td>
</tr>
</tbody>
</table>


In 1999, when the Stephen Lawrence Inquiry Report was published, 2% of police officers were from a Black and minority ethnic background. The Inquiry gave impetus to a national conference – ‘Dismantling the Barriers’ – in April of the same year which concentrated on examining the recruitment, retention and progression of Black and Asian police officers. At this conference, then Home Secretary Jack Straw set out individual 10-year targets for all police forces in England and Wales that would reflect their local minority ethnic population24 [recommendation 64]. The aim of the subsequent Dismantling Barriers action plan, published 4 months later, was to ‘remove discriminatory practices in the police service and to make it more attractive to all groups that are currently underrepresented in the service’ (Clarke, 2000). Similar targets announced in July 1999 were also set for other sections of the criminal justice system.

This same year, 1999, saw the HMIC publish its follow-up inspection report of ‘Winning the Race – Part I’. While some good examples of positive action programmes aimed at promoting the increased recruitment of Black and minority ethnic officers were found, inspectors expressed concern that such practices tended to lack clear overall direction and coordination (HMIC, 1999) [recommendation 64]. In addition, scant attention had been paid by personnel departments to improving the recruitment and retention of these officers. Having said this, the revisit inspection found that 27 forces (63%) were monitoring reasons for wastage (i.e. poor retention). Amongst their key concerns where progress had been ‘less than satisfactory’ since the previous inspection, HMIs reported that over a quarter of forces did not monitor the retention of staff from Black and minority ethnic backgrounds, and that only a small number of forces had policies in place pertaining to the diversion of beat officers from their main role.

24 HMIC, in its submission to the Stephen Lawrence Inquiry, had recommended that forces should be set ‘achievable yet challenging’ targets for recruitment of Black and minority ethnic officers. In Winning the Race – Part II they note some initial resistance to this initiative but eventual positive response (HMIC, 1999: 6.13).
Consequently, forces were encouraged to revisit and better engage with the recommendations of the previous inspection. This had included advice to: liaise with school careers services, especially in areas where there were significant minority ethnic populations; use, if possible ‘willing Asian/black officers’ in recruitment campaigns; and encourage personnel to set clear targets for recruitment of officers from Black and minority ethnic backgrounds (HMIC, 1997) [recommendation 65]. A Home Office report published just 3 years later, which examined the views of minority ethnic people towards a career in the police force, found that participants voiced grave concerns about the potential for encountering racism in the police service and feeling isolated in a mainly white environment. Other occupations were seen to offer better opportunities, especially in relation to promotion and pay, and with fewer concerns about racism (Stone & Tuffin, 2000).

Metropolitan Police Service

A later inspection of the Metropolitan Police Service included a dedicated examination of recruitment, retention and progression issues [recommendation 66]. It found that minority ethnic staff felt that more could be done to support them in their pursuit of career progression at both borough and departmental level, and to obtain their views about the strategy and policies for ‘policing a diverse London’ (Home Office & HMIC, 2000). The Black and minority ethnic population of London stood at approximately 25.5% at the time of this inspection. However, in terms of workforce only 3.4% of MPS police officers, 15.5% of special constables and 14.8% of support staff were from such backgrounds. HMIs perceived there to be a ‘genuine commitment’ from within the MPS to redress this imbalance but also remained sensitive to what they described as “the complex nature” of recruiting in the capital:

There has been considerable debate about the poor marketing position of the MPS in the aftermath of the Macpherson Report. This not only impacts upon the ability of the MPS to attract suitably qualified minority ethnic recruits, but also their ability to ‘sell’ the MPS as an organisation where job satisfaction can be achieved, and diversity is recognised and embraced. The MPS may wish to consider approaching the various minority ethnic internal support groups within the organisation to assist in recruiting initiatives. (Home Office & HMIC, 2000: 9)

As will be shown there has recently been considerable public tension between the referenced ‘support groups’ and their willingness to support the recruitment campaigns of Black and minority ethnic officers within the MPS. HMIC felt that the target of 25% which had been set for recruitment and retention of Black and minority ethnic staff for the MPS was too stringent and unrealistic as it did not sufficiently take account of demographic, geographic and employment market factors:

To achieve this target by 2010 gives the MPS an exceptionally challenging task. In reality the MPS does not recruit solely from London, but from throughout the British Isles. A large proportion of its police recruits come from outside the capital. The main geographic areas of its previous recruitment pool have included Greater London and the South East of England. When demographics and geographic aspects are considered, this provides the MPS with an actual recruitment pool comprising only 15.5% potential minority ethnic candidates. (Home Office & HMIC 2000: 5.6)

HMIs reported that of the nine Boroughs inspected only one had a recruiting target for Black and minority ethnic police officers as part of the local policing plan. In addition, the consistent and impartial implementation of job descriptions and person specifications was found to vary significantly across Boroughs, Areas and department level, leading, it was argued, to the ‘potential for staff selection (to become) subjective and discriminatory’. Inspectors were also concerned about the high wastage figures of Black and minority ethnic officers from the MPS, a sentiment which was echoed by community groups who felt that the MPS needed to do much more in this area. Within the MPS, a significant number of Black and minority ethnic officers expressed doubts that their line managers understood their particular needs and experiences in terms of providing a supportive working environment; and indeed many Borough Commanders were found to adopt a colour-blind approach to supporting their minority ethnic staff, believing it to be ‘inappropriate to single out’ such members of staff and ‘engage in consultation regarding particular problems or issues that affected them’ (Home Office & HMIC, 2000: 5.27). Finally, while HMIC was able to congratulate ACPO on the appointment of two minority ethnic officers to its ranks, it critiqued the poor monitoring, across the MPS, of minority ethnic staff by rank.
Current situation

Recruitment
Candidates wishing to join the Police Force must be successful in the Police Structured Entrance Assessment for Recruiting Constables Holistically (SEARCH) conducted at the recruitment assessment centre. The assessment serves as a means of determining each candidate’s current or potential ability and also includes a ‘screen’ examination of candidates’ understanding of race and diversity issues. Some forces also require candidates to attend a final interview to determine their suitability for appointment. Once successful, initial training is provided primarily through the Initial Police Learning and Development Programme (IPLdP), which is designed and tailored to the specific local needs of each force. The IPLdP also includes a requirement that all candidates must be assessed as competent in the standards, incorporated in the programme, for race and diversity (Home Office, 2007). HMIC describe the programme as ‘an important introduction to the role of a police officer and the organisational culture’ (HMIC, 2008c).

The 6th Annual Report of the Lawrence Steering Group states that based on the latest figures available at the time, in July 2005, there had been a 75% increase in the number of minority ethnic officers recruited into the police service since 1999 to 3.5% (Home Office, 1999a; 2005a). As Table 5 shows, however, this represents an overall increase of just 1.5% or 2522 officers over the 7-year period (Home Office, 1999b; 2006). This is below the 4% target that had been set for 2004.

The most recent figures available at time of writing report the total of minority ethnic police officers at 4.1% ‘compared with 3.9 per cent on March 2007’ (Bullock, 2008:1). However, the 2008 figure includes central service secondments which are excluded from the figures reported for all previous years (see Bullock, 2008:7; Home Office, 2007:23). It is likely, therefore, that there has been little shift, if any, in the percentage of minority ethnic officers in the police service since 2007. Either way, the target of 7% set for 2009 is unlikely to be met.

Table 6 shows the target set in 1999 (based on minority ethnic population), followed by the target reached in 2007 and the total number of offers per force. The highlighted rows indicate those forces which have not reached their target. From this table it can be seen that almost half of the 43 forces in England and Wales (47%; 20 forces) did not reach their target. In his review for Home Secretary Jacqui Smith, Policing Minister Vernon Coaker states that data for many of these forces should be ‘treated with caution’ due to the very low numbers of officers, especially for smaller forces. He stresses that ‘the recruitment rate would be increased considerably should a single additional BME officer be recruited’ (Coaker, 2008). However, it is worth noting that the gap between the target and actual percentage of Black and minority ethnic officers is greatest in those areas (e.g. Metropolitan Police Service, West Midlands, Greater Manchester) where there are greater numbers of that population.

Table 8’s piechart shows the delivery assessment for minority ethnic recruitment across all 43 forces in England and Wales for 2006/07. Corresponding with the data presented in Table 6, the chart shows that almost half of all forces (46%) received a rating of ‘poor’ when assessed on minority ethnic recruitment. A roughly equal number of forces, accounting for 21% in each case, were categorized as ‘good’ or ‘fair’, and only five forces (12%) were rated as excellent on this measure.

**Table 5. Percentages of ethnic minority police officers recruited 1999–2007, compared to 2004 and 2009 targets**

<table>
<thead>
<tr>
<th>Year</th>
<th>Police Service</th>
<th>Police Officers</th>
<th>Special Constables</th>
<th>Police Community Support Officers (PCSOs)</th>
<th>Police Staff (incl. PCSOs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>3%</td>
<td>2%</td>
<td>2.9%</td>
<td>-</td>
<td>5%</td>
</tr>
<tr>
<td>2000</td>
<td>3%</td>
<td>2.2%</td>
<td>3.2%</td>
<td>-</td>
<td>4.7%</td>
</tr>
<tr>
<td>2001</td>
<td>3.1%</td>
<td>2.4%</td>
<td>3.5%</td>
<td>-</td>
<td>4.8%</td>
</tr>
<tr>
<td>2002</td>
<td>3.5%</td>
<td>2.6%</td>
<td>3.6%</td>
<td>-</td>
<td>5.3%</td>
</tr>
<tr>
<td>2003</td>
<td>3.8%</td>
<td>2.9%</td>
<td>4.4%</td>
<td>-</td>
<td>5.5%</td>
</tr>
<tr>
<td>2004</td>
<td>4.3%</td>
<td>3.3%</td>
<td>5%</td>
<td>-</td>
<td>6%</td>
</tr>
<tr>
<td>2005</td>
<td>4.6%</td>
<td>3.5%</td>
<td>6%</td>
<td>14%</td>
<td>6.5%</td>
</tr>
<tr>
<td>2006</td>
<td>5%</td>
<td>3.7%</td>
<td>6.6%</td>
<td>15.2%</td>
<td>6.9%</td>
</tr>
<tr>
<td>2007</td>
<td>5.3%</td>
<td>3.9%</td>
<td>8%</td>
<td>11.7%</td>
<td>7.2%</td>
</tr>
<tr>
<td>2004 target</td>
<td>5%</td>
<td>5%</td>
<td>6%</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>2009 target</td>
<td>5%</td>
<td>5%</td>
<td>6%</td>
<td>7%</td>
<td>7%</td>
</tr>
</tbody>
</table>

However, proposed changes set out in the Government Green Paper indicate that nationally imposed targets of this nature will be abandoned altogether from 2009 and replaced with locally agreed levels (Home Office, 2008: 4.22). This is despite government recognition that many groups representing minority communities oppose their abolition:

I understand the race employment targets have not been popular with all of the representatives that I met for this assessment (although the National Black Police Association (NBPA), the National Association of Muslim Police (NAMP) and the Independent Post Lawrence Group Chairs are supportive of national and local targets). The targets have and do provide confidence and assurance to members of visible minority communities … believe setting local targets in conjunction with local communities is the best way forward to gain local ownership from forces and local communities. (Coaker, 2008: 8)

Special Constables and Police Community Support Officers

Special Constables are part-time volunteer officers and have the same powers as regular police officers. Those wishing to apply for the role must be able to commit at least 4 hours per week. Specific eligibility requirements vary across forces but applicants must be older than 18, be a national of a country within the European Economic Area or, if a national of a country outside the EEA, have the right to reside in the UK without restrictions. PCSOs occupy paid, usually full-time roles, normally on a flexible schedule. They have fewer powers than police officers and it is their role to support them through increased street presence and visibility and improving neighbourhood policing and community engagement. A key reason across all ethnic groups for becoming a PCSO is the opportunity it presents to ‘sound out’ the world of policing and to find out exactly what might be involved in becoming a police officer. Interviews with Black PCSOs indicate that the role is seen as more acceptable amongst families and friends than becoming an officer (Cooper et al., 2006; Cunningham & Wagstaff, 2006). It also represented, for them, an opportunity to ‘test out’ levels of discrimination within the service (Johnston, 2006). The community-centred focus of the role was also a particular attraction for Black and minority ethnic PCSOs. While the ethnic diversity of PCSOs is to be welcomed, it has led to criticism in some quarters that this might lead to a two-tier police workforce, with mostly Black and minority ethnic (and female) police officers.

Table 6. Minority ethnic police officers compared to targets (2007), force by force

<table>
<thead>
<tr>
<th>Police force area</th>
<th>Target set (%)</th>
<th>Minority ethnic officers (2007) (%)</th>
<th>Total number of all officers (2007)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avon and Somerset</td>
<td>2</td>
<td>1.5</td>
<td>3430</td>
</tr>
<tr>
<td>Bedfordshire</td>
<td>10</td>
<td>5.4</td>
<td>1204</td>
</tr>
<tr>
<td>Cambridgeshire</td>
<td>4</td>
<td>2.3</td>
<td>1402</td>
</tr>
<tr>
<td>Cheshire</td>
<td>1</td>
<td>0.9</td>
<td>2235</td>
</tr>
<tr>
<td>City of London</td>
<td>7</td>
<td>5.1</td>
<td>861</td>
</tr>
<tr>
<td>Cleveland</td>
<td>1</td>
<td>1.5</td>
<td>1739</td>
</tr>
<tr>
<td>Cumbria</td>
<td>1</td>
<td>1</td>
<td>1273</td>
</tr>
<tr>
<td>Derbyshire</td>
<td>3</td>
<td>3.5</td>
<td>2049</td>
</tr>
<tr>
<td>Devon and Cornwall</td>
<td>1</td>
<td>0.7</td>
<td>3523</td>
</tr>
<tr>
<td>Dorset</td>
<td>1</td>
<td>1.2</td>
<td>1526</td>
</tr>
<tr>
<td>Durham</td>
<td>1</td>
<td>1.5</td>
<td>1705</td>
</tr>
<tr>
<td>Essex</td>
<td>2</td>
<td>1.9</td>
<td>3341</td>
</tr>
<tr>
<td>Gloucestershire</td>
<td>1</td>
<td>1.7</td>
<td>1319</td>
</tr>
<tr>
<td>Greater Manchester</td>
<td>7</td>
<td>3.9</td>
<td>7992</td>
</tr>
<tr>
<td>Hampshire</td>
<td>2</td>
<td>2.2</td>
<td>3887</td>
</tr>
<tr>
<td>Hertfordshire</td>
<td>5</td>
<td>2.6</td>
<td>2202</td>
</tr>
<tr>
<td>Humberside</td>
<td>1</td>
<td>1</td>
<td>2235</td>
</tr>
<tr>
<td>Kent</td>
<td>2</td>
<td>2</td>
<td>3720</td>
</tr>
<tr>
<td>Lancashire</td>
<td>5</td>
<td>2.9</td>
<td>3628</td>
</tr>
<tr>
<td>Leicestershire</td>
<td>11</td>
<td>5.8</td>
<td>2255</td>
</tr>
<tr>
<td>Lincolnshire</td>
<td>1</td>
<td>1.4</td>
<td>1243</td>
</tr>
<tr>
<td>Merseyside</td>
<td>2</td>
<td>2.8</td>
<td>4441</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>25</td>
<td>7.9</td>
<td>31128</td>
</tr>
<tr>
<td>Norfolk</td>
<td>1</td>
<td>1.1</td>
<td>1577</td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>3</td>
<td>3.8</td>
<td>1301</td>
</tr>
<tr>
<td>Northumbria</td>
<td>2</td>
<td>1.3</td>
<td>3981</td>
</tr>
<tr>
<td>North Yorkshire</td>
<td>1</td>
<td>1.1</td>
<td>1671</td>
</tr>
<tr>
<td>Nottinghamshire</td>
<td>4</td>
<td>3.2</td>
<td>2445</td>
</tr>
<tr>
<td>South Yorkshire</td>
<td>3</td>
<td>2.9</td>
<td>3289</td>
</tr>
<tr>
<td>Staffordshire</td>
<td>2</td>
<td>1.8</td>
<td>2315</td>
</tr>
<tr>
<td>Suffolk</td>
<td>1</td>
<td>1.9</td>
<td>1358</td>
</tr>
<tr>
<td>Surrey</td>
<td>4</td>
<td>3.2</td>
<td>1963</td>
</tr>
<tr>
<td>Sussex</td>
<td>3</td>
<td>1.4</td>
<td>3113</td>
</tr>
<tr>
<td>Thames Valley</td>
<td>5</td>
<td>3.7</td>
<td>4260</td>
</tr>
<tr>
<td>Warwickshire</td>
<td>4</td>
<td>4.2</td>
<td>1061</td>
</tr>
<tr>
<td>West Mercia</td>
<td>2</td>
<td>1.4</td>
<td>2428</td>
</tr>
<tr>
<td>West Midlands</td>
<td>16</td>
<td>7.1</td>
<td>8245</td>
</tr>
<tr>
<td>West Yorkshire</td>
<td>9</td>
<td>4.2</td>
<td>5713</td>
</tr>
<tr>
<td>Wiltshire</td>
<td>1</td>
<td>1.4</td>
<td>1208</td>
</tr>
<tr>
<td>Dyfed-Powys</td>
<td>1</td>
<td>0.8</td>
<td>1190</td>
</tr>
<tr>
<td>Gwent</td>
<td>1</td>
<td>1.5</td>
<td>1493</td>
</tr>
<tr>
<td>North Wales</td>
<td>1</td>
<td>0.4</td>
<td>1608</td>
</tr>
<tr>
<td>South Wales</td>
<td>2</td>
<td>1.8</td>
<td>3336</td>
</tr>
<tr>
<td><strong>Total Police Service</strong></td>
<td><strong>7</strong></td>
<td><strong>3.9</strong></td>
<td><strong>141892</strong></td>
</tr>
</tbody>
</table>

officers employed as PCSOs (with fewer enforcement powers) and the main police force being occupied by white, male officers (CRE, 2005; Johnston, cited in Cunningham & Wagstaff, 2006).

Table 5 shows significant numbers from Black and minority ethnic backgrounds becoming Special Constables and Police Community Support Officers (PCSOs). For example, there was an overall rise of 6.4% for the period 2006 to 2007 compared with 2005 to 2006 in those recruited as Special Constables, with 27.9% of the overall number of Special Constable recruits coming from Black and minority ethnic communities.

Promotion and Progression
Officers are able to progress to sergeant or inspector by sitting the Objective Structured Performance Related examination (OSPRe). The recently revised (April 2008) High Potential Development Scheme (HPdS) is aimed at police constables and sergeants who are seen as having the potential to progress to the highest levels within the service. A number of additional courses support leadership at the higher ranks of the police service.

In 2007 (see Table 7) 4.2% of all officers from a Black or minority ethnic background were at the rank of constable compared with 2.3% of all Black or minority ethnic officers in 1999 [recommendation 59]. These percentages steadily decrease with the level of seniority for both time periods.

Table 7. Percentage of officers from Black and minority ethnic backgrounds in the police service, 1999, 2007

<table>
<thead>
<tr>
<th></th>
<th>2007 (31 March)</th>
<th>1999 (31 March)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constables</td>
<td>4.2%</td>
<td>2.3%</td>
</tr>
<tr>
<td>Sergeants</td>
<td>2.9%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Inspectors and Chief Inspectors</td>
<td>2.5%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Superintendent &amp; above</td>
<td>2.7%</td>
<td>0.5%</td>
</tr>
<tr>
<td><strong>TOTAL BME officers</strong></td>
<td><strong>3.9%</strong></td>
<td><strong>2%</strong></td>
</tr>
</tbody>
</table>

Note. Within the MPS there are 4 further ranks above that of Superintendent, namely: Chief Superintendent, Asst Chief Constable, Deputy Chief Constable and Chief Constable (termed ‘Commissioner’).

In his recruitment, retention and progression review Coaker (2008) states that only 37% of officers from Black and minority ethnic backgrounds compared with 55% of white officers have 10 or more years’ experience. However, these percentages are based on all officers and will be greatly affected by the number of Black and minority ethnic officers at the rank of constable. When the same principle is applied to officers at the rank of Sergeant or above, 37.5% of officers
from Black and minority ethnic backgrounds have 10 or more years of service compared with 38.2% of white officers. This suggests that the low number of Black and minority ethnic officers at the level of sergeant and above cannot be attributed to years of service per se.

In 1999, a Home Office report revealed that unclear policies, poor appraisal processes and difficulties accessing career development programmes and general career support represented some of the potential challenges to progression of Black and minority ethnic officers (Bland, Mundy, Russell & Tuffin, 1999). While a 2008 HMIC inspection found progression plans in most forces, it nonetheless revealed a continued and distinct lack of understanding of key concepts such as ‘positive action’, ‘positive discrimination’ and ‘affirmative action’, with operational officers voicing strident hostility towards positive action initiatives, believing them to unreasonably favour female and Black and minority ethnic candidates (HMIC, 2008c).

**Retention**

There continue to be ongoing concerns about the large number of Black and minority ethnic officers leaving the police service compared to their white counterparts (see also Morris, 2004; CRE, 2005). A specific programme, the Positive Action Leadership Programme (PALP), seeks to support their (and other ‘under-represented groups’) retention by encouraging them to apply for development opportunities and progression. The course includes supporting attendees to develop a career action plan and to explore and understand the benefits of concepts such as networking, coaching and mentoring (for details see www.npia.police.uk/en/1697.htm last accessed 20 October 2008).

The discrepancy between Black and minority ethnic versus white leavers is particularly stark for those in their first 5 years of police service. Data that reports officers leaving the service by reason for leaving again shows that significant numbers of leavers from Black and minority ethnic backgrounds had been dismissed or required to resign (8.5% of total leavers from minority ethnic backgrounds compared with 1.7% of leavers from white backgrounds), or had left after voluntary resignation compared to their white colleagues (46.6% of total leavers from minority ethnic backgrounds and 25.9% of all leavers from white backgrounds) (see Jones & Singer, 2008; also Home Office, 2007 for detailed examination).

While targets have been introduced to support the retention of Black and minority officers, a recent HMIC inspection found no evidence of specific measures to support the achievement of these targets beyond the basic collection of data and what are described as ‘ad hoc exit interviews’ (HMIC, 2008c: 3) [recommendation 66].

**Metropolitan Police Service (MPS)**

Our intention is to become an ‘employer of choice’, where we attract, retain and progress people, irrespective of their background, in an environment where they can realise their full potential. (Met Police Service Race and Diversity Strategy 2006/09)

**Recruitment**

The MPS was set a target, based on its catchment area population in 1999, of having a workforce of whom at least 25% were from a Black and minority ethnic background. As discussed earlier, HMIC judged this target to be too stringent, insisting that a 15.5% target was more realistic (Home Office & HMIC, 2000). As of March 2007, official statistics report that 7.9% of the MPS’s officers were from such backgrounds, significantly below both the HMIC and Home Office targets. The MPS’s own figures reveal an increase to 8.35% for the period to August 2008 (Metropolitan Police Service, 2008c) although it is not clear whether this includes central service secondments. Their figures for PCSOs and Special Constables are 30.9% and 32% respectively, well exceeding the Home Office targets. The reason for the disparity between officer and PCSO/special constable figures has been discussed above. It is evident given London’s large Black and minority ethnic population that this will be reflected in these figures.

**Table 8. Percentage of officers from Black and minority ethnic backgrounds in the Metropolitan Police Service, end August 2008**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constables</td>
<td>1843</td>
<td>9.82</td>
</tr>
<tr>
<td>Detective Constable</td>
<td>422</td>
<td>9.59</td>
</tr>
<tr>
<td>Sergeant</td>
<td>175</td>
<td>4.37</td>
</tr>
<tr>
<td>Detective Sergeant</td>
<td>82</td>
<td>4.79</td>
</tr>
<tr>
<td>Inspector</td>
<td>40</td>
<td>3.52</td>
</tr>
<tr>
<td>Detective Inspector</td>
<td>32</td>
<td>5.24</td>
</tr>
<tr>
<td>Chief Inspector</td>
<td>7</td>
<td>2.96</td>
</tr>
<tr>
<td>Det. Chief Inspector</td>
<td>10</td>
<td>4.93</td>
</tr>
<tr>
<td>Superintendent</td>
<td>8</td>
<td>6.45</td>
</tr>
<tr>
<td>Det. Superintendent</td>
<td>1</td>
<td>1.05</td>
</tr>
<tr>
<td>Chief Superintendent</td>
<td>1</td>
<td>2.04</td>
</tr>
<tr>
<td>Commander and above</td>
<td>3</td>
<td>7.14</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2624</td>
<td>8.35</td>
</tr>
</tbody>
</table>

Source: Metropolitan Police Service (2008, pers. comm.). Note. Within the MPS there are 4 additional ranks above that of Commander, namely: Deputy Asst Commissioner, Asst Commissioner, Deputy Commissioner and Commissioner. [http://www.met.police.uk/about/ranks.htm (last accessed 21 October 2008)]
Promotion and Progression
The MPS cites a number of initiatives to support and develop the careers of Black and minority ethnic officers and staff. One of these is the High Potential Development Scheme which is described as preparing ‘our brightest and best ethnic minority officers’ to enable them to be fast-tracked for promotion to superintendent level. However, this is in fact a scheme that is available to all officers rather than targeted specifically to those from Black and minority ethnic backgrounds (see www.npia.police.uk/en/6087.htm, last accessed 21 October 2008). It has introduced the Promoting Difference Scheme as of 2007 which aims to support ‘minority officers and staff across all diversity strands’ in equipping them with the ‘right skills and confidence to achieve their full potential’. As of September 2008, 160 police staff and officers have taken part in the scheme.

Retention
The Metropolitan Police report the number of Black and minority ethnic officers leaving the service to be on a ‘downward trend’ and to have fallen by almost a third over the last 5 years.

Discussion
Available data on the recruitment, retention and progression of Black and minority ethnic officers and staff indicates that despite various initiatives and the monitoring of these procedures through HMIC inspections, Black and minority ethnic officers continue to experience problems at each of these three stages. Using statistics from the Home Office Race Employment targets it can be shown that almost half of all forces in England and Wales have failed to meet their targets for the recruitment of Black and minority ethnic officers, even though in some cases this would have been addressed through the appointment of just one officer from these backgrounds. Retention of these staff is also a problem, and particularly so during the first 5 years of their service. The progression of those that stay on in the service is also a problem.

Home Office Minister Vernon Coaker has suggested a number of strategies to address some of the continued shortcomings in the recruitment, retention and progression of Black and minority ethnic officers. Amongst his recommendations are improvements to the exit interview process, a targeted recruitment campaign, and the publication of ‘positive action’ guidance on recruitment, retention and progression for the police service, which aims to incorporate extended positive action proposals in the Single Equalities Bill. He has also proposed more work to better understand why Black and minority ethnic officers leave, and the practical interventions that can be put in place to retain staff. A Ministerial Steering Group, to be reviewed after 6 months, will oversee the development of these proposals. While these proposals, like many set out in inspection reports and Public Inquiries, appear helpful to stimulating change, two key points have been overlooked.

First, it is concerning that the move from national to local target setting, though rejected by key support and advisory groups representing minority ethnic groups, has been in effect ignored by government. Second, Coaker’s (2008) proposals focus on change or developments amongst the very group of people who are uncomfortable within or experience challenges working for the police service. There is no move to better understand the nature and procedures of the organizational culture within which these minority ethnic groups are being encouraged to work.
Section IV. Conclusion

In carrying out this critical review of the literature, our aim has been to examine government’s response to the recommendations of the Stephen Lawrence Inquiry Report, paying particular attention to those that have relevance to the criminal justice system, considering developments during the 10 years since its publication on 24 February 1999, and suggesting areas for further examination.

The scope of this exercise has been considerable. This, in many ways, directly reflects the numerous attempts by government towards change and improvement in service delivery and internal practice evident, for example, in years of policing reform and, more recently, specific aspects of equalities legislation. The review has considered a number of issues raised through the Inquiry’s recommendations such as the definition, recording and reporting of racist incidents; police conduct during murder investigations; the treatment of victims and witnesses; the role of the inspectorate in seeking to ensure a critically reflective and efficient police service; the prosecution of racist crimes; police training on cultural diversity matters; police disciplinary procedures and complaints; statistics relating to the practice and recording of Stop & Search procedures; and the recruitment and retention of Black and minority ethnic officers and staff within the police service.

An overview of the socio-political context over the last 10 years was regarded as central to providing a better understanding of the nature and trajectory of these debates and the various changes in legislation over time as they relate to the Inquiry. This is perhaps best exemplified by the number of high-profile employment cases regarding Black and minority ethnic staff and officers (mainly within the Metropolitan Police Service) that have received prominent news coverage during September and October 2008 and which cannot be separated from the Lawrence Inquiry recommendations pertaining to the improved recruitment, retention and progression of staff from these backgrounds or those relating to cultural diversity awareness and training. While no specific recommendation pertains to institutional racism, a discussion and critique of the term has also been included in this analysis of the literature, due to the prominence given to the term during the Inquiry and its subsequent heightened positioning in the public consciousness.

Where are we now?

Without seeking to rehearse the detail of the previous chapters here, it is important to draw attention to the extent of the change in policy and in guidance documents that have directly or indirectly resulted from the Stephen Lawrence Inquiry. A few of the more significant are listed here:

- Specific guidelines now set out the levels of service victims and witnesses can expect to receive once they engage with the CPS
- Measures are in place to better track the recording of racist incidents from the police service to the CPS
- There is now an increased recognition of the experiences of victims and witnesses by the Crown Prosecution Service (CPS), with their having been allowed to describe, through victim impact statements, how the crime has affected their life
- The ethnicity of those subjected to stop and account is now recorded and has been since 2005
- Some improvements have been made to the ways in which victims can report racist incidents.
- Inter-agency communication regarding the recording of racist incidents has improved
- There is some engagement with the notion of positive action and specific programmes or initiatives to support the retention and progression of Black and minority ethnic officers and staff within the police service

Other changes, for example, those relating the disciplinary procedures following the Taylor and Morris reviews, are yet to be fully implemented. However, despite some indisputable evidence of change and indeed progress, this analysis of the literature has brought to the fore two fundamental areas that require further discussion. The first of these relates to the notion of government accountability. The second pertains to the arguably more complex and indeed uncomfortable concepts of race and racism. The first will be examined as it relates to the recommendations generally and the latter as they relate to the police service.
Accountability

The public inquiry into the circumstances leading to the murder of Stephen Lawrence was announced on 31 July 1997. The Inquiry panel conducted a series of public hearings, collected evidence and received submissions from various individuals, including academics, activists, grassroots organizations and think-tanks. The final document ‘The Inquiry into matters arising from the death of Stephen Lawrence’ was presented to Parliament and published on 24 February 1999, at which point the government had already initiated steps to begin engaging with the report’s 70 recommendations.

The bibliography at the end of this review covers some of the main literature, gathered over the course of 6 months, of research relevant to the Stephen Lawrence Inquiry. Collating and reading this information has not always yielded a direct answer to whether or not a specific recommendation has been met. This has largely been due to the constant programme of reform within the criminal justice system more broadly and within policing specifically. For example, chapter four of the policing green paper sets out plans to be directed by the National Police Improvement Agency (NPIA) to revise the way in which the police service engages with issues of equality. This is likely to include changes to the existing force-level recruitment targets that were implemented as part of the ‘Dismantling Barriers’ action plan by the Home Secretary 10 years ago. It is also understood that there are likely to be changes to the way in which training on race equality is to be delivered. It is incredibly challenging, therefore, to establish an exact picture of the position of the police service in relation to particular recommendations at a given time since the situation is constantly changing. This represents challenges not only to those within the police service but also for civil servants and researchers with an interest in the area.

No better understanding of the facts is necessarily established following direct communication with government departments or police organizations themselves (see footnote 12). The point being made here is not about the challenges experienced in trying to elicit information from these bodies per se but more one regarding openness and accountability, two concepts at the forefront of the Stephen Lawrence Inquiry recommendations. There seems to be an obvious issue here about setting up processes that better support the sharing of government information and which allow transparency in terms of government engagement with and reaction to policy. On a micro-level this would involve basic procedures such as ensuring that there are dates on publications and websites (especially where statistical information is provided) and, where publications have been updated or replaced, this should be explicitly stated on the most recent, available document. These are not insignificant matters; without such clarity the situation remains confused and progress becomes more difficult.

On a macro-level, given that public inquiries are essentially launched to tackle an issue of public (or sometimes parliamentary) concern or disquiet, the trajectory between the publication of the recommendations of any given public inquiry, the government’s response and the final (if any) changes in practice or legislation ought to be explicitly mapped and that process made publicly available. This would facilitate an improved climate of openness but also, arguably, stimulate greater engagement and involvement on the part of interested parties (citizens generally but in particular academics, practitioners) in a political process in which the lack of faith is already an issue.

Collectively, these micro- and macro-level issues should form part of a wider discussion and practice regarding the role of a transparent and accountable State which recognizes its inextricable connection with all that supports and facilitates a genuine and broad-based notion of the ‘active citizen’.

Race, power and inequity

During the course of this literature review, which has covered developments over the last 10 years, it has become apparent that certain themes have tended to recur with a relentless persistence. This is despite the recommendations of two seminal inquiries into policing and race equality, despite countless HMIC inspections on ‘community race relations’, each also with their own set of (not dissimilar) recommendations and despite the political agenda of reform. The particular points of disjuncture are: employment practices (here the recruitment, retention and progression) of Black and minority ethnic police officers, and Stop & Search procedures.

It should be pointed out here that ‘race’ in the heading of this section does not simply refer to Black and minority ethnic groups but includes
and recognizes the white majority population as having important roles in all of the debates and arguments set out in this review.

**Employment practice**

We should not overlook the fact that there have been some strides, for example, through the introduction of certain well-intentioned policies or initiatives (some of which have been specifically targeted at Black and minority ethnic groups), in addressing the recruitment, retention and progression of these officers. Key reviews, such as the Morris and Taylor reviews, which have specifically examined issues pertaining to employment practice are welcomed. However, even while acknowledging such developments, it remains impossible to view the mere 2% increase nationally, since 1999, in the percentage of Black and minority ethnic officers in the police service as anything other than a cause for concern. Those who might counter that the high number of Black and minority ethnic special constables and Police Support Community Officers (PCSOs) reflect some move towards equity are missing the point (see Chapter 14 for a discussion of this issue).

Even in light of research indicating that 39% of new Black and minority ethnic officer recruits were formerly PCSOs, the high levels of wastage among Black and minority ethnic recruits should surely elevate ‘cause for concern’ to a point where some fundamental questions need to be asked about what is going on within the ‘routine world of policing’ (Holdaway, 2003) that allows such ongoing ethnic group differences to be maintained despite the best of intentions (see Chapter 14). The ‘routine world of policing’ needs to be challenged, deconstructed and re-formed if the ongoing raced-based tensions that face the police service are really to be addressed:

The [police] occupational culture has specific features that marginalise members of minorities within the workforce. Without change to the occupational culture, recruitment programmes will be opening their front door of constabularies to ethnic minorities whilst presenting them with a context of work that encourages them to consider resigning by exit through the back door.

(Holdaway, undated)

As others have pointed out, the everyday world of policing is mainly white and male yet the literature (aside from the academic sources) which informs this review makes little if any mention of ‘whiteness’ or its intersection with masculinity and how they inform everyday ‘routine’ police practice (also McLaughlin & Murji, 1999). Former Home Secretary Jack Straw’s observation about a ‘white-dominated organization’ being liable to have ‘procedures, practices and a culture that tend to exclude or to disadvantage non-white people’ seems to have been relegated to the archives of Hansard (Straw, 1999).

Indeed, Home Office Minister Vernon Coaker only mentioned white police officers when comparing them to their Black and minority ethnic counterparts. No mention was made of the white organizational culture to which Straw refers, and there was but one mention of racism and that was in relation to a publication. There continues to be a distinct discomfort with discussions of race and racism and a refusal (played out as defensiveness) to recognize and engage with the reality that individuals (and groups) can be and continue to be treated differently on the grounds of their minoritized status:

The bottom line is that alleged incompetence or corruption has nothing to do with skin colour and everything to do with someone’s ability to perform a trusted role.

To claim otherwise is mendacious and divisive.

Call me old-fashioned, but isn’t the purpose of a union to campaign for consistently good working practices while protecting existing employees?

Yet, like so many organisations in a modern Britain strangled by political correctness, the BPA has clearly been hijacked by those with a vested interest in seeking out racism where none exists. *(The Sun cited in Police Oracle, 15 October 2008)*

This extract was taken from a Sun newspaper article, later published by the Police Oracle, entitled ‘Detective Constable Rod Austin is a serving police officer of 21 years standing. He also happens to be black’ (Moore, 2008). The article responds to the Black Police Association’s decision to dissuade Black and minority ethnic groups from joining the MPS, following a number of controversial high-profile cases involving senior Black and minority ethnic officers. The article seeks to advance a colour-blind approach (its emphasis is on poor police practice and not race or racism) that trivializes both the experiences of many Black and minority ethnic officers and the

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27 See Chapter 3 on Institutional Racism.

28 Police Oracle is an independent police website. It has approximately 140,000 visits per month and sends daily news briefs to about 8,500 police staff across the UK and a weekly newsletter to over 26,000 subscribers. Article available at www.policeoracle.com/news/Black-Police-Assoc-Betrays-Members_17513.html last accessed on 21 October 2008.
available statistics on race and policing. Oakley (1999) describes the process thus:

As members of the dominant group they do not have the face the reality of the expectation of racial discrimination or harassment in their daily lives. Unless they are consciously racist, the idea of differential treatment does not readily occur to them. They do not readily appreciate the extent to which they themselves are prone to unconscious stereotyping simply as a result of their upbringing and socialization, and not through any ‘fault’ of their own. If challenged on this issue, members of the dominant group are likely to insist that they always act impartially and adopt a ‘colour-blind’ approach; they will tend to resist strongly the suggestion that such an approach might be subtly racist or indirectly discriminatory in effect. (Oakley, 1999: 4.5)

Highlighting that DC Rod Austin has 21 years of service, and ‘happens’ to be Black, further compounds the colour-blindness theory but also presents the DC as a ‘model minority’ for whom success is ‘assumed to be incompatible with the charge of racism’ (Gillborn, 2008: 152). In fact the mere mention of racism is regarded as ‘mendacious and divisive’. Such sentiment disregards the findings of the Morris report about the ways in which Black and minority ethnic officers receive more severe reprimands than their white colleagues. It also ignores the available statistics from the MPS29 which reveal that Black and minority ethnic officers are over-represented in Fairness At Work cases and three and a half times more likely to have lodged an employment tribunal case than their white colleagues in 2007/08.

This surface engagement with race and racism is not limited to the extreme sentiment expressed in the Police Review:

Good race relations and a society in which everyone is treated equally are beyond price. But we recognise that proper investment in our public services is necessary to achieve that. That is why we are investing an extra £1.24 billion in policing over the next three years. We are also committing £400 million over three years to a comprehensive crime reduction programme. (Jack Straw’s first action plan, 1999 point 8)

The link made between facilitating good race relations, equal treatment and investment is interesting. It assumes an unsophisticated causal relationship between financial investment and race equality that, almost 10 years after the statement was made, has largely been exposed as lacking any foundation. Further, it is not clear how reducing crime equates to promoting good race relations, especially if a cursory glance is cast in the direction of Stop & Search practices as a procedure for managing crime (see below).

Such positive intent has been demonstrated more recently by the reactions of Boris Johnson in his capacity as chair of the Metropolitan Police Authority (MPA) and of current Home Secretary Jacqui Smith’s demands for new reviews of various aspects of policing in relation to their impact on Black and minority ethnic officers and staff (Direct Communications Unit, 2008). Again, the unflinching question needs to be posed as to how many more reviews, how many more pieces of research, how many more revisions to race awareness/diversity training are required for there to be a level of engagement with the realities that the huge body of existing data already reveals. And, nowhere is the state of this problem more starkly visible than the continued ‘disproportionality’ evidenced during Stop & Search procedures.

Stop & Search procedures
In 1999, Black groups were up to 6 times more likely to be stop and searched than their white counterparts (Home Office, 1999b). In 2007/08, that figure stood at 7 times (Jones & Singer, 2008).

For the majority of police forces, it was apparent that the number of stops and searches relative to the resident population was consistently higher for black people than for white people. (Home Office, 1999b: 7)

For the vast majority of police forces, the number of recorded stop and searches relative to the general population was, as with the previous year, higher for Black people than for white people in 2006/7. (Jones & Singer, 2008: 23)

Recommendation 61 of the Stephen Lawrence Inquiry set out the requirement for voluntary stops (stop and account) to also be monitored by ethnicity. Black people (usually young Black men) are almost three times more likely to be searched based on their number in the general population and almost two and a half times more likely to be stopped to account compared to the

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29 It is our understanding, following a number of requests from colleagues across several government departments and police bodies, that data on grievances and complaints lodged by police officers is not collated nationally. Bearing in mind what is known about the pattern of such matters at force level, we suggest that this is something that the government should seek to address.

30 With reference to stop and searches carried out under PACE.
white population. While there is some variation by police force, the stop and account procedure is one that has seen an increase in use over the last 2 years. This ‘disproportionality’ bears a disturbing salience in light of statistics from the Independent Police Complaint’s Commission (IPCC) about the number of Black people relative to their number in the general population making complaints against the police, and the proportion of those same complaints relating to discriminatory behaviour or to broader PACE stop and search procedures.

In the light of such figures, the reliability of the police performance and assessment measure which indicates that 68% of forces were rated ‘good/excellent’ in their stop and search procedures towards minority ethnic groups, remains unconvincing (see Chapter 13). In essence, based on the lack of improvement in the rate of stop and search for Black people, it is impossible to conclude that there has been any progress in addressing what has been labelled ‘disproportionality’ in stop and search practices in the 10 years since the publication of the Stephen Lawrence Inquiry. Even at the time, Macpherson wrote:

‘It is pointless for the police service to try to justify the disparity in these figures purely or mainly in terms of the other factors which are identified. The majority of police officers who testified before us accepted that an element of the disparity was the result of discrimination. This must be the focus of their efforts for the future. Attempts to justify the disparities through the identification of other factors, whilst not being seen vigorously to address the discrimination which is evident, simply exacerbates the climate of distrust.’ (Macpherson, 1999: 45:10)

While the Macpherson panel acknowledged the disparity in the figures as a result of discrimination we believe, following Bridges (1999) that they missed an important opportunity to genuinely challenge the police service on the use of this procedure, not least due to the message conveyed through the first recommendation in the section on stop and search. This stated that ‘the powers of the police under current legislation are required for the prevention and detection of crime and should remain unchanged’. We disagree with this recommendation both because of the disproportionality and hence injustice of the procedure, but also in view of the usefulness of the procedure for the prevention and detection of crime. An extremely low percentage of arrests (let alone convictions) result from stop and search (the figure has remained consistently around 12% over the last 10 years) and with the continued disproportionality, it is difficult to make an argument that stop and search is a valid ‘intelligence-led’ police procedure. That disproportionality remains standard procedure gives false legitimacy to a potentially unlawful discriminatory practice. This is a continuation of ‘sus’ laws by a different name and under different legislation. While the ‘Know Your Rights’ campaign, steered by the Association of Police Authorities, deserves acclaim for spreading information about citizens’ rights in relation to stop and search, such increased awareness does nothing to prevent the probability of being stopped in the first place. Further, while we welcome attempts to reduce bureaucracy for police officers and make better use of resources (see Flanagan, 2008), the introduction of the shorter stop and search forms (see Appendix IV), would seem to miss the point altogether.

Stop & Search is a procedure that lacks validity and reliability. Shorter forms will not address the overarching problem of officers disproportionately stopping Black (and Asian) groups. We call for a careful and independent consideration of Stop & Search practices and of the decisions that influence them with a view to immediately eliminating disproportionality by ethnic group. Forces that continue to reflect over-representation of Black and Asian groups should, without question, be subject to scrutiny under the Race Relations (Amendment) Act 2000 and under the new Standards of Professional Conduct which state that officers should not discriminate unlawfully or unfairly.

The Future

In order to move beyond the limitations of existing frameworks, beyond the ‘fine policies’ and ‘fine words’ (Macpherson, 1999: 45:12), we call for a new politics of engagement and understanding in relation to policing and race. This new politics must first and foremost make sense of racism not as the preoccupation of a few ‘rotten apples’ but also as a process which is embedded in the very taken-for-granted ways of being that are ingrained in the structures, unspoken rules and regulations that infuse current policing.

The new politics of engagement and understanding needs, therefore, to move away from a now exhausted ‘newer, smarter reformist agenda’ (McLaughlin & Murji, 1999:381), that centres exclusively on cultural awareness programmes and consultations with minority ethnic communities, and that has ‘allowed’ Stop & Search and employment inequities to be sustained despite years of well-meaning intervention, to one which also engages with the culture of whiteness and masculinity that defines the very essence of policing. Simply put, if the outcomes of policing are inequi-
table and unjust, then serious consideration must be given to understanding the processes that have contributed to these outcomes; or, as Lea (2000: 221) cogently argues, the ‘unintended consequences of the working of institutions is the appropriate framework for analysis in a liberal democracy committed to the principles of equal citizenship’. In the absence of such analysis, the notion of this being a liberal society certainly remains questionable.

There is another, related issue: that of the legacy of Stephen Lawrence to young people growing up in Britain today. In many ways this is something that Doreen Lawrence through the Stephen Lawrence Centre is seeking to address, but there is an opportunity here for government to show political will by providing financial support to and endorsement of a limited number of education projects that engage young people in key themes of the Stephen Lawrence Inquiry recommendations.

The NPIA briefing paper31 on the proposed changes to Equality Standards states that ‘diversity and equality is still widely perceived as an adjunct to the mainstream performance framework’ and that there is now a ‘need to look forward and drive continuous improvement’. Any look to the future must surely include a break from past practice but also a consideration of the type of police service we want for future generations.

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’. Ten years after the publication of the Inquiry Report, it is difficult to see how (in terms of recruitment, retention, progression and Stop & Search procedures) the police service can claim to have changed significantly and that the charge of institutional racism no longer applies. There is now a genuine opportunity for government and the police service to make good its pledge for serious reform that includes all members of the community. Bearing in mind the proposals made in this review for future research, and the recommendations we have also made, such changes will not be easy but they remain no less necessary than they were a decade ago.

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Appendices

Appendix I

High profile cases involving Black and minority ethnic officers and staff
[Situation as of 23 November 2008]

Case 1. Ali Dizaei
Rank (at time of investigation/complaint): Superintendent
Force (at time of investigation/complaint): Metropolitan Police

Main time line of events
July 1999 Recently promoted Supt Ali Dizaei is first submitted to surveillance, following information that he is friendly with a known drug dealer in Camden.
September 1999 Intelligence indicates that he may have been associated with various suspicious people and activities, but no conclusive evidence is brought to this.
November 1999 Conventional surveillance is cancelled.
December 1999 Supt Dizaei is successful at the extended interview for the Strategic Command Course, but his selection is deferred for 12 months to allow him to gain further experience.
January 2000 A letter of complaint about Supt Dizaei is received by the MPS, alleging criminal conduct and harassment in May 1999. The next day, authority is granted for Dizaei’s office telephone to be tapped.
February 2000 Information suggests that Dizaei may have been involved in various suspicious activities and authority is granted for renewal of the phone tapping despite a statement from the Senior Investigating Officer according to which ‘a number of lines of enquiry […] into his alleged criminal conduct have been completed with a negative result’.
Spring 2000 Information suggests that Dizaei may have associated with individuals involved in money laundering in relation to fraud and drugs.
Summer 2000 The CPS writes to the MPS stating that there is little or no evidence to substantiate the MPS’ suspicions about Dizaei; a meeting is held to discuss the proportionality of the operation.
January 2001 Supt Dizaei is suspended from duty. His home, office, car, and gym locker are searched.
May 2001 He is arrested, kept in custody and interviewed for alleged deception. He is subsequently re-arrested in July and September 2001.
May 2002 Supt Dizaei issues defamation proceedings against named officers in the MPS.
April 2003 After a trial at the Central Criminal Court, he is acquitted.
September 2003 The CPS decides that no further charges should be preferred against Supt Dizaei.
October 2003 A settlement agreement is made, which provides for the return to duty of Supt Dizaei with promotion to Chief Superintendent in due course and awards Dizaei about £80,000 in compensation.
March 2004 The PCA directs that the MPS should take disciplinary action against Supt Dizaei.
June 2004 The IPCC decides to reverse the PCA’s decision.

Outcome/present situation
Ali Dizaei was promoted to the rank of Commander in March 2008. He is the President of the National Black Police Association.

It was announced on 12 September 2008 that Dizaei was again the subject of a complaint, this time alleging that he had improperly provided advice to solicitors defending a woman accused over a fatal hit-and-run accident. The Metropolitan Police Association is to investigate the alleged misconduct, which Dizaei denies.

He was suspended on 18 September 2008 after being investigated for various allegations including an arrest he made outside his uncle’s West London restaurant. The arrested man later made a complaint that is being investigated by the Independent Police Complaints Commission (IPCC). He was also alleged to have used his Metropolitan Police credit card for personal shopping while on a trip to the United States.
Case 2. Leroy Logan
Rank (at time of investigation/complaint): Chief Inspector
Force (at time of investigation/complaint): Metropolitan Police

Main time line of events
2003  Chief Inspector Logan is investigated for five months over expense claims for a £80 hotel bill
November 2003  Ch Insp Logan intends to bring an employment tribunal case against the MPS for racial discrimination and victimization (for his defence of Supt Dizaei who was then under investigation); however, the two parties reach a settlement in which the MPS does not have to admit liability or that its actions were discriminatory and in which Ch Insp Logan receives over £100,000 and a statement by the Metropolitan Police declaring that the ‘conclusion of this investigation leaves Ch Insp Logan’s integrity and reputation demonstrably intact’, and that he ‘has made a significant contribution to policing and diversity issues in the capital’.

Outcome/present situation
As of May 2008, Leroy Logan worked for the Metropolitan Police and had been promoted to the rank of Superintendent.

Case 3. Gurpal Virdi
Rank (at time of investigation/complaint): Detective Sergeant
Force (at time of investigation/complaint): Metropolitan Police

Main time line of events
1998  Scotland Yard’s complaints investigation branch accuses Detective Sergeant Gurpal Virdi of sending racist letters to himself and to other Black and Asian officers at a west London police station. It suggests he was bitter because he had been overlooked for promotion.
April 1998  Mr Virdi is arrested, his home is searched and he is suspended.
March 2000  A police discipline panel finds against him and he is dismissed.
August 2000  An employment tribunal finds the force has racially discriminated against Mr Virdi and awards him £150,000.
February 2002  He receives an apology and is reinstated on full pay. An internal investigation finds major mistakes have been made. Sir John Stevens, then Commissioner, apologises and agrees Mr Virdi should be paid another £90,000 in an out-of-court settlement by the force for ‘injury to his feelings’.
2005  Encouraged by senior officers, he applies for promotion to the rank of detective inspector at a time when the Met has a shortage. He is endorsed by his line manager and it is agreed that he satisfies all the official criteria. But he is turned down by a review panel and his appeal is rejected. Virdi sues the Metropolitan Police for being repeatedly passed over for promotion, alleging that his career is being hampered because of the original legal action.
October 2007  The employment tribunal backs the claims of victimization but does not uphold Mr Virdi’s claims of racial discrimination. The tribunal finds that Virdi had been treated less favourably on the basis that he had previously filed a discrimination complaint against the Metropolitan Police Service.
June 2008  Det Sgt Virdi is awarded £70,400 for the above mentioned victimization claim.

Outcome/present situation
Mr Virdi is involved in two more employment tribunals, a fresh victimization claim alleging that he was ostracised on his return to work and his appraisal downgraded, and a bullying claim. As of September 2008, he still worked for the Metropolitan Police.
Case 4. Shabir Hussain  
**Rank** (at time of investigation/complaint): Commander  
**Force** (at time of investigation/complaint): Metropolitan Police

**Main time line of events**

2006  When applying for promotion to the rank of deputy assistant commissioner, Commander Hussain is up against six other candidates, of whom five receive better marks from the commissioner Sir Ian Blair and one the same. Mr Hussain is given a 3+, while the others get 4s and a 5. After Mr Hussain finds out that he had not been promoted, he goes to see Sir Ian. Commenting on this episode during the subsequent employment tribunal hearing, the commissioner said: ‘I do not recall in detail the feedback which I gave him but I do believe that it would have been to the effect that he had performed credibly and to an acceptable standard but had been beaten on the day by other candidates’. Blair said that there were about twenty-five commanders and only nine or ten deputy assistant commissioner roles. Mr Hussain had gone for promotion and had failed. ‘That is, I am afraid, the nature of promotion competition.’ However, Hussain says he believes he has been given unfairly low scores.

June 2008  Hearings for the employment tribunal case brought by Commander Shabir Hussain begin. Hussain is seeking compensation from the Metropolitan Police and the Metropolitan Police Authority on grounds of racial discrimination for allegedly being unfairly passed over four times for promotion between 2003 and 2006 by Sir Ian Blair. Blair emphatically rejects these accusations. Hussain tells the tribunal he believes his 2005 application had been ‘sunk’ by comments he made in interview that he wanted to ‘champion’ white male officers who felt ‘neglected’ by the force’s push for diversity.

2 September 2008  An employment tribunal in Stratford rejects Shabir Hussain’s claims according to which he had been passed over for promotion due to his race.

**Outcome/present situation**

After learning the outcome of his case, Shabir Hussain stated his disappointment, but noted that the hearing had exposed the shortcomings of the promotion process. He said that he aimed to carry on with his career as normal.

Case 5. Tarique Ghaffur  
**Rank** (at time of investigation/complaint): Assistant Commissioner  
**Force** (at time of investigation/complaint): Metropolitan Police

**Main time line of events**

2001  According to allegations formulated by Tarique Ghaffur in his current employment tribunal claim, Ghaffur first clashed with Sir Ian Blair over the Met’s treatment of Delroy Lindo, the black activist. Lindo had been arrested on numerous occasions in north London, and Ghaffur claims that Sir Ian Blair asked him to prepare a report on the case. The report concluded that Lindo was the victim of harassment and negative stereotyping. Ghaffur alleges that Sir Ian did not approve of his findings, and gave the report to another officer to be rewritten. Mr Lindo later won damages against the Met.

2001–2003  Ghaffur alleges he was put under surveillance by the police during the corruption investigation into Ali Dizaei and that he was also a target of this operation.

August 2008  Assistant Commissioner Tarique Ghaffur, the third most senior officer in the Metropolitan Police, files an employment tribunal complaint for racial, religious and age discrimination against his force and the Metropolitan Police Authority (MPA). Ghaffur accuses Sir Ian Blair, the Metropolitan Police commissioner, of repeatedly racially discriminating against him, of subjecting him to ‘degrading and humiliating’ treatment and repeatedly trying to undermine him. Ghaffur alleges he was harassed by Blair and another senior officer, repeatedly excluded from crucial meetings and discussions, criticized by a fellow senior officer about his language skills in a way which amounted to racial discrimination and victimized by the commissioner in a face to face meeting over his decision to bring a discrimination claim. Ghaffur claims he was undermined as head
of central operations, with his opinion being ignored on key issues and appointments made without him being consulted. He claims his subordinates reported directly to Blair on key issues, thus undermining his authority. He also blames the commissioner over a decision to renew his contract of employment by one year, rather than the three he wanted. The officers accused by Ghaffur deny the accusations.

**Outcome/present situation**
Since making his accusations public, Ghaffur has received numerous death threats which he claims were made by serving Metropolitan Police officers. He was suspended on 9 September. On 25 November 2008, it was announced that Ghaffur had agreed to stop employment tribunal proceedings and claims that Blair acted in a racist or discriminatory way towards him, following an out-of-court settlement in which he will receive a pay-off of about £300,000 and his full pension after 34 years in policing, as well as a contribution to his legal costs.

**Case 6. Yasmin Rehman**
**Position:** Director of Partnerships and Diversity for Territorial Policing  
**Force:** Metropolitan Police

**Main time line of events**
10 September 2008 After being off sick for a year with stress-related problems, Ms Rehman announces her intention to file a claim with an employment tribunal claiming she has been subjected to racist bullying and victimization.

**Outcome/present situation**
On 19 October, extracts of the employment tribunal claim were published by *The Times.*
Appendix II

The Police (Conduct) Regulations 2004: Code of Conduct

2004 No. 645
POLICE, ENGLAND AND WALES
The Police (Conduct) Regulations 2004
SCHEDULE 1
Regulation 3
CODE OF CONDUCT

Honesty and integrity
1. It is of paramount importance that the public has faith in the honesty and integrity of police officers. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with integrity.

Fairness and impartiality
2. Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

Politeness and tolerance
3. Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

Use of force and abuse of authority
4. Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

Performance of duties
5. Officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly when rostered for duty. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

Lawful orders
6. The police service is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of legislation applicable to the police. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

Confidentiality
7. Information which comes into the possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about force policy and operations unless authorised to disclose it in the course of their duties.

Criminal offences
8. Officers must report any proceedings for a criminal offence taken against them. Conviction of a criminal offence or the administration of a caution may of itself result in further action being taken.

Property
9. Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

Sobriety
10. Whilst on duty officers must be sober. Officers should not consume alcohol when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

Appearance
11. Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

General conduct
12. Whether on or off duty, police officers should not behave in a way which is likely to bring discredit upon the police service.

Notes
(a) The primary duties of those who hold the office of constable are the protection of life and property, the preservation of the Queen’s peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the police service therefore have the right to expect the highest standards of conduct from them.
(b) This Code sets out the principles which guide police officers’ conduct. It does not seek to restrict officers’ discretion: rather it aims to define the parameters of conduct within which that discretion should be exercised. However, it is important to note that any breach of the principles in this Code may result in action being taken by the organisation, which, in serious cases, could involve dismissal.
(c) Police behaviour, whether on or off duty, affects public confidence in the police service. Any conduct which brings or is likely to bring discredit to the police service may be the subject of sanction. Accordingly, any allegation of conduct which could, if proved, bring discredit to the police service should be investigated in order to establish whether or not a breach of the Code has occurred and whether formal disciplinary action is appropriate. No investigation is required where the conduct, if proved, would not bring or would not be likely to bring, discredit to the police service.

## Appendix III

The Police (Conduct) Regulations 2008: Standards of Professional Behaviour

<table>
<thead>
<tr>
<th>Standards of Professional Behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Home Office</strong></td>
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<tr>
<td><strong>Schedule</strong></td>
</tr>
<tr>
<td>Honesty and Integrity</td>
</tr>
</tbody>
</table>
Police officers are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy |
Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.
Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity |
Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Force |
Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Orders and Instructions |
Police officers only give and carry out lawful orders and instructions.
Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities |
Police officers are diligent in the exercise of their duties and responsibilities.

Confidentiality |
Police officers treat information with respect and access or disclose it only in the proper course of police duties.

Fitness for Duty |
Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.

Discreditable Conduct |
Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.
Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

Challenging and Reporting Improper Conduct |
Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

Appendix IV

IV(a) Stop and Search form (old)

This form is to be completed for each stop and account and search performed after 1.7.2006. No search should occur without the officer:

- having the support of a legal provision
- having a firm belief that items referred to in the relevant legislation will be found—see new PACE code A (applies 1.8.2004).

Police powers to stop and search

- The law gives Police Officers powers to search you, anything you are carrying and any vehicle you are in.
- Police must use their powers of stop and search fairly and without unlawful discrimination. They will try to be considerate and courteous but they also need to be aware of their personal safety and the safety of the public.
- In some circumstances, Police Officers can use reasonable force to detain and search you.

What does a Police Officer tell you?

Before making a search, the Police Officer must take reasonable steps to tell you:

- that you are detained for the purpose of a search;
- their name (except for Anti-Terrorism searches or otherwise where the officer reasonably believes that giving their name might put them in danger, in which case their warrant number or other identification number shall be given) and the police station they are from;
- what they are searching for in general terms (the items they are looking for);
- what reason they have for searching you (excluding Terrorism powers and Powers under Section 60 Criminal Justice Act—see elsewhere in this form);
- what authority they have for searching you under Terrorism or Sec 60 CJA;
- that you are entitled to a full copy of this record now or at any time within the next 12 months.

If not in uniform they must show you their warrant card—officers in uniform should be displaying a name badge.

How far can a Police Officer search?

- If the search takes place in public, the Police Officer can usually only ask you to remove your outer coat, jacket and gloves—except for Terrorism and Sec 60 CJA searches—see elsewhere in this form.
- Out of public view you may be asked to remove your headgear, footwear or any item concealing identity.
- If the Police Officer needs to perform a more thorough search, it must be done out of public view by a Police Officer who is the same sex as you and out of view of any person of the opposite sex to you.

Further advice may be obtained from the Metropolitan Police Internet site (www.met.police.uk) or local Citizens Advice Bureau, Metropolitan Police Authority website (www.met.police.gov.uk) or a local community group. The Metropolitan Police is committed to increasing community confidence in its use of stops and searches.

Outcomes Codes

1. No Further Action 6. Part 4 CJA—removed from designated area
2. Advised 7. Part 4 under 16 taken to appropriate adult
3. Verbally warned 8. Part 5
4. Arrested 9. Any other criminal charge
5. Other (please specify)

Identity Code (IC) (officer's) perceived ethnicity code

1. White—North European
2. White—South European
3. Black
4. Asian
5. Chinese, Japanese, or any other South East Asian
6. Middle Eastern
7. Not recorded/Unknown

Self-Defined Ethnicity

- N1 Officer's presence is urgently required elsewhere
- N2 Situation involving public order
- N3 Person does not understand what is required
- N4 Person declines to define their ethnicity

Reasons for Search/Arrest Code

A. Stop and Search for Stolen Property (s1 PACE)
B. Drugs (s23 Misuse of Drugs Act)
C. Firearms (s17 Firearms Act)
D. Offensive Weapons (s1 PACE)
E. Offensive Weapons (s139+—CJA, Schools)
F. Going equipped (s17 PACE)
G. Other Power (see Anx A of Code A)
H. Terrorism 44(f) (vehicle/occupants)
J. Terrorism 44(g) (pedestrians)
K. Anticipated violence (s80 CJO)
L. Arrears to raise criminal damage (s13 PA 95)
M. Arrested other offence(s) (please specify)

Reasons for Stop Code

A. To enforce suspected traffic violation
B. To check personal details/documents
C. To check if wanted on warrant/other conditions
D. To investigate suspected criminal/terrorist/social behaviour
E. To follow up call for service/information received
F. To follow up intelligence report
G. To check on welfare
H. Part of a pre-planned police operation
I. Other (please specify)
J. Part 4 Criminal Justice Act
K. Part 4 Criminal Justice Act
L. Going equipped to cause criminal damage
A short guide to commonly used Police powers of stop and search.

A Police Officer can speak to you at any time during the course of their duties. It does not mean that they suspect you of doing anything wrong. If a Police Officer decides to stop you and search you, they can only do so if they have 'reasonable grounds' (good reason) to suspect that you have with you:

- Stolen goods.
- A knife, an item with a blade or point, or some other offensive weapon.
- Things that can be used to commit burglary, theft or deception or taking a motor vehicle without authority.
- Articles to commit criminal damage.
- Controlled drugs.
- Guns or other firearms.
- Or if they have
- Reasonable suspicion of being concerned in terrorism.

'Reasonable grounds' are not required for searches under Sec 66 Criminal Justice Act or Sec 44 Terrorism Act.

'Reasonable grounds' does not usually include personal appearance. A Police Officer cannot lawfully stop and search you just because of your age, skin colour, style of clothing or hairstyle, etc. (unless reliable information or intelligence is available linking a distinctive item of clothing or other means of identification to membership of a group or gang which habitually carries knives, unlicensed firearms or controlled drugs.) There is no such thing as a voluntary search. If you stop and searched, the Police Officer must follow the correct police procedure. This means recording the event on this form and giving you a copy at the time unless wholly impractical to do so.

Your vehicle can also be searched on 'reasonable grounds' and for the same reasons. If you are not with the vehicle at the time, the Police Officer must leave a copy of this form in/on the vehicle giving their name and which police station they work at. You can apply for compensation at the police station (by writing to the Commissioner of Police of the Metropolis) if any damage is caused during the search.

The Police use these powers to stop and search from several different Acts of Parliament, some of which are:

- Sec. 1 Police and Criminal Evidence Act 1984
- Sec. 23 Misuse of Drugs Act 1971
- Sec. 47 Firearms Act 1968
- reasonable suspicion of being involved in terrorist activity

The Police have several other powers to stop and search you or your vehicle, which do not require 'reasonable grounds', some of which are:

- To prevent serious public disorder—
  - Section 60 Criminal Justice and Public Order Act 1994 says that Police Officers, who must be in uniform, can stop and search people and vehicles for offensive weapons and other dangerous articles, if it is believed that serious violence is going to take place in the area or that persons are carrying dangerous, illegal, or offensive weapons, without good reason in the area to which the power to stop and search applies.

- To check your driving documents—
  - Section 133 Road Traffic Act 1988 says that a Police Officer, who must be in uniform, can stop and speak to any driver. This power to stop a vehicle does not include a right to search the vehicle. The officer does not need to suspect the driver of an offence before he stops the vehicle. The officer can ask to see the driver's documents (usually their driving licence, insurance and the vehicle's test certificate if it has one). If the driver cannot show them, they will be given a form HORT1 (sometimes called a 'producer') to produce the documents at a police station of their choice within 7 days.
Complaints Procedure:
If you believe that you have been treated unfairly or unreasonably during stop and search, you may make a complaint about any specific officer(s). Powers exercised under stop and search are controlled by the Police and Criminal Evidence Act 1984 and the accompanying Codes of Practice. This can be verified at any police station or library, via the internet or at a solicitor's office.

To make a complaint:
- Go to any police station, where you will be seen by the senior officer on duty (usually an inspector).
- Contact the Independent Police Complaints Commission.
- Seek advice from a Citizen's Advice Bureau (CAB), local community group or the Metropolitan Police Authority.

With your consent through another person.

Recording of a 'Stop and Account' Recommendation 81 of the Stephen Lawrence Enquiry

When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, a record of the encounter must be completed at the time and a copy given to the person who has been questioned (unless it is wholly impractical to do so).

Glossary of terms
- CAD = Computer Aided Dispatch (system used by police to record information on officer deployments to call for assistance)
- DOB = date of birth
- GPS = global positioning system
- O.S. = outside
- PATS = proactive tasking of officers based on intelligence
- SDE = self-defined ethnicity (what ethnic group you say your origins are from)
- Sn. = station or unit to which the officer is attached
- VRM = vehicle registration mark
- Wt. No. = warrant number of officer (unique)

CRIMESTOPPERS

0800 555 111
working in partnership with the police

terrorism

Protecting you from terrorism.
London has been the target of some of the worst terrorist attacks in Britain and we must all be alert to, and aware of, the risk of terrorism. Our successful strategy against terrorists has included taking away their element of surprise. Routine checks on vehicles travelling in London have been part of this. We understand that this can be inconvenient to be stopped, but we hope that you agree that this inconvenience is worth it if it restricts terrorists’ chances of planting bombs. With your support, we can make life much more difficult for those people who are trying to ruin life for everyone in London.

The police have been given powers to help in the fight against terrorism. You can find out more about these powers below.

The Terrorism Act 2000

Stop and Search Powers

Section 44 of the Act allows police to stop and search vehicles and persons for the purpose of preventing terrorism. The power can only be used on the written authority of a senior police officer of or above the rank of commander, and only in an area or on a place specified in the authorisation. Under this legislation a police officer in uniform may stop and search:
- any vehicle;
- its driver;
- any passenger;
- anything in or on the vehicle or carried by the driver or passenger, to look for anything which could be used in connection with terrorism. An officer may also stop and search pedestrians and anything carried by them for any article which could be used in connection with terrorism. When a driver of any vehicle or pedestrian is stopped they are entitled to a written statement that they were stopped under the powers given in Section 44(1) and (2) of the Terrorism Act 2000. This form is that written statement.
### Appendix IV

**IV(b) Stop and Search form (new)**

#### Form 50/90

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<tr>
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</tr>
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<td>Injury caused?</td>
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</tr>
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</tr>
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</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>Team/Unit</td>
<td></td>
</tr>
<tr>
<td>Copy for person stopped</td>
<td></td>
</tr>
</tbody>
</table>

**Stop and Account**

This is when an officer requests a person in a public place to account for themselves, i.e., their actions, behaviour, presence in an area or possession of anything. Under the stop and account process, an officer will be expected to record only the citizen’s self-defined ethnicity. On completion of the encounter the officer will issue a receipt to the citizen.

**Complaints Procedure:**

If you believe that you have been treated unfairly or unlawfully during stop and search, you may make a complaint about any specific officer. To make a complaint:

- Go in person to any police station.
- Telephone, email or write to the Chief Superintendent in charge of the police area where you were stopped and/or searched.
- Email complaints@met.police.uk
- Give consent for another person to complain on your behalf.

For further information about stop and search and your rights please visit the Metropolitan Police website (www.met.police.uk/stopsearch/), Metropolitan Police Authority website (www.nspcc.org.uk), local Citizens’ Advice Bureau or community group, the Home Office website (www.homeoffice.gov.uk) or the Association of Police Authorities website (www.apa.police.uk) – which includes information about stop and search in other languages. The Metropolitan Police is committed to increasing community confidence in its use of stop and search.

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Police powers to stop and search

- The law gives Police Officers powers to search you, anything you are carrying and any vehicle you are in.
- Police must use their powers of stop and search fairly and without unlawful discrimination. They will try to be considerate and courteous but they also need to be aware of their personal safety and the safety of the public.
- In some circumstances, Police Officers can use reasonable force to detain and search you.

What must a Police Officer tell you?

Before making a search, the Police Officer must make reasonable steps to tell you:

- that you are detained for the purpose of a search;
- their name (except for Anti-Terrorism searches or where the officer reasonably believes that giving their name might put them in danger, in which case their warrant number or other identification number shall be given) and the police station they are from;
- what they are searching for in general terms (this is the item they are looking for);
- what reason they have for searching you (excluding Terrorism powers and powers under Section 60 Criminal Justice and Public Order Act (CJPOA);
- what legal power or authority they have for searching you;
- that you are entitled to a full copy of this record now or at any time within the next 12 months.

If not in uniform they must show you their warrant card.

How far can a Police Officer search?

- If the search takes place in public, the Police Officer can usually only ask you to remove your outer coat, jacket and gloves – except for Terrorism and Sec 60 CJPOA searches.
- Of public places you may be asked to remove your headgear, footwear or any item covering identity.
- If the Police Officer needs to perform a more thorough search, it must be done out of public view by a Police Officer who is the same sex as you and out of view of any person of the opposite sex to you.

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Appendix V

Ranks within the Metropolitan Police Service

<table>
<thead>
<tr>
<th>The ranks within the police service are, in descending order of seniority:</th>
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<tbody>
<tr>
<td>![Image of Chief Constable insignia] Chief Constable</td>
</tr>
<tr>
<td>(Most Senior Police Officer)</td>
</tr>
<tr>
<td>![Image of Deputy Chief Constable insignia] Deputy Chief Constable</td>
</tr>
<tr>
<td>![Image of Assistant Chief Constable insignia] Assistant Chief Constable</td>
</tr>
<tr>
<td>![Image of Chief Superintendent insignia] Chief Superintendent</td>
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<td>![Image of Superintendent insignia] Superintendent</td>
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<td>![Image of Chief Inspector insignia] Chief Inspector</td>
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Appendix VI

Key Police Agencies

Association of Police Authorities (APA)
The national body which represents all police authorities in England and Wales, the Northern Ireland Policing Board and the British Transport Police Authority, the APA acts as the national voice for police authorities and supports them in improving how they carry out their role locally.

Association of Chief Police Officers (ACPO)
As an independent, professionally-led strategic body, ACPO represents all senior police officers in England and Wales. It leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland.

Her Majesty’s Inspectorate of Constabulary (HMIC)
Through the inspection and assessment of police organizations and functions, it is the aim of HMIC to promote the efficiency and effectiveness of policing in England, Wales and Northern Ireland and to ensure that agreed standards are achieved and maintained, that good practice is spread, and that performance is improved. It also aims to provide advice and support to the tripartite partners (Home Secretary, police authorities and forces).

HMIC will become part of the new Justice, Community Safety and Custody Inspectorate.

Independent Police Complaints Commission (IPCC)
The IPCC aims to ensure that complaints against the police are dealt with effectively. It sets standards for the way the police handle complaints and, when something has gone wrong, helps the police learn lessons and improve the way they work.

National Policing Improvement Agency (NPIA)
As a service owned and led by the police, the NPIA seeks to drive improvement and leading-edge practice, to foster self-improvement and help shape the future of policing, to deliver and develop services and infrastructure to support policing, and to drive forward the Home Secretary’s national critical programmes.

Office for Criminal Justice Reform (OCJR)
The OCJR is the cross-departmental organization that supports all criminal justice agencies in working together to provide an improved service to the public. Its goal is to deliver the National Criminal Justice Board’s vision of what the Criminal Justice System will look like in 2011. It will do this by providing Local Criminal Justice Boards with the overall framework and guidance to facilitate reform at a local level.

Police Federation
The Police Federation of England and Wales is a staff association for all police constables, sergeants and inspectors. It aims to represent and promote the interests and welfare of their members and to influence internal and external decision-makers at local and national levels on matters affecting its members and the police service.
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Selected Runnymede Publications

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Commission on the Future of Multi-Ethnic Britain (2000, Profile Books)

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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 policymakers 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.