

**Equality and
Human Rights
Commission**

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Police and racism:

**What has been achieved 10 years after the
Stephen Lawrence Inquiry report?**

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Contents

Executive Summary	2
Introduction	9
Chapter 1 – Employment	12
Chapter 2 – Stop and search	20
Chapter 3 – DNA	27
Chapter 4 – Race crimes	31
Conclusions and recommendations	36

Executive Summary

Introduction

The landmark inquiry by Sir William Macpherson into the murder of Stephen Lawrence marked a crossroads for the police service in terms of how they dealt with racism within their own ranks, as well as their treatment of the public.

Exactly 10 years on from the publication of the Lawrence Inquiry report, the Equality and Human Rights Commission wanted to consider what progress the police service has made in terms of race equality?

The report considered four main themes:

- employment, training, retention, and promotion
- stop and search
- the national DNA database
- race hate crimes

Employment

The BBC investigation *The Secret Policeman* in 2003 shattered any illusions that the police had banished racism from within their ranks. An undercover reporter filmed comments and images of extreme racism among some police recruits.

In response the then Commission for Racial Equality (CRE) set up an investigation into race equality in police employment. It resulted in the CRE's Police Formal Investigation report that made 125 recommendations. Many of these, along with other reports such as the Morris and Taylor inquiries, have had a major impact on the way the police recruit, train and promote ethnic minority staff.

The most recent statistics provide evidence of some good progress in employment for ethnic minorities. This includes:

- For all staff, both civilian and sworn officers, the police has exceeded the Home Office target for ethnic minorities to make up at least 7% of the service in England and Wales by 2009. In 2007 the total was 8%.
- The proportion of ethnic minority officers has risen from 2% in 1999 to 3.9% (5,511 officers) in April 2007. However, the target of 7% will almost certainly not be met.
- The proportion of ethnic minorities who were successful police recruits increased from 6.3% to 10.7% of the total number of candidates during the first half of 2007-08.
- Nearly 12% of police community support officers are from ethnic minority groups.
- Targets on progression through the ranks have been met, in all but the very top levels.
- Ethnic minority officers do, however, have a higher resignation rate than white officers, particularly in the first six months of service.

There are a number of initiatives that the Commission believes have had a significant positive impact, including a Race Equality Programme (REP) for the police service that included 109 detailed objectives drawn from 122 of the CRE recommendations. These included schemes to improve race and diversity training and disciplinary procedures, plus the use of positive action to boost ethnic minority recruits.

One of the major pieces of work to stem from a CRE recommendation was an inquiry by Her Majesty's Inspectorate of Constabulary (HMIC) to check on the delivery of the race equality duty by the police service. The inspectors looked at six forces in 2006.

HMIC has now made four key chapters of *Duty Calls* available to the Commission. On the issue of promotion the report stated: 'HMIC found key post holders had a notable lack of training and understanding of race equality as it relates to progression.'

'Although individuals are well intentioned, poor performance in achieving the targets was an inevitable consequence. BME (black and minority ethnic) officers in particular described a lack of role models and support.'

HMIC also highlighted the difficulty experienced by ethnic minority officers wanting to join specialist squads.

Duty Calls reported: 'The sense of unfairness towards BME officers in specialist selection and promotion processes was very strong and reinforced the necessity to introduce independent scrutiny.'

This problem of specialist squads appearing to be 'closed shops' to most ethnic minority officers is one that has been highlighted to the Commission by several police chiefs. Explanations offered as to why so few ethnic minority officers join these squads include the belief by some that they are dominated by white, middle aged men, old fashioned work practices and high level of 'canteen' culture.

As one senior black detective told the Commission: 'It's seen as a play hard, work hard, drinking culture.'

The Commission would like to see greater progress in this area. We are aware that this opinion is shared at the highest levels, particularly in the Metropolitan Police.

Stop and search

Police statistics show that a decade after the Lawrence Inquiry report was published, black people are seven times more likely to be stopped and searched than white. Asian people are today twice as likely to be stopped and searched as white people.

The Commission is concerned that this disproportionate impact of stop and search on black people has shown no long term drop in the past 15 years.

Every year since records started in the mid-nineties there have been about one million stop and searches, mostly for drugs and stolen goods. A further 37,000 searches were made under section 44 of the Terrorism Act.

Figures were published for the first time this year revealing the police used their powers to stop members of the public in the street and demand they account for themselves on nearly two million occasions in 2006-07.

The Home Office has just made several significant changes that alter the way stops are recorded. One is to replace the current form with a receipt, and for the police to record only the person's race and the location of the stop.

The second is to replace the stop and search form that used to be given out automatically with a receipt. To obtain the full record the person stopped has to go to a police station or get it electronically online.

The Commission has serious concerns about these changes that appear to put cutting bureaucracy before accountability in an area that is key to race equality.

Our grave disquiet about the change to the stop and search rule is that it appears to be a shift back towards the discredited pre-1995 model, in which people had to obtain their full details from a police station.

The Commission's analysis has also identified that in some forces a disproportionate number of people from certain ethnic groups are stopped and searched – what is known as 'disproportionality'. This appears to be a particular problem for some forces and the figures vary widely across England and Wales. For example, there are six forces in the north of England, roughly north of York, which for the past four years have some of the lowest levels of disproportionality in the country. On the opposite side there is a clutch of forces in the south that consistently record the highest levels of disproportionality.

DNA

The national DNA database will now need to be substantially reviewed since the landmark ruling by the European Court of Human Rights in Strasbourg in December 2008.

The fingerprints and DNA samples of more than 857,000 citizens in England, Wales and Northern Ireland, who have been arrested or charged but never convicted of a criminal offence now face deletion from the national DNA database (NDNAD).

The Commission voiced its opposition to the database holding DNA samples and fingerprints of suspects who have been released or cleared as recently as October 2008.

We believe that for the past 10 years the police service has failed to properly acknowledge or address the race equality impact of the database, which we believe is considerable.

By our own calculations, using a range of official statistics, more than 30% of all black males living in Britain are on the NDNAD, compared with about 10% of white males and 10% of Asian males. Estimates suggest that black men are about four times more likely than white men to have their DNA profiles stored on the police NDNAD.

The potential threats posed by the over-representation of black men on the database include:

- Race patterns on the database could strengthen the tendency for ‘ethnic profiling’ – stereotyping black men as the prime suspects for particular offence types because of their over-representation on the database.
- Samples or DNA records could be sold to commercial research companies, for research such as trying to establish crimogenic genes in certain races.

For the past year the Commission, and before that the CRE, has been seeking evidence that the Government is meeting the race equality duty in relation to the national database.

Racist incidents

The Commission believes that overall there has been significant progress in the past 10 years in how the police deal with racist incidents.

Figures from the latest British Crime Survey, which is considered to be the most reliable study, indicate that the number of racially motivated incidents has fallen from 390,000 incidents in 1995 to 184,000 in 2006/07.

One concern is that the number of estimated racist incidents rose by 45,000 from a total 139,000 in 2005/06. One possible explanation is that rapid migration of eastern Europeans into areas not familiar with previous migrants might have resulted in an increase in racist incidents.

The majority of racist incidents are not reported to the police. Recorded racist incidents in England and Wales rose from nearly 14,000 in 1997/8 to 61,262 in 2006/7. The rise in reported crime figures can be interpreted as a form of ‘success’, in the sense that the police and other agencies have been trying to encourage a greater level of reporting among victims of race crimes.

The Commission believes that initiatives such as Multi-Agency Panels, reporting networks and the Association of Chief Police Officer’s Hate Crime Guide have all contributed to the improvements made in reducing racist incidents over the past decade.

Conclusions

In some areas the police service is making clear progress in delivering race equality. We have also identified issues and concerns that appear to have been ignored, or where initiatives are having little impact.

We have detected a lack of rigor or interest among the police service and other agencies when it comes to certain policing issues, such as the national DNA database and stop and search disproportionality.

The significant degree of race disproportionality found in the maintenance of the national DNA database (a database supported by the police) and stop and search also stigmatises certain sections of the community, in particular black men. This can result in the dangerous assumption that they are seen by some members of the public as an ‘alien wedge’ of criminality.

We need to continue to press the police service, the Home Office and other agencies to maintain their progress. However, the police should be applauded for the undoubted headway they have made towards greater race equality in the last decade.

Recommendations

Recruitment, training, and promotion

The Commission believes that:

- More should be done to encourage ethnic minority Police Community Support Officers, and Specials, to become fully-sworn officers. For example the police should investigate whether their probation could be shortened in recognition of the policing experience they already have.
- There should be greater use of positive action to encourage more ethnic minorities to join the police. The Commission will be publishing guidance in this area in the Spring.
- Police leaders have expressed concerns that specialist units are often considered a ‘closed shop’. This problem needs to be addressed urgently if the police are not to be stained with the accusation that some parts of the service are still only available to those whose ‘face fits’.
- Research should be undertaken to determine whether ethnic minority officers are disproportionately subjected to disciplinary procedures and why.
- Race and diversity training should be incorporated in every part of police training rather than being seen as a separate part of the course.

Stop and search

The Commission believes that:

- Forces with high levels of race disproportionality should consider adopting practices in one or more comparable forces with significantly lower rates. Good initiatives are taking place in Staffordshire and London.
- Research should be done to identify why some forces have a disproportionality ratio of 2:1 for black men stopped and searched, compared with 9:1 in other parts of the country.
- The way stops are recorded should be changed. The Commission has outlined in Chapter 2 an alternative to the changes to PACE Code A in the way stops are recorded.

DNA

The Commission believes that:

- The Home Office should ensure a race equality impact assessment is carried out in relation to the national DNA database. In addition, full ethnic monitoring data should be published for those on the NDNAD.
- The Government should implement changes necessary to comply with the judgment from the European Court of Human Rights as soon as possible.

Racist incidents and crimes

The Commission believes that:

- The Government should ensure that there is a multi-agency panel structure in every region in England and Wales, and that all Multi-Agency Panels adopt the recommended two-tier model.
- Further work towards establishing a national 24-hour helpline to report racist incidents should be undertaken.

Introduction

The landmark inquiry by Sir William Macpherson into the murder of Stephen Lawrence marked a crossroads for the police service in terms of how they dealt with racism within their own ranks, as well as their treatment of the public.

The shocking extent and the entrenched nature of the racism, found within the police by Macpherson, acted as a spur for a series of proposed radical reforms and promises of a fundamental shift in attitudes and processes.

As Jack Straw, the then Home Secretary, stated on 24 February 1999 following the inquiry publication: 'I want this report to serve as a watershed in our attitudes to racism. I want it to act as a catalyst for permanent and irrevocable change, not just across our public services but across the whole of our society.'

Others such as Stephen's mother, Doreen Lawrence, cast doubt on whether this was the start of a new era. She said: "Black people are still dying on the streets and in the back of police vans. For me, institutional racism is ingrained and it's hard to think of how it will be eradicated from the police force."

Unquestionably the brutal death of 18-year-old Stephen by a gang of white youths as he waited at a bus stop in Eltham, south-east London, on 22 April 1993 did eventually become the driving force to improve race relations in Britain.

But 10 years on from the publication of the Stephen Lawrence Inquiry report, the Equality and Human Rights Commission wanted to consider what progress the police service has made in terms of race equality.

This is not supposed to be a comprehensive review of all the changes made within the police service, but instead it focuses on what the Commission believes are the major race equality issues it, and its legacy organisations such as the Commission for Racial Equality (CRE), have encountered and been involved with.

This report is a 10-year 'health check up' on the police, to gauge how far the service has come since February 1999; what progress has been made; where further work is needed; and where it is failing.

The Commission will make some observations in the conclusion about possible ways forward, and good practice that needs wider dissemination, but the primary role of this report is to answer the question: 'In terms of race equality, how have the police progressed in the 10 years since the Lawrence Inquiry?'

In many ways the Macpherson Inquiry took the lid off the police service and shone a light on the 'nasty side' of the organisation, revealing the full extent of the racism and bad practice that still existed, as well as exposing many of the institutional systems that encouraged racism, or allowed it to fester.

With its swathe of recommendations, backed by the support of the Government and police chiefs, many hoped that the Stephen Lawrence report would transform the police.

Any such complacency was demolished in October 2003 by the BBC's television exposé, *The Secret Policeman*, in which an undercover reporter spent several months at a police training centre.

The reporter's findings, described later in this report, revealed some of the most devastating comments and images of extreme racism to have been uncovered within the police in recent years.

In response an investigation was launched by the CRE into race equality in police employment that ran from December 2003 to March 2005. The inquiry discovered encouraging progress in some areas, while other initiatives were considered to be profoundly flawed.

From the findings of this study, subsequent work carried out by the Commission since it was set up in October 2007, the CRE and Her Majesty's Inspectorate of Constabulary, we have identified four main race equality themes. The Commission believes the police's performance in these four subjects...

- employment, training, retention, and promotion
- stop and search
- the national DNA database
- race hate crimes

... goes a long way to answering the question: 'How well is the police service progressing in terms of race equality?'

Chapter 1: Employment

The BBC investigation *The Secret Policeman* in 2003 shattered any illusions that four years after the Lawrence Inquiry report the police had banished racism from within their ranks.

The evidence found by an undercover television reporter posing as one of 120 trainee police officers at the Bruche National Training Centre in Cheshire could hardly have been more damning.

One recruit, who later passed his training course and became a constable in north Wales, was filmed wearing a home-made Ku Klux Klan-style hood, saying he would bury an Asian under a train track and that Hitler had the 'right idea'. He threatened to beat up an Asian colleague. 'He'll regret the day he was ever born a Paki,' he said.

Stephen Lawrence had 'deserved it' and that his murder was 'a good memory', those who killed him should be given 'diplomatic immunity', he added. He labeled the teenager's parents 'a f***** pair of spongers'.

The programme's findings raised some disturbing questions. Firstly how did such extreme racists succeed in getting past various recruitment checks and into the police service training system?

Secondly, once into the training college, why didn't their trainers, colleagues and the police service detect them and weed them out?

And thirdly if a journalist could stumble upon such extreme racists at a randomly selected training centre, then how many other extreme racists existed in other police training colleges and forces throughout the country?

In response to *The Secret Policeman* an investigation was launched by the then CRE into race equality in police employment that ran from December 2003 to March 2005. It resulted in the CRE's Police Formal Investigation report, that made 125 recommendations, many of which involved improvements to race and diversity training, disciplinary procedures, and recruitment and selection of constables.

There is growing evidence that many of the proposals made by the CRE, along with recommendations in the Stephen Lawrence Inquiry, and other reports such as the Morris and Taylor inquiries*, have had a major impact on the way the police recruit, train, and promote ethnic minority staff. The most recent statistics and trends support this analysis of progress in employment for ethnic minorities.

- For all staff, the police has already exceeded the Home Office target set 10 years ago for ethnic minorities to make up at least 7% of the service in England and Wales by 2009. In 2007 the overall total of staff, which includes both civilians and fully sworn officers, was 8%.
- The proportion of ethnic minority officers – both uniformed and plain clothed – nationally has doubled from 2% in 1999 to 3.9% (5,511 officers) in April 2007. The Home Secretary's 1999 target of 7% by 2009, however, will almost certainly not be met.
- On recruitment there has been an increase in the number of applicants by ethnic minorities wanting to join the police. This has risen from 8.4% of the total in 2003/04 to 12.3% in the first half of 2007/08. The proportion of those who were

successful has also increased from 6.3% to 10.7% of the total number of candidates. Ethnic minority candidates are therefore now proportionately represented in the latest intake for which there are figures.

- The figure for ethnic minorities in police civilian staff in 2007 was 6.4%. For police community support officers (PCSOs) the total of 11.6% significantly exceeds the target. The popularity of PCSO among ethnic minorities is, the Commission believes, an obvious area to exploit to boost recruits for fully-sworn officers.
- There has been good progress among Special Constables with the number of ethnic minorities rising by 27.9% in 2006/07. There were 1,120 ethnic minority Specials in 2007, which was 8% of the total.
- Targets on progression through the ranks in England and Wales have been met, in all but the very top ranks. Ethnic minority constables have nearly doubled since 1999, rising from 2.3% to 4.2% or 4,601 officers. Sergeants have slightly more than doubled from 1.4% to 2.9% or 641 officers. Chief/inspectors have nearly trebled from 0.9% to 2.5% or 224 officers. Superintendents upwards have risen from 0.5% to 2.7% to 45 officers, including one chief constable.
- Ethnic minority officers do, however, have a higher resignation rate than white officers, particularly in the first six months of service. For officers with under six months service, about 6.1% of those who resigned or were dismissed in 2007 were ethnic minorities. The rate for white officers is about half at 3.1%. In 2006 the corresponding figures were 7.8% and 4.4%. The Home Office has recently announced it will research the reasons why so many ethnic minority officers leave the police service.

So how have these general improvements been achieved? While no single factor, recommendation, or piece of legislation, can be cited as having brought about change on its own, there are a number of initiatives that the Commission believes have had a significant impact.

As previously mentioned, one of the most important were the recommendations made by the CRE report of its formal investigation into employment matters in policing in March 2005, which made 125 recommendations, of which the Home Secretary accepted 122.

In September 2005 the Home Office, ACPO and APA (Association of Police Authorities) produced a Race Equality Programme (REP) for the police service that included 109 detailed objectives drawn from the 122 CRE recommendations.

The three bodies formed an Equality & Diversity Board, with supporting staff, and it was agreed that a CRE officer would periodically meet the Board to consider the REP, so as to show progress.

By September 2008, 47 of the 109 objectives – 43 per cent of the total – were fully delivered. Unfortunately we are unclear about the progress of many of the remaining 62 objectives, largely because the organisation responsible for monitoring them has not kept us properly informed. This issue is discussed later in the report.

Among the completed tasks are some key achievements, while progress was good on most of the remainder.

Examples include:

- New national programmes of police training and post-entry race and diversity training, which with CRE-recommended amendments has been rolled out across the country.
- More streamlined and simpler disciplinary and grievance procedures for alleged racist behaviour of officers. This has only recently come into force.
- Race and diversity training for members and staff of the Association of Police Authorities.
- Much improved National Operating Standards (NOSs), which is a performance required of officers regarding race and diversity (underpinning selection, appraisals and training objectives). In 2007 a new Standard was introduced because the CRE investigation criticised the old one as hopelessly inappropriate for the police service, partly because it had been adopted as an ‘off the shelf’ scheme used by social workers.

Evidence presented to the Commission showed much better feedback by trainees to the new model of race and diversity training than to the old one. For example they appreciated more realistic role playing, that involved real victims and witnesses, and training in the community. There was also more academic content in place of ‘square bashing’ on a parade ground. We have also been told that the service was on course to train all officers to meet the new National Operating Standard on ‘respect for race and diversity’ by 2011.

- Revised training for trainers.
- New procedures and guidance on staff appraisals, and advice on taking positive action to boost ethnic minority recruits. There had been widespread confusion about the difference between lawful ‘positive action’ as opposed to unlawful ‘positive discrimination’. A paper was drawn up by the CRE for the Home Office with 12 examples which were distributed to 43 forces in 2006.
- Improvements to recruitment can be linked to research carried out on the suggestion of the CRE in 2004, which followed concerns that ethnic minority candidates were not as successful as white candidates at becoming constables, once they got past the minimum entrance qualification.

Among the main findings was that ethnic minority candidates had a smaller proportion of graduates, women, and people whose first language was English, than the non-white candidates. It was discovered that candidates who were women, graduates and spoke English fluently all had much better pass rates. As a result positive action was recommended – and adopted by some forces – to encourage more ethnic minority women and graduates to apply, and for candidates to be offered English language courses.

One of the major pieces of work to come from a CRE recommendation was an inquiry by HM Inspectorate of Constabulary to check on the delivery of the race

equality duty by the police service. The inspectors looked at six forces and examined the issues of stop and search, addressing race hate crime, procurement practice and the progression of ethnic minority officers. The report, *Duty Calls*, was completed by June 2006, but took nearly two years to be published and then only a brief general summary was posted on their website, thereby limiting the impact of, in parts, some fairly strong criticism.

HMIC has now made four key chapters of *Duty Calls* available to the Commission. On the issue of promotion the report stated: 'HMIC found key post holders had a notable lack of training and understanding of race equality as it relates to progression.'

'Although individuals are well intentioned, poor performance in achieving the targets was an inevitable consequence. BME (black and minority ethnic) officers in particular described a lack of role models and support.'

HMIC also highlighted the difficulty experienced by ethnic minority officers wanting to join specialist squads. These are thought to include firearms, robbery and anti-terrorist units.

Duty Calls reported: 'The sense of unfairness towards BME officers in specialist selection and promotion processes was very strong and reinforced the necessity to introduce independent scrutiny.'

This problem of specialists squads appearing to be 'closed shops' to most ethnic minority officers is one that has been highlighted to the Commission by several police chiefs. Explanations offered as to why so few ethnic minority officers join these squads include the belief by some that they are dominated by white, middle aged men, old fashioned work practices and high level of 'canteen' culture. As one senior black detective told the Commission: 'It's seen as a play hard, work hard, drinking culture.'

This is an area that the Commission would like to see greater progress. We are aware that this opinion is shared at the highest levels, particularly in the Metropolitan Police.

Overall, however, the Commission strongly believes that many positive and successful initiatives have stemmed from the Race Equality Programme in terms of employment within the police service. It is with regret, therefore, that the Commission feels unable to properly monitor how a significant number of the schemes are progressing.

In spring 2007 overall responsibility for implementing most of the Race Equality Programme objectives was delegated by the Home Office to the new National Policing Improvement Agency (NPIA).

A certain amount of disruption to liaison was expected given these changes. The Commission has expressed concerns about the initial failure of the NPIA to ascertain and convey progress. If this continued, it would prevent the organisation from identifying good practice and sharing it with others, and from weeding out flawed and failing policies.

The Commission believes that at this stage it cannot be concluded that the NPIA has effectively discharged the accountability of the police service regarding the CRE, Morris and Taylor recommendations to promote race equality in the area of employment.

Despite this the Commission believes that, taken as a whole, the progress made in the past 10 years for recruitment, training and employment is encouraging for the police as a whole. It is now for the NPIA to show how it is monitoring performance and ensuring that positive progress continues.

On the positive nature of the progress, this is an opinion shared by the HMIC. As Robin Field-Smith, HM Inspector of Constabulary, with responsibility for personnel, training and diversity, told the Commission in an interview: 'If you look at police performance against the 1999 race target, the police have made substantial progress against all the targets. It is true they have not achieved the target set in 1999.

'But it is important to stress that the police service is a single entry and therefore it is not possible to get people from raw recruits to chief constables in much less than 25 years under single entry. We have got to groom BME officers through the service.'

He added that part of the initial problem was the police service has treated ethnic minorities as a single group, or community, when in fact there are dozens, if not hundreds of groups. 'For example it is very, very challenging to get Asian women to join the police because within the Asian community it's often not been seen as something that Asian women do,' he said.

Commenting about training, and promotion, he said: 'We have to recognise it doesn't happen overnight. You don't start seeing really substantial results for one, two years down the track. It takes time to shift this supertanker. We need to start adjusting the tiller now. In some cases we should have started adjusting the tiller five years ago.'

Not everyone, of course, shares the view that things have significantly improved on the employment front. In October 2008 BBC's Panorama broadcast *The Secret Policeman Returns*, which appears to have been prompted by a series of Tribunal cases brought by senior officers and staff against the Metropolitan Police, including one by Deputy Assistant Commissioner Tarique Ghaffur, the most senior ethnic minority officer in the country. The programme also highlighted the response by the Metropolitan Black Police Association who were discouraging ethnic minority applicants from joining the force on the grounds that they would be likely to suffer similar racism.

The programme featured a number of officers testifying to experiences of racism in the Metropolitan Police, including Mike Fuller, Chief Constable of Kent (but with earlier service in the Met) and the only black chief officer, referring to discrimination he had suffered in the past and averring that ethnic minority officers have to be twice as good and try twice as hard to be successful as their white counterparts.

Another case that has highlighted discrimination against ethnic minority officers is that of Gurpal Viridi, who in 2007 had his complaint upheld by an employment tribunal that he had suffered victimisation, contrary to the Race Relations Act, in the

Metropolitan Police's action in not promoting him from sergeant. The Sikh officer had been reinstated on full pay after being cleared at an earlier employment tribunal in 2002 of sending racist hate mail to fellow officers.

The Commission acknowledges that clearly there are still significant problems, particularly in areas such as retention. However we believe there is evidence that fundamental changes have been introduced in the past 10 years that are having a positive impact on the recruitment, training and progression of ethnic minorities in the police service.

* The Morris Inquiry into racism within the Metropolitan Police was published in 2004 (www.mpa.gov.uk/morrisinquiry/default.htm). Taylor Review of police disciplinary arrangements was published in 2005 (<http://press.homeoffice.gov.uk/documents/police-disciplinary-arrangements/>).

Case study 1

During 2004 CRE interviewed many black police officers about their experiences of racism within the service. The story told by one officer illustrates the state of parts of the service around the millennium.

The black officer recalled applying for a job as a race and diversity trainer with one of the country's largest police forces. During an interview with the force's head of equality and diversity training, a secretary came into the office to give them a cup of tea. After she left the room, the equality chief remarked: 'Look at the tits on her – I'd shag her over the desk.'

Later after the black officer was successful in getting the job he heard that his new boss – the same head of diversity – had told a colleague: 'That's good, I got my black one'.

On later learning that the black officer was gay, his diversity chief said to him: 'You haven't got a wooden leg, have you? Then you'd have the full set'.

This event had clearly made a strong and negative impression on the officer who several years after the incident could still recall the encounter in vivid detail.

Case study 2

The Commission continues to come across examples that highlight shortcomings in the police's understanding of race and diversity, and questions the quality of their training.

A recent example involved a police sergeant who was quoted last year as telling a public meeting in Cumbria that any sightings of young Asian men in the Lake District area of Langdale should be reported to the police.

The officer is reported as saying: 'Whilst we (the police) are told not to stereotype, the reality is that groups of young Asian males need to be checked out. The feedback we have had from the Asian community is that they would welcome that too.'

A more senior officer, however, was reported as later calling for information on all groups of males, not just Asians.

The Commission, having been contacted about this matter by a member of public, wrote to Cumbria police to express our concern, and suggest that the comments may well have been unlawful under section 31 of the Race Relations Act.

In response Cumbrian police informed us that the officer in question was a qualified trainer, who in the past was seconded to a national police training centre to give race and diversity lessons to recruits.

Subsequently the force agreed to make changes suggested by the Commission, including amending their training to emphasise that terrorists come from different racial groups, and to discuss the issue with their Independent Advisory Group.

Chapter 2: Stop and search

Try this quick quiz question – what’s the difference between these two men?

Person A is a church elder, a magistrate, and a manager at the Equality and Human Rights Commission. He drives a fairly unremarkable car. Throughout his life he has been regularly stopped and searched by the police. In a recent incident he produced a leaflet that outlines the rules for stop and search. In response a police officer remarked: ‘Oh, we’ve got a clever one here’.

Person B is a senior civil servant who often travels around the country, and frequently encounters police officers. He has a smart car, and sometimes has a driver to ferry him around. In his many years of work and recreation, he has never been stopped and searched by the police.

The answer to the question is that person A is black, while person B is white.

While these true-life examples prove nothing, being stopped and searched is a familiar experience for a significant number of black men in particular.

Police statistics show that a decade after the Lawrence Inquiry report was published, black people are seven times more likely to be stopped and searched than white. Asian people are today twice as likely to be stopped and searched as white people.

The Commission is concerned that this disproportionate impact of stop and search on black people has shown no long term drop in the past 15 years. During that period black people – mainly black men – in England and Wales have been from five to eight times more likely to be stopped and searched than a white person. Asian people, in each year, have been stopped and searched around twice as often as white people, per head of population.

The Commission believes these differences cannot be justified by detections, since only around one in six people in all racial groups are then found to have done something serious enough to merit an arrest.

The Commission recognises that stop and search is an important tool in the prevention and detection of crime. But race disproportionality in police use of stop and search powers remains a long standing and contentious issue.

There has been much debate and research about the reasons for the disproportionality, often generating more heat than light. Among the explanations offered are that stops are often used for crimes such as drugs, robbery, knife and gun offences, that police officers believe are more likely to involve young black men; that police officers will hand out formal stop and search forms because they believe black people are more likely to complain; young black people are more likely to be out on the streets, than white; or that it is due to simple race discrimination by police officers and their managers, who believe black people are more likely to be criminals than white people.

What is agreed, however, is that the disproportionality is a major impediment to good race relations, damages public confidence among ethnic minority communities, and that any element of discrimination should be eliminated.

The issue of police stops continues to be so contentious partly because of the huge numbers of people it affects.

The vast bulk of stop and searches are to check for drugs, and stolen goods, and these are usually carried out under section 1 of the Police and Criminal Evidence Act 1984, where officers have to have 'reasonable grounds for suspicion'. Every year since records started in the mid-nineties there have been about one million of these stops.

An additional 45,000 were carried out in 2006/07 under section 60 of the Criminal Justice and Public Order Act 1994 that introduced new powers to stop and search vehicles and persons. A further 37,000 searches were made under section 44 of the Terrorism Act in the same year. In both cases no grounds are needed to carry out the searches, but there are other safeguards.

Following the 7 July 2005 suicide bombings in London there was an increase in the number of Asian people stopped and searched, but this dropped by November 2005. Another spike occurred on the first anniversary of the terrorist attacks, but since then it has returned to the lower level.

Figures were published for the first time this year revealing the police used their powers to stop members of the public in the street and demand they account for themselves on nearly two million occasions in 2006/07. The decision to start recording these police stops, in April 2005, followed a recommendation of the Stephen Lawrence Inquiry report.

The number of 'stop and accounts' rose from 1.4million in 2005/06, to 1.87million in 2006/07, an increase of one third.

They show that black people are two and a half times more likely than white people to be questioned by the police. In contrast, the rate for Asians was very similar to that for whites.

The Commission notes that the disproportionality of stop and account is only 2:1 for black people compared with 7:1 with stop and search. One possible explanation could be that police officers are more likely to take a stop further with black people – once they have made the initial contact they more often go on to search the black suspect. The question remains, however, why?

The Home Office has just made several significant changes that alter the way stops are recorded. One is to adopt a recommendation made in the *Review of Policing* report by Sir Ronnie Flanagan, HM Chief Inspector of Constabulary, to replace the current form with a receipt, and for the police to record only the person's race and the location of the stop. This was adopted nationally at the beginning of this year (2009).

The second is to replace the stop and search form that used to be given out automatically with a receipt. To obtain the full record the person stopped has to go to a police station or get it electronically online.

The Commission has serious concerns about these changes that appear to put cutting bureaucracy before accountability in an area that is key to race equality.

Our grave disquiet about the change to the stop and search rule is that it appears to be a shift back towards the discredited pre-1995 model, in which people had to obtain their full details from a police station.

It seems likely that many of those (predominantly young, male, black and working class) who receive a receipt will be daunted by the prospect of presenting themselves at a police station with their receipt and requesting the full record. They may feel that this will bring them to further police attention, and mark them out as potentially a ‘troublemaker’. Also not everyone has access or the skills to use a website to get an electronic version of the report.

We have also expressed concerns about the consequences of stop and account recording only race and location. Under this system it will not be possible to calibrate the race patterns against any other pattern, therefore we will not be able to get any explanation for disproportionality. So although we will know there is continuing disproportionality, we would have no means of knowing why.

In November 2008 the Commission proposed that the record should contain not only ethnicity but also a multiple choice tick list of ‘reason’ for the stop and account and of ‘outcome’, plus postcode. We suggested that this would be a significant time saving over the practice used since 2005, while actually making ethnic monitoring a useful tool for pursuing race equality.

We also suggested that this degree and type of record would be quick and straightforward enough to be included on the receipt given to the person stopped and a pilot scheme to test this proposal should now be introduced. The new record would also ensure the system complies with recommendation 61 of the Stephen Lawrence Inquiry Report, which said:

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.

The Home Office, however, has made one welcome change to the stop and search rules after representation from the Commission. In an amendment to PACE Code A it makes it unambiguous that generalisations based on race may not form part of any ‘reasonable grounds for suspicion’ for stopping and searching someone. This means that race can only feature in a stop if it is a part of a witness description of a specific suspect. Previous ambiguous wording did allow police forces some room for ethnic profiling.

The Commission’s continued disquiet with the stop and search system and lack of progress towards proportionality is reinforced by the HM Inspectorate of Constabulary’s 2008 report *Duty Calls*, that inspected six forces during 2006 to check on the delivery of the race equality duty by the police service.

Details of the report, which until today had not been made public, made some disturbing findings on the issue of stop and search.

The report said: ‘BME officers described their personal experiences and issues that were causing them to reconsider whether they wished to pursue a career in policing.

‘One officer talked about his family’s experience of poor practice, having been stopped and searched five times – a white male colleague was given words of advice about his actions in relation to this incident. Another talked about his father being stopped for driving in a white area as explained to him by the officer conducting the stop.’

The Inspectorate also reported that at the time only one of the six forces inspected was using the National Intelligence Model (NIM) – a system of grading police intelligence – to track pieces of stop and search intelligence through their force IT system. HMIC noted that this was supposed to have been completed by all forces by April 2004 as part of the National Police Plan.

Duty Calls also noted: ‘HMIC found that generally, forces could not give a clear account of the reasons for disproportionality. It was apparent that, although a great deal of information is collected, inspected forces lacked the in-house resources to analyse it in any detail, although some have since introduced dedicated analysts. It will always be difficult to measure what constitutes fairness, but an overriding principle should be to ensure that stop and search is intelligence led, proportionate and undertaken with a degree of respect.’

In another section it said: ‘The inspection team found that forces were inconsistent in implementation and adherence to stop and search policies.’

Possible ways forward

The Commission is currently carrying out its own analysis, which could reveal valuable evidence and lessons to help reduce disproportionality in stop and search.

We are at present considering why levels of disproportionality vary so widely between different forces in England and Wales. Forces with very similar populations and geographic make-ups can often have substantially different levels of stop and search for white, Asian and black people.

As part of our research the Commission has come to an agreement with a number of forces with particularly high levels of disproportionality. The forces agreed in 2007 to review or ‘equality impact assess’ their policy and practice for stop and search, and compare practices with similar forces with much lower rates.

As part of the analysis an interesting geographical split has been identified for stop and search disproportionality involving black people. There are six forces in the north of England, roughly north of York, which for the past four years have some of the lowest levels of disproportionality in the country. There is also a clutch of low disproportionality in rural Wales.

On the opposite side there is a clutch of forces in the south which consistently record the highest levels of disproportionality.

The big question is why does disproportionality vary so greatly, particularly among neighbouring forces.

A draft report, *Stop and Search: the Geography of Race Differences*, which the Commission is still working on argues that: ‘The consistent geographical pattern would seem to challenge the theory that disproportionality stems from officers tending to under-record stops of white people, or black people being ‘available’ on the street much more often – it is difficult to see why either factor should apply notably in the south, but apparently never in the area north of York up to the Scottish border.’

It adds: ‘Why should black people be comparatively so much more ‘outdoor types’ in Dorset than they are in Devon, or in Norfolk than they are in Suffolk, or in Gwent than they are in South Wales? From this perspective, it seems increasingly persuasive that race differentials follow from differences in police force practice than from community lifestyles.’

It is clear that all forces that have significant race disproportionality in stop and search should address it. One way is to conduct a race equality impact assessment, and to include practices in one or more comparable forces with significantly lower rates.

Another possible way forward is provided by the Metropolitan Police’s ‘Operation Pennant’, which compares the stop and search performance of borough units by a range of measures. As part of the programme the commanders with the highest levels of disproportionality have to explain the reason for the levels and what they are doing to address any problems.

This has resulted in measurable improvements in performance including a small but significant London-wide reduction this year in race disproportionality.

A third alternative is that offered by Staffordshire Police, who adopted nationally approved ‘best practice’ (known as Practice Oriented Package) in Stoke-on-Trent. After Stoke started using the recommended stop and search procedures the city’s race disproportionality was reduced by two-thirds. The Commission believes the experience in Staffordshire indicates very strongly that systematically delivering identified best practice results in significantly lower race disproportionality figures.

Disproportionality should not be considered a ‘given’, like the weather, but a challenge to be tackled.

Case study 3

The case of Staffordshire Police shows how race disproportionality in stop and search can be reduced.

In 2005/06 the force implemented the Practice Oriented Package (POP) which had been produced by the Government's Office for Criminal Justice Reform setting out identified best practice in stop and search.

The project was confined to the city of Stoke-on-Trent, which contains a quarter of a million of the county's population of two million people, but which accounts for around 40% of its recorded crime.

The project was followed by a reduction in race disproportionality in the city regarding black and white people from four and a half times to one and a half.

The ratio for Staffordshire as a whole fell from 4.5:1 in 2003-04 by stages to 2.9:1 in 2006-07.

This cannot be purely cause and effect because the decline in the force-wide figure started before the project in Stoke-on-Trent.

Nevertheless it may well be that the project reflected a determination at the top to achieve best practice which had results force-wide.

The Commission believes the experience in Staffordshire indicates very strongly that systematically delivering identified best practice, in particular by implementing POP, results in significantly lower race disproportionality figures. Where, as in Staffordshire, this is achieved without harming crime reduction, the benefits in terms of community relations are a major gain.

Operation Pennant is an initiative in the Metropolitan Police, where performance on stop and search in each borough unit is centrally monitored and compared. This has the advantage of being a 'rolling' or continuous process and it has resulted in measurable improvements in performance in 2008/09. This includes a small but significant overall reduction for the force area in race disproportionality, compared with a rising trend in the past five years.

Chapter 3: DNA

The national DNA database will now need to be substantially reviewed since the landmark ruling by the European Court of Human Rights in Strasbourg in December 2008.

The unanimous decision from the 17 judges condemned the 'blanket and indiscriminate' nature of the powers given to the police in England, Wales and Northern Ireland to retain the DNA samples and fingerprints of suspects who have been released or cleared.

The judges were highly critical of the fact that the DNA samples could be retained without time limit and regardless of the seriousness of the offence, or the age of the suspect.

The Commission welcomes the ruling from Strasbourg, but continues to have reservations and concerns about the future use of the database. We believe the Government should implement changes necessary to comply with the judgment from the European Court of Human Rights as soon as possible.

We also believe that for the past 10 years the police service has failed to properly acknowledge or address the race equality impact of the database, which we believe is considerable.

The fingerprints and DNA samples of more than 857,000 citizens who have been arrested or charged but never convicted of a criminal offence now face deletion from the national DNA database (NDNAD).

The case provoked an expression of disappointment from the Home Secretary, Jacqui Smith, and the promise that a working party, including senior police officials, will report back to Strasbourg by March this year (2009) on how the Government will comply with the judgment.

It is thought that the policy in Scotland, where DNA samples can only be held for a maximum of five years and only in serious violent and sexual cases, even if the suspect was not convicted, will be one of the first options to be looked at.

The Commission will be pressing the Government to ensure that any proposed solution is in the spirit of the judgement, rather than merely complying with the ruling in the narrowest way possible.

Set up in 1995, the British DNA database which now holds the samples of 4.3 million individuals in Britain including children is (when compared with our population) the largest in the world.

The Commission voiced its opposition to the database holding DNA samples and fingerprints of suspects who have been released or cleared as recently as October 2008, when we submitted evidence to the National DNA Database Ethics Group – a Home Office appointed advisory body.

We stressed that we recognise that the NDNAD is an important crime solving tool which the Commission does not oppose in principle or seek to abolish. The database does however raise a number of equality and human rights issues, including strong evidence of a very marked over-representation within it of the profiles of black men.

Surprisingly there does not appear to be an official figure for the breakdown of ethnic minorities on the database.

By our own calculations, using a range of official statistics, in excess of 30% of all black males are on the NDNAD, compared with about 10% of white males, and 10% of Asian males. Estimates suggest that black men are about four times more likely than white men to have their DNA profiles stored on the police NDNAD.

Some estimates widely published in the media have put the proportions even higher than our calculations. For example BBC online reported in September 2007: 'Figures compiled from Home Office statistics and census data show almost 40% of black men have their DNA profile on the database. That compares with 13% of Asian men and 9% of white men.'

With hindsight it was virtually inevitable that over-representation would be evident in profiles retained on the NDNAD following amendments to PACE under the Criminal Justice Act 2003, which meant that police could take a DNA sample from anyone arrested for a recordable offence and retain it regardless of whether that person was subsequently charged, prosecuted or convicted.

We believe that among the potential threats posed by the over-representation of black men on the database (and remember we are talking about a third of all black men being recorded) include:

- Race patterns on the database could strengthen the tendency for 'ethnic profiling' – stereotyping black men as the prime suspects for particular offence types because of their over-representation on the database.
- The stigma of such extreme over-representation for one racial group has unknown, but possibly serious, social consequences, making justification for recording so many ethnic minorities samples a crucial issue.
- Samples or DNA records could be sold to commercial research companies, for research such as trying to establish crimogenic genes in certain races.

For the past year the Commission, and before that the CRE, has been seeking evidence that the Government is meeting the race equality duty in relation to the national database.

In March 2007 the Commission for Racial Equality (CRE) wrote to the Home Office asking for information, including ethnic monitoring data for those on the NDNAD as well as by arrest, charge, prosecution and conviction; and the results of any race equality impact assessment carried out in relation to the expansion of the NDNAD.

The matter was passed to the National Policing Improvement Agency on its formation in April 2007. The NPIA appeared to have difficulty in providing full or very substantive replies to the CRE or to the Commission when, after its inception, it renewed the enquiries in late 2007.

What was apparent from the NPIA's replies was that no race equality impact assessment (EIA) was carried out as required. The NPIA has only recently provided more detailed information about steps it is taking to meet the race equality duty regarding the NDNAD.

The Commission welcomes the fact that the NPIA has begun to consider the equality impact of the NDNAD, but it has a number of concerns about the robustness of the EIAs carried out to date, including key omissions and lack of progression to full EIAs.

We are also concerned that the NPIA has yet to undertake the study on the implications of the presence of such a high proportion of the black male population on the NDNAD, as recommended by the Home Affairs Select Committee Report *Inquiry on Young Black People in the Criminal Justice System* June 2007.

Looking forward, the proportion of black people (and to a lesser extent Asian people) on the database is likely to lower once the bulk of the non-convictions are removed. This is because the data available suggests that black and Asian defendants are less likely to be convicted than white defendants.

The Home Office publication, *Statistics on Race and Criminal Justice 2006-07*, reported that in magistrates' courts the proportion of white defendants found guilty was 60%, for black defendants it was 52% and for Asians it was 44%. Admittedly this is based on a narrow sample of courts in only seven police force areas out of the 42, due to very incomplete submission of data from the remainder (a matter which the Commission is urgently pursuing with the Courts Service).

In the two years from 2005-07 figures from the Crown Court also show a higher conviction rate for white defendants than black defendants (75% compared with 70% in 2005/06), based on the 16 areas of the 42 where data were usable, and 75% compared to 71% in 2006/07, based on 22 areas.

This being the case, it is regrettable that the Government did not conduct a race equality impact assessment before passing the change into law in 2003 that allowed the retention of profiles from non-convicted people.

This apparent lack of rigor in obtaining data on the possible race bias within the national database appears to be a re-occurring theme within the police service and associated agencies.

The Commission believes that the police have shown little or no interest in examining the possible race equality aspects of the national DNA database, and instead have simply focused on the obvious advantages it gives in aiding investigations.

While the police are quite rightly putting their priority on preventing and solving crimes, it is disturbing to note that the police service appears to have given very little thought to how recording people arrested, rather than just convicted, might have an impact on the racial make-up of the database. This gives the impression that the police service – at least in connection with the database – consider the race equality commitments as something they can ignore.

Official figures make it is clear that there is clear race inequality in the national DNA database.

In particular the NDNAD Annual Report 2005/06 gives data from which it can be calculated that 187,648 men identified visually by police officers as 'Afro-Caribbean' had their profiles on the database, compared with a total Black population which was a little over half a million in 2001 and feasibly cannot yet have reached 600,000.

It must therefore be the case that by 2006 something in excess of 30% of all Black men had their profiles on the NDNAD. It is also apparent that the corresponding proportions for Asian and White men in 2006 were not far off 10%.

Chapter 4: Race crimes

A spate of racially motivated attacks and murders in the nineties, including the stabbing death of Stephen Lawrence, sparked a series of initiatives that were supposed to transform the way police dealt with race hate crimes.

This included a new victim-centred definition of a racist incident. Even the law was changed to recognise that being a victim of a racially motivated offence is more traumatic than a 'normal crime'.

But while good intentions, new policies, and a change in attitude all sound positive – have things changed on the streets for the better in the past 10 years for victims of race crimes?

The Commission believes that overall the answer is that there has been significant progress. This is not to suggest that race hate crimes have been suddenly wiped out. Thousands of people suffer racist attacks, harassment and abuse in Britain every week. However, the crime statistics suggest the scale of the problem has declined significantly.

We believe the police have also learned that if you stop racist harassment at a 'minor' level, you can prevent the persecution escalating into more serious offences (such as verbal abuse by a neighbour becoming a brick through the window, or even a burning rag through a letter box).

Figures from the latest British Crime Survey, which is considered to be the most reliable study, indicate that the number of racially motivated incidents have more than halved in the past 11 years. The survey has estimated that they fell from 390,000 incidents in 1995 to 280,000 in 1999, and 184,000 in 2006/07.

Not all the figures, however, are good. One concern is that the number of estimated racist incidents rose by 45,000 from a total 139,000 in 2005/06, although it is unclear yet whether this is a statistical blip rather than a long-term trend. One possible explanation is that rapid migration of eastern Europeans into areas not familiar with previous migrants might be resulting in an increase in racist incidents.

The Commission believes that while there are weaknesses in the BCS statistics – for example they do not include the experiences of children under 16 – it provides a reliable indicator of a long term downward trend over the last decade. It should also be stressed that even if actual incidents have nearly halved in that period, 184,000 is still a large number of incidents.

As with most crime, the majority of racist incidents are not reported to the police. Recorded racist incidents in England and Wales doubled from around 6,500 in 1990 to nearly 14,000 in 1997/8; and then quadrupled to 53,000 in 2000/1. During 2006/7 61,262 racist incidents were recorded by the police in England and Wales, a rise of 3.7% over 2005/6.

The police also collate racially or religiously aggravated offences, which are crimes that have been investigated and the police or Crown Prosecution Service have found evidence of racial or religious motivation. In most cases these will also be contained within the racist incident category. In the year up to March 2007 racially or religiously aggravated offences rose by 2.6% to 42,551 crimes. Nearly two-thirds were offences of harassment.

The rise in reported crime figures can be interpreted as a form of ‘success’, in the sense that the police and other agencies have been trying to encourage a greater level of reporting among victims of race crimes. The difference between the two figures – 184,000 in the BCS compared to about 61,000 reported to police in England and Wales – is worrying as it shows the huge discrepancy between actual, and reported incidents. It suggests that at best one in three racist incidents get reported to the police. This ratio, however, is a huge improvement since the mid-nineties when only one in 20 incidents was recorded by the police.

Most race hate crimes are of the ‘low level’ variety, typically damage to property or verbal harassment, which nevertheless can have a huge impact on the victim. How the police deal with these incidents can greatly influence levels of confidence among ethnic minorities. This comes at a time when the Home Office has set just one central target for the police – to increase public confidence.

While individual examples prove nothing, they can often give an indication of a shift in attitudes or approach. The Commission has had several reports that the police’s approach has improved.

Here is a small example provided by an Asian member of the CRE about an incident three years ago, where there was a dispute in London involving his son who threw a cap into a neighbour’s garden. The neighbour refused to return it and ended up shouting racist abuse, which was heard by several people who promptly called the police. Two officers arrived and when they questioned the two neighbours they stressed the significance of the racial abuse and said if the man did not return the cap then it will be treated as theft, which would include a racially aggravated offence. The cap was swiftly returned. The Asian man, who had been abused, said he was surprised and impressed by the way the police handled the incident.

Sadly some racist incidents escalate well beyond a verbal argument and end in violence, even murder.

In July 2005 one such case – the murder of the black student Anthony Walker – drew comparisons with the killing of Stephen Lawrence. But this time the outcome was very different.

Both of the teenage victims were 18-year-old black students killed in unprovoked racist attacks while waiting with friends at bus stops. Stephen was stabbed to death by a gang in Eltham, south east London, in April 1993. Anthony was killed with an ice axe in Huyton, Merseyside, 12 years later. Both were ambitious and hoping to do well at their studies. Stephen wanted to become an architect and Anthony a lawyer.

But the contrast between the early stages of the police investigations into both murders could not be more marked.

Unlike the Lawrence case, Merseyside police declared the murder of Anthony a racially motivated attack within hours of it taking place. They also poured resources into the case early on.

And unlike the Lawrence case, within months Anthony’s killers were convicted. Cousins Michael Barton, 17, and 20-year-old Paul Taylor were given minimum prison sentences of 17 years and 23 years respectively.

The Walker family have praised Merseyside Police. The dead teenager's mother, Gee Walker, said: 'The police's determination and efficiency in their investigation was there to see. We appreciated it.'

She added that it was 13 years since Stephen was killed and 'times have changed'.

'The police made mistakes then, but they learned their lesson and they've not made the same mistake twice,' she said.

The Commission believes that there have been several key initiatives that have been fundamental to the progress made on racial incidents.

The serious problem of racial attacks and harassment was first highlighted in a number of reports in the 1980s. In response the Government set up a Racial Attacks Group (RAG) on which the CRE was represented, and whose 1989 report devised Multi-Agency Panels (MAPs).

Through MAPs the aim was for the police and other local statutory and voluntary agencies to share information on cases reported to them and to co-ordinate their response.

The CRE, and now the Commission has stressed the crucial need for MAPs to adopt the recommended two-tier model. This consists of a practitioner group, whose experience informs a senior manager group which has the power to make changes and commit resources.

Following the murder of Stephen Lawrence, the CRE advised the Home Office Good Practice Guidance (1998) which identified best practice amongst MAPs and commended a network of reporting centres locally to complement them. Being able to report racist incidents to organisations such as local authorities, housing associations, or voluntary bodies, rather than the police, has encouraged more people to come forward.

Among key recommendations is that MAP members and reporting centres must share details of every incident (subject to victim consent) on Day 1 of any reported incident, rather than just report historically to the rest of the group weeks or months later. Otherwise the MAP can become just a talking shop.

MAPs must also forge links with the communities of potential victims. These groups are essential as a source of intelligence.

The MAP network, however, is not perfect. A study by Lemos and Crane for the Rowntree Trust in 2000 found many shortcomings in MAP practice. Plus MAPs do not exist in many parts of the country.

The Commission believes it is therefore crucial that an updated version of the Home Office Good Practice Guidance of 1998 listing MAPs, identifying good practice and giving templates for forms, posters and leaflets, is published.

In a separate initiative the Association of Chief Police Officer's launched the Hate Crime Guide in 2000 (revised 2004) which stressed the high operational priority of racist and other hate crime and provided a demanding standard for police forces to reach. This has provided an extremely effective template for chief constables to follow. While all officers may not stick to the guidelines, they remain a crucial standard against which the

While it is impossible to know precisely the effect specific policies or schemes have on crime trends, the Commission believes that initiatives such as MAPs, reporting networks and the ACPO's Hate Crime Guide have all contributed to the improvements made in reducing racist incidents over the past decade.

Better implementation of these schemes would almost certainly further reduce the estimated 184,000 racially motivated offences that are carried out each year.

The definition of a racist incident was changed in 1999 when the police adopted the proposal from the report of the Stephen Lawrence Inquiry:

'A racist incident is any incident which is perceived to be racist by the victim or any other person.'

(Macpherson 1999)

Conclusions and recommendations

Conclusions

The aim of this report is to consider how well the police has delivered race equality in the last decade and what the challenges are for the next decade. It can be considered a 10-year ‘check up’. So, how is the patient – the police service – faring?

As with most patients, the diagnosis depends on what problem or condition you are examining.

This study has considered four topics that the Commission has identified as key to gauging the progress of the police and its wider relationship with the public it serves: stop and search; employment; race crimes; and the national DNA database.

In some areas the police service is making clear progress, and there are reliable statistics to back up that assertion. This includes recruitment, training, elements of promotion, and tackling racist crimes. In others there is some data and examples – sometimes anecdotal – to suggest that things are improving, such as the treatment of racist harassment.

We have also identified issues and concerns that appear to have been ignored, or where initiatives are having little impact. The weaknesses are often through the poor dissemination of good practices and the apparent unwillingness of forces to learn from others. We have also detected a lack of rigor or interest among the police service and other agencies when it comes to certain policing issues, such as the national DNA database and stop and search disproportionality. These failures give the impression that race equality is not being taken seriously in some areas.

The significant degree of race disproportionality found in the maintenance of the national DNA database (a database supported by the police) and stop and search also stigmatises certain sections of the community and in particular black men. This can result in the dangerous assumption that they are seen by some members of the public as an ‘alien wedge’ of criminality.

The issue of race disproportionality within stop and search remains a significant impediment to good race relations, which comes as the Home Office has set just one central target for the police – to increase public confidence. On this theme it is worrying to note that although crime has dropped, it does not appear to have had the same impact on the public confidence with the police, particularly among ethnic minorities. This raises questions of how the police can engage better with communities.

The police service has undoubtedly undergone a fundamental overhaul in the past 10 years in an attempt to improve race equality, both in terms of racism within its own ranks, and how it deals with the public and racist incidents. There have been many successes, but more work is still needed. We are still seeking answers to such troubling questions as: why are so many black men stopped by the police and why does it vary so much across the country; why do more black police officers resign or are sacked, proportionally, than their white colleagues; are racists still getting into the police service; do all the

initiatives work; and ultimately what can be done next to make things better? More answers to these, and other questions, are needed.

The Commission is confident things have significantly improved since the dark days of Stephen Lawrence's murder and the subsequent police investigation. That does not mean we have become complacent, or believe everything has been fixed, or nearly fixed.

There are still racist police officers and there are still policies and practices that raise serious concerns about their impact on ethnic minority people. There are still around 200,000 racist incidents involving attacks, abuse, and harassment in Britain every year. And as the BBC's shocking exposé, *The Secret Policeman*, revealed four years after the publication of the inquiry by Sir William Macpherson, we cannot sit back and assume things can only improve.

We need to continue to press the police service, the Home Office and other agencies to maintain their progress. However, the police should be applauded for the undoubted headway they have made towards greater race equality in the last decade.

Recommendations – issues of concern and possible ways forward

Having examined in some detail four main race equality themes, the Commission offers some thoughts about what are the main challenges, and presents a few ideas about future initiatives and areas for research.

Recruitment, training, and promotion

Significant steps have been made towards the Home Office's target of 7% ethnic minorities within the police service, however the overall number of officers is still at about 4%.

To bridge this gap, more should be done to encourage the growing pool of ethnic minority Police Community Support Officers, and Specials, to become fully-sworn officers. For example the police should investigate whether their probation could be shortened in recognition of the policing experience they already have.

The Commission also recommends the greater use of positive action, correctly defined as promoting recruitment and promotion within the force, to encourage more ethnic minorities to join the police. The Commission will be publishing guidance on this issue in the near future and will be working with the Government on a new approach to positive action through the Equality Bill.

Police leaders have expressed concerns that specialist units, such as anti-terrorist or firearms squads, are often considered a 'closed shop' or unsuitable for ethnic minorities. This problem needs to be addressed urgently if the police are not to be stained with the accusation that some parts of the service are still only available to those whose 'face fits'.

We are also concerned that a disproportionate number of ethnic minority officers resign or are sacked, especially early on in their careers. Research should be

undertaken to determine whether ethnic minority officers are disproportionately subjected to disciplinary procedures and why.

The Commission also feels that the new Police (Conduct) Regulations 2008 is still unclear on standards of proof necessary to sustain a finding of misconduct. We believe the standard should be based on the balance of probabilities as defined in civil legal proceedings. This will help to ensure that serious racism is rooted out effectively.

Finally we would welcome evidence from the NPIA that every effort is being made to incorporate race and diversity training in every part of police training, rather than it being a separate or ‘add on’ part of the course.

Stop and search

The Commission has serious concerns about two significant changes just made by the Home Office to the way police record stop and search and stop and account. The Home Office appears to put cutting bureaucracy before accountability in an area that is key to race equality and good community relations.

We are also critical of the police service and the Home Office for the lack of progress in reducing the race disproportionality. That means that 10 years after the Lawrence Inquiry report, black people remain about seven times more likely to be stopped and searched than white. Asian people are today twice as likely to be stopped and searched as white people.

In order to help address the race disproportionality the Commission recommends that forces with high levels should consider adopting practices in one or more comparable forces with significantly lower rates.

Alternatively they could copy Staffordshire Police, which adopted a nationally approved ‘best practice’ package of measures, which has seen the race disproportionality in Stoke-on-Trent reduced by two-thirds.

Another technique to consider is the scheme of holding police commanders to account for high levels of race disproportionality in their command unit, as pioneered by the Metropolitan Police in the Operation Pennant initiative.

The Commission has outlined in Chapter Two an alternative to the changes to PACE Code A in the way stops are recorded. We believe it is possible to reduce bureaucracy while making ethnic monitoring a useful tool for pursuing race equality.

We would also like greater research into this issue to identify why some forces have a disproportionality ratio of 2:1 for black men stopped and search, compared with 9:1 in other parts of the country.

DNA

Despite the recent ruling by the European Court of Human Rights we believe the national DNA database remains a ‘live’ race equality issue. As mentioned in the conclusion, we are concerned that the high proportion of black men recorded on the database (estimated to be at least one in three black men) is creating an impression that a single race group represents an ‘alien wedge’ of criminality.

We are concerned about the lack of research carried out into the race disproportionality on the database and we do not believe that the National Policing Improvement Agency or the police service in general have given enough attention to this subject. In the coming year we hope – and will continue to press – for a more pro-active approach on this issue.

This includes ensuring a race equality impact assessment is carried out in relation to the expansion of the NDNAD. Plus we would like full ethnic monitoring data to be published for those on the NDNAD.

The Commission believes the Government should implement changes necessary to comply with the judgment from the European Court of Human Rights as soon as possible.

Racist incidents and crimes

Official figures suggest significant improvements have been made in the past decade in greatly reducing the level of racist incidents, while the public is more confident in reporting race crimes.

Key to this success has been the use of Multi Agency Panels (MAPs) and ACPO's Hate Crime Guide. The Commission believes these two initiatives could be further enhanced if the Government ensured that there is a multi agency panel structure in every region of the UK, and that all MAPs adopt the recommended two-tier model.

We also believe it is crucial that an updated version of the Home Office Good Practice Guidance of 1998, listing MAPs, identifying good practice and giving templates for forms, posters and leaflets, is published.

Being able to report racist incidents to a greater variety of organisations has encouraged more victims to come forward. A national 24-hour helpline to report racist incidents was one of the recommendations made by the Stephen Lawrence Inquiry report. A nationwide scheme would help increase the number of reported race crimes. Experience shows that many victims are unwilling to go to the police, or fail to report incidents if they cannot speak to someone immediately.

Stop Hate UK provides a 24-hour telephone helpline in Leeds, Bradford, Kirklees, Hull, Rotherham, Oldham, Merseyside, Wolverhampton, Derbyshire, Peterborough, the London Borough of Barking and Dagenham and London Borough of Havering. It is hoped that it will soon be commissioned by other areas. Callers receive immediate support and the ability to report to an independent organisation. The Commission would strongly welcome steps to expand this provision to a fully national service of local response.

Finally an initiative that has reportedly helped increase public confidence among ethnic minorities has been flagged up by HMIC. The Inspectorate commended the West Midlands police for carrying out regular opinion surveys of their various communities. This, say HMIC, has enabled the force to respond to specific concerns and has resulted in both a drop in the crime rate, as well as an improvement in public confidence. We support this approach.

40 The Commission will now be working with the police and associated agencies promoting these recommendations and seeing them coming to fruition. We know that for many in the police, they are a willing partner for change and we applaud that.

Contact us

You can find out more or get in touch with us via our website at www.equalityhumanrights.com or by contacting one of our helplines below:

Helpline – England

Telephone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

Helpline – Scotland

Telephone: 0845 604 5510

Textphone: 0845 604 5520

Fax: 0845 604 5530

Helpline – Wales

Telephone: 0845 604 8810

Textphone: 0845 604 8820

Fax: 0845 604 8830

9am–5pm Monday to Friday except Wednesday 9am–8pm.

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary.

Calls may be monitored for training and quality purposes.

Interpreting service available through Language Line, when you call our helplines.