POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

Report of	**THE POLICE AND CRIME COMMISSIONER**
Subject	**EQUALITY, DIVERSITY & INCLUSION REPORT**
Date	**FRIDAY 17 SEPTEMBER 2021 – 2:00 p.m.**
Author	**SERGEANT MARK BRENNAN, STAFF OFFICER TO CHIEF CONSTABLE**

Purpose of Report

1. The purpose of this report is to summarise Leicestershire Police's current equality, diversity and inclusion approach including a new Diversity, Inclusion and Fairness Strategy and a refreshed Community Scrutiny Framework. The report summarises the key strategic issues in this area, which were raised by the Home Affairs Select Committee report "The Macpherson Report: Twenty-Two Years On", and then details how the force's approach is addressing them.

Recommendation

2. The Ethics, Integrity and Complaints Committee note the contents of this report.

Diversity, Inclusion and Fairness Strategy

3. In summer 2021 Leicestershire Police's agreed a refreshed 'Diversity, Inclusion and Fairness Strategy' (Appendix 1). The strategy provides a clear direction for the force detailing 7 strategic priorities split along themes of reaching out to our own people, our communities and our partners. A total of 23 'We will deliverables' are identified detailing how those priorities will be realised.

4. This strategy is governed with progress measured by the Force Diversity, Inclusion and Fairness Board (Formerly the Strategic Equality and Fairness Board) chaired by the Chief Constable.

Community Scrutiny Framework

5. Effective community scrutiny is one key element of the Diversity, Inclusion and Fairness Strategy and therefore Leicestershire Police has reviewed its community scrutiny framework. Areas of focus include broadening membership of our scrutiny arrangements and ensuring that findings are recognised and responded to by the force at tactical and strategic levels.

"The Macpherson Report: Twenty-Two Years On"

6. The report (Appendix 2) summarises that policing is "very different from twenty-two years ago" with numerous important improvements made particularly in relation to the policing of racist crimes, commitments made to promoting equality and diversity, and in community policing. However, the report also identifies "persistent and deep-rooted and unjustified racial disparities" in 4 key areas.

I. **Confidence in policing among Black, Asian and minority ethnic communities**

7. The report highlights Office for National Statistics (ONS) figures for 2019-20 which show that 74% of White adults in England and Wales have confidence in their local police, compared to 77% of Asian/Asian British adults, 64% of Black adults and 54% of Black Caribbean adults. The report requests that the Home Office and National Police Chiefs' Council (NPCC) ensure that confidence data is gathered and published at force level with individual forces setting out clear local plans to close this confidence gap.

8. Within Leicestershire Police, Deputy Chief Constable Rob Nixon will strategically lead on this issue and a 'Closing the Confidence Gap' group will be convened to understand and then build our local plan to address any confidence gap in policing between communities.

II. **Recruitment and progression of Black, Asian and minority ethnic officers and staff**

9. The report specifically praises Leicestershire Police for its clear target for 1 in 4 of new recruits into the organisation to be from a Black, Asian or minority ethnic background (to reflect the representation of those groups within our communities of 21.6%, based on 2011 census data). However, the report adds that despite increases in diverse recruitment nationally over the last year "we need a substantial and sustained increase from all forces".

10. Within Leicestershire Chief Constable Simon Cole chairs an 'Attraction, Progression and Retention Gold Group' which reviews our performance and invites feedback and challenge from internal staff networks and external community voices. Within Leicestershire, Black, Asian and minority ethnic representation amongst new Police Officer joiners is at 17.9% in the year 2021-22 to date. This compares with 12.1% in 2020-21 and 10.2% in 2019-20. Similarly, representation amongst the whole workforce family is 18.3%, compared to 14.8% in 2020-21 and 13.9% in 2019-20.

III. **Misconduct outcomes for Black, Asian and minority ethnic officers and staff**

11. The report raises NPCC data showing disproportionality in police misconduct outcomes nationally with Black, Asian and minority ethnic officers 1.39 times more likely to be subject of a conduct related investigation than a white officer and 1.26 times more likely to be subject of a case to answer determination than a white officer.

12. This pattern was not present in Leicestershire Police however with Black, Asian and minority ethnic officers being proportionally under-represented in misconduct data collected between October 2019 and September 2020. Key reasons for this include Leicestershire Professional Standards Department's (PSD) close relationships with staff networks who they call upon to act as cultural advisors for relevant misconduct matters and Leicestershire PSD's high workforce representation of officers and staff from Black, Asian and minority ethnic groups (15%), both of which are considered as national best practice in this area. Performance in this area will remain under regular review as a key measure of Leicestershire Police's Diversity, Inclusion and Fairness Strategy.

IV. **Stop and Search rates amongst Black, Asian and minority ethnic communities**

13. The report raises concern about disproportionality of rates of stop search by race, a concern that it's use is not focused enough on issues such as knife crime or intelligence led, and that it is sometimes conducted in an alienating and uncomfortable way. The report goes on to request that a number of recent recommendations made by HMICFRS are implemented including accurate recording the ethnicity of those stop searched or stopped in vehicle's, communication skills being regularly reinforced with officers through training, the routine review of body-worn video footage both internally and via external scrutiny panels.

14. Within Leicestershire a Black person is over 4 and half times as likely to have been subject to a stop search compared to a White person. This is significantly less that the national rate where a Black person is 9 times as likely to have been subject to a stop search compared to a White person. Furthermore, a HMICFRS review of the reasonable grounds used to conduct stop searches showed that 94% were compliant placing Leicestershire as one of the top forces on this measure nationally.

15. Assistant Chief Constable Julia Debenham chairs the internal Police Intervention Legitimacy and Organisational Transparency (PILOT) Group which sets out to raise standards and improve the way police powers such as stop search are used. The PILOT group is tracking force progress in delivering the HMICFRS recommendations referred to in the report.

Assessing 'Institutional Racism'

16. The report recognises that there are currently different approaches to assessing 'institutional racism' including the description in the Macpherson report, the six tests developed by Her Majesty's Inspectorate Wendy Williams, the criteria proposed by the Sewell Commission, and the approach to assessing and tackling discrimination and racism set out in the Equality Act 2010.

17. The report does not recommend any one definition for forces to assess themselves against but instead recommends that the Equality and Human Rights Commission undertakes work to determine this. It does add however that "the concept of institutional racism set out by the Macpherson report remains extremely important today".

18. Leicestershire Police has decided that it will continue to assess itself using the concept of institutional racism set out by the Macpherson report which is "The collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin".

Implications

Financial: None
Legal: None
Equality Impact Assessment: None
Risks and Impact: None
Link to Police and Crime Plan: None
Communications: None

List of Appendices Appendix 1 – Diversity, Inclusion and Fairness Strategy
Appendix 2 – The Macpherson Report: Twenty-two years on.

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Leicestershire Police
Diversity, Inclusion and Fairness Strategy
2021 - 2025

June 2021
Author: Sergeant 2233 Mark Brennan

Contents

Diversity, Inclusion and Fairness

1. Our vision and purpose

We are diverse, inclusive and fair.

Diverse: We reflect the diversity of characteristics, beliefs, life experiences, and expertise, which exists within our communities.

Inclusive: We embrace difference ensuring all our people and all our communities feel respected, consulted with, listened to, understood and valued.

Fair: We act ethically. We are transparent with our people, our communities and our partners. We work in partnership to identify and overcome inequality.

Our diversity, inclusivity and fairness enable the force to deliver our strategic priorities of 'Putting the public first' and 'The best people.

Diversity, inclusivity and fairness are at the heart of who we are and are essential if we are to build and maintain the necessary trust and confidence with our communities to deliver Our Duty.

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2. Summary Strategy on a Page

Governance	Diversity, Inclusion and Fairness Board		
Where do we want to get to?	**We are diverse, inclusive and fair.** • **Diverse:** We reflect the diversity of characteristics, beliefs, life experiences, and expertise, which exists within our communities. • **Inclusive:** We embrace difference ensuring all our people and all our communities feel respected, consulted with, listened to, understood and valued. • **Fair:** We act ethically. We are transparent with our people, our communities and our partners. We work in partnership to identify and overcome inequality.		
How do we get there?	**We will reach out…**		
	1. To our people by:	**2. To our communities by:**	**3. To our partners by:**
	1.1 Attracting and recruiting a representative workforce which reflects our communities including, but not exclusive to, 1 in 4 joining the police family being from a Black, Asian or Minority Ethnic background. 1.2 Embedding a culture where all our people feel respected, consulted with, listened to, understood and valued. 1.3 Taking action so everyone has an equal opportunity to progress and realise their potential with us.	2.1 Giving a high-quality service that treats all people fairly and delivers positive outcomes for all communities. 2.2 Listening, engaging, inviting and giving feedback, accepting challenge and empowering others to work alongside us to bring about change and to build community trust and confidence.	3.1 Inviting independent external review and benchmarking of our performance. 3.2 Working together to tackle inequality and ensure the whole system is fair.
What behaviours and values help us get there?	**Engagement and Relationship Building**		
	Encouraging Transparency, Challenge and Scrutiny		
	Partnership and Peer Support		
	Proactive Leadership at Every Level		
	Utilising Evidence, Learning and Continuous Improvement		
	Meeting our Legal Obligations and Utilising Positive Action Legislation		
	Delivering for All Our People and All Our Communities		

3. The Big Picture and the Future

3.1 Why being diverse, inclusive and fair helps us 'Put the public first'

3.1.1 Our policing model is built on the consent of our communities. To police by consent we need to have legitimacy and we only achieve legitimacy by having people's trust and confidence.

3.1.2 Policing locally, nationally and internationally has got some things wrong. This has damaged trust and confidence amongst some of our communities which then persists over decades and passes down over generations. Unless it is repaired, our role will be less valued and therefore, our ability to carry out 'Our Duty' compromised.

3.1.3 To increase trust and confidence amongst our communities we need to better reflect their diversity amongst our own people. We want to reflect the diversity within our communities in relation to the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. We also want to reflect the diversity within our communities in relation to the range of and socio-economic backgrounds, life experiences and areas of expertise which exists within our communities.

3.1.4 However, being diverse is not enough on its own. We also need to be inclusive and we need to be fair. We do this by giving everyone a fair and proportionate service as well as listening, engaging, inviting feedback, accepting challenge and empowering our communities to work alongside us to bring about change.

3.2 Why being diverse, inclusive and fair helps us have 'The best people'

3.2.1 Recruiting a diverse workforce allows us to utilise a wider range of different skills sets, life experiences and expertise which improves the service we give to the public. Providing an inclusive and fair working environment gives our people a positive, meaningful experience and equal opportunity to thrive which will allow us to retain, grow and get the very best from our talent.

3.3 Why we need to act further and faster now

3.3.1 We have made significant progress in advancing equality and diversity since we last released our Diversity and Inclusion Strategy in 2020. We have redesigned our recruitment approach leading to more diverse workforce representation. We have engaged with our people about our performance on diversity and inclusion via regular 'Courageous Conversations' events. We have amended our internal progression processes leading to greater diversity amongst our leaders. We have invited numerous independent reviews of our diversity and inclusion work incorporating the recommendations made.

3.3.2 However we need to act further and faster. Recent events including the murder of George Floyd in 2020, as well as the murders in 2021 of Sarah Everard in London and of PCSO Julia James in Kent have sharpened and enhanced our focus on becoming more diverse, inclusive and fair. Furthermore, the police uplift programme, where police officer numbers within Leicestershire will increase to levels not seen for over a decade presents a fantastic opportunity to continue to increase the diversity within our organisation.

3.3.3 Looking to the future, our communities are likely to become ever more diverse, risking an ever greater 'diversity gap' between the make-up of our force and our wider communities unless we take action now. Also, we need to develop our capability to build trust and confidence online to avoid our voice and message being drowned out in an ever more competitive online space.

3.4 How we deliver this strategy

3.4.1 Our approach can be summarised in one phrase *"We will reach out…"*

3.4.2 We can't achieve this on our own. We need the leadership, support, advice, challenge, knowledge, expertise of our people, our communities and our partners. By the same token we can't wait for others to come to us to help us achieve this. We need to reach out and bring others with us, including others in the conversation and the delivery of this strategy.

4. Our Priorities

How do we get there?	1. We will reach out to our people by:		
	1.1 Attracting and recruiting a representative workforce which reflects our communities including, but not exclusive to, 1 in 4 joining the police family being from a Black, Asian or Minority Ethnic background.	**1.2 Embedding a culture where all our people feel respected, consulted with, listened to, understood and valued.**	**1.3 Taking action so everyone has an equal opportunity to progress and realise their potential with us.**
We Will:	1.1.1 Attracting and recruiting a representative workforce which reflects the diversity within our communities by gender, religion and belief, age, sexual orientation and disability.	1.2.1 Promote our work to be diverse, inclusive and fair for all, as a top organisational priority.	1.3.1 Continue to improve our selection, PDR and promotion processes and remove barriers so everyone has an equal opportunity to realise their potential with us.
	1.1.2 Identify and engage with tomorrow's workforce now through our cadet scheme and partnerships with local schools, colleges and higher education institutions.	1.2.2 Deal robustly against those who discriminate, harass, victimise, disrespect or isolate others internally or externally and share out to the wider community if this happens.	1.3.2 Invest in mentoring, learning and development of our people including via Positive Action Leadership Schemes for Police Officers and Staff.
	1.1.3 Deliver a tailored recruitment message that motivates, inspires and reassures all our communities they can have a career with us.	1.2.3 Ensure all our people are trained to understand why we need a diverse, inclusive and fair organisation, how we deliver it and what we require of everyone to realise our goal.	1.3.3 Continuously improve our working practices and environments to improve our people's wellbeing and their ability to do their job successfully.
	1.1.4 Constantly review and improve our recruitment processes as well as to remove barriers that disadvantage particular candidates.	1.2.4 Fully embrace the role our staff networks can play as communicators, advisors and critical friends to help us deliver our priorities.	1.3.4 Understand, explain and reduce any inequality in recruitment, retention, progression, pay, exit or misconduct outcome.
		1.2.5 Regularly communicate and listen to our people including via one-to-one and team meetings, leader's briefings, workforce engagement surveys, peer support programmes, courageous conversations events, reverse mentoring and exit interviews.	

		1.2.6 Celebrate as Team Leicestershire key religious and cultural events.	

		2. We will reach out to our communities by:	
How do we get there?	**2.1 Giving a high-quality service that treats all people fairly and delivers positive outcomes for all communities.**		**2.2 Listening, engaging, inviting and giving feedback, accepting challenge and empowering others to work alongside us to bring about change and to build community trust and confidence.**
We Will:	2.1.1 Treat and interact with all communities fairly, with courtesy and respect.		2.2.1 Listen to all of our communities to better understand the diversity of characteristics, beliefs, life experiences, and expertise, which they possess.
	2.1.2 Recognising hate crime incidents and responding in a timely and sensitive manner achieving a positive outcome and high level of victim satisfaction across all communities.		2.2.2 Tailor our engagement and our responses based on the different needs, concerns and expectations of our communities.
	2.1.3 Understand, explain and reduce disproportionality in our service delivery, use of police powers and policing outcomes especially in relation to stop and search.		2.2.3 Seek feedback, challenge and assistance from our communities and community leaders regarding our performance empowering others to work alongside us to improve it.

		3. We will reach out to our partners by:	
How do we get there?	**3.1 Inviting independent external review and benchmarkin g of our performance.**		**3.2 Working together to tackle inequality and ensure the whole system is fair.**
We Will:	3.1.1 Invite regular independent review of our work, including from HMICFRS, College of Policing and the NPCC, and incorporate the learning identified.		3.2.1 Engage with external partners and take part in peer review to share good practice, learning and expertise.
	3.1.2 Continue to benchmark our diversity and inclusion position with outside bodies such as Stonewall, the Business in the Community race campaign and gender campaign and the Disability Confidence Scheme.		3.2.2 Record, monitor and share data on diversity, inclusion and fairness across the multi-agency partnership in Leicester, Leicestershire and Rutland.

4. What Values and Behaviours Help us Get There?	
Engagement and Relationship Building	• We cannot deliver true change without the complete trust of our people, our communities and our partners. To gain this trust we need to reach and engage with others and build positive working relationships.
Encouraging Transparency, Challenge and Scrutiny	• Our default approach should always be to be transparent and to encourage challenge and scrutiny. This approach allows us to fully utilise the expertise of others to help us improve our performance.
Partnership and Peer Support	• We need to work together as equal partners with our people, our communities and our partners to deliver this strategy.
Proactive Leadership at Every Level	• We require our leaders to be proactive addressing Diversity, Inclusion and Fairness in all of their strategies and delivery plans. • We will make it clear; every member of staff has a role to play in helping us deliver this strategy.
Utilising Evidence, Learning and Continuous Improvement	• We must test our perceptions of progress with evidence to ensure we are on track. • We must always look for further improvement and for further learning to help us deliver this strategy.
Embracing Legal Obligations and Legal Powers	• We will fulfil our legal obligations and utilise positive action legislation to allow us to achieve this strategy.
Delivering for All Our People and All Our Communities	• We must consider how this strategy delivers for every group and community. At the same time, we have to accept that one size does not fit all and therefore our approach should be tailored to the individual characteristics and 'intersectionality' of characteristics every person and community possess.

5. Implementation Roadmap

Year 1	• Commence new cadet programmes in areas with higher representation from a Black, Asian or Minority Ethnic or working-class background. • Continue training with all officers and staff on diversity & inclusion. • Commence Pilot of the Allyship Programme. • Review the pilot of the Reverse Mentoring programme with a view to extending its reach across the organisation. • Extend the reach of courageous conversation and language workshop events across the organisation. • Complete workforce survey of our people to be repeated on an annual basis at least. • Review the structure and make up of our IAGs to extend their representation across all protected characteristics and areas of expertise particularly amongst Gypsy, Roma, Traveller communities, and younger communities. Encourage intersectionality amongst the IAGs. • Publish data tracking performance against key performance measures. • Survey of Key Community Members & IAGs. • External peer review /IAG review of progress. • External horizon scan to identify learning and good practice. • Detailed review of progress against objectives. • Detailed review of strategy to confirm it is still fit for purpose.
Year 2	• Continue training with all officers and staff on diversity & inclusion. • Diversity and Inclusion measures of success are built into the computer analytical package 'Power BI' to allow for wide scrutiny of our performance. • Work with local universities using our workforce and operational data to better understand any inequality of outcome. • SPB exec to review diversity, inclusion and fairness across the multi-agency partnership in Leicester, Leicestershire and Rutland. • Publish data tracking performance against key performance measures. • Survey of Key Community Members & IAGs. • External peer review /IAG review of progress. • External horizon scan to identify learning and good practice. • Detailed review of progress against objectives. • Detailed review of strategy to confirm it is still fit for purpose.
Year 3	• Continue training with all officers and staff on diversity & inclusion. • Complete workforce survey of our people. • Publish data tracking performance against key performance measures. • Survey of Key Community Members & IAGs. • External peer review /IAG review of progress. • External horizon scan to identify learning and good practice. • Detailed review of progress against objectives. • Detailed review of strategy to confirm it is still fit for purpose.
Year 4	• Artificial intelligence is routinely used to analyse recruitment, workforce engagement and community data allowing for greater targeting of interventions to improve outcomes (e.g. – AI to target recruitment campaigns at particular under-represented people likely to be receptive to such material).

	• A local evidence base is generated of what works in diversity, inclusion and fairness which is utilised to design bespoke interventions. • Continue training with all officers and staff on diversity & inclusion. • Complete workforce survey of our people. • Publish data tracking performance against key performance measures. • Survey of Key Community Members & IAGs. • External peer review /IAG review of progress. • External horizon scan to identify learning and good practice. • Detailed review of progress against objectives. • Detailed review of strategy to confirm it is still fit for purpose.

6. Governance

6.1 Strategic, Equality and Fairness Board to be renamed the Diversity, Inclusion and Fairness Board but continue in its current form chaired by the Chief Constable.

6.2 The Diversity and Inclusion Unit will drive and co-ordinate delivery of this strategy between the tactical leads for the priority strands within the strategy. They will ensure a Diversity, Inclusion and Fairness tracker is updated and a quarterly highlight report is created for review and approval at the Diversity Inclusion and Fairness Board. The Diversity and Inclusion Unit will also produce a detailed annual report to the Diversity Inclusion and Fairness Board giving a comprehensive updating on overall progress.

6.3 The Attraction, Retention and Progression Gold Group will continue to be led by the Chief Constable. Although the group will still maintain sight of delivery progress in this area its main focus will be on identifying new and innovative methods to achieve our aims utilising learning and good practice from other forces, public and private sector partners and the academic evidence base. It will also be an opportunity for honest discussion between force leads, staff networks and other interested parties on how we deliver our aims in this area. This group will report both to the Diversity, Inclusion and Fairness Board to ensure new thinking and perspectives are regularly incorporated into the delivery of the strategy.

6.4 Chief Officer Team leads will continue to hold groups related to the individual protected characteristic they lead on which are:

CC Simon Cole	Disability
DCC Rob Nixon	Race, Religion and Belief
ACC Julia Debenham	Gender
ACC David Sandall	LGBT+
ACO Paul Dawkins	Age
ACO Alistair Kelly	Overview of Characteristics Leads

6.5 As with the Attraction, Retention and Progression Gold Group the focus of these groups will be on identifying new and innovative methods to achieve our aims utilising learning and good practice from other forces, public and private sector partners and the academic evidence base. It will also be an opportunity for honest discussion between force leads, staff networks and other interested parties on how we deliver our aims in this area. These groups will report to the Diversity, Inclusion and Fairness Board to ensure new thinking and perspectives are regularly incorporated into the delivery of the strategy.

6.6 Community IAGs will continue to meet at least quarterly and continue their focus of providing an independent community voice on our practice and also our progress in delivering this strategy.

7. Measuring success

How do we know?	Our People	Our Community	Our Partners
	1.1 Workforce representation across the police family better reflects the diversity within our communities. 1.2a Analysis of one-to-one and team meetings, leader's briefings, workforce engagement surveys, peer support programmes, courageous conversations events, reverse mentoring and exit interviews show positive levels of workforce inclusion across the organisation. 1.2b Understand, explain and/or reduce any inequality in rates of voluntary resignation by protected characteristic. 1.2c Understand, explain and/or reduce any inequality in workplace grievances by protected characteristic. 1.3a Representation at senior and specialist levels better reflects the diversity within our communities. 1.3b Understand, explain and/or reduce any inequality in pay gap by protected characteristic. 1.3c Understand, explain and/or reduce any inequality in misconduct outcome by protected characteristic.	2.1a Understand, explain and/or reduce any inequality in police recorded complaints between different communities. 2.1b Improve public confidence across all communities and understand, explain and/or reduce any inequality between different communities. 2.1.c Improve Hate Crime positive rates and victim satisfaction rates across all communities and understand, explain and/or reduce any inequality between different communities. 2.1d Understand, explain and/or reduce inequality between different communities in the number of police encounters, such as stop search and the use of coercive powers, and in outcome rates. 2.2a Improve agreement that police understand the issues of concern across all communities and understand, explain and /or reduce any inequality between different communities. 2.2b Surveys and feedback from key community/ IAG members evidence that we regularly seek meaningful community feedback, challenge and assistance.	3.1 Independent review and benchmarking of our progress to occur annually at least including from HMICFRS and College of Policing. 3.1a Evidence that learning identified from independent review and benchmarking is being incorporated into delivery. 3.2 Seeking expertise, good practice and learning from external partners annually at least.

House of Commons
Home Affairs Committee

The Macpherson Report: Twenty-two years on

Third Report of Session 2021–22

Report, together with formal minutes relating to the report

*Ordered by the House of Commons
to be printed 21 July 2021*

Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Yvette Cooper MP (*Labour, Normanton, Pontefract and Castleford*) Chair

Rt Hon Diane Abbott MP (*Labour, Hackney North and Stoke Newington*)

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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

Committee reports are published on the Committee's website at www.parliament.uk/homeaffairscom and in print by Order of the House.

Evidence relating to this report is published on the inquiry publications page of the Committee's website.

Committee staff

The current staff of the Committee are Melissa Bailey (Committee Operations Officer), Chris Battersby (Committee Specialist), Chloe Cockett (Senior Specialist), Elektra Garvie-Adams (Second Clerk), Elizabeth Hunt (Clerk), Kate Johal (Committee Specialist), Niamh McEvoy (Committee Specialist), Penny McLean (Committee Specialist), George Perry (Senior Media and Communications Officer), Paul Simpkin (Committee Operations Manager).

Contacts

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Summary

Stephen Lawrence was murdered on 22 April 1993 in an unprovoked racist knife attack in Eltham, South London. The Inquiry into his murder led by the late Sir William Macpherson uncovered major failings in the police investigation and in the way Stephen Lawrence's family and his friend Duwayne Brooks were treated. The report, published twenty-two years ago in February 1999, was truly ground-breaking, leading to major changes in the law, in policing, in the response to institutional racism and the treatment of racist crimes, and ultimately to two convictions for Stephen Lawrence's murder.

Many of the findings and subsequent 70 recommendations made by the Stephen Lawrence Inquiry focused on longstanding issues which remain as relevant today. Our inquiry was prompted by concerns that in some areas, in the words of Baroness Lawrence, "things have become stagnant and nothing seems to have moved."

We have assessed progress against some of the most important Macpherson report recommendations: on community confidence, on tackling racist crimes, on recruitment and retention of Black and other minority ethnic officers and staff, on race disparities in the use of stop and search and other powers, and on the overall aim set by the late Sir William Macpherson of "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing." We have also looked at the structures needed to deliver further progress today.

We have found that policing today is very different from twenty-two years ago. Since the Macpherson report was published there have been important improvements in policing including significant improvements in the policing of racist crimes, in the commitments made to promoting equality and diversity and in good examples of local community policing. But our inquiry has also identified persistent, deep rooted and unjustified racial disparities in key areas including a confidence gap for BME communities, lack of progress on BME recruitment, problems in misconduct proceedings and unjustified racial disparities in stop and search. In those areas, we propose urgent action.

Confidence in policing among BME communities

The Macpherson report called for it to be a Ministerial Priority that all police services "increase trust and confidence in policing amongst minority ethnic communities." However, twenty-two years on, evidence to our inquiry shows that there is a significant problem with confidence in the police within Black communities, particularly among young people.

Adults from Black and mixed ethnic backgrounds are less likely to have confidence in the police than adults from White or Asian backgrounds, and the confidence gap has widened over the last few years. 67% of White adults say they believe the police will treat them fairly compared to 56% of Black adults. All victims of crime should feel confident in turning to the police for help. That Black people have much lower expectations than White people that they will be treated fairly and with respect by the police is a matter of deep and serious concern.

Our inquiry has found a lack of proper local or national plans to tackle the confidence gap, and we found that increasing trust and confidence in policing is not being treated as a policing priority or a Ministerial priority today. The Committee calls for new plans from police forces and the Home Office to increase confidence among BME communities, regular gathering and publishing of confidence data and information for all forces, and inspections on progress.

Racist incidents and victims of crime

Stephen Lawrence, his family and Stephen's friend Duwayne Brooks were all victims of a racist crime. The Macpherson report was highly critical of the way they were treated and the failure of policing to monitor, understand or investigate racist crimes properly. The recommendations brought about a transformation in the way police recognise racist incidents and deal with racist crimes which is one of the most important legacies of the Stephen Lawrence Inquiry. We welcome the changes that were made and found a strong commitment from senior police officers to maintain that progress.

However, racial hatred remains a significant problem in society, more than 75,000 race related incidents were recorded by the police in England and Wales in 2019/20. We are deeply concerned that victims of hate crime are less likely to be satisfied with the outcome of a police investigation than they are in other crimes, and that some Black men and women still report that they have been treated as suspects not victims of crime. The Committee calls for better recording of hate crime offences, including disaggregating race hate crime, as well as work between the Home Office, NPCC and Victims Commissioner to improve support for BME victims of crime.

Going forward we are concerned that the Government and police forces are being left behind by the rise of online racism and racist crimes. Whilst we welcome the proposed Online Safety Bill, we call for a new Home Office and NPCC strategy for policing hate crime online including urgently needed skills, training and digital infrastructure.

Recruitment and progression of BME officers and staff

The Macpherson report recommended that police forces should be representative of the communities they serve, and that targets should be set for recruitment, progression and retention of minority ethnic police officers. But the ten-year targets set by the then Home Secretary, including overall minority ethnic representation of 7% in the service by 2009, were not met. Even by 2020, BME officers represented just 7% of the police service across England and Wales, still far below the 14% of the population in England and Wales who identify as BME. Levels of under representation are most marked among senior ranks: only 4% of officers at or above the rank of chief inspector are from BME backgrounds.

It is extremely disappointing that twenty-two years after the publication of the Macpherson report the police service is still a very long way from being representative of the diverse communities it serves. The Peel principles that have underpinned British policing for nearly 200 years are based on the understanding that the police are the

public and the public are the police. These principles apply to everyone: it cannot be the case that they apply to some communities and not others based on the colour of people's skin.

Our inquiry found police forces across the country have failed to do enough to increase BME recruitment, retention and promotion for decades. There has been a lack of focus, consistency and leadership in driving BME recruitment and promotion in the police service for far too long. Our analysis suggests that, on the current rate of progress, we will not have properly representative police forces in England and Wales for another twenty years. That would be four decades after the Macpherson report raised the seriousness of this issue and nearly half a century after the murder of Stephen Lawrence.

We agree with the Home Secretary that the Government's commitment to recruit an additional 20,000 police officers must be used to make immediate and significant progress in tackling the persistent underrepresentation of BME communities within police forces. We found that some forces are making significant progress in increasing BME recruits, notably Nottinghamshire and Greater Manchester, using positive action such as targeted recruitment campaigns, youth engagement and outreach, and working with local community and faith leaders. However, we found that the vast majority of forces are still failing to recruit BME officers in proportion to their local population.

We recommend that the Government agrees minimum targets for the recruitment of BME officers with each constabulary reflecting the respective composition of its local population, in order to achieve at least 14% of officers nationally by 2030. Evidence from forces which use positive action demonstrates that forces should be able to achieve these targets using tried and tested measures. A national strategy should be drawn up by the National Policing Board with a clear timeline, a requirement on chief officers to use positive action, rigorous scrutiny on progress and remedial measures for failure to achieve these targets. It should include a new framework for inspections, and accountability and follow up action using the Home Secretary's statutory powers if targets are not being met. The Home Office should work with the Law Commission on further measures which might be considered where forces can show that tried and tested positive action is not able to address historic underrepresentation.

Police misconduct and discipline

Achieving the representative workforce that Macpherson recommended requires effective retention and progression of BME officers as well as recruitment. However, we found there was clear racial disparity in the number of officers being dismissed from police forces and in the number of BME officers and staff being subjected to internal disciplinary processes. BME officers are more than twice as likely to be dismissed as White officers. Yet data on racial disparity in police misconduct has been inconsistent and incomplete to the point where it cannot be understood or acted upon, despite years of HMICFRS warnings.

We welcome the work by the NPCC to instigate reforms including improvements to training, misconduct guidance, welfare support, and addressing the lack of BME officers in Professional Standards Departments. However, it is extremely troubling that

this disparity has been allowed to continue for so long without serious action being taken by police forces to investigate or address the problem. It is essential that progress is consistently monitored and reported transparently across all forces.

Stop and search

In the year to 31 March 2020, Black people were over nine and a half times more likely to be stopped and searched than White people. Despite the serious concerns raised and recommendations made in the Macpherson report and other reports since, the disproportionality is greater now than it was twenty-two years ago. We agree with HMICFRS that these disparities have damaged confidence in stop and search itself and undermined the legitimacy of policing for the BME communities most affected by it.

Stop and search is an important police power and the Macpherson report's conclusion that it has a useful role to play in the prevention and detection of crime still applies. However, no evidence to this inquiry has adequately explained or justified the nature and scale of the disproportionality in the use of stop and search powers. This is especially the case for searches for the possession of drugs where evidence shows that Black people are less likely than White people to have used drugs in the last year, but are 2.4 times more likely to be stopped and searched for drug possession. We recognise the importance of the police being able to take action against knife crime including through stop and search but note that only 16% of 'reasonable grounds' searches in 2019/20 were conducted to find offensive weapons.

We also heard troubling examples of stops and searches being conducted in a manner that was deeply alienating and uncomfortable, including from the IOPC. Given that the majority of people stopped and searched are not found to be committing any crime, stops should be initiated in a respectful and appropriate manner, with care taken to manage conflict and de-escalate encounters where necessary.

Stop and search must always be used in a focused and targeted way. The Metropolitan Police increased their use of stop and search during the first national covid-19 lockdown to the highest levels seen in London for many years at a time when far fewer people were on the streets. They were wrong to do so: the result was that far more people who were not committing crimes were stopped and searched, the proportion of searches which found weapons or drugs dropped, and the racial disparity widened. It should never have been possible for the equivalent of 1 in 4 Black males between the ages of 15 and 24 in London who were not committing a crime to be stopped and searched during a three-month period.

Sensible recommendations from HMICFRS on stop and search from four years ago have still not been widely implemented or sustained. That needs to change urgently. The Committee is also calling for further reforms, including recording the ethnicity of those who are subject to road traffic stops, additional training for police officers and staff on communication, conflict management and de-escalation, and full use of body worn video, with internal reviews and external community oversight, both to build confidence and to ensure improvements are made.

Use of police technologies and tools

New policing technologies and powers have developed in the decades since the Macpherson report—for example the MPS Gang Violence Matrix, Live Facial Recognition Technology or policing the Coronavirus restrictions—which have raised similar kinds of questions about avoiding racial disparities, ensuring fairness in policing, and about the importance of sustaining confidence among minority ethnic communities.

Concerns raised about disproportionality in the use of fixed penalty notices as part of police enforcement of the covid-19 regulations provide cautionary evidence about the need for care and oversight in the way new policing powers are introduced. In the first lockdown Black people were 1.8 times more likely to be subject to covid enforcement measures than White people.

At the same time the introduction of body worn cameras, if done properly, is a new technology that could help rebuild community confidence: for example, it could be used to ensure oversight of stop and search. It is vital that police forces, policing institutions and the Home Office have systems in place to ensure that new technology and new powers are implemented fairly, without racial bias and without widening unfair racial disparities.

Racism and the police twenty-two years on

The Macpherson report found that racism was an important factor in the failure of the Metropolitan police investigation into Stephen Lawrence's murder. It concluded that the problems it found amounted to "institutional racism" and highlighted racism at both individual and institutional level.

Our inquiry has found that policing today is very different from twenty-two years ago and there have been important and welcome improvements in policing since the Macpherson report was published, including on the policing of racist and hate crimes, the commitment of senior officers to promoting diversity and equality and good examples of local community policing. However, we have also found persistent, deep rooted and unjustified racial disparities in key areas. The failure to make sufficient progress on BME recruitment, retention and progression, troubling race disparities in the police misconduct system, unjustified inequalities in the use of key police powers such as stop and search and a worrying decline in confidence and trust in the police among some BME communities all point to structural problems that go beyond individual bias. There has been a systematic failure on the part of the police service and Government, over many years, to take race inequality in policing seriously enough. The Macpherson report's objective at the end of the Stephen Lawrence Inquiry to "eliminate racist prejudice and disadvantage and demonstrate fairness in all aspects of policing" has not been met.

We found that there has been an increased focus within policing on race inequality since the murder of George Floyd by a police officer in the USA in 2020, which shone a spotlight on race injustice across the world. Reforms announced by individual forces, the NPCC, HMICFRS and the IOPC are welcome. However, it should not have required

video footage of the murder of a Black man by a police officer and the ensuing Black Lives Matter protests to concentrate the minds of the Government and the police on the imperative of race equality.

The Committee recommends a comprehensive review and overhaul of police training on racism, diversity and equality, led by the College of Policing and supported by the Home Office so that training in the future explicitly focuses on anti-racism, including seeking to reduce differences in experience and outcomes by racial and ethnic group.

We also call for action to challenge racism within policies, structures, organisational culture and institutions, including the adoption of the approach set out in the David Lammy review of the Criminal Justice System: explain or change. Race disparities must be robustly investigated and where forces cannot provide evidence based explanations of disparities, they must set out changes to eliminate them.

Our objective has been to consider progress, twenty-two years on, against the key Macpherson themes and recommendations which we set out in chapter one. We have not sought to carry out the kind of in-depth investigation in respect of individual policing institutions that either Macpherson conducted into the Metropolitan Police or that Wendy Williams conducted into the Home Office. We have not therefore been in a position to apply the tests of institutional racism that, for example, Wendy Williams used. However, the fact that Black and minority ethnic police organisations told us that they continue to experience and bear witness to institutional racism in our police forces today should be grounds enough for policing leaders, the Home Office and Government to take seriously the imperative for change.

We believe that the concept of institutional racism set out by the Macpherson report remains important today and that institutions must be able to challenge themselves and be held publicly to account for addressing racism within structures or policies as well as within individual attitudes. We recommend that the Equality and Human Rights Commission undertakes work to determine a framework against which individual institutions including police forces can be rigorously assessed.

Delivery and accountability

In the years following the Macpherson report there was a welcome focus by all policing organisations to implement the report's recommendations and drive forward institutional change. However, over time that progress has stalled and race equality has too often not been taken seriously enough. The NPCC's announcement that it is developing and implementing a national race equality action plan is welcome, but it is disappointing that it is taking so long for forces to agree on much needed action. The withdrawal of the Home Office from an active role in policing has also been responsible for fragmentation in addressing race equality issues. We do not believe that the current structures will be sufficient to deliver change that is already twenty-two years overdue.

The Committee calls for the Home Secretary to establish and chair, under the aegis of the National Policing Board, a Race Equality Steering Group. The Home Secretary should have oversight of progress in addressing race equality across the 43 police forces.

We further recommend that a new independent Race Equality Commissioner for policing is established to provide ongoing scrutiny, including analysis and advice on policing policy, tools and procedures that have a potential impact on racial disparities.

Conclusions

Across the country police forces work hard each day to tackle crime and keep all our communities safe. Police officers and staff work immensely hard to deliver fairness in policing, to support Black and minority ethnic victims of crime, to tackle racist hate crimes and support community cohesion. But it is because the role of the police in communities is so important that the issues raised in our report need to be addressed.

Our inquiry has found that the Macpherson report's overall aim of the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing has still not been met twenty-two years on, and we have identified areas where too little progress has been made because of a lack of focus and accountability on issues of race.

The commitments made over the last year by the NPCC, by individual forces and by senior police officers to a step change in addressing race equality in policing are important. But commitments have been made in the past that were then not delivered. This time needs to be different or confidence may be permanently undermined. This time, Government and police forces need to work with local communities to ensure there is real and sustainable change that improves the experiences of, and outcomes for, Black and minority ethnic communities whether within the police service or outside of it, that raises confidence and demonstrates fairness in policing for all.

1   Introduction

> When I was looking to come here, I tried to find information that sets out, around the 70 recommendations, where we have moved on, how many recommendations have been implemented, be it in the police, be it in schools, and I found it really difficult to find anything. It seems as if things have become really stagnant and nothing seems to have moved.

Source: Baroness Lawrence, Evidence to the Home Affairs Select Committee, 5 February 2019[1]

Background to the inquiry

1.   Stephen Lawrence, a Black teenager, was murdered on 22 April 1993 in an unprovoked, racist knife attack by five White youths while waiting with his friend Duwayne Brooks at a bus stop in Eltham, South London. The police were heavily criticised for their initial action at the scene, major failings in the investigation, the way the family were treated, and the failure to secure convictions. In July 1997, after years of campaigning by Stephen Lawrence's mother and father—Doreen (now Baroness) Lawrence and Neville (now Dr) Lawrence—and their supporters, the then Home Secretary Rt Hon Jack Straw MP announced a judicial inquiry, led by Sir William Macpherson of Cluny with the support of three advisors (Tom Cook; Rt Reverend John Sentamu and Dr Richard Stone).

2.   The Stephen Lawrence Inquiry sought to identify the "matters arising from the death of Stephen Lawrence […] in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes".[2] The first hearing of the inquiry took place in October 1997.

3.   The inquiry reported in February 1999. Commenting on the failed police investigations, the inquiry concluded:

> There is no doubt but that there were fundamental errors. The investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers. A flawed MPS review failed to expose these inadequacies. The second investigation could not salvage the faults of the first investigation.[3]

Aims and recommendations of the Macpherson report

4.   Fundamental to its 70 recommendations for reform was the need to "increase trust and confidence in policing amongst minority ethnic communities".[4] The Macpherson report set "the overall aim" of "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing".[5]

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2   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 3.1, February 1999.
3   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 46.1, February 1999.
4   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Chapter 47, recommendation 1, February 1999.
5   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Chapter 47, recommendation 2, February 1999.

5.   Most of the report's 70 recommendations were aimed at the criminal justice system (notably the Home Office and the police service), but the report also recommended changes to the education system to promote awareness of racial justice from early in life.[6]

6.   The report's 70 recommendations ranged across the following themes:[7]

- Openness, accountability and the restoration of confidence (1–11);

- Definition of racist incidents (12–14);

- Reporting and recording of racist incidents and crimes (15–17);

- Police practice and the investigation of racist crime (18–22);

- Family liaison (23–28);

- Victims and witnesses (29–31);

- Prosecution of racist crimes (32–44);

- Training: First Aid (45–47);

- Training: Racism awareness and valuing cultural diversity (48–54);

- Employment, discipline and complaints (55–59);

- Stop and Search (60–63);

- Recruitment and Retention (64–66);

- Prevention and the role of education (67–70).

7.   The then Home Secretary Rt Hon Jack Straw MP welcomed the report and the Government published an action plan in March 1999 accepting the overwhelming majority of the recommendations and outlining a series of legislative, institutional and policy changes to implement them.[8] The report led to legal changes, targets for the recruitment, retention and promotion of Black and Asian officers, and the creation of the (then) Independent Police Complaints Commission.[9] Further, a recommendation to abolish the "double jeopardy" rule—preventing suspects being tried twice for the same offence—resulted in the 2012 conviction of Gary Dobson and David Norris for Stephen Lawrence's murder.[10]

8.   The Stephen Lawrence Steering Group was set up to oversee the implementation of the recommendations, chaired by the Home Secretary and including the Black Police Association, the Commission for Racial Equality and the Lawrence family.[11]

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6   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Chapter 47, February 1999.

7   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999.

8   House of Commons, Stephen Lawrence Inquiry, Ministerial Statement, 29 March 1999, Column 760.

9   The Guardian, Macpherson report: what was it and what impact did it have?, 22 February 2019.

10   BBC News, Stephen Lawrence murder: A timeline of how the story unfolded, 13 April 2018.

11   BBC News, Jack Straw's full response, 25 March 1999.

Home Affairs Select Committee 2009 Inquiry

9.   The Home Affairs Select Committee carried out an inquiry in 2009 to reflect on the 10 years since the publication of the Macpherson report. It noted that the police had made "tremendous strides in the service they provide to ethnic minority communities and in countering racism amongst its workforce" and indicated at that time that they believed that 67 of the 70 Macpherson report recommendations had been implemented in full or part.[12] Many of these recommendations set out practical steps to be taken and could be quickly implemented by the institutions concerned. Others were partly implemented by 2009 but had further work still to do. Some recommendations set out overarching aims, objectives and priorities, where achievement is more complex to measure or where implementation has been more varied over the years.

10.   The Committee noted progress had been made to "tackle racial prejudice and discrimination since 1999" including: a cultural shift within the Metropolitan Police Service which had improved how the police were engaging with minority ethnic communities;[13] and police forces' adoption of many of Sir William Macpherson's recommendations on investigating crimes, including that racist incidents should be defined as "any incident which is perceived to be racist by the victim or any other person".[14] As a result of these changes the Committee highlighted that reporting of hate crimes had increased and the hate crime detection rate had doubled to around 44%.[15]

11.   The Committee also drew attention to evidence it received from Duwayne Brooks who "highlighted the introduction of appropriately trained Family Liaison Officers in critical incidents, as recommended by Macpherson, as an important area of progress".[16] Another witness, former Chief Constable Otter, an Association of Chief Police Officers lead on race and diversity, argued that such improvements had led to increased confidence levels in policing among Black communities, which the report said "now mirror confidence levels in White communities nationally".[17]

12.   Despite progress made in some key areas of policing, the Committee drew attention to areas of concern. It argued that increased use of stop and search and the inclusion in the DNA database of samples from those arrested but not charged, served to perpetuate Black people's over-representation in the criminal justice system:

> "We repeat our warning that any gains made by the use of stop and search may be offset by its potentially negative impact on community relations".[18]

13.   The Committee expressed concern that progress had been slowest "within the police workforce itself".[19] It said that by the end of 2008, 20 of the 43 police forces in England and Wales had not met individual targets introduced by the then Home Secretary to improve

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12   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p7, para.15, 22 July 2009.

13   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p2, para.3, 22 July 2009.

14   Home Office, The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny, Cm 4262-I, recommendations 12 and 14, February 1999.

15   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p3, para.4, 22 July 2009.

16   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p3, para.5, 22 July 2009; a critical incident is described by the College of Policing as "any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community".

17   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p3, para.5, 22 July 2009.

18   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p7, para.16, 22 July 2009.

19   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p5, para.10, 22 July 2009.

the recruitment of Black and minority ethnic (BME) officers.[20] The Committee concluded that the police service "must now focus its efforts on tackling issues of discrimination within the workforce".[21]

Twenty-two years on inquiry

14.   The year 2019 marked twenty years since the publication of the Macpherson Report. This inquiry was announced in December 2018 with the intention of reviewing progress in meeting the recommendations and, in particular, progress in relation to increasing the number of BME officers, efforts to ensure a diverse and inclusive culture within the police service, race equality training within the service and the reporting of racist incidents and crimes.[22] We recognise that, by 2009, substantial changes had already taken place in many areas, including on issues like first aid training and reforms to the law. We focused this inquiry on those areas highlighted by our predecessors where less progress had been made, and in particular on issues around race and policing.

15.   Our inquiry was closed in November 2019 due to the general election on 12 December. It reopened in March 2020.

16.   During the course of our inquiry we received over 120 pieces of written evidence and held thirteen oral evidence sessions. We also held a private roundtable with Black and minority ethnic young people from London who had direct experience of the police, primarily through the use of stop and search procedures. We wrote to individual organisations to request answers to specific questions to aid our inquiry.

17.   Our inquiry briefly touched on institutions beyond the police service, including the UK Parliament. Imran Khan QC challenged us to be vigilant about how the Houses of Parliament treats those from Black and minority ethnic communities. He drew our attention to the findings of a report by a House of Commons workplace equality network, ParliREACH, '*Stand in my shoes: race and culture within Parliament*' which found that role-based access restrictions were in place that disproportionately impacted Black and minority ethnic staff.[23, 24] Consequently, we sought written evidence from the Clerk of the Parliaments and the Clerk of the House to clarify this issue and received further information on their approach to addressing racial and structural inequality in Parliament. In February 2020, the Clerk of the Parliaments confirmed the permanent removal of grade-based access restrictions to all facilities in the House of Lords, and, in March 2021, we received correspondence from the Clerk of the House updating us on ongoing changes to access arrangements based on business need rather than grade or status in the House of Commons.[25] We have further raised these issues with the Administration Committee. Consideration of Parliament's arrangements lies outside the scope of this inquiry. However we note the responsibility of all members of the parliamentary community, not least its elected representatives, to challenge and eradicate racial inequality within Parliament.

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20   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p5, para, 10, 22 July 2009.

21   Home Affairs Committee, The Macpherson Report—Ten Years On, HC 427, p7, para.17, 22 July 2009.

22   The Committee did not report on this inquiry in 2019 due to the House of Commons' agreement to hold a general election on 12 December. Parliament was dissolved on 6 November 2019 and as a consequence all of the Committee's inquiries were closed.

23   Qq185–186 [Imran Khan QC].

24   The House of Commons Workplace Equality Network, ParliREACH was established to increase awareness and appreciation of race, ethnicity and cultural heritage issues in Parliament.

25   Letter from Ed Ollard, Clerk of the Parliaments to Rt Hon Yvette Cooper MP, 19 February 2020; (MAC0053) the Clerk of the House March 2021.

18.   We received valuable input from our Specialist Adviser Dr Nicola Rollock and also in the last Parliament from our Specialist Adviser on Policing, Sir Peter Fahy, former Chief Constable of Greater Manchester Police. We are extremely grateful to everyone who contributed to this inquiry and recognise that, for some, this involved the retelling of difficult and painful events. We would especially like to thank Baroness Lawrence, Dr Neville Lawrence and Duwayne Brooks for their time and contributions.

19.   On 14 February 2021, prior to the publication of this report, we were saddened to learn of the passing of Sir William Macpherson.[26] His appointment in 1999 to lead the judicial inquiry into the circumstances surrounding Stephen Lawrence's murder was pivotal to the production of the inquiry's meticulous final report, the recognition of the complex and embedded nature of racism in the police service, the introduction of sweeping reforms across policing and also ultimately to the conviction of two people for Stephen Lawrence's murder, which revealed the complex and embedded nature of racism in the police service. The report remains one of the most significant, though potentially contentious, inquiries into race and policing in England and Wales.[27] Leading the tributes to him Baroness Lawrence said, "he had the decency and integrity to listen carefully to what was overwhelming evidence of racism infecting the investigation into my son's murder".[28]

Terminology used to describe ethnic categories

20.   In this report we use the acronyms BME (Black and minority ethnic) and BAME (Black, Asian and minority ethnic). We recognise the various arguments about this terminology and that these acronyms do not necessarily speak to how individuals within these groups might self-identify. We are especially sensitive to the arguments surrounding 'BAME' and, as a result, have sought only to use it where it already exists in published sources so as to avoid any confusion in cross-referencing. Where the statistical sources allow, we have sought to disaggregate the data to highlight the experiences of and trends across and between specific ethnic groups.

George Floyd, and Black Lives Matter

21.   The Home Affairs Committee was re-established following the 2019 general election. We chose to take evidence in connection with this inquiry as an early priority and held our first evidence session of the new Parliament in March 2020.

22.   On 25 May 2020, while our inquiry was ongoing, George Floyd, a 46-year-old Black man, was tragically killed in Minneapolis, USA by a White police officer who was subsequently convicted of his murder. In reaction to his death, and expressing wider concerns about racial justice, thousands of protestors took to the streets in the USA, the UK and across the world. The subsequent evidence sessions held as part of this inquiry inevitably involved consideration of the very serious issues brought into focus by George Floyd's death and the resulting protests.

23.   Immediately following this a series of Government Ministers and public institutions, including the police, affirmed the principle that Black lives matter. The police announced

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26   The Times, Judge in Stephen Lawrence murder inquiry Sir William Macpherson dies aged 94. 15 February 2021.
27   The Guardian, Full text of Jack Straw's statement to Parliament, 24 February 1999.
28   The Guardian, Sir William Macpherson obituary, 22 February 2021.

a programme of work aimed at tackling racial injustice and inequality including commitments on the part of police leaders and individual forces, such as the National Police Chiefs' Council (NPCC) and the London Mayor's Office for Policing and Crime (MOPAC), to address racial inequalities in policing through the production and implementation of action plans. In the same period the Government appointed a Commission on Race and Ethnic Disparities "to examine inequality across the UK, across the whole population".[29] We consider these responses in the course of this report.[30]

24. **The Stephen Lawrence Inquiry, led by the late Sir William Macpherson, was truly ground-breaking when its report was published twenty-two years ago. It led to major changes in the law, in policing, in the response to institutional racism and the treatment of racist crimes. Ultimately it led to the conviction of two of the suspects for Stephen Lawrence's murder.**

25. **Many of the findings and subsequent 70 recommendations made by the Stephen Lawrence Inquiry focused on longstanding issues which remain as relevant today, in particular, the overall aim set by the late Sir William Macpherson of "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing". Our inquiry was prompted by concerns that, in some areas, much more still needed to be done to achieve that overall aim. Given the significance of the report both to policing and to the wider understanding of institutional racism, we were very concerned to hear from Baroness Lawrence just after the twentieth anniversary of the Macpherson report in 2019 that, on the report's recommendations, "it seems as if things have become really stagnant and nothing seems to have moved".**

26. **Our inquiry does not attempt to replicate the work of the forensic judge-led Stephen Lawrence Inquiry twenty-two years on, nor to replicate the many other wider reports about racism and race equality since then. But we have assessed progress against some of the most important Macpherson report recommendations: on community confidence, on tackling racist crimes, on recruitment and retention of Black and other minority ethnic officers and staff, on the use of stop and search and other powers, and on Sir William's overall aim of the elimination of racism and the demonstration of fairness in policing. As our report shows, addressing the shortcomings in these areas is an urgent challenge.**

Structure of the report

27. The Committee set out to examine the progress against Sir William Macpherson's recommendations. We found as part of our inquiry that neither the Home Office nor any other organisation holds a detailed list of the progress against each recommendation. Some were immediate recommendations that were completed many years ago, others were broader and thematic where progress has been more varied, and in some areas we found persistent problems that have not been resolved even after over twenty years. Based on the evidence we received we have therefore focused our inquiry and our report as follows.

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29   Gov.uk, Commission on Race and Ethnic Disparities, Commission on Race and Ethnic Disparities: 16 July 2020.

30   Gov.uk, Commission on Race and Ethnic Disparities, Commission on Race and Ethnic Disparities: 16 July 2020; Commission on Race and Ethnic Disparities: the Report, March 2021; National Police Chiefs' Council, Update on the Plan of Action for inclusion and race equality in policing, 31 July 2020; Mayor of London, Action Plan – Transparency, Accountability and Trust in Policing, 13 November 2020.

28. Chapter one of this report sets out the background to our inquiry including the circumstances of Stephen Lawrence's murder in 1993 and the subsequent aims and recommendations of the Macpherson report published in 1999.

29. As the report sought as its central objective to "increase trust and confidence in policing amongst minority ethnic communities,"[31] we therefore assess the current situation in respect of BME community confidence in policing, which was the subject of Macpherson's first recommendation, in chapter two.

30. The original Macpherson inquiry was commissioned "particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes", following the failure of police to recognise that Stephen Lawrence's murder was racially motivated.[32] Chapter three therefore assesses the progress made in recording and responding to racist crimes, including online hate crime, and the support available for BME victims of crime.

31. The next part of our report focuses on issues which were highlighted by the then Home Affairs Committee when it conducted an inquiry into progress ten years on from the Macpherson Report, in 2009. Our predecessors expressed particular concern about police forces failing to meet targets for recruitment and retention of officers from BME communities, and also about the disproportionate representation of Black people in stop and search statistics. Chapter four therefore examines the current situation in relation to the recruitment and progression of BME officers and chapter five examines concerns that were raised with us about BME officers being more likely to be subjected to disciplinary procedures.

32. Stop and search, and persistent concerns about disproportionality ever since the Macpherson report is the focus of chapter six.

33. Chapter seven looks forward at emerging police technologies and tools which were not anticipated at the time of Macpherson's report, but which we found raised potentially similar issues about how to ensure that police powers are fairly and effectively used, specifically, at the use of the Gangs Violence Matrix, body worn cameras and live facial recognition technology as well as new powers provided to the police to enforce covid-19 restrictions.

34. In chapter eight we trace over time the police and Government response to the Macpherson report's finding on institutional racism and comment on the statutory framework which requires the police, together with all other public institutions, to address racism both at the level of individual prejudice and, as recognised by Macpherson, as it is embedded in structures, cultures and policies.

35. Chapter nine considers the roles of Government and policing bodies in ensuring that changes demanded by the Macpherson report are delivered in practice and that there is proper accountability for the future.

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31   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Chapter 47, recommendation 1, February 1999.

32   See paragraph 2

2   Confidence in policing among BME communities

> I was asked when I was going to come here if I had direct experience and it blew my mind, because living in a community where you know your community is treated differently, there is none of us that do not have direct experience. Because the weight of that, it is harrowing … and it means that we do not feel safe ever. That is the reality.

Source: Witness N[33]

36. The overall conclusions of the Macpherson report focused in large part on the importance of creating "a new atmosphere of mutual confidence and trust" between the Police Service and the communities it serves.[34] Fundamental to its 70 recommendations for reform, the Macpherson report called for a Ministerial Priority for all police services to "increase trust and confidence in policing amongst minority ethnic communities".[35] The report also recommended that:

> Seeking to achieve trust and confidence through the demonstration of fairness will not in itself be sufficient. It must be accompanied by a vigorous pursuit of openness and accountability across Police Services.[36]

37. This chapter focuses on the confidence BME communities have in the police today and how this is currently monitored by police forces, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and the Home Office. It specifically considers the relations between young BME people and the police, drawn from evidence from a private roundtable held with Black and minority ethnic young people from London who had direct experience of the police, primarily through the use of stop and search procedures.

Confidence in policing among BME communities

38. In an interview with the Guardian in June 2020, Dr Neville Lawrence, the father of Stephen Lawrence, expressed concern that the police service had not delivered on its promises to "reform and enshrine racial justice" in policing twenty one years on from the Macpherson report.[37] He argued that improvements made by the police had been insufficient to earn the support of some communities, which impacted negatively on police efforts to fight crime. He added that it was like a "them-and-us situation" and that some communities still did not feel that the police service was there for them.[38]

39. Evidence shows that adults from Black and Mixed ethnic backgrounds are less likely than White and Asian adults to have confidence in their local police. Data on the

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33   Q124; a participant in a private roundtable conducted by the Committee in May 2019 with a group of young BME people aged 17–30 from across London, on their experiences and views of their relationship with the police.

34   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 45.24, February 1999.

35   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, recommendation 1, February 1999.

36   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 46.32 (Recommendations 9–11), February 1999.

37   The Guardian, Neville Lawrence: black people still second-class citizens in Britain, 9 June 2020.

38   The Guardian, Neville Lawrence: black people still second-class citizens in Britain, 9 June 2020.

confidence of BME communities in policing is monitored nationally by the Office for National Statistics (ONS) as part of its Crime Survey for England and Wales.[39] The most recent figures are for the year ending March 2020, before the killing of George Floyd or the Black Lives Matter protests.

40. ONS figures for the year to March 2020 show that, overall, 74% of White adults in England and Wales have confidence in their local police, compared to 77% of Asian/Asian British adults, 64% of Black adults and 54% of Black Caribbean adults. Similarly, 55% of White adults say they think the local police are doing a good job, compared to 57% of Asian and 53% of Black adults. However, only 39% of those from a Black Caribbean background agree.[40]

41. Survey data for England and Wales indicate that confidence broadly rose across all ethnic groups from 2013/14 to 2017/18 and has fallen again since then. Confidence among Black adults has remained consistently lower than among White adults, with the lowest reported confidence levels found among Black Caribbean and Mixed ethnic groups. Overall confidence in the police rose from 76% at the start of that period to 79% in 2015/16 before falling to 74% in the year ending March 2020.[41] Among Black respondents, confidence rose from 71% in 2013/14 to 76% in 2017/18, before falling to 64% in the year ending March 2020. Over the last three years, the confidence gap between White and Black adults in England and Wales has widened from 3 percentage points to 10 percentage points.[42]

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39   Office for National Statistics, Crime Survey for England and Wales.

40   Office for National Statistics, Crime in England and Wales: Annual supplementary tables, Tables S5 and S2, accessed 3 March 2021.

41   Office for National Statistics, Crime in England and Wales: Annual supplementary tables, Table S4, accessed 3 March 2021.

42   Gov.uk, Confidence in the local police - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov. uk), 30 September 2020 and Office for National Statistics, Crime in England and Wales: Annual supplementary tables, Table S5, accessed 3 March 2021.

Figure 1: Percentage of the adult population that have confidence in the local police, by ethnicity[43]

Sources: Gov.uk, Ethnicity facts and figures, Confidence in the local police, 30 September 2020 and ONS, Crime in England and Wales: Annual supplementary tables, Table S5, accessed 3 March 2021.
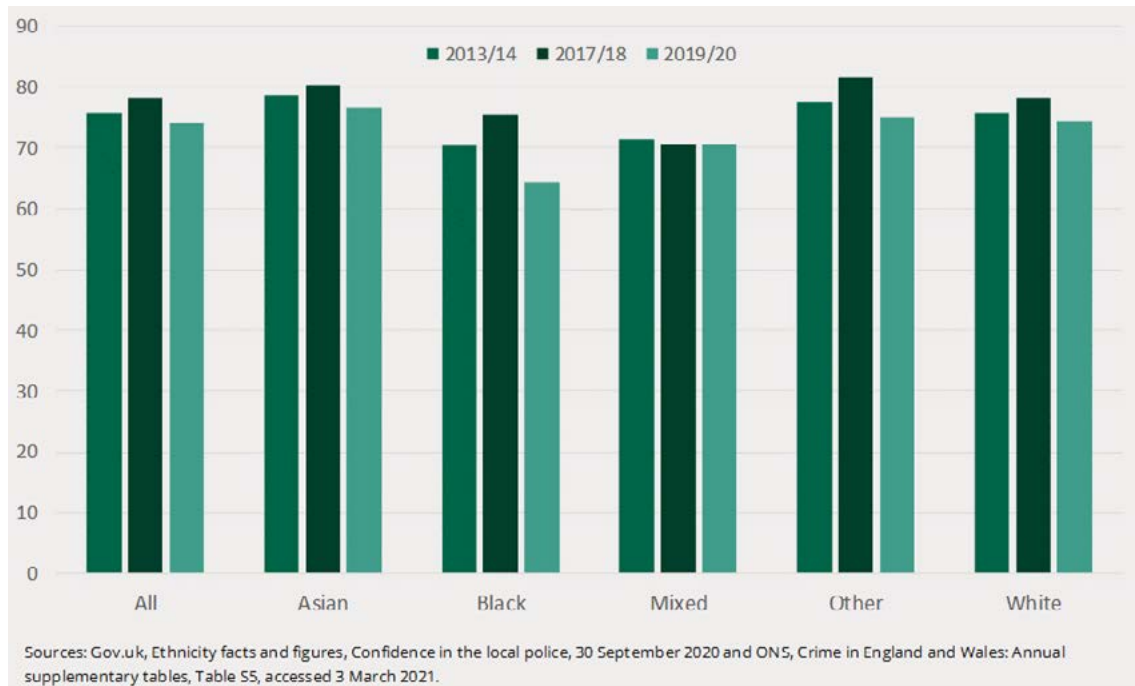
42.   The ONS data also shows a wide gap between White and Black adults on the question of whether they believe that the police will treat them with respect or treat them fairly. In the year ending March 2020, 88% of White adults and 87% of Asian adults said they agree that the police will treat them with respect compared to 78% of Black adults. 67% of White adults said that they believe the police will treat them fairly compared to 56% of Black adults.[44] When the main ethnic group categories are disaggregated, among Black adults 62% from a Black African background and 44% from a Black Caribbean background believe the police will treat them fairly.[45]

43.   The IPCC conducted a survey which assessed public confidence in the police between 2004–2016 in England and Wales. During that twelve year period, the percentage of respondents who were happy with the way police treated them during contact fluctuated between a low of 51% and a high of 67% among Black respondents, compared to a low of 65% and a high of 77% among White respondents.[46] The Independent Office for Police Conduct (IOPC) highlighted to us that, over this period, the confidence gap between BAME and White participants in the survey ranged between 3% and 17%.[47] The IOPC, which replaced the IPCC in 2018, has not conducted any equivalent survey.

44.   HMICFRS commissioned surveys into public confidence in policing between 2015 and 2018. The published surveys do not include comprehensive information about ethnicity, however the 2017 survey reported that BAME respondents were more likely to say that

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43   House of Common Library analysis based on data from: Gov.uk, Confidence in the local police - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk), 30 September 2020 and Office for National Statistics, Crime in England and Wales: Annual supplementary tables, Table S5, accessed 3 March 2021.

44   Office for National Statistics, Crime in England and Wales: Annual supplementary tables, Table S5, accessed 3 March 2021.

45   Office for National Statistics, Crime in England and Wales: Annual supplementary tables, Table S5, accessed 3 March 2021.

46   MPR0060, the Home Office; between 2004–16, BME confidence in the police fluctuated : 2004: 61%, 2007: 51%, 2008: 67%, 2009: 61%, 2011: 64%, 2014: 56%, 2016: 60%.

47   MPR0060, the Home Office; MPR0022, Independent Office for Police Misconduct.

crime and antisocial behaviour in their areas were a big problem (40% compared to 30% of all respondents).[48] The 2018 survey reported that BAME respondents were more likely to agree that the police were dealing with crime and antisocial behaviour in their area (51% compared to 42% of all respondents). HMICFRS reported that BAME respondents were more likely in 2018 to feel satisfied with the outcome of their contact with the police (62% compared to 54% of all respondents) but were less likely to feel this way in 2016 (40% compared to 49% of all respondents).[49]

45. Professor Ben Bowling told the Committee that the period 2010–2015 had seen "an increase in the sense of trust that, instead of being policed against, policing involved a higher degree of respect towards communities" owing to the "rolling back of police action that had little effectiveness, if any, and undermined confidence and trust".[50] Professor Bowling described "a very successful period" which was then followed by regression:

> We have lost a lot of ground. There was a knee-jerk reaction to the increase in violent crime, rather than looking at thoroughgoing crime reduction strategies that seek to include people, particularly young people within marginalised communities, instead of engaging those people in a conversation about how best to reduce crime.[51]

46. Other witnesses gave a more negative overall assessment of confidence in the Black community. Sayce Holmes–Lewis, the founder and CEO of Mentivity, a community organisation in Southwark, told the Committee that:

> for 24 years I have had a kind of disdain towards the police. Obviously I am a Black male and historically the relations between the Met police and the Black British community have been very disenfranchised and disjointed.[52]

He concluded that "the Met police haven't earned the respect of the Black British community".[53]

47. Pastor Lorraine Jones, Founder and CEO of Dwaynamics, a community project aimed at young people in Angell Town, reflected on the effect of the killing of George Floyd on the Black community in the UK and their perception of the police. She told the Committee that:

> since Black Lives Matter and since George Floyd's death, hundreds and thousands of those from the Black community have been thinking about historical, past, present and future engagement with the police, which has left them traumatised. We cannot dismiss that.[54]

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48   HMICFRS, Public views of policing in England and Wales 2017/2018, 28 December 2017; Ipsos MORI was commissioned by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to undertake a large-scale online survey of the public to assess current perceptions of policing.

49   HMICFRS, Public perceptions of policing in England and Wales 2018, 10 January 2019; BMG Research was commissioned by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to undertake a large-scale online survey of the public to assess current perceptions of policing.

50   Q24

51   Q25.

52   Q143.

53   Q156.

54   Q166.

48. Bishop Derek Webley told the Committee that "if the police take on board some of the issues that are causing us concern, they will build a future where young people can be more supportive of their work". However he went on to warn:

> But they must understand the pain and the hurt that is happening in communities, which some of them have caused, and they must seek to redress that as a matter of urgency.[55]

49. Martin Hewitt, speaking to the Guardian in March 2021, identified falling confidence in the Black community as a major concern and emphasised its overall importance in the British model of policing:

> Our policing style is based on legitimacy and our legitimacy is based on trust and confidence of all of the communities. It is a fact that the trust and confidence levels within the Black community are 20%, or thereabouts, lower than the White communities, and that [has] impacted on the trust and confidence for us to do what we do as a service […]

> It's only with that trust and confidence and legitimacy that people come forward, people report crimes, people become witnesses, people work with us, and … that trust and confidence leads to young Black men and women saying I'm prepared to go and become a police officer.[56]

Force-level confidence data

50. Little information is available about BME confidence in policing at the level of individual forces. The former Policing Minister Rt Hon Nick Hurd MP asserted that he could obtain details about "some of the issues underpinning" the relationship between the police and BAME communities from annual HMICFRS inspections.[57] However he acknowledged that, currently, HMICFRS PEEL inspections did not measure confidence among BAME communities at a local police force level.[58] Following a race disparity roundtable in June 2019, the Policing Minister told us that he had written to all Police and Crime Commissioners (PCCs) and Chief Constables to request "local statements in response to local data of the race disparity audit".[59] He cited disproportionality in the use of stop and search as one likely area for inclusion.[60] When pressed by the Committee, he confirmed that local police forces would be asked to collate consistent, comparable data on the confidence of BAME communities in their local force.[61] However, in supplementary evidence, the new Policing Minister Kit Malthouse MP told us that there was no published data that broke down levels of confidence by BAME communities by police force because the "sample size for some communities in some forces is too small to make reliable estimates". He concluded that the Home Office had "no plans to gather additional information on trust in the police from BAME communities at this stage".[62]

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55   Q168.

56   The Guardian, Race crisis damages our legitimacy and effectiveness, says top police chief, 28 March 2021.

57   Q512.

58   Q514; MPRO0O7, HMICFRS.

59   Q521.

60   Ibid.

61   Q523.

62   MPR0079 Home Office.

As a result, beyond information gathered by particular forces, there has been a lack of centrally collected confidence data at police force level and for many forces there is no publicly accessible data available at all.

51. The Mayor's Office for Policing and Crime (MOPAC) regularly publishes comprehensive, up-to-date information on confidence and other measures by ethnicity. This enables much closer scrutiny of the Metropolitan Police's performance than is possible in other forces, where confidence across different communities is not being published or monitored.[63]

52. MOPAC figures for the year ending March 2021 show that the proportion of Londoners who think that the police do a good job in the local area stands at 57% among White British residents, 53% among Asian residents, 46% among Black residents and 49% among Mixed ethnicity residents.[64] Among victims of crime, there is less of a gap with satisfaction levels, which stand at 72% for White British people and 68% for Black people. Satisfaction among crime victims of Mixed ethnicity is lower, at 61%. The most concerning gap relates to perceptions of fairness in the police: 71% of White British residents and 78% of Asian residents agree that the police treat everyone fairly regardless of who they are; that compares to 52% of Black people and 50% of people of Mixed ethnicity.[65] The figures also show the perception of fairness among Black Londoners fell from 70% to 52% in the year to the end of March 2021.[66]

53. The Metropolitan Police Commissioner, Dame Cressida Dick, acknowledged in 2019 that the gap as to whether "the police treat everyone fairly regardless of who they are" had widened, particularly between Black Londoners and White Londoners, but asserted that the gap in the "overall confidence model", of which perceptions of fairness is only one element, had slightly narrowed over the last two years.[67] When asked why the gap in perceptions of fairness had widened the Commissioner attributed it to "the outrage there has been, quite properly" that police and other efforts had not prevented an increase in knife crime in London's Black, African and Caribbean communities which particularly affected young people.[68] In written evidence, the Metropolitan Police Service told us that

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63   Mayor of London, Public Voice Dashboard, accessed 2 June 2021. [The Mayor's Office for Policing and Crime (MOPAC) monitors both public confidence and victim satisfaction in the Metropolitan Police Service through the Public Attitudes, User Voice and Online Victim Satisfaction surveys; it publishes this information on its Public Voice Dashboard].

64   Mayor of London, Public Voice Dashboard, accessed 2 June 2021. [The Mayor's Office for Policing and Crime (MOPAC) monitors both public confidence and victim satisfaction in the Metropolitan Police Service through the Public Attitudes, User Voice and Online Victim Satisfaction surveys; it publishes this information on its Public Voice Dashboard]. Ethnic categories cited in this paragraph reflect the terminology MOPAC uses for its public voice dashboard.

65   Mayor of London, Public Voice Dashboard, accessed 2 June 2021. [The Mayor's Office for Policing and Crime (MOPAC) monitors both public confidence and victim satisfaction in the Metropolitan Police Service through the Public Attitudes, User Voice and Online Victim Satisfaction surveys; it publishes this information on its Public Voice Dashboard].

66   Mayor of London, Public Voice Dashboard, accessed 2 June 2021. [The Mayor's Office for Policing and Crime (MOPAC) monitors both public confidence and victim satisfaction in the Metropolitan Police Service through the Public Attitudes, User Voice and Online Victim Satisfaction surveys; it publishes this information on its Public Voice Dashboard].

67   Q392; MPR0054 Metropolitan Police Service: in their written evidence in March 2019, the Metropolitan Police Service reported that London had seen a reduction in the satisfaction gap between BME and White respondents from 8% in 2005/6 to 4% (BAME: 62% satisfied, White 66%) in March 2019. Dame Cressida Dick referred in evidence to the "overall confidence model" being the sum of different metrics to assess confidence in the police. These can be found on the MOPAC Public Dashboard: Victim Satisfaction and Public Perceptions.

68   Q393

more work needed to be done to reduce the satisfaction gap between BME and White respondents and that overall satisfaction continued to be a challenge, "with satisfaction down across all communities since 2005/6".[69]

54. In May 2021, Dame Cressida Dick provided us with an update of new projects her force was undertaking to increase community confidence in the police, including requiring new recruits to learn about the cultural history of the local area and working with the community.[70]

55. The Metropolitan Police Association of Muslim Police recommended that police forces undertake more targeted satisfaction surveys to establish perceptions within BAME communities, including recording those who do not wish to take part in the surveys.[71] It also suggested that forces "utilise BAME colleagues to assist with carrying out such surveys".[72]

56. West Yorkshire Police told us that it routinely conducted victim satisfaction surveys, which found that BAME victims were less likely to say they were satisfied with "the whole experience" than White victims. It reported that the satisfaction gap between BAME and White victims had narrowed to 6.4% in 2017–18, compared to 8.2% the year before. However, it noted that satisfaction for both groups had fallen over time: BAME victims satisfaction with the police was down 4.1% since April 2008 and White victims satisfaction with the police was also down 5.9% over the same period.[73] The Committee did not receive sufficient data from other forces to draw a conclusion about the reasons for the narrowing of the satisfaction gap.

Relations between young BME people and the police

57.   Data for England and Wales suggests that the confidence gap between Black people and White people in the local police is even greater among young people. ONS analysis based on combined data from the Crime Survey for England and Wales for 2014/15, 2015/16 and 2016/17 shows that, over the three year period, 77% of White and Asian 16–24 year olds had confidence in their local police compared to 68% of those with Mixed ethnicity and 61% of Black 16–24 year olds. This 16 percentage point gap between White and Black young people contrasts with the figure as people get older—among 65–74 year olds there was no gap at all and 78% of both White and Black people said they had confidence in the local police.[74]

58. In May 2019 we held a private roundtable with a group of young BME people from London on their experiences and views of their relationship with the police, the use of stop and search and the Metropolitan Police Service's Gangs Violence Matrix (GVM).[75] While not universal, the majority of participants told us that their experiences with the police had been negative and that they did not feel confident in approaching the police

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69   MPR0054, Metropolitan Police Service.

70   MAC0056 Commissioner of the Metropolitan Police Service.

71   MPR0016 Metropolitan Police Service Association of Muslim Police.

72   MPR0016 Metropolitan Police Service Association of Muslim Police.

73   MPR0018 West Yorkshire Police.

74   Gov.uk: Confidence in the local police - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov. uk), 30 September 2020.

75   With support from Parliament's select committee participation team, we identified a range of groups across London whose members were from BME backgrounds and who had directly experienced the impact of stop and search and the Gangs Violence Matrix. The people we heard from ranged in age from 17–30.

for protection.[76] Many participants expressed frustration about the disproportionate targeting of the BME community in the use of police tactics, particularly stop and search and the Gangs Violence Matrix.[77] We explore the police use of technology and tools further in chapter seven.

59. Participants in our roundtable were particularly critical of inaction where, even though they had shared their experiences at other youth fora, including via independent advisory groups, they had not experienced any improvement in police handling of race matters.[78] One person told us that the police were "desensitised to emotions of young people", particularly with regard to stop and search which they said should be conducted in a more "orderly" fashion.[79]

60. The Commissioner told us that, in London, following police encounters with young people, she often saw officers sending the young person off with a smile on their face.[80] She said that it was the police's responsibility to ensure that "each interaction" with a young person was as positive as possible and that officers were trained to do so.[81] By contrast, another young person (Participant B) told us that the Metropolitan Police's stop and search procedure was "more hostile than professional".[82] He said that it was difficult for young people to trust the police due to their stereotyping of BME communities as likely criminals.[83]

61. These concerns are not exclusive to the MPS area. Witness K related a harrowing account of being stopped and searched by an officer from a regional police force at the age of 16. He told us that he was walking in town with some college friends who had a history with the police officers who then proceeded to stop them. He emphasised that he was compliant and polite until one of the officers unnecessarily targeted one of his friends. He explained:

> […] at that point, my friend has not defended himself, but he said, "Can you please stop?" and then the police officer dragged us all to the floor—there was about three or four of us
>
> […] I was completely shocked. I had my face on the floor and the policeman had his knee on my neck. How are we meant to react as young people? As young people we have our own minds. We are still evolving, so it really depends on what mindset you have, because some people can take that as, "I do not know why this person is trying to hurt me. What do I do? Do I

76   Q124, Witness N.

77   See chapter seven, section: police body worn camera.

78   Oral evidence – The Macpherson Report: twenty years on – 15 May 2019

79   Q122, Witness G

80   Q412, Dame Cressida Dick.

81   Ibid.

82   MPR0068 Anonymous participants Q18. A young BME person who for safeguarding reasons was unable to attend the Committee's roundtable in May 2019, and whose testimony was subsequently provided via a recorded interview.

83   MPR0068 Anonymous participants Q43. A young BME person who for safeguarding reasons was unable to attend the Committee's roundtable in May 2019, and whose testimony was subsequently provided via a recorded interview.

rebel or do I—?" because at the end of the day, it all comes down to who do we report it to? We can't report police to police, so where do we go from there?[84]

62. The Youth Violence Commission surveyed young people and found that there was a "damaging lack of trust between the police and some communities". It said there was a "wall of silence" when crimes were committed and communities did not share information with the police.[85] It reported that one witness said that "For some young people, reporting something to the police is like 'signing their own death warrant'".[86] Its survey also found that 46% of young people would not "ask police for advice if they were worried about being a victim of crime".[87]

63. Many of the young BME participants the Committee heard from in a private roundtable felt they were unjustly targeted by the police from a very young age which led to mistrust. One such participant, (Witness M) who reported that he was first arrested at the age of 13, said that he was "nearly stabbed" in 2018 but did not want to speak to the police when they asked if he was involved, due to his negative experiences with the police from a young age.[88] Another participant (Witness J) expressed concern about the way the police treated young people who may be on the Metropolitan Police Service Gangs Violence Matrix intelligence database. He argued that:

> […] when it comes to the police, the fact that they look through a criminal lens when they see some young people that might be on the gangs matrix or a group of young people that might be just chilling on a corner or might be just together, they automatically categorise in the head that that group of young people are criminals.[89]

64. Other participants told us that there should be more focus on the root causes of crime and greater efforts made by the police to develop relationships and trust with young people in order to understand the multiple factors that may be influencing behaviour, such as, family and socio-economic backgrounds and mental health.[90]

> Witness K: We come from very poor areas. They [police] do not know what background we come from. Every day they do not know what we go through and when we come out, we just want to come out and do our thing.[91]

> Participant A: It doesn't matter if you're wearing a police uniform or an ambulance uniform, or if you're wearing plain clothes or whatever; you're still a human being. When you are talking to someone, if they are being rude or aggressive to you, you should show them the same respect. But a lot of local police, where we are from, don't do that; they like to throw their

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84   Q127. A participant in a private roundtable conducted by the Committee in May 2019 with a group of young BME people aged 17–30 from across London, on their experiences and views of their relationship with the police.

85   The Youth Violence Commission, Interim Report, July 2018.

86   Ibid.

87   Ibid.

88   Q124, Witness M. A participant in a private roundtable conducted by the Committee in May 2019 with a group of young BME people aged 17–30 from across London, on their experiences and views of their relationship with the police.

89   Q124, Witness J.

90   Q124.

91   Q124, Witness K.

weight around, looking like they're in a position of trust and stuff like that. They use the fact that they are police as an advantage. So to trust the police is hard, but it could happen.[92]

65. Some participants at the Committee's private roundtable told us that they had had positive experiences with the police.[93] For example, Witness H spoke about a boxing club where the police trained alongside the young people. He said he had heard some of the young people there say: "That guy is a police officer, but he's cool. I was just chatting to him for an hour".[94] Another participant, Witness A, who was a police cadet told us that he had had "a phenomenal experience with the police", and that they were doing "a lot of work to encourage unity between the police and the BAME community".[95]

66. We were encouraged to discover that, despite their current lack of trust, the young people we met had clear suggestions for ways in which relations between the police and their communities could be improved. A number of the young people suggested that there should be more focus on the assessment and training of police officers. Witness C said that the current police training programme in his view was a "dehumanisation programme". He added that there was a lack of "real human emotion" in police officers' interactions with young people: relationships would be better if they were to ask ""How has your day been"? How are you doing at school? Are you guys struggling anywhere? How can I support you?""[96]

67. **Evidence to our inquiry shows that there is a significant problem with confidence in the police within Black communities. We were very concerned to see that confidence in the police among Black people has fallen in recent years and the gap in confidence in policing between White and Asian people on the one hand, and Black and Mixed ethnicity people on the other hand, has grown.**

68. **Fairness, respect and impartiality are core values that should be fundamental to policing. So the fact that Black people, and especially Black Caribbean people, have much lower expectations than White people that they will be treated fairly and with respect by the police is a matter of deep and serious concern. The problem is particularly acute for young people. Those we heard from in London expressed strong sentiments of anger and frustration towards the police, particularly about the way in which they felt police officers did not treat them fairly or with respect, and also expressed the lack of confidence they had that the police would keep them safe.**

69. **Overall the majority of people from all communities still report confidence in their local police. However, there is no getting away from the significant confidence and fairness gap for Black communities. The fact that this persists twenty-two years after the Macpherson report is deeply troubling. It undermines the principle that all victims of crime should feel confident in turning to the police for help and puts in jeopardy the principle of policing by consent that lies at the heart of British policing. It should be cause for serious concern and urgent action among police forces and policing leaders.**

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92   Q5 Participant A.
93   Also see chapter six for further discussion on community and police initiatives to build community confidence.
94   Q124, Witness H.
95   Q124, Witness A.
96   Q124, Witness C.

70. **Given the seriousness of the issue we are particularly alarmed by the failure of police forces and the Home Office to have proper plans in place to address the confidence gap, or even to be gathering the basic evidence and data they need at local force level to understand and tackle the problem.**[97, 98] **Lack of confidence data by ethnicity at a local force level also makes it much harder to hold local forces to account for concerns about BME communities' confidence in the police. The Metropolitan Police provides up-to-date, clear information on public perceptions by ethnicity but few other forces provide similar or comparable information. This is not good enough.**

71. The Macpherson report in its first recommendation called for a Ministerial Priority for all police services to "increase trust and confidence in policing amongst minority ethnic communities". For the Macpherson report, the setting of a "Ministerial Priority" had a particular meaning as part of the formal relationship between the Home Office and the police, as well as indicating the importance and value that Ministers and the police should attach to the issue. Those formal arrangements changed in the early noughties, but the broader spirit of that first recommendation is as important today as it was then and in 2021 currently it is not being met. The significant decrease in confidence among some Black and minority ethnic populations in the past year, the consistent reporting of lower levels of Black and Mixed ethnicity confidence in the police compared to White individuals and the widening of the gap, combined with the failure of successive governments to require data on confidence to be collected at a local force level by ethnicity, shows that increasing trust and confidence in policing in the Black community is not being treated as a policing priority or as a Ministerial priority today.

72. **Practical action is needed.** *The Home Office and National Police Chiefs' Council must ensure that confidence data is gathered and regularly published for all forces so that their communities and Police and Crime Commissioners can hold them to account, with further targeted qualitative work by forces to assess confidence levels in areas with smaller BME communities. Following the example set by MOPAC and the Metropolitan Police, survey results should be made publicly available on force websites in an easily accessible format.*

73. *Police forces in England and Wales should set out clear local plans to improve confidence informed by local confidence data. They should state what measurable actions they are taking a) to increase the confidence of BME communities and b) to narrow the gap between these communities and the White population; they should be inspected on how they address confidence and trust in their forces among Black and minority ethnic communities. We recommend that as part of its regular legitimacy inspections HMICFRS monitors how police forces are recording and measuring BME confidence in their forces.*

74. *The Home Office and the National Policing Board should monitor the confidence gap in each force and should set out each year what action is being taken nationally to ensure that confidence among BME communities increases in order to restore legitimacy.*

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97   Q514.

98   MPR0079, Home Office.

75. The remaining chapters of this report examine in more detail the issues that lie behind the lack of confidence described above, alongside the progress made against other Macpherson recommendations, and set out further steps that the Government and the police service in England and Wales should take to address these problems.

3   Racist incidents and victims of crime

> […] from 1993 until about 2006, that level of trust was never there. Initially, I wanted to trust and I wanted to believe, because I thought that they would see Stephen's death as something so horrendous that they would want to do something to solve it, but they weren't interested. All our meetings and our visits did not give me any hope that they really understood what we were going through. We were more or less treated as if we were the criminals, not the victims of Stephen's murder. That carried on over the years.

Source: Baroness Lawrence, evidence to the Home Affairs Committee, 5 February 2019[99]

76.   In 1993, Stephen Lawrence, his family and Stephen's friend, Duwayne Brooks were all victims of a racist crime. The Macpherson report was highly critical of the police investigation, the lack of understanding of racist crimes, and the treatment of Duwayne Brooks and Stephen Lawrence's family. It made far reaching recommendations on the tackling of racist crimes and the monitoring of racist incidents, and the support that should be given to victims and their families. This chapter therefore focuses on racist incidents and crimes, the way they are currently dealt with by police, and the support for Black and minority ethnic victims of crime today.

The Macpherson report's findings and conclusions

77.   The Macpherson report cited data from 1997/98 which showed that 13,880 racist incidents had been recorded but argued that "the number of incidents is undoubtedly in excess of these figures" and drew attention to "distrust and dissatisfaction with the police and other agencies in the investigation of such incidents leading to a disinclination to report". Sir William wrote that:

> The allegation is that the Police Service and other agencies regularly ignore and belittle such incidents. Over and over again we were told that Black victims reporting such incidents were "turned into" perpetrators, and that the "White" version of such incidents was all too readily accepted by police officers and others.[100]

78.   The report recommended major changes to the way that the police recorded and defined racist incidents, defining them as "any incident which is perceived to be racist by the victim or any other person", in place of the previous practice of relying on the perceptions of police officers as to whether an incident was racist or not.[101] It also recommended the creation of "a comprehensive system of reporting and recording of all racist incidents and crimes" as well as steps to "encourage the reporting of racist incidents and crimes".[102]

79.   The Macpherson report was also highly critical of the way in which Stephen's parents, Neville and Doreen Lawrence and Duwayne Brooks were treated throughout the course of the investigation into Stephen Lawrence's murder. It noted that, in his evidence to the

99   Q23
100   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, p361, para. 45.11, February 1999.
101   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, p362, para. 45.17, recommendation 12, February 1999.
102   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, p376, recommendation 15 and 16, February 1999.

Stephen Lawrence inquiry, Dr Lawrence said that it was clear to him that "the police come in with the idea that the family of Black victims are violent criminals who are not to be trusted".[103] Similarly, the report noted that Mr Brooks was at no time treated as a victim by anyone or any police officer.[104] The report concluded that Mr Brooks' colour and stereotyping as "a young Black man exhibiting unpleasant hostility and agitation" contributed to "the collective failure of those involved to treat him properly and according to his needs".[105] These findings were echoed by Baroness Lawrence, who told us that her family were treated as if they were the "criminals, not the victims of Stephen's murder" and that this treatment "carried on over the years".[106]

Reporting and recording of racist incidents since the Macpherson report

80.   Following the publication of the Macpherson report, the Government implemented the recommendations on the definition and recording of racist incidents with Home Office (subsequently Ministry of Justice) statistics on Race and the Criminal Justice System including racist incidents, referring—as recommended by the Macpherson report—to "any incident which is perceived to be racist by the victim or any other person".[107] This was a major change to the definition of a racist incident and has become widely adopted and used by other organisations beyond policing. In 2000/01, 53,121 racist incidents were recorded across all police force areas in England and Wales.[108] This figure fluctuated year on year and in 2008/09 it remained relatively similar, at 55,714 incidents.[109] However, the trajectory varied across forces with the Metropolitan Police experiencing the most significant downward trend in the country. The Metropolitan Police reported 20,628 incidents in 2000/01 compared with half of this (10,190) in 2008/09.[110]

81.   In 2007 the police, Crown Prosecution Service, Prison Service (now the National Offender Management Service) and other agencies that make up the criminal justice system agreed a common definition of monitored hate crime to cover 5 'strands', including race but also including disability, gender-identity, religion and sexual orientation. Primarily, this was to ensure a consistent working definition to allow accurate recording and monitoring.

82.   The Home Office published the racist incidents data series until March 2016, when collection was discontinued due to the "greater quality, development and depth of the police recorded hate crime [sic]" and on the basis that "the hate crime time series is now

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103   The Stephen Lawrence Inquiry report, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para. 4.4.

104   The Stephen Lawrence Inquiry report, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para.5.13.

105   The Stephen Lawrence Inquiry report, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para.5.12.

106   Q23

107   Home Office, Statistics on Race and the Criminal Justice System – 2005: A Home Office publication under section 95 of the Criminal Justice Act 1991, 2006, p9.

108   Ministry of Justice, Statistics on Race and the Criminal Justice System – 2006: A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991, October 2007, table 3.1.

109   Ministry of Justice, Statistics on Race and the Criminal Justice System 2012: A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991, November 2013, table 2.05.

110   Ministry of Justice, Statistics on Race and the Criminal Justice System – 2006: A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991, October 2007, table 3.1; Ministry of Justice, Statistics on Race and the Criminal Justice System 2012: A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991, November 2013, table 2.05.

sufficiently established".[111] The final data release, for 2015/2016, found that the number of racist incidents recorded by police remained relatively stable between 2011/12 and 2013/14, before increasing by 10% in 2014/15 and a further 8% in 2015/16, reaching a total of 58,197 racist incidents.[112]

83. Today, rather than being contained in a single time series, race hate crime statistics in England and Wales are found in two separate statistical releases: the Crime Survey of England and Wales (CSEW) and the Police Recorded Crimes series.

Crime Survey

84. The CSEW is considered to be a more reliable indicator of long-term crime trends than the Home Office Police Recorded Crime series, particularly for the more common types of crimes experienced by the public. However, Crime Survey figures do not cover all crimes which may have a hate crime component, such as homicides and public order offences (public order offences accounted for 53% of police recorded hate crime in 2019–20).[113] The Crime Survey also does not record incidents directed against those under the age of 16.[114]

85. Crime Survey data indicate that, over the longer-term, the number of race hate crime incidents has fallen in England and Wales. 151,000 race hate crimes were recorded by the CSEW in the combined 2007/08 and 2008/09 surveys, compared to 104,000 in the combined 2017/18 to 2019/20 surveys, a fall of 31%.[115] This compares to a fall in incidents across all strands of hate crime of 38% over the same period.[116] Race continues to be the hate crime strand most commonly perceived as an offender's motivation for committing a crime, accounting for 55% of incidents.[117] From these combined surveys, one in 500 adults were estimated to be victims of a race hate crime in the 12 months prior to interview. White adults were less likely to be victims of race hate crimes compared with other ethnic groups.

Police-recorded crime

86. The fall in race hate crime recorded by the CSEW over the longer-term contrasts with the Home Office police recorded race hate crime series. Police recorded hate crime statistics are only available from 2011/12 onwards. Since then, race hate crimes recorded by the police have risen every year and more than doubled from 32,969 in 2011/12 to 76,070 in 2019/20.[118]

87. The Home Office cites two possible reasons for the increases seen in recent years: improvements in crime recording by the police; and growing awareness of hate crime. However, as well as these drivers, the Home Office also suggests that:

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111   Home Office, Hate crime, England and Wales, 2015/16,13 October 2016, pp.3 and 16.

112   Home Office, Hate crime, England and Wales, 2015/16, 13 October 2016, p16.

113   Source: HC Library, Hate Crime Statistics, CBP 8537, 10 December 2020, p8.

114   Home Office, Hate Crime, England and Wales, 2019/20, 13 October 2020, p7.

115   Home Office, Hate Crime, England and Wales, 2019/20, appendix tables; 28 October 2020, Appendix Table 7.

116   Home Office, Hate Crime, England and Wales, 2019/20, appendix tables; 28 October 2020, Appendix Table 7.

117   Home Office, Hate Crime, England and Wales, 2019/20, appendix tables; 28 October 2020, Appendix Table 7.

118   Crime Survey figures do not cover all crimes which may have a hate crime component, such as homicides and public order offences while not all the offences identified by the Crime Survey have been reported to the police. It is also worth noting that the number of hate crimes recorded by the police may rise due to other factors such as improved recording practices, HC Library, Hate Crime Statistics briefing paper, 10 December 2020, p7'.

there appear to have been short-term genuine rises in hate crime following certain trigger events such as the EU Referendum in June 2016 and the terrorist attacks in 2017.[119]

88. The Home Office hate crime release for 2019/20 also included data on provisional trends in racially or religiously aggravated offences to July 2020 under covid-19 restrictions. In March, April and May, the level of these offences in 2020 was lower than the previous year. This trend is mirrored in the level of non-aggravated offences and reflects the reduction in crime during the first national covid-19 lockdown.

89. However, the number of racially or religiously aggravated offences in June 2020 was a third higher (34%) than in June 2019. Increases were seen across most forces, with 27 forces seeing an increase of a quarter (25%) or more. The level of these offences remained high in July. The Home Office suggests that the increases in June and July 2020 were likely to be related to the Black Lives Matter protests and far-right groups counter-protests following the death of George Floyd.[120]

Online hate crime

90. In more recent years, as online communication and social media have grown, we have also seen an escalation of hate crime—including race hate crimes—and racism online. However, the data in this area is limited. From April 2015 it was mandatory for police forces to apply the online flag for offences[121] committed in full or in part through a computer, computer network or other computer enabled device.[122] However, the online flag is underused by police forces and, as a result of uncertainty over the quality of these statistics, an analysis of them has been conducted for 2017/18 only. Statistics related to online hate crime collected by the Home Office for 2017/18 used data provided by 30 police forces.[123]

91. The data on online hate crime by strand indicated that, of the 1,784 offences recorded, more than half (52%) were race hate crimes.[124] Of the race hate crimes recorded, the vast majority (79%) were violence against the person without injury offences (a category which includes the sending of malicious communications), and the other significant category was public order offences (17.5%).[125] The statistics show the proportion of all recorded hate crimes that were online was 2% in 2017/18.[126]

92. Our predecessor Committee was told that the "overriding issue" facing the police service is that of capacity, particularly when it comes to online hate crime. Assistant Chief Constable Hamilton told the Committee's Hate Crime inquiry that the police service is "behind the curve in terms of the scale, capacity and volume of this", and that "All police

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119   Home Office, Hate Crime, England and Wales, 2019/20, 13 October 2020, p8.

120   Home Office, Annex to Hate Crime, England and Wales, 2019 to 2020, p4, 28 October 2020.

121   Gov.uk Counting Rules Crime Flags, Home Office Counting Rules for Recorded Crime, p5 April 2021. An offence should be flagged where any element of the offence was committed online or through internet-based activities (e.g. through email, social media, websites, messaging platforms, gaming platforms or smart devices). This flag is to help understand the volume and nature of offences committed online.

122   Home Office, Hate Crime, England and Wales, 2017/18, 16 October 2018, pp30–4.

123   Home Office, Hate Crime, England and Wales, 2017/18, 16 October 2018, pp30–4.

124   Home Office, Hate Crime, England and Wales, 2017/18, 16 October 2018, p33.

125   Home Office, Hate crime, England and Wales, 2017 to 2018: data tables. Figure A1 and Figure A4, 16 October 2018.

126   Home Office, Hate Crime, England and Wales, 2017/18, 16 October 2018, p30.

forces around the world are struggling just to catch up speed with the level of criminality that now occurs online".[127] Online hate crimes require complex evidential recovery processes, and there are considerable backlogs for cyber examinations.[128] Investigations are complicated by the fact that online hate crimes can be committed by one person or many people against one victim or numerous victims, and can cross multiple police force areas. Some witnesses warned that the police's inability to handle the scale and volume of modern hate crime could lead to diminished confidence in the police, both online and offline.[129]

93.   The Committee, as part of its work on hate crime and online harms, has repeatedly identified examples of racist abuse, race hate crimes and far right extremism on social media platforms which have not been removed. We have put these examples to major social media companies in a number of evidence sessions over several years, most recently on 20 January 2021. We have not included consideration of the role of social media companies in this report. The Government has published proposals for legislation to tackle online harms, about which the Committee has separately taken evidence but which it has not included as part of this inquiry.

Victims of racist crimes

94.   The risk of being a victim of personal hate crime in the combined 2017/18 to 2019/20 Crime Survey of England and Wales (CSEW) was higher for people with Black/African/Caribbean/Black British backgrounds than any other specific group, and five times higher than it was for White people.[130]

95.   Based on the combined 2017/18 to 2019/20 surveys, victims of hate crime are notably less satisfied with the police response than victims of other crimes: 55% of hate crime victims were very or fairly satisfied, compared with 66% of all crime victims, and 27% of hate crime victims were very dissatisfied, compared to only 17% of all crime victims.[131] These figures are not disaggregated by hate crime strand so we do not have separate information on victims of racist crimes. Assistant Chief Constable Hamilton acknowledged in evidence to our predecessors that "there is a lot of work to be done" on this issue.[132]

96.   The same surveys (2017/18 to 2019/20) show that victims of hate crime were less likely than other victims to think the police had treated them fairly or with respect: in 70 per cent of hate crime incidents the victims thought the police treated them fairly, compared with 79 per cent of incidents of CSEW crime overall. Similarly, in 84 per cent of incidents of hate crime, victims thought the police treated them with respect, compared with 90 per cent of incidents of CSEW crime overall. These patterns were similar to previous years.[133]

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127   Qq344–8.
128   Qq347–8.
129   Q124.
130   Home Office, Hate Crime, England and Wales, 2019/20, 28 October 2020, p23.
131   Home Office, Hate Crime, England and Wales, 2019/20, 13 October 2020, p27; Hate crime, England and Wales, 2019 to 2020: appendix tables, Table 17.
132   Q345.
133   Home Office, Hate Crime, England and Wales, 2019/20, 13 October 2020, p27; Hate crime, England and Wales, 2019 to 2020: appendix tables, Table 17.

Assessment of police response to racist crimes

97. In its 2009 report, The Macpherson Report—Ten Years On, the Home Affairs Committee concluded that:

> We were impressed by the evidence we heard about improvements in the investigation of race crimes and of critical incidents involving members of ethnic minority communities. Police leaders have shown a clear commitment to increasing awareness of race as an issue throughout the service.[134]

98. Over the course of our inquiry and in the Committee's wider work, we found an enduring commitment on the part of senior police officers to recognise and address the seriousness of race hate crimes.

99. In October 2018, the Metropolitan Police's national lead for counter-terrorism, Assistant Commissioner Neil Basu, told the previous Committee that "I think stopping hate crime is one of the most important things police officers can do":

> There has been quite a lot of media comment about how we have been diverted towards hate crime. I think that media comment is largely around people who have never experienced it or have not experienced it on a daily basis. They do not understand how pernicious it is, and they probably do not understand what the long-term consequences of it are, which is a divided society.[135]

100. In written evidence, the Metropolitan Police pointed to the "steady increase in the reporting of racist hate crime incidents and offences in London" as evidence of "a show of faith by the public in the MPS's willingness to take hate crime seriously and to support victims through the reporting process". While identifying improvements that had been made, the submission stated that the Metropolitan Police:

> remain vigilant that many hate crime offences still go unreported. We have more work to do to ensure that both victims and witnesses come forward and will continue to engage community groups and organisations to address underreporting.[136]

101. Assistant Chief Constable Mark Hamilton, in written evidence on behalf of the NPCC, pointed to "the response to racist, and latterly other hate crime" as "amongst the most positive legacy outcomes of the [Macpherson] Inquiry". As a result of the changes made:

> The UK reports significantly higher levels of recorded hate crime than any other state, some of which report single figures […] I do not believe that this is evidence of the UK being a more hostile community but instead, that it demonstrates a more progressive response to hate crime".

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134   Home Affairs Committee, The Macpherson Report – Ten Years On, Twelfth report of session 2008–9, HC 247, 22 July 2009, para 15, p7.

135   Q85.

136   MPR0054, Metropolitan Police Service.

Despite this progress, Assistant Chief Constable Mark Hamilton concluded that "we cannot afford to be complacent".[137]

102. Melanie Field, Executive Director of Corporate Strategy and Policy at the Equality and Human Rights Commission told the Committee that she welcomed the changes that had been made and John Azah, the Director of the Kingston Racial Equality Council, told the Committee that improvements to the recording of racist incidents had been part of the "tremendous change" that occurred in the first ten years after the publication of the Macpherson report.[138] Mr Azah saw progress in:

> the recording of racist incidents that became hate crimes and incidents, the transparency really within policing, where before the Lawrence inquiry police officers, the police service, barely shared any information with anybody and as a result of the inquiry the services opened up their services.[139]

103. However, in 2018, HMICFRS published a report called *Understanding the Difference* which looked at the initial police response to hate crime and identified evidence that some forces were not flagging racially or religiously aggravated offences as hate crimes.[140] Moreover, in one force an audit of 700 hate crimes concluded that as many as half of the religious flags were incorrect, and should have been recorded as race instead.[141] Despite good work in a number of forces, the report raised concern about the "overall approach to hate crime". It concluded that it "did not see a uniform commitment by the force leaders to treat victims of hate crime as a priority".[142]

104. Accurate analyses of developments in hate offending have to date been hindered by inadequacies in the data collected on hate crime incidents, victims and offenders. The Home Office only began collecting information from the police on the perceived religion of victims of hate crime in 2016 and recording the religion of victims only became mandatory in 2017–18. There is no similar disaggregation for race hate crimes, and therefore it is not possible to ascertain the trends affecting particular racial or ethnic groups.

105. **The Macpherson report brought about a transformation in the way police recognise racist incidents and deal with racist crimes, and we found a strong commitment from senior police officers to maintain the progress that had been made. This seismic change is one of the most important legacies of the Stephen Lawrence Inquiry and the vital work of those who fought to make sure the inquiry happened.**

106. **However, we are concerned about the variability in police force responses at a local level: the commitment to tackling hate crime needs to be universal and consistent across the police service. We are also very concerned that the victims of hate crimes are less likely to feel that they are treated with respect by the police and less likely to be satisfied with the outcome of a police investigation than they are in other crimes.**

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137   MPR0043, NPCC.

138   Q73.

139   Q73.

140   In its 2018 report, p7, Understanding the Difference: The initial police response to hate crime, HMICFRS explains that "The police identify the different motivating factors by placing a marker on incident and crime records. These markers are known as 'flags'".

141   HMICFRS, Understanding the Difference: The initial police response to hate crime, 2018, p57.

142   HMICFRS, Understanding the Difference: The initial police response to hate crime, 2018, p94.

Twenty-eight years on from the racist murder of Stephen Lawrence, the Home Office and the NPCC need to ensure that the police today are taking clear action to support the victims of racist crimes properly.

107. *We are concerned that the police once again lack the information and data they need to address these issues properly. More public information is needed on race hate crimes, the impact on different communities and the experiences of victims. The Home Office must commission research into the reasons behind lower levels of confidence among hate crime victims and ensure that figures on the victims can be broken down by monitored hate crime strand. Police forces also must improve the recording of hate crime offences so that data is accurate and consistent and must collect better information on the victims of hate crime.*

108. The Government's disaggregation of religious hate crimes for different religions is welcome, as this provides valuable detail and insight. We believe that race hate crimes should be similarly disaggregated, so as to understand the breakdown of offences by ethnicity. Other forms of police data are already provided in this way. *We call on the Government to work with police forces to implement the disaggregation of race hate crime so as to be able to publish results in the Home Office's hate crime statistics release for 2022–23.*

109. The drop in racist incidents and crimes in the crime survey, and the increase in crimes that are reported to the police, is welcome and suggests that there is both an increased awareness of hate crime and increased confidence in reporting such crimes. However, statistics indicating that more than 75,000 race related incidents were recorded in England and Wales in 2019/20—a number which is likely to be an underestimate—is clear evidence that race hate remains a very significant problem in our society.[143]

110. Our greatest concern going forward is that the Government and police forces are being left behind by the rise of online racism and racist crimes as the rise of social media means patterns of race hate crime are changing. Currently the police do not have the digital capacity, training or systems in place to be able to keep up with monitoring, investigating and charging serious cases of racist and hate crimes committed online.

111. Social media companies and platforms need to do far more to tackle online racist crime, incitement and abuse. The Committee has been raising these issues with the major social media companies for four years and, while some changes have been made, progress has been far too slow.

112. We welcome the Government legislating for online safety and we continue to consider these issues separately from this report. But we are concerned that much more also needs to be done around the policing response.

113. *Alongside the legislative and regulatory proposals that the Government is developing for social media companies, the Home Office and National Police Chiefs' Council should draw up a new strategy for policing hate crime online including identifying the skills, training and digital infrastructure that police forces urgently need.*

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143   Hate crime, England and Wales, 2019 to 2020 - GOV.UK (www.gov.uk) Table 2.1.

114. **We agree with Neil Basu that the links between hateful content online, radicalisation and extremism as well as the devastating impact online hate crimes can have on individuals mean that it needs to be taken extremely seriously. There is a responsibility on the Government, the police service, social media companies and all of us in our communities to work more effectively to tackle racist hate crimes and hateful extremism online.**

Investigation of crimes and victim support

115. The Macpherson report recommended a number of changes relating to the investigation of crimes, including specific recommendations regarding victim support and family liaison.

116. The Metropolitan Police told us in written evidence that "the Stephen Lawrence Inquiry was a catalyst for change in how the MPS supports the families of victims". As a result, the MPS in March 2019 had approximately 1,000 fully trained Family Liaison Officers (FLOs) who are:

> responsible for ensuring effective communication, based on trust and confidence, between families and police investigations. FLOs are primarily investigators, with a core aim to balance the needs of a victim's family with the requirement to gather material and preserve the integrity of the investigation.[144]

117. In oral evidence, John Azah, Director of the Kingston Racial Equality Council, described "the huge improvement of the Family Liaison service that supported families who had suffered critical incidents".[145]

BME victims of crime

118. In March 2020 the Home Office published a report setting out the main trends and drivers of homicide in England and Wales. While the majority of suspects and victims of homicide are White, Black people are disproportionately represented as a proportion of the population: they are five times more likely to be victims and seven times more likely to be suspects of homicide.[146] The Ministry of Justice's 2018 report *Statistics on Race and the Criminal Justice System,* which sets out the typical experiences of different ethnic groups in England and Wales, stated that Black children seem to be disproportionately at risk of homicide compared to other groups of children.[147] The 2016 version of the report focused more widely on crime, and showed that while, on average, 3.7% of the population were a victim of at least one personal crime, when broken down by ethnicity 7.4% of people of Mixed ethnicity were victims of crime and 5% of Black people were victims of at least one crime, compared to 3.6% of White people.[148]

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144   MPR0054 the Metropolitan Police Service.

145   Q73.

146   Home Office, Homicide in England and Wales: year ending March 2020, 25 February 2021.

147   Ministry of Justice, Statistics on Race and the Criminal Justice System 2018, November 2019, p.12.

148   Ministry of Justice, Statistics on Race and the Criminal Justice System 2016, November 2017, p. 16–17.

Figure 2: Percentage of adults who were victims once or more of a CSEW personal crime by ethnicity and personal crime type, England and Wales, combined years ending March 2015 to March 2017[149]
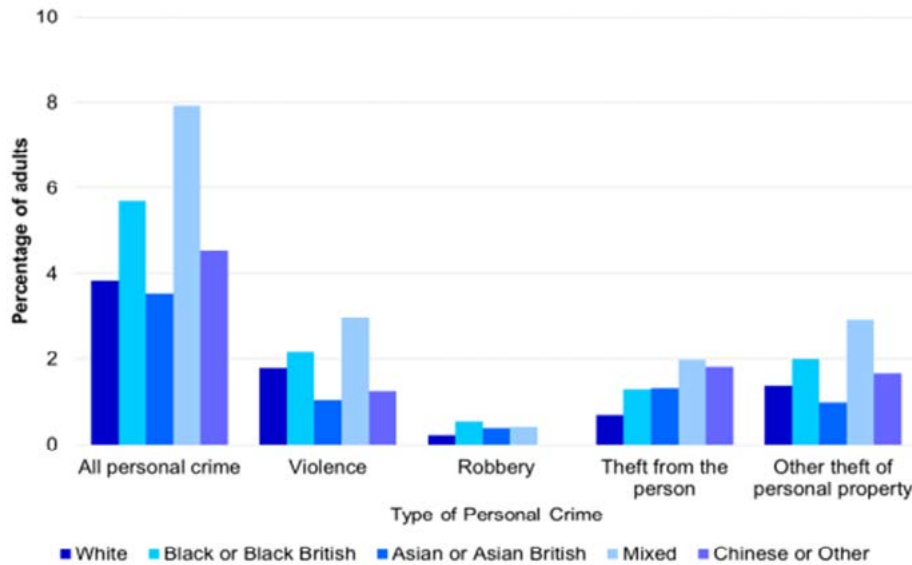
119. During our inquiry young people told us the perception that mostly Black and Asian people commit crimes is a stereotype.[150] One young person discussed how White and Black perpetrators of crime could be presented differently in the media, but also treated differently in the courts.[151] This media misrepresentation was also referenced by Nick Glynn from Open Society Foundations, in relation to portrayals of Black people's drug use.[152] Nick Glynn told us it was important to look at the media portrayal of BME individuals and how this influenced people's perceptions, including assumptions that Black people use drugs at a higher rate than those White people, which is not supported by the evidence.[153] Similarly, Katrina Ffrench argued there was "a really deep-seated psychological question" to be addressed which was to understand how people view and think about "people that do not look like them". She said that "Racism is not, 'I hate you. You are thick'; it is, 'I do not trust you. You are up to no good. Therefore, I need to police you in a certain way'".[154]

120. Dr Long, a senior lecturer at Leeds Beckett University, told us that when "Black" and "Black mixed race people" are the victims of a non-hate crime, they are not treated as victims, but often as suspects.[155] Dr Long set out evidence from her research which suggests that "Negative experiences as the victim of crime has significant implications for Black and Black mixed race people's trust and confidence in the police".[156] She argued these negative experiences "are significant in determining whether or not they would contact the police in the future".[157] Furthermore, she argued that the experience

149   Ministry of Justice, Statistics on Race and the Criminal Justice System 2016, November 2017 p. 17, Figure 3.02: Percentage of adults who were victims once or more of a CSEW personal crime by ethnicity and personal crime type, England and Wales, combined years ending March 2015 to March 2017 (Source: Table 3.05).

150   MPR0068, Anonymous submission, Q57.

151   MPR0068 Anonymous Submission, Q57 and Q61.

152   MPR0059, Open Society Foundations. para.5.

153   MPR0059, Open Society Foundations.

154   Q40.

155   Dr Lisa Long (MPR0028) para 1.1.

156   Dr Lisa Long (MPR0028) para 1.4.

157   Dr Lisa Long (MPR0028) para 1.4.

of victims of minor crimes, including a "failure to take the victim seriously", and being treated as a suspect based on "racialised stereotypes", could have more of a psychological impact on the victim than the crime itself.[158] We consider the issues of racial stereotyping, unconscious bias and racism further in chapter eight.

121. **The increased support for all victims of crime and the work of Family Liaison Officers as a result of the Macpherson report are important wider legacies of the Stephen Lawrence Inquiry. However, we are extremely concerned that, twenty-two years on from the publication of the Macpherson report, some Black men and women still report that they feel they have been treated as suspects not victims and that this reduces the likelihood of them reporting crime to the police in future.** *The police response to a victim of crime must never be influenced by assumptions based on their ethnicity, or racial stereotyping. The Home Office and National Police Chiefs' Council must work with the Victims Commissioner to commission research into the experience of BME victims of crime and they must set out a specific plan of action to ensure there is proper support for BME victims of crime.*

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158   Dr Lisa Long (MPR0028) paras 1.4–1.5.

4   Recruitment and progression of BME officers and staff

> All the good work that is being done to recruit then comes into a culture that is still not embracing diversity, race and difference, which then has people either dismissed or deciding to leave voluntarily, which again makes it disproportionate. We are constantly having to work and pedal really hard to keep what we've got. People are being recruited but they are not staying because they are not being progressed. It is all about that lens through which they see diversity, and race in particular.

Source: Detective Sergeant Janet Hills (Chair, Metropolitan Black Police Association[159]

122. Recommendation 64 of the Macpherson report required "That the Home Secretary and Police Authorities' policing plans should include targets for recruitment, progression and retention of minority ethnic staff" against which progress reports were to be made annually, and to be published. This chapter considers the progress made over the last two decades in making police forces more ethnically diverse and more representative of the communities they serve.

Measuring progress: ethnic diversity of the police workforce

123. Government statistics at the end of March 2020 show that the number of BAME officers across England and Wales has continued to increase over the years. However as acknowledged by the Home Office, "the proportion of BAME officers remains considerably lower than the 14% of the population in England and Wales that identify as BAME".[160] Figure 3 shows that the proportion of BAME police officers in England and Wales increased from 4.8% in 2011 to 7.3% in 2020.[161] During this time, the BAME population in England and Wales also has increased from 14% at the 2011 Census to 15.6% in 2019 (Annual Population Survey) which may suggest that part of the rise in the proportion of BME police officers (around 2.5%) may be representative of population growth (around 1.6 %) and not necessarily as a consequence of active recruitment policies by respective police forces.[162]

159   Q45

160   Home Office Police Workforce, England and Wales, 31 March 2020 second edition, p27 [N.B. population data is taken from the 2011 Census, based on the whole population]. See: https://www.ons.gov.uk/census/2011census/2011censusdata.

161   House of Commons library analysis from: Home Office, Police workforce, England and Wales, 31 March 2020: ethnicity open data tables, [Accessed: 10 December 2020]; Home Office Police Workforce, England and Wales, 31 March 2020 second edition, p28.

162   Office for National Statistics, Annual Population Survey, 2019.

Figure 3: Proportion of police officers who are BAME, 31 March 2011 to 31 March 2020, England and Wales[163]
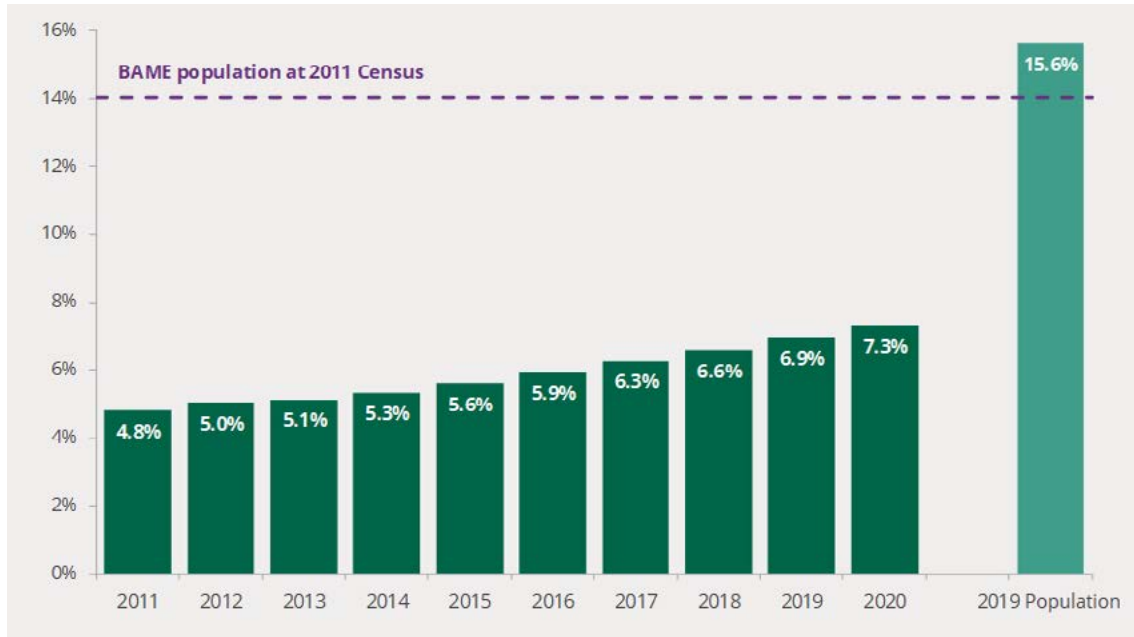
Note: the percentage of BAME police officers is based on Full Time Equivalent.

124. Home Office statistics at the end of March 2021 also noted that out of the 43 police forces in England and Wales, the Metropolitan Police Service had the highest proportion of BAME officers at 16%.[164] This compares to 3% of BME officers in the early 2000s, following the inquiry into the murder of Stephen Lawrence.[165] While there has been clear progress, this proportion (16%) is still far from matching London's BAME population of 40%.[166] After the Metropolitan Police, it was reported that the next highest proportion of BAME officers were in the West Midlands (12%) and Bedfordshire Police (10%). The smallest proportions of BAME officers were in North Wales, Cumbria and Durham, at 0.8%, 1.0% and 1.6% respectively but in line with their local BME populations.[167]

125. The Metropolitan Police Commissioner told us in May 2021 that the Metropolitan Police "was making progress in achieving even greater levels of representation in our police officers". She said the Metropolitan Police has "over 8,000 Black Asian and Minority ethnic officers and police staff" and that this is "over 18% of the total workforce circa 44,000".[168] However it should be noted this figure includes both police officers and

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163   House of Commons library analysis from: Home Office, Police workforce, England and Wales, 31 March 2020: ethnicity open data tables, [Accessed: 10 December 2020]; Office for National Statistics, Annual Population Survey, 2019.

164   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6.

165   The Metropolitan Police Service, Inclusion and Diversity Strategy 2017–2021, p3. London's BAME population of 40% according to the 2011 Census.

166   Gov.uk, Ethnicity facts and figures, Police Workforce, Section 5 By ethnicity and area (police officers), 31 March 2020; Home Office Police Workforce, England and Wales, 31 March 2020 second edition, p28.

167   Gov.uk, Ethnicity facts and figures, Police Workforce, Section 5 By ethnicity and area (police officers), 31 March 2020; Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6.

168   MAC0056 Written evidence submitted by the Commissioner of the Metropolitan Police Service.

staff and is not directly comparable with the proportion of BAME officers (16%) in the Metropolitan Police as recorded in Home Office statistics at the end of March 2021 (see previous paragraph).[169]

Figure 4: Police officer ethnicity compared to BAME force area population[170]

Percentage point difference between % of BAME population and % of BAME officers, England and Wales, as at 31 March 2021

* Excluding British Transport Police
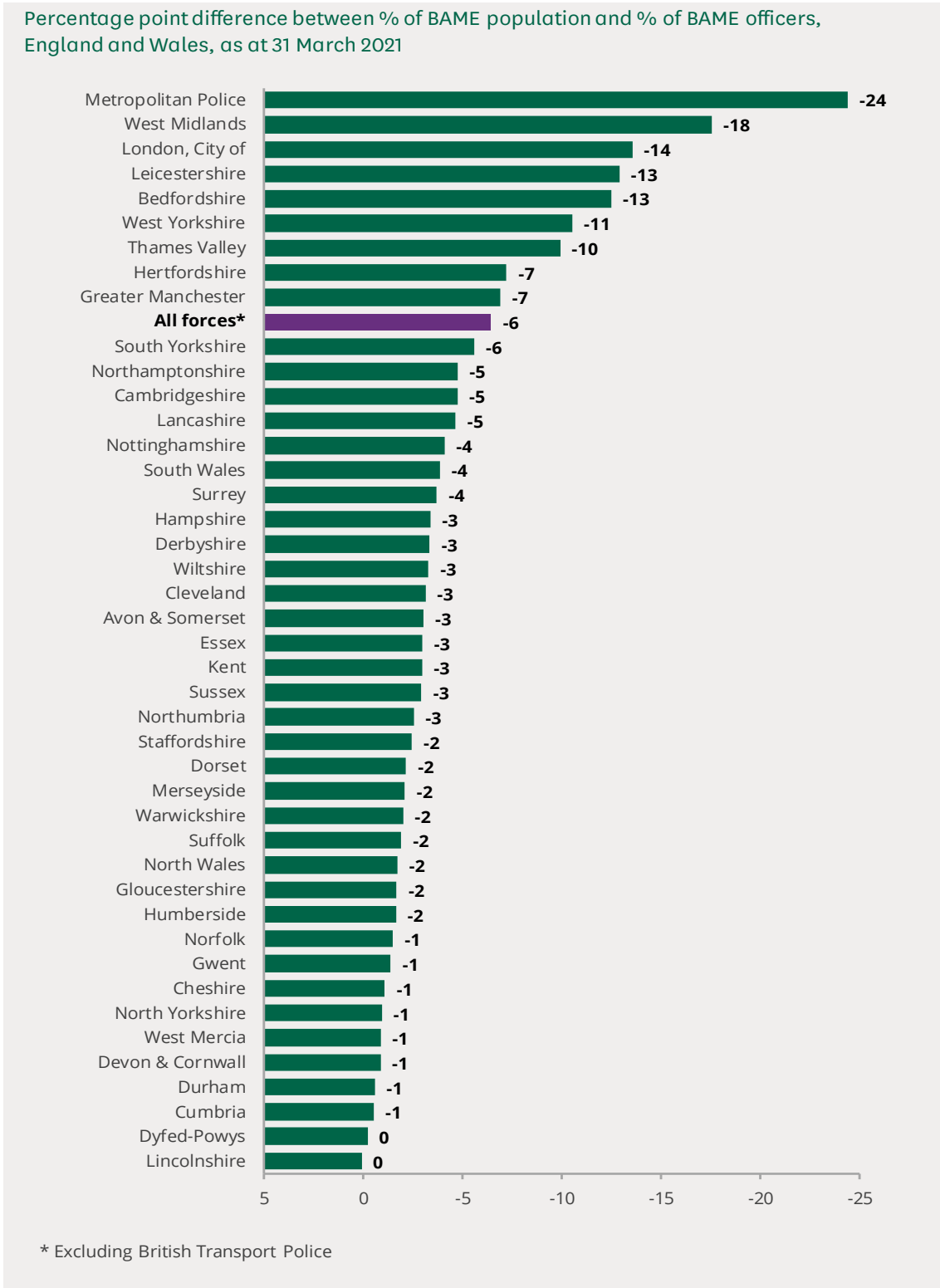
169   Home Office, Police officer uplift, England and Wales, quarterly updated to 31 March 2021, 29 April 2021, Table U6.
170   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6; Census 2011.

The Home Office wrote to the Committee in 2019 that police workforce data for the year ending 31 March 2018 showed that the "officer workforce" was more representative of both gender and ethnicity than ever before.[171] Home Office statistics for 31 March 2020, released subsequently, show that the proportion of serving BAME police officers had marginally increased from 6.9% in 2019 to 7.3% in March 2020.[172]

Achievement against representation targets set in 1999

126. Responding to the Macpherson report in 1999 the then Home Secretary, Rt Hon Jack Straw MP, set 10-year targets for improving representation in individual forces based on their local minority ethnic population.[173] At that time only 2% of officers in the police service overall were from a Black and minority ethnic background: the service overall was set a target for minority ethnic representation of 7% by 2009.[174]

127. The Runnymede Trust's tenth anniversary review of progress against the Macpherson inquiry recommendations reported that in 2007 nearly half of the 43 forces (47%) had failed to meet interim targets for BME representation in their forces and concluded that "the target of 7% set for 2009 is unlikely to be met".[175] We can now see that it was only when the proportion of serving BAME police officers went up from 6.9% in 2019 to 7.3% in March 2020 that this target was finally met—eleven years late.[176] Home Office data also show that at the end of March 2020, 30% of police forces had no Black British female police officers.[177]

128. Individual police forces also had targets set in 1999. However at 31 March 2021, six police forces in England and Wales had not met the ten-year recruitment targets they were set twenty-two years ago: the Metropolitan Police Service, West Midlands, West Yorkshire, Leicestershire, Northamptonshire and Cleveland. Further details of progress against historic police officer recruitment targets appear in the Annex [see figure 15].

129. The use of targets in policing to improve BME recruitment, progression and retention ended in 2010.[178] Instead, Police and Crime Commissioners (PCCs) are required to set strategic priorities in Police and Crime Plans against which Chief Constables are held to account for their achievements.[179] The Association of Police and Crime Commissioners (APPC) told us that great strides were being made in many Offices of Police and Crime Commissioners (OPCCs) to "drive forward progress" in the use of positive action to increase ethnic diversity.[180]

130. The Metropolitan Police's Association of Muslim Police (AMP) told the Committee that the police had talked for many years about the lack of BAME representation and how

171   MPR0029 Home Office; this written evidence referred to Home Office police workforce data from 31 March 2018. Since receipt of this evidence, updated Home Office police workforce data has been published: for the year ending 31 March 2020.

172   Home Office, Police Workforce, England and Wales, 31 March 2020 second edition, p28.

173   The Guardian, Straw sets new ethnic minority recruitment targets for police, 14 April 1999.

174   The Guardian, Straw sets new ethnic minority recruitment targets for police, 14 April 1999.

175   The Stephen Lawrence Inquiry report 10 years on: a review of the literature. Runnymede Trust 2009 pp61–63.

176   Home Office, Police Workforce, England and Wales, 31 March 2020 second edition, p28.

177   MPR0004 National Black Police Association; Home Office, police workforce, England and Wales; 31 March 2020, p35: Home Office, table D2, Police officers, by police force area, ethnicity and sex, as at 31 March 2020.

178   The Police Reform and Social Responsibility Act 2011 transferred responsibility for local policing governance to Police and Crime Commissioners (PCCs) which we discuss in chapter nine.

179   MPR0034 the Association of Police and Crime Commissioners.

180   MPR0065 The Association of Police and Crime Commissioners.

it should "engage with the BAME community", but that progress remained "far too slow". It argued that nothing would change until chief officers were "visibly" held to account and until sanctions were imposed for failing to improve BAME numbers. It stressed that there was a lack of clarity about who was responsible and accountable for this area of work:

> Is it the Home Office, Mayor's office, the College of Policing, the Crime Commissioners, the Police Federation, or individual Police Forces, and secondly, what sanctions will be applied should a force fail to deliver in the near future?[181]

131. House of Commons Library analysis of Home Office police workforce data conducted for the Committee suggests that, based on current trends (ceteris paribus)[182] in the police workforce between 31 March 2017 and 31 December 2020, the date for parity in representation between Police Officers and the general BME population in England and Wales (14%) would be 2040, and in some forces much beyond that date.

New recruitment

Police officer uplift: BME recruitment targets

132. On 9 October 2019, the Government announced force by force recruitment targets for an 'uplift' in police officers, in a drive to increase officer numbers by 20,000 over 3 years.[183] This recruitment drive was explicitly linked to the importance of increasing force diversity by the Home Secretary, Rt Hon Priti Patel MP, when she told the 2020 policing summit that the uplift created an "unprecedented opportunity … to create a truly representative police force that reflects the society we serve". She concluded these comments by saying:

> When I look round this room in years to come—as the 20,000 rise up the ranks—we all want to see visible change.[184]

133. In the year to March 2020, of the officers who identified their ethnicity, 10% of new joiners to the police service in England and Wales were from BAME backgrounds compared with 6% of those leaving the service.[185]

134. Police officer uplift data covering the period to the end of March 2021 revealed that 10.6% of new recruits in England and Wales were BAME.[186]

135. Police officer uplift data, which looks at new recruitment, indicates that 17 out of the 43 police forces are currently recruiting BME officers in proportion to or exceeding the proportion of BAME people in their local force population (see Figure 5). However only two out of the ten forces which have the highest levels of Black and minority ethnic populations (Nottinghamshire and Greater Manchester police) have achieved representative recruitment. In the Metropolitan Police, which serves an area with a 40% BAME population including 13% of the population who are Black, the percentage of BAME recruits in the year ending March 2021 was only 18% and Black recruits, 4%.[187]

181   MPR0016 Metropolitan Police Service, Association of Muslim Police.

182   'Ceteris paribus' is a Latin phrase which means 'all other things being equal'.

183   Home Office announces first wave of 20,000 police officer uplift 9 October 2019.

184   Home Secretary at the APCC and NPCC partnership summit, 26 February 2020

185   Home Office, Police Workforce, England and Wales, 31 March 2020 second edition, pp 31–32.

186   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6.

187   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6; Gov.uk, Ethnicity and facts, police workforce, section 4, by ethnicity over time (police officers), 29 January 2021.

Figure 5: New police officer recruits April 2020 to March 2021 compared to police force area population, % Black, Asian, Mixed, or Other[188]

New recruits April 2020-March 2021 compared to BAME population
% Black, Asian, Mixed, or Other
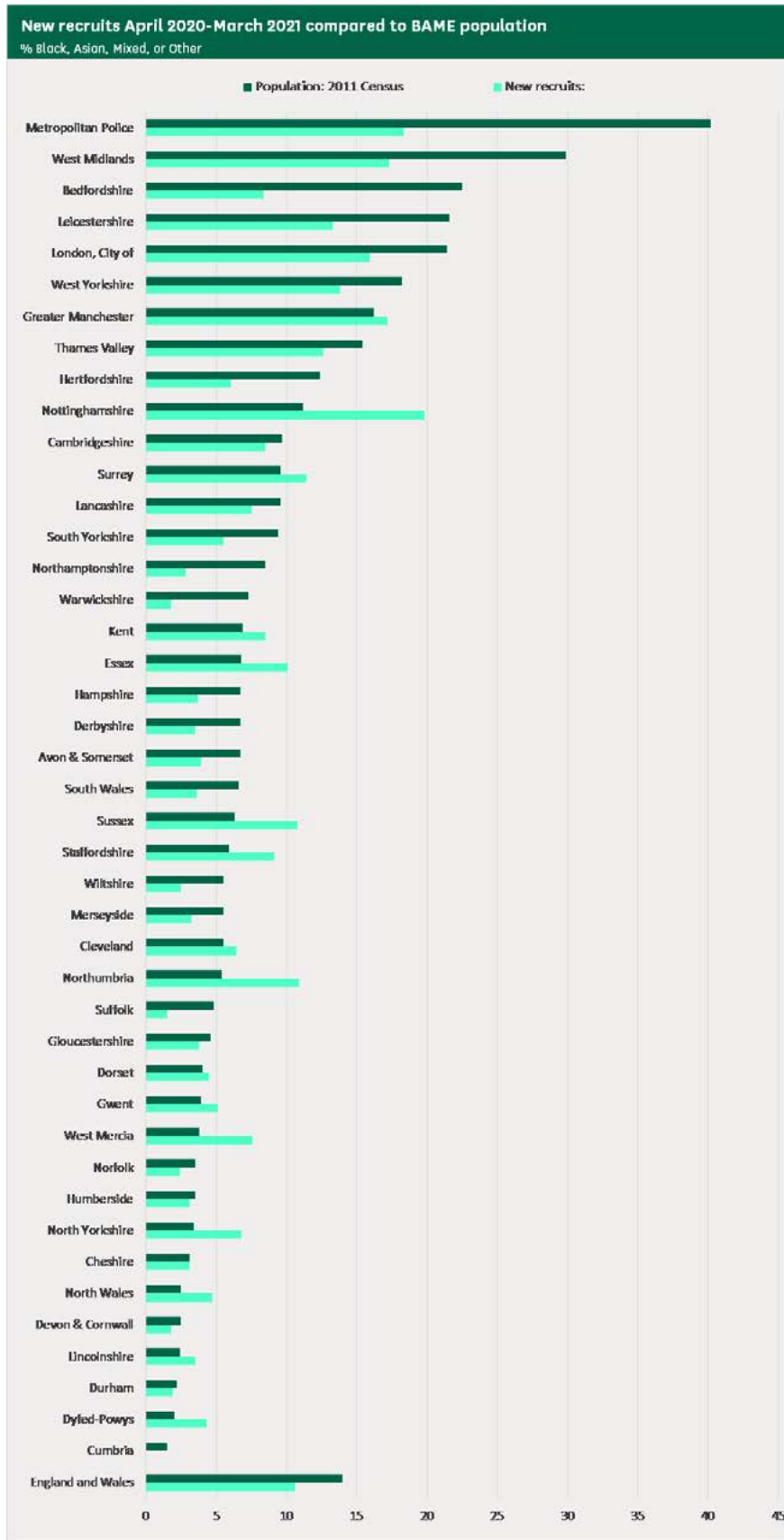
188   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6; Gov.uk, Ethnicity and facts, police workforce, section 4, by ethnicity over time (police officers), 29 January 2021.

136. In its Race Disparity in Focus report, the Association of Police and Crime Commissioners showcased initiatives that PCCs are taking to tackle concerns raised by BME groups in their force areas.[189] As part of this work, the report highlighted the "bold" recruitment targets that some forces are setting to improve their BME workforce representation.

137. The report noted that David Jamieson, former PCC for the West Midlands, had set a target for his force to recruit "1,000 BAME officers over the next three years". Currently 10.9% of West Midlands Police officers are from BME backgrounds.[190] Mr Jamieson planned to fill an expected 2,800 vacancies with "over a third of new recruits being BAME". These vacancies will include an uplift of 1,200 officers, and 1,800 to replace those officers leaving the force.[191] This is an ambitious target when compared against the West Midland's current 30% BME force area population.[192] So far, 17% of new recruits to West Midlands Police in the period April 2020 to March 2021 are from BAME backgrounds.[193]

138. Similarly Leicestershire's former PCC, Lord Willy Bach, had set his force a 25% target for new recruits from "a diverse background".[194] Out of 3,800 officers and staff currently employed at Leicestershire Police, 7% are Asian and fewer than 1% are Black.[195] Lord Bach's 25% target compares with a figure of 21.6% BAME population for Leicestershire police force area.[196] 13% of new recruits to Leicestershire Police in the period April 2020-March 2021 were from BAME backgrounds.[197]

139. In May 2021 the Metropolitan Police Commissioner told us her force's "aspiration is that by April 2022, 40% of all officer recruitment intakes are from Black, Asian and Minority Ethnic backgrounds", and from April 2021 "8% of all officer recruitment intakes" would be from Black backgrounds.[198] The Metropolitan Police Service also told us they had succeeded in increasing BAME recruitment to 31.8% of their new intake in the first quarter of 2021–22.[199]

Barriers to recruitment

140. We received evidence that individuals from BME communities are deterred from joining the police by deeply entrenched and historic negative perceptions of police and policing.[200] A NatCen report (2018) which was drawn to the Committee's attention by the Criminal Justice Alliance noted that policing practices such as "disproportionate stop

189   Association of Police and Crime Commissioners, PCCs making a difference, race disparity in focus, developing initiative to address race disparities faced by Black, Asian and Minority Ethnic Groups, 8 December 2020, p19.

190   Association of Police and Crime Commissioners, PCCs making a difference, race disparity in focus, developing initiative to address race disparities faced by Black, Asian and Minority Ethnic Groups, 8 December 2020, p19.

191   Association of Police and Crime Commissioners, PCCs making a difference, race disparity in focus, developing initiative to address race disparities faced by Black, Asian and Minority Ethnic Groups, 8 December 2020, p19.

192   Police.uk, Workforce diversity in West Midlands Police [accessed 15 December 2020].

193   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6.

194   Association of Police and Crime Commissioners, PCCs making a difference, race disparity in focus, developing initiative to address race disparities faced by Black, Asian and Minority Ethnic Groups, 8 December 2020, p34.

195   Association of Police and Crime Commissioners, PCCs making a difference, race disparity in focus, developing initiative to address race disparities faced by Black, Asian and Minority Ethnic Groups, 8 December 2020, p34.

196   Police.uk, Workforce diversity in Leicestershire Police [accessed 15 December 2020]; Gov.uk, ethnicity facts and figures, Police Workforce, section 5, by ethnicity and area, published 29 January 2021.

197   Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6.

198   MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service.

199   MAC0057, Commissioner of the Metropolitan Police Service.

200   See also chapter two.

and search" impacted BME recruitment actions and that "there was a sense among BME communities that becoming a police officer was not worthwhile and families discouraged their children from joining".[201] We heard such reports directly, for example from Witness I, who told us that:

> I feel it comes from generations, so my generation—I am [***]—it was getting stopped every day. It was nonstop stop and searches. It became normal to us. If your parents had asked about what happened today that would be a normal thing to say, "I got stopped and searched".
>
> So coming on to the next generation, … they will be taught from our generation that you are going to get stopped and searched because that is how we have developed a relationship with police. The next generation from us is going to see that, "They are stopping my brothers, or they are stopping my sisters," or something like that. "They are people to be wary of." That's what is taught.[202]

141. Witness N, at the same roundtable, told us that "Being a child and coming into this, there is no way now that I am not going to fear for my children, when I have them, in terms of their relationship [with the police], because it is not just our generation or the generation under us. It is since the 1950s and before that, and nothing has been done to address the historical failures, so we grow into this over generations".[203] Jade Ella Scott, a social worker, told us that she:

> wanted to join CID but I couldn't, because I knew how I would be perceived and how I would be expected to police in BAME communities.[204]

142. PC Ahmed from Leicestershire Police told us that at the time he was considering a career in the police service there was "no one from the Somali community or anyone of that background who was in the police service".[205] He said the police service was not "seen as a profession to go into" within the Somali community and that before joining his view of the police service and everything he had ever heard about it was negative.[206] He joined nonetheless and as a neighbourhood officer he now prioritises running workshops for the local community to inform them about how the police system works, to dispel misunderstandings such as the police being responsible for imprisoning individuals as well as arresting them.[207]

143. Government and Parliament have raised concerns about these barriers many times. In 2013, the then Home Affairs Committee reported that "Diversity has for too long been given lip service but not action in the police service".[208] In 2016 the Committee

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201   MPR0015 Criminal Justice Alliance; Enhancing diversity in policing, NatCen 2018.
202   Q124.
203   Q124.
204   MAC0046.
205   Q106.
206   Q106.
207   Q106.
208   House of Commons Home Affairs Committee Leadership and standards in the police Third Report of Session 2013–14 Volume I, p31, HC67-I, 26 June 2013.

similarly concluded that progress had been "painfully slow", and that the lack of senior BME representation in the police service affected "its leadership and culture and could be interpreted as suggesting that the police service has an unconscious bias".[209]

144. The Home Office told us that the Government had helped to drive the improvement of police workforce diversity, for example through publication of its Race Disparity Audit in 2017.[210] The Audit collates and publishes data on a broad range of outcomes experienced by people from minority ethnic communities, including in the area of crime and policing.[211] The Home Office acknowledged that whilst there had been "significant progress across a range of measures relating to crime and policing, [the Audit also showed that] for many people from Black and minority ethnic backgrounds their experiences and expectations fall well short of what is acceptable".[212] In June 2020 the former Home Secretary, Rt Hon Sajid Javid MP, commended the former Prime Minister, Rt Hon Theresa May MP, for initiating the Race Disparity Audit in 2016. He said it has a "crucial role to play" and must continue but warned against "shining a light on racial injustices" if no action is then taken to address them.[213]

BME representation in the wider police workforce

145. Home Office workforce data indicate that the representation of BAME workers in some other areas of the police workforce is higher than for police officers, for example, Police Community Support Officers (PCSOs) and special constables.[214] The Runnymede Trust review of progress against the Macpherson recommendations in 2009 found that Black and minority ethnic people were more attracted to PCSO roles because "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".[215] In the year to end March 2020 the most ethnically-diverse part of the police workforce in England and Wales was the Special Constabulary, where 12% identified as BAME.[216] This is shown in the Home Office graph (Figure 6) below.[217]

209   House of Commons Home Affairs Committee Police diversity First Report of Session 2016–17, HC27, p9, 18 May 2016.

210   MPR0029 Metropolitan Police Service.

211   Ibid.

212   Ibid.

213   The Times, Sajid Javid: Racism is a challenge Boris Johnson must meet head-on, 7 June 2020.

214   Home Office, Police workforce, England and Wales, as at 31 March 2020, second edition, p33.

215   The Stephen Lawrence Inquiry Ten Years On, Runnymede Trust 2009 p8.

216   Home Office Police Workforce, England and Wales, 31 March 2020 second edition, p33.

217   Home Office Police Workforce, England and Wales, 31 March 2020 second edition, p33.

Figure 6: Ethnic breakdown of the police workforce, as at 31 March 2020, England and Wales[218]
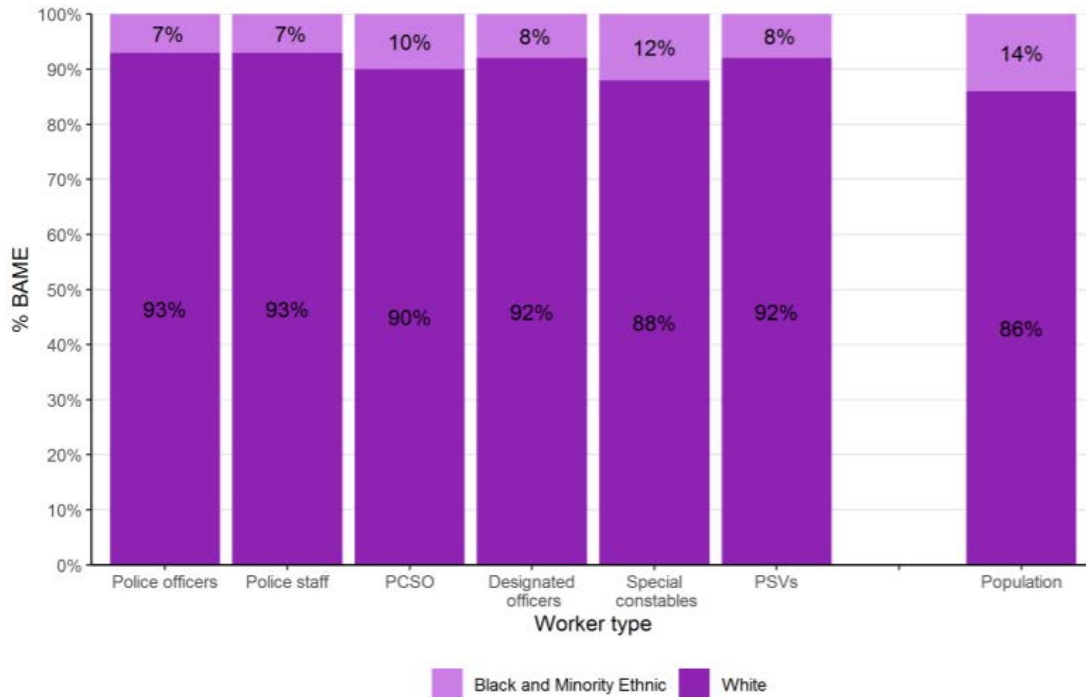
Source: Home Office, Ethnicity Open Data Table

Notes:
1. Excludes those who did not state their ethnicity.

Progression and retention

146. The Home Secretary's clear call for visible change is welcome, but the prospects for BME officers wishing to "rise up [through] the ranks" remain problematic.[219]

147. The Home Office noted in written evidence in 2019 that the Government has attempted to expand the pool and diversity of senior police officers by introducing direct entry, and by opening appointments to those with equivalent experience from overseas.[220] Sergeant Munro told us that the direct entry scheme for senior officers had not achieved results in relation to diversity, and that the Metropolitan Police Service had dropped out of the scheme.[221] While the direct entry programme at inspector and superintendent levels was meant to go some way towards addressing issues of diversity, promotion within the police service is almost exclusively dependent on individuals being promoted within the force.[222]

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218   Home Office Police Workforce, England and Wales, 31 March 2020 second edition, p33, figure 6.6, Ethnic breakdown of the police workforce, as at 31 March 2019, England and Wales.

219   Gov.uk, Home Secretary at the APCC and NPCC Partnership Summit, Home Secretary Priti Patel spoke at the Association of Police and Crime Commissioners and National Police Chiefs' Council Partnership Summit 2020, 26 February 2020.

220   MPR0060, Home Office.

221   Q63; The direct entry scheme is a training and development programme, run by the College of Policing, which enables people to apply directly for police inspector and superintendent roles. See HMICFRS.

222   College of Policing, direct entry scheme has been paused for 2020 to allow the College to deliver against other "College and policing priorities, while consulting on the longer term future of the Direct Entry Programmes". [Accessed 13 July 2020].

148. While BME representation in junior ranks is increasing, figures remain low, and this is even more pronounced at senior levels. Police workforce data indicate that only 5% of those promoted in 2019/20, from any grade to any other grade, were from BAME backgrounds, although this figure excluded the Metropolitan Police Service.[223] Levels of BAME under-representation were most marked among the senior ranks: 4% of officers at or above the rank of chief inspector, and 2% of chief officers were from BAME backgrounds, compared with 8% of BAME police constables.[224] Figure 7 below shows the proportion of BAME officers at each rank.

Figure 7 Proportion of police officers who are BAME, by rank, as at 31 March 2020, England and Wales[225]
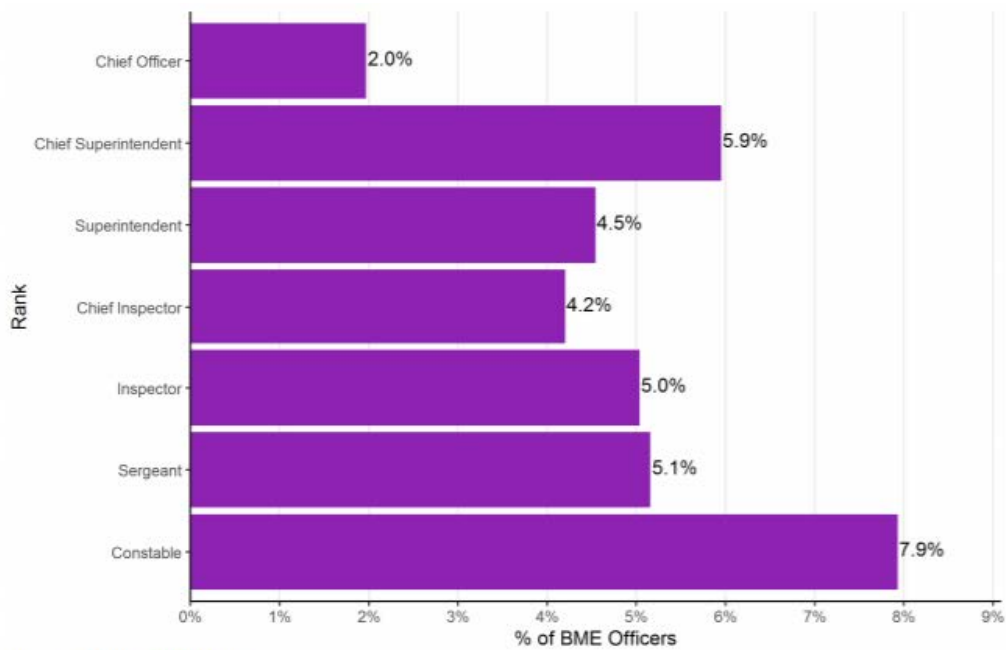
Source: Home Office, table D1

Notes:
1. Excludes those who did not state their ethnicity.

149. It should not be assumed that increasing BME representation among PCSOs and Special Constables will lead in due course to improved representation among police leaders without further intervention. The NatCen research referred to at paragraph 140 above, which was commissioned through the Police Transformation Fund to provide an evidence base for the NPCC 2018 Diversity, Equality and Inclusion strategy, found that diversity initiatives in policing had "focused overwhelmingly on recruitment, at the expense of ensuring diversity in relation to retention and progression".[226] It reported that "organisational divisions within policing were identified as difficult to overcome" and noted that Police Community Support Officers (PCSOs), which had a high intake of

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223   Home Office, Police Workforce, England and Wales, 31 March 2020 second edition, p30: the Metropolitan Police Service was unable to provide the Home Office with the relevant data due to a new HR system.

224   Home Office, police workforce, England and Wales, second edition, pp. 6, 29, 31 March 2020.

225   Home Office, police workforce, England and Wales, second edition, p29, 31 March 2020, figure 6.2, Proportion of police officers who are BAME, by rank, as at 31 March 2020, England and Wales.

226   MPR0044, NPCC.

women and BME citizens, "often reported not feeling accepted within the police … The lack of perceived acceptance within the wider workforce could deter PCSOs from entering the police force as police constables".[227]

150. BME representation in the police force is affected not only by concerns about promotion, but also by attrition—the rate at which individuals may, for different reasons, leave the police service. In a press briefing marking the twentieth anniversary of the Macpherson report in 2019 the Metropolitan Police Service said that minority ethnic officers are more likely than their White colleagues to leave the force in the first two years.[228] Recruitment initiatives alone will be ineffective if recruits to the police service leave before fulfilling their potential.

Barriers to progress

Disproportionality in resignations, conduct hearings and dismissals

151. Home Office police workforce data showed that in 2019/20 6% of officers who left the 43 police forces in England and Wales were from a BAME background.[229] The report noted that White officers had a "higher rate of normal retirements" reflecting the fact that BAME officers, because of historically low levels of recruitment, tend to be younger. But it also reported that BAME officers had a higher rate of voluntary resignations and dismissals.[230]

152. NatCen reported in 2018 that BME officers are "more likely to have been subject to misconduct hearings" which affected their opportunities for career progression[231] while also being subjected to higher rates of dismissal than their White counterparts.

153. In 2019 the NPCC commissioned a study of disproportionality in police misconduct procedures, being concerned about the "growing statistical evidence of disproportionality of outcomes" on the grounds of race. We discuss police misconduct and discipline in chapter five but we note here that the report confirmed this disproportionality existed and that it occurred "service wide" rather than being confined to metropolitan forces with higher BAME populations. The review also concluded that unnecessary investigation could impact negatively upon an officer's career progression, among other concerns, and that BAME officers were less likely to promote joining the service within their communities as a consequence of their experiences.[232]

Workplace culture

154. In addition to highlighting the ethnic disproportionality in misconduct hearings, NatCen identified further concerns about BME officers' difficulty in accessing roles in specialist units. It found that under-represented groups perceived such units as "'closed

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227   Enhancing diversity in policing, NatCen 2018 p4.

228   Met Police disproportionately white for another 100 years - police leaders, the Guardian 19 February 2019.

229   Home Office, Police Workforce, England and Wales, 31 March 2020, second edition, p32.

230   Home Office, Police Workforce, England and Wales, 31 March 2020, second edition, p32.

231   Ibid. MPR0015 Criminal Justice Alliance; in chapter five, we discuss ethnic disparity in police conduct procedures in more detail.

232   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p5.

shops' only available to individuals who meet the stereotypical profile", while the lack of diversity in units dealing with counterterrorism, honour based violence and surveillance could negatively impact upon the ability of the police to fulfil their responsibilities.[233]

155. The Police Federation of England and Wales raised concern about the focus on recruiting "visible BME" individuals rather than looking at "culture, religion and belief". It told us that the failure to recognise and value diverse "religious and cultural needs", for example by not providing a suitable praying space for Muslim officers, isolated officers and made them more likely to leave the force.[234] Detective Sergeant Janet Hills, the Chair of the Metropolitan Black Police Association, told the Committee that all the good work on BME recruitment was subsequently undermined by "a culture that is still not embracing diversity, race and difference, which then has people either dismissed or deciding to leave voluntarily […]".[235] Recounting her personal experience as a Black female officer, she said that, "many a time", she had been mistaken for the prisoner in the custody suite as she stood alongside the person she had arrested.[236]

156. Baroness Lawrence told us that the first time she met a Black officer was after her son's death in the early nineties. She said that

> At the time, the rumour—whether or not it was true—was that if a Black and a White officer were out together, the Black officer felt that he needed to be whatever his colleague was like. He never felt confident in himself to do the job that he was supposed to do. That is the question that I remember asking when I first saw a Black officer, and he did not deny that that was what was happening. At the time, they needed to have that level of working together, so they had to behave like the White officer.[237]

157. Detective Sergeant Janet Hills echoed this sentiment for BME officers today, telling us that, "It is difficult for officers to come to work with their authentic selves".[238]

158. Jon Boutcher, the former NPCC lead for Race, and then Chief Constable of Bedfordshire, wrote to us that police forces' responses to his request for information on their approach to race were very mixed.[239] He also highlighted that, to his surprise, many younger officers were "unaware of Stephen Lawrence or of the legacy of his murder".[240]

159. The Home Office told us that it was "confident" that it had "instituted reforms which provide a framework, and a good foundation, for local police forces to establish a truly representative community of police officers and staff".[241] However the former policing minister, Rt Hon Nick Hurd MP, told the Committee in 2019 that:

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233   Enhancing diversity in policing, NatCen 2018 p5.

234   MPR0033 Police Federation of England and Wales.

235   Q45.

236   Q58.

237   Q24.

238   Q58.

239   MPR0036 National Police Chiefs' Council.

240   Ibid.

241   MPR0029 Home Office.

We are nowhere near where we need to be. I am sure you have the data and you can see that there has been progress over decades. It has been slow and it has been steady, but no police force actually represents the community it serves and some of them are very far off the pace.[242]

The Metropolitan Police Service

160. The Metropolitan Police Service told us separately that BME officers were "represented at every rank within the MPS, including at Chief Officer level" and that it had promoted 425 BME officers over the last four years across a range of ranks "from Sergeant to Chief Superintendent".[243] Metropolitan Police workforce data showed that, at 31 July 2020, of the 37.5 Commanders and above (FTE equivalent) in the Metropolitan Police Service three were recorded as BAME.[244]

161. Whilst acknowledging that the Metropolitan Police Service had made "huge improvement" in BME recruitment compared to other forces, the MPS Association of Muslim Police told the Committee that the majority of BME officers and staff remained at lower levels in the Metropolitan Police Service for the duration of their careers. They argued that this lack of BME representation in senior ranks conveyed the wrong message to the communities that they served: that BME candidates did not want to progress or were not sufficiently capable for promotion.[245]

162. In an interview following the Black Lives Matter protests Neil Basu, Metropolitan Police Assistant Commissioner, told Channel 4 News that it "cannot be right" that he is currently the UK's highest ranking officer from an ethnic minority.[246] He said the reason for the lack of BME representation in senior policing ranks was because the police had not done enough to "encourage, promote and help officers as they have gone through the ranks".[247] He also suggested that some BME officers still did not "feel safe talking out" about the problems they were facing or how they felt both within the Metropolitan Police and in society more generally, because of feeling that this might negatively impact their careers.[248] However, he added that he would not still be working for the Metropolitan Police after twenty eight years if he did not think the organisation had changed "dramatically".[249]

163. The Commissioner of the Metropolitan Police, Dame Cressida Dick, told us in 2019 that "every promotion process is now very equal". She added that "if there was any concern that one group or another was doing better in the promotion process that should be dispelled, because it is not".[250] In follow-up written evidence, the Metropolitan Police Service provided us with its latest data (2018/2019) on the proportion of BME officers

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242   Q535.

243   MPR0054 the Metropolitan Police Service. Data cited was for 31 December 2018.

244   Metropolitan Police workforce data report, July 2020, table 6. Note also that Commander level in the Metropolitan Police is equivalent to Assistant Chief Constable and above in police forces in England and Wales.

245   MPR0016 MPS Association of Muslim Police.

246   Channel 4 News, Met Police Assistant Commissioner would have 'probably' joined BLM protesters if he was not an officer, 10 June 2020.

247   Channel 4 News, Met Police Assistant Commissioner would have 'probably' joined BLM protesters if he was not an officer, 10 June 2020.

248   Channel 4 News, Met Police Assistant Commissioner would have 'probably' joined BLM protesters if he was not an officer, 10 June 2020.

249   Channel 4 News, Met Police Assistant Commissioner would have 'probably' joined BLM protesters if he was not an officer, 10 June 2020.

250   Q422. and Q434.

and staff applying for and achieving promotion compared to their White counterparts. The Metropolitan Police Service did not provide us with data for promotion outcomes above chief superintendent level.[251] The data showed that 15% of the 780 applications for promotion from Police Constable to Sergeant in 2018 were BAME (115 officers), and 12% of the 448 successful candidates were BAME (52 officers). The figures were much lower at senior levels. 4.4% of the 182 officers eligible for promotion in 2019 from Superintendent to Chief Superintendent were BAME (8 officers). All eight officers applied, so 24.2% of the 33 applications for promotion were BAME. Though they were eligible to apply, none of the eight successful candidates who became Chief Superintendent were BAME.[252] Dame Cressida Dick told us in May 2021 that 15% of successful candidates in a recent Chief Inspector promotion process were BAME.[253]

164. **In 2020 BME officers represented just 7% of the police service across England and Wales, far below the 14% of the population in England and Wales who are BME. It is extremely disappointing that twenty-two years after the publication of the Macpherson report the police service is still a very long way from being representative of the diverse communities it serves.**

165. **What is equally shocking is that so little changed in terms of BME recruitment and retention in the decade following our predecessors' last inquiry on the Macpherson report. While there has been progress in BME recruitment by some forces in the last twelve months, several forces, including large forces like the Metropolitan Police Service and the West Midlands Police, had not at 31 March 2021 met the 10-year target for levels of BME representation set in 1999. Moreover, BME officers are over-represented in certain junior roles within the police service, for example as Police Community Support Officers (PCSOs), and are under-represented in the most senior ranks, with no Black chief constables currently leading an English or Welsh police force. This problem is not restricted to policing and similar patterns of under-representation are evident across the public sector[254] but in policing it is particularly important given the need for legitimacy.[255] We welcome the efforts of those forces who have increased BME recruitment in the last twelve months, but it should not have taken this long to see those changes start to happen.**

166. **The Macpherson report was clear that police forces need to be representative of the communities they serve. Throughout our inquiry we have heard concerns about community confidence in the police, the use of certain police powers and wider racism in policing. These findings of racial disparities and the community concerns around them, in our view, are exacerbated by the lack of BME police officers and staff at all levels of police forces. The Peel principles that have underpinned British policing for nearly 200 years are based on the understanding that the police are the public and the public are the police.[256] These principles apply to everyone: it cannot be the case that they apply to some communities and not others based on the colour of people's skin. As long as police forces remain so unrepresentative of local communities these vital principles are being undermined.**

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251   MPR0072 the Metropolitan Police Service.

252   MPR0072 the Metropolitan Police Service.

253   MAC0056, written evidence submitted by the Commissioner of the Metropolitan Police Service

254   Race Disparity Audit, 10 October 2017

255   Race Disparity Audit: summary findings October 2017 (revised March 2018), paras 2.25 - 2.27.

256   Definition of policing by consent, gov.uk [Accessed 11 June 2021].

Routes to improving ethnic diversity in the police service

167. Data shows wide variations across police forces in the pace at which they have increased BME recruitment over the last twenty-two years. Our analysis suggests that some forces, if they can sustain these improvements, will be able to reach the point where the proportion of BME officers reflects the proportion of BME residents in their local community in less than ten years. But other forces, including some of the biggest forces, on their current rate of progress would be unlikely to achieve that parity for over two decades. This section therefore looks at the measures that different police forces are taking as well as the possible further measures that should be introduced.[257]

The Equality Act 2010 and the Public Sector Equality Duty

168. In 2010 the introduction of the Equality Act gave police forces a statutory responsibility to address inequalities in policing, including in employment and recruitment. The Equality Act merged previous anti-discrimination laws under a single legislative framework and introduced two key provisions: positive action in relation to recruitment and promotion, and the Public Sector Equality Duty (sometimes referred to as the 'Equality Duty' or PSED), which was informed by the findings of the Macpherson inquiry. The PSED is discussed further in chapter eight.

169. The PSED is contained in section 149 of the Equality Act 2010. The public sector equality duty "is not a duty to achieve a result" but requires public authorities to consider appropriately what action should be taken to achieve the goals set out in section 149. Section 149(1) provides:

> A public authority must, in the exercise of its functions, have due regard to the need to:
>
> a)   eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
>
> b)   advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
>
> c)   foster good relations between persons who share a relevant protected characteristic and persons who do not share it.[258]

170. This means that organisations must also take "proactive steps to tackle discrimination, and not only to avoid discrimination or address it after it occurs".[259] It replaced the previous separate gender, race and disability duties.

171. The Supreme Court has said that the duty is one that "must be exercised in substance, with rigour and with an open mind"[260] but that it is for the decision maker to decide how much weight to give to the duty with these considerations in mind. It is not a formulaic obligation–on each occasion it is necessary to consider the nature and extent of the

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257   House of Commons Library analysis based on Home Office Police Workforce Open Data Tables, and the 2011 Census, as checked against Home Office Ethnicity Facts and Figures.

258   Equality Act 2010 (legislation.gov.uk)

259   MPR0025, Equality and Human Rights Commission

260   Hotak & Ors v London Borough of Southwark & Anor, para 75 [2015] UKSC 30.

equality implication and the likely effect of any proposed positive step.[261] The courts have emphasised that the PSED is not a box-ticking exercise but about the substance of the decision: in fact, it is possible to comply with the PSED without consciously doing so if the public authority is sufficiently "conscientious" in making a decision.[262]

172. Prior to the introduction of the race equality duty, equality legislation sought to rectify cases of discrimination and harassment as opposed to working to prevent them happening in the first place.[263] The Public Sector Equality Duty was designed, as a result of the Macpherson report, to shift the onus from individuals to organisations, placing for the first time an obligation on public authorities to promote equality proactively, not merely to avoid discrimination. Police forces therefore have a statutory responsibility to identify and appropriately address their low levels of recruitment from BME communities in the light of their responsibility to eliminate discrimination, advance equality of opportunity and foster good community relations.

Positive action

173. Positive action allows the employer to put specific, proportionate actions in place to improve the under-representation of specific groups protected by the Act. Written evidence submitted by the Equality and Human Rights Commission (ECHR) provides detailed guidance on how positive action can be implemented. Options include "having visible role models and conducting outreach in schools and the community" and "targeted recruitment advertising".[264]

174. Although the two terms are often used interchangeably, positive action is not the same as positive discrimination, which is currently unlawful in the UK except in very exceptional circumstances.[265] Positive action allows the employer to use proportionate measures to reduce a disadvantage that specific groups protected by the Equality Act 2010 might experience, or to "increase their participation in a particular activity" if that participation is currently disproportionately low. Whilst there is not one single definition of positive discrimination the term is usually used to describe different approaches aimed at favouring the recruitment or promotion of a person solely on the basis of their protected characteristic.

175. Section 158 of the Equality Act 2010 permits general "positive action" in certain circumstances.[266] Positive action may only be taken if the employer reasonably believes that "persons who share a protected characteristic" suffer a disadvantage or face different needs that are linked to that characteristic, or if their participation is disproportionately low.[267] The employer must also reasonably believe that positive action is a proportionate means of achieving the statutory aims of enabling or encouraging persons who share the protected characteristic to overcome or minimise the disadvantage or participate in the specified activity.[268] This could include, for example, a police force providing

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261   Hotak & Ors v London Borough of Southwark & Anor, para 79 [2015] UKSC 30.
262   Hotak & Ors v London Borough of Southwark & Anor, para 79 [2015] UKSC 30.
263   Equality and Human Rights Commission, Public Sector Equality Duty, [accessed 22 April 2021].
264   MPR0048 The Equality and Human Rights Commission.
265   MPR0048 The Equality and Human Rights Commission.
266   Equality Act 2010 (legislation.gov.uk), s158
267   Equality Act 2010 (legislation.gov.uk), s158
268   Equality Act 2010 (legislation.gov.uk), s159

additional mentoring or support for BAME officers or applicants, or making a statement in a recruitment advertisement that the employer welcomes applications from the target group.[269]

176. Section 159 of the Equality Act allows an employer to take positive action in recruitment and promotion. It requires that an employer must reasonably think that "persons who share a protected characteristic suffer a disadvantage connected to the characteristic" or "participation in an activity by persons who share a protected characteristic is disproportionately low".[270] Employers may then treat the person with the protected characteristic more favourably but *only* when the candidates are otherwise equally qualified.[271] This provision is referred to as the 'tie-breaker' provision.

Police force measures to increase BME recruitment and use of the Equality Act 2010

177. The Home Office cited several police forces whose work it felt had demonstrated what could be achieved through strong leadership, including through the "bold use of positive action".[272] These included Greater Manchester Police, which delivered an award-winning, targeted BME recruitment campaign that helped increase the proportion of its new recruits that were BME into line with the 15% of the population of the police force area.[273]

178. The former Policing Minister, Rt Hon Nick Hurd MP, chose to highlight Bedfordshire Police for the "amazing job" it had done to increase its workforce diversity between 2015 and 2019.[274] In 2015 Bedfordshire Police "had the third lowest number of BAME officers (6%)" compared to its local BME population but by 2019 was "one of the most representative forces" with over 11% of BME officers though this remains below its BME population, estimated to have been 23% at the time.[275] The Minister stressed to us that Bedfordshire Police's success in increasing its workforce diversity through the use of positive action was "not rocket science" but down to a "change of attitude and mindset"—a determination to make change.[276] This determination was expressed to the Committee by Jon Boutcher, former Chief Constable of Bedfordshire Police, who wrote:

> This was achieved through dedicating a BAME Inspector and Sergeant who are passionate about these issues … and delivering a new approach to recruitment. The officers were given the support and authority of the entire chief officer team.
>
> Through social media the force sought out those BAME applicants who had previously failed to be selected by other forces. We showed potential BAME candidates that we genuinely wanted them to be part of the force. We made it clear this is not a numbers game. It is about the force attracting the very

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269   MPR0048 EHRC.
270   Equality Act 2010 (legislation.gov.uk), s159
271   Equality Act 2010 (legislation.gov.uk), s159
272   MPR0029 Home Office.
273   MPR0029 Home Office.
274   Q538.
275   MPR0036 National Police Chiefs' Council
276   Q537.

best candidates and ensuring we better represent the diverse communities we serve. It is about legitimacy and public confidence and correcting the legacy of imbalance that exists regarding the diversity of policing.

Some questioned whether the campaign was attracting the quality candidates required to deliver 21st century policing. The answer is absolutely yes. A member of our community together with a member of the force interview our applicants. Those community members are interviewing for their local police officers, this adds to the legitimacy of the process.[277]

179. Inspector Mustafa Mohammed, President of the National Association of Muslim Police (NAMP) emphasised that Bedfordshire's success was down to a chief constable who openly made race a priority within a positive action programme, despite an internal "backlash from the other protected strands against giving race priority".[278] He added that there was a reluctance among "some chief constables" to prioritise race because of this backlash, which he believed rendered positive action provisions for BME individuals "ineffective".[279] The NAMP also believed that the Home Office was doing little directly to encourage chief constables to prioritise race.[280]

180. Dame Cressida Dick told us in 2019 that the MPS was determined to increase the ethnic diversity of its force and consequently it was "giving extra special positive action support to people from Black and minority ethnic communities who show interest in joining us".[281] In further written evidence in 2019, the MPS told us that it held regular "Meet the Met events" to enable underrepresented groups to find out more about career opportunities in the MPS.[282] Among other initiatives, it also told us that it had a "dedicated positive action recruitment team" which had named caseworkers who supported BME individuals throughout the recruitment process and provided one to one guidance".[283]

181. Dame Cressida Dick also told us her force was undertaking "significant work to transform" its recruitment processes through the development of a new selection assessment centre, and embedding its outreach work to encourage young Black Londoners to consider a career in policing.[284] The Commissioner told us this work includes a "specific focus" on the College of Policing's new online assessment centre which uses "specially trained community members" in addition to officers and staff to assess candidates.[285] She indicated there had been a reduction in the disproportionate outcomes observed through this new approach.

182. The MOPAC Action Plan on Transparency, Accountability and Trust in Policing, announced in November 2020, re-introduced the London residency criteria for most new recruits to the Metropolitan Police Service. This provision, which had originally been introduced in 2014 but suspended in 2018, stipulates that candidates at entry level must, with some exemptions (for example, existing Special Constables and current and ex-military personnel) have lived or studied in one of the London boroughs for a minimum

277 MPR0036, NPCC.
278 Q46.
279 MPR0039 National Association of Muslim Police.
280 MPR0072 Metropolitan Police Service.
281 Q420.
282 MPR0072 Metropolitan Police Service.
283 MPR0072 Metropolitan Police Service
284 MAC0056 Written evidence submitted by the Commissioner of the Metropolitan Police Service.
285 MAC0056 Written evidence submitted by the Commissioner of the Metropolitan Police Service.

of three out of the last six years. When first introduced, this approach had supported the Metropolitan Police Service to obtain a significant increase in the number of minority ethnic recruits, and also an increase in female recruits, after one year. It was re-introduced in the context of a new target set for the MPS to ensure 40% of new recruits were drawn from BAME backgrounds in 2022.[286]

183. The Commission on Race and Ethnic Disparities in 2021 noted the progress made by the MPS in 2014 and recommended that a similar 'residency requirement' be introduced across all police force areas. The Commission acknowledged that this new requirement would "likely drive more significant change" in areas with both larger populations and larger police workforces, and additionally recommended that the College of Police develop guidance on how residency requirements should be implemented.[287] This recommendation by the CRED is in line with the MPS practice but we note that it would conflict with, and prevent measures similar to, those adopted by Bedfordshire Police to increase BME recruitment.

184. As previously mentioned, Nottinghamshire police force has managed to achieve representative recruitment.[288] In 2012 Nottinghamshire's then PCC, Paddy Tipping, set a long-term goal for the force to be more inclusive of the communities that it serves. Prior to the uplift programme Nottinghamshire Police had a BAME officer representational figure of 3.8%. As of December 2020, this figure stood at 7.0%, making it "the most representative force within the country, of any area with a significant BAME population of over 10%".[289]

185. Nottinghamshire Police's recruitment approaches included linking its recruitment function to the department which oversees its youth engagement programmes.[290] The force took this approach to build on the success of its youth outreach team and to expand it into the adult sector, using staff with local legitimacy.[291] The force said external role models including the independent advisory group (IAG), and local community and faith leaders, were critical to their successful recruitment because they could advocate and verify the approach of the organisation. Nottinghamshire Police also integrated members of its IAG into its recruitment process.[292]

186. Julia Mulligan, former PCC for North Yorkshire, told us she had one of the "most diverse chief officer teams in the country".[293] She attributed this recruitment success to her force's use of a "strengths-based framework" instead of the College of Policing's competency-based framework.[294] She explained that a strengths-based process puts applicants in particular scenarios and asks them how they would deal with them in a practical way. She said it challenged applicants to think differently and to evidence their

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286   Action plan: transparency, accountability and trust in policing, MOPAC; Met re-imposes London residency requirement for recruits 13 November 2020.

287   Commission on Race and Ethnic Disparities: Report, March 2021 p195.

288   See paragraphs 132–139

289   Evidence submitted to the Commission on Race and Ethnic Disparities, 4 December 2020: Verma, S, (2020),Promise and Progress, Nottinghamshire Police Force.

290   Evidence submitted to the Commission on Race and Ethnic Disparities, 4 December 2020: Verma, S, (2020),Promise and Progress, Nottinghamshire Police Force.

291   Evidence submitted to the Commission on Race and Ethnic Disparities, 4 December 2020: Verma, S, (2020),Promise and Progress, Nottinghamshire Police Force.

292   Evidence submitted to the Commission on Race and Ethnic Disparities, 4 December 2020: Verma, S, (2020),Promise and Progress, Nottinghamshire Police Force.

293   Q9.

294   Q9; APC0002, supplementary evidence Julia Mulligan PCC for North Yorkshire; College of Policing, Introducing a new competency and values framework for policing, [last accessed 17 July 2020].

"strengths and values" as opposed to their "competencies" in their responses.[295] This approach had impacted on the way that her force was supporting BAME officers and staff once they were in the service and it was "looking at the cultural changes" required to retain those individuals.[296]

187. We were told that national policing bodies and the Home Office were also working to increase BAME recruitment. The National Police Chiefs' Council drew up a Diversity, Equality and Inclusion Strategy in 2018, which outlined future NPCC initiatives "to improve minority ethnic representation in policing". The Home Office told us it had "the unequivocal support of all chief constables".[297] In 2019 the NPCC wrote to the Committee that increasing the diversity of its workforce was one of five priorities in its ten year policing plan, Policing Vision 2025.[298] The plan acknowledged that changes to the culture and leadership of the service were essential if policing was to "create a culture that values difference and diversity and which empowers individuals to maximise their contribution"[299] and committed that policing would be a "profession with a more representative workforce" by 2025.[300]

188. The NPCC further told the Committee that under the Diversity, Equality and Inclusion strategy, practical toolkits would be available to all forces which would focus on "specific work streams including: leadership, culture, recruitment and attraction, retention and progression, wellbeing and fulfilment and exiting from the service with dignity".[301] We were however told that the NPCC diversity toolkits were optional, with the onus for their success resting on individual chief constables. The NBPA highlighted the lack of sanctions for police chiefs who failed to adhere to the toolkits, and called on the NPCC to develop "a rigorous framework for scrutiny and oversight on race issues", including through "setting standards on Chief Officer leadership and development of their BAME Officers and Police Staff".[302]

189. The Home Office also highlighted work undertaken by the Police Superintendents' Association in partnership with the College of Policing to develop guidance on the use of positive action for forces, and the College of Policing's own use of positive action in 2018 to increase the representation of women and BME officers on the Strategic Command Course which is the "gateway to chief officer ranks".[303]

190. In this chapter we have referred to good practice reported by some police forces in relation to BME recruitment. Some examples of different approaches are summarised here.[304]

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295   Q12.
296   Q9.
297   MPR0029 Home Office.
298   MPR0044 NPCC.
299   Policing Vision 2025, NPCC
300   MPR0060 Home Office.
301   MPR0036 NPCC.
302   MPR0004, NBPA
303   MPR0029 Home Office.
304   See paragraph 177; 'Recruiting for diversity', Written by Chief Inspector Tony Alogba, Greater Manchester Police; paragraph 180; paragraph 186; Equality and Diversity Information, Nottinghamshire Police, 2018 and Talent Support scheme

Examples of good practice by forces to improve ethnic diversity

- **Bedfordshire Police** *ran a social media recruitment campaign to find and reach out to BAME individuals who had applied to but not been selected by other forces. The campaign's message was that the force wished to attract the very best candidates and to better represent the diverse communities it served. A member of the community joined the interview panel which added to the legitimacy of the process.*

- **Greater Manchester Police** *increased the proportion of its new recruits that were BME into line with the the BME population of the police force area (15%). Targeted community recruitment events use local staff networks to signpost people to police recruitment vehicles and staff which are based in diverse communities to promote vacancies. Questions in the recruitment process about prior experience in volunteering were removed as this was identified as discriminating against people from certain communities. The force also provides advocacy and support to candidates which focuses on building confidence and practical skills.*

- **The Metropolitan Police Service** *has used positive action measures to provide support to people from BME backgrounds who have indicated interest in joining the force. These include regular "Meet the Met" events and a dedicated positive action recruitment team with named caseworkers who have supported BME individuals and provided one to one guidance through the recruitment process.*

- **North Yorkshire Police** *used a "strengths-based framework" instead of the College of Policing's competency-based framework to increase ethnic diversity in its force.*

- *Following the establishment of a long-term goal for BME representation set by its then PCC,* **Nottinghamshire Police** *offers its positive action candidates tailored support with the application process and holds positive action recruitment events to attract Special Constables, Police Officers, PCSOs and other police staff roles from within BME communities.*

191. The EHRC told us that employers wishing to increase the diversity of their workforce should "routinely be considering using all the available forms of positive action in order to do so", including:[305]

- having visible role models and conducting outreach in schools and the community;

- mentoring, support, bursaries and training;

- targeted recruitment advertising;

- ensuring that assessment and selection criteria promote diversity; and

- making use of the tie-break provision in appropriate circumstances.

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305   MPR0048 The Equality and Human Rights Commission.

192. The National Association of Muslim Police (NAMP) has argued that positive action initiatives in policing were "purely restricted to recruitment campaigns" and there was "little or no focus" on BME progression or development, which it described as "painfully slow". Similarly Sergeant Munro, then President of the National Black Police Association, said that:

> […] when the work is done properly and positive action is applied, forces will progress—I can name you five or six forces in which that is happening. They are clearly doing well, but the fact that I can name five or six out of 40-odd is an indication that this is not being done as well as it should be".[306]

Limitations of the law

193. Speaking in 2013 former Greater Manchester Police Chief Constable, and former advisor to this committee, Sir Peter Fahy called for the creation of a more diverse police force to be a legal requirement. He said at the time:

> This is not about targets or political correctness… It is about operational need. Policing is unique, we need to be legitimate within the community because of the exercise of power. Often we are out there resolving disputes between communities and we need officers that understand different communities and different backgrounds.[307]

Tie breaker provision

194. Although the current legal framework in the Equality Act 2010 allows employers to go further to tackle inequalities in recruitment by using the tie-breaker provision, in practice this has proved difficult to use within policing.

195. While in favour of positive action the Metropolitan Police Commissioner, Dame Cressida Dick, told us in September 2019 that the MPS had not yet used the tie breaker method of positive action as set out in the Equality Act: it would however consider its use on a case by case basis.[308] The Metropolitan Police Commissioner said that it was "incredibly challenging to use at scale" as the legislation was designed to "compare two individuals".[309] It should be noted that police forces usually undertake large recruitment campaigns, particularly for the lower ranks, such as police constable.[310] In May 2021 the Commissioner told us her force had since used the tie breaker provision and that it had "clearly helped" the MPS to increase the proportion of Black, Asian and minority ethnic officers "in the short term".[311] However she also argued that the provisions were narrow and were harder to use as part of larger scale recruitment processes. She therefore proposed temporary changes to section 159(4)(b) of the Equality Act 2010 should be considered urgently, to apply during the current higher volume uplift recruitment to reflect the

306   Q44.
307   The Guardian, Call for new law to force police to tackle diversity crisis at top, 27 January 2013.
308   MPR0072, Metropolitan Police.
309   MPR0072 Metropolitan Police Service.
310   College of Policing, Police SEARCH Recruit Assessment Centre, TVP Data request –Assessment Centre performance data 2013 – 2017. The assessment centre for the selection of Police Constables is known as the Police SEARCH® Recruit Assessment Centre.
311   MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service.

"specific requirements within policing to address workforce under-representation".[312] We discuss the Metropolitan Police Commissioner's legislative proposals further in paragraph 208.

196. Challenges in understanding how to use the 'tie breaker' provision were highlighted in 2019 in an employment tribunal (Mr M Furlong v The Chief Constable of Cheshire Police) which found against Cheshire Police's attempted use of the tie-breaker method of positive action. The force had identified 127 qualified candidates to become constables who it described as being of 'equal merit' under the relevant provisions of the Equality Act (section 159). It then sought to favour the candidates from under-represented groups.[313] The tribunal found that Mr Furlong's claim in respect of direct discrimination under Section 13 of the Equality Act 2010, on the grounds of sexual orientation, race and sex, was "well founded and succeeds".[314]

> Mr Furlong was a White, heterosexual, male applicant to the Cheshire police force. He passed the initial stages of the recruitment process: an application; then, a 'sift' stage comprising a competency interview and various written and interactive exercises; and, finally, an interview stage for all candidates who had successfully passed the 'sift'. After the final interview, Cheshire Constabulary appointed all successful applicants with protected characteristics, before selecting from those who remained. Mr Furlong was not appointed after the final interview. He brought claims of direct discrimination, alleging that the police force had unlawfully treated candidates with protected characteristics more favourably than himself, when they were less qualified for selection. Cheshire Constabulary argued that its procedure was lawful under the positive action legislation.
>
> The tribunal held that the 127 applicants who passed the final interview stage could not all be as qualified as each other, therefore discriminating on the grounds of protected characteristics at this stage did not fulfil the requirement that the candidates be otherwise equal. Further, the tribunal held that Cheshire Constabulary had acted unlawfully in applying a positive action approach because other 'positive action', such as recruitment events targeting underrepresented groups, was "bearing fruit".[315] Applying a positive action approach to a large number of recruits was therefore not proportionate, as required by s.159 of the Equality Act 2010.

Positive discrimination

197. Except in a very few specific circumstances, positive discrimination is unlawful under the Equality Act 2010.[316] Examples of positive discrimination include both requiring that new employees share a particular characteristic, and the use of quotas.

198. Exercising positive discrimination does not mean a person's suitability or qualifications for a job are irrelevant. As Matthew Ryder QC told the Committee, appointment without reference to suitability and qualifications would lead to "perverse results of wholly unsuitable applicants being placed in important roles".[317]

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312   MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service.

313   BBC News, Police force 'discriminated against white heterosexual male', 22 February 2019.

314   Mr M Furlong v The Chief Constable of Cheshire Police, Case No. 2405577/18, Reserved Judgment of the Employment Tribunal on 13 February 2019.

315   To note, the tribunal held that, where general positive action was working, that more positive action could be disproportionate as it was not necessary to achieve the stated aims.

316   Equality Act 2010, s.13.

317   MPR0083 Matthew Ryder QC.

199. There are exceptions. An employer may be able to require that all candidates for a role have a particular characteristic, for example, applicants for a job as a counsellor in a women's rape crisis centre may have to be female. This exception is tightly drawn: the 'occupational requirement' must be objectively justified and be a proportionate means of achieving a legitimate aim.[318]

200. The National Black Police Association referenced a Guardian article which asserted that, based on current rates of progression, it will be 2052 before representation in the police service matches the current level of the BME population in England and Wales.[319] As a result of this lack of progress, the NBPA recommended that a form of positive discrimination should be considered for the recruitment of officers, "to replicate the way in which progress was achieved in the Police Service of Northern Ireland".[320]

The Police Service of Northern Ireland

201. For ten years, the Police Service of Northern Ireland (PSNI) operated an affirmative action policy, making 50% of vacancies available to candidates from a Catholic background and 50% from a non-Catholic background. The PSNI's policy was provided for by primary legislation (the Police (Northern Ireland) Act 2000) which required the selection of a pool of applicants from whom the Chief Constable would provisionally appoint:

> an even number of persons of whom—
>
> (a) one half shall be persons who are treated as Roman Catholic; and
>
> (b) one half shall be persons who are not so treated.[321]

202. The legislation also provided that such provisional appointments were to be confirmed if it was determined that each individual was physically and mentally fitted for appointment and not unsuitable for appointment; but the candidate would be replaced by another candidate meeting the criteria if these conditions were not met.[322]

203. The Government also obtained a derogation for this approach from the EU Race Directive on equal treatment in employment, reflecting what the EHRC described as "a very specific confluence of historical, religious and cultural events".[323][324] Without this exemption, and the consequent domestic legislation,[325] this approach would have been unlawful. By 2011, 30% of officers were from a Catholic background, compared with 8% in 2001.[326]

204. Some senior officers have tentatively voiced support for positive discrimination. In 2015, the then Chief Constable of Cheshire Police, Simon Byrne, reportedly said that

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318   Equality Act 2010, Schedule 9, para. 1.

319   MPR0004 National Black Police Association citing It's nowhere near good enough: broken promises on police diversity, the Guardian, 5 December 2018.

320   MPR0004, National Black Police Association

321   s46 of the Police (Northern Ireland) Act 2000.

322   s46 of the Police (Northern Ireland) Act 2000.

323   Art. 15(1) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

324   MPR0048 The Equality and Human Rights Commission.

325   Art. 40A, Race Relations (Northern Ireland) Order 1997; Art. 71A Fair Employment and Treatment (Northern Ireland) Order 1998.

326   BBC News, Police 50–50 recruiting system is to end, 28 March 2011.

"there is an argument to be made for positive discrimination", adding that legislative change would "help me wrestle with the fact I'm trying to recruit from a workforce that is predominantly White".[327]

205. In February 2019, in an interview marking the twentieth anniversary of the Macpherson report, Chief Constable Sara Thornton, the then Chair of the National Police Chiefs' Council, supported positive discrimination to address the lack of diversity in policing. She said: "That is unlawful at the moment. If you want to do something to give a shock to the system and say we can't wait to 2052, I think we need to do something different".[328]

206. In July 2020, John Robins, Chief Constable of West Yorkshire Police reportedly said "he would support positive discrimination if it meant more BAME people joining the force".[329] The Yorkshire Post reported Mr Robins' concerns about the lack of BME officers within the force following a discussion with other police representatives about the Black Lives Matter movement and the "impact the global movement was having on policing". Mr Robins expressed frustration about the "legal guidelines in recruiting candidates based on ethnicity".[330]

207. The Metropolitan Police Service told us in written evidence in March 2019 that:

> The MPS is aware of the view that the Government should change the law to introduce Positive Discrimination in police forces across England and Wales. However, the MPS is not pursuing this argument and instead we are focussing on making full use of the positive action provisions within the Equality Act, such as implementing outreach, mentoring and career development support schemes, including development workshops for BAME and female candidates to prepare them for assessment centres.[331]

208. Since 2019 the Metropolitan Police Service's position has evolved on the extent to which current equality legislation can support the acceleration required to increase the proportion of BME officers in the police service.[332] Dame Cressida Dick told us in May 2021 that changes needed to be made to enable "policing to create recruitment intakes that reflect the communities they serve" while maintaining standards.[333] She said the MPS had "strongly argued" that consideration should be given urgently to temporarily lifting restrictions in section 159 (4)(b) of the Equality Act 2010 which require that any organisation which has a "policy of treating persons who share the protected characteristic more favourably in connection with recruitment or promotion than persons who do not share it" confines its use to individual cases.[334] She argued that temporarily lifting this provision for the remaining period of the police uplift programme would in principle allow the police service to apply the same tie breaker positive action method in "volume

327   The Guardian, Police chief with no black officers open to positive discrimination, 22 October 2015.

328   The Guardian, Police leader calls for laws to allow positive race discrimination, 22 February 2019.

329   Yorkshire Post, West Yorkshire Police chief constable in favour of positive discrimination to recruit more BAME police officers, 20 July 2020.

330   Yorkshire Post, West Yorkshire Police chief constable in favour of positive discrimination to recruit more BAME police officers, 20 July 2020.

331   MPR0054 the Metropolitan Police Service.

332   MPR0072 Metropolitan Police Service (July 2019); MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service.

333   MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service.

334   Equality Act 2010 (legislation.gov.uk).

recruitment" while, crucially, not reducing the standards required of police recruits.[335] The Commissioner told us that she believed this temporary change to the Equality Act 2010 would result in an acceleration of applications from meritorious Black, Asian and minority ethnic candidates.[336]

209. In November 2020, the Mayor of London's Transparency, Accountability and Trust in Policing Action Plan stated that the Mayor would "lobby the Government to review the legislative framework for police officer recruitment to ensure it is fit for purpose and supports efforts to maximise the number of Black recruits".[337] At the National Policing Board meeting on 4 November 2020, the minutes state that AC Neil Basu "reflected that it may be worth looking at the provisions of the Equality Act 2010 around positive discrimination if recruitment is to increase diversity at pace".[338]

210. The Home Office made clear its opposition to positive discrimination at the beginning of our inquiry, in written evidence in January 2019, stating:

> We continue to be clear that […] calls for the use of positive discrimination in forces are unjustified. Forces are making real progress and to introduce such action would not only erode the credibility and confidence of individual officers but would undermine the public's expectation that progression in the police is based on merit alone.[339]

211. The solicitor and lawyer to Baroness Lawrence, Imran Khan QC, and the National Black Police Association have, during this inquiry, advocated the use of positive discrimination as a way of addressing the persistent under-representation of Black and minority ethnic police officers. Imran Khan QC told us that positive discrimination "does not mean that an applicant is appointed regardless of their suitability for the job". He argued that "positive discrimination is not to force people into positions for which they are unqualified but to encourage institutions to develop realistic criteria for the enterprise at hand and then to find a reasonably diverse mix of people qualified to be engaged in it".[340] The provisions of the Police (Northern Ireland) Act 2000 show precisely that candidates provisionally appointed through positive discrimination in that case were then required to meet suitability criteria before their appointments might be confirmed.[341]

212. **Despite commitments made over many years police forces across the country have failed to do enough to increase BME recruitment, retention and promotion for decades. There has been a lack of focus, consistency and leadership in driving BME recruitment and promotion in the police service and it has not been taken seriously by either policing or political leaders for far too long.**

335   MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service; a manifesto commitment of the current Government was a pledge to recruit an additional 20,000 police officers in England and Wales by 31 March 2023.
336   MAC0056, Written evidence submitted by the Commissioner of the Metropolitan Police Service.
337   Mayor of London, Action Plan – Transparency, Accountability and Trust in Policing, 13 November 2020.
338   Home Office, National Policing Board, Minutes, 4 November 2020.
339   MPR0029 Home Office.
340   MPR0078 Imran Khan QC.
341   s46 of the Police (Northern Ireland) Act 2000.

213. **Our analysis suggests that, on the current rate of progress, we will not have properly representative police forces in England and Wales for another twenty years.**[342] **That would be four decades after the Macpherson report raised the seriousness of this issue and nearly half a century after the murder of Stephen Lawrence. This undermines legitimacy and trust and is completely inexcusable. Urgent action is needed.**

214. **The Government has committed to the recruitment of an additional 20,000 police officers by 31 March 2023.** *We agree with the Home Secretary that the uplift must be used to make immediate and significant progress in tackling the persistent under-representation of BME communities within the police force. We also welcome the work done by some forces over the last year to achieve an increase in the number of BME recruits. But we need a substantial and sustained increase from all forces. We are already into the second year of a three-year increased recruitment programme, so both police forces and the Home Office need to act fast to make sure that this vital opportunity to accelerate change is not missed.*

215. **Much stronger national action is needed. We recognise the various equality and diversity initiatives that have been undertaken by different policing bodies but in practice they have not delivered sufficient focus or progress on BME recruitment or tackling race inequality within forces. Strategies and guidance are also ineffectual without consistency in their implementation and delivery across all forces.** *The Home Office must therefore set out a new framework and strategy to increase BME recruitment and ensure that all forces commit to action, not just some.*

216. *We recommend that the Government agrees minimum targets for the recruitment of BME officers with each constabulary reflecting the respective composition of its local population, in order to achieve at least 14% of officers nationally by 2030. These should include immediate targets for this year's new BME recruitment to reflect the proportion of BME residents in the local community as well as longer term targets for representation across the force. A national strategy should be drawn up by the National Policing Board drawing together the Home Secretary, the NPCC and other policing organisations, setting out a clear plan with a timeline, rigorous scrutiny on progress and remedial measures for failure to achieve these targets.*

217. *The Home Secretary must also set clear, measurable race equality objectives for individual police forces in relation to ethnic diversity, retention and progression, performance against which should be reported annually.*

218. *It is welcome that forces such as the West Midlands and Leicestershire have already made clear commitments both on immediate recruitment levels and the overall proportion of BME officers in the force over time. Other forces need to be more ambitious or the immediate opportunity to improve workforce diversity significantly, provided by the current uplift, will be lost.*

219. **It is particularly disappointing that the number of forces achieving representative recruitment is not higher since it is clear that forces which have made a focused effort to do so are able to achieve representative recruitment. The recent progress by forces in Greater Manchester and Nottinghamshire has shown that it is possible rapidly to**

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342   House of Commons Library analysis based on Home Office Police Workforce Open Data Tables, and the 2011 Census, as checked against Home Office Ethnicity Facts and Figures.

increase the proportion of new BME recruits into line with the proportion of BME residents in the local population.[343] **Best practice from forces which are successful in achieving representative recruitment should be shared across police forces and Chief Constables held to account for their success or failure to achieve representative recruitment.**

220. *We recommend that the Association of Police and Crime Commissioners works with Police and Crime Commissioners (PCCs) to enable force level comparison, and shared learning from different PCCs' approaches to addressing race equality in recruitment to the police service.*

221. *All forces must do far more to use the positive action provisions of the Equality Act 2010 to develop targeted recruitment campaigns, mentoring and support.* Some forces have used those provisions very effectively to increase BME recruitment significantly in a short space of time. But we have been troubled to find that until recently many forces have failed to use the full scope of provisions permitted under the positive action provisions of the Equality Act 2010 to improve recruitment and progression, despite falling far behind in achieving recruitment that is representative of their local communities.

222. The evidence from forces which do use a positive action approach demonstrates that forces should be able to achieve their targets using tried and tested positive action measures. Given the success these forces have had, we believe that chief officer teams should be required to use the positive action tools available to them and made accountable for their progress.

223. *Given the enduring nature of this problem a clear framework is needed for holding Chief Constables and police forces to account and ensuring that there is follow up action where forces do not make sufficient progress.*

224. *Progress against local targets must be assessed regularly by the Home Secretary, acting through the National Policing Board. We welcome the commitment made by HMICFRS to include recruitment in their inspections on disproportionality.[344] Representative recruitment must be treated as a key measure of legitimacy in HMICFRS' regular inspections.*

225. *The Home Secretary has powers in legislation to require HMICFRS inspections where there are concerns about force operational performance on particular matters, and to require specified measures in the face of persistent failings.[345] Given the importance of representative recruitment to restoring legitimacy and confidence as well as the lack of progress on this issue over decades since the Macpherson report, we recommend that the Home Secretary use these powers where forces continue to fail to make sufficient progress. Where forces fall short of their target on new BME recruits after two years, HMICFRS should conduct detailed assessments and report to the Home*

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343   See paras 135, 177, 184–185

344   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p43.

345   Under section 54 (2B) of the Police Act 1996, the Home Secretary may, at any time, require the inspectors of constabulary to carry out an inspection on "particular matters or to particular activities of that force"; HMICFRS, Inspection of the performance of the Home Office police forces, October 2019, p33, paragraph 105: during the "Engage" stage of the HMICFRS monitoring process, the force is expected to work with the support of HMICFRS, the College of Policing, NPCC, APCC and the Home Office to address the concern.

Secretary and National Policing Board any forces which are still not demonstrating sufficient improvements, and the Home Secretary should use her powers to require the local policing body (the PCC/combined authority mayor) to take specified measures to address the concern.[346]

226. **We believe that most forces should be able to make rapid progress with clear targets and using the positive action provisions in the Equality Act 2010 we have identified. We heard concerns raised by the Metropolitan Police that some of the Equality Act provisions cannot be applied in the same way to large volume recruitments of the kind that police forces undertake and that temporary changes to the legal framework are needed in order to make rapid progress during the current recruitment uplift. We note with interest Dame Cressida Dick's proposal to make temporary changes to section 159 (4)(b) of the Equality Act 2010 for the remaining period of the police uplift programme. She argued that this would enable the police to accelerate the recruitment of meritorious Black and minority ethnic candidates by applying, in principle, the same tie breaker positive action method that is already legal in individual appointment decisions to large volume policing recruitment campaigns.**[347] **We have not had the opportunity to take evidence on the workability or legal merits of Dame Cressida Dick's proposition but we consider that a proposal on this issue from the Commissioner of the Metropolitan Police is worthy of the most serious deliberation.** *We recommend the Home Office urgently investigates the feasibility of the Commissioner's proposal and reports the outcome of this investigation to us at the first opportunity.*

227. **The significance of representation for the legitimacy of the police, and for the Peel principle that the police are the public and the public are the police, means that the Home Office must ensure that all forces can make the progress required to address historic underrepresentation, with all recruits meeting the standards required from our police officers in order to sustain local legitimacy. We agree with former Greater Manchester Chief Constable Sir Peter Fahy that the police service holds a unique position with a need for legitimacy in its use of power and that, where appropriate, additional measures could be justified to ensure that the police are broadly representative.** *The Home Office should also work with the Law Commission on measures which might be considered where forces can show that tried and tested positive action measures have not successfully addressed historic underrepresentation, and where such additional measures might be required in order to sustain local legitimacy. This should include examining the Metropolitan Police proposal or other approaches, for example to broaden the tie breaker provisions so they can be more easily applied to larger recruitment processes—not just to individual appointments—or other ways to allow forces to give priority to suitably qualified BME candidates as, for example, attempted by Cheshire Police in 2017. Furthermore whether the proposal by Dame Cressida Dick is deemed feasible or not, we recommend that the Home Office affirms to forces that it wishes to see*

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346   House of Commons briefing paper, Policing in the UK 3 June 2021, p8: "Under sections 40, 40A and 40B of the Police Act 1996 (as amended) the Home Secretary can issue directions requiring local policing bodies take specified measures to address their own failure (or potential) to execute their functions efficiently and effectively or the failure (potential failure) of their force to execute its functions efficiently and effectively. These directions can be used be used to require PCCs submit an "action plan" to the Home Secretary detailing how they will address their force's failings".

347   Government Equalities Office, Equality Act 2010: What do I need to know? A quick start guide to using positive action in recruitment and promotion, January 2011, p4.

more progress against these measures and that Chief Constables and their senior officer teams will be held accountable for their success or failure in achieving representative recruitment.

228. **Without clear action we fear that in ten years' time successors to our Committee will hear the very same arguments and evidence about recruitment and retention that have been rehearsed for over twenty years, and the effectiveness and legitimacy of the police service will be further undermined amongst those communities and interest groups the police have committed to work with and represent.** *The Home Secretary has described the police recruitment programme as a "once in a lifetime opportunity" to create a police service that represents the communities it serves. That opportunity must not go to waste.*

5   Police misconduct and discipline

> The biggest barriers still appear to be in the areas of progression and under-representation. The data shows that BME employees are under-represented in progression and recruitment but over-represented in misconduct and grievance cases, dismissals and retention rates. To me, that is not just coincidental—it is not a roll of the dice. There is some sort of failure at some point that, in my humble opinion, has to be attributed to the leadership of the service.

Source: Inspector Mohammed[348]

229. As part of our assessment of the progress by police forces against the Macpherson report's recommendations about diversity within the police workforce, we repeatedly heard concerns about the higher likelihood of BME officers resigning voluntarily or being dismissed from their force. In this chapter, we therefore examine the police misconduct and discipline system and the difference in outcomes for BME and White officers.

Police officer voluntary resignations and dismissals

230. The most recent Home Office figures for the year 2019/20 show that BME officers were more than twice as likely to exit the police service through dismissal than White officers (see Figure 8) and over one and half times more likely to resign.[349]

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348   Q44.

349   Home Office, Police Workforce, England and Wales, 31 March 2020, second edition, p32; these rates also include cases where a contract was terminated for reasons other than misconduct; these figures are not broken down by ethnic categories: only BME compared to White).

Figure 8 Number of officers leaving by each exit route per thousand officers, by ethnicity, 2019/20, England and Wales.[350]

Figure 6.5:   Number of officers leaving by each exit route per thousand officers, by ethnicity, 2019/20, England and Wales[1,2,3]
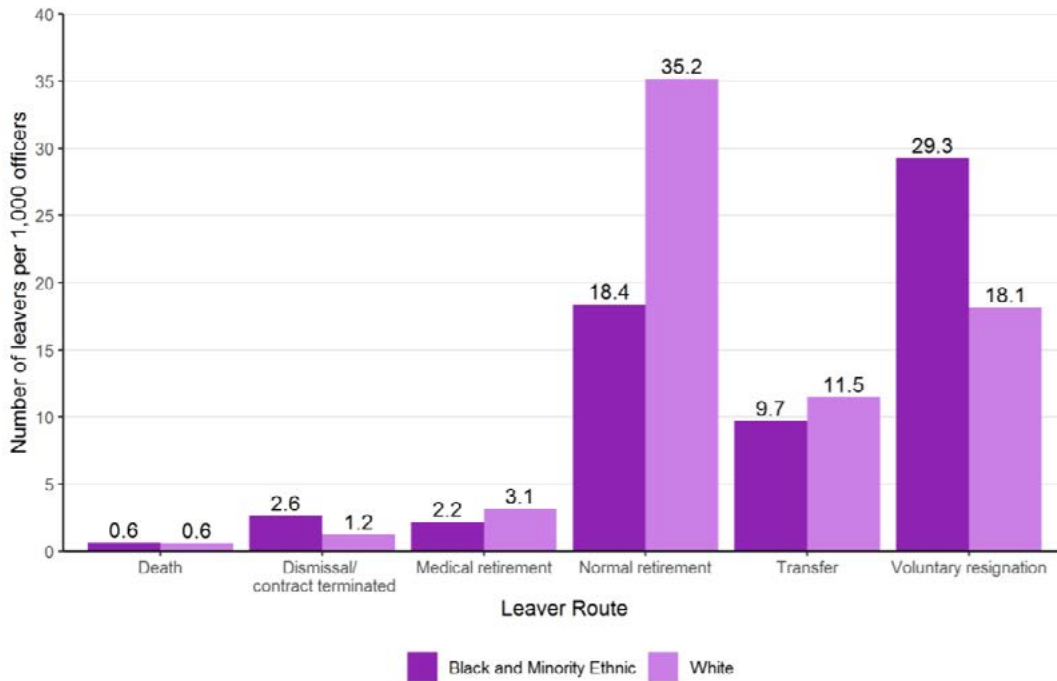
Between 2007 and 2019:

- The number and rate of BME leavers increased from 4.9% of all BME officers in 2007/08, to 6.4% in 2019/20; and

- the number of White leavers also increased over the period from 5.6% of all White officers in 2007/08, to 7% in 2019/20.[351]

231. While there is no obvious trend in the number or percentage of BME officers dismissed over time (2007 to 2019), there is a disparity between ethnic groups over the whole period: BME officers accounted for 13% of all dismissals compared to 5.3% of all police officers. White officers accounted for 87% of all dismissals compared to 94.7% of all police officers.

232. The percentage of BME officers leaving over the period 2007/08 to 2019/20, (5.1% of BME officers) is below that of White officers (6.3% of White officers). This suggests that BME officers are less likely to leave the police service than their White counterparts. However when the exit routes of police officer leavers are further examined (see Figure 9 below; supplementary data is shown in Figure 16 in the Annex) the data show that there are considerable disparities in the percentage of both BME officer dismissals (7.7%) and voluntary resignations (42.1%) compared to White officer dismissals (2.4%) and voluntary

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350   Home Office, Police Workforce, England and Wales, 31 March 2020, second edition, p32; these figures are not broken down by ethnic categories: only BME compared to White).

351   House of Commons library estimates from Home Office, Police Workforce, England and Wales, 31 March 2020, second edition: ethnicity open data tables, accessed 20 November 2020. Note that the time series for this data spans 2007–2019 as these are the years for which there is complete data available.

resignations (23.2%). That is, BME officers are more than three times more likely than their White counterparts to leave because they have been dismissed and, almost twice as likely to resign voluntarily compared with their White peers.

Figure 9: Number of officers leaving by each exit route per thousand, by each exit route per thousand officers, by ethnicity, 2007/8 to 2019/20.[352]
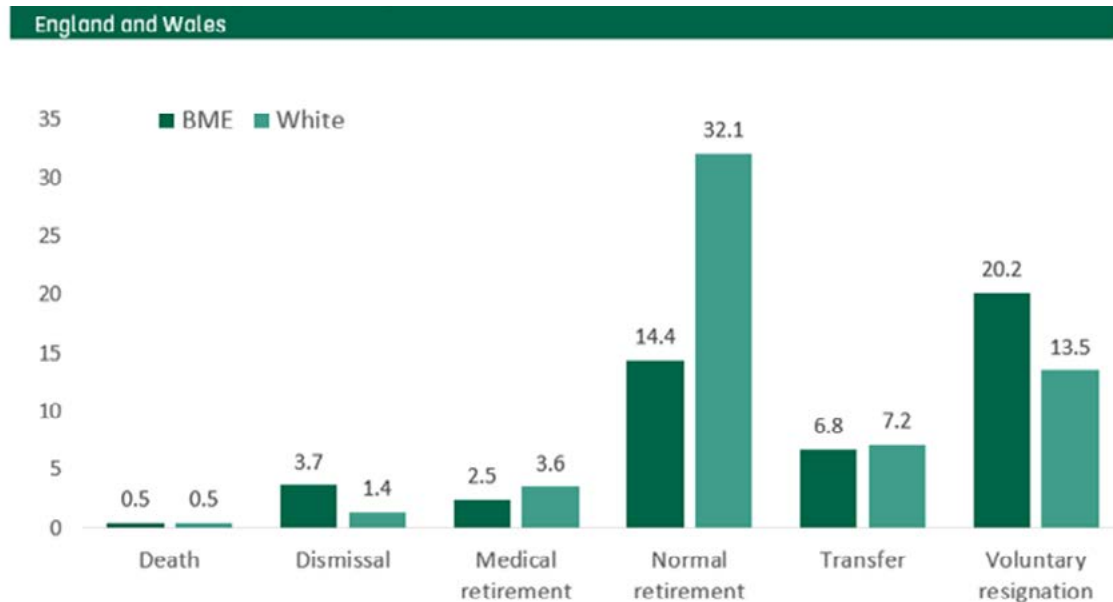
Source:
HC Library estimates from Home Office: *Police workforce, England and Wales, 31 March 2020: leavers open data tables;* and *Police workforce, England and Wales, 31 March 2020: ethnicity open data tables,* accessed 20 November 2020

Notes:
Excludes cases where the ethnicity of the leaving officer is unknown.
Excludes transfers to other forces.
Leaving rates are calculated as number of officers leaving via that route in 2019/20, as a proportion of officers employed by the forces as at 31 March 2019 per thousand officers.

233. The National Association of Muslim Police highlighted that BME officers were more likely to be dismissed than their White counterparts, arguing that disproportionate dismissal rates undermined "the efforts of recruitment".[353] This evidence was supported by written evidence from the National Black Police Association who also highlighted disproportionate dismissal rates in relation to internal misconduct processes.[354]

The police discipline system

234. All police officers and staff are expected to maintain the highest of standards when performing their public duties. These standards of professional behaviour are outlined in the Police (Conduct) Regulations 2020 which apply to "all police officers and special

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352   House of Commons library analysis from Home Office, Police Workforce, England and Wales, 31 March 2020: leavers open data tables; and Police Workforce, England and Wales, 31 March 2020: ethnicity open data tables, accessed 20 November 2020.

353   MPR0039 National Association of Muslim Police.

354   MPR0004 National Black Police Association.

constables, with equivalents in local policy for police staff".[355] The College of Policing's Code of Ethics, issued in 2014, outlines the principles and expected standards of professional behaviour for everyone working in policing across England and Wales.[356]

235. Home Office guidance on police officer conduct stipulates that a breach of the Code of Ethics "will not always involve misconduct or require formal action under the Conduct Regulations". It states that managers, forces' professional standards departments and appropriate authorities are expected to "exercise sound professional judgement and take into account the principle of proportionality in determining how to deal effectively with relatively minor shortcomings in behaviour".[357] The guidance also outlines the importance of identifying "the actual behaviour" in any misconduct procedure that is "alleged to have fallen below the standard expected of a police officer, with clear particulars describing that behaviour".[358]

236. The police disciplinary system deals with situations where there is a credible allegation of a breach of the policing standards of professional behaviour that is sufficiently serious to warrant disciplinary action.[359] This suspected misconduct might be discovered through a public complaint or a conduct matter arising from an internal misconduct allegation.[360] An incident such as a death or serious injury following contact with the police might also warrant disciplinary investigation.[361] Serious misconduct may also lead to criminal investigation.[362]

Internal misconduct and ethnicity

237. In written evidence to the Committee the Metropolitan Black Police Association (MBPA) emphasised the need to "identify, understand and address racial disproportionality in discipline and complaints for ACA (African Caribbean and Asian) police officers and staff". It argued that this was key to tackling "their stubborn lack of progression", and called for a review of police professional standards directorates to understand whether the perception of those directorates as "a bastion of institutionally racist practice" was founded in reality.[363]

238. Given the Home Office data showing ethnic disproportionality in police officer dismissals and voluntary resignations and the evidence we received on this topic,[364] we sought to collate further information about the nature of internal misconduct proceedings in the police service across England and Wales. Specifically, we were interested in examining whether ethnic disproportionality in 'leaving data' might be informed by the

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355   Home Office, Police Workforce, England and Wales, as at 30 September 2020, p7, published 28 January 2021; Police (Conduct) Regulations 2020, Schedule 2.

356   College of Policing, Code of Ethics, July 2014.

357   Home Office Guidance, Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing, 5 February 2020, p10.

358   Home Office Guidance, Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing, 5 February 2020, p10.

359   Regulation 2, The Police (Conduct) Regulations 2020; note that not all poor police behaviour engages the discipline system: other processes for example a reflective practice review process is initiated when police conduct falls short of what is expected but does not warrant disciplinary action.

360   House of Commons briefing paper, police complaints and discipline, 4 September 2020, p7.

361   House of Commons briefing paper, police complaints and discipline, 4 September 2020, p7.

362   House of Commons briefing paper, police complaints and discipline, 4 September 2020, p11.

363   MPR0032 Metropolitan Black Police Association.

364   MPR0032 Metropolitan Black Police Association; Home Office; Police Workforce, England and Wales, 31 March 2020, second edition, p32.

way in which misconduct cases were handled. We found a series of investigations which raised concerns about lack of fairness which we set out below. But we also found it very difficult to obtain reliable and comparative data.

239. In 2019 we were concerned to learn from Michael Lockwood, Director General of the Independent Office for Police Conduct (IOPC), that the IOPC could not provide comprehensive data regarding the ethnicity of police officers whom it has investigated.[365] This meant that the IOPC was unable to provide assurance to us about potential ethnic disparity within its independent investigations portfolio. However, in March 2020 Michael Lockwood wrote to confirm that, for any IOPC independent and directed investigations started after 1 June 2020, it would be "asking all officers and staff who are a subject in an investigation to provide their self-defined ethnicity". He acknowledged that police officers and staff cannot be required to provide this information but hoped that they would comply.[366]

240. In January 2020, the Home Office published experimental statistics relating to police misconduct.[367] However, data on misconduct was not provided by gender or ethnicity in the statistical release or accompanying data tables, and no explanation was given for this lack of ethnicity data.[368]

241. Due to the limited Home Office data available on the number and nature of misconduct cases involving BME police officers and staff, we wrote in 2019 to the 43 forces in England and Wales with a series of questions focussing on the number of BME officers and staff involved in misconduct procedures between 1 January 2009 and 31 December 2018.

242. Out of the 43 forces we wrote to, 42 responses were received. However, due to forces' varied approaches to our request, we were unable to draw any conclusive findings from the data about trends across or within forces because of inconsistencies and irregularities in data collection at force level. For example, we noted differences in the ethnic group classifications used by police forces; some forces presented data by financial year while others used calendar year as annual markers and there were generally differences in data categorisation.

243. Concerns about the availability and quality of police misconduct data had previously been raised by HMICFRS, which reported in 2015 that forces:

> […] have not done enough to demonstrate to their workforce that complaints or allegations of misconduct will be treated fairly and equally–whoever is the subject of the complaint. While the data suggested differences in the way Black, Asian and minority ethnic people were treated compared with White people, the lack of consistency and completeness meant that we were

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365   Q335-Q338; MPR0063 Independent Office for Police Conduct.

366   Letter from Michael Lockwood to the Rt Hon Yvette Cooper MP, 27 March 2020. The role of the Independent Office for Police Conduct is discussed in more detail in chapter nine.

367   Home Office, Police Workforce, England and Wales, as at 30 September 2019, published 30 January 2020; the Home Office highlighted that misconduct data "have been designated as Experimental Statistics, to acknowledge that further development will take place in the coming years".

368   Home Office, Police Workforce, England and Wales, as at 30 September 2019, published 30 January 2020; the Home Office also noted that different discipline systems exist for police officers and police staff (which includes civilian staff, PCSOs, designated officers and traffic wardens) which means that there are often different processes and recording practices for staff cases of misconduct and gross misconduct.

not able to comment conclusively on whether bias exists. That forces do not have a good enough understanding of their data to identify and address this issue is unacceptable.[369]

244. In 2015 HMIC (now HMICFRS) examined data from 11,000 internal misconduct cases and found differences that raised questions about "fairness and consistency".[370] During its inspection HMIC discovered that "in a small number of forces" public complaints or misconduct allegations against BME officers or staff were more likely to be escalated to the professional standards department for consideration, rather than being dealt with "swiftly and informally".[371] In addition, police staff networks told HMIC that fear of accusations of discrimination or bias apparently led to more complaints against BME individuals being referred to professional standards departments for formal investigation, with the result that "BAME officers or staff were treated more severely than their White colleagues".[372] Echoing these reports, the National Association of Muslim Police (NAMP), the National Black Police Association and the Metropolitan Black Police Association all told us that where BME officers or staff were alleged offenders, these cases were more likely to be dealt with under disciplinary procedures where higher and more severe sanctions were handed out.[373] Detective Janet Hills, Chair of the MBPA, emphasised the need for mistakes to be dealt with at line manager level to reduce the disproportionate numbers of BME officers being subjected to misconduct processes.[374]

245. In its 2017 legitimacy report, HMICFRS found that little had progressed since its 2015 report with regard to confidence among some local managers in using misconduct procedures.[375] HMICFRS stated that it "did not find many examples of forces that have taken concerted action to understand and tackle the problem".[376] Although HMICFRS noted differences and concerns about ethnicity in terms of misconduct, it did not outline any clear actions to remedy them.[377] Her Majesty's Inspector Matt Parr told us in 2019 that, since HMIC's 2015 police legitimacy inspection, the problem of ethnic disparity in police officer dismissals had not disappeared.[378]

MOPAC 2016 report

246. In 2016 research was carried out by the Mayor's Office for Policing and Crime (MOPAC) into the extent to which ethnic disparity featured within Metropolitan Police Service officer misconduct data.[379] It concluded that between 2012 and 2015 BME officers made up 14 percent of the MPS workforce, but accounted for 21.5% of those subjected to a misconduct allegation.[380] The research presented three main theories on the potential

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369   HMIC, PEEL legitimacy 2015, a national overview, p9, February 2016.

370   HMIC, PEEL: Police legitimacy 2015, a national overview, February 2016; There would be a case to answer where there is sufficient evidence upon which a reasonable misconduct meeting or hearing could, on the balance of probabilities, make a finding of misconduct or gross misconduct.

371   HMIC, PEEL: Police legitimacy 2015, a national overview, February 2016, p28.

372   HMIC, PEEL: Police legitimacy 2015, a national overview, February 2016, p28.

373   MPR0039 National Association of Muslim Police; Q45, Q54, Q61, Q62.

374   Q54.

375   HMICFRS, PEEL: Police legitimacy 2017, a national overview, December 2017.

376   HMICFRS, PEEL: Police legitimacy 2017, a national overview, p.58, December 2017.

377   HMICFRS, PEEL: Police legitimacy 2017, a national overview, December 2017.

378   Q338.

379   Disproportionality in Misconduct Cases in the Metropolitan Police Service, December 2016.

380   Disproportionality in Misconduct Cases in the Metropolitan Police Service, December 2016 p6.

reason for this over-representation: fear of being accused of racism; conscious/unconscious bias; and failure to deal with difference. However, it could not confirm to what extent—if at all—any of these theories were applicable to the force.[381]

247. MOPAC found that BME police officers were not only "twice as likely as White officers to be subject to misconduct allegations" in the Metropolitan Police Service but were also "more likely to have a misconduct allegation substantiated, as compared to officers from a White background (48% vs 39%)".[382] Conversely however, the research found that there was "no disproportionality gap in the number of public complaints made against BAME and White officers".[383]

248. In 2017 MOPAC presented an action plan to tackle the problem. Proposed actions were reported to include: specific training for investigators or supervisors in dealing with unsatisfactory behaviour and encouraging early resolution; more generic training on diversity and dealing with difference; better provision of information; developing positive behavioural change; and changes to processes or approaches that encourage and support de-escalation and informal resolution.[384]

249. The Metropolitan Police Commissioner told us in 2019 that following an EHRC investigation into the Metropolitan Police Service's handling of discrimination claims by staff in 2016, and in response to ongoing ethnic disparity in internal police misconduct cases, the MPS had created "a specially trained Discrimination Investigation Unit (DIU)" which was "dedicated to investigating discrimination allegations, whether from a public complaint or an internal conduct allegation".[385] It had also set up a grievance helpline to enable staff and officers to access support with any workforce concerns.[386] We were told that MOPAC's 2018 update report showed that the Metropolitan Police Service had "slightly narrowed the gap but you are still 1.8 times more likely to be subject to a misconduct allegation if you are from a Black and minority ethnic background".[387]

How forces deal with allegations of discrimination

250. The Independent Office for Police Conduct (IOPC) told us that in 2017 it had published a report about how Greater Manchester Police, West Yorkshire Police, and West Midlands Police had dealt with allegations of discrimination. The IOPC stated that:

> The Review found a majority of [force] investigations reviewed by the IOPC did not go far enough to address the allegations of discrimination contained within them. We continue to work constructively with police forces to improve their handling of complaints containing allegations of discrimination.[388]

381   Disproportionality in Misconduct Cases in the Metropolitan Police Service, December 2016 p3.

382   MOPAC, Disproportionality in Misconduct Cases in the Metropolitan Police Service, December 2016, p7.

383   MOPAC, Disproportionality in Misconduct Cases in the Metropolitan Police Service, p3, December 2016.

384   MOPAC, Disproportionality in Misconduct Cases in the Metropolitan Police Service, p16, December 2016; Tackling disproportionality in the police officer misconduct process, 28 July 2017.

385   MPR0072 the Metropolitan Police Service; Equality and Human Rights Commission (2016), 'Section 20 investigation into the Metropolitan Police Service'.

386   MPR0072 the Metropolitan Police Service.

387   Q62; MPR0070 NPCC - this evidence referenced the latest MOPAC report: Misconduct Cases in the MPS: Follow up on the findings of the MPS Misconduct Review 2015-October 2018-MOPAC Evidence and Insight.

388   MPR0022 IOPC.

251. Similarly, Inspector Mohammed and Detective Sergeant Hills highlighted the difficulty in responding effectively to complaints made against BME officers and staff. They said that much of the process happened behind closed doors and that requests for information were denied through data protection rights. Detective Sergeant Hills said:

> On that point, if I made an allegation or complaint that somebody had been racist towards me and a report was written, and I wanted to see it to ask, "How have you come to a conclusion that there is no case to answer?", it is not available to you. You cannot get it. I cannot see why you shouldn't be allowed to have that information, because it is based on you.[389]

252. Inspector Mohammed told us that some "victims of racism" within the police had experienced a defensive attitude from forces: he said that this was due to forces' fear of any reputational damage that might ensue if such incidents were put into the public domain. Consequently, he argued that forces' defensive approach to allegations of racial discrimination explained why there were a number of out-of-court settlements.[390]

253. The National Black Police Association told us of cases where BME officers had raised concerns or had acted as whistle-blowers on race discrimination and then subsequently had been subjected to disciplinary action. It told us there had been a number of employment tribunals on such cases.[391]

NPCC review on ethnic disparity in police misconduct

254. Deputy Chief Constable Phil Cain of the NPCC told us in 2019 that it had commissioned a review "to better understand the disproportionality of disciplinary and misconduct outcomes for BAME police officers and staff".[392] The research was prompted by "the growing statistical evidence of disproportionality of outcomes of misconduct cases for BAME officers". The NPCC had worked closely with the National Black Police Association (NBPA) to develop the work and the NBPA had been "essential in encouraging their membership to engage and participate in this review".[393] The review was published in March 2020.[394]

255. The review of 15,441 complaints recorded in UK-wide Professional Standards Department data between 1 January and 31 March 2019 sought to establish why disproportionality was occurring, and to broaden the evidence base from earlier academic research. It found that the issue was reflected across the service and was not limited to metropolitan forces which had previously been studied. It concluded that the study:

> … has identified that the issue is service wide yet the response to identifying and removing disparity within misconduct has been sporadic.[395]

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389   Q61
390   Q62
391   MPR0004 National Black Police Association.
392   MPR0070 National Police Chiefs Council.
393   Ibid.
394   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020.
395   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p7.

Key findings of the NPCC review

256. As described to the Committee by other witnesses, the NPCC review found a disparity in the number of internal conduct allegations against BAME officers which are referred to Professional Standards Departments (PSDs): it stated that supervisors of all backgrounds fail to deal with low level conduct allegations appropriately either through fear of being called racist or through not having the knowledge to deal with the issue appropriately.[396] In reaching this finding it reported that both BAME police officers and supervisors agreed on the causes of this disparity, and on the measures required for improvement.[397] This disproportionality in relation to internal conduct allegations was not repeated in respect of public complaints, which were proportionate to BAME representation in the police workforce in England and Wales.[398]

257. The NPCC review also noted that PSDs are inconsistent in their consideration of cultural factors, guidance and working practices, and the wider context in which the allegation has been made—particularly failing to explore if there is a 'trigger incident' such as whistleblowing or a complaint of racism which may have a bearing.[399] The NPCC described this inconsistency as a 'postcode lottery' for severity assessment findings for BAME officers.[400]

258. Research demonstrated that the final outcome of misconduct investigations against BAME officers was "significantly more likely to result in low level or no sanction outcomes" for these officers than their White colleagues.[401] The NPCC report concluded that this indicated disproportionality in the process, where low level allegations should have been dealt with by supervisors; it noted that unnecessary PSD investigation could have a significant negative impact on the "health, reputation, career progression, family and community of that BAME officer".[402] It also noted that BAME officers were less likely to promote joining the service within their communities as a consequence of their experiences.[403]

259. The report found that 63% of all Professional Standards Departments included no BAME police officers or staff while, of the 39 Counter Corruption Units which responded to the request for data, 79% (31 PSDs) had no BAME police officers or staff.[404]

396   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p4.

397   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p5.

398   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p5.

399   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p4.

400   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p3.

401   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p3.

402   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p3.

403   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p5.

404   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p6.

Data

260. While the issue was formally outside its remit, the NPCC report also recorded a continuing concern, separately identified by HMICFRS and the Home Office in its statistical publications, that forces are inconsistent in the way they capture data on protected characteristics within PSDs; this variation consequently impacts upon Home Office and IOPC data set requests.[405] However, the key finding of disproportionality stood in spite of these difficulties with the data.[406] The NPCC noted that the database used by PSDs (Centurion) is capable of producing reports and called for better alignment of data to enable accurate reports of service-wide performance to be produced.[407]

NPCC recommendations for tackling disproportionality

261. The NPCC made a number of recommendations to tackle the failings identified in its 2019 report. These were grouped under the headings: strategic partnership work; Professional Standards Departments; training and development and workforce and wellbeing. The follow-up work from this review was reported to us in 2021 and is outlined below in relation to the relevant recommendations.

262. The report's recommendations included (but were not limited to):

- Partnership working between the NPCC, Home Office, IOPC, HMICFRS and College of Policing to develop a common data set which would enable the capturing of data within PSDs, and periodic reporting on performance and the impact of disproportionality;[408]

- The introduction of questions measuring progress on disproportionality in HMICFRS' PEEL (Police Effectiveness, Efficiency and Legitimacy) inspection framework from 2021;[409] and

- Incorporation into misconduct guidance of a means to identify and assess "trigger incidents" and any detriment arising from these.[410]

263. Currently the Home Office publishes misconduct data in its national Police Workforce Statistics report together with other disconnected data sets.[411] In its 2021 update the NPCC reported that agreement had been reached with key stakeholders: the Home Office Police Integrity Unit (PIU), the College of Policing, IOPC and HMICFRS that the "new Home Office Annual Data Requirement will collect data on the protected characteristics of those touched by the conduct and discipline system".[412] To achieve this the new common data

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405   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p6.

406   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p3.

407   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p6.

408   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p7.

409   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p8.

410   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020, p8.

411   MAC00052, NPCC.

412   MAC00052, NPCC.

set will be applied across all 43 police forces, who will be required to collect information on ethnicity alongside other data which will allow for intersectional analysis.[413] It is expected that this data will be published for the first time in October 2021 in a standalone document.[414] The NPCC reported that all principal stakeholders (the Home Office PIU, the College of Policing and HMICFRS) have agreed that Police Standards Departments should also incorporate the same standardised system for gathering data on protected characteristics including ethnicity in their case management systems.[415]

264. The NPCC reported it had discussed with HMICFRS the introduction of questions measuring progress on disproportionality in misconduct proceedings for BAME police officers and staff in its PEEL inspection framework.[416] Whilst the PEEL framework for professional standards for 2020/21 had already been agreed, with a focus on counter corruption, the NPCC said it had requested examination of BAME disproportionality as a topic of inquiry in the following year's PEEL inspection programme.[417]

265. **Key recommendations of the NPCC report**[418] **are set out in the text box below:**

Recommendations from the NPCC report

- Consistent understanding and application of best practice guidelines across UK Professional Standards Departments (PSDs), to understand cultural difference for allegations and counter corruption intelligence;

- Supporting an increase in diversity and representation within PSD establishments through a bespoke positive action programme;

- Investment in comprehensive cultural awareness training for all, potentially modelled on training provided by the Metropolitan Police Service that seeks to develop an understanding of localised cultural awareness of communities being served by the force;

- Supporting a culture of empowerment to encourage supervisors to deal with complaint and conduct matters instead of referring them to PSDs; and

- Improving welfare support for those under investigation, taking into account needs related to a protected characteristic.

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266. Positive work is taking place in some forces to address the impact of a lack of BME officer representation in PSDs, including Lancashire Police's appointment in 2020 of a Disproportionality/Link Worker working with the PSD to devise and implement strategies to reduce or mitigate against disproportionality, real or perceived.[419] However the NPCC

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413   MAC00052, NPCC.

414   MAC00052, NPCC.

415   MAC00052, NPCC.

416   MAC00050 NPCC.

417   MAC00050 NPCC.

418   NPCC, Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019, March 2020 p64.

419   Lancashire Constabulary, PSD report, 16 March 2021, Item-4-PSD-Report-Part-1.pdf (lancashire-pcc.gov.uk)

also noted that many force specialist units are undertaking identical approaches to improving diversity and representation to improve the significant under-representation of diverse groups within PSDs and recruiting from the "same finite pool of resources".[420]

267. **There is clear racial disparity in the number of officers being dismissed from police forces—BME officers are more than twice as likely to be dismissed as White officers—and in the number of BME officers and staff being subjected to internal disciplinary processes. We welcome the recent work by the NPCC to instigate reforms. However it is extremely troubling that this disparity has been allowed to continue for so long without serious action being taken by police forces to investigate or address the problem.**

268. **It is completely unacceptable that forces' data on ethnic disparity in police misconduct has been inconsistent and incomplete to the point where it cannot be understood or acted upon. We are appalled that it has not been possible for us even to assess the extent of racial disparities in the misconduct system fully due to inadequacies in data gathering by forces. We welcome the recent agreement between the Home Office and NPCC to gather more comprehensive, comparable information this year. However it is unacceptable that it has taken a full six years after HMICFRS warned about the problem for the Home Office and the majority of individual police forces to manage to establish effective, comparable ways of collecting data. Remarkably, the IOPC had not deemed it necessary to gather information by ethnicity in advance of us raising the issue with them. This combined failure by the Home Office, national policing organisations and police forces to conduct rigorous and systematic analysis of misconduct data for so long demonstrates the complacency regarding this issue across the police service.**

269. **We take some encouragement from the NPCC's national review into ethnic disparity in police misconduct and the work done by some individual forces to attempt to close the gap. The follow-up work from this review which has been reported to us in 2021 shows that the NPCC has recognised and accepts the need to prioritise correction of these failings. However, it is essential that progress is consistently monitored and reported transparently across all forces. *Progress in implementing the NPCC review recommendations should be subject to an HMICFRS audit after two years.***

270. ***Police forces must act swiftly to address perceptions that Professional Standards Departments are marked by institutionally racist practices. In addition, forces must address unacceptable racial disproportionality in their composition: it is totally unacceptable that 63% of all Professional Standards Departments include no BME police officers at all. We welcome the work done by some forces, reported in the NPCC's most recent review, to draw on BME advisors as well as seeking to address the lack of BME representation in PSDs, but all forces need to address this and demonstrate progress by the end of 2021. The NPCC should conduct a specific review into this issue and report within a year.***

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420   MAC0050 NPCC; MAC0052 NPCC.

6   Stop and search

Legitimacy in the eyes of the public is inextricably linked to the way the police use their powers—whether the police are fair and reasonable in the use of their powers, respectful during encounters and open in their decision-making. A lack of trust leads to reduced legitimacy, which can lead to lower levels of co-operation and compliance. Unfair use of powers can be counter-productive if it leads people to feel they have no obligation to comply with the law. It may make people unwilling to report crimes of which they are the victims, or to come forward as witnesses.

Source: Wendy Williams CBE, foreword to HMICFRS report[421]

271. The Macpherson report stated that:

> While there are other factors at play we are clear that the perception and experience of the minority communities that discrimination is a major element in the stop and search problem is correct.[422]

272. This chapter will examine stop and search powers: what they are, why they are used, ethnic disproportionality in their use, and evidence on their effectiveness.

Macpherson report: stop and search overview

273. Twenty-two years ago the Macpherson report reached "a clear core conclusion of racist stereotyping" in the countrywide disparity of stop and search figures.[423]

274. It specifically considered whether the powers should be "removed or further limited". It rejected this option and concluded that:[424]

> We fully accept the need for such powers to continue, and their genuine usefulness in the prevention and detection of crime (Recommendations 60–63).

275. However, the report found that stop and search was a "universal" area of complaint and that minority ethnic communities did not trust the validity of the complex arguments that were sometimes presented to explain disparities in the stop and search statistics.[425] Four of the report's recommendations were specifically aimed at ensuring that stop and search powers were used in a lawful and non-discriminatory way.[426] Furthermore, it highlighted that the experiences of "minority ethnic communities" stretched far beyond the stop and

421   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, 26 February 2021.

422   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para. 45.8.

423   The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny, Cm 4262–1, February 1999, para.6.45.

424   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para. 46.31.

425   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para. 45.8.

426   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, recommendations 60–63.

search figures recorded under the Police and Criminal Evidence Act 1984 (PACE), and also included stops made under traffic legislation, drug legislation and 'voluntary stops' (i.e. stop and accounts).[427]

276. The Macpherson report criticised disproportionality in stop and search, highlighting that discrimination was a major factor based on the perception and experience of Black and minority communities. Consequently, "the policy directives governing stop and search procedures and their outcomes" were identified by the report as a performance indicator for measuring progress against the Ministerial Priority.[428] The authors were particularly critical of the police service's attempt to justify disproportionality:

> 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.[429]

277. Ten years on, the Runnymede Trust also expressed concern at the continued disproportionality in stop and search procedures and recommended that the Government should "reassess the value and usefulness of stop and search as an effective 'intelligence led' crime reduction strategy".[430] This was rejected by the Government at the time.[431] The Equality and Human Rights Commission (EHRC) expressed similar misgivings to Runnymede in their own review of progress since 1999. They concluded:

> 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.[432]

278. In 2021, stop and search remains a controversial police power. This is because Black and minority ethnic (BME) individuals continue to be disproportionately searched: there are ongoing concerns that this disproportionate use ostracises particular minority ethnic groups and harms police-community relations, and there are disagreements about the effectiveness of stop and search as a measure to detect and prevent crime.

427   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, para.45.8.

428   The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny, Cm 4262–1, February 1999; the Stephen Lawrence Inquiry report's first recommendation stated that "a Ministerial Priority be established for all Police Services: "To increase trust and confidence in policing amongst minority ethnic communities".

429   The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny, Cm 4262–1, February 1999, para.45.10.

430   Runnymede, The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature, 2009, p.3.

431   Home Office, July 2009, Stephen Lawrence Inquiry 10 years on Government response to: "Stephen Lawrence Review – an independent commentary to mark the 10th anniversary of the Stephen Lawrence Inquiry" By Dr Richard Stone "The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature" A Runnymede Trust Report "Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?" Equality and Human Rights Commission (EHRC), p19.

432   Equality and Human Rights Commission, Police and racism: What has been achieved 10 years after the Stephen Lawrence Inquiry report, 2009, p.6.

Stop and search: statutory powers

279. The police have a range of statutory powers to stop and search individuals: most stop and search powers require officers to have 'reasonable grounds' to suspect the individual has a prohibited item.[433] The most widely used powers are those which require officers to have 'reasonable grounds' for suspicion:

- Section 1 of the Police and Criminal Evidence Act 1984 (PACE) allows police officers to stop and search when they have "reasonable grounds" to suspect that they "will find stolen or prohibited articles".[434] For the purposes of section 1 (PACE) "prohibited articles" means offensive weapons, fireworks and any item that has been made or adapted to be used in a burglary, theft or fraud or to cause criminal damage.[435]

- Section 23 of the Misuse of Drugs Act 1971 allows police officers to stop and search individuals they have "reasonable grounds" to suspect are in "possession of a controlled drug".[436]

280. However, there is statutory provision for police officers to stop and search people *without* 'reasonable grounds' in some circumstances: these are often referred to as 'no suspicion' searches:

- Section 60 of the Criminal Justice and Public Order Act 1994 provides for a 'no suspicion' search: it allows police officers to stop and search anyone who is in a specific area designated by a senior officer, regardless of whether the officer reasonably believes the individual has a prohibited item (i.e. "dangerous instruments or offensive weapons").[437] However, government statutory guidance (PACE Code A) notes that officers must only use section 60 to search an individual in connection with the purpose of its authorisation.[438] Furthermore, officers must be careful not to discriminate on the basis of a protected characteristic whilst using these powers.[439]

281. There is also statutory provision for police officers to conduct vehicle stops (under section 163 of the Road Traffic Act 1988) without the need for a particular reason or an obligation to explain why the vehicle has been stopped:

- Section 163 of the Road Traffic Act 1988 states that a person driving a mechanically propelled vehicle on a road must stop if required to do so by a constable. Not to do so is an offence. College of Policing guidance states that "The officer can ask the driver for their licence and ask the driver and passengers questions, in effect a stop and account. The officer may only search the vehicle or persons in

433   House of Commons Library briefing, Police powers: stop and search, 10 March 2021.

434   s1(2–3), Police and Criminal Evidence Act 1984.

435   s1(8–9), Police and Criminal Evidence Act 1984.

436   s23(2), Misuse of Drugs Act 1971.

437   S60 (5) Criminal Justice and Public Order Act 1994.

438   Home Office, PACE Code A, para 2.14A.

439   Home Office, PACE Code A, para.2.14A; House of Commons Library, Police powers: stop and search, 10 March 2021.

it if one of the stop and search powers applies in the circumstances, e.g. if there is intelligence giving reasonable grounds to suspect that drugs or a weapon are being carried in the vehicle. If no power applies, no search can take place."[440]

Use of stop and search powers in England and Wales and historical comparison

282. In the year ending 31 March 2020 just under 600,000 stop and searches were carried out compared to a peak of 1.4 million in 2009/10 (the year the current series began).[441] The House of Commons Library graph below (Figure 10) shows the use of all stops and searches between 2009/10 and 2019/20.[442]

283. The lowest number of all stops and searches, at around 280,000, was conducted in 2017/18. The use of all stop and search powers increased in the year ending March 2019 by 36% and the year ending March 2020 by 53%.[443] The Home Office attributes this recent increase partly to forces' "willingness to make greater use of such powers as part of the operational response to knife crime".[444]

284. While the number of stops and searches under all powers started to fall after 2010 (see Figure 10), the overall rate of decline increased during 2014/15 following the implementation of government changes in 2014.[445] We discuss the Rt Hon Theresa May MP's 2014 stop and search reforms later in this chapter.[446]

Recent increase in stop and searches

285. Of the 577,000 stops and searches conducted by officers in England and Wales in the financial year 2019/20 (excluding road traffic stops) around 97% were conducted using PACE "reasonable grounds" powers and around 3% (approximately 18,000 searches) were

440   College of Policing, stop and search, Legal basis (college.police.uk) [accessed 26 July 2021].

441   Home Office, National Statistics: Police powers and procedures, England and Wales, year ending 31 March 2020, p6; see also Home Office table SS.01 stop and searches by legislation, England and Wales, 2001/02 to 2019/20. Note: These figures include Section 1 (and associated legislation), Section 60, and Section 44/47 stops. Data from 2009/10 onwards includes the British Transport Police (BTP) but excludes Greater Manchester Police (GMP). GMP did not provide complete data for 2019/20, and have been excluded from previous years to provide a consistent time series. The police do not record road traffic stops and stop and search data does not include road traffic stops.

442   House of Commons Library, analysis of Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, Stop and search statistics data tables, table SS.01. Note: Data includes British Transport Police figures but excludes Greater Manchester Police (GMP); House of Commons Library briefing, Police powers: stop and search, 10 March 2021, p17.

443   Home Office, National Statistics: Police powers and procedures, England and Wales, year ending 31 March 2020, p6; see also Home Office table SS.01 stop and searches by legislation, England and Wales, 2001/02 to 2019/20. Note: These figures include Section 1 (and associated legislation), Section 60, and Section 44/47 stops. Data from 2009/10 onwards includes the British Transport Police (BTP) but excludes Greater Manchester Police (GMP). GMP did not provide complete data for 2019/20, and have been excluded from previous years to provide a consistent time series.

444   Home Office, National Statistics: Police powers and procedures, England and Wales, year ending 31 March 2020, p6.

445   Home Office, National Statistics: Police powers and procedures, England and Wales, year ending 31 March 2020, p6.

446   See, chapter six: Reforms to stop and search: Home Office reforms (2014–19).

conducted using section 60 'no suspicion' powers.[447] The vast majority of searches are therefore conducted using powers which require officers to have 'reasonable grounds' for the search (see Figure 10) below which shows the total of both reasonable ground searches and section 60 searches). We note that complete stop and search data for England and Wales were not available for 2019/20 as Greater Manchester Police (GMP) were unable to provide their data due to the "the transition from a legacy IT system to a new force system".[448]

Figure 10: Number of stops and searches in England and Wales[449]
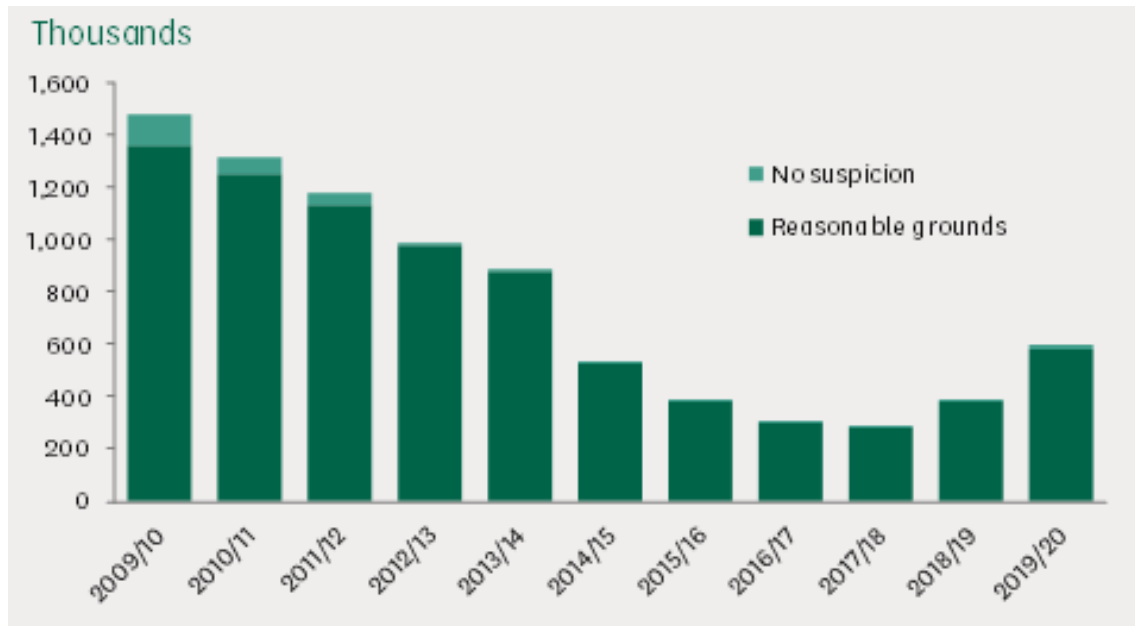
286. Of the 558,973 'reasonable grounds' stop and searches carried out in the year ending March 2020:

- 350,894 were for drugs (63%)

- 89,450 were for offensive weapons (16%)

- 57,169 were for stolen property (10%)

- 40,392 were for going equipped to steal or cause criminal damage (7%)

- 21,068 were for all other reasons, including firearms and criminal damage (4%).[450]

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447   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, see table SS.01 stop and searches by legislation, England and Wales, 2001/02 to 2019/20. Note: These figures include Section 1 (and associated legislation), Section 60, and Section 44/47 stops. Data from 2009/10 onwards includes the British Transport Police (BTP) but excludes Greater Manchester Police (GMP). GMP did not provide complete data for 2019/20, and have been excluded from previous years to provide a consistent time series.

448   Home Office, National Statistics: Police powers and procedures, England and Wales, year ending 31 March 2020, p6, the Home Office noted that data for Greater Manchester Police (GMP) was not included in this release as GMP was unable to supply stop and search data following the implementation of a new IT system.

449   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020 second edition, November 2020, stop and search statistics tables, tables ss:01.

450   Stop and search statistics data tables: police powers and procedures year ending 31 March 2020 second edition, SS.03: Stop and searches under section 1 of PACE (and associated legislation), by police force area and reason for search, England and Wales, 2019/2020.

287. HMICFRS analysis of 2019 stop and search records found that, in all forces except Suffolk, possession-only drug searches were more prevalent than supply-type drug searches, accounting for more than 70 percent of drug searches in 37 out of 43 forces, and over 90 percent of drugs searches in 6 forces.[451] Of the total search records reviewed, across the full range of grounds, possession-only drugs searches accounted for half of all searches.[452]

288. Over 150,000 section 60 stop and searches were carried out in 2008/09, but their use declined considerably to just 622 in 2016/17.[453] This downward trend ended in 2016/17 and the number of section 60 searches has increased substantially for the last three consecutive years. Between 2018/19 and 2019/20 the number of 'reasonable grounds' searches increased by around 53% (from 365,554 to 558,973) and the number of 'no suspicion' searches increased by 35% (from 13,414 to 18,081).[454] These changes are shown in the graph from the House of Commons Library, below.[455]

289. The increase in 'no suspicion' searches (i.e. section 60) in 2019/20 was largely driven by the Metropolitan Police Service and Merseyside Police that respectively accounted for 63% and 7% of all section 60 searches in England and Wales in the year ending 31 March 2020.[456]

451   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.31, February 2021.

452   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.31, February 2021.

453   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, see table SS.01 stop and searches by legislation, England and Wales, 2001/02 to 2019/20.

454   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, see table SS.01 stop and searches by legislation, England and Wales, 2001/2 to 2019/20; Section 60 searches peaked in the year ending March 2009 (150,000 searches). Home Office figures showed that police in England and Wales carried out 18,081 stops and searches under section 60 of the Criminal Justice and Public Order Act 1994 in the year ending 31 March 2020. This was a sevenfold increase in the number of section 60 searches carried out in the year ending March 2018 (from 2,502 to 18,081).

455   House of Commons Library, Police powers: stop and search, March 2021.

456   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, p12

Figure 11: 'No suspicion' searches (thousands)[457]
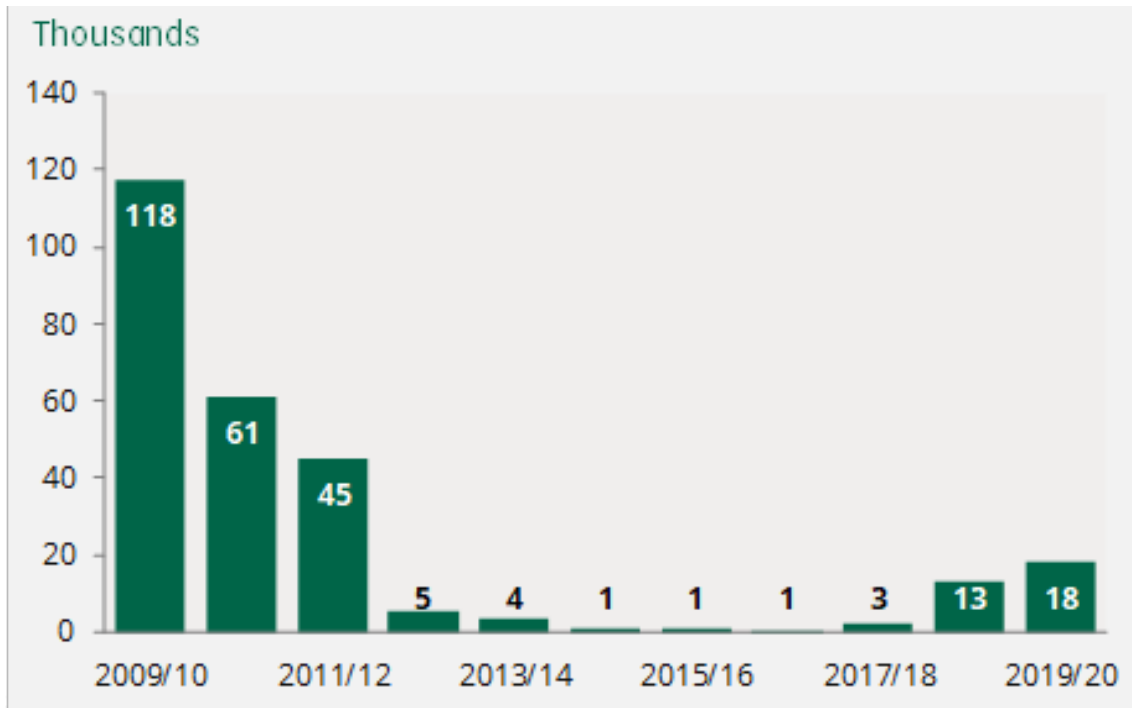
Disproportionality in stop and search

290. While improved recording practices may have had an impact, statistics covering the year to 31 March 2020 showed that ethnic disproportionality in stop and search is worse than it was twenty-two years ago. Macpherson reported that in 1997/98: "Overall Black people were five times more likely to be stopped than Whites".[458] The statistics for England and Wales, covering the year to 31 March 2020, showed that White people were stopped and searched 280,661 times, and Black people, 96,905 times, and as a proportion of the population (i.e. when compared with their number in the population in England and Wales), Black people were nine times (8.9) more likely than White people to be stopped and searched, under all powers, while the wider category of BAME people were over four times (4.1) more likely to be subject to the powers.[459]

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457   Police powers and procedures, England and Wales, year ending 31 March 2020 second edition" November 2020, stop and search statistics tables, table ss:01. Not: Data includes British Transport Police figures but excludes Greater Manchester Police (GMP); House of Commons Library briefing, Police powers: stop and search, 10 March 2021, p19.

458   Figure based on data from 10 selected police forces. Home Office, Statistics on Race and the Criminal Justice System, 1998, p13; The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 45.9, February 1999.

459   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, p18, [published 27 October 2020]. Note: Includes searches under section 1 PACE and associated legislation, section 60 of the Criminal Justice and Public Order Act 1994, and section 47A of the Terrorism Act 2000; the Guardian, Stop and search up by almost a third in England and Wales, 24 October 2019. According to the Home Office user guide to Police powers and procedures, 31 March 2020: "The population figures used in this statistics report are mid-2019 population estimates provided by the Office for National Statistics"; see also Stop and search statistics data tables, 16 November 2020, Table SS.12.

Figure 12: Search rate by ethnicity[460]
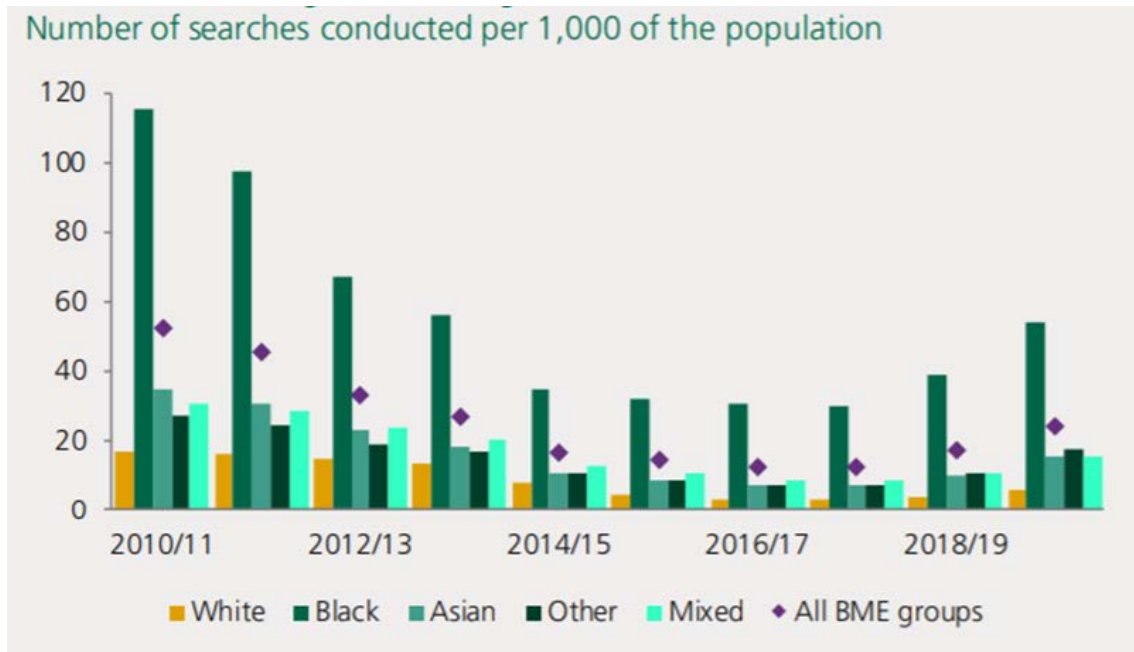
291. Racial disparities in stop and search are evident across all police forces, according to Home Office data. There is wide variation between forces in both stop and search rates and the extent of the disparity. The likelihood of being stopped and searched if you are Black was highest for the Metropolitan Police in the year to March 2020, where the rate was 71 per 1,000. By contrast, the rate was 28 per 1,000 for the rest of England and Wales. Black people were stopped and searched at a rate 23 times higher than White people in Dorset, 14 times higher in West Mercia and 13 times higher in Warwickshire, compared to 2 times higher in North Wales.[461] Stop and search rates by force are included in the Annex (see Figure 17).

292. In February 2021, HMICFRS published its report on Disproportionate use of police powers—A spotlight on stop and search and the use of force.[462] HM Inspector of Constabulary Wendy Williams set out the consequences of disproportionality in the foreword to the report:

> When the police use their powers disproportionately—in differing proportions on different ethnic groups—it causes suspicion among some communities that they are being unfairly targeted.
>
> This can undermine police legitimacy, which is a fundamental aspect of the British model of policing by consent.[463]

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460   House of Commons Library analysis of Home Office, Police powers and procedures year ending 31 March 2020, Stop and search statistics data tables, table SS.13. Note: British Transport Police stop and search figures are included; House of Commons Library briefing, Police powers: stop and search, 10 March 2021, p23; Government ethnicity data for stop and search can also be viewed at Ethnicity facts and figures: stop and search.

461   Gov.uk, ethnicity facts and figures, stop and search, 8 download the data, 22 February 2021; Stop and search - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk).

462   HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force, 26 February 2021.

463   HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force, p.1, 26 February 2021.

293. Focusing specifically on the effect on Black people and BAME communities, the report went on to state that:

> The negative effect of disproportionate use of powers and poor police and community relations on public perceptions should not be underestimated. The damage can be far-reaching and long-lasting. Disproportionate use of powers leads to more Black people being drawn into the criminal justice system, disrupting education, reducing work opportunities and breaking down families and communities. It can contribute to perceptions among the public and police officers regarding Black people and crime. It may also influence how the police allocate resources, which in turn can accelerate the imbalances seen in the criminal justice system and perceptions of a correlation between ethnicity and criminality. Among young Black, Asian and Minority Ethnic people, fear of conflict with the police, which might draw them into the criminal justice system, causes them to curtail their freedom at a critical time in their development. For example, they might avoid certain places or gatherings so as not to come to police attention.[464]

Disproportionality in 'reasonable grounds' (Section 1 and 23) searches

294. Between April 2019 and March 2020, 97% of all stop and searches in England and Wales were under section 1 of the Police and Criminal Evidence Act or associated legislation including section 23 of the Misuse of Drugs Act 1971.[465] Across England and Wales, 'reasonable grounds' stops were carried out at a rate of 49 per 1,000 for Black people, and 6 per 1,000 for White people.[466]

295. The Chair of the NPCC, Assistant Commissioner Martin Hewitt, told us that stop and search is a "very legitimate tactic" to target those that the police suspect are carrying weapons.[467] However Home Office data show that in the majority of cases the police are not exercising the tactic for this purpose: 63% of all 'reasonable grounds' searches in 2019/20 were conducted to find controlled drugs, with 16% conducted to find offensive weapons.[468]

296. Much of the evidence we received identified a lack of transparency about the reasons why BME people were being disproportionately searched compared to White people. The National Association of Muslim Police argued that it was inaccurate to describe police use of stop and search as "intelligence-led" when descriptions of offenders were so broad they could be applied to the majority of people from a particular background, which resulted

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464   HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force, p.10, 26 February 2021.

465   Stop and search - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk); this data covers stop and search of individuals under the following Acts: section 1 of the Police and Criminal Evidence Act 1984 (and associated legislation including section 23 of the Misuse of Drugs Act 1971) – the police can stop and search someone they think is carrying items like stolen property or drugs. The data shows that, between April 2019 and March 2020: 97% of all stop and searches in England and Wales were under section 1 of the Police and Criminal Evidence Act.

466   Gov.uk, Stop and search - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk).

467   Q60.

468   Police powers and procedures, England and Wales year ending 31 March 2020, p10, October 2020.

in innocent people being stopped.[469] One young person (Participant A) told us that young BME people were continually targeted for stop and search because of the people they had been associated with or because the area they lived in was known for knife crime.[470]

297. Similarly the Chair of the Metropolitan Black Police Association, Detective Sergeant Hills, raised concerns about the Metropolitan Police Service's disproportionate targeting of the BME community for possession of drugs when the more urgent issue was the need to tackle knife crime.[471] In the year to end of May 2021 the Metropolitan Police Service reported that the purpose of 66.5% of stops and searches it carried out was for drugs and 14.9% was for weapons, points and blades.[472] Detective Sergeant Hills told the Committee that searches for drug possession disproportionately affected young Black men despite the fact that a White person was more likely to be in possession of drugs. She told the Committee that she wanted to see the number of weapons stops conducted by the Metropolitan Police rise. She argued that this would show that stop and search was being used effectively.[473]

298. In written evidence to the Committee, StopWatch reported that ethnic disproportionality of drug stop and searches existed despite crime surveys showing Black and minority ethnic groups offended at similar or lower levels than White people.[474] One young person [Participant B] told us that inadequate reasons were given by the police for stops and searches, such as "a smell of weed in the air".[475] Another young person [Participant C] said that he was stopped for a driving offence but was subsequently told by the police that they would search his car for drugs. In his view it was not right for the police subsequently to change their reasons for the stop.[476]

299. In its 2021 report on Disproportionate use of police powers, HMICFRS noted that in 42 out of 43 forces possession-only drug searches were more prevalent than supply-type drug searches, despite few forces counting drugs possession (as opposed to supply) among their strategic priorities.[477] The report concluded that this finding "potentially indicates that efforts are not being effectively focused on force priorities" such as county lines and that therefore "policing tactics to address this need to target drugs supply more effectively".[478]

469   MPR0039 National Association of Muslim Police.

470   MPR0068 Anonymous participants, Q11. A young BME person who for safeguarding reasons was unable to attend a private roundtable held by the Committee in May 2019 on their experiences and views of their relationship with the police, and whose testimony was subsequently provided via a recorded interview.

471   Q66.

472   Metropolitan Police Service, stop and search dashboard, "S&S R12 Summary" [accessed 24 June 2021].

473   Q66.

474   MPR0040 StopWatch.

475   MPR0068 Anonymous participants, Q65. A young BME person who for safeguarding reasons was unable to attend a private roundtable held by the Committee in May 2019 on their experiences and views of their relationship with the police, and whose testimony was subsequently provided via a recorded interview.

476   MPR0068 Anonymous participants, Q104. A young BME person who for safeguarding reasons was unable to attend a private roundtable held by the Committee in May 2019 on their experiences and views of their relationship with the police, and whose testimony was subsequently provided via a recorded interview.

477   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.31, February 2021.

478   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.2, February 2021.

300. The report also found that drug enforcement contributed to disproportionality "despite evidence that there is no correlation between ethnicity and rates of drug use".[479] According to the Crime Survey for England and Wales, in the year ending March 2020, the proportion of 16 to 59 year olds reporting use of illicit drugs in the last year was 10.1% of White people and 5.4% of Black, African, Caribbean, and Black British people.[480] For Class A drugs, the proportion was 3.8% for White people and 1.0% for those grouped in the survey as 'Black, African, Caribbean and Black British people'.[481] However in 2019/20, BAME people were stopped and search for drugs (possession and supply) at a rate 4.1 times higher than White people, and for Black people the rate was 8.3 times higher.[482] From a review of a representative sample of 9,378 police records from 2019 conducted by HMICFRS, Black people were 2.4 times more likely than White people to be stopped and searched specifically for possession of drugs.[483] Drug searches on Black people, and particularly possession-only drug searches, also had a higher rate of weak recorded grounds than equivalent searches on White people, and fewer drug searches of Black people resulted in drugs being found.[484] The report called for an "evidence-based national debate on the use of stop and search in the policing of controlled drugs".[485]

301. The Home Office told us that, since the 2014 reforms, stop and search was more targeted and intelligence-led than ever before. It substantiated this assertion by highlighting that the arrest rate following a stop and search was the "highest on record" at 17%[486] though we note that arrest does not necessarily lead to a charge.

302. The HMICFRS review of 2019 police records found that 55% of searches were self-generated by the officer, 37% were motivated by third-party information and "surprisingly few", 9%, were intelligence-led,[487] including some forces where it was as low as 1%.[488]

Disproportionality in 'No suspicion' (Section 60) searches

303. The Home Office release covering the year ending 31 March 2020 shows that both the number of section 60 searches and the disproportionality in searches conducted on Black and White people is at a much higher level in recent years than was previously the case.[489] From a low of 622 'no suspicion' searches in 2016/17, there were 2,502 in 2017/18 and 13,414 in 2018/19. In 2019/20, excluding Greater Manchester Police, there were 18,081 stop and

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479   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.2, February 2021.

480   Office for National Statistics, Drug misuse in England and Wales - Appendix table, Drug misuse spreadsheet 3.01.

481   Office for National Statistics, Drug misuse in England and Wales - Appendix table, Drug misuse spreadsheet 3.01.

482   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.30, February 2021.

483   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.31, February 2021.

484   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.6, February 2021.

485   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.2, February 2021.

486   MPR0060, Home Office.

487   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.33, February 2021.

488   HMICFRS, disproportionate use of police powers, a spotlight on stop and search and the use of force, p.6, February 2021.

489   Home Office, police powers and procedures, England and Wales, year ending 31 March 2020, second edition, p.11, p.16.

searches under section 60.[490] Accounting for differences in population size, Black people were 14 times more likely to be searched under section 60 powers than White people in 2016/17. That increased to 40 times more likely in 2017/18, to 47 times in 2018/19, and then fell to 18 times more likely in 2019/20.[491]

304. Excluding the Metropolitan Police, 10% of people stopped under section 60 were Black compared to 62% of White people.[492] This compares to data from the 2011 Census, which estimated that 86% of the population in England and Wales was White, and 3% were from Black ethnic groups.[493]

305. The Home Office figures covering the year to 31 March 2020 also show the Metropolitan Police's use of section 60 was disproportionate: 34% of people stopped and searched under the power were recorded as Black compared to 20% of White people.[494] This compares to data from the 2011 Census, which estimated that 45% of the London population was White, and 13% were Black.[495]

306. Dr Rebekah Delsol told the Committee that the police were able to deploy this power with the "widest discretion and limited safeguards, allowing them to utilise generalisations and stereotypes, rather than objective information, about who is involved in crime".[496] Bishop Webley argued that section 60 had been used sometimes as a "blanket order across communities" causing more problems than it resolved because it "criminalised a wider area where some issues of crime were not taking place".[497] He told us stop and search serves a purpose but that it has to be used on "an intelligence-led basis, joining up other police work that has been done in the local community to bring the community that you are serving along with you in the means of dealing with crime".[498]

307. Matthew Ryder QC, who had represented the Lawrence family in their claim against the Metropolitan Police and is a former Deputy Mayor of London for Social Integration took the view that section 60 was the "real issue" with regard to "disparity in stop and search increases".[499] He commented that it was the only power that could be "[…] turned up and down at whim politically". Consequently, its increase could be sanctioned as a way of showing that the Government was "doing more".[500]

308. During the previous Committee's Serious Youth Violence inquiry, Commissioner Dick said that her force's use of section 60 powers had increased significantly since she took office in 2017. She also told us that section 60 powers were used "very professionally, and in a measured way" and that the police "have found no difficulty in using it":

490 Home Office, Stop and search statistics data tables: police powers and procedures year ending 31 March 2020 second edition, table SS_07, 16 November 2020.

491 HC Library based on Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020 second edition, Stop and search open data tables second edition, accessed 28 April 2021 and 2011 Census.

492 Home Office SS. table 15, Proportion of stop and searches by self-defined ethnicity, England and Wales 2018/19 and 2019/20, statistics quoted are for section 60 searches.

493 Population of England and Wales - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk), Population of England and Wales, published 1 August 2018, [last updated 7 August 2020].

494 Home Office SS. table 15, Proportion of stop and searches by self-defined ethnicity, England and Wales 2018/19 and 2019/20, statistics quoted are for section 60 searches.

495 Population of England and Wales - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk).

496 MPR0058 Dr Rebekah Delsol, StopWatch.

497 Q167

498 Q167

499 Q211

500 MPR0058, Dr Rebekah Delsol, StopWatch.

> My officers are quick to know when they need to ask for one. They have a very good understanding of what the law says, which is where serious violence may take place, and I have always applied that since I became Commissioner.[501]

309. A number of witnesses expressed concern to us about the escalation in the use of section 60 and its disproportionality. Professor Ben Bowling said that:

> The widespread use of a power that does not have grounds, where a police officer does not have to give a reason why a person is being searched, is an abomination. It is in total contradiction to British ideas of liberty and justice.[502]

310. Katrina Ffrench told us section 60 was undermining public confidence and that its use was an issue of "political expediency".[503] She said that "We all want the police to do a good job, but if you have the wrong tools we all know you cannot do a good job. That is where we are at with section 60 at the moment".[504]

311. Home Office data for 2019/20 show that the Metropolitan Police Service carried out just over 11,400 section 60 stops and searches, a 19% increase on the total number of section 60 searches it conducted in 2018/19 (9,599 searches). However in the two year period from, 2017/18 (1,836 searches) to 2019/20 (11,412 searches), there was a 522% increase in the force's use of section 60.[505] The Commissioner said when her force announces a section 60 authority in a particular area that "it tends to say to the gangs—and for us it is nearly always gangs after there has been a stabbing or two stabbings … that there is going to be a presence of officers who have the power to stop and search".[506] She argued that section 60 was "a deterrent as well as a crime investigation tool" and told us that her force "do not usually do very high volumes of stop and search under section 60".[507]

Disproportionality in road traffic stops (section 163 of the Road Traffic Act 1988)

312. Disproportionality was also a concern for wider police 'stop' powers under road traffic law (Road Traffic Act 1988). Over twenty years ago, the Macpherson report highlighted that people "do not perceive any difference between a 'stop' under the Police and Criminal Evidence Act from one under the Road Traffic Act whilst driving a vehicle".[508] As explained by Liberty, Section 163 of the Road Traffic Act 1988 "gives a uniformed officer a broad power to stop drivers without suspicion, or even a particular reason. Failure to stop is a

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501   Home Affairs Select Committee, Serious Youth Violence, HC 1016, 31 July 2019, para 136; Q313, Serious Youth Violence inquiry.

502   Q35

503   Q34

504   Q34

505   Home Office, Stop and search open data tables second edition, first edition published 27 October 2020, second edition published 6 November 2020; to note that there is no information on the number of weapons seized over this period.

506   Q21

507   Q21

508   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Community Concerns, para.46.31, February 1999.

criminal offence and during a stop an officer can demand to see your driving licence".[509] Trust can be either undermined or strengthened by the approach taken to these exercises of power.

313. The Macpherson report recommended that:

> It is essential to obtain a true picture of the interactions between the police and minority ethnic communities in this context. All "stops" need to be recorded, and related self-defined "ethnic data" compiled.[510]

314. The report acknowledged that "The great weight of extra recording would undoubtedly relate to "traffic stops"". The report concluded that:

> We have considered whether such a requirement would create too great a bureaucracy for operational officers, and we are persuaded that this is not the case.[511]

315. In a 2013 report, HMICFRS noted that "some people believed that they had been stopped and searched when, in fact, they had been stopped and spoken to by an officer or stopped in their car under the Road Traffic Act–without a search taking place".[512] In her 2014 speech as former Home Secretary, Rt Hon Theresa May MP recognised that the wider use of police stop powers such as road traffic stops also needed to come under more exacting scrutiny.[513] In 2015, HMIC published another report recommending that minimum national recording standards should be introduced for road traffic stops, and that the Home Office should require forces to submit annual data about their use.[514]

316. However, in 2021 there is still no requirement for police forces to record and monitor stops carried out under section 163 of the Road Traffic Act 1988. In its written evidence StopWatch said that traffic stops were "by far the most widely used form of police stop power, and are used disproportionately against Black and ethnic minority drivers".[515] It also highlighted a successful pilot in 2018 by West Midlands Police to record section 163 traffic stops. It noted that by recording this data the force identified "levels of disproportionality in s163 stops similar to those of stop and search within the force area" and that "the recording of traffic stops did not create an unacceptable bureaucratic burden for officers".[516]

317. In November 2020 the Mayor of London published an action plan to improve trust and confidence in the Metropolitan Police Service.[517] The action plan was produced in response to "community concerns about the disproportionality in the use of certain police powers affecting Black Londoners".[518] It reported that "Black people are six times

509   MPR0030, Liberty.
510   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Community Concerns, para.46.31, February 1999.
511   The Stephen Lawrence Inquiry, Report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, Community Concerns, para.46.31, February 1999.
512   HMIC, Stop and Search Powers: Are the police using them effectively and fairly? 2013, p18; In England and Wales, police officers' powers to stop motor vehicles are enshrined in section 163 Road Traffic Act 1988, which states: "A person driving a motor vehicle on a road must stop the vehicle on being required to do so by a constable in uniform".
513   Gov.uk Stop and search: Theresa May announces reform of police stop and search, 30 April 2014.
514   HMIC, Stop and search powers 2: are the police using them effectively and fairly?, 24 March 2015, p9.
515   MPR0040, StopWatch.
516   MPR0040, StopWatch.
517   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, 13 November 2020.
518   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, 13 November 2020.

more likely than White people to be stopped and searched under the PACE Act in their vehicles—an even greater level of disproportionality than for in-person stops".[519] As part of the action plan the Mayor has asked the Metropolitan Police Service to "launch a new year-long pilot project to review samples of vehicle stops to identify any disproportionality relating to ethnicity".[520] The Mayor has also written to the Prime Minister "to request it be made statutory for the police to collect and publish data on ethnicity for all road traffic stops as part of the Home Office Annual Data Requirement" and that the "Codes of Practice supporting the Police And Criminal Evidence (PACE) Act–under which street searches are carried out–be extended to cover road traffic stops to more clearly define the limits of the powers".[521]

318. The 2021 HMICFRS report recognised the MPS pilot as "a positive step" but stated that "we remain disappointed that the actions set out in our recommendations have not yet been introduced" and indicated that future inspections would focus on traffic stops specifically.[522]

Explaining racial disparities in stop and search

319. A 2010 report by the Equalities and Human Rights Commission (EHRC) considered various explanations put forward to explain disproportionality in the police use of stop and search.[523] One example given was that "some ethnic groups" were more likely to commit crimes than others. Another explanation was that police officers were more likely to record stops and searches conducted on Black people than White people for fear of a complaint being made. Some also argued that BME people were more likely to be "available" in public spaces than White people.[524] The EHRC concluded that these explanations, and others, failed to explain why BME people were disproportionately searched and that "racial discrimination" was a key reason for the ethnic disparity prevalent in police stop and searches.[525] In its Ten Years On report, the Runnymede Trust noted the "circularity" of the definition of availability and argued that, instead, disproportionality followed from "differences in police-force practice (whether by policy or custom) than from community lifestyles".[526]

320. In written evidence to the Committee StopWatch argued that one key factor "driving disproportionality" was the concentration of stop and search in larger urban police forces where "a high proportion of the country's Black and ethnic minority population" lived. It highlighted that London "accounted for 55 per cent of [the] Black population nationally", compared to "only 11 per cent of the White population nationally".[527] In its report The Colour of Injustice the organisation had examined whether there was a relationship

519   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, p20, 13 November 2020.

520   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, p20, 13 November 2020.

521   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, p20, 13 November 2020.

522   HMICFRS, Disproportionate use of police powers - A spotlight on stop and search and the use of force, 26 February 2021, p14.

523   Equality and Human Rights Commission, Stop and Think, A critical review of the use of stop and search powers in England and Wales, published 1 March 2010.

524   Equality and Human Rights Commission, Stop and Think, A critical review of the use of stop and search powers in England and Wales, published 1 March 2010.

525   Equality and Human Rights Commission, Stop and Think, A critical review of the use of stop and search powers in England and Wales, 1 March 2010, p.58.

526   Runnymede Trust, The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature, February 2009, pp.59–60.

527   MPR0040 StopWatch.

between social deprivation and rates of stop and search but had found that rates of stop and search for Black people did not vary with levels of deprivation: Black people were "subject to similarly heightened rates of stop and search in deprived areas, affluent areas, and everything in between".[528]

321. High rates of ethnic disproportionality in the use of stop and search have also been reported in "largely non-urban areas" suggesting that the reasons for racial disparities in stop and search are not solely urban driven.[529] The Home Office has reported on its website that statistics for 2018/19 showed that the largest disparity in stop and search rates between Black and White people was in Dorset, where Black people were 25 times more likely to be stopped than White people (the largest difference between ethnic groups).[530] Additionally, Black people were subjected to the highest stop and search rates in every police force area for which there was data.[531]

322. When asked about the disproportionality in stop and search, the Metropolitan Police Commissioner described in evidence the "horrible disproportionality affecting our Black communities in all kinds of ways in terms of health, employment and all sorts of other things". In particular, she pointed to the disproportionate impact of violent crime on Black Londoners:

> The overlap with my key metric, which is knife injuries for under 25s, which we have been reducing for the last two years and into this year, shows enormous disproportionality in the way it affects our young Black men as victims and, I am sorry to say, as perpetrators. That is horrible. For knife robbery, gangs, county lines, line holders: hugely disproportionate.[532]

323. The Mayor of London's November 2020 Action Plan also identified the need to address disproportionate violent crime affecting Black teenagers, both as victims and perpetrators.[533] Based on 2018/2019 data, BAME people represent 41% of London's population but make up 59% of homicide victims and 78% of those charged with homicide.[534]

324. However, stop and searches are disproportionate in areas with low levels of violent crime as well as higher levels of violent crime. Forces including Surrey, and Gloucestershire, have higher levels of racial disproportionality in stop and search than the MPS even though they have lower levels of violent crime.[535] Disproportionality in searches for drugs possession, as opposed to supply, cannot be explained by reference to serious violence. As referenced above, Black people are 2.4 times more likely than White people to be stopped

528   MPR0040 StopWatch The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales, Michael Shiner, Zoe Carre, Rebekah Delsol and Niamh Eastwood, October 2018.

529   MPR0040 StopWatch.

530   Gov.UK, Ethnicity facts and figures, stop and search, Section 5, By ethnicity and area, updated 22 February 2021. These statistics represent the time period from April 2019 to March 2020, based on the Home Office, Police powers and procedures, England and Wales year ending March 2019.

531   Gov.UK, Ethnicity facts and figures, stop and search, Section 5, By ethnicity and area, updated 22 February 2021. These statistics represent the time period from April 2019 to March 2020, based on the Home Office, Police powers and procedures, England and Wales year ending 31 March 2019 - GOV.UK (www.gov.uk).

532   Q13

533   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, p.23, 13 November 2020.

534   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, 13 November 2020.

535   Gov.uk, Ethnicity Facts and Figures - Stop and search , published 22 February 2021; Crime in England and Wales: Police Force Area data tables - Office for National Statistics (ons.gov.uk) Sept 2020. Published 22 February 2021. Analysis by Committee staff from data by county on how many times Black people were stopped vs all stops (where ethnicity was reported).

and searched specifically for possession of drugs.[536] HMICFRS noted that this occurred despite evidence that there is no correlation between ethnicity and rates of drug use.[537] In October 2020, the IOPC raised concern about "perceived racial profiling" in stop and searches in a report with recommendations for the Metropolitan Police based on a review of five investigations involving stop and searches of Black men by MPS officers in London.[538] Drawing on evidence from three of its investigations, the IOPC reported that "it appears that the officer's decision-making may have been led by or influenced by assumptions informed by the race of the people being stopped and searched", such as a case where "two Black men fist-bumping were suspected of exchanging drugs".[539]

325. Inspector Popple, Fairness in Policing lead at West Midlands Police, suggested there were two elements with regard to explanations for ethnic disparity in the use of stop and search.[540] Firstly he said it would be "naïve to ignore that there is bias in individual officers" based on discrimination or pre-existing assumptions made about individuals' behaviour.[541] Secondly he said it was important to consider how and where police resources were being deployed to monitor and understand the proactive deployment of officers in particular areas and whether stop and search is being used effectively in those areas, in response to crime.[542] He added that his force was trying to think differently about how it used stop and search, by continually asking if it was the right tactic to use, by not making assumptions about its effectiveness and by working more closely with communities on its use.[543]

The effectiveness and impact of stop and search

Arrests following stop and search

326. Home Office figures for the year to the end of March 2020 showed that there were almost 11,000 arrests for weapons and firearms and just under 35,000 arrests for drugs as a result of stop and search.[544] Overall 13% of 'reasonable grounds' conducted searches (under s1 of the PACE Act and associated legislation) resulted in arrests in England and Wales in 2019/20, down from 16% in the previous year.[545] The arrest rate was notably lower for 'no suspicion' searches under section 60, with 4% leading to arrest in 2019/20.[546] The arrest rate for 'reasonable grounds' conducted searches had been increasing from 9% in the year ending March 2010 to 17% in the year ending March 2018 while the volume of searches decreased. The Home Office suggested that a reason for the increase in the arrest rate for 'reasonable grounds' conducted searches was because police were being

536   HMICFRS, Disproportionate use of police powers - A spotlight on stop and search and the use of force, p31, 26 February 2021.

537   HMICFRS, Disproportionate use of police powers - A spotlight on stop and search and the use of force, p2, 26 February 2021.

538   IOPC Stop and search learning recommendations to MPS, 21 August 2020; Review identifies eleven opportunities for the Met to improve on stop and search ,28 October 2020.

539   IOPC Stop and search learning recommendations to MPS, 21 August 2020; Review identifies eleven opportunities for the Met to improve on stop and search, 28 October 2020.

540   Q128

541   Q128

542   Q128

543   Q128

544   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020: Stop and search statistics data tables: police powers and procedures year ending 31 March 2020 second edition, table SS04.

545   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020 second edition - GOV.UK (www.gov.uk), p8.

546   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020 second edition - GOV.UK (www.gov.uk), p13.

more targeted in their use of stop and search, and finding reason for an arrest in a higher proportion of cases.[547] However, since March 2018 the arrest rate for 'reasonable grounds' conducted searches has fallen: in 2019/20 it was 13%, the lowest arrest rate since 2013/14.

327. Home Office statistics for the year ending 31 March 2020 showed that the number of 'reasonable grounds' conducted searches increased for the second consecutive year while the volume of resultant arrests fell: 'reasonable grounds' conducted searches increased by 28% from 57,546 in 2018/19 to 73,423 in 2019/20 while the arrest rate fell from 16% to 13%.[548]

328. There are arguments to suggest that find rates (the proportion of searches where officers find the prohibited item they were looking for) are a more effective indicator of success than arrest rates since arrests do not necessarily lead to a subsequent charge. In 2017 HMICFRS reported:

> Finding the item searched for is one of the best measures of effectiveness and indicates that the grounds for the officer's suspicions are likely to have been strong, particularly as recorded arrests and other criminal justice outcomes of stop and search also include those where the item that was searched for was not found.[549]

329. Similarly, Nick Glynn from Open Society Foundations told us that the use of arrest rates as an effective measure of stop and search was "lazy" and instead argued that a more nuanced approach to the figures was needed. In his view the "real question to be asked" was how many of the arrests led to a charge, to prosecution and to conviction.[550]

330. In its 2021 report, HMCIFRS noted that "almost one in ten arrests arising from stop and search were for public order offences after nothing was found […] Yet many forces continue to regard these as 'positive outcomes', despite the potential negative impact on police community relations".[551]

331. In written evidence to us HMICFRS recommended the Best Use of Stop and Search (BUSS) scheme, because it requires forces to record the "find rate".[552] However it told us that, generally, its monitoring of stop and search powers found that forces' emphasis was

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547   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020 second edition - GOV.UK (www.gov.uk), p7.

548   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020 second edition - GOV.UK (www.gov.uk), p2.

549   HMICFRS, PEEL: Police legitimacy 2017 A national overview, December 2017, p.24; also see HMICFRS 2013 and 2015 reports. HMICFRS noted that the potential criminal justice 'outcomes' of stop and search included arrest, summons, caution, drug warning, penalty notice for disorder, community resolution and no further action. also see HMICFRS 2013 and 2015 reports which highlighted that the number of arrests and other criminal justice outcomes arising from stop and search encounters can be a misleading measure of success, because they fail to take into account some important points, including: the purpose of stop and search powers is to allay as well as confirm officers' suspicions without exercising their power of arrest, and to provide safeguards for those who are searched and recorded arrests and other criminal justice outcomes also include those where the item that was searched for is not found. [In its 2017 report, (p23) HMICFRS noted that the potential criminal justice 'outcomes' of stop and search included arrest, summons, caution, drug warning, penalty notice for disorder, community resolution and no further action.]

550   MPR0059 Nick Glynn, Open Society Foundations.

551   HMICFRS, Disproportionate use of police powers - A spotlight on stop and search and the use of force, p32, 26 February 2021

552   MPR007 HMICFRS. See section on "Reforms to stop and search" later in this chapter (six) which explains the BUSS scheme guidance was designed to promote more targeted and evidenced stops, greater police scrutiny and limiting the use of 'no suspicion' searches (under section 60 legislation).

"on outcome rates (and specifically arrest rates) rather than on the more accurate measure of effectiveness: the find rate".[553] According to Home Office figures [31 March 2020], in 13% of 'reasonable grounds' stop and searches the initial outcome was recorded as an arrest but "1 in 5 stop and searches (20%) resulted in an outcome that was linked to the reason for the search".[554] Both figures are extremely low.

332. The House of Commons Library briefing on police stop and search powers records that no-suspicion searches (section 60) "are less successful than reasonable grounds searches".[555] In 2019/20, 1.4% of no-suspicion searches led to officers finding a knife or offensive weapon (the only reason officers can use their no-suspicion search power).[556] The find rate for no-suspicion searches since 2009/10 has typically been between 1% and 3%. The proportion of no-suspicion searches resulting in an arrest for an offensive weapons offence did not rise above 3% across the period.[557]

The impact of stop and search on crime levels

333. As highlighted in our predecessors' Serious Youth Violence report, evidence on the effectiveness of stop and search at reducing violent crime is extremely limited.[558] The report highlighted findings from a longitudinal study using ten years of data from London to examine the impact of the tactic on crime:

> The researchers found that a 10% increase in stop and search (S&S) was associated with a drop in "susceptible crime" of 0.32% (monthly) or 0.14% (weekly)—a statistically significant but very small effect. When drug offences and drug-related stop and searches were excluded, the size of the effects halved.[559]

334. The longitudinal study also found that increasing the use of section 60 powers (stops without 'reasonable grounds') did not appear to affect violent crime.[560] Previous Home Office research on the use of section 60 powers to reduce knife crime also found no effect.[561] Some US research found small effects on some types of crime, with evidence that targeted stop and search on crime 'hotspots' had marginal positive benefits on crime figures across short periods of time i.e. in the weeks following the searches.[562]

335. In 2017 the College of Policing noted that, while some studies such as that above suggest an impact on crime, it is likely to be "small, highly localised and short-lived", and

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553   MPR007 HMICFRS.
554   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, pp 21 and 23.
555   HC Library Briefing Paper, Police powers: stop and search, p26, 10 March 2021.
556   HC Library Briefing Paper, Police powers: stop and search, p26, 10 March 2021.
557   HC Library Briefing Paper, Police powers: stop and search, p26, 10 March 2021.
558   House of Commons, Home Affairs Committee, Serious Youth Violence, HC106, p48, para. 139, 31 July 2019.
559   Tiratelli, M., Quinton, P., & Bradford, B. Does Stop and Search Deter Crime? Evidence From Ten Years of Londonwide Data, The British Journal of Criminology, Volume 58(5), September 2018, Pages 1212–1231. To note that 'susceptible crimes' are those crimes that are susceptible to detection by stop and search.
560   Ibid.
561   Home Office, Rhydian McCandless, Andy Feist, James Allan and Nick Morgan, Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2, March 2016, p8.
562   Weisburd, D.L., Wooditch, A., Weisburd, S., Yang, S., Do Stop, Question, and Frisk Practices Deter Crime?: Evidence at Microunits of Space and Time, Criminology and Public Policy, 2015, p.16

that stop and search "tends to be less productive the more the power is used".[563] Matthew Ryder QC similarly told us that the "best interpretation you could put on the numbers is that they are inconclusive; there is not even correlation, let alone causation".[564]

336. There is also a lack of evidence on the way in which stop and search tactics might impact on crime in the short or long-term. Suggested mechanisms vary and include tactics which: deter criminal behaviour, assist with successful police investigations (and subsequent prosecutions), or remove weapons and illegal substances from the community. The current evidence available does not consistently compare the potentially different effects on crime of various stops (for example, section 1, section 60 and section 163 stops) nor the different effects depending on the 'reasonable grounds' for stops (such as whether officers are searching for illegal substances, weapons or stolen property).

337. There is also a lack of evidence on the effects of section 60 stops (which are used in a defined area for a specific time) on crime in that localised area. Data are collected at timescales and geographical areas that are too large to capture potential effects.[565]

338. The Mayor of London, Sadiq Khan, said in a speech in July 2018 that "when it's done professionally, properly and with evidence - Stop and Search can be effective in taking drugs and weapons off our streets, and [is] therefore a vital tool we must use".[566] Similarly, the Home Office told us that it "fully" supported the police in its use of stop and search adding that it was "a vital and effective policing tool when used correctly". The Home Office also committed to reviewing police powers to ensure that they were "effective" and did "not disproportionately impact on any one group".[567]

339. In oral evidence to the Committee in July 2019, the Metropolitan Police Commissioner told us that:

> What I know as a professional police officer of 36 years, who has worked nearly all that time in London, is that having confident officers who know their powers out on the streets, engaging with people and doing stop-search where appropriate, properly intelligence-led in the right places against the right people, undoubtedly makes a difference to violent crime.[568]

340. Following its review of the way the Metropolitan Police exercises stop and search powers, published in October 2020, the IOPC London Regional Director Sal Naseem concluded that "Stop and search is a necessary policing tool, but it must be used in the right circumstances and with care".[569]

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563   Stop and search (college.police.uk) [accessed 26 July 2021].

564   Q207

565   Reporting from police data does not give information about the time incidents occurred so may not currently be clear if a section 60 did reduce crime during/after it was imposed.

566   Mayor of London press release, Mayor of London speech on the causes of crime, 15 July 2019.

567   MPR0029 Home Office.

568   Q397

569   IOPC, Review identifies eleven opportunities for the Met to improve on stop and search, 28 October 2020.

The impact of stop and search on communities

341. We heard evidence in our inquiry about the effect of stop and search on the individuals being stopped and the wider effect that has had on communities and their confidence in the police. In particular, we heard concerns about the manner in which stops were carried out.

342. Pastor Lorraine Jones, Founder and CEO of Dwaynamics, told us that she has managed Dwaynamics since her son was tragically killed through knife crime in 2014.[570] The boxing and fitness services that her son initially established see police officers engaging with children and young people.[571] She also facilitates community led stop and search workshops between the BME community and the Metropolitan Police.[572] She told us that "The way stop-and-search is being done has caused a large ripple effect of trauma". She told us that the police had referred a number of young people to her organisation, some who had been involved in crime but many more who had experienced trauma, directly or indirectly through "police misconduct and harshness in the borough".[573]

343. Inspector Dan Popple, Fairness in Policing lead at West Midlands Police told us that his force was currently undertaking research to understand from the BME community perspective what it feels like to be stopped and searched. More than 150 people provided them with testimonies about their stop and search experiences; Inspector Popple told us "it wasn't good reading" with people saying they felt targeted and that officers were rude.[574]

344. HMICFRS reported in February 2020 that of the nineteen forces it inspected only nine "had sufficiently trained their officers to recognise and overcome unconscious bias to help them treat people fairly".[575] It noted that while all forces trained their officers in conflict management skills, there was little training on communication skills such as showing empathy, listening, and explaining their actions. It said that "Investment in these areas would improve the quality of interactions with people the police stop and search and help reduce the need to use conflict management skills".[576]

345. In October 2020, the IOPC published recommendations on the use of stop and search by the Metropolitan Police after reviewing five recent complaints and investigations involving stop and searches of Black men in London. It stated that it had found "a lack of understanding from officers about why their actions were perceived to be discriminatory".[577] The Metropolitan Police accepted the recommendations in full.

346. In particular, the IOPC raised concerns about the communication from officers, at the outset of interactions, in managing confrontations and in ending the encounter:

> In some of these investigations, the quality of communication from the officers from the outset was poor. It is incumbent on officers to be mindful

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570   Q141
571   Q141
572   Q141
573   Q149
574   Q107
575   HMICFRS, PEEL spotlight report: PEEL spotlight report: Diverging under pressure, February 2020 p17.
576   HMICFRS, PEEL spotlight report: PEEL spotlight report: Diverging under pressure, February 2020 p17.
577   IOPC, Review identifies eleven opportunities for the Met to improve on stop and search, October 2020, p3.

of all aspects of their communication–words, tone and non-verbal–in order to obtain the cooperation of the person being stopped and avoid conflict, escalation and resentment.

Rather than gaining the person's cooperation by putting them at ease, the officers were confrontational and failed to adequately articulate the grounds for the searches, leaving the men feeling frustrated and unsure of what the motivating factor was.[578]

347. In May 2021, Dame Cressida Dick told us that the Metropolitan Police had accepted all the IOPC's recommendations and was also implementing all the HMICFRS recommendations. She told us the Metropolitan Police was working directly with the communities it served and involving them in the development of its stop and search training.[579] She added that this training developed "de-escalation and communication skills" for its officers, ensuring that everyone was treated with courtesy.[580]

348. The Mayor's Office report on Transparency, Accountability and Trust in Policing published in November 2020 recognised, following a consultation with Black Londoners, that "a lack of diversity and cultural knowledge contributed to incidents where they felt officers had interacted with them based on stereotypes, with low regard for their dignity and respect".[581]

349. In 2019, HMICFRS reviewed a small sample of body-worn video footage posted publicly to YouTube. While recognising the limitations of such samples, the Inspectorate said it was "disturbed by some of the footage", noting in particular that:

- some officers were dismissive of the views of the person they were stopping and searching, or they did not listen at all;

- some officers did not explain the grounds for the search;

- some officers were disrespectful to the person; and

- too few encounters appeared to end on a positive note with the person left seemingly content with how the encounter had been dealt with, regardless of whether further police action was taken.[582]

350. In the same report, HMICFRS concluded that inappropriate use of stop and search powers has "adversely affected the relationship between the police and the communities they serve, and for some members of the public has brought into question the very legitimacy of the police service". It continued that failure to use the powers carefully could be "inflammatory" and cause damage that could "potentially outweigh any increase in public safety from the police activity" by contributing to a "wall of silence" that impeded intelligence-led policing.[583]

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578   IOPC, Review identifies eleven opportunities for the Met to improve on stop and search, October 2020, p6.

579   MAC0056 Written evidence submitted by the Commissioner of the Metropolitan Police Service.

580   MAC0056 Written evidence submitted by the Commissioner of the Metropolitan Police Service.

581   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, p28, 13 November 2020.

582   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, p19, 26 February 2021.

583   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, p11, 26 February 2021.

351. It reported that:

> In too many forces, officers and staff are not being sufficiently trained in informal communication skills for everyday interactions. Training can help to provide the skills officers and staff need to build rapport and prevent encounters from escalating to conflict or confrontation.[584]

Metropolitan police use of stop and search during the first national lockdown

352. The overall volume of stop and searches conducted by the Metropolitan Police dramatically increased in every London borough over the period of the first national covid-19 lockdown. Comprehensive data is not available yet for other forces which do not publish the same up to date transparent information as the MPS. However there is evidence that some other forces also increased stop and searches significantly during lockdown.[585] Between April-June 2020 there were 105,367 stops carried out by the MPS,[586] more than a 50% increase on the same period in the previous year, at a time when far fewer people were on the streets because of adherence to Government coronavirus regulations.[587] The figures for May 2020 were particularly striking, 43,947 stops carried out in that month alone, an annual increase of 104%.[588] This increase occurred in the context of a longer-term escalation in the Metropolitan Police's use of stop and search powers: in 2017/18 the force conducted 134,619 searches across all categories, whereas in 2019/20 it conducted more than twice that number, 279,796.[589]

353. Responding to these figures, the Commissioner of the Metropolitan Police told the Committee that the increase in May was due to more patrolling time as a result of the overall fall in crime, and the "twin effect" of wanting to "be present on the streets to support the public and to reassure them" and to "continue to bear down on violent crime and on drug dealers in particular associated with violent crime".[590] Between May 2019 and May 2021, the majority (64%) of searches conducted by the Metropolitan Police were for drugs under s. 23 of the Misuse of Drugs Act, while the next most common reason, searches for weapons, points and blades under s. 1 PACE and s. 139 of the Criminal Justice Act, accounted for 16.3 of the total%.[591]

354. This dramatic escalation in the volume of stops and searches being conducted by the police coincided with the death of George Floyd and Black Lives Matter protests across the UK, and led to a number of high-profile incidents, including stops conducted against Dwayne Francis, a school pastoral support worker, in Lewisham on 13 May; Sayce Holmes-

584   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, p16, 26 February 2021.

585   Yorkshire Evening Post, How stop and search of minorities by West Yorkshire Police increased during lockdown, 15 June 2020; Birmingham Mail, Stop and search increases in the West Midlands during lockdown, 14 October 2020.

586   Metropolitan Police stop and search dashboard, "S&S R12 summary", [accessed 6 July 2021].

587   House of Commons Library based on Metropolitan Police Service, stop and search dashboard, "S&S R12 summary" [accessed 6 July 2021].

588   Metropolitan Police Service, stop and search dashboard, "S&S R12 summary" [accessed 6 July 2021].

589   Home Office, Stop and search statistics data tables: police powers and procedures year ending 31 March 2018, table SS_14, 25 October 2018; Home Office, Stop and search statistics data tables: police powers and procedures year ending 31 March 2020 second edition, table SS_13, 27 October 2020.

590   Metropolitan Police Service, Stop and Search dashboard "S&S R12 Summary" [accessed 21 June 2021].

591   Metropolitan Police Service, Stop and Search dashboard, "S&S R12 Summary" [accessed 21 June 2021].

Lewis, the founder and CEO of Mentivity, a community organisation in Southwark, and athletes Bianca Williams and Ricardo Dos Santos who were stopped and searched in West London after their car was stopped in July. Mr Holmes-Lewis told the Committee about the stop he experienced:

> I was stopped on 5 May during lockdown delivering food to friends and family members that had issues with covid, and lost members of their family to covid, and I was profiled in under 45 seconds as a drug dealer [...] For me personally it was four times in two months, so that was probably a record.[592]

355. As the volume of searches increased over lockdown so, it was reported, did the racial disproportionality. The Mayor's Office for Policing and Crime calculated that, whereas for the 12 months to March 2020, Black people who were stopped in London were 3.7 times more likely to be stopped than White people who were stopped in London,[593] in May 2020 the disproportionality was 4.25.[594] The disproportionality was even more pronounced for 'reasonable grounds' searches involving weapons, points and blades: for the year to March 2020, disproportionality was by a factor of 7;[595] for May 2020, stop and searches for weapons, points and blades were 9.7 times more likely to be conducted against Black people in London than White people in London.[596]

356. The Commissioner, in response, referred to the positive outcome rate of searches.[597] She told the Committee that "we have a positive outcome rate of just over 20%, whether you are White, Black or whatever [...] the positive outcome rate is the same, whatever ethnic group you come from".[598]

357. The positive outcome rate for both Black and White individuals decreased markedly from May 2019 to May 2020, falling from 24.8% to 19.8% for all searches.[599] The positive outcome rate was considerably lower for weapons searches (which fell from 16.6% for May 2019 to 14.7% for May 2020) than for drugs (which fell from 27.9% to 21.4%).[600]

358. For drugs searches, there is no notable racial disparity in the outcome rate. However, the positive outcome rate for weapons searches in May 2020 was significantly lower for Black people stopped in London than White people stopped in London, with only 12.7% of weapons searches resulting in further action (compared to 18.9% for White people stopped in London). The ethnic disparity was particularly pronounced in certain boroughs: in Tower Hamlets, 9% (compared to 19% for White people stopped in London); and in Haringey and Lambeth, both 11% (compared to 15%).[601]

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592   Q143; Q156

593   Mayor of London, Mayor's Actions Plan focuses on disproportionality of police powers, 13 November 2020.

594   Metropolitan Police Service, Stop and Search dashboard, "Search Proportionality" [accessed 21 June 2021].

595   Mayor of London, Mayor's Actions Plan focuses on disproportionality of police powers, 13 November 2020.

596   Metropolitan Police Service, Stop and Search dashboard, "Search Proportionality" [accessed 21 June 2021].

597   Full Fact, Stop and search in England and Wales, 24 June 2019: a 'positive outcome' is when a stop and search uncovers something relevant but not necessarily the item the officer was originally searching for. 'Positive outcome' searches refer to any case where action is taken against individuals who have been stopped and searched. This includes arrest cases but also other resolutions like warnings and Penalty Notices. All cases where there is no positive outcome are called "No Further Actions".

598   Q18; Q25

599   MPS, Stop and Search dashboard "Outcome Rates From Searches" [accessed November 2020].

600   MPS, Stop and Search dashboard "Outcome Rates From Searches" [accessed November 2020].

601   Metropolitan Police Service, Stop and Search dashboard, "Search Proportionality" [accessed 21 June 2021].

359. The combination of a considerable increase in the volume of searches and a fall in the outcome rate meant that, over the first national lockdown, a very considerable number of people were being stopped and searched in London without anything being found and with no further action being taken. Committee analysis of Metropolitan Police data found that 9,916 Black males between the age of 15 and 24 were stopped in May 2020. When set against 2011 Census data (the metric used by the Metropolitan Police for calculating rates per 1000 population), this suggests that in that one month alone there was one stop for every eight Black males between the ages of 15 and 24 in London. Of those stopped in May 8,215 Black males between the age of 15 and 24 had no further action taken against them, which is 83% of the 9,932 stopped in total.[602]

360. Across the whole of the April-June lockdown period the Metropolitan Police searched, but carried out no further action in respect of, 18,529 Black males between the ages of 15 and 24, the equivalent of 1 in 4 people in that group.[603] This contrasts with the 1 in 100 young Black males who according to the Mayor of London's Action Plan are involved in serious violence.

361. When these figures were put to the Commissioner in July 2020, she told the Committee

> I am not alarmed. I have said before that I am alert and I remain alert.[604]

362. The Commissioner recognised, however, that "if three-quarters of the people who are stopped and searched do not have anything on them, there is potentially a cost—for want of a better word—in the community".[605]

363. She told the Committee that "I will be like a hawk if it turns out that we are being objectively unfair and treating people differently, but I will come back to the point that at the moment the positive outcome rate is just the same across different communities".[606]

364. Since July 2020, the number of monthly stop and searches conducted by the Metropolitan Police has fallen significantly.[607] Since 43,947 stops were conducted in May 2020, the highest number of monthly stops was conducted in November 2020, when 26,844 people were stopped.[608] The figure for May 2021 is 19,495 stops.[609] The search rate disproportionality between Black and White individuals stopped in London also came down. Having reached 4.25 in May 2020 it has subsequently fluctuated between 3.2 and 3.8.[610]

365. The Mayor of London's Transparency, Accountability and Trust in Policing Action Plan, published in November 2020, stated that:

> Over the last few months, my team and I have been listening to the experiences and concerns of Black Londoners. There are clearly widespread feelings of anger and mistrust around disproportionality in the use of

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602   Calculation on 30 April 2021 from data at Stop and search dashboard | The Met.

603   Calculation on 30 April 2021 from data at Stop and search dashboard | The Met.

604   Q25

605   Q22

606   Q36

607   Metropolitan Police Service, stop and search dashboard, "S&S R12 summary" [accessed 6 July 2021].

608   Metropolitan Police Service, stop and search dashboard, "S&S R12 summary" [accessed 6 July 2021].

609   Metropolitan Police Service, stop and search dashboard, "S&S R12 summary" [accessed 6 July 2021].

610   Metropolitan Police Service, stop and search dashboard, "S&S R12 summary" [accessed 6 July 2021].

some police powers affecting Black Londoners, about the lower levels of confidence that many Black Londoners have in the MPS, and about how the MPS does not fully represent or understand Black communities in London.[611]

366. **Twenty-two years on from the publication of the Macpherson report there remains a serious problem with racial disproportionality in stop and search. Black people are over nine and a half times more likely to be stopped and searched than White people. Despite the Macpherson report and the concerns raised and recommendations by many other community and policing organisations over the last two decades, the disproportionality is greater now than it was when the Stephen Lawrence Inquiry concluded. We agree with HMICFRS that these disparities undermine legitimacy, which is fundamental to the British model of policing by consent.**

367. **Stop and search is an important police power and the Macpherson report's conclusion that it has a useful role to play in the prevention and detection of crime still applies. However the nature of the unexplained and unjustified racial disparities, and the way we have seen stop and search used, has too often damaged confidence both in stop and search itself and in policing by consent for the BME communities most affected by it. That confidence needs to be rebuilt. Policing needs to be fair and seen to be fair.**

368. **No evidence to this inquiry has adequately explained or justified the nature and scale of the disproportionality in the use of stop and search powers. This is especially the case for searches for the possession of drugs where evidence shows that Black people are less likely than White people to have used drugs in the last year, but are 2.4 times more likely to be stopped and searched for drug possession.**

369. **We recognise the importance of the police being able to take action against knife crime, and their concern that victims and perpetrators of knife crime are disproportionately Black, but we also note that this does not explain the fact that there are significant racial disparities in stop and searches in every force in the country, with some of the highest levels of disproportionality in areas with very low levels of knife crime.**

370. **The manner in which police forces conduct stop and search is particularly important in determining how that stop will be perceived both by the individual who is searched and their wider community. We heard troubling examples of stops and searches being conducted in a manner that was deeply alienating and uncomfortable.** *Given that the majority of people stopped and searched are not found to be committing any crime, it is extremely important that all stops are initiated in a respectful and appropriate manner, and care is taken to manage conflict and de-escalate encounters where necessary.*

371. **Stop and search needs to be used in a focused and targeted way. When it is not, it leads to injustice and to too many people being searched without good reason. The Metropolitan Police increased their use of stop and search during the early months of the first national covid-19 lockdown to the highest levels seen in London for many years and they did so at a time when far fewer people were on the streets. They were wrong to do so: the result was that far more people who were not committing crimes**

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were stopped and searched, the proportion of searches which found weapons or drugs dropped, and the racial disparity widened. It should never have been possible for the equivalent of 1 in 4 Black males between the ages of 15 and 24 in London who were not committing a crime to be stopped and searched during a three-month period. This finding undermines arguments that stop and search was being used judiciously during this time. The Metropolitan Police has reduced the number of stop and searches in London since then but the impact of stop and search policies during that period was very damaging for community confidence not just in London but across the country.

Reforms to stop and search

Home Office reforms (2014–2019)

372. Following the 2011 riots, the then Home Secretary, Rt Hon Theresa May MP, asked Her Majesty's Inspectorate of Constabulary (HMIC, now HMICFRS) to look at how forces were using stop and search.[612] In 2013 HMIC published a highly critical report: Stop and Search Powers: Are the police using them effectively and fairly?[613] Which found that policing leaders had a poor understanding of the effective use of stop and search.[614]

373. Following the publication of the report, the then Home Secretary, Rt Hon Theresa May MP, said in 2014 that:

> […] when innocent people are stopped and searched for no good reason, it is hugely damaging to the relationship between the police and the public. In those circumstances it is an unacceptable affront to justice.[615]

374. In 2014, in response to HMIC's findings, the then Home Secretary, Rt Hon Theresa May MP, oversaw reforms to stop and search, including the introduction of new training standards and the voluntary Best Use of Stop and Search (BUSS) scheme guidance designed to promote more targeted and evidenced stops, greater police scrutiny and limiting the use of 'no suspicion' searches (under section 60 legislation).[616]

375. The BUSS scheme includes a requirement for forces to publish a broader range of data on outcomes following a stop and search. These include, for example, the number of times officers find the prohibited item they were looking for in their search (this is referred to as the 'find rate').[617] The BUSS guidance also specifically places stricter criteria on the use of section 60 searches and requires forces to meet a higher standard of authorisation for its use than they are legally required to meet under the statutory section 60 authorisation requirements.[618] Figure 13 below, drawn from a House of Commons Library briefing, presents a comparison between the BUSS and statutory section 60 authorisation requirements based on the College of Policing stop and search guidance.[619]

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612   Gov.uk, Stop and search: Theresa May announces reform of police stop and search, 30 April 2014.
613   HMIC, Stop and Search Powers: Are the police using them effectively and fairly? 2013.
614   Ibid.
615   HC Deb, Stop-and-Search, 30 April 2014, Vol. 579, Col.831.
616   MPR0040 StopWatch.
617   Home Office, College of Policing, Best Use of Stop and Search Scheme, 2014.
618   Home Office, College of Policing, Best Use of Stop and Search Scheme, 2014.
619   College of Policing, Authorised Professional Practice, Stop and search legal basis, accessed 6 February 2020.

Figure 13: Summary of the differences between the BUSS scheme standard and the legal standard[620]

	BUSS	Legislation
Authorising officer	Assistant Chief Constable/ Commander	Inspector
Likelihood of serious violence	Reasonably believed that serious violence *will* take place	Reasonably believed that serious violence *may* take place
Initial maximum duration	15 hours	24 hours
Maximum extension	First extension: 9 hours. Second extension: 15 hours	24 hours

376. Since 2018, the Home Office has pursued a different approach to stop and search powers. Rt Hon Sajid Javid MP told the Police Superintendents' Association's annual conference that police officers needed to feel "comfortable and supported" when they stopped and searched, and that criminals in possession of dangerous weapons should not think they could "get away with it".[621] Mr Javid defended disproportionality in the figures by arguing "if you're Black you're more likely to be a homicide victim than any other ethnic group. If Stop and Search can mean saving lives from the communities most affected, then of course it has to be right".[622]

377. In March 2019, Rt Hon Sajid Javid MP launched a one year pilot with seven police forces, to examine the potential impact of making it "simpler" for forces to use section 60.[623] Most of the BUSS reforms introduced by Theresa May were retained but as part of this pilot, he amended two of the conditions in the voluntary Best Use of Stop and Search Scheme (BUSS).[624] These were: "reducing the level of authorisation required for a section 60 from senior officer to inspector", and "lowering the degree of certainty required by the

620   House of Commons library, Police powers: stop and search, 10 March 2021, p.11. Sources for table: College of Policing, Authorised Professional Practice, Stop and search legal basis; Home Office and College of Policing, Best Use of Stop and Search scheme, 26 August 2014, p6.

621   Home Office, Home Secretary Police Superintendents' Conference speech 2018, 11 September 2018.

622   Home Office, Home Secretary Police Federation speech 2018, 23 May 2018.

623   Home Office, Greater powers for police to use stop and search to tackle violent crime, 31 March 2019; The changes to section 60 initially applied in areas particularly affected by violent crime - London, West Midlands, Merseyside, South Yorkshire, West Yorkshire, South Wales and Greater Manchester - for up to a year.

624   Home Office, Greater powers for police to use stop and search to tackle violent crime, 31 March 2019; The Best Use of Stop and Search Scheme (2014) is voluntary but as outlined in the Home Office and College of Policing guidance [see previous link]: those forces who sign up to the scheme are "expected to adhere to all its components, subject to exceptional circumstances". The guidance stated that "[…] nothing in the Scheme is binding in law; statute and case law on stop and search therefore remain unaffected". Home Office official statistics on BUSS confirmed that "all forces in England and Wales are signed up to the BUSS scheme. See, Police powers and procedures, England and Wales, year ending 31 March 2018, October 2018, p.33".

authorising officer so they must reasonably believe an incident involving serious violence 'may', rather than 'will', occur".[625] The stricter criteria for and scrutiny of section 60 stop and searches had been key aspects of the original BUSS guidance.[626]

378. David Munro, the Association of Police and Crime Commissioners' Lead on Equality, Diversity and Human Rights, welcomed the changes made by the former Home Secretary while emphasising the importance of police engagement with communities in areas where changes to section 60 procedure were being made, both to ensure their involvement in the "fight against knife crime" and to build their trust in policing.[627]

379. In August 2019, following the formation of the new Government, the Home Secretary Rt Hon Priti Patel MP announced an extension of her predecessor's section 60 pilot to all forces in England and Wales.[628] She told BBC news that, "Stop and search works. We hear again and again from police that [they] need to be empowered".[629]

380. She announced at the same time that all conditions in the BUSS 'no suspicion' section 60 search guidance would be lifted. Although the expectation of compliance with BUSS for the majority of searches under section 1 and 23 of PACE ('reasonable grounds' searches) was retained, this change in effect removed the expectation that any police force in England and Wales should comply with any element of the guidance on section 60 searches.[630] The National Police Chief Council's lead for stop and search, Deputy Chief Constable Adrian Hanstock, welcomed the changes, stating that the extension of the pilot to all police forces would "help to reduce bureaucracy and allow officers to use section 60 controls much faster when it is clear it is in the public interest to do so".[631] However, West Midlands Police, one of the six pilot areas, did not lower the level of authorisation needed to carry out section 60 searches during its inclusion in the initial pilot.[632] The former West Midlands Police and Crime Commissioner, David Jamieson, said that his force "already had the necessary powers to carry out section 60 stop and searches as required".[633]

381. On 17 October 2019, seven months after the start of the Home Office's section 60 pilot, the Department published two Equality Impact Assessments which evaluated it.[634] Significantly, the reports noted that there was evidence to suggest that an increase in the use of stop and search was "unlikely to be conducive to improving community relations, including trust in the police".[635] Furthermore, in its assessment of the current use of section 60 the Home Office stated that it could not:

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625   Ibid.

626   House of Commons Library Police powers: stop and search, March 2021.

627   Association of Police and Crime Commissioners, APCC response to government announcement on stop and search, 1 April 2019.

628   Home Office, Government lifts emergency stop and search restrictions, 11 August 2019.

629   BBC News, Home Secretary Priti Patel: 'Stop and search works', 11 August 2019.

630   Ibid.

631   Gov.uk, Government lifts emergency stop and search restrictions, 11 August 2019.

632   The Guardian, Police force declines new powers lowering bar for stop and search, 16 August 2019.

633   The Guardian, Police force declines new powers lowering bar for stop and search, 16 August 2019.

634   Home Office, Stop and Search 'Section 60' pilot: Equality Impact Assessments, published 17 October 2019. Note that these EIAs reflect Government changes made to BUSS in March 2019 and August 2019, to relax forces' use of section 60.

635   Home Office, Stop and Search 'Section 60' pilot: Equality Impact Assessments, published 17 October 2019. Note that these EIAs reflect Government changes made to BUSS in March 2019 and August 2019, to relax forces' use of section 60.

[…] discount the possibility of some level of discrimination - either towards individuals, or systematically in the policing of certain communities - as an explanatory factor for existing rates of disparity.[636]

382. The Home Office concluded that, "any increases in the use of s60 pose the risk of magnifying any residual levels of discrimination in the use of this power".[637]

383. There has not been a published evaluation of the effect of changes to section 60 guidance. Although the volume of 'no suspicion' searches has increased in recent years (see paragraph 303), much of that increase pre-dates the further changes made by Sajid Javid or Priti Patel and is largely attributable to the increased use of the power by the MPS.

Figure 14: Stops and searches under section 60 CJPOA, England and Wales, years ending March 2007 to 2020.[638]
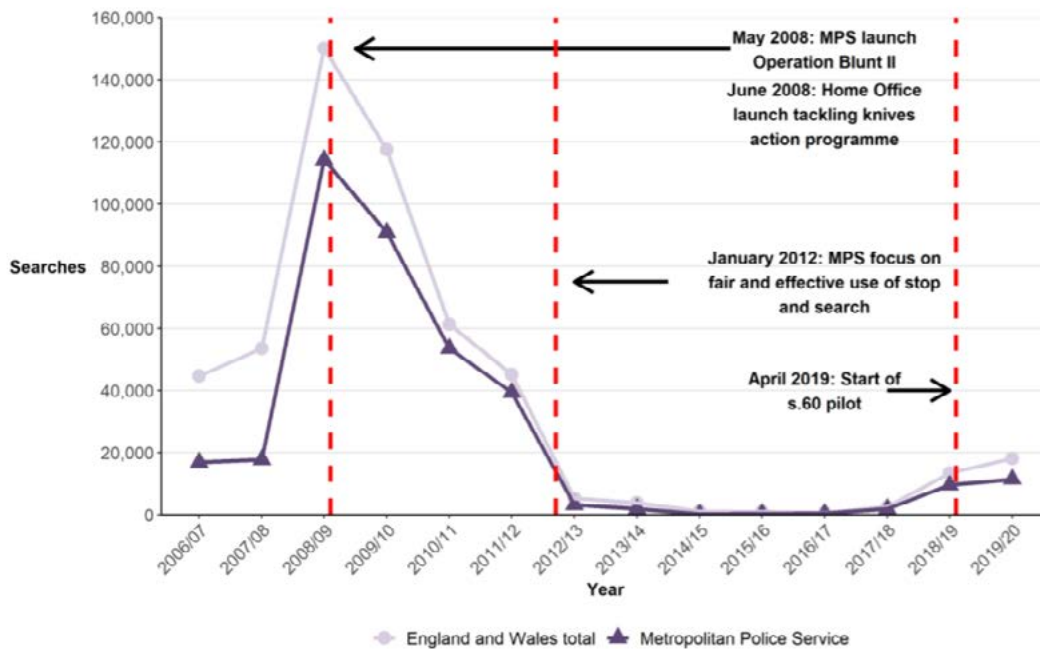
Source: _Stop and search open data table_, Home Office

Notes:
1. Data from 2009/10 onwards includes the British Transport Police (BTP) but excludes Greater Manchester Police. Prior to this data are not directly comparable with more recent years.

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636   Home Office, Stop and Search 'Section 60' pilot: Equality Impact Assessments, published 17 October 2019. Note that these EIAs reflect Government changes made to BUSS in March 2019 and August 2019, to relax forces' use of section 60.

637   Home Office, Stop and Search 'Section 60' pilot: Equality Impact Assessments, published 17 October 2019. Note that these EIAs reflect Government changes made to BUSS in March 2019 and August 2019, to relax forces' use of section 60.

638   Home Office, Police powers and procedures, England and Wales, year ending 31 March 2020, second edition, published 27 October 2020, p12.

National policing measures to improve stop and search

Guidance

384. The Police and Criminal Evidence Act 1984 (PACE) Code A provides statutory guidance to police officers on fair, effective and lawful stop and search.[639] The College of Policing Authorised Professional Practice (APP) on stop and search provides guidance on its statutory requirements and also on "best practice".[640] In its guidance, the College states that supervising officers should monitor their staff's stop and search records to ensure that the power is being used lawfully and professionally.[641] It also outlines examples of how this monitoring might be carried out, such as by identifying any disproportionality and its underlying causes and analysing the frequency with which the item searched for is found.[642]

HMICFRS monitoring and inspections

385. HMICFRS conducts all-force inspections which look at the use of stop and search as part of its PEEL assessments. In March 2019 it told us that many police forces were "unable to explain" why there was an over-representation of BME people in their stop and search data.[643] Over the course of a number of inspections, culminating in its 2021 report, it has been highly critical of aspects of the police's use and understanding of stop and search, including its poor monitoring of the use of this power.[644]

386. In 2013 HMICFRS reported that 27% of the records it examined "did not contain sufficient reasonable grounds to justify the lawful use of the power". In 2015 it found that 15% of records "did not have reasonable grounds recorded" and were therefore potentially unlawful. While in 2017 the proportion of records it found were without reasonable grounds had reduced to 6%, which the inspectorate said was "encouraging", in 2019 this had returned to a much higher level, 18%.

387. The inspectorate has repeatedly returned to this issue to highlight its concerns and press for change. It recommended in December 2017 that by July 2018 all forces in England and Wales should be frequently monitoring "a comprehensive set of data" on their use of stop and search to understand the reasons for any ethnic disparity in its use, taking action where necessary to reduce any disparity and annually publishing its analysis and any consequent action.

388. In May 2019, however, while HMICFRS found that forces "were generally making progress", it found continuing failures by forces to review body-worn camera footage, a lack of monitoring of the find rate by ethnicity, and failures by some forces to set up external scrutiny panels or to ensure such panels were independently chaired and represented local communities.[645]

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639   Home Office, PACE Code A, Revised Code of Practice for the exercise by: Police Officers of Statutory Powers of stop and search Police Officers and Police Staff of requirements to record public encounters, 2014.

640   The College of Policing Authorised Professional Practice guidance, Stop and search.

641   The College of Policing Authorised Professional Practice guidance, Stop and search.

642   The College of Policing Authorised Professional Practice guidance, Stop and search.

643   The College of Policing Authorised Professional Practice guidance, Stop and search.

644   House of Commons Library, Police powers: stop and search, March 2021, p.19.

645   HMICFRS, PEEL spotlight report: A system under pressure (justiceinspectorates.gov.uk), May 2019, p17.

389. The difficulty experienced by HMICFRS in securing change is demonstrated by the fact that, out of nineteen forces across England and Wales which HMICFRS reported on in February 2020:[646]

- Five were not monitoring a "wide enough range of data" to allow them to "fully understand" how their officers are using stop and search.

- Six had "insufficient external scrutiny arrangements", and

- "Only ten forces reviewed body-worn video footage of stop and search encounters as part of either their internal or external scrutiny".[647]

390. In its 2021 report, HMICFRS noted that while training on stop and search had improved, and there was "some innovative practice in stop and search training", backlogs meant that "there are still gaps in too many officers' skills and knowledge", while "not all officers receive regular, timely training" and "some officers were not confident in using the powers despite the training".[648] None of the 43 forces had complied fully with the 2017 recommendation to comprehensively monitor stop and search powers, and the recommendation "still stands".[649] The report concluded that:

> Forces are generally improving their understanding of stop and search, but too many are still failing to analyse and monitor a sufficiently comprehensive set of data. This means they can't fully understand the reasons for the disproportionate use of the powers on Black, Asian and Minority Ethnic people. All forces identify some degree of disparity in their stop and search data, but too few are acting to address it.[650]

391. HMICFRS is unable to impose any sanctions or requirements on forces as this is beyond the scope of its role.[651] In written evidence, Dr Rebekah Delsol told us that HMICFRS had done some "remarkable work on stop and search through its inspection process and should be credited with contributions to improving the standards and officers' grounds for stop and search and increased arrest rates".[652] She maintained that despite the "powerful recommendations" it had made on stop and search, these had in "most cases" been ignored.[653] She called for HMICFRS's powers to be enhanced to ensure that it had "the teeth to drive meaningful change".[654]

646   HMICFRS, PEEL spotlight report: Diverging under pressure, February 2020, p17.
647   HMICFRS, PEEL spotlight report: Diverging under pressure, February 2020, p17.
648   HMICFRS, Disproportionate use of police powers: A spotlight on stop and search and the use of forceDisproportionate use of police powers: A spotlight on stop and search and the use of force (justiceinspectorates.gov.uk), February 2021, pp 7, 38–39.
649   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, p40, 26 February 2021.
650   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, p39, 26 February 2021.
651   HMICFRS, About Us, updated 17 May 2018.
652   MPR0058, Dr. Rebekah Delsol, StopWatch.
653   MPR0058, Dr. Rebekah Delsol, StopWatch.
654   MPR0058, Dr. Rebekah Delsol, StopWatch.

HMICFRS–recommendations to improve stop and search

392. HMICFRS's 2021 report urged that action be taken in a number of areas to improve the police's use of stop and search powers and use of force, including: on the recording, monitoring and analysis of data; on inviting external scrutiny of body-worn video and stop and search; on training, and on actions to prevent unfair behaviour.

Key recommendations of the HMICFRS report[655] are set out in the text box below:

Recommendations from the HMICFRS report

- With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

- By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

- By December 2021, the Home Office should agree, nationally, a minimum standard for monitoring stop and search powers working in partnership with HMICFRS and other interested parties, such as the College of Policing and the National Police Chiefs' Council.

- By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation.

Initiatives to build community oversight and confidence

393. We also heard from witnesses about a range of new initiatives that have been introduced by both community leaders and police forces to foster more honest and transparent discussion between the police and BME communities, with a particular focus on the disproportionate use of police powers, including stop and search.[656]

394. Inspector Popple told us that his role in the West Midlands Fairness in Policing Team involved improving police legitimacy among local communities. He said this has included increasing the 'community voice' coming into the police service and developing procedural justice around stop and search, and considering what a good, fair stop and search looks like. He added that his force was looking to develop training in this area with a focus on reflective practice and restorative justice: bringing officers and individuals together to discuss openly and transparently how a particular stop and search encounter made each person feel and what could have been done better. He said that stop and search encounters needed to be humanised, with officers doing more to introduce themselves

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655   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, p29; p18; p41; p18, 26 February 2021.

656   HC 426, 22 July 2020.

and explain the stop at an earlier point.[657] As an example of this he highlighted that the prompt for an officer to identify their identity to the person being searched came fourth in the mnemonic GO WISELY and that this needed to change.[658]

395. As mentioned earlier Sayce Holmes-Lewis, Founder and CEO of Mentivity, a youth mentoring organisation, told us that he had been stopped and searched over thirty times since the age of fourteen, including four times during the first covid-19 lockdown.[659] Following a stop and search incident in May 2020, where he claims he was profiled by the Metropolitan Police "in under 45 seconds as a drug dealer", he initiated a training programme for Metropolitan Police officers aimed at improving their understanding of, and interaction with the Black British community.[660] He told us the training focusses on "conscious bias", perceptions of the Black community and how those views are formed, as well as how police officers can better communicate with the young Black British community during stop and search encounters, for example by explaining technical terms such as section 23s or section 60s.[661] He said that stop and search cannot solve youth violence, which he argued is a consequence of socioeconomic problems and inequality.[662] He told us that better policing for the future of our society would require investment in communities alongside more "empathy, education [and] understanding".[663]

396. Pastor Lorraine Jones told us that the success and uniqueness of Dwaynamics is the way the police (particularly senior officers), young people and the community "engage in harmony". She said:

> When the police come into our environment, they experience our culture, our foods and our diversity of music and they learn more about us.[664]

397. Pastor Jones told us that there had been positive changes in her borough, with a reduction in drug dealing and violence in one particular area but said she could not say that local police attitudes to the BME community had "tangibly changed" particularly in light of the number of stop and searches that had been carried out on young Black boys during the covid-19 lockdown.[665] She said that despite the good work her organisation was doing to improve police and BME community relations, it was a "drop in the ocean". She argued that many more police officers needed to engage with the BME community in this way and the Government needed to invest more money in initiatives like hers in order to achieve substantive change.[666]

398. Following its completion of five investigations involving the stop and search of Black men by MPS officers in October 2020, the IOPC recommended that the Metropolitan Police Service take steps to address a lack of understanding from officers about why their actions were perceived to be discriminatory, to ensure "that assumptions, stereotypes

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657   Q107.

658   Q107; House of Commons, Police powers: stop and search, 10 March 2021, for a detailed explanation of GO WISELY: the mnemonic GO WISELY is used to help officers remember what they must say and what it is helpful to say during a stop and search encounter. Officers should follow GO WISELY. For example, G stands for: A clear explanation of the officer's grounds for suspicion and I stands for: Identify of the officer.

659   Q143, Q153, Q156.

660   Q143,

661   Q144.

662   Q166.

663   Q168.

664   Q149.

665   Q152.

666   Q150.

and bias (conscious or unconscious) are not informing or affecting their officer's decision making on stop and search".[667] Specifically, it presented the following proposals, which could be applicable to other forces too:

- "incorporating the lived experience of BAME people into existing stop and search training";

- considering "the role scrutiny panels can play and how the guidance in the revised and updated College of Policing stop and search Authorised Professional Practice (APP) could be applied";

- Engaging "proactively … with impacted communities in ways that promote trust and confidence in the use of stop and search"

- "wider roll-out of the Enhanced Stop and Search training currently piloted in West Area BCU if there is evidence to show that it is having a positive impact on community confidence".[668]

399. The Metropolitan Police accepted the IOPC's recommendations. In November 2020, the Mayor of London's Action Plan announced a series of "community-led" training initiatives, including in relation to stop and search. These initiatives are aimed at incorporating "direct community input into specific aspects of the training given to new recruits across the service".[669] As part of "Refreshed Stop and Search Training", the Action Plan made the commitment that:

> during their initial learning new recruits will spend time understanding the importance of cultural awareness and the impact of issues such as unconscious bias and disproportionality on communities across London, specifically Black communities. This includes scenario-based role plays such as 'trading places' exercises, where officers will be put in the shoes of the people they stop.[670]

400. The Commission on Race and Ethnic Disparities recommended that police officers should receive enhanced communication skills training to help them interact with communities, alongside a strategy to develop the effectiveness and implementation of stop and search. It considered that this would help to avoid conflict and discourage the use of force during stop and search and other procedures. It particularly specified that de-escalation training should be required for all new recruits and rolled out to "all current serving officers who are expected to interact with the public as part of their role". It stated that such training should remain part of continual professional development at all levels of policing.[671]

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667   Metropolitan Police, IOPC Learning Recommendations under Paragraph 28A of Schedule 3 to the Police Reform Act 2002, p6,

668   Metropolitan Police, IOPC Learning Recommendations under Paragraph 28A of Schedule 3 to the Police Reform Act 2002, p3,

669   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, pp 29–30; p6, November 2020.

670   Mayor of London, Action Plan - Transparency, Accountability and Trust in Policing, p7, 13 November 2020.

671   Commission on Race and Ethnic Disparities: Report, March 2021 p18, p166.

Use of force

Handcuffing during stop and search

401. We heard concerns about the use of handcuffing during stop and searches.[672] Police officers must seek the cooperation of those they search but they may use reasonable force as a "last resort".[673] The College of Policing 'stop and search' APP (Authorised Professional Practice) guidance states that "officers should not routinely handcuff people in order to carry out a stop and search" and that police use of force "should be proportionate to the aim of preventing crime".[674] Automatically handcuffing someone without first seeking their compliance with a search would be in breach of PACE Code A.[675]

402. Nick Glynn recognised the importance of officer safety and told us that "handcuffs should be used where there is sufficient risk" to an officer but argued that this 'use of force' (handcuffing) occurred where there was "little or no risk to the officer or anyone else".[676] He asserted there was an "implicit bias around the 'danger' inherent in Black people" that exacerbated the use of handcuffing and other uses of force, including Taser (see paragraph 413) against Black people.[677] Similarly Katrina Ffrench claimed that the increase in the use of handcuffing in London was "causing people to feel they are not being policed by consent".[678] Professor Ben Bowling expressed concern about "proper scrutiny" of the use of force, including handcuffing and Tasers. He said if these powers could not be used fairly and safely that they should "come to an end".[679]

403. As part of its 2021 report into Disproportionate use of police powers, HMICFRS noted that it had been told "anecdotally" that "handcuffs are regularly used during stop and search encounters" and that handcuffing during stop and search is becoming routine in some forces, whether or not it is necessary and proportionate".[680] It concluded that

> This is troubling, not only for the adverse effect unjustified use might have on police relations with communities, but also because unjustified use of handcuffs is unlawful and could amount to an assault.

404. The report also identified shortcomings in compliance with NPCC recording requirements. It noted that two forces "were recording the use of handcuffs but weren't recording compliant and non-compliant handcuffing separately" with the consequence that "they are less able to demonstrate to the public that their use of handcuffing is fair and appropriate, and less able to improve it by tackling potentially unfair or inappropriate handcuffing at an individual or organisational level".[681]

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672 MPR0059, Nick Glynn, Open Society Foundation; Q34; Q39; Q41.
673 s117, Police and Criminal Evidence Act 1984; Home Office, PACE Code A, paragraph 3.2.
674 College of Policing, Stop and search: legal application, [last accessed 13 July 2020].
675 IOPC, The Learning Lesson: Stop and Search, Issue 33, November 2018, p22.
676 MPR0059, Open Society Foundations.
677 MPR0059, Open Society Foundations.
678 Q34 We discuss the Metropolitan Police Commissioner's views on handcuffing practices in the next section: The Metropolitan Police.
679 Q23.
680 HMICFRS, Disproportionate use of police powers, February 2021, p.25.
681 HMICFRS, Disproportionate use of police powers, February 2021 p.23.

The Metropolitan Police

405. In 2019/20, the ethnicity of the subject was recorded as Black or Black British in 36% of the instances where force was used by the Metropolitan Police. More specifically the ethnicity was recorded as Black or Black British in 39% of instances where non-compliant handcuffing was used and 43% of instances when a Taser was discharged.[682] The Metropolitan Police Commissioner told us that she did not believe she ran a police service in which handcuffing was routine.[683] She added that any use of handcuffing "must always be justified and the justification has to be in the law and written down".[684]

406. In July 2020, British sprinter Bianca Williams was stopped in her car and handcuffed alongside her partner while her baby son was in the back of her car.[685] Video footage of the incident was shared widely on social media. The Metropolitan Police Commissioner told us that she was sorry to Ms Williams for the distress it had caused her and said that if there were lessons to be learned her force would learn them.[686] She added that in light of "a number of issues raised over the last several weeks" that her force would be reviewing its handcuffing practices to ensure "it has not become in any way a default in certain situations, because it should not be".[687] In addition to this review she told us her force had recently established a "Use of Force Oversight Group" which would investigate these specific issues as well as use of force data.[688]

407. In 2021 Dame Cressida Dick informed us that the "Use of Force Oversight Group," was chaired by a Deputy Assistant Commissioner and included community members, MOPAC and the IOPC. She said the group met every two weeks and reviewed a sample of BWV footage, disseminating any learning and ensuring that "any officers whose behaviour falls below acceptable standards is held to account".[689]

408. The IOPC's review of MPS stop and search incidents noted that "A common theme amongst our stop and search investigations has been that handcuffs have been used in nearly all instances" and registered its concern that "handcuffs are being used unnecessarily and where the use of other tactics could have de-escalated the encounter".[690] As a result, the IOPC recommended:

> that the MPS take steps to ensure that officers exercising stop and search powers are not using restraint/handcuffs as a matter of routine and are only using these tools when reasonable, proportionate and necessary.[691]

682   Mayor of London, Metropolitan Police Use of Force Dataset, FY19–20.

683   Q13.

684   Q13.

685   The Guardian, Met police apologise to Bianca Williams over stop and search, 8 July 2020; BBC News, Bianca Williams: Met apologises to sprinter over stop-and-search, 8 July 2020.

686   Q13.

687   Q13.

688   Q13.

689   MAC0056 ,written evidence submitted by the Commissioner of the Metropolitan Police Service.

690   IOPC, Thematic stop and search learning recommendations to MPS, August 2020, pp7–8

691   IOPC, Thematic stop and search learning recommendations to MPS, August 2020, pp7–8

409. It further recommended that

> the MPS amend their stop and search records to include a question about whether any kind of force has been used. The records should also state where information about the kind of force will be recorded.[692]

410. An executive summary of the Metropolitan Police's review into the use of handcuffs was published on 8 January 2021. The review acknowledged that "the use of handcuffs pre-arrest is an issue of community concern" and stated that it

> needs to be justified on every occasion and cannot, and must not, be considered a matter of routine or common practise [sic] that is done without proper consideration and recording on each occasion.[693]

411. In May 2021, Dame Cressida Dick told us that following its pre-arrest handcuffing review it was developing a "specific policy on handcuffing pre-arrest that will set out clear guidance for officers".[694]

412. Analysis to support the review showed that "handcuffing practice has not meaningfully changed since the introduction of new, additional recording methods for use of force in April 2017" and the volume "has remained stable". It made ten recommendations, including clear guidance for officers on use of handcuffs, including the requirement to justify both their initial application and their continued use.[695]

Tasers

413. There have been a number of recent cases which have led to criticism of police use of Tasers. These include a man suffering life-changing injuries when he was shot with a Taser in London; a man who was Tasered at a petrol station in Stretford in front of his young son; footage of the father of rapper Wretch 32 being Tasered by police which has been shared on social media; and a Black father and his 13 year old son being tackled by police and threatened with Tasers during a charity bike ride in London.[696]

414. In May 2020 the IOPC issued a statement calling for greater scrutiny of Taser use amid "growing concerns both locally and nationally about its disproportionate use against Black men and those with mental health issues", with the Director General, Michael Lockwood, stating that "There must be more research to understand issues of disproportionality".[697] The Metropolitan Police Commissioner told us she supported research currently taking place about the underlying issues and disproportionality in Taser adding that, "The more we understand, the better".[698] Metropolitan Police Assistant Commissioner Helen

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692   IOPC thematic recommendations to the Metropolitan Police Service, August 2020, p8.

693   Executive summary: review of pre-arrest handcuffing in the MPS, January 2021, p2.

694   MAC0056, written evidence submitted by the Commissioner of the Metropolitan Police Service.

695   Executive summary: review of pre-arrest handcuffing in the MPS, January 2021, p.2.

696   BBC News, 'Met Police officer investigated over Haringey Taser incident', 16 May 2020; BBC News, 'Stretford Taser arrest: Police actions to be investigated', 14 May 2020; The Guardian, 'Calls to investigate after police Taser UK rapper's father', 10 June 2020; Sky News, 'Black father and son tackled by police and threatened with Tasers during charity bike ride', 29 June 2020.

697   IOPC, 'IOPC calls for greater scrutiny of Taser use following increasing concerns', 14 May 2020

698   Q40.

Ball told us her force was having "active conversations" with its community advisers to consider whether there were "different ways of approaching officers' use of force and also their engagement with communities".[699]

Disproportionality in the use of force

415. As part of its 2021 report, HMICFRS examined whether there was disproportionality in the use of force and concluded that despite limitations in the way police forces record 'use of force', and incomplete data (some forces are not recording the ethnicity of individuals subjected to force), "the data suggests a disproportionate use of force".[700] Based on 2019/20 data, it stated that Black people were about 5.7 times more likely to have force used on them than White people. The data further show that officers were more than nine times as likely to have drawn Tasers (but not discharged them) on Black people than on White people. Additionally, Black people were eight times more likely to be 'compliant handcuffed' than White people and over three times more likely to have a spit and bite guard used on them than White people. The report did not draw any conclusions about why such disproportionality existed but urged "further exploration".[701] Given the recent development of use of force data, the report stated that "it is not yet reliable enough to support definitive assessments".[702]

Recording and monitoring use of force

416. From 1 April 2017, the National Police Chiefs' Council (NPCC) introduced the requirement for all police forces in the UK to record data on police use of force including when handcuffs and Tasers are used.[703] In December that year HMICFRS found that eight forces were not complying with the new requirements due to "IT problems" and said that two of those forces were choosing not to comply.[704] In its 2018 inspection of the Metropolitan Police, HMICFRS reported that the force was "fully compliant" in its use of force recording requirement but did not mention the force's use of handcuffing during stop and search.[705] HMICFRS has however remained critical of how police forces generally are recording their use of force. In 2019 it said that the poor recording and monitoring of incidents involving the use of force remained an "area of concern".[706] Data on the use of force is published by the Home Office which has stated that its 'use of force' statistics are "designated as Experimental Statistics" so their accuracy should not be assumed.[707]

699   Q41.

700   HMICFRS, Disproportionate use of police powers, February 2021, p22. Not all forces HMICFRS inspected "were making enough effort to ensure that their officers record each occasion when they use force".

701   HMICFRS, Disproportionate use of police powers, February 2021, p5.

702   HMICFRS, Disproportionate use of police powers, February 2021, p22.

703   NPCC, Use of Force Monitoring Form: Guidance, January 2017.

704   HMICFRS, PEEL: Police legitimacy 2017 a national overview, December 2017, p15.

705   HMICFRS, PEEL: Police effectiveness, efficiency and legitimacy 2018/19 – Metropolitan Police Service - HMICFRS (justiceinspectorates.gov.uk), published 27 September 2019, p53.

706   HMICFRS, State of Policing, the annual assessment of policing in England and Wales, 2018, published 4 July 2019, p113.

707   Home Office, Police use of force, England and Wales: April 2019 to March 2020, Experimental statistics, 17 December 2020, p2; User guide to police use of force statistics, p11, notes that: the "'Police use of force' collection is currently designated as Experimental Statistics, as it is relatively newly established and subject to various data quality issues".

417. HMICFRS examined whether forces were complying with the NPCC recording requirements and found that:

- Four forces were not fully complying with the requirement to provide detailed information about Taser use.

- Two more were recording the use of handcuffs but were not recording compliant and non-compliant handcuffing separately.[708]

418. While recognising that "training on the use of force is good but there are some backlogs", HMICFRS was critical of the police's systems for overseeing their use of force.[709] Despite expecting forces to have developed "relatively advanced processes" to aid the monitoring, governance and external scrutiny of their use of force, HMICFRS found "in too many forces they were either ineffective or non-existent".[710]

419. The report urged that the absence of effective internal monitoring processes needed "to be addressed as a matter of urgency" and recommended that

- The Home Office and the NPCC should take steps to ensure that the quality of the data collected on the number of incidents where force has been used to effect a stop and search is sufficient for publication. The Home Office should publish this data as soon as possible.[711]

- By July 2021, forces should ensure they have effective internal and external monitoring of use of force in place, in order to identify, explain and address disproportionate use and to ensure proper engagement with external scrutiny processes.[712]

420. **In the twenty-two years since the Macpherson report there have been different attempts to reform the way stop and search has worked, but there has been little progress in addressing the unexplained and unjustified racial disparities or building confidence among BME communities. Despite the fact that basic, sensible policy recommendations have been made over many years including by HMICFRS, and we have seen some excellent local work done between police forces and local communities to tackle problems, too often these recommendations and initiatives have been piecemeal and not widely implemented or sustained. That needs to change urgently. Police forces and the Home Office need to take these failures seriously. In particular, we are very perplexed and disappointed that the ongoing recommendations made by HMICFRS since 2017 aimed at improving how stop and search is used are still not being adopted by all forces.** *The Home Office, NPCC and APCC need to agree a clear action plan endorsed by the National Policing Board to ensure that all forces are following the HMICFRS recommendations.*

708   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p23.

709   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p24.

710   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p5.

711   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p26.

712   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p26.

421. **We are very concerned about shortcomings in data collection and transparency with regard to stop and search powers. It is inexcusable that forces do not have proper monitoring and oversight systems in place. In particular, there is far too great a disparity in the detail and consistency by which the tactic is monitored and recorded across all forces.** *We fully concur with the recent HMICFRS recommendation that, by December 2021, the Home Office should agree, nationally, a minimum standard for monitoring stop and search powers. This should include the recording and monitoring of the ethnicity of those who are subject to road traffic stops, as first recommended by Macpherson and his advisers over twenty-two years ago.*

422. **The lack of evidence available about the effectiveness of stop and search in reducing serious violence crime has contributed to scepticism about the basis for using the powers and therefore a lack of confidence in them.** *The Home Office should fill this evidential gap by commissioning a fully independent and comprehensive research study of stop and search tactics to better inform policy decisions at a central and local level. That study should necessarily focus on, but not be limited to, the effect of different stop and search powers on levels of crime; locality type (urban, rural); the type of stop deployed; the grounds and find rate. We advise that any such study should be longitudinal in design to allow researchers to map and identify trends over time with the expectation that they share regular updates in the interests of transparency and public scrutiny.*

423. **Police forces need to take very seriously their responsibility to address racial disparities in the way people are treated in their local communities. Too many forces are unable to explain the levels of racial disparities in their area and are still not engaging in serious attempts to monitor and explain or to change their approach. All forces must ensure they now do so in line with the HMICFRS recommendations. All forces must also put a proper system in place for conducting internal reviews of body worn video to ensure stop and searches are being carried out in line with College of Policing stop and search guidance.**

424. **We have heard about a number of important initiatives designed to improve the experience of stops, and particularly welcome those referred to in this report that have been introduced by both BME community leaders and police forces to foster more honest and transparent discussion about stop and search. However, there are clear gaps in police communication, conflict management and de-escalation training which need to be addressed so that police officers can use stop and search effectively and fairly as a tool in tackling crime.** *As recommended by HMICFRS, forces should ensure officers and staff receive training on effective communication skills, in line with the National Policing Guidelines on Conflict Management; this should be provided in addition to existing training on conflict management and de-escalation.*

425. **We believe that the confidence of local communities will only be earned if there is proper, independent oversight of stop and search, by the community at a local level and, at a national level, by HMICFRS and the Home Office.** *All forces should ensure that in addition to their internal reviews of body worn video, they also put arrangements in place for external reviews of body worn video involving community representatives both to build confidence and ensure improvements are made.* We give further consideration to oversight in chapter nine.

7   Use of police technologies and tools

> The argument you are having is not whether some form of dataset or intelligence-based tool is a good one. You have to use it; the questions are how you use it, how you assemble it, and how you ensure it is not discriminatory.
>
> … It is really important, because those are the fundamental questions that, if you do not get them right at the beginning of trying to use a modern policing tool, cause it to fall apart.

Source: Matthew Ryder QC, Matrix Chambers[713]

426. In the years since the Stephen Lawrence Inquiry a range of new policing technologies and tools have been developed that were not in existence at the time of the Macpherson report. However, during the course of this inquiry, we have noted the same patterns of racial disparities, and attempts to justify them, in connection with such developments as are evidenced in relation to debates surrounding stop and search. We cover some of these areas briefly in this chapter.

The Metropolitan Police Service Gangs Violence Matrix

427. The Gangs Violence Matrix (GVM) database was set up by the Metropolitan Police Service in the aftermath of the 2011 riots to serve as an intelligence tool "to identify those at risk of committing, or being a victim of, gang-related violence in London".[714] However the Mayor of London, Sadiq Khan, has acknowledged that the Gangs Violence Matrix has been controversial in some communities, "resulting in mistrust of the police and rising tensions".[715]

428. The Metropolitan Police Service told us that it used the Gangs Violence Matrix to "identify those most at risk of gang-related violence, either as offenders or victims".[716] It added that the Matrix was a vital tool to reduce gang violence, to safeguard those exploited by gangs and to prevent "young lives being lost".[717] In December 2018 MOPAC completed a review of the Gangs Violence Matrix and made nine recommendations including a "comprehensive overhaul of the Matrix Operating Model", training for all officers on its use and improvements to the systematic data capture on individuals on the Matrix particularly around needs, referrals and outcomes.[718]

429. The Metropolitan Police confirmed to Amnesty International that as of October 2017 there were 3,806 people on the Matrix.[719] As of 31 March 2019, three months after the 2018 review was published, 3,134 people were listed on the Gangs Violence Matrix.[720] In

713   Q224.
714   MPR0041, The Mayor of London.
715   Ibid.
716   MPR0064, Metropolitan Police Service.
717   MPR0064, Metropolitan Police Service.
718   MOPAC, Metropolitan Police Service Gangs Matrix, December 2018; Review of the Metropolitan Police Service Gangs Violence Matrix – A one-year update, January 2021.
719   Trapped in the Matrix, Amnesty International p17
720   Metropolitan Police, Gangs Violence Matrix, Q4 2018/19; Note that Q4, 2018/19 is the earliest quarterly update available on the Metropolitan Police Gangs Violence Matrix website [accessed 30 April 2021].

its Gangs Violence Matrix quarterly figures, as at 31 March 2021, the Metropolitan Police Service reported that the number of individuals on the Matrix had fallen to 2,206; 80% of those on the Matrix were Black and 12% were White.[721]

430. As with stop and search, we heard concerns about the disproportionate number of BME individuals represented on the Gangs Violence Matrix.

431. Liberty expressed concern that the operation of the Matrix as a database of gang membership relied on "crude racial profiling" which fostered a "popular narrative of gang violence which is discriminatory and inaccurate".[722] While Oliver Feeley-Sprague of Amnesty International UK acknowledged that it was important for the police to have appropriate intelligence-led and risk assessment tools in order to keep everyone safe, he argued that the Matrix did not serve that purpose.

> […] one of the problems is the ill-defined and amorphous way that the gang term is placed and labelled on certain individuals. You hear the word "gang" in all sorts of contexts.[723]

432. Some of the evidence we received also raised concerns about the ambiguity of the Metropolitan Police's approach to victims and perpetrators of gang-related crime on the Gangs Violence Matrix, including the lack of clarity about whether an individual on the Matrix is recorded as a perpetrator or victim.[724] We were told by Oliver Feeley-Sprague of Amnesty International UK that this lack of distinction, coupled with inadequate police data sharing agreements with partner agencies, could lead the police to treat anyone named on the Matrix as a "risky person, not an at-risk person" and potentially impact upon that individual's access to housing and other services.[725] He also asserted that despite the police's argument that the Matrix served as both a preventative and criminal enforcement tool, there was a lack of research or case studies about individuals identified as at risk of violence on the Matrix who had been diverted from violent crime.[726]

433. Deputy Assistant Commissioner Duncan Ball of the Metropolitan Police Service acknowledged the concerns about the distinction between victims and perpetrators and told us that the Gangs Violence Matrix had been amended to address the Information Commissioner's concerns.[727] He added that it was important to acknowledge the overlap between victims and offenders, illustrating this with an example of an individual who might stab another gang member and subsequently become a victim as a result of that offence.[728]

Effectiveness of the Gangs Violence Matrix

434. The Metropolitan Police Commissioner told us that the Gangs Violence Matrix was created "to save lives, to keep people safe and to make sure that where possible people are taken away from criminality". She said the evidence showed that the Matrix helped to protect people, whether as offenders or as victims of serious crime, and ultimately made

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721   Metropolitan Police, Gangs Violence Matrix Q4 2020/21, as at 31 March 2021.
722   MPR0030 Liberty.
723   Q150.
724   Q151; Q168.
725   Ibid.
726   Q151.
727   Q239.
728   Q239.

people "less likely to offend". However she said that the Matrix had been "interpreted by many in the communities as exactly the opposite of that" which was a concern for the Metropolitan Police.[729] Deputy Assistant Commissioner Duncan Ball cited MOPAC's statistical findings in its 2018 report on the Matrix, which he said were "compelling in terms of the efficacy" of the Matrix as a tool to address offending behaviour. He said:

> […] six months before an individual is included on the gangs matrix, 42% of the cohort exhibit offending. Once they go on to the matrix, that reduces to 38%. When they come off the matrix, it reduces to 19.8%. That is a downward trend in the offending of gang members".[730]

435. DAC Duncan Ball argued that if an individual was added to the Matrix the Metropolitan Police could prioritise individuals and apply "the appropriate response—be it a safeguarding response for victims with the local authority, or a police enforcement response" in order to reduce their offending or the chances of re-victimisation as appropriate.[731]

436. However, it is important to note that the 2018 MOPAC review of the Gangs Violence Matrix found that it was not possible to fully understand the reasons for this impact:

> It would appear that the Matrix does have a positive impact on reducing levels of offending by and victimisation of the individuals included on it– and that the reductions in these risks are sustained after they have been removed from the Matrix. However, limitations on the data available from partner agencies mean it is not possible to identify the specific reasons for this impact.[732]

Disproportionality on the Gangs Violence Matrix

437. Giving evidence to this inquiry in July 2019, Oliver Feeley-Sprague said that the "figures on disproportionality" for the tool were "startling" and that the disproportionate representation of young Black men on the Gangs Violence Matrix was "out of all sense of proportion to the demographics or even the relationship between ethnic grouping and crime"; he argued that it showed a lack of police progress since the Macpherson inquiry.[733] By contrast, DAC Duncan Ball told us that while he recognised there was disparity he did not think it was "hugely disproportionate" given that the Metropolitan Police were trying to manage the risk of serious violence in a cohort that was already "severely disproportionately represented as both offenders and victims in the most serious categories of violence".[734] In follow-up written evidence DAC Duncan Ball referenced the under-25 figures used in MOPAC's review to evidence a reason for ethnic disproportionality on the Gangs Violence Matrix.[735]

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729   Q471.

730   Q236.

731   Q238

732   MOPAC, Review of the Metropolitan Police Service Gangs Matrix, December 2018, p5.

733   Q169.

734   Q256; Q258.

735   MPR0064.

438. Dame Cressida Dick, Commissioner of the Metropolitan Police Service told us that her force had not conducted any polling or consultations with young BME individuals who were disproportionately included on the Gangs Violence Matrix but said that she was keen for her force to consult young people on this matter in the future.[736]

Reforms to the Gangs Violence Matrix

439. The 2018 MOPAC review identified that "the representation of young, Black males on the Matrix was disproportionate to their likelihood of criminality and victimisation" and, recommended that, as part of the required "comprehensive overhaul" of the database operating model, individuals are "added and removed in a standardised, evidence-based manner".[737]

440. The Mayor of London asserted that one year on from the MOPAC review, the Metropolitan Police had "completed its work and introduced a more evidence-based approach to adding and removing people".[738] However he committed to further improve transparency and trust in the Matrix by conducting annual reviews "to monitor the demographics and use of data on the Matrix". He added that MOPAC would publish a progress report on the 2018 review recommendations "in the spring".[739]

441. In February 2021 the Mayor of London reported that, following MOPAC's 2018 review of the Gangs Violence Matrix, the overall Matrix population had fallen to its lowest level in seven years, with 2,304 individuals.[740] It also reported that:

- Overall, the proportion of individuals on the Matrix from a BAME background has remained stable–it was 89% in 2019 and 87% in 2020;

- The proportion of Black African Caribbean individuals on the Matrix has remained stable: 81% in 2019 and 80% in 2020;

- The proportion of under-18s has decreased from 14% in 2018 to 7% in 2020; and

- The proportion of under-25s has reduced from 72% in 2018 to 65% in 2020.[741]

442. As part of its update on the Gangs Violence Matrix Review recommendations, it made the commitment that "robust oversight" of the Matrix would be incorporated into a new board which was being created as part of the Mayor's Action Plan for Transparency, Accountability and Trust in Policing to monitor disproportionality. This board would report to the London Crime Reduction Board, chaired by the Mayor.[742]

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736   Q474; Q475.

737   MOPAC, Metropolitan Police Service Gangs Matrix, December 2018

738   Mayor of London, Mayor's intervention results in overhaul of Met's Gangs Matrix, 16 February 2020.

739   Mayor of London, Mayor's intervention results in overhaul of Met's Gangs Matrix, 16 February 2020.

740   Metropolitan Police, Gangs Violence Matrix Q3 2020/21, created 31 December 2020; Mayor of London for Policing and Crime, Review of the Metropolitan Police Service Gangs Violence Matrix – A one-year update, 3 February 2021.

741   Mayor of London for Policing and Crime, Review of the Metropolitan Police Service Gangs Violence Matrix – A one-year update, 3 February 2021.

742   Mayor of London for Policing and Crime, Review of the Metropolitan Police Service Gangs Violence Matrix – A one-year update, 3 February 2021.

Police body worn cameras

443. The police's use of body-worn cameras was raised by a number of participants in our roundtable with Black and minority ethnic young people from London. Witness E said that the police's use of body-worn cameras had forced them to be more careful in their interactions with people.[743]

444. HMICFRS told us that police use of body-worn video could provide a "rich source of information" with regard to the extent to which interactions with the public were "appropriate, fair and respectful".[744] Its 2017 legitimacy inspection found that 35 out of the 43 forces in England and Wales were "either using or piloting the use of body-worn video cameras to record their interactions with the public".[745] Their report also found that some forces "mandated the use of body-worn video cameras for specific activities, such as when using force or when stopping and searching people" which HMICFRS supported on the basis that it improved the behaviour of the officer and individual and enabled effective scrutiny of the interaction.[746] However another participant [Witness L] told us from his experience that the police sometimes turned off the cameras during their interactions with young people and verbally abused them once the cameras were switched off.[747]

445. Similarly, Dr Rebekah Delsol told us that body-worn cameras had done little to address individuals' concerns about the use of stop and search. She said that there were ongoing complaints that cameras were being switched off and that police footage was destroyed before people had a chance to make a complaint.[748]

446. In May 2021 the Metropolitan Police Commissioner told us the use of body-worn cameras was "mandatory for all officers for stop and search and use of force incidents". She said there were a "small number of occasions" when it might not be appropriate or proportionate to record an encounter and that in these cases, "the reason must be recorded and justified".[749] She added that her force's stop and searches were subject to scrutiny by its Community Monitoring Group and these groups could view body-worn video as part of their work.[750] In 2019 she confirmed that the Metropolitan Police kept body-worn video footage for 30 days, unless there was "a legitimate, lawful reason not to".[751] She added that a police officer could request that footage was retained beyond 30 days if there was a justified and legitimate purpose for doing so such as evidence for a court case, or police complaint.[752]

447. In its 2021 report on Disproportionate use of police powers, HMICFRS urged greater use of body-worn video "to learn lessons" but warned that its potential was not being maximised. It stated that "Body-worn video footage, if made available to the public as part of a structured process, could open up policing to wider scrutiny, to help improve encounters and reassure the public". The report recommended that, by September 2021, forces should:

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743 Q124.
744 MPR0007, HMICFRS, para.82.
745 MPR0007, HMICFRS, para.83.
746 MPR0007, HMICFRS, para.83.
747 Q124.
748 MPR0058 Dr Rebekah Delsol, StopWatch.
749 MAC0056 Commissioner of the Metropolitan Police Service.
750 MAC0056 Commissioner of the Metropolitan Police Service.
751 Q499.
752 Q498; Q499.

- ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;

- have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and

- provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.[753]

448. The Commission on Race and Ethnic Disparities supported the recommendation of HMICFRS on body-worn video and went further by recommending that the officer in a case where BWV was not switched on during stop and search should provide a written explanation of the reason, which it said must be available to the individual who was stopped and searched. Written explanations should be reviewed by the supervising officer and action taken through performance or misconduct procedures if the explanation raised concern.[754]

Live Facial Recognition Technology

449. In January 2020 the Metropolitan Police announced that it was beginning the operational use of live facial recognition technology (LFRT). Other police forces have trialled the technology in recent years.[755]

450. Concerns have been expressed about the use of LFRT, including about the effectiveness and accuracy of the technology. Nick Glynn told us that that there was a "real risk" that there would be an overreliance on artificial intelligence and that it was not "a magic bullet".[756] Similarly, Matthew Ryder QC told the Committee that it was "vital to understand the risks of racist practice or discrimination embedding in that kind of policing tool [facial recognition software], which will be the kind of tool in which discrimination manifests itself in future".[757]

451. The US National Institute of Standards and Technology (NIST) in December 2019 carried out a study that involved 18 million images and assessed the accuracy of face recognition algorithms for demographic groups defined by sex, age, and race or country.[758] NIST found that false positive rates were highest in West and East African and East Asian people, and lowest in Eastern European individuals. NIST noted several potential reasons for this bias, for example it found the quality of the images used was higher in some

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753   HMICFRS, Disproportionate use of police powers, a spotlight on stop and search and the use of force, February 2021, p18, p20.

754   Commission on Race and Ethnic Disparities: Report, March 2021 p22

755   The Guardian, 'Met police to begin using live facial recognition cameras in London', 24 January 2020.

756   Q26.

757   Q185.

758   US Department of Commerce National Institute of Standards and Technology Face Recognition Vendor Test (FRVT) Part 3: Demographic Effect December 2019.

countries than others and that there were wide differences between the algorithms used: two of the algorithms NIST tested "assigned the wrong gender to black females almost 35% of the time".[759]

452. The UK's Centre for Data Ethics and Innovation (CDEI) has reported that human operators may have innate biases and are likely to be better at distinguishing and recognising faces from their own ethnic background than from other backgrounds.[760] The report also noted that an independent review of six Metropolitan Police FRT trials in Romford, Soho and Stratford between 2018 and 2019 found that, of the 42 matches observed by researchers during the trials, 16 were rejected by the human operator as not credible, 4 people were lost in the crowd, 14 were wrongly stopped, and 8 were correctly stopped.[761] The independent review also found that face recognition matches were "verifiably correct" in less than 20% of cases.[762]

453. In September 2019, the High Court ruled that the use of LFRT by South Wales Police was lawful.[763] On 24 February 2020 Dame Cressida Dick told the Royal United Services Institute that "the tech [the MPS] are deploying is proven not to have an ethnic bias", claiming that "Currently the only bias in it is that it shows it is slightly harder to identify a wanted woman than a wanted man".[764] In July 2020 she told us that, following the end of its trial period, the technology being used by the MPS "is now equal [in recognition of women] and it was already equal on ethnicity".[765]

454. In 2020 US software companies including IBM[766] and Microsoft expressed concern about the risks of bias in police use of this technology. Microsoft has called on the US Government to introduce a "national law … grounded in human rights" to govern its use.[767] There have also been calls for new transparency guidelines in the UK. A written answer from the Policing Minister in November 2020 indicated that the Government had no plans to regulate the use of facial recognition technology as evidence.[768]

Policing the covid-19 regulations

455. Following the outbreak of SARS-CoV-2 (covid-19) and the implementation of the first national lockdown in March 2020, the Government introduced regulations designed to slow the spread of the disease by restricting people's freedom to leave home and giving police unprecedented powers to enforce these restrictions, including powers to issue Fixed Penalty Notices (FPNs) to adults they "reasonably believe" have committed an offence

759   US Department of Commerce National Institute of Standards and Technology Face Recognition Vendor Test (FRVT) Part 3: Demographic Effect December 2019, p55.

760   Centre for Data Ethics and Innovation Snapshot paper on Facial Recognition Technology 28 May 2020; the Human Rights, Big Data and Technology Project – Independent Report on the London Metropolitan Police Service's Trial of Facial Recognition Technology, July 2019.

761   The Human Rights, Big Data and Technology Project – Independent Report on the London Metropolitan Police Service's Trial of Facial Recognition Technology, July 2019.

762   The Human Rights, Big Data and Technology Project, Independent Report on the London Metropolitan Police Service's Trial of Facial Recognition Technology, July 2019.

763   BBC News, 'South Wales Police use of facial recognition ruled lawful', 4 September 2019.

764   The Times, 'Let police use facial recognition to fight knife crime, urges Met chief Cressida Dick', 24 February 2020.

765   Q44 8 July 2020

766   BBC News IBM abandons 'biased' facial recognition tech 9 June 2020.

767   The Washington Post Microsoft won't sell police its facial-recognition technology, following similar moves by Amazon and IBM 11 June 2020.

768   UIN908316 3 November 2020.

under the emergency health regulations.[769] In April 2020, the Committee published its report, Home Office preparedness for covid-19 (coronavirus): Policing which considered enforcement of the new restrictions and made a number of recommendations to the Government.

456. In addition to that report, the Committee sought specific evidence on the enforcement of covid-19 regulations by ethnicity as part of this inquiry, following concerns raised about disproportionality in fines and investigations of individuals from BME communities.

457. On 26 May 2020, the Guardian reported research from Liberty Investigates showing that "Black, Asian and minority ethnic people in England are 54% more likely to be fined under coronavirus rules than White people".[770] In response to these findings, the National Police Chiefs Council said that it "was not confident that meaningful conclusions" could be made about ethnic proportionality in its data on FPNs issued during lockdown. It said the data was not subject to the same robust quality assurance that takes place with an "established official statistics collection".

458. On 3 June 2020, the Metropolitan Police published data indicating that "when compared with the composition of the resident population, higher proportions of those in Black and minority ethnic (BAME) groups were overall issued with FPNs or arrested across London as a whole".[771]

459. Mirren Gidda of Liberty Investigates gave evidence to the Committee on 17 June 2020 where she also raised concerns about data collection:

> We need the police forces to drastically improve their collection of ethnicity data, and also relevant other factors such as age. We need to get to a point where we are not having to rely on officer-defined ethnicity, which can often vary from self-defined ethnicity and may not be completely accurate. We need to get to a point where the data that is being published is more transparent.[772]

460. In the same session, Professor Ben Bowling told us that:

> The evidence we have so far is that the policing of covid [-19] in the United Kingdom has tended to follow a pattern that is evident in other fields of policing over many years. Black and minority ethnic communities have been disproportionately affected by policing powers. As we have already heard, that is in relation to fines, fixed penalty notices, as well as arrests for covid breaches.[773]

461. In oral evidence to the Committee on 8 July 2020, the Metropolitan Police Commissioner told us that "The first few weeks of the lockdown was the time when we had the vast majority of our enforcement activity". She said that:

> We had only 36 arrests in the whole of London for covid-only legislation in that time period. It was a very small amount of our activity that resulted

769   House of Commons library briefing, Coronavirus the lockdown laws, 9 April 2021.
770   The Guardian, BAME people fined more than white population under coronavirus laws, 26 May 2020.
771   Police and Crime Committee actions from 3 June Q&A Appendix 4, london.gov.uk [accessed 27 July 2021].
772   Q33.
773   Q21.

in enforcement and the vast majority of it was engage, encourage, explain, again and again, to people of all communities. There is disproportionality, absolutely, but it is in such a tiny number and, as I say, the vast proportion of those were people who were being arrested for another offence when there was enforcement. I know it has caused concern. My own view, compared with some other issues, is that it is a lower-order issue.[774]

462. On 27 July 2020, the NPCC published a report, Policing the Pandemic, analysing data relating to covid-19 related FPNs issued between 27 March and 25 May 2020. The actual number of FPNs issued (17,039) represented a rate of 3 fines for every 10,000 residents in England and 6 fines per 10,000 in Wales.[775]

In relation to racial disparity, it found that:

- The number of FPNs issued to all Black, Asian and minority ethnic people (BAME) across all of England and Wales was at a rate of 4.0 per 10,000 population. This compared with 2.5 per 10,000 population for people who identified as White. Rates per 10,000 were highest for Asian (4.7) and Black people (4.6), followed by Mixed (3.1) and other minority ethnic people (2.6).

- Expressed as a disparity rate (i.e. the rates per 10,000 BAME people as a ratio of the rates per 10,000 White people) the analysis showed that the rate of issue for FPNs was 1.6 times higher for BAME people than White people. Disparity rates were higher than the BAME average for Asian and Black people (both 1.8 times higher than White people). Those people in the Mixed ethnic group received an FPN at 1.2 times higher than White people, while those from the other minority ethnic groups had the same rate as for White people.

- Young men (aged 18–24 and 25–34) from BAME backgrounds were over-represented by around twice the rate of young White men in the same age-groups. In contrast, young women (18–24) from a White background had similar levels of representation (among those issued with FPNs) as their representation in the general population whereas women of the same age from a BAME background were slightly under-represented.

463. The NPCC also warned that the data should be interpreted with caution especially for small forces which had given out few Fixed Penalty Notices or forces that had been affected by people travelling between areas.[776]

464. On the publication of the data, NPCC Chair Martin Hewitt said:

while it is a complex picture, it is a concern to see disparity between White and Black, Asian or ethnic minority people. Each force will be looking at this carefully to assess and mitigate any risks of bias–conscious or unconscious—and to minimise disproportionate impact wherever possible. Many forces have brought in community representatives to help them scrutinise the circumstances around each FPN and if it has been issued fairly.

774   Q34.
775   National Police Chiefs' Council, Policing the Pandemic, 27 July 2020, p.7.
776   NPCC, 'Analysis of Coronavirus fines published', 27 July 2020.

> We are working to develop a plan of action to address issues of inclusion and race equality that still exist in policing… the findings of this analysis will be further considered as part of that work.[777]

465. **New policing technologies have developed in the decades since the Macpherson report. These technologies, which clearly could not have been considered by the Stephen Lawrence Inquiry, have given rise to similar kinds of issues about the importance of sustaining confidence among minority ethnic communities, avoiding racial disparities and ensuring fairness in policing. Too often we have seen evidence of new measures or technologies being introduced without sensitivity to the potential impact on race disparities or community confidence. It is vital that police forces, policing institutions and the Home Office have systems in place to ensure that new technology or new measures are implemented fairly, without racial bias and without widening unfair racial disparities.**

466. **The Metropolitan Police developed the Gangs Violence Matrix as a new way to provide intelligence to tackle serious gang related violence and crime in London, but without robust systems in place to consider racial disproportionality on the database, ensure proper oversight or sustain community confidence. As a result, considerable community concern grew about the use of the database and the high levels of racial disproportionality. The MOPAC review of the database and the commitments since by MOPAC and the Metropolitan Police Service to reform the Gangs Violence Matrix since 2018 are welcome. It is important that MOPAC's commitment to provide oversight and monitor disproportionality on the Matrix is followed through as part of wider efforts to monitor the potential for racial bias in policing tools as a matter of course.**

467. **More recently, the serious concerns raised about disproportionality in the use of Fixed Penalty Notices as part of police enforcement of the covid-19 regulations provide cautionary evidence about the need for care and oversight in the way new policing powers are introduced. In the first lockdown Black people were 1.8 times more likely to be subject to covid enforcement measures than White people.**

468. *Evidence of disproportionality must be carefully considered and presented transparently, with robust systems of independent oversight. Although the NPCC conducted a detailed analysis of the use of covid Fixed Penalty Notices by ethnicity during the first lockdown, in response to issues raised in the media and questions from this Committee, we note with concern that neither the NPCC nor the Home Office have published any further analysis of covid-19 enforcement by ethnicity during subsequent restrictions or lockdowns even though they know there is an unexplained racial disparity. Leaving it to individual forces to follow up is not good enough, especially when the NPCC has pointed out that data analysis is more difficult at local level where smaller numbers are involved. The NPCC and Home Office should be continuing to monitor the data to see whether the racial disparity persists, what the reasons are behind it, and what action may be needed to ensure that there is no unfairness or racial injustice in the use of new powers.*

469. **New technologies have the potential either to re-build community confidence and/or to badly damage it, depending on the technology, on the way it is introduced and the nature of the oversight. The introduction of police body-worn cameras, if**

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777   National Police Chiefs' Council, Analysis of Coronavirus fines published, 27 July 2020.

done properly, is a new technology that could help to rebuild community confidence. As we have recommended in the previous chapter, it has an essential role to play in ensuring that stop and search is done fairly under proper oversight. But it is important that body-worn video is used consistently, rather than being left to individual officer discretion. Footage must be provided as part of structured processes of oversight and review, both internally and externally, to facilitate lessons being learned and openness with the public.

470. The police are currently exploring other new technologies such as live facial recognition technology, where serious consideration is needed of the way the technology might apply for different communities and any consequences for racial disparities.

471. As new policing technologies, tools and powers are developed, it is important that there are robust and credible processes in place both to guard against the risk of importing or exacerbating racial disparities and to maximise their potential to demonstrate fairness and build consent in the public.

472. Under the Equality Act 2010 the Home Office and the police have a legal duty to consider the equality impact of new policies, measures or technologies on race equality or other protected characteristics. We do not believe that this responsibility is currently being taken seriously enough. *The Home Office, NPCC and College of Policing should work together to identify the range of new policing technologies or measures for which national race equality assessments should be done or where new research and data gathering is needed to anticipate, monitor or swiftly address unjustified race disparities.*

8   Racism and the police twenty-two years on

> We believe that there should be a clarion call to seize the chance to tackle and to deal with the general problems and differing perceptions that plainly exist between the minority ethnic communities and the police. If these opportunities are not appreciated and used the Inquiry will have achieved little or nothing for the future. We do not pretend that our conclusions or recommendations will themselves solve these problems or ease these adverse and negative perceptions. We do believe that the debate about policing and racism has been transformed by this Inquiry, and that the debate thus ignited must be carried forward constructively and with imagination into action.

Source: The report of the Stephen Lawrence Inquiry, paragraph 2.17[778]

473. The Macpherson report found that racism was an important factor in the "failures, mistakes, misjudgements, and lack of direction and control which bedevilled the Stephen Lawrence investigation".[779]

474. Following its detailed analysis of the MPS's handling of the investigation into Stephen Lawrence's murder, the Macpherson report concluded that institutional racism "exists both in the Metropolitan Police Service and in other Police Services and other institutions countrywide".[780] The report defined institutional racism as:[781]

> 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.

475. While stressing the distinction between "individual racism" and "institutional racism" and noting that "blanket condemnation of the Police Services is both unfair and unproductive", the report was firm in its finding of institutional racism in the Metropolitan Police Service.[782]

476. Two lawyers who have represented Stephen Lawrence's family, Imran Khan QC and Matthew Ryder QC, affirmed Sir William Macpherson's analysis of the ways racism impacted the investigation of Stephen's murder. Imran Khan told us that Macpherson had brought "racism to the fore": his work had identified that racism was "about power structures" and was "systemic and institutional" rather than being about prejudice.

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778   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 2.17 February 1999.

779   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 6.44, p51, February 1999.

780   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 6.39, p50, February 1999.

781   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 6.34 ,p49, February 1999.

782   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 6.6, pp 41–42, February 1999.

Matthew Ryder told us that the "genius, and historic significance, of the Lawrence inquiry report was to embed in our national culture an understanding of racism that was more complex than the superficial understanding of racism that preceded it".[783]

477. In setting out his recommendations, Sir William Macpherson wrote that the "overall aim" of his report was "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing".[784]

478. This chapter looks at the progress in achieving that aim, at the approaches taken to tackling racism within policing and at the question of racism and race equality in policing today.

Response to Macpherson and action on racism since 1999

479. Policing leaders took a proactive approach to Macpherson's findings after the publication of his report. John Newing, then Chief Constable of Derbyshire Police and President of the Association of Chief Police Officers (ACPO), reportedly described Sir William's conclusions as an "opportunity not a threat".[785] The then Chair of the Metropolitan Black Police Association, Paul Wilson, said that the police could now "begin to dismantle and treat the source of institutional racism", and called for changes to prevent a disproportionate number of Black people from being stopped and searched by officers.[786] However, the Police Federation reportedly stated that its members felt "battered, bruised and bewildered" by being blamed for a problem found across society. It acknowledged the existence of institutional racism but argued that the use of the term "collective failure" had implied that the whole police service was racist.[787]

480. On 23 March 1999, the then Home Secretary Rt Hon Jack Straw MP, published a comprehensive action plan to implement the 70 recommendations of the Macpherson report.[788] In a debate on the report on 29 March 1999, the then Home Secretary told the House of Commons that:

> in my judgment, the changes required by the Lawrence inquiry will work only if they are systemic—embraced by the culture of the police force as well as in its practice. That must mean that they are implemented in the mainstream of the service at every level and do not become an add-on extra.[789]

481. In 2000 the Race Relations (Amendment) Act was passed as a direct consequence of the Macpherson report. It introduced the race equality duty, which placed for the first time "a positive duty on public authorities to promote equality and take proactive steps to tackle discrimination, and not only to avoid discrimination or address it after it occurs".[790] It was followed in 2010 by the Equality Act which established the Public Sector Equality

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783 Q184.
784 The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, rec. 2, p375, February 1999.
785 BBC News, Painful reading for police, 24 February 1999.
786 BBC News, Painful reading for police, 24 February 1999.
787 BBC News, Painful reading for police, 24 February 1999.
788 The National Archives, Stephen Lawrence Inquiry documents, Home Secretary's Action Plan, archived on 6 August 2009.
789 Citation: HC Deb, 29 March 1999, c768
790 MPR0025 Equality and Human Rights Commission; Summary of the Race Relations (Amendment) Act 2000 .

Duty (PSED), which requires public bodies including the police to take steps to address racial inequalities at an institutional level. The PSED came into force on 5 April 2011 and incorporated the race equality duty alongside disability and gender equality duties. Since then police forces have been required to publish information on the action they are taking to meet the duty, including tackling race discrimination and disparities.

482. Witnesses suggested to us that the rate of progress in meeting the recommendations of the Macpherson report diminished over time. Professor Ben Bowling told us that the police service's "commitment to anti-racist policing was short-lived", and that "Once the political crisis for British policing around the Lawrence inquiry had been overcome, by the early 2000s, that commitment seemed to disappear from public view".[791]

483. In April 2003, while head of the Metropolitan Police Service's Diversity Directorate, Cressida Dick had said that, despite some notable improvements, the force was unlikely ever to eliminate institutional racism.[792]

484. Between 2003 and 2007, a number of the structures put in place by the Government to oversee the implementation of the Macpherson report changed form, which we discuss in the next chapter (Chapter nine). By 2009 the national debate on racism and policing had also started to change. Former Chair of the EHRC Trevor Phillips, the then Home Secretary, Rt Hon Jack Straw MP and the then Metropolitan Police Commissioner Sir Paul Stephenson each distanced themselves from the term "institutional racism", arguing that it was no longer relevant to the police service.[793]

485. In 2013, the then Home Secretary Rt Hon Theresa May MP raised concern about continuing race disparities in policing when she announced a review of stop and search. In August 2016, as Prime Minister, Rt Hon Theresa May MP established the Race Disparity Unit in the Cabinet Office, with a view to shining a light on how people of different ethnicities are treated across public services by publishing data held by the Government. It first reported in October 2017 and collects data "to help government departments develop and monitor policies to reduce disparities".[794]

486. In July 2020, the Prime Minister established a Commission on Race and Ethnic Disparities to "review inequality in the UK, focusing on areas including poverty, education, employment, health and the criminal justice system". The Commission's report was published on 31 March 2021.[795]

Race equality in policing today

487. Under the Equality Act 2010, all police forces publish information on the action they are taking to meet their obligations under the Public Sector Equality Duty to positively promote equality and proactively tackle discrimination. In 2018, the NPCC published a national Diversity, Equality and Inclusion Strategy including broad objectives on workforce diversity, inclusive culture, tackling hate crimes, community engagement

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791   Q23.
792   Nicola Rollock, The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature, Published by Runnymede, February 2009.
793   Phillips clears police of racism, bbc.co.uk 19 January 2009; Met is 'no longer racist' – Straw bbc.co.uk 22 February 2009; Met no longer institutionally racist, says commissioner, the Guardian 24 February 2009
794   Gov .UK, Race Disparity Unit, About us, [accessed 22 April 2021].
795   Gov.UK, Commission on Race and Ethnic and Disparities: Report, 31 March 2021.

and working in partnership. Forces have also published their own individual Diversity, Equality and Inclusion Strategies with various commitments covering issues from BME community engagement to workforce recruitment. Previous chapters have outlined evidence of significant improvements in many areas of policing over the last twenty years, including in the recognition and policing of racist crimes and in the overt commitments of individual forces and senior officers to promoting diversity and equality and driving forward positive change.

488. However, the evidence set out in previous chapters of this report shows a significant gap between the broad aims set out by forces and chief constables and the outcomes in practice. In particular, as this report has shown, there has been slow progress and persistent problems in many of the key areas identified by Macpherson. For example:

- Confidence in the police among Black people has fallen in recent years and the gap in confidence in policing has grown. (Chapter two)

- Little changed in terms of BME recruitment and retention for a decade after our predecessors' last inquiry on the Macpherson report in 2009. Several forces, including large forces like the Metropolitan Police Service and the West Midlands Police, have yet even to meet the 10-year target set in 1999, though subsequently abandoned, for levels of BME representation. (Chapter four)

- There is clear racial disparity in the number of officers being dismissed from police forces and in the number of BME officers and staff being subjected to internal disciplinary processes, but inconsistent and incomplete data continues to undermine attempts to understand and act upon this disparity despite repeated recommendations. (Chapter five)

- Disparities in stop and search are still unexplained and unjustified and recommendations made by HMICFRS since 2017 to improve the way stop and search is used are still not being followed by all forces. (Chapter six)

489. Several senior policing figures have accepted that issues raised by the Macpherson report have proven intractable and that overall progress has not been fast enough.

490. Former Chief Constable Jon Boutcher, the NPCC's then lead on Race, Religion and Belief, told the Guardian in 2018 that police forces had been too slow to improve their record on race since Stephen's murder, and that their legitimacy was being damaged by continued shortcomings. He said:

> I don't accept that everything has been done […] There have been the words, but not the actions. We need to make sure we have words and actions.[796]

491. Assistant Commissioner Martin Hewitt, giving an overall assessment of progress, told the Committee that:

> I think policing has moved on enormously since the time of Macpherson and society has moved on, and we have improved in many ways. But are we where we need to be now? No, in terms of those people from Black and

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796   The Guardian, Police 'too slow to change' after Stephen Lawrence murder, 18 April 2018; Note that Jon Boutcher stepped down as Bedfordshire Chief Constable on 5 July 2019.

ethnic minority groups that work in our organisations, and for our relations and our relationships with the Black community. I am definitely not in a position of saying that.[797]

492. Bishop Derek Webley, reflecting on the changes made to the culture of the police since the Macpherson report, told the Committee:

> I feel that there have been genuine moves towards that—that is my personal view—notwithstanding that, if that is the case, there have to be questions asked about why there is this disproportionate representation in some of the key areas that affects those communities. That has been ongoing for years. To me, that speaks to a structural and systemic problem somewhere in the system.[798]

The response of UK policing to the death of George Floyd and the Black Lives Matter movement

493. As recorded at the start of our report, on 25 May 2020, while our inquiry was ongoing, George Floyd, a 46-year-old Black man, died in Minneapolis USA after a White police officer knelt on his neck for almost nine minutes.[799] The event sparked a wave of protests across the US and globally, and it prompted serious reflection about policing and race in the UK today, as well as renewed commitments from across Government and policing to tackle racial injustice and inequality wherever it is found. In May and June 2020 thousands of people took to the streets across the UK in solidarity with protesters in the USA, reacting to the death of George Floyd and expressing wider concerns about racial justice in our society.

494. On 3 June 2020, a joint statement was issued on behalf of Chief Constables of UK forces, the chair of the NPCC, the Chief Executive of the College of Policing and the President of the Police Superintendents' Association. The police leaders expressed their horror at the way George Floyd had lost his life and said that "Justice and accountability should follow". The announcement asserted that the relationship between the police and the public in the UK remained strong but acknowledged that there was "always more to do".[800]

495. Since then policing leaders have made new commitments to take action on race equality. In June 2020, the National Police Chiefs' Council announced its intention to produce an Action Plan on racial inequalities.[801] In July 2020, the Independent Office of Police Conduct announced a thematic focus on race discrimination.[802] In February 2021, HMICFRS announced it would be pursuing further work on race disproportionality following its work on stop and search.[803]

496. Individual forces and PCCs have also announced further action. Giving evidence to the Committee on 8 July 2020, MPS Commissioner Cressida Dick told us:

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797   Q86.

798   Q165.

799   See chapter one.

800   NPCC, UK police stand with those appalled by George Floyd death, 3 June 2020.

801   NPCC, Police chiefs to take action on racial inequalities, 18 June 2020.

802   IOPC, IOPC thematic focus on race discrimination investigations, 10 July 2020.

803   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, 26 February 2021, p42.

in the last four weeks, clearly, people have had their consciousness raised about a huge variety of issues in relation to our black communities, and I am listening to that. I am listening to my own staff. I am listening to the public. I am prepared to see this as a time when we take another big step forward in the way that we did, I believe, 20 years ago.[804]

497. As we discussed previously in chapter four, the Mayor of London published an action plan in November 2020 to improve Black Londoners' trust and confidence in the Metropolitan Police Service.[805] Following publication of the Mayor of London's Action Plan the Commissioner welcomed it, acknowledging that her force was not "free of discrimination, racism or bias".[806] She added that her force has "zero tolerance of racism" and that her "job is to continue to try to eliminate any such racism and discrimination, however it appears".[807]

498. Significant changes have been introduced by many forces in the last twelve months, including new policies, and new community oversight panels to address issues like stop and search. In particular some forces such as Nottinghamshire have made notable progress in improving BME recruitment. This is discussed in chapter four.

499. In an interview with the Guardian in March 2021 Martin Hewitt, Chair of the National Police Chiefs' Council, said that racial inequality in policing remained "a wicked and challenging issue" and that "the only conclusion you can draw is that we have to do some things differently".[808]

500. **The murder of George Floyd and its global impact shone a spotlight on the race inequality and injustice that are still features of our society. It is an important step forward that political and policing leaders have come together in recognition of the fact that racial injustice persists in our society and have expressed determination to eliminate it as well as starting to introduce reforms. However, it should not have required video footage of the murder of a Black man by a police officer and the ensuing Black Lives Matter protests to concentrate the minds of the Government and the police on the imperative of race equality.**

501. **This report recognises the many significant changes that have been made on issues raised in the Macpherson report twenty-two years ago, including the major improvements in the way the police deal with racist crimes, and the public commitments by forces and senior officers to diversity and race equality. We also welcome the increased focus on race equality over the last twelve months. However, our inquiry has also identified very serious and persistent shortcomings across the police service with regard to racial inequalities and racism in important areas that still have not been addressed after more than two decades. The central aim of the 70 recommendations published by Macpherson was to "eliminate racist prejudice and disadvantage and demonstrate fairness in aspects of policing". More than two decades later this aim still has not been met.**

804   Q13.
805   Mayor of London, Action Plan - Transparency, accountability and trust in policing, 13 November 2020.
806   Metropolitan Police, A statement by Commissioner Cressida Dick on working with all of London's communities to build further trust and confidence in police, 13 November 2020.
807   Metropolitan Police, A statement by Commissioner Cressida Dick on working with all of London's communities to build further trust and confidence in police, 13 November 2020.
808   The Guardian, Race crisis damages our legitimacy and effectiveness, says top police chief, 28 March 2021.

Approaches to tackling racism and promoting race equality

502. In the course of this inquiry we heard evidence of different approaches to race equality. We have considered unconscious bias and prejudice in the attitudes of individuals as well as racism in structures, cultures and policies at an institutional or organisational level.

Individual prejudice and unconscious bias

503. The Macpherson report drew a distinction between "overt individual racism" and what it described as "pernicious and persistent institutional racism", making clear that neither should have any place in policing. Overt racism is a serious breach of the 2014 Policing Code of Ethics and the Police (Conduct) Regulations 2020 and should be dealt with in the police complaints system and the police misconduct system which provide for police officers to be disciplined or dismissed for racist behaviour. The Committee is investigating the effectiveness of the police conduct and complaints system in a separate inquiry.

504. Police forces have told us about their work to address racial stereotyping, unwitting prejudice and unconscious bias. As discussed in chapter six, the IOPC has recently raised concerns about racial profiling in stop and searches, and the decision-making of individual officers being influenced by assumptions informed by the race of people being stopped and searched, following its analysis of five complaints made against police officers in London. Inspector Popple of the West Midlands Police told us that "it would be naive to ignore that there is bias in individual officers" and described how his Fairness in Policing Team was working to address problems.[809] The NPCC and many individual forces have set out Diversity, Inclusion and Equality strategies which include objectives around establishing an inclusive workplace culture. HMICFRS told us that police forces have almost ubiquitously introduced training for some or all of their officers on unconscious bias.

Training

505. The Macpherson report concluded that "The need for training of police officers in addressing racism and valuing cultural diversity is plain".[810] The report included seven recommendations on training–key among them that "all police officers, including CID and civilian staff, should be trained in racism awareness and valuing cultural diversity" and, further,

> 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.[811]

506. John Azah of Kingston Race and Equalities Council told us that there was initially a lot of progressive action on racism training following the publication of the Macpherson report (between 1999–2009), including critical incident training which "used simulation

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809   Q128

810   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 46.34, p372, February 1999.

811   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, rec. 50, p380, February 1999.

and methodology to recreate live incidents […]". However, that training had since been "gradually decreased" or "watered down", with organisations seeming to focus on other priorities.[812] He added that the issues which led to the Stephen Lawrence Inquiry were now hardly mentioned and that training on institutional racism should be mandatory.[813]

507. In 2017 HMICFRS recorded that "most forces had embarked on training some or all of their officers and staff on unconscious bias", describing it in the following terms:

> Personal biases are influenced by factors including people's background, personal experiences and occupational culture, and these can affect our decision making. When people have to make quick decisions these biases can, without them realising, cause them to put particular groups of people at a disadvantage.[814]

508. The Equalities and Human Rights Commission has reported that most unconscious bias training (UBT) raised awareness of and could reduce implicit bias. However it also noted that this training had less effect on explicit bias or discrimination (i.e. changing the attitudes and beliefs held about a person or group on a conscious level) and stated there was limited evidence that UBT led to subsequent behaviour change. It recommended that organisations implementing UBT should undertake follow-up work to assess its effectiveness and ensure that UBT was part of a wider organisational change programme where structures, policies and procedures were examined as well.[815]

509. Professor Iris Bohnet, the behavioural economist and Academic Dean of Harvard Kennedy School, has also highlighted research showing there is limited evidence that Unconscious Bias Training influences behaviour. She argued instead that organisations need to 'design out' bias through different systems and processes.[816]

510. These conclusions have been echoed in evidence to our inquiry. Matthew Ryder QC told the Committee that unconscious bias training was "a valuable concept" in explaining elements of human behaviour and interaction but that it did not address the "imbalances of power within organisations in a way that will produce remedy or change".[817]

511. Sergeant Munro, former President of the National Black Police Association, said that unconscious bias training did not address racial inequality. He added:

> Somebody might come back and say, "Yeah, I understand that my unconscious bias is that I don't like Gypsies or I don't like people who wear turbans". You have to go on to that next stage and ensure that you actually deal with that issue with that particular person.[818]

512. Returning to this issue in its 2021 report on Disproportionate use of police powers HMICFRS found that focusing on personal biases through training and diversity policies was "not enough to create a diverse and inclusive organisation". It concluded that:

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812   MPR0026 Kingston Race and Equalities Council.
813   MPR0026 Kingston Race and Equalities Council.
814   HMICFRS, PEEL: Police legitimacy 2017, p13, December 2017.
815   Equality and Human Rights Commission, Doyin Atewologun, Tinu Cornish and Fatima Tresh Unconscious Bias Training: An assessment of the evidence for effectiveness, March 2018.
816   Iris Bohnet, What Works: Gender Equality By Design, Harvard University Press (2016).
817   Q204
818   Q65

Training can be effective in promoting knowledge and skills in the short term, but only if it is part of a continuing programme rather than a one-off session, and in the context of wider activities. […] Without an inclusive and supportive organisational climate and culture, diversity training or a diversity policy is unlikely to have an impact. Force leaders and managers need to understand that training will not work, and policies will not be complied with, unless the organisational culture supports it. This means that leaders need to take action to actively promote and encourage an inclusive culture to ensure it becomes established in everyday activity.[819]

513. The Metropolitan Police Service told us that it has begun to supplement unconscious bias training with further training that addresses race inequalities and disparities. During oral evidence in July 2020 Helen Ball, who is Assistant Commissioner for Professionalism in the Metropolitan Police Service, told us that the force was reviewing the training given to officers:

to make sure that they really are thinking about the needs of the particular community and the individual, making sure that they have addressed any bias that they might hold, talking to them about London's histories and our particular communities and the ways that they might respond to us.[820]

The Metropolitan Police Commissioner added that she believed these changes would lead to training being "very much better and more in tune with communities". She described the training as going beyond "diversity and inclusion" and including "anti-racist training, certainly, and much better coaching for the individuals and much more supervision and support for them when they are first going out on the streets".[821]

514. In follow-up written evidence, the Commissioner told us that the priority within this new training was to support "how the organisation builds trust and confidence with the communities that our new officers serve, recognising community specific experiences of inequalities and disproportionality in a policing context".[822]

515. There remains a concern about leadership and force culture across the 43 forces, as well as for new recruits. HMICFRS, in its February 2021 report, stated that more needed to be done on training to "prevent unfair behaviour". It noted the variability in provision of "regular and effective training on how to prevent unfair behaviour" and urged forces to "ensure that leaders do this training and have extra coaching on how to create a force culture that doesn't tolerate this behaviour".[823]

516. **Individual bias and prejudice have no place in policing. Where they persist they must be strongly challenged, including through robust disciplinary action and dismissals for unacceptable racist behaviour. Individual forces must be vigilant and proactive in shaping their organisational culture, with training and management systems in place to address the conscious and unconscious biases and prejudices of individual officers.**

819   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p10.

820   Q41

821   Q55

822   MAC0051, Dame Cressida Dick DBE QPM (Commissioner at Metropolitan Police Service)

823   HMICFRS, Disproportionate use of police powers A spotlight on stop and search and the use of force, February 2021, p51.

517. **Training for officers in addressing racism and valuing cultural diversity remains as important now as it was when the Macpherson report recommended it twenty-two years ago. But we are concerned by the disproportionate reliance on unconscious bias training that was apparent in the evidence we received.** *We recommend that training involves an explicit focus on anti-racism which should include examining racial disparities and seeking to reduce differences in experience and outcomes by racial and ethnic group.*

518. *We would like to see consistency in the quality and content of training delivered at a local and service wide level. To this end we recommend a comprehensive review and overhaul of training on racism, diversity and equality, led by the College of Policing and assisted by the Home Office. Its purpose should be to draw up clear national standards on anti-racist training for all police officers and staff. It should consider specifically how to involve local communities in drawing up training programmes and ways to draw on the experience of those who face the consequences of racism in the communities the police serve. It should include training to identify and question racial disparities within structures, policy and institutional culture, in addition to unconscious bias.*

519. *It is essential also for leaders to set an example by undertaking this anti-racism training, shaping the organisational culture of their forces, confronting unfair behaviour among officers and addressing structures that disadvantage and discriminate.*

Racism in structures, culture and policies

520. Throughout the inquiry. We heard concerns that there had been a wider shift in race equality policies to focus on considering race at the level of the individual and their potential for unconscious bias, without also looking at questions of race and racism in structures and organisations. Witnesses told us that reflected a change of approach since the period immediately following the Macpherson report and raised with us the importance of addressing not just individual conscious and unconscious bias but also race disparities in outcomes, and of challenging racism within policies, structures, organisational culture and institutions.

521. The Metropolitan Black Police Association told us in written evidence that the police service had "restructured the narrative on race into an acceptable form via the introduction of 'unconscious bias'".[824] The National Black Police Association similarly identified a "narrative shift from 'racism to unconscious bias'".[825]

522. Imran Khan QC told the Committee that the shift of focus to unconscious bias had undermined progress:

> It is used as an excuse, I'm afraid […] I do not think it [unconscious bias] is a helpful term, because it allows people to say, "I'm not deliberately doing this, and therefore you can forgive me". Structures are being put in place, resulting in discriminatory outcome. That is what it is. I do not know how you would discover unconscious bias. What would you point to in order to say that somebody is unconsciously biased?[826]

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824   MPR0032 Metropolitan Black Police Association.

825   MPR0004 National Black Police Association.

826   Q203

523. Jane Deighton, a founding partner at Deighton Pierce Glynn who represents Stephen Lawrence's friend Duwayne Brooks OBE, argued that:

> There has been a real backsliding in concepts around racism. Macpherson talked about racism and racial prejudices, attitudes and disadvantages. We hear more about unconscious bias and disproportionality now. They are all symptoms of the core wrong that is racism [… but that] gives rise to a more practical problem: because racism is not confronted overtly, the police service tend to be extremely defensive where it is confronted.[827]

524. Matthew Ryder QC also expressed concern that twenty years on, "we are now slipping backwards" and "having to re-argue and fight again over the concepts established by the Stephen Lawrence inquiry report".

525. As we have set out in previous chapters we have seen problems in areas ranging from misconduct referrals which appear to disadvantage BME officers, to stop and search policies on drug possession which increased disproportionality, and force failures to investigate or monitor unexplained race disparities despite clear instructions to do so from national policing bodies. Each of these reflect wider problems with policies or organisational approaches that go beyond individual bias.

526. Witnesses set out a range of different approaches to analysing and tackling problems with race inequalities within structures and organisations.

The concept of institutional racism and the Macpherson report

527. Sir William Macpherson's definition of institutional racism focused on "[t]he collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin".[828]

528. The report cited the following factors as relevant to its finding of institutional racism:

- the failure to accept that the murder of Stephen Lawrence was solely motivated by racism;

- the Lawrence family's treatment by the police;

- the disparity in stop and search figures;

- the under-reporting of "racial incidents"; and

- the failure of the police to provide officers with racism awareness or race relations training.

The Macpherson report emphasised that the definition of institutional racism was not "cast in stone".[829]

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827   Q205

828   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 6.34, p49, February 1999.

829   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, para. 6.6, pp 41–42, February 1999.

529. We heard different views from witnesses about whether institutional racism continued to exist within the police service, and whether it was a useful concept to apply to policing today.

530. Inspector Mustafa Mohammed QPM, President of the National Association of Muslim Police, told us that institutional racism still existed within the police service but argued that it had a "different face" in the guise of "procedural injustices for performance, selection, discipline, inequality of opportunity". He added that institutional racism was no longer blatant but instead operated "below the surface" manifesting itself in "processes/procedures and inequality of opportunity".[830] The Metropolitan Black Police Association wrote that the lived experience of BME people was still one of racism and discrimination.[831] The National Black Police Association spoke of continued "discrimination and resistance to race equality in policing"[832] and Matthew Ryder QC told us that:

> We have the spectacle of senior people in public authorities saying, "There's no institutional racism in my organisation," despite huge disproportionalities in how they are treating Black people versus White people".[833]

531. The Metropolitan Police Commissioner questioned the value of the concept of institutional racism in oral evidence in 2019. She told the Committee that "I do not think the label is a useful label in any sense at all for the Metropolitan Police of 2019 or indeed a police service at the moment". She said that it did "more harm than good" as it alienated people from the police service.[834] She argued that:

> They hear it not as institutional, they hear it as racist, […]. It stops people wanting to give us intelligence, give us evidence, come and join us, work with us. It is such a toxic thing to say that it affects the public and public safety, I believe, in a negative way and it suggests, also, that the Met of today is just like the one of 20 years ago, which is also patently untrue and unfair in so many respects.[835]

532. During the course of the last year, we have seen new reflections by senior police officers on the nature and depth of the problems around policing and race equality. Neil Basu, Metropolitan Police Assistant Commissioner and the UK's highest-ranking officer from an ethnic minority, reflected in June 2020 on racism in policing and in wider society following the Black Lives Matter movement, telling Channel 4 News that

> If institutional racism means that your policies and processes within your institution are racist, it [the Metropolitan Police Service] is not institutionally racist. If institutionally racist means there aren't equal outcomes for everyone regardless of their faith or colour, then we haven't reached that point yet ... the point is, the battle against racism in society isn't won.[836]

830   MPR0039 National Association of Muslim Police.
831   MPR0032 Metropolitan Black Police Association.
832   MPR0004 National Black Police Association.
833   Q184
834   Q484
835   Q485
836   Channel 4 News, Met Police Assistant Commissioner would have 'probably' joined BLM protesters if he was not an officer, 10 June 2020.

In an article for the Guardian published on the same day he wrote that the "huge disparity in young Black men in the criminal justice system" was evidence of "the racial bias built into the very fabric of institutions and society".[837]

533. While Dame Cressida Dick told us in July 2020 that her force was "not collectively failing in all the ways described in Sir William's definition" and that [racism] was "not a massive systemic problem. It is not institutionalised",[838] she added that she had "never suggested that the Met is completely free of bias or discrimination, or that there is no racism".[839]

534. Towards the end of 2020 MOPAC reported from the consultation on its Action Plan that the question of "whether institutional racism continues to exist in the MPS… remains a deeply contentious point, with passionate arguments on both sides". The MOPAC report did not come to a conclusion on the point but said that

> "the fact that this question is still being asked demonstrates how much more work needs to be done to ensure that the MPS has the trust and confidence of all Black Londoners.[840]

535. In March 2021 the Chair of the National Police Chiefs' Council Martin Hewitt said that:

> The whole point of that question about are you or aren't you [institutionally racist] is actually saying: do you accept that there are issues in policing in relation to race equality? And I am saying absolutely there are issues in policing in relation to race equality as there are with every other part of society, and every other organisation.

> We absolutely recognise that where we are now is not where we want to be, whether that's internally for our own staff, or whether externally for the relationship that we have with Black communities and the service we provide to Black communities.[841]

Race equality in public sector institutions and the Public Sector Equality Duty

536. Following the Macpherson report, successive Governments have sought to embed in the law the responsibility to address racism and discrimination within public policies, institutions and structures, although "institutional racism" itself has never been established as a legal concept. The Equality Act 2010 and the Public Sector Equality Duty (PSED) are in part a legacy of the Macpherson report's conclusions on institutional racism as they build upon the original race equality duty introduced after the Stephen Lawrence Inquiry, although neither the Equality Act 2010 nor the previous Race Relations (Amendment) Act 2000 used "institutional racism" as a legal concept. They establish an active approach to tackling institutionalised discrimination, including racism, within policies, procedures

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837   The Guardian, Police must view legitimate anger with care–we need to listen to our communities Neil Basu, 9 June 2020.

838   Q13.

839   Q31.

840   Mayor of London, Action Plan: Transparency, Accountability and Trust in Policing, 13 November 2020, p12.

841   The Guardian, Race crisis damages our legitimacy and effectiveness, says top police chief, 28 March 2021.

and organisations. Public institutions including police forces are required as part of that Equality Duty to have due regard in the exercise of their functions to the need to eliminate discrimination, whether direct or indirect. Direct discrimination occurs where a person is treated less favourably due to a protected characteristic. Indirect discrimination exists where there is a policy, practice or rule that applies to everyone in the same way, but places people with a protected characteristic at a disadvantage. The duty is designed to address hidden or inadvertent discrimination, where there is a discriminatory outcome without direct discrimination.[842]

537. The EHRC is responsible for assessing whether institutions have breached the Equality Act 2010 including breaches on grounds of race, which is one of the protected characteristics. It told us that "the purpose of the PSED is to integrate the consideration of equality across the protected characteristics in public authorities' day-to-day decision-making" and it was intended "to prompt public bodies to identify the main inequalities in their area of responsibility, set objectives to improve outcomes in relation to those inequalities, and put in place targeted plans to deliver change".[843] As public bodies policing organisations and forces are, as a consequence of the duty, under an obligation to have due regard to the need to identify and eliminate unlawful discrimination, advance equality of opportunity and foster good relations between groups.

538. 'Institutional racism' is not a legal concept, nor does the EHRC apply it as a test against which to investigate or judge individual institutions. In oral evidence Bevan Powell, former Chair of the Metropolitan Black Police Association, suggested "bringing institutional racism under the Equality Act", and in written evidence he suggested that the Act should put the concept on a "legislative footing" with "clearly defined primary indicators and risk factors, which can be monitored and measured", which could trigger enforcement action.[844]

539. Melanie Field of the EHRC told us that "the race equality duty was a really important legislative change that … ha[d] not fulfilled its potential"; the ambition for the PSED as its successor was for it to "harness the power of the public sector to tackle these big issues" but she noted that "clear ownership and leadership … and clarity about what the key issues are" were needed to have a real effect on the "entrenched disadvantage" experienced by BME communities.[845]

Contemporary analysis of racial inequality within public institutions, policies and structures

540. In recent years there have been other significant investigations of racial inequality in parts of Government and the criminal justice system that have considered structural inequalities. While these investigations were outside the scope of our inquiry we note here the aspects of three reports which have informed our thinking on this complex issue.

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842   Judiciary.UK, Equality Act 2010.
843   MPR0025, Equality and Human Rights Commission.
844   MPR0057 Bevan Powell MBE, former Chair of the Metropolitan Black Police Association (MetBPA); Q62.
845   QQ73, 80.

The Lammy Review

541. The 2017 Lammy Review proposed a new practical approach for institutions and organisations within the criminal justice system to address racial disparities and inequality within their organisations or linked to their policies and programmes. The Review, which examined the treatment of and outcomes for black, Asian and minority ethnic individuals in the criminal justice system, proposed an 'explain or reform' rule for the Criminal Justice System:

> If there are apparent disparities by ethnic group, then the emphasis should be on institutions in the system to provide an evidence-based explanation for them. If such an explanation cannot be provided, action should be taken to close the disparity. This principle would change the default. The expectation should be placed on institutions to either provide answers which explain disparities or take action to eradicate them.[846]

The Government accepted this recommendation and announced that it would "embrace Lammy's underpinning principles, including that of 'explain or change'".[847]

542. Matthew Ryder QC told the Committee that "explain or change" was a "fundamental practice that needs to be embedded in the way we look at race in public institutions".[848]

The Wendy Williams Review

543. In the Windrush Lessons Learned Review, Wendy Williams made use of "institutional racism as a concept" to shed light on "institutional factors, race and equalities" as part of her examination of the organisational failings in the Home Office in the context of the Windrush scandal.

544. As part of her approach, while recognising that institutional racism was "not a concept defined in legislation", Wendy Williams developed an approach to assessing whether the term "institutional racism" should be applied to the Home Office today. Drawing on the Macpherson report conclusions she identified six tests against which institutional racism might be measured and used these to assess the Home Office:

a)   the lack of urgency in investigating the incident and failing to see its relationship with race

b)   evidence of negative stereotyping of racial groups by staff fostered through workplace culture

c)   underreporting to the organisation by BAME individuals due to a perception that their cases would not be taken seriously

d)   the lack of training within the organisation of racism awareness and race relations

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846   The Lammy Review, An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, September 2017, p14.

847   Ministry of Justice, Government Response to the Lammy Review on the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, December 2017, p4.

848   Q185.

e)   the failure of the organisation to unequivocally recognise, acknowledge and accept the problem

f)   the use of racially insensitive language and terms by officers/staff without understanding as to how such language could be offensive.[849]

545. After assessing the Home Office against those same elements, the Wendy Williams Review found evidence of (a), (c), (d) and (e) but not (b) and (f) in the Home Office's treatment of the Windrush generation, and concluded that the Department had demonstrated "an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation within the department, which are consistent with some elements of the definition of institutional racism".[850]

Sewell report

546. On 31 March 2021, the Commission on Race and Ethnic Disparities, established by the Prime Minister, Rt Hon Boris Johnson MP and chaired by Dr Tony Sewell published its report which included analysis and discussions on race disparities, institutional racism, structural and systemic racism.

547. The Commission's report and conclusions provoked strong reactions on all sides and we have not considered or taken evidence on either the Commission's analysis or its conclusions. We note that whilst the report included discussions and recommendations on hate crime, violent crime, stop and search, community confidence, and ethnic minority recruitment in policing and considered progress against Government commissioned reviews relating to racial disparity since 2010, it did not look in detail at the outcomes and implementation of the Macpherson report.

548. The Commission did include consideration of the concept of institutional racism and other approaches to analysing racial disparities and inequality within structures and organisations. The report stated that Sir William Macpherson's definition of institutional racism had "stood the test of time"[851] but also argued that the term has come to be used too casually, without being sufficiently evidenced,[852] "as a general catch-all phrase for any microaggression, witting or unwitting".[853] The Commission proposed definitions for the terms 'Explained racial disparities', 'Unexplained racial disparities', 'Institutional racism', 'Systemic racism' and 'Structural racism.' It proposed that institutional racism be defined as "applicable to an institution that is racist or [to] discriminatory processes, attitudes or behaviour in a single institution."[854]

549. The report sets out only two examples of the kinds of evidence that it believes would demonstrate institutional racism: attitudinal surveys of individual prejudice or expectations and "tests of aggregate prejudices such as CV studies".[855] We note that this is a much narrower approach to evidence than either the Macpherson or the Wendy Williams approach. Our inquiry has also not considered the Commission's conclusions

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849   Home Office, Windrush Lessons Learned Review, March 2020, p116.

850   Home Office, Windrush Lessons Learned Review, March 2020, p116, p7.

851   Commission on Race and Ethnic Disparities: the report, p35 [accessed 27 July 2021]

852   Commission on Race and Ethnic Disparities: the report, p35 [accessed 27 July 2021]

853   Commission on Race and Ethnic Disparities: the report, p8 [accessed 27 July 2021]

854   Commission on Race and Ethnic Disparities: the report, p36 [accessed 27 July 2021]

855   Commission on Race and Ethnic Disparities: the report, p35 [accessed 27 July 2021]

on the evidence for the existence of institutional racism today, nor the alternative and opposing views that were put forward by other groups and organisations at the time of its publication.

550. **The Public Sector Equality Duty and the Equality Act 2010 are a part of the legacy of the Macpherson Report's important work on institutional racism, as they build on the race equality duty that was introduced in response to the report's findings. Under the Act the police, as public bodies, must have due regard to the need to eliminate unlawful discrimination and advance race equality. They have a responsibility as institutions to tackle indirect as well as direct discrimination including taking steps to prevent inequality not just to respond once it arises. But whilst police forces have set out broad public strategies to do this, progress has been too weak in practice and we do not believe that policing has taken seriously enough its responsibilities under the Equality Act 2010 in recent years.**

551. **Since the Macpherson report was published there have been important and welcome improvements in policing, and we have found that policing today is very different from twenty-two years ago. Our inquiry has seen evidence of significant improvements in the policing of racist crimes and hate crimes: in the commitment of forces and senior officers to promoting diversity and equality, in good examples of local community policing, in new policies and recent progress among some forces in recruitment. That is of course the very least we would expect in the several decades since Stephen Lawrence's murder.**

552. **But our inquiry has also found that despite many years of commitments being made to race equality by the police service and the Home Office, there are still persistent, deep rooted and unjustified racial disparities in key areas. The failure to make sufficient progress on BME recruitment, retention and progression, troubling race disparities in the police misconduct system, unjustified inequalities in the use of key police powers such as stop and search and a worrying decline in confidence and trust in the police among some BME communities point to structural problems which disadvantage BME groups. Examination of individual bias without also directly focusing on the processes that enable disparities in outcomes will not improve the experiences of BME groups. We are most concerned about those areas where police forces are not taking even the most basic action to implement existing recommendations aimed at tackling racism or, where they have failed to collate rigorous and consistent data that would allow them to investigate, understand and address racial disparities or injustices that arise.**

553. **Our objective has been to consider progress, twenty-two years on, against the key Macpherson themes and recommendations which we set out in chapter one. We have not sought to carry out the kind of in-depth exercise in respect of individual policing institutions that either Macpherson conducted into the Metropolitan Police or that Wendy Williams conducted into the Home Office. As a result, we have not been in a position to apply the tests of institutional racism that, for example, Wendy Williams used (see paragraph 545) but nor was that our intention in this inquiry. However, the breadth of our inquiry and our analysis of the evidence we have gathered in relation to the different recommendations specified by Sir William Macpherson has led us to the following conclusions.**

554. **Firstly, we take extremely seriously the views of Black and minority ethnic police organisations who repeatedly told us that they continue to experience and bear witness to institutional racism in our police forces today, and believe that this testimony alone should be grounds enough for policing leaders, the Home Office and Government to take seriously the imperative for change across policing institutions and practice. Like MOPAC, we consider the fact that the question as to whether police forces and policing practice are institutionally racist is still being asked and debated demonstrates how much more work needs to be done to ensure the police service has the trust and confidence of BME communities.**

555. **Secondly, the evidence we have gathered shows that the impetus for change from the "clarion call" of the Stephen Lawrence Inquiry has not been sustained. In 1999 the House of Commons was told by the then Home Secretary that the changes required by the Macpherson report would "work only if they are systemic–embraced by the culture of the police force as well as in its practice, implemented in the mainstream of the service at every level". Our findings have shown that whilst the mainstream of the service has changed substantially in some areas - for example on the response to racist crimes - in others such as recruitment, misconduct or community confidence, essential changes have yet to be embraced.**

556. **We recognise that the devolved nature of policing means that there are variations in policies, cultures and outcomes between individual forces and institutions. However, based on the evidence we have received, we believe that whilst there have been improvements in important areas, there are continued shortcomings that go beyond individual bias and that amount to a systematic failure on the part of the police service and governments, over many years, to take race inequality in policing seriously enough and as a result to eliminate it from policing in line with the objective set by Macpherson over two decades ago.**

557. **Thirdly, we note the different approaches to assessing "institutional racism"–the description in the Macpherson report, the six tests developed by Wendy Williams, the criteria proposed by the Sewell Commission, and the approach to assessing and tackling discrimination and racism within public institutions set out in the Equality Act 2010. We believe that the concept of institutional racism set out by the Macpherson report remains extremely important today and that institutions must be able to challenge themselves and to be held publicly to account over inequalities in outcomes, and racism manifested through policies and procedures, as well as within individual attitudes.**

558. *We believe that it would therefore be helpful to build consensus around a framework for measuring and assessing institutional racism within individual organisations, using the approach Wendy Williams applied in her consideration of the operations of the Home Office as a starting point. We recommend that the Equality and Human Rights Commission undertakes work to determine a framework against which individual institutions including police forces should be rigorously assessed.*

559. *Fourthly, police forces must strengthen their approach to tackling the systemic problems of race inequality that we have identified. Forces should adopt the approach set out in the David Lammy review of the Criminal Justice System: explain or change. That must mean monitoring, assessing and robustly investigating race disparities*

so that only robust and evidence-based explanations are accepted; and where forces cannot explain disparities, they must set out changes to eliminate them. At a national level, policing organisations and the Home Office should be holding forces accountable for doing so. Recent comments by Metropolitan Police Assistant Commissioner Neil Basu, Dame Cressida Dick and Martin Hewitt, as well as new initiatives from the NPCC, HMICFRS, the IOPC and from individual PCCs and Chief Constables suggest that police leaders recognise the importance now of taking a 'big step forward' - but they must now make good on their intent by rigorously examining their institutions, explaining the disparities we have highlighted, or changing their organisations and practices to eradicate them.

560. **The Macpherson report led to major changes in attitudes towards racism and to progress on race equality both in policing and across society. However that early momentum was not sustained and persistent problems were not addressed. Now that there is a new focus on challenging racism and on the very same objectives set out by the Macpherson report, it is vital that this time progress is sustained and made permanent. It will take a focused, sustained and determined effort on the part of all policing institutions and Government to address those structural problems that stand in the way of eliminating racist prejudice and disadvantage, and demonstrating fairness in all aspects of policing—the ambition of the Macpherson report twenty-two years ago.**

9   Delivery and Accountability

I think leadership is critical. It is so important that the leadership actually believe that this is necessary and they manoeuvre the organisation behind that deep sense of conviction that it needs to change. […] The chief constable and the team at that level of leadership must accept and believe that [building links between the police and minority ethnic communities] are not issues around just having a discussion, but that they are systemic and structural issues that must be addressed. The community needs to have confidence in policing. Policing must reflect the communities that they are leading. Policing requires the consent—not permission, consent—of its own community. It must engage the community.

Source: Bishop Webley[856]

561. This report has identified a series of problems in policing that were first highlighted by the Macpherson report, but which are still not resolved today. This chapter considers the roles and responsibilities of different policing institutions and the Home Office in delivering change on race equality, as well as the scrutiny processes for holding them to account. It also looks at the reforms and actions that are needed now to resolve the problems identified in this report.

Delivery of the Macpherson recommendations

562. In the years following the publication of the Macpherson report, there was a welcome focus on the part of Government and all policing organisations to implement the report's recommendations and drive forward institutional change. The recommendation for a Ministerial Priority to "increase trust and confidence in policing amongst minority ethnic communities" was accepted by the Government, an action plan for implementing all 70 recommendations of the report was published in 1999, and in the same year the Stephen Lawrence Steering Group (SLSG) was established to oversee progress and support the delivery of the Government's action plan. The SLSG was chaired by the Home Secretary and included independent members such as Doreen and Neville Lawrence, the Metropolitan Police, national policing organisations, the Commission for Racial Equality, the then HMIC, the National Black Police Association, the Crown Prosecution Service and others.

563. The Ministerial Priority lasted until 2003. The Runnymede Trust's 10 year on report records that it was replaced by the general commitment in the 2004 National Policing Plan, covering 2005–8, to 'inspire public confidence in the police, particularly among minority ethnic communities'. In 2005 the then Home Secretary, Rt Hon Charles Clarke MP, commissioned a review of race advisory panels in the Home Office which recommended "a move away from Standing Committees" to a more project-based approach to race equality.[857] Later in 2005 the then Home Secretary stood down the Stephen Lawrence

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856   Q163.

857   House of Commons, Written Ministerial Statement, Stephen Lawrence Steering Group, 21 October 2005, Column 67WS.

Steering Group, establishing a number of project groups to take forward this work.[858] The Commission for Racial Equality was folded into the newly created Equality and Human Rights Commission in 2007.

564. In 2009, the Government decided that Police Authorities, which were the oversight body for policing before the introduction of Police and Crime Commissioners, would become responsible for setting their own targets (see chapter four).[859] Ten-year targets set in 1999 to recruit Black and minority ethnic officers were therefore dropped, at a time when only 20 of the 43 police forces had met their targets and the gap between the target and actual percentage was greatest in those areas with the largest Black and minority ethnic population.[860]

565. Since 2010, Governments have initiated a series of policing reforms. The Police Reform and Social Responsibility Act 2011 transferred responsibility for local policing governance to Police and Crime Commissioners (PCCs) in order to strengthen local accountability.[861] The College of Policing was established in 2012 to assume responsibilities in respect of setting standards and training.

566. In 2012, the former Chair of the Metropolitan Black Police Association, Bevan Powell MBE, called for the re-establishment of a pan-Whitehall group to restore trust between the police and communities. He reportedly claimed that "complacency" had been allowed to creep back and argued that "the police should not be trusted to tackle racism on their own". He called for "government intervention to hold forces to account in the fight against discrimination".[862]

567. In 2015, the National Police Chiefs' Council (NPCC) was formed to replace the Association of Chief Police Officers (ACPO) and acts as a co-ordinating body for all police forces in the UK. HMICFRS is responsible for inspecting the police in England, Wales and Northern Ireland, and since 2017 has taken on responsibility for the fire and rescue services. In 2018, the Independent Office for Police Conduct (IOPC) replaced the Independent Police Complaints Commission (IPCC) following a series of structural reforms and it oversees the police complaints system. As part of these reforms, the Home Office stepped back from an active role in police leadership, but in 2019 it established the National Policing Board, chaired by the Home Secretary, to bring together senior police leaders and Government officials four times a year.

Monitoring progress today

568. At the start of our inquiry, Baroness Lawrence told the Committee that she found it "really difficult to find anything" on how many of the Macpherson recommendations

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858   House of Commons, Written Ministerial Statement, Stephen Lawrence Steering Group, 21 October 2005, Column 67WS; some of the new projects included: "Building relations between services, including the police service and prisons, and ethnic minority communities" and "How to increase the number of black and minority ethnic staff at senior levels in public services—in particular police chief constables".

859   Home Office, Race Equality: The Home Secretary's Employment Targets, Report 2007/08, Ninth Annual Report.

860   Runnymede, The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature, 2009.

861   MPR0034, APCC; Each territorial police force in England and Wales, apart from the Metropolitan Police Service, the City of London Police, Greater Manchester Police and West Yorkshire Police, is overseen by a PCC. The role of PCC is assumed by different bodies in other parts of England and Wales. In London by the Mayor's Office for Policing and Crime, in the City of London by the Common Council of the City of London, in Manchester by the Greater Combined Authority and in West Yorkshire by the West Yorkshire Combined Authority.

862   The Guardian, Senior officer calls for watchdog after Met police racism revelations, 7 April 2012.

had been implemented.[863] In light of this evidence we wrote to the Home Office and other relevant organisations to request updates on progress against all 70 of Sir William's recommendations. The responses we received varied in their clarity and quality. For example, the Home Office provided a comprehensive update against each of the 31 recommendations for which it was either fully or partially responsible.[864] However, the response did not indicate whether the Home Office considered work on these recommendations to have been completed. It was therefore unclear as to the extent of progress that had been made. In its response, the Home Office claimed that "much work" had been and continued to be done which showed that "real and meaningful progress" had been made twenty years since the publication of the Macpherson report.[865] It did however emphasise that:

> […] more should be done to maintain the legacy of this landmark report.[866]

569. In February 2019 Dr Neville Lawrence noted that, following the publication of the Macpherson report, the Stephen Lawrence Steering Group's work was essential to ensuring that many of the Macpherson report's recommendations were successfully implemented. However, the Group's sixth and final annual report was published in 2006. Dr Lawrence stated that, without the Group's oversight, opportunities for further progress had been lost, necessary reform had halted and dismantling institutional racism had become less of a priority for police chiefs and the Home Office.[867] He called for the "re-formation" of the Group or a similar group which could have an "expanded remit to oversee reform beyond that recommended in the Macpherson report; for example reforms to the stop and search regime or how technology might be utilised to increase accountability".[868] In an interview with the Guardian in June 2020, Dr Neville Lawrence repeated his concern about a lack of government oversight of the Macpherson recommendations. He said that the police could not be "relied on to reform" and again called for the Government to "bring back a special steering group to oversee the changes promised after the 1999 Lawrence inquiry".[869]

Police accountability and institutional responsibilities for delivering change

The role of Chief Constables and Police and Crime Commissioners

570. Chief Constables (or the Commissioner in the case of the MPS and the City of London Police) are ultimately independently responsible for all operational matters concerning each of the 43 police forces in England and Wales, including day-to-day direction and control, recruitment and discipline of staff, investigations and police tactics. Chief Constables therefore play the leading role in their forces in establishing policies on recruitment, training or stop and search, or establishing the organisational culture within the force.

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863   Q1.
864   MPR0060, Home Office.
865   MPR0060, Home Office; it should be noted that this submission was received by the Committee in July 2019, hence the reference to "twenty years".
866   MPR0060, Home Office.
867   MPR0037 Dr Neville Lawrence.
868   MPR0037 Dr Neville Lawrence.
869   The Guardian, Neville Lawrence: black people still second-class citizens in Britain, 9 June 2020.

571. Evidence set out in this report shows a wide variation between forces in approaches and outcomes on specific issues ranging from achieving a representative workforce to use of stop and search and other policing powers, and an inconsistent approach in taking up College of Policing training and acting on recommendations made by HMICFRS.

572. The Chief Constable has overall responsibility for leading the force and is directly accountable to the PCC for the operational delivery of policing services as set out in the PCC's Police and Crime Plan.[870] Chief Constables have considerable flexibility within their own forces to bring in new policies on the issues set out within this report ranging from recruitment targets to anti-racist training to community oversight of stop and search.

573. Police and Crime Commissioners are directly elected by the public and are responsible for "the totality of policing in their local area".[871] A Police and Crime Commissioner's statutory responsibilities include appointment of the Chief Constable of the local police force.

574. Prior to the 2021 PCC elections Hardyal Dhindsa, then PCC for Derbyshire, was the only person from a Black and minority ethnic group to hold a PCC post. He was also the APCC Deputy Lead on Equality, Diversity and Human Rights.[872] Mr Dhindsa told us that this lack of ethnic diversity among PCCs was "not a good place to be" and that progress had to be made.[873] The APCC wrote to all the major party leaders in 2018 alerting them to the lack of ethnic diversity among PCCs and encouraging them carefully to consider candidate selection, with a view to increasing PCC candidate ethnic diversity ahead of the following elections.[874] The APCC confirmed to us that of the 38 PCCs elected in the 2021 elections, one was Black.[875] Festus Akinbusoye became the first elected Black PCC (for Bedfordshire) whilst Alison Lowe was appointed by Tracy Brabin as West Yorkshire's Deputy Mayor for Policing and Crime, the first Black woman to be appointed to this role.[876] Alison Lowe will discharge a number of the PCC functions as delegated to her by the Mayor.[877]

575. We heard concerns that neither PCCs nor Chief Constables had been held sufficiently to account for the inadequate progress made in respect of race equality issues in policing. Nick Glynn from the Open Society Foundation told us that while HMICFRS had made a number of strong recommendations to forces on their use of stop and search, some

870   College of Policing, Chief Constable: role purpose [accessed 26 July 2021].

871   College of Policing, Chief Constable: role purpose [accessed 26 July 2021]

872   MPR0034 APCC; in 2021 there were 38 Police and Crime Commissioner elections across England and Wales which successfully elected a candidate, four of which also hold responsibility for fire governance as Police, Fire and Crime Commissioners (PFCCs). The difference in the total number of PCC elections in England in 2016 (40 PCCs) and 2021 is because one authority, West Yorkshire, has a new metro mayor that also assumes the role of PCC, and because the 2021 Wiltshire PCC election will be re-run in August 2021. In London, Greater Manchester and West Yorkshire the responsibility for policing governance sits with the Elected Mayor, and Deputy Mayor for Policing and Crime whilst in the City of London responsibility for this is held by the City of London Police Authority Board.

873   APC0003 Hardyal Dhindsa.

874   MPR0034 APCC; Q7.

875   MAC0055 APCC.

876   Association of Police and Crime Commissioners, Elections, 2021 results, (accessed 20 May 2021); The Times, First black police and crime commissioner: I've been stopped and searched but I back it, 16 May 2021; Police and Crime Commissioner, West Yorkshire, (accessed 20 May 2021).

877   Police and Crime Commissioner, West Yorkshire, (accessed 20 May 2021).

forces were reticent to make the recommended changes.[878] He argued that HMICFRS recommendations should be binding on forces and the College of Policing so that forces could not pick and choose which HMICFRS recommendations they wished to address.[879]

576. David Munro said PCCs had "considerable powers" to hold Chief Constables to account on issues of race equality but that PCCs' operational use of these powers was "patchy" across the police service.[880] He added there was "very little" legislative guidance on PCCs' roles and that ultimately all PCCs were "masters" in their domains with the option to "push forward the equalities and diversities agenda" as much as they wished.[881] Julia Mulligan, former PCC for North Yorkshire and then APCC lead of the Portfolio Group on Transparency and Integrity, highlighted that PCCs could use formal mechanisms to hold their Chief Constables to account on racial equality: she told us that she was one of two PCCs to have livestreamed a monthly Public Accountability Meeting (PAM) on social media inviting the public to ask questions and discuss race equality.[882]

577. Hardyal Dhindsa said PCCs have all the necessary powers to hold Chief Constables to account on issues of racial equality and that it was less about the powers held by PCCs and "more about hearts and minds" and being able to say "enough is enough, we need further action".[883]

578. In July 2020 the Home Secretary, Rt Hon Priti Patel MP, announced a review of the role of PCCs in line with the Government's manifesto commitment "to strengthen and expand the role of PCCs".[884] On 16 March 2021, the Home Secretary announced findings from the first part of the review in a written statement to the House.[885] The recommendations, intended to "sharpen the model" would be delivered, where possible, ahead of the 2021 PCC elections. The second part of the review would begin after the 2021 elections and would focus on "longer-term reforms and the potential for wider efficiencies to be made, with a view to implementation ahead of the 2024 elections".[886]

579. Some forces have established local community oversight arrangements to support improvement in their use of police powers, including stop and search. PC Ahmed told us that prior to joining Leicestershire Police he was a member of a scrutiny panel which examined body-worn camera footage. The panel would watch randomly selected camera videos alongside a police superintendent and member of the police equality unit and give feedback on "good points and bad points", which in both cases would be passed back to the individual officer via their supervisor and manager. He noted that, since becoming a police officer, he had received feedback on his own body-worn video footage.[887] Bedfordshire Police has launched a new Use of Force Scrutiny Panel to help the force improve its approach to policing in respect of arrests and "any number of scenarios" including stop and search. The panel's members are drawn from the force's Stop and Search scrutiny

878   MPR0059 Nick Glynn Open Society Foundations.

879   Ibid.

880   Q3.

881   Q3.

882   Q3.

883   Q3.

884   Gov.uk, Priti Patel to give public greater say over policing through PCC review, 22 July 2020.

885   House of Commons, Ministerial statement, 'Concluding Part One of the Police and Crime Commissioner Review', 16 March 2021, Statement UIN HCWS849.

886   House of Commons, Ministerial statement, 'Concluding Part One of the Police and Crime Commissioner Review', 16 March 2021, Statement UIN HCWS849.

887   Q111.

panel and community volunteers from a mix of backgrounds, ages and gender. It also has a five-member external scrutiny panel which focuses on specific issues such as the use of Taser.[888] Northamptonshire Police has developed a Reasonable Grounds Panel of two police officers and a minimum of five community members who assess whether individual officers have met the legal requirements for "reasonable grounds" during stop and search. Where these requirements have not been met, corrective action is taken which may include an instruction not to conduct further stop-searches until the officer has completed a professional development plan.[889]

580. The Commission on Race and Ethnic Disparities recommended that a minimum level of engagement with communities should be secured in every police service area through the establishment of independently chaired 'Safeguarding Trust' groups which would be representative of their communities. In areas where community confidence in the police is low, the Commission recommended that Mayors and PCCs should publish delivery plans to close the confidence gap; implementation of these plans would also fall to be scrutinised by the Safeguarding Trust group.[890]

581. **Twenty-two years on, police forces need to take responsibility for the lack of progress in vital areas raised by the Macpherson report. Individual forces and Chief Constables have considerable scope within their own organisations and communities to increase BME recruitment, establish fair misconduct processes, and build trust with local communities over stop and search policies. Police and Crime Commissioners also have considerable scope to hold their Chief Constables and forces to account, or to pursue measures like BME recruitment targets or additional oversight arrangements involving local Black and minority ethnic communities. Yet whilst policing has changed in many ways for the better in the last two decades, in these key areas affecting race equality too little progress has been made. Many Chief Constables and Police and Crime Commissioners are not doing enough to tackle the problems or to recognise the additional work still needed to achieve the objective William Macpherson set out twenty-two years ago of "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing".[891]**

582. **The wide variation among forces in the approaches taken and outcomes achieved on specific issues in relation to race equality is a matter of serious concern. Whilst we welcome the good practice of forces that have chosen to innovate on promoting race equality, we are worried at how far this has been dependent only on individual leadership with patchy national progress as a result.**

583. **The lack of widespread local scrutiny and oversight mechanisms involving different communities means that, too often, impetus to make progress is left to individual Chief Constables and PCCs, without improvements being made across the board or processes to ensure the interests of minority communities are represented. All forces need to establish local community oversight mechanisms which specifically recognise the need to monitor racial disparities and to increase confidence in local minority ethnic communities.**

888   Independent scrutiny, Bedfordshire Police.
889   Regulating Police Stop and Search: an evaluation of the Northamptonshire Police Reasonable Grounds Panel.
890   Commission on Race and Ethnic Disparities: Report, March 2021 p17.
891   The Stephen Lawrence Inquiry, report of an inquiry by Sir William Macpherson of Cluny, Cm 4262-I, February 1999, recommendation 2.

584. **Police forces also need to recognise the importance of coordinated national work to address unjustified race disparities and tackle racism. Chief Constables and Police and Crime Commissioners should support work by the NPCC and APCC to establish national strategies and monitoring to ensure progress everywhere as problems will not be solved by forces working in isolation. Shortcomings in one force have implications for confidence and perceptions of policing nationally.**

The National Police Chiefs' Council (NPCC)

585. The NPCC is charged with co-ordinating national police operations and implementing guidance and the chief officer of each UK police force is represented in the organisation through the Chief Constables' Council, which meets every three months to discuss issues and agree action.

586. Following Black Lives Matter protests in the UK, on 18 June 2021 the NPCC issued a statement committing to the production of an action plan to look "at issues of diversity and inclusion and concerns about racial inequalities in policing and the criminal justice system, and consult on it".[892] Assistant Commissioner Martin Hewitt, Chair of the NPCC, emphasised the importance of "a police service that is of the community, and polices with the consent of that community" but recognised that was not felt by some communities, in particular Black and minority ethnic communities.[893]

587. On 31 July 2020, the Chair of the NPCC and Chief Executive of the College of Policing issued an update on their plan of action for inclusion and race equality in policing.[894] They said they had "listened to the concerns of those with experience of, and insights into what needs to change" and accordingly had proposed a process that would turn their commitments into effective action.[895] They added that they would "make changes" before the end of 2020 where possible, ensuring that communities' concerns would form "the bedrock" of their agenda for change. They said they hoped to have "an independent scrutiny and oversight board" in place by the end of October 2020 to support this process and confirmed they would focus initial work on five key areas:

(1) Evidence: Data collection and analysis

(2) Internal culture and inclusivity

(3) Use of powers: to include use of force and stop and search

(4) Community relations

(5) Communication.[896]

588. The NPCC also announced in July 2020 that it would be establishing an Independent Scrutiny Oversight Board to agree the priorities of the Action Plan and hold the NPCC to account for its delivery.[897] A recruitment campaign for the post of Chair of the Board closed on 25 April 2021. The recruitment pack indicates a time commitment for the postholder

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892   NPCC, Police chiefs to take action on racial inequalities, 18 June 2020.

893   NPCC, Police chiefs to take action on racial inequalities, 18 June 2020.

894   NPCC, Update on the Plan of Action for inclusion and race equality in policing, 31 July 2020.

895   NPCC, Update on the Plan of Action for inclusion and race equality in policing, 31 July 2020.

896   NPCC, Update on the Plan of Action for inclusion and race equality in policing, 31 July 2020.

897   NPCC, Update on the Plan of Action for inclusion and race equality in policing, 31 July 2020.

of 24 days per year (i.e., approximately two days per month) for a fixed term of two years, subject to review. Provision of dedicated support for the postholder and the board appears to be limited: the advertisement indicates that the postholder will have access to data and analysis and a budget to access independent communications and engagement support. Once appointed the Chair will be responsible for ensuring the fair and open recruitment of other Board members.[898] As we agree our report the appointment has not been confirmed and the NPCC action plan has not been published.

589. **The NPCC has a leadership function in policing, co-ordinating police forces at a national level. It is welcome that the NPCC has announced its intention to develop and implement a race equality action plan but it is deeply disappointing that this has since been delayed and that it is taking so long for forces to agree on much needed action. The capacity of the NPCC to act quickly and decisively is hindered by the difficulty of reaching agreement between 43 forces. We do not believe that the current structures will be sufficient to deliver change that is already twenty-two years overdue. The NPCC has also done important and welcome work in some of the individual areas we have considered in our report, such as on misconduct (see chapter five). Again, however, its impact has been limited where forces have been slow to address its recommendations.**

The College of Policing

590. The College of Policing is responsible for setting standards of conduct, leadership and professionalism required by police officers and police staff in England and Wales and for developing written guidance for the police on a range of topics, in the form of Authorised Professional Practice (APP) guidance. The College has not produced APP guidance on diversity or inclusion.

591. While HMICFRS reported in February 2021 that "all forces use the College of Policing's stop and search training programme or an equivalent"[899] the Committee had been told in 2019 by Nick Glynn, who had previously led much of the work on the College's stop and search guidance, that some forces had been "slow to embrace" national training and guidance on stop and search.[900]

592. **The College of Policing has an important role to play in providing training, guidance and standards for police forces to follow. Although it has developed training and guidance on stop and search, it has not played a strong enough role in ensuring that officer training is focused specifically on anti-racism in addition to diversity and unconscious bias. We would like to see recommendations made by the College of Policing taken up consistently across police forces, so that opportunities to improve standards and practices are not lost.**

The Independent Office for Police Conduct

593. The Independent Office for Police Conduct (IOPC) is responsible for overseeing the police complaints system in England and Wales. Its work is conducted independently of the

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898   NPCC, Update on the Plan of Action for inclusion and race equality in policing, 31 July 2020.

899   HMICFRS, Disproportionate use of police powers: a spotlight on stop and search and the use of force, February 2021, p38.

900   MPR0059 Nick Glynn, Open Society Foundations.

police, government, complainants and interest groups. However, the IOPC emphasised in written evidence to us that it "does not have overarching responsibility for the entire police conduct and discipline system", much of which falls outside its statutory responsibility.[901]

594. As discussed in Chapter five, the IOPC's capacity to address ethnic disparity in police complaints has been hamstrung by the fact that government misconduct data has not been recorded by ethnicity, and that forces' data on ethnic disparity in police misconduct investigations has been inconsistent and incomplete to the point where it cannot be understood or acted upon. Following the NPCC's 2021 update on progress since its 2019 review into disproportionality of misconduct outcomes for BAME officers and staff, it is expected that data on protected characteristics affected by the police complaints and discipline system will be published for the first time in October 2021.[902]

595. In July 2020, the IOPC announced a thematic focus on race discrimination investigations in order to, according to IOPC Director General Michael Lockwood, "establish the trends and patterns which might help drive real change in policing practice" by "independently investigating more cases where racial discrimination may be a factor in order to develop a body of evidence to identify systemic issues which should be addressed".[903] The IOPC announced that:

> Initially we will focus on investigating more cases where there is an indication that disproportionality impacts BAME communities, including stop and search and use of force. We will also be investigating more cases where victims from BAME communities have felt unfairly treated by the police. For example whether the police are treating allegations of hate crime from BAME complainants seriously and where it is alleged the police have not recognised or treated BAME victims of crime as victims.[904]

596. The IOPC is also currently conducting a review of Taser complaints, including analysing those where there were allegations of racial discrimination.

597. **Evidence given to this inquiry indicates that the IOPC (and the IPCC before it) has been too complacent on matters of race, and specifically has not worked to collate data consistently (see chapter five). We welcome the IOPC's announcement, in summer 2020, that it will commit to a dedicated focus on race discrimination as a thematic area of review. Specifically, it states that this will involve "independently investigating more cases where racial discrimination may be a factor in order to develop a body of evidence" to advance change.**[905] We will examine its progress on this in a separate inquiry on police conduct and complaints.

HMICFRS

598. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) is an inspectorate with powers to inspect but not to regulate.[906] As part of its remit HMICFRS independently assesses the effectiveness and efficiency of police forces, in the

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901   MPR0063 Independent Office for Police Conduct.

902   MAC0052 NPCC, January 2021; see chapter five where collection of misconduct data is discussed in more detail.

903   IOPC, IOPC announces thematic focus on race discrimination investigations, 10 July 2020.

904   IOPC, IOPC announces thematic focus on race discrimination investigations, 10 July 2020.

905   IOPC, IOPC announces thematic focus on race discrimination investigations, 10 July 2020.

906   MPR0067 HMICFRS

public interest.[907] HMICFRS uses evidence from its PEEL inspections (police effectiveness, efficiency and legitimacy) "together with the context within which police forces operate […] to make an assessment of each of the 43 police forces in England and Wales".[908]

599. HMICFRS does not directly focus on race equality and the underlying reasons for ethnic disproportionality as part of its legitimacy inspections. Some of the evidence we received suggested that HMICFRS inspections and judgements were failing Black and minority ethnic groups, despite their often detailed and strong recommendations on key policies and procedures within the police that disproportionately affect officers and staff from these backgrounds (such as on recruitment and progression, police misconduct and stop and search). While HMICFRS made a series of recommendations to address ethnic disproportionality in police misconduct procedures in both its 2015 and 2017 PEEL legitimacy reports, the inspectorate reported at the time that no real progress had been made by forces.[909]

600. HMI Matt Parr could not confirm to us when the inspectorate's most recent thematic review on racial disparity in the police was published but defended the thoroughness of HMICFRS inspections:

> I have only been with the inspectorate for two and a half, three years. I am not sure that we have not done anything upon this subject going back all the way that you say, but I do not accept your argument that what we do is a glancing look at it. It is much more detailed than that. We examine many thousands of records and grievance cases every time we do an inspection. "Glancing" is just not fair.[910]

601. HMICFRS told us that it had not "specifically inspected the overall quality of service provided by police forces to BAME individuals and communities". However, since 2012 it had regularly inspected all forces on the use of stop and search.[911] In further evidence, HMICFRS confirmed that although many of its inspections featured "examination and assessment of issues affecting race, it had not conducted an inspection "focussed solely on race".[912]

602. The NBPA told us that there should be more in-depth investigation undertaken on race equality with a greater focus on race as part of the legitimacy inspection framework, and that the recommendations from HMICFRS regarding disciplinary disparities should be made a target for forces by the end of 2019, to support inclusion in the Home Office police workforce report in 2020.[913] Similarly Katrina Ffrench, former Chief Executive of StopWatch, told us that HMICFRS should look at ethnic disparities in policing as a "free standing thematic issue" and ensure that any such disparities are investigated fully.[914]

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907   MPR0067 HMICFRS.

908   MPR0067 HMICFRS; PEEL is an annual assessment of police forces in England and Wales. Forces are assessed on their effectiveness, efficiency and legitimacy. They are judged as outstanding, good, requires improvement or inadequate on these categories (or pillars) based on inspection findings, analysis and Her Majesty's Inspectors' (HMIs) professional judgment across the year.

909   See chapter five.

910   Q346.

911   MPR0007 HMICFRS.

912   MPR0067 HMICFRS.

913   MPR004 NBPA, paras 8.4 – 8.5.

914   Q23.

603. In its February 2021 report on Disproportionate use of police powers, HMICFRS committed to "continue our focus on disproportionality in aspects of policing practice", including collating and publishing disproportionality data on its website, inspecting disproportionality in specific areas of policing through the PEEL programme, and scoping a thematic inspection on diversity in policing and the wider criminal justice system to be carried out in 2021.[915]

604. **HMICFRS has a very important role to play in driving improvements, raising standards and measuring progress across policing. It has produced a series of extensive reports about stop and search which has added a great deal to understanding of the issues. It is disappointing that its recommendations have still not been implemented by a large number of forces, as we discussed in chapter six.**

605. *However, it has been far too long since the inspectorate conducted a thematic review on race. There is an urgent need for HMICFRS to address race directly in its inspections. HMICFRS should always include specific questions about race and the workforce (including recruitment and disciplinary procedures, and officer and staff attitudes to race) and workplace operations in its PEEL legitimacy inspection framework. Further, given that matters of race remain a problem across the police service, we can identify no logical reason as to why HMICFRS have discontinued regular thematic reviews of race and policing. In order to provide scrutiny of the service and to evidence its own commitment to the issue we therefore recommend that these reviews are reinstated as a matter of priority and that the first such review should take place no later than 2022.*

Holding forces to account for failings

606. The APCC noted in written evidence to us that as a consequence of the Government's 2011 reforms (the transfer of police governance to PCCs) the Home Office was now much less involved in local policing than it used to be.[916]

607. The Home Office told us that it was the responsibility of each PCC to hold their Chief Constable to account for any failings that HMICFRS identified in their force and "to demonstrate to their communities that there is a plan of action in place to ensure improvements are made".[917]

608. The HMICFRS website however sets out that it is for Chief Constables, police and crime commissioners and, in "extreme cases", the Home Secretary "to take action as a result of HMICFRS's recommendations".[918] It also states that "Police and crime commissioners are required to publish their comments on each HMICFRS report within 56 days of its publication, and must include an explanation of the steps to be taken in response to each HMICFRS recommendation or an explanation of why no action has been or is to be taken in that respect".[919] A copy of this response "must be sent" to HMICFRS and to the Home Secretary for review.[920] If systemic failings within a force are not sufficiently addressed, HMICFRS can put the force "through its Police Performance Oversight Group monitoring

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915   HMICFRS, Disproportionate use of police powers, A spotlight on stop and search and the use of force, February 2021, pp 42–43.

916   MPR0034 APCC

917   MPR0079 Home Office.

918   HMICFRS, About Us, Powers, accessed 15 October 2019.

919   Ibid.

920   Ibid.

process," which the Home Office explained to us brought together the policing sector, under the leadership of Sir Tom Winsor, to "scrutinise the force's improvement plan, and where necessary, to constructively challenge and support its implementation".[921]

609. HMI Matt Parr explained to us that, as an inspectorate, HMICFRS did not have "hard powers" to call the police to account for their performance on racial justice.[922] In further evidence, HMICFRS wrote that it was not seeking any extension of its powers: it believed that regulatory powers would "fundamentally alter" its relationship with the police and affect its ability to encourage police forces to improve.[923]

The role of the Home Office

610. As noted in our 2018 Policing for the Future report the Home Office's position is that it:

> […] does not run policing but is supporting the sector to become self-reforming.[924]

611. In England and Wales responsibility for setting the strategic direction of policing is principally shared between the Home Office and the NPCC. However, other bodies also play a role: as we have discussed, the College of Policing sets national professional standards and HMICFRS makes recommendations to forces, both individually and collectively.[925]

612. A number of stakeholders have raised concern about the current system of strategic decision making for policing in England and Wales.[926] In a 2018 report, the National Audit Office recommended that the Home Office set out more clearly which actors are accountable for what in policing. It said that the Home Office should develop an overall strategy for policing which makes clear where services should be delivered nationally and locally.[927] Former chair of the NPCC and former Chief Constable Sara Thornton said that criticisms about the effective oversight of the police failed to appreciate "the deliberate political settlement made with the introduction of police and crime commissioners". She argued that the Home Office, police chiefs and PCCs should work together to set a clear plan for the future sustainability of policing. However, she said that the "time has come for the Home Office to provide greater leadership for the whole system".[928]

613. In July 2019 the Home Office established the National Policing Board to improve "collaboration and consistency" across the 43 police forces in England and Wales.[929] At the time of writing, minutes for six meetings of the Board, which is chaired by the Home Secretary, have been published, the most recent dated November 2020.[930] The Board's

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921   MPR0079 Home Office.

922   Q383.

923   MPR0067 HMICFRS.

924   Home Affairs Committee report, Policing for the Future, HC515, 25 October 2019, para. 219.

925   House of Commons, Policing in the UK, 3 June 2021.

926   National Audit Office, Financial sustainability of police forces in England and Wales 2018, September 2018, recommendation a; Sara Thornton, NPCC Chair Sara Thornton Speech APCC and NPCC Summit 2018, October 2018; House of Commons, Policing in the UK, 3 June 2021.

927   National Audit Office, Financial sustainability of police forces in England and Wales 2018, September 2018, recommendation a.

928   Sara Thornton, NPCC Chair Sara Thornton Speech APCC and NPCC Summit 2018, October 2018.

929   Home Office, Prime Minister opens first meeting of National Policing Board, 31 July 2019.

930   National Policing Board agendas and minutes

minutes indicate that police diversity and inclusion had been discussed as an agenda item only once, at its meeting in July 2020.[931] Introducing that agenda item (Promoting Diversity and Inclusions in Policing) the Home Secretary, Rt Hon Priti Patel MP, "noted that the uplift programme presented an opportunity to embed cultural change with the next generation of police officers" and that the "Race Disparity Audit had highlighted uncomfortable truths for law enforcement" which needed to be addressed by making sure policing was "more representative of the communities it serves".[932] She called for "a joined-up national effort to include a diverse range of voices to support this work and ensure a bottom-up approach to improving leadership".[933]

614. **The current system for delivery and accountability on race equality within policing is not working. While there are some opportunities for ensuring accountability within the police service, our evidence indicates that these processes are far too fragmented and rarely exercised fully. Race equality tends to be left to the discretion of individual leaders or forces and important recommendations or examples of good practice are not implemented systematically. Moreover, there is a lack of a coordinated drive to make progress across policing, and insufficient follow-up actions in the form of scrutiny rewards or sanctions to ensure that change which is promised is implemented in practice.**

615. **Since the Stephen Lawrence Steering Group was disbanded in 2005, there has been no national focus on achieving the aims of the Macpherson report to eliminate "racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing". The various national policing bodies have not done this, nor has the Home Office. The EHRC is not equipped to monitor progress in policing regularly. Since the Commission for Racial Equality was folded into the EHRC, there has also been no separate independent national body with an explicit focus on race equality. The attempts by the NPCC to show national leadership in drawing up a national action plan are welcome but the delays in getting agreement with police forces show its limitations. We recognise the NPCC's intention to establish an oversight board with an independent Chair. However the Chair is only expected to work for a few days each year and it does not appear that the Board will have the resources, analytical capacity or clout that we believe are needed.**

616. **Furthermore the withdrawal of the Home Office from an active role in policing has been responsible for fragmentation and a lack of wholesale ownership in addressing race equality issues. While we acknowledge the devolved nature of policing, the Home Office is ultimately responsible for providing leadership and accountability in this area and for ensuring that progress is made in practice. The time for the Home Office to embrace that role is long overdue.**

617. *The Home Secretary should establish and chair, under the aegis of the National Policing Board, a Race Equality Steering Group. The Home Secretary should have oversight of progress in addressing race equality across the 43 police forces, including the implementation of action plans, through the Steering Group which should also hold Chief Constables in England and Wales to account on the specific actions they have taken to improve outcomes for Black and minority ethnic officers in all areas of*

931   National Policing Board Minutes 22 July 2020.
932   National Policing Board Minutes 22 July 2020.
933   National Policing Board Minutes 22 July 2020.

their employment. This oversight must include accountability for reaching force-level recruitment targets as part of a commitment to achieve a representative police service by 2030 (as recommended in chapter four).

618. In addition to the steering group, we believe it is so important to ensure that progress is sustained that further independent dedicated oversight on race equality in the police service in England and Wales is needed. Commitments to address issues from BME recruitment to stop and search have been made many times before, but too little has changed in practice. We cannot afford to see that happen again. We welcome the intention behind the NPCC's proposed appointment of an independent chair for a new race equality oversight board but we believe it needs to be significantly strengthened and broadened.

619. *We recommend that, in place of the oversight board, a new Race Equality Commissioner for policing is established to provide ongoing scrutiny, including analysis and advice on policing policy, tools and procedures that are likely (or have been shown) to have a potential impact on racial disparities. The remit of the post would include scope to instigate investigations and to report at the Commissioner's discretion, with powers to gather information, make recommendations on policing institutions and where appropriate to refer concerns raised by their inquiries to HMICFRS for further examination and inspection. The Race Equality Steering Group chaired by the Home Secretary should consider and respond to the Commissioner's independent reports. To ensure that the Commissioner has sufficient resources and powers, it should be established on a statutory basis and provided with ring-fenced funding from Government. However it is vital that the post is, and is seen to be, independent of both policing and central Government to ensure it can win the confidence of BME communities. Therefore, the Commissioner should be appointed through an independent process and be accountable directly to Parliament.*

620. The renewed focus amongst policing leaders on issues of race inequality since the summer of 2020, and in particular the commitment on the part of the NPCC to the production of an action plan to consider "concerns about racial inequalities in policing and the criminal justice system" is welcome.[934] However, it is vital that this work begins as soon as possible, is adopted by every police force and its objectives are followed through. Meeting the goals of the action plan cannot be left to individual policing institutions without more formal structures of accountability and scrutiny.

621. *Based on the evidence we have received and the systemic problems we have identified, we recommend that in taking forward its Plan of Action on Inclusion and Race, the NPCC must focus on the following priorities:*

- *Achieving a police workforce that is representative of the population by 2030, with specific objectives and plans at a force level to ensure recruitment in the current officer uplift and beyond is representative of the communities that individual forces serve (chapter four);*

- *Gathering and publishing consistent and transparent data that allows the effects of police policies and use of powers to be properly scrutinised (chapters two, three, five, six and seven);*

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934   NPCC, Police chiefs to take action on racial inequalities, 18 June 2020.

- *Reforming approaches taken to stop and search, including through improved training on conducting stop and searches, better understanding of ethnic disproportionalities and more effective review and community engagement on the use of stop and search (chapter six);*

- *Independent monitoring and oversight at a national and community-level, combined with initiatives to rebuild confidence in police policies and use of police powers, and ensure new tools and technologies are not introduced before their likely impact has been properly examined (chapters six, seven and nine);*

- *Maintaining an institutional focus on structural imbalances that lead to unequal outcomes for individuals of different ethnicities, including by the provision of training that goes beyond individual biases and focuses specifically on anti-racism and organisational culture (chapter nine)*

- *An overriding commitment to the principle that disparities between different ethnic groups must be explained, or changes must be made to eliminate them (chapter nine).*

622. **Across the country police forces work hard each day to tackle crime and keep all our communities safe. Police officers and staff work immensely hard to deliver fairness in policing, to support Black and minority ethnic victims of crime, to tackle racist hate crimes and support community cohesion. But it is because the role of the police in communities is so important that the issues raised in our report need to be addressed. Our inquiry has found that the Macpherson report's overall aim of the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing has still not been met twenty-two years on, and we have identified persistent deep-rooted problems where too little progress has been made because of a lack of focus and accountability on issues of race. While this is the case, trust between the police service and Black and minority ethnic communities will remain low and the long-standing Peel principles around fairness in policing and policing by consent will continue to be undermined.**

623. **The commitments made over the last year by the NPCC, by individual forces and by senior police officers to a step change in addressing race equality in policing are important and welcome. But commitments have been made in the past that were then not delivered. This time needs to be different or confidence may be permanently undermined. This time, Government and police forces must work with local communities to ensure there is real and sustainable change that improves the experiences of, and outcomes for, Black and minority ethnic communities whether within the police service or without—that raises confidence and demonstrates fairness in policing for all.**

Annex: Supplementary data

Figure 15: Historic police officer ethnic diversity recruitment targets[935]

The following table shows current police officer diversity, as at 31 March 2021; police officer diversity in 1999; and the target set in 1999 to be acheived within 10 years.

Force	1999		2021	
	% of BAME police officers	Target % of BAME police officers*	% of BAME police officers	Ppt difference compared to 1999 target
Avon & Somerset	1.1	2.0	3.7	+1.7
Bedfordshire	3.4	9.9	10.0	+0.1
Cambridgeshire	2.8	4.3	5.0	+0.7
Cheshire	0.3	1.0*	2.0	+1.0
London, City of	2.3	7.3	7.8	+0.5
Cleveland	1.0	3.5	2.4	-1.1
Cumbria	0.2	1.0*	1.0	0.0
Derbyshire	2.0	3.3	3.4	+0.1
Devon & Cornwall	0.2	1.0*	1.6	+0.6
Dorset	0.5	1.0*	1.8	+0.8
Durham	0.6	1.0*	1.6	+0.6
Dyfed-Powys	0.1	1.0*	1.8	+0.8
Essex	1.2	1.9	3.8	+1.9
Gloucestershire	1.1	1.6	2.9	+1.3
Greater Manchester	2.4	7.6	9.3	+1.7
Gwent	1.0	1.1	2.5	+1.4
Hampshire	0.8	2.0	3.3	+1.3
Hertfordshire	1.2	4.7	5.2	+0.5
Humberside	0.6	1.1	1.9	+0.8
Kent	0.8	2.4	4.0	+1.6
Lancashire	1.2	5.0	5.0	0.0
Leicestershire	4.5	9.7	8.7	-1.0
Lincolnshire	0.6	1.2	2.5	+1.3
Merseyside	1.7	2.0	3.4	+1.4
Metropolitan Police	3.3	25.5	15.8	-9.7
Norfolk	1.1	1.0*	2.0	+1.0
Northamptonshire	2.8	2.3	0.8	-1.5
Northumbria	0.8	1.5	2.5	+1.0
North Wales	0.1	1.1	3.8	+2.7
North Yorkshire	0.5	1.3	2.9	+1.6
Nottinghamshire	2.6	3.5	7.1	+3.6
South Wales	1.1	1.5	2.8	+1.3
South Yorkshire	2.2	3.3	3.8	+0.5
Staffordshire	1.5	1.8	3.5	+1.7
Suffolk	1.3	1.1	2.9	+1.8
Surrey	1.2	3.2	5.9	+2.7
Sussex	0.8	2.4	3.4	+1.0
Thames Valley	2.1	5.4	5.5	+0.2
Warwickshire	2.5	4.0	5.3	+1.3
West Mercia	1.2	2.0	2.9	+0.9
West Midlands	4.2	16.1	12.3	-3.8
West Yorkshire	2.6	9.5	7.7	-1.8
Wiltshire	1.1	1.8	2.2	+0.4

* Targets set at 1% for for forces with % of BAME police officers below 1%

Note: 1999 figures for % of BAME police officers based on "Labour Force Survey" winter quarter 1997–8. % of BAME police officers based on headcount.

935   House of Commons Library analysis based on Home Affairs Committee, Fourth report 1998–99: Police training and recruitment, 28 June 1999, Annex B; Home Office, Police officer uplift, quarterly update to 31 March 2021, 29 April 2021, Table U6.

Figure 16: Police officer leavers in England and Wales by exit route between 2007/08 and 2019/20[936]

Police Officer leavers by exit route between 2007/08 and 2019/20
England and Wales

	Death	Dismissal	Medical retirement	Normal retirement	Transfer	Voluntary resignation	All leavers
BME	1.1%	7.7%	5.1%	29.9%	14.1%	42.1%	100%
White	0.9%	2.4%	6.2%	55.1%	12.3%	23.2%	100%
Not stated	0.7%	2.7%	7.9%	49.7%	10.7%	28.2%	100%
All	0.9%	2.7%	6.1%	53.9%	12.4%	24.1%	100%
Per 1,000 (ethnic group) officers							
BME	0.5	3.7	2.5	14.4	6.8	20.2	48.0
White	0.5	1.4	3.6	32.1	7.2	13.5	58.3

Source: HC Library estimates from Home Office: Police workforce, England and Wales, 31 March 2020: leavers open data tables; and Police workforce, England and Wales, 31 March 2020: ethnicity open data tables, accessed 20 November 2020

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936   House of Commons library analysis from Home Office, Police Workforce, England and Wales, 31 March 2020: leavers open data tables; and Police Workforce, England and Wales, 31 March 2020: ethnicity open data tables, accessed 20 November 2020.

Figure 17: Stop and search by ethnicity and police force area[937]

number per 1,000 people, by ethnicity and police force area, year ending 31 March 2020						
	All	Asian	Black	Mixed	White	Other
Avon & Somerset	5	4	24	8	3	7
Bedfordshire	5	6	10	10	3	4
British Transport Police	N/A	N/A	N/A	N/A	N/A	N/A
Cambridgeshire	3	3	17	4	2	7
Cheshire	4	2	23	5	3	7
Cleveland	3	4	13	6	3	8
Cumbria	4	4	17	2	4	0
Derbyshire	2	3	7	4	1	0
Devon & Cornwall	3	3	31	4	3	5
Dorset	3	2	48	6	2	5
Durham	3	4	11	4	3	14
Dyfed-Powys	6	6	22	8	6	0
Essex	12	14	47	17	9	9
Gloucestershire	4	3	21	14	3	5
Greater Manchester	N/A	N/A	N/A	N/A	N/A	N/A
Gwent	5	17	40	15	4	15
Hampshire	5	6	39	9	4	5
Hertfordshire	7	6	24	16	5	16
Humberside	3	4	15	3	3	3
Kent	6	4	36	9	4	43
Lancashire	6	9	19	7	4	7
Leicestershire	4	3	14	4	3	2
Lincolnshire	4	6	34	8	4	10
London, City of	N/A	N/A	N/A	N/A	N/A	N/A
Merseyside	25	14	65	24	21	19
Metropolitan Police	34	26	71	24	18	27
Norfolk	6	4	48	10	5	13
North Wales	7	5	13	8	7	0
North Yorkshire	3	5	14	6	3	5
Northamptonshire	3	4	18	6	3	1
Northumbria	4	5	14	4	4	1
Nottinghamshire	5	6	17	8	3	8
South Wales	10	16	55	18	8	11
South Yorkshire	11	13	22	12	9	9
Staffordshire	5	15	34	13	4	14
Suffolk	5	4	26	12	4	33
Surrey	5	7	34	8	4	6
Sussex	5	5	47	6	4	9
Thames Valley	6	8	17	10	3	4
Warwickshire	3	4	31	7	2	8
West Mercia	4	14	41	8	3	13
West Midlands	8	13	22	20	5	1
West Yorkshire	6	11	15	9	4	5
Wiltshire	2	4	16	4	2	2
All - including BTP and excluding Greater Manchester	11	15	54	16	6	18

Note:
N/A: not available

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937 Source: Gov.uk, Ethnicity facts and figures: Stop and Search: Stop and search rate per 1,000 people, by ethnicity and area, accessed 22 April 2021.

Conclusions and recommendations

Introduction

1. The Stephen Lawrence Inquiry, led by the late Sir William Macpherson, was truly ground-breaking when its report was published twenty-two years ago. It led to major changes in the law, in policing, in the response to institutional racism and the treatment of racist crimes. Ultimately it led to the conviction of two of the suspects for Stephen Lawrence's murder. (Paragraph 24)

2. Many of the findings and subsequent 70 recommendations made by the Stephen Lawrence Inquiry focused on longstanding issues which remain as relevant today, in particular, the overall aim set by the late Sir William Macpherson of "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing". Our inquiry was prompted by concerns that, in some areas, much more still needed to be done to achieve that overall aim. Given the significance of the report both to policing and to the wider understanding of institutional racism, we were very concerned to hear from Baroness Lawrence just after the twentieth anniversary of the Macpherson report in 2019 that, on the report's recommendations, "it seems as if things have become really stagnant and nothing seems to have moved". (Paragraph 25)

3. Our inquiry does not attempt to replicate the work of the forensic judge-led Stephen Lawrence Inquiry twenty-two years on, nor to replicate the many other wider reports about racism and race equality since then. But we have assessed progress against some of the most important Macpherson report recommendations: on community confidence, on tackling racist crimes, on recruitment and retention of Black and other minority ethnic officers and staff, on the use of stop and search and other powers, and on Sir William's overall aim of the elimination of racism and the demonstration of fairness in policing. As our report shows, addressing the shortcomings in these areas is an urgent challenge. (Paragraph 26)

Confidence in policing among BME communities

4. Evidence to our inquiry shows that there is a significant problem with confidence in the police within Black communities. We were very concerned to see that confidence in the police among Black people has fallen in recent years and the gap in confidence in policing between White and Asian people on the one hand, and Black and Mixed ethnicity people on the other hand, has grown. (Paragraph 67)

5. Fairness, respect and impartiality are core values that should be fundamental to policing. So the fact that Black people, and especially Black Caribbean people, have much lower expectations than White people that they will be treated fairly and with respect by the police is a matter of deep and serious concern. The problem is particularly acute for young people. Those we heard from in London expressed strong sentiments of anger and frustration towards the police, particularly about the way in which they felt police officers did not treat them fairly or with respect, and also expressed the lack of confidence they had that the police would keep them safe. (Paragraph 68)

6. Overall the majority of people from all communities still report confidence in their local police. However, there is no getting away from the significant confidence and fairness gap for Black communities. The fact that this persists twenty-two years after the Macpherson report is deeply troubling. It undermines the principle that all victims of crime should feel confident in turning to the police for help and puts in jeopardy the principle of policing by consent that lies at the heart of British policing. It should be cause for serious concern and urgent action among police forces and policing leaders. (Paragraph 69)

7. Given the seriousness of the issue we are particularly alarmed by the failure of police forces and the Home Office to have proper plans in place to address the confidence gap, or even to be gathering the basic evidence and data they need at local force level to understand and tackle the problem. Lack of confidence data by ethnicity at a local force level also makes it much harder to hold local forces to account for concerns about BME communities' confidence in the police. The Metropolitan Police provides up-to-date, clear information on public perceptions by ethnicity but few other forces provide similar or comparable information. This is not good enough. (Paragraph 70)

8. The Macpherson report in its first recommendation called for a Ministerial Priority for all police services to "increase trust and confidence in policing amongst minority ethnic communities". For the Macpherson report, the setting of a "Ministerial Priority" had a particular meaning as part of the formal relationship between the Home Office and the police, as well as indicating the importance and value that Ministers and the police should attach to the issue. Those formal arrangements changed in the early noughties, but the broader spirit of that first recommendation is as important today as it was then and in 2021 currently it is not being met. The significant decrease in confidence among some Black and minority ethnic populations in the past year, the consistent reporting of lower levels of Black and Mixed ethnicity confidence in the police compared to White individuals and the widening of the gap, combined with the failure of successive governments to require data on confidence to be collected at a local force level by ethnicity, shows that increasing trust and confidence in policing in the Black community is not being treated as a policing priority or as a Ministerial priority today. (Paragraph 71)

9. Practical action is needed. *The Home Office and National Police Chiefs' Council must ensure that confidence data is gathered and regularly published for all forces so that their communities and Police and Crime Commissioners can hold them to account, with further targeted qualitative work by forces to assess confidence levels in areas with smaller BME communities. Following the example set by MOPAC and the Metropolitan Police, survey results should be made publicly available on force websites in an easily accessible format.* (Paragraph 72)

10. *Police forces in England and Wales should set out clear local plans to improve confidence informed by local confidence data. They should state what measurable actions they are taking a) to increase the confidence of BME communities and b) to narrow the gap between these communities and the White population; they should be inspected on how they address confidence and trust in their forces among Black and*

minority ethnic communities. We recommend that as part of its regular legitimacy inspections HMICFRS monitors how police forces are recording and measuring BME confidence in their forces. (Paragraph 73)

11. *The Home Office and the National Policing Board should monitor the confidence gap in each force and should set out each year what action is being taken nationally to ensure that confidence among BME communities increases in order to restore legitimacy.* (Paragraph 74)

Racist incidents and victims of crime

12. The Macpherson report brought about a transformation in the way police recognise racist incidents and deal with racist crimes, and we found a strong commitment from senior police officers to maintain the progress that had been made. This seismic change is one of the most important legacies of the Stephen Lawrence Inquiry and the vital work of those who fought to make sure the inquiry happened. (Paragraph 105)

13. However, we are concerned about the variability in police force responses at a local level: the commitment to tackling hate crime needs to be universal and consistent across the police service. We are also very concerned that the victims of hate crimes are less likely to feel that they are treated with respect by the police and less likely to be satisfied with the outcome of a police investigation than they are in other crimes. Twenty-eight years on from the racist murder of Stephen Lawrence, the Home Office and the NPCC need to ensure that the police today are taking clear action to support the victims of racist crimes properly. (Paragraph 106)

14. *We are concerned that the police once again lack the information and data they need to address these issues properly. More public information is needed on race hate crimes, the impact on different communities and the experiences of victims. The Home Office must commission research into the reasons behind lower levels of confidence among hate crime victims and ensure that figures on the victims can be broken down by monitored hate crime strand. Police forces also must improve the recording of hate crime offences so that data is accurate and consistent and must collect better information on the victims of hate crime.* (Paragraph 107)

15. The Government's disaggregation of religious hate crimes for different religions is welcome, as this provides valuable detail and insight. We believe that race hate crimes should be similarly disaggregated, so as to understand the breakdown of offences by ethnicity. Other forms of police data are already provided in this way. *We call on the Government to work with police forces to implement the disaggregation of race hate crime so as to be able to publish results in the Home Office's hate crime statistics release for 2022–23.* (Paragraph 108)

16. The drop in racist incidents and crimes in the crime survey, and the increase in crimes that are reported to the police, is welcome and suggests that there is both an increased awareness of hate crime and increased confidence in reporting such crimes. However, statistics indicating that more than 75,000 race related incidents

were recorded in England and Wales in 2019/20—a number which is likely to be an underestimate—is clear evidence that race hate remains a very significant problem in our society. (Paragraph 109)

17. Our greatest concern going forward is that the Government and police forces are being left behind by the rise of online racism and racist crimes as the rise of social media means patterns of race hate crime are changing. Currently the police do not have the digital capacity, training or systems in place to be able to keep up with monitoring, investigating and charging serious cases of racist and hate crimes committed online. (Paragraph 110)

18. Social media companies and platforms need to do far more to tackle online racist crime, incitement and abuse. The Committee has been raising these issues with the major social media companies for four years and, while some changes have been made, progress has been far too slow. (Paragraph 111)

19. We welcome the Government legislating for online safety and we continue to consider these issues separately from this report. But we are concerned that much more also needs to be done around the policing response. (Paragraph 112)

20. *Alongside the legislative and regulatory proposals that the Government is developing for social media companies, the Home Office and National Police Chiefs' Council should draw up a new strategy for policing hate crime online including identifying the skills, training and digital infrastructure that police forces urgently need.* (Paragraph 113)

21. We agree with Neil Basu that the links between hateful content online, radicalisation and extremism as well as the devastating impact online hate crimes can have on individuals mean that it needs to be taken extremely seriously. There is a responsibility on the Government, the police service, social media companies and all of us in our communities to work more effectively to tackle racist hate crimes and hateful extremism online. (Paragraph 114)

22. The increased support for all victims of crime and the work of Family Liaison Officers as a result of the Macpherson report are important wider legacies of the Stephen Lawrence Inquiry. However, we are extremely concerned that, twenty-two years on from the publication of the Macpherson report, some Black men and women still report that they feel they have been treated as suspects not victims and that this reduces the likelihood of them reporting crime to the police in future. *The police response to a victim of crime must never be influenced by assumptions based on their ethnicity, or racial stereotyping. The Home Office and National Police Chiefs' Council must work with the Victims Commissioner to commission research into the experience of BME victims of crime and they must set out a specific plan of action to ensure there is proper support for BME victims of crime.* (Paragraph 121)

Recruitment and progression of BME officers and staff

23. In 2020 BME officers represented just 7% of the police service across England and Wales, far below the 14% of the population in England and Wales who are BME.

It is extremely disappointing that twenty-two years after the publication of the Macpherson report the police service is still a very long way from being representative of the diverse communities it serves. (Paragraph 164)

24. What is equally shocking is that so little changed in terms of BME recruitment and retention in the decade following our predecessors' last inquiry on the Macpherson report. While there has been progress in BME recruitment by some forces in the last twelve months, several forces, including large forces like the Metropolitan Police Service and the West Midlands Police, had not at 31 March 2021 met the 10-year target for levels of BME representation set in 1999. Moreover, BME officers are over-represented in certain junior roles within the police service, for example as Police Community Support Officers (PCSOs), and are under-represented in the most senior ranks, with no Black chief constables currently leading an English or Welsh police force. This problem is not restricted to policing and similar patterns of under-representation are evident across the public sector but in policing it is particularly important given the need for legitimacy. We welcome the efforts of those forces who have increased BME recruitment in the last twelve months, but it should not have taken this long to see those changes start to happen. (Paragraph 165)

25. The Macpherson report was clear that police forces need to be representative of the communities they serve. Throughout our inquiry we have heard concerns about community confidence in the police, the use of certain police powers and wider racism in policing. These findings of racial disparities and the community concerns around them, in our view, are exacerbated by the lack of BME police officers and staff at all levels of police forces. The Peel principles that have underpinned British policing for nearly 200 years are based on the understanding that the police are the public and the public are the police. These principles apply to everyone: it cannot be the case that they apply to some communities and not others based on the colour of people's skin. As long as police forces remain so unrepresentative of local communities these vital principles are being undermined. (Paragraph 166)

26. Despite commitments made over many years police forces across the country have failed to do enough to increase BME recruitment, retention and promotion for decades. There has been a lack of focus, consistency and leadership in driving BME recruitment and promotion in the police service and it has not been taken seriously by either policing or political leaders for far too long. (Paragraph 212)

27. Our analysis suggests that, on the current rate of progress, we will not have properly representative police forces in England and Wales for another twenty years. That would be four decades after the Macpherson report raised the seriousness of this issue and nearly half a century after the murder of Stephen Lawrence. This undermines legitimacy and trust and is completely inexcusable. Urgent action is needed. (Paragraph 213)

28. The Government has committed to the recruitment of an additional 20,000 police officers by 31 March 2023. *We agree with the Home Secretary that the uplift must be used to make immediate and significant progress in tackling the persistent under-representation of BME communities within the police force. We also welcome the work done by some forces over the last year to achieve an increase in the number of BME recruits. But we need a substantial and sustained increase from all forces. We are*

already into the second year of a three-year increased recruitment programme, so both police forces and the Home Office need to act fast to make sure that this vital opportunity to accelerate change is not missed. (Paragraph 214)

29. Much stronger national action is needed. We recognise the various equality and diversity initiatives that have been undertaken by different policing bodies but in practice they have not delivered sufficient focus or progress on BME recruitment or tackling race inequality within forces. Strategies and guidance are also ineffectual without consistency in their implementation and delivery across all forces. *The Home Office must therefore set out a new framework and strategy to increase BME recruitment and ensure that all forces commit to action, not just some.* (Paragraph 215)

30. *We recommend that the Government agrees minimum targets for the recruitment of BME officers with each constabulary reflecting the respective composition of its local population, in order to achieve at least 14% of officers nationally by 2030. These should include immediate targets for this year's new BME recruitment to reflect the proportion of BME residents in the local community as well as longer term targets for representation across the force. A national strategy should be drawn up by the National Policing Board drawing together the Home Secretary, the NPCC and other policing organisations, setting out a clear plan with a timeline, rigorous scrutiny on progress and remedial measures for failure to achieve these targets.* (Paragraph 216)

31. *The Home Secretary must also set clear, measurable race equality objectives for individual police forces in relation to ethnic diversity, retention and progression, performance against which should be reported annually.* (Paragraph 217)

32. *It is welcome that forces such as the West Midlands and Leicestershire have already made clear commitments both on immediate recruitment levels and the overall proportion of BME officers in the force over time. Other forces need to be more ambitious or the immediate opportunity to improve workforce diversity significantly, provided by the current uplift, will be lost.* (Paragraph 218)

33. It is particularly disappointing that the number of forces achieving representative recruitment is not higher since it is clear that forces which have made a focused effort to do so are able to achieve representative recruitment. The recent progress by forces in Greater Manchester and Nottinghamshire has shown that it is possible rapidly to increase the proportion of new BME recruits into line with the proportion of BME residents in the local population. Best practice from forces which are successful in achieving representative recruitment should be shared across police forces and Chief Constables held to account for their success or failure to achieve representative recruitment. (Paragraph 219)

34. *We recommend that the Association of Police and Crime Commissioners works with Police and Crime Commissioners (PCCs) to enable force level comparison, and shared learning from different PCCs' approaches to addressing race equality in recruitment to the police service.* (Paragraph 220)

35. *All forces must do far more to use the positive action provisions of the Equality Act 2010 to develop targeted recruitment campaigns, mentoring and support.* Some forces have used those provisions very effectively to increase BME recruitment significantly in a short space of time. But we have been troubled to find that until recently many

forces have failed to use the full scope of provisions permitted under the positive action provisions of the Equality Act 2010 to improve recruitment and progression, despite falling far behind in achieving recruitment that is representative of their local communities. (Paragraph 221)

36. *The evidence from forces which do use a positive action approach demonstrates that forces should be able to achieve their targets using tried and tested positive action measures. Given the success these forces have had, we believe that chief officer teams should be required to use the positive action tools available to them and made accountable for their progress.* (Paragraph 222)

37. *Given the enduring nature of this problem a clear framework is needed for holding Chief Constables and police forces to account and ensuring that there is follow up action where forces do not make sufficient progress.* (Paragraph 223)

38. *Progress against local targets must be assessed regularly by the Home Secretary, acting through the National Policing Board. We welcome the commitment made by HMICFRS to include recruitment in their inspections on disproportionality. Representative recruitment must be treated as a key measure of legitimacy in HMICFRS' regular inspections.* (Paragraph 224)

39. *The Home Secretary has powers in legislation to require HMICFRS inspections where there are concerns about force operational performance on particular matters, and to require specified measures in the face of persistent failings. Given the importance of representative recruitment to restoring legitimacy and confidence as well as the lack of progress on this issue over decades since the Macpherson report, we recommend that the Home Secretary use these powers where forces continue to fail to make sufficient progress on recruitment. Where forces fall short of their target on new BME recruits after two years, HMICFRS should conduct detailed assessments and report to the Home Secretary and National Policing Board any forces which are still not demonstrating sufficient improvements, and the Home Secretary should use her powers to require the local policing body (the PCC/combined authority mayor) to take specified measures to address the concern.* (Paragraph 225)

40. We believe that most forces should be able to make rapid progress with clear targets and using the positive action provisions in the Equality Act 2010 we have identified. We heard concerns raised by the Metropolitan Police that some of the Equality Act provisions cannot be applied in the same way to large volume recruitments of the kind that police forces undertake and that temporary changes to the legal framework are needed in order to make rapid progress during the current recruitment uplift. We note with interest Dame Cressida Dick's proposal to make temporary changes to section 159 (4)(b) of the Equality Act 2010 for the remaining period of the police uplift programme. She argued that this would enable the police to accelerate the recruitment of meritorious Black and minority ethnic candidates by applying, in principle, the same tie breaker positive action method that is already legal in individual appointment decisions to large volume policing recruitment campaigns. We have not had the opportunity to take evidence on the workability or legal merits of Dame Cressida Dick's proposition but we consider that a proposal on this issue from the Commissioner of the Metropolitan Police is worthy of the most serious

deliberation. *We recommend the Home Office urgently investigates the feasibility of the Commissioner's proposal and reports the outcome of this investigation to us at the first opportunity.* (Paragraph 226)

41.   The significance of representation for the legitimacy of the police, and for the Peel principle that the police are the public and the public are the police, means that the Home Office must ensure that all forces can make the progress required to address historic underrepresentation, with all recruits meeting the standards required from our police officers in order to sustain local legitimacy. We agree with former Greater Manchester Chief Constable Sir Peter Fahy that the police service holds a unique position with a need for legitimacy in its use of power and that, where appropriate, additional measures could be justified to ensure that the police are broadly representative. *The Home Office should also work with the Law Commission on measures which might be considered where forces can show that tried and tested positive action measures have not successfully addressed historic underrepresentation, and where such additional measures might be required in order to sustain local legitimacy. This should include examining the Metropolitan Police proposal or other approaches, for example to broaden the tie breaker provisions so they can be more easily applied to larger recruitment processes–not just to individual appointments— or other ways to allow forces to give priority to suitably qualified BME candidates as, for example, attempted by Cheshire Police in 2017. Furthermore whether the proposal by Dame Cressida Dick is deemed feasible or not, we recommend that the Home Office affirms to forces that it wishes to see more progress against these measures and that Chief Constables and their senior officer teams will be held accountable for their success or failure in achieving representative recruitment.* (Paragraph 227)

42.   Without clear action we fear that in ten years' time successors to our Committee will hear the very same arguments and evidence about recruitment and retention that have been rehearsed for over twenty years, and the effectiveness and legitimacy of the police service will be further undermined amongst those communities and interest groups the police have committed to work with and represent. *The Home Secretary has described the police recruitment programme as a "once in a lifetime opportunity" to create a police service that represents the communities it serves. That opportunity must not go to waste.* (Paragraph 228)

Police misconduct and discipline

43.   There is clear racial disparity in the number of officers being dismissed from police forces—BME officers are more than twice as likely to be dismissed as White officers— and in the number of BME officers and staff being subjected to internal disciplinary processes. We welcome the recent work by the NPCC to instigate reforms. However it is extremely troubling that this disparity has been allowed to continue for so long without serious action being taken by police forces to investigate or address the problem. (Paragraph 267)

44.   It is completely unacceptable that forces' data on ethnic disparity in police misconduct has been inconsistent and incomplete to the point where it cannot be understood or acted upon. We are appalled that it has not been possible for us even to assess the extent of racial disparities in the misconduct system fully due to inadequacies

in data gathering by forces. We welcome the recent agreement between the Home Office and NPCC to gather more comprehensive, comparable information this year. However it is unacceptable that it has taken a full six years after HMICFRS warned about the problem for the Home Office and the majority of individual police forces to manage to establish effective, comparable ways of collecting data. Remarkably, the IOPC had not deemed it necessary to gather information by ethnicity in advance of us raising the issue with them. This combined failure by the Home Office, national policing organisations and police forces to conduct rigorous and systematic analysis of misconduct data for so long demonstrates the complacency regarding this issue across the police service. (Paragraph 268)

45. We take some encouragement from the NPCC's national review into ethnic disparity in police misconduct and the work done by some individual forces to attempt to close the gap. The follow-up work from this review which has been reported to us in 2021 shows that the NPCC has recognised and accepts the need to prioritise correction of these failings. However, it is essential that progress is consistently monitored and reported transparently across all forces. *Progress in implementing the NPCC review recommendations should be subject to an HMICFRS audit after two years.* (Paragraph 269)

46. Police forces must act swiftly to address perceptions that Professional Standards Departments are marked by institutionally racist practices. In addition, forces must address unacceptable racial disproportionality in their composition: it is totally unacceptable that 63% of all Professional Standards Departments include no BME police officers at all. We welcome the work done by some forces, reported in the NPCC's most recent review, to draw on BME advisors as well as seeking to address the lack of BME representation in PSDs, but all forces need to address this and demonstrate progress by the end of 2021. The NPCC should conduct a specific review into this issue and report within a year. (Paragraph 270)

Stop and search

47. Twenty-two years on from the publication of the Macpherson report there remains a serious problem with racial disproportionality in stop and search. Black people are over nine and a half times more likely to be stopped and searched than White people. Despite the Macpherson report and the concerns raised and recommendations by many other community and policing organisations over the last two decades, the disproportionality is greater now than it was when the Stephen Lawrence Inquiry concluded. We agree with HMICFRS that these disparities undermine legitimacy, which is fundamental to the British model of policing by consent. (Paragraph 366)

48. Stop and search is an important police power and the Macpherson report's conclusion that it has a useful role to play in the prevention and detection of crime still applies. However the nature of the unexplained and unjustified racial disparities, and the way we have seen stop and search used, has too often damaged confidence both in stop and search itself and in policing by consent for the BME communities most affected by it. That confidence needs to be rebuilt. Policing needs to be fair and seen to be fair. (Paragraph 367)

49.   No evidence to this inquiry has adequately explained or justified the nature and scale of the disproportionality in the use of stop and search powers. This is especially the case for searches for the possession of drugs where evidence shows that Black people are less likely than White people to have used drugs in the last year, but are 2.4 times more likely to be stopped and searched for drug possession. (Paragraph 368)

50.   We recognise the importance of the police being able to take action against knife crime, and their concern that victims and perpetrators of knife crime are disproportionately Black, but we also note that this does not explain the fact that there are significant racial disparities in stop and searches in every force in the country, with some of the highest levels of disproportionality in areas with very low levels of knife crime. (Paragraph 369)

51.   The manner in which police forces conduct stop and search is particularly important in determining how that stop will be perceived both by the individual who is searched and their wider community. We heard troubling examples of stops and searches being conducted in a manner that was deeply alienating and uncomfortable. *Given that the majority of people stopped and searched are not found to be committing any crime, it is extremely important that all stops are initiated in a respectful and appropriate manner, and care is taken to manage conflict and de-escalate encounters where necessary.* (Paragraph 370)

52.   Stop and search needs to be used in a focused and targeted way. When it is not, it leads to injustice and to too many people being searched without good reason. The Metropolitan Police increased their use of stop and search during the early months of the first national covid-19 lockdown to the highest levels seen in London for many years and they did so at a time when far fewer people were on the streets. They were wrong to do so: the result was that far more people who were not committing crimes were stopped and searched, the proportion of searches which found weapons or drugs dropped, and the racial disparity widened. It should never have been possible for the equivalent of 1 in 4 Black males between the ages of 15 and 24 in London who were not committing a crime to be stopped and searched during a three-month period. This finding undermines arguments that stop and search was being used judiciously during this time. The Metropolitan Police has reduced the number of stop and searches in London since then but the impact of stop and search policies during that period was very damaging for community confidence not just in London but across the country. (Paragraph 371)

53.   In the twenty-two years since the Macpherson report there have been different attempts to reform the way stop and search has worked, but there has been little progress in addressing the unexplained and unjustified racial disparities or building confidence among BME communities. Despite the fact that basic, sensible policy recommendations have been made over many years including by HMICFRS, and we have seen some excellent local work done between police forces and local communities to tackle problems, too often these recommendations and initiatives have been piecemeal and not widely implemented or sustained. That needs to change urgently. Police forces and the Home Office need to take these failures seriously. In particular, we are very perplexed and disappointed that the ongoing recommendations made by HMICFRS since 2017 aimed at improving how stop and

search is used are still not being adopted by all forces. *The Home Office, NPCC and APCC need to agree a clear action plan endorsed by the National Policing Board to ensure that all forces are following the HMICFRS recommendations.* (Paragraph 420)

54. We are very concerned about shortcomings in data collection and transparency with regard to stop and search powers. It is inexcusable that forces do not have proper monitoring and oversight systems in place. In particular, there is far too great a disparity in the detail and consistency by which the tactic is monitored and recorded across all forces. *We fully concur with the recent HMICFRS recommendation that, by December 2021, the Home Office should agree, nationally, a minimum standard for monitoring stop and search powers. This should include the recording and monitoring of the ethnicity of those who are subject to road traffic stops, as first recommended by Macpherson and his advisers over twenty-two years ago.* (Paragraph 421)

55. The lack of evidence available about the effectiveness of stop and search in reducing serious violence crime has contributed to scepticism about the basis for using the powers and therefore a lack of confidence in them. *The Home Office should fill this evidential gap by commissioning a fully independent and comprehensive research study of stop and search tactics to better inform policy decisions at a central and local level. That study should necessarily focus on, but not be limited to, the effect of different stop and search powers on levels of crime; locality type (urban, rural); the type of stop deployed; the grounds and find rate. We advise that any such study should be longitudinal in design to allow researchers to map and identify trends over time with the expectation that they share regular updates in the interests of transparency and public scrutiny.* (Paragraph 422)

56. Police forces need to take very seriously their responsibility to address racial disparities in the way people are treated in their local communities. Too many forces are unable to explain the levels of racial disparities in their area and are still not engaging in serious attempts to monitor and explain or to change their approach. All forces must ensure they now do so in line with the HMICFRS recommendations. All forces must also put a proper system in place for conducting internal reviews of body worn video to ensure stop and searches are being carried out in line with College of Policing stop and search guidance. (Paragraph 423)

57. We have heard about a number of important initiatives designed to improve the experience of stops, and particularly welcome those referred to in this report that have been introduced by both BME community leaders and police forces to foster more honest and transparent discussion about stop and search. However, there are clear gaps in police communication, conflict management and de-escalation training which need to be addressed so that police officers can use stop and search effectively and fairly as a tool in tackling crime. *As recommended by HMICFRS, forces should ensure officers and staff receive training on effective communication skills, in line with the National Policing Guidelines on Conflict Management; this should be provided in addition to existing training on conflict management and de-escalation.* (Paragraph 424)

58. We believe that the confidence of local communities will only be earned if there is proper, independent oversight of stop and search, by the community at a local level and, at a national level, by HMICFRS and the Home Office. *All forces should ensure*

that in addition to their internal reviews of body worn video, they also put arrangements in place for external reviews of body worn video involving community representatives both to build confidence and ensure improvements are made. (Paragraph 425)

Use of police technologies and tools

59.   New policing technologies have developed in the decades since the Macpherson report. These technologies, which clearly could not have been considered by the Stephen Lawrence Inquiry, have given rise to similar kinds of issues about the importance of sustaining confidence among minority ethnic communities, avoiding racial disparities and ensuring fairness in policing. Too often we have seen evidence of new measures or technologies being introduced without sensitivity to the potential impact on race disparities or community confidence. It is vital that police forces, policing institutions and the Home Office have systems in place to ensure that new technology or new measures are implemented fairly, without racial bias and without widening unfair racial disparities. (Paragraph 465

60.   The Metropolitan Police developed the Gangs Violence Matrix as a new way to provide intelligence to tackle serious gang related violence and crime in London, but without robust systems in place to consider racial disproportionality on the database, ensure proper oversight or sustain community confidence. As a result, considerable community concern grew about the use of the database and the high levels of racial disproportionality. The MOPAC review of the database and the commitments since by MOPAC and the Metropolitan Police Service to reform the Gangs Violence Matrix since 2018 are welcome. It is important that MOPAC's commitment to provide oversight and monitor disproportionality on the Matrix is followed through as part of wider efforts to monitor the potential for racial bias in policing tools as a matter of course. (Paragraph 466)

61.   More recently, the serious concerns raised about disproportionality in the use of Fixed Penalty Notices as part of police enforcement of the covid-19 regulations provide cautionary evidence about the need for care and oversight in the way new policing powers are introduced. In the first lockdown Black people were 1.8 times more likely to be subject to covid enforcement measures than White people. (Paragraph 467)

62.   *Evidence of disproportionality must be carefully considered and presented transparently, with robust systems of independent oversight. Although the NPCC conducted a detailed analysis of the use of covid Fixed Penalty Notices by ethnicity during the first lockdown, in response to issues raised in the media and questions from this Committee, we note with concern that neither the NPCC nor the Home Office have published any further analysis of covid-19 enforcement by ethnicity during subsequent restrictions or lockdowns even though they know there is an unexplained racial disparity. Leaving it to individual forces to follow up is not good enough, especially when the NPCC has pointed out that data analysis is more difficult at local level where smaller numbers are involved. The NPCC and Home Office should be continuing to monitor the data to see whether the racial disparity persists, what the reasons are behind it, and what action may be needed to ensure that there is no unfairness or racial injustice in the use of new powers.* (Paragraph 468)

63.   New technologies have the potential either to re-build community confidence and/ or to badly damage it, depending on the technology, on the way it is introduced and the nature of the oversight. The introduction of police body-worn cameras, if done properly, is a new technology that could help to rebuild community confidence. As we have recommended in the previous chapter, it has an essential role to play in ensuring that stop and search is done fairly under proper oversight. But it is important that body-worn video is used consistently, rather than being left to individual officer discretion. Footage must be provided as part of structured processes of oversight and review, both internally and externally, to facilitate lessons being learned and openness with the public. (Paragraph 469)

64.   The police are currently exploring other new technologies such as live facial recognition technology, where serious consideration is needed of the way the technology might apply for different communities and any consequences for racial disparities. (Paragraph 470)

65.   As new policing technologies, tools and powers are developed, it is important that there are robust and credible processes in place both to guard against the risk of importing or exacerbating racial disparities and to maximise their potential to demonstrate fairness and build consent in the public. (Paragraph 471)

66.   Under the Equality Act 2010 the Home Office and the police have a legal duty to consider the equality impact of new policies, measures or technologies on race equality or other protected characteristics. We do not believe that this responsibility is currently being taken seriously enough. *The Home Office, NPCC and College of Policing should work together to identify the range of new policing technologies or measures for which national race equality assessments should be done or where new research and data gathering is needed to anticipate, monitor or swiftly address unjustified race disparities.* (Paragraph 472)

Racism and the police twenty-two years on

67.   The murder of George Floyd and its global impact shone a spotlight on the race inequality and injustice that are still features of our society. It is an important step forward that political and policing leaders have come together in recognition of the fact that racial injustice persists in our society and have expressed determination to eliminate it as well as starting to introduce reforms. However, it should not have required video footage of the murder of a Black man by a police officer and the ensuing Black Lives Matter protests to concentrate the minds of the Government and the police on the imperative of race equality. (Paragraph 500)

68.   This report recognises the many significant changes that have been made on issues raised in the Macpherson report twenty-two years ago, including the major improvements in the way the police deal with racist crimes, and the public commitments by forces and senior officers to diversity and race equality. We also welcome the increased focus on race equality over the last twelve months. However, our inquiry has also identified very serious and persistent shortcomings across the police service with regard to racial inequalities and racism in important areas that still have not been addressed after more than two decades. The central aim of the

70 recommendations published by Macpherson was to "eliminate racist prejudice and disadvantage and demonstrate fairness in aspects of policing". More than two decades later this aim still has not been met. (Paragraph 501)

69. Individual bias and prejudice have no place in policing. Where they persist they must be strongly challenged, including through robust disciplinary action and dismissals for unacceptable racist behaviour. Individual forces must be vigilant and proactive in shaping their organisational culture, with training and management systems in place to address the conscious and unconscious biases and prejudices of individual officers. (Paragraph 516)

70. Training for officers in addressing racism and valuing cultural diversity remains as important now as it was when the Macpherson report recommended it twenty-two years ago. But we are concerned by the disproportionate reliance on unconscious bias training that was apparent in the evidence we received. *We recommend that training involves an explicit focus on anti-racism which should include examining racial disparities and seeking to reduce differences in experience and outcomes by racial and ethnic group.* (Paragraph 517)

71. *We would like to see consistency in the quality and content of training delivered at a local and service wide level. To this end we recommend a comprehensive review and overhaul of training on racism, diversity and equality, led by the College of Policing and assisted by the Home Office. Its purpose should be to draw up clear national standards on anti-racist training for all police officers and staff. It should consider specifically how to involve local communities in drawing up training programmes and ways to draw on the experience of those who face the consequences of racism in the communities the police serve. It should include training to identify and question racial disparities within structures, policy and institutional culture, in addition to unconscious bias.* (Paragraph 518)

72. *It is essential also for leaders to set an example by undertaking this anti-racism training, shaping the organisational culture of their forces, confronting unfair behaviour among officers and addressing structures that disadvantage and discriminate.* (Paragraph 519)

73. The Public Sector Equality Duty and the Equality Act 2010 are a part of the legacy of the Macpherson Report's important work on institutional racism, as they build on the race equality duty that was introduced in response to the report's findings. Under the Act the police, as public bodies, must have due regard to the need to eliminate unlawful discrimination and advance race equality. They have a responsibility as institutions to tackle indirect as well as direct discrimination including taking steps to prevent inequality not just to respond once it arises. But whilst police forces have set out broad public strategies to do this, progress has been too weak in practice and we do not believe that policing has taken seriously enough its responsibilities under the Equality Act 2010 in recent years. (Paragraph 550)

74. Since the Macpherson report was published there have been important and welcome improvements in policing, and we have found that policing today is very different from twenty-two years ago. Our inquiry has seen evidence of significant improvements in the policing of racist crimes and hate crimes: in the commitment of forces and senior officers to promoting diversity and equality, in good examples

of local community policing, in new policies and recent progress among some forces in recruitment. That is of course the very least we would expect in the several decades since Stephen Lawrence's murder. (Paragraph 551)

75.   But our inquiry has also found that despite many years of commitments being made to race equality by the police service and the Home Office, there are still persistent, deep rooted and unjustified racial disparities in key areas. The failure to make sufficient progress on BME recruitment, retention and progression, troubling race disparities in the police misconduct system, unjustified inequalities in the use of key police powers such as stop and search and a worrying decline in confidence and trust in the police among some BME communities point to structural problems which disadvantage BME groups. Examination of individual bias without also directly focusing on the processes that enable disparities in outcomes will not improve the experiences of BME groups. We are most concerned about those areas where police forces are not taking even the most basic action to implement existing recommendations aimed at tackling racism or, where they have failed to collate rigorous and consistent data that would allow them to investigate, understand and address racial disparities or injustices that arise. (Paragraph 552)

76.   Our objective has been to consider progress, twenty-two years on, against the key Macpherson themes and recommendations which we set out in chapter one. We have not sought to carry out the kind of in-depth exercise in respect of individual policing institutions that either Macpherson conducted into the Metropolitan Police or that Wendy Williams conducted into the Home Office. As a result, we have not been in a position to apply the tests of institutional racism that, for example, Wendy Williams used (see paragraph 545) but nor was that our intention in this inquiry. However, the breadth of our inquiry and our analysis of the evidence we have gathered in relation to the different recommendations specified by Sir William Macpherson has led us to the following conclusions. (Paragraph 553)

77.   Firstly, we take extremely seriously the views of Black and minority ethnic police organisations who repeatedly told us that they continue to experience and bear witness to institutional racism in our police forces today, and believe that this testimony alone should be grounds enough for policing leaders, the Home Office and Government to take seriously the imperative for change across policing institutions and practice. Like MOPAC, we consider the fact that the question as to whether police forces and policing practice are institutionally racist is still being asked and debated demonstrates how much more work needs to be done to ensure the police service has the trust and confidence of BME communities. (Paragraph 554)

78.   Secondly, the evidence we have gathered shows that the impetus for change from the "clarion call" of the Stephen Lawrence Inquiry has not been sustained. In 1999 the House of Commons was told by the then Home Secretary that the changes required by the Macpherson report would "work only if they are systemic–embraced by the culture of the police force as well as in its practice, implemented in the mainstream of the service at every level". Our findings have shown that whilst the mainstream of the service has changed substantially in some areas - for example on the response to racist crimes - in others such as recruitment, misconduct or community confidence, essential changes have yet to be embraced. (Paragraph 555)

79.   We recognise that the devolved nature of policing means that there are variations in policies, cultures and outcomes between individual forces and institutions. However, based on the evidence we have received, we believe that whilst there have been improvements in important areas, there are continued shortcomings that go beyond individual bias and that amount to a systematic failure on the part of the police service and governments, over many years, to take race inequality in policing seriously enough and as a result to eliminate it from policing in line with the objective set by Macpherson over two decades ago. (Paragraph 556)

80.   Thirdly, we note the different approaches to assessing "institutional racism"—the description in the Macpherson report, the six tests developed by Wendy Williams, the criteria proposed by the Sewell Commission, and the approach to assessing and tackling discrimination and racism within public institutions set out in the Equality Act 2010. We believe that the concept of institutional racism set out by the Macpherson report remains extremely important today and that institutions must be able to challenge themselves and to be held publicly to account over inequalities in outcomes, and racism manifested through policies and procedures, as well as within individual attitudes. (Paragraph 557)

81.   *We believe that it would therefore be helpful to build consensus around a framework for measuring and assessing institutional racism within individual organisations, using the approach Wendy Williams applied in her consideration of the operations of the Home Office as a starting point. We recommend that the Equality and Human Rights Commission undertakes work to determine a framework against which individual institutions including police forces should be rigorously assessed.* (Paragraph 558)

82.   *Fourthly, police forces must strengthen their approach to tackling the systemic problems of race inequality that we have identified. Forces should adopt the approach set out in the David Lammy review of the Criminal Justice System: explain or change. That must mean monitoring, assessing and robustly investigating race disparities so that only robust and evidence-based explanations are accepted; and where forces cannot explain disparities, they must set out changes to eliminate them. At a national level, policing organisations and the Home Office should be holding forces accountable for doing so. Recent comments by Metropolitan Police Assistant Commissioner Neil Basu, Dame Cressida Dick and Martin Hewitt, as well as new initiatives from the NPCC, HMICFRS, the IOPC and from individual PCCs and Chief Constables suggest that police leaders recognise the importance now of taking a 'big step forward'—but they must now make good on their intent by rigorously examining their institutions, explaining the disparities we have highlighted, or changing their organisations and practices to eradicate them.* (Paragraph 559)

83.   The Macpherson report led to major changes in attitudes towards racism and to progress on race equality both in policing and across society. However that early momentum was not sustained and persistent problems were not addressed. Now that there is a new focus on challenging racism and on the very same objectives set out by the Macpherson report, it is vital that this time progress is sustained and made permanent. It will take a focused, sustained and determined effort on the part of all policing institutions and Government to address those structural

problems that stand in the way of eliminating racist prejudice and disadvantage, and demonstrating fairness in all aspects of policing—the ambition of the Macpherson report twenty-two years ago. (Paragraph 560)

Delivery and Accountability

84. Twenty-two years on, police forces need to take responsibility for the lack of progress in vital areas raised by the Macpherson report. Individual forces and Chief Constables have considerable scope within their own organisations and communities to increase BME recruitment, establish fair misconduct processes, and build trust with local communities over stop and search policies. Police and Crime Commissioners also have considerable scope to hold their Chief Constables and forces to account, or to pursue measures like BME recruitment targets or additional oversight arrangements involving local Black and minority ethnic communities. Yet whilst policing has changed in many ways for the better in the last two decades, in these key areas affecting race equality too little progress has been made. Many Chief Constables and Police and Crime Commissioners are not doing enough to tackle the problems or to recognise the additional work still needed to achieve the objective William Macpherson set out twenty-two years ago of "the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing". (Paragraph 581)

85. The wide variation among forces in the approaches taken and outcomes achieved on specific issues in relation to race equality is a matter of serious concern. Whilst we welcome the good practice of forces that have chosen to innovate on promoting race equality, we are worried at how far this has been dependent only on individual leadership with patchy national progress as a result. (Paragraph 582)

86. The lack of widespread local scrutiny and oversight mechanisms involving different communities means that, too often, impetus to make progress is left to individual Chief Constables and PCCs, without improvements being made across the board or processes to ensure the interests of minority communities are represented. All forces need to establish local community oversight mechanisms which specifically recognise the need to monitor racial disparities and to increase confidence in local minority ethnic communities. (Paragraph 583)

87. Police forces also need to recognise the importance of coordinated national work to address unjustified race disparities and tackle racism. Chief Constables and Police and Crime Commissioners should support work by the NPCC and APCC to establish national strategies and monitoring to ensure progress everywhere as problems will not be solved by forces working in isolation. Shortcomings in one force have implications for confidence and perceptions of policing nationally. (Paragraph 584)

88. The NPCC has a leadership function in policing, co-ordinating police forces at a national level. It is welcome that the NPCC has announced its intention to develop and implement a race equality action plan but it is deeply disappointing that this has since been delayed and that it is taking so long for forces to agree on much needed action. The capacity of the NPCC to act quickly and decisively is hindered by the difficulty of reaching agreement between 43 forces. We do not believe that

the current structures will be sufficient to deliver change that is already twenty-two years overdue. The NPCC has also done important and welcome work in some of the individual areas we have considered in our report, such as on misconduct (see chapter five). Again, however, its impact has been limited where forces have been slow to address its recommendations. (Paragraph 589)

89.   The College of Policing has an important role to play in providing training, guidance and standards for police forces to follow. Although it has developed training and guidance on stop and search, it has not played a strong enough role in ensuring that officer training is focused specifically on anti-racism in addition to diversity and unconscious bias. We would like to see recommendations made by the College of Policing taken up consistently across police forces, so that opportunities to improve standards and practices are not lost. (Paragraph 592)

90.   Evidence given to this inquiry indicates that the IOPC (and the IPCC before it) has been too complacent on matters of race, and specifically has not worked to collate data consistently (see chapter five). We welcome the IOPC's announcement, in summer 2020, that it will commit to a dedicated focus on race discrimination as a thematic area of review. Specifically, it states that this will involve "independently investigating more cases where racial discrimination may be a factor in order to develop a body of evidence" to advance change. (Paragraph 597)

91.   HMICFRS has a very important role to play in driving improvements, raising standards and measuring progress across policing. It has produced a series of extensive reports about stop and search which has added a great deal to understanding of the issues. It is disappointing that its recommendations have still not been implemented by a large number of forces, as we discussed in chapter six. (Paragraph 604)

92.   *However, it has been far too long since the inspectorate conducted a thematic review on race. There is an urgent need for HMICFRS to address race directly in its inspections. HMICFRS should always include specific questions about race and the workforce (including recruitment and disciplinary procedures, and officer and staff attitudes to race) and workplace operations in its PEEL legitimacy inspection framework. Further, given that matters of race remain a problem across the police service, we can identify no logical reason as to why HMICFRS have discontinued regular thematic reviews of race and policing. In order to provide scrutiny of the service and to evidence its own commitment to the issue we therefore recommend that these reviews are reinstated as a matter of priority and that the first such review should take place no later than 2022.* (Paragraph 605)

93.   The current system for delivery and accountability on race equality within policing is not working. While there are some opportunities for ensuring accountability within the police service, our evidence indicates that these processes are far too fragmented and rarely exercised fully. Race equality tends to be left to the discretion of individual leaders or forces and important recommendations or examples of good practice are not implemented systematically. Moreover, there is a lack of a coordinated drive to make progress across policing, and insufficient follow-up actions in the form of scrutiny rewards or sanctions to ensure that change which is promised is implemented in practice. (Paragraph 614)

94. Since the Stephen Lawrence Steering Group was disbanded in 2005, there has been no national focus on achieving the aims of the Macpherson report to eliminate "racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing". The various national policing bodies have not done this, nor has the Home Office. The EHRC is not equipped to monitor progress in policing regularly. Since the Commission for Racial Equality was folded into the EHRC, there has also been no separate independent national body with an explicit focus on race equality. The attempts by the NPCC to show national leadership in drawing up a national action plan are welcome but the delays in getting agreement with police forces show its limitations. We recognise the NPCC's intention to establish an oversight board with an independent Chair. However the Chair is only expected to work for a few days each year and it does not appear that the Board will have the resources, analytical capacity or clout that we believe are needed. (Paragraph 615)

95. Furthermore the withdrawal of the Home Office from an active role in policing has been responsible for fragmentation and a lack of wholesale ownership in addressing race equality issues. While we acknowledge the devolved nature of policing, the Home Office is ultimately responsible for providing leadership and accountability in this area and for ensuring that progress is made in practice. The time for the Home Office to embrace that role is long overdue. (Paragraph 616)

96. *The Home Secretary should establish and chair, under the aegis of the National Policing Board, a Race Equality Steering Group. The Home Secretary should have oversight of progress in addressing race equality across the 43 police forces, including the implementation of action plans, through the Steering Group which should also hold Chief Constables in England and Wales to account on the specific actions they have taken to improve outcomes for Black and minority ethnic officers in all areas of their employment. This oversight must include accountability for reaching force-level recruitment targets as part of a commitment to achieve a representative police service by 2030 (as recommended in chapter four). (Paragraph 617)*

97. In addition to the steering group, we believe it is so important to ensure that progress is sustained that further independent dedicated oversight on race equality in the police service in England and Wales is needed. Commitments to address issues from BME recruitment to stop and search have been made many times before, but too little has changed in practice. We cannot afford to see that happen again. We welcome the intention behind the NPCC's proposed appointment of an independent chair for a new race equality oversight board but we believe it needs to be significantly strengthened and broadened. (Paragraph 618)

98. *We recommend that, in place of the oversight board, a new Race Equality Commissioner for policing is established to provide ongoing scrutiny, including analysis and advice on policing policy, tools and procedures that are likely (or have been shown) to have a potential impact on racial disparities. The remit of the post would include scope to instigate investigations and to report at the Commissioner's discretion, with powers to gather information, make recommendations on policing institutions and where appropriate to refer concerns raised by their inquiries to HMICFRS for further examination and inspection. The Race Equality Steering Group chaired by the Home Secretary should consider and respond to the Commissioner's independent reports. To ensure that the Commissioner has sufficient resources and powers, it*

should be established on a statutory basis and provided with ring-fenced funding from Government. However it is vital that the post is, and is seen to be, independent of both policing and central Government to ensure it can win the confidence of BME communities. Therefore, the Commissioner should be appointed through an independent process and be accountable directly to Parliament. (Paragraph 619)

99.   The renewed focus amongst policing leaders on issues of race inequality since the summer of 2020, and in particular the commitment on the part of the NPCC to the production of an action plan to consider "concerns about racial inequalities in policing and the criminal justice system" is welcome. However, it is vital that this work begins as soon as possible, is adopted by every police force and its objectives are followed through. Meeting the goals of the action plan cannot be left to individual policing institutions without more formal structures of accountability and scrutiny. (Paragraph 620)

100.   *Based on the evidence we have received and the systemic problems we have identified, we recommend that in taking forward its Plan of Action on Inclusion and Race, the NPCC must focus on the following priorities:*

- *Achieving a police workforce that is representative of the population by 2030, with specific objectives and plans at a force level to ensure recruitment in the current officer uplift and beyond is representative of the communities that individual forces serve (chapter four);*

- *Gathering and publishing consistent and transparent data that allows the effects of police policies and use of powers to be properly scrutinised (chapters two, three, five, six and seven);*

- *Reforming approaches taken to stop and search, including through improved training on conducting stop and searches, better understanding of ethnic disproportionalities and more effective review and community engagement on the use of stop and search (chapter six);*

- *Independent monitoring and oversight at a national and community-level, combined with initiatives to rebuild confidence in police policies and use of police powers, and ensure new tools and technologies are not introduced before their likely impact has been properly examined (chapters six, seven and nine);*

- *Maintaining an institutional focus on structural imbalances that lead to unequal outcomes for individuals of different ethnicities, including by the provision of training that goes beyond individual biases and focuses specifically on anti-racism and organisational culture (chapter nine)*

- *An overriding commitment to the principle that disparities between different ethnic groups must be explained, or changes must be made to eliminate them (chapter nine).* (Paragraph 621)

101.   Across the country police forces work hard each day to tackle crime and keep all our communities safe. Police officers and staff work immensely hard to deliver fairness in policing, to support Black and minority ethnic victims of crime, to tackle racist hate crimes and support community cohesion. But it is because the role of the

police in communities is so important that the issues raised in our report need to be addressed. Our inquiry has found that the Macpherson report's overall aim of the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing has still not been met twenty-two years on, and we have identified persistent deep-rooted problems where too little progress has been made because of a lack of focus and accountability on issues of race. While this is the case, trust between the police service and Black and minority ethnic communities will remain low and the long-standing Peel principles around fairness in policing and policing by consent will continue to be undermined. (Paragraph 622)

102. The commitments made over the last year by the NPCC, by individual forces and by senior police officers to a step change in addressing race equality in policing are important and welcome. But commitments have been made in the past that were then not delivered. This time needs to be different or confidence may be permanently undermined. This time, Government and police forces must work with local communities to ensure there is real and sustainable change that improves the experiences of, and outcomes for, Black and minority ethnic communities whether within the police service or without—that raises confidence and demonstrates fairness in policing for all. (Paragraph 623)

Formal minutes

Wednesday, 21 July 2021

Rt Hon Yvette Cooper, in the Chair

Rt Hon Diane Abbott	Andrew Gwynne
Dehenna Davison	Dame Diana Johnson
Ruth Edwards	Tim Loughton
Laura Farris	Stuart C. McDonald

Draft Report (*The Macpherson Report: twenty-two years on*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 623 read and agreed to.

Annex and Summary agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 8 September.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee's website.

Wednesday 11 March 2020

Hardyal Dhindsa, Police and Crime Commissioner for Derbyshire, Deputy Lead on Equality, Diversity and Human Rights at Association of Police and Crime Commissioners, **Julia Mulligan**, Police and Crime Commissioner for North Yorkshire, Lead of the Portfolio Group on Transparency and Integrity at Association of Police and Crime Commissioners, and **David Munro**, Police and Crime Commissioner for Surrey, Lead on Equality, Diversity and Human Rights at Association of Police and Crime Commissioners   Q1–29

Wednesday 17 June 2020

Professor Ben Bowling, Professor of Criminology and Criminal Justice, Kings College London; **Rosalind Comyn**, Policy and Campaigns Officer, Liberty; **Katrina Ffrench**, Chief Executive, StopWatch; **Mirren Gidda**, Journalist, Liberty Investigates; **Nick Glynn**, Senior Programme Officer, Open Society Foundations   Q1–43

Wednesday 24 June 2020

Assistant Commissioner Martin Hewitt QPM, Chair, National Police Chiefs' Council; **Chief Constable Ian Hopkins QPM**, Lead for Workforce Representation and Diversity, National Police Chiefs' Council   Q44–103

Wednesday 8 July 2020

Dame Cressida Dick DBE QPM, Commissioner, Metropolitan Police; **Assistant Commissioner Helen Ball**, Assistant Commissioner, Professionalism, Metropolitan Police   Q1–55

Wednesday 22 July 2020

PC Adam Ahmed, Leicestershire Police; **Inspector Dan Popple**, Inspector, West Midlands Police   Q104–140

Sayce Holmes-Lewis, Founder and CEO, Mentivity; **Pastor Lorraine Jones**, Founder and CEO, Dwayne Simpson Foundation CIC; **Bishop Derek Webley**, Co-Chair, Windrush Cross-Government Working Group   Q141–168

The following witnesses gave evidence during the Macpherson Report: Twenty Years On inquiry in the last Parliament. Transcripts can be viewed on the inquiry publications page of the Committee's website.

Tuesday 5 February 2019

Baroness Lawrence of Clarendon OBE   Q1–42

Detective Sergeant Janet Hills, Chair, Metropolitan Black Police Association, **Inspector Mustafa Mohammed QPM**, President, National Association of

Muslim Police, Police Sergeant Tola Munro, President, National Black Police Association, and **Bevan Powell MBE**, former Chair of the Metropolitan Black Police Association and founding member of the National Black Police Association   Q43–71

Tuesday 12 March 2019

Chief Constable Sara Thornton, Chair, National Police Chiefs Association; **Melanie Field**, Executive Director of Corporate Strategy and Policy, Equality and Human Rights Commission; and **John Azah**, Director, Kingston Racial Equality Council   Q72–113

Wednesday 15 May 2019

Witness A, **Witness B**, **Witness C**, **Witness D**, **Witness E**, **Witness F**, **Witness G**, **Witness H**, **Witness I**, **Witness J**, **Witness K**, **Witness L**, **Witness M**, **Witness N**   Q114–147

Wednesday 12 June 2019

Oliver Feeley-Sprague, Military, Security and Police Program Director, Amnesty International UK   Q145–182

Tuesday 18 June 2019

Jane Deighton, Senior Consultant, Deighton Pierce Glynn Solicitors; **Imran Khan QC**, Partner, Imran Khan and Partners; and Matthew Ryder QC, Matrix Chambers   Q183–235

Tuesday 9 July 2019

Deputy Assistant Commissioner Duncan Ball, Metropolitan Police Service   Q236–329

Michael Lockwood, Director General, Independent Office for Police Conduct, **Jo Noakes**, Director of Workforce Development (temporary), College of Policing, and **HMI Matt Parr CB**, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services   Q330–385

Wednesday 10 July 2019

Cressida Dick CBE QPM, Commissioner of the Metropolitan Police Service   Q386–503

Tuesday 16 July 2019

Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service and Minister for London; and **Scott McPherson**, Director General of the Crime, Policing and Fire Group   Q504–563

Published written evidence

The following written evidence was received and can be viewed on the inquiry publications page of the Committee's website.

MAC numbers are generated by the evidence processing system and so may not be complete.

1   ALS, Mr Tony (MAC0012)

2   Anti Tribalism Movement (MAC0009)

3   Association of Police and Crime Commissioners (MAC0017)

4   Association of Police and Crime Commissioners (MAC0055)

5   Benger, Dr John (Clerk of the House, House of Commons) (MAC0044)

6   Bhagwat, Amit (MAC0031)

7   Sergeant Michele Birch (MAC0047)

8   Bowling, Professor Ben (Professor, Kings College London) (MAC0042)

9   Christmann, Kris (Research Fellow, University of Huddersfield) (MAC0013)

10   Clerk of the House (MAC0053)

11   Clerk of the Parliaments (MAC0054)

12   College of Policing (MAC0036)

13   Commissioner of the Metropolitan Police Service (MAC0057)

14   Crichlow, Mr Charles (Retired, Police) (MAC0028)

15   Criminal Justice Alliance (MAC0025)

16   Crown Prosecution Service (MAC0010)

17   Dame Cressida Dick DBE QPM (Commissioner, Metropolitan Police Service) (MAC0051)

18   Equality and Human Rights Commission (MAC0035)

19   Foster, Edward (Superintendent, West Midlands Police) (MAC0049)

20   Grace, Jamie (MAC0001)

21   Grace, Jamie (MAC0002)

22   Gwent Police (MAC0015)

23   HISSMG (MAC0024)

24   Howard League for Penal Reform (MAC0016)

25   Independent Office for Police Conduct (MAC0048)

26   Independent Office for Police Conduct (MAC0011)

27   Liberty (MAC0034)

28   Merseyside PCC (MAC0022)

29   Merseyside Police (MAC0022)

30   Metropolitan Police Service (MAC0045)

31   Metropolitan Police Service (MAC0056)

32   National Black Police Association (MAC0041)

33   National Police Chiefs' Council (MAC0050)

34   National Police Chiefs' Council (MAC0037)

35   National Police Chiefs' Council (MAC0038)

36   National Police Chief's Council (MAC0052)

37   Nottinghamshire Police (MAC0023)

38   Nottinghamshire Police and Crime Commissioner (MAC0023)

39   Office of the Police & Crime Commissioner for Cleveland (MAC0006)

40   Office of the Police and Crime Commissioner for Gwent (MAC0015)

41   Police Action Lawyers Group (MAC0039)

42   Police Superintendents Association of England and Wales (MAC0008)

43   PoliceNow (MAC0032)

44   Inspector Dan Popple (MAC0047)

45   Quinlan, Dr Tara Lai (Senior Lecturer, Sheffield Hallam University) (MAC0021)

46   Scott, Jade Ella (MAC0046)

47   StopWatch (MAC0033)

48   The Racial Justice Network (MAC0018)

49   Tomlinson, Vinny (MAC0003)

50   Youth Commission, Hampshire (MAC0005)

51   Wong, Kevin (Reader in Community Justice, Manchester Metropolitan University) (MAC0013)

The following written evidence was received during the Macpherson Report: Twenty Years On inquiry in the last Parliament and can be viewed on the inquiry publications page of the Committee's website.

1   Amnesty International UK (MPR0052)

2   AMP West Yorkshire (MPR0080)

3   Anonymous (MPR0031)

4   Anonymous Submission (MPR0068)

5   APCC (MPR0075)

6   Association of Police and Crime Commissioners (MPR0034)

7   Attorney General's Office (MPR0069)

8   Bevan Powell MBE, former Chair of the Metropolitan Black Police Association (MPR0057)

9   Black Resilience and Development (BRaD) CIC (MPR0035)

10   Clerk of the House (MPR0076)

11   Clerk of the Parliaments (MPR0077)

12   Cleveland Police (MPR0061)

13   College of Policing (MPR0050)

14   Criminal Justice Alliance (MPR0015)

15   Department for Education (MPR0046)

16   Dr Denis Wong (MPR0008)

17   Dr Lisa Long (MPR0028)

18   Dr Pete Jones (MPR0001)

19   Dr Sarah Jane Fox (MPR0017)

20   Equal Justice Ltd (MPR0006)

21   Equality and Human Rights Commission (MPR0025)

22   Equality and Human Rights Commission (MPR0048)

23   Granta Publications on behalf of Kevin Maxwell (MPR0009)

24   Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (MPR0007)

25   HM Inspectorate of Prisons and HM Inspectorate of Constabulary and Fire & Rescue Services (MPR0038)

26   HMICFRS (MPR0067)

27   Home Office (MPR0029)

28   Home Office (MPR0060)

29   Home Office (MPR0079)

30   Imran Khan (MPR0078)

31   Independent Office for Police Conduct (MPR0022)

32   Independent Office for Police Conduct (MPR0049)

33   Independent Office for Police Conduct (MPR0063)

34   Jane Deighton (MPR0084)

35   Kingston Race and Equalities Council (MPR0026)

36   Leicestershire Police (MPR0042)

37   Liberty (MPR0030)

38   Lincolnshire Police (MPR0010)

39   Local Government Association (MPR0047)

40   Matthew Ryder QC (MPR0083)

41   Mayor of London (MPR0041)

42   Metropolitan Black Police Association (MPR0056)

43   Metropolitan Police Black Police Association (MPR0032)

44   Metropolitan Police Service (MPR0054)

45   Metropolitan Police Service (MPR0064)

46   Metropolitan Police Service (MPR0072)

47   Ministry of Justice (MPR0062)

48   Miss June Alison Durant (MPR0012)

49   MPS Association of Muslim Police (MPR0016)

50   Mr Chris Hobbs (MPR0003)

51   National Association of Muslim Police (MPR0039)

52   National Black Police Association (MPR0004)

53   National Black Police Association (MPR0053)

54   National Police Chiefs' Council (MPR0036)

55   NBPA (MPR0082)

56   NPCC (MPR0043)

57   NPCC (MPR0044)

58   NPCC (MPR0045)

59   NPCC (MPR0071)

60   Office of the Police and Crime Commissioner for Derbyshire (MPR0019)

61   Office of the Police and Crime Commissioner for Sussex (MPR0066)

62   Open Society Foundations (MPR0059)

63   Police Federation (MPR0033)

64   Police Now (MPR0023)

65   Race Disparity Unit (MPR0073)

66   Race Equality Matters (MPR0024)

67   Rebekah Delsol (MPR0058)

68   Release (MPR0021)

69   Serena Lander (MPR0055)

70   Sir Peter Bottomley (MPR0027)

71   Solicitors on behalf of Dr Neville Lawrence OBE (MPR0037)

72   StopWatch (MPR0040)

73   The Association of Police and Crime Commissioners (MPR0065)

74   Traveller Movement and the Gypsy Roma Traveller Police Association (GRTPA) (MPR0051)

75   UNISON (MPR0013)

76   United Families and Friends Campaign (MPR0014)

77   Volunteer Police Cadets (MPR0020)

78   West Yorkshire Police (MPR0018)

79   West Yorkshire Police (MPR0081)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

Number	Title	Reference
1st	Home Office preparedness for Covid-19 (Coronavirus): Policing	HC 232
2nd	Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home	HC 321
3rd	Home Office preparedness for Covid-19 (coronavirus): immigration and visas	HC 362
4th	Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation	HC 562
5th	Home Office preparedness for COVID-19 (coronavirus): management of the borders	HC 563
6th	Appointment of the Independent Chief Inspector of Borders and Immigration	HC 1024
1st Special Report	Serious Youth Violence: Government Response to the Committee's Sixteenth Report of Session 2017–2019	HC 57
2nd Special Report	Home Office preparedness for Covid-19 (coronavirus): domestic abuse and risks of harm: Government Response to the Committee's Second Report	HC 661
3rd Special Report	Home Office preparedness for Covid-19: coronavirus: policing: Government Response to the Committee's First Report	HC 660
4th Special Report	Home Office preparedness for COVID-19 (coronavirus): immigration and visas: Government Response to the Committee's Third Report	HC 909
5th Special Report	Home Office preparedness for COVID-19 (coronavirus): institutional accommodation: Government Response to the Committee's Fourth Report	HC 973
6th Special Report	Home Office preparedness for COVID-19 (coronavirus): management of the borders: Government Response to the Committee's Fifth Report	HC 974