THE
POLICE
FOUNDATION
The UK's policing think tank

Strategic Review of Policing in England and Wales (Phase 2)

Legitimacy and confidence

Q1: How would you assess the state of public trust and confidence in the police?

You may wish to refer to the public as a whole and/or to particular groups, such as victims of crime, people with particular needs, Black Asian and Minority Ethnic groups or other minority groups.

Reflections on trust and confidence

Over the past 18 months public trust in policing has eroded. There has been an increasing prevalence of people taking to social media to share video footage of what appear to be inappropriate stop and searches. Concerns have been raised over racial profiling in policing following a string of high-profile cases, including that of British athlete Bianca Williams[1] and Labour MP Dawn Butler[2]. Latest statistics on use of force show Black people are five times more likely to have force used against them by police in England and Wales than White people.[3]

The Coronavirus Act, 2020 was introduced last year to grant police the powers to enforce lockdown rules including the issuing of Fixed Penalty Notices (FPNs). In July 2020, the National Police Chiefs Council (NPCC) undertook a review into potential disproportionality of FPNs.[4] This found that people from Black, Asian and ethnic minority backgrounds were issued FPNs at a rate of 4.0 per 10,000 of the population, compared to 2.5 per 10,000 for White people. FPNs were issued to Black and Asian people at a rate 1.8 times higher than White people. The Human Rights Committee has since concluded that every single Covid fine issued should be reviewed amid concerns they were '*discriminatory and unfair*'.[5]

Those from Black, Asian and ethnic minority groups are disproportionately represented throughout the criminal justice system, from stop and search, to arrest, to imprisonment, to deaths in custody as well as being more likely to have force used

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[1] Thompson, T. (2020) [Five officers involved in high-profile stop and search case told they are being investigated for misconduct](#), *Police Professional*.

[2] Walker, P. (2020) [Labour MP Dawn Butler stopped by police in London](#), *The Guardian*.

[3] Home Office. (2020A) [Police use of force statistics, England and Wales: April 2019 to March 2020](#).

[4] National Police Chiefs Council. (2020) [Fixed penalty notices issued under COVID-19 emergency health regulations by police forces in England and Wales](#).

[5] Joint Select Committee on Human Rights. (2021) [Fourteenth Report: The Government response to covid-19: fixed penalty notices](#).

against them.[6] The unequal treatment of ethnic minority people can also extend to the way in which police support them as victims of crime. This is due to Black, Asian and ethnic minority people often being viewed by the police through a lens of criminality rather than as victims.[7] For example, a teenage Black victim of a racist attack was stopped and searched while asking for help from police at a Black Lives Matter protest last summer. [8] It is therefore unsurprising that people from ethnic minority groups are more likely to be victims of crime but are less likely to ask for support or report to police.[9] It is these feelings of mistrust and negative perceptions of the police that are passed on from generation to generation, unless urgent and meaningful action is taken to address this lack of trust and confidence.

The CJA, in partnership with Mashala and EQUAL, has recently been running a series of Legal Action workshops.[10] The sessions aim to equip organisations working with Black, Asian and ethnic minority groups with the tools to challenge racial inequality in the criminal justice system. As part of this, delegates are asked to reflect on these questions: Thinking about the issue of race in the UK criminal justice system what has stayed the same? What has got worse? What has got better?

In considering what has remained the same answers included:
- *'Police refusing to accept systemic racism.'*
- *'Disproportionate responses from the police in relation to incidents involving marginalised communities and treating people as criminals, even in situations of being the victims.'*

When asked what had got worse some said:
- *'Use of suspicion-less searches over last few years.'*
- *'Police/prison services seeming to enter into dialogue more and creating a sense of listening, but actually changing nothing in the system - this leads to more distrust.'*

In exploring what has improved, organisations commented:
- *'More conversations about race and some race actions plans being established.'*

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[6] Lammy, D. (2017) The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System.

[7] Criminal Justice Alliance. (2019A) CJA/MoJ Policy Forum on BAME victims of crime.

[8] Braddick, I. (2020) Teenage victim of 'racist attack' stopped and searched while asking for help from police at protest, *The Evening Standard.*

[9] Criminal Justice Alliance. (2019A) Loc. cit.

[10] EQUAL. (2021) Free Legal Action Workshops announced.

- *'Social media has given marginalised groups a voice - the message spreads further and faster. The government / police can't hide from it.'*

Measuring trust and confidence

In the latest Crime Survey for England and Wales (year ending March 2020), 55 percent of adults expressed overall confidence in the police in their area. [11] This figure has fallen by three percentage points when compared to survey findings from the year ending March 2019.[12] There is regional variation in the levels of confidence expressed. For example, in the West Midlands only 42 percent expressed confidence when compared to Cheshire where this figure was 69 percent.[13] This underscores the importance of monitoring public trust and confidence at a local level. The Mayor's Office for Policing and Crime (MOPAC) collects data on public attitudes and perceptions of the Metropolitan police service and the City of London police quarterly and found similar rates of confidence in the police to those reported by ONS. In December 2020, 56 percent of people agreed that the police were doing a good job.[14] This had fallen by 2 percentage points from 2019. However, opinions and perceptions in the police vary by demographic groups.

Some datasets on public attitudes and perceptions of the police provide insights about the respondents' demographics. In the latest year ending March 2019, data shows that *'people from Black and Mixed backgrounds were less likely than White and Asian people to have confidence in their local police. In every year covered by this data, Black Caribbean people were less likely than White British people to have confidence in their local police. Asian (79 percent) and White people (75 percent) were more likely to have confidence in their local police than Black people (70 percent) and those with Mixed ethnicity (68 percent).'[15]* When compared to the previous year, confidence in police for Black people has decreased by six percent and three percent for people with a Mixed ethnicity.[16]

The low levels of trust in stop and search by children and young adults is evidenced in recent data published by the Independent Office for Police Conduct (IOPC). In a recent

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[11] Office for National Statistics. (2020) Crime Survey for England and Wales (CSEW) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending March 2020.

[12] Office for National Statistics. (2019) Crime Survey for England and Wales (CSEW) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending March 2019.

[13] Office for National Statistics. (2020) Loc. cit.

[14] Mayor's Office for Police and Crime. (2020A) Public Perceptions of the Police.

[15] The Government. (2020) Confidence in the local police.

[16] Ibid.

survey on public perceptions about stop and search, data revealed that age was a significant factor when determining confidence levels. The IOPC found that those aged 55+ tend to agree to a larger extent that stop and search is necessary. The IOPC also found that this older age group are also more likely to agree that the police currently are using stop and search powers appropriately. Conversely, respondents aged 18-24 are much more likely to see stop and search as unnecessary and something that the police should stop using in their work citing concerns around discrimination and lack of reasonable grounds as the reasons.[17] Data and information collated by the government on confidence in local police forces also suggests that this varies with age. In the year ending March 2019, among 16- to 24-year-olds, a lower percentage of people with Black (61 percent) and Mixed backgrounds (68 percent) had confidence in their local police than White people (77 percent).[18] These findings highlight that the public is not a homogenous group and that different ages and ethnic minority groups have different experiences and views about policing which need to be taken into account when assessing public trust and confidence and then using that information to inform policies and practices.

It is such negative perceptions of the police that can have a ripple effect on trust and confidence across the whole criminal justice system. This was echoed by Account (lead by Hackney CVS), a youth led police monitoring group in their 'Policing in Hackney' report which said *'youngers will grow up thinking .. don't trust the police, and that also destroys community, in a sense, because who do you trust? Who do you call when there's a problem?'.* [19] A report on 'Policing the Pandemic' by CJA member Leaders Unlocked found that even at the height of the pandemic, police were perceived by some children and young adults as overzealous.[20] The report included the lived experience of policing from children and young adults who said: *'They [the police] were very unnecessarily aggressive. We were out exercising, and they stopped us and got out of the car and threatened handcuff and everything. It was awful (15, West Yorkshire).'* *'All the times I have been stopped during COVID-19 it has been to harass me and it has not been to do with covid-19, they do not ask about social distancing and they just want to search me because they see me outside (18, London).'* The report also found respondents felt more positive about police interactions during the pandemic when the 4 E's approach (with a focus on Engaging, Explaining and Encouraging, before

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[17] Independent Office for Police Conduct. (2021) Public feel confident police respond fairly and proportionately to incidents, but questions remain around use of stop and search.

[18] The Government. (2020) Loc. cit.

[19] Account. (2020) Policing in Hackney: Challenges from the youth in 2020.

[20] Leaders Unlocked. (2020) Policing the pandemic: exploring young people's experiences and recommendations.

Enforcement) appears to have been used: '*Had a chat with a police officer whilst going Morrisons. She was very friendly and seemed caring for me. She was asking me how I was dealing with this lockdown, what I do to get through it and how my family is. This experience was great (17, Merseyside).' 'Out with four people and we had to climb over gates to get into the park and the police asked us to move. They said they knew how hard it was to be separate and were respectful, so we listened to what they were saying (16, Avon and Somerset).'* These findings highlight that children and young adults felt more positive about police interactions when enforcement was used as a last resort.

It is also concerning to note that research by the London School of Economics published in 2009, found that measuring confidence in policing is 'unusual' when compared with other public services as contact with the service can have a negative impact on trust and confidence: '*For example, people are more likely to express satisfaction with the National Health Service if they are current or recent users of NHS services. Conversely, those who have had no recent contact with the police are more likely to feel they are doing a good job than those who have.*'[21]

Recommendations: As well as overall confidence, local police forces should collect and monitor data on public opinion relating to specific police powers (e.g. stop and search). A full analysis of findings should be published annually which includes a demographic breakdown of the respondents. Local forces should also hold focus group discussions with those who have had direct experience of the police. The quantitative and qualitative data should then be published as a report and used to inform their work, training needs and other scrutiny mechanisms.

Q2. What should be done to improve police legitimacy, especially among those communities who have less trust and confidence in the police?

You may wish to refer to specific examples of initiatives here or around the world that have improved public confidence in the police.

Legitimacy can be defined as the '*degree to which a [police] force and its staff and officers are seen by the public consistently to behave fairly, ethically and within the law.*'[22] Legitimacy is therefore not only about the actions of individual staff and officers, but also about systemic policies and procedures at a force and national level and the

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[21] Bradford, B. et al. (2009) Contact and confidence: revisiting the impact of public encounters with the police, *London School of Economics Online*.

[22] Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. (2017) PEEL: Police legitimacy 2017.

extent to which the public, and in particular impacted groups, see them as fair, ethical and proportionate.

Legitimacy in policing is an important factor in building and maintaining the trust and co-operation of the public. It is this co-operation between the police and the public that is vital for the control of crime and effective functioning of police services. An absence of trust and confidence amongst communities can be detrimental to the police in carrying out their work. For example, it can deter people from Black, Asian and ethnic minority communities from seeking help as victims of crime or coming forward as witnesses generating a 'wall of silence' which in turn impedes the ability of the police to solve crime.[23] A lack of trust and confidence can also thwart efforts to improve diversity through the recruitment of new officers (discussed in more detail in response to question 3).[24]

Reduce unfair and disproportionate use of stop and search

Unfair use of police tactics, such as stop and search, can contribute to a lack of legitimacy, especially amongst disproportionately impacted groups. The College of Policing (CoP) Authorised Professional Practice (APP) guidance on stop and search recognises; *'If [stop and search is] used unnecessarily, unlawfully and/or in an unfair manner[…] it may cause alarm or distress to members of the public and have negative consequences in the longer term that make the police's job harder.[25]* This is echoed by research conducted by academic experts in trust and confidence in the police from the London School of Economics and the University of Oxford.[26] The government's own Equality Impact Assessment (EIA), produced for the relaxation of the Section 60 safeguards, acknowledged *'that more Black, Asian and ethnic minority individuals are searched under this power despite not committing any offences, and without being provided with significant person specific justification for searches taking place.'[27]* It also accepts *'this would probably risk having a negative effect on a part of the community where trust / confidence levels are typically low.'*

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[23] Youth Violence Commission. (2020) Youth violence commission final report.

[24] Bury, J. et al. (2018) Enhancing Diversity in Policing, *NatCen.*

[25] College of Policing. (2016)A Authorised professional practice: Stop and search.

[26] Jackson, J. et al. (2012) Just authority? Trust in the police in England and Wales, *Routledge.*

[27] Home Office. (2019A) Equality impact assessment (MARCH): Relaxation of Section 60 conditions in the best use of stop and search; Home Office. (2019B)) Equality impact assessment (JULY): Relaxation of Section 60 conditions in the best use of stop and search

Improve scrutiny and accountability of stop and search

Effective community scrutiny of police powers helps to build trust, hold the police to account and engage the public. However, there is a significant lack of consistency and effectiveness in how stop and search Community Scrutiny Panels (CSPs) operate across police force areas in England and Wales. In recent months there have been several proposals about increasing community scrutiny of policing. While a focus on scrutiny is welcome, the emphasis needs to be on improving the quality of scrutiny and accountability that currently exists and ensuring there is a consistent and joined-up approach (discussed in more detail in response to question 10).

Our 2019 report *Stop and Scrutinise* highlighted the results of a survey of CSPs across England and Wales.[28] The aim was to understand how CSPs could be used to hold the police to account and create transparency around stop and search for those affected by it. For community scrutiny to be effective, the report identified four key principles:

1. Independent and empowered: Led by the community, acts as a 'critical friend', provides constructive challenge and influences change.
2. Informed: Has effective and transparent access to a wide range of data and records on stop and search, including body worn video footage, and access to appropriate training and guidance.
3. Representative: Reflects the communities most affected by stop and search, stays dynamic by periodically reviewing and refreshing its membership and actively engages young people and Black, Asian and ethnic minority people in its work.
4. Open and Visible: Promotes its work widely in the community, particularly with young people and 'harder to reach' groups, publishes summaries of meetings and outcomes, and is easily contactable by members of the public.

According to Code A of the Police and Criminal Evidence Act, 1984, police forces in consultation with their Police and Crime Commissioners (PCCs) and / or equivalents are required to make arrangements for stop and search records to be scrutinised by community representatives[29]. There are notable gaps in Home Office stop and search data, including data on ethnicity and age (discussed in further detail under 'improved transparency of police powers'), which can limit the effectiveness of CSPs. Many local

[28] Kalyan, K. and Keeling, P. (2019) Stop and scrutinise: How to improve community scrutiny of stop and search, *Criminal Justice Alliance*.

[29] Home Office. (2014) Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search.

areas do not currently fully adhere to the above principles. For example, survey respondents for our Stop and Scrutinise report revealed that:

- Almost a third of respondent CSPs were not chaired by a member of the public, but instead by representatives from the police or the office of the PCC.
- A third of respondent CSPs did not monitor the demographics of their members and most CSPs only recruited new members 'as and when needed' rather than ensuring membership is periodically renewed.
- Almost a quarter of respondent CSPs offered no training. Where training was offered, there was a lack of consistency in its content across forces.

Since the publication of the Stop & Scrutinise report, the CoP updated its APP on community scrutiny and engagement. [30] This is a positive and welcome move, however it is only advisory leading to the guidance being inconsistently applied. Therefore it needs to be compulsory.

Recommendation: The Home Office should mandate CSPs and the current CoP guidance on community scrutiny for stop and search across all police forces.

External / internal scrutiny of body worn video

Body Worn Video (BWV) could be an effective tool in increasing public trust and confidence in policing if reviewed internally and externally. The benefit of video footage is illuminated in recent research on the impact of BWV on the everyday behaviours of police. Findings from the study indicate BWV can make officers more confident in how they deal with the public.[31] Furthermore, the use of BWV can also make officers more aware of their behaviour, leading them to ensure that they are acting professionally and appropriately when on view to the public. The importance of BWV has been reinforced by MOPAC which stated that BWV should be '*a central element of community scrutiny of policing, providing irreplaceable insights into specific incidents'.*[32] However, our research indicates that there is not a consistent approach to sharing footage with community scrutiny groups, as some were able to randomly dip sample whereas others did not have access or the sample were selected by the police.[33] A recent report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) also found that almost all the forces it inspected in 2018/19 were not reviewing BWV as part

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[30] College of Policing (2016B) Authorised professional practice: Stop and search – transparent.

[31] Harrison, K. et al. (2021) Exploring the impact of body-worn video on the everyday behaviours of police officers, *The Police Journal: Theory, Practice and principles*.

[32] Mayor's Office for Police and Crime. (2020B) Action plan: Transparency, accountability and trust in policing.

[33] Kalyan, K. and Keeling, P. (2019) Loc. cit.

of structured internal or external scrutiny processes. Only one of the 19 forces inspected included a review of BWV footage as part of its internal monitoring of stop and search. BWV footage was used by only five forces as part of their independent external scrutiny arrangements.[34]

We also understand that members of London community scrutiny groups were not able to review footage between January and October 2020, due to concerns about data protection.[35] This is deeply troubling as we know BWVs are not always used when and how they should be, as highlighted by the IOPC's recent review of the Met's use of stop and search, which found there was a '*failure to use BWV from the outset of contact*'. There is currently no legal requirement for forces to share BWV, therefore we are concerned that forces could restrict scrutiny panels from reviewing footage vital for effective scrutiny and accountability.

Recommendations: The Home Office should revise Code A of the Police and Criminal Evidence Act with a particular focus on the use of BWV. HMICFRS should regularly report on the number of forces that review BWV as part of internal monitoring / external scrutiny of stop and search. Local police forces should view BWV for the purpose of individual police officer performance reviews.

Improved transparency of police powers

There is a lack of transparent data on how police forces are exercising their stop and search powers. Transparent, consistent, and complete data is[36] essential to monitor and analyse the use of discretionary powers and to enable internal and external scrutiny on how fair, effective and proportionate their use is. According to Best Use of Stop and Search Scheme (BUSSS) the recording, availability and scrutiny of data should lead to an increase in 'positive outcomes' (i.e. arrests, out of court disposals etc) resulting from stop and searches because it will encourage greater accountability of policing powers.[37] However, we have found that limitations in the level of data available restricts the ability of forces to monitor their own performance and of external bodies and the public to scrutinise and challenge. For example, statistics on the police use of Section 60 powers

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[34] Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. (2021) Disproportionate use of police powers: A spotlight on stop and search and the use of force.

[35]

[36] Independent Office for Police Conduct. (2020) Review identifies eleven opportunities for the Met to improve stop and search.

[37] Home Office and College of Policing. (2014) The best use of stop and search scheme.

are included in annually published data on stop and search from the Home Office, but we have identified numerous shortcomings in the data. This makes it challenging to examine how Section 60 is being used in practice. For example, the published data fails to include information on:

- The number of Section 60 authorisations
- The geographical reach of each authorisation
- The reason for each authorisation
- The length of time for each authorisation
- A breakdown by age

The role of the police

Following the 'defund the police' movement in the United States, there have been similar concerns raised here about the over-policing of Black and ethnic minority communities and the lack of investment in preventative and support services. Those working directly with Black and ethnic minority groups say *'they are over-policed and under-protected. They don't feel safe.'*[38] In November 2020, the CJA held a meeting on the future role of policing. Jack Rowlands, Chief Inspector at the Metropolitan Police and founder of the DIVERT programme[39], said:

> *'For me, going back to age zero, we need that investment in early years. […] I look at Sure Start, so look at mental health nurses. I look at health visitors. I look at the root causes of what we need to invest in so that, in a generation's time, policing isn't dealing with it, because we've prevented it from happening in the root causes.'* [40]

There is evidence of declining mental health provision particularly for young adults[41], funding for youth services have been desecrated despite increased demand[42], and school exclusion rates continue to rise[43]. These are issues we cannot police our way out of and any attempt to do so risks further undermining legitimacy in policing.

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[38] Freeman-Powell, S. (2019)   What has really happened since Macpherson's report, *The BBC*; Elliot-Cooper, A. (2020) 'Defund the police' is not nonsense. Here's what it really means, *The Guardian*.

[39] Rowlands, J. (2020) How we DIVERT young people away from crime and towards opportunity, *City Hall blog.*

[40] Criminal Justice Alliance. (2020) What is the role and the future of policing?.

[41] Matthews-King, A. (2019) Young people 'turned away' from NHS mental health support left to hit crisis point, MPs warn, *The Independent*.

[42] Mistlin, A. (2021) Funding cuts hitting UK youth services as demand grows, report says, *The Guardian*.

[43] Harris, J. (2021) 'It's like being in prison': what's behind the rise in school exclusions?, *The Guardian*.

> **Recommendations: The Home Office should work with forces to ensure that there is consistency in how stop and searches are recorded (age, ethnicity etc.). The Home Office should require all forces to publish monthly stop and search data online in an easily accessible dashboard. This data should then be scrutinised by CSPs and a national independent body to identify national trends and hold forces and the Home Office to account. The Government should increase investment in preventative and rehabilitative services.**

Adherence to the Public Sector Equality Duty

The Home Office and police are required to eliminate discrimination and harassment and foster good relations under the Public Sector Equality Duty (PSED). A key element of the PSED is the requirement of public authorities to show 'due regard' in its decisions to eliminate discrimination.[44] While there is no legal obligation to publish EIAs in England (the position is different in both Wales and Scotland[45]), public authorities including the police have a legal obligation to demonstrate that they have followed the PSED and that they have taken various factors into account to mitigate any direct or indirect discrimination. In the absence of other measures, EIAs facilitate transparency and encourage consideration of, and compliance with, the PSED. At a national level, the Home Office conducted and published EIAs[46] after it had rolled out changes to Section 60 in October 2019. This followed requests from the CJA in letters to the then Home Secretary.[47] Both EIAs - one of which related to the March 2019 pilot and the other to the August 2019 nationwide rollout[48] - highlighted that '*there is evidence to suggest that an increase in the use of stop and search is unlikely to be conducive to improving community relations, including trust in the police*.'

The published EIAs were produced internally and not subject to external review or challenge and there was no public consultation for either the pilot or the national rollout. It is our understanding that members of the public, including those with key protected characteristics, were not engaged in the creation of the published EIAs. The EIAs stated that: '*The impact of any relaxation would be under regular review and scrutiny, including one year after the announcements of said changes.*'[49] To date no updated EIAs have been published and there has been no published review of the national rollout.

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[44] The Equality Act (2010) The Public Sector Equality Duty.

[45] Advance HE., Equality impact assessment, *accessed 07 May 2021*.

[46] Home Office. (2019A) Loc. cit.; Home Office. (2019B) Loc. cit.

[47] Criminal Justice Alliance (2019) CJA and EQUAL respond to s.60 stop and search equality impact assessments.

[48] Home Office. (2019C) Section 60 stop and search pilot extended.

[49] Home Office. (2019A) Loc. cit.; Home Office. (2019B) Loc. cit.

Recommendations: The Home Office should require forces to carry out local EIAs on their use of the Section 60 and stop and search more broadly. The Home Office should review its EIA / action plan processes for police powers and encourage greater use of co-production of these documents with impacted communities. The Home Office should refrain from introducing or extending policies that EIAs demonstrate are indirectly discriminatory, particularly where there is no evidence that the policy change will reduce crime or improve public safety.

3:   The future police workforce

Q6: How should the future police workforce develop in the future?

You may wish to reflect on:
- Existing skill gaps and the skills and knowledge that police officers and staff will require in the years ahead.
- How the police service should recruit the people it needs.
- The introduction of the Policing Education Qualifications Framework (PEQF)

- How the learning and development of police officers and staff should be improved.
- How the diversity of the police workforce can be improved.
- What can be done to promote wellbeing at work for police officers and staff.

Diversity

Diversity in policing is vital as the service must represent and understand the needs of those they encounter.[50]. Last summer MOPAC held a series of roundtables with more than 400 individuals and organisations working with Black, Asian and ethnic minority groups. The aim of these sessions was to develop an action plan on transparency, trust and accountability in policing. During these sessions '*Black Londoners highlighted that they do not see themselves fully reflected in their own police service. Some felt 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.*[51] The police service is missing out on crucial talent, cultural experience and knowledge which can be vital to the police working effectively with the public in preventing and solving crime. The government's proposals to increase the number of police officers in England and Wales could provide a crucial opportunity to boost the number of Black, Asian and ethnic minority officers (discussed in further detail under

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[50] Bhugowandeen , B. (2013) Diversity in the British police: adapting to a multicultural society.

[51] Mayor's Office for Police and Crime. (2020B) Loc. cit.

'uplift programme'). However, the Home Office and forces must recognise that disproportionate use of police powers (e.g. stop and search) and use of force can have a detrimental impact on perceptions of a career in the police service within ethnic minority communities.[52]

Recommendations: PCCs should work with Black, Asian and ethnic minority communities to develop an action plan that seeks to rebuild trust in policing. The office of the PCC should then regularly report on progress made against each action / recommendation.

Uplift programme and targets

In September 2019, the government launched a national campaign to recruit 20,000 new police officers over the next three years. Each police force has a baseline figure, and an allocation of additional officers to recruit by March 2023. The uplift is co-ordinated nationally however, it is for individual forces to determine whether they will set targets for recruiting Black, Asian and ethnic minority staff. Without the Home Office setting quotas for the recruitment of ethnic minority police officer it will be difficult to achieve an overall uplift in the number of Black, Asian and ethnic minority police. Nonetheless, concerted efforts have been made to recruit people from diverse communities, but progress has been minimal. Data on the ethnicity of new recruits has been collected since April 2020. Since this time there has been a total of 6,620 new recruits to police forces in England and Wales. According to Home Office quarterly data on the police officer uplift, of those who stated their ethnicity, 10.6 percent of new recruits identified as belonging to Black (1.5 percent), Asian (5 percent), Mixed (3.4 percent) or in the Other (0.8 percent) ethnic group.[53] This proportion of 10.6 percent remains below the representation of such ethnic minority groups in the general population (14 percent according to 2011 Census estimates) and is similar to the 10.3 percent (excluding transfers and re-joiners) that was reported in the last annual workforce statistics to 31 March 2020.

Some forces have introduced their own individual quotas to recruit more diversely. West Midlands Police announced a target to recruit 1,000 Black, Asian and ethnic minority officers.[54] This was in recognition that only 11 percent of the force identified as being from an ethnic minority background, whilst there is around 30 percent representation in the area. The Metropolitan Police Service also announced that they were aiming to

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[52] Bury, J. et al. (2018) Loc. cit.

[53] Home Office. (2021) Police officer uplift, England and Wales, quarterly update to 31 March 2021.

[54] BBC. (2020) BAME recruitment to 'change the face' of West Midlands Police.

see as many as 40 percent of new recruits from Black, Asian and ethnic minority communities by 2022 / 23.[55] Despite such efforts there is currently no police force nationally that fully represents its community and while ethnic diversity within police forces is slowly rising, the number of Black police officers has barely increased over the last two decades.

We are also concerned about the lack of Black, Asian and minority ethnic women police officers. According to the latest Home Office figures, 462 (1.17 percent) women police officers identified as Black compared with 37,028 White women. In 2007, there were 359 (1.1 percent) Black women in the police workforce.[56] This illuminates the minimal progression that has been made in recruiting and retaining Black women in policing. Therefore, it is important that police forces consider how intersectionality (e.g. two or more protected characteristics) can create unique experiences of discrimination and shape an individual's career.

Recommendations: The Home Office should require police forces to set specific targets to recruit ethnic minority people, particularly women and Black police officers. The Home Office should then publish quarterly reviews on progress made against this. The Home Office should commission research that actively explores the issues faced by Black, Asian and ethnic minority women in policing.

Positive action

Positive action refers to measures under the Equality Act 2010 that promote equality of opportunity in the workplace. In South Wales, the PCC launched a positive action programme, in partnership with the University of South Wales, to prepare ethnic minority candidates who want to join the force with the application and assessment centre process.[57] Candidates are also offered support of a 'Development Champion' - an existing officer or staff member trained to help, guide, and mentor them. South Wales Police has witnessed an increase in the number of Black, Asian and ethnic minority applicants, including the highest ever application and appointment levels – rising from 2.8 percent in 2015, to 11.5 percent in 2019; leading to the appointment of 38 Black, Asian and ethnic minority Police Constables in that time (4.3 percent of all recruited Constables).[58] In Devon and Cornwall Police and Dorset Police they are using positive

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[55] London City Hall. (2020)   Mayor's Action Plan focuses on disproportionality of police powers.

[56] The Government. (2021) Police workforce.

[57] Association of Police and Crime Commissioners. (2021) Race disparity in focus.

[58] Ali, A. et al. (2021) Public safety, public trust, *Criminal Justice Alliance and Centre for Justice Innovation*.

action in response to low numbers of police officers from ethnic minority backgrounds.[59] The forces offer one to one telephone support, regular interactive support programs and webinars though to face to face contact. They also engage with community groups and work closely with their Diverse Communities Teams to assist with recruitment events and ensure that positive action is included. Positive action is an important tool to address disadvantage and tackle under-representation within the police workforce.

Recommendation: The Home Office should promote and encourage greater use of positive action to effectively address underrepresentation of Black, Asian and ethnic minority groups in policing.

Retention

In 2019, the CJA and Ministry of Justice held a roundtable to discuss workforce diversity in the criminal justice system in which we identified four key themes: recruitment, retention, progression and measuring impact. We heard from Thames Valley Police about its use of a development tracker, which makes it an employee's responsibility to monitor their career, but also ensures line managers can identify ethnic minority staff and officers who wish to progress. Mentoring can be a vital ingredient for the retention and progression of ethnic minority staff within the police force.

Last summer we held a further event in partnership with the Ministry of Justice to investigate how we might build a diverse criminal justice workforce.[60] We also held four online workshops to hear insights and good practice on recruitment, retention, progression and measuring impact. Staff associations and networks for Black, Asian and ethnic minority staff were noted as being helpful for the retention of staff. They were discussed as being used as an avenue to support ethnic minority staff to raise complaints or discriminatory incidents. However, participants highlighted that networks lacked funding and often required staff to do this on a voluntary basis.

> '*Staff networks can be good. However, a lot of the time they are not prioritised. People have to do them in their own time, in addition to their own jobs. In my experience groups of staff often come together to do that in response to a problem. So already it is reactionary rather than proactive.*'

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[59] Devon & Cornwall Police and Dorset Police., [Positive Action: Building our workforce, reflecting our communities](#), accessed 07 May 2021.

[60] Morrell, J. (2020) [Building a diverse criminal justice workforce](#), *Criminal Justice Alliance*.

'How can you expect these individuals to try and support you to reach your aim but you are expecting them to do it on a voluntary basis, on top of whatever else they do as their day job? It just begs the question around how serious you are. Your seriousness and commitment will result in the amount of resources that you spend.'

Recommendations: Local police forces should proactively establish staff associations / networks for Black, Asian and ethnic minority officers. They should also ensure these groups are adequately resourced.

Increasing diversity through recruitment is one piece of the puzzle but needs to be balanced with efforts to support the retention and progression of Black, Asian and ethnic minority officers and staff, particularly given the increase in voluntary resignations amongst these groups. The number of police officers voluntarily resigning from the police service has increased from 1,158 in the year ending March 2012[61] to 2,363 in the year ending March 2020[62]. According to Home Office data, rates of voluntary resignations and dismissals[63] were higher amongst Black and ethnic minority officers.[64] In the year ending March 2020, the rate per 1,000 for Black and Asian and ethnic minority officers resigning from the force was 29.3 compared to a rate of 18.1 for White officers. Similarly, the rate of Black, Asian and ethnic minority officers who faced dismissal / contract termination was 2.6 per 1,000 compared to 1.2 for White officers. These numbers highlight a stark disparity in voluntary resignations and dismissal from policing in those from ethnic minority backgrounds compared to their White counterparts.

Recommendations: HMICFRS should launch an investigation into the high numbers of voluntary resignations and dismissals of ethnic minority officers. The Home Office should seek to identify the current retention rate for Black, Asian and ethnic minority officers.

Impartiality and fairness

In 2020, the NPCC published research on '*understanding disproportionality in police complaint and misconduct cases for Black, Asian and ethnic minority police officers and staff.*' [65] The research describes the journey of Black, Asian and ethnic minority police

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[61] Home Office. (2016) Police Workforce, England and Wales, 31 March 2016, Statistical bulletin.

[62] Home Office. (2020B) Police Workforce, England and Wales, 31 March 2020,Statistical bulletin.

[63] This also includes cases where a contract was terminated for reasons other than misconduct.

[64] Home Office. (2020B) Loc. cit.

[65] Cain, P. (2021) Understanding Disproportionality in Police Complaint & Misconduct Cases for BAME Police Officers & Staff 2019, *National Police Chiefs Council*.

officers when facing conduct allegations. The paper found that misconduct allegations begin with the ethnic minority officer being referred to Professional Standards Department (PSD) by their supervisor for low level conduct allegations, with that supervisor failing to deal with the conduct allegation proportionately and at the earliest opportunity. As a result, Black, Asian and ethnic minority officers were often only made aware that their performance or conduct was in question when their supervisor informed them, they had been reported to PSD.

These findings echo those from an earlier HMICFRS report that found a higher proportion of Black, Asian and ethnic minority members of the police workforce with a case to answer were required to attend misconduct hearings (33 percent), compared with White people with a case to answer (18 percent). The inspectorate also found higher proportion of those Black Asian and minority people attending hearings were dismissed (52 percent), compared with White people (40 percent).[66] The report also found public complaints or misconduct allegations against Black, Asian and ethnic minority officers or staff were more likely to be escalated to the professional standards department for consideration, rather than dealt with swiftly and informally. This raises concerns about fairness and impartiality in disciplinary proceedings but also undermines any future attempts to diversify police forces.

Recommendation: HMICFRS should launch an investigation into the disproportionately high levels of Black, Asian and ethnic minority police officers being referred to PSD.

Training

The CoP has developed a two-day course for frontline officers with the Equality and Human Rights Commission (EHRC) on stop and search. The second day is devoted to role play scenarios and how to handle stops and searches in a fair manner and how to exit situations where nothing has been found without leaving negative impressions on the individual who was searched. An evaluation of the programme's pilot found that officers were less likely to support the use of racial / ethnic stereotypes on patrol as a direct result of being trained.[67] The evaluation also revealed less support from trained officers for using stop and search as often. This effect was found to be sustained after three months of receiving the initial training. Given the positive effects of the training, it is disappointing that the uptake has been limited.

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[66] Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. (2015) PEEL: Police legitimacy 2015.

[67] Quinton, P. and Packham, D. (2016) College of Policing stop and search training experiment.

> **Recommendation: The Home Office should mandate the CoP / EHRC training on stop and search and officers should also receive refresher training.**

6.   Governance

Q10: How should the police service be governed and held to account?

You may wish to reflect on whether the current system is working effectively and what changes you think should be made to it. Specifically, you may wish to comment on:
- The role of Police and Crime Commissioners.
- The role of directly elected Mayors.
- The role of Police and Crime Panels.
- The role of the Home Office.
- The role of Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and the Independent Office of Police Conduct.

Police and Crime Commissioners

The role of the PCCs is to be the voice of the people and hold the police to account for their actions. PCCs can play a pivotal role in improving trust and confidence and ensuring that policing is fair and effective for all. While we have seen good practice examples of PCCs engaging with communities in the runup to the 2021 PCC / Mayoral elections[68] we believe this needs to be effectively sustained throughout their term in office. However, public engagement on its own is unlikely to improve legitimacy in policing. A police culture that is open to meaningfully listening to and learning from communities is needed. PCCs are uniquely placed to act as a convenor, or to commission restorative practice experts, to help restore, repair, and rebuild relationships between communities and the police.

Recommendation: PCCs should meaningfully engage with communities to co-produce solutions and police and crime plans. PCCs should act as convenor or commission restorative practice experts to help restore, rebuild and repair relations between the police and communities.

Greater independent oversight

For the police to be able to take responsibility for actions and wrongdoings, there should be independent scrutiny of their work particularly for powers that are disproportionately applied to those from Black, Asian and ethnic minority backgrounds. Following the police

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[68] Ali, A. et al. (2021) Loc. cit.

killing of George Floyd in America and the demand for global action to tackle racism, in 2020, the Prime Minister asked a newly established Commission to investigate race and ethnic disparities in the UK. The Commission recommended that '*the CoP, working alongside the Association of Police and Crime Commissioners (APCC), and NPCC, develop a minimum standard framework for community Safeguarding Trust groups.*'[69] The function of these groups would be to scrutinise and problem-solve alongside policing, but also to ensure there is a minimum level of engagement with communities in every police service area. The Commission states that, among other things, the minimum standards framework should include:

- A requirement for stop and search data to be made more granular and publicly available for groups to scrutinise.
- A requirement for groups to be independently chaired and representative of their communities.
- A duty for Safeguarding Trust group minutes to be published.
- An ability for groups to scrutinise and hold police services to account on policing activity and disparities in stop and search, use of force, workforce mix and internal misconduct.
- An ability for groups to review stop and search authorisations made under Section 60, where police will be required to provide the Safeguarding Trust group with a rationale as to why a Section 60 was authorised.

While we welcome the Commission's focus on improving community scrutiny and accountability, it is unclear how the Safeguarding Trust groups would work in practice. The recommendation lacks detail on how these groups would operate alongside established CSPs or any other mechanism that scrutinises police powers.

We would like to see s.60 powers be repealed, but whilst they are in existence, we would argue that the recommendation for the Safeguarding Trust group to scrutinise 'the rationale for why a Section 60 was authorised' could go further. Among other things, this group could scrutinise how the Section 60 is communicated with the public, the quality of the intelligence used to deploy these powers, the geographical reach of each authorisation, the outcome data and disproportionality data. We welcome the recommendation for the Safeguarding Trust group to be representative of their communities. However, there could be stronger emphasis on meaningfully involving impacted groups such as children and young adults, as well as those from Black, Asian and ethnic minority communities. In recent months we have seen an

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[69] Commission on Race and Ethnic Disparities. (2021) [Commission on Race and Ethnic Disparities: The Report](#).

increased focus on community scrutiny mechanisms of police powers.[70] We are concerned that this approach risks fragmenting and isolating established mechanisms rather than join-up and collaborative working. Overall, the focus should be on strengthening the scrutiny mechanisms already in existence and ensuring they are effective.

Effective scrutiny and accountability of policing involves a variety of stakeholders representing different layers of society including the government, civil society actors and independent oversight bodies such as CSPs (as discussed in response to question 2). The collaborative working of these layers can effectively challenge the systemic issues we face within policing in England and Wales. Some of that is about change needed at a national policy level, rather than at a force level. At the CJA members meeting on 'The Future of Policing', Whitney Iles, CEO of Project 507 said:

'*When I'm critical of the police, I'm critical of the police as an institution and as a structure. [..] We need to have some real critical dialogue, real hard conversations around the police and what the police institution stands for, because we are talking about an organisation that is here to enforce policy and laws. When you've got a wider system that is, or that can be, oppressive or racist, and we look at laws like joint enterprise, for example, and if the police officers themselves have to enforce these laws, which is what they do, there is an argument to say that the police, as an institution, is a tool for state violence because it is a tool that also perpetuates the harms that are put together by government.'*[71] In the execution of their duties, in line with policies and priorities set at a national level, police can be perceived as inflicting and perpetuating harm on communities. Therefore, an independent national body is needed to not only inform and make recommendations at force level, but also at a national policy level. (see below for more detail).

CSPs that reflect the diversity of their communities can facilitate 'critical dialogue' between the police and over-policed groups. However, CSPs need to be well-prepared and equipped to carry out their functions in a professional way. For CSPs to achieve their intended and full potential, a national body like the Independent Custody Visitors Association (ICVA) should be established. The exact format of this body should be consulted on and co-designed with existing CSPs and impacted communities. For example, one element of this national oversight body could be to bring CSPs together to look at disproportionality in police powers or to give strategic guidance, training and

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[70] National Police Chiefs Council. (2021) Policing seeks check and challenge for new action on inclusion and race.

[71] Criminal Justice Alliance. (2020) Loc. cit.

practical support to CSPs. The Home Office publishes annual data on police powers and procedures, however, there is no independent national body reviewing and analysing this data set or identifying national trends in stop and search data. A national body could facilitate this role and in holding the Home Office and police to account on stop and search powers. At present, there is also a lack of consistent governance and structure of CSPs, but a national body, similar to ICVA, could support panels with scrutiny frameworks, training materials and recruitment of panel members. To ensure impartiality and prevent interference, a national oversight body could also provide strategic support for local CSPs who wish to use the community complaints trigger.

Recommendation: The Home Office should establish an independent, national body to scrutinise national stop and search trends and support robust community scrutiny.

<u>The views expressed in this submission are not necessarily those of any individual CJA member or funder.</u>

Respondent details and preferences

This response is submitted by/on behalf of (name of individual, group or organisation):

Criminal Justice Alliance (CJA)

I agree that the individual, group, or organisation named above can be listed as a respondent in the Review's reporting.

Delete as applicable: Yes

I agree that the views and information provided in this submission can be attributed to the individual, group, or organisation (named above), including in the form of direct quotations, within the Review's reporting.

Delete as applicable: Yes

I am happy for the Police Foundation to contact me in relation to this submission, (for instance for clarification or further information).
Delete as applicable: Yes
If yes, please provide contact details (email preferable) below. **Ms. Amal Ali, Policy Officer** Amal.Ali@CriminalJusticeAlliance.org.uk