

Response to the National Police Chiefs' Council and College of Policing's draft Police Race Action Plan

August 2022

Introduction

The Criminal Justice Alliance (CJA) is a network of over 180 member organisations working towards a fair and effective criminal justice system (CJS).

We welcome the opportunity to formally respond to the National Police Chiefs' Council (NPCC) and the College of Policing's draft Police Race Action Plan (referred to as 'the Plan'). This response is based on CJA's work regarding policing policy and practice, such as stop and search, community scrutiny, workforce diversity and victims, and discussions with members regarding the Plan. Some of these members include:

- Action for Race Equality / EQUAL
- Agenda (alliance for women and girls at risk)
- Alliance for Youth Justice
- Independent Custody Visiting Association (ICVA)
- JUSTICE
- Revolving Doors
- Transform Justice.

The CJA thanks NPCC and the College for sight of a confidential draft Plan in February 2022. We look forward to future engagement on the final iteration of the Plan alongside our members.

Overarching comments

1. Clarity is needed regarding the Plan's progress, structure and accountability

Members told us that the structure of the Plan could be more accessible and streamlined, as currently the different segments (e.g. the vision, commitments, workstreams, thematic actions, detailed actions and outcomes) are confusing, arduous to understand and sometimes repetitive. The Plan lacks detail on timelines, targets, metrics, resourcing and funding, oversight and scrutiny, publication, and any planned consultation for more significant changes, such as introducing and/or amending codes of practice or changing the national recording of the use of police powers. Some members queried whether this was the final iteration of the Plan and what further consultation would be done. Others told us they were only aware that the current Plan was a draft because of CJA's recent blog and discussions with them.¹

Throughout, the Plan commits to undertake pilots, mapping exercises, surveys, action plans, data collection, evaluations, assessments and rapid evidence reviews to better understand Black people's experiences of policing. Members felt frustrated that some of these commitments would just confirm the well-established facts that racism is present in policing (which is why the Plan exists) or reinvent the wheel where evidence-based approaches and methods already exist. Instead, they would prefer resources be used to act sooner to address racism and improve outcomes for Black people now.

The CJA welcome the Independent Scrutiny and Oversight Board (ISOB) and have recommended that other criminal justice agencies with race action plans develop similar oversight mechanisms.² However, members told us that the Plan is unclear regarding how accountability measures will work in practice. The Plan should clearly state how progress will be reported back to Black communities; which bodies will scrutinise what actions and/or workstreams; and how HM Inspectorate of Constabulary (HMIC) will be resourced to expand their inspection criteria. Regarding the ISOB, the Plan should state what powers the ISOB has; how and when ISOB will review progress and engage with Black people; and how the ISOB will work with other scrutiny bodies, such as HMIC.

Members are concerned that in some instances there is no independent scrutiny, as the Plan states that forces will 'self-assess' their performance in certain areas or review their own policies and training. Any oversight is provided by other policing bodies, such as the Association of Police and Crime Commissioners (APCC) or staff associations. For example, the Plan states that forces will self-assess their compliance with the College's Authorised Professional Practice (APP) on Section 60 and stop and search.

2. Meaningful consultation, collaboration and engagement with Black communities appears to have been limited

The Plan refers to getting input, feedback and engagement from Black communities, and it being co-designed. However, members have expressed concern that this may not have taken place, as the current Plan does not clearly set out how Black communities and 'by and for' organisations have been involved. The stakeholders listed on page 54 are predominantly police-led organisations (e.g. police unions, staff associations, former police officers) and only one racial equity organisation. There is very limited information about the process which has taken place to develop the draft Plan, as well as the next steps for engagement activities following its publication. As such, we do not agree that the Plan can be said to have been 'co-designed' with Black communities.

Members were concerned about the lack of communication, engagement forums and other proactive activities to advertise the Plan and survey to Black-led voluntary and community groups in order to get their feedback. Members also told us they felt frustrated that the survey is restricted to commenting on the specific commitments in the Plan, rather than being a meaningful consultation regarding what Black communities want from the police or an open call for evidence. We were also concerned that there was not a child-friendly or easy-read version of the Plan so as to encourage and support Black children and young adults to respond to the survey, or any specific engagement events for children and young adults led by organisations with specialist expertise.

Members told us that the closed consultation process, lack of communication and public engagement, and the restrictive survey questions all signal that there is limited room for the current Plan to change. As the Plan's development has been predominantly police-focused, it still feels like it is being done *to* Black people, rather than done *with*.

3. The Plan overlooks key areas which would improve policing for Black people

Intersectionality and multiple forms of discrimination

Despite an acknowledgement of how racial inequality can be amplified due to overlapping protected characteristics, there is a lack of recognition of intersectionality in the Plan or any detailed understanding that people might experience multiple and compounding forms of discrimination from the police, based on their overlapping protected characteristics.

The Plan only sets out a small number of actions to improve policing for Black children and young adults. There is no mention of Black girls and women, or the intersections of race and religion/belief, such as Black Muslims' experiences of the police (although we recognise there has been consultation with the National Association of Muslim Police and local Hindu staff associations), or of race and disability (including neurodiversity). **We recommend that the final Plan addresses the multiple forms of discrimination and racism that Black people can face due to overlapping protected characteristics either through a dedicated workstream, or by including actions in each workstream. Actions should address how race discrimination intersects with and compounds other forms of discrimination due to other protected characteristics, such as age, disability (including neurodiversity), gender, religion/belief and sexual orientation.**

Black children and young adults

Children and young adults (up to 25 years-old) are likely to have distinct experiences of the police. We recognise there is some mention of age-appropriate policing and safeguarding children and young adults in the Plan, but it could go further, particularly as:

- Children and young adults are disproportionately stopped and searched, particularly under Section 60. In 2020-21, over half (54 percent) of all stop and searches were on those aged 24 or under, with 17 percent of the total under 18. For Section 60 searches, 63 percent of those stopped were under 24, and 21 percent were under 18.³
- Recent analysis from the Children's Commissioner has shown that strip searching of children disproportionately affects Black boys: every year between 2018-2020, over half (58 percent) of all boys searched by the Metropolitan Police were Black.⁴ Black boys were most likely to be strip searched without an Appropriate Adult present.⁵

We recommend the final Plan is more focused on actions to improve Black children and young adults' experiences of policing. This should be based on consultation with organisations such as (but not limited to): Alliance for Youth Justice, Fresh Youth Perspectives, Hackney Account, JUSTICE, Leaders

Unlocked, Reach Every Generation, Revolving Doors, Transition 2 Adulthood Alliance and Voyage Youth.

Black women and girls

Black women and girls also have distinct experiences of policing which should be addressed in the Plan. Research from CJA members Alliance for Youth Justice and Agenda (alliance for women and girls) shows that young Black women's experiences of violence and abuse can drive them into the CJS, as the survival strategies they use and their responses to trauma may put them at risk of offending. This explains why young Black women are particularly likely to be drawn into the CJS through Assaults on Emergency Workers, which make up 17 percent of the total offences leading to a custodial sentence for Black young women aged 18–24-years-old.⁶ In addition, evidence suggests that:

- Black women are more than twice as likely to be arrested than white women.⁷
- Young Black women are more likely to be viewed as complicit in any violence and abuse they experience and less likely to be recognised as 'victims' or as 'innocent' compared to their white peers.⁸
- The 'adultification' bias that Black girls face, where they are viewed as older than their age and more resilient, can mean they are inappropriately treated as adults by the police and are less likely to access support. Professionals can overlook traumatic experiences and be less likely to safeguard them.⁹

We recommend the final Plan includes actions to improve Black women and girls' experiences of policing. This should be based on consultation with organisations who support Black women impacted by policing and crime, such as (but not limited to): Agenda (alliance for women and girls), Another Night of Sisterhood, Imkaan, Milk and Honey Bees, Muslim Women's Network UK, Project YANA, Sistah Space, Southall Black Sisters and StopWatch.

Police custody

We are very concerned that the treatment of Black people in police custody has not been included in the Plan, where Black people are detained by the police and rely on them to exercise their rights and entitlements. Police custody disproportionately affects Black people and evidence shows they face discrimination and racism while detained.¹⁰ For example:

- The CJA have recently worked with the Independent Custody Visiting Association (ICVA) to review the effectiveness of independent custody visitors (ICVs) at monitoring outcomes for Black and minority ethnic detainees.¹¹ ICVs have identified and queried the high number of Black detainees who have force used against them in custody suites, including handcuffs, leg restraints and Taser; the high volumes of Black children being strip searched; and Black and ethnic minority children being kept overnight in custody due to a lack of non-secure accommodation.
- Spit hoods or guards have been found to be disproportionately used against Black detainees and Black, Asian and minority ethnic children in custody.¹²
- Police custody is jointly inspected by HMIC and HM Inspectorate of Prisons. Over recent years, the inspectorates have consistently found weaknesses in the oversight of the use of force in custody suites and have had concerns about whether some uses were proportionate or necessary.¹³

Inspectors also found that detainee dignity was not always maintained, and police officers did not recognise the impact of intrusive force on detainees.

- ICVs also noted that some police had prejudicial preconceptions of Black and minority ethnic detainees, such as being more likely to be guilty or faking medical conditions.
- Black and minority ethnic women, as well as Black children, need support and information to exercise their legal rights and receive legal advice in police custody.¹⁴
- Despite Black people being three percent of the population, Black people make up eight percent of deaths in custody.¹⁵ Analysis by CJA member INQUEST shows that Black (and Asian and minority ethnic people) people's deaths in custody are disproportionately caused by use of force or restraint by the police.¹⁶

We recommend the final Plan recognises and improves Black people's experiences in police custody. These actions should be developed alongside organisations with expertise on Black people's treatment and conditions in custody suites, such as (but not limited to): The 4Front Project, ICVA, INQUEST, JUSTICE, The National Appropriate Adults Network and the United Friends and Family Campaign (UFFC). NPCC and the College should also engage with lawyers who represent children and young adults in police stations.

The current Plan sets out needed improvements in data collection and recording, training and awareness of anti-racism, identifying and challenging racism, and recruitment – all of which could apply to police custody. Positively, ICVA have already published an anti-racist action plan to make sure custody visitors are anti-racist and providing more effective monitoring of any disproportionality of treatment for Black people in custody across the UK.¹⁷ This work should be supported in the Plan's actions.

However, ICVA cannot improve Black people's experiences in police custody alone. In CJA's recent report on custody visiting, we recommended other policing bodies tackle racial disparities in police custody by:

- Improving the availability and consistency of data on outcomes for Black people in police custody, so that it can be scrutinised. Scheme managers for Police and Crime Commissioner's (PCC) offices often had very limited time to meaningfully review any data that ICVs had collected to determine whether there were any disparities. To improve the data available about Black people's experiences in custody and to identify, explain and address any disparities, we recommend the Plan includes the following actions:
 - local forces expanding the trialled Custody Record Review process to all custody visitor schemes in England and Wales.
 - police forces standardising the way they record and report on data regarding detainees' ethnicity. This data should be routinely published.
 - scheme managers be given more capacity to undertake meaningful reviews of custody visiting reports, in order to identify any parity of treatment for Black detainees.
- Proactively engage with groups disproportionately impacted by police powers and raise awareness of the custody visitor role, encouraging them to become visitors.

- Produce guidance on the responsibilities of custody visitors, scheme managers and their local offices in relation to collecting data; reviewing data to identify any potential discrimination; and escalating any concerns.
- PCCs should publish and promote annual findings of their local force's custody visiting scheme with a dedicated section on race equality and publish an escalation process that sets out how any discrimination raised by custody visitors is addressed.
- Consider whether implementing a maximum length of tenure for custody visitors would strengthen their independence from the police and therefore improve trust and confidence.
- PCCs to mandate training for scheme managers and custody visitors on the Public Sector Equality Duty and how this applies to their roles and legal obligations.

Public Sector Equality Duty (PSED)

There is no mention of the Public Sector Equality Duty (PSED) in the Plan. This is a legal duty under the Equality Act 2010 whereby the police must show 'due regard' to eliminating any discrimination in their policies and procedures, as well as promoting equality of opportunity and fostering good relations.

The police should also produce robust documentation to show their compliance with the PSED, such as Equality Impact Assessments (EIA). Any EIAs should be reviewed on an ongoing basis, they should be published, co-produced with people who have had interactions with the police, and to also consider the cumulative impact of any disparities or any adverse effects for Black people in recent policing policies or practices. The Plan should include mandatory training on the PSED for police officers and staff, and how to produce high-quality documentation.

4. The plans ambitions and recent commitments/announcements

In recent years, there have been a number of policing reviews which have made various commitments and recommendations to improve Black people's experiences of policing, such as: the Commission on Race and Ethnic Disparities report and the government's response, Inclusive Britain; The Strategic Review of Policing; and the Home Affairs Committee inquiry into The Macpherson Report.¹⁸ There are also several reviews, inquiries and investigations ongoing, for example: HMIC, the College and the Independent Office for Police Conduct's (IOPC) super-complaint investigation into the use of Section 60; part two of The Angiolini Review focused on policing and police practices; a Home Affairs Committee inquiry into policing priorities; and the Home Office development of a new, national framework for the use of police powers and community scrutiny.

While the Plan makes some reference to Inclusive Britain, members told us it is unclear how the Plan fits into policing's overall priorities and recent commitments. It is also unclear whether the Home Office is endorsing and supporting the Plan, what funding and/or resource is being given to the Plan from central government, and whether the Home Office's current work will take note of the Plan and incorporate its actions.

In addition, recent policy decisions have extended police powers which are used disproportionately against Black people. This undermines the Plan's vision of an anti-racist police service. For example, the Home Office has:

- Removed the Best Use of Stop and Search Scheme (BUSSS) safeguards which were originally in place to limit the use of Section 60 powers. The government's equality assessment states that Section 60 is used disproportionately against Black people, and that increasing its use will magnify this discrimination and that Black people would be disproportionately affected by this decision. These changes were piloted before being rolled out nationally. However, the pilot study has not been published despite repeat Freedom of Information requests and interventions from the Information Commissioners' Office.¹⁹ There has been no public consultation on the removal of the BUSSS safeguards.
- Authorised Special Constables (volunteer police, of which there are 8,900) to carry and use Tasers, if approved by Chief Constables.²⁰ Evidence shows that taser-equipped police are almost 50 percent more likely to use force, and Black people were subjected to Taser use at a rate eight times higher than White people in 2019-20.²¹
- Introduced Serious Violence Reduction Orders (SVROs), whereby police officers will have the power to stop and search a person who is subject to an SVRO to look for knives or offensive weapons, without recent intelligence or other reasonable grounds for suspicion that someone is in possession of a weapon at the time of the stop, and without prior authorisation under Section 60. This is a drastic extension of suspicion-less stop and search powers. The government has stated that it is likely that Black men will be disproportionately impacted by SVROs, but this discrimination is justified as Black (and Asian and minority ethnic) people are also 'disproportionately more likely to be a victim of violent crime and therefore could see a greater benefit from the policy'.²² There is a lack of evidence to support this claim.

To create an anti-racist police force, action needs to be taken against these harms. We recommend **the Plan includes actions that mitigate the increased harms Black people face as a result of these recent policy changes. We also recommend the NPCC intervene and publicly comment whenever policing policy and operational decisions, determined centrally by the Home Office, are having a discriminatory impact on Black people and therefore undermining the police's legitimacy.**

While we welcome the publication of the Plan and many of its actions, as a result of our members' overall and fundamental concerns set out above, we have rated our confidence levels as 'undecided' and/or 'not very confident' in the survey response below.

Survey response

4. Please briefly describe your organisations' current involvement in policing.

- The CJA is a designated super complaint body and was appointed in November 2018. We issued a super-complaint on the harms caused by the

use of Section 60 ‘suspicion-less’ stop and searches and inadequate scrutiny of stop and search powers in May 2021, which is currently being investigated by HMIC, IOPC and the College.²³

- The CJA have published reports on effective community scrutiny of police powers, such as Community Scrutiny Panels for stop and search, and Independent Custody Visiting schemes in police custody.²⁴
- The CJA will shortly publish a report on improving racial and ethnic diversity across the criminal justice workforce, including policing. To inform this work, we have previously held roundtables with Black police officers, including PCC offices and members of the National Black Police Association.²⁵
- The CJA amplifies the voices of those with experience of discriminatory policing policies through work with our members and research, including a report on young adults from Black and minority ethnic backgrounds’ experiences of stop and search in London, Birmingham and Slough.²⁶
- We work on improving equality of access to victim support services for Black victims and those from minoritised groups.²⁷

Policing will adopt an ‘explain or reform’ approach to address the negative impact and outcomes experienced by Black communities

5. To what extent are you confident, or not, that ‘Policing will adopt an ‘explain or reform’ approach to address the negative impact and outcomes experienced by Black communities’ will be achieved through the Police Race Action Plan?

Undecided.

‘Explain or reform’

Many recent government EIAs, which show compliance with the PSED, state that policies do indirectly discriminate or will lead to adverse outcomes for Black people. This discrimination is often not robustly mitigated and is justified as being ‘a proportionate means of achieving a legitimate aim’. We are not satisfied this follows the ‘explain or reform’ approach. We would encourage the Plan to focus on and recognise the cumulative impact of all the police powers available, which are shown to adversely impact on Black people, and whether these policies are still justified as proportionate.

Stop and search

We commend the recognition of the harm Black people can face when experiencing stop and search, drawing on CJA’s research. We welcome the commitments for a national, consistent approach to data collection, officer training and community scrutiny of stop and search. The final iteration of the Plan should include details regarding how the national approach for recording will be consulted on and timescales for publication.

We recommend the Plan creates an independent, national body to oversee and support community scrutiny of stop and search (including Section 60) and scrutinise national stop and search trends. This national body will make sure positive changes made at force level are delivered, maintained and

monitored closely. The exact format of this body should be consulted on and co-designed with existing Community Scrutiny Panels (CSPs) and impacted communities. For example, one element of this national oversight body could be to bring CSPs together to review disproportionality in police powers. There is no independent national body looking at national trends in stop and search data and holding the police and the Home Office to account on its use. An independent national body could fulfil this role by collating data and examining national trends in stop and search. At present, there is also a lack of consistent governance and structure of CSPs. A national body similar to ICVA would support panels with scrutiny frameworks, training materials, recruitment of panel members and practical support. 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.

The Plan mentions a focus on fairness and respect in police powers that goes beyond whether powers are being used lawfully. Research shows that even if police are polite, friendly, respectful and fair in carrying out stop and search, searches can still be traumatising, humiliating and invasive. Young Black, Asian and minority ethnic people express feelings of being harassed, targeted and provoked by police officers who are sometimes perceived as wanting to ‘trip them up’ or goad them into a retaliation in order to justify an arrest. They find it particularly unfair when in their minds it is the police who are initiating the confrontation and harassing them. A CJA member has told us there are well documented incidents where Section 60 stops have led to nothing being found, but a young adult being charged with Assault on an Emergency Worker and receiving a criminal conviction.²⁸

We also want to see a commitment to reducing the use of handcuffs during stop and search.

Section 60 stop and search

We recommend the Plan makes clear that there should be a significant reduction in the use of Section 60 due to its disproportionate harm for Black people (particularly Black children and young adults) and its impact on trust and confidence in policing.

We recommend that police forces reintroduce safeguards at a local force level, to rectify the removal of the BUSSS requirements. We recommend the Plan also includes requirements for forces to undertake annual, independent evaluations on the use of Section 60 which are published.

As part of CJA’s research for the super-complaint on Section 60, police forces were asked to provide copies of local Equality Impact Assessments (EIA). None of the forces that responded could provide an EIA. We recommend that the Plan requires forces to **carry out local EIAs on their use of the power, which are co-produced with impacted communities and regularly updated.**

Tactical Support Groups

The Plan should also address the use of Tactical Support Group (TSG) officers. TSG officers are not local neighbourhood police officers and can lack local knowledge and cultural awareness. They may undermine the community engagement work being undertaken by local forces and community groups. TSG officers are

increasingly deployed into different areas as part of Section 60 searches, and several of our members told us they deploy aggressive and heavy-handed policing tactics. **We recommend that the Plan includes a commitment to evaluate the use of TSGs, including speaking with those who have experienced policing by TSGs. The aim of the evaluation should be to reduce reliance on TSGs so as to not undermine community policing efforts.**

Community scrutiny of stop and search

There are several barriers to effective community scrutiny identified in our 2018 report, Stop & Scrutinise, which means police are not effectively being held to account for their use of stop and search powers. There is a significant lack of consistency and effectiveness in how CSPs operate across police force areas, including the mechanism itself (e.g. monitoring groups, public encounter groups or reasonable grounds panels); the number of panel members, the range of activities they carry out, the regularity of their meetings and the transparency of their work.

We acknowledge there is likely to have been some improvements to community scrutiny of stop and search since our report. We are aware of the College's subsequent change to the Authorised Professional Practice. However, we are unable to know for sure whether the national picture has improved – an independent, national body overseeing community scrutiny would be best placed to evidence this.

We recommend that the Plan addresses the following:

- All community scrutiny mechanisms must be able to submit feedback to the police on discriminatory practice and policy, and receive appropriate responses on action taken.
- CSP members need access to sufficient initial and ongoing training to carry out their duties effectively.
- The data and information available to CSPs, and the process by which it is selected, is variable and in some circumstances can limit CSPs' ability to scrutinise and challenge.
- CSPs need to be transparent and open about their remit, activities and membership. At the time of CJA's research, only half of the CSPs reported that their terms of reference were publicly available and over three quarters said their panel meetings were not open to the public.
- There is currently a lack of consistency in how and to what extent CSPs can raise concerns about individual officers and police forces' policies on stop and search.
- There is very little uniformity across different areas as to the police representative responsible for managing the relationship with the CSP.
- Over 30 per cent of survey respondents stated their CSPs were not chaired by a member of the public, but by police representatives, which undermines their independence and ability to scrutinise the local force.

Body-worn video

We welcome the focus on body worn video (BWV) in the Plan. However, on its own the use of BWV will not increase trust and confidence in policing – it is the process of accessing and reviewing the video footage that results in transparency. During the research for our super-complaint, we did not find any examples of

CSPs reviewing BWV footage of Section 60 stop and searches or discussing the ethnicity and age of people stopped under this power. Our research indicates that one third of CSPs do not have access to BWV, and those that do often don't have access to random dip samples of footage to view. **We recommend that footage of all Section 60 searches should be reviewed by community scrutiny groups and an independent national body.**

Forces are currently not required to share BWV with CSPs and there have previously been concerns about data protection, which have now been rectified if a force has safeguards in place. While we recognise the importance of data protection, we are concerned that forces can restrict scrutiny panels from reviewing vital footage, or footage will not be retained for long enough. Currently if BWV is not marked as evidence, it will not be retained beyond 31 days, which limits the CSP's ability to review it. **We recommend CSPs have access to regularly view and dip-sample BWV footage of stop and search.**

National Decision Model

The Plan commits to reviewing the national decision model (NDM) to make sure that officers and staff are equipped to consider cultural impact and trauma when considering the use of powers. Members highlighted that in practice, the NDM is not consulted when police make decisions about using powers 'on the street' and therefore it is unlikely to change police decision-making in practice.

The development of a representative workforce

6. To what extent are you confident, or not, that 'The development of a representative workforce' will be achieved through the Police Race Action Plan?

Not very confident.

A representative workforce does not equal an anti-racist workforce

While we welcome a focus on recruitment, retention and progression, and agree that the proportion of Black police officers is important, the Plan should recognise that representation does not necessarily equate to equality and equity in the workplace or 'on the street'.

We are concerned that current efforts to recruit more Black people risks placing them in a racist environment, where Black police officers are having to see and solve racism in the workplace, as the Plan is not clear that initial work will be done to create an inclusive culture and identify and root out racist attitudes. Members were concerned that the Plan does not address how recruitment standards or processes will change to make sure that potential candidates with racist or discriminatory views are not hired, particularly as the outgoing HM Chief Inspector of Constabulary has noted how the recent rushed recruitment of 20,000 police officers risked racist behaviour being overlooked.²⁹

Black police officers will also still be using police powers which disproportionately impact Black communities.

Targeted mentoring and talent development

The Plan commits to the development of mentoring and talent management programmes which will be proactively offered to all Black officers and delivered by those with awareness of anti-racism. While this is welcome, our recent research on improving racial and ethnic diversity in the criminal justice workforce has shown the various 'gatekeepers' that exist in progression opportunities for Black staff. Often progression support is focused on entry- or junior-level staff, or for senior leadership, but research has shown that Black, Asian and minority ethnic people are more likely to sit in middle management.

Black, Asian and minority ethnic people are more likely to have poor/low performance reviews and are often not put forward for development or leadership programmes by their managers. Emerging leaders from Black backgrounds told us they felt overlooked and undermined by white colleagues who were often more senior. Any progression support and national standards regarding promotion processes should recognise the various hurdles and biases Black staff have to overcome at each stage of a promotion. Processes should be introduced to help reduce any bias and gatekeeping adversely impacting on Black staff.

Positive action

Positive action refers to measures under the Equality Act 2010 that promote equality of opportunity in the workplace. The Plan stops short of considering positive action measures, despite its success in local police forces and PCC areas. For example, in South Wales, the PCC launched a positive action programme in partnership with a local university, to prepare Black and minority ethnic candidates with their application and assessment process. Candidates were also offered support from an existing officer trained to help, guide, and mentor them. As a result, 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. Positive action has also been used successfully by Devon and Cornwall Police and Dorset Police. Positive action is an important tool to address under-representation within the police workforce and the Plan should promote and encourage its use.

Addressing closed promotion processes and perceptions of favouritism

Many Black people working in criminal justice (as well as Asian and minority ethnic people) have told us that opportunities for progression, such as secondments, temporary promotions or professional development opportunities are often not advertised or appointed in a transparent, open way. In our recent research, participants told us that there is a strong sense of nepotism, favouritism, and that those in charge of progression opportunities resemble an 'old boys network', giving opportunities through the 'backdoor' or by a 'tap on the shoulder' to those in their 'social bubbles' who they spend time with outside of work, which does not favour Black people. The Plan should commit to ensuring all progression opportunities and decisions are transparent, open and explained.

Resources for staff associations

The Plan commits to every force ensuring that Black officers and staff have access to appropriate support, including to their local Black Police Association (BPA). While we welcome the recognition of these networks and providing specialist support, our recent research has shown that staff associations are often

driven by volunteers. Their work is unpaid, unrecognised and is not prioritised, as it is managed in addition to their daily workloads. Due to this lack of resource, often staff associations can only offer support in reactionary situations, rather than providing more long-term and ongoing support to Black staff.

The Plan should make sure that local BPAs have the adequate skills, resilience, resources and capacity to proactively support a larger number of Black officers and staff accessing their support. Members of any BPA offering support should also have additional supervision, including clinical supervision, as they will be responsible for dealing with racism and discrimination. The work Black police officers do and will continue to have to do to help create a safe workplace should be recognised and rewarded.

Tokenistic approach

Participants in our research told us that endorsements from criminal justice organisations to improve workforce diversity by increasing recruitment and progression opportunities often felt tokenistic, a tick-box exercise for compliance, a marketing initiative or to be seen to have responded to the Black Lives Matter movement. This is because plans often have no real power to influence change, no funding or resourcing, no independent accountability and no long-term commitment to creating a racially and ethnically diverse workforce. As we have already mentioned, we recommend the Plan sets out its timelines, resources and funding, and whether it has the government's support and commitment.

Policing will increase the involvement of Black communities in its work and improve support to Black victims of crime

7. To what extent are you confident, or not, that 'Policing will increase the involvement of Black communities in its work and improve support to Black victims of crime' will be achieved through the Police Race Action Plan?

Undecided.

Effective public safety response in Black communities

We agree with the premise of the 'not over-policed' workstream but the Plan assumes policing in a different way is the solution – it does not recognise that it could be less of a police presence in Black communities that would improve policing for Black people. For example, we would question whether police should better equip themselves to support Black people in mental health crises, or whether they should instead be trained to engage crisis mental health support or another emergency service quickly and effectively. Similarly, we would question whether police should be trained to provide support to Black victims or whether they should instead be a more effective gateway to victim support services, and work closely with local 'by and for' organisations or community groups that can offer more specialist support to Black victims. The presence and visibility of officers in school to create safety and provide pastoral support has also been questioned by community groups Kids of Colour and the Northern Police Monitoring Project.³⁰

As we have already mentioned, we recommend NPCC and the College have a more open call for evidence and ask Black communities what they need from policing, and what could be better provided by other public, voluntary or community sector organisations if they were adequately funded.

Meaningful participation in local policing and valuing Black people's involvement

We would like to see the Plan commit to more power-sharing methods of involvement and participation with Black communities, such as having a direct say in how some of their local police's resources are spent, for example using participatory budgeting. This would also support the Plan's ambition to provide community reparations for past harms. We recommend the Plan includes a commitment to build the capacity of and financially invest in specialist voluntary sector organisations, in particular Black-led, grassroots community organisations. For example, policing bodies could divert resources into specialist, community-based, 'by and for' women and girls' services led by Black women, to address the underlying causes of young Black women's entry into the CJS.

Black communities should also be involved in the recruitment of senior police personnel. Their involvement should not be tokenistic and their view should be given weight during any hiring processes. For example, the West Midlands Office of Police and Crime Commissioner (OPCC) recently chaired a community stakeholder panel to interview chief constable candidates. The panel included local faith groups, charities and public bodies working on issues such as domestic abuse, drug dependency and youth violence.³¹ The CJA and Action for Race Equality recently wrote to the Home Secretary to provide assurances that the recruitment process for the new Metropolitan Police Commissioner involved Black young adults and representatives from Black communities who the Commissioner will need to regain trust with.³² We are disappointed this suggestion wasn't acted on.

The Plan states that the College will build the evidence base on effective community engagement and share it with forces, including piloting and evaluating different approaches for engagement. We would suggest any potential pilot for engagement approaches is also shared with local, Black-led community groups, who will be best placed to advise on whether it will be appropriate and effective.

Black individuals involved in any activities to improve the harms policing causes to Black people on a voluntary basis or in addition to their daily workloads should receive appropriate training, support, expenses and recognition for their contributions, expertise and time.

Effective complaints processes

We are concerned that there is no mention of improving the public complaints process regarding police misconduct and mistreatment. Research shows that many people, particularly within Black communities, who feel they have been stopped and searched unfairly are still unlikely to make a formal complaint because of lack of trust in the complaints process and the belief that there will be no action.³³ For young Black adults engaging with a complaints process is especially problematic.

Data on complaints received, whether they are related to discrimination, as well as demographic data, how long the investigation took and whether the complaint was upheld should be reviewed by CSPs. Members of the public being involved in reviewing complaints through scrutiny mechanisms may improve trust and confidence in the process. **We recommend the IOPC conduct research into other routes of redress and alternative models to a formal complaints process.**

Community scrutiny

The Plan commits to identifying ways of strengthening the influence of Black communities in policing governance, such as CSPs. In recent months, there have been several proposals about increasing community scrutiny of policing. While a focus on scrutiny is welcome, we are concerned that these proposals risk fragmenting established mechanisms, rather than ensuring there is a joined-up and collaborative approach to scrutiny and oversight that is consistent across forces.

Overall, the focus should be on mapping the existing scrutiny mechanisms, improving the quality of scrutiny (such as with improved training and making sure there are independent chairs), so that mechanisms can more effectively challenge the police, and promoting opportunities so Black people are aware of the opportunities to engage locally with policing governance. As we have previously recommended, establishing a national oversight body would help to map scrutiny mechanisms and promote any vacancies or other opportunities to get involved.

Support for Black victims

The CJA were involved in developing the new commissioning guidance for PCCs launched in April 2021 to improve outcomes for Black, Asian and minority ethnic victims. This guidance, and an evaluation of its outcomes, should be published in order for the public to better understand if and how specialist services for Black victims are being commissioned, and how the police are facilitating and promoting access to these services, the numbers of Black victims accessing services and their satisfaction levels.

Reconciling previous harms

We welcome the section on piloting approaches for community reconciliation and reparation for past harms and that HMIC may assess this on inspection. These must be meaningful, using community mediation and restorative practice experts to help restore, rebuild and repair relations between local police forces and Black communities. The Plan commits to developing a template for reconciliation activities to be utilised by forces. There are already well-established evidence-based reconciliation and reparative approaches, which are not police-led.

Members expressed concern that Black communities are experiencing harm currently, which will need to be addressed before any reconciliation for previous harms can take place.

The views expressed in this response are not necessarily those of any individual CJA member or funder.

For more information, please contact Hannah Pittaway, Senior Policy Officer, on: hannah.pittaway@criminaljusticealliance.org.uk.

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