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# **The Macpherson Report: Twenty one years on**

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**June 2020**

## Summary

We recognise the effort and hard work by the government and police forces to foster policies that meet the spirit of the Macpherson Report since its launch over 20 years ago. However, many challenges remain and are outlined in this submission. Ethnic and racial disproportionality in the use of police powers continues and must be tackled urgently. We have set out a range of recommendations in this response to support fundamental reforms to policing strategies and approaches, alongside a much-needed cultural shift.

## Introduction

The Criminal Justice Alliance (CJA) is a coalition of 160 organisations – including charities, think tanks, research institutions and staff associations – working across the criminal justice system. The CJA works to achieve a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted.

In 2015, the CJA began work seeking to reduce the disproportionate use of stop and search against black, Asian and minority ethnic (BAME) people. The initial phase of work consisted of exploring force area data on stop and search for each of the 43 police forces in England and Wales ahead of the 2016 PCC elections. Candidates were contacted in relation to their proposed policies on stop and search, allowing the CJA to begin to build a profile in this area.

The CJA went on to produce a briefing, [No Respect](#), in 2017, which featured insights from young BAME people who had experience of stop and search. The briefing also featured polling of BAME people aged 16-30 on their views about stop and search. Respondents felt that BAME people tend to be unfairly targeted by stop and search, and more than two in five young BAME people thought that police officers don't exercise their stop and search powers on the basis of fair and accurate information.

In 2018 the CJA was invited by the Policing Minister, Nick Hurd, to apply to become a designated body under the new police super-complaints process. The CJA applied and was duly appointed a designated body.

The CJA's latest briefing on this issue, [Stop and Scrutinise](#), was launched in February 2019. It looked at how community scrutiny can be used to hold the police to account and create transparency around stop and search for those affected by it. The briefing highlighted four key principles for community scrutiny: independent and empowered, informed, representative and open and visible. These principles have been taken on board and expanded by the College of Policing as part of new draft guidance (Authorised Professional Practice) on community engagement and scrutiny, which we understand is due to be published shortly.

In March 2019 we were very concerned about pilot measures announced by the Home Office making it easier to authorise s.60 searches, which we know are even more disproportionately used on BAME people. This was followed shortly in August 2019 with a national roll out, despite there being no evaluation or consultation. The CJA wrote twice to the Home Office to request it published the relevant Equality Impact Assessment. This was published in October and we set out our concerns about the changes in a [blog](#) along with EQUAL.

The CJA responded to the initial inquiry by the Home Affairs Select Committee last July and welcomes the timely opportunity to respond to this latest inquiry into the *Macpherson Report: Twenty-One Years On*, which focuses on changes in the last 12 months.

In the 21 years that have passed since Sir William Macpherson led the public inquiry, it is deeply troubling that systemic and institutional racism still persists within policing and the wider criminal justice system (CJS). As David Lammy's review highlighted, BAME groups are still disproportionately represented throughout the CJS, from stop and search, to imprisonment, to deaths in custody as well as being more likely to have force used against them.

Despite progress which has been made in rebuilding relations between the police and BAME communities, we are concerned that changes over the past 12 months, in particular relating to section 60 and COVID-19 police powers, could undo that positive work. Therefore, urgent action needs to be taken to reverse this and improve trust and confidence through better scrutiny, accountability, transparency and adherence to the letter and spirit of the Public Sector Equality Duty and Police Code of Ethics.

We have set out our concerns and recommendations below.

## **1. Increased use of stop & search powers**

### **Lack of effectiveness**

We are concerned about a worrying trend of increased stop and searches, particularly during the height of the pandemic. In May 2020 the Metropolitan Police Service (MPS) had recorded 43,644 searches - an increase of over 50 percent when compared to the same time last year.<sup>i</sup> Of these, 2,442 searches were conducted under s.60 powers. A Scotland Yard official defended the increase, asserting that the use of stop and search remained an important tactic for frontline officers tackling violent crime. However, 66.9 percent of searches taking place during this period were for drugs, with only 15.3 percent for weapons, points and blades. This is concerning as evidence suggests that drug searches disproportionately impact BAME groups and remain an entry point into the criminal justice system for black men.<sup>ii</sup> Stop and search measures are also ineffective in reducing violent crime and in disrupting the drugs market. The Home Office's evaluation of its own drug strategy found *'illicit drug markets are resilient and can quickly adapt to even significant drug and asset seizures'* and acknowledged that *'violence is an unintended consequence of enforcing drug laws'*.<sup>iii</sup>

### **Undermines public health approach**

While there has been much debate about the need for a 'public health approach' to address serious violence, and some positive developments at regional levels, the CJA is concerned that the approach's potential success is being undermined by heavy-handed tactics and changes in policy that will inflict further damage on the relationship between the police and communities. The over-policing of BAME people, children and young adults as well as their families perpetuates intergenerational-trauma and evidence suggests that *'those who perceive the police as lacking in legitimacy are more likely to engage in self-help violence'*.<sup>iv</sup> The 2018 Youth Violence Commission reported: *'There is a damaging lack of trust between the police and some communities. This has become a serious barrier to change, including via a "wall of silence" when crimes are committed, and communities do not share information with the police.'*

### **Damaging trust and confidence**

During the three-month period when lockdown measures were in place - the MPS recorded 98,280 stop and searches with 79 percent of those stopped being issued with a 'no further action' disposal and only 10 percent leading to an arrest. Such excessive use of the powers with significantly poor outcomes undoubtedly perpetuates mistrust and damages the overall legitimacy and efficiency of policing. Furthermore, searches conducted by the MPS

remained largely focused on members of the black community who were stopped at a rate of almost 4 times that of their white counterparts.

This included a number of black key workers<sup>v</sup> who were searched by police despite showing evidence that they were conducting essential work. We have heard from our members that both their staff and service users have been searched during the COVID-19 crisis, including an individual who was stopped by police twice in his first 48 hours of release from prison (see Appendix A). We have also been provided with preliminary data by Leaders Unlocked, from a survey exploring experiences of policing during the COVID-19 - initial findings indicate that children and young people from BAME groups continued to be subjected to stop and search during this time (see Appendix B).

The Home Office should:

- [Require all forces to publish monthly stop and search data online as an easily searchable dashboard.](#)
- [Taking in consideration that ethnic disparities in stop and search powers persist, it is crucial that the Home Office adopts the principle of 'explain or reform'.](#)
- [Provide dedicated funding so that officers can be trained to identify trauma and build their awareness around Adverse Childhood Experiences as well as additional resources to run community mediation and restorative circles with police and BAME communities.](#)
- [Reform current approach to drugs policy with an emphasis on public health and explore the role of restorative approaches to policing and drug policy as an avenue for diverting people away from the criminal justice system.](#)

The Independent Office for Police Conduct should:

- [Conduct research into alternative models to identify people who have not had a positive experience, other than relying on a formal complaints process.](#)

## **2. Increased and disproportionate use of s.60 searches on BAME and young people**

In March 2019 the Home Secretary announced that the government would be launching a pilot to relax some elements introduced under the Best Use of Stop and Search Scheme (BUSSS) in the seven forces most affected by serious violence. The amendments reduced the level of authorisation required for a section 60 (s.60) from senior officer to inspector.<sup>vi</sup> It also lowered the degree of certainty required by the authorising officer from that of 'serious violence will occur' to 'reasonably believing serious violence may occur'. Without further review or evaluation of its effectiveness the pilot was extended in August to all 43 police forces in England and Wales.

The CJA wrote a letter to the Home Office to highlight concerns that the pilot and subsequent roll out were done without any public consultation, without providing evidence to demonstrate their necessity and without due regard to the Public Sector Equality Duty. [Equality Impact Assessments](#) (EIAs) of the pilot were published by the Home Office in October. They stated that s.60 is used disproportionately against BAME people and acknowledged that increasing the use of s.60 searches will *'pose the risk of magnifying any residual levels of discrimination in the use of this power. We would also expect, given that individuals from BAME backgrounds are more likely to be searched, that any increases in s60 would continue to disproportionately affect them.'*

The EIAs' assessment of the potential positive impact of increasing s.60 searches were highly caveated: *'It is not possible to rule out that a modest increase in the use of s60 stop and searches might have a small positive impact on serious violence offences, if the power is used in a highly targeted way.'*

The EIAs reference research from both the Home Office and the College of Policing which suggests that changes in the level of stop and search have – at best – only a small effect on levels of serious violence at a local level. Meanwhile, the EIAs concluded in relation to police/community relations, that *'it is likely that more BAME individuals are searched under this power despite not committing any offences, and without being provided with significant person specific justification for searches taking place. Given the potentially negative impact on trust in the police that an increase in stop and search might have, this would probably risk having a negative effect on a part of the community where trust / confidence levels are typically low. Since trust in the police and co-operation with them is often necessary for effective community policing, such changes may create broader issues.'*

Government statistics have also shown that people from BAME backgrounds, particularly Black Caribbean people *'were less likely than White British people to have confidence in their local police'*<sup>vii</sup> for each of the last five years. Furthermore, 2018 survey data from the Mayor's Office for Policing and Crime shows that some of the most important risk-factors for young people having a 'bad overall opinion' of the police include ethnicity and having a negative experience of stop and search.<sup>viii</sup> The survey also showed young people from a BAME background are significantly less likely to report positive stop and search experiences across all measures than young people from a white background.

Prior to the pilot being expanded, evidence indicated that black people were 40 times more likely<sup>ix</sup> to be stopped and searched under s.60 powers. The surge in ethnic disproportionality coincides with an increase in the number of searches under s.60 powers in England and Wales – there was a 426 percent rise in the number of searches in 2018/19 when compared to the previous year. <sup>x</sup> Despite the significant increase, of the 13,175 searches under s.60 in 2018/19, only 161 led to an arrest for offensive weapons (1.2 percent).

The CJA has also heard examples of s.60 being deployed to cover a wide geographical remit that places entire boroughs or areas under the police legislation.<sup>xi</sup> In attempting to understand this further we sent out a Freedom of Information request to all 43 police forces in England and Wales, asking for the geographical areas of all s.60 authorisation areas. However, as all forces gather and record data differently, we have unfortunately been unable to analyse this effectively. Decisions to authorise s.60 powers must be intelligence led but, we would argue that the wider the area, the weaker the legitimacy and reasonableness of being intelligence-led.

We are concerned about the use of s.60 against children and young people who are often unaccompanied by their parent/guardian. A child's first encounter with the police can have a lasting impact on how they view the police and engage with them as adults. Children are also more likely to find stop and searches more traumatic and Authorised Professional Practice (APP) guidance published by the College of Policing acknowledges these harms.<sup>xii</sup>

The Home Office should:

- [Reverse changes to s.60 authorisations.](#)
- [Publish the evaluation of the s.60 pilot and expansion.](#)
- [Introduce primary legislation to make the Best Use of Stop and Search Scheme mandatory, as well as sanctions for non-compliance.](#)
- [Establish an independent national mechanism to scrutinise all s.60 authorisations and outcomes and report regularly to the Home Office.](#)
- [Require forces to carry out their own Equality Impact Assessments on use of s.60 and review this regularly with local community scrutiny groups.](#)
- [Review ways to increase safeguards for children under 18 being stopped and searched and how data relating to age is recorded.](#)
- [Publish evaluation on the impact s.60 has on individuals and BAME groups.](#)

The College of Policing should:

- [Conduct research on effective ways of building trust and confidence with BAME communities when administering s.60.](#)

Her Majesty's Inspectorate of Constabulary should:

- [Look at ethnic disparities in s.60 and stop searches as a thematic issue to form part of the annual police effectiveness, efficiency and legitimacy \(PEEL\) inspections.](#)

### **3. The manner in which searches are carried out**

Over recent months the CJA has been involved in a number of community discussions hosted by CJA member Another Night of Sisterhood (ANOS) – a voluntary organisation in Croydon that aims to meet the needs of the community. We have anecdotally heard concerns about the function of the Territorial Support Group (TSG) in community policing. Community members raised concerns about their children's experiences with TSG officers conducting searches in a manner which was not fair or transparent. While policing in London is undertaken by smaller teams based locally, the TSG's remit permits it to operate across the capital. We are concerned that TSG officers are regularly being deployed into different areas and incidences of 'bad practice' may undermine the community engagement work being undertaken by local neighbourhood teams.

We have also heard that some police forces are moving to a paperless system where people who are stopped and searched are provided with a reference number and instructed to collect a record of the search within 90 days from a police station. This not only places responsibility on ordinary citizens to seek out this information, but with the current need to socially distance we are concerned that even fewer people will attend a police station to collect a record. Furthermore, we have heard anecdotally that people, particularly those from BAME groups, associate police stations with trauma and are therefore less likely to attend a station to collect this record.

The Home Office should:

- [Review the role and purpose of the Metropolitan Police Service's Territorial Support Group through consultation with community stakeholders and young people.](#)
- [Reinstate the requirement for all frontline officers to produce a physical record of a stop and search at the end of an interaction.](#)

The Independent Office for Police Conduct should:

- [Publish regular data on the number of complaints made against Territorial Support Group officers.](#)

### **4. Increases in police use of force**

In March 2020, the Home Office announced that forces in England and Wales would receive an additional £6.7 million funding to increase the number of police officers carrying tasers. We are concerned that equipping more officers with tasers threatens public safety, especially as it was reported that police use of weapons had increased by 39 percent in 2018/19<sup>xiii</sup>. Furthermore, since tasers were introduced by forces in 2003, 18 people have died following a taser discharge against them.<sup>xiv</sup> More recently, footage of a black man being tasered in the presence of his 5-year old son<sup>xv</sup> surfaced online as well as further reports that a black man had been left paralysed from the waist down after he fell from a wall when a taser was discharged,<sup>xvi</sup> and a 62-year-old black man had been tasered inside his home and fell from stairs<sup>xvii</sup>. This is particularly alarming as the government's own scientific committee has recognised the increased risk '*when discharge is administered against people located at a height*' and the danger of adverse effects when used against children, young people, and other vulnerable population groups.<sup>xviii</sup>

Home Office data suggests that tasers are disproportionately applied against black people, BAME children and those experiencing with mental ill health. In 2018/19 a taser was drawn 29 times on minors under the age of 11<sup>xxix</sup> and in the first nine months of 2018 half of children shot by police with a taser in England were from BAME backgrounds<sup>xx</sup>. Black people were also six times more likely to have a taser used against them in 2018/19 and Asian people were twice as likely. In the same time period, of the 22,804 incidents where a 'less restrictive weapon' such as a taser was used – 18 percent (4,139) were against someone with a perceived 'mental disability'.<sup>xxi</sup>

We have heard from our members concerns about people, including children, who are being handcuffed routinely as part of a stop and search with little warning or justification. This is despite College of Policing guidance specifying that '*officers should not routinely handcuff people in order to carry out a stop and search. They must judge each case on its merits in line with conflict management principles and to be able to justify any use of force, including the use of handcuffs. Any force used should be proportionate to the aim of preventing crime*'<sup>xxii</sup>. The use of force against vulnerable groups such as children and those with a learning disability can be distressing and have long-term consequences.

We are also concerned that under Code A of the Police and Criminal Evidence Act there is no requirement for forces or officer to record information about whether handcuffs are used during a stop and search. This information is expected to be recorded separately on a use of force form. From our understanding, current police systems are not configured in a way which allows an officer to make a seamless transition from stop and search records to use of force records – making it difficult to monitor whether the two are being applied in conjunction with one another.

The Home Office should:

- [Launch an investigation into the high levels of force, including tasers, against BAME groups.](#)
- [Review the use of tasers on children and those with mental disabilities.](#)
- [Provide enhanced guidance and training for all frontline officers.](#)
- [Revise Code A of the Police and Criminal Evidence Act with a particular focus on data collection in relation to use of handcuffs during stop and search.](#)

## **5. Disproportionate use of Covid-19 police powers**

New emergency measures were introduced following the outbreak of COVID-19 to ensure police could effectively enforce new powers. The accelerated process to legislate these powers and a lack of clear formal guidance for police forces resulted in the misapplication of these powers. A review undertaken by the Crown Prosecution Service (CPS) found that every single one of the 44 charges brought under that Coronavirus Act was unlawful, as there was no evidence someone was infected.<sup>xxiii</sup> One of the first people to be wrongfully prosecuted under the new police powers granted under Schedule 21 of the Coronavirus Act 2020 was Marie Dinou, a black woman from York, who failed to provide an account for why she was travelling and was subsequently fined £660. Her conviction was later quashed after the British Transport Police admitted to misapplying the emergency legislation.

In the immediate rush of police intervention and the unprecedented restriction on movement to mitigate the risks of COVID-19, we are concerned there was not appropriate scrutiny as to how the emergency police powers would further disadvantage BAME groups. Liz Truss, Minister for Women and Equalities, has said that there are no plans to publish the EIA for the Coronavirus Act 2020 as in doing so there could '*a chilling effect on being frank in those assessments*', if the people preparing them knew they would be published.<sup>xxiv</sup> The Minister's response paints a clear picture that EIAs are perceived as a hinderance rather than a tool to support the systematic analysis of policies and how they can impact those with a protected characteristic.

As part of the government's Health Protection Regulations police officers were empowered to fine those without a reasonable excuse for leaving their place of residence. Guidance co-produced by the National Police Chiefs' Council (NPCC) and the College of Policing suggested that fines were only to be enforced if individuals failed to comply after officers had 'engaged with them, explained the risks to public health and encouraged voluntary compliance'.<sup>xxv</sup> This is known as the '4 E's' approach (Engage, Explain, Encourage, and only then Enforce). According to NPCC figures, 15,715 fines were issued by police forces in England and an additional 2,282 fines were recorded in Wales since the lockdown came into effect. A significant proportion of police fines were issued to young people, with over a third of those fined within the first three weeks aged between 18 and 24.

It was also revealed that 39 fines had been wrongly handed to under-18s in England since the regulations came into force. While the powers do not permit the issuing of fines to children, it did authorise the 'use reasonable force in the exercise of the power' on unaccompanied minors. We are also concerned to hear that fines were not being issued with parity across communities. A recent analysis found that people of colour were 54 percent more likely to be fined<sup>xxvi</sup>, although in rural force areas such as Cumbria the rate was much higher, with BAME people 6.8 times more likely to be fined when compared to their white counterparts<sup>xxvii</sup>.

Despite the Prime Minister easing restrictions on movement on 13 May, a further 841 fines were recorded in England between 13 and 25 May.<sup>xxviii</sup> During this time the minimum fine in England increased from £60 to £100 with the upper limit increasing from £960 to £3,200. However, during this time there was no further guidance for either the public or police other than an expanded list of reasonable excuses. With many people facing economic uncertainty due to the pandemic the increasing cost of the penalty charge without evaluating the former seven weeks is particularly alarming, as 862 people had been given a fine on more than one occasion, including an individual that had been fined nine times. It has also come to our attention that there is a lack of information on the right to appeal fixed penalty notices issued under the Health Protection Regulations.

Early on in the COVID-19 pandemic, the CJA wrote a letter to the Minister for Policing Kit Malthouse MP to highlight concerns specific to the Home Office, policing and emergency powers. In his response the Minister said he was '*exploring options for a national independent scrutiny mechanism to review the powers granted under Schedule 21 of the Coronavirus Act 2020*'. However, we would argue that this is limited in its scope as it looks specifically at Schedule 21 rather than the Coronavirus Act in its entirety or policing more widely during this time.

The Home Office should:

- [Publish the Equality Impact Assessment for the Coronavirus Act 2020.](#)
- [Publish data on how the newly conferred emergency COVID-19 police powers were enforced on under-18s.](#)
- [Provide clarity on information produced to support officers in operationalising the amendments to the Coronavirus Act.](#)
- [Provide further clarity and guidance on the processes to challenge unlawful fines issued during the crisis.](#)

The National Police Chiefs' Council should:

- [Publish force-level data on ethnicity, age and gender together with grounds for issuing the fines under the Coronavirus Act as well as data on the number of people 'engaged' under these powers.](#)

The Crown Prosecution Service should:

- Review all cases brought before them under Schedule 21 of the Coronavirus Act 2020 since their initial assessment at the end April, and publish a demographic breakdown of the defendants.

## **6. Lack of independent scrutiny**

### **Body worn video**

When BUSSS was launched in 2014, a primary objective was to 'achieve greater transparency and community involvement in the use of stop and search powers' thus increasing public confidence. Further APP guidance on community scrutiny of stop and search stipulates that '*all forces should have processes in place that allow members of the public to hold the chief constable to account for the use of stop search powers in their force area*'. Our 2019 report 'Stop & Scrutinise' highlighted the importance of scrutiny panels being 'informed', meaning they have 'effective and transparent access to a wide range of data and records on stop and search, including body work video footage, and access to appropriate training and guidance'.

Body worn video (BWV) is often claimed to be an effective tool in increasing public trust and confidence in policing. However, the MPS announced this year that it would discontinue allowing members of London community scrutiny groups to review footage citing legal responsibilities to safeguard people's rights under the Data Protection Act 2018 and General Data Protection Regulation (GDPR).<sup>xxix</sup> While we recognise the importance of data protection and confidentiality, panels must have the tools including BWV footage to ensure searches are carried out fairly and with respect. The CJA has been consulting with the College of Policing on improving guidance for forces on effective community scrutiny in relation to stop and search. This is due to be published in the coming weeks and we understand that there will be expanded guidance on the scrutiny of BWV footage, following advice from the Information Commissioner's Office (ICO) that it can be viewed as part of community scrutiny so long as safeguards are in place. There is currently no legal requirement for forces to share data, therefore we are concerned that forces will continue to restrict scrutiny panels from reviewing vital footage.

### **Community scrutiny during Covid-19**

COVID-19 restrictions and the requirement for members of the public to socially distance has resulted in little to no community scrutiny of police powers at this time. Given that police fines and emergency legislation are being disproportionately applied to BAME groups, independent oversight is now more important than ever before. Monitoring of police powers at this time is vital not only for building trust between the police and communities, but a lack of confidence in the system could have disastrous implications if there is a collapse in public cooperation. Remote community scrutiny has been maintained for Independent Custody Visitors and Independent Monitoring Boards in prisons, so this should be possible for scrutiny of stop and search.

We are concerned that not only will there be a large back log in cases to scrutinise, the BWV footage may have been deleted by the time scrutiny panels come to review it. Currently if BWV is not indicated as being needed for evidence it will not be retained beyond 31 days, making interactions recorded at this time unable to be reviewed when panels return to monitor in person.

### **HMIC Inspections**

HMIC also announced on 23 March a suspension of all ongoing inspections. Since then there has been no updated information as to when this work will resume. We are disappointed that HMIC did not utilise this time to conduct short inspections (which HMI Prisons has been doing) to provide an insight as to how police forces are responding to

the pandemic and also share any positive practice found. At a time when heightened transparency is vital it is important that the Inspectorate continues to fulfil its function of scrutinising the quality and effectiveness of police services.

The Home Office should:

- [Revise Code A of the Police and Criminal Evidence Act with a particular focus on the use of Body Worn Video.](#)
- [Publish information on how powers permitted under the Coronavirus Act as well as stop and search will be scrutinised remotely until panels return to monitor in person, including the preservation of all Body Worn Video footage.](#)

Her Majesty's Inspectorate of Constabulary should:

- [Undertake a series of short police inspections as a matter of urgency.](#)

## **7. Lack of BAME representation in police forces**

In line with the Macpherson report's call for police to reflect the communities they serve, we have witnessed some forces make a conscious effort to increase BAME representation. However, this enthusiasm and motivation is not evidenced in all police force areas in England and Wales. West Midlands Police recently announced a target to recruit 1,000 BAME officers within the next year in recognition that only 11 percent of the force identified as BAME whilst there is around 30 percent representation in the area. 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. According to a report published by the Police Federation, *'black representation in the police staff workforce has been falling, particularly since 2013, while Asian and mixed ethnicities have risen slightly in percentage terms; overall BAME representation has barely increased'*. We would therefore like the Home Office to encourage police forces to set out specific targets to recruit BAME people, particularly black police officers, and publish quarterly reviews on progress made against this.

A HMIC PEEL legitimacy report looked at initiatives to retain BAME people working in each force and found that very few forces ran mentoring and coaching schemes for their ethnic minority staff and officers.<sup>xxx</sup> Last year 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 are able to identify BAME staff and officers who wish to progress. We believe that mentoring can be a vital ingredient for the retention and progression of BAME staff within the police force.

The CJA recently held a further event on increasing race diversity in the criminal justice workforce, including the police. We heard from the National Black Police Association about disproportionality on the grounds of ethnicity in internal police misconduct proceedings. A HMIC report found *'a higher proportion of BAME members of the 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); and a higher proportion of those BAME people attending hearings were dismissed (52 percent), compared with white people (40 percent).'*<sup>xxxi</sup> This raises concerns about fairness and impartiality in disciplinary proceedings but also undercuts any future attempts to diversify police forces.

The President of National Black Police Association commented that recent events could have the impact of reducing the likelihood of some BAME people wanting to join the police force, however he hoped that, *'for other people, they will consider policing as a career to*

*affect their communities and to make a difference*’. Police forces attract talent from local communities, and in not tackling racial disparities in stop and search, use of force and other police powers, this proliferates mistrust and acts as a barrier to recruiting more BAME officers.

The Home Office should:

- [Require police forces to set specific targets to recruit BAME people, particularly black police officers, and publish quarterly reviews on progress made against this.](#)
- [Publish an ethnic breakdown as part of the annual data on police workforce.](#)

Her Majesty’s Inspectorate of Constabulary should:

- [Publish internal misconduct data more frequently by individual forces.](#)
- [Report on workforce diversity and inclusion as a thematic issue as part of annual inspections.](#)

## **8. Detention under the mental health act**

In response to the unprecedented challenges presented by COVID-19 the government has made emergency changes to the Mental Health Act. In ordinary times, under section 135-136 of the Act, police have the power to detain an individual in a place of safety such as a police station, if they are concerned about their safety or the safety of others and believe that the person has a mental health disorder. Temporary changes mean the initial period people can be held under this power will increase from 24 hours to 36 hours. We are concerned that the temporary relaxation of this Act will have a disproportionate impact on those from BAME backgrounds, who are far more likely to be detained by police under the Mental Health Act<sup>xxxii</sup>. Evidence shows that BAME groups continue to be over-represented as detained patients in hospitals and police are more likely to be involved in admissions or readmissions<sup>xxxiii</sup>.

The Home Office should:

- [Urgently review detention times and publish data on numbers and ethnicity of people detained for this reason and the time held.](#)

**END.**

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

## Appendix A

This reflection comes from a member of Switchback's 'Experts by Experience' Board - a prison rehabilitation charity that supports young men following their recent release from custody.

Switchback Trainee (Black British), 27.

*"The day I got released, I left the prison gates and got stopped by the police. Later that day, two more times. The next day, three times. In total I was pulled over at least nine times in my first week after prison. If I'm going somewhere I always factor in the time it takes to get pulled over. I'm just used to it I suppose.*

*"It really frustrates me so much, knowing that I'm just one person and I really can't do much. I tried to study the laws and try to tell them it's discrimination, but they'll turn one thing into another. If you say that it's a road traffic stop and you tell them you're not supposed to come out of your vehicle, they'll just say 'your vehicle smells of cannabis' so they can make me step out and search me.*

*"It's been the same since I was a kid. I've complained before but nothing came from it. Back when I was 17 I used to get pulled over constantly, like five times a day. I think because I had a really young face, they'd normally ask my age. It was literally harassment, if I was driving somewhere I knew I'd end up late.*

*"If I could actually complain just by making a phone call I'd do it. But it's all these phone calls and letters, it doesn't seem worth it. Last time my mum helped me to complain, but nothing happened. It feels like it's not worth it, literally nothing happened.*

*"It doesn't make me feel good. It just makes me feel like I'm not really welcome. I have to adjust to the way they run this country or I'm going to leave. It's not like that in Jamaica, there I say good morning to the police and they'll say hello back, but it's not like that here, there's not any community feel. The policeman that doesn't like me and stops me all the time tends to believe I'm doing something dodgy, I can tell. The fact that I'm not that frustrates me, it's totally frustrating.*

*"Back in the day when I used to get searched I'd ask for a stop slip and I could show that next time, it wouldn't be as long a procedure. But now they tell you you've got 24 hours to go the police station, and I've never done that, it seems pointless."*

## **Appendix B:**

Leaders Unlocked, an organisation working with underrepresented groups and young people, provided us with an initial analysis from a survey they recently carried out (not yet published) examining how policing during the crisis impacted their lives. In the survey, out of the 32 of the respondents who mentioned stop and search in their answers, 21 identified as BAME.

*"Because 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. nothing has changed, they are also stopping the wrong people."*

*"I have been searched during this lockdown, but they didn't say anything about going home."*

*"I don't know what they are doing about covid in my area, they're more worried about stop and search because of the area."*

*"About three times I've been stopped and searched because I've been outside during lockdown."*

*"Been detained for stop and search as I apparently matched the description of someone."*

*"Only interactions I have is when they have stopped me for no reason, even yesterday an undercover vehicle came up to me stood outside my friend's house and searched me with no reason; they said it is because I had two pairs of trousers on but they did not know this prior to the search."*

*"It was during lockdown that I and two of my friends got stopped by three undercover police cars and they first checked us for guns and drugs and only after that they told us that its lockdown and we should be indoors."*

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