



House of Commons
Home Affairs Committee

The Macpherson Report—Ten Years On

Twelfth Report of Session 2008–09

*Report, together with formal minutes, oral and
written evidence*

*Ordered by the House of Commons
to be printed 14 July 2009*

HC 427
Published on 22 July 2009
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Home Affairs Committee

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

Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chairman)
Tom Brake MP (*Liberal Democrat, Carshalton and Wallington*)
Ms Karen Buck MP (*Labour, Regent's Park and Kensington North*)
Mr James Clappison MP (*Conservative, Hertsmere*)
Mrs Ann Cryer MP (*Labour, Keighley*)
David TC Davies MP (*Conservative, Monmouth*)
Mrs Janet Dean MP (*Labour, Burton*)
Patrick Mercer MP (*Conservative, Newark*)
Margaret Moran MP (*Labour, Luton South*)
Gwyn Prosser MP (*Labour, Dover*)
Bob Russell MP (*Liberal Democrat, Colchester*)
Martin Salter MP (*Labour, Reading West*)
Mr Gary Streeter MP (*Conservative, South West Devon*)
Mr David Winnick MP (*Labour, Walsall North*)

Powers

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

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom. A list of Reports of the Committee since Session 2005–06 is at the back of this volume.

Committee staff

The current staff of the Committee are Elizabeth Flood (Clerk), Eliot Barrass (Second Clerk), Elisabeth Bates (Committee Specialist), Sarah Harrison (Committee Specialist), Darren Hackett (Senior Committee Assistant), Ameet Chudasama (Committee Assistant), Sheryl Dinsdale (Committee Assistant) and Jessica Bridges-Palmer (Select Committee Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 3276; the Committee's email address is homeaffcom@parliament.uk.

Contents

Report	<i>Page</i>
Macpherson Report—Ten Years On	2
Background	2
Progress	2
Areas of concern	4
Use of the term “institutional racism”	6
Conclusions and recommendations	7
Formal Minutes	8
Witnesses	9
List of written evidence	9

Macpherson Report—Ten Years On

Background

1. On 22 April 1993, Stephen Lawrence was stabbed to death at a bus stop in South London in an unprovoked, racist attack. The police were heavily criticised for their conduct of the investigation and no one has ever been convicted for the crime. After years of campaigning by Stephen’s parents, the then Home Secretary, Jack Straw, announced a Judicial Inquiry in July 1997 to be led by Sir William Macpherson. The Macpherson Report, published on 24 February 1999, found that the police investigation into Stephen’s murder was “marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers.”¹ While the inquiry focused on the Metropolitan Police Service (MPS), the report concluded that “institutional racism affects the MPS, and police services elsewhere.”² Sir William made 70 recommendations aimed at “the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing.”³

2. This year, 2009, marks the tenth anniversary of the report’s publication. We decided it was therefore an opportune moment to consider progress that has been made to tackle racism in the police during those ten years. To this end we took evidence on 28 April 2009 from Stephen’s mother and the founder of the Stephen Lawrence Charitable Trust, Mrs Doreen Lawrence; the Chair of the Metropolitan Black Police Association, Mr Alfred John; the Chair of the Equalities and Human Rights Commission, Trevor Phillips; Deputy Assistant Commissioner Rod Jarman of the Metropolitan Police; and the Association of Chief Police Officers’ lead for race and diversity, Chief Constable Stephen Otter. We also received written evidence from Duwayne Brooks, who was with Stephen Lawrence on the night he was murdered, and the Home Office.

Progress

3. All witnesses recognised that the police service had made progress towards tackling racial prejudice and discrimination since 1999.⁴ The Home Office told us that 67 of Macpherson’s 70 recommendations have been implemented fully or in part.⁵ Tribute was paid to the work undertaken by senior officers to ensure greater awareness of race as an issue throughout the service. Mr Phillips explained the impact of the Macpherson Report on police leadership:

The use of the term “institutional racism” ... was absolutely critical in shaking police forces up and down the country out of their complacency. The consequence of that

¹ Home Office, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262-I, February 1999, para 46.1

² *Ibid*, para 46.27

³ *Ibid*, recommendation 2

⁴ See for example Ev 15 [Duwayne Brooks]; Q 12 [Alfred John]; Q 50 [Doreen Lawrence]

⁵ Ev 17

has been that police forces have paid a lot of attention; they have put a lot of resources in.⁶

Measures to effect a cultural change in the Metropolitan Police Service have included the establishment of the Hydra Leadership Academy,⁷ the Diversity Excellence Model, the Diversity Crime Survey, the introduction of the Cultural and Communities Resource Unit and the introduction of the Staff Associations Meeting Up and Interacting.⁸

4. This cultural shift has undoubtedly led to improvements in the way in which the police interact with ethnic minority communities, coupled with the adoption of many of Macpherson's specific recommendations about the investigation of crimes. For example, his report recommended that racist incidents should be defined as "any incident which is perceived to be racist by the victim or any other person" and that this definition should be universally adopted by the police, local government and other relevant agencies.⁹ Police witnesses noted that, as a result of these changes, reporting of hate crimes has increased to around 60,000 incidents a year (compared with 9,000 across the whole of the United States) and the hate crime detection rate has doubled to about 44%.¹⁰ The Equalities and Human Rights Commission report *Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?* cited the case of murdered black student Anthony Walker as an example of the improvement of the investigation of race crimes.¹¹

5. Duwayne Brooks also highlighted the introduction of appropriately trained Family Liaison Officers in critical incidents, as recommended by Macpherson, as an important area of progress.¹² Police witnesses cited this as key to improving homicide detection rates, which currently stand at 90%, the highest of any large city in the world:

based upon the changes that have happened in the last ten years ... based upon family liaison officers being effective at maintaining relationships with families, at getting the evidence that is required and keeping people on side."¹³

Chief Constable Otter argued that these improvements have resulted in increasing confidence levels in black communities, which now mirror confidence levels in white communities nationally.¹⁴

⁶ Q 31

⁷ Ev 15 [Duwayne Brooks]

⁸ Q 12 [Alfred John]

⁹ Home Office, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262-I, February 1999, recommendations 12 and 14

¹⁰ Qq 67 [DAC Jarman], 68 [Chief Constable Otter]

¹¹ EHRC, *Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?*, January 2009, pp 27–8

¹² Ev 15 [Duwayne Brooks]; Home Office, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262-I, February 1999, recommendation 23

¹³ Q 67 [DAC Jarman]

¹⁴ Q 87 [Chief Constable Jarman]

Areas of concern

6. However, there are a number of areas in which the police service continues to fail ethnic minorities. Mr Phillips argued that “there is still a major problem to deal with in relation to stop and search”.¹⁵ In 1999, a black person was six times more likely to be stopped and searched under Section 1 of the Police and Criminal Evidence Act 1984; in 2006/07 it was seven times.¹⁶ The National DNA Database (NDNAD), which currently retains all DNA samples from anyone arrested, is also “massively and hugely discriminatory”.¹⁷ The Equalities and Human Rights Commission estimates that over 30% of all black men are on the database compared with about 10% of all Asian men and 10% of all white men.¹⁸

7. Clearly, these issues of disproportionality relate to the over-representation of black people in the criminal justice system, itself a highly complex problem. In our previous Report into *Young Black People and the Criminal Justice System*, which explored these matters in detail, we recommended that “strategies for the use of Stop and Search should explicitly recognise the balance that needs to be struck between use of the power to prevent or detect crime and the negative impact its use has on public co-operation with, and support for, the police.”¹⁹ We also recommended that “the Government should conduct a study to determine the implications of the presence of such a high proportion of the black male population on the National DNA Database”.²⁰ The Government has subsequently undertaken an equality impact assessment, which found that any bias in proportionality is “likely to result from over-representation in the CJS [Criminal Justice System] as a whole and is not the result of inherent bias in NDNAD processes.”²¹

8. At the Macpherson Inquiry, Mrs Lawrence raised concerns about the way the police treated her family during the investigation of Stephen’s murder. While Family Liaison Officers have since been introduced to improve the relationship between the investigation team and victims’ families, in her opinion these officers “are more there to collect information and evidence rather than communicate to the family how the investigation is happening” and black families continue to feel that they are treated differently from white families. She believed that at the root of this was the assumption by officers that black victims of violence are often involved in criminal activity themselves.²² In 2007/08, 28% of people from ethnic minority communities felt that they would be treated worse by the

¹⁵ Q 31

¹⁶ Q 46 [Doreen Lawrence]; Department for Communities and Local Government, *Tackling race inequalities: a discussion document*, February 2009, p 21

¹⁷ Q 42

¹⁸ EHRC, *Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?*, January 2009, p 22

¹⁹ Home Affairs Committee, Second Report of Session 2006–07, *Young Black People and the Criminal Justice System*, HC 181, para 301

²⁰ *Ibid*, para 319

²¹ HM Government, *Home Affairs Select Committee Inquiry: Young Black People and the Criminal Justice System, First Annual Report*, December 2008, p 65

²² Qq 48–9

police or another criminal justice agency because of their race. While this percentage has declined from 33% in 2001, it is still troubling.²³

9. There will always be some individual police officers who hold racial prejudices, but levels of overt racism reported in the media, such as alleged segregated police vans in Belgravia,²⁴ and by our witnesses are a cause for concern. Mrs Lawrence argued: “I think senior officers have got the message but we need to communicate back down to officers on the beat.”²⁵ However, witnesses disputed the need for police officers to require a higher education degree, as proposed by Dr Richard Stone, as a means of weeding out racism in the service.²⁶ Duwayne Brooks posited that allegations of racism made by members of the public against officers needed to be pursued more rigorously by their managers.²⁷

10. Perhaps the main area where progress has been slowest, as acknowledged by police witnesses, is within the police workforce itself.²⁸ Following Macpherson’s recommendation that “the Home Secretary and Police Authorities’ policing plans should include targets for recruitment, progression and retention of minority ethnic staff”,²⁹ the police were set a target of employing 7% of officers from the black and minority ethnic (BME) population by 2009. By the end of 2008, 20 of the 43 forces in England and Wales had not reached their individual target and overall the percentage has only risen from around 2% to 4.1%.³⁰ The service *has* managed to achieve a recruitment rate of over 7% (almost 20% at the Met) for officers and 8% for police staff.³¹ There are about 2,700 black officers inside the Metropolitan Police.³²

11. Mr John argued that staff discipline is still “extremely disproportionate and extremely harsh towards visible minorities”.³³ Officers from BME communities are more likely to have been dismissed or required to resign compared with their white counterparts by 8.5% to 1.7%.³⁴

12. There has also been little change in numbers of ethnic minorities progressing through the ranks. There is one black chief constable, in Kent. Seven out of 202, or 3.5% of ACPO members (Assistant Chief Constable rank or above) belong to an ethnic minority.³⁵ As of

²³ Department for Communities and Local Government, *Tackling race inequalities: a discussion document*, February 2009, p 30

²⁴ “Met Police hit by claim it operated segregated vans for black and white officers”, *The Times*, 25 February 2009, www.timesonline.co.uk

²⁵ Q 50

²⁶ Qq 41, 84–5

²⁷ Ev 16

²⁸ Q 69

²⁹ Home Office, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262–I, February 1999, recommendation 64

³⁰ Runnymede Trust, *The Stephen Lawrence Inquiry 10 Years On*, February 2009, Executive Summary, p 5

³¹ Qq 80–1

³² Q 3 [Alfred John]

³³ Q 13

³⁴ Jones and Singer (2008) cited in Runnymede Trust, *The Stephen Lawrence Inquiry 10 Years On*, February 2009, Executive Summary, p 5

³⁵ Q 76

March 2007 only 2.9% of sergeants did.³⁶ Mr Phillips emphasised that “there are some parts of the police service ... particularly some of what people call the ‘elite squads’ which are essentially still largely white and male.”³⁷ Chief Constable Otter explained that one of the reasons why it takes a while for any increase in BME recruits to feed into an increase at more senior levels is that the service only recruits from the bottom and has one of the lowest turnover rates of any form of employment: the average time it takes for any officer to attain ACPO rank is 25 years. Deputy Assistant Commissioner Jarman argued that there would be a significant change in the senior ranks over the next two to three years.³⁸

Use of the term “institutional racism”

13. One of the most controversial points of the Macpherson Report was his use of the term “institutional racism” to describe the police, which was refuted by the then-Metropolitan Police Commissioner. Macpherson defined institutional racism thus:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.³⁹

14. Mr Alfred John told us that “without a doubt” the Metropolitan Police continues to be institutionally racist because, in his view, the force still fails to recognise discriminatory behaviour that exists within the organisation.⁴⁰ Doreen Lawrence also believed that “in some areas institutional racism still exists within the police force”, citing stop and search as an example of this.⁴¹ However, police witnesses countered that, while the term had been useful in effecting change, it is “no longer the case” that there is a collective failure on the part of the organisation to provide an appropriate level of service to people because of their colour, ethnicity or religion.⁴² Trevor Phillips, Chair of the Equality and Human Rights Commission, argued that “rather than continuing a debate about linguistics, what we need to do is get back to the evidence”.⁴³

³⁶ Jones and Singer (2008) cited in Runnymede Trust, *The Stephen Lawrence Inquiry 10 Years On*, February 2009, Executive Summary, p 5

³⁷ Q 31

³⁸ Qq 81, 73

³⁹ Home Office, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262-I, February 1999, para 6.34

⁴⁰ Q 4

⁴¹ Q 46

⁴² Qq 66 [Rod Jarman]; 68 [Stephen Otter]

⁴³ Q 28

Conclusions and recommendations

15. The police have made tremendous strides in the service they provide to ethnic minority communities and in countering racism amongst its workforce. 67 of Macpherson's 70 recommendations have been implemented fully or in part in the ten years since his report was published. We were impressed by the evidence we heard about improvements in the investigation of race crimes and of critical incidents involving members of ethnic minority communities. Police leaders have shown a clear commitment to increasing awareness of race as an issue throughout the service.

16. A number of concerns remain outstanding. Black communities in particular are disproportionately represented in stop and search statistics and on the National DNA Database; in fact, the gap has increased since 1999. Black people are over-represented in the criminal justice system for a number of complex factors; but this does not justify this level of disproportionality. In addition, being subject to higher levels of stop and search and inclusion on the DNA Database perpetuates black people's over-representation in the criminal justice system. We repeat our warning that any gains made by the use of stop and search may be offset by its potentially negative impact on community relations.

17. We are disappointed that the police service will not meet its target to employ 7% of its officers from ethnic minority communities nationally by 2009 and that BME officers continue to experience difficulties in achieving promotion, as well as being more likely to be subject to disciplinary procedures. The police service must now focus its efforts on tackling issues of discrimination within the workforce.

Formal Minutes

Tuesday 14 July 2009

Members present:

Mr Keith Vaz, in the Chair

Tom Brake
Ms Karen Buck
Mr James Clappison
David T. C. Davies
Mrs Janet Dean
Patrick Mercer

Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Draft Report (*The Macpherson Report—Ten Years On*), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 17 read and agreed to.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till Wednesday 15 July at 2.00 pm]

Witnesses

Tuesday 28 April 2009	<i>Page</i>
Alfred John , Chairman, Metropolitan Black Police Association	Ev 1
Trevor Phillips , Chair, Equalities and Human Rights Commission	Ev 5
Doreen Lawrence OBE , Stephen Lawrence Charitable Trust	Ev 7
Commander Rod Jarman , Metropolitan Police, and Chief Constable Stephen Otter , lead on race and diversity, Devon and Cornwall Constabulary	Ev 10

List of written evidence

Duwayne Brooks	Ev 15
Association of Chief Police Officers (ACPO)	Ev 16
The Home Office	Ev 17

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2008–09

First Report	Monitoring of the UK Border Agency	HC 77 (HC 381)
Second Report	The Police and the Media	HC 75
Third Report	The Work of the Committee 2007–08	HC 76
Fourth Report	Policing Process of Home Office Leaks Inquiry	HC 157
Fifth Report	Borders, Immigration and Citizenship Bill [HL]	HC 425
Sixth Report	Human Trafficking	HC 23–I
Seventh Report	Knife Crime	HC 217
Eighth Report	Cost of policing the G20 protests	HC 676
Ninth Report	Project CONTEST: The Government's counter-terrorism strategy	HC 212
Tenth Report	The Cost of Policing Football Matches	HC 676
Eleventh Report	Bogus colleges	HC 595

Session 2007–08

First Report	The Government's Counter-Terrorism Proposals	HC 43
Second Report	Bulgarian and Romanian Accession to the EU: Twelve months on	HC 59
Third Report	Security Industry Authority	HC 144
Fourth Report	Work of the Committee in 2007	HC 226
Fifth Report	A Surveillance Society?	HC 58 (HC 1124)
Sixth Report	Domestic Violence, Forced Marriage and "Honour"-Based Violence	HC 263 (HC 1165)
Seventh Report	Policing in the 21 st Century	HC 364
Special Report	Unauthorised Disclosure of Draft Report	HC 196

Session 2006–07

First Report	Work of the Committee in 2005–06	HC 296
Second Report	Young Black People and the Criminal Justice System	HC 181 (Cm 7217)
Third Report	Justice and Home Affairs Issues at European Union Level	HC 76 (HC 1021)
Fourth Report	Police Funding	HC 553 (HC 1092)

Session 2005–06

First Report	Draft Corporate Manslaughter Bill (First Joint Report with Work and Pensions Committee)	HC 540 (Cm 6755)
Second Report	Draft Sentencing Guideline: Robbery	HC 947
Third Report	Draft Sentencing Guidelines— <i>Overarching Principles: Domestic Violence and Breach of a Protective Order</i>	HC 1231
Fourth Report	Terrorism Detention Powers	HC 910 (Cm 6906)
Fifth Report	Immigration Control	HC 947 (Cm 6910)
Sixth Report	Draft Sentencing Guideline: Sexual Offences Act 2003	HC 1582

Oral evidence

Taken before the Home Affairs Committee on Tuesday 28 April 2009

Members present:

Keith Vaz, in the Chair

Tom Brake
Ms Karen Buck
David T.C. Davies
Mrs Janet Dean

Gwyn Prosser
Bob Russell
Martin Salter
Mr David Winnick

Witness: **Mr Alfred John**, Chairman, Metropolitan Black Police Association, gave evidence.

Chairman: Before we begin our one-off session on the Stephen Lawrence anniversary, the Committee has been in private session and has decided, as a result of the Government's disappointing decision concerning the Gurkhas, to ask the Minister for Defence and the Minister for Immigration to come before the Committee at a special hearing next Tuesday. We will also be publishing our evidence concerning the Gurkhas on Friday of this week. Mr Salter?

Martin Salter: Thank you very much, Chairman. I am grateful to colleagues from all parties, the Home Affairs Select Committee and across the House who have been in touch with me and my other colleagues on the All Party Parliamentary Gurkha Rights Group to express concern and, in some cases, bitter disappointment at the Government's announcement. The 20-year minimum criteria means that Gurkha soldiers below the rank of warrant officer are going to be ineligible to apply for any settlement; and there is also the horrifying prospect of former Falklands veterans, who number amongst the 1,500 or so who are waiting an outcome of their current appeals, actually facing deportation from Britain because they would not qualify under these guidelines. Consequently an early day motion has been tabled by me and other colleagues from the Committee, including Bob Russell, calling on the Government to rethink this decision as urgently as possible.

Bob Russell: Chairman, I would like to endorse the points that have just been made by the hon colleague. There was a private Member's bill in the last Parliament which would have allowed this to have happened, that all Gurkhas pre-1997 could have stayed, and I share the regret, to put it mildly, across the House at the decision. Hopefully the debate tomorrow and our hearing next week will cause the Government to reflect and think again.

Q1 Chairman: Thank you. Please note that change of business for next Tuesday. We will also of course be looking at the other inquiry into the G20 protests. This is a one-off inquiry into the tenth anniversary of the Macpherson Report. We are very grateful to you, Mr John, for coming at very short notice to give evidence to this Committee. We will shortly be hearing from Doreen Lawrence and Trevor Phillips.

Can I begin by asking you about the context of the Lawrence death and the Macpherson Inquiry. How important was the Macpherson Report in terms of the criminal justice system?

Mr John: I think the description of calling it a "watershed" was quite accurate. The incident, the subsequent Stephen Lawrence Inquiry, and the conclusions actually signified what visible minorities had felt all the time. It did not tell us anything new; it just forced the Establishment to listen to what was going on in the first place. We must remember that the significant issue of the death of Stephen Lawrence was in fact the denial. It is a practised policy of denial that we believe still exists within the organisation, in that nothing had been wrong.

Q2 Mr Winnick: Could you raise your voice.

Mr John: It was a practised policy of denial during the death of Stephen Lawrence, in that the organisation did not believe they had done anything wrong. That is the very definition of institutional racism, in that they did not understand the nuances around that death; the way that the Lawrence family were treated; and the subsequent evidence that was given as well during the investigation on how to treat that. There were a number of sensitivities that had to be observed; and simply the organisation was not equipped to do that.

Q3 Chairman: Could you just tell us by way of background how many black officers are there in the Metropolitan Police area; and how many are members of your Association?

Mr John: There are at this moment about 2,700 black officers inside the Metropolitan Police Service; but out of all of those I could not tell you how many are actually visible minorities. I can say the membership of the BPA is about a thousand.

Q4 Mr Winnick: Is it your view therefore, Mr John, that the Metropolitan Police continues to be institutionally racist?

Mr John: Without a doubt. One of the problems which was denoted at the Macpherson Review was the Met having the ability to recognise the kind of discrimination and the kind of issues around discrimination that trigger that type of behaviour.

28 April 2009 Mr Alfred John

Without doubt they are still institutionally racist because of the fact that they are still not recognising the behaviour that is still taking place within the organisation.

Q5 Mr Winnick: How long have you been a serving officer, Mr John?

Mr John: I am a police member of staff, not a police officer, and I have been working for the Metropolitan Police since 1985—23 years.

Q6 Mr Winnick: Could you just explain precisely what you do?

Mr John: Certainly. I have a bit of an eclectic background in the Metropolitan Police. For my first eight years I was an electrical engineer. Due to an injury I moved over to the office grades in 1994 and basically have been doing case management, HR work and finance work ever since then.

Q7 Mr Winnick: Your employers are the Metropolitan Police?

Mr John: Absolutely.

Q8 Mr Winnick: If it is an organisation which is institutionally racist would it not therefore be appropriate for me to ask, which I am going to do: have you suffered as a result, from your employers, any form of discrimination because of the colour of skin?

Mr John: Absolutely. In fact I have actually taken them to an employment tribunal before.

Q9 Mr Winnick: You are alleging that you have been the subject of discrimination?

Mr John: Absolutely.

Q10 Mr Winnick: Because you have been passed over for promotion or because of remarks which have been made?

Mr John: Actually it was to do with a performance issue. I had created a management information database for my senior management team. The goalposts were moved a year later because it was not what they wanted to collect as far as information was concerned, and instead of actually coming to me so I could redesign—

Q11 Chairman: I do not think we need to know. This is not about you; this is about the Stephen Lawrence Inquiry.

Mr John: Absolutely.

Q12 Tom Brake: On the Metropolitan Black Police Association website you do refer to progress being made within the Metropolitan Police Service. Could you give us some examples of where you think some progress has been made?

Mr John: Certainly. The Diversity Excellence Model, which exists within the Metropolitan Police, which in fact the Met BPA played a significant role in developing—this was after the Stephen Lawrence Inquiry; there is the Diversity Crime Survey; the introduction of the Cultural and Communities Resource Unit; and the introduction of SAMUI—

which is an acronym which stands for Staff Associations Meeting Up and Interacting. We have actually been at the forefront of all those developments since then. We also played a significant role in critical incident training as well, in its delivery to the Metropolitan Police after the Stephen Lawrence Inquiry.

Q13 Tom Brake: That is on the positive side. On the negative side are there any particular areas that you would quite like to highlight perhaps where you think progress might have gone backwards, where things may have gone into reverse?

Mr John: The very reasons for our boycott were in relation to staff discipline, which is still extremely disproportionate and extremely harsh towards visible minorities; and also in progression. We have not moved on in either. I actually was the person who produced a report at the Morris Inquiry—*What is Happening to Our Ethnic Minorities*—where I did a survey over the Metropolitan Police and various research. It is ironic that today I am still investigating the same types of cases that were showing at that time, and in the same numbers.

Q14 Tom Brake: Are you able to give us anything in terms of statistics, either in relation to promotion or discipline in the way that ME communities are adversely affected within the Police Service?

Mr John: The statistics we have—and you have to understand and appreciate that I had very short notice to be here—run parallel to what the Runnymede Report confirmed. The Government-funded Runnymede Report confirmed that as a person of colour in the organisation I am more likely to suffer at the hands of discipline and I am more likely to be asked to resign inside the organisation. I think that is very, very clear.

Q15 Ms Buck: Last night another teenage boy died in Lambeth. I do not know the ethnicity of the boy, but we do know that of the young murder victims there is a disproportionality towards black victims. Doreen Lawrence has said that the families of black victims do not receive the same level of support/investigation by the police as the families of white victims. Do you believe that is true; and, if so, how does it manifest itself?

Mr John: I think that it is true. Discrimination is something that transcends all organisations, all businesses. It is very recognisable. There are some traits that are very recognisable; but the spin-offs from those traits and that behaviour have knock-on effects. Unlike most other organisations, the police deal directly with the public. As I have often said, if they cannot get it right with their own staff and with their own people they employ, how do they in fact expect to get it right with the people of London? If you cannot understand me as a black person and the experiences I can bring to the Service on that you will not be able to understand the people who are actual victims of crime and how best to deal with that. As a prime example, during the Damilola Taylor case, the Metropolitan Police had significant problems in gaining intelligence from the estates there which

28 April 2009 Mr Alfred John

were predominantly black African. It was only until the Met BPA introduced a Yoruba-speaking officer than in actual fact that information started to flow. That is what I mean about demonstrating and actually using the resources at hand. The diversity is a resource. It is not just about money; it is about how we deliver that service.

Q16 Ms Buck: Doreen Lawrence will give evidence to us this morning and she will obviously have to speak for herself; but in saying that you believe that there is a differential in the way victims are treated, do you mean by that predominantly there are issues of police and practice in policing that do not reach into and meet the needs of minority ethnic communities; or do you feel that there is actually a failure to treat particular types of crimes or particular victims of crimes in a way that is less serious than that of a white victim?

Mr John: I think there is still a lack of understanding. This is not to say I am saying that officers are out there trying to be discriminative—that is not the case—and that is not the point of institutional racism in fact. What I am saying is, in fact from the Met's perspective they may think they are actually doing very well, but this is where we talk about a "credible voice" to talk about race and discrimination. The Commissioner, the senior officers, they are all part of the majority culture. They are not my credible voice. We are back to the same situation, whereby if the Commissioner can actually turn round and say, "Well, actually we have done very well with regard to racism and institution racism inside in the Met; there is no point in actually doing a report to me; you have already got the answers you were looking for", my whole point is that the Met does not have a credible voice to talk about race. Their own Metropolitan Black Police Association called a boycott saying, "Actually, you are still not understanding where we are coming from here". We want to be part of this organisation; we want to see more murderers caught and the victims of crime, regardless of who they are, treated with respect and dignity. We do not believe that is on a level playing field at the moment; not because of a deliberate move by the organisation, but because of that lack of understanding.

Q17 Mrs Dean: Do you think it has become any easier at all for black and minority ethnic officers to progress through the ranks over the last 10 years?

Mr John: I think that a lot of policies have improved, without a doubt. In fact I am proud to turn round and say that I am part of an organisation that does review its policies regularly, and they would be the envy of many organisations here and abroad. However, the practices, the culture; the figures speak for themselves. At the time of the tenth anniversary review two ACPO rank officers were visible minorities—10 years ago there were two; that is not progress. Ten years ago there was one chief superintendent—10 years later there were none; that is not progress. There was an increase in sergeants in relation to visible minorities, but that was largely due to the influx of PCSOs that entered into the

organisation, and there not being enough sergeants to look after them. For want of a better word, there was a big *niche* to actually fill, and in that niche there were a few sergeants that got through the Boards. As you go up the senior ranks it is not happening and the situation is worse for police staff, in that it must be recognised that no-one in police staff in Metropolitan Police history of visible minorities has ever been promoted through to a director's rank. The black director that we have at the moment was brought into the organisation seven years ago from outside.

Q18 Chairman: Do you believe in positive action and positive discrimination in getting black and Asian people promoted within the police force?

Mr John: Certainly with regard to the Metropolitan Police I feel that affirmative action is a way. The Northern Ireland experience to look to actually act as a pre-runner for that—we have seen it work over there. You are talking about an institution that has been around for over 175 years. There is no two ways that it is going to take time to change the Metropolitan Police. Indeed, everything that exists in the Metropolitan Police comes from today's society. If racism, sexism and all of the "isms" exist out there in society, in an organisation that employs 55,000 people it is bound to be inside that organisation. We have to be realistic. It is not about its eradication; it is about how we deal with the problems within the organisation; how honest are we about those problems. As a prime example, the things I have said in relation to progression and discipline were the very same words that I repeated inside the Equal Opportunities and Diversity Board meeting in March last year at the MPA. I got not one single phone call from anyone inside the Metropolitan Police Service. Six months later it is in the paper and everyone wants to talk to me. That is the whole point.

Chairman: Someone who has talked to you in the past attending your conferences is David Davies.

Q19 David Davies: I promise I will be very polite to you whatever your answers! Your policy of discouraging black and ethnic minorities from joining the police means actually it is going to take longer to realise that goal which we all share of promoting black and ethnic minority officers through the higher ranks of the police force, is it not?

Mr John: It is a fair point, but let me just counter that with the fact that we are the Metropolitan Black Police Association; we represent many visible minorities within the organisation. It would be hypocritical of me to encourage people to walk into a burning house without putting the fires out first and those are the circumstances that we have. As much as it seems to be discouraging, there is no worse discouragement to the organisation than when you have a visible minority that leaves because of the way that they have been treated. They will infect the rest of their communities in the way that the Metropolitan Police is viewed.

 28 April 2009 Mr Alfred John

Q20 David Davies: Using your burning house analogy, should you not also as a matter of honour encourage all existing black and ethnic minority officers in that burning house to leave for their own safety? You do not do that. Is it not slightly hypocritical to continue drawing salaries but suggesting to other potentially gifted black and ethnic minority youths that they should not take the same salary?

Mr John: If I put it in this perspective: my family, my wife, my father, all worked for the Metropolitan Police Service; this is something very much in my family. The people outside will not know what it is like to work within the Metropolitan Police Service until they are there. They have often said the way our boycott has been viewed is on the basis of how it has affected the numbers working into the Met—actually it has got nothing to do with that. It is a statement that the indigenous staff within the Metropolitan Police Service have some serious concerns with how the organisation deals with institutional racism. I have had two or three officers and police staff who have left the organisation, who have actually approached the Met Black Police Association and said, “Why didn’t you tell us before?”

Q21 David Davies: Let us just take it for granted that everything you say is correct—and I disagree with you actually but let me take on board what you say for a moment. Would not the quickest way to change the culture, the canteen culture, be to ensure there are lots of black and Asian officers in that canteen drinking alongside white officers? You know very well, as well as I do actually, if you are in trouble as a police officer you want everyone to come running for you and whether they are black or white you do not care; and likewise you will go and help them out. If you want to encourage that sort of atmosphere then you have to have black and Asian officers drinking their tea in that canteen alongside the white officers, and what you are doing is actually going to stop that.

Mr John: I am glad you have used that analogy. The recent case in relation to the apartheid situation that happened in Belgravia, I was there two weeks ago, black and white people are sitting at opposite ends of the canteen; they are not sitting together and it is not an isolated incident.

Q22 David Davies: Do you think the BPA are doing their bit to encourage people to come together by preventing white officers from joining?

Mr John: The BPA do a heck of a lot more than that. It is not just about prevention, because some of our programmes are completely pioneering within the

communities. It is about bringing those communities closer together, but the organisation has a responsibility to have an understanding about the black communities and about the black people they employ.

Q23 David Davies: If a white officer says, “I want to help you get rid of racism. It’s a problem for me as a white officer as much as it is for you as a black officer”, surely that white officer has a role within the BPA to combat racism? To put it bluntly, how can an organisation that is there to tackle racism prevent people from joining because of their race?

Mr John: Actually we have a full complement of people from different backgrounds that already work for the organisation. Our point is that the systems that exist within the Metropolitan—

Q24 David Davies: Whites are not allowed to join the Metropolitan branch of the BPA?

Mr John: Yes, they are.

Q25 David Davies: Some BPAs prevent whites from joining.

Mr John: I cannot speak for the other BPAs, other than the Metropolitan Black Police Association.

Q26 Chairman: You have said that in your view the Metropolitan Police were undoubtedly institutionally racist, even after 10 years; that the chairman of the Equality and Human Rights Commission in his speech on the anniversary of the Macpherson Report said that it was not useful any longer to use such terms as “institutionally racist”. Do you agree with him?

Mr John: Absolutely not. In fact on the day that statement was made I went into the media and completely condemned it. The truth is that I have never spoken to Trevor Phillips with regard to race, and I have been Chairman of the Metropolitan Black Police Association since 2006. Where has that opinion come from; and what is it based on? As I confirmed with the other 16 staff associations within the organisation, Trevor Phillips has never spoken to them either. What it is based on? This is where we start talking about the credible voice in relation to race. This is not about derailing the Metropolitan Police Service. I believe in the work that we actually do in relation to criminal justice; but this is about making a more efficient service to the people that we are supposed to serve. Out there, there are no second chances. Inside the Metropolitan Police, if we can start resolving those problems there, we will have a better insight on how to better serve the public.

Chairman: Mr John, thank you very much for coming to give evidence to us today.

Witness: Mr Trevor Phillips, Chair, Equality and Human Rights Commission, gave evidence.

Q27 Chairman: Good morning, Mr Phillips. Thank you very much for coming to give evidence to us today. No doubt you will be having a chat with Mr John in the committee corridor afterwards!

Mr Phillips: Almost nothing would give me greater pleasure.

Q28 Chairman: Can I start by reminding the Committee that this is an inquiry looking at 10 years after the Macpherson Report. I was present when you made your speech in Central London about the way in which the country had changed and, in particular, the Metropolitan Police had changed over the last 10 years. You said, and you were criticised for this at the time, that the use of the words “institutionally racist” was not appropriate for public organisations. Why did you say that?

Mr Phillips: If I may start, Chairman, by saying actually that is not what I said. What I said was that I did not think a continuing logjam over the use of two words was particularly helpful. I think there are particular reasons why all that we have learned since 1998 should essentially get us to move on a bit. First of all, I agree with much of what Alfred John has said about what is de facto the case. The problem is that this particular term, and we are about to do it again, means people spend a lot of time talking about the words rather than the fact. Secondly, what we now know is that there are other forms of systemic bias which lead to disadvantage for women, for disabled people and for lesbian and gay people which come from the same route; and that the term “institutional racism” essentially by its very nature excludes active consideration of some of those issues. It seems to me that, rather than continuing a debate about linguistics, what we need to do is get back to the evidence. The point I made in that speech was that for whatever reason, and I am not blaming anybody, we seem ineluctably drawn to a continuing debate about semantics when I think we should be getting down to discussing evidence. The point I made about the term “institutional racism” is I thought—though it has not, in terms of what it actually means, been obliterated—that the continuing argument is preventing us from dealing with the reality.

Q29 Chairman: Given that this was the term used by Macpherson, and that is why we are reviewing what he has done over the last 10 years, do you feel that the Metropolitan Police is still institutionally racist?

Mr Phillips: This is exactly the point I am making, is it not?

Q30 Chairman: How would you describe it?

Mr Phillips: Chairman, you will know I am not going to answer that question for the simple reason, the minute I answer that question, whether in the affirmative or the negative, the story that will come from this session is that the Chair of the Equality and Human Rights Commission says X. That is not what you want; it is not what I want. What we really want to focus on is: have things changed in reality? Forgive me if I do not answer that question.

Chairman: That is the very next question which is going to be asked by Mr Prosser.

Q31 Gwyn Prosser: Mr Phillips, the previous witness, Mr John, gave us a rather gloomy bleak outline of progress over the last 10 years; your Commission’s report is broadly positive. Do you want to broaden and widen some of the reasons why you think progress has been made since the Stephen Lawrence Inquiry?

Mr Phillips: First of all, the Report does set out what we think has happened and what our reservations are—specifically the fact that we think not enough progress is being made on progression and promotion; we think there are some parts of the Police Service (by the way our remit is national rather than just the Met) particularly some of what people call the “elite squads” which are essentially still largely white and male. We think there is still a major problem to deal with in relation to stop and search. Having said all of that, it would be I think churlish not to recognise that Sir William Macpherson’s Report has actually made a difference. To come back to your point, Chairman, the use of the term “institutional racism”, if it had no other effect, was absolutely critical in shaking police forces up and down the country out of their complacency. The consequence of that has been that police forces have paid a lot of attention; they have put a lot of resources in. We conducted what was the Commission for Racial Equality’s largest ever formal investigation into the 43 police forces in England and Wales—the largest formal investigation of any kind into discrimination in this country; it produced 109 recommendations; rather more than 90 have now been implemented, including changes in training and so on; and that is why we think there is a difference. You can see the difference because the participation rate by ethnic minorities in police forces has doubled. The rate of participation amongst PCSOs has gone up to something north of 12%. All of this is making a difference. The story is that Macpherson and the Stephen Lawrence Report have made a big difference. We can see that difference reflected in the numbers, but there are still many things that we have to get right.

Q32 David Davies: There is a danger, is there not, when we discuss race crimes that we tend to focus on crimes committed by whites against black or white against Asian. Do you think that this plays into the hands of the far right? Do you think that we should perhaps make it clear, and perhaps you as a body have a role in this, that racism is a cancer that can affect members of all races, and members of all races can be victims of violent and unprovoked attacks because of the colour of their skin?

Mr Phillips: You will have seen from the speech which I made on the tenth anniversary—which I think was circulated to members; and I am sure you spent most of yesterday evening studying it carefully—I made the point that we can all be victims of prejudice and we can all be perpetrators, whatever our background, ethnicity or gender. However, on all of these issues, to come back to the central point of my first answer, I think we have to address the issue of evidence: what is actually happening? Though it is rather in relation to domestic violence, it is undoubtedly true that there

28 April 2009 Mr Trevor Phillips

are racial incidents which are initiated by people from ethnic minorities, in the same way as there are instances of domestic violence perpetrated by women against men. The overwhelming preponderance of racial violence is against people from ethnic minorities. It would be ludicrous to treat this as though there was a sort of equivalence of violence in our society. There is not.

Q33 David Davies: Some people would dispute those statistics.

Mr Phillips: Can I just say this is not a matter of opinion. Look at the reporting; look at the PCS.

Q34 David Davies: I have.

Mr Phillips: Look at the numbers.

Q35 David Davies: I have done. Let me accept what you say for a moment. The general rule, as I understand it, these days is that we should not stereotype based on gender, race or anything else; but if we are going to start looking at evidence in terms of which ethnic groups are more responsible for certain kinds of crime, is there not a danger that we might discover that whilst, on your figures, white people might be more prone to commit acts of racist violence—and you are quite happy to make that clear—is there not, from your point of view, a danger that if we go down that route we might find that other ethnic groups are more likely to be convicted of other kinds of offences; and is that something you want to see happening? Generally speaking, the view of the police and bodies like yourselves, as I understand it, is not to stereotype, and not to suggest that one ethnic group would be, for example, more likely to carry out robberies or muggings than any other ethnic group.

Mr Phillips: I am not entirely sure I understand the question, but the answer is this: stereotyping involves making a presumption. There is no presumption here. The numbers tell you that the vast majority of racial attacks are carried out by white people, mostly male, against ethnic minority people—end of story.

Q36 Martin Salter: Mr Phillips, the Commission notes that there has been some reasonable progress made regarding the employment of black and ethnic minority officers, although still below target, but also notes problems in terms of training and other internal issues. Would you like to expand on that for us, for the Committee's benefit?

Mr Phillips: I think that the principal issue that we would want to draw to the Committee's attention is that although there has been an immense amount of effort put into responding, first of all, to the Stephen Lawrence Inquiry's recommendations, we are very positive about both the police authority's and the Police Service's response to a report of our own formal investigation with new national operating standards and so on. We think there are some very specific things. First of all, we do not see the required change in culture within the Police Service, the use of language, attitudes to ethnic minorities and so on, what people colloquially call the "canteen culture".

It is worth saying that this is not just about race: what we also know is that there is far less unpleasant language used on the basis of race amongst police officers, but some of that has been displaced into really unpleasant language in relation to religion and homophobia. We think there is still a cultural issue—which all Police Services have got to be dealt with. Secondly, we are worried about the absence or the low level of participation by ethnic minorities in specialist units, and this perhaps does relate to your point about training. Are people from ethnic minorities getting the opportunities to get the advanced training they would need to get into firearms, let us say? We do not know the answer to that, but the outcomes are not where they should be. Finally, I just want to stress again the point about stop and search. We really ought to have made some progress on this—much more progress than we have done.

Q37 Mr Winnick: The Commission's report notes that black and ethnic minority officers face disciplinary hearings more than white officers. If the Metropolitan Police Force is no longer institutionally racist, what would be the explanation for that?

Mr Phillips: There are many possible explanations. This may be related to the career pattern; it may be related in the sense that people who are lower in the pyramid are more likely to face disciplinary charges than those higher up; and we know that there is a skew of ethnic minorities to the lower levels. There are several other reasons that one could adduce; but I take the point of the driver of your question, that actually there is something in the system that is producing a disproportionate level of disciplinary action against officers from ethnic minorities. We think there must be something systemic going on there. Nobody quite knows what it is. It is worthy of further investigation and I hope to see, coming out of the MBPA's own investigation, some illumination of that. I think the answer to your question is that we do not know but I hope we will get some more information and insight into this coming out of the inquiry chaired by Cindy Butts.

Q38 Ms Buck: Just picking up the point on stop and search again, clearly a very important one: the relationship between the community and the police will itself impact on recruitment and so forth. You say you want to see further progress. What exactly needs to be done on stop and search?

Mr Phillips: One of the first things we should do, if I could put it this way, is not to do something. I know there are some proposals that what we should do is that we should go back to, if you like, a lighter touch on the street systems where there is less recording and so on. I think this would be a terrible mistake. I think one of the things that has given minority communities more confidence is the knowledge that police officers now have to account for what they do. That in itself has made a difference to the quality of those encounters and the level of confidence by ethnic minorities in the proceedings. Secondly, maybe there is more to be done in relation to training

28 April 2009 Mr Trevor Phillips

but I do think we need to understand better why this has not shifted in some police forces. It is probably worth saying that one of the things which has emerged over the last 10 years is that the disproportionality of stop and search is not uniform across the country; it is still hugely out of proportion in the Met. In some areas, for example in the north east, the ratio has come down quite dramatically. I think perhaps one of the practical things one could do is to work out how forces like the Met could learn from forces like, say, Northumbria.

Q39 Ms Buck: Would you say that the core issue on stop and search is proportionality; or is it the relationship between the police and the person who is searched?

Mr Phillips: I think that is a very important question. My instinct is to say that the core issue is always going to be the relationship. In the end nobody minds about the numbers if they can see a justification. However, having said that, it is almost impossible to imagine what the justification for a disproportionality of six or seven could be. Until somebody produces an explanation for why a young black or Asian person is so much more likely to be stopped and searched, I think the truth is that disproportionality is still the top issue.

Q40 Mrs Dean: What is your opinion on the recommendation of the Stephen Lawrence Review that a university degree be the entrance requirement for the police?

Mr Phillips: I was surprised, to be perfectly honest. I was quite surprised. There is a little bit of evidence that there is a correlation between having been a graduate and an absence of prejudice; but that is all it is, a correlation. I think it would be quite hard to produce some evidence that says that people who are graduates are more likely to behave well in the kind of encounters I was just discussing with Ms Buck than somebody without a degree.

Q41 Chairman: In answer to Mrs Dean, do you think it is a good idea? You may be surprised.

Mr Phillips: I would say it is not an avenue into which I would advise anybody to put a lot of energy.

Q42 Tom Brake: Moving on to a different issue, what are your concerns about the National DNA Database?

Mr Phillips: It is massively and hugely discriminatory. A consequence, of the fact that I think now something like 30% of black men are on a National DNA Database, is that it will contribute to a spiral in which black men are more likely to be the subject of police inquiry than anyone else. It seems to me that, to start with, there is no obvious reason why that figure should be as incredibly high as it is. In practice what we know is that is the point of the National DNA Database—it is providing a bank of suspects; it means that inevitably inquiries are disproportionately likely to follow black men than anybody else. That in itself is a contribution to deteriorating race relations. It is appalling.

Q43 Tom Brake: Who do you think should be on the DNA Database?

Mr Phillips: That is not a subject really for us. It is not one I have any personal opinion to offer. What I think the principle here should be, is that your likelihood of being on a National DNA Database should only relate to the likelihood of your perpetrating a crime, and not to your race or indeed, for example, your faith.

Q44 Tom Brake: I thought that the Commission had suggested that it should just be people who are convicted who should be on the Database?

Mr Phillips: That is one way of achieving the better end. It is not a piece of policy that we are going to nail our colours to the mast on.

Q45 Chairman: Mr Phillips, thank you very much for giving evidence to us today. I am sure that you will continue to be involved in these issues; and I am sure you will be appearing before our Committee at some stage in the future. Thank you very much.

Mr Phillips: I look forward to that pleasure. Thank you.

Witness: **Ms Doreen Lawrence OBE**, Stephen Lawrence Charitable Trust, gave evidence.

Q46 Chairman: Ms Lawrence, thank you very much for coming to give evidence to this Committee in this one-off inquiry that we are conducting into the Stephen Lawrence Report. 16 years ago last Wednesday your 18-year old son was stabbed in a bus stop in Eltham. The Macpherson Report, which was subsequently published, was described as a very important event in the criminal justice system of our country. One of the phrases used in that Report was that the Metropolitan Police was “institutionally racist”. Do you think that that is still one that is applicable to the Metropolitan Police?

Ms Lawrence: Can I first apologise for my time of being here: I got the time wrong. I think in some areas institutional racism still exists within the police force. I listened to Trevor Phillips giving his evidence

regarding the stop and search issue: when Stephen was killed it was six times more likely for a black to be stopped and searched, and now it is seven times. It has increased rather than decreased in the last 16 years.

Q47 Ms Buck: On that point—you heard me asking Trevor Phillips about that—in your view also is the heart of the issue about stop and search the numbers; or is it about the way in which the police account for/explain their behaviour and treat those people who are being stopped and searched? Has that changed? Is that what we should be concentrating on? Or should we really be concentrating very hard on the numbers themselves?

28 April 2008 Ms Doreen Lawrence OBE

Ms Lawrence: I think it is how the police stop an individual on the street and their behaviour to those individuals. I was away last week and I listened to some of the things being said last week at the World Conference and there are a lot of issues talking about racial profiling. I sometimes wonder if that is not what is happening within the police force towards our young black men here. It is their behaviour. I think people will understand the reason why the police need to stop and find out exactly what is going on if they have intelligence to say that an individual is up to something; but I think if you are stopped just because of the colour of your skin then that is totally wrong; and the behaviour and how the police address themselves when they stop individuals. I think those are the sorts of things we need to look at and address.

Q48 Ms Buck: You have said that families of young murder victims have come to you in the intervening years since Stephen's death and have talked to you about their stories and their belief that, even today, the families of black murder victims are not treated in the same way as white murder victims; that there was still a gulf really in terms of the relationships and the support available to them. Is that true? What is the evidence?

Ms Lawrence: Over the years I have had many families speaking to me about how they feel that they have been treated and how the lack of information has passed through to them from the police. I think during my time we were not given information on how the investigation was progressing; and families still feel the same way. The family liaison officers who are assigned to them, it seems as if they are more there to collect information and evidence rather than communicate to the family how the investigation is happening.

Q49 Ms Buck: Do you feel there are people saying to you that there is a sense in which the fact that they are black is in some way making that relationship more difficult? If they were maybe the family of a white victim they would be treated better? Or is this an issue of the way in which the police and other services support murder victims generally?

Ms Lawrence: I think the families feel as if it is because they are black that is why it is happening. I think they feel that. I think they feel they are not treated the same. It is like with all the black boys who have been killed—rather than seen as victims they are seen more as if they are somehow linked to some criminal element. When people are suffering if their loved one has been killed and they are grieving I think there are times that is not taken into consideration, and how to treat a family as a grieving family.

Q50 Gwyn Prosser: Ms Lawrence, you have told us about some of your disappointments of the progress over the last 10 years. Do you want to tell us something about the positive improvements which have been made during that time?

Ms Lawrence: I think some of the positive things are happening through training. A lot of work has been happening through how police are trained. Senior officers seem to have a lot more input than I believe the officers on the ground do. I think that is where the discrepancy lies. For officers on the beat who have the first contact with the public I think that is where a lot more work needs to be done. Over the years I have worked with many senior officers and I think they have got the message. I think senior officers have got the message but we need to communicate back down to officers on the beat.

Q51 Chairman: Duwayne Brooks, who was with Stephen on the night, has submitted written evidence to this Committee and he has cited the establishment of police authorities and better accountability as one of the areas of progress over the last 10 years. Would you agree that there is better accountability?

Ms Lawrence: I do not know about that. With some of the high profile things that have happened, and police involvement in those and accountability, I just feel sometimes the accountability is not there. As for the police authority, I think if you look at the make-up of the police authority, sometimes I feel that there is not enough diversity within that. There needs to be more of that so you can have a better view of where accountability should lie. I just feel that accountability is still an issue.

Q52 David Davies: Ms Lawrence, sadly, the people who murdered your son have not yet been convicted; but, in general, do you think that the sentences that are currently handed out to people who commit unprovoked murders of that type are long enough? Or do you think that a better message would be sent out if people were actually kept in prison for life?

Ms Lawrence: I think that message needs to happen, because you cannot just take an individual's life and, within however many years you are out, you are out walking the streets again. As for Stephen's murder, they are at liberty and I presume they continue to be at liberty.

Q53 David Davies: One would hope if they ever are caught they would serve at least 25 years. In your view, is that long enough?

Ms Lawrence: I think life should mean life. They have taken a life; and I think life should mean life.

Q54 Martin Salter: Ms Lawrence, you have commented in the past on the role of family liaison officers and some problems that they may experience in their roles, possibly conflicts of interest and the rest of it, and yet the memorandum we have had from Duwayne Brooks has acknowledged that one of the positive elements has been the establishment of family liaison officers; so it is clearly good in parts. Could you give the Committee your view on how the role of the family liaison officer could be improved?

Ms Lawrence: If they are there to support the families then that is what they should be doing. They cannot have two roles where they are there to get information from the family to pass on to the investigation team. I think the families do want to

28 April 2008 Ms Doreen Lawrence OBE

help to make sure that the investigation comes to a successful end; but if they are there to support the families then that is what they should be doing. Also, I do not feel that there are enough black officers within the FLOs. There seems to be a lack of that. Within a black family sometimes you need to have somebody to represent yourself, a person you feel you could identify with, and I do not think there are enough black FLOs.

Q55 Tom Brake: Can I turn briefly to the question of accountability. You said that accountability is not there. What sort of accountability are you looking for? Is it being able to talk to the person who is in charge face-to-face? What does it mean to say that the accountability is not there?

Mrs Lawrence: If you take stop and search for a start, when officers are patrolling they lack an understanding that they need the consent of the community in order to police the community. Many officers do not understand that. They misuse the powers they have. That is about accountability; they do not understand how they are accountable to the community they serve. You can see those things. If you take stop and search, they cannot expect to get community support if they do not treat the community with respect and if they are not accountable to that community. There are many times when they are not.

Q56 Tom Brake: In relation to stop and search, perhaps they should ensure that, in advance of any operation, discussions take place with the local community to flag up the reasons why they were intending to do that. That would be a way of addressing accountability.

Mrs Lawrence: That would be a way of doing it. As I have said, the community wants to support the police. I think everybody understands that. They want to support the police, but the police feel that they have the power to go out and behave in a certain way by which they are not accountable. I think that needs to be changed.

Q57 Bob Russell: Mrs Lawrence, there have been three reports recently looking into the progress—if “progress” be the appropriate word—made over the last 10 years. Dr Richard Stone was the author of the Stephen Lawrence Review, an independent commentary to mark the tenth anniversary of the Stephen Lawrence Inquiry; he was part of that review. The Runnymede Trust published an analysis. The Equality and Human Rights Commission have also published a report. Is there anything you consider these reports have not addressed or with which you disagree?

Mrs Lawrence: The report by Dr Richard Stone is quite a limited report. I think he would like to have done more, but time and resources did not allow him to do that. I think he covered as much as he could. Some positive things have come out of that. The Runnymede Trust Report seems to have covered quite a bit, but I think it needs more of an education element as I think that is missing. One was done in Portsmouth and I think there was some criticism

within that around how the police and FLOs carried out investigations into what happened. I think I would feel in the main that education has not been fully addressed.

Q58 Bob Russell: Perhaps the phrase “work in progress” would be more appropriate than just “progress”?

Mrs Lawrence: Yes.

Q59 Bob Russell: If we had progress from one to 10 with 10 being sufficient and one being very inadequate, where would you put progress at the end of 10 years since the inquiry?

Mrs Lawrence: I would say at about five.

Q60 Mrs Dean: Mrs Lawrence, we are very grateful to you for coming to give evidence to us today. Is there anything else you would like to say to the Committee and place on the record? Would you like to comment on why you believe the killers of your son have not been brought to justice?

Mrs Lawrence: Taking the last point first, on the night my son was killed no evidence was gathered. I have always said that, even if the perpetrators were to confess that they had murdered my son, without the evidence to support that, there is nothing. Although investigations have been going on over a period of years, they still cannot come up with anything. I think that will continue to be outstanding were Stephen’s killers ever to be brought to justice. That is something that makes me really angry. Had Stephen been a white boy, they would have collected evidence on that night. That is something I have to live with and the officers are not around; they have moved on and they have retired and that can never be addressed again. Over the years, there has been a lot of debate and work around what has come out of the inquiry. I would say that I appreciate what the Labour Government has done to initiate and carry out the inquiries. If they had not done that, we would not be sitting here today and debating what has happened in the last 10 years. That is seen as the watershed and I am very grateful for that, but I think the racism that existed at the time Stephen was killed still exists now. I feel the Government, for whatever reasons, has let race slip off the agenda. We now talk about diversity and community cohesion. There is nothing wrong with those terms, but I feel that racism is something that has never been fully addressed and we need to focus on that. Our young black boys are still failing in school. Various things have happened over a period of time that have not been addressed. I would like to see the Government start focusing more on race and how we work towards eliminating racism. Last week I was at the World Conference Review in Durban. My disappointment is that, although the Ambassador was there to speak up, I feel it would have been given more status by having a minister there. The inquiry could be used as something positive that has come out of this country in the last 10 years, but that was not there. When you hear

 28 April 2008 Ms Doreen Lawrence OBE

views about racism across the world, we need to take firm action and I think the Government needs to address that.

Q61 Tom Brake: I was wondering what degree of confidence, if any, you would have now if there were a similar murder. Are you confident that the police would be taking the evidence? Is that what you are hearing from people who are contacting you in similar circumstances? Would the police be treating things substantially differently, in your view?

Mrs Lawrence: There has been a big difference since Stephen's murder as to how officers investigate and collect evidence, but there are still many outstanding murders where the killers are still free. There is more work to be done. If everything had been done, and you were to ask me what I think from one to 10, if we reached nine, there would be a greater clear-up rate.

Q62 Mr Winnick: Mrs Lawrence, the names of the people who were alleged to have murdered your son were given in the *Daily Mail* and no legal action was taken. How confident are you, or perhaps you are not confident, that those who were responsible for Stephen's death will be brought to justice?

Mrs Lawrence: I am not very confident at all.

Q63 Mr Winnick: Are you and the rest of us who want justice done to give up all hope that the murderers will face justice?

Mrs Lawrence: No, I would not say we should give up. In a way, I have not given up. If I had given up, I would not be doing the things that I am doing now. There are many things I do not understand about investigations and the law, but I do understand that, in order to convict somebody, you cannot do it just on hearsay; you have to have something to support that. The fact is that there are only little things in support, but that is not strong enough to support a conviction. I do not know what else could bring those killers to justice.

Q64 Chairman: Mrs Lawrence, you must be very pleased with the success of the Stephen Lawrence Centre. It was Stephen's ambition to become an architect. What further plans do you have to commemorate his memory?

Mrs Lawrence: The centre is working really well. I am very pleased with the take-up rate of young people coming to use the centre. There is only one more thing I would like to see happen for Stephen. His name has brought about many changes in this country within the law. I think it would be nice if Stephen could be remembered through a Stephen Lawrence Day, perhaps on the anniversary of his death, which was last week. I am not saying we should have a public holiday, but we could have a day that recognises his name and the achievement that has come out of his name.

Chairman: Doreen Lawrence, thank you very much for giving evidence today.

Witnesses: **Commander Rod Jarman**, Metropolitan Police, and **Chief Constable Stephen Otter**, ACPO lead on race and diversity, Devon and Cornwall, gave evidence.

Q65 Chairman: Assistant Commissioner and Chief Constable, thank you for giving evidence at such very short notice. As you know, the Commissioner was due to give evidence this morning but he has been taken unwell. Please give him our very best wishes for a speedy recovery.

Deputy Assistant Commissioner Jarman: I will do and he sends his apologies for not being here today.

Q66 Chairman: We look forward to seeing him on 19 May. You have heard the evidence so far that has been given to this Committee in this one-off inquiry, Mr Jarman. Are you concerned about what has been said? Do you still regard it right to describe the Metropolitan Police as institutionally racist or do you think things have improved in the last 10 years?

Deputy Assistant Commissioner Jarman: With all the issues around race and diversity, because we have to think about these matters as things that happen in people's lives over a long period of time, we cannot take a moment in life and categorise things as they are now. The experience of people who live in London, people who have lived or grown up in London, of policing and of society is what has happened throughout their life. The way they see things is from the whole of those experiences brought together and crystallised by what happens

today. I think the term 'institutional racism' was very helpful at the time of the Stephen Lawrence Inquiry as a catalyst for change.

Q67 Chairman: In Trevor Phillips' words, it shook people up at that stage.

Deputy Assistant Commissioner Jarman: Yes, but now I think it could actually get in the way of further debate. We are now in a position where we need to think about the key issues that still need to be worked on, what has changed and what needs to change. I think there are probably five key areas, and they have all been picked up this morning. Those are things that we think are really important. The first is around homicide detection and our whole approach to investigating murders. The detection rate in London at the moment is 90%, which gives us one of the highest detection rates in the world, definitely the highest of any large city in the world. That is based upon the changes that have happened in the last 10 years, it is based upon family liaison officers being effective at maintaining relationships with families, at getting the evidence that is required and keeping people on side; it is a first response. We have heard very powerfully the importance of catching evidence as a first response and capturing those things more effectively. It is about all the skills of investigation and seeing those as being important. That has

28 April 2008 Commander Rod Jarman and Chief Constable Stephen Otter

changed incrementally over the last 10 years to a very good level. The next key issue, I think, is hate crime and the importance we place on that and how much effort as a Police Service we put into dealing with hate crime. We know that in the last 10 years 30,000 hate crimes have been solved with people either charged or cautioned for offences. The detection rate has doubled to about 44%. That is as a result of a large investment of people and time into those areas and it is something we have to maintain. We can always do better. We are not being complacent, but there has been much improvement.

Q68 Chairman: Chief Constable, you have a wider remit as the ACPO lead on this subject. What do you think has been done by the Police Service nationwide to tackle racism in the police force over the last 10 years?

Chief Constable Otter: I think it is important to go back to the definition of ‘institutional racism’ because I think sometimes we talk about it as though we all know what was actually said. It was very clear that what it was talking about was a collective failure of an organisation to provide an appropriate level of service, a professional level of service, to people because of their colour, ethnicity or their religion. ACPO believes that that is no longer the case; there is not a collective failure. If you look at the evidence that Rod Jarman has spoken about, the work that we have done around homicide, the work that we have done around hate crime, currently we record 60,000 hate crimes a year; the whole of the United States only records 9,000. The EU Agency for Fundamental Rights is saying that we are a beacon of good practice on this. These are not indicators of an organisation that is suffering from a collective failure to provide a professional level of service, but clearly there is lots more work to be done. There are certainly pockets and areas where we need to do more work. The work that we have done around neighbourhood policing has created a whole change in our communities. I do not think there is another agency on the ground that is doing more for community cohesion than the Police Service. That is about working in new immigrant communities side by side with new immigrant leaders and so on. I do not think that was the case 10 years ago. The Stephen Lawrence Inquiry Report was a watershed. I think it was right to classify the Police Service as institutionally racist at that stage; there was a collective failure. I just do not think that we can say that that collective failure exists any more. What we need to do is focus on the areas where we need to do more work, and I would agree with Trevor Phipps that those are about retention of aggression.

Chairman: We will move on to some of these areas in a moment.

Q69 Tom Brake: You may partially have answered this. You are both senior officers. This is a question to you both. What was your gut feeling when you were listening to the evidence that has just been presented by Mrs Lawrence, Alfred John and Sir Trevor? Did you recognise what people were saying

or has that put you on the defence in terms of their description of things which you do not acknowledge and you do not recognise as being significant issues?

Chief Constable Otter: Yes, I do recognise what people are saying because I believe that those perceptions still exist. Certainly what Alfred John was saying I probably recognise more because I think there is more progress to be made with our own people. That is an area that has not progressed as well as the area of service to minority people. I think the area where we have progressed extensively is the way we deliver services to people out in communities, particularly to minorities. The area where we acknowledge we need perhaps to place more effort—and ACPO is working with the Home Office and the Association of Police Authorities to create a new strategy—will be around the experience of the individual officer and member of staff in the organisation, which, we accept, is not as good as it should be universally. There are many people who are very happy, but it is not universally as good as it should be. I did recognise that. I do not feel at all defensive about it. I think we are very clear about where we are doing well and where we are not doing so well and there are areas where we need to do better.

Q70 Bob Russell: Mr Jarman, following on that answer, if I recall correctly what Mr John said, it was that in terms of promotion to senior officer level, over the last 10 years there has been no progress; in fact there has been one step back. Were those figures correct?

Deputy Assistant Commissioner Jarman: I do not want to get into defending particular figures or arguing about them. There is an important message in what Alfred John said.

Q71 Chairman: Are the figures correct? He gave figures of two senior officers 10 years ago and two senior officers now. Is that correct?

Deputy Assistant Commissioner Jarman: For the ACPO ranks, that is correct; for the Chief Superintendent rank, I could name some people, so I would look at that differently. The overarching issue for us is that progression of black and minority ethnic officers, and particularly when you add in other dynamics—so female black and ethnic or minority ethnic officers—it is even more complex; it has not been as fast as we would want it to be. It is one of the things that we are really focusing on for the future.

Q72 Bob Russell: In summary, there has been very little progress over the past decade and there is a lot of progress to be made. What steps are the management board taking to ensure that black and minority ethnic officers have the same promotional opportunities as white officers in the Metropolitan Police, bearing in mind that 10 years on the figures show there has been no progress?

Deputy Assistant Commissioner Jarman: There has been considerable progress in many different areas. In terms of our initial recruitment of people and retention of staff in the organisation, there has been

a massive change over the past 10 years, and we are in a very different place from where we were. All our evidence now shows that it is particularly the inspector, chief inspector to superintendent levels, that middle band, which has been difficult for us to progress. The Management Board is pushing forward a whole series of initiatives at the moment around supporting and identifying people with potential and giving them additional opportunities. The Equip to Achieve Programme and an active career development unit are all about trying to work on that key issue of moving people on. As we have moved over the past 10 years, with more and more black and minority ethnic staff, it has become clear that that is the point of difficulty for progression and a place where we need to work.

Q73 Bob Russell: When in the next decade, in the next 10 years, do you expect the progression to reach the level which it should do numerically based on the intake of people to the Metropolitan Police?

Deputy Assistant Commissioner Jarman: I think we will see over the next two to three years a significant change. There is a real understanding of the pointer barrier; there is a real understanding of the need to do something different about it. There are a number of programmes which are at the moment beginning to be implemented to do something around that.

Q74 Chairman: One of the problems is that, over the last couple of years, some very senior ethnic minority officers have actually taken the Met to court over race issues. This is presumably not helpful, is it, in your effort to recruit more people to senior levels?

Deputy Assistant Commissioner Jarman: There are a number of issues involved. One thing that is often missed is that, if you are a black or minority ethnic officer within the Metropolitan Police Service, or within any police service, and you are in a senior position, you are a point of focus for everybody else. All the other black and ethnic minority officers will come to you with the things that are causing them problems and issues. The community will come to you as well. Quite often people are in a position where they feel a lot of pressure around them to take positions to deal with issues, and that pushes them into confrontation, whereas white officers may not need to go down that route. I think we ought to be far more understanding as an organisation and as a society of the pressures when you are one of a very small number of people and you are a particular point of focus for others.

Q75 Chairman: Ought the Metropolitan Police to have an internal mechanism that will deal with these issues robustly but frankly so that it never gets to the stage where you have very senior officers basically suing their own service?

Deputy Assistant Commissioner Jarman: I think the Metropolitan Police Authority and the scrutiny at the moment is specifically looking at issues around progression and the issues that come from those

cases. It is probably better for them to judge how to realign the organisation to take on those types of issues, rather than for me.

Q76 Mr Winnick: Mr Otter, you are the ACPO lead on race and diversity. Am I right that there is only one chief constable who is not white so far?

Chief Constable Otter: Yes, there is one black chief constable, in Kent. There are seven members of ACPO who are from a BME background out of 202, which is 3.5%.

Q77 Mr Winnick: As part of your responsibility as the ACPO lead on race and diversity, do you make enquiries from police forces around the country about what is being done to encourage and promote police officers to more senior ranks? Is that part of your responsibility?

Chief Constable Otter: It is part of my responsibility. It is also part of the National Policing Improvement Agency's responsibility.

Q78 Mr Winnick: I know you are very busy as the Chief Constable in Devon and Cornwall, even if it is not necessarily the highest spot of criminality in the United Kingdom. Nevertheless, I am sure you have enough to keep you occupied. Do you keep a progress chart or anything of that kind over the national scene?

Chief Constable Otter: We do monitor it and there is a ministerial steering group, as you probably know, looking specifically at this issue. We are monitoring it, together with the Association of Police Authorities, with the staff associations, the National Black Police Association, the National Association of Muslim Police and others. We do monitor those. There are initiatives in place to assist with the progression issues, and certainly with retention. It is important to be clear that there are huge differences nationally between forces. I think it would be wrong to characterise it. There is a danger with us two sitting next to each other that, in a sense, the Met somehow translates into everywhere else. In fact, Merseyside will be very different from Norfolk, and some areas have very low numbers of minority people living in them, and so on. Our area, for example, has 10 million visitors a year. That whole diversity outside London is worth remembering. We have just succeeded in getting additional resources from the National Policing Improvement Agency to support chief inspectors and above who are from a BME background. One very important matter is to provide them with individual support and mentoring, enabling them to feel more empowered to progress. One of the things that white officers have is access to a whole network of people, clubs and agencies that allow them almost to get to know how to pass boards. We recognise that, if you are in a minority, that is more difficult. We are doing a lot of work with the individuals. I think the future strategy will be very much focused on listening to what individuals are saying they need from the Police Service to enable them to progress.

28 April 2008 Commander Rod Jarman and Chief Constable Stephen Otter

Q79 Mr Winnick: Mr Jarman, I have listened very carefully to the response you gave to the Chair about the Metropolitan Police and some of the action being taken by ethnic minority officers. One gets the impression, over a period of time, that the Metropolitan Police is a rather unhappy ship at the moment when it comes to this particular aspect of dissatisfied senior police officers who do not feel they are being promoted simply because of their race. It may be there is absolutely no justification for their complaint. On the other hand, it may be the opposite. I am just wondering, Mr Jarman, if there is some unit or mechanism where these matters are being looked at actively in order to try to resolve what undoubtedly is somewhat of a public relations disaster for the Met Police, which is unfortunate.

Deputy Assistant Commissioner Jarman: I think there are many things in what you have just said. In terms of monitoring how happy a ship the Met is, I think fundamentally we are a very successful, happy organisation with people who work in very close relationships to deliver very complex policing solutions under immense pressure and under the spotlight of the press to a degree that probably at times means things are discussed where normally people would have a quiet discussion and it would never go anywhere else. I accept there is something there, but I do not really accept that the Met is quite as unhappy as the way you are painting it. In terms of looking internally, we have internal surveys of staff to look at what people are telling us about what working in the Met is like; we meet with staff and, as has already been mentioned, we have a number of police staff associations with whom we meet and discuss issues, and we have a Career Management Unit whose whole role is looking at these types of difficulties as people progress through the organisation, so there is a lot in place to tell us about what the issues are and there is a lot being done about them. I think sometimes, particularly when you get high-profile cases and we seemed to have a number of them all at one time last year, you end up in the press promoting something which may not be the reality inside the organisation.

Q80 Chairman: But you are not going to reach the target, are you, that was set by Macpherson? The 7% is not going to be reached by 2009?

Chief Constable Otter: That is the national target, Chair. No, we are not. The target rolls on because there is now the duty on police authorities to set local targets, which will be a lot more sensitive to the local population. I have to say that we have achieved a recruitment rate of over 7% for officers and 8% for police staff. Police staff members are over the 7%. Alfred John is a member of police staff, for example. I think they have to remember that our organisation is working very hard to bring those two parts together and not see them as separate because PCSOs for example are not officers, they are police staff. There is a lot more operational work being done by the police staff nowadays.

Q81 Chairman: The EHRC recommended that a number of measures be taken to encourage PCSOs to join the police force and maybe, by that process, increase the numbers of officers. Are you pleased with those recommendations? Are those recommendations that you are happy to adopt?

Chief Constable Otter: I know that happened nationally. Rod Jarman can talk a little bit more about the Met. They are happening nationally and in fact we are at a stage where PCSOs can have credit for the work that they have done in getting into the service, so they do not have to be trained for so long and so forth. It is a good way into the organisation. I think we have to be careful not to see that as the only thing that we are going to do. There is a whole range of things, and ACPO welcomes the Equality Bill's access to balancing measures, for example, where we can look at people who achieve the same level in an application and, if we have a need in a certain area, we can recruit from that area. We are not lowering the standard; the standard is exactly the same. There are some really good things coming through to help us. You must remember in looking at the target that we are an organisation of 142,000 people and we only recruit from the bottom, we do not put people in anywhere else in the organisation and we have one of the lowest turnover rates in the whole of any employment because people stay in for the whole period of 30 years. The average time it takes to get to an ACPO rank is 25 years. The large numbers that we have started recruiting, that 7% recruitment rate and in the Met it is nearly 20%, have not come through yet because that is the way we do things.

Q82 Chairman: As far as women are concerned, it is a great success story. Even 10 years ago, there was a couple of women chief constables. How many do we have now?

Chief Constable Otter: I believe we have four now. We did have five, but one has retired.

Q83 Chairman: It feels as if we have more in the sense that they have a very high profile.

Chief Constable Otter: They have. If you look at the numbers of senior officers who are women, the figure is getting lower. There is a real concern about that nationally, that the proportion is getting smaller and not larger. That is the same in commerce and other areas.

Q84 Gwyn Prosser: Mr Jarman, you know that Dr Stone's review emphasised the need for better training for police officers and better education. He went on to recommend that entry to the Police Service should only be from graduates from college and university. What is your view on that?

Deputy Assistant Commissioner Jarman: As a commissioner, without a degree, in the same length of time was made commissioner and I, with a degree, am only a deputy assistant commissioner, there is a bit about being careful where you make these sorts of statements. I think over the past few years the whole change in recruitment and training of staff, the moving of far more of our training into

working with colleges of further education, the professionalisation of the two-year development through the IPLDP programme (Initial Police Learning and Development Programme) for new recruits, is all already moving into a very different style of training and development for staff. Whether it has an academic qualification, which some forces do bolt on to it, or whether you ask people to come with an academic qualification at the start is something we could debate for a long time, and I am not sure whether it would encompass the real issue.

Q85 Gwyn Prosser: Chief Constable, do you have a degree and what is your view?

Chief Constable Otter: I did not have a degree when I joined. My view is that you need both. To give up the talented people who do not have degrees would be a real mistake, particularly as we will see fewer and fewer people having access to university in the next five years as the recession bites; we are going to give up access to a lot of talent if we are not careful.

Gwyn Prosser: I agree with both of you.

Q86 Mrs Dean: Chief Constable, are you able to update us on any of the developments regarding the existing practice of retaining DNA? Can you say what DNA will be retained in the future?

Chief Constable Otter: The Committee will know that there has been a recent ruling in Strasbourg about the keeping of DNA on record of people who are not convicted. I know the Government is looking into that. We are waiting for a review by the Government. We would follow that line. At the moment, we are maintaining basically what is the legal situation whereby we do maintain that database. I think we have to be clear here. I listened to Trevor Phillips' view, with which I have some sympathy, but the Police Service is concerned about disproportionality. That is a product of disproportionality throughout the criminal justice system because it is people who are arrested that are disproportionately represented by BME people. The function on the DNA, on the other hand, is one of the ways we solve those cold case murder investigations that Doreen Lawrence was talking about, the fact that we are now solving murders from 15 years ago because of the advent of DNA and the fact that we keep the records of people who are not convicted. There is a strong balance between the human rights issues and civil liberties and the actual right of a victim to see a conviction at the end of the day. It is a complex argument. It is one that we are working through with the support of the NPIA (National Police Improvement Agency) and the Government. We wait to see what their guidance will be. They would have to make a change in legislation to change that.

Q87 Ms Buck: Stephen Otter, in particular, talked about the American comparison on racist incidents and what appears to be a degree of success in encouraging reporting. The word "success" is a

difficult one to use in these circumstances because, in a sense, it is a measure of failure. Do you think that the legislative response to some of these issues, which allows the additional charge of racial aggravation, has been effective? How extensively is it used? Is it a way of sending a message or has it been an effective tool in discouraging racist violence?

Chief Constable Otter: The straight answer to that question is yes, it has been very effective. We record nearly 50,000 crimes nationally in England and Wales of racially aggravated offences. That then adds to the 60,000 hate crime offences, bringing the figure to over 100,000. We see the increased recording in these areas as very important because certainly with hate crime we think we are only getting about one in four of those crimes, and the PCS figures tend to support that. The key factor in the success of this was the Macpherson Report and the direction that we should use a definition which is based on the victim's perception of what has happened. We are the only country in the world to do it. I talk about the US with 9,000, and Spain recorded 224 hate crimes last year. We are the only country in the world that listens to what the victim says and, if they think it is a hate crime, then we treat it as that. I think that is the reason it has been so successful. I know that forces are now achieving quite high levels of detection. Obviously it is all very well giving us the information, but then we have to catch the criminal. We are seeing increasing confidence levels in black communities. BME confidence levels are about white confidence levels nationally. That has increased over the last 10 years, that has changed places over the last 10 years. That is another reason I do not think we can go back to the 'institutional racism' label about being a collective failure for the service because I do not think that would have happened otherwise.

Q88 Ms Buck: What do we know about the under-reporting debate? What investigations have been done into differential under-reporting between different minority communities, for example, Muslim communities and black communities?

Chief Constable Otter: I will start nationally. The areas where we are seeing massive under-reporting are gypsy and traveller communities and we are also seeing that amongst the new asylum-seeker and immigrant communities where we think probably very little is being reported. Nationally, a lot of work has been done on that. Work is being done on training our officers with Skills for Justice support and new sets of standards. We are refreshing the whole manual. That is being done nationally.

Deputy Assistant Commissioner Jarman: I think the issues fall into a number of different groups. There are some barriers, particularly for new communities, around language and understanding the systems, there are some barriers around trust and what the perceived response is going to be, and that falls into the feelings of the gypsy traveller communities. Then there are some barriers which are probably more about where people determine something is a crime

28 April 2008 Commander Rod Jarman and Chief Constable Stephen Otter

that they want to tell us and where they just think it is the way that things happen in life and setting that expectation. We found that, in places where we manage to get more community confidence in themselves as a community, they will report more things to us and there is more we can do and, therefore, we can build on the trust.

Q89 Ms Buck: Can I ask a mischievous additional question; it is relevant. It was quoted to me that policing is the only public service where, across the board, public confidence is higher amongst people who do not have direct contact with policing. Are you aware of that figure?

Chief Constable Otter: That was the case about six years ago. It was a piece of work that, I think, was conducted by the Cabinet Office; it is a government piece of work. Basically people had very low confidence in the Health Service and when they were treated, it was higher; our position was the opposite. That has changed, that is no longer the case. The Police Service is no longer an organisation where, if you have contact with it, you have a lower level of confidence than when you started.

Q90 Ms Buck: Across the board, is that a breakdown into ethnicity in any way?

Chief Constable Otter: I do not know that.

Deputy Assistant Commissioner Jarman: In London obviously there is no difference around confidence levels between BME, women, men, white people, and there is no change between whether there is contact or no contact.

Q91 Ms Buck: And for age groups?

Deputy Assistant Commissioner Jarman: It is very difficult to differentiate the confidence issue with the age groups. It seems to be something completely different than demographic background; it is about people's experience of life, who they talk to and the things they have heard about rather than who they are.

Q92 Bob Russell: Can I go back to the gypsy traveller question and answer just given. Is there any evidence which says that where there is a settled, approved site for gypsies and travellers, the relationship is better than when they are just left to their own devices?

Chief Constable Otter: I am afraid I simply do not know.

Bob Russell: Chairman, I wonder if I could ask ACPO to look into that. My perception is that where there is a settled site, not only is it to the benefit of the traveller community, but it is also to the advantage of the rest of society?

Q93 Chairman: Mr Otter, if you are the lead on gypsies and travellers in ACPO or whoever is, perhaps you could write to us?

Chief Constable Otter: I would be happy to do that.

Q94 David Davies: I am told that, when gypsy travellers are put on to a site or live on a site, there is guidance advising the authorities that there can be sensitivities if other gypsy travellers move on to the same site. We tend to think of gypsy travellers as one homogenous group, but in fact that is not the case at all. Is that correct? Could you let me have a copy of any such authority?

Chief Constable Otter: That is correct. As part of that report, I will incorporate that aspect. This is about tensions between different groups of gypsies and travellers.

Chairman: It is not quite relevant to the Stephen Lawrence Inquiry, but it would be very helpful if you could let us have that and I will pass it on to Mr Davies. Mr Jarman and Mr Otter, thank you for giving evidence to us today. It has been most helpful. One issue, I think, that was raised today on which we would like more information is that of monitoring of promotion and retention. We accept that there has been great progress on recruitment. You are up to your target of 7% plus, but I think that it is also about retention and promotion. Those are the key elements of Macpherson. If we could we have a note from you on that, which we will publish with our Report, that would be extremely helpful. My thanks for coming at such very short notice.

Memorandum submitted by Duwayne Brooks

Ten years on from Macpherson, I acknowledge some of the good stuff that has happened since.

- The introduction of Family Liaison officers in critical incidents. World wide recognition 9/11, Bali Bombing etc Anthony Walker murder, 7/7 others.
 - Independent Advisory Group (Individuals from Communities, Institution, Ideas 3I sharing) replicated nationally and some international Countries Holland, Turkey, etc.
- Amendment of the Race Relations Act 2000 Public bodies—Race Equality Schemes/Standards to encourage participation of BME people in public life.
- Emergency Life Support Course for probationers.
- Hydra Leadership Academy for Senior Officers to deal with issues around institutional racism and operational issues.
- Recruitment in BME officers' improvement in numbers but retention and progress remains a major issue.
- Universal definition across police forces and other public bodies of racist incident, recording, monitoring and sharing of information etc.

- Continuous education and training of police officers.
- Stop and Search significant work has been done recording, supervision etc yet disparities in figures against BME.
- Establishment of Police Authorities.
- Neighbourhood policing (PCSOs).

In light of the few points above more work must be done on a much shorter timescale.

- Recruitment retention, progression for BME officers must be improved immediately..
- Stop and Search. The unprofessional conduct of officers before and after these encounters must be acted upon not just looked at.
- The racist behaviour of individual officers that breeds discrimination and its impact on communities in particular BME must be officially recognised and acted on.
- Non accountability of officers for bad behaviour and its adverse impact on communities must be investigated and reported on.

I am concerned that the recent statistics showing that relatively more BME than white people complain about the conduct of officers and are stopped and searched by officers indicates no let up in the institutional racism of the services. However of more particular concern is the apparent failure of police services to act on information that a disproportionate number of complaints are being made by BME people than white people against a particular officer.

It seems to me that where police managers are aware that this is happening it is incumbent upon them to investigate to establish whether there is a problem with that officer. What seems to be happening now is that the complaints are just logged and no management action is taken. Further, when complainants ask for the history of complaints against that officer, police services fight to keep the information secret, arguing that it is confidential. Police services that we are to trust must be open and proactive about that information.

A real problem with the police is that they sometimes act as if they are untouchable—outside the law. We see this with racist remarks being made on police custody cctv cameras and many people have been surprised that the police felt free to act extremely violently at the G20 demonstrations knowing many civilians have a video recording facility on their phones.

This is an issue that my lawyers raised at the Lawrence enquiry on my behalf and also at the Morris enquiry. The fact is that the police officers ARE outside the law as it applies to everyone else.

For example:

1. Police are not employees and are therefore not subject to the same duties to the police service as an employee owes to his or her employer. Employers can discipline and even sack people lawfully so long as they act reasonably. Police managers can't. Why on earth shouldn't police managers have at least the same powers as employers?
2. When civilians are found at the scene of a serious crime police officers will question them individually as soon as possible, if there is sufficient evidence to suspect any one of those civilians of committing the crime the police will arrest them. This does not happen when police officers are at the scene of a serious crime. For instance, when a civilian dies in police custody, the officers present are not questioned straight away, the officer holding the smoking gun is not arrested, the officer who pushed Mr Tomlinson has not been arrested.¹

Unsurprisingly no officer has been successfully prosecuted for such deaths in 15 years. Of course officers will then feel that they are above the law and can behave as so. Until the same employment and criminal procedures are brought to bare on them that are brought to bare on the rest of us, the real problems of police unlawfulness, whether it be racism or assaults will remain unchecked.

April 2009

Supplementary memorandum submitted by the Association of Chief Police Officers (ACPO)

These figures will be part of the workforce returns to the Home Office from every force and when these figures are published annually then clearly trends are picked up and acted upon. Clearly each police authority will monitor them as part of their race equality scheme. ACPO has, with the Association of Police Authorities, the Home Office and Her Majesty's Inspectorate of Constabulary, also used the Confidence and Equality Strategy Board to monitor progress and as a result has held conferences and started such programmes as the Positive Action Learning Programme to encourage more minority staff to put themselves forward for promotion.

¹ This was the situation when this memorandum was submitted.

There have been a number of other initiatives besides and for instance recently the National Careers Advisory Service was expanded to cover all BME chief inspectors and above. ACPO has also worked on the various Stephen Lawrence sub-groups to address this issue. A new Workforce Strategy Board chaired by ACPO has recently been established to oversee the overall plan for workforce development and this will take prime responsibility in monitoring trends in promotion and retention.

June 2009

Memorandum submitted by the Home Office

I very much welcome the Committee's work in this very important area. You may be aware that we held a conference to mark the 10th anniversary of the Report's publication, in February. The aim of the conference was to review progress and identify those areas which needed further improvement. Overall, we believe that considerable progress has been made over the past 10 years including the doubling of minority ethnic representation in the police service from 2.0% to 4.1% and results from the British Crime Survey 2007–08 show that confidence in the police has risen in minority ethnic communities. However there is still considerably more that we need to do on race equality. So I also want to take the opportunity to share with you areas of work which we will be focussing on as we move forward.

The Stephen Lawrence Inquiry Report made 70 wide ranging recommendations covering the Police, the Crown Prosecution Service (CPS), the Courts, Education and local Crime and Disorder Reduction Partnerships (CDRPs). The Government welcomed the report and accepted 55 of the recommendations, with the remainder accepted in part or subject to further consideration.

On implementation:

- The vast majority of the recommendations—67—have been implemented fully or in part.
- Three recommendations have not been implemented and details of these are provided at Annex A.

The measures implemented include:

- Increasing the accountability of the police—including introduction of the Independent Police Complaints Commission (IPCC) and new disciplinary procedures for the police.
- Improving professionalism of the police—including the work that the Metropolitan Police has undertaken on handling scenes of crime and information and the accreditation of Senior Investigating Officers.
- Changing the culture of the police through delivery of a wide ranging programme of diversity training and higher representation minority ethnic representation amongst police officers.
- Improved treatment of victims and witnesses, including provision of police Family Liaison Officers and keeping victims informed at all stages of the criminal justice system, including work undertaken by the CPS to keep victims informed on decision making.

While the majority of the Inquiry's recommendations have been implemented there is of course much more work to be done on race equality—we cannot afford to be complacent. The conference on 24 February which included contributions from Doreen Lawrence and other community leaders identified areas for where we need to improve further. Also, reports by Dr Richard Stone, the Equality and Human Rights Commission (EHRC) and the Runnymede Trust have also provided additional areas for consideration.

An Action Plan will set out where we intend to focus future work, building on work which is already underway, and will include:

- **Recruitment, Retention and Progression:** continuing work to increase the number of minority ethnic recruits to the police service and ensuring that they are represented at the most senior levels of the police service and that they are fully represented in specialist roles in the service. I will continue with the work of the Ministerial Ethnic Minority Steering Group which is overseeing a programme of positive action including local improvement plans, buddying and mentoring schemes, active talent management and learning the lessons from employment disputes.
- **Local workforce representation targets:** Police Authorities play a pivotal role in holding police forces to account and the setting of local targets by Police Authorities, which is now well underway, in consultation with local communities is a way of ensuring that the community are engaged in ensuring that the local force is representative of the area it serves.
- **Stop and Search:** continuing work by the National Policing Improvement Agency (NPIA), in support of police forces to help reduce unjustified disproportionality in the use of stop and search including drawing on areas of good practice and ensuring that the use of the power locally is intelligence led. We are refreshing good practice guidance and this will be issued to police forces.
- **Reporting and recording of racist incidents:** continuing to achieve better and more consistent recording and monitoring of hate crime and rolling out structures for independent scrutiny of the investigation and prosecution of hate crimes.

We will be publishing the conference report, a response to the reports and an action plan in the near future.

June 2009

APPENDIX

STEPHEN LAWRENCE INQUIRY REPORT: RECOMMENDATIONS WHICH HAVE NOT BEEN IMPLEMENTED

Inquiry recommendation 39—**there has been no extension of incitement to racial hatred by the use of threatening, abusive or insulting words under the Public Order Act 1986, to allow for prosecution where they have been committed inside a private house, and are not seen or heard other by people in that house.** It is likely that the ECHR Convention rights of respect for privacy, respect for family life and freedom of speech will apply. Whilst interfering with these rights for purposes of public order and the prevention of crime, it may be harder to justify interference with those rights where the behaviour is done in private. Such offences can be prosecuted where they have occurred in a public or private place (eg bar, restaurant or members' club). **There is no offence of possessing an offensive weapon in a private home.** As the original Government response stated, any such offence should have to be enforceable. This is a real issue in the context of behaviour which takes place in the privacy of someone's home.

Inquiry recommendation 41—**victims of crime have not been made legal parties to criminal proceedings.** It was concluded that such a concept, used, for example, in the French legal system would fit with our criminal justice process. However since 1999 there have been significant changes to the way that victims and witnesses are treated by the criminal justice system including the victim personal statement, the Victims Advisory Panel and the appointment of Sara Payne as Victims' Champion.

Inquiry recommendation 56—**police officers are not subject to disciplinary action after leaving the police service.** The purpose of disciplinary procedures is to keep good order within that organisation for serving officers. Once a police officer has left whether through retirement or having resigned, internal disciplinary procedures do not apply. However, police officers under suspension require Chief Officers' permission before resigning and remain liable to any criminal proceedings after leaving the force.
