

4. Understandings of Police Race Relations

Simon Holdaway

University of Sheffield

Karim Murji

Open University

Introduction

Discussions about police discrimination often focus upon the overrepresentation of ethnic minorities in the criminal justice system. The pattern is diverse for different minority groups but stop and search statistics and the profile of the prison population, for example, provide evidence of overrepresentation at just two points of the criminal justice system (Bowling and Phillips, 2002; Webster, 2007). Many more examples could be cited. The other side of the coin is the under-representation of ethnic minorities. The extent to which, for example, racial harassment is under-recorded in police statistics, or whether there are particular cultural factors or constraints that make some minorities less likely to offend and to therefore be underrepresented in official statistics are long-standing questions. When we turn to the numbers of ethnic minorities employed within criminal justice agencies we again find under-representation (Bowling and Phillips, 2002). Both higher and lower levels of minority ethnic representation at different points of and in different places within the criminal justice system therefore need analysis and explanation.

These aspects of the over- and under-representation of minority ethnic groups within the criminal justice system are now under the direction of the coalition government and the new political context that it has set. A diminished significance of race in politics, which harmonizes with the policies of the last Labour government, especially their 2010 Equality Act, and the new coalition government's express desire to move away from what it sees as the excessive 'bureaucratic accountability' of the 1997–2010 Labour governments are two key notes of its approach to them.

The Diminished Recognition of Race

The diminished recognition of race in politics has been shaped by the passing of the Equality Act 2010, legislation initiated by the previous Labour

government. Here, ethnicity is placed alongside and given parity with the major social divisions of gender, age, religion and sexual orientation. Further, diversity, with a focus upon the differences between groups rather than the sameness of inequality experienced by all groups, has been defined as central to debate and public policy. Each ethnic group therefore engages in the political sphere, making its own, particular case when discrimination is experienced. This marks a move from a focus upon race as central to inequalities experienced by all ethnic groups.

The Stephen Lawrence Inquiry was probably the key and final point at which race became of central concern to the politics of the last Labour government (Macpherson, 1999). There was no implicit or explicit mention of diversity within the Lawrence report itself or in parliamentary debates following it. All black and minority ethnic (BME) groups were unified when, for example, the inquiry recommended that all police constabularies should be given government defined targets for their recruitment. Annual reports from the Home Office assessed progress against these national targets but they were scrapped in 2009 and replaced by locally agreed ones, to be determined between the police and their local police authority.³ The coalition government has now scrapped all targets.

Targets for the recruitment, retention and promotion of BME police officers (and staff) have been very helpful in the business of ensuring that chief police officers remain focused upon addressing the inequalities of under-representation that have been documented. There are many difficulties with the setting of targets and they are certainly not a panacea to addressing the under-representation of BMEs within the police. They are, however, an important means to a clearly stated, publicly expressed objective; they do not allow constabularies to place BME recruitment in a secondary position; they provide a momentum for police action; they are a stated benchmark against which a constabulary can be held accountable; and, when not achieved, they provide an opportunity for a constabulary to

demonstrate publicly what it has done to realize a target, thereby explaining its commitment to BME recruitment and, reasonably, factors it cannot influence that mitigate against its objectives. Without targets for BME recruitment and related subjects we create a more uncertain context for policy development, implementation and monitoring.

As we have said, targets are not a panacea. They can, for example, lead constabularies to do little more than chase a number of new recruits, irrespective of strategy, fail to foster any commitment to equality and, through the massaging of data, manipulate progress or not towards a target. They can lead to perception of beneficial positive discrimination for ethnic minorities and the lowering of recruitment standards. And, crucially, they can grow like topsy, losing their credibility and that of the civil servants and politicians who allow their proliferation. These and other important matters need attention.

A key question now, however, is whether or not the government's removal of all police targets, including those for the recruitment of ethnic minorities, will create a situation within which, for no clear or good reason other than the purposes of political rhetoric, government and police concern for race equality will be further diluted, progress left to the priorities of each chief constable and, since police authorities are to be abolished, elected police and crime commissioners who will have virtual, sole responsibility for police accountability in each constabulary area.

There is one further aspect of policy for ethnic minority police recruitment that should be mentioned. This is the obvious one of public sector budgetary constraints on the police in coming years. Without targets it seems entirely possible that, within the context described, ethnic minority recruitment and other aspects of police race relations will not be seen as a priority, to the detriment of policing in the UK.

A further, related problem is associated with the structure of the Equality Act and the manner in which it will be implemented. The Act is inclusive, bringing all identified inequalities within the scope of one statute, with one organization – the Equality and Human Rights Commission – having responsibility for its effective implementation and continued working. Different bases of discrimination and inequality are recognized within the Act, racial discrimination being one

alongside age, gender and physical disability. At first sight this might seem a sensible rationalization of subjects that are closely related and an appropriate legal basis for the Equality and Human Rights Commission's work. One organization will henceforth monitor and advocate for appropriate action when discrimination related to membership of one of the statutorily defined groups is identified.

Our view is that we need to look more closely at this arrangement, asking if it weakens the specific attention that should be given to racial inequalities. The potential difficulty is that race could be given less attention than required when it is placed alongside gender, physical disability and other bases of discrimination. Each of these, in some ways different, bases of inequality will vie for attention within the one organization. The extent to which each basis of inequality relevant to one disadvantaged group is promoted could weaken the continued attention that needs to be given to race (and other inequalities for that matter), which we know is not a fleeting subject but one demonstrating continuing, deep fault lines of inequality.

One consequence of this situation is that Black Police Associations (BPAs), formal groups of officers found in the majority of the UK's constabularies, may be an important source of internal pressure for the police to achieve better BME representation. The strength and activity of these associations varies enormously between forces and previous research by one of us has shown that their strong focus on the criterion of race discrimination (taken in the main to refer to people of African, Caribbean and South Asian origins) has left them somewhat out of touch with the widening scope of the equalities and diversity agenda as it has developed in the past decade (Holdaway, 2009).

Current cuts in the police budget have led constabularies to place a freeze on recruitment at a time when they have formal commitments to increasing the number of BME officers in their ranks. Within this context, BPAs will need to ensure that their chief officers do not let race slip off the agenda and, maybe, ensure that the Equalities and Human Rights Commission does not meld it into a rather bland concoction.

Signs of the Future

Some readers of this article might suggest that we should wait a while to see if the lack of government

attention to the matters we have discussed materializes. That point has some validity. It is nevertheless increasingly clear that more recent government activity strongly suggests that the coalition is content to further erode what many would regard as fundamental safeguards against race discrimination by the police.

A cross-party committee of MPs is currently debating proposed changes to the Police and Criminal Evidence Act 1984 (PACE), Code of Practice A. On 2 February 2011 they discussed with Nick Herbert, the Home Office Policing Minister, a proposed change to the requirement for police officers to record information about people who are stopped by an officer and asked to account for their actions, and those who are stopped and searched (Hansard – Commons, 2011). The government has since removed the requirement for police officers to record in any way information about people they stop and ask to account for their actions and reduced the information recorded when a person is stopped and searched, including their name.

Anyone who has paused for a second to reflect upon police race relations in the UK will clearly understand that the implementation of police stop and search powers has for many years been a cause of tension between minority ethnic people and the police (Bowling and Philips, 2002). It remains a conduit to a sense of fairness and justice amongst minority ethnic groups; to their confidence in and satisfaction with police action; and to a wider community assurance that the police are aware of and sensitive to public accountability for their actions. Why, then, would a government want to change basic rules of police practice that, so the evidence suggests, will damage these very important aspects of police race relations?

The ostensible answer is the cutting of bureaucracy within constabularies. The Policing Minister places a priority on the reduction of time taken by officers when recording information about people who are stopped over and above that of the real possibility of eroding minority ethnic groups' trust and confidence in the police. There are all manner of things he could recommend to lessen the time taken to complete forms: their electronic completion, for example. There are all sorts of other measures the Minister could recommend to cut the eye-watering proliferation of bureaucracy within constabularies. Such changes would surely be welcomed. What is surely highly questionable, not least after a consultation period of just four

weeks, is the clear erosion of police accountability related to the stop and search provisions.

Although the extent of the disproportionate stopping of minority ethnic groups by police officers is of course a subject of dispute, there is general agreement that minority ethnic groups, especially young black men and, in respect of different legal provisions related to terrorism, Asian and Muslim men, are stopped at a disproportionately high rate. That means that the vast majority of the people who are stopped and asked to account for their action and/or searched by a police officer are negatives as far as the detection of crime and/or disorder are concerned.

If this point is reasonable – and the Policing Minister's own official statistics tell him that it is – it would be equally rational for him to err, to put it mildly, on the side of caution or, in political terms, to act pragmatically to retain ethnic minorities' confidence. Or, to speak more plainly, to reverse the stupidity of a decision to reduce the monitoring of a police power that for many years has led to tension and conflict between police and minority ethnic groups. The changes to recording have made it considerably more difficult for senior police officers, government officials, the Minister, or even the local Police and Crime Commissioner – for anyone – to document police discrimination against any minority ethnic group. It is no longer possible to monitor whether or not particular individuals are picked-out as targets of needless, repeated stop and search tactics. And it is no longer possible to monitor whether or not officers are wasting their time, more time than that presently alleged to be taken by form filling, by stopping minority ethnic people needlessly. Stops asking people to account for their actions have been rendered invisible and stop and searches are far less transparent. Fairness and justice is threatened.

These indications of the government's approach to police race relations do not foster confidence. They suggest a lack of consultation and understanding about historic and present relationships between minority ethnic people and the police. They suggest a knee-jerk reaction to justify changes of legislation and policy. 'Bureaucracy' cannot and should not trump 'fairness', 'justice' and 'accountability'