

Overview & Scrutiny

Living in Hackney Scrutiny Commission

All Members of the Living in Hackney Scrutiny Commission are requested to attend the meeting of the Commission to be held as follows

Monday 9 November 2020

7.00 pm

Until further notice, all Council meetings will be held remotely

Contact:

Tracey Anderson

☎ 0208 356 3312

✉ tracey.anderson@hackney.gov.uk

Tim Shields

Chief Executive, London Borough of Hackney

**Members: Cllr Sharon Patrick (Chair), Cllr Sade Etti (Vice-Chair),
Cllr Anthony McMahon, Cllr M Can Ozsen, Cllr Ian Rathbone,
Cllr Penny Wrout and Cllr Anna Lynch**

Agenda

ALL MEETINGS ARE OPEN TO THE PUBLIC

- | | | |
|---|------------------------|-------------------|
| 1 | Agenda Papers | (Pages 5 - 318) |
| 2 | Minutes of the Meeting | (Pages 319 - 344) |

Access and Information

Getting to the Town Hall

For a map of how to find the Town Hall, please visit the council's website <http://www.hackney.gov.uk/contact-us.htm> or contact the Overview and Scrutiny Officer using the details provided on the front cover of this agenda.

Accessibility

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Assembly Halls and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Further Information about the Commission

If you would like any more information about the Scrutiny Commission, including the membership details, meeting dates and previous reviews, please visit the website or use this QR Code (accessible via phone or tablet 'app')

<http://www.hackney.gov.uk/individual-scrutiny-commissions-living-in-hackney.htm>



Public Involvement and Recording

Scrutiny meetings are held in public, rather than being public meetings. This means that whilst residents and press are welcome to attend, they can only ask questions at the discretion of the Chair. For further information relating to public access to information, please see Part 4 of the council's constitution, available at <http://www.hackney.gov.uk/l-gm-constitution.htm> or by contacting Governance Services (020 8356 3503)

Rights of Press and Public to Report on Meetings

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital

and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

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Providing oral commentary during a meeting is not permitted.

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<https://youtu.be/L3i3IMRhaKk>

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Agenda

ALL MEETINGS ARE OPEN TO THE PUBLIC

1	Apologies for Absence	7.00pm
2	Urgent Items / Order of Business	7.03pm
3	Declarations of Interest	7.04pm
4	Stop and Search and Inclusive Policing Discussion with Mayor's Office for Policing and Crime, Metropolitan Police Service HQ, Borough Commander for Hackney and the Independent Office for Police Conduct about stop and search and inclusive policing linked to building trust and confidence.	7.05pm

5	Minutes of the Previous Meeting To agree the minutes of the meeting held on 30 th September 2020	9.00pm
6	Living in Hackney Scrutiny Commission Work Programme To agree or amend the work programme for the remainder of 2020/21	9.05pm
7	Any Other Business	9.15pm

To access the meeting please click in the link <https://youtu.be/L3i3IMRhaKk>

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Providing oral commentary during a meeting is not permitted.

Living in Hackney Scrutiny Commission 9th November 2020 Item 4 – Stop and Search and Inclusive Policing	Item No 4
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Outline

The Living in Hackney Scrutiny Commission initially commenced this work following their meeting in January 2019 when the Commission heard about the roll out of body worn cameras, work with the Account Group, Safer Neighbourhood Board and programmes in schools to improve understanding on both sides about stop and search.

Concern about the growing distance between the community and police (especially with young people) has led to the Commission schedule an update meeting in June 2020. Following this meeting the Commission wanted to have a broader discussion about stop and search and inclusive policing and to include the Independent Office for Police Conduct (IOPC). Also to consider how the police and councils (not just LBH) can address concerns (linked to the stop and search activity) about community relations and trust & confidence between the police and local communities.

Reports in the agenda:

To support this discussion the following reports have been provided as background information

1. Account Policing in Hackney Challenges From Youth in 2020
2. The Lammy Review

Invited Attendees:

London Borough of Hackney

- **Cabinet Member for Community Safety**, Cllr Susan Fajana - Thomas
- **Strategic Lead (Policy)**, Jason Davis.

Hackney CVS

Account Group Project Officer, Tim Head

Hackney CVS

- **Safer Neighbourhood Board Chair**, Louise Brewood
- **Safer Neighbourhood Board Support Officer**, Nicola Baboneau

POLICING IN HACKNEY

**CHALLENGES FROM
YOUTH IN 2020**

Research conducted by
ACCOUNT





ACCOUNT

 www.accounthackney.org

 @HackneyAccount

 @Hackney_Account

Account is a social action project led by young people and based in Hackney.

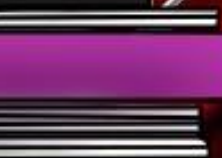
The group started in 2012 as the Young people's Stop and Search Monitoring Group at Hackney Council for Voluntary Service (CVS), tasked with scrutinising police activity in the borough.

Since 2019 the group has expanded its role to also include research, campaigns and outreach work in the community.

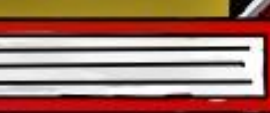
On top of its media and research work the group meets regularly with the local Basic Command Unit (BCU) and other policing bodies to hold officers to account on issues including use of force, Stop and Search, racial disproportionality and taser usage.

The group also advocates for young people at Hackney Council and other local government bodies.

ACCOUNT



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YOUNG PEOPLE DEFEN...



MET POLICE

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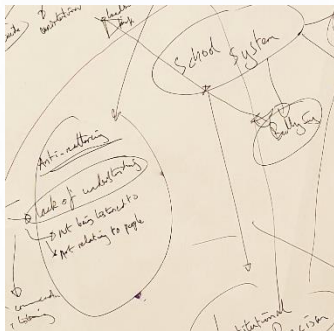
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Account Core Principles

BUILD UP OUR YOUTH

We are driven by a passion to empower young people in our community. We want to see every young person in Hackney hit their potential. We do this by giving them a platform to express themselves, giving them knowledge, and helping them push for change.



CREATE OUR OWN KNOWLEDGE

We are committed to developing expertise in our own community by leading research projects designed and carried out by young people. Evidence is a powerful tool that should not only be wielded by those in power.

GET JUSTICE FOR OUR COMMUNITY

We actively carry out campaign work and political activism to push for community healing and institutional change. We also advocate for young people who have suffered from trauma, discrimination, or injustice.



HOLD THEM TO ACCOUNT

We work hard to monitor police activity in our borough. This includes scrutinising data on Stop and Search, use of force and complaints. Our job is to ensure that police are accountable to young people in the community they serve.

Core Research Team



David Smith

Head of Research

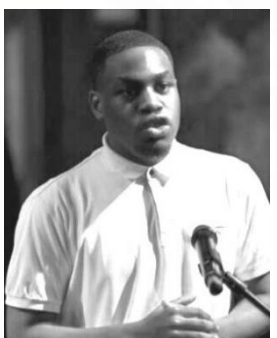
David Smith is the head of research and youth outreach at Account and youth leader at Hackney CVS. David was responsible for designing, leading and carrying out the research project that makes up this report. Born and raised in Hackney, he has a passion for educating and giving hope to young people in his borough. He has been published on issues in policing such as Live Facial Recognition Technology.



Yolanda Lear

Community Researcher

Yolanda Lear is responsible for Community Research and Communications at Account. Yolanda was responsible for analysing data around 'Trust' for the following report. Yolanda is an accomplished spoken word artist and poet and has written publications on the death of George Floyd, racism, and deaths in custody in the UK.



Emmanuel Onapa

Campaigns Manager

Emmanuel Onapa is the Campaigns manager at Account, youth leader at Hackney CVS and undergraduate student in Politics and International Relations at the University of Exeter. He has published work on activism, racism and social justice in publications such as the Fabian Review, the Huffington Post and The Independent. He currently co-chairs the Hackney Young People's Stop and Search monitoring group run by Account.



Infinity Agbetu **Community Researcher and Artist**

Infinity Agbetu is a researcher at Account and a student in BSc Psychology Goldsmith College, University of London. Within the following report Infinity was responsible for creating all artwork and illustration. Infinity was also responsible for data handling, transcribing, and coding throughout the research project.

Extra Support



Georgina Appeageyi **Data Analyst**

Georgina Appeageyi is a youth leader at Hackney CVS and Data Analyst at Account. In this report she was responsible for data handling and visualisation. Georgina is the co-founder and Director of Social Innovation at The Plug, a youth innovation agency.



Great Okosun **Head of Media**

Great Okosun is a film director, artist, activist and Head of Media at Account. He was responsible for creating and selecting all photography in this report. Great is currently producing a film into the police's treatment of young people with mental health and learning difficulties. In 2019 he co-created the film 'Misconceptions of an Atypical Mind', produced with the BFI.



King Ilunga **Resident Poet**

King Ilunga is a youth leader at Hackney CVS and resident poet for Account. As well as his passion for spoken word, rap and poetry, King has a keen interest in social activism. He is a campaigner on issues including racism, mental health and the rights of young people.



Trey Stewart **Youth Engagement**

Trey Stewart is a youth leader at Hackney CVS. He splits his time in his role between Account and Politically Black, the youth led social action group responding to Hackney Council's Improving Outcomes for Young Black Men programme. At Account he is responsible for developing the group's youth engagement strategy.

Extra Support



CB

Youth Outreach

CB is a youth leader at Hackney CVS. He is a key team member in a series of projects; Politically Black, Account and the Cool Down Café; a mental health outreach programme based at Pembury Community centre. At Account CB is responsible for Youth Outreach, running weekly sessions for young people aged 8 to 14 in the local community. CB also assisted in the early stages of the research design of this report.



Raheem Bailey

Social Media Manager

Raheem Bailey is a youth leader at Hackney CVS and Social Media Manager for Account. As well maintaining the groups Instagram page, Raheem is responsible for the branding of Account, assisting in developing the logo and clothing line.

Special thanks to:

All the team at **Hackney CVS**

Tim Head Account Group Project Officer, Graphic Design

Deji Adeosun Youth Leadership Manager

Saqib Deshmukh Head of Youth Programmes

All the young people at **Take Back the Power** and **Fighting Sus**. **Luke Billingham**, **Alexandra Cox**, **Suzie Shepherd** and **Jackie Head** for proofreading and comments.

Etienne Joseph and **Emma Winch** and Hackney Archives.

All young people who contributed to the research findings. All names and identifying features have been changed.



Introduction

David Smith, Head of Research



It was a confusing time growing up around police in Hackney. When we were young, me and my peers would sometimes idolise police officers. Some of us would even talk about being police when we grew up. They seemed like heroes; the ones always saving the day. Sworn to serve and protect.

But these ideas didn't always match up to the things we saw. We'd see people who looked like us constantly getting stopped and searched. We'd see police target Black people and we'd see it as normal. We'd see the reactions, the anger this created, and we'd see that as normal too.

This confusion sometimes frustrated me. But also, it made me want to understand, to dig deeper, and get to the bottom of what I saw on the streets. This is where our research comes in.



Research is important to everything that we do at Account. People don't expect young people to be armed with their own evidence. Research gives us the ability to go out and seek a deeper meaning to the things that get presented to us. We don't have to accept the story presented to us in the media, by the government, or by other institutions.

Creating our own knowledge is important; it stops us from falling into the biased interpretations of those in power. We can find out how things really work at a deeper level; looking beyond correlation to understand causation.

Research has helped us to challenge the narrative. Our findings go against the story that gets pushed on me and my peers. It shows us that we are not the problem. It reveals the systemic problems that lie underneath the way things seem.

The research started in Summer 2019 and took place over a year.

First, as a group, we made foundational plans. We discussed and debated and decided what we saw as important. We thought about what we wanted to change in our community. We were trained in how to carry out research. We learnt about ethics and confidentiality, interviewing technique, ethnographic methods and statistics. We went through Racial Identity Training, we learnt about our history, about the history of police, and about the stories of communities in Hackney.

After recruiting young people to work with, we carried out long, open interviews speaking with young people about their experience with schools, prisons, police and the political system.

During this time, we also contributed to meetings with police and the council and attended university seminars. We met with researchers, academics, activists and other groups of young people working on similar projects.

We transcribed all the interview data, changing all names and identifying features, and looked over the issues being covered.

After coding the data, we decided to focus on issues around the criminal justice system, specifically policing, and the impact it was having in Black communities. We focused on three 'challenges' to policing raised by young people; trauma, trust and accountability.

Often research about the police is carried out by the police themselves, or other institutions that work closely with them. This in itself should be seen as a problem.

We wanted to do things differently, by working closely with people that usually don't get to create this knowledge, even though they are the ones getting the most attention from police.

Our findings shone a light on a series of issues facing young people.

We learned that many young people would not call on police to help them when they needed it. We saw a deep disconnect in trust. A big part of this seemed to come from the fear of criminalisation among young Black men specifically. Stereotyped as gang members or criminals, they felt they couldn't turn to police for help.

We also heard stories where some police were not able to control situations effectively. In many cases young people talked about police 'provoking' situations instead of calming them down.

We heard countless accounts of wrongful stop and search and accounts of excessive uses of force. We heard about the trauma and the pain this caused. We saw first-hand the effect this was having on widening the gap between the police and the community.

As well as not turning to the police, many young people also felt that they couldn't turn to the complaints system. Many saw it as corrupt, biased, or a waste of time. This was concerning to us. Not only did some young people feel they don't have police available to serve and protect them they also have no system for accountability when things go wrong.

We want our research to raise awareness of these issues – not just in the media and politics – but also in our own community. Too many young people we work with grow up blaming themselves for the injustices they face. They internalise the negativity that is all around them and turn that violence on themselves.

We want the police to see our research, and we want them to listen. We want them to be able to handle situations better and learn to act with respect.

More importantly, we want to see better accountability in place. We want to give our community the power to hold the system to account.

We want to see young people more educated and more empowered. We want to give them the chance to learn about the law, their rights, the system, and the things that affect them and hold them back.

We want young people to be able to grow up to be bigger and better than the stereotypes our institutions put on them. We want to see them stand tall, walk with confidence, lesser than no one.

David Smith, July 2020



Foreword

Emmanuel Onapa, Campaigns Manager



The research in this report was completed weeks before the tragic death of George Floyd; the spark that relit the flame of the Black Lives Matter movement across the world in 2020.

Since then, the Black Lives Matter protests, as well as the Coronavirus lockdown, have shone a brighter light on many of the issues we have been investigating, including, not least, racial disparities in policing.

Most importantly however the Black Lives Matter movement has given a platform to those people who are most marginalised by society. Our report was created for the same reason; to elevate the voices of those most frequently denied power and representation when it comes to public conversations around policing. The project was created to give power to those marginalised by the system.

The way police have handled and responded to some of the protests has shown how deep rooted some of the issues with institutional racism are in our society. Like many of my peers I was disappointed when Commissioner Cressida Dick claimed that institutional racism was not a 'useful or appropriate phrase' for describing the

Metropolitan Police.¹ To me this demonstrates that there is a lack of understanding from the top level about the real grievances that citizens face.

Whilst we are not afraid to criticise the police, we do what we do for the sake of our community. Our key political demand is to give our communities safe spaces to build and heal from years of traumatic treatment at the hands of state institutions.

We need better mental health provision as well as better support to get accountability and justice for young people.

We need to explore abolitionist alternatives to criminal justice policies.

We also want to see a change in approach from the top levels of the Met. An end to militaristic aggressive policing that sees my community as occupied territory.

Most importantly we want to see our communities treated with dignity, respect and humanity.

The current times, whether in the pandemic or the protests, are quickly becoming a defining time for global politics around equality.

It is crucial that leaders in our society address grievances and, more importantly, the *ideas* coming from young people in these times.

Young people cannot be seen as second-class citizens anymore when it comes to policing. They need to be at the table, with a role to play in making decisions that affect their lives.

This is crucial not just for the politics of race relations and policing, but for the future of our democracy itself.

Emmanuel Onapa, July 2020

¹ Nadine White, 'Cressida Dick: Black Lives Matter Has Provided "Powerful" Lessons But Met Isn't Racist', *Huffington Post*, 2020 <https://www.huffingtonpost.co.uk/entry/cressida-dick-black-lives-matter-has-provided-powerful-lessons-but-met-isnt-racist_uk_5ef5ebe4c5b6acab28407304?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAAAvgZN30wKSYc9j9ZMxD9ri> [accessed 17 August 2020].

METHODOLOGY



Participatory Action Research

Participatory Action Research (PAR) is a methodology that enables communities to take real ownership of knowledge. All too often research is designed and carried out by privileged people in powerful institutions. In our community, as young Black people, we are often the focus of research studies. Rarely do we get the chance to lead and create research ourselves. PAR is a way to reverse that injustice. It is a way to generate knowledge, use it to our advantage, and push for the change we want to see.



TRAINING

Research ethics • Interviewing technique • Statistical analysis
• Historical archival research • Racial Identity Training



SAMPLE

9 interviewees • All raised in Hackney
All young Black men (aged 15 – 24)



INTERVIEWS

Recruiting Young People • Carrying out extended interviews • Transcribing



RESEARCH DESIGN

Deciding what we wanted to change • Choosing a focus • Creating interview questions

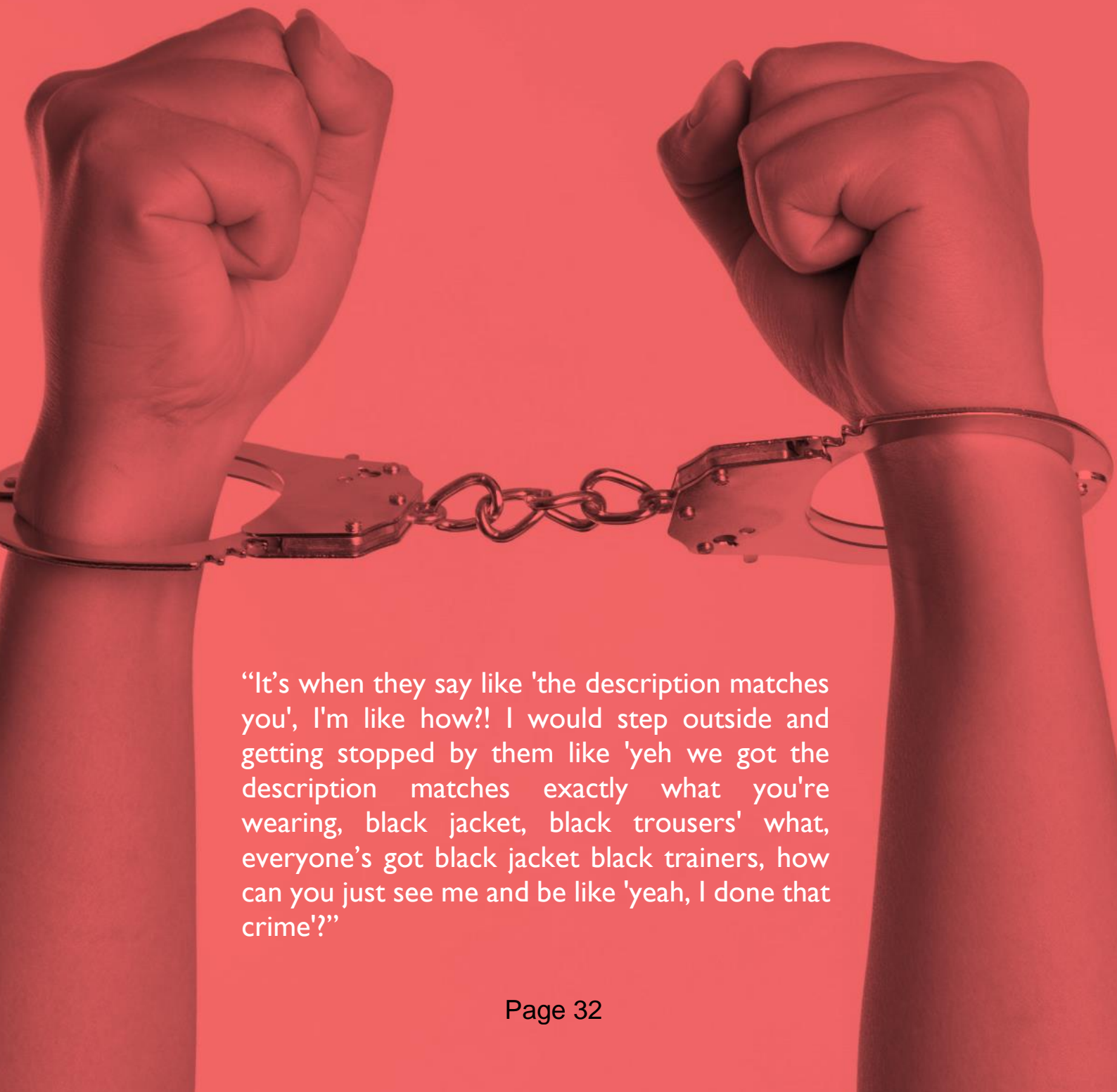
DATA ANALYSIS

Coding interview data • Statistical analysis • Choosing themes • Creating Report



EXECUTIVE SUMMARY

1. TRAUMA



“It’s when they say like 'the description matches you', I'm like how?! I would step outside and getting stopped by them like 'yeh we got the description matches exactly what you're wearing, black jacket, black trousers' what, everyone’s got black jacket black trainers, how can you just see me and be like 'yeah, I done that crime?'”

For many young people we spoke to, the use of handcuffs by police officers caused psychological distress.

Evidence shows that handcuff usage has increased dramatically in Hackney and London in the last 3 years (by 158% in Hackney).³ Whilst police leaders claim that handcuffs are a necessary tool, the research team are concerned that the impact of handcuff usage is not being properly understood.

As well as being physically painful their usage can create negative emotions, including embarrassment and humiliation. For some young people we spoke to handcuffs were described as ‘degrading’. This may be having a negative impact on relations with the police and impacting on young people’s sense of self-worth.

Many young people believe they are singled out for excessive police attention due to their skin colour.

Out of the young people we spoke to, nearly all chose to bring up the issue of their racial identity and its relation to policing. Young Black men in particular often believed they were the targets of racial profiling. Some claimed this was due to being stereotyped as gang members. Others spoke about being treated like a threat, facing excessive treatment and disproportionate use of force.

Much of the statistical data on police use of force in relation to ethnicity supports the claims made by young people. Young Black Men

² Metropolitan Police, ‘Metropolitan Police Stop and Search Dashboard - “Hackney” “S&S R12 Summary”’, *Met.Police.Uk*, 2020 <<https://www.met.police.uk/sd/stats-and-data/met/stop-and-search-dashboard/>> [accessed 27 April 2020].

³ Metropolitan Police.

in Hackney are 6 times more likely than their white peers to be Stopped and Searched. Black people are also 4 times more likely to have force used against them.

Police in Hackney also Stop and Search young black men with a much lower 'hit rate' than white people. From August 2019 to July 2020 22% of searches in Hackney led to a positive outcome. For young black men (aged 15-19) this figure was 14%.⁴ The research team are concerned that this may be having a traumatic impact on young black men's sense of identity in relation to their race.

Excessive use of force by police can have a serious long-term impact on the mental health of young people.

Most encounters with police do not involve excessive use of force. Despite this our research suggests that when excessive force is used it can have a damaging long-term impact on the emotional well-being of those it targets.

Academic research talks about the 'asymmetrical' impact of negative encounters with police.⁵ This means that these negative experiences have a much bigger impact than positive experiences. Our research suggests that this could partly be due to the trauma caused by excessive use of force.

⁴ This is compared to 18% for young white men of the same age category. For full statistical breakdown see Appendix, Racial Disproportionality Statistics.

⁵ Ben Bradford, *Stop and Search and Police Legitimacy* (Routledge, 2017), p. 177.

2. TRUST

NO JUSTICE
NO
PEACE

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15-057

LSC17

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RUGEY ROAD

“I feel like another issue would be, again, police and how they’ve treated communities in the past, which has just destroyed communities where they’ve just really took the piss in terms of the ‘Sus’ laws back then. So, you see how there’s that boundary where the elders will say ‘don’t trust the police’. And the youngsters will grow up thinking, yeah, well, it is their reality, don’t trust the police, and that also destroys community, in a sense, because who do you trust? Who do you call when there’s a problem? I mean, you’re not going to call the police, you’re going to call your boy.”

For a variety of reasons, many young people we spoke to had problems with trusting the police.

For many of the young people we spoke to, the police were not seen as a group who could be trusted. This was for a variety of reasons.

Some young people spoke about a belief that engaging with the police could lead to being wrongly criminalised. Some young people referred to past examples where they had been treated automatically as perpetrators, as opposed to victims. Other young people spoke about their perception of the police being 'inefficient' or not able to intervene effectively. Others spoke about beliefs handed down from elders in their community that warned against trusting the police.

The young people we spoke to with low trust towards police, could point to examples where they had witnessed police abuses of power.

Out of those young people we spoke to who had low trust in the police, all were able to pinpoint an experience, often in their childhood, where they first began to distrust the police.

For some young people this experience was a direct encounter, e.g. a Stop and Search, for others it was witnessing an encounter in a public place. For some young people we spoke to it was witnessing police attempting to, as they saw it, 'provoke' a confrontation with young people.

Due to of a lack of trust, many young people said that they would not call on police to help them.

A key part of our research focused on the outcomes of low trust. One area we were interested in was young people's willingness to call on police for help. We found that among young people with low trust, the police were not seen as an appropriate way to get help.

This was often the case even during a serious incident involving conflict or violence. For some young people this seemed to put them in further danger, when they opted instead to 'take matters into their own hands'.

3. ACCOUNTABILITY



“They’re [Police] taking the piss, they don’t understand, nobody wants to complain, do you know how much of a stressful thing it is to fill out a form about a traumatic experience. People that have been raped barely want to fill out forms, why would I? Someone that’s dealt with physical pain from a multitude of people with zero support, why would I go through that again, to write it down, for police to question me about it, it’s a piss-take, I never want to deal with it again.”

The death of Rashan Charles in Hackney brought to light several issues around police accountability.

In Summer 2017 Rashan Charles died after swallowing a package whilst being restrained by an officer of the Territorial Support Group (TSG). This death continues to have a huge impact on relations with police in Hackney.

For many the death represented a lack of accountability with and led to the perception that police 'got away with it'. The video footage that circulated on social media was seen by many young people across Hackney. The refusal of the Met Police to suspend the TSG officer pending investigation, as recommended by the Independent Office for Police Conduct (IOPC), represents a key area where the accountability system could be seen to fail.

For many young people, the notion of police impunity added insult to injury, with the grief of loss made worse by a sense of injustice.

High profile incidents, like the Rashan Charles case, have the potential to damage trust in the police complaints system.

The police complaints system is the key place where young people can hold police to account. Our research suggested that many young people do not have confidence to engage in this system.

Our findings support the idea that high profile incidents such as a death in custody, especially when no 'justice' is seen to follow, can prevent young people from engaging with the complaints process. The

widespread coverage these cases have on social media, among peers, across families and communities means they may 'set the tone' for less serious incidents.

Many young people didn't feel the police complaints process could be trusted.

For a variety of other reasons, many young people we spoke to didn't trust or want to engage with the complaints system.

One young person described the process as 'being asked to return to the lion's den to complain against the lions'. This highlighted a key issue about young people believing it was pointless complaining about police to police. For some young people engaging in the complaints process also involved revisiting trauma. This meant that without proper mental health support they did not feel it was worth their time, or good for their mental health, to engage in the system.









Key Research Findings

All names and identifying features have been changed



Section 1: Trauma

TRAUMA

KEY STATISTICS

In Hackney in the last year...
(July 2019 to August 2020)



10,827

Stop and Searches carried out



5,851

Stop and Searches carried out on Black people

768

searches per 1000 population

for young black men
(aged 15 -19)



136

searches per 1000 population
for young white men
(aged 15 -19)

This means if you are a young black man, you are **6 times more likely** to be stopped and searched than your white peers



If you are black you are **4 times** more likely to have force used against you

103

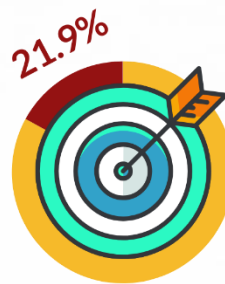
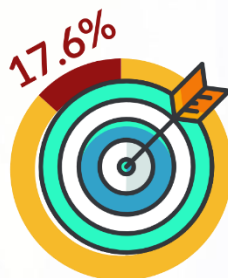
uses of force per 1000 population
for black people



25

uses of force per 1000 population
for white people

Stop and Searches of Young Black Men that led to a 'positive outcome' (aged 15-24)



Stop and Searches of Young White Men that led to a 'positive outcome' (aged 15-24)

Trauma derives from the Greek word for ‘wound’. When discussing social issues trauma generally refers to psychological distress that causes long term impact. For many of the young people we spoke with, difficult experiences while growing up had left a lasting impression on their mindset. Often negative experiences with the police from a young age had created and inbuilt fear, paranoia or anxiety when dealing with officers.

Stop and Search

For police officers, Stop and Search amounts to a key power as public law enforcement. It is a tactic the Home Office says is a ‘vital tool’.⁶ However, many studies have shown that these encounters can have a detrimental impact on the mental health of minority groups who are often disproportionately impacted.⁷ Our findings seemed to support the idea that the experience of Stop and Search can lead to trauma.

As shown in the academic literature, this could be due to Stop and Search amounting to ‘teachable moments’ that can make citizens feel devalued.⁸ For many young people we spoke to, Stop and Search impacted their self-perception as they felt criminalised through policing interactions.

For some people the practice of Stop and Search can have a damaging impact on mental wellbeing, causing feelings of embarrassment, humiliation or anger.⁹

For some young people we spoke to, the use of handcuffs specifically were found to have a detrimental impact on young people’s perceptions of themselves. It is worth noting that handcuff usage in the borough has increased by 158% in the last 3 years.

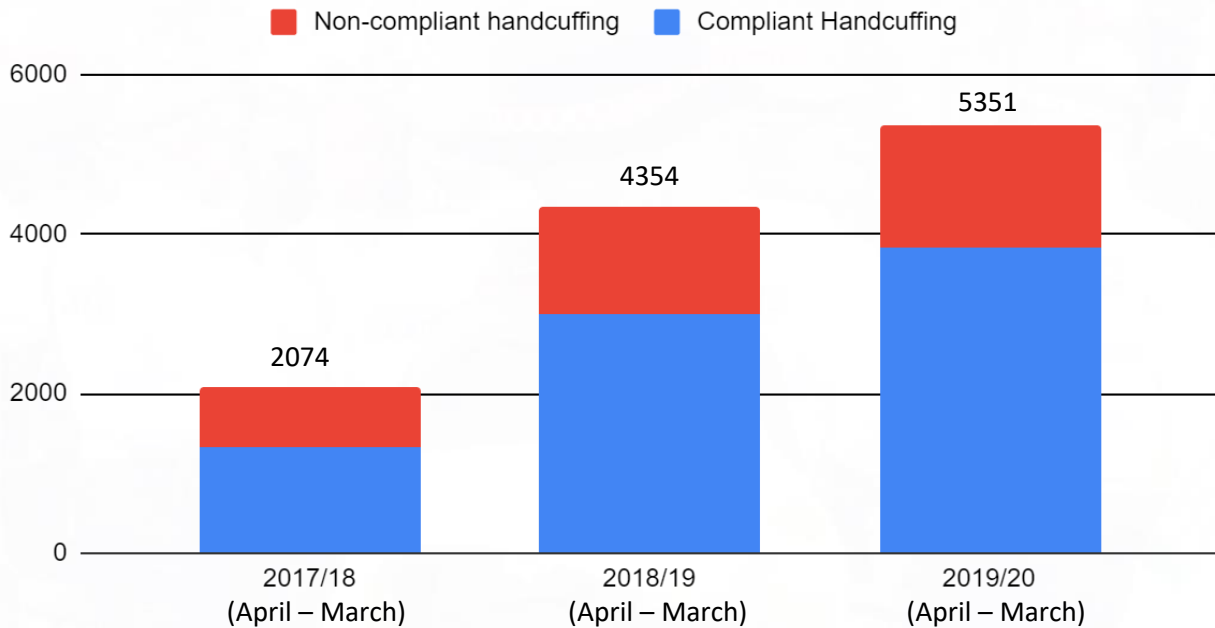
⁶ Mark Townsend, ‘Black People “40 Times More Likely” to Be Stopped and Searched in UK’, *The Guardian*, 2019 <[theguardian.com/law/2019/may/04/stop-and-search-new-row-racial-bias](https://www.theguardian.com/law/2019/may/04/stop-and-search-new-row-racial-bias)> [accessed 1 May 2020].

⁷ Ben Bowling and Coretta Phillips, ‘Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search’, *The Modern Law Review*, 70.6 (2007), 936–61; Amanda Geller and others, ‘Aggressive Policing and the Mental Health of Young Urban Men’, *American Journal of Public Health*, 104.12 (2014), 2321–27 <<https://doi.org/10.2105/AJPH.2014.302046>>.

⁸ Ben Bradford, ‘The Dog That Never Quite Barked: Social Identity and the Persistence of Police Legitimacy’, in *Changing Contours of Criminal Justice*, ed. by Mary Bosworth, Carolyn Hoyle, and Lucia Zedner (Oxford University Press, 2016); Tom R Tyler, Jeffrey Fagan, and Amanda Geller, ‘Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men’s Legal Socialization’, *Journal of Empirical Legal Studies*, 11.4 (2014), 751–85.

⁹ Ben Bowling and Estelle Marks, ‘Towards a Transnational and Comparative Approach’, in *Stop and Search: The Anatomy of a Police Power*, ed. by Rebekah Delsol and Michael Shiner (Basingstoke: Palgrave Macmillan, 2016), p. 172.

Compliant Handcuffing and Non-compliant handcuffing



One young man explained to us the psychological impact of handcuff usage.

Toyin: But where they came up to me they asked me a question, then as I pulled out my hand, they just handcuffed me. It was just like ‘have you even told me why I’m getting handcuffed?’ You get what I mean? It came like a shock...

Interviewer: What was the tone of that encounter?

Toyin: ...When he [the police officer] got the handcuffs, he said the other police officers name, 'handcuff him'. Then I’m just thinking, what am I getting handcuffed for? Then it was just that it was mad. It was kind of degrading. Yeah.

Toyin, like many young people we spoke to, suggested this impact was made worse by a lack of communication and believed it was linked to racial bias.

Interviewer: Why [was it degrading]?

Toyin: Because you’re not even reading me my rights. I feel like because of what’s portrayed on social media, the web, the news and stuff and TV, of course I’m going to feel like it’s a Black issue.

And he's probably thinking himself - everyone's got biases, and police officers biases are majority of the time it's going to be a Black issue, like, you get what I mean, they're gonna have a bias towards Black people.

Interviewer: And you feel like that affected his decision to use handcuffs?

Toyin: I feel like 100%, 100% because you could've spoke to me, I was going about my own business...

Another young man we spoke to, Darius, also described his experience of Stop and Search, something he referenced as happening from a young age.

Darius: I'd say like, growing up around the area, there used to be bare people around this one cage we used to go play football. My uncle used to take us out on peddle bike trips, everyone had mountain bikes or BMXs, used to circle the whole of my area init. Start from like Hackney marshes on the riverside, round the whole area. One time my brother was fixing his bike, he had a spanner in his hand... This time police would go there and say, Yo 'this is a gang' and what not. That was those type of days.

Interviewer: How old were you then?

Darius: Like 11, 12. Now they hopped out the car now. This was my first time getting Stopped and Searched, like oh, you got a weapon on you. Like, how is this a weapon, he's fixing his bike? And they was like 'ah, stop right there'. like three of them jumped out the car now, was searching man. Then I think it was the day after, everyone's all going home, they searching man again. Literally bruv - we was thinking *what!?* Was thinking that's so weird.

Darius here describes a common experience of young Black men being stereotyped as gang members from a young age. It is possible that for many young people this could have an impact on their sense of identity.

As Toyin described later, feeling singled out by police could have an impact on a young person's sense of identity. An interaction, especially when carried out without effective communication or sensitivity, can come as a 'challenge' to a young person's sense of self.

Interviewer: Did you reflect on it later?

Toyin: I mean, I still reflect on it. Sometimes like rah that happened, and knowing the person *I am*, like really? Honestly, you're going to Stop and Search me?

If only you knew what I was tryna do and you knew where my mindset is? And you're really trying to Stop and Search me?

Whether being stereotyped as a gang member or treated in a dehumanising manner Stop and Search could be seen as a way that young people are made to feel they do not 'matter'.¹⁰ As leading policing scholar Ben Bradford puts it, Stop and Search may be 'an important aspect of wider processes of social exclusion that damage people's social identities and connection to wider society'.¹¹

EXCESSIVE USE OF FORCE

For some young people that we spoke to, negative encounters with the police caused them to have anxiety and fear of encountering police within their community.

One young person we spoke to, Ayodeli, described serious long-term mental trauma following an experience of excessive use of force after being detained by police:

Ayodeli: It gives me... I've got PTSD about it, I can't see any police, gives me like... my heart beats faster, I'm frozen... the last time I got arrested, 7 policemen jumped on me in the police station, they thought I was tryna 'harm myself'. They, they said they were restraining me cos they thought I was tryna hurt myself.

Interviewer: What did they say you were doing?

Ayodeli: Banging my head on the table , countertop, when I was just hitting my head like *that* [bangs table lightly] and um one of the women tried to put her hand on my head, and I'm like 'what the fuck are

¹⁰ Gordon Flett, *The Psychology of Mattering: Understanding the Human Need to Be Significant* (Academic Press, 2018).

¹¹ Ben Bradford, 'Unintended Consequences', in *Stop and Search: The Anatomy of a Police Power*, ed. by Rebekah Delsol and Michael Shiner (Basingstoke: Palgrave Macmillan, 2016).

you doing?' [mimes putting hand up to remove lady's hand] cos like I'm still in cuffs, then they all just jumped on me.

Interviewer: Were you resisting?

Ayodeli: Yeh resisting.

Interviewer: But you're handcuffed?

Ayodeli: Yeah... at the end of the day I don't like people touching me, it's an autism thing as well... I've got permanent damage to my wrists.

Interviewer: From the handcuffs?

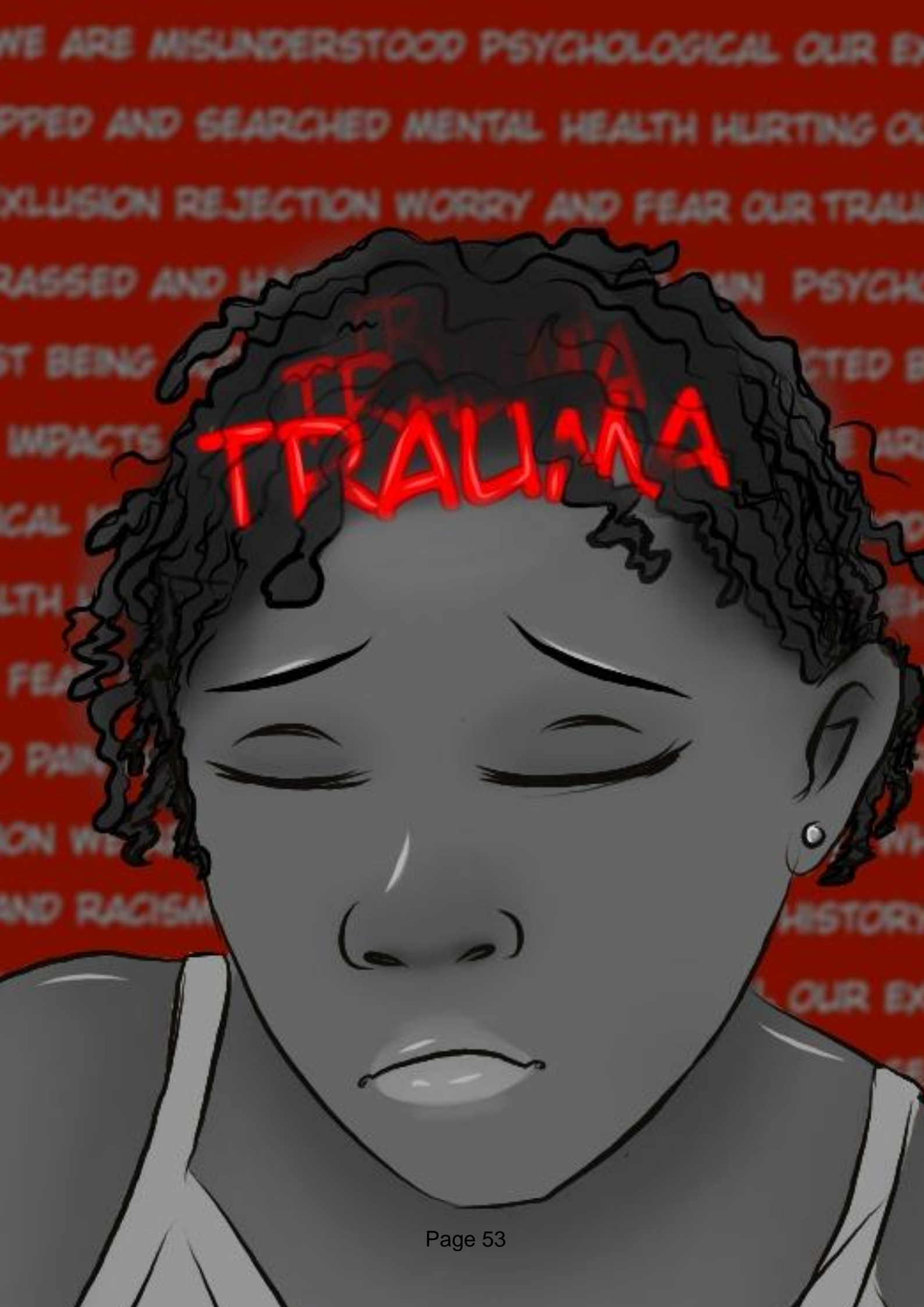
Ayodeli: Yeah, one of them stood on my head and pressed, damage to my knees, after the police station I went to a hostel cos my parents had kicked me out, I was slumped on the bed for time because the pain, the adrenalin, had gone, and the pain was just there, physical and mental pain. I could not move for like a whole weekend.

This description by Ayodeli of 'physical and mental pain' gets to the heart of the concept of 'trauma'. His account demonstrates how misuse of police power through excessive use of force can be psychologically damaging for citizens.

The academic literature talks about an 'asymmetrical effect' of negative encounters with the police. Simply put, this means 'bad' encounters have a greater impact than 'good' encounters¹². This means that young people are more likely to remember a negative experience than a positive one.

Tragically this means that for some young people like Ayodeli, these negative encounters are hard to move beyond. Even just seeing police officers can bring back tension, apprehension, and stress.

¹² Bradford, *Stop and Search and Police Legitimacy*, p. 177.



Section 2: Trust

TRUST

KEY STATISTICS

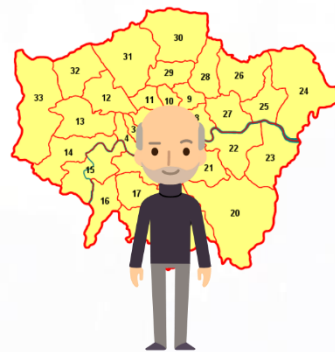


"Police can be relied upon to be there when needed"

(Survey question from Mayor's Office for Police and Crime (MOPAC) Public Attitudes Survey)

56%

agree
for Hackney
residents
(2019-20)



69%

agree
average for
Metropolitan Police
(London)
(2019-20)

63%
agree

for respondents
living in council
housing
(Hackney, 2018-19)



72%

agree

for respondents
living in other
accommodation
(private renting,
mortgage etc.)
(Hackney, 2018-19)

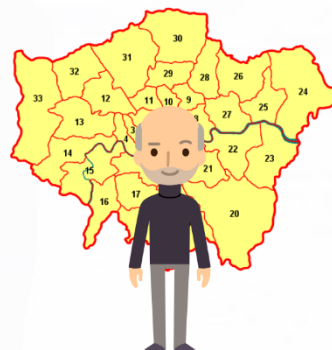


"The police in this area treat everyone fairly regardless of who they are"

(Survey question from Mayor's Office for Police and Crime (MOPAC) Public Attitudes Survey)

53%

agree
for Hackney
residents
(2019-20)



76%

agree
average for
Metropolitan Police
(London)
(2019-20)

“Trust” is usually defined as having a firm belief in reliability, truth or ability of someone or something.¹³ For police officers to be trusted people have to believe officers can be counted on for help, that they act with integrity and that they will act in line with the ways they are legally expected.

Researchers describe trust in institutions as being rooted in ‘experience’. Past experiences of interactions people have with police officers create assumptions about the way people expect to be treated in the future.¹⁴

The latest statistics from the Mayor’s Office for Police and Crime (MOPAC) show that Hackney residents tend to have lower than average levels of trust for the police. When asked if people believed ‘Police could be relied upon when needed’ in 2019 only 53% agreed, compared to an average of 76% across London, and 81% in Kensington and Chelsea.¹⁵

In this section we investigate some of the reasons why young people may have low levels of trust in police. We also explore some potential consequences of low trust in police.

THE ROOTS OF MISTRUST

Many of the young people we spoke to had low trust in the police in Hackney. In many cases this hadn’t always been the case. Some young people reflected on a close personal relationship with a ‘community support officer’ growing up, with two young people even sharing that they had considered becoming an officer at a young age.

By their teen years however, these ambitions were often replaced by more hostile feelings towards the police. Often young people would refer to police officers acting in a ‘provocative’ manner, causing ‘trouble’ in the communities they live in. Seeing this first-hand would create a climate of hostility or mistrust. One young man we spoke to, Lloyd, described the reasons he had grown to ‘hate’ the police after seeing abuses of power and immoral behaviour from a young age:

¹³ <https://www.lexico.com/definition/trust>

¹⁴ William Mishler and Richard Rose, *Trust in Untrustworthy Institutions: Culture and Institutional Performance in Post-Communist Societies* (Centre for the Study of Public Policy, University of Strathclyde, 1998), p. 5.

¹⁵ MOPAC, ‘MOPAC Public Voice Dashboard: Public Perception Data’, *London.Gov.Uk*, 2020 <<https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/public-voice-dashboard>> [accessed 30 July 2020]. Figures as of June 2020

Interviewer: What did you think of police while growing up?

Lloyd: I hated them.

Interviewer: From?

Lloyd: From born. From what I've been seeing from when I was young till now, it's like they got worse. Growing up seeing police, I knew they were there to help the community, but at the same time they were just there to be bastards and that. Cah they will *look* for trouble, I've seen it, they will look for problems, just to get a reaction out of a person just to arrest them. And then I would think, this isn't what you're meant to do, you're meant to serve and protect the community but you're provoking youth, like kids, for them to react, you give them a reason to arrest, you can't be going around causing trouble, Cah you want a reason to arrest someone. Growing up police; they just got bad to worse like.



Lloyd described how this negative perception stems back from his first encounter with police at a young age.

Interviewer: Can you remember your first encounter?

Lloyd: Yes, it was Mare street, when the 236s used to run through, or where McDonald's n that, it was an old woman, she didn't have no money on her oyster card. So obviously, she just wanted to get on. But the driver made a big thing, called the police n' that. She didn't wanna come off the bus, but they [police] *dragged this old woman off the bus...* I'm thinkin' you're meant to protect and serve, imagine if she was getting robbed now... but you're doing that now, if she does get robbed who's she calling? Cos she's not gunna trust you lot after that now.

Lloyd's account demonstrates how the perceived police abuses of power have a negative impact on trust. This finding would support academic research that suggests a lack of perceived 'fairness' impacts trust negatively; both when experienced directly and when seen second-hand.¹⁶

Psychologists often call this 'vicarious' or 'secondary' trauma; where you feel pain of other people by being exposed to it repeatedly in your daily life.¹⁷ Police misconduct often takes place in public places where many people can see an incident unfolding. These public scenes can shape the opinions young people form about the police, including whether they feel they can trust them.

One young person we spoke to, Marcus, described how personally he always managed to stay clear of police hostility. Despite this he described seeing it directed at other people in the community:

Marcus: For me, they [police] have been good to me, they haven't disrespected me. I've seen them disrespect other people though, that's one reason why I don't really like them. The way they treat people is not right, needs to change, seriously... I think they feel like they're in America or something. The way they're treating people, it's different. Back in the day, I know they were still beating people and that but when I was younger there was more respect for the police in the community. They were not grabbing up people and dashing them on the ground.

¹⁶ David De Cremer and Tom R Tyler, 'The Effects of Trust in Authority and Procedural Fairness on Cooperation.', *Journal of Applied Psychology*, 92.3 (2007), 639.

¹⁷ Sharon Rae Jenkins and Stephanie Baird, 'Secondary Traumatic Stress and Vicarious Trauma: A Validation Study', *Journal of Traumatic Stress: Official Publication of The International Society for Traumatic Stress Studies*, 15.5 (2002), 423–32.

IMPACT OF LOW TRUST

In this section we address some of the consequences of low trust in the Police. Many young people we spoke to mentioned a negative mentality of ‘don’t trust the police’, often shared between generations. One of these young people, Toyin, suggested that this could lead to a process that ‘destroys community’:

Toyin: I feel like another issue would be, again, police and how they’ve treated communities in the past, which has just destroyed communities where they’ve just really took the piss in terms of the ‘Sus’ laws back then. So, you see how there’s that boundary where the elders will say ‘don’t trust the police’. And the youngsters will grow up thinking, yeah, well, it is their reality, don’t trust the police, and that also destroys community, in a sense, because who do you trust? Who do you call when there’s a problem? I mean, you’re not going to call the police, you’re going to call your boy.

Many of the young people we spoke to echoed Toyin’s claim by making it clear that they would not go to the police for help, even if they or their peers were in danger.

Interviewer: Would you call on police to help you, if your peers were in trouble, if you saw shit kicking off, would you ever call the police?

Darius: Nah nah nah, don’t think so... nah I wouldn’t go to the police for no help. I’d rather I do it myself, I’d rather help myself instead of calling them.

Interviewer: Is that common among your peers, friends?

Darius: Yeah, yeah, yeah, I’d say that as well

Young people often described the role of the police as being ‘to protect and serve’. The claim however that they would not call on police to ‘protect and serve’ them was a common theme for young people in interviews. Many young people said they did not feel comfortable going to the police for assistance instead preferring to take matters ‘into their own hands’. One potential worry outlined was that in asking police for help they may themselves become criminalised.

Interviewer: Would you still have the same thoughts now about police, like would you call on them, would you call police?

Darius: Nope, I would go about my business, if I call police, next they'd try and say, yeah, I was there when that incident was happening. I'd be like 'I just called you? What you talking about?' I'd just do my ting...

Interviewer: But what if you got people out there that's tryna get you, you got opps [enemies] or something, would you bring the police in?

Darius: Boy, never. To be honest you should never do that, cos maybe you might cause it on yourself. You calling police is just mad, makes things worse for yourself.

The extent of distrust in the police can be seen in the belief of some young people interviewed, that calling on the police could 'make things worse for yourself'. Darius expresses a commonly held belief that calling the police can 'flip' or 'switch' the situation back on to young people seeking help; for many young people, the alternative is to "just do my ting".

These findings could support research that suggests low trust can have a negative impact on crime within communities.¹⁸ When speaking to another young man named Ayodeli who had previously been involved in gang conflicts, he made it clear that a lack of trust in the police meant he would call on his peers, not the 'authorities' to deal with conflicts.

Ayodeli: I only trusted my gang when it came to stuff. We'd just see the authorities as a hindrance. If one of my boys got kidnapped, we'd find out which gang it was and just deal with it init. Kick down their family door, ask them where the fuck my boy is.

Ayodeli is demonstrating one method that him and his gang may use "When taking matters into their own hands". This could drive crime or further violence, given the potential of gangs to escalate or retaliate in conflicts. As well as being linked to a fear of criminalisation, Ayodeli spoke about a lack of faith in police to be effective, or relate and 'negotiate' effectively with young people:

Interviewer: Why not go to the police?

¹⁸ Kimberly A Lochner and others, 'Social Capital and Neighborhood Mortality Rates in Chicago', *Social Science & Medicine*, 56.8 (2003), 1797–1805; Richard Rosenfeld, Eric P Baumer, and Steven F Messner, 'Social Capital and Homicide', *Social Forces*, 80.1 (2001), 283–310; Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (WW Norton & Company, 1999).

Ayodeli: Because it could get handled faster. There's a chance that it might escalate, but that time right then, that problem right there squashed. There's no police ting, the police are useless, no, the police are *fucking* useless in most situations, because they don't know how to negotiate with people, especially when it comes to gangs.

Section 3: Accountability

ACCOUNTABILITY

KEY STATISTICS



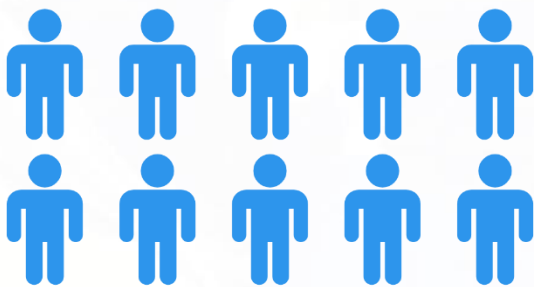
39

Custody related deaths
2017-19



of deaths in custody
are Black people

This means black people are
2 times more likely to die in custody than white people



There have been **10** deaths in
custody since 1990 that a jury
have ruled as
'Unlawful Killing'

Of these deaths there has been
0 successful prosecutions for
murder or manslaughter

0



"Deaths of people from BAME [Black, Asian and Minority Ethnic] communities, in particular young Black men, resonate with the Black community's experience of systemic racism, and reflect wider concerns about discriminatory over-policing, stop and search, and criminalisation."



Dame Elish Angiolini

Angiolini Report: Independent Report on
Deaths and serious incidents in police custody

Source: BBC News 'How many black people die in police custody in England and Wales?' <https://www.bbc.co.uk/news/52890363>

Accountability refers to the ability of citizens to hold those in power responsible for their actions.

One of the ways that police can be held accountable is through the complaints system.

The Independent Office for Police Conduct reported a total of 12,607 allegations against the Metropolitan police in the year 2017/18. This figure is up 1% from the previous year where the police recorded 12,473 complaints.¹⁹

These allegations from the public include a range of categories from ‘oppressive conduct or harassment’ to ‘neglect or failure in duty’ to ‘mishandling of property’ which led to several different outcomes. Out of those investigated (7,571) 11% (864) were ‘upheld’ and 89% ‘not upheld’.²⁰

In lots of places (in meetings with community groups, press conferences or local government) police use these figures to measure or celebrate their success. Complaints being low and investigations not being upheld are presented to show that police are doing a good job.

But if we look deeper into problems with the complaints system, and what the public thinks about it, then we see that things are not so simple. A Home Office report in 2007 recorded that out of people dissatisfied with police 87% of people chose not to complain.²¹ Why is this number so high?

HIGH PROFILE INCIDENTS – THE RASHAN CHARLES CASE

A series of high-profile cases of police misconduct are often the first way that young people in Hackney find out about the police complaints system and the institutions that investigate incidents.

In July 2017 Rashan Charles died following contact with an officer from the Territorial Support Group on Kingsland Road.²² The case sent shockwaves through the community in Hackney, with many young people publicly protesting and mourning on the streets in the days after the incident.

¹⁹ IOPC, *Police Complaints: Statistics for England and Wales 2017/18*, 2018, p. 24

<https://www.policeconduct.gov.uk/sites/default/files/Documents/statistics/complaints_statistics_2017_18.pdf>.

²⁰ IOPC, p. 31.

²¹ Graham Smith, ‘Why Don’t More People Complain against the Police?’, *European Journal of Criminology*, 6.3 (2009), p. 251.

²² Open Democracy, “‘Rashan Charles’”, *Opendemocracy.Net*, 2020

<<https://www.opendemocracy.net/en/tagged/rashan-charles/>> [accessed 27 July 2020].

Immediately after the incident the Independent Police Complaints Commission [IPCC], (now the Independent Office for Police Conduct) recommended that the offending officer be suspended whilst an investigation was being carried out. The Metropolitan Police chose to ignore this advice and allowed the officer to remain in position.

POLICE SHAPE THE NARRATIVE

The Rashan Charles case, and others, demonstrate the ability the police have to ‘shape the narrative’ in the media and public life.

Before the video footage of Rashan Charles being tackled to the floor was leaked to the press, Chief Superintendent Simon Laurence, Borough Commander for Hackney, released an official statement the following morning on the MPS website that:

‘A man... was pursued on foot before entering a shop where he was seen to be trying to swallow an object. He was then taken ill...’ and then ‘taken to hospital by the London Ambulance Service where, sadly, he died later that morning’.²³

In this statement there was no mention of the search, detention, use of restraint or the way in which the death occurred.

ACCOUNTABILITY PROCESS

The IPCC/IOPC then announced an investigation into the death with Chief Superintendent Simon Laurence stating that ‘all police officers understand that they will be asked to account for their actions, and they would not want it any other way’.

After a year-long investigation in August 2018 the IOPC ruled that ‘no officer should face gross misconduct or misconduct proceedings’.

The jury at the inquest at the Coroner’s Court also returned a conclusion of ‘accidental death’ with a ‘narrative determination’ suggesting that the officer was ‘justified’ in his use of force.

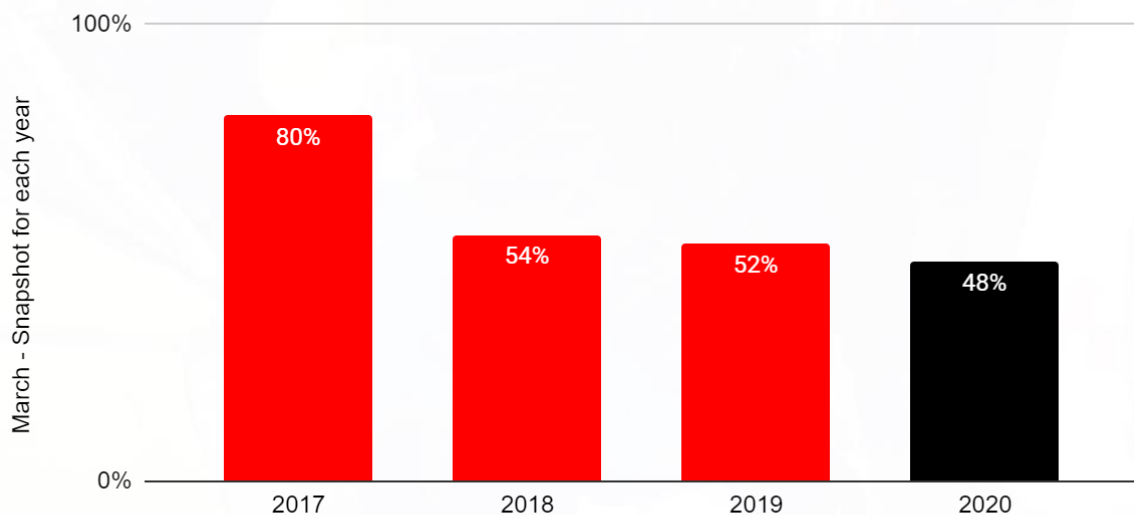
²³ Barney Davis and Justin Davenport, ‘Rashan Charles Video: CCTV Footage Shows Him “swallow Object” While Being Chased by Police’, *Evening Standard*, 2017 <<https://www.standard.co.uk/news/crime/cctv-footage-shows-rashan-charles-swallow-object-while-being-chased-by-police-a3594521.html>> [accessed 27 July 2020].

The Crown Prosecution Service [CPS] also decided that there wasn't enough evidence to put together a case against the offending officer.²⁴

The decisions made by these four public bodies; the Metropolitan Police, the IOPC, the CPS and the Coroner's Court; each faced criticism from within the community in Hackney. Rod Charles, former Met Chief Inspector and great uncle to Rashan, said the inquest process had descended into 'farce'.²⁵

When looking at opinion poll data from the Mayor's Office for Police and Crime it is striking to note how the public perception of the police changed after 2017; the year of Rashan's death:

Public perception of the police in Hackney. Do you... "agree the police treat everyone fairly regardless of who they are"?



Source: Mayor's Office for Police and Crime

For many in the community the Rashan Charles case, along with the death of Mark Duggan in 2011, was as an example of police impunity when dealing with minority residents and the inability of families to get 'justice'. Our historical research at Hackney Archives also showed us a long history of police impunity in Hackney with regards to deaths in custody, including the deaths of Colin

²⁴ Open Democracy.

²⁵ Henry Vaughan, 'Rashan Charles: Family Label Inquest a "Farce" after Death Ruled Accidental after "Justified Use of Force"', *Hackney Gazette*, 2018 <<https://www.hackneygazette.co.uk/news/crime-court/rashan-charles-family-label-inquest-a-farce-after-it-finds-death-was-accidental-after-justified-use-of-force-1-5570190>> [accessed 27 July 2020].

Roach in 1983 and Michael Ferreira in 1977.²⁶ Stories of police ‘getting away with it’ do not fade from memory easily. As one young man Jason put it to us in an interview:

Jason: Mark Duggan ain't the first come on, if we wanna talk about Black oppression and stuff getting into that then we'll be here all-day fam.

These high-profile incidents set the tone for young people when thinking about whether complaining to the police is worthwhile. For many, it may seem like the courts, the police, and any other public body, collude when investigating incidents. Or more plainly, as Toyin put it:

Toyin: Sometimes it feels like everyone's in cahoots except from your people-dem, you get what I mean? They're all in unison to attack you, and all against you, they don't want nothing for you.

TRUST IN THE COMPLAINTS SYSTEM

Many young people in Hackney do not trust the police complaints system. This may be for a number of reasons.

Among many young people, especially those from so-called ‘Black and Minority Ethnic’ backgrounds there is a perception that that police will not take their complaints seriously and that they may be unfairly treated in the process.

As a recent report from the IOPC found ‘Young people from marginalised and minority groups’ when dealing with the complaints system ‘feel they are less likely to be believed and more likely to be discriminated against.’

This links in with broader issues around trust in the police and a feeling of ‘powerlessness’ many young people have with the police, as well as a fear that the police will attempt to ‘smear’ the complainant’s character in the investigation. As one young person said to us in interview:

Me against the entire fucking police station? What do you expect? And white people are telling me 'oh you should report it'... This is not a win-win situation for me, they could pull up my record and make me look like a bad person, it's not good for my mental health it's not good for anything.

²⁶ Independent Committee of Inquiry into Policing in Hackney and Colin Roach, *Policing in Hackney, 1945-1984* (London: Karia Press, 1989). See also *Hackney Ain't Innocent* by Yolanda Lear, in this report.

RELIVING TRAUMA

For some young people there is also an unease and mistrust when approaching police complaints, when they have been traumatised by the original incident.

One young person we interviewed, Ayodeli, was the victim of a serious incident of brutality within a police station. Despite receiving permanent damage to his knees and wrists Ayodeli informed us that he chose not to make a complaint against the police since the trauma from the incident made him fearful of dealing with police again:

Ayodeli: So when white people were like 'you should report' I wanted to tell them '*I don't want to step inside a police station EVER AGAIN, I don't want to step foot inside there, I don't wanna talk to a policeman, I don't wanna look at a policeman, I don't want a policeman to talk to me, I don't wanna deal with them*, and this is like right after the incident, so they're telling me to go in there and fill in a report, but the police station is known for their brutality, and they expect me to go down there, its fucking bullshit.

Ayodeli's case emphasises the problems with having incidents investigated by the police, or other institutions which young people do not trust, especially when trauma is involved. As Ayodeli expressed it:

Ayodeli: *They're [Police] taking the piss, they don't understand, nobody wants to complain, do you know how much of a stressful thing it is to fill out a form about a traumatic experience. People that have been raped barely want to fill out forms, why would I? Someone that's dealt with physical pain from a multitude of people with zero support, why would I go through that again, to write it down, for police to question me about it, it's a piss-take, I never want to deal with it again.*



Hackney Ain't Innocent

By Yolanda Lear

Hackney ain't innocent
There's blood on our streets from the hands of the police
Remember the name
Rashan Charles
He was killed in 2017
His family still weeps
But Coolie, "The officer was just doing his job"
Nah man, the brudda couldn't breathe
This one's close to home, really broke Hackney,
Still no justice, officer walked free,
There's a murderer out on the streets, and he's still patrolling Hackney,
How can we feel safe, who's gonna protect us?
My prayers go out to his family,
We must never forget his name
So, say his name, Rashan Charles.
Say his name Rashan Charles, RIP.
Maddest ting is, he ain't the first
In 2002 we was saying R.I.P Kwame
Another death in custody
And it's the same old story, he died of natural causes,
But when he asked for your help
Officers refused, they thought he was faking it
Though he was constantly collapsing, moving round in agony
He should have lived, he had a 90% chance
But they show you neglect, when your skin colour is dark,
Kwame R.I.P, my prayers are with your family
1994 that's the year of my birth
But right before Christmas, the feds left Hackney hurt,
That's another family crying, another brother dying,
An unlawful killing as he struggled for his life
Say his name Oluwashiji
Say his name Oluwashiji
In 1998, there was still no justice for his family
My prayers are with them, as the officers where let free
But hold on wait, ain't the police meant to serve and protect,
So what happened to Vandana

Is that a case of neglect?
In 1991 she seeked refuge in your station
Escaping from her boyfriend, who used her body as a target,
She pleaded for your protection, she didn't want him in the meeting,
But you let him in anyway
And he stabbed her to death,
She was only 21, she should've had a lot of life left,
I'm sorry officer, what is your job again
Because it can't be to serve and protect,
As we remember their names
Let's remember their families,
Because nothing makes sense when tryna comprehend these tragedies,
In 1983 Hackney said R.I.P
To a brother named Colin Roach,
Died from a gunshot, in the entrance of the police station
Coroner's Jury deemed it a suicide
Typical, I'm starting to think suicide means "We did it"
Because the amount of suicides in their station
I swear it deserves an investigation,
Colin Roach was 21
His family deserves some justice man,
Do you want me to believe a Black man could walk down the streets of
Hackney, in 1983
With a bag and a shotgun,
And not get stopped by no one,
Only to make it to the station, then turn around and commit suicide?
You'll have an easier job convincing me
That I'm actually white, than me ever believing that lie
And since that will never happen,
I know for a fact that Colin Roach didn't commit suicide
See Hackney ain't innocent
There's blood on our streets
From the hands of the police
And there's some names I didn't even mention
Like Vincent Graham
Tunay Hassan, and Michael Ferreira
All these names and no officers charged
Still no justice for their families
My prayers are large
Coz it do'nt take a bullet to break someone's heart
R.I.P to da fallen, Hackney ain't innocent
There's blood on our streets from the hands of the police.





RECOMMENDATIONS





The core research team have put together the following recommendations for action.

These were informed by the findings of the research as well as ongoing meetings with the police and work with young people.

For: London Borough of Hackney and Local Partners

I. Funded, representative, effective and independent community scrutiny panels are needed to evaluate police complaints.

- I.1. As found in our research and other studies,²⁷ the police complaints system is not currently fit for purpose for young people. Urgent work is needed to give young people trust and confidence in the accountability process.
- I.2. To partially address this issue, Hackney Council needs to set up an independent Community Scrutiny Panel. The role of the panel will be to scrutinise police complaints. For the panel to be effective the following conditions must be met:

²⁷ See e.g. Independent Office for Police Conduct (IOPC) Youth Panel: Key Findings & Recommendations 2019 https://www.policeconduct.gov.uk/sites/default/files/Documents/research-learning/iopc_youth_panel_report_march2019.pdf
Smith, G. (2009) 'Why Don't More People Complain against the Police?' *European Journal of Criminology* <https://journals.sagepub.com/doi/abs/10.1177/1477370809102167>
Smith, G. (2008) 'Police complaints in the reform era' *Criminal Justice Matters* <https://www.tandfonline.com/doi/abs/10.1080/09627250608553114?journalCode=rcjm20>

- 1.2.1 The panel must be independent from the BCU.
- 1.2.2 The panel must be representative of the resident population of Hackney. This will need to include mandatory quotas on age, ethnic background, gender, income, housing. In practice this will require effective community outreach and engagement to ensure buy-in from diverse communities.
- 1.2.3 Panel members need to be properly trained and paid for their time.
- 1.2.4 The panel needs to have the power to access redacted Body-Worn Video camera (BWV) footage, police statements and witness testimonies.
- 1.2.5 The panel needs to have the power to penalise or suspend local officers.

2. Additional independent support needed for young people making complaints against police.

- 2.1. As a further measure to increase trust in the complaints system, there needs to be a clear referral process for young people to follow in order to access support, independently from police, if they feel they have been mistreated.
- 2.2. This support ‘package’ needs to be delivered by a team of community members and professionals, who operate independently from police and council, and include legal expertise, mental health support and youth advocacy. This support will need to be flexible, and based around the needs of the young person and the facts of the particular case: in some cases the best option for a young person may be support to engage with the police complaints system or community scrutiny panel, in other cases it may involve staging a local resolution, or, in others, it may involve compensation claims in court.
- 2.3. Officers will need to provide information to members of the public of this independent referral process following any Stop and Search encounter, as part of their standard operating procedures. This information should be provided in a simple leaflet, which has sections

written in both standard and “easy read” formats and in a range of languages spoken by Hackney residents.

3. Funding for mental health support for victims of police misconduct.

- 3.1. A key part of the support ‘package’ needs to be properly resourced mental health provision for young people who have been traumatised following an encounter with police. This needs to be carried out by community-based counsellors and therapists that can engage with young people effectively.
- 3.2. A key part of the professional help available needs to be tailored to the needs of neurodiverse young people, especially those with Autistic Spectrum Disorders (ASD), due to the disproportionate and excessive treatment these young people often face at the hands of the police.

4. More funding to support local safe spaces in which communities can heal from collective trauma and rebuild trust.

- 4.1. Independently from police, council or statutory services, communities need ‘safe’ spaces where they can heal from trauma from violence and victimisation. These spaces need to be owned, managed and run by local residents who are paid to help build trust, resilience and cohesion between generations. These need to be spaces where communities can speak freely, socialise and organise to begin to heal from decades of intergenerational trauma.
- 4.2. A key function of these spaces needs to be to foster well-resourced non-enforcement approaches to community safety and violence reduction. Following examples of best practice from projects like ‘4Front’²⁸, ‘FightForPeace’²⁹, ‘Project 507’³⁰ and ‘H.O.L.L.A.’,³¹ these spaces could play a role in conflict resolution, gang mediation, and ‘peace building’

²⁸ <https://www.4frontproject.org/our-work>

²⁹ <https://fightforpeace.net/>

³⁰ <http://www.project507.co.uk/>

³¹ <https://holla-inc.com/>

as well as broader projects around education, mental-health support, and community-based restorative³² or transformative³³ approaches to justice, harm-reduction and healing.

- 4.3. These spaces either need to be hosted at a series of estates or via portable venues (e.g. a bus), to ensure they are accessible to young people who are not able to travel across Hackney.

For: Hackney and Tower Hamlets Basic Command Unit (BCU)

5. Fundamental changes are needed to develop effective transparency and accountability around racial disproportionality in Stop and Search encounters and institutional racism.

- 5.1. The BCU needs to commit to a comprehensive new ‘anti-racist’ strategy to address racial stereotyping, profiling and disproportionality. This needs to include an acknowledgment of the police’s role in perpetuating systemic racism in the past and present and needs a dramatic shift in tone from the senior level to take the issue of race and racism seriously. The most senior officers need to take the lead in establishing and promoting an anti-racist culture within the BCU.
- 5.2. Rigorous data on racial disproportionality needs to be published and monitored by the BCU in line with the Best Use of Stop and Search (BUSS) scheme. This data needs to be made regularly available to scrutiny groups.

³² <http://criminaljusticealliance.org/wp-content/uploads/2015/02/RJtimeforaction.pdf>
<https://restorativejustice.org.uk/what-restorative-justice>

³³ <https://www.transformativejustice.eu/en/what-are-ca-and-tj/>

- 5.3. A new independently run evaluation process is needed to assess the use of racial profiling in frontline policing, co-supervised by an external partner such as a university or research institute. Officer self-testimony is not sufficient as evidence in this process. There need to be adequate penalties in place, including suspension, for officers found to be racial profiling. (With fair and reasonable appeals processes in place as needed).
- 5.4. All police officers (internal and external) need to engage in training to lessen the impact of racial stereotyping and racial profiling. This needs to include (at a minimum) training in cultural competency, racial identity, confirmation bias and unconscious bias. Training must be mandatory for all current and new police officers. Where possible, this training should be delivered in collaboration with local community professionals who have a deep understanding of the local community's history and culture.
- 5.5. All police officers (internal and external) need to commit to regular engagement events with young people in the borough through the youth engagement team, to help break down fears and stereotypes in particular in relation to young Black men.

6. Significant improvements needed in use of body worn video (BWV).

- 6.1. The introduction of Body Worn Video (BWV) has offered an opportunity for greater transparency and accountability. Currently, however, BWV is not used consistently among all officers in the BCU and is used too often as an internal tool for evidence, instead of an external tool for accountability.
- 6.2. Officers need to have BWV switched on during all encounters with the public. It should not be at the discretion of the officer when a camera is switched on. Their camera needs to be visible, and not blocked by clothing. There need to be significant penalties for officers not complying with appropriate BWV use, including suspension.
- 6.3. Following a contentious incident or 'community trigger' (as detailed in Best Use of Stop and Search scheme), redacted BWV needs to be made available in a timely fashion to independent scrutiny panels.

7. BCU needs to sign up to the Home Office Best Use of Stop and Search (BUSS) scheme.

7.1. The Best Use of Stop and Search scheme was introduced by the Home Office in 2014 to create 'greater transparency, community involvement in the use of Stop and Search powers and to support a more intelligence-led approach, leading to better outcomes, for example, an increase in the Stop and Search to positive outcome ratio.³⁴

8. Handcuff usage and its impact on community relations needs greater scrutiny and accountability.

8.1. Our research found that excessive and unwarranted use of handcuffs is causing irrevocable damage to community relations and traumatising many young people. From our research, it would appear that handcuffs are being used in circumstances where they are wholly unnecessary, and in a highly public fashion, causing considerable fear, embarrassment and humiliation for young people.

8.2. BCU officers should be expected at all times to follow the guidance on handcuff usage published by the National Police Chiefs' Council. Appropriate sanctions should be in place for officers who do not follow this guidance:

Any intentional application of force to the person of another is an assault. The use of handcuffs amounts to such an assault and is unlawful unless it can be justified. Justification is achieved through establishing not only a legal right to use handcuffs, but also good objective grounds for doing so in order to show that what the officer or member of police staff did was a reasonable,

³⁴'Best Use of Stop and Search Scheme' Home Office (2014)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf

necessary and proportionate use of force.³⁵

- 8.3. Greater transparency and accountability are urgently needed around 'good objective grounds' being given to demonstrate 'reasonable, necessary and proportionate use of force' in the usage of handcuffs in the borough.
- 8.4. The BCU needs to record and publish detailed data on handcuff usage, including grounds for usage.
- 8.5. Handcuff usage also needs to be scrutinised via BWV dip-sampling by a Community Scrutiny Panel. Failure to use 'good objective grounds' needs to lead to the penalisation of officers, including suspension following repeated offending.

9. Fundamental new approach needed for local officer retention.

- 9.1. A key problem outlined in the research was the cultural gap between many of the officers operating in the borough and young people. The exception to this rule was local officers who had been in post for years, even decades. This longevity allowed the officers enough time to build up trust and respect among communities they operated in. Many young people commented on the ability of these local officers to 'deescalate' situations, in contrast to external units that all too often appeared to 'provoke'.
- 9.2. Far more resources need to be committed to neighbourhood officers, the youth engagement team and local 'community policing' based strategies.
- 9.3. There need to be clear incentives introduced to keep officers in these posts for longer and end the high turnover of officers in the borough.
- 9.4. Community members, specifically young people, need to sit on recruitment boards for new officers joining the BCU.

³⁵ 'Guidance on the use of handcuffs' ACPO (2000)

<https://www.npcc.police.uk/documents/FoI%20publication/Disclosure%20Logs/Uniformed%20Operations%20FOI/2013/003%2013%20Att%2015%20of%2015%20Guidance%20on%20the%20Use%20of%20Handcuffs.pdf>

9.5. Leaders in these departments need to have greater power to hold to account units such as the Territorial Support Group or the Criminal Investigation Department; community policing should not only be the task of one department but of *all officers working in the borough*.

10. Scrutiny and Independent evaluation is needed of the Criminal Investigation Department (CID).

10.1. In our research, many young people frequently referenced mistreatment at the hands of the Criminal Investigation Department (CID). Plain clothes officers were often described as the 'Grand Theft Auto' officers - lacking the professionalism or sensitivity of other officers and regularly engaging in excessive use of force.

10.2. Despite its 'undercover' role, the CID needs be made available for public scrutiny, much like any other police department. In too many cases the CID can be seen to undo the hard work of the more 'community-centred' officers, breaking down trust and confidence.

10.3. To ensure the use of force is reasonable, necessary, and proportionate, it is recommended that the CID commits to an independent evaluation by an external partner. This evaluation must include a detailed review carried out by ex-police officers and community members. The review should be supervised by a community scrutiny panel and should result in a series of public recommendations.

10.4. As with the whole BCU, the CID needs to sign up to and comply with the BUSS scheme. It also recommended that department regularly submits BWV footage (where available) for dip sampling to the community scrutiny panel.

For: Metropolitan Police Service (MPS)

11. The Territorial Support Group (TSG) need to be subject to an independent evaluation of their role, tactics, and effectiveness. This should include a review of recruitment, training, and their impact on community relations.

11.1. Known locally, and across London, as 'bully vans' by young people, relations with the TSG are a constant cause for concern. A huge number of the incidents that lead to serious injury and trauma in the borough are carried out by officers from the TSG.

11.2. Historical research demonstrates that the 'confrontational' approach of the TSG (known previously as the Special Patrol Group [SPG]) has done untold damage to community relations since its inception.

11.3. If the Met police wants to take seriously the problem of public 'trust and confidence' then a meaningful independent evaluation of the TSG is urgently needed. This evaluation must include a detailed review carried out by academic researchers, community partners and independent police expertise (such as ex-police officers). The review should be supervised by the Mayor's Office for Police and Crime (MOPAC) and contain actionable public recommendations with a commitment to reform from the MPS.

11.4. If the TSG's negative impact on community relations cannot be justified with a clear evidence base, then it is not fit for purpose and must be abolished.

12. MPS need to deliver a meaningful public apology for historical trauma caused to communities and families from death in custody

incidents. Where appropriate, cases should be reopened.

- 12.1. The impact of high-profile deaths in custody on trust in the police in Hackney and other boroughs over generations have been immeasurable. The Metropolitan police as an institution need to become more aware of this history, and their part in it, before they can hope to rebuild trust and confidence.
- 12.2. Across London, including Hackney, senior police need to educate themselves and their officers about this history and deliver a meaningful public apology with a commitment to change. As a minimum this should be accompanied by mandatory training delivered by relevant community groups about the historical impact of local deaths in custody within given boroughs.

13. MPS need to comply with recommendations given by the Independent Office for Police Complaints (IOPC) during misconduct investigations.

- 13.1. Untold damage was done to community relations when the Metropolitan Police refused to suspend (pending investigation) the officer involved in the fatal incident with Rashan Charles in 2017.
- 13.2. If the IOPC are to be effective and genuinely independent, then the police need to comply with *all* recommendations given by the IOPC. Without this, the IOPC are not fit for purpose.



BLACK LIVES MATTER

PROTECT BLACK WOMEN

FROM GREAT TO THE LITTLE SHY

FROM GREAT TO THE LITTLE SHY

SAY HIS

COOLZON

Photo

Are we allowed to live?

**Statement on the killing of George Floyd by Yolanda Lear,
Community Researcher**



Frustration, pain and agony. These are some of the emotions I feel when staring into the face of this tragedy. When I see a Black man, who could be my father, brother, uncle or cousin, murdered, with no justice. And this isn't the first. Are these murders a way of silencing our struggle, our pain as a people? Are these murders a way of the system telling us we don't belong? That we aren't welcome on the land of the "Great"? Nor are we welcome in the kingdom that is supposed to be United? United means to be one, to be treated equally regardless of anything. But where is the equality?

Why is it, when I see someone who looks like me, they are usually deemed as a criminal or a lost cause? What hope do I have, to find hope in a world where it is a sin to be Black?

We try to get our voices heard and we are told "NO DON'T DO THAT." Anger boiling up and tensions rising, we don't get to express the emotions inside. But

then we are told, we are being 'too violent'. So, we protest in peace, but now we are causing havoc on these streets.

I am a young Black woman, asking "What do you want from me?"

If I stay silent, my silence is deafening. A direct injustice to my ancestors. I would feel like I'm letting down my people. But when we speak it falls on deaf ears; so how do we get heard?

I guess the real question is, do you even want to listen? Because we have been speaking for years, and still haven't been heard. So as a Black person, I ask you, can you listen to our cries? We say Black Lives Matter, and you respond, "all lives matter." But if all lives mattered, why do we still have to question whether or not Black lives really matter? If all lives do matter, can you stand with us; not against in the fight for equality and justice? Can you see a human being, not a thug, criminal, drug addict, when you see our Black men? Can you see a human being, not a loudmouth, aggressive woman, when you see our Black women? Because all lives can't matter until you can listen to our cries and emotions, without trying to counteract what it is we are saying. Until you can do this, I am yet to believe that you really believe all lives matter.

Are we allowed to live? I have to ask, because we are getting murdered with no justice over here in the UK, as well as the USA. It has become a trendy topic all over our socials. We are forced to watch the modern-day lynching of our people. Forced to see the faces of their killers, as it's all over our socials. To then see, no justice has been given. Yep you guessed it, it's all over our socials as well.

We say Black Lives Matter, but in the same breath, we are killing and cursing our own people. How is it we expect the world to view our lives as Black people as valuable if we as Black people do not view our lives as valuable. If we look and talk down on our very own people on a regular basis.

Think about the emotional trauma, we as a people experience from seeing this. From seeing someone who could easily be related to us, murdered. Imagine the fears a mother has when letting her son go out. When your skin alone makes you a target. Imagine the paranoia we live in, not knowing if today could be the day it happens to you. To make matters worse it's not only the police we have to be on guard for. Cops are killing us, people of other faces are killing us, we are killing us! So again I ask, are we allowed to live?

Yolanda Lear, June 2020



Abuse of Power

By King Ilunga

They call us names, treat us like animals
hoping we retaliate always wanna provoke us
just coz they can or
think they can.

Meant to protect and serve but to be honest
they really make the problem worse,
If we commit an act of violence, we are sentenced
if it's them they are more likely not suspended,
this ain't justice,
this ain't right.

Have you ever stopped to think yes,
we are the police,
we are the law but
let's be reasonable with those we confront coz
you never know who you may come across
but nah the Jakes want to escalate when sometimes
there is no need.

I say how about those that suffer
from physical or mental illness, depression or anxiety
how about those affected emotionally but
suffer in silence,
family,
friends,
those are also true victims,
of how the system will never treat communities
with some sort of fairness or cease to realise

we are not animals
something must change
Or else nothing will.

NOTHING TO SEE HERE.



Appendix – Racial Disproportionality Statistics

In the last year (Aug 2019-July 2020) there have been 10,827 stop and searches in the borough of Hackney.³⁶ 5,851 of these searches were of black people. This means that whilst black people make up roughly 26% of the population in Hackney, they account for roughly 54% of stop and searches.

3,119 of these searches were of White people. White people make up around 55% of the population in Hackney and account for around 29% of stop and searches.

This amounts to 90.4 searches per 1000 people for Black people and 23.2 searches per 1000 people for White people. This means you are roughly **4 times more likely to be stopped and search if you are black.**

This figure increases to 768.6 searches per 1000 population for young black men (aged 15 to 19). This means **if you are a young, male and black, you are 6 times more likely than your white male peers to be stopped and searched** (young white men aged 15-19 are searched at a rate of 136.2 searches per 1000 population) or **17 times more likely to be stopped and searched than someone from the general population.**

Positive Outcome rates

If, as police leaders claim,³⁷ disproportionality figures can be explained via higher perpetrator and offending rates among black people then 'positive outcome' levels (i.e. where the officer finds a prohibited item during a search) ought to remain equal among ethnic categories.³⁸

If we look at the data over the last 12 months (Aug 2019- July 2020) 10,831 searches in Hackney led to 2,392 'positive outcomes'. This means a 'hit rate' of roughly 22.1%. Put simply, **22.1% of police stop and searches led to a positive outcome** (usually meaning drugs, weapons etc. were found on the person searched).

If we change this figure to young black men (aged 15-24) the outcome rate drops to 17.6% (i.e. out of 3,334 searches, 579 led to a 'positive outcome'). This compares to a positive outcome rate of 21.9% for young white men of the same age category. **If we lower the age group to 15-19 then for young black men the positive outcome rate is 14.3%** (compared to 18% for young white men of the same age category).

For drugs searches (i.e. searches carried out under section 23 of the Misuse of Drugs Act) **in Hackney 25.3% led to a positive outcome.** This figure rises slightly to 26.8% for white people.

However, **for young black men (aged 15-19) only 17% of drug searches led to a positive outcome.** This compares to a 22.9 % positive outcome rate for young white men from the same age category.

³⁶ All stop and search data from Met Stop and Search Dashboard <https://www.met.police.uk/sd/stats-and-data/met/stop-and-search-dashboard/>

³⁷ See e.g. Ed Sheridan, 'Hackney Police's Stance on Race Disparity in Stop and Search "Astounds" Equalities Boss', *Hackney Citizen*, 2020 <<https://www.hackneycitizen.co.uk/2020/06/24/hackney-police-stance-race-disparity-stop-search-astounds-equalities-boss/>> [accessed 21 August 2020].

³⁸ Outcome rates also don't fall into problems with inaccurate population data since the sample only concerns people who are being stopped and searched.

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The Lammy Review

An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System



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Introduction



Across England and Wales, people from minority ethnic backgrounds are breaking through barriers. More students from Black, Asian and Minority Ethnic (BAME) backgrounds are achieving in school and going to university.¹ There is a growing BAME middle class.² Powerful, high-profile institutions, like the House of Commons, are slowly becoming more diverse.³ Yet our justice system bucks the trend. Those who are charged, tried and punished are still disproportionately likely to come from minority communities.

Despite making up just 14% of the population, BAME men and women make up 25% of prisoners,⁴ while over 40% of young people in custody are from BAME backgrounds. If our prison population reflected the make-up of England and Wales, we would have over 9,000 fewer people in prison⁵ – the equivalent of 12 average-sized prisons.⁶ There is greater disproportionality in the number of Black people in prisons here than in the United States.⁷

These disproportionate numbers represent wasted lives, a source of anger and mistrust and a significant cost to the taxpayer. The economic cost of BAME overrepresentation in our courts, prisons and Probation Service is estimated to be £309 million a year.⁸

This report is the product of an independent review, commissioned by two Prime Ministers.⁹ The review was established to 'make recommendations for improvement with the ultimate aim of reducing the proportion of BAME offenders in the criminal justice system'.¹⁰ It reflects a growing sense of urgency, across party-political lines, to find solutions to this inequity.

The Review

This review has two distinctive features, the first of which is its breadth. The terms of reference span adults and children; women and men. It covers the role of the Crown Prosecution Service (CPS), the courts system, our prisons and young offender institutions, the Parole Board, the Probation Service and Youth Offending Teams (YOTS). A comprehensive look at both the adult and youth justice systems was overdue.

Secondly, whilst independent of the government, the review has had access to resources, data and information held by the criminal justice system (CJS) itself. In the past, too much of this information has not been made available to outsiders for scrutiny and analysis. As a result, this review has generated analysis that breaks new ground on race and criminal justice in this country.¹¹

The focus of the review is on BAME people, but I recognise the complexity of that term. Some groups are heavily over-represented in prison – for example Black people make up around 3% of the general population but accounted for 12% of adult prisoners in 2015/16; and more than 20% of children in custody.^{12,13,14} Other groups, such as Mixed ethnic adult prisoners, are also overrepresented, although to a lesser degree.¹⁵ The proportion of prisoners who are Asian is lower than the general population but, within categories such as 'Asian' or 'Black' there is considerable diversity, with some groups thriving while others struggle.

This complexity mirrors the story in other areas of public life. In schools, for example, BAME achievement has risen but not in a uniform way. Chinese and Indian pupils outperform almost every other group, while Pakistani children are more likely to struggle. Black African children achieve better GCSE exam results, on average, than Black Caribbean children.¹⁶ Wherever possible this report seeks to draw out similar nuances in the justice system.

The review also addresses the position of other minorities who are overlooked too often. For example, Gypsies, Roma and Travellers (GRT) are often missing from published statistics about children in the CJS, but according to unofficial estimates, are substantially over-represented in youth custody, for example, making up 12% of children in Secure Training Centres (STC).¹⁷ Muslims, meanwhile, do not fall within one ethnic category, but the number of Muslim prisoners has increased from around 8,900 to 13,200 over the last decade.¹⁸ Both groups are considered within scope for this review.

I hope and expect that many of my recommendations will benefit White working class men, women, boys and girls too. BAME communities face specific challenges, including discrimination in many walks of life. But some of the most marginalised BAME communities have much in common with the White working-class. A justice system that works better for those who are BAME and poor will work better for those who are White British and poor too.

In general, the areas of the CJS addressed in my report cover both England and Wales. The laws on prisons and offender management are reserved to Westminster, as is the single legal jurisdiction which covers courts, judges and criminal procedure, including sentencing. However, in the context of prisons and offender management there are some exceptions which are devolved to the Welsh Government. These include the legal provisions for health care in prisons; social care and education; training and libraries in prisons; and local authority accommodation for the detention of children and young people.

As far as possible I have sought to recommend actions that I believe would benefit the CJS as a whole. I have not been specific about jurisdiction or the levers for implementation, other than in which part or agency of the justice system they should, or could, be owned and taken forward. The work to implement my recommendations will need to be mindful of the differences in how the CJS is administered in Wales.

International context

The problem is not unique to England and Wales. Over the course of this review I visited six countries and 12 cities around the world. In each jurisdiction, I found governments and civil society organisations grappling with how best to reduce racial disparities within their own criminal justice systems. In France, Muslims make up an estimated 8% of the population and between a quarter and a half of the prison population.¹⁹ In America, one in 35 African-American men are incarcerated, compared with one in 214 White men.²⁰ In Canada, indigenous adults make up 3% of the population but 25% of the prison population.²¹ In Australia, Aboriginal and Torres Strait Islander prisoners make up 2% of the population, but 27% of prisoners.²² In New Zealand, Maoris make up 15% of the population, but more than 50% of the prisoners.²³

This report draws together the most promising ideas from those other jurisdictions; from efforts to diversify judiciaries to new ways of involving communities in rehabilitating offenders. In the chapters that follow I explore how they can be applied in our own context. I also draw on ideas from closer to home, gathered through public consultation events, an open call for evidence with over 300 responses from a mix of organisations, experts, and private individuals; round-table seminars; and an intensive programme of visits to courts, prisons, probation services and community initiatives across England and Wales. I have spoken with those who work in the system, from prison officers to prison governors, court clerks to our most senior judges. I have heard from victims and offenders, from faith groups and charitable organisations, campaigners and academic experts. Each of those perspectives has influenced the conclusions I have reached.

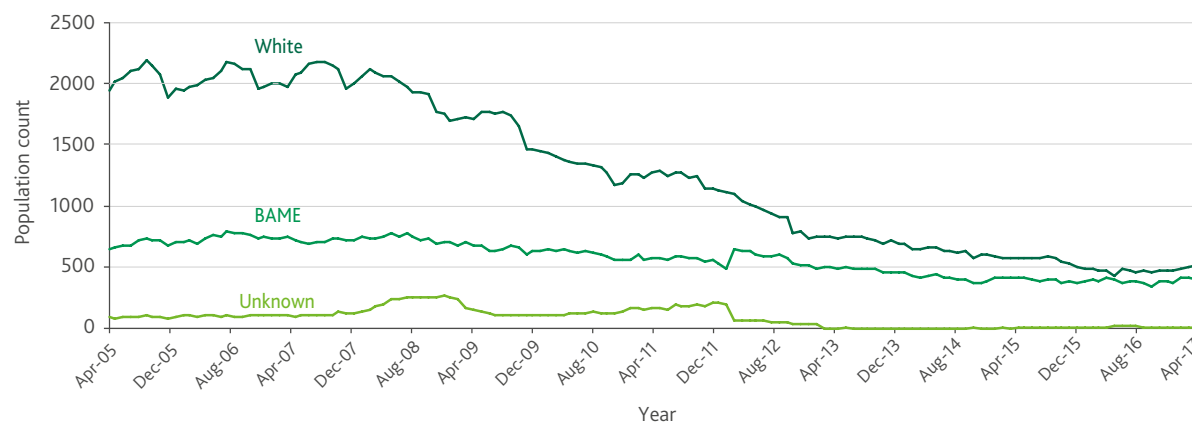
I present my findings and recommendations with one major qualification: many of the causes of BAME over-representation lie outside the CJS, as do the answers to it. People from a black background are more than twice as likely to live in poverty than those from a white background.²⁴ Black children are more than twice as likely to grow up in a lone parent family.²⁵ Black and Mixed ethnic boys are more likely than White boys to be permanently excluded from school and to be arrested as a teenager.²⁶ ²⁷ These issues start long before a young man or woman ever enters a plea decision, goes before a magistrate or serves a prison sentence. Although these problems must be addressed, this cannot be done by the justice system alone. Prisons may be walled off from society, but they remain a product of it.

Nevertheless, our justice system is powerful and far-reaching. It makes millions of decisions each year that influence the fate of victims, suspects, defendants and offenders. 1.6 million cases were received by our courts last year, while billions are spent on supervising and rehabilitating offenders.^{28,29} More can be done to achieve the core goals of this review: to reduce the proportion of BAME individuals in the CJS and ensure that all defendants and offenders are treated equally, whatever their ethnicity.

Findings

My biggest concern is with the youth justice system. This is regarded as one of the success stories of the CJS, with published figures showing that, compared with a decade ago, far fewer young people are offending, reoffending and going into custody.³⁰ YOTs were established by the 1998 Crime and Disorder Act, with a view to reducing youth offending and reoffending and have been largely successful in fulfilling that remit. Yet despite this fall in the overall numbers, the BAME proportion on each of those measures has been rising significantly.³¹ Over the last ten years:

- The BAME proportion of young people **offending for the first time** rose from 11% year ending March 2006 to 19% year ending March 2016.³²
- The BAME proportion of young people **reoffending** rose from 11% year ending March 2006 to 19% year ending March 2016.³³
- The BAME proportion of youth prisoners has risen from 25% to 41% in the decade 2006-2016.³⁴ (see figure 1 next page indicating the makeup of the youth custodial population).³⁵

Figure 1: Under 18 secure population by ethnicity 2005/05 – 2017/18*

* 2016/17 and 2017/18 data is provisional

The system has been far too slow to identify the problem, let alone to react to it. There are isolated examples of good practice, including in some YOTs³⁶, but nothing serious or comprehensive enough to make a lasting difference. Unless something changes, this cohort will become the next generation of adult offenders.

In both the youth and adult systems, there is no single explanation for the disproportionate representation of BAME groups. For example, analysis of 2014/15 data, shows that arrest rates were generally higher across all ethnic groups, in comparison to the white group – twice as high for Black and Mixed ethnic women, and were three times higher for Black men.³⁷ Arrests are disproportionate but this does not fully explain the make-up of our youth custody population.

Other decisions have important consequences. For example, analysis of the same 2014/15 data, shows that BAME defendants were consistently more likely than White defendants to plead not guilty in court.³⁸ Admitting guilt can result in community punishment rather than custody, or see custodial sentences reduced by up to a third.³⁹ Plea decisions are an important factor in the disproportionate make-up of the prison system.

There is evidence of differential treatment that is equally problematic. For example, analysis of sentencing data from 2015 shows that at the Crown Court, BAME defendants were more likely than White defendants to receive prison sentences for drug offences, even when factors such as past convictions are taken into account.⁴⁰ Despite some areas that require further study, such as the role of aggravating and mitigating factors, there is currently no evidence-based explanation for these disparities.

In many prisons, relationships between staff and BAME prisoners are poor. Many BAME prisoners believe they are actively discriminated against and this is contributing to a desire to rebel rather than reform. In the youth system, young BAME prisoners are less likely to be recorded as having problems, such as mental health, learning difficulties and troubled family relationships, suggesting many may have unmet needs. All this hinders efforts to tackle the root causes of offending and reoffending among BAME prisoners, entrenching disproportionality.⁴¹

Probation services and YOTs are charged with managing offenders in the community and helping them start new lives. However, our criminal records regime does precisely the opposite of this. Over the last five years 22,000 BAME children have had their names added to the Police National Database.⁴² This includes for minor offences, such as a police reprimand. The result in adulthood is that their names could show up on criminal record checks for careers ranging from accountancy and financial services to plumbing, window cleaning and driving a taxi.⁴³

Key principles

The response to the disproportionate representation of BAME prisoners should be based around three core principles:

- Firstly, there must be robust systems in place to ensure **fair treatment** in every part of the CJS. The key lesson is that bringing decision-making out into the open and exposing it to scrutiny is the best way of delivering fair treatment. For example, juries deliberate as a group through open discussion. This both deters and exposes prejudice or unintended bias: judgments must be justified to others. Successive studies have shown that juries deliver equitable results, regardless of the ethnic make-up of the jury, or of the defendant in question.⁴⁴
- This emphasis on opening decision-making to scrutiny can mean different things in different parts of the system. For example, the CPS has a system of randomly reviewing case files, providing one model to replicate. Other examples include publishing data in much more detail, thereby enabling outsiders to identify and scrutinise disproportionate treatment.
- Secondly, **trust** in the CJS is essential. The reason that so many BAME defendants plead not guilty, forgoing the opportunity to reduce sentences by up to a third, is that they see the system in terms of 'them and us'. Many do not trust the promises made to them by their own solicitors, let alone the officers in a police station warning them to admit guilt. What begins as a 'no comment' interview can quickly become a Crown Court trial. Trust matters at other key points in the CJS too. A growing international evidence base shows that when prisoners believe they are being treated fairly, they are more likely to respect rules in custody and less likely to reoffend on release.⁴⁵
- Trust is low not just among defendants and offenders, but among the BAME population as a whole. In bespoke analysis for this review which drew on the 2015 Crime Survey for England and Wales, 51% of people from BAME backgrounds born in England and Wales who were surveyed believe that 'the criminal justice system discriminates against particular groups and individuals'.⁴⁶ The answer to this is to remove one of the biggest symbols of an 'us and them' culture – the lack of diversity among those making important decisions in the CJS; from prison officers and governors, to the magistrates and the judiciary. Alongside this, much more needs to be done to demystify the way decisions are made at every point in the system. Decisions must be fair, but must also be seen to be fair, if we are to build respect for the rule of law.

- Thirdly, the CJS must have a stronger analysis about where **responsibility** lies beyond its own boundaries. Statutory services are essential and irreplaceable, but they cannot do everything on their own. The system must do more to work with local communities to hold offenders to account and demand that they take responsibility for their own lives. Local police forces for example, have spent years working through the best ways to create dialogue and partnership with local communities, from neighbourhood policing approaches to Safer Neighbourhood Boards in every London borough. They are not perfect in every respect, but they do represent progress. It is time for other parts of the CJS to do the same. For example, the youth justice system should be much more rooted in local communities, with hearings taking place in local neighbourhoods, using non-traditional buildings such as libraries or community centres. Addressing high reoffending rates among some BAME groups, can only be done through greater partnership with communities themselves.

Responsibility has a hard edge too. Behind many young offenders are adults who either neglect or exploit them. The youth justice systems appear to have given up on parenting. Last year, 55,000 young offenders were found guilty in the courts,⁴⁷ but just 189 parenting orders were issued by the youth justice system. Only 60 involved BAME young people. Parents need support alongside accountability.

Many feel helpless about their children being exploited and drawn into criminality. There is a settled narrative about young BAME people associating in gangs, but far too little attention is paid to the criminals who provide them with weapons and use them to sell drugs.⁴⁸ A concerted approach to these issues would focus more attention and enforcement on the powerful adults much further up criminal hierarchies. New tools like the Modern Slavery legislation must be used to hold these adults to account for the exploitation of our young people.

Chapters

I explore these findings and reform principles in more detail in the following chapters:

- Chapter 1 sets out how 'disproportionality' is monitored in the CJS and what must change in the future.
- Chapter 2 examines arrest rates and CPS charging decisions.
- Chapter 3 looks at plea decisions.
- Chapter 4 focuses on the courts.
- Chapter 5 addresses prisons.
- Chapter 6 tackles rehabilitation in the community.

First, though, I set out my recommendations in full below:

Recommendation 1: A cross-CJS approach should be agreed to record data on ethnicity. This should enable more scrutiny in the future, whilst reducing inefficiencies that can come from collecting the same data twice. This more consistent approach should see the CPS and the courts collect data on religion so that the treatment and outcomes of different religious groups can be examined in more detail in the future.

Recommendation 2: The government should match the rigorous standards set in the US for the analysis of ethnicity and the CJS. Specifically, the analysis commissioned for this review – learning from the US approach – must be repeated biennially, to understand more about the impact of decisions at each stage of the CJS.

Recommendation 3: The default should be for the Ministry of Justice (MoJ) and CJS agencies to publish all datasets held on ethnicity, while protecting the privacy of individuals. Each time the Race Disparity Audit exercise is repeated, the CJS should aim to improve the quality and quantity of datasets made available to the public.

Recommendation 4: If CJS agencies cannot provide an evidence-based explanation for apparent disparities between ethnic groups then reforms should be introduced to address those disparities. This principle of ‘explain or reform’ should apply to every CJS institution.

Recommendation 5: The review of the Trident Matrix by the Mayor of London should examine the way information is gathered, verified, stored and shared, with specific reference to BAME disproportionality. It should bring in outside perspectives, such as voluntary and community groups and expertise such as the Office of the Information Commissioner.

Recommendation 6: The CPS should take the opportunity, while it reworks its guidance on Joint Enterprise, to consider its approach to gang prosecutions in general.

Recommendation 7: The CPS should examine how Modern Slavery legislation can be used to its fullest, to protect the public and prevent the exploitation of vulnerable young men and women.

Recommendation 8: Where practical all identifying information should be redacted from case information passed to them by the police, allowing the CPS to make race-blind decisions.

Recommendation 9: The Home Office, the MoJ and the Legal Aid Agency should work with the Law Society and Bar Council to experiment with different approaches to explaining legal rights and options to defendants. These different approaches could include, for example, a role for community intermediaries when suspects are first received in custody, giving people a choice between different duty solicitors, and earlier access to advice from barristers.

Recommendation 10: The ‘deferred prosecution’ model pioneered in Operation Turning Point should be rolled out for both adult and youth offenders across England and Wales. The key aspect of the model is that it provides interventions before pleas are entered rather than after.

Recommendation 11: The MoJ should take steps to address key data gaps in the magistrates’ court including pleas and remand decisions. This should be part of a more detailed examination of magistrates’ verdicts, with a particular focus on those affecting BAME women.

Recommendation 12: The Open Justice initiative should be extended and updated so that it is possible to view sentences for individual offences at individual courts, broken down by demographic characteristics, including gender and ethnicity.

Recommendation 13: As part of the court modernisation programme, all sentencing remarks in the Crown Court should be published in audio and/or written form. This would build trust by making justice more transparent and comprehensible for victims, witnesses and offenders.

Recommendation 14: The judiciary should work with Her Majesty’s Courts and Tribunals Service (HMCTS) to establish a system of online feedback on how judges conduct cases. This information, gathered from different perspectives, including court staff, lawyers, jurors, victims and defendants, could be used by the judiciary to support the professional development of judges in the future, including in performance appraisals for those judges that have them.

Recommendation 15: An organisation such as Judicial Training College or the Judicial Appointments Commission should take on the role of a modern recruitment function for the judiciary – involving talent-spotting, pre-application support and coaching for ‘near miss’ candidates. The MoJ should also examine whether the same organisation could take on similar responsibilities for the magistracy. The organisation should be resourced appropriately to fulfill this broader remit.

Recommendation 16: The government should set a clear, national target to achieve a representative judiciary and magistracy by 2025. It should then report to Parliament with progress against this target biennially.

Recommendation 17: The MoJ and Department of Health (DH) should work together to develop a method to assess the maturity of offenders entering the justice system up to the age of 21. The results of this assessment should inform the interventions applied to any offender in this cohort, including extending the support structures of the youth justice system for offenders over the age of 18 who are judged to have low levels of maturity.

Recommendation 18: Youth offender panels should be renamed Local Justice Panels. They should take place in community settings, have a stronger emphasis on parenting, involve selected community members and have the power to hold other local services to account for their role in a child's rehabilitation.

Recommendation 19: Each year, magistrates should follow an agreed number of cases in the youth justice system from start to finish, to deepen their understanding of how the rehabilitation process works. The MoJ should also evaluate whether their continued attachment to these cases has any observable effect on reoffending rates.

Recommendation 20: Leaders of institutions in the youth estate should review the data generated by the Comprehensive Health Assessment Tool (CHAT) and evaluate its efficacy in all areas and ensure that it generates equitable access to services across ethnic groups. Disparities in the data should be investigated thoroughly at the end of each year.

Recommendation 21: The prison system, working with the Department of Health (DH), should learn from the youth justice system and adopt a similar model to the CHAT for both men and women prisoners with built in evaluation.

Recommendation 22: The recent prisons white paper sets out a range of new data that will be collected and published in the future. The data should be collected and published with a full breakdown by ethnicity.

Recommendation 23: The MoJ and the Parole Board should report on the proportion of prisoners released by offence and ethnicity. This data should also cover the proportion of each ethnicity who also go on to reoffend.

Recommendation 24: To increase the fairness and effectiveness of the Incentives and Earned Privileges (IEP) system, each prison governor should ensure that there is forum in their institution for both officers and prisoners to review the fairness and effectiveness of their regime. Both BAME and White prisoners should be represented in this forum. Governors should make the ultimate decisions in this area.

Recommendation 25: Prison governors should ensure Use of Force Committees are not ethnically homogeneous and involve at least one individual, such as a member of the prison's Independent Monitoring Board (IMB), with an explicit remit to consider the interests of prisoners. There should be escalating consequences for officers found to be misusing force on more than one occasion. This approach should also apply in youth custodial settings.

Recommendation 26: Her Majesty's Prison and Probation Service (HMPPS) should clarify publicly that the proper standard of proof for assessing complaints is 'the balance of probabilities'. Prisons should take into account factors such as how officers have dealt with similar incidents in the past.

Recommendation 27: Prisons should adopt a 'problem-solving' approach to dealing with complaints. As part of this, all complainants should state what they want to happen as a result of an investigation into their complaint.

Recommendation 28: The prison system should be expected to recruit in similar proportions to the country as a whole. Leaders of prisons with diverse prisoner populations should be held particularly responsible for achieving this when their performance is evaluated.

Recommendation 29: The prison service should set public targets for moving a cadre of BAME staff into leadership positions over the next five years.

Recommendation 30: HMPPS should develop performance indicators for prisons that aim for equality of treatment and of outcomes for BAME and White prisoners.

Recommendation 31: The MoJ should bring together a working group to discuss the barriers to more effective sub-contracting by Community Rehabilitation Companies (CRCs). The working group should involve the CRCs themselves and a cross-section of smaller organisations, including some with a particular focus on BAME issues.

Recommendation 32: The Ministry of Justice should specify in detail the data CRCs should collect and publish covering protected characteristics. This should be written into contracts and enforced with penalties for non-compliance.

Recommendation 33: The Youth Justice Board (YJB) should commission and publish a full evaluation of what has been learned from the trial of its 'disproportionality toolkit', and identify potential actions or interventions to be taken.

Recommendation 34: Our CJS should learn from the system for sealing criminal records employed in many US states. Individuals should be able to have their case heard either by a judge or a body like the Parole Board, which would then decide whether to seal their record. There should be a presumption to look favourably on those who committed crimes either as children or young adults but can demonstrate that they have changed since their conviction.

Recommendation 35: To ensure that the public understands the case for reform of the criminal records regime, the MoJ, HMRC and DWP should commission and publish a study indicating the costs of unemployment among ex-offenders.

Chapter 1: Understanding BAME disproportionality



Introduction

Since the passage of the 1991 Criminal Justice Act, successive governments have published data on ethnicity and the criminal justice system (CJS). The purpose of the legislation is to 'avoid discriminating against any persons on the grounds of race, sex or any other improper ground'.⁴⁹ It reflects a key principle of this review: scrutiny is the best route to fair treatment.

This chapter argues that the CJS can do far more in this area. The CJS may be meeting its statutory obligations but it should be more ambitious than that:

- There are important gaps in what we know about the CJS. For example, prisons record inmates' religion but the courts and the CPS do not. This obscures important questions, like why the number of Muslim prisoners has increased by nearly 50% in the last ten years.⁵⁰ This lack of transparency undermines accountability.
- The CJS should be world-leading in its analysis of ethnicity. This means learning from the methods used in the US to shine a spotlight on each part of the system. Specifically, the Relative Rate Index analysis commissioned for this review must be repeated and published on a regular basis, to understand more about the impact of decisions at each stage of the CJS.
- Accountability should come from outside the system as well as from within it. This requires a new default position: all the datasets held centrally on ethnicity and the CJS should be published, whilst protecting the privacy of individuals. Making all this data freely available will enable outsiders such as academics, journalists and campaigners to conduct their own analysis, contribute ideas and hold the CJS to account.
- Alongside consistency, openness and rigour, there must be a no-excuses culture. The government should introduce a new principle of 'explain or reform' for racial disparities across the CJS. If governments cannot provide an evidence-based explanation for apparent disparities, then reforms should be introduced to address them.

Data and transparency

Corston Independent Funders Coalition – Written submission to Call for Evidence June 2016

Inadequacies in the data currently collected make accurate analysis of disproportionality impossible.

Magistrates Association – Written submission to Call for Evidence: June 2016

More data at different points in the criminal justice system would be very helpful in identifying the stages at which disproportionality arises.

There are important blind spots in our justice system. The first of these concerns Gypsies, Roma and Travellers. Though Gypsies, Roma and Irish Travellers represent just 0.1% of the wider population, they are estimated to account for 5% of male prisoners.⁵¹ The reason these figures remain estimates, however, is that Gypsies, Roma and Travellers have not featured in the official monitoring systems across the CJS.

The absence of Gypsies, Roma and Travellers from official monitoring has meant, for example, it is impossible to analyse whether charging rates, sentencing decisions, or reoffending rates are proportionate for Gypsies, Roma and Travellers. Ministers have committed to rectifying this problem – the change should be made as soon as possible.

All Party Parliamentary Group for Gypsy, Roma, Travellers – Written submission to call for evidence May 2016

Given the serious issues raised over recent years we believe the least the Government can do is monitor the apparently significant population of Traveller children in custody.

A second gap in the data concerns religion. A quirk of the CJS is that the prison system monitors religious identification. As a result, we know that the number of Muslims in prison has increased by almost 50% over the last decade from 8,900 to 13,200.⁵² Muslims now make up 15% of the prison population, but just 5% of the general population. This is a worrying trend and risks becoming a source of social division.

This dramatic rise in the number of prisoners is not linked to terrorism offences, as on average, very few people are convicted of these offences each year. Just 175 Muslims were convicted of terrorism-related offences between 2001 and 2012.⁵³ However, because the rest of the CJS does not ask or record the same information as the prison system, we know far too little about what has been driving this trend. Are charging decisions, or trial outcomes affecting the numbers ending up in prison? Are large proportions of prisoners converting to Islam once they are in custody? We simply do not know. This gap needs to be taken seriously. The Crown Prosecution Service (CPS) and the courts should ask and record religious identification in the future in the same way that the prison system does.

Recommendation 1: A cross-CJS approach should be agreed to record data on ethnicity. This should enable more scrutiny in the future, whilst reducing inefficiencies that can come from collecting the same data twice. This more consistent approach should see the CPS and the courts collect data on religion so that the treatment and outcomes of different religious groups can be examined in more detail in the future.

From data to insight

Young Review/Black Training and Enterprise Group (BTEG) – Written submission to Call for Evidence: June 2016

There is a need for Her Majesty's Prison and Probation Service (HMPPS)/Ministry of Justice (MoJ) to work more collaboratively with external academics in utilising the data that is currently available to inform and drive change.

Public comment

There needs to be accurate quantitative and qualitative data collated annually and reported to the Minister about BAME outcomes.

Real scrutiny comes when data is turned into insight. The MoJ and the Office for National Statistics (ONS) already produce a biennial publication, entitled Statistics on Race and the Criminal Justice System. Whilst this is welcome, it is not designed to track the impact of decisions made at each particular stage of the CJS – a pre-requisite for proper accountability.

For example, the most recent Race and the Criminal Justice System publication reports that 'the Black ethnic group had the highest rate of prosecutions'.⁵⁴ However, the analysis is not designed to show whether this is down to the number of people being arrested or, alternatively, whether charging decisions after arrest are driving the figures. Understanding this is the difference between providing data and creating insight.

The US government has an answer to this problem. The American Office of Juvenile Justice and Delinquency Prevention uses an approach called a 'Relative Rate Index' (RRI) to isolate the effect of decision-making on disproportionality at each stage in the CJS.⁵⁵ This review commissioned analysis of our justice system adopting the RRI method.⁵⁶ This is the first time such analysis has been performed and published by the MoJ and, as far as I am aware, anywhere in England and Wales.

Table 1 provides an example of the RRI method. It compares BAME groups with the White group, as all similar tables in this report do. The 2014/15 data shows, for example, that:

- Once arrested, Black women were less likely than White women to face prosecution. Of those arrested, 88 Black women were charged by the CPS for every 100 White women.⁵⁷
- Once charged with an offence, Black women were more likely to be tried at the Crown Court. Of those charged, 163 Black women were tried at the Crown Court for every 100 White women.

Table 1: Arrests, charging and prosecutions of BAME women relative to the White ethnic group women⁵⁸

	Black women	Asian women	Mixed ethnic women	Chinese/ Other women	All BAME women
Among those arrested, 100 White women were CPS Charged compared with...	88	71	97	96	85
Among those CPS charged, 100 White women proceeded at Magistrates' Court compared with...	90	64	102	68	84
Among those CPS charged, 100 White women proceeded at Crown Court compared with...	163	208	136	154	164

This provides a level of detail and rigour that has been missing until now. The results of the study are set out in this report, but the analysis must not be a one-off exercise. In the US repetitions of the study allow for trends to be mapped over time. The same should be the case here – the MoJ should repeat and publish the RRI analysis biennially, so that existing disparities can be tracked and new disparities identified.

Recommendation 2: The government should match the rigorous standards set in the US for analysis of ethnicity and the CJS. Specifically, the analysis commissioned for this review – learning from the US approach – must be repeated biennially, to understand more about the impact of decisions at each stage of the CJS.

As a simple principle, each time the RDA exercise is repeated, the CJS should aim to increase the number of datasets made publicly available. This should be done in dialogue with academics, journalists, campaigners and others about what they would like to see made available. The default should be that all the datasets held centrally – by MoJ and CJS agencies – on ethnicity are published, whilst protecting the privacy of individuals.

Recommendation 3: The default should be for the MoJ and CJS agencies to publish all datasets held on ethnicity, while protecting the privacy of individuals. Each time the Race Disparity Audit exercise is repeated, the CJS should aim to improve the quality and quantity of datasets made available to the public.

The CJS can do more to hold itself to account, but outsiders are likely to examine different questions to insiders. For this reason, external scrutiny – from academics, journalists, campaigners – is also vital. Given access to the right data, these outsiders will produce not just more analysis, but more varied analysis, reflecting a broader range of perspectives and priorities.

Governments increasingly acknowledge these benefits, exemplified by forthcoming Race Disparity Audit (RDA), which will require Whitehall departments to identify and publish information showing how outcomes differ for people of different backgrounds, in a range of areas, including health, education and employment. The purpose of the audit is to 'shine a light on how our public services treat people from different backgrounds'.⁵⁹

Insight to action

Scrutiny is essential, but no analysis is perfect. There is always scope for debate or a reason for further research. The danger is that the search for incontrovertible proof of a problem becomes an excuse for inaction.

I have seen this problem throughout the review. Generally, I have found CJS institutions to be open to dialogue and scrutiny. But there remains a tendency to dismiss disparities between racial groups by pointing to the possibility that there may be another explanation. For example, that a disparity may be explained by the age profile of a particular group rather than by ethnicity per se.

Such questions are healthy so long as possible explanations are tested and explored in a rigorous way. But speculation is not analysis. The justice system has a special responsibility to ensure equal treatment before the law. This means there must be a constant, restless search for the truth about the treatment and outcomes of different groups.

There must be a driving force for this kind of approach. I propose a new rule for the CJS: 'explain or reform'. If there are apparent disparities by ethnic group, then the emphasis should be on institutions in the system to provide an evidence-based explanation for them. If such an explanation cannot be provided, action should be taken to close the disparity. This principle would change the default. The expectation should be placed on institutions to either provide answers which explain disparities or take action to eradicate them.

Recommendation 4: If CJS agencies cannot provide an evidence-based explanation for apparent disparities between ethnic groups then reforms should be introduced to address those disparities. This principle of 'explain or reform' should apply to every CJS institution.

Conclusion

This chapter has set out a key principle to bolster accountability across the CJS for the treatment and outcomes of BAME individuals: fair treatment is more likely when institutions are open to scrutiny. In the future, more of that scrutiny should come from outside the CJS itself, facilitated by the government releasing more and better quality data that is easy for others to analyse. But the government and CJS agencies have a responsibility themselves too. Following this review, England and Wales should ensure that they are once again at the cutting edge of research and analysis in this area, learn from innovations in the US, and introduce a new principle that racial disparities should be met with either explanation or reform.

The following chapters look in detail at particular institutions and decision-points across the CJS, starting with the police and the CPS.

Chapter 2: Crown Prosecution Service



Introduction

This review starts with decisions made by the Crown Prosecution Service (CPS),⁶⁰ but an individual's journey through the criminal justice system (CJS) does not. Arrest rates determine the number of cases passed onto the CPS. This chapter looks both at the caseload that the CPS receives from the police, following arrests, and the decisions that the CPS itself then goes on to take:

Arrest rates are generally higher across minority ethnic groups in comparison to the white group. In particular, Black and Mixed ethnic groups are arrested at much higher rates. The disproportionate representation of Black, Asian and Minority Ethnic (BAME) individuals starts at the beginning of the CJS journey.

Policing has a second, important legacy for the rest of the CJS: it affects how people view 'the system' as a whole. Grievances over policing tactics, particularly the disproportionate use of Stop and Search, drain trust in the CJS in BAME communities.

Stop and Search is frequently used to disrupt gang crime, with arrests for drug offences particularly high.⁶¹ The police and the CPS must respond to gang crime in a proportionate way. Tough enforcement is needed against powerful adults at the top of criminal hierarchies. New tools such as Modern Slavery legislation should be used to the fullest to protect vulnerable young people who are coerced into gang activities and bear down on those responsible. Meanwhile, the CJS must avoid equating gang membership with young people simply associating in groups.

Overall, the charging decisions taken by the CPS are broadly proportionate. Once arrested, suspects from different ethnic groups are charged at relatively similar rates, with the important exceptions of rape and domestic abuse. The CPS should deal with these exceptions through adopting 'race-blind prosecuting' wherever possible, redacting identifying information such as name and ethnicity from the information passed by the police to CPS prosecutors.

Other CJS institutions should learn lessons from the CPS, including openness to external scrutiny, systems of internal oversight, and an unusually diverse workforce within the wider CJS.

Arrest rates

CPS – Written submission to Call for Evidence: July 2016

The CPS is not the gatekeeper of the criminal justice system. We can only prosecute those cases which are referred to us by the police and so have limited control over which cases enter the CJS. Once files are referred to us, prosecutors are obliged to make their decisions strictly in accordance with the Code for Crown Prosecutors.

Young Review/Black Training and Enterprise Group (BTEG) – Written submission to Call for Evidence: June 2016

The main pathways and risk factors for young people into the youth justice system all record high levels of ethnic disproportionality: from school exclusions, the care system, Child and Adolescent Mental Health Service (CAMHS) and first contact with the police. There is a long history and a plethora of evidence around the black community's poor relationships with the police and the corrosive effect of Stop and Search policies.

The CPS caseload is determined by police arrest rates. Analysis commissioned by this review shows that arrest rates are generally higher across minority ethnic groups in comparison to the white group, with the exceptions of Asian women and boys. In particular, Black men were more than three times more likely to be arrested than White men, whilst Black women and Black boys were also significantly more likely to be arrested than White women and boys. Mixed ethnic men and women were also more than twice as likely to be arrested than White men and women.⁶²

The consequence of these arrest rates is that the caseload passed onto CPS prosecutors and, potentially the courts and prison system, is already skewed towards particular BAME groups. The statistical analysis for this review found that 'the system itself (from the CPS onwards) did add some degree of disproportionality', but 'rarely at the levels seen in arrest differences.'⁶³

Relationships between the community and the police also have a profound effect on trust in the justice system as a whole. The police, the CPS, the courts, prisons and probation may all be separate institutions, but they form part of a single 'system' in many people's minds. The result is that treatment and outcomes at one stage in the CJS affect trust in the integrity of all of it.

In particular, the disproportionate use of Stop and Search on BAME communities continues to drain trust in the CJS as a whole. Despite recent reforms to increase accountability and promote good practice, the latest published figures show that 'those from BAME groups were three times as likely to be stopped and searched as those who are White. In particular, those who are Black were over six times more likely to be stopped.'⁶⁴

This is contributing to a sense among many in BAME communities that the justice system is stacked against them. Among those born in England and Wales, people from ethnic minorities are less likely than those who are White to agree that the CJS is fair. A majority of BAME people (51%) believe 'the CJS discriminates against particular groups and individuals', compared with 35% of the British-born white population.⁶⁵ This lack of trust starts with policing, but has ripple effects throughout the system, from plea decisions to behaviour in prisons. This report turns to these issues in detail in later chapters.

Some of the more forward-thinking police forces are innovating in response to this challenge. The approach adopted in Northamptonshire, for example, (see box in next column) reflects a key theme of this review: subjecting decision-making to scrutiny is the best way to deliver fair outcomes. Importantly, there are also consequences for those found to misuse powers repeatedly. I hope that other police forces learn from this innovation and, in later chapters, I set out where other parts of the CJS could do the same.

CASE STUDY: NORTHAMPTONSHIRE POLICE

Having been criticised in the past for its use of Stop and Search powers, Northamptonshire now scrutinises the grounds recorded for every Stop and Search conducted. This scrutiny is undertaken by a Reasonable Grounds Panel (RGP), which consists of a Chair (Police Officer), 25 panel members (public), and a Police Constable or Police Sergeant. Each month, completed search records are sifted by a Sergeant.

In Northamptonshire, any search grounds which are not clearly and immediately identifiable as reasonable, or do not meet the Force guidance, are selected for presentation to the RGP. The grounds are presented with a brief explanation. The presentation does not identify the officer, the result of the search, or the time/place unless part of the grounds. The Panel discusses whether the record meets the Force standard and votes.

If the Panel decides that there were not reasonable grounds for the stop, the officer involved is informed of the decision and the reasoning behind it. The following then takes place:

- In the first case, the officer and supervisor are offered training and reminded of the guidance on Stop and Search.
- If the officer is involved in a second case, both the officer and supervisor receive mandatory one-to-one training.
- In the third case, the officer and supervisor are suspended from conducting/supervising Stop and Search until a personalised development plan has been completed.

Gangs

London Criminal Courts Solicitors' Association – Written submission to Call for Evidence: June 2016

Identity is a critical issue. In the absence of educational or employment progression, or ambition, it may become a default position to fall in with a 'gang' which offers others 'rewards', albeit both high risk and short-term but certainty of identity.

Often Stop and Search is linked to suspicions of gang offending, including drug dealing – with Black boys more than ten times as likely as White boys to be arrested for drug offences.⁶⁶ This links together two prominent narratives about urban crime: that the war on drugs must be won and that gangs cannot be allowed to terrorise communities.

The problem is that gangs are, by their very nature, hard to pin down – and ‘gang offending’ even more so. As the Gang and Group Offenders Handbook produced by the Metropolitan police puts it, ‘gangs in London are very fluid and chaotic – individuals may move in and out, and between gangs fairly rapidly, and will not always fit a precise definition. It is important that we recognise that not all groups of young people are gangs, and that we target the criminal and violent behaviour of individuals rather than the group.’⁶⁷

Surveillance tools such as the Metropolitan Police’s Trident Matrix, a database of names have been developed to deal with these issues, alongside the use of Joint Enterprise to secure convictions (see box in next column). The latest public figures show that of the 3,621 names on the Trident Matrix, 86% are BAME.⁶⁸ Meanwhile, thousands of people are estimated to have been prosecuted under Joint Enterprise over the last decade,⁶⁹ with a survey of prisoners suggesting that up to half of those convicted under Joint Enterprise identify as BAME.⁷⁰

Surveillance informs both enforcement and interventions designed to divert individuals away from gang life. Both are necessary. However, care must be taken to ensure that information on such databases is accurate, up to date and used in the right way. It is not clear, for example, why the charge sheets passed by the police to the CPS detail whether or not an individual can be found on the Trident Matrix. The line between intelligence about people’s associations and evidence about their actions needs to be guarded carefully.

At the time of writing, the Mayor of London is engaged in a review of the Trident Matrix in London. The Mayor should ensure that this review examines the way information is gathered, verified, stored and shared, with specific reference to BAME disproportionality. To build trust and legitimacy in the review, it should bring in outside perspectives, such as voluntary and community groups, and expertise such as the Office of the Information Commissioner. This review should set an example to follow for other police forces around the country.

Recommendation 5: The review of the Trident Matrix by the Mayor of London should examine the way information is gathered, verified, stored and shared, with specific reference to BAME disproportionality. It should bring in outside perspectives, such as voluntary and community groups, and expertise such as the Office of the Information Commissioner.

One of the key tools used to prosecute suspected gang members is Joint Enterprise. Joint enterprise can apply where two or more people are involved in an offence or offences. As the CPS guidance sets out, individuals in a Joint Enterprise may be ‘principals’ or ‘secondary parties’ (accessories or accomplices). A ‘principal’ is the person who carries out the substantive offence, for example stabbing the victim.⁷¹ A secondary party is one who assists or encourages a principal to commit the substantive offence, without being a principal offender. Under the doctrine of Joint Enterprise, the secondary party can be prosecuted and punished as if he or she were a principal offender. Thousands of people are estimated to have been prosecuted under Joint Enterprise over the last decade⁷², with a survey of prisoners suggesting that up to half of those convicted under Joint Enterprise identify as BAME.⁷³

WHAT IS JOINT ENTERPRISE

Joint Enterprise can apply where two or more people are involved in an offence or offences. Individuals in a Joint Enterprise may be ‘principals’ or ‘secondary parties’ (accessories or accomplices). A ‘principal’ is the person who carries out the substantive offence, for example stabbing the victim.⁷⁴

A secondary party is one who assists or encourages a principal to commit the substantive offence, without being a principal offender. Under the doctrine of Joint Enterprise, the secondary party can be prosecuted and punished as if he or she were a principal offender.

A landmark High Court judgement in 2016 established that the law on Joint Enterprise has been misinterpreted in the criminal courts for three decades.⁷⁵ The High Court ruling turned on the judgement that an individual foreseeing a possible crime does not equate to ‘automatic authorisation’ of it, as the law had been interpreted in previous cases.⁷⁶ A higher threshold of proof is now required as a result.

Despite the High Court ruling, experts in the field remain concerned about some of the legal practice on Joint Enterprise. Many are not convinced that the line between 'prohibitive' and 'prejudicial' information is drawn appropriately in the evidence put before juries when cases reach trial. People must be tried on the basis of evidence about their actions, not their associations - and the evidence put before juries must reflect this. The CPS should take the opportunity, while it reworks its guidance on Joint Enterprise, to consider its approach to gang prosecutions in general.

Recommendation 6: The CPS should take the opportunity, while it reworks its guidance on Joint Enterprise, to consider its approach to gang prosecutions in general.

The CPS should also review its role in protecting vulnerable individuals who are coerced into gang activities by powerful adults. Many children and young adults from a BAME background risk being drawn into the justice system as they undertake criminal acts under threat from others. Police records show, for example, that children as young as 12 are being recruited by gang leaders to sell drugs. Freedom of Information requests have revealed that, in 2016, the vast majority (71%) of police forces across England, Wales and Northern Ireland arrested under-16s for selling crack, heroin or cocaine.⁷⁷

A worrying feature of gang culture is the role of girls and young women. According to the National Crime Agency (NCA), 90% of areas see women involved in gang activities. Many of the women who become involved are targeted because they are vulnerable, potentially class A drug users; and they can often find themselves controlled through threats and intimidation.⁷⁸

There is an established narrative about BAME children and young adults joining gangs, but far too little attention is paid to the criminals who encourage them to carry weapons and use them to sell drugs. A concerted approach to these issues would focus more attention and enforcement – on the powerful adults much further up criminal hierarchies.

Recent legislation offers an opportunity.⁷⁹ The NCA has indicated that Modern Slavery legislation may prove a stronger deterrent to gang leaders than many of the current legal tools available to the police and the CPS. It provides greater social stigma than other offences, in addition to the legal routes for prosecution that it opens up.⁸⁰ The CPS should examine how the legislation can be used to its fullest, in order to protect the public and prevent the exploitation of vulnerable young men and women.

Recommendation 7: The CPS should examine how Modern Slavery legislation can be used to its fullest, to protect the public and prevent the exploitation of vulnerable young men and women.

CPS charging

Whilst the police make charging decisions for minor offences, the most serious offences are passed onto the CPS (see box below). This amounted to 35% of cases in 2014/15.⁸¹ Evidence indicates that CPS decision-makers are making broadly proportionate decisions across ethnic groups. The CPS conducted its own analysis to provide a submission to this review. It found that 'Where the CPS is responsible for making a charging decision, we prosecute the same proportion of cases across all ethnic groups: irrespective of a defendant's ethnicity we take the decision to prosecute in approximately 70-72% of cases'.

CPS CHARGING DECISIONS

CPS prosecutors consider cases against a two-step test. Firstly, cases must pass an evidential stage. Prosecutors must decide if there is enough evidence against the defendant for a realistic prospect of conviction. Secondly, there is the public interest stage. If the prosecutor decides that there is a realistic prospect of conviction they must then consider whether it is in the public interest to prosecute the defendant. This includes the interests of the victim and the seriousness of an alleged offence, with prosecution more likely to be needed for more serious offences.⁸²

Independent analysis commissioned by this review,⁸³ corroborates the picture of broadly proportionate CPS decision-making. The analysis found that of those cases passed onto the CPS, BAME men and women were both slightly less likely to be charged than White men and women, though neither by a great deal.⁸⁴ For example, for every 100 White men charged, there were 98 Black men, 92 Asian men, 102 Mixed ethnic and 98 Chinese and other men were charged.⁸⁵



The relatively small number of cases for BAME girls made analysis of charging decisions difficult to break down by ethnicity, though Black girls were less likely to be charged than White girls, while Mixed ethnic girls faced charges more often. BAME boys were slightly more likely to be charged than White boys, but these differences were, statistically, small.⁸⁶ The overall picture, therefore, was one of broadly equitable results, with only small differences in either direction for CPS charge rates.

Despite this positive story, there was one area of concern identified by the CPS itself. When looking at specific offence types, it identified 'significant differences in the prosecution and conviction rates for rape and domestic abuse'. Black defendants and 'Chinese and Other' defendants (which includes anyone who self-identifies as 'Other ethnic group') were found to have higher prosecution rates for these two offence types. The CPS concluded that:

“ The difference could be said to indicate that the CPS is too reluctant to prosecute White defendants for rape or too quick to prosecute Chinese and Other or Black defendants. There could equally be other factors at play, however, so this paper sets out the possibilities and calls for more research in this area. ”⁸⁷

More analysis is welcome, but there are also practical steps that could be taken to address this issue. The CPS could redact all identifying information, such as name and ethnicity, from the case information that passes between police officers and prosecutors – for example from charge sheets. Under this approach race-blind decisions would be made. The CPS and the public could then be confident that any disparities in charging decisions were not being driven by bias, either conscious or unconscious.

Recommendation 8: Where practical all identifying information should be redacted from case information passed to them by the police, allowing the CPS to make race-blind decisions.

Learning lessons

No organisation is perfect – and the discrepancies described above must be addressed – but there are lessons that other institutions within the CJS could learn from the CPS.

External scrutiny

The first of these is that the CPS has opened itself up to external scrutiny. For example:

- In 2000, the Home Office published an analysis of 5,500 cases of young defendants to test for ethnic differences in decisions made by the CPS.⁸⁸
- In 2003, the CPS published *Race for Justice: A Review of CPS Decision-Making for Possible Racial Bias at Each Stage of the Prosecution Process*. The study examined nearly 13,000 case files to determine whether there was any bias in decision-making by the CPS at each stage of the prosecution process.⁸⁹
- In 2005, the CPS commissioned an independent impact assessment to assess the impact of statutory charging and determine if charging decisions vary with gender and the ethnicity of the suspect. The study found that there were no significant differences across different ethnic groups in the proportion of cases finalised by a charge.⁹⁰
- In 2005, the CPS published an independent ethnic and gender impact assessment of charging decisions for the 42 CPS areas. The study involved an analysis of approximately 225,000 charging decisions.⁹¹
- In 2007, another study was published, with the academic having been granted permission to shadow 12 CPS prosecutors in a city court and nine in the local county magistrates' court. The study examined whether BAME and White individuals were more likely to see their cases reach Crown Court or, alternatively, be dealt with at the Magistrates' Court.⁹²

Given this track record of external scrutiny, the broadly equitable results produced by the CPS are no coincidence. Organisations that embrace accountability commit to high standards because there is nowhere to hide from the results. This reflects leading practice in England and Wales, and around the world (see box on next page). In addition to one-off studies analysing its data, the CPS continues to hold local and national community accountability meetings, at which other organisations such as Victim Support are given an opportunity to hold senior CPS officials to account. This provides an opportunity to raise difficult issues and identify gaps in the evidence-base.

CASE STUDY: VERA INSTITUTE

In 2014, the Vera Institute of Justice published a landmark study, commissioned by Manhattan District Attorney, Cyrus R. Vance, Jr. The two-year study examined racial and ethnic disparities in criminal case outcomes in New York County. Researchers from the Vera Institute were given access to data held by the District Attorney's Office to undertake the study. Their analysis focused on the decisions made by prosecutors at a number of stages, including case acceptance for prosecution, dismissals, pre-trial detention, plea bargaining, and sentencing recommendations.

They concluded that the most influential factors in determining case outcomes were the defendant's prior record, the offence type and the seriousness of the charge. However, the study also found that ethnicity did appear to affect whether individuals were prosecuted in some cases. The findings of the study were published to ensure transparency, with the study recommending further scrutiny in the areas where disparities were uncovered.

Internal scrutiny

The CPS also has internal systems of accountability and quality control. The organisation systematically reviews charging decisions to ensure rigor and balance. Within the organisation, each prosecutor will have at least one randomly selected case reviewed each month. (see box in next column.) The process of peer review creates a healthy sense of accountability for CPS prosecutors. Though the peer review system is not specifically designed to consider whether the ethnicity of defendants affects decision-making, academic evidence suggests that simply being scrutinised can encourage individuals to check their own decision-making to ensure that it is as neutral and justifiable as possible.⁹³

CASE STUDY: RANDOM CASE REVIEWS IN THE CPS

The review examines the quality of the decision making, ensuring that decisions are proportionate and responsive, and that they comply with the Code for Crown Prosecutors and other national policies, such as the Victims' Code. The review is undertaken by the prosecutor's line manager. If a particular issue is identified through the random review then the level of scrutiny increases, both of the prosecutor and of decisions concerning that offence. If further problems are identified, then immediate action is taken to improve performance which may include the provision of further training for prosecutors and increased monitoring of decisions by managers. The Internal Quality Assurance (IQA) guidance advocates constructive feedback and a reflective practice to drive up quality as well as securing enhanced engagement with the prosecutor.

In addition, Local Case Management Panels (LCMPs) are convened in all serious and complex cases. The Panel assures that cases are managed appropriately. Particularly complex cases are scrutinised by a Director's Case Management Panel (DCMP), ensuring that these cases are monitored at the highest level.

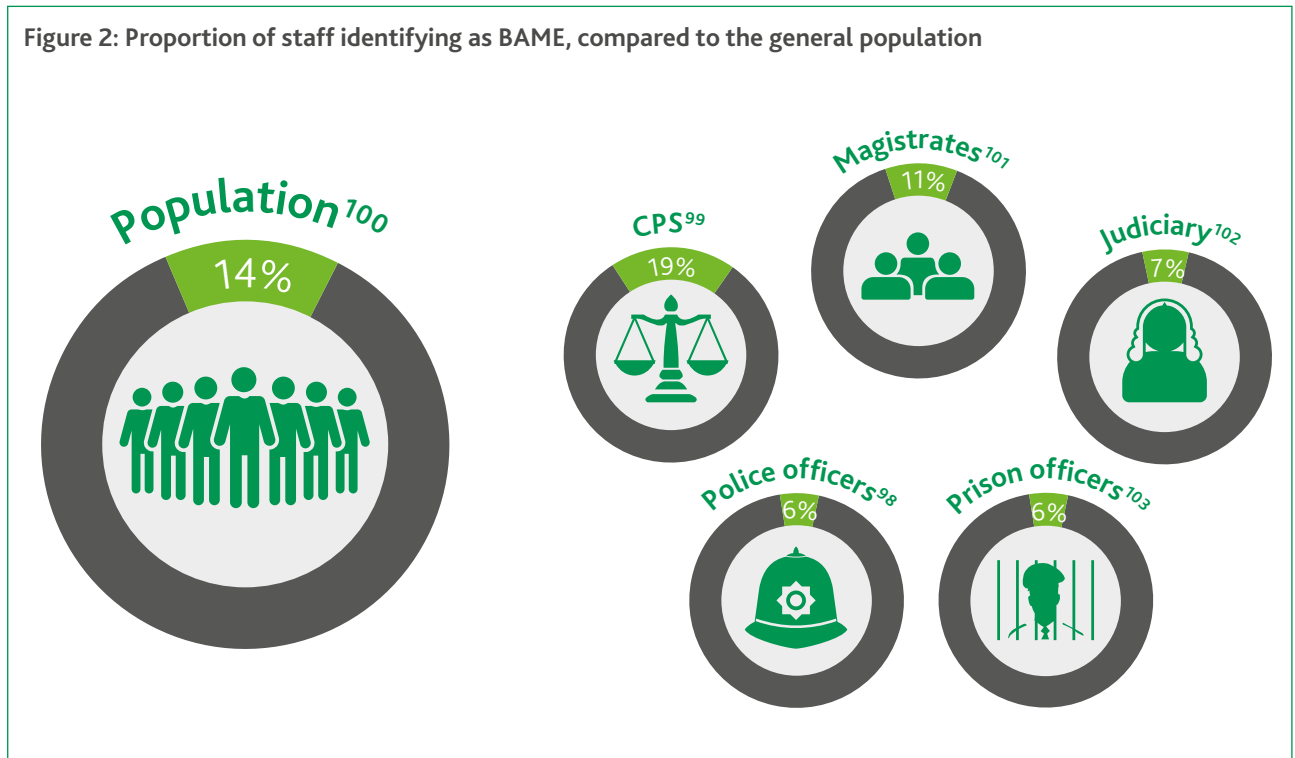
Diverse workforce

One of the most notable features of the CPS, within the wider family of CJS institutions, is the diversity of its workforce (see Figure 2). The latest CPS workforce data shows that BAME staff account for 19% of those who declared their ethnicity.⁹⁴ This makes the CPS one of the most diverse institutions within the CJS – it is, in fact, more diverse than the population as a whole (BAME people made up 14% of the general population, according to the 2011 census⁹⁵).

Significantly, this diversity runs throughout the organisational structure – for example 15% of Senior Prosecutors in the CPS are BAME.⁹⁶ This contrasts with other parts of the CJS where BAME staff are much less likely to be found in senior positions within the organisation. For example, while 23% of Ministry of Justice (MoJ) staff are BAME, the figure is just 5% for senior civil servants in the department.⁹⁷

This diversity in the CPS staff-base is not, in and of itself, a guarantee that decisions made by prosecutors will be fair and proportionate. It is, however, one important part of setting the tone within an organisation and the CPS's record on this sits alongside its record of largely proportionate decision-making.

Figure 2: Proportion of staff identifying as BAME, compared to the general population



Conclusion

In most cases, defendants' ethnicity does not affect the likelihood that they will be charged by the CPS. Other institutions in the CJS should look carefully at the factors that have driven this, from internal and external oversight, to a workforce that reflects the society it serves.

There are some areas that the CPS should address. These include worrying disparities for the specific offences of rape and domestic abuse, and the role of the CPS (alongside other CJS institutions) in tackling gang crime effectively and proportionately.

The next chapter turns to the plea decisions of defendants and the effect that has on the treatment and outcomes of BAME defendants.

Chapter 3: Plea Decisions

Introduction

Plea decisions are critical in the criminal justice system (CJS). This chapter identifies a stark difference in plea decisions between Black, Asian and Minority Ethnic (BAME) and White ethnic groups and examines its consequences for BAME disproportionality:

- The CJS provides incentives for those who have committed crimes to admit guilt, to prevent the stress placed on victims. For example, those who plead guilty can see sentences reduce by a third, or gain access to interventions which seek to keep them out of prison altogether.¹⁰⁴
- However, BAME defendants are consistently more likely to plead not guilty than White defendants.¹⁰⁵ This means that, if found guilty, they are likely to face more punitive sentences than if they had admitted guilt.
- The primary reason for this difference in plea decisions is a lack of trust in the CJS among BAME communities.¹⁰⁶ This makes BAME defendants less likely to cooperate with the police or trust the advice of legal aid solicitors, who can be seen as part of the 'system'.
- Both statutory and non-statutory organisations have been slow to address this lack of trust. The Home Office, the MoJ and the Legal Aid Agency should work together to experiment with different approaches to explaining legal rights and options to defendants. But organisations like the Law Society should also be engaged in the task of building trust with BAME defendants.
- Alongside building trust, the CJS should learn from innovations that place less emphasis on the role of plea decisions. For example, 'Operation Turning Point' in the West Midlands¹⁰⁷ intervened before defendants are asked to enter a plea. Defendants were given the opportunity to go through a structured intervention, such as drug treatment, instead of facing criminal charges. Compliance with the intervention saw charges dropped; non-compliance saw the defendant prosecuted.

The role of plea decisions

Transition to Adulthood (T2A) report - Leaders Unlocked – July 2017

Overall, we found that there is a general distrust of the CJS among young adults from BAME backgrounds. Again and again during our consultation, we found they trust the system even less than their white counterparts. This distrust is rooted in their experiences of being stereotyped by the police and harassment. Talking to young adults, we found that distrust tends to take hold during childhood, when individuals lose any faith in the police.

The Sentencing Council explains that an acceptance of guilt:

- “ a) normally reduces the impact of the crime upon victims;
 b) saves victims and witnesses from having to testify; and
 c) is in the public interest in that it saves public time and money on investigations and trials.”¹⁰⁸

In light of these benefits, the justice system rewards those who admit to crimes when charged. For example, many out of court disposals, are open only to those willing to admit guilt. Guilty pleas are also required before being able to gain access to many interventions aimed at more serious offending. This is the case with 'problem-solving courts', which consider alternatives to prison sentences.¹⁰⁹ Admissions of guilt can also shorten the sentences of those placed in custody. Defendants indicating a guilty plea at the first stage of court proceedings can benefit from a reduction of up to one-third from prison sentences, with later guilty pleas resulting in smaller reductions.¹¹⁰

HUMBERSIDE – ADULT FEMALE TRIAGE PILOT

The Humberside Adult Female Triage pilot is unique for women arrestees in that it seeks to divert them from the CJS towards a supporting organisation, the Together Women Project (TWP), before, and instead of, being charged with a crime.¹¹¹ Eligibility is restricted to women who admit the offence. TWP aims to provide a one-stop shop in which women can access support and services through both TWP and other support agencies who work out of their offices.¹¹² An evaluation found a 46% reduction in the re-arrest rate over a 12-month follow-up period, when compared to a control group of similar women offenders.¹¹³

BAME plea decisions

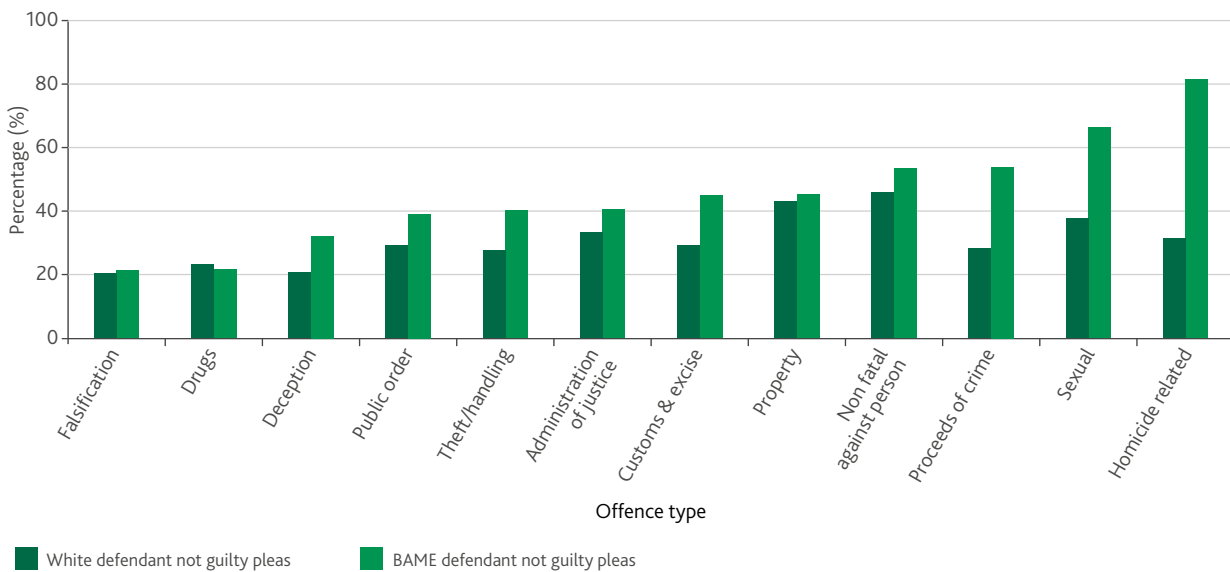
Plea decisions can make a critical difference to the way defendants are treated by the justice system – but there

is a stark difference between BAME and White defendants. Several studies have found that BAME defendants are less likely to enter guilty pleas. The pattern can be found in studies conducted two decades ago¹¹⁴ as well as at the turn of this decade.¹¹⁵ The finding is repeated in the Relative Rate Index (RRI) analysis of 2014/15 data conducted for this review.¹¹⁶ It found that:

- Black and Asian men were more than one and a half times more likely to enter a 'not guilty' plea than White men. Mixed ethnic men were also more likely to plead not guilty.
- Black, Asian, Mixed ethnic and Chinese/Other ethnic women were all more likely than White women to enter not guilty pleas at Crown Court, with Asian women more than one and a half times more likely to do so.
- While there were too few cases to examine plea decisions for young women, young men from a Black, Asian or Mixed ethnic background were more likely to enter a not guilty plea compared to their White counterparts.¹¹⁷

Leading academics have studied this pattern in more detail. Professor Cheryl Thomas, of University College London (UCL), has published two studies, both showing that, in 11 out of 12 offence types, BAME defendants were more likely to plead not guilty than White defendants.^{118,119} The latest study, published in 2017, found that between 2006 and 2014, BAME defendants pleaded not guilty to 40% of charges, compared with White defendants doing so for 31%.¹²⁰ The analysis of plea decisions, showing a consistent difference between BAME and White defendants, across offence types, is illustrated in Figure 3.

Figure 3: BAME and White comparison of plea decisions



Lack of trust

PUBLIC COMMENTS - CALL FOR EVIDENCE

In my time BAME defendants pleaded 'not guilty' and opted for trial in the Crown Court whenever this was possible because they had more confidence in the fairness of juries than they had in the fairness of Magistrates' Courts.

Lack of trust in the justice system is at the heart of this issue. Throughout this review, I met offenders – mostly Black young men – who described how they regretted their initial not guilty plea. Often, they had responded to their arrest with a 'no-comment' interview in a police station, before entering an initial not guilty plea.

Several of the BAME defendants I spoke to, in fact, changed their plea when the reality of their case was brought home. Professor Thomas's work shows that this is not unusual. BAME defendants are more likely than White defendants to change their plea from not guilty to guilty. In total, 21% of BAME defendants changed their plea from not guilty to guilty, compared with around 17% of White defendants. These late guilty pleas cost the taxpayer money, the victim heartache and, often, families several years extra without a father at home.¹²¹

The problem is not a lack of legal advice. Black, Asian and Mixed ethnic defendants are all more likely to request legal advice in police station than their white counterparts.¹²² Instead, it is that many BAME defendants neither trust the advice that they are given, nor believe they will receive a fair hearing from magistrates. In some cases, this means defendants pleading not guilty and then electing for a jury trial at the Crown Court, rather than be tried in a Magistrate's Court, despite the higher sentencing powers available at the Crown Court.

In focus groups conducted by the charity Catch 22, researchers identified a lack of trust in legal aid-funded solicitors among both White and BAME offenders as a particular problem. Many questioned the motives of the legal aid solicitors, who were often viewed as representing 'the system' rather than their clients' interests. Offenders commonly believed that solicitors did not have the time or the capacity to advise them effectively in any case.¹²³

“ I mean, obviously they don't really care: they're duty, they're working for the police as well. ”

– BAME prisoner, HMP Thameside

“ Only now do I realise that the law is there to protect you, not to catch you out. ”

– BAME prisoner, Grendon prison

“ I've spoken to a lot of people where they have had situations where it almost feels like the duty legal team has taken the opportunity to go to trial, when the individual would have been much better off pleading guilty, the odds were stacked against them, but from a solicitor's point of view there's obviously financial benefit for them to continue to trial. ”¹²⁴

– BAME prisoner, HMP Thameside

This is a problem that should have been addressed before now. Organisations like the Law Society and Bar Council should be leading the way, conducting research and consulting its members about what more can be done to build trust in the advice given by its members. Alongside this, the Home Office, the Ministry of Justice (MoJ) and the Legal Aid Agency must work together to experiment with different approaches to explain legal rights and options to defendants. These different approaches could include, for example, a role for community intermediaries when suspects are first received in custody, giving people a choice between different duty solicitors, and earlier access to advice from barristers. In each case, the effect on the proportion of guilty/not guilty plea decisions for different ethnicities should be evaluated. The results should be published as part of a public consultation on this issue.

Recommendation 9: The Home Office, the MoJ and the Legal Aid Agency should work with the Law Society and Bar Council to experiment with different approaches to explaining legal rights and options to defendants. These different approaches could include, for example, a role for community intermediaries when suspects are first received in custody, giving people a choice between different duty solicitors, and earlier access to advice from barristers.

Deferred prosecution

Building trust in the justice system among BAME communities is essential work, but will not happen overnight. In the meantime, the CJS needs more interventions that do not rest upon plea decisions. Until this happens, the treatment of BAME defendants will remain more punitive by comparison with the White population.

In New Zealand there is a 'not contested' plea option for defendants taking part in restorative justice schemes, which does not require defendants to admit guilt to take part in schemes.¹²⁵ This reflects a delicate balance between restorative justice requiring offenders to take responsibility and the reality that many are reluctant to formally admit guilt. California, meanwhile, has a Pre-trial Diversion Program, which diverts offenders before a plea is entered in some cases (see box below). This removes guilty pleas as a gateway to interventions.

CASE STUDY: CALIFORNIA¹²⁶

The Northern District of California offers a Conviction Alternatives Program (CAP) for certain individuals at the pre-plea and post-plea phases of their criminal cases. Pre-trial Diversion does not require a guilty plea, but participating defendants must agree to a Speedy Trial Act exclusion and may be required to agree to a statement of shared facts about their case. Participants in the Pre-trial Diversion Program are supervised for an agreed period of time, typically six months to one year. If the participant successfully completes the program (as determined by the US Attorneys Office), they will take whatever action is set forth in the Pre-trial Diversion Agreement, which typically includes dismissal of the charges.

In England and Wales, an innovative scheme named Operation Turning Point (OTP), points the way forward. OTP was piloted in the West Midlands from November 2011 to July 2014.¹²⁷ OTP was designed with racial disparities in plea decisions in mind, and saw offenders participate without the requirement that they first admit an offence.¹²⁸ The experiment involved offenders for whom the police had decided it was in the public interest to prosecute, but who had no more than one conviction. Those judged by a statistical model to present low risk to the public were then divided into two groups.¹²⁹ The first group faced prosecution as normal, while the second group had their prosecution deferred.

The 'deferred prosecution' group voluntarily entered into a contract, agreeing to go through a programme of structured interventions including, for example, drug or alcohol treatment. Those successfully completing their personalised programme would see the prosecution dropped, while those who did not would face criminal proceedings.¹³⁰ The latest published information indicates that almost as many BAME offenders took part in OTP as White offenders.¹³¹

The early evaluation of the OTP scheme indicates its worth:

- **Victims** were surveyed and comparisons drawn between those who saw their cases handled in court, as usual, and those who had cases diverted through OTP. The evaluation found that victims whose case was in the Turning Point sample were 43% more satisfied than those with cases sent to court.¹³² Victims thought that Turning Point was more likely than court to stop the offender from reoffending, while many were dissatisfied with their experiences at court when cases were dismissed, individuals were found not guilty or were given a conditional discharge.¹³³
- **Reoffending** results were also positive. Overall reoffending rates were similar when OTP was compared to the group facing traditional prosecution, but positive differences were recorded for violent offenders in particular. This group proved 35% less likely to reoffend under OTP – and less likely to engage in serious reoffending when they did. The evidence suggests that OTP reduces the risk of reoffending to the public.¹³⁴
- **Cost** was lower than traditional prosecutions. The scheme yielded 68% fewer court cases than those cases that were prosecuted in the usual way.¹³⁵ The result was a saving of around £1,000 per case, despite the costs associated with the structured interventions paid for through the OTP scheme.¹³⁶

OTP is one of a number of innovative schemes that have not relied on plea decisions in their eligibility criteria (see box below).

DURHAM – OPERATION CHECKPOINT DESISTANCE PROGRAMME

The Durham Constabulary Checkpoint Desistance Programme requires suspects to meet ten criteria to be eligible.¹³⁷ Importantly, all offenders for whom there is sufficient evidence to charge are eligible and admitting the offence is not a requirement. Instead of a charge, a Checkpoint offender will undergo a needs assessment and agree a 'contract to engage.' As part of the contract, an offender must meet the following conditions: no reoffending within a four month period (mandatory); participation in a restorative approach (mandatory if the victim agrees); attend appointments regarding individual personal issues or undertake one-to-one intervention work; carry out community/voluntary work for 18-36 hours and/or wear a Global Positioning System (GPS) tag; and undertake voluntary drug testing.¹³⁸

Rarely does an intervention improve outcomes for victims, offenders and wider society all at the same time. OTP does this – and without the usual trap of sifting out defendants through the plea process, which is likely to disproportionately affect those from BAME backgrounds. Critically, it also holds the potential to prevent large numbers of children and young adults from picking up a criminal record, which can be hugely damaging for their future employment prospects. The government should follow the evidence. If the final evaluation for OTP reaffirms the benefits described above, the Home Office and MoJ should support police forces to roll the scheme out nationally, for both adult and youth offenders.

Recommendation 10: The 'deferred prosecution' model pioneered in Operation Turning Point should be rolled out for both adult and youth offenders across England and Wales. The key aspect of the model is that it provides interventions before pleas are entered rather than after.

Conclusion

The consistent differences in plea decisions between BAME and White defendants highlight a fundamental challenge for the CJS: a trust deficit in many BAME communities. Many BAME defendants trust neither the advice of solicitors paid for by the government, nor that the CJS will deliver on the promise of less punitive treatment in exchange for prompt admissions on guilt.¹³⁹

The response to this problem should be twofold. First, the CJS must experiment and innovate. New and imaginative approaches are needed to explain defendants' legal rights and options when they first enter police stations. Second, the CJS needs to find ways to work around this lack of trust. Operation Turning Point, piloted in the West Midlands, indicates how this can be done. The deferred prosecution model, which takes plea decisions out of the equation, has produced impressive results and should be rolled out across the country. In doing so, the government could address a key source of disproportionate outcomes from BAME groups in the CJS, whilst delivering benefits to victims, the taxpayer and wider society.

The next chapter addresses the treatment and outcomes of those defendants whose cases proceed to court.

Chapter 4: Courts



Introduction

The most important decisions in the justice system are made in our courts. They are where life-changing judgements are made about innocence or guilt – with 20% of cases involving Black, Asian and Minority Ethnic (BAME) defendants each year.¹⁴⁰ Trust in impartial decisions rests not just on the constitutional independence of the judiciary, but also on the connection between the courts and the communities they serve. Magistrates, who deal with 90% of criminal court cases each year¹⁴¹, do not require legal training or qualifications but are understood to be 'representatives of the people'. Similarly, the centuries-old tradition of trial-by-jury is built on the idea that, in the most serious cases, defendants should be judged by a collection of their peers.

The courts also cast a shadow into the future. Judges and magistrates must weigh up not just what punishment is deserved, or what risk individuals pose, but also what support and constraints will break cycles of reoffending. In these ways, the Crown Court and Magistrates' Court are at the front-line of delivering on the three principles that underpin this report – guaranteeing fairness, building trust and sharing responsibility for reducing reoffending. This chapter examines each of those themes in turn. It argues that:

- Juries are a success story of our justice system. Rigorous analysis shows that, on average, juries – including all-white juries – do not deliver different results for BAME and White defendants.¹⁴² The lesson is that juries are representative of local populations – and must deliberate as a group, leaving no hiding place for bias or discrimination.
- More subtle scrutiny is needed of sentencing decisions, to ensure that many finely balanced judgements do not add up to disproportionate sentencing of BAME defendants over time. It is already possible to look up the pattern of sentencing decisions in each city and courtroom in the country.¹⁴³ In the future, it should be possible to see whether this differs for defendants of different ethnicities.
- To build trust and respect for the rule of law, there must be a step change in the diversity of the magistracy and especially the judiciary. Until this is achieved, there will continue to be a pervasive sense of 'them and us' among BAME defendants. A single organisation such as the Judicial Appointments Commission (JAC) should be given more powers and resources to deliver this.

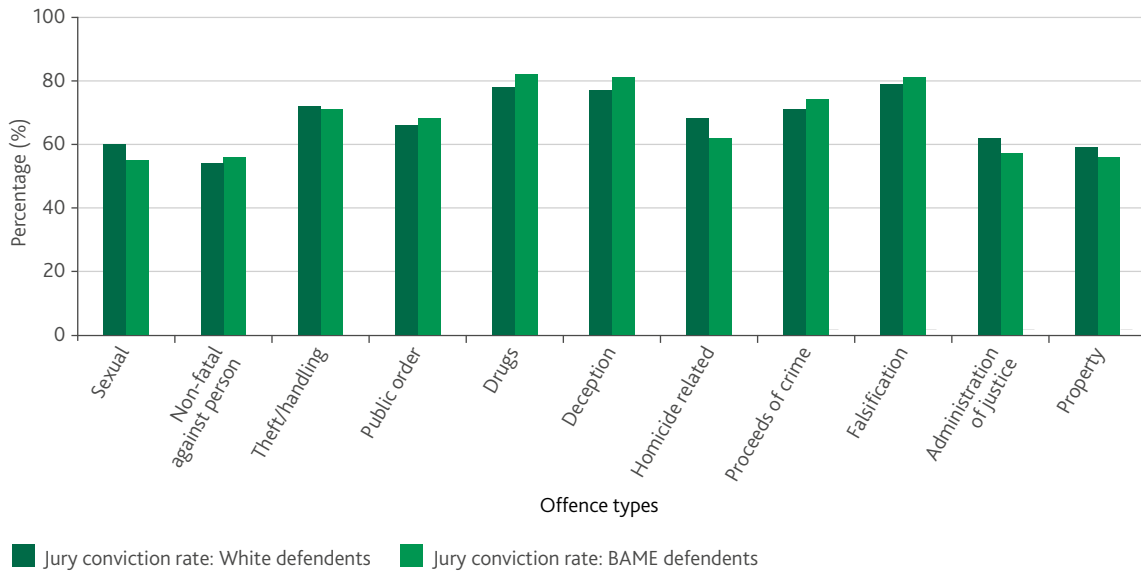
- Much more can be done to build on the judiciary's principle that 'justice must not only be done – it must be seen to be done'.¹⁴⁴ This should include publishing the sentencing remarks in each case. There should also be systems of feedback to help judges assess how well they are communicating with victims, defendants and others in courtrooms.
- Closer links must be built between courts and local communities to cut youth proven reoffending rates, which are higher for Black boys compared to their white counterparts.¹⁴⁵ Youth offender panels should be renamed local justice panels. They should take place in community settings, have a stronger emphasis on parenting, involve selected community members and have the power to hold other local services to account for their role in a child's rehabilitation.

Fairness – verdicts

Our justice system is built on the principle that the law will be applied impartially. In the cases that involve the greatest harm to victims and the longest sentences for offenders, juries are the guardians of this principle. Our jury system may be centuries old, but it is still fit for purpose today. Successive studies have shown that, on average, jury verdicts are not affected by ethnicity.¹⁴⁶ A detailed study of verdicts across England and Wales, published in 2010, found that BAME and White defendants were convicted at very similar rates, including in cases with all-white juries. It concluded that 'one stage in the criminal justice system where B[A]ME groups do not face persistent disproportionality is when a jury reaches a verdict'.¹⁴⁷

The 2010 study was updated in 2017 to inform this review, with analysis of over 390,000 jury decisions between 2006 and 2014. As with the 2010 study, it found that jury conviction rates are very similar across different ethnic groups. White, Black, Asian and Mixed ethnic defendants are all convicted at rates of between 66% and 68%.¹⁴⁸ The study was able to go into more detail, comparing rates for different types of offence. As Figure 4 shows, BAME and White conviction rates are similar across a range of offence-types, with only small differences and no overall pattern.

Figure 4: Jury conviction rate by defendant ethnicity and offence type: 2006-14¹⁴⁹



This does not mean that every jury decision is perfect, but it does indicate that the system as a whole is working.

This helps both to prevent bias in the first place and to correct it where it occurs.

The way that juries make decisions is key to this. Juries comprise 12 people, representative of the local population. When a jury retires to make a decision, its members must consider the evidence, discuss the case and seek to persuade one another if necessary. This debate and deliberation acts as a filter for prejudice – to persuade other jurors, people must justify their position. In the final decision, power is also never concentrated in the hands of one individual. If consensus cannot be reached, then a majority verdict can be delivered. Those holding an outlying point of view can be outvoted. This is a case study for a key theme of this review: the best way to deliver fair results is to bring decisions out into the open, subjecting them to scrutiny.

This positive story about the jury system is not matched by such a clear-cut story for magistrates’ verdicts. The relative rate analysis (explained in Chapter 1) commissioned for this review found that decisions were broadly proportionate for BAME boys and girls. However, there were some disparities for adult verdicts that require further analysis and investigation. In particular, there were some worrying disparities for BAME women. As Table 2 shows, of those women tried at Magistrates’ Court, Black women, Asian women, Mixed ethnic women and Chinese/Other women were all more likely to be convicted than White women.

Table 2: BAME and White women comparison – found guilty at Magistrates’ Court¹⁵⁰

	Black women	Asian women	Mixed ethnic women	Chinese/Other women	All BAME women
Among those tried at Magistrates’ Court, 100 White women were found guilty compared with...	122*	142*	111	143*	124*

*indicates statistically significant difference.

Systematic scrutiny of magistrates' decisions is hindered by the absence of reliable data collected on a number of key issues. For example, Magistrates' Court keep no systematic information as to whether defendants plead 'guilty' or 'not guilty' – though we know that there are disparities in this at the Crown Court. Magistrates' Courts also do not keep proper records of defendants' legal representation¹⁵¹ which means that no-one knows whether particular ethnic groups are more or less likely to appear in court facing criminal charges without a lawyer. Remand decisions are another blindspot. The Ministry of Justice (MoJ) should take steps to address these key data gaps. This should be part of a more detailed examination of magistrates' verdicts, with a particular focus on those affecting BAME women.

Recommendation 11: The MoJ should take steps to address key data gaps in the Magistrates' Court including pleas and remand decisions. This should be part of a more detailed examination of magistrates' verdicts, with a particular focus on those affecting BAME women.

Fairness – sentencing

Agenda – Written submission to Call for Evidence: June 2016

What we do know is that gender has an impact on sentencing decisions and outcomes. Women tend to serve shorter prison sentences than men and for less serious offences.

Most women have committed non-violent crimes and most do not need to be in prison. Over-representation in prisons could be addressed in part by reviewing how sentencing is working and by a greater use of community-based support and supervision.

Magistrates Association – Written submission to Call for Evidence: June 2016

It is crucial that appropriate sentencing options are available to the courts, with services in place to allow them to be delivered.

Sentencing is a second area of concern. One of the most sophisticated pieces of analysis published in this country on ethnicity and sentencing was conducted by the MoJ in 2016.¹⁵² The study examined Crown Court sentencing for three groups of offences – offences involving acquisitive violence, sexual offences and drugs offences.¹⁵³

This research demonstrated that for offenders convicted of recordable, indictable offences in the Crown Court in 2015, there was an association between ethnicity and being sentenced to prison. Under similar criminal circumstances the odds of imprisonment for offenders from self-reported Black, Asian, and Chinese or other backgrounds were higher than for offenders from self-reported White backgrounds. Whilst statistically significant, the increases in the odds of imprisonment were all medium sized effects (53%, 55%, and 81% higher, respectively, for offenders self-reporting as Black, Asian, and Chinese or other). No effect was observed for offenders from a self-reported Mixed background.¹⁵⁴

Of approximately 21,370 cases studied, there was no statistical link between ethnicity and the likelihood of receiving a prison sentence for the offence groups of acquisitive violence and sexual offences, but there was a strong effect within drug offences. Within drug offences, the odds of receiving a prison sentence were around 240% higher for BAME offenders, compared to White offenders. The study could not account for the impact of aggravating and mitigating factors, or for the possibility that BAME offenders may have been convicted of more serious drugs offences than their White counterparts, but it was able to take account of sex, ethnicity, age, previous criminal history and the plea decisions.

The finding that, within drug offences, the odds of receiving a prison sentence were around 240% higher for BAME offenders is deeply worrying. Many will conclude that this is evidence of bias. It is now incumbent on the judiciary to produce an evidence-based explanation for the finding it wishes to allay those fears.

Defendants can take their cases to the Court of Appeal if they believe their sentence to be unfair. But the appeal process will only overturn sentences that are made in error or are 'manifestly excessive'. Importantly, the Court of Appeal permits sentencing judges a broad range of discretion as to the sentence they pass, and the Court of Appeal will only alter the sentence if it clearly falls outside that range of discretion. The analysis published by the MoJ in 2016 highlights a potential risk in this process: a significant proportion of decisions made within a sentencing judge's discretion, may result in that discretion being exercised in one direction for BAME defendants (a longer sentence) and in the other direction for White defendants (a shorter sentence). Individually, these decisions would not be altered on appeal because they all fall within the broad range of judges' permissible discretion. As a result, the appeal process may not pick up collective differences in how discretion is applied to BAME defendants and this, in turn, may contribute to significant differences in incarceration rates.

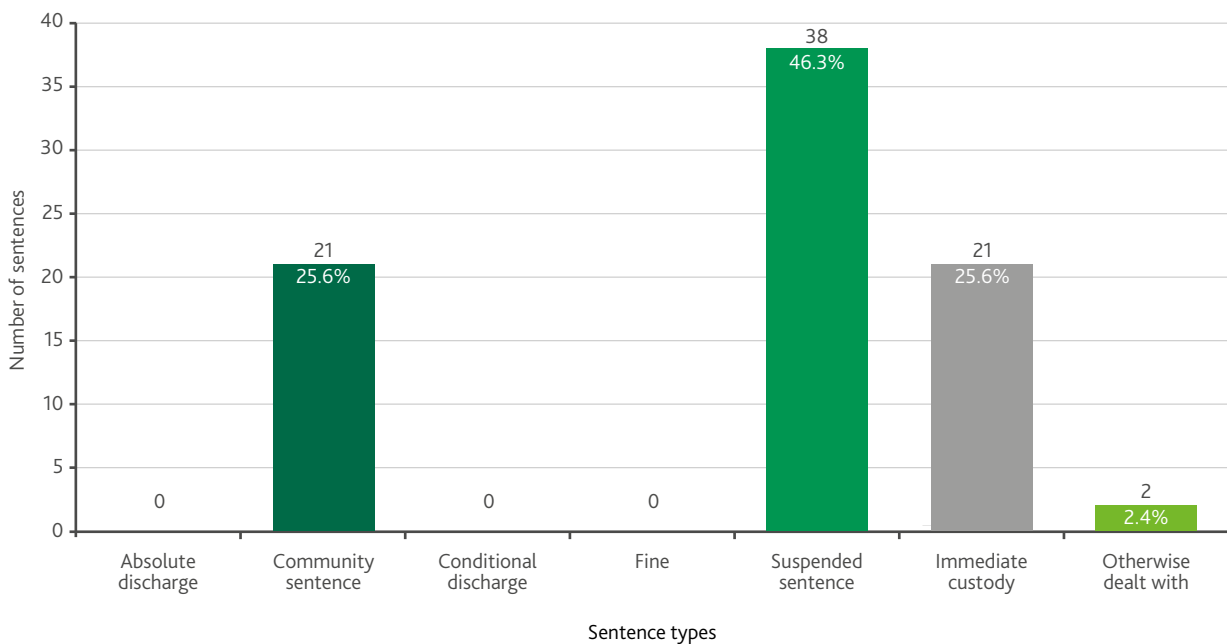
Guarding against this risk requires a different form of scrutiny to the appeals process – and the tools for it are already in place. Since 2011 it has been possible to examine the pattern of sentencing for different offence types, broken down by city or by individual court. The example in Figure 5, is taken from the webtool on the government’s Open Justice website. It shows sentences for supplying cannabis at Manchester Crown Court (Crown Square) in 2011. It shows that equal number of defendants were sentenced to prison and community sentences that year, with a larger number receiving suspended sentences.

The purpose of the Open Justice initiative was to allow anyone to examine the pattern of sentencing in different parts of the country, with the Crown Court and 322 Magistrates’ Court in England and Wales covered. This precedent should be built upon. The tool should be extended and updated to so that it is possible to use the tool bring up the same information, broken down by demographic characteristics including gender and ethnicity. This would enable comparisons across all demographic groups. It could, for example, explore whether BAME defendants were equally likely to receive prison sentences and community sentences – or whether they received a particular type of sentence or order more often in comparison with White defendants at the same court. This extension of an existing initiative would help to identify if there are areas of the country, or even specific courts where BAME defendants are more likely to go to prison for the same offences.

Recommendation 12: The Open Justice initiative should be extended and updated so that it is possible to view sentences for individual offences at individual courts, broken down by demographic characteristics including gender and ethnicity.

Sentencing decisions need greater scrutiny, but judges must also be equipped with the information they need. It is the role of the Probation Service to provide judges with pre-sentence reports (PSRs), which set out greater information about the character and circumstances of an offender (see box on next page). These reports ‘assist[s] the court in determining the most suitable method of dealing with an offender’¹⁵⁶ – and may be particularly important for shedding light on individuals from backgrounds unfamiliar to the judge. This is vital considering the gap between the difference in backgrounds – both in social class and ethnicity – between the magistrates, judges and many of those offenders who come before them.

Figure 5: Sentences for supplying cannabis handed down by Manchester Crown Court (Crown Square) in 2011¹⁵⁵



PRE-SENTENCE REPORTS

The purpose of a PSR is to assist the courts in determining the most suitable method of dealing with an offender. PSRs are prepared by Probation Officers. They usually contain:

- an assessment of the nature and seriousness of the offence, and its impact on the victim;
- an analysis of the offence and its precipitating factors, including an assessment of culpability;
- a description of factors relevant to an individual's offending, such as substance misuse or mental health concerns;
- an assessment of the risk posed to others by the offender; and
- a proposal to the court on sentencing.

Historically, PSRs involved a much longer process and more detailed report than is the case today. PSRs were written while courts were adjourned and drew on detailed interviews with defendants, often in their own homes. However, over the last decade, the number of defendants sentenced using a 'fast delivery' PSR prepared on the same day has risen significantly (see Table 3). Meanwhile, judges have received guidance discouraging them from using PSRs altogether for some offences.¹⁵⁷ These offences include drug offences such as 'Possession with intent to supply class A drug' – precisely the type of offence where the evidence suggests there are sentencing disparities.¹⁵⁸ In light of this, the Ministry of Justice (MoJ) should review the use and effectiveness of PSRs, in close consultation with Her Majesty's Courts and Tribunals Service (HMCTS), the Probation Service and the judiciary.

Table 3: Pre-sentence report types for Crown Court¹⁵⁹

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Crown Court	49,871	52,763	55,811	60,195	63,930	61,133	57,523	42,352	37,856	44,881
Standard PSR	47,938	50,488	51,721	49,975	44,796	37,388	30,073	18,478	15,045	13,113
Fast delivery PSR written	1,747	2,000	3,585	9,197	17,346	21,536	24,958	22,249	21,436	29,188
Fast delivery PSR oral	186	275	505	1,023	1,788	2,209	2,492	1,625	1,375	2,580

Trust – Demystifying courts

Transition to Adulthood (T2A) report – Leaders Unlocked – July 2017

When talking to young adults, we heard that the language of the courtroom can be confusing and disempowering for many. Several participants told us they did not understand much of what was said in their own cases. Young adults can feel very 'distanced' in the court, as the case seems to happen around them, without them being actively involved.

Fair decision-making is essential, but not enough. The judiciary itself is clear that 'Justice must not only be done – it must be seen to be done,'¹⁶⁰ reflecting a growing body of academic work which shows the link between respect for the law and confidence that it has been applied equitably.¹⁶¹ However, the criminal justice system (CJS) has a trust deficit with the BAME population born in England and Wales, many of whom lack their parents' reverence for our legal system.

Understanding the process by which a decision is taken is vital to accepting the outcome – and sentencing is the key area of the court process that needs demystifying. I met many BAME prisoners harbouring grievances about their sentences, often because they knew others who they believed had committed similar offences, but received quite different sentences. As this chapter has already covered, sentencing itself must be equitable, but the system should also do much more to ensure that offenders understand why they have been given the sentences they have.

In court, judges provide detailed sentencing remarks, which explain how considerations like plea decisions, previous criminal offences and mitigating and aggravating factors have either lengthened or shortened a custodial sentence. These factors can significantly affect the length of a sentence – an early guilty plea can reduce a prison sentence by up to a third, for example. However, when offenders listen to these remarks in court this is often the first and last time that they are given a full, formal explanation for the sentence that they are about to serve.

In future, all sentencing remarks should be published in both audio and written form.¹⁶² This would provide a clear record for victims and offenders of the rationale for sentencing decisions. Sentencing remarks are published (in written form) for cases regarded as being of particular 'public interest'. But this conception of the public interest is too narrow. It is in the public interest for all victims and offenders to fully understand the sentencing decisions made by judges. All Crown Court cases are already audio-recorded. At a time when over £700 million has been allocated for the full digitisation of the courts through the court modernisation programme, publishing sentencing remarks would be an important step to a more comprehensible and trusted system.¹⁶³

Recommendation 13: As part of the court modernisation programme, all sentencing remarks in the Crown Court should be published in audio and/or written form. This would build trust by making justice more transparent and comprehensible for victims, witnesses and offenders.

More generally, there is a responsibility for judges to ensure that all those in court understand what is going on and believe that they are being treated fairly. Many judges already do this, using plain language not legal jargon and taking care to ensure that victims, witnesses and defendants all understand how a trial will proceed, which decisions have been taken, and why. However, more could be done to ensure that justice is not just done, but is seen to be done.

As ever, there are lessons to learn from other jurisdictions. In one US state, for example, an electronic survey is used routinely to ask court staff, lawyers, jurors and others who conduct business with judges in the courtroom to complete a survey on judicial performance.¹⁶⁴ The survey is completed electronically, and focuses on legal ability, judicial temperament, integrity and administrative performance. As such, it provides an important source of feedback for judges, from the perspective of others in the court room.

The constitutional position of our judiciary is different to that in the US – judges' independence from outside influences is fiercely protected in England and Wales. However, the judiciary could learn lessons from this US innovation and protect its independence. For example, a similar electronic survey, gathering feedback on how judges conduct cases could be established in this country, focusing specifically on attributes such as courtesy, clarity and efficiency.¹⁶⁵

If respondents to surveys were asked to record factors like their age, gender and ethnicity the picture generated by this survey could be even richer. Over time, this would help build up a view of which judges communicate effectively and inspire trust, and which do so less effectively. This information could be used by the judiciary to support the professional development of judges, including in performance appraisals for those judges that have them. Such a move would bring the judiciary into line with other professions – for example, doctors in the NHS are expected to seek feedback from both colleagues and patients on a regular basis. This feedback then forms part of the discussion at annual appraisals.¹⁶⁶

Recommendation 14: The judiciary should work with HMCTS to establish a system of online feedback on how judges conduct cases. This information, gathered from different perspectives, including court staff, lawyers, jurors, victims and defendants, could be used by the judiciary to support the professional development of judges in the future, including in performance appraisals for those judges that have them.

Trust – Judicial diversity

Youth Justice Board – Written submission to Call for Evidence: June 2016

BAME people are underrepresented in workforces across the youth justice system (YJS), including police, judiciary, magistracy, courts and secure establishments. This disparity increases when examining representation at management and senior management levels. A more diverse workforce is known to bring a number of benefits and we believe that it could help address over-representation, including by increasing BAME young people's confidence in the system.

Transform Justice

However good they are, we need magistrates to be truly representative of the communities they serve if trust in the CJS is to be maintained. We don't have enough BAME magistrates, and those we have are overwhelmingly middle-class and middle-aged. Where are the magistrates from the Somali, Roma and Romanian communities? Nowhere to be seen.

Public comments - Call for Evidence

In my view there is a great cultural gulf between the judge (in most cases of white middle class background) and the defendant who does not understand the nuances of court procedure. There could also be language difficulties which prevent the defendant from putting his best case forward during bail considerations. The situation is not helped if the defence counsel is of a similar background to that of the judge. They both have little or no understanding of the defendant.

A fundamental source of mistrust in the CJS among BAME communities is the lack of diversity among those who wield power within it.^{167,168} Nowhere is this more apparent than in our courts, where there is a gulf between the backgrounds of defendants and judges. Of those who declared their ethnicity, 20% of defendants who appeared in court last year were from BAME backgrounds, compared with 11% of around 16,000 magistrates.¹⁶⁹ Research also shows that people from working class occupations are also considerably under-represented in the magistracy.¹⁷⁰

Meanwhile, just 7% of around 3,000 court judges are from BAME backgrounds.¹⁷¹ On average, younger cohorts of court judges are more diverse – 10% of those under 40 are BAME compared with 4% of those 60 and over¹⁷² – but even this younger group remains significantly less diverse than the country it serves.

Judges are selected on merit – but there is no reason why this principle should count against the many talented BAME barristers and solicitors who want to become judges. The problem is often framed as a question of encouraging more applications from BAME candidates, but the figures in table 4 show that this is not where the problem is. BAME barristers and lawyers are applying to become judges, however, the issue is that they are not getting through the process. As Table 4 shows, in virtually every recent recruitment round, BAME applicants have been recommended for positions at lower rates than they applied.

Table 4: BAME and White comparison of applications and recommendations for judicial positions¹⁷³

Post	Year	Proportion (and number) with BAME background (of those who declared their ethnicity) ¹⁷⁴		Proportion (and number) with White background	
		Applications	Recommendations	Applications	Recommendations
Circuit judge	2006-07	8% (23)	3% (3)	92% (274)	97% (95)
	2008-09	9% (30)	4% (3)	91% (304)	96% (81)
	2011-12	12% (32)	–	88% (237)	–
	2011-12	13% (16)	8% (2)	87% (109)	92% (23)
	2012-13	11% (30)	9% (3)	89% (253)	91% (31)
	2013-14	12% (28)	–	88% (198)	–
	2014-15	12% (28)	5% (1)	88% (198)	95% (20)
	2015-16	8% (18)	6% (3)	92% (208)	94% (49)
	2016-17	12% (20)	5% (2)	88% (149)	95% (38)
Deputy District Judge (Mag's Court)	2008-09	20% (154)	12% (3)	80% (632)	88% (22)
	2012-13	19% (263)	25% (7)	81% (1,125)	75% (21)
	2016-17	23% (237)	6% (1)	77% (805)	94% (16)
Deputy High Court Judge	2014	–	–	–	–
	2015	23% (78)	11% (2)	77% (254)	89% (17)
	2016-17	17% (49)	15% (3)	83% (232)	85% (17)

EFFECTIVE RECRUITMENT AND WORKFORCE DEVELOPMENT

Many organisations recruit and develop high-quality, diverse candidates and there are good examples inside and out of the criminal justice system. The organisation 'Unlocked Graduates' encourages high-calibre graduates to take up positions in the prison workforce. In its first year, Unlocked made attracting a diverse cohort of applicants a special focus and 18.5% of their offers were to BAME candidates in 2016-17. KPMG puts inclusion at the heart of its recruitment strategy, but also actively tries to develop the next generation of leaders from underrepresented groups, offering mentoring and other professional development to BAME staff – last year, 37% of their graduate intake were from BAME backgrounds. In a recent report, *Increasing judicial diversity*, the organisation JUSTICE argued that evidence-based training and decision-aids for recruiters could make a positive contribution to judicial selection, as could offering professional development to 'near-miss' candidates. Initiatives like training recruiters in unconscious bias and cultural competence could also help create a modern, diverse judiciary.

The Judicial Appointments Commission (JAC) was established just over a decade ago to make the appointments process clearer and more accountable.¹⁷⁵ The aim was to formalise the process for appointing judges, replacing the so-called 'tap on the shoulder' approach with more meritocratic methods '(see box in next column)'. However, these figures show that there is still a problem.

The JAC should also examine the way it carries out selections. It is important to ensure that one generation does not simply recruit the next in its own image. The risk is always that a judiciary drawn overwhelmingly from one small segment of the population finds it easier to identify 'merit' in people like themselves. The JAC already involves lay members on selection panels, a move designed to ensure that judges can relate to and communicate with non-legal experts. I have heard concerns that lay observers tend to come from backgrounds not too dissimilar to the judiciary itself – a problem if part of their role is to prevent judges recruiting in their own image. Going beyond 'the usual suspects' – those who tend to sit on committees like this – requires outreach and perhaps additional training for a broader mix of participants.

Talented individuals must also be given every chance to demonstrate their abilities. For example, candidates are now assessed against published criteria, covering a range of competencies – but having a competency and demonstrating it are different things. The neat distinction between who you know and what you know does not always exist, even when processes are formalised in this way. Candidates with the right contacts and connections will inevitably still enter a process with greater knowledge of how to succeed within it.

SUMMARY OF THE JUDICIAL SELECTION PROCESS

- Qualifying tests are exam-style papers used to shortlist candidates for selection days for some judicial vacancies. The JAC determines the number of candidates that should be invited to interview, normally at a ratio of between two and three per vacancy.¹⁷⁶
- The JAC uses telephone assessments as a shortlisting tool, often in addition to other shortlisting tools before deciding who to take forward to selection day.¹⁷⁷
- If shortlisted, candidates will be invited to a selection day, which can include:
 - a panel interview - panels usually have three members including a chair, judicial member and an independent member;
 - situational questioning about scenarios you may face as a judge;
 - role play, simulating a court or tribunal environment; and
 - making a presentation.¹⁷⁸
- The JAC carries out consultation as part of a selection exercise. This includes:
 - sharing summary reports with experienced judges for comment.¹⁷⁹
- JAC Commissioners sit as the Selection and Character Committee to make the final decision on which candidates to recommend.¹⁸⁰
- The JAC provides feedback to help candidates understand why their application was unsuccessful and to consider this for future applications.¹⁸¹

The judiciary already has schemes to help equip candidates for the selection process – and these schemes have high proportions of BAME participants (see box on next page). However, more can be done to ensure that BAME candidates enter the process as well prepared as possible. Those with talent need to be actively sought out at an early stage in their careers and advised as to how to accumulate the right experience and develop the competencies they will ultimately need to demonstrate in any selection process. To draw on the widest pool of talent possible, this should include finding ways to fast-track the diverse pool of lawyers working across the public sector, including the CPS, to become judges.

Meanwhile, candidates should be supported not just before, but also after, they make applications. Those who just miss out in one recruitment round should be nurtured and coached so that they come back better prepared for the next. None of this goes against selecting on merit, it is simply about preparing people to demonstrate their full abilities.

JUDICIARY-LED INITIATIVES ON DIVERSITY

The judiciary runs work shadowing programmes, mentoring programmes and a job application workshop. It also has a positive action mentoring scheme and provides pre-application workshops (who are first time applicants and judges seeking to progress). The Judicial Diversity Committee's report for the period of April 2017-March 2018 – showed that:

- 61% of participants on the mentoring scheme were BAME;¹⁸²
- 33% of participants on the High Court support programme were BAME;¹⁸³
- 40% of participants in the Deputy High Court support programme were BAME¹⁸⁴; and
- 28% of participants who declared their diversity information in the Judicial Work Shadowing Scheme were BAME¹⁸⁵

In addition, 163 role models¹⁸⁷ and over 102 Diversity and Community Relations Judges¹⁸⁸ (DRCJs) have been recruited. Both groups, role models and DRCJs encourage legal professionals from under-represented groups to consider a judicial career.

Accountability for judicial diversity is diffuse. The JAC, Judicial Office and the MoJ all have formal responsibilities to promote diversity in different ways. The result is that no one individual or organisation can be held to account for whether results are being achieved. To resolve this, an organisation such as the Judicial Training College or the JAC should take on the role of a modern recruitment function for the judiciary, involving talent-spotting, pre-application support and coaching for 'near-miss' candidates. Work should focus on equipping talented individuals from under-represented groups, including BAME communities and people from working class backgrounds – to fulfil their potential in the application process. Within these groups, it should also aim for gender balance, reflecting the slow progress towards gender equality in the judiciary.

The MoJ should also examine whether the same organisation could take on similar responsibilities for the magistracy. Magistrates are currently recruited by local advisory committees, with each committee responsible for interviewing applicants and recommending candidates to the Lord Chief Justice.¹⁸⁸ The consequence of this decentralised system, however, is there is not the infrastructure to make a genuine push on diversity. The degree of emphasis placed on this can therefore vary quite considerably around the country.

Giving a single organisation, such as the JAC, greater responsibility in this area could revive the model of partnering with other institutions, from employers to campaign groups, to encourage applications from ethnic minority communities. For example, a previous partnership between the MoJ and Operation Black Vote was funded by the MoJ and involved potential applicants shadowing a magistrate to learn more about the role. Following the scheme, nearly 100 candidates were selected as magistrates.¹⁸⁹ The scheme – and the subsequent ending of the funding attached to it – is a reminder that progress can be made if there is sufficient commitment to it.

This kind of activity is essential, but above all there must be a focus on results. To achieve this, the government should set a clear, national target to achieve an ethnically representative judiciary and magistracy by 2025. It should then report to Parliament with progress against this target biennially.

Recommendation 15: An organisation such as the Judicial Training College or the Judicial Appointments Commission should take on the role of a modern recruitment function for the judiciary – involving talent-spotting, pre-application support and coaching for near-miss candidates. The MoJ should also examine whether the same organisation could take on similar responsibilities for the magistracy. The organisation should be resourced appropriately to fulfill this broader remit.

Recommendation 16: The government should set a clear, national target to achieve a representative judiciary and magistracy by 2025. It should then report to Parliament with progress against this target biennially.

Responsibility – youth justice

Courts exist to deliver justice, but must also be the start of an offender's rehabilitation journey. Much sentencing policy is framed explicitly to take this into account, though reoffending rates remain stubbornly high. The biggest challenge lies in the youth justice system, with the latest published figures showing 38% of juveniles reoffending,¹⁹⁰ within 12 months.¹⁹¹ BAME reoffending rates show a mixed picture with, for example, Asian young people less likely to reoffend than the White group, but the figures for Black young people are a major concern. 45% reoffend within a year of being released from custody, receiving a non-custodial conviction at court, a reprimand or a warning.¹⁹²

Overall, the total number of under-18s reoffending has been falling in recent years. However, numbers have dropped slower for BAME young people than White young people. The result is that the BAME proportion of young people reoffending has risen from 11% to 18%.¹⁹³

To play their full role in reducing reoffending, youth courts must focus not just on young people themselves, but also on the responsible adults around them. This includes parents, in particular, but also the communities who live alongside them. Throughout this review I have seen an appetite in many BAME communities to take more responsibility for this: the question is how far the justice system can adapt to help make it a reality.

Our youth justice system has a very limited conception of what involving communities in youth justice looks like. When young people plead guilty to first-time offences, the youth justice system typically passes a Referral Order. A youth offender panel, headed by two volunteers from the local community, then agrees a contract with the young offender in question. The contract may involve reparation to the victim, alongside and participation in, interventions designed to tackle the causes of offending. The young offender is monitored by a Youth Offending Team (YOT) case worker, then required to return (with parents or carers if under 16) to the panel to assess compliance with the contract. The role of the community volunteers and the possibility that a young offender may have to repair some of the harm that they have done are the only ways in which the justice system seeks to invite communities into the process.

Youth offender panels are a small step in the right direction, but could go further in involving parents, communities and key local services. To emphasise this greater focus in shared responsibility, they should be renamed local justice panels and reformed along the following lines:

Family: In England and Wales we have separate youth and adult justice systems to distinguish between the different needs of adults and children. Adults are expected to take complete responsibility for their offending but it is understood that young people lack the same maturity and require far greater support structures around them. Yet when children are brought before a youth offender panel, parents are only required to attend hearings for under 16s. For children in care, the situation is more serious still. The Children Act 1989 guidance only sets out that social workers accompanying children to hearings is 'good practice', despite the recognition that having a social worker there to support the child is extremely beneficial. This means that, in practice, children from the care system can be unaccompanied even under the age of 16.

When many BAME children are being drawn into street crime, sometimes under duress, by powerful adults, the role of parents and carers is important in re-establishing boundaries and protecting young men and women. Parents and carers should be held responsible for their children until they reach adulthood, including attending hearings alongside them up the age of 18.

A growing body of scientific evidence suggests that, not only children, but many young adults lack the maturity to make effective, balanced decisions.¹⁹⁴ This includes abilities like judging risk, delaying gratification and mastering their own impulses.¹⁹⁵ Furthermore, there is evidence to suggest that things like traumatic brain injury and maltreatment as a child can further contribute to limited maturity, and additionally, that these problems are frequently seen amongst young adult offenders.¹⁹⁶

In other countries, like Germany for example, understanding of maturity is fundamental (see box on next page). In contrast to England and Wales, where there is an inflexible boundary between the adult and youth justice systems (which is age 18), the German justice system allows for juvenile law to be applied to young adults if the 'moral and psychological development' of the defendant suggests he or she is 'like a juvenile'.

GERMANY

Reflecting the scientific evidence base on brain development, the youth justice in Germany covers children and young adult offenders from 14 to 20 years of age. Most young adults (over 18/under 21) receive milder sentences than under adult criminal law.¹⁹⁷

Youth imprisonment covers the age groups of 14 to 17-year-old juveniles, 18 to 20 year-old young adults, and adults aged 21 to 24 who were sentenced by Juvenile Courts as juveniles or young adults.¹⁹⁸

Maturity is assessed through an analysis of both the offender and the offence, with youth justice interventions applied if a lack of maturity is demonstrated. Juvenile law can be applied to young adults if the 'moral and psychological development' of the defendant suggests he or she is 'like a juvenile'. This might include a lack of emotional maturity or empathy. Similarly, juvenile law is applied if 'elements demonstrate that a considerable development of the personality is still ongoing'.¹⁹⁹

In England and Wales, our approach to assessing maturity should reflect the scientific evidence. As with Germany rigorous assessments of maturity should inform rehabilitative interventions. This approach should apply to all those up to the age of 21. The MoJ and Department of Health (DH) should work together to develop a method to assess maturity. The results of this assessment should inform interventions, including extending the support structures of the youth justice system for offenders over the age of 18 who are judged to have low levels of maturity. There are particularly high proportions of BAME individuals among young adult prisoners – a more developed approach to maturity could make a big contribution to their rehabilitation.²⁰⁰

Recommendation 17: The MoJ and DH should work together to develop a method to assess the maturity of offenders entering the justice system up to the age of 21. The results of this assessment should inform the interventions applied to any offender in this cohort, including extending the support structures of the youth justice system for offenders over the age of 18 who are judged to have low levels of maturity.

For young offenders, it is also clear that some of the key tools at the disposal of youth courts are not being used. For example, parenting orders are designed to give courts the tools both to challenge and support parents. Courts can require parents to attend counselling or guidance sessions designed to improve parenting skills, manage difficult adolescent behaviour and ensure school attendance. But courts can also impose a second element, requiring parents to exercise control over their child's behaviour. Last year the youth courts issued parenting orders in just 60 cases involving BAME young people. In total, just 189 parenting orders were issued for all ethnicities, including White young people, despite 55,000 young offenders being found guilty in the courts.²⁰¹

It is clear that YOTs have little faith in the efficacy of parenting orders and are discouraging their use as a result. But the answer is not to give up on parenting orders altogether – it is to make sure that there are well-designed, clearly-evidenced alternatives to them. The MoJ should review the effectiveness of parenting orders and replace them with something better if there are flaws with them. YOTs should not only contribute to this process but also consider whether they are doing enough to challenge and support parents.

Community: The government is currently in the process of closing and centralising courts across the country, with 86 confirmed for closure.²⁰² The consequence is that justice will become more detached and remote from local people. Instead, precisely the opposite should be happening, with justice literally moving closer to communities. For example, the JUSTICE think tank has recommended a new model of 'justice spaces' (see box below) arguing for a 'rejection of the over-standardisation prevalent in existing courts and tribunals'.²⁰³ The working party of experts behind the JUSTICE Report argued that the type of space used in each case should be determined by factors like the level of security risk posed by the case, including the level of anticipated public participation and the extent to which parties may need to be segregated.²⁰⁴ Youth court cases, for example, are closed events so may prove particularly suitable for non-traditional settings.

THE 'JUSTICE SPACES' MODEL PROPOSED IN WHAT IS A COURT?²⁰⁵

- **Simple justice spaces:** less formal and highly flexible spaces capable of accommodating the majority of the disputes currently heard by courts and tribunals.
- **Standard justice spaces:** semi-formal and flexible spaces ideal for hearings which require some permanent fixtures – such as extensive technological equipment, or a raised judges' bench.
- **Formal justice spaces:** formal, semi-flexible and purpose-built spaces used in a limited number of very serious cases including major criminal trials.

More can also be done to bring the community into the process itself. Despite involving two community members on each panel, youth offending panels are, in no real sense, community events. This stands in contrast with other jurisdictions – for example the Rangatahi Courts in New Zealand (see box below) – which invite in people with a stake in young people’s lives. The Rangatahi Courts may be specific to particular cultural contexts and anonymity must be protected in the youth justice system, but there remains scope to learn from the carefully managed ways in which community members are invited into the process. Local justice panels would see those who have a direct responsibility for, or appropriate interest in, the child’s education, health, welfare or general progress invited into hearings. They would observe the process, advise the panel if called upon and understand their own responsibility for the child’s rehabilitation.

CASE STUDY: RANGATAHI COURTS IN NEW ZEALAND²⁰⁶

In New Zealand, Rangatahi Courts operate in the same way as the youth courts – with the same laws and consequences – but involve young Maori offenders and members of the adult Maori community. The Rangatahi Courts are for young people who have admitted guilt. After a sentencing plan has been set for young people, Maori young people can choose to have their case monitored by the Rangatahi Court. Those who opt for this appear in court fortnightly, in front of the same judge. At the beginning of each hearing, the young person receives a mihi (talk) from the kaumātua (respected elders). Also present will be whanau (extended family), police officers, social workers, the young person’s lawyer and the victim if they choose to attend. The hearings are designed to bring together families and communities to take responsibility, alongside the offender, for ensuring that this offence is their last.

Services: it is essential that there is a mechanism for bringing together all those with a stake in young people’s lives and a link to their offending behaviour. If an offence has been committed in school hours, for example, teachers or the headteacher should be brought in to discuss the role of the school in preventing future offending behaviour. If there are substance abuse or mental health concerns, the relevant services should also be present. Local justice panels would have the power to convene these services alongside parents and the local community, both to inform the tailored sentencing plan for each child and to review progress against it in the future.

I also share the concern expressed in the Taylor report that:

“ magistrates frequently report that they impose a sentence without having a real

understanding of the needs of the child, and they rarely know whether it has been effective. It is possible for the bench to hear about breaches or further offences, but only if one of their number happens to be sitting on the day when that child is brought back to court.”²⁰⁷

This gap between magistrates and youth offender panels needs to be closed.

Magistrates must be fully informed not just about how the system functions in theory, but also how well it works in practice. To achieve this, magistrates should follow an agreed number of cases each year from start to finish, joining the referral panel for the initial hearing, when a contract with the young offender is agreed, as well as future hearings to monitor compliance. Tracking cases from start to finish would deepen their understanding of the youth justice system. The MoJ should also evaluate whether their continued attachment to cases has any observable effect on reoffending rates, given evidence from problem-solving courts that the same judge retaining contact with an offender throughout their rehabilitation period can have a positive effect

Recommendation 18: Youth offender panels should be renamed local justice panels. They should take place in community settings, have a stronger emphasis on parenting, involve selected community members and have the power to hold other local services to account for their role in a child’s rehabilitation.

Recommendation 19: Each year, magistrates should follow an agreed number of cases in the youth justice system from start to finish, to deepen their understanding of how the rehabilitation process works. The MoJ should also evaluate whether their continued attachment to these cases has any observable effect on reoffending rates.

This approach – more local, more family orientated, and more concerned with bringing services together – would build on the best parts of the existing system to bring the adults around young offenders. Inevitably, however, some offenders will require custodial sentences. The next chapter addresses the role of the prison system.

Chapter 5: Prisons



Introduction

There are over 20,000 adults BAME in prisons across England and Wales, representing around 25% of the overall prison population.^{208,209} If the demographics of our prison population reflected that of England and Wales, we could have over 9,000 fewer Black, Asian and Minority Ethnic (BAME) people in prison – the equivalent of a dozen average sized prisons.²¹⁰ The youth custody population is smaller, but the BAME proportion is much higher, at over 40%.²¹¹

This over-representation of BAME offenders in both the adult and youth estates has an economic as well as social cost – estimated at £234 million a year in work commissioned by this review.²¹² This chapter examines the treatment and outcomes of BAME individuals in custody.

- There is evidence to suggest differential treatment against BAME offenders in both the adult and the youth estates. BAME individuals are less likely to be identified with problems such as learning difficulties or mental health concerns on reception at prison. The prison system inherits some of these disparities from other services, such as schools failing to identify learning difficulties and mental health services failing to serve BAME communities effectively.²¹³ But it must do far more to rectify them when prisoners arrive in custody.
 - On average, both BAME men and women in prison report poorer relationships with prison staff, including higher rates of victimisation by prison staff. BAME prisoners are also less likely to report having a prison job or participation in offender behaviour programmes.²¹⁴
 - Systems of redress need to be reviewed urgently, with just one in a hundred of prisoners alleging discrimination by staff having their case upheld,²¹⁵ while there is inadequate governance surrounding key aspects of prison life, such as the Incentives and Earned Privileges (IEP) system which BAME prisoners widely regard as unfair.
 - The lack of diversity among prison officers, including prison leadership, helps perpetuate a culture of 'us and them' with BAME prisoners. It contributes to an atmosphere in which many rebel against prison regimes, rather than start on the road to a life without offending.
- The prison system must take steps to address these shortcomings, many of which have a direct link to reoffending rates. This should include:
 - a far more comprehensive approach to assessing prisoners' health, education and psychological state on entry to prisons;
 - creating a more diverse workforce, including at leadership levels;
 - opening up more decision-making to outside scrutiny, including the way in which complaints about discrimination are handled; and
 - holding prison leadership teams directly to account for the treatment and outcomes for BAME prisoners.

Purpose of prison

Of the 86,000 prisoners across England and Wales, only a small fraction will never leave custody – more than 20,000 of those adults are from BAME backgrounds.²¹⁶ In total, 99% of those who go to prison will be released at some stage in their lives.²¹⁷ With this in mind, there is a growing political emphasis on the role of prisons in reforming offenders and reducing reoffending.²¹⁸

To succeed, prison governors and officers must have a proper understanding of the prisoners they are responsible for. Some ethnic groups are particularly over-represented. Black people make up 3% of the general population but 12% of prisoners and 21% of children in custody are Black.^{219,220} The last Census showed that just 0.1% of people in the wider population identified themselves as Gypsy or Irish Traveller,²²¹ but the proportion is very high in some prisons. In 2012–2013, 12% of prisoners at Her Majesty's Prison (HMP) Elmley, 11% at HMP Gloucester and 10% at HMP Winchester identified themselves as being Gypsy, Roma or Traveller in the 2014 prisoner survey. At New Hall, 8% of women identified themselves as Gypsy, Roma or Traveller, despite the prison only reporting one known Traveller.²²² Ensuring that the treatment and outcomes for this group are as good as they possibly can be is not just a legal necessity²²³, it is a key part of running an effective prison.

Categorisation

The regime that prisoners are held under has a significant effect on efforts to rehabilitate them. High security prisons are focused overwhelmingly on preventing escape, while lower security prisons involve more freedom of movement and therefore more opportunity to provide a regime focused on rehabilitation.

Analysis commissioned for this review reveals that BAME male prisoners are more likely to be placed in high security prisons than White male prisoners committing similar types of offences (see Table 5). Most strikingly, among prisoners serving prison sentences for public order offences, 417 Black offenders and 631 Asian offenders are placed in high security prisons, for every 100 White offenders.²²⁴

Table 5: Number of convicted BAME men placed in a high security prison, for every 100 White men convicted of the same types of offence (mid-year 2015)²²⁵

	Black	Asian	Mixed ethnic	Chinese / Other	All BAME
Violence against the person	160*	121*	118	97	119*
Sexual offences	118	126*	108	--	118*
Robbery	136*	69	132	--	104
Theft offences	186*	138	110	--	121
Criminal damage and arson	--	194*	--	--	156
Drug offences	82	125	142	--	127*
Possession of weapons	180*	160	--	--	144
Public order offences	417*	631*	--	--	494*
Misc. crimes against society	213	129	179	--	135
Fraud offences	150	--	--	--	92
All offence groups	143*	126*	120*	--	121*

* indicates statistically significant difference

-- indicates too few cases for analysis

High security prisons contain two types of prisoners: those who have been classed as the most dangerous – Category A prisoners – and individuals on remand awaiting trial in the same part of the country. The prison service should publish research establishing which of these two groups – Category A or remand prisoners – is driving the high proportion of BAME individuals in high security prisons. If BAME individuals are being classed as more dangerous having committed similar offences to White offenders, then the categorisation and allocation system should be reviewed immediately.

Identifying problems

Centre for Crime and Justice Studies – Written submission to Call for Evidence: June 2016

The prison population largely consists of people from low income backgrounds. Many are dispossessed. For example, a third of the prison population were homeless, half of this group sleeping rough before entering prison.

Agenda – Written submission to Call for Evidence: June 2016

Staff across the criminal justice system should receive training about the realities of women's lives and particularly the likelihood of histories of abuse and violence. Community and prison services should be gender and trauma-informed.

Friends, Families and Travellers – Written submission to Call for Evidence: June 2016

Another issue is the above average numbers of Gypsies and Travellers suffering from poor mental health. The high numbers of Gypsy/Traveller suicides in prison has been flagged up in the Prisons and Probation Ombudsman for England and Wales Bulletin of January 2015 'Deaths of Travellers in prison'.

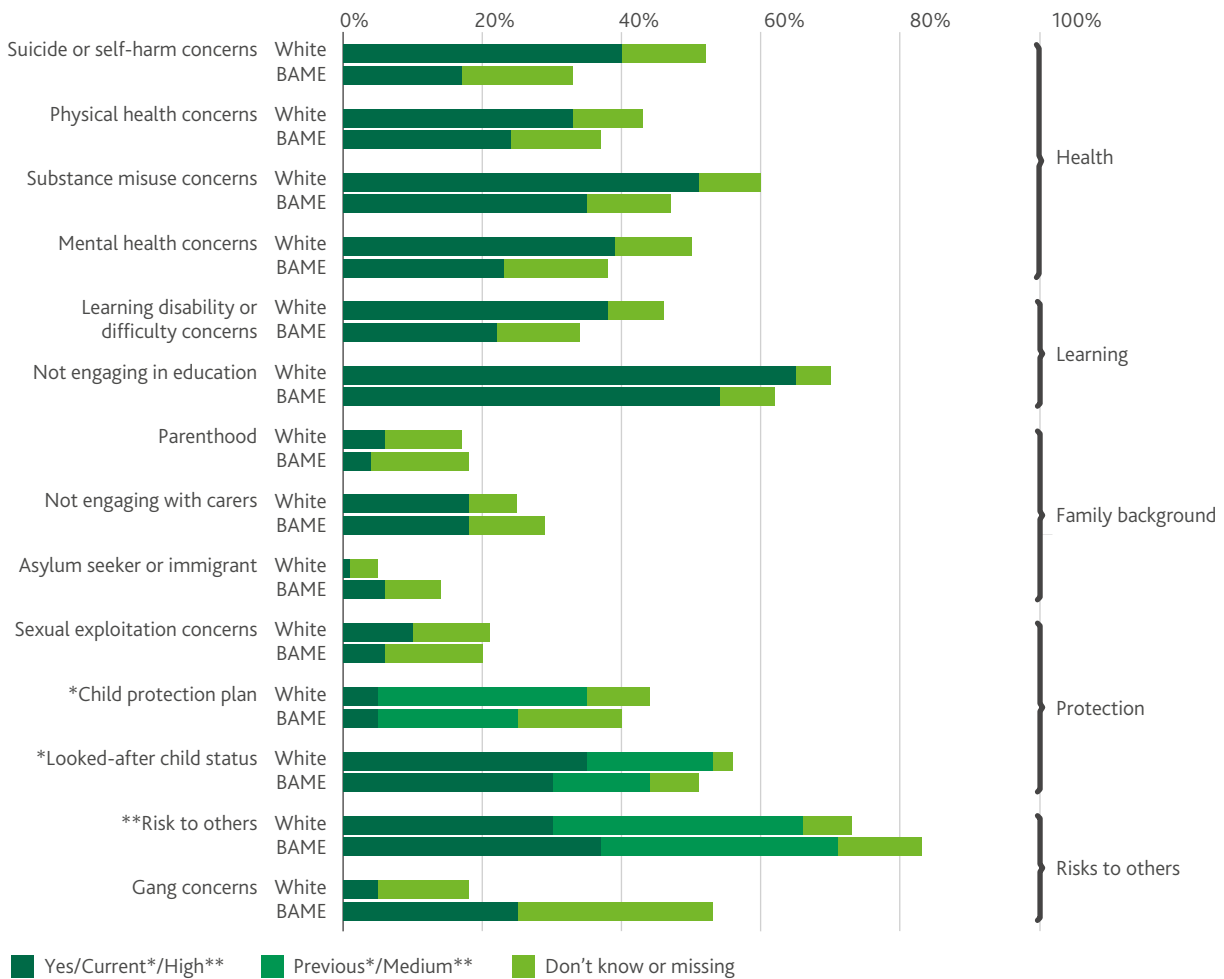
Many prisoners arrive in custody as damaged individuals. In the youth estate, 33% arrive with mental health problems, whilst a similar proportion presents with learning difficulties. A third of children in prison have spent time in the care system, 45% arrive with substance misuse problems and 61% have a track record of disengagement with education.²²⁶ In the adult estate, an estimated 62% of men and 57% of women prisoners have a personality disorder²²⁷, while 32% of new prisoners were recorded or self-identified as having a learning difficulty or disability.²²⁸ Many have been both victims and perpetrators of violence, with resulting trauma and psychological damage.

A successful prison system depends upon addressing these problems. It is inconceivable that prisons will be places of order, let alone rehabilitation, unless the deep-rooted issues in people's lives are identified and dealt with. In the short term, problems like rising violence in prisons can be limited by recruiting more staff to support colleagues stretched to the limit. But, the longer term, answer is to deal with the underlying causes of violence, disorder and subsequent reoffending.

The youth estate collects the most reliable data on the problems that individuals present with when they are admitted to custody. But the detail reveals a worrying pattern.²²⁹ Though there are very high proportions of BAME young people in custody, data from the period April 2014 to March 2016, on admissions to custody, showed that BAME youths were less likely than the white group to be recorded as having health, educational or mental health problems. This may indicate unidentified needs and could have a knock-on effect on the services and support made available to them.

As Figure 6 indicates, between April 2014 and March 2016, BAME youth entering prison were less likely to be recorded as at risk of self-harm, or to have problems with their physical or mental health. They were less likely to be recorded as having learning difficulties, to be disengaged with education. Both BAME and White youth were equally recorded as having problematic relationships with carers. But BAME youth were less likely to be recorded as having substance misuse concerns. The only areas where BAME youths were over-represented were concern about the risks they pose to other young people.

Figure 6: The distribution of key characteristics for all admissions to custody, by ethnicity, April 2014 to March 2016²³⁰



The data is much poorer for the adult estate, but there is evidence of similar patterns. For example, on mental health, as far back as 2007 the Chief Inspector of Prisons found that:

“ Reception screening is failing to pick up the extent or diversity of need. This is partly because it is not always well done, or properly followed up, by appropriately skilled staff. But it is also partly because the screen itself is not sensitive enough to pick up real, and particularly unacknowledged, need. Our own

screening processes picked up higher levels of need throughout, but particularly so in the case of black and minority ethnic (BME) prisoners, who are much less likely to access mental healthcare in the community, and also male prisoners, who are less likely to acknowledge need. ”²³¹

This finding is echoed in The Bradley Report (2009) and in his report 'Five Years On' (2014), where he recommends that the criminal justice system (CJS) should collect and analyse how services are accessed and used by BAME people. In addition, a number of practitioners have expressed concerns that the same problem exists with learning difficulties and disabilities (LDD).^{232,233}

The prison system inherits some of these disparities from other services, such as schools failing to identify learning difficulties and mental health services failing to provide effective services to BAME communities.²³⁴ But the response cannot be for the prison system simply to translate problems with community services into equivalent problems in custody. Instead there must be screening processes that accurately identify the problems that prisoners arrive in custody with.

Assessment

Revolving Doors – Written submission to Call for Evidence: June 2016

Not every person from every ethnic or cultural group has the same experiences either of health and social problems or of accessing services, and differences can vary according to gender, religion or sexual orientation. Considering the variability of those experiences will make a welcome contribution to public understanding.

Agenda – Written submission to Call for Evidence: June 2016

Women in prison have often experienced extensive abuse and are likely to have complex mental health, addiction and other needs.

Prisons and secure institutions in the youth justice system should have proper access to assessments made by other services, such as health, mental health and education – but must not rely entirely on this. In the youth justice system there is innovation that the whole prison system could learn from. The Offender Health Research Network at the University of Manchester have developed the Comprehensive Health Assessment Tool (CHAT). The CHAT is a standardised approach to screening and assessment for all young people (11 to 18), used to build up a comprehensive picture of any health problems they face.

The CHAT begins with an initial assessment – a 'reception screen' – before the first night in custody, to assess for urgent/immediate physical and mental health needs including suicide, self-harm and substance withdrawal.²³⁵ A physical health assessment is then completed within three days of admission to custody. Full physical and mental health assessments are completed by a nurse and a Child and Adolescent Mental Health Services practitioner. Within five days of admission a substance misuse assessment is completed by a trained substance misuse worker and within ten days there is a neuro-disability assessment carried out by a Registered Learning Disability Nurse. This last assessment includes screening for Post-Traumatic Stress Disorder – vital for a cohort of people likely to have experienced significant levels of violence in their lives.²³⁶

The CHAT makes its own health assessments of individuals, building on information already held about them, but not relying entirely on it. For this reason, it has the potential to address some of the disparities outlined earlier in this chapter. As a submission to this review from a Lead Clinical Psychologist at a Secure Training Centre put it:

“ All of the services contributing to this paper felt that the 'CHAT' process meant that they were able to ensure equitable access to their services across the boundaries of ethnicity.”

The CHAT is a new tool, which will need to be evaluated and adapted as more is learned about its strengths and weaknesses. In particular, the leaders of institutions in the youth estate will need to ensure that it, together with the new AssetPlus system, fulfils this promise of equitable access to health services. But even at this early stage it is clear that it represents a model that can be learned from and emulated in the adult estate. Prisons have various screening processes but nothing as comprehensive or rigorous as the CHAT. The prison system, working with the Department for Health (DH), should adopt a similar model for both men and women prisoners, giving prisons a greater chance of identifying the multiple and complex problems that prisoners arrive with, whatever their ethnicity.

Recommendation 20: Leaders of institutions in the youth estate should review the data generated by the CHAT and evaluate its efficacy in all areas and ensure that it generates equitable access to services across ethnic groups. Disparities in the data should be investigated thoroughly at the end of each year.

Recommendation 21: The prison system, working with the DH, should learn from the youth justice system and adopt a similar model to the CHAT for both men and women prisoners with built in evaluation.

Treatment in prison

Transition to Adulthood (TZA) report - Leaders Unlocked – July 2017

A key message from the prisoners that we spoke to – of any racial or ethnic background – is that there is too much favouritism in the way things work in prisons. Prison officers can choose to help some people and block others, as they wield too much discretionary power.

The way individuals are treated in prison affects their chances of rehabilitation in tangible and intangible ways. Tangibly, access to opportunities like training courses, prison jobs and behaviour management programmes affects offenders’ ability to cope without reoffending when they leave prison.²³⁷ Intangibly, the extent to which prisoners believe they are treated fairly in prison has proven links both to their behaviour in custody and their likelihood of reoffending once released.²³⁸

In one landmark study undertaken in 2010/11, tracking Dutch prisoners over time, prisoners took part in a longitudinal survey and were asked to judge how fairly they felt they had been treated on a scale of 1 to 5. Those who felt that they had been treated more fairly were found to be less likely to break prison rules, less likely to suffer from problems with mental health and less likely to reoffend on release.²³⁹ The same reality can be found in prisons across England and Wales: those who carry around a sense of

injustice are more likely to rebel against prison regimes, rather than start on the road to a life without offending.

Each year the prison inspectorate surveys prisoners to build up a picture, alongside the inspectors’ own observations, of how prisoners are treated and snapshot survey data are published. In 2015/16, the difference in the responses provided by BAME and White adult male prisoners was striking.²⁴⁰ On some important measures, BAME adult male prisoners reported reduced access to opportunities and interventions that support rehabilitation. As Table 6 indicates, they were less likely to report having a prison job, taking part in offender behaviour programmes or spending ten hours outside of their cell on weekdays.

Transition to Adulthood (TZA) report - Leaders Unlocked – July 2017

*“Majority of officers were white. I used to work in kitchens and I started to hate this guy, he always had something to say to me, and it felt like he was bullying me, felt like he was being racist. He was making me suffer, giving me IEPs all the time.”
(Workshop participant, Leicester)*

Other results from the survey are deeply worrying and unsatisfactory (see Table 7). Both men and women prisoners from BAME backgrounds who responded to the survey were consistently less likely than White prisoners to report positive relationships with prison staff. A lower proportion of BAME respondents believed staff treated them with respect, recalled staff members checking on their well-being or having a member of staff they felt they could turn to for help.

The picture worsens with questions about whether prisoners are actively mistreated. Men from BAME backgrounds were more likely than White prisoners to report being victimised, unfairly treated by the Incentives and Earned Privileges scheme (IEP), which is designed to punish and reward prisoners’ behaviour.

Table 6: BAME and White men comparison of access to a prison job, offender behaviour programmes and association time²⁴¹

	BAME	White
A prison job	46	56
Offender behaviour programmes	9	10
Spending ten hours or more outside of your cell on a weekday	11	16

This is deeply counterproductive, with the data suggesting a link between perceptions of fairness and the effectiveness of the IEP scheme. BAME prisoners were not just less likely to regard the IEP scheme as fair – they were also less likely to say that it affected their behaviour. Most shocking of all, BAME prisoners were more likely to report being threatened and intimidated by staff.

Transition to Adulthood (T2A) report - Leaders Unlocked – July 2017

“Race played a big difference in my experience. When I was in a prison in one place it was mostly white including staff and prisoners. I felt segregated and suffered a lot of racial abuse. I was strip searched six times in three days and it was humiliating, when the people who said I was doing things were the ones actually doing it and getting away with it because they are white. My co-defendant saw what was happening and mentioned something to the guard and said I was being racially abused, to which his reply was ‘good, tell someone that cares.’ (Prisoner, East Midlands)

Table 7: BAME and White comparison of prison experiences 2016-17²⁴²

	Adult Men		Adult Women	
	BAME %	White %	BAME%	White%
Number of responses	1,513	4,866	149	541
Positive Relationships				
Do most staff, in this prison, treat you with respect?	69	76	69	79
Do staff normally speak to you most of the time/all of the time during association?	14	20	14	21
Has a member of staff checked on you personally in the last week to see how you are getting on?	21	29	26	36
Is there a member of staff, in this prison, that you can turn to for help if you have a problem?	64	71	72	81
Negative Treatment				
Have you been victimised by staff?	36	29	31*	28*
Have staff victimised you because of your race or ethnic origin	11	2	7	1
Do you feel you have been treated fairly in your experience of the IEP scheme?	35	44	38	59
Do the different levels of the IEP scheme encourage you to change your behaviour?	38	41	41	51
Safety				
Have staff threatened or intimidated you?	16	14	19	10
Have staff hit, kicked or assaulted you?	7	6	2*	1*

The survey findings can be broken down further, to examine the responses of specific groups. The results show that Gypsy, Roma and Traveller prisoners were more likely than non-Gypsy, Roma and Traveller prisoners to report needing support across a range of problems, but were less likely to say that they had actually received such support.²⁴³ For example, in 2014, 27% of Gypsy, Roma and Traveller prisoners reported feeling depressed or suicidal on arrival (compared with 15%). However, they were less likely to report receiving information about what support was available for this (35% compared with 44%).

Likewise, Muslim prisoners report more negative prison experience, particularly with regards to their safety and relationship with staff, than other prisoners – this is even more pronounced than the discrepancy between the reported experiences of Black and Minority ethnic prisoners compared to White prisoners.²⁴⁴

These worrying differences in the Her Majesty's Inspectorate of Prisons (HMIP) survey data are, of course, the perceptions of prisoners. But the pattern is too consistent to be ignored. In any case the question is simply what kind of problem the prison service has: are BAME prisoners treated less respectfully, fairly and safely by prison officers – or is there simply endemic mistrust between BAME prisoners and prison staff?

Individual prisons should already be making far better use of data, including information from HMIP and Measuring the Quality of Prison Life (MQPL) surveys, but a more systematic approach is also needed.²⁴⁵ Part of the answer could be found by requiring much greater transparency around key aspects of prison life. The recent prisons white paper sets out a range of new datasets that will be collected and published in the future.²⁴⁶ These data include measures such as the number of hours prisoners have worked in industry, the quality of work opportunities offered by prisons and time spent by prisoners out of their cells engaging in purposeful activity.²⁴⁷ Regrettably, the 68 page white paper made no mention of ethnicity, but there is still an opportunity to correct this. The data envisaged in the white paper should be collected and published with a full breakdown by ethnicity.

Another important area lacking in transparency on the treatment and outcomes for BAME prisoners is the Parole Board, which carries out risk assessments on prisoners and manages early release for those serving fixed-length sentences of four years or more and those serving life or indeterminate sentences.²⁴⁸ Currently no figures are published showing whether prisoners of different ethnicities are released in similar proportions through this process. To allow for effective scrutiny, the Ministry of Justice (MoJ) and the Parole Board should report on the proportion of prisoners released by offence and ethnicity. If possible, this data should also cover the proportion of each ethnicity who also go on to reoffend.

Recommendation 22: The recent prisons white paper sets out a range of new data that will be collected and published in the future. The data should be collected and published with a full breakdown by ethnicity.

Recommendation 23: The MoJ and the Parole Board should report on the proportion of prisoners released by offence and ethnicity. This data should also cover the proportion of each ethnicity who also go on to reoffend.

Prisons and Probation Ombudsman – Written submission to Call for Evidence: June 2016

From my office's perspective, more work should be carried out by staff in communicating the appropriate policies and procedures across prison establishments; and then correctly following these procedures.

Transition to Adulthood (T2A) Alliance – Written submission to Call for Evidence: June 2016

Poor procedures for administering the IEP and prison adjudications process may contribute to the perception of unfairness and disproportionate outcomes.

A central theme of this report is that exposing decision-making to scrutiny is the surest route to ensuring fair treatment. Publishing better quality information is part of this, but is not enough on its own. The adjudications system – a disciplinary measure – in prisons provides another example of how this principle can be put into practice. Analysis commissioned for this review indicates that based on 2014/15 data, adjudications were disproportionately brought (charges made) against adult male BAME prisoners from a Black or a Mixed ethnic background. Adjudications are brought by individual officers. But the analysis showed that when the case was reviewed by a panel, adjudications against all adult male BAME prisoners were less likely to be upheld. The lesson is that oversight provides an important corrective.²⁴⁹

Clinks – Written submission to Call for Evidence: June 2016

Participants in Clinks consultations also raised this lack of transparency in prison procedures, feeling that there seemed to be no clear process to securing certain jobs in prison, to be upgraded or downgraded on the IEP scheme, or to move to different categories of prison. This could mean that decision-making is down to staff discretion and therefore affected by conscious and unconscious bias against BAME prisoners. The lack of transparency in these processes was demotivating to prisoners and increased mistrust between prisoners and staff through deepening perceptions of staff racism and discrimination.

These systems of oversight become more important for issues which are either particularly contentious or particularly serious. The IEP system – also criticised in the latest annual report from the Chief Inspector of Prisons²⁵⁰ – falls into the first of these categories. The direction of national policy is to give prison governors greater powers. If and when this happens in relation to IEP policies, each prison governor should ensure that there is forum in their institution for both officers and prisoners to review the fairness and effectiveness of their regime. Both BAME and White prisoners should be represented in this forum.

Governors should, of course, make the ultimate decisions in this area, but this kind of dialogue between leadership teams, officers and prisoners would help resolve concerns over the design and enforcement of IEP regimes. Research by Clinks indicates that most prisons already have forums such as a prison council: where these exist they should be used to address IEP grievances – and where they do not they should be established.²⁵¹

Recommendation 24: To increase the fairness and effectiveness of the IEP system, each prison governor should ensure that there is forum in their institution for both officers and prisoners to review the fairness and effectiveness of their regime. Both BAME and White prisoners should be represented in this forum. Governors should make the ultimate decisions in this area.

The use of force by prison officers falls into both categories – it is both contentious and serious. There will always be times when officers have no option but to use force, either to protect themselves, maintain order or, to enforce prison rules. However, the Chief Inspector of Prisons was also clear on this issue, reporting that 'In half the prisons inspected we found inadequate governance and made main recommendations about the use of force...In almost two-thirds of inspected prisons, the use of force was increasing and/or high. In many prisons we were not assured that all cases were warranted, proportionate or de-escalated quickly enough.'²⁵²

Especially in the absence of data, governance must be exemplary. All prisons must have in place a Use of Force Committee to monitor and guard against any issues or problems with it.²⁵³ Prisoner governors should maintain discretion over the precise membership of these committees, but should ensure that the committees are not ethnically homogenous and involve at least one individual, such as a member of the prison's Independent Monitoring Board (IMB), with an explicit remit to consider the interests of prisoners. Furthermore, there should be escalating consequences for officers found to be misusing force on more than one occasion. The innovative 'Reasonable

Grounds Panel' created by Northamptonshire Police force, described in Chapter 2, could provide a model of governance to deal with this. In Northamptonshire, police officers are initially required to undertake training if they are found to have misused Stop and Search powers, but risk having search powers withdrawn if they were used improperly.

Recommendation 25: Prison governors should ensure Use of Force Committees are not ethnically homogeneous and involve at least one individual, such as a member of the prison's IMB, with an explicit remit to consider the interests of prisoners. There should be escalating consequences for officers found to be misusing force on more than one occasion. This approach should also apply in youth custodial settings.

The ultimate backstop to address discrimination in prisons is the complaints system. Yet recent research, published jointly by the Prison Reform Trust and the Zahid Mubarek Trust suggests that the complaints systems in prisons cannot be relied upon. Researchers were invited in by eight prisons to 'provide external scrutiny of the complaints process in relation to allegations of discrimination' (p. v). They examined 610 investigations from eight prisons in 2014.²⁵⁴ Prisoners submitted 70% of the discrimination reports and staff, 30%. The majority were about race (62%), but religion (15%) and disability (10%) were also reflected in the complaints. The results of the study show only 1% of prisoners alleging discrimination by staff had their case upheld. The researchers concluded that 'the system for handling discrimination complaints in prisons is neither fair nor impartial, does not have the confidence of prisoners, and is failing to provide prisons with the opportunity to learn and provide more equitable treatment'.²⁵⁵

HOW PRISONS DEAL WITH COMPLAINTS

The system in prisons for handling allegations of discrimination begins with a discrimination incident reporting form (DIRF). Anyone – prison officers, prisoners, visitors to prisons, or others – can report discrimination.²⁵⁶

Prisoners witnessing or being subject to discrimination submit a complaints form or a DIRF.

DIRFs concerning serious incidents and/or allegations of misconduct by staff should be referred for investigation. The prisoner should be informed that this is what has happened, and the outcome of the investigation that is relevant to them. DIRFs concerning other issues should be handled by a manager.

Logging/sign off and quality control

DIRFs should be logged on receipt and response, and the outcome should be noted on completion. To ensure effective responses, a sign off or quality control process involving a senior manager should be used.

Management information

The DIRF log should be analysed and relevant information used to inform action. This should include trend analysis of the nature and location of incidents as well as patterns of involvement of particular individuals.²⁵⁷

This Prison Reform Trust/Zahid Mubarek Trust study identified a number of problems, including the wrong standard of evidence being applied in some cases. Case files included one record which stated 'cannot conclude beyond reasonable doubt that discrimination took place'. The proper standard of proof should be 'the balance of probabilities' – whether is more likely than not that the alleged event occurred. This is not the first time a study has identified this problem of how prisons deal with complaints.²⁵⁸ Her Majesty's Prison and Probation Service (HMPPS) should clarify that this standard of proof applies to allegations of discrimination.

The Prison Reform Trust/Zahid Mubarek Trust study also identified the challenge of addressing discrimination which can be difficult to prove. Objective evidence of discrimination can be rare, with actions open to different interpretations. This is a challenge faced by other public services and requires a sophisticated response. For example, a recent report by the Independent Police Complaints Commission (IPCC) recommended that investigation procedures should take into consideration how officers have dealt with similar incidents in the past.²⁵⁹ This approach should also be adopted in prisons to ensure that complaints are dealt with rigorously and fairly.

Recommendation 26: HMPPS should clarify publicly that the proper standard of proof for assessing complaints is 'the balance of probabilities'. Prisons should take into account factors such as how officers have dealt with similar incidents in the past.

The Prison Reform Trust/Zahid Mubarek Trust report makes a further recommendation, that a 'problem-solving approach' could contribute to greater trust in the complaints system.²⁶⁰ In practice, this means using the complaints process as an opportunity to fix problems, not simply make judgements about wrong-doing. For example, an investigation may conclude that a prisoner has been improperly denied their property, but not due to discrimination. A problem-solving approach would not just deliver a verdict, but ensure that the property is returned swiftly and make recommendations about how to avoid a repeat of the problem in the future. A simple way of encouraging this approach would be for all complainants to state what they want to happen as a result of the investigation. Simple measures like this would contribute to a change in culture in prisons, helping break down the 'us and them' mentality among many prisoners which can lead to poor behaviour and even disorder.

Recommendation 27: Prisons should adopt a 'problem-solving' approach to dealing with complaints. As part of this, all complainants should state what they want to happen as a result of an investigation into their complaint.

Changing culture

Young Review Written submission to Call for Evidence: June 2016

We now have several prisons with BAME majority populations based in rural areas with no BAME staff.

Clinks – Written submission to Call for Evidence: June 2016

It is essential that services are provided that respond to the specific needs of BAME prisoners and have a good understanding of BAME experiences and cultures.

Transition to Adulthood (T2A) Alliance – Written submission to Call for Evidence: June 2016

The 2008 National Offender Management Service (NOMS) race review recognised the importance of increasing the diversity of prison staff and made recommendations to achieve this, including improvements to the processes of selection, monitoring, leadership, staff training and support.

One of the key drivers of prisons' culture and ethos is the make-up of the staff base. Currently, just 6% of prison officers come from BAME backgrounds.²⁶¹ When set against a population that was 14% BAME at the 2011 Census and a prison population that is 26% BAME overall, this only serves to accentuate the divide between those who enforce the rules and those who must comply with them.^{262,263}

HMPPS has a unique opportunity to address this, with the recruitment of 2,500 prison officers. Surveys of the working-age population indicate that, in fact, BAME members of the public are as attracted to working in the prison system as their white counterparts. The challenge is for HMPPS to cast the net wide enough to attract talented BAME candidates – and ensure that the recruitment process neither disadvantages or discourages them if and when they do apply.

Other key public services have clear targets for BAME recruitment, agreed by Ministers and signed up to by the government. For example, the armed forces are committed to a target that, by 2020, 10% of all new recruits will come from BAME backgrounds.²⁶⁴ Similarly, the police force is committed to 20% of new police officer recruits coming from BAME groups by 2020.²⁶⁵ Given the evidence suggesting that the prison system is an attractive employer for BAME communities, prisons should be expected to recruit in similar proportions to the country as a whole from now on. Leaders of prisons with diverse prisoner populations should be held particularly responsible for achieving this when their performance is evaluated. IMBs are described in the Prison Safety and Reform white paper as the Secretary of State's 'eyes and ears' in prisons, but just 5% of IMB chairs are BAME.²⁶⁶ IMBs should improve their recruitment in the same vein as the prisons they monitor.

What is right for the prison service as a whole is right for its leadership. The prison workforce needs to become more diverse, to build trust in the system among prisoners, but this must go right to the top of organisational hierarchies. Ultimately, leaders set the tone in organisations and it is deeply unhealthy that so few BAME individuals have made it to positions of power in our prison system. The prison service should also set public targets for moving a cadre of BAME staff through into leadership positions over the next five years. This should sit alongside performance indicators for prisons that aim for equality of outcome for BAME and White prisoners.

Recommendation 28: The prison system should be expected to be recruit in similar proportions to the country as a whole. Leaders of prisons with diverse prisoner populations should be held particularly responsible for achieving this when their performance is evaluated. IMBs, should also match this target in their recruitment.

Recommendation 29: The prison service should set public targets for moving a cadre of BAME staff through into leadership positions over the next five years.

Recommendation 30: HMPPS should develop performance indicators for prisons that aim for equality of treatment and of outcomes for BAME and White prisoners.

Conclusion

There are worrying disparities in the prison system and youth estate. Key aspects, how prisoners are assessed on reception, require urgent reform. There should also be more transparency and oversight over areas of prison life that are either controversial or important, including the IEP system and the use of force. Ultimately, there must also be more effective systems of redress when things go wrong.

There are many dedicated prison officers working in a service that is short of staff and must deal with challenging, and sometimes dangerous, individuals. In such challenging circumstances, though, it becomes more important, not less, that there are systems in place to ensure that decisions are taken rigorously and transparently, without bias – either conscious or unconscious – creeping in.

However, more than any of these individual reforms, the culture of prisons must change, so that there is far less of a 'them and us' division between prison officers and BAME inmates. The greatest contribution that can be made to this is diversifying the prison workforce, including leadership teams.

The next chapter examines how this process continues when prisoners are released from custody.

Chapter 6: Rehabilitation



Introduction

Reoffending is estimated to cost the taxpayer between £9.5 and £13 billion per year, with half of all crime committed by those who have already been through the criminal justice system (CJS).²⁶⁷ The prize for ensuring that offenders who have been through the system do not slip back into old habits, is significant.

Black, Asian and Minority Ethnic (BAME) reoffending rates vary. For example, Asian men, women, boys and girls all reoffend at lower rates than their White counterparts.²⁶⁸ Black women and girls also reoffend at lower rates than White women and girls.²⁶⁹ However, Black men and boys reoffend at the highest rates²⁷⁰, with 45% of Black boys reoffending within a year of being released from custody, receiving a reprimand, a warning or a non-custodial conviction at court.²⁷¹

Reoffending is particularly high for young Black boys, with over half (51%) of the 10-14 age group reoffending within a year, compared to 40% for White boys.²⁷² These figures for Black men and boys present a major challenge to probation services, Youth Offending Teams (YOTs) and to communities themselves.

This chapter focuses on rehabilitation in the community. It argues:

- That the reforms to probation services introduced in 2014 were intended to produce more responsive probation services, delivered by specialist providers attuned to the needs of particular groups. However, they have not lived up to their billing. Small providers have found themselves squeezed out, while objective judgements from inspectorates²⁷³, the National Audit Office (NAO)²⁷⁴ and parliamentary select committees²⁷⁵ all suggest that rehabilitation had not been transformed, at least not for the better.
- There is a lack of accountability for meeting the needs of those with protected characteristics, including BAME offenders – both adult and children. The equality duty too often produces only a superficial, tick-box approach. In future, all Community Rehabilitation Companies (CRCs) should publish detailed information about outcomes for different ethnic and religious groups.

- The youth system faces the biggest challenges on BAME reoffending, but has been slow to act. Since 2011, the Youth Justice Board (YJB) has been piloting BAME disproportionality tools to help YOTs identify problems in their areas – from spikes in particular offences, to the rate at which offenders from different ethnic groups breach license conditions.²⁷⁶ However, not enough has been done to build on these pilots. Meanwhile, the proportion of BAME reoffenders has been growing.
- The youth justice system must do more to inform local communities about the problems in their areas, so that they can contribute insights and practical support. Statutory services are not the only ones who need the data. The lesson from other jurisdictions such as Canada and New Zealand, is that local communities can provide insight and vital support to reduce reoffending, when they are included in the conversation.
- The government must recognise that the efforts of probation services, YOTs and ex-offenders themselves are being hamstrung by a criminal records regime that is a real barrier to employment. This is a particular problem for young men and women at the start of their careers. Over the last five years 22,000 BAME under 18s have had their names added to the national police computer database.²⁷⁷ The criminal records regime should not only make a sharper distinction between adults, there should also be an opportunity for ex-offenders to present the case, before a judge, that they should have their criminal record sealed.

Probation

IARS International Institute – Written submission to Call for Evidence: June 2016

There is great potential for criminal justice agencies to utilise a restorative justice approach to improve relationships with BAME communities. Firstly, this would result in communities having increased trust and confidence in the system which would facilitate greater engagement and improved outcomes. Secondly, it would also lead to better understanding of communities and communities’ needs by criminal justice agencies that could better inform service design and improve delivery.

Young Review/Black Training and Enterprise Group (BTEG) – Written submission to Call for Evidence: June 2016

There is a need to ensure an analysis of the needs of BAME Muslim offenders, and actions to address them are built into the government’s reform programmes to ensure equitable outcomes. Ministry of Justice (MoJ) and National Offender Management Service (NOMS) must ensure this opportunity for innovation and new approaches to address these negative perceptions that hinder rehabilitation and desistance among BAME offenders are fully utilised.

HM Inspectorate of Probation: An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners

We have found CRCs’ efforts pedestrian at best. What is more, they are often hampered and frustrated by ineffective early screening of prisoners. These are done by busy prison staff and are simply not fit for the purpose they should serve. In our view, this system must change materially so that those responsible and accountable for rehabilitation (CRCs) can get off to a good start in each case.

In 2014, adult probation services were fundamentally reformed. 35 probation trusts across England and Wales were replaced with a single National Probation Service (NPS), responsible for supervising the most high-risk offenders, and 21 CRCs dealing with low to medium-risk offenders.²⁷⁸ Ownership of the CRCs was put out to competition, with potential suppliers bidding for contracts.

Payment by results for CRCs.²⁷⁹

The CRCs receive three main payments under their contracts:

1. A 'fee for service', for the satisfactory completion of contractually mandated activities with offenders;
2. A 'fee for use' to cover work done for other parties, particularly where the NPS commissions CRC to provide specific services for its own higher-risk offenders. It is forecast that fee for use payments to CRCs in 2015-16 will be some £20.6 million in England and £1.8 million in Wales²⁸⁰; and
3. Payment by results, calculated on an assessment of reductions in reoffending over a monitoring period of 12 months, based on scaled payments of up to £4,000 per offender who desists and £1,000 per offence avoided²⁸¹.

Payment by results represents around 10% of total predicted payments to all CRCs.

The new model was intended to be more responsive to the needs of different groups of offenders. Suppliers were supposed to have incentives to find innovative solutions to reduce reoffending via a 'payment by results' mechanism, (see box below), whilst they would also have the option to subcontract with other organisations capable of offering specialist expertise. In theory, this should have helped meet the specific needs of different BAME groups, who may require services sensitive to cultural contexts or attuned to specific needs. For example:

- The Muslim Women in Prison project has found that 'there is a lot of stigma and taboo surrounding Muslim women in prison', whilst 'attitudes towards Muslim men and women offenders, for whatever reasons, are very different'.²⁸² The problem, the report argues, is not with attitudes in some parts of the Muslim community itself, but that some organisations have proven hesitant to work with Muslim women due to a mixture of stigma and ignorance of the cultural context. Successful services can only be delivered by organisations properly attuned to these issues.

- Many Gypsies, Roma and Travellers (GRT) have no fixed abode and have lived lives somewhat detached from public services. There is very little research into the needs of adult offenders from GRT backgrounds, but recent work looking at the needs of under 18s in custody found that GRT boys were less likely than others in custody to know who to contact for help with opening a bank account, finding accommodation to accessing healthcare services in the community. Probation services insensitive to these issues are always likely to fail – as the Traveller movement and others have argued, it is likely that GRT prisoners will need tailored support both in prisons and on release.²⁸³
- Some issues are not specific to a particular group, but may be more likely to be present for members of it. Black young men have the highest reoffending rates, for example (see box on next page).²⁸⁴ Over half of Black boys have grown up in lone parent households and would benefit from male mentors in their lives. For many, these mentors will have credibility only if they understand the communities they live in.

Chief Inspectors of Prison and Probation

If Through the Gate services were removed tomorrow, in our view the impact on the resettlement of prisoners would be negligible.

So far, the theory of CRCs has not matched the reality. A joint inspection by Her Majesty's Inspectorate of Probation and HM Inspectorate of Prisons (HMIP) published in 2017 found that offenders managed by the NPS were more likely to receive the types of support they needed than those managed by CRCs. The NPS was more likely to have helped offenders find accommodation, access training or employment or address problems with finance, debt or benefits.²⁸⁵

Meanwhile, the promise of larger providers sub-contracting effectively to those with specialist expertise has not materialised as many had hoped. BAME voluntary organisations, with specialist knowledge and networks, are among those who might have been expected to have been part of these supply chains. A report by the Baring Foundation on BAME voluntary sector organisations found that, 'funding for BAME organisations is around half the average, and surveys of BAME groups indicate they are experiencing more rapid reductions in their funds than mainstream charities.'²⁸⁶

If the CRC model is to continue, then more needs to be done to ensure that smaller, charitable providers have a place in the system. The MoJ, which commissions CRCs, should take the lead, bringing together a working group to discuss the barriers to more effective sub-contracting. The working group should involve the CRCs themselves and a cross-section of smaller organisations, including some with a particular focus on BAME issues, as well as umbrella

bodies like Clinks. The group should meet regularly and work through what is needed to make the system operate in the way it was intended to.

Recommendation 31: The MoJ should bring together a working group to discuss the barriers to more effective sub-contracting by CRCs. The working group should involve the CRCs themselves and a cross-section of smaller organisations, including some with a particular focus on BAME issues.

There is also a specific problem with accountability for BAME outcomes. As organisations delivering public services, CRCs are subject to the public sector equality duty²⁸⁷. Many produce annual equalities reports in response to this duty. It is a weak form of accountability. I have found the CRC reports to be variable in quality, with some rigorous and data-rich but others vague and impressionistic at best. Some offer only cursory accounts: as little as two sentences covering the ethnicity of offenders, and a complete absence of any data on outcomes. This tick-box approach is not good enough.

Some CRCs provide a detailed breakdown of services to different ethnic and religious groups²⁸⁸ – this should be a requirement for them all. It will only happen on a consistent basis if government specifies, in detail, the data CRCs should publish. This should be written into contracts and enforced with penalties for non-compliance. The data should be published in a format that allows contract managers and those outside – from civil society campaigners to parliamentary select committees, or the NAO – to scrutinise CRCs' performance. As this report has argued throughout, the best results are achieved when actions are subjected to scrutiny.

Recommendation 32: The MoJ should specify in detail the data CRCs should collect and publish covering protected characteristics. This should be written into contracts and enforced with penalties for non-compliance.

Youth reoffending

Transition to Adulthood (T2A) Alliance – Written submission to Call for Evidence: June 2016

BAME young adults face higher levels of deprivation and disadvantage which may make their offending and reoffending more likely. For example, young black men have the highest unemployment rate amongst young adults in the UK, with just under 50% being unemployed.

Prisoner Learning Alliance – Written submission to Call for Evidence: June 2016

Relationships and building 'social capital' is a key element of desistance theory. In the recent thematic review by the Inspectorate of Probation into desistance for young people they found that 'The most consistent theme to emerge from the analysis of their responses was the importance of a positive, trusting working relationship with at least one member of staff.'

By contrast with adult services, the youth justice system has been far quicker to identify and acknowledge the growing disparity in outcomes for BAME offenders. These differential outcomes are particularly stark for young Black offenders (see box below).

Youth Reoffending rates²⁸⁹

In March 2015, the proportion of offenders aged 10-17 that reoffended varied by ethnic group, as follows:

- 46% for those recorded as Black;
- 38% for those recorded as White;
- 38% for those recorded as Other ethnic group;
- 33% for those recorded as Asian.

However, despite the undeniable success of the YJB and YOTs in reducing the overall number of first time entrants into the criminal justice system and the number of children in youth custody, progress in tackling differential outcomes for BAME young people has been alarmingly slow.

In 2010, the YJB published 'Exploring the needs of young Black and Minority ethnic offenders and the provision of targeted interventions'.²⁹⁰ This report found 'there is a need to improve ethnicity recording practices across YOTs and the secure estate, in particular for Mixed ethnic young people. If the youth justice system is to respond appropriately to the needs of all young people, it is essential that it has the correct data with which to do this'. It went on to say 'accurate recording of a young person's ethnicity is an imperative, both at a national and local level, if services are to be planned and delivered effectively.'

In 2011 the YJB added an ethnicity aspect to its live-tracking monitoring tools and promoted it to practitioners in the sector.²⁹¹ As the YJB put it at the time, it 'was developed following requests from YOTs, and in recognition that addressing issues of disproportionality is central to YOTs' performance.'²⁹²

But at the time of writing, the Youth Justice Resource Hub, YJB's online resource for the youth justice community and 'one-stop-shop' for practitioners, has only four examples of best practice specific to working with BAME children, and a guide for restorative justice practitioners on working with BAME children'.

In 2014 the YJB began work on a pilot of a 'disproportionality toolkit' which was initially tested with 2 YOTs. In 2015 a further phase, with 14 YOTs taking part, was launched. Broadly the disproportionality toolkit aimed to pinpoint more substantive differences in outcomes for ethnic minorities at various stages during their journey through the CJS.

Using data from 2014-2015, the YJB conducted initial, high level, analysis of the findings of each YOT that took part. This identified some serious causes for concern for the individual YOTs. For example, there were cases where:

- BAME, and specifically Black children, were more likely to be remanded to youth detention (custody) than their White counterparts;
- There was evidence of BAME children committing less serious crimes, yet still receiving custodial sentences;
- There was evidence of BAME children entering the CJS at a younger age than their white counterparts; and,
- BAME children were more likely to reoffend than their white counterparts.

Despite these causes for concern, a comprehensive analysis of the findings was never carried out, leaving the opportunity to learn lessons across the youth justice system unrealised. Given that the overall proportion of BAME children reoffending has continued to increase since 2011, and the significant potential for many of this cohort to end up in the adult system through persistent reoffending, these lessons need to be identified and acted on with some urgency.

The YJB should set out not just what it has learned from the data about BAME disproportionality but also the most effective steps that YOTs have taken to address it. The report should be frank about the challenges that have arisen in the pilot stage, including when individual YOTs have been slow to act on the information they have been given.

Recommendation 33: The YJB should commission and publish a full evaluation of what has been learned from the trial of its 'disproportionality toolkit', and identify potential actions or interventions to be taken.

It is not just YOTs who need a fuller picture of the problems in their areas that lead to offending and reoffending behaviour. Communities need better and more readily accessible information too if they are going to become part of the solution to deep-rooted problems like knife or drug-related crime in England and Wales. Statutory services will never be able to solve these problems alone – they cannot unless they have the support of parents, teachers, doctors, community leaders, faith institutions and others who share the daily responsibility for young people.

One model for community involvement can be found in New South Wales, Australia. A ground-breaking project has seen a partnership built in the town of Bourke not just between different services, or even different sectors, but with the local community itself. This has meant much more than the standard model of consultation, in which policymakers set out their plans and invite others to comment. Rather, the Bourke project, led by an organisation named 'Just Invest', has involved a much more deep-rooted conversation about the problems in the area and how responsibility might be shared for resolving them (see box in next column). This approach can only work when communities themselves are given access to the data about life in their area. This connects their experience and insights with the bigger picture.

NEW SOUTH WALES – COMMUNITY INVOLVEMENT²⁹³

Bourke, a small town in New South Wales, Australia, has been pioneering a new approach to involving the local community in finding the best ways to reduce crime and reoffending. The project began with the realisation that over \$4 million each year is spent locking up children and young people in Bourke (population 2,047).

Data has been collected to tell a story about a young person's passage through the CJS on measures such as offending, diversion, bail, sentencing and punishment, and re-offending rates. But the project has not just been confined to the CJS itself. Data has also been collected on outcomes in early life, education, employment, housing, healthcare, child safety, and health outcomes, including mental health and drugs and alcohol. The data has been shared and discussed with community members in forums led by local facilitators. The feedback from the community then informed the development of a plan setting out what success would look like and how it ought to be measured.

The programme also takes funding seriously. In the planning phase, a service map was put together to show where the flow of money goes, beginning in 'early years', and following through to the CJS. During the implementation phase, scheduled for 2016 to run until 2019, economic modelling will be undertaken to demonstrate the savings associated with the strategies they have identified to reduce offending. The next stage of the project is to agree pooled funding, for which they will need a strong business case and backing from the Treasury.

Work, Education and Training

Unlock – Written submission to Call for Evidence: June 2016

People from all backgrounds struggle after they have left the CJS – this is often, in part at least, as a result of the criminal record that they carry with them. The stigma and discrimination by society generally towards people with criminal records, and the attitudes of employers, housing providers and insurers in particular, makes it difficult for people with criminal records to lead positive lives in the future.

Magistrates Association – Written submission to Call for Evidence: June 2016

Given the impact of previous criminal records on pre-sentence reports (PSRs), any previous disproportionality in the CJS could in its turn feed into later recommendations.

Ex-offenders need effective services and supportive communities, but above all else, they need work. A job removes dependence on criminality for income, and an opportunity for education or training boosts self-respect and gives ex-offenders a stake in society and in their own future.

Prisoners who find work on release are less likely to reoffend than those who do not.²⁹⁴ Ethnic groups with higher unemployment rates also have higher reoffending rates.²⁹⁵ For example, two years after a caution, conviction or release from custody, 28% of Asians were unemployed, compared with 40% unemployment among Black ex-offenders.²⁹⁶ Black offenders have the highest reoffending rates and Asians the lowest.²⁹⁷

The prison and probation services spend millions of pounds each year on initiatives to increase offenders' 'employability', whether through education and training, CV help, work experience or coaching for interviews. Similarly, YOTs and their local delivery partners are tasked with achieving this for children. But one of the most significant barriers to any ex-offenders' prospects of employment is created by public policy: the criminal records regime.

The key legislation governing past convictions are The Rehabilitation of Offenders Act 1974 (ROA) and legislation establishing the Disclosure and Barring Service (DBS).²⁹⁸ The ROA sets out how long offenders must wait after a conviction or prison sentence before a criminal record is 'spent' and need no longer be disclosed on a job application.²⁹⁹ For example, any adult serving a prison sentence of more than 30 months but less than four years must wait seven years after their sentence has been complete for their criminal record to be spent.³⁰⁰ Sentences of more than four years will never be 'spent' for either adults or children (see Table 8). In addition, there are some jobs for which offences may be 'spent', but will still show up on standard and enhanced criminal record checks – known as DBS checks. These include working in the care sector or becoming a licensed taxi driver.

Table 8: Length of time for sentences to become spent³⁰¹

Type of sentence		Adult	Child
Prison sentence (including suspended sentence)	Over 4 years or public protection sentence	Never spent	Never spent
	Greater than 30 months and less than (or equal to) 4 years	Full sentence + 7 years	Full sentence + 3.5 years
	More than 6 months and less than (or equal to) 30 months	Full sentence + 4 years	Full sentence + 2 years
	Less than or equal to 6 months	Full sentence + 2 years	Full sentence + 18 months
Community order/Youth rehabilitation order		Full length of the order + 1 year	Full length of the order + 6 months

Employers may carry out either basic, standard or enhanced checks, depending on the job an individual is applying for (see Table 9) – some employers do not ask for checks at all. Since 2013, a new process of ‘filtering’ has been introduced, which means that even for standard and enhanced checks some old, minor convictions and cautions

will not be disclosed. For example, theft, and drunk & disorderly, are offences which will, after some years, be filtered (provided the applicant does not have multiple convictions). However, there are some offences, such as affray or supplying drugs, which can never be filtered.³⁰²

Table 9: Types of Criminal Records Checks³⁰³

Type	Revealed by:		
	Basic check	Standard check	Enhanced check
Unspent convictions	Yes	Yes	Yes
Spent convictions		Yes (unless filtered)	Yes (unless filtered)
Cautions		Yes (unless filtered)	Yes (unless filtered)
Relevant local police records			Yes
Information on barring lists relating to children/ adults			Yes
Jobs employers can require check for	<ul style="list-style-type: none"> Government/ civil service positions Jobs in airports Office work Hospitality industry Retail, supermarkets Personal licence to sell alcohol 	<ul style="list-style-type: none"> Security industry licence Solicitor or Barrister Accountant Veterinary surgeon FCA Approved roles Football stewards Traffic warden Locksmiths 	<ul style="list-style-type: none"> Working with children and vulnerable adults Teacher Social worker NHS professional Carer Taxi driving licences

Over the last five years, 127,000 children have had their names added to the national police computer database.³⁰⁴ Of these, 22,000 were BAME. These will cover a wide range of offences, including minor offences, involving a police caution or reprimand. Their names could show up in the future on record checks for careers ranging from being an accountant or lawyer to working as a traffic warden or football steward.³⁰⁵

Our criminal records regime was created to protect the public but it is having the opposite effect. By putting barriers in the way of employment, the system is trapping offenders in their past, denying dependents an income, and costing the tax-payer money. A 2016 YouGov survey found that half of respondents would not consider employing an offender or ex-offender.³⁰⁶ Meanwhile, offenders themselves are discouraged from applying for jobs. One survey of inmates at HMP Nottingham found that 91% wanted to work upon release, but only a third of respondents said they would apply for a job with a conviction history box on the application form.³⁰⁷

The impact of our criminal records regime on children and young adults is a particular concern. As the Taylor Review of Youth Justice acknowledged, the evidence is that most young people grow out of crime. Maturity comes at different ages for young people but, on average, an individual in their mid-20s is significantly less likely to reoffend than they were just a few years earlier (see Figure 7). For BAME young people there is a double penalty, with studies showing that simply having a name associated with a Pakistani, Bangladeshi, Indian, Chinese or Black Caribbean background can reduce the chances of candidates gaining a job interview.³⁰⁸

People can change quickly but their criminal record does not. For example, an 18 year-old serving a seven-month sentence will wait until their mid-20s before their conviction is spent – and even then, only for some jobs.

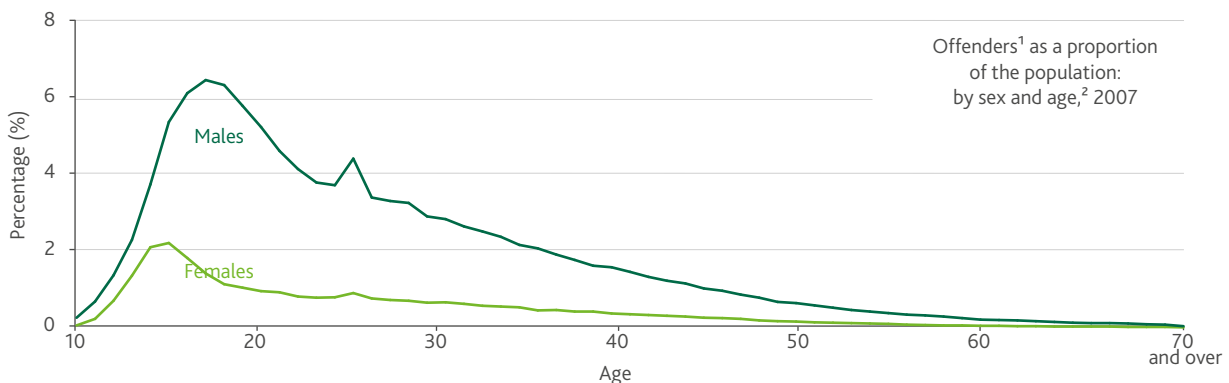
Selling drugs as a teenager could prevent you becoming a plumber or licensed taxi driver in your thirties. Often young adults can find a criminal record holding them back in the key period in their working lives.³⁰⁹

The criminal records system needs reform and a growing number of voices recognise this. There is a nationwide campaign to 'Ban the box', which seeks to remove the criminal record disclosure tick box from job application forms. The idea is that criminal records are considered later in the job application process, giving ex-offenders an opportunity to demonstrate their skills and abilities first, rather than be written off at the outset. The initiative is voluntary, but picking up support in England and Wales, with the civil service having recently signed up.³¹⁰

However, the 'ban the box' campaign deals with when criminal record checks are made during the recruitment process, rather the bigger question of whether criminal records are relevant and need to be disclosed as often as the current system prescribes. It is this question that needs to be tackled – especially for young people who have such a significant period in their working lives ahead of them – as the Taylor Review has also recognised.³¹¹

Previous reform proposals have focused on making a one-size fits-all criminal records system more generous, normally to young people. Proposals tend to involve reducing the time taken before various offences are considered 'spent'. I strongly support the Taylor Review's recommendations, set out in the box in the next column. However, I regard the one-size fits-all system itself to be unfit for purpose. A new approach is needed.

Figure 7: Offenders as a proportion of the population: by sex and age 2007



¹ People found guilty of, or cautioned for, indictable offences in 2007.
² Age 25 includes those offenders for whom age is not known.

The Taylor Review on criminal records³¹²

As a point of principle, I believe that rehabilitation periods for childhood offending should be far shorter than for adult offenders. My proposals to replace existing court sentences with tailored Plans developed by Children's Panels (see Chapter 4) will necessitate changes to the relevant legislation. I believe the government should take this opportunity to reduce further the periods before which childhood convictions become spent.

I also believe that once childhood cautions and convictions have become spent, they should very quickly become non-disclosable, even on standard and enhanced Disclosure and Barring Service checks. In my view, the system should provide for all childhood offending (with the exception of the most serious offences) to become non-disclosable after a period of time. This would not prevent the police and courts having access to the information in future, but would protect irrelevant childhood criminality from disclosure, even if a further offence is committed after the qualifying period has elapsed.

In other countries, there is much greater flexibility built into the system. In the US State of Massachusetts, for example, offenders who believe that they can demonstrate that they are reformed and are no longer a threat to others can petition to have their criminal records expunged (see box in next column).

MASSACHUSETTS – SEALING CRIMINAL RECORDS³¹³

The process of expungement in Massachusetts begins with an applicant making a formal written request to the commissioner of probation. After petition and any supporting documents have been filed with the clerk's office, the case file will be given to a District Court judge to review. A court hearing is then held if the judge determines that the application meets the preliminary legal standard for sealing.

When a date for the hearing is set, the clerk's office provides notice to the district attorney's office and probation department. At the hearing, the applicant is given an opportunity to tell the court why there is 'good cause' to seal the record and how it outweighs the public's general right to be aware of it. The court weighs up several different factors including:

- The problems for the applicant arising from their criminal record;
- Evidence of rehabilitation, indicating that the applicant would take proper advantage of their record were sealed;
- Relevant circumstances at the time of the offence that suggest the applicant will not reoffend; and
- The passage of time since the offence.

At the end of the hearing, the judge makes a decision. The clerk's office then provides a copy of the signed order to the individual and to the chief probation officer. If the decision goes the applicant's way, their record is sealed. This means that, whilst the record still exists, and can be considered by judges if an individual breaks the law again in the future, individuals do not need to disclose it in job applications.

2014 evidence from the US is that reform of criminal records regimes can boost employment rates, increasing the tax take and reducing the cost of welfare.³¹⁴ It is time for the next wave of reform in this country. The CJS should learn from the approach taken in Massachusetts, acknowledging that its more flexible approach gives ex-offenders, who have changed, the chance to start afresh. Each case should be judged on its own merits, either by a judge or a body like the Parole Board, but there should be a presumption in the system to look favourably on those who committed crimes either as children or young adults but who have since made every effort to reform. To ensure that the public understands the case for reform, The MoJ and the Department for Work and Pensions (DWP) should commission and publish a study indicating the costs of unemployment among ex-offenders.

Recommendation 34: Our CJS should learn from the system for sealing criminal records employed in many US states. Individuals should be able to have their case heard either by a judge or a body like the Parole Board, which would then decide whether to seal their record. There should be a presumption to look favourably on those who committed crimes either as children or young adults but can demonstrate that they have changed since their conviction.

Recommendation 35: To ensure that the public understands the case for reform of the criminal records regime, the MoJ, HMRC and DWP should commission and publish a study indicating the costs of unemployment among ex-offenders.

Conclusion

The causes of reoffending are complex and preventing reoffending is a challenging job. However, organisations from the private sector that take on the responsibility of running probation services need to demonstrate that they are doing everything they can to make a difference. This includes for groups with protected characteristics, such as BAME offenders. The MoJ should take the lead in ensuring greater transparency and accountability in this area.

The youth justice system has identified BAME disproportionality as a problem for some time, but too little has been done to draw together the lessons of promising early work. The YJB should address this with some urgency. Meanwhile, local communities need to be enlisted to provide insights and practical support to reduce reoffending.

Finally, it must be recognised that a job is the foundation for a law-abiding life for ex-offenders, but that our criminal records regime is making work harder to find for those who need it the most. The system is there to protect the public, but is having the opposite effect if it sees ex-offenders languishing without jobs and drawn back into criminality. A more flexible system is required, which is capable of recognising when people have changed and no longer pose a significant risk to others.

Conclusion



Given the sheer number of people from Black, Asian and Minority Ethnic (BAME) backgrounds in our criminal justice system (CJS) a review like this was overdue. Many of those who watch the CJS closely, including some of those who work in it, report that race has slipped down the list of priorities. This is reflected in policy documents that bear only passing mentions of race, ethnicity or religion.³¹⁵

It is true that, in wider society, overt racial prejudice is declining. For example, the proportion of people who say that they would mind if a relative married someone from a West Indian or Asian background has fallen significantly over the last two decades.³¹⁶ It is also the case that younger generations, who have grown up in a more diverse country, report lower levels of prejudice than their parents and grandparents' generation.³¹⁷ Social norms are changing.

Nevertheless, some prejudice that was overt is now covert. A recent study in the US found one particular racial slur against African Americans is searched for on Google seven million times a year.³¹⁸ Sometimes, prejudice can be subtler. Consider, for example, when the word 'gang' is used, rather than 'group', in public discourse about crime. It can be used to signal ethnicity rather than to describe the links between a group of suspects.

There is also the newer field of study on 'unconscious' or 'implicit bias', which examines the risk that individuals act upon prejudices that they may not even be aware of.³¹⁹ This kind of bias is used to explain everything from organisations overlooking talented minority candidates,³²⁰ to armed police shooting more unarmed Black than White people.³²¹ The methods used to identify unconscious bias are the subject of heated scholarly debate,³²² but the concept itself is increasingly mainstream.

It must be acknowledged that different stakeholders have different views on the role of these three forms of prejudice – overt, covert and unconscious – in today's CJS. Accusations of racism featured strongly in both the review's call for evidence and in qualitative research commissioned for the review.³²³ Covert racism is a major concern for leading experts in the field.³²⁴ Meanwhile, senior figures in the justice system have called for an increased focus on tackling unconscious bias.³²⁵

My conclusion is that BAME individuals still face bias, including overt discrimination, in parts of the justice system. Prejudice has declined but still exists in wider society – it would be a surprise if it was entirely absent from criminal justice settings. My focus, however, is primarily on the treatment and outcomes of BAME individuals rather than decoding the intentions behind countless decisions in a range of different institutions.

It is treatment and outcomes that I am most concerned with not least because the prescriptions for fair treatment are remarkably similar, whatever the diagnosis of the problem. As this report has argued, the best way to ensure fair treatment is to subject decision-making to scrutiny. Bringing decisions out into the open achieves two things at once. First, it encourages individuals to check their own biases. Second, it helps identify and correct them. In practice, this can mean different things in different settings, from publishing more data to allowing outside scrutiny, to governance arrangements that hold individuals to account within organisations.

As technology develops, the nature of scrutiny will need to evolve too. New decision-making tools, such as algorithms, are likely to be used more and more in the coming years – for example, to assess the risk individuals pose to others. If and when this happens, the CJS will need to find new ways to deliver transparent decision-making. In the US, there are examples of individuals being sentenced partly on the basis of software that is proprietary and therefore not open to challenge and scrutiny.³²⁶ We must avoid this at all costs. This matters enormously if mathematical models inadvertently disadvantage particular groups – as some already appear to.³²⁷ To pre-empt such problems, work should begin now on what accountability should look like in a world of much more high-tech decision-making.

Fairness is essential to ensure proportionate treatment, but not enough. The CJS must also be trusted by those who engage with it, if outcomes are to improve. The difference in plea decisions between BAME and White defendants is the most obvious example of this – with BAME defendants pleading not guilty to 40% of charges, compared with White defendants doing so for 31% of charges.³²⁸ As this report has argued, not guilty pleas are of course appropriate when defendants are not guilty. But when an offence has been committed, a 'not guilty' plea is bad for everyone, resulting in distress for victims, expensive trials and harsher sentences for those found guilty. Plea decisions currently exacerbate disproportionate representation.

Lack of trust is a problem not just in the courts, but also in our prison system. It links directly to better behaviour and, according to international evidence, to reduced reoffending.³²⁹ In adult prisons in England and Wales, BAME prisoners are less likely than White prisoners to agree they have been treated fairly by the Incentives and Earned Privileges scheme (IEP) – the primary mechanism by which prison staff manage and incentivise conduct in prison. It is no coincidence that they are also less likely to agree that IEP encourages them to change their behaviour.³³⁰ Low trust leads to poor outcomes.

To build trust, the challenge is to demystify decision-making processes and bring them out into the open, so they can be better understood. Every prisoner, for example, should have access to the sentencing remarks that explain the length of their sentence. In prisons themselves, there should be forums for prisoners to discuss grievances with staff and leadership teams, as is already the case in many institutions. Alongside this, the institutions across the CJS must do much, much more to diversify staff at all levels. This should include clear, national targets to measure progress against in the coming years. Without more progress in this area, a culture of ‘them’ and ‘us’ will persist.

Building trust will take time, however. The CJS should acknowledge this and find ways to ensure that racial disparities are not magnified by it. For example, schemes that divert non-violent offenders away from custody should not rely on the traditional requirement for an admission of guilt – that way, more BAME individuals will benefit from the opportunity to turn their lives around. The evidence shows that such schemes can also improve satisfaction for victims, reduce the harm caused by reoffending and cost less in the process.³³¹ Critically, this can be done with fewer children and young adults picking up criminal records that hold them back in the future.

The justice system can also do more to share responsibility beyond its own boundaries. In recent years, other public services have developed much more sophisticated strategies for doing this. The health service focuses not just on treating illness, but also on promoting healthy living,³³² schools focus not only on their own teaching but also on working with parents,³³³ police services have sought to protect a tradition that sees local communities as partners to work with - even when this is imperfect, and doesn't go as far or fast as some members of the community would like.³³⁴

The youth justice system, in particular, can do more to ensure parents – and carers of looked after children – are ready to take responsibility for children who find themselves caught up in trouble; while lessons can be learned about involving local communities in reducing reoffending rates. More emphasis must also be placed on the adults who exploit many BAME and White working class children and young adults, drawing them into gang life. Tools such as the Modern Slavery Act, which is designed to tackle exploitation, should be used to their fullest.

These core principles – delivering fairness, building trust, and sharing responsibility – underpin the recommendations of this review. Together they offer a comprehensive approach to addressing BAME over-representation in the CJS that wastes lives and money – an economic cost estimated at £309 million a year.³³⁵

There is one final precondition for progress: leadership. This review was sponsored by two Prime Ministers and has enjoyed cross-party support. My report has necessarily focused principally on the role that public policy can play in improving the treatment and outcomes of BAME individuals. However, policy prescriptions alone ‘deliver’ nothing. Each branch of the CJS must decide on its own appetite for change. Reform must be taken on by courageous and determined leaders. This applies to politicians in charge of departments, chief executive officers in charge of agencies, as well as all the institutions of the CJS – including Youth Offending Teams (YOTs), Community Rehabilitation Companies (CRCs) and the judiciary.

I have seen for myself the difference that this can make in the best parts of our CJS. I hope that all those in leadership positions will recognise the scale of the change needed and rise to meet that challenge.

Annex A – Terms of reference

Independent Review of Black, Asian and Minority Ethnic (BAME) men and women in the Criminal Justice System.

Terms of reference*

1. An independent review to consider the treatment of, and outcomes for, BAME individuals within the criminal justice system (CJS) in England and Wales.
2. The purpose of the review will be:
 - I. To develop an accurate understanding, based on analysis of quantitative and qualitative data, of the factors affecting the treatment of and outcomes for BAME individuals within the CJS in England and Wales.
 - II. To identify areas for reform and examples of good practice, in the UK and beyond
 - III. To make recommendations for improvement with the ultimate aim of reducing the proportion of BAME offenders in the CJS and making sure that all suspects and offenders are treated equally, whatever their ethnicity.
3. In scope, this review will
 - I. Address all issues arising from the CPS's role onwards. As such, the review will include consideration of BAME individuals and:
 1. the prosecutorial and court systems
 2. prison and all secure institutions; and
 3. rehabilitation in the wider community
 - II. Address issues concerning both over-18 and under-18 BAME people in the criminal justice system. In doing so, it will work closely with the Youth Justice Review led by Charlie Taylor.
 - III. Work within parameters agreed by the Treasury and Ministry of Justice (MoJ) in the 2015 spending review.
4. The review will be led by the Right Honourable David Lammy MP and supported by a panel of expert advisers. It will be sponsored by the MoJ.
5. The reviewer will hold regular update meetings with ministers and will share interim findings with Secretary of State for Justice, before submitting a final report to ministers. The final report will be published and the Government will respond appropriately.

*In November 2016, the Justice Secretary, the Right Honourable Elizabeth Truss MP, asked the Right Honourable David Lammy MP to broaden his review, in order to consider judicial ethnic diversity across tribunals, civil and family courts.

Annex B – Call for Evidence

An online Call for Evidence was opened on 21 March and closed on 30 June 2016; there were over 300 responses, including members of the public, academics, individuals working in the voluntary and community sector, businesses and judicial and legal professionals. Responses were also received from the following organisations:

- Agenda
- All Party Parliamentary Group for Gypsy, Roma, Travellers
- Arts Council England
- Association of Black Probation Staff
- Association of Panel Members
- Association of YOT Managers
- Bar Council
- Baroness Corston and the Corston Independent Funders Coalition (CIFC)
- The Bell Foundation
- Catholic Association for Racial Justice and CSAN (Caritas Social Action Network)
- Centre for Crime and Justice Studies
- Children’s Rights Alliance for England
- Christian’s Working Together
- Clinks
- Crown Prosecution Service
- Deputy Mayor for Policing and Crime and Chief Operating Officer (London)
- Friends, Families and Travellers
- Gender Identity Research & Education Society
- Hibiscus Initiatives
- Her Majesty’s Inspectorate of Prisons
- IARS International Institute
- London Criminal Courts Solicitors’ Association
- Magistrates’ Association
- Nacro
- National Alliance for Arts in Criminal Justice
- Prisoner Learning Alliance
- Prisons and Probation Ombudsman
- Prison Reform Trust
- Release
- Revolving Doors
- Roma Support Group
- Seetec - Kent, Surrey and Sussex Community Rehabilitation Company
- Stop Trafficking and Exploitation of Women, Children and Vulnerable Adults
- StopWatch
- Touchstone
- Transition to Adulthood (T2A) Alliance
- Unlock
- Way4ward
- Young Review supported by the Black Training and Enterprise Group and Clinks
- Youth Justice Board
- Zahid Mubarek Trust

Annex C – Glossary of Terms

Acronym/Term Definition

BAME	Black, Asian and Minority Ethnic – this report has also considered the treatment and outcomes for Gypsies, Roma and Travellers and Muslims. This is due to their significant over representation in the criminal justice system.	MQPL	Measuring the Quality of Prison Life
BTEG	Black Training and Enterprise Group	MoJ	Ministry of Justice
CAP	Conviction Alternatives Program	NHS	National Health Service
CARA	Caution Against Relationship Abuse	NHS England	National Health Service, England
Categorisation	Prisoners are categorised according to their security risk and the threat they might pose to the public if they were to escape	NOMS	National Offender Management Service – became the Her Majesty’s Prison and Probation Service in April 2017
CHAT	Comprehensive Health Assessment Tool	NPS	National Probation Service: a statutory criminal justice service that supervises high-risk offenders released into the community
CJS	Criminal Justice System	OTP	Operation Turning Point
CPS	Crown Prosecution Service – The CPS is the independent public authority responsible for prosecuting people in England and Wales who have been charged by the police with a criminal offence	PFP	Proportionate Force Panels
CRC	Community Rehabilitation Company	P-Nomis	Prison Service IT system for holding the data collected about each individual prisoner
DBS	Disclosure and Barring Service	PPO	Prisons and Probation Ombudsman
DCMP	Director’s Case Management Panel	PRT	Prison Reform Trust
DH	Department of Health	PSI	Prison Service Instruction. There are a number of rules, regulations and guidelines by which prisons are run. These are outlined in Prison Service Instructions (PSIs) and Prison Service Orders (PSOs)
DIRF	Discrimination incident reporting form	PSO	Prison Service Order. As above, these have largely been replaced by PSIs but there are still some in use
DRCJs	Diversity and Community Relations judges	PSRs	Pre-sentence reports – produced by the National Probation Service to assist the sentencing court
DWP	Department for Work and Pensions	RDA	Race Disparity Audit
GRT	Gypsies, Roma and Travellers	RGP	Reasonable Grounds Panel
HMCIPI	Her Majesty’s Chief Inspector of Prisons	RRI	Relative Rate Index
HMCTS	Her Majesty’s Courts and Tribunals Service	ROTL	Release on Temporary Licence
HMIP	Her Majesty’s Inspectorate of Prisons	STC	Secure Training Centre – holds children under the age of 18 who have been given a custodial sentence or who are being remanded in custody
HMP	Her Majesty’s Prison	TTG	Through the Gate – this term is used to encompass services for offenders leaving prison custody and returning to the community
HMPPS	Her Majesty’s Prison and Probation Service	TWP	Together Women Project
IEP	Incentives and Earned Privileges; an internal prison policy for incentivising behaviour	YJB	Youth Justice Board
IMB	Independent Monitoring Board	YOI	Young Offender Institution
IPCC	Independent Police Complaints Commission	YOT	Youth Offending Team
IQA	Individual Quality Assessment	UCL	University College London
JAC	Judicial Appointments Commission		
JE	Joint Enterprise		
JPEC	Judicial Performance Evaluation Commission		
LCMPs	Local Case Management Panels		
LDD	Learning Difficulties and Disabilities		

Annex D – Lammy Review Expert Advisory Panel

During the review, the Right Honourable David Lammy MP was supported by a group of experts with knowledge spanning the full spectrum of the criminal justice system (CJS). The aim of the panel was for members to bring their experience to the review by providing constructive challenge and offering advice and guidance. Ultimately the views expressed and the recommendations in this report are those of David Lammy.

Advisory Panel members:

- Lord Victor Adebawale CBE
- Shaun Bailey AM
- Dame Sally Coates DBE
- Dame Linda Dobbs DBE
- Suella Fernandes MP
- David Isaac CBE
- Professor Binna Kandola OBE
- Baroness Ruby McGregor-Smith CBE
- Sir Martin Narey DL
- Dame Anne Owers DBE
- Sarah Payne CBE
- Trevor Phillips OBE
- Matthew Ryder QC
- Sir Keir Starmer KCB QC MP
- Simon Woolley
- Baroness Lola Young OBE

Annex E – Fact Finding Visits

Over the course of the review, the Right Honourable David Lammy MP undertook the following fact finding visits and roundtables to inform the final report. He would like to thank the Governors, Magistrates, Judges and staff of the following:

Prison visits

- HMP Belmarsh
- HMP Brixton
- HMP Bronzefield
- HMP Cardiff
- HMP Feltham
- HMP Grendon
- HMP Leeds
- HMP Pentonville
- HMP Styal
- Oakhill Secure Training Centre

Court visits

- Cardiff Crown Court
- Glasgow Drug Court
- Haringey Youth Court
- Highbury Magistrates' Court
- Sheffield Crown Court
- Stoke-on-Trent Combined Court
- Wood Green Crown Court

Other visits

- Assunnah Islamic Centre (Tottenham)
- The Beth Centre (Lambeth)
- Cardiff Probation Service
- Hackney Council for Voluntary Service
- Hammersmith and Fulham Youth Offending Services
- Haringey Youth Justice Service
- London Family Drug and Alcohol Court
- St Mary Magdalene Community Centre (Bradford)

International visits

- Australia
- Canada
- France
- New Zealand
- Scotland
- USA

Roundtables were held on the following subjects

- BAME Magistrates (organised by the Ministry of Justice)
- BAME Network Diversity Judges (organised by the Judicial Office)
- BAME practitioner's experiences and Barriers to BAME judicial diversity in CJS (organised by the Law Society)
- Community rehabilitation projects for Muslim Offenders (organised by Mosaic)
- Development of rehabilitation services for Women (organised by Ministry of Justice)
- Diverse and inclusive workplace and workforce (organised by KPMG)
- Ex-offenders (organised by Black Training & Enterprise Group)
- Gangs and Youth Violence (organised by Greater Manchester Combined Authority)
- Gangs/youth violence, YOS links to the BAME community, and Interventions on Youth Offending (organised by Haringey Youth Justice Service and Integrated Gangs Unit)
- London YOT Managers (organised by Black Training and Enterprise Group)
- Mental Health (organised by Black Training and Enterprise Group and Lankelly Chase)
- Problem Solving Justice (organised by Greater Manchester Combined Authority)
- Rehabilitation, Economic Cost and Gaining Community Investment (organised by the University of Cambridge)
- BAME Prison Governors (organised by HMPPS and the Rise Network)
- Unconscious Bias in the Criminal Justice System (organised by Kings College London)
- Trust in the criminal court process (organised by Centre for Justice Innovation)
- Youth Justice Services (organised by Ministry of Justice)

Speeches

- Centre for Education in the Criminal Justice System (8 July 2016)
- London Councils (15 July 2016)
- Trust in the CJS (8 September 2016)
- National Police Conference (16 November 2016)
- Royal Society of Arts (3 July 2017)

Events

- Community Event (organised by Clinks)
- Trust in the CJS (organised by Ministry of Justice)

Annex F – Acknowledgments

David Lammy extends his thanks to The Right Honourable David Cameron for commissioning this review and The Right Honourable Theresa May MP for continuing to support it.

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- The Right Honourable David Lidington MP
- The Right Honourable Damian Green MP
- Dr Phillip Lee MP
- Sam Gyimah MP
- The Right Honourable Jeremy Wright QC MP
- Nick Hurd MP

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- Rachel Sturrock
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- Mark Blake (Black Training & Enterprise Group)
- The Right Honourable Baroness Browning
- Rob Butler JP (Board Member YJB)
- HH Judge Jonathan Carroll
- Peter Clarke CVO OBE QPM (HM Chief Inspector of Prisons)
- Sonia Crozier (National Probation Service)
- Kate Davies OBE (NHS England)
- Eila Davis (Her Majesty’s Prison and Probation Service)
- Nathan Dick (Clinks)
- HH Judge Marc Dight OBE
- HH Judge David Fletcher CBE
- Nick Folland (Crown Prosecution Service)
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- Nick Hardwick (Parole Board)
- Richard Heaton CB (Permanent Secretary, Ministry of Justice)
- Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis (retired))
- Nigel Hosking (London Community Rehabilitation Company)
- Tanweer Ikram (Deputy Senior District Judge (Chief Magistrate))
- Lord Ajay Kakkar (Judicial Appointments Commission)
- The Right Honourable Lord Laming CBE
- The Right Honourable David Laws (Education Policy Institute)

- Sir Brian Leveson (President of the Queen's Bench Division)
- Sophie Linden (Deputy Mayor for Policing and Crime)
- Martin Lomas (Deputy Chief Inspector of Prisons)
- Anne Longfield OBE (Children's Commissioner for England)
- Dame Julia Macur (Senior Presiding Judge)
- Professor Kate Malleson (University of London)
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- Richard Mills (University of Bath)
- Jessica Mullen (Clinks)
- Bob Neill MP (Chair of the Justice Select Committee)
- Rob Neil (Ministry of Justice)
- Nigel Newcomen CBE (Prison and Probation Ombudsman (retired))
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- The Right Honourable Lord Ramsbotham GCB CBE
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- Dr Celia Sadie (Psychologist, Medway Secure Training Centre)
- Kevin Sadler (Her Majesty's Courts and Tribunals Service)
- Carl Sargeant AM (Cabinet Secretary for Communities and Children, National Assembly for Wales)
- Alison Saunders CB (Director of Public Prosecutions)
- Dr Tony Sewell CBE (Board Member YJB)
- Naz Shah MP
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- Commander Jim Stokley (Metropolitan Police)
- Charlie Taylor (Youth Justice Board)
- Matthew Taylor (Royal Society of Arts)
- Professor Cheryl Thomas (University College London)
- The Right Honourable Lord Thomas (Lord Chief Justice)
- The Right Honourable Sir Colman Treacy (Sentencing Council for England and Wales)
- Alison Wedge (Ministry of Justice)
- Alliance for Women and Girls at Risk
- Association of Youth Offending Team Managers
- Bar Council
- Black Training and Enterprise Group
- Burns Institute
- Catch22
- Centre for Education in the criminal justice system
- Centre for Justice Innovation
- Clinks
- Criminal Bar Association

- Equality and Human Rights Commission
- Friends, Families and Travellers
- Howard League for Penal Reform
- Inquest
- Justice
- Koestler Trust
- The Law Society
- Magistrates Association
- Metropolitan Black Police Association
- National Black Police Association
- Partners of Prisoners
- Prison Reform Trust
- Probation Institute
- Spark 2 Life
- Transform Drug Policy Foundation
- Transform Justice
- Unlocked Graduates
- Zahid Mubarek Trust

International

Australia

- Menna Rawlings CMG (British High Commissioner to Australia) and staff
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- Judge Diillon
- Judge Warrior
- Chief Saunders (Head of Policing in Toronto)
- Minister Coteau (Ontario Minister of Children and Youth Services and Minister Responsible for Anti-Racism)
- Donald Piragoff (Senior Assistant Deputy Minister)
- Criminal Law Policy (Ottawa)
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- Angela Connidas (Director General for Public Safety, Canada)
- Justice Lynn Ratushny
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France

- Edward Llewellyn OBE (British Ambassador to France) and staff
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- New Zealand Ministry of Justice Maori Outcomes Strategy Team
- New Zealand Ministry of Justice Investment Approach Team
- New Zealand Ministry of Justice Youth Crime Action Team
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Living in Hackney Scrutiny Commission 9th November 2020 Item 4 – Stop and Search and Inclusive Policing	Item No 4a
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Outline

The terms intelligence led and area policing are often given as answers in response to questions about disproportionality and racial profiling. The existence of racial profiling is often disputed by the Police and is difficult to prove as there are no metrics or data to monitor this.

There are sections of the community that have experienced trauma and abuse which has shaped their views about engaging with the Police. We acknowledge there are Police officers working and engaging with various sections of the community including young people to build trust and confidence. But there are other departments and units within the Metropolitan Police Service (MPS) whose actions when carrying out their duty act contradictory to the message being given by the community engagement police officers.

Decades of negative encounters by some community groups and the growing concern of the use of force has left an impact of deep rooted trauma and pain. Particularly for a young person being handcuffed with no positive outcome for the Police. In Hackney we are concerned about the spike in use of handcuffing. The MPS policy for handcuffing seems to rely heavily on officer discretion for appropriate use.

Recognising a significant proportion of the decision making is held by the Mayor's Office for Policing and Crime (MOPAC) and alongside Metropolitan Police Service HQ (MPS HQ) they set the direction of travel for Borough Command Units (BCU). The Commission wanted to have a broader discussion to consider how the police and councils (not just LBH) can address concerns (linked to the stop and search activity) about community relations and trust & confidence between the police and local communities.

The Commission believes engaging and creating positive, sustained relationships and channels of communication with young people and the wider community are key to achieving trust and confidence.

The Discussion with the MPS HQ, Borough Commander for Hackney and MOPAC will cover:

The aim of this meeting is to talk with the BCU, MPS HQ and MOPAC about the work to build trust and confidence to help us understand how public concern is being addressed by the MPS and MOPAC. We have included the IOPC to further explore how the IOPC works with the MPS in terms of their complaints system and their review of the use of stop and search.

Questions were sent in advance to the Borough Commander, MPS HQ and MOPAC officers covering the following areas:

1. Stop and Search
2. Trust and confidence
3. Accountability
4. Handcuffing
5. Fair and inclusive policing.
6. Sources of intelligence
7. Community engagement work related to building trust and confidence

Reports in the agenda:

- BCU Hackney and Tower Hamlets response to questions.

Attending for this item will be:

Metropolitan Police Service

- **Head of Profession, Crime Prevention, Inclusion & Engagement,** Commander Catherine Roper
- **BCU Commander,** Detective Chief Superintendent Marcus Barnett

Mayor's Office for Policing and Crime

- **Head of Engagement,** Natasha Plummer.

Action

Members are asked to consider the presentations and ask questions.

1. Where does the police's sources of intelligence come from that informs your stop and search activity? Is it from observation of drug dealers, informants, residents ASB complaints etc. Please explain what sort of details you need of a suspect before you stop and Search them. How many people fitting a similar description would you search in the area if the first suspect is found not to be the correct person?

Sources of Intel -

- Calls to police from the public
- CCTV
- Covert Human Intelligence Sources
- Intelligence gathered from the community through DWO's and partners
- An individual officers working knowledge
- Social Media
- Crimestoppers
- NCA and other law enforcement agencies

Reasonable grounds formed from –

- Environment – dimly lit stairwells, hidden away from public view, areas known for specific types of offending, Evidence within the immediate vicinity of person stopped such as drug paraphernalia on the floor.
- Persons behaviour – Sweaty, runs from police, nervous, fidgety, constantly touches areas of their person giving off unconscious signs they have concealed something, Wearing clothes inconsistent with weather conditions, gang colours (bandanas etc), Vocal in a group so as to distract officers from others, Reluctance to engage.
- Information received – Identified by another, matches description of person responsible for an incident that has just taken place, CCTV watches offence and advises police, CHIS informs police person is in possession of something.
- Person's appearance – Marks, scars or tattoos provided by victims or witnesses. Other peculiarities provided that makes the persons stand out to others in the area that identifies them as potentially being responsible for an offence.

Limitations to searching –

- An officer wouldn't stop searching others that match the description of a person responsible for a crime simply because they had searched someone else in the vicinity recently. The grounds to search could naturally reduce the longer time has passed from the offending having taken place to the person being stopped and searched. This is down to the individual officer to justify as part of their reasonable grounds to suspect.
- A set number of people in an area to be searched would never be set as this would create a barrier to searching that may lead to suspects with weapons, drugs or other articles that are illegal to be carried by an individual from being found.

2) An update on your engagement work related to building trust and confidence with the local communities of Hackney – plans, work to date and key indicators of success.

The BCU lead in regards to building trust and confidence is Superintendent Andy Port. Particular focus is being made to support vulnerable persons and young people in line with the London Mayors crime and policing plan.

- Creation of the Youth Engagement Team (YET). The YET have embarked upon several youth engagement programmes including a drive around scheme and cycle repair and ride projects in conjunction with local schools and youth hubs.
- Volunteer Police Cadets (VPC), currently 130 young people engaged
- Schools. Each school has a designated contact officer. They are responsible for many tasks in the school environment including engagement.
- Account and Voyage; independent youth groups who engage regularly with the police and hold us to account
- Homerton Youth Panel
- Work in progress to create a Hackney YIAG.
- Trading Places - stop and search workshop designed to break down barriers and taboos between young people and the police run by the YET.
- Local ward surgeries and contact points advertised.
- Partnership Meetings
- Partnership messaging sent out to the community and partners following significant events.
- Gold Groups. Generally convened following a serious or critical incident.
- OWL/Neighbourhood watch
- Table Top exercises - to engage with local community members to help with their understanding of police thought processes and challenges.
- Stop and Search DQEB, police quality assurance checks on the stop and search, involving community and partners
- Inclusive Leadership Training
- Ride Along - allowing members of the public to patrol with police.
- Hate crime officers
- Faith officers
- Ward newsletters
- Media and Communications. A designated officer works closely with the SLT.

The below groups are contacted on a regular basis. We have open and honest discussions as to where we doing well and, importantly, where we can improve.

- Community meetings
- Homerton Youth Panel

- Resident Associations
- Ward panel meetings
- Independent Advisory Group
- Safer Neighbourhood Board
- Large employers
- Tension Monitoring Group, this is currently being composed.

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Living in Hackney Scrutiny Commission 9th November 2020 Item 4 – Stop and Search and Inclusive Policing	Item No 4b
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Outline

A key barrier we heard from the community is that people are extremely reluctant to log a complaint against the police. This relates to various communities and in particular, young people. Even when a complaint has been logged and investigated by Independent Office for Police Conduct (IOPC) we have noted there is low confidence in the accountability structures of the police and the powers of the IOPC to address concerns about police work practices or the conduct of individual officers.

The discussion IOPC will cover:

The aim of this meeting is to talk with the IOPC to further explore how the IOPC works with the MPS in terms of their complaints system and their review of the use of stop and search.

Questions were sent in advance to the IOPC covering the following areas:

1. Powers of IOPC in relation to the recommendations they make to the MPS
2. Role of the IOPC in relation to MPS complaints
3. Their success in relation to influencing policy and recommendations implemented.
4. Information about the IOPC's review on the use of stop and search.

Reports in the agenda:

1. Written Response to Questions
2. Making a difference - Impact report 2019/20 (referenced under point 4 in document 1 above)
3. IOPC Press Release - IOPC about review that identifies eleven opportunities for the Met to improve on stop and search
4. MPS Response to IOPC review that identifies eleven opportunities for the Met to improve on stop and search

Attending for this item Independent Office for Police Conduct will be:

- **Regional Director London, Sal Naseem**
- **Senior Stakeholder Engagement Officer (London), Uzma Babb**
- **Policy and Engagement Officer; Andrea Banham**

Action

Members are asked to consider the presentations and ask questions.

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Living in Hackney Scrutiny Commission

Questions for the meeting on Monday 9 November

1. What is the role of the IOPC in working with the MET in relation to complaints?

We oversee the police complaints system in England and Wales. (As well as the police, our remit includes several organisations that have police-like powers but are not police forces. This includes Her Majesty's Revenue and Customs, the National Crime Agency, and the Gangmasters and Labour Abuse Authority. We also investigate criminal allegations against police and crime commissioners (PCCs) and their deputies.)

In particular, we:

- investigate the most serious incidents and complaints involving the police
- consider applications for a review or appeal from people who are unhappy about the outcome of their complaint or the way it has been handled by the police
- set and monitor the standards by which the police should handle complaints
- publish research and statistics on specific areas of policing and the police complaints system
- use learning from our work to influence changes in policing

While we play a central role in ensuring the police are held to account, we are part of a much wider system. We do not have responsibility for deciding the outcomes of criminal or misconduct proceedings or inquests, but the findings from our work are used to inform those important decisions.

All our decisions are made independently of the police, government and interest groups. Our Director General and executive team, and our Director for Wales and Regional Directors, have never worked for the police in any capacity.

Our mission is to improve public confidence in policing by ensuring the police are accountable for their actions and lessons are learnt. Our work plays a vital role in promoting transparency and ensuring effective oversight of policing. We also help to bring about improvements in policing and make sure that where something has gone wrong, it does not happen again.

Our priorities set out the areas we focus on and show how we intend to make a real difference to people's lives and to public safety. This includes a strong emphasis on ensuring lessons are learnt, whether from a single complaint or incident, or by looking at systemic issues.

2. What powers do the IOPC have in relation to the recommendations made following an investigation or review of a complaint case?

We use what we have learnt during our investigations and appeals work to improve policing practice, and to prevent similar incidents happening again. Learning recommendations can include:

- improving practice
- updating policy
- changes to training

We make learning recommendations in the course, or at the end, of our investigations. We can also make recommendations after making decisions on certain types of appeals.

Recommendations can be made to police forces (one or a number) or police and crime commissioners. In certain circumstances, we can also make recommendations for other organisations that are relevant to our investigations.

We have two legal powers to make recommendations. Under paragraph 28A, Schedule 3 of the Police Reform Act we can make a recommendation in relation to any matter dealt with in the investigation report or appeal. These recommendations can be made to police forces (one or a number) or police and crime commissioners. We can also, in certain circumstances, make recommendations for other organisations that are relevant to the investigation or appeal. Where we make a recommendation under paragraph 28A, the force or organisation we make a recommendation to must provide us with their response within 56 days, unless there are valid reasons not to. They can also request that we extend the time they have to respond. Both the recommendation and the response must be published.

Section 10 of the Police Reform Act gives us a slightly different power to make recommendations. This allows us to make recommendations more broadly about police practice that appear, from the carrying out of our functions, to be necessary or desirable. This does not carry the same legal requirement for the recipient of the recommendation to respond, or for the recommendation or any response to be published.

3. What percentage of IOPC recommendations do the MET comply with following reviews?

There is no obligation for recipients of recommendations from the IOPC to implement those recommendations however, as outlined above, where we make a recommendation under paragraph 28A, Schedule 3 of the Police Reform Act, they must respond saying whether they accept the recommendation.

We are currently undertaking some work to ensure our data about learning recommendations is up to date. At present this shows that between 1 January 2018 and 22 October 2020, we have made 43 recommendations to the MPS under paragraph 28A. Of these, they have accepted 22, did not accept 4 and we are awaiting a response on 17.

We are currently working to develop systems and processes for following up on learning recommendations, so that we can better understand what action has actually been taken in response to our recommendations, over and above whether they have been accepted.

4. What effect do IOPC recommendations have on policing policy and work practices?

Our impact report contains a variety of content relating to the impact our recommendations have had on policing policy and practice. Please refer to page 24-35 of the [impact report](#) for how we influence the bigger picture across the criminal justice system and other sectors, not just policing.

5. What will the IOPCs review on the use of stop and search cover and how can Boroughs engage with this work?

Sal is doing a lot of work in this area and will answer in detail at the meeting.

← Lift

11:18:56

Two days. One cloud. Unlimited ideas.

information
London Liverpool Street

Underground
Overground Platforms 1 to 4
Buses Bus station
Stansted Express tickets
Travel and tourist centre
Lift Way out, Underground and Bus station
Way out
By platform 10 Cycle racks
By platform 10 Left Luggage

Making a difference

Impact report 2019/20

215



Tickets

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A message from the Director General

It is my pleasure to present the 2019/20 Independent Office for Police Conduct (IOPC) Impact Report. This has been an extremely busy year for the IOPC, building on the work commenced during our first year of operation since establishment in January 2018.

The public expects accountability from police officers and staff who fall short of the professional standards the community rightly expect. Our role overseeing the police complaints system in England and Wales and investigating the most serious matters, including deaths, is vital to the public having confidence in policing practice.

While accountability of individual officers for wrongdoing is important, the greater impact of our work comes from the themes and learning we identify that help strengthen policing practice more broadly. This has been further strengthened by legislative reforms made in February this year which further emphasise learning as a key tool in improving policing practice.

While much of the complaints system is administered locally by police forces, the police complaints system as a whole is overseen by

the IOPC. Our review function is an important part of our role as an oversight body, allowing us to consider the quality of local investigations and complainants' concerns. This year we dealt with over 2,800 appeals, a significant proportion of which were upheld. Appeals enable us to identify and share learning to improve policing practice, and can result in different outcomes for some complainants.

We completed over 700 investigations into serious and sensitive matters, with a continued focus on improving timeliness and quality of our work. Our investigations meant some officers faced discipline or dismissal from forces, but also identified that police acted appropriately, reasonably and proportionately in many cases.

More significantly, our work identified learning recommendations which helped drive national and local changes to policing practice from making tactical pursuits safer for police to



The greater impact of our work comes from the themes and learning we identify that helps strengthen policing practice more broadly.

strengthening the way police respond to stalking and harassment cases.

Work also continued to deliver investigations of national significance, including our investigation into police actions in the aftermath of the Hillsborough disaster and Operation Linden, looking at police actions following non-recent allegations of child sexual abuse in Rotherham.

Our work has resulted in 105 learning recommendations, including national recommendations on stop and search, tactical pursuits and search warrants.

We also know that some people may not understand that they have the right to complain if they feel they have been treated in an

unsatisfactory way. Low levels of awareness and understanding can contribute not only to reduced confidence in the system, but can also impact on policing the community and public trust.

Increasing levels of trust and confidence among the public, particularly amongst those groups with the lowest confidence in the system, is a key focus of our work.

Importantly, there was a 16% increase in the number of people from a Black, Asian and minority ethnic (BAME) background who said they are aware of the IOPC. We recognise we still have more work to do to improve this and continue to raise confidence, which will be informed by deliberative research we conducted with BAME and black communities during the year.

While we play a central role in ensuring the police are held to account, we are part of a much wider system where Coroners, juries and disciplinary panels ultimately decide the outcomes of proceedings. We will also

continue to work with our partners in this system to improve the timeliness and quality of investigations.

As we enter our third year of operation, we are well aware that expectations for the IOPC to deliver ongoing and sustained impact will only continue to grow as there is a global focus on police accountability. Our plans for 2020/21 and beyond remain ambitious and I look forward to sharing further outcomes from our work with you in the year ahead.

It has been a successful year for the IOPC. I would like to thank our non-executive directors for their support and constructive challenge, and my management team and staff for their hard work, commitment and dedication.



Michael Lockwood
Director General

Who we are and what we do

We are the Independent Office for Police Conduct, established in January 2018. We oversee the police complaints system in England and Wales¹.

In particular, we:

- investigate the most serious incidents and complaints involving the police
- consider applications for a review or appeal from people who are unhappy about the outcome of their complaint or the way it has been handled by the police
- set and monitor the standards by which the police should handle complaints
- publish research and statistics on specific areas of policing and the police complaints system
- use learning from our work to influence changes in policing

While we play a central role in ensuring the police are held to account, we are part of a much wider system. We do not have responsibility for deciding the outcomes of criminal or misconduct proceedings or inquests, but the findings from our work are used to inform those important decisions.

All our decisions are made independently of the police, government and interest groups. Our Director General and executive team, and our Director for Wales and Regional Directors, have never worked for the police in any capacity.

Our mission is to improve public confidence in policing by ensuring the police are accountable for their actions and lessons are learnt. Our work plays a vital role in promoting transparency and ensuring effective oversight of policing. We also help to bring about improvements in policing and make sure that where something has gone wrong, it does not happen again.

Our priorities set out the areas we focus on and show how we intend to make a real difference to people's lives and to public safety. This includes a strong emphasis on ensuring lessons are learnt, whether from a single complaint or incident, or by looking at systemic issues.

¹. As well as the police, our remit includes several organisations that have police-like powers but are not police forces. This includes Her Majesty's Revenue and Customs, the National Crime Agency, and the Gangmasters and Labour Abuse Authority. We also investigate criminal allegations against police and crime commissioners (PCCs) and their deputies. The statistical information referred to in this report includes cases involving the police service and the other organisations under our remit. However, we refer to the police throughout this report because the majority of our work and impact relates to the police service.

Our work and impact at a glance

1
Police accountability

718 independent investigations completed
210 more than we started

83% independent investigations completed within **12 months**²

By the end of the year we closed
97% of cases inherited from the IPCC

551 appeals upheld about a person's complaint not recorded³
425 appeals upheld about how a complaint was investigated locally by police
This led to different outcomes for complainants

2
Using learning

made **105** learning recommendations which helped drive significant changes
SUCH AS

- ✓ better training for officers on search powers and warrants
- ✓ updated national policing guidance around police pursuits
- ✓ better training and support for officers on stalking and harassment

after reading our **LEARNING THE LESSONS** magazine on young people
88% said they would think differently about how they interact with young people

3
Working with others

CUSTOMER SERVICE EXCELLENCE®
 achieved Customer Service Excellence® accreditation

our Youth Panel:
 Making young people's voices heard at policing leaders' national conference

CREATED
 a young person's guide to the police complaints system

4
Being an effective organisation

Supported staff welfare and mental health through STREAM, a bespoke peer-support programme

Staff satisfaction increased across nearly all measures
 of the **30** categories measured in our annual staff survey, **21** showed significant improvements

2. This excludes cases managed by our Directorate of Major Investigations (DMI). This directorate handles some of our most complex and large-scale cases, such as investigating police actions in the immediate aftermath of the Hillsborough disaster and the police response to non-recent allegations of child sexual abuse in Rotherham.

3. Before 1 February 2020, the first stage of complaint handling was for the relevant police force or organisation to decide whether to record the complaint. When a complaint was recorded, it had to be dealt with according to certain rules and guidance. If the force or organisation did not record the complaint, the complainant had a right of appeal to the IOPC against this decision.

Executive summary

Our mission is to improve public confidence in policing by ensuring the police are accountable for their actions and lessons are learnt. Our work plays a vital role in bringing about improvements in policing, promoting transparency and helping to make sure that where something has gone wrong it doesn't happen again.

Our aim is to make a positive difference to policing and to the public. During the course of the year, our work has positively changed both local and national policing practice. Our work helped police forces understand key issues, improve the way they handle complaints and implement good practice. Our investigations helped to hold officers to account for misconduct in the most serious matters, and also highlighted opportunities organisationally to help prevent future risks.

Ensuring the police are accountable for their actions and working to ensure all parts of the police complaints system consistently deliver impartial, fair and evidence-based outcomes in a timely way is a core part of our work.

Working with a range of stakeholders and communities so they understand how to access and have confidence in the police complaints system was a key priority during the year.

Awareness of the IOPC over the past 12 months has increased from 40% to 51% of survey respondents saying they had heard of the IOPC. While there is more work to do, awareness of the IOPC and confidence levels that police deal with complaints fairly also increased amongst young people and people from BAME backgrounds, two of our key target groups who have lower confidence levels in policing.

Our youth panel contributed significantly to our work, sharing the views of young people at the National Police Chiefs' Council (NPCC) Child-centred Policing Conference, publishing learning resources for police and developing a young person's guide to the police complaints system.

We retain a clear focus on our service users and in March 2020 gained Customer Service Excellence® accreditation, an independent mark of quality reflecting our commitment to listening and responding to the needs of those affected by our work (our service users). We will continue to strive to make further improvements so our service user journeys are the best they can be.

Feedback from our stakeholders indicates better dealings with the IOPC than at any time in the past, attributed to three areas:

- a much-welcomed shift in focus towards learning
- better stakeholder outreach and engagement
- leadership that is listening to stakeholders' concerns and showing an intention to deal with them

However, we are also only one element of the police complaints and criminal justice system. Our work is also impacted by coronial inquests, prosecutions and hearings, which we do not lead or manage. Working with our stakeholders to further improve quality and timeliness across the whole system is critical to driving further improvements.

Our focus on timeliness saw 35% of independent investigations completed within six months and 83% within 12 months.

A significant focus for us this year was working with the Home Office and others to support changes to the legislation that underpins the police complaints and discipline systems.

On 1 February 2020, legislative changes to the police complaints system were introduced and aim to simplify the complaints system, making it easier to navigate and ensuring that complaints are dealt with more quickly and effectively.

These reforms require complaints to be handled in a reasonable and proportionate way and aim to further improve timeliness. They provide greater flexibility in complaint handling and a focus on service. Importantly, they also include a stronger focus on learning.

The reforms also give us new powers, including the power to investigate without having received a referral from the relevant police force and to present our own cases at police misconduct hearings.

Our role in handling appeals where someone isn't happy with how the police have dealt with their complaint means that hundreds of people who otherwise would not have, had their complaint recorded and dealt with under the police complaints system (and so have the accompanying legal rights) during the year.

During the year we dealt with 2,838 valid appeals and upheld a significant number of these, which resulted in different outcomes for complainants. This work helps provide assurance.

We began 508 independent investigations and completed 718. Our focus on timeliness saw 35% of independent investigations completed within six months and 83% within 12 months.

We also focused our work on key themes including domestic abuse, deaths in custody, mental health, roads policing, use of force, Taser and less lethal options, and abuse of position for sexual purposes.

During this period we reduced the number of older, longstanding cases. Of the 538 cases we inherited from the Independent Police Complaints Commission (IPCC), only 19 remained outstanding at the end of the financial year.

We also have a strong focus on sharing learning that improves policing, protects the public and prevents similar incidents from happening again. In some cases, this ultimately saves lives.

Our research shows that consistently members of the public who make a complaint about the police want those involved, and the wider police service, to learn from it. Legislative reforms to the complaints system also place a greater emphasis on learning and continuous improvement.

During the year, we made 105 formal organisational learning recommendations relating to policy or guidance, training for police officers and staff or legislation and other matters. Our learning recommendations this year changed national policing practice on tactical pursuits, stalking and search warrants, as well as local policing practice on matters ranging from the response to domestic violence to application of the use of force.

Our thematic case selection will hone our focus on identifying opportunities for learning, any force-specific concerns, or if there is potential for good practice to be identified. We now have four thematic areas on which to focus our investigations and learning; mental health, road traffic incidents, domestic abuse, and abuse of position for sexual purpose. Two more thematic areas, discrimination and near misses in custody, are due to be launched in 2020/21.

We continued to publish information about our work and raise awareness of our findings. Our annual reports on deaths during or following police contact, research into key themes highlighted by our work, investigation reports and summaries, quarterly and annual police complaints statistics and organisational learning recommendations all contributed to learning, public confidence and police accountability.

Our work informed consultations on firearms licensing and changes to counter-terrorism legislation, the code of practice on armed policing and police use of less lethal weapons and the National Strategy on Policing and Mental Health. Our data and cases contributed to an important HMICFRS report and recommendations on abuse of position for a sexual purpose.

You can read more about our work planned for the year ahead in our 2020/21 business plan.

Our mission

To improve public confidence in policing by ensuring the police are accountable for their actions and lessons are learnt

Our priorities

To improve confidence in police accountability

What we will do

We will engage with a range of stakeholders and communities, focusing on those with the least confidence in policing, so they understand their right to complain and expect fair and just treatment in response to complaints and serious incidents

What we hope to achieve

Those with low confidence in policing access and value the complaints system.

Our values



Seeking truth



Empowering people



Being tenacious



Being inclusive



Making a difference

To improve policing by identifying and sharing learning from our work

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We will focus our work on areas of concern to both the public and police and work with partners to share our learning to improve policing and protect the public from harm.

Our recommendations lead to improvements in policing and prevent harm to the public.

To work with others to improve the police complaints system

We will work to improve all parts of the complaints system – both our own work and that carried out by others – so that it consistently delivers impartial, fair and evidence-based outcomes in a timely way.

The police complaints system delivers impartial, fair and evidence-based outcomes in a timely way.

To be an efficient and effective organisation

We will attract and retain a highly skilled, diverse workforce and provide them with a good working environment while continually improving to provide value for money

Our highly skilled, diverse workforce delivers an excellent service, which is value for money.



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Improving public confidence in police accountability

Ensuring the police are accountable for their actions. Working to ensure all parts of the police complaints system consistently deliver impartial, fair and evidence-based outcomes in a timely way

We are responsible for overseeing the police complaints system. This means we play a key role in making sure that:

- complaints are dealt with reasonably and proportionately
- police officers and staff are held to account
- the police service learns and policing practice improves

An effective complaints system, which commands public confidence, is a vital part of the model of policing by consent. The police are given significant powers, and the complaints system provides important balance by ensuring the police are accountable for their actions. Our work not only helps to ensure accountability, it gives a unique insight into how police processes and procedures are working. We use this insight to bring about change and improvements to help improve public confidence in the police.

Our work on appeals

The majority of complaints are dealt with locally by police force professional standards departments (PSDs).

Before reforms to the police complaints system came into effect on 1 February 2020, when someone wasn't happy with the outcome of their complaint, or how it had been handled, they had the right to appeal either to us or to the chief officer of the force concerned⁴. Complainants had different rights of appeal depending on how their complaint was handled.

After this date, changes to the law replaced these different rights with a single right to apply for a review of the outcome of a recorded complaint. This change aims to make the system simpler and more accessible for complainants, while maintaining their rights to have decisions about their complaints reviewed.

When a complainant appealed to us, we independently assessed how their complaint was dealt with. If we found it wasn't dealt with properly, or we disagreed with the findings, we directed that appropriate action be taken⁵.

From 1 February 2020, when a complainant applies to us for a review, we independently assess whether the outcome of their complaint was reasonable and proportionate. If we find the outcome was not reasonable and proportionate, we can make appropriate directions and recommendations.

From 1 April 2019 to 31 March 2020 we dealt with 2,838 valid appeals⁶:

- we dealt with 1,370 appeals about a person's complaint not being recorded. We upheld 551 of these appeals
- we dealt with 112 appeals about how the police tried to locally resolve a complaint⁷. We upheld 42 of these appeals
- we dealt with 1,257 appeals about how a complaint was investigated locally by the police. We upheld 425 of these appeals

This meant that:

- in 551 cases, people's complaints were recorded and dealt with under the police complaints system when they would not have been without an appeal. This afforded them the accompanying legal rights

4. There were various grounds for appeal, explained on our website. Legislation sets out which organisation was responsible for dealing with an appeal. All appeals about a complaint not being recorded were dealt with by the IOPC.

5. For example, we can direct that officers or staff have a case to answer for misconduct or gross misconduct or highlight areas of learning for individuals so the force can take appropriate action. We can also direct the police to reinvestigate a complaint or decide the IOPC shall independently investigate a complaint if we think the police's initial investigation did not sufficiently investigate one or more allegations.

6. As the relevant appeal body, we had to assess whether the appeal was valid before we were able to consider it. There were a number of reasons why an appeal may have been judged to be invalid. These were; if the appeal did not contain certain information that was required by legislation; if there was no right of appeal; and if the appeal was received more than 28 days after the date of the decision being appealed and there were no special circumstances to justify the delay.

7. Local resolution was one way for a police force to resolve a complaint. It was suitable only for complaints that did not need IOPC involvement. Local resolution involved the force providing an explanation or apology, or otherwise satisfying the complainant that it was taking appropriate action.

- in 42 cases, people achieved a different outcome to the one they received when local resolution was used to deal with their complaint
- in 425 cases, people had their complaint reinvestigated and/or they achieved a different outcome to the one they received when their complaint was initially investigated. Where we upheld these appeals, our conclusions included that:
 - the findings of the police investigation weren't appropriate
 - the complainant should have been given more information
 - officers had a case to answer for misconduct or gross misconduct
 - the police should have asked the Crown Prosecution Service to decide if an officer should be prosecuted
 - the action (or lack of action) that the police planned to take as a result of the complaint wasn't appropriate



Case study

An insight into appeals

We upheld an individual's appeal against the outcome of an investigation conducted locally by a police force.

The individual complained to the force about an officer's handling of their allegation of a sexual assault, which resulted in the alleged perpetrator being issued with a caution⁸ for common assault.

The force investigated the complaint and initially considered the officer had a case to answer for misconduct. Before misconduct proceedings could take place the force reviewed the case and redetermined that it should be dealt with as a performance matter.

The individual appealed the outcome and we reviewed the force's handling of their complaint. We found that the force's reasons for changing its decision on the outcome of the investigations were not appropriate, given the evidence in the case. As a result, we upheld the appeal and decided the officer should attend misconduct proceedings.

The individual appealed the outcome and we reviewed the force's handling of their complaint. We found that the force's reasons for changing its decision on the outcome of the investigation were not appropriate, given the evidence in the case.

After receiving our appeal decision the force again reviewed the case and carried out some further enquiries. During this process it identified two additional allegations against the officer concerning their handling of the sexual assault allegation. As a result, the force redetermined that the officer had a case to answer for gross misconduct.

A misconduct hearing later found the officer had failed to record the individual's allegation as a sexual assault, did not conduct a proportionate investigation into the allegation, failed to consider the individual's views before issuing the caution and did not fully explain the caution to them. The officer was dismissed from the force.

⁸ Cautions can be given by the police to anyone aged 10 or over for minor crimes. To receive a caution a person must admit an offence and agree to be cautioned. A caution is not a criminal conviction, but it could be used in future legal proceedings and can show on a criminal record check.

Our investigations

By law, the police must refer certain complaints and incidents to us. We decide whether an investigation is necessary and, if so, what level of involvement we should have. We can conduct our own independent investigation, direct a police force to carry out an investigation under our control, or decide the matter can be dealt with locally by the police.

During an investigation, our investigators gather evidence to establish the circumstances of what happened. Sometimes we find organisational issues or failings. In some cases, even those with serious or tragic outcomes, we find the police acted appropriately. Sometimes, we find an individual's actions may have amounted to poor performance, misconduct or a criminal offence.

Where our investigation relates to a death, our investigation report is provided to the coroner so our findings can be used at the inquest⁹.

Where we find there may have been significant wrongdoing by an individual, we also have the power to:

- refer a matter to the Crown Prosecution Service (CPS) for it to decide whether someone should be prosecuted
- direct that someone's actions are considered at disciplinary proceedings

While we play a central role in making sure the police are held to account, we are part of a much wider system. Sometimes there will be inquests, criminal and/or disciplinary proceedings before all final decisions are reached. Coroners, juries and police disciplinary panels ultimately decide the outcomes of these proceedings, but our findings help them make those important decisions and play a key role in individuals being held to account.

⁹. An inquest is a formal investigation conducted by a coroner to determine how someone died.

Case studies

An insight into some of our investigations

This section provides a brief snapshot of some of our investigations. It shows how our work helps to make sure that the police are accountable for their actions, and describes the outcomes of some of our investigations.

Case one

Making, possessing and distributing indecent images

Following our investigation, a former officer was convicted of offences relating to indecent images of children and misconduct in public office. The investigation, which involved 57 victims aged between 13 and 44, was carried out under our oversight by a police force. The former officer was jailed for four years and four months, placed on the Sex Offenders Register and will be subject to a sexual harm prevention order for life. Before sentencing, the officer was dismissed from the force for gross misconduct¹⁰.

Case two

Perverting the course of justice

Following our investigation, an officer was jailed for 15 months after pleading guilty to perverting the course of justice. The officer had been tasked with attending the scene of an unexplained death. A number of items, including a wallet containing £65 belonging to the deceased, were taken by the police and placed in the property store at a police station. Some days later the wallet was returned to the deceased's partner, who complained after finding the money was missing.

We found evidence the officer stole the £65 from the deceased's wallet, and then attempted to conceal the

theft and tampered with evidence after the crime was reported. The officer, who resigned from the force before disciplinary proceedings, was found to have committed gross misconduct and placed on the Police Barred List¹¹.

Case three

Use of force

Our investigation into the police's response to someone with a knife who was threatening to stab themselves and others found that an officer acted above and beyond their duties to ensure the safety of the person and others.

Officers attended an address to conduct a welfare check and found someone under the influence of drugs and holding a knife. They refused to let the police officers into the flat. Another person could be heard inside pleading for the officers to be let in. An officer forced entry to the flat and, after being threatened with the knife, used Taser to subdue the person, who

had stabbed himself in the chest.

We found the use of a Taser was justified to prevent the person hurting themselves or others. We recommended the officer, who displayed considerable courage, should be commended for their actions. The force agreed with our conclusion and the officer received a commendation.

Case four

Abuse of position

An officer was dismissed for abusing their position to engage in sexual relationships both on and off duty with two individuals they met through their work. Our investigation started after one of the individuals made a complaint. We found the officer contacted the two individuals to meet and engage in sexual activity - one was a domestic abuse survivor and the other was 16 at the time. A misconduct hearing found the officer's actions constituted gross misconduct.

10. Gross misconduct is defined as a breach of the standards of professional behaviour by a police officer or member of staff that is so serious it could justify their dismissal.

11. The Police Barred List is held by the College of Policing. It lists all police officers, special constables and staff who have been dismissed from policing, or who would have been if they had not retired or resigned. It ensures these individuals are not able to find positions in policing again.

Case five

Fraudulent offences

An officer was jailed for 12 months after purchasing access to pornographic channels using the account of a property owner while on duty after the death of a child at the property. The officer was guarding the house while waiting for the undertaker to remove the child's body. The family of the child was elsewhere at the time.

The officer downloaded four pornographic films while at the house. They falsified their attendance logs, claiming they left the property almost two hours earlier that day. Initially the family thought their child had downloaded the films. When they realised their child had not done this, they complained about the officer. The officer was dismissed for gross misconduct.

Case six

Road traffic incident

Our investigation into a road traffic incident involving the police led to an officer receiving a written warning after their behaviour fell short of acceptable standards.

The officer was driving a marked police vehicle when they tried to stop another vehicle. After a short pursuit, the other vehicle collided with a wall and the driver got out. The police vehicle collided with the driver, who sustained serious injuries.

Before a misconduct hearing, the officer admitted gross misconduct for failing to adhere to force policies on assessing the risk while in pursuit of a vehicle.

Case seven

Failure to investigate

An officer who worked as a Safer School Officer was dismissed for failing to take appropriate action in

response to reports a child under 13 was having sex with a number of individuals. We found the officer failed to record the information as a crime and did not initiate an investigation or refer the matter for safeguarding. This put the child at risk of further harm. A misconduct hearing ruled the officer had committed gross misconduct and they were dismissed.

Case eight

Use of force

We investigated the police's contact with a burglar who sustained a serious injury while being detained by the police. We commended an officer for their actions in preventing the burglar falling out of the first-floor window of a house, despite sustaining an injury to their arm.

The officer and a police dog entered the house after the police received reports that the house was being broken into. In an effort to escape the police, the

burglar tried to climb out of a first-floor window while being held by the officer. The officer was pulled onto a shard of glass and received a serious injury to their arm. Despite this, the officer held onto the burglar with one arm until other officers arrived to assist.

We found the officer's use of force and tactics were a justified attempt to prevent harm to the burglar from falling, and they should be commended for their actions. The force agreed with our conclusion and the officer was recognised for their bravery.

Improving timeliness across the system

The length of time an investigation and any subsequent proceedings take can have a significant impact on complainants, the families of people who have died or been seriously injured, police officers and other members of staff. Delays in completing investigations can also have a negative impact on wider public confidence in the police complaints system.

We focused on reducing the time our investigations take by:

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● piloting a new investigation model focused on quick-time decision making and improved early engagement with police forces, the Police Federation and CPS. This is now being evaluated for national rollout

- making changes to the way we identify and engage experts to procure evidence more quickly
- working with the Police Federation and other staff associations to improve understanding of our role, resulting in increased co-operation with investigations and securing earlier statements and interviews

We also worked with others to identify where improvements can be made across the system – for example, with the CPS to focus on early

advice and handover of cases to support more timely decision making. In addition, we developed a memorandum of understanding (MOU) with the Chief Coroner to ensure a better understanding of our respective responsibilities and more efficient ways of working.

From 1 April 2019 to 31 March 2020, we began 508 independent investigations and completed 718. During this period:

- we completed 35% of independent investigations within six months – an improvement of five percentage points from last year
- we completed 79% of our investigations within 12 months. Excluding cases managed by our Directorate of Major Investigations, we completed 83% of independent investigations within 12 months

During this period we focused on closing older, longstanding cases and reducing the age of our open caseload:

- we reduced the number of open independent investigations from 548 to 327
- we reduced the average age of our cases from more than ten months at the start of the year to fewer than nine months at the end of the year
- we reduced the number of investigations carried over from the IPCC from 93 to 18

By the end of 2019/20, two thirds of our open caseload were less than six months old. The proportion of cases open for longer than 12 months decreased from 24% to 17%.

We have begun an ambitious programme redesigning the way we undertake our investigations to continue to make them more efficient and effective. This work will be informed by best practice and input from stakeholders.

Further details about our performance can be found in our annual report.

Helping to deliver reforms to the police complaints system

On 1 February 2020, legislative changes to the police complaints system were introduced. We had long argued that the complaints system should be reformed because of concerns that it was complex, difficult to understand and difficult to access. The changes aim to simplify the complaints system, making it easier to navigate and ensuring that complaints are dealt with more quickly and effectively.

The reforms require complaints to be handled in a reasonable and proportionate way and aim to further improve timeliness. They provide greater flexibility in complaint handling and a focus on service. Importantly, they also include a stronger focus on learning.

The reforms also give us new powers. This includes the power to investigate without having received a referral from the relevant police force and to present our own cases at police misconduct hearings.

Using our experience, the learning from our cases, and feedback from service users, we worked with the Home Office and others to help shape these reforms and improve confidence in the police complaints system.

To support the introduction of this legislation, we published Statutory Guidance to help police forces and police and crime commissioners (PCCs) to comply with their new legal obligations and achieve high standards in the handling of complaints. The College of Policing (the College) used our guidance to help officers and staff understand the reforms by developing a training package. We also supported the College's work by critically reviewing the training package they developed.

Throughout the development of the new legislation we liaised with the Home Office, police forces, local policing bodies¹² and the NPCC to support the practical and cultural changes needed to implement the new system effectively. For example, we helped the NPCC

“My perception (completely unfounded) was always that the IOPC was incredibly detached and formal, but the staff were so approachable, friendly, experienced, funny, knowledgeable, down to earth, whilst all being so professional - as a member of the public as well as a practitioner I felt more assured that the IOPC was an organisation that is fair, ethical and that cares about real people.”

Anonymous, survey respondent

12. A local policing body is a collective term for: PCCs, the Mayor's Office for Policing and Crime (in relation to the Metropolitan Police Service), the Common Council (in relation to City of London Police) and any other mayor of a combined authority that exercises the functions of a PCC. These bodies have a significantly enhanced role in the police complaints system with effect from 1 February 2020.

group that developed the new Reflective Practice Review process. The process recognises that complaints can provide an opportunity for reflection and development, and it provides a new learning tool for officers and staff.

Between November 2019 and January 2020, we ran 13 events to support police forces and PCCs to better understand the new complaints system and help them apply the new legislation and guidance consistently. The events attracted 400 delegates from across England and Wales, with 95% of survey respondents finding them very or fairly informative. The majority (79%) of respondents said that attending the event increased their understanding of the new complaints system and their role within it.

Another piece of feedback from a PCC's office highlighted that the events addressed a gap in staff knowledge and helped them feel confident in making robust decisions under the new legislation.

Together with the NPCC, the Home Office, the Police Federation and other national policing bodies, we created a video explaining the reforms to the complaints system. We also collaborated on a poster encouraging officers and staff to reflect and learn from any mistakes or errors as part of building a culture of improvement. Both were distributed to forces across England and Wales.

We published eight issues of 'Focus', our publication for police forces and local policing bodies. These provided practical guidance and advice on specific topics where complaint handlers needed increased support before and immediately after the launch of the new system. For example, one issue provided examples of how to approach allegations about chief officers. Another issue discussed how complaint handlers can ensure people can effectively access the police complaints system.

Our appeals and investigations

From 1 April 2019 to 31 March 2020

we dealt with **2,838** valid appeals

we dealt with **1,370** appeals about a person's complaint not being recorded

we upheld **551** of these appeals

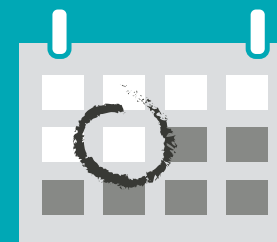
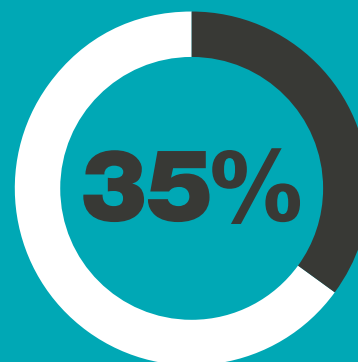
we dealt with **112** appeals about how the police tried to locally resolve a complaint

we upheld **42** of these appeals

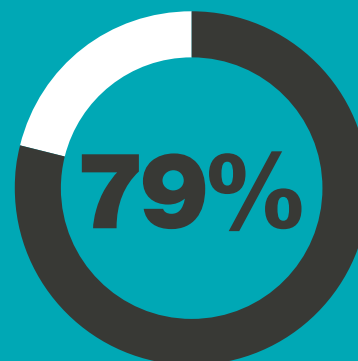
we dealt with **1,257** appeals about how a complaint was investigated locally by the police

we upheld **425** of these appeals

we completed **718** independent investigations



of our investigations completed within **six months** – an improvement of **5 percentage points** from the previous year



of our investigations completed within **12 months** – comparable to the previous year

This includes all independent investigations. Excluding cases managed by our DMI, this figure is 83%

A close-up photograph of a person's hands holding a silver spiral-bound notebook and a silver ballpoint pen. The person is wearing a dark-colored shirt. The background is blurred, showing what appears to be a blue folder or binder. The text "Using learning" is overlaid in white at the top left, and "to improve police practice" is overlaid in orange at the bottom left.

Using learning

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to improve
police practice

Working to identify and share learning that improves policing, protects the public and prevents similar incidents from happening again

Our research¹³ shows consistently that members of the public who make a complaint about the police want those involved, and the wider police service, to learn from it. This is reflected in reforms to the complaints system, launched on 1 February 2020, which place a greater emphasis on learning and continuous improvement.

We aim to make the greatest impact by building a culture of learning and continuous improvement so the public has confidence that not only have we or the police force responded to complaints or serious incidents, but that the lessons arising from them will have a long-term impact at an individual and organisational level.

Our work on appeals/reviews, investigations, research and engagement with stakeholders offers opportunities to identify learning to improve the service the police delivers to the public. We share this learning to prevent similar issues occurring in the future, to ensure continuous improvement and support best practice. This approach is supported by our stakeholders who believe focusing on learning is advantageous to the police service, the public and the IOPC¹⁴.

13. Since 2017, we have commissioned an external research specialist to produce a public perceptions tracker, which provides a routine measure of public confidence throughout the year.

14. Since 2016, we have commissioned an external research specialist to carry out studies on stakeholders' experiences of our organisation.

How we use learning from our work



Case studies

Helping improve the safety of roads policing

In 2018/19, there were 42 fatalities from road traffic incidents involving the police – an increase of 13 on the previous year and the highest figure in the past decade. Our investigations and Subject Matter Network (SMN) on roads policing help to identify key learning to improve roads policing.

Case one Tactical contact

We conducted five investigations involving police using tactical contact against two-wheeled vehicles. Tactical contact is a technique, which may be used by appropriately trained police drivers, to end a pursuit by making deliberate contact with a moped or motorbike ridden by a suspected criminal. We identified risks to the police, riders and the public because of a gap in national policing guidance around the use of the tactic.

Following our recommendations, the NPCC and the College updated national

guidance to help police officers use tactical contact more safely. The updated guidance better supports officers to assess the situation and risks posed. It covers use of alternative tactics, weighing up the severity of the suspected offence and the likelihood of causing injury to the riders, others and themselves. It also reinforces the fact that use of tactical contact must be authorised.

Case two Use of life hammers

We investigated a road traffic incident when a van being pursued by the police collided with another vehicle and killed two members of the public. After the collision, an officer used a life hammer¹⁵ to try to break the window of the other vehicle to reach the occupants who were trapped inside. The officer was unable to break the window using this tool and so used their baton to get into the vehicle.

We identified a lack of guidance surrounding the use of life hammers specifically in relation to officer training, use of alternative methods and replacing this equipment when it becomes ineffective.

The NPCC and the police force involved accepted a range of learning recommendations. The chair of the NPCC wrote to all chief constables outlining the issues raised by our investigation, and the action their forces should take to implement this learning, where applicable.

Case three Use of audio recording equipment during police pursuits

Following a road traffic incident, the driver of a vehicle being pursued by the police was seriously injured. Two other passengers were also injured. Our investigation found that audio recording equipment in the police vehicle had not been activated during

the pursuit. This meant that potentially important evidence was not available. The force confirmed that activation of this equipment was considered best practice, but was not required.

To ensure greater transparency, we recommended that the force make activation of audio recording equipment mandatory once officers begin a pursuit. The force has updated its guidance and training, with officers now being required to either activate in-vehicle recording equipment (where available), or use their body worn camera at the start of the pursuit.

15. Life hammers are tools designed to be used by police officers or other road users to break the windows if they are trapped in a vehicle and need to escape. These tools become blunt and ineffective over time.

Case study

Changes on the use of search powers and warrants

Our Operation Kentia investigation means police officers will have a greater understanding of the use of search powers and warrants, with improvements in training implemented both nationally and by the Metropolitan Police Service (MPS), the force involved in this investigation.

Operation Kentia investigated police conduct around applications for search warrants made by the MPS as part of Operation Midland, which focused on the investigation of several high-profile citizens over claims of historic

child sexual abuse and homicide. Our investigation found no evidence that police officers had deliberately misled a district court judge when applying for search warrants, but found gaps in processes and systems.

We made 16 recommendations to improve policing practice, which will result in national changes to the application and checking of search warrants, as well as significant changes to policy and practices within the MPS. Of the 16

recommendations made, 13 (including all nine recommendations made to the MPS) were accepted¹⁶, two were not accepted and one was identified as needing to be redirected to the Ministry of Justice.

The following changes have, or are being, implemented:

- two elements of national policing policy have been updated and published by the College

- the College updated professional investigator training to explicitly include outcomes about search powers and search warrants
- the MPS carried out a range of activity to review guidance, provide refresher training, communicate with staff and update training materials
- the MPS is reviewing its process to improve communication with suspects who attend interviews voluntarily

“I remain optimistic that these recommendations, along with all the other learning we have in this field, will help improve working practices in the Met, and ...short term changes have already been made. I welcome the approach taken by the IOPC...focusing very clearly on learning and improvement.”

Cressida Dick, MPS Commissioner

16. One recommendation about amending statutory guidance to make search warrant applications clearer was not accepted. This is because the recipient felt it could be addressed by the Police and Criminal Evidence (PACE) Strategy Board, working with the Criminal Procedure Rules Committee, to ensure concerns around these applications are addressed. The other recommendation concerned ensuring that police forces take steps to ensure a fair and balanced summary of the reasons for taking no further action at the end of an investigation are put into the public domain. This was not taken forward due to concerns about the fair treatment of suspects during and after investigations.

“These [recommendations] will make tangible differences, with police officers receiving better training and having a better understanding of search powers and warrants, particularly around issues such as duty of disclosure and seizure of property.”

Michael Lockwood, Director General

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- the Criminal Procedure Rules Committee¹⁷ agreed to amend guidance notes on applications for search warrants
- the College developed clearer guidance to support chief officers in communicating the national position about the ‘culture of belief’¹⁸
- the College worked closely with the NPCC and the MPS to develop clearer communications on the position of policing on ‘belief’. Final discussions are taking place to ensure the materials forces receive give the clearest information possible

- the MPS updated its media policy to fully incorporate the College’s policy on media relations

The IOPC also recommended the Ministry of Justice considers the costs and benefits of implementing audio recording of search warrant application hearings, and whether this should form part of the hearing process.



17. The Criminal Procedure Rules govern the way criminal cases are managed, and set out the processes of the criminal courts. The Committee is responsible for amending and making new Criminal Procedure Rules.

18. The culture of belief ensures a victim focused approach to crime recording. The intention is that those reporting crime are believed, are treated with empathy and their allegations are taken seriously. Any investigation which follows should then be taken forward with an open mind to establish the truth.

Organisational learning recommendations

While most complaints, investigations and appeals or reviews focus on individual cases, they can also have a significant wider impact when we find that learning or improvement is needed at an organisational or national level.

Our recommendations can help bring about changes to policing and protect both members of the public and the police by:

- preventing similar incidents where something has gone wrong
- raising awareness of gaps in policy or training
- highlighting issues with equipment, systems or practices
- encouraging forces to adopt good practice

From 1 April 2019 to 31 March 2020, we made 105 formal organisational learning recommendations¹⁹.

- 90 learning recommendations made to local police forces
- 81 recommendations about policy or guidance
- 19 recommendations about training for police officers and staff
- 15 recommendations targeted at national organisations, such as the NPCC and the College
- five recommendations about legislation, record management and the provision of equipment to officers

Source: IOPC recommendations tracker

19. Seventy seven recommendations were made under paragraph 28A of Schedule 3 of the *Police Reform Act 2002* and 28 recommendations were made outside of the paragraph 28A provisions. Of the 77 recommendations we made under paragraph 28A, 65 were accepted and three were rejected. We are awaiting responses to the remaining 9.

Case study

Improving the handling of stalking and harassment allegations

After a woman was murdered by her ex-partner, our investigation resulted in police officers nationally being instructed not to hand out Police Information Notices (PINs)²⁰ in stalking and harassment cases. The recommendation was issued to chief constables of all forces in England and Wales by the NPCC in the wake of the woman's killing at the hands of her ex-partner who had spent months stalking and harassing her.

In the months before her death, the woman made several reports to the police, but was fined for wasting officers' time after she initially failed to disclose the relationship with her ex-partner. The harassment case was closed before her pleas for help were properly investigated.

In our final report on the police force's contact with the woman before she died, we found a number of failings by the police. Two officers, who had left the force before disciplinary

proceedings, were found to have committed gross misconduct and misconduct respectively for the way they dealt with the allegations, and for failing to comply with force policies on domestic abuse. The officer who committed gross misconduct was placed on the Police Barred List. A third officer was given a written warning after being found to have committed misconduct for the way they dealt with the woman's allegations. Three other officers received management action²¹.

We made 16 recommendations to the force to improve training for officers and staff, risks assessments, the recording of information, and the identification of stalking victims and perpetrators on its systems.

As a result, more than 2,600 officers and staff across the force have completed an e-learning package on stalking and harassment. The force also delivered vulnerability and stalking training to over 800 officers and staff to

As a result, more than 2,600 officers and staff have completed an e-learning package on stalking and harassment.

ensure stalking patterns of behaviour are recognised and action is taken. Over 250 officers and staff have been trained as domestic abuse points of contact, and over 50 staff have been trained as harassment and stalking points of contact to review incidents and provide support to staff across the force.

The force updated its policy and systems to ensure that:

- risk assessments are completed in all instances of stalking and harassment
- allegations of harassment and stalking are recorded clearly
- victims and perpetrators are highlighted on force systems

Control room staff have been given updated training on conducting searches on force computer systems and recording information about ongoing allegations or incidents. Guidance has also been issued by the force to clarify that fixed penalty notices should no longer be issued in cases of domestic abuse.

Adding to previous calls by HMICFRS and the NPCC, we also recommended that the NPCC advise forces that PINs should not be issued in cases involving stalking or harassment. This was done with immediate effect.

20. PINs were issued by police forces to alleged perpetrators of harassment, warning them about their behaviour. These notices didn't constitute formal legal action and weren't formal police cautions.

21. Management action is where a manager deals with the way a police officer or member of staff has behaved. It can include: showing the officer or staff member how their behaviour fell short of expectations set out in the standards of professional behaviour; identifying expectations for future conduct; or addressing any underlying causes of misconduct.

Learning the Lessons magazines

Our Learning the Lessons magazines support police forces to improve police policy and practice. Short, anonymised case studies and questions about real-life cases help readers to consider whether they need to make any changes in their own force.

Last year we launched a panel bringing together a range of stakeholders to support us in developing new editions of the magazine. Representatives from policing, the community and voluntary sector and academia provided advice and guidance on content for the magazines. This year we published issues on custody, missing people and young people. Around 1,000 people receive each issue, with over 5,000 downloads of the magazines from the IOPC website during the year.

The issue on custody featured learning on communication, use of welfare equipment²², and checks on people held in custody. It included articles on findings from recent HMICFRS custody inspections and academic research on good practice in custody.

“...[Learning the Lessons] helps make our training packages appropriate to the risks and situations that are current... being the lead for custody first aid training it keeps me up to date and informed on the issues and events happening in custody nationally and I adapt my training packages around these topics.”

Anonymous reader feedback on Learning the Lessons custody issue

The issue on missing people included a new section on innovation and improvement to highlight good practice in forces and non-police organisations – 93% of people who provided feedback on this issue said they wanted to see similar content in future magazines. The magazine also included accounts from three people who shared their lived experience of missing persons investigations. The magazine was promoted to 400 delegates at the National Missing Persons Conference.

The issue on young people was guest edited by members of the IOPC Youth Panel, highlighting different scenarios and outcomes of real-life interactions between young people and the police. It included young people’s experiences of contact with the police and provided useful hints and tips for police working with young people. This content has now been designed as a poster and will be distributed to all police stations across England and Wales. The magazine was launched at the NPCC’s Child Centre Policing Conference in January 2020.

22. The learning concerning welfare equipment related to access to wheelchairs, access to anti-rip clothing, and the risk posed by red lifeline cords in disabled toilets.

What the feedback shows

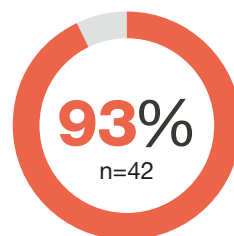
Our readers value the practical examples and guidance provided by the magazine, which has positively impacted policing practice on the ground.

“[I circulate Learning the Lessons] widely across the force. Delegated business owners review cases, the key questions and action taken by the force concerned, compare with policies, procedures and practice in their area of business and take any necessary action if deficiencies are apparent in order to prevent similar occurrences happening in this force.”

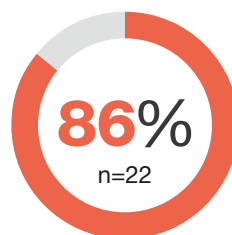
Anonymous, via reader feedback survey about our issue on missing people



2,009 people
downloaded this issue from our website



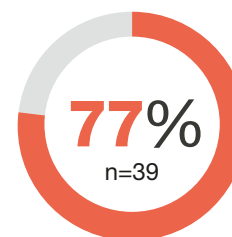
of respondents intended to share the issue on custody with colleagues to help disseminate the learning it contains



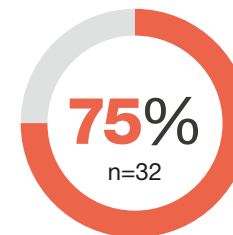
of respondents who work in a custody setting said they will think differently about how they communicate with people who are brought into custody



1,335 people
downloaded this issue from our website



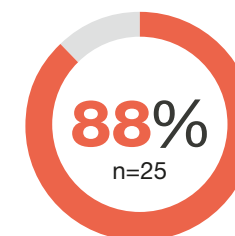
of respondents said they would think differently about how they communicate with people whose friends, family or loved ones are missing



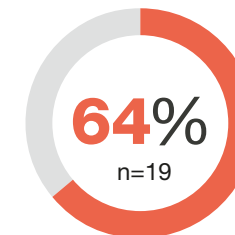
of respondents said they would think differently about how they handle missing persons investigations



1,410 people
downloaded this issue from our website



of respondents would think differently about how they interact with young people they encounter during their work



of respondents would consider making changes to policies, guidance or training they are responsible for to reflect the learning from the magazine

Influencing the bigger picture

Contributing to inquiries and consultations is one way in which we help to share and maximise the learning from our work. This can inform and influence changes not only to policing, but across the criminal justice system and other sectors.

We used our experience and the learning from our work to help inform:

- Home Office consultations on firearms licensing and changes to counter-terrorism legislation
- a College consultation on the code of practice on armed policing and police use of less lethal weapons
- the Police Foundation’s strategic review of policing in England and Wales
- policing inspection programmes undertaken by HMICFRS

We also informed national guidance and reports developed by policing bodies. In March 2020, the NPCC published the National Strategy on Policing and Mental Health. We used the learning from our work to help shape the NPCC’s strategy. As a result, several amendments were made to the strategy before publication, including:

- revising a core principle to highlight the importance of de-escalation²³ and containment²⁴ as preferable to using restraint
- adding a strategic objective reinforcing the need for police forces to review their mental health training regularly, including consideration of learning from IOPC investigations, coroners’ recommendations and HMICFRS inspections
- adding a section about people with mental health concerns and police complaints. This was based on our research, which found that there are a number of barriers to using the police complaints system for people with mental health concerns. This reinforced the importance of them being confident that their concerns will be dealt with in a fair and thorough manner

We shared information to help HMICFRS produce its report on Shining a light on betrayal: Abuse of position for a sexual

purpose. We provided data on cases and critically reviewed the report, as well as playing a role on an external reference group, which helped to inform the recommendations within the report.

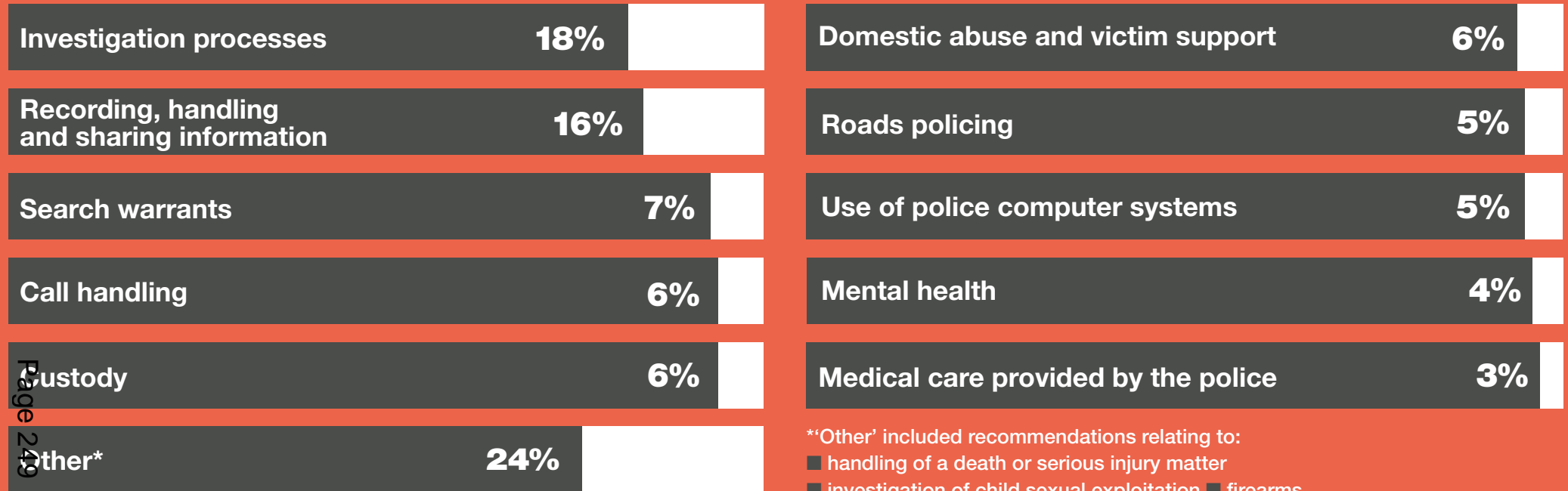
“I am writing to pass on my sincere thanks for being part of our external reference group helping to inform this important piece of work. The success of this report was down to the expert advice, guidance and support provided by the group.”

Zoë Billingham
HM Inspector of Constabulary

23. De-escalation is a way of reducing the intensity of a situation or conflict.

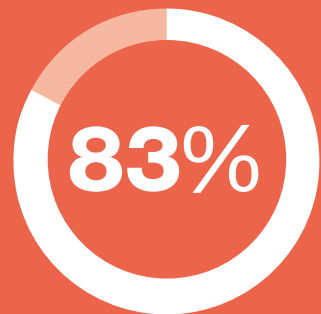
24. Containment is a way of keeping a harmful situation under control.

Learning recommendations (broken down by theme)

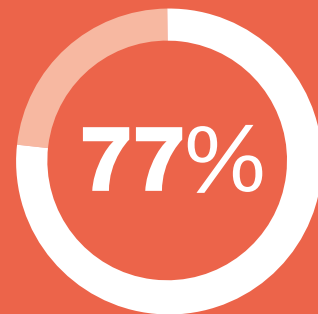


*'Other' included recommendations relating to:

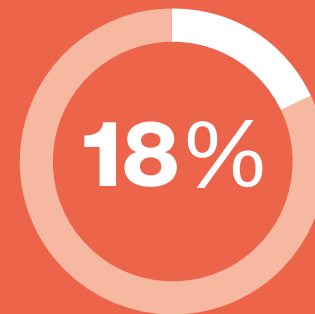
- handling of a death or serious injury matter
- investigation of child sexual exploitation ■ firearms
- management and supervision ■ decision making during policing investigations



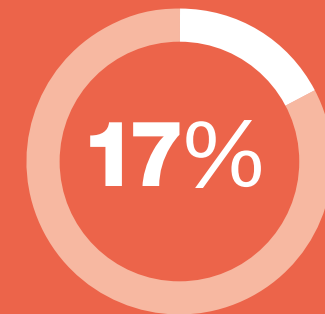
learning recommendations made to local police forces



recommendations on policy or guidance



recommendations concerned training for police officers and staff



recommendations made to national policing bodies and other organisations*

*such as the Home Office and the Ministry of Justice



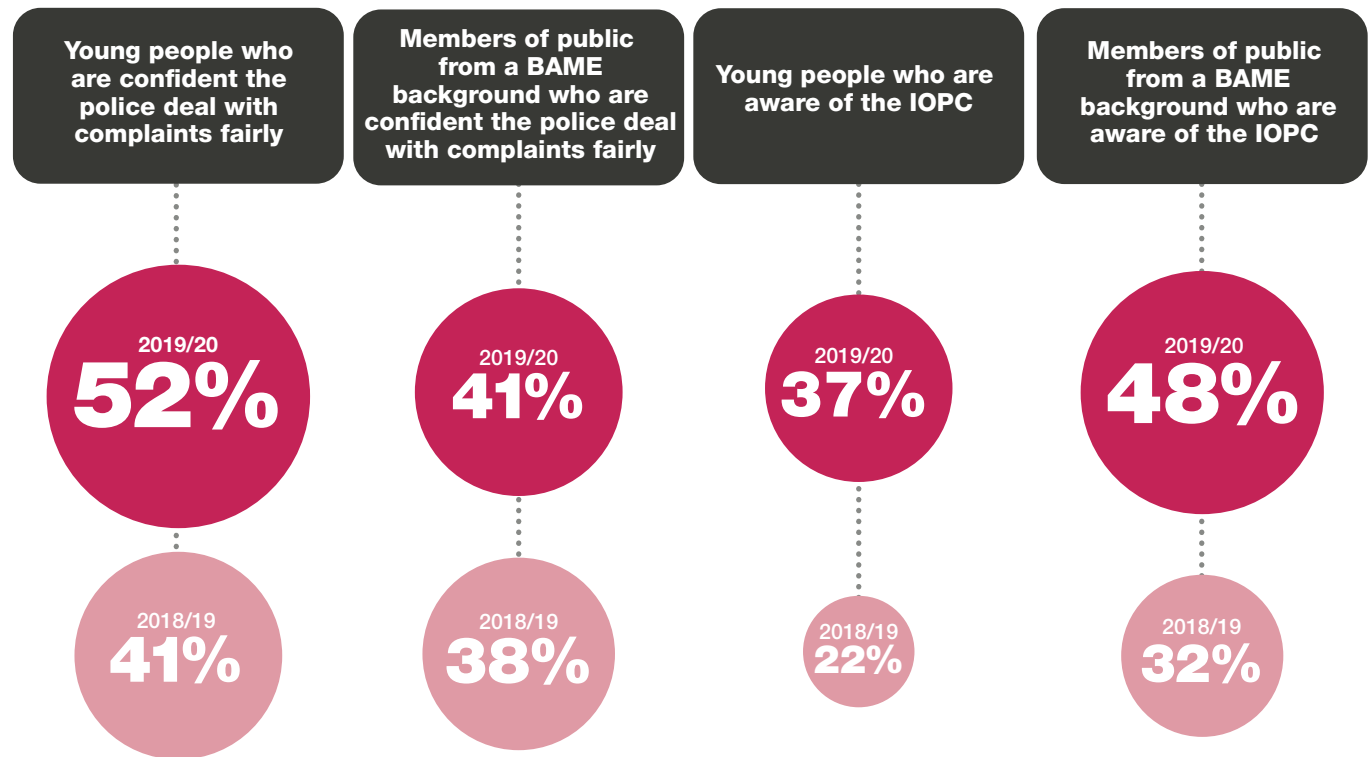
Working with others
to improve the police
complaints system

Engaging with a range of stakeholders and communities so they understand how to access and have confidence in the police complaints system

We work with and listen to a wide range of people, including complainants, families, police officers and staff and community and voluntary groups. We also work with organisations across the criminal justice system to identify how individually and collectively we can make a real difference.

Our work has a particular focus on increasing the confidence of those who we know have the least trust in the complaints system – for example, young people and those from a black, asian and minority ethnic (BAME) background. We want to ensure these groups understand their right to complain and have confidence in accessing and using the complaints system.

Ultimately, changes made as a result of this work and listening to our service users deliver a positive impact by improving the police complaints system, improving policing and helping to protect the public.



Source: IOPC Public Perceptions Tracker: Annual 2019/20 report summary and 2018/19 report summary

Working with young people

Research shows that young people have lower levels of confidence in the police complaints system than others. They are also less willing to complain and less likely to have heard of the IOPC.

This is an important area of focus for us and in January 2018 we established a Youth Panel to support this work. The panel help us to understand why young people have lower levels of confidence in the police complaints system, and to explore how we can increase young people’s confidence in the system.

The Youth Panel’s consultation with over 800 young people helped to provide a better understanding of young people’s concerns about the police complaints system. Those taking part reported feelings of powerlessness, negative experiences with the police and difficulty navigating the complaints system. This year, the panel helped us to implement a range of recommendations which resulted from this consultation.

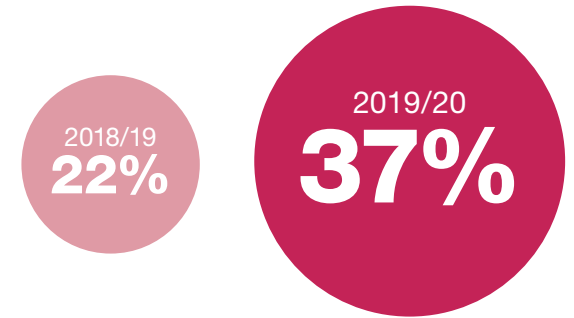
As part of the NPCC’s Child-centred Policing Conference, the Youth Panel shared the findings from this consultation with an audience

made up of senior police officers from forces across England and Wales. Their message voiced common issues experienced by young people dealing with police. A video and posts we shared on the NPCC’s youth Instagram account about how to make a complaint were seen by 700 people. Of those, 250 voted in a poll, with 76% saying they would be confident in making a complaint after watching the video.

The panel also attended a range of other events to improve engagement and build positive relationships. For example, a member of the panel spoke to school liaison officers and members of a youth offending team about our role and about the panel’s work.

Members of the Youth Panel helped provide training for staff in our customer contact centre. This is part of our continuing work to improve the service we provide to young people and build their confidence in the complaints system.

Young people’s awareness of the IOPC

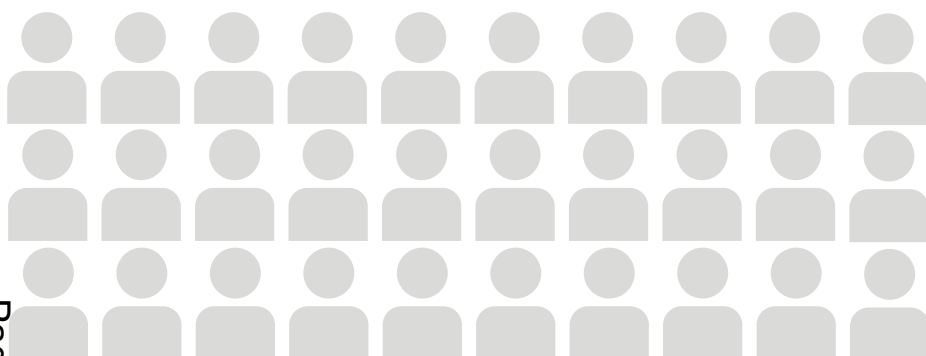


Source: IOPC Public Perceptions Tracker: Annual 2019/20 report summary and 2018/19 report summary

Working with the panel, we also developed a young person’s guide to the police complaints system, communicating clearly and concisely what they need to know, and what they can expect if they make a complaint.

The panel also advised us on the impact of a high-profile stop and search investigation involving young people. Their input helped to inform our assessment of the effect of this incident on the local community, and how we engaged with the community.

Our peer-led Youth Panel



30 young people, aged 16-25

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Male, female and non-binary



Two thirds BAME



A third with lived experience of the criminal justice system



One in ten LGBT+

From across
England
and
Wales



Feedback from our Youth Panel

“We [have] been given a unique opportunity to voice the opinions of young people that have often felt silenced by organisations bigger than them. Having an organisation as impactful as [the IOPC] actively work to listen to the concerns that we, as the youth of England and Wales, have is stirring...I have felt inspired by the IOPC’s drive to make [the] police complaints system more widely accessible to people who have previously not been aware about where to go when making a complaint.”

Shawny, IOPC Youth Panel member

“[The panel] has really given young people, especially those of BAME background, a voice to raise concerns and really shape the direction of policing and the criminal justice system as whole... My worry at first was that this youth panel was simply ticking the community engagement box and would be over in a year, yet the youth panel has now become a significant and prominent part of engagement and continues to support the direction of policing and the complaint system.”

Ahmed, IOPC Youth Panel member

“This project has allowed young people from across England and Wales to actively [be] involved with the IOPC and influence positive change at a senior level by working collaboratively to produce more young person focused practices and procedures aiming to empower, educate and engage larger numbers of young people. The project has given me the opportunity to build my confidence and knowledge of the system to pursue a complaint of my own experience with the police.”

Anna-Louise, IOPC Youth Panel member

Raising awareness of the IOPC

Understanding of our role is an important part of developing confidence in the complaints system and we are working hard to increase this through better communication and engagement.

In March 2019, research told us that 40% of respondents said they had heard of the IOPC. While there is still more to do to ensure the public understand our role and work, recent research indicates an increase, with 59% of respondents saying they had heard of the IOPC²⁵.

We proactively provide information to the media and publish news releases about cases. Media coverage helps us to raise awareness of our work and can contribute to public confidence in effective police oversight. We also share information via social media, newsletters, reports and publications.

Publishing information provides transparency around the most serious complaints and incidents, including being clear about what police forces can learn from them. It also means that members of the public can see the issues arising from their local force and policing more generally, how they are being dealt with, and how their police force compares to others.

The information we publish includes:

- an annual report on deaths during or following police contact. This provides an overview of the nature and circumstances of each death
- quarterly and annual statistics on police complaints at both local force and national level
- investigation reports and summaries
- organisational learning recommendations from investigations, appeals and reviews to improve policing practice

During the year, we also held several outreach events to increase knowledge and understanding of our organisation in local communities.

For example, an event in the north west of England was attended by people from hard-to-reach groups²⁶ as well as representatives from MPs' offices, PCCs' offices, local government, community groups and faith organisations. The event covered why the IOPC was created, our role, and how we work.

25. IOPC Public Perceptions Tracker: Annual 2019/20 report summary.

26. Our research shows that, compared to the general public, confidence in the police complaints system is lower among hard-to-reach groups and young people.

Increase in awareness of the IOPC

51%
March 2020

40%
March 2019

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Source: IOPC Public Perceptions Tracker: Annual 2019/20 report summary

Following the event, 100% of survey respondents felt their understanding of our role in the complaints system had increased. Ninety-five per cent said the event had increased their understanding of our work, and we received further requests from these organisations to learn more about our work.

We also held an event for policing stakeholders to dispel some misconceptions about our work.

Around 60 delegates from policing organisations attended the event, which aimed to help delegates better understand our work within the police complaints system. Feedback from the event was positive, with 90% of survey respondents feeling the day was useful for them, and 95% saying their awareness of the IOPC had increased.

Case study

Wales conference on roads policing

With deaths from police-related road traffic incidents rising in 2018/19, in October 2019 we hosted a conference in Wales on roads policing and post-incident management²⁷. Seventy-five delegates from police forces in Wales and the south west of England, and from the Police Federation attended the conference, along with our own staff. The event shared knowledge and experiences of:

- the role and work of a police collision investigator
- the role of family liaison managers in our investigations
- guidance on post-incident management
- the work of our Roads Policing SMN

Case studies referred to throughout the conference tackled common issues encountered in roads policing, focusing on incidents that involved the police and resulted in death or serious injury.

Ninety-five per cent of survey respondents found the conference very or fairly informative.

27. Post-incident management refers to procedures that follow certain serious incidents involving the police that result in death or serious injury or reveal failings in command. These procedures ensure the subsequent investigation is conducted in a manner that supports the wellbeing of relevant parties, secures best evidence and promotes public confidence in the integrity of the process.

Improving how we meet the needs of our service users

Every day, we interact with many different people. We are committed to providing the highest possible standard of customer service, but are aware that service users have previously highlighted the need for us to provide more meaningful communication with them.

To improve the service we provide, we worked towards and gained Customer Service Excellence®²⁸ accreditation in March 2020.

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The Customer Service Excellence standard tests those areas that research has indicated as a priority for customers, with a focus on delivery, timeliness, information, professionalism and staff attitude. There is also emphasis on developing customer insight, understanding the user’s experience and robust measurement of service satisfaction.

Before the assessment, we agreed 94 activities to ensure we put service users at the heart of our work. This included developing service user ‘personas’ and raising awareness of our Service User Standards among staff.

We demonstrated compliance against the 57 assessment criteria and achieved a rating of ‘compliance plus’ in three areas, meaning we exceeded requirements.

“I will be sharing my experience with my colleagues so if any of them find themselves under investigation in the future they will be reassured that the investigation...will be conducted promptly and professionally.”

Anonymous, police officer

28. Customer Service Excellence® is a nationally recognised standard that demonstrates an organisation’s commitment to customer service. The accreditation assesses 57 elements, which are split across five key criteria: customer insight; the culture of the organisation; information and access; delivery; and timeliness and quality of service.



The nature of our work means we often interact with customers who don't agree with the outcomes of our investigations or decisions. In this context, not all our customers may be satisfied, but they do have a right to expect high standards and fairness. Achieving this accreditation demonstrates our focus on these areas.

“There has been a sea change ... I was really concerned about the IPCC and about their general approach to allegations made against police officers. They had almost a default position of the officers having been involved in wrongdoing. Now, with the IOPC, they investigate the facts and the circumstances and do so without prejudice.”

Police stakeholder, IOPC stakeholder research 2019

■ Feedback from service users during the assessment

“Decisions are logical and fair, and relied on the information from the Subject Matter experts; the relationship is good.”

“The letter confirmed the outcome of the investigation and the rationale, very clear direction.”

“...a good relationship, we can have open and frank discussions regarding the investigation.”

■ Feedback from the assessors

“Employees are professional, patient and respectful and showed customers high levels of understanding and empathy. This was not just anecdotal evidence from interviews: assessors listened in to some live calls and were impressed with how staff handled very difficult conversations.

“Staff endeavoured to contact and build relationships with hard-to-reach and disadvantaged groups and individuals.

“There is a clear, genuine desire for staff at all levels to deliver strong performance results...”

Seeking feedback from our stakeholders

Understanding confidence

We undertake regular surveys of the public to assess their perceptions and awareness of the police, the police complaints system, and our work.

In December 2019, we conducted deliberative research events to help us understand in more detail the things that drive or influence the public's perceptions. Deliberative research is in-depth research to uncover what people think and why. We held two full-day events in London and Leeds, each attended by 50 members of the public who were broadly representative of the local area.

We also held an additional event, which explored the confidence of black members of the public. Understanding the views of BAME people is a key focus for us as our research tells us they have lower confidence in the police complaints system. This event was held in London and attended by 20 people. The results are now informing our future work to

increase confidence of BAME communities in the IOPC and the police complaints system. For example, we are examining how we can use this research to target the information we provide and better engage with BAME communities.

“We have seen them change quite a lot in a year and actually, from a civil servant’s perspective we know how difficult it is for large organisations to change. I’m impressed with the speed of change.”

Police accountability stakeholder, IOPC stakeholder research 2019

Stakeholder feedback

Last year we conducted research with our stakeholders to understand their views and seek feedback on our work²⁹. Their views are important to our overall success, and provide an indication of their confidence in our work.

The research tells a story of positive change. Stakeholders report better dealings with the IOPC than at any time in the past, as well as an improvement in their favourability towards the organisation. This positive change is attributed to three areas:

- a much-welcomed shift in focus towards learning
- better stakeholder outreach and engagement
- leadership that is listening to stakeholders’ concerns and showing an intention to deal with them

29. Between April and August 2019, we gathered 125 quantitative responses and conducted 25 qualitative interviews with our police stakeholders, police accountability stakeholders and non-police stakeholders. Police accountability stakeholders include organisations such as HMICFRS, the College, the CPS and coroners. Non-police stakeholders includes parliamentarians, local government, charities, community groups and faith organisations.

Our stakeholders' views

Overview of performance on key areas

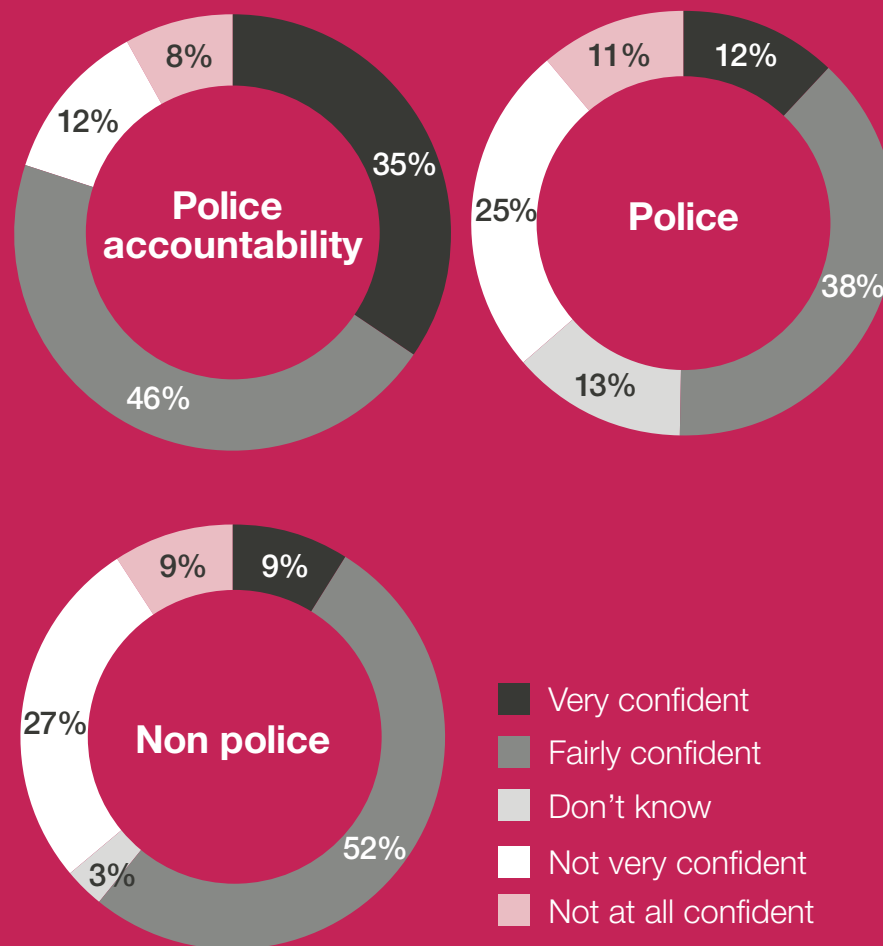
The IOPC has positive net effectiveness* scores as follows:



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*Net effectiveness is the proportion of respondents who think an organisation is effective minus the proportion who think it is ineffective. The score measures stakeholders' overall perception of the IOPC's effectiveness in relation to our mission and priorities. A plus or minus sign before a figure shows whether an organisation has positive or negative net effectiveness.

Confidence that the IOPC deals with its work in an impartial way



Source: IOPC Public Perceptions Tracker: Annual 2019/20 report summary.



Ensuring we are an effective organisation

Independent
Office for
Police Conduct
Staff Network

Working to continually improve as an organisation and support our workforce to deliver an excellent service

As an efficient and effective organisation, our focus is on attracting and retaining a highly skilled, diverse workforce, providing staff with a good working environment, and ensuring that they are supported.

Page 261 A great place to work – what our staff say

Ensuring our staff feel motivated, supported and proud to work for the IOPC is important in making us a great place to work. Higher employee engagement is also linked to better organisational performance. From gathering feedback to monitoring progress, regular staff surveys help us measure this engagement and improve our performance.

Each year, we take part in the Civil Service staff survey. Our staff survey is an indicator of how well we are doing in making the IOPC a great place to work. We expected to see a shift in the results, but these results were beyond expectations with areas such as understanding

of our organisational objectives and purpose now in the Civil Service high-performing range.

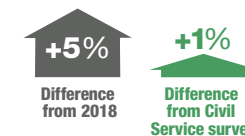
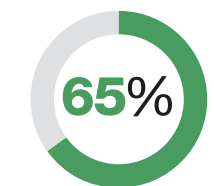
The October 2019 staff survey received an 80% response rate, up five percentage points from 2018. The overall response rate for the Civil Service was 67%. Highlights include:

- **staff satisfaction increased across nearly all measures**
- **of the 30 categories measured, 21 showed statistically significant improvements**
- **in some categories, there has been an improvement of nearly 25%**

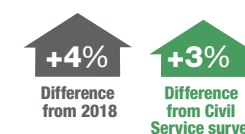
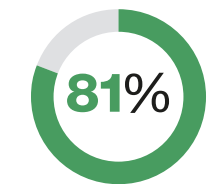
Our performance in a number of categories is now in line with high-performing Civil Service teams. We need to take a closer look at some categories and consider how we can improve them, but overall, the results suggest we are on the right track.

Staff survey results 2019

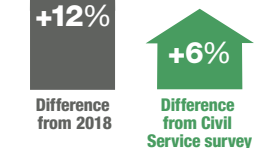
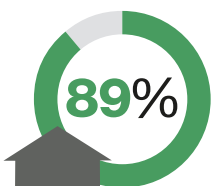
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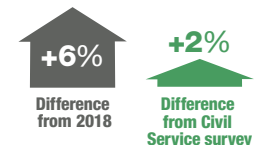
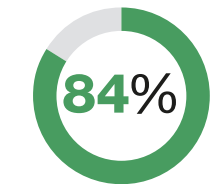
Inclusion & fair treatment



Organisational objectives & purpose



My team



Happier and better supported staff

In response to previous staff survey results which highlighted frustration with recruitment processes, we are streamlining and improving our recruitment processes, as well as developing apprentice and intern programmes.

During the year, we launched a new leadership and management programme, introduced a leadership charter, and introduced a mentoring and coaching programme for all staff. We also started work to deliver a new digital learning platform, which will give staff access to flexible learning in real-time.

We recognise that managing staff turnover and absence are important elements in ensuring we have a highly skilled workforce. From 1 April 2019 to 31 March 2020, staff turnover³⁰ was 5.77%, lower than the 9.35% turnover the previous year. Staff sickness and absence was 2.8%, lower than last year's rate of 3.02%.

We improved access to wellbeing initiatives and health checks with a new employee assistance provider and developed an employee wellbeing strategy. We also introduced the Stress and Trauma Resilience Employee Assistance Model (STREAM), a bespoke peer-support system available for all staff experiencing stress, low resilience or exposure to trauma.

³⁰. Staff turnover is the percentage of employees who leave the IOPC and are replaced by new employees.

Case study

Supporting staff wellbeing

The nature of our work means our staff sometimes have to deal with difficult and distressing situations, such as attending a fatal incident. Resilience – the capacity to recover quickly from difficult situations – can be impacted by work-related or personal circumstances.

To support wellbeing, we created the Stress and Trauma Resilience Employee Assistance Model (STREAM) to help staff during times of stress, low resilience or exposure to trauma. Forty-seven staff have been trained as STREAM practitioners, with 166 referrals received since launch. This included supporting staff who attended the scene of a fatal shooting.

In November 2019, a STREAM practitioner spoke at a national Wellbeing@Work event attended by over 200 people. They joined panel members from Santander, Thales Group, Deloitte, and Headspace – an organisation known for its meditation app – discussing ways we are implementing wellbeing support for employees.

Since then we have provided advice to other organisations interested in introducing similar initiatives, including the Police Ombudsman for Northern Ireland and a student accommodation provider.

“It has legitimised peer support, ensured that staff always have somewhere to turn and ensured that the mental health of colleagues is now talked about in the office and at the forefront of management decisions.”

Feedback on STREAM assessments

A more efficient organisation

We launched an innovation and improvement scheme for staff to share their ideas on making us a more efficient organisation. Since inception, 126 staff-led improvement suggestions have been considered. One of the suggestions resulted in the launch of a group to better manage demand for advanced interviewers and provide advice to support decision-making during investigations.

To draw together and develop our in-house expertise in key areas, we developed Operational Practitioner Groups. These groups focus on the following areas:

- disclosure
- digital investigations
- investigative interviewing
- learning recommendations
- report writing

These groups are committed to improving the quality and effectiveness of our work by increasing knowledge and specialist skillsets. For example, we established a digital investigations group to improve our capabilities and knowledge on digital evidence. Six members of staff have been trained as digital investigation specialists. They now

provide advice and support on investigations, addressing over 130 requests for assistance during the last year.

We remain committed to providing better systems and equipment for our staff and during the year completed our ICT transformation project. This helped our staff to move quickly to homeworking during the COVID-19 pandemic.

Further information about our budget, workforce data and performance is published in our annual report, available at www.policeconduct.gov.uk

Looking ahead

This report provides examples of how we use learning from our work to influence changes in policing, ensure accountability and support best practice. While we know that we can and do make a positive difference, we recognise there is still much more to do.

Our plans are ambitious, but we are determined to bring about further improvements in our own work and across the wider complaints system. Central to this will be our continued focus on listening to those who come into contact with the system, and to those who can provide insight that helps us to achieve our mission.



To find out more about our work or to request this report in an alternative format, you can contact us in a number of ways:



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Canary Wharf
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We welcome telephone calls in Welsh

Rydym yn croesawu galwadau ôn yn y Gymraeg

This document is also available in Welsh

Mae'r ddogfen hon ar gael yn y Gymraeg hefyd

September 2020

For immediate release: 28 October 2020

Review identifies eleven opportunities for the Met to improve on stop and search

Eleven opportunities for the Metropolitan Police Service (MPS) to improve the way it exercises stop and search powers and consider disproportionality have been recommended by the Independent Office for Police Conduct (IOPC) following a review of recent stop and search cases.

The IOPC recently completed five investigations involving the stop and search of Black men by MPS officers and reviewed the collective evidence gathered to consider disproportionality, legitimacy and how force was used.

We found the legitimacy of stop and searches was being undermined by:

- a lack of understanding about the impact of disproportionality
- poor communication
- consistent use of force over seeking cooperation
- the failure to use body-worn video from the outset of contact and
- continuing to seek further evidence after the initial grounds for the stop and search were unfounded.

IOPC London Regional Director Sal Naseem said:

“Stop and search is a necessary policing tool, but it must be used in the right circumstances and with care. We are concerned that confidence in the MPS particularly with Black communities across London is being affected by how officers undertake stop and search.

“An important part of our role is to help improve public confidence and to use the learning from our work to prevent the same issues from happening again.

“The review mirrors concerns expressed to us by communities across London. We saw a lack of understanding from officers about why their actions were perceived to be discriminatory. We recommended the MPS takes steps to ensure that assumptions, stereotypes and bias (conscious or unconscious) are not informing or affecting their officer’s decision making on stop and search.

“For example, our review included scenarios where two Black men fist-bumping were suspected of exchanging drugs and also where a Black man in possession of someone else’s credit card was suspected of having stolen it even after providing a credible explanation.

“In two investigations, the smell of cannabis formed the sole grounds given for the stop. Not only is this counter to policing practice, it undermines the legitimacy of the stop and search.

“Handcuffs were also used in nearly all instances where the use of other tactics could have de-escalated the encounter,” he said.

In several of these investigations, although the initial search was negative, rather than ending the encounter, officers found new grounds to continue the search.

The review also found body-worn video was not being used consistently from initial contact. Used properly, it can provide a clear and impartial record of an interaction and provide a speedy resolution as part of the complaints process.

“The review highlights the need for the Met to reflect on the impact this kind of decision making is having. There is also a need to better support officers on the frontline to do their jobs effectively with the right training and supervision so they aren’t subjected to further complaints and investigation. There is clearly much room for improvement.”

In making these learning recommendations a consultation exercise was undertaken to listen to, and where appropriate, incorporate feedback from organisations and people who are most affected by stop and search and with lived experience such as Y-Stop and Stopwatch, our own IOPC Youth Panel, and a range of stop and search Scrutiny Panel Chairs including the Pan-London Chair.

Recommendations made to the Met included:

- taking steps to ensure that their officers better understand how their use of stop and search powers impacts individuals from groups that are disproportionately affected by those powers
- ensuring there is a structure in place so leaders and supervisors are proactively monitoring and supervising the use of stop and search powers and addressing any concerning trends or patterns/ sharing any identified good practice at; individual, unit or organisational level
- taking steps to ensure that assumptions, stereotypes and bias (conscious or unconscious) are not informing or affecting officer’s decision making when carrying out stop and searches, especially when using these powers on people from Black communities
- ensuring officers are not relying on the smell of cannabis alone when deciding to stop and search someone and use grounds based upon multiple objective factors
- ensuring officers carrying out stop and searches always use the principles of GOWISELY and engage in respectful, meaningful conversations with the persons being stopped
- ensuring stop and search training incorporates a section on de-escalation, including the roles of supervisors and colleagues in controlling the situation and providing effective challenge
- ensuring officers exercising stop and search powers are ending the encounters once their suspicion has been allayed, in a manner that minimises impact and dissatisfaction, unless there are further genuine and reasonable grounds for continued suspicion
- ensuring officers exercising stop and search powers are not using restraint/handcuffs as a matter of routine and are only using these tools when reasonable, proportionate and necessary

- amending stop and search records to include a question about whether any kind of force has been used. The records should also state where information about the kind of force will be recorded
- ensuring officers are following APP and MPS policy and switching on their body-worn video camera early enough to capture the entirety of a stop and search interaction
- supervisors taking a proactive role in monitoring and ensuring compliance with body-worn video APP and MPS policy.

The Met has [accepted all the recommendations in their response](#) to the IOPC.

More information on police guidance on stop and search, including the use of GOWISELY can be found on the [College of Policing website](#): The guidance on stop and search says:

If the person understands the reasons for an officer's action, they are more likely to accept it and not see it as arbitrary or unfair. To maximise the person's understanding before starting the search, officers exercising stop and search powers must adopt the following steps in accordance with GOWISELY:

- identify themselves to the person
- show their warrant card if not in uniform
- identify their police station
- tell the person that they are being detained for the purpose of a search
- explain the grounds for the search (or authorisation in the case of section 60 searches)
- explain the object and purpose of the search
- state the legal power they are using
- inform the person that they are entitled to a copy of the search record and explain how this may be obtained.

ENDS

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Our ref:

Date: 26th October 2020

Dear Mr Naseem,

Thank you for your letter of 21st August 2020. Please consider this as the Metropolitan Police Service's (MPS) response to the IOPC's learning recommendations made under Paragraph 28A, Schedule 3 of the Police Reform Act 2002.

All of the learning recommendations are accepted by the MPS.

The MPS believes that stop and search is a vital tactic to keep Londoners safe and welcomes the learning recommendations intended to improve policing encounters and outcomes. The MPS recognises that how stop and search is approached, trained and delivered remains a significant area of concern for communities across the capital and is committed to ensuring that every encounter is conducted as professionally as possible. We recognise the impact that even a thoroughly professional encounter can have on an individual stopped and searched, and that its impact can resonate more widely with communities.

I have outlined below where work supporting the intended outcomes of your recommendations is already underway as well as providing detail of what further work is planned to demonstrate our commitment to maintaining and enhancing the legitimacy of stop and search.

IOPC recommendation and MPS response.

1. Why that Person – Impact of Disproportionate Use of Powers?

The IOPC recommends that the MPS take steps to ensure that their officers better understand how the application of their stop and search powers impacts individuals from a group that is disproportionately affected by those powers.

The MPS may wish to consider:

- **incorporating the lived experience of BAME people into existing stop and search training;**

The MPS recognises the value of incorporating the lived experiences of Black, Asian and Minority Ethnic communities into its training. A number of different schemes across London are currently being undertaken, with a senior level overview by Commander Jane Connors in her role as the MPS' Stop & Search Lead. The MPS intends to evaluate the various schemes and ensure that best of practice from these is adopted and incorporated into training.

Since 2018 the MPS has adopted an approach where all new police officers meet community members from their own policing area to discuss stop and search and the wider issues that surround it. During COVID-19 this has been more challenging to deliver however many Basic Command Units (BCU) have successfully utilised online engagement and this will continue until face to face sessions can resume.

The MPS is developing an ambitious plan of existing activities and new initiatives to embed both reflective learning and the lived experience to broaden understanding for officers who have moved from student officer training and embarked on their initial BCU deployment phase known as 'street duties'.

Towards the end of this formative part of their foundation training, it is under active consideration that students access additional learning connected with stop and search as seen through the eyes of community members. A draft outline of a potential input has been developed ready for testing in early 2021. However, this is the subject to a full impact assessment to understand design and costing.

Outline proposal:

Sessions 1-3 will focus on raising an officers' sense of the importance of their job as police officers and provide them with an opportunity to reflect on the human aspect of knife crime and serious youth violence, by hearing from individuals with powerful stories of lived experiences. The elements to be delivered are as follows:

- Session 1: IAG chair opening.
- Session 2: A bereaved parent's story and reflections on knife crime.
- Session 3: A gang member's story to enable reflection on the safeguarding aspects of stop and search, how exploitation occurs and highlight the human impact of gangs.

Sessions 4-7 are designed to allow officers to reflect on the quality of all of their encounters with the public:

- Session 4: Community perspectives on Stop and Search with every BCU represented via community members reflecting on their personal Stop & Search encounters.
- Session 5: BAME officer reflections on Stop and Search encounters and how this has shaped their operational practice when they search people at work.
- Session 6: Role reversal Stop & Search video.
- Session 7: Unconscious bias session reflections from the previous sessions.

Understanding the importance of localism we encourage BCU's to deliver inputs that reflect the experience of those local communities. Examples include the 'Mentivity' programme underway in 'Area South' BCU, which presents a poignant personal journey around police encounters shared with local officers from a credible, authentic voice from within the community. This has been delivered to a number of recruit cohorts throughout their training.

Another example of such work is underway in 'Central West' BCU where stop and search leads are making a training video of the lived experiences of those searched to help understand the encounter from the perspective of those being searched, across a much wider reach of officers.

Pan London units such as Violent Crime Task Force (VCTF) and Taskforce also have engagement programmes with communities that enable them to have discussions on lived experiences and the impact on stop and search, especially with young men from Black, Asian and Minority Ethnic communities.

BCUs are planning to ensure a consistent input from local communities and those who experience stop and search as a standard part of their street duties' course.

Additionally the MPS will deliver with four of London's universities the new police entry routes under the Police Education Qualifications Framework (PEQF) from January 2021. An element of this training is called the London Curriculum. This is intended to provide student officers with an understanding of London's rich history including the factors affecting the capital's diversity and key events which resonate with its communities today.

- **the role scrutiny panels can play and how the guidance in the revised and updated College of Policing stop and search Authorised Professional Practice (APP) could be applied;**

The MPS supports and facilitates monitoring groups across London to scrutinise stop and search activity, watch Body Worn Video (BWV) footage, examine stop and search performance data and review suitably anonymised stop and search records to assess the officer's grounds. Such meetings are chaired by London's 32 Community Monitoring Groups (CMGs), with local police in attendance. The chairs of each group form a pan London panel, the Community Monitoring Network (CMN), which has been established for almost 20 years and continues to work closely with the MPS on a range of stop and search issues.

In compliance with the revised College of Policing Authorised Professional Practice the MPS has re-introduced the CMGs ability to review BWV footage. The MPS acknowledges that this is an essential part of community focused stop and search scrutiny. Whilst the viewing of BWV was suspended to allow the MPS to ensure it was compliant with relevant data protection legislation, it has now started with sessions being held during September and October 2020.

- **proactively engage with impacted communities in ways that promote trust and confidence in the use of stop and search – the Reasonable Grounds Panel approach undertaken in Northamptonshire Police is a positive example;**

The MPS has a system to allow community members to examine the reasonable grounds provided by officers. This allows for CMG members to engage in sessions with their local policing stop and search lead officer where reasonable grounds are examined on redacted search records and outcomes are discussed. Improvements to this scrutiny process will be implemented to provide both the BWV and the search record for that incident to ensure that the entirety of information relevant to that encounter is made available. This will be implemented in full by December 2020. Page 273

The changes to the CMG BWV viewing involves the viewers providing feedback that is then centrally collated. This will enable the MPS to identify any themes for consideration by the Stop & Search Gold Group under Commander Connors.

There are 32 borough based CMGs with the offer to each of a monthly viewing of BWV which involves (depending on the length of each BWV) three searches per session.

- **wider roll-out of the Enhanced Stop and Search training currently piloted in West Area BCU if there is evidence to show that it is having a positive impact on community confidence.**

The MPS welcomes the acknowledgement of the West Area BCU's pilot and intends to evaluate it to assess its impact on community confidence. The evaluation is due to take place at the end of November 2020.

The MPS has another similar training package to that being trialled in the West Area BCU in the form of its 'Policing Behavioural Detection' training. It was delivered to the Violent Crime Task Force during September 2020 and the evaluation is due in January 2021.

The MPS recognises the importance of stop and search training and delivers a wide range of training products for stop and search. One has recently been awarded a prestigious Princess Royal training award. These other products include:

Initial Recruit Foundation Training

- The current recruit foundation course input has increased to two and a half days recognising its importance as part of the wider curriculum. It will attract similar attention with the new PEQF framework from January 2021.
- The course focuses on the quality of encounter and the wider community issues surrounding stop and search. The Pan London Community Monitoring Network was involved in the training design phase and contributed to parts of the content.
- The student officer input will be further enhanced from January 2021.

A Different View – Stop and Search Judgement Exercise

- In order to enhance public trust and confidence, the MPS has developed a video based exercise to give both new officers and communities' a deeper insight into police thinking and decision making. The exercise was developed with the overarching aim of improving community confidence in the use of stop and search.
- The exercise has been delivered to a wide range of community groups including a Youth Parliament, Independent Advisory Groups, various conferences and London's own stop and search CMGs.
- The 'Different View' course was recently awarded a Princess Royal Training Award. The training programme was also highlighted as good practice during the 2019 HMICFRS inspection.

Bitesize Stop and Search Training Videos

The MPS has recently made a series of eight short animated training videos covering the key areas of stop and search. These animated videos are easy for officers to watch and are designed to be short and informative, covering the important key themes of stop and search. The new videos have been positively received by officers and cover the following topics:

1. An introduction to stop and search
2. Levels and powers of search
3. Reasonable grounds to suspect
4. The quality of encounter
5. Section 60 for searching officers
6. Section 60 for authorising officers
7. More thorough searches where intimate parts are exposed
8. Supervision of stop and search

These videos are designed to cover the key issues identified through community feedback and other organisational learning. They are hosted on the corporate 'LinkedIn Learning' site making them easy to access to enable continued development.

The IOPC recommends that the MPS ensures that there is a structure in place to ensure leaders and supervisors are proactively monitoring and supervising the use of stop and search powers and addressing any concerning trends or patterns/ sharing any identified good practice at; individual, unit or organisational level.

The MPS may wish to consider:

- **real-time supervision;**
- **regular dip-sampling of officer's body worn video footage;**
- **developing a process to capture regular concerns and share best practice;**
- **the role of reflective practice in this area;**
- **input and ownership at all levels; and**
- **how the related guidance in the College of Policing stop and search APP in this area of supervision and monitoring could be applied.**

The MPS recognises that supervision is vital in stop and search and this message is frequently reiterated to supervisors including specific guidance articles on the front page of our internal intranet pages, a specific stop and search site within our intranet and on various published blogs regarding stop and search.

The MPS recognises the importance of real time and BWV focused supervision of stop and search encounters and our performance in this must improve. This is a standing agenda item on the weekly and monthly MPS wide governance meetings. To further drive improvements a new, revised supervisors' checklist will be issued in November 2020 that will broaden the focus from a process centred supervision to a wider supervisory view of the whole encounter. This will also enable the production of improved management information to provide greater insight which will be considered by the Stop and Search Gold Group.

The broader use of stop and search supervision is also closely monitored by the monthly Gold Group which is chaired by a Commander and the Central Stop and Search Team.

The levels of stop and search supervision are closely monitored. There is a 72 hour target for supervision of stop and search records which was implemented to ensure supervision is completed in a timely fashion. More detailed Page 275s of supervision has been undertaken to

establish the length of time taken to supervise each stop and search and to enhance emphasis on the quality of supervision. Dip sampling of the supervision process will now be monitored through the Stop and Search Gold Group.

Currently 93% of all stop and searches are captured on BWV which is vital to enable supervisors to dip sample a wide variety of stop and search encounters of their staff. One of the new bitesize videos focuses specifically on the supervision of stop and search and offers a range of practical advice for the effective supervision of stop and search including real time supervision, supervising stop and search records and dip sampling officers' BWV.

The MPS Use of Force Strategic Oversight Group has developed a system for communities to review wider encounters of concern – often when raised as a result of viral social media footage. The Group has been meeting every fortnight since early June 2020 and the MPS is now taking steps to ensure this process is rolled out across London's BCUs complimenting the CMGs. The groups will review police encounters with the supervisors of the officers involved in order that feedback and learning can be enhanced by community views and experiences. It is anticipated that these Groups will be in place in all BCUs by March 2021.

The MPS has an existing organisational learning process to enable reflective organisational practice which consists of six components:

1. Central dip sampling by the stop and search team, (BWV, forms and s60 authorities).
2. Local issues are identified in the BCU organisational learning process and then raised at MPS' Stop and Search Gold Group.
3. Frontline reference group insight.
4. Strategic consultative group which consist of representative from has Directorate of Professional Standards (DPS), Learning & Development, Officer Safety Training, Police Staff & Support Associations and Black Police Association.
5. The central team scan and own all IOPC, HMICFRS and external report recommendations to ensure learning is implemented.
6. Central team have links with stop and search leads in other forces and NPCC to capture learning.

The MPS recognises that visible and informed leadership at all levels is vital and to complement first line supervisors the role of the local senior lead for stop and search is fundamental. Whilst considerable guidance and resources are available for supervisors the MPS acknowledges this does not exist for senior leaders. As such the central team intends to create an induction package for all new local Stop and Search leads to inform and empower them to discharge this function effectively. This will be completed and delivered by March 2021.

The IOPC recommends that the MPS takes steps to ensure that assumptions, stereotypes and bias (conscious or unconscious) are not informing or affecting their officer's decision making when it comes to carrying out stop and searches, especially when using these powers on people from the black community.

Given the potential limitations associated with implicit bias training, the MPS may want to consider:

- **giving greater attention to external regulation, such as decision-breaks and real-time supervision.**

Supervisors are encouraged to patrol with their officers to see their use of stop and search first hand and the MPS seeks to ensure that stop and search activity is supervised through the checking of all stop and search records and dip sampling of BWV. This process is

overseen by the Stop and Search Gold Group where supervision is regularly discussed with the stop and search lead from each BCU across London.

The MPS recognises that this front line supervision is an area that needs to improve and we intend to mandate that every front line supervisor view a stop and search encounter for each officer in their line management once every three months. This viewing can be directly when on patrol or by reviewing the BWV. A new supervisor's checklist will be used and the findings shared with the officer to enable improvement. This will be managed locally by BCU stop and search leads and overseen at the Stop and Search Gold Group. This will be mandated to begin by 1st December 2020.

Supervising stop and search activity is included on the Sergeant and Inspector's initial leadership courses and in the MPS new bitesize videos on key areas of stop and search – one of which focuses solely on the supervision of stop and search.

Unconscious bias training forms part of the initial police foundation course and will be included in the new PEQF framework from January 2021. 'Procedural Justice' learning outcomes are also part of a new curriculum design process which underway for officer safety training.

- **the approach adopted to bias within the Enhanced Stop and Search training currently being piloted in West Area BCU.**

The MPS welcomes the acknowledgement of the 'West Area' pilot and we look forward to the evaluation of this programme.

The IOPC therefore recommends that the MPS take steps to ensure that their officers are not relying on the smell of cannabis alone when deciding to stop and search someone and use grounds based upon multiple objective factors.

The MPS initially implemented this approach in 2012 and it remains MPS policy. We continue with its messaging and training to reaffirm this message, in initial training for officers and also with the bitesize videos. In particular, in the 'Reasonable Grounds to Suspect' video the message is once again made clear to officers.

It is recognised that the quality of the grounds recorded form a vital part of police legitimacy and this is an area in which the MPS is seeking to improve. A working group has been recently established of front line leaders to develop ways of prompt and effective improvements to the grounds recorded by officers. Recommendations are anticipated by the end of November 2020.

2. Communication – GOWISELY

The IOPC recommends that the MPS takes steps to ensure that officers carrying out stop and searches always use the principles of GOWISELY and engage in respectful, meaningful conversation with the person being stopped.

The MPS recognises the vital importance of each stop and search encounter using the principles of GOWISELY and engage in a respectful and meaningful conversation. GOWISELY is included in initial training and a variety of other training for established officers. The MPS has also developed a 'Quality of Encounter' (Q of E) Model. Using GOWISELY as the starting point, the MPS Q of E model ensures that officers engage with the person being searched, explain the process, ensure they understand, correctly record the search, and reassure the person as to why the MPS uses stop and search.

The Q of E message has been reiterated during large scale briefings (such as the recent Bank holiday weekend anti-violence initiative) which included specific briefing slides to remind officers to focus on the quality of encounter for every stop and search.

Q of E remains a key part of initial police training and will also be included in initial officer training within the PEQF from January 2021.

The IOPC recommends that the MPS ensure their stop and search training incorporates a section on de-escalation, including the roles of supervisors and colleagues in controlling the situation and providing effective challenge.

As previously mentioned the MPS is in a process of developing officer safety curriculum which blends procedural justice learning outcomes with traditional use of force tactics. Strengthened de-escalation learning outcomes are also a key component part of this new blended approach. Increasingly the MPS' approach to learning will focus on building transferable skills across our workforce that can be effectively applied from one operational context to another at both the supervisor and constable level.

Subject to imminent investment decisions, the MPS has plans to involve community members in both the development and delivery of our recruit stop and search training from April 2021.

The IOPC recommends that the MPS takes steps to ensure that officers exercising stop and search powers are ending the encounters once their suspicion has been allayed, in a manner that minimises impact and dissatisfaction, unless there are further genuine and reasonable grounds for continued suspicion.

The MPS accepts and understands the importance of concluding an allayed search in a manner that increases trust and confidence. The MPS has introduced the concept of an 'allayed' rather than a so-called 'negative' search. It forms a key part of the Q of E model under the Reassure section. This was designed to specifically consider how to professionally end the encounter by acknowledging the impact of being searched and leaving a positive impression. This forms part of the initial student officer training. Students are assessed in an allayed search encounter and the skills required to conclude the encounter in a satisfactory way.

The MPS acknowledges this is an area that requires further improvement and dip sampling of BWV footage still highlights some poor quality encounters. This work continues to be developed through the scenario input for officer safety training and will be formally included within the enhanced safety training from April 2021.

3. Use of Force/Restraint - Handcuffs

The IOPC recommends that the MPS take steps to ensure that officers exercising stop and search powers are not using restraint/handcuffs as a matter of routine and are only using these tools when reasonable, proportionate and necessary.

The MPS is conducting a handcuff review recognising the concerns of London's communities. This is being led by Deputy Assistant Commissioner Twist with the findings of the review expected to be presented to the Commissioner by November 2020. There is particular attention being paid to the use of handcuffs as a pre-emptive measure.

Areas for specific consideration as part of this review are as follows:

- The legal and policy basis for the use of handcuffs pre arrest

- The training officers receive in the application of handcuffs
- The data which shows the extent to which handcuffs are used
- The extent to which there is accountability for the use of handcuffs in records
- Digital solutions for recording
- Engagement with key stakeholders internally and externally to understand their perspectives

I am keen to share the outcome of this review and the MPS decisions in due course.

The IOPC recommends that the MPS amend their stop and search records to include a question about whether any kind of force has been used. The records should also state where information about the kind of force will be recorded.

The MPS recognises that its current recording practices includes stop and search forms, use of force forms and also potential arrest notes and statements. The recording of force is mandated and is currently recorded on the MPS Use of Force Reporting Form. There is a specific question on the form as to whether the incident was related to a stop and search – and if it was, what the search was for e.g. s.1 PACE etc. Included on this form is a section around the justification for force being used which included a further question as to where else such information has been recorded. It asks the officer to justify why they have used force that may include the following:

- Protect public
- Protect subject
- Protect other officers
- Prevent offence
- Secure evidence
- Effect search
- Effect arrest
- Method of entry
- Prevent harm
- Prevent escape
- Other

Furthermore, the officer will need to account for the powers they have employed in the application of the force used.

The MPS recognises that the Stop and Search record does not include a mandatory use of force section, although this is recorded on the separate Use of Force Form. Digital solutions are being scoped to include use of force on the stop and search form itself. Simplification of these recording requirements form part of the handcuff review being undertaken and I will ensure that IOPC colleagues are update with the outcome of this work as soon as possible.

4. Use of Body Worn Video

The IOPC recommends that the MPS take steps to ensure that their officers are following APP and MPS policy and switching on their BWV camera early enough to capture the entirety of a stop and search interaction.

The MPS agrees that body worn video is vital in providing an accurate record of encounters. The use of BWV is mandatory in stop and search.

MPS officers are taught and directed that they should activate their BWV at the earliest possible opportunity in order to maximise the potential to capture evidence. This is communicated in the MPS online e-learning training, which all officers and staff must complete before they use their camera.

This is supported by the pre-event buffer functionality on the Axon cameras used by the MPS. When the camera is turned on, it is in pre event buffer mode, whereby the camera will be capturing video but no audio, in a 60 second loop. The compliance with use of BWV is done through the Stop and Search Gold Group led by Commander Connors and compliance is currently at 93%.

The IOPC recommends that supervisors take a proactive role in monitoring and ensuring compliance with BWV APP and MPS policy.

The MPS reports high compliance rates with officers recording stop and search encounters on BWV at 93%. Supervision of stop and search activity includes checking that the relevant links to the footage are attached to the stop and search report on the MPS intelligence system.

The MPS has also created a BWV dashboard that provides data on compliance for use of BWV when carrying out stop and search. This dashboard provides high-level data at a MPS and BCU level, but can also be broken down to individual teams, which is a useful tool for supervisors. The dashboard data is also shared at the MPS wide Stop and Search Gold Group.

The requirement for front line supervisors to observe their officers undertaking a stop and search once every three months will now be mandated and compliance rates monitored through the monthly Stop and Search Gold Group under Commander Connors.

Conclusion

The MPS accepts and welcomes these recommendations. Stop and search remains a vital policing tactic in keeping Londoners safe and the activities being undertaken both alongside and as a result of these recommendations demonstrates the organisational commitment to maintaining and enhancing the confidence of those who live, work and visit the capital.

If you have any queries regarding this response or if I can be of any further assistance please do not hesitate to contact me.



Matthew Horne
Deputy Assistant Commissioner

Living in Hackney Scrutiny Commission 9th November 2020 Item 5 – Minutes of the Previous Meeting	Item No 5
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Outline

The draft minutes of the meeting of the 30th September 2020 are enclosed. Attached as an appendix to the minutes is the Thames Water presentation on the night.

Matter arising from 30th September 2020 meeting:**Action**

Page 16 bullet point xi

The Interim Director of Housing to report back on the timescales for delivery for the project implementing cost effective internet access to all blocks in their estates, community halls and the voucher scheme.

Response

A verbal update at the meeting from the Chair.

Action

Page 18 bullet point xiv

The Interim Director of Housing to report back about the floods in the blocks in Fellows Court tower blocks north and south and timescale for current works.

Response

A verbal update at the meeting from the Chair.

Action

Page 22 bullet point 9.3

The Chair and Overview and Scrutiny Officer to circulate draft Work programme to Commission Members.

Response

The draft work programme is attached under item 6 in the agenda.

Action

The Commission are asked to review and agree the minutes, and to note the responses to actions arising from previous meetings.

London Borough of Hackney
Living in Hackney Scrutiny Commission
Municipal Year 2020/21
Date of meeting Wednesday, 30 September, 2020

Minutes of the proceedings of
the Living in Hackney Scrutiny
Commission held at
Hackney Town Hall, Mare
Street, London, E8 1EA

Chair	Cllr Sharon Patrick
Councillors in Attendance:	Cllr Sade Etti, Cllr Anthony McMahon, Cllr M Can Ozsen, Cllr Ian Rathbone Cllr Penny Wrout, Cllr Anna Lynch
Apologies:	
Officers in Attendance	Claire Crawley (Integrated Gangs Unit Manager), Jason Davis (Strategic Lead (Policy)), Sarah Hale (Grants Team Manager), Maurice Mason (Community Safety Partnership Manager), David Padfield (Interim Director, Housing Services)
Other People in Attendance	Steve Spencer (Operations Director), Carl Pheasey (Director Strategy & Policy), Tim McMahon, (Head of Water Asset Management), Councillor Caroline Selman (Cabinet Member for Community Safety, policy and the voluntary sector)
Members of the Public	None
Officer Contact:	Tracey Anderson ☎ 0208 356 3312 ✉ tracey.anderson@hackney.gov.uk

Councillor Sharon Patrick in the Chair

1 Apologies for Absence

1.1 No apologies for absence.

2 Urgent Items/ Order of Business

2.1 Items of the meeting was as per the agenda and there was no urgent items.

3 Declaration of Interest

3.1 Cllr Lynch, Cllr Patrick and Cllr McMahon declared they are leaseholders of Hackney Council.

3.2 Cllr McMahon declared he was Vice Chair of Lordship South Tenant Management Organisation (TMO).

4 Update on Thames Water Main Burst N4

- 4.1 In attendance at the meeting for this items was Steve Spencer, Operations Director; Tim McMahon, Head of Water Asset Management from Thames Water; Carl Pheasey, Director Strategy & Policy from Ofwat and Cllr Clare Potter Ward Councillor for Brownswood Ward from London Borough of Hackney (LBH).
- 4.2 The Commission asked for an update from Thames Water and Ofwat about the following:
- 4.3 From Thames Water an update on:
- The progress of repair works
 - The status on residents returning to their homes (home owners, private tenants, council tenants, registered social landlords and leaseholder) and
 - Thames Water's investment plans, timescales and the improvements they expect to achieve from their investment plans.
- 4.4 From Ofwat an update on:
- the progress of Thames Water's performance for and
 - the accessibility of performance information locally
 - investment improvements by Thames Water.
- 4.5 The Director of Operations and Head of Water Asset Management commenced the presentation and made the following main points.
- 4.5.1 The presentation would cover.
- Update on Queens Drive Burst
 - Improved working with Hackney
 - Planned investment in Hackney 2020-2025
 - Queens Drive and Seven Sisters Project
 - Longer term strategy
- 4.5.2 In relation to the impact on residents Thames Water informed 170 properties were impacted by the burst.
- 4.5.3 The current position is:
- Compensation has now been paid to all residents who were affected by the flooding
 - In total, 83 properties had to be vacated while repairs were undertaken
 - 52 have now been repaired and families/residents have returned, including all council tenants
 - 19 remain in alternative accommodation while repairs continue. They are 2 groups:
 - 4 are with Aspect, their insurer.
 - 15 have their own insurer or contractor and they have limited information to update on this group.
 - 12 families have moved from Queens Drive and taken up long-term rentals elsewhere. Thames Water updated this is 4 properties. 2 have been refurbished and 2 the landlords have opted to do repairs themselves.

- They continued with repairs during lockdown, once risk assessments and safe working practices had been established.
 - The Aftercare Team remains in place and oversight is maintained by the Operations Director.
- 4.5.4 It was highlighted for customers who have returned to their property Thames Water still provide customer service and liaise about issues.
- 4.5.5 The Director of Operations gets regular updates from the team about every property. This will remain the case until everyone is back in their properties and settled.
- 4.5.6 Following the incident at Queens Drive. Thames Water have put in place a new structure around how they manage incidents.
- 4.5.7 There is a new incident management structure developed following best practice, which aligns with local government and first (blue) responder arrangements (details in Appendix).
- 4.5.8 Reflects the multi-agency gold incident command
- There is now greater focus on communicating with customers via the website and social media
 - They have a clear chain of command and set roles to eliminate confusion on the ground. Communication is quicker.
 - Following a large leak adjacent to Queens Drive (smaller, local water main) in August, customer reps were quickly on site with regular updates given to the council and customers.
- 4.5.9 They now have a team of Emergency Planners. Employed to improve lines of communication with the council.
- The new team act as the direct link between Thames Water and have formed a key link with the council's emergency planning team
 - Thames Water have recruited staff dedicated to manage customer aftercare until everything is resolved.
- 4.5.10 Thames Water have expended its Business Resilience Team so they can now work with individual borough's resilience forum;
- Thames Water have now attended the Hackney LRF
 - Thames Water are now in a position to work with stakeholders across the borough to plan for future incidents.
- 4.5.11 To build the relationship Thames Water invited the Council to their operation room to learn about the information they have during an incident and to outline what they need from Thames Water. They have maintained regular contact.
- 4.5.12 In coordination with Hackney Council Thames Water have simulated an event like Queen's Drive to put leanings into practice (the pandemic did impact who could support). They have agreed to do a future simulation event with council officers once the pandemic pressure eases. To test all the improvements put to the test, including customer aftercare.

4.5.13 Thames Water have attended LRF meetings in Hackney to ensure if there was a future incident they would be better prepared. ~Thames Water contribute to contingency plans for a range of incidents.

4.5.14 Thames Water plans show they have committed to stretching targets for water supply. Aiming to achieve:

- 20% leakage reduction from their network in the next 5 years
- 70% reduction in interruptions to customers' supplies over the next 5 years.
- Reducing customer bills by £25 over the next 5 years.

4.5.15 Thames Water aim to achieve this through data and insight to effectively understand where problems are before they occur. They will use this intelligent information to:

- targeted investment to replace worst performing pipes
- Look at pressure waves – they are a major issue that cause burst pipes. Reducing damaging pressure waves which can 'shock' the network
- Continuing with their smart meter programme. Installing over 400,000 new smart meters. Smart Meters will help Thames Water to understand consumer usage, educate customers and identify leakages. Thames Water highlighted 30% of leakages come from the pipes on the consumer's side.
- Improvements to the resilience of their treatment and storage capabilities.

4.5.16 The above points give an idea of the challenges and plans over the next 5 years.

4.5.17 In Hackney Thames Water have 2 large risk areas. These are Seven Sisters and Queens Drive. Thames Water are currently commencing work at those sites.

- Following the Queens Drive burst, Thames Water are re-lining two sections of Victorian cast-iron pipes with an enhanced programme of leakage surveys on trunk mains in this area. This process involves turning the pipes off and installing a second pipe in the original pipe.
- Work will increase resilience of two major pipes, including the one which burst on Queen's Drive, by cutting leakage and reducing the chances of future incidents.
- After the Queens Drive mains burst through monitoring Thames Water identified small leaks. Thames Water are investing £7m. This work is due to start in October until summer 2021.
- To keep disruption to a minimum. The work has been designed in partnership with Islington and Hackney borough councils.
- Councillors and residents were invited to an online engagement sessions to help keep everyone informed about the work.

4.5.18 Thames Water outlined other work taking place in Hackney.

- Hackney has had the highest proportion of mains replaced of any borough served by Thames Water (56% replaced since 2000).
- 20 years ago Hackney was the thirteenth worst borough for bursts. Now it is the 3rd best borough in London.
- in Hackney Thames Water have installed over 9,000 smart meters since 2015 and intend to install another 4,800 over the next 5 years.

- Across Thames Water coverage are they have repaired on average 384 mains bursts per year alongside 351 bursts on the 'communication pipes' to customers' properties and repairs to the customers' own pipework.
- There are a number of burst hotspots in the borough which require mains replacement to resolve. There are several schemes put forward
- Discussions are ongoing with OFWAT regarding enhanced mains renewals in London via a "London Network Conditional Allowance". Thames Water have meet the criteria before they can proceed with the schemes.

4.5.19 Thames Water have big pipes called Truck Mains. 2% of the Thames Water truck mains network resides in Hackney. Thames Water operate 68km of trunk mains in Hackney.

4.5.20 60% of Hackney's trunk mains are Victorian and they have enhanced their valve check programme.

4.5.21 Thames Water check 12,000 valve per year across our entire trunk main network of which there are 1,050 in Hackney.

4.5.22 Thames Water plan to complete their work on the 30" trunk main in Stoke Newington High St and Northwold Rd by Mid-October and will commission this vital pipeline following this point.

4.5.23 Thames Water have discussed risk management with representatives of the council. This includes data sharing to enable the council's gully clearance programmes to prioritise high risk trunk main locations.

4.5.24 The next steps were outlined to be:

- Complete the repair of all properties and return all residents to their homes as soon as possible.
- Continue the now established and ongoing dialogue between our emergency planning teams.
- £7m programme at Seven Sisters Rd and Queens Drive to commence October 2020.
- Confirming their additional mains replacement programme with delivery partners (expected early 2021).
- Working with OFWAT on a further package of work for investment specifically in London's water infrastructure (April 2021).
- Continue to work with the regulator to build the case for a substantial programme of investment and specifically water mains and trunk mains renewals in the next regulatory period (2025-30).

4.6 A verbal presentation from the Director Strategy & Policy, from Ofwat, the regulator for Water Services across England and Wales. The main points from the presentation were:

4.6.1 The update will provide their views on Thames Water's performance in London and how the company is addressing the need for the provision of local performance information.

4.6.2 As a regulator they are unable to judge performance in the recent year or provide a reflection on particular incidents at a localised level.

- 4.6.3 The officer recapped at the last Commission meeting Ofwat attended they updated about the challenge they provided to Thames Water in a number of areas to drive up performance e.g. their price review work, leakages, service interruptions for customers, environmental performance and resilience. Ofwat were unable to give an update on the company's performance since they last attended the LiH meeting or the Queens Drive incident because typically they look at a full year's performance.
- 4.6.4 The performance data for the company in 2019/20 shows some improvement for some important metrics.
- 4.6.5 Leakage is a high profile issue and one area that Thames Water has not been performing well in in recent years. In 2019/20 Thames Water reported an improvement in leakage performance. They are going through a process to finalise the views and assess if they met the level they committed to. Ofwat raised concerns based on their view of how performance was measured. However despite concerns raise it is clear there has been improvement in this area and a lot of work to reduce leakage by the company.
- 4.6.6 There has also been an improvement in the number of supply interruptions by Thames Water. Ofwat advised after missing their commitment levels in the last few years in 2019/20 Thames Water have reported meeting it.
- 4.6.7 In reference to local reporting there are areas where performance has declined. The consumer council for water – watchdog for water in this sector – published a complaints report. This showed that Thames Water had an increase in customer complaints, this increased last year during the year by 57%. However, the officer pointed out there could be a number of reasons driving this. The officer highlighted Thames Water have acknowledged this is an area they need to improve their performance and they have a programme to do this.
- 4.6.8 With a company like Thames Water who have huge and diverse areas with various operating conditions; having general customer feedback might not tell the local authority about the experience of customers in Hackney compared to other specific areas.
- 4.6.9 Thames Water have agreed to develop robust measures of performance at a London level; to give everyone including local authorities and customers more visibility of the company's performance in London compared to the other areas they manage. It is the regulators understanding the company is working in earnest in meet this commitment. They anticipate they will see London level report along with the annual companywide reporting they normally produce. They expect to see this emerge next year and in the future.
- 4.6.10 Ofwat suggested council officers may wish to engage with the company to make the reporting information relevant to councillors, residents and officers.
- 4.7 **Questions Answers and Discussions**
- (i) **Members commented the message being communicated at the meeting highlights improvements in their emergency response and that if they had another leak on that scale in Hackney the response would be better. Members asked if there has been another leak on that scale anywhere**

else since Thames Water introduced its new ways of working and response.

In response Thames Water replied they have not had many leaks on a similar scale to Queens Drive in their history. They have had 2 other large trunk mains burst since Queens Drive. There was one outside Southwark tube station. This risk was to the tube station and other properties. The other was at Staples Corner on the North Circular. In both cases they were able to enact their new incident and response structure. In their view they responded better and isolated the main quicker. For Staples Corner it took 53 minutes to isolate and the return of customer's water. For the Southwark burst Thames Water cited feedback from the Fire Brigade that said "this was the best response they had seen from Thames Water on any large mains burst."

Thames Water pointed out there are still areas for them to learn and improve and they strive to get better and better. In their view for the 2 other bursts since Queens Drive they have made improvements. Thames Water pointed out they would like to build the same relationship they have with Hackney with other Boroughs in London.

The Cabinet Member for Community Safety, Policy and the Voluntary Sector from London Borough of Hackney referred Members to page 6 of the Thames Water presentation and advised they have done a simulation exercise to build their understanding. Pointing out there is another simulation planned. Whilst this is no substitute for the real incident, there has been some joint working to simulate and gather as much information as possible to prepare for future emergency incidents.

- (ii) Members agreed there are indications of progress since the first water burst in Stoke Newington and there had been work to improve. Members acknowledged Thames Water had taken on board some of their criticisms in relation to emergency planning and their response. Both on the technical side and with how they engage with residents.
- (iii) **The Ward Councillor (Councillor Potter) representing Queens Drive residents raised the following question and made the points and comments below.**

The Cllr Potter commenced by pointing out the comments would focus on the recovery and repair to resident property phase.

Cllr Potter acknowledged the huge disruption to residents following this incident. Pointing out there is still a significant number out of their homes.

- (iv) In response to the point made by Thames Water in their presentation about the estimated timescale for residents to return to their properties – a few weeks. The Cllr Potter advised the feedback she received from residents seem to indicate it would be longer. **Cllr Potter asked for clarity on this from Thames Water.**
- (v) **Cllr Potter highlighted 5 key themes that seem to be reoccurring and asked Thames Water to provide a response to these themes.**

Resident Contents

Feedback from residents have highlighted upon return to their homes a number of items were either missing, mouldy and damaged or disposed of (valuable and sentiment value) without consultation. The feedback highlighted an issue in relation to communication about storage. In light of this the care of items needed to be reviewed. Highlighting that residents will follow up on this in their claims.

Repair Works

There has been a variety of feedback. Some resident were completely satisfied and their experience positive. But some were finding issues and damp. Damp appeared to be the most prominent issue in the feedback. Many residents commented that the driers were removed too quickly leaving the properties still damp. Residents having works are finding that other works are being impacted like unable to fit the flooring because the walls are still too damp.

There has been disputes with residents about whether a damp proof course should be installed or not. Residents have had to really put a strong case forward about whether they had pre-existing DPC. Cllr Potter is aware that the response from Thames Water has been they did not want to add DPC that was not there previously. However Cllr Potter argued Thames Water could have taken a more generous approach considering so much plaster was removed.

Insurance

Cllr Potter is aware a number of residents are unhappy with the response to their claims. Offers have been significantly lower than expected. Residents have been feeling mistreated and that they need to be bold in staking their claim, leaving no room for ambiguity. There are some residents who felt less confident about the process and their response was not as bullish with their claim. Cllr Potter is worried some residents will be worse off in this process.

Cllr Potter said residents who have used their own insurance company seemed to feel better off and that they had a better claim outcome.

Temporary Accommodation

Residents have been through a number of hotels and types of accommodation and the effort, standard and quality were very good. Most feedback about this has been positive.

The difficulty residents encountered was the notice to leave temporary accommodation. This was quite quick and sometimes their home was not completely ready. Some felt they had no option but to leave and go back home. This was perceived as a way to encourage them to accept the outcome being offered.

Communication between the agency managing the temporary accommodation and the resident was sometimes unsatisfactory. Some private rental tenants did not return because they were unhappy and therefore moved on.

The Process

This related to communication. One residents described sending 400 emails in total. In essence many residents felt they have had to devote a lot of time to micro manage and resolve the situation. Often this resulted in a number of counter claims and counter blame. This has been an incredibly difficult process. **The Cllr Potter asked Thames Water to look at how they could improve the process for residents in this situation and if there were any future cases.**

Thames Water thanked Cllr Potter for the feedback.

In response to the points raised by Cllr Potter Thames Water officers clarified that the properties referenced in the presentation, where residents would be returning in the next few weeks, related to the properties being refurbished by Thames Water. They were aware there would be a number of people still out of their property and who will be for some time. For example at least 15 families would be out of their home for longer but that is going through another insurance process.

Thames Water acknowledge it had been incredibly difficult for residents. Thames Water pointed out they have a dedicated team working with the residents. Issues around snagging they want to understand and this team is there to help with that. The Director of Operations at Thames Water gets a regular update about cases to keep abreast of their progress. The officer is also in communication with the ward councillors about residents too.

Thames Water acknowledged they have had a number of questions regarding the extent of the damp proof course that was there prior to the burst. Thames Water confirmed they have relayed to their experts to restore to the condition it was before. The officer confirmed he is aware of 2/3 cases where there was a dispute about prior damp proof course. This feedback they will take on board.

Thames Water accepted the feedback was something they need to reflect on. Thames Water were disappointed to hear the comments from people using their own insurers. To their knowledge some residents using their own insurers have contacted them asking to transfer to Thames Water because they cannot progress and Thames Water are unable to obtain information for them if they do not manage the claim.

The Director of Operations asked Cllr Potter to share the information about specific cases outside the meeting. Thames Water will highlight communication issues to dedicated team and ask to follow up with residents.

- (vi) **Cllr Potter pointed out from the feedback she received she noted council tenants and housing associations had a better experience than a leaseholder. The sense was if an organisation was representing the residents and property the experience for the residents appeared to be better. Whereas the experience for individual residents was it feels like a battle.**

In response Thames Water agreed to follow up.

- (vii) Members referred to slide 8 in the Thames Water presentation showing a map with red dots. Members queried if these dots represented vulnerable areas and asked if Thames Water was waiting for Ofwat to give agreement to spend.**

In response Thames Water explained this was a conditional allowance which in essence was a pot of money which requires them to pass a number of stages. This process tests their asset management. The first step needs to be completed by December 2020. The most important step is in May next year (2021). In May they will confirm the scope, cost benefit and stretching targets they set themselves. This is agreed with the company board and regulator. As long as they pass the 3 stages the red dots would be progressed.

- (viii) Members asked if there was any risks that they might burst.**

In response Thames Water replied in relation to their priority in the overall plan of works by Thames Water. They were not as high risk as their current priorities. There is always an element of risk but these pipes are not the same size as the pipes on Queens Drive. The officer explained these pipes are distribution pipes which pose a risk to leakage and traffic disruption, not to flooding peoples properties. There are a number of factors that could trigger a burst so there is always some degree of risk.

- (ix) Members referred to the comments made in the presentation about smart meters and how good they are. Setting aside the issue about pricing for customers using a smart meter. Members asked about the saving to residents in relation to these meters helping Thames Water to find leaks in resident pipes? Members also asked how Thames Water inform residents about the savings a smart meter can provide residents.**

- (x) Members also asked the following:**
- a) if Thames Water charge to install the smart meters?**
 - b) benefits to customers**
 - c) If charging for installation are households on a low income exempt?**

In response to Members questions Thames Water explained they used smart meters to understand usage and leaks. This information feeds into the organisation's long term planning (water resource management plan) to ensure they can meet supply for customers. By reducing leakage and use they can reduce demand. Key to this is smart meters. Smart meters can reduce usage by up to 20% per property. The current water meter can reduce by up to 11%.

In relation to how good they are at finding leaks. It has been proved that 30% of leakage in the system is on the customer side pipe work. A smart meter helps to find leaks. Over the last 5 years it has helped the organisation find approximately 70 mega litres of leakage (Equivalent to 35 Olympic size swimming pools).

Thames Water pointed out smart metres are more cost efficient as a tool to help find leaks. Leaks costs them approximately £1million to find and repair. Doing blanket pipe replacement work costs 10 times more.

In relation to affordability for customers. Thames Water agreed a household with a large number of occupants can see increased costs.

In relation to customers paying for smart meters. It is estimated that for every £1 spent half will get funded through customers and half by the company's shareholders. This is the approximate cost ratio. However if Thames Water did find a leak their current policy is to fix it for free. Thames Water pointed out they are one of only a few water companies that will do this. Highlighting that many charge customers to fix leaks found on their property.

Thames Water explained when they install smart meters this is part of their smarter meter programme. This involves visiting people's homes (pre-covid) to go through it with customers. There is a programme of support and education and they will fix toilets if required. There is also a tariff to help people who are on low income. They could get up to 50% off. There is a programme to support people who cannot afford to pay their water bill.

(xi) Cllr Potter asked if the Commission could keep this under observation and request an update in 6 months' time.

In response the Chair suggested they have a report back next year in March 2021 to look at resident satisfaction, residents returned to their properties and the increase in customer complaints.

(xii) Members referred to the last slide in the presentation (a diagram) of teams called control towers. Members asked if control tower 2 would work closely with customer public relation. Pointing out in the diagram they were not connected in any way.

In response Thames Water replied the term control towers is industry terminology. The customer tower relates to the topic of discussion tonight – people on the ground being available to support customers with personal water, accommodation and more personal support. Whereas the information tower related to communication on a wider scale. This is public information to keep all the other people affected informed (councils, Ofwat, GLA and other stakeholders).

The Chair thanked officers for attending.

5 Update on the Impact of Covid 19 on Hackney's Housing Service

- 5.1 The Chair welcomed to the meeting David Padfield, Interim Director, Housing Services from London Borough of Hackney.
- 5.2 The Chair informed the Commission this items was an update on the impact of Covid-19 on Hackney's Housing Service in relation the challenges and opportunities faced; business as usual activities; repairs; financial position; support to residents and customer service. The presentation was on pages 7-12 in the agenda. The main points from the presentation were:
 - 5.2.1 The Director last updated the Commission about Housing Services response to Covid-19 on 13th May 2020. They have kept all essential services up and

- running during lockdown. Whilst suspending all non-essential services to protect residents and staff.
- 5.2.2 Currently most services have resumed.
 - 5.2.3 This update provides information about how Housing Services have supported residents during the pandemic. The presentation covers the current position of Housing Services and a reflection on how the last 6 months might shape how the service changes in the future.
 - 5.2.4 Overall the Director is proud of how all Housing Services staff have responded throughout the pandemic.
 - 5.2.5 DLO staff continued to undertake emergency repairs throughout lockdown. During that period they completed approximately 6000 urgent repairs.
 - 5.2.6 DLO staff volunteered to help with the Council's wider humanitarian programme to support residents. Delivering more than 13,000 food packages and hot meals.
 - 5.2.7 Office based staff transitioned to home working seamlessly. Housing management maintained a presence on their estates and a skeleton service at the Hackney Service Centre (HSC).
 - 5.2.8 Housing Services kept up with their health and safety inspections on estates albeit with a slight change to frequency.
 - 5.2.9 Housing contact centre moved under corporate customer services management at the start of lock down. This service will remain there. They coped admirably during the crisis.
 - 5.2.10 Ground maintenance work continued during lockdown, keeping all green areas on the estates well maintained.
 - 5.2.11 Housing Services carried on letting void properties during lock down to get some of their families out of temporary accommodation (TA).
 - 5.2.12 Housing made calls to vulnerable residents both tenants and leaseholders. Overall they made 6000 calls to residents and set up the popular 'let's talk service'. The Council provided training to staff to support them talking to residents who were feeling lonely or frightened. Overall they took over 500 calls and received a huge amount of praise.
 - 5.2.13 Currently they are now back to business as usual. Repairs service has resumed and gas certificates are at 98% of target and the normal benchmark is to do 99.8%. However they are still experiencing some access issues where people do not want to let them into the property. Comparing with other social landlords 98% is still good achievement.
 - 5.2.14 The capital programme is operational again. Due to the current climate they have extended their existing big capital contracts.

- 5.2.15 During lockdown they put a pause on issuing Section 20 notices. Section 20 notices are being issued now.
- 5.2.16 The Council has kept their satellite district housing (Stamford Hill and Queensbridge De Beauvoir) offices closed and there are no current plans to re-open the 2 offices.
- 5.2.17 Overall housing services have coped well taking into consideration increases in noise nuisance and anti-social behaviour they have needed to manage.
- 5.2.18 All community halls remain closed. They were starting to move towards operating a limited programme of low risk activities but the changes to the restrictions and a potential second lockdown means this is on hold again.
- 5.2.19 All estate play grounds are still open.
- 5.2.20 Their resident engagement activity has been severely impacted by Covid-19. Some of these meetings have now moved to the virtual environment.
- 5.2.21 A key challenge has been the increasing volume of rent arrears. Residential rent arrears has increased by £2.3 million and this is expected to increase further. The Council is also expecting a second spike following further job losses. This will have a big impact on the Housing Revenue Account (HRA) finances.
- 5.2.22 There is a commercial element to the HRA and there is an increase in rent arrears from commercial properties too.
- 5.2.23 Leaseholder service charge collection has remained steady during this period.
- 5.2.24 Going forward the HRA is required to make savings this was due to previous policy changes related to rent reductions. Members were informed some expected costs impacting the HRA include:
- Health and safety work – post Grenfell
 - Pension pressures on HRA account.
- 5.2.25 Housing Services is needs to find £2.5 million of savings each year for the HRA but if rent arrears continue to increase this could be more.
- 5.2.26 The pandemic has highlighted new ways of working. Raising questions about organisational structure and service changes in the future. Areas they are looking at are:
- Working from home - do they need to have a large office foot print
 - Moved systems to paperless - do they need to spend so much time on administration
 - A new ICT programme - this should improve efficiency
 - Resident interaction - As a result of the last few months the council is considering how their residents might want to interact with them. However where there are high support needs or things like tenancy audit this is still face to face contact. Notwithstanding this there is an opportunity to move away from face to face contact as the default option.

5.2.27 Housing Services welcomed any input from Members of the LiH Commission to shape the work moving forward.

5.3 Questions, Discussions and Answers

(i) Members referred to the district housing offices being closed and asked if there was any physical space residents could go to if they needed to?

The Interim Director of Housing from LBH confirmed in reference to the housing management day to day service they have maintained a skeleton service at the HSC from the start of lockdown. This has enable residents to come to them and for staff to go out onto estates if required. In recent weeks they have increased the staffing levels of that skeleton service.

(ii) Members commended staff for their smooth transition from the office to working from home and DLO staff for carrying on providing service to residents.

(iii) Members referred to a question they were asked by a local resident in relation to gas safety certificates and staff wearing PPE. Members enquired if staff entering properties or doing work should be wearing PPE on visits?

In response the Interim Director of Housing from LBH expressed concern about these comments and concerns by residents. The Director confirmed staff entering properties should be wearing the correct PPE equipment. The Director advised he would pick this up with the Gas Team. The Director highlighted most of this work is done by Hackney Council staff but some work is carried out by the council's contractors. However, all staff should be wearing protective equipment.

(iv) Members referred to rent arrears and the end of the Governments current furlough scheme. Members asked:

- **What work the council is doing to assist residents who have lost their job or who has short term employment to claim benefits?**
- **If the council's sending out information or sign posting to help and support?**
- **If there is pre-work with residents before they get to this situation?**

Members pointed out the new business support system would not be protecting as many jobs as the first support scheme did.

In response the Interim Director of Housing from LBH confirmed as part of the rent collection service they have a Financial Inclusion Team. They provide support, advice and assistance with claiming benefits. Pointing out the emphasis in this process is to get people to talk to them as early as possible. The Director highlighted Housing Services had done some joint work with the Council Tax team to ensure consistent messaging. The Director pointed out although a large number have been in contact there is still a large cohort not contacting and not paying anything towards their rent. The Council is extremely concerned about this cohort and need them to start engaging. This group currently owes large sums of money and this is growing rapidly.

- (v) **Members asked what would be the main thing Housing Service would take forward in relation to the future of housing services, taking aside how staff might work?**

In response the Interim Director of Housing from LBH informed this is a piece of work in progress. The council has set up workshops with staff to discuss what has worked well, what has not worked well and their idea of what the future of the service might look like. So far comments from staff cover working from home more and they are working through the ideas from staff. This is in parallel to developing a new IT system. Coming out from this work maybe a new operating model and as indicated earlier may impact on the future office footprint and face to face contact with residents. This work will be developed over the next 18 months.

- (vi) **Members referred to community halls expressing disappointment that some of the facilities in community halls like the one in Gasconyne estate 2, with great kitchen facilities, could have been used to help provide food during the lockdown. Members pointed out as we approach the winter months there would be people struggling to feed themselves and charities could use the space. Members asked if this could be reviewed for restricted use and opened to support services organised by charities to help in the future. Members referred to a particular charity that was using the facilities but at the start of lockdown were exited out from the premises. Members pointed out this charity had to find a new location. Members asked if the council could take less of a blanket approach to community centres and review what facilities might be appropriate to use.**

In response the Interim Director of Housing from LBH advised they were approached by a number of organisations to use the facilities during this period. They did do some work with various organisations to help facilitate requests. This was dependent on satisfactory risk assessments based on venue and the activities they wanted to do. Some did get used at various points.

Although not in use currently they do have a list of low risk activities they want to take forward. Top if this list is food preparation by charities.

The Cabinet Member for Community Safety, Policy and Voluntary Sector informed the Commission she has been doing some joint work with cabinet colleagues, officers, and Community Partnership Network and the Food Alliance. In response officers have been working closely with the Community Halls Team in Resident Participation to consider at how they can get community hall facilities back in use. This includes Gasgone 2. The most recent update received showed they have a good plan in place to support the Community Partnership Network and Food Network.

- (vii) **Members referred to their previous work looking at community halls. Members asked about digital divide and the work to put internet access in community halls. Members suggest the council looks at providing internet access as well as IT equipment to access the internet, to help residents' access digital services and children to do their homework.**

- (viii) Members referred to the Council’s progress in the provision of internet access in community halls to help residents with access to the internet and asked about the timescale?**
- (ix) Members referred to other community halls that could be used by organisations for a second wave of Covid. Members asked if the council could help organisations with delivery of meals.**
- (x) Members also asked if the Council could provide free internet access to residents who could not afford the internet.**

In response to Members questions the Interim Director of Housing explained in relation to food delivery the council had a humanitarian assistance programme in place throughout the first lock down. This involved co-ordinating things like the delivery of food. Housing Services redeployed staff (DLO staff) not doing emergency works to help with food delivery. The Director suggested the organisation links into the wider humanitarian programme to get access to support to help with food deliver. The Director pointed out during lock down DLO staff delivered approximately 13,000 meals.

In relation to broadband the council has a large scale project looking at working with commercial fibre companies to deliver cost effective fibre to all blocks in their estates. The council is looking at getting some benefits from this working. The two benefits are:

- Access to connections in all their community halls and;
- A voucher scheme for the vulnerable or most needy residents to give them subsidised access to the system.

- (xi) Members asked if there were any timescales for this work.**

In response the Interim Director of Housing confirmed he did not have any timescales at present but he would check and report back to the Commission.

ACTION:	The Interim Director of Housing to report back on the timescales for delivery for the project implementing cost effective internet access to all blocks in their estates, community halls and the voucher scheme.
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- (xii) Members referred to resident engagement meetings on Zoom and asked what provision are in place for residents who are unable to participate through Zoom. Members asked how the council is getting in touch with them and communicating with them. Members asked how the council is reaching this cohort.**

In response the Interim Director of Housing informed currently this is being tested and led by the TRAs that wanted to do it. The council has offered advice and people can dial into the meetings. At the moment they are observing and reviewing how inclusive this is. The Director pointed out digital exclusion is

something the Cabinet Member for Housing is concerned about and they are making sure people are not excluded.

The other big resident meeting that has moved online is the RLG meetings. So far most of the group's members are willing to dial in and the Chair of the RLG has done some outreach too. The Council is not aware of anyone from that group feeling excluded but this will be monitored.

The Council will be looking at what is happening nationally and by other organisations to draw on best practice for implementation.

- (xiii) Members made the following comments and asked questions:**
- **Welcomed resident led improvement consultation fund and the text message to advise this was going out direct to residents. Commenting this was a good improvement to the service. Consulting in this way is good and innovative.**
 - **What are the plans for monitoring and reporting back the response rate?**
 - **Asked for the Commission to get a report back later in the year about the outcome.**
 - **In relation to Section 20 notices being paused due to Covid-19. Members referred to the tenant levy that feeds into the resident improvement budget and asked if there was a mechanism in the leaseholder structure that would work in the same way for leaseholders?**
 - **Commenting this could replace the need for Section 20 notices for works undertaken or reduce the amount sent out on Section 20 notices.**

In response the Interim Director of Housing advised one of the things they wanted to improve was their communication with residents. They had a big outage on an estate and communicating by text was a big step forward alongside using it for the resident led improvement consultation. It was an exploration to test this way of communicating. The Director was pleased to get positive feedback.

The resident improvement budget has been traditionally underspent because it is so tightly controlled in a limited way. They have received a number of comments from residents. The Director confirmed he would be happy to report back to the Commission about the programme and what they might be able to deliver.

In relation to having a leaseholder levy. The reason they have one for tenants and not leaseholders is because there is no provisions within the legislation that would allow the council to impose a charge on leaseholders. The only option is a voluntary charge. The Director advised he is always happy to explore creative ways, although charges to leaseholder have been considered in the past but not pursued.

- (xiv) Members referred to tower blocks in Hackney that have had their wall cladding removed. The blocks are 6-10 storeys high. Members pointed out in the winter time the pipes in between the flats burst and cause flooding to multiple properties. Members asked while the cladding is off**

could the council change the old pipes to reduce the problem. Highlighting the blocks are 30-40 years old. Members confirmed the blocks are Fellows Court tower blocks north and south. Members also asked if anything can be done to complete the work faster.

The Interim Director of Housing was not aware of floods in the blocks mentioned. The Director advised he would confirm and report back to the Commission.

ACTION:	The Interim Director of Housing to report back about the floods in the blocks in Fellows Court tower blocks north and south and timescale for current works.
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The Chair thanked the officer for his attendance and commended all Housing and DLO staff for their work during the pandemic.

6 Executive Response to LiH Scrutiny Review - Council and Partnership Response to Escalation in Serious Violence Review

- 6.1 The Chair welcomed to the meeting Cllr Caroline Selman, Cabinet Member for Community Safety, Policy and Voluntary Sector; Maurice Mason, Community Safety Partnerships Manager, Claire Crawley Integrated Gangs Unit Manager and Jason Davis Strategic Lead (Policy) from London Borough of Hackney (LBH).
- 6.2 The Commission discussed the Cabinet response to the recommendations made in the scrutiny review looking at serious violence in the borough.
- 6.3 The Cabinet Member for Community Safety, Policy and Voluntary Sector commenced the discussion with the following main points:
 - 6.3.1 The Cabinet Member thanked the Commission for maintaining focus on serious violence. Highlighting that pre-covid one of the key areas of concern was tackling serious violence.
 - 6.3.2 Although a key focus in the review was on gangs. One of the Commission's concerns (rec12) was about having a whole system approach to tackling serious violence and joining up. The council wants to be clear about embedding a public health approach to serious violence. Not just being reactive but tackling the key causes and determinants.
 - 6.3.3 One of the key pieces of work has been developing a single serious violence action plan which has identified across the partnerships, the key principles to tackling serious violence. The Cabinet Member explained having strategic principles of what they want to do e.g. tackling the underlining drivers and outcomes, making sure they are co-producing with the community.

- 6.3.4 Working with partners to look at all the different action plans to see how they meet or match the key principles. Showing how the full partnership is tackling serious violence holistically.
- 6.3.5 The mental health practitioner post has been approved and is out for advertisement. They hope to have the additional resource in place imminently. They have worked closely with East London Foundation Trust (ELFT) in developing the role. There will be a link in line management for the role. This will be a useful addition to bolstering the strong work of the Integrated Ganga Unit (IGU).
- 6.3.6 In relation to the recommendation about increased transparency and a specific request to set up a web page. The Communications team have been working on this and they have been refreshing the content to outline the broader context of their work. The web page is ready and signed off so it should be released later that week.
- 6.3.7 In reference to rec 1 about monitoring the effectiveness of the IGU. The aim is to look at the impact the unit is having. They have secured a graduate trainee to work on demonstrating the impact. The graduate will be in post for 6 months to draft a framework. To get a robust way of monitoring.
- 6.3.8 In reference to rec 10 they are slightly behind schedule. Officers were working up a series of options to present to the Cabinet Members. The Cabinet Member for Community Safety, Policy and Voluntary Sector will follow this up with the Cabinet Member for Employment, Skills and Human Resources. Options will be presenting to the IGU Board. In addition to considering how they can support work with the wider employment support programmes.
- 6.3.9 The Community Safety Partnerships Manager from LBH added in reference to Rec 9 and a link to pre-apprenticeship programme. They have had a meeting to take this forward. The initial work carried out was to ascertain the current take up. They have identified that there is a small number that would be ready to go into the pre-apprenticeship programme. However out of the individuals identified 2 have secured apprenticeships one with TfL and one in construction. From their work they did not find a large cohort that would be ready for the scheme.
- 6.3.10 In reference to rec 14 the police have grown in number. Particularly concerning this topic. This is genuine growth going into the Violence Suppress Unit in the Police. The IGU is joining up activities.
- 6.3.11 In reference to rec 15 and 16 a lot of work is being done by the police in relation to stop and search and trust and confidence. The officer suggested the Commission invites the Police to give an update on their trust and confidence plan.
- 6.3.12 The Strategic Lead (Policy) from LBH added information about the methodology. Highlighting the serious violence plans drew out principles from the great work of partners in the CSP and consolidated that work into one place.

6.3.13 The aim is to give a comprehensive overview and understanding to the key strategic principles. This links into further collaboration with the community like Young Futures Commission and co-production work with the Young Black Men programme

6.4 Questions, Answers and Discussions

- (i) **Members referred to rec 3 and 4 getting the IGU more into the public arena. Members expressed concern about this taking too long or being delayed. In reference to rec 4 Members asked if children under 18 and their cohort were going to be more included in the process.**

In response the Community Safety Partnerships Manager from LBH confirmed yes to rec 4. There has been a lot of work since the scrutiny review. They have monthly meetings to review risk and the Children and Families Service is represented. There is strong consideration being given to a separate unit within Children and Families to link into the IGU.

Within the IGU they have developed and implemented a referral process that encourages referrals into the IGU.

The Community Safety Partnerships Manager confirmed the website was complete and due to go live this week.

- (ii) **Members referred to rec 4 and the response that Children and Families Service will provide trauma informed practice training within the IGU.**

In response the Community Safety Partnerships Manager from LBH advised this has not been taken forward at this stage. This will be progressed and a separate update provided to the Commission about the progress.

The Cabinet Member for Community Safety, Policy and Voluntary Sector added the recommendation relates to IGU and this incorporates services like the Youth Offending Team. All the team and police officers have been through trauma informed training. They are scrutinising how the training is being incorporated in reports, to see if the learning is being reflected in how they record information.

- (iii) **Members asked if they have a violence reduction unit in hackney and do they work with the IGU?**

- (iv) **The Chair commented Members of the Commission were pleased the recommendations were taken on board and that there is closer working between the IGU and Children and Families service in LBH.**

In response to the Community Safety Partnerships Manager from LBH confirmed yes. They are aspiring to have 70 people in the Violence Suppress Unit. The IGU manager has made contact with the Inspector of that unit and they are drawing up plans.

The Integrated Gangs Unit Manager advised she could provide a briefing to Members about their plans. Highlighting to Members they have communication on a daily basis.

The Cabinet Member for Community Safety, Policy and Voluntary Sector put on record her thanks to Jan Stout for her contribution and work managing the IGU over the last 11 years.

7 Update on Thames Water Donation for Lea Bridge Distribution / Use of Funds

- 7.1 In response to a letter sent by the Chair of the LiH Scrutiny Commission to Thames Water the Council received a donation of £10,000 for Leabridge Ward (specifically in recognition of the impact caused by the 2018 mains burst and flood in the Leabridge Ward).
- 7.2 The Commission asked the ward councillors from Leabridge Ward to make recommendations and suggest ideas for spend to benefit the local community. Following some consultation with residents the ward councillors recommended giving £5k to Hackney Food bank and £5k to a local playgroup in the Ward.
- 7.3 The Grants and Investment Manager from LBH confirmed the Council has received the £10k payment from Thames Water. This is a goodwill gesture for the 2018 floods in Leabridge and is not a replacement for any compensation payments.
- 7.4 Through consultation the proposal was to split the funds equally between 2 organisations (Hackney Foodbank and a local play group in Leabridge Ward.
- 7.5 The Grants and Investment Manager was asking for the Commission to agree the dispersal amount for the funds and that the grants would be awarded unrestricted. The officer explained in the current climate voluntary sector organisations were facing a very delicate financial position. Therefore the Grants Team would suggest £5k to each organisation and that the grants was awarded as unrestricted.
- 7.6 Cllr Rathbone (the Ward Councillor for Leabridge) explained the playgroup in the ward was forced to close (for 9 months) because they were completely flooded. They lost customers because the children who were previously attending found new placements. Consequently the playgroup is still recovering from this incident and a local shop too because they have not received full compensation. The Councillor commented the loss of customers for a business can be proved if you have been trading for a number of years. Cllr Rathbone wanted to highlight that local businesses have been affected too.
- 7.7 The Chair suggested the Commission could write to Thames Water on behalf of the play group and local shop who did not get full compensation.
- 7.8 The Chair expressed appreciation of the donation for Hackney Food bank by the residents of Leabridge Ward.

8 Minutes of the Previous Meeting

- 8.1 The minutes of the previous meeting held on 15th July 2020 was approved.

RESOLVED: Minutes were approved
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9 Living in Hackney Scrutiny Commission- 2020/2021 Work Programme

- 9.1 The Chair introduced this item to outline the current proposals. The Chair commenced with suggesting the work programme includes the following:
 - 1) The Council’s relationship with leaseholders
 - 2) Hackney Carnival - There was also the suggestion to follow up on the Commission’s recommendation for Hackney Carnival to review what happened this year and the success of a virtual carnival.
- 9.2 In discussions members made the following suggestions for the work programme.
 - 9.2.1 Cllr Lynch suggested a review of the regeneration programme in particular the process of supporting people who have become leaseholders through the shared ownership scheme. Suggesting they get information from people who have been through the process.
 - 9.2.2 The Chair added the additional suggestion to review green infrastructure which would include the play infrastructure in parks and toilet provision in Hackney’s green spaces. The aim is to see if they are sustainable and fit for purpose in the 21st century. The Chair pointed out during the pandemic there have been a number of new people using the parks and green spaces in the borough.
 - 9.2.3 Cllr Rathbone pointed out as Chair of the parks forum they have talked about how green spaces are being used around the borough. In addition how they manage conflict between use and keeping as a green space. This is not just related to the main parks but all green spaces in the borough and how they use them.
 - 9.2.4 Cllr Lynch commented there is a lot of concern locally about the road closures and low traffic streets. The Councillor suggested they get an update on the schemes and the benefits of them to feed back to residents. Cllr Rathbone supported this suggestion.
 - 9.2.5 The Chair also highlighted the council was scheduled to consult on allocation of their property and suggested this is included in the work programme for January/February.
- 9.3 The Chair advised she would put together a draft work programme and send it to Member of the Commission for comment.

ACTION:	The Chair and Overview and Scrutiny Officer to circulate draft Work programme to Commission Members.
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10 Any Other Business

- 10.1 None.

Duration of the meeting: 7.00 - 9.32 pm

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Living in Hackney Scrutiny Commission 9th November 2020 Item 6 – Living in Hackney Scrutiny Commission 2020/21 Work Programme	Item No 6
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OUTLINE

The draft work programme for the Living in Hackney Scrutiny Commission 2020/21 is attached. Please note this a working document.

ACTION

The Commission is asked for any comments, amendments or suggestion for the work programme.

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Overview & Scrutiny

Living in Hackney Scrutiny Commission: Work Plan July 2020 – April 2021

Each agenda will include an updated version of this Scrutiny Commission work programme

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
23rd June 2020 All Council meetings will be held remotely until further notice. Papers deadline: Fri 12 th June 2020	Trust and Confidence	Metropolitan Police Service Hackney Borough DCS Marcus Barnett, CE BCU Commander	The Commission's scrutiny review highlighted some indicators suggesting lower than average levels of trust and confidence (meeting held on 31st January 2019). The Commission learned a range of activities were being delivered by the police in this area including the activities being delivered by the newly formed BCU-wide Trust and Confidence Board. This item is an update on that area of work and a look at the impact of Covid - 19.
	Stop and Search	Metropolitan Police Service Hackney Borough DCS Marcus Barnett, CE BCU Commander	At the Commission's meeting in January 2019 the Commission heard about the roll out of body worn cameras, and work with the IAGs, the Safer Neighbourhood Board, and programmes in schools to improve understandings on both sides about stop and search. This item is an update on that area of work and a look at the impact of Covid - 19.
	Community Safety Partnership Plan 2019-2022	London Borough of Hackney Tim Shields (Chief Executive)	An update on the progress of the Community Safety Partnership Plan against the four priority themes of the plan. This update will include an in-depth look at the strategic priority Street Drug Market and Substance Misuse.

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
		Metropolitan Police Service Hackney Borough DCS Marcus Barnett, CE BCU Commander	
<p>15th July 2020 All Council meetings will be held remotely.</p> <p>Papers deadline: Fri 3rd July 2020</p>	Update on Housing Services' Fire Safety works	Housing Services in Directorate of Neighbourhoods and Housing David Padfield Director of Housing	Information about Hackney Council's fire safety works with input from Hackney's Resident Liaison Group.
	Evidence Session for Exploring the work of Housing Associations in Hackney Scrutiny Review	Various Housing Associations and London Borough of Hackney James Goddard, Interim Director, Regeneration	This session will explore: 1) The strengths of formal partnership arrangements 2) Community investment by housing associations, approaches to supporting their residents to succeed, and partnership with the Council to improve social and economic wellbeing. 3) Improving recycling on estates across the borough.
<p>30th September 2020</p>	Update on Thames Water Main Burst in	Thames Water Steve Spencer –	An update from Thames Water on their progress of repair works, a status update on residents returning to their homes (home owners, private tenants, council tenants, registered social landlords and leaseholder) and an outline of

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
<p>All Council meetings will be held remotely.</p> <p>Papers deadline: Fri 18th Sept 2020</p>	the N4 area	<p>Operations Director Tim McMahon – Head of Water Asset Management</p> <p>Ofwat Carl Pheasey - Director Strategy & Policy</p>	<p>your investment plans, timescales and the improvements you expect to achieve from this investment plan.</p> <p>An update from Ofwat on the progress of performance for Thames Water, accessibility of this information locally and investment in improvements by Thames Water.</p>
	Update on the Impact of Covid 19 on Hackney's Housing Service	Interim Director of Housing David Padfield from LBH	Hackney Housing to provide an update on the impact of Covid 19 on Hackney's Housing Service in relation challenges and opportunities; business as usual activities; repairs; financial position; support to residents and customer service.
	Executive Response to LiH Scrutiny Review - Council and partnership response to escalation in serious violence review	Tracey Anderson Overview and Scrutiny Officer	<p>The Cabinet response to the LiH's recommendations following their scrutiny review looking at the <i>Council and partnership response to escalation in serious violence review</i>.</p> <p>The Commission's review of the Executive's response to the recommendations made by LiH.</p>

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
	Update on Thames Water Donation for Lea Bridge Distribution / Use of Funds	Cllr Rathbone Ward Cllr for Lea Bridge	Update on recommendation for distribution / use of funds fro Ward Councillors and The Commission to approve the allocation of funds (taking into consideration the recommendation by the local ward councillors from Lea Bridge Ward) and to agree the governance process or any restrictions on the donations e.g. for a specific use.
	Discussion about work programme for 2020/21	Tracey Anderson, Overview and Scrutiny Team	The Commission to agree the work programme items for 2020/21.
<p>9th November 2020</p> <p>All Council meetings will be held remotely.</p> <p>Papers deadline: Wed 28th October 2020</p>	Stop and Search Inclusive Policing linked to Building Trust and Confidence	<p>Metropolitan Police Service Hackney Borough DCS Marcus Barnett, CE BCU Commander</p> <p>Metropolitan Police Service HQ – Professionalism Commander Catherine Roper Head of Profession,</p>	<p>This is a dedicated session to look at more broadly at stop and search and inclusive policing linked to building trust and confidence.</p> <p>The aim of this meeting is to talk with the BCU, MET HQ and MOPAC about the work to build trust and confidence to help us understand how public concern is being addressed by the MPS and MOPAC. We have included the IPOC to further explore how the IOPC works with the MPS in terms of their complaints system.</p> <p>This is a broader discussion to considers how the Police and Councils (not just LBH) can address concerns (linked to the stop and search activity) about community relations and trust & confidence between the Police and local communities.</p> <p>Question in advance have been submitted to the Borough Commander, MET HQ and MOPAC officers covering the following areas:</p> <ol style="list-style-type: none"> 1. Stop and Search 2. Trust and confidence

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
		Crime Prevention, Inclusion & Engagement	3. Accountability 4. Handcuffing 5. Fair and inclusive policing. 6. sources of intelligence 7. community engagement work related to building trust and confidence Question in advance have been submitted to IOPC officers covering the following areas: 1. Powers of IOPC in relation to the recommendations they make to the MPS 2. Role of the IOPC in relation to MPS complaints 3. Their success in relation to influencing policy and recommendations implemented. 4. Information about the IOPCs review on the use of stop and search.
		Mayor's Office for Policing and Crime (MOPAC) Natasha Plummer Head of Engagement	
		Independent Office of Police Conduct Sal Naseem Regional Director London	
14th December 2020 All Council meetings will be held remotely.	Lettings Policy	Deputy Mayor and Cabinet Member for Finance, Housing Needs and Supply Cllr Rennison	This is for update and consultation about changes to the council's lettings policy.

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
Papers deadline: Wed 2 nd December 2020		Head of Benefits and Housing Needs Jennifer Wynter	
	Update on Homelessness, Covid-19 and Future provision/support	Deputy Mayor and Cabinet Member for Finance, Housing Needs and Supply Cllr Rennison Head of Benefits and Housing Needs Jennifer Wynter	Homelessness/rough sleeper update <ul style="list-style-type: none"> The Commission would like to hear about the Council's work securing a home for those housed during lockdown and also to understand what the Council is doing with the new street homeless. The Commission wants to explore the impact of Covid-19 on this service and impact on future provisions and costs to service
	Winter Shelters in Hackney	Deputy Mayor and Cabinet Member for Finance, Housing Needs and Supply Cllr Rennison	Local housing and rough sleeping teams within local authorities must consider whether the risk people sleeping rough in their area is so great that it requires a night shelter to open or whether there is a more COVID safe option such as self-contained accommodation. The Commission wants to look at the decisions about local provision for winter night shelters in the borough.

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
		Head of Benefits and Housing Needs Jennifer Wynter	
<p>18th January 2021</p> <p>All Council meetings will be held remotely.</p> <p>Papers deadline: Wed 6th January 2021</p>	Green infrastructure in Hackney	Cabinet Members for Energy, Waste, Transport and Public Realm Cllr Jon Burke	As a result of Covid 19 more residents have remained in the borough which put pressure on communal green spaces in the borough.
	Play infrastructure in parks	Cabinet Members for Energy, Waste, Transport and Public Realm Cllr Jon Burke	There has been uneven provision across the borough. The Commission to look at the design principles for play infrastructures including those on estates.

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
<p>11th February 2021</p> <p>All Council meetings will be held remotely.</p> <p>Papers deadline: Mon 1st February 2021</p>	<p>Hackney Carnival Update</p>	<p>Cabinet Member for Planning, Culture and Inclusive Economy</p> <p>Cllr Guy Nicholson</p>	<p>1) Update on virtual carnival and a follow up from LiH challenging to the council about inclusivity.</p> <p>2) Following the impact of the pandemic and move of the Hackney Carnival to the virtual environment. The Commission wants to explore the following:</p> <ul style="list-style-type: none"> a) What happened this year - how successful was the virtual carnival and measures of success b) What was the virtual reach this year? c) Strengths and weaknesses of this year's carnival. In preparation for next year's carnival how do we capitalise and still do a live event.
	<p>Hackney Library Services</p>	<p>Cabinet Member for Planning, Culture and Inclusive Economy</p> <p>Cllr Guy Nicholson</p> <p>Director of Customers Services and ICT Rob Miller</p>	<p>Information about Hackney Library services phased re-opening strategy and digital divide.</p> <ul style="list-style-type: none"> a. its approach, response and phased re-opening following Covid-19 b. Online activities and changes to the service provision to make it fit for purpose in the future. c. As more services and access to services move online what is the council doing to help residents overcome the digital divide? d. How are council buildings, services and communal spaces being used to support this work?

Dates	Proposed Item	Directorate and lead officer contact	Description, Comment and Purpose of item
<p>9th March 2021</p> <p>All Council meetings will be held remotely.</p> <p>Papers deadline: Wed 26th Feb 2021</p>	Leaseholders Services	Interim Director of Housing David Padfield from LBH	<p>Leaseholders Services – how are leaseholders consulted and engaged.</p> <p>A look at the different types of leaseholders, support to leaseholders and engagement generally and in relation to Section 20 notices.</p>
	Outcomes of Housing Services' review of Community Halls	Interim Director of Housing David Padfield from LBH	Update on the outcome of the review
	Resident engagement	Interim Director of Housing David Padfield from LBH	Update on how the council conducts resident engagement
	Update on Thames Water Main Burst in the N4 area	<p>Thames Water</p> <p>Steve Spencer – Operations Director</p> <p>Tim McMahon – Head of Water Asset Management</p> <p>Ofwat</p> <p>Carl Pheasey - Director Strategy & Policy</p>	<p>An update on the progress of repair works, a status update on residents returning to their homes (home owners, private tenants, council tenants, registered social landlords and leaseholder) and the progress of performance for Thames Water.</p> <p>A return by officers from Thames Water and Ofwat.</p>



London Borough of Hackney
Living in Hackney Scrutiny Commission
Municipal Year 2020/21
Date of meeting Monday, 9 November, 2020

Minutes of the proceedings of
the Living in Hackney Scrutiny
Commission held at
Hackney Town Hall, Mare
Street, London, E8 1EA

Chair	Cllr Sharon Patrick
Councillors in Attendance:	Cllr Sade Etti, Cllr Anthony McMahon, Cllr M Can Ozsen, Cllr Ian Rathbone, Cllr Penny Wrout
Apologies:	Cllr Anna Lynch
Officers in Attendance	Cllr Susan Fajana – Thomas (Cabinet Member for Community Safety), Cllr Carole Williams, Cabinet Member for Skills, Employment and Human Resources, Jason Davis, Strategic Lead (Policy) and lead Officer for Hackney’s Community Safety Partnership, Maurice Mason, Community Safety Partnership Manager, Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation from London Borough of Hackney
Other People in Attendance	Commander Catherine Roper (Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement), Commander Jane Connors (London lead for Violence and Stop/Search), Natasha Plummer (Head of Engagement), Sal Naseem (Regional Director London), Detective Superintendent Mike Hamer (Central East BCU Lead for Violence & Criminal Investigation and Deputy Borough Commander), Tim Head (Account Group Project Officer at HCVS), Great Okosun (HCVS Account Group Representative), Yolanda Lear (HCVS Account Group Representative), Superintendent Andy Port (Central East BCU Lead for Neighbourhood Policing & Community Engagement), Louise Brewood, LBH Safer Neighbourhood Board, Nicola Baboneau, (LBH Safer Neighbourhood Board)
Members of the Public	None
Officer Contact:	Tracey Anderson ☎ 0208 356 3312 ✉ tracey.anderson@hackney.gov.uk

Councillor Sharon Patrick in the Chair

1 Apologies for Absence

- 1.1 Apologies for absence from Commission member Cllr Anna Lynch.
- 1.2 Apologies for absence from the Borough Commander of Borough Command Unit Central East (Hackney & Tower Hamlets), Detective Chief Superintendent Marcus Barnett.
- 1.3 Apologies for lateness from Commission member Cllr Anthony McMahon.

2 Urgent Items/ Order of Business

- 2.1 There was no urgent items and the items of the meeting was as per the agenda.

3 Declaration of Interest

- 3.1 No declarations of interest.

4 Stop and Search and Inclusive Policing

- 4.1 In attendance at the meeting for this items from the Mayor's Office for Policing And Crime (MOPAC), Natasha Plummer, Head of Engagement. From the Metropolitan Police Service (MPS) at MET HQ, Commander Catherine Roper, Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement and Commander Jane Connors, London lead for Violence and Stop/Search. From Central East (CE) Borough Command Unit (BCU), Detective Superintendent Mike Hamer, CE BCU Lead for Violence & Criminal Investigation and Superintendent Andy Port, CE BCU Lead for Neighbourhood Policing & Community Engagement. From the Independent Officer for Police Conduct (IOPC), Sal Naseem, Regional Director London.
- 4.2 The Chair introduced this item and commenced by giving some back ground information about the item. The Chair explained the Commission's work in this area started in 2019 following information about the MPS's plans for body worn cameras and the work of the local Account Group.
- 4.3 The Commission followed this up in June 2020 but were left with outstanding questions and wanted a further meeting with the MPS, IOPC and MOPAC.
- 4.4 The Chair pointed out the Commission has a key role in Hackney to look at these issues on behalf of the community. From 2017, since the death of Rushan Charles, trust and confidence among the communities in Hackney has been decreasing significantly. The MPS statistics show an increase in stop and search in Hackney along with a rise in handcuffing across the MPS.
- 4.5 The Commission represents the views of the community but are mindful the Council needs to work with the police to ensure the community is protected. The Chair pointed out currently not all members of Hackney's community felt protected by the Police. The Commission wanted to see improved relations

between Hackney Council, the community, police and MOPAC to find a way forward.

- 4.6 The Chair highlighted following the death of George Floyd the black community's faith in the police is not as it should be due to police behaviour. But this is a global problem between ethnic minorities and the police. Making reference to the Lammy review report the Chair pointed out there are reports that show the BAME community is overrepresented in the justice system.
- 4.7 The Commission invited the Borough Command Unit (BCU) for Central East (Hackney and Tower Hamlets), Metropolitan Police Service Headquarters (MET HQ) and Mayor's Office for Policing and Crime (MOPAC) to talk about their work to build trust and confidence and to outline how this public concern was being addressed by the MPS and MOPAC. Included in this discussion was the Independent Office for Police Conduct (IOPC) to further explore how the IOPC works with the MPS in terms of their complaints system and to hear about the review finding from their use of stop and search review.
- 4.8 The Commission submitted questions in advance to the MPS Borough Commander, MET HQ and MOPAC officer. These questions covered the following areas:
1. Stop and Search
 2. Trust and confidence
 3. Accountability
 4. Handcuffing
 5. Fair and inclusive policing.
 6. Sources of intelligence
 7. Community engagement work related to building trust and confidence.
- 4.9 The Commission submitted questions in advance to the IOPC covering the following areas:
1. Powers of IOPC in relation to the recommendations they make to the MPS
 2. Role of the IOPC in relation to MPS complaints
 3. Their success in influencing policy and implementation of the recommendations they make.
 4. Information about the IOPCs review on the use of stop and search.
- 4.10 Written response to the questions were provided in the agenda under item 4a and item 4b and supplementary papers.
- Mayor's Office for Policing And Crime (MOPAC)**
- 4.11 The Head of Engagement from MOPAC commenced her presentation covering the key points from MOPAC's written submission and provided further information in response to the questions submitted.
- 4.11.1 MOPAC is led by the Mayor of London, Sadiq Khan. The Deputy Mayor for Police and Crime, Sophie Linden leads MOPAC on a daily basis. MOPAC's role is to provide oversight of the MPS and ensure delivery of the Mayor's Police and Crime Plan. The Mayor's Police and Crime Plan sets out his strategic ambitions in relation to crime in London. This also sets out his work with partners to drive an effective criminal justice and crime reduction service across London.

- 4.11.2 The Mayor of London sets the strategic direction and budget for the MPS and has powers to bring partners together to problem solve to address key issues affecting Londoners. The Mayor of London does not have operational control of the MPS and cannot direct the MET Commissioner of the MPS. This is a key difference for UK's policing system to other global police forces.
- 4.11.3 The remit of the Head of Engagement from MOPAC covers community engagement and scrutiny. Areas such as wider stakeholder engagement (such as a targeted round table), use of Covid 19 powers, hate crime (this increased during lockdown) and working with local safer neighbourhood boards (SNBs), local stop and search monitoring groups and independent custody visiting in London boroughs.
- 4.11.4 MOPAC highlighted trust and confidence is the central principle to the work of policing by consent. The foundation of which UK policing built and fundamental to the work of the MPS.
- 4.11.5 MOPAC recognise when people have trust in police they are more likely to be satisfied when they encounter a police officer, will comply with police authority and will assist the police with investigations.
- 4.11.6 MOPAC pointed out the view of the police and how powers are used (i.e. stop and search) or perceived to be used by communities, is critical to maintaining that trust and confidence and delivering effective policing in the London.
- 4.11.7 Police confidence is a key measure that has been tracked for a few years through their public attitudes survey. The main measure is a questions about if the police in their area are doing a good job.
- 4.11.8 The most recent survey shows 58% for London and 56% for Hackney - Hackney has consistently tracked below the London average. MOPAC acknowledged the Chair's commented about the fall in confidence over the last 3-4 years. This measure has been compounded by wider society impacts such as austerity, this period of uncertainty and change like Brexit. However it has stabilised at 58% and they hope it will now start to rise in the future.
- 4.11.9 MOPACs role involves overseeing the work of the MPS in its entirety including their work on community engagement, trust and confidence, stop and search and crime reduction. MOPAC also support the community to scrutinise the police at a local level.
- 4.11.10 MOPAC discharge their function by overseeing the work of the MPS and by holding the MET Commissioner and her senior team to account for delivery. This is through various mechanism like 121 meetings with the Mayor and Deputy Mayor and their formal Oversight Board.
- 4.11.11 The meetings are used to integrate the data and challenge the MET Commissioner and about the team's performance; whilst also challenging on issues that matter most to communities.

- 4.11.12 Another way they hold the MPS to account is through transparency. The transparency is through the publication of a variety of information and data sets. These cover general crime data - public voice data, information about complaints and police workforce statistics. The officer highlighted the Hackney Account Group had made use of this publically available data to challenge and scrutinise their local police officers.
- 4.11.13 MOPAC fund Safer Neighbourhood Boards. The SNB's hold the local MPS to account and fund community safety matters. MOPAC also fund local crime reduction projects. LBH receives £29k for projects and to support the work of the SNB.
- 4.11.14 MOPAC also work with communities to look at key aspects of policing like custody. This entails working with independent custody visitors to review police custody through to stop and search community monitoring.
- 4.11.15 MOPAC explained stop and search is an important police power but they also recognise it is quite an intrusive power (allowing within set parameters police officers to put their hands in pockets) if it has not been carried out correctly or with dignity.
- 4.11.16 It is important for trust and confidence that policing is seen with legitimacy, is intelligence led, conducted fairly and proportionately. It is key for communities to have this view.
- 4.11.17 MOPAC acknowledged the data show disproportionality and that this is a cause for concern by community. Based on population data they know that black individuals are 3.5 times more likely to be stopped and search compared to a white individual.
- 4.11.18 As part of MOPACs work they support a network of community stop and search monitoring groups to scrutinise that data at a local level. MOPAC recognise it is important to ensure the community performs that functions and that their conversations feed into the work MOPAC is doing at the corporate centre.
- 4.11.19 MOPAC pointed out 2020 have been a challenging year. The world has witnessed the murder of George Floyd and protests around the world have put police services around the world under intense scrutiny. The Mayor of London is committed to an action plan to address 4 key areas MOPAC hope will address trust and confidence in policing.
- 1) **Better use of police powers** – this looks at consistency e.g. for area like the hand cuffing policy and reviewing the disproportionality across a range of tactics and tools like stop and search, tasers etc.
 - 2) **How we work together with black communities to keep them safer** - this is about developing a new framework for engagement between the police and communities. Enabling more accessible opportunities for a wider range of people to be in the conversations. To help with problem solving and to fully understand how people are experiencing policing on the ground. This work takes into consideration their work with safer schools officers, thinking about how they are supported to build relationships with young people and to keep them safe.

- 3) **Building a police service that better represents and serves black Londoners** - people want a service to reflect them and London. More importantly they want the service that can be seen to operate within the various communities in London. This work will focus on the retention and recruitment of black and ethnic minority officers at every level of the service. It will also highlight how communities and young people can get involved in recruitment training, to make it more open and transparent and bring in lived experience. Help to empower and train officers to operate within London.
- 4) **Holding the police to account** - it is clear from conversations with the community they do not recognise MOPAC is doing a lot of accountability and oversight work. MOPAC is thinking about how to make that more transparent and make communities more aware it is happening. Critically they want to build new and broader opportunities for communities to be involved in that scrutiny. MOPAC is look at how to broaden out the remit of borough level scrutiny and are proposing to build city wide scrutiny mechanisms to enable the public to be more involved. This will not just focus on stop and search but look at other police powers such as the use of tasers.

4.11.20 MOPAC acknowledged there is a lot of work to do but highlighted they are building on a good foundation. They are hearing that communities want more to be done and rapidly.

4.11.21 For MOPAC the challenges are:

- a) how they better inform communities about their work holding the MET to account.
- b) enable people to understand their rights and responsibilities in this space.
- c) support and work with the IOPC to help people to understand how the complaints system works and make it more accessible.

4.11.22 As part of this work MOPAC want to create specific opportunities to be held to account for the oversight they do of the MPS in delivering the plan. They want to be held to account by the public for the experience of how policing feels to them.

4.11.23 MOPAC recognise that trust and confidence is important but so is understanding the perceptions, feelings and experiences of the communities. MOPAC would like to see in 4-5 years' time the monitoring indicators reflecting progress and change and the community feeling and experience to improve too. They want a better relationship with communities across London.

4.12 **Metropolitan Police Service (MPS)**

4.12.1 The Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement from Metropolitan Police Headquarters (MET HQ) / MPS commenced her presentation covering the key points from the written submissions by BCU Central East and in response to the questions submitted.

- 4.12.2 The officer's areas of responsibility include crime prevention and inclusion across the MPS. The department has 3 strands the crime prevention strategy, diversity and inclusion strategy and the engagement strategy. These strategies set the tone for the organisation and holds the organisation to account for the activities carried out.
- 4.12.3 The Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement advised her attendance was following strong messages from the community about not seeing and feeling all the activities the MPS is doing to engage with the community and that their internal structures are aware is happening.
- 4.12.4 Referring to the MOPAC officer's comments the MPS echoed that 2020 has been an unprecedented year and that this has been the same for policing.
- 4.12.5 The MPS highlighted at the beginning of the year trust and confidence in the MET was beginning to be positive. People were feeling more informed about local policing and addressing the concerns of local communities and what they cared about.
- 4.12.6 Following March, April and May there has been a slump in the public attitudes survey particularly trust and confidence within the black communities. Especially after the murder of George Floyd. Commenting there has been an out pouring of frustrations from communities, particularly the black communities in London.
- 4.12.7 The Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement explained they have been working with the community and have a long list of the people the department has engaged with daily. However the MPS did accept they did not do enough talking to people for example they did not speak to the Chinese and south Asian communities and at the start of Covid they started to suffer from hate crime.
- 4.12.8 The MPS have carried out more engagement in a number of their normal policing processes e.g. public order. Although they acknowledged the community seems to not see the impact of this work. The MPS recognised their engagement work has not been fully successful in is their BCUs (frontline policing).
- 4.12.9 There has been some inconsistencies in how they were engaging across the organisation. The MPS was not fully aware of who they were engaging with and who they needed to engage with more. The Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement is taking the lead with a group of officers to resolve.
- 4.12.10 In the agenda papers submitted for the meeting the MPS outlined their minimum offer within frontline policing for all BCUs. This should remove the inconsistency within the service from local policing.
- 4.12.11 The MPS will be increasing their scrutiny processes. The MPS is trying to keep communities better informed and respond to the feedback.

- 4.12.12 The MPS highlighted we are about to enter into lockdown 2. Based on the public's feelings about this they will need to navigate this sensitively.
- 4.12.13 The officer highlighted the MET Commissioner has committed to being the most trusted police service globally. The MET Commissioner has 2 priorities: 1) violence – to reduce violence across the capital; 2) Improve trust and confidence between the MPS and their communities. The MPS acknowledge they have a lot of work to do.
- 4.12.14 The London lead for Violence and Stop/Search added the following points in response to the questions submitted.
- 4.12.15 The officer gave an overview of her role which is the lead for violence in the MPS which also covers stop and search. A key aspect of her role is to look at inconsistency and the accountability of police officers within the MPS. Her role includes making sure they are scrutinised, understand the impact, ensure they are visible and able to respond to their communities. This also includes addressing consistency across the BCUs and pan London units' e.g. violent crime task force and the TSG.
- 4.12.16 The officer's role is to oversee stop and search across the MPS to ensure it is done correctly, effectively and that the MPS listens to communities to improve going forward.
- 4.12.17 From Central East BCU, Deputy Borough Commander and CE BCU Lead for Violence & Criminal Investigation commenced his presentation in response to the questions submitted.
- 4.12.18 The Deputy Borough Commanders for CE BCU highlighted the BCU was asked to respond to two questions 1) briefing and tasking for stop and search b) their engagement work.
- 4.12.19 CE BCU is doing their own internal review with the Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement to look at local stop and search. This will be a deep dive into their stop and search activity. The local MPS recognised that to police with consent they needed to work with the community. The local BCU were of the view they do this and that their work with the community is largely effective.
- 4.12.20 The Deputy Borough Commander for CE BCU pointed out he was joined by the CE BCU Lead for Neighbourhood Policing & Community Engagement. This officer supported community safety teams, SNBs and is the lead engagement officer for the borough.

As part of the opening statement the Chair asked the Deputy Borough Commander for CE BCU to provide more information about how they used intelligence for stop and search. Pointing out Members wanted to understand what the term intelligence led meant for policing and in particular how it informs stop and search activity.

4.12.21 The Deputy Borough Commander for CE BCU confirmed the information is the foundation for their tasking. The information is assessed and analysed and then they use it to task police officers to cover particular issues. Following the tasking they analyse the information and then repeat the cycle. One of the priority areas for the MPS is violent crime – knife, gun and robbery. This covers street based offences. The Deputy Borough Commander for CE BCU explained the intelligence information comes from crimes recorded – in Hackney they record 80 crimes a day. This is information from victims, witnesses and other resources e.g. CCTV, Hackney Council or private resources. The MPS also receive information from the public through face to face contact, calls into the service about ASB, weapon carrying or in recent Covid times group gatherings.

As part of the opening statement Members of the Commission asked the Deputy Borough Commander to clarify how they decide an individual or group of people should be stopped and searched. Members wanted an explanation of how the police make a judgement of who to stop and search and who to handcuff. In the Commission's view this information is missing from the reports or regular updates provided. The Deputy Borough Commander was asked to clarify how a police officer on street patrol would decide they needed to conduct a stop and search. Members referred back to the statistics showing disproportionality.

4.12.22 The Deputy Borough Commander explained the reason and grounds for a stop and search were personal to the police officer from what they observed. This is influenced by their own observations, information from a member of the public or as a result of wider tasking. The officer informed the MPS has finite resources so they want to put their police officers in the locations and at the times where the crime is occurring.

4.12.23 The Deputy Borough Commander pointed out Police officers are not instructed to go out and do a stop and search. They have information about the issues, victim information of the crime profile and tasking information. A stop and search could be in response to an emergency call with very specific information and description of the people involved. It could also be as a result of a patrolling police officer's observes of something that is not right. This professional judgement may lead them to have a personal encounter with a member of the public. The Deputy Borough Commander confirmed he would not give an explanation for individual encounters in Hackney because they are as a result of a variety of reasons.

4.12.24 The focus of the deep dive for stop and search is to understand (though body worn videos and supervision) the recorded grounds for a stop and search alongside reviewing the complaints data to assess if it was sufficiently articulated and justified.

4.12.25 As part of the opening statement the Chair referred to best use of resources and indicated a 20% positive outcome rate for stop and search would not indicate a best use of resources. Members also commented it was unclear if these statistics relate to warnings or people being taken through the justice system.

4.13 **Independent Office for Police Conduct (IOPC)**

- 4.13.1 The Regional Director London from the IOPC commenced his presentation covering the key points from the written submissions and in response to the questions submitted.
- 4.13.2 The officer started by saying three words “stop and search”. The officer explained these words provoke a range of thoughts and emotions from people and they can come from a person’s lived experience, from carrying out a stop and search or working closely in this area.
- 4.13.3 The IOPC know that stop and search is a necessary policing tool and part of the policing tool kit. They also know that for members of the black community it’s a policing tactic in which there is disproportionality and this has eroded their trust and confidence in the MPS police.
- 4.13.4 The IOPC recognise both positions and the importance of trust and confidence. The role of the IOPC is to help maintain trust and confidence in policing by ensuring police officers are accountable for their actions, learn lessons and that there is an effective police complaints system. However the IOPC acknowledged there are concerns about engaging with the police complaints system.
- 4.13.5 The IOPC informed their research showed 33 thousand complaints were logged against the police but only 4% were from members of the black community and 1% by young people. In addition less than 1% of total complaints related to stop and search.
- 4.13.6 The IOPC explained this confirms two things 1) the complaints data in this area should not be used as a measure of policing to assess whether communities are dissatisfied with stop and search. 2) Black communities and young people (both with the lowest rates) are least likely to engage with the systems in place that are designed to take forward their concerns.
- 4.13.7 The IOPC has been making efforts to address this through their work on their engagement strategy. They have worked with their youth panel, done joint presentations with MOPAC and the MPS and carried out broader media work to raise the profile of the complaints system.
- 4.13.8 From speaking to the communities in London the IOPC repeatedly heard comments like “why should I make a complaint. It’s just the police investigating themselves.” Although it is correct that the vast majority of complaints go to the police to investigate. The IOPC pointed out if you are unhappy with the review a person has the right of appeal with either MOPAC or the IOPC.
- 4.13.9 In response to the point why complain, the Regional Director made reference to the recent work of the IOPC on stop and search. The Director highlighted the IOPC looked at all completed investigation data featuring stop and search. There were 5, all featuring black men. They reviewed the cases holistically to understand the bigger picture, key themes and trends.
- 4.13.10 Following this review the IOPC made 11 statutory learning recommendations based on the evidence found. The learning recommendations were made at

an organisational level to avoid inconsistencies around stop and search repeating.

- 4.13.11 The IOPC consulted with community stakeholders, young people and organisations working with young people in this space when they were drafting the recommendations from the review.
- 4.13.12 The 6 key themes found in the review were:
- 1) A lack of understanding by police officers about the impact of disproportionality on communities.
 - 2) Poor communication throughout the stop and search.
 - 3) Consistent use of force.
 - 4) Failure to use body worn video at the start of encounter.
 - 5) Continuing to seek evidence when the initial grounds for stop and search were unfounded.
 - 6) The smell of cannabis being used as the sole grounds for a stop and search.
- 4.13.13 The evidence the IOPC found matched the views being expressed by communities across London.
- 4.13.14 The IOPC review highlighted the need for the MPS to better support their police officers to do their job effectively, with the right training and supervision.
- 4.13.15 The IOPC explained stop and search is a policing tool but like any tool it needs to be used with care and in the right circumstances.
- 4.13.16 By making the learning recommendations they hope both the MPS and black communities in London address the gap that exists in their relationship around trust and confidence.
- 4.13.17 The IOPC pointed out to address a problem the first step is an acknowledgement of the issue that needs to be tackled. It is important to recognise the MPS have accepted all the recommendations.
- 4.13.18 The next challenge will be improving and action.
- 4.13.19 The IOPC pointed out none of their work to address this important issue would be possible if those individuals had not made a complaint. Adding, like any service, the MPS can only improve when they are informed something has gone wrong.
- 4.13.20 The IOPC closed with highlighting this is the importance and value of the complaints system.

4.14 **Questions Answers and Discussions**

- (i) **Members commented this has been a journey and there have been several engagement session on this topic with the Police. The Members acknowledged the work of the Accounts Group and the recommendations in the report. Members referred to the CE BCU's written response to question 1 in the agenda. Highlighting under**

'intelligence and sources of information' it refers to a person behaviour and makes reference to bandanas as grounds for stop and search. Members read out the definition of a bandana and asked why this item of clothing (that could be used by any person) is listed as a reasonable ground for a stop and search.

The Deputy Borough Commander from Central East BCU explained the occasions on which any type of clothing is used for grounds for stop and search is very seldom. The MPS review grounds for stop and search and it is never based on an aspect of clothing. However there have been groups that identify themselves by clothing colours in large gatherings e.g. at Nottingham Carnival. However for Hackney the colour of clothing is not a significant feature on the streets of Hackney. This would not be a significant reason for a stop and search in Hackney.

- (ii) **The Cabinet Member for Community Safety from London Borough of Hackney (LBH) made the following comments and questions:**

Hackney welcomed the report of the IOPC on stop and search and was pleased the MPS accepted all the learning recommendations. The Cabinet Member pointed out conversations about stop and search, particularly related to young black men, have been ongoing for decades.

The MET HQ mentioned they are doing a lot of community engagement work but the people are not seeing or feeling the engagement work with the community. The Cabinet Member suggested it was time for the MPS to change the way they engage with the community. Pointing out the issues related to stop and search were more about the relationship and engagement with the community.

The Cabinet Member suggested to address the issue of trust and confidence. They should implement robust engagement with the community. Safer Neighbourhood Board (SNB) and stop and search monitoring group

The Cabinet Member asked the following questions:

- 1) what support and strengthening can MOPAC offer the SNB and stop and search monitoring group to fulfil their role in scrutinising the activities of the police.**
- 2) How many repeats stop and searches are there in Hackney?**
- 3) In relation to the work by MOPAC, how will the IOPC recommendations be incorporated in their work about the MPS and black justice?**

- (iii) **Members referred to previous reports about police operation and the treatment of people from the BAME communities. Members asked how things will be different this time and the change people will see in relation to how the MPS engages with the community?**

- (iv) **Member commented the MPS had stated community groups are involved but they were unclear about who they were and who they represent.**

- (v) **Member also commented there has been work to look at body worn cameras. The Commission heard that in Hackney the body worn cameras were not being used correctly and hidden by clothing. Members suggested there was wider community involvement to look at the footage of body worn videos (BWV) like the Northampton project - where the community is shown redacted BWVs.**
- (vi) **Members referred to public confidence and suggested this needed statistical data to show how many police officers were disciplined for not wearing their body worn camera correctly. Member also suggested there should be information about how many were disciplined for the miss use of force with handcuffing. Member commented without this type of monitoring information the promises of change were good intentions. Members suggested the community needed evidence to demonstrate there is a difference on the frontline. Members suggested these figures should be made publically available to help improve trust and confidence. Members asked when these figures would be published?**
- (vii) **Members asked if the MPS was working with the Black Police Association (BPA) to help overcome some of the barriers.**
- (viii) **Members commended the poem featured in the report of the Account Group by Yolanda Lear.**
- (ix) **Members referred to the previous question about the criteria for stop and search and handcuffing and pointed out the MPS's response did not outline the criteria. Members also referred to the response dismissing bandanas as grounds for a stop and search and queried how a bandana was decided and then subsequently undecided as grounds? Members asked the MPS to give clarity about the criteria.**
- (x) **Members highlighted the key questions they are seeking responses to were:
a) why bandana were included and then dismissed?
b) the criteria for a person to be stop and searched?
c) why handcuffs are used?**
- (xi) **Members suggested there must be some form of training and criteria otherwise it was based on the individual police officer's judgement. Member did not think this was appropriate. Members asked the MPs to be specific about the criteria.**

In response to the above question the MPS replied.

In relation to how this will be different this is a question and challenge the MPS has asked itself too. The MPS pointed out they have started reviewing and doing things differently.

The MPS highlighted the Mayor's action plan (which will hold the MPS to account for a range of activities) is not just about doing activities but improving the way they communicate and explain all their work to the public.

The MPS aim to improve how they bring members of the community into processes and how they engage with communities to collate their views, experiences with empathy.

The MPS acknowledge they need to listen more and take responsibility for improvements across the organisation. The MPS pointed out they have included community members in the design and delivery of procedures for police officer training across the organisation. This is to put the focus on the lived experience, fairness and understanding and to have empathy at the heart of MPS activity. They have brought in community members and IAG members to help train their new recruits on stop and search to better understand the recipient's views of that activities.

The MPS works with local communities and bring community representatives to their special operations room for things like public orders so they can see decision making and briefings.

The MPS accept if they cannot explain how people can engage with the MPS, IOPC or MOPAC to make a complaint or engage in the scrutiny of their activities they are letting the community down.

The MPS is also rolling out increased scrutiny procedures for use of force. This is being trailed in Hackney but will be rolled out across the organisation. The aim of this work is to encourage more people to scrutinise MPS activity.

Over the summer the MPS implemented a central scrutiny board to look at the use of Covid-19 regulations. This helped to explain how the regulations would be used, where and why.

AT MET HQ the Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement has responsibility of working with the BCUs to make sure their communities understands where they can obtain information and understand how they can make challenges.

The MPS has involved the community in their diversity and inclusion strategy to bring the community into the heart of their work. This includes communicating about the strategy.

MPS highlighted this needs a cultural shift and was not just about activities or a transactional relationship but about empathy and understanding the emotions attached.

Fundamentally the MPS accepted despite all the work they have done it has had limited impact. But it was their responsibility to change. The BCU commitments outlined in the agenda was the start of this process. The roll out of additional scrutiny is an example of this.

- (xii) **Members referred to the Account Group in Hackney and young people on the streets of Hackney, who feel traumatised and abused from stop and search and hand cuffing and asked what difference they will see? Members asked if there will be less handcuffing, less stop and search, politer officers etc. to help people believe.**

In response the MPS explained the difference will be through local police officers. Whilst the Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement from Met HQ accepted, acknowledged and was saddened about the trauma and upset of the young people in London - particularly young black men – and the effects of stop and search. The MPS is pleased there is still some engagements from this cohort and that they are still holding conversations with the MPS.

In response to what will look and feel different. There will be local training delivered for visiting units to give information about the lived experience and the cultural history of Hackney will be provided. They should see a cultural shift in the way local police officers engage with the people of Hackney, talk to them and explain things as well as empathy. This will not take away difficulties and having to work through them.

They are going to be held to account and the IOPC recommendations have been agreed as a commitment from the MPS.

(xiii) **Members asked about the timescale for this work by the MPS.**

In response the MPS advised the roll out of additional scrutiny on the use of force will be in Hackney and referred to the BCU for a fuller response.

The Central East BCU Deputy Borough Commander added the local MPS will endeavour to review the use of force for each stop and search. This includes the use of handcuffing. There will be a team of 5 people who will review every stop and search encounter.

The police officer explained there are 2 aspects to this work. How they use the learning from this work and how they implement any changes in a timely and proportionate way to moderate police behaviour if needed. Working on the soft skills to communicate, deescalate and sympathise with people better. In the interest of transparency they will use a community reference group and monitoring framework to help support the work. This work has commenced and will need to be communicated back to the community.

The MPS pointed out in September 2020 they had 93% of BWV footage for all stop and searches. This was reported as good progress.

Currently the work has started and they are finalising the terms of reference for the external engagement. They will enable some public review of the BWV unedited. They are looking at the governance issues for this work. They hope to open this up to the community monitoring group in a few weeks.

(xiv) **Members asked how the community monitoring group is selected and if it is representative of Hackney's diverse community?**

In response the MPS confirmed the intention is to have a monitoring group that is representative of the community. The local MPS is speaking to the Account Group about their role in this group. They are building the group as

they go but the intention is for all sections of the community to be involved particularly the youth.

In response to the previous questions above the MPS explained there are other areas of on ongoing work within professional standards. An independent advisory group to scrutinise the professional standards processes across the MET service.

The MPS have community members involved to help design their training for stop and search and procedural justice.

They have young people come and talk to new MPS recruits to give their lived experience from being stopped and searched and growing up in London.

In response to the number of police cadets in London. In Hackney they have approximately 130 Volunteer Police Cadet (VPC) and nearly 5000 across London. In relation to diversity it is approximately 40% black and ethnic minority for the VPC. In addition the MPS pointed out they have approximately 4000 additional volunteers that help the police service on a daily basis.

The MPS pointed out there is a lot of work in progress but they recognise they need to better communicate their work and highlight the scrutiny process more. Then they need to listen to the feedback so it can inform their next steps.

- (xv) **Members commended the 5000 police cadets across London. However Members were still disappointed that there were only 130 in Hackney and asked why? Members commented this was not sufficient or a reason to be complacent.**
- (xvi) **Members were of the view for the public to see change this needed to be demonstrated through statistics that showed change. In their view this included the number of police officers held to account.**
- (xvii) **Members referred to the MPS response to the IOPC recommendations in their recent report. Members made further reference to the use of force and the way a police officers' use of force will be monitored - by asking officers to justify their use of force. But Members suggested the list reads as a check list that gives officers an excuse as to why they use force not justification. Members were of the view this does not help to push back to make a police officer justify their actions. Members think this would be an effective way to reduce the use of force.**

In response to the questions about professional standards, disciplinary of police officers and body worn cameras the London lead for Violence and Stop/Search from MET HQ explained in relation the data and publication of the figures the MPS has a stop and search dashboard and a MOPAC dashboard but acknowledged it was not user friendly. The MPs advised they are working with scrutiny group to establish the data needed for each local area so they provide this data. This will be in addition to the MPS level

data on the dashboard. They acknowledge there are variations in data across the MPS.

There is also the visibility of the information and accessibility of the data and they are working on this too. This is what they are working on with the local scrutiny group.

- (xviii) **Members interjected and pressed for the MPS to clarify if they take disciplinary action against police officers for stop and search and not wearing body worn camera correctly? Members commented this should be communicated back to the community with evidence showing how and what action they are taking. Members were still concerned about stop and searched being intelligence led and having no criteria but relied on a police officer's judgement.**

In response the MPS explained the scrutiny groups look at un-redacted videos and including the grounds for the stop and search records. The officer explained the community representatives on the community groups can look at the grounds and the police officers' actions. They can then provide their feedback on the police officers behaviour, the reason for grounds and provide comment on areas of improvement.

In response to Members concern about justifying, the MPS highlighted the stop and search slip and BWV is made available for scrutiny. This the process by which police officers have to justify their action and why. This is how they are held to account.

In relation to the statistics the MPS is happy to provide data to the community groups. This would be the local BCU scrutiny group. The MET HQ officer encouraged them to submit data requests.

The MPS officer reiterated the BWV footage is at 93% and pointed out the scrutiny groups independently select their own footage to watch from a random selection.

- (xix) **The Account Group representative made the following comments. Thanked the Councillors for their reference to the report they produced. Highlighted the report sets out their findings and recommendations. The Account Group advised they have been in meetings but to date there has been little progress.**

In reference to the IOPC comments they Account Group commented the IOPC's views were justifying stop and search with no regards to the statistics. In their view the IOPC does not understand the problem and that people are not going to them because they think reporting concerns will not be productive. The Account Group highlighted there is no faith in the IOPC and the police regardless of the promises made. The Account Group representative pointed out young people, in particular young black men, have very little faith in the police to help or treat them fairly. The Account Group informed they have been in meetings with the police and have been overlooked and they feel disrespected. This is the view of young people when they have tried to speak to the police or ask for their help.

- (xx) **The Account Group representative asked how the MPS will fix the problem when the responsibility is being pushed from senior management decision makers onto the local police units. The Account Group expressed the view that senior managers within the MPS were not taking responsibility for the actions of police officers.**

In response to questions raised earlier in the discussion MOPAC provided the following responses in reference to what will be different and the community engagement question by the Cabinet Member from LBH.

MOPAC explained people are more open and receptive to having this dialogue now than they were a year ago. There is an openness to being challenged and to challenge each other to have the conversations. There is a lot of scrutiny so their actions are all under the spotlight. This gives a real opportunity to make some differences requiring more than just words.

MOPAC made reference to their new engagement framework. MOPAC will look at how they diversify some of their activities. There are a number of structures they support but it's clear there is not enough diversity within the formal mechanisms - diversity of thoughts, experience etc. Their formal structures are not providing the full picture of how people are experiencing policing. This can lead to other side conversation but MOPAC would like these conversations to be captured in their formal mechanisms. To make this happen the current structures need more support than currently provided by MOPAC. MOPAC pointed out these are points SNBs and others have made.

MOPAC informed they provide funding to SNBs for their operation and to support community projects. But there is no support given for community development or engagement more widely whilst also holding the police to account. MOPAC does not provide support for this and this is a gap identified. This is an area they will want to address in the new framework.

In reference to information and data e.g. the complaints data, this is available in the public domain. But there are so many different data sets that are buried on a website that it can make it hard to access. And if found they are not always user friendly.

Following publication of the Mayor's action plan MOPAC will develop a collection of data that will bring key data into a format that will be accessible to people. MOPAC will aim to make this available twice a year. This will be a collection of all the key metrics that will help them to understand if they are improving in trust and confidence, disproportionality and if complaints are being handled effectively and on time. The key aim is to bring this information together to enable people to assess it at a quick glance.

In relation to the discussion about how policing operates MOPAC pointed out how a police officer understands and carries out their role/job compared to how the public understand their job/role and how they carry out their job; there is a gap between the two viewpoints.

They need to work together to bring these 2 positions together. Although there may not be agreement there could be better understanding of the different viewpoints and the parameters in which policing operates. To the public policing can seem archaic and it has a lot of regulation that members of the public are not aware of.

It is equally important for SNBs and groups like the Account Group to challenge and point out if there is a different ways things can be done. This can feed into the work of MOPAC.

The Mayor also has influence and can lobby Government for changes in legislation if required. In addition MOPAC can think differently about how they do scrutiny too.

MOPAC pointed out changing policing, the way it operates and how we experience it will not happen overnight. This is a real challenge for them to accept that it will take time to: a) implement and b) have the impact they want. It is important for the communities to understand that if they make changes it will not be immediately seen. However they need to continue to have these conversations to see if they are starting to have the right impact.

What is important to MOPAC is for people say the MPS is more transparent and that they have a better understanding of their operations. They want people to feel they have an opportunity to inform the MPS of their experiences. This would be a success.

If MOPAC publish the action plan and over time they are hearing from the community it is not delivering the changes they want. They will have to review what they are doing. MOPAC recognise it is not good to have a plan and tick off delivery if the public feeling and experience is not different.

The MPS and MOPAC recognise they need to keep being challenged and reminded of what the community want.

(xxi) **Members referred to the IOPC's opening statement making reference that the report was only possible due to individuals logging a complaint in the system. Members referred to comments from the Account Group in this discussion and their lack of confidence in the IOPC. Members referred to the IOPC's youth panel and asked how young people can get involved in this?**

In response to the questions from the discussion the IOPC provided the following responses.

This discussion exemplified the barrier that the IOPC have to overcome to build trust and confidence in the system.

The police complaints system is the system in place and it is designed to take forward public concerns and complaints about the police.

The complaints system was reformed earlier this year to make it easier so that at the end of the process there was a right of appeal to an independent body to make sure the complaint was handled correctly.

In reference to the IOPC's review work the Director reiterated this was only possible because those individuals engaged with the current system and this is the message he continuously communicates to people. The IOPC are encouraging people to get their voice heard if they are unhappy by using the system that is in place. Although it's acknowledged it is not a perfect system.

That being said using the complaints the IOPC conducted an independent investigation and made the learning recommendations.

In reference to earlier discussions about it being the bigger issues that matter. The IOPC agree with this and pointed out this was the rationale behind taking this issues that were happening and presenting them to the MPS at an organisational level. The IOPC used their statutory powers to make learning recommendations and highlighted the MPS had accepted all 11 recommendations. The MPS response is published on the IOPC website.

The IOPC advised in terms of building confidence in institutions it's about the action taken. The IOPC's pointed out the learning recommendations were made using the powers they have. The MPS will be charged with implementation and MOPAC will be charged with scrutiny and accountability of the learning recommendations.

The starting place for any concern is to engage in the system that is there.

- (xxii) **In discussions Members talked about making a recommendation to the Council to work with the Account Group to help residents to make complaints.**
- (xxiii) **Members referred back to their comments and concerns in relation to institutional racism and the disproportionality of young black men who are subject to stop and search. Member wanted a response to explain the reason for disproportionality and the low positive outcome rates in relation to arrests. Members remained concerned about the grounds for stop and search being executed correctly and the use of handcuffing resulting in trauma to those who have been handcuffed. Members were not satisfied with the explanation thus far for the criteria and grounds to conduct a stop and search and that it was being communicated effectively. Member commented the protocols from the College of Policing were not filtering through to police officers on the frontline.**
- (xxiv) **In addition to the points raised about disproportionality in the discussion Members cited that in the previous lockdown the number of arrests, charges and prosecution for drug possession went up dramatically during this period. Members pointed out this is likely to have had a disproportionate impact on young people. Members asked for the MPS's view on this activity and commented because the streets were quieter it might have been easier to pick up people for drug offences during this time.**

- (xxv) **In addition the Account Group representative raised questions about the statistical analysis related to the positive outcome rates. The Account Group asked what percentage of stop and searches do the police find prohibited items e.g. weapons etc.?**
- (xxvi) **The Account Group pointed out the overall positive outcome rate in Hackney is approximately 20-25%. For the general population the stop and search rates generally are 22%. The Account Group highlighted that the positive outcome rate for young black men aged 15-19 years was 14%. The difference in the 2 rates is quite stark for young people. In local dialogue with the BCU young people have been pushing to get a commitment to improve this rate to equal the general population rate. The Account Group suggested this could be a joint piece of work with the MPS, IOPC and MOPAC. So they could push up this outcome rate to at least equal their white peers.**
- (xxvii) **The Account Group asked for a commitment from the MPS, IOPC and MOPAC to remove the disproportionality in the positive outcome rate. But if this commitment could not be made the Account Group asked why?**

In response to the questions raised about the MPS work with the BPA, not being honest and in response to the comments made by the MOPAC officer about needing more than just words from the MPS. The Head of Profession, Crime Prevention, Inclusion & Engagement - London lead for Crime Prevention, Inclusion and Engagement from Met HQ informed the MPS welcomed hearing more from the youth group so they can consider what they could do differently. The MPS accepts that people who do not have trust and confidence in the MPS would struggle to have trust in the words they are saying. But would like to invite them to have a dialogue with the MPS.

The MPS were unable to refer to the current breakdown for Hackney's stop and search rates. However the general positive outcome rate is 22/23%.

The MPS confirmed they did not have target volume rates for stop and search or target rates for positive outcome rate. The MPS acknowledged they have had previous discussion with the Account Group.

The Deputy Borough Commander from the Central East BCU explained the role of the community monitoring group was to look at the data for local stop and search. The local BCU advised this is a regular report to the community monitoring group which is discussed. This report includes a breakdown of ethnicity and age.

The local BCU were of the view they do have a reinvigorated community monitoring group.

The MPS provided the current statistical data in response to the Account Group question. They quoted as at October 2020 the general outcome rate for white people for stop and search was 23% and for black it was 27.7%. In reference to the younger age group of 15-19 the rate for white it was 20% and for black it was 18.3%. Pointing out the gap was slightly lower than the

statistics quoted by the Account Group. For the 20-24 age group it was 22.5% for white and 32.4% for black.

The MPS cautioned against quoting figures that were not current. The MPS highlighted the most recent statistics show an improved position to the figures quoted earlier.

- (xxviii) **Members acknowledged the statistics were different but commented fundamentally the trend was black people were 10 times more likely to be stopped and searched nationally and 8 times more likely in London. Member commented young people were still feeling racially profiled as a criminal by the police and discriminated against. Member commented it will take more than words to overcome the racism young people feel.**
- (xxix) **Member referred to the training and noted a lot of reference to new recruits. Members asked about the training for established police officers.**
- (xxx) **Members also referred to the increase in Section 60s and asked about the stop and search carried out during the period of a Section 60.**

In response the Deputy Borough Commander advised training was important particularly training for new police officers who do not have prior knowledge of Hackney. This is the impact awareness training. Equally training needs to be refreshed for all police officers because experienced police officers become the role models for new police officers.

One of the objectives of the local stop and search review is to use the learning to work on the soft and communicative skills.

In reference to the question about Section 60s. At the peak they had 9 stop and searches in May 2020, 5 in June 2020, 4 in July 2020, 3 in August 2020 and 5 in September 2020. This correlates with the escalation in violence and the unlicensed music events during this period.

The BCU officer explained this is a preventative tool. A Section 60 is used either post incident or as a preventative if they anticipate disorder. The MPS pointed out the number of Section 60s have not escalated and are reflective of the violence profile during lockdown.

In response to the questions about institutional racism, increase in handcuffing and the request for an update on the work with the Black Police Association (BPA). The MPS informed they are commencing a review on handcuffing. This involves community representatives and the IOPC. This will look at the use of handcuffing and arrests primarily linked to stop and search, to understand why it has increased, who they are being used on and the disproportionality for handcuffing. The MPS advised there will be instances when handcuffing is appropriately used but they acknowledge there has been an increase and disproportionate use in particularly on young black men. The review has commenced and will be made public. The review is expected to conclude at the end of this year.

- (xxxix) **Members asked about the MPS safeguarding responsibility and duty of care in relation to the use of handcuffing.**

In response the MPS confirmed their responsibility was to ensure the use of force is lawful and proportionate. Their responsibility is to only use force when it is absolutely necessary.

- (xxxixii) **Members asked what further support the IOPC and community safety partnership can provide to young people and the wider community that will encourage them to use the complaints system if they feel unfairly targeted. Members commented it is clear the complaints system is key to raising awareness.**

In response the MPS pointed out and agreed the lack of use of the complaints system is not a measure of success. Agreeing there is a lack of trust in the system. The MPS pointed out there are 4 ways a person can make a complaint about a police officer:

- 1) directly to the IOPC
- 2) to crime stoppers – this is an anonymous process
- 3) to a manager in the local police unit
- 4) directly to the Safer Neighbourhood Team.

The MPS officer committed to working with local SNTs to make the process of complaints more accessible and to make young people feel more empowered. The MPS suggested the Account Group to hold her to account to encourage trust and hold the MPS to account to share the information with them.

In response to the concerns raised about institutional racism the MPS reiterated the MET Commissioners position that she does not consider the MPS to be institutionally racist. However there are issues they need to work through and unconscious and conscious bias. The MPS officer pointed out there are approximately 45 thousand staff who work in and around the organisation. This means the organisation will have the best and worst of society working in the organisation. The MPS officer pointed out there are significant challenges in regards to trust and confidence. The ongoing work with the SNT, scrutiny and senior MPS is showing their commitment to change trust and confidence.

- (xxxixiii) **Members asked if stop and search videos can be stored for people to access and referenced if they want to make a complaint. Asking if the stop and search video could be given a reference number to be accessed.**

- (xxxixiv) **The Account Group representative commented the MPS officers stated police officers are not racist. The young person pointed out if you consider the areas where black and Asian communities reside evidence suggests they are suffering at the hands of the police. They are not in areas that have smaller numbers of ethnic minority groups.**

- (xxxixv) **The Account Group representative commented if there is no recognition of a problem then it will be hard to make a change. The young person pointed out they have raised the issue of institutional**

racism but it has been ignored, despite there being statistical information from their research and the MPS's own bodies. The Account Group representative highlighted the responsibility is being passed to the local police officers. But in the young person's view senior management needed to take ownership and responsibility for their employee's actions.

- (xxxvi) **The Account Group representative added regardless of how the police feel the facts tell a different story. The MPS is institutionally racist if it is viewed from a stop and search prospective, persecution prospective and how the police respond to calls. The MPS use racial profiling and more when they doing a stop and search. Regardless of how the MPS feel there are multiple credible resources and bodies in the UK and internationally that support their statement that institutional racism is a major problem within the UK police system.**

In response the IOPC advised they have developed some resources working with their youth panel. This is a guide for young people on how to access the complaints system.

After the meeting the IOPC will share these resources with the scrutiny committee to share with their networks to build awareness of the system in place.

- (xxxvii) **The Cabinet Member for Skills, Employment and Human Resources at LBH made the following comments.**

She struggled with the concept that there was no institutional racism in the MPS. The Cabinet Member pointed out it is recorded, reported and researched that institutions within society all have racism built in. Both consciously and unconsciously.

Therefore it is not as simple to say there is conscious and unconscious bias in the individual that works within an organisation. That gives the organisation too much of an easy get out clause and the ability to blame individual staff without looking at the systems within the organisation.

It is important to remember the key principle written into the Lawrence inquiry about racism and people defining their own experiences. It can be damaging to defining that racism for those individuals.

If there are people telling you they are experiencing racism we need to listen and hear their experiences of racism.

The Cabinet Member commented we are aware the MET Commission has denied there is institutional racism in the MPS. But urged all officers to take the time to reflect on the organisations they are part of. Highlighting it is very easy to be defensive because we take accusations personally as they wanted to think the best of the organisation they work for. But everyone needed to put themselves aside to progress. Pointing out if they set themselves aside to listen to

what their residents, society and constituents are saying they will have an indication of the problems, issues and challenges ahead.

The MPS has come a long way but it still has a long way to go too.

The Cabinet Member hoped today's meeting and conversation would open an opportunity to continue to work together. The Council appreciates the MPS signing up to their local charter to be an anti-racist organisation and that the local MPS are signing up to the Council's inclusive leadership programme.

The Cabinet Member informed there has been a lot of work and good dialogue at all levels. The Cabinet Member hoped there would be continued dialogue between the Council, MPS and the Account Group. It was her hope that everyone left the meeting feeling robustly challenged.

5 Minutes of the Previous Meeting

- 5.1 The minutes of the previous meeting held on 30th September 2020 were approved.

RESOLVED: Minutes were approved
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- 5.2 The Chair updated on the matters arising from the previous meeting.

- 5.3 The action on page 16 bullet point xi. The Interim Director of Housing to report back on the timescales for delivery for the project implementing cost effective internet access to all blocks in their estates, community halls and the voucher scheme.

This update will follow and will be available at the next meeting on 14th December.

- 5.4 The action on page 18 bullet point xiv. The Interim Director of Housing to report back about the floods in the blocks in Fellows Court tower blocks north and south and timescale for current works.

In response the Interim Director of Housing advised this repair is being actioned by housing maintenance services and is actively being progressed. The work is complex due to the number of flats which require access to repair the pipe and other work being undertaken in the block.

The Director has advised these issues have been resolved and the council was on site week commencing the 14th October 2020 to repair the defective pipe. The work was expected to complete by the end of the week.

6 Living in Hackney Scrutiny Commission- 2020/2021 Work Programme

- 6.1 The Chair asked Members to agree the draft work programme in the agenda for the municipal year.

Members agreed the work programme.

- 6.2 In further discussions about the work programme Members suggested looking at LTNs. The Chair informed the Commission this was not within their remit and would be discussed by the Skills, Economy and Growth Scrutiny Commission on 23rd November 2020.
- 6.3 Members discussed spending more time at the next meeting looking at the work programme.
- 6.4 The Commission Members discussed monitoring the concerns about stop and search and the impact on the community in approximately 6 months.
- 6.5 The Commission Members discussed involving young people in the January meeting focused on parks and open spaces.

7 Any Other Business

- 7.1 None.

Duration of the meeting: 7.00 - 9.50 pm