

Police &
Crime Plans
A Race Equality Audit



November 2017

Supported by:



The Young Review

Background and Context

The Young Review published the report of its findings in December 2014. Chaired by Baroness Lola Young of Hornsey the review's remit was to explore the experiences of black and/or Muslim men aged 18-24 in the criminal justice system (CJS), particularly in prison. The Young Review highlighted the disproportionately negative outcomes for these men whilst in prison and upon their release.

The Young Review made six recommendations to the government on how to improve outcomes for young black and/or Muslim men. Due to the complexity of the issues and the lack of progress made by successive administrations, those associated with the review decided that a driver for change, external to government, was needed. Consequently, in April 2015 Phase 2 of the Young Review (YR2) was launched.

The Review is guided by an Independent Advisory Group (IAG), chaired by Baroness Young, which includes subject experts, academics, service providers, national charities such as Clinks and people who have been through the system who monitor the progress of the HM Prisons, Probation Service and the Ministry of Justice (MOJ). The Black Training Enterprise Group (BTEG) provides the secretariat and policy support to the IAG and works closely with IAG members. The IAG's collective experience and understanding of race equality in the criminal justice system make this initiative a force for driving change.

Vision and mission

Action must be taken to address the issues that lead to unfair experiences and outcomes for young black and/or Muslim offenders in the criminal justice system. The Young Review's vision is for a criminal justice system that is representative of society and delivers fair outcomes for black and/or Muslim people involved in the criminal justice system. It also wants to generate innovative approaches to tackling disproportionality in prisons and reducing the cycle of reoffending.

¹*The Young Review: Improving outcomes for young black and/or Muslim men in the Criminal Justice System*
<http://bit.ly/12xHXqc>

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Preface

Our audit of Police and Crime Plans by the Police Crime Commissioner's (PCCs) is timely following the launch of the Government's race disparity audit and the new drive from the Cabinet Office to end ethnic disproportionality in the criminal justice system and across all public services. It is important to mention other public services because the police often come into play when the education and care systems fail young people. Police Crime Plans are important because they are statutory documents and set out the PCC's priorities for their areas. On that basis if the plans have no focus on race equality we can only assume it's not important to them.

In the UK, 87% of people are white, and 13% belong to a black, Asian and minority ethnic (BAME) group. However, Government statistics show that:

- ◆ BAME groups are over one and half times more likely to be arrested than white people and are three times more likely to be stopped and searched.
- ◆ Black people are over three times more likely to be arrested than white people and six times more likely to be stopped and searched.

It is largely at the local level that race disparities can be addressed and PCCs have a pivotal leadership role to play in taking this national agenda forward at the local level. In undertaking this audit, we hoped to find a basic level of consistency in the plans and recognition of the importance of engaging with young BAME people and organisations that support young people and a commitment to make sure their police forces reflect local demographics.

However, this audit shows a disappointing picture in terms of what PCCs have set out in the plans in relation to race equality and BAME communities. There is clearly more work to be done by PCCs and for many of them, it seems they have yet to recognise that there are race disparities to address. To contribute towards improving matters, the Young Review and its Independent Advisory Group have opened a dialogue with a small number of PCC offices about young BAME people and about engaging with their local BAME communities.

We want this audit to serve as a call to PCCs and the Association of Police Crime Commissioners to move race equality higher up their agendas and to keep it there for as long as it takes to see real action leading to effective change.

Finally, we would like to thank the staff in the PCC offices who agreed to be interviewed.

Baroness Lola Young, Chair

Jeremy Crook OBE, Vice Chair
Young Review Independent Advisory Group

Executive Summary

Police and Crime Commissioners (PCCs) are elected officials in England and Wales charged with securing efficient and effective policing of a police area. They replaced the now-abolished police authorities and are elected for four-year terms.

Under the Police Reform and Social Responsibility Act 2011 PCCs are required to produce a Police and Crime Plan for their areas.

In May 2017, BTEG undertook a race equality audit of the 42 Police and Crime Plans for England and Wales.

Key findings

We found a lack of strategic focus on race equality in the Police and Crime Plans. There is limited demographic analysis and relatively few examples of policy developments or any indication that work on race equality is being done.

Key findings from the audit of the 42 Police Crime Plans were:

- ◆ More than three quarters (32) of the plans made no reference to race equality and improving outcomes for black, Asian and minority ethnic (BAME) communities.
- ◆ Only a quarter (10) of the plans made some in-depth reference to an issue affecting local BAME communities. For example, West Midlands highlighted their work around stop and search and recording, analysing and publishing section 163 traffic stops, which is not a statutory requirement.
- ◆ Only six plans highlighted demographic and ethnic breakdown for their area. One quarter (10) of the 42 plans referred to or highlighted an overarching equality strategy.
- ◆ Gwent, with one the lowest BAME populations of 1.8%, had one of the clearest equality statements in their plan.
- ◆ Only two plans highlighted lower levels of confidence from BAME communities in the police than that of the wider populations for their area.

Recommendations

We have the following recommendations for Police Crime Commissioners and the Association of Police, Crime Commissioners (APCC):

- 1:** Police and Crime Plans should set out how they will meet their statutory duties under the Equalities Act 2010. This should include analysis of local police data, identification of race inequalities and actions to address them.
- 2:** Police and Crime Plans should include a demographic breakdown of the local area and feature ethnicity and faith data.
- 3:** PCCs should ensure that their community engagement structures and plans include effective engagement across their ethnically diverse communities.
- 4:** PCCs and Chief Constables should make greater use of positive action measures under the Equality Act to attract and progress BAME police officers
- 5:** The Young Review is developing a charter scheme which will be piloted with Community Rehabilitation Companies in 2018. We would welcome opening a dialogue with the APCC on utilising this scheme with PCCs.

²Local PCCs can be found here <http://www.apccs.police.uk/>

1: Purpose of the audit

The purpose of completing a race equality audit of the Police and Crime Plans of the 42 Police and Crime Commissioners (PCCs) in England and Wales was to assess how prominent race equality considerations were and to identify examples of best practice. The extent to which PCCs are engaging with their local BAME communities to address policing and criminal justice issues that may be disproportionately affecting them was also important.

There is no template for the production of Police and Crime Plans and the plans vary greatly in structure and approach.

By comparing the plans we want to encourage more dialogue on race equality and improving outcomes for BAME communities between PCCs and with the Association of Police and Crime Commissioners.

We have audited the Police and Crime Plans as the key strategic document but we acknowledge that the Plans may not necessarily cover the entirety of activities and developments delivered by the PCC. We encourage PCCs to make sure local BAME communities are updated on the full range of race equality activities on a regular basis.

Methodology

The Police Crime Plans were obtained from PCC's websites and the audit was conducted in May of this year. In assessing the plans we had a simple review structure that sought to identify:

- ◆ Key references in the plan that relate to BAME communities and any policies and actions to improve outcomes for these communities.
- ◆ Any analysis of local demographics within the plan
- ◆ References to the Equality Act 2010.

In addition to reviewing the Police and Crime Plans we conducted telephone interviews with five PCC offices to gain a better understanding of how equality is implemented within the local force and to find out if there were areas of work with a race equality focus that were not highlighted in their plans.

2: The national policy drivers and the local context

Racial inequalities in the criminal justice system (CJS) have persisted for decades. PCCs have a key role to play in transforming the CJS to make sure no one is treated differently because of their skin colour or faith.

The Prime Minister wants to see Whitehall departments, local and city/regional public bodies take action where race disparities persist. She has stated ‘...if these disparities cannot be explained then they must be changed.’

The race disparity audit and the government sponsored Lammy review both show significant differences in the way BAME people are treated in the CJS, from stop and search and longer prison sentences through to the use of force in the prison system.

Race Disparity Audit³

The Government’s race disparity audit - ‘Ethnicity, Facts and Figures’ - has a section on “Crime, justice and the law”. It highlights the impact of policing on BAME communities and the low levels of trust and confidence in the police from BAME communities.

The race disparity audit summary findings report shows that BAME groups are over one and half times more likely to be arrested than white people and are three times more likely to be stopped and searched. For black individuals the differences are even more acute. They are over three times more likely to be arrested than white people and six times more likely to be stopped and searched. These disparities set the tone of the relationship between these communities and the police and surely impact on the lower levels of trust BAME communities have in the police. The latest figures from the Crime Survey for England 2015/16 shows that in every one of the last three years, black Caribbean people had less confidence in the police compared to White British people⁴.

The interface with the police and young BAME people is still a source of community tensions, as highlighted in the Criminal Justice Alliance’s report No Respect⁵ which included polling from young BAME people that confirmed the relationship with the police and young BAME people needs to be improved.

The challenge of recruiting more ethnic minority officers into the police force cannot be separated from the low levels of community confidence. However, the two issues are rarely linked in debates around police diversity.

³The Race Disparity Audit- Race Disparity Audit Summary Findings Cabinet Office- 2017 <http://bit.ly/2zrQkFT>

⁴Crime Survey for England and Wales 2015/16, Ethnicity Facts and Figures, Gov.uk <http://bit.ly/2zDmyxm>

⁵No Respect - Young BAME men and stop and search - CJA 2017 <http://bit.ly/2yEmQXZ>

The 2016 Home Affairs Select Committee report into police diversity⁶ showed some improvement but said that progress was painfully slow in regards to recruitment:

- ◆ No police force in England and Wales has a BAME representation which matches its local demographic.
- ◆ In the Metropolitan Police Service BAME police officer representation is 12.4%, compared to 40.2% of the population.
- ◆ Only two Police Chief Officers self-identify as BAME.
- ◆ Four police forces -Cheshire, North Yorkshire, Dyfed-Powys and Durham-employ no Black or Black British police officers.
- ◆ Eleven forces have no BAME officers above the rank of Inspector.

Lammy review⁷

The Lammy review into the treatment and outcomes of BAME individuals in the CJS of England and Wales makes 35 recommendations for CJS agencies. While it starts with the Crown Prosecution Service it points out that the disproportionate representation of BAME individuals in the justice system begins with higher rates of stop and search and arrests.

PCCs can have a direct bearing on these factors. The Lammy review has one recommendation directed at a PCC office and that relates to The Mayor of London's review of the Trident Gangs matrix. It calls on the Mayor to 'examine the way information is gathered, verified, stored and shared, with specific reference to BAME disproportionality.' We believe that the process and outcomes resulting from this recommendation should lead to similar reviews in other relevant PCC areas.

Youth Justice and the necessity for local responses

Young BAME people now make up 45% of the youth custody cohort. To avoid this level of ethnic disproportionality taking hold in the adult system PCCs must play a leading role and work closely with their local partners - local authorities (youth offending teams), Mental Health Trusts and others.

According to the Lammy review, BAME groups are over-represented amongst young people excluded from school, in local authority care and are often the least likely to be diagnosed with neurological and mental health conditions and to receive relevant support.

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⁶Home Affairs Committee. *Police diversity. First Report of Session 2016-17* <http://bit.ly/2niiP6j>

⁷The Lammy Review - *an independent review into the treatment and outcomes of black Asian and minority ethnic individuals in the criminal justice system* - HMG 2017 <http://bit.ly/2eLsUSk>

3: The role of Police and Crime Commissioners and the importance of race equality

The role of Police and Crime Commissioners and the importance of race equality
A Police and Crime Commissioner (PCC) is an elected official in England and Wales charged with securing efficient and effective policing of a police area. They replaced the now-abolished police authorities and are elected for four-year terms. The most recent elections took place in May 2016.

Responsibilities of PCCs

The primary statutory responsibilities of PCCs under the 2011 Police Reform and Social Responsibility Act are to:

- ◆ Secure an efficient and effective police service for their area;
- ◆ Appoint the Chief Constable, hold them to account and, if necessary, dismiss them;
- ◆ Set the police and crime objectives for their area through a police and crime plan;
- ◆ Set the force budget and determine the precept;
- ◆ Contribute to the national and international policing capabilities set out by the Home Secretary;
- ◆ Bring together community safety and criminal justice partners to make sure local priorities are joined up.

The role of PCCs also encompasses providing a voice for local people in relation to policing and ensuring trust and confidence in the police is good across all communities. The Public Sector Equality Duty

PCCs, along with other public bodies including the police, have a number of statutory responsibilities under the public sector duty of the Equality Act 2010. The three aims under the duty which public bodies must demonstrate they are delivering are to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Foster good relations between people who share a protected characteristic and those who do not.

Preventing crime and increasing trust and confidence

The PCCs also have a role in crime prevention. This encompasses diversion away from the justice system for young people and effective rehabilitation for those exiting prison and completing court orders in the community.

Since Lord Scarman's inquiry into the 1981 Brixton riots, the challenge of fairness, equity and legitimacy for Britain's BAME communities within the CJS have persisted. The latest survey by the Independent Police Complaints Commission (IPCC) on public confidence in the police complaints system shows a continued trend of lower levels of confidence in the police from BAME communities⁸.

Some of Young Review recommendations have relevance to PCCs in relation to having consistent ethnic data, publishing an equality strategy, providing rigorous scrutiny and engaging with young BAME people and BAME voluntary and community sector service providers.

⁸Public Confidence in the Police Complaints System - IPCC/IPSOS MORI- 2016 <http://bit.ly/2zrQkFT>

4: Key findings and case studies

Our audit found that only a few of the plans included an analysis of the demographic of the local area but they did not take that analysis further by highlighting specific needs or policy areas impacting on local black, Asian and minority ethnic (BAME) communities. Some of the plans included general equality statements and highlighted issues such as hate crime and police recruitment.

References in the plan that relate to BAME communities

- ◆ Only a quarter (10) of the plans made some in-depth reference to an issue affecting local BAME communities. For example, West Midlands highlighted their work around stop and search and recording, analysing and publishing section 163 traffic stops, which is not a statutory requirement.

Local demographic analysis

- ◆ Only six plans showed the demographic and ethnic breakdown for their area.

Race equality, equality and improving outcomes for BAME communities

- ◆ Ten out of the 42 plans referred to or highlighted an overarching equality strategy.

For example, Gwent, with one of the lowest BAME populations of 1.8%, had one of the clearest equality statements in their plan.
- ◆ Two of the 42 plans highlighted lower levels of confidence from BAME communities in the police than in the wider populations for their area.
- ◆ More than three quarters (32) of the plans made no reference to race equality and improving outcomes for BAME communities.

Case studies

The case studies below have been selected to show how PCCs can commit to tackling ethnic disparities through their Police and Crime Plans.

CASE STUDY 1

London Police & Crime Plan 2017-21

In London 43% of the population are BAME. The London Police and Crime Plan 2017-21 recognises the issues of ethnic disproportionality and makes a commitment to consider the Lammy review.

The plan consistently highlights disparities in outcomes faced by London's BAME communities including:

- ◆ BAME Londoners hold less favourable views on the police than the rest of London's population and similar disparities occur in victim satisfaction surveys (referred to on three separate occasions in the report).
- ◆ BAME Londoners are 2.5 times more likely to be stopped and searched than white Londoners.
- ◆ A sub-section on disproportionality and crime and justice highlights figures from the Lammy review's emerging findings.
- ◆ An increase in applications from BAME communities to join Metropolitan Police Service (MPS), up to 40% in last recruitment round but still only 12.9% of MPS officers are BAME.
- ◆ 49% of knife crime victims are BAME.
- ◆ Commitment to review the gang's matrix in London.
- ◆ Acknowledging over-representation of certain BAME groups in the youth justice cohort and committing to consider the recommendations of Lammy review.
- ◆ The London Domestic Violence Needs Assessment found gaps in provision affecting BAME women.

Derbyshire Police and Crime Plan 2016-21

The BAME population of Derbyshire is just under 4%. The Police and Crime Plan contains one of the best equality statements of the plans we reviewed. It highlights the PCC statutory duty to hold the Chief Constable to account on the delivery of the public sector equality duties as set out in the Equality Act 2010.

Derbyshire Constabulary was commended in a review of public bodies' equality information by the Equality and Human Rights Commission. The PCC has also committed within his strategic priorities to build upon the work of the Home Affairs Select Committee in 2016 that all UK forces need to do more to improve diversity and representation within the police from across the diverse communities of the UK.

The PCC gives a pledge to make progress in ensuring the force is more representative of the local community.

CASE STUDY 3

Merseyside Police and Crime Plan 2017-21

The BAME population for the Merseyside PCC area is 4.63%. The Police and Crime Plan contains an equality statement and commitments to increase diversity in the local constabulary. It also contains a section on hate crime.

The PCC is committed to addressing hate crime and highlights consultation structures that have been established to ensure the strategy is implemented.

4.1 Telephone Interviews

We supplemented our audit of the Police and Crime Plans by speaking to officers within PCC offices to get a greater insight into possible areas of their activities that impacted on race equality and improving BAME outcomes that were not highlighted in the Police and Crime Plans. We interviewed officers from five PCC offices.

The main messages from the telephone interviews were:

- ◆ Hate crime, community cohesion, police use of force, police recruitment, stop and search and violence against women and girls were the specific policy areas mentioned that impacted on BAME communities.
- ◆ The majority of responses focused on consultative groups, community engagement and limited grant funding.
- ◆ All the respondents highlighted an equality plan for the force or a joint plan with the PCC that was monitored and reported on through internal structures.
- ◆ Consultative structures for areas of policy such as stop and search and hate crime appeared to be a standard approach.

All interviewees were aware of the Lammy Review but had no specific plans in terms of a local response/analysis. They would all welcome a briefing and some guidance from the APCC. What we found from the telephone interviews was a great deal of consultative work on issues from community cohesion in specific localities, stop and search, police use of force, hate crime and violence against women and girls and police recruitment that involved BAME community representatives. We have highlighted two examples in the case studies in this section. Regarding the Lammy review, the responses stated there were no specific plans to review it in relation to local needs in their PCC area but that that would be likely to follow once the report had been digested.

The telephone interviews highlighted that a wide range of work is taking place which is not reflected in the Police and Crime Plans. We consider that this information should be included in the Police Crime Plans, where it would be publicly accessible and would demonstrate the PCC's commitment to and leadership in tackling race inequalities.

Below are case studies from our telephone interviews. They aim to give a wider perspective on some of the work that was highlighted which was particularly relevant in relation to race equality, community cohesion and addressing ethnic disproportionality.

CASE STUDY 4

South Yorkshire - building community cohesion in Rotherham

Community relations and cohesion in Rotherham have been tested following the launch of the Jay Report in 2014 on child grooming and abuse in the town where many of the accused came from the Muslim community. This led to deterioration in community relations which resulted in a series of marches and counter marches, and increased levels of hate crime and far right activity within the town.

This has brought a major policing and community relations challenge for the police and local authority. Staff from the PCC's office is fully engaged with police and local authority colleagues in addressing these ongoing challenges through local consultative structures.

Prioritising race equality and improving outcomes for BAME communities has been harder in the context of a reduction of resources. South Yorkshire previously had a team of four staff working on strategic policing issues across local CJS partners, funded collectively through the local criminal justice partnership. That resource has reduced over the past five years to one member of staff.

CASE STUDY 5

West Midlands - improving community confidence in stop and search

Stop and search is a complex issue, and has been the source of tension between the police and the public they serve.

West Midlands Police (WMP) retrained all officers and the PCC set up a commission as an oversight tool to monitor progress. These changes, and the improved oversight, has seen a reduction in the number of stops from 64,000 in 2011-12 - with only a 4% positive outcome rate - to 13,213 stops in 2016-17 - with a 28.9% positive outcome rate.

The PCC established scrutiny panels that meet regularly across all neighbourhood policing units. They scrutinise stop and search data to determine whether a stop was justified in order to identify potential changes to current practices and processes. The panels, crucially, include members from BAME backgrounds and communities.

Some of these sessions are driven by the community. A recent panel in Coventry was attended by 23 members of the community, half of whom represented different faith and ethnic groups across the city. They have helped develop local training, fed in community concerns, and disseminated performance information to their communities.

The PCC has also set up a biannual Commission meeting to share good practice and discuss any issues related to stop and search. They are open to all members of the community. Those that have been stopped are encouraged to attend and to share their experience and offer advice on what could be improved.

In addition, the PCC funds stop and search workshops across the region to raise awareness and encourage people to speak about any practices causing concern. The aim is to deliver the workshops to over 10,000 students and young people covering the law, the rights of the individual and how to make a complaint.

Road traffic stops are another cause of tension between the police and public. WMP will be one of the first forces to record ethnicity data and use it as an oversight tool, similar to the practices of Stop and Search, to reduce potential disproportionality.

Recommendations

We have the following recommendations for Police Crime Commissioners and the Association of Police, Crime Commissioners: Police and Crime Plans should set out how they will meet their statutory duties under the Equalities Act 2010. This should include analysis of local police data, identification of race inequalities and actions to address them.

Police and Crime Plans should include a demographic breakdown of the local area and feature ethnicity and faith data.

PCCs should ensure that their community engagement structures and plans include effective engagement across their ethnically diverse communities.

PCCs and Chief Constables should make greater use of positive action measures under the Equality Act to attract and progress BAME police officers.

The Young Review is developing a charter scheme which will be piloted with Community Rehabilitation Companies in 2018. We would welcome opening a dialogue with the APCC on utilising this scheme with PCCs.

Conclusions and next steps

Police and Crime Commissioners preside over a variety of constabulary areas with a range of needs and some with higher BAME populations than others. The lack of any focus regarding BAME communities possibly reflects the lack of demographic analysis across the majority of the plans.

This, however, should not excuse the fact that the majority of the plans do not make any reference to their statutory duties under the Equality Act. We fully understand that there is no template or framework for the production of Police and Crime Plans but we would urge PCC's to consider the issues that we have raised in this review and look for ways to address them.

We have made some practical recommendations that can improve the situation, particularly for PCCs to use the opportunity of the race disparity audit to assess the position of ethnic inequalities within their local CJS. At the Young Review we are keen to work with the APCC and with individual PCC offices on this agenda.

We will continue the dialogue with the APCC and the role PCCs can play as well as hopefully engaging with them on the development of our Young Review charter scheme. We intend to revisit this audit in twelve months to gauge PCCs progress on race equality.

The
Young
Review

