



## POLICE

The preponderance of literature of the “*broad narratives of governmental change drawn from sociology or philosophy*” has tended to address the “*history of policing practice*” as opposed to “*institutional structure*”.<sup>i</sup> It is essential to consider that institutional racism is “*more than an academic construct*”, with racism casting “*long shadows into the past and the future*”<sup>ii</sup> In this regard, a “*finding of discrimination and a finding of a difference in race*” will “*often point to the possibility of racial discrimination*”. In such circumstances a tribunal “*will look to the employer for an explanation*” and if “*no explanation is then put forward*” or if the tribunal “*considers the explanation to be inadequate or unsatisfactory*” it will be “*legitimate for the tribunal to infer*” that the discrimination was on racial grounds.<sup>iii</sup> In the Stephen Lawrence Inquiry Report, Macpherson found that institutional racism was a reality not only in the police but throughout the wider British society.<sup>iv</sup> The report expressed concern about the “*more subtle and much discussed concept of racism referred to as institutional racism*” which can influence police service delivery:

*“not solely through the deliberate actions of a small number of bigoted individuals, but through a more systematic tendency that could unconsciously influence police performance generally”.*<sup>v</sup>

Two decades after the findings of the Stephen Lawrence Inquiry indicating institutional racism in British policing “*racial inequalities have been translated into rhetoric*” about problems of “*diversity*”, “*cultural competencies*” and “*unconscious bias*”, masking the true extent of the problem.<sup>vi</sup> It has been pointed out that the notion of institutional racism certainly needs to be “*subjected to critical questioning by the police and by academics*”. But tackling that problem shouldn’t mean the police should shy away from thinking about “*how their policies and practices lead to racialised inequalities*”.<sup>vii</sup> Further, it certainly does not mean that “*officers should not talk about the problems of policing black and other minority ethnic populations*”, fearful they will “*make a mistake and be dubbed a racist*”.<sup>viii</sup> “*Suspensions about racial prejudice and discrimination are deep rooted*” and, although it is “*recognised that overt racism has diminished very significantly*”, there is real concern about “*covert racism*”. The “*institutional memory*” of racism within the police is “*powerful and sustained*” by officers’ continuing suspicions and direct experiences of “*subtle (and at times not so subtle) forms of race prejudice and discrimination*”.<sup>ix</sup>

It has been contended that police statistics have clearly demonstrated that a decade after the Lawrence Inquiry report was published, black people were “*seven times more likely to be stopped and searched*” than white and Asian people were “*twice as likely to be stopped and searched*” as white people.<sup>x</sup> Further, the Equality and Human Rights Commission expressed concerns that this “*disproportionate impact of stop and search*” black people has shown no long term drop.<sup>xi</sup> The Commission’s analysis has also identified that in some forces a disproportionate number of people from certain ethnic groups are stopped and searched – what is known as ‘disproportionality’. This appears to be a particular problem for some forces

and the figures vary widely across England and Wales. For example, there are six forces in the north of England, roughly north of York, which for the past four years have some of the lowest levels of disproportionality in the country. On the opposite side there is a clutch of forces in the south that consistently record the highest levels of disproportionality. The Commission asserted that forces with “*high levels of race disproportionality*” should consider adopting practices in one or more comparable forces with significantly lower rates. They identified “*good initiatives*” taking place in Staffordshire and London.<sup>xii</sup> The Commission further advanced the need for research to be done to identify why some forces have a “*disproportionality ratio*” of 2:1 for black men stopped and searched, compared with 9:1 in other parts of the country. They asserted that the way stops are recorded should be changed.<sup>xiii</sup> Tola Monroe, the national president of the Black Police Association, points out that stop and search is a typical British example of institutional racism.<sup>xiv</sup>

In 2013/14, “*more than half*” of searches were conducted on the pretext of looking for illegal drugs. It has been pointed out that white people use drugs at almost twice the rate of black people, and yet it is black people that are six times more likely to be subject to a search for drugs.<sup>xv</sup> Further noted is the fact that such searches are not only a “*humiliating intrusion into personal space and an unwanted interruption of one’s daily business*”, they are also sometimes the “*starting point of an incident that ends with police violence*”.<sup>xvi</sup> In May 2015, an investigation by the Independent revealed that over 3,000 police officers from the Metropolitan and West Midlands Police are under investigation for brutality. Ethnic minorities are over- represented among these complainants by a factor of 3.5. “*Victims of police violence or misconduct*” have a “*vanishingly small prospect*” of redress, with most complaints being handled internally by the police themselves.<sup>xvii</sup> Similarly in 2014, Channel 4’s Dispatches revealed that the Metropolitan Police upheld just 20 out of 4,730 allegations of racism made against officers between 2005 and 2012, which is 0.4 per cent. Further, it has been indicated that, meanwhile, black people suffer disproportionately in the courts and prisons too, making up around 2.2 per cent of the general population but 15 per cent of prisoners, according to an Equality and Human Rights Commission report from 2010, which is a disparity greater even than that in the United States which has a much larger prison population overall.<sup>xviii</sup> The London Campaign Against Police and State Violence assert that, though the police have “*reluctantly acknowledged*” that they are institutionally racist, there is little evidence that they understand the term. The problem has been cast as one of:

*“individual morality (racist bad apples) rather than structural power. In fact, the term ‘institutionally racist’ means that racist outcomes produced by the police and the society they serve are a function of the policies and practices set out by policymakers and the ideologies that govern these institutions. We cannot individualise the problem of racialised state violence, as it is evidently political and structural”.*<sup>xix</sup>

Further, the Equality and Human Rights Commission have indicated that, in respect of the NDNAD, the police service has “*failed to properly acknowledge or address*” the “*race equality impact of the database*”, which they found to be “*considerable*”, with more than 30% of all black males living in Britain being on the National DNA Database, compared with about 10% of white males and 10% of Asian males. They indicated that estimates suggest that black men are about “*four times more likely*” than white men to have their DNA profiles stored on the police NDNAD<sup>xx</sup> and that, race patterns on the database could “*strengthen the tendency*” for ‘*ethnic profiling*’ and “*stereotyping black men as the prime suspects*” for particular offence types because of their over-representation on the database.<sup>xxi</sup> The “*significant degree of race*

*disproportionality*” found in the maintenance of the national DNA database and stop and search also “*stigmatises certain sections of the community*”, in particular black men.<sup>xxii</sup> This can result in the “*dangerous assumption*” that they are seen by some members of the public as an “*alien wedge of criminality*”.<sup>xxiii</sup>

Similarly, a report by Amnesty International found the “*Gang Violence Matrix*” to be “*racially discriminatory*” breaching human rights law. The report found the matrix tracked a “*disproportionate number of minorities*”, as well as 1,500 people who police had assessed as posing “*no danger of committing violence*”. The Information Commissioner's Office (ICO) confirmed it was “*in contact with the Metropolitan Police Service as part of an investigation into their use of a gangs database*”.<sup>xxiv</sup> Liz Fekete points out that the Information Commissioner’s Office has launched an investigation into whether the Metropolitan Police Service Trident Gangs Matrix breaches the Data Protection Act is welcomed, but the “*dangers go beyond this*”.<sup>xxv</sup> She asserts that the police should “*review procedures*” to ensure that they are not “*contributing to a form of racialised data profiling*” that has “*serious repercussions*” for the human rights of young people, “*particularly black boys and young black men*”. She asserts that:

“*There is evidence to suggest we are witnessing a **connuaon** of the ‘Windrush scandal’, only, this time it is the grandchildren of the Windrush generation that have been let down by the expansive scope of the ‘hostile environment’ precept, targeted now at inhabitants of certain neighbourhoods and particular estates in London and, in other areas of the UK*”.<sup>xxvi</sup>

Several reports have exposed the “*logic and mechanics of structural racism*” and exposed its “*founding narrative by David Cameron and Boris Johnson*” in 2011 that ‘*urban gangs*’ were to blame for “*riots*”, and a war against “*gangs culture*” was the “*solution*”.<sup>xxvii</sup> These reports exposed the reality that, at every stage – from the use of “*secret algorithms to calculate risk*”, to the “*dipropionate and discriminatory inclusion*” of so many young Black men and boys on the “*Gang Matrix*”, with 99 of the 100 “*gangsters*” listed on the “*Haringey Matrix*” being Black, to the absence of any “*clear protocol*” for the review or removal of the names of those listed.<sup>xxviii</sup> They also explore the ways in which processes of “*demonisation (of black urban youth culture)*” and “*racial stigmatisation (of specific estates)*” affect not just individuals, but whole communities. This “*racialised labelling*” creates “*suspect communities*”, and leaves many young Black people “*dispossessed, ostracised, and excluded*” from society as the stigma of being a “*gang nominal*” is reflected back at him as he goes about his daily life and tries to access services.<sup>xxix</sup>

These reports go beyond just dissecting flaws in policing; pinpointing in “*very precise ways*” the role played by government departments, spearheaded by the Home Office, in “*allowing racial profiling to spread across a range of institutions*”. Fekete points out that most telling is the:

“*Unthinking ease with which a multitude of agencies – from the probation service to youth offending teams, from job centres to housing associations, from local authority to voluntary sector partner agencies, appear to have colluded in the racialised logic that underpins the Gangs Matrix*”.<sup>xxx</sup>

Of greater concern are the disproportionate numbers of deaths following the use of force against people from "*Black and minority ethnic (BME) communities*".<sup>xxxvi</sup> It has been asserted by Deborah Coles, the Director of Inquest, that the "*disproportionality*" in the use of force against Black people adds to the "*irrefutable evidence of structural racism embedded in policing practices*"<sup>xxxvii</sup> In this regard, people of black, Asian and minority ethnicity die "*disproportionately as a result of use of force or restraint by the police*", raising "*serious questions of institutional racism*" as a "*contributory factor*" in their deaths.<sup>xxxviii</sup> The proportion of BAME deaths in custody where "*restraint is a feature*" is over two times greater than it is in other deaths in custody.<sup>xxxix</sup> Further, the proportion of "*BAME deaths in custody*" where use of force is a feature is over two times greater than it is in other deaths in custody.<sup>xl</sup> Similarly, the proportion of "*BAME deaths in custody where mental health issues are a feature*" is nearly two times greater than it is in other deaths in custody.<sup>xli</sup>

In a similar vein, research has demonstrated that "Black and Mixed race People" in London are more likely to be tasered by police after being on the "*receiving end of more than 40 per cent of police taser use*", despite the fact they account for "*less than one in six of London's residents*".<sup>xlii</sup> British race relations activist Lee Jasper, asserted that this demonstrates that the police are "*racist*" and that "*they need to explain why they disproportionately charge*" black first time offenders more than white people for "*exactly the same charge*". He questioned:

*"Why is that more black people who are arrested suffer more violence on arrest? Why do black people make more complaints about violence on arrest? And why is it that you disproportionately use violence on black and ethnic minority people? If somebody can explain to me 'well that that's the consequence of some sort of innate black criminality' I'd be surprised. I think all the evidence in the Met, their own evidence, regardless of what they may say at the commissioner level, all their evidence points towards huge disproportionality on every aspect of policing interaction with black and ethnic minority people....All the research shows that black people and Muslims do not commit any more crime than white communities."*

This racially motivated use of tasers on Black people was demonstrated in Bristol, in an incident captured on video, when police confronted 63-year-old Judah Adunbi, *one of the founders of the Independent Advisory Group set up by the police with the BME community in Bristol*, and asked for his name. But when the "indignant grandfather" refused to do so and tried to enter his home, the officers shouted "Taser" and "*shot the electric gun at his face*". Police chiefs have "*admitted the local community in Easton, Bristol - and the BME community as a whole - would have concerns*" about the incident.<sup>xliii</sup> Acting Sergeant Claire Boddie approached Judah Adunbi was charged and acquitted of assault, asserting that she believed she used reasonable force, despite the fact that Mr Adunbi "*had his hands by his side before the alleged assault*" and in the footage, appeared to move away from the officers and stood apart from them, posing no visible threat to the police officers.<sup>xliiii</sup>

Alarming, hundreds of police officers found guilty of racism since 2010 have kept their jobs. As many as 800 complaints due to racism have been upheld against police officers in Britain since March 2010, but only 20 officers have been "*sacked as a result*".<sup>xli</sup>

The London Campaign Against Police and State Violence point out that countering institutional racism in policing is part of a “*wider effort against racism in British society*”, whose effects are also seen in housing, education, unemployment and health.<sup>xii</sup> They assert that, in the field of policing, “*practical steps*” will include the creation of a police complaints system that is “*truly independent of the police and the state*”, controlled by “*the people*”. Such a body must have the power to ensure that police “*face the consequences of their actions*”. Officers must be “*prosecuted and convicted for their violent behaviour*”. While its application continues to exhibit extreme racial bias, there is also a “*strong case for the abolition of stop and search*”.

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