

Race and Police Custody

Bitesize training for schemes

Objectives

- To understand why we need to consider race in the context of policing and police custody
- To examine studies and reports detailing issues surrounding race and policing
- To give ICVs a grounding in what to look for and report on in regard to treatment based on race in custody

What is Race?

The Equality Act 2010 says that race can mean:

- Your colour
- Your nationality (including your citizenship)
- Ethnic or national origins (which may be different to your current nationality)

What is Race Discrimination?

Being treated differently because of your race

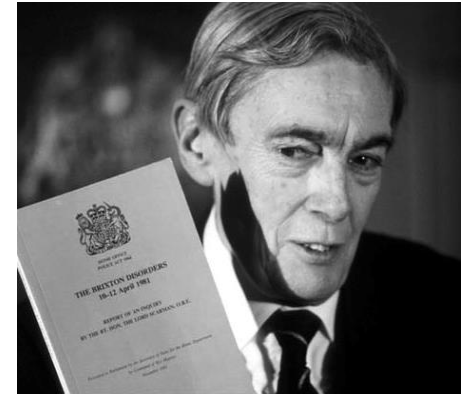
- This can be one-off or within a policy
- Direct discrimination is when someone treats you worse than another person in a similar situation because of your race.
- Indirect discrimination is where an organisation has a policy or way of working that puts people of your racial group at a disadvantage.
- Harassment is where someone makes you feel offended, humiliated or degraded.
- Victimisation is where you are treated badly because you have made a complaint of race related discrimination under the Equality Act.

Why do we need to consider Race in the context of Policing?

- There has been a history of mistrust between BAME communities and policing with several large scale inquiries and reviews either focusing or encompassing race as an issue for discussion, some of these are:
 - The Scarman Report
 - The Macpherson Report
 - The Lammy Review
 - The Angiolini Review
 - IOPC Deaths in Custody Report

The Scarman Report

- The Home Secretary commissioned The Scarman Inquiry following the Brixton riots in 1981. Riots began in Brixton, moving to major cities across the country and took place over three days.
- The riots were the result of racial disadvantage, unemployment, racial tensions between police and local communities and rumours of police brutality.
- The Inquiry and Report led to the establishment of independent custody visiting as a system for local members of the public to inspect the way police treat detainees in police custody.
- The key driver for Independent Custody Visitors is to give community oversight to policing and police custody to increase community confidence in equitable treatment of all.



The Macpherson Report / Stephen Lawrence Inquiry

- Stephen Lawrence was murdered on 22nd April 1993 in South East London in a racially motivated attack.
- In 1997, the then Home Secretary commissioned Sir William McPherson to conduct an inquiry into the killing and subsequent investigation.
- The report found that the Metropolitan Police were institutionally racist.



The Lawrence Inquiry – recommendations

There were 70 recommendations in total, many aimed at the police, which included:

- Performance indicators to monitor handling of racist incidents.
- Racial awareness training for police.
- Recruitment of BME police officers – aiming to reflect the community they service.
- A new definition of racist incident, based on the perception of the victim and other witnesses.
- Improved recording and publishing of stop and search data.
- Improvements to the prosecution of racist crimes.

THE STEPHEN LAWRENCE INQUIRY

REPORT OF AN INQUIRY
BY SIR WILLIAM MACPHERSON OF CLUNY

ADVISED BY

TOM COOK, THE RIGHT REVEREND DR JOHN SENTAMU, DR
RICHARD STONE

*Presented to Parliament by the Secretary of State
for the Home Department by Command of Her Majesty.*

February 1999

The Lammy Review

Commissioned by Downing Street, David Lammy undertook an independent review into the over-representation of, treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System.

David Lammy reports:

- 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.
- 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 Lammy Review – some facts and figures..

- Between 2010/11 and 2014/15, the likelihood of Black people being stopped and searched fell from 6 times that of White people to 4 times that of White people; it then rose again to just over 8 times more likely in 2016/17
- Despite making up just 14% of the population, BAME men and women make up 25% of prisoners, while over 40% of young people in custody are from BAME backgrounds.

The Angiolini Review into Deaths and Serious Incidents in Custody

The Angiolini Review was commissioned in 2015. The then Home Secretary (Theresa May) met with families of two men who died after police contact and announced the review as a result of this meeting. Both of the men who died after police contact were from BAME backgrounds. They were Olaseni Lewis and Sean Rigg.



In the executive summary, the report concludes:

- There is evidence of disproportionate deaths of BAME people in restraint related deaths. Any death involving a BAME victim who died following the use of force has the capacity to provoke community disquiet leading to a lack of public confidence and trust in the justice system. This can be exacerbated if people are not seen to be held to account, or if the misconduct process is opaque.

IOPC Report into Deaths in Custody 2017/8



- There were 23 deaths in or following police custody, an increase of nine from last year. This is the highest number for a decade, but remains lower than the figure recorded in 2004 (36) when the IOPC began to report these deaths. Three people died in a police cell, and five died in hospital after becoming unwell in custody. Nine people were taken ill at the scene of arrest and died in hospital.
- Seventeen people who died in or following police custody or other contact had been restrained or had force used against them by the police or others before their deaths. The use of force did not necessarily contribute to the deaths. Of these 17 people, nine were White and eight were Black.



Discussion

Why does race matter in police custody? Please discuss, considering:

- High proportions of BAME detainees.
- The demographics of police officers and of staff working in custody.
- Use of force and restraint in police custody.
- Deaths in custody.
- Trust in police.

Ethnicity – Notes for ICVs

- People in police custody are vulnerable as they are reliant on others for their care and some basic needs.
- ICVs are there to provide community reassurance to all communities that detainees are being treated fairly in the custody environment.
- Detainees have the right to be treated fairly and with respect regardless of their race.
- If something feels wrong or unfair in any way – report it.
- If work should be praised or is seen to be improving racial equality – report it.

Ethnicity – Notes for ICVs

Key areas to consider

- Language
- Behaviour of staff
- Cultural needs
- Religious needs
- Dietary needs
- Does use of force / restraint appear justified and proportionate? (see bitesize training on the subject)
- Are detainees treated respectfully?
- Conscious and unconscious bias

Ethnicity – What could scheme managers do?

- Do you have a diverse scheme? We all have different experiences and see different things, it's important that ICVs reflect their communities.
- Do you look at findings by the race of detainee? If not, can you?
- Periodically check your data to see if more issues are recorded for BAME detainees and dip sample reports to see the nature and severity of the issue
- Question the police on how they ensure that they are promoting equality and removing discrimination.

Objectives – a recap

- To understand why we need to consider race in the context of policing and police custody
- To examine studies and reports detailing issues surrounding race and policing
- To give ICVs a grounding in what to look for and report on in regard to treatment based on race in custody

Any questions?