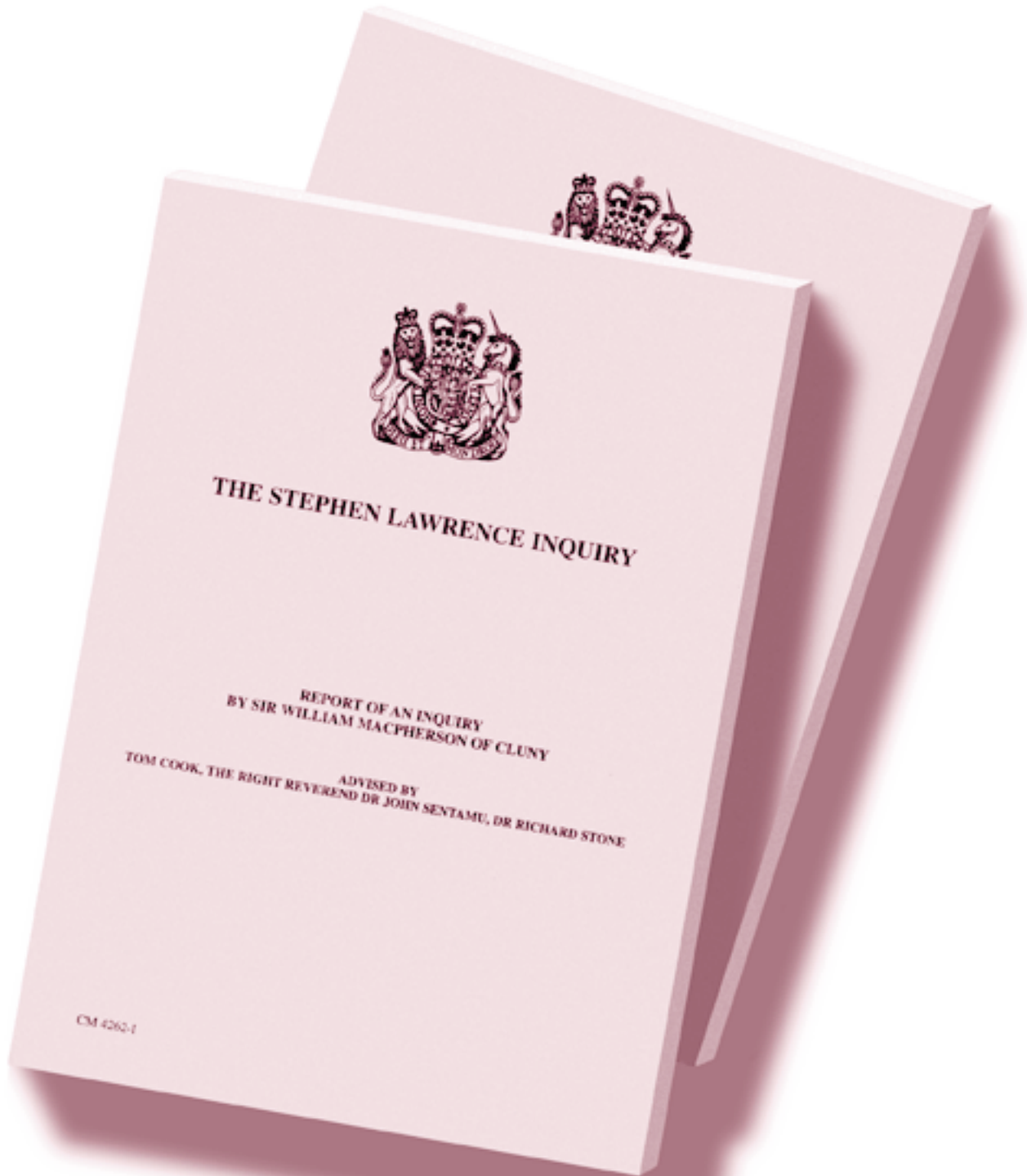


THE STEPHEN LAWRENCE INQUIRY

IMPLICATIONS FOR RACIAL EQUALITY



COMMISSION FOR
RACIAL EQUALITY



MARCH 1999

The Report of *The Stephen Lawrence Inquiry* by Sir William Macpherson was published on 24 February 1999. Presenting it to Parliament, the Home Secretary, Jack Straw, stated: 'The Macpherson Report challenges us all, not just the police service'. He expressed the determination 'to tackle discrimination wherever it is found' and emphasised that the Report 'places a responsibility on each of us. We must make racial equality a reality'. The Prime Minister also declared his commitment to 'drive home a programme for change'.

This leaflet seeks to explain some of the main findings and recommendations of the Report, especially their implications for racial equality. We indicate where legislation or other national measures will be necessary to implement some of the recommendations and where organisations can, and should, take immediate action to change policies and practice.

TACKLING INSTITUTIONAL RACISM

In order to evaluate the evidence and the arguments they had heard, the Inquiry developed a definition of institutional racism (see box).

The Inquiry found that institutional racism played a part in the flawed investigation by the Metropolitan Police Service (MPS) of the murder of Stephen Lawrence, notably in the treatment of the Lawrence family and Duwayne Brooks, the surviving victim; in the failure of officers to recognise the murder as a 'racially motivated crime'; and in the lack of urgency and commitment in some areas of the investigation.

The Inquiry accepted the CRE's submission that institutional racism exists not only in the MPS and other police services but also in other institutions. The Report reflects the CRE's submissions to the Inquiry in stating:

It is incumbent on every institution to examine their policies and the outcome of their policies and practices to guard against disadvantaging any section of our communities. ... There must be an unequivocal acceptance of the problem of institutional racism and its nature before it can be addressed, as it needs to be, in full partnership with members of minority ethnic communities.

Institutional racism should not be used to label individuals negatively; it is a problem for the organisation as a whole. To begin to tackle the problem, everyone in all organisations needs to ask some basic questions. For example:

- Are we acting fairly?
- Does the service we provide reach all the

INSTITUTIONAL RACISM

The Macpherson Report defines institutional racism as:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

Cases brought under the Race Relations Act 1976 already provide examples of both direct and indirect discrimination on racial grounds, often arising out of unintentional prejudice, ignorance, thoughtlessness or stereotyping.

communities it is meant for, and does it meet their needs?

- Are we applying the same professional standards in every situation?

The Report prescribes a wide range of detailed measures to achieve institutional change within the police service. The CRE advises that other institutions, too, even without such detailed prescription, should be considering measures that will ensure that they are providing an 'appropriate and professional service' to all sections of the community.

Clearly, while those in positions of power and influence have a special duty and responsibility to provide leadership, everyone in an organisation must understand what they are expected to do.

The Report's findings are a reminder to every organisation that good policies on paper are only the first step and that these need to be put into practice throughout the organisation – through clear line management structures, proper supervision and appraisal, training for all staff and effective disciplinary procedures. Addressing the

MPS in the context of racist incidents, the Report recommends that they 'review their internal inspection and accountability processes to ensure that policy directives are observed'. The CRE urges that this recommendation should be taken on board by all organisations, including those who have policies and guidance on racial equality but may not have implemented them or adhered to them in practice.

THE RACE RELATIONS ACT 1976

If the government approves the reforms which the CRE has proposed, the Race Relations Act will be extended to bring all police activities within its scope. Currently, the Act applies to the police only in relation to their employment practices and the services they provide to individual members of the public, which could include their treatment of victims. The proposed amendment of the Act will make it unlawful for the police to discriminate on racial grounds in the exercise of their law enforcement powers as well. This would include stop and search, arrest, detention, charging and treatment of suspects.

When he presented the Report of the Inquiry to the House of Commons, the Home Secretary announced that other public services, such as the immigration service and the prison service, would also be subject to the Race Relations Act in all their functions. If the Act is amended, therefore, members of the public will have the right to take complaints to the courts on such matters, while the CRE will have the power to conduct formal investigations into any aspect of the work of public bodies.

It remains the CRE's view that extending the scope of the Race Relations Act is not sufficient; the CRE can only be truly effective in challenging discriminatory practices if our other proposals to strengthen the Race Relations Act are enacted at the same time. These include a more straightforward power enabling the CRE to conduct formal investigations,

a new power enabling the CRE to secure legally enforceable agreements to end discrimination, a duty on all public bodies to promote racial equality, a clearer and more comprehensive definition of indirect discrimination, ethnic monitoring and improved enforcement procedures.

One of the Inquiry's main findings is that present practice can have discriminatory results. No organisation can afford to put off tackling discrimination merely because the new legislation is not yet in place. The work that has begun in some police forces to identify and change potentially discriminatory practices should be extended throughout the service, and beyond.

POLICING AND RACIAL EQUALITY

Police accountability

The evidence submitted to the Inquiry painted a disturbing picture of lack of confidence in the police among ethnic minority communities. The Report's first recommendation is that the Home Secretary should make it a Ministerial Priority for all police services to increase such confidence, and the Home Secretary has agreed to do so. When this Ministerial Priority is in place, every police force will be expected to measure its performance against a range of indicators, including numbers of recorded racist incidents, rates of detection, policies and outcomes on stop and search, levels of recruitment and retention and promotion of ethnic minority officers.

In the meantime, the Report identifies areas where police services could begin straightaway to monitor, or introduce changes to, their policies and practice and start building trust and confidence among ethnic minorities.

The report by Her Majesty's Inspectorate of Constabulary (HMIC) published on 1 March 1999, *Winning the Race: Policing plural communities – Revisited*, also makes clear what forces should already

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Home Secretary

be doing to improve community and race relations. For example:

- there should be visible leadership from the top
- forces should be carrying out community and race relations audits and developing strategies
- appraisal, supervision and disciplinary procedures should be used to make clear to all staff that the service is committed to a policy of non-tolerance of racist conduct.

Police complaints procedure

The Stephen Lawrence Inquiry Report also highlights the lack of confidence among ethnic minority communities in the police complaints procedure. The Home Secretary has agreed to consider its recommendation that there should be independent investigation of serious complaints against the police, as well as its other recommendations calling for the disclosure of investigation reports to complainants and the application of freedom of information legislation to operational policing.

Dealing with racist incidents

The importance of ensuring that all racist incidents are reported and recorded has been accepted in principle by most police forces for some time. The Report recommends that a new definition of a racist incident should be universally adopted by the police, local government and other relevant agencies:

A racist incident is any incident which is perceived to be racist by the victim or any other person.

This means that if anyone – the victim, a witness, a police officer or a council official – perceives an incident as racist, it should be recorded as such, regardless of any dissenting views. The new definition has the merit of being simple and clear and should help to reduce the scope for failure to record racist incidents and to ensure that most incidents are properly investigated. The new definition does not require any change in the law.

Other recommendations in the Inquiry Report are aimed at increasing reporting levels of racist incidents, which is essential if the full scale of racist activity is to be reliably assessed. They include the following:

- all racist incidents should be reported, recorded and investigated, whether or not a crime has been committed
- police services should cooperate closely with local agencies and local communities to

encourage people to report racist incidents – including facilities for reporting at any time of the day and at locations other than police stations – and to ensure that information about racist incidents is shared widely

- local education authorities and schools, housing authorities and other agencies should record all racist incidents, report them to those who use their services and publish the information
- there should be effective coordination between CID and uniformed officers at the scene of an incident.

The findings of the Inquiry demonstrate the need for clear national standards of good practice in investigating racist incidents. If, as recommended, this is undertaken by the Association of Chief Police Officers (ACPO), the CRE urges that any guidance or manual should be endorsed by the Home Office and adopted formally by every force as official policy, backed by effective measures to supervise and ensure its observance.

The Report refers to examples of multi-agency partnerships that have been effective in bringing together all sections of the community to combat racism, and stresses, as did the CRE in its evidence, the need for greater cooperation between agencies, especially in collecting, recording and exchanging information.

Victims, witnesses and their families

The Report recommends that police forces should develop new guidelines on dealing with victims, witnesses and their families, and ensure that officers are suitably trained, particularly when racist crimes are involved and they need to be particularly sensitive. Drawing on lessons from the Lawrence case, the Inquiry proposes that both the Senior Investigating Officer and the Family Liaison Officer should have a duty to

The CRE endorses the Inquiry's hope that implementation of its recommendations 'will ensure that the opportunity for radical thinking and root and branch action is seized'

provide 'all possible information about the crime and its investigation' to victims' families. The police are also urged to make greater use of contacts within local ethnic minority communities to help them with victim support, family liaison and interviewing witnesses.

Stop and search

The Inquiry accepts the perception among ethnic minority communities that racial discrimination is a major element in the way police use their powers to stop and search members of the public. It recommends procedural changes that should increase accountability and reduce the scope for racial discrimination. For example, anyone who is stopped by the police should be issued with a 'record' giving reasons for the stop. The records of all stops should be monitored and analysed and the results published.

Training

The Report notes with concern the lack of effective training on race issues at every level of the police service. It recommends an immediate review to ensure that all training is designed to develop an understanding of the link between good policing and good community relations. It recommends that a similar review of training in local government and other parts of the criminal justice system should be considered.

The training which the Report recommends is described as 'racism awareness' training, without any information as to what this should include. Historically, 'racism awareness' training has often consisted of descriptions of cultural differences and has done little or nothing to challenge racist stereotypes. The evidence to the Inquiry demonstrates the need for effective anti-racism training. As the CRE has consistently recommended, training on race issues should not be conducted in isolation but as part of operational training.

The Report's recommendation that members of ethnic minority communities should be involved in police training requires sensitive management.

The CRE also urges that training should be independently evaluated, as well as monitored, and welcomes the proposal that national standards should be developed for training objectives.

Setting targets

The Home Secretary has already announced that he will set targets for the recruitment, promotion and retention of ethnic minority staff in police forces, as recommended in the Report.

In parallel, the CRE recommends that other

organisations where ethnic minorities are underrepresented, overall or at certain levels, should be setting their own targets.

Targets are a familiar concept in many organisations, as in production targets or sales targets. Targets are *not* quotas; they do not fix the numbers or proportions of people from each ethnic group that must be achieved regardless of merit. Any such requirement would be unlawful. Nor do targets involve varying selection standards for particular applicants. Whether externally imposed or set from within the organisation, targets involve setting priorities, removing (hidden) barriers and regularly measuring performance so that additional steps can be taken if success is not achieved.

To be effective, targets must be accompanied by job-related selection criteria and selection methods for recruitment and promotion that afford equality of opportunity and do not discriminate against any applicants on grounds of race, colour, ethnic or national origin or nationality.

PROSECUTION

The Report recommends that, if the evidence in a racist crime is sufficient, the Crown Prosecution Service (CPS) should consider that it will normally be in the public interest to prosecute. Further, in any case where there is a racial element, it should be the duty of the CPS to ensure that this factor forms part of the prosecution at every stage. The importance of the role of the CPS in providing information to victims, their families and witnesses is also recognised.

EDUCATION

The Report acknowledges the key role which education can play in eradicating racism and recommends that the National Curriculum should better reflect the needs of a diverse society. It also recommends anti-racism strategies in our schools. Building on the many examples of good practice which already exist, all schools should make the goal of challenging racism and valuing diversity central to their practice.

STRATEGIES FOR TACKLING LOCAL CRIME AND DISORDER

The Report's last, but far from least, recommendation calls on local authorities, in creating strategies under the Crime and Disorder Act, to

... consider implementing community initiatives aimed at promoting cultural diversity and

addressing racism, and the need for focused, consistent support for such initiatives.

Home Office regulations require local authorities in drawing up their crime and disorder strategies to take account of the views of local organisations, including 'a body which promotes the interests of, or provides services to, persons of different racial groups'. Guidance specifically encourages the involvement of racial equality councils (RECs) and ethnic minority community organisations.

The CRE hopes that the Report will remind local authorities of the importance of working with RECs and ethnic minority organisations, so that the crime and disorder strategies they develop will include appropriate measures to meet the concerns of all communities regarding racist incidents, as well as local crime more generally. In addition, local authorities should endeavour to make full use of any government funding to support community initiatives.

MONITORING

The Inquiry expressed concern about institutional racism in all the agencies that make up the crimi-

nal justice system. Section 95 of the Criminal Justice Act 1991 requires criminal justice agencies to monitor their operations by ethnic group as a means of avoiding discrimination. Without information about outcomes, none of the agencies, nor the public, can have an accurate picture of racial inequality or disadvantage. Although some data are now publicly available, for example on stops and searches under section 1 of the Police and Criminal Evidence Act 1984, and CPS data on racially motivated crime, the CRE is still very concerned that the police, the CPS, the courts, the prison service and the probation service have generally failed to provide the information upon which action to eradicate institutional racism must depend. Whether or not it is required by law, monitoring and analysis of the impact on different ethnic groups of the way an organisation works is an essential first step in preventing discrimination.

The CRE endorses the Inquiry's hope that implementation of its recommendations 'will ensure that the opportunity for radical thinking and root and branch action is seized'.

CRE PUBLICATIONS

For information on the publications and documents listed below, please ring CRE Distribution Services on 0171 932 5286. Publications with an asterisk (and this leaflet) can be downloaded from the CRE website at www.cre.gov.uk. All CRE publications, as well as advice and assistance about equal opportunities and racial discrimination, are available from your local racial equality council (check the local phone directory for the number).

- *Evidence to the Lawrence Inquiry, Part 2**
- *Reform of the Race Relations Act 1976* (summary also available)*
- *Policing and Racial Equality: A practical guide to the ACPO strategic policy document, 'Setting the Standards for Policing: Meeting community expectation'* (CRE/ACPO)
- *Race and Equal Opportunities in the Police Service: A programme for action* (original research report also available)
- CRE Factsheets: *Criminal Justice in England and Wales**, *Racial Attacks and Harassment**, *Ethnic Minorities in Britain**, *Education and Training in Britain** and *Young People in Britain**
- *Exclusion from School and Racial Equality: A good practice guide**
- *Racial Harassment at Work: What employers can do about it**
- *Action on Racial Harassment: A guide to multi-agency panels*
- *A Question of Judgement (summary of the Hood report on sentencing in the Midlands)*

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