

POLICING IN 21ST CENTURY SCOTLAND FROM A RACE PERSPECTIVE

Findings



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1 Background

This paper forms part of a proposed broader exploratory study on policing in Scotland from a race perspective. The present focus on the future delivery of public services in Scotland (Christie, 2011) is already having significant implications for policing in Scotland. This is evident in the proposals made by the Scottish Government (Scottish Government: 2011b; 2011c; 2011d) on the future structure of policing in Scotland. It fair to say that more broadly, Scottish public services are currently in a period of great flux with lay citizens being uncertain as to the effect of this upheaval on the quality of future public services. Moreover, given that these developments are being made during a period of austerity and in the context of notable modifications to equality legislation (Equality Act, 2010), certain vulnerable sectors of the community are likely to feel more unsettled and insecure than usual. In this respect, those from minority ethnic backgrounds have been found to be more vulnerable to economic downturns than the white groups. A recent study published by the Scottish Executive (2010: 22) concurs:

“Work looking at previous UK recessions has suggested that employment rates for ethnic minority people are particularly sensitive to economic cycles: that they fall faster than for the rest of the population during a recession but also rise faster during periods of economic growth (see Smith (1977) and Jones (1993))”.

There is evidence (EHRC, 2010, Scottish Executive, 2010) also to suggest that during such periods of instability, advances made in areas of equality and non-discrimination are particularly at risk with equality interventions being either suspended or lost due to hasty or ill advised planning and budgetary decisions.

One way of providing reassurance to the public could be via giving guarantees that grounds previously gained will not be lost during periods of change. We would first need to take stock of where public sector institutions are in terms of progress on racial equality to date, and in a policing context, recruitment of staff from minority ethnic communities would be of particular interest.

This exploratory study on the position of race and policing is both timely and necessary in Scotland, as it will inform current discourses on the shaping of public services (Christie, 2011) and the debates around the reform of police services (Scottish Government, Sept 2011a, 2011b, 2011c). More specifically, in relation to the proposed police reform, this study will provide useful indicators of progress made by Scottish police services, post the independent review conducted by Law at Work in 2005 (Law at Work, 2005). It will also provide an insight into what works and what does not in practice and provide information that will benefit thinking on future improvements in policing in Scotland.

2 Aim

The primary aim of this study is to provide a snapshot of race and policing in Scotland with a view to developing a research proposal for a larger national study. It is envisioned that the latter will build on this study to identify good practice, areas of challenges and opportunities for positive interventions. It is felt that the larger national study will contribute positively to the ongoing debates on the future delivery of public services, the proposals for establishing a national police service and discourses on mainstreaming equalities in policing policies and practice.

3 Objectives

Within the context of the above aim, the key objectives are to:

- i) Conduct a brief review of literature pertaining to race and policing, with a focus on recruitment and retention statistics
- ii) Develop a baseline for future discussion and consideration in relation to positive developments
- iii) Work in partnership with Scottish Government and Police to advise on future directions of the Scottish police service in relation to race equality
- iv) Identify gaps in research and develop a proposal for a more in-depth national study on policing from a race perspective

4 Purpose of the study: outcomes

- i) To take stock of progress and ensure the progress made to date is sustained, enhanced and developed

5 Methodology

Data for this study will be collected through

- i) A desk-based analysis, focusing mainly on a review of relevant published material pertaining to race and policing post 2005.

The material to be reviewed includes academic research reports, relevant Scottish government documents and a selection of statistics collected by HMIC and ACPOS.

It is envisaged that future research will build on this study by conducting interviews with those employed in Scottish police services. The larger research will involve internal interviews with members of SEMPERscotland, ACPOS and

tutors from the Scottish police colleges. In addition, it is proposed that external stakeholder interviews will be conducted in the form of group discussions with groups of young people from Glasgow and Edinburgh. In effect, a combination of quantitative and qualitative methodologies will be used to provide an analysis and commentary on key patterns and trends.

Given the exploratory nature of this study, its scope and purpose is limited. The data presented in this study must therefore be used with caution and considered within the scope, purpose and context of the specific aim and objectives of this study.

The rest of this paper presents key findings.

6 Findings

6.1 Race Equality and Police Accountability in Scotland

Policing in Scotland is based on the principle of 'policing by consent', in that it is a contract between the police and public. In effect, the public grants powers to the police, which would otherwise not be given to lay citizens and in return the public expect the police to publicly account for the use of these powers (Scott, 2011). Since the early 1960s, police accountability in Scotland was overseen by a tripartite system, which involves the police, central and local governments. Post devolution, police powers and functions became the responsibility of the Scottish Parliament. In effect, the tripartite system of accountability, which is generally considered democratic, was retained, with Scottish Ministers having an oversight role (www.scotland.gov.uk). Despite the positive elements associated with this democratic structure of governance, especially in terms of partnership working, Scott (2011) nevertheless points to the growing complexities surrounding 21st century policing (Home Office, 2010). The present Government has also indicated that, in light of the changing nature of policing, a review of the structure of policing was required (Scottish Government 2011b, 2011c, 2011d). While some of the perceived complexities in modern day policing arise from the changing nature of crime and policing due to technical developments and policing policy (HMICS, 2009) these are nonetheless likely to intensify in light of the ongoing changes in the public sector.

The HMICS independent review of policing in Scotland (2009:12), for example notes that:

"Police services in Scotland are facing unprecedented levels of change in demand and expectation. These arise both from a local perspective (the impact of SOAs [Single Outcome Agreements]) and from a national and international perspective (through, for example, the increasing sophistication of global crime and increase in terrorism)."

The report raised particular concerns around accountability pointing out that:

“there are gaps in the current arrangements and that more support is required to ensure effective governance across the different levels of service delivery...” (ibid: 5)

The report also expressed concerns around the existing decision-making process:

“We also identified a gap in the current governance arrangements for national policing decisions. Chief constables are, on the one hand, bound by the current legislative framework to give primacy to the decisions of their local police authority/board. On the other, through ACPOS they have a role to promote the common good of policing in Scotland. This gives rise to a potential conflict of interest between national and local requirements” (ibid: 6)

In addition to these fundamental aspects relating to police accountability, it is argued here that matters relating to equality more broadly, and race equality more specifically, ought to be central to present discussions on future reforms regarding police governance and accountability. Indeed, legislation in relation to race and policing (Race Relations Amendment Act 2000¹; Equality Act 2010) has had specific implications for policing as a public service in Britain since the turn of century (McPherson, 1999).

In particular, issues pertaining to trust and confidence have tended to dominate discussions on police accountability with many researchers (e.g. Frondigoun, 2007; Phillips and Bowling, 2002) arguing that they continue to be a concern for certain communities in Britain. Frondigoun et al (2007: 60) note for example, that:

“While the police have achieved some success in building trust and relationships with the communities they serve in relation to Community policing, from the point of view of minority ethnic young people this trust is not extended to the police more generally.”

Indeed, the relationships between the police and BME² communities have been in the spotlight since the 1980s leading to two major public enquiries, Scarman during the early 1980s and the Stephen Lawrence Inquiry at the turn of the century (MPA 2010). The impact of the latter had particular implication for policing and in Scotland saw the establishment of a steering group to oversee the implementation of the recommendations in Scotland (Law at Work, 2005). This period co-coincided with the amendment of the Race Relations Act in 2000 and thematic inspections on race and policing by the HMIC (HMIC 2000; 2003). Of particular significance is the finding by HMIC (2003) that:

¹ Key Elements of the Race Relations Amendment Act 2000 are now integrated into the Equality Act 2010

² Used here to denote a diverse range of people who are of minority ethnic backgrounds

“While most forces had a race relations policy, not all forces linked this to effective action. Not all policies were supported by clear action plans... Despite some obviously good intentions detailed policies mean little in a real life context if the principles are not understood and acted upon at street level”. (2003 in Law at work, 2006)

Surprisingly, the most recent review conducted by (HMICS, 2009) made no reference to race equality or for that matter, equality more generally, despite its centrality to ongoing discussions on accountability. Overall, this review found that comprehensive research on race and policing in Scotland is thin on the ground. The most recent one is the independent review conducted in 2005 by Law at Work (2005).

Commissioned by the CRE³, Law at Work (ibid: 8-9) drew comprehensively from several published sources including reviews by HMIC: Without prejudice (2000); Pride and prejudice (2003); A review of progress following HMIC’s thematic inspection report, Without Prejudice (ACPOS); The Campbell (HMSO SP paper 452 2001) Report; Jandoo (HMSO SP paper 424 2001) Report; The Enquiries into the Murder of Surjit Singh Chhokar; *“The Stephen Lawrence Inquiry- An Action Plan for Scotland”* and the reports from Sir David Calvert Smith QC.

It is evident that while the Law at Work (2005) review benefited from a greater volume of available research sources, given the surge in interest in race and policing at that time, the circumstances surrounding this review are different. Interest in race equality per se appears to have waned and as a result, the available information on policing in Scotland had very little ‘new’ information on progress made in this regard.

This is especially disappointing given that in their report, the Law at Work (2005: 69) noted that one way to ensure that race equality is not forgotten is to adopt an integrated approach:

“An integrated approach should be taken if steps from compliance through strategy and policy to practice and experience are to be part of an overall process...”

This research found that the majority of initiatives on policing in Scotland since 2005 pay little attention to this suggestion despite indicating that they adopt a ‘mainstream’ approach to equality. Additionally, while Law at Work (2005) was generally positive about the progress made by police services in Scotland at that time, it nevertheless made 67 recommendations in relation to future improvements. It suggested that the recommendations should be:

“Designed to strengthen and build upon existing practices” (2005: 69)

In summary, the recommendations covered a range of areas:

“Recruitment; training; promotion and selection; policy and strategy

³ The Commission for Racial Equality ceased to exist in 2008 and its functions were officially transferred to the Equality and Human Rights in the same year.

including monitoring and reporting on implementation; engagement and communication with communities and experiences of policing; and complaints and grievances” (2005: 69)

At present, there is not much in print to measure how far the police have progressed in this regard. Moreover, the latest thematic review by HMICS (HMICS, 2009) was a lost opportunity. In particular, its subsequent significance in initiating high-level debates on the future of policing in Scotland and indeed the consultation on the future of policing (Scottish Government, February 2011) supports this point. An inclusion of a race equality analysis would have provided useful information which could have been used to test whether the recommendations made in 2005 (Law at Work, 2005) were effectively and consistently implemented in a systematic and integrated manner i.e.: reflected in policing structures, processes and policies.

Nonetheless, it is pleasing to note that the recent consultation on future policing in Scotland (Scottish Government, 2011) included a question on equality (Question 10). Information pertaining to this issue led to a partial Equality Impact Assessment, which in the first instance appears positive. Effective progression of equality data in the following stages is likely to provide significant insights into the position of race and policing in Scotland. The partial Equality Impact Assessment has highlighted several interesting patterns. Of particular importance here are the following points made (ibid: 2011: 34):

“Reform of Scotland's police service provides the opportunity to improve equality of opportunity in access to, and consistency of police service across Scotland.”

“Policing will be more clearly aligned with community planning structures which will further embed community engagement on design and delivery of services and service integration.”

“At present there is a lack of consistency in approaches to equality and diversity both in terms of outcomes for communities and internal employment practices of some of the police forces. It was highlighted by a key senior officer that it is an area where national co-ordination is needed; at present there is too much regional variation.”

Given that a primary objective of this exploratory study is to take stock of progress and ensure the progress made to date is sustained, enhanced and developed, a future study will be of particular relevance to stage 2 of the Government's Equality Impact Assessment.

6.2 Scottish Policing and Race Equality

National leadership in equality and diversity is provided by ACPOS in Scotland. While ACPOS sets the national strategy and provides frameworks for

Impact analysis, it is expected that the individual 8 police services will interpret the strategy locally and devise action plans as relevant to local contexts. While this is positive in terms of national leadership, it is unclear how the implementation will be monitored locally for quality standards, outcomes and consistency in delivery of services. ACPOS⁴ comprises of chief police officers from the current 8 police services in Scotland and claims to be the voice of police leadership in Scotland. Within the present tripartite governance structure, ACPOS works with central and local government to set strategic objectives for policing in Scotland. As an incorporated company limited by guarantee since 2007, it is a registered charity working for the benefit of the police and the public (<http://www.acpos.police.uk>). They indicate that their mission is to shape and modernise policing and one of their primary purposes is to inform and influence public policy. It is therefore not surprising that the main leadership in relation to race equality and more generally, equality in policing comes from ACPOS (Law at Work, 2005).

In this respect, Law at Work (ibid: 12) assert that:

“The issue of policing and race relations is located in a range of political and legislative initiatives and policy contexts”

They (ibid) note that progress in this area became more visible since the Lawrence Inquiry (1999) alongside developments in the implementation of Community safety strategies, the Crime and Disorder Act (1998) and the Amendment to the Race Relations Act (2000). More recently, developments in relation to the Human Rights Act 1998 and the Equality Act 2010 have also had some influence (See ACPOS Equality and Diversity Strategy 2009-2012).

In terms of ACPOS response to the findings of the Stephen Lawrence Inquiry, Jandoo (2001: SP Paper 424) notes the following:

“The Scottish Police Service is deeply committed to achieving equality. Examples of this include promotion of positive action in recruiting, an enhanced response to racist crime, and the direct challenge of prejudice and stereotyping as part of its training strategy for all staff”

...but added:

“In this context ACPOS believes that society at large has a collective responsibility to acknowledge the permeating presence of institutional racism. It is not the preserve of the police alone.”

The above would suggest that the police service in Scotland was positively committed to achieve race equality post the McPherson (1999) findings and by 2004 had in place a diversity strategy (ACPOS, 2004). This commitment and willingness to work in partnership was welcomed by the CRE in Scotland. Indeed, unlike in England and Wales where the CRE undertook a formal investigation into policing (CRE, 2005), in Scotland the CRE worked closely with ACPOS and other partners to carry out an independent review (Law at Work, 2005). This led to the development of a substantive Action Plan aimed

⁴ Association of Chief Police Officers in Scotland

at addressing recommendations set out by the review. In this respect the ACPOS Annual Report (2006: 10) noted the following in regard to race equality:

“ACPOS wishes to build upon that performance and is working with the CRE to deliver all of the recommendations in the report”

They added, that all police services had reviewed their race equality Schemes and had them re-written as a result of the recommendations made by Law at Work (2005)

“...particularly the elements involving the development and use of impact assessments...” (2006: 11)

Since then ACPOS has updated its policy and presently has in place a renewed Equality and Diversity Strategy (ACPOS 2009-2012). Given that their approach to race equality is integrated into the equality and diversity strategy (rather than adopting a separate race equality strategy) an in-depth insight into the broader impact of their work on race equality per se is difficult to detect. Though overall, ACPOS claims that the 2004 strategy had:

“Initiated and created significant change at a time when police forces were more likely to have undertaken proactive work and considered positive action techniques on a voluntary basis” (ACPOS 2009: 4)

Amongst the equality and diversity initiatives noted as conducted by ACPOS, is mention of a report commissioned in 2007 *“Perceptions of Black and Ethnic Minority Youth”* (FronDIGOUN et al, 2007). The study broadly relates to the profile, identity and perceptions young black and ethnic minority people in Edinburgh and West of Scotland. The research (ibid) aimed to develop a baseline of information pertaining to cultural and social identity; youth experiences of education, employment and political engagements; and youth experiences and aspirations in relation to public and private service providers, including the police. The report (ibid, 2007) concurs that there is a paucity of research in this area and draws mainly from data sources published prior to the Law at Work Review in 2005.

Disappointingly, the findings of the FronDIGOUN study (ibid) are not very encouraging in regard to BME youth perceptions of race and policing. It is of particular concern that certain findings in the study (FronDIGOUN et al, 2007) resonate with ones reported by Hampton (1998, 2001) some 8 years previously. For example FronDIGOUN et al (2007: 63) note that:

“There were strong perceptions amongst most participants that some actions of the police amounted to racism and reflected cultural insensitivity... many lacked confidence in the judgement of the police... Because of this, along with a perception that response times would be slow, many would not report incidents to the police, and some expressed the opinion that they would prefer to deal with low level incidents themselves...”

Similarly, in a study conducted by Hampton (1998:4), on youth perceptions of racism in Glasgow, the following is reported:

“A common thread throughout was the perception that central figures of authority, for example teachers and the police, were indifferent, disinterested and indeed, racist themselves... as a result, participants resorted to alternative methods of dealing with the situation...”

It is unfortunate that the current ACPOS *Equality and Diversity Strategy* (2009-2012) is not clear on how it will tackle the prevailing negative perceptions of policing on the part of BME youth in Edinburgh and West of Scotland. Still, on a more positive note, informants in the Frondigoun (2007) study highlighted positive encounters with community-based police officers on a personal basis. It is suggested that this is an area worth exploring and developing further.

In summary, it is worth noting that the picture in relation to race policy and policing is a mixed one. On the one hand, police leaders in Scotland have always displayed positive attitudes and commitment to addressing issues of equality and diversity including race, and indeed, were one of the first public institutions to engage positively with the CRE to address race inequalities, yet there is troubling evidence to suggest BME youth perceptions towards the police services continue to be negative. It might well be that good practice initiatives are not effectively promoted by the police or that negative perceptions towards the police at community level, especially amongst young people from BME backgrounds are influenced by misconceptions. This is definitely an area that warrants further research, especially in light of ongoing public sector reform and the shaping of the future of Scottish policing.

6.3 Support for BME police: SEMPERscotland

Post McPherson (1999), SEMPERscotland⁵ was “specifically created to support and represent all minority ethnic employees in the police services” (www.semperscotland.org.uk). The establishment of this body is considered an indication of good practice and a good example of positive action on the part of Scottish Police services to ensure race equality within the service, as it was a direct response to the findings of a study conducted by Onifade in 2002. The organisation, established in 2003 only became fully operational in 2005 and currently provides a range of services to assist BME police staff “in adjusting to the culture of police service” (www.semperscotland.org.uk). Amongst the various services provided, SEMPERscotland also acts as an advisory body to the police services and Scottish Government on issues of race equality, mediates in formal and informal disciplinary matters involving BME staff and reviews and recommends policies and procedures to enhance recruitment, retention and progression of BME staff. Given the nature of SEMPERscotland’s functions, it is fair to assume that it works closely with

⁵ Supporting Ethnic Minority Police staff for Equality in Race

ACPOS and the individual 8 services to ensure that race equality is effectively mainstreamed in policies and practice. In this regard, SEMPERscotland has established 5 thematic working groups, each dealing with an issue of contemporary concern⁶ in regard to race equality.

While information on the SEMPERscotland website suggests that it has been beneficial in supporting staff, there is little information available on the website to obtain a picture of the scope, scale and nature of their outputs, outcomes or impact, especially in relation to policing policy development and procedures. This is an area that needs exploring in a future study, as it will be useful in benchmarking progress made on policing operations. Information of this nature will be particularly useful in terms of the current discussions on police reform in Scotland. Moreover, given its link with ACPOS, BME staff, the 8 services, local stakeholders and the National Black Police Association, SEMPERscotland is ideally placed to play a strategic role in the ongoing discussion on Scottish Police Reforms in Scotland. SEMPERscotland can proactively gather evidence to make informed judgements on race equality, for example, on the implications of the Equality Act (2010) and mainstreaming agenda, the proposal for a national police service and the future role of SEMPERscotland.

6.4 Key Statistics: What do they reveal?

A significant concern raised by Law at Work (2005) relates to monitoring and reporting on key indicators of race equality. In particular, they noted difficulties in obtaining national statistics as well as appropriately disaggregated data pertaining to employment. They noted with concern, also, that while the 8 Police Services collected data on recruitment, retention and progression, these were not being centrally monitored or systematically analysed. In particular, concern was expressed on the use and purpose of data collected and the expressed the opinion that statistics collected, were done mainly to comply with race relations legislation:

" Rather than to ensure that policing serves its communities"
(Ibid: 2005: 85).

In conducting this review, similar difficulties were experienced in that publicly available statistics were scattered across different institutions; ACPOS, HMICS and the 8 services. They were also not always collected during the same time period or for the same purpose. For example, the most recent data pertaining to the number of people employed by the police services were obtained from the ACPOS performance report (June 2011) while the most up to date data pertaining to applications and recruitment were obtained from HMICS (HMICS 2010). Individual service data was also uncovered but is not included here, as this was not consistently collected across all police services.

⁶ Hate Crimes and Racist incidents; Positive Action; Professional Standards Procedures and Policies; Outreach Programmes and Media

The following is therefore an analysis of data that was readily available in the public domain and is used here to provide an insight into contemporary employment patterns.

As of 30 June 2011, ACPOS indicated that there are a total of 17,561 police officers and 6,753 staff in Scotland (ACPOS, Performance Review 2011). Of these: the majority, 93.7% (N=16,451) are white police officers while 1.2% (210) are from BME backgrounds. See **Table 1** below. Of some concern is the notable number of staff who refused to disclose their ethnicity (N=629) and the number whose ethnicity is unknown (N=682). This distorts the figure quite significantly as in total they exceed the number of staff who declared themselves as minority ethnic.

TABLE 1: Staff by Ethnicity as of 2011 (Source: ACPOS)

Ethnicity	Police Officers: Number	Police Officers %	Police Staff Number	Police Staff %	Total Number
White	16,451	93.7	6,283	93.1	22,734
BME	210	1.2	64	0.9	274
Undisclosed	512	2.9	112	1.7	629
Unknown	388	2.2	294	4.4	682
TOTAL	17,561	100	6753	100	24,314

Furthermore, ACPOS (2008) note that while the number of bme police officers increased from 0.65% in 2003 to 1.25% in 2008, this has remained at similar levels in 2011, suggesting stagnation in this regard.

The data that follows on applications to join and recruitment to police services in Scotland were extracted from HMICS (2010). This information is collected annually and is disaggregated by the 8 police services and provides information on reappointments and transfers, but does not provide information on exits. While the latter might be collected elsewhere, it would have been useful to have that information included in this document as well.

Although the number of applications to join the police appears to fluctuate annually, there appears to be a decline in the number of applications by BME applicants since 2007 (**Table 2**). It would be interesting to find out why this is the case since **Table 3** indicates that the number of BME staff recruited during this period is slightly higher than previous years and has remained consistent at 18 during 2007-2008 and 2008-2009. Since 2005, while an overwhelming number of people (N=21,166) applied to join the services only 487 were from BME backgrounds (**Table 2**).

TABLE 2: Number of Job Applications by Ethnicity (Source: ACPOS)

Year of applications	Total: Applicants	Total: BME Applications
2005-2006	5168	124
2006-2007	4139	151
2007-2008	4573	103
2008-2009	7289	109
Total	21,166	487

TABLE 3: Number of Officers Recruited by Ethnicity (Source: ACPOS)

Year of Recruitment	Total Recruited	BME Recruited
2005-2006	941	12
2006-2007	784	15
2007-2008	805	18
2008-2009	1974	18
Total	4,604	63

Table 3 indicates that 63 of the 478 BME applicants who applied since 2006 were successful and in total 4604 of the 21,166 who applied were recruited (13.18% as opposed to 21.75%).

TABLE 4: BME Recruitment by Gender (Source: ACPOS)

Year of recruitment	Male	Female
2005-2006	9	3
2006-2007	12	3
2007-2008	15	3
2008-2009	15	3
Total	51	12

Table 4 illustrates that a very small number of the BME recruits (63) are female (12). These statistics from HMICS would therefore suggest that relatively smaller numbers of people from BME backgrounds tend to apply to join the police services and that in terms of recruitment, a very small number of those recruited from this group are female.

Hence of the 210 BME police officers in the police services, as recorded by ACPOS (2011) it can be expected that a very small number are female.

6.5 Police Performance and Race Equality

The most recent police performance report produced by ACPOS (June, 2011) divides the policing performance framework into 4 areas: Service Response; "Public Reassurance and Community Safety; Criminal Justice and Tackling Crime and Sound Governance and Efficiency" (ibid: 2001: 6). While the report provides a comprehensive analysis of police performance, it is argued here that it falls short in terms of integrating equality indicators. The latter can easily be built into each of the 4 areas mentioned above yet mention of race in particular is marginally covered in two areas: Public Reassurance and Community safety (racist incidents and racially motivated crimes) and Sound Governance and Efficiency (statistics on staff profile). Since the information on staff provided here is similar to the statistics above, this section will focus on the information relating to racist incidents and racially motivated crimes.

Table 5 below illustrates the trends in racist incidents and racially motivated crimes and offences between 2009/10 and 2010/11 (SOURCE: ACPOS, 2011).

Table 5: Racist Incidents and Racially Motivated Crimes: Scotland (Source: ACPOS)

April -March	Racist Incidents	Racially Motivated Crimes & Offences	Detection Racially Motivated Crimes & Offences
2010/2011	4,879	6,049	66.9%
2009/2010	4,929	6,208	66.4%
Change	-50	-159	
% Change	-1.0%	-2.6%	-0.4%

The statistics in **Table 5** drawn from ACPOS indicates a positive pattern in that it shows a small decline in both racist incidents (-1.0%) as well as racially motivated crimes and offences (-2.6%) between the period April 2009-March 2010 and April 2010-March 2011. It is nevertheless, still disturbing that the number of racially motivated crimes is still significantly larger at over 6,000 per annum.

Notwithstanding this, it is of some concern that there is a certain discrepancy in figures published by ACPOS and the Scottish Government for the same period. For example, the statistical bulletin published by the Government (2011) indicates that the number of racist incidents recorded during the period 2009/2010 as 5,952 while APCOS records this as 5,029 (**see table 5**). Moreover, while the ACPOS statistics would suggest that there is a decline in racist incidents, the Government (2011) analysis over the period 2004/2005-2009/2010 reports that racist incidents have increased by 10%. They (ibid) contend that this increase may be due to several factors, including increased public confidence and intolerance of racist behaviour. But add, curiously, that:

“There have also been improvements in data collection by police forces, and the introduction of centralised call centres has encouraged the reporting of all incidents. It should be noted however that the number of racist incidents recorded has been falling since 2006-07” (Scottish Government, 2011e: 3)

It is also worth noting that these figures ought to be viewed with caution as past research (FronDIGOUN, et al 2007, Goodall et al, 2003) has shown that statistics in this regard are not entirely reliable as victims of racially motivated crimes are often reluctant to report incidents. In this regard, FronDIGOUN et al (ibid: 53) note:

*“Very few would report a racist incident to the police and many would be unlikely to contact the police even if they were witness to or the victim of a serious incident. Most would prefer to **‘handle things on their own’**. The police were charged also with **‘over policing and poor communication’** and many respondents felt that the police need to get to know minority communities and play a leading role in challenging myths and racist stereotypes.”*

They comment elsewhere...

“Scotland has experienced fewer high profile problems in relation to policing; however the experience of racist or religiously motivated incidents can be an everyday one, albeit not always reported to the police. Research also supports concerns about the designation of and police responses to ‘racially motivated’ incidents.” (ibid, 2007: 27).

In the absence of more recent research on this issue, it is difficult to assess whether this reluctance still exists on the part of the BME community. Further investigation into this area is highly recommended especially in light of the need to enhance public trust and confidence.

There is no great evidence that stop and search issues (concerning minority ethnic communities) are of particularly high profile in Scotland, although it is an ongoing controversial matter in England and Wales. However, it seems that no collated data for Scotland is published; the last comprehensive study having been conducted in 2000/2001 (Reid Howie, 2001) and the Scottish Crime and Justice Survey breaks down stop and search experiences by age and gender but not ethnicity (Scottish Crime and Justice Survey: Main Findings 2009/10).

6.6 Police Complaints

An area likely to be closely debated in relation to the police reforms is one of complaints handling. This area is currently overseen by the Police Complaints Commissioner for Scotland whose primary purpose is to examine the way the Scottish Police Service deals with complaints about the police (www.pcc-scotland.org). The Commissioner may issue guidance to relevant authorities carrying out investigation and while this function is currently done within the

Scottish services, changes to a national structure have consequences for this approach. The current approach to complaints handling is driven by principles of integrity and accountability and a desire to move from “a culture of blame towards a culture of learning from complaints” (PCCS, 2011: 4).

Overall, The PCCS notes that a total of 4,574 complaint cases were received by police services across Scotland in 2009/2010 but point out that there has been an overall decrease (5.9%) in complaints when compared with the previous year (2008/2009: 4,862). Complaints against on duty police related mainly to procedure (27%), incivility (16%), assault (13%), neglect of duty (11%), Oppressive conduct (9%) and excessive force (8%) (PCCS, 2010). In addition, the report records a total of 6,931 complaint allegations made against officers on duty, of which only 15 led to criminal proceedings and 9 to criminal convictions. While the report records types of allegations and highlights “oppressive conduct or harassment” (Number of cases for 09/10: 640) and “discriminatory behaviour” (number of cases for 09/10: 86) it does not reveal the nature of harassment and discrimination nor suggest that they are in any way linked to issues relating to characteristics protected by equality law.

Further analysis of this data by race and other protected characteristics would be worth considering in future exercises as it might throw some light on the nature of discrimination or harassment. Of particular interest here is the significant number of cases not pursued due to lack of evidence to substantiate complaints (Discrimination: N=35; Harassment: N=224) and the observation that none of these cases proceeded to criminal or misconduct proceedings. While this data could be interpreted in several ways, it is unwise to speculate in the absence of more detailed analysis.

7 Concluding Comments

In concluding, it has to be noted that the review is restricted to readily available information and as such the report does not cover matters relating to community relations, experiences and perceptions of policing or experiences of racist crimes. It is anticipated that the latter would be addressed fully in a future detailed study. These aspects will be developed during proposed interviews with young people and key respondents from the police services.

There are nevertheless certain key findings here that lead to the conclusion that:

- i) Dedicated research interest in race and policing appears to have dwindled after an initial burst of research activities post the McPherson Inquiry (1999).
- ii) Systematic collection of data, (concerns about which had been raised earlier by Law at Work, 2005) whilst improved, is still

not adequate in that there is a lack consistency in methodology and presentation between institutions. Figures tend to be reported in conflicting ways, partly due to the statistics being collected and analysed over different time periods by different institutions. Ultimately the data reviewed here do not appear coherent or accurate.

- iii) The police services continue to demonstrate a commitment to race equality and while they have opted for a mainstream approach in addressing equality, this is yet to be fully and effectively implemented: e.g. Sustainable race equality outcomes are not always fully integrated in key strategies and policies like the Police Performance Review, exit interviews or complaints processes.
- iv) The current review on public sector reform and in particular, the reform of policing in Scotland presents an excellent opportunity to take stock on race equality amongst other diversity strands however the current consultation document is especially weak on this aspect. A partial Equality Impact Assessment has been conducted on the reform of policing - this needs to be progressed more fully and to highlight implications for all diversity strands equally. At the moment, it tends to focus more on some aspects of diversity than others. The latter, it is suspected, is due to limited access to current data on certain strands.
- v) The establishment of SEMPERscotland was an excellent example of positive action to support and empower BME employees; it is argued here that they can and should have a greater role to play alongside ACPOS, in the ongoing reform agenda.

In light of these observations, it is strongly recommended that the present discussions on policing in Scotland must consider, how issues raised in this study might be effectively addressed. While it is important that positive developments identified here are built on and sustained, it is more crucial for the Government and ACPOS to pay particular attention to areas where progress has been notably hampered. In this respect, the future detailed study proposed here would be particularly beneficial, especially in relation to the completion of the Equality Impact Assessment in relation to future policing in Scotland.

SUMMARY OF MAIN POINTS

1 Background

- 1.1 This paper forms part of a proposed broader exploratory study on policing in Scotland, from a race perspective.
- 1.2 This exploratory study on the position of race and policing is both timely and necessary in Scotland, as it will inform current discourses on the shaping of public services and the debates around the reform of police services.
- 1.3 This study will provide useful indicators of progress made by Scottish police services, post 2005.

2 Aim

- 2.1 The primary aim of this study is to provide a snapshot of race and policing in Scotland with a view to developing a research proposal for a larger national study.
- 2.2 The proposed national study will build on this study to identify good practice, areas of challenges and opportunities for positive interventions.
- 2.3 The national study will also contribute positively to the ongoing debates on the future delivery of public services, the proposals for establishing a national police service and discourses on mainstreaming equalities in policing policies and practice.

3 Objectives

- 3.1 To conduct a brief review of literature pertaining to race and policing, with a focus on recruitment and retention statistics.
- 3.2 To develop a baseline for future consideration in relation to positive developments.
- 3.3 To work in partnership with the government and Scottish police to advise on future directions of Scottish police service in relation to race equality.
- 3.4 To identify gaps in research and develop a proposal for a more in-depth national study on policing from a race perspective.

4 Proposed Outcomes of Study

- 4.1 To take stock of progress and ensure the progress made to date is sustained, enhanced and developed.

5 Methodology

Data for this study will be collected through:

- 5.1 A desk-based analysis, focusing mainly on a review of relevant published material pertaining to race and policing post 2005.
- 5.2 The data presented in this study must be used with caution and considered within the scope and context of the specific aim and purpose of this study.

6 Findings

6.1 Race Equality and Police Accountability in Scotland

- 6.1.1 It is argued here that matters relating to equality more broadly, and race equality more specifically, ought to be central to present discussions on police reforms especially to police governance and accountability.
- 6.1.2 Legislation in relation to race and policing (Race Relations Amendment Act 2000⁷; Equality Act 2010) has had specific implications for policing as a public service in Britain since the turn of century (McPherson, 1999).
- 6.1.3 Issues pertaining to trust and confidence have tended to dominate discussions on police accountability and many researchers (Frondigoun, 2007; Phillips and Bowling, 2002) argue that these continue to be a concern for certain communities in Britain.
- 6.1.4 There have been several reviews on policing in Scotland, yet the most recent conducted by HMICS (2009) made no reference to race equality despite its centrality to ongoing discussions on accountability.
- 6.1.5 This review found that comprehensive research race and policing in Scotland is thin on the ground. The most recent one is the independent review conducted in 2005 by Law at Work (2005).
- 6.1.6 While the Law at Work (2005) review benefited from a greater volume of research sources this review is different in that interest in race equality per se appears to have waned in the research field.
- 6.1.7 This research found that the majority of initiatives on policing in Scotland since 2005 pay little attention to integrating race equality in all aspects policy and practice, despite indicating that they adopt a 'mainstream' approach to equality.

⁷ Key Elements of the Race Relations Amendment Act 2000 are now integrated into the Equality Act 2010

- 6.1.8 It is pleasing to note that the recent consultation on future policing in Scotland (Scottish Government, 2011) included a question on equality (Question 10).
- 6.1.9 Information pertaining to this issue led to a partial equality impact assessment, which in the first instance appears positive. Effective progression of equality data in the following stages is likely to provide significant insights into the position of race and policing in Scotland.

7.2 Scottish Policing and Race Equality

- 7.2.1 National leadership in equality and diversity is provided by ACPOS in Scotland. It sets the national strategy and provides frameworks for Impact analysis.
- 7.2.2 The main leadership in relation to race equality and more generally, equality in policing comes from ACPOS.
- 7.2.3 The police in Scotland showed overt commitment to achieve race equality post the McPherson (1999) findings and by 2004 had in place a diversity strategy (ACPOS, 2004).
- 7.2.4 Since then ACPOS have updated their policy and now have in place a current Equality and Diversity Strategy (ACPOS 2009-2012). Given that the Strategy is equality and diversity based (rather than being race equality specific) it is difficult to get an in-depth insight into the broader impact of their work on race equality per se.
- 7.2.5 The picture in relation to race policy and policing is a mixed one. On the one hand, the police leaders in Scotland have displayed positive attitudes and commitment to addressing issues of equality and diversity and were one of the first public institutions to engage positively with the CRE to address race inequalities, yet there is worrying evidence to suggest that there might still be misconceptions and negative perceptions towards the police at community level, especially amongst young people from BME backgrounds.
- 7.2.6 This is an area worth exploring and developing in the context of the ongoing public sector reform and the future of Scottish policing.

7.3 Support for BME police: SEMPERscotland

- 7.3.1 SEMPERscotland⁸ was *“specifically created to support and represent all minority ethnic employees in the police services.”*
- 7.3.2 The establishment of this body was seen by many as a direct positive action taken by Scottish police services to ensure race equality within the service, as it was a response to the findings of a study conducted by Onifade in 2002.

⁸ Supporting Ethnic Minority Police staff for Equality in Race

- 7.3.3 Amongst the various services it provides, SEMPERscotland also acts as an advisory body to the police services and Scottish Government on issues of race equality, mediates in formal and informal disciplinary matters involving BME staff and reviews and recommends policies and procedures to enhance recruitment, retention and progression of BME staff.
- 7.3.4 SEMPERscotland has established 5 thematic working groups each one dealing with an issue of contemporary concern⁹ in regard to race equality.
- 7.3.5 There is little information available on their website to examine the scope and nature of their outputs, outcomes or impact, especially in relation to policy development and procedures.
- 7.3.6 This is an area that is well worth exploring in a future study as it will be useful in benchmarking progress which will be particularly useful in terms of the current discussions on police reform in Scotland.
- 7.3.7 Moreover, given its link with ACPOS, BME staff, the 8 services, local stakeholders and the National Black Police Association, SEMPERscotland is ideally placed to play a strategic role in the current discussion on Scottish Police Reform as well as the broader public sector reform (Christie, 2011).
- 7.3.8 It can proactively gather evidence to provide informed judgements on race equality, for example, on the implications of the Equality Act (2010) and mainstreaming agenda, the proposal for a national police service and the future role of SEMPERscotland.

7.4 Key Statistics: What do they reveal?

- 7.4.1 This review is considered a partial analysis of data that was readily available to gain initial insight into how certain employment issues were addressed since 2006.
- 7.4.2 As of 30 June 2011, ACPOS indicated that there are a total of 17,561 police officers and 6,753 staff in Scotland (ACPOS, Performance Review 2011). Of these: the majority, 93.7% (N=16,451) are white police officers while 1.2% (210) are of BME backgrounds.
- 7.4.3 Of some concern is the notable number of staff who do not wish to disclose their ethnicity (N=629) and the number whose ethnicity is unknown (N=682). This distorts the figure quite significantly as in total they exceed the number of staff who declared themselves as minority ethnic.

⁹ Hate Crimes and Racist incidents; Positive Action; Professional Standards Procedures and Policies; Outreach Programmes and Media

- 7.4.4 Nonetheless, ACPOS (2008) note that while the number of bme police officers increased from 0.65% in 2003 to 1.25 % in 2008, this number has remained at similar levels in 2011, suggesting stagnation in this regard.
- 7.4.5 Although the number of applications to join the police appear to fluctuate year on year, there appears to be a decline in the number of applications by BME applicants since 2007.
- 7.4.6 It would be interesting to find out why this is the case since there are indications that the number of BME staff recruited during this period is slightly higher than previous years and has remained consistent at 18 during 2007-2008 and 2008-2009.
- 7.4.7 63 of the 478 BME applicants who applied since 2006 were successful and in total 4,604 of the 21,166 who applied were recruited. A very small number of the BME recruits (63) are female (12).

7.5 **Police Performance and Race Equality**

- 7.5.1 The most recent police performance report produced by ACPOS (June, 2011) divides the policing performance framework into 4 areas: Service Response; Public Reassurance and Community Safety; Criminal Justice and Tackling Crime and Sound Governance and Efficiency (ibid: 2001: 6). While the report provides a comprehensive analysis of police performance, it is argued here that it falls short in terms of integrating equality indicators.
- 7.5.2 Statistics drawn from ACPOS shows a small decline in racist incidents (-1.0%) as well as racially motivated crimes and offences (-2.6%) between the period April 2009- March 2010 and April 2010-March 2011. It is nevertheless, still disturbing that the number of racially motivated crimes is still significantly larger at over 6,000 per annum.
- 7.5.3 There are certain discrepancies in figures published by ACPOS and the Scottish Government for the same period.
- 7.5.4 For example, the statistical bulleting published by the Government (2011) indicates that the number of racist incidents recorded during the period 2009/2010 as 5,952 while APCOS records this as 5,029.
- 7.5.5 It is also worth noting that these figures ought to be viewed with caution as past research (Frondigoun, et al 2007, Goodall at al, 2003) has shown that statistics in this regard are not entirely reliable as victims of racially motivated crimes are often reluctant to report incidents.
- 7.5.6 In the absence of more recent research on this issue, it is difficult to assess whether this reluctance still exists on the part of the BME community.
- 7.5.7 In terms of future developments in this area and particularly in relation to the community partnership-working model, further investigation into

this area is highly recommended especially in light of the need to enhance public trust and confidence.

7.6 Police Complaints

- 7.6.1 An area likely to be closely debated in relation to the police reforms is one of complaints handling. This area is currently overseen by the Police Complaints Commissioner for Scotland (PCCS) whose primary purpose is to examine the way the Scottish Police Service deals with complaints about the police.
- 7.6.2 The PCCS, notes that a total of 4,574 complaint cases were received by police services across Scotland in 2009/2010 but point out that there has been an overall decrease (5.9%) in complaints when compared with the previous year (2008/2009: 4,862).
- 7.6.3 Complaints against on duty police related mainly to procedure (27%), incivility (16%), assault (13%), neglect of duty (11%), oppressive conduct (9%) and excessive force (8%) (PCCS, 2010).
- 7.6.4 While the report records types of allegations and highlights “oppressive conduct or harassment” (Number of cases for 09/10: 640) and “discriminatory behaviour” (number of cases for 09/10: 86) it does not reveal the nature of harassment and discrimination nor suggest that they are in any way linked to issues relating to characteristics protected by equality law.
- 7.6.5 Further analysis of this data by race and other equality strands would be worth considering in future exercises as it might throw some light on the nature of discrimination or harassment.

8 Conclusion

- 8.1 It needs to be noted the report does not cover matters relating to community relations, experiences and perceptions of policing or experiences of racist crimes. This will be explored in a future study.
- 8.3 There are nevertheless certain key findings here that lead to the conclusion that:
 - 8.3.1 Dedicated research interest in race and policing appears to have dwindled after an initial burst of research activities post the McPherson Inquiry (1999).
 - 8.3.2 Concerns raised earlier by Law at Work (2005) in regard to a systematic collection of data still need to be addressed. Whilst data collection has improved, it is still not consistent between institutions and figures are being reported in conflicting ways, partly due to the statistics being collected and analysed over different time periods by different institutions.

- 8.3.3 The police services continue to demonstrate a commitment to race equality and, while they have opted for a mainstream approach in addressing equality, this is yet to be fully implemented: eg. in key strategies and policies like the Police Performance Review.
- 8.3.4 The current review on public sector reform and in particular, the reform of policing in Scotland presents an excellent opportunity to take stock on race equality amongst other strands however the current consultation documents are weak on this aspect. A partial EQIA has been conducted on the reform of policing – this needs to be progressed more fully.
- 8.3.5 The establishment of SEMPERscotland was an excellent example of positive action to support and empower BME employees; they can have a greater role to play in the ongoing reform agenda.
- 8.3.6 In light of these observations, it is strongly recommended that ongoing discussions on the development of a national police structure for Scotland consider how best these issues might be addressed.
- 8.3.7 While it is important that positive developments identified here are built on and sustained, it is more crucial for the Government and ACPOS to pay particular attention to areas where progress has been notably hampered.
- 8.3.8 In this respect, the future, proposed detailed study might be particularly beneficial, especially in relation to the completion of the Equality Impact Assessment started by Government on the creation of a national police service.

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