

Ben Bowling and [Coretta Phillips](#)
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Chapter 21

Policing ethnic minority communities

Ben Bowling, Alpa Parmar & Coretta Phillips

Introduction

The delivery of policing – whether in the form of ‘force’ or ‘service’ – should not be greatly inferior for some social groups than others. And yet, the research evidence shows that, in general, people who are seen as ‘white’ tend to have a more satisfactory experience of the police than people whose ancestry lies in Asia, Africa and the ‘islands of the sea’.¹ The so-called ‘colour-line’ that the pioneering sociologist W.E.B. Du Bois (1901/1989: 13) predicted would be the ‘problem of the twentieth century’ can be discerned clearly a hundred years later in the relationship between police and ethnic minority communities in numerous countries around the world.² Furthermore, recent shifts in migration patterns have demanded a reconceptualisation of the perception of those who might belong to ‘ethnic minority groups’ and indeed, it is the question of ‘difference’ that has become salient in contemporary societies (Hall 1991, 2000). Such conceptual shifts have implications for the relationship between the police and citizens from minority ethnic communities.

In this chapter, we examine policing practices, making comparisons between the policing of ‘white’, ‘black’ and ‘Asian’ communities in Britain.³ We begin with a discussion of the history of policing minority ethnic communities and how they have been targeted for particular forms of policing. We look at both ‘public-initiated’ encounters with the police – such as reporting crime – and ‘police-initiated’ encounters such as stop and search and the decisions to arrest and charge. Having looked at the problems in policing, and attempted to explain them, we go on to look at some of the solutions, including the recruitment of a more diverse police service and renewed accountability mechanisms. We consider the changes that have occurred between the Scarman Inquiry of 1981 and the Lawrence Inquiry of 1999, and we review some of the research that has assessed Post-Lawrence reforms. Through the discussion we also reflect on the 2001 and 2005 terrorist attacks in the US and UK and the implications they have had for contemporary policing. Finally, we point to new directions in the development of research in this field.

Discrimination in policing: police culture and its context

The experience of black and Asian communities in British society has undergone a fundamental transformation in recent years. Until well into the 1960s while there were a few people from minority ethnic communities represented in sport, business, politics and the civil service, there were no black and Asian police officers whatsoever. Now, while they are much under-represented, they make a significant contribution to the social, economic and political life of British society and are slowly forming a more representative part of the criminal justice system.

Nonetheless, racist beliefs, xenophobic attitudes and racial prejudices remain widespread in British society. While the most overt forms of racism – activism within an extreme right political party (such as the British National Party) and participation in the ‘white power’ movement – is rare, racist attitudes, anti-immigrant feelings and xenophobic values have a deep and powerful well-spring on which to draw. If police officers are a cross-section of society, then it can be expected that some will be racially prejudiced. Research on policing conducted in the 1970s, 1980s and early 1990s indicated that racism and racial prejudice in police culture were more widespread and more extreme than in wider society. Studies found that ‘racial prejudice and racist talk . . . [were] pervasive . . . expected, accepted and even fashionable’ (Smith and Gray 1985: 388–9) while negative views of people from ethnic minorities and support for extreme right political parties were widespread (Smith and Gray 1985; Holdaway 1983, 1997: 78; Reiner 2000: 98–100, 115–21).

Research evidence over the past three decades has found that specific stereotypes are commonly used by police officers to classify people on the basis of their ethnic origin. Studies found that Asians tended to be regarded as devious, liars and potential illegal immigrants (Cain 1973; Graef 1989: 131; Jefferson 1993). The pliability of stereotypes of Asian and particularly Muslim people has been documented in recent research, which has suggested that perceptions of Asian and particularly Muslim people have undergone a transformation. Stereotypes, which assumed that Asian people were conformist, are now thought to be less applicable and rather, the very stereotypes assumed to explain law-abiding behaviour (e.g. family pressures, tight knit communities and high levels of social control) are now thought to promote criminal and deviant activity amongst Asian youth (Hudson and Bramhall 2005; Hudson 2007; Parmar 2007). The shift in the perception of such groups has been located in both local and global notions of Asian youth as increasingly involved in gangs, violent, disorderly, riotous and, more recently, as potential terrorists (Webster 1997; Alexander 2000; Goodey 2001).

Stereotypes of black people have been more consistent in that they are thought to be more prone to violent crime and drug abuse, to be incomprehensible, suspicious, hard to handle, naturally excitable, aggressive, lacking brainpower, troublesome and ‘tooled up’ (Graef 1989; Reiner 1991). These findings have not been restricted to constables but have been found throughout the ranks (see Reiner 1991: 44). A 1997 inspection of community and race relations policies and practices within the police service conducted by Her Majesty’s Chief Inspector of Constabulary concluded that ‘racial discrimination, both direct and indirect, and harassment are endemic within our society and the police service is no exception . . .’ and that there was ‘a direct and vital link between internal culture in the way people are treated and external performance’ (HMIC 1997: 18). On the basis of the inspection and accounts of racist behaviour by police officers from members of the public, HMIC concluded that even ‘if the majority of the accounts are dismissed as either the products of third party articulation or even exaggeration, a picture still emerges of pockets of wholly unacceptable racist policing’ (1997: 18). Improvements have been noted in subsequent inspection reports. However, there is a concern that these are occurring in isolated pockets rather than across police force areas, with some front-line supervisors still not intervening in challenging inappropriate behaviour and language, and with key issues such as the prudent use of discretion in stop and search marginalised in police training, or actively resisted (HMIC 1999, 2000, 2003).

We have reached the view that although the links are complex, racially prejudiced attitudes do affect the way in which people behave (Bowling and Phillips

2002: 161–2). Hall *et al.* (1998) argue that ‘while there is no automatic or straightforward link between racially prejudiced attitudes and language and discriminatory or differential behaviour . . . there is a consistency in the pervasive nature and expression of racial stereotypes and their influence on police expectations and behaviours’. Discrimination is most likely where there are no clear guidelines or criteria for decision-making, where decisions depend on subjective judgements rather than (or in addition to) objective criteria, where decision-making criteria are not strictly relevant to decisions and have a disproportionately adverse impact on certain groups; where there is considerable scope for exercise of individual discretion; where there is no requirement to record or monitor decisions or decision-making process; and where local and organisational cultural norms (rather than the requirements of service delivery) strongly influence decision-making (FitzGerald 1993).

Police targeting: the criminalisation of minority ethnic communities

Research documenting the experience among minority communities of being subjected to oppressive policing in Britain can be traced back to the 1960s when a report to the West Indian Standing Council alleged that the police engaged in practices that they referred to as ‘nigger hunting’ (Hunte 1966). Stuart Hall *et al.*’s (1978) seminal work, *Policing the Crisis*, shows clearly how, on the basis of pre-existing beliefs about their supposed criminality, black people were subject to extraordinary policing, and portrayed by the media, politicians and criminal justice agents as a ‘social problem’. Hall *et al.* describe the demonisation of the British black population and the creation of a new and powerful ‘folk devil’. This demonic status created a rationale for policing minority communities in a way which white populations (certainly those in the middle and ‘respectable’ working classes) had not experienced since the nineteenth century (Howe 1988: 13–16). For some commentators, policing British minority ethnic communities was merely an extension of colonial policing which had existed for decades in the Caribbean, India and Africa, and which had now been turned inward to police the ‘domestic colonies’ (Sivanandan 1982; Fryer 1984; Howe 1988). In light of the Northern England civil disturbances which involved young Asian (predominantly Pakistani) men and the London terrorist attacks in 2005 (discussed below), some scholars have suggested that Muslim men in particular are the new ‘folk devils’ or the ultimate ‘enemy within’ (Alexander 2004; Webster 2004; Hudson 2007:163). It is too early to ascertain whether such notions have permeated police practice, but statistics on the stop and search of Asian people may provide some indication and are discussed below. Correspondingly, it is also important to recognise that the view of minority ethnic communities as internally homogeneous no longer reflects the realities of the intersections of gender, generation and class that make the experience of young Muslim men qualitatively different from those of people from other groups (Parmar 2007).

One of the most controversial areas of police targeting relates to the policing of immigration and the people who are defined as ‘immigrants’. During the 1960s and 1970s ‘coloured immigration’ was not only a potent political issue but also one that framed black and Asian people’s experiences of policing. Many research studies uncovered evidence that ordinary policing often involved checking immigration status (asking, for instance, for passports) when people from ethnic minorities reported crimes of which they had been the victim. The Immigration Act 1971 gave the police and immigration authorities considerable powers to detain and question those people who were suspected of being in breach of immigration law, such as entering illegally

or overstaying terms of entry (see Gordon 1984). Gordon (1984) suggests that the Immigration Act 1971 began to shift the control of immigration from external border controls to internal controls, or 'pass laws' for people of African, Caribbean and Asian descent resident in Britain (Sivanandan, 1982: 135). In the months following the implementation of the Act, numerous high-profile passport raids were conducted, amounting to a 'witch hunt' of African, Caribbean and Asian communities, according to Gordon (1984).

A study in Birmingham found that more than one third recounted personal experiences of police harassment or brutality and half mentioned an incident relating to a close friend (All Faiths for One Race 1978). Many specifically accused the police of racial abuse. An Institute of Race Relations report (1979: 2) concluded that police officers demonstrated little regard for the civil liberties of black and Asian people. It described persistent foot and vehicle stops, racially abusive questioning, arbitrary arrest, violence on arrest, the arrest of witnesses and bystanders, punitive and indiscriminate attacks, victimisation on reporting crime, forced entry and violence, provocative and unnecessary armed raids, repeated harassment and trawling for suspects, and the use of riot-squad paramilitary equipment. They also identified continuous intelligence gathering and surveillance of 'symbolic locations' – coded language for the centres of Britain's black and Asian communities (see also Newham Monitoring Project 1985, 1988; Keith 1993).

'Race', riots and the police: public order policing in minority ethnic communities

The increasingly strained relationship between black communities and the police collapsed vividly in the public disorder of Bristol in 1980 and then in the London neighbourhood of Brixton in April 1981, followed by Manchester, Liverpool, Birmingham and other towns and cities in July (Solomos 1993: 154). The Brixton riots were triggered by 'Operation Swamp '81'. For a week, 120 plain-clothes and uniformed police officers patrolled Brixton with specific instructions to stop and question anyone who looked 'suspicious'. In all, 943 people were stopped over the course of four days. Of these 118 were arrested, more than half of whom were black. Among the 75 who were charged, only one was for robbery, one for attempted burglary and 18 for theft or attempted theft. People familiar with the experiences of black Britain had predicted disorder for some years (see Pryce 1979). The images of riot, burning, looting and the threat of a 'collapse of social order' were brought home as scenes of pitched battles between police and people were beamed on to television screens across the country. In Brixton more than 300 people were injured, while many vehicles and 28 buildings were destroyed, some by fire.

For Lord Scarman (1981: 45), appointed to chair the public inquiry into the riots, these were 'essentially an outburst of anger and resentment by young black people against the police'. Although he noted that not all the people involved in the disturbance were black, Scarman identified a problem of policing 'a multi-racial community in a deprived inner city area where unemployment, especially among young black people, is high and hopes are low' (1981: 15). Scarman recommended identifying racial prejudice among police recruits, efforts to recruit more minority ethnic police officers, improving community relations and handling public disorder, closer supervision of front-line police constables, improvements in the management training of inspectors and sergeants (especially in conducting stop and search operations), and making the display of racially prejudiced behaviour a dismissal

offence. To increase public confidence in the police a greater degree of consultation with the public was recommended, introducing lay visitors to make random checks on police stations, and an independent element in the system for considering complaints against the police.

The Scarman Report was welcomed by the political mainstream, but the right-wing *Daily Mail* thought it was 'telling the police to turn a blind eye to black crime' and dismissed what it considered a 'call for positive discrimination' (Kettle and Hodges 1982). Critics on the left thought Scarman's analysis fundamentally flawed, echoing racist pathologies of black people (Gilroy 1987) and failing to explain properly why people were so angry with the police and its roots in their experiences of oppressive policing. Most fundamentally, Scarman failed to 'grasp the nettle' in relation to the key issues of stop and search, the investigation of complaints against the police and police accountability (Bridges 1982; Howe 1988). For these commentators, unless the police could be brought under democratic control, continued frustration and anger were inevitable and further disorder a clear possibility. As predicted, disorder flared again in 1985. The riots in September in the Lozells Road area of Handsworth in Birmingham resulted in the deaths of two Asian men and the injury of more than one hundred people. The value of the damaged property was put at £7.5 million. A month later riots on the Broadwater Farm were triggered by the death of Cynthia Jarret in Tottenham, north London. During the disorders, a community policeman, PC Keith Blakelock, was stabbed to death. More than 250 people were injured and there was widespread damage to property. The media portrayal of the 1985 riots served to confirm media images of black communities as inherently and pathologically deviant and disorderly (Gilroy 1987). However, many of the conditions which had commanded attention five years earlier – such as unemployment, housing and welfare provision – had steadily worsened (Scarman 1981; Solomos 1993: 160). In the inner cities in 1985, levels of unemployment were up to two or three times higher than in the 1980–1 disorders (Cross and Smith 1987). Moreover, nothing had been done to tackle the problems of racial discrimination and inequality (Scarman 1981: xvii; Solomos 1993: 160).

After the mid-1980s, disorders involving black people were less frequently reported in the media and were either rarer or considered less newsworthy. Anxiety about 'race' and crime was displaced to a large extent by a concern with 'youth' in general. The 'Poll Tax riot' in Trafalgar Square on 31 March 1991 – arguably *the* most serious peacetime disorder in London in the twentieth century – symbolised both the end of the Thatcher era and the myth that riot was a 'black thing'. Keith (1993) argues that after the mid-1980s, disorder in England had become 'naturalised'. When white youth rioted in the 1990s – most spectacularly in Oxford and the north east of England – there was relatively little surprise, compared with the shocked and outraged response a decade before. He also suggests that the changing demography of the rioters should not be taken as evidence of a resolution of the conflict between black youth and the police; certainly, the media were still obsessed with questions of 'black criminality' and disorderliness. The material conditions that gave rise to the riots of the 1980s had only worsened.

Among the few outbreaks of public disorder to merit official attention in the mid-1990s were the riots in the Manningham area of Bradford on 9–11 June 1995 (Bradford Commission 1996). These disorders erupted when two police officers intervened in a group of young Asian men playing football in the road. After a struggle, three young men were arrested, a crowd gathered, accusations and counter-accusations ensued, leading to the intervention of a large number of police officers.

Although the official report of the inquiry argued that ‘the direct cause of the disorder . . . was the unacceptable behaviour of those relatively few people who behaved so anti-socially’, Foundation 2000, a community organisation based in Manningham, concluded the riots occurred in the context of a ‘severe loss of confidence in the police’ because of police action that was ‘highly questionable, extremely provocative and unreasonable’ (Foundation 2000: 11; 1995).

The summer months of May, June and July 2001 saw a spate of civil disturbances in Burnley, Bradford and Oldham, former mill towns in the north of England. The riots – dubbed by numerous media reports as the ‘worst on mainland Britain for 20 years’ – started on 26 May after a series of attacks by white youths on Asian homes in Glodwick, an area of Oldham with a significant Asian population. By the end of the riot two days later, 15 officers had been injured, pubs and offices and been damaged and 17 people were arrested (Ritchie 2001). The small Lancashire town of Burnley saw rioting on 23 June after reports of attacks by racist groups in the Stoneyholme area (Clarke 2001). The riots were finally calmed down by the police presence on 24 June. The Manningham district of Bradford (scene of the 1995 riots) erupted on the 7 July when the National Front reacted to an Anti-Nazi League rally of around 600 people, resulting in 200 police officers injured, two people stabbed and 36 arrested. Once the initial destruction and uncertainty had passed and calm was restored, the soul-searching began. The initial responses remarked on the presence of white extremists, the increase in attacks by Asians on whites and the view that this was merely an example of ‘mindless criminality’, or stemmed from a failure to respond to local drug dealing. The wider issues of policing a society divided along the lines of class, faith and culture and the context of segregation, deprivation and social exclusion were examined in the numerous official reports (Burnley Task Force 2001; Cante 2001; Denham 2001; Ousley 2001; Ritchie 2001). The official Home Office reports promoted the agenda for community cohesion within which there was a call for more minority ethnic police officers and better communication to tackle distrust between police and community (see also Waddington 2001; Webster 2002). The reports also identified the potentially negative consequences of community policing which can focus too much on the involvement of ‘community leaders’ who are perhaps unrepresentative of the wider constituency that they are thought to provide a voice for (Cante 2001; Webster 2004; Parmar 2007).

Incidents of disorder also occurred in summer 2005 between Asian and black youth in Birmingham, the flashpoint of which was a false rape allegation (Vuilliamy 2005). The tensions involved 200 youth over the course of two nights and culminated in the murder of a young black man by three Asian men. The role of the police in these disturbances was notably subdued, compared to previous tensions and the events perhaps typify the newer challenges faced by the police in contemporary multi-ethnic societies where clashes not only occur between minority ethnic and majority communities but can also be between minority ethnic groups.

Excessive force: police violence and deaths in custody

It is an axiom of the liberal tradition in policing that the police use of force must be *essential* (used as a tactic of last resort), *minimal* (no more than needed to prevent anticipated harm), *legitimate* and *accountable* (Uglow 1988; McLaughlin 1991; Morgan 1989, 1992). There is a considerable amount of material which questions the extent to which the police have adhered to the principle of the ‘minimum use of force’ in their dealings with African, Caribbean, Asian and other minority communities. The

Institute of Race Relations (1991) paper, *Deadly Silence: Black Deaths in Custody*, documents 16 cases between 1969 and 1991 in which the death of a black person came about either through lack of care or through the use of oppressive control techniques. The Institute of Race Relations (1991) notes that there is a tendency to obscure information on deaths in custody and to create 'official misinformation' that explains the deaths as accidental, or a misadventure or 'even the fault of the victim, because of his or her behaviour, drunkenness, abuse of drugs, or mental or physical condition' (IRR, 1991: 5). This deflects attention 'from police deviance to questions of the victim's deviance' (Kappeler *et al.* 1994: 164). There is convincing evidence that racist assumptions about 'dangerous', 'out-of-control', 'drug addicts' or 'schizophrenics' can lead police officers to overlook signs of physical illness which remain untreated and lead to tragic fatalities (IRR 1991; Kappeler *et al.* 1994; Chigwada-Bailey 1997).

For the UK as a whole, in 2001–2, 70 people died in police custody or 'otherwise in the hands of the police', an increase of 32 per cent on the previous year. In addition, ethnic minorities make up the bulk of those who have died as a result of physical force (other than guns) by the police or the use of restraints (Inquest 1996). Until recently, the numbers of minority ethnic people who died whilst in police custody was between 7 and 12 each year. However, the figures for 2002-03 indicated a significant increase from 7 in 2001-02 to 23 in 2002-03. The majority of the 23 who died were black (11) and Asian (7) men (Home Office 2004). The Home Office analysis of the increase of minority ethnic deaths concluded that there was little evidence to suggest that racism and stereotyping were directly linked to the deaths, nevertheless it also stated that 'the issue of racial discrimination has not yet been adequately addressed by the police service' (Home Office 2004:2).

Proactive policing: the use of stop and search powers

The use of stop and search powers by the police has been the most controversial issue in debates about policing minority ethnic communities. As the late Bernie Grant, formerly MP for Haringey, said:

nothing has been more damaging to the relationship between the police and the black community than the ill judged use of stop and search powers. For young black men in particular, the humiliating experience of being repeatedly stopped and searched is a fact of life, in some parts of London at least. It is hardly surprising that those on the receiving end of this treatment should develop hostile attitudes towards the police. The right to walk the streets is a fundamental one, and one that is quite rightly jealously guarded (NACRO 1997: 3).

Since the nineteenth century, police forces have had wide-ranging local powers to stop and search individuals whom they suspect of criminal intent (Brown 1997). During the 1970s, the so-called 'sus' laws permitted the police to arrest and prosecute people under the Vagrancy Act 1824 (ss. 4 and 6) for frequenting or loitering in a public place with intent to commit an arrestable offence. As we have discussed earlier, evidence pointed to the extremely heavy use of these powers against people from minority ethnic communities, particularly young black people. Following the work of such organisations as the Scrap Sus Campaign (1979) and the conclusions of the Royal Commission on Criminal Procedure (1981), the Police and Criminal

Evidence Act 1984 (widely known as PACE) was introduced to regulate police powers.

According to the PACE Code of Practice A, the primary purpose of the power is 'to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest'. In relation to s. 1 of the Police and Criminal Evidence Act 1984, s. 23 Misuse of Drugs Act 1971 and s. 47 Firearms Act 1968, police officers must have reasonable grounds to suspect that that a person is in possession of stolen or prohibited articles. While 'reasonable grounds' will depend on circumstances, there must be an *objective basis* for suspicion based on accurate and relevant 'facts, information, and/or intelligence'. It adds that:

reasonable suspicion can never be supported on the basis of personal factors alone without reliable or supporting intelligence or information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity (PACE Code of Practice A).

The power to stop and search is primarily an *investigative* power used for the purposes of crime detection or prevention in relation to a specific individual at a specific time (Lustgarten 2002). In practice, however, police officers frequently use stop and search powers for other purposes such as 'gaining intelligence' on people 'known' to the police, to break up groups of young people and for 'social control' more generally (FitzGerald 1999; cf. Waddington *et al.* 2002). The police and government argue that the police need to use stop and search tactics to identify criminals, even though Home Office research concluded that the tactic has an extremely limited impact on crime – including its role in detection, disruption and deterrence (Miller *et al.* 2000; see also Bowling and Foster 2002).

Young (1994) argues that the legal regulation of stop and search powers does not prevent the abuse of discretion. Police officers have to interpret legal rules for which no amount of guidance could cover every eventuality. The concept of 'reasonable suspicion' is vague and police officers differ widely in their understanding of it (Quinton *et al.*, 2000). Moreover, searches 'consented' to by suspects invoke neither PACE powers nor protections and this is very problematic since the concept of 'consent' is slippery because suspects may be ignorant of their rights to refuse to be searched (Dixon *et al.* 1990). Finally, stops and searches, like many aspects of police work, are largely invisible to supervisory officers and, therefore, 'the norms and working practices of the street level police officer take priority over outside regulation' (Young 1994: 14).

Disproportionality in the use of stop and search

One of the most consistent research findings in this field is that people from minority ethnic communities – and black people in particular – are far more likely to be stopped and searched by the police in comparison with white people. Comparing numbers of stop and search with the resident population of an area enables the calculation of the number of stops and searches per capita. In England and Wales in 2005-6, the rate for white people was 15 stops per 1,000 population, while the figure for black people was 90 and for Asian people 27 per 1,000. These figures show a

slight reduction in the disproportionality evidenced in previous years, for example in 2001-2 black people were eight times and Asian people three times more likely to be stopped and searched in comparison to their white counterparts. More recent s.95 Criminal Justice figures from 2005-6 suggest that black people were six times and Asian people nearly twice as likely as white people to be stopped and searched.

Data from the 1999 British Crime Survey (BCS) showed that white respondents and those of Indian origin were less likely to have been stopped in a car (12 per cent) during 1999, compared with black, Pakistani and Bangladeshi respondents (15 per cent), with little differences between ethnic groups for foot stops. The same BCS did however reveal wide variation in the extent of multiple stops. Of those stopped in a car, black people were the group most likely to be stopped on multiple occasions with 14 per cent stopped five or more times compared with four per cent of white respondents, six per cent of Indians and 11 per cent of Pakistanis and Bangladeshis (Clancy *et al.* 2001). More recent BCS figures for 2004-5 indicate that disproportionality in stop and search statistics persist, with people from Mixed (16%), Asian (13%) and Black (15%) ethnic groups more likely to have been stopped in a vehicle by the police in comparison to people from the white group (9%). In addition, of all those stopped by the police, minority ethnic people were more likely to have been searched (Jansson 2006).

Stops and searches under s. 60 of the Criminal Justice and Public Order Act 1994 can be authorised by a senior police officer (of the rank of inspector or above) based upon 'a reasonable belief that incidents involving serious violence may take place or that people are carrying dangerous instruments or offensive weapons' within any locality. These powers were introduced to prevent violent offences at sporting and other large-scale events, but are now being used extensively in minority ethnic communities with figures nearly tripling between 1998-99 and 2001-2. In England and Wales, the police conducted 36,248 stops and searches under s. 60 of the Criminal Justice and Public Order Act in 2005-6. Sixty three per cent of these were of white people, 20 per cent of black people and 13 per cent were of Asian people (Ministry of Justice 2007). Despite an overall reduction in the use of this power across all ethnic groups compared to previous years, black and Asian people were nevertheless disproportionately targeted if their demographic profile in England and Wales is taken into account.

The manner in which stops and searches are conducted are important for community relations between the police and citizens and specifically the perception and confidence held of the police service (Home Office Stop and Search Manual 2005). The 1999 BCS found wide ethnic differences in the extent to which a reason was given for vehicle stops and whether the reasons given were thought to be acceptable. Of those stopped in a car, 93 per cent of white respondents stopped were given a reason, compared with 86 per cent of black respondents and 88 per cent of Indian, Pakistani and Bangladeshi respondents. While 80 per cent of white respondents felt that the reason given for the stop was adequate, this was true of 61 per cent of black respondents, 68 per cent of Indian respondents and 67 per cent of Pakistani and Bangladeshi respondents (Clancy *et al.* 2001: 59-60). This evidence is consistent with earlier research that indicated that stops and searches involving black people were more likely to be speculative (Norris *et al.* 1992). Recommendation 61 of the Lawrence Inquiry (1999) stated that people should be given the reason for why they were stopped or searched and that a copy of this record should be given to the person stopped. The most recent BCS thus indicates that all people sampled were given a reason for being stopped or searched. Minority ethnic groups were slightly

more likely to be stopped for routine checks (e.g. tax discs) compared to white people, and the former were slightly more likely to feel angry and embarrassed having been stopped (Jansson 2006).

Disproportionate use of stop and search powers has also been found in the use of ss. 13A and 13B of the Prevention of Terrorism Act 1989, designed specifically to combat terrorism from the Provisional Irish Republican Army. Of the 13,760 people stopped under these powers in 1997–8, seven per cent were Black and five per cent Asian (Home Office 1998: 14). Section 44 of the Terrorism Act 2000 allows an officer to stop and search persons and vehicles to look for articles that could be used in connection with terrorism whether or not there are reasonable grounds to suspect the presence of such articles and thus perhaps legitimates an increased amount of discretion of the police officer's part. The ethnic breakdown of stop and searches under s.44(1) or 44(2) of the Terrorism Act 2000 indicate that Asian people were more likely to be stopped and searched using this power in comparison to black people. Of the 32,062 stops and searches carried out in England and Wales 2004-5 using anti-terror legislation, 23,389 were of white people, 2,511 of black people and 3,485 of Asian people. This is perhaps an expected finding since the London bombs of July 2005, and correspondingly, the majority of stop and searches under this power were concentrated within the Metropolitan Police and City of London Police force areas (Home Office 2006). Of the vehicle stops made under s.44 (1) in 2004-5, 72% were of white people, 11% Asian people and 9% black people. Notably, of the stop and searches carried out under terrorist legislation, very few resulted in an arrest that was connected to terrorism – in 2004-5 of the 21,121 stop and searches in England and Wales only 35 arrests fell within this category.

Explaining disproportionality

In attempting to explain ethnic disproportionality in stop and search, some commentators, such as FitzGerald and Sibbitt (1997), have noted the importance of taking account of different ethnic groups' 'availability'⁴ to be stopped and searched, according to time spent on the streets and other public places. Two recent studies which have explored availability have found that ethnic minorities have a higher presence on the street than suggested by resident populations. This means that per capita measures of the use of stop and search may be overstating the extent of ethnic disproportionality. In the two studies which together covered six police force areas, stop and search patterns based on available street presence indicated that at an aggregate level, white people tended to be stopped at a higher rate than would be expected, while black and Asian people were largely under-represented or proportionately represented among those stopped and searched on foot or in their vehicles (MVA and Miller 2000; Waddington *et al.* 2002).

While this research emphasises the problems with per capita measures of stop and search, it should be remembered that the legal principles which govern the use of police stop and search powers require officers to have reasonable grounds for suspicion that a person is in possession of stolen or prohibited articles. It is of particular concern that research by FitzGerald (1999) and Quinton *et al.* (2000) suggests that many police officers are unclear about the concept of 'reasonable suspicion', and the extent and limitation of their powers. Being a member of a group who are stereotypically assumed to be more likely to be involved in crime cannot be used as grounds for suspicion. Yet there is some evidence of the use of 'racial

profiling', described by minority ethnic officers interviewed by Cashmore (2001: 652) who reported being advised to stop 'black kids with baseball caps, wearing all the jewellery', in order to boost their recordable activities and enhance their performance. Other officers were said to 'subscribe to the philosophy that, if you see four black youths in a car, it's worth giving them a pull, as at least one of them is going to be guilty of something or other'.

This type of thinking is consistent with patterns of selective enforcement by police officers, based on stereotyping and their heightened suspicion of ethnic minorities. In 1981, Lord Scarman (1981: 64) noted that 'some officers . . . lapse into an unthinking assumption that all young black people are potential criminals', and the more recent research evidence also indicates such stereotyping among police officers (see, for example, FitzGerald and Sibbitt 1997; Quinton *et al.* 2000). As one Home Office study put it: the police contribute to the large ethnic differences in the PACE data by virtue of their heightened suspiciousness of black people. This is pervasive and deeply entrenched; and it may significantly increase the chances of black people coming to the attention of the police relative to other groups (FitzGerald and Sibbitt 1997: 66).

Asian communities are likewise finding themselves in similarly, if slightly less in number, problematic stop and search situations especially since the disorders of 2001 and 2005 and the London terrorist attacks of 2005. As Webster (2004) highlights, this is perhaps connected to a growing anti-Muslim feeling and until studies and statistics begin to disaggregate 'Asians' it is difficult to ascertain whether there is disproportionate treatment of Pakistanis and Bangladeshis in particular or towards all Asians. Direct discrimination may also play a part in disproportionality. MVA and Miller (2000: 87) note that, in some of their research areas, 'stops and searches were targeted at some areas where there [were] disproportionate numbers of those from minority ethnic backgrounds, yet where the local crime rates did not appear to justify this attention'. Additionally, such forms of discrimination may be embedded in the reasons for which ethnic minorities are stopped and searched, including a lack of cultural awareness, a lack of understanding and the operation of culturally insensitive assumptions. The most common reason for stopping and searching all ethnic groups (on foot) was for suspicion of drugs, and black and Asian people were more likely than white people to be stopped and searched for this reason. The BCS 2004-5 showed that the figures were 38% for white people, 51% for black people and 55% for Asians (Home Office 2006).

In reviewing the evidence in relation to police stop and search, it is fair to assert that discrimination is in operation in the use of stop and search powers (Bowling and Phillips 2007). In particular, the negative impact on black people in society and the corresponding lack of public confidence in the police service call for a necessary challenge to the regulation of police coercive powers, particularly given the low impact of the post Lawrence reforms with regard to stop and search. Alongside the limited gains with regard to crime detection and prevention (discussed below), stop and search powers should be used only when there is genuine and reasonable belief of wrongdoing rather than the exercise of speculative intrusions (*ibid.*: 961). In the view of these authors, such powers should 'be repealed if they cannot be more closely regulated' (*ibid.*).

Arrest and the decision to charge

Arrest marks the first stage of the criminal justice process and the initial decisions about whether an individual enters the formal criminal justice system. Only a small minority of stop and searches – 13 per cent of all minority ethnic groups in 2001–2 – led to an arrest, and only seven per cent of arrests for notifiable offences have followed a stop and search (Home Office 2003). Similar rates of attrition were reported for 2004-5 (Home Office 2006). Although both proportions are slightly higher for black and Asian people, it is clear that most arrests result from reactive behaviour by the police following notification of an offence by a member of the public (see Phillips and Brown 1998). This means that stop and search makes a significant but rather modest contribution to the representation of white and minority ethnic people in the arrest population. Statistics for England and Wales from 2005-6 suggest that the number of arrests of Asian and black people have increased by 11 per cent and 10 per cent respectively, compared to under 5 per cent for white people (Ministry of Justice 2007). Official statistics showed that, in 2001–2, the number of black people arrested was on average five times higher than white people relative to their proportion in the general population. The arrest rate for Asians was two times higher than it was for whites (Home Office 2003). Statistics for 2005-6 showed that the arrest rate for a notifiable offence for black people was 3.5 times the arrest rate for the white population and that of Asians was slightly higher than the rate for whites (Ministry of Justice 2007).

The ethnic background of people continues to be inconsistently recorded in both Magistrates and Crown Courts in England and Wales (although the latter's records have been improving significantly in recent years). Nevertheless, this means that comprehensive national statistics with regard to ethnic differences are difficult to ascertain. Previous research tended to suggest that the police were 'overcharging' some ethnic minorities following their arrest. Phillips and Brown (1998), for example, reported that the Crown Prosecution Service (CPS) terminated proportionately more cases involving ethnic minorities compared with white defendants, largely because of insufficient evidence. This pattern of results has been similarly found in Mhlanga's (1999) study of CPS and court decision-making at 22 CPS branches in cases involving defendants aged under 22 years in 1996. Case termination rates were higher for black (17 per cent) and Asian defendants (19 per cent) than for white defendants (13 per cent). These differences remained once other legally relevant factors had been taken account of, leading Mhlanga (1999: 26–7) to note that it was possible that the CPS were 'downgrading, or even rejecting outright, cases where the police have shown bias against minorities'. Further evidence to support overcharging practices by the police in some cases involving minority ethnic suspects comes from a review by Her Majesty's Crown Prosecution Service Inspectorate (2002). The higher termination rates for minority ethnic defendants suggest that the police may be presuming guilt in the case of some black and Asian suspects as a result of negative stereotyping yet where there is insufficient evidence to proceed against them. Official statistics for 2005-6 suggest increased parity in the proportion of charges terminated early across ethnic groups- white (21%), Black (22%) and Asian (22%), although these are unable to ascertain any disproportionality in case termination once legally relevant factors have been taken into consideration.⁵ Black and Asian defendants were however more likely to be committed to the Crown Court for trial (Ministry of Justice 2007).

Attitudes towards the police

Survey data provide a 'consumer's perspective' on policing. The overall picture shows that black respondents are somewhat less satisfied with police action and they perceive the police to be unfair to certain groups and, therefore, not surprisingly, are less willing to co-operate with the police than white respondents (see Mayhew *et al.* 1993; Skogan 1990, 1994; Chigwada-Bailey 1997; Spencer and Hough 2000; Clancy *et al.* 2001). The findings with respect to Asians are more mixed, with less disapproval of the police than black and white respondents reported in some studies, whereas in others Asians tend to hold views that put them between black and white respondents. The general pattern has been confirmed by the 2000 BCS which reported that twice as many black respondents (38 per cent) as white respondents (19 per cent) could recall being 'really annoyed' by the behaviour of a police officer in the last five years; for Asian respondents the figure was 23 per cent. The main reasons cited by those interviewed were that the police had been rude, unfriendly, behaved unreasonably or had failed to do anything (Sims and Myhill 2001). More generally, while 54 per cent of white respondents saw the police as doing a good or excellent job, this was true of only 40 per cent of black respondents and 42 per cent of Asian respondents (Mirrlees-Black 2001). Public satisfaction with the police at a local level is based on the percentage of respondents saying that the police do a 'very good job' in their area. In 1988, the first year that comparisons among ethnic groups were made in the BCS, 26 per cent of white respondents gave the police the highest rating in comparison with 16 per cent of black and Asian respondents. By 1996, the figure for white respondents had dropped to 22 per cent, that for black respondents had stayed the same and that for Asians had risen to 19 per cent.

In the 2000 BCS, only 20 per cent of white respondents found that their local police do a very good job, compared with 19 per cent of black respondents, 16 per cent of Indians and 15 per cent of Bangladeshis. The figures for 2000 suggest a positive trend in the responses of black people to local policing while the Asian figure has dropped by three per cent, and that of the white community by a further two per cent. In recognition of the need to improve public confidence in policing services following the Macpherson Report (1999), the Home Office's Public Service Agreement incorporated the need to raise confidence and trust, particularly within minority ethnic communities. Figures from the 2006 BCS reveal positive perceptions towards the police with 56% of black, 53% Asian and 48% of white respondents suggesting that the police were doing an excellent job in 2004-5 (Jansson 2006). Interestingly however, a different pattern was revealed when minority ethnic respondents were asked about how much they *trusted* the police in the 2003 Home Office Citizenship survey in England and Wales. According to this measure, 80% of white people trusted the police 'a lot' or 'a fair amount' in comparison with 69% of Mixed and 79% of Asian people (with Bangladeshis and Pakistanis indicating slightly lower levels of trust if the category Asian was disaggregated). Black people indicated the lowest levels of trust at 65% (Home Office 2005).

Contacting the police

Among all ethnic groups the most common reason for contacting the police is to report a crime, but white respondents are significantly more likely than any other group to call the police in order to give information, to report suspicious circumstances, a disturbance or nuisance (Clancy *et al.* 2001). The generally lower

opinion of the police among minority ethnic communities does not at first sight appear to affect the extent to which black and Asian people call on their help when they are victimised. Evidence from the 1988, 1992 and 1996 BCS (Skogan 1990; FitzGerald and Hale 1996, Bucke 1997) found that black, Indian and Pakistani victims were, if anything, *more* likely to report household crimes to the police. For personal offences, only the Indian group was more likely to report than whites, while black people had reporting rates that were somewhat lower than similar white victims once the seriousness of the offence had been taken into account (Skogan 1994; FitzGerald and Hale 1996). According to figures from the 2004-5 BCS, Asian (11%) and Black (12%) people were slightly less likely to initiate contact with the police to report a crime, compared to white (14%) and Mixed (16%) victims of crime. Asian and Black people were also more likely to state that they did not report a crime to the police because they thought it was ‘trivial/police couldn’t have done anything’ in comparison to people belonging to white and Mixed groups (Jansson 2006).

Victims from minority ethnic communities who report crimes are generally less satisfied with the police response than white victims (see Clancy *et al.* 2001: Figure 4.7). Clancy *et al.* found that 33 per cent of black, 43 per cent of Indian, 27 per cent of Pakistani and Bangladeshi and 47 per cent of white individuals felt they were satisfied by their experience with the police in the 16–29 age group.

The police response to racist violence

Although minority ethnic communities have been the targets of racist violence throughout their history in Britain it was only in 1981 that the British government and police officially recognised the problem and started recording it (Home Office 1981; Bowling 1999). By the mid-1980s, racist violence was established as an ‘urgent priority’ for a range of governmental agencies –including the Home Office, police and local authorities – although numerous reports suggested that the police on the ground were still not taking the problem seriously enough (Bowling 1999). The research evidence suggests that, until recently at least, rank-and-file police officers saw ‘lower level’ racist incidents as ‘rubbish’ and not worthy of investigation and officers were unwilling to ascribe a racial motive to an attack even if this was the victim’s belief (Bowling 1999: 246).

Victims of racial incidents are much less likely to be satisfied with police service than victims of crime in general. In Bowling’s (1999) study in east London, for example, the most common complaint among those who were dissatisfied with the police response was that the police did not ‘do enough’, that they failed to keep the victim informed and that they seemed not to be interested. Only a very small minority felt generally very satisfied with the way in which racist harassment was dealt with in their area and less than one third were at all satisfied.

The racist murder of Stephen Lawrence in 1993 and the subsequent public inquiry set up in July 1997 – to which we return later in this chapter – focused public attention on the issue of racist violence as never before. The report recommended improvements in the recording, investigation and prosecution of racist incidents. In response, the Home Office produced a *Code of Practice on Reporting and Recording Racist Incidents* in April 2000 which applied to all statutory, voluntary and community groups, and the Association of Chief Police Officers (ACPO) drafted its own guidance, *Identifying and Combating Hate Crimes* (2000), which is now used by all police forces. The Metropolitan Police Service (MPS) implemented a number of changes in addition to those recommended by the Lawrence Inquiry, including the

creation of a Racial and Violent Crimes Task Force and the establishment of community safety units (CSUs) in all boroughs across London in 1999, with officers specially trained to investigate 'hate crimes', and similar specialist units have also been created in other forces. These policies have had some impact on police practice. It is clear, for example, that there has been an increase in the willingness and ability of the police to record racist incidents and to file intelligence reports, with some cases referred to the Racial and Violent Crime Unit for more intensive investigation. There remains the risk, however, that if racist violence remains the preserve of specialist departments it will continue to be seen as separate from the 'real business of policing and an isolated caricature of what [the police] should be doing in respect of all crime problems' (Baggott 2000: 15). The police response to racially motivated incidents clearly remains an important aspect of the nature of the relationship between the police and minority ethnic communities. The invidious nature of crimes motivated by racism requires a response that engenders trust and which appears legitimate to citizens (Rowe 2004). Although a reduction in the number of racially motivated incidents and crimes when comparing 2002-3 and 2004-5 BCS figures may suggest a positive trend, the number of both household and personal crimes that were perceived to be racially motivated nevertheless remains high amongst minority ethnic groups as evidenced by the total of 87,100 such incidents in 2004-5 (Jansson 2006). However, evaluations of service provision post-Lawrence have been broadly encouraging. Docking and Tuffin's (2005) examination of police practice found well-developed systems for supervising police investigations of racist incidents, with somewhat higher levels of victim satisfaction, although this varied by police force, and was more common among victims dealt with by specialist rather than operational officers (see also Burney and Rose 2002).

A multi-ethnic force? Black and Asian officers in the British police

As people from ethnic minorities struggled to join the police service in the 1970s and 1980s, their treatment by their colleagues was often hostile as well as being hostile towards minority communities in general. Reading today Smith and Gray's (1985) study of 'the police in action', it is staggering to recall the language police officers used in speaking about black and Asian people. The centrality of racism in the subculture of the police served – and still does in some places – to alienate, marginalise and discriminate against minority ethnic officers. Even the most recent evidence shows that some supervisory and senior police officers fail to discourage and discipline racist comments and actions by police officers (HMIC 1998, 1999).

Increasing the recruitment of minority ethnic police officers was on the agenda of the Home Office and senior police officers even before the Scarman Report. There has been an increase in the proportion of serving police officers who are from ethnic minorities from 0.7 per cent in 1986 to 3.4 in 2005 (Ministry of Justice 2007). This means that they remain considerably underrepresented given that around seven per cent of the economically active population are from ethnic minorities and this was also below the target of 4 per cent target proposed in 2004 (Ministry of Justice 2007).

Experiences in the job

The overwhelming majority of black and Asian police officers interviewed by Holdaway (1993) reported that racist comments and jokes were routinely part of

officers' conversations (see also Holdaway and Barron 1997). Even in the post-Macpherson policing climate, minority ethnic police officers have referred to abuse by colleagues as a way of testing their commitment to the job (Cashmore 2002). Until relatively recently, senior officers appeared not to be concerned with challenging and changing this aspect of the police culture (HMIC 1997, 1999). As HMIC reported 'there were still too many accounts of distressing behaviour, or at best, managerial indifference towards minority ethnic staff'. Holdaway notes that the choice between tolerating or challenging racist remarks affected working relations because 'stereotypical thinking and team membership go hand in hand' (1996: 158). Thus, it is unsurprising that some black and Asian officers may find themselves marginalised from work and social networks because they fail to collude with negative representations of ethnic minorities, or where in the case of some Asian officers, religious observance prevents socialising that revolves around drinking. A recent study that aimed to assess the impact of the Lawrence inquiry found that although overt racist language had been excised from the police service, the changes could be described as cosmetic and other forms of discrimination remained largely unchecked. The cultural change towards the unacceptability of racism was also questionable given that 'awareness about explicit language was not necessarily reflected in awareness about discriminatory practice more broadly or in the provision of services to minority groups' (Foster et al 2005:49). The report also suggested that feelings of exclusion experienced by minority ethnic officers persisted and that the intangible nature of discrimination experienced, resulted in some officers expressing that they found it difficult to complain.

Retention

The retention rate for minority ethnic police officers is predictably lower than for white officers and worsened in the period 1994–8. Holdaway and Barron (1997) studied the reasons for resignation among a sample of 28 former African-Caribbean and Asian police officers in comparison with a group of 18 white resigners. Holdaway and Barron note that the resignation decision was not something taken lightly; typically, resigners said that they thought about resigning for more than five months. As one of Holdaway and Barron's (1997: 145) interviewees put it: 'Obviously, it doesn't make you feel good at all because you're working with people who you know, who don't really like Asians and blacks'. The most common specific reasons for the resignation of black and Asian officers were poor management within the police service, domestic/personal reasons, the difficulties of integration into the occupational culture and frustration with the way supervisory and senior officers dealt with everyday racist banter, and the aggressive policing of ethnic minorities. The proportion of minority ethnic recruits leaving the police force remains high, with 52 per cent resigning voluntarily in 2005/6 in comparison with 23 per cent of white officers deciding to leave (Ministry of Justice 2007). Since HMIC (1997) recommended that police forces should have mentoring, informal networking and welfare support as part of their retention policies, various support groups and forums for minority officers have come to the fore. These groups provide support networks, a forum for officers and also serve campaigning and lobbying functions. Foremost among the professional organisations is the National Black Police Association and the Black Police Associates in the Metropolitan Police Service. In support, a recent study by Phillips (2007) suggested that amidst a Post-Macpherson climate in which challenging institutional racism has been somewhat usurped by 'embracing diversity',

black and Asian professional associations are increasingly essential for providing a safe space for discussions of occupational experiences, emotional assistance, advice and advocacy for minority ethnic police officers (see also Holdaway and O'Neill 2007).

Promotion

In 2001–2 only 16 per cent of minority ethnic officers were to be found in the promoted ranks within the police service compared to 22 per cent of white officers. Seven per cent of white officers were in ranks above sergeant, whereas this was true of five per cent of minority ethnic officers (Home Office 2003). Minority ethnic officers (HMIC 1995) have reported that due to constant threats to their status and the subsequent need continually to reassert their position, seeking promotion was sometimes too large an endeavour or something to be delayed (Bland *et al.* 1999). Where promotion is sought, the time to promotion is longer for ethnic minorities. Bland *et al.* (1999) found that minority ethnic police officers take an average of around 12 months longer to be promoted to the sergeant rank (five months longer for Asian officers and 18 months for African-Caribbean officers). It was suggested that this reflected selection bias once officers had passed the sergeant examination that made them eligible for promotion. The time taken by ethnic minorities to reach the rank of inspector was also longer than for their white counterparts (Bland *et al.* 1999). The data for specialist police officers are more encouraging. HMIC data for 1997–8 indicate an adequate representation of minority ethnic officers as detectives (this did however tend to come later in the career of minority ethnic officers). White officers were much more likely to have been posted to a traffic department or planning/performance posts and national secondments than their minority ethnic counterparts (Bland *et al.* 1999). The numbers of ethnic minorities at the higher ranks of the police service unfortunately continue to be low – only 45 ethnic minorities were ranked at Superintendent and above in 2006 in comparison to 1,634 white people (Ministry of Justice 2007).

Meeting recruitment targets

In 1998, the Home Secretary published local and national targets for the increased recruitment, retention, career progression and senior level representation of minority ethnic staff in the Home Office, police, prisons and probation services (Home Office 1999). Positive action aims to achieve equality of representation over a given time and has a symbolic value to demonstrate the commitment to recruiting police officers who reflect the community they serve. Research shows that a higher success rate for complainants, greater understanding and sympathy for those alleging discrimination, and more effective procedures and remedies will enhance the credibility of the law in the eyes of ethnic minorities both within and outside the force (Rotterdam Charter 1996). Practical efforts to encourage local people from minority ethnic backgrounds to join the police service, such as conducting targeted recruitment campaigns with the assistance of community organisations and contacts, running familiarisation and access courses, placement schemes, and providing application forms in minority languages, are all positive ways forward. However, these efforts are hindered by the fact that applicants will carefully consider their likely experiences of racism and discrimination. Indeed, HMIC (1995) reported that minority ethnic officers were sometimes unwilling to recommend the police service to potential recruits because of

the difficulties they would face in the job. Clearly, the negative perception that ethnic minorities have of the police has hindered police forces' efforts to recruit minority ethnic police officers (Stone and Tuffin 2000; see also Cashmore 2001). Levels of ethnic diversity amongst community support officers is high, in 2006 15.2 per cent were from an minority ethnic background (Ministry of Justice 2007). This appears to be a positive development given that a significant number community support officers intend to become sworn police officers (Cooper et al 2006).

Linking equal opportunities with equality of service

Even if the numbers of minority ethnic police officers increased very dramatically, it will remain important to consider the working practices of white staff who will inevitably form the overwhelming majority, comprising, as they do, 92 per cent of the working population. The literature on the criminal justice professions highlights the importance of the relationship between equality of opportunity for employees *within* a service and the quality of service that it provides to the public. The Commission for Racial Equality, for example, argues that producing a police service which more closely reflects the population it serves is important not only as a goal but also as a means to the end of improving service provision. That is, it increases the chances that the services provided will be appropriate, relevant and accessible to all members of the community. As Brown (1997) points out, including groups previously excluded can have the effect of transforming the organisation; just by 'being there', women inevitably bring new and different perspectives and become catalysts for change within the organisation. Similarly, the presence of black officers affects some features of the organisational culture. It seems clear, for example, that the increasing presence of black and Asian officers within the organisation has reduced the willingness of all police officers to use racist 'banter' or engage in other more overt forms of racial prejudice and discrimination within the service. Furthermore, the actual positions that minority workers hold is crucial to maximising their contribution to the change process. To have any real effect on service provision, they must be able to contribute to decision-making. It should not be thought, however that, in service delivery terms, representation of minority ethnic groups in the higher ranks of the service will achieve more than the goal of equal employment opportunities. Policing needs to do more than simply accommodate women and minority ethnic officers, but make them a 'visible feature of the policing landscape' (Brown 1997).

Discrimination and police governance

In a democracy, structures of police governance should reflect the demographic characteristics of the community being policed. However, minority ethnic communities are under-represented among chief police officers, middling or senior ranks of the Home Office and in police authorities that make up the three elements of the tripartite structure of police governance (Jones and Newburn 1997). The idea of policing by consent is compromised if systems of accountability fail to reflect the ethnic diversity of the population. This 'democratic deficit' has long been recognised and attempts have been made to increase the responsiveness of the police to minority communities. Specialist 'community relations departments' have existed since African, Caribbean and Asian populations were first perceived to present a 'community relations problem' for the police from the late 1950s onwards (see Pope

1976). Scarman specifically cited a failure to consult and inform communities as a cause of the 1981 riots. However, the police community consultative groups⁶ recommended by Scarman are widely viewed by police and public alike to be ineffective (Morgan 1989; see also Chapter XX this volume). Changes under the Crime and Disorder Act 1998 require community consultation in co-operation between local authorities and the police. This also requires consultation of the 'hard to reach' groups under s. 6 of the Act, which may include some of the ethnic minorities. Hearing and reflecting the voices of minority ethnic communities accurately is of course a challenging task. Indeed, whilst appreciating the common experiences of minorities, it is nevertheless important to also recognise the internal heterogeneity *within* minority ethnic communities and to appreciate the stratifying factors of gender, generation and class.

Independent monitoring is important because it offers the opportunity to provide transparency, openness and accountability in policing. In practice, however, such processes face great challenges to their effectiveness. In many instances, consultative arrangements have offered few opportunities for local communities to exert any control over the police organisation because consultation does not amount to accountability (Bridges 1982). Reviews of such mechanisms in England have concluded that they are of marginal importance to the principal areas of police activity (Morgan 1989; CRE 1991: 3). Moreover, the deficit in legal and political accountability is not fully redressed by the creation of new systems of consultation. Despite the sometimes disappointing experience of mechanisms to enable police accountability, we are of the view that this is one of the most important spheres for future work. In the UK, the police have historically thought of independent monitoring groups as obstructive and unhelpful. It may also be naïve to assume that difficult relations between minority communities and the police can be resolved simply by improved dialogue without challenging the structural dimensions of policing (Rowe 2004). However, in recent years senior police officers have become increasingly conscious of the fact that such organisations provide information about crime and policing that can be gained from no other source. Independent advisory groups, if they can work to overcome some of the problems set out above, can also play a role in creating a greater visibility of policing practices (by using the media and public meetings, for example) and challenge stereotypical, narrow and discriminatory thinking among police officers.

Complaints procedures

The process by which the public can formally complain about instances of error and misconduct is the touchstone of police accountability. It is through this process that the police may be called upon to explain and account for allegations of misconduct and impropriety and, where necessary, make amends for injury and deaths arising from the use of force. The ways in which complaints by black and Asian people against the police have been handled has been the subject of much criticism (IRR 1979: 87). The first study in this area found that minority ethnic groups were much more likely to complain of misconduct than would have been expected from their numbers in the population but complaints made by black and Asian people were also significantly less likely to be substantiated (Stevens and Willis 1981). The report noted that these results might be explained by the fact that complaints of assault, particularly in the police cells after arrest, were more common among black

complainants and that these types of allegations generally have a low substantiation rate.

The Police Complaints Authority (PCA) was the original body that handled complaints against the police. Although it did not provide breakdowns of complaints against the police by ethnic origin, since 1990, it has collected separate figures for complaints of racially discriminatory behaviour by police officers. In the first full year of recording in 1991, there were 49 such complaints, which increased twelve-fold in a decade to 579 in 2000 (PCA 2000: 18). The substantiation rate for all complaints was about two per cent, while that for allegations of racially discriminatory conduct was much lower. The PCA noted that there were difficulties in substantiating the complaints, many of which alleged incivility or the misuse of stop and search powers: 'in the former case, officers are unlikely to use offensive or racist language in the presence of independent witnesses. In the latter, it is difficult to prove beyond reasonable doubt that the complainant was picked out specifically because of his or her racial origin' (1997: 52). In 1996–7 a total of four officers were found guilty of racially discriminatory behaviour and were either dismissed or resigned from the service and a fifth officer subsequently resigned before the disciplinary hearing (PCA 1997: 52).

Under the Police Reform Act 2002 (PRA 2002), a new body was established called the Independent Police Complaints Commission (IPCC). This body replaced the PCA in April 2004 and was created by the Home Office in response to numerous calls from aggrieved members of the public and politicians alike. The IPCC enables members of the public to complain about allegations of police misconduct, adverse consequences through police misconduct, witnessed events of misconduct and for members of organisations to complain on behalf of public citizens. The ethos of the IPCC was to offer 'a much more independent and proactive role to build a system in which all sections of the community, and the police service, can have confidence'. However the new system applies only to members of the regular force, excluding special constables and civilian employees. As Bowling and Foster (2002) argue, the problems of investigating the police, such as the 'blue wall of silence' (internal policing cover-ups) (Kappeler *et al.* 1994), political interference (Manby 2000; Gordon 2001) and insufficient resources (Melville 1999), are unlikely to be solved by the IPCC. In particular the structural aspects of policing may remain unchallenged amidst the narrow focus of the IPCC (McLaughlin and Johansen 2002; Rowe 2004). Perhaps indicative of the practical difficulties faced by the IPCC is that in 2006-7 the ethnicity of 22% of complainants was unknown, thus making it difficult to draw firm conclusions of patterns of complaints made by minority ethnic people. In 2006-7, 61% of complainants were white, 7% black, 5% Asian and 2% belonged to 'other' minority ethnic groups (Gleeson and Grace 2007).

Redress through civil litigation

Perceived and actual ineffectiveness in the police complaints procedure and 'fear of themselves being criminalised or harassed' (IRR 1987: 45) have meant that victims of alleged police misconduct have increasingly forgone the official complaints procedures and have instead taken civil court proceedings for damages against the police (though this has all happened within a general context of increased litigiousness). The use of the civil courts has increased dramatically over the past two decades. In London in 1979, only seven cases against the Metropolitan Police were

heard, resulting in damages of £1,991 being paid; in 1986, there were 126 cases heard, resulting in damages to victims of £373,000 (IRR 1987: 86). By 1994–5 in the Metropolitan Police this had leaped to 731 threatened actions, and 1,000 in 1996–7 (Metropolitan Police 1997: 83), while damage payments tripled from £1.3 million in 1994–5 to £3.9 million in 1999–2000 (Metropolitan Police 2001). The primary difficulty with compensatory litigation is that it in some respects it deflects attention from the root of the problem. While damage payments have tripled from 1994–5 to 1999–2000 the quality of service perceived by sections of the black and Asian community has shown some improvement, as discussed earlier, but perhaps not significantly. This leads to the conclusion that while funds are being spent on costly litigation – and which clearly provides some remedy for the victims of police wrongdoing – the necessary changes in structure and attitude are not being made.

The Lawrence Inquiry and Beyond: reflecting on the new agenda

The questions of policing, racism, inequality, fairness and justice raised more than two decades earlier in the Scarman Report leaped again to centre-stage at the turn of the twenty-first century. The cause célèbre which acted as ‘lightning rod’ for these issues was the murder, on 22 April 1993, of Stephen Lawrence, a black teenager stabbed to death in south London in a completely unprovoked racist attack by five white youths (Macpherson 1999). The Macpherson Report concluded that the fundamental flaws in the conduct of his murder investigation resulted from ‘professional incompetence, institutional racism and a failure of leadership by senior officers’ (1999: 137). More broadly, the report identified an absence of ‘confidence and trust’ in the police among minority ethnic communities. This was partly the result of a failure to respond properly to racist violence, but also a more widespread concern about the inequitable use of stop and search powers, deaths in police custody, racial discrimination and a lack of openness and accountability. The report concluded that the black community was ‘over policed . . . and under protected’ (1999: 312).

The report made 70 recommendations, almost all of which were accepted by the government, amounting to the most extensive programme of reform in the history of the relationship between the police and minority ethnic communities. It recommended a ‘ministerial priority’ to ‘increase trust and confidence in policing among minority ethnic communities’ by demonstrating fairness in all aspects of policing, more vigorous inspections and the application of freedom of information and anti-discrimination legislation to the police service. It recommended improvements in the handling of racist incidents, first-aid training, family liaison and the handling of victims and witnesses. It also recommended improvements in training, recruitment and retention policies; handling discipline and complaints; and the regulation of stop and search powers.

In the years since the Stephen Lawrence Inquiry, the primary difficulty has been in assessing whether or not real changes have occurred. Bourne (2001: 13) argues that ‘the promise the report appeared to hold out is not being met’, a view shared by Doreen Lawrence, the murdered teenager’s mother, who said that ‘nothing has changed’ and that ‘black people are still on the outside looking in’ (*The Observer* 24 February 2002). As critics like Bourne (2001) and Bridges (2001) point out, the government is attempting to eradicate racism with one hand, but entrenching it with the other. They argue that legislation such as the Immigration and Asylum Act 1999 and the Criminal Justice Bill 2002 will disproportionately affect ethnic minorities because of strongly engrained institutional racism. The Anti-Terrorism Act 2001

likewise is argued to be discriminatory towards Muslim people in particular, and is perceived to be eroding many basic rights on the grounds of national security (McLaughlin and Murji 1999: 382; Woolf 2005; McGhee 2005).

One area which may be taken as the litmus test of progress 'post-Lawrence' is in the use of stop and search powers. In the immediate aftermath of the publication of the Macpherson Report, levels of recorded stop and search fell from an all-time high in 1998 of around 1 million to around three quarters of a million in 2002. This reduction has many causes, but it was probably at least partly attributable to the criticism that the use of the power was frequently unlawful and unjustified. It was also argued by some police critics that officers were afraid of using the power against black people in case they were accused of racism. However, police statistics show that while the number of stops of white people dropped very sharply, the numbers for black and Asian people fell to a much smaller extent. As a consequence, the racial disproportionality in the use of the power actually increased from a black/white ratio of 5 to 1 in 1999 to 8 to 1 in 2002, suggesting that black people are now more likely to be unfairly targeted than at the time of the Lawrence Inquiry. At the same time, as we discussed earlier, there is growing use of other powers, such as s. 60 of the Criminal Justice and Public Order Act 1994, which are even more extensively used in minority ethnic communities.

The Home Secretary's *Third Annual Progress Report* (2002) makes for more optimistic reading, suggesting new measures from the appointment of two full-time non-police assistant inspectors recruited to specialise in race and diversity issues to the introduction of the new independent police complaints authority. Further grounds for optimism can be found in strenuous efforts on the part of the police service to improve their policies in dealing with racist violence, improving the response to minority ethnic crime victims in general and in recruiting a more diverse police service. There are certainly many police officers who are committed to transforming the police service into a responsive, professional organisation for the twenty-first century.

The Lawrence Inquiry was heralded as a watershed in race relations and it was undoubtedly significant in its recognition of institutional racism and the measures that were subsequently implemented to respond to it. Of these, the most important legislative change was the Race Relations (Amendment) Act 2000 which applies the Race Relations Act 1976 to public authorities including the police, who had hitherto been exempt. In principle this represents a very significant step forward because it makes unlawful both direct and indirect discrimination in the provision of police services and in the use of coercive powers. The question now is whether the courts will be willing to find in favour of plaintiffs alleging discrimination in such spheres as stop and search, arrest, the use of force and so on. We can anticipate test cases in the courts in the coming years.

While the Lawrence Inquiry was welcomed by many people, there were also individuals and groups both inside and outside the police service who objected strongly to its conclusions and recommendations. Some saw its finding of 'institutional racism' as unjustifiably 'tarring all police officers with the same brush' while others saw it as letting individual officers 'off the hook', by drawing attention away from individual responsibility. Those who rejected Macpherson's definition of the problem also rejected the solutions – such as diversity training, regulating police powers and increasing accountability. At the time of the Lawrence inquiry, senior officers described what they saw as a 'push back' by rank-and-file officers against the reform process (see also HMIC 2003). Many were resistant to change and morale

declined as a consequence. There is also evidence of a more powerful 'backlash' where minority ethnic officers and those white officers who have taken an overt anti-racist stance have been targets of hate mail and malicious complaints.

Since the publication of the Lawrence Inquiry, the problem of crime within black and Asian communities has been the focus of increased public anxiety and media attention and this has also highlighted the role of the police. In the months following the Lawrence Inquiry, there was a large rise in recorded robbery, particularly involving the theft of mobile phones, and police statistics pointed to an over-representation of black youth among those suspected and arrested. The so-called 'race riots' in the north west of England in 2001 involving young Asian men led to suggestions that 'Asian gangs' and 'Asian criminality' were growing problems. At the same time, some police officers have expressed anxiety about increasing levels of inter-ethnic tension and violence. Most significantly, perhaps, the attacks of September 11 in the USA in the same year, the July 7 London bombs and subsequent panic about 'Islamic terrorism', have fundamentally changed the nature of debates about ethnicity, crime and terrorism with some pundits making a direct link between migration and insecurity. Most recently, increases in drug-related shootings across the country (but especially the deaths of Letisha Shakespeare and Charlene Ellis in Birmingham in January 2003) have once again focused public attention on crime within black communities.

There is a view that 'black on black' crime and 'Asian criminality' have been exaggerated by police and media as a means to renew police legitimacy. On the other hand, it can be argued that it is now minority ethnic communities themselves that are demanding police action to restore peace and safety. These developments underscore the central paradox of policing that, in their efforts to protect the public, the tactics most frequently used involve the use of intrusion, coercion and force against the very people crying out for protection. This has been vividly typified by the policing response to potential and perceived threats of terrorism and the tragic death of Jean Charles de Menezes in July 2005 who was mistaken to be a terror suspect. The crucial question is how community safety is to be achieved without repeating the mistakes of the past 25 years and how notions of security and risk are effectively balanced both conceptually and practically. Examples of the steps taken to achieve a conceptual and practical balance over the years is evidenced by initiatives including Operation Trident – an anti gun campaign launched in 1998 to tackle gun crime amongst young black people in London. Trident has since expanded and aimed to raise awareness through media campaigns and focuses on drug-related shootings through collating intelligence on suspected gunmen, firearms suppliers and gun convertors (www.stoptheguns.org).

Conclusion

In common with experiences in many parts of the world, the relationship between the British police and minority ethnic communities has not been a happy one. Today's controversy about the abuse of police power, the failure to investigate crimes against people from minority ethnic communities properly and the view that the police are unresponsive and unaccountable to the communities they serve, echoes this long and troubled history. This is not to say that nothing has changed. On the contrary, the face of the British police service has been changed radically by the recruitment of police officers from minority ethnic communities. Racism is less overt and changes in police culture have occurred as the 'field' of policing and its social and political context have

changed (Chan 1997). None the less, discrimination, xenophobia and intolerance persist in the British police. Indeed, although the Lawrence recommendations and policies to promote diversity may have engendered a reduction in overt expressions of racism, the undercover BBC documentary *The Secret Policeman* provided a portal into the reality of the virulent forms of cultural racism expressed by some police recruits towards Asian and black people.⁷ Racism has contributed to unnecessary deaths, physical and psychological injuries, as well as disaffection and frustration within black and Asian communities. Racism strikes at the very core of the idea of democratic policing. Because the police are guardians of liberty and the gatekeepers of the criminal process, discriminatory policing has the effect of criminalising entire communities and denying them justice.

In recent years, the British police have drifted further towards a 'military model' of policing that emphasises crime fighting, the pursuit of 'enemies within' and adopts practices such as stop and search 'swamps', surveillance and proactive intelligence gathering (Bowling and Foster 2002). It is perhaps understandable that police commanders and hawkish politicians fearing the 'soft on crime label' would opt for this approach in the face of stubbornly high rates of crime and violence. However, this shift to a 'law and order society' is likely to be both counterproductive and undermine fundamental human rights. Paramilitary policing is part of a vicious circle that contributes to the criminalisation of marginalised communities and undermines not only the 'confidence and trust' in the police but also the legitimacy of the state itself. This undermines voluntary compliance with the rule of law and fails to reduce violence in the community.

There have been a number of attempts to reform policing through legal changes and attempts to transform police culture and restructuring systems of police accountability. In our view, reform should begin with a clear commitment to democratic policing based on responsiveness, accountability to the community and adherence to internationally recognised human rights standards (see Chapter 23). These provide us with the basis to ensure the maintenance of peace and the protection of the rights to life, liberty and security of the person. It is crucial that the police service is internally democratic, reflects the demography of the communities served and is accountable to them. The challenge for the future is to envision effective ways of reducing crime and disorder by including young people in the social life of the community. Part of this process must be through defining a new role for the police away from the resort to military-style, intelligence-led coercion and towards positive policing where officers are guardians of public peace and co-producers of community safety.

Selected further reading

This chapter draws on Bowling and Phillips' book *Racism, Crime and Justice* (2002), which sets the research on the policing of minority communities in the broader social context of ethnicity, inequality and racism, in the fields of social policy, criminology and criminal justice. The first major sociological study of racism and British policing is Hall *et al.*'s *Policing the Crisis* (1978), which inspired other theoretically informed studies including Gilroy's *There Ain't No Black in the Union Jack* (1987) and Keith's *Race, Riots and Policing* (1993). Gilroy's more recent *After Empire: Melancholia or Convivial Culture* (2004) provides an excellent analysis of multiculturalism and multi-ethnic citizenry in Britain today. Empirical research conducted during the 1980s and 1990s specifically on policing and minority ethnic communities, and on

'race' and racism within the police service is very extensive – most of which is cited in the present article. Among the few other books in this field are Holdaway's *The Racialisation of British Policing* (1996) and Cashmore and McLaughlin's edited collection, *Out of Order? Policing Black People* (1991). More recent books include Britton's *Black Justice? Race, Criminal Justice and Identity* (2000), which explores the meaning of 'race' in the custody process, FitzGerald *et al.*'s (2002) *Policing for London* (2002) and Marlow and Loveday's edited volume, *After MacPherson* (2000), the latter two of which consider policing minority communities in the post-Macpherson period. Rowe's *Policing Beyond Macpherson: issues in policing, race and society* (2007) provides an important collection of insightful papers which reflect on the contemporary policing context. Statistical data on policing practices such as stops, searches, deaths in police custody, arrests and cautioning are published in the Home Office Section 95 publication, *Statistics on Race and the Criminal Justice System* (1998 and annually thereafter). Readers looking for a broader international perspective are directed towards Chan's *Changing Police Culture* (1997), which analyses 'race' and policing in New South Wales, Australia, and Dulaney's readable and fastidiously researched *Black Police in America* (1996). *The Many Colors of Crime: Inequalities of Race, Ethnicity and Crime in America* (2006) edited by Peterson, Krivo and Hagan provides a particularly nuanced collection of the current debates about 'race' and crime.

Notes

1. Categorisation by 'race' or 'ethnicity' is deeply problematic (see Bowling and Phillips 2002: 23–35). We reject the idea that humanity can be divided into fixed biological or cultural categories and yet there are clear differences in experience among groups defined on the basis of physical appearance. We acknowledge the difficulties inherent in rejecting essentialism while retaining ethnic categories to illuminate racialised patterns of human experience (Bowling and Phillips 2002: xvii; Phillips and Bowling 2003).
2. We have restricted our analysis to the extensive British policing literature. This should not be taken to imply that the relationship between the British police and minorities is uniquely troubled. Elsewhere, we have compared policing in the USA, Australia and South Africa with that in Britain (Bowling *et al.* 2001) and found similar issues and problems in each country.
3. This chapter focuses largely on communities with origins in the Indian subcontinent, Africa and the Caribbean whose experiences of policing are the most extensively documented. We also refer to the statistics for people who belong to the category 'Mixed' where data allow. There will be both similarities and differences in the experience of other minority groups resident in the UK, such as the Irish, Turkish and Cypriot groups, travellers, Romany, Roma from eastern Europe, Kosovans and Kurds.
4. For a critique of the concept of 'availability', see Bowling and Phillips (2002: 144–5).
5. Caution should be exercised when interpreting these statistics as they are only based on the results of five police force areas.
6. Police community consultative groups (PCCGs), or 'Scarman committees', were formalised in s. 106 of PACE and consolidated in s. 96 of the Police Act 1996.
7. Screened in 2003, the *Secret Policeman* was based on covert recordings made by Mark Daly, a BBC journalist who had joined the police service. The film

documented extreme racism among recruits at the National Police Training Centre in Warrington, including officers' expressions of admiration for the murderers of Stephen Lawrence, the use of extreme racist language to describe black and Asian people, declaring an intention to stop and search people from ethnic minorities out of spite. Daly also recorded a serving police officer boasting about the abuse of discretion in the use of stop/search powers against people from minority ethnic communities. One officer said, 'Like around here if there's a car full of black people or a car full of Asians you pull it because we have got no, we have got no really ethnic minorities round here, you can guarantee it will be full of shit coming across to rob or doing something'. The officers in question claimed that the colleagues with whom they worked shared their views and behaved in the same way.

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