

ANALYSIS:

Macpherson report: How the police service responded to the charge of institutional racism

OPEN



25th February 2019

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It is twenty years since Sir William Macpherson's report into the MPS' investigation into the murder of Stephen Lawrence described the force as institutionally racist. Visiting Professor in Criminology Peter Joyce and Senior Lecturer in Criminology Dr Wendy Laverick examine how the report has defined UK policing.

The report by Sir William Macpherson into the investigation by the Metropolitan Police Service (MPS) into the murder of Stephen Lawrence was published on 24 February 1999. This article examines two closely-related areas affecting the police service that received prominent attention in the 1999 report – institutional racism and the response to hate crime. It evaluates the key recommendations that were put forward by the Macpherson report and the subsequent initiatives that were pursued to address these issues.

The Macpherson Report - key issues

Sir William was tasked to ‘inquire into the matters arising from the death of Stephen Lawrence, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes’.

Three specific allegations that related to the conduct of the MPS were investigated in the report – those of incompetence, racism and corruption. The 1999 report endorsed the first of these allegations, that of incompetence, by condemning what was described as ‘fundamental errors’ in the investigation. This accusation hinged on the failure of the police to make early arrests which was stated to have been ‘the most fundamental fault in the investigation of this murder’ which the report styled as constituting professional incompetence.

The accusation of racism was also upheld, the report going further than the views expressed by Lord Scarman’s Inquiry into the causes of the riots in Brixton and other areas. The view had been expressed in the 1981 report that racism in the MPS arose from the personal attitudes and prejudices held by a ‘few officers’ on the streets who knowingly and intentionally discriminated against members of Black and Minority Ethnic (BAME) communities.

This was known as the ‘few rotten apples in the barrel’ explanation of police racism, and Lord Scarman went on to specifically deny the existence of institutional racism. But he defined this concept in a manner that implied institutional racism meant that racist attitudes were promoted by the higher echelons of the service, an accusation he then went on to deny by asserting that ‘the direction and policies of the Metropolitan police are not racist’. He further ‘totally and unequivocally’ rejected the attack made upon ‘the integrity and impartiality of the senior direction of the force’.

However, Sir William Macpherson's report disagreed with Scarman's conclusions on this matter and asserted that the service was institutionally racist, a term which the report defined as *the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.*

He put forward, therefore, a different diagnosis of the problem of police racism than that put forward by Lord Scarman, viewing racism as akin to a virus that had affected the entire system of policing as opposed to an isolated problem that could be solved by removing those officers who conducted themselves in an overtly racist manner.

The accusation that the police service was institutionally racist especially directed attention at the way in which police organisational culture influenced the behaviour of individual officers who might conduct themselves in a manner that those on the receiving end of police actions perceived as racist even if this was not the overt intention of the officer involved in an engagement with members of the general public. This – 'unwitting racism' – addressed the fundamental problem in the murder investigation of Stephen Lawrence – stereotypical views within urban policing that linked crime and black youths provided an occupational climate that made it virtually impossible to view a black teenager as being the victim of crime and to investigate the episode accordingly.

The Macpherson Report - key recommendations

The Macpherson report put forward 70 recommendations which were designed to ensure that the criminal justice system (and especially the police service to which 60 of these recommendations applied in whole or in part) operated in a manner that was perceived to be fairer to minority ethnic communities. It particularly addressed institutional racism and sought to enhance the effectiveness of responses to racially motivated violence.

Macpherson's first recommendation that sought to achieve these purposes was for the Home Secretary to use the provisions of the 1994 Police and Magistrates' Courts Act and put forward a ministerial priority that aimed to 'increase trust and confidence in policing amongst minority ethnic communities'. Unlike much of Lord Scarman's report that left the police service largely free to dictate the nature and pace of change, Macpherson placed the government firmly in

control of the reform process, thereby aiming to overcome the bureaucratic inertia which may arise when large organisations are left to their own devices to implement far-reaching reform programmes.

The attainment of the proposed ministerial priority would be measured by a number of performance indicators that included levels of recruitment, retention and promotion of minority ethnic recruits and the nature, extent and achievement of racism awareness training.

Actions of this nature sought to address the culture of racism that Macpherson had indicated to exist within the police service and were reinforced by other proposals that included monitoring levels of complaint of racist behaviour or attitude by officers and the outcome of investigations into these matters. It was also proposed elsewhere in the report that internal vetting of this kind should be augmented by external scrutiny whereby the full force of Race Relations legislation would apply to all police officers which meant that the Commission for Racial Equality (now the Equalities Commission) would be empowered to conduct investigations into individual forces where allegations relating to discriminatory conduct were made.

In addition to recommending actions that were directed at the internal procedures and processes of policing, Macpherson also put forward suggestions that were outward facing in the sense of being explicitly directed at police relationships with BAME communities. Two of these (which were put forward as performance indicators for the ministerial priority) affected the use of stop and search powers and the response to hate crime.

Stop and search

A Home Office study in 1997 referred to the emotive importance that stop and search exerted on police relationships with BAME communities. It was argued that stop and searches conducted under PACE 'have important symbolic significance in the context of the "race" and crime debate'.

The key issue was that of disproportionality whereby statistics that revealed Black people were more likely to be subject to this power than other sections of society was used as a justification of claims that police officers were acting in a racist manner. Data which suggested few people who had been stopped and searched were actually charged with any criminal offence were put forward to further legitimise opinions that the power was used in a random manner, based on

stereotypical opinions about black people – especially black youths.

Both Lord Scarman and Sir William Macpherson supported the need for the police to possess powers of this nature and both felt that improved monitoring of officers on the streets would satisfactorily deal with the problem. As the result of Lord Scarman's report, safeguards governing the use of this power were included in the 1984 Police and Criminal Evidence Act.

However, these failed to remove perceptions that the power was used in a racially discriminatory manner and led to accusations that the legal requirement of 'reasonable suspicion' that governed the use of stop and search powers under PACE was being widely flouted by officers on the streets who were thus abusing their powers. This situation led Macpherson to reiterate the importance of the effective monitoring the use of these powers which he proposed should be extended to stop and searches carried out by legislation other than PACE and which should also embrace the use by the police of 'stop and account' procedures.

Hate crime

A key issue raised by the Macpherson report was the inability or unwillingness of those investigating the murder to highlight a racial motive behind the killing: he stated that 'a substantial number of officers of junior rank would not accept that the murder of Stephen Lawrence was simply and solely "racially motivated" '.

There were several explanations that might account for this situation. One was an apparent institutionalised desire for the police service to not get involved in issues of this nature. In 1985, the Institute of Race Relations produced a report that asserted the police response to incidents of racially motivated violence included advising victims not to antagonise their neighbours, to advise them that the issue was of a civil nature, to suggest the victim dealt with the matter through a private prosecution and to fail to follow up cases (especially those relating to harassment which was not classified as a crime by the police).

Deficiencies in police training might also contribute towards an explanation of why the police failed to assign a racial motive to Stephen Lawrence's murder. Although racial awareness training programmes had been rolled out following the Scarman report, they had been subsequently scaled down so that only officers whose day-to-day operations brought them into

contact with BME communities would have been in receipt of them. Sir William pointed out that 'not a single officer questioned before us...had received any training of significance in racism awareness and race relations throughout the course of his career'.

To ensure that errors of this nature did not arise again, the Macpherson report proposed a new definition of a racial incident that sought to focus the mind of investigating officers. It was argued that the then current definition of racial incident that had been drawn up by ACPO in 1985 and rolled out across police forces in England and Wales the following year – 'any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person' – was potentially confusing and should be made crisper.

Accordingly, the report sought to make the police service adopt a victimoriented approach to matters of this nature. It recommended that a racist incident should be defined as 'any incident which is perceived to be racist by the victim or any other person', and the term should be understood to include both crimes and noncrimes in policing terms. It was argued that both should be recorded and investigated with equal commitment since these helped build confidence, trust and legitimacy between the police service and BAME communities and would address another argument presented in the report that there was a 'significant under-reporting of racial incidents' which said to be 'occasioned largely by a lack of confidence in the police and their perceived unwillingness to take such incidents seriously'. Macpherson stated that a core cause of under-reporting was 'the inadequate response of the police service which generates a lack of confidence in victims to report incidents'.

Accordingly, the report made recommendations regarding the reporting and recording of racist incidents and crimes, namely that a comprehensive system of reporting and recording all racist incidents and crimes should be devised, that all possible steps should be taken by the police service in consultation with local government and other agencies and local communities to encourage the reporting of racial incidents and crimes and that there should be close cooperation between police services and local government and other agencies (especially housing and education departments) to ensure that all information concerning racist incidents and crimes was shared and was readily available to all agencies.

Recommendations were also presented regarding police practice in the investigation of racist crimes which included the suggestion that ACPO, in consultation with local government and other relevant agencies, should review its *Good Practice Guide for Police Response to Racial Incidents* (issued in 1998) in the light of the report and its recommendations. Macpherson also suggested that consideration should be given by ACPO of preparing a manual or model for investigations of this nature that would complement their current *Manual of Murder Investigations*.

In connection with the treatment of victims and witnesses of racial incidents, Macpherson was fiercely critical of the way in which Duwayne Brooks was treated by the investigation team. He was described as ‘a primary victim of the racist attack. He is also the victim of all that has followed, including the conduct of the case and the treatment of himself as a witness and not as a victim’. It was concluded that Mr Brooks’ colour and such stereotyping ‘played their part in the collective failure of those involved to treat him properly and according to his needs’.

Accordingly, Macpherson proposed that the police service and Home Office should develop guidelines regarding the handling of victims and witnesses, especially in the field of racist incidents and crimes and the Victim’s Charter should be reviewed in this context. It was suggested that the police service should ensure the provision of training and the availability of victim/witness liaison officers and ensure their use in appropriate areas, especially in the field of racist crimes and incidents where a sensitive approach to young and vulnerable victims and witnesses was of paramount importance.

Implementation of the Macpherson Report

Key proposals that were contained in the 1999 Report that aimed to eliminate institutional racism and provide a more effective response to racially motivated incidents became important components of the twenty-first century police reform agenda.

The Ministerial priority that related to confidence in policing was drawn up soon after the report’s publication and the then Home Secretary, Jack Straw, determined that targets for the recruitment of officers from BAME communities should be set for each force, aiming to ensure that by 2009, the proportion of minority ethnic officers would constitute 7% of the total police workforce in England and Wales (this figure equating to the estimated size of BAME communities in these two countries in 1999). Separate targets were set for the retention and

progression of BAME officers.

Additionally, new training courses in community and race relations training were introduced by the MPS in October 1999 and the Home Office set a target date of December 2002 by which time all 'frontline' staff were expected to have received training in race and diversity issues.

Also in 2002, the Home Office commissioned the Central Police Training and Development Authority (Centrex) to develop a method of police officer selection, the National Recruitment Standards Assessment Centre (which became known as the SEARCH [Selection Entrance Assessment for Recruiting Constables Holistically] Assessment Centre) which devised job-related exercises for the use of all police forces. The centre used a combination of interviews, tests and role plays to assess seven competencies. A candidate's attitude towards race and diversity was tested across all exercises in the new assessment centre and any candidate scoring below 50 per cent on the 'respect for race and diversity' competence was rejected.

The Police Disciplinary Code was replaced by a new Code of Conduct that set standards of behaviour expected from officers which contained the requirement of politeness and tolerance including the need to avoid 'unreasonable discrimination'.

A new regime was introduced in connection with handling complaints against police officers whereby under provisions of the 2002 Police Reform Act, the Police Complaints Authority was replaced in 2003 by the Independent Police Complaints Authority. The new system included the possibility of investigation of some complaints against officers by persons who were not part of the police service.

Stop and account recording procedures were introduced on a phased-in basis and the 2000 Race Relations (Amendment) Act placed a 'general duty' on the entire public sector, including the police service, to promote race equality and provided that chief constables could be made liable for the discriminatory actions of their officers – a course of action that was not possible under 1976 Race Relations Act.

Initiatives undertaken by the MPS to tackle institutional racism included the establishment of the Hydra Leadership Academy and the introduction of the Diversity Excellence Model, the Diversity Crime Survey, the Cultural and Communities Resource Unit and the Staff Associations Meeting Up and Interacting initiative.

Other reforms directly affected the response to hate crime. The definition proposed in the Macpherson report of a racial incident was adopted by the police service and bespoke units to tackle hate crime such as the MPS's Community Safety Units were set up. Additionally, in 1998, the MPS created the Racial and Violent Crimes task force with a remit to track down those responsible for racially motivated crimes.

The effectiveness of reform - the first ten years

The police reform agenda that stemmed from the 1999 Macpherson report had a mixed impact on efforts to combat institutional racism and to provide an effective response to hate crime.

An obvious starting point for tackling institutional racism was to ensure that persons with racist views and opinions did not obtain entry into the police service in the first place. However, the screening of the television programme, the *Secret Policeman* in 2003 suggested that despite reforms to the selection process that have been discussed above, this was not happening and that persons with extreme far-right opinions were succeeding in gaining entry.

Attempts to improve police relationships with BAME communities by the recruitment of more BAME officers had limited success. The proportion of officers from a BAME background rose from 1.98% of the total police strength in England and Wales in 1998 (2,483 officers) to 4.6% in March 2009 (6,290 officers).

However, the targets set by Jack Straw in 1999 were abandoned in 2008 when it became clear that the national BAME recruitment figure of 7% would not be attained. They were replaced by locally determined race (and also gender) target set by police authorities.

The main reason for the inability to achieve national recruitment targets was the negative image, nurtured over many generations, that BAME communities had of the police. Recruits from such communities would be thin on the ground while this image persisted. The realisation of this prompted suggestions (made in reports by David Calvert-Smith in 2004 and 2005 and Bill Morris in 2005) that the police service needed first to get its own house in order by ensuring its own BAME staff were treated fairly. Only then would recruits from BAME communities be forthcoming.

Issues related to the treatment of BAME officers within the police service became public knowledge when the Assistant Commissioner of the MPS, Tarique Ghaffur, QPM, CBE, accused the Commissioner of racism, an assertion which led to his suspension in September 2008. Subsequently, in 2008, the Metropolitan Black Police Association urged persons from BAME communities to boycott police recruitment and Mr Ghaffur left the police service after agreeing an out-of-court settlement.

However, the issue raised the issue of fair treatment of BAME officers which was taken up in the television programme *The Secret Policeman Returns* (screened in November 2008) when it was alleged that BAME officers had to work far harder than their white counterparts to secure advancement to the higher ranks of the police service. In 2008, 83.2% of BAME officers were at the rank of Constable: in 2010 the National Police Improvement Agency calculated that on present trends of promotion it would take 22 years for there to be 7% of BAME officers at the rank of sergeant and 23 years for BAME officers to be at the rank of chief superintendant.

The attainment of other performance indicators related to the confidence in policing ministerial priority also proved to be problematic. It was observed that officers from BAME backgrounds had a higher resignation rate than white officers, especially in the first 6 months of service and in 2008 it was estimated that 46.6% of voluntary resignations in the police Service in England and Wales came from BAME officers. The Home Affairs Committee included evidence in its 2009 report that reviewed the progress made since the publication of the Macpherson report that asserted staff discipline was still 'extremely disproportionate and extremely harsh towards visible minorities' and that officers from BAME communities were more likely to have been dismissed or required to resign compared with their white counterparts in the ratio of 8.5% to 1.7%.

Issues that were directed at the external relationships of the police service with BAME communities were also not resolved within 10 years of the publication of the Macpherson report. The use of stop and search powers was scrutinised by the Police Performance Assessment Framework which was introduced in 2004 and changes to PACE Codes of Practice governing the use of stop and search powers were introduced in 2009.

However, accusations of such powers being disproportionately directed at BAME communities (which included Asian communities following the heightened concern for terrorism informed by extremist Islamist sentiments in the wake of 9/11 in America and the London bombings in

2005) continued to be made even though the use of such powers declined overall in the period after 2009.

In connection with hate crime, the definition of what constituted a racist incident that was set out in the Macpherson report provided the underpinning for further initiatives in this area.

In the wake of the 2003 *Race for Justice* agenda, the Association of Chief Police Officers (ACPO) published guidance to police forces in 2005 (*Hate Crime: Delivering a Quality Service – Good Practice and Tactical Guidance*) as to how hate crime should be tackled. This differentiated between ‘racist incidents’ and ‘hate crime’ and provided advice regarding how hate crime should be recorded, how the police could support the victims of such crime and witnesses to it and how crime of this nature should be investigated.

One further measure that arose from the 2003 *Race for Justice* agenda was to extend the definition of hate crimes to embrace faith, sexual orientation, disability and transgender status in addition to the traditional focus on racially motivated hate crime. This development took place in 2007 when a number of agencies within the criminal justice system that included the police, Crown Prosecution Service and Prison Service agreed to a common definition of monitored hate crime that embraced disability, gender-identity, race, religion/faith and sexual orientation. This aimed to provide a consistent working definition that would enable the recording and monitoring of hate crime to be accurate. Individual police forces were allowed to include strands additional to these five monitored strands in their approach to hate crime.

Initiatives of this nature succeeded in raising the number of hate incidents that were reported each year: in 1997/8, 14,000 racist incidents were recorded by the police, rising to 61,262 in 2006/7. Additionally, the number of prosecutions for racially aggravated offences rose sharply between 1998/99 and 1999/00, and continued to rise steadily until 2003/04. However, compared to victimisation studies such as those employed by the BCS (re-named the Crime Survey for England and Wales in 2011), it appeared that under-reporting remained an issue.

The effectiveness of reform – the next ten years (2009-2019)

It has been observed above that changes introduced after 1999 address institutional racism did not make a significant immediate impact on the composition of the police workforce. Some improvements were made in the subsequent ten years, so that by March 2018, 7,850 officers

out of a total of 122,404 in England and Wales (6.6%) were from BAME communities, although by that date the overall size of the BAME population in England and Wales had increased to around 14%.

BAME officers remained under-represented in the senior ranks of the service with 2.6% being of the rank of chief constable, 4.9% chief superintendent and 4.3% superintendent (although length of service was a factor that helped explain these statistics). In 2017/18, 417 BAME officers left the service (comprising 5% of all leavers), although rates of voluntary resignation and dismissals were higher among BAME officers than their white counterparts.

Police relationships with BAME communities remained problematic as was revealed in the 2011 riots which commenced when Mark Duggan, who was under investigation by officers from Trident (the Metropolitan police unit responsible for gun crime within the black community), was shot dead by police officers in Tottenham, London on 4 August.

On Saturday 6 August, approximately 120 people protested about the shooting, marching from Broadwater Farm estate to Tottenham police station. By Sunday 7 August riots had spread to 12 areas within London, and by Monday 8 August the riots had spread nationally. Over a period of five days, an estimated 15,000 people rioted in 66 different areas, looting and damaging town centres across England resulting in five deaths, and half a billion Pounds of damage.

An investigation into the causes of these events was mounted by the Riots, Communities and Victims Panel that was chaired by Darra Singh. Their report, *After the Riots* (2011), concluded that the riots were triggered by the police handling of the death of Mark Duggan and emphasised the part played by communication problems, in addition to what was referred to as 'a historic backdrop of antipathy towards the police among some members of the local black community and the police'.

In connection with policing, the report argued, for the public, the legitimacy of the police is primarily based not on how good they are at catching criminals but on the belief that officers will treat them with respect, make fair decisions and take time to explain them and be friendly and approachable and highlighted 'toxic relations with the police' alongside 'ongoing tensions'.

The report noted lower levels of confidence in the complaints process for the black community and it was recognised that there were 'significantly worse' levels of 'happiness' from black and

minority ethnic people following contact with the police than for white people.

To improve engagement and communication and to build confidence, the report argued that the police needed to improve satisfaction levels, particularly among black and ethnic minority communities, in their use of stop and search powers. Despite reforms pursued after Scarman and Macpherson, these remained a key source of contention between police and young people in general and police and BAME communities in particular. The key problem was the one identified above – disproportionality.

Subsequent to the 2011 riots, a Home Office report in 2015 stated that black or black British persons were 1.5 times more likely to be stopped and searched under PACE than white persons and that black or black British people were 3 times more likely to be stopped than white persons. However, considerable disparities were observed between forces whereby disproportionality was especially displayed by rural forces. It was additionally argued by the civil rights group Liberty in 2016 that stop and search powers contained in the 1994 Criminal Justice and Public Order Act and the 2000 Terrorism Act were used in a discriminatory fashion so that black or Asian persons were stopped between 5 or 7 times more frequently than white persons.

In 2013, the National Decision Model (NDM) was introduced into policing in England and Wales. This applied to decision-making required in the police service and consists of 5 key elements, all of which are underpinned by a sixth, the Code of Ethics.

Although this model may be more readily applicable to situations of which the police have prior knowledge as opposed to unplanned encounters which require an immediate off-the-cuff type of response, theoretically, all forms of police actions are subject to this model and are governed by the Code of Ethics. Therefore, unethical behaviour that has historically included the improper use of stop and search powers and inappropriate conduct which was once associated with the response to hate crime should be eliminated.

However, this outcome was not initially guaranteed since the inability to fully monitor an officer's conduct on the streets was an impediment to guaranteeing full compliance with the requirements imposed on officers by the NDM.

However, the roll-out of body-worn video cameras (BWVs) in very recent years provides the additional capacity for police supervisors to monitor the behaviour of their officers, thus constituting an *ex post facto* form of accountability. Although officers who behave improperly may seek to avoid the constraints imposed by BWVs by turning the camera off, it might be assumed that a series of complaints against the behaviour of an individual officer in which the camera was turned off in all of them would result in disciplinary action being taken against him or her. An extra form of scrutiny is also now provided in many forces by Ethics Committees, whose remit could include evaluations of the effectiveness of BWVs.

The police response to hate crime showed signs of improvement in the second decade of the twenty-first century. The adoption of the recommendation contained in the Macpherson report which asserted the importance of victim perception of hate-related incidents resulted, according to the Home Affairs Committee in 2009, in the increased reporting of hate crime, to around 60,000 per year (for which the detection rate was around 44%).

Guidance to police forces relating to hate crime was updated by the College of Policing in 2014 (*Hate Crime Operational Guidance*) to reflect developments in connection with critical incident management, family liaison, community engagement and independent advice, third party reporting and changes in the way hate crime investigations were conducted.

However, the problem of under-reporting hate crime continued to affect the extent to which hate crimes entered into police recorded crime. The Crime Survey for England and Wales (CSEW) estimated that there were 222,000 hate crimes on average committed each year from 2012/13 – 2014/15. This compared with figures recorded by the police of 44,471 in 2013/14 rising to 52,528 in 2014/15.

In connection with data that related to 2011/12 and 2012/13, the Home Office argued in 2013 that the most common reason for not reporting an incident to the police was because the victim believed that the police would not or could not do much about it'. This situation also reflected the lack of trust of BAME communities in the fairness of the criminal justice system, a situation subsequently commented upon in the Lammy Review of the criminal justice system in 2017.

Deficiencies in police recording of hate crime was also observed. A report by HM Inspectorate of Constabulary and Fire Services published in 2018 found an inconsistent picture between, and in

some instances within, forces and highlighted the continuing lack of information about hate crime, particularly in relation to crime recording and the identification of hate crime. This it was argued, 'rendered an accurate understanding of the nature and scale of the problem difficult to assess'. A Home Office report in 2018 similarly acknowledged that practices across forces remained inconsistent: the flagging of cases was not always accurate and practices varied at a local level.

Impediments to reform

It has been suggested above the police reform agenda that was set in train by the 1999 Macpherson report failed to totally eliminate institutional racism and provide a completely satisfactory response to hate crime. It is undeniable that improvements were made in both of these areas, but problems remained. Why was this the case ?

One issue related to leadership – government priorities altered in the twenty-first century, especially following the reorganisation of the Home Office in 2007 when national security and countering terrorism assumed a more important profile than tackling institutional racism and effectively combating hate crime.

A further explanation that applied to institutional racism and the reforms that were advanced to tackle the problem is that these did not have the support of the police rank-and-file who felt that their leadership too readily caved in to Macpherson's assertion that this problem existed within the police service. It was felt unfair to discern the *collective* failure of an organisation based on the behaviour of a *few* who were investigating the murder of Stephen Lawrence and to use this judgement to brand the entire service (and, by implication, all police officers) as racist.

Negative sentiments of this nature also influenced policies that were designed to remedy the problem. With regard to the use of stop and search powers, for example, the Police Federation argued in 2009 that neither the Home Office or chief officers understood what was meant by the term disproportionality. Reservations regarding reforms proposed by Macpherson were unlikely to be readily implemented by a rank-and-file that felt them to be unnecessary and based upon what they regarded as unfair accusations relating to their conduct.

Another issue that had an adverse influence on the progress of the police reform agenda after 1999 to tackle institutional racism and combat hate crime was the drain imposed on police time and resources by implementing them.

The perceived need for the police to focus on priorities had led to attempts made to reduce bureaucracy, especially that which impacted on front line policing. Accordingly, in the wake of the 2008 Flanagan Review, PACE Code A was amended in 2009 which removed the national requirement that a form should be produced following each stop and account encounter and the 2010 Crime and Security Act gave forces the discretionary power to stop recording stop and account encounters. This potentially undermined an important safeguard relating to the use of a power that was a major source of friction between police and BAME communities.

Austerity measures pursued since 2010 have served as a double-edged sword in relation to attempts to eradicate institutional racism and combat hate crime more effectively. On the one hand, financial constraints have led to police forces to act alongside non-police agencies in combating issues such as hate crime through a partnership approach thereby offering a remedy to prejudices and attitudes founded on institutional racist police culture.

But on the other hand, austerity measures have drastically pruned the size of the police workforce (from 143,743 in March 2010 to 122,404 in March 2018). This was typically achieved by placing a freeze on recruitment, thus making it impossible to meaningfully redress ethnic disparities in the composition of British police forces. Although many forces have now commenced recruiting rounds, it is on a relatively small scale which will not make any significant immediate impact on a force's overall ethnic profile.

Austerity measures have also had other consequences. The need for front line officers to maximise the use of their time and be seen as a visible presence within communities has led to neighbourhood policing become largely reactive in nature, a problem compounded by the reduction of PCSOs (who acted as the eyes and ears of the police in neighbourhood policing teams) from 16,918 in 2010 to 10,213 in 2017. The problem with policing local communities by reactive methods, as was revealed in the 1981 riots, is that police and public become distanced from each other and the reliance of policing communities based on stereotypical assertions again resurfaces. Additionally, initiatives to deliver proposals based on Macpherson such as diversity officers and training programmes have either been phased out or scaled down.

Fewer police officers also heightens the need to prioritize police tasks, one victim of which could be hate incidents. It has been argued above that delivering an effective response non-crimes of this nature is crucial to building confidence, trust and legitimacy between the police service and BAME communities. However, austerity measures may create pressures to deal with hate incidents without recourse to paperwork – for example, through what is referred to as ‘street restorative justice’ – which victims may regard as an unsatisfactory response and encourage perpetrators to carry out more serious forms of hate crime because they feel they have effectively got away with committing hate incidents.

Conclusion

The above account has sought to demonstrate the impact made by the Macpherson report on institutional racism in the police service and combating hate crime. It has been argued that although improvements were made in both of these areas, issues remain to be resolved.

Figures released by the London Mayor’s Office for Policing and Crime in early 2019 revealed that in London in 2018, 43% of stop and searches were of black people and 35.5% were of white people. As around 15% of London’s population were black, it was concluded that disproportionality had increased and that the likelihood of black people being stopped was 4.3 times higher than white people in 2018, compared with 2.6 times in 2014. These figures demonstrated that there were 10.8% stops for every 10,000 white people while for black Londoners, the figure was 50.2%.

Hate crime is also an issue of considerable contemporary importance – the 94,098 hate incidents that were recorded in April 2017-March 2018 being an all-time record. While this increase may reflect confidence by victims in reporting these cases to the police, this will only be sustained if investigating and detecting those responsible for such incidents remains a police priority. However, in a continued era of police austerity, it cannot be guaranteed that sufficient resources can be constantly made available in this area of activity.

Whether or not the police service is institutionally racist and is insufficiently effective at combating hate crime is a matter that is clearly debatable and one on which the police service and some members of the general public, including BAME communities, are likely to hold different views. What is important is a realisation in police circles that regardless of their views on these matters, many persons outside of the police service feel that BAME communities are

not treated fairly – that they are over-policed and under-protected.

Thus what the future police agenda dealing with institutional racism and hate crime must accept and then deliver on is the need to address images and perceptions of police behaviour – that is, how others not in the police service see it – rather than adopt (as is often the case) a defensive reaction to justify police actions and to dismiss criticisms of them out of hand. And combating images and perceptions is a task of considerable magnitude that requires the police service (as John Alderson stated in 1981) to win over hearts and minds.

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