

## INTERNAL AND EXTERNAL DISPROPORTIONALITY<sup>1</sup> IN THE MPS

### Phase 2 Report

#### Review of Literature & Revised Research Agenda

##### Introduction

In spite of a range of initiatives aimed at promoting and managing diversity within the Metropolitan Police Service (MPS), the organisation has failed to gain the confidence of black and minority ethnic communities. This applies equally to members of the public and the MPS's own employees. There is a certain irony in the fact that the inquiry into the death of Stephen Lawrence was in progress at the same time that PS Gurbal Viridi (who gave evidence to the inquiry) was being investigated in connection with the distribution of racist hate mail within the MPS. The loss of external trust and confidence that resulted from the MPS's handling of the Lawrence case has been mirrored by the erosion of internal trust and confidence resulting from the organisation's response to high profile cases involving black and minority ethnic officers such as PS Viridi.

The existence of racial disparities in the activities of the MPS seriously undermines its legitimacy in the eyes of black and minority ethnic groups and individuals. At the same time, there are signs that the organisation's continuing efforts to manage diversity are generating a backlash among white employees and citizens. If the MPS is to emerge from this lose-lose situation, it is necessary to move this complex debate forward by:

- Clarifying the extent of internal and external disproportionality
- Establishing the reasons for the existence of internal and external disproportionality
- Identifying strategic solutions that will build internal and external trust and confidence in the MPS

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<sup>1</sup> The term 'disproportionality' is applied to situations in which figures for particular groups are out of proportion with their representation in a given population.

*Internal disproportionality* occurs when the number of black and minority ethnic police staff subject to discipline and complaints procedures is out of proportion with their numbers in the MPS workforce.

*External disproportionality* occurs when the number of black and minority ethnic citizens who bring complaints against the police is out of proportion with their numbers across the MPS area.

In relation to internal matters, it has been alleged that the disproportionality is qualitative as well as quantitative; that is to say, both the number and the nature of misconduct investigations against black and minority ethnic staff are out of proportion.

Following the publication of the Morris, Ghaffur, Commission for Racial Equality (CRE) and Taylor Reports, and in anticipation of an thematic review by Her Majesty's Inspectorate of Constabulary (HMIC), this is a critical time for professional standards in the MPS. The Cambridge research aims to utilise the insights of these key reports, as well as feedback from the recent Association of Chief Police Officers (ACPO) Professional Standards conference in building effective strategies for the future. The twin focus on external and internal matters facilitates the development of an understanding of the features of each phenomenon and the links between them.

This research report has three main purposes. The first is to synthesise the findings of several high-profile inquiries into disproportionality within the police service. The second is to describe the findings of recent academic research into citizen complaints against the police and into the Service's internal complaints and discipline procedures. Finally, we present an amended programme of research designed to investigate the nature and extent of racial disparities in the activities of the MPS.

### **Key messages from Phase 2**

The key messages from the Phase 2 assessment of existing research are as follows.

### **Internal and External Disproportionality**

- 1. The nature and extent of external and internal disproportionality remains unclear and should be established with some urgency.** Disproportionality is about more than an imbalance of numbers (CRE, 2004). The problem is highly complex, and despite the existence of extensive quantitative data sets, there is no clear understanding of the issue across the MPS, let alone nationally. This lack of authoritative knowledge notwithstanding, the existence of external and internal disproportionality is increasingly accepted both within and outside the organisation. There is a pressing need to provide a clearer picture of the nature and extent of disproportionality prior to the development of strategies aimed at its removal.
- 2. Disproportionality and perceptions of disproportionate treatment do not occur in a vacuum.** The problem of disproportionality is linked to broader issues such as the policing of diverse communities, institutional racism, and the over-representation of black and minority ethnic groups in the criminal justice system. Rather than viewing the problem in isolation, therefore, it is helpful to place it in context, and to look to these related areas in order to distinguish key issues and potential solutions.
- 3. There are significant links between disproportionality emanating from public complaints and disproportionality emanating from**

**internal intelligence sources.** Common themes include the attitudes and behaviour of 'gatekeepers' at various stages of the relevant procedures; perceptions of unequal, insensitive, and discriminatory treatment; and low confidence levels in police processes. The similarities between these two sources of disparity suggest that the most useful approach to adopt is one that acknowledges and explores these commonalities.

4. **Levels of external and internal disproportionality are affected by decision-making at individual, local and national levels.** While the influence of individual-officer demeanour and behaviour on the outcomes of interactions with citizens has been well-rehearsed in the literature, less attention has been paid to the effects of policing strategies (such as the reassurance agenda and intelligence-led approaches) or of government priorities (such as the street crime initiative) on disproportionality and public confidence. Decision-making at all these levels will need to be taken into account in a comprehensive assessment of potential levers for change.
5. **The relevance of structural factors, police occupational culture and the individual life histories of officers and complainants are important but neglected aspects of the disproportionality debate.** The discretionary decisions of police officers and managers have dominated the debates around external and internal disproportionality alike. However, it is also important to consider the relevance of factors at social, institutional and individual levels. Recent reviews and reports identify a range of broader institutional factors, such as the prevalence of a 'blame culture', a tendency to formalise grievances and complaints, and an organisational failure to be 'person-centred'. Commentators including Chan (1997) draw attention to the links between police culture and the social conditions in which policing takes place. Other literature addresses the equally significant question of individual level factors, and the extent to which black people's everyday experiences affect their perceptions of the police organisation, its activities and its representatives (see eg Bowling, 1999). Information relating to all these levels will contribute to a more rounded understanding of disproportionality.

### **Internal disproportionality**

6. **There is a broad consensus regarding the unsatisfactory nature of existing police disciplinary arrangements, but a range of views as to the causes and therefore the most appropriate solutions.** All the major recent reports that focus on internal disproportionality find evidence of widespread and profound criticism and mistrust of existing complaints and grievance procedures (see in particular Morris, Taylor). It is widely acknowledged that grievance procedures play a central role in the maintenance of organisational legitimacy and staff morale (see eg the

Parekh Report, 2000). However, altering policies in the face of incomplete knowledge is unlikely to succeed – it has been suggested, for example, that the recently-introduced Fairness At Work policy may share the weaknesses of the procedures it replaced (CRE, 2004).

7. **The success of the proposed changes to police disciplinary arrangements will rest largely in the hands of supervisors and line managers.** The procedural changes identified in recent major reviews of the disciplinary arrangements place supervisors and line managers at the heart of an effective, transparent and flexible system. The regional workshops described in Taylor (2005) echo a key theme in the main report, namely the need to replace a rigid, militaristic, quasi-judicial process with a flexible system that allows managers to be imaginative and to apply their judgement to individual cases. This is an ambitious strategy in the light of the failure of line managers under the existing arrangements to act confidently in resolving grievance and discipline issues involving minority ethnic staff (see eg the Viridi Report, the Morris Inquiry Report, the MPS Staff Survey). In addition to individual performance, staff training in this area will need to address what is widely perceived as a 'blame culture' wherein individuals perceive they will pay heavily for judgement errors, particularly when these involve black and minority ethnic officers and staff.
8. **High-profile misconduct cases shed only limited light on more typical experiences of the discipline process.** Considerable resources and attention have been focused on a small number of high profile cases involving minority ethnic police officers. These provide valuable case studies but there is little to be gained from further in-depth analysis. Future inquiries should focus on lower-level, more typical experiences and the feelings to which they give rise. It will also be important to analyse the experiences of white officers and white complainants in order to draw out similarities to and differences from, their black and minority ethnic counterparts.

### External disproportionality

9. **There is little understanding of the range of factors that result in a disproportionate number of external complaints from black and minority ethnic citizens.** External disproportionality relating to complaints against the police tends to be associated with the use of the stop and search power. Researchers have put forward a number of structural or demographic explanations for the widely-accepted disparity in the ethnic identity of those stopped (see eg MVA and Miller, 2000), but beyond raw numbers, there has been little empirical investigation of the dynamics of these interactions. At the same time, the focus on stop and search has hindered the development of an understanding of a range of complaint-generating situations and police actions. It is unclear, for example,

whether the new 'stop and record' policy will reduce or increase the level of complaints from minority ethnic individuals.

### Internal and External Disproportionality

- 10. The dangers of 'backlash' and 'diversity fatigue' must be addressed in any comprehensive strategy for the reduction of external and internal disproportionality.** Several investigators note that the diversity agenda has done little to bring about real organisational change; there is evidence that 'diversity matters' are being left to champions rather than percolating through the service (see eg the Virdi Report, 2001; Diversity Matters, 2000). Meanwhile the increasing number of white officers bringing grievances relating to discrimination, as well as anecdotal evidence from research carried out by the London School of Economics (LSE), are illustrative of an undercurrent of backlash against the perceived preferential treatment of minority ethnic officers. In a post-Lawrence climate, it may be necessary to foster a more nuanced, less 'knee-jerk' response to discrimination: something Bill Taylor introduces with his proposal that the classification of discriminatory behaviour as always serious be amended to reflect the individual incident.

### Key Information Sources

There are two key sources of information on disproportionality. These are recent inquiry reports into professional standards and police complaints and discipline procedures, and academic research. While the former focus on issues around internal disproportionality, academic research has largely focused its attention on external disproportionality, particularly in relation to the use of the stop and search power.

#### I. Inquiry reports

##### A. The Virdi Inquiry Report (December 2001)

The Virdi Inquiry was appointed to investigate the MPS investigation into Police Sergeant Gurpal Virdi and to advise the MPA as to lessons to be learned from this long and complex case. PS Virdi was born in India and came to the UK at the age of eight. He joined the MPS in 1982 and was promoted to sergeant in 1992. In December 1997, PS Virdi was one of a number of minority ethnic officers at Ealing Police Station to receive racist hate mail. PS Virdi was suspended from duty in April 1998 and his home was searched by a specialist team. In March 2000, following a disciplinary hearing, PS Virdi was dismissed from the Police Service. In November of the same year, PS Virdi launched a successful appeal against the disciplinary tribunal and was reinstated to the MPS. However, in his foreword the inquiry Chairman notes that at the time of writing the case had not been resolved and PS Virdi had not returned to work.

The Virdi Inquiry was set up in 2000 and reported in 2001. Although it precedes the inquiries discussed below by several years, it discusses many of the issues that are at the heart of these later reports, including the proportionality of internal investigations, the mechanistic, bureaucratic nature of the disciplinary process, a lack of trust and confidence in discipline and grievance procedures among black and minority ethnic police staff, the persistence of a 'blame culture', and the reluctance of managers and supervisors to deal with cases at an early stage for fear of finding themselves unsupported by senior officers.

In the introduction to the report, the inquiry team express their dismay at the bureaucratic nature of the inquiry process and the difficulty of establishing the facts in the absence of key informants who were fearful of jeopardising future hearings. These difficulties notwithstanding, they draw a number of conclusions in relation to the original investigation into PS Virdi, the grievance procedure, the disciplinary and employment tribunals, and the issue of trust and confidence. The panel make 11 recommendations that relate directly to the MPS and a further seven that involve the Home Office, the MPA and the CRE.

### **1. Discrimination and institutional racism**

The panel suggests that the delays that result from the overly-bureaucratic nature of the regulations procedure may amount to discrimination against black and minority ethnic officers. Employing the language of the Macpherson Report, they state that:

'At worst, institutional racism can be detected in its processes and procedures in disadvantaging ethnic minority groups' (p. 10)

The employment tribunal held in 23 August 2000 found that PS Virdi had been subject to racial discrimination in relation to four matters: the failure to interview him in the same informal manner as a white female officer who was also a suspect in the case; the taping of PS Virdi during a personnel interview; the use of a specialist team to search his house; and his arrest and suspension on insufficient evidential grounds.

PS Virdi himself believed that he had been discriminated against by a white investigation team, some of whom he alleged were 'very close' to possible suspects in the case. His feelings are reflected in the comments of other officers, who suggest that black and minority ethnic officers who complain receive less senior management support than white complainants and are more likely to be ostracised by colleagues (p. 73).

### **2. Disproportionality**

The panel concludes 'with hindsight' that the MPS 'over reacted in terms of the length and depth of their investigation into the case against PS Virdi' (p. 8). In

particular, they concur with the employment tribunal's view that the seven-hour search of PS Viridi's house using the specialist (POLSA) team was 'excessive and unwarranted'. The report reproduces an extract of a written submission to the inquiry from a police inspector who maintains that he had never heard of a POLSA team being used to search domestic premises except in relation to terrorist offences.

The staff focus group meeting also identified a lack of proportion and a tendency towards 'over-investigation' in internal discipline (p. 32). It isn't clear whether this is a general tendency or one that is specifically related to investigations involving black and minority ethnic officers. However, a chief inspector is quoted as suggesting that a 'post-Macpherson reaction' has resulted in the over-scrutinising of black and minority ethnic (p. 31).

### **3. Management**

The report identifies poor people management as a critical issue arising from the inquiry. The discipline procedures demand 'sense and sensitivity'; proportionality requires balanced, transparent and open-minded management responses (p. 70). Effective grievance handling may be particularly important to black and minority ethnic officers:

For visible ethnic minority staff the way grievances are handled can become the litmus test of the organisation's commitment to equality, diversity and fair treatment. (p. 70)

The panel also reports concerns raised by staff focus groups. A key theme was the lack of support from senior officers for line managers and supervisors. It was felt that managers experience dilemmas when dealing with discipline and complaints, and need clear guidance if they are to respond 'robustly'. Managers who are required to deal with allegations involving race are fearful of criticism, and this leads them to 'refer matters upwards' rather than dealing with them.

### **4. Culture**

The panel is also critical of the prevailing culture in the MPS, noting that 'the bigger the force, the greater the tendency to bureaucracy and to guard its back' (p. 7). It attributes low levels of staff confidence in grievance procedures partly to the attendant bureaucracy, and partly to a 'blame culture' that leads people who invoke the process to fear for their careers. Another aspect of the blame culture is a 'slavish adherence to rules' (p. 79). The panel suggests that the mechanistic and insensitive application of regulations can disadvantage black and minority ethnic people and is too inflexible for a 'post-Lawrence police culture' (p. 77).

Taking into account the responses of staff, the panel suggest that the MPS emerges as an organisation that 'appeared to have little interest in their staff' (p. 8). Staff groups suggest that regulations need to be applied more 'reasonably' (p.

32); they want to see the human face behind the formal processes, and to see the development of a 'responsive and responsible' culture (p. 71).

The panel suggest that the MPS needs to develop the culture of a learning organisation if it is to avoid a situation in which increasing numbers of black and minority ethnic officers seek redress via damaging and prolonged employment tribunals. Such a culture would emphasise the value of proactivity, openness, and learning from, rather than seeking to cover up, mistakes.

### **5. Trust and confidence**

The panel emphasise the importance of trust and confidence, both internal and external. They associate internal confidence with staff retention and progression, and external confidence with recruitment and police effectiveness:

The quality of interactions with the public, especially with visible ethnic minorities, is often a measure of the effectiveness of community policing.  
(p. 62)

However, low internal confidence resulting from ineffective or insensitive people management also has implications for the service's reputation and its relationship with the wider community (see p. 70).

The report suggests that the Viridi case and other high-profile cases involving black and minority ethnic officers have significant implications for perceptions of the way black and minority ethnic people are treated both within and outside the service. The panel identify the issue of internal trust and confidence as a crucial one for the MPS.

### **B. Thematic Review of Race and Diversity in the Metropolitan Police Service (The Ghaffur Report) (March 2004)**

The Ghaffur Report was undertaken in response to a series of national and local events including the screening of the 'Secret Policeman' documentary and media coverage of investigations of black and minority ethnic officers that ignited critical debate regarding the MPS' commitment to race and diversity.

The report states that there is a 'moral, legal and business case for valuing diversity'.

It sets itself the task of improving strategic management within the MPS, and to a critical examination of leadership at all levels of the organisation. It concludes that the MPS approach must place greater value on difference; be person-centred rather than procedural; develop strong leaders who are committed to diversity; and develop innovative, staff-friendly and 'diversity-proofed' solutions to problems. The review addressed itself to service delivery as well as internal matters

### **1. Service delivery – stop and search**

The report notes the crucial importance of achieving good community relations in the current climate. It acknowledges that stop and search remains a highly contentious issue, particularly among black and minority ethnic communities where it is seen to have a significant adverse effect on quality of life. In spite of extensive research and examination, the picture in relation to operational effectiveness and disproportionality remains unclear. The report recommends that the Diversity Directorate should clarify the MPS' approach to the stop and search power. A related recommendation relates to the need for a more detailed classification system for recording the ethnicity of officers, offenders and victims, as well as members of the public who come into contact with the police via stop and search.

### **2. Related issues – quality of service and recruitment**

Although not directly related to disproportionality, the report covers two issues that have some relevance to the current research, in that they are indicative of a continuing lack of trust and confidence on the part of black and minority ethnic communities. First, it notes that diverse communities have different needs and expectations of policing. It goes on to suggest that vulnerable communities and individuals may require tailored services that they do not receive at present. Second, the report reviews the recruitment process, and finds higher rates of failure and drop-out among black and minority ethnic candidates. It argues for 'radical change' to a process that it regards as archaic and expensive.

### **3. External complaints**

The report discusses the findings of data supplied by the DPS. It acknowledges that there has been a fall in public complaints, which are falling by some 13% annually. However, it points out that the MPS must ensure that this is not simply an artefact of a lack of confidence in the system, especially among black and minority ethnic communities.

Available data suggests that the proportion of complaints received from the black community is significantly higher (taking population size into account) than those from Asian and white communities. The same appears to be true of complaints received *about* black officers.

The report notes DPS concern that local managers don't use informal resolution routes, creating difficulties for all concerned. This is attributed in part to a lack of knowledge and an organisational tendency to formalise complaints. However, it is also suggested that where the complainant is a member of a minority ethnic group, the referral to DPS is associated with fear of accusations of racism, together with a lack of managerial capability.

The report recommends that the process of informal resolution should be devolved to borough command unit level, and that local managers should receive

the training they need in order to administer the procedure effectively. It also considers the role of DPS, identifying a tendency to apply ever-more sophisticated, often covert techniques to routine cases. Such practices have been noted in particular in relation to high profile investigations of black and minority ethnic officers, leading to criticisms from the MBPA and other stakeholders. DPS must ensure that the methods it pursues are proportionate; it should also safeguard against insularity and over-zealousness by introducing a job rotation system that keeps its employees in touch with day-to-day policing.

#### **4. Internal complaints**

The report evinces considerable concern about disproportionality in internal complaints. Drawing on DPS data and the evidence of staff associations, it suggests that black and minority ethnic officers are one-and-a-half to two times more likely to be the subject of internal investigations and written warnings than are white officers. The reasons for this situation include the managerial lack of knowledge and recourse to formal processes described above. The report recommends that the DPS endeavour, via the current research, to establish the reasons for the disproportionality in the number of black and minority ethnic officers subject to internal complaints. It also stresses that in relation to both external and internal complaints processes, the ideal is the swift and proportionate resolution of allegations at the lowest possible level.

#### **5. Grievances**

Data so far suggest no disproportionality in grievances made either by or against black and minority ethnic officers. However, the fact that only 1% of the 155 grievances received between May-December 2003 relate to racial harassment suggests that there may be under-reporting among black and minority ethnic staff. This may reflect a lack of confidence in the system; it may also be the case that grievances are referred to senior officers or staff associations.

The report recommends that the MPS take a more proactive stance on grievances by disseminating learning, providing support strategies to officers and staff who are involved in complaints, and considering the introduction of restorative strategies (currently being piloted in the Thames Valley). It also suggests that the MPS explore the feasibility of involving community representatives in complaints and grievance processes.

The report concludes that while DPS has reduced the timescales of investigations, it has not been successful in shaking its reputation for disproportionate and lengthy working practices. It suggests that DPS should retain responsibility for anti-corruption and serious misconduct, but that the investigation and resolution of all other complaints should be undertaken at the local level.

### **6. Initiative fatigue and backlash**

Two other relevant matters are noted in the report's concluding section. First, there is a discussion of the phenomenon of 'initiative fatigue', wherein managers respond to crises or issues by drafting lists of initiatives that are insufficiently evaluated and difficult to sustain. The report advocates a more co-ordinated, strategic approach that attempts to synthesise local and national initiatives and maintains diversity as a core priority. Second, and relatedly, there is a discussion of the organisation's response to the current, reactive diversity strategy. This can put black and minority ethnic officers under pressure, by constantly subjecting them to scrutiny and creating the impression that they are treated as 'special cases' rather than in line with their skills and experience.

### **C. The Case for Change: The Report of the Morris Inquiry (December 2004)**

Sir William Morris and his team launched their inquiry into professional standards and employment matters in the Metropolitan Police Service on 21<sup>st</sup> January 2004 and concluded it just under a year later. The Morris Inquiry gathered a formidable amount of evidence, including 1,400 documents and a survey involving 16,000 officers and staff. Although concerned with the management of difference 'in its widest sense', the focus on professional standards and on individual experiences of disciplinary investigations inevitably throws the spotlight on the issue of race. Personnel and other changes within the Directorate of Professional Standards, a number of which were already in train prior to the Report's publication, render a proportion of its recommendations obsolete; however, it also offers some powerful findings and observations.

Perhaps the key message from Morris concerns the necessity of separating the Met's professional standards regime from its roots in the military courts martial system. The Inquiry team received 'overwhelming evidence' criticising the (then) current structure, which was described (amongst other things) as 'archaic'; 'closed'; 'cumbersome'; 'legalistic'; and 'like a runaway train'. It advocates the development of a less adversarial approach, based on a new code of conduct on the Police Service in Northern Ireland (PSNI) model, and incorporating new procedures such as mediation (currently being trialled in Thames Valley).

In a wider review of employment matters, the Report suggests that 'people matters' should be higher on the MPS agenda. It advocates a strategic role for the Human Resources Directorate in the management of diversity issues and employment tribunals.

### **1. Managing Difference**

The Report's assessment of the MPS's engagement with diversity is bleak. It maintains that there is no common understanding of diversity in the organisation, and that managers have failed to embed the diversity message in the culture of the service. In spite of the 'great strides' that have been made since the publication of the Macpherson Report, diversity remains 'at worse, a source of

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fear and anxiety, and, at best, a process of ticking boxes' [p. 13]. Furthermore, the Report identifies the 'beginnings of a backlash' resulting from the Met's counterproductive approach to diversity.

On the basis of statistical and anecdotal evidence, the Report concludes that black officers are subject to discrimination and disproportionate treatment on the grounds of race. Statistical evidence carried out by the Internal Consultancy Group (ICG) on behalf of the DPS concluded that disproportionate numbers of internal investigations and written warnings were recorded against black and minority ethnic officers.

Submissions from senior officers and others suggest that managers and supervisors lack confidence in dealing with conduct and discipline matters involving black and minority ethnic officers. Some managers who are fearful of incurring accusations of racism draw back from minor performance and conduct issues, depriving black and minority ethnic officers of the learning and support that their white colleagues receive. Alternatively, nervous managers take refuge in formal disciplinary processes'- push it upstairs', 'do it by the book' – bypassing the constructive criticism and reprimand stages and rendering further action unavoidable. The Report deplores this state of affairs and suggests that urgent work be undertaken to improve the confidence of those involved in the management of difference.

The Report highlights the significance of culture in moving the organisation forward. It identifies the 'right culture' as one that is consistent with an organisation's mission and values, and that encourages innovation by allowing people to learn from mistakes. In spite of efforts to develop a more open, learning culture, the MPS is still dominated by a blame culture, particularly in relation internal investigations. Again, managers are seen to be pivotal to change: although scoring high on interpersonal skills such as trust and fairness, line managers were seen by survey respondents as less adept at dealing with performance issues.

### **2. Professional Standards**

At the time the Report was published, the DPS was under the command of the Deputy Commissioner. The Report recommended considerable changes to the role and remit of DPS, on the basis of a range of criticisms and negative perceptions about its structure, culture and operation.

The criticisms of the DPS fall into two main themes: culture and management. Culturally, the directorate is variously described as 'unaccountable'; 'untouchable'; 'out of control'; and a 'Frankenstein department'. Anecdotal evidence submitted to the Inquiry accuses the DPS of exaggerating the nature and extent of internal misconduct and corruption.

The Report urges the adoption of a new model of case management, based on the recommendations of the Review of Operation Lancet. This review, published in July 2002, focused on the investigation of police complaints. With the aim of enhancing the consistency, timeliness and proportionality of the disciplinary process, the new model assigns responsibility for the majority of conduct issues to local managers supported by the human resources directorate. Cases involving suspicions of criminal conduct could be led internally or externally (ie by an outside force). The human resources (HR) directorate would take responsibility for welfare issues, and any non-covert investigation not disposed of within 90 days of commencement would be subject to monitoring by the Metropolitan Police Authority (MPA).

### **3. High profile cases**

The Report considers the lessons to be learned from four high profile cases, two of which relate to minority ethnic officers: Superintendent Ali Dizaei and Detective Sergeant Gurpal Viridi. In the case of Supt. Dizaei (codenamed Operation Helios), the Inquiry quotes and echoes the IPCC's concerns about disproportionate aspects of the investigation. The IPCC was also critical of strategic failures that led to the sidelining of misconduct allegations in favour of a criminal case that was eventually abandoned.

Although they maintain that there was insufficient evidence to conclude that racial discrimination occurred, the Inquiry team note that 'the issue remains live' and recommend a full independent review of the case.

In a brief discussion of the case of DS. Viridi, the Report concludes that key decisions were not appropriately recorded in the policy file and that powers of arrest were used inappropriately in order to allow officers to mount a 'fishing expedition' for evidence at DS. Viridi's home.

The Report concludes that disproportionality was an issue in a number of the cases that the team investigated. The authors call for better management and greater accountability among senior officers involved in disciplinary procedures. However, they note that the MPS needs to learn from all the cases for which it has responsibility, not just those that attract public and media interest.

### **D. Review of Police Disciplinary Arrangements (The Taylor Report) (January 2005)**

The Taylor Report is more narrowly focused than the inquiry reports described above. It was also published after most of them, and unsurprisingly picks up on a number of the key themes that they raise. Indeed, the review's terms of reference include consideration of relevant recommendations emerging from the Morris and

CRE inquiries<sup>2</sup>. Taylor notes that while there is a consensus around the need to make the discipline arrangements more effective, there is less agreement with regard to the causes of the current difficulties and consequently with regard to their removal. In particular, it is unclear whether wholesale change is required, or simply more effective operation of existing provisions.

The inquiry's task was to determine the extent to which the current disciplinary arrangements constitute a just, proportionate and effective process that is likely to command the confidence of the public and the police. In offering recommendations, the inquiry was directed in particular towards (1) cost-effectiveness, (2) timeliness, (3) non-discrimination, (4) the minimisation of bureaucracy, and (5) the provision of protection for individual officers<sup>3</sup>.

The key message of the review is the necessity of replacing the outmoded 'blame culture' of the police service with an approach based on development and improvement. In common with the reports described above, the review locates much of the responsibility for disproportionality in the failure of managers to deal competently and confidently with conduct matters involving black and minority ethnic staff.

### 1. Recommendations

The first part of the review details the following six recommendations:

2. There should be a single code incorporating ethics and conduct and giving a clear indication of peer and organisational expectations.
3. Disciplinary arrangements should be established on the basis of 13 inter-dependent areas:
  - a) The uniqueness of policing requires that disciplinary arrangements should be decided by parliament rather than made subject to the vagaries of employment law.
  - b) The regulatory framework should be minimal and simple, based on the Advisory, Conciliation and Arbitration Service (ACAS) code of practice.
  - c) The culture should be one of learning, development and improvement.
  - d) The language and handling of police discipline shouldn't be quasi-judicial but simple, open and transparent.
  - e) Initial reports whether public or internal should be assessed with a full range of options for responding. Sometimes a simple apology will suffice.

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<sup>2</sup> The CRE Final Report was not published until March 2005. However, the Taylor Review was able to make reference to the interim findings published in June 2004.

<sup>3</sup> The order in which these factors are listed in the Report suggests an odd sense of priorities. They would perhaps have been more appropriately ordered (3), (5), (2), (4), (1).

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- f) Conduct should be divided into 'misconduct' and 'gross misconduct' to promote proportionality and aid public understanding.
  - g) Conduct should be dealt with at lowest possible line management level. Misconduct shouldn't go above BCU level; only serious and gross misconduct should be handled by PSDs.
  - h) Investigations and hearings should be less formal and managed in accordance with the ACAS code.
  - i) Appeal mechanisms should include the capacity to consider findings as well as outcomes. Job re-engagement should be a possibility.
  - j) The police service must act dynamically and actively engage with all groups to promote culture change and responsible management.
  - k) The IPCC, police authorities and HMIC have complementary roles in guarding the public interest and ensuring accountability, challenging poor practice and promoting change. The Home Secretary will continue to set the standard for the conduct of disciplinary proceedings.
  - l) There should be time limits throughout the process on the ACAS model, with details to reflect local circumstances.
  - m) Further guidance is necessary to distinguish between capability/performance from personal behaviour/misconduct.
4. A working group should construct detailed arrangements for presentation to the Police Advisory Board.
  5. An early review of Unsatisfactory Performance Procedures should be instigated.
  6. The disciplinary procedures being developed by the Police Staff Council should be published as soon as possible to maximise consistency.
  7. Since these proposals if accepted will radically alter police discipline, the issues of 'taint and disclosure' should be reassessed.

### **2. Benefits of the review**

The programme board suggests that the recommendations will bring the following benefits:

- improvement in personal and professional standards at individual and organisational levels
- increased public and internal confidence in quicker, transparent outcomes focused on modifying future behaviour
- a proper balance between complainant and officer interests
- a simplified process more likely to command public understanding and support
- a reduction in human and monetary costs
- lower level decision-making and responsibility, inhibiting the upward movement that appears to have a particularly adverse impact on black and minority ethnic officers.

### **3. Developing a learning culture**

The review establishes the significance of internal disciplinary arrangements by pointing out that the vast majority of misconduct cases arise out of internal allegations and investigations. Only 4% of the MPS' misconduct hearings are a consequence of complaints from members of the public.

The report describes as 'common currency' the view that the existing arrangements are overly complex and unhelpfully militaristic. The public cannot understand it and police officers find it threatening, disproportionate and unsupportive. The review's stated intention is to encourage a culture of learning and development for individuals and the organisation.

### **4. Confident management**

It is seen as crucial that managers are aware of the options open to them if they are to make appropriate decisions. They also need the confidence to deal with matters themselves, rather than passing them up the management chain. The tendency of line managers to refer conduct matters to more senior officers or professional standards departments is seen to be a key source of disproportionality:

It is this aspect (possibly more than any other issue) that leads to claims of a lack of consistency or proportionality of treatment. (p. 20)

Empowering managers to take difficult decisions is therefore central to the achievement of a more proportionate process.

### **5. Proportionality and discrimination**

The report suggests that disproportionality is among the most consistent concerns raised by stakeholders and other commentators. A number of comments reflect a feeling that the general style of the current arrangements is not fit for purpose. Police disciplinary procedures employ a language and format that are evocative of criminal investigations; this impression is underlined by the adversarial nature of the proceedings and the increasing use of legal representation. At the same time it is suggested that a race or gender component 'raises the stakes', with those involved feeling under pressure to mount very thorough and high level investigations. The report refers to 'real and anecdotal evidence' connecting this ratcheting up response to the concerns of black and minority ethnic officers around disproportionality.

The report asserts that upward referral is inevitable in a climate in which racist or other discriminatory elements are by definition aggravating factors that constitute serious misconduct. It questions the continuing need for such an approach, linking it with an earlier era when it was crucial to get such issues 'on the radar screen' (p.23). If the review's proposals are accepted, case assessment will be individual and proportionate: in view of this, there might be a case for revisiting

the current classification of issues involving discrimination as always serious. The intention would not be to alter the current process involving mandatory referral to IPCC, but rather to recognise the existence of 'potentially discriminatory acts of a less serious nature' that could be dealt with at line management level.

### **E. The Police Service in England and Wales: Final Report, Commission for Racial Equality (March 2005)**

The CRE's formal investigation of the police service was launched on March 1 2004. Although the inquiry was limited neither to the MPS nor to matters relating to disproportionality, the report contains a number of findings highly relevant to the current research. The inquiry team visited forces and training establishments, gathered written and oral evidence from several hundred individuals, sent out questionnaires, held hearings with key agency representatives and staff groups, and consulted relevant and on-going reports (including Morris, Ghaffur, and Taylor).

The CRE's much-awaited report echoes a number of the conclusions of the Morris Inquiry relating to structural and cultural failures in the management of professional standards. It singles out the competence of managers as a key area for improvement and calls for a more nuanced understanding of racist behaviour across the service as a whole.

The four commissioners nominated to lead the investigation published an interim report in June 2004. The interim report discussed preliminary findings and set out the areas to be investigated in the second phase of the project. Chapter 5 of the interim report focused on disciplinary and grievance procedures and employment tribunals. The report asserts the key role played by an effective disciplinary process in challenging racism in the workplace, and identifies a 'growing pressure' on the service to overhaul its own arrangements.

According to the authors, 'mounting evidence' suggests that black and minority ethnic officers are disproportionately subjected to formal discipline and investigation. Drawing on the findings of the Ghaffur Report, the inquiry team refer to unconfident managers who are wary of dealing informally with matters involving black and minority ethnic officers. Such cases are referred on to professional standards departments, whose 'over-zealous' approach further underlines the impression of unfair targeting of black and minority ethnic officers.

The investigation's final report was published in March 2005. One of its key findings was that many managers lack competence in resolving problems involving race and are inclined to 'freeze in the headlights' (p. 16) when confronted with such issues. At the same time, the authors note a widespread belief that racist officers are ineffectively and at times reluctantly dealt with 'within a dominant white police culture'(p. 141). They cite evidence provided by officers from a range of forces that black and minority ethnic officers have no confidence

in the grievance procedures: individuals who invoke the procedure have been isolated by colleagues who see their behaviour as a violation of the solidarity that is a key tenet of police occupational culture.

The Report also draws attention to the anecdotal nature of much of the evidence for the disproportionate treatment of black and minority ethnic officers. This suggests that much of what we think we know about disproportionality has yet to be subjected to empirical analysis.

### **1. Disproportionality and managing behaviour**

Chapter 6 of the final report deals with the management of behaviour. It assesses the effectiveness of complaints procedures and sanctions, particularly with respect to complaints involving racial misconduct. It also explores officer management in order to determine whether inappropriate race-related conduct is effectively measured and addressed. Evidence was gathered from a sample of 15 forces, which completed questionnaires featuring open and closed questions. A sub-set of forces was selected for visits that allowed for a more detailed view of their activities. The authors also met with stakeholders (ACPO, the Association of Police Authorities [APA], the Audit Commission, Centrex, the Chief Police Officers' Staff Association [CPOSA], HMIC, the Home Office, the national Black Police Association [NBPA], the Police Federation of England and Wales, the Police Superintendents' Association of England and Wales [PSAEW], and Skills for Justice [SfJ]), black police groups and two local Federation branches. The report makes 13 recommendations relating to disciplinary arrangements (see p. 164-65).

The authors repeat their interim finding of dissatisfaction with slow and bureaucratic disciplinary and grievance procedures. In considering the key areas outlined by the Taylor review, they note the absence of a focus on discrimination and subsequently recommend that any new model of disciplinary arrangements be subject to a race impact assessment (p. 135). They go on to endorse the Morris Inquiry Report's conclusion that the insular nature of the current arrangements can be transformed only by extending employment rights for police officers.

The Report finds 'a widely held perception' but 'little hard evidence', of the disproportionate treatment of black and minority ethnic officers. Significantly, the authors also note that 'there is more to disproportionality than an imbalance of numbers' (p. 137). They offer four key observations.

First, the number of black and minority ethnic officers subject to investigations is disproportionate to their numbers within the service. Second, black and minority ethnic officers are taken to employment tribunals when white officers would not be, as well as on graver charges. Third, there is a belief that black and minority ethnic officers are less often challenged in relation to minor misconduct than white officers, but when challenged, are treated more severely. Fourth, black and

minority ethnic officers are subject to more rigorous, intrusive investigations than white officers (a view that reinforces the findings of the Viridi Inquiry).

These observations are accepted by stakeholder groups. Again, however, the report makes reference to the absence of 'hard evidence one way or another of disproportionality across the police service' (p. 139). The subset of forces consulted by the CRE team failed to shed much light on the subject of disproportionality, with 14 out of the 15 surveyed reporting no evidence of disproportionate use of disciplinary procedures. The authors suggest that few of the forces had any evidential basis for their responses, and recommend that the Home Office and HMIC should 'urgently commission research' on the nature and extent of disproportionality in the operation of the disciplinary process.

Following up on another emerging finding from the interim report, the authors surveyed the 15 forces about a perceived reluctance among managers to take action against officers subject to complaints of racial misconduct<sup>4</sup>. Again, the forces repudiated the suggestion. The stakeholders tended to acknowledge that there was room for improvement without tying this specifically to a failure to tackle racial misconduct. An exception was the NBPA, who suggested that the service needed to be more proactive in dealing with racist behaviour, and more sensitive to the tactics of what it calls 'post modern racists' who make fallacious reports to professional standards departments about black and minority ethnic colleagues.

The report found little consistency or monitoring among the forces in the use of informal action to address racial misconduct; it recommends that forces put in place systems to record and assess the impact of such action. The authors are also critical of what they perceive to be the service's narrow approach to racial misconduct, which has focused on the use of racist language rather than upon more subtle and insidious forms of discrimination relating to job training, specialisms and promotion. At the same time, they identify a lack of consistency and specificity in relation to training in the operation of disciplinary procedures.

### **2. Professional standards departments (PSD)s**

The CRE Report's review of PSDs reflects that of the Morris Inquiry Report, finding widespread and considerable disquiet regarding their culture and operation. The NBPA in particular were highly critical of the lack of 'people skills' possessed by the predominantly white, male, PSD staff, who treat other officers at best with 'deep suspicion' and at worst as 'the enemy'. In a further echo of Morris findings suggesting that PSDs operate outside the normal rules of investigations, the Police Federation general secretary felt that there should be

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<sup>4</sup> There is no specific offence of racial discrimination defined in the police conduct regulations. The term 'racial misconduct' is used in the Report to refer to 'unacceptable conduct in the workplace that amounts to racial discrimination in its broadest sense' (p. 131).

national standards detailing expectations of PSDs and clarifying the constraints on large and small investigations alike.

### **3. Independent Police Complaints Commission (IPCC)**

The report devotes some attention to the role of the IPCC in relation to oversight of internal discipline. The IPCC already receives information about cases that involve discriminatory behaviour, whether or not there is an actual complainant. The report recommends that the Home Office consider extending the IPCC's guardianship role to the operation of disciplinary procedures.

### **4. Grievance, victimisation and confidence**

The CRE interim report suggested that black and minority ethnic officers mistrusted the grievance procedure and felt that those who invoked it were at risk of isolation and retaliatory action:

We were told there was an overwhelming fear of victimisation amongst ethnic minority officers and that police culture inhibits individual officers from making complaints against colleagues. (p. 166)

The authors note that similar fears regarding the likelihood of victimisation and managerial shortcomings were reported in the HMIC thematic report *Developing Diversity in the Police Service* carried out in 1995. They question the ability of the 'Fairness at Work' initiative to succeed where its predecessor failed. The report underlines the need to build confidence in the grievance procedure, particularly among black and minority ethnic officers who feel that those who invoke the procedure are regarded as problems rather than as victims.

### **5. Cultural issues**

The report emphasises the need for early and local resolution of disputes. It cites several stakeholder groups who make reference to the counterproductive nature of police culture in dispute resolution. The Federation maintains that the prevailing 'blame culture' prevents managers from taking the initiative, lest they be pulled up by senior officers. The PSAEW told the team that the culture of the service was to approach grievances as criminal investigations, and seek to establish guilt rather than seek resolution. They too linked the inertia of managers to a lack of support from more senior officers. The NBPA suggested that the introduction of 'Fairness at Work' would prove insufficient in the absence of a culture change within the service. The report's authors suggest that a police culture that emphasises the unacceptability of officers reporting on colleagues 'is not consistent with the requirements of modern ethical policing' (p. 178). They acknowledge that changing police culture will prove challenging, and make recommendations to improve management culture that centre around training and accountability.

### **6. Confidential reporting**

The report considers ways in which the culture of fear around reporting racial misconduct and other grievances can be circumvented. They suggest that while internal processes should remain the first resort, officers might be given the right to bring a complaint directly to the IPCC. A second strategy is the use of confidential reporting facilities.

A questionnaire sent out during the first stage of the investigation found that all 43 forces have a whistle blowing policy in place, with 29 forces employing a policy for internal use only. However, there was a widespread feeling that force-based facilities do not enjoy the confidence of staff: the report describes the experience of one force that had received eight calls in two years. The fact that none of these calls had involved racial misconduct suggests that confidence is particularly low amongst black and minority ethnic staff.

The authors conclude that little use has been made of confidential reporting and that it has not been of any assistance to officers with complaints relating to racial discrimination. They contrast this position with that of PSNI, which operates an extremely successful confidential reporting helpline. The report recommends that chief officers should review confidential reporting policies, with a view to making fully independent arrangements available by September 2005.

### **7. Employment tribunal race cases**

The report considers employment tribunals in the light of the 'Learning the Lessons'<sup>5</sup> initiative and the Morris inquiry recommendations relating to high profile cases. It appears that stakeholder groups doubt that lessons have indeed been learned, and witnesses feel isolated and victimised both by their forces and by accompanying media attention. Stakeholders such as the Federation and the NBPA also expressed strong views about the inappropriate balance of power between force legal departments and police managers that results in legalistic and drawn-out proceedings. 'Learning the Lessons' stresses the need for 'resolution not confrontation'; the report endorses its recommendations and underlines the responsibility of all stakeholders in taking these forward.

## **II. Key themes from reports and inquiries**

Taken together, these inquiry reports suggest a number of causes of disproportionality and of measures to address this. As Taylor points out, there is still relatively little research into this complex area, and many of the conclusions drawn are of necessity speculative ones.

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<sup>5</sup> This was a review of employment tribunal cases that took place in 2003 and involved representatives from a range of stakeholder groups. The team met to devise a positive intervention strategy based on the lessons learned from employment tribunals involving forces across England and Wales. Their recommendations are set out in Appendix 3 of the CRE Report (p. 266-268).

**Discipline procedures** These are widely criticised as too militaristic, legalistic, adversarial, and insufficiently 'people focused'. Officers who are subject to discipline procedures may become involved in lengthy processes that can be psychologically damaging and stressful. In its most extreme form, a mechanical adherence to bureaucratic procedures may constitute a form of institutional racism.

**Professional standards** PSDs are described as over-zealous, out of control and a law unto themselves. Some PSD staff are associated with a lack of sensitivity towards officers who are under investigation and with the use of inappropriate and sometimes extreme methods. As a result, they do not command the trust and confidence of other officers.

**Management and supervision** It is widely believed that poor mentoring and management of black and minority ethnic staff is a key cause of internal disproportionality. Line managers may fail to discuss minor performance and conduct issues with black and minority ethnic officers, thereby depriving them of opportunities to learn and improve. Managers may also seek to avoid responsibility for the resolution of more serious matters involving black and minority ethnic officers by referring them unnecessarily to more senior colleagues or professional standards departments.

**Diversity strategy** Internal disproportionality is associated with failures in the promotion of the diversity message within the MPS. It seems that the efforts that the organisation has made in developing its policies in this area have not succeeded in drawing in the workforce. On the contrary, the attention that diversity issues have received appears to have contributed to 'initiative fatigue', anxiety and backlash.

**Police culture** Police occupational culture is widely perceived as undermining the development of a responsible and responsive approach to professional standards. The MPS remains dominated by a 'blame culture' that mitigates against its development into a learning organisation, particularly in relation to internal investigations. Mainstream occupational police culture is violated when officers report on one another, isolating those who make use of confidential and other reporting processes.

**Trust and confidence** Disproportionate responses to discipline matters erode the confidence of black and minority ethnic officers, many of whom judge the organisation on its effectiveness and fairness in relation to discipline and grievance procedures. High profile cases also resonate beyond the organisation, undermining the trust and confidence of black and minority ethnic communities in the MPS.

### III. Review of Academic Literature

Mistrust between the MPS and the black community has a long history (Whitfield, 2004). More recently, attention has begun to focus on the decreasing confidence of other minority ethnic groups in the police.

#### External disproportionality

##### Stop and search

In spite of their controversial history, stop and search powers are widely acknowledged to be an effective component of policing. Home Office research on the impact of stop and search distinguished three positive effects of the power (Miller, Bland and Quinton, 2000). First, violent crime and drug supply may be prevented via searches that reveal concealed weapons and illicit drugs. Second, the behaviour patterns of prolific offenders may be disrupted by a consistent police focus on their location and activities. Third, stop and search may contribute to the maintenance of order within communities.

These positive effects notwithstanding, research has generated considerable concern regarding the misuse of this powerful policing tool. The power is exercised beyond the confines of the police station, making individual incidents difficult both to supervise and to assess. While some stops are prompted by police intelligence or information received from the public, a significant proportion are based on officer discretion.

In particular, academics in the UK and the US have explored the damaging effects of the disproportionate application of the powers to black and minority ethnic communities and individuals. The Scarman Report (1981) into the Brixton riots famously drew attention to the contribution of stop and search activity to the degeneration of the relationship between the police and the black community. Scarman's conclusions were reinforced by research that asked black and minority ethnic individuals about their experiences of policing activity (Smith, 1983).

The fact that all ethnic groups are supportive of stop and search in principle suggests that there may be enduring problems with the way that the powers are exercised in relation to black and minority ethnic citizens. There is considerable evidence of a negative impact on confidence in the police among those stopped and searched, while perceptions of disproportionate treatment undermine relations between the police and black and minority ethnic communities (Miller et al., 2000; Bowling and Phillips, 2002; Stone and Pettigrew, 2002).

Several explanations have been advanced for disproportionality in the police's use of stop and search. The most straightforward is that this stems from direct discrimination on the part of police officers (Bowling and Phillips, 2002).

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Research has found that black people may be stopped on more speculative grounds than white people, sometimes on the grounds of racial stereotypes (Smith and Gray, 1985; Norris, 1992). Most notably, The Macpherson report suggested that there was clear evidence of racist targeting in the use of the power in the Metropolitan police area and recommended that a record should be made of every stop, to include the reason, outcome, and self-defined ethnicity of the person stopped.

Police working practices and occupational culture are also associated with disproportionality: it is suggested that black people are a group that police officers regard with heightened suspicion (FitzGerald and Sibbit, 1997; Quinton et al., 2000). Police targeting of black people both reflects and reinforces negative stereotypes, particularly in relation to young black males.

Other research has questioned the link between disproportionality and police discriminatory behaviour. Empirical studies suggest that population statistics give a misleading impression of the extent of disproportionality in stop and search, and suggest that the available street populations provide a more accurate picture (FitzGerald and Sibbit, 1997; MVA and Miller, 2000). When compared with these available populations, the profile of stops and searches is not reflective of officer bias or ethnic disproportionality. However, this raises the question of why stop and search activity appears to be targeted in areas where black people form a comparatively high proportion of the street population.

In answering this question, some investigators point to the relevance of a range of socio-economic factors including age, sex, class and employment status. The black population is younger than the white population, and more young blacks than whites are subject to school exclusion and unemployment (FitzGerald, 1993; FitzGerald and Sibbit, 1997). Jefferson (1993) suggests that it is not race alone that is the salient factor here, but the interaction of race with youth, class and most importantly, gender. This is reinforced in Quinton, Bland and Miller (2000), who found that a significant proportion of the police officers they interviewed expressed general suspicion about young people both on foot and in cars.

In a study carried out for the Thames Valley police, Waddington, Stenson and Don (2004) investigated several alleged causes of disproportionality linked to selective targeting by police officers. Using similar methods to those employed by Miller and MVA (2000), the research examined the 'available populations' in the two areas under study (Reading and Slough). They found that while there was disproportionality in both areas compared to residential population, there was none by comparison with the available population: on the contrary, it was white people rather than black people who were over-represented in Slough.

The researchers also refute the theory of targeting based on visibility: that is, that officers select people to stop on the basis of their apparent race. Focusing on the

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occupants of vehicles driving in Reading in good light, they found numerous obstacles to observation including the number and speed of vehicles encountered; reflections from car windows and windscreens; and headrests and other internal objects. Of 482 vehicles encountered, the ethnicity of occupants could only be identified in 5% of cases. The researchers also note that stop and search activity reaches its peak when lighting levels are least conducive to effective observation.

In the light of their findings, Waddington et al., (2004) suggest that rather than attributing the stop and search figures to direct racism, Macpherson might more accurately have included them under the umbrella of institutional racism. This would allow for a more sophisticated analysis that would focus away from the racist behaviour of individuals and examine the impact of routine institutional practices as well as the structural conditions in which the police operate. The authors also remark that 'it may be time for less attention to be paid to *proportionality*' (p. 911: italics in original). Noting that the police could stop and search groups proportionately without doing so justly, they call for further research on the nature and impact, as opposed to the number, of stop and search encounters. They also suggest that the use of racial, as opposed to ethnic, categories in annual stop and search statistics is 'deeply flawed' and suggest that future studies try to identify ethnic rather than racial patterns in stop figures. Finally, they advocate recognition of the influence of local social conditions, including ethnic composition, lifestyles and police culture, on stop and search encounters.

The Police Complaints Authority (PCA) reviewed the first available 100 stop and search-related complaints they received between April 2000 – March 2001 (Havis and Best, 2004). The study involved 98 separate complainants who between them raised 298 complaint matters involving 231 police officers. The stop lead to a search in 42 out of the 100 cases, with the most frequently cited reasons being concealed weapons or drugs, and available intelligence. The majority of complainants were dissatisfied with the way in which stops/stop and searches were carried out: almost half alleged that officers had assaulted them during the incident; approximately a one-third alleged that officers had been uncivil or oppressive in manner.

The study reports some striking findings in relation to ethnicity. First, 40% of the stop and search complaints were generated by black people, compared with 10% of all complaints received by the PCA in the same year. The reasons for complaints varied according to the ethnicity of complainants. Black complainants raised 18 out of 25 issues relating to officers' justifications for the initial stop; they were also significantly more likely to make complaints relating to breaches of PACE Code A.

The authors suggest conflicting interpretations of their findings. Black people may receive particularly adverse treatment during stop and search encounters;

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alternatively, they may have heightened sensitivity to being stopped and searched and therefore be more likely to complain regardless of the way in which these powers are exercised. At the same time, the fact that black complainants were significantly less likely to be arrested on the basis of a stop alone raises questions about the evidential thresholds applied to different ethnic groups.

The study also found that stop and search in the MPS area generated more complaints matters per incident than the rest of the country, dispensed with them at twice the rate, and substantiated a significantly lower percentage than other forces. The authors conclude that their results require further investigation, but are consistent with recent Home Office research evidence of a disproportionality in stop and search complaints from black complainants.

MPS officers interviewed by FitzGerald (1999) suggested that many – probationers in particular – still perceived the use of the stop and search power as a measure of performance and productivity and were unconvinced by an official emphasis on quality over quantity. Although being searched adds considerably to public dissatisfaction at being stopped by the police, FitzGerald found that people were equally concerned that the police should be polite and that they should provide an acceptable explanation for their actions. An analysis of the 1994 British Crime Survey, found that black respondents reported more negative experiences in relation to all these factors.

Unusually, FitzGerald's study found evidence of disproportionality in relation to Asian people. Asians searched were less likely than white and black groups to have criminal records, and less likely to be arrested following searches. Asians were more likely to be searched than would be expected on the basis of victim reports, and more likely than the other groups to be searched for drugs. Those searched fell into a younger age band, and tended to be part of larger cohorts than white and black suspects.

An issue raised by FitzGerald (1999) is reminiscent of inquiries into internal disproportionality, namely, a 'widespread sense of wariness in officers' dealings with black people' that was 'closely associated with variations on a theme of mixed fear and resentment at being accused of racism' (p. 61). Interviewees suggested that the Macpherson Report had affected officers' confidence in the use of the stop and search power, and felt that in the event of problems such as accusations of racism they would be condemned rather than supported by their managers:

And if I'm going to be branded a racist, at the end of the day, is anyone in senior management going to back me up for doing my job? Because straightaway if anyone walks into this police station and says 'That man's racist' – even if it's a load of rubbish – someone will take a report and you'll have an ongoing inquiry.

*Experienced constable*

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In addition to what she describes as a 'beleaguered defensiveness' among police officers, FitzGerald suggests that the media coverage of Macpherson's conclusions generated a backlash among some white people, with white suspects claiming they were being 'picked on', and white crime victims claiming they would have received a superior response had they been black.

The controversy over stop and search came to a head following the Scarman Report (1981). This resulted in PACE. The power re-emerged as a focus of attention when it was singled out by Macpherson as a key cause of public mistrust and lack of confidence in the police. Macpherson's assertion that it involved direct racism has been disputed by a number of scholars; however, research shows that whatever the reasons, stop and search is still undermining the confidence of black and minority ethnic people in London.

Quinton (2003) notes that officers adopt a more cautious approach to encounters with the public, linked to fears of being accused of racism or receiving some sort of complaint.

Bland, Miller and Quinton (2000) found no difference in rates of disproportionality in the pre- and post-pilot levels of stops and searches carried out in their five sites.

A central conclusion of the Home Office work is that public trust and confidence depends not on procedures but on the way that they are treated by individual officers. Other people's experiences are as important as their own; will also feel it happens more. There is also the need to consider the context: both for black people and for police officers. Police suspicion doesn't necessarily conform to the provisions of PACE (Dixon et al., 1989).

One part of the Home Office's research programme on stop and search focused on the views of the public (Stone and Pettigrew, 2000). Through a series of individual and group interviews, the research explored people's perceptions, expectations and experiences of stop and search. Interviewees included individuals stopped and searched during the pilot (n=55), and members of the local communities across the five pilot sites (which included two areas within the MPS).

The research confirmed a finding reported in other studies (e.g. Skogan, 1994, FitzGerald, 1999), namely that the way that individuals are treated during stop and search encounters plays a pivotal role in their overall trust and confidence in the police. Some respondents experienced multiple police stops, and while this applied to all ethnic groups, suspicion about police conduct during searches was more prevalent among black and minority ethnic respondents. Their mistrust of the police led some of these young people to observe other people's stops, so that they could serve as witnesses in the event of police misconduct. Mistrust of the police among black and minority ethnic respondents was not limited to those with something to hide: some respondents explained that they knew of situations

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in which police officers had 'planted' items on people, and had been fearful that this would happen to them.

The study provides some interesting information about the dynamics of encounters between the police and black and minority ethnic people. Negative encounters were associated with officers who were arrogant, aggressive, patronising or intimidating. Black respondents in particular felt that officers had been deliberately rude and sarcastic, with the aim of provoking a response and justifying their arrest. Others felt that police rudeness was an indirect manifestation of racism. During group discussions, there was acknowledgement that police aggression might be a response to the aggressive attitudes of some members of the public. At the same time, the authors note that respondents had high expectations of police behaviour, and felt that police officers should be able to deal with difficult situations without becoming aggressive themselves.

The study also explored respondents' attitudes towards the 'stop and record' strategy. Views differed as to whether the use of the pilot forms increased public confidence and made the police more accountable. Again, the importance of individual treatment rather than procedural change was highlighted by respondents: as a white male interviewee explained: 'It's not what they say, but how they say it' (p. 43).

Quinton, Bland and Miller (2000) focus on police working practices and decision-making in relation to stop and search. They interviewed over 100 officers and observed 40 operational shifts (totalling 340 hours) across the five pilot sites. As in Stone and Pettigrew (2000), the aim of the study was to explore experiences and perceptions, this time of operational police officers. Drawing on the findings of earlier studies in the research programme, the authors note that the ideal with regard to police behaviour in the stop and search encounter is a polite demeanour and a reasonable explanation for the stop, even in the face of difficult and aggressive behaviour on the part of the individual stopped.

Unsurprisingly given the high profile of diversity issues, no officers said that ethnicity was a determining factor in stop decisions. The authors note that most stop and search encounters involving black and minority ethnic people didn't appear to be based on stereotypes but could be justified by other reasons. However, police suspicion is related to generalisations about people, places and situations that could develop into negative stereotypes: for example, the association of ethnic groups with particular sorts of crime.

### **Internal disproportionality**

As part of a programme of research into aspects of ethical policing, the Home Office produced two reports during 2003. One evaluated the new police misconduct procedures (Quinton, 2003); the other examined the origins and nature of police corruption (Miller, 2003).

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Miller (2003) drew on information obtained from interviews with investigators, analysts and other staff working in eight force professional standards units (including the MPS), and the National Crime Squad (NCS). A key finding of the study was the connection between corruption and non-work factors including personal circumstances, opportunity, and what the authors call the 'broader social and cultural context'. The report concluded that the majority of cases involving corrupt individuals (as opposed to groups) were associated with social networks outside work. These might be family members or friends, or people who frequent the same gyms, pubs, clubs, or even garages. Other non-work factors including relationship problems, financial difficulties and problem drug and alcohol use featured in the backgrounds of some corrupt officers. PSU intelligence suggested that the most common form of corruption is the leaking of information from police sources such as the police national computer (PNC) and other force databases.

NB difficulty of using standard criminal investigation techniques against police officers who know how to cover their tracks. Also juries reluctant to convict police officers, as well as the issue of public sympathy for 'Dirty Harry' types. Advise that training should be given regarding the risks police officers are likely to face outside the job.

Quinton (2003) looked at the effectiveness of the new police misconduct procedures, introduced in 1999. The evaluation was carried out in eight forces (again including the MPS) and drew on force statistics, case files, and individual and group interviews. The purpose of the reforms was to increase effectiveness and confidence without diminishing officer morale and operational practice. Overall, staff working in complaints and discipline (C & D) departments reported that the new procedures had not had a particularly significant impact on the disciplinary process. Operational officers however tended to be insecure and suspicious about misconduct and investigation processes.

Some of those interviewed voice concerns similar to those reported to the Morris Inquiry relating to the adversarial nature of the process and the time taken to complete cases. In another echo of Morris, the study notes that supervisors and line managers use their own working rules and definitions in the handling of misconduct cases, particularly in the early stages of the disciplinary process. Quinton argues for the development of a more holistic approach to police misconduct; one that is long-term and strategic, focusing on organisational learning rather than deterrence and the imposition of sanctions.

### **IV. Revised Research Agenda**

This revised research agenda elaborates and expands on the Phase 1 Report submitted to the MPS in November 2004. Amendments to the initial research agenda take into account the following:

- Preliminary analysis of data sets supplied by the MPS Department of Professional Standards (DPS)
- The synthesis of recent inquiry reports into professional standards and race and diversity issues in the police service
- The review of the academic literature on police complaints and discipline
- Discussions with police officers and staff working in professional standards, and representatives from police staff associations
- The Sixth ACPO Professional Standards in Policing Conference

The programme of research remains largely unchanged in terms of its basic components. This reflects the fact that our original discussions with our DPS sponsors took place at a time when the main findings of the inquiry reports described above were already known at an informal level. It is, however, far from the case that the review of the literature and discussions with police officers and staff have had no impact on the research programme. On the contrary, the direction and detail of the research have been immeasurably improved by the knowledge we have gained from other academics and police practitioners.

In the Phase 1 Report, we divided the research programme into external and internal sections. For reasons of clarity and continuity, we do so again here. However, it is worth reiterating our belief in the desirability of acknowledging and exploring the connections between external and internal disproportionality.<sup>6</sup>

### **A. External disproportionality**

For the purposes of this research, external disproportionality refers to disproportionality in relation to the number of black and minority ethnic citizens who bring complaints against the police.

#### **1. What do we know?**

##### **At the national level**

- Black and minority ethnic groups continue to be disproportionately represented throughout the criminal justice process.
- Black and minority ethnic groups and young black men in particular have very low confidence in the fairness of the criminal justice system.
- Black and minority ethnic groups complain about a range of police practices and behaviours.
- Relative to the population, in 2003-4, black people were 6.4 times more likely to be stopped than white people.

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<sup>6</sup> The false dichotomy between external and internal disproportionality perhaps explains the absence of debate around black and minority ethnic police officers who are subject to complaints from members of the public.

- Relative to the available street population, black people are no more likely to be stopped than white people.

### **In the MPS area**

- External disproportionality occurs across the Metropolitan area.
- Disproportionality is highest in areas with low black and minority ethnic populations.
- Centralised boroughs generate the highest volume of complaints from black and minority ethnic citizens.
- Black and minority ethnic citizens account for almost half of the complaints received by the MPS per year, and over two-thirds of complaints relating to stop-and-search alone.
- Street stops are widely associated with negative views of the police among black people in London.

## **2. What do we need to know?**

External disproportionality is a complex phenomenon that is not well served by simplistic explanations based on national statistics or stereotypes of complainants and police officers. Rather, we need to develop a more sophisticated understanding of the complaint-generating encounter and its relationship to a range of interacting factors including ethnicity, personal experience, area characteristics and local police cultures.

### **(a) Disproportionality & ethnicity**

- What is the relationship between external disproportionality and ethnicity?
- What role does ethnicity play in the behaviour of complainants and police officers subject to complaints?

Research on external disproportionality in general, and stop and search in particular, tends to be organised round a rather basic distinction between white, black and Asian groups. This is an improvement on an earlier position that depended on a dichotomy between black (including Asian) and white, and concealed significant differences in the victimisation experiences and the policing of black and Asian people. However, the continuing use of racial as opposed to ethnic divisions is itself misleading, concealing the variety of lifestyles and beliefs within these broad categories. Little attention has been paid to the ways in which aspects of ethnic lifestyles render individuals more or less at risk of incurring police attention, or how cultural differences contribute to complaint-generating encounters.

In our study, we propose to examine ethnic as opposed to racial patterns in external disproportionality. The external data set that we are in the process of

analysing enables us to identify complainants and police officers by ethnicity<sup>7</sup> and to examine trends over time. In interviews with complainants, police officers and staff associations, we will explore the ways in which ethnicity contributes to complaint-generating encounters. Taken together, these data sources will provide an understanding of the role played by ethnicity in external disproportionality.

### **(b) Complaint-generating encounters**

- What are the characteristics of complaint-generating encounters? How consistent are these characteristics? In what ways are these characteristics related to (a) the personal histories of the individuals involved; (b) the characteristics of the local area?
- Do the characteristics of complaint-generating situations vary by ethnicity? What sorts of encounters generate complaints from black and minority ethnic groups?

Disproportionality in the use of the stop and search power has preoccupied researchers both in the UK and the US. In the US, observational research has uncovered numerous examples of police officers making unconstitutional stops involving black people; whites as well as blacks believe that people of colour are subject to police racism and disproportionate treatment. UK research has failed to find corresponding levels of police misconduct, and there is a growing realisation that we need to look beyond deliberate and widespread police racism if we want to understand the reasons underlying the disproportionality in police complaints. We also need to look beyond stop and search and explore the range of police practices that are associated with citizen complaints.

Our research will focus on the nature and impact of complaint-generating encounters and explore the relevance of ethnicity to the way in which they are perceived and experienced. In addition to quantitative data detailing the time, place and circumstances of the complaint, we will carry out semi-structured interviews with complainants and police officers in order to provide a qualitative description of these encounters.

### **c. Complainants**

- What are the characteristics of complainants? How many people are repeat complainants?
- How do complainants perceive and experience complaint-generating situations? To what extent do complainants focus on officer demeanour in explaining the reasons for their complaints?
- How do complainants feel their complaints should be resolved?

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<sup>7</sup> Using the 16+1 classification.

Previous research into disproportionality has tended to focus on the subjective behaviour of police officers, overlooking the relevance of the complainant's cultural identity, characteristics and life history. At the same time, the dominance of studies into stop and search has focused attention on stop rates and the dynamics of single incidents as opposed to the significance that encounters with police officers assume in the daily lives of individuals. Individuals may be stopped by the police in proportion to their representation in the available street population, but it doesn't follow that they are treated in a just and considerate manner. Research suggests that complaints are related to perceptions of officer behaviour that include rudeness and aggression as well as stereotyping based on race.

Semi-structured interviews will provide a rounded picture of complainants, including beliefs, behaviours and lifestyle factors. We will seek to obtain a detailed description of their decision-making, including the decision to bring a complaint and the reasons for their actions. We will also focus on the extent to which their perceptions about officer demeanour were instrumental to their decision to complain. In addition, in order to gauge the relative acceptability of informal and formal resolution, we will ask complainants how they envisage a satisfactory response to their complaint.

### **(d) Police officers**

- What are the characteristics of officers against whom complaints are brought?
- How do they perceive and experience complaint-generating situations? To what extent do officers focus on complainants' demeanour in explaining the reasons for the complaints?
- How do officers feel the situations should be resolved?

The dominance of studies of stop and search has focused attention on police discretion and the role of crude racial stereotyping by police officers in the generation of disproportionality. In spite of studies showing that black people are more 'available' to be stopped than are whites, the stark fact that they are over six times as likely to be stopped keeps public and media attention firmly fixed on the relevance of police stereotyping to racial disproportionality. Similar assumptions are often made regarding the reasons for the disproportionate number of black and minority ethnic complainants. Meanwhile, the existence of black and minority ethnic officers who are themselves subject to external complaints is generally forgotten.

Semi-structured interviews with police officers who have been subject to complaints will inform a more nuanced understanding of their roles in and perceptions of complaint-generating incidents. In order to capture the experiences of black and minority ethnic officers, we will oversample these officers. We will seek to obtain a description of the officers' decision-making, and

to establish the nature and relevance of their perceptions about the ethnicity and demeanour of members of the public. We will also seek their views on appropriate resolution strategies and compare these with those of complainants.

### **(e) Local factors**

- What is the relationship between local area characteristics and complaints?
- What if any impact does the local police culture have on the nature and extent of complaints from black and minority ethnic groups?

The MPS's own data indicate that external disproportionality exists across the whole Metropolitan area. It is also clear that, as in the rest of the country, this is subject to considerable local variation. National data including stop and search figures are dramatic, but gloss over the relevance of complex local processes to complaint levels. What we do know is that the use of stop and search is a major cause of tension between police and black and minority ethnic communities in London. What we don't know is how local variations in ethnic lifestyles, police culture and broader structural factors impact on external disproportionality.

In order to explore these questions we propose to undertake case studies in four boroughs: two central boroughs with comparatively high black and minority ethnic populations, and two boroughs with comparatively low black and minority ethnic populations. We will build a profile of each borough using statistical and demographic data combined with observational techniques. We will also conduct interviews and focus groups with local people. This profile of the local area will be complemented by a similar study of local policing utilising the same techniques.

## **B. Internal disproportionality**

For the purposes of this research, internal disproportionality refers to disproportionality in relation to the number of black and minority ethnic officers who are subject to complaints and discipline procedures.

### **1. What do we know?**

- The vast majority of misconduct cases arise out of internally-generated allegations and investigations
- Statistical evidence indicates that black and minority ethnic officers are between one and a half and two times more likely than white officers to be subject to disciplinary processes
- There is no clear picture of the reasons for internal disproportionality
- Inquiries into high profile cases involving black and minority ethnic officers conclude that the MPS failed to conduct proportionate investigations

- Anecdotal evidence suggests that managers may be unconfident in resolving conduct and discipline matters involving black and minority ethnic officers
- Anecdotal evidence suggests that some black and minority ethnic officers may be differentially subject to community pressures that place them at risk of misconduct

### **2. What do we need to know?**

Internal disproportionality is a complex and sensitive area in which it is easier to generate heat than light. Thus far, and unlike external disproportionality, it has received comparatively little research attention. The inquiry reports described above are notable for the lack of factual as opposed to anecdotal evidence regarding the causes, nature and extent of internal disproportionality. Our first task, therefore is to obtain a clear picture of the current situation via the extensive DPS data set. We will then investigate the reasons for internal disproportionality via analysis of 5020 intelligence forms and an extensive series of interviews and focus groups.

#### **(a) Measuring internal disproportionality**

- What are the recent trends and current levels of internal disproportionality?
- What is the relationship between internal disproportionality and ethnicity?
- Does the progress and resolution of the investigation vary by ethnicity?

In comparison with external disproportionality, little research has been conducted into levels of internal disproportionality. Attention has focused on a small number of high profile cases that are instructive in themselves, but do not provide a comprehensive picture of the phenomenon. In common with external matters, internal disproportionality has been analysed by race rather than by ethnicity; a strategy that does not allow for consideration of the relevance of cultural and lifestyle factors.

We are currently engaged in a thorough statistical analysis of DPS data covering internal misconduct during the last ten years. This analysis will provide information about the ethnic breakdown of officers, the nature of internal allegations and investigations, and the progress and nature of the response and resolution. It will also allow us to determine whether black and minority ethnic officers receive fewer informal disposals by comparison with white officers.

#### **(b) Exploring internal disproportionality**

- To what extent do black and minority ethnic officers recognise the picture of internal disproportionality that has emerged in recent inquiry reports and research?

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- To what extent do black and minority ethnic officers attribute internal disproportionality to management failures?
- To what extent do black and minority ethnic officers believe that they are subject to 'community pressures' that are not experienced by white officers?
- To what extent do black and minority ethnic officers perceive a link between internal and external disproportionality?

In a sense, the recent flurry of inquiries into discipline procedures and professional standards has raised more questions than it answers. High profile cases have understandably dominated media headlines and debate, but we understand very little about the day-to-day experiences of black and minority ethnic officers and the extent to which they concur with the explanations of internal disproportionality put forward by inquiry teams and newspaper columnists. Rather than allowing these high profile cases to dominate strategy development, it is necessary to understand their relevance to officers from a range of ethnic backgrounds.

Focus groups with staff representatives and associations will allow us to gauge the relevance of recent inquiry findings to officers and staff from a broad range of ethnic backgrounds. They will also help us to determine the extent to which the issues raised and the explanations put forward have a more general application. We will use these focus groups to fine-tune the direction and detail of the research.

### **(c) Misconduct and ethnicity**

- Does the nature of alleged misconduct vary according to ethnicity?
- How far are the patterns and themes in intelligence reports related to the ethnicity of the subject?

Inquiries into internal disproportionality have gathered a considerable amount of anecdotal evidence pointing to the differential treatment of black and minority ethnic officers who are subject to internal investigation. It has also been suggested that the reasons for, and nature of, misconduct vary according to the ethnicity of officers. However, there is little in the way of hard evidence to substantiate or enlarge upon these theories.

Our analysis of 5020 intelligence forms will allow us to isolate patterns and themes in internal misconduct and to explore the extent to which these vary by ethnicity.

### **(d) Experiencing investigation**

- How do black and minority ethnic officers perceive and experience the disciplinary procedures?

## Appendix 1

- How do officers understand the reasons behind their involvement in misconduct/disciplinary procedures?
- Do officers perceive a link between internal and external disproportionality?

The focus on high profile cases involving black and minority ethnic officers has overshadowed the experiences of the majority of black and minority ethnic officers who are subject to internal investigation. At the same time, the spotlight has been trained on the discipline process and the conduct of MPS professional standards departments and employees. We need a clearer picture of the experiences of black and minority ethnic officers and of their perceptions of the discipline process. We also want to move away from the process to look at people, and to understand the mechanisms behind involvement in misconduct.

Interviews with officers who have been subject to internal investigation will deepen our understanding of internal disproportionality and allow us to move beyond high profile cases to more common experiences. These interviews may also contribute to our understanding of the reasons why black and minority ethnic officers find themselves involved in misconduct proceedings. We will explore the issue of community pressure and the extent to which officers perceive an association between internal and external disproportionality.

### **(e) Manager confidence and capability**

- How far can internal disproportionality be attributed to managers' lack of confidence in dealing with black and minority ethnic officers?
- Are managers and supervisors reluctant to seek informal resolution of conduct matters involving black and minority ethnic officers?
- Are managers and supervisors reluctant to seek formal resolution of racial misconduct matters?

The performance of managers has been highlighted as a key source of internal disproportionality. Anecdotal evidence from professional standards departments and other sources suggests that some managers fail black and minority ethnic officers by failing to discuss minor performance matters and by early recourse to formal procedures in relation to more serious matters. At the same time, staff groups suggest that managers are more likely to deal informally – or not deal at all – with matters involving racial misconduct on the part of white officers.

Interviews with managers and with other officers will shed light on these complex and sensitive questions. We will explore managers' interactions with and attitudes towards black and minority ethnic staff involved in misconduct proceedings, and ascertain their views about their own strengths and shortcomings, as well as those of the discipline process. We will also make use of scenarios in order to explore management style and decision-making.

### **(f) Gatekeepers and investigators**

- How do gatekeepers make decisions about the progress of internal allegations against black and minority ethnic officers?
- How do staff working in professional standards view misconduct procedures and their role in the process?

Professional standards departments have been heavily criticised in recent inquiry reports. As gatekeepers and investigators they play a key role in the discipline process, and their response to investigations involving black and minority ethnic officers has been directly linked to internal disproportionality. In order to explore this issue, we need to obtain a clearer picture of decision-making within professional standards, and to identify the points at which crucial decisions are made. Given the criticisms in Morris (2004) and elsewhere of the culture of the professional standards department in the MPS, we also need to understand how officers perceive their role and the procedures in which they are so closely involved.

Interviews with these officers will provide us with a picture of the investigation process as it is understood by those who administer it. They will allow us to determine the extent to which the criticisms of the culture and operation of professional standards are borne out in the day to day activities and attitudes of staff. We will also gain an insight into the perceived strengths and weaknesses of the discipline procedure.

### **C. Common Themes in External and Internal Disproportionality**

One of the key questions for the research concerns the extent of interdependence between external and internal disproportionality. This is an issue that has received little attention in the past, but is potentially of considerable significance, particularly with regard to the development of future strategic directions. We shall be seeking to identify common themes and areas of interdependence as the research progresses; at present we believe these to include the following:

**1. Causes of disproportionality** Although these remain unclear, factors that have been associated with both forms of disproportionality include: racist behaviour on the part of some police officers; institutional racism; a lack of confidence on the part of white officers in their interactions with black and minority ethnic colleagues and citizens; aspects of local and universal police culture; community factors and local area characteristics.

**2. Effect on trust and confidence** The Viridi Inquiry Report (2001) and more recent investigations of disproportionality underline its very damaging effect on the trust and confidence of black and minority ethnic people. The effective

handling of complaints and grievances acts as a 'litmus test' both externally and internally. It is not simply that internal failures affect black and minority ethnic staff retention and external failures affect black and minority ethnic staff recruitment; each impacts on the other. black and minority ethnic police officers and staff who learn about mistreatment of black and minority ethnic members of the public will lose confidence in the organisation's attitude to themselves. black and minority ethnic citizens who learn about police mishandling of discipline matters involving black and minority ethnic officers will doubt the organisation's ability to treat them with fairness.

**3. Leadership and management** Both external and internal disproportionality have been closely associated with failures in supervision and management. First line managers in particular have been subject to scrutiny. With regard to external disproportionality, it has been suggested that supervisors may have failed to ensure that their officers are not utilising stereotyping in their use of the stop and search power. Internal disproportionality has been consistently linked with the inability of managers to deal confidently with conduct and discipline matters involving black and minority ethnic staff.

**4. Police culture** The role of the police occupational culture in the generation of internal disproportionality is a recurring theme in the inquiry reports described above. It is described as a 'blame culture', and one that places the mechanistic observation of rules above the 'responsible and responsive' treatment of employees. The culture of professional standards departments in particular is highlighted as working against the proportionate, timely and sensitive handling of internal complaints investigations. At the same time, it is suggested that a more universal police tendency towards heightened suspicion of black and minority ethnic people plays a part in external disproportionality.

**5. Local area characteristics** Academic analyses of police culture emphasise the significance of the police's role with local communities (see Chan, 1997). It is unlikely that policies determined in the absence of consideration of area and community characteristics will succeed. The relationship between the police and the local community clearly plays a role in individual encounters between police officers and members of the public. Attention has also been drawn to a possible link between internal disproportionality and the pressures that some black and minority ethnic officers may face in reconciling their places in the community with their roles as police officers.

### **D. Research methods highlights**

Our Phase 1 report gave a detailed account of our research programme. Here we simply highlight key data sources and their purposes.

### **1. Complaint files**

Our original programme of research referred to the wealth of quantitative data held by the MPS DPS. We are currently analysing data relating to external complaints received by the MPS during the last decade. The data will provide an up to date picture of external disproportionality across the Metropolitan area as well as allowing us to review complaints in relation to a range of factors such as ethnicity, complaint type, and location.

The data are being analysed on a yearly basis prior to being merged. The MPS data will also be merged with data on the area characteristics of boroughs. These analyses will investigate a range of issues including the characteristics of complainants, the extent of repeat complaints, situational aspects of complaints, and the relevance of demographic and socio-economic characteristics. Finally, we will investigate the interdependence of external and internal disproportionality net of individual, situational, organisational and area characteristics.

In addition to the quantitative analysis described above, we will also carry out a qualitative analysis of sub-samples of complaints. These will be divided into three basic categories of complainant: black, Asian and white. These categories will be further sub-divided in order to capture the ethnic identity of the individuals in each of the three main categories. We will also over-sample complaints against black and minority ethnic officers.

The complaint form incorporates two items (sections two and seven) that describe the circumstances surrounding complaints and the actions taken. These sections are of particular importance to our appreciation of the causes of external disproportionality. We will therefore carry out a systematic numerical coding of these fields, to include information about the identity of the complainant, the nature of the complaint, and the circumstances in which the complaint was made.

### **2. Intelligence files**

There has, to date, been little exploration of internal disproportionality, and most assumptions regarding its nature and causes remain highly speculative. Our statistical analysis of intelligence files will provide a picture of trends and characteristics in internal misconduct investigation. The data will allow us to analyse intelligence reports by ethnicity and police area, and to explore the existence of patterns and themes in misconduct cases involving black and minority ethnic officers.

Following file analysis we will code a sub-sample of 5020 intelligence reports in order to develop a coding scheme for the analysis of a sample of officers from a range of ethnic backgrounds who have been the subjects of 5020s. This further analysis will shed light on the investigation process and the relevance of ethnicity.

### 3. Semi-structured interviews

**a. External disproportionality** The aim of these interviews is to provide an in-depth understanding of a sample of complaint-generating encounters between police officers and members of the public. This information will complement the information derived from complaint files by describing the attitudes, perceptions, emotions and behaviours of complainants and police officers. An understanding of the ways in which key participants perceive and experience complaint-generating encounters is crucial to the development of causal explanations of external disproportionality as well as to the generation of effective strategic solutions.

**b. Internal disproportionality** The aim of these interviews is to explore the relevance of a number of suggested causes of disproportionality, and to understand the perspectives and experiences of individuals both within and outside the process. Two main theories have been put forward to explain internal disproportionality. One focuses on black and minority ethnic officers, and suggests that they may be more vulnerable to misconduct than white officers as a result of 'cultural issues' or 'community pressures'. The way in which these phenomena would manifest themselves is not well-understood, and their existence has yet to be proven. The second theory focuses on managers, and suggests that they apply different standards and procedures to cases involving black and minority ethnic officers, chiefly because they lack confidence in their ability to deal with such cases without risking charges of prejudice or discrimination. Again, the evidence for this is more anecdotal than real. Interviews with black and minority ethnic officers, managers, and professional standards employees will explore the relevance of these alternative explanations, as well as generating alternative hypotheses.

### 4. Focus groups

Staff associations and representatives have contributed to most of the inquiries described above. Focus groups with staff association members will bring out the combined perspectives of black and minority ethnic officers and staff, those who have been directly involved in discipline and misconduct proceedings, those who have been indirectly involved, and those who have had no involvement. The main purpose of the focus groups will be to obtain an impression of current thinking among officers from a range of ethnic backgrounds, and to understand the similarities and differences between them in terms of their response to the issue of disproportionality.

This section of the Report draws on submissions from the Metropolitan Black Police Association (MBPA), which in turn make extensive use of the ICG statistical review. However, the statistical procedures employed in the review are complex and do not provide a comprehensive picture of the situation. There is a pressing need to substantiate the ICG's findings and to establish the reasons for disproportionality at every stage of the complaints and discipline process.

## Appendix 1