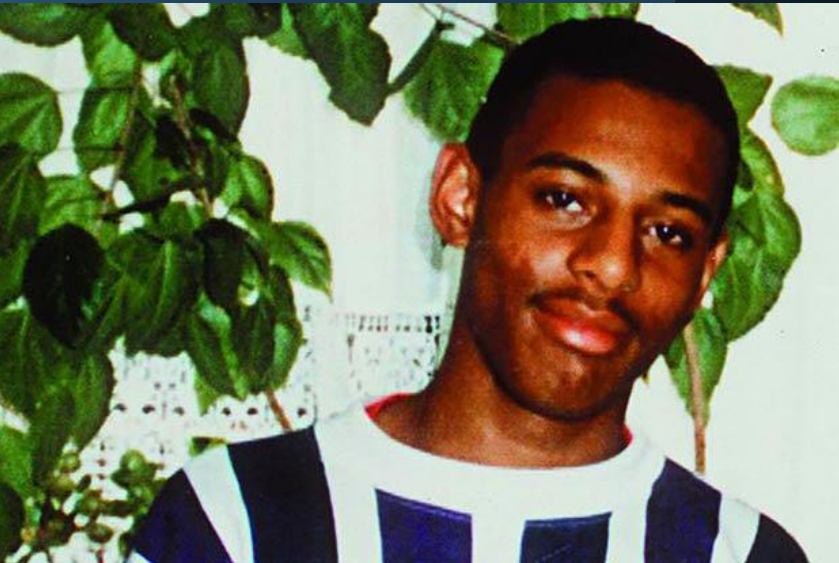


Diversity, inclusion and equality
Or
The extent of racism and misogyny in policing and the impact on service delivery

Craig Naylor
HM Chief Inspector of Constabulary- Scotland



Background- McPherson Report



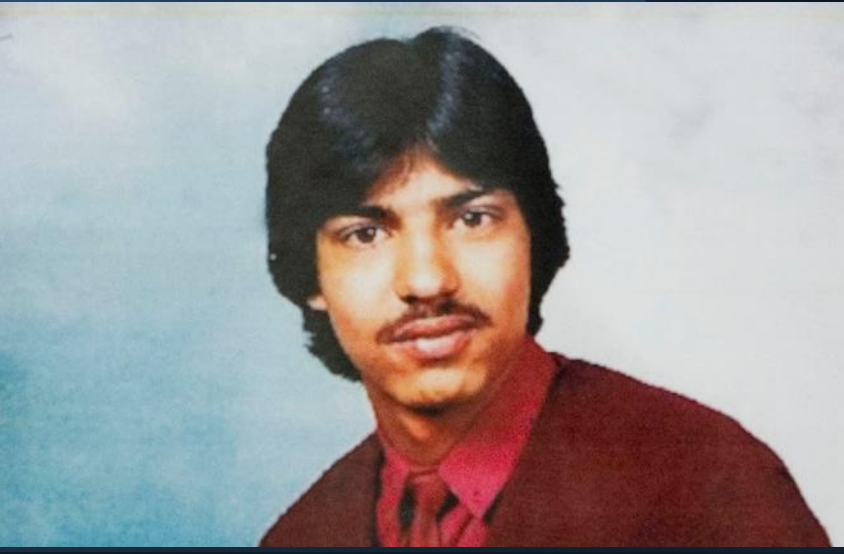
“A racist incident is any incident which is perceived to be racist by the victim or any other person”

That the term "racist incident" must be understood to include crimes and non-crimes in policing terms. Both must be reported, recorded and investigated with equal commitment.

"Institutional Racism" consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people." Report by Lord McPherson of Cluny into the death of Stephen Lawrence"- definition

Report by Lord McPherson of Cluny into the death of Stephen Lawrence

Background- Murder of Surjit Singh Chhokar



- Institutional racism occurs wherever the service provided by an organisation fails- whether deliberately or not- to meet equally the needs of all people whom it serves, having regard to their racial, ethnic or cultural background
- The view taken is that institutional racism is a disorder in an organisation, which is likely to occur from time to time, in greater or less degree, and is to be tackled whenever it occurs or **recurs**.
- Dr Raj Jandoo, Advocate, 2001

Role of HMICS

- Thematic inspection 2000- Without Prejudice (18 recommendations)
- Thematic Inspection- Pride and prejudice (20 recommendations)
- Scottish Executive Action Plan
- ACPOS Stephen Lawrence Steering Group
- Racism is often described as a 'disease', which needs to be eradicated. The world of medicine has secured many great successes over the years and one of the great achievers, MARIE CURIE, writing in 1894 said:
- ***"One never notices what has been done; one can only see what remains to be done."***



HM Inspectorate
of Constabulary
for Scotland



Without Prejudice

A thematic inspection
of police race relations in

More recent HMICS examination of EDI issues

- [Thematic Inspection of Hate Crime](#)- a total of 15 recommendations were made with 6 being worked on and 9 closed
- [Thematic Inspection of Police Scotland Training and Development Phase1](#)- one diversity recommendation which has been delivered
- [Thematic Inspection of Police Scotland Training and Development Phase 2](#)- 2 recommendations directly related to EDI. One closed and one with significant progress towards completion.
- [Leading Lights](#)- Joint inspection with HMICFRS on leadership and development of Chief Officers. This contains a description of the challenges being faced by the police service across the United Kingdom to attract, recruit and retain chief officers from differing backgrounds.
- [Audit and Assurance Review of Stop and Search](#)- this review and the follow up report two years later provided 23 recommendations. All of which were completed and an update was published in 2017 – [Audit and Assurance Review of Stop and Search Part 2](#)
- [Research Paper: Policing Ethnic Minority Communities in Scotland](#)- A user-focused approach to capture public views on Police Scotland Equality Outcomes through a series of collaborative community consultation events with ethnic minority residents in Scotland, undertaken jointly with Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland

Institutional Racism- help or hinder in achieving improvements to service delivery

- Rejection of terms for many years
- Metropolitan Police still refuse to accept
- Growing acceptance in rUK including Scotland and Avon and Somerset Police
- NPCC and APCC not committed a position
- National Police Race Action Plan in trouble

Institutional Racism: Distinguishing Prejudice and Discrimination

		← Presence of Prejudice →	
Presence of Discrimination	No	No	Yes
	Non-Racist No Prejudice No Discrimination	Reformed Racist Prejudice No Discrimination	
Yes	Reluctant Racist No Prejudice Discrimination	Overt Racist Prejudice Discrimination	

*Based on Robert Merton's formulations

The extent of racism and misogyny in policing and impacts on practice

- McPherson report and the various response to this including “Without Prejudice” and “Pride and Prejudice” reports from HMICS
- HMICS Organisational Culture Inspection 2023
- Disenchantment within / impact on morale
- Withdrawal of applications and increasing numbers of officers leaving the service before pension age
- Is there racism & misogyny in policing? Yes- both from individuals and from processes/policies
- Do the structures, policies and procedures address the problems that have been identified- not fully but significant improvements have been made in 20 years (as per Marie Curie quote)
- Does institutional discrimination exist within Police Scotland as per MacPherson definition? Yes – see PS comms in 2023 (body armour and first aid guidance??)
- However, the whole organisation is not discriminatory- some parts and some people are!

The extent of racism and misogyny in policing and impacts on practice

- Is Police Scotland institutionally discriminatory? This is a markedly different question and the answer is more nuanced than yes or no in my opinion.
 - Agree insofar as it is such a sweeping statement phrase. Implies everything in the organisation is such. Not the case in my opinion.
 - Also widely misunderstood- and played by the media
 - Policing is all about people, yet CC stated ID announcement isn't about its people. Difficult message to convey internally and externally
 - No recognition of the work undertaken in previous years (50/50 recruitment, Positive Action Team, promotion stats (by avg service length) etc.), Policing Together work, Sex Equality & tackling Misogyny
 - Recent testimony by recently retired black police officer at Sheku Bayoh enquiry – Mr Castledine said: *“I think from the beginning, in the 1990s when I joined, things weren't great for females, for BME officers. “I think that was maybe a statement that could have been made in the 90s and certainly shouldn't have been made in 2023.” He added that the statement was “probably true” of the 1990s, but that now “I don't think there are serious issues within the police, and certainly Police Scotland”.*

Steps to address internal issues

- What can be done internally – policing must assure itself the right people are recruited to, are developed and remain within the organisation (effective recruitment, vetting, training, leadership and where necessary address conduct)
- What can be done internally – must continue to educate and reinforce core policing values (this is done for major events policing, why not day-to-day?).
- Default culture and behaviour must be to constructively challenge (and to be supported in this) any adverse behaviours and practices
- What is the culture that the organisation aspires to and how do you plan a road map to get to this point.....and then review, check and start again.

Hate crime and non- Crime Hate incidents (Scotland)

Hate Crime and Public Order (Scotland) Act

- introduces new offences of 'stirring up hatred' which criminalises threatening or abusive behaviour and the communication of threatening or abusive material which is intended to stir up hatred against a group of people by reason of their possessing, or appearing to possess the above particular characteristics

Threshold for stirring up hatred

- The Act has a high threshold for criminality. For the new offences in the legislation, it has to be proven that the behaviour is threatening or abusive AND that it is intended to stir up hatred.
[Hate Crime and Public Order \(Scotland\) Act: factsheet - gov.scot](#)

Definition of a Non-Crime Hate Incident (NCHI)

Any incident where a crime has not been committed, but where it is perceived by the reporter, or any other person, that the incident was motivated wholly or partly by malice and ill will (hostility or prejudice) based on one or more of their actual or perceived characteristics.

Hate Crime and Non Crime hate Incidents (E&W)

- **Definition of a Non-Crime Hate Incident**

- 11. A non-crime hate incident (NCHI) means an incident or alleged incident which involves or is alleged to involve an act by a person ('the subject') which is perceived by a person other than the subject to be motivated - wholly or partly - by hostility or prejudice towards persons with a particular characteristic.

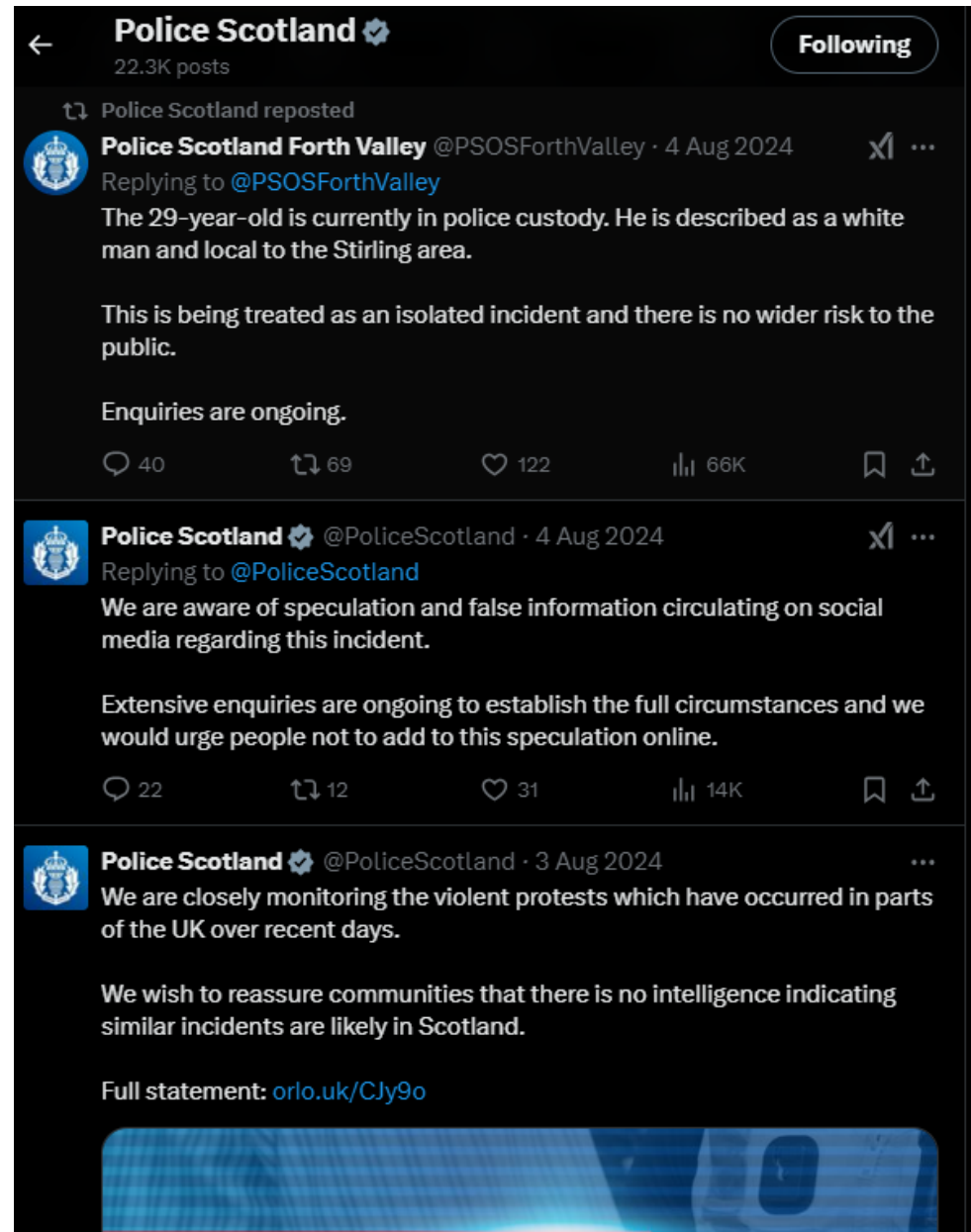
- **“Incident”**

- 14. An “incident” is defined in the National Standard for Incident Recording (NSIR) as “a single distinct event or occurrence which disturbs an individual, group or community’s quality of life or causes them concern”. The NSIR covers all crime and non-crime incidents.
- [Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data \(accessible\) - GOV.UK](#)

Dealing with hate in an operational setting

- Hate legislation is complex, has many aspects to be proven and requires officers to thoughtfully understand the actions taken, the motivation and whether this is a crime and if it is, is it motivated by hate.
- Impact is on public trust and confidence, and therefore the legitimacy and consent with which Police Scotland delivers its service to the communities of Scotland. Commentary from media and others will focus on a very narrow perspective often motivated by (perceived) grievance.
- Police Scotland Definition - The legal definition of hate crime is "any crime which is understood by the victim or any other person as being motivated (wholly or partly) by malice or ill will towards a social group."
- Challenges
 - Officer and staff confidence in the law, their powers and policy
 - Consistent application of policy and procedure
 - Quality of decision making and reporting to COPFS
 - Citizen journalists and dissatisfaction driving media narrative

Bold action
countered
mis-
information
and
prevented
disorder?



Anti- discriminatory service delivery

What do PS need to do to gain / maintain and increase public trust and confidence?

- Clarity of policy and how this relates to legislation- case examples of Robert Graham/Isla Bryson
- Importance of community engagement and police involvement in communities whether geographic or belief (outreach, remote reporting, support to victims)
- Constant review and impact assessment of policy and practice
 - E.g. Hate Crime Law / VAWG policy and practice / Policing of protest / Stop search/ UNCRC
- Importance of communications (but especially comprehension!!). What are we doing and why?
- Development of meaningful outcomes and reporting on progress of same. How will we know what difference has been made?
- Continued scrutiny, governance and oversight (internally and externally).

Anti- discriminatory service delivery- internal

- Policing Together Programme-
 - Flexible working
 - Disability in Employment
 - Uniform & Appearance
 - Postings & Transfers
 - Promotion
 - Grievance
 - Transitioning at Work
 - Professional standards and conduct investigations-proportionality
- See SPA paper from November people committee

Conclusions

How will Police Scotland know when they are not institutionally racist and discriminatory

How can they assure the public and communities of Scotland