

Response of the United Kingdom of Great Britain and Northern Ireland to the call by the Office of the High Commissioner for Human Rights for contributions to the call for information on “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers” April 2021.

Introduction and Human Rights

The United Kingdom is proud to be one of the most tolerant countries in the world: we are clear that discrimination and racism of any kind has no place in our society, and we treat it with the utmost seriousness. In the United Kingdom, it is against the law to discriminate against someone because of their protected characteristics (as set out in the Equalities Act 2010), which include race, religion, belief, age, disability, and sex¹. We also believe that the most effective way to advocate for respect among different racial and ethnic groups is to encourage all states to uphold their human rights obligations.

Following the death of Kevin Clarke, the Metropolitan Police Service referred the matter to the Independent Office for Police Conduct (IOPC), who subsequently investigated the actions of a number of police officers. Disciplinary proceedings are ongoing and the UK Government therefore cannot comment further on that case at this time. Instead, we provide the following general information on policing in the UK, as context for the High Commissioner’s report.

Policing in the United Kingdom

Policing in the United Kingdom is by consent – founded on the principle that the police are members of the community they serve and derive their legitimacy from it. The majority of officers in the United Kingdom are not routinely armed and the use of firearms by the police is always a last resort only used where there is a serious risk to public or police safety. Deadly force is used very rarely in the United Kingdom and this is a testament to the training, skill and judgment of firearms officers and commanders. The United Kingdom’s police responses are measured and proportionate. This is highlighted by the fact that, in the year ending March 2020, there were 19,372 police firearms operations and only 5 incidents in which police firearms were discharged.

Cutting crime and saving lives is a priority for the police in the United Kingdom. We support our police by equipping them with a range of tools, including body worn video and taser, to deal with violent and dangerous situations and to protect the public, including Africans and people of African descent. We are also committed to funding our police to ensure that people of all backgrounds are free to go about their lawful business and that is why we are recruiting 20,000 additional police officers. We also continue to support and see excellent take up of Volunteer Police Cadets, appealing to the widest cross section of children in society, including many of African descent and other minority backgrounds.

¹ <http://www.legislation.gov.uk/ukpga/2010/15/section/4>

Race, Policing and Communities

In our promotion and protection of human rights, we believe that the police's ability to fulfil their duties is dependent on their capability to secure and maintain public confidence and support for their actions. We are therefore clear in our determination to act on issues of diversity, racism and discrimination and work is currently taking place to sustain positive change.

We also believe that accountability is crucial to public confidence in the police. That is why there are measures in place to ensure that policing is subject to adequate transparency and accountability - including regular inspections on the way forces engage with communities by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, and more frequent publication of data on use of police powers. We also work with key partners on how we can go further to improve trust in policing by strengthening the systems of accountability and transparency, particularly by prioritising community engagement.

In order to maintain public trust, we believe that it is crucial for police forces to reflect the communities they serve. The UK Government is therefore committed to ensuring that policing is open to a range of talent from diverse communities and backgrounds and, with senior police leaders, has stressed the need to increase diversity as part of our drive to recruit 20,000 additional police officers. The police officer workforce is now more representative than ever before, with the highest proportion of black, Asian and minority ethnic officers since records began. We will continue this recruitment drive to ensure the right strategies are in place to recruit and retain officers who are reflective of the communities they serve.

Deaths in Police Custody

Any death in or following police custody is a tragedy. Eighteen such cases occurred in England and Wales during the period 2019-20. In England and Wales, police forces are required, by law, to refer all cases of death and serious injury following police custody to the IOPC for a decision as to whether further independent scrutiny is required.

The UK Government is committed to delivering meaningful and lasting change to prevent deaths and support families. That is why on 23rd July 2015 the Government commissioned the Right Honourable Dame Elish Angiolini QC to review deaths and serious incidents in police custody and to make recommendations to Government. Dame Elish's report highlighted that white people in the United Kingdom make up 86 per cent of those who died in police custody over the five years prior to 2017, with 14 per cent from other ethnic backgrounds, in line with the proportions of the 2011 census.

Although there is more to be done, the Government has made good progress implementing Dame Elish's recommendations. We have focused on three key areas: preventing deaths in police custody, and in the tragic situations that they do occur, improving support for families and ensuring that organisations are held to account.

- Prevention: To prevent deaths in police custody in England and Wales, we have significantly restricted and reduced the use of police stations as places of safety, for those experiencing a mental health crisis. The National Police Chiefs' Council are driving progress on national training, including how officers identify health risks of detainees, and the Government is making significant investment in mental health. The Home Office have created an annual statistical publication showing data on police use of force, broken down by ethnicity.
- Support: To support families, we have made inquests more sympathetic to their needs, undertaken a review of the provision of legal aid for inquests, and improved the information available immediately after a death in custody.
- Accountability: Government departments, police forces and related agencies are focused on working together to prevent deaths, and when they do occur, there is ongoing work to hold organisations to account. An official Government update on further progress will be published in 2021. In addition, the work on this issue is led by a ministerial oversight board and further scrutinised by an independent panel which includes members of the third sector and campaign groups.

Racial Disproportionality in Deaths in Custody

Race and ethnicity were not drivers of the Angiolini Review and did not form one of its twelve primary themes, although it did consider the extent to which ethnicity is a factor in deaths in custody. The review concluded that it is difficult to prove that racism exists without sufficient knowledge of a specific case, but acknowledged the importance of transparency in considering this.

The causes of racial disparities in the criminal justice system are complex and reflect broader structural inequalities which the UK Government is committed to tackling, including via the Inter Ministerial Group on the Commission on Race and Ethnic Disparities, chaired by the Chancellor of the Duchy of Lancaster. In the year to March 2020, the most recent period for which figures are available, 18 people died in or following police custody, of whom 14 were white, three were black and one person's ethnicity was unknown. Evidence from recent years suggests that the ethnicity of those who have died in or following police custody is broadly in line with the ethnicity of those arrested or detained in police custody, and hence that the number of deaths in custody is not exacerbated by race and ethnicity. Data also does not suggest that black men are more likely to die in custody in cases where use of force or restraint is present. With such small numbers, no firm conclusion can easily be made as to whether there is a correlation between ethnicity and deaths caused by restraint.

The majority of individuals who died in or following police custody in the most recent year had links to drugs and/or alcohol. These figures are not unusual when looking at long-term trends, something that was highlighted by the IOPC Director General in his remarks alongside the publication of the most recent figures.

Police Restraint and Mental Health

All officers receive comprehensive training in assessing the potential vulnerabilities of a person, including training on awareness of mental health issues, skills for managing at the point of contact, de-escalation, and understanding the dangers of using restraint techniques with vulnerable people. Each situation where the police are called for emergency assistance is assessed on its merits, including situations where the patient is already detained under the Mental Health Act or in hospital; there is no assumption that police cannot be involved. The College of Policing is responsible for setting the standards to which police operate and publishes guidance on use of force and restraint by the police as part of their Authorised Professional Practice (APP)². An APP on mental health issues also exists, assisting officers to identify and respond appropriately to particular behaviours and situations.

In the year to March 2020, eight of the 18 deaths in or following police custody involved the use of restraint. Six of the deceased were white and two were black. However, it is not always possible to conclude whether the use of restraint contributed to an individual's death.

Conclusion

To conclude, we are committed to supporting the police in tackling crime and disorder through the professional and proactive use of their powers to cut crime and protect the public, whilst ensuring that the use of powers is fair and proportionate. There is no evidence of racial disproportionality in the number of deaths in custody in the United Kingdom, or that an individual's race or ethnicity impacts their likelihood of dying in or following police custody. We will continue to uphold our human rights obligations. Racism, in whatever form it takes, is abhorrent and the UK will always stand for equality and justice for all.

References:

Government Response to Dame Elish Angiolini's report:

<https://www.gov.uk/Government/news/Government-publishes-response-to-major-review-into-deaths-and-serious-incidents-in-police-custody>Government Response

² <https://www.app.college.police.uk/>