

Race Equality First



“Working with you
to make equality a reality”

Call for inputs for the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/1 on the “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,” on behalf of Race Equality First.

Mechanisms in place to ensure that Africans and people of African descent and their representatives are appropriately, adequately and sufficiently represented in processes to identify, remove and reform any structures, policies and practices of racial discrimination in institutions of law enforcement and the related administration of criminal justice.

From our work as an equalities charity, we feel that Black and minority ethnic individuals overall and specifically Africans and people of African descent are not adequately represented in public sector institutions, especially at senior level. We know that BME employees struggle to move up the career ladder. We argue that this is a result of the presence of institutional racism within some public sector institutions in the UK. We argue that this plays a significant role in deepening racial disparities in the UK and allowing racism to perpetuate further in our society.

Institutional racism goes hand-in-hand with the lack of adequate representation of the UK’s BME population in public sector jobs, for instance in universities, healthcare, policing and the criminal justice system, particularly at senior level. This is because institutional racism stops BME staff from progressing, and, because none, or few BME people are in senior roles, institutional racism continues to perpetuate throughout the institution. Thus, BME individuals are not appropriately, adequately and sufficiently represented in process to identify, remove and reform any structures, policies and practices of racial discrimination.

Policing:

Specifically, in the context of policing, a recent report has detailed that officers from a BME background are more likely to receive harsher punishments and penalties than their white colleagues when a complaint is made against them. The report details that BME officers are more likely to have their cases referred to professional standards departments for an official investigation that stays on their record even for more minor complaints, which should be quickly resolved by a meeting with their bosses¹.

¹ <https://www.thetimes.co.uk/article/harsher-penalties-for-black-asian-and-minority-ethnic-police-officers-tn0czfzdt>

This comes more than 20 years after the Macpherson Report, released in 1999 following an inquiry into the police handling of the death of Stephen Lawrence in 1993, which concluded that the investigation was “marred by a combination of professional incompetence, institutional racism and a failure of leadership.”² The report made several recommendations, including measures to change the attitude of the police towards ethnic minorities and detailed targets for the recruitment, retention, and promotion of BME officers³.

More than 20 years on since the Macpherson Report, we know that none of the 43 forces across England and Wales are representative of the communities they serve and that there is a lot more work to be done in ensuring greater representation. Using London as an example, 40 per cent of the capital’s population are from a BME background, however, only 15.4 per cent of Met officers are BME⁴. If the Met continues to recruit at this rate, it will take 100 years to build a workforce that truly reflects the community it serves. Alongside this, Black officers are still hugging lower ranks and are still unable to progress into more senior roles⁵.

Race Equality First therefore recommends the following:

- More significant advances need to be made towards combatting institutional racism in the police. The Welsh / UK Government must implement a structured Race Equality Action Plan which clearly sets out targets to combat racism within all police forces.
- There is a clear need to diversify the force and more significant advances need to be made towards this goal. The Welsh / UK Government must implement policies to show how they will not only recruit more BME police officers, but also retain and progress those staff. The minimum goal should be to reach the local BME population for every police force in the UK.
- There is a need to go into schools to encourage children to pursue a career in the police.
- Officer training is needed, on discrimination, and on how to attract a more diverse workforce.

Criminal Justice System:

Furthermore, there are also great racial disparities within the criminal justice system, with Black and minority ethnic individuals making up a disproportionate amount of the prison population: despite accounting for just 14 per cent of the population, BME men and women make up 25 per cent of prisons whilst over 40 per cent of young people in custody are from a BME background⁶. Structural inequality plays an integral role in explaining racial disparities in the criminal justice system. Structural inequality largely refers to how our society is organised, which is in a way that benefits white people over those from a BME background. This affects the level of education, employment, housing, healthcare, food and exercise you have access to, and the economic and political power within these communities. Therefore, the fact that people from a Black background are more than

² <https://www.theguardian.com/uk-news/2019/feb/22/macpherson-report-what-was-it-and-what-impact-did-it-have>

³ *Ibid*

⁴ <https://www.theguardian.com/uk-news/2020/nov/13/met-police-told-40-of-recruits-must-be-from-bame-backgrounds>

⁵ <https://www.bbc.co.uk/news/uk-47300343>

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf p.3

twice as likely to live in poverty than those from a white background cannot be ignored within the context of understanding racial disparities in the criminal justice system⁷.

Alongside this, the disparities in crime between people from different racial and ethnic groups can also be linked to the lack of senior officials within the criminal justice system from a BME background. Despite being over-represented in most stages of the criminal justice system, BME individuals are under-represented in senior positions of employment and according to 2014 statistics, only six per cent of senior judges were from a BME background⁸.

Thus, allowing institutional racism within public sector institutions in the UK, especially the police and the criminal justice system, to continue further will only hinder the ability to make much needed advances towards ensuring appropriate, adequate and sufficient representation of the BME population in the UK in process to identify, remove and reform any structures, policies and practices of racial discrimination.

Race Equality First therefore recommends the following:

- The criminal justice system (CJS) should invest more in initiatives to support BME people in the CJS across the UK.
- The CJS should invest in high quality race equality training for all those working in the CJS across the UK, so staff are better informed on the communities they pass judgement on.
- The CJS should involve more BME people and communities in shaping decisions and policies in the CJS.
- The CJS should encourage more transparency of the CJS, ensuring openness and honesty about BME data and experiences.
- The CJS should work to better understand race disproportionality and its causes across the CJS.
- The CJS should work to better understand the personal experiences of BME individuals involved in the CJS, including victims, witnesses, prisoners, defendants etc. in order to better meet their needs.
- The CJS should work towards reducing the crime and court outcome differences between people of different racial and ethnic groups.
- The CJS should tackle the over-representation of BME offenders and defendants in the CJS across the UK.
- The CJS should tackle the under-representation of BME people working in the CJS as employees and leaders and invest in high quality training on how to attract a more diverse workforce.

Denial of Racism:

Furthermore, such racial disparities have further continued and deepened as a result of the denial of such disparities and the presence of racism in UK society by those in senior positions. For instance, earlier this month, a parliamentary report detailed the shameful state of racism and human rights for Black people in the UK, however, on the same day, Equalities Minister, Liz Truss, appointed a

⁷ *Ibid*, p.4

⁸ <https://irr.org.uk/research/statistics/criminal-justice/>

supporter of the Home Office's 'hostile environment' to Britain's race equality watchdog, David Goodhart, who denies that racism and Islamophobia are significant problems in the UK⁹. Goodhart has also claimed that racial inequalities are in part due to "self-inflicted wounds among Black communities, of violent crime, fatherless families, and anti-educational 'acting white' culture."¹⁰

Within the current government, those who deny or question the impact and cause of racism are selected for key equality positions repeatedly. For instance, Trevor Phillips, who was suspended from the Labour party over alleged Islamophobia, was announced as assisting the inquiry on the impact of COVID-19 on ethnic minorities (although he ended up playing no role in it); Dr Raghiv Ali, who denies racism has any role in disproportionate coronavirus deaths, was appointed a government COVID-19 adviser; and Tony Sewell, who has questioned the idea of institutional racism, was appointed chair of the government's commission on race and ethnic disparities¹¹. Furthermore, Truss's fellow equalities minister, Kemi Badenoch, has bizarrely claimed that the authors of some of Britain's bestselling anti-racism books "actually want a segregated society."¹² Along with Munira Mirza as No. 10's policy director and a strong critic of Theresa May's Race Disparity Audit, it's clear that the current government is unlikely to identify systemic racism as the cause of racial inequalities in health, education, housing, employment, the criminal justice system or any other area – regardless of the significant number of independent racial inequality reviews that suggest otherwise¹³.

The use of Inflammatory Language:

In addition to this, the UK Prime Minister has repeatedly used inflammatory language to mobilise right-wing voters. To name a few, Mr Johnson has referred to gay men as, "tank-topped bum boys,"¹⁴ compared Muslim women to letterboxes¹⁵ and used the racially charged term "piccaninnies,"¹⁶ to refer to those from a Black-African ethnic background. According to Tell Mama, such comments influenced a wave of anti-Muslim hate in the UK, arguing that in the week of the PM's article, in which he expressed such comments, abuse incidents increased by 375 per cent¹⁷. Such inflammatory language has contributed to spikes in religious and racial hate crime which most notably occurred around the 2016 EU referendum. Hate crime is an unfortunate reality for many people in the UK and has steadily increased over the past eight years, reaching a peak of 103,379 hate crimes being reported to the police in 2018/19 across England and Wales¹⁸.

⁹ https://www.theguardian.com/commentisfree/2020/nov/17/boris-johnson-race-card-government-race-body?CMP=share_btn_tw

¹⁰ *Ibid*

¹¹ *Ibid*

¹² *Ibid*

¹³ *Ibid*

¹⁴ <https://www.pinknews.co.uk/2019/12/12/boris-johnson-tank-top-bum-boys-homophobic-peter-mandleson-history/>

¹⁵ <https://www.independent.co.uk/news/uk/home-news/boris-johnson-muslim-women-letterboxesburqa-islamphobia-rise-a9088476.html>

¹⁶ <https://edition.cnn.com/2019/07/23/africa/boris-johnson-africa-intl/index.html>

¹⁷ <https://www.independent.co.uk/news/uk/home-news/boris-johnson-muslim-women-letterboxesburqa-islamphobia-rise-a9088476.html>

¹⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839172/hate-crime-1819-hosb2419.pdf p.1

Politicians are followed and listened to by thousands of people; therefore, as public figures they should make a conscious effort to set an example to the public. Their use of racist and divisive words and phrases can foster division within society and legitimise hate towards minority groups. They also contribute towards perpetuating racism in our society further. Therefore, if they choose to use such words and phrases, they should be brought to account and not be allowed to hold public roles so that they cannot use their platform to incite hatred towards others.

Race Equality First therefore recommends the following:

- Campaign speeches and marketing materials should be monitored by independent NGOs funded to check for discriminatory, dishonest or misleading content.
- Politicians and political parties that use racist, divisive language within their speeches or campaigns should be brought to account under the Equality Act 2010 in the same way any other UK citizen would be if there was evidence of discrimination or hate.
- Politicians must make stronger public statements of condemnation of racism. These statements should also be made to grassroots white communities rather than within their personal networks of NGOs or within ethnic minority communities.

Information regarding specific incidents of alleged violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent.

Nonetheless, to be able to make such significant advances that are required to combat institutional racism and diversifying the force, it is clear such ventures will be futile if attempts to enhance community relations and perceptions of the police among BME communities are not prioritised. This involves making a concerted effort to repair some of the damage done from previous generations of policing, such as the poor handling of the death of Stephen Lawrence in 1993 and the treatment of the Cardiff Five, which included the wrongful arrest and scrutiny of all five and the wrongful imprisonment of three, to name a few. More recently, discussions regarding racial profiling and the disproportionate use of certain police powers such as stop and search and the excessive use of force on BME communities have come to the forefront.

It is therefore important to recognise the wider impacts that policing and certain police powers have on BME communities, particularly in relation to trust and such communities considering going into policing as a viable career choice.

Stop and Search:

We argue that there is a need to investigate into police stop and search powers to determine whether such powers do more harm than good, by further driving a wedge between the police and diverse communities. We know that Black people are disproportionately targeted under stop and search, with Black Britons stop searched for any reason at 8.4 times the rate of whites – a figure that

has more than doubled since 1998-99¹⁹. Home Office data shows a similar reality in Wales, with Black people in Gwent being eight times more likely than white people to be stopped and searched by police²⁰.

Alongside this, there are a number of studies that suggest the impact of stop searches on keeping the public safe in terms of reducing knife crime is at best marginal²¹. According to Home Office statistics between April 2017 and March 2018, a mere two per cent of stop and searches carried out under section 60 actually led to an arrest for an offensive weapon²².

Within our work at REF we have seen the impact of stop and search on BME communities and discrepancies in officer action when exercising such powers. In 2019, REF ran a focus group with the Police and Crime Commissioner for South Wales Police on stop and search with a total of eight attendees. During the focus group, attendees were informed that if stop searched, an officer must do the following things:

- Treat you with respect at all times.
- Record the search.
- Explain why you are being stopped and searched, what they are looking for and the law under which you are being searched.
- Give you their details, including their name, force number and police station.
- Provide you with a stop and search receipt which includes the date and time of search or explain how you can obtain one.
- During a stop search an officer will ask you for your ethnicity alongside your name, D.O.B and address.

All female attendees had never been stop searched. All male attendees (all from a BME background) reported that they have been stop searched multiple times and sometimes by the same officer both on foot and in a vehicle. All male attendees reported incidents in which the officers that stopped them have not given the station they belong to, not given a receipt or informed the individual of how they can obtain one, not recorded the search at all, or only partly recorded the search, not asked for the individual's ethnic origin to record any racial disparities in stop and search, and not provided an adequate reason to stop and search (not stating what they are expecting to find or the law under which they are searching them). For example, one attendee reported that he was stopped in his vehicle and the officer asked him how he could afford to drive such a car. Despite the small sample size (three females, five males) from this workshop there is evidence to suggest that PCs are not abiding by the stop and search guidelines as outlined above. Also, there is evidence to suggest both a gender and racial bias when it comes to stop and search.

We therefore argue that such powers as stop and search are not fit for purpose as they are more discriminatory and damaging and further fuel distrust of the police within BME communities. For instance, in the workshop, attendees were asked if they would work for the police and all attendees said no, their reasoning for this was that they felt their own communities would shun them.

¹⁹ <https://www.theguardian.com/law/2018/oct/13/racial-bias-police-stop-and-search-policy-black-people-report>

²⁰ <https://www.southwalesargus.co.uk/news/18889096.gwent-police-stop-and-search-figures-bame-people/?ref=twtrrec>

²¹ <https://www.theguardian.com/law/2019/aug/13/stop-search-extension-knife-crime-police-home-secretary>

²² *ibid*

Participants stated that: "I have grown up to believe that the police are against us, our ethnicities," and, "I have grown up with a negative view of the police."

Excessive Use of Force:

There are also examples of racial disproportionality in other police powers, namely use of force, arrest and sentencing. Metropolitan police officers were found to be four times more likely to use force against Black people compared to whites²³. According to Metropolitan police statistics, more than a third of the 12,605 uses of force during April, May and June 2017 involved black individuals even though they account for only 13 per cent of Londoners²⁴.

One of many examples includes the case of Terrell Jones-Burton who suffered seizures and facial injuries after being knocked off his bike in November 2017, at the age of 15 by a Met police officer and then wrongfully arrested²⁵. The Met however, claimed that Terrell "came off his bike." This case was referred onto the Independent Office for Police Misconduct (IOPC) who later cleared the officers involved of any wrongdoing in 2019²⁶. Furthermore, Dijon Joseph was arrested after he bumped fists with his brother outside a shop in Deptford; the police accused the brothers of exchanging drugs. Dijon was subsequently handcuffed during the encounter, as a result of officers claiming he was being aggressive²⁷. Dijon's case was too referred to the IOPC and resulted in a similar outcome to Terrell's. These are just two of many day-to-day examples of wrongful use of force on BME individuals. Labour MP Diane Abbott has argued that this disproportionate use of force is discriminatory²⁸.

Arrest and Sentencing:

Racial disparities are evident in arrest also. According to official figures, between April 2018 and March 2019, Black people were over three times as likely to be arrested as white people, with there being 32 arrests for every 1,000 Black people compared to 10 arrests for every 1,000 white people²⁹. Furthermore, BME individuals are more likely than whites to be sentenced to immediate custody for indictable offences (offences which can be tried in the Crown Court)³⁰. As well as this, a 2011 study, based on an analysis of over one million court records, found that black offenders were 44 per cent more likely than white offenders to be given a prison sentence for driving offences, 38 per cent more likely for public order offences or possession of a weapon and 27 per cent more likely for possession of drugs³¹.

²³ <https://www.bbc.co.uk/news/uk-england-london-44214748>

²⁴ Penhale, B. and Flynn, M. (2017). "Editorial", *The Journal of Adult Protection*, Vol. 19(5), pp. 229-235. See also: <https://www.independent.co.uk/news/uk/crime/metropolitan-police-force-statistics-brutality-guns-tasers-black-people-disproportionate-ethnic-minorities-batons-dogs-a7871811.html>

²⁵ *Ibid*

²⁶ <https://www.mylondon.news/news/south-london-news/police-cleared-wrongdoing-after-teenager-16119564>

²⁷ <https://www.bbc.co.uk/news/uk-england-london-54734283>

²⁸ <https://www.bbc.co.uk/news/uk-england-london-44214748>

²⁹ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/number-of-arrests/latest>

³⁰ <https://irr.org.uk/research/statistics/criminal-justice/>

³¹ *Ibid*

Deaths in Police Custody:

Arguably, most alarmingly, BME individuals are more than twice as likely to die in police custody alongside being twice as likely to die after being on the receiving end of excessive use of police force³². According to a 2015 report from the Institute of Race relations, more than 500 Black and ethnic minority individuals have died in suspicious circumstances in the UK while in state detention since 1990 (348 in prison, 137 in police custody and 24 in immigration detention)³³. A large proportion of these deaths involved undue force and many more a culpable lack of care³⁴. Although the British police are not routinely armed, they use problematic immobilisation techniques, similar to the one that resulted in the death of George Floyd earlier this year. Below are brief synopses of a small number of deaths of Black men in police custody.

Edson Da Costa: in 2017 the unarmed Black man died in police custody. According to witnesses, after being stopped in a vehicle, Da Costa was pinned face down on the road by four officers and it was alleged that officers put pressure on his neck³⁵. Da Costa lost consciousness on the street. Officers requested an ambulance and informed them that Da Costa was responsive and conscious not once, but twice; as a result, the call was not graded as an emergency³⁶. Da Costa remained on life support for six days before it was turned off.

Darren Cumberbatch: An inquest concluded that the level of restraint used by Warwickshire Police on Darren was “excessive and “probably avoidable.”³⁷ Darren was tasered, punched 15 times, struck with batons, and sprayed with an incapacity substance when he resisted arrest³⁸. Darren died in hospital of multiple organ failure. The inquest concluded that the use of force contributed to his death³⁹.

Rashan Charles: following restraint by Met officers, whereby he was put into a “seatbelt hold,” Charles died⁴⁰.

Mark Duggan: Duggan was shot dead in Tottenham, after armed officers intercepted the minicab he was travelling in on the basis of intelligence that he was carrying a gun. The family launched a case concerning the legality of the shooting and the Met have made no admission of liability for Duggan’s death⁴¹.

Leon Briggs: Briggs died in hospital after being restrained and detained at Luton police station. No officers have been charged over his death. As a result, his mother stated the following: “We have lost all faith in the IOPC and systems that are meant to ensure officers wrongdoings will not go unchecked.”⁴²

³² <https://www.newsandstar.co.uk/news/national/uk-today/18504204.black-people-twice-likely-die-police-custody-uk---study-reveals/>

³³ <https://irr.org.uk/research/statistics/bame-deaths-in-custody/> See also: https://irr.org.uk/app/uploads/2015/03/Dying_for_Justice_web.pdf, p.2

³⁴ *Ibid*

³⁵ <https://www.theguardian.com/uk-news/2020/nov/29/what-really-happened-to-edson-da-costa>

³⁶ *Ibid*

³⁷ <https://www.bbc.co.uk/news/uk-england-coventry-warwickshire-48764711>

³⁸ *Ibid*

³⁹ *Ibid*

⁴⁰ <https://www.theguardian.com/uk-news/2018/jun/04/rashan-charles-inquest-cctv-showing-his-arrest-upsets-family>

⁴¹ <https://www.theguardian.com/uk-news/2019/oct/10/mark-duggan-shooting-family-settle-high-court-claim-against-met>

⁴² <https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-51587151>

Jimmy Mubenga: In short, Jimmy was arrested on a plane and restrained by several police officers in 2010 and died of a cardiac arrest⁴³. Several passengers on his flight reported having heard him say “I can’t breathe,” shortly before he died while being restrained⁴⁴. No charges were brought against the three officers that restrained him because of lack of evidence⁴⁵.

The above examples are a small number of cases that have resulted in the death of Black individuals in police custody following excessive use of force. No officer has been convicted of manslaughter or murder for any of these deaths. Instead, the IOPC investigation into Da Costa’s death concluded that those who were arresting Da Costa behaved “correctly in very difficult circumstances.”⁴⁶

Unlawful Interrogation in police custody:

There are also examples of unlawful interrogation in police custody, for instance, within the case of the death of Lynette White, Cardiff sex worker who was brutally murdered on 14th February 1988, which led to the wrongful arrest and scrutiny of five Black men who became known as the ‘Cardiff Five’ and resulted in the wrongful imprisonment of three.

One of the five, Stephen Miller, boyfriend of Lynette, confessed to the killing, implicating the other four, after he was interviewed on 19 occasions over a period of four days for a total of 13 hours⁴⁷. Miller, who had a mental age of 11, was denied access to a solicitor for the first two interviews. Once the case got to court, Miller retracted his confession explaining that he was put under so much pressure, he just agreed with what detectives said⁴⁸. The reality was, that Miller had no idea what had happened to his girlfriend.

Most shockingly, after analysis of police tapes, it was heard in the Court of Appeal, in 1992, that Miller denied being at the scene of the murder or knowing what happened over 300 times on the tapes, before making his confession⁴⁹. It was therefore argued that it was wrong to use police interviews as evidence to convict Miller as the interviews were tainted by the officer’s ‘oppressive’ conduct. The interviewing officers were not questioning him, but shouting at him what they wanted him to say, short of physical violence, it is thus hard to conceive of a more hostile and intimidating approach by officers to a suspect.⁵⁰ As well as that Miller’s solicitor did not intervene and was also criticised.

We therefore argue that the behaviour of the interviewing officers at South Wales Police and subsequent treatment of Stephen Miller and the other members of the Cardiff Five were a clear violation of human rights.

A number of other incidents further tainted the integrity of the investigation, for instance, South Wales Police coerced a number of individuals into making false witness statements, one of which included Leanne Vilday, close friend of Lynette White⁵¹. Vilday had a young mixed ethnicity child at the time, and the police showed her photos of young BME children who had been physically abused

⁴³ <https://www.bbc.co.uk/news/uk-england-london-28153863>

⁴⁴ <https://www.runnymedetrust.org/uploads/Race%20and%20Policing%20v5.pdf> p.14

⁴⁵ *Ibid*

⁴⁶ <https://www.policeprofessional.com/news/edir-da-costa-death-during-detention-ruled-misadventure/>

⁴⁷ <https://www.bbc.co.uk/programmes/p071cll5> episodes 1-13

⁴⁸ *Ibid*, episode 4

⁴⁹ <https://www.theguardian.com/uk/2012/sep/17/cardiff-three-five-wait-justice>

⁵⁰ <https://innocent.org.uk/2016/04/30/the-cardiff-three-and-the-lynette-white-murder-case/#prettyPhoto>

⁵¹ <https://www.theguardian.com/uk/2012/sep/17/cardiff-three-five-wait-justice>

in care and told her that this would happen to her son if she went to prison for not cooperating with the police⁵². Furthermore, other witnesses such as Angela Psaila and Paul Atkins also admitted to lying in parts of their statements, claiming that the police had told them to say certain things. Alongside this, no DNA whatsoever was found at the scene and all five men had an alibi; Yusef Abdullahi's was the most watertight, as it was corroborated by 13 others⁵³. However, the police instead listened to one individual who claimed they saw him in a pub near the murder scene. The BBC Sounds podcast, 'Shreds: Murder in the Dock' contains a detailed account on the murder and subsequent proceedings in its 13 episodes⁵⁴.

Once again, the officers involved were never convicted for perverting the course of justice. The UK's biggest trial of ex-police officers collapsed when files relating to complaints by an original defendant were said to be missing, and were thought to have been shredded⁵⁵. The destruction of the files along with the non-recording of destruction meant that it would be impossible to give meaningful reassurances that other material had been treated similarly, thus undermining the defence's confidence in the disclosure process⁵⁶. Given the stage reached in the proceedings, the correct course of action was to offer no evidence, thus inviting verdicts of not guilty and ending the trial, according to a CPS reviewing lawyer⁵⁷.

REF Case Study:

Earlier this year, REF assisted a Black individual who experienced mistreatment at the hands of Newport police which included racism, wrongful arrest, and excessive use of force. REF's beneficiary was racially abused by a white man in Newport who called them the 'n' word. Later that day, a police officer arrested our beneficiary as they left a club, citing the reason for the arrest as being a Section Five Public Disorder Offence. Following this, our beneficiary was thrown into the police van, where they fell hard onto their back, they asked for help to get up, to which the officer did not oblige. After 10 hours in the cell, the individual was brought out to have their fingerprints taken, at this time the individual asked if they could move to a different cell as the air conditioner in their cell was making a lot of noise and they saw there were five empty cells. Officers refused and sprayed REF's beneficiary with pepper spray, tackled the individual and kned them in their ribs. Screaming from the pain in their eyes, the individual repeatedly flushed the toilet to get some 'fresh' water to wash their eyes out. There were cameras in the cell, where officers could see what was happening, however, they did not help or offer water. After being held for over 24 hours in police custody, the individual was told find their own way back home to Newport – some 14 miles away from the police station that they were held at in Ystrad Mynach.

COVID-19 Fines:

As well as this, more recently during the COVID-19 pandemic, BME communities were subject to a disproportionate number of fines for breaking coronavirus rules, with the police in England issuing at

⁵² <https://www.bbc.co.uk/programmes/p071cll5> episodes 1-13

⁵³ *Ibid*, episodes 4-5

⁵⁴ <https://www.bbc.co.uk/programmes/p071cll5> episodes 1-13

⁵⁵ <https://www.bbc.co.uk/news/uk-wales-south-east-wales-15981541>

⁵⁶ *Ibid*

⁵⁷ *Ibid*

least 22 per cent of fines for contravening lockdown rules to 15.5 per cent of the population⁵⁸. BME individuals were thus 54 per cent more likely to be fined for breaching COVID-19 restrictions than their white counterparts⁵⁹.

The Nature of Police Complaints:

Furthermore, it is also worth briefly discussing complaints about the police and police misconduct here. Three per cent of all complaints made across England and Wales claim discrimination, according to the IOPC⁶⁰. In the South Wales force area specifically, 1.4 per cent of complaints relate to racial discrimination, this represents a raise in complaints about officers being discriminatory, and it is important to consider the wider impact this can have on public confidence in the police also. As well as this, despite the racial disproportionality in stop and search, in the South Wales force area, there have only been 27 complaints about stop and search in the last nine months. This suggests that there is under-reporting and an issue surrounding BME communities coming forward to complain about police behaviour they are not happy with. More research is therefore needed into what the barriers to reporting/complaining about police misconduct are within BME communities.

With such cases as Terrell Jones-Burton's, Dijon Joseph's, Edson Da Costa's, and Jimmy Mubenga's, alongside the others mentioned above, where there is blatant example of racial profiling and incorrect use of police powers, including use of excessive force that has resulted in death, reaching disappointing outcomes following a referral to the IOPC, it is no surprise we see an under-reporting from BME communities on police misconduct. Such examples only discourage BME communities further from reporting encounters with the police that they are not happy with, as within the aforementioned examples, the officers involved have been cleared of wrongdoing.

This therefore raises questions about whether the IOPC and the Police and Crime Commissioner are fulfilling their role in lawfully holding the police to account for misconduct. We therefore recommend the establishment of an independent body to start a clean slate and correctly investigate cases where there is evidence of police misconduct and to hold the police to account for such actions.

To enhance community relations and perceptions of the police, Race Equality First recommends the following:

- Officer training on how to correctly carry out stop searches and to make sure they are carrying out the six points outlined above every time as they are supposed to.
- A detailed investigation should take place into stop and search and whether the police power does more harm than good, focussing on what are the results of stop searches.
- The police need to carry out further research into what the barriers are for people from BME backgrounds to reporting police misconduct, especially in relation to a stop search they are not happy about, and how to mitigate these.

⁵⁸ <https://www.theguardian.com/world/2020/may/26/bame-people-fined-more-than-white-population-under-coronavirus-laws>

⁵⁹ *Ibid*

⁶⁰ https://policeconduct.gov.uk/sites/default/files/Documents/statistics/complaints_statistics_2019_20.pdf
p.8

- There is a need to go into schools/ colleges/ universities/ community centres etc. to educate people on their rights when it comes to stop searches. People need to be informed that they can report/ complain if they are not happy with a stop search.
- There is a clear need to diversify the force and more significant advances need to be made towards this goal.
- There is a need to go into schools to encourage children to pursue a career in the police.
- Officer training, on discrimination, and on how to attract a more diverse workforce would be beneficial to the police.
- A new independent body should be established to correctly investigate cases where there is evidence of police misconduct and to hold the police to account for wrongdoing.

Information concerning Government responses to anti-racism peaceful protests, within the meaning of resolution 43/1, including the alleged use of excessive force against protesters, bystanders and journalists, as well as applicable laws, regulations, policies, practices and other measures, and their impact and effectiveness.

Building on discussions of institutional racism within UK public sector institutions and specifically the police earlier on this response to the UN’s call for inputs, a recent report, released by the Network for Police Monitoring (Netpol) has concluded that the policing of UK Black Lives Matter (BLM) protests that took place this summer was institutionally racist⁶¹. Such protests emphasised peaceful action and abided by pandemic-related safety advice.

The report is informed by over 100 witness testimonies and details that police officers disproportionately used excessive force and kettling at BLM protests, mostly against Black protestors⁶². Examples of excessive force used included horse charges, one of which rendered a woman unconscious, baton charges, pepper spray and violent arrest, which were commonly reported and well-evidenced in the report⁶³.

One protester, quoted in the report describes how such tactics were used against them: “as I was leaving the area I was repeatedly pushed and bullied by the police, my arm was eventually twisted behind my back until I was lifted by five police officers and slammed into the pavement and then knelt on, it was only when I began to chant ‘I can’t breathe’ did they started to relax.⁶⁴” Another recounts how an officer “grabbed my banner and threw it. As this happened everyone started pushing. An officer from behind the first line literally jumped out of formation and punched me on the left side of my face...”. This was not the only violence the protester was victim to. They also recall how seven officers “pounced on [their sister] and pushed her head on the floor.” Attempting to help their sibling – who has asthma and heart problems — the protester was kicked in the stomach, thrown on the ground and arrested⁶⁵. The report also found that the police was “ineffective and

⁶¹ <https://seureservercdn.net/50.62.198.70/561.6fe.myftpupload.com/wp-content/uploads/2020/11/Britain-is-not-innocent-web-version.pdf> , p.4

⁶² <https://novaramedia.com/2020/11/12/policing-of-uk-blm-protests-was-institutionally-racist-new-report-finds/?fbclid=IwAR1e1zUoAmA-BnEoJuPgRPbHVGfTSYAVdlyXQjcQEhgDZW1IHUHsU0-tOPg>

⁶³ *Ibid*

⁶⁴ *Ibid*

⁶⁵ *Ibid*

discriminatory” in its failure to care for unwell or injured protestors, especially those who were Black or another racialised minority⁶⁶.

In conclusion, the findings of the recent Netpol report further support the arguments and recommendations made throughout this response and echoes the view that little has changed in relation to the finding of institutional racism within the police in 1999.

⁶⁶ *Ibid*