



RESPONSE BY THE PCC TO HMICFRS INSPECTIONS OF CLEVELAND POLICE

INSPECTION DETAILS

Race and Policing - race disparity in police criminal justice decision-making

Date Inspection Published 25 August 2023

Type of Inspection: Cleveland Specific National
 Follow Up Thematic
 Partner Inspection

Is Cleveland Police quoted in the Report? Yes No

EXECUTIVE SUMMARY OF REPORT

Leadership and governance

The report stated that over many years, there has been insufficient leadership from central government departments or senior police officers on race disparity in the police's criminal justice decision-making.

There are no relevant specific Government strategies, and the first published version of the Police Race Action Plan didn't mention criminal justice disparity. The statutory requirement to publish information on ethnicity for some aspects of the criminal justice system dates back to 1991 and section 95 of the Criminal Justice Act 1991.

The list of police criminal justice decisions that should be published hasn't been updated since. This is despite numerous reviews and inquiries calling for more transparency in how people from certain groups are treated by the criminal justice system. In comparison, in June 2022 the Welsh Government published the Anti-racist Wales Action Plan. The plan included a crime and justice section, with a commitment to decide by June 2023 what relevant data relating to disparity should be gathered and published. This was followed by a Criminal Justice Anti-Racism Action Plan for Wales.

The report noted that the lack of published data was unhelpful and that there was a lack of published data on disparity, both at a force level and throughout England and Wales, for most of the police criminal justice decisions we looked at. In 2005, the then Government published the independent Root and Branch Review of Race and the CJS Statistics. The

report made 32 recommendations. One of these was that Local Criminal Justice Boards should collect, collate and analyse criminal justice data relating to “Black and Minority Ethnic” people in their areas. The Government rejected this recommendation. Police powers aren’t consistently scrutinised. The police and relevant Government departments have done effective work to better understand disparity in stop and search. But there hasn’t been comparable scrutiny of other important police powers considered in this report. The Home Office has led on the need to understand the extent and causes of disparity in stop and search, and the use of force. But there has been much less work to explore the part that police decisions play in the race disparity that exists at each stage in the criminal justice process. HMICFRS found that all forces published information about stop and search on their websites. But none of the forces we inspected published any information about disparity in police criminal justice decision-making. There is clear evidence of race disparity in police criminal justice decision-making. We found that when police forces had analysed police criminal justice data, there was evidence of race disparity. But in most cases forces hadn’t carried out work to try to understand and explain the reasons for this.

The police need to improve the collection of ethnicity data relating to decision-making. At the time of the inspection, police forces weren’t recording ethnicity in a consistent way. This is needed for the effective and efficient gathering of data, which is an important first step towards managing and improving performance. Progress has been too slow on creating a single recording standard, and there hasn’t been enough strategic oversight of this important area.

The report identified some green shoots of activity. The Association of Police and Crime Commissioners (APCC) published race action plans for 2020/21 and 2021/22 that include specific actions relating to criminal justice matters. These can help police and crime commissioners (PCCs) make sure police forces contribute to our understanding of whether race disparity exists, and in what forms. The APCC also publishes a Race Disparity Toolkit twice a year. It helps police to promote equality and diversity principles locally and to fulfil their duties under the Equality Act 2010. And since December 2021, the APCC has annually published an Equality Framework, to provide guidance and help its members self-assess how they are meeting their equality duties locally. The framework is endorsed by the Equality and Human Rights Commission.

This range of resources for PCCs contrasts with a lack of information and guidance aimed directly at police forces themselves. Despite this, some forces have started to think about how they can develop processes for gathering relevant information on disparity, and what they should do with the results. In April 2023, the Home Office introduced a requirement that data it requests from forces should contain information about protected characteristics where this is held. This won’t compel forces to make changes to their systems to collect data that they currently don’t gather, but it is a positive first step. There is little external community scrutiny of police decision-making. There is little community involvement in the scrutiny of race disparity for most criminal justice decisions. Where there is scrutiny, it usually only involves out-of-court disposals. Even then, there is no consistency in the scrutiny processes used by forces. None of the forces we inspected published any

information about the scrutiny of disparity in criminal justice decision-making. There was some limited information published on PCCs' websites about out-of-court disposal scrutiny.

Recommendation 1 By 30 September 2024, the Ministry of Justice and the Home Office should include more police criminal justice decision points in the data that is required to be published because of section 95 of the Criminal Justice Act 1991. The requirements should specifically include ethnicity information for all out-of-court disposals, police decisions to charge and decisions to bail after charge.

Recommendation 2 By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with the Home Office and the Ministry of Justice to create an action plan that will make sure information from all forces on police criminal justice race disparity is better gathered, analysed, scrutinised and published.

Recommendation 3 By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with the National Police Chiefs' Council diversity, equality and inclusion lead to make sure that consideration of criminal justice race disparity is included in the revised National Police Chiefs' Council diversity, equality and inclusion strategy, Police Race Action Plan and associated documents.

Recommendation 4 By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with other relevant National Police Chiefs' Council leads, the College of Policing and the Association of Police and Crime Commissioners to give guidance to chief constables on police criminal justice race disparity. This guidance should include ways to gather, analyse, scrutinise and publish information on police criminal justice race disparity.

Recommendation 5 By 30 September 2024, the Home Office should revise its Crime Outcomes Framework. The revision should include: • ending the use of a single crime outcome type for all charges irrespective of whether the police or Crown Prosecution Service made the decision; and • introducing two distinct crime outcome types: one for charging decisions made by the police; one for charging decisions made by the Crown Prosecution Service.

Recommendation 6 By 30 September 2024, chief constables should make sure that forces carry out comprehensive analysis of race disparity in police criminal justice decision-making. Where this analysis indicates that people from ethnic minority backgrounds are disproportionately affected, police forces should explain, or revise, their ways of working.

Recommendation 7 By 30 September 2024, the National Police Chiefs' Council criminal justice lead should issue guidance to chief constables about using the Youth Justice Board summary disproportionality tool. This should include whether data-sharing agreements are required and how to incorporate the available data into the overall analysis, scrutiny and publication of police race disparity information.

Recommendation 8 By 30 September 2024, chief constables should make sure that information from the Youth Justice Board summary disproportionality toolkit relevant to the force area is included in their force's analysis of police criminal justice disparity.

FORCE RESPONSE TO RECOMMENDATIONS

All new reports into the Force follow a specific process which involves informing the Governance of Audit and Inspection (GAIN) Board, chaired by the Deputy Chief Constable, of the report's publication and identifying an Executive Lead to monitor/drive progress of the actions going forward.

A plenary session with the Exec lead and relevant stakeholders is held to discuss the actions and agree how they will be progressed. The outcome from this session is reported back to the GAIN Board for acceptance and approval; progress is then monitored through governance meetings until such a time as the action is considered complete.

The process for closing actions is depicted by HMICFRS, as they award each action a level; the Force complies with the appropriate course of action, linked to this level, to formally close the actions.

The report included 4 recommendations for forces:

- By 30 September 2024, chief constables should make sure that forces carry out comprehensive analysis of race disparity in police criminal justice decision-making. Where this analysis indicates that people from ethnic minority backgrounds are disproportionately affected, police forces should explain, or revise, their ways of working.
- By 30 September 2024, chief constables should make sure that information from the Youth Justice Board summary disproportionality toolkit relevant to the force area is included in their force's analysis of police criminal justice disparity.
- By 30 September 2024, chief constables should make sure that work takes place with communities, police and crime commissioners, and other agencies to establish or build on arrangements for the scrutiny of police criminal justice disparity.
- By 30 September 2024, chief constables should make sure that information about criminal justice disparity is published on force websites, or that force websites clearly link to other websites where this information can be found. Published information should include any explanations for identified disparity and actions forces will take to address it.

The report was presented to the GAIN Board on 20th September and an Executive lead was identified; a plenary session is being arranged to discuss and delegate the individual recommendations. In addition, the session will consider existing recommendations linked to the subject matter. All actions will be progressed over the coming months with the support of the Executive lead.

The Force continues to actively work to satisfy all recommendations and AFIs which are discussed regularly in the relevant Force Governance meetings.

PCC RESPONSE TO INSPECTION

Comment by the PCC:

I welcome HMICFRS' report. I have checked and has assurance that the overall process by which recommendations and Areas for Improvement (AFIs) are managed and monitored by the Force is efficient and effective. The Audit Committee will also maintain regular oversight of the programme of recommendations and AFIs.

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Response forwarded to Home Office

Response published on PCC website