



## **Norfolk's Police and Crime Commissioner (PCC) response to inspections published by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)**

Section 55 of the Police Act 1996 (as amended by section 37 of the Policing and Crime Act 2017) requires local policing bodies to respond and publish comments on all inspection reports pertaining to your force within 56 days of report publication.

### **Inspection Title:**

Race and policing: An inspection of race disparity in police criminal justice decision-making

### **Published on:**

25 August 2023

### **Publication Types:**

Race and Thematic inspection

### **Police Forces:**

All local forces in England and Wales

### **Link to Report:**

[Race and policing: An inspection of race disparity in police criminal justice decision-making](#)

### **Section 55 Response Deadline:**

20 October 2023

### **Key Findings**

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services' (HMICFRS) examined whether there is race disparity in police criminal justice decisions.

In July 2021, the Home Affairs Select Committee published a report summarising what progress had been made on the recommendations of the 1999 Macpherson Report. The report concluded that there had been some important improvements in some aspects of the police response. For example, in the policing of racist crimes, in the commitments made to promoting equality and diversity, and in good examples of local community policing. The report recommended that HMICFRS carries out thematic reviews of race and policing to provide scrutiny of the police service response. HMICFRS' programme of work on race and policing demonstrates their response to this recommendation.

This inspection focused on decisions made during criminal justice processes that affect individuals who are the subject of criminal investigations. For the purposes of this inspection, 'criminal justice processes' mean those activities that take place after the police have decided that a criminal act may have taken place.

HMICFRS began their inspection by asking all forces to complete a survey. Reviewing the survey responses helped the inspectorate to determine what they should look for in their fieldwork. The inspectorate then developed the criteria and indicators for their inspection.

HMICFRS carried out force fieldwork in two phases. Phase one consisted of interviews and focus groups in five forces. These were Hampshire Constabulary, Gloucestershire Constabulary, Gwent Police, Northamptonshire Police and Staffordshire Police.

In phase two HMICFRS carried out a case file review in the same five forces as well as Merseyside Police. The inspectorate asked these six forces to give them information about a range of offences that had been recorded between 1 April 2021 and 31 March 2022, and decisions made in relation to them. The inspectorate chose the following offences for review:

- Arrest
- Voluntary attendance (often used as an alternative to arrest)
- Community resolution (Home Office crime outcome type 8)
- Caution
- Charge (police only decision)
- Post-charge bail.

The fieldwork forces provided HMICFRS with information on 22,624 relevant crimes that had been recorded between 1 April 2021 and 31 March 2022. HMICFRS conducted analysis of these records, then they randomly selected 1,470 for their case file review.

In many cases, the inspectorate found clear differences between the experiences of people from different ethnic backgrounds.

HMICFRS identified a lack of consistency among forces in the recording, collection and analysis of relevant data makes it difficult to draw definitive conclusions, and for forces to understand and either explain or address any potential disproportionality. However, the inspectorate has identified opportunities for the police, and organisations they work with, to better understand and, where required, act to address race disparity in the police elements of the criminal justice system.

HMICFRS found that good supervision and effective organisational checks and balances were often absent. These are essential so that forces can reassure themselves and the public that decisions are being made legitimately.

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 looked at.

The police and relevant Government departments have done effective work to better understand disparity in stop and search but there has not been comparable scrutiny of other important police powers.

HMICFRS found that when police forces had analysed police criminal justice data, there was evidence of race disparity but in most cases forces had not carried out work to try to understand and explain the reasons for this.

At the time of the inspection, police forces were not 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 has not been enough strategic oversight of this important area. Police officers are not given adequate guidance and training about why it is important to gather accurate information on the ethnicity of the people they come into contact with.

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 inspected published any information about the scrutiny of disparity in criminal justice decision-making. There was some limited information published on Police and Crime Commissioners' websites about out-of-court disposal scrutiny.

## **Recommendations**

13 recommendations were put forward by HMICFRS within their report, four of which were directed at Chief Constables. These are detailed below using the same numbering from the report itself:

### **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 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.

### **Recommendation 10:**

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.

### **Recommendation 11:**

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.

### **Areas for Improvement**

There are no areas for improvement made.

## Chief Constable response to report and any Recommendations/Areas for Improvement

This report entitled "*Race and policing - An inspection of race disparity in police criminal justice decision-making*", which was published by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) on 25 August 2023, details the Inspectorate's findings following their review into how decisions are made by the police during criminal justice processes. The Inspectorate examined whether these decisions are being made fairly and consistently, and if the police are using information to help them understand whether their decisions may be influenced by the characteristics of the people involved.

The inspection was partly informed by the responses that HMICFRS received to a survey which was sent to all police forces across England and Wales. HMICFRS also used the survey responses to determine the six police forces that would be the focus of their fieldwork. The fieldwork included interviews, focus groups and case file reviews within the selected force areas.

Whilst Norfolk Constabulary was not one of the chosen fieldwork forces, HMICFRS' findings have resulted in four recommendations being made to all forces and Chief Constables across England and Wales.

The Constabulary accepts all these recommendations. We have reviewed our current position against each recommendation and are developing plans to ensure that we achieve the standards outlined, and within the timeframes set by HMICFRS.

### 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.**

This recommendation includes analysis relating to arrests, voluntary attendance, community resolutions, cautions, charge, and post-charge bail. Some analysis of racial disparity has been completed by our Joint Strategic Business and Operational Services (SBOS) department. This recommendation will be taken forward by our Head of Joint Justice Services Command, who has commissioned a review to determine whether the analysis that is already being undertaken is sufficient to meet the first part of this recommendation. Depending on the outcome of this review, further analytical work may need to be commissioned. When we have a sufficiently developed product, it will be subject to review and scrutiny in line with Recommendation 10, and should any disproportionality be identified in relation to people from ethnic minority backgrounds, we undertake to provide an explanation or if necessary, to revise our ways of working.

### Recommendation 8:

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

An agreement has been secured with Norfolk Youth Justice Services that they will share relevant information from the Youth Justice Board summary disproportionality tool with the Constabulary. This data will be incorporated into the race disparity analysis that will be produced by our Strategic Business and Operational Services (SBOS) department in accordance with Recommendation 6.

**Recommendation 10:**

**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.**

In tandem with the work that will be progressed to ensure that we have a police criminal justice disparity analytical product that meets the requirements of Recommendations 6 and 8, the Constabulary will identify appropriate scrutiny forums to examine this data. This will include community scrutiny forums. This recommendation will be progressed during the coming 12-months in conjunction with the Police and Crime Commissioner for Norfolk and local Criminal Justice partners.

**Recommendation 11:**

**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.**

This recommendation will be delivered once the Constabulary has had the opportunity to progress the actions required to achieve recommendations 6, 8 and 10. When we have a fully developed police criminal justice disparity analytical product (informed by Youth Justice Board disproportionality data), which is subject to scrutiny by appropriate forums, we will then be in a position to publish the data, publish our findings, and publish our actions on the Constabulary website. Alternatively, should we agree with our partners that it would be better to publish this information on any other website, we will provide a clear link to it from our own website.

## **PCC response to report and any Recommendations/Areas for Improvement**

I use HMICFRS' reports as a useful 'handrail' to supports my scrutiny of Norfolk Constabulary and associated community safety functions. I thus welcome this report on Race and Policing in that spirit.

I note the four recommendations applicable to Chief Constables and their forces (Recommendations 6, 8, 10 & 11) and I note my Chief Constables responses to these. In particular, I believe that my office has a part to play, perhaps through Norfolk's Independent Advisory Group, in setting up a community scrutiny panel as an extension of my scrutiny function.

I would also like to highlight a concern that HMICFRS' report does not cost the recommendations made in terms of either time or money. There is a growing need to identify costs given the steady flow of recommendations arising from HMICFRS' numerous reports. The time is coming when budget pressures could mean that implementation of recommendations may have to be done on a priority basis rather than because the need has been identified.

### **For Office Use Only:**

- Response submitted to the HMICFRS Monitoring Portal.
- Response forwarded to the Chief Constable.
- Response forwarded to the Norfolk Police and Crime Panel.
- Response published on the OPCCN website.