Racist incidents: progress since the Lawrence Inquiry

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Background and aims

In April 2000, in response to the Lawrence Inquiry, the Home Office produced a Code of Practice which sought to establish effective and consistent procedures for local agencies on reporting and recording racist incidents. The Code also aimed to build trust and confidence in the police and other agencies, to increase victim satisfaction with the handling of racist incidents and to aid in their prevention. This report examines the progress that has been made in handling racist incidents since the publication of the Code. The importance of tackling racism and taking forward the Lawrence Inquiry recommendations remains an important issue on the police reform agenda, set out in the White Paper *Building Communities, Beating Crime* (2004).

The primary aim of this research was to assess the effect of the Code of Practice on policy and practice in the relevant organisations, and to identify, where possible, the reasons for these effects.

Methods

The two main phases of the study drew on a range of quantitative and qualitative sources. The first phase looked at the impact of the Code on the policies and practices of the police service and other agencies through postal surveys of all police forces and a sample of local authorities in England and Wales. The surveys examined the extent to which the Code had been adopted, the use of recording forms, third party reporting centres, and levels of multi-agency working. The surveys aimed to develop an organisational picture and were supported by secondary analysis of Section 95[1] data on racist incidents.

The second phase provided a more in-depth analysis of the Code's effects in three case study areas. This phase of the research examined the attitudes and practices of individuals rather than organisational infrastructure and policies. Face-to-face interviews were conducted with police officers in specialist roles related to race issues, local authority and voluntary agency representatives, victims of racist incidents and perpetrators of racist incidents. In addition, focus groups were conducted with operational police officers in the three areas.

Definition

The Stephen Lawrence Inquiry recommended that a racist incident should be defined in a way which did not rely on a police officer's interpretation of the offence. Recommendation 12 set out a new definition which has been adopted by the police, central and local government for recording purposes. It is as follows:

> *A racist incident is any incident which is perceived to be racist by the victim or any other person.* (Macpherson, 1999)

This study concentrated on the reporting and recording of racist incidents by the police and other agencies, hence the term 'racist incident' is used throughout the report.

Findings

Racist victimisation and recorded incidents

- Evidence from the British Crime Survey (BCS) showed that the level of racist victimisation fell in line with the crime rate overall over the past few years. At the same time, police recorded racist incidents increased. This pattern is consistent with the Code having led to improvements in police and other agencies' policies and practice.

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[1] Section 95 statistics are those published on Race and Criminal Justice System as a statutory requirement under the 1991 Criminal Justice Act.

- There was some regional variation in the officially recorded levels of incidents which might reflect the geographical spread of people from Black and minority ethnic backgrounds and also better recording practices by some forces.

- The Code encouraged the various agencies to record information on victims' race and ethnicity but this information was not always being analysed or passed on to central government for collation and analysis.

- The majority of racist incidents tended not to be very serious, but included harassment, public order offences, criminal damage, verbal abuse and common assault. However, these incidents could have severe impact over a long time period, particularly for those repeatedly victimised.

Reporting and recording

- Public reporting of racist incidents to the police and other agencies had increased. However, levels of under-reporting were still thought by police and other agencies to be high, although more serious incidents were more likely to be reported. Police officers, staff from other agencies and victims gave varying reasons for under-reporting, but many respondents said that more could, and should, be done to continue to increase reporting through increasing trust and confidence.

- Police and other agency representatives thought recording levels had increased owing to the Lawrence Inquiry and the subsequent introduction of the new definition of a racist incident. Where under-recording occurred, police officers, staff and others said it was because the incident was thought by the police to be minor, because police officers did not understand the definition or thought there would be additional work required, and/or because of race issues e.g. police officers may have held negative views of certain ethnic groups or failed to understand why something may be interpreted as racist.

- The recording forms used by agencies interviewed for this research generally met the minimum data content set out by the Code. However, some agencies did not have shared forms so information sharing was made more difficult and intelligence that might aid prevention was unlikely to be collated accurately.

- Whilst there were some good examples of schools and Local Education Authorities (LEAs) monitoring and recording racist incidents there were also major problems with these issues for educational establishments in all of the case study areas.

Handling of racist incidents

- There were well-developed systems of supervision of police investigations of racist incidents in each of the case study sites. The scrutiny of police investigation by the multi-agency panel in one area was thought by those involved to help increase levels of transparency and accountability.

- Victim satisfaction, which surveys have found to be lower for victims of racist incidents, was variable for interviewees in the study. Victims and agency representatives cited the following factors as critical to satisfaction: providing a quick response; keeping victims informed (and consistency of contact); dealing with perpetrators effectively and appropriately; and generally treating victims with respect and sensitivity.

- The respondents' perceptions of the police and other agencies' treatment of victims and witnesses suggested an improvement, compared to the era prior to the Lawrence Inquiry, in terms of increased sensitivity and understanding of the issues, and greater willingness to deal with racist incidents. However, treatment was still dependent on the individual police officer handling the case. Operational officers' understanding of the issues and treatment of victims was generally poorer than that of the specialist officers.

- Whilst specialist officers and some other agencies were very good at keeping victims and witnesses informed of progress, operational officers, by their own admission, were often poor. Various respondents – police officers, agencies representatives and victims – suggested that the

CPS were also poor at keeping victims informed about progress in their court cases and the final outcomes.

- Some officers in the case study sites said they had not been trained in handling victims and witnesses and some officers with considerable length of service had still not received the Community and Race Relations training (including some specialist officers). Training was also an issue for third party reporting centres as some were unsure how to handle racist incidents or complete the recording process.

- The number of prosecutions for racially aggravated offences rose sharply between 1998/99 and 1999/00, and continued to rise steadily until 2003/04, despite a fall in recorded incidents between 2001/02 and 2002/03. However, there were still some problems with the information the police provided to the Crown Prosecution Service (CPS). There were also some instances cited by officers where the CPS downgraded offences from the racially aggravated category to the basic offence in order to achieve a prosecution. The CPS were sometimes said by police respondents to be failing to take into account why a racist offence should be treated more seriously.

Inter-agency working

- Whilst third party reporting centres were more widely available throughout the country since the Code, areas with smaller Black and minority ethnic populations were less likely to have structures in place. The availability of 24-hour reporting outside of a police station was still very limited.

- Respondents said that the overall number of multi-agency panels seemed to have increased but there were problems in more rural areas in engaging the relevant agencies. The panels carried out a variety of work including monitoring levels of incidents, training third party reporting centres, scrutinising police investigations, education and publicity.

- The vast majority of forces and local authorities used the information they collated on racist incidents to do some level of statistical analysis and look at trends and patterns. However, some agencies found this more difficult as they did not have an information technology system.

- There seemed to be relatively little work being carried out to tackle perpetrators' views or prevent potential perpetrators from committing racist incidents or holding racist views. However, the Probation Service was carrying out some promising work attempting to address behaviour and beliefs and prevent future offending, which was being evaluated.

Conclusions

- This research found that the Code, along with the Lawrence Inquiry, had some positive impact in improving the reporting and recording procedures and practices of the police and other agencies, but there remained room for improvement, particularly in the recording of incidents perceived by victims to be less serious but which might have a cumulative impact and provide useful intelligence for prevention activity.

- Trust and confidence in the police and other agencies' handling of racist incidents seemed to have improved along with the agencies' handling of the incidents. However, interviews suggested that under-reporting by victims remained considerable and that their satisfaction with the handling of incidents was dependent on individual officers and did not suggest a consistent approach between or within forces.

- Multi-agency working had increased and in some areas seemed to be working well; at the same time, access to third party reporting centres had increased.

- Some promising work was being carried out by the Probation Service to tackle perpetrators' views but individual agencies and multi-agency panels needed to carry out more analysis and monitor the profile of perpetrators to help increase understanding of the problem and aid prevention.

Recommendations

- Maintaining and developing multi-agency working and third party reporting would improve accessibility, increase reporting and aid information sharing, and help to standardise recording. Continued efforts needed to be made to build on the progress to date. More data analysis and preventative work needed to be carried out at a local level by a range of organisations.

- Multi-agency panels needed to continue to engage with education providers and encourage reporting and recording, and the local education authorities and the Department for Education and Skills could provide a strong central steer. More could be done to publicise third party reporting centres, in more innovative ways.

1. Introduction

This study examined the progress that made between 1999 and 2004 by the police and other agencies, in handling racist incidents in response to the Lawrence Inquiry report recommendations and the Home Office response: the *Code of Practice on Reporting and Recording Racist Incidents*. Tackling racism and taking forward the recommendations of the Stephen Lawrence Inquiry (Macpherson, 1999) still remain at the heart of the police reform agenda. Dealing with racist incidents effectively is seen to be key in increasing trust and confidence in the police amongst people from Black and minority ethnic (BME) communities. Effective reporting, recording and handling of racist incidents, and long-term preventive work are key elements of a wider community safety agenda, which cannot be delivered by the police alone and is acknowledged to require a multi-agency approach.

The evaluation was commissioned by the Lawrence Steering Group racist incidents subgroup. The Lawrence Steering Group was established to oversee the implementation of the Inquiry's recommendations.

Aims of the research

The primary aim of the research was to assess the Home Office's (2000) *Code of Practice on the Reporting and Recording Racist Incidents* against its aims. The aim of the Code was to establish effective procedures for all relevant agencies following recommendation 15 of the Stephen Lawrence Inquiry; its purpose and scope are described in more detail below. The Code did not set out any specific targets, although it highlighted the introduction of two Best Value Performance Indicators[2]. Data were not available for these indicators prior to the Inquiry and they could therefore not be used to assess developments.

The development and content of the Code of Practice

This section provides the key background for the evaluation by setting out how and why the Code was developed, along with its aims and scope.

Stephen Lawrence Inquiry

Following the racist murder of Stephen Lawrence and the subsequent collapse of the prosecution, the Home Secretary established an Inquiry to investigate the police handling of the case. The Inquiry sought to "identify lessons to be learned for the investigation and prosecution of racially motivated crimes" (Macpherson, 1999) and look into the lack of trust and confidence in the police amongst BME communities. The Inquiry found that the police investigation was marred by institutional racism and professional incompetence. It made 70 recommendations for the police and other agencies. Recommendations 12-17 specifically addressed the reporting and recording of racist incidents and emphasised the need for multi-agency working.

The Code's aims and scope

In response to recommendation 15, the Home Office published the *Code of Practice on the Reporting and Recording Racist Incidents* in April 2000. The Code was published on behalf of the Racist Incidents Standing Committee (RISC) which brought together all Home Office units, government departments, and other agencies with an interest in the issue.[3] RISC aimed to encourage all relevant agencies to address the problem of racist incidents, both individually and in collaboration.

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[2] The percentage of racist incidents where further investigative action is taken, and (for local authorities) the number of racist incidents recorded by the authority per 100,000 population.

[3] RISC comprised: all relevant Home Office units; the Association of Chief Police Officers (ACPO); the Metropolitan Police Service (MPS), Her Majesty's Inspectorate of Constabulary (HMIC); the Association of Chief Officers of Probation, the Crown Prosecution Service; the Department for Education and Employment (DfEE), the Department of Environment, Transport and the Regions (DETR); the Lord Chancellor's Department; the Commission for Racial Equality; the National Association for the Care and Resettlement of Offenders; Victim Support; the Association of Police Authorities (APA); and the Local Government Association.

The Code was intended to improve racist incident reporting and recording practices in order to increase public trust and confidence in the police and other agencies. It sought to establish effective and consistent procedures for local agencies, because the Inquiry had shown that practice varied considerably. The Code was applicable to all statutory, voluntary and community groups involved in the multi-agency reporting and recording of racist incidents. Any agency which participated in local arrangements to facilitate reporting of racist incidents was expected to comply with the code. The introduction of the Code highlighted the need for a co-ordinated response amongst agencies at local level which would help to prevent racist incidents, as well as deal with racist incidents which had already occurred.

The Code emphasised that improvements were needed in the treatment of victims and witnesses throughout the criminal justice system. It suggested that locally agreed protocols should ensure that victims would be kept informed of progress. Overall a need was identified to increase victim satisfaction and develop knowledge of racist incidents to aid prevention. The increased consistency and clarity of recording associated with following the Code was intended to enable action to help victims of racism, and to deal effectively with perpetrators. It was not intended, however, to cover the investigation of incidents or crimes, which was primarily the responsibility of the police. Separate guidance for the police on this issue was produced by the Association of Chief Police Officers (ACPO) (2000 and 2002).

The Code's recommendations

The Code was essentially framed as guidance for agencies. Rather than being focused on delivering specific outcomes, it concentrated on improvements to processes which would lead to improved reporting and recording of racist incidents and contribute to the overarching aim of the Lawrence Inquiry recommendations – to improve people from minority ethnic communities' trust and confidence in the police. This evaluation did not seek to address the overarching goal of improved trust and confidence but rather confined itself to assessing the extent to which the reporting, recording and preventive activity have progressed since the Lawrence Inquiry. The Code focused on a number of core areas, which prompt key research questions.

- **The Lawrence Inquiry definition** – The Code recommended that all agencies should use the definition of a racist incident as set out in the Stephen Lawrence Inquiry:

  A racist incident is any incident which is perceived to be racist by the victim or any other person. (Macpherson, 1999)

  The definition was seen to be clearer than that of a 'racial incident' used previously by the police service. There was no focus on the motivation of the offender or prioritisation of the police view and the definition was victim-oriented, and encompassed crimes and non-crimes. The definition also aimed to ensure that investigations took full account of the possibility of a racist dimension, and that statistics were collected on a uniform basis. Recommendation 68 of the Inquiry underlined that schools should also record incidents based on this definition.

- **Recording requirement** – The Code set out a minimum data requirement for forms used by agencies for recording racist incidents. The standard was set not only to provide accurate statistics at national and local levels, but also to facilitate support to the victim and enable intelligence gathering to aid prevention of racist incidents. Information could also be collected that might help deal with perpetrators and focus resources on areas of need.

Research questions

- What evidence is there that reporting and recording of racist incidents has changed since the Lawrence Inquiry and the issue of the Code of Practice?
- What types of incident are reported and recorded? Are there any gaps?
- Has the Lawrence definition of a racist incident been understood and adopted by the police, local authorities and local voluntary agencies?
- Are all the appropriate statutory and voluntary agencies signed up and using recording forms which conform to the minimum data requirement in the Code of Practice?

- **Third party reporting** – Lawrence recommendation 16 stated 'that all possible steps should be taken by police services at local level in consultation with local government and other agencies and local communities to encourage the reporting of racist incidents. This should include:

  – the ability to report at locations other than a police station (third party reporting centres); and
  – the ability to report 24 hours a day.'

  The Code embraced this recommendation and suggested that local areas should give further consideration to what agencies and organisations could be used as reporting centres. This increased flexibility in reporting was seen to support the aim of gathering as much information as possible about racist incidents to inform preventative measures.

- **Inter-agency working** – The Code suggested that all areas should use multi-agency panels, or a common monitoring system, so that agencies could work together to tackle racist incidents. The Code outlined the best way to do this so that the confidentiality of victims was protected.

Research questions

- What facilities are there for third party reporting?
- To what extent are third party reporting centres used?
- What is the quality and consistency of their recording?
- What is the extent and effects of multi-agency working?
- To what extent are data and intelligence from recording forms shared between agencies and used to target support to victims, prevent racist incidents and tackle perpetrators?

- **Victims and witnesses** –The Code stated that all agencies should deal with victims and witnesses of racist incidents sensitively and with understanding. The needs of victims and witnesses were highlighted as central to any police investigation, and a need to improve their treatment throughout the criminal justice system was outlined. The Code suggested that a locally agreed protocol should be in place to ensure that responsibility for keeping victims informed of the progress of their case was taken by either the police, the agency that took the initial report, or another agency, for example the Crown Prosecution Service. The Code recommended that all agencies should ensure that staff receive training specific to their continuing development needs in order that incidents be recorded, and victims dealt with, effectively.

Research questions

- How are victims and witnesses treated by the police and others?
- What are the main factors that affect victims' satisfaction?
- What level and quality of training is provided by agencies?

Research methods

The aim of this study was to assess progress against the aims and recommendations set out in the *Code of Practice on Reporting and Recording Racist Incidents*, with regard to policy and practice in key agencies including the police service, local authorities, voluntary agencies and the Crown Prosecution Service. The lack of clear outcome measures led to the selection of a multi-method design, which would allow analysis at three levels.[4] Information from secondary analysis of national statistics was set alongside findings from surveys of police force and local authority contacts and complemented by detailed case study material exploring practice on the ground. Additional data collection was carried out to fill gaps in understanding on, for example, action to tackle perpetrators. Three principal complementary stages were conducted after the initial literature review:

- analysis of secondary data;

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[4] More information about the methodology may be obtained by contacting the Home Office.

- a postal survey of all forces in England and Wales and all unitary, county, metropolitan and London local authorities on the mailing list obtained from the Local Government Association (126/150)[5];
- case studies in three forces.

Secondary data analysis

The following secondary data sources were analysed in order to assess whether national statistics were consistent with a positive impact of the Code:

- British Crime Survey statistics on racist victimisation;
- Section 95 (s95) ethnic monitoring data recorded by police; and
- Crown Prosecution Service annual racist incident monitoring data.

Analysis of variation at force level and change over time level was carried out to assess whether there was likely to be increased consistency in recording practices.

Postal surveys

The postal surveys aimed to assess compliance with the Code at an organisational level.[6] The questions asked covered:

- adoption of Code recommendations;
- use of recording forms;
- prevalence of third party reporting centres; and
- multi-agency working.

The purpose of the surveys was to assess the extent to which the Code had been implemented and to understand how it linked to policies and practices. The survey responses may have reflected respondents' subjective views rather than an organisational response. The responses may also have provided a picture of the policies in place rather than practice on the ground, hence the need for case study work to explore agencies' activity at the local level.

The postal surveys covered all police forces in England and Wales (targeted at the department responsible for racist incidents, e.g. community and race relations) and a sample of 126 local authorities provided by the Local Government Association, targeted at the chief executive or race equality officer. The 32 borough-based Community Safety Units (CSUs) in the Metropolitan Police Service (MPS) were surveyed separately because of the size of the force and the proportion of racist incidents it records. Responses were received from 41 (out of 43) forces, 45 per cent of authorities in the sample (57) and 50 per cent of CSUs (16). Local authority respondents from London Boroughs constituted a third of the achieved sample (17/57).

Case studies

The case study phase examined issues associated with the Code's impact on the ground, looking at three areas. This phase sought to explore the attitudes and practices of individuals, to set alongside the organisational or policy perspective. The case studies were intended to enable a rich and more detailed understanding to be developed of how policies were implemented in practice and the nature of issues arising at that level, rather than being representative of the police service as a whole. The sites (described in Box 1.1) were purposively sampled to cover:

- both urban and rural areas;
- different regions;
- different concentrations and types of BME communities; and
- different rates of recorded racist incidents.

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[5] District authorities were not surveyed.
[6] The questionnaires were sent out in March 2003.

Box 1.1: The case study sites

- **Southern Force** – A mixed force covering both urban and rural areas, which was relatively small. The resident population was just under 0.5m, about 14 per cent of which were from visible BME groups (higher than the national average). There were 0.59 recorded racist incidents per 1,000 total population (or 6.55 per 1,000 BME population[a], which was relatively low).

- **Rural Force** – The force covered a large area and had a population of about 1.5m. It was mainly rural with a couple of towns and cities, one of which contained a site to which asylum seekers were dispersed. Visible BME groups made up only a small proportion of the resident population (1.2%). However, the force had a rate of 0.55 racist incidents per 1,000 total population (which is the equivalent of 22.77 per 1,000 BME population[a]; one of the highest rates).

- **Northern Force** – A large force in terms of resident population (1.8m) and number of officers and staff. The force area had a notable BME population, accounting for almost 12 per cent of the total. There were 1.43 racist incidents per 1,000 total population (equal to 5.80 per 1,000 BME population[a]). The area contained large urban areas and contained a site to which asylum seekers were dispersed.

[a]Incident rates based on the local BME population are indicative only. Such figures should be treated with a high degree of caution because they compare incidents for the total population (including White people) with only the BME population. Racist incidents data from the s95 statistics were not available by ethnic group.

The fieldwork for the in-depth phase was carried out between November 2003 and March 2004. The samples were selected by a force contact, nominated by the chief officer, who liaised with the Home Office throughout. They were asked to provide a sample of the following groups.

- **Specialist police officers** – A set number of interviews with specialist officers was requested in each site. Roles and duties varied in each site, so the sample varied by site and included diversity, hate crime or community beat officers and force race or diversity contacts.[7] Face-to-face interviews were carried out with 26 officers, only one officer in Northern Force did not attend at the appointed time. The semi-structured interviews investigated respondents' direct experience of working with racism and the implementation of the Code. It is important to recognise that, because of their specialist role, respondents were likely to have greater knowledge and understanding of the issues, and are unlikely to be representative of the force.

- **Operational police officers** – Focus groups were carried out with beat and response officers to gather the views of non-specialists who would deal with racist incidents as part of their general duties. The sample was selected by the force contact, five or six non-specialists (i.e. response officers) were requested for each focus group in each force. They contained officers from across basic command units in a force, principally so that the research did not have undue impact on officer strength in any single basic command unit, but with the added benefit that officers from different shifts were interviewed. Two focus groups, with 5-6 officers, were carried out in each site. A total of 32 officers participated (see Table 1.1). The sample included 25 men and 7 women and, although participants were not asked their ethnicity, one participant in Southern Force and one in Northern Force were assessed by the lead researcher to be from visible BME groups. All the officers selected attended, although in Northern Force, one group took place shortly after the documentary *Secret Policeman* was aired, so respondents asked not to be taped and detailed notes were taken by the researchers instead.

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[7] Including, for example: community, asylum or school liaison officers, hate crime investigators, beat managers, and heads of community and race relations department (or equivalent).

Table 1.1: Officer focus group sample by gender

	Male participants	Female participants
Southern Force group 1	4	2
Southern Force group 2	5	0
Rural Force group 1	4	1
Rural Force group 2	3	2
Northern Force group 1	4	1
Northern Force group 2	5	1
Total	25	7

The group discussion focused on officers' local areas, training and guidance on racist incidents, the reporting and recording process, victims and witnesses, and multi-agency working. Stimulus material, based on real examples of racist incidents, was used to elicit officers' views on different ethnic groups, types of incidents, and their understanding of a racist incident (see Appendix 1).

- **Local authority and voluntary agency representatives** – Face-to-face interviews were carried out with 27 respondents from across the case study sites. Again, because of differing roles and levels of access, a range of different respondents were interviewed.[8]

- **Victims** – Fifteen interviews were carried out with victims of racist incidents. Because of difficulties in identifying victims directly and data protection issues, respondents were identified and recruited through a third party based on police advice.[9] The interviews focused on the victims' backgrounds, their perceptions of racism and victimisation in their area and their experiences of racist victimisation.

  The sample was purposive, and designed to include a range of respondents by sex, age, occupation, and ethnic, religious and domestic background. It included men and women, a range of ages (14 to 62 years), and people from different ethnic, national and religious backgrounds (e.g. Black, Pakistani, Mixed; Iranian; Muslim, Sikh and Jewish). The sample contained people in a range of domestic situations (e.g. living with parents, partners and children, or alone) and occupations (e.g. those working, retired, homemakers, students or voluntary workers).

- **Perpetrators** – Five interviews were also carried out with racist perpetrators (three face-to-face and two telephone interviews). Only a small number of interviews was possible as it was extremely difficult to identify and recruit perpetrators who were willing to take part in the study.[10] As with the victims, the perpetrators were approached through a third party based on the advice of the local police. Suitable respondents were identified and approached by the police in Southern Force, and via probation contacts in both Rural Force and Northern Force. The interviews focused on the perpetrators' backgrounds and views about their community, and they were asked to discuss their offending history. The interview process was informed by transcripts of interviews provided by the Probation Service.[11]

The samples were not intended to be representative of all victims or officers in the sites, but rather were intended to be broad enough to identify the widest possible range of issues relevant to the handling of racist incidents.

Interviews and focus groups were semi-structured and followed a topic guide developed by the research team. All the interviews and focus groups were fully transcribed and were coded according

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[8] Including representatives from, for example: a local school, local authorities, local education authorities, police authorities, Victim Support, and RECs.
[9] Southern Force – police contact (2 respondents); Rural force – local REC contact (4 respondents); and Northern Force – Victim Support and local REC contact (9 respondents).
[10] No incentives were paid to any participants in this research.
[11] Two pre-sentence report interviews with perpetrators which were carried out by a probation officer specialising in racist offending in London were observed and recorded in order to inform subsequent interviews in terms of how beliefs and attitudes could be elicited. Transcripts of three qualitative interviews with racist perpetrators carried out by the London Probation Service were also analysed. These interviews examined the impact of a diversity programme aimed at addressing racist behaviour and provided some useful information on the nature of offending.

to a framework which was developed by the lead researcher and tested with others in the team. The coding was carried out by the lead researcher. After coding the transcripts, the lead researcher analysed them within interview types and case study area for breadth and consistency of responses. Issues were reported for 'some officers' or ' some respondents' in a case study site where more than three of those interviewed mentioned the issue (out of an average total of 32 in each site: eight specialist officers, seven other agency interviews, 12 operational officers in focus groups and five victim interviews). 'Many' or 'the majority' is used where more than half the respondents mentioned an issue.

Analysis was then carried out to compare the picture in each case study site with the others, to determine where there were similarities and differences – Rural Force tended to be different to Northern and Southern Force across most of the items coded in the analysis.

Defining racist incidents

In response to recommendation 12 of the Stephen Lawrence Inquiry, the police adopted the following definition of a racist incident, which did not necessarily rely on an officer's interpretation or an assessment of racial motivation:

> *A racist incident is any incident which is perceived to be racist by the victim or any other person.* (Macpherson, 1999)

The Lawrence definition was also formally adopted by central and local government. The Code noted that the definition referred to both crime and non-crime incidents and that agencies should be committed to recording both types of incident.

A number of terms have been used by different agencies and individuals in the context of racist crime (See Appendix 2). Bowling (1998) argued that the concept of 'violent racism' was most useful in describing the problem, as it allowed connections between racist discourses, exclusionary practices, and experiences of violence to be explored.

This report uses the term 'racist incidents' because it focuses on assessing changes in the understanding and actions of the police and other agencies, while accepting that the term is contested and does not cover unrecorded issues. The report also uses the term in a more general sense to embrace a wide range of victims' experiences (from abusive comments and harassment through to serious violence).

Structure of the report

Chapter 2 examines changes in the number and prevalence of racist incidents, as recorded by the police and the extent of racist victimisation as measured by the British Crime Survey. This picture is set against perceptions at local level, and progress in reporting and recording of racist incidents is assessed. Chapter 3 explores reporting and recording practices on the ground, and sets out reasons for under-reporting and under-recording and scope for improvement. Chapter 4 examines the development of inter-agency working in recording, tackling and preventing racist incidents. Chapter 5 looks at the handling of racist incidents, including treatment of victims, satisfaction factors, and examines related agency performance in terms of the investigation and prosecution of racist offences. Chapter 6 draws together the conclusions from the research and lists recommendations for policy and practice.

2. Trends since the Inquiry

The Code intended to improve reporting and recording practices in order to increase public trust and confidence in the police and other agencies. Improvements to reporting and recording would therefore be expected to lead to a rise in the number of recorded racist incidents, irrespective of change in the amount of racist victimisation. This chapter examines the changes in the numbers of racist incidents recorded by the police alongside self-report incidents of racially motivated crime, as measured by the British Crime Survey. The perceptions of victims, police and other agencies are then set out, to explore whether the picture presented by the national statistics fits with local understanding of the extent of change to reporting and recording and to explore any scope for further improvement.

Data sources

There are three main data sources which allow examination of the incidence and prevalence of racist crime and agencies' responses.

- Police data on racist incidents are published by the Home Office as part of the annual ethnic monitoring statistics on race and the criminal justice system (a statutory requirement under s95 Criminal Justice Act 1991). Data cover those incidents that have been reported to, and recorded by, the police.

- Crown Prosecution Service racist incident monitoring data are reported each year in an annual report. The data allow some assessment of the change in police recording practices.

- The British Crime Survey can provide estimates of racially motivated offences based on self-reports from respondents. The BCS provides a better measure of the number of incidents experienced by victims, because they include incidents which are not reported to or recorded by the police. BCS estimates give a more accurate picture of trends over time as they are unaffected by changes in reporting and/or recording.

Comparing these data sources allows conclusions to be drawn about changes in the incidence of victimisation and changes in police practices, and by association, the impact of the Code of Practice in response to the Stephen Lawrence Inquiry.

Recorded racist incidents

Recent s95 statistics showed that in 2003/04, there were 52,694 recorded racist incidents in England and Wales (Home Office, 2005). The number of recorded incidents, unsurprisingly, varied between forces, in line with their size and resident population. Figure 2.1 shows that between 1997/98 and 1998/99, recorded racist incidents in England and Wales rose by two-thirds, increasing from 13,878 to 23,049. In the following year, incidents doubled to 47,814. They rose by 11 per cent in 2000/01, and by a further two per cent in 2001/02 to 54,351. The sharp rise in recorded incidents coincided with the Stephen Lawrence Inquiry, and was sustained after the Code was published in 2000. Despite a drop between 2001/02 and 2002/03, the overall trend is consistent with the Inquiry and the Code having a positive impact on recording practices and public confidence to report.

Figure 2.1: Recorded racist incidents (1996/97 – 2003/04)
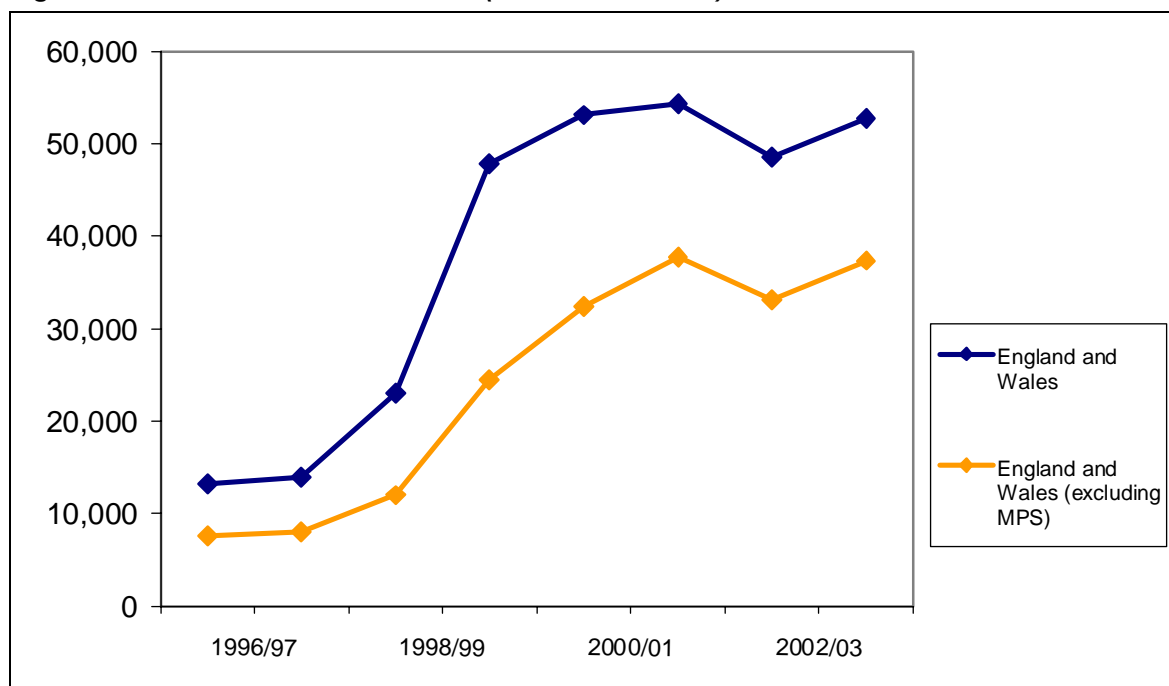
Source: adapted from Section 95 statistics, Home Office (2005).

The influence of the MPS on the national picture was important. Figure 2.1 shows that the increase in the number of recorded racist incidents was more marked in the MPS, consistent with the Stephen Lawrence Inquiry and the Code having had a stronger impact in the MPS. Earlier research showed that the MPS accounted for a high proportion of recorded incidents and racially aggravated offences (Burney and Rose, 2002), and that both racist victimisation and adults from Black and minority ethnic backgrounds were both concentrated in London (Clancy *et al.*, 2001). Urban areas are likely to suffer from a higher number of racist incidents because of the higher rates of BME resident population in cities, rather than rural areas, and higher urban rates of crime. There may also be differential recording practices with under-recording in rural areas due to relative lack of experience (Sibbitt and Fitzgerald, 2000). Several of the specialist officers in Rural Force suggested others in the force lacked experience and understanding of racist incidents, and interviews with operational officers confirmed specialists' judgements.

Crown Prosecution Service racist incident monitoring

All racist incident cases submitted by the police to the CPS for prosecution are supposed to be clearly marked in accordance with a national agreement between the police and the CPS (CPS, 2004). The CPS commence the tracking procedure. If, on reviewing the evidence, it is apparent that the case is a racist incident but has not been identified by the police, the reviewing lawyer will mark the case and ensure that it enters the system (CPS, 2004). Figure 2.2 shows that the number of incidents identified for CPS attention by the police rose steeply between 1998/99 and 2003/04, whilst over the same time period the number of additional incidents identified by the CPS remained steady, suggesting that changes in police practice, reflecting recording changes, were likely to be responsible.

Figure 2.2: Identification of racist incidents for CPS attention 1998/99 – 2003/04
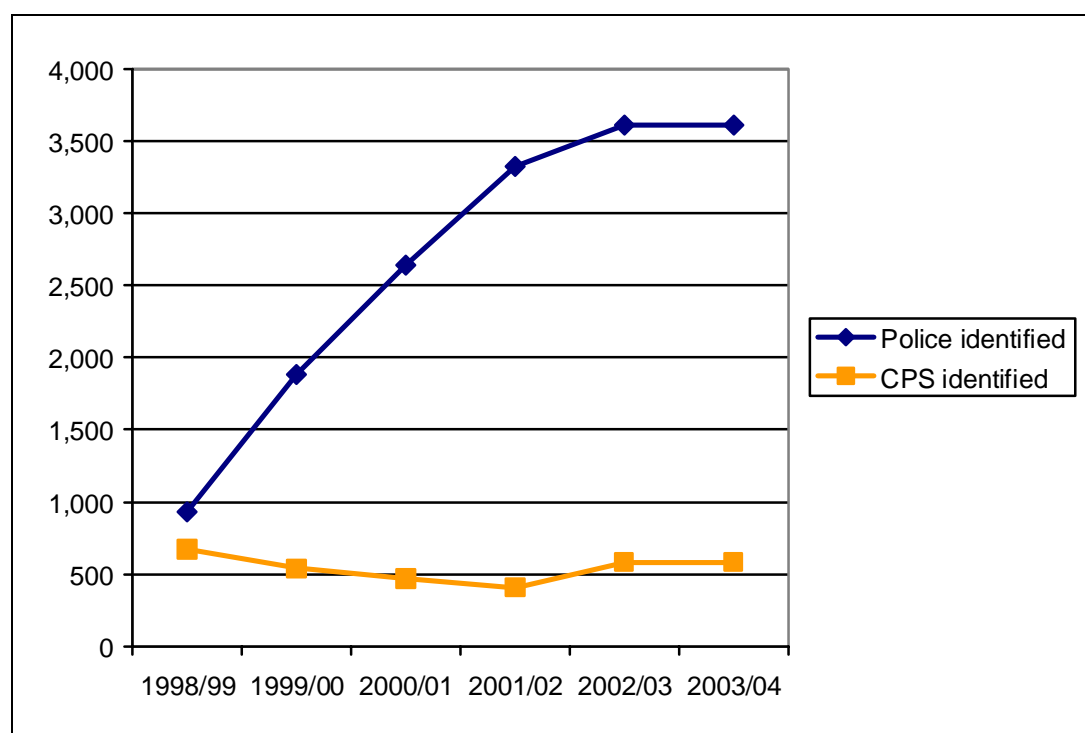
Victimisation

In recent years, the British Crime Survey (BCS) has shown a downward trend in racist victimisation, in line with experiences of crime more generally. The BCS estimates that racially motivated incidents (as experienced by victims) fell 28 per cent from 382,000 in 1995 to 280,000 in 1999. The number of incidents in 2002/03 stood at 206,000 although this figure cannot be directly compared with previous years because of differences in the ethnic classifications used (see Salisbury and Upson, 2004).[12]

Evidence from 1999 suggests that whilst victimisation fell, a higher proportion of incidents were reported to the police (Clancy *et al.*, 2001). Rates of reporting victimisation to the police had increased compared to 1995, for both White and BME respondents, but with sharper rises for BME victims (28 to 40 per cent) compared to White victims (54 to 61 per cent). The different rate of improvement demonstrated increased willingness on the part of BME victims to report incidents. Figures for 2002/03 (which are not strictly comparable) showed that reporting levels for BME and White victims were similar overall (39% and 40% respectively), but that respondents from Mixed and Black groups were least likely to report.

The risk of being a victim of a racially motivated incident declined for all ethnic groups between 1995 and 1999 (Clancy *et al.*, 2001). Although not directly comparable, the BCS findings for 2002/03 showed a similar picture to previous years, in that the risk of being a racially motivated victim was higher for people from each identifiable BME group than for White people (Salisbury and Upson, 2004). Table 2.1 shows that risks were highest for people from Mixed ethnic groups (4%) which is notable given that experiences of this group had been masked by the ethnic classification used previously. While experiencing the highest number of incidents, less than one per cent of White people were at risk of being victims (the lowest of all ethnic groups).

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[12] In particular a new 'mixed' category was introduced.

Table 2.1: Racially motivated incidents and risk of victimisation by ethnic group (2002/03)

Ethnic background	Estimated number incidents[a]	Risk of victimisation
White	99,000	<1%
Mixed	13,000	4%
Asian or Asian British	59,000	3%
Black or Black British	22,000	2%
Chinese or any other	13,000	2%

Source: adapted from Salisbury and Upson (2004).
[a]All BCS crime.

The downward trend in victimisation as measured by the British Crime Survey alongside the upward trend in recorded racist incidents suggests that the increase in recorded incidents reflects greater willingness to report incidents, and better recording by the police, rather than a larger amount of victimisation in the population (ICPR, 2004; Home Office, 2002b).

Trends at force level

Recorded incidents by force

The Code emphasised the importance of increasing consistency in procedures and tackling issues at a local level. The findings of force level analysis were consistent with the police service and others having changed their practice, after the Inquiry report publication and the publication of the Code. The Inquiry report may have stimulated most of the change, as the increases were far greater in the four years between 1996/97 and 2000/01, than they were between 2000/01 and 2003/4 (Home Office, 2005). For each force, using census total population, a rate per 100,000 population was calculated. The mean average and variance[13] increased sharply between 1996/97 and 2003/04 which suggested an increase, rather than a decrease in consistency of force practices. This Section 95 figures suggest that the increase in recording has affected different forces later than others, i.e. after the Code was published rather than after the Lawrence Inquiry report publication. Figure 2.3 shows the significant variation between forces in terms of how the numbers of recorded incidents changed between 2001/02 and 2003/04.

North Yorkshire (-83%) experienced the largest fall, whereas recorded incidents increased more than fourfold in Lincolnshire[14] (448%). The large increases experienced in some forces (e.g. Cumbria, 103%) over the three years are difficult to interpret given that the actual number of incidents recorded and the size of the local BME population are both small. Without information from victimisation self-report surveys at force level, it is not possible to be certain whether increased victimisation, more reporting, better police recording or some other factor prompted increases in recorded racist incidents at force level.

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[13] Variance is the average of the squared distance of each value to the mean value. A value of the variance that is close to zero indicates that all the values in the sample are approximately the same and a large value implies that the observations vary widely. The variance of forces' recorded racist incidents increased between 1996/97 and 2003/04.
[14] Lincolnshire is excluded from the chart.

Figure 2.3: Percentage change in recorded racist incidents since publication of the Code by force (2001/02 – 2003/04)[a]
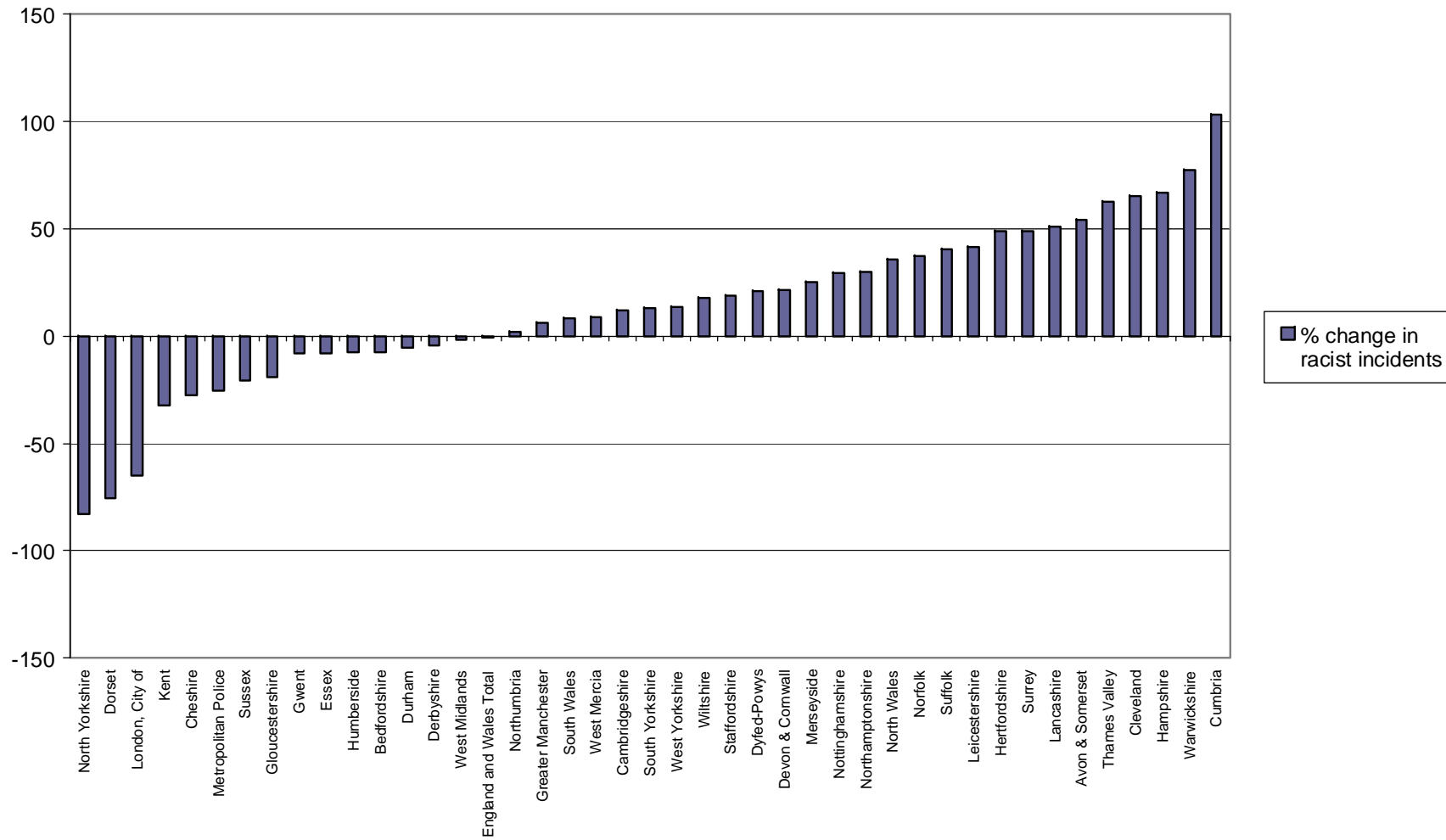
a) Lincolnshire has been excluded from the chart as an outlier, having seen an increase of 448 per cent.

Perceptions of trends in reporting

Respondents to the postal surveys from forces and local authorities were often unclear about possible differences between the amount of victimisation actually experienced in an area and the numbers of recorded incidents. Practitioners all perceived that the level of reports to them had increased, but more than half of them also believed that victimisation had increased. Findings were similar in the case study areas. This discrepancy with BCS findings, which showed a decline in victimisation in line with other crime types, might have been due to local variation or lack of knowledge of victimisation rates, because data on experience of racist victimisation are not available below national level. Some of the victims interviewed thought that reporting had increased.

The majority of forces and authorities did not measure the gap between victimisation and reporting levels. There was no standard measurement available for those that did, although several stated that they used surveys or analysed the BCS. An accurate picture of this gap at force level might be a useful mechanism for measuring performance in terms of trust and confidence.

Postal survey respondents from forces and local authorities thought the main reasons for the increase in reporting were:

- their own publicity encouraging reporting; and
- an increased commitment by their own agency to tackling racism.

Local authorities also thought that other agencies' publicity encouraging reporting had helped whilst the police suggested that there had been an increase in trust and confidence in policing.

Many respondents from the various agencies across the case study areas thought more people were willing to report racist incidents, partly because of the Stephen Lawrence Inquiry and the new definition of a racist incident, which made victims and witnesses feel that they were more likely to be believed. Whilst some police officers stated that public awareness of the definition was low, and that it was therefore unlikely to have led to an increase in reporting, the link might be indirect. Many officers believed that the police were seen as more willing to take incidents seriously and deal with them appropriately and professionally since the Inquiry. It was thought that trust and confidence in the police had therefore improved, although it was acknowledged that more work needed to be done.

> *…I think we've given them the confidence to come forward and report these incidents and officers are now fully aware of force policies in relation to these matters and how they should be investigating them… if you give a good quality of service to victims they will report any further incidents, it gives them that confidence.* (Specialist officer, Northern Force)

In Northern Force, respondents from the local authorities and police force suggested that the presence of the British National Party (BNP) had impacted on the BME communities and in some cases made them more willing to report incidents.

All of the case study areas had undergone some level of publicity campaigning by the police and/or other agencies using posters, flyers and the local media to increase awareness and encourage victims and witnesses of racist incidents to come forward and report. They had also tried to raise awareness more generally through community and cultural events such as community safety meetings with established community groups. Respondents in Southern Force and Northern Force linked the increased availability of third party reporting centres to the increased reporting levels (see Chapter 4). It was suggested that they have helped gain the trust and confidence of the BME communities and were seen as more representative of BME populations.

The specialist community officers saw part of their role as getting to know their area and raising trust and confidence by speaking to people and becoming a familiar face. In Rural Force and Northern Force, which are asylum dispersal sites, two officers were tasked with the role of being an asylum liaison officer, with the specific remit to help raise trust and confidence amongst those communities. An officer in Northern Force thought the police had made themselves more accessible to the public through initiatives such as incident reporting via the police website.

Efforts were being made by the various agencies, but by the police in particular, to raise trust and confidence amongst victims and witnesses of racist incidents. The victims interviewed varied in the degree of trust and confidence they had in the police and other agencies, partly depending on their previous experiences. It was not possible to assess the impact of these initiatives but the pattern of responses suggested that increased reporting levels were likely to be linked to increased trust and confidence in the police.

Perceptions of under-reporting

Many of the victims from the case study sites thought a relatively small number of racist incidents were reported, although half had reported incidents themselves. Many of the police forces that responded to the postal survey thought there was still a gap between victimisation and reporting. Some thought the gap was significant but that it had decreased over the last few years. Operational officers' views on the amount of under-reporting were mixed. All of the specialist officers said that under-reporting was very difficult to measure and gain an accurate picture of, but almost all acknowledged that levels of under-reporting were likely to be high. Some respondents referred to the number of reported incidents as being the 'tip of the iceberg':

> *We recently had a meeting with the Chinese community, in which 62 people claimed that they had suffered racial harassment and only two of them had reported it to the police. So that's the huge disparity.* (Voluntary organisation representative, Rural Force)

Case study interviewees noted that victims often suffered numerous incidents before being willing to report to the police and recognised a need to look at the knowledge generated by other agencies which victims might be more willing to talk to, for example, Race Equality Councils. Previous research (Burney and Rose, 2002) found that under-reporting was still perceived to be extensive and that many people neither trusted the police nor believed that reporting the incident would solve the matter. A multi-agency commitment combined with the presence of a designated anti-harassment officer seemed to produce the highest level of reporting.

Perceptions of trends in recording

Over the previous three years, the majority of local authorities who responded to the postal survey and virtually all police forces believed that the number of recorded incidents had increased.

Some participants across the case study sites argued that schools had improved and were trying to record more incidents. In Southern Force it was argued that schools accounted for a large amount of the increase in the number of recorded incidents, as they had begun reporting and recording incidents over the last couple of years.

Many operational officers acknowledged that some of the more trivial examples of racist incidents, such as name calling, would have been treated differently prior to the Lawrence definition. The police would not have dealt with or recorded many of these incidents, whereas they had to be recorded post the Lawrence definition, even if no further action was going to be taken. Forces stated that they recorded various types of incidents as racist incidents, although they varied in frequency.

In all three case study areas, officers stated that a few officers sometimes recorded incidents as racist when there was no evidence (other than one of the people being from a BME group), in order to 'cover their backs'. This showed a lack of understanding about racist incidents amongst some operational staff. The majority of forces (and every MPS BCU) had specialist units to handle racist incidents, and most incidents were referred to them.

Perceptions of under-recording

Many police forces that responded to the postal survey did not store information on racist incidents that were reported by victims but remained unrecorded, by the police, so it was not possible to verify the picture at force level. In 1999, the BCS estimated that 150,000 racist incidents were reported to the police (of a total of 280,000) but the officially recorded number was only 47,814 (Clancy *et al.*,

2001). These figures suggested there was likely to be room for improvement in police recording practices.

Around a third of the local authorities in the survey thought that there was no gap between reporting and recording in their organisation. Slightly fewer thought there was a minor gap or stated that they did not know. Only seven of the 57 respondents thought that the gap was significant. Most forces also believed there was only a minor gap between reporting and recording and that this gap had generally decreased. However, respondents from the MPS were more likely to believe the gap had remained unchanged or had actually increased.

Summary

The BCS and recorded crime figures show that actual levels of racist victimisation have fallen over the past few years at the same time that recorded incidents have risen. The dramatic increase in recording levels since the publication of the Stephen Lawrence Inquiry is consistent with a rise in reporting and improved police recording. The continued rise in recorded incidents has been steady, apart from an 11 per cent fall in 2002/03. Nevertheless, the British Crime Survey and local perceptions demonstrate that under-reporting and under-recording of racist victimisation still occurs.

Reporting levels to both the police and other agencies were perceived by respondents in the study, including some victims, to have increased. Agency representatives thought there was greater awareness of reporting structures and an increase in victims' belief that incidents would be taken seriously, which in turn helped increase trust and confidence in the police and other agencies. Recording levels were also thought to have increased, due to the Lawrence Inquiry and the new definition of a racist incident.

3. Reporting and recording practices

The Code aimed to make reporting more accessible and to standardise recording practices. The Code also recommended a 'minimum data content' recording form for the police and other agencies to use, and suggested that forms should be shared with other agencies to ease information sharing and allow support to victims and intelligence gathering on perpetrators. To assess progress in this area, current reporting and recording practices were explored, along with the forms in use, and analysis was carried out to highlight the reasons for the continued under-reporting and under-recording identified in the previous chapter.

Victims' experiences of reporting

The victims participating in the study had experienced a wide range of racist incidents ranging from one-off incidents of racist language being used by strangers in the street, to sustained racial harassment, including threats to life and physical attacks, including some serious assaults. The vast majority of participants had suffered previous incidents where racist insults had been directed at them, either at school or as an adult. Past research has shown repeat victimisation is particularly prevalent in racially motivated incidents (Bridgeman and Hobbs, 1997). About half of the victims in this study had reported the incident(s) to the police. Victims of more serious attacks had all reported their incidents to the police; in some incidents a third party present at the scene had reported it for them.

Many of the victims who had reported felt that they had to do so, because they had been seriously hurt, were in danger, or wanted to prevent the situation from escalating any further. They had reached a point where it was necessary to call the police, as a last resort. Some of these interviewees had experienced several incidents before reporting and some were still worried about reprisals. Respondents who had chosen not to report had generally suffered 'less serious' incidents and many stated that if the incident was of a serious nature they would report it to the police.

Reasons for under-reporting

The main reasons for under-reporting given by police force and local authority postal survey respondents were:

- a fear of reprisals;
- type of incident (not perceived to be sufficiently serious);
- a belief that it was a police matter (in the case of local authorities);
- a belief that the local authority would be unable to respond;
- not wanting to go to court (in the MPS it was suggested that victims did not want legal action to be taken);
- a belief that the police would not be interested; and
- a lack of confidence in the police.

Similar reasons for under-reporting were given by the agency and police respondents in the case study sites, and some of these were also consistent with the views of victims. The following quote sums up the reasons which were given by the majority of agency respondents, and were similar to findings of earlier research:

> *I should imagine they're frightened, mostly. Intimidation, there is some. Frightened to do it because they don't want to [go to] court, they don't want their family name to be dragged through the courts… some of the people offended against do not read and write English that well so they're frightened of it… Some of them think we won't do anything about it, we as a police force… which is absolutely and totally incorrect. We will act… if they have to go to court, the* [offenders] *will get to know their names as witnesses and then take it out on them. That's the biggest one I think, fear of reprisals.* (Specialist officer, Southern Force)

The victims who had not reported said that they did not think the police would or could do anything, were worried about reprisals, and either did not think the police would take it seriously or did not view it as serious enough themselves. The following sections explore some of these issues.

Fear of reprisals

The majority of police officers and other agency representatives thought fear of reprisals was a key reason for under-reporting. This was borne out by victims' comments in interviews, especially where the perpetrator was a neighbour or someone known to the victim. The victims also suggested that individuals would often suffer many incidents before they reported. Some of those who had chosen not to report the incident(s) to the police stated that they thought the situation could worsen for them if they did so, because of potential reprisals.

> *So far I've not done anything about it… It can make matters worse… I don't want trouble on my doorstep. I'm a family man: I don't want to do it. If I did do something about it there would be bloodshed and chaos and I don't want to go to that stage.* (Victim, Northern Force)

There were also particular issues, which the agencies highlighted, for victims who lived in remote rural parts of the country, as they were likely to feel less anonymous and more vulnerable[15]:

> [Victims] *tend to be those who are vulnerable; they tend to be those who are isolated in certain areas where there aren't those networks that support* [them]. (Local authority representative, Northern Force)

> *…won't report it to the police because they're one of a small population of Asians in that area and they feel they're going to be victimised.* (Police authority representative, Northern Force)

In Southern Force, police officers sometimes used bail conditions to protect the victims from the perpetrators, to reassure them.

Nature of incident

Local authorities and police forces in the postal surveys stated that harassment, anti-social behaviour, public order offences, and criminal damage were the types of incidents where there was thought to be most under-reporting. A quarter of local authorities also stated that they did not know where under-reporting would be the greatest.

The victim respondents stated that only more serious racist incidents such as physical assaults and serious criminal damage would be reported. Some participants believed that racist verbal abuse in the street was such a common occurrence that there was no point in reporting it to the police.

> *The violent ones all get reported, and if there are big gang fights… they get reported. I have a suspicion there's a fair amount more goes on at a lower level that doesn't get reported.* (Victim, Southern Force)

Some victims, regardless of whether they had reported previous incidents or not, stated that if the incident was serious they would report it to the police. For some individuals working in public roles such as taxi drivers and takeaway owners it was suggested that racist abuse was 'part of their everyday life' and they did not have the time or inclination to report every incident, or they would be unable to earn a living. Abuse was also described as part of the everyday life of an older resident. A police officer described an incident he attended of racially aggravated criminal damage; it transpired that the victim had been experiencing racist verbal abuse for the entire period of time he had lived at the address (37 years):

> *I said how long has it been going on and he said every day since I've lived here… it's just the local kids, he was the only Black man on the street, we didn't have a single record and yet it was a weekly occurrence. He said: "Oh you get used to it, it doesn't*

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[15] These issues have been highlighted in previous research (Chakraborti and Garland, 2003).

bother me anymore". I'm sure there must be lots of people like that who don't report it. (Specialist officer, Rural Force)

These findings fit with those in previous research by Burney and Rose (2002) who found that harassment of shops and food outlets owned by proprietors from ethnic minority backgrounds was a common type of incident that was less likely to be reported by victims, especially in areas where they were racially isolated. Neighbour harassment was also found to be greatly under-reported. In line with the Code, ACPO have emphasised that it is important that 'trivial' incidents should be reported because they can act as police intelligence about racial harassment and may help to predict crime. Reporting of such offences is essential to preventing repeat victimisation (Lemos and Crane, 2000).

Lack of trust and confidence in the police and other agencies

Many victims, agency representatives and specialist officers recognised that a lack of confidence in the police was a reason for under-reporting. This might have been due to previous bad experiences (including in their country of origin) or a belief that the police would not be interested. In some cases, victims or perpetrators might also have believed that the police would be unable to act because of a lack of evidence, or a lack of power, for example where the perpetrator was a child aged under ten.

> *I think it's because most of the time the police don't react and if it's in town there's no way you're going to catch the person that did it anyway.* (Victim, Rural Force)

One suggestion to help build confidence was to use the media more positively:

> *Positive news in the media about people being sent to prison and sentenced can create good confidence for people to come up more and report more fully, But unfortunately that's not happening.* (Voluntary organisation representative, Southern Force)

Other reasons

Whilst some operational officers acknowledged that under-reporting might be due to a lack of trust and confidence in the police, others argued that certain communities did not want the police to be involved for reasons of their own and that they would prefer to sort out the situation themselves. There was no recognition from these officers that the police had a role in overcoming barriers to reporting, to build up trust and confidence.

Some victims had dealt with the incident themselves, for example by talking to the offending children's parents and warning them that they would be reported to the council for racism unless the harassment stopped. This was because the victim thought it would be the most effective means of stopping the incident(s).

Some police officers suggested that White people might not report, as they might not think that the definition and the law covered racism against the 'majority' group. A wide range of other reasons were given including a lack of awareness of the system; a misunderstanding about whether it was a racist incident; a lack of counselling facilities; and if the incident took place at work – a fear about job security.

Meeting the recording standard

The Stephen Lawrence Inquiry altered the definition of a racist incident so that it was based on the perception of the victim or any other person, and was no longer for a police officer to decide.

Knowledge and use of the definition

The postal surveys found that knowledge and use of the Lawrence definition of a racist incident was thought to be widespread amongst police forces and local authorities. However, in the free text answers some officers referred to 'racial incidents' which was the term used in the old ACPO definition.

The majority of participants in the case study sites also thought that their organisation, and others acting as third party recording centres, all used the definition. The non-police respondents also stated that the police had adopted the definition. It was thought by specialists and agency representatives that all police officers would know the new definition and that in general it was simple to use and understand. On the whole non-police agencies saw the definition as very positive as it took the decision away from the police, or other agency, about whether an incident was racist. It was also suggested that the definition had a positive impact on many agencies as it had made them think about their reporting structures and had put 'race' on the agenda.

In Southern Force it was stated that all officers, both long-standing and probationers received Community Race Relations (CRR) training which covered the definition. In Northern Force it was thought that because the new definition increased the number of incidents being recorded, this meant that most officers now had some experience of dealing with racist incidents, and this was seen as a positive factor. Many officers believed that the definition has helped to increase recording, and that it would be rare for incidents not to be recorded.

> *I think you can definitely say that it has been a catalyst in putting things into place which have subsequently increased the recording and reporting… there is no ambiguity of what is a racist incident… it's very easy to understand… officers should be in absolutely no doubt […] as to what is a racist incident and the fact that it must be recorded.* (Specialist officer, Southern Force)

Understanding and perceptions of the definition

All of the operational officers in the study were familiar with the Lawrence definition and some stated it spontaneously or when discussing the examples given to them. However, in general (whilst not true for all of the officers) it would be fair to say that their understanding of the definition was more limited than that of the specialist officers. There was some criticism of the definition across the focus groups with some stating that it was too broad, and had removed too much of the officer's discretion to deal with suitable incidents informally, which some victims might prefer (some specialist officers also stated this). Officers had to deal with issues which they perceived as relatively minor and were not seen as 'proper police work'.

> *…the definition is just so broad […] – if anybody perceives it to be, then it is – [it] has created so much… potentially created so much work and referral that it's one stage too far gone. I'd be happy to have it as a victim-led* [definition]. (Operational officer, Southern Force)

A minority of specialist officers felt that 'minor' racist incidents were currently given greater priority and were dealt with more thoroughly than a similar incident of a non-racist nature.

There seemed to be more confusion about the definition in Rural Force than the other sites. A few of the specialist officers admitted that it had been difficult to get the message out to operational officers in the force, and mentioned that some officers thought that the definition enabled people to 'play the race card'. This was thought to centre around the fact that someone who was not a victim or a witness to the incident could still perceive it to be racist and record it as such, for example specialist diversity staff back in the police station. There was also some confusion about whether White people could be victims, and about incidents between different BME groups. Both of these issues were confirmed in the focus groups where operational officers from Rural Force were reluctant to identify something as a racist incident if neither the victim nor witness had stated that it was, and seemed confused about intra-racial incidents in the examples given to them. The problems may be due to inadequate training or in some cases the lack of any training (see Chapter 4).

The negative view of minority ethnic members of the public of 'playing the race card' to get a better quality of service, was also mentioned by operational officers in another case study force and a number of agency representatives across all three sites were also concerned about this issue. However, the majority of all respondents recognised that the value of the Lawrence definition outweighed any negative aspects.

'Minimum data content' in recording

The Code recommended a 'minimum data content' form for the police and other agencies to use, and also suggested that forms should be shared with other agencies to ease information sharing. The Police Forms Editorial Board (Home Office, 2002a) examined 26 different race/hate recording forms and whilst they found that the information requested was generally the same, the forms ranged from one to eight pages in length. Some police forces were issuing detailed guidance and others were not, whilst there was also a great deal of duplication in the recording of details. Respondents to the postal surveys were asked to provide copies of their racist incident reporting forms; 58 local authority forms and 24 police forms were received.

The copies of police and local authority forms showed that a significant number did not conform to the minimum requirement. About half of the forms did not provide a classification list for different religions and did not ask if the reporting person was at school. Nearly a third of the forms did not ask the language spoken by the person reporting and about half did not provide a list of types of location where the incident might have taken place. A third of forms did not include a space to record who reported the incident as racist. Many forms had a Victim Support referral option, but over half did not have other options listed such as crime prevention advice or a follow-up visit.

Forms in the three case study areas conformed to, and seemed to have been influenced by, the Code, capturing victim's details, ethnic origin, the nature of incident, witness details, location, who was reporting, information from other agencies, perpetrator details, time of incident and action taken. In Southern Force and Northern Force, where the multi-agency panels were in place, there was also an option asking victims whether they would like their report to be passed on to the police or any other agency or whether they would just like the report recorded for information.

However, Rural Force had officially stopped using its form, although some operational officers still appeared to be using it. One of the diversity leads stated that the form was being redesigned but the diversity directorate were not involved in the process. The confusion was consistent with the approach to race issues in the force overall. Comparison with Northern and Southern Forces, suggested that in Rural Force there was less central steer and messages to officers as to what was expected when handling racist incidents.

Shared use of the form

The majority of local authority respondents to the postal survey stated that their form was only used to record racist incidents, and many shared the template with other agencies. Just over a quarter also used the form to record homophobic incidents. The majority of police respondents had a standard recording form in place across the force. However, only half of the forces shared this form with other agencies, with this being the case for only about a quarter of boroughs in the MPS. The MPS's form was used to record all other 'hate crimes' including domestic violence. Just under half of the other force respondents used the form to record other incidents, the most common being homophobic incidents and faith hate incidents. The majority of forces thought their reporting form enabled officers to identify previously unreported incidents. Of these respondents, many believed that the incidents were then recorded separately but five said they were not and two were unsure. If incidents were not recorded separately, police data would not provide an accurate picture of victimisation.

In both Southern Force and Northern Force, the majority of non-police agencies were using a common multi-agency reporting form, or were about to adopt it. The exception in both areas was schools, which used a different form and removed the pupils' details before the information was passed to other agencies. In Rural Force each agency was using a different form.

The majority of non-police agencies completed the form and produced statistics and other information manually, as many did not have appropriate IT systems. In some cases this made it more difficult to share information and to check whether incidents were being recorded twice. An e-form was being developed in Southern Force and was in operation in Northern Force, so that victims and witnesses could report online.

Form design

Form design was recognised as important in Rural Force. Prior to the research, a third party reporting form (self-reporting form) that could be passed on to the police was in use, but the design was thought to be quite frightening and 'off-putting' so it had been withdrawn, and not yet replaced. The majority of respondents in Northern and Southern Forces were happy with the form they were using, but there were some criticisms over the length and detail that had to be collated:

> *It's too long, it uses police speak, dare I say it, which I don't personally have a problem with, but I can understand why we don't get that many in and why the information is so sketchy because some of the questions you don't understand. It's so easy to leave off critical information just because you are following a form, it's too convoluted.* (Voluntary organisation representative, Southern Force)

Alternative options were suggested, but many acknowledged that the main problems with form filling were related to training the staff who took the reports; there were issues with high turnover of staff that had been trained. If this issue was addressed it might help improve reporting and recording procedures. A few respondents also suggested having a common recording form across the country.

Recording process

The recording process was slightly different in each of the case study police forces. In Southern Force the attending officers completed both a standardised crime report and a separate specific form to detail the additional information on the racist incident. Some complained that this was bureaucratic as it duplicated some of the information. The forms were then inputted onto the system centrally and the victim was given a crime number and contact. A couple of officers noted that due to changes in the National Crime Recording Standard, all incidents were now recorded on the system as crimes.

In Rural Force an officer would ask the standard questions for any incident, record this in their pocket book and then phone the crime recording bureau who would run through a list of prompts to record the relevant information. This information was then logged onto the central IT system and the officer was given a crime number to pass on to the victim. Officers did not use a recording form or prompt card in recording racist incidents which probably led to information being missed, especially in the case of less experienced officers. Specialist officers suggested that operational officers sometimes fail to ask whether an incident was racist if it was not mentioned by the victim or witness.

The system used by Northern Force officers was similar, with the information being jotted down in the attending officer's note book, then given over the telephone to the support staff who inputted it straight into the central recording system and flagged it as racist. However, officers in this area used a prompt card of questions that provided the same level of detail on the incidents as the multi-agency form used across the force area, with a reminder of the definition itself. This seemed the least bureaucratic option of the three areas, was easiest for the officers to use and was therefore likely to ensure higher recording levels.

Reasons for under-recording

Some of the issues linked to under-recording in this study were also found in previous research (Sibbit and Fitzgerald, 2000): the nature of the incident, for example it was thought that the incident was minor; or a perception that more work would be required. In some cases, there was a lack of understanding of the Lawrence definition and/or race issues.

Nature of the incident

In the case study sites it was suggested that where: the incident was very minor; the victim did not want to pursue the matter; and/or there was little chance of catching a perpetrator; officers might not record, in order to avoid carrying out even a limited investigation:

> *We're never going to catch them, never going to prove who it is, there'll be no fingerprints, no point in recording it.* (Specialist officer, Southern Force)

Where alcohol is involved in an incident it was suggested that officers sometimes saw violence as the dominant factor and were sometimes reluctant to record any racist element.

> *…the response* [officers] *will very often perceive that it's a Friday night brawl and there isn't any racial element in it.* (Specialist officer, Rural Force)

The fact that officers seemed reluctant to record incidents that they did not see as likely to lead to an arrest or to some further action is in direct conflict with the Code which emphasises that both crime and non-crime incidents should be recorded. It is also out of kilter with the National Recording Standard which officers must follow and was developed to take a *prima facie* approach to recording rather than assessing the likelihood of the result and recording only if there was a possibility of detection.

The operational officers were given examples of racist incidents to discuss in the focus groups (see Appendix 1). Some officers were reluctant to record the example involving two children (where one had called the other a racist name), as they did not want to label such young people. Instead some suggested that they would speak to the two sets of parents along with the children and the school to try and resolve the matter informally. Others stated that they did not think it was a matter for them and that the school should deal with it (whilst some acknowledged that schools were often poor at dealing with these issues).

The majority of officers said they would record the example of racist verbal abuse between two adults. However, some stated that they would not have had to deal with this before the Lawrence Inquiry (although some mentioned the impact of the National Crime Recording Standard). Whilst some did not think they should have to deal with it, other officers took both of these incidents more seriously and were happy to record them.

The nature of the incident was also thought to be an issue in schools:

"*…because the nature of the incidents tends to be mild, there will be a temptation to think, oh, can't be bothered*". (Local Education Authority representative, Southern Force)

Insensitivity: context, racist language and stereotyping

As mentioned above, police officers still exercise discretion in terms of recording and this can include how they interpret the definition. The Lawrence Inquiry definition of a racist incident limits officers discretion, as it is no longer their decision as to whether the incident is racist. However, in practice, police officers still have discretion as to whether they record it as such – an officer might not ask the relevant question or in some cases might refuse to believe the person reporting the incident.

From the examples given to the focus groups the two incidents of verbal abuse caused a lot of discussion in each of the groups. Some officers felt that calling someone a 'Paki' or 'Black bitch' was no different to calling someone 'fatty' or 'four-eyes'.

> *Their race is used, like someone with glasses, I wear glasses, four-eyes, type of thing.* (Operational officer, Rural Force)

As the police would not deal with these non-racist incidents they could not understand the need to deal with similar incidents involving racist language. This highlights a lack of understanding of racism, its history and nature and is something that needs to be addressed.

One operational officer went as far as to say that 'Paki' was not a racist term but was an abbreviation of Pakistani. Several officers also referred to the fact that BME people sometimes use the terms 'Nigger' and 'Paki' themselves when talking to each other and so claimed to be unsure as to whether they were offensive or not. In general some officers seemed to be confused about acceptable terms and language, and thought the 'politically correct terminology' often changed.

> *I find it quite interesting that everybody puts 'Paki' down as a racist word which I believe it is now but I find a lot of Asian lads use it.* (Operational officer, Northern Force)

An example involving a traveller being refused a job and being called a 'pikey' was the most contentious. Many officers in each of the groups stated that it was unlikely that the incident would have been reported to the police, as relationships between the police and travellers was not particularly positive and that as a group they tended to deal with things themselves.

> *I can tell you now that 99 per cent of the officers in this force would not crime that. There's a very negative feeling towards travelling* communities. (Operational officer, Southern Force)

Several officers were unsure as to whether travellers were classed as an ethnic group and could, therefore, be subject to racism. Several officers across the groups talked about travellers in a stereotypical and derogatory manner, referring to them as thieves and untrustworthy, although others did not share these views and some actively challenged their colleagues. There is a training and/or development need for many officers in this area.

Misinterpretation of the definition

In the focus groups, operational officers were given an example involving an assault between two different Black ethnic groups. Many officers correctly stated that they would only record this as a racist incident if it was perceived to be one, by the victims or anyone else. As no racist language was used, they did not perceive it to be racist. However, several officers thought that it should be recorded as racist purely because two different ethnic groups were involved. Others suggested that the assault would override the racist element anyway and that to some extent it did not matter:

> *…the assault would override the racial side of it anyway wouldn't it.* (Operational officer, Rural Force)

This misstates the legal position, because if the incident was racist it could be charged as a racially aggravated offence to obtain a higher sentence.

Similar suggestions were made for the example the officers were given which involved mental health issues alongside racist language. Some officers suggested that because the offence was serious (a stabbing) then the racist element might be overridden, again perhaps losing the opportunity to press for a racially aggravated offence. It was thought that cases involving mental health are more difficult to deal with:

> *It's very, very difficult when you're dealing with so called 'mental health' problems.* (Operational officer, Southern Force)

Some specialist officers in Rural Force felt that some of their operational colleagues found it difficult to accept that White people could be victims of racist incidents.

Perception about level of work required

There was a perception amongst some operational officers that racist incidents required more work than other incidents which meant they were sometimes reluctant to handle them. Officers in Rural Force were more likely to state that they would simply pass the incident over to their diversity unit.

> *It's because the perception is that if an incident is identified as a racist incident, somewhere along the line there is extra work to be done… in fact there's very little extra work.* (Specialist officer, Rural Force)

Under-recording was seen to be a particular problem for schools. Respondents suggested that schoolteachers were fed up with bureaucracy, and filling in forms on racist incidents was seen as an additional burden.

Other agencies were also sometimes reluctant to record incidents as they also saw it as a bureaucratic process and believed that it required a lot more work. Non-police agencies in Rural Force had additional problems because some agencies did not have recording procedures in place and there was a lack of awareness of the issues amongst several respondents, perhaps due to the lack of multi-agency panels and activity locally.

In Southern Force, police officers had to complete two separate forms, and it was suggested that they might occasionally forget to complete the specific racist incident form, so that the racist element might not be recorded. Some respondents suggested that manpower, reducing bureaucracy, and training were the main issues to address to help increase recording.

Issues for schools

Various reasons were given as to why schools were reluctant to record racist incidents. Other agency representatives said they were worried about their reputation in a culture of performance league tables or saw the issue as bullying rather than racism or were afraid to label children as racists.

> *All schools are run by the governing body and they will not readily admit that there's a problem of racism in the schools because as soon as they do that people won't want to send their kids there. So they try and play it as though nothing's really happening.* (Specialist officer, Northern Force)

> *…you've got schools that really fear being labelled a racist school and so are very reluctant to say anything.* (Local authority representative, Rural Force)

> *We had three or four cases last year concerning racist incidents in school and none of those were recorded as racist incidents… The schools actually see this as children bullying one another – and this is part of childhood… schools also see it as a blot on [their] copybook because of the fear factor.* (Voluntary organisation representative, Rural Force)

Summary

Experience of incidents and reporting

The victims participating in the study had experienced a wide range of racist incidents. About half of respondents had reported the incident(s) to the police. Many of the victims who had reported felt that they had to do so because they had been seriously hurt, were in danger, or wanted to prevent the situation from escalating any further. The majority of respondents who had chosen not to report had generally suffered 'less serious' incidents and many stated that if the incident was of a serious nature they would report it to the police.

Under-reporting

However, whilst more serious incidents were more likely to be reported, there were still gaps between experience and the types of incidents reported. In general, levels of under-reporting were still thought to be high. The main reasons for under-reporting were thought to be: a fear of reprisals; the incident being assessed as less serious or 'part of everyday life'; a lack of trust and confidence in the police and other agencies; or because the continual everyday nature of abuse for shop owners, taxi drivers or long-term sufferers meant they had come to accept it as part of their existence. Respondents acknowledged that more can, and should, be done to continue to increase reporting by increasing trust and confidence. Fear of reprisals seemed to be a major factor explaining under-reporting, with one potential means of addressing it being the use of bail powers against perpetrators.

Standard of recording

About half the recording forms examined met the minimum data content set out by the Code which aimed to help standardise the information collected. The forms varied enormously in size and layout and many areas still did not have a shared form which meant that information sharing between

agencies was more difficult and intelligence that might help build knowledge and aid prevention would be more difficult to collate.

Under-recording

The new definition of a racist incident was widely used and understood by all agencies. However, some thought that the definition was too broad (particularly operational officers) and there was still some confusion. Training might help to address some of these problems. Reasons for under-recording were principally due to officer discretion and related to the nature of the incident – the incident was thought to be minor), a lack of understanding of the Lawrence definition, an insensitivity to race issues and/or a perception that more work would be required than for another type of incident. Schools had concerns about labelling children, bureaucracy and the institution's reputation. The presence of officer discretion in the recording process is unavoidable, but inappropriate decisions could, perhaps, be reduced through supervision and scrutiny of decision making.

4. Inter-agency work

This chapter presents findings on inter-agency issues identified in the Code: the availability, awareness and use of third party reporting centres, along with information on the extent of partnership work and its nature.

Recommendation 16 of the Lawrence Inquiry Report said that the reporting of racist incidents and crimes should be encouraged at a local level, and that this should include:

- the ability to report at locations other than a police station (third party reporting centres); and
- the ability to report 24 hours a day.

The Code suggested that all areas should use multi-agency panels and a common monitoring system to enable agencies to use information about racist incidents to support victims, tackle perpetrators and carry out preventive work. The Code outlined the best way to do this so that the confidentiality of victims was protected.

Third party reporting

Recommendation 16 of the Inquiry suggested that victims and witnesses should be able to report at locations other than police stations, and have the opportunity to report 24 hours a day. It was recognised that some people feel uncomfortable about having to approach the police in order to report racist incidents and would prefer to report to another agency. The Code supported this recommendation and also suggested that local areas should give further consideration to which agencies and organisations could be used as reporting centres. Increased public awareness and flexibility in reporting options were intended to facilitate the flow of reports, to help develop an accurate picture of the amount and nature of racist incidents at local level.

Availability

Police force postal survey respondents all reported at least one type of third party reporting centre in their force area. A wide variety were identified with the most common being:

- Race Equality Councils (RECs);
- housing offices/associations; and
- Citizens Advice Bureaux.

In the MPS, this differed slightly as social services and local community groups were also commonly available as reporting centres. There may be stronger community networks in London for a larger BME population. These agencies also routinely provided the police with information on the incidents that they record. Other reporting centres around the country ranged from hospitals to leisure centres. In some areas, more innovative means of reporting were available; examples included supermarkets, fast food restaurants, youth clubs, websites (both police force and other agencies) and a dedicated phone line.

In Southern Force, the number of reporting centres had greatly increased, but it was recognised more needed to be done. The REC was seen as the most effective and most frequently used of the centres and had a good relationship with the police force. Other reporting centres tended to be traditional statutory organisations such as local authorities and housing offices; there were few voluntary organisations and even fewer reports from them. A relatively small number of third party reports were received but this was starting to increase since the REC had taken on a co-ordinating role.

In Rural Force, the third party reporting structures were limited to the statutory organisations and larger voluntary organisations, such as the local RECs and a couple of refugee and asylum seekers support organisations. However, even these organisations were rarely used for reporting and some respondents did not think that staff at statutory organisations would necessarily be aware that people could report there, or would have received any training/guidance. There appeared to be no formal reporting structures, and the reporting centres that exist tend to operate by local arrangement on an

informal and ad hoc basis. There were concerns about anonymity because of the small numbers of minority ethnic people in the area, especially in the more rural parts.

> *There is a real issue around third party reporting in an area like this because there is no such thing as confidential third party reporting when you're talking about a very small community. You anonymise the data, you don't put someone's name on it but to put enough information for it to be useful, completely undermines any anonymity. It's not such a problem in* [the cities] *because there's a reasonably big community but put it in a rural area… as soon as you put the name of the village down that's it.* (Support staff – specialist, Rural Force)

Northern Force seemed to have the most third party reporting centres of the three sites, although there were still some areas where third party centres were yet to be established. Many different types of organisations were involved – such as mosques and community groups – as well as the more familiar statutory and voluntary organisations. A relatively high number of reports were received through the third party centres, compared to the other two sites. This could in part be due to the size of the minority ethnic communities, but interviewees from other agencies in Northern Force showed a greater level of commitment and will than in the other case study areas. The collection and monitoring of racist incidents by the various agencies were thought to have improved, although some were less effective in terms of the number of reports they received and the sharing of information. Police officers in Southern Force and Northern Force stated that they had outpost 'cop shops' where people could report, which might be more accessible than police stations.

Availability of 24-hour reporting

The postal surveys found that the availability of 24-hour reporting facilities (outside of a police station) was still extremely limited throughout the country. Just over half of the local authorities stated that they had facilities for 24-hour reporting. The most commonly available non-statutory organisations were RECs.

The limited availability of twenty-four hour reporting facilities was reflected in the case study sites, although one participant claimed that when the facilities were available for longer they had not been used. The only examples of dedicated third party 24-hour reporting centres in the case study sites were in Northern Force. Their 24-hour phone line was available in nine different languages which people could use to report racist incidents, and there was also a refuge centre which was accessible 24 hours a day. The success and use of the phone line was being independently evaluated. Reporting was also available via the Internet in Northern Force and this route was being developed in Southern Force. Other suggestions for 24-hour reporting included using 24-hour supermarkets.

Awareness and use of facilities

Many victims interviewed said that, other than the police, they would talk to friends or relatives about any racist incidents they had suffered, but few were aware they could contact any other agencies. This lack of awareness might have occurred because some of the sample of victims interviewed were contacted via the police rather than other agencies. Some respondents were aware that it was possible to report incidents to their local authority if they lived in local authority housing, but few had heard of any other third party reporting centres or knew there were such alternatives. This fitted with the views of local authority respondents to the postal survey, which showed that a quarter of local authorities thought they were used frequently as a reporting centre, with the remainder believing they were used sometimes or rarely.

Almost all of the operational officers and a few specialist officers interviewed in the case study sites were unaware of any third party reporting centres in their area. Operational officers that were aware, had seen the publicity that had been produced rather than being informed by their force. Those respondents who were aware of centres suggested that they should publicise themselves more proactively as many more people would report incidents to them if they knew that they existed. These participants had generally become aware of the reporting structures due to their line of work.

Schools and LEAs

The Code recommended that schools should record all racist incidents, and inform the police about criminal racist incidents. It suggested that parents and governors should be informed of the number and nature of such incidents and the action taken to deal with them. The case study phase of the work examined the issue of recording in schools after it was raised by the Lawrence Steering Group racist incident subgroup.

In all three case study areas, concern was identified by police and local authority respondents regarding schools' and local education authorities' (LEAs) commitment to multi-agency panels (where they existed), and to the recording of racist incidents and information sharing with other agencies. There were some positive examples – generally where a schools liaison officer was in place and had built up good relations with the school. Some operational officers referred to the good work that school liaison officers carried out in building trust and confidence amongst young people and stated that these officers could speak to the school about racism if it was identified as a need.

There were some reports of schools not wanting to handle incidents themselves and calling the police straight away. Some schools would pass on incidents involving violence to the police and would deal with others in-house. Some respondents stated that LEAs were reluctant to share information. The LEA in Southern Force acknowledged the need to give feedback to schools so they could see the results of their work and be encouraged to record.

> *We do offer support to schools with training and all sorts of other things but I think it's about the LEA being more confident and getting out there and starting to challenge those questions.* (Local authority representative, Rural Force)

One respondent from an LEA said that LEAs would appreciate guidance on good practice in implementing the duty to combat racism, and also on how the LEA could ensure the curriculum was culturally sensitive.

Training for non-police agencies

Training of staff in third party reporting centres on the reporting and recording of racist incidents was an important issue in the case study sites. There was often a high turnover of staff, meaning knowledge and expertise was lost. This was thought to be the reason why some centres failed to receive or record any incidents. The multi-agency panels in Southern Force and Northern Force had done some work trying to help train staff but they were still often reliant on the agencies themselves:

> *Still got that concern and worry that we are relying on other organisations' own training of staff… for instance with the county council… the staff in the reception have changed… so I don't know if their members of staff have had the training and are aware of how to report it.* (Specialist officer, Southern Force)

Training varied greatly across the case study sites. In Northern Force, all organisations had to be trained before the multi-agency panel agreed for them to become a reporting centre; the multi-agency panel provided the training and a guidance pack. In Southern Force, the multi-agency panel was developing new training for the agencies which was to be introduced shortly; they had also previously provided training for some agencies. The LEAs in Southern Force and Northern Force also provided training and/or guidance for head teachers and governors on handling racist incidents. Training and guidance had been developed in an ad hoc manner, generally through the knowledge of one or two individuals.

> *You can only… give confidence to reporting centres by the training so the training is one of the key elements of the reporting centres. And what we discovered in the past is where we've only trained a number of people and they've left, got a new job, promotion, then the system falls down.* (Local authority representative, Northern Force)

In Rural Force, some people working in third party reporting centres had not received any training or guidance, and where available it varied in content. Police specialist respondents stated that it was particularly important for many of these organisations to receive training on diversity, as knowledge of

other cultures and backgrounds was sometimes poor. It was argued that an increase in multi-agency working might help to address this lack of training, consistency and knowledge.

Other means of promoting reporting

A majority of force respondents to the postal survey stated that there were local initiatives for promoting reporting. Multi-agency panels were mentioned frequently and their work is discussed in more detail below. Innovative means of promoting reporting included:

- a dedicated police officer tasked with increasing minority ethnic communities' trust and confidence in the police;
- an ethnic minority advice project based in the Citizens Advice Bureaux;
- a specific multi-agency racial harassment project which all victims are referred to as a matter of course; and
- liaison with the council over their policies.

Victim support

The police links with Victim Support and the local RECs in each case study force (and in turn these organisations links to others) seemed strong and both organisations were praised by other agencies for their work. Referrals to these organisations were the most commonly offered services to victims and in Southern Force the police and Victim Support occasionally carry out joint visits to victims. Many victims in the study had become aware of Victim Support and their local REC after being referred to them by the police once they had reported an incident. In general, the participants who had contact with the REC or Victim Support thought that the work they did was very good and stated that they had appreciated their support, this was particularly true of local RECs. One 14-year-old participant was not offered support or counselling after a serious assault, which may be because Victim Support undertakes to provide services to those over 16 years old.

From respondents' own perceptions and research observations, the links between the police and other agencies and community organisations providing victims with support seemed to be working well in Northern Force and in the cities of Southern Force but was less effective elsewhere in Southern Force and in Rural Force. Statutory agencies' representatives in Rural Force were less likely to refer victims of racist incidents to community organisations for support, because they were not aware of their existence. The agencies in Northern Force and cities of Southern Force communicated more effectively, were aware of each other's work and gave each other positive feedback.

The Northern Force area contained a wide range of community and voluntary organisations such as support and advocacy groups, open BME forums and a support network specifically for victims of racist incidents to talk to other victims. The police in Southern Force and Northern Force had links with religious institutions such as mosques and temples, as well as housing and tenants bodies. The hate crime specialists' role was to facilitate these links. There was also a mediation service available in Southern Force and Northern Force, and in Southern Force one officer mentioned the use of acceptable behaviour contracts for perpetrators if victims were reluctant to go to court. The police had also offered mediation to some victim interviewees who had experienced neighbour harassment.

Very few respondents mentioned services for witnesses and it seemed that Witness Support (the sister organisation of Victim Support) was the only service actively supporting witnesses.

Multi-agency panels

The Code stated that multi-agency panels should provide a way in which agencies can work together to tackle racism. The Code recommended that shared reports should omit information that could identify individuals, and that all areas should use panels or a common monitoring system as an organised way for tackling racist incidents.

From the surveys it seemed that the majority of police forces and local authorities used multi-agency panels to tackle racist incidents and had common monitoring systems in place. About a quarter of local authorities stated that common monitoring was not used. The most commonly cited agencies

involved in common monitoring (as well as the police and local authorities themselves) were RECs, housing associations/offices, Victim Support and local community groups (this was more likely to be stated in the MPS). The majority of forces and authorities felt that multi-agency working was effective in tackling racist incidents.

There were several multi-agency panels for racist incidents and hate crime in Southern Force and Northern Force. Northern Forces' panels were the most developed in terms of the work they carried out. The panels were chaired by representatives of the larger voluntary organisations in the areas, having, in some cases, been previously chaired by the police force. A large number of different organisations tended to be represented on these panels including all of the main statutory organisations such as the local authorities, police force, Probation Service, CPS and numerous voluntary and community organisations such as RECs, Victim Support, Citizen Advice Bureaux, and refugee and asylum seekers groups. However, the existence and use of multi-agency panels to monitor and tackle racist incidents varied within the areas. In Southern Force there were panels in the two main cities, one of which only covered the city whilst the other covered the rest of the county.

Respondents in Rural Force were unclear whether panels existed. The majority of respondents in the site stated that there were no multi-agency panels looking at racist incidents but pointed out that there was an anti-racism task force. This operated at a strategic level and looked at the race equality policies of statutory organisations. However, one police officer worked on a multi-agency panel in her area of the force with statutory agencies and members of the minority ethnic groups. None of the other police officers (including the diversity leads) and only a few of the other agency respondents were aware of its existence. The panel held an information event with the various statutory agencies in attendance but it was poorly attended, reportedly because it was not advertised effectively. The panel discussed wider race issues as well as racist incidents and had a limited monitoring role but its remit did not seem to be as well defined as those of panels in the other case study areas.

There was recognition from many of the respondents in Rural Force that more multi-agency working would be a positive step and there were moves to establish a multi-agency panel in one of the main cities in the area. There had been previous attempts to set up multi-agency panels but there was a reported lack of will from the non-police statutory agencies. Racism was not seen to be particularly relevant in a very rural area with a small BME population.

Panel activity

Some panels consisted of an overarching panel which met every one to three months, as well as several smaller subgroups which met on a more regular basis. The subgroups covered issues such as publicity, training, education, young people and casework. This seemed to give the panel a clear direction, focus and momentum. Northern Force had taken the work further by having a scrutiny panel which was reported to be a useful accountability mechanism. The panel reviewed and monitored racist incident cases, discussed the investigations and asked the police to reinvestigate if they were unhappy with their practice. Panel members were also trying to extend this in one area to cover CPS prosecution decisions. The panels also helped carry out the training for staff of new third party reporting centres. In Southern Force they were developing a scrutiny group to look at how cases of racist incidents were investigated.

It was said to be easier in Southern Force and Northern Force to promote reporting because of the multi-agency format and a corporate logo which could be identified with the reporting scheme. The multi-agency panel in Northern Force held public launches of various reporting centres to publicise the work of the panel and the phone line which victims could use to report in several different languages. The panel in Southern Force had used several consultation exercises to meet people from the BME community and promote their work. They also attempted to raise awareness in schools and had a bus marked with the corporate reporting logo. The research did not include a large enough sample of victims or members of the public to gauge the effectiveness of campaigns.

The panels in Southern Force and Northern Force had actively tried to build up links with the BME community and their organisations through consultation exercises and publicity. There were many community organisations in both of these areas, which reflected the relatively large and well-established BME communities. There were refugee and asylum support groups working in all three case study areas. Rural Force also had BME community organisations and voluntary agencies, but

due to the small BME population there were fewer available and they were difficult for people living in the more rural areas to access.

> *…it's a very large area geographically where it's quite difficult to do that because there isn't anyone to link with individuals.* (Specialist officer, Rural Force)

Where they existed, the multi-agency panels tried to address problems with school recording by getting LEA representatives on board and by requesting figures from schools. Some police officers and multi-agency panel representatives went into schools to talk to staff and pupils about the importance of dealing with racist incidents. Although the LEAs generally issued guidance on reporting and recording racist incidents to schools, the overall impression from respondents interviewed in case study areas was that schools were often not interested in talking to the police or any other organisation about racist incidents.

Barriers to partnership working

The evidence from the surveys and case studies confirmed problems found in previous research, such as domination by the police and lack of data sharing (Sibbitt, 1997; Bullock, Farrell and Tilley, 2002). The most commonly cited problems in the surveys by both the police and local authorities were a lack of co-ordination between the agencies, poor recording practices of other agencies, and problems with data protection issues. The police forces also mentioned incompatible IT systems and some thought that the process tended to be too police centred.

In the case study sites, some of the panels were said to be excellent while others were considered poor because they had turned into talking shops. In general, panels were thought to be effective and a useful tool for raising awareness, monitoring levels and holding the various agencies to account. There were, however, a number of problems that were raised by the various participants:

- difficulties in getting other agencies involved and ensuring continuity (particularly community representatives, health, education, police authorities, and the private sector);
- inaction where there was only one main group, which was too large to get things done;
- a lack of trust and a culture of blame between some of the statutory agencies;
- insufficient commitment to multi-agency work by statutory organisations (in Rural Force);
- a lack of resources and funds – especially for panels without a paid co-ordinator;
- an unwillingness from some smaller voluntary organisations to share information;
- a heavier workload for the police than any other agency; and
- operational officers thought that culture was a barrier towards working with other agencies.

Information and analysis

Information sharing

The postal surveys found that RECs, housing offices/associations, Citizens Advice Bureaux, and local community groups in London tended to be the agencies which routinely provided the police with information about the racist incidents they had recorded. In Southern Force and Northern Force, all of the agencies and organisations on the multi-agency panels shared information on racist incidents (with the victim's consent) and most had information sharing protocols. The information sharing was thought to work well due to the existence of the panels and a common recording form which meant that the same standard of information was collected by the various agencies. Victims were referred on to to other appropriate agencies where necessary (with their consent). Where victims had not consented to having their report shared, the agencies could still pass on details of the incident on an anonymous basis so that the number of incidents could be monitored. In general, information sharing had greatly improved over time:

> *I think it's quite effective because people are sharing information, it's taken time for it to happen, providing the facility effective from day one, but it's taken us two or three years to actually get to this stage but people are now comfortable….* (Voluntary organisation representative, Northern Force)

> *There's no problem with sharing information, but that's the beauty of the reporting centres' initiative and the multi-agency group reporting form – it's a standard form and we share it with the consent of the victim.* (Specialist officer, Northern Force)

Information on racist incidents in schools, collected by the LEAs, was generally anonymised before being shared because of the age of the victims and perpetrators (unless it was a serious criminal offence in which case the police would be informed). In some cases only overall numbers of incidents were passed on, without any further details.

In Rural Force, the limited multi-agency activity meant very little information was shared between the agencies on a formal basis and there were very few information sharing protocols in place. Police officers seemed to be more concerned about data protection legislation than in the other case study sites.

> *We do share information but it's limited in what we share, partly because there isn't actually a multi-agency system and quite often there were issues around that.* (Local Education Authority representative, Rural Force)

The police received regular reports from one of the RECs, and some refugee organisations but very little other information was shared. One police officer stated that they were hoping to improve information sharing and multi-agency working more generally by obtaining an agreement through the Crime and Disorder Reduction Partnership.

Collation and analysis of information

The majority of police forces in England and Wales had some form of monitoring or intelligence system in place to analyse patterns of racist incidents. These ranged from more sophisticated geographic mapping of data to identify hotspots, to crime pattern analysis, and to simpler investigative databases. All of the forces in the case study sites were also able to carry out analysis of the information on their system to identify hotspots, trend and patterns and profiles of victims and perpetrators. In Rural Force, they were hoping to develop a system whereby each incident could be tracked through to its outcome but this was at an early stage. This type of analysis was often the remit of a specialist department and awareness by officers on the ground was limited.

All of the statutory agencies in the case study areas used the information on racist incidents as part of their performance management approach, for example as Best Value Performance Indicators and they also produced some level of statistical analysis. In Southern Force and Northern Force, the multi-agency panels collated all of the information on racist incidents and produced overall numbers and trends. In Northern Force, the panel had access to the police computer database. The LEA in Southern Force had carried out some quite detailed analysis on victimisation levels, perpetrators and incident types in schools. The main problem for both these areas was that the majority of the agencies had manual recording systems and respondents acknowledged some incidents were probably being counted more than once.

Northern Force were hoping to develop a common database for all of the agencies to use which would make the information more accurate. There was very little analysis of information conducted by agencies in Rural Force although one local authority said that they were trying to build up a picture of incidents by sharing information with other agencies and getting them to do the same but this was at a very early stage.

Perceptions of groups at risk

The Code of Practice emphasised the importance of increasing knowledge about victimisation in order that services provided to victims would be appropriate and effective. Collection and analysis of data would increase knowledge and understanding of the problem and therefore aid prevention. Many respondents to the postal surveys and in the case study sites were unaware of any trends and patterns in victimisation, which suggested a need for data to be collated and examined more systematically at a local level. The majority thought that victims were from a wide range of age and ethnic groups. Overall, visible minority ethnic groups were felt to be the main targets of racist

incidents. Some groups were perceived to be more vulnerable in that respondents thought that they suffered more after they were victimised and that they were more likely to be victimised, such as:

- asylum seekers and refugees;
- individuals whose first language was not English;
- elderly people;
- young people (aged under 25 years);
- single mothers; and
- people living in more isolated areas.

Some practitioners from the case study sites identified patterns in victimisation. In Southern Force and Northern Force, respondents stated that victims were be predominantly Asian (followed by White), and that incidents tended to be between different Asian groups or between Black and Asian groups. In Rural Force, isolated BME residents were particularly likely to be thought vulnerable as they would be more visible to the majority population. Where respondents from the case studies were able to identify vulnerable people, some thought again that asylum seekers and refugees (or those perceived to be) were particularly vulnerable:

> *I did some comparisons as to the likelihood of being a victims if you're an asylum seeker as against anybody else living in the county and you'd be 30 times more likely to be the victim of a racist incident if you're an asylum seeker.* (Specialist officer, Northern Force)

A number of key issues which were felt to cause or heighten racist tension or lead to greater victimisation were identified through interviews and observation in the case study areas. These included unequal allocation of resources by local authorities, and scapegoating of asylum seekers by local extremist politicians. Other specific groups which respondents thought to be likely targets included travellers, those working in jobs which deal with the public (e.g. restaurant owners and taxi drivers) and those in areas of local authority housing.

Identifying and preventing repeat victimisation

The surveys found that just under half of local authorities thought that their reporting form was effective in identifying repeat victims. Approximately a quarter thought that they were poor and a further quarter thought that it was neither, or stated that they did not know. More positively, most police forces and MPS boroughs thought that repeat victims were identified most of the time and that their reporting form was effective in enabling them to identify these victims. Half of the MPS boroughs and the majority of other police forces had an IT system that allowed them to identify repeat victimisation.

The findings in the case study sites were similar to the postal surveys. The majority of non-police agencies could identify repeat victims and perpetrators manually but many did not use computer systems making this is a more arduous task. Some respondents said they planned to set up a computer system and would then be able to search for this information. The multi-agency reporting forms in Southern Force and Northern Force specifically asked whether someone was a repeat victim, but the forms in Rural Force varied.

The police forces in all three areas were able to identify repeat victims. In Southern Force there was a question on the recording form asking if the victim has been a victim previously and this could be flagged on the system; repeat victims were usually referred to the beat manager. The hate crime specialists could search the system to pick up any repeat victims that might not have been previously identified. The same system operated in Northern Force, but this was the only area where officers specifically stated that previously unrecorded incidents would be recorded as separate incidents once identified.

In Rural Force the officers were supposed to ask if the victim had been a victim before but as there was no form or prompt card it was difficult to know if this question was routinely asked. The system could be searched using either names or addresses to identify repeat victims. A 'hot log' was also set up for a repeat victim so that any officers in the area could 'keep an eye' on the victim's property; they also received a follow-up visit and support from the REC.

The postal surveys found that the most common actions taken by the police to prevent further repeat victimisation were identifying and dealing with perpetrators; providing crime prevention advice; and providing follow-up visits to the victim. Many also carried out target hardening and tried to target hotspots; the MPS were keen to try and protect high-risk victims.

Identifying and tackling perpetrators

Half of the police forces and just under half of the local authorities thought their reporting form was effective at identifying repeat perpetrators. However, almost a quarter of forces and authorities thought it was poor. The MPS boroughs were more likely to think that their form was effective. Some respondents in the case study sites only discussed repeat victims and not perpetrators. When asked specifically about repeat perpetrators, many police officers stated that there were very few but that it should be possible to search their system to identify them. In Northern Force, a few officers said that they identified repeat perpetrators, but that they were not monitored to the same extent as repeat victims.

Agencies and multi-agency panels were not monitoring perpetrator profiles or developing strategies to address the attitudes of the community in general, as the Code suggested. The case study research built up a picture of the context of racist incidents in the case study areas which suggested the need for locally appropriate responses, but there seemed to be relatively little work being carried out. Many participants (including victims) thought that more education in schools was necessary to prevent children and young people from growing up with racist views.

Interviews with perpetrators indicated they were unwilling to recognise the racist nature of their offence and felt they had been unduly harshly treated. They were aware of the stigma attached to racism and denied its relevance to their offending. The Probation Service was carrying out some promising work attempting to address behaviour and beliefs, which was being evaluated and for which longer studies of reconviction rates would be decisive. A few examples of local inter-agency work were identified by forces in the postal surveys:

- joined-up working between the CPS and the Probation Service to re-educate racist perpetrators;
- a community incident action group to look at repeat perpetrators and complex cases;
- liaison with the council over their policies; and
- a special operation that used overt video recording in areas of racial tension to disrupt youths involved in anti-social/racist behaviour.

Summary

Third party reporting

The Code encouraged third party reporting centres as a way of making reporting more accessible. These centres were more widely available throughout the country, although areas with smaller BME populations were less likely to have structures in place. Some participants in this study were unaware of third party structures, suggesting that methods of publicity were inadequate or ineffective. Centres should be more proactive in raising awareness and should consider innovative methods of publicity which target their potential client base. The availability of 24-hour reporting outside of a police station was still very limited and thought should be given to using existing venues such as 24-hour garages and supermarkets.

One of the main problems with third party centres was the training and turnover of staff. Knowledge of procedures was often lost making effective reporting and recording less likely. The training that was received was carried out and designed on an ad hoc basis so that there was little consistency. Some centrally issued guidance from the Home Office might help the non-police agencies.

The Code gave specific guidance to schools which encouraged the reporting and recording of racist incidents with police involvement where appropriate. Whilst there were some good examples of schools and LEAs monitoring and recording racist incidents there were also major problems reported in all of the case study areas. Schools were said to be reluctant to engage with the issues due to fear over their reputation, concern about labelling children, limited understanding of the issues, and a

belief that recording was bureaucratic. Multi-agency panels need to try to continue to engage with education and encourage reporting and recording, and the LEAs and DfES could provide a stronger central steer.

Victim and witness support

The most common services offered and received by victims and witnesses were Victim and Witness Support and support from local RECs. There were also many refugee and asylum support organisations. Links between different agencies to offer support were stronger in areas where multi-agency panels had been established.

Multi-agency panels

The Code saw multi-agency panels as useful and effective in allowing agencies to share information and work together to tackle racist incidents. Respondents in case study areas with panels were more likely to say that information sharing between the various agencies worked well. The overall number of panels seemed to have increased but there were more problems in rural areas in engaging the relevant agencies.

The panels carried out a variety of work including monitoring levels of incidents, training third party reporting centres, scrutinising police investigations, education and publicity. The main problems with panels tended to be representation and commitment from some agencies, lack of a common database, the poor standard of information provided by some agencies, a lack of resources and/or funds for a co-ordinator, problems around data protection and a lack of focus.

Use of information

The Code encouraged agencies to collect information in a standardised way and use the intelligence to build a picture of racist victimisation in their areas in order to tackle incidents and prevent further incidents. The vast majority of forces and local authorities used the information on racist incidents to do some statistical analysis and look at trends and patterns. However, some agencies found this more difficult as they did not have an IT system.

The Code wanted agencies and multi-agency panels to gather information on racist perpetrators in their area, to deal with them appropriately and, where possible, use the intelligence they gathered to aid prevention. Agencies could draw on information about perpetrators' profiles and why they had carried out racist acts to develop ways of working to prevent future incidents and reduce reoffending. The research carried out for this evaluation found little evidence of this type of activity.

The Probation Service was carrying out some promising work attempting to address behaviour and beliefs. Consideration could also be given to alternative means of punishment (where appropriate) by using methods such as restorative justice which might force perpetrators to confront their attitudes and challenge their beliefs.

5. Handling of racist incidents

Treating victims and witnesses well and according to their needs should be at the core of any agency's handling of racist incidents. The British Crime Survey has consistently shown that victims of racist incidents, and BME victims more generally, have had lower rates of satisfaction with the police handling of their case (Clancy *et al.*, 2001). The Code recognised that improvements needed to be made and stressed that all agencies dealing with victims and witnesses of racist incidents should do so with sensitivity and understanding and that their needs should be central to any police investigation. The Code also suggested that locally agreed protocols should ensure that someone is given the responsibility of keeping the victim informed of progress. This chapter looks at the treatment of victims and witnesses and the handling of incidents, including victim satisfaction factors, the investigation and prosecution process and training issues.

Victim satisfaction

People from minority ethnic groups have consistently reported lower levels of satisfaction with the police when they have contacted them than White people, in successive sweeps of the BCS. In the 2000 BCS, satisfaction amongst victims of crime was found to be notably lower than for those who had contacted the police for other reasons (Clancy *et al.*, 2001). As with previous sweeps, satisfaction with police performance was lower amongst victims of racially motivated crime. Only 39 per cent were very/fairly satisfied with the police response and 32 per cent were very dissatisfied. Fourteen per cent of White people were very dissatisfied with the police handling of their racially motivated crime compared with 51 per cent of Asians and 56 per cent of Black respondents. This study examined how victim satisfaction with racist incidents was measured by forces' and respondents' impression of satisfaction levels.

The police view

Most police forces measured victim satisfaction using postal and telephone surveys in line with the Police Performance Assessment Framework requirements for statutory performance indicator data on satisfaction with racist incidents' response. In the MPS, half of the boroughs did not know if they measured satisfaction levels of victims and a further quarter stated that they did not, whilst the remaining quarter thought that satisfaction was measured on an ad hoc basis. Most of the police respondents to the postal surveys thought that victims were satisfied with the police response and handling as Table 5.1 below illustrates. As with all the postal survey responses, the findings reflected the individual respondents' view of their force.

Table 5.1: Number of force survey respondents perceiving victim satisfaction with police handling of racist incident (n=41)

Very satisfied	5
Satisfied	28
Neither	1
Unsatisfied	2
Very unsatisfied	0
Don't know	5

Note: responses from 41 forces.

The police in Northern Force employed an independent research company to carry out their victim satisfaction survey. When a victim stated they unhappy, the questionnaire was sent back to the hate crime staff who liaise with the investigating officer and their supervisor to feedback the victim's comments and assess what went wrong. Whilst this system might help address poor quality of service in holding officers to account, it might have a negative impact on response rates if victims became concerned about the confidentiality of their responses to the questionnaire.

The victim's view

Several of the victims interviewed for this study were very satisfied with the police handling of their case and the outcome. A few stated that the police response had been much better and more thorough than they expected.

> *Extremely well. They did their job, in both instances, 100 per cent. They were very, very good. It's worth saying so, they get enough stick.* (Victim, Southern Force)

The participants who were satisfied were generally happy to report any further incidents to the police. Some participants who felt let down by the police response and investigation stated that they would not report future incidents as they saw little point. However, some stated that they would report incidents purely because they felt it was the right thing to do and they wanted each incident to be recorded so that levels could be monitored. Some accepted that there are good and bad police officers but still felt that the police had failed them. This resulted in a loss of confidence in the police as an organisation and respondents believed the problem was institutional.

> *I feel let down by the police. I think they could have done more, they should have done more. They were just so flippant with it, they weren't bothered and they let this guy get away.* (Victim, Northern Force)

Keys to satisfaction

The postal survey found the police thought the three most important factors for securing victim satisfaction were:

- providing a quick response to the initial incident;
- keeping them informed of any progress; and
- dealing with perpetrators effectively.

This seems to be a common sense approach which is likely to apply to all types of incidents and crimes. There was agreement between the respondents from across the case study sites about the factors that help increase victim satisfaction:

> *Keeping people informed, make him feel valued in the process; listening to people, not minimising what's happened; concentrated effort on that person when they report it and make them feel valued; professionalism, courtesy, manners… It's not rocket science is it?* (Voluntary organisation representative, Northern Force)

> *Seeing the positive outcome… I think everybody would like to see the suspect being arrested and charged in court… But I think at the end of the day, like everybody, they just want to know that the police are being seen to be taking an interest and as long as they're kept informed. I think most people are happy to know, even if we can't find who the suspects are, that we tried our best.* (Specialist officer, Northern Force)

The victims' responses suggested the issues above were key to ensuring their satisfaction. Agency respondents' views were also supported by the disappointment expressed by some victims that perpetrators had not received stiffer penalties, and one participant was disappointed that the perpetrator was not prosecuted with the racially aggravated element of the offence. These issues are linked to the Crown Prosecution Service response to racist incidents and are addressed later in this chapter. It was also suggested by some police officers and victims that consistency of contact with the police was important, so they had one person who acted as the contact.

Sensitivity to cultural issues and avoiding misunderstandings also seemed key in responding to incidents with a racist element. Police officers gave examples of cultural misunderstanding and insensitivity from some of their colleagues, particularly in Rural Force, which in some cases had led to a BME victim being arrested for breach of the peace. Officers also pointed out that victims should be reassured and that if it made them feel more comfortable the police could attend their home in plain clothes.

The agencies' view of treatment and handling

The treatment of victims was thought to have improved across all three sites, this was in relation to both the police force and the third party reporting centres. Some of the non-police agencies saw themselves as providing a service to the victim first and foremost and therefore concentrated their efforts on getting this right. However, some of these agencies also gave examples of victims receiving a substandard service from the police across all of the sites. This was generally due to poor communication and a lack of feedback to the victim. Some respondents across case study areas suggested that treatment by the police depended on the individual officer and their awareness of the issues, therefore training was essential.

> *I think, from a police perspective, though, the care factor isn't emphasised as top priority so therefore I think that the process from the police side of it needs to be improved a lot.* (Voluntary organisation representative, Northern Force)

Police officers in Rural Force stated that treatment of victims in their force was mixed, stating that the diversity units were very good but that some other officers lacked understanding, cultural sensitivity and failed to keep the victim informed. However, many officers still thought that treatment had improved as a result of having the diversity units to push the agenda forward. Officers in Northern Force stated that they thought a multi-agency approach was the best way to provide victims and witnesses with the good treatment, as there was a need to offer a range of services and support and to have a co-ordinated approach.

Operational officers thought their treatment of victims and witnesses could be better, especially with regard to keeping them informed. However, several officers stated that BME victims received better treatment than White victims and that they and the White community resented this. Some went further stating that it was giving the BNP a helping hand.

> *I think victims of racist incidents are treated a lot better than somebody who's had their house burgled. I'll be honest, if someone's been called a Black bastard in the street and they report it as a racist incident, I think they will probably get treated a lot better than somebody who's had the whole contents of their house wrecked.* (Operational officer, Rural Force)

As mentioned previously, a few officers suggested that some BME victims were aware of this and therefore said an incident was racist even when it was not in order to get priority treatment. Some officers talked about 'treating everyone the same', whilst few understood or mentioned the concept of 'treating people according to need'. Some operational officers had no understanding of why victims of racist incidents might need additional support.

It should be noted that very few police officers mentioned witnesses and when asked about this directly many admitted that they had little contact with, and provided minimal support to, witnesses. Two officers in Southern Force stated spontaneously that they tried hard to reassure both victims and witnesses because they might be frightened of repercussions. The officers went around to check on them to ensure that they were not being threatened and helped them with statements if necessary.

The victims' view of treatment

Some of the victims interviewed thought the police had improved over the last couple of years and one in particular linked this improvement to a new specialist hate crime team being brought in (and more police officers generally) who he thought were very effective.

> *With the previous community liaison officer they had you would report stuff and… nothing ever happened. He would make all the right noises but nothing ever happened. With the set-up that's there now, no problem at all; very good, very competent.* (Victim, Southern Force)

I think recently they are taking it more seriously. When it used to happen when I was a kid [the police response] *was non-existent. It wasn't as hot as what it is now. They're a lot hotter now.* (Victim, Rural Force)

Some of the victims thought that the police took racism seriously and dealt with it well, whilst acknowledging that they might not be able to respond to less serious incidents so well. Those with positive views said the police did all they could to help, were polite and courteous, took the incident seriously and kept them informed of progress. In some cases the police produced a positive outcome either through a successful prosecution or by warning the perpetrator to stop on an informal basis, which stopped the incidents. Some participants stated that the police carried out detailed and thorough investigations and provided crime prevention advice.

However, the majority of victims interviewed thought the police response was poor and they were not interested in dealing with racist incidents and 'brushed the matter under the carpet'. The police response to many different types of crimes was thought to be too slow and the feedback and follow-up were often stated to be inadequate. Some thought that the police were not interested in helping BME people because they did not see them as worthy or important, whilst others stated that they thought the police had too much paperwork and had to prioritise their work so would not be interested in less serious incidents. As with the non-police agencies, some participants commented that the response and treatment received depended on the individual officer and varied enormously. Some stated that the police were slow in responding, did not seem to take the incident too seriously, were sometimes rude and appeared uninterested.

> *I think sometimes the police officers need to be a bit more understanding and a bit more sensitive and not take it as, oh, another stupid little report.* (Victim, Rural Force)

> *Someone said to the police officer, why are you bothering its only an effing Paki? And I said to the policeman, did you hear that? He said I heard nothing… He stood right next to me and he just said I heard nothing. He had a really bad attitude.* (Victim, Northern Force)

Some police officers were reported by victims to have questioned or refused to acknowledge the racist nature of the incident even when the victim had specifically told them that racist language had been used. Victims stated officers had failed to carry out the most basic investigation such as tracing witnesses, taking statements and descriptions.

Keeping victims and witnesses informed

The postal surveys found that many police forces and authorities had a protocol to ensure that victims were kept informed of any progress, and tended to provide them with details of the whole process. The agencies that were most likely to have agreed to such a protocol with the police were Victim Support, RECs and housing offices/associations. There were generally rather low levels of agreement between the forces and other agencies in the same area about the existence of protocols, which suggests a lack of clarity. The agencies listed most frequently as having agreed a protocol with local authorities were the police force, social services and Victim Support. The majority of forces claimed to provide victims of racist incidents with a specific contact to keep them informed of progress, to ensure consistency for the victim. The survey found that police forces that keep victims informed stated they provide them with details of the whole process, including support services and the progress of the actual case from start to finish.

When the incident was reported to a third party reporting centre, the person who it was reported to generally kept the person informed, along with the co-ordinating multi-agency panel in Southern Force and Northern Force. The investigating officer in each force tended to keep the victim informed of all the progress in their case, although it was acknowledged that whilst the initial response was good the follow-up sometimes dropped off.

> *The officers who attend the scene are brilliant and very professional and we're told that they're very sympathetic etc. But I think where we fall down, not just with hate incidents but with all crime is after-care. We're not talking to them often enough so the feedback we're*

getting is very good initially but I haven't heard anything for ages, a lot of people have said that. (Specialist officer, Northern Force)

In Northern Force where the police were investigating an incident the multi-agency panel also kept in touch with the investigating officer to monitor progress. In Southern Force police officers investigating racist incidents received an automatic reminder via their computer to contact victims and keep them informed within the 28-day period. In Rural Force the diversity police officers (and staff) checked any incident that had not been finalised and phoned the victim to inform them of progress. The hate crime or diversity specialist officers in each force also contacted the victim and sent out a pack with their contact details, and information about the various agencies which can offer support and advice.

Victims were kept informed by telephone or in writing; this varied depending on the agency and individual dealing with the case. Only one respondent suggested they should ask victims how *they* would prefer to be contacted. The multi-agency panels in Northern Force were hoping to develop a policy which would outline the procedures for third party centres as to what victims should be kept informed about, how and within what time scale. All of the respondents said they try to keep the victims informed of any progress and developments. Schools differed somewhat as they dealt with most incidents in-house and would often get the victim and perpetrator together to discuss the incident; parents were also usually informed.

In Rural Force, several officers prided themselves in calling victims and keeping in touch with them, or stated that the specialist units were very proactive in keeping in touch with victims of racist incidents. Some officers in Southern Force stated that their new radio helped them keep in touch with victims as they used them as mobile telephones as well.

However, several respondents in Rural Force stated that there was still much room for improvement and stated that some operational officers were poor at keeping victims informed. Several operational officers from across the focus groups in case study areas stated that they simply did not have the time to call victims (of various incidents) and let them know about progress on their cases.

Some of the victims interviewed for this study complained that the police failed to keep them informed of progress so that they had to continually chase them for information, and some stated that the officer in their case often changed. Some participants had made formal complaints to the police about the treatment and investigation of their cases and as a result the contact had improved.

Several participants had experienced racist incidents which had resulted in a court case. Whilst the majority of these cases resulted in a successful prosecution the respondents had no contact from the CPS and had not been informed of the result. Many had to ask the police or in some cases had seen the result in the local newspaper. This lack of contact and keeping victims informed was mentioned by other agency representatives as an issue and some police officers stated that they often did not know the result of a court case.

Witnesses were not generally informed unless they were needed to appear in court and some officers who mentioned this acknowledged that witnesses should be kept informed, as they had taken the time to give statements.

Improving consistency and quality of handling

Police training

For the police the main source of training for handling racist incidents was Community and Race Relations training. The majority of officers had not received any specific training for handling victims and witnesses. Amongst operational officers, opinion on the usefulness of CRR training differed. Few officers had received any community input into their training and it was felt by some that this would have been valuable. Some officers stated that the training could have been improved by covering different aspects of diversity and not just the process of recording racist incidents.

I don't feel as though there's been any actual training as to how to deal with the people it's always the process, which forms to fill in, who to inform… What you would

find useful is… where you actually learn about different cultures, what's acceptable and not acceptable. (Operational officer, Rural Force)

Some operational officers suggested that the training did not necessarily stop people from being racist or highlight officers who held racist views. It was stated that many officers realised that they could not hold openly racist views but that they were simply more careful about what they said. Furthermore some officers stated that once on the street probationers were 're-trained' by other constables. This point has often been made by researchers of police culture who have found that there is a difference between what officers are taught to do in the classroom and what their colleagues show them on the streets (Reiner, 2000; Foster *et al.*, forthcoming). These points were also highlighted in the BBC documentary the *Secret Policeman*. Guidance on the handling of racist incidents for operational officers was available from their specialist hate crime colleagues to whom participants were aware they could refer. Guidance on internal Intranet systems was also mentioned as a resource. However, as time was an issue for the majority of operational officers, many stated that they would be unlikely to read much of what was available and some stated that it was difficult to access.

Several police respondents, including some specialist diversity/hate crime officers, had not received any specific training despite, in some cases, having requested it. This was a particular issue in Rural Force and Northern Force, although the standard of training was better in Northern Force. In Rural Force, specialist diversity roles were carried out by both police officers and police staff, and in some cases neither had received training. All new probationers received CRR training along with officers who were tutor constables. However, there was no refresher training and officers who had been in the force for a longer period of time, i.e. before the publication of the Lawrence Inquiry, had only received a self-complete textbook with no check to ensure that it had been taken on board. Many officers acknowledged that this was not sufficient and many could not remember the content of the training.

> *Dealing with racist incidents, we were given a booklet several years ago, a work booklet, to work through. When you worked through it you were expected to fill out the slip, tear it off and send it back saying that you'd done it. That's the training.* (Specialist officer, Rural Force)

The other agencies in Rural Force were more critical of officers' training:

> *…on the ground, the level of training of officers, the quality of training concerns me greatly. The monitoring of appropriate behaviour worries me greatly and basically it is a lottery about the standard of service you get depending on the racism of the individual officer.* (Voluntary organisation representative, Rural Force)

In both areas it was felt that the lack of training for officers was a resource issue as there were so many competing demands for different types of training. Where training had been received (not the self-complete textbooks) the officers had praised it. There was a training day every five weeks in Rural Force and Northern Force, which could be used for ad hoc topics and some officers had received a little training on diversity but often not on handling victims and witnesses.

In Southern Force, which was the smallest of the three forces, all officers had to receive CRR training before they could apply for most promotion opportunities and for community posts such as neighbourhood beat managers. It was stated by the force lead on community and race relations that over 90 per cent of officers had completed the training, and all of the officers involved in this study had undergone training. The force also complemented probationer training with more localised training for officers working in the community relations teams, so that they learned about the particular ethnic groups in the area they policed. Some officers in that area had also received separate training on witnesses. The fact that more officers seemed to have received training in this area than the other two might in part reflect its size and make-up. CRR training was not such a high priority in the other areas, particularly for specialist officers.

Some respondents from other agencies saw police training as key in ensuring that treatment of victims and witnesses is of a high standard. It was also suggested that police staff should receive training on handling victims and witnesses of racist incidents as they were often the people staffing the front desk and therefore the first point of contact.

Other mechanisms

One police officer gave a particularly useful suggestion as to how satisfaction might be increased as not only would it help victims know what to expect but may also put pressure on officers to ensure they give a good standard of service:

> [Victims] *don't know what they have the right to expect so it would be useful to have some service standards. What they have the right to expect in terms of how they're treated, how quickly they will get a response, what will happen when they make a report of the crime, how they will be kept informed. This is what you can expect from us and if you don't, it's not like a formal complaint but you can say we're not happy, you haven't met your service stands basically.* [They] *exist in the health service and many other organisations.* (Support staff – specialist, Rural Force)

The Police Quality of Service Commitment has brought together a set of standards which forces have committed to implementing by November 2006. These would address issues about keeping victims informed. In addition to improving the consistency of service from individual officers, other suggestions from the case study respondents for improving victim satisfaction included:

- more long-term funding for REC caseworkers;
- more resources to create support groups;
- increase in the availability of interpretation services;
- creating a flow chart of the process for all staff/police officers to go through when dealing with a racist incident, with for example, different agencies' contact details; and
- consulting with victims to find out what they want.

Investigation

Procedure and supervision

Victims' views of the handling of racist incidents were influenced by their knowledge of how the perpetrator was tackled. This issue goes beyond initial handling and treatment of the victim and links to the investigative procedure. This section of the report examines how racist incidents were investigated and supervised in case study forces and whether improvements were needed. In all three forces it was clear that efforts have been made across the sites to ensure that racist incidents were thoroughly investigated. The Criminal Investigation Department (CID) dealt with the most serious racist incidents.

In Southern Force, two Basic Command Units (BCUs) had different procedures. In one BCU the initial attending officer carried out the preliminary inquiries and the paper reporting forms were sent to the community relations officer and hate crime officer; the hate crime unit then dealt with the incident. The hate crime officer could trawl the system to pick up any incidents that had not been referred to them. In the other BCU, the investigation process had recently changed. Previously, the initial attending officer would investigate the incident and a sergeant and divisional inspector would monitor. The hate crime investigator, who was a detective constable, had taken on the investigation of the majority of racist incidents, especially the more serious ones, and a sergeant supervisor signed them off. This was said to be a heavy workload for one person and the number of incidents might reach a point when less serious incidents would have to be 'given back' to the initial attending officer. In both areas, the incident was supposed to be flagged on the system, reviewed and kept open for 28 days, after which point it could be signed off if appropriate.

In Rural Force, the incident could be flagged on the recording system as racist and could not be signed off until either the divisional inspector or the diversity unit had checked the record. The incident was supposed to be allocated to an officer within seven days and be dealt with by the initial attending officer, unless this was not practical, for example if the officer was on holiday. The diversity unit also appointed a contact to the case.

In Northern Force, as with Rural Force, the initial attending officer generally investigated the incident. Once an incident was on the system, the hate crime co-ordinator for that area had to be informed by the initial officer and the victim was supposed to be recontacted within 24 hours. All racist incidents

were kept open for 28 days, as in Southern Force, after which the incident was reviewed by the hate crime co-ordinator to decide whether to close the incident. The divisional commander signed off all incidents, highlighting their importance. The scrutiny panel who reviewed cases in some parts of Northern Force could ask for a case to be reinvestigated if they were not satisfied with the outcome, which provided an extra level of supervision and accountability.

> *We also set up a system… where we go every six week*[s]*, pick on the computer ten cases, and then go the week after and the police will bring all the files out, delete the name and address, and then we will go through how they have been dealt with.* (Voluntary organisation representative, Northern Force)

Improving the quality of investigations

Some police officers in the case study areas suggested that more resources were necessary to improve investigations especially in Rural Force where they did not have a direct budget for diversity and in Southern Force where one officer had the responsibility for a whole BCU. Where dedicated units were available it was suggested that this improved investigations, as officers could always be contacted during the day and had a better overview of the issues. In Southern Force some thought that merging the two recording forms that were used might aid the investigation process as the second form was sometimes missed and could provide valuable information.

Increased availability of interpreters at an early stage in the investigation would be useful as it was stated that there were often language barriers. This was particularly difficult for officers in Rural Force where the nearest approved interpreters could be hours away; some officers suggested that there should be greater flexibility in using non-registered personnel.

Specialist officers stated that their operational colleagues had difficulties understanding the difference between a racist incident and a racially aggravated offence, and the evidence that was needed. Some racist incidents would not be crimes and a response involving legal action would therefore be inappropriate. Officers did not talk about using information about non-crime racist incidents for intelligence purposes, as set out in the Code. Burney and Rose (2002) also found problems in officers' understanding of the legislation.

> *…to understand the distinction between a racist incident as defined and a racially aggravated crime that* [is] *a difficult distinction to get across….* (Specialist officer, Rural Force)

> [Officers] *almost think that to prove a racially aggravated offence you have to prove the definition… but that doesn't matter it's the definition that CPS have which we've got to comply with… if they took time in explaining this to all officers then officers would know….* (Specialist officer, Northern Force)

One officer suggested that some guidance on investigation should be available for officers to use:

> *…if someone gave me a sheet and said… you've got to take a statement, that's the points to prove, so you want to cover that, that would be useful to me.* (Specialist officer, Rural Force)

In general, respondents stated that more could be done to encourage victims and witnesses to come forward by increasing the trust and confidence of people from BME communities in the police.

Charging and prosecution

Racist incidents include 'any incident which is perceived to be racist by the victim or any other person' and can therefore be crimes or non-crimes (Macpherson, 1999). If a racist incident amounts to a criminal offence the police can charge the perpetrator with a specific offence. The case can then be referred to the Crown Prosecution Service (CPS) who advise the police and decide whether there is sufficient evidence and whether it would be in the public interest to bring a prosecution. Not all dropped charges necessarily result in the termination of a prosecution, as some charges against a defendant may proceed whilst others are dropped.

The CPS Racist Incident Monitoring Scheme provides a source of proxy information on police performance in the initial identification of racist incidents (ACPO, 2000a). The CPS gather information on cases that the police have identified as racist incidents and also on cases that their staff consider to meet the criteria of racist incidents, but have not been identified as such by the police (ACPO, 2000b). The extent to which the CPS have recognised racist incidents not highlighted by the police varies to quite an extent across the different police force areas (Rowe, 2004: 109-112). From April 1999 the CPS have also monitored racially aggravated offences (CPS, 2001).

Racist crimes can range from harassment to murder, with the racial motivation taken into account in sentencing. In addition, there are specific racially and religiously aggravated offences under the Crime and Disorder Act 1998 and Anti-terrorism and Immigration Act 2001. These offences include racially (and religiously) aggravated assault and wounding, criminal damage and public order offences. Some racist incidents, therefore, might be charged under this legislation and might result in a successful prosecution for a racially (or religiously) aggravated offence.

The CPS have only recently begun to monitor levels of religiously aggravated offences and there seems to be a lack of consistency amongst police forces about how they record religious incidents (some record them separately as faith hate/religious incidents, others include them within racist incidents). This section will therefore focus on racially aggravated offences, which it is hoped the majority of suitable racist incidents will be charged and prosecuted as.

CPS racist incident monitoring

Although there is attrition from each stage of the criminal justice system, the steady and parallel increase in defendants received for prosecution and number of defendants prosecuted (shown in racist incident monitoring from the Crown Prosecution Service) is consistent with improvements having taken place in police investigations as well as recording practices (Figure 5.1).

Figure 5.1: Crown Prosecution Service racist incident prosecution monitoring 1999/00 – 2003/04
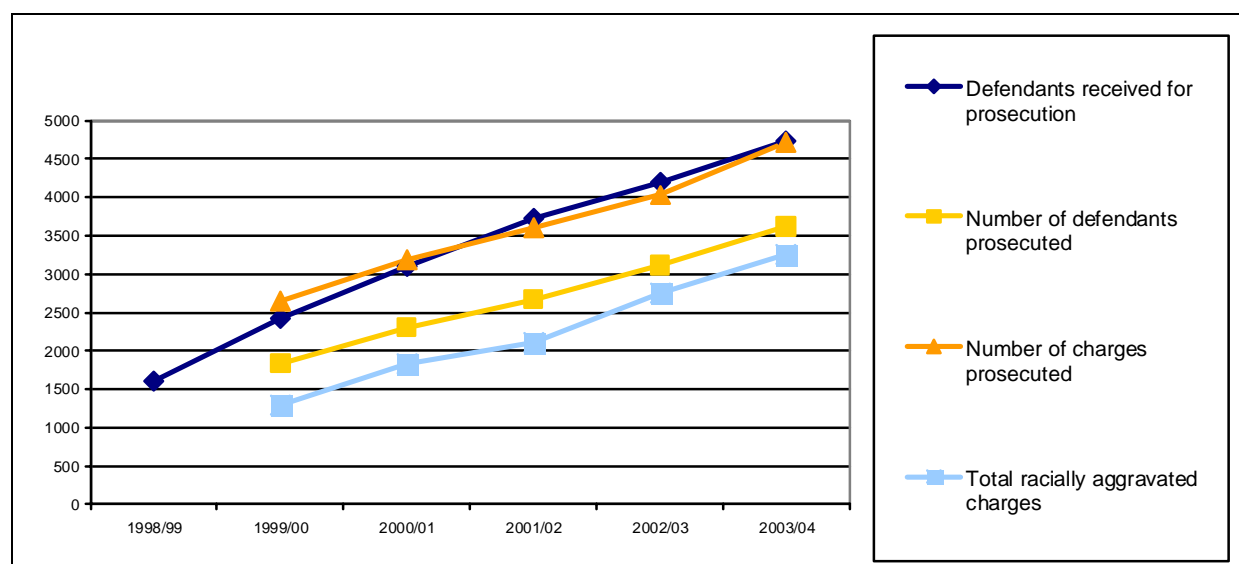
Sources: Crown Prosecution Service 2001, 2002, 2003, 2004.

Figure 5.2 shows that the percentage of recorded incidents which resulted in a police charge increased from under eight per cent in 1999/00, to nearly twelve per cent in 2003/04. In addition, the conviction rate increased steadily, from 81 per cent in 1999/00 to 86 per cent in 2003/04, once again, consistent with the police having improved their practice.

Figure 5.2: Percentage of recorded incidents which ended in charge
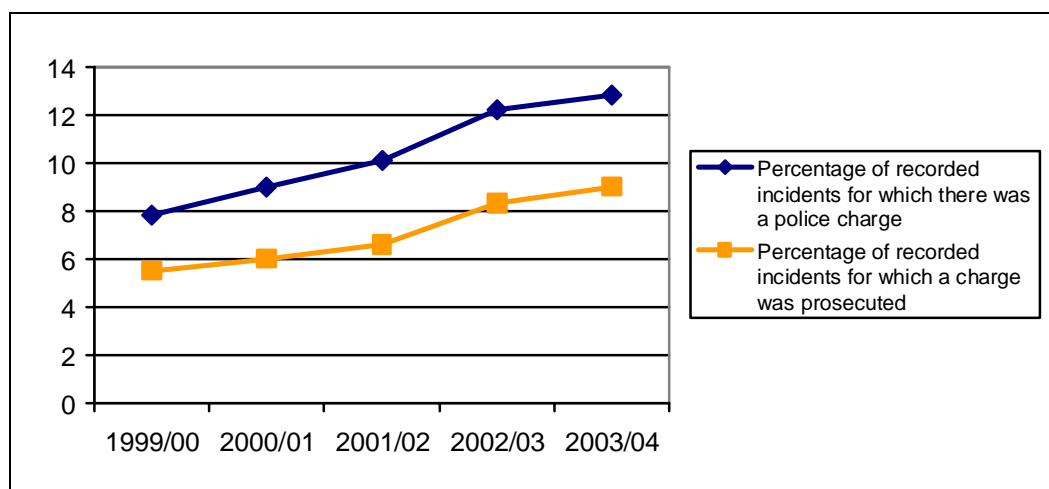
Sources: Crown Prosecution Service 2001, 2002, 2003, 2004.

Relationship between CPS and police force

The annual CPS monitoring reports suggest extensive and ongoing differences in practice across and within forces and CPS areas, beginning with the proportion of racist incidents identified by the police or CPS. The differences may be partly explained by different amounts of liaison and the quality of relationships between staff in the two organisations. In case study sites, officers stated that they would like to liaise at an early stage but that this was not always possible due to the fact that police officers and Crown prosecutors were both very busy. In general, the police said they liaised and consulted with the CPS once they had charged an offender, although some officers stated that they might seek advice at an earlier stage. Several agency representatives and police officers felt unable to comment on the relationship between the CPS and the police force due to lack of experience and knowledge.

Some respondents from all three case study sites thought that the relationship between the police and the CPS had improved over the last few years. Respondents suggested that the two agencies tended to have a closer working relationship on racially aggravated offences than previously. Where the CPS had representatives in police stations, this was thought to help improve liaison and increase communication at an early stage. Other officers said they hoped for a closer working relationship with the CPS once they had a representative in their station (which was generally planned for the near future).

> *…we're going to have CPS here at the police station or some of their representatives and I am hoping then that there will be a much greater opportunity for us to be able to speak face to face with them and talk about these individual cases and cases in general.* (Specialist officer, Southern Force)

Reductions in charge

The CPS Inspectorate found that one fifth of race charges were wrongly reduced so that they did not properly reflect the racist element of the crime. They also identified an inconsistency among CPS lawyers, with some more willing to pursue racist crime than others. They stated that:

> *We are disappointed to still find that there are a significant proportion of cases in which charges are reduced inappropriately.* (HMCPSI, 2004: 49)

However, the report also stated that:

> *We are satisfied that the Service has responded positively to our recommendations and that, overall, there have been encouraging improvements.* (HMCPSI, 2004: 48)

In the early stages of this project the Stephen Lawrence Steering Group racist incidents subgroup identified the issue of the CPS dropping the racially aggravated element of the specific offence in order to obtain a guilty verdict for the basic offence and asked for it to be investigated in the case study sites. Some respondents in the three case study areas did not recognise this as an issue in their area or stated that they were unable to comment due to lack of experience. However, some did think 'downgrading' occurred, and several respondents mentioned it spontaneously.

> *…people will go to court and they will say I plead guilty to the criminal damage but I wont plead guilty to the racially aggravated side of it and… there is quite often a willingness to accept this from the CPS which is, to me, really a waste.* (Specialist officer, Southern Force)

> *…CPS have been shown to be woefully lacking in terms of prosecution*[s]*.* (Support staff – specialist, Rural Force)

Some police officers in the case study sites thought this was not particular to racially aggravated offences but was common CPS practice to ensure there was a higher chance of conviction and a lower chance of the case being discontinued. However, the detrimental impact on victim and witness satisfaction and confidence was acknowledged by all. In Northern Force attempts were made to prevent this from happening, as the CPS agreed to have their cases monitored by the multi-agency panel and had a policy in place to ensure that more senior lawyers oversaw racially aggravated offences.

Improving charging and prosecution

Having CPS representatives working in police stations should improve communication with police officers and affect the quality and consistency of the charging and prosecution process. Other suggestions for improving prosecutions from all of the various case study respondents included:

- more monitoring of the CPS decisions by multi-agency panels;
- better quality witness statements and contact with witnesses by the police and CPS;
- training and guidance for magistrates around race and diversity issues and the importance of the legislation;
- increased training and guidance for CPS staff on the Crime and Disorder Act;
- (as stated above) guidance for police officers on the difference between a racist incident and a racially aggravated offence and the evidence needed for the latter;
- greater use by the CPS of alternative remedies such as Anti-Social Behaviour Orders; and
- publicising successful prosecutions to raise trust and confidence.

Summary

Victim satisfaction

Victim satisfaction of respondents, traditionally lower for victims of racist incidents according to the British Crime Survey, was mixed for the victims interviewed in this study. It depended on the treatment that they received, although respondents' perceptions seem to indicate that things were improving. The keys to ensuring satisfaction were thought to be providing a quick response, keeping them informed (and consistency of contact), dealing with perpetrators effectively and appropriately, and generally treating them with respect and sensitivity. Respondents acknowledged that operational officers sometimes failed to do these key things, especially in terms of keeping victims informed. The Police Quality of Service Commitment and action to improve performance on the new statutory indicator – victim satisfaction with racist incidents, should both have a positive impact on victims' experiences.

Treatment and handling of victims and witnesses

The way in which racist incidents and victims and witnesses are handled is key to ensuring victim satisfaction and contributes towards wider community trust and confidence. The Code recognised that improvements needed to be made in this area and encouraged the appropriate training for staff along with protocols to keep victims and witnesses informed. Although case study and survey respondents'

perceptions of the police and other agencies' treatment of victims and witnesses indicated an improvement, there was still evidence of inconsistency. Victims' experiences described for the study varied, with the quality of treatment still depending on the individual police officer or agency representative that handled the case. Perhaps unsurprisingly, understanding of the issues for, and treatment of, victims and witnesses was generally poorer amongst operational police officers than amongst specialist officers.

Keeping victims informed

It was recognised by many respondents that keeping victims informed of progress was key to ensuring satisfaction, and most agencies had the necessary procedures. However, whilst specialist officers and some other agencies were said to provide a good service in terms of keeping in contact with victims, operational officers by their own admission were often poor in this area. It was also suggested by police officers, other agency representatives and victims that the CPS were often poor at keeping victims informed about progress in their court cases and the final outcomes.

Training of staff in handling of victims and witnesses

Training was a problem in some case study areas, as some officers had not received any training on handling victims and witnesses. Many longer-standing officers had still not received CRR training including some specialist officers. Some police forces still need to prioritise CRR training for their operational officers and particularly for specialists.

Investigations

There were appropriate levels of supervision in each case study site and, if the procedures were adhered to, sufficient checks and balances. The scrutiny of police investigation by the multi-agency panel in one area worked well and was thought to help increase levels of transparency and accountability. These measures in turn might help to increase consistency and thereby trust and confidence. Thorough investigation should increase victim satisfaction in line with the Code's aims. It was suggested that police officers needed to be given some guidance on the definition of a racially aggravated offence as compared to a racist incident, in order that the correct evidence could be gathered and to aid successful prosecutions.

Charging and prosecution

The chances of a successful prosecution were said to be increased through an effective working relationship between the police and the CPS. This relationship was improving in the view of respondents. CPS staff being based in some police stations helped increase liaison and communication at an earlier stage.

The level of prosecutions for racially aggravated offences had risen which was encouraging but there were still some problems with the information the police provide to the CPS. There were also some issues around the CPS downgrading offences to the basic offence in order to achieve a prosecution. It seemed that the CPS might sometimes be failing to take into account why the offence should be treated more seriously. Monitoring CPS decisions in the same manner as police investigations (by an independent scrutiny panel) might help to improve CPS decision making.

6. Conclusions and recommendations

Conclusions

The Code sought to make reporting and recording procedures more effective and increase levels of reporting. The analysis of qualitative and quantitative data carried out in this study, at national and force level, is consistent with a change in the reporting and recording of racist incidents stimulated by the Code and the Stephen Lawrence Inquiry. Following the publication of the Inquiry report and the Code, the police and other agencies have made an effort to improve their practices and have delivered results, although there remains scope for further progress.

Changes in reporting and recording since the Lawrence Inquiry

The sharp increase in recorded incidents since the publication of the Stephen Lawrence Inquiry, alongside no increase in victimisation as measured by the British Crime Survey, is consistent with a rise in reporting and improved police recording. Reporting to both the police and other agencies was perceived by respondents in the study, including some victims, to have increased. Agency representatives thought there was greater awareness of reporting structures and an increase in victims' belief that incidents would be taken seriously, which in turn helped increase trust and confidence in the police and other agencies. Recording levels were also thought to have increased owing to the Lawrence Inquiry and the new definition of a racist incident. Nevertheless, evidence from interviews suggested that under-reporting and under-recording of racist victimisation still occurred, particularly in the case of incidents which were perceived by victims to be less serious, but which might provide useful intelligence for prevention activity.

Standardised recording

The Lawrence Inquiry definition of a racist incident was widely known and used by all the various agencies. Many agencies were also using a recording form based on the Code's minimum data content, so that their records should have become more standardised. However, further work needed to be done to ensure that the different agencies collected and recorded the same information and were able to share it easily. Levels of under-recording by the police were perceived to have fallen and where it did occur this was generally due to a lack of understanding of the issues.

Inter-agency working

A variety of third party reporting centres were available throughout the country, although areas with smaller BME populations were less likely to have structures in place. More needed to be done to publicise these reporting centres in innovative ways so that a broader range of individuals would become aware of their existence. Twenty-four hour reporting outside of a police station was still very limited throughout the country. There were major issues highlighted by respondents with schools and LEAs failing to encourage reporting and failing to record incidents, owing to concerns about their reputation, worry about labelling children as racist, and perceived bureaucracy.

The Code encouraged partnership working in general but also suggested that the use of multi-agency panels or common monitoring systems was an organised way in which agencies could work together to tackle racist incidents. Multi-agency panels were more widely used than at the time of the Inquiry and were seen as useful and effective in tackling racism. A wide variety of statutory and voluntary agencies took part in panels which carried out a variety of work including training, education, publicity and monitoring. Some of the most innovative work included scrutinising investigations and prosecutions. There were, however, some problems to address: getting commitment from some agencies; information sharing (although this had generally improved a great deal); and incompatible IT systems.

The Code suggested that the various agencies should gather as much information as possible on racist incidents and perpetrators, so that victims could be targeted for support, an accurate picture of the problem at local level would be produced and this could be used to help prevent further incidents. The most common services offered and used by victims and witnesses were Victim and Witness

Support, and the local RECs; these organisations were praised for their work. Limited research and analysis were being carried out to target preventive activity, victim support and interventions with perpetrators. Interviews carried out by the research team identified issues which caused or heightened racist tension, and identified that BME individuals living in more rural and isolated parts of the country might be at greater risk of victimisation. Some promising work was being carried out by the Probation Service to tackle perpetrators' views and behaviour. However, individual agencies and multi-agency panels needed to carry out more analysis and monitor the profile of incidents, victims and perpetrators to help increase understanding and help to inform preventive interventions.

Handling racist incidents

The police and other agencies' handling of racist incidents had improved but further work needed to be done. Training was an issue, as some officers had not received CRR training, included some specialists. Training for other agencies was ad hoc and inconsistent. Appropriate checks and balances were in place for police investigations with supervision operating at a high level. However, operational officers were still, on occasions, insensitive and lacked understanding. Victim satisfaction was still mixed. Key issues in their satisfaction were keeping them informed of progress (which the police and CPS are often thought to be poor at), treating them sensitively, providing a quick response and dealing with perpetrators effectively.

The relationship between the police and the CPS was thought to have improved particularly in areas where the CPS have lawyers based in police stations and this was set to continue. The level of prosecutions had risen, but there were still problems with the level of information provided by the police to the CPS and with the CPS 'downgrading' charges.

Recommendations

The police, local authorities and other agencies could:

- consider disseminating information to counterbalance inflammatory stories about the allocation of local resources;
- develop on-line reporting forms;
- continue to publicise the reporting of racist incidents, develop more targeted approaches and draw on the best practice in community engagement; and
- develop common databases in order to aid information sharing and reduce double counting of racist incidents.

Police training departments could:

- respond to long-standing training needs in their force for Community and Race Relations training, particular amongst those working in the race and diversity field;
- consider whether Community and Race Relations training would benefit from including an element on handling of victims and witnesses; and
- ensure that officers are fully aware of the various definitions and difference between a racist incident and racially aggravated offences.

Multi-agency panels could:

- ensure that they publicise third party centres in an effective manner and use more innovative means of reaching people, such as beer mats;
- ensure that all voluntary and statutory agencies use a common recording form to enable information sharing;
- trial alternative 24-hour third party reporting centres, (e.g. garages and supermarkets to minimise costs and increase use); and
- monitor profiles of perpetrators more thoroughly, and try to identify local means of preventing racist incidents such as joined-up work on engaging disaffected White youths.

The CPS (and police) could:

- ensure that racially aggravated offences are not downgraded to the basic offence in order to gain a guilty plea, where appropriate;
- ensure that victims and witnesses are kept informed of progress;
- provide the local media with more positive news stories about successful prosecutions of racist offenders; and
- allow their investigation and prosecution decisions to be scrutinised by independent members of the community.

The Probation Service could:

- continue the work on tackling racist offenders' beliefs and attitudes, and continue to carry out an evaluation looking at its effectiveness in terms of reducing reconviction rates.

The Home Office could:

- provide guidance for third party reporting centres detailing how to handle victims and witnesses and the recording process;
- develop, in partnership, racist incidents prompt cards for police forces to use;
- encourage forces to collate and analyse data on victims' ethnicity, perpetrators and offence type in order to help increase understanding of victimisation;
- produce an *aide memoir* for police officers on the evidence required for racially aggravated offences as opposed to a racist incident;
- consider victims of racist incidents specifically in any checks on the implementation of the Police Quality of Service commitment;
- take note of the Probation Service research findings and decide whether the diversity awareness programme for racist offenders should be rolled out once further evaluation is completed; and
- consider whether restorative justice might be used more widely for suitable racist incidents.

The Department for Education and Skills and LEAs could:

- follow the Lawrence Inquiry recommendations for which it has lead responsibility in order to provide a strong steer on the monitoring and recording of racist incidents in schools; and
- consider whether Citizenship Programmes could include educating pupils about different cultures and races.

Appendix 1. Examples given to focus group respondents

Example one

A group of young White and Asian children are playing a game together at school. During the game an argument breaks out between a White and an Asian child. The White child tells the Asian child to "go back to where you came from, 'Paki'". None of the children complain to their parents or the teacher about the remark but the teacher overhears it.

Example two

Two strangers are driving round a busy multistorey car park looking for a space to park. One of the women, who is Black, spots a space at the same time as another White woman driver. The Black woman driver manages to reverse into the space quickly before the White woman. An argument ensues about the space during which the White woman calls the other driver a 'Black bitch'.

Example three

A man of traveller origin sees an advert for labourers on a building site. He goes along to the address and asks for the site manager. He meets him and is told that there are no longer any vacancies. The man persists stating that he saw the ad that morning. The site manager, who is White, loses his temper and tells him "sorry I don't employ Pikeys".

Example four

A group of five Black youths are gathered outside a shop. Two other Black youths from the same school walk by and are verbally abused by the larger group of youths. The two youths try to carry on walking but are physically attacked and beaten up by the larger group. The two youths are of African origin whilst the other youths are of Caribbean origin; no racist language is used.

Example five

A schizophrenic White male enters a bank and joins the queue for the cashier. An Asian man behind him jumps the queue and pushes in front of the White man. The White man, who is paranoid, starts shouting at the Asian man and eventually calls him a 'Paki' and stabs him in the side.

Appendix 2. Terms for racist acts

Bowling's typology (1998)

- Racist incidents – used when reporting on the ideas and actions of the police.
- Racial attacks – used when examining central government.
- Racial harassment – used in a local government setting.
- Racist violence – when referring to non-governmental bodies (e.g. police monitoring groups).

Racial incidents (police)

The following definition was used by the police after 1985 to identify and monitor incidents which were thought by the officers to be racially motivated (cited in Clancy *et al.*, 2001):

> *A racial incident is any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation, or any incident which includes an allegation of racial motivation made by any person.*

Hate crime (police)

Hate crime was coined in US legislation in 1985 (Jacobs and Potter, 1998). It emerged as a concept for police work in England and Wales following the publication of the Stephen Lawrence Inquiry. Many forces set up hate crime units or dedicated specialist officers to tackle racist, homophobic, and faith hate incidents (as well as domestic violence in some forces). ACPO (1992) have defined hate as "a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised".

Racially and religiously aggravated offences (criminal justice system)

Whereas racist incidents and hate crimes refer to a category of incidents dealt with initially by the police (or some other agencies), racially and religiously aggravated offences are breaches of criminal law and are terms which refer to criminal justice processing. The Crime and Disorder Act (CDA) 1998 and the Anti-Terrorism and Immigration Act 2001 introduced specific racially and religiously aggravated offences whenever "the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial group based on their membership of that group". Prior to the CDA, offences involving racial hatred were characterised as public order problems although judges were able to treat racial motivation as an aggravating factor in sentencing (Malik, 1999).

Importantly, racial motivation does not necessarily have to be shown for the new offences, simply a racial hostility. However, this can be problematic because it may not be clear that hostility is based on the victim's (perceived) race, nor what constitutes 'hostility' as there is no standard legal definition (Burney and Rose, 2002).

Racially motivated incidents (British Crime Survey)

The BCS measures racially motivated incidents. Respondents are asked about incidents they have experienced, whether they perceive them to be racially motivated and, if so, why (Clancy *et al.*, 2001).The definition is broadly similar, but not identical, to the one used by the police. While it captures both crimes and non-crimes, the BCS definition is victim-based only, requires an assessment of motivation, and also encompasses incidents that may not have been reported to and/or recorded by the police. The BCS definition is important because it allows victimisation to be measured, that is victims' experience of incidents. It also highlights the so-called 'dark figure' between victimisation and recorded incidents (which would be affected by reporting and recording practices).

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