



Home Affairs Committee

Oral evidence: [The Macpherson Report: twenty-one years on](#), HC 426.

Wednesday 17 June 2020

Ordered by the House of Commons to be published on 17 June 2020.

[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Ms Diane Abbott; Ruth Edwards; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Tim Loughton; Stuart C. McDonald.

Questions 1 - 43

Witnesses

[I](#): Professor Ben Bowling, Professor of Criminology and Criminal Justice, King's College London; Rosalind Comyn, Policy and Campaigns Officer, Liberty; Katrina Ffrench, Chief Executive, StopWatch; Mirren Gidda, Journalist, Liberty Investigates; Nick Glynn Senior Programme Officer, Open Society Foundations.



Examination of witnesses

Witnesses: Professor Ben Bowling, Rosalind Comyn, Katrina Ffrench, Mirren Gidda and Nick Glynn.

Q1 **Chair:** Welcome to this evidence session before the Home Affairs Select Committee as part of our ongoing inquiry into the Macpherson report two decades on. It is part of our inquiry looking into race and policing and the progress against the Macpherson recommendations. It was started by our predecessor Committee last year and we are continuing it now.

We will be taking evidence today on the policing during the covid-19 crisis. When we started this evidence session last year, we stressed at that time the importance of challenging racism, injustice and prejudice in all institutions, including in our own, in Parliament, and in making progress around diversity and inclusion in every institution. We recognise that again now, as the racist murder of George Floyd and the protests across the world, and the concern that has risen across the world, have emphasised the importance and shone the spotlight on these issues now. All parties have made clear that black lives matter and the importance of making progress and challenging racism and injustice.

Today's evidence session is particularly to look at the covid-19 policing. We are joining by Professor Ben Bowling, professor of criminology and criminal justice at King's College London, Rosalind Comyn, the policy and campaigns officer at Liberty, Katrina Ffrench, the chief executive of StopWatch, Nick Glynn, the senior programme officer of Open Society Foundations, and Mirren Gidda, journalist at Liberty Investigates. Welcome to all of our witnesses today.

We wanted to begin particularly by looking at the research and evidence that has been gathered by Liberty Investigates and your analysis that suggests the disproportionality in the use of fines during the covid-19 policing. Can I start with Mirren Gidda? Could you set out for us what it was that your evidence and research showed?

Mirren Gidda: To explain, there was the initial piece, looking at the fines as a total, that found evident ethnic disproportionality within them. Essentially, BAME people were 54% more likely to be fined than white people. We have a subsequent article that should be coming out later today that has the ethnicity breakdown by individual police forces. That was achieved through FOI. We do not have every single force's response. Again, there is ethnic disproportionality across the police forces. It seems that the worst force was Cumbria, where BAME people were 6.8 times more likely to be fined than white people. Other forces that were quite disproportionate were Avon and Somerset and Lincolnshire, at around 4.4 times.

In addition to seeing that ethnic disproportionality at both the regional and the national level, the other thing that has become apparent is that the data collection has been quite poor, both by the police forces and by ACRO, which is the central body that has been collating the figures. We have seen very high numbers of fines where ethnicity has not been stated. That is



problematic because it prevents truly accurate analysis of the data. Both Netpol and StopWatch have pointed out it is often BAME people who do not give their ethnicity, which makes it even more urgent that we try to get more ethnicities stated going forward.

A third problem has been flaws in the way the data has been presented by the NPCC. While it has been helpful that they have been publishing every two weeks, the first two releases did not exclude the people who did not identify their ethnicity, so the NPCC was able to claim that the fines were being issued proportionately when they were not. Once you strip out that group, it was clear that BAME people were being disproportionately fined. Even though Liberty investigates these raised concerns with the NPCC, they had our data analysis on 18 May. The situation has not massively improved. Although they are now stripping out the "do not knows", we are still seeing quite poor data analysis, particularly in the case of Wales, where we still do not have all the figures for BAME fines. It is very difficult to tell exactly what is going on in Wales.

The final point I want to make is that all of this throws into question the validity of the fines. In both the articles, the one that I have published and the one that is being published later today, there are case studies of BAME people who have been issued FPNs that seem to have been issued unlawfully and that have been the subject or are the subject of legal challenges. It is not to say that all the fines are wrong, but it certainly throws that into question and suggests that maybe there is need for a review.

Q2 Chair: Picking up each of those things, what is the range of the unknown or unidentified ethnicity? The average is 25% across the country. Is that right? What is the variation between forces?

Mirren Gidda: That is right. In the latest dataset, I think it has gone down to about 23%, but it hovers around a quarter. It varies across the forces. The worst force that I saw was Kent, where, in the FOI it sent me back, 70% of its fines did not have an ethnicity attached to them. When I queried that with Kent yesterday, it said that it had given me the wrong data and revised it down to 30%. Other forces that had very high not-stated fines were City of London at 45%, Cleveland at 37.5%, Derbyshire at 36.2% and Devon at 32.9%.

With the first article, the one that has been published, we followed the guidance of Mike Shiner, who is on StopWatch's board. He is an LSE professor and very good on data analysis. We assumed that the "do not know" fines followed the same ethnic breakdown as the fines that we do know and added that number back in, and that is when we saw extreme disproportionality. Even though that is an extrapolation, it was a very generous one, because we know that it is usually BAME people who do not give their ethnicity.

Q3 Chair: The lack of proper data here and the lack of proper data collection from the forces seems quite shocking, given that concerns had been raised



at the very beginning that fines might be issued in a disproportionate way. Has the quality of the data collection surprised you?

Mirren Gidda: Yes, it has. I was surprised by the number of forces that had more than 25% of the fines where the ethnicity was not stated. What has also been quite surprising is that I have had several forces not get back to me. I think it is about 10 forces that have not replied to the FOI request. I would also add that, when I was due to publish the first article, back in May, the NPCC asked me to hold it because it said it was going to be publishing the force-by-force breakdowns, which of course it holds. That still has not happened. I know that you have asked for that data. The National Black Police Association has asked for that data. The frustration is that the NPCC holds it, it knows there are issues and it is not publishing it.

Chair: We have asked for that data and we have made clear that we plan to publish that data as well, so we hope to hear from the NPCC to give evidence to us next week on this.

Q4 **Ms Abbott:** Are you able to let the Committee know which forces have yet to reply to your FOI request?

Mirren Gidda: Yes. I can just read the list.

Ms Abbott: You can send it to the Clerks if you wish, but it would be useful to know which forces have not replied.

Mirren Gidda: There are 10. I can say them quickly. It is Cambridgeshire, Cheshire, Dorset, Greater Manchester Police, Hertfordshire, North Yorkshire, Nottinghamshire, South Wales, Sussex and Warwickshire. The one I am most troubled about is North Yorkshire, because it has issued the highest number of fines. Another force it would be interesting to see the data for is Dorset, because Dorset is often highly disproportionate in the stop-and-search statistics, but really we need the data for all 10 forces.

I would also add that there are eight forces that rejected the FOI. Seven rejected it under the future publication exemption, which is a valid rejection, saying that the NPCC will be publishing the data. One force, West Mercia, said that it does not hold the data, that ACRO holds it and to ask ACRO. I did also FOI ACRO and it also rejected it under future publication.

Q5 **Ms Abbott:** I was struck that Greater Manchester did not respond, because that would be one of our larger forces. It would be interesting to get a breakdown.

Mirren Gidda: Yes, I completely agree. The three forces that were most pressing to get the information for were the Met, West Midlands and Greater Manchester, just because of their size. The Met actually rejected my FOI on cost grounds, but it had already published the information online. That was how I was able to do the analysis.

Q6 **Ms Abbott:** Is there anything further that could be done about the NPCC? It has the data but it seems to be refusing to publish it. We have asked for it. Is there anything further that we could do?



Mirren Gidda: I do not know because I would have thought that asking for it was applying sufficient pressure. Also, if the National Black Police Association, which is internal, cannot get the data, that is also a problem. It should not be that the NBPA asks me if I hold the data. It should be able to get it from the source. To be fair to the NPCC, there are probably issues for them in presenting the data because each force has collated it differently. When I got the FOIs coming in, they all came in different forms and formats. They used different ethnicity codes. With that said, being quite frank, if I can analyse it, so can the NPCC.

Q7 **Ms Abbott:** Your report highlighted the number of fines issued by some of the smaller police forces. Is there any evidence as to why these smaller forces were issuing fines at this rate?

Mirren Gidda: I think some of those forces would say that, because they are beauty spots, because they contain areas where people walk and so on, they might have come across more ramblers and things like that. It is also just at the police force's discretion. As you know, these powers came in quite last-minute. They took a lot of police forces by surprise. They have not really been used evenly. The fact that North Yorkshire has issued almost the same number of fines as the Met shows you just how unevenly this is being applied, given the size of the Met versus the size of North Yorkshire.

Q8 **Ms Abbott:** Your report also noted that the NPCC has changed the way it describes the data. Why do you think it changed it for later releases?

Mirren Gidda: I think because it realised that you cannot give the ethnicity breakdown and still include the people who did not give their ethnicity. Essentially, it was saying, "16% of the fines went to BAME people. That is great. That is proportionate". That is assuming that the other 84% of the fines went to white people and that was not the case because there was a chunk of fines where we did not know who they went to. From the third release onwards, it was taking out that chunk of people, which is the correct way to do it. That is when you see the disproportionality emerge. I think in the third release it was 22% of fines went to BAME people. BAME people make up 15.5% of the population. The NPCC realised its error, but it seems that it did not start looking into why this was happening and issuing guidance. It still has not published the data we really need, which is the force-by-force breakdowns.

Q9 **Ms Abbott:** Why do you think this is happening?

Mirren Gidda: It is difficult for me to say as a journalist.

Q10 **Ms Abbott:** As someone who has looked at the data, why do you think it is happening?

Mirren Gidda: I think it is happening because the regulations came in quite last-minute. That has meant how they are applied has basically come down to police discretion. That is why we are seeing this quite extreme variance across the country. We have also seen, certainly through the case



studies I have written about, police forces not understanding or misinterpreting the lockdown regulations. The case that I had in the article that has been published is of two sisters who took a very short drive to go for a walk and take exercise. One of the sisters has mental health problems, so that was the reason for the walk, and they were both issued with FPNs. Under the way the guidance has been interpreted, that would seem to be an unlawful use of FPNs, but clearly there was a misunderstanding. That is where we are seeing these problems crop up.

Q11 Ms Abbott: You are saying that it is about misunderstanding—it does not reflect an underlying pattern of engagement by those particular police forces.

Mirren Gidda: It is a combination of things. There are misunderstandings. There is uneven application based on how different forces police and the amount of heavy-handedness that they use. What I have not done, which I think would be really worthwhile, is to cross-check forces with disproportionate rates of stop and search against forces with disproportionate rates of fines and try to see, as you have hinted at, where patterns are emerging. I mentioned Dorset being disproportionate in stop and search. If I could get Dorset's FOI back from it, I could see if it is also disproportionate in the fines.

Q12 Chair: You raised the issue that someone who is BAME is 54% more likely to be fined. How was that figure calculated?

Mirren Gidda: The figure was calculated by taking the total number of fines given to white people and dividing it by the white population. You can then calculate a rate. The number is so small when you do that division that you times it by 100,000. That is how you get a rate. You do the same for BAME and then you work out the difference between those two figures. That is the same analysis I have done for the force-by-force breakdowns. The rate is by 10,000 people, because we are talking about smaller figures, but it is that same comparison.

Q13 Chair: Can you provide for us this morning that detailed breakdown, force by force, as well?

Mirren Gidda: I can email that over. That is probably the most sensible way to provide it.

Q14 Chair: Thank you. That would be really helpful. Can I ask our other witnesses what reflections you have on the evidence and data you have just heard?

Rosalind Comyn: The first point I would make is that I really was not surprised by these statistics. They reflect patterns we have seen in other police powers. To take two examples, regarding stop and search, black people are over nine times more likely to be subject to a stop and search. As regards the use of Tasers, black people are nearly eight times more likely to be subject to use of Taser. In Liberty's view, handing these



incredibly broad police powers without taking steps to implement meaningful safeguards was a recipe for disproportionate use.

As lockdown has been eased and the restrictions have become increasingly vague, so vague that police chiefs themselves have labelled them effectively unenforceable, enforcement powers have actually increased. The maximum fines that can be levied have more than tripled. In Liberty's view, this may pose an even more pernicious combination for people of colour.

The second point I would make is to echo what Mirren said. The ethnic disparities in the fines issued under these regulations call into question whether the enforcement powers have been fairly used. Indeed, a review by the Crown Prosecution Service concluded that several charges under the regulations were wrongly charged. The Chair of the Joint Committee on Human Rights has noted that the incidence of wrongly issuing fines is likely to be even higher, given that there are fewer safeguards and no involvement of a prosecutor or judge. In that regard, in our view it is incredibly important that there is a wholesale review of the fines and that people have a right to appeal against fines. At the moment, the only avenue to challenge a fine is to refuse to pay it and risk prosecution.

To add on why this is happening, in Liberty's view there has been a really unhappy confluence of factors here. First, we see very vague criminal offences, far-reaching enforcement powers and broad powers for police discretion. Secondly, these regulations have been repeatedly made and amended without prior parliamentary scrutiny, which of course has a bearing on the quality of law. The regulations are being released without drafts being published, let alone consulted on, and made under emergency provisions, even though Parliament is sitting and lockdown is being eased, so it is very difficult to justify the use of emergency provisions by virtue of the urgency of the situation. We had the absurd situation earlier this week where Parliament is debating regulations that have been amended several times since.

We also have an additional factor of inconsistencies between the law itself, guidance and Government statements, and really concerning and inexplicable disparities between the nations of the UK. To take just one example, when the recent amendment was passed that restricted gatherings in private spaces of two or more people from different households, police in Wales were afforded a power of entry, whereas police in the other nations were not afforded the power.

Chair: I am going to interrupt you, because we are going to be tight on time and want to concentrate on the issues around ethnicity and race.

Professor Bowling: These data on fixed penalty notices and the fines are obviously disappointing and troubling. It seems to me that they are indicative of and support evidence of a pattern of disproportionate policing against black and minority ethnic communities, which has persisted over time. What has been said about scrutiny and accountability is absolutely



crucial. The evidence in other areas of police powers is that, where discretion is broadest, you find the highest degree of discrimination. Clearly, these powers are very broadly circumscribed and have limited mechanisms for accountability and review.

Police stereotyping of identifying people who seem to be suspicious and who are acting in ways that would arouse police suspicions have been shaped by police racism over many years. This seems to me to be an indication of this. Stereotype within police tends to focus on people being out of place. There is good evidence over many years of the way in which black and minority ethnic people have been responded to in rural Britain.

We do not have any research evidence on this, although we would like to have some, but the issue of BME people in the English countryside being seen as something that would arouse suspicion, of which we have evidence over many years, coupled with the police power to stop somebody—and we have seen stop-and-search powers, or stop and account, segueing into the use of a fixed penalty notice in this context—suggests to me that here we are seeing a pattern of targeting, implicitly or explicitly, BME communities, as has already been indicated, in those places where they are seen as out of place.

Nick Glynn: I would echo what has already been said. I do not think anybody has used the phrase “structural racism” yet, but I think that is what this is. It is a mirror of the covid-19 fines and the data that is slowly emerging. I guess the reason it is emerging slowly is because the police service is concerned about what it is actually going to tell us. It is a mirror of the data and facts around stop and search.

One point I would make that has not been made yet is around the gap in the data, where fines have been issued where ethnicity is supposedly not recorded. Indeed, this is the same for stop and search. There are two systems for recording ethnicity. There is the one that has been around for a long time, officer-perceived ethnicity, where you have seven broad categories, and that is how the police service reports on fines—black, Asian, mixed and other, in those broad categories. There are then the more detailed, 16+1 self-defined ethnicity categories, where the person who is stopped is asked to identify themselves from a list.

The flaw in that second system, in terms of data, is that it gives the opportunity for no ethnicity to be recorded because the person does not state their ethnicity or the officer has to go and do another job or something like that. There is a very easy solution to that, in that, in those cases where the person does not record their ethnicity, the police officer can revert to the original system and use one of the broad categories. If they did that, we would always have a complete dataset. It is something I have spoken about before. It is the simple solution. It is within the gift of the police service right now to do that and provide us with a complete dataset so we are talking about the facts.



I did some research on what the missing data might do to the figures on some of Northamptonshire Police's stop-and-search data. It showed that, although the recorded disproportionality rates were three, four or five times, if you inserted different categories for the missing data, those were the best-case scenarios. Some of the disproportionality rates could have been up to 19 or 20 times more likely to be stopped and searched. It is essential that the police service steps up to that and provides us with a complete dataset.

Q15 **Chair:** Why do they not? Why do they resist doing this?

Nick Glynn: I do not know if they resist doing it. It is just the case that it has not been addressed and they have not been asked to complete it in this way. It is an administrative process, it is an extra step maybe, but it is an easy thing to do. I think there is concern in policing that this is going to tell a worse story. We need to be able to deal with this uncertainty that is allowing the police service to say, "The figures are not accurate and maybe they are not so reliable". It makes our job more difficult as well when we are doing research and speaking to this issue. The solution is there and it should be adopted.

Katrina Ffrench: I would like to echo what has been said by Liberty, the Open Society Foundations and Professor Ben Bowling. I would like to highlight that, unfortunately, StopWatch was not surprised and we were incredibly troubled by the numbers. I do not want to talk too much about the statistics. I wanted to highlight that, rather than adopting a public health approach to a global pandemic, black, Asian and ethnic minorities feel very let down that the police decided to enact quite an enforcement-led approach. There was a time for sensitivities and understanding. For me, it is a lost opportunity by the police and that is very saddening.

We have witnessed people who are key workers, out doing their jobs, supporting their communities, their families, some of the most vulnerable in our society, being targeted by the police. It is unfortunate to say, but we strongly believe it is because of their skin colour and perceptions that those people are out up to no good, rather than being law-abiding citizens. The numbers and how the FPNs have been issued unfortunately reflect that sad reality.

To make things better, we could call for an urgent review of all those fines that have been issued. What will happen is that people will challenge them by going to the courts. Then, presented in the courts, they are not looked upon favourably because it is seen that they are undermining the police in a public health pandemic. Most people are then left with criminal records and we all know that a criminal record does not help one get a job. It does not help one feel like they are a valued member of society, especially when you were only out trying to buy shopping for your mum or going to work.

It is not just the numbers. It is the basis and the lived experiences behind why these fines were issued in the first place, and a lack of understanding on the part of some police forces that black, Asian and ethnic minority



communities have to leave their homes, for whatever reason. They should be spoken to, not necessarily coming in heavy-handed, with the police putting handcuffs on you straightaway and wanting to know why you are out and about and, if the reason is not justifiable, slapping a fine on you. There is something about the lived experiences and the qualitative information that goes behind these statistics.

I would really encourage the Committee to seek out and do some surveys, or have some focus groups with people who have been impacted in that way, so that we understand what the actual encounter was like. I believe that, unfortunately, the encounter was unfair, unprofessional and left people feeling that, even in a global pandemic, they are still viewed with such suspicion and are unable to go about their daily lives. I am very glad that Mirren and Liberty came to StopWatch and that we worked together behind the scenes around the statistics. Unfortunately, I am not at all surprised.

Q16 Tim Loughton: Can I ask Mirren Gidda a couple of observation questions on the figures? My police force is Sussex. That is one that has not given you the figures for some reason. I think we had the sixth highest number of fines, certainly a few weeks ago, partly because of people coming down to the coast. My chief constable told me that the biggest “offenders” were young men, 18 to 24. Whether black or white is not differentiated. Being generalist about it, 18 to 24-year-old young men, black, white, whatever, are not the obvious candidates to be going on country walks in beauty spots. With the North Yorkshire experience or whatever, you are unlikely to have young men going there, so it gives rise to why you seem to have disproportionate figures in beauty spots there, where you would not expect to have those sorts of people being there to get fines in the first place. The police here, more than anything, have emphasised the four Es approach, which is all about educating and explaining, and enforcement absolutely comes at the end. What are your thoughts there?

Secondly—perhaps Nick Glynn can come in on this—what evidence is there for non-disclosures being disproportionately BME? Explain the way you do this. There is the officer-perceived ethnicity or the 16+1 self-definition. Is there a breakdown of how somebody’s ethnicity has been determined by either of those? Is there evidence to suggest that it is disproportionately BME people issued with fines who have not been disclosed on the statement to go with it?

Mirren Gidda: I am sorry; I slightly lost you. As I understand it, the first question was around age and the second was around the four Es. Is that correct?

Q17 Tim Loughton: The question is that the vast majority of people getting fined, black or white, are young men, aged between 18 to 24, the least likely to be going on walks in beauty spots. If those fines are disproportionately for BME people, it is even more discriminatory on the face of it. Why are they ending up getting such a number of fines in beauty spots if that was one of the areas where there had been issues, such as



North Yorkshire?

Mirren Gidda: As journalists, we have to issue rights of reply to police forces that we mention in the articles. Different police forces have given different reasons for the ethnic disproportionality that we see in the fines. Age is not something I have looked at, but I agree it is something that merits closer inspection. Dyfed–Powys and Derbyshire told me over the phone yesterday that they think the ethnic disproportionality comes from people travelling to the area, so from presumably more urban areas, which tend to have bigger BAME populations, into more rural areas. Suffolk said the variance comes based on the areas they have chosen to police. We are seeing different reasons, or different excuses depending on how you want to word it, being given by the police forces.

I am sure you are right that people going on walks are not 18 to 24. I think that is why police forces that are blaming it on ramblers in beauty spots probably merit closer inspection. I would make the point, which I am sure the other witnesses can make in a stronger way, that we know that young black men are a demographic that are hugely over-policed as well. The fact you have raised that 18 to 24-year-olds, who tend to be the biggest demographic that are getting the FPNs, is potentially a real cause for concern.

Q18 **Tim Loughton:** That answers that point. Can we come on to Nick Glynn? What is the evidence for non-disclosures being disproportionately BME? What is the evidence that the disproportionate majority of people issued with fines are from BME backgrounds in the non-disclosed ethnicity section? If it is 16%, which is in line with the population, for those we know about, the assumption is that it is disproportionate for the ones we do not know about. What is the evidence that they are disproportionately BME?

Nick Glynn: I do not think we have that information. The point I made was that, with the missing data, where the ethnicity has not been completed, if all those people were white, we get one set of figures and that makes a very small difference to the disproportionality rates. As soon as a proportion of those where no ethnicity is recorded is included, it has a disproportionate effect. If all the people issued with fines where no ethnicity was recorded were white, it would have a small impact.

Q19 **Tim Loughton:** I completely understand that. You do not know that it is not 100% white. It is unlikely, but we do not have the evidence to show that.

Nick Glynn: No, that is true. That goes back to my point about the police providing a complete dataset, and then we would be very clear.

Q20 **Andrew Gwynne:** What you have all said about the data on fines is worrying. If I can, I would like to ask more generally about policing during covid. In response to the ongoing protests in reaction to the death of George Floyd, the Home Secretary here said that our policing system was the envy of the world because officers work with communities and not against them. I would like to know whether you agree with the Home

Secretary's view. Do you believe that UK policing operates on a very different tradition from American policing and that the tradition of policing by consent is an important one?

Mirren Gidda: Before I answer that, I want to make a really quick point based on something Nick said about officer-defined ethnicity. I wanted to flag that I did ask for that for certain police forces where there were huge not-stated fines. Even with officer-defined ethnicity, even though, as Nick said, it should fill in the gaps, there were still high numbers of missing figures. There were 155 fines for Devon and Cornwall where we did not have the ethnicity.

To answer your question on policing during the protests, Rosalind can speak to it much more than I can, but we have seen and heard about very heavy-handed policing, and disproportionate and possibly blanket use of powers, such as section 50 and section 60. It is probably not for me as a journalist to make the comparison between the UK and the US, but I would always caution against looking to the US and, by comparison, assuming we are okay. We still see disproportionate BAME deaths at the hands of UK police. We still see disproportionate policing across the board, whether it is the fines, use of force or stop and search. Rather than looking at the US, we probably need to look in-house and at our own problems.

Rosalind Comyn: I would echo what Mirren has said. Liberty generally, as a domestic civil liberties organisation, is not well placed to comment on policing in general or the policing of protests in the United States, or the differences between the approach there and the UK. However, I can make two points.

The first is that Liberty is very concerned at how recent protests have been policed, particularly in London. At the Black Lives Matter protest, as Mirren alluded to, there were reports that the police were demanding personal details of protestors as a condition for letting people leave the confines of a police kettle. That reportedly happened three nights in a row. If those reports are correct, their actions were unlawful and it is very concerning that they were repeated actions. In Liberty's view kettling is a very aggressive tactic. It is alarming to see in use in any situation, but it is particularly alarming to see in a pandemic where people, including children, were kept in a kettle for five to six hours, until the early hours of the morning, when social distancing was impossible.

The second point relates to your question on policing by consent, which you rightly identify as a principle intended to distinguish policing in the United Kingdom. There are recent developments that fundamentally challenge that principle. I would point in particular to the mass roll-out of Tasers and the significant uptick in the use of Tasers in everyday encounters between the public and the police. According to the latest available statistics, there has been a 39% rise in reported use of Taser. Just in the last few months, the IOPC has announced investigations into incredibly concerning incidents of a man being Tasered at a petrol station in Manchester in front of a young child and a young man who was Tasered



in Haringey and left paralysed from the waist down. These developments, which police chiefs have also raised concerns about, risk fundamentally challenging that principle and shifting to a model of policing by coercion rather than consent.

Q21 **Andrew Gwynne:** The situation in Manchester is something that I took up with Andy Burnham. It was a dreadful misuse of police powers. Ben, I wonder whether you could widen this discussion into whether you think policing more widely during lockdown period has been fair and transparent towards BAME communities in Britain.

Professor Bowling: The evidence we have so far is limited. There is a need for more far reaching analysis of the quantitative data. Also, I would support those who have already said that we need more qualitative research evidence from the people most affected by the policing during the pandemic and comparisons with other groups. The evidence we have so far is that the policing of covid in the United Kingdom has tended to follow a pattern that is evident in other fields of policing over many years. Black and minority ethnic communities have been disproportionately affected by policing powers. As we have already heard, that is in relation to fines, fixed penalty notices, as well as arrests for covid breaches. There is evidence that stop and search under section 1 of PACE and section 60 has been escalating over the past year, and that escalation and the use of that has continued during covid.

The indication so far is that there is a distinction in the experiences of policing between different communities. Despite the aspiration in British policing that it is policing by consent, it seems as though policing by consent is reserved for those parts of the country that are more rural and suburban. Policing by coercion is a pattern that is experienced by urban communities, those working class or poorer communities and those communities with high proportions of black and minority ethnic people. Also, when people of colour leave the urban areas to go to those places that are more rural or suburban, they seem to be seen as being out of place and are subject to higher degrees of coercive policing, whether that is stop and search, use of force or use of Tasers.

I have a quick point on the comparison with the United States of America. Clearly, the extent of the abuse of police power and the use of force is far more extensive in the USA by comparison with Britain. In the US, something like 1,000 people per year are shot dead by the police. In England, it is rare for that figure to rise into double figures. There are some years when nobody is shot dead by the police in Britain. However, a broad pattern of the targeting, either intentionally or through indirect means, of BME communities in Britain, even 21 years after the Lawrence inquiry, where this was decried, seems to be a continuing pattern in 21st century Britain.

Nick Glynn: The sense from British policing that it is the best in the world holds it back and prevents it from making progress. It simply allows the British police to say, "We are better than America and therefore we do not



have any work to do or improvements to make". Indeed, there are plenty of improvements that are yet to be and still to be made. I very much echo what Ben has said about this broad pattern. While the levels, seriousness and incidence of harm might not be as high, the pattern is very much the same.

When you look at the drive to roll out Taser to all officers, there are many police officers who are not equipped, who do not have the skills and aptitude to use that kind of weapon, and it is a weapon. It is just the same as how not all police officers are advanced drivers or do other specific tasks, because they do not have the aptitude to do it. I believe Taser has a place, because it is an alternative to conventional firearms, but rolling it out to all officers would be a retrograde step. We would see more of the incidents like the one in Manchester that raised so many concerns.

As far as protest is concerned, the use of horses in London, in Whitehall, a couple of weeks ago raises the question as to why we are still using horses in public order in 2020. They had their place some time ago but, with drones to provide a hover view of what is going on and advances in other tactics and equipment, the use of horses is a catalyst for more disorder rather than calming things down.

In the last couple of months, while the police have not been so busy because everybody has been locked down, to use that time to ramp up and massively increase the use of stop and search, disproportionately against black and Asian people of course, again is a retrograde step. I looked at the Metropolitan Police's stop-and-search figures today. They have gone up by tens of thousands in a couple of months. It is an incredible increase and the vast majority of them are for drugs. They are not for weapons. It makes you wonder what their priorities really are.

To make a final point about protest, there is such variation around the country. I went to a Black Lives Matter demonstration in Nottingham a couple of weeks ago with my daughter. The police were almost invisible and the protest was an excellent event. It was well run. It was well attended. People had their say and it went without any kind of incident, really. In Bristol, there was a very infamous incident, but I think the police showed flexibility and intelligent decision making by making the decisions they did about what to do, or not to do, around the Colston statue. They made a good call there because they would have created mayhem had they done anything differently. They have still had the opportunity to investigate potential offences, if they indeed are, after the event. You compare that with the Black Lives Matter protest a couple of weeks ago in London, where you have horses charging down Whitehall, and the comparisons are stark.

We can learn our own lessons in UK policing and make improvements. The final point is that you talk to police officers anywhere, in the US, France, Belgium, Germany, and they are all proud to be police officers. They all think they are best police in the world. We should not get carried away with



that sense that policing in the UK is the envy of the world. We are kidding ourselves when we say that.

Q22 **Andrew Gwynne:** Katrina, coming back to the specific lockdown powers, we know these powers cannot be used by the police as part of their day-to-day detecting and crime prevention powers. They are only to be used for public health issues related to covid. Beyond the fixed penalty notice data that we have already discussed, what evidence is there that the police are going beyond the powers they have, specifically in relation to BAME communities in this country?

Katrina Ffrench: I really want to echo what everybody else has said in regard to there being an opportunity for police officers to have demonstrated a different approach but actually we have gone straight to enforcement. Looking at the stop-and-search figures, we were incredibly alarmed that, in April, the figures for this year were at 30,816, which is the highest in seven years. This is specifically for the Metropolitan Police. We are in the middle of a global pandemic and we have the highest rate of stop and search in seven years. One has to think, "Is that a good use of police time? Is it proportionate? Is it necessary? What are we doing?"

On top of that, we are saying it is a pandemic. I have not seen any police officers with appropriate PPE, yet they are stopping, searching and engaging with members of the public, and specifically it seems to be black, Asian and ethnic minority members. That group has been identified to be most at risk from contracting covid, yet we have officers without PPE, engaging with young people and children as well in many cases. It does not feel as though there has been any foresight about protecting the public from the police; I do not mean to be rash when I say that. I do not mean in terms of the harm the police are going to cause, but just in case they themselves may have covid. There has not been any foresight about social distancing.

It would have been opportunistic for StopWatch to advocate that we should not be having any stop and search in this period because of covid. However, we did not come out with that stance. We were quite measured in our response, which is that we understand that crime still continues regardless of the pandemic. It is about these words: discretion and reasonableness. It does not seem to apply when you are young and black. It does not seem to apply when you are living in areas of socioeconomic deprivation. It feels as though in those times you are actually going to be targeted by the police.

It is very disappointing that we not only see stop-and-search figures increasing but also the no-further-action rate remaining pretty much the same, or things that were covid conversations turning very quickly into a stop for cannabis and escalating into an arrest. We were disappointed to see that community resolutions were not being used in the first instance and that people were being taken to a police station, in a police van, with four officers surrounding them, and then, when you get to a police station, engaging with more police.



It is not just the numbers here. It is the quality of the encounter and why people are being asked to justify why they are out. We have had examples of key workers who are teachers, ambulance drivers or parents. It is unfortunate, but it is not just young black men. This seems to have been targeted at anybody who is black, Asian, ethnic minority.

I want to add in that we have been speaking to Gypsy-Traveller communities, who have said that their cars are being stopped. There have been lots of vehicle stops during this time. We all know that Sir William Macpherson had advocated that all stops be recorded. It is saddening and disappointing that we are here, 21 years later, and simple things such as vehicle stops are still not being recorded. Even in terms of disproportionality, we have no figures there. I am going to stand strong in my conviction and say, if we did have the figures, I am sure they would highlight that black, Asian and ethnic minority communities are being targeted in their cars when they are driving. I do not think Mr Cummings would have received the police attention that those black, Asian and ethnic minority people have received in this same period. Once again, it goes to show that we are policing communities differently.

I want to touch on the protest that we saw in London. We had the far right come out in London at the weekend. I did not see the police adopting as heavy-handed an approach as they did to the Black Lives Matter protesters. That was very disappointing for communities. They felt as though some people, really vile people in our society, people that we should not at all be giving any time and space to, were allowed to walk on the streets of London, give Nazi salutes, urinate on memorials and denigrate London as a city and the police, in a sense, stood by and did nothing. That is the feeling from the community. When the far right are out, they are allowed to get away with what they want.

We have had Rashan Charles, who died at the hands of Hackney police. It is not a US problem. We have had Sean Rigg in Brixton police station. We have had Kevin Clarke in Lewisham. We have a list of scores of people who have died here. It is incumbent on us to not be distracted by what is happening in the USA but to really take the time now to enact the recommendations that have been going on for the last 30 or 40 years and have some real action around making sure the police are treating people fairly, that policing is effective and, most importantly, that it is accountable.

Q23 Dame Diana Johnson: I want to follow up on some of the points that have just been made. We are looking at the Macpherson report, 21 years on. I wondered if each of the panel members could say, first, what they think has been the biggest positive impact of that report, and then what the biggest disappointment is. Some of the disappointment has already come through. What would be the three priorities that we should be looking to enact over the short term now, 21 years on?

Professor Bowling: The thing that I would like to highlight is in relation to both a positive move and a disappointment. They are one and the same



thing. In 1999, senior police officers committed the British police service to a move to what they called anti-racist policing. That was an incredibly powerful acknowledgement that racism in policing affected individual police decisions, that it had shaped the culture of the police service, and that there was institutional racism. From the top of the Metropolitan police and many other police services, there was a commitment to move beyond simply saying, "We are non-racist. We are colour-blind", and towards the active reduction and, ultimately, the elimination of racism. That was an extraordinary moment 21 years ago.

That was also linked to the decision to bring the police forces of England and Wales into anti-discrimination legislation for the first time. The 1965 Race Relations Act and all subsequent Acts up until 2000 exempted police powers from anti-discrimination law and therefore the police essentially had impunity. They had no obligations to police in a way that was non-discriminatory, much less anti-racist. The move towards anti-racist policing and the bringing of the police under race relations law was a very powerful step forward, both symbolically and in terms of the promise of action, but the same move is also the greatest cause of disappointment.

The commitment to anti-racist policing was short-lived. Once the political crisis for British policing around the Lawrence inquiry had been overcome, by the early 2000s, that commitment seemed to disappear from public view. Policing today still, in my view, does not provide the professional service to all members of society, irrespective of their skin colour or ethnic origin. The attitudes and behaviour of the police still amount to discrimination, through prejudice, thoughtlessness and racist stereotyping. Still today, people from ethnic minorities are over-policed and under-protected. In short, the evidence accumulated over many years, but also as discussed today, shows that the police service of England and Wales, of Britain, remains institutionally racist. The promise of an anti-racist policing approach was incredibly encouraging and the failure to deliver on that has been enormously disappointing.

In terms of where we go from here, it seems to me that accountability is the fundamental issue. That is individual accountability for police officers engaging in misconduct, accountability in relation to a transformation in the culture of policing and accountability in relation to the institution of police. That is so that, when evidence is brought forward that shows the police are acting in ways that discriminate against members of black and minority ethnic communities, and indeed other communities, individual officers and police forces will be held to account.

That then leads to questions about the way in which that accountability is carried forward. That is ensuring that, when individual police officers use their powers in ways that discriminate against members of the black and Asian communities, where police forces evidence a pattern of disproportionality and the systematic abuse of police powers, whether that is in stop and search, the use of force or the use of Tasers, proper accountability mechanisms are in place. That means being able to support



civil actions against the police and that legal aid and proper resources are provided to people who have been abused by the police. It means that we look again at the Independent Office for Police Conduct, which has replaced the IPCC, look at the substantiation rates of complaints against the police and the extent to which positive action is taken on the basis of that.

Thirdly, given the abuse of police power, particularly the use of force in stop and search—so the use of handcuffs, for example, when stopping and searching somebody, and disproportionality in the use of Tasers—we should have proper scrutiny of the use of those powers. If, as seems to be the case, they cannot be used in a way that is safe, fair and contributing to public safety, those powers and practices should come to an end.

Dame Diana Johnson: That was very comprehensive.

Katrina Ffrench: In terms of what was a positive, it was a watershed moment. While black, Asian and ethnic minority communities would have felt that, to see it written down and historically recorded was amazing in a sense. However, it is then very disappointing that, while it is written down, nobody is acting around it to fix it and addressing any of the problems. I will not go over some of the areas that Ben has discussed, because he said it so eloquently.

Primary legislation needs to happen. Next year, stop and search turns 35 years old, and it was brought in off the back of sus. It was brought in because there was an issue with sus. We are seeing that, three and a half decades later, there are issues with stop and search. It is not that we are seeing it now. The ethnic disparity has continued to rise. The arrest rate is low. Black, Asian and ethnic minorities have less confidence in the police, so there is an issue here with this particular power.

Part of the problem is that people do not see it is as a power and it is used as a tactic. Power can be misused and abused. In order for neither of those things to happen, accountability is key. Through my time being the chair of the scrutiny panel in Islington for several years and chairing the Mayor's Office for Policing and Crime's stop and search community network, I have seen that we do not have proper scrutiny mechanisms. We have expected stakeholders or members of the public to be able to hold the police to account without them having any proper education or information about how you do so. That has been a bit of the problem. We just put up a scrutiny panel and then, boom, that is it, we are done. Actually, that is not proper scrutiny and accountability.

We need to have robust internal mechanisms. We need to make sure that there is supervision for officers and that officers have reflective practice. We want our pilots to land our planes safely. We want our surgeons to do our operations safely. We want our police to police safely. The rates of excessive force demonstrate that is not happening at the moment. There is a lot of work to be done.



In regard to who could help, HMIC has a role. It does the annual inspections. However, unfortunately, it does not have any teeth to enact those recommendations. We would like to see that the ethnic disparities are a free-standing thematic issue and that they are investigated fully. Where it is found that forces are not able—I think this was in Lammy's review—to explain or reform, they have to reform their ways. There should be sanctions. If an NHS hospital does not do something right, it is fined. Why are the police exempt from being held to public account and scrutiny like that? There are several mechanisms to make things better.

I would also like to add that it is unfortunate that a good news story for some communities is hearing that an officer has been reprimanded. Obviously, for the police as an institution, that is not a good news story, because it demonstrates that there are a few rotten apples. We need to accept that sometimes it is not the apples; it is the cart. Actually, the more we do not want to air our dirty linen in public, the more people do not have any trust that things are going right. We need to be very brave and courageous and say, "We do not get things right. When we do not get things right, this is what happens". At the moment, black, Asian and ethnic minority people do not see that. They do not see the police being reprimanded, they do not feel that there is accountability, so they do not engage with the system.

In regard to the IOPC, unfortunately, the community members that I speak to do not think it is fit for purpose. I will speak very candidly and frankly. They feel that it still has far too many former police officers and that the investigations take too long. We had a recent case, which is called the Deptford fist bump, where two brothers were stopped because they did a fist bump, which is a sign of salutation; it is not a drug deal. Many officers are watching far too much television. They did not appreciate that was a hello and a salutation. A drugs stop happened. He was arrested, de-arrested, handcuffs put on him, all because you said hello to your brother in a way that a police officer was not culturally competent to understand was a hello. That case was two years ago. The IOPC have recently found that there was no discrimination. If we cannot find discrimination in such a case, when are we going to find it? It is very disappointing to see that the same safeguards or watchdogs are not actually watching very closely and things are slipping through the net.

I will end on the point of the EHRC. Where is its role in ensuring that public sector organisations are upholding the law and carrying out their public sector duties properly? All those people that are over 18 are paying taxes. They do not expect to be harassed by the police. If they are harassed, they expect other bodies to step in and say, "This is not acceptable. This is not how you police by consent". While it has been amazing to see that the police have been deemed institutionally racist, unfortunately, without any action to change that narrative, it makes no difference with commitment or rhetoric about "We are anti-racist".



I saw Dave Thompson from West Midlands in the news yesterday acknowledging that West Midlands has been getting it wrong. I wish that Cressida Dick would take such leadership and admit that the police in London are still institutionally racist. Unfortunately, this is not going to be fixed maybe in 35 years, because it is a cultural thing; it is a structural thing; it is systemic. Putting your head in the sand and pretending it is not does nothing for serving officers, because it causes disdain. There is something here: there is a lack of leadership. I am imploring, as politicians, that you guys lead and ask the police to follow suit and that we can address this problem, because it has been going on far too long.

Nick Glynn: I really echo what Katrina has said there—that was great—and Ben as well. To reiterate the point, deny, deny, deny is what we have seen since the Stephen Lawrence inquiry report and the recommendations. There has been a tick-box approach to it: “Here are some recommendations. We have put some effort in, as the police service, and the job is done and we move on to the next issue”. That is the real risk, and we have seen that many times since. There have been several loops of attention and effort and then we backslide. We have seen that with the work I did on the Best Use of Stop and Search scheme. It was introduced in 2014. It was not the solution, but it was better than what had gone before, and we have backslid. We have gone backwards.

I would like to make three points that need to be addressed. The first one is around stop and search. Stop and search is not the solution to crime. There are many tools that we can use to fight, detect and prevent crime, and stop and search is merely one of those. I will pick out the Metropolitan Police here. Their addiction to stop and search is damaging. It is further damaged by the reintroduction of a target in the Met Police. Katrina mentioned 30,000-odd in April. In May, there were 44,000 stop and searches in the Metropolitan Police. That is a result of leadership, but the wrong kind of leadership.

It is the leadership of David Musker, who is the stop and search lead in the Met Police. He proudly told me that they were aiming for 30,000 stop and searches a month. I asked him what the evidence was for that and why he was aiming for that many. He smiled and said, “Because we can”. They have now exceeded that. They are on to 44,000 a month. Targets are being introduced by stealth. Maybe you will not find them written down in a policy anywhere, but, believe me, they are there. They need to be removed for stop and search because they are damaging communities, are counterproductive and are not effective against crime.

The second thing is an elephant in the room that we do not really talk about. Katrina has mentioned that stop and search has had its 35th anniversary. Next year is the 50th anniversary of the Misuse of Drugs Act. We have to reform drug policy. We are behind states in the US, Spain, the Netherlands, Portugal and other countries. We are behind them in drug policy and are not taking an evidence-based approach. Maybe one of the key things we could do with drug policy is take it out of the Home Office



and put it into the Department of Health and take a health approach to drugs. The harm and serious harm that surrounds drugs happens because it is criminalised.

That is a long journey, but we really must take some initial steps to make a change to that. We will then reduce all of those 43,000 moments of jeopardy, because every single one of those interactions is a moment of jeopardy where somebody can end up being sucked into the criminal justice system. If we change drug policy, we can massively reduce those.

The third point I would make is around racism. It is alive and kicking in policing. I retired in 2015. Not long before I retired, I received a racial slur from a very senior peer of mine. What happened to that officer? There was a misconduct hearing and they were given a slap on the wrist, because that is exactly what it was, and allowed to retire on an ill health pension. In effect, nothing happened to them. We are talking fairly recently. These things are happening on a daily basis and we kid ourselves if we think that, since the Stephen Lawrence recommendations, we have made massive progress. There is still massive progress to be made.

Rosalind Comyn: I would echo what Katrina, Nick and Ben have said so far. A core conclusion of the Macpherson report, and the key concept it established, of institutional racism, has been incredibly important but is also being implicitly and explicitly contested as a concept. We have seen senior leaders in policing and Government refusing to even use the term “institutional racism” or denying that it exists in policing, never mind taking meaningful steps to address it. There is a sense that institutional racism is a slur on individual officers, when in fact it shifts the debate to make it less about individuals and personal attributes and more about institutions’ actions and outcomes.

This is concerning because the statistics are so stark and there are the patterns in how police powers are being deployed, and they are getting worse. Disproportionality has more than doubled since the Macpherson report was published and the rate of disproportionality has doubled again—*[Inaudible]*¹—in more than 20 years. I would absolutely echo Nick’s point about the backsliding and his example of the Best Use of Stop and Search scheme. These were safeguards that were introduced in 2014 and they were relaxed last year in seven forces in a pilot. Now that has been expanded, without the results of the pilot being published, to all 43 police forces.

That is really concerning because it has lifted safeguards around the use of section 60. That flies in the face of the evidence contained in the Government’s own equality impact assessment. That equality impact assessment recognised that an increase in use of section 60 posed the risk of magnifying levels of discrimination that we see in the use of the power.

¹ Correction from witness: ...since 2013-2014. These statistics are stark. Ethnic disparities are widening to their highest rates...



It recognised that there was a paucity of evidence on the effectiveness of section 60 and quoted research done by both the College of Policing and the Home Office, which suggests that changes in the level of stop and search have, at best, only minimal effects on violent crime. It also recognised the negative impact on trust in the authorities and the consequential impacts on how willing people are to report crime. In the face of that evidence, the Government still went ahead, with support from many police chiefs, and rescinded those safeguards.

Looking to the future, from Liberty's perspective it is really essential that these powers themselves need to be constrained. I would echo what other witnesses have said about accountability. That includes but is not limited to stop and search, introducing primary legislation to put BUSS on a statutory footing, and to consult widely on what that scheme should look like. It has been alluded to that BUSS essentially became an administrative exercise. There is no sanction if forces do not meet the standards set out in BUSS. In 2014, Theresa May promised that, if it did not deliver the necessary results, she would bring forward primary legislation. Given that membership of this voluntary scheme has not delivered the desired change, it is really important that a mandatory scheme is introduced that includes sanctions for forces that are failing to meet prescribed standards.

It is also incredibly important that the issue of use of force, and Taser in particular, is looked at. The mass roll-out of Tasers is going to have an incredibly detrimental impact on BAME communities and the way we are policed. Also, the existence of section 60 powers at all should be looked at, and whether that is a power that should be on our statute books, given levels of disproportionality skyrocketing in the use of that power.

Q24 Tim Loughton: Can I come back to police and community relations? Last year, the Committee had a private session where a really fascinating but deeply depressing group of young black youth workers and clubs came in to give us evidence. The really clear lack of trust that they had in the police was deeply worrying. Somebody said that reporting something to the police was like signing your own death warrant. The Youth Violence Commission said that 46% of young people would not ask police for advice if they were worried about being a victim of crime. That is all really worrying, although the police trust by the black population has been slightly higher and had been moving, although the figure has been getting worse since 2018.

Professor Bowling and Nick Glynn, you have been very frank in your condemnation. Professor Bowling, you just said that there is prejudice, thoughtlessness and racial stereotyping. Nick Glynn said there was structural racism. What is it going to take to restore or build confidence in the BME community, and particularly among young black men, in the police? Professor Bowling, you said it has been disappointing that the police said they were going to adopt an anti-racist strategy but they have not delivered it. Why is that? Is it because they are not serious about it, they are not equipped to do it or, frankly, they are on a hiding to nothing when commentators are constantly going to say they are just not producing the



goods?

Professor Bowling: In the immediate wake of the Lawrence inquiry, there was a commitment to change at a number of different levels and efforts were made in that regard. We hit another moment in 2010. Public concern across all parties and sections of society was outraged at the way in which police power to stop and search somebody without suspicion, under section 44 of the Terrorism Act, was shown by evidence to have had no effect in relation to the fight against terrorism. There was not a single instance of any of those stop and searches under that power, under section 44, resulting in evidence or supporting deterrence in relation to terrorism. It was found incompatible with the European Convention on Human Rights by the European Court and abolished.

As a consequence of that, that power stopped being used. Alongside that, section 60, which is another suspicionless power, almost collapsed, in terms of its use, and section 1 of PACE reduced. For the first five years after 2010, the radical reduction in the use of stop and search was accompanied by a fall in overall crime, a fall in violent crime and increases in confidence in the police, both as measured by surveys and in relation to the experiences across the community, particularly among black and minority ethnic communities. There was an increase in the sense of trust that, instead of being policed against, policing involved a higher degree of respect towards communities. There was a rolling back of police action that had little effectiveness, if any, and undermined confidence and trust. For me, the starting point is that policing is supposed to be for the community, rather than policing against the community. We all have a stake in good policing, in terms of its contribution to safety. Also, policing, when its experience is abusive, undermines confidence in the police.

Q25 **Tim Loughton:** Can I come back on that? When the stop-and-search powers were overhauled, and I seem to recall that was under Theresa May, after 2015, that coincided with—I am not saying it is cause and effect—a big increase in knife crime and some of the gang deaths, predominantly of young black men. Since 2018 in particular, there has been a decline in trust between the black community and the police.

The laws were reformed. We can say they were not reformed enough or we can say that stop and search is completely unproductive or whatever. That was changed so that police had to be more accountable, because clearly they were not following all the procedures, with large divergences in the use of stop and search between different constabularies and a number of under-10-year-olds even subject to stop and search when they should not have been. All that was changed. Whether it actually changed in practice all the way through is another matter. Why is it that the Government endeavour to do the right thing but it has a counterproductive effect?

The final point on this is the logic that I have never understood. The biggest victims of knife crime are young black men, so surely they should be the biggest supporters of the police doing everything they can to stop people



carrying knives, which is resulting disproportionately in the deaths of young black men.

Professor Bowling: The sharp reductions, particularly in suspicionless powers, after 2010, were under a Conservative Government. That followed on from a public outcry about the extent to which police powers were being abused with little product. The first few years of that stop-and-search decline were accompanied by reductions in crime and increases in public confidence. That was a very successful period; it was astonishing, actually, and quite contrary to what the expectations were at the time.

What happened around the 2015, 2016, 2017 point, when crime, knife crime included, began to increase, is not to do with stop and search but has to do with other factors. The evidence is not yet there because of the fact that the decline in stop and search was accompanied by reductions in crime. We have lost a lot of ground. There was a knee-jerk reaction to the increase in violent crime, rather than looking at thoroughgoing crime reduction strategies that seek to include people, particularly young people within marginalised communities, instead of engaging those people in a conversation about how best to reduce crime. I am sure this conversation would have happened in your meeting with the youth workers and the people who were affected by this.

There are constructive and positive ways of contributing to crime reduction. A lot of this has to do with engagement outside of the police. It is to do with mental health. It is to do with youth workers. It is to do with education. It is to do with proper engagement with communities. Instead of going down that route—of course this was at a time of austerity—the knee-jerk reaction was to say, “The magic bullet is to give police a greater latitude in the use of stop-and-search powers”.

I have heard senior police officers say that stop and search is an effective crime reduction tool. The Government’s own research shows that section 60 and section 1 of PACE make a very limited contribution to crime reduction, if at all. Rather than having a “common-sense” approach based on a gut reaction, we need proper research and proper action that contributes to crime reduction outside of coercive policing.

Q26 **Tim Loughton:** I understand. Nick, we had evidence last year about the greater use of AI, algorithms and the whole facial recognition technology potentially, which has been very controversial. Do you think there is a role for that, or is it inevitably going to be seen as disproportionately targeting young black men, rather than focusing on real likely perpetrators of crime? Do you think it has a role or not?

Nick Glynn: There is a real risk, first because there will be an overreliance on it, similar to stop and search. There is an overreliance on stop and search being this magic bullet, which it is not. AI is not a magic bullet. If the computer tells the police, “This is the right thing to do”, that is what they will do. The research is out there already and we know from that there



is structural racism within those systems. It is baked into AI. That is partly because of who builds it, how they build it and what they build it from.

Indeed, some cities in the US are already withdrawing their use of AI and facial recognition, as are some of the tech companies that are behind developing it, because of the real concerns that it is inaccurate. From a facial recognition point of view, it is not as good at recognising black faces as it is white faces. There are the human stories that end up behind those figures.

Q27 Tim Loughton: You have raised it being “baked into” it. If you had a system that was AI-led, police would follow it, and that would take out the racism that is endemic in a lot of the police force, as long as you design the system such that it did not discriminate. You could have a whole load of experts on the problem of relations between the black community and the police, including yourself and others, designing it. Is that a way forward, or are you saying it is never going to work?

Nick Glynn: Maybe, in time, facial recognition will be accurate and non-discriminatory, but the police will not wait for it to get to that point. They want tools they can use now. Going back to body-worn video, that was rolled out before the Met’s own research into its effectiveness had been completed. There is far too much impatience, in terms of equipment and technology, for it to be a solution now. We have to take an evidence-led approach, be confident in the evidence and accept sometimes that, even though policing maybe wants a particular tool or technology to be a solution, it might not be. If time and effort is invested into research, when the answer at the end of that research is, “No, this is not the tool to use”, that has to be accepted. I do not think that has ever happened in policing.

Policing always wants the latest kit, the latest technology, to try to find solutions to fighting crime. The opposition to facial recognition itself is so strong in this country because we have seen the results where it has been used, in South Wales for instance, where the number of false positives are so high that it is clearly inaccurate and therefore not a reliable tool for the police to use.

Q28 Tim Loughton: This is my final point. I have had conversations with senior police officers recently. They tell me that at the moment something like 85% of people they are arresting and who are then being prosecuted for county lines-type offences are young black men. Is that right? What do they do in order not to be seen as discriminating against black men? Should they have a greater focus on the prosecution rates? If somebody is arrested and they are then prosecuted, clearly in our justice system, they are guilty. What is the solution to this?

Nick Glynn: First, I have not seen the data. Secondly, arrest and prosecution is not an outcome. Conviction is the outcome.

Q29 Tim Loughton: Conviction is the point that I have made. If they get convicted, they are guilty under our system, so the police were right to



arrest them.

Nick Glynn: I would go back to the point I made about drug policy. "County lines" is a new phrase for something that has been happening for decades. It is not a new phenomenon. Why are we not following the evidence on drug policy? Why do we continue to think that all this policing activity is going to reduce the supply of drugs and that people will stop using them? We know that this is not the case.

Q30 **Tim Loughton:** Let us not get into the whole drugs issue. It is another interesting subject. Do you seriously think that, if the drug policy were changed so their job in running drugs was that much more difficult, those 80% to 85% of people who are now being convicted for county lines offences would not commit crime?

Nick Glynn: Yes, but it is not just the people committing crime. It is also the people who are victims. Some of those people who are convicted of drug supply are victims.

Q31 **Tim Loughton:** But the people running the gangs are criminals, are they not?

Nick Glynn: They are, but the people at the top of the tree are not the ones that get stopped, arrested and convicted. It is those lower down the pyramid who end up being in the hands of the police. That goes across the board.

Chair: We are tight for time. Katrina Ffrench, I saw you wanted to come back in on body-worn cameras. I will come back to you shortly.

Q32 **Ruth Edwards:** My questions are about stop and search in normal time, if you like, so before the covid-19 pandemic. The latest Home Office statistics show that, as a proportion of the population, black people are almost 10 times more likely than white people to be stopped and searched. Nick Glynn, in your experience, both in terms of your research and as a former police officer, why does this disproportionality exist? I know HM Inspectorate of Constabulary has made recommendations about how the dataset around stop and search can be improved so we can draw better conclusions of why the disproportionality exists. I was wondering what your recommendations would be for improving that dataset.

Nick Glynn: The answer is that it is a complex picture. For sure, one of the reasons that disproportionality exists is the structural racism in the system. You have to look at what people's views are from what they see in the media of black and Asian people. How are they portrayed? What are the myths around who uses drugs, for instance? There is some really good research by Release that shows people across black, Asian and white communities use drugs at around the same rate, and yet the perception, in society and in policing, is that there is a different picture.

Those views and stereotypes influence activity, whether it be overt and discriminatory, unconscious or unwitting, but the results of those things



are the same. Of course, they are self-perpetuating as well. If an individual has an intelligence that they are suspected of a particular offence, of using drugs or supplying drugs, whether they were or not, these things can be self-perpetuating. They connect to their friends and associates. We have seen this with the gang matrix, which has been widely criticised. These impressions are created around particular groups and they have an impact. They have an impact on policing because they have an impact on where the police do their patrols, who they target, why they target them and indeed who and what kinds of offences they are told to target. All these things impact on those disproportionality rates.

I know you said to look at normal times. Where do the police patrol? Where do they focus their attention: in leafy suburbs or in built-up areas? Ben mentioned earlier on about people who feel that they look out of place in a particular environment. When you look out of place, sometimes you are targeted by the police just because, "You don't look like you are from around here". All these things, and many other things besides, are driving that disproportionality.

As far as the dataset is concerned, the police can do a much better job. They own this data. It is their information. It is their responsibility to ensure it is accurate, complete and not just provided in internal means but made public so there can be proper scrutiny and accountability for it.

Q33 **Ruth Edwards:** Mirren Gidda, as someone who has spent some time leafing through police FOIs myself, I have sympathy for your ordeal this time. From your experience, what do you think can be done to improve stop-and-search datasets so we can draw more concrete conclusions from them?

Mirren Gidda: The point I would like to make is about the collection of data as a whole from the police. We need the police forces to drastically improve their collection of ethnicity data, and also relevant other factors such as age. We need to get to a point where we are not having to rely on officer-defined ethnicity, which can often vary from self-defined ethnicity and may not be completely accurate. We need to get to a point where the data that is being published is more transparent.

Going back to the fines, a big problem has been that the data we are getting is analysis done by the NPCC. Without wishing to cast aspersions, it has not given us the full picture. It have given us its analysis. It would be so much better if we had the raw data so that people like myself and, crucially, statisticians, could do a full analysis. As I said at the start, with Wales we cannot do sufficient analysis because the NPCC is withholding data from us.

Q34 **Ruth Edwards:** Katrina Ffrench, since August 2019, we know that the Government have reduced the level of authorisation needed to conduct no-suspicion stop and searches under section 60. In your role chairing the Mayor of London's community monitoring network, what impact have you noticed on relations between police and black and minority ethnic



communities?

Katrina Ffrench: I have to say that I relinquished that role in 2018. Apologies if I was not clear; excuse me for that. I can speak to what the relationship is like with communities in terms of StopWatch's role in community engagement. Unfortunately, it is regressive. It is not positive. It is because of exactly some of the comments and perceptions about there being "black-on-black crime". I would like to say that white-on-white crime exists. We saw it in terms of the right-wing protestors going against police officers.

There is this framing of the language for young people. They do not believe that the police see them as innocent or just being law-abiding citizens. We have section 60s, where you do not have to have any reasonable grounds, where a police officer can just stop you. Unfortunately, they are not being very clear in how they communicate what is going on. People do not feel they have any trust.

Also, they are not communicating to key stakeholders about there being a section 60 in place, so people are unaware that police officers can just stop you. This was one of the things that Sir William Macpherson highlighted. A normal Joe Bloggs, Amy Smith or Katrina Ffrench on the street is not able to distinguish between section 60 powers, PACE powers, or section 23. It is incumbent on officers to communicate that and to do that in a way that makes people feel, "It is not me. It is about where my area is", instead of it being an individual attack.

There is something about this perception that only young black males are involved in street crime. There are young males involved in street crime of all ethnicities across the country. This focus on it being young black men unfortunately emphasises them and makes the police have a more pronounced approach to their policing of that community.

We are very disappointed that the Government extended the section 60 pilot with a lack of evidence. With the pandemic going on, it has shifted to the side. It is important that the evidence from the assessments they were carrying out is published. We can then have a proper conversation around whether section 60 is effective. We have to remember where it came from. It came from football hooliganism. In that sense, we are able to identify that people are going to be in a specific place at a specific time. We may have intelligence about people who were going to do that. When you zoom out and start using the section 60 as they did in Birmingham for the whole of the city in 2019, I have very big concerns. That is over 1 million people, potentially, who are going to be drawn into the criminal justice system.

The other thing I would like to add is that, when a section 60 is carried out, it should be for weapons. We know that the actual find rate is about 2%, as opposed to when you carry out a PACE search for weapons, when it is around 14%. When we get rid of reasonable grounds, we are seeing even less effectiveness in the power and probably—not even probably,



definitely—speaking frankly, rubbing people up the wrong way. They feel, “I am being targeted”.

We have to understand that the evidence here is not supporting section 60 being used in the way it is. That is from the Home Office. It is from the College of Policing. It is also qualitative, from speaking to people. If we understand that, we have to now take action to ensure that same policing power is not being pushed out in a way that undermines the police confidence. We all want the police to do a good job, but if you have the wrong tools we all know you cannot do a good job. That is where we are at with section 60 at the moment. We know it is not working, but it is an issue of political expediency.

I do not want to say it is lazy policing, but when a section 60 is out officers do not have to have grounds. They do not necessarily need to use their personal observation skills. It is just, “There is a section 60 in, so I am going to stop you”. I want to add that the use of handcuffs is exponential in London. That is causing people to feel they are not being policed by consent. Also, emergingly, plain-clothes officers are jumping out of a van and grabbing you when you are on your way to get milk or something and saying, “There is a section 60 in place”, to maybe a 12-year-old kid, who has no idea what a section 60 is.

It is not only that it is being deployed. It is how it is being used, the length of time it is being used, how it is being communicated and, more importantly, the statistics say it is not effective. If we have the evidence that says it, please, as elected officials, put some pressure on those that are advocating for a policing power, which we know to be ineffective, to be continually rolled out. Communities feel oppressed, they do not feel listened to, and it is undermining any public confidence.

Q35 Ruth Edwards: Professor Bowling, the Met Police has obviously coming in for a lot of criticism this morning for its use of stop and search. It would argue, as in fact it did argue in 2019, that it is a vital tool that helped to reduce the murder rate in London by a quarter over the previous year. What is your reaction to that, and how do you think stop and search should be improved in the future to make it a more effective policing tool that all communities can have confidence in?

Professor Bowling: First, I would like to see the research evidence on which the claim is made. I would like to see the quantitative data on homicide sitting alongside the use of the powers, and the causal links between the use of the power and the outcome, particularly given that most instances of homicide, of course, take place in domestic circumstances. That is very widely known and understood, and I fail to see how stop and search can make much of a contribution, if any, to violent crime that happens in private places.

If we are going to be serious about having a conversation about violent crime reduction, we need to be thinking about what the proper systematic research evidence is on the use of those powers. The Government’s



reviews, the work of the College of Policing and all the scholarly research that has looked systematically at the use of police powers, both those involving reasonable suspicion and others, has shown a very limited contribution to crime reduction, if any.

The escalation in section 60, in terms of the use of the power and its disproportionality, is very troubling. I cannot understand why, in 21st century Britain, a person can be stopped, placed in handcuffs, subject to interrogation on the street without a reason, without reasonable grounds that they have done something that would merit or justify them being stopped.

Section 1 of PACE is a power, short of arrest, to allow a police officer to confirm or allay a reasonable suspicion. If that law is being used properly, I have no problem with the idea that a police officer could stop somebody, ask them questions, when they have reasonable grounds for thinking they are involved in crime. If they have good reason to think they are in possession of a weapon or they believe they are carrying equipment to carry out crime, of course, where those grounds are clear and can be explained to the person stopped and to a neutral third party, a police officer should have a power rather than arresting somebody.

When, in today's society, people are being stopped and searched without a good reason, this is an anathema. It was said at the time of the introduction of this power. The widespread use of a power that does not have grounds, where a police officer does not have to give a reason why a person is being searched, is an abomination. It is in total contradiction to British ideas of liberty and justice.

I would echo the point made earlier on, by Rosalind. If the power cannot be used properly, lawfully and fairly, as seems to be the case, then it should be abolished. Section 44 was found to be, ultimately, useless and just vexatious to the public. Given that section 60 cannot be used fairly and effectively and in ways that contribute to public safety, it should be repealed from the statute book.

Q36 Adam Holloway: Mr Glynn, I am horrified by the figure that you are eight times more likely to be Tasered if you are black. This is an extremely violent thing to happen to an individual. As a former police officer, how do you think this has come about? What is the motivation for a police officer to pull the trigger and deliver all those volts?

Nick Glynn: I would say a couple of things. The first thing is there is a rush to roll equipment out regardless of research evidence. The Police Federation has pushed this, and some chief constables have said they are going to give it to all of their frontline officers, and that is without relying on what the research shows that might do. Some of the research done by Cambridge University shows that the presence of Taser increases the likelihood of violence in an encounter between a police officer and the public. That is one of the effects of that.



As we saw in the Manchester incident and in others, it allows for police officers to deal with confrontation in a way that they would not had they not got a Taser on their belt. Again, some of the myths around who is the strongest or the more dangerous that are pushed and promoted in many places and in many ways come to fruition in some of those encounters. If as a police officer you feel that people look a particular way, that a black person is stronger than a white person or is more dangerous, which are some of the myths that are out there, maybe you then go for a Taser and use a Taser because you feel that is a safer option and you are less likely to get injured.

There are many things at play there. It is important to mention, though, in terms of the use of Taser, the distinction. The reporting is a little bit lazy here sometimes; we just get a global figure that says the amount of times that Taser has been "used". There are different ways that Taser can be used. Drawing the Taser and pointing it at somebody and activating the red dot on the person are both uses of Taser, when actually no volts have been delivered. We should be more nuanced in how we talk about the use of Taser, because that can help everybody in this debate.

I would repeat what I said before: rolling Taser out to all frontline officers is a backward and a retrograde step, and is not the approach that we profess to take in the UK about policing by consent. Some of those officers will never have the aptitude to use a Taser and therefore should not be equipped with them.

Adam Holloway: Those are absolutely fascinating points. Off the back of that, when a Taser is actually used, in the sense of hitting somebody, what are we seeing in terms of prosecutions?

Nick Glynn: I do not know the figures, to be honest. I do not know whether those are available. It goes back to the point that what we usually see is arrest figures, and then maybe we see that charges have been laid against an individual. We do not see conviction rates, and that is the actual proof that somebody committed an offence. Again, the way these figures have been reported has not really changed for 30-odd years, to my knowledge. We simply go with the number of arrests, and that is not a detailed or nuanced enough way of dealing with the data for us to have a clear picture of what is happening, and indeed what is not happening.

Q37 **Adam Holloway:** Sorry; I was not clear. I meant prosecutions of police officers for shooting people unnecessarily.

Nick Glynn: Prosecutions of police officers for police violence—for excessive, unlawful uses of force—is very rare. There is one at the moment, for the Dalian Atkinson incident, that is sub judice. Two officers have been charged as a result of that incident and Dalian's tragic death. Those are very rare.

Q38 **Adam Holloway:** Maybe this is one for Liberty. As a former investigative journalist myself, it might be worth looking at the levels of prosecutions of



police officers, and indeed also perhaps trying to work out why police officers pull the trigger. Another area that would be interesting, given these horrifying levels of stop and search, would be whether any research has been done to see whether young black men disproportionately are more likely to carry a knife. These are interesting areas to look at.

Rosalind Comyn: I have two additional points to add to what Nick has said, which Liberty agrees with entirely and is also very concerned about. One additional thing is that, when you look at the statistics as regards use of Taser, a sizeable portion of Taser usage is against people experiencing mental health problems; it is upwards of 20%. That is another consideration to bear in mind.

The other issue that I would like to raise is the issue of mission creep. When Tasers were first introduced in 2003, they were given to specially trained firearms officers. Nick will be able to speak to that much better than I can. That was intended to make them a less lethal alternative to a firearm, so they are a less lethal weapon that can be used instead of using lethal force. What we are now seeing, with the mass roll-out of Tasers, is that they are not being used as a last resort, as a less lethal alternative. They are being used in situations where officers would not be using lethal force. They are normalising the use of force and potentially escalating encounters that do not need to be and would not necessarily be violent.

Q39 **Stuart C. McDonald:** Continuing on the issue of use of force, picking up on something that Katrina Ffrench said earlier, College of Policing guidance suggests that stop and search should not generally involve handcuffs. Would you just like to comment on the experience of black people, in particular in terms of stop and search and the use of force, including handcuffs? I am guessing, from what you said earlier, that does not seem to bear much relation to reality.

Katrina Ffrench: Mr McDonald, thank you for the question. What we have seen has coincided with the knife crime frenzy. I do not like to call it knife crime; I like to call it violence. It is not just young people committing acts of violence; we have adults doing it too. There is this perception that every young person is carrying a weapon. For officers, instead of having conversations with young people, the first instance is to jump, grab and cuff. It is unfortunate that they do that.

I have spoken to a lot of young people. It is not even just young people. There are adults in their 30s who have been handcuffed. It is not just a young person thing. Any black man is deemed a threat. It comes back to those myths of super-strong black men and predator stuff, which we all know about. We are seeing people saying they feel like they are slaves: "Why have they got those shackles on me?" Whilst we do not want to talk about structural racism and colonialism, when we have uniformed officers just throwing handcuffs on you in a very quick moment, people ask, "What is going on? I thought I was free. I thought I was living in the land of the free and we lived in a democracy. If you are going to manage me like that, then I would want an explanation for why you were taking that approach".



People do not feel like the police are explaining what they are doing and there is an overreliance on using handcuffs. It is not just the handcuffs. It is how tight they are being put on, really squeezing. I have seen photographs that people have sent in, showing their wrists where officers basically are using force, not just in using the handcuffs but pulling them quite high. It sounds awful to say that, because we do not want to think we have public servants who are behaving in such abhorrent ways, but they are.

In regards to Taser, I believe it was only in April that we saw a 62-year-old man Tasered in his house in Haringey; he fell to the bottom of the stairs. He could have hit his head and had a concussion or something far worse. There is an understanding that officers should be using Taser when they feel immediate or imminent threat. We are seeing that they are using Tasers when people are running away from the police. What threat are you if you are running away from the police? What threat are you if you are standing on a wall and then you are Tasered? You fall off that wall; you now have a broken back and have been paralysed. Issues in policing are causing our NHS other issues, because police officers are not being cognisant of the consequences of their actions.

From a community scrutiny perspective, we do not get to see—I say “we” with my old hat on, as a former chair—the use-of-force stats. Those are separate from the stop-and-search stats. If I want to see use of force, I have to join another panel. How many panels do I have to join? We have advocated that if police are using force, they should be having a tick box where it says, “handcuffs” or “Taser”, so that when the public see that, we can understand what is used. At the moment, if an officer does not put in his narrative that handcuffs were used, we are none the wiser. There is still some lack of transparency for people who want to do great scrutiny and want to understand how we can address some of the ethnic disparities. We are still not being given the information, and I fear it is because the police are quite embarrassed, whether they choose to admit it or not, at the treatment they give to black, Asian and ethnic minority communities.

Stuart C. McDonald: There are statistics out there about—

Katrina Ffrench: Sorry, Mr McDonald; whilst it is less lethal—the word is “lethal”—it is still lethal, and we need to keep that in mind: that people still do die at the hands of a Taser. When an officer is discharging that, one has to be certain that it is because they are in fear that somebody is going to harm them, not because of a hunch or, “I am uncomfortable that he is a six foot five black guy and I am five foot”. That is part of the problem. There is no proper guidance. It is very arbitrary, and that is why we feel it either needs to be stopped or there needs to be a completely independent statutory review, similar to what happened with Prevent, that uncovers what is happening with Taser. It is very unfortunate we are seeing use of force, but it is not at all surprising, and I will remind people: this is happening to children as well.



Q40 **Stuart C. McDonald:** Is it your experience as well that there is an overreliance on force that seems to be bordering on violence? If so, is it down to these biases Katrina was talking about there?

Katrina Ffrench: I am going to speak very frankly, as a young black woman who has been subject to a strip search—nothing was found—and from my lived experience. If I watched the television, I probably would not like people who look like me, because the perception is that we are all criminals and we are all up to no good.

While we are having a discussion about the police, the police are members of society. They watch the same stuff as us and they do the same things; the only difference is they put on a uniform and that uniform empowers them with a lot of statutory powers. We have to unpick that it is a policing problem but also a societal problem. We need to understand what the images are and how the media is portraying certain people to us, and how that makes us feel. There is a really deep-seated psychological question here that has to be understood, more than just the pragmatics of how we fix policing. It is about how people view and what they think about people that do not look like them. Racism is not, “I hate you. You are thick”; it is, “I do not trust you. You are up to no good. Therefore, I need to police you in a certain way”. That is why we are seeing increases in the use of force.

This is not new. Mr Loughton spoke about knife crime and the need for stop and search, but ethnic disparity has existed for about 40 years now. When my grandparents came here they were not involved in knife crime, yet their sons have all been subjected to heavy policing. I could bring men in their sixties, fifties, forties, thirties, twenties and tens, who have all had that lived experience. Let us not pigeonhole it as being a response to serious youth violence. Let us understand that this is a systemic issue that has blighted our society for generations; let us take this timely moment to not zoom in on a few, 0.1% of black boys or poor working lads who are doing crime or up to no good; and let us look at how the police treat all people from black, Asian and ethnic minority communities.

Q41 **Stuart C. McDonald:** Nick Glynn, you have provided evidence to us in the past that disproportionate use of force is related to biases about the dangers of black people that are sometimes perceived. How do we go about trying to fix that?

Nick Glynn: It is a huge task. Katrina has just outlined the immense task that it is, because it is a structural problem and there is an immense amount of work to be done across Government, across Government Departments, across society to do that. From an immediate perspective, in terms of policing, there are a couple of things. Authorised professional practice on stop and search says that it should not result in the automatic handcuffing of people. I know that because I made sure that phrase was in there when it was written, yet we know that that is happening, especially in London but not just in London. Officers automatically handcuff somebody when they start doing a stop and search. It is unlawful. It is actually unlawful, unless they are using that force to prevent escape, protect



evidence and prevent injury to them or others. Where those risks do not apply, handcuffing people is unlawful and we do not see any consequences for that very common practice.

That is the place to start. You start with the lowest levels of use of force. What Katrina said around Taser, in terms of its roll-out and in terms of the review of it, is a very important point, because it is a controversial weapon. Its effects are to an extent unknown, and we know that it can be lethal and it has been lethal in this country. We should be cautious; there should be a pause to rolling it out to frontline officers across the country, until we are confident, first, that we know exactly what it does and does not and can and cannot do, and, secondly, that the officers who are given it have the aptitude and the skills and the situational awareness to be able to use or indeed not use that piece of equipment. With anything where we give officers more kit and equipment, we know what will happen with it: they will use it and black people and Asian people will disproportionately be affected by that if that happens. We should not allow that, therefore, to happen.

Q42 Stuart C. McDonald: I have a final question to Rosalind and Professor Bowling. There have been various powers that it has been suggested we should look at, review and possibly repeal. The other theme that seems to have come through the evidence is about accountability, oversight and redress. To what extent can we address these issues within the current institutional framework? To what extent does there have to be some sort of radical overhaul of the institutions that are involved in looking at how police officers behave and how police forces are organised?

Rosalind Comyn: As you allude to, in Liberty's view there are some powers that are so ineffective and used so disproportionately that they have no place on the statute books. There are other changes which we recommend, such as the introduction of primary legislation and mandatory schemes around transparency and accountability, that would seek to constrain the use of those powers, but within the system.

What is important is that what that looks like should be widely consulted on and the detail of what steps are needed should be decided in consultation with affected communities and not just tokenistic consultation.

The other point is that some of the factors that have been discussed today in terms of organisational drivers of disproportionality and decisions as to where the police go and where they decide to police are really fundamental questions, and questions that the police have not taken steps to interrogate yet. That is a question that needs to be answered.

The other issue is that it is very easy to think of more powers and more police responses, enforcement-led responses to complex social problems. In Liberty's view, this is an opportunity, looking at how these powers are used, how we are being policed and who these powers are being deployed against, to think about solutions to some of these problems that are not



police-led and get to the root cause of those problems rather than just ratcheting up existing powers.

Professor Bowling: Accountability is crucial. Clearly there are organisations that need to be looked at, like the Independent Office of Police Conduct. There is the inspectorate and citizen groups. There has been much made of the accountability offered by police body-worn video. There are clearly questions about how long video evidence is retained in order that that can be used to provide evidence, whether it is in criminal cases or civil actions against the police. We could also open up a broader conversation about the use of citizen handheld devices as a tool for transparency, accountability and evidence.

We have seen over the last decade the widespread use of handheld devices. Most people now carry a phone that has a camera or video camera. Whether it is the case of Ian Tomlinson, all the way through to George Floyd in the USA, the conduct of the police has been made visible and police officers have been held accountable as a consequence of citizen action.

A few years ago, police officers encountering somebody filming them would say, "If you carry on filming, I am going to nick you for obstruction". The advice we have now from police services and from the National Police Chiefs' Council is that it is permissible for a member of the public to film the police. We could go further than that. We could now say that a good police officer would encourage members of the public to film them as they carry out their duties, because they are doing good police work and are happy to be seen to be doing good police work. We might want to go beyond simply it not being unlawful for you to film the police in the conduct of their duties, particularly when you have grounds to suspect that the powers are not being used properly, but perhaps to go further and make it a statutory right. Perhaps we could go as far as legislating to say that members of the public should be empowered to film the police in the execution of their duties and for there to be a means by which the evidence produced by handheld cameras is made available to the authorities to hold police to account. Perhaps we could encourage a culture of policing that sees itself as open and transparent and accountable and would encourage proper scrutiny of their actions.

Q43 **Chair:** We need to draw to a close now. Katrina, I saw you indicate and I know you wanted to come in earlier on. Do you want to give us a quick final response?

Katrina Ffrench: I just wanted to add something about the accountability. One of the main things is that, because the police now have handheld devices, they are no longer giving on-the-spot grounds to people being stopped. We are seeing, more and more, people being given a receipt and a number, or being told to go to the police station to get the record. On some occasions, people have been and there is no record there. We are very alarmed at that.



Whilst technology has a place, we have to understand that, when people are not consulted properly, we can actually put in measures that undermine exactly what Sir William Macpherson was seeking to highlight, which is that all stops should be recorded and that people have a right to know why they have been stopped. I really hope that the Committee hears at the moment that that is not happening and it is causing a lot of discontent.

Also, young people do not want to be seen in a police station, and most police stations have been closed, so actually accessing your record is incredibly difficult and you need that record to complain. We are finding now that complaints cannot happen without the record, and you have not got a record because of that handheld device. Please be mindful about how policing technology and equipment is changing that encounter, and in some cases making it very difficult for law-abiding citizens to have an on-the-spot record of why their day was impeded by public servants.

Chair: Thank you very much. Can I thank all of our witnesses today for the evidence? We appreciate your time and information this morning. We have evidence sessions coming up with the NPCC, the Permanent Secretary of the Home Office and the Metropolitan Police Commissioner. We will be raising all of these issues in the subsequent evidence sessions over the next few weeks.

Thank you very much for your time. Mirren Gidda, if you are able to provide us with some of that troubling evidence about the disproportionality force by force today, we would really appreciate that as well, because we are very keen to pursue that issue further over the next couple of weeks as well. Thank you very much, everybody, for your evidence and time today.