

Home Affairs Committee

Oral evidence: [The Macpherson Report: Twenty Years On](#), HC 1829

Tuesday 16 July 2019

Ordered by the House of Commons to be published on 16 July 2019.

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Members present: Yvette Cooper (Chair); Sir Christopher Chope; Kate Green; Tim Loughton; Toby Perkins; Douglas Ross.

Questions 504–563

Witnesses

I: Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service and Minister for London; and Scott McPherson, Director General of the Crime, Policing and Fire Group.

Written evidence from witnesses:

– [Home Office](#)

Examination of witnesses

Witnesses: Rt Hon Nick Hurd MP and Scott McPherson.

Q504 Chair: I welcome everyone to our Home Affairs Select Committee inquiry into the 20-year anniversary of the Stephen Lawrence inquiry and the Macpherson Report. Welcome to our witnesses, to the Minister and to Mr McPherson.

Thank you for sending us the assessment, which I think you sent last week, of the Home Office's update on the 31 recommendations that affected the Home Office from the Macpherson Report. You will appreciate that we have had raised with us, particularly by the Lawrence family and by others, frustration at not being able to get any kind of updates on the progress on the Macpherson Report. Do you think that is a problem?

Mr Hurd: I heard that and we discussed that in the debate on the floor of the House. I recognise that concern. That is why I undertook to pull together this work, which arguably should have been done before, to make it easier for the family and others to track progress against a long list of recommendations. That was driven by a desire to be helpful in the face of her concern.

Q505 Chair: Are you able to make a commitment to update that at intervals?

Mr Hurd: Yes.

Q506 Chair: Thank you. The issue about confidence in policing among BAME communities was raised very strongly in the Macpherson Report. Do you have force-by-force data on confidence in policing by ethnicity?

Mr Hurd: We track this through the ONS and their survey work. What that shows on this hugely important issue is over time a reasonably stable picture of a gap in the overall system between levels of confidence across the whole community in relation to the police, which remains relatively high, and in relation to BAME communities and particularly the black community. That is particularly pronounced in London, which is why you were pressing the commissioner on that in your—

Q507 Chair: Do you have the data for every force?

Mr Hurd: I don't have it in front of me but we can certainly undertake to get it to you.

Q508 Chair: Does it exist for every force? We struggle to find it for every force.

Scott McPherson: The primary data we have is from the Crime Survey of England and Wales and that is a national England and Wales figure. I am not sure if we do have it for every force but we will certainly have a look at that.

Q509 Chair: Isn't that a bit of a problem?



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Mr Hurd: I need to check. We look across the whole system and as you know, Chair, underlying that is a system of scrutiny and accountability of local forces and in particular regular inspection by Her Majesty's independent inspectorate specifically on the legitimacy pillar. That includes regular, and I think rigorous, inspection of a lot of the issues that we are going to explore together in the interests of being sure that the police take equality and diversity seriously and are fair in their treatment of the population they serve.

Q510 **Chair:** Well, is it rigorous? What are the things that the PEEL inspection looks at?

Mr Hurd: The system has moved to a more risk-based approach, but I believe that at least every other year every force is inspected on the legitimacy pillar and issues in relation to equality and diversity as well as use of stop and search, complaints and discipline processes, which are looked at every other year, counter-corruption capability, which is looked at every other year. It regularly looks at workforce diversity as well. I should be clear. Every year the HMIC looks at the ethical behaviour of forces and whether they treat the public fairly. That includes inspecting use of stop and search, complaints and discipline processes and the things I have listed, as well as some thematic studies that take place on a reasonably regular but not every year basis.

Q511 **Chair:** When was the last time they did a thematic investigation that looked at race or diversity?

Mr Hurd: In 2018 they looked at the police response to hate crime, which is obviously relevant. In 2017 they looked at the ability of forces to identify potential discrimination in public complaints and internal misconduct matters. Next year, 2020, they are going to look at the whole issue of workforce representation and the response to the police chiefs' strategy.

Q512 **Chair:** But when was the last time that the HMIC looked at the overall relationship between the police and BAME communities and confidence in BAME communities?

Mr Hurd: I think what I am trying to say is that they look in some detail at some of the issues underpinning that issue every year in the inspections that are made. I do not have in front of me the last time they did a specific thematic inspection on the basis that you said but they have looked at various things such as disproportionality in complaints and discipline over the year.

Q513 **Chair:** The last time they looked at it in a serious thematic way was in 2003. The last major one was in 2001. If you put "race" as a search term into the HMIC's database of reports, the second or third item that comes up is the policing of the Tour de Yorkshire cycle race and the top one is from 2001. There is actually very little evidence of the HMIC doing any kind of thematic assessment of this.



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Let's go back to its individual inspection processes. The information I have is that its legitimacy assessment does not look specifically at confidence in BAME communities at all. It looks at issues of recruitment and retention and it has one question about stop and search, but there is no assessment of confidence in BAME communities in the local force at all. It is not part of its legitimacy assessment.

Mr Hurd: As I said, it looks at a range of things through the annual inspection within the legitimacy pillar, including many of the drivers of the frustration and dissatisfaction out there, including use of stop and search, the complaints and discipline processes, a regular look at workforce diversity. I think through that process we get a regular rolling picture at force-by-force level about what that force is doing in relation to the legitimacy pillar. As I have said, next year it is going to follow up on progress in relation to forces' response to the police chiefs' recent diversity strategy. Is there room to consider another thematic before too long? I am sure there probably is, but what I am trying to stress is that I don't think the annual review is quite as sketchy and glancing as you suggest.

Q514 **Chair:** The legitimacy question has a whole series of different things. It looks at grievances and all sorts of different questions as part of the data. It does include specifically response to stop and search and it does include specifically the recruitment and retention information. It is obviously welcome that that is looked at, but can you confirm that the PEEL inspection process does not look at all and does not measure confidence in that area in the community among BAME communities for individual forces?

Mr Hurd: I don't believe it does. That is not to say that the force does not conduct its own surveys and reviews or that the police and crime commissioner that is accountable to that community does not conduct its own inquiries and surveys to satisfy himself or herself that the force is—

Q515 **Chair:** Do you collect the information that individual forces might themselves gather to look at BAME community attitudes to forces?

Mr Hurd: As Scott said, we collect it at a national level through the ONS survey.

Q516 **Chair:** But do you look at the information from forces? If the Metropolitan Police does gather information, do you gather that alongside information from West Yorkshire Police, Greater Manchester Police and so on, to look at it?

Mr Hurd: We look at the national picture. If there is a problem at a local level or there is clear anecdotal evidence of a problem we have the ability to do a deep dive into a force alongside the inspectorate.

Q517 **Chair:** How would you know if there was a problem at a local level?

Mr Hurd: In the first instance, we live in an age where these problems do come into the public domain on a regular basis but also we have a



system, Chair, where the accountability of a force to the community that it serves is through its directly elected police and crime commissioner. Our expectation, which is not unreasonable, is that a directly elected person who is responsible for holding the police to account is satisfying himself or herself that that police force is doing a good job in building confidence in the community. As I said, if there are issues around the processes of that police force in relation to some of the drivers of increasing or reducing confidence, such as use of stop and search and the complaints and discipline process, we ought to be able to pick them up through the regular independent inspection process.

Q518 Chair: Looking at the complaints and grievances does not look at it by ethnicity, so that would not tell us what was happening with confidence in the BAME community. Some forces clearly do monitor this. We were able to find individual force-level data for the West Yorkshire Police and the Metropolitan Police. There is no easy way to see whether it is comparable or not but they are collecting some. However, as far as we could find, Kent did not seem to be publishing any information at all. How would you in the Home Office know if a police force or PCC that is not assessing this has a growing problem in its BAME community?

Mr Hurd: I believe we would pick it up through the independent inspection. I should point out that as part of its work the independent inspection has looked at the police's success in identifying and reporting discrimination and was generally positive in what it found. We also have—and we have not mentioned it—the IOPC that collects complaints data from every force on a quarterly basis, which includes the number of complaints about discrimination. We ought to be able to pick up any significant problems through that mechanism as well. It is our responsibility, working with partners, if we do have evidence of a problem, to intervene and challenge that force and its leadership and the police and crime commissioner about what they are going to do about it.

Q519 Chair: I am still really struggling to see how you are going to know whether or not there is a problem. If there is a problem in a particular force, if BAME community confidence in a particular force has dropped, if there is something that a particular force is failing to do or is doing badly or if there is just a widening gap between half of the forces doing something brilliant and the other half of the forces doing really badly on this, I don't see how you would know. You have admitted it is not part of the detail of the PEEL inspection process and it is not data that you have gathered nationally in the Home Office from individual forces. I just put to you again: how would you know?

Scott McPherson: If I may add one thing, that earlier in June the Minister chaired a meeting with chief constables, a race disparity audit round table, and one of the things that we identified at that is exactly the issue you are highlighting here. We now have very good national data, which does break down confidence figures by ethnicity, but the Minister was very clear with police chiefs that he would like to have a better understanding of activity at local level. The Minister wrote to all chief



constables and PCCS on 12 July asking them to pull together that information at local level and inviting all the forces to publish a statement about the racial disparities that they are experiencing in their own force. I think that is a very clear indication that we have identified exactly the problem you are bringing to the attention of the Committee at this point and the Minister has already asked chief constables to produce that local data.

Mr Hurd: The race disparity audit is a landmark intervention by a Government in bringing together all the datasets in six particularly sensitive areas in relation to policing. That is a national dataset but, as Scott said, our challenge to local forces, and local police and crime commissioners in particular, is their interpretation of the local data and their willingness, which I am explicitly encouraging, to publish and produce local statements in relation to the data for their areas. There is an evolution here, but the point I was trying to labour—and I don't think I have persuaded you, Chairman—is that the process that the independent inspection does gives us decent information on processes within a force and we have a national picture of confidence and any evidence of a confidence gap.

We know which bits of the system are particularly challenged and obviously London, in the current environment, is a challenging situation. I think we do have reasonable information about process and we are trying to improve that through the race disparity audit and our challenge for local statements in that respect, as Scott has set out.

Q520 **Chair:** The information that you are gathering now by force sounds welcome if belated. Will that be in a form that can be compared force by force?

Mr Hurd: As Scott has said, following our last race disparity round table on this issue I have recently written out to police and crime commissioners and chiefs to make this suggestion and this encouragement. Now we need to engage with them on the "how" and it makes sense to try to get some consistency of approach there. Just as we are able now to make some comparisons across forces through the transparency work we have done to compare workforce representation by force in other datasets, it must make sense to have some consistent classifications in that process so that those who are in the business of driving scrutiny and accountability, including the Home Office, can make accurate comparisons across the system and we are not comparing apples with oranges.

Q521 **Chair:** I am not quite clear whether that meant you would be gathering consistent, comparable information on the confidence of BAME communities in their local force.

Mr Hurd: What I am saying is that I have written out to the system to encourage local statements in response to local data of the race disparity audit, including, for example, local explanations and any apparent



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disproportionality in the use of stop and search. This is relatively recent and you can say that the race disparity audit may be something that should have been done decades ago, but we are where we are now. What I would like to do is move it from a process of central data to more transparent local data for which local police leadership, including the PCCs, is held more to account. We need to work through how that works together with them. It is relatively recent.

Q522 Chair: I think that was not a clear answer on whether or not they will be gathering information on confidence in the local community. Stop and search numbers is a separate question and recruitment numbers is a separate question. I am going back to this issue about measures of confidence in the local BAME community and I am still not clear. Are you asking all forces to gather that information and to publish it and are you asking them to do so in a consistent way so that it can be compared?

Mr Hurd: Yes, as part of looking at the broader set of data in the six areas that the race disparity audit highlights in encouraging them to make local statements about their data and their response to that data.

Q523 Chair: You are encouraging them to make local statements but are you also encouraging them to give you information that is comparable? A force could come up with something where it could say whatever it wanted and it has made a local statement. I am trying to work out whether there will be comparable information so we can tell if West Midlands is doing much better than West Yorkshire or is Northumbria doing better than Durham?

Mr Hurd: It would be my intention to make that information comparable. As you would fully expect, there will be lots of caveats attached about the need to recognise differences between areas. There are sensitivities and complexities. Of course it would be better and desirable to be able to compare and contrast across forces but with all the caveats around the complexities and the need to recognise local differences.

Q524 Chair: Will you also gather information on misconduct and disciplinary inquiries by ethnicity for forces? That is an issue on which we have had a lot of evidence given to us.

Mr Hurd: Yes. That is clearly an area where there is a problem and an evidence gap and a gap in understanding about the why.

Q525 Chair: We may come on to that issue shortly, but I am interested in will you gather data on disciplinary processes by ethnicity by force?

Mr Hurd: Yes.

Q526 Chair: Thank you. I think the concern that has been raised with us is about whether or not the Home Office is still taking the recommendations of the Macpherson Report seriously. When recommendation 1 is that a ministerial priority be established for all police services to increase trust and confidence in policing among minority ethnic communities, do you



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think it is a fair assessment to say the Home Office has not been monitoring this, the Home Office does not have the information force by force to know whether there is a problem and, therefore, has not been making it a ministerial priority to make sure that all forces are doing their bit to increase confidence among BAME communities?

Mr Hurd: It is a ministerial priority and it is a priority of the Home Secretary to increase confidence in the police across all communities but particularly in those communities where there is a confidence gap. You can rightly hold us to account for some evidence gaps and some information gaps that exist and that we are trying to fill, but if you look at the action taken since 2010, or over a longer time period since the Macpherson Report, you can see a lot of action to tackle some of the drivers that might underlie a confidence gap. We will talk about stop and search, the degree to which police forces are representatives of the communities they serve, progression and disciplinary processes and all those issues, but in all those areas, whether it is the reform of stop and search or the lead that the Prime Minister, the previous Home Secretary, made in challenging the police about their workforce representation, to the introduction of the college, the expansion of the independent complaints process, across a whole range of problems, I can point to significant radical action that reflects the priority that we were asked to attach to it.

We can debate whether that action has made enough of a difference in the areas of concern and we can be quite candid, because the evidence is there, that we clearly still have some significant problems to manage through. I will go further than that; the urgency of that is compounded by the fact that we now face three risks/opportunities. The first is that stop and search is increasing and is going to increase, the second is that the police are recruiting again, and the third is that we are on the brink of major technological advance and there is a whole suite of technologies coming down the track that the police are going to want to use. I think a Government of any colour will want to encourage them to use that, but the systems and the framework of governance and accountability and building of confidence around that is extremely important.

With all of this, Chair, I want to reinforce a personal sense of commitment that Ministers have that in face of the evidence that we have done a lot, we have made some progress, it is quite clear that there are still some very significant problems and risks that we need to move the needle on further and fastest. It becomes more urgent now because of the environment we are in, which is stop and search is increasing, recruitment is increasing and technology is developing at an extremely fast pace. Although we are looking at report that is 20 years old, its significance is as relevant today as it was then, which is why I welcome this inquiry.

Q527 **Chair:** We want to go through those three areas that you have raised, but finally I will ask if you could write to us and let us know what data



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you are now going to be gathering from police forces as a result of this and how it will be comparable. So far I have not got past recommendation 1 of the Macpherson Report, which was a pretty substantial one. I think it is quite hard for the Home Office to credibly say it makes something a priority if it is not measuring it in order to be able to tell whether that priority is being met.

Mr Hurd: We do measure it nationally, Chair, and that measurement shows that the confidence gap has narrowed, so it is not entirely fair.

Chair: We have been through that.

Q528 **Douglas Ross:** Good afternoon, Minister. To follow on the point about the recommendations and the follow-up to them, you said in response to the Chair that you hoped that the Government follow-up left on 9 July and the work since then is helpful for addressing Mrs Lawrence's concerns. Why should this family continue to have to challenge the Government and others to get this feedback? Why should it have taken 20 years after the inquiry reported for the Government to listen to Mrs Lawrence and others to say there is no easy way to analyse if the Macpherson inquiry recommendations have actually been met? Why weren't the Government doing this themselves?

Mr Hurd: I can't answer for previous Ministers or previous Administrations, because we are going back 20 years. All I can say, Douglas, is that when I heard this on the floor of the House and heard the evidence from the Baroness to you, I took prompt action. It seemed to me that given that so much work of this work and effort is the legacy of Stephen's tragic death, it must be right that the family and friends and all those interested should be able to track progress more easily.

Q529 **Douglas Ross:** The Government announced a Stephen Lawrence memorial day. At that point did anyone in your Department or Government say, "Let's just check we have met all the recommendations that were addressed a number of years ago in Macpherson"?

Mr Hurd: The work was underway, my recollection is—

Douglas Ross: Not before the memorial day was announced.

Mr Hurd: I may be proven wrong but my recollection is I made the commitment, whether to the Chair on the floor of the House or the sponsor of that debate, whoever raised it in that debate, that we do this and we have done. Should it have been done before? Yes, but it is not say that—as you will see I hope, the evidence is reasonably reassuring of the energy, the activity, the decisions, the legislation, the process that successive Governments of different colours have taken over 20 years. I hope what has been done is reasonably reassuring, but of course it should have been easier for the family and others to track progress. I completely accept that, which is why we took the action that we did.

Q530 **Douglas Ross:** Do you accept it is a failing of this Government and previous Governments that that was not done up until now? There have



been opportunities. The 10-year review of the Macpherson inquiry was surely an opportunity to say, "Have we met these recommendations or not?" I realise that was a different Administration then but was that not an opportunity to look at this? Everything we heard in the evidence from Baroness Lawrence and others is that this is a family and a community that continually has to fight. I think it is wrong that the action came so late in the day—and I will come on to the response from the Home Secretary in a minute—that it took this Committee to do this inquiry and it took this campaigning family to get any action out of the Government. It is almost as if this Government and others thought the Macpherson inquiry answered all the queries and they did not have to do any further action beyond that.

Mr Hurd: If I may, we need to distinguish between action taken in response to the issues and action taken to bring that together into an account for the family and others to be able to track progress. I suspect what happened is that there was an intensive process at the start to track and communicate the tracking and that probably broke down a bit over time, as most of the things were achieved and the work began to change in its character.

But my personal view is that you are absolutely right and the Committee is absolutely right and why I am very happy to make the commitment to your Chair that we should continue to produce rolling updates on progress, not just for the family—and I pay genuine and sincere tribute to their courage and persistence over many years—but the issues underlying the Macpherson Report remain enormously significant and relevant now, not least because society and policing have changed so considerably since that time but, as you have heard in lots of evidence, some of the underlying issues, perceptions, fears and anxieties have not shifted.

Therefore, this is fundamentally about our attitude as a society to evidence of discrimination based on race. It is critical that the Government of the day, whatever colour, are held to account regularly. At the heart of this is about confidence in one of our most important public institutions, which is our police system.

- Q531 **Douglas Ross:** Given the response to the Committee about the 31 recommendations, how would you judge the response? Could someone look at this response from the Home Secretary provided by your Department, which took several months to get all this information together, and be able to say of the 31 recommendations that they have all been met in full or half of them have been met in full and half of them have been met in part? As we try to challenge and understand how far the police force and others have come, do you think the response is adequate in signing something off to say, "That has been delivered" or "there is more work to be done"? There seems to be a failing in the response that it does not really say if it has partially met or fully met what Macpherson was asking for. As the Chair has said already, on



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recommendation 1 there is a very good preamble from the Department but it does not really say if it has been met or not.

Mr Hurd: I think we have set out our stall with our views on whether things have been met or partially met. That, of course, is open to—

Q532 **Douglas Ross:** Just for clarification, are you saying that all 31 recommendations that are within the purview of the Home Office have been met in full?

Mr Hurd: I stand by what we have put in writing to you.

Q533 **Douglas Ross:** But that is not in writing. That is the problem. We don't know.

Mr Hurd: I stand by what we have put in writing to you and what I have said on the floor of the House, but of course I would defend your right and freedom and anyone's freedom to challenge that. That is part of our healthy democracy. What I have been extremely candid about, Douglas, and I think I said this in my opening remarks, is what you will see is a long list over many years of initiatives, projects, programmes, changes to the law, creation of new institutions and a huge amount of energy and initiative and innovation in that spread.

The ultimate test is whether it has made a difference and I think I have been very candid about that in relation to a confidence gap, the evidence around perceived disproportionality in the use of stop and search, the failure of any police force in this country to actually represent the community it serves, disparities in relation to allegations of misconduct inside the system. It is very clear that in some very important areas we have not made enough progress over many years. I have been very candid in saying that we are now at quite a critical point because for some of the change factors that I was talking about we have to be sure that we have the processes right to make more of a difference in the years to come. That is why I welcome the challenge of this inquiry into those processes.

Q534 **Douglas Ross:** Since the Stephen Lawrence steering group was disbanded, what were the Government and your Department doing to monitor the outcomes of the Macpherson inquiry, not just in making sure what you believed the outcomes to be or otherwise were publicly available, but what were you doing on a day-to-day, week-by-week, month-by-month basis? Do you think that work was hampered by the lack of the Stephen Lawrence steering group?

Mr Hurd: It was Charles Clarke, if I remember rightly, who disbanded the steering group in 2005 and set out his reasons in a written statement to the House. My perception now is that there is still a lot of energy being directed at some of the underlying problems and challenges we have here. I have been very candid about them. We just have different fora in which to take them forward.



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We have the race disparity audit, the first of its kind that any country has ever done, which is designed to throw a spotlight on some very, very uncomfortable truths about our society and some of the most uncomfortable truths are in relation to policing. We have a forum to follow up on that and I chaired the most recent one with all the police stakeholders and from that actions have flowed, such as the one Scott set out in encouraging local statements and local response to that data. The Home Secretary chairs a very regular roundtable on diversity in the workplace, recruitment, progression, promotion, all those issues. All the stakeholders you would expect are around that table. He or she chairs it, I attend it and action flows from that.

At the moment we do not see a need to reintroduce the steering group that was disbanded in 2005 but I don't want anyone, least of all the Lawrence family, to get any impression that the drive and the leadership and the tough conversations around the tough issues are not happening, because they are.

Q535 Toby Perkins: I want to ask you about the progress that police forces have made in recruitment of BAME officers. Can you tell us from your perspective how satisfied you are with the proportion of police officers that are from the BAME community?

Mr Hurd: We are nowhere near where we need to be. I am sure you have the data and you can see that there has been progress over decades. It has been slow and it has been steady, but no police force actually represents the community it serves and some of them are very far off the pace. It was quite right that the current Prime Minister, then Home Secretary, called out in a very radical direct speech I think it was four police forces that had no BAME officers at all. That has driven considerable change and the reason why this matters so much, Toby, for me—

Q536 Toby Perkins: We know why it matters. What we are more interested in, with respect, is the progress that is being made. From your perspective—

Mr Hurd: Would you allow me to elaborate why it matters? It is not just the reason that everyone gives. If you would allow me, it is not just about the need for the police force to represent the community it serves, for all the reasons that we understand for building community confidence and trust. That is fundamental to our police model and of course critical, but this is also an issue of equality of opportunity and social justice. For me, as Police Minister and why I am pleased about the police response to this now, it is also about the competition for talent. We are recruiting again in policing. Given the challenging role that policing is and how it has changed over the last 10 years and how the communities that we are protecting and serving have changed, it is absolutely critical that our police system is able to recruit from the widest pool of talent. I don't want to lose that, because it never comes up in the public debates. For me it matters a great deal.



Q537 Toby Perkins: Well, let's elaborate on that point. If you had a BAME constituent come to see you at one of your surgeries who said, "I am thinking of joining the police force", how confident would you be that that young person would be making a wise choice, as a BAME person, to join the police force?

Mr Hurd: I am a London MP. I would have relatively high levels of confidence, certainly higher levels of confidence than I would have had 10 years ago. As Minister of Police, I was at a passing-out parade at Hendon recently and I was extremely pleased by the diversity in the sea of faces in front of me. As you have heard from the commissioner, London now has 27% of joiners from BAME communities.

For me, Bedfordshire is a kind of standout. It dramatically increased its proportion of the workforce from BAME backgrounds with 23% of joiners. If you look at the work that the inspector there has done, it is not rocket science. They have applied themselves to being smarter in the way that they engage with their BAME communities and break down some of the barriers and be more attentive in how they advertise, market and support people through that process. The response in numbers is really impressive: West Midlands has 22% and Greater Manchester has 15%. To be frank, these are the forces you would expect to be in the vanguard because they are the forces for whom it matters most given the communities that they are policing.

The challenge for us now is to take all that evidence of what they have done that works, such as positive action and work with the college and all the other systems that we have, to spread good practice, to take it to the other forces and to challenge those forces to do something similar. It is not rocket science. It is about thinking in a different way, having the right people, having the right conversations in the right places. I do sense going round the system now that there is a change of attitude and mindset where police chiefs now have come together for the first time to agree everyone behind their diversity inclusion strategy and the toolkits that underpin it. My sense also is that police and crime commissioners now are increasingly on board and they sit around our table. David Munro of Surrey leads for them. I was in Cardiff recently visiting the force there. I am in the back of the car with Alun Michael and one of the first things he said to me was, "We are recruiting and we are hitting our diversity target".

It is now front of mind for most of us, for all the reasons I have elaborated—sorry, I am bit passionate about this subject—that we are going to hold this system to account because we are recruiting more and if you believe what the leadership candidates are saying, we may be on the brink of a significant increase in recruitment that may take us back to a different level of capacity. If at the end of that process we have not moved the needle further and fastest in relation to diversity and representation, we will have failed and I am determined that we don't.

Q538 Toby Perkins: I appreciate what you have just said there. In the



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statistics, still 6.6% of police officers are BAME from a population of 14%. If we go back to that analogy, I said a moment ago about someone thinking about where might they want to take their career. If you were to say to that person considering whether to join the police force, "Not only will you be underrepresented in the community but the history is that black police officers are more likely to leave, black police officers are more likely to be disciplined, black police officers are more likely to be sacked, black police officers are least represented the higher up they go and more represented at the lowest levels", every one of those statistics will be something that might well make that potential police recruit say, "This doesn't sound like a great career move for me". Notwithstanding I am pleased to hear your passion, isn't all of that, not just the glossy adverts that you say are working but the experience of black police officers and people joining the police force, problematic in terms of the actual experience they have when they join the police force?

Mr Hurd: Yes, it is, and you are absolutely right. If I could just distinguish between the process of recruitment and getting someone in through the door and then what happens after that. I do not discount the reports of that because people see it, they look for role models and if they are not there further up the system that has an impact. But what gives me some encouragement—you talked about glossy adverts and this is not about glossy adverts. It is about better engagement, choosing the right people to have those conversations, being in the right places at the right times, more targeted advertising. As you will see if you get into the detail of what they have done in Manchester, Birmingham, London and Bedford, there is quite a bit of handholding to try to reassure people through that process.

If you look at what is possible—I am sorry to single out Bedfordshire but the guy there has done an absolutely amazing job—the BAME proportion of that police force was 6.1% in 2015 and 10.3% in 2018. It has moved the needle in very quick time, showing the kind of pace and determination and energy that I want to see across the whole system. It has proven that it can be done, that positive action taken, used with imagination, verve, energy and innovation can deliver results.

I also believe, and I don't think I am being too naive about this, that the police leadership knows that this matters. I don't think you called them for evidence but if you had the police chiefs who are leading on this in front of you, I think you would get a very strong sense of their seriousness of purpose, the fact that they have got the whole system bound into it, which is not always the case. Given everything else that is going on in policing, with which we are all too familiar, they have decided this is a priority for them and they have agreed a strategy. We are going to hold them to account on it. It will be difficult and challenging but I think the will is there. Sorry, I am going on a bit.

Q539 **Toby Perkins:** You mentioned Birmingham, West Midlands and others. It sounded like the areas that you referred to as having the most new



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joiners are the areas that have larger BAME populations in the first place. Which of the forces do you look at and say they are standing out with a lot fewer BAME officers being recruited than their population should expect?

Mr Hurd: Let me try to give you a little bit more granularity on that. I do have some data. I don't particularly want to single out forces because it is not necessarily fair. You asked about progression, which is very important, extremely important, because we need to see people moving through and up the system. There are 12 forces that don't have a BAME officer at chief inspector or above, and that would be one example. One force does not have a single black British officer. That is North Yorkshire. That was four forces back in 2014. Thirteen forces do not have a single black British female officer and the record for BAME females is lamentable across the system. I am delighted to say there is much more vigour and energy in understanding those issues and three national BAME female workshops have been held on that. That is symptomatic of the new energy that is being thrown in.

Q540 Toby Perkins: Can I ask you finally, Mr Hurd: I appreciate your huge enthusiasm for what Bedfordshire has done but how much of the strategy in your role is about exposing where it is not working and giving you the opportunity to maybe put a bit of a stick behind some of these forces and say, "You really aren't doing well enough"? Is it a part of your strategy to also hold up a light to those who are not performing?

Mr Hurd: I have given you some data that gives you a sense of where the system is underperforming, but yes. We are under some time pressure here because the recruitment curve is growing but for the first time ever the chiefs have agreed a strategy and the police and crime commissioners are supportive of it. It is our responsibility to hold the system to account, and I know the Committee will play its full part in this. We have data in relation to the workforce. We can compare and contrast and critically, tying this into the previous conversation we had, the inspectorates are going to inspect on this in 2020.

The system is working together. We have not talked about the college but it is fully leant into this process in terms of the guidance and the what works. There is energy on the importance of the issue and I think we have decent systems to hold the police to account in relation to data transparency and the inspectorate and the race disparity audit. On this issue, I have high levels of confidence that our processes are in place and there is certainly a very high degree of political will to drive this because the historic data are not nearly good enough.

Scott McPherson: Just to add that the data on a force-by-force level are all published on the police.uk website. We have done that since 2015.

Q541 Tim Loughton: Clearly we all need to go to Bedfordshire to see a good example of what is going on there.



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Mr Hurd: I don't want you to think that, because what London, West Midlands and Greater Manchester are doing is just as good, but I am particularly impressed by the work they have done there.

Q542 **Tim Loughton:** We don't get out much so perhaps we could go to Bedfordshire.

Minister, we have had a lot of evidence from all sorts of people, ranging from Doreen Lawrence herself, the Met Commissioner, the Deputy Assistant Met Commissioner last week and various other officers and academics on this subject, but I think the most alarming evidence we had was in a private session from a group of young people from BAME backgrounds in three London boroughs with youth leaders and various projects that they are involved with. They, to a man and woman, were absolutely damning of the mindsets and attitudes of the police, particularly in regard to the propensity to stop them and their friends and colleagues in stop and search. One witness described it as, "It is a blank systematic stare, ridden of systematic laws, and they are just preaching to you, talking absolute nonsense half the time. You can't have real conversations. There is no, 'How has your day been? How are you doing at school?'"

Are you happy with the way stop and search is being used and, if you are, why is there clearly—and this is just a microcosm of the evidence—such a poor perception of the job that the police are doing, particularly given as we know that those most likely to be perpetrators of knife crime and serious violence crime—and the Committee is producing a report on it soon—are black teenagers but so are the victims?

Mr Hurd: I have not been complacent about this, Tim. I was not in that session; you have heard those voices. I have heard them in different contexts, and it is a particularly London issue, and they are angry voices and they are resentful. You have to be concerned about that because underlying that is a desire to make sure that our police model relies on trust and confidence between citizens and police.

Of course there is a long history in relation to stop and search and the risks attached to it in terms of that confidence. With the proviso that I am not complacent—and I will come back to that—it is important to recognise the scale of the reform of stop and search that has been undertaken by this Government. It is so radical in its scale that police confidence in using stop and search fell off the cliff, being candid. That is how different the environment of stop and search is now and what is required of police officers, on both a statutory basis and in best practice, which all forces have signed up to. The whole environment of the processes the police have to go through before, during and after stop and search has changed and the whole scrutiny and accountability around it has changed. As the Committee will be very well aware from the evidence you have taken, over this decade there has been a game changer in the body-worn video, which changed the dynamic of that intervention in very significant ways.



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Why am I not complacent? It is because of what I said at the top, which is that in the face of the worst spike in serious violence and knife crime that we have seen in this country for a decade, part of the response through the strategy is more targeted to police intervention in the recognised hotspots. That involves proactive policing through the Serious Violence Taskforce in London. I have been out with them and I have observed them doing stop and search. I was quite impressed by the way they did it and the professionalism and the way that they tried to make people at ease. On the night I was out there was one incident I saw where clearly the people being stopped and searched were angry about it but I could not really criticise in any way what was done.

What I look at, Tim, because I can't monitor everything, is the data for complaints and data for outcomes in order to justify the increase in stop and search. The Met is passionate about that and it has seen evidence in relation to knife crime and homicides linked to this targeted intervention work, but it also points me to the fall in complaints. I am not naive about this but if you have a big increase in stop and search—in London it is up 30%—and you have significant falls in complaints and better outcomes in proportionality of arrests, it feels to me that the reform has worked in that it is delivering better outcomes and there are better processes. Does it remove those sentiments? No.

Q543 Tim Loughton: But the problem, as you know, is that when you go out and when I go out with the police, they are on their best behaviour. This is not a problem limited to London. When I have been out with kids in places like Birmingham, they will tell me the same, not quite as angrily as the group we had from London, and they will also say there is no point complaining, just as when they said to us, "Is there any point us being here?" They have been through it so many times. They have been asked to give their views and they still feel they are being ignored. They have no confidence in us, Parliament, police chiefs, council leaders or whatever. There is a complete absence of confidence and that confidence gap is a real challenging problem. I don't see evidence that that is really being addressed.

The commissioner recently said in a speech that we need to have more technology in order to solve crimes better in a woefully low rate of solving crimes. But there is a specific issue now, and if we talk about something like the gang violence matrix, I thought the Deputy Assistant Commissioner we had who is responsible for it did not understand why people did not think it was a good idea, and yet they don't. It should be seen as, "Thank goodness, here is a good bit of technology that can help keep young black teenagers safer on the streets if it is being used for the purposes for which it is intended" but there is an absence of confidence in it. We can talk about better procedures and complaints, but what we do not seem to have any evidence of is a restoration or an improvement in the confidence levels that the police are on their side if you are a black teenager in London or Birmingham or Newcastle or any of our inner cities. What do you do about that?



Mr Hurd: I accept that diagnosis. It is perhaps still early days in judging the efficacy of the reforms and the better use of stop and search, and that is still work in progress. We have asked the college to produce new guidance on public engagement and scrutiny, particularly in relation to section 60. We are restless on this. I do absolutely recognise your diagnosis. There is still a major problem in confidence particularly with young black teenagers and my concern is as stop and search increases, the data suggests that this proportionality has increased as well and with that there are clearly risks in confidence.

We will come on to the gang matrix, but you will have listened carefully to the commissioner. I believe you were listened to because I talk about this regularly with her. She is someone who is passionately committed to building that trust. In fact, one of her most persistent mantras to her team is about the importance of that. You will have also had a very clear sense from her and from Duncan Ball in his response to you that their number one priority is to save lives, protect lives and reduce violent crime. They do believe, and we support them in this, that the targeted police interventions in hotspots is contributing to the start of a fall in numbers. That is their operational priority. But the commissioner is absolutely sincere in the importance that she attaches to the building of trust and she recognises the confidence gap.

Q544 **Tim Loughton:** I think the Committee has no doubt about the integrity and the keenness and the recognition that the Met chief has in this, but the problem is that it is not shared by black teenagers on the streets of our inner cities. When she says—and I can understand entirely why—that institutional racism is no longer a helpful term, a term that she recognises in her police force in London, in which she has been for the best part of 35 years or whatever it is, and the transformation has been huge, I do not doubt that. But that confidence and that recognition is not shared by the very people who are coming into contact with the police most of all, young black teenagers in our inner cities, as suspected perpetrators but, more importantly, as actual victims. I think we would agree with everything you said and everything the witnesses have said we can challenge, but there is still a problem.

The point of this inquiry 20 years on is how do we restore that level of confidence? There is nothing left in the confidence tank for the people that we have seen in front of us. Quoting process and the lower number of complaints—the lower number of complaints is not directly linked to a low level of dissatisfaction. It can be quite the reverse. What analysis have you done of the complaints on the number of them that are upheld, the follow through, people's views as to how well the complaint has been taken forward and why more complaints are not coming forward—is it because people think it is a waste of time?

Mr Hurd: I do have some data in relation to complaints in here that suggests something like a 40% fall in complaints. What I don't have, and I will have to write to the Committee, is any data on the upholding of



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complaints and the integrity of the follow-up processes to that. If I may, Tim, I will write to you on that and I will need the data from the Met.

Tim Loughton: I think that would be useful.

Mr Hurd: To your fundamental point about the trust deficit and the stubbornness of that, that of course is right. Some of this is rooted in history and intergenerational attitudes and things that are handed on, so this is hard. I think everyone recognises there is a problem. I think you heard the commissioner in evidence to you talk about the priority she attaches to getting the quota of officers into schools back up to the kind of capacity that she wants. That is a priority to her. That is important. I think that processing systems around human interaction at the moment of stop and search has improved. I think body-worn video does change that dynamic for both the officer and the person being stopped.

Ultimately, what I think everyone wants is for there to be less stop and search because there is less requirement for stop and search. The reality is, if you look at the number of black people being stopped now, it is way down on where it was a few years ago but the apparent disproportionality has increased. Fewer people are being stopped than in the past. More of those stops are resulting in an arrest or some criminal justice outcome. Complaints are down. I am not naive about that. I will try to get you the data on the integrity of the follow-up to those debates.

Is there still a very stubborn, difficult problem in trust between the police and the very people that we are trying to protect? Yes. Does that matter operationally to the police? Yes. Although they have a very good record in solving homicides, there is a very big problem in getting evidence, data and information from the community in relation to stabbings. That is part of the trust problem and the consequences of the trust problem.

Q545 **Chair:** Just quickly on the gangs matrix. The population of London is 16% black African and Caribbean, 38% of stop and searches are black African and Caribbean, 50% of knife possession or serious youth violence is black African and Caribbean, but 80% of those on the gangs matrix are black African and Caribbean. Does that disproportionality worry you?

Mr Hurd: Yes, it is a really uncomfortable number. It is an uncomfortable number for the Met as well. I have spoken to the commissioner about this and I have carefully read the evidence that Duncan gave. If I take this in two stages: first, it would be very strange if the Met did not have an operational tool like the gangs matrix. It would be very strange if there was that vacuum in its intelligence and its approach to targeting and safeguarding people who are associated with gangs or vulnerable in that context.

Is a tool like this necessary? Yes. They are passionate and they are supported by the evidence from MOPAC that reviews five years of data, as you well know. The use of the tool has successfully reduced the harm caused by gang members on the matrix and also reduced the



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victimisation of these gang members. You will have listened to that evidence. You will have taken your own view on the integrity of that, but that has given confidence in the importance of the model in generating the outcomes that it is set up to do.

Was it set up in the right way? I guess that is open to questioning. Was the pitch rolled in the right way? That is open to question. The Information Commissioner came in and took a robust view, and you will have made your own judgments about the seriousness of the Met's response to it. Having spoken to the commissioner personally on this, I am satisfied that it has leant into that in the appropriate way. Does the Met have more to do in terms of building, to Tim's point? I do not think it is a case of rebuilding but building confidence in the integrity of the matrix programme and process, yes. Duncan was very candid about that. It is an operational tool that the Met thinks is necessary. I think it is necessary but there is clearly more room and work to be done in building public confidence.

Q546 Kate Green: On the subject of the gangs matrix, it works on a categorisation of risk: red, amber and green. Do you think that a tool that puts two-thirds of the people on the matrix into the green category is designed in the most effective way, both to deliver results relative to input and to install confidence in the community?

Mr Hurd: The police will inform its own view on the integrity of the process. What Duncan set out to you was that it is intelligence-led and it does require—

Q547 Kate Green: Why are two-thirds of them in that green category?

Mr Hurd: It does require more than one piece of intelligence for someone to enter the door—to use the language used in your exchange with him—and then there is a process of risk rating attached to people.

What I would bring the conversation back to is the motivation for the gang matrix, which is about reducing violence and reducing the harm caused by gang members, but it is also about reducing the victimisation of those members. The fact that someone has a green rating attached to them does not mean that they are not vulnerable. It does not necessarily mean that they should not be on the matrix.

My sense again, having reviewed the Met's response to criticism, which is always for me the test, I believe that it is doing a rigorous job in trying to improve the integrity and the workings and more consistency in the way that the matrix is being developed. Of course, it has been subject to criticism and scrutiny and I think it is responding to that in an appropriate way. Will it continue to be held to account and subject to scrutiny? Yes, because the Met Police force is probably one of the most scrutinised police forces in the world.

Q548 Kate Green: Would you not expect, though, that if the Met is responding in the way you suggest it is, keeping the operation of the matrix under



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careful scrutiny and having to offer a response to the Information Commissioner, that to have such a high proportion of people in a category where no risk attaches to them—and my understanding is that that has risk of being a perpetrator of crime but also of becoming involved in other ways not as a perpetrator—isn't there something wrong with a tool that holds data on such a high proportion of people who are not deemed to have a risk category attached to them?

Mr Hurd: I do not have enough evidence to suggest that there is something wrong with the tool. What I have understood, not least from the explanations given to me and the conversations I have had with the commissioner, is there is an understanding that there was room for improvement in the processes underpinning the matrix and that the Met accepted the recommendations from the Information Commissioner and has leant into that.

I have been very candid in expressing my view that there is clearly more to be done to build confidence in that tool, but is it needed? Yes. Was it set up in the right way? Questionable. Can it be improved? Certainly. Is the Met conscious of the need to build confidence in the tool? Yes. Is the Met going to be held to account on that? Yes.

Q549 **Kate Green:** On stop and search you said, for example, the commissioner believes that it is an important tool in tackling violence and, again, we know that there are concerns in the community about disproportionality and effectiveness. It is not really enough, is it, for the commissioner to believe? We need to have evidence that it is significantly impacting on serious violence, given the harm it appears to be doing to community confidence. Isn't it troubling that over the last 10 years we have seen an academic analysis that suggests that in London the impact on non-domestic violent crime of stop and search is very limited? Does that trouble you?

Mr Hurd: My honest assessment—and I have said this publicly before—is that from the academic research on the efficacy of stop and search you will get different opinions. There is quite a lot of academic theory around what a baseline of efficacy is.

To be very honest, Kate, our feeling at the Home Office was that the reform of stop and search was absolutely necessary because we had over 1.3 million people stopped at its peak with only a 7% or 8% arrest rate at the end of that process. Clearly, it was being used in the wrong way but, as a result of the reforms, we saw stop and search fall below 300,000.

We can take some satisfaction in the fact that the proportion of those stop and searches that resulted in arrests has doubled and are at peak levels, and other positive outcomes, but we felt—particularly in the face of the worst peak in serious violence that we have seen in this country for a decade in our major cities—that with that fall off, which reflected frankly a lack of drop in police confidence in the use of stop and search, we needed to rebuild police confidence in it.



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In the data that I look at, the Met report that in the first nine months of 2018-19 111,000 stop and searches resulted in 8,500 arrests, including nearly 3,000 for weapons, and stop and search is up 30% overall, so 3,000 arrests for possession of weapons in that process. You will forgive me looking at this simplistically but in the face of the overarching priority, which is to save lives, taking knives or guns off the streets has got to be the priority.

Kate Green: I am sure everyone would agree with that.

Mr Hurd: Along with making sure, as we have done, that the processes around that are vastly improved. Are there risks attached to that? Yes.

Q550 **Kate Green:** Given the disproportionality of both the gang matrix and stop and search in terms of who becomes subject to them, and the at least contested evidence on efficacy, are they institutionally racist tools?

Mr Hurd: No. The evidence on stop and search is contested. That is indisputable but if I look at the Met data that is in front of me now—which is the priority for me as Minister for Policing and Minister for London—for the 12 months to the end of March I see homicides down and I see stabbings of under-25s down. What do I attribute it to? What does the Metropolitan Police that is leading the operating response, what do Graham and others attribute it to? They attribute it to hotspot policing, targeted, proactive interventions in the areas where we know knife crime is most prevalent.

As the commissioner made very clear to you that is disproportionate in terms of protagonists and victims—the point made by Tim. They are absolutely clear that the increased use of stop and search within that targeted proactive police intervention—which the public want to see, that those communities want to see—is part of the reason why those numbers are starting to fall. That is their belief and I have no evidence to disprove that.

In fact, as I think I have made quite clear, we have been very keen to try to build police confidence in stop and search, while not relaxing in any way the very hard messages that we have delivered over many years about the need for it to be done legally, on an intelligence-led basis, with very good processes around the way it is done and the way that communities are engaged before and after. Are we in a perfect situation there? Absolutely not. Is the environment in which stop and search is being done totally transformed since the last spike in violent crime in London 10 years ago? Yes, not least because of body-worn video.

Q551 **Kate Green:** Can I ask you about the use of live facial recognition, which you and I have discussed before in debates?

Mr Hurd: Yes, we have.

Kate Green: As you know, it is being trialled in my constituency. What are your concerns about its potentially discriminatory impact, particularly



in the way in which some of the algorithms that underpin it appear to throw up different matches and mismatches for different ethnic groups?

Mr Hurd: My broader concern is the one I said at the top, which is that live facial recognition is simply the technology that is in front of us at the moment, in its infancy and in its pilot stage, and we will come back to that. Behind that you can see, just in the environment that we are in and the pace of change and the speed with which technology is advancing and improving—coming back to a point that the commissioner made and Tim reflected—the power of technology to do evil and good is growing exponentially.

There is a range of tools broadly within the envelope of artificial intelligence, where the police—and we should want this on their behalf—want to make full use of what digital technology now enables and will enable. As a Government and as a Parliament, of whatever colour or whatever future, it is our responsibility to make sure that we take the public with us on that journey, because we are not a surveillance state.

One of the great things about our democracy is, even as we are seeing now with live facial recognition technology, Parliament has quite rightly grabbed it as an issue and is holding me to account—and I am sure will hold whoever does my job next to account—to make sure that the regulatory and legal environment in which that technology is developed and deployed, if that is the decision, is one that Parliament is comfortable is fit for purpose.

It is challenging because this technology is developing so fast and other technologies will come on stream. That is a very big challenge for the Home Office and other Government bodies going forward, but it is a fact of life that is now in front of us.

Specifically, in relation to live facial recognition, this is an emerging technology. That is why it is being trialled. That is why independent research is being commissioned on it. There are differences of view but certainly our view is that the risks of false identification are very small and that the technology is moving so fast that those margins will be reduced even further.

The police will be the first to emphasise to the Committee that they are not relying and will not ever rely on the technology on its own. There is human intervention as well, but again—the sign of a healthy democracy—the legality of this is being challenged, as I am sure the Committee is aware. We believe that the legal basis on it is sound but that is being challenged. I see all this as a sign of an extremely healthy, democratic approach to a very difficult problem.

Q552 **Kate Green:** I appreciate what you are saying but there is a problem now, isn't there, with the technology in its current state, which is that it appears to treat different ethnic groups differently? Does that trouble you and do you think it is right to be using that technology if that is the case?



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Mr Hurd: It would trouble me if there was clear evidence that it is true. That is not what the evidence that is coming out of the independent reviews tells us and our—

Q553 **Kate Green:** Could you share that evidence with us, because I have seen different suggestions?

Mr Hurd: Yes. Obviously, this is an international issue. In a sense, we are not the only country that is exploring this use of technology. The international research is very important but we are looking at this as part of the evaluation of the trials. We do believe the technology is becoming increasingly accurate. We do believe that the best algorithms already show no statistically significant difference to matches produced by the system, which are always checked by a human operator.

We have set up something called the Centre for Data Ethics and Innovation. They came to our last race disparity audit meeting and they are conducting a review into bias and algorithmic decision-making. We believe that, using the methodology set out in international standards documents, the false positive rate is between 0.01% and 0.1% depending on various factors.

To your fundamental question: would we be concerned? Of course, if it was true because it would absolutely undermine public confidence in the tool. Since that public confidence is the cornerstone of our policing model, any Government of any political complexion would be taking this issue extremely seriously in trying to make sure that we take the public with us on this journey, and making sure that the police are operating in an environment that people trust.

Scott McPherson: If I may give you one brief quote from one of the pieces of evidence. Cardiff University did an independent evaluation of the use of live facial recognition by South Wales Police. It is a long report but one sentence that was included in that says, "During the evaluation period, no overt racial discrimination effects were observed". I am sure there is more nuance when you get down into the detail of the report, but that is certainly a positive finding.

Kate Green: If you are able to share the evidence that you have now that would be very much appreciated.

Q554 **Sir Christopher Chope:** Minister, you will know that five years ago this month the College of Policing produced the code of ethics that puts an emphasis on fairness and impartiality, and it is surprising to so many of us that it is only five years ago that those principles were introduced. To what extent do you believe that those principles are now fully embedded within all the police forces in England and Wales?

Mr Hurd: The introduction of the code of ethics in 2014, which sets the standards of behaviour we expect from police, was extremely welcome. I completely share your view or instinct that that was way overdue. I simply do not understand why that was not codified before, but I may be



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missing some of the underlying detail to that. I heard the evidence from the college in relation to its view that it may need to be looked at again and its view that awareness of it needs to be raised.

My sense is that the code is well embedded in the system. Will you always find evidence of police officers not acting in accordance with the code? Yes. That is why, in part, alongside the introduction of the code, the Government increased investment in the independent investigation process. It was at a time when there was not a great deal of money around, but the Home Secretary took the decision that more investment was required, in what is now the IOPC, in order to complement that very strong message around the need to invest in and safeguard the integrity of policing.

Q555 Sir Christopher Chope: One of the perceptions among the public, certainly in my constituency, is that if you are a police officer who is a member of a Masonic lodge you have a better chance of promotion than if you are not. Isn't that an example of the persistence of a sense of unfairness that pervades?

Mr Hurd: I honestly do not know. I put that slightly into the box of old yarns about the police. Part of the frustration of the police is that—and I think the commissioner said this in her evidence to you—some of the commentary on police attitudes and the reality of policing seems to be out of date. What I would also add, Chris, is that, from the many, many conversations I have had up and down the country with officers in the frontline, they are acutely conscious of the need for them in any public environment, where they are interacting with the public, to act in the right way.

In fact, I would describe them as increasingly nervous about it because they are scrutinised so heavily in the public domain. Almost anything that a police officer does is either recorded on the body-worn video that they are carrying or that someone else is carrying. They feel under intense scrutiny. That makes them even more aware of the code, how they are expected to behave and the guidelines of how they are expected to behave in any given situation, because they are extremely concerned about being hauled in by the IOPC.

Q556 Sir Christopher Chope: Does it not worry you that there is still this perception and do you not think that one way of removing this would be to require all police and crime commissioners, and police officers, to make a public declaration as to whether or not they belong to a Masonic lodge?

Mr Hurd: I will be really candid with you, Chris. If I look at the long list of priorities and challenges that our British policing system faces, I would not put that anywhere near the top of it.

Q557 Sir Christopher Chope: All I can say to you is that within my constituency this remains a hot topic.



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Mr Hurd: I hear and respect that, but I have to say to you that in my two years of Minister for Policing this is the first time that it has ever been raised.

Q558 **Sir Christopher Chope:** Okay. Can I turn to something else, because we are talking about perceptions? What message do you think the public should draw from the news that a majority of people in prisons in England and Wales are now from black and ethnic minority groups?

Mr Hurd: I am Minister for Policing not prisons, but I am conscious that some data is out today that signals for the first time that there is some evidence that asserts some disproportionality in that. The MoJ will produce its own diagnosis. If it is linked to stop and search and arrests in relation to stop and search—as we have explored during the course of this inquiry, you are more likely to be stopped if you are a young black man, for all the reasons that the commissioner and the inquiry has set out in front of you. If the consequences of that are that more young black men are receiving sentences in relation to knife crime that may be one of the consequences, but I think it is the responsibility of the MoJ to produce a diagnosis and a response to that.

Q559 **Sir Christopher Chope:** Surely the straight answer would be that if there are more people in jail from a particular ethnic minority group, that shows that that group has a greater propensity to commit crimes and, therefore, be convicted of them? Isn't that the obvious thing that flows from it?

Chair: No, I don't think that is.

Mr Hurd: No, and I am certainly not getting drawn into that. It is for the MoJ to respond to that. The point that we have elaborated on in this Committee is that the knife crime that we are all concerned about, in the context of London particularly, is heavily concentrated in areas where there are relatively high levels of diverse communities of BAME backgrounds. As Tim Loughton and others have pointed out, the evidence very sadly shows that you are more likely to be a victim of knife crime if you are young and black. That is one of the tragedies of the reality that we are confronting now but I would caution you against any predicted analysis in this context. I think we should let the MoJ produce its diagnosis.

Q560 **Chair:** The MoJ have obviously looked into this. This is not the subject for this Committee. Also the David Lammy inquiry, which was rightly commissioned by the Government, did look in very considerable detail at the broad range of causes and the broad range of complex issues.

Mr Hurd: Yes, exactly, and pointed out that it is broad and there isn't a single explanation for this, as in most of these areas, as you have quite rightly alluded to. The issue is a lot more complex than some commentators would have us believe.

Q561 **Sir Christopher Chope:** Exactly, so doesn't that illustrate the fact that



counting up particular groups and particular ethnic minorities or particular racial propensities or, for that matter, people with particular genders or sexual orientation, and trying to analyse them with data can lead to dangers, in the sense that people then lose sight of the principles that are that policing in this country has to be done on the basis of equality under the law and fairness and impartiality, which goes back to the very first point I was making? Isn't that what we should be emphasising? In answer to my question, couldn't you have said that, as far as you are concerned, there is no evidence that the result of these higher numbers in prison is as a result of anything other than that there is application of the principles of fairness and impartiality? Wouldn't that be the strong line to take?

Mr Hurd: I am not going to get drawn any further than I did. You are of course right, Chris, it is at the root of the Macpherson Report and this inquiry, about our joint desire to be absolutely sure that the police, in doing their critical work on our behalf, are operating under those principles.

To your point around data and the analysis of the data, I think the strengths of our system is that, however imperfect some of our datasets are, we do require disclosure. We do have data so that people can scrutinise, can challenge and they can inform important reviews such as the David Lammy review. Part of the health of our system—and this inquiry is very much part of that—is that we are constantly challenging ourselves about our attitudes to race and any evidence of discrimination and disproportionality, and holding those in power to account for that. That is extremely healthy.

If I can be frank, it is a very positive legacy of Stephen Lawrence's very tragic death and the extraordinary, persistent campaigning of the family. The fact that we are sitting here and having these conversations and analysing this data is a sign of a country that is always alive to the risk and the problems identified all those years ago and constantly challenging ourselves to do better.

Q562 **Chair:** Minister, I do not think we have time to pursue the issues around the misconduct cases and the disproportionality in the disciplinary and misconduct—

Mr Hurd: Can I write to you?

Chair: We would be very grateful if you could write to us.

Mr Hurd: If we can have the specific questions.

Q563 **Chair:** That will be very helpful. We would be interested in the analysis that you have, including force-by-force analysis of disproportionality, misconduct and disciplinary procedures, and what action the Home Office is taking on those issues around disproportionality as well.

As a final question, I will take this back to the experience for Duwayne



Brooks and for the Lawrence family in the 1990s and the institutional racism that they experienced that the Macpherson Report found at that time but also the concerns that they have continued to raise ever since about whether or not procedures have changed, whether or not institutions have changed, whether or not culture has changed. Given the information that we have all discussed, given the issues around these still disproportionate misconduct inquiries, given the gap around the confidence for the BAME communities, given the issues around recruitment still and the comments from the former NPCC lead on diversity, Gareth Wilson, who talked about, "If you use the definition in the Macpherson Report you could argue policing is institutionally racist but we've moved on significantly since then"—you will obviously be aware that the Met Commissioner has taken a different view and does not think it is an appropriate description to use today.

Given that the description around institutional racism was about collective failure of an organisation to provide an appropriate professional service because of people's colour or cultural or ethnic origin, and perhaps to do with unwitting prejudice or unconscious bias in the system, do you think it is wise of police forces to say that they are definitely not institutionally racist, rather than to continually keep an open mind about whether there might be unconscious bias or unwitting prejudice within their structures, processes and collective organisations?

Mr Hurd: That is a very interesting question, Chair. I will write to you on the misconduct issues. All I would signal strongly to the Committee is that there is a gap in understanding. We could argue why there is still a gap in understanding after all these years as to the why, and we have encouraged some further research into that issue but I will set that all out in writing to you.

To your main question, being accused of racism is bound to generate defensiveness. It is a very difficult accusation to manage. I could not imagine being called anything worse, so I can quite see why that accusation can generate some defensiveness, particularly for one of our most important public networks and institutions whose model depends on the confidence of the public that it serves and protects.

What I have observed—and I do not think I am looking at this through anything like rose-tinted glasses—I can point, as we have done over decades, to streams of big radical initiatives that are designed to change frameworks of accountability, integrity, scrutiny and change processes around things like stop and search, all with the intention to improve integrity and build confidence. The challenge for us is: has it made enough of a difference? I think I have been candid with the Committee in saying that in some very key areas there remain some deep-seated, stubborn problems. Tim Loughton identified one and the misconducts will be another, the failure to represent community, which are stubborn.

When you say, "Look, actually, we haven't made enough progress on this", and because of everything I said at the top about the risks attached



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to this next phase around growth in recruitment, growth in stop and search and growth in technology, it makes it even more imperative that the system I am part of and the police leadership system lean into this.

I detect—and you have heard it from the commissioner who obviously has an incredibly important role in this, leading our biggest employer, our most important police force—that there is a determination, that there is a will that some of the issues underlying this are stubborn and complex but that the recognition of the problem is there. The workstreams to try to fill gaps in understanding are there. That gives me confidence, as does the fact that I and my colleagues work in an environment here, in Parliament, where the Government of the day will continue to be pressed and held to account on this issue. That gives me confidence that these issues will not get lost because they are pretty front and central to something very important, which is confidence in our police model.

Chair: Minister, Mr McPherson, thank you very much for your evidence today.