



The Brixton Riots: Policing the Black Community in the Last 40 Years

Professor Leslie Thomas QC

3rd February 2022

I AIN'T WELCOMED HERE NO MORE

I WALK DOWN THE STREET
AND GUESS WHO I MEET
THE MEN IN BLUE WHO SUPPOSED TO DEFEND
BUT INSTEAD THEY CHOSE TO APPREHEND
THEY SLAP, PUNCH, CHOKE ME RED
THEY WON'T STOP TILL I END UP DEAD
OH STOP! PLEASE? I CAN'T BREATHE!
I BEG OF YOU, JUST GO, AND LEAVE!
MY CRIES ALL DISAPPEAR OUT OF SIGHT
I'LL END UP DEAD IF I TRY TO FIGHT
HIS KNEE IS UP AGAINST MY THROAT
NO ONE CAN STOP HIM, THEY ALL TOO REMOTE
MY GOD, WHAT COUNTRY DO I CALL THIS
A NATION WHERE THE POPO CAN JUST GO BLISS
AT MY EXPENSE, I KID YOU NOT!
I'LL BE BEAT, STEPPED ON, OR EVEN SHOT!
THIS NONSENSE MUST STOP,
BUT COURSE IT WON'T
ALL I CAN DO IS SCREAM PLEASE DON'T!
AS I BLEED HERE LYING DEAD ON THE FLOOR
I KNOW I AIN'T WELCOMED HERE NO MORE

Ayodele Ayoola, Baltimore Grade 9

In the last lecture, we looked at judicial racism. Today we're going to be looking at a closely related topic: police racism.

More than forty years on from the 1981 Brixton riots, which saw a series of clashes between mainly Black youths and the Met Police, we're going to be looking at what has changed in British policing for the good, what has stayed the same and, dare I say it, what has got worse. Are our police forces still racist? How does police racism still impact the Black community? And what should we, as a society, do about it?

Setting The Scene

Our story begins in the early 1980s. This was a time of heightened racial tensions in the UK. As we discussed in the first lecture in this series, the 1960s and 1970s saw a widespread vicious racist backlash against Black and Brown immigration. Successive governments adopted various strategies to contain this upsurge in popular racism. On the one hand, the Race Relations Act 1968 had constituted the first legislation against racial discrimination in British history – interestingly even this Act did not apply to the police. On the other hand, as we discussed in the first lecture, a series of statutes had been enacted to assuage popular racism by restricting Black and Brown immigration from the Commonwealth.

During this time, one of the state’s most hostile institutions to the Black community was the police. In the last lecture I described the scandal that shocked Leeds in the late 1960s when David Oluwale, a homeless Nigerian man, died after being systematically and repeatedly brutalised, beaten and humiliated by two White police officers. By the early 1980s, things had not much improved. There were very high tensions between the police and the Black community, especially in London and other large cities like Birmingham and Manchester.¹

At the time, the police had very wide discretionary powers, and that discretion was used to its full potential. There were few constraints on how the police conducted their business, and meaningful and effective safeguards were essentially non-existent. In this regard I want to talk about two aspects of the law at the time: the “sus law” and the Judges’ Rules.

The “Sus Law”

Section 4 of the Vagrancy Act 1824, known as the “sus law”, made it an offence for a suspected person to loiter with intent to commit an arrestable offence. This law originated from a time of widespread unemployment and poverty in the aftermath of the Napoleonic Wars, and from a time when the ruling class was cracking down on poor people. Despite the radical changes in social conditions over the subsequent century and a half, the sus law was still very much in force by 1980.

In a prosecution under the “sus law”, it was not necessary to prove a substantive criminal offence, or even an attempt to commit a criminal offence. All that was necessary was to prove two things. First, that the accused person had done a “suspicious” act, which brought them into the category of a suspected person. Second, that they had done another act which constituted loitering with intent – which could be another supposedly suspicious act of the same kind. The two acts did not need to be separated by any particular length of time, as confirmed by the Court of Criminal Appeal in *Pyburn v Hudson* [1950] 1 All ER 1006.

In practical terms, this effectively gave the police complete freedom to arrest anyone they liked. And those accused of offences under the “sus law” were not tried by a jury, but by magistrates, who tended to have an institutional bias in favour of the police.

Hugh Boatwain, a Hackney activist and poet, told the Institute of Race Relations that “*the problem with sus for us was that it was your word versus whoever arrested you*”, and that it was enough simply to be Black and “*in the wrong place at the wrong time*”.²

It wasn’t just members of the Black community who were concerned about the oppressive nature of the “sus law”. As long ago as 1937, in the case of *Ledwith v Roberts* [1937] 1 KB 232, Lord Justice Scott said:

¹ See: “Race, policing and the 1980s riots” (University of Warwick, 23 November 2021) for a collection of literature on the riots and growing tensions during the 1970s and 1980s <https://warwick.ac.uk/services/library/mrc/studying/docs/rem/1980s/>

² Institute of Race Relations, “Fighting Sus! Then and now,” 4 April 2019 <https://irr.org.uk/article/fighting-sus-then-and-now/>

“Is it [now] not (sic) time that our relevant statutes should be revised and that punishment and arrest should no longer depend on words which today have an uncertain sense and which nobody can truly apply to modern conditions? To retain such laws seems to me inconsistent with our national sense of personal liberty or our respect for the rule of law. Clear and definite language is essential in penal laws.”

It was widely known at the time that the “sus law” was disproportionately used against Black people. The figures bore this out. For example, evidence given by the Commission for Racial Equality to the Home Affairs Select Committee established that Black people made up 44% of those arrested in the Metropolitan Police District under the “sus law” in 1977, 44% in 1978, and 40% in 1979 – hugely disproportionate to Black people’s share of the overall population.³

In 1980 the Home Affairs Select Committee recommended the repeal of the “sus law”. Its recommendation was debated in Parliament on 5 June 1980, where there was widespread support for its repeal from Conservative and Labour MPs alike. The Home Secretary, Willie Whitelaw, accepted the need for a change in the law,⁴ and, ultimately, the “sus law” was repealed by section 8 of the Criminal Attempts Act 1981 with effect from 27 August 1981.

Although repealed, as we shall come to discuss, the legacy of the “sus law” continues on today – often dubbed: “sus law 2.0”.⁵

The Judges’ Rules

Meanwhile, another major issue was the conduct of police interrogations. At the time, there was no clear legal framework governing the power of the police to question suspects. The only framework that existed was a document called the Judges’ Rules. These Rules were not rules of law, but guidance issued by the judiciary to police officers. The main purpose of the Rules was to provide clarity on when confessions and other statements made to the police would or would not be admissible in court. The Judges’ Rules were first issued in 1912. They were revised on several occasions, with the final edition being issued in 1964.⁶ The Judges’ Rules are still used today in several Commonwealth countries.

Breach of the Judges’ Rules did not automatically make evidence inadmissible. It was already a rule of law that confessions and other statements could not be admitted unless they were voluntary. But even if a statement had been obtained in breach of the Judges’ Rules, the trial judge still had a discretion to admit it – the Court of Appeal said in *R v Prager* [1972] 1 All ER 1114 that “ultimately all turns on the judge’s decision whether, breach or no breach, it has been shown to have been made voluntarily.”

In terms of evidence other than confessions, the trial judge had a discretion to exclude evidence if its prejudicial effect outweighed its probative value, as confirmed by the House of Lords in *R v Sang* [1980] AC 402. But trial judges did not have discretion to exclude evidence purely on the ground of how it was obtained. So, the American “fruit of a poisonous tree” doctrine had no place in the English legal system. Even if evidence was illegally obtained, that did not preclude its admission.

³ Commission for Racial Equality. Race Relations And The “Sus” Law. *Evidence to the Sub-Committee on Race Relations and Immigration of Commons Select Committee on Home Affairs*. Commission for Racial Equality, pp. 1–16, <https://jstor.org/stable/10.2307/community.28327942>

⁴ Hansard, *HC Deb 05 June 1980 vol 985 cc 1763-821* <https://api.parliament.uk/historic-hansard/commons/1980/jun/05/loitering-with-intent>

⁵ Black Protest Legal Support, “Sus laws’ 2.0” (15 September 2020) <https://blackprotestlaw.org/sus-laws-2-0>. See also: StopWatch, “A sus law by any other name stinks as much” (19 March 2021) <https://www.stop-watch.org/news-opinion/a-sus-law-by-any-other-name-stinks-as-much/>; Joseph Maggs, “Fighting Sus! then and now” (Institute of Race Relations, 4 April 2019) <https://irr.org.uk/article/fighting-sus-then-and-now/>

⁶ Home Office (1964) Judges’ Rules and Administrative Direction to the Police (Home Office Circular No. 31/1964) <https://www.tynwald.org.im//links/tls/GC/19601969/1964-GC-0045.PDF>; T. E. St. Johnston (1966) “Judges’ Rules and Police Interrogation in England Today”, 57 *J. Crim. L. Criminology & Police Sci.* 85. <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5358&context=iclc>

The Judges' Rules did not provide adequate protection to suspects, especially children and vulnerable suspects, who could easily be pushed into giving a false confession. This was illustrated, amongst other things, by the Maxwell Confait case of 1972. Maxwell Confait, also known as Michelle, was a mixed-race sex worker who was found murdered. On 24 April 1972 three boys confessed to the murder – Colin Lattimore, Ronald Leighton and Ahmet Salih. Two of them were children, aged 14 and 15 respectively, and the third, Colin Lattimore, was 18 but had significant learning difficulties and was said to have a mental age of eight. There were significant breaches of the Judges' Rules in the way that they were questioned, including failure to have a parent or guardian present during the questioning of the two children, and failure to inform them of their rights. They were not given the opportunity to consult with a solicitor. To cut a long story short, it turned out that there had been a miscarriage of justice, and all three boys were ultimately acquitted by the Court of Appeal in 1975. As noted by historian Aaron Andrews, the Confait case “became a landmark case in shaping police interrogation practices, standards for admissible evidence, and the treatment of people with learning disabilities”.⁷ Andrews also underlined the notable parallels between the Confait case and the investigation into the “New Cross Massacre”, which I’ll shortly be addressing.⁸ A subsequent 1977 public inquiry by Sir Henry Fisher highlighted the inadequacies of the Judges' Rules, although, controversially, Sir Henry also re-incriminated two of the three boys.⁹

We can see, therefore, that at the outset of the 1980s there was a great deal of justified concern about the unfettered powers of the police and about the scope for miscarriages of justice. These issues were not exclusive to the Black community, but they affected Black people disproportionately.

The New Cross Fire and The Brixton Riots

Having set the scene, we can now turn to the events of 1981, a year which marked a turning point in UK race relations.

In the early hours of Sunday 18 January 1981, there was a fire at a house in New Cross, in south-east London, which killed 13 Black young people between the ages of 14 and 22. The causes of this fire have never been conclusively established. Some people believed at the time that it was a racist attack, given the National Front was active in the area and had claimed responsibility for burning down Deptford’s Albany Empire community theatre three years prior. However, the police investigation quickly dismissed this theory.

Dr David Michael MBE, the first black police officer to serve in Lewisham in the 1970s (New Cross is part of the borough), described the force as behaving like an “occupying army”. Unfortunately, this is the approach many felt they took to the investigation of the New Cross fire. The line of inquiry into a potentially racist firebombing was quickly dropped in favour of a theory that a fight had broken out and that the unruly Black youth had caused their own deaths. A number of the survivors were detained for questioning and activists exposed how children were encouraged to sign false statements. The story of Denise Gooding is recounted by Carol Pierre in *Black British History: New Perspectives*.¹⁰ At just 11 years old, Gooding was subject to hours of questioning into the early morning and pressured to admit there was fighting at the party. Cecil Gutzmore, the academic and activist who was active in the mobilisations after the fire, explained to me that “almost immediately victims became suspects”.

Many Black people felt that the British establishment did not care about those who had died in the fire. As an

⁷ Aaron Andrews, Truth, Justice, and Expertise in 1980s Britain: the Cultural Politics of the New Cross Massacre, *History Workshop Journal*, Volume 91, Issue 1, Spring 2021, Pages 182–209, <https://doi.org/10.1093/hwj/dbab010>, particularly pp.197. See also: *Royal Commission of Criminal Procedure* (Phillips Commission), London, 1981

⁸ *Ibid*, pp.197-198

⁹ The Justice Gap, “Cases that changed us: Maxwell Confait,” 21 November 2019 <https://www.thejusticegap.com/cases-the-changed-us-maxwell-confait/> Report of an Inquiry by the Hon. Sir Henry Fisher into the circumstances leading to the trial of three persons on charges arising out of the death of Maxwell Confait, 13 December 1977 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228759/0090.pdf

¹⁰ Carol Pierre, ‘The New Cross Fire of 1981 and its Aftermath’, ch.0, in: Adi, H. (Eds.). (2019). *Black British History: New Perspectives*. London: Zed Books Ltd.

article in the Guardian by Kehinde Andrews records:

“It was not only the police response that fed into community anger. Such a tragedy should have provoked national mourning but there was silence. A month later, when 45 people were killed at a Dublin disco, the Queen and the prime minister, Margaret Thatcher, immediately sent their condolences. It took Thatcher five weeks to reply to Sybil Phoenix, who had written on behalf of the New Cross families and community, condemning “the failure of... government to reflect the outrage... of the black community”. Thatcher’s disrespect was summed up in her request to Phoenix to pass on her sympathies rather than making any effort to contact the families herself. The lack of an official response to New Cross demonstrated the value placed on black lives in Britain. The media were largely silent or supported the view that the black youngsters had caused the fire themselves.”¹¹

Those campaigning for justice for the victims summed up their feelings in a simple slogan: “13 dead, nothing said”.

The real causes of the fire are still not known with certainty. The original coroner’s inquest in 1981 recorded an open verdict, and a second inquest held in 2004 likewise recorded an open verdict, although the coroner thought that the fire was “probably” started deliberately by one of the guests.¹²

A massive popular demonstration, the National Black People’s Day of Action, took place on 2 March 1981. More than 20,000 people, the vast majority of them Black, marched through London. The right-wing press reacted with horror. As Kehinde Andrews records:

“The press the following day focused on pictures from Blackfriars Bridge with headlines such as “When the black tide met the thin blue line” (the Daily Mail), the “Day the blacks ran riot in London” (the Sun) and “Rampage of a mob” (Daily Express).”¹³

At the beginning of April, the Metropolitan Police launched “Operation Swamp 81” – a name which referred to Prime Minister Margaret Thatcher’s remark that the country might be “rather swamped by people from a different culture”.¹⁴ Using the “sus law”, police stopped and searched 943 people in Brixton in just five days. Brian Paddick, then a police sergeant and later a senior police officer and Liberal Democrat politician and peer, said: “We were an occupying army”.¹⁵ This brought matters to a head. On Friday 10 April, a riot started in Brixton, with violent clashes between community members and police. The largest clashes took place on Saturday 11 April, with 279 police officers and 65 members of the public injured.¹⁶

In the aftermath, the Government commissioned an inquiry headed by Lord Scarman. The report, published in November 1981, highlighted the role of racial disadvantage and inner-city decline. It was also mildly critical of the Metropolitan Police but, unfortunately, found that the force was not institutionally racist.¹⁷

¹¹ Kehinde Andrews, “Forty years on from the New Cross fire, what has changed for black Britons?” (The Guardian, 17 January 2021) <https://www.theguardian.com/world/2021/jan/17/forty-years-on-from-the-new-cross-fire-what-has-changed-for-black-britons>

¹² The Guardian, “Coroner repeats open verdict on New Cross fire,” 7 May 2004 <https://www.theguardian.com/uk/2004/may/07/ukcrime.race>

¹³ The Guardian, “Forty years on from the New Cross fire, what has changed for black Britons?” 17 January 2021 <https://www.theguardian.com/world/2021/jan/17/forty-years-on-from-the-new-cross-fire-what-has-changed-for-black-britons>

¹⁴ “Margaret Thatcher Claims Britons Fear Being ‘Swamped’” (Runnymede Trust) <https://www.runnymedetrust.org/histories/race-equality/59/margaret-thatcher-claims-britons-fear-being-swamped.html>

¹⁵ Siddy Shivdasani, “We must acknowledge the legacy of the Brixton Riots” (Metro, 10 April 2021) <https://metro.co.uk/2021/04/10/40-years-later-we-must-acknowledge-the-legacy-of-the-brixton-riots-14353854/>

¹⁶ Metro, “We must acknowledge the legacy of the Brixton Riots,” 10 April 2021 <https://metro.co.uk/2021/04/10/40-years-later-we-must-acknowledge-the-legacy-of-the-brixton-riots-14353854/>

¹⁷ Ibid.; BBC, “Q&A: The Scarman Report,” 27 April 2004 http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/3631579.stm

The Police and Criminal Evidence Act 1984

The aftermath of the Brixton riots and the Scarman report did see some changes to policing. The most important was the Police and Criminal Evidence Act 1984, universally known as PACE. This replaced the old hodge-podge of statutory and common law powers, and the Judges' Rules, with a coherent statutory code for the conduct of police investigations. Police powers were clearly defined and limited by law for the first time. The powers of courts to exclude evidence were also clearly defined in sections 76 and 78 of PACE.

And alongside PACE itself came the PACE Codes of Practice, which set out how investigations should be conducted. There are Codes governing powers of search and seizure; the detention, treatment and questioning of people in police custody; identification procedures; recording of interviews; and powers of arrest.

PACE had a huge impact on policing. As a 2020 article by David Cowan in the Law Society Gazette states:

“Experienced criminal lawyers and those who helped shape policy in this area are clear – the impact of PACE was dramatic and immediate. It protected rights at the same time as radically changing the culture of policing. Before PACE, ‘officers tried all sorts of tricks of the trade, such as losing your client’, recalls veteran criminal law solicitor Anthony Edwards... ‘The first achievement of PACE was how to help you find them.’”¹⁸

However, PACE did not go as far as the American doctrine of “fruit of the poisonous tree”. It remains the case that evidence which is obtained in breach of PACE or the PACE Codes, or otherwise illegally obtained, is not *automatically* excluded from a criminal trial in England and Wales.

Section 76 of PACE provides for the exclusion of confessions where the confession was obtained by oppression, or “in consequence of anything said or done which was likely, in the circumstances existing at the time, to render unreliable any confession which might be made by him in consequence thereof”.

In relation to evidence other than confessions, the court has a general discretion under section 78 of PACE to exclude prosecution evidence if “*having regard to all the circumstances, including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it*”. But the focus here is on the (perceived) fairness of the trial. The fact that evidence was illegally obtained does not automatically lead to its exclusion, although it is, of course, a relevant factor.

Another key thing that PACE did was to provide that police officers could only stop and search members of the public if they had “reasonable grounds for suspicion” that they would find stolen or prohibited articles. They could not carry out random stops-and-searches. However, an important exception to this rule was subsequently introduced – which we shall return to later.

So, has PACE and the Code really helped check police power, particularly in regard to discriminatory policing. Well, the Code says that stop and search powers must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. They also hold that personal factors, such as a person’s physical appearance, can never support a “reasonable suspicion”, and that generalisations and stereotypes that certain groups are more likely to be involved in criminal behaviour cannot have any sway over a police officer’s decision to stop and search.

Notwithstanding this, we know full well that stop and search often is carried out discriminatorily, and with little hope accountability. You see, if a police officer fails to comply with the Code, PACE states that the failure in itself will not give rise to any criminal or civil proceedings, although a judge can take the officer’s breach into

¹⁸ Law Society Gazette, “Pace Odyssey,” 16 March 2020 <https://www.lawgazette.co.uk/analysis/pace-odyssey/5103452.article>

account if it arises in relation to any other proceedings.¹⁹

PACE was not the only reform of the 1980s. The Scarman Report also led to the establishment of the Police Complaints Authority, later replaced with the Independent Police Complaints Commission and then the Independent Office for Police Conduct, which too has been criticised for its lack of independence and its inability, or unwillingness, to meaningfully hold the police to account for over-policing and racial discrimination.²⁰

Stephen Lawrence

As most people know, racism in the police didn't go away after the 1980s. This was highlighted most profoundly by the investigation of the racist murder of Stephen Lawrence, a young Black boy, on 22 April 1993. In one of the defining moments of British racial history, a 1998 public inquiry chaired by Sir William Macpherson concluded that the Metropolitan Police's investigation had been incompetent and that the force was institutionally racist – contradicting Lord Scarman's finding that it was not.

This case highlights an important point. The impact of police racism on the Black community doesn't just consist of what the police do to us. It doesn't just consist of unjustified stops-and-searches and arrests, police brutality, or miscarriages of justice. It also consists of what they don't do: when crimes against Black victims are not taken seriously, investigations are botched, and perpetrators are let off scot-free. I've addressed this in detail in previous talks.

The Criminal Justice and Public Order Act 1994

Meanwhile, section 60 of the Criminal Justice and Public Order Act 1994 introduced a power for police officers of or above the rank of superintendent, who reasonably believed that incidents involving serious violence may take place in any locality in their area, to give an authorisation to police officers to stop and search any person or vehicle for offensive weapons or dangerous instruments. The authorisation could be given for a period not exceeding 24 hours. The section has been significantly amended over the years, so that now the authorisation can be given by an inspector and can be extended by a superintendent for a further 24 hours.

This provision, originally introduced by Conservative Home Secretary Michael Howard to tackle ravers and football hooligans, has been used disproportionately against Black people.

In 2003 the Guardian reported that Black people were 27 times more likely than White people to be stopped and searched under section 60.²¹ In the previous lecture I referred to the case of *R (Roberts) v Commissioner of Police for the Metropolis* [2015] UKSC 79, in which the Supreme Court held that section 60 was compatible with the Human Rights Act 1998. Baroness Hale asserted that there were "great benefits to the public" in a power of suspicionless stop and search, and rather condescendingly (and, potentially, harmfully), said:

"The purpose of [section 60] is to reduce the risk of serious violence where knives and other offensive weapons are used, especially that associated with gangs and large crowds. It must be borne in mind that many of these gangs are largely composed of young people from black and minority ethnic groups. While there is a concern that members of these groups should not be disproportionately targeted, it is members of these groups who will benefit most from the reduction in violence, serious injury and death that may

¹⁹ See e.g.: Anna Dannreuther, "Why Do Black People Get Searched More By Police?" (Each Other, 23 March 2016) <https://eachother.org.uk/why-is-race-a-disproportionate-factor-in-police-stop-and-search-decisions/>

²⁰ Diane Taylor, "Racism campaigners call for police watchdog to be abolished" (The Guardian, 14 June 2020) <https://www.theguardian.com/uk-news/2020/jun/14/racism-campaigners-iopc-police-watchdog-abolished>

²¹ The Guardian, "Black people 27 times more likely to be stopped," 21 April 2003 <https://www.theguardian.com/society/2003/apr/21/equality.politics>

result from the use of such powers. Put bluntly, it is mostly young black lives that will be saved if there is less gang violence in London and some other cities.”

Despite Baroness Hale’s claims, section 60 is not in fact a very effective power. In 2014 the Best Use of Stop and Search Scheme (BUSSS) was introduced as a voluntary scheme, which police forces could opt into, to tighten requirements around the use of section 60 and tackle racial disparities.

However, in March 2019 the Government launched a pilot scheme for five police forces that reversed the changes in the scheme, making it easier for police forces to use section 60 powers, ostensibly in order to combat knife crime. This was rolled out nationally in September 2019. A study conducted by Winifred Agnew-Pauley for the Criminal Justice Alliance found that during the pilot scheme only 4.5% of searches led to an arrest. Even fewer searches led to the recovery of a weapon: only 1.1% of searches in London led to the recovery of a weapon, and in two of the participating forces no weapons were recovered at all.

Meanwhile, during the pilot in London, Black people were 10 times more likely to be searched than White people during section 60 authorisations. The data collected in the same study from after the national roll-out in September 2019 told a similarly disappointing but expected story.²² Liberty and StopWatch also warned in a letter to the Home Secretary threatening legal action late last year, that Black people are already up to 18 times more likely than White people to be stopped and search under section 60, and further stressed that only around 1% of stops resulted in weapons being found. The threat of legal action was in response to Priti Patel’s decision to scrap discrimination safeguards, although the Government eventually halted its plan.²³

In short, there is little evidence that section 60 keeps the public safe from illegal weapons – but a lot of evidence that it leads to innocent Black people being stopped and searched at staggering rates and with clear disparities, and, as the Home Office’s own equality impact assessment acknowledged: *“it is possible that this disparity is at least in part a result of discrimination/stereotyping on the part of officers and forces”*.²⁴

The Human Rights Act 1998

Another statute that had an important impact on policing was the Human Rights Act 1998. In previous lectures I’ve talked about how the incorporation of Article 2 of the European Convention on Human Rights, the right to life, into our domestic law has had a huge impact on the ability of bereaved families to hold the state accountable.

Although police shootings are rare in the UK compared to the US, deaths in police custody are common. Many of these have involved the use of dangerous restraint techniques which can cause positional asphyxia, often applied to vulnerable people who are in mental health crisis. The victims of these police killings have disproportionately been ethnic minorities, particularly Black men, often exacerbated where the victim is mid-mental health crisis. Over the years I have represented many bereaved families in inquests where their loved one has been killed by the police. And thanks to Article 2 and the improvements in the inquest process it has brought about, it’s now easier than previously to hold the police to account.

For now, I’ll limit myself to saying that the Human Rights Act has been a very powerful tool for protecting civil liberties, limiting police powers and holding the police to account for abuses. I for one am not surprising then

²² Winifred Agnew-Pauley, “Criminal Justice Alliance: Section 60 Stop and Search in England and Wales,” May 2021 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/988387/Annex_2_Supporting_Research_Report.pdf

²³ "Home Secretary U-Turns On Stop And Search Decision After Legal Action From Liberty And Stopwatch" (Liberty, 29 November 2021) <https://www.libertyhumanrights.org.uk/issue/home-secretary-u-turns-on-stop-and-search-decision-after-legal-action-from-liberty-and-stopwatch/>

²⁴ Home Office (2019) Equality Impact Assessment: Relaxation of Section 60 Conditions in the Best Use of Stop And Search Scheme https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839765/Section_60_Equality_Impact_Assessment_July_2019.pdf

that our current Conservative government is once again proposing to limit its protections to the beat of a populist drum, with increasing discussions of completely getting rid of it and replacing it with a new “Modern Bill of Rights”.²⁵

The 2000s and 2010s

Time will not permit me to cover all the developments in policing during the 2000s and 2010s, including the draconian anti-terrorism legislation enacted during the New Labour years, or the police shooting of Mark Duggan and the resultant 2011 riots and the hard-line response to them by criminal justice institutions. Many of these topics could be a whole lecture in themselves. But without further ado, we need to move on to the present day.

Where Are We Today?

How much of a race problem do our police have today?

Well, the Home Affairs Select Committee said in its 2021 report: *Twenty-two years on from the Macpherson report*, called for “urgent” action to tackle “persistent, deep rooted and unjustified racial disparities” within policing. It stated:

“The central aim of the 70 recommendations published by [the] Macpherson [Report] was to ‘eliminate racist prejudice and disadvantage and demonstrate fairness in aspects of policing’. More than two decades later this aim still has not been met.”²⁶

And, we only have to cast our minds back to Summer 2020 and the brutal killing of George Floyd. Although this took place in the US, one would be gravely mistaken to suggest that the gut-wrenching video many of us watched of George’s death has no relevance to us here in the UK. As the Institute of Race Relations said, the death of George Floyd:

“... recalled and coalesced with the police brutality that has taken place across the UK both historically and contemporarily, with some particularly high-profile cases of Black experiences of policing gaining attention in 2020. In light of this, and refusing suggestions that racism and police violence are only US problems, ‘the UK is not innocent’ emerged as a popular slogan during and beyond the protests.”²⁷

Many had hoped in the aftermath of George’s death that a new dawn was on the horizon, but such hopes were swiftly tempered after witnessing the drastic policing approach in first six months of the pandemic, which saw an exacerbation and proliferation of discriminatory policing, especially against Black people.

I have addressed in previous lectures for Goldsmith College the intensification of racialised policing during the pandemic, and many others have too addressed this, so I don’t intend to focus too much on this. But let’s just take one example: Fixed Penalty Notices (FPNs) issued for breach of Covid regulations. The Joint Committee on Human Rights (JCHR) published a report in April 2021 on the Government’s use of FPNs, noting figures by the National Police Chiefs’ Council. It found that despite Asian people make up 7.5% of the

²⁵ Ministry of Justice, “Human Rights Act Reform: A Modern Bill Of Rights A consultation to reform the Human Rights Act 1998” (December 2021) <https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights>
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040409/human-rights-reform-consultation.pdf

²⁶ Home Affairs Select Committee, “The Macpherson Report: Twenty-two years on” (21 July 2021) <https://committees.parliament.uk/publications/7012/documents/72927/default/> §501

²⁷ Institute of Race Relations (2021) “A threat to public safety: policing, racism and the Covid-19 pandemic” <https://irr.org.uk/article/policing-racism-covid-19/> pp.5-6

population, they represented 13% of those issued with fines, and although Black people constitute 3.3% of the population, they represented 8% of those fined.²⁸ In fact, the first conviction under the Coronavirus Act 2020 was against a Black woman, Marie Dinou, which was quickly exposed as unlawful.²⁹

The Institute of Race Relations quite neatly captured the racialised policing climate during the pandemic, echoing the positions of many other policing and human rights charities and NGOs such as Liberty and StopWatch:

“The Covid-19 pandemic ushered in a period of extraordinary police powers which arrived in a broader context of racist over-policing and police violence ... British society was already on a trajectory towards an increasingly punitive social order, with policing at its heart. The pandemic became a vehicle through which this trajectory was articulated and accelerated. For a punitive state, policing the pandemic was but a logical solution to a serious problem - but this is not to say that it was an appropriate solution.”³⁰

Also, Liberty quite rightly stressed that:

“coronavirus did not create new problems as much as expose pre-existing inequalities. The discrimination exhibited in the use of police powers under lockdown follows the patterns being not just ignored, but reinforced within everyday UK policing.”³¹

Stop and Search

Picking up on the words I read before from the Home Affairs Select Committee that 20 years after the Macpherson report racists prejudices in policing have still not been eliminated, let’s briefly look at the current state of stop and search, an area of policing that often receives pointed criticism, and rightly so.

As I noted earlier, ethnic minorities, particularly Black people, have historically and consistently experienced most harshly and disproportionately the use of stop and search.

During the pandemic, stop and search practices ‘surged’ generally, with rates more than doubling in May 2020 compared to the previous year. Liberty found that in London, levels rose to their highest in over seven years.³²

The Home Office’s most recent data for the year ending March 2021³³ revealed that Black people were 7 times more likely to be stopped than White people, compared with 8.8 times more likely in the previous year. These figures are the first time that age and gender of those stopped were recorded alongside ethnicity, which revealed young minority ethnic males experienced the highest rate of stops, with the overall number of searches being the highest for seven years. For instance, the Home Office admitted that “males aged 15-

²⁸ JCHR, “The Government response to covid-19: fixed penalty notices” (21 April 2021) <https://committees.parliament.uk/publications/5621/documents/55581/default/>

²⁹ “Coronavirus: Woman ‘wrongly charged under new law’” (BBC, 3 April 2020) <https://www.bbc.co.uk/news/uk-england-york-north-yorkshire-52148020>

³⁰ IRR (2021) ‘A threat to public safety: policing, racism and the Covid-19 pandemic’ <https://irr.org.uk/article/policing-racism-covid-19/> p.30

³¹ Liberty, ‘Discriminatory Policing in The UK: How Coronavirus Made Existing Inequalities Even Worse’ (27 July 2020) <https://www.libertyhumanrights.org.uk/issue/discriminatory-policing-in-the-uk-how-coronavirus-made-existing-inequalities-even-worse/>

³² Liberty, “Discriminatory Policing In The UK: How Coronavirus Made Existing Inequalities Even Worse” (27 July 2020) <https://www.libertyhumanrights.org.uk/issue/discriminatory-policing-in-the-uk-how-coronavirus-made-existing-inequalities-even-worse/>

³³ Home Office, ‘Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021’ (18 November 2021) <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021>

34 from a BAME background account for 32% of stop and search in the year ending March 2021, despite only comprising 2.6% of the population.” Further, it was noted that for 77% of all stops there was ‘no further action’. Although there was an overall fall in disproportionality compared to the previous years, Sgt Andy George, the president of the National Black Police Association, stressed:

“The statistics that one in five young people from ethnic minority backgrounds were stopped is a shocking fact and policing must look at why four out of five searches result in no further action and how the style and tone of some stops may be pushing an entire community away.”³⁴

Also, expectedly, the biggest reason officers gave for stopping someone was for drugs, accounting for 69% of all stops, with the overall number of drug stops rising by 36% in a year. Disappointingly, however, there was no further comment on how many searches for drugs resulted in a positive finding. The 2019/20 statistics showed that, of 566,440 stops and searches, 343,951 were for drugs. Black people made up 16% of those stopped and searched for drugs, and 16% of those arrested for drugs offences, again as compared with 3% of the general population.³⁵ Data by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found that in 2016/17, although Black people were stopped and searched for drugs at almost nine times the rate as White people, the ‘find rate’ for drugs was lower for Black than White people, suggesting that such searches are carried out on the basis of weaker ‘grounds’ for black people.³⁶

This disproportionate policing filters through into the justice system. As the Lammy Review found, the odds of receiving a prison sentence for a drugs offence were 240% higher for Black offenders than for White offenders.³⁷ Some people might claim that the reason for this disparity is that Black people are simply more likely to use drugs than White people. But the data suggests different. Government survey data last updated in November 2021 show that 11.7% of Black adults had used illicit drugs in the last month, compared with 8.9% of White adults and 3.4% of Asian adults.³⁸ So the disparity in actual drug use is far smaller than the disparity in drug enforcement. Racism plays a very real and visible role.

Unfortunately, our government is unwilling to consider the obvious solution of legalising or decriminalising some drugs. Legalisation of cannabis has worked well in many US states, in Canada and elsewhere around the world, including some European countries – but our politicians are stuck in a reactionary, dated War on Drugs mentality. Even the Labour opposition is unwilling to consider drug legalisation or decriminalisation as an option on the table. I accept of course that ending our hardline stance on drugs wouldn’t end police racism – but it would significantly reduce the disproportionate criminalisation of Black people and reduce the opportunity to use suspected drugs possession as a reason to racially profile.

As I’m sure you all appreciate, the issues before us regarding policing span much wider than just stop and search. The list of concerns is truly endless. From the use of facial recognition, over-policing of protests³⁹,

³⁴ Vikram Dodd, 'Use of stop and search rises 24% in England and Wales in a year' (The Guardian, 18 November 2021) <https://www.theguardian.com/law/2021/nov/18/stop-and-search-rose-by-24-in-england-and-wales-during-lockdowns>

³⁵ House of Commons Library, “Drug Crime: Statistics for England and Wales,” 23 December 2021 <https://researchbriefings.files.parliament.uk/documents/CBP-9039/CBP-9039.pdf>

³⁶ HMICFRS (2017) PEEL: Police Legitimacy 2017 – A National Overview (London: HMICFRS) <https://www.justiceinspectors.gov.uk/hmicfrs/publications/peel-police-legitimacy-2017/> p.31; see also: Michael Shiner, Zoe Carre, Rebekah Delsol and Niamh Eastwood (2018) ‘The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales’ (LSE, StopWatch, Release) <https://www.lse.ac.uk/united-states/Assets/Documents/The-Colour-of-Injustice.pdf>, particularly pp.13-15

³⁷ David Lammy, “The Lammy Review: final report,” 8 September 2017 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

³⁸ UK Government, “Ethnicity facts and figures: Illicit drug use,” 23 November 2021 <https://www.ethnicity-facts-figures.service.gov.uk/health/alcohol-smoking-and-drug-use/illicit-drug-use-among-adults/latest>

³⁹ "Netpol: Kettling at Black Lives Matter protest in London was disproportionate and unlawful" (NETPOL, 8 June 2020) <https://netpol.org/2020/06/08/netpol-kettling-at-black-lives-matter-protest-in-london-was-disproportionate-and-unlawful/>

excessive use of force⁴⁰, deaths in custody⁴¹, the Gangs Matrix, the Police, Crime, Sentencing and Courts Bill⁴², the proposed Serious Violence Reduction Orders⁴³, the criminalisation of drill music⁴⁴, failures to investigate racially motivated attacks.⁴⁵ But a discussion of all of these issues would take us well into the early hours of the morning. I have referenced in the footnotes several interesting reads throughout this speech, which I recommend you all to read.

Finally, a discussion of police racism in 2022 wouldn't be complete without mentioning the toxic political environment. Following the George Floyd protests in 2020 and the growing movement against anti-Black racism and police violence, there has been a significant reactionary backlash from the so-called "anti-woke" movement. And sadly, our government has given succour to this disturbing trend. I mention, for example, the worrying restrictions on the right to protest in the Police, Crime, Sentencing and Courts Bill, and the racist anti-refugee provisions of the Nationality and Borders Bill. I also mention the Government's intemperate rhetoric directed towards anti-racist activists. For instance, in the aftermath of the removal of the statue of slave-trader Edward Colston, Communities Secretary Robert Jenrick described activists as a "baying mob" and announced changes to planning permission allowing the Government to veto the removal of statues.⁴⁶

The Department for Education also announced in February 2021 that it would appoint a so-called "free speech champion" to combat "unacceptable silencing and censoring on campuses".⁴⁷ Apparently the Government thinks that giving itself more powers to restrict protests isn't a threat to free speech, but anti-racist activism on campus is.

What Should We Do About It?

So, that brings me on to the final part of this lecture. What should we do about police racism? If you or I were in Government tomorrow, what would, could or should we do to tackle this ongoing and deeply pervasive

⁴⁰ Home Office (2020) Police use of force statistics, England and Wales: April 2019 to March 2020 <https://www.gov.uk/government/statistics/police-use-of-force-statistics-england-and-wales-april-2019-to-march-2020>; Nadine White, "Black people more likely to be subjected to prolonged Taser use, watchdog finds" (Independent, 25 August 2021) <https://www.independent.co.uk/news/uk/home-news/taser-police-iopc-watchdog-b1908410.html>

⁴¹ Rt. Hon. Dame Elish Angiolini DBE QC (2017) *Report of the Independent Review of Deaths and Serious Incidents in Police Custody* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655401/Report_of_Angiolini_Review_ISBN_Accessible.pdf; MoJ and Home Office [Deaths in police custody: progress update 2021](https://www.gov.uk/government/news/deaths-in-police-custody-progress-update-2021)

⁴² Liz Fekete, 'Policing in the Brexit State – Back to the 1980s' (Institute of Race Relations, 26 March 2021) <https://irr.org.uk/article/policing-in-the-brexite-state-back-to-the-1980s/>

⁴³ Lee bridges, "The Police Bill, SCROs and guilt by association" (Institute of Race Relations, 20 May 2021) <https://irr.org.uk/article/police-bill-svros-guilt-by-association/>.

⁴⁴ Eithne Quinn, '[Lost in translation? Rap music and racial bias in the courtroom](#)' (University of Manchester, Policy@Manchester Blogs, 4 October 2018); Kamila Rymajdo, '[Drill Lyrics Are Being Used Against Young Black Men in Court](#)' (Vice, 24 August 2020); Abenaa Owusu-Bempah, '[Part of art or part of life? Rap lyrics in criminal trials](#)' (LSE British Politics and Policy, 27 August 2020); '[Courts relying on Drill music to reinforce racist stereotypes](#)' (*The Justice Gap*, 23 September 2020); Steve Swan, '[Drill and rap music on trial](#)' (BBC, 13 January 2021); Garden Court Chambers' webinar series, "[Drill music, gangs and prosecutions: challenging racist stereotypes in the criminal justice system](#)" can be found [here](#) and [here](#). For further legal analysis, see: Nick Whitehorn and Rebecca McKnight, '[Drill music in the dock](#)' (3TG Barristers)

⁴⁵ Bowling, B. (1999) *Violent Racism: Victimisation, Policing and Social Context*. Revised Edition. Oxford: Oxford University Press; Harmit Athwal and Jon Burnett, "Investigated or ignored? An analysis of race-related deaths since the Macpherson Report". *Race & Class*. 2014. London: Sage. <https://irr.org.uk/app/uploads/2014/02/Investigated-or-ignored.pdf>

⁴⁶ Architects' Journal, "Jenrick plans laws to protect statues and monuments from 'baying mob'," 18 January 2021 <https://www.architectsjournal.co.uk/news/jenrick-plans-laws-to-protect-statues-and-monuments-from-baying-mob>

⁴⁷ The Guardian, "Government to appoint 'free-speech champion' for English universities," 14 February 2021 <https://www.theguardian.com/world/2021/feb/14/government-to-appoint-free-speech-champion-for-universities-heritage-history-cancel-culture>

problem? We're going to look at three options that have been floated – reform, defunding, and abolition – and the key arguments for and against each. I'm not going to come to a concluded view in this lecture but will simply present some of the options.

Reform

One possible perspective is that we simply need to reform the police – that we need more accountability, more oversight, stronger procedural protections, better-funded legal aid for defendants, and a more diverse police force. Proponents of this view might point to some of the procedural reforms we have addressed in this lecture – PACE in 1984, the Criminal Procedure and Investigations Act in 1996, the Human Rights Act in 1998 – and point out that all of these reforms made things better and fairer and reduced the occurrence of miscarriages of justice. They might say that, while the police still have a race problem, it's not as bad as it was in the 1960s, 70s and 80s. They might point out that it's much harder today for the police to get away with fabricating evidence, lying in court and other corrupt practices.

Critics of this view, by contrast, might argue that none of these reforms have tackled the elephant in the room. They might point out that, as we've seen, the racial disparities in the justice system remain stubbornly high, and the overall prison population has dramatically increased since the 1980s. They might point out that having abolished the "sus" law, Parliament brought back broad stop and search powers in the form of section 60. They might say that for every step forward, we've taken a step (even two) back.

Going deeper, these critics might argue – with fair historical justification – that British police forces were established by and for the ruling class, as an instrument of oppression. They might point out that our British system of policing, from its inception in the early nineteenth century, has always been designed to protect the power, property and privileges of the rich, not to deliver justice for ordinary people, most certainly not Black people. They might argue that this system cannot be reformed so that it protects and serves the people, rather than the elite.

Defund

A second perspective is one that has been widely advocated in the United States: defunding the police. That is to say, channelling money and resources away from police budgets and into things which tackle the root causes of crime – such as housing, health care, jobs, education and community and youth services.⁴⁸

Anyone with experience in the criminal justice system can tell you that a great deal of crime is caused by a cycle of poverty, homelessness and addiction – which criminalisation does nothing to solve, and which could be solved more effectively through giving people social housing, substance abuse treatment and a decent income and livelihood.

Another related idea is that of establishing non-police first responder services to deal with issues such as mental health crises and drug overdoses, therefore removing the risk of police violence and criminalisation from those situations. Some institutions of this kind are being trialled in some US cities, such as the new Albuquerque Community Safety Department in the City of Albuquerque.⁴⁹

Some advocates of this idea point to an unintended experiment in New York City in late 2014 and early 2015, when New York Police Department officers took part in a work slowdown, carrying out only their most essential duties and refraining from responding to low-level offences. A study by Christopher Sullivan and Zachary O'Keeffe found that this reduction in policing did not increase crime, and that, in fact, complaints of

⁴⁸ The Guardian, "What does 'defund the police' mean? The rallying cry sweeping the US – explained," 6 June 2020 <https://www.theguardian.com/us-news/2020/jun/05/defunding-the-police-us-what-does-it-mean>

⁴⁹ New Mexico In Depth, "Albuquerque's vision for non-police first responders comes down to earth," 17 January 2021 <https://nmindepth.com/2021/01/17/albuquerques-vision-for-non-police-first-responders-comes-down-to-earth/>

major crime fell by approximately 3-6%.⁵⁰

The idea of defunding the police perhaps has a different resonance in the UK, where police budgets were cut significantly after 2010 as a result of the Cameron government's austerity policies, and there are now fewer police officers on the streets than previously. Self-evidently, this hasn't ameliorated the problems with British policing. But that doesn't undermine the argument, because advocates of defunding the police don't just want to cut police funding – in general, they also want to increase funding for services that provide positive and constructive alternatives to criminalisation, ranging from social housing to youth projects to substance abuse treatment.⁵¹ Those services, of course, were brutally cut during the Cameron years as part of the austerity programme.

Abolition

A third perspective is the nuclear option – abolition. Some scholars and activists, such as Alex Vitale, Angela Davis and Mariame Kaba, argue that the police as an institution simply can't be reformed.⁵² For example, Alex Vitale says in his book *The End of Policing*:

“The origins and function of the police are intimately tied to the management of inequalities of race and class. The suppression of workers and the tight surveillance and micromanagement of black and brown lives have always been at the center of policing. Any police reform strategy that does not address this reality is doomed to fail. We must stop looking to procedural reforms and critically evaluate the substantive outcomes of policing. We must constantly reevaluate what the police are asked to do and what impact policing has on the lives of the policed. A kinder, gentler, and more diverse war on the poor is still a war on the poor.”⁵³

Again, this idea comes from a US perspective, but some people would apply the same arguments to the UK. They might argue that our system of policing was established in the early nineteenth century by an aristocratic government, with the aim of protecting the property and privileges of the rich and suppressing dissent. Throughout its history it's primarily served the purposes of the ruling class. Abolitionists might argue that a system that came about in this way can't be reformed so as to serve and protect working-class people.

Critics of this idea might argue, however, that if we simply abolished the police now, under current social conditions, the police would just be replaced by private security forces or self-appointed vigilantes who would be worse and less accountable. For instance, the infamous racist killing of Trayvon Martin wasn't committed by a police officer, but by a self-appointed neighbourhood watch member. If we took away the state's monopoly on force, the power vacuum could well be filled by non-state actors who would be even worse, as is sometimes seen in societies where state authority has collapsed.

And critics might also argue that a post-police society would still need to protect itself from violence, and that it might well end up re-creating police under another name. As I highlighted earlier, the deficiencies of our current police forces don't just consist of what they do, but also of what they don't do. There would be very

⁵⁰ Christopher M Sullivan and Zachary P O'Keefe, "Evidence that curtailing proactive policing can reduce major crime," *Nature Human Behaviour* 1, 730-737 (2017) <https://www.nature.com/articles/s41562-017-0211-5>

⁵¹ Jennifer Fleetwood and John Lea (2020) "De-funding the Police in the UK" (Goldsmith College) <https://www.britsocrim.org/wp-content/uploads/2020/08/BSCN85-Fleetwood-Lea.pdf>; Adam Elliott-Cooper, "'Defund the police' is not nonsense. Here's what it really means" (Guardian, 2 July 2020) <https://www.theguardian.com/commentisfree/2020/jul/02/britain-defund-the-police-black-lives-matter>; Mariame Kaba, "Yes, We Mean Literally Abolish the Police" (New YorkTimes, 12 June 2020) <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html>

⁵² See e.g.: Alex Vital, "The Limits of Police Reform," in Walter S. DeKeseredy and Elliott Currie eds. *Progressive Justice in an Age of Repression: Strategies for Challenging the Rise of the Right* (New York: Routledge. 2019); "Angela Davis on the argument for police and prison abolition" (Al Jazeera, 17 December 2021) <https://www.aljazeera.com/program/upfront/2021/12/17/angela-davis-on-the-argument-for-police-and-prison-abolition>

⁵³ Alex S Vitale, "The End of Policing," Verso Books, 2017 [https://libcom.org/files/Vitale%20-%20The%20End%20of%20Policing%20\(Police\)%20\(2017\).pdf](https://libcom.org/files/Vitale%20-%20The%20End%20of%20Policing%20(Police)%20(2017).pdf)

difficult conversations to be had about how we might protect people from violence and abuse and hold perpetrators to account in a world with no criminal legal system at all.

These are genuinely difficult questions to which there are no easy answers. We don't need to resolve this debate in this lecture, and I don't propose to do so. In the foreseeable future no British government, whether Labour or Conservative, is plausibly going to abolish the police. Indeed, we're seeing the opposite – a right-wing backlash against supposedly “woke” ideas, which is being actively leveraged by politicians to justify expanding the powers of the police and suppressing dissent. In this context, both abolitionists and reformists can agree that we need to combat this reactionary movement and keep working to hold the state to account.

So, what can feasibly be achieved, and what's likely to have real impact. Well, firstly, we must address the clear lack of confidence Black and other ethnic minority communities have in policing. As the Home Affairs Committee said:

*“there is no getting away from the significant confidence and fairness gap for Black communities. The fact that this persists twenty-two years after the Macpherson report is deeply troubling. It undermines the principle that all victims of crime should feel confident in turning to the police for help and puts in jeopardy the principle of policing by consent that lies at the heart of British policing. It should be cause for serious concern and urgent action among police forces and policing leaders”.*⁵⁴

The police have to recognise this, and that it is a predominantly White institution. White members of the police forces need to understand that questioning the way things currently are is not about them necessarily being individually attacked, shamed, accused or judged. These are normal reactions to be expected. But it is more a recognition that the system in the way it polices Black people is unfair and the police as a profession can improve. Accordingly, questions of being good or bad are largely irrelevant. It is a recognition that advantage may well be tied to race and that is systemic and may well be unconscious. Police officers need to forget the guilt and take action. History matters. Bias is implicit and often unconscious. More importantly, it takes great courage to change this system.

To fully appreciate these realities, and the realities and lives that Black people live and face, real meaningful community engagement is a must. Not for the sake of tick boxing, but because the police as an institution and as individual officers really want to understand the communities they police. This is essential for two reasons. For many White officers, especially in more rural areas, the only time they really come into contact with racialised minorities is through their job. With this comes the inevitable misperception that all Black people are criminal. Also, until the police are willing to actually engage with communities, there will be an ever-persistent lack of trust and confidence, and thus legitimacy in policing. As the National Police Chiefs' Council chair, Martin Hewitt said in his first interview following the Black Lives Matter protests in 2020:

*“It's only with that trust and confidence and legitimacy that people come forward, people report crimes, people become witnesses, people work with us, and ... that trust and confidence leads to young black men and women saying I'm prepared to go and become a police officer.”*⁵⁵

I want to finish this lecture with these words:

“I'm for truth, no matter who tells it. I'm for justice, no matter who it's for or against.”

Malcolm X

© Professor Thomas 2022

⁵⁴ Home Affairs Select Committee, “The Macpherson Report: Twenty-two years on” (21 July 2021) <https://committees.parliament.uk/publications/7012/documents/72927/default/> §69

⁵⁵ Vikram Dodd, “Race crisis damages our legitimacy and effectiveness, says top police chief” (Guardian, 28 March 2021) <https://www.theguardian.com/uk-news/2021/mar/28/racial-justice-is-key-to-effective-policing-says-npcc-chief-martin-hewitt>