

Disproportionality Board

Meeting Notes of Wednesday April 26th, 2023, 11:00pm-City Hall, and MS Teams

Board Co-Chairs

Sophie Linden Deputy Mayor for Policing and Crime, MOPAC

Debbie Weekes-Bernard, Deputy Mayor for Communities & Social Justice, GLA

Attendees

Aba Abekah-Mensah, MOPAC External Reference Group

Caroline Thwaites, LHOCS

Chief Superintendent Jeff Booth, MPS

Clive Newsome, Head of London Business Centre, CPS London

Commander Colin Wingrove, MPS

CLlr Gareth Roberts, London Councils

CLlr Jas Athwal, London Councils

Fiona Taylor, MPS

Geeta Subramaniam-Mooney, Violence Reduction Unit Consultant

Graham Ritchie, Deputy Director of Strategy and Policy, CPS

Henry Smithers, Youth Justice Strategic System Leaders Network

Detective Superintendent Katie Harber, MPS

Kilvinder Vigurs, London Director, National Probation Service

Kris Venkatasami, Deputy Chief Crown Prosecutor, CPS London South

Lionel Iden, Chief Crown Prosecutor, CPS London South

Matt Parr, HM Inspector of Constabulary and Fire & Rescue Services

Paul Mundy-Castle, Chair, MOPAC External Reference Group

Yusuf Deerow, MOPAC External Reference Group

Apologies

Alison Aedy, HM Courts and Tribunals Service

Bernie O'Reilly, College of Policing

Charles Ehikioya, Chair, Metropolitan Black Police Association

Officers in attendance

Chloe Iliesa, MOPAC

Connie Stygall, MOPAC

Doug Flight, London Councils

Joseph Foxwell, London Councils

Kenny Bowie, MOPAC

Mel Asare, MOPAC

Natasha Plummer, MOPAC

Paul Dawson, MOPAC

Item 1 – Welcome and Matters Arising

The Chair opened the meeting and welcomed the new members. Members agreed the minutes of the previous sitting.

Item 2- Baroness Casey Report Reflections and the Turnaround Plan

The co-chair introduced the item and noted that the Mayor had asked the former Commissioner to commission the review and that the report represents a 'watershed' moment for the Metropolitan Police Service. She also noted that the relationship between MOPAC and the Met had improved with the arrival of the new Commissioner. She then invited the External Reference Group (ERG) to give their reflections on the Baroness Casey Report.

The ERG Chair reflected the Group's concern about the fractious relationship between MOPAC and the MPS and both their and communities' concerns (as fed back to them through their networks) about the Commissioner's refusal to use the term 'institutional racism/sexism/homophobia.' The Group also raised the question as to how the Commissioner could have been unaware of the Met culture given his length of service in the MPS and that the Group would like him or someone from his office to meet with them ERG to explain and discuss his position on these matters. He confirmed that the consensus, however, is that the new commissioner is willing to make a change, and this will be judged by the Met's cultural shift and the Turnaround Plan, with which the ERG will be happy to support in anyway it can.

The ERG also flagged the need for more independent scrutiny required by local people from diverse groups who is looking at thematic areas such as children specifically. Currently samples of footage are random. We need to see things in bulk, reflective learning cannot come from such a small number, learning needs to be effectively embedded and supervised.

An ERG member noted that he had discussed the issues with community members, particularly those that are seldom heard regarding policing and the overwhelming feeling, is that if the Met holds the principle of policing by consent, they do not have the consent by Black Londoners or others with protective characteristics. Furthermore, if Black officers are over-represented in the misconduct system and the 'Met can't look after their own,' how can we expect them to look externally with dignity and respect and be guided by the Peelian principles? Use of force, stop and search and handcuffing seem to be their default position, and this is humiliating. Communities cannot therefore get over the institutional racism semantics; there needs to be a focus on how to win back the confidence of Black Londoners.

London Councils (JA) noted that people are appalled and genuinely concerned that we have not learnt the lessons of previous reports. What PMC mentioned earlier, not accepting the term *institutional* has been a thorny issue and led to a lot of negative response. Until we address the problem in its fullest, we won't find the solution we are looking for. Considering Casey, the key questions are how will the

recommendations impact the existing work to tackle disproportionality, how is it going to change and how is the turnaround plan going to address these issues?

Members noted that there were some positive opportunities for closer partnership working, and the YJB (Youth Justice Board) specifically noted Casey's reference to developing an overarching strategy for children and offered support and expertise in developing it.

The MPS acknowledged the concerns raised and the offers of support in moving things forward. The MPS noted that Casey specifically references resetting relationships and more effectively bringing community voice into policing. The MPS recognised the opportunities Body Worn Video can offer for better understanding of the lived experience of policing and how that can be used to change mindsets and operational activity; all of which is important to the Commissioner. In addition, the MPS confirmed they would be happy to meet with the ERG and others to discuss these matters further.

Action: MOPAC to organise a meeting with CCW and ERG members

Action: MPS to put YJB lead in touch with MPS team developing the children's strategy

Turnaround plan

The MPS updated on the Turnaround Plan consultation to which there have been thousands of responses. The MPS will launch an updated, but it will remain a living document and will evolve as the MPS continues to engage with Londoners on this plan.

A member of the ERG was interested in police powers of stop and search and asked whether the Turnaround plan will address "reasonable grounds of suspicion." Her concern is that if a person looks nervous particularly young people and add that it is a high crime area, putting their hand toward their belt etc, this is an example of where disproportionality is being built into the system, even if it is not racist. Many Black boys are nervous of police so will be nervous around police. Police need to have objective grounds, but we are seeing subjective grounds in the body worn video footage. There is disproportionality at all kinds of levels. Training and looking at what is considered reasonable suspicion is required. The YJB noted that engagement with young people on these issues can be very impactful and has been done successfully in Westminster.

The MPS acknowledged the issue being raised and extended an invitation to the Board to observe the officer training and discuss how it might be further developed to include more community voices within it.

The Co-Chair noted the importance of effective training and the potential to learn from best practice and experience in the education sector, for example, and how the wider community could inform officer training. It was agreed that the Board should add training to a future agenda and invite the College of Policing, Met Police trainers and other exemplar public sector trainers to have a more detailed discussion.

Action MOPAC to arrange training observations for ERG members

Action: Police officer training and how to more effectively involve communities and young people to be added to a future agenda.

Item 3a. - MPS update on Mayor's Action Plan

Race Action Plan

The MPS advised that Commissioner is fully committed to having a London action plan. There are current discussions about how this overlaps effectively with the National Plan. We are working to the same work strands as in the national plan: 1. More representation 2. Policing powers 3. More community engagement and 4. Not under protected and supported as victims, and to specifically towards becoming an anti-racist police service.

The MPS noted that the Plan needs to address the internal and external experience and intersectionality. There are also considerations as to why there is a Race action plan, but not the equivalent for LGBTQ, Disability etc. However, we know that broadening the scope may raise questions about diluting the focus of the work.

The national team has an independent scrutiny and oversight board overseeing the work and the MPS will consider whether this is needed in London also, although there are other mechanisms that will have a role to play, including MOPAC's ERG this Board and the new London Policing Board. However, in terms of anti-racism and anti-discriminatory practices, the MPS is not fully equipped as an organisation to be able to put the necessary frameworks and structures in place to become anti-racist, so additional expertise is likely to be needed.

The Board reflected on the presentation and the ERG noted that it's not that other communities are unimportant, but Black Communities' experience is of being over-policed and under protected and this could become diluted amongst other protected characteristics. The Board noted that all local authorities are striving to be anti-racist organisations and there is a huge amount of work that has been conducted with local communities. The Met should work to better connect to this work and local conversations around enhancing and strengthening scrutiny. It was further noted that the MPS need to get the right organisational culture in place, and this means thinking about how individual police officers understand their role in developing an anti-racist organisation. There is a need for co-production at every stage deliver the necessary cultural shift towards being an anti-racist organisation.

The Co-Chair (SL) noted that development of the London Policing board, recommended by Casey, is moving ahead at pace, and that the aim is to ensure the Board has the right skills and experience mix to be most successful. This will go out to recruitment shortly and the information will be circulated to the Board for dissemination amongst wider networks.

Co-Chair (DWB) also noted the point about the wider issues of intersectionality and suggested a meeting with GLA colleagues with expertise in this area would be helpful.

Action MOPAC to circulate the policing board advert to the Board

Action MPS and GLA colleagues to meet to discuss intersectionality

Item 3b. - MOPAC update on Mayor's Acton Plan

Coming back to the next Board due to time constraints

Item 4. CPS charging decisions - examining demographic disparities in the outcomes of our decision making

The CPS presented its Charging Decision findings.

The Ministry of Justice's latest (December 2021) publication on statistics on race and the criminal justice system found that minority ethnic groups are over-represented at many stages throughout the criminal justice system compared with the White ethnic group. The greatest disparities they noted appeared at the point of stop and search, custodial remands, and the prison population.

The Lammy Review concluded that there were no disparities in CPS charging, our view at time given the scale of CJS (Criminal Justice System), was that we wanted to continue our charging decisions on an ongoing basis.

We commissioned an independent review of our charging decisions conducted by the University of Leeds. This took place between December 2018-December 2021, 195,000 cases of CPS charging decisions were reviewed.

A regression analysis was conducted which is a way of looking at the influence of different variables on an outcome.

Limitations were that the findings evidenced disproportionality in our legal decision making but the data is limited and cannot tell us why the disparity exists. This is the next stage of our research.

We want to understand the drivers and therefore have three current workstreams:

1. Factors in some of these variables such as previous convictions, and socio-economic status
2. Content of case files, qualitative side, are files presented differently, different language describes offences differently, more emotive language and thus decision is disproportionate as a result
3. Area variations, patterns of disparity linked to different CPS locations.

Should be included around Sep/Oct and then will publish the details.

This is overseen by an independent advisory group to hold CPS to account.

Comments from members included that this really evidences the extent of the institutional reality for Black people.

There is evidence of good practice in language of pre-sentence reports in Lewisham, you may want to connect with them and get them involved in this work.

We are using unconscious bias a lot, and there is bias, and we cannot think we can quickly overcome this via training, this is a big journey and is ongoing, its continued listening, learning, discussing, sharing, and training.

Co- Chair (DWB) this is why we are looking across CJS, so we can develop consistent approaches and we want to be 'positively, proactively anti-racist' and this is what we should all be saying and doing. This is why we have a Board to bring this all together.

Item 5 – External Reference Group Update

Members drafted a mission statement that states that the ERG is in place to give the public faith that change within the Met is more than just an empty promise and that the actions that are in place and data to demonstrate change are valid and unbiased. The ERG will seek to independently:

- Review data outlining the extent and progress in relation to disproportionality
- Evaluate the efficacy of MOPAC in their role of overseeing the Met Police and reducing police disproportionality
- Deep dive into areas of public concern (as highlighted in the Casey report)
- The ERG will engage with relevant stakeholders and provide a written account of findings and recommendations to MOPAC and the Met.

Members are of the view that this mission is broad, and they would like to identify three collective items where they can make the most impact, this along with further training is their focus over the next quarter.

Co-Chair (DWB) Thanked ERG for all their time and contributions

Item 6. – Disproportionality Data Pack

- Confidence in the MPS for Black and White Londoners is similar (42% vs. 44%). Black Londoners have lower levels of trust in the MPS (56% vs. 74% for White Londoners) and a lower proportion believe the police treat everyone fairly (58% vs. 63%).
- A decline in confidence was seen in Q3. This disproportionately affected some demographic groups, including older Londoners, those with a disability, and those from White British and Black backgrounds. Longer term trends show that confidence has declined over time for all demographic groups, but inequalities show a mixed picture. Gaps have recently widened for LGBT+ Londoners, but gaps seen by age and ethnicity have tended to narrow.
- Analysis shows that Stop and Search has the potential to impact on Londoners, with some groups more likely to say they were negatively impacted by their experience, including females, younger Londoners, and those from Black backgrounds.

- As of the end of March 2023 Black individuals were 3.1 times more likely to be stopped and searched for any reason as compared to White individuals. The disproportionality gap has remained at similar levels over the last two years and is stable as compared to levels recorded at the launch of the Action Plan (3.0). The rate increases to 5 times more likely for stops related to weapons, points, and blades.
- The use of force data does not show a large disparity in the type of tactic used by ethnicity. The recorded use of handcuffs has reduced since the launch of the Action Plan (across all ethnicities).
- The number and proportion of Black police officers has shown a small rate of increase over the last five years. Black officers currently represent 3.6% of police officers (as of March 2023) which is an increase of 0.3 percentage points over the last five years. The FY21-22 aspiration target for 3.8% Black officer representation was not achieved.
- The most diverse rank in the MPS is Constable (18% BAMEH).

Please note that members previously raised wanting to understand stand stop and search data at a borough level as well as individual experience and impact of being stopped and searched. This data pack provides more information on these areas. Please find below:

- There is borough variation in both support for Stop and Search and confidence in the fair use of Stop and Search powers.
- Residents in Lambeth are the least likely to support Stop and Search, or believe it is used fairly followed by Camden, Lewisham, Haringey, and Hackney.
- Although *less likely* to be stopped in the first place, females were *more likely* to have felt traumatised.
- Similarly, younger Londoners were also *more likely* to have felt traumatised, to have communicated negatively to friends and family and to have changed their behaviour.
- Black Londoners were also far *more likely* to have felt traumatised or communicated negatively about their experience of S&S (Stop & Searches) and were *less likely* to have felt positively impacted.
- whilst Londoners experiencing 'procedurally just' interactions were more likely to be positively impacted – 'procedurally unjust' interactions may have *disproportionately negative impacts*.
- a quarter of Londoners who reported procedurally just interactions said they had communicated positively, while over one in six felt positively impacted by their experience.
- However, amongst those reporting procedurally unjust interactions *two-thirds* had communicated negatively, while *half* said they had felt traumatised – revealing a disproportionately greater impact.
- Holding other things constant, Londoners who believed the police DID NOT treat them with respect showed 5x increased odds of feeling traumatised; while those who felt police were NOT polite showed 3x increased odds.
- In contrast, once controlling for these things, explaining the grounds for the search was *no longer influential here*.

- Similar patterns emerged across other impact measures – with elements of police treatment (respect/polite) often appearing *more influential* than whether the search was explained.
- However, when controlling for police treatment, explaining the search WAS still influential in feeling positively impacted or changing behaviour as a result – perhaps as individuals may be more aware of the circumstances that led to their stop.

Item 7 – AOB & Dates of 2023 meetings (SL)

- Tuesday 18th July 2023 10:00-12:00pm
- Wednesday 11th of Oct 2023 11:00-1:00pm

Papers Circulated to Members

1. Action Update MPS Body Worn Video
2. Acton Update MPS S163 Phase 2 pilot
3. Minutes
4. Agenda
5. Casey Review
6. Turnaround Plan
7. MAP Update
8. Children's Commissioner paper on Strip Searching of Children and Young People
9. ERG Profiles
10. Data Pack