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An inspection of race disparity in police criminal justice decision-making. Response from Simon Foster, West Midlands Police and Crime Commissioner.

Published on the 25th of August 2023, this national thematic inspection examined race disparity in police criminal justice decision-making. The report highlights a longstanding lack of leadership from central government departments and senior police officers, in addressing race disparity in the criminal justice system. This leadership gap is significant.

It is essential that the government and senior police officers take responsibility for addressing these disparities. As the report sets out, police decisions have a direct effect on other parts of the criminal justice system, from arrest to charge or the decision to use an out of court disposal. Children from ethnic minority backgrounds are disproportionately represented in youth custody and this disparity is increasing.

It is of the utmost importance that the police and relevant Government departments gather information about whether these police decisions are being made fairly lawfully and consistently. This information should be used to help them understand whether the decisions might be influenced by the characteristics of the people involved. To gain the trust and confidence of all communities, this information should be made easily available and the public encouraged to help scrutinise it.

The absence of specific government strategies and the oversight of the *Police Race Action Plan* in relation to criminal justice disparity are concerning. We must prioritise creating a comprehensive strategy that addresses these issues head-on, ensuring accountability and transparency at every level of the criminal justice system. I encourage further work in this area to drive progress in creating this strategy.

The inspection underlines the need for transparency in collecting and publishing data relating to race disparity in criminal justice decision-making. The lack of published data, both at the force level and nationally, is indeed deeply concerning. Without comprehensive data, we cannot fully comprehend the extent of these disparities or work effectively to address them across police forces.

Further to this, the paper emphasises the need for consistent recording of ethnicity data by police forces. To achieve this, a unified recording standard and greater oversight are essential. The limitations of police IT systems must be addressed where required and training for police officers on the importance of gathering accurate ethnicity data must be improved.

The recommendations put forward in the report are essential steps toward addressing these issues, though they are but a small element of the change required to truly address race disparity in police criminal justice decision making. To build a truly fair, lawful and just criminal justice system, requires cultural as well as structural change. Notwithstanding that, we must act on these recommendations. They include expanding the scope of data collection, creating an action plan for better data analysis and publication, improving

guidance to police forces, adapting training for officers, and increasing community involvement, to broaden transparency and accountability. Four recommendations were made for Chief Constables:

By 30 September 2024, chief constables should make sure that forces carry out comprehensive analysis of race disparity in police criminal justice decision-making. Where this analysis indicates that people from ethnic minority backgrounds are disproportionately affected, police forces should explain, or revise, their ways of working.

The recommendation details the need for thorough analysis of race disparities and prompt action in response to findings. West Midlands Police (WMP) must be proactive in addressing disparities and any discrepancies in decision-making must be addressed promptly, to ensure equity and fairness. I will offer my support to the Chief Constable to ensure that data recording improves and monitor analysis that takes place to understand disparity and learn about areas that need development.

By 30 September 2024, chief constables should make sure that information from the Youth Justice Board summary disproportionality toolkit relevant to the force area is included in their force's analysis of police criminal justice disparity.

Incorporating information from the Youth Justice Board Toolkit into the analysis of police criminal justice disparity, is a vital step toward addressing these disparities. It provides valuable insights into the specific challenges faced in force areas. I understand this toolkit will be used within the Youth Justice Board and will factor into the examination of ethnic disparity in WMP to guide learning.

By 30 September 2024, chief constables should make sure that work takes place with communities, police and crime commissioners, and other agencies to establish or build on arrangements for the scrutiny of police criminal justice disparity.

Engaging with communities and local stakeholders is essential to ensure that their perspectives and concerns are considered in the decision-making process. Our office has oversight of ethnic disparity data, where available through the Local Criminal Justice Board, Youth Improvement Board and Performance Products to monitor trends and act where needed. In addition, ten stop and search scrutiny panels are in place. The panels consist of members of the public tasked with reviewing anonymised stop and search records and examining body-worn videos, to verify that the proper protocols were adhered to and that the use of force was proportional. We are promoting and offering complete transparency, enhanced trust in the police and this work is leading to improved practices.

By 30 September 2024, chief constables should make sure that information about criminal justice disparity is published on force websites, or that force websites clearly link to other websites where this information can be found. Published information should include any explanations for identified disparity and actions forces will take to address it.

I am grateful to the Inspectorate for this recommendation which underscores the importance of transparency and accountability. By publishing information about criminal justice disparity, we create a more informed and engaged public. I welcome appropriate channels for publication to ensure this transparency.

In summary, these recommendations will contribute towards addressing race disparities in criminal justice decision-making. I will monitor their implementation and impact through my Strategic Policing and Crime Board. We must continue to work tirelessly to eliminate these disparities and ensure that all individuals, regardless of their ethnicity, are treated fairly, lawfully and equitably in the criminal justice process. It is our collective responsibility to ensure justice and equality for all.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simon Foster', written in a cursive style.

Simon Foster

West Midlands Police and Crime Commissioner