RACISM and PUBLIC POLICY

Durban, South Africa
3 - 5 September 2001

CONFERENCE PAPER

Policing and Human Rights

Eliminating Discrimination, Xenophobia, Intolerance and the Abuse of Power from Policework

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UNRISD work for the Racism and Public Policy Conference is being carried out with the support of the United Nations Department of Economic and Social Affairs. UNRISD also thanks the governments of Denmark, Finland, Mexico, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom for their core funding.

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Eliminating Discrimination, Xenophobia, Intolerance and the Abuse of Power from Policework

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Paper prepared for the United Nations Research Institute for Social Development (UNRISD) Conference on *Racism and Public Policy*, September 2001, Durban, South Africa

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ABSTRACT

This paper examines racism, xenophobia, discrimination, intolerance and the abuse of power in policing. It presents a critical analysis of theoretical and empirical research studies of police organisations in Britain, South Africa, Australia and the USA. It sets out a framework for protecting fundamental human rights – to safety, liberty and freedom from unlawful intrusion by the state – based on international legal instruments relating to anti-discrimination and the governance of policing. The paper reviews the research on the control of abusive policing through structural and cultural change; innovations in personnel management and training; and the introduction of robust mechanisms to achieve democratic accountability.

ABSTRACT 3
Conceptualising the uses and abuses of police power 5
The paramilitary model of policing 5
The community model of policing 5
Community policing and paramilitary policing in practice 7
Routine police practices: stop, search and arrest 8
Death in custody and as a result of police action 8
The social consequences of the abuse of force 9
Explaining xenophobia and discrimination in policework 10
Bad apples? 10
Reflection of society? 11
Occupational culture? 12
Institutional racism? 12
Racism in context 13
Policing styles: law enforcement or peace-keeping 14
Personnel, equality of opportunity and equality of service 14
Representation and equality of opportunity in policing 14
Retention 17
Promotion 17
Linking equality of opportunity and equality of service 18
Training 19
Human rights, policing and anti-discrimination 20
Accountability 21
Accountability to the law 22
Accountability to the state 22
Accountability to the community 23
Accountability for wrongdoing: Complaint investigation and civilian oversight 24
Civil litigation 25
Conclusion 26

Introduction

Racial discrimination, xenophobia, intolerance and the abuse power are problems in police forces in many parts of the world[1]. In recent years, allegations of racism and racial discrimination have led to public inquiries into many police agencies including the Metropolitan Police[2] in London England, the New South Wales Police[3] in Australia, the Los Angeles Police Department[4] in the USA, and the South Africa Police Service[5]. In each of these places, government and independent researchers have gathered evidence relating to individual cases and the broader organisational context. Although these are among the best-documented examples, the problems of racism, discrimination, and the abuse of power have also been identified in many police agencies elsewhere.

This paper attempts to draw general lessons from an overview of the published literature in the field with specific reference to the police agencies mentioned above. Limited space makes it impossible to provide detailed discussion of individual cases or extensive documentation in each of the four contexts. It has not been possible to conduct a fully comparative analysis of the abuse of police power, or the similarities and differences in the historical, political, economic, social, technological and organisational context in each locality. Nonetheless, it is contended that there are sufficient similarities among the four contexts discussed to draw some general lessons.

Because the nature of the police mandate and the tools available to achieve it are similar across the globe, the nature of abusive policing and the contexts that abuse arises are also similar. For the same reasons, almost identical explanations have been developed by police researchers around the world to account for the abuse of power, whether this relates to some characteristic of the individual abuser, the culture of police organisations, or the larger structures of society in which they operate. As the diagnoses share similarities from one place to the next, the range of policy solutions and the problems faced in implementing them are also similar. The goal of this paper is to explore the ways in which principles have been applied in practice and with what results.

The focus of this paper is on the 'public police', those accountable to local or national governments and are given a 'general right to use coercive force by the state within the state's domestic territory'[6]. Concentrating on public police agencies – which lie at the centre of debates about securing human rights and are most extensively documented – excludes the hugely important areas of 'private policing' and 'informal policing'. The private security industry dwarfs public policing, whether measured in terms of employees or budgets[7]. It is also often heavily armed and is afflicted by many of the problems described in this report. The existence of informal policing – which includes activities as diverse as vigilantism, policing by tribal or political organisations and neighbourhood watch – also raises questions about human rights and the regulation of the use of force. Although this paper touches on the extensive literature on the role of policing in crime reduction, an extended discussion of the effectiveness of various methods of crime prevention and the maintenance of community safety is beyond its scope.

This paper is, by virtue of its subject matter, critical of the police and dwells on the 'dark side' of policing. It should be remembered, however, that the central ethic of police forces around the world is to provide protection for, and service to, the community and that

many police officers join the service with the specific intention of helping communities to be safer and more peaceful places. It is to that end that this paper is written.

Conceptualising the uses and abuses of police power

The police service is one of the most important and powerful institutions of government. Its officers hold coercive powers second only to the military, but in contrast to soldiers, police are both a visible manifestation of state power and one with which civil society has extensive day-to-day interaction. As David Bayley puts it, 'the police are to government as the edge is to the knife'[8]. The police hold a monopoly on the state-sanctioned use of violence. They are authorised to bear arms and, in certain circumstances, to shoot to kill. Police officers routinely detain by force, conduct intimate searches of people, their homes and possessions, and conduct covert surveillance on the private lives of people suspected of criminal involvement or intent. Clearly, the possession and use of these powers requires justification and explanation. Analysts of policing have suggested two models of policing that can broadly be defined as the military/colonial model and the civil/consensual model.

The paramilitary model of policing

The 'paramilitary' or 'colonial' model grows out of the direct relationship between government, army, and the police and emphasises the use of force to control or subjugate specific sections of the population. The model for all British colonial forces – including those in South Africa and Australia – was the Royal Irish Constabulary[9]. In the USA, the equivalent 'military model' emphasises a 'we/they world-view' and promotes the idea of police officers as a close-knit, distinct group and of citizens as outsiders and enemies[10]. Police see themselves as the 'thin blue line' on the front-line of a war against crime, which, if lost, will see civilisation slipping into anarchy and disorder[11]. In the military model, the police are seen as agents of government rather than law[12]. Social control is based on coercion rather than consent and force is resorted to readily, sometimes as a first resort. The acquisition and use of armaments (such as firearms, gas, water cannon and military vehicles), the use of military language and symbolism, secrecy and the collation of intelligence on suspect populations (often demonised as 'enemies'), are all integral to what can be termed paramilitary police forces. Such forces are divorced from local populations and impose an 'alien rule'[13]. The police are under the direct control of governments and are partisan in enforcing the rule of a specific political regime including those which enshrine discrimination. Policing in this model requires selective enforcement in favour of the dominant group, the criminalisation of minority activities and suppressing the right to protest or to demonstrate for political change[14]. 'Policing by strangers' tends to require recruitment not be from among locals and where the indigenous population is employed, the bulk of the 'troops' and all of the senior command but from the 'metropolitan or settler group' and do not reflect society at large[15]. In some contexts, police forces have been formally segregated and the 'native sections' have been insular (both from the settler police and local communities) were seen as inferior and subject to harsh discipline[16].

The community model of policing

The community model[17] is the antithesis of the military model. This model of policing is commonly associated with the establishment of the 'new' Metropolitan Police in London by

then Home Secretary Robert Peel in 1829. The community model emphasises the deployment of a decentralised civilian force with a membership that broadly represents the population being policed resting on the axiom that the police officer is merely a 'citizen in uniform'. Policing in this model is intended to be seen as legitimate by the majority of the community (even among those 'policed *against'*) and based on the principle of consent[18]. The role of the police is peacekeeping and dealing with 'ordinary crime'. In this consensual model, the police are servants of the law rather than government and are seen as 'apolitical', that is independent of political parties or governments and carry out their tasks without being partisan to their personal political beliefs or social group. The model emphasises internal democracy and the idea that the police service should reflect the demographic and social characteristics of the communities served[19]. The idea of accountability is central to the community model since responsiveness and answerability to law, state and the public provide the basis for police legitimacy. The problem of crime – or more generally interpersonal violence and conflicts between citizens – requires some form of state sanctioned force to impose binding solutions[20] and therefore the possession of intrusive and coercive powers remains central to the definition of policing in the consensual model. But in contrast to the military model – which sees the use of force as a 'first resort', in the community model, the use of force and intrusive powers may only be used when all other means of ensuring compliance have failed and, even then, should be restricted to the minimum. It is axiomatic that in a democratic society the use of these powers can only be justified to the extent that they lawful, necessary, proportionate, accountable and used fairly.

The two models sketched out above must be seen as 'ideal types' that exist nowhere either in a 'pure form' or entirely without the presence of the other. In most places, both forms of policing coexist. The 'community' model has been central to attempts at police reform that have occurred in the Los Angeles Police Department, the London Metropolitan Police Service, the New South Wales Police Service and the South African Police Service over the past two decades. In Britain, the *Scarman Report*, produced in the aftermath of the widespread disorders in Brixton and elsewhere in 1981, can be seen as a restatement of the community model of policing[21]. It has been argued that *Scarman* has been influential basis for currently acceptable international standards in policing particularly in the context of Australia[22] and South Africa[23]. In each of these four police organisations, the police chiefs have committed themselves to 'community policing', emphasising to a greater or lesser extent the principles set out above.

These commitments to community policing not withstanding, it is clear that the military/colonial model still remains a powerful force within each organisation. Sometimes paramilitary policing is deployed under certain 'special conditions' (e.g. to police protest demonstrations, or instances of public disorder). It is also a common pattern that community policing is reserved for middle class, wealthy, suburban white populations while paramilitary police are deployed in poor, urban, black and ethnic minority neighbourhoods. It is also noticeable that paramilitary policing is sometimes employed in response to public anxieties about crime. For example, in 1999 a senior figure the South African government spoke of engaging in a 'ruthless and aggressive' offensive against criminals and suggested that systems of accountability hampered the police[24]. There is no evidence that paramilitary policing contributes to controlling crime and in can contribute to making things worse. Community policing and problem solving holds the greatest potential for ensuring peaceful communities.

Community policing and paramilitary policing in practice

Although London is usually cited as the origin of the Peelian 'community' model of policing, it has been argued that authoritarian policing has been employed in the 'domestic colonies', the inner city areas of the Metropolis where ethnic minority communities are concentrated. Certainly, the experience of 'over-policing' has been consistently reported in reports based on empirical research[25] and community experiences. Studies have found widespread personal experiences of police harassment or brutality either directly or through families and friends[26]. Oppressive police tactics such as mass stop and search operations, co-ordinated raids, the use of riot-squads using paramilitary equipment and continuous intelligence-gathering and surveillance. Researchers have documented the pervasive, ongoing targeting that appeared to regard black areas as intrinsically criminal and black people a potential threat to public disorder[27].

In Australia, policing must be set in the context of colonisation, xenophobia and racism among white Australians. The police played an important role in the legal system that facilitated the dispossession of Aborigines of their own land, suppressed Aboriginal resistance to European settlement and enforced segregation. In the contemporary period, the 1991 National Inquiry into Racist Violence reported numerous incidents of 'intrusive and intimidatory' policing including some examples of an extreme nature[28]. This included unwarranted entry into households, physical abuse and discriminatory policing in public places and private functions. The Inquiry was also presented with 'overwhelming evidence' of maltreatment of Aboriginal women and girls such as racist and sexist verbal and physical abuse including allegations of sexual abuse and rape while in police custody[29].

Modern policing in South Africa grew out of the military units responsible for the conquest and subjugation of the black population. Policing along the lines of the Peelian model was applied to the white population, but Africans were subjected to authoritarian military policing[30]. The notorious pass laws, restricting the movement of the African population was enforced by the police and between 1916 and 1981, more than 17 million people were arrested for pass violations. During the apartheid era, the police were a central component of the state apparatus for maintaining white domination. The police were an authoritarian, quasi-military, racially segregated force whose primary responsibility was the enforcement of repressive and restrictive legislation. In the SAP, police brutality, torture and abuse of criminal suspects were 'routine'. The police were responsible for the assassination of leaders of the ANC and other liberation movements are in the latter years of apartheid were responsible for deliberate promotion and orchestration of political violence with the intention of destabilising black communities.

In the Los Angeles Police Department, the 1991 Christopher Commission concluded that 'there is a significant number of officers in the LAPD who repetitively use excessive force against the public and problem which is 'aggravated by racism and bias' within the LAPD. More than one-quarter of 650 officers responding to a survey said 'an officer's prejudice towards the suspect's race may lead to the use of excessive force.' Unsurprisingly, surveys also indicate that minority residents believe that white officers are aggressive and abusive in minority communities. Witnesses to the Christopher Commission reported consistently that officers verbally harassed minorities, detained African-American and Latino men who fit certain generalized descriptions of suspects, employed unnecessarily invasive or humiliating tactics in minority neighbourhoods – such as requiring suspects to 'lie prone'

while being searched.

Routine police practices: stop, search and arrest

In many jurisdictions, ethnic and cultural minorities are disproportionately subject to intrusive and coercive police powers such as 'stop and search', 'stop & frisk', 'on-street interrogation' and arrest.

In recent years increasing concern has been expressed about 'racial profiling' in many police agencies across the USA, including LAPD[31]. Racial profiling occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to determine which drivers to stop for minor traffic violations (sometimes referred to as 'driving while black') and the use of race to determine which motorists or pedestrians to search for contraband. Racism has been identified as a chief motivating factor in police suspicion, investigation and stops and searches in the LAPD[32]

A study in New South Wales in 1985-6 found that the Aborigines were more than three times as likely to be arrested as would be expected from their numbers in the population; they comprised 15% of the population but 47% of those arrested[33]. A more recent study found that Aboriginals were over-represented among the population held on police cells by a factor of nineteen[34].

The use of 'stop and search' powers have also found to be discriminatory in the London Metropolitan Police. Early studies indicated that police used colour as a 'criterion for stops'[35] and this pattern has persisted until the present day. UK official statistics show that black[36] people are about five times as likely as their 'white' counterparts to be stopped and searched by the Metropolitan police[37] and are also more likely to be subjected to repeated stops and more intrusive searches[38]. People of Asian[39] origin are stopped and searched by the police to a lesser extent than 'blacks', but rates are higher than for whites[40]. Research conducted by the Home Office found that being black was a predictor of being stopped by the police, even once all other factors had been taken into account[41] indicating that the pattern is explained by direct discrimination and stereotyping. Another Home Office report argued that the police contributed to the large ethnic differences in stop and search because of a 'pervasive and deeply entrenched' suspiciousness of black people[42].

The response of police agencies to these data is usually to argue that stop and search statistics simply reflect differences in patterns of involvement in crime. Some commentators draw attention to the 'skilful use of the tabloid press to convey the police view to the wider public'. It is true that in the places studied, criminal statistics- such as arrests and imprisonment rates do show marked over representation of marginalised groups. However, the weight of evidence suggests that the disproportionate use of police powers is, at least in part, the product of discrimination. The evidence from a number of contexts suggests that the abuse of power is most discriminatory where autonomy and discretion are greatest.

Death in custody and as a result of police action

In the USA, the weight of evidence suggests that African Americans are far more likely to be victims of police shootings and abuse of force than would be expected on the basis

of representation in the population even once arrest rates are taken into account[43]. The police force in South Africa has always had a rather militaristic nature and for many years it remained a "policing style characterised by the use of crude maximum force"[44]. However, it is only in recent years that reliable figures have been produced on deaths in police custody or as a result of police action. In the year April 1998-March 1999, 756 people died in police custody[45] and it can safely be assumed that the overwhelming majority of these people were of African origin.

In Australia, the 1991 Royal Commission on Aboriginal Deaths in Custody drew attention to the extent to which Aboriginal people had died due to the abuse of force, neglect or suicide in police cells[46]. Australia-wide Aboriginals accounted for 29% of those in custody and 32 % of the deaths. The corresponding figures for New South Wales were 14% and 12%.[47] The report concluded that the disproportionate number of deaths was not due to the rate at which Aboriginals were dying in custody, but the rate at which they were being taken into custody. On an Australia-wide basis an Aboriginal was 27 times more likely to be in police custody than a non-Aboriginal, and the figure was 15 times in New South Wales. A of the decade following the Royal Commission[48] found a reduction in the number deaths in police custody (from 67 to 21 indigenous people and 136 to 78 non-indigenous) but a significant increase in the number of deaths in prison custody[49].

In recent years in the UK, deaths in custody have more frequently involved people from ethnic minority communities both in comparison with their numbers in the general population and in comparison to the number of people arrested[50]. For the UK as a whole, in 1996/97, 57 people died in police custody or 'otherwise in the hands of the police', an increase of 14 per cent on the previous year. African/Caribbean people were six times more likely to have died in the custody of the police than would be expected from their numbers in the population. More recent figures for 1998/9 indicate an increase in numbers of deaths in custody to 68, but a lower proportion of deaths of ethnic minorities in custody relative to their representation in the arrested population and relative to general population (see Home Office, 2000).

Deaths in police custody provide the harshest example of unequal treatment before the law. More troubling still is the tendency to obscure information about what has happened and to create 'official misinformation' that explains the deaths as accidental, or a misadventure or "even the fault of the victim, because of his or her behaviour, drunkenness, abuse of drugs, or mental or physical condition"[51]. Police officers are in a unique position to lend 'official' credibility into their speculations, inferences, misrepresentation and sometimes even fabrications[52]. These become infused into official accounts of police-citizen encounters. Characterisation of citizens as drug abusers and criminals carries advantages to police officers in justifying the use of force. It supports the inference that force was needed to subdue the citizen (since drug users are thought of as dangerous people with a tendency towards violence), it discredits the victim's account of brutality (since drug use clouds judgement and perception) and suggests that the victim is likely to be deceitful. In the process, the attention is deflected away from police deviance to questions of the victim's deviance[53].

The social consequences of the abuse of force

When police powers are used arbitrarily or unlawfully, or in ways that discriminate against specific social, ethnic, racial, cultural or religious groups, or without the consent of, or

accountability to, the community, the legitimacy of the democratic state itself is threatened. When policing is perceived as illegitimate, civil disorder sometimes follows. Unlawful, abusive or insensitive policing are frequently cited as a causal factors in public disorder and very often a specific police action is the trigger to the disorder. In South Africa, the Soweto uprisings in 1976-7 were sparked by police shootings and the repression that followed left at least 1000 people dead. In Los Angeles, the acquittal of police officers videotaped beating on March 3 1991 of Rodney King by four police officers while twenty-three other officers triggered riots in which 54 people were killed, 2,383 injured and 13,212 arrested. Property damage was estimated at more than $700 million.[54]. In the relatively peaceful setting of Metropolitan London, England, widespread public disorder has been sparked by insensitive and abusive policing[55].

Explaining xenophobia and discrimination in policework

Having provided a sketch of the nature of discrimination and other abuses of police power we now turn our attention to attempts to explain and prevent it. Thinking about how police abuse of power is to be explained is important because the nature of the diagnosis provides the basis for agendas for reform[56].

Bad apples?

The ‘bad apple’ or ‘bad egg’ theory suggests that discrimination is the result of the actions of a small number of rogue police officers who actively discriminate against ethnic minorities[57]. The contemporary research evidence conducted in these four locations shows that many police officers hold racist and xenophobic views towards specific ‘racial’, ‘ethnic’, or cultural minority’ groups, and that derogatory language is often used when dealing with people from economically and politically marginalised communities.

In the LAPD, the Christopher Commission uncovered “an appreciable number of disturbing and recurrent racial remarks… some [describing] minorities through animal analogies… often made in the context of discussing pursuits or beating suspects”[58]. A documentary film shown on Australian television indicated that some police officers spoke ‘automatically’ about the Aboriginal community as ‘coons’ and ‘gooks’[59]. In interviews, Chan found that some police officers saw ethnic minorities as ignorant and dishonest and believed that Aboriginal people had ‘no respect for property or the law’[60]. A similar use of racist language has been documented in England. Reports in the 1980s described the use of derogatory language – such as ‘Paki’ for people from the Indian subcontinent, and ‘coon’, ‘macaroon’, ‘sooty’, ‘nigger’, ‘spade’ etc. for people of African and Caribbean origin – as ‘accepted’ and ‘expected’ in the Metropolitan Police Service[61]. In other studies, all ethnic minority communities have been characterised by the police as ‘illegals’. Until recently at least, some supervisors were unwilling to challenge racist banter and inappropriate language[62]. Although there is documentary evidence of police officers using racist language, there have been no recent empirical studies specifically to address this issue.

The attraction of the ‘bad apple’ approach is that it implies a relatively straightforward solution of removing ‘racist’ officers from the service and preventing the emergence of others either through recruitment and selection processes or through training. Of course specific

police officers must be held to account for their behaviour and officers responsible for abuse should be disciplined or removed from the service. The removal of 'bad apples' also has an important symbolic value in that it demonstrates a commitment to anti-discrimination and the promotion of diversity. There is also strong evidence that the behaviour of some abusive police officers is part of a pattern evident over many years. In our view individual behaviour, stereotypes and prejudiced attitudes are all important for understanding discrimination in criminal justice. However, the individual approach over-simplifies a complex problem and ignores the wider social, cultural and structural context.

Reflection of society?

A significant problem for the 'bad apple' theory is that the rotten individuals are not always distinguishable from the rest of the barrel from which they are drawn. Often, the racist views, attitudes, opinions and behaviour of the so-called 'bad apples' are very similar to those held by the majority of other police officers and indeed the wider society from which they are drawn. This is the central premise of the reflection of society theory which holds that racial prejudice and discrimination in the criminal justice system simply reflects widely held beliefs and behaviours among the general population[63].

Racism is well documented in each of the contexts studied. The ideology that certain groups are innately, biologically, socially and morally superior to other groups based upon what is attributed to their 'race' is a significant problem in each of the societies studied. The idea of race has contributed to a widespread view that particular ethic groups are a 'problem' that requires exclusion, segregation or special measures of control. Historically, there are obvious examples such as the white Australia policy, in place in the 1970s, but there is also evidence that some police officers still hold such views. For example, Chan found that some police officers had no sympathy with non-English speakers and felt that they should not be allowed in the country. They opposed the idea of multiculturalism and government policies to redress inequalities.

In each location there are extreme right political parties and movements that circulate overtly racist materials. In South Africa the image of the black population as a "primitive, uncivilised sector" of society who need to be controlled, appears to have been deeply entrenched in the nations history, and has been manipulated so that the violence and force used against them can be 'justified'[64]. The SAP has been described as the 'medium through which apartheid was experienced', and given that the police were, until 1990, responsible for the enforcement or apartheid, including preventing blacks from using facilities reserved whites, it is hardly surprising to find officers who hold racist views. There is also clear evidence of strong sympathy with extreme right political parties within the SAP. One trainer commented in 1992 that 'the police are totally AWB, especially the younger ones[65]. There is also evidence that, until the end of apartheid at least, Afrikaner racial beliefs influenced the way in which Afrikaner police officers treated blacks and goes some way towards explaining the gratuitous violence meted out to black communities[66]

More widespread is what might be termed 'everyday racism' – the widely held beliefs that 'racial differences' determine aspects of culture and behaviour such as criminal propensity and untrustworthiness. The extensive UK policing literature, has identified widespread stereotyping based on notions of inferiority and 'suspect qualities'. People of

Asian origins are characterised by police officers, of being 'devious', prone to lying and cheating. People of African and Caribbean origin are believed to be violent, dangerous, anti-authority, 'drug using', 'tooled up'[67]. Ethnic minorities as a whole are characterised as being of an 'alien character'.

This perspective returns policing and the criminal justice system to the broader social and cultural context within which individual actions take place. However, it does not take us very far because the questions of why cultures tends towards racism or whether racism is more or less intense within society as a whole.

Occupational culture?

Researchers have noted that police agencies sometimes have an 'occupational culture' in which concentrated forms of racism and xenophobia are prevalent[68]. As we have indicated above, police research is peppered with examples of the expression of extreme racist views, prejudiced and stereotypical opinions about ethnic minorities, support for right-wing politics and sympathy with perpetrators of racist violence. This research is also replete with examples of police discrimination against ethnic minorities. Cultural theories complement theories of individual action, but sometimes portrays the police occupational culture as an unchangeable 'given' monolithic entity into which officers are automatically socialised. What is need is an analysis of how police *actively reproduce and transform culture* by setting these processes within the institutional, political and social context of policing.

Institutional racism?

The term 'institutionalised racism' was introduced in 1968 by Carmichael and Hamilton who wrote that racism in America is 'pervasive' and "permeates society on both the individual and institutional level, covertly and overtly"[69]. Cashmore sees institutional racism as an analytical tool to examine how: "institutions can operate along racist lines without acknowledging or even recognising this and how such operations can persist in the face of official policies geared to the removal of discrimination"[70]. Lea[71] defines institutional racism as occurring when racist actions are "built into the policy or mode of operation of institutions irrespective of the attitudes of the individuals who carry out the activities of the institution"[72]. By way of illustration he points out that "racist immigration laws may be administered by officials and police officers irrespective of their individual attitudes to immigrants"[73].

Susan Smith argues that "although a hallmark of institutionalised racism is detachment from the intentionality of individual managers and administrators... some racist practices must be regarded as the product of *uncritical* rather than unconscious racism"[74]. That is, practices with a racist outcome are not engaged in without the actor's knowledge, even if they have failed to consider the consequences of his or her actions for black or Asian people. Smith also points out that:

> institutionalised racism is not a process confined to housing or any other single system of resource distribution. It is rather, a pervasive process sustained across a range of institutions - housing, education, employment, health and social services - that have procedures which combine to produce a mutually reinforcing pattern of racial inequality. This acknowledges that virtually all large

> organisations concerned with the allocation of power and resources develop conventions which distinguish the deserving from the undeserving and the reputable from the debased, in order to help prioritise applicants queuing for goods and services. Virtually all these conventions invoke 'racial' attributes, tacitly or explicitly, as a criterion for exclusion or inclusion in the dispensation of scarce resources[75].

Without losing sight of the importance of the overt expression of racism, individual prejudices and direct discrimination, 'institutional' racism has become the focus for many critics because it is both more subtle and pervasive. All definitions of institutionalised racism, have a set of common themes, encapsulated by the Stephen Lawrence enquiry as:

> The collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people[76]

Racism in context

In our view what is needed is an understanding of individual human action, set in the context of its dominant organisational and national cultures, anchored in the broader structures of society. In an attempt to integrate these perspectives, we have used Walker et al's notion of contextual racism as that which occurs in certain places, situations or contexts[77]. The question of 'where does discrimination occur' requires an analysis of such factors as: the extent to which discrimination and anti-discrimination are enshrined in law; the demographic composition of an organisational and the extent to which police from the marginalized communities are in senior positions and empowered to affect the culture and practices of the organisation; the extent of oversight and accountability; and the extent and strength of racist prejudices[78].

Chan's addresses the complexity of discriminatory policing its relationship with its social context using two key concepts from sociologist Pierre Bordieu. The *field* refers to a social space of conflict and competition where participants struggle to establish control. In policing terms this consists of the historical and contemporary relationships among different social groups, and between the community and the police. The *habitus* refers to the 'cultural knowledge' and informal structures within an organisation and is triggered by an encounter with a particular field. (see also) Police practice, skills and 'operational common sense'[79] can be seen as the interaction between the social and political context of policework (the field) and the institutionalised perceptions, values, strategies and schemas that comprise the habitus. Chan suggests that the habitus or cultural knowledge in policing can be distinguished by *axiomatic* knowledge (that which constitutes the basic rationale for policing), *dictionary* knowledge (the categorisation of people with whom the police come into contact), *directory* knowledge (which informs offices how to 'get things done') and *recipe* knowledge (which prescribes 'menus' of acceptable and unacceptable practices in given situations)[80]. Changing police culture, in Chan's model, requires changing both the habitus (through internal reform), but also changing the field, including the social economic, legal and political context within which policing takes place. As Brewer puts it:

> Police reform must be part of a wider process of social change which addresses the political and economic problems which the police would otherwise have to deal with… unless the structural inequalities and problems of the society are addressed, no amount of police reform will alter the nature of police-public relations[81]

Policing styles: law enforcement or peace-keeping

Arguably, the most important reform that impacts on both habitus and field is the reformulation of policing from the military to the community model. Community-led policing cannot merely be an augmentation of traditional policing but requires a complete reorientation of the policing role. It requires supportive management, open communications and an emphasis on social rather than physical skills. Priorities would be radicalised in terms of both resources and status of officers involved in these new priorities for instance to address the inadequate service delivery and the use abuse of police coercive powers. Policing conceived of as being community-controlled would be directly controlled by, and responsible to, people at a local level, be concerned with peace keeping, problem solving, and community integration, as opposed to the dominant ethos of 'crime fighting', 'law enforcement' and 'bandit catching'. This means that the conventional top-down, state-centred conception of policing must be turned on its head. The new form of policing must give expression to a 'bottom- heavy' system, where the state police are combined with other sources located within the institutions of civil society (which could be extended to groups and individuals of society), to a situation of 'self-policing', with an emphasis on peace-keeping. The state police play a limited, albeit vital, role in a maintaining safety and peace within communities but radical change to the policing system is required to achieve this.

Personnel, equality of opportunity and equality of service

In a society divided by ethnic, racial, class, tribal and sectarian differences, it is to be expected that the police service will itself be affected by such divisions. If police officers share widely held beliefs that individuals from ethnic minority communities are inferior, if they share stereotypes about ethnicity and criminality, then this is bound to affect the ways in which police officers from different backgrounds relate to one another. Moreover, in many jurisdictions, there have existed specific restrictions on the employment of minority communities that have shaped the contemporary context. A police service which more closely reflects the population it serves is important as a goal in its own right but also contributes towards other ends. For example, it may, in itself, increase ethnic minority communities' 'confidence and trust' in policing and also contribute towards improving service delivery.

Representation and equality of opportunity in policing

The first three police officers from visible ethnic minority communities in England and Wales were recruited in 1966. There has been an increase in the proportion of serving police officers who are from ethnic minorities in 1986 from 0.7 per cent to 2 per cent of the police service as at 31 March 2000[82]. Despite significant progress, this means that minority groups are considerably underrepresented relative to around 7 per cent of the economically active population. The under-representation of ethnic minorities within the police service is

due to both a shortfall in applications, and a lower proportion being successful at the recruitment stage.

Practical efforts to encourage local people from ethnic minority backgrounds to join the police service, such as conducting targeted recruitment campaigns with the assistance of community organisations and contacts, running familiarisation and access courses, placement schemes, and providing application forms in minority languages, are all positive ways forward. However, these efforts are hindered by the fact that applicants will carefully consider their likely experiences of racism and discrimination and negative perception that ethnic minorities have of the police has had an impact of the capacity of police forces to recruit ethnic minority police officers[83].

Despite a long reform process, it is evident that the Metropolitan police rank-and-file occupational culture is based on specific masculine and Anglocentric norms which permeate all aspects of police work and shapes the experiences of ethnic minority police officers. The research evidence shows that African, Caribbean and Asian police officers find racist comments and jokes were routinely part of officers' conversations and have adopted coping strategies to deal with this[84]. Until recently at least, neither supervisory officers nor senior officers appeared to be concerned with challenging and changing this aspect of the police culture[85]. Some officers have brought cases of racial discrimination to industrial tribunals and have received monetary compensation. Black and Asian officers may be marginalised from work and social networks because they do not accept or collude with negative representations of ethnic minorities, or where in the case of some Asian officers, religious observance prevents socialisation that revolves around drinking alcohol.

Although African American officers have been involved in US policing since the 19th century, their progress was blocked by legally enforced segregation and direct discrimination[86]. The employment of black police officers was facilitated by title VII of the 1964 Civil Rights Act which forbade discrimination on the basis of race, sex, religion and national origin and, in particular the 1972 Equal Employment Opportunity Act which authorised the Justice Department to bring local and state governments to court to challenge their hiring practices. Title VII has been interpreted in several court decisions as justifying affirmative action programmes. Quotas - including such practices as promoting a black officer for each white officer promoted - successfully increased minority representation but also led to lawsuits by white dominated police unions. Despite considerable gains since the 1960s, there remains significant under-representation of African American and other ethnic minorities in US police departments.

Testing and selection

If demographic composition of the police service is to more closely resemble that of the community served, in most instances, that the police, need to increase the number of black and ethnic minority officers that they employ. One way to achieve this is to evaluate selection and testing procedures for cultural bias[87]. The obvious example is the dispensing with the minimum height requirement, which placed women and Asian people in particular at a disadvantage at the stage of recruitment. Beyond this however, is recruitment that attracts more minority groups including women and non-visible sexual minorities (Chan 1997). This would not mean lowering standards, but *changing standards*. Such skills as the ability to interpret and translate should be

criteria for selection - a skill that should be appropriately recognised and rewarded as a valuable asset. Arguably, policing in the nineteenth century 'military model' required qualities such as strength and bravery. However, contemporary policing requires general analytic, communication, information technology and other 'knowledge work' skills. Shifting from the axiom of crime fighting to that of 'peace keeping' requires also social skills in conflict resolution, dispute settlement and skills in the maintenance of order by peaceful means rather than the resort to force.

Recruitment targets

Positive or affirmative action schemes aim to achieve equality of representation in a given time. They have a symbolic value, which demonstrates that society regards discrimination as a serious issue and diversity as an important goal. It also enables different communities to throw up talented individuals who may act as role models for others[88]. To avoid a backlash among those officers whose numerical and ideological dominance is threatened, the Charter suggests that public statements to explain why such action is necessary and that such action is not 'favouritism' but stems from a requirement that the police should reflect the community they serve. There is also the danger of disadvantaging relatively underprivileged members of advantaged groups (e.g. working class white women) and miss their real targets by benefiting only relatively privileged members of disadvantaged groups (e.g. middle class men from the minority communities).

In South Africa affirmative action programmes to 'level the playing field' in recruitment to the South Africa Police Service[89], but despite efforts to recruit more women and black officers, it is 'an institution that remains largely unaltered in terms of personnel (especially at senior level)'[90]. In South Africa, the police are often not drawn from the area and community that they serve and so this makes it more difficult for them to build up good community relationships. Indeed, this was a conscious policy in colonial policing and remains a conscious policy in many places. It therefore seems logical that more of an effort should be made to recruit new officers from the areas they will eventually serve although this might risk creating policing enclaves.

The US experience suggests that there is a risk that ethnic minority police officers may be 'ghettoised' by being assigned to predominantly minority neighbourhoods[91]. Specifically using ethnic minority officers to police areas of high ethnic minority settlement may disadvantage them if they do not receive the necessary breadth of experience required to be promoted. It can also perpetuate stereotypes that only ethnic minority officers can police ethnic minority communities. Similarly, in South Africa, black police were only given responsibility for policing black populations. Black police officers were treated worse than their white counterparts and were instructed to leave the European population alone. An important aspect of this is the importance of having officers who can understand the language of the community they are serving and perhaps incentives should be given to those who show an interest in learning the language of those groups that are likely to fall under their jurisdiction[92]. This is highly relevant to South Africa where the police have generally spoken Afrikaans and English but not any of the other languages.

In Britain in 1998, the Home Secretary published local and national targets for the increased recruitment, retention, career progression and senior level representation of ethnic

minority operational and non-operational staff in the Home Office, police, prisons, and probation services (Home Office, 1999). The first progress report on meeting these ten-year employment targets revealed problems in recruiting, retaining and promoting ethnic minorities to meet the targets set in the police service; levels of senior representation still remain low (Home Office, 2000).

Retention

In the light of their experiences on the job, it is not surprising that the 'retention rate' for ethnic minority police officers is lower than for white police officers. In the UK rates for resignation and dismissal from the police service were much higher among ethnic minorities than white officers in 1997/98. Holdaway and Barron's study of the reasons for resignation among black and Asian former police officers found that the unchallenged racist 'banter' within the police force that has turned many officers away[93]. One of their interviewees said: "obviously, it doesn't make you feel good at all because you're working with people who you know, who don't really like Asians and blacks."[94] There needs to be, therefore, positive stances towards policies to deal with discrimination to confront cultural and behavioural issues (HMCIC 1997) - through legal remedies, for example.

As in the USA, in the UK, ethnic minority-run professional organisations – such as the Black Police Association's (BPA) – have been set up to provide support and a forum for ethnic minority officers, and it also to campaign and lobby for reform. The National Black Police Association, established in November 1998 has assisted in the setting up of more than 20 black police associations across the UK, representing the views of black police officers and civilians. These developments have been given support from the police inspectorate who have recommended that police forces have mentoring, informal networking and welfare support as part and parcel of their retention policies[95].

There are two main groups in South Africa which have been formed to try and ensure equality of opportunity for officers once they are recruited into the force, the Police and Prisons Civil Rights Union (POPCRU) and the Black Officers Forum (BOF). Police unionism in South Africa has provided a real challenge to the SAP to speed up the transformation process. The POPCRU is important for two reasons: it helped place democratisation of the police into the forum for debate and it showed the public that some of the police did care about human rights issues. It has had a significant impact on the police force since its formation in 1989, as those in positions of power tend to listen to the union. Three high-ranking black officers launched the BOF in June 1998. It is primarily concerned with transforming the SAPS and represents those who are in positions of management and can therefore initiate changes from the top down. Both of the organisations are positive initiatives as they represent useful internal watchdogs to ensure a positive commitment to reform is adhered to[96].

Promotion

Racism and other barriers to the promotion of black officers in the SAPS has remained and the breakdown of police management where the number of black high-ranking officers are in short supply[97]. In August 1992, black police were for the first time promoted to the rank of general and some of the white generals were given early retirement; with the integration of the

former 'homeland' police forces in April 1994, the situation changed dramatically as 26,000 black police, many of them officers, and including 20 generals, were incorporated into the SAP". By 1995, the SAPS was 35% white, 54% African, 8% coloured and 3% Asian, with women constituting 19% of the force[98]. Ongoing concerns about racism, the abuse power and corruption in the SAPS, led the National Head of Equity in the SAPS to conclude that transformation has not yet occurred in the South Africa Police Service[99].

In March 2000, in England and Wales, only 14 per cent of ethnic minority officers were to be found in the promoted ranks within the police service compared to 23 per cent of white officers. Where promotion is sought, the time to promotion is longer for ethnic minorities. Bland et al.'s (1999) career profiling of a matched sample of white and ethnic minority police officers in eight forces showed that the latter take an average of around 12 months longer to be promoted to the Sergeant rank (five months longer for Asian officers and 18 months for African/Caribbean officers). In recognition of the very serious under-representation of minority officers in the more senior ranks, the Metropolitan Police Service response has been to create a Senior Officer Development Programme for minority officers (HMIC, 2000).

The 1970s and 80s saw the appointment of black police chiefs often, but not exclusively, appointed by the increasing number of black mayors. Reforming police executives have used legislative changes and other measures actively to create fairer recruitment and promotion practices and to end formal segregation within police departments. Black police officers - including Lee Brown (ex Atlanta, Houston and NYPD), Willie L Williams (LAPD) - are among the most respected police reformers and have been credited with regulating police use of deadly force, creating community policing programmes, creating opportunities for women and minority officers and developing innovative programmes to reduce police-black conflict.

Linking equality of opportunity and equality of service

Developing a police service that more closely reflects the society that it serves has been proposed as a means to the end of improving service provision by contributing to the chances that services provide will be appropriate, relevant and accessible to all members of the community. The literature on the criminal justice professions highlights the importance of the relationship between equality of opportunity for employees *within* a service and the quality of service that it provides to the public. Clearly, if a police service cannot treat its own members fairly, it has little chance of treating the public it serves fairly. The idea that officers from ethnic minority communities will treat clients in a more even-handed and sensitive way than white officers is an appealing *assumption.* Perhaps ethnic minority police officers will not operate with the same working stereotypes as white officers and that understanding and respect for ethnic minority citizens will prevent the kind of oppressive policing that has occurred in contexts where local officers are predominantly, or exclusively, white.

Including groups previously excluded can have the effect of transforming the organisation. Arguably, just by "being there" women and ethnic minorities will bring new and different perspectives and become catalysts for change within the organisational culture[100]. The actual positions that minority workers hold is crucial to maximising their contribution to the change process. To have any real effect on service provision, they must be able to contribute to decision-making. The counter argument is that recruiting women and members of marginalized social does not initiate change and that in fact the new recruits 'assume a commitment to the institution and to the status quo and absorb the 'working personality' of

the other officers'[101]. Changes in recruitment policy are unlikely to have an affect in the day-to-day police work unless they are complemented "by significant structural changes in the character of the police organisation related to the normative handling of police-public encounters".[102]

Training

For there to be a real and committed change to a more democratic police force it is necessary for the training and education that the officers are given to be on going. Brewer states that "training in race awareness must successfully relate the concept to the reality of policing, depoliticise it, and show its practical usefulness rather than present it as a moral crusade"[103]. In 1992 the "Policing research Project at the University of Witwatersrand in South Africa carried out a comprehensive survey of police basic training colleges[104]. They argue for a training curriculum highlighting the need for policing based on respect for human rights and community policing, and recommended that training should continue in police stations throughout an officer's career. It appears as though South Africa is now using Britain as its model for training developments as it is open-ended, continual training which is geared towards community policing and social skills[105]. Although training is clearly an important vehicle for implementing change, it can be a shallow and superficial and there serious questions about its effectiveness. For it to be of real value, the skills and knowledge learned in the classroom have to be implemented on the ground. Sometimes the structures of policing and its perceived 'reality on the ground' makes it difficult to implement the new skills[106]

One potentially very useful specialist service that could play an important part of recruitment, selection and training is that of interpreting and translation. This service might begin to address quality differentiation in treatment between white and minority clients, for it might assist those whose mother tongue is not English, to articulate fully their concerns. Such a service should be fully integrated into the institution, however, with the skills of the translators and interpreters fully valued.

Brogden and Shearing argue that the legitimacy of a new policing system in South Africa rests in part on the commitment of state officers to recognise social inequality, and seek to compensate for it by positive action. The first step to such a goal must be located in innovative training programmes, which should, make officers reflective of their own attitudes with accompanying projects, to promote positive images of minorities. Indeed, as The Rotterdam Charter argues that training should help to ensure that officers' personal attitudes are consistent with professional ethics. Police training should include courses in conflict handling skills such as mediation and conciliation[107].

Training needs to be intrinsic and far-reaching. As one of the measures to assure that officers posses the necessary skills to police a plural society it is crucial that the content is of a high quality. Before such a goal can be realised, some critics have suggested a review of teacher training methods which should encourage trainers to recognise and acknowledge their own prejudices and attitudes. The essential function of training for cultural diversity, then, is to remove ignorance and the dogmatism that springs from it. This may be achieved by involving communities, non-governmental organisations and such institutions as schools and universities. However, it is critical to realise that racism gains its strengths from too many

quarters simply to be taught out of existence implying that training is only part of the solution to a far-reaching problem.

Human rights, policing and anti-discrimination

The role of the police lies at the centre of debates about means by which states meet, or fail to meet, their obligations to ensure the protection of the rights and freedoms of the people[108]. Human rights derive from the inherent dignity and worth of the human person and are universal and indivisible. These rights, enshrined in international instruments go right to the heart of crime prevention and policing in that they protect the rights to life, liberty and security of the person and protect against torture, cruel or degrading treatment and unnecessary or arbitrary deprivation of liberty,. These instruments also establish that people deprived of their liberty for whatever reason should be treated with humanity, respect and dignity.

Human rights protections impose both positive and negative requirements on police. The *positive requirement* is for the police to keep people safe or guard their security. This is recognised in the provisions of Article 28 of the Universal Declaration of Human Rights which states that "everyone is entitled to a social and international order in which [human] rights and freedoms… can be fully realised." The *negative requirement* is for the police to guard the liberty of the people through the imposition of constraints on the excessive use of state power. Article 29 of the Universal Declaration of Human Rights states that in exercising rights and freedoms, "everyone shall be subject to only such limitations as are determined by law solely for the purposes of securing due recognition and respect for the rights and freedoms of others and of meeting the requirements of morality, public order and the general welfare in a democratic society."

The use of force is central to policework and this carries the risk that the police will interfere with the human right to life[109] by causing death or serious injury. Two international instruments protect the public against the arbitrary deprivation of the right to life and give guidance to police on the use of force[110]. The 'Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions'[111] and the 'Basic Principles on the Use of Force and Firearms by Law Enforcement Officials'[112] restrict the use of force to that which is objectively reasonable and necessary in the circumstances confronting the officer[113] and require the force used to be proportionate[114].

The right to liberty of the person[115] is also affected by police powers to arrest and detain and this right is protected by Article 9 UDHR which prohibits arbitrary arrest and detention, all of there rights are given force in the ICCPR. People in detention are vulnerable to ill-treatment and to torture, a gross violation of human rights. The right to a fair trial, the presumption of innocence[116] and the prevention of arbitrary interference with privacy[117] are all at risk during the investigation of crime including such practices as the searching of clothing, homes, vehicles and personal possessions, the interviewing of suspects and the taking of intimate samples.

As we have seen, policing frequently bears most heavily on communities defined by their 'race', ethnic origin or other spurious ground, and therefore international instruments

protecting against discrimination are also of crucial relevance to the governance of policing[118]. The International Convention on the Elimination of All Forms of Racial Discrimination (1965) prohibits "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment, exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" and requires states to guarantee full and equal enjoyment of human rights and fundamental freedoms for all[119]. *Article 2* requires states to eliminate racial discrimination in all its forms and to *amend, rescind or nullify any laws* and regulations (local or national) which have the *effect of creating or perpetuating* racial discrimination wherever it exists[120]. The police thus have a responsibility to avoid discriminating and also to avoid practices that sustain, perpetuate or compound injustice in other spheres such as housing, employment, etc. The implications human rights standards in this field is that the police should go beyond avoiding discrimination and work towards eliminating racism and promoting social justice.

In spite of the fact that police officers are frequently cited as human rights abusers and that the police can be, and frequent are, used as an instrument for control and repression, the positive function of the police must be remembered, that is they have the roles of creating social order within which everyone has an equal right enjoy a range of fundamental freedoms, actively protecting the lives and property of all irrespective of 'race' and actively to protect ethnic (and other) minorities from discrimination. The Rotterdam charter[121] enjoins the police to be "gatekeepers of equality, integration and cohesion" and must therefore be "active and reliable… guardians of anti-discrimination legislation"[122].

International human rights instruments set minimum standards for the provision of anti-discriminatory and democratic policing. These international norms have been widely ratified and in many places are enshrined in parallel domestic law. In order for any such international or domestic law to be effective in achieving its desired end, there is a need for robust mechanisms of accountability to ensure compliance.

Accountability

The extent to which the police are accountable to the public they serve has been described as being no less than 'the measure of a society's freedom'[123]. Yet the administrative and legal procedures that should guarantee accountability are often 'seriously flawed' and extremely resistant to change. It is when there are *actual* abuses of police power that issues of police accountability comes to the fore. However, it goes much further than this, encompassing accountability for the routine contacts between the police and members of the public in their capacity as victim, suspect, witness, or citizen requesting service. Police accountability requires those who hold coercive and instrusive powers to explain what actions they take, for what reasons, and with what consequences. These can then be tested against agreed standards and norms of conduct. Where errors and abuses occur, systems of accountability provide the opportunity and responsible authorities to provide redress for injured parties and to learn what went wrong in order to avoid their recurrence. Systems of accountability are also one of the key mechanisms that have been proposed for reducing the extent of discrimination and for developing a greater respect for fundamental human rights and freedoms in policing.

Accountability to the law

It is a central plank of orthodox legal theory that the police are, first and foremost, accountable to the law rather than being arbitrary or based on allegiance to a political party of social group. As a first step this clearly requires that national and local laws are consistent with international norms. However, the 'rule of law' is an abstract concept that must be related to its expression *in practice* to be meaningful. Gilroy and Sim (1987) argue that law, police and court action cannot be separated. Rather than being directly accountable to the law, the existence of discretion in policing means that the law is permissive[124]. The law defines when a police officer *may* act, but cannot direct a police officer to act or act in a particular way in a given instance[125], nor does it act as a control on police activity during encounters with the public[126]. In practice, the law is frequently used as a resource by the police to achieve police defined goals[127]. For example, although the police may only stop and search someone if they have 'reasonable suspicion' or 'probable cause to believe' that an offence has been committed, these concepts are so permissive that, *in practice*, the police can stop and search anyone in almost any circumstance. Hence, some of the abusive practices described above have been facilitated by the law, rather than being prevented by it. Moreover, some laws are constructed in such a way that they systemically disadvantage people from ethnic minorities such as those relating to travel and migration.

Accountability to the state

In an open and democratic society, accountability to the state provides some measure of protection against the abuse of power. In some contexts – and the apartheid regime in South Africa is the best example of this –procedures connecting the state police to the wider society served to facilitate, not prevent police xenophobia, discrimination and the abuse of power. Nonetheless, the police should be directly and unambiguously accountable to democratically elected political authority and to avoid possible abuses by the government decisions and activities should be made as transparent as possible, through lay monitoring[128]. It is important that power over the police is not concentrated into the hands of a small number of centrally located people but should be distributed widely through, for example, committees of political representatives and nominated lay people, responsible to the elected government[129]

In Britain where a 'tripartite structure of accountability' diffuses power'[130], the doctrine of constabulary independence gives a great deal of autonomy and wide operational discretion to the Chief Officer and indeed to operational officers on the street. The police authorities are relatively weak and tend to have insufficient knowledge of policing or ability to use what little power they do have to provide any direction for policing policy and practice., In recent years Britain has seen a shift away from political accountability towards 'financial' and 'managerial' accountability[131]. Managerialist reforms emphasize effectiveness, efficiency, information about "performance outputs" and defines participation in terms of consumers purchasing services. As Jones and Newburn put it, policing in this formulation, is incorrectly presented as a politically-neutral 'technical exercise', the output of which can be measured and thus its performance judged[132]. Much lesser emphasis is placed on responsiveness to elected bodies, direct participation or equity. Consequently, formal democratic institutions play an even more limited role in the development of policy or changing criminal justice practice[133].

Accountability to the community

It has been argued that structures of police governance should reflect the demographic characteristics of the community. However, in each of the places studies, black and ethnic minority communities are under-represented among senior police officers and in police authorities. The idea of policing by consent is compromised if systems of accountability fail to reflect the ethnic diversity of the population. This 'democratic deficit' has long been recognized and attempts have been made to increase the responsiveness of the police to minority communities through the introduction of 'consultative committees' such as those recommended by Scarman. Independent monitoring is important because it offers the opportunity to provide transparency, openness and accountability in policing.

In practice, however, such processes faces great challenges to their effectiveness. In many instances, consultative arrangements have offered few opportunities for local communities to exert any control over the police organisation because consultation does not amount to accountability. Reviews of such mechanisms in England have concluded that they are of marginal importance to the principal areas of police activity[134]. Even the more effective of such consultation mechanisms – such as the Lambeth Community Police Consultative Group – has found that the police often act without informing, consulting the community. As one participant commented at a the Lambeth CPCG Annual General meeting "sometimes they call it consultation when they are just telling you what they are going to do". The deficit in legal and political accountability is not fully redressed by the creation of new systems of 'consultation'.

Along the same lines, Community Consultative Committees were formed in New South Wales in 1987 for a limited number of ethnic minority and Aboriginal communities[135]. However, the literature on these mechanisms shows mixed results. Some spent hours talking about trivia and had little monitoring of their effectiveness. The members of the committee were not truly representative of the community, often representing business and middle class interests and excluding young people; in some places it was clear that the membership of the group was 'chosen for their compliance'. In general the committees lacked influence in the determination and review of operational policing and were seen by the police as 'predominantly vehicles to disseminate information to the community and few saw operational issues as relevant topics for discussion. One patrol commander cited by Chan commented that 'in reality it did nothing' Chan 202). In other cases, however, senior managers were prepared to discuss operational issues raised by lay members including the way in which police questioned suspects and were also willing to admit that the methods used by some police officers were unsatisfactory.[136]

In South Africa the importance of civilian oversight is therefore of the highest importance in creating a force which has the trust of the community it serves. Heymann believes that "the minimum conditions for local control are either that the top leadership of the police organisation can be chosen or removed by representatives of the local community or that those representatives control the amount of resources made available to the police in their area"[137]. Studies of policing in South Africa conclude that a more community-orientated and less militarised police force is required who are and concentrate on a problem-solving style of policing. The National Peace Accord established Local and Regional Dispute Resolution Committee[138] and Community Police Forums were set up in the early 1990's, with varying

degrees of effectiveness depending on the levels of violence in the area[139]. Since 1993 there have been pilot projects in place setting up community visiting schemes, which are closely connected to the Community Forums (CPFs) and allow members of the community to observe and comment on condition s and treatment of suspects detained in police stations[140].

Diana Gordon describes the development of community-police forums which were intended as the mechanisms for implementing community policing in South Africa. These forums were intended to build upon traditions of self-help within black communities and the history of civic associations, street committees and self defence units that filled the vacuum in law enforcement during apartheid. The CPFs had written constitution, a code of conduct and an annual general meeting. They involved police and residents acting in a voluntary capacity and established by the 1993 interim constitution and latterly the Police Service Act. After a promising start, Gordon argues that the influence of CPFs has waned, the range of activities has narrowed and participation has dwindled[141] leading Gordon to the conclusion that 'opportunities for civilian participation in police decision-making are no longer seen as important in the vision for democratic policing[142]. Thus the mechanism that was intended to make citizen scrutiny of police activity a route aspect of democracy in South Africa has 'largely fallen by the wayside'[143]. Crucially, in 1998 a white paper on Safety and Security shifted the CPF functions from 'oversight' of the police to that of 'assistance'.

The reasons that this has occurred in South Africa reflect the situation in the the UK. For example, the police resisted CPF criticism and were hostile to intrusion into their discretionary domain; the committees were not seen as representative of the community excluding young people and tending to be the elite within poor communities and often based on party loyalties; early CPF leaders moved into local politics or were 'hived away' without strong replacements; and the CPFs were sometimes seen as spies for the police. Although there is little agreement on what counts as 'success' in this context, Gordon concludes that there is little evidence of much impact on police accountability. She warns that there is a risk that without the CPFs or some other mechanism for deepening democracy in law enforcement, the police may regress to unresponsiveness and routine violence[144]

Despite the sometime disappointing experience of mechanisms to enable police accountability to the community, we are of the view that this is one of the most important spheres for future work. In the UK, independent monitoring groups have historically been thought of as obstructive and unhelpful by the police. However, in recent years senior police officers have become increasingly conscious of the fact that such organisations provide information about crime and policing that can be gained from not other source. Such organisations are, therefore, of great benefit in both crime reduction and oversight of the police. Independent advisory groups, if they can work to overcome some of the problems set out above, can also play role in creating a greater visibility of policing practices (by using the media and public meetings, for example), a challenge to stereotypical and narrow and discriminatory thinking among police officers.

Accountability for wrongdoing: Complaint investigation and civilian oversight

The process by which the public can formally complain about instances of error and misconduct is the 'touchstone' of police accountability. It is through this process that the police may be called upon to explain and account for allegations of misconduct and impropriety, and, where necessary, provide redress for injury arising from the abuse of force.

If the most serious cases are not dealt with in a way that satisfies the 'consumer' of police services and coercive powers, it is unlikely that the police can be accountable for other aspects of their conduct. Research shows that a higher success rate for complainants, greater understanding and sympathy for those alleging discrimination and more effective procedures and remedies will enhance the credibility of the law in the eyes of ethnic minorities both within and outside of the force[145].

In the UK the way in which complaints by African, Caribbean and Asian people against the police have been handled has been the subject of much criticism from both within and outside the service. The Police Complaints Authority of Britain does not provide breakdowns of complaints against the police by ethnic origin, but since 1990 has collected separate figures for complaints of racially discriminatory behaviour by police officers. In the first full year of recording (1991), there were 49 such complaints, which have increased 12-fold in a decade to 579 in 2000[146]. The substantiation rate for all complaints is about 2 per cent, while that for allegations of racially discriminatory conduct is substantially lower.

The police complaints system in South Africa has also been an area that is entirely unsatisfactory, as complaints were generally handled internally and destruction of evidence was a major problem. However, under the new Constitution the police can be held criminally liable for any violations of citizens rights[147] and the Independent Complaints Directorate (ICD) was established in 1997. The ICD's employs non-police investigators to investigate serious criminal complaints and has the power to launch its own investigations on its own initiative. The requirement that all deaths in custody and as a result of police action be referred to it and investigated by it is an important development[148]. Despite the fact that ICD's formal powers go well beyond those in most other jurisdictions, there are serious limitations on the operation of the process in practice. The ICD has reported 'passive obstruction' and 'pockets of resistance' to its work. Sometimes there are significant time delays in referral and not the Directorate is not able to compel officers to be interviewed nor to initiate its own prosecutions. There appears to be hostility from the public towards the investigation process – one on side from those who think that it is not fully independent and from the other side by those who think that the police should be unfettered in the 'fight against crime'. Perhaps the most significant problem, however, is a lack of resources; the ICD has a total of 37 investigators responsible for examining, at a minimum, the circumstances of 800 'police involved' deaths.

Civil litigation

Perceived and actual ineffectiveness in the police complaints procedure and "fear of themselves being criminalised or harassed"[149] have led victims of alleged police misconduct have forgo the official complaints procedure and have instead taken civil court proceedings for damages against the police. Legal action has a multi-faceted purpose. It firstly identifies and makes explicit problems faced, highlights the plight of a group and acts as a stimulus for employers. Legal reactions can also play in conscious raising as well as being both an incentive and deterrent (for example with large monetary sanctions) so that employers are more likely to comply.

The use of the civil courts has increased dramatically over the past two decades in London. In 1979, only 7 cases against the Metropolitan Police were heard, resulting in

damages of only £1,991 being paid; in 1986, there were 126 cases heard, resulting in damages to victims of £373,000[150]. By 1994/5 in the Metropolitan Police this had leaped to 731 threatened actions, and 1000 in 1996/7[151] while damage payments tripled from £1.3 million in 1994/5 to £3.9 million in 1999/2000[152]. Figures from the USA also indicate very extensive payouts for misconduct. In the five years following the 1991 riots, the Los Angeles Police Department paid out $79m in damages[153].

While the extent of injury settlements suggest that complainants are at least getting redress for the abuse of police powers, there are a number of grounds to be hesitant about calling this a success. Most obviously, it would be far better to spend the costs of compensation plus the costs of administering and defending these cases, on measures to improve public. Only a minority of instances of abuse and complaint result in the award of compensation leaving many complainants dissatisfied and without redress. Finally, the evidence that punitive damages are actually having the effect of improving police practices or restraining the abuse of police powers is equivocal. Civil remedies must always be available, but they cannot substitute for robust mechanisms for complaint investigation and accountability.

Conclusion

[154]Discrimination, xenophobia, intolerance and the abuse of power in policework have wide-ranging consequences. Abusive practices lead to unnecessary deaths, physical and psychological injuries as well as disaffection and frustration. Abusive policing strikes at the very core of the idea of democratic policing. The police are not only guardians of liberty, but also the gatekeepers of the criminal process. Consequently, abusive or discriminatory policing can also be first step towards criminalisation, especially in contexts where prejudice and discrimination in the criminal justice process support or compound police decision-making. While it is tempting to resort to the 'military model' of policing practice in the face of rising or stubbornly high rates of crime and violence, the evidence suggests that this is not only likely to undermine fundamental human rights, but is most likely to be counterproductive. Paramilitary policing is part of a vicious circle that contributes to the criminalisation of marginalized communities, undermines the legitimacy of the state, voluntary compliance with the rule of law and the escalation of violence in the community.

We have examined the various mechanisms through which policing reform has been implemented. The starting point must be a clear and overt commitment to the implementation of democratic policing based on responsiveness and accountability to the community and adherence to internationally recognised human rights standards. Building on these principles, mechanisms to ensure that the axioms of policing are based on the maintenance of peace and the protection of the rights to life, liberty and security of the person; that the police force is internally democratic and reflects the demography of the communities served and is accountable to them. The road to reform is by no means a straightforward and there are powerful forces pushing the police back towards militarism. In the coming years, national and local governments, international observers, academics and most importantly, progressive police officers from senior managers to the officer on patrol, will need to work hard to translate a stated commitment to policing for human rights into effective and fair practices on the street.

Endnotes

[1] Police abuse of force also occurs in countries where social divisions are based not on 'race' or ethnicity, but on class and political affiliation (e.g. Jamaica), religious sectarianism (e.g. Northern Ireland) and tribal heritage (e.g. Rwanda).
[2] Macpherson , W. (1999) *The Stephen Lawrence Inquiry* Report of An Inquiry by Sir William Macpherson of Cluny, Advised by Tom Cook, The Right Reverend Dr. John Sentamu, and Dr. Richard Stone. Cm 4262-1. London: The Stationery Office; Benjamin Bowling (1999) *Violent Racism: Victimization, Policing and Social Contexts* (Oxford University Press). Benjamin Bowling and Coretta Phillips (2002) Racism, crime and justice. London: Longman (in press)
[3] *Royal Commission into the New South Wales Police Service*. (1997). *Royal Commission into Aboriginal Deaths in Custody* (1991); Human Rights and Equal Opportunities Commission (1991) Racist Violence: Report of the National Inquiry into Racist Violence in Australia. Canberra: AGPS; Janet Chan (1997) *Changing Police Culture* (Cambridge University Press)
[4] Warren Christopher (1991) *Report of the Independent Commission on the Los Angeles Police Department (Christopher Commission)*. Los Angeles: City of Los Angeles. Human Rights Watch (1998) *Shielded from Justice: Police Brutality and Accountability in the United States*. New York: Human Rights Watch.
[5] *Report of the Truth and Reconciliation Committee*. (1998); Mike Brogden and Clifford Shearing (1993) *Policing for a new South Africa*. London: Routledge; Gavin Cawthra (1997) *Securing South Africa's Democracy: Defence, Development and Security in Transition*. Hampshire: Macmillan; Gavin Cawthra (1993) *Policing South Africa: The South African Police and the the Transition from Apartheid*. London: Zed Books; Neville Melville (1999) *The Taming of the Blue: Regulating Police Misconduct in South Africa*. Pretoria: Human Sciences Research Council. John Brewer (1990) *Black and Blue: Policing in South Africa*. Oxford: Oxford University Press.
[6] Carl Klockars (1985) *The idea of Police*. Beverly Hills: Sage
[7] In South Africa, Cawthra (1997: 98/-9, op cit) estimates that the workforce of the private security industry outnumbers that of the public police by a figure of around three or four to one.
[8] Bailey, David H. (1985) *Patterns of Policing: A Comparative International Analysis*. New Brunswick, NJ.: Rutgers University Press
[9] Brewer, John (1994) *Black and Blue*. Oxford: Oxford University Press. pp5-10
[10] Victor Kappeler, Richard Sluder and Geoffrey Alpert (1994) *Forces of Deviance: Understanding the Dark Side of Policing*. Prospect Heights Illinois: Waveland Press, pp105-6)
[11] Kapper et al: cited at footnote 10, page 151
[12] Brewer (1994) cited at footnote 10, page 6
[13] Brewer (1994)
[14] Trevor Jones and Tim Newburn (1996) *Policing and disaffected communities: a review of the literature*. A Report to the Standing Advisory Committee on Human Rights. London: Policy Studies Institute. pp3-4.
[15] Jones and Newburn (1996), cited at footnote 14.
[16] Brewer (1994)
[17] The 'community' model has also been referred to as the 'consensual', 'civil', 'democratic', and 'liberal' model.
[18] Robert Reiner (2000) *The Politics of the Police. Oxford*: Oxford University Press
[19] Jones and Newburn (1996), cited at footnoted 14.
[20] At the heart of policing lies a paradox. The police are empowered, expected and required to use violent means to achieve peaceful ends. They are therefore responsible for two kinds of wrongs. If they do nothing in situations of violence and disorder, they do wrong by failing to protect life and property. If they act, the main resource they have at their disposal is coercive force, itself morally wrong. This problem of 'being damned if you do, and damned if you don't' is known by philosophers as 'dirty hands' partly explains the controversy that has surrounds police work (John Kleinig (1996) *The Ethics of Policing*. Cambridge: Cambridge University Press).
[21] Although Scarman criticised the Metropolitan police for inflexibility and the not achieving a balance between 'hard' and 'soft' policing, he did not ultimately reject the military model. In fact, his recommendations in relation to the development of public order training, the acquisition of special equipment etc. have been followed by the creation of a considerable paramilitary capacity within many British police forces, including the Metropolitan police.
[22] Chan 1997
[23] Marks, M. (1999) Changing dilemmas and dilemmas of change: transforming the public order police unit in Durban. *Policing and Society*. Vol. 9. pp 157-179
[24] cited by Bronwen Manby 'The South African Independent Complaints Directorate' in Andrew Goldsmith and Colleen Lewis (eds.) (2000) *Civilian Oversight of Policing*. Oxford: Hart. pp207-8 and Diana Gordon (2001)

Democratic Consolidation and Community Policing: Conflicting Imperatives in South Africa. *Policing and Society* Volume 11 No 2 pp 121-150

[25] Wesley Skogan (1990) *The Police and Public in England and Wales: A British Crime Survey Report*. Home Office Research Study 117 London: Home Office; Wesley Skogan (1994) *Contacts Between Police and Public: Findings from the 1992 British Crime Survey*. Home Office Research Study 134. London: Home Office; Marian FitzGerald and Rae Sibbitt (1997) *Ethnic Monitoring in Police Forces: A Beginning*. Home Office Research Study. London: HMSO

[26] see for example, Institute of Race Relations (1987) *Policing Against Black People*. London: Institute of Race Relations; *The Stephen Lawrence Inquiry* cited at footnote 2.

[27] Institute of Race Relations 1987, Michael Keith (1993) *Race Riots and Policing*. London: UCL Press

[28] Chan 1997, *op cit*

[29] Chan 1997, *op cit*, pp23-5.

[30] Cawthra, Gavin (1993) *Policing South Africa: The South African Police and the Transition from Apartheid.* London/New Jersey: Zed books. p8

[31] David A. Harris (1999) *Driving While Black: Racial Profiling On Our Nation's Highways* University of Toledo College of Law/American Civil Liberties Union June 1999 http://www.aclu.org/profiling/report/index.html

[32] Ogletree et al 1996; see also Skolnick and Fyfe 1993; Christopher Commission 1991; Williams 1996; Human Rights Watch 1998.

[33] Cuneen and Rob, cited by Chan 1997: 23)

[34] McDonald and Biles 1991, cited by Chan 1997: pp)

[35] Smith, David and Gray, Jeremy (1985) *Police and People in London*. London: Policy Studies Institute/Gower

[36] In the British context this is usually used to describe people whose origins lie in Africa or the Caribbean.

[37] Home Office (2000)

[38] Skogan 1990, 1994 *op cit*.

[39] Used to refer to those people who have origins in the Indian subcontinent, the majority of whom have origins in India, Pakistan and Bangladesh.

[40] Home Office 2000

[41] Skogan 1990

[42] FitzGerald and Sibbitt 1997: 66

[43] Jerome Skolnick and James Fyfe, *Above the Law*, (New York: The Free Press, 1993), pp. 146-164, and Paul Chevigny, *Edge of the Knife*, (New York: The New Press, 1995) pp. 48-9. See also Reiner (2000) op cit, p130).

[44] Van der Spuy, supra, note 6.

[45] Bronwen Manby 'The South African Independent Complaints Directorate' in Andrew Goldsmith and Colleen Lewis (eds.) (2000) *Civilian Oversight of Policing*. pp207-8

[46] Johnston, E 1991 *Royal Commission into Aboriginal Deaths in Custody: National Report: Overview and Recommendations.* Canberra: Australian Government Publishing Service.

[47] http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/rciadic/regional/nsw-vic-tas/14.html

[48] Williams, Paul (2001) *Deaths in Custody: Ten Years on From the Royal Commission*. Australian Institute of Criminology Trends and Issues in Crime and Justice Paper 203. http://www.aic.gov.au

[49] Almost three times as many indigenous persons died in prison custody in the decade 1990-99 (93) than in the decade 1980-1989 (39). Williams (2001) *op cit*.

[50] Deaths in Custody Working Group of the Community-Police Consultative Group for Lambeth. (1996) *Lessons from Tragedies: Deaths in Custody in the Metropolitan Police District 1986-95*. London: Community-Police Consultative Group for Lambeth.

[51] Institute of Race Relations (1991) *Deadly Silence*. London: Institute of Race Relations.

[52] Kapper et al p161

[53] ibid

[54] The officers were subsequently convicted of the federal criminal civil rights and sentenced to thirty months imprisonment Christopher, Warren (1991) Report of the Independent Commission on the Los Angeles Police Department. Los Angeles: City of Los Angeles. Human Rights Watch 1998: 201.

[55] See, for example, Scarman 1981

[56] This analysis is based on the work of theorists of the police such as Michael Keith (1993) *Race Riots and Policing*. London: UCL Press; Robert Reiner (2000) *The Politics of the Police* Oxford: Oxford University Press and Janet Chan's (1997) *Changing Police Culture*. Cambridge: Cambridge University Press.

[57] The bad apple or 'bad egg' approach has also been applied to sexism and corruption within police and criminal justice agencies (see Newburn 1999; Human Rights Watch (1998) *Shielded from Justice*. New York: Human Rights Watch)

[58] Christopher Commission 1991
[59] Chan (1997) *op cit*.
[60] Chan (1887), p216
[61] See Smith, D. J and Gray. J (1985) *Police and People in London*. London: Police Studies Institute/Gower. See also the work of Simon Holdaway *The Racialisation of Policing*, Robert Reiner (2000) *The Politics of the Police* and Ben Bowling and Coretta Phillips *Racism, Crime and Justice*. For reviews.
[62] HMIC (1997); Bowling, B. & Phillips, C. (in press) Racism, crime and justice (London: Longman)
[63] See Michael Keith *Race, riots and policing* for a discussion of this perspective in the UK.
[64]Van der Spuy, E. (1990) "Political Discourse and the History of the South African Police". In *Towards Justice? Crime Control in South Africa*, Ed. By D. Hanson and D. Van zyl Smit. (Oxford University Press).
[65] Cited by Brewer1994: 329)
[66] Brewer 1994: p341
[67] See Roger Graef (1989) *Talking Blues*; see also Reiner (2000) and Bowling and Phillips (2002) for summaries.
[68] Sometimes referred to pejoratively or appreciatively as the 'canteen culture'.
[69] Stokely Carmichael and Charles Hamilton (1968) '*Black Power: The Politics of Liberation*. Harmondsworth.
[70] Ellis Cashmore (1996) *Dictionary of Race and Ethnic Relations*. London: Routledge, page 172
[71] John Lea (1987) Police Racism: Some Theories and their Policy Implications. In Roger Matthews and Jock Young (eds.) *Confronting Crime*. London: Sage
[72] John Lea (1987: 148)
[73] John Lea (1987: 149)
[74] Susan Smith (1989) *The Politics of Race and Residence: Citizenship, Segregation and White Supremacy in Britain*. Cambridge: Polity page 101.
[75] Susan Smith (1989, page 102)
[76] Lawrence Inquiry, cited at footnote 2 paragraph 34.
[77] Walker, Spohn and DeLone (1996) *The Colour of Justice*. Nebraska, Omaha: Walker Books
[78] See Bowling and Phillips (2002) for a fuller elaboration of the idea of contextual discrimination.
[79] Roger Grimshaw and Tony Jefferson (1987) *Interpreting Policework*. London: Allen and Unwin.
[80] Chan 1997: 76
[81] Brewer (1884: 348)
[82] Home Office (2000)
[83] Wilson and Holdaway
[84] Holdaway (1996)
[85] A series of reports by Her Majesty's Inspectorate of Constabulary has examined these issues. The first report in 1995 revealed 'wholly unacceptable pockets of racist policing and a striking lack of awareness of, or support for, equal opportunities policies. More recent reports have shown that some progress has been made.
[86]There are a number of other sources on black police in the USA. Attempts in the United Sates to transform the police service into one which reflects the community is served is described in Dulaney's concise but comprehensive history of '*Black Police in America'* (Indiana University Press, 1996) Hawkins and Thomas' 'White Policing of Black Populations', Cashmore's 'Black Cops inc.' (both in Cashmore and McLaughlin, *Out of Order* Routledge (1991); Leinen, S. *Black Police, White Society* (NYU Press 1977); Nicholas, N. *Black in Blue*. New York: Meredith Corporation (1969).
[87] The Rotterdam Charter 1996
[88] The Rotterdam Charter 1996
[89] Cawthra 1993
[90] Marks 1998
[91] Dulaney, 1996; Walker, Spohn and DeLone, 1996
[92] Williams 1993
[93] Holdaway and Baron 1997; Holdaway 1991; Stone and Tuffin 2000
[94] Holdaway and Barron's (1997: 145)
[95] Her Majesty's Inspectorate of Constabulary 1997
[96] see Monique Marks (2000) Transforming Police Organisations from Within: Police Dissident Groupings in South Africa. *British Journal of Criminology*, Vol. 49 pp557-573
[97] Marks (2000) *op cit.*
[98] Cawthra (1997) *op cit.*
[99] Marks (2000) *op cit*.
[100] Jennifer Brown (1997)
[101] Brogden and Shearing 1993
[102] Brogden and Shearing 1993

[103] Brewer 1993
[104] Cawthra 1993
[105] Nel and Bezuidenhout 1995, *op cit*
[106] Marks 1999, *op cit*
[107] Marks 1999 op cit
[108] The relevant international instruments relating to Human Rights, policing and anti-discrimination include the following: The Universal Declaration of Human Rights (1948); The International Covenant on Economic, Social and Cultural Rights; The International Convention on the Elimination of All Forms of Racial Discrimination (1965); The International Convention on Civil and Political Rights (ICPR. 1966); The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Principles on the effective prevention and investigation of extralegal, arbitrary and summary executions; Code of Conduct for Law Enforcement Officials (1979); United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). See Crawshaw, R. Devlin, B and Williamson, T. (1998) *Human Rights and Policing: standards for good behaviour and a strategy for change*. The Hague: Klewer. Hoffman, P. International Human Rights Law and Police Reform in McArdle, A. and Erzen, T. (2000) *Zero Tolerance: Quality of Life and the New Police Brutality in New York City*. New York: NYU Press. Human Rights Watch (1998) *Shielded from Justice* pp111-122; see also Appendices D-H.
[109] Art 3 UDHR
[110] Crawshaw et al p 26
[111] adopted by the United Nations Economic and Social Council, date
[112] was adopted by the Eight United Nations Congress on the Prevention of Crime and Treatment of Offenders
[113] Art. 3 of the UN Code of Conduct for Law Enforcement Officials
[114] Article x UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
[115] Universal Declaration of Human Rights, article 3
[116] art 10 and 11 UDHR
[117] art 12
[118] ICCPR Article 26 asserts that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law
[119] article 1.4
[120] Banton 1996
[121] The Rotterdam Charter was produced by the foundation 'Policing for a multi-ethnic society' http://www.rotterdamcharter.nl/. It has no official status as an international document. It is a model of `best practice' for police organisations in their response to ethnic diversity arising from the initiative based in Rotterdam, and combines the experience of experts and practitioners throughout Europe.
[122] Rotterdam Charter 1996: 10, *emphasis added*
[123] Institute of Race Relations 1987: vii
[124] see Skolnick 1967, Grimshaw and Jefferson 1987; Lustgarten 1986
[125] Lustgarten 1986
[126] Gilroy and Sim 1987
[127] Holdaway 1983, Gilroy and Sim 1987
[128] Brogden and Shearing, 1993). Brewer
[129] Brewer (1990)
[130] In Britain, territorial based policing is governed by 'the tripartite structure' of the Chief Officer, the Home Secretary and the local police authority (comprised of a mixture of elected local representatives, magistrates and government appointees.
[131] Jones and Newburn 1997: 12
[132] Jones and Newburn 1997: 15
[133] ibid. but see also Chan 1997 on the potential for managerial reform.
[134] See for example, Morgan (1989) Commission for Racial Equality (1991: 3)
[135] Chan 1997, page 198
[136] Bul and Strata 1994, cited by chan 1997: 203
[137] Heyman (1983)
[138] Brogden and Shearing 1993
[139] Cawthra 1997
[140] Nel and Bezuidehout 1995
[141] Gordon (2001: 134)
[142] Gordon (2991: 135)
[143] ibid

[144] ibid: 174
[145] The Rotterdam Charter, 1996
[146] Police Complaints Authority 2000: 19
[147] Nel and Bezuidehout 1995
[148] Melville 1999
[149] Institute of Race Relations 1987
[150] Institute of Race Relations 1987: 86
[151] Metropolitan Police 1997: 83
[152] Metropolitan Police 2001
[153] Human Rights Watch (1998)