



ACPOS
Association of Chief
Police Officers in Scotland

RACIAL DIVERSITY

Guidance Manual for the Scottish Police Service

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Introduction

Scotland has a multi cultural society of which it should be proud. Its communities make it a land rich in diversity and human qualities. The Police Service of Scotland has a prime responsibility to ensure that its inhabitants and those who visit live without fear of racial prejudice or discrimination.

The Inquiry led by Sir William Macpherson into the tragic murder of Stephen Lawrence and the criminal investigation that followed, was a watershed in terms of Police and race relations.

Mr Jack Straw, MP, Home Secretary when The Stephen Lawrence Inquiry Report was published, encapsulated much of the spirit of the Report in his response to the text and Recommendations:

“The Police Service and Police Authorities need to rise to the challenge of the Inquiry Report and to commit all of their resources to the service of the community. To do so is in the best and most long-standing tradition of our system of policing. It is an objective which all involved in improving policing services in this country will share.”

The Scottish Police Service has accepted the challenge. Considerable progress has been made. Now the Police and society as a whole must be willing to adapt in order to remove racism in all its forms.

This Racial Diversity Guidance Manual complements the ACPOS Racial Diversity Strategy and will assist Scottish Forces in implementing those Recommendations of The Stephen Lawrence Inquiry Report that are relevant to policing in Scotland. It recommends actions for dealing with racist incidents. It also guides Police Forces towards genuine racial equality within their own organisations.

It sets out to offer guidance and advice on the Key Areas laid out in the ACPOS Racial Diversity Strategy. It is important that any new initiative delivers tangible outcomes. New policies or procedures are laudable objectives but they will not be enough and the work invested in their production will be wasted, unless they are turned into positive action at local levels which seeks both to build trust and confidence and to provide a better service for everyone.

This Guidance Manual has been written by ACPOS for the Scottish Police Service. It has the support and endorsement of the Scottish Executive Steering Group on the Stephen Lawrence Inquiry who were actively involved in its creation. Its significance is enormously important and its contents are such that no police organisation can choose to ignore it. In addition, the Race Relations (Amendment) Act 2000 imposes statutory obligations on Forces and Chief Constables to eliminate all forms of unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups when performing all functions. Strict adherence to the contents of this Manual will not only provide Forces with an ability to comply with this obligation but it will also ensure that the service has an ability to meet any challenges to our policies and procedures in a robust and professional manner. Our commitment to policing a multi-cultural society is based on fairness and equality for all and the service should be viewed as a lead organisation in this regard.

It must not be forgotten that any progress evolving as a result of The Stephen Lawrence Inquiry Report is founded on a personal tragedy. In producing this Guidance Manual, The Association expresses its appreciation to Stephen Lawrence’s family for the devotion they have shown to their son’s memory and their search for justice. Thanks is also given to those whose commitment and hard work has led to the culmination of this Manual for The Scottish Police Service.

The Association of Chief Police Officers in Scotland acknowledge the work carried out by the ACPOS Racial Diversity Strategic Review Team in reviewing this manual. Their work has also prepared the Police Service in Scotland to meet the challenges set out in the Race Relations (Amendment) Act 2000 and be ready for the full review inspection by HMICS as a follow up to their thematic inspection of police race relations.

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Chapter 1

Reporting and Recording of Racist Incidents

1. Encourage and Facilitate Reporting

1.1 The Initial Victim/Police Contact

1.1.1 Introduction

The initial response of the Police to a racist incident, whether perceived by the Police to be serious or otherwise, is crucial in establishing the confidence or, and a good rapport with, the victim. The Police response must reflect some understanding of the victim's experience and perception of the incident.

A racist incident is defined as:

“Any incident which is perceived to be racist by the victim or any other person.”

This definition removes any element of discretionary de-classification, at the initial reporting stage, by the Police. If a crime or incident is perceived by anyone, including a Police Officer, to be racist, then it must be recorded and investigated as such.

To report and record an incident as “racist”, evidence of the aggravation is not needed. Suggestion or suspicion, on the part of any person, is all that is required. When an incident is reported, the Police will not apply any test of whether the suspicion or belief on anybody's part is reasonable or satisfies any evidential requirement.

1.1.2 Summary of Issues

Under-reporting is a major area of concern. There is a strong possibility that the victim will have experienced other racist incidents before contacting the Police for assistance. Police Officers must be mindful of this possibility.

Victims of racism can suffer feelings of isolation and vulnerability. This can result in a single, seemingly minor, incident being experienced in a very acute fashion.

1.1.3 Guidance Notes

- From the victim's perspective, there is no such thing as a trivial racist incident.
- Any racist element or aggravation which is claimed by the victim or any other person must be accepted at face value.
- It is important the first contact between the Police and victim is positive and that the Police Officer receiving initial notification of the incident behaves in a sympathetic and non-judgmental fashion. The victim's perceptions must not be questioned or disputed. A full and transparent enquiry into the circumstances must be carried out.

1.2. Remote Reporting of Racist Incidents

1.2.1 Introduction

Under-reporting of racist incidents is a major concern. The overwhelming body of research indicates most racially motivated crimes and other incidents are not reported to the Police. It therefore becomes extremely difficult to gauge the extent and nature of the problem and to devise strategies which adequately address communities' needs and concerns. Victims go unsupported while perpetrators are effectively empowered to continue.

1.2.2 Summary of Issues

Addressing non-reporting of racist incidents is a complicated matter, the issue being founded upon a complex interplay of understandable anxieties, perceptions, expectations and previous experience. Distrust of the Police, and lack of confidence in our ability and willingness to take tangible action, tend to feature prominently amongst these. Yet it is likely that greater reporting, coupled with an informed Police response and thorough investigations, will over time encourage ever greater numbers of victims to come forward. Encouraging victims to be confident in reporting crime is a clear priority. It will need consistent action and commitment by all officers.

Disseminating information designed to encourage reporting is effective, but is not sufficient in itself as a solution. The most successful initiatives will recognise the underlying issues of distrust and suspicion and engage in partnership with other interested organisations. Remote reporting offers a means of achieving this and offers a route for people, who might not otherwise report an incident, to bring it to the attention of the Police in some other way. This is not meant to replace the usual methods for contacting the police, but to complement and enhance their accessibility.

There is no 'right way' to establish remote reporting. Remote reporting has, in different forms, been undertaken by minority ethnic voluntary organisations for a number of years. Various models, both formal and informal, have been developing in parts of Scotland for some time. The following broad styles can be identified as worthy of consideration:

- (i) Reporting to a third party (eg a voluntary sector organisation, Race Equality Council, Local Authority or local anti-racist group) which then communicates directly with local Police on behalf of the victim;
- (ii) Reporting to a multi-agency reporting centre where there is a Police presence along with representatives from other organisations, where the person reporting may elect to speak to either a Police Officer or some other person at the centre.

Crucial to the success of any remote reporting initiative will be the active support and participation of organisations which are credible to local minority ethnic communities and perceived by them to be approachable. In addition, the representation from the agencies involved must be senior enough to ensure the empowerment of individuals and so facilitate communication and organisational processes. It is important there is shared ownership of the whole concept by participating agencies, and that this ownership percolates to every staff member.

Finally, there will be a need to observe Data Protection Legislation and to ensure that a person who is reporting an incident is fully aware of what agencies might ultimately have access to personal data connected with that incident.

Chapter 1

Reporting and Recording of Racist Incidents

1.2.3 *Guidance Notes*

- Significant under-reporting of racist incidents is a reality and the Police have a responsibility to address this.
- This task cannot successfully be undertaken by the Police alone, and the involvement of other key agencies and voluntary organisations is crucial.
- Remote reporting, in its different forms, represents Best Practice in addressing under-reporting.
- There is scope for a range of remote reporting options and models.
- The success of any remote reporting initiative will be heavily dependent on a number of factors. These will include:
 - the Police commitment to the initiative.
 - a willingness on the part of all concerned to participate actively.
 - the links and communication between these groups and potential victims.
 - an agreed protocol with participating organisations outlining responsibilities.
 - recognition of relevant data protection issues.
 - every effort must be made to ensure victims of racist crime are able to report matters in the language they find easiest to use. Provision of proper interpreting services must be actively considered in every instance.

2. Prompt and Focused Response

2.1 Introduction

The Stephen Lawrence Inquiry Report is critical of the Police in their understanding of the full impact of racist incidents on victims. The impact of racial harassment on victims must not be underestimated. The often anonymous nature of offences and their racist motivation can render the victims particularly vulnerable for a long time. Even apparently trivial incidents can have a most devastating effect upon quality of life and, if they persist, can destroy lives, health and self-esteem, with whole communities being affected. The Police response to racism and its victims must acknowledge and reflect this.

2.2 Summary of Issues

When a person reports a racist incident, their trauma and distress may reflect the experience of previous victimisation. The impact extends to everyday quality of life, family, friends and acquaintances and, in some cases, the whole community. Any belief that racist crime demands no greater response than mainstream crime is false.

Victims of racism experience criminal victimisation in a fashion which is in many ways unique and it is a reasonable assumption that they may have experienced moderate to high levels of victimisation prior to making contact with the Police. Racist crime is systematic, sustained, degrading, humiliating and a constant factor in victims' quality of life.

The context within which a racist incident has taken place is critical. Objective grading, based solely on the physical extent of what has happened, will fail to do this. Unless there are compelling reasons for not doing so, victims should be seen and interviewed by a Police Officer at the earliest opportunity and areas for follow up action identified and pursued with vigour.

A crucial issue for the victim, following the reporting of an incident to the Police, is continued contact. Absence of follow up contact by the Police can create a strong impression of inaction. During this period, it is likely that any witnesses will have been traced and interviewed, efforts made to identify and trace any suspects, and other available evidence collected. If the victim is not informed of progress, this good work will be in vain and the impression will be that nothing has been done. The victim's **perception** of the Police response becomes the **reality**, not only for them, but also their family, friends, business associates and any others with whom they discuss their experiences.

The Police response must be robust and victim-centred. The victim must be kept fully apprised of the progress of the investigation. The following represents best practice:

- Written confirmation of the incident's classification as racist in language the victim finds easiest to understand
- Verbal/written advice on Police investigations, standards of proof, the role of the Procurator Fiscal and the Court
- Regular updates on the course of the inquiry from the Investigating Police Officer
- Notification, preferably by the Investigating Officer, of the final outcome of the inquiry
- Written confirmation (again in a suitable language) of the final outcome

2.3 Guidance Notes

- Racist incidents are not trivial.
- Any police response must reflect the ethos that victims of racism are particularly vulnerable.
- The initial response and subsequent investigation must receive a high priority.
- Be positive, sympathetic and non-judgemental.
- The investigation must be thorough and professional.
- Regular contact must be maintained with the victim(s) to provide reassurance.
- There are specific offences for racism—know your powers.

Chapter 1

Reporting and Recording of Racist Incidents

3. Comprehensive Recording and Monitoring

3.1 Introduction

The Scottish Police Service must identify, collate and monitor reported racist incidents nationally, by Force Area and at local levels. Although Scottish Police Forces collect information in respect of racist incidents and store the data separately, it is envisaged that such information will be collated and used to best effect.

3.2 Summary of Issues

Data relating to racist incidents may, in its most basic form, be used to inform community representatives and interested organisations of the nature of reported racist incidents in a given locality. While the reliability of figures held by the Police must always be balanced against the under-reporting issues discussed above, they usually constitute the only tangible and collated information available and are therefore keenly sought and examined by minority ethnic communities. Forces should be willing to share details of racist incidents, the types of crimes involved, where these incidents took place and the outcomes of investigation.

There is great potential for use of this monitoring data in a proactive context, for example to identify serial victims who may require specialised assistance and support, to enable targeted Police activity in identified areas of high prevalence, or to facilitate local awareness/crime prevention initiatives.

A minimum standard of information should be routinely collected and stored for proper analysis. This should include:

- date and time of incident
- locus (eg street name, town, etc)
- description of locus (eg private dwellinghouse, street, place of worship, etc)
- nature of incident
- age, gender and ethnic origin of victim(s)
- numbers of repeat victims
- details of Police action taken
- result of investigation (including whether the perpetrator has been detected)
- name, address, age, gender, ethnic origin and description of perpetrators/suspected perpetrators

Forces should ensure complex recording and reporting mechanisms are easy to use and do not require a disproportionate amount of time and effort to operate. To allow comprehensive analysis to be carried out, the standard and quality of information provided by staff should be closely scrutinised in every case. Similarly, any remote reporting projects should be structured to ensure this minimum standard is attainable.

3.3 Guidance Notes

- Forces should collect comprehensive data for all reported racist incidents to the minimum standard described above.
- The mechanisms for gathering information must be straightforward and their effectiveness inspected regularly.
- Information must be readily accessible and capable of being separated from other types of crime.
- Forces should be willing to disseminate this information to those representing the interests of minority ethnic communities and use it for local analysis enabling proactive policing and problem-solving initiatives.

1. Good Practice

1.1 Introduction

This Chapter offers guidelines on the following issues:

- The Police response to, and investigation of, racist crime.
- The structure, resourcing and effectiveness of such investigations.
- Major Crime Review procedures.
- The requirement to ensure that Police procedures at the scene are professional, consistent and involve co-ordination of uniform and CID activity. Ensure that attendant supervisory officers fulfil their command responsibilities.
- Efficient recording and retention of information and policy decisions in investigations.
- The provision and deployment of appropriately selected, fully trained and briefed Family Liaison Officers.
- The pro-active use of local contacts within minority ethnic communities to assist, where appropriate, with family liaison, victim support and the handling and interviewing of sensitive witnesses, including relevant training.
- The development of guidelines for dealing with victims and witnesses of racist crime.

1.2 Responsibilities of the First Officer at the Scene

The following section is extracted from the ACPO Guide to Identifying and Combating Hate Crime (2000).

1.2.1 Initial Investigation

Officers must consider how victims may perceive Police Officers on a first encounter and officers must treat victims accordingly. Racist incidents may create a terrifying and traumatic effect on victims and their families. Officers must be sensitive to this. They should provide immediate support for the victim and carry out a full and transparent investigation into the circumstances.

It is often the case that the actions taken and decisions made in the first 24 hours and especially in the first hour of an incident, are of vital significance to the success of an investigation. The initial hour has been described as the '*golden hour*' where decisions and actions are likely to have the most profound impact.

A key message with racist crime, as with any other, is that scene preservation is the first step towards success. The basic principle that the victim, suspect and location are all to be treated as scenes of crime must not be overlooked. We may only get one chance. Memories may be retrieved but lost forensics cannot.

An aim of the Service is to reduce racist crime by utilising all forms of intelligence and a proactive approach to target offenders. The loss of small pieces of intelligence from apparently insignificant incidents can weaken the overall intelligence focus on offenders and may reduce the chances of success. Intelligence is of no value unless it is fed into the system for use.

It is important that assumptions are not made that prejudge the facts or narrow the scope of the investigation from the outset. Early identification of a racist incident and the use of forensic services should be considered at an early stage to preserve evidence that may otherwise be lost.

1.2.2 Initial Risk Assessment

The role of the first officer at the scene is vital and their investigation must include a risk assessment of urgent priorities. These include the physical safety of the victim, the protection of property and the apprehension of suspects. Due to the sensitivities involved it must be appreciated that poor handling of an incident at the initial stages could be damaging, not only to the victims, but also to the Police Service.

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If an incident is or has the potential to become serious or where media coverage is unavoidable, a supervisor must be informed and immediate steps taken to stabilise the situation. Such action is likely to include the early use of police media specialists/press officers. It is important to harness the media to inform accurately when there is bad news and to promote good news to fill any information vacuum. Speculation and rumour can be a recipe for unrest. It is especially important to engage the help of community partners or other appropriate agencies.

When initially attending the scene of a crime, all officers should guard against throwaway comments, particularly those that are inappropriate or open to misinterpretation. These can cause offence and have a lasting adverse impact on relationships between victims, families, witnesses or the community, and the police.

Comprehensive statements should be taken from the victim and any witnesses preferably by an officer who has been PRICE (national standard for investigative interview) trained. Statements must contain:

- evidence to support the alleged offence.
- where appropriate, evidence of previous victimisation by the suspect and any violence or threat of violence involved.
- other relevant factors including the impact on the victim/family.
- when interpreters are used, the investigating officer must still conduct the interview and supervise the interpreter to ensure that the evidential issues are covered in sufficient depth and to ensure that unwarranted assumptions are not made.

In all cases of racist hate mail, investigating officers should give due consideration to submitting the mail for forensic examination. There are a number of tests that can be conducted such as examination for indented writing, handwriting, DNA and fingerprinting.

1.2.3 First Line Supervision

First line supervisors must ensure that:

- all Racist Incident Monitoring Forms and crime reports are supervised at the earliest opportunity to ensure a high standard of initial investigation.
- all relevant intelligence reports are completed and correctly submitted/circulated.
- in appropriate cases circulation of suspects on the PNC is carried out as promptly as possible.
- expert resources are fully utilised, eg Crime Prevention Officer, Family Liaison Officers, Scene of Crime Officers, Photographers, Forensic Medical Examiners, Local Authority Officers (eg housing, Social Services).
- all racist crimes should be brought to the attention of the Duty Officer.

1.3 Major Crime Investigations

Evidence at the Stephen Lawrence Inquiry demonstrated that the murder investigation was under resourced. Having clear, documented policies for the command and resourcing of major police investigations is important as these policies, if properly implemented, demonstrate openness, transparency, accountability and a structured response. They help to counter suggestions or accusations that resourcing is random, based on expediency or influenced by prejudice.

Each Force should produce and implement a **Major Crime Logistics and Resource Management Policy** which outlines in detail the Force response to major enquiries. It should address the following issues:

- Categories of major crime investigation
- The rank of the Senior Investigating Officer
- Initial resource deployment
- Resource and financial updates
- HOLMES
- Monitoring, review and suspension of major investigations
- Senior Investigating Officer in unresolved cases

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The production and implementation of such a Policy is endorsed by ACPOS Crime Committee. It ensures a swift deployment of resources and managerial expertise, which is most likely to secure a successful outcome. Such a Policy provides practical guidelines to Senior Investigating Officers during the initial phase of major investigations.

The ACPOS Crime Standing Committee Investigations Sub Committee has introduced the introduction of Crime Scene Management Logs and Crime Scene Production Logs. Both these documents have greatly enhance the investigation of major crime.

1.3.1 *Guidance Notes*

- Each Scottish Force should produce and implement a Major Crime Logistics and Resource Management Policy.

1.4 Major Crime Investigation Reviews

The benefits of reviewing major crime investigations are widely recognised throughout the Police Service, the object being to assist and support Senior Investigating Officers with the identification of offenders. It also secures all available evidence which may be necessary to institute successful prosecutions. Reviews also serve to identify good and bad practice which will benefit the management of future investigations. Reviews are not limited to murder enquiries as they can be applied to most investigations.

ACPO has recently produced updated guidelines on review procedures which have been endorsed by ACPOS Crime Committee and distributed to all Scottish Forces. These guidelines provide a national standard which Forces, if they have not already done so, should utilise to produce and implement documented Major Crime Investigation Review Policies.

The use of Major Investigation Debriefing Documents is good practice. When concluded, all major investigations should be subject to debrief. Senior Investigating Officers should complete a Debriefing Document highlighting good practice and methods adopted to resolve problems encountered. This information is then disseminated to Crime Managers. Further enhancement of the debriefing process can be made by use of Review Panels consisting of key personnel from the investigation and from appropriate Command Officers.

1.4.1 *Guidance Notes*

- Each Scottish Force should produce and implement comprehensive Major Crime Investigation Review Policy Documents based on the revised ACPO guidelines endorsed by ACPOS Crime Committee and incorporating Best Practice.
- Scottish Forces should adopt Major Investigation Debrief Procedures as a method of identifying and disseminating good practice at the conclusion of each major investigation.

1.5 Role of Supervisors at Crime Scenes

There was criticism levelled in The Stephen Lawrence Inquiry Report at the failure of supervisors who responded to the incident to assess the situation, take control, decide priorities and strategy, establish clear lines of communication, effectively deploy available resources and generally take any form of reasoned, positive action. There was also a lack of co-ordination between Uniformed and CID Officers present at the scene.

The issue of the role of Supervisory Officers at major crime scenes is relevant to Scottish policing. The majority of serious criminal incidents are initially responded to by available uniformed personnel, which often includes uniformed supervisors, generally Sergeants and Inspectors, but on occasions Chief Inspectors and Superintendents.

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The majority of major crime investigations in Scotland are conducted throughout in a professional, harmonious manner with complete integration of the efforts of both uniform and CID personnel. However, as occurred during the criminal investigation into the murder of Stephen Lawrence, failure can result if command structures are ambiguous and lines of communication inadequate. Supervisory Officers must acknowledge and accept the operational command responsibilities inherent in their rank and be ready to exercise these responsibilities when the occasion demands.

Training at the Scottish Police College for supervisory ranks has been predominately management based. Senior Officers are given training in relation to Major Incident Control which is essentially different from Crime Scene Management. Crime Scene Management and the role of supervisors at the scene of crime are covered on First Line Managers, Newly Promoted Inspectors and Senior Investigative Officers training courses held at the Scottish Police College.

1.5.1 *Guidance Notes*

- Supervisors should be quite clear that, when attending scenes of crimes or incidents, particularly those of a serious nature, seniority equates to responsibility and accountability for effective management of the Police response, regardless of the presence of CID personnel of junior rank. They should satisfy themselves that all appropriate procedures have been adopted and all priority avenues of enquiry pursued. This role should be maintained until the arrival of the Senior Investigating Officer, if appointed. Good communication and co-operation between CID personnel and all supervisors are critical.

1.6 **Recording and Retention of Information**

The Stephen Lawrence Inquiry Report highlighted inadequate and complacent procedures and practices in relation to the recording and retention of information during every stage of the murder enquiry. The poor recording of information, particularly with regard to policy decisions taken, rejected or ignored in the immediate aftermath of the murder, was the subject of particular criticism.

These issues are of equal importance and relevance to Scottish policing. Procedures for recording information during incidents and major enquiries (such as use of notebooks, scene logs, policy books etc) must be robust and effective. Problems arise when those procedures are either not, or are incorrectly, implemented.

It is crucial that officers attending the scene or otherwise involved in incidents or crimes of a serious nature, record all relevant details in their official notebooks. Supervisors, indeed any officers making policy decisions, should similarly record those decisions, with supporting rationale.

In the main, police officers dealing with immediately serious incidents and crimes do so in an efficient and competent manner ensuring scene preservation, maintenance of scene logs etc. Problems can arise when officers deal with what initially appear to be less serious crimes. Supervisors, if they become involved, tend to make decisions and issue directions which can have significant consequences (eg the arrest and detention of individuals) but seldom log or record policy or other decisions taken by them or submit statements to the officer in charge of the enquiry. It is generally only when a Senior Investigating Officer takes command that policy matters begin to be recorded.

The Human Rights Act 1998, places an onus on the Police Service to ensure detailed recording of events. It is clear that procedures and practices require to be more comprehensive and professional. It is recommended that Forces implement robust systems to facilitate recording of resource and policy decisions made by officers who initially attend serious crimes or incidents. Such systems provide a focus for supervisory activity and would have the added benefit of recording decisions made by different supervisors attending the scene at various stages of the investigation.

Major Investigation Policy Files have been adopted by ACPOS for use by the Scottish Police Service. Senior Investigating Officers should ensure that all policy decisions are fully recorded in a manner which will stand objective scrutiny. The Scottish Police College provides training on maintenance of Policy Files at Advanced and Senior Detective levels.

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Proper archiving of records relating to serious crimes and major enquiries is an issue which requires to be addressed in light of the establishment of the Scottish Criminal Cases Review Commission and historical detections resulting from technological advances such as DNA Profiling and Automatic Fingerprint Recognition. It is important that a national standard on retention is developed. This issue is currently being examined by the ACPOS Crime Committee. Forces must continue to ensure that archiving and production storage procedures and guidelines are effective and efficient.

16.1 *Guidance Notes*

While many of the following points are standard Police procedures, there is scope for improvement and all officers must strive to achieve the highest professional standards.

- All Officers attending the scene of, or otherwise involved in, crimes and incidents, particularly those of a serious nature, must ensure they make comprehensive notes, in their official notebooks, of their observations, decisions, involvement with witnesses, suspects or accused persons, either at the time or as soon as practicable thereafter. They should also timeously submit operational statements to the Officer in Charge of the enquiry fully detailing their involvement and specifying actions and decisions taken by them.
- Supervisory Officers making policy decisions pertaining to crimes and incidents should record all such decisions, together with supporting rationale, in their official notebooks. Negative decisions (where, for example, a particular action is considered but rejected) should similarly be recorded. These entries should be timed and dated.

Each Scottish Force should review existing arrangements to ensure that procedures and guidelines relating to the retention, archiving, storage and supervision of documentation and productions, relating to serious crimes and major enquiries, are effective and efficient.

2. Victim Support

2.1 Family Liaison

The most serious racist crimes and incidents will engage Family Liaison Officers (FLOs). Over recent years, all Scottish Forces have deployed Family Liaison Officers during major investigations, principally murder enquires. It is now widely recognised that procedures and practices relating to the remit, selection, training and support of FLOs were previously inadequate.

The following are now considered key points in making best use of Family Liaison Officers:

- Clear terms of reference—to include job/role description and person specification
- An established selection procedure with criteria
- Nationally agreed and accredited training standards
- A support strategy to encourage FLOs to manage themselves and their work
- Initial and thereafter regular consultation to take place with FLOs and others involved in major investigations, for example SIOs

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An established Role/Job Specification for FLOs includes the following core tasks:

- obtaining relevant background details of victim and family members
- acting as consultant to the family in respect of legal procedures (pertinent to the enquiry)
- acting as consultant to the family in respect of Police investigation procedures
- ensuring the family receive appropriate written guidelines and information
- advising the family on the progress of the investigation
- advising the family on the existence and role of appropriate support agencies and how to contact them
- acquiring and documenting all relative intelligence and evidence related to the family and people associated with it
- ensuring that all such intelligence and evidence is appropriately and timeously submitted

The Scottish Police College has developed a Family Liaison Officers Course which is now well established. A key part of the Course is to focus on the operational implications of ethnic and cultural diversity. Selection is based on skills, acumen, enthusiasm and preferably experience in investigative interviewing techniques.

The Stephen Lawrence Inquiry Report requires Senior Investigating and Family Liaison Officers to provide for the satisfactory management of family liaison, together with the provision to a victim's family of all possible information about the crime and its investigation. At the beginning of a major investigation the SIO, in consultation with the designated FLO, should formulate and record in the policy file, a Family Liaison Strategy. The nature of this strategy and information provided to family members will depend on the circumstances of the case. The disclosure of information to any individual or organisation outwith the Police investigation team requires careful consideration by the SIO. The strategy should facilitate the provision of relevant information to the family provided it does not relate to sensitive issues or is likely to jeopardise or compromise operational effectiveness or security. The release of information is a matter for the professional judgement of the SIO. FLOs should not disclose information about the investigation to relatives or others without the authority of the SIO.

The role of mentor to Family Liaison Officers is vital and must be clearly defined in every case. They must be in a position to offer full, undivided attention to the interests and welfare of FLOs. The identification of who should be a mentor is presently the subject of discussion and consideration. At present it is a matter for individual Forces.

2.1.1 *Guidance Notes*

- The Senior Investigating Officer, at the beginning of a major investigation, should formulate a Family Liaison Strategy which should be the subject of regular review.
- Whenever possible fully trained Family Liaison Officers will be deployed during major investigations. Forces are strongly encouraged to consider the use of mentors for FLOs.
- Family Liaison Officers should be dedicated primarily to this role for the duration of the investigation. Any decision to deploy FLOs on duties unconnected with the family should be recorded by the SIO or their deputy in the Policy File which should include the rationale supporting this decision. Such duties should also be recorded by FLOs themselves.
- The Senior Investigating Officer and/or their deputy, during a major investigation, notwithstanding the deployment of FLOs, should maintain personal contact with the victim's family in order to assess the quality of service provided, intervene to address or remedy any complaint or dissatisfaction and prevent any perceived marginalisation.
- Complaints from family members, together with actions taken to remedy or address those complaints, should be recorded on the Investigation Policy File by the SIO or their deputy. Requests from family members which are declined or acceded to should similarly be recorded together with supporting rationale. Any complaint or denied request should be notified to the Senior Investigating Officer's line manager.

2.2 Victims and Witnesses

The Stephen Lawrence Inquiry Report was critical of the insensitive and unprofessional treatment, by the Police, of victims and witnesses during the murder enquiry. It highlighted the need for guidelines for dealing with victims and witnesses, the use of contacts within minority ethnic communities to assist with family liaison, victim support and the handling/interviewing of sensitive witnesses.

Victim Support Scotland is the main support service for victims in Scotland and is staffed mainly by volunteers. It provides support and advice to victims regarding Police and Judicial procedures. Few volunteers are drawn from minority ethnic communities.

The pro-active use of contacts within ethnic communities to assist with family liaison, victim support and the handling of witnesses should be supported. This must always be in a professional context with proper consultation, training and support. However, there are complex issues involved which ought to be recognised of which the following are examples:

- Some people may be reluctant to engage with the Police, either through distrust, or through a desire for non-involvement with the 'system', preferring to deal with situations within their families or communities. Cultural and religious beliefs may prevent victims and witnesses from seeking or accepting assistance from support workers and counsellors drawn from their own communities. There can be a concern on the part of victims and witnesses that the close-knit structures of some communities may compromise the confidentiality of any counselling done by volunteers.
- Differences which may exist within communities in Scotland, such as religion and gender role.

Good practice can be achieved through widespread commitment, co-operation, understanding and respect, all of which are essential pre-cursors to successful partnership working.

ACPOS and Victim Support Scotland are working together on a joint strategy to ensure equality for victims and witnesses of crime through an inter-agency Racial Equality Working Group.

A Recommendation of The Stephen Lawrence Inquiry Report to develop guidelines for the handling of victims and witnesses, particularly in the field of racist incidents, is being developed in the context of the Scottish Strategy for Victims published by the Scottish Executive.

2.2.1 *Guidance Notes*

- Police Officers must review existing arrangements to ensure victims and witnesses are treated in a professional manner with tact, fairness, compassion and respect.
- Each Scottish Force, in consultation with local Victim Support Services and organisations/groups/individuals representing minority ethnic communities, should endeavour to establish local structures and procedures designed to utilise the assistance of minority ethnic contacts in relation to victim support, family liaison and the handling/interviewing of sensitive witnesses. All such activities must follow structured procedures to ensure the integrity of a case is not compromised.

Chapter 3

Policing Our Communities

1. Multi-Agency Working

1.1 Introduction

In addressing community problems, it is increasingly apparent that a number of Police functions intersect with those of other statutory and voluntary services. All confront aspects of common social problems whose often complex nature mean that no one service can work effectively in isolation. An atmosphere of collaboration and trust between the interested agencies must be cultivated.

1.2 Summary of Issues

There are advantages to be gained in supporting and becoming involved in the work of multi-agency alliances at all levels. Informal alliances, including police, local authority and voluntary organisations, have been going on for a number of years in different parts of Scotland. Almost all local authorities are now progressing locally focused community safety strategies in partnership with different agencies, including the Police. Some of these specifically address the issue of racial harassment and have resulted in the establishment of multi-agency working groups. In some areas, the Police have taken the initiative themselves and either taken the lead in setting up multi-agency alliances or have developed close links with activist groups which represent the interests of local minority ethnic communities.

There is no one 'right' way of multi-agency working in a race relations context. The success of a multi-agency alliance is not dependent upon its model or structure but on who is involved and what it does. Each alliance has the potential to develop preventative measures as well as measures designed to tackle reported racist incidents and agreed protocols on information sharing.

Multi-agency working can only be a valid exercise if it has the potential to make a difference to the lives of ordinary people. The activity and energies of all concerned will be wasted in the absence of a visible difference.

Multi-agency alliances should agree a remit which sets out:

- the purpose(s) for which the alliance has been established
- the responsibilities of each member organisation
- which sources the alliance will draw for information

It is important to acknowledge that any agency's commitment to multi-agency working will be additional to its core functions. These functions may limit the extent to which collaboration and information sharing may properly and ethically occur, a tension which is likely to arise in respect of statutory bodies. A different problem may be experienced where voluntary sector organisations are concerned. These agencies often have to contend with severe funding and staffing constraints, which may in turn limit the extent to which they are able to actively participate in and contribute to any alliance.

1.3 *Guidance Notes*

- Creating, or having representation on, a multi-agency alliance is not in itself a solution to local racist crime and other problems, but rather a key precursor to finding and implementing lasting and satisfactory solutions.
- Multi-agency alliances need not follow one particular model; what is appropriate in one locality will not necessarily transfer successfully elsewhere.
- An alliance must remain focused on finding tangible solutions to problems.
- The alliance should operate according to an agreed and clear action plan, which sets out the problem(s) to be addressed and participants' responsibilities.

Chapter 3

Policing Our Communities

2. Prevention

2.1 Introduction

Crime prevention is essential in any community Policing Plan and has particular relevance for racist crime. There are many elements to any programme which sets out to prevent or reduce racist crime. Some examples of these are considered below.

2.2 Education

The Stephen Lawrence Inquiry Report proposes a citizenship education programme to deal with the fact that racism is a learned behaviour.

Citizenship education is essentially about how people should treat each other. It might be argued that this responsibility falls well outwith any Police remit, and that education issues have little real impact on the Police Service. The reality is that many community-based policing initiatives intersect with local primary schools, secondary schools and local education authorities. There is no reason why any anti-racist education programme should not include a contribution from the Police. Much racist behaviour is, after all, criminal in nature.

Any Police input ought only to be delivered at the request of a school, be a part of a far broader school-led awareness programme, and complement the work which is being done by the school concerned. It is neither appropriate that the Police take the lead in this connection, nor that a Police input should be given without adequate supporting teaching being carried out in the school concerned.

Local Police Officers should maintain close liaison with schools, colleges and other places of further education to address any racist issues which may arise where a Police involvement is desired.

2.3 Intelligence-Led Prevention

Chapter One of this Manual focuses upon the importance of gathering as much information as possible on racist crimes. Wherever possible, relevant information should be extracted and entered on local criminal intelligence databases and SCRO as appropriate.

Local activist groups and individuals, small business owners, community support groups and religious establishments may prove to be valuable sources of intelligence in this connection. It is fair to say they have been an under-used resource by Police Officers until now. They may have access to details of unreported incidents, or else have a good idea of whom the main local perpetrators might be.

The value of 'open-source' intelligence should not be overlooked. The Internet, for example, is a key source of information, drawing as it does on information publications and organisations on a global scale. Other 'open source' intelligence would include the mass media, magazines and newspapers, leaflets and local interest groups' publications.

It is vital that intelligence remains dynamic in its effect and is not merely gathered for the purpose of storage. Active use of local Tasking and Co-ordinating Groups can be of great value in addressing local racist crime. Some examples of methods, by no means exhaustive, are:

- Identifying trends and 'hot spots', which may focus upon a small part of a neighbourhood, a place of worship, small late-hours businesses, etc.
- Identifying the most commonly committed/reported types of incident to shape the nature of the Police response. If, for example, street assaults were a major issue, then the policing tactics employed in response would be very different from those where a neighbouring family was the source of trouble
- Identifying key days and times incidents occur
- Victim profiling
- Suspect identification and profiling, which can in turn enable proactive targeting

2.4 Use of Intelligence and Evidence Gathering Technology

Racist crime can differ from other crime categories in the availability of evidence. The often insidious and planned nature of many racist crimes can mean that the perpetrator(s) take suitable precautions to avoid coming into direct contact with the victim, or else ensure that no eyewitnesses, other than the victim, are present.

In either case, deployment of CCTV, either covert or overt, coupled with suitable audio recording, can assist in evidence collection. This might be installed at the victim's expense (for example in the case of a small business) or provided for a limited time by the Police in certain circumstances. CCTV can be a powerful tool in strengthening a victim's sense of safety and security and can assist in gathering evidence if certain prescribed guidelines are followed, but it cannot be considered a solution to a problem in its own right, and should not be described as such to victims. Rather, it ought to be considered as a useful element of a broader preventive or evidence gathering process, and should be supported by other proactive measures.

2.5 Prevention through Legislation

The most common use of legislation as part of a preventative measure in combating racist behaviour will involve reporting individuals to the Procurator Fiscal/Reporter. The decision as to whether offenders appear at court from custody, undertaking or summons will depend on the circumstances and instructions issued by the Lord Advocate.

The **Crime and Disorder Act 1998** introduces a new offence of racially aggravated harassment to cover cases where a person pursues a racially aggravated course of conduct that amounts to harassment of a person, or acts in a manner that is racially aggravated and which causes, or is intended to cause, a person alarm or distress.

Whilst the above legislation creates the offence, any contraventions are under the **Criminal Law (Consolidation) Act 1995** which must be utilised to the fullest effect:

- **Racially Aggravated Harassment:** This is intended to combat instances of serial abuse. Evidence of two or more incidents is all that is required to prove this offence which is an offence in its own right. For example, continued harassment by local youths at premises occupied by a member of a minority ethnic group. (*Section 50A(1)(a) Criminal Law (Consolidation) Scotland Act 1995*).
- **Racially Aggravated Conduct:** This is to be used for single events where conduct similar to a breach of the peace is displayed but where there is a racial element present. For example, youths chanting racial abuse at a minority ethnic shopkeeper. (*Section 50A(1)(b) Criminal Law (Consolidation) Scotland Act 1995*).

Section 96 Crime and Disorder Act 1998—requires the courts to take into account of any established racial motivation IN ANY OFFENCE as an aggravation. The racial element will need to be libelled in the indictment or specified in the complaint.

Consideration should also be given to using offences under **Public Order Act 1986 Part 111**.

When submitting a report to the Procurator Fiscal, Investigating and Reporting officers should also be prepared to include requests, where appropriate for Bail Conditions to be imposed. This is seen as a practical deterrent in combating racist crime. A racist warning marker will identify a person convicted of the above crimes.

In cases where there is insufficient justification to detain a person in custody, consideration should be given to securing their appearance at court by means of an Undertaking. This will speed up the judicial process and if used in conjunction with requests for Bail conditions and the support the victims of racist crime will be enhanced. Lord Advocate's guidelines are being developed in this area in consultation with ACPOS.

Initial Lord Advocate Guidelines on reporting racist crime have been produced and it is a requirement for the Police to forward Racist Incident Monitoring Forms to the Procurator Fiscal so that they have an early and full account of the background to any racist incidents. This will also allow them to consider libelling an offence under Section 96 of the Crime and Disorder Act 1998 if appropriate.

Section 19 of the Crime and Disorder Act 1998, introduced Anti-Social Behaviour Orders (ASBOs), which provide a further option for perpetrator-based action.

An ASBO is a civil preventative measure. It is intended, firstly, to tackle behaviour which is likely to escalate to the criminal level. Secondly, it can be used to address patterns of behaviour which cumulatively cause considerable alarm or distress to the community, but do not consist of single acts which are sufficiently serious or clear-cut to be prosecuted individually as crimes or offences. ASBOs can address anti-social behaviour wherever it occurs. They are not restricted to housing situations (eg neighbour problems).

Under Section 19, a Local Authority has the statutory role of applying to a Sheriff for an ASBO in order to protect persons residing in that Local Authority area. Section 21(1) of the Act places a statutory duty on the Local Authority to consult the Police, who in turn should collaborate closely with the Local Authority during the application process.

Once an ASBO is granted, breach of its conditions is a criminal offence which should be reported to the Procurator Fiscal. Common Law powers of arrest apply. In addition, as breach of an ASBO is punishable by imprisonment, powers of detention under Section 14 of the Criminal Procedure (Scotland) Act 1995, may be utilised.

Full guidance on ASBOs is contained in Scottish Office Police Circular 3/1999.

Section 115 of the Crime and Disorder Act 1998, provides for the disclosure of information between Police Forces and Local Authorities where this is necessary or expedient. While this Section is potentially wide-ranging in its effect, it is in practice most commonly utilised for securing the eviction of harassing tenants from Local Authority housing. This raises issues surrounding the disclosure of personal data within the terms of Data Protection. This part of the Crime and Disorder Act must be considered within the terms of Scottish Office Circular 4/89 (which addresses the practical issues surrounding Data Protection) and it is advisable that Police Forces only share information within the terms of either a protocol or minute of agreement which sets out the responsibilities of the agency receiving the information. That agency will normally be required to sign a form of indemnity which includes an undertaking to ensure the security of any information received, and in doing so to guard against the information being passed on to any unauthorised third parties.

2.6 Target Hardening (Victim-Centred Prevention)

It is important that any victim-centred crime prevention measures do not advocate changes in lifestyle which would amount to a form of victimisation in itself, unreasonably changing activities, movements or associations of those whose quality of life they seek to enhance.

That said, there may be scope for incorporation of physical crime prevention features, either in the victim's home or place of business which have the potential to make the victim a less attractive target and increase his or her sense of safety and well-being. Specialist crime prevention/community safety officers are best placed to assess local risks and offer suitable advice. The scope and ultimate effectiveness of this type of response may be limited to a degree by the fact it is often victims' personal features which trigger incidents, and may occur away from premises where target-hardening measures have been adopted.

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Policing Our Communities

3. Understanding

3.1 Introduction

Information published by the Police must be easily understood by the target audience. There is little to be gained by Police Forces publishing policy statements and information aimed for the public arena which spell out their commitment to tackling racist crime and promoting good race relations if the texts are inaccessible to local minority ethnic communities. Consideration must be given to publication in the relevant community language(s).

People from minority ethnic communities who come into contact with the Police should be properly provided for with regard to their beliefs and cultural traditions.

3.2 Summary of Issues

Police Forces should publish their intention and commitment to promoting the safety of minority ethnic communities and set minimum levels of service expectation in relation to racist crime. It will not be sufficient to produce text in English alone if the documents are to be widely circulated to the public. Forces should establish the principal minority ethnic languages in their area and produce relevant documents in their entirety in these languages.

Central to minority ethnic victim support is the availability of language interpretation services which provide services ranging from assistance at the initial reporting/recording of the incident to quality interpretation for the victim in court. Access to this level of service on the part of the Scottish Police Service should be comprehensive. It is not desirable to rely solely upon a relative or friend as an interpreter. There will be circumstances where this may be the only option if obtaining professional assistance would hinder the investigation.

There will be a need to examine the qualifications of individuals retained as interpreters or, where an interpreting firm has been engaged to provide this service, the standards to which it operates. It is not difficult to envisage a situation where the competency, and hence the credibility, of an interpreter might be questioned during a criminal trial, and the admissibility of any evidence obtained through that person being challenged.

Individuals from minority ethnic communities who come into Police custody for whatever reason should be afforded reasonable facilities to observe cultural traditions. This might include recognition of any dietary requirements, provision of facilities for prayer and other religious observances, and respect of cultural issues in relation to physical search and taking possession of prisoners' personal property. Where relevant, persons held in custody should have access to interpreters, allowing their personal needs to be readily identified and the individuals' feelings of isolation reduced.

It is important that acknowledgement of religious and cultural differences in this particular context is balanced against the need to collect and preserve evidence, progress lines of investigation and interview suspects. The overriding test will be one of fairness and proportionality—not only to the individual(s) in custody, but also to the victims of crime and society as a whole.

ACPOS have been actively involved in the Scottish Executive's Framework Group that aims to develop national standards of interpreting provision. In addition ACPOS conducted an internal review of existing services with recommendations for future progress. This has informed the activities of the Framework Group. Historically, interpreting services in Scotland have been limited in quality and availability. The current situation, although not ideal, is one that is seen to be improving.

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3.3 *Guidance Notes*

- When written material relating to Police race relations policy or practice is published by the Police and is intended for wide public circulation, it should be produced in the relevant minority ethnic languages as well as English.
- Police Forces should have available suitable interpreting services, capable of providing a 24 hour service, including access to interpreting personnel who are sufficiently qualified to interpret in court.
- Reasonable efforts should be made to accommodate the customs and beliefs of people from minority ethnic communities who come into Police custody—although this must not be allowed to unnecessarily interfere with a Police investigation.

4. Accountability

4.1 Introduction

The Stephen Lawrence Inquiry Report concluded that **“A new atmosphere of mutual confidence and trust must be created... the active involvement of people from diverse ethnic groups is essential.”** The confidence, trust, respect and mutual understanding which are central to consensual policing in Scotland, and upon which the Scottish Police Service depends to take effective action against racist crime, can only be earned by demonstrating commitment, accountability and transparency of action over a sustained period. Similarly, communities need to be kept informed of progress made by local Police in terms of combating racism and developing race relations policy. Open consultation is a key part of creating a stronger sense of genuine public accountability. One way this can be delivered is through Lay Involvement.

4.2 Summary of Issues

Lay Involvement is a fundamentally different concept from partnership or multi-agency working. The latter involves shared responsibility for achieving results. Lay Involvement, on the other hand, rests with members of the community who observe, monitor or scrutinise aspects of Police performance without having responsibility for achieving results. As such they remain totally independent.

This has the potential to lend considerable weight and credibility to what they say. Their independence is a positive feature and is not a bar to their giving advice. Indeed, the experience, interests and expertise of Lay Advisors can have a significant impact on Police leadership, decision-making, policy development and implementation.

Lay Involvement has the potential to enhance operational policing, but it does not affect the operational independence nor the responsibilities or formal accountabilities of Chief Constables.

In order to be credible with local minority ethnic communities, any lay involvement model must set out to satisfy a number of key issues. These are that it:

- Is sustainable and dynamic
- Meets best value criteria
- Leads to swift and effective progress on key issues
- Satisfies any objective and independent evaluation that:
 - the Police is committed to openness, transparency and accountability in its response to racism
 - these processes can lead to an increase in trust and confidence in the Police on the part of minority ethnic communities
 - Lay Involvement can lead to improved leadership and decision-making, policy development and implementation

Lay Advisors should operate to agreed terms of reference, rather than in an **ad hoc** manner. The following list of functions is not exhaustive or prescriptive, but an indication of the potentially wide ranging scope of the concept:

- Review and improve the investigation and prevention of racist crime, including:
 - oversight of racist crime figures
 - selection and review of particular cases
 - crime issues within minority ethnic communities
 - human rights issues
- Creating a racism-free Police Service, including:
 - service delivery (including crime investigation and communication)
 - internal equal opportunities
 - recruitment, retention and advancement
 - internal training
 - training in dealing with racist incidents and liaison with minority ethnic communities
 - maintaining an overview of the exercise of stop/search powers by the Police and providing feedback from local communities on any concerns in this respect
- Major investigations, including:
 - family liaison
 - oversight of investigations
 - community liaison
 - community impact assessments
- Improving trust and confidence in the Police by minority ethnic communities, including:
 - processes for managing information
 - responding speedily to high impact issues
 - professional standards and conduct

The Scottish Police Service would benefit by extending Lay Involvement to as many race-related areas of policing as possible. This would make considerable progress in creating real trust and accountability in the race relations field. To do so in a manner that ensures this concept remains sustainable is likely to take time. Commitment will necessarily involve a degree of caution in the early stages.

Lay Advisors should work according to an agreed protocol. This would include details of the mechanisms according to which they will operate and how findings and comments will be communicated. The remit of Lay Advisors, their desired qualifications, and how they are to be appointed should also be made clear.

Whilst the responsibility for selection and de-selection of Lay Advisors should rest ultimately with the Chief Constable, it may be desirable that the Police Board is included in the process. More radical methods (such as press advertisements) should not be discounted.

Amongst the qualities which a Lay Advisor should possess are:

- an ability to critically and objectively appraise Police policies and practices
- being representative of and commanding the respect of the communities policed
- a commitment to improving Police community race relations

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Lay Advisors could find themselves being asked to perform a number of functions, all of which would impact upon their spare time. For this reason, and as the concept of Lay Involvement expands, participating Police Forces may find it necessary, on a policy basis, to contribute to the reasonable expenses of Lay Advisors. In any event, difficulties of this nature should be capable of being resolved if there is proper commitment of all parties from the outset.

In areas where the size of the minority ethnic population is significant, or where there is evidence of consistently high levels of racist attacks and harassment (in comparison with other parts of the country) there may be merit in developing a two-tier Lay Advisory structure. This would retain the strategic model described above, but would be augmented by a number of more locally focused groups, operating at Divisional or Sub-Divisional level, and primarily addressing local issues of Police practice and accountability.

4.3 *Guidance Notes*

- The Scottish Police Service must strive to develop relationships with local minority ethnic communities which are based upon trust, openness and accountability.
- Lay Involvement offers a means whereby this might be achieved.
- The concept of Lay Involvement is flexible and it is capable of being tailored to suit local circumstances and populations.
- While it would be prudent to take time in establishing the basic concept of Lay Involvement, it may subsequently prove to be capable of expansion to embrace a wide range of policing issues which touch upon Police community race relations.
- Consideration should be given to the involvement of Police Boards in the selection and working arrangements of Lay Advisors.
- Lay Advisors should operate within the framework of an agreed remit and working protocol which sets out clearly roles and responsibilities.
- The model adopted must be capable of being sustained in order to deliver long term and meaningful results.

1. Recruiting

1.1 Introduction

The ethnic composition of a Police Force should be expected to broadly reflect the population of the area that the Force serves. Proactive recruitment campaigns to encourage applications from minority ethnic communities would be a clear demonstration that the Police Service is committed to equality of opportunities.

1.2 Summary of Issues

The number of minority ethnic applicants wishing to join the Police Service is consistently lower than might be expected from their representation in the economically active population. There is, therefore, room for increases in the number of minority ethnic personnel employed to ensure that Forces truly reflect the communities that they serve. In order to fully address this issue, not only should attention be paid to recruitment practices and initiatives, but also to the retention and career development of minority ethnic Police Officers and Support Staff. Research in England and Wales has shown that a greater percentage of minority ethnic staff resign or are dismissed, and therefore monitoring and analysis of appraisal, discipline and grievance procedures forms an important part of the overall examination of equality of opportunity.

A robust ACPOS policy, entitled 'Recruitment, Retention and Development of Minority Ethnic Staff within the Scottish Police Service', has been developed in consultation with the Justice Ministers Steering Group.

The 1996 publication of the Commission for Racial Equality, **Race and Equal Opportunities in the Police Service - A Programme for Action**, has been recommended to Forces by ACPOS as a benchmarking tool. The key areas of this document are included in the guidelines published below.

The Home Secretary has already set recruitment targets for all Forces in England and Wales. The Scottish Executive will further consider the possibility of targets but in the meantime is keen to develop performance indicators for the recruitment, retention and progression of Minority Ethnic Officers.

1.3 Guidance Notes

● Outreach Initiatives

The following have been identified as examples of good practice currently undertaken by Forces:

- Conducting career workshops in schools with a high proportion of black and ethnic pupils
- Referring current vacancies as a matter of course to Racial Equality Councils
- Developing/maintaining close links with Community Police Officers to meet and encourage potential recruits
- Providing interested individuals with information, encouragement and support in terms of their preparation for the recruitment process
- Channelling individuals towards the Special Constabulary on an interim basis. This enables them to experience Police work at first hand and to increase their knowledge of the organisation
- Providing quality work experience placements with the Force for school pupils from minority ethnic groups.
- Close links with colleges and universities
- Close liaison with Racial Equality Councils

1.3 *Guidance Notes (continued)*

- Use a wide range of media to ensure that potential applicants from all sections of the community are aware of vacancies and application procedures.
- Ensure that recruitment literature includes information on the equal opportunities policy.
- Review recruitment procedures to ensure they do not contain inappropriate practices that could lead to unlawful discrimination.
- Ensure that only trained interviewers, with knowledge of equal opportunities legislation, are used in the selection process.
- Equality Targets

An equality target is defined by the Commission for Racial Equality as:

“A forecast or estimate of the percentage of ethnic minority employees, recruits, those gaining promotion, etc., which it is the aim of the force to achieve within a specified time scale. Targets must not be reached by unlawful discriminatory selection decision. Targets are not quotas. Quotas reserve a certain percentage of jobs for a particular racial group and are unlawful.” (Race and Equal Opportunities in the Police Service, 1996 – Commission for Racial Equality)

As mentioned above, the Scottish Executive will consider the possibility of targets but in the meantime is keen to develop performance indicators for the recruitment, retention and progression of minority ethnic officers. Forces may therefore wish to consider the value of setting local targets to assess achievement against equal opportunities objectives.

- Forces can consider setting realistic equal opportunity targets for applicants and candidates for transfer and promotion. Targets should be based on the level of minority ethnic representation in the relevant pool.
- Forces may wish to use for comparison the percentage of the relevant economically active minority ethnic population using the most accurate information available.
- If targets are set, time scales for achievement should be identified. Targets and timescales should be developed in consultation with local community.

Chapter 4

Recruiting and Career Development

2. Career Development

2.1 Summary of Issues

Recruitment of minority ethnic staff is an important issue for Forces but any efforts can be severely undermined if there is a difficulty in retaining such staff. Therefore access to promotion and development requires analysis to ensure equality of opportunity and for action to be taken if barriers are identified.

Progression for Police Officers can include lateral movement into specialist departments. Specialising can sometimes be a potentially useful experience in maximising an officer's competitiveness when applying for promotion. Therefore it is important that proper analysis is conducted to highlight any barriers for access.

2.2 *Guidance Notes*

- Consider holding “open days” for specialist departments
- Monitor and analyse by ethnic origin the following:
 - applications for specialist posts and reasons for acceptance or rejection at each stage
 - promotions to each rank and grade
 - appraisal ratings to ensure consistency and integrity
 - participation in training courses
- Ensure job descriptions/person specifications are prepared for all posts
- If disparities are identified between racial groups, take action to address them

3. Review

3.1 Summary of Issues

Monitoring is the process used to measure the effectiveness of an equal opportunities policy. Monitoring uses data on the ethnic origins of applicants and employees to assess the impact on people from different ethnic groups of personnel procedures such as recruitment, promotion, transfer, appraisal, training and discipline (Race and Equal Opportunities in the Police Service—Commission for Racial Equality).

Monitoring is only part of the process and the data must be reviewed to identify barriers and action taken to remove them.

3.2 *Guidance Notes*

- Forces to have the capability of monitoring the workforce by ethnic origin, rank, grade, specialism, gender, and length of service.
- Ethnic categories used should be in line with national policy and compatible with the 2001 census classification to allow for comparison between Forces.
- Undertake monitoring of all applications, including Support Officers, specialist posts, Special Constabulary and Accelerated Promotion Scheme for Graduates by ethnic origin.
- Monitor success rates at each stage of the recruitment process, including the reasons for acceptance or rejection by ethnic origin.
- Monitor voluntary resignations by reasons for leaving the Force and by ethnic origin. Ensure that exit interviews are in place for all leavers to identify reasons for resigning.
- Monitor redundancies, early retirements, and dismissals by ethnic origin.
- Monitor disciplinary cases, by type and outcome and by ethnic origin.
- Monitor grievances, by type of complaint and its outcome, and by ethnic origin of the complainant and the alleged perpetrator.
- Take action where monitoring highlights disparities between minority ethnic groups.
- Produce reports on overall progress at least annually for command, identifying any action necessary to increase the effectiveness of the equal opportunities policy.
- Give consideration to adopting a national format for equal opportunities monitoring and reporting to allow for national as well as local reviews.

Chapter 5

Training

1. Quality

1.1 Introduction

The standard and quality of service delivery has a clear impact in the development and maintenance of a Force's reputation and relationship with all sections of the communities it serves. This is particularly relevant in the area of race relations. It follows that training provided must be driven by the need to improve understanding and application of the principles of racial equality and how they apply in an operational context.

There is no doubt that the relationship between the Police and the public is complex where race is an issue and requires particular sensitivity and understanding.

Training provided must be robust. It should meet the needs of our communities. Training must be flexible in order to meet the demands of an ever changing society.

It is important that minority ethnic communities should be afforded every opportunity to become involved in the training process. Only a concerted joint effort with partner agencies, groups and communities can secure the confidence and trust of minority ethnic communities.

The effectiveness of training must be measurable and evaluated. This can be done through the quality of the police service provided in both organisational and individual performance.

1.2 Summary of Issues

In order for the Scottish Police Service to achieve a consistently high level of service delivery to the multi cultural society in which we proudly serve, we must ensure that the skills and abilities of all our staff are developed, supported and focused. This would ensure that the minority ethnic communities we serve live without fear of prejudice or discrimination. The training of our staff is critical in this process.

The Stephen Lawrence Inquiry Report recommended an immediate review of racism awareness training within the Police Service to ensure “**a consistent strategy**” based upon the value of our cultural diversity.

The Government response has confirmed that a co-ordinated approach to training based upon recognised standards with involvement of minority ethnic communities in both the **development** and the **delivery** of the training is the way forward.

Training alone should not be viewed as ‘the definitive solution’ to secure minority ethnic confidence in the Police Service. It must be viewed more as an intrinsic part of a wider process. This includes recruitment, performance review, discipline, promotion and good management skills, each of which must be supported by clear, positive strategic policies and processes. Training has to be continuous, mainstreamed and seen as an integral part of overall training. It must not be perceived as a ‘one off’.

The core thread throughout all training delivered should be to challenge ‘inherent thinking’ which includes unwitting prejudice, ignorance, thoughtlessness and racist stereotyping as these may lead to discriminatory action and conduct.

2. Method, Style and Content

2.1 *Guidance Notes - National*

Within the Scottish Police Service there is a clear desire to improve training and service delivery in the area of racial awareness and equal opportunities. Some Forces have progressed significantly further in this field than others. It is important therefore, that good practices should be identified and shared. Community Race Relations training should form a core and mainstream element of policing. This will call for a corporate and consistent drive throughout the whole of the Scottish Police Service, which must be supported by a clear proactive commitment at strategic level.

- All trainers in Community and Race Relations selected from police staff must receive proper training.
- National Community and Race Relations training of trainers course to be delivered by those who have a knowledge of the contemporary community and race relations initiatives within Scotland.
- Training must be properly monitored and evaluated.
- All training should be assessable. The assessment being objective and practically based.
- The “training of trainers” course should incorporate teaching methods for those not experienced in training delivery.
- Police staff and external trainers should deliver training.
- Minority ethnic communities should be consulted in the development of the course.
- Training to be endorsed by the Scottish Executive.
- Consideration should be given to sharing resources, skills, information and funding through joint training with appropriate external organisations such as local authorities, community partners, voluntary organisations and other emergency services.
- External scrutiny of training from parties with a valid interest must be welcomed and encouraged.
- Standardisation and consistency of training strategy is vital to the effectiveness of training delivery.
- A national Community and Race Relations Trainers Practitioners Network including lay representation has been formed.
- These practitioners, through ACPOS, will ensure good practices are disseminated.
- National Community and Race Relations training should be reviewed annually to ensure aims and objectives are being achieved and are still relative.
- Full use of Distance Learning to supplement and support any core training provided.
- Refresher training and re-validation of trainers is important and must be laid out in training strategies and plans.
- Diversity awareness training for the Scottish Police Service has been progressed through a National Equal Opportunities Strategy, (NEOTS). In 2000 ACPOS convened a design team of four full time officers based at Scottish Police College to implement the strategy. Wide consultation was made with CRE, JMSG, Equal Opportunities Commission, Scottish Executive and other relevant agencies. Training for trainers commenced in Autumn 2001 and forces are now training in accordance with local training.

2.2 *Guidance Notes - Local*

A partnership approach to training is essential if the Police Service is to increase trust and confidence in policing amongst minority ethnic communities.

Only by promoting equality, diversity and a working environment free from any form of discrimination can “quality through equality” be achieved.

- Minority ethnic communities should be involved in the development and delivery of local Community Race Relations Training. This would ensure that localised community needs are being addressed.
- Training should be assessable. The assessment being objective and practically based.
- Training should be properly monitored and evaluated using Lay Advisors.
- Adopt a three phased approach to training - All Staff, Supervisory and Strategic levels.
- Minimum Effective Training Levels should be established for each phase of the training and adhered to.
- Training outcomes and objectives should be established.
- Training should challenge inherent thinking and individual behaviour.

Community Race Relations Training is essential for all staff within our organisation. This may be provided in a number of different ways in order to meet the needs of individual Forces. However a number of factors should be considered when undertaking Community Race Relations training. These include:

- Appropriate training regardless of position, for those most in need of it
- The content of the training
- Full evaluation
- Monitoring of material delivered utilising the skills of external agencies
- Publication of Religious and Cultural Awareness Documents with contact points for local minority ethnic communities.

Chapter 6

Fair Practice

1. Outline

1.1 Introduction

All staff have a responsibility for ensuring fair practice in their working environment, whether it is in connection with colleagues or in the quality of service delivery to the public, regardless of culture or ethnicity. The introduction of the Police Conduct and Efficiency Regulations in 1996 catered for the majority of related proposals arising from The Stephen Lawrence Inquiry Report. However issues such as an independent system for complaints and the ability to pursue sanctions after retirement remain with the Scottish Executive for further consideration.

2. Intolerance

2.1 *Guidance Notes*

- Ensure that there is clear guidance given in Equal Opportunities Policies on what constitutes inappropriate behaviour or language and the disciplinary implications of breaches of the Policy.
- Regularly reinforce messages by means of internal publications and other media that racism will not be tolerated.
- Ensure that staff know racial harassment or discrimination against colleagues or the public may lead to criminal charges and can also result in disciplinary action up to and including dismissal. Each case must be decided on its own merits.
- Endeavour to ensure that disciplinary proceedings are expedited as swiftly as possible.
- Whilst there is no provision for disciplinary action to be taken against an officer after retirement from the Force, this does not preclude the instigation of any criminal proceedings arising from acts committed whilst a serving officer.
- Ensure that all staff are aware of the Force grievance procedures. Staff should be confident in reporting unacceptable behaviour. Confidentiality and impartiality are of paramount importance.

3. Appraisal

3.1 *Guidance Notes*

- Check individual job descriptions, action plans and objectives include relevant equal opportunity responsibilities for service delivery, staff management, supervision and development, and relations with colleagues.
- Include performance in racial equality in the appraisal of all relevant members of the Force, especially managers, supervisors and others with responsibility for personnel and service delivery matters.
- Monitor appraisals for racial bias and compare objectives set for, and performance ratings given to different ethnic groups. Investigate reasons for any significant disparities and take action to deal with problems.
- Make sure both parties to the appraisal system receive training and that appraisees know there is a right of appeal.

Chapter 6

Fair Practice

4. Complaints Against the Police

4.1 *Guidance Notes*

Subject to further review, complaints against Scottish Police Officers and Support Staff must continue to be investigated in a thorough and professional manner according to existing procedures. These investigations are conducted by senior officers, separate from the working environment of the officer(s) complained about, who report directly to the Deputy Chief Constable of respective Forces. Complaints with an allegation of criminal conduct are reported to the Procurator Fiscal where an independent decision is taken on further action. Any dissatisfaction with the investigation of complaints about police officer(s) can be referred to Her Majesty's Inspectorate of Constabulary.

Each Police Authority has a responsibility to keep themselves informed as to how complaints are investigated and to check they are dealt with properly.

The Scottish Police Service must actively demonstrate its desire to be accountable in its actions. This is particularly so with regard to investigation of complaints about officers. Initiatives to improve openness and show the honest, fair and professional methods used for investigations are encouraged and indeed crucial to ensuring the confidence and trust of minority ethnic communities.

- Information on how to make a complaint should be freely available.
- A leaflet "Complaints Against the Police" exists in English, Punjabi, Hindi, Cantonese, Urdu, Gujerati and Gaelic, which explains how an individual can make a complaint, should be made widely available at Public Enquiry Offices, Public Libraries, Post Offices, Places of Worship etc.
- Complainers to be regularly informed regarding the progress of a complaint.
- Initiatives to demonstrate openness and accountability should be considered.

5. Support

5.1 *Guidance Notes*

- Provide support for staff through the provision of welfare and relevant support networks, which take account of those who may be under-represented within the Police Service.

1. Implications for this Service

1.1 Background

Following the publication of the seventy recommendations contained in the Stephen Lawrence Inquiry Report, the Government made a firm commitment to outlaw racial discrimination in all its forms by extending the Race Relations Act 1976 to cover the functions of all public bodies, including the Police Service. Recommendation 11 refers solely to the Police stating “The full force of the Race Relations legislation should apply to all police officers, and that Chief Officers should be made vicariously liable for the acts and omissions of their officers relevant to that legislation”.

In response, the Government identified that direct discrimination, indirect discrimination and victimisation needed to be addressed urgently by public bodies in order to create a safe, just and tolerant society.

1.2 The Race Relations (Amendment) Act 2000 (“The 2000 Act”)

In summary the 2000 Act:

- **Outlaws race discrimination** (direct, indirect and victimisation) in public authority functions not covered by the original Race Relations Act 1976 (“the 1976 Act”);
- Defines “**public authority**” widely for the purpose of outlawing race discrimination, so that it includes public functions carried out by private sector organisations. This is similar to the position adopted by the Human Rights Act 1998 where tasks such as court escort and crowd control duties are carried out by a private firm on behalf of the Police Service. These tasks are now included in the definition of a public authority and therefore subject to the 1976 Act;
- Places a **general duty** to promote race equality;
- Empowers Government to impose **specific duties** on public bodies which are subject to the general duty;
- Gives the CRE power to issue **Codes of Practice** to provide practical guidance to public bodies on how to fulfil their general and specific duties;
- Makes **Chief Officers of Police** vicariously liable.

Direct discrimination occurs when a person (including a company or a public authority), on racial grounds, treats someone less favourably than others in similar circumstances. Racial grounds are grounds of colour, race, nationality (including citizenship) or ethnic or national origin.

Indirect discrimination occurs when a condition or requirement which is applied equally to everyone can be met by a considerably smaller proportion of people from a particular racial group, and it is to their disadvantage because they cannot comply with it. The condition or requirement will be unlawful unless it can be justified on non-racial grounds. Under the 1976 Act, a racial group is a group of people defined in terms of colour, race, nationality (including citizenship) or ethnic or national origin.

Victimisation occurs when a person is treated less favourably than others for having made, or supported, a complaint of racial discrimination.

1.3 General Duty to Promote Race Equality

The 2000 Act (new section 71(1) of the 1976 Act) inserts new provisions which requires specified public bodies to have **due regard** to the need:

- to eliminate unlawful racial discrimination; *and*
- to promote equality of opportunity and good relations between persons of different racial groups

when performing their functions.

ACPOS believe the general duty to promote race equality is a positive one. It requires the police service to be proactive; to seek to avoid unlawful discrimination before it occurs. Avoiding unlawful discrimination should have the effect of promoting equality and good relations between people of different racial groups and vice versa.

The general duty to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups came into effect from April 2001.

1.4 Complying with the General Duty

The police service will be responsible for ensuring that the general duty is an integral part of any function where racial equality is relevant. The service will have to define its functions and then assess the impact on racial equality of what it is currently doing and what it is proposing to do. Where current or proposed policies conflict with the elimination of racial discrimination or the promotion of racial equality and good race relations, the service will be expected to consider the changes needed to comply with the general duty, and to make those changes.

Advice on how public authorities meet their obligations under the general duty to promote race equality is contained in the CRE's publication entitled *"The General Duty to Promote Racial Equality – Guidance for public authorities on their obligations under the Race Relations (Amendment) Act 2000"*.

The ACPOS Racial Diversity Strategic Review Team in consultation with the Forces have produced an "audit matrix" which highlights the most common police policies that are likely to affect racial equality.

The CRE has given the following guidance as a means of assisting the service in ensuring its policies are race inclusive, (sometimes referred to as race proofing). *"This has been used to describe processes by which an organisation seeks to meet its legal obligations to avoid racial discrimination and to promote equality of opportunity. It incorporates regular verification, both internal and external, that its policies and practices current and planned, reflect the needs of its workforce and service users and are consistently assessed and monitored to avoid any adverse impact on minority ethnic groups"*.

The CRE have recognised the current practices of 'proofing' policies under Human Rights Legislation as being competent in relation to examining policies under the general duty imposed under the 2000 Act. However, additional checks are required which will relate directly to matters of race. These include:

- What is the policy for? Who is the policy for? What are the desired and anticipated outcomes?
- Do we have full information and analysis about the impact of the policy on equality groups?
- Has the full range of options and their differential impact on equality groups been presented?
- What are the outcomes and consequences of the proposals? Have the direct and indirect effects of the proposals been taken into account?
- How have the policymakers in the Executive demonstrated that they have mainstreamed policy?
- How will the policy be monitored and evaluated?
- How will improved awareness of equality implications be demonstrated?

1.5 Enforcement of General Duty

An individual or an organisation, including the CRE, may be able to apply to the High Court for a judicial review of a public authority's alleged failure to comply with its general duty. The CRE's powers of enforcement apply to the specific duties that the Scottish Ministers impose.

1.6 Vicarious Responsibility of Chief Officers of Police

This responsibility makes Chief Officers of Police vicariously liable for acts of discrimination carried out by staff under their direction and control and provides for compensation, costs or expenses awarded as a result of a claim paid out of police funds.

A statutory defence is available to all 'employers' where they are alleged to be vicariously liable for an act of unlawful discrimination by an 'employee'. This defence is found in section 32(3) of the Race Relations Act 1976.

Of course, much will depend on how the courts interpret a defence based on this section with regard to the police. Although training will be a very important part of the defence, it may well go further in terms of the requirement for update training and ongoing supervision.

In addition, if there is any evidence at all that a police officer is known to have previously behaved in a discriminatory manner, then the court would want to know what steps were taken to prevent any further such behaviour.

1.7 Specific Duties, Codes of Practice and Enforcement

The 2000 Act (section 71(2)-(3)) empowers the Scottish Ministers to impose, by Order, specific duties on the Service, 'for the purpose of ensuring the better performance of the general duty'. Therefore, the service will need to ensure that all current and future procedures comply with the general duty and also take account of the specific duties likely to be imposed on them. In February 2001, the Home Office published a consultation document, *Race Relations (Amendment) Act 2000: New Laws for a successful multi-racial Britain* which set out the proposed specific duties for the different types of public authorities (including the police). At that time the Home Office indicated the Orders imposing the specific duties would be made in July 2001. To-date no such Orders are in place and the only information available is that the Orders will not be out before December 2001.

The CRE codes of practice are intended to offer practical guidance to the Service (and other public authorities) to help us comply with both the general duty and any specific duty imposed by the Scottish Ministers. At time of writing, the latest information is that the codes of practice will be published in December 2001 and will become enforceable towards the end of May 2002.

The CRE has the power to enforce the specific duties imposed on the Service once they come into force. Under the 2000 Act, if the CRE is satisfied that the service has failed to comply with any of its specific duties, it may serve a 'compliance notice'. This notice will require the Service to comply with its specific duties, and to inform the CRE within 28 days of the measures it has taken; the CRE can also require us to provide written verification of compliance. If, after three months, the Service has not complied with the CRE's notice, the CRE can ask the Sheriff Court to order the Service to comply.

Individuals do not have the right to take legal action against the Service because the specific duties have not been fulfilled. However, individuals, community organisations, trade unions and others can notify the CRE if they are concerned that the Service has failed to comply with its specific duties. The CRE would then consider how its enforcement powers could be used.

C onclusion

The Stephen Lawrence Inquiry Report was undoubtedly the most wide-ranging document on the subject of Police/Race Relations to be published in the latter part of the twentieth century. Its comments and recommendations struck a chord with a great many people - both from minority ethnic communities and otherwise - and exposed Police Services throughout the United Kingdom to hitherto unprecedented scrutiny and analysis.

In policing a multi-racial community in the twenty-first century, it will simply not be acceptable for the Scottish Police to point to the practices and experiences of Forces in other parts of the country and argue that the problem is less acute here than elsewhere. That sort of approach belongs in the past. There must be no tolerance towards racism. There is a need for all Scottish Forces, irrespective of their population breakdown and previous perception of the extent and prevalence of racism in their area, to establish agreed, credible and workable policies - backed up by good local practice - which set out to demonstrate fairness, consistency and effectiveness in support of racism's victims, and which strive to meet the terms and spirit of the guidelines contained in this document. A victim of racism in Scotland should be entitled to expect a certain minimum standard of response from the Police, regardless of where in Scotland he or she may seek help.

The Race Relations (Amendment) Act 2000 imposes a general duty on the service and on all staff to eliminate all forms of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Trust and confidence in the Police must be earned and can never be taken for granted. Openness and proper accountability must be vigorously pursued at every level, be supported by training which touches every serving Officer and member of support staff, and ensure that even the most junior member of the Service has a clear idea of the standards of professionalism expected of him or her and, equally importantly, the reasons why.

There must also be a willingness to develop genuine collaboration between the Police and local minority ethnic communities, and to involve them as equal partners in the processes of objective setting, problem-solving and, most importantly, the monitoring and evaluation of local Police performance. Racism, racist crime and racial harassment are complex social issues, extending far beyond the purely criminal context and, as such, are beyond the capacity and remit of the Police to satisfactorily tackle alone.

The Stephen Lawrence Inquiry Report was hailed, at the time of its publication, as a watershed in Police/Race Relations. Clearly it has presented all Police Forces with a considerable challenge and an opportunity to develop and implement effective policies or enhance those already in place. Considerable progress has been made, yet it will be apparent to the reader that a task as complex and demanding as this clearly can have no completion date. Instead, our response to the victims of racism must take shape according to an evolutionary process which identifies along the way both good and bad practice, includes novel experimentation, and contributes in its own way towards a fairer, more egalitarian society. We owe the people of Scotland nothing less.

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