

**AGM Conference, May 18th 2007,
Lecture Theatre, Police HQ.**

Chair's annual speech.

I know today's theme is 'Affirmative Action or Positive Action' and I will finish my talk on this. However I also want to spend a couple of minutes talking about another subject, namely, perception. I had already decided to talk about this several months ago, and the period between making that decision and now, has only served to ram home the need for me to speak here today about this.

Recommendation number 12 of the McPherson report states;

“A racist incident is defined as one perceived as racist by the victim or any other person”.

That principle runs through the Merseyside Police definition of a hate incident and hate crime respectively.

This acts as a safeguard, designed to remove erroneous subjective input, and yet this is being rode roughshod over, as a result of the application of subjective input.

I have become acutely aware of how this principle is sometimes still not being adhered to. What I don't mean is that it isn't being adhered to or that it isn't being adhered to most of the time, but perception is still being dismissed as a result of the subjective opinion of those tasked to deal with it, prior to any investigation.

An internal memo sent to staff in October 2006, by ACC Pat Gallan, dealt with some related shortcomings of Merseyside Police and how we still fall short on service delivery to our communities when dealing with hate crime. However, I want to concentrate on how perception is dismissed, internally.

During my time as MBPA Chair and prior to this, I have witnessed or been made aware of formal and informal race related complaints and perspectives, being dismissed as such by junior supervisory and senior management staff alike, prior to any investigation because they fail to see the racism.

Its happened to me.

It might have been a direct complaint made to them or one relayed to them from another source.

Again, I have witnessed or received written and anecdotal evidence of very defensive responses and immediate denial whenever the finger of institutional racism is pointed at Merseyside Police. I thought this argument had been settled. Yes, great efforts are being made by many within the Force to change this, but the Police Service and Merseyside Police are still institutionally racist.

For those that doubt me, view the Home Office document entitled 'Assessing the Impact of the Stephen Lawrence Inquiry' published in 2005. There is a quote from this on page 13 of the annual reports contained within your packs.

Part of the intent of the currently ongoing launch of the Force's Total Policing and the TRUE programme is to equip staff with the tools to challenge inappropriate behaviour, but why would you, if your challenge will be dismissed out of hand because the traditional racist words have not been used or your complaint does not provide the more obvious manifestations of racism, that most people understand?

There is a saying in policing: 'Go where the evidence takes you'. If you are predisposed towards an outcome, prior to investigation then you are literally prejudiced.

The King principles, and other guidelines advocated by the IPCC are there to assist you to effectively deal with race related complaints.

It is now generally accepted that a prejudiced investigator is an incompetent investigator, if they allow that prejudice to influence their decision-making.

Just for clarity, I took the liberty of extracting a couple of definitions of the word incompetent.

The Wordsworth concise English dictionary – “deficient in ability for one's work”.

The Chambers concise dictionary – “lacking ability or skill for one's work”.

So I accuse some Merseyside Police senior officers, managers and supervisors, of incompetence, particularly when concerned with the welfare of their BRM staff.

I do not stand here and say I could do their job, quite the contrary. I am often in awe of some of our senior people.

Their ability to address and effectively deal with many complex policing issues is often impressive and inspirational; but BRM staff cannot continue to be on the receiving end of this from people who should know better.

For as long as this continues, it will perpetuate suffering and lead to the many negative aspects of employment associated with this, such as under performance, increase in sick leave, resignations and so on.

So I encourage my colleagues to do something about this. You can react to what I say in a number of ways. You can choose to deny, you can choose to attack or denounce the accuser, a not

uncommon response, or you can leave your ego and pride to one side and do something to eradicate your incompetence.

MBPA can assist you with one particular important aspect of your responsibilities, should you wish to avail yourself of us.

Now onto the theme of our conference: The debate on how the Police service ensures we are representative of the communities we serve has raged for many years.

I say raged because the very nature of race and targets, quotas, positive action, positive discrimination etc is always controversial. Much, though not all of the controversy stems from the ignorance and often-misunderstood terminology that surrounds the subject.

Back in 2004 and prior to me becoming Chair, MBPA voted against Affirmative Action as defined by the National Black Police Association.

Now I have always maintained we will review our position and this conference forms the first part of that. I am of a slightly different opinion on Affirmative Action now than I was 3 years ago.

But mindful of our position, I have been careful to avoid appearing to directly advocate for affirmative action, as defined by the NBPA.

However what I can say is that Positive Action in its current format has failed. The whole point of it is that it is a tool to assist you to address under-representation and it comes under the authority of the RRA 1976. Yes, 1976.

We are talking about 30 years of neglect and under investment by the Police service in the use of this tool alone.

The outgoing head of the Commission for Racial Equality, Trevor Philips agreed as much when I asked him a question in relation to whether or not he felt the Police Service was being properly funded to honour its statutory diversity obligations. He answered the question in the negative, he didn't think we were, but went on to state how a lack of prioritising by Chief Officers could also be a factor.

Positive action as it stands is all about the measures you can carry out, if you want if the desire is there and until very recently it hasn't been there.

Positive action places little or no compulsion on employers to use it.

If employers were statutorily obliged to employ a rigorous and measurable positive action scheme, then we would not be where we are today, in terms of BRM under-representation.

However, even if we had invested in Positive Action back in 1976, I do not believe we would be as proportionately representative as the other arms of the CJS are today.

A robust positive action scheme should not only be concerned with recruitment, but retention and progression. If we do not have the appropriate mechanisms to identify and deal with why a black person is more likely to leave the Police Services than their white counterpart then we are missing a trick, to coin a phrase.

For example, we need exit interview obligations to extend beyond handing someone a piece of paper, the national standard. We have to capture the real reasons why people leave our employ.

We need properly resourced and facilitated support mechanisms, such as 1st contact or BPAs that are formally and statutorily enshrined within each Police Force, with a national standard of best practise replicated throughout, nationally driven, locally delivered.

We need BPA Executive committee members afforded appropriate time to participate and not just 1 hour a week, which is hardly enough time to read a report and provide feedback as part of the significant consultative demands that are made of us. And we do far more than that as our annual report will testify.

We need to concentrate on retaining black staff that come to us and are here now, as well as putting our efforts into attracting more.

If we can do that, then there will be a lesser need to get black people through the door at a rate of knots to replace the black staff leaving the Police service, I suspect, still leaving in disproportionate numbers.

A primary causation factor for under-representation is a result of the legacies of the past that we have inherited and societies view of black people back then, which included Police abuses that were once rife and routine, particularly before some the safeguards that were introduced as a result of the introduction of PACE.

Now I know some of you are thinking he going on about the past again but because of the unique powers of the Police, the damaged caused back then was also unique and lasting.

Black communities today still fear the police and trust the Police less than their white counterparts. This is borne out in an array of past and current research, as well as anecdotal.

For example, surveys have shown that Merseyside's black victims of crime are the least satisfied out of all 43 Forces in England and Wales, when compared to their white counterparts.

So why do we need to be representative? Being representative will not just assist us to gather intelligence to deal with so called Muslim terrorism for example or Policing only black communities. Its also about the Police Service taking social, not to mention moral, responsibility to contribute towards ensuring an inclusive society.

If communities feel they are second-class, worthless, unequal and unable to participate throughout society, then the resultant exclusion will inevitably produce negative outcomes.

This wont just mean suffering for that particular section of the community. The cost to the rest of society could be a high one. If one section of the community is being treated that way, then either directly or indirectly this will impact on the rest of society and community cohesion in general.

Individuals ask themselves 'what is the point'? and feel there is no hope.

Someone once said, 'As you sow, so shall ye reap', because such marginalisation can ultimately manifest itself in criminality.

A less than recent example of such criminality is the inner city riots of 1981. More recent examples include the Oldham riots of 2001 or the 7/7 bombings.

Now before some of you think 'hes trying to justify or make excuses' for people who committed crimes and the truly horrendous act that was the 7/7 bombings, I am not.

I condemn such activity unreservedly, but all of you need to ask why 4 Black British citizens felt the only way they could express themselves and the only way they could get redress for their perceived grievance was to blow themselves to pieces, deliberately killing and injuring innocent people in the process. If you just dismiss 7/7 as criminality, then you are a liability.

There were stepping stones, which led towards the bombers taking this decision. They were not born radicalised. We all have a responsibility and obligation to intervene to remove those stones. It is worth mentioning that, 'unemployment within the Muslim community is 3 times the national average' (Sir Iqbal Sacranie, Leeds Met. University Summer Graduation 2006).

Someone once said 'be tough on crime, tough on the causes of crime. We should be tough on crime. We must understand and address the causes of crime.

I may have some issues with certain aspects of the NBPA definition of Affirmative Action, but if a robust positive action scheme that forces employers to act is an affirmative act then I am for Affirmative Action.

Thank you for listening.

(Chair, Vinny Tomlinson)