

POLICE AND JUSTICE BILL

RACE EQUALITY IMPACT ASSESSMENT

Background

Context

Today, there is less chance of being a victim of crime than for more than 20 years. But crime and the fear of crime and anti-social behaviour are still too high. Communities continue to face threats from terrorism; organised crime; volume crime such as burglary and vehicle theft, often driven by drug abuse; violent crime, much of it alcohol-related; and anti-social behaviour.

The proposals included in the Bill are part of ongoing work to improve the way we tackle crime and anti-social behaviour.

Aims and Objectives

The overall objectives of the proposed legislation are to build safer communities by;

- driving forward key elements of the police reform programme and sustain improvements in performance at neighbourhood, Basic Command Unit, force, national and international levels; and
- helping build a culture of respect to help tackle anti-social behaviour at its roots.

The Bill will;

1. establish a National Policing Improvement Agency (NPIA) responsible for ensuring that police systems, policies, procedures and practices are fit for purpose and that the police workforce is able to respond effectively to the complex and ever-increasing demands made on them whilst, at the same time, meeting the high expectations of communities in respect of service delivery and improved safety and security;
2. place Basic Command Units (BCUs) on a statutory footing and require that their boundaries be coterminous with those of local authorities;
3. increase the flexibility of the existing legislation governing the composition of police authorities and the selection of police authority members;
4. bestow upon police authorities new functions and powers in relation to scrutinizing forces and increase the flexibility of the existing legislation governing the role and function of police authorities;

5. enable the Secretary of State to draw on the opinion of the relevant inspectorate and other sources of information when considering use of his powers to intervene when a police force is failing. It will enable police authorities to request an intervention in respect of their police force, and will broaden the scope of the powers so that interventions may also be directed against police authorities;
6. remove the requirement for the Secretary of State to issue a National Policing Plan to enable a non-statutory National Community Safety Plan to be issued instead;
7. enable special constables to use their constabulary powers throughout England and Wales;
8. remove the requirement for police authorities to agree their staffing levels with chief officers to bolster their independence;
9. exempt police authorities from requirements to conduct best value reviews and prepare best value plans;
10. create a standard set of powers for Community Support Officers (CSOs) to enhance the public's understanding of their role;
11. create a power for CSOs to take part in 'truancy sweeps';
12. enable the police to attach conditions to street bail, enabling them to deal with the suspect at the point of arrest;
13. introduce a new power for the police to stop and search any person or vehicle in any area of an airport where they have reasonable grounds to suspect that criminal activity has or is about to take place;
14. enable the police to obtain bulk passenger data for domestic air and sea travel;
15. give Trading Standards Officers the power to issue Penalty Notices for Disorder (PNDs). This will greatly assist police forces and Trading Standards in their joint work of tackling Licensing Act offences, particularly when test purchase operations are carried out;
16. enable the police to arrest those that fail to comply with the conditions of a conditional caution or those who are suspected of failing to comply with the conditions of a conditional caution. Allow for punitive conditions to be applied, including a financial penalty, unpaid work or attendance at a particular place;
17. enable the Secretary of State to amend the list of 'responsible bodies' that make up CDRPs and increase the flexibility of the legislation regarding the formulation and implementation of CDRP's strategies. Reduce the administrative burden imposed on CDRPs whilst

increasing their democratic accountability. Provide the Secretary of State with the power to set National Standards for CDRPs to adhere to, thereby achieving greater homogeneity across geographical boundaries. Expand the remit of CDRPs to include anti-social behaviour and other behaviour adversely affecting the local environment as well as substance abuse. Create a duty for relevant authorities to share depersonalised information that is already held in depersonalised format in order to effectively help tackle crime and disorder;

18. create a mechanism to enable local communities to secure action by the police and community safety partners when they have failed to address a particular problem via their ward councillor;
19. expand the range of agencies that can apply for parenting orders and enter into parenting contracts for anti-social behaviour to include local authorities and registered social landlords;
20. make amendments to injunctions for tackling Anti Social Behaviour so as to make them more effective;
21. create a Justice, Community Safety and Custody Inspectorate to take over the functions of the 5 current criminal justice inspectorates (HM Inspectorate of Constabulary, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Courts Administration, HM Inspectorate of Prisons and HM Inspectorate of Probation) to enable inspection of processes across the criminal justice system. In conjunction with the Audit Commission/future Local Services Inspectorate the new inspectorate will also inspect police authorities. The new inspectorate will be required to consult Ministers, other scrutiny bodies and bodies representing service users in preparing its programme for inspection;
22. increase the sentences in the Computer Misuse Act for unauthorised access to computer material and for unauthorised modification of computer material. It will also clarify that all means of interfering with a computer system are illegal (including, for example, denial of service attacks). It will also criminalise the making available of a computer password or similar data with the intent to commit offences under the Act;
23. enable the Secretary of State to make regulations conferring functions on the Independent Police Complaints Commission (IPCC) in relation to the exercise by Immigration Officers and Home Office Officials of specified enforcement functions such as immigration arrests;
24. provide for the forfeiture of data storage devices that have held indecent photographs of children, to ensure that computers containing these photographs are not returned after they had been seized by the police; and

25. make various, minor and technical amendments to the Extradition Act 2003 to ensure the UK is fully compliant with its international obligations and to clarify and simplify extradition procedures.

Assessment of Impact

1. Establish the NPIA

The establishment of the agency will bring under one umbrella the functions of the Police Information Technology Organisation (PITO) and the Central Police Training and Development Authority (Centrex). It will also be responsible for implementing coherent and improved HR policies which will support workforce modernisation and citizen focused policing. The prime purpose of the agency is improvement. This will include a responsibility for supporting forces in improving race and diversity across the Service.

Primarily, the agency will be responsible for improving the essential infrastructure of policing – the technological, communications and information systems needed to manage criminal intelligence and respond promptly and effectively to the needs of citizens. The Agency will also develop and promulgate best forensic practice to improve levels of detection across the country. The improvements should lead to an increased capability to fight crime.

Some groups are more likely to be affected by crime and disorder than others. Young people, people of mixed race and young Asians face a greater risk of being victims of crime than other groups. (This is particularly important as the numbers in the latter groups are expected to rise significantly in future years). Black people are five times more likely - and Asians twice as likely - to be murder victims than white people. In addition, the number of offences of violence, harassment and criminal damage which were recorded as racially aggravated rose in 2003/4. BME groups are also disproportionately represented at all stages of the CJS process from initial contact such as 'stop and search' through to the prison population. It is important, therefore, that improvements made by the agency will impact positively on the experience of minority ethnic communities as victims, suspects, witnesses and defendants.

Our assessment is that by ensuring the Police Service adopts more effective means of gathering intelligence and responding to the needs of citizens and by promulgating better forensic practices, it is intended that the Agency should impact positively on the experience of all citizens and, particularly, BME citizens' experience of the CJS.

The NPIA will oversee delivery of police training and development, setting minimum standards, ensuring that police officers and staff are fully trained and equipped to understand the needs of different communities and to work in partnership with those communities to build stronger social controls to deal with crime and disorder and turn young people away from crime. This will be achieved by putting race and diversity and sensitive policing at the heart of

operational training. Ultimately, this should lead, for instance, to improvements in tackling hate crime and to more targeted policing, reducing disproportionality in areas such as 'stop and search'.

The NPIA aims to deliver excellent performance across the Police Service in all HR areas including those of leadership, recruitment, training and development, and professional standards. In all of these areas, improvements in race and diversity will be key objectives.

An equality team will be established within the agency to drive up performance on race and diversity across the Service. The team will ensure that all improvement policies are fully assessed for their impact on race and diversity and implemented consistently across forces and within the NPIA. This function of the agency will take account of HMIC reports and recent research reports such as the LSE report, 'Assessing the Impact of Lawrence' and will implement the outstanding relevant recommendations arising from the Lawrence Inquiry, the Morris Inquiry, the Taylor review, and the CRE Inquiry. It is our assessment that systematically embedding race and diversity in HR functions and in service delivery will bring about lasting improvements which will benefit BME officers and staff and BME communities.

2. Establish BCUs and mandate coterminosity

The aim of the policy is to place Basic Command Units on a statutory footing and to require that their boundaries be coterminous with those of local authorities. Local authority boundaries are set by the Boundary Committee for England and by the Local Government Boundary Commission for Wales. This change will not have an impact on race equality. However, moving to coterminous arrangements will provide important benefits, in terms of effective partnership working between police forces and local authorities under the umbrella of CDRPs.

3. Amend composition of police authorities

Police authorities are already ethnically diverse – 9.3% of police authority members in 2003 were drawn from black and ethnic minority communities. However, under one-third of police authority members are women and few members are aged in their twenties or thirties. The proposed changes will provide an opportunity to streamline the selection process with the aim to encourage applicants from underrepresented groups such as women and younger people.

4. Amend role and functions of police authorities

We will place new duties on police authorities to monitor the performance of their force in complying with their statutory obligations, including the Human Rights Act and the Race Relations Act. Authorities will also be made responsible for actively promoting diversity within the force and themselves. Although police authorities are, in many cases, already doing good work in the

area of race relations, making this work a statutory requirement will promote equality of opportunity and race relations in the Police Service.

5. Modify intervention powers

The modifications will enable the Secretary of State to draw on other sources of information in addition to the opinion of the relevant inspectorate when assessing whether to exercise the intervention powers. They will also enable police authorities to request an intervention in respect of their force, or part of it. Police authorities themselves will also be brought within the scope of powers.

We assess that these changes will have a positive impact on equality of opportunity and race relations. The proposed changes to the intervention powers to bring them more into line with the wider set of information sources – other than an HMIC inspection alone – which now inform our views of police force performance would enable the inclusion of race equality issues to form part of the consideration as to whether it would be appropriate to intervene. Race equality issues could also form part of the police authority's request for a force intervention. Similarly, the changes to introduce police authority intervention would also allow race equality to form part of the assessment of a police authority's performance and therefore whether it was appropriate to intervene.

6. Abolish National Policing Plan

We intend to repeal the provisions of the Police Act 1996 relating to the National Policing Plan and intend in the future to issue, on a non-statutory basis, a National Community Safety Plan. We assess that this will not impact on equality of opportunity or good race relations.

7. Remove restrictions on Specials exercising powers beyond force areas

Special constables currently have the powers and privileges of a constable only in the area for which they are appointed and any other police area contiguous to that force. There is no justification to retain this restriction, but there are operational advantages to be gained in lifting it. These include Specials being able to carry out prisoner escorts when prisoners are being collected from other forces or if a Special was caused to make an off duty arrest in another force area. We assess that removing this anomaly will not impact on equality of opportunity or good race relations.

8. Remove requirement for police authorities to agree staffing levels with chief officers

A police authority currently has to seek the agreement of the chief constable to the level of their own staffing. Police authorities argue that this provision undermines the independence of authorities and inhibits their ability to

properly hold chief officers to account. We assess that removing this requirement will not negatively impact on equality of opportunity or good race relations and increasing the independence of police authorities from their forces may lead to greater scrutiny of the forces' tackling of diversity issues.

9. Modify Best Value regime as it applies to police authorities

The world of policing performance has now moved on through the Policing Performance Assessment Framework and HMIC baseline assessments. Best Value reviews and Best Value Performance Plans are not the most effective vehicles and have been overtaken by other service improvement initiatives which are less bureaucratic. However, ensuring fair and equal access to services is a Best Value performance indicator that we do not want to see deprioritised by police authorities. The introduction of a statutory responsibility to promote diversity (l), inspection of police authorities by the new inspectorate (b) and the possibility of intervention (n) will keep equality of opportunity and the promotion of good race relations high on the agenda of police authorities.

10. Create a standard set of powers for CSOs

This proposal will result in more CSOs being designated with the power to stop and search under section 44(1) of the Terrorism Act 2000. There may be some concerns that increasing the number of CSOs authorised with this power may have a disproportionate impact on ethnic minority groups. Statistics for 2004 indicate that 91% of the population are White, 2.8% Black, 4.7% Asian and 1.2 Other.¹ Figures from 2004 show that in 2003/4, 70% of those stopped under section 44 of the Terrorism Act were White, 9% were Black and 12.5% Asian and 4.5%² Other. There is therefore an overrepresentation of ethnic minorities in the number of persons being stopped and searched.

There are a number of safeguards already in place to protect against any abuse of this power. The legislation provides that CSOs cannot exercise their power to stop and search under section 44 except in the company and under the supervision of a police constable and CSOs are also subject to the same reporting requirements as a constable exercising this power. Consequently they are required to fill in a stop and search form which includes information on the stopped person's ethnicity and is identifiable to the particular officer/CSO who has carried out the search. This information is analysed at force and national level and ensures any irregularities can be identified and traced to the individual involved. This power is already designated to CSOs in 36 police force areas and we do not expect that its extension to the other 7 forces would have a disproportionate impact on Black and Minority Ethnic (BME) groups.

¹ Section 95 Statistics on Race and the Criminal Justice System - 2004

² Section 95 Statistics on Race and the Criminal Justice System - 2004

Evidence shows that people from BME groups are more likely to be victims of crime, in particular crimes such as burglary and vehicle crime than other members of the population³. CSOs provide a high visibility re-assuring presence on the streets. By ensuring that they are properly equipped to deal with issues that they encounter on patrol this proposal should help CSOs to act as a deterrent to crime in their areas and help impact positively on the fear of crime. A study of the impact of CSOs in Leeds city centre showed that over 12 months theft of vehicles fell 49%, theft from a vehicle by 33% and vehicles interference fell by 60% in the areas where CSOs were deployed. It is likely that increased powers will increase the impact of CSOs and therefore is likely to have a positive impact on BME groups who are more likely to be victims of crime.

People from BME groups are also more likely to say they are afraid of crime than their white counterparts.⁴ By enhancing public understanding of the powers of CSOs this proposal may have a positive impact on BME groups fear of crime by increasing the confidence they have in CSOs ability to deal with issues and enhance community safety. In addition BME groups are well represented amongst CSOs accounting for over 14% nationally which may also have a positive impact on BME groups. This policy would therefore give us the opportunity to promote fairness, equality and cohesion in line with our obligations under the Race Relations (Amendment) Act 2000.

Women are well represented among CSOs accounting for 42% of the workforce. As discussed above, the proposal to establish a set of standard powers will result in CSOs in some areas being designated with more powers than they currently have. There is a possibility that this will affect the perception of the CSO role and that, in particular, it will result in CSOs being viewed as having more of an enforcement role than they do currently. Research has shown that 18% of CSOs joined because the role and working culture was more appealing than the role of a police officer. A higher proportion of women than men were attracted to the role for this reason (23%:16%).⁵ This indirect evidence suggests that women are more attracted to the non-enforcement side of the CSO role and there is a chance therefore that this proposal could have a negative impact on the number of women CSOs.

For this reason a statistical analysis was carried out to see if there was any correlation between the numbers of female CSOs in a police force and the number of powers designated in that force. The results returned showed that there was no statistically significant correlation between the two. There was also no evidence that forces where they had designated the power to detain had fewer than average numbers of women or larger than the average numbers of men in their workforce. For this reason it can be concluded that this proposal will not have a negative impact on women in this regard. However, as the power to detain has only been available for 10 months and

³ Section 95 Statistics on Race and the Criminal Justice System 2004

⁴ Commission for Racial Equality – Statistics: Criminal Justice

⁵ Home Office – RDS National Evaluation of CSOs

we do not have current recruitment figures it will be important to monitor these figures in the future (see below).

As two fifths of CSOs joined because they saw the role as a stepping stone to becoming a police officer any impact in the number of women CSOs could impact negatively on the number of women constables. However, in addition to the evidence that suggest no correlation between women and powers, men were significantly more likely than women to have taken the post of CSO as a stepping stone to becoming a regular officer and it is also likely that those women inclined to move from being a CSO into the regular police force will not be deterred from becoming CSOs by the introduction of a standard set of powers.

This policy has been assessed as having a nil impact on disabled groups.

11. Power for Community Support Officers to take part in 'truancy sweeps'

We have assessed this policy as having a nil impact on race and equality issues. We do not believe that allowing CSOs to be designated with powers to take part in truancy sweep will have any negative impact on BME groups, those with disabilities or on gender issues. We are not creating a new power, merely allowing an additional resource of uniformed police staff to be designated with an existing power. Data is not currently available on the ethnicity of those young persons removed to a designated place as a result of these sweeps, although we do know that 61% truants are male as opposed to 39% female and there is some evidence that absence rates are higher among white pupils.

However given that there is a link between truancy and juvenile crime we feel that, if anything, this policy will have a positive impact on all those affected. Figures from DfES show that there is also a strong correlation between average absence levels in schools and an individual pupil's attainment. For example 88% of pupils gain 5 or more GCSE grades at school with average absence of 8 days or fewer per pupil. But only 26% at schools with average absence of more than 20 days per pupil. Allowing CSOs to take part in truancy sweeps may result in an increased number of these occurring across England and Wales. This potentially means that more truants will be identified and removed which will have a positive impact on their education, their future and their life chances.

Legislation requires that CSOs are adequately trained in the use of any power with which they are designated. CSOs will therefore be trained in the use of this new power if they are to be given it. CSOs also receive training on race and diversity issues in their introductory training.

12. Extend street bail

Enabling the police to attach conditions to street bail will allow them to deal with suspects at the point of arrest will not impact on race equality.

13. *Extend stop and search powers at airports*

We are aware that sections of the community – in particular the Muslim community - are concerned about the use of stop and search powers in general, and the counter-terrorism powers in particular, for the reasons discussed above in relation to CSOs. It is important that we address these concerns, countering the terrorist threat and ensuring good community relations are interdependent and we are continuing to work closely with communities to reassure them that law enforcement is appropriate and proportionate.

Ministers have made a number of visits to local communities (in Oldham, Burnley, Leicester, Leeds, Bradford, Bolton, Manchester, Birmingham and London) over recent weeks specifically to give people the opportunity to express and discuss their concerns about counter terrorism powers and a wide range of other issues.

The Stop and Search Action Team (SSAT) was formed (from within the Home Office) in 2004 to take work forward to ensure that stop and search as a police power is used fairly and appropriately. The SSAT has significant input from the community. It is scrutinised by a Community Panel and is overseen by a Delivery Board evolved from the Lawrence Steering Group sub-group on stop and search. The SSAT produced a manual⁶ in April this year which sets out best practice for officers using stop and search powers, including section 44. As part of the public consultation process⁷ SSAT held meetings with over 150 young people in selected areas across the country to discuss their experiences of police use of stop and search, which informed the content of the manual. In Middlesbrough and Liverpool this included groups of young Muslim men.

The new power will provide the police with the authority to stop and search any person or vehicle in any area of an airport where they have reasonable grounds to suspect that criminal activity has or is about to take place, it will therefore lead to an increased number of stop and searches. However, the new power will put an end to confusion over what powers can be used by the police to conduct stops and searches in certain areas of an airport and we consider the power to be proportionate to the risk posed by the opportunities that minor criminality provides to terrorists at airports. The measures outlined above aim to minimise the impact of this provision on race equality.

14. *Make power to collect passenger data on domestic air/sea travel*

⁶ Manual available at http://www.acpo.police.uk/asp/policies/Data/stopandsearch_intermanual.pdf

⁷ Consultation document available at <http://www.homeoffice.gov.uk/documents/2005-cons-stop-search/>

Powers to capture bulk passenger and crew data on air and sea journeys within the UK and between the UK mainland and Northern Ireland are essential for national security and crime investigation purposes. They will help to provide the Police with valuable intelligence on the movement of known terrorist suspects, allowing them to build up detailed pictures of suspect passengers, travel patterns and networks. We assess that this provision will not impact upon race equality.

15. Give Trading Standards Officers the power to issue Penalty Notices for Disorder (PNDs)

This proposal will provide Trading Standards Officers with a quick and effective means of dealing with staff in licensed premises found to be selling alcohol to underage persons. The provision will enable them to deal with such offenders identified in test purchase operations without the need for a police officer to attend to issue a penalty notice. It is not expected to have any impact on equality of opportunity or race relations. It will assist TSOs in doing their jobs more efficiently and improve regulation.

16. Create a power of arrest for breach of a conditional caution and suspected breach of a conditional caution. Attach punitive conditions to conditional cautions

Currently, if an offender has breached a Conditional Caution and the Crown Prosecution Service has decided to prosecute, proceedings must be instigated by way of summons or charge by post (where available). With the new police power, an offender could be arrested for the breach and charged at the police station with the original offence. Similarly, if an offender is suspected of not complying with a condition of a Conditional Caution, a police officer could arrest the offender in order to investigate whether the offender is actually non-compliant and, if so, detain the offender while the relevant prosecutor makes a charging decision.

Early implementation and evaluation of the Conditional Caution scheme began in December 2004. This testing is now being evaluated. National roll-out plans are not yet finalised but are likely to be implemented from late 2005. Differential impacts are being monitored as part of the evaluation, the results of which will provide the data to undertake a Race Equality Impact Assessment and Regulatory Impact Assessment prior to the national roll-out of the scheme.

17. Changes to the role and functions of Crime and Disorder Partnerships

Further to the in-depth review of partnership provision of the Crime and Disorder Act 1998, as announced in the Police Reform Act 2002, the provisions within this bill will resolve a number of difficulties currently facing CDRPs, which have, in the past led to distraction from delivery of local crime reduction and improved community safety. We assess that these provisions

will have no impact on equality of opportunity or good race relations. The new role for local authority Scrutiny and Overview Committees to cover community safety will mean, amongst other things, that they will be in a position to help monitor race equality issues across the CDRPs work.

18. Create a community safety mechanism for local action

We are aware that there is a risk in placing ward councillors at the centre of the process in that they may not be representative of particular sections of their communities. This can be illustrated by the example of a Muslim community group who wish to raise a persistent community safety problem that has not been adequately addressed by the police, but are faced with an approach to a BNP councillor.

Councillors are required to act in line with a code of conduct which is overseen by the Standards Board. They are required to act with integrity and in a way that can give no grounds for suspicion of partiality, self-interest or corruption. They are under a positive obligation, under the code of conduct, to “promote equality by not discriminating unlawfully against any person.”

Whilst this is the appropriate safeguard against any councillor discriminating against a particular section of the community, we recognise that having to go down the complaints route would add significant delays to the process of resolving a community safety issue. So, we have added an alternative route to request action or scrutiny involvement, through a direct approach to the council executive. This route will only be available to people who are dissatisfied with the reasons given by a councillor for not taking the issue forward.

There is a lesser risk of aggravating community tensions through the mechanism if it results in visibly more resources in one area rather than another. This is a risk identified by one of the councillors that we have consulted in developing the policy. He could see a situation emerging in his area where the mechanism might result in more resources being directed at Asian areas as a result of an approach by a particular section of the community.

However, the reasoning behind the policy is that it provides a way for the CDRP to pick up on local priorities that have been missed for one reason or another. An important part of the process of trying to resolve the problem – whether through the councillor working with the CDRP informally or through scrutiny involvement – is an assessment of the relative priority of the issue. It is not about diverting resources from areas of equal or higher priority, nor about ‘he who shouts loudest’ getting action. Even if the scrutiny committee, after considering the evidence, considers that action is necessary, the CDRP partners can still decide not to take any action because it will have an unreasonable impact on service provision in another area.

19. Expand the range of agencies that can apply for parenting orders and enter into parenting contracts

One in six people perceive there to be high levels of disorder in their neighbourhoods, according to the British Crime Survey. In deprived neighbourhoods the perception is higher. However, we cannot determine if these new proposals will be used disproportionately in these areas because the survey, did not address the issue of whether BMEs (adults or children) were more likely to be the perpetrators or the victims of anti social behaviour. The survey concluded that where a person lives is a much stronger indication of their perception of ASB rather than their ethnicity.

We do feel that these provisions will bring benefits to BMEs because they can be used to tackle behaviour targeted specifically at BMEs (for example racially motivated harassment or racist graffiti) carried out by children when parents are a contributory factor in the child's ASB.

BME parents that enter into parenting contracts and who are the recipients of parenting orders will benefit from the support contracts and orders can offer.

20. Amendments to injunctions for tackling Anti-Social Behaviour

We are of the opinion that our proposed legislative amendments will not have a significant impact on BMEs. Findings of the British Crime Survey indicate that those living in 'hard-pressed' areas had odds of perceiving high levels of ASB that were four times higher than those in 'wealthy achiever' areas. We know that around 70% of ethnic minorities live in the 88 most deprived local authority areas. The survey however, did not address the issue of whether BMEs were more likely to be the subject or the victims of anti social behaviour. The survey concluded that where a person lives is a much stronger indication of their perception of ASB rather than their ethnicity.

It is likely that ASB measures are more extensively used where there are heavier concentrations of BME groups due to the spatial distribution of those communities in areas which experience high levels of crime. But as said above there is no evidence one way or another to conclude whether BMEs are more likely to be the violators or victims of these injunctions. We do feel that these injunctions will bring benefits to BMEs because they can be used to tackle behaviour targeted specifically at BMEs (for example racially motivated harassment or racist graffiti).

Both sets of injunctions are already being used. Though we have not specifically asked, to date we have not received any feedback about any of these injunctions having any sort of impact on specific ethnic groups. This is an issue we will be seeking to address when collecting data on uptake in future through the Housing Strategy Statistical Returns for 2006/07.

21. Establish the Justice, Community Safety and Custody Inspectorate

The establishment of the new inspectorate will not alter the current arrangements in respect of treatment of particular groups. By enabling inspection activity to focus more consistently on issues that cut across agency boundaries, it will increase the prospect of improvement in services as experienced by the end user. The Bill preserves a discrete function for inspection of closed custodial conditions, to provide assurance that those detained are treated decently and their human rights are respected.

In a response to the consultation paper ‘Inspection Reform: Establishing an Inspectorate for Justice and Community Safety’⁸ the Commission for Racial Equality raised a potential risk that the single inspectorate could reduce or dilute the inspection of race equality in the criminal justice system. The current five inspectorates have effective race equality inspection programs in place and officials have examined how a single inspectorate would affect these arrangements and after careful consideration we believe the creation of a single inspectorate would not have an adverse effect on the inspection of race equality in the justice system. The new inspectorate will not only continue with these robust arrangements but, as with other cross cutting issues, the single inspectorate will facilitate more consistent scrutiny of race equality issues across the board and provide a stronger point of engagement with the justice and community safety system for other bodies such as the Commission for Racial Equality and its successor the Equality Commission.

The new inspectorate will require the skills and competencies of a diverse workforce, just as the five existing inspectorates do. There are complex transitional issues relating to the transfer of staff and we will manage those to ensure continuity of activity with minimum disruption. We will ensure all is done that can be done to retain diversity in the new inspectorate. We will consult further with the staff of the existing inspectorates and their representatives about the new arrangements.

22. *Amend the Computer Misuse Act*

In addition to ensuring that we meet the commitments we have made in European instruments, these measures are necessary to ensure that adequate provision is made to criminalise all forms of computer misuse, including denial of service attacks and that we effectively punish those who carry out attacks against computer systems and data. We assess that this provision will not impact on race equality.

23. *Immigration officers and IPCC*

This proposal will help towards ensuring that there is an independent oversight of complaints and conduct of Immigration Officers engaged in certain aspects of enforcement and removals activity. It will also set up an

⁸ Consultation document available at <http://www.homeoffice.gov.uk/about-us/haveyoursay/closed-consultations/2005-cons-closed/?version=1>

appeals procedure for complainants similar to that currently in place for the police.

The IPCC began work on 1 April 2004 and has radically changed the way complaints against the police are handled in England and Wales. For example the IPCC provides face-to-face, telephone and written translation so that complaints can be made in whatever language the complainant feels comfortable in. Key publications are translated and other information is provided on request. They are also taking steps to collect robust data on the ethnicity of complainants to assess how well this information is getting through and how confident people feel to complain.

We assess that the involvement of the IPCC in complaints about the conduct of Immigration Officers engaged in enforcement and removals will have a positive impact on race equality.

24. Provide for the forfeiture of data storage devices that have held indecent photographs of children

This provision will close a small gap in the law whereby if the articles are discovered under a warrant, other than a warrant under the Protection of Children Act, forfeiture is unlikely. We assess that closing this gap will not impact on equality of opportunity or good race relations.

25. Amend the Extradition Act

The amendments to the Extradition Act are generally of a minor or technical nature and are largely in order either to ensure that the UK is not fully compliant with its international obligations, or for clarification and simplification. We assess that this provision will not impact on race equality. Specifically, nationality plays no part in extradition. The UK will extradite a requested person whether of British or of any other nationality if the requirements of the Extradition Act are met

Recommendations

The majority of the provisions outlined above will not impact on race equality either way. We have noted the points about the introduction of a community safety mechanism in particular, and have added the alternative route to request action or scrutiny involvement to mitigate these concerns. We will nevertheless closely monitor its introduction. We also note the positive impact on race equality that the introduction of the NPIA and the Justice, Community Safety and Custody Inspectorate will bring, as well as benefits of making police authorities explicitly responsible for promoting diversity.

We conclude that the Bill considered as a whole makes a positive contribution to equality of opportunity and promotes good race relations.

**Police Reform Unit
Home Office
January 2006**