

Proposals on Police–Community Relations and Other Matters – the Scarman Report on the Brixton Disorders and the Home Office Report on Racial Attacks

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The Scarman Report on the Brixton Disorders

During the weekend of 10-12 April, 1981 serious riots took place in the Brixton area of South London in the course of which over two hundred and seventy police were injured, as well as at least forty-five members of the public. Twenty-eight buildings were reported to have been damaged or destroyed by fire and a large number of vehicles, including police vehicles were destroyed or damaged, again some by fire. Petrol bombs were thrown at police, as well as bricks, iron railings and other missiles. Ambulances, fire engines and their crews were also attacked as they sought to respond to calls in the area. Scenes of violence and disorder were shown on the television: as subsequently described by Lord Scarman the like of this had not previously been seen in Britain this century.¹ Subsequently, the Home Secretary, Mr. Whitelaw, appointed Lord Scarman to inquire urgently into the serious disorders in Brixton described above and to report, with power to make recommendations.

The Report of Lord Scarman into the disorders of April, 1981, presented to the Parliament at Westminster in November, 1981,² deals specifically with the problems of policing a complex modern society which includes areas of significant ethnic diversity with grave social problems. The difficulties of living in deprived urban areas with over-crowded households, insufficient recreation facilities, particularly for young people and their high rate of unemployment are acknowledged in the Report.³

Lord Scarman notes that the problems faced by the black community in such places as Brixton, are similar to those facing the whole community, but the problems are much more severe with respect to young black people, leading to a particular sense of frustration and deprivation by them. The areas of education, unemployment and discrimination are amongst those cited as particular areas of difficulty in the Report.⁴

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1. The Brixton Disorders 10-12 April, 1981, Report of An Inquiry By the Rt. Hon. the Lord Scarman, O.B.E. (cmd. 8427) (1981), at 1.
2. See n.1 *supra*.
3. See Report at 4-10.
4. See Report at 11.

Lord Scarman emphasises that the police do not create social deprivation and the problems of policing a deprived multi-racial area like Brixton have to be considered in the light of the social environment in which policing occurs. However, he also states that good policing can help to diminish tension and avoid disorder.⁵

The Report stresses the importance of a coherent and well-directed response by police to the challenge of policing a modern multi-racial society. It recommends vigorous recruiting action to ensure that the police force is fairly representative of the community it serves as a whole, including the ethnic minorities. It states that a police force which fails to reflect the ethnic diversity of society will never succeed in securing the full support of the sections society comprises.⁶ In this context, it is interesting and welcome to note the use of the ethnic press in a recent New South Wales police department recruiting campaign. It is hoped that the above trend will continue in New South Wales and elsewhere, both as an aid to recruiting and as a further link between police and the ethnic communities.⁷

The importance of adequate training for police to prepare them for the problems of policing modern society, including the ethnic minorities, is emphasised in the Report. Lord Scarman points out that there must be greater emphasis in training police to handle and defuse potential situations of conflict with the public in the streets. He recommends that this training be given a very high priority during recruit training as well as thereafter, as during in-service training.⁸

Lord Scarman further recommends that training courses designed to develop understanding of the importance of good community relations as essential to good policing, should be made compulsory for all police officers up to and including the rank of superintendent. He suggests that the theme of these courses should be the role of the police as part of the community, the operational importance of good community relations, the techniques of consultation and the moral as well as legal accountability of police to the public. He also states that he hopes to see community representatives, particularly from the ethnic minorities, playing a part in the design and execution of such training programs.⁹

Lord Scarman states that he welcomes recognition being given by chief officers of police to satisfying the public demand for the re-introduction of foot patrols.¹⁰ It is interesting to note in this context the recent press statement by the new New South Wales Commissioner of Police, Mr. C. Abbott, on putting more police on the streets.¹¹ LORD SCARMAN REFERS TO RECENT AMERICAN RESEARCH WHICH SUGGESTS THAT FOOT PATROLS DO REDUCE PEOPLE'S FEAR OF

5. See Report at 100.

6. See Report at 76-78.

7. In Queensland it is appropriate to note the recent (1982) designation as ethnic liaison officer of the Deputy Commissioner of Police. Organised visits by Queensland police cadets to ethnic clubs this year are also worthy of note.

8. See Report at 79.

9. See Report at 82-83.

10. See Report at 90.

11. See "The Sydney Morning Herald", 16 December, 1981, at 1.

CRIME. HE SAYS THAT THE EXPERIENCE OF BRIXTON CONFIRMS THAT THE MANNER IN WHICH PEOPLE PERCEIVE THE POLICING OF THEIR AREA, IS AS IMPORTANT AS THE REALITY OF POLICING.¹² It may be noted however, that the important role played in police community relations in the London Metropolitan police and other English police forces, by Community Liaison Officers in police districts and a centralised Community Relations Branch still awaits more recognition in Australia. Likewise, the concept of the Home Beat Officer who is specifically posted to patrol on foot a particular area and who keeps in touch with youth clubs, schools and other organisations in his area, may be regarded as deserving more attention in Australia. Lord Scarman states that Home Beat Officers have a vital role in the community relations field.¹³ He points out it is advisable that officers policing on foot should do so on a regular basis and should be well-known to the local community. Lord Scarman recommends that the status of the beat officer should be enhanced so that he is not left at the bottom of the police team.¹⁴

Lord Scarman further recommends a statutory framework for consultation between the police and local communities and the establishment of local consultative or liaison committees. Such committees would comprise selected local councillors, other community representatives and appropriate police officers. Lord Scarman states that these measures would help to meet the need for the development of communication between the police and the communities they serve.¹⁵

It may be noted that the establishment of District community police councils with local government representation and representation by voluntary bodies has been advocated for some time by Mr. John Alderson, the Chief Constable of Devon and Cornwall, who made detailed submissions to the Scarman Inquiry. Mr. Alderson has stated that the objectives of his system of community policing include co-operative action for the prevention of crime, united support in reducing fear of crime and the creation of trust or its reinforcement in neighbourhoods. Mr. Alderson has stated that through community policing, police would be made more accountable to the public and in turn they could expect more public support.¹⁶ It may be noted that Mr. Alderson is a Consultant to the European Commission on Human Rights. He is also a past Commandant of the Police Staff College at Bramshill.

It may also be of interest that in his submission to the Scarman Inquiry, Mr. Alderson has recommended the setting up of Joint Services Youth Support Teams, consisting of social workers, selected police officers and probation officers, together with an educational liaison officer. Such teams would be required to take an interest in children at risk, and be available for consultation by magistrates as well as by parents, teachers, police, social services, probation and youth services and other agencies. These teams

12. See Report at 90.

13. See Report at 48, 90-91.

14. See Report at 90-91.

15. See Report at 96-97, 130.

16. J. Alderson, Submission to Scarman, the Case For Community Policing (1981).

could also be used for purposes of arranging caution and supervision. Their existence would influence inter-departmental policies, reduce stereotyping of agencies and diminish barriers between various agencies concerned with young people.¹⁷ An analogy already exists in New Zealand, where Joint Teams of police, social workers and representatives of other agencies have established a successful record in recent years as a useful initiative in the juvenile aid field in dealing with problems and increasing liaison and co-operation between different government departments and agencies.¹⁸

In an Australian context, note may be taken of the joint teams against suspected child abuse and neglect (SCAN teams) which were set up in Queensland in 1980. Representatives of the Police, the medical profession and the Welfare Department work on these teams throughout Queensland. A Central Register of child abuse maintains statistics of the cases dealt with by the SCAN teams under the control of the Co-ordinating Committee on Child Abuse. Members of the medical profession, the Health Department and the Police Department sit on the Co-ordinating Committee. Representatives of these Departments have also worked together with members of the medical profession in organizing the second Australian Conference on Child Abuse which was held in Brisbane in September, 1981.¹⁹

Lord Scarman mentions the need for more effective protective equipment for police, including flame-proof clothing where necessary when responding to disorders. He also refers to the need for police transport vehicles which have some form of protection against missiles, for suitable shields and for improved arrangements for communication, as well as for a review of police tactics in the handling of disorders and to appropriate training for police.²⁰ These points may well be of interest to those concerned with specialist police elements in Australia, such as the Tactical Response Group in New South Wales and similar specialized groups in other Australian police forces. Further, police entrusted with handling siege situations may have an interest in items of protective equipment mentioned above.

The benefits which may be gained by studying ways in which community leaders and police can co-operate in tense situations to help to defuse tensions are also mentioned by Lord Scarman. He emphasizes the central point of bringing the police and the public closer together and states it would be tragic if attempts to that end were to be accompanied by changes in policing disorders which led to the police being further distanced from the public.²¹

The Home Office Report on Racial Attacks

A related Report published in November, 1981, the same month the Scarman Report was presented to Parliament, is the Home Office

17. *Ibid.*

18. See A. Hiller, *Police Community Relations in New Zealand* (1980) Aust. Crime Prev. Council Q. Jo.3, 33.

19. See 1981 Annual Report, Queensland Police Department, at 29.

20. See Report, n.1 *supra*, at 97.

21. See Report at 98.

Report on Racial Attacks which was prepared at the direction of the Home Secretary, Mr. Whitelaw.²² The Foreword by the Home Secretary states that racial attacks are closely connected with other issues, including Racial Disadvantage, Public Order Legislation and Lord Scarman's Inquiry into the Brixton riots.²³

The Home Office Report is particularly significant for its analysis of the responses of local authorities, teachers, police, the media, community relations organisations and immigrant communities to racial attacks and racist propaganda. Thus the importance of a firm response by head teachers in schools to outward manifestations of racism is made clear in the Report. Reference is made to leaflets distributed within schools and to pupils wearing badges of extremist organisations. The Home Secretary himself notes the disquieting way in which the pernicious propaganda put out by extremist groups is directed at young people.²⁴

The Report defines a racial incident as an incident or alleged offence by a person or persons of one racial group against a person or persons or property of another racial group, where there are indications of racial motive. The working party which compiled the Report has stated that the common-sense approach taken to the definition of a racial incident appears to have worked satisfactorily. The Report notes that motives have to be inferred from the circumstances of the incident.²⁵ The Report emphasises the importance of prompt reporting of racial attacks to police and of close liaison between immigrant communities, the police and local authorities. In turn, the necessity for further training of police with the assistance of ethnic groups and representatives is made clear in the Report. The continuous collection of relevant information by local authorities, police and other appropriate agencies to enable a co-ordinated response to the problems caused by racial attacks and propaganda put out by extremist groups is repeatedly emphasised.²⁶

It is noteworthy that in Australia itself a recent survey by the New South Wales Ethnic Affairs Commission highlighted in "The Sydney Morning Herald" in January, 1982 reveals the spread of inflammatory racial propaganda in areas in the western suburbs of Sydney and elsewhere.²⁷ Slogans used are reported to include, "Jobs not Refugees," "Kill an Asian," "They breed like rabbits," "They are taking our jobs." Posters and stickers containing racial propaganda are reported to have been pasted on post offices, phone booths, railway station hoardings and on council signs and in leaflets left in mail boxes. It is also reported that current problems of unemployment and housing and lack of recreational facilities in areas in the western suburbs are being used to seek to influence young people, the unemployed and others in the direction of racial activities with particular prejudice against Asians.²⁸ It is

22. Report of Home Office Study, Racial Attacks (1981).

23. at iii, *supra*.

24. at iii, 24-25, *supra*.

25. at 6, *supra*.

26. at 34-36, *supra*.

27. See "The Sydney Morning Herald", 14 Jan. 1982, at 2.

28. *Ibid*.

understood that these activities have been brought to the attention of the new Australian Human Rights Commission in Canberra, established in 1981, pursuant to the Human Rights Commission Act 1981 (Cth.)

Conclusions

Thus it appears that the seriousness of the economic and social problems, emphasised by Lord Scarman, of people living in urban areas with a high rate of unemployment, serious housing problems and insufficient recreational facilities also requires consideration in Australia. Areas in the Western suburbs of Sydney and similar urban areas elsewhere are targets, present or potential, for inflammatory propaganda and any attempts to create dissension should be kept under close scrutiny so that appropriate preventive action can be taken when necessary. It is hoped that the new Australian Human Rights Commission together with appropriate law enforcement authorities, both State and Federal, will keep a close watch on any such developments as mentioned above. Should the situation require it consideration may have to be given to introducing an offence of inciting racial hatred such as now exists in the Public Order Act, 1936, as amended, in the United Kingdom.²⁹

It may be noted that the new s. 5A inserted in the Public Order Act, 1936, in the United Kingdom by the Race Relations Act, 1976, made it an offence to publish or distribute written matter which is threatening, abusive or insulting, or to use in a public place or at a public meeting words which are threatening, abusive or insulting in a case where hatred is likely to be stirred up against any racial group by the words or matter in question.³⁰ The 1976 legislation followed comments made by Lord Scarman, in 1975, in his Report on the Red Lion Square Disorders of the previous year, that earlier legislation against racial hatred enacted in 1965³¹ was "useless to a policeman on the street."³² Further legislation is being considered by the Home Secretary in England which would prohibit the use of language or behaviour which incites or is intended to incite hostility against racial groups and which could lead to subsequent, though not necessarily immediate disorder or to criminal activity directed against members of racial groups.³³ Submissions on proposals for further legislation with respect to the incitement of racial hatred have been invited by the Home Secretary in a Green Paper published in 1981.³⁴

29. s. 5A.

30. Race Relations Act, 1976, s. 70.

31. Race Relations Act, 1965, s. 6.

32. Report of Inquiry By the Rt. Hon. Lord Justice Scarman, O.B.E. (cmd. 5919) (1975), p. 35.

33. See Green Paper, Review of the Public Order Act, 1936 and Related Legislation (Cmnd. 7891) (1980).

34. *Supra* at iii.