Comparing the Recruitment of Ethnic and Racial Minorities in Police Departments in England and Wales with the USA

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‘The police are the public, and the public are the police’
Sir Robert Peel

Introduction

In the late 1820s, when British Home Secretary Sir Robert Peel introduced legislation into the British parliament to create the very first police department, the phrase that the ‘police are the public, and the public are the police’ was developed to allay public fears that the new institution would become an oppressive army of an overmighty central state. Unwittingly perhaps, this set the stage for efforts to create modern day police departments that are inclusive of the general community and reflect the racial and ethnic diversity of the wider population.

Further to this founding principle, in many countries, the need to recruit a more ethnically and racially diverse police service has been a pressing concern for several decades. Although this imperative is regarded as a core task for police services in liberal democratic countries with a common law tradition, it is worth noting that this aspect of the ‘diversity agenda’ has not been confined to such contexts. Indeed a more diverse pattern of recruitment has been sought by police services in imperialist and segregated societies too.

In colonial quasi-military policing systems, police leaders adopted a degree of ethnic matching by relying on Maori officers to provide effective policing of Maori communities in New Zealand (Hill, 1986). Regarding the Indian Police Service, a Royal Commission in 1912 recommended greater efforts to recruit Indians, appoint them to senior posts, and equalize salaries (Griffiths, 1971, p. 189). During the era of Jim Crow racial segregation in the USA, black officers were employed to police African-American communities (Roberg et al., 2008). Black officers were also employed to police racial segregation in apartheid South Africa (Cawthra, 1993). These instances serve as a warning that the recruitment of a police workforce that resembles the ethnic diversity of wider society is not necessarily indicative of a liberal, democratic, or progressive policing agenda. The need to maintain

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a critical perspective on the impact of the diversity agenda is a key element of the review offered in this comparative overview of the experience in England and Wales and the USA.

The recruitment and retention of a more diverse workforce has been central to the broader diversity agenda surrounding policing that is reviewed in other contributions to this collection and in the wider literature. Although the Lawrence Report of 1999 provided an influential agenda that led to a sustained and extensive programme intended to recruit greater numbers of Black, Asian and Minority Ethnic (BAME) staff to the police service, it was far from the first time that such ambitions were articulated. In both the England and Wales and the USA, programmes to recruit minority ethnic or racial staff has been matched by parallel efforts to broaden diversity in terms of age, gender, sexuality, and from disabled communities. The diversity agenda has been broader than the issues relating to BAME staffing that are outlined here but these have been important long-term dimensions of some more recent elements of debates reviewed in this special edition. This article briefly reviews the recent history of these developments before undertaking a comparative analysis of the experiences of the USA and England and Wales in terms of promoting the development of a more ethnically/racially diverse police workforce. It is understood that the analysis based on examination of these two countries does not necessarily extend to developments elsewhere. The USA and England and Wales examples are chosen here since there is a long history of comparative analysis of developments in policing, between these two countries, data are relatively freely accessible in both contexts, and because similar programs have been introduced in each.

It is argued that the experiences from both countries indicate that while considerable progress has been made, problems still exist in terms of ethnic/racial classifications, the extent to which recruitment drives of various kinds have been successful, and also that there remains a lack of clarity in terms of the goals and benefits that might derive from increased diversity. Crucially, a central ambiguity remains in that the establishment of a police workforce that more closely matches the racial and ethnic diversity of the general population is sometimes regarded as a precondition for wider improvements in police relations with BAME communities, but also as a symbolic outcome of changes within the service.

### Recruiting a diverse workforce in the USA and England and Wales

In England and Wales and the USA, in recent decades, the imperative to recruit minorities has been couched in terms of the need to address recognized disparities in the criminal justice system. In the USA, due to the pressures of immigration, reports produced by national commissions, affirmative action legislation, lawsuits, and standards developed by national accrediting bodies, there have been demands for and changes implemented to ensure that those working for police departments resemble the communities they serve (e.g. Wright, 2000). Additionally, during the past three-and-a-half decades there has been considerable research in the USA examining police hiring of African-Americans (e.g. Decker and Smith, 1980; Lewis, 1989; Zhao and Lovrich, 1998); women (e.g. Ermer, 1978); Latinos (e.g. Alozie and Ramirez, 1999; Perez McCluskey and McCluskey, 2004); and American Indians (e.g. Ross, 2006). There have also been some statistical analyses examining minority employment trends (e.g. Kaminski, 1993; Zhao, He, and Lovrich, 2005).

The history of municipal policing in the USA is closely enmeshed with law enforcement practices in and with minority communities (Monkkonen, 1981). While space here precludes an in-depth review of the numerous high profile police–citizen encounters that have been racially motivated or tinged with race relations problems, some more recent incidents are worth reviewing. During the
1960s, after a series of race riots, many of which were precipitated by incidents of police use of excessive force, and street protests against American involvement in Vietnam, the federal government sponsored a number of national commissions to investigate the causes and make recommendations for change. These bodies included the Commission on President’s Commission on Law Enforcement and Administration of Justice (1967); the National Advisory Commission on Civil Disorders (1968); and the National Advisory Commission on the Causes of Crime and Disorder (1968). All three of these efforts made numerous recommendations concerning the necessity of increasing the number of minorities in criminal justice agencies, including police departments.

The basis for recruiting minorities also has its origins in Affirmative Action Legislation, programmes, and initiatives. Affirmative Action practices are based on a series of federal laws originally passed in 1964, and governed by the Equal Employment Opportunity Act (EEOA). In particular, the 1964 Title VII of the Civil Rights Act, Section 703A outlines that it is against the law to discriminate individuals in employment related issues (i.e. hiring pay, benefits, promotion, and dismissal) based on race, colour, religion, sex, age, pregnancy, and national origin. Not until 1972 when the EEOA was passed was there a significant effort by police departments to hire minorities and women into their ranks. ‘Most importantly, the EEOA sought to reduce discrimination in the hiring process. Police organizations were responsible for employing equal numbers of individuals according to the racial or ethnic percentages breakdown of the existing population’ (Ross, 2012, p. 248).

In addition to legislative actions, professional bodies have also pushed for the hiring of visible minorities. The Commission on Accreditation for Law Enforcement (CALEA), for example, recommends in its Standards for Law Enforcement Agencies that police departments should reflect the racial and ethnic composition of the communities in which they work. Moreover, it was not just

the president, congress, and professional bodies that advocated increased minority representation. Long-standing organizations like the National Association of Colored People (NAACP), and the American Civil Liberties Union (ACLU) also have pressed for these kinds of policy initiatives. Others, such as the National Crime Prevention Council, a well-respected, non-partisan, and non-profit organization dedicated to the reduction of illegal behaviour have developed publications designed to assist police departments hire officers from immigrant groups (National Crime Prevention Council, 1995).

More recently renewed attempts to recruit, retain, and promote minorities has been a reaction to a number of highly controversial incidents of police violence that have had communities up in arms. These incidents ranged from the beating of Rodney King (1991), to Abner Louima (1997), to Sean Bell (2006) to more recently Michael Brown (2014). These confrontations were perceived by a wide range of political actors to be egregious and knowledge about them was accompanied by considerable news and social media attention (Ross, 2000). Although the recommendations advanced by independent review boards recommended a variety of sanctions (ranging from reprimands to dismissals to filing of criminal charges), better selection, and training for officers, not to mention the adoption of more ‘less-than-lethal’ weapons, the options frequently fell back on the need to hire more visible minorities to the police departments in question.

In the USA, sporadic and sustained campaigns have been launched to recruit visible minorities. Some of these include ‘public relations programmes and bonuses to existing officers’ (Ross, 2012, p. 247). Techniques have involved ‘mobile recruiting vans, which they use to drive out to college campuses or military bases in search of potential recruits. Some organizations have offered their own officers such perks as extended vacation time if they can personally sign up new recruits. Other
departments have offered recruits significant bonuses to join the force’ (Ross, 2012, p. 247).

To address the federally mandated EEOA guidelines many police departments depend on highly controversial quotas to fill positions. Although this practice may assist the organization remedy gaps, there are palpable downsides. Minorities can feel like tokens appointments, in some case standards have been lowered, and current qualified actual or potential employees may feel like they have been denied positions because of arbitrary guidelines not based on merit, experience, or ability. This is often termed reverse discrimination (Ross, 2012, p. 249, see also http://www.adversity.net/policefire_2.htm). It was to avoid some of these perceived pitfalls that ‘positive discrimination’ has been resisted in England and Wales, although many of the other practices to promote recruitment of minority ethnic groups used in the USA have been implemented as a programme of ‘positive action’. The distinction between positive ‘discrimination’ and ‘action’ in England and Wales is that the latter does not involve the use of quotas or direct restrictions in the recruitment process but can embrace targeted advertising programs and efforts to help minority candidates in the pre-application process.

In the USA, according to the most recent version of Law Enforcement Management and Administrative Statistics (LEMAS) data (Reaves, 2010), in 2007 about one in four officers working for close to 3,224 states and local law enforcement departments surveyed were racial or ethnic minorities. This number (117,113) is an increase of approximately 10% from 2003. More specifically, the number of police officers who were African-American increased by 5% since 2003. This figure, however, has remained unchanged since the 2003 panel. With respect to Hispanics, the number (47,678) also represented an increase of 16%. Officers from other minority groups including Asians, Pacific Islanders, and American Indians comprised 2.7% of the total officers in 2007. Data were not available with respect to the number of minorities in different ranks and/or supervisory positions.

As in the USA, a catalogue of reports, commissions, and studies have pressed the case for employing a more diverse workforce in England and Wales. This can be traced back at least to the late 1960s (Rowe, 2004). In the mid-1990s, two reports urged that steps be taken to ensure that the ethnic diversity of British society was more closely reflected within the police service (Commission for Racial Equality, 1996; Her Majesty’s Inspector of Constabulary, 1996). Both of these studies noted that demands to improve equal opportunities had been made earlier documents produced by powerful police bodies. The CRE report, for example, pointed out that a 1990 policy document issued by the Association of Chief Police Officers (ACPO) Setting the Standards for Policing: Meeting Community Expectations had argued ‘forces should strive to improve equal opportunities within the organisation’. It also referred to a 1992 HMIC report, Equal Opportunities in the Police Service, and one from the late 1980s (CRE, 1988), Employment in Police Forces: a Survey of Equal Opportunities. Additionally the CRE report noted that the 1981 Scarman Inquiry had emphasized that (Scarman, 1981, p. 5.12): ‘A police force which fails to reflect the ethnic diversity of our society will never succeed in securing the full support of all its sections.’

One way in which the 1999 Lawrence Report differed from some of its predecessors was in the extent of the political support that it engendered from the New Labour government that had commissioned it. In terms of the recruitment and retention of BAME communities, the Report resulted in detailed targets for each of the 43 police services of England and Wales in terms of the numbers of minority ethnic staff each needed to recruit to achieve parity with their local resident population. It was intended that by 2009 services should have achieved parity. Data released in 2003 showed that police services continued to be underrecruiting BAME staff. At that stage, to give a few examples,
Nottinghamshire police service (with a residential population that was 3.52% BAME) needed to recruit an additional 20 BAME officers to achieve parity, West Midlands police (9.45% BAME population) an additional 862 minority officers, and the Metropolitan Police (25% of BAME population) needed to recruit an additional 5,661 BAME officers.

Police services developed a range of recruitment initiatives designed to increase the representation of BAME officers. Unlike in the context of the USA, as outlined above, ‘affirmative action’ policies have not been pursued in England and Wales. In addition to legal and administrative barriers to such approaches there has been a broader resistance to introduce ‘special measures’ that might give rise to claims that BAME police officers have received favourable consideration in the appointments process. Short of positive discrimination, measures implemented have included a broad range of advertising and publicity campaigns, outreach work with community and education groups, using minorities themselves as ambassadors and mentors to applicants, pre-application support and coaching, and steps to accommodate religious and cultural practices (such as allowing Muslim women to wear a hijab within the uniform requirement).

There is evidence of modest progress resulting from these activities. In 1999, 97.8% of constables were white; this fell to 94% by 2009, reflecting increases in the numbers of Asian, Black, and Chinese/other ethnic groups. In 1999, only 0.5% of sergeants were Asian and 0.6% black. By 2009, these figures had risen to 1.0% for each group, although the percentage of sergeants who were Chinese or other fell from 0.3 to 0.0 over the same decade. In terms of the chief officer ranks, none were Asian, Black, or Chinese/other in 1999; by 2009, 2.0% were Asian, although the other groups remained under-represented (all data here from Home Office (1999) and Ministry of Justice (2010)). While only 4.4% of all officers are of a BAME background the proportion of voluntary special constables (9.6%) and community support officers (11.5%) is higher and some have suggested that since those in these roles often intended to become fully sworn officers, these stronger figures might bode well for future recruitment patterns (Johnston, 2006).

In England and Wales, clearly, though, significant challenges remain for the police service. The targets that were set post-Macpherson in 1999 were supposed to be achieved by 2009, and have been missed by some distance (indeed the targets were actually dropped before that date in anticipation that they would not be met). In 2009, the proportion of police officers of BAME background was smaller than staff in the Crown Prosecution Service, the National Offender Management Service, and among the magistracy. It might be that the barriers to recruitment have not been wholly dismantled but the lack of progress, given that police services have invested considerable efforts in recruitment campaigns. As of 2013, the proportion of minority ethnic officers had risen to 5.0%: the three forces (Metropolitan, West Midlands, and Leicestershire police) with the greatest percentage are all characterized by residential populations that have a high number of BAME communities.

Problems with racial and ethnic classifications: USA and England

Numerous key limitations relating to ethnic and racial classifications are important to review. This comparative examination of the experiences of the USA with that of England and Wales further demonstrates that the categorization of race and ethnicity is highly contextual and a reflection of the very particular social, political, and historical circumstances. It is problematic that ethnic and racial classifications are originated by states in ways that identify certain groups as ‘quantitatively aberrant’ from majority populations and also internally ‘qualitatively homogenous’ (Carty and Brand, 1993, cited in Asutosh, 2014, p. 131). In the UK,
ethnic monitoring within criminal justice has been conducted in the framework of ethnic groups established for the census. The categories and terms used in this ‘16+1’ model reflect the post-colonial experience of the UK in recent decades. The 16 ethnic classifications (comprising categories of white, Asian, African/Caribbean, mixed, and ‘other’: and various sub-divisions within) are joined by a further ‘not stated’ option. This typology is problematic for a number of reasons. First, the categories fail to encapsulate the fluidity and inter-sectionality of ethnicity. ‘White’ is a highly nebulous ethnic category. Recent migrants from eastern European countries, for example, do not easily fit this template, which might mean that specific challenges in police community relations, for example, are obscured by omnibus categories. Gypsy and traveller groups are similarly difficult to place within this framework, as are people from the Middle East. Processes of ethnic monitoring within policing and criminal justice more broadly simply fail to capture the dynamic nature of lived realities for police officers and the public that they serve.

Secondly, the typology confuses national identities with skin colour. This means that the categories are incommensurate with one another: comparing people of Bangladeshi descent with those who are of ‘any other black background’ appears rather meaningless and confuses familial lineage with skin pigmentation. While fine distinctions are drawn between some groups of different national background, there is nothing in the classifications to recognize religious identity: Muslim and Jewish people, who have particular histories of victimization, for example, are not captured in the ethnic classifications. The Asian categories of Indian, Pakistani, and Bangladeshi reflect migration to Britain since the 1960s but clearly do not adequately acknowledge the breadth and diversity of the continent that represents around half the population on the planet. More puzzling still, ‘Chinese’ is listed as a separate group altogether. The specificity of the categories used in relation to diasporic Asian communities in different countries demonstrates the extent to which the terminology is socially determined. Asutosh (2014) shows how changing patterns of migration and the politics of ethnicity have changed the meaning of ‘Asian’ ethnic categorization in post-war Canada. In some respects, those terms bear closer resemblance to the UK experience.

In the USA every decade the federal government is mandated to perform a national census. This monumental task is fraught with methodological and conceptual obstacles. Numerous criticisms of this process have been made. In addition to the unavoidable problem of having individuals self-select their racial identities (Prewitt, 2013), the categories change every year. The census, however, is an important benchmark with which Affirmative Action processes and police departments must depend. Police departments, are legally mandated to keep records of their attempts to hire all categories of racial and ethnic minorities, women, and individuals with disabilities to demonstrate that they comply with EEOA legislation. This pressure sometimes leads police departments to engage in ethically questionable and/or controversial actions. Police have filed suit complaining that federal mandate tests and questions used during interviews of prospective job candidates give preference to minority applicants.

Each time the Census is taken, categories shift ever so slightly due to both scientific and political pressures. Why? There is considerable diversity among the labels African-American and confusion between the terms Hispanic and Latino. These categories are compounded by country of origin and language. The census tries to tap these differences but is not always successful and it is increasingly difficult when individuals of mixed race/ethnicity are forced to choose appropriate categories when they complete the instrument.

The limitations of ethnic and racial classifications might suggest that the monitoring practices that have underpinned much of the police diversity agenda in recent decades should be abandoned. A preferable position might be that the incongruities,
multiple dimensions, contradictions, and inter-sectional connections with gender, age, class, education, religion, and innumerable other dimensions of identity are recognized. Creating a police service that ‘matches’ the ethnicity of the wider community is almost certainly impossible, and prompts the following important questions. Which community is the benchmark? How is the dynamic and shifting nature of communities incorporated into such an ambition? How to incorporate the multifaceted highly granular nature of ethnic identity? The problems of avoiding essentialism in terms of categorizing ethnicity extend to the wider program of creating a ‘representative’ police workforce. Clearly the principle that police services reflect the public that they serve can hardly be disavowed, but an essentialist position based around matching the purported ethnic identity of staff to the local population ignores the plethora of cultural, structural, and institutional factors that shape the catalogue of poor relationships between police and marginalized minority, ethnic, and racial communities.

Cracks in the mirror

Just because police departments want to hire ethnic and racial minorities into their organizations, it does not mean that this will be a particularly easy challenge to meet (Bayley and Mendelson, 1969; National Research Council, 2004). In the USA, as years turned into decades it became apparent during the 1980s and continuing into the 1990s, that law enforcement agencies were lagging behind in their efforts to recruit minorities who were proportionate to the communities that they policed. Studies by Hochstedler et al. (1984); Walker (1989); and Warner et al. (1990), to name a few, seemed to indicate that few police departments in USA were anywhere near matching the number of minorities in their ranks to the demographics of their cities (Kaminski, 1993; Stokes and Scott, 1996). As was noted earlier, there was a parallel shortfall in England and Wales, despite considerable effort from government and police services. Some of the explanations for this state of affairs as it involved African-Americans in the USA were: decrease in budgets for hiring; lingering racism inside police departments; tests that were racially biased; low educational attainment; low rates of African-Americans in the local labour force; higher than average criminal convictions of African-Americans; and low desire for a career in law enforcement among minorities (Kaminski, 1993). There is some supportive but not conclusive evidence for these findings. Again, parallels can be identified in England and Wales as some minority communities have lower educational attainment and greater rates of criminal convictions, and research suggests some do not regard law enforcement as an attractive or high-status career (Stone and Tuffin, 2000). All recruitment efforts have been restricted in recent years due to central government spending cuts that have seen a significant reduction in police service strength and many freezing recruitment (Barton, 2013).

More promising evidence has been with the recruitment of Latino law enforcement officers (Perez McCluskey and McCulusky, 2004). In particular, ‘some locales are more likely to meet the growth of the U.S. Latino population with increased Latino representation’ (Perez McCluskey and McCulusky, 2004, p. 76). This is largely attributable to a greater number of Latinos in the work force from which to draw on. Needless to say, some of this research is hampered by a failure to break down the country of origin of visible minorities, and the types of studies that have been performed (i.e. mainly observational).

Another aspect worth commenting on is the issue of racial profiling. This refers to the practice in ‘which important decisions (e.g. stopping, questioning, searching, arresting, charging, convicting, and sentencing) are made based on an individual’s race, ethnicity, or religion’ (Ross, 2012, p. 98). Although incidents of racial profiling in law enforcement have occurred since the creation of the first police department, in the USA ‘[i]t was not
until the 1980s that this practice was brought to the American public’s attention’ (Ross, 2012, p. 98). This was precipitated by a series of controversial highway stops by the New Jersey State police who were targeting African-American drivers. The resultant court case prompted the presiding judge to claim that ‘state troopers were engaged in a state-condoned policy of racial profiling and that the NJSP had failed to monitor, control, or investigate claims of discrimination’ (White, 2007, p. 260). There are advantages and disadvantages to racial profiling and it is practiced by both police officers who are white and African-American. Since this time numerous policies have been revised and implemented to minimize the frequency of this time-honoured police practice.

In England and Wales there has also been sustained evidence that stop-and-search practices have disproportionally impacted upon some minority communities, and in other police contacts with the public, such as searching and arrest decisions (Rowe, 2013). There are differences between the comparators, however. The legal and political concept of ‘racial profiling’ has not featured so heavily in debates in England and Wales, and controversies in relation to stop and search, tends to relate to pedestrian encounters and not vehicle stops as in USA. While over-representation is clear among the data gathered as part of monitoring practices, it remains uncertain to what extent these reflect discriminatory practice among individual officers or are an outcome of operational deployment decisions. Several studies have concluded that stop-and-search in England and Wales is not disproportionate in terms of the profile of people who are ‘available’ to this police encounter because they are present in public at times and in places where stop and search is most likely to be carried out (Waddington et al., 2004). The question remains, however, why stop-and-search practices are targeted at those locations and times. Profiling, it seems, might be carried out not by individual officers exercising poor quality discretion but by supervisory officers making decisions about operational deployment.

While it was noted that fiscal austerity might have recently hampered efforts to increase recruitment from minority communities, the opposite might be the case in terms of stop and search. Recent statements from the Home Secretary have suggested that police use of stop and search might be subject to legal and policy review. The motivation for this is not expressed in terms of injustice or disproportionality but in relation to the more generic problem that the practice seems to yield little in terms of criminal justice outcomes. Put simply, very few arrests result from stop and searches: typically less than 10% of those carried out under the Police and Criminal Evidence Act led to an arrest (Rowe, 2014, p. 122).

Conclusion

Minority recruitment, in USA and in England and Wales, has been promoted as an attempt to increase trust between minority communities and law enforcement. It was also hoped that more minorities in police forces would lead to a reduction in police encounters that would end negatively (i.e. excessive force, reduced complaints, and more effective law enforcement). By extension, an increased number of minorities would also lead to a decrease in situations where police would use excessive force, and more frequently in the US-context police use deadly force against visible minorities. Although comprehensive data on these three complimentary policy issues are not available, in general, it is safe to say that in many respects these lofty goals have either not been achieved or are still in process.

Another factor to consider is that although some cities do better than others by hiring more African-Americans (e.g. Los Angeles); this is not necessarily translated into better police community relations in that city (Walker and Turner, 1992). Thus, minority recruitment should not be touted as a panacea.
for all that ills police community relations in the USA, England and Wales and elsewhere.

This brings up an important point. Simply hiring qualified visible minorities should not be an end in itself. These individuals must be given proper training and mentoring while inside the police department/force (Lumb, 1995). If this is not present, and of good quality, no manner of recruitment programmes, are going to solve the problems associated with racial and ethnic imbalances in the police departments. Recruits regardless of race/ethnicity must demonstrate appropriate sensitivity to the citizens of the communities in which they police. This may be partially achieved by providing appropriate multicultural police training and foreign language instruction competence to officers who currently work for the agency (Wright, 2000).

Furthermore, fundamental institutional practices within police services, such as those that contribute to significant disproportionality in stop-and-search practices, and the apparent ineffectiveness of accountability and complaints mechanisms to respond to perceived injustices must also be addressed. In and of itself a more representative police workforce will bring very limited improvement if operational practice and governance arrangements are also not reformed. Addressing wider social, cultural, and economic inequalities between racial and ethnic groups is also a priority. As long as some minorities continue to be disadvantaged in terms of a whole range of indicators and continue to be over-represented in the populations and neighbourhoods that receive most attention from police services, then tensions and injustices will continue.

References


