BME and Migrant Confidence in Policing and Criminal Justice in Northern Ireland:
An Exploratory Exercise to Support the Community Safety Strategy

Northern Ireland Strategic Migration Partnership
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About NISMP
Northern Ireland Strategic Migration Partnership (NISMP) aims to work across the spheres of government in Northern Ireland and with other key stakeholders to ensure that Northern Ireland is a welcoming place for new migrants. It seeks to support the retention and integration of people in a way that helps meet skills and labour needs to support future economic growth. It provides a regional advisory, developmental and consultative function, enabling our partners and stakeholders to develop an appropriate Northern Ireland migration policy structure. This will ensure that Northern Ireland’s needs and concerns in respect of immigration are recognised within the constraints of UK wide strategy. This paper will speak to issues directly impacting Northern Ireland in the wider context of UK immigration policy. It has been approved by representatives on the Partnership. However this does not necessarily reflect the views of Partner Organisations, some of whom have not been canvassed.
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I. Executive Summary

Building community confidence in the criminal justice system has been identified as a key priority in the Community Safety Strategy, a priority which is echoed through the policies and plans which support the delivery of this strategy, and in particular those which outline approaches to policing.

The aim of this paper is to examine confidence in relation to minority ethnic communities. It will consider how measures taken to improve confidence have impacted on these groups and how they might be developed to further increase levels of confidence.

Confident communities are more likely to engage with the police through reporting crime, more likely to participate in the administration of justice through stepping forward to act as a witness when necessary, and more likely to work proactively with agencies on developing and supporting solutions to local issues of community safety. In doing so they are subsequently less likely to engage in criminal or anti-social behaviour. Working in partnership with communities has therefore been recognised as a key mechanism through which the goals of the community safety strategy are more likely to be realised.

Through Policing and Community Safety Partnerships (PCSPs) and Neighbourhood Policing Units (NPUs), the Department of Justice and the Police Service Northern Ireland (PSNI) have shown a commitment to building partnership working with communities, as well as an understanding that in order to build trust in the criminal justice system, these agencies must be seen to be in touch with communities, visible in the streets and responsive to local concerns. This commitment to developing neighbourhood policing and localised approaches to addressing issues of community safety is by its nature resource intensive, not least with regard to officer deployment. Simultaneously, however, there is an undoubted pressure on the Police Service to be more resource efficient. These two imperatives of community engagement and the need to be ever more cost efficient could be perceived as being mutually exclusive.

Community confidence has two distinct interpretations: confidence that the criminal justice system will be effective in reducing crime, and confidence that the agencies represented within the system will treat individuals, and, by extension, the communities with which they most strongly identify, with respect and impartiality. Minority ethnic groups are usually more confident in the efficacy of the criminal justice system. However they are demonstrably less confident that they will be treated with respect by these same agencies. It is furthermore worth
noting that in the recent 2010-11 NI crime survey, there was a decline in indicators relating to both understandings of confidence among those who identified as neither British nor Irish.

A number of key approaches which can influence levels of confidence among minority ethnic communities are highlighted in this report:

- **Improving information on the role and responsibilities of CJS constituent agencies and related accountability mechanisms.** BME groups in Northern Ireland have a poor understanding of the criminal justice system, the functions of each agency working within this system, how they work together within an integrated system and the accountability mechanisms in place.

- **Improving communication: with communities; between CJS constituent agencies; and on outcomes achieved.** Communications between agencies as well as communications with communities must be considered. The outcome of one agency’s actions will impact on public confidence in the whole system. Most notably, in relation to hate crime, low prosecution rates will have a bearing on the number of hate crimes or hate incidents being reported to the police.

- **Confidence as a 2-way relationship - developing the confidence of CJS agencies in communities.** Anecdotes about negative contact with individual agents of the CJS circulate within communities, serving to reinforce these views and impacting on general levels of confidence. Improving attitudes of individual agents and officers, continuing to develop structures and processes which promote individual contact, as well as building levels of trust and the respect of criminal justice agencies for BME and migrant communities will be crucial in the development of mutual confidence.

- **Improving the representation of minority ethnic communities within CJS agencies.** Representation of minority ethnic communities within structures aligned with the CJS, most notably PCSPs, will help improve mutual understanding and inclusion, thus contributing to improved confidence in the system.

- **Identifying BME/migrant groups as full community members rather than engaging with them only as victims of hate crime.** While identifying and meeting the needs of BME and migrant groups as potential victims of hate crime is central to building confidence, a balance must be struck with the mainstreaming of BME and migrant issues across the CJS, including experiences of individuals as community residents, as offenders and as employees of criminal justice agencies.
Appropriate mechanisms for monitoring the success of any current or future mechanism which may impact upon levels of confidence will require the disaggregation of data to clearly show variable impact across communities. The current Racial Equality Strategy consultation paper also places emphasis on improved ethnic monitoring. This issue will present as key to developing and measuring confidence across BME and migrant groups in Northern Ireland.
II. Introduction

Building community confidence is one of the three overarching aims of the NI Community Safety Strategy. In the document, the term is defined as, ‘where people feel safe and have confidence in the agencies that serve them’. Behind this focus on increasing levels of confidence is the expectation that this will in turn, ‘foster greater community participation and engagement with those agencies, promoting community cohesion and helping people to feel safe’.¹

There has been a significant amount of work around migrants and BME groups in Northern Ireland as victims of hate crime, but there is a need to see this part of the population as users of the criminal justice system outside of this category. With this in mind, and in keeping with the aims of the Community Safety Strategy, this paper will seek to examine the issue of trust and confidence in the criminal justice system overall as it relates to BME and migrant groups in Northern Ireland. It will examine the data from Northern Ireland in the context of the wider understanding of confidence issues, as well as analyse some of the measurement and evaluation mechanisms for confidence and trust in the region.

Because research focused specifically on public confidence in the CJS in Northern Ireland is limited, we have included more extensive reference to research on the issue of confidence across the UK and associated policies and improvement initiatives. Findings from these are then used to examine policies and data sets relating to confidence and trust in the criminal justice system in Northern Ireland, with a specific focus on BME and migrant groups. This is supplemented by the findings of a small number of informal focus groups from Belfast and Kilkeel involving key actors in the sector. Finally, the paper will offer conclusions and practical recommendations for next steps on improving BME and migrant confidence in the criminal justice system which will serve to inform the Department of Justice, criminal justice agencies and PCSPs on this specific aspect of community safety.

III. Community confidence in Criminal Justice Agencies: Definitions and Variables

Given that definitions of confidence can vary widely, it is not a straightforward concept to measure. Even more complex is determining what actions were responsible for changes to, or maintenance of, levels of confidence. This section will explore some of the key ideas in defining and measuring community confidence.

What does it mean to be ‘confident’ in the CJS?

In order to assess confidence, one must understand the various ways that confidence can be defined and measured. For the purpose of this work, two elements of confidence will be examined - trust and efficacy. This is the trust that the agents of the system will treat individuals and their communities with respect, together with confidence that the system will work effectively and efficiently.

Building community confidence in the criminal justice system therefore requires interventions on two main fronts: those that will build public confidence that the criminal justice system is effective in fighting crime and tackling anti-social behaviour (efficacy) and those that assure individuals they will be treated impartially and with respect (trust). Trust itself is a complex concept, being both abstract and experienced. There is the type of trust that comes (or is broken) as a result of direct experience, versus trust based on the experiences of others and media reporting. Achieving balance of investment in the development of both of these types of trust is vital in improving overall confidence.

Factors which impact on levels of confidence within a community

In an article on race, trust and confidence in policing, Ruji points to four key factors in building confidence and trust: effectiveness, fairness, level of engagement and concerns about local crime and disorder. A 2005 research study by the Home Office shows similar findings, stating that perceptions and views of the police and views of local crime and disorder were the most important factors in confidence in the criminal justice system. It identifies those with high confidence in the system as having little to no direct contact with the police, having a multifaceted view of the role of police, and a general sense of satisfaction and safety within their community.

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community. Conversely, those with low confidence had more direct and indirect contact with the police, were highly influenced by media reports about policing and crime, and felt unsafe or discontented with their community.

As most people will not have had direct experience of contact with criminal justice agencies, the level of trust that they place in these agencies will be based on generalised perceptions shared by those within a sphere of influence which includes family, friends and other individuals in local communities. These shared perceptions will have been informed by a range of information sources. The media has been noted in one study as a particularly influential source, with 93% of survey respondents stating that the media influenced their views. Although personal experiences of encounters with the criminal justice agencies and anecdotal reporting of these are also important in shaping perceptions, these encounters will be related in the context of pre-existing opinions of these agencies and more general views on the state of society. The same study concludes that ‘information about the CJS appeared to circulate in a dynamic, ongoing ‘conversation’ about the state of society’. Therefore, those who already are negative about the state of society are more likely to have low confidence in the CJS, and will report negative experiences of CJS encounters as 'typical' while more positive experiences are reported as 'atypical'.

Another area of focus which has been explored in the UK is the issue of democratic accountability and its impact on trust. Where citizens do not believe that those involved in the CJS are transparent and directly accountable to the electorate, it is argued that this has an adverse impact on their trust in those institutions. This notion has informed the decision in England to hold elections for police commissioners.

These findings outline the importance of a holistic approach to confidence building which incorporates multiple techniques in developing awareness, trust and positive perceptions of the CJS amongst local communities.

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5 ibid
IV. The Place of Confidence in Northern Ireland Policy

In the UK, building confidence in the criminal justice system was identified as a priority when it was found that even though levels of crime and anti-social behaviour had actually fallen, the public generally perceived them to be on the rise. In addition to having a negative impact on the public image of the CJS, the poor public perception of the ability of criminal justice agencies to effectively tackle crime in the communities they served was believed to have an adverse affect on the levels of public engagement with these agencies. For example low confidence discouraged the reporting of crime or willingness to act as a witness. Increasing confidence in the criminal justice system requires therefore, not only improvements in actual crime related statistics, but in people's perceptions of the scale and likelihood of crime and antisocial behaviour.

The concern around low levels of public confidence was reflected in policy by the introduction in 2009 by the Labour government of a single confidence-focused target for monitoring police performance relating to levels of public confidence in the police to deal with the crime and anti-social behaviour issues that mattered locally. This target was scrapped by the Coalition government; however confidence continues to be measured through different avenues.

Minister for Justice David Ford, in the foreword to Building Safer, Shared and Confident Communities: a Community Safety Strategy for Northern Ireland states his intention to build a criminal justice system that ‘works for, and is accountable to, local communities.’ Throughout the strategy the importance of working in partnership with communities is highlighted as an underpinning condition to this stated vision, as is the understanding that communities which have confidence in their criminal justice agencies will not only facilitate this partnership working but will also help bolster public perceptions of how well criminal justice agencies have delivered on their commitments.

Within the Community Safety Strategy the DoJ commits to three actions to build community confidence:

- Support PCSPs to work with communities to identify the issues that matter locally and develop solutions;
- Reduce fear of crime and help older and vulnerable people feel safer through regional and local programmes to increase trust and confidence; and
- Give confidence to individuals to report crime to PSNI and others where appropriate such as Crimestoppers.

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7 Ibid; Turner et al (2009)
The theme of building community confidence in the criminal justice system is continued through the strategies which support the delivery of the Community Safety Strategy. This is particularly marked in the context of policing where, in the Policing Plan 2012-2015, the overarching aim is to “improve community confidence in policing”. This is subsequently broken down into actions under the three interrelated strands of personal policing (meeting individual needs), professional policing (being visible, available and responsive) and protective policing (keeping people safe from threats to safety).

Community confidence is further echoed in the Policing with the Community Strategy which aims to ‘support the delivery of community confidence, satisfaction and safety through personal, professional and protective policing’ and to do this through ‘effective engagement, and partnership working’.

There are hate crime and equality policies in other CJS agencies in NI including the prison service, the public prosecution service and the probation board. There is some monitoring done as part of reporting mechanisms in individual agencies – for example inspections and monitoring reports from the prison service – which examine specific issues for BME and migrant populations. However this is fairly limited when compared with the monitoring work done by the PSNI.

In addition to the CJS specific strategies, there is a wider framework of inclusion and social cohesion coming out of the NI Executive which is useful to consider when exploring the issue of BME and migrant confidence in the CJS. The Together Building a United Community (TBUC) strategy outlines the role of community safety in social cohesion – and the related issues of housing, employment and shared services - are important to consider when examining how confidence in local policing in particular is shaped. There are also opportunities for information sharing and collaborative working through good relations programmes, tension monitoring and policing and community safety partnerships – all of which feature strongly in the TBUC strategy. The current Racial Equality Strategy (RES) consultation paper also places emphasis on improved ethnic monitoring. This issue will present as key to developing and measuring confidence across BME and migrant groups in Northern Ireland. Finally, there have been significant strides made in addressing sectarian gaps in confidence in the CJS in Northern Ireland in the past decade. This may provide important lessons, particularly in the area of representativeness of CJS bodies. There is a need to look at those experiences and identify where there is transferrable learning.
Existing structures, systems in place and their relationship to building confidence

The intent to build community confidence as outlined in strategy papers can be seen reflected in structures and delivery mechanisms developed to support partnership work and provide community support.

**Policing and Community Safety Partnerships (PCSPs):** these are statutory bodies created under the Justice Act (Northern Ireland) 2011 to facilitate greater engagement between criminal justice agencies, communities and elected representatives. Established within each local government district, they bring together the functions of community safety partnerships and district policing partnerships. They are key to the delivery of community confidence and represent the principle forum for the envisioned collaborative working with the community. They make recommendations which feed into the development of district police plans and have an accountability function of monitoring the local performance of the police.

Key to the delivery of community confidence, they are expected to engage widely and consider the views of the entire community when determining local priorities and work plans. Prior to the establishment of PCSPs, this type of engagement with Section 75 categories relied heavily on particular thematic groups such as the Belfast City Council led hate crime thematic group and the Policing Board BME reference group.

**Neighbourhood policing teams:** These are described by NI Direct as “officers dedicated to individual neighbourhoods, with the job of listening to the things that really matter in their area and working together with the community to find sustainable solutions”\(^8\). These teams seek to increase public satisfaction by improved customer service and a more visible policing profile in the community.

The most recent quality assessment, the PSNI identified further actions to increase equality and diversity, including “bespoke engagement strategies for schools, sporting organisations, community groups for areas of low recruitment...a diversity calendar, and an updated Appropriate Language Guide.”\(^9\)

**Hate Crime Measures:** A number of initiatives have been put in place to address the issue of hate crime and to support those affected by this. Each neighbourhood policing officer has a hate and signal crime role with one officer in the team given the responsibility as the *Hate and Signal Crime Officer (HSCO)*. The HSCO liaises with community advocates, council, NIHE and other

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\(^8\) [www.nidirect.gov.uk/neighbourhood-policing](http://www.nidirect.gov.uk/neighbourhood-policing)


stakeholders to more effectively address the issues faced by those affected by hate crime. The PSNI also funds an advocacy service for victims of hate crime. The advocate’s role is to contact each victim and help signpost them to other services such as legal advice, housing issues, health and psychological support. This is further supported by Victim Support Northern Ireland who works in partnership with PSNI in the scheme.

Victims and Witnesses Care Unit: The recently established Victims and Witnesses Care Unit is a noteworthy example of the Public Prosecution System (PPS) and PSNI working together to support victims and witnesses throughout the criminal justice process. The unit provides a single point of contact for victims and witnesses and requires close cooperation between police and PPS staff to ensure consistency and accuracy of communication.

CJS Inspectorate: The CJS inspectorate has demonstrated an awareness of the need for the CJS to be more consistent with regard to addressing the needs of Section 75 groups, and highlighted the apparent focus on process as opposed to outcomes across the sector. The review also highlighted the paucity of data and ethnic monitoring, stating that it was not possible to adequately evaluate the equality of the sector without having a better understanding of the specific experiences of individuals from ethnic, religious or national minorities.

There is a potential opportunity for building confidence in the CJS through the unified inspectorate system, CJI objective ‘provide independent scrutiny of the outcomes for, and treatment of, users of the criminal justice system’ through identification and analysis of the variable experience of users according to section 75 groupings and evaluating how these are addressed.

The Northern Ireland Context

Increasing Racist Hate Crime

The number of reported racist hate crime/incidents has seen a sharp rise in the 2013-14 financial year. Reports of racist incidents have increased by 30%\(^\mathrm{11}\), 70% of which have taken place in Belfast. At the time of writing, the Belfast Telegraph reported that there is an average of 2 racist hate crimes being reported to the PSNI every day\(^\mathrm{12}\). This comes at a time when social attitudes towards migrants and BME individuals are becoming increasingly more negative – the first significant decline since 2010\(^\mathrm{13}\). In 2012, 51% of those interviewed believed that immigration should be reduced a lot, and 24% indicated it should be reduced a little in spite of roughly 70% of respondents agreeing that immigration had brought cultural positives to Northern Ireland.\(^\mathrm{14}\) While perceptions of prejudice against the BME community were lower in 2012 than in 2008, acceptance of BME individuals as part of one’s family and/or as one’s neighbour is on a steady, sharp decline since 2010 after a period of stability.\(^\mathrm{15}\) Public attitudes also show the difference in acceptance/tolerance of some minority or migrant groups above others – creating a hierarchy of sorts of ethnic minorities. Muslims and Irish Travellers are the most likely to meet resistance to marrying into an indigenous family or moving into the neighbourhood, and while self-identified prejudice used to be highest in relation to individuals with Chinese heritage, Polish nationals are now the group with the highest rates of prejudice. Irish Travellers remain the ethnic group with the second highest rates of prejudice.\(^\mathrm{16}\)

As discussed earlier in this paper, rates of confidence tend to decrease where the individual feels unsafe in their community. With this factor in mind, an increasingly hostile environment to migrants could have a negative impact on confidence regardless of the behaviour of the CJS. It is important, then, that while BME and migrant communities should be viewed as users of the CJS in a wider remit than as victims of hate crime, positive, effective action against hate crime and comprehensive promotion of those actions with BME individuals is an increasing priority.

\(^\mathrm{15}\) Ibid
\(^\mathrm{16}\) Ibid
**Environment of Resource Constraints**

The issue of how to prioritise spending on confidence building is often weighted towards policing. As the ‘public face’ of the CJS, this is one area where overarching ideologies of public sector reform (ie: centralisation, rationalisation) could negatively impact on overall trust and confidence. The issue of cost saving measures having a long term economic cost through loss of confidence is illustrated in Shiner et al (2011)’s study of the removal of recording measures on stop and search. The study found that while there would be some immediate reduction in frontline costs, the long-term social costs could be borne out financially later on. This is an idea that was reflected in some stakeholder discussions, particularly around the replacement of HIMLOs with HSCOs and the recently implemented *Service First* which removes frontline community officers and centralises resources back at stations.

This raises an interesting question: if resources to build confidence are limited across the criminal justice agencies, should they be focused on policing, where the public places most of its focus, or should there be more emphasis on addressing the gaps and concerns in both efficacy and awareness in agencies such as prosecution service, prisons, and probation?
v. **Indicators and mechanisms to measure levels of confidence among BME groups in NI**

The small amount of empirical data collected during this project has supported much of the existing evidence base around confidence building more generally; that migrants generally have higher levels of confidence in the ability of the police, but do not always feel listened to and supported.

In Northern Ireland, measures of confidence are not analysed in a way that provides concrete information about BME and migrant communities and how their experiences differ from the community as a whole.

The Northern Ireland Crime Survey produces an overview of public opinion of, and confidence in, various elements of the criminal justice system. While respondents to the survey are broken down into 16 different categories, ethnicity is not taken into account in the sample group. In the absence of ethnic monitoring, national identity was used as the nearest proxy to ethnicity. However, as national identity is broken down only by British, Irish, Northern Irish and Other, it is of limited use when trying to draw conclusions relating to confidence among minority ethnic groups. While the category of Other is proportionally representative of the foreign national population in the region as a whole, it is a problematic measurement of confidence given the variance in ethnicity, socio-economic status, educational attainment, and geographical location of those individuals identifying as other. The prevalence of variables here means that there is a significant chance that the statistics are not representative of BME and migrant populations as a whole in NI.

According to the 2010 Crime Survey, overall confidence in policing in NI has risen significantly between 2003-2008 from 73% to 78%. However there has been no significant change between 2008-present (overall confidence reported to be 80% in the most recent report), and levels are still quite a bit lower than in England and Wales. Confidence varies greatly across specific areas. For example only 38% demonstrated a confidence in community engagement and having their views taken into account – down two percentage points from the previous year and still lower than GB. Only 57% of people believe that the CJS is fair, and even less (38%) think that it is effective. Those surveyed who identified their nationality as being ‘other’ (meaning not Irish, Northern Irish or British) had consistently higher rates of confidence than the population as a whole. In 2009-2010, foreign nationals demonstrated the highest levels of confidence in police engagement with the community than any other individual demographic group. However in the 2010-2011 survey, while numbers remained largely the same for the overall population, there
was a decline in perceptions of fairness and effectiveness that was just shy of statistical significance for foreign nationals, and a statistically significant decline in the belief that their views were being taken into account. This raises important questions about the mechanisms which were in place to improve community confidence in 2009 versus 2011.

**Monitoring and Evaluation**

It became clear throughout the research for this paper that there is a need for more disaggregated data in monitoring of the CJS. Ethnicity is largely absent from many monitoring methods, and nationality often includes only British, Irish or Other as options. This is problematic for confidence in a number of ways. Firstly, there is no mechanism by which confidence of specific ethnic groups can be monitored in the current methodology. The Northern Ireland Crime Survey breaks down findings in 12 different categories of respondent, but ethnicity is not included and ‘other’ is the only nationality option for non UK or ROI born migrants.\(^{17}\) Lack of appropriate ethnic or national identity monitoring in areas focusing on service delivery means there is no way for CJS agencies to demonstrate positive impact and relate that to BME and migrant communities, which - as discussed earlier in this paper – is deemed to be one of the most effective means to improve confidence amongst these groups. The difficulties in monitoring were highlighted in the 2000 Ombudsman Report, and again in the 2009 Report on the impact of Section 75 on the Criminal Justice Sector by the Criminal Justice

Inspectorate. Inappropriate ethnic monitoring was highlighted as being overdue in the 2009 report, and in the context of the Racial Equality Strategy consultation paper’s emphasis on ethnic monitoring, it is an issue which will need to be addressed with urgency.

**Recognising the difference in confidence between ethnic and migrant groups**

There is a risk when discussing BME and migrant ‘communities’ in policy that individuals are made into a monolithic group with a homogenous set of needs and experiences, and this classification in itself can contribute to exclusion and ‘othering’ in the policy field.

Not only are the experiences of different ethnic and national groups different, they are fluid and can change over time. For example in Northern Ireland in 2005, victims of hate crime were more likely to be individuals from black or Asian ethnic classifications, whereas the most recent increases in racially motivated hate crime is perpetrated against white, Eastern European nationals. Where there were a significant number of applications to the Police Service NI from Polish Nationals in the mid 2000s, Asians are proportionally underrepresented in the sector. These differences make disaggregation of data crucial to understanding the experiences, perceptions, and in turn confidence, of different nationalities and ethnic groups. While it is understandable that numbers are too low in some cases to monitor these figures, (when contacting the DOJ analytics team, staff reported that numbers of participants who identified as having an ethnicity other than white were lower than 100, and as such could not provide statistically significant results), it is important that other options are explored to collect this important information in order to formulate appropriate approaches to the problem. One demonstration of this is the variation in responses to a consultation from the Policing Board using the same set of questions posed to individuals identifying as Muslim and those identifying as ethnic Chinese. There was wide variation in responses around priorities, concerns over specific types of crime, and the manner in which they engage with the police in a non-emergency situation (ie: the Chinese respondents were more likely to go through the Chinese Welfare Association where Muslim respondents were likely to look up the number of the local police station). While both groups reported high fears and expectation of being victims of crime.

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and high likelihood of being stopped by the police, it was clear that there were many areas where placing everyone into one ‘community’ would not be useful or appropriate.

VI. Approaches to improving confidence and their relevance to BME groups in NI

Behind the focus within related Northern Ireland strategies on building community confidence in the CJS is the expectation that increased confidence will, in turn, ‘foster greater community participation and engagement with those agencies, promoting community cohesion and helping people to feel safe’. In one research study, it was found that although confidence in the criminal justice system was most closely correlated with beliefs around the efficacy of these agencies to find and punish offenders, it was the expectation of how well individuals would be treated by these agencies, in particular the police, which was a better predictor of a willingness to engage with the system. Thus if the principal objective of working to increase confidence is to increase engagement, confidence building must move beyond basic efficacy. This ‘procedural justice’ model, where procedures are accorded as much importance as outcomes, is supported by the National Policing Improvement Agency which, in its report ‘Public Confidence in the Police’, highlights the importance of a police force which is fair and respectful in its interaction with citizens. This is associated with higher levels of trust in the agency, perceptions of legitimacy, and a greater willingness to both cooperate with the police and comply with the law.

While many of the main components of building or measuring confidence are transferrable to BME and migrant groups, there are some issues which are specific to or different for those from a minority background. The differences between trust and confidence are very important when examining the perceptions of BME individuals, as these groups consistently show a difference between viewing the system as a whole, and relationships to individual officers or agents. There is a finding in the UK that ethnic minority groups tend to report higher confidence in the institution of policing, but that they are less likely to have faith that they will be treated with

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23 Turner et al (2009)
24 Myhill, A. and Beak, K. (2008), Public Confidence in the Police, Research, Analysis and Information (RAI), National Policing Improvement Agency
respect by officers. Findings in Northern Ireland indicate that there is a similar feeling in NI prevalent in those with nationalities other than British and Irish. This raises issues about the best way to improve confidence, and how that is done in this region. Measuring confidence in policing and the CJS in NI is difficult given the limited data collection on the issue, but the available attitudinal data alone gives the impression that confidence amongst foreign nationals regarding efficacy of the criminal justice agencies is higher than the population as a whole.

There has, however, been a decline in foreign nationals’ belief – or trust - that they will be treated fairly by the police, a trend that is not seen in the wider population. This decline, combined with anecdotal and qualitative research evidence since 2005, highlights areas for improvement in the confidence of BME and migrant groups in the CJS in Northern Ireland.

This section will explore some of the key areas identified where confidence can be improved among BME and migrant populations in Northern Ireland.

*Improving information on the role and responsibilities of CJS constituent agencies and related accountability mechanisms*

Clear and realistic public expectations of the criminal justice system play an important role in the development of public confidence. This requires an improved understanding of the role and remit of each of the agencies and how they work together within an integrated system.

Surveys and reports on the views of BME groups regularly show poor interest, knowledge or understanding of criminal justice agencies outside of the police. One report which examined BME groups in NI’s level of understanding and perceptions of the PSNI, the Policing Board and the Police Ombudsman showed poor understanding of CJS, with particularly low levels of knowledge of the Ombudsman and Policing Board. In addition, several studies focusing on BME perceptions of the criminal justice system in the UK highlight the importance of wider information sources in improving confidence in the CJS. Focus groups in two separate studies overwhelmingly stated that word of mouth from friends, families and community members

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influenced their perceptions of the police and other CJS agencies. This was followed closely by the media.\textsuperscript{29}

**Improved communication with communities**

Attitudinal data and engagement with stakeholders indicates that there is an expectation that BME and migrant individuals are more likely than others to be treated unfairly by the police. As referred to in other parts of this paper, word of mouth and anecdotes about negative contact with the CJS have a more lasting impact on confidence than most proactive engagements from these agencies. A study on BME expectations of fair treatment by the CJS showed that perceptions of the police and other agencies were much more positive where they had met a police officer at a public meeting, school or community event, highlighting the importance of informal as well as formal engagement mechanisms.\textsuperscript{30} For that reason it is important that individual representatives of CJS agencies are aware of the significance of their day to day, casual contact with members of all communities.

A follow up study on operation Trident in London, which focused on gun crime issues and targeted BME groups, showed that regular engagement and close working with independent advisory groups improved confidence. However, as in any confidence building exercise, questions are raised about with whom confidence has been improved and whether building trust between police and representative bodies is the same as increasing confidence in the community as a whole.\textsuperscript{31}

Local Government has a particularly important role in providing the channels through which the public engages with the criminal justice system,\textsuperscript{32} most evident in Northern Ireland through the system of PCSPs, which are managed through local government structures. However in the context of BME groups, effective engagement is more complex as the mechanisms through which communication takes place is not traditionally as diverse as the communities themselves, and can be in a format that is not conducive to producing meaningful engagement with migrant and BME groups.


\textsuperscript{30} MORI Social Research Institute 2005. *BME Communities’ Expectations of Fair Treatment by the Criminal Justice System*. CIS, London


\textsuperscript{32} Charlton, M., Morton, S. and Ipsos MORI (2011), *Exploring public confidence in the police and local councils in tackling crime and anti-social behaviour*, Research Report 50, Home Office
Improved communication between CJS constituent agencies

Among BME and migrant groups, there is little understanding of, or engagement with, criminal justice agencies outside of the police. However it is clear that the work of every agency has a direct impact on confidence in the system overall, as well as on the willingness of individuals to report crime. Stakeholder input most notably indicated the low number of prosecution rates for racist hate crime compared with PSNI detection figures. This evidence was supported by research undertaken by NIACRO on Hate Crime in the region, which explored the issue of low prosecution rates and how it relates to confidence in reporting hate crime to the police. Opportunities exist for more proactive engagement on issues of hate crime by the PPS and better communication between all agencies and relevant bodies, including PCSPs.

In a study of BME expectations of fair treatment in the CJS in GB, one key finding about perceptions of the CJS was that participants situated the sector in the wider context of authority and the public sector. In this way, it became clear that experiences with other public agencies, immigration officials and the state more generally, impacted on how BME and migrant groups expect to be treated by the police. This has implications for the idea of joined up working as well as the need for a more holistic approach to community engagement. As communities change, front-line service providers will need ongoing, in-depth training on the needs and characteristics of diversifying communities.

Improving communication on outcomes achieved

A focus on outcomes is a consistent theme in the evidence base around what individual citizens want from communication with the police and other CJS agencies. Neighbourhood residents are less interested in the mechanics of decision making and partnerships than on having clear, concise information on how the police have addressed specific community concerns and what impact engagement with the community has had on policy and action. Research indicates that this is also the case with BME groups. Rather than simply stating what has been done there is a

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34 Jarman, N. 2012. Criminal Justice Responses to Hate Crime in Northern Ireland. NIACRO, Belfast
35 MORI Social Research Institute 2005. BME Communities’ Expectations of Fair Treatment by the Criminal Justice System. CJS, London
need to demonstrate how this has generated positive results, and, in relation to BME and migrant groups, to show how it helps meet their specific priorities.\textsuperscript{37}

**Understanding the relationship of outcomes to community confidence**

Through this research, one stakeholder reported that there were differences between what senior officials regarded as confidence building actions and what those officers on the ground believed improved trust and relationships with the community generally. There was a sense that the emphasis on high profile, well publicised ‘busts’ and operations would raise public confidence in policing. As such, in an environment of austerity and public sector cuts, resources and emphasis have remained focused on those areas. While this may help bolster confidence in the efficacy of the police, in terms of building the confidence of minority communities that they will be treated fairly and with respect it will have little impact. Because BME groups already tend to have higher levels of satisfaction with efficacy of the police, a focus on effectiveness will do little to increase trust from these groups. Rather, targeted confidence improvement approaches for BME and migrant communities, relationship building and day to day engagement with front line staff in the CJS will do the most to enhance confidence from these groups.

**Confidence as a 2-way relationship – developing the confidence of CJS agencies in communities**

The notion that CJS agents bring certain perceptions and expectations of minority groups is also a barrier to trust, and in this model, development of trust and confidence must be done across the scope of stakeholders, including building trust across different agencies of the CJS, and officials’ trust of BME and migrant communities.

Throughout this desk based research and stakeholder consultations, the issue of a difference between policy and practice arose in the area of community engagement and diversity. There is some anecdotal evidence that while the police receive intensive training in this area. However it was stated there are individual officers who play lip service to this, while believing, for instance, that people exploit hate crime, and hold perceptions about BME and migrant groups that are borne out in their attitudes towards those communities in policing practice. This perceived discrepancy illustrates the importance of indicators that measure outcomes at a local level.

There is evidence to support prioritizing the fostering of mutual trust in improving minority confidence in the criminal justice system\textsuperscript{38}.

Recent evidence shows that migrants are less likely to be perpetrators of crime than the host population\textsuperscript{39}. It is important that those involved in delivering policing services and wider community are aware of this, as well as the wider community, as there are perceptions that certain nationalities and ethnic groups are more likely to commit crimes. Improving understanding of migrant and BME communities in a meaningful way amongst CJS staff, beyond the basics of ‘diversity training’, has the propensity to improve the way frontline staff implement policy and respond to the public.

**Addressing the democratic deficit and representativeness of CJS agencies**

Another area of focus which has been explored in the UK is the issue of democratic accountability and its impact on trust. This is a complex issue when talking about BME and migrant groups in Northern Ireland, given the lower rates of participation in the political system overall and the limitations of accessing traditional political channels for some of the groups most vulnerable to being victims of crime and discrimination such as asylum seekers and those with no recourse to public funds.

In Northern Ireland several reports have indicated that BME and migrant communities would like to see more racial diversity in the PSNI. While recent statistics obtained by an organisation through a freedom of information request showed the proportion of BME officers in the PSNI is consistent with the proportion of BME individuals in the working age population\textsuperscript{40}, there have been concerns raised about the lack of diversity in the CJS overall. In December 2013, a former Policing Board member and the National Black Police Association raised concerns about the lack of Asian officers in the PSNI and the negative impact of this on relations with Asians in Northern Ireland.\textsuperscript{41} There is no breakdown of ethnicity in the employment monitoring of PSNI officers, based on figures given in the related news article, and there is less than 0.1% representation of Asian officers in the PSNI whereas they make up roughly 0.6% of the population as a whole. While these numbers are not statistically significant, the lack of casual personal knowledge of

\textsuperscript{38} Fulford, S. (2011), ‘Trust and confidence in the criminal justice system: Learning from South Africa’, *Trust and Confidence in the Criminal Justice System*, Transformative Justice Project, ROTA
\textsuperscript{39} Migration Yorkshire, 2013. *Migration, community safety and policing*. North West Regional Strategic Migration Partnership, Yorkshire.
police officers is borne out in engagement exercises, where 85% and 87% of Chinese and Muslim respondents respectively did not know a police officer personally or by name.⁴²

In March 2014, the Police Oracle reported a headline indicating the PSNI would undertake 'targeted recruitment' to attract a more diverse range of applicants into the service.⁴³

**Identifying BME/ migrant groups as full community members rather than as potential victims of hate crime**

When looking at the relationship between the criminal justice system and ethnic minorities and migrants, the desk research and stakeholder engagement revealed a clear emphasis on levels of and responses to hate crime. While this is an important factor, particularly in an environment where hate crime and negative attitudes against these groups is rising after a period of stabilisation⁴⁴, there are several limitations to this approach. Firstly, considering BME and migrant groups solely as victims of hate crime perpetuates the sense of ‘otherness’ for those individuals, undermining efforts to ensure a clear focus on people as members of the wider community. Secondly, underreporting of hate crime means that using hate crime reduction as a measure of confidence can be misleading, as it is difficult to measure whether hate crime figures are decreasing because of decreased reporting or due to a decrease in hostility to those groups.

Associated with this idea is the importance of recognising that BME and migrant groups are not one homogenous community with the same needs and the same attitudes towards the CJS. Focus groups in England and Wales showed a significant difference in the way the CJS was perceived across ethnic groups and even faith groups.

While identifying and meeting the needs of BME and migrant groups as potential victims of hate crime is central to building confidence, a balance must be struck with the mainstreaming of BME and migrant issues across the CJS.

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⁴² Social Research Centre (2010, 2011)
⁴⁴ NILT (2013); PSNI (2013,2014)
VII. Conclusions and Recommendations

Community confidence in criminal justice agencies is essential to such agencies meeting their central aim of crime reduction. It has therefore been accorded due importance in the Community Safety Strategy and the related policing strategies and action plans in Northern Ireland. Confident communities are more likely to engage with the police through reporting crime, more likely to participate in the administration of justice through stepping forward to act as a witness when necessary, and more likely to work proactively with agencies on developing and supporting relevant solutions to local issues of community safety. In doing so they are subsequently less likely to engage in criminal or anti-social behaviour.

Confidence in the criminal justice system can be interpreted in one of two ways: confidence that the criminal justice system will be effective in reducing crime and confidence, or trust, that the agencies within the system will treat individuals, and by extension, the communities with which they most strongly identify, with respect and impartiality. If the principal intent behind building community confidence is to encourage community engagement, as stated in the Community Safety Strategy, then it is the latter understanding of confidence that is the more closely correlated with public cooperation. This is of particular relevance to BME communities who are reported as less confident that they will be treated with respect by police officers, and it must therefore be a prime consideration in developing approaches aimed at improving confidence within these communities.

Building trust between minority ethnic communities and the criminal justice system requires a systematic and consistent approach to relationship building which must be sustained throughout all stages of the process: engagement, communication and monitoring and assessment.

Engagement

Working in partnership with communities has been recognised as a key mechanism through which the goals of the Community Safety Strategy are likely to be realised. Through the network of PCSPs a clear pathway has been put in place for building, maintaining and measuring community confidence. The Department of Justice has thus shown a commitment to partnership working with communities, recognising the importance of participation at the local level with spaces made for community involvement in identifying, delivering and monitoring progress against strategic priorities. Investment in Neighbourhood Policing Units further underpins this commitment to community engagement and understanding that in order to build
trust in the criminal justice system, agencies must be seen to be in touch with communities, visible in the streets and responsive to local concerns.

This commitment to confidence building evidenced in the development of structures which facilitate relationship building and localised responses to issues of community safety is not, however, borne out in any obvious increase in the levels of engagement of minority ethnic communities with the CJS. This paper suggests a number of possible contributory factors. Firstly, the implementation of any localised approach is difficult in an environment of resource constraints. In particular, the commitment to developing neighbourhood policing is by its nature resource intensive. This is an undoubted challenge for a police service dealing with reductions in officer numbers and the requirement to make £35 million worth of savings by 2015\textsuperscript{45}. The two imperatives of community engagement and the need to be ever more cost efficient could therefore be perceived as being mutually exclusive.

A further contributory factor cited by stakeholders was that there is insufficient guidance or training for either PCSPs or frontline officers in relation to community engagement, in particular regarding engagement with section 75 groups. This can have significant implications for relationships with BME groups, where effective delivery of community safety to these groups relies on knowledge of the ‘bigger picture’ of the migrant experience and its impact on the community. Understanding, for example, how cultural practices, working hours and shift patterns typical to certain groups, or living arrangements such as houses of multiple occupancy impact on how migrants are received into a community is crucial to effectively identifying and addressing community tensions. Building this understanding and creating the two-way trust referred to in this paper, requires gradual and long-term institutional change which is embedded in everyday activities and interactions and achieved through informal as well as formal encounters.

While efforts in the area of community engagement could be clearly identified with regard to policing and communities, this appears to be less of a priority for other agencies within the criminal justice system, with the notable exception of the Victims and Witnesses Care Unit, a joint initiative between the PPS and PSNI. Developing a partnership approach between agencies and between all agencies and the community has been highlighted as important across existing research and in interviews with key stakeholders.

Finally, it must be borne in mind that there is a need to continually re-evaluate methods of community engagement to ensure that new and less visible communities are being included and represented. This is particularly important in a region where some of the nationalities with the

\textsuperscript{45} Minutes of the Belfast PCSP, 9 December, 2013
largest numbers are not directly represented by a community organisation, and where the experience of long-established, settled communities will be very different from that of newcomer groups in many ways.

**Information and Communication**

Research from England, Scotland and Wales shows that targeted and sustained contact with affected groups which both provides information but also highlights positive outcomes from the agencies is one of the most effective ways of building trust and confidence in BME and migrant groups. Stakeholder input stressed the importance of following up any formal engagement exercise with planned communication back to the group on how this engagement informed action and how the outcomes of this action will benefit communities.

The attitudes of community members towards the criminal justice agencies will be informed through communications received from a variety of sources as diverse as the stories and experiences recounted by friends and family, newspaper articles and media reports, as well as the formal communications given by the agencies themselves. It is, in fact, those channels which could be considered as lying beyond the control of the agencies which are the most influential in shaping attitudes. Nevertheless agencies can, and do, exercise a considerable degree of influence in these areas. This can be done through ensuring that officers and staff have the training and experience to ensure that their interactions with minority ethnic members of the community are respectful, culturally sensitive and devoid of bias, and ensuring that there is a communications strategy in place which details guidelines in relation to responses given to media on issues relating to minority ethnic residents and citizens.

**Monitoring, Assessment and Accountability**

The NI Crime Survey is the main source of indicators used to monitor progress against the community safety strategy and related policing plans and strategies. This data, however, is not disaggregated against nationality or ethnicity and so proves inadequate when assessing the impact of confidence building measures on migrant and minority ethnic communities. A new or supplementary set of indicators must therefore be agreed, with the understanding that to be truly effective in assessing impact they must be used in conjunction with other, qualitative
methods of assessment so as to build a picture of progress rather than focus efforts on meeting targets.

Furthermore, in considering monitoring and assessment, the diversity of the minority ethnic communities represented in Northern Ireland must be captured in order that experiences are understood in relation to variables such as immigration status, cultural background or social norms and approaches to engagement and communication can be tailored appropriately.

Northern Ireland has a unique opportunity in its approach to inspection, which covers the entirety of the Criminal Justice Sector. It would be beneficial to explore what opportunities there are in this area for improved collaboration as a means of strengthening the approach of CJS agencies to BME and migrant issues, as well as sharing and building upon the best practice that already exists in the sector.

Finally, while it was consistently reported throughout this research process that there needs to be engagement with BME and migrant groups as members of the community separate from their status as potential victims of hate crime, it is necessary to examine the issue of confidence in the context of the recent very significant rise in public attacks on BME and migrant individuals across Northern Ireland and in Belfast in particular. The very definition of confidence used in the Community Safety Strategy begins with ‘when people feel safe’. With a reported average of two racist incidents per day at the time of writing, it is likely that many from BME and migrant backgrounds feel very vulnerable in the communities in which they reside. There are opportunities here to demonstrate a strong and supportive response from the CJS in Northern Ireland, and there has already been a visible public response from the PSNI condemning these attacks. However there is evidence discussed throughout this paper that one poor direct experience can damage whole policy approaches to confidence building within BME and migrant communities and as such it is crucial during difficult incidents that individual agents of the CJS are working to implement policy in the most effective way possible and that agencies are seeking opportunities to work more collaboratively in a more cohesive way.
**Recommendations**

**Engagement**

1. **The PCSP Joint Committee** should provide guidance to PCSPs on how to engage and represent migrant and minority ethnic communities. This guidance should highlight existing good practice within Northern Ireland and elsewhere such as the use of community advisory boards and thematic subgroups. Such groups will furthermore provide an effective feedback mechanism which can be used to capture information for monitoring and assessment purposes.

2. **Criminal Justice Agencies** and **PCSP training managers** should prioritise diversity training for frontline staff and members. This training should take into account local demographics and needs and be carried out and revised where necessary on a regular basis.

**Information and Communication**

1. **The PCSP Joint Committee** should provide guidance to PCSPs on how to create and utilise opportunities for sustained and informed contact with BME and migrant groups. Guidance should emphasise the importance of outcome-focused communication, where stakeholders are given a clear idea of the impact their engagement or the work of CJS agencies have had on results. Implementation of this guidance should be monitored and evaluated by the committee on an ongoing basis. In turn, **PCSPs** should be proactive and culturally sensitive in their approaches to maintaining informal contact between CJS staff and a range of BME and migrant groups.

2. **DoJ** should lead on the production of an interagency communication strategy on responding to racially motivated incidents or hate crime. In turn, each CJS agency should have its own related communication strategy. These strategies should emphasise the role of reporting on the entirety of the process, and a focus on outcomes and CJS impact on outcomes.

3. A steering group, led by **NISMP**, and to include representation from criminal justice agencies as well as support agencies, should be convened to develop a set of guidelines on responsible reporting on racist hate crime for media outlets. This guidance should be developed around the model of the Samaritan’s national guidelines for the reporting of suicide. They should be distributed widely and supported by direct engagement with key media contacts.
**Monitoring, Assessment and Accountability**

1. **DoJ** should commission research into the experiences of migrant and BME users of the criminal justice system in order to assess whether and how these experiences differ from those of the majority community, and whether or not there are significant discrepancies between these findings and those of the very small sample in the National Crime Survey. This will inform the development of appropriate indicators which will aid the monitoring of progress relating to community confidence.

2. **The PCSP Joint Committee** should provide guidance to PCSPs on how to monitor and assess progress on plans in relation to migrant and minority ethnic communities. This guidance should highlight existing good practice in Northern Ireland and elsewhere such as the use of community advisory boards as a feedback mechanism on the development and implementation of plans.

3. The **CJINI** should conduct an evaluation of the monitoring and engagement with BME groups before Spring 2015 (before assumption of new council powers) to assess progress in these areas and identify next steps. It is important that this inspection would encompass the range of CJS agencies – particularly those agencies where less data and research on BME engagement/provision is available.