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Police immigrant relations in Ealing

by Dr Stanislaus Pullé

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by the Runnymede Trust

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Report of an investigation conducted on behalf of the Ealing CRC

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FOREWORD

In 1972 the Ealing Community Relations Council approached the Runnymede Trust with a request for assistance in compiling a report on a file of some fifty complaints against the police registered with the ECRC. The Trust undertook to commission a suitably qualified research worker to prepare such a report for the Council. Dr Stanislaus Pullé, now engaged in research at the Yale Law School, conducted a review of this evidence over a period of five months in Ealing, from November 1972 to March 1973 – interviewing the original complainants as well as a wide range of local people who were in a position either to give him information relating to the complaints or to comment on some of the issues involved. Dr Pullé produced the first draft of his report in March, and, after another two months' work in the borough, a final draft in July. In accordance with the terms of our agreement, this draft was submitted to the Conciliation Committee of the ECRC in August. The Conciliation Committee, with Dr Pullé's agreement, have amended certain parts of the report, mostly on questions of fact of which members of that Committee had first-hand knowledge. We are, therefore, publishing Dr Pullé's report, as amended, on behalf of the Ealing Community Relations Council.

This report is the property of the ECRC. In publishing it, one introductory comment may be helpful. This report will inevitably be controversial, simply because police/immigrant relations anywhere are controversial. However, it will be acknowledged, I think, that it is of exceptional interest in focussing attention on the specific problems of policing in multi-racial areas. Because the importance of the report goes far beyond the handful of cases which Dr Pullé selected for scrutiny, it is worth saying something about the accuracy of the case-histories reproduced in Part II. These are based in each case on the evidence produced by the complainant, and amended or supplemented by the evidence of those in a position to know what happened. There are some references to the evidence produced in court by the police, but it cannot be said that Dr Pullé's account includes the police's perception of what actually happened. These case histories, whose details Dr Pullé and others have gone to great lengths to verify, are, then, inevitably one-sided. In the nature of the case it could not be otherwise.

This unavoidable limitation has two implications. First, wherever further authoritative evidence on matters of fact is forthcoming which is at variance with the account given here, it must be accepted. No one preparing a report of this kind, in which one crucial segment of evidence is absent, could guarantee to produce an account which is accurate in every particular. But Dr Pullé, I know, would be the first to accept correction on matters of fact. Secondly, in considering any further evidence which readers of this report may either have in their possession or have made available to them, perhaps the most important question, on which readers will have to make up their own minds, is whether this evidence is central to the issues raised or whether it is peripheral. Had Dr Pullé had access to the full range of information, as would be available to a tribunal of enquiry, neither *caveat*

would have been in order. In the circumstances, and subject to correction where substantive errors of fact can be demonstrated, readers of the report will have to judge its authenticity in the light of their own sense of the problems and issues with which it deals. We are publishing it on behalf of the Ealing Community Relations Council because we believe it to be a document of exceptional interest, written with a positive, constructive intent, which is relevant not only in Ealing but wherever police–immigrant relations are involved.

September 1973

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PART I: INTRODUCTION

Over the past five years the Ealing Community Relations Council (ECRC) has maintained a file on complaints made by individual members of the Borough against the Police. Recently, however, the volume of complaints almost exclusively from the coloured immigrants reached a level which in the opinion of the ECRC Executive necessitated an inquiry into the causes and circumstances of these complaints and the general state of police/immigrant relations in the Borough.

The Runnymede Trust had been approached by the ECRC for support for such an investigation. They gave the decision their unqualified support and in fact decided to sponsor the project jointly with the ECRC.

The inquiry was conducted over a period from November 1972 to March 1973.

The task involved in-depth and long interviews with individual complainants, police representatives, several JPs who attended the Magistrates Court in the Ealing Borough some of whom had over twenty years of experience, probation officers, senior solicitors, welfare organisations, community relations officers, youth club leaders, social workers and a host of individuals who came forward to present their views and experiences on one matter or another which was relevant to the reference.

The relatively large measure of co-operation from a wide spectrum of the community was due largely to the fact that these interviews were strictly confidential and an undertaking was given that no list of witnesses would be published nor reference made to any individual in the text of the Report.

Where in respect of any point an individual is mentioned it is because the interviewee himself had no objection.

It was to be expected that the inquiry would traverse areas already covered by the House of Commons Select Committee on Race Relations and Immigration. Its Report on Police/Immigrant Relations was published only three months earlier in August 1972. But there are at least two important differences in the scope and content of that inquiry with the present one that need pointing out here.

The first is an obvious one. The Select Committee concerned itself with police/immigrant relations on a national scale and therefore that inquiry embraced a wider spread of opinion in evaluating some of the attitudes held by the police and immigrants towards each other.

On the other hand when one deals with a particular area such as Ealing (which includes Southall and Acton), the scope of the inquiry is necessarily limited to the evidence and actual experiences of those who form part of the resident community.

Whereas the Select Committee dealt with the general, the present inquiry is concerned to identify specific strains: some of these confirm general observations and so give them more force; while others possibly are peculiar to the Borough.

The second difference focusses on the essence of the Ealing investigation.

Whereas the Select Committee was precluded by the terms of its reference

from investigating details of individual complaints and incidents, in Ealing individual cases have been the starting point of the inquiry and they form the basis of the main conclusions reached.

Ealing

By any standards the Borough of Ealing represents a truly multi-racial society.

The community includes people of many national origins which include the Irish, Indians, Pakistanis, West Indians, Poles, Hungarians, other Europeans, Africans, Chinese, American, Cypriots and Maltese.

The total population of the Borough is roughly estimated at 301,000 of which 35,000 are coloured, *ie* nearly 1 in 9. They therefore represent a significant proportion of the population. There are about 24,000 *Asians* (more than 17,000 being Indian, with 2,000–3,000 Pakistanis nearly all of whom are from West Pakistan and about 4,000 East African Asians) and nearly 8,000 *West Indians* and those of *African* origin. In addition to others from the Far Eastern countries and a small proportion of Sinhalese (about 1,500) there has been the re-settlement of about 1,500 British Asians expelled from Uganda.

The ECRC records that community relations problems which they deal with concern mainly relationships between people of Indian, Pakistani, West Indian and African origin and the majority group of European origin: 'broadly speaking therefore between *coloured* and *white* people'.

From an analysis of individual cases based on strict criteria and on a balance of the whole of the evidence recorded there is more than adequate evidence to show that the enforcement of law and order in Ealing has been accompanied, *prima facie* at any rate, by excesses not permitted by the law.

The relevant criteria used in the selection of these cases are set out in Part II, and precede the individual cases investigated. In Part III the views of the police representatives for Ealing are set out.

Part IV records the views of individual magistrates on the subject.

Part V contains an evaluation of the individual cases, in the light of the evidence submitted in court by the police, the magistrates and others.

Some special issues of interest which were raised during the course of the inquiry are mentioned here.

PART II: THE CASES

The Criteria of Selection

The ECRC dossier on complaints against the police contained nearly 50 cases, the large majority of them recorded in the course of the last two years.

Of these only a dozen have been selected for inclusion here. The rest have been excluded for the reasons which follow.

With regard to the cases in the dossier it could be argued that many of them:

(a) are one-sided,
(b) come from those who harbour a general bias against the police or against society at large,
(c) are biased on account of impressions the complainant has had of the police in his country of origin,
(d) are reactions to the complainant's possible disillusionment with his career expectations, or,
(e) are a complete fabrication.

Although no cast-iron method can be found to obviate fully all these possibilities, nonetheless every effort was made to reduce them to the barest minimum.

For example, as regards possibility (a), since neither the police nor the magistrates were prepared to comment on individual cases, it was inevitable that the account of the allegation in question should have a unilateral character.

However, more than half the cases in the dossier were left out where, in allegations of police brutality, the complainant did not include in the complaint a self-incriminating fact or a fact that ought to have been mentioned if the allegations were to remain consistent.

In other words where the complainant inconsistently maintained throughout the accusation that he was not one iota to be blamed or held responsible for the very presence or involvement with the police the complaint was excluded even though he may well have been telling the truth in respect of some crucial issues. In effect therefore a heavy burden was placed on the complainant to justify all the relevant threads of the accusation.

In fact the vigorous application of that rule extended to the exclusion of two allegations of rough handling by the police made by youths under eighteen years both of whom were West Indians.

On the aspect of consistency no allowance was made either on account of age or on account of any other factor.

In order to extract evidence of bias at the very outset complainants were asked for their views on matters that fell within the ambit of possibilities (b), (c) and (d). Of these possibilities special care was taken to minimise bias arising from impressions the complainant had about the police in his country of origin because it is well known that the Police Service in Britain stereotypes the Asian and the West Indian immigrants by reference to their background. Thus recently a senior Superintendent of Police writing in *The Police Journal* (Vol XLV, April–June

1972, 'Coloured Immigrant Communities and The Police' p.128) commented that: 'the Asian immigrant well used to graft and corruption on a very wide scale amongst the police and public officials in India or Pakistan will frequently display a tendency not to speak the truth when questioned by the police and the language problem does not ease the situation. Thus on the one hand the Asian immigrant initially builds up a picture of a police officer as someone to avoid and on the other hand the British police officer often accords to the Indian and Pakistan immigrant a reputation for cunning and deceitfulness and views him with mild contempt. . . . the West Indian immigrant may well expect police brutality and harassment together with the fabrication of evidence since these are frequent occurrences in his own country'.

Because these opinions are widely held (though their accuracy is questionable) and for other reasons noted above, with one exception *a complainant had his case excluded unless he positively believed before the incident complained of occurred that British society was a 'fair' society, the British Police were 'generally fair and impartial' and that he had 'good or reasonably good' impressions about the police in his country of origin, and where in general terms his career expectations were fulfilled to a 'satisfactory' extent.*

In other words (bearing in mind the one exception), we selected our cases in such a way as to exclude deliberately all those complainants who could be suspected in the slightest degree of harbouring prejudices against British society or the British police, all those who had hostile or unfavourable attitudes towards the police in their own countries, and all those who might be accused of using the police as scapegoats for their own personal failures.

The exception refers to case 2, where the complainant was manifestly hostile in attitude to the police long before the incident complained of took place. The reasons which prompted the inclusion of that case are these. First, the complainant's hostility towards the police was to a considerable extent a product of his previous experience with them. As a matter of fact he was obsessed with the idea of being continuously hounded by them. We are not sure about the justification of that obsession in the light of the complainant's own record of conduct but as to the fact of the obsession itself there is little room for doubt. Yet, it is precisely this obsession which justifies its inclusion here, because it shows how one incident can launch an individual into a cycle of collisions with the police, each subsequent incident merely confirming his obsession that all policemen are 'out to get me'.

Secondly, it shows to what lengths certain police officers will go, even allowing for the fact that the initial incident was not of their making. The case for reform is easy when the victim of a situation is near blameless. But the relevance of effective reforms is their ability to address themselves to situations in which the victim needs a remedy but is by no means blameless himself. Case 2 is included here because it is a good example of just such a situation. It is typical of a great many cases excluded from this report.

Finally, on the possibility of fabrication, the complainants in all cases were

required to put at rest any doubts about the veracity of their evidence by a strict insistence that they repeat correctly the main points mentioned in the statement first made to the ECRC.

Where there were discrepancies between the two accounts, the complaint was excluded.

Very often as the individual's complaint unfolded, it revealed itself not as a vendetta against the police but rather as a bewildering and shattering experience.

It will be seen therefore that in the selection of cases very high weight was put upon consistency, and that the criteria of selection deliberately filtered out all complainants who might be suspected of having hostile attitudes towards British society in general or the police force in particular. The complaints emanate therefore from individuals who were predisposed to believe in the fairness of British institutions in general, including the police force in Britain.

However, the vast majority of cases that were left out were not necessarily untruthful. On the contrary it needs pointing out that by and large they all had a ring of truth, although falling short of some of the standards referred to above.

Those standards were adopted to ensure proper safeguards against possible allegations of bias in an inquiry into complaints which are essentially (and inevitably) of a unilateral kind.

The Cases

1. Smashed Windows

'In a foreign country one should expect a certain degree of intolerance but yet there are so many tolerant people here and that includes the police: in fact I have written to my friends in India about my satisfaction with the state of affairs here until this happened.'

These comments were made by a middle aged Indian, 48 years old, who had been a Headmaster while in India. In 1965 he left for England, and is now the Head of the Mathematics Department in an Ealing Primary School. He is married with three children.

What makes him now disillusioned with the police is a series of incidents where on each occasion the window panes of his house were smashed and, according to him, next to no effort was made by the police to arrest the culprits.

He was able to narrate in chronological sequence the various incidents that occurred by copious references to his diary.

On the night of 26 May 1972 he had been to a party with his family. The following morning he noticed one of his front window panes broken. He did not suspect any mischief and was inclined to take the view 'that while playing football on the road one of the kids may have accidentally kicked the ball onto the pane'.

However, when at about 10.30 pm on 8 June, another glass pane of the same window frame was broken and an 'iron bolt' found inside the room, he had reason

to conclude that someone was bent on having a go at his house. The police were informed of the matter. All they did was to take into their possession the 'iron bolt', express surprise at the incident and ask that they be informed should it recur. The broken glass panes were replaced.

A month later on 6 July around 10.45 pm stones were thrown at the house cracking the same panes. Several stones and pieces of bottle were found inside the room.

The police were called and their reply was short:

'We can't do anything about it until we know the suspects . . . We're short of staff and so you cannot expect us to put a guard or keep patrol even if it means for a few hours in the night.'

As before the glass panes were replaced.

These incidents had all taken place on a Thursday, so every Thursday thereafter one or two members of the family maintained a late-night vigil ending at about 2 am.

However, the next occurrence was on a Friday, 21 July, in the early hours of the morning, and was repeated again a fortnight later on Friday 4 August, and again three weeks later on Friday 25 August.

By then the Indian had had his windows smashed for the sixth time. Each time the police were informed and no action was taken. The incidents became common gossip in the neighbourhood where the Indian was the only coloured resident. The ritualistic pattern of the smashings had their most profound effect on the youngest daughter who was 'still attending school' and was 'so shaken that she could hardly fall asleep'.

After the smashing of 25 August the Indian decided to replace the panes with unbreakable glass.

But the stone throwing showed no signs of abating.

A month later, on Friday 29 September, no sooner did the 2 am deadline of the vigil end when a half-brick came crashing onto the panes. The panes cracked but did not break. On the following night, Saturday 30 September, stones were again thrown and this time they broke through the glass. Presumably, the Indian argues, 'a catapult was used'. The police were once more apprised of what had happened and yet not even the most rudimentary type of police patrol was forthcoming although the most passionate appeals were made to that effect by all, including his wife and children.

Finally giving up all hope the Indian decided that even if 'all of us were to go mad' a continuous vigil would be carried out from 9pm until 3 in the morning.

What precipitated the 'go it alone' attitude was the remark made by one 'sympathetic' police officer who saw the Indian after one of the incidents and told him: 'The police here are really not interested in the matter. You should lodge a complaint to the Head of the Ealing Police.'

But there was another observation by the Indian which apparently made him suspect that the police were being deliberately unhelpful. During the incidents

in the period 21 July–4 August he had confirmed that an English owner of a grocery store, who had her front door broken by some boys, was helped by the police who in fact were able to trace the delinquents.

It should be said here that after the half-bricks on 29–30 September, the eighth such occurrence, the Indian complained to the Community Relations Officer (CRO) of the ECRC and was told that the matter would be taken up with the Chief Inspector.

Meanwhile the glass panes were replaced once again and the strict vigil continued each night of the week from 1st October. On Thursdays and Fridays especially, the Indian brought along with him one of his friends to stay the night. On Friday 6 October the scene was set for the first exercise in self-help. They were seated in the front room of the first floor which is situated above the target window. The idea was to get a good view of the road and so be able to identify the culprits. It was 12.45 am when they saw two boys approaching down the road, one of them carrying a bottle. One of them stopped outside his house and was about to take aim at the window; immediately the Indian and his friend opened the window. Being aware that they were noticed the boys took flight. The Indian wasted no time in telephoning the police station and called for their immediate presence. Later a police officer arrived in a Panda car.

On being told of what had taken place the police officer replied: 'Well, they haven't broken the window so we can't do anything about it'.

This time the Indian was not prepared to let the opportunity pass. He insisted that those boys were perhaps the same ones who had on several earlier occasions broken his panes and went on to give a rough description of the boys. So he requested the police officer to drive up the road along with him and apprehend the boys. The officer refused.

He told the Indian that the freedom of the individual must be respected and he could not stop and question the boys unless he was certain that those boys were the ones responsible. The Indian then replied that he was able to identify the boys from the position he had taken up in his house. The officer retorted that it was absolutely impossible to see the boys from his house at that hour of the night. However, the Indian insisted that at least he was able to give a rough description of the boys, but this did not help either. In the Indian's own words: 'The police said it will be of no use. He told me that I would have to swear in court that those were the boys who have been smashing the windows of my house and if I was unable to prove it I would be liable to pay damages to them'.

Thereafter the Indian pleaded with the officer that he should be taken in the car at least for the purpose of identifying the boys. The officer obliged. Within a minute's drive the boys were seen at the junction of Airedale Road. Seeing the Panda car the boys ran up the street and turned into Creighton Road. Again, the officer was asked to arrest the boys and the stock reply was that in the absence of strict evidence he was unable to arrest them.

The officer was then asked at least to question the boys. He warned the Indian

about having to swear in court, etc, and said that it would be more helpful for him to question the boys. Having stopped the car near the boys the Indian enquired from the boys whether it was not one of them who had been carrying the bottle and standing opposite his house. The boy replied 'yes'. The officer at that point asked the boy where he had picked up the bottle and was told that they had found it near a dustbin. They were then asked whether they visited Sunderland Road (the road in which the Indian lives) and the boy who earlier admitted carrying the bottle and being opposite the Indian's house denied that he had any knowledge of where that road lies. The Indian then drew the boys' attention to his conflicting statements. At this the second boy answered: 'We know where Sunderland Road is, it's opposite South Ealing Station'. 'Didn't you go there?' queried the Indian. The boy admitted that there were four of them at Sunderland Road, and that two of their friends had parted company and gone in a different direction.

At that moment the Indian turned to the officer and said: 'That is all. These are the boys: why don't you arrest them?' In the presence of the boys the officer cautioned the Indian about jumping to conclusions. All he did was to take their names and addresses. The Indian remarked to the officer: 'For all my effort in the last few months it simply means our family will not be able to sleep for many more weeks to come'. He was driven back home and the officer left. After an interval of 10 minutes another officer came along in his Panda car to the Indian's house and asked: 'Was there anybody around? I heard it as Cumberland Road and have realised only now that it was Sunderland Road'.

He left on being told of the earlier arrival of the police. After nearly ten incidents and five months it appeared almost unforgivable that the officer should have reason to assume that the caller lived in Cumberland Road especially when one of his fellow officers, who had not taken the call, had in fact come straight to the proper address! The same night the Indian and his friend continued the vigil. At about 1.30 am a Panda car arrived and parked right below one of the street lamps and was therefore clearly visible from a distance. At 1.40 am two boys came down the pavement on the opposite side of the Indian's house, stopped a while in front of the fence and looked at the top window where the Indian had positioned himself. One of them hurried past the house but the other passed unperturbed along the pavement opposite to where the Panda car was parked. The Indian was hopefully expecting the police to stop the boys and question them or call for him. Instead, when no moves were made for the next quarter of an hour, the Indian persuaded his friend to drive him in his van following the boys with the purpose of scaring them off. They took along with them a walking stick. When they returned after a ten minute drive an Inspector came out of the car, approached the Indian and warned him that he had no right to carry an 'offensive weapon' with him.

The Indian mentions that it was only the Inspector who came out although there were two officers in the car.

At this point an attempt was made to press the Indian on the accuracy of some of the detail he was relating. So he was asked whether the other officer in the car was an *Inspector*. He replied: 'Well it is difficult to identify of what rank they were but there were two of them'.

It suggests that the Indian was exercising at least some caution in matters of detail. He then went on to relate the following exchange between the Inspector and himself: 'You have an offensive weapon in your hand and you can be arrested'. The Indian, who says that by now he was fed up, retorted: 'Well, go ahead and arrest me – please do so'.

The officer responded: 'Don't speak loudly. You are disturbing the neighbours and you can be arrested for that too'. But the Indian says that he again shouted at the Inspector: 'Why don't you go ahead then and arrest me?'

At this the Inspector, in an attempt to calm down the enraged Indian, suggested that they go into his house and talk things over.

In the house the Inspector again continued to stress that the Indian had no right to take the walking stick even if it was for the purpose of scaring the boys, and then asked that he be shown the place where the Indian and his friend were seated during their vigil. He was taken up and there he spotted an air-gun on the settee which compelled him to ask the Indian why he kept the gun. To this the Indian says he replied: 'Well, if there were a group of rowdies who are time and again smashing my window panes then all I can do is to scare them'. The Inspector said: 'You cannot do that as you could be arrested for threatening violence'. This caused the Indian to erupt. He replied: 'Well it's for the third time you have spoken about arresting me, why on earth don't you go ahead and arrest me?'

The Inspector had no intention of pursuing that course.

During the interview, the Indian was asked whether in displaying the air-gun, he had not become panicky out of proportion to the incident. He explained: 'We are in a foreign country. What else could we do if the police don't show an interest? We must protect our families. Suppose they really came inside the house to attack me, what could I do?' He then went on to say how he asked the Inspector why a police patrol was not put on the previous night as was promised but he got the reply that: 'the police had other important operations to carry out'.

While in the house the Indian asked the Inspector to suggest ways in which he could end the ordeal he had suffered for the past months: 'Will you please tell me what my fault is that the window panes of my house are broken every day? I am a British citizen after all, so why don't you protect me?'

The Inspector paused for a moment and asked: 'Are you the only immigrant down this road?' The Indian said 'yes'. 'That is the reason', the Inspector replied.

A few days later, the Indian maintains that he again got in touch with the Ealing CRO but this time he wanted the matter referred to the higher authorities. He related the conversation that had taken place between himself and the Inspector. He was asked by the CRO whether he could recollect having any row with anyone in the neighbourhood. After much thought he was able to think of only one

instance but that he thought was of no relevance. The incident he referred to was one involving the purchase of a bed and wardrobe from a firm in South Ealing. These were in part-exchange for an old bed. However, when two young men from the firm came to deliver these things they seemed unaware that they were supposed to remove the old bed. When the Indian pressed the boys to remove the old bed as there was no room for two beds, the boys said: 'Either you accept your order for the new bed and wardrobe or else we shall take it back'. The Indian said: 'If so, take them back'. The boys were annoyed at the extra task they were put to and so abused the Indian saying: 'You bastard you don't know what you are about'. He promptly reported the matter to the firm and within a few days the things he ordered were delivered by someone else and the old bed removed. He received an apology for the conduct of the boys. This incident would seem to suggest that there was some kind of nexus between the second smashing and the 'iron-bolt'. However, the Indian was quite sure that these boys were not the same ones whom he had talked to in the presence of the police officer.

Meanwhile, the CRO told the Indian that he had already spoken to the Chief Inspector and was assured that the smashings would not recur. But he was not satisfied with this and wanted to see the Chief Inspector personally.

When this meeting was arranged he asked for the names and addresses of the two boys with the idea of bringing a civil suit against them. But this was denied him. A request by him to lodge a complaint against the police officer in question who refused to stop and question the boys was dropped on the advice of the CRO who suspected that the Chief Inspector's pledge was sufficient. That pledge has since been kept. It required ten smashings before such a pledge was forthcoming.

2. Toilet and Truncheons

'Neither Mum nor Dad have got into any quarrels with the police. Dad has been working here for twelve years as a foreman in a big store. So we are respectable. I don't generally keep late nights . . . except for that day. I would have forgiven the police if they had not done that to me . . . I am still ashamed. Maybe I should not have told you about it': a 16 year-old West Indian lad who bears the scars of his experiences, described below.

It is perhaps proper to say at the very outset that the boy is of the type who could be described as a 'juvenile delinquent'. Evidence to sustain that opinion may be drawn from the boy's own school record as well as from his subsequent brushes with the law. But there is also the additional factor of the boy's rather unsettled upbringing. Although his parents emigrated to Britain in 1961, the four children arrived here one by one, and this boy was looked after by his paternal grandparents in Grenada. He was the last to arrive here in 1967. When he arrived, both parents were working, his mother mostly on night-shifts and his father on day-shifts, so that in the event he seldom saw both his parents together.

In school the boy had a disastrous record. At Dormer's Well where he was studying, the headmaster found it difficult to impress on the boy the need to

wear the school uniform and to attend classes regularly. There had been an incident where the boy had smashed two light bulbs in the school corridor just outside the girls' changing room. There were a number of other minor incidents of insolent behaviour in the classroom.

In January 1972 the boy was found to have made one girl – a fellow student – pregnant and he was consequently dismissed. The boy denied this and in his favour was the fact that the girl herself was later transferred to a Guidance Clinic attached to the Argyle Manor School where it was found out that she had admitted to sleeping with several other boys. Nevertheless, the incident marked the end of the boy's brief school career. However, his trouble with the police had begun some time earlier when he was still in school. In January 1970 when he was only 12 years old, he was found guilty, with two other friends, of stealing a small alarm clock valued at £2 from Woolworth's during school hours. The boy was put on probation for two years. He was nearing the end of his probation when the next incident occurred on Christmas Eve 1971.

At about 9 in the night the boy set off with some friends to a Christmas Party held at the Shackleton Hall – a venue frequently used by West Indians in the Southall area for parties, discotheques etc. The party wound up at about 2 in the morning and the boy along with one of his friends was returning home when they noticed an abandoned parcel of clothing in the corner of an alley. They picked it up, took it home and attempted to try on the clothes. His parents and the rest of the family were fast asleep and had not noticed the boy's entry home. When the boy and his friend found that none of the clothes fitted them they decided to take the bag of clothes to the home of another friend of theirs who lived in Chiswick and was having a party at his place.

So, at nearly 3 am, the two of them were walking towards Chiswick and had just got past the 207 bus stop opposite the Town Hall when a police Rover car with two officers in it pulled up by their side and questioned them on their movements. As is not infrequent in night patrols where the police take people to the station for questioning when they are not satisfied about the genuineness of the explanation given, they asked the boy and his friend to 'jump in'. The boy refused, and admits that he retorted: 'I won't travel with pigs'. When asked in the course of the interview what prompted him to be so offensive and make such a provocative reply, the boy said: 'I know that they wanted to try and beat me up in the station'.

Of course, there was no evidence to suggest that the police had any such intentions, and the reply must strike one as being wholly unreasonable. His conduct in this respect may be explained, although not excused, in terms of his own rejection of the values and especially authority of the society in which he was brought up.

When the boy told the police: 'I won't travel with pigs', one would normally have expected an immediate reaction by the police. But according to the boy the police for the moment left them and turned their attention to another West

Indian lad and his girl friend who were walking some 100 yards down the road. They walked up to the couple, questioned them and after a few minutes returned again but this time to push them forcibly into the car and drive off to the police station. In the station a notification was received of a break-in at a dresswear departmental store involving the theft of some clothes and other goods valued at over £100. The store had its rear exit leading to the alley where the boy and his friend had found the parcel of clothes.

For the first time the police questioned them about the clothes in their possession. When they recounted how they came to be in possession of the parcel the police promptly pressed them to confess to the theft or else be sent to jail. When the boy and his friend refused to confess to the theft, they were both locked up and the police came back for 'further evidence' of the theft to the boy's house at 6 am. The boy's parents were preparing Christmas breakfast when the police knocked on the door. The police met the father and told him that his son was being held in the police station for theft. They told him that they had come to search the house for certain missing 'valuables', after they found his son and his friend with a parcel of clothes belonging to the shop that had been burgled. The father refused to believe the story and said that unless they produced a search warrant or released his son he would not allow them to search his house. The police then threatened the father that if he persisted in his refusal he would open himself to a charge of conspiracy to commit the robbery and of aiding and abetting his son and the friend. However, after some argument and on intervention by his wife, he allowed the police to search the house. The police opened and examined the drawers and the family wardrobe and unwrapped for examination the various Christmas presents that had been bought for the family. The parents were asked to show proof of purchase and this they were able to do because fortunately the mother had kept with her the receipt slips for these purchases. Nothing incriminating was found. The police then left the home, followed by the father who set off to the station at about 6.30 am. At the station the father was not permitted to see his son. He says that the police told him that unless his son was prepared to confess to the crime they would not release him. For the same reason an offer of bail was turned down. But an hour later he was told that they would consider the question of bail when they had completed their interrogations. Several hours passed and it was nearly 2.30 in the afternoon when the police finally released the boy on bail for £25. The explanation given to the father for the long delay was that it was Christmas Day and as the officers who first questioned the boy were off duty they had to wait until they came back after their Christmas lunch. The boy who had been locked up in the cell all this time came out, to the astonishment of his father, with a bruised lip. He had a particularly distasteful experience to relate. Apparently, he was first taken into a waiting room and the door bolted. He says he began to bang on the doors and within five minutes he was led away to a cell. He says the police jostled him about constantly, calling him among other names a 'black bastard'. Unable any longer to restrain himself, he grappled with

one of the officers and called him a 'pig'. It was a retort which the boy lives to regret. For at this point the boy maintains, swearing on 'my God and the Bible', that this officer with the assistance of another held him by each arm and led him to the toilet pan in the cell and there pushed his head into the pan. The boy's lip struck the edge of the pan and was slightly bruised. Some distance away standing near the cell was a third officer with 'blonde hair' who apparently looked on with a smile of approval.

He has not revealed the incident even to his closest friend and in fact feels ashamed of having revealed it all in the course of this interview.

On 19 January 1972 he was charged with the whole burglary valued at £140 although the actual value of the parcel of clothes found on him were valued at less than £10. He was found guilty of the burglary but the sentence was postponed for a month until his school report was available. In February he was sentenced to a three-year supervision order and was fined £20. The probation officer looking after the interests of the boy says he was present in court on the day of sentence and claims that the police told him afterwards that the break-in was really the work of a large gang and it was unfortunate that they were unable to find the other 'valuables' reported missing.

More trouble followed shortly afterwards. On 27 March 1972, he was charged with the theft of a pair of shoes from a shoe-shop owned by an Indian. The evidence was entirely speculative and the case was dismissed by the Brentford Division on 24 April.

Thereafter, between August and September the boy was again charged on two separate occasions. On the 19 August he was charged with theft of £25 from the till of an Indian shop in Southall and, some weeks later, again charged with one of his friends for snatching a lady's handbag. Both cases were transferred from the Ealing Juvenile Court for hearing before the Brentford Juvenile Court on 22 November 1972. In the first case, the proprietor's son had made a statement to the police *suggesting* that it was the boy who stole the money. But in court it was demonstrated that the English translation of this statement had somehow been altered to read that the boy was in fact the person identified for certain as the one who stole the money. Fortunately, this discrepancy weighed heavily with the magistrate and it led to the boy's acquittal.

In the second case, the boy was again acquitted but his friend was found guilty.

This was not the end of the boy's involvement with the police. In fact what follows shows how his previous record makes him an easy suspect for the police whenever there is a situation in which he is remotely concerned.

On the night of Saturday 7 October 1972, the boy's father had been to a local pub which is about 200 yards down the road. The father is a frequent patron of this pub which has a mixed clientèle – largely Indians and to a lesser extent West Indians. The father is a popular figure in the pub where he has several Indian friends. He is also a shop-steward in the firm which employs him and is held in high esteem by his fellow workers. The pub also has an upper room which is

generally used for discotheques during weekends. The boy was at the discotheque which was 'packed to capacity'. Because the pub was crowded, his father had come out and was drinking just outside the pub in the company of some Indians. Between sips they stood their glasses on the wall and were continuing with their conversation when at about 9.30 pm one Indian 'who was out to make trouble' came up to them in the company of two others and attempted to engage the attention of the father with some hostile remarks.

This person had been drinking in the pub for quite some time and it was known that he had acquired notoriety for being a thug in the area. The father ignored these remarks but then the Indian came towards the wall and knocked off some of the beer glasses that had been placed on it. The father then went up to him and asked him to replace the round of drinks. He refused and challenged the father saying: 'do what you want'. Anticipating that this might cause an unnecessary flare-up, one of the father's friends, an Indian, intervened and offered to buy a round of drinks. He led the father away from the Indian and his two friends and went inside to buy the drinks. The father and his friends had just begun to settle down for their new round of drinks when the Indian approached him again and said: 'You came up to me and you have gone back now, what is it you wanted to do?' The father told him that he had nothing to do with him because he had got back his drink. The man went inside, bought himself a drink and then returned with his two friends to confront the boy's father for the third time. He again asked: 'What is it you are going to do?' The other Indians in the company of the father spoke to the man in Punjabi asking him to leave them alone. But he would not do so. He was holding a half-empty beer glass in his hand and when urged on by his two friends, he threw the contents at the father and drew back to fight him. The father went straight for him and hit him, whereupon the man lost his footing, slipped and fell. Some of the other Indians gathered at the scene, separated the two groups and a little while later the father left for home. This was about 10 pm. The Indian had in the meanwhile gathered together a few other Indians and they attempted to stop him from getting to his house. He ran to the opposite side of the road, picked up three milk bottles and threw them in the direction of the oncoming group 'not to hit them but to frighten them', and entered his house through a side gate.

During the whole of this time because of the din that was going on upstairs the boy was wholly unaware of what had happened just outside the pub. However, near closing time one of his friends had told him that there was a crowd of Indians outside his house and that his father had got involved in a fight. The boy then left for home. What had happened in the meantime was that in about 15–30 minutes after the father had got home, word had been circulated by the Indian and his friends that the father had assaulted and insulted some Indians. The crowd outside the house had swelled to about 30–40 Indians. Some of them having brought their hockey sticks were banging these on the cars parked outside and shouting: 'Come out – come out'. One of the neighbours fearing that a major

brawl might take place rang for the police.

Within minutes the police arrived in a Black Maria van followed by two escort cars. They began to round up some of them and put them into the van. By this time the father had gone upstairs into his bedroom and thought that the best course for him would be to change into his pyjamas and get into bed as if he knew nothing of what was taking place outside. He had of course seen the police van arriving through the net curtain covering the window which faced the road. Just then the boy reached the front gates of his house and became worried when he saw the police and the crowd standing outside his house.

He looked up and then caught the attention of his mother who was leaning against the window and observing what was going on outside. She shouted down for her daughter to unlock the front door and let the boy inside. This the daughter did and as soon as the boy came in the first thing he asked was: 'What's wrong with my Dad that there are so many policemen outside?' The mother assured him that his father was in no trouble and that he was asleep in bed.

The boy then says that he went into the kitchen to prepare a snack for himself. The mother followed him to the kitchen and cautioned him: 'Now don't you go out there, you know you bad lucky with the police'.

Without argument, he fetched himself a frying pan, got himself some bacon from the fridge and then took out the kitchen knife for the purpose of turning the bacon over.

The mother then left the boy and went upstairs to see what was going on outside. But no sooner had she reached the landing than the police shouted: 'Open up, open up'. Before she could decide what to do, she says she heard a crashing sound and the next thing she saw was about six officers rushing through. All this happened within the space of about five minutes after the boy had entered his house.

The boy on hearing the crash opened the kitchen door to see what had happened and just then the police caught sight of him. They went straight for him. The boy's father jumped out of bed and ran down to the kitchen to see that his son was being held in a corner by two officers and a third was lashing him with a truncheon. He says there were two other officers in the kitchen and another was standing in the corridor. He tried to brush past them and reach his son but was prevented when the other officers grabbed him. One of them put his arm round his neck and held him tight in one corner. He says that that particular officer was distinctly smelling of liquor. As he attempted to struggle out of the police clutch he was given a hard punch in his ribs and pushed against the kitchen table and a chair which fell over. He then saw three officers trying to lift the boy out of the kitchen.

The mother of the boy was in a quandary and in fact became hysterical. She began screaming: 'Murder – you are killing my son'. Two officers wrestled with her in an attempt to force her out of the kitchen and into the front room, so that (according to her) from there she would not be able to see her son being

beaten up. In the mêlée she noticed one officer carrying 'a white handled instrument' which cut her thumb badly. The scars of that wound are still visible. So too is the broken door, the damaged hinges, and the badly dented electric heater. In fact these damaged articles were seen by the Ealing CRO on the following day. The numbers of the police officers involved here were all noted down and reported to the CRO. They were revealed to the author by the boy's father.

Four police officers carried the boy through the passageway and took him away to the station.

No sooner did the police leave than the distraught parents left for the station themselves. The boy was locked up in the cell and permission to see him was refused. His father asked that at least the reason for his arrest should be known to them. One policewoman who heard the request told them both to: 'shut up and sit in the waiting room'. After nearly an hour's waiting the boy's father asked whether he could stand for bail. This was turned down. A request that a police doctor be called in to see the boy was greeted with derision.

They then headed for home at about midnight but only after the boy's mother was taken to hospital for treatment of the cut she received during her struggle with the police. At home were two other children: the daughter aged 12 and a son aged 8.

While the parents were at the station the evidence of these two children reveals that the police returned to the house: three of them with three police dogs and searched the house inside out. They went to the kitchen and took away the carving knife from the draining board. When the parents returned home the children were in a state of shock and crying.

Enraged with what had taken place, the boy's father left the wife behind and went back to the police station. He told the police that he would continue to remain in the precincts until the boy was released or was given bail. After efforts by the police to make him move failed, two of them bodily removed him and placed him on the pavement. It was nearly 3 am when he finally got back home after the most harrowing night of his life.

The boy was charged with assaulting two police officers in the execution of their duty and of carrying an offensive weapon in a public place.

A complaint was made against the behaviour of the police officers concerned on that day.

The officer appointed to investigate the complaint conveyed to the CRO at one stage that the police were prepared to meet the costs of the damage done to the door and the heater, but the officer was taken off the case later, and the question of damages has not yet been settled.

In neither instance did the police produce a search warrant for purposes of entering and searching the house.

On 7 February the boy was found guilty in the Ealing Juvenile Court.

What is worrying is the fact that the police produced in court the 10 inch carving knife and, it seems, fabricated not merely the details but a whole episode

in the street to prove that the boy when questioned simply pulled out a knife and attempted to slash the throat of one officer.

The police version as put forward in court by five officers goes something like this. They had dealt with the disturbance caused by the Indians by taking about a dozen of them away in the Black Maria van when they noticed the boy standing outside his house. One of the officers (who by the way is the same officer who is accused of roughing up the complainant in case 3), went up to the boy and said: 'Just a minute I would like to have a word with you'. The boy then kicked this officer and tried to slash him across his face with a knife held in his right hand. The officer staggered back while the boy rushed into his house and then bolted the door. This same officer, it was said in court, saw the boy through the frosted glass bending up and down bolting the door. The officer then shouted: 'Open this door' and only when the boy did not do so did he kick open the door. The boy then ran into the kitchen and closed the door. When this officer tried to open the door the boy lashed out with a knife. At this point the father came down and grabbed the officer. Finally, he managed to overpower the boy and his father, and the boy was led into the van. Inside the van he was 'cautioned', but the boy kept swearing: 'I am going to cut you up man'.

This version astonished the boy's parents and is disputed by them. The front door could not have been bolted because if it had been, the two bolt sockets would have been ripped out of the door surrounds, as the socket for the latch was when the police broke in. The state of the broken door clearly shows that it was not bolted when the police broke it down.

As to the knife, acceptance of the police version would mean that either the boy took the knife with him to the dance or after returning home had gone into the kitchen, taken the knife and come and stood outside his house. But the Ealing CRO, who has now lodged a complaint against the conduct of the police in his official capacity, has had the opportunity of interviewing two neighbours in the road on either side of the boy's house, who witnessed the entire disturbance on that Saturday night. One is an Indian woman, the other an elderly English woman, both of whom live a few doors away on either side of the boy's house. Both denied having seen the boy standing outside his house, still less brandishing a knife at a police officer. The elderly Englishwoman's testimony is particularly important. She does not like the boy and describes him as a 'bad boy'. She states that she saw the entire incident from her window up to and including the boy's entry into the house. She denies the police version which claimed that the boy had attacked an officer with a knife, and says that if that had happened she would have seen it. This is corroborated by the Indian woman on the other side of the boy's house.

Each piece of evidence, by itself, is negative evidence, but when two pieces of negative evidence coincide in this way it is clear that serious doubts are raised about the evidence presented by the police.

The boy was found guilty on both counts, for assaulting two police officers

and for carrying an offensive weapon. He was fined £16 (including costs) and a new supervision order for three years commencing 28 February was imposed. This includes classes for a total of twelve hours at an Attendance Centre.

It is pertinent that four of the five officers who gave evidence had been previously involved in some sort of incident with the boy. Thus, the officer who related the police version in court (as one of the officers who was alleged to have been attacked by the boy) was the same person involved in case 3.

Another of the officers who gave evidence was the same person who is alleged to have pushed the boy's head into the toilet pan in the Christmas incident of 1971. The officer who subsequently came along with the police dogs was the same person who, on flimsy evidence, preferred a charge against the boy for stealing a pair of shoes from an Indian shoe-shop, a charge of which the boy was acquitted in court. Yet a fourth officer the boy remembers as being a senior student at the time he was attending school at Dormer's Wells, who had a reputation for beating up black students.

The boy's parents who were outside the courtroom but close to the police witnesses allege that after each police officer had given witness, a policeman came out of the court and informed the other police witnesses of the line of questioning and the answers that the earlier police witnesses had given.

The boy had a record of incidents with the police – his mother at least recognises that he is, as she put it, 'bad lucky with the police'. It seems likely that he is permanently typecast as a suspect whenever anything untoward occurs in his vicinity.

An impartial observer of the boy's career is bound to observe that much of the responsibility for this state of affairs rests with the boy himself although a sociologically informed observer would add that background and history have had a great deal to contribute. Some of the evidence now available in public (described above) suggests too that the police themselves, or some police officers at any rate, are not entirely without responsibility in the matter.

The police justification for bursting through the door on the night in question is that the boy had attacked a police officer with a knife. This is denied flatly by two independent witnesses who were totally disinterested parties in the matter. Indeed, one of them is an elderly woman who happens to think of the boy as a 'bad boy'; the other is an Indian woman whose sympathies might be expected to be with the crowd of Indians outside the house rather than with the West Indian boy or his father.

The police claimed that they broke down the door because they had seen the boy bolt the door top and bottom. If this had indeed been the case, then the bolt-sockets would inevitably have been damaged when the police broke in. As the boy's father demonstrated to the satisfaction of the CRO, there were no signs whatsoever of any such damage. If the door was not in fact bolted, there was no cause for the police to break in.

The motive for the break-in therefore remains unexplained, as is the justification

of the method of entry. It hardly needs adding that no warrant was produced.

What followed was a direct and predictable consequence of the method of entry chosen by the police. A police officer entering in that manner, to be confronted by a boy with a knife with which he is turning over bacon in a frying pan, can claim with some plausibility that he thought he was in danger of being assaulted. The boy can claim with equal, if not greater plausibility, that he was simply standing in the kitchen turning over a rasher of bacon with a knife when the police burst into the kitchen for no reason that he could see. The rest – the scuffles, the arrest – followed predictably. The boy's previous record then came into play and tipped the scales against him. An inadequately briefed barrister did not know enough to press the police witness to answer some of the key questions of fact.

These questions remain unanswered. The boy and his parents remain convinced that the police officers in question, all of whom had played a part in the boy's previous record of trouble with the police, simply came in to get him. We cannot just dismiss this view unless we can produce a better explanation. That cannot be done unless we can answer the questions: Why, when the trouble was outside the house, did the police enter the house? Why did they choose the method of entry they did? The answers given by the police in their testimony in court are flatly contradicted by the accounts of two independent and disinterested witnesses and the available evidence. Only the police can answer these questions satisfactorily. The boy and his parents have formed their own answers – answers which will confirm the immigrant communities in their belief that the police are hostile and the system weighted against them.

The importance of a case such as this, and the reason for including it here (in violation of the criteria of selection adopted in this report) is that it is relatively easy to press for justice to be done when the victim is blameless and deserving of sympathy. It is much more difficult when the victim is to some extent to blame for his predicament, when he has a record which counts against him, and when the balance of sympathies does not clearly lie with him. It is just these cases which test the fairness, the willingness of law enforcement agencies to adhere to prescribed standards, and the efficacy of the judicial system. The available evidence – which in this one case *includes* the police account of what happened – shows that in this instance that test was not met. The conduct of police officers leaves key questions unanswered. To the boy and his parents justice was plainly not done.

3. Ripped Shirt

'Dear Sir,

Thank you for your letter. The one and only reason I moved away from Ealing . . . '

So began the reply of a former Indian civil servant who is now an official at the International Telephone Exchange. He was invited to give evidence in connec-

tion with a complaint he had made against the Ealing police. The treatment he had experienced at the hands of the Ealing police had shaken him so badly that he decided to leave the Borough and take up residence in Bexleyheath.

The complainant is in his 40s and is a family man. He had emigrated to Britain fifteen years ago. In this country he had worked in different jobs, including for a time as a freelance journalist. All these years he sincerely shared the view that the British police are 'the best in the world', but after what has happened he has modified his view. 'They are still, I think, the best in the world but there are exceptions', he says now. The same point he reiterated at the end of what was in all respects a carefully documented piece of evidence.

About a year and a half ago he was returning home at about 4 pm on Sunday following an early morning shift. He was driving he admits 'a not too good looking car' and was within a half mile from home when he noticed he was being followed by a Panda car.

As soon as he reached his house the Panda car pulled up and the officer in it approached him. He was told that he was suspected of driving a stolen car. The officer requested him to produce the MOT papers, insurance certificate and driving licence. These were promptly produced and no further evidence of proof was asked for. But that was not all.

The officer asked: 'How old are you?' The complainant assumed that the question had no relevance after he had satisfied them about the true ownership of the car. So in a humorous vein he remarked: 'Are you joking?' What was in fact an insouciant reply was interpreted as an insult. The consequences were grave. The officer said severely: 'I'll nick you for that. Get into the car'. The complainant was driven to the Norwood Green Police Station.

During the short drive the officer poured out a stream of abuse. These remarks were later noted down by the complainant. They read: 'You effing swines come over here and then you bastards don't know how to address us. I'm your God you bastard so don't you ever try to f. . . around with us. Take your rice and curry back with you to India.'

The complainant was asked whether it could not be that he had unduly exaggerated the remarks in the notes he made subsequently. He answered: 'There is no exaggeration. On the contrary the notes do not convey the rage of the officer. You will see later that I will tell you one good thing that I remember well.'

The Panda car halted at the rear of the police station and there the officer caught the 'front part' of his shirt and pulled him out so violently that the shirt ripped.

There in the station he was placed against the wall in one of the 'inner rooms' and slapped and punched. The officer then went on to add: 'We will mark you for life'. Just then another officer who walked into the room saw what was going on. The Indian thinks that the officer felt ashamed because, as he puts it, 'he pretended not to see what was going on by turning his face away'.

Could it be that he provoked the officer, already enraged, by some sort of

vituperative remark or retaliation?

'If I did anything of the sort I would have been murdered. I was simply terrified, petrified, just shocked after fifteen years of peaceful living in this country', the complainant replied.

He records that he was then taken into another room and asked to turn out his pockets. Apart from a handkerchief, driving licence, and the house keys, nothing else was found.

The officer was standing at the entrance of this room and was shouting out these items to a person in the adjoining room who was typing them out. He was unable to see the typist from where he was but could distinctly hear the sound of the typing.

Then the sergeant (recognised by his 'three stripes') came into the room and told the complainant that he was to be charged with insulting behaviour. The sergeant did not wait long. He left the room in a few minutes.

A little while later he was surprised to see a slight change of attitude. The officer concerned had calmed down and offered him a smoke and asked a few questions about his family.

The complainant was here asked how he could reconcile this with the officer's conduct just ten minutes earlier. He answered: 'I just don't know. It surprised me. Maybe he was trying to be sarcastic. It was the good thing I had in mind, which I said earlier that I would mention to you.'

He was then taken back in the Panda car and was seen off at his house, though before they drove off he was cautioned about his slightly drooping exhaust and asked to tie it up.

Meanwhile one of his neighbours had mentioned to his wife that they saw him being driven away by the police no sooner than he had arrived from work. Anxiously, therefore, the wife was waiting for his return. She was dumbfounded at his state when he entered the house. He had been in the police station for nearly two and a half hours.

He muttered a few words to her about there being a misunderstanding with the police, although he felt most ashamed when confronted by his son who asked some pertinent questions about the torn shirt.

Since it was Sunday he was unable to get in touch with his close friends. Yet he thought that the Office of the Commissioner of Police should be made aware of what had happened to him. At about 7 pm he phoned the Office and was told that no action could be taken until the case was disposed of the following morning at the West Ealing Magistrates Court. On the following day, however, on an application made by the police the case was adjourned for another week, presumably after Norwood Green Police Station were contacted by the Office informing them that a complaint had come through the defendant. In court, however, the officers wanted further time for preparation of the case. Meanwhile the complainant had got in touch with the Information Bureau which instructed him to complain officially to the Southall Police Station.

However, he chose instead to set out his allegation in full to the Ealing CRO. Still not satisfied with the channels he had so far been put through, his next step was to contact the National Council for Civil Liberties. At most the Council was only able to provide him with the names and addresses of some solicitors.

Finally, convinced that he would succeed in the case, he decided to defend himself on his first appearance in court. However the case was adjourned. Having been a journalist himself once, he decided to inform the Press about it, and so rang up the race relations correspondent of a national daily. He was advised to seek redress through the machinery of the ECRC and so he contacted the Ealing CRO who put him in touch with a solicitor. At the next hearing he was represented by a barrister.

When the case began it was the word of the complainant against the word of the officer. They alleged that the complainant used insulting language and abused the officers concerned.

The torn shirt was produced in evidence but no account was taken of this fact. The complainant was found guilty. It was a body blow for him. The police officer's prophecy: 'We will mark you for life' had been fulfilled. For him those remarks bear a haunting poignancy. He says: 'My job deals essentially with public relations, so when you have been convicted for insulting behaviour, where does one go from there?'

4. Twisted Arm

'I am 19 years old. I came here 9 years ago. I grew up to respect the police. My parents have had no trouble with them, so why should he have called me a black bastard? After all he was sure my friends and myself had nothing whatever to do with what they had come for': a West Indian boy who, though he had his arm twisted, took greater objection to the insults and abuse which the police hurled at him.

It all began in Southall Park with a group of West Indian boys: three of them were attracted to the Park to see the performance of a particular pop group. There were of course several other West Indian boys in what was a large gathering.

Suddenly, the attention of the group focussed on some police officers who were holding two West Indian boys. The boys rushed to the scene.

What mattered most at the time was whether those involved with the police were their friends. So every effort was made to try and identify the boys concerned and to find out why they were being led away by the police.

The complainant wriggled through the small surrounding crowd to get a closer view. One of the police officers noticing the complainant's enthusiasm grabbed hold of him. The complainant grappled with the officer in an attempt to free his arm. In the struggle the boy fell to the ground and the police officer rolled over him. Another officer came to help his colleague and they both got hold of the boy, put him in the police van with the others who had been arrested earlier and took them all to the police station.

During the drive to the station the raillery and vulgar abuse of the police officers created an unforgettable impression on the 19 year old. Thus he says: 'He (the police officer) went on and on calling me a black bastard. I noticed he had bruised himself during the fall and this made him more angry . . . it was a small cut over his eye as he fell over me and so his face may have struck the ground.' At the station he was led to a room which was separate from the one where the boys who were first involved with the police were being questioned.

He had therefore no knowledge of the cause for which the other boys were being detained. The explanation that was sought from him was why he displayed such keenness in his attempt to get to the scene of the trouble; at least that was what the lad believed.

The young boy confessed that he certainly made a mistake in running to the scene of the trouble but that was about all. But the police officers would not believe him. The one who had a bruise over his eye had a vengeance to satisfy. That officer held him by his arm and twisted it until writhing in pain he simply fell at the officer's feet.

Significantly, the boy maintains that apart from twisting his arm the police officer did not kick or use any other physical force.

(There is some evidentiary value in the complainant's refusal to exaggerate, because the possibility of a kick or punch was suggested as a probe to test the credibility of the version put forward.)

The complainant who was taken into the police station at 5.45 was kept there until about 10 pm. He was there asked to sign a statement to the effect that he assaulted *two* police officers. When the refusal was turned down he was released on £25 bail but not before being charged with the assault of *two* police officers. The lad testifies that the sergeant who made the formal charge mentioned to the officer who was nursing the bruise that: 'It's time we nick these Nig-Nogs'. When he was being led out of the station he was able to take note of the sergeant's number.

The case was heard in October last year. The police brought in a witness who, though agreeing that she saw the scuffle, was unable to identify the defendant. The officer who had sustained the bruise alleged that the defendant kicked him over his eye and was able to get hold of his foot. The magistrate enquired from the officer which foot of the defendant he had taken hold of, but he was unable to say.

The evidence of the officer did not relate to the struggle in which the boy fell and he (the officer) rolled over. Instead what was alleged was a direct confrontation with the two police officers where one of the defendant's kicks caught one of them over the eye. If these were the true circumstances, it seems difficult to understand why the officer with the bruise was unable to say which foot struck him. The complainant brought a witness who saw the officer striking his head against the bottom of a pole which was one of many supporting a tent near which the struggle took place.

But the verdict was strange. It was by no means 'beyond all reasonable doubt'. Not only was the boy convicted and fine £17 but he was convicted of assaulting only *one* police officer although the prosecution charged that *two* officers had been assaulted.

5. On the Buses

'I did call her a stupid c . . ., but why didn't they charge her? Do you think that when I am in my uniform I am so mad and foolish as to call her that? Please believe me': an Indian bus-conductor who has now made a formal complaint against a police officer who he claims acted partially and thus secured his conviction.

Mr V, as he may be referred to here, has been a bus-conductor for seven years, dealing with over 1,200 passengers daily. The record of service was impressive in that it was unblemished.

In his own words Mr V records: 'I would not have been on the same job for so long if it was not interesting. I like dealing with people and everyone here in Southall, the English and our people, are pleased with my service. I try to smile even with drunkards'. But that record of service has now been tarnished and, ironically, resulted from a strict compliance with the execution of his duty, though unfortunately in so doing Mr V was provoked into using a four letter word.

The incident took place in April 1972. Three ladies embarked on a bus bound for Shepherd's Bush and asked for three 5p tickets, giving the exact fare. The fare stage terminal was Southall. When the bus reached Southall, Mr V approached the 'most elderly looking' of the three ladies and told her that the tickets issued to them did not entitle them to travel any farther unless they paid the extra pence required. The lady said 'she knew pretty well what the exact fare was to Shepherd's Bush and she would not pay him an extra penny'. Mr V then informed her that the amount she gave him did not enable her to travel beyond Southall. At this point the lady told him: 'Stupid Indian, I have told you that I am not going to pay you any more so just get on with it.' Mr V refused. He insisted that the correct fare be paid or else he would indicate to the driver to stop the bus. When the lady remained adamant the bus was stopped, and although most of the passengers had disembarked those who were there became restless and demanded that the conductor be paid the proper amount. The lady then got up with her colleagues and catching the conductor unguarded she swung her hand-bag at him and then followed it up by trying to snatch his badge. Mr V was still on the defensive until she remarked: 'You idiot why don't you go back to India?'

Provoked and humiliated, Mr V retorted: 'How dare you stupid c . . . you try to stop me?'

Angered by the comment, Mr V avers 'she spitefully threw some coins on the floor and asked me for a ticket'.

Some passengers then exchanged words with the lady. There was every possi-

bility that the matter could escalate as Mr V was not prepared to pick up the coins and the bus in the meantime was being unduly delayed. So there was one alternative: to call the police.

Mr V went to the nearest call-box and there rang up the police who arrived at the scene within a few minutes. He complained to the officers that she had assaulted him in the course of his duty and that she continued refusing to pay the exact fare.

One passenger then picked up the money and handed it over to the lady who had then cooled down and was prepared to pay the fare. Mr V then argued that before acceptance of the fare he would wish to know what action the police were contemplating.

One officer said they could in the circumstances do nothing except advise him to accept the money, issue the ticket and proceed. However, that was not what Mr V wanted. He protested: 'My rights have been violated. I am not a beggar.'

But the police were not moved. No statements were taken except that the police took down the addresses of Mr V and the lady concerned.

Before going on to narrate what happened next, we may ask: Was Mr. V. telling the truth?

Here is a man with an impeccable record of service yet he is not afraid to admit that he did use a four letter word at the lady and that he did subsequently refuse to issue the ticket at the request of the police until told what action they proposed against the lady's conduct. There should be cogent reasons, however, that he was in fact provoked. It might well be argued that had he not been provoked he would not have insisted on his strict legal rights. These were rights relating more to the humiliation he suffered and less to the issue of the lady's refusal to pay the correct fare. Thus the repetitive emphasis he placed on that part of the statement: 'I am not a beggar'.

So strong was the sense of outraged feeling that the lady then decided to disembark and the bus proceeded. Mr V felt some moral satisfaction that he was able to stand firm on what he called 'my principles'.

But it was not long before his sense of moral righteousness was shattered. He received a police summons to appear in court for insulting behaviour to the lady passenger.

In court, an entirely different picture was given to the magistrates by the lady.

The court heard that it was Mr V who first insulted the lady. The police officer concerned substantiated the lady's complaint that the conductor refused unreasonably to issue the ticket after she had consented to pay the correct fare.

Mr V admitted that he did use the four letter word but passionately argued that the evidence was being fabricated.

During interview he was asked whether in the absence of any reliable witnesses it would not have been better to deny that he used a four letter word. He replied: 'By way of conscience I could not deny what I said. It would have shown in me.'

Mr V was found guilty in failing to behave in a civil and orderly manner

contrary to Regulation 4(a) of the Public Service Vehicle (Conduct of Drivers, Conductors and Passengers) Regulations 1936 and the Road Traffic Act 1960. He was fined and asked to pay costs. The total expenses he incurred in fighting the case was over £100.

Today, he is a very disillusioned man. He makes the point forcibly: 'The police should at least have told me they would be filing an action against me because if they said so maybe some of the passengers would have come forward to give evidence on my behalf. I am sure if an Indian had swung a book or something like that at an English bus conductor he would never have got away with it. They seem to have one law for them and another law for us . . . At least I did not think so until now.'

As a conductor Mr V would have dealt with some hundreds of thousands of passengers in his years of service. In these years there had not been a single complaint against him either by the passengers or by any of those employed with him. He could have turned a blind eye to the lady's refusal to pay the exact fare and could thus have saved himself the ignominy that has now befallen him. But he was required by law to charge the correct fare, and attempted to do his duty, with disastrous results for himself.

Mr V in fact appealed against the magistrate's Order but the appeal was turned down. The Justice on Appeal 'laughed at that four letter word' and said: 'When I was in the Army our colleagues used to use this word frequently, but the respondent is technically guilty under the relevant regulations which he cannot change'.

6. Ransacked House

'In Jamaica we had no trouble at all with the police. When we came to this country 15 years ago we had no occasion to think that the British police were unkind. From what we read in the daily Press we thought they were exemplary, so naturally we were shocked when they started doing . . .'

Thus ended the long and very detailed complaint made against the police by a poor middle-aged West Indian lady. She walked all the way from West Ealing to the Ealing ECRC Office to give her evidence about the 'mess they (the Ealing police) created' in her house in the summer of last year.

Because her husband's income is not sufficient for the proper maintenance of her family she has of late been receiving an allowance from the Ealing Education Office which entitled her to purchase children's books and clothing.

Her children were badly in need of new shoes and so she decided to take them to 'Lilley and Skinner' (a shoe shop) during the summer vacation.

On a Monday, she set off with her sons and her eldest daughter to buy some 'inexpensive' shoes.

Having made her purchases she left the shop but before she could step out she was apprehended by the salesgirl who accused her of stealing a wrist watch.

For a moment the lady was puzzled. She was not sure whether she was being

accused of stealing the shoes or the watch until the salesgirl maintained that her wrist watch was missing and it had nothing to do with the shoes she had purchased a few minutes ago. All that the West Indian lady had with her was her purse and one of the bags in which a pair of shoes was wrapped. Her eldest daughter carried another bag. The salesgirl demanded that she inspect these bags and her purse. The West Indian lady and her daughter duly obliged and after an assiduous search no trace of the wrist watch was found on them.

The salesgirl however, was not satisfied. She appeared convinced that by some sleight of hand manoeuvre the West Indian lady had removed the wrist watch from her hand.

This annoyed the daughter who then challenged her to search them from 'top to bottom'. The salesgirl refused to repeat the process but kept maintaining two points.

The first: 'My watch is missing', the second: 'You have taken it'. By now the patience of mother and daughter were wearing thin. So they told the salesgirl: 'You won't find it on us' and left for home.

During interview, the lady was asked whether it was not possible that the salesgirl remained unsatisfied because she may have noticed her 'eyeing' the watch or possibly a suspicion that she had stealthily slipped the watch into her bra? She thought the question ignored the basis of her innocence since in the first place she had not seen the watch at all.

'When you go into a shoe shop you don't go looking to see what pendants, rings, shoes, costumes or watches people wear . . . you spend your time examining the shoes you want to buy.'

As for the possibility of slipping the watch into her bra she said coyly: 'Oh no, why should I do a thing like that?'

Although the incident took place on a Monday, she had only a day's peace. For on Wednesday the police called in at her place. The salesgirl had traced the name and address of the complainant from the receipt book where a record was made of purchases made under the system of allowances devised by the Ealing Education Office.

Four police officers entered her house and said they would be searching her house in an attempt to find the missing wrist watch.

Neither the lady nor her husband was shown any search warrant. The officers went from room to room pulling the bed spreads, turning mattresses upside down and examining every drawer, wardrobe and cabinet, emptying out the whole of the contents and not caring to put them back.

Her husband was asked to produce his pay slips. He was asked how he came to own this house, and was asked to show proof of purchase of two new shirts he had bought. In the same manner the lady's wardrobe was searched for the slightest speck of evidence and she was asked to account for a bottle of Avon cream and cosmetics. Fortunately, the husband had the receipts for the purchase of the shirts and the lady who had ordered the cosmetics from an Avon catalogue

was able to satisfy the officers that 'not even a single pin in the house was stolen property'. What began as a search for the wrist watch ended in a cross-examination for proof of ownership of many other items. Thus the lady was asked to account even for a roll of bandages and some first aid. Finally even the toilets were searched. When nothing was found of any incriminating character they left the place. The husband asked one of them: 'Aren't you going to arrange our place?' He received a rebuke: 'Just take it as Coronation Street' (*sic*).

On the following day, Thursday, the lady sought redress at the Information Bureau and she was directed to the Ealing CRC. There her statement was taken down, and a formal complaint was made to the police. An investigating officer subsequently called on the family and was told by the husband that they did not wish to proceed with the complaint. The wife stated to the CRO that although she was eager to proceed herself, her husband was afraid of harassment by the police if he offended them. The complaint was therefore dropped.

7. Bruised Face

'After 16 years living in this country I could not believe my eyes when they kicked us and abused us. You can see how weak I am. I am 50 years old and have been sick for many months now, so how could I have assaulted two police officers who are so much taller than me and so big?'

The complainant arrived from India in 1956 and since then has worked in several jobs as a factory hand. He is a family man with three children. There were hardly any grumbles in his life. 'We came here to work and so long as we are working that is all', he says. For four years he had worked with Kraft Cheese, for three years as a glass salter with the Rockware Glass factory. After a very brief holiday in India, he came back to work again in the Vita Sole Sussex Rubber Company in North Acton and finally settled for another job in Brentford with the Beldam Packing & Rubber Co Ltd.

On 19 October last year, father and son had been to a nearby pub: the Commonwealth Club under Indian management. For some time the son and the owner of the pub had not been on very good terms.

That same night it so happened that the son had argued with the pub owner and feelings had run high. However there were no physical fights, though the pub owner had said something to the effect that he would teach the son a lesson.

The pub owner, it seemed, took offence when he saw a flick-knife being handled over to the son by one of his friends. The son says he took it out of mere curiosity and handed it back to his friend a little later. It was now about 3 in the morning and the father and son left the Commonwealth Club and were returning home obviously in a rather intoxicated state although they deny that they were 'stone drunk'.

When they were nearing the gates of their house they say they saw a Panda car parked opposite their house. Just then two police officers got out and questioned them about their movements. They were not asked anything about what took

place at the Commonwealth Club. Instead the police asked them where they had been drinking and told them they had no right to be drunk and walking at that hour of the night. In the state in which they were it is very probable that they were unable to give any valid or coherent reply. One of the officers then grabbed hold of the son and told him to come with them to the police station. But the son would not go and resisted. The father says he was frightened at what all this was about, because only an hour before they were drinking together in a pub, where apart from an argument with the pub owner, nothing else had happened which warranted arrest or being taken away for questioning. The father says he told the officers 'to behave gently with my son', but the officer told him to 'mind your own business and get out or else we will take you'.

A different version is given by the police on how they came to confront the father and son. They say that they were on one of their routine night patrols going along Abbots Road and had turned towards Oswald Road (where the father and son live) when they saw two drunkards walking hand in hand singing and staggering on the centre of the road. It was then that they confronted the father and son and decided to take the son in for questioning when he resisted and the father intervened.

The father then pleaded with the police to release hold of his son. The plea fell on deaf ears, so he held his son by the arm and tried to pull him away. He admits: 'I should not have done that but then I did not know what they were going to do with him'.

The police resented the father's intervention. One officer then grabbed the father by the shoulder and placed him against the wall. The father wrestled with the officer in an attempt to loosen the hold on him. But then, alleges the 50 year old man: 'He put his hand on my mouth and butted me with his knee right on the place where I had my kidney operation 2½ years ago'.

The son, seeing the father in trouble, tried to get free of the officer who was holding his hand. The officer then caught him by his shirt and punched him on the face. The shirt tore. The boy's mother, who was asleep at the time, was awakened by the noise outside and came to see what was happening. On seeing her husband the wife began to scream and asked the police officer, who by now had delivered a hard blow resulting in a serious bruise to her husband's face, to stop hitting her husband. She was told: 'You go in or else we will take you all into the police station'.

By this time the neighbours had heard the noise going on outside and one or two of them came out to their front doors to see what was happening. It was unwise to prolong the scene so the police did not waste any more time. They quickly overpowered the father and son, putting them into the car and driving off to the station.

On their way to the station the father mentions that they were abused in terms such as: 'Why don't you bastards get back to your slum country'. The father interrupted with the remark that he was a British citizen. To which the officer

dealing with him replied: 'You bastard you are still coloured: go back to where you came from. This is not your country. You are all illegal immigrants'.

At the station they were searched but nothing was found on them. The father showed signs of pain for he was unable to lift his right arm. They were kept in the station for about an hour while the police attempted to contact the police doctor. They finally succeeded in calling the doctor who examined the father and directed that he be sent to a hospital for treatment. An ambulance was called and the father taken to the casualty ward of Hillingdon Hospital. An X-ray was taken of the bruises he sustained and one Dr P Wharin gave him a medical certificate on the recommendations of the examining doctor for a fracture of the arm. This was about 6 am and in the meantime the son was taken home in the Panda car but not before a charge sheet had been issued charging father and son with disorderly behaviour and assault on a police officer. They were asked to appear in court the same morning at 10.30 am. When the son got back home he telephoned his father who asked him to attend court and request an adjournment. The father was discharged from the hospital at about 10 pm and was sent home with a dressing of his injured arm.

In court an adjournment was granted at the son's request but the next hearing which was in January 1973 was also postponed because the police officer involved was sick and both parties wanted more time for the preparation of the case.

At home the family were still discussing the events of 19 October. Their own reconstruction of what took place puzzled them because, as they pointed out, they were unable to say for certain why the police confronted them in the first place.

It is possible that the presence of the police came about through a telephone call or some other contact by the pub owner with the police. The presence of the police near the entrance of the complainant's house for the specific purpose of taking the son into custody could not be attributable to pure coincidence.

Inferentially, therefore, the police were looking for their man. In these circumstances it appears likely that his father's attempt to thwart the moves of the police when they refused to give proper reason met with physical resistance.

If physical resistance was the police answer to the problem of keeping the father at bay, it could be that he retaliated as a result of which the injuries complained of were sustained.

Although the possibility does exist, it appears unlikely that a sick man in his 50s had the courage or the strength to assault a police officer who, as the evidence shows, did not sustain the slightest injury.

There are many Indians who live in Oswald Road and thus in the words of the father: 'We don't want to be disgraced before our own people'.

However, when the case finally came up in March, it was the police version of how the confrontation took place that prevailed in court. The defendant's solicitor asked the officer concerned: 'If they were staggering on the road as you allege what else were they doing?'

'They were shouting' answered the officer.

The solicitor came back: 'If they were merely shouting and had almost entered their house, why didn't you allow them to proceed?'

The reply was: 'Well, when a police officer is on patrol he has a duty to stop and question drunkards on the road'. On the question of assault on the father the police denied it completely, although they admitted that in the process of restraining the defendant his arm got twisted.

In a case of this kind when the defendant admits that he had been drinking and the charge relates to assault on the police officer arising out of the drunken behaviour, a court needs little convincing to bring in a verdict of guilt. In such cases the police know only too well that the onus of rebutting the prosecution case is very heavy and very nearly undischargeable.

The defendant had no witnesses as the neighbours said they did not want to get involved in the proceedings. Even the wife, who was unable to speak proper English, stayed out. So far as the son was concerned he had to contend also against an unhappy social record which the police produced before the court. He had three previous convictions to all of which he pleaded guilty.

About three years ago he was involved in a fight with two white boys who fought with one of his friends who was being accompanied by a white girl. He was charged for assault on the boys, he pleaded guilty and spent six weeks in jail. On another occasion he was accused of stealing light bulbs from a telephone booth at about 6 pm. He again pleaded guilty and was fined.

In another instance he was found carrying a knife on him and was charged with the possession of an offensive weapon. He pleaded guilty and was fined.

(The father was not involved in any of these cases).

He denies stealing the light bulbs but accepts without reservation the charges preferred against him in the other incidents. He did not wish to tell these things to his father because he was afraid of what his father's reaction might be. Since then he has married and has two children.

Both were found guilty. Including costs, the son was fined £75 and the father £60. Earlier, their application for legal aid was turned down by the Brentford Petty Sessional Division. A plea that the fine be reduced on the basis that the father was unemployed was rejected. So the father is now paying out his savings at the rate of £5 per week.

8. Bleeding Mouth*

'This is a very fair society. People are kind and tolerant so though I never came into any kind of conflict with the police I assumed they were kind and understanding. But now . . . my wife is asking me to save some money to leave the country.'

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*NB: The police referred to in this case are the British Airport Authority police, and *not* the Metropolitan Police.

Thus Mr Singh, whose wife would rather die than again see her husband battered and bleeding.

Mr Singh, his wife and five children have been living in Southall for the past ten years. At the time he arrived he was unable to speak 'a word of English', but now he speaks the language reasonably well so that he is able to make English friends'. In Southall his circle of friends form the business élite amongst the Indians.

So it was humiliating when out of the blue the police one day walked into his house and said they had come over to search for some stolen articles. They spent nearly two hours looking into every nook and corner of his house and never mentioned what exactly they were looking for.

He was asked whether a search warrant was shown to him.

'No. They did not show me any documents. They simply said they are going to search my house to look for some stolen property.'

Had the police left his house in a state of disarray?

'No. They upset a few things here and there but they did not turn things upside down.'

But before the police left he approached one of the officers and asked to be told what the search was all about. The officer refused to divulge the reason for their visit but reminded Mr Singh that he would be questioned further about some missing articles at his workplace.

It only then struck him that there had been a week before some talk about the disappearance of some half a dozen 'bar boxes' from his place of work, namely the BEA Terminal; and therefore the search was very probably in connection with that matter.

The following day some CID officers questioned him at the BEA terminal and then brought him to the British Airport Authority police station for further questioning.

He was there told that one of his Indian colleagues who works with him had admitted stealing these boxes with Mr Singh.

Mr Singh vigorously protested and said he was completely innocent and expressed surprise at the statement alleged to have been made by his Indian workmate.

The day on which the theft of the 'bar-boxes' had occurred Mr Singh had secured the permission of the Duty Officer to remove an old and disused rack for his personal use. He was off duty at 2.30 pm but had arranged with his Indian workmate who was to clock-out at 4.30 pm to call at that time. Mr Singh owned a van and he was to bring the van to the terminal so that his workmate could load the rack into his van. He produced a 'chit' to his workmate given by the Duty Officer which showed that the necessary permission had been obtained. The workmate quite categorically says he loaded the rack into the van. There was nothing else inside and he locked the rear door and left. Mr Singh then left for home and his wife confirms that he was back at about 5 pm. However, the 'bar-boxes' were to arrive on a flight from Oslo at 5 pm. On the evidence given

by Mr Singh, his wife and the workmate it appears that the 'bar-boxes' were either taken away by someone who attended that particular flight or by someone acting in collaboration with those on duty. The police assumed that Mr Singh and his Indian workmate were collaborators in the theft.

Mr Singh later learnt that his workmate had said nothing that implicated him in the theft and had in fact completely denied knowledge of even the arrival of the 'bar-boxes'.

In an investigation of this kind it could hardly be established conclusively whether in fact Mr Singh was guilty or innocent. At any rate that is not a task that strictly falls within the ambit of the present inquiry. However, there are other matters that followed.

He was told that unless he admitted the theft of the six boxes they would deal with him severely.

Mr Singh was adamant in his refusal to make the confession they demanded. One officer then came up to him and, he alleges: 'slapped me several times and said: "Now make up your mind before we give you another dose".'

He went on to state: 'I told them to search my house again or anywhere and they could lock me up if they found any scrap of evidence. The sergeant then became very angry and he came straight at me and punched me on my lips, that the next thing I knew was that there was blood all over my mouth.'

It was about 1.30 pm, and when he refused to confess as they demanded, they locked him up in the cell for nearly 8 hours. Mr Singh was then brought back again before the presence of the same two officers and told: 'It is better for you to speak the truth rather than give us the trouble of repeating our treatment.' He was adamant and refused.

The police then produced 'an old man of about 60 years old', who said that he saw Mr Singh park his van near a bridge at Greenford and throw the 'bar-boxes' over. At this place the police had found three of the missing 'bar-boxes' but were unable to find the other three. Their task, apparently, was to extract a confession from Mr Singh which would lead to the location of the missing ones. With this end in view they believed that by putting the pressure on him they could get him to talk. So the treatment was repeated.

He was then hit a second time and locked up again for another half hour and brought back again by the same officers to find out whether he had finally given in.

Mr Singh was still not prepared to say that he stole even 'half a box', as he put it. He was then slapped and abused for the third time. The sergeant added: 'You bastards think you are damn clever. If you don't own up your wife and children will not be able to recognise you.' He was ordered to be locked up again.

After the lapse of another half hour he was again brought back. He recalls it was about 11 or 11.30 when for the fourth time he was beaten. One blow caught him on the lip again and this time he bled profusely. Within minutes he was led to the toilet and asked to wash his mouth and clean it with some toilet paper.

They said they would release him but he was to be charged with the theft. Before allowing him to go, he alleges, one officer cautioned him not to mention a word of what happened at the station for his own benefit. They applied some sticking plasters to his facial wounds and some ointment to his cut lip.

When he arrived home his wife and children were asleep. He did not wake them up. He switched on only the bathroom light, changed quickly and went to sleep.

He decided not to relate the incident to his wife who was in an advanced stage of pregnancy. On the following morning therefore, he told his wife that he had cut himself while shaving and set off to work. The wife did not believe him.

At work, he recounted in detail the incidents which occurred the previous evening at the police station to the supervisor.

The supervisor took up the matter with the superintendent. After a cursory glance at Mr Singh's swollen lips and scarred face he brought the complaint to the attention of the Personnel Manager. The Manager advised that he be sent to BEA Medical for a report and that he get in touch with a solicitor.

The firm apparently were convinced that Mr Singh and his Indian workmate did not steal the boxes.

At BEA Medical he was given a sickness certificate and was required to take a rest.

The following day the police called for him again, when he was taken to West Drayton police station and formally charged on one count of theft, and two of dishonestly handling stolen goods. He was asked to appear at the Uxbridge Magistrates court, though at the request of the police the case was adjourned for further hearing.

Meanwhile, Mr Singh's workmate who, according to the police, had admitted stealing the boxes along with him, denied having said so. He also alleged that he was beaten up by the police and complained to his supervisor. In this case too a medical examination was held.

As for Mr Singh, he vowed to bring these officers to task. He gave his solicitor a detailed description of the events surrounding the four assaults upon him. He contacted the Ealing Assistant CRO and had the complaint recorded.

The wife has since come to hear of the ordeal her husband suffered at the hands of the police. She insists that they leave the country.

The testimony of the complainant cannot be dismissed. As in the other instances it is possible to conclude that there is a strong *prima facie* case made out against the conduct of the police.

At the time Mr Singh was taken to the station he had no injuries of any kind. When he woke up the following morning his wife refused to swallow his story that they were caused during a shave. The injuries were too grave and the lips so badly swollen that no one could have believed such an account. The reporting of the complaint to the supervisor and the subsequent medical attention and complaints to the ECRC were fuelled by the grievance and shock Mr Singh had suffered. The cuts Mr Singh had received were by no means inconsistent with the number

of repeated assaults he complained of. Even allowing for exaggeration there is a case to answer about Mr Singh's prolonged detention, the unwarranted search of his house and the actual injuries he sustained.

On 30 March, Mr Singh was tried before a jury and found guilty on the charge of theft, but the two other charges were dismissed. Judgement was postponed for a month until Mr Singh's social report was available. Because of his clean record he was given a one year sentence suspended for two years, and directed to pay £150 by way of compensation to BEA.

There were two developments after the jury brought in their verdict of guilty.

First, about twenty of Mr Singh's workmates marched to Heathrow Police Station to protest about the outcome of the trial. Mr Singh learnt that 'one or two of them actually divulged to the police the name of the person who they believed had actually committed the theft of the bar-boxes'.

Thus before judgement was delivered the police approached Mr Singh and told him that they had been supplied with the name of a particular person and if he (Mr Singh) could give some definite information that would lead to the conviction of that suspect, the verdict of the jury could be rendered nugatory. However, as Mr Singh had no evidence implicating the suspect, the police dropped the matter.

Second, on the day after the jury verdict, Mr Singh said he was surprised to receive a telephone call from the Chief Superintendent of the London Airport Police who told him that he had received instructions to interview him. Although Mr Singh was prepared to meet the Chief Superintendent, he says he told the latter to get in touch with the solicitor who handled his case. He supplied the solicitor's telephone number and the Chief Superintendent said he would ring back. Mr Singh waited for about two hours and when he had no call he telephoned his solicitor who confirmed that the Chief Superintendent had rung him up. The solicitor advised Mr Singh that the Chief Superintendent had wanted to know more details about the case and that he was at liberty to narrate the whole story. Later the same evening at about 7.30 pm the Chief Superintendent rang Mr Singh and the two agreed to meet the following day at Heathrow Police Station. He obtained a full account from Mr Singh of what actually took place including what took place in the police station, but so far Mr Singh has heard nothing further.

Of course Mr Singh lost his job after the jury verdict in March this year. He did go to see the Works Manager about his dismissal and was accompanied by the local shop steward of the T&GWU, of which he is a member.

Mr Singh says that the Works Manager expressed to him in no uncertain terms that he found it impossible to believe how he could have been held responsible for the theft but as Works Manager he was duty bound to follow the company rules and had no alternative but to terminate his services.

Mr Singh was assured that if he should decide to appeal against the decision and win his appeal, the company would not hesitate to re-employ him.

In the course of this inquiry it was put to Mr. Singh that although he might not be guilty of the theft yet there was strong circumstantial evidence to suggest that

he was the person responsible for it. He agreed but vehemently denied the theft and then added with great force: 'But is it the law that if someone suspects you of an offence, the police can punch and kick you and say f . . . ing this and f . . .ing that?'

Finally, Mr Singh believed that that evidence was wholly manufactured. He asked: 'Even if someone were to see a person throw some boxes over a bridge, how could the police trace such a passer-by?'

However, the evidence of Mr Singh's witnesses, his wife, the supervisor, and four of his workmates including the one who loaded the rack into his van on the day in question, could not be matched against the independent testimony of the passer-by. The jury were no doubt entitled to draw the conclusion they did.

9. Broken Bottles

'Our West Indian Association have always liaised well with the police. As Secretary of the Afro-Caribbean Association I did not want to retaliate but then when he . . .'

The 12 years' experience of a West Indian in this country led him to believe that the police were generally fair so long as they were left alone and not provoked. He had in fact been one of the founder members of the local West Indian organisation in Southall. During the years of organisation and subsequently as the Secretary, he had tried to establish a close liaison between the police and the community. That relationship was strained to a point almost beyond repair by the events which took place on Good Friday, 1970.

The police had stopped a West Indian for speeding at 50 mph at about 10 pm when driving from Southall to Ealing. Apparently, near the Iron Bridge (one of Southall's well-known landmarks) a Panda car pulled up parallel to that of the West Indian's which had stopped at the traffic lights.

Before he could reach Southall garage the Panda car caught up with him. The officer stopped him and wanted to see his licence, on the grounds that he had exceeded the speed limit. On questioning by the police he was asked to explain the presence of two bottles of Guinness that were lying in his front seat. He had consumed some liquor about half an hour earlier at a pub, and had brought two unopened bottles, for which he had paid, to his car. Suspecting that he had consumed too much the police required him to hand over the keys to his car. He was taken to Southall police station and there given a breathalyser which later proved negative. He was released from the station about 2 am. He was not handed back the keys but was asked to go home and call for the car on the following day, Good Friday.

As instructed he went along to the station at about 11 am but was accompanied by the Secretary of the Afro-Caribbean Association. The usual formalities were attended to, but when he was given the keys and went to take his car from the police yard he saw that the two bottles of Guinness had somehow been smashed to smithereens with the stout spilled all over the front seat. The Secretary who saw the damage thought that a complaint should be made against the police. He went to the desk and related what they had seen in the car and asked for a complaint

form. The station Sergeant came up to him and said: 'You bastards have nothing to complain about, just get the hell out of here'.

The Secretary, insulted as he was, was more determined to make the complaint than to argue. He told the Sergeant: 'All we want to do is to state in the complaint form that the bottles of Guinness were broken and their contents spilled all over the front seat'.

The Sergeant then brought the complaint form but demanded that it be completed in his presence. The Secretary was adamant. 'I shall take the complaint form home and make my charges', he replied.

The Sergeant would have none of that. He called another officer who took the Secretary from the station yard. The Secretary returned by the front door and the Sergeant placed him against the wall and warned him that he either made the complaint in their presence or got out of the station, otherwise he would be charged.

When the Secretary refused these options, one officer went in and fetched the complaint form. As soon as he stretched out his hand to receive the form, the officer grabbed hold of him and thrust him against the wall for the second time.

Unable to stand the humiliation, the Secretary admits that he then said: 'Alright, if you want a fight, let's have it'. The officer then swung a blow at the Secretary which missed him. Meanwhile the owner of the car had seen from the corridor the exchanges that were taking place. Not knowing what would happen next he went out to the police yard and drove his car out after, of course, clearing up the mess in the front seats. The Secretary had not observed his friend's movements and so wanted to enquire whether he was in the adjoining room.

The Sergeant had earlier mentioned to him that the owner of the car was standing in the adjoining room. But when the Secretary went into the next room he was followed behind by the officer and the Sergeant, who then grabbed hold of him and said: 'We are going to throw you out of here, and don't you dare come back'. At this point the Chief Inspector of the station, Inspector Jacques, walked in and was astonished to see what was going on. So too was the Secretary, since earlier he had asked to see the Chief Inspector, and was told that he was not in his office. In the course of police liaison work the Chief Inspector had come to know the Secretary of the Afro-Caribbean Association 'fairly well', and he felt rather embarassed to see his officers manhandling the Secretary.

The officers' explanation to the Chief Inspector was that the Secretary was 'trying to create trouble'.

However, the Chief Inspector called the Secretary to his office and apologised for the incident. For the 'sake of better liaison', the complaint against the officers involved in the scuffle was not made. But what was made clear, says the Secretary, was the fact that the Southall police station gives 'the black man fair play only if he is an official of an organisation which is not opposed by them'.

Apart from the scuffle which followed the argument over the right of the Secretary to make a complaint against the police officer, the case raises the important

issue surrounding the pieces of broken bottle and spilled Guinness over the front seat of the car. It was in fact the cause of the dispute which the police at no time denied.

For had it been a complete fabrication, the issue of working the complaints procedure, still less the scuffle, and the intervention and pacifying attitude on the part of the Chief Inspector, would never have been necessary.

There is, therefore, agreement about the origin of the dispute even if one were gratuitously to discredit the details of the scuffle.

If the most favourable construction were to be placed on the manner in which the bottles came to be broken the police are still to answer for the gross negligence or disinterest shown. But that is to assume that when the car which was parked at Hanwell was driven back by the police to the Southall police yard the two bottles in the course of the drive accidentally collided and broke.

Yet if that were the case it does not explain:

(a) how the two bottles were *broken to pieces* and

(b) how the Guinness had spilled over on to the driver's seat.

For it was the irregularity of these features that angered both the driver of the car and the Secretary.

There, therefore, remains the more probable if not inescapable conclusion that the bottles were broken deliberately and with malice.

It was indeed a pity, as the Secretary subsequently realised, that the trivial value of the bottles of Guinness and frayed tempers clouded and ultimately buried the much larger issue of malice and discrimination.

Set down in cold print, at a distance from the events, the incident seems a trivial one – a storm in a teacup. But two comments have to be made: first, what disturbs the two complainants was not whether they had lost two bottles of Guinness. It was the suspicion that two police officers had deliberately and gratuitously broken two bottles of Guinness and spilt the contents over the front seat of the car, and the attitude on the part of the police that this implied. Secondly, incidents in themselves trivial spark off the most brutal conflicts (as nearly happened in this instance). The fact that the spark is small merely emphasises the urgent need to prevent its occurrence before the explosion is set off.

10. Carry on smashing

'When I came here from India 10 years ago the first thing I wanted to do was to establish myself here. So I accepted the people as they were. So long as you don't get mixed up with the police they don't bother you. But they will not help us if we ask them to protect our property. They tell us to do it ourselves.'

These were the comments of an Indian estate agent in the course of explaining his grievance against the Southall police.

After many years of residence in Southall he had carved out a fairly prosperous middle-class niche in local society. He had long held an unshakeable belief in the British police as 'the best in the world'. Thus the comment: 'If I had not

been successful as an estate agent I might well have joined the police'. Over the years as a pioneering Indian he had made several useful contacts with people from all walks of life. He is a regular *Daily Telegraph* reader.

He was in fact the sort of person who instantly dismisses as 'rubbish' any talk of bribery or harassment on the part of the police. Such a man cannot easily change his views. Yet he has.

As estate agent he acquired the lease of a terraced building, the ground floor of which was to be used for office purposes. The upper floor he planned to convert for the purpose of residence.

When he bought the lease there remained some furniture on the upper floor which belonged to the former tenant. He negotiated with him for the purchase of the furniture and paid the ex-tenant £20 in cash and £80 by cheque.

The day after he issued the cheque, on 30 November 1972, two ladies called on him and told him that they had come to remove some of the furniture belonging to them. The estate agent took it that the ex-tenant had been sharing the flat with these people who were very probably the real owners of some of the furniture which the ex-tenant had 'sold' to him. He became suspicious, refused the ladies access to the flat even though they had their own keys and immediately telephoned his bank to stop payment of the £80 cheque.

Around 3 pm the ex-tenant arrived in the company of three others and asked him to explain the stopping of the cheque. He related to the ex-tenant the arrival of the two ladies some hours earlier, and said that they had talked in terms which suggested that some of the property in fact belonged to them. At this the ex-tenant became 'very abusive' and he was compelled to call the police when they began to threaten him unless he cancelled his instructions regarding the cheque.

The frightened estate agent called the police and it was 'only after an hour or so' that two police officers, whose numbers he noted, arrived at the scene.

In the presence of the police the estate agent challenged the ex-tenant to show proof of ownership of the various items of furniture. Quite rightly the ex-tenant had argued that this was a matter which the estate agent should have seen to before he made the payment of £100.

Yet one cannot pass on the ownership of something one does not own. The ex-tenant could not, for example, sell things he had bought on hire-purchase while still in debt. The estate agent therefore asked the ex-tenant at least to produce receipt of purchase of the carpet, which he was prepared to take as evidence of ownership of all the other items of furniture, or to refer him to the firm from which he had bought these goods so that the could get confirmation of ownership from the firm. But the ex-tenant said he was not prepared to do either of these things because he had already made his transaction with the estate agent. Neither party would budge.

There was some argument in the presence of the officers until one of the officers proposed what was to be an 'amicable agreement'. The ex-tenant would be allowed to remove all the furniture which belonged to him, but he would refund the £20

which he had been paid in cash. Thereupon, on the instructions of the police, the estate agent opened the door leading to the first floor of the house, but only after he had been assured that no damage would be done to the floor and fittings. The police left, and the estate agent went back to his office desk on the ground floor.

He saw from his office the ex-tenant going in and out of the building and loading into his car some picture frames, rugs, etc. However, about an hour later, he heard a loud banging on the upper floor which made him suspect that the ex-tenant and his friends, having removed most of their belongings, were now bent on doing some damage to the floor and walls.

He therefore sent for the police a second time. The police answered his call, inspected the upper floor and came back after a short while saying 'You don't have to be afraid. There is no damage being done to your floor. They are only removing some carpets and a few fittings.' The police then left.

It was now about 4 pm, and the banging had begun again.

After a while the estate agent became convinced that damage was being done to his premises. At about 6 pm, when the banging had become intense, the police were sent for a third time. By the time they arrived on the scene the ex-tenant and his friends were just about to leave in their car. The police duly confronted them and enquired whether they had left the place in a proper condition. They appeared to have satisfied themselves that no damage had been done and were about to leave when the estate agent asked them to inspect the upper floor of themselves along with him.

When they went up they found the place in a state of complete shambles. The flooring was ripped, the ceiling was badly damaged, and the fittings all wrenched out of the walls with the wallpaper in complete tatters.

The police admitted that the damage was extensive but, as the estate agent put it: 'They said it was criminal damage all right but they could not do anything about it. The officer instructed me to go to a civil court for damages.'

The estate agent has filed a civil action against the ex-tenant and has been able to persuade the Metropolitan Police Office to give him a statement of the incident as recorded by the police officers. That statement confirms the damage complained of. It says: 'The officer saw a quantity of glazed tiles in the wash hand-basin. The bath was full of torn wallpaper and polystyrene. The entrance hall/diner had been stripped of wallpaper. Beneath the window was a drainer/sink-unit in position. The lounge and both bedrooms had been stripped of wallpaper. In one corner of the smaller bedroom there was a quantity of wood on the floor. A free-standing wardrobe had been smashed and a carpet lay rolled up against one wall. The light switch was broken but still working.'

It is difficult to appreciate how wilful damage of this nature falls outside the scope of a criminal action for mischief, especially when some of the damaged items had at no stage belonged to the ex-tenant but had become the property of the estate agent on his acquisition of the lease. Further, the £20 had not been

returned to him, although the ex-tenant had promised to do so in the presence of the police. Indeed his earlier fears were confirmed when, a month after the incident occurred, a finance company approached the estate agent asking for the address of the ex-tenant who, they said, had borrowed some money for the purpose of entering into sundry hire-purchase agreements. As for his complaint against the police, he feels that at three points he was let down by them.

First, he says that when the police were called on the second occasion, it is probable that they had some inkling of what was being done. They had been called only after he had heard the loud banging that was going on and after having seen the ex-tenant remove his property. He was therefore convinced that the ex-tenant was smashing up the wardrobe. Thus he finds it incredible that the police could have told him that no damage was being done.

Secondly, he says, on the third occasion when the police arrived, they saw clearly what had happened but they failed to take any measures to prosecute the ex-tenant.

It was suggested to him that one possible reason for the reluctance of the police to intervene may have been that at the time they were not sure whether the damaged articles belonged to the ex-tenant or to the estate agent.

But the estate agent would not accept that argument. As he put it: 'If tomorrow a tenant living in the house of a Scotland Yard detective were to remove some items of furniture and the matter was reported to the police, would they simply stand by and simply take the tenant's word for it?'

Finally, he strongly suspects that the police deliberately connived at the damage that was being done when there was ample evidence of that fact and good reason for them to intervene. He thinks that because he is 'an Indian who is doing well', the police constables did not want to give him any assistance in the matter.

That is an unfortunate impression, because it can hardly be true. In any event, the least that the estate agent thinks can be said about the entire incident is that the police force might as well not exist for all the difference that they made in this particular situation.

11. David and Goliath

'Look at my little wrist. Do you think I could have given him several punches and broken his nose? He was so strong and tall that he could have smashed ten boys of my size. But at the Ealing Court the magistrates just believed all that the police said. The police know that when they charge any of us with assaulting them the magistrates always side with them.'

Thus said a diminutive, scraggy-looking West Indian lad, 19 years of age, who arrived in Britain at the age of six.

He is the sort of lad who does not believe in extreme political solutions to the problems of minority groups. Rather he favoured what he termed the 'little by little' approach, when minorities work within the institutional framework and seek redress for their grievances through existing channels. Thus for example he

is 'all in favour' of the recruitment of black policemen. The police force should represent the whole community, he adds emphatically, even though 'they picked me up for hitting him'.

The incident he refers to took place opposite the 'White Hart' public house in Southall a year and a half ago.

At the time the pub was a frequent haunt of the West Indians in Southall, although many of them have now deserted the place. The 'White Hart' was not particularly trouble-prone, but that is not to say that it did not have its fair share of troubles. Not infrequently the trouble was between West Indians themselves and there were a few occasions when the police were called.

In the circumstances it was not unusual for the Southall police to patrol the vicinity of the pub, especially after closing hours. On the night in question, a group of West Indians had just come out of the pub at about 11 pm. There were five of them and their girl friends. One officer (whose name was supplied) who was on duty in plain clothes came up to the complainant and said: 'It's time you bastards got the hell out of this place'. When the complainant asked for the cause of the insult, he was told: 'I am a police officer – you come along with me to the station'.

However, the complainant and his friends thought (he alleges) that this was just a white man trying to pick a fight with them. They protested that they had said nothing to occasion the insult and had not indulged in any argument or fight with any whites in the pub. The only argument which had taken place in the pub, they pointed out, was between themselves and no one else had been involved.

The plain clothes officer was joined by two more, also in plain clothes. The boys were reinforced in their suspicion that a 'white gang' was trying to pick on them. The boys allege that the plain clothes officers told them: 'We have heard enough of this nonsense – you have no damn business to loiter on the roads – we are taking the three of you to the station.' Each of the three officers then grabbed the boys by the arm and were about to march them to the station when their other two friends, who were standing nearby, protested at what they called the 'unnecessary interference by these troublemakers'. One of the girls then said: 'Why don't you go away and pick on someone else: we have done nothing to you to take us to the fuzz'. This was apparently the last straw as far as the plain clothes officers were concerned. They grabbed the questioning youngsters and pushed them away.

The complainant alleges that it was one of the plain clothes officers who struck the first blow at his friends, but in the absence of clear evidence it is difficult to accept or reject that version. What is clear however is that a scuffle ensued in which one of the officers suffered a slight bruise on the nose. Yet the three lads first apprehended did not join the struggle and they were taken subsequently to the police station which was only 200 yards from where the incident occurred. The other two friends had run away.

At the station they were taken into three separate rooms. The complainant was asked to name his friends who were involved in the struggle, or else, he said, he was threatened that he would be charged with assaulting a police officer in the

execution of his duty. The complainant refused to give the names of his friends. One of the officers, the first on the scene of the incident, is then alleged to have used rough-house tactics in an attempt to force the complainant into divulging the names. He did not succeed, though the complainant suffered one external injury over his eye.

It transpired that the other two boys were charged with obstructing the highway and insulting behaviour respectively. The complainant was charged with assaulting a police officer and causing injury to his nose. He was charged before the Ealing court and fined £25. In court he produced a letter from his doctor setting out the nature of the injury over his eye, but the court thought that this was irrelevant and refused to accept it as part of the defence evidence. What most worried the complainant was the way the police officer recounted the sequence of events in court. He alleges that it was a complete fabrication.

The *Middlesex County Times* reported the police case as follows:

'PC Dixon said he then told . . . (N) he was a police officer and asked him to move on. . . . (N) struck me in the ribs and ran away. I raced after him, stopped him and he hit me on the nose. Two other plainclothes officers stopped him getting away.'

The Court accepted that version without question, although, if a jury had been present, they might have found that hard to accept when the only corroborative evidence was that of another plain clothes officer who was also involved in the scuffle. The complainant, it should be noted, was not charged with any other offence. He maintains that on the occasion in question he was sober when he came out of the pub and was getting ready to accompany his girl-friend home when PC Dixon confronted him. He adds that on the same night there would have been hundreds of pubs throughout the country where things might have been really bad in contrast to the 'White Hart'.

There is another interesting point about this case. It may well be that the law itself was wrongly applied here.

In *Kenlin v Gardiner*, two plain clothes officers became suspicious of the conduct of two schoolboys who were going from house to house in a street for a purpose which was in fact perfectly innocent. One of the officers went up to the boys and said: 'We are police officers. Here is my warrant card. What are you calling at the houses for?'

The boys did not appreciate that they were being approached by police officers and believed that the persons accosting them were thugs. One of the boys tried to get away, but, on being held by one of the police officers, struggled violently and hit and kicked the officer. The same thing happened with the other boy. Both were charged with assaulting the police in the execution of their duty (s.37 of the Police Act 1964). The Hackney justices held that the boys had technically assaulted the police officers.

On appeal to the High Court, it was held by the Queens Bench Division (Lord Parker LCJ, Winn LJ and Widgery J) that in fact it was the police officers who,

in taking hold of the boys, had committed technical assaults, as the taking hold was not done in the course of arresting either boy but only for the purpose of detaining them with a view to questioning. Accordingly the judges held that the justification of self-defence was available to the boys and the findings of guilt were quashed.

The Ealing justices, like the Hackney justices in the earlier case, decided that the police version should be accepted, rather than follow the line of reasoning established in the High Court in *Kenlin v Gardiner.*

12. Roadside Harassment

'Why should I have anything against the British police? When I was studying in Dorset a friend of mine left to join the police, and I envied him. Although when you asked me whether the British police in my opinion were the best in the world and I said yes, I must tell you that since this occurred . . .'

A Kenyan Asian who arrived here 8 years ago protested at the treatment he and his brother received from the Southall police.

The complainant had returned only the day before the incident complained of from a holiday in Zambia.

He was visiting his brother in Southall, though he himself was at the time studying in Dorset. In fact he had only just unpacked his luggage in Dorset before taking the train up to London. He had on him his passport and a few documents, including a letter from a Zambian doctor about an appendicitis operation he had undergone. Those documents were on his person at the time of the incident.

The complainant, his brother and two friends had gone over to see a friend in West Ealing and were returning home when, on Southall Broadway, they saw two police officers arguing with an 'elderly bearded Sikh'. The brothers and their friends who were walking on the opposite pavement crossed over and stood opposite the display window of Edgars (a department store) which was a few yards away from where the Sikh was being grilled.

Apparently they were curious to know what the argument was about. The police officers, noticing their curiosity, came up to the complainant and said: 'Would you bastards push off?'

The complainant's reply was: 'Why do you ask us to go when we have done nothing? We are only watching the display.' The officer's reply was: 'You either f . . . off or come with us', and then went back to deal with the Sikh. The brothers stayed on but the two friends who had accompanied them moved some distance away and advised the two brothers to do the same. The complainant's brother tried to persuade him to leave the scene, but he stayed his ground. In his own words: 'I might have left the scene if the officer concerned had not used such insulting language. I am not used to that sort of language either in Kenya or Zambia or Dorset. I saw no reason why I should be afraid of such threats.'

The courage of the complainant was bolstered by the fact that though it was November and so fairly cold, it was only about 8 pm and there were many

people around in the vicinity.

The officer then returned, grabbed hold of him and said: 'We'll teach you a bloody lesson', and led him to a Panda car that was parked nearby. The officer who was dealing with the Sikh left him and came and joined his fellow officer.

The complainant's brother, fearing that he might be roughly dealt with, pointed out to the other officer about the appendicitis operation his brother had undergone in Zambia.

The complainant then pulled out his passport and the doctor's letter which he was carrying with him and showed them to the two officers. But, he says, the officers would neither hear about them nor look at them. 'They poured out so much abuse and four-letter words that I lost my temper and told them that they should not speak to me like that, since I am fairly well-educated even though they might be illiterates'. This precipitated the sequel.

The second officer, he says, swung at him and said: 'As far as we are concerned you bastards are all illiterate. Why don't you go and join your animal friends in the jungle?'

The complainant says he replied: 'We were civilised when you were still wearing bear-skin clothes, so why don't *you* join the animals?'

But this only made matters worse. At the station the complainant was slapped repeatedly until he apologised for his last remark. But this was not all. He was told that he would be charged with insulting behaviour, for obstructing the highway and for assaulting the police.

When the case came up the complainant decided to cross-examine the officers. He was not, however, allowed to allege that the police officers had insulted him and used force. He was asked in polite terms to confine himself to rebutting the prosecution case.

Fortunately for him, during cross-examination the two officers contradicted each other in their statements. One officer said he (the complainant) was 5 yards away from where they were dealing with the Sikh; the other said 25 yards. On that point alone the complainant was acquitted. In retrospect, he says, he is certain that were it not for that small contradiction, he would never have been acquitted, since he was debarred from introducing evidence to show that it was the police officers who had first used insulting language, and that it was they who used force on him.

PART III: THE POLICE VIEW AND RELATED ISSUES

A representative of Ealing police was approached for his views on four main themes: the improvement of communications between the police and the coloured communities; the procedures which exist for the redress of complaints made against the police; the supervision of subordinates by senior officers; and, finally, the training of new recruits. In recounting the replies an attempt has been made to put the view of the police representatives in broader perspective by referring to other opinions. Setting out only the police view (which was rather terse) would be of little help if it is not related to the responses on similar issues made by others who play an important part in the work of community relations.

Communications

The views expressed by the Ealing police representative centred mainly on the theme of communications.

The police representative admitted that in Southall communication is 'particularly difficult because of the language problem' and that misunderstandings are frequent as a result. Very often in cases involving Indians the Southall police find it necessary to send for the interpreter: an Indian. The services of the interpreter are indispensable during the actual investigation and in the court hearing. Although the Southall police may have the odd police officer who speaks the Punjabi language, that does not help very much.

However the officer mentioned that so far as the Indian community is concerned it has produced an élite who claim to speak on behalf of the community and hence through contact with this group the police are able to understand community problems. The police however were not certain whether they had succeeded in enlisting the support of these individuals.

One very important welfare organisation which canalises the grievances of the immigrant community in Southall is the Indian Workers Association (IWA). The IWA in its evidence mentioned that, though some years ago they were prepared to invite the police to their social functions, they would no longer do so because they have had first-hand experience of how the Southall police have deliberately refrained from intervening to prevent a breach of the peace in fights between Indians and Indians. In the opinion of the IWA the Southall police do so for the reason that 'so long as Indians are fighting themselves there is no need for police involvement'.

The police answer that though they were unaware of such instances, these were at the most very isolated cases, and often an acute shortage of manpower did not enable them to perform their duties as satisfactorily as they would have wished.

The police representative was asked whether the recruitment of coloured police officers would go some way towards improving community relations. He replied that though they fully welcome the recruitment of coloured police officers, it was their considered view that it would not necessarily solve the communications problem.

On this matter the view of the police was shared by the IWA and the Ealing Assistant CRO.

The Ealing Assistant CRO put it like this: 'A multi-racial police force is no substitute for impartiality; and, further, unless very deep screening is made the Indian recruits would be under heavy pressure to give in to influences exerted on them by their kith and kin'.

Of the individual complainants many were totally in favour of the recruitment of coloured police officers, provided, as one Indian Youth Club leader said, 'adequate checks are made to ensure that we don't have an increase in bribery'.

The police representative agreed that the police have a communications problem with the West Indians which is worse than that with the Indians, and for different reasons.

He echoed the identical sentiment expressed in the memorandum submitted by the Birmingham Police to the Select Committee on Police/Immigrant Relations. The relevant passage is reproduced below:

'The most serious problem confronting the police is undoubtedly a section of West Indian youth who are estranged from their families for a variety of reasons. These youths equally reject approaches by the police or West Indians and the individual officer finds it very frustrating that, despite whatever approach or overture he makes, he is met with rejection and frequent abuse. The majority are unemployed and the sub-culture has a substantial criminal fringe. The unemployment situation has tended to swell the ranks and exacerbate the problem.'

Replying to this criticism the West Indian community worker attached to the ECRC argued that though the Ealing police had identified the disease they have failed 'as so many do to diagnose the real issues which give rise to such a state of affairs, not least the preconceived ideas the police have of the coloured communities'.

However, he emphasised that in Ealing there exists a vacuum of black leadership and this in a way contributes to the total absence of communications between the police and the West Indians.

Youth clubs established under the Local Authority have in his opinion failed to cater for West Indian youths. They have failed to produce the sort of leadership that is required. He explained: 'Youth clubs at present cater to the normal needs in a white community. These clubs manned by white leaders do not understand that blacks have a culture of their own.'

'Black youngsters see white leadership as a relic of their schooldays so that the same process is repeated and this of course serves no purpose and perhaps is positively harmful. They become friends only at a very superficial level. There is no real acceptance. What is needed are black youth leaders whom the police should accept as leaders of the community and these leaders should in turn be prepared to liaise with the police and carry out specific educational and cultural programmes different from the traditional set-up.'

The police representative stated that it was 'a fact of life that people of lower class commit more crimes although that should not influence the manner in which

the police deal with them'.

He had no doubt that drop-outs, be they West Indian or Indian or English, generally turn into delinquents and therefore the police duty of law enforcement naturally takes them on a collision course with such people.

In Ealing there is a high drop-out rate among West Indian boys and therefore 'in the absence of strong family ties, unlike that of the average Indian family, they tend to involve themselves in petty offences and small thefts and so the arrest of these boys naturally makes communication difficult'.

Briefly put, the police diagnosis of the breakdown in communications with West Indians is a number of contributory factors though they point out that two of these at least are readily identifiable:

(i) The lack of proper West Indian leadership, and
(ii) A serious drop-out rate going almost hand in hand with delinquency.

The police representative was asked for his views on the feasibility of introducing the so-called 'Leeds Scheme' as a way of initiating an effective communications system between the police and the immigrant communities. The 'Leeds Scheme', it should be pointed out, is a project aimed at establishing a series of private sessions where, at each session, six police officers and six coloured people discuss their difficulties and shortcomings in an open and frank atmosphere. The rationale of the whole exercise is that the resulting interchange of ideas at grass-roots level will lead to an understanding of each other's problems and an appreciation of some of the difficulties experienced.

As for the value of the Scheme, the Select Committee, assisted by the evidence of the Chief Constable of Leeds, commented:

'It was experimental, but those running it were convinced of its usefulness and recommended that the difficulties of time both for the police and immigrants should be overcome by a wider recognition of its value and the provision of more money to expand it.'

The Ealing police, while recognising that the 'Leeds Scheme' was a useful channel for informal contact at grass-roots level, were not at present in a position to favour its implementation because of 'an acute shortage of manpower in the Borough', and because 'the merits of the "Leeds Scheme" have yet to be fully evaluated'.

It should however be mentioned in this connection that the ECRC in its evidence to the Select Committee had no doubts about the usefulness of the Scheme.

The Ealing CRO made it clear that the 'Leeds Scheme', if implemented in Ealing, would serve as a suitable platform for the police to obtain at first-hand a knowledge of immigrant responses and attitudes to the whole social structure of which the police are an essential constituent. To that end the ECRC has urged the Ealing police for the past twelve months to launch something similar to the 'Leeds Scheme', with little success so far.

Complaints

The police representative was asked to comment on some of the charges most frequently levelled against the police by the coloured communities in the Borough, such as: assault, intimidation, harassment, and search without warrant.

The reply was short: 'there are procedures for redress'. Of course, apart from the ordinary civil and criminal actions that may be brought against the individual police officer, the procedure referred to is the complaints procedure found in s.49 of the Police Act 1964.

That section reads:

's.49(1) Where the chief officer of police for any police area receives a complaint from a member of the public against a member of the police force for that area he shall (unless the complaint alleges an offence with which the member of the police force has then been charged) forthwith record the complaint and cause it to be investigated and for that purpose may, and shall if directed by the Secretary of State, request the chief officer of police for any other police area to provide an officer of the police force for that area to carry out the investigation.'

's.49(2) A chief officer of police shall comply with any request made to him under sub-section (1) of this section.'

's.49(3) On receiving the report of an investigation under this section the chief officer of police, unless satisfied from the report that no criminal offence has been committed, shall send the report to the Director of Public Prosecutions.'

In Ealing, it is fair to record that the ECRC, magistrates, solicitors, youth club leaders and complainants without exception were all unanimous that the system as it presently operates has fallen into disrepute, generates contempt and is anyway far from desirable.

According to the Ealing CRO: 'so many times complaints of assault and police intimidation have been referred for investigation and each time the answer is more or less stereotyped – there is insufficient evidence we are told'.

The hopelessness of a procedure which makes for an investigation against the police to be carried out by the police themselves is not surprising.

The Select Committee for example which heard a wide range of views records: 'From almost all our witnesses from immigrant organisations, CRCs, and other bodies we heard little in favour of the present system. Some police officers of all ranks, concurred privately and publicly'.

The ECRC favours a totally independent inquiry into serious allegations made against the police and its view is shared by all the immigrant organisations in the Borough.

Several JPs favoured the ECRC view. One of them said: 'It should give the complainant of whatever colour or religion a sense of feeling that British Justice prevails at all levels'.

Yet so far as the Ealing police were concerned, the spokesman contented himself with the reply that 'whatever Parliament enacts we conform: it is not for us to say whether we favour or oppose changes in the present complaints procedure'.

Attention may be drawn here to the more general police view put forward through the *Police Journal* (June 1970 p.255) on the question of investigation of serious complaints by an independent legally qualified person. It says:

'Our view is that the police have nothing to lose and much to gain by accepting the principle of outside representation. It would be an advantage to the service for it to be more generally known how scrupulously complaints are investigated, a point on which the public will more readily listen to people who are not members of the police.'

Supervision

The prevention of police excesses is of fundamental importance, for years of police training in immigrant history, culture, religion, social structure and painstaking efforts in police liaison work are rendered useless at a stroke, by just one bad case of police assault or over-reaction.

The police representative was therefore asked what degree of supervision is exercised by the senior officers up to the level of the Chief Superintendent over the recording and investigation of alleged offences and the interrogation and custody of alleged offenders.

The Deputy Chief Superintendent mentioned that he had very little doubt that a police officer would not do anything improper at the time he is in the office.

But then as he remarked candidly: 'You cannot be in the office twenty-four hours of the day'.

He does however make sure that he pays a few unexpected visits to the station, so that most police officers are aware that if they do something improper they may well be caught red-handed.

Indeed, it is *highly* significant that in nearly all of the cases included in Part II, where the complainant was taken to the police station, his request to see the senior officer was turned down on the basis that the senior officer was not in.

Training

The police representative was aware that, following a Working Party Report on police training in 1971, there had been a shift of emphasis on police training.

He was unable to confirm whether the benefits of the new training had percolated right across the Ealing Borough. Earlier training was constructed on legalistic lines within a very broad statement of principle:

'Every member of the Force must remember that it is his duty to protect and help members of the public no less than bring offenders to justice. Consequently, while prompt to prevent crime and arrest criminals he must always look on himself as the servant and guardian of the general public and treat all law-abiding citizens, irrespective of their race, colour, creed or social position with unfailing patience and courtesy.' (*Recruits Instruction Book* Chapter 1).

However, the practical application of principle is another matter, as the cases referred to in Part II show.

Without the necessary training in the sociology and social psychology of the

main immigrant communities the application of principle to everyday situations becomes difficult. It is common knowledge that the police tend to stereotype the immigrant communities.

This may be coupled with the fact, as Dr J J Tobias argues, that the police service in the 1960s has been a poor competitor for the stronger products of the educational process. It is then easy to see why those trained in the old school are today unsuitable to communicate successfully with the coloured minorities and particularly with the younger generation of immigrants.

According to Dr Tobias, in *The Police Journal* (Vol XLIV [July–Sept] 1971 'The Future Challenge of Police Manpower', p.245):

'In pre-war days the Police Service was noted as one of the best of the ladder occupations – it provided a means by which able young men of limited education could rise to positions of authority from which they could otherwise have been barred. The service can still do this but the able man of limited education is now a rare bird.'

It might therefore not be unreasonable to assume that one consequence of the manpower shortage has been the recruitment of a small band of people who, apart from being utterly ignorant of the social sciences, are incapable of comprehending the immigrant dimension. Where earlier the filtering processes were fine enough to prevent the recruitment of such people, today they are no longer so.

In Ealing, the rise in the volume of complaints against the police in recent years reflects a clear polarisation of attitudes.

The police representative was not sure how many of their officers in the Ealing Borough have undergone modern intensive training courses in community and race relations. Since the introduction of the 'new approach' in police training consequent to the 1968 report of the Working Party, it is very probable that in Ealing there are at best only a handful of officers who are aware of the socio-economic and cultural backgrounds of the main immigrant groups.

The relations between coloureds and whites are usually though not necessarily reflected in the attitudes held by police and coloureds towards each other.

Thus Professor Michael Banton observes: 'the relation of the police to racial minorities cannot be separated from the relation of the police to the state and the nation'. (*The Police Journal* Vol.1 XLV [July–August]. 1972 'Race and Public Order in an American City' pp.198–213).

In a situation where there is tension between majority and minority groups, and where the minority groups are (and feel themselves to be) discriminated against, the failure of the police to provide due protection to members of the minority group will be taken by them as evidence that the police represent not so much the agency of law enforcement as the instrument enforcing the norms, customs and prejudices of the majority white community. In a multi-racial community characterised by racial stereotypes and myths, by discrimination and tension rooted in racial polarization, the use of racial abuse by the police, police inaction and especially what is seen as deliberate police inaction (see cases

1 and 11), not to speak of excesses by the police, will guarantee that the police are seen by the coloured minorities at best as unhelpful and at worst as the repressive arm of the majority white society. It is not sufficient for the police to shelter behind the defence that they treat everyone alike. In an atmosphere of racial divisions and tensions, the police need, in their own self-interest, to put it no higher, to show a more than ordinary scrupulous observance of the rules when dealing with members of the minority groups, who can be forgiven for seeing the police as representatives of 'them', *ie*, a majority white society, rather than of 'us', *ie*, an insecure coloured minority. It would be a positive and a major contribution to the racial well-being of this society if the police could be persuaded to go a bit further, and try to see what it might feel like to be part of a vulnerable minority group.

PART IV: THE JPs' VIEWS AND RELATED ISSUES

Magisterial Aloofness

Individual letters were sent to about 30 senior JPs attending the Magistrates Court in Ealing requesting them to present their views orally or in writing on difficulties they may have experienced in the handling of cases involving particularly the police and Indians and West Indians.

These interviews were sought with the object of finding out to what extent in this fragile sphere of law enforcement the system of administration of justice in the magistrates court by lay justices has worked.

Although the response was smaller than expected, it was by no means disappointing. On the advice generally of the Clerk to the Court in the various divisions, about two-thirds of those invited refused to co-operate.

However, it is significant that the third that did co-operate had between themselves a total experience of over 75 years.

The reason behind the refusal to co-operate with the inquiry is summed up in the letter sent on behalf of some of them by one Clerk to the Court.

He said: 'I have advised them not to comment on the matters raised which are based on asssumptions which may or may not be true and indeed reflect on Magisterial decisions. My view is that it would not be proper for Justices of the Peace in their special and impartial position to issue memoranda or give interviews with a view to providing information in connection with matters which they or their colleagues may have dealt with. Indeed the propriety of an approach of this nature to individual Magistrates is questionable'. In fact, the request was not to discuss individual cases as such, but the problems of police/immigrant relations from the unique vantage-point of lay justices who were required to deal with the most difficult aspect of the matter. As such, their views are of rather special interest to the public.

In the introduction it was mentioned that the inquiry received the overwhelming support of a wide spectrum of people. It is not at all clear why lay justices think it improper to give their views on issues of concern to the community at large. That no professional impropriety is involved is shown by the support and co-operation extended by a significant minority of the lay justices approached.

Perhaps a more comprehensive picture of how the system works in Ealing might have been obtained if the larger majority of those invited to give their views had agreed to do so.

In *Six Lectures for Justices*, prepared by the Training Board of the Magistrates' Association in accordance with the Model Scheme for elementary training proposed by Lord Simonds, the then Lord Chancellor, it is said that 'the services which justices can render to the community do not begin and end with the work they do sitting as members of magistrates' courts or on licensing benches . . .'

JPs and the Police

Exactly half the number of JPs interviewed were unequivocal in their views of the

incorruptibility of the British police. For example, an experienced JP expressed his views thus:

'We are very impartial. You should remember that the ordinary British police officer does not go out of his way to pick on people. For that reason I take a very serious view of allegations of assault on a police officer, since if they could do it to him they could do it to me. Decent people are not picked up. Any magistrate will tell you that . . . The police don't go out deliberately to pick on people, they haven't got the time for that.'

It is no secret that magistrates do not take kindly to allegations of assault on the police. Thus the Magistrates' Associaton in a memorandum to the Criminal Law Revision Committee urged, in connection with the Committee's review of the law relating to 'offences against the Person', that there should be a special class of assault ('aggravated assault') involving assaults on the police, prison officers, women and children, which should carry a maximum penalty of six months' imprisonment.

There are of course other reasons. Thesame Association in its memorandum of Evidence submitted to the Royal Commission on the Police in 1960, said, on the composition of police authorities: 'We are aware of the objection that magistrates should have no hand in police administration, but we do not think that this view is widely held, and there are strong historical reasons, for preserving the *link* between magistrates as keepers of the peace and police administration'.

By and large therefore, the views of those Ealing JPs who spoke of the 'incorruptibility' of the police were in fact reflecting the general views of their colleagues. These views are in accordance with what follows from the 'strong historical link' between the police and the JPs. The general tenor appeared to be that JPs and the police were fighting for the same cause.

JPs were asked how they deal with complaints against the police made in court. There seemed from their answers a clear divergence of views.

On one side there were some who said that primarily all they were concerned with was the case of the defence: 'If people are charged for obstructing the highway or for assaulting the police it would be of no use to them to turn round and accuse the police officer of harassment or intimidation. They must negative the prosecution charge by some independent evidence, not by counter-charges'. This view was often repeated.

For example, a JP of over 20 years' experience said this:

'You must understand that Parliament has provided for this situation in s.49 of the Police Act by which complaints against the police are dealt with.'

'If the defendant counter-charges that it was the police who assaulted him then he should make his complaint at the proper place. So it is not for us to give ear to allegations of police excesses.'

At the other end, there are those who take the view that counter-charges must be taken into consideration, but, as one of them said, 'these must be well and truly proved'.

In a much more open discussion, another JP, with over 10 years' experience, commented: 'To substantiate that it was the police officer who in fact was the one who assaulted needs a mountain of evidence. There is no use for anyone of us to pretend otherwise. Whatever other JPs might say, in my opinion we are all conditioned to rejecting allegations of police brutality. But to answer your point, when such allegations are made, we certainly don't dismiss them as irrelevant'.

There is little doubt that there may well be a number of JPs who do not subscribe to either of these views but who take a third line, namely, that counter-allegations are relevant insofar as they bear directly on the matter in dispute or is otherwise connected with the *factum probandum.*

The proper course of action to be adopted by JPs is set out in succinct language by the Magistrates' Association in their Memorandum to the Police Commission in 1960. The Association observes that:

'Complaints about police conduct are sometimes made in the course of proceedings in a court and our members have raised the question of the extent to which the court should investigate the complaint. The answer appears to be that the court is engaged in trying a case and the court cannot break off and have a trial within a trial in order to go into any such allegation. Inquiry into allegations such as illegal detention, improper securing of statements and similar matters must be made only so far as it may concern the issue before the court, which normally means that inquiry should be limited to determining the admissibility of evidence and the veracity of witnesses: if allegations do not bear upon the issue the court should not go out of its way to try and ascertain whether they are correct or not.'

In the same paragraph, the Association goes on to admit that:

'this may create the impression that the court approves or at least condones the alleged bad conduct'.

Rightly or wrongly that impression appears to have sunk deep into the minds of a large section of the coloured community in Ealing. For most people the grievance runs far deeper.

Several of those complainants whose cases have been recorded in this report allege that during trial magistrates are very rarely well-disposed to counter-charges, even when they go to the very heart of the matter, that is, to prove that the police officer's version is a complete fabrication or to show that the police left out those parts of a conversation which are damaging to the prosecution case.

Numerous instances were brought to point out that in cases of insulting behaviour, it was in fact the police who began it all by abuse or criminal slang; yet in trial those remarks are deliberately omitted or denied wholesale.

These individuals emphasise that though in context their counter-charges were directly relevant to the charge of insulting behaviour preferred against them, the magistrates were prepared to convict in the absence of independent testimony by simply ignoring the counter-charges and asking the defendant the point-blank question: whether in fact he called the police such and such a name or not?

Similarly, there have been cases of assault where even the production of a

medical certificate testifying the injuries suffered by the complainant has been turned down as irrelevant. It is instances such as these that spread rapidly through the whole breadth of the coloured community, generating dissatisfaction with the established institutions.

JPs and the Defendant

JPs were asked to describe the type of defendant that usually comes before court and the value of the defence conducted on their behalf.

Their views ranged from the extreme to the sympathetic.

A substantial group thought that with 'very rare exceptions', the people whom the police lay prosecutions against 'have done at least something to be in court in the first place'.

A JP who has been serving in the Borough for the past 14 years expressed the view that: 'There is an ever-increasing spiral of crime and therefore when the police bring in someone their efforts should not be frustrated. One should expect not only magistrates but every citizen to support them.'

'Wishy-washy liberals would have us believe that the age of criminal responsibility should be raised but they are doing no service to the community. I have seen boys of 12 years with absolute criminal tendencies. The police serve the community and we as part of the community must back them up. That does not mean that we should decide cases blindly but we must get our priorities right.'

Yet another had this to say: 'Most of these delinquents come from homes whose fathers spend the whole day in the pub. So the boys have no control and therefore they get out of control. But we try and lean over backwards when dealing with them.'

As for many of the immigrants he said: 'Let's face it, they come from countries whose legal systems are far worse than ours so they should be fortunate to be tried in our courts'.

The extreme view is summed up best in the impression of one JP of nearly 25 years' experience. He said: 'Any JP here will tell you that it is only the disgruntled people who grumble about immigrant problems and all the old bogies. The ordinary decent citizen knows that the type of people who come before us are those who have falsely claimed social security payments, those on national assistance, the junkies with their long hair and beards and those who haven't done a day's honest work'.

As opposed to the extreme view is of course the sympathetic view where many JPs showed an understanding of why the defendant more often than not is 'of that type'.

On the whole the views which fall into this category, recognise the task of the police and the personal or class difficulties of the defendant.

The defendant, they point out, is often the hapless victim of a whole combination of factors. These factors they argue are the cause of the defendant being 'of that type'.

They say: 'The police, we cannot deny, have a thankless task but they are not to know that these people come from socially deprived areas, are often on low wages or are jobless . . . Their job is to enforce the law and it is just unfortunate that these people are generally the victims'.

One JP pointedly observed: 'We have to fight the same prejudices about the immigrant communities inasmuch as not many years ago the very same accusations were made about the English working-class, the Irish and the Jews. We should stop this stereotyping of the coloured defendant in particular as being the lazy, indolent lotus-eater of our society'.

Solicitors

On the question of defence presentation though most JPs agreed that they preferred to see defendants represented by solicitors, there were a significant minority who thought that 'their value is only marginal'.

That solicitors and barristers in Ealing perform a very traditional role, appears to have caught the attention of probation officers and youth welfare workers.

The Ealing CRO went deeper in his analysis of the problem: 'All too often we all go through a ritualistic process where no one seems to understand fully what the case is all about. Because of cultural differences or lack of time or lack of patience, sometimes the solicitor does not elicit the full details of the defendant's version and merely goes to court, pleads not guilty and stresses one or two important points. Solicitors who are working constantly on this kind of case can acquire a lot of insight into the problems and some of them can be very effective. But all too often, even in the magistrates courts where solicitors are allowed to represent clients, the actual defence is passed onto a barrister with little experience of communication with immigrants and little cultural insight into the situation. In many cases barristers have only a written brief and half an hour's acquaintance with the defendant immediately before the case, so naturally they are unable to appreciate the complexities of the matter thoroughly. Several times there have been instances where after conviction the defendant comes to me asking why such and such a question was not asked or why such and such a key witness was not called. The result is a loss of confidence by the defendant in the ability of the English courts and the legal profession to give him justice.'

The CRO's comment was denied by one solicitor who answered that allegation by saying: 'What he says is not wholly true. I agree that some barristers have only about 15–30 minutes look at the brief but then barristers are lawyers and in that time they know what to argue about. As for solicitors I disagree, at least so far as our firm is concerned. We do have a thorough look at the case.'

Almost all the complainants interviewed however had little doubt about the validity of the CRO's views.

So far as a solicitor is concerned, while he does not have the same immunity from an action for negligence as a barrister does, he is liable only within the narrow compass of matters connected with the organisation of the case for presentation

to court. These include such matters as, failing to instruct the barrister properly, or to attend and have witnesses available when a case was called, or failing to examine a witness before trial, or for allowing a case to be called without ascertaining that a necessary witness was available.

But where the solicitor presents the case himself, he has the same immunity as a barrister.

Many people believe that one answer to the problem stated by the CRO, is the establishment of free Legal Advice Centres. These are centres where lawyers give advice, usually in their spare time, and where the client is not charged for the advice or is charged a very nominal fee. There are a number of benefits that flow from this scheme but at the same time it must be said that the working of these Centres is hampered by certain 'restrictive' rules of étiquette which depend on whether the person giving the advice is a barrister or a solicitor.

These rules are set out by W W Boulton (*Conduct and Etiquette at the Bar* – Fifth edition 1971 p.92). Some comment is needed in respect of four of these rules. The four rules are:

(i) A barrister should not normally interview witnesses.

(ii) A barrister may act in proceedings as counsel for a lay client whom he has himself advised at a Centre but only if:
   (a) he is instructed by a solicitor (who may be a solicitor working at the same Centre); and
   (b) he himself acts without a fee.

(iii) A barrister must not, save in exceptional circumstances negotiate orally with third parties with the object of arranging settlements with clients.

(iv) A barrister may show a list of solicitors kept by the Legal Advice Centre but he cannot instruct the client to choose a particular solicitor from among those names on the list.

Time and again there have been a number of arguments advanced against the retention of these rules but they are nowhere more lucidly summarized and forcibly put forward than in a study of restrictive practices by Michael Zander (*Lawyers and the public interest*, 1968 Chapter 10). On the rule precluding barristers from interviewing witnesses he says that: 'preparation of a case, whether it will ultimately end in litigation or in a settlement, may require the lawyer to see a witness as well as the client himself . . . (if) solicitor-advocates in the County or Magistrates' Courts are allowed to take statements from witnesses and if this is permissible there would seem to be no basis for denying the same rights to barristers at free Legal Advice Centres'.

Why this rule should be abolished becomes clearer when we appreciate the advantage the police have in prosecution cases involving charges of assault on a police officer. If the barrister is permitted to interview a friend of an immigrant against whom such a charge has been brought, he might not only be able to substantiate a particular fact but he will also be able to fill in the gaps in the incident as told to him by the immigrant-client.

One of the important experiences to emerge from this investigation is that it takes long hours of questioning before one can establish a coherent and comprehensive picture of what really took place. Very often the task is made easier if the narration of the incident as told by the client is reinforced by others who were present at the time of the incident.

For example, in this inquiry it was immensely helpful that at least a bare sketch of the original complaint had been taken down in writing by officers of the ECRC. This provided a basic starting point from which one could proceed to dredge up the details of the incident. Of course, not every single item that one is able to extract is of legal relevance, but then how is one to know what really is relevant until all the details are brought out? The details do go to form a comprehensive picture of the incident, they explain the behaviour of the immigrant-client in the particular situation and elucidate the primary facts of the case. In these circumstances a barrister cannot without examining some key witnesses be expected to tie up what might well be a patchy story given to him by the client.

There is another aspect to immigrant witnesses. Many witnesses, notably the Indians, do not wish to go directly to court and give evidence but prefer instead to speak and answer questions in the informal atmosphere of a legal centre. Some support for this is found in Case 2, where an Indian and an elderly English lady (neighbours of the complainant), when interviewed by the community relations officer of the ECRC, said they did not see the boy standing outside his house nor did they see the police confront him. This was no doubt a vital piece of evidence if the boy's story was to be believed. These same people it seemed may well have been persuaded to give their account of what happened that night to someone calling on them from a Legal Advice Centre; although without further persuasion they would not have agreed to the idea of getting directly involved in the case by testifying in court as to what they saw.

Similarly, in Case 7, there were many Indian neighbours of the complainant who witnessed what took place on the road but were afraid that to give evidence in court was to get involved with the police. There was no one to assure them and yet they were potential witnesses.

The second rule which deprives a barrister from appearing in court (unless he is instructed by a solicitor and appears without a fee) has little justification for, as Zander points out: 'the barrister is permitted to do the preliminary work normally done by the solicitor in preparing the case and should therefore be able to supply his own instructions. To require the interposition of a solicitor at best merely delays matters: if no solicitor is available it makes representation by the barrister through the Centre impossible'.

It is unrealistic to waive the rule only where the barrister himself acts without a fee for surely 'lawyers who are willing to give up time to work for the poor should be rewarded by the modest profits to be made from such work . . . where the barrister himself prepares the case in the free Legal Advice Centre it seems unfair that he should not be paid for the work if an application for legal aid succeeds'.

The existence of the third rule which prevents barristers from negotiating with third parties is regrettable because 'so many problems that come into a free Legal Advice Centre can be settled by a letter or two or a few phone calls'.

The fourth rule which forbids a barrister from sending a client to a known solicitor is positively harmful because the ignorant client 'might happen to pick a firm noted for incompetence, for overcharging, for undue delay, or for lack of experience in the particular field in question'. All the advice the client receives at a free Legal Advice Centre is wasted if in the end the person who takes up his case has failed to acquaint himself with all the relevant details that were made known by the client to the Centre. That possibility is avoided if the barrister is allowed to choose a local solicitor who has relevant experience in the field and who in the preparation of the case is willing to liaise with the Centre.

It will be seen therefore that until these 'restrictive' rules are lifted the service rendered to the deprived sections of the community by free Legal Advice Centres is transparently thin, and thus as an institutional device can make little headway in translating formal equality before the law into substantive equality.

In view of these restrictions we cannot but agree with Professor Brian Abel-Smith and Robert Stevens who state that: 'For generations, Englishmen had prided themselves on the impartiality of their courts and on the wisdom of their common law. Whatever merits these institutions possessed, it was absurd to pretend that they protected the rights and liberties of all Englishmen if there were any citizens who would not use them. By 1965 education and health services were available to all irrespective of income. The same could not be said of England's legal services and legal institutions – and yet many claimed that they represented the very fabric of the democratic state'. (*Lawyers and the Courts*, 1967, p.348).

The machinery of free Legal Advice Centres is intended to enable the deprived sections of the community to make use of the legal services and institutions of this country. But in its present form it is clearly unable to function effectively.

Neighbourhood Law Centres

In distinct contrast to Legal Advice Centres such as the one which operates in Southall are Neighbourhood Law Centres.

This is an institution of recent import to this country. It started in 1970 with the establishment of the North Kensington Neighbourhood Law Centre. The Law Society encouraged by the success of these Centres approved the opening of similar Centres elsewhere in Camden, Islington, North Paddington, Brent, Stepney, Lambeth and Wandsworth.

Neighbourhood Law Centres are devised to provide a full-time solicitor's service to the deprived sections in a given community. Unlike an Advice Centre, saddled as it is with rules of étiquette, a Neighbourhood Law Centre is in a position to represent the client in civil and criminal cases and the briefing of counsel so long as it does not take on conveyancing and commercial work and restricts its service to those living or working in the area demarcated. These are the restrictions which will be imposed by the local Law Society.

Under Part II of the Legal Advice and Assistance Act of 1972 the Law Society is empowered to approve the establishment of such centres in areas of need. But the Law Society exists primarily in its view for the private profession: it exists to protect their interests. It is therefore to be expected that the Centre, if established, will not be allowed to undertake cases involving divorce, High Court accidents, professional crime and, as mentioned above, in matters of conveyancing and commercial work. For these are matters, it believes, which fall outside the ambit of help required by the needy and are matters which by their very nature are competently handled by private solicitors.

However, it remains the case that the most important function of a Neighbourhood Law Centre is its ability to play the role of the ordinary solicitors in the usual run of housing, employment and criminal cases.

Further, there is the possibility that it might be able to secure one major advantage over the ordinary solicitor. With the consent of the local Law Society, the Centre could obtain an exemption from the no-advertising rule of the solicitors' profession. This will enable it to conduct its service vigorously and in the open without fear or favour, to go out into the community, liaise with other welfare organizations, inform the people of their legal rights, encourage them to seek legal redress and publicise its results.

The Neighbourhood Law Centre is a free community service and if it is to execute its functions efficiently then it must rely on outside help in financial as well as other matters. The funding of such a Centre is usually through grants by local authorities and funds made available under the Urban Aid Scheme, from the Legal Aid fund in respect of cases handled under the various Legal Aid and Advice Schemes and of course from charitable donations. Apart from financial help the Centre will need to rely on the services of lay volunteers who will be engaged in the work normally done by solicitors' junior clerks.

The North Kensington Neighbourhood Law Centre refers to the 'immense value' of the work of lay volunteers many of whom are actual students of law, although it says 'it would be much better if through an organised relationship with universities, students could be seconded to work in the centre with proper supervision as part of their university course'.

There is little doubt that the active help of the law department of Ealing Technical College could be secured if the various welfare groups in Ealing are able to promote the establishment of a neighbourhood law centre.

The need for it is urgent. The 1972 Annual Report of the North Kensington Neighbourhood Law Centre has a paragraph of immediate relevance to Ealing on the question of arrest and overnight appearance in court. It states:

'The person who is arrested, and who is either not aware of or not allowed his right to contact a friend, relation or solicitor, is kept overnight in a police station and appears at Court the following morning where there may be objection to bail. He is caught up in a bewildering, often nerve-shattering process which he is unable

to influence. Even when in Court he may be refused legal aid or be too frightened to apply for it. The Centre's staff can attend the police station after the arrest – an emergency service is provided outside normal hours – and attend Court the next day: services which the Legal Aid system does not cater for. *Our experience has been that the mere presence of a lawyer at a police station ensures that the arrested person's rights are more scrupulously respected'* (italics provided).

The very presence of a Neighbourhood Law Centre in Ealing would prevent the occurrence of all the allegations of assault by the police. Any injuries which might be sustained could be relayed to the Law Centre staff immediately, who in turn would get in touch with a doctor. The full-time solicitor attached to the North Kensington Neighbourhood Law Centre, Mr Peter Kandler, says that the Centre ensures that a scratch on the forehead of a police officer is not taken down as a 'deep cut' and that a 'bump' on the head of a client is not put down as a 'mere bruise'. Once the Centre becomes well known in the area it is possible that a friend or relative of the client will get in touch with the Centre staff who would without delay despatch a solicitor to the police station to look after the interests of the client. In the course of time therefore the Centre will become a constant reminder to the police and other agencies that it looks after the interests of the deprived sections in the community in a positive manner; as opposed to what the Conciliation Committee of the ECRC or the Southall Legal Advice Centre is able to do on a charge brought against a client for assault on a police officer.

Immigrants in particular are wholly ignorant of how the legal system operates. Problems are compounded at the Ealing Magistrates Court which does not even have a Legal Advisory Desk so that in many cases people charged do not know how to plead. The only information they get is from the police who say to the defendant: 'If you plead guilty it will all be over in a day'. Even the probation officers can do very little when the court list given by the warrant officers is handed to them just half an hour before proceedings commence. The stock excuse of the Clerk to the Court is that there is no room for the purpose of an information desk. Seen in a context where a large number of JPs are predisposed towards the version given by the police it needs little evidence to understand why most immigrants are utterly dissatisfied with the system as it operates and form, albeit erroneously, the impression that the law is a willing servant of the police.

It is imperative therefore that the ECRC actively pursue the case for the establishment of a Neighbourhood Law Centre in the hope that this would help restore confidence in the legal system.

Immigrants

Lastly, JPs as ordinary men have their own views of the immigrant community. In *Six Lectures for Justices,* JPs are instructed that while prejudices are understandable they should be aware of them so that these will not colour their judgement.

What, if any, prejudices do lay justices have about the immigrant community?

None of them claimed to have anything against the *presence* of the resident immigrant community but equally all of them wanted to see a change of attitude both in Indians and West Indians.

They believe that the Indians in Southall possess an 'entrepreneurial spirit' but though that was a good quality they singularly fail to appreciate how British institutions operate. They are 'introspective', 'socially cohesive' and form 'ghettoes' which are alien to 'our way of life'. None of them thought that this very social cohesiveness had a valuable positive side, *viz*, in providing a stable family background for the second generation.

West Indians

More than one JP found the West Indian 'an easy-going likeable fellow . . . they have most of our western culture'. But the West Indian leadership was strongly criticised for making 'mountains out of mole-hills' and for preaching 'Black Panther philosophy'.

'We certainly don't mind them but they are doing their cause no good by fire-brand utterances. Many of us who sympathise with them get annoyed at this nonsense. They alienate much of the sympathy that many of us still have for their conditions here' was one typical remark.

They remember the troubles of the famous 'Passey Incident' in June 1970. The incident which occurred in Acton concerned the shooting and wounding of a black youth (Reginald Passey) by a white youth. It was alleged at the time that the police deliberately took no interest in securing the arrest of the offender and refused to call the ambulance but instead concentrated their efforts in dispersing the inflamed crowds. Subsequently, a demonstration led by the Black Panther movement was organised outside the Acton Police Station as a protest against the failure of the police to take steps to trace the offender. However, within a week or so the police did arrest the youth who was later convicted.

Ever since then the Black Panther movement in Ealing is associated in the minds of many with the exploitation of inflammatory issues. The other side of the movement as an organisation dedicated to assert black ideals, identity and culture is glossed over. JPs are satisfied that the movement in the Borough is now decimated, with very little following, if any at all.

On the question of juvenile delinquency, JPs had little doubt that the stable family background of the average Indian teenager makes him less prone than the average working class white and West Indian.

The view is shared by the Youth Sub-Committee of the ECRC which reports that a noticeable number of young West Indians who came here at the age of 10–11 years find the process of adjustment 'extremely painful'. Many of them are 'homeless' and their 'nomadic . . . and drifting existence' makes it difficult for them to sustain any kind of regularity in their study or employment.

They are, the Report goes on to say: 'easily attracted to the wrong kind of associates and often become involved in some type of criminal offence either to

obtain money or as an expression of their feelings about adult authority which becomes displaced towards society in general'.

ECRC

The ECRC came in for scathing criticism in their handling of immigrant issues. JPs remarked: 'The ECRC poses as the champion of the immigrants. They are less interested in seeing that justice is done', or: 'The ECRC has lost support from many sections of the white community', or: 'The ECRC identifies itself with vacuous and inflammatory speeches and resolutions often passed by West Indian Associations'.

PART V: ANALYSIS OF COMPLAINTS AND RELATED ISSUES

Convictions

Whatever else might be said about the twelve cases included for investigation in Part II, it is hard to deny that in those instances where prosecutions were brought and convictions recorded, there are, to put it no higher, elements of doubt about the evidence presented by the police. Yet the central thread of British criminal law is that convictions cannot be recorded unless the prosecution burden of proof is discharged beyond all reasonable doubt.

Sections of the Ealing community are therefore entitled to query the standards of justice which obtain in their Borough. They may well ask: 'How is all this possible.' It is a question which is by no means easy to answer. But a community keenly interested in the maintenance of good and fair community relations is entitled to know what these reasons are, whatever they may be.

In an age when equality of treatment before the law has become a prime social demand, it is still very hard for some people to detect, let alone accept, how subtly the judicial balance is weighted in favour of the prosecution, on account of social factors which the legal institutions make little allowance for.

They are difficult to accept because over the years certain clichés of fairness and justice have become so firmly embedded in the minds of the majority that anything said or written to the contrary is generally thought to be wrong or is simply put down as the work of agitators.

Slogans such as 'British justice is the best in the world' and 'the British police are the best in the world' may well be true. But a community or nation drilled and inoculated with these assumptions faces the danger of becoming so complacent and conditioned that anything said to the contrary is rejected out of hand as almost self-evidently false.

Only by face-to-face interview with those who run the institutions, the victims and all those directly concerned in the welfare of good community relations, is one able to discover the main underlying reasons why there are some, and these are not few, who have begun to doubt the validity of assertions which they themselves once previously held.

If one were to analyse a proportion of cases, however small, of what are alleged to be unjustifiable convictions in Ealing, then the attitudes and behaviour of the three parties directly involved in court need careful examination: they are the defending counsel, the police and the magistrate.

So far as magistrates are concerned it is not difficult to conclude that the decision of a significant proportion of them are influenced by their social backgrounds and their unconscious assumptions.

Many of their opinions originate from the ready willingness to stereotype the police as the best in the world and to stereotype the defendant as someone whose status and general demeanour (unconventional dress or hairstyle or low-paid job) is not after all incompatible with the offence for which he is charged.

Those magistrates therefore who are not aware of these so-called 'unconscious prejudices' are bound to attitudinise rather than judge impartially between the two sides of the case.

Thus if one were to analyse case 3, one sees how the defendant, an Indian, who produced his torn shirt in court to show that it was the police who really attacked him, lost his case. The complainant who was peacefully returning home that Sunday afternoon ended up in the court charged with and convicted of insulting behaviour.

The magistrate there was confronted with the choice he and his colleagues so often have to make. For them it was a foregone conclusion: their decision must not clash with the 'unconscious prejudices' they hold. The police, they argue, are doing their 'thankless task' of law enforcement and they as magistrates must back them up to the hilt, especially in the present 'ever-increasing spiral of crime'. In this context police officers should be respected, not insulted. As for the torn shirt and the counter-charges, they are lies since 'the British police officer does not go out of his way to pick on people'.

Even if the magistrate is prepared to listen attentively to the defendant's counter-charge it goes without saying that 'to substantiate that it was the police officer who in fact was the one who assaulted needs a mountain of evidence'.

Of course, the magistrate might well say at the very outset that 'it is not for us to give ear to allegations of police excesses', and that is the end of the matter.

Should the charge against the complainant be that of assaulting the police, then, whatever the circumstances, it is to be expected that the magistrate will take a 'very serious view of allegations of assault on a police officer'. Thus in case 4, it is easy to understand the strange verdict. All the police officer has to show is that he suffered a bruise during the fracas.

The improbability of an offence of police assault arising from the complainant's age and physical stature appears to have little bearing on the charge. Hence even a punch on the nose of a police officer, as in the circumstances of case 9, is easily believed, for there are magistrates who 'have seen boys of 12 years with absolute criminal tendencies'.

So the magistrates have left themselves very little room in which to entertain any doubts on what the police allege to have taken place. (See also postscript to case 2.)

In the full play of these 'unconscious prejudices' it is pertinent to ask whether the central thread of British criminal law is unconsciously violated. The answer must necessarily be in the affirmative.

Thus the view of a West Ealing solicitor: 'One has really to show that the police are lying beyond all reasonable doubt . . . and the best chance of being believed by the magistrate is if you are well-dressed, middle-class and somewhat well-educated holding a reasonably good job'.

There were other solicitors who expressed the same view in terms which were very much in line with that taken by the Ealing CRO, who said: 'Justice does not appear to be done . . . and this is true particularly in respect of the working-class

and the immigrant sections of the community'.

Police Confidence

On matters relating to the obstructing of, or assault on police officers the generally accepted view is that:

'. . . while it is no doubt right to say in general terms that police constables have a duty to prevent crime and a duty when crime is committed to bring the offender to justice, it is also clear from the decided cases that when the execution of these general duties involves interference with the person or property of a private person, the powers of constables are not unlimited . . . in *Davis. v Lisle* it was held that even if the police officer had a right to enter a garage to make enquiries, he became a trespasser after the appellant had told him to leave the premises and that he was not therefore acting thenceforth in the execution of his duty with the result that the appellant could not be convicted of assaulting or obstructing him in the execution of his duty' – Court of Criminal Appeal in *Regina v Waterfield & Another* (1964) 1 Q.B. 164, 171.

That view expressed in 1964 may need modification in the light of s.2 of the Criminal Law Act of 1967.

That section allows a constable to arrest without warrant any person whom he suspects with reasonable cause to have committed, or to be in the act of committing or to be about to commit an arrestable offence (an arrestable offence is any offence which carries a maximum penalty of 5 years' imprisonment or more, and any that may be arrestable by other statutes) and he may enter if need be by force and search without warrant any place where he reasonably suspects such a person to be for the purpose of arresting him.

Further the section leaves unaffected some of the definite powers of arrest based on reasonable suspicion as provided in certain specific statutes.

However, the view expressed in *Regina v Waterfield & Another* remains a warning to those officers who act outside the ambit of s.2 of the Criminal Law Act of 1967 and whose conduct is not protected by specific statutes.

That *caveat* appears to have been totally ignored in case 7, which resulted in a 50 year old Indian requiring medical attention in the Hillingdon casualty ward.

In Ealing police confidence in this system and in the support they expect from the bench appears to have extended to the point where they are able to search at random the homes of ordinary coloured immigrants and yet get away with it.

There were many such instances cited. Not all of them are cited here in view of the criteria of selection adopted here. However, cases 2 and 6 amply demonstrate the reckless disregard for the search warrant and, of course, the consequences of the search.

There is no general statutory right to search. On the contrary, there is a general proscription against search without warrant.

In the old House of Lords decision in *Pringle v Bremmer & Stirling*, Lord Chelmsford expounding the common Law of search thought that the police officer is excused if in a search which might have been improper originally there were matters

discovered which showed the complicity of the pursuer in the crime. But that view ought not to reduce the validity of the general proscription against search without warrant.

That proscription is not meant to blunt investigative efficiency; it was made because a search without warrant by-passes the safeguards provided by an objective determination of probable cause and substitutes instead the far less reliable procedure of an after-the-event justification for the search, too likely to be subtly influenced by the familiar shortcomings of hindsight judgement.

In case 6 there is clearly shown the misfortune of the occupants whose premises were illegally entered by the police on the mere suspicion that some incriminating evidence might be found. Once that suspicion is proved unfounded there is very little the occupant can do except to 'Just take it as Coronation Street'.

The police authority is not vicariously liable for the tortious acts of the police officers employed by it. The personal liability of the police officer for the wrongful acts committed by him in the course of his police duties means that civil proceedings must be taken against him in his private capacity. Few think it a worthwhile exercise. They have no adequate finances to sustain a legal battle against a police officer whom they consider to be an integral part of the law anyway.

Complaints Procedure

A complaint against the police leading to investigation is about the only significant remedy against police excesses.

Complaints against unfair treatment by the police have to be made under s.49 of the Police Act of 1964. That section puts into effect the majority view of the 1962 Royal Commission on the Police (Cmnd.1728). The practice that has grown out of the investigation of complaints under s.49 is basically secretive.

This is not to suggest that complaints are dealt with in a perfunctory way or on a biased basis. But where the investigative process is such that the complainant is seldom called upon to prove his case, is not kept informed of the progress of his complaint and is not always advised of the outcome, there is little doubt that the procedure falls into ridicule and contempt, as indeed it has among large sections of the Ealing community.

However, it now seems that the best way to inject confidence into the system of complaints is to abandon the present system altogether and instead to establish a completely outside and independent body to inquire into complaints against the police. Some of the inadequacies of the present system of complaints were analysed in 1964 in the Report of Inquiry by Mr W L Mars-Jones QC. The inquiry went into the question of a police investigation into two distinct complaints made against the police. The findings of the inquiry are interesting for they shed light on what may be expected in an inquiry against the police conducted by the police: in short where the police are judge and jury in their own cause.

The first case dealt with the arrest and beating up of two Irishmen in a public

house in Seven Sisters Road for drunken brawling.

Although the Report exonerates the police in the circumstances in which the complainants were struck by the police, the point is made that 'experience shows that some police officers are unwilling to admit that they have struck a prisoner even when such a blow was completely justified'.

The Report reveals the stereotyped assumptions on which an investigating officer draws his conclusions. In fact when the papers were submitted to Scotland Yard, the then Deputy Commissioner of the Metropolitan Police added a short minute in which he stated: 'I have read the statements and I am satisfied that it was *one of the drunken Irish brawls* that so often happens in areas such as Holloway. No doubt the prisoners were restrained, and if rather more forcibly than usual they have only got themselves to blame' (italics added).

The second case concerned three young men convicted of being in unlawful possession of offensive weapons. These men denied that they were carrying the alleged weapons such as a barber's razor and a piece of weighted rubber hose. One of them alleged that during the course of interrogation at the Hornsey Police Station he was told to take off his jacket and hang it on a peg on the wall. Later, when he was told to fetch his jacket and empty the pockets he found a barber's razor in his right hand pocket.

The Mars-Jones inquiry found that five police officers connected with the case had lied and there was sufficient evidence disclosed in the course of the inquiry which, if it had been available at the trial, would have meant that the three boys 'would never have been convicted of being in possession of offensive weapons'.

He found among other things that one of the inherent faults of the procedure for investigating complaints was 'the appointment of an officer in command of the five police officers concerned to investigate a charge of serious crime against his own subordinates whom he knew so well'.

Since the Mars-Jones Inquiry much water has flowed under the bridge. From Lewisham to Liverpool there is expressed a sense of dissatisfaction with the present complaints system.

The Select Committee which took evidence from a number of bodies said: 'the present system has been widely criticised, even from within the police force'. It went on to recommend that the 'Secretary of State take urgent steps to introduce a lay element into inquiries into complaints against the police, possibly by setting up independent tribunals to consider appeals by complainants or police officers dissatisfied with police enquiries into complaints' (*vide* para.333 of their report).

Four years after the enactment of the Police Act of 1964, the *Times* said in a leading article (9 September 1968): 'Sensible people know and make allowances that in any body as large as the combined police forces of Britain there will be instances of prejudiced conduct and an abuse of power. It is more difficult to be sure in the absence of a fully independent agency for investigating complaints that these instances are satisfactorily identified, isolated and remedied'.

Four more years have since gone by and the complaints procedure set up in the

1964 Police Act still remains.

In Ealing, the unanimous cross-section of opinion taken in the course of this Inquiry was, to quote the words of the Assistant CRO, in favour of 'nothing short of a fully independent inquiry'.

Selection of JPs

There remains widespread dissatisfaction in the function and manner of appointing lay justices.

Grass-roots organisations, welfare bodies including teachers, probation officers and community workers felt 'left out' over the selection of JPs, who, they believe, do not in Ealing represent either fairly or adequately the community at large.

Consequent to a proposal made in the Report of the Royal Commission on the Selection of Justices of the Peace (Cmnd. 3250) 1910, the then Liberal Government authorised the establishment of advisory committees to assist in the appointment of lay justices by the Lord Chancellor's Department.

The constitution of the local committees which depends on the Lord Chancellor's discretion is the most crucial factor in the ultimate appointment of the lay justices. For it is the committee which submits a list of potential magistrates to the Lord Chancellor's Department.

The local committee reflects invariably a balance of opinion of the main political streams. In turn it is expected that the list of names submitted by the local committee will reflect a balance of political sympathies, though generally those whose names have been forwarded for appointment should have engaged themselves in some form of public service other than activity within a political party.

Generally in the case of a Borough the Lord Chancellor insists that no more than one-third of Borough magistrates shall be members of the Council.

But this system is not always the best one since there are very many people who have engaged themselves in a wide spectrum of social activities and yet have no voice on the local committee or are otherwise unable to secure nomination because of their lack of connection with the local parties. The local committee should seat a wide cross-section of the community but that seldom is the case.

The 1948 Report of the Royal Commission on Justices of the Peace (Cmnd. 7463) showed that only a little more than a third of the male justices in Boroughs comprise salary and wage earners.

There is good reason to question the view taken by Professor R M Jackson (Emeritus Downing Professor of the Laws of England, University of Cambridge) who, writing on the composition of lay justices, says: 'Benches do tend to be largely middle to upper class, but that is a characteristic of those set in authority over us whether in town hall, Whitehall, hospitals and all manner of institutions . . . ordinary people are much more concerned with courtesy and efficiency on the bench than with considerations of politics and social class' (*The Machinery of Justice in England*, 1972 6th ed., p.218).

If anything, the Ealing example shows that there are sections of the community

who are becoming increasingly aware of their exclusion in the running of institutions.

Further, the 1910 Report of the Royal Commission on Selection of Justices of the Peace gave the following guiding principles for the selection of justices which were reiterated in the 1948 Report. They were:

'. . . appointments influenced by consideration of political opinion and services are highly detrimental to public interests and tend to lower the authority of Magisterial Benches in the country'.

'It is desirable that the area of selection should be wide and the choice comprehensive so that the Bench may include men of all social classes and all shades of creed and political opinion.'

'Although we have made a strong recommendation that no appointments should be made on the grounds of political opinion or services, it is even more important that no one should be excluded on account of his religions or political opinions.'

The 1948 Report said (at para.32): 'We accept the principle that justices should be drawn from the different sections of the community . . . We do not think it is possible to study the Tables of occupational classification of justices without feeling that the process of selection has not cast the net sufficiently widely to bring in all the potential talent available'.

In a later paragraph it records: 'We have come to the conclusion that the present system tends to look too much to certain sections of the community for candidates for appointments as justices' (para.72).

However apart from vague exhortations that members of the advisory committee should be drawn from different sections of the community the 1948 Report did very little by way of recommending basic changes in the system that would ensure fair and balanced representation.

As a result one finds today, as in Ealing, that appointments to the advisory committee are made over the heads of grass-root organisations so that in the final selection of magistrates those appointed face the accusation of applying standards and prejudices which are carved out by their own personal way of life. The insulation accounts partly for the credibility gap between ordinary people and the bench.

Presently, JPs are appointed for life though it is customary for them to retire before the age of 65. Many of those who discussed this issue, including one JP. believed that it would be in the interests of greater respect and confidence in the Bench if lay justices were appointed for a short fixed term of years. That at least, they thought, would act as a barrier against prejudices becoming entrenched and irremovable.

Recently the Lord Chancellor, Lord Hailsham, is reported as having said that although the system of selecting and recommending magistrates for appointment would be unchanged after local government reorganisation, he was planning to alter the size and shape of the advisory committees. (*Guardian* 30 June 1973 p.4).

The scheme as reported is that there would no longer be separate borough advisory committees but instead each county and metropolitan district would have its own committee. These are to be serviced by 'subordinate' committees each

responsible for a group of petty sessional divisions. The idea is that the creation of these so-called subordinate committees will bring the process of selection nearer to the 'grass-roots'.

Insofar as this is the first admission we have had for a long time that the present selection process is divorced from grass-root organisations, the suggestion put ward by the Lord Chancellor must be welcomed. However, in making these changes the Lord Chancellor desires that: 'every organisation and almost every individual must be made aware that they could recommend someone to a committee for consideration as a magistrate'.

Although these changes must be welcomed it must be said that such optimism is bound to show up as inadequate so long as the basic selection structure remains unaltered. Because if the *advisory* committee, which in the end is the committee which submits the list of applicants for approval by the Lord Chancellor, is to remain unrepresentative there is every reason to doubt why a change of practice should take place. What is needed is an infusion of the democratic process into the structure and composition of the advisory committee.

Juvenile Delinquency and Leadership Crisis among West Indians

Even accepting that the central flaw at work in much of police thinking is the existence of a stereotyped image of the coloured immigrant, be it Indian or West Indian, the definite trend in juvenile delinquency among West Indians is an issue that should be faced up to any framework which aims at improving police/black relations. It is an issue which dominates much of the police evidence on these matters, it was pointedly referred to by JPs and probation officers, and the Youth Sub-Committee of the ECRC thought it was a 'problem' that needed immediate attention if in the future 'anti-social activity is less likely to occur'.

The dimension of the problem however should not be allowed to obscure its real causes.

In a memorandum prepared last year (December 1972) by the Deputy Head of the English Department of the Twyford School in Acton, an attempt was made to that the seeds of juvenile delinquency among West Indians are implanted in the educational system which takes no account of the different cultural strains in a multi-racial school. That view holds that the average West Indian child is sucked up in the vortex of an alien culture. His situation is profoundly different from that of his parents, and he will be very different from the indigenous child in his motivation, expectations, attitude to authority, sense of humour, and in his general style and language.

The memorandum which is based on the experience of West Indian children in the Ealing Borough states that consequent to their cultural isolation 'a lot of steam is let off in aggressive behaviour at school, showy, proud confrontations with members of staff who they feel are unsympathetic. Obviously necessary, though negative, where there are no more positive ways of expressing your self identity'.

Explanations have also been advanced on a more generalised basis why nearly

75% of all immigrant children in ESN (Educationally Subnormal) schools are West Indians as opposed to 4% Indian and Pakistani, when West Indians are only half of the immigrant population in ordinary schools.

For example, Bernard Coard in his book: *How the West Indian Child is made Educationally Sub-Normal in the British School System* (1971) concludes thus:

'The Black child acquires two fundamental attitudes or beliefs as a result of his experiencing the British school system: a low self-image, and consequently low self-expectations in life. These are obtained through streaming, banding, bussing, ESN schools, racist news media, and a white middle-class curriculum; by totally ignoring the Black child's language, history, culture, identity. Through the choice of teaching materials, the society emphasises who and what it thinks is important – and by implication, by omission, who and what it thinks is unimportant, infinitesimal, irrelevant. Through the belittling, ignoring or denial of a person's identity, one can destroy perhaps the most important aspect of a person's personality – his sense of identity of who he is. Without this he will get nowhere'.

The above paragraph encapsulates the essence of the argument canvassed before this inquiry by black leaders of youth associations and a leading figure of what remains of the Black Panther movement in Ealing.

These analyses are not without force. Properly understood, they support certain studies in criminology and lay bare the causes of the claim made in the second part of the Birmingham police memorandum on West Indian Youth, that 'the majority are unemployed and the sub-culture has a substantial criminal fringe'.

There are sub-cultural theories which examine not only the forms of delinquent behaviour but the reasons why youngsters become delinquent. One such respected theory which may have particular relevance to the problem of West Indian Youth is that of Dr Albert Cohen (*Delinquent Boys*) which rests in part on the individual's need for 'status', his need to feel that others respect him because he measures up to the standards of their society. The theory put forward is that youngsters who cannot gain this respect from respectable society will gravitate towards a group where they can gain it, a group with standards they can measure up to.

What the delinquent sub-culture offers the youngster is: 'status as against other children of whatever social level, but it offers him status *in the eyes* of his fellow delinquents only. To the extent that there remains a desire for recognition from groups whose respect has been forfeited by commitment to a new sub-culture his satisfaction in his solution is imperfect and adulterated. He can perfect his solution only by rejecting the status sources of those who reject him'.

This theory of Dr Cohen's facilitates the understanding of why many West Indian children, after an unhappy spell in school, drop out and thereafter gravitate towards a group of their own colour and culture, rejecting white values and white institutions. These tendencies must acquire a momentum in the absence of strong family ties, and will inevitably be reinforced if the parents are seen to be people condemned to a lowly status in society.

It is therefore not surprising that these West Indian youths should reject the

police as the visible agency of white authority, values, norms and customs.

In their turn, it is to be expected that ordinary police officers will see these youths only in terms of forming part of a 'substantial criminal fringe'.

Confrontation is therefore always imminent and frequently inevitable. It is also inevitable that in the end the police overpower the youths and, where excesses are committed, these are seldom isolated and identified.

What results is a hatred against the police, even if the police were merely carrying out their lawful duties, a hatred that could burn so fiercely as to destroy in a short time years of hard work rendered by community and welfare organisations, and by the police's own Community Liaison Officers.

Where confrontation takes place and excesses are committed and allowed to go unchecked, nothing could be better guaranteed to turn the coloured minority as a whole solidly against the police and over to the extremist cause.

This is not empty speculation, but very much what has happened in the past both here and abroad, and unless a battery of measures is taken to check the causes of these tendencies it may not be long before some of the symptoms of American racial violence appear in this country.

It does not fall within the scope of this report to suggest what those measures should be. Nor was evidence taken to explore what changes in the educational system are desirable to arrest the proliferation of those problems referred to above. There were a few teachers however, who thought that a *sine qua non* of any restructuring of the system is a radical change in the present curriculum.

So far as the limits of this report are concerned and insofar as they concern the immediate problems of West Indian youth and the police in particular, there are *three* matters that need emphasis.

The first of these is the importance of the 'Leeds Scheme'.

During the interview, in one session where there were more than a dozen West Indian youths in the age group 12–19, all of them without exception were prepared to meet the police face to face and thrash out their problems. The CRO, youth club leaders and a probation officer all expressed a ready willingness to chair the discussion panel and to take part in the discussions if called upon to do so. In these circumstances it is a pity that the Ealing police have for lack of manpower put the 'Leeds Scheme' on ice. Such a Scheme, if implemented, would, as the police are the first to agree, serve them as a useful way to understand opinion in the coloured communities and as a basis for continuing dialogue.

Commonplace remarks such as 'black bastards' and 'white racist pigs' provide excellent ammunition to be used against each group simply because the West Indian and the police have learnt to see each other as symbols of petty crime, violence or repressive authority, as the case may be, and often as less than human beings.

Wittgenstein taught philosophers that the meaning of a word lies in its use.

The ordinary police officer in Ealing, devoid of any real training in the history and sociology of immigrant cultures, who himself may not have had much more

than a bare formal education himself, can only learn the operational meaning of certain words by seeing in a face-to-face situation how they are used.

Equally important, both sides will have the opportunity to explain why certain epithets produce reactions which leave on their minds indelible and damaging impressions of each other.

Of course, feelings of hostility that have persisted for many years cannot be eradicated in just one session of contact, but with the passage of time the ground will be prepared for old misunderstandings to disappear, and the opportunity for the forging of new links may be grasped.

Senior officers, perhaps even the Metropolitan Commissioner, should give this matter their immediate consideration or come up with some other constructive and imaginative alternative.

The second matter that needs emphasis is the lack of proper West Indian leadership in the Borough. Both the police and a West Indian community worker attached to the ECRC were in substantial agreement about this.

The community worker pointed out that 'the climate in Ealing is tailor-made for Black Power leadership owing to a lack of proper direction given by the existing leaders. If tomorrow a Black Power leader emerges there would be a mass following. At the moment there is a void.'

'Blacks drift from youth club to youth club with no identity, no direction, and no purpose. A few travel to Shepherd's Bush and identify themselves with Black Power organisations there.' These sentiments are accurate.

For example, during a visit to one of the prominent youth clubs in Acton frequented by West Indians, one found them loitering in the corridors engaging each other in minor quarrels, kicking a football in front of the main office or simply idling in corners with white girls.

The Assistant Youth Leader who was present at the time said it was the 'usual' thing. Although this was not exactly the picture in the other youth clubs frequented by West Indians, it must be said that the accent throughout was, as one West Indian put it, on 'light entertainment'.

Those who professed to speak on their behalf were quicker to see defects in the system calling for reform than the actual difficulties that bedevil their solution.

Singularly unconvincing attempts were made to show that they have discharged adequately the onus of responsibility they shoulder: to secure for these youths suffering from cultural deprivation and lack of identity a sense of responsibility and values by which they may arm themselves in a prejudiced society. Little or no effort is made by these leaders to hear the grievances of the youths and to advise them where necessary to use the institutional machinery to redress them.

Harsh generalisations were made, not merely about the police but about almost every single government or statutory institution, including the ECRC.

It is clear that the all too familiar demagoguery, sterile rhetoric and jejune debate attend uncompromising attitudes and end eventually in fruitless confrontation.

This is a path fraught with many dangers and it certainly betrays the aspirations of those youths who still hope and look for a future.

No one will deny that there are grievances, in fact an innumerable number of them, but these should be brought to light not by confrontation, boycott or undemocratic methods.

In this context it lies to the credit of the Afro-Caribbean Association that an inquiry of this kind has taken place. It was made possible only by that Association's application of democratic pressures within and without the ECRC and other interested bodies. Given the main changes and reforms that are suggested in this report, the host community and indeed the police will look for a change of attitude by the West Indian leadership in Ealing.

Finally, the police have a vital role in any community dedicated to democratic ideals. They have not only to be fair but their actions must be seen to be fair and impartial by all sections of the community. They must not and indeed should not be expected to treat immigrants 'softly'.

Their own problems and difficulties in today's world more than at any time before in police history must be understood.

T A Critchley's observations on this point are incontrovertible:

'. . . the issue of personal freedom against the restraints of the community is again wide open, and the policeman stands at the storm centre round which many of the tensions of modern society are working themselves out. He tries to exercise a stabilising influence at a bewildering period of our national life, when almost everything is in a state of change. He lives in the midst of an upheaval of ideas, morals, religious beliefs and all the old-fashioned values.' (*A History of Police in England and Wales 1900–1966* (1971) p.320)

It would be unrealistic in the present situation to expect a change of attitude among immigrant leaders before there is clear evidence that the police themselves have put their own house in order. Not all the details of Home Office circulars, directives from the Lord Chancellor's Department, complaints procedures and 'Leeds Schemes' will be of much help so long as there is a minority of police officers, however small, who are blatently prejudiced and are bent on intimidation and in securing the false conviction of the coloureds.

If these officers are able with absolute impunity to frame false charges of assaults against perfectly innocent people, even when they themselves have acted unlawfully, utter the most racist remarks, subject immigrants to the most degrading and humiliating treatment, and break into the homes of immigrants, then it is not too much to say that the responsibility for remedying this desperate state of affairs should be placed fairly and squarely on the shoulders of the Chief Inspector in Acton and the Chief Superintendents of Southall and Ealing Sub-Divisions, for in the last resort they will be held responsible for any breakdown of community relations arising from police excesses.

Ordinary police officers are well aware that in any feud between themselves and the coloureds they must triumph if they frame charges on the basis that they were

assaulted in the execution of their duty. For such charges there is an immediate groundswell of sympathy for the police both from the public and the courts.

In 1967, Lord Justice Davies commented in one case that: 'It must be understood by everybody that assaults and violence against the police who have an extremely difficult task to perform, merit and will receive severe punishment'.

In more recent times similar pronouncements have been made, most notably certain remarks by the Lord Chancellor himself. Magistrates who see their functions as part of an apparatus to check crime and so assist the police will only be too zealous to follow such a lead.

There is therefore very little chance of an acquittal for a West Indian, Indian or for that matter the ordinary unconventional or working-class white charged with assaulting the police.

The Chief Superintendent or the Chief Inspector as the case may be, should consider taking special steps to superintend the investigation and interrogation of suspects.

Almost all complaints of brutal handling by the police recorded in this report allege that the rough-house tactics were committed at a time when the 'chief' was not in his office because requests to see him were met with the reply: 'He's not in'.

In these circumstances it becomes the grave duty of the Superintendent to satisfy himself that the question: *'Quis custodiet ipsos custodes*?' does not go unanswered.

It would be a tragedy for good community relations, the police and the nation, if a handful of errant officers were allowed to wreck the foundations of goodwill.

Indeed more than once there have been instances (as, for example, in cases 2 and 3), where the same police officer has been involved in the assault and rough-handling of complainants. To turn a blind eye to these cases is to invite recrimination on a scale the Borough has not seen before.

ECRC

The ECRC is the institutional cornerstone for the promotion of good community relations. It therefore has a special interest to safeguard the rights and voice the grievances of all sections of the community.

On its own initiative it has carried out numerous projects on youth welfare, housing, employment and education.

On issues of national importance such as immigration and the Ugandan crisis it has stridently spoken out against discrimination and prejudice in all its forms. Thus when it became clear to the ECRC that there was a growing demand for some action against biased police officers it responded immediately.

In November last year it arranged a meeting on Police/Immigrant Relations to be addressed by Mr Ian MacDonald. The meeting attracted wide press coverage and the noisy debate which followed reflected the wide diversity of opinion in the country and within the ECRC.

The debate quite obviously touched a very sensitive nerve. There were a few

who believed quite sincerely that public debate of these matters damages rather than enhances the prospects of police/community relations.

What therefore was the CRO's defence?

In his evidence he said: 'The value of open discussion on some issues is arguable but so far as police malpractices are concerned if falls within the general scope of improving public knowledge. At least MacDonald broke the existing complacency. People here assume and take for granted, left-wingers included, that British justice and the British police are the best in the world. After several years' experience here I can say that these blind assumptions are not helpful. I should also point out that the police have been enabled to put their case.'

That the ECRC should have attracted against itself hostile criticism from some quarters for drawing attention to the defects of certain hallowed institutions and traditions is only to be expected.

In fact there were some, including a JP, who queried why, instead of dabbling in police/community matters, the ECRC had not taught the minority groups to conform and adapt to the 'British way of life'.

The question was put to the Assistant CRO, an Indian, who gave his answer in the following terms:

'We respect democratic ideals and British institutions, but we are at a loss to know what the 'British way of life' really means. If by that they expect immigrants in Southall who have been beaten and humiliated by the police to come cap in hand with three cheers for the Queen and abandon their age-old cultural traditions then we just cannot do that. The British when they were in India for centuries did not adopt Indian customs and the way of life of Indians. The majority in Ealing are not so crass as to expect us – especially we first generation immigrants – to forsake overnight customs that were ingrained in us for centuries.'

This reaction is typical of community workers when faced by hostile members of the host community. They insist that the main thrust of their work lies not in securing conformity to one concretized set of values or another, but rather in establishing a climate for equal treatment and a tolerance for cultural diversity.

There can therefore be no valid criticism of the efforts made by the ECRC to inform the whole community of the deteriorating trends in police/immigrant relations.

The findings of this report underline the need for a continuation of those efforts and vindicates, *prima facie* at any rate, the complaints of police brutality and partiality.

There are however three criticisms that might properly be made against the ECRC.

First: The dossier of complaints against the police has not been properly maintained. It appears that the principal reason for this is that police casework is undertaken by almost anyone at the ECRC who happens to be in office at the time. Usually the work has been shared by the CRO and the Assistant CRO, with less than satisfactory results.

Very often the complaints have been very badly recorded and in only a few

cases has there been any follow-up action. There are instances of serious complaints which have been reduced only to a few lines, not always in coherent form. It can be safely assumed that many complainants have gone back sadly disappointed.

The ECRC would be better advised if complaints against the police and follow-up action were categorised as matters falling within the exclusive domain of the CRO himself. Every single complaint against the police should be taken down in all detail by the CRO and, where necessary, referred to action under the existing complaints procedure. The conciliation committee should be kept informed of every such complaint.

Second: In retrospect it appears that the appointment of a community worker to service the needs of the West Indian community should have been made many years ago. It was said that this was not possible owing to an inability to obtain the necessary finances. The ECRC cannot, perhaps be blamed for that. At the moment it is too early to say whether the establishment of a second Assistant CRO to service the West Indian community will be helpful. However, the transference of some administrative responsibilities to the office of the community worker will enable him to work the social machinery in Ealing more effectively. For example, in matters of housing, employment, education and social security, West Indians would be able to approach him directly and have their grievances redressed. It is common knowledge that many of the West Indian youths in Ealing rarely use the institutional machinery. It is tempting to infer that this has largely been due to the absence of someone in the ECRC who has a ready feel and knowledge of the community's needs.

What is more, the West Indians in Ealing need at the moment someone who has the authority to take up their grievances and try to obtain redress through the institutional machinery: someone of moderate temperament with whom the West Indian youths could identify themselves and to whom they could confidently bring their complaints.

Third: At the time of the famous 'Passey Incident' there was a good deal of feeling among the Ealing Establishment which claimed that the ECRC had come perilously close to identifying itself with extreme sectarian sentiments. These criticisms received prominent press coverage, although it is only fair to add that the actual tenor of the report in question prepared by the ECRC does not bear out these allegations.

However, this investigator must record his impression that on occasion the style and tone of voice of ECRC statements show why sections of the majority community in Ealing regard the ECRC in this light.

While the fight for justice in matters of housing, employment and education, and minority rights should be pursued with full vigour, there is little hope of securing these things by alienating the sympathies of the majority who, even though they sometimes sympathise with minority causes, utterly reject extremist manoeuvrings.

Part of the danger lies in the fact that the ECRC conducts its work within a

loose and ill-defined policy framework. Although this makes for flexibility in a number of matters, it should consider the adoption of definite policy statements which will guide it in the important area of public information. Press releases, for example, are sometimes couched in terms so acerbic as to suggest that the ECRC is deliberately hotting up issues, especially those of a controversial nature.

CONCLUSION

The author of this Report wishes to thank all those who co-operated with the Inquiry.

It should be mentioned again that no reference is made to individuals by name. This is done at their own request.

The inquiry based itself on the cardinal principle of obtaining the candid views of as wide a cross-section of those directly involved in the maintenance and promotion of good community relations as possible. At a very early stage it was found that this would not be possible unless interviewees were allowed the option of not disclosing their identity. The option of non-disclosure was exercised by all except a few. Detailed notes, verbatim and semi-verbatim, were taken down during the course of each interview and where the interviewee is quoted, every effort has been made to quote the exact words. Wherever possible, those quoted have been asked to check that the words quoted are theirs.

A summary of the Main Findings and Recommendations is presented below.

SUMMARY OF MAIN FINDINGS AND RECOMMENDATIONS

i. There is a *prima facie* case against the police on charges of brutality and partial conduct against the immigrant community in Ealing. The feasibility of special measures against such conduct should engage the attention of the Chief Superintendent and Scotland Yard's Divisional Commander.

ii. The complaints procedure set up under s.49 of the Police Act of 1964 bears little relevance to present-day realities. A fully independent tribunal to investigate complaints against the police has the support of all interested bodies in the promotion of good community relations.

iii. Several JPs, some of whom purported to voice the feelings of their colleagues on the Bench, showed a clear sympathy for the prosecution case especially where it involved charges of assault or insulting behaviour against the police.

iv. There is a definite credibility gap in the Borough between many citizens and the bench.

v. There is dissatisfaction with the present mode of appointment to the local Advisory Committee which submits to the Lord Chancellor's Department the list of names of potential JPs.

There is some justification for the view that the JPs in the Borough of Ealing do not adequately or fairly represent all strata of the community and that an unduly preponderant number of them are drawn from particular spheres of public life.

The suggestion to limit the tenure of office for a short fixed term of years received overwhelming support.

vi. There was dissatisfaction among many of the people interviewed with the routine way in which some cases are handled by solicitors and barristers.

vii. The ECRC and other interested bodies should consider the establishment of a Neighbourhood Law Centre as an immediate priority.

viii. The probability of conflict between West Indian youths and the police is high. One way of defusing the situation is the implementation of a programme of discussions of dialogue similar to the 'Leeds Scheme'.

ix. There is a noticeable lack of West Indian leadership in the Borough, and if the community is not serviced by sensible and moderate leadership, the situation might well be ripe for extreme pickings. The transference of some administrative responsibilities to the office of the community worker will help the present holder, a West Indian, to perform his duties more effectively and authoritatively with respect to the West Indian Community.

x. The ECRC, while maintaining its relentless campaign for minority rights, should adopt a clear policy statement on the important domestic issue of public relations.

It must steer clear of the danger of being accused of aligning itself with extremist sentiment which frequently is riddled with political motivations.

London,
August 1973

STANISLAUS PULLÉ

END