



Statewatch

UK: Ethnic injustice

More black and Asian people are being stopped and searched than ever before

The Home Office published the *Statistics on Race and the Criminal Justice System - 2003* in July. These form part of a series of statistics, which the Home Secretary has an obligation to publish, for among other things, in order to enable persons working in the criminal justice system 'to avoid discriminating against any persons on the ground of race or sex or any other improper ground'. The report was due out in March but was delayed possibly because of the highly controversial nature of some of the statistics which suggest that the non-white population is being disproportionately subject to stop and search powers.

The report covers all stages in the criminal justice system but only the use of the powers of stop and search are considered here. There are three main powers for which statistics are published. First, the police may stop and search persons and vehicles under the Police and Criminal Evidence Act, 1984.

Second, they can stop and search under section 44(1) and section 44(2) of the Terrorism Act, 2000, which gives them the power to stop and search persons and vehicles without *any* suspicion in an 'authorised' area. The whole of London has been permanently designated as at risk and hence this power can be used anywhere in the city. Third, the police can stop and search under section 60 of the Criminal Justice and Public Order Act 1994, which enables a police officer to authorise, for a period not exceeding 24 hours, stop and searches 'in anticipation of violence'.

Statistics on the use of these powers without any breakdown by ethnicity were published for 2002/03 last December and were examined in Statewatch (Vol 13, No 6). It has taken seven months for the ethnic information to be released.

Section 1 PACE power

Statistics on the PACE power have been published annually since 1996/97. Figure 1 shows the trend in the number of stops and searches from 1996/97 to 2002/03 by ethnicity. The MacPherson inquiry, which was set up in 1997, to examine the police investigation into the death of Stephen Lawrence in April 1993, who was murdered in a racist attack, clearly had a dramatic impact on reducing the number of stop and searches for all groups. MacPherson had condemned the Metropolitan police for incompetence and complacency and for 'institutional racism'.

The impact occurred following the start of the inquiry in July 1997 and then was shortlived with the number of stop and searches beginning to increase from 1999/00. They now stand at the highest number ever recorded. The pattern for the Asian community was slightly different. The initial increase was much less dramatic, and then began to fall from 1997/98 until 2000/01 when it began to rise. As with the black community, the number of stop and searches are now higher than they have ever been. There are wide variations between police forces. Table 1 shows the number of stop and searches per 1,000 of the respective populations for 2001/02 and 2002/03. As can be seen, the per capita rate for white people has increased from 14 to 16 per 1,000, whereas the rate for black people has increased from 67 to 92 per 1,000. The Asian rate has gone up from 20 to 27 per 1,000. In 2002/03 black people were therefore 6 times more likely to be stopped and searched than white people. Asians were twice as likely.

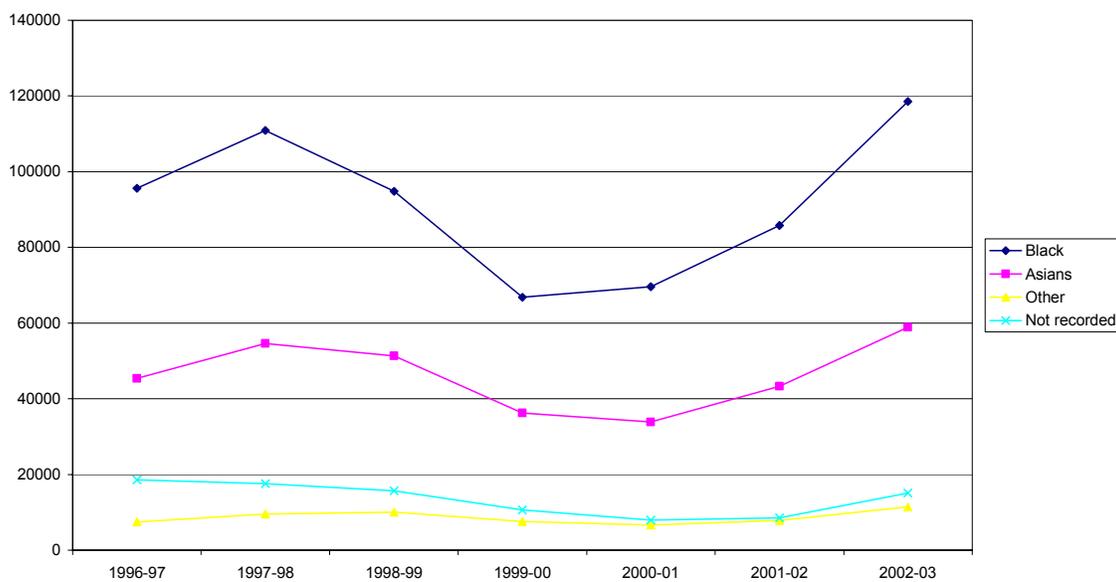
Table 1
Total stops and searches under PACE per 1,000 of the population
2001/02 to 2002/03

Ethnic appearance	2001/02	2002/03
White	14	16
Black	67	92
Asian	20	27

These figures disguise large variations in the use of the PACE power between different police forces. In 2002/03 Merseyside police stopped and searched 168 black people per 1,000, South Yorkshire 147 per 1,000, Metropolitan police 114 per 1,000 and Cleveland 102 per 1,000. In contrast, Durham, Humberside and Lincolnshire stopped and searched fewer than 15 black people per 1,000. In short, the Merseyside police stopped and searched a staggering 15 times more black people per head of population than Lincolnshire. While the rate for Asians was lower and the variation less, nevertheless the Metropolitan police stopped and searched 39 Asians per 1,000, which is higher than the stop and search rate for white people in any police force in England and Wales.

The report also records the number of people who are arrested as a result of the stop and searches under PACE. In 2002/03 Asians and white people had an arrest rate of 13 per cent compared with black people at 16 per cent. These figures, however, must be treated with caution because no information is provided on the circumstances of the arrest - it could, for example, have nothing to do with the original suspicion that gave rise to the stop and search but arose from the way the stop and search was conducted. Moreover, there is no information on what happened after the arrest. Typically, a large proportion of people are released without any further action.

Figure 1: PACE
stop and searches of ethnic minorities, 1996/97 to 2002/03



Section 44 of the Terrorism Act

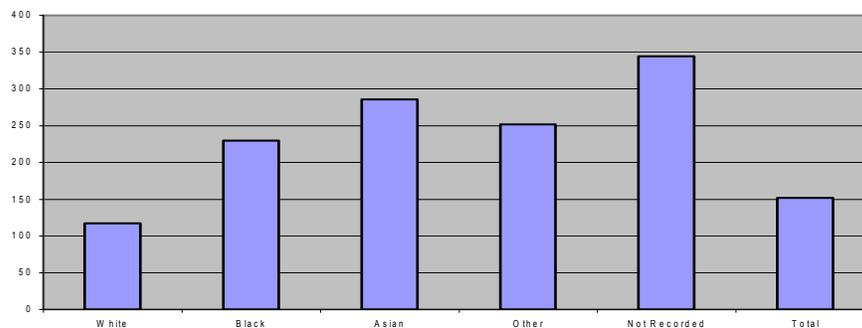
The rise in the use of the section 44 powers under the Terrorism Act between 2001/02 and 2002/03 has been dramatic. In 2001/02 there were 8,550 stop and searches and this figure rose to 21,577 in 2002/03 - a 151 per cent increase. However, 21 police forces record no-use of these powers and the City of London and the Metropolitan police accounted for 83 per cent of all stop and searches.

The use of the powers have been disproportionately targeted on black and Asians as can be seen from Figure 2. The number of black people stopped has increased by 229 per cent and Asians by 285 per cent. In addition, those whose ethnicity was not recorded by the police increased by a massive 344 per cent.

In 2001/02 less than 3 per cent of those stopped and searched were arrested. Some 20 people were arrested in connection with terrorism but 169 were arrested for other reasons. In other words, the terrorism power is used 8 times more to arrest people for what has been called by some “ordinary decent crime” than for terrorism. In 2002/03 the percentage arrested dropped to under 2 per cent.

The number of arrests in connection with terrorism has declined and the numbers arrested for other reasons increased by 190 to 359 arrests. There are now 20 times more arrests for “ordinary decent crime” than for terrorism under powers which were specifically introduced to counter acts of terrorism.

Figure 2: Percentage increase in the number of 'stops and searches' under the Terrorism Acts, 2001/02 to 2002/03.



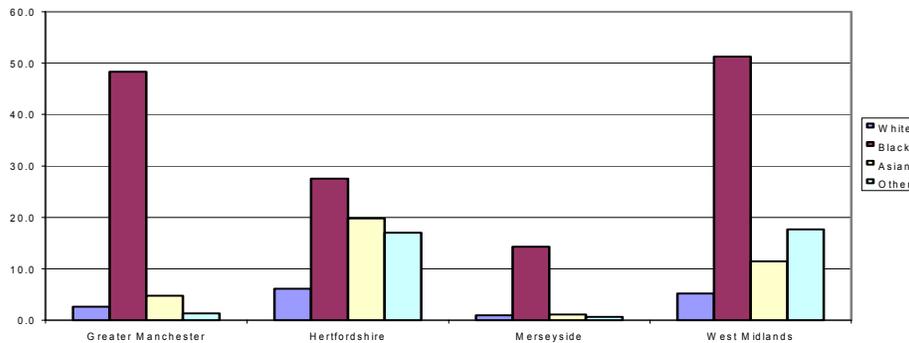
Section 60 power CJPO Act power

The number of stop and searches under the section 60 power have also increased dramatically between 2001/02 and 2002/03. In total there has been a 171 per cent increase with wide variations in the increases for different ethnic groups. Stop and searches of white people has increased by 220 per cent, stop and searches of black people by 162 per cent, stop and searches of Asians by 71 per cent and stop and searches of ‘Others’ by 373 per cent. *Statewatch* (vol.13, no 6) suggested that this huge rise was most probably due to some police forces recording ‘antiterrorist’ stop and searches under section 60 power rather than under the section 44 of the Terrorism Act.

In the light of this practice, it is illuminating to examine the numbers stopped and searched by ethnicity for both powers together. Figure 3 shows the figures for four police forces which have made extensive use of one or other of the powers. As can be seen the combined powers have been used disproportionately against the non-white population and the black population, in particular. The West Midlands and Greater Manchester police stopped and

searched over 45 black people per 1,000 of the black population and the Hertfordshire police stopped and searched 20 Asians per 1,000 of the Asian population. In terms of differential rates, the Greater Manchester police stopped and searched 19 times more black people than white people and the Merseyside police stopped and searched 15 times more black people than white people under these powers.

Fig 3: Number of S&S under Sec 60 CJPO Act and Sec 44 Terrorism Act per 1,000 population, 2002/03



Conclusions

Statewatch has drawn attention to the differential use of the powers of stop and search over many years. Apart from the decline in the use of the powers against black and Asian people following the setting up of the Macpherson inquiry, the use of all the powers are on the increase. Moreover, they are disproportionately being used against the non-white population.

This disproportionate use of the powers is inevitably building up huge resentment among the non-white population. It will do little for police community relations and will be totally counterproductive in terms of obtaining good quality intelligence. At the same time it may well be laying the resentment for widespread urban disorder. No lessons appear to have been learnt from the past.

Statewatch, August 2004.