

Statewatch analysis

UK: Stop & search: Ethnic injustice continues unabated

Black people are nearly seven times and Asian people over twice as likely to be stopped and searched as white people. Over the longer term, taking all stops and searches together, the Asian community has experienced the the largest increase, followed by the black community and the white community the least

Last month the Minister responsible for counter-terrorism in the UK, Hazel Blears, appeared before the Home Affairs Select Committee, which was considering 'Terrorism and Community Relations'. During the course of her evidence, she made the extraordinary statement that the new anti-terrorism legislation would be disproportionately used against the Muslim community. No Minister before has publicly admitted that certain laws will be used in a discriminatory manner contrary to the Race Relations Act and the other equality legislation in force in the UK. Not since the introduction of the Special Powers Act in Northern Ireland in 1922, has any government on these islands shown such disdain for the impartial and fair administration of justice. This is what she said:

"Dealing with the counter-terrorist threat and the fact that at the moment the threat is most likely to come from those people associated with an extreme form of Islam, or falsely hiding behind Islam, if you like, in terms of justifying their activities, inevitably means that some of our counter-terrorist powers will be disproportionately experienced by people in the Muslim community. That is the reality of the situation, we should acknowledge that reality and then try to have as open, as honest and as transparent a debate with the community as we counter the threat, because the threat at the moment is in a particular place, then your activity is going to be targeted in that way."^[1]

The reaction from the Muslim community was immediate and forthright. Massoud Shadjareh, chair of the Islamic Human Rights Commission, said: "She is demonising and alienating our community. It is a legitimisation for a backlash and for racists to have an onslaught on our community."^[2] Blears' words will also give the green

light to the police that the targeting of specific communities, rather than individuals, is acceptable and will lead to an even greater disproportionate use of the stop and search powers between the white population and ethnic minorities.

Since the MacPherson Report and the claim that the Metropolitan Police force was institutionally racist, the Home office has developed a number of initiatives to try and prevent the current inequalities in the use of stop and search powers. The police must now make a record of each stop and search. In April 2004 the Home office issued an implementation guidance on stop and search and in July it set up a Stop and Search Action Team to ensure that police forces use the stop and search power fairly and as effectively as possible. Blears' statement runs counter to all these initiatives.

In March the government issued the latest statistics on Race and Criminal Justice System for the period 2003-2004. A careful reading of the statistics show that the disproportionate use of stop and search powers against ethnic minorities has worsened.

As discussed on previous occasions (*Statewatch* vol 14 no 3/4), there are three main powers in use for which the police are required to record details of any stop and search: Section 1 of the Police and Criminal Evidence Act 1984, Section 60 of the Criminal Justice and Public Order Act, 1994 and Section 44 of the Terrorism Act 2000. The use of the first two powers over the last year has shown a decline of 15% and 9% respectively. The use of section 44, the anti-terrorist power, has increased by over 36%.

Examining changes over a single year, however, is misleading. During her evidence to the Home Affairs

Figure 1: Percentage increase in the total number of stops and searches under various legislation shown by ethnicity, 2000/2001 to 2003/2004

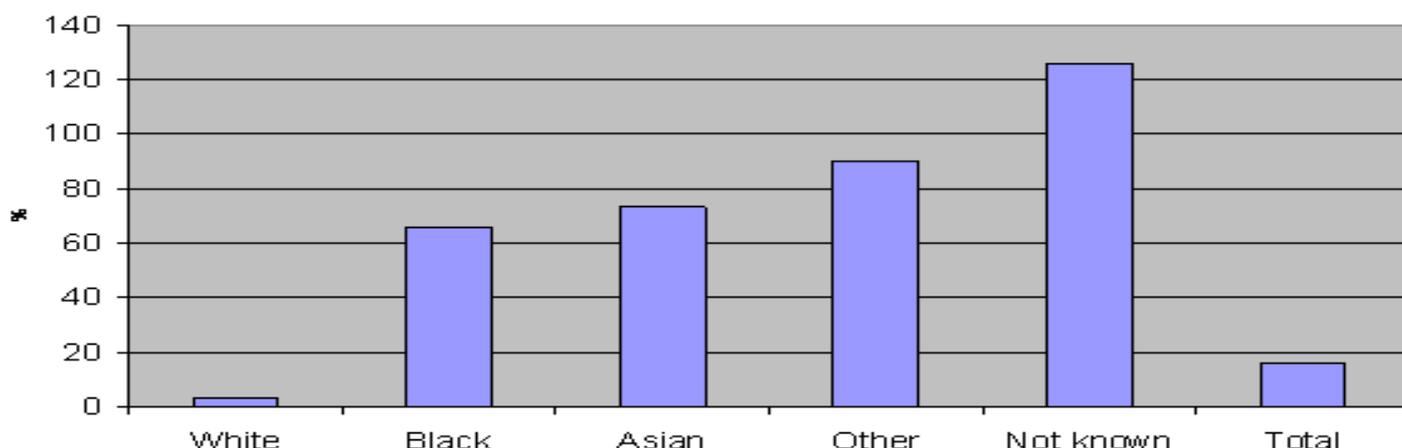
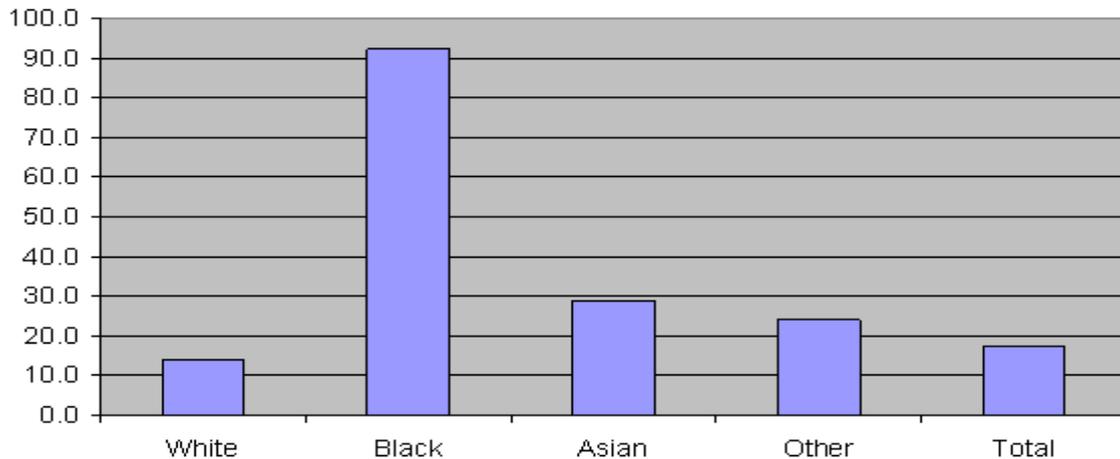


Figure 2: Total number of stops and searches under various legislation per 1,000 of each ethnic group, 2003/2004



Select Committee Hazel Blears did just this to convey the impression that section 44 stop and searches had not increased as sharply for the Asian community as for others. She pointed out that overall the numbers had increased from 21,500 in 2002-03 to nearly 30,000 in 2003-04. She went on to say:

“Those are very recent figures. Of those, the searches of white people increased by 43%, searches of black people increased by 55% and searches of Asian people increased by, I say only, 22%, so a much lower increase of searches of people from Asian backgrounds than searches of white people or black people in terms of the anti-terrorism powers there, which may be of some reassurance.”

Instead of examining the increase over a single year, it is more sensible to consider the figures over a longer period. The most obvious base year to take is 2000/2001, the year before 9/11. By taking a much longer period which starts before the new anti-terrorism powers were introduced it is then possible to assess the overall impact of the legislation on police behaviour.

As there is some evidence to suggest that the police record some anti-terrorism stop and searches as section 60 stop and searches (*Statewatch News Online*, January 2004), we begin by looking at the changes in the total use of all stop and searches over the period.

The number of stop and searches has risen from 697,317 to 807,616 - an increase of 16%.

Figure 1 shows the increases for different ethnic groups. Stop and searches of white people have increased by less than 4% compared with 66% for black people and 75% for Asians. Taking a longer period and considering all stop and searches together, shows the very opposite trend than that reported to the Home Affairs Select Committee by Hazel Blears. The Asian community have experienced the largest increase in the use of these powers, followed by the black community with the white community experiencing the least impact.

It is important to emphasise that the largest of all increases have been experienced by those who are classified by the police as ‘Other’ (90%) and ‘Not known’ (126%). Why there should have been such staggering

increases in these two categories is most odd. The most obvious explanation notwithstanding all the efforts to obtain more accurate statistics on police practices is that these two categories are being used by the police to disguise the actual characteristics of those being stopped and searched.

These differential increases in the use of these powers have further compounded their disproportionate use against the ethnic minority communities. Figure 2 shows the total number of stop and searches per 1,000 of population for each ethnic group in 2003/2004. As can be seen, 14 per 1,000 of the white population are subject to stop and searches compared with 93 per 1,000 of the black population and 29 per 1,000 of the Asian population. In short, black people are nearly 7 times and Asian people over twice as likely to be stopped and searched as white people.

These overall figures disguise some large differences within individual police forces. For example, the Greater Manchester police stop and search 121 black people per 1,000 compared with 2.5 per 1,000 in Cumbria. Similarly, South Yorkshire stop and search 35 Asians per 1,000 compared with 5.5 per 1,000 in Surrey. In three police forces Dorset, Essex and Wiltshire the Black on white stop and search ratio is at least 7 times greater.

Blears’ comments coupled with the continuing disproportionate use of the stop and search powers can serve only to reduce ethnic minorities confidence in the fair and partial administration of justice in the UK and lead to alienation from the institutions of the state. Moreover, evidence from Ireland and around the world suggests that the partial administration of the rule of law can lead to young men and women seeking social justice by violent means. The very real possibility that anti-terrorist legislation may actually be counter-productive and lead to greater threats of violence is not a position which the security services, politicians or some academics working in the terrorism field are willing to consider. By remaining silent on the issue and constantly drawing attention to preventive successes their powers and resources expand.

[1] *Home Affairs Select Committee, Uncorrected Minutes of Evidence, 1 March, 2005, HC 156-v.*; [2] *The Guardian 2 March, 2005.*

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