Broken promises

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top and search has long been a touchstone issue, particularly for black communities in Britain. Fifteen years ago it was the major complaint raised by community activists at the Stephen Lawrence Inquiry, and, consequently, a primary reason why Sir William Macpherson concluded that the Metropolitan police were institutionally racist. The solemn promise made by forces across the land after that report was that the use of the tactic would be less arbitrary and more “intelligence led.” It would appear that few lessons have been learned and instead of a more targeted approach, there has not simply been a return to business as usual but, rather, a proliferation. In 2009/10 the Ministry of Justice’s own publication Statistics on Race and the Criminal Justice System recorded 1,141,839 encounters, a 20 per cent increase on four years previously. More recently a report by Her Majesty’s Inspectorate of Constabulary (HMIC) in June 2013 concluded that their disproportionate use has a “toxic effect” on relations between the police and minority ethnic communities. Chastened by this, Home Secretary Theresa May was forced to announce a public consultation. As Socialist Lawyer went to press, the outcome of this consultation was not known, but given the history of broken promises, we would be well advised not to hold our breath.

Any serious attempt to address stop and search would be widely welcomed. There can be little doubt that it is a blunt and largely ineffective instrument. Few stops actually result in an arrest let alone a conviction. According to the Government’s own statistics, just over nine per cent of such encounters under section 1 of the Police and Criminal Evidence Act (PACE) 1984 across England and Wales in 2009/10 led to an arrest. Meanwhile less than 1 per cent of those conducted under section 44 of the Terrorism Act 2000 resulted in an arrest.

The impact in terms of race relations is dire. An Equality and Human Rights Commission report, Stop and Think published in 2010 noted that: “Since 1995, per head of population in England and Wales, recorded stops and searches of Asian people have remained between 1.5 and 2.5 times the rate for white people and for black people always between four and eight times the rate for white people.”

Walkthrough arches to detect knives, guns and other weapons have become a familiar sight outside schools, train and London underground stations. Under these powers, enshrined in section 60 of the Criminal Justice and Public Order Act 1994, black people were up to 27 times more likely to be stopped than their white counterparts. The number that resulted in arrests was two per cent. When we consider that not all arrests lead to successful prosecutions, it can be seen that the effectiveness of stop and search under these powers is almost infinitesimal.

By comparison, with their effectiveness in detecting crime, the capacity of stops and searches to stir up resentment among those who are targeted is incalculable. The riots that erupted in London and then spread to other towns and cities in August 2011 were sparked by the death of Mark Duggan at the hands of the police and the subsequent rough treatment of a female protester outside Tottenham police station. Many of those young people, black and white who took to the streets freely admitted that they did so as a means of striking back against a force which they regard as alien, invasive and oppressive. They identified with Mark Duggan because they themselves experience police harassment as a daily part of their lives.

Since then of course we have learned that the Lawrence family itself and many of the activists whose campaigning put the police on the defensive and led to Macpherson’s landmark ruling have been bugged and spied upon. Instead of finding Stephen Lawrence’s killers, the police were more interested in protecting their own and criminalising their critics.

Mark Duggan returned to the nation’s collective consciousness with the delayed opening of his inquest in September 2013. Our political leaders would do well to pause and give serious consideration to the wider lessons to be learned.

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