# Discriminatory use of police stop-and-search powers in London, UK

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### ABSTRACT

*Black Londoners have complained over the years of being overpoliced and harassed by police officers. The history of such contentious encounters between members of the Black community and the police service dates back to the 1970s, an era that was characterised by the implementation of the 'Suspicion Laws', popularly referred to as the 'Sus Laws', which emanated from the legislation of the Vagrancy Act of 1824. It was an era most Black people would prefer not to talk about because of the oppressive encounters they experienced with the police. This paper has three purposes: first, to highlight the history of police abuses of power in relation to dealing with Black Londoners in a discriminatory way; second, to explore the issue of societal racism, facilitated by the trio of concepts of prejudice, stereotyping and racial discrimination; third, to encourage the debate on police accountability by discouraging the discriminatory policing that permeates UK society.*

## INTRODUCTION

London is one of the world's most vibrant cosmopolitan cities. It has a diverse community composed of about 100 different nationalities, with over 150 languages spoken, and an estimated population of over 7.7 million people. The London Metropolitan Police Service has a workforce of about 31,000 employees charged with ensuring that lives and property are secure in the city (http://www.met.police.uk). It can be argued that policing a multicultural society is a challenging task.

There has been an ongoing debate about how best to improve policing in London. Over the years, researchers have identified a problematic relationship between the police and Black residents in London. These problematic relations have sometimes spiralled into violent clashes between the police and Black people, such as in the Brixton Riots in 1981, the Broadwater Farm Riots in 1985 and the most recent burning and looting disturbance in 2011.

There is a plethora of evidence dating back to the earliest studies of police both in Britain and the USA documenting racial prejudice as a prominent feature of street-level policing (see Cain, 1973; Chan, 1997; Holdaway, 1983, 1996; Lea, 1986; Reiner,

1978; Rowe, 2004; Smith & Gray, 1983; Westley, 1970; Whitfield, 2004).

The work of Castles (1992) provides a definition of police racism as:

the process whereby police authorities stigmatise, harass, criminalize or otherwise discriminate against certain groups on the basis of phenotypical and cultural markers, or natural origins through the use of their special powers.

Police racism is not a static thing, from its history and manifestation. It can be argued that police racism is subject to change according to officers' discretion, circumstances, time and place. There are two types of police racism, namely overt and covert racism.

Overt racism, as the name suggests, is racism openly expressed, so that a person observing or experiencing it can easily recognise it as such. A good example of overt racism is the reported incident when members of the British public hurled racial tirades and bananas at Norman Roberts, the first Black person to join the Metropolitan Police, as he patrolled his beat in Covent Garden in central London (Whitfield, 2004). Overt racism was commonly associated with police during the pre-Police and Criminal Evidence Act 1984 (PACE) era. The post-PACE era of the 1980s marked the era of inner city riots (Brixton in 1981, Broadwater in 1985).

Covert racism, in contrast, is the type of racism that is subtle, concealed and difficult for the victim(s) to recognise. This kind of racism can be associated with the period following the Macpherson Report (Macpherson, 1999; see Reiner, 2010). A good example was the use of height criteria to select new recruits joining police in Britain, which was found to put people of some ethnicities at a disadvantage. Notably, the Chinese are not generally tall people and so would suffer this covert type of racism. In

order to understand the impact of discriminatory policing in Britain, some concepts associated with discriminatory policing need to be discussed. They are: prejudice, stereotyping, discrimination and racism.

## PREJUDICE

Giddens (1993, p. 225) defines prejudice as

opinions and or attitudes held by members of one group about another. It involves holding preconceived views about an individual or group, often based on hearsay rather than direct evidence, views which are resistant to change even in the face of new information. Someone who is prejudiced against a particular grouping will refuse to give them a fair hearing.

One can understand why the stop-and-search figures are disproportionately high against members of the BME community. It is not a mere coincidence that a Black person is six or seven times more likely to be stopped under police stop-and-search powers than members of any other race living in Britain (Fitzgerald, 1999; HMIC, 1997; Home Office, 2007). Black people have always had to justify or prove their innocence to the police and the wider British society. Owing to societal prejudices and stereotyping shared by the majority of members of society, some are convinced that Black people are aliens, members of the dangerous classes, muggers, drug dealers and deviants who cannot basically conform to the norms of British society. Gilroy (1982) warns that this type of generalisation of Black people is unhealthy for society. He argues that 'the changing patterns of their portrayal as law breakers and criminals, as dangerous class or underclass, offer an opportunity to trace the development of the new racism for which the link between

crime and blackness has now become absolutely integral' (Gilroy 1987, p. 74). First, what is prejudice?

Prejudice is 'a readiness to act, stemming from a negative feeling, often predicated upon a fixed over-generalisation or totally false belief and directed towards a group or individual members of that group' (Kleg, 1993, p. 114). It is difficult to have prejudices and at the same time makes rational choices. It becomes more problematic from a policing perspective when police officers' use of discretion is informed by prejudices. All human beings have some element of prejudices in them.

Previous researchers have identified prejudicial attitudes in policing, both in the USA and the UK (see Britton 2000; Holdaway 1983, 1996; Rowe 2004). Reiner (2010) argues that

> the crucial source of police prejudice is societal racism which places ethnic minorities disproportionately in those strata and situations from which the police derive their property. The structural feature of police–ethnic minority relations bolsters any prior prejudice police officers have. (p. 100)

Reiner's argument is built on the premise that police racism is partly societal racism and partly pervasive police canteen culture. Chan (1997, p. 21) argues that police prejudice 'can easily lead to harassment and community resentment evidenced by hostility from members of minority communities'.

Entering the debate on police prejudice, I present the arguments put forward by Gordon (1983), which I found consistent with the arguments of Reiner (2010), that police prejudice is both structural and individual; Gordon describes this as 'a reflection of the racism prevalent in British society and social groups from which the police are drawn, as well as the situations in which many police-black encounters occur'. Gordon (1983, p. 73) argues that:

there can be no doubt that police officers are racist but the British state defined black people as a problem, both through immigration laws to keep them out, and through measures of 'integration' designed to manage the 'problem' already here. In this management of the 'black problem' the police have played a key role . . . They have not acted as mere servants of the state, doing what was asked of them. They offered their own definition of black people as a policing problem, a definition which both reflected the institutionalized racism of the state and society at large and reinforced it.

One can clearly understand why police officers on patrol might look out for a certain kind of person who fits the description of 'police property'. The use of discretion is cleverly used as a shield to cover up police deviant behaviour sometimes deployed during stop and search; in some circumstances reasonable grounds for carrying out such stops may never have existed and thus they were unjustified.

The police, through the use of discretionary powers and their subscription to stereotypes and prejudices, may subjectively pay more attention to some sections of society than others. According to Bowling and Phillips (2002, p. 18), 'People whose skins are not white have typically been seen as a problem for the social order, their very presence giving cause for concern.'

Of particular interest to social science researchers is the use of police discretion and how it is systematically and differentially used in relation to social groupings. Kleinig (1996, p. 83) provides a good understanding of the relevance of police discretion. He argues that:

The idea of discretion is best understood as a normative condition — as a permission, privilege or prerogative to use one's

judgment about how to make practical determination. It is in this context that we can understand the recognition of professional discretion . . . police discretion is not simply a decision-making power that police possess in virtue of the relatively unsupervised nature of their work. It is a normative resource that we grant them to recognize that they have.

What we can deduce from Kleinig's (1996) arguments above is that discretion does not depend upon a laid-down set of rules or a statutory law that the police must follow; it is subject to individual officers' perceptions of it. Black people are more likely to become victims of such discretionary rules, since police officers may be selective when it comes to enforcing the law. It is difficult to tell when police officers, in the process of making use of such discretion, are breaking the law. Basically, the use of police discretion is problematic and difficult for social science researchers to evaluate, especially when it is incompatible with democratic principles.

## STEREOTYPING

Giddens (1993, p. 256) defines stereotyping as follows:

where stereotypes are associated with anxiety or fear, the situation is likely to be quite different. Stereotypes in such circumstances are commonly infused with attitudes of hostility or hatred towards the group in question. A white person may believe, for example, that all blacks are lazy and stupid, using this belief to justify attitudes of contempt towards them.

Reiner (2010, p. 121) argues that:

Stereotyping is an inevitable tool of the suspiciousness endemic to police work.

The crucial issue is not its existence but the degree to which it is reality-based and helpful, as opposed to prejudicial and discriminatory — and thus not merely unjust but also counter-productive. While police suspiciousness and stereotyping are inescapable, the particular categories informing them reflect the structure of power in society.

The stereotyping shared by wider society is no different from that shared in the police service, both are compounded by the manifestations of moral panic shared by the majority (see Hall, 1978).

I am persuaded by the candid submission given to the Stephen Lawrence murder inquiry by the then President of the Association of Chief Police Officers, Chief Constable John Newing of Derbyshire Constabulary. By his own admission, he agrees that racism in the wider British society contributes to police racism. In his letter dated 16 October 1998, he wrote as follows:

I define institutional racism as the racism which is inherent in wider society which shapes our attitudes and behaviour . . . in the police service there is a distinct tendency for officers to stereotype people. That creates problems in a number of areas, but particularly in the way officers deal with black people. Discrimination and unfairness are the result. I know because as a young police officer I was guilty of such behaviour. (Macpherson, 1999)

## RACIAL DISCRIMINATION

According to the Race Relations Act 1976, it is unlawful 'to treat any person less favourably on racial grounds than another person would be treated in the same or similar circumstances'. Two types of racial discrimination are identified under the Act:

direct and indirect discrimination. Direct discrimination means that a person is treated less favourably because of his or her race, sex, age, ethnic origins or nationality. Discrimination is about the way we act towards other groups based on prejudice, for example by favouring members of one group over another. For discrimination to take place there has to be some element of prejudice and the victim must have suffered a detriment arising from the perpetrator's conduct. There is clear evidence that direct discrimination continues to have a powerful impact on the lives of Black people (Brown, 1997, p. 318).

Indirect discrimination, in contrast, means that an employer applies a general provision, criterion or practice that places the employee at a particular disadvantage as a result. At one stage, the City of London Police imposed a height restriction of six feet for all its entrants. It became apparent that such a selection criterion would effectively exclude many whose ethnic origins were the Indian subcontinent and South East Asia, where the average height is below that of White British males. This selection criterion of height restriction is contrary to the Race Relations Act 1976, and the policy was changed quite a few years ago.

I concur with some of the arguments presented to us by Hall (1987). He argued that:

> the problems of the young migrant are the problems of the marginal men and women of British society: Britain's new second-class citizens. Few people have begun to understand the stress placed on them or their complex needs and expectations or their particular vulnerability. Before we try to find 'solutions' to their 'problems', we must try to understand what it is like for them, standing at the point of conflict and intersection between two worlds — one world carries echoes, associations, memories

and ideas of the past and another carries the promise — but also the threat and danger of the future. (p. 14)

As a Black person who grew up in London myself, I can understand the level of strain members of minority communities have felt over the years due to their rejection by the mainstream of the British society. Black people are more likely to feel the strain of society, resulting in a build-up of anger and frustration arising out of not being given equal access to opportunities in Britain. Sometimes Black people may resort to crime because they have got nothing to lose in a society that does not treat them fairly as citizens, and they may get involved in crime as a means of registering their protests against the unfair treatment they have had to put up with over the years (see Gilroy, 1982; Lea and Young, 1984; Young, 1999).

Following a thematic report carried out by Her Majesty's Inspectorate of Constabulary (HMIC) in 1997, it was recognised that:

> discrimination, both direct and indirect, and harassment are endemic within our society and the police service is no exception. The inspection revealed continuing evidence of inappropriate language and behaviour by police officers, but even more worrying was the lack of intervention by sergeants and inspectors. There were also disproportionate stop and searches of visible ethnic minorities . . . and inadequate understanding by and training of police officers in racial and homophobic incidents as well as community and race relations. (HMIC, 1997, pp. 9–10)

According to Loftus (2009, p. 11), 'racism has been identified as one of the most central and problematic features of police culture. Black and minority ethnic officers working within white-dominated organisations have articulated their experiences of

isolation and discrimination within policing organisations.'

Macpherson (1999) not only labelled the Metropolitan Police as an institutionally racist organisation, but also provided a good definition of institutional racism. Institutional racism according to this report was defined as:

> The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantage minority ethnic people. (Macpherson, 1999, p. 28)

I shall argue that the Macpherson Report is not without its critics in academic circles. Foster et al. (2005) identified some of the shortcomings of institutional racism provided by the report. They argue that:

> the definition used by the inquiry included terms such as 'unwitting prejudice' and 'racist stereotyping' more suggestive of individual, not institutional racism . . . the Lawrence Inquiry shifted its attention between the actions of individuals and organisations . . . It drew attention to one but three processes: unwitting (individual) discriminatory behaviour: conscious racism; and, collective or systemic discrimination. The difficulty is that the three processes were not clearly separated within the Inquiry's definition of institutional racism, leading to the potential for confusion among those receiving and reading the Report. (p. 4)

Cashmore and McLaughlin (1991), discussing the extent of police racism, argue that racism found in the police has more to do with societal racism than exigencies of the job:

> The very presence of black people in Britain was defined as problematic by both government and wider society. The black presence continued to be seen as a vexatious one. The role of the police in relation to black people reflected the relationship between black people and British society generally. That relationship was premised on imperially-based conceptions of why black people were in Britain and what their role within British society should be.

(See also Gilroy, 1987, p. 79; Phillips & Phillips, 1998.) There is much evidence to suggest that police stop-and-search powers are used unfairly and unjustly to target members of Black minority ethnic groups living in Britain. Stop and search is the most commonly used police power under s. 1 of PACE. It was clear from the pre-PACE years, apart from the evidence of Lord Scarman's inquiry, that there were concerns regarding the application of these powers. Reports by both Willis (1983) and Smith (1983) revealed that officers frequently did not adhere to the 'reasonable suspicion' requirements attached to these powers. They also found that the application of these powers was disproportionately applied to members of the Black community (Metropolitan Police Authority (MPA), 2004, pp. 16–17).

It is important to understand clearly the parameters of these police powers and their modus operandi before one can draw any conclusions as to whether or not these powers are widely used disproportionately. The rules of stop and search are quite straightforward when applied with reasonable grounds. What constitutes reasonable is laid out in the Code of Practice of the Police and Criminal Evidence Act 1984. It states that:

there must an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind . . . Reasonable suspicions can never be supported on the basis of personal factors alone without reliable or supporting intelligence or information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have previous convictions, cannot be used alone or in combination with each other as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity. (PACE Code A at [2.2])

What constitutes 'reasonable' police stop and search within the British legal framework? The following should be procedurally and strictly applied: first, the officer must state the grounds for the search and the object of the search; second, show a warrant card if he or she is not wearing a uniform; third, identify himself or herself and the station where he or she is based; fourth, inform the person being stopped of his or her entitlement to a copy of the search record form, explain the legality of the search and the power(s) being used; and fifth, inform the person that he or she is technically detained in law when an officer stops him or her.

Previous research has shown that the rules governing police stop and search are not always followed. It has been reported that Black people living in Britain continue to suffer the burden of police stop and search. A refusal to be stopped and searched has sometimes led to physical confrontations resulting in unnecessary loss of life. There is compelling evidence to suggest that police officers who breach PACE 1984

are inadequately sanctioned. Basically, what we have in today's British policing is that PACE 1984 is serving as a guide and not a statutory prohibitory law (see Bowling and Phillips, 2007; Fitzgerald, 1999; Macpherson, 1999; MPA, 2004; Scarman, 1981). It can be argued that this legal loophole in the constitution and the use of police discretion have created a platform for abuse of human rights and, more importantly, have created a problematic situation whereby police officers are encouraged to act with impunity as if they are above the law. But first, let us look at the Police and Criminal Evidence Act 1984 and explore what it was actually designed for.

## SECTION 1, CODE A POLICE AND CRIMINAL EVIDENCE ACT 1984

PACE provides the police with the power to stop and search any person or vehicle when the officer has reasonable grounds for suspecting that stolen or prohibited articles will be found. The PACE powers allow police officers to conduct a full search of individuals, as well as anything they may be carrying or any vehicle they are in. According to the PACE Code of Practice A, the primary purpose of the power is 'to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest'. This is not necessarily the case, as the use of police discretion may be sometimes subjective; it all depends on each individual police officer. It is important to note here that conducting a stop and search without reasonable grounds for suspecting a crime was going to be, or has been, committed may be unlawful (see Lugarsten 1986).

It is important to note that s. 23 of the PACE Act 1984 states that 'police officers must have reasonable grounds to suspect that a person is in possession of stolen or prohibited articles'. While 'reasonable grounds' will depend on circumstances,

there must be an objective basis of suspicion based on accurate and relevant 'facts, information and/or intelligence'.

In one report (MPA, 2004) was carried out on behalf of the Metropolitan Police. It made the following useful finding:

the present level of stop and search has increased the level of distrust in our police. It has created deeper racial tensions and antagonism against the police. It has increased the level of cynicism regarding the law. It has increased the level of scepticism about police officer credibility. It has trampled on the rights of too many Londoners. It has cut off valuable sources of community information and criminal intelligence . . . The disproportional use of stop and search rates are a reflection of a collective pattern of police culture and practice. The scrutiny panel is forced to conclude by the evidence presented that stop and search practice continues to be influenced by racial bias. (pp. 9–12)

Macpherson (1999) also took the view that police stop and search has led to a contentious relationship between the police and Black Londoners. One of the conclusions drawn by the report was as follows:

if there was one area of complaint which was universal it was the 'stop and search'. Nobody in the minority ethnic communities believes that the complex arguments which are sometimes used to explain the figures as to stop and search are valid. . . . Whilst there are other factors at play we are clear that the perception and experience of the minority communities that discrimination is a major element in the stop and search problem is correct. (Macpherson, 1999, p. 312)

The report went on to suggest that:

it is pointless for the police service to try to justify the disparity in these figures purely or mainly in terms of the other factors which are identified. The majority of police officers who testified before us accepted that an element of the disparity was the result of discrimination. This must be the focus of their efforts for the future. Attempting to justify the disparities through the identification of other factors, whilst not being seen vigorously to address the discrimination which is evident, simply exacerbates the climate of distrust.

Recommendation 61 of the report in relation to stop and search explains further that:

the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all 'stops' and 'stops and searches' made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called 'voluntary' stops must also be recorded. The record is to include the reason for the stop, the outcome, and self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.

Meanwhile, recommendation 63 of the report proposes that:

Police Authorities be given the duty to undertake publicity campaigns to ensure that the public are aware of 'stop and search' provisions and the right to receive a record in all circumstances'. (Macpherson, 1999, p. 334)

I shall argue that, with the passing of the Police Reform and Social Responsibility Act 2011, with provisions to do away with the recording of all stops and searches by

police officers, which the act proclaims will bring about the cutting of bureaucratic red tape, free more police from doing paper work and provide them with more time dedicated to fighting crime, Black people in Britain will continue to suffer discrimination and disproportionate use of police stop-and-search powers.

Stop and search is a very costly exercise both for the police and for the community. While the impact of the damage to race relations is difficult to measure or quantify, it leads to tension, distrust and disintegration or breakdown of community/race relations. The impact of stop and search on Blacks is well summarised in the Scarman Report (1981). Regarding police officers:

> They provoke the hostility of young black people, who felt they were being hunted irrespectively of their innocence or guilt. And their hostility infected older members of the community who, hearing stories of many innocent young people who had been stopped and search, began themselves to lose confidence in, and respect for, the police. (Scarman 1981, pp. 51–52) (see also Fitz-Gerald, 1999; Fitzgerald & Sibbit, 1997; Gilroy, 1987; HMIC, 1997, 2000, 2001)

The Black Police Association's uncompromising stance on racism in the police service is clear. In its submission to the MPS scrutiny panel into stop and search, it made the following observation:

> We still have a monoculture police service. I find that if you want to survive in the police service you have to adopt the culture or the white culture if you want to be specific. Now the disproportional factor that we are talking about here is about racism full stop. From the last time I checked the statute books, there is no offence Driving Whilst Black or Walking Whilst Black. That has to stop. You

cannot look at people and assume that because they are Black they are up to no good. No amount of training in my books is going to get rid of that. What we have to do is to let people know under no uncertain terms that this will not be accepted. (MPA, 2004, p. 35)

## EVIDENCE OF POLICE RACISM

In order to substantiate my claims about police racism, I present evidence of police racism using data collated from previous studies. Under s. 95 of the Criminal Justice Act 1991, the Secretary of State is required to publish such information as he or she considers expedient in order to enable those involved in the criminal justice system to be aware of both the financial implications of their decisions or to avoid discrimination on any of the prohibited grounds. I present data on the following key areas:

1. number of stop-and-search incidents by age, ethnicity and gender over time;
2. complaints to the police by ethnicity.

## Number of stop-and-search incidents by age, ethnicity and gender over time

This section discusses s. 1 of the Police and Criminal Evidence Act 1984. I took the decision to look at PACE for two reasons. First, PACE 1984 is the bedrock upon which day-to-day British policing is built. Second, it has been one of the police powers Black Londoners have persistently complained about; they have claimed that the police have continuously misused these powers, especially in the way they are applied to members of their communities.

In one report collated by the Home Office under s. 95 of the Criminal Justice Act 1991, it was reported that, for the year 2004–2005, the total number of police stops and searches was approximately 840,000. Of these, 628,000 were 'White', 118,000 were 'Black', 60,000 were 'Asian'

and 12,000 were of 'other' origin. A workable agreed formula is used to arrive at conclusions, taking into account the resident population of a given geographical area accounting for all stops and searches per capita or per 1,000 head of population.

A recent publication by the Equality and Human Rights Commission (EHRC) (2010) raises further issues. First, despite years of debate and several initiatives aimed at tackling the problem, these ratios of stops and searches have remained stubbornly high. The majority of stops and searches in England and Wales are conducted under PACE. The Commission believes that the current police use of PACE stop-and-search powers may be unlawful, disproportionate, discriminatory and damaging to relations within and between communities; the evidence points to racial discrimination being a significant reason why Black and Asian people are more likely to be stopped and searched than White people.

> It implies that stop-and-search powers are being used in a discriminatory and unlawful way; over the years several initiatives have aimed to tackle this problem. Due to patchy implementation and lack of consistency, however, none has successfully made the necessary lasting impact on rates of disproportionality. (EHRC, 2010, pp. 2–6, 47)

For further illustration, and to support my arguments on disproportionality, see Table 1.

As Table 1 suggests, on average Black people are stopped more than Asian and White people in England, Wales and London. The rate of Black stops and searches in England per 1,000 stands at a staggering 128.8, with 16.9 for Whites and 39.7 for Asians; it was reported that the Black/White ratio is higher than the Asian/White ratio.

In the final part of the table, excess stops and searches were rounded up to the nearest

### Table 1: Stop–and–search rates, disproportionality ratios and excess stops in England and Wales, 2007/08

|  | England | Wales | London |
|---|---|---|---|
| Rates per 1,000 |  |  |  |
| White | 16.9 | 14.0 | 40.8 |
| Black | 128.8 | 67.7 | 167.8 |
| Asian | 39.7 | 25.8 | 62.6 |
| Other | 32.1 | 15.0 | 55.4 |
| Total | 21.6 | 15.5 | 60.4 |
| Disproportionality ratios |  |  |  |
| Black/white | 7.6 | 4.8 | 4.1 |
| Asian/white | 2.3 | 1.8 | 1.5 |
| Excess stops and searches (to nearest thousand)★ |  |  |  |
| Black | 150,000 | 28,000 | 104,000 |
| Asian | 52,000 | 17,000 | 19,000 |

★*Source:*
Equality and Human Rights Commission (2010) *Stop and Think: A Critical Review of the Use of Stop and Search Powers in England and Wales*, UK, EHRC.

thousand. Blacks were stopped 150,000 times in England alone, 28,000 times in Wales and 104,000 times in London. Meanwhile, stops and searches of Asians numbered 52,000 in England, 17,000 in Wales and 19,000 in London. One can conclude from the above data that Black people are stopped and searched more than any other racial group in Britain. This can be confirmed by a closer look at the section on disproportionality ratios.

Looking at a borough-to-borough analysis of stops and searches in London, it can be seen that:

> black stop and search rates are even higher than overall rates, with all boroughs recording rates over 90 per 1,000 subjects residing in each borough, and the highest rates in the inner London boroughs of Westminster, Tower Hamlets, Camden, Islington and Kensington and Chelsea . . . with stops and searches (over

5,800) associated with large Black populations in Hackney, Lewisham, Southwark, Lambeth, Wandsworth, Brent and Croydon, but not in Newham which had the lowest Black stop and search rate and disproportionality ratio of all the boroughs considered. (EHRC, 2010, p. 26)

A possible explanation of why there are more stops in Hackney, Southwark, Lambeth, Brent, Wandsworth and Croydon is that there are more Black residents in these boroughs than in Newham.

## Complaints to the police by ethnicity

First, there is a history of distrust and lack of confidence in the police by BME members. Second, Black Londoners have complained against the police for deploying unfair and reactive methods of policing against them for many years (see Phillips and Phillips 1998, p. 5). It is important to mention here that the relationship between Black Londoners and the police had already broken down as far back as the 1950s, when the first generation of immigrants arrived in Britain (Whitfield. 2004).

I shall argue here that it is somewhat problematic to distinguish between Blacks of African and Caribbean origin in terms of which group complains more against the police. Race statistics provided to us by the Home Office and other statutory agencies in Britain rarely make this distinction, as evidenced in previous studies. Remarkably, the 2001 Census has provided researchers with a basis for distinguishing between Blacks of African and Caribbean origin (EHRC, 2010; Home Office, 2007).

However, Black people continue to be lumped under one heading of 'Black' or 'Black minority ethnic' (BME). I shall argue that such racial grouping or classification is deeply misleading for two reasons. First, Blacks of African origin do not see themselves as having the same culture, religious beliefs systems, family systems, delicacies, languages and mode of dressing, and the distinctive names they bear are a true testimony to the fact that Blacks are not all the same. They should be treated and accorded separate status in their own distinctive individual or group rights. In Britain, hardly any research has been carried out in sufficient depth to clarify these distinctions, with the resulting misleading and skewed categorisation of Black people into one heading: 'Afro-Caribbean', or sometimes 'Black Minority Ethnic'. It has thus proved problematic to measure who suffers the brunt of police racism more: Blacks of African or of Caribbean origin.

I present here some of the data provided by IPCC 2007/08 in relation to the ethnicity of those complaining to the police. For the year 2007/08, it was reported that a total of 28,963 complaints against the police were received. Within the Metropolitan Police Force area, a breakdown of the ethnicity of complainants for 2007/08 was as follows: White 1,730 (34%); Asian 386 (7%); Black 979 (19%); other 229 (4%); not known 1,832 (36%); total 5,156. I wish to draw the attention of my readers to two issues resulting from these data.

First, the total number of complaints by Blacks stands at 979 (19%), which is very high. There are two possible reasons for this: either a reasonable proportion of these complaints resulted from stop and search or they were due to a high arrest rate. It can be argued that both stop and search and high arrest rates of Black people are driven by the use of police discretion alone and not because there are 'reasonable grounds to believe that a person may have committed an offence or is committing an offence'. In circumstances where the police rely solely on discretion to arrest a suspect, this may amount to unlawfulness (Kleinig 1996).

Second, I would argue that arrest rates alone cannot provide a reliable source for

measuring crime rates in our society. And the fact that a person is arrested does not necessarily mean that the person has committed an offence. This still has to be proved beyond all reasonable doubt in a court of law. Other factors such as British Crime Surveys, victim reports and conviction rates collectively have a role to play in measuring crime in the UK.

## CONCLUSION

I conclude by reiterating a view recently well articulated by Dr Richard Stone, a member of the Stephen Lawrence investigation panel. He argues that police tactics remain biased against the Black population, and identified stop–and–search tactics that disproportionately target young Black men, and the absence of even one serving Black or Asian officer above the rank of Commander at Scotland Yard: 'The police really haven't moved on at all when it comes to racism.' More importantly, he argues that the Metropolitan Police remain institutionally racist. If long-lasting solutions are not found to address the unhealthy police/Black relationship, the police stand the risk of losing their legitimacy and the trust and confidence of Blacks of both African and Caribbean origin.

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