



RUNNYMEDE TRUST WRITTEN CONSULTATION RESPONSE TO:

Policing in the 21st Century: Reconnecting police and the people

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Runnymede is the UK's leading independent thinktank on race equality and race relations. Through high-quality research and thought leadership, we:

- Identify barriers to race equality and good race relations;
- Provide evidence to support action for social change;
- Influence policy at all levels.

The criminal justice system (CJS) has long been of special concern to us.

We welcome the opportunity to comment on what the Home Secretary hails as “the most radical change to policing in 50 years”. However, we have opted against answering the questions set out in the consultation document, preferring to make more general points about policing and BME communities. Some of the ideas set out in the document are of great concern to us, which we outline below.

1) Elected Police and Crime Commissioners

Giving more power to the people is something Runnymede supports in principle. Increasing local accountability and giving the public a direct say in how their local area is governed seems self-evidently laudable. Yet, as we have argued elsewhere,¹ there are serious challenges posed by ethnic diversity to improving participation of all groups in our democratic processes at neighbourhood and local level.

We know, for example, that turnout rates at elections are partly influenced by race and ethnicity, and that our national democratic processes and structures are very unequal where race is concerned. Although data on this issue are limited, there is no reason to think that introducing new local decision-making structures – such as elected police and crime commissioners – will circumvent the inequalities that already exist in governance structures. Indeed, the government needs to consider the possibility that these inequalities can be exacerbated. If there are unequal levels of voter turnout and political representation on a local level – and there is evidence that this is the case – this will in fact serve to weaken democratic accountability, unless steps are taken to address this.

Although the issue of diversity is briefly discussed in paragraph 2.22, the overall shape of the proposals does not indicate a real understanding of how a system of elected police commissioners could undermine vulnerable groups, or the steps the government needs to take to ensure that this does not happen. The ideas set out in the consultation document are based on the assumption that localism is by definition a good thing, regardless of shape and form.

As with other types of devolved power, however, elected police commissioners will run the risk of parochialism. The usual example given in this respect is the spectre of a BNP police commissioner, but less extreme examples and scenarios are equally concerning. What if a ‘local community’ decides that their policing priority is to target young black men? Will there be any safeguards to ensure that such concerns would be based on facts rather than perceptions? What if the ‘community’ wants the police to expel gypsies and travellers from an authorised site?

Local communities have their own particular histories that often give rise to strong traditions and identities. Those who fall outside those traditions and identities can be seen as threats and be excluded as a consequence. If the aim of elected police commissioners is to democratically respond to local need, the danger is that ‘local residents’ will not want ‘outsiders’ to be involved in determining what matters to the ‘community’ and exclude them from decision making processes. This will render local participation uneven and unfair.

¹ <http://www.runnymedetrust.org/uploads/file/CIC%20Thinkpiece%200507.pdf>

2) Monitoring Stop and Account and Stop and Search

As the recent Ministry of Justice report on Statistics on Race and the Criminal Justice System reminds us, minority ethnic people remain over-surveilled and under-protected within our criminal justice system. A particular sticking point has been the persistent disproportionality in the stop and search figures.

Black people are stopped and searched by the police at more than 7 times the rate of white people and Asians are stopped and searched at more than twice the rate of whites. This disproportionality echoes throughout the criminal justice system; though accounting for 2.2% of the British population, Black people make up 15% of the prison population – beating even the United States in terms of disproportionality.

It has now been over 11 years since the Stephen Lawrence Inquiry highlighted the differential treatment of BME groups in the CJS, and the topic is as relevant as ever. Runnymede has worked extensively on this issue; last year we published *The Stephen Lawrence Inquiry 10 Years On – An Analysis of the Literature*,² and earlier this year we published our report *Ethnic Profiling – The Use of 'Race' in UK Law enforcement*.³ We are, however, concerned about the continued lack of clarity and poor quality of evidence informing the debate. For this reason, we have joined StopWatch, an action group formed of leading organisations from civil society, the legal profession and academia.

We take seriously police claims that stop and search tactics are an important tool in the fight against crime. But history has shown us that without accountability, these tools are abused. The results in the past have been disastrous, which is why – following the Stephen Lawrence Inquiry – structures have been put in place to make stop and search more accountable. Much of the criticism of measures such as section 60 is not so much that they are used, but where and when they are used; the police often fall back on section 60, even when it may not necessarily be needed, and often do not give communities enough choice on crime reduction strategies.

We support the Government's proposals to “ensure that crime data is published at a level which allows the public to see what is happening on their streets and neighbourhoods” (paragraph 2.34). But this must be matched by providing local communities with information about police performance and what activities are being undertaken by the police in their local areas, with what purpose and to what effect. It is essential for the outcomes of stop and search to be measured and that this statistical information is shared with communities to allow them to assess the legitimacy and effectiveness of the use of stop and search and policing powers more generally.

This is why we are concerned that accountability measures in relation to stop and account as well as stop and search are being eroded. The Crime and Security Act 2010 reduces the

² <http://www.runnymedetrust.org/publications/119/32.html>

³ <http://www.runnymedetrust.org/publications/143/32.html>

reporting requirements on stop and search forms by amending the *Police and Criminal Evidence Act 1984* (PACE) and will come into force in January 2011. Currently, PACE requires a police officer to complete a full record of a stop and search and, where practicable to do so, provide the individual with a copy of the record at the point of contact. This act removes a number of the current reporting requirements, namely: the name of the person searched or other description of the person, or description of the vehicle; whether anything was found as a result of the search; or whether any injury or damage was caused as a result of the search. There are numerous problems with these reductions. The changes will make it difficult to assess the effectiveness of stop and search; they remove an important safeguard (reminding officers that their conduct during a stop and search is being monitored and that they are accountable to the public); and they will make it difficult to measure repeat stops and victimisation, a particular concern for communities that bear the brunt of 'hard' policing techniques.

The consultation document suggests that further changes to the stop and search form are planned, although it is very thin on detail. Paragraph 3.13 states that the government aims to "maximise the use of available technology to further reduce the paperwork in policing so that, for example, an officer will only need to record manually three pieces of information on a stop and search record", but doesn't clarify what this entails. We are concerned that only collecting "three pieces" of information on a stop and search does not provide enough information to effectively monitor stop and search either by police supervisors or external monitoring groups to ensure that stop and search is used fairly, effectively and within the law. We recognise the desire to reduce bureaucracy in policing but argue that it is essential that all changes result in improved not weakened community engagement and accountability.

3) Conclusion

The Equality Impact Assessment Report of the consultation document states that the "core policy themes contained in **Policing in the 21st Century: Reconnecting the police and the people** consultation strategy document will not introduce any discriminatory practices". We find this analysis overly optimistic.

It is intolerable that due largely to 'hard' policing techniques, some communities feel alienated from, and threatened by, the police. Surely there is a place for these communities in the coalition's Big Society. The Home Secretary has stated that "the police service must accept a transfer of power over policing from Whitehall to communities".⁴ Those communities who bear the brunt of stop and search tactics must also have their share of influence here. Without proper monitoring of these tactics, however, how can anyone be expected to reach an informed opinion about them?

We would do well to remember not only the logical rationale for Macpherson's recommendations on police stop and search practices and the statistical evidence

⁴ <http://www.homeoffice.gov.uk/media-centre/speeches/theresa-may-police-fed>

justifying them – which are as relevant today as they were in 1999 – but also the history of the relations between the police and black people in Britain. The lasting legacy of mistrust left by uncontrolled and unmonitored stop and search based purely on suspicion, most famously exemplified by the Sus Law, is still felt by the black British population.

If you would like to discuss any aspect of this response, please contact Rob Berkeley (Director) at the Runnymede Trust, 7 Plough Yard, Shoreditch, London EC2A 3LP Tel: 020 7377 9222.

Further information about the Runnymede Trust can be found on our website – www.runnymedetrust.org