



StopWatch policy group submission to the Home Affairs Committee inquiry into the riots

Executive Summary

StopWatch is a coalition of academics, legal experts, civil society groups and young people that works to reduce disproportionality in and promote best practice in stop and search powers.

Along with the rest of the nation StopWatch were horrified by the scenes of violence witnessed around the country during the August disturbances. We feel that it is vital that the right lessons are learned to prevent this from happening again.

We are concerned that the inquiry seems to be focussing only on enforcement issues and neglected the vital role that community relations played in causing the riots and could play in preventing them in the future.

We feel that it is a mistake to ignore the specific history of the area in which the riots took place, an area with a long history of tension between community and police force which has often been caused or exacerbated by the excessive use of stop and search.

StopWatch recognises that the police are operating at a time of constrained resources. However, we do not feel that improved resources would significantly reduce the probability of disturbances breaking out again. Instead the solution lies in improving communication and reducing the extent and disproportionality of the deployment of stop and search.

In terms of police tactics we feel that, while more forceful tactics may have limited the spread of the riots, they would not have prevented them. Better relationships with the community are the only long term solution.

On the matter of Police powers we feel that there is significant improvement that could be made which would significantly reduce the chance of future disturbance. However we feel that this would not result from an increase in the licence granted to police officers on the streets. In fact we feel that the deployment of police powers to stop and search plays a significant role in exacerbating the kind of tensions which erupted so destructively across the country.

Finally we conclude that the riots were complex and, in order to be effective, fair and democratic the response must be nuanced. Excessively punitive or simplistic measures will simply exacerbate the problems which caused the riots in the first place.

1. About StopWatch

StopWatch is a coalition of legal experts, community activists, civil society groups, academics and young people that works to reduce disproportionality and promote best practice in stop and search powers. StopWatch is formed of three groups: legal, policy and youth that each tackle different areas of the stop and search agenda.

2. StopWatch was as horrified by the riots as the rest of the country but we fear that unless the correct lessons are learned there is the real risk that they will recur. We are therefore keen to offer what knowledge and expertise we have in the hope that these lessons can be learned and future violence can be avoided or curtailed.

3. Concerns about the inquiry

The Home Affairs Committee's (the committee) request for submissions makes special reference to the issues of: police powers, funding, tactics and equipment. We believe that there are vital questions to answer about these subjects. However we are concerned that the way they are framed implies an approach that is based purely on enforcement. We feel strongly that answers to these questions that do not undermine the traditions and ethos of British policing cannot be found simply through improving the enforcement capabilities of the police force.

4. Community relations are vital

Police – community relations are vital to this inquiry. It has been claimed that the riots were the result of apolitical criminality and therefore unrelated to a given community's experience of policing. However, it would seem strange to disregard the fact that riots exploded in a community (Tottenham) with a history of over-surveillance and under-protection which have contributed to a tense relationship between that community and the local police. The community's reaction to the death of Mark Duggan and the subsequent handling of the investigation by the Independent Police Complaints Commission seems to exemplify this.

5. It is unwise to draw simple, hasty conclusions. Nonetheless there are indications that the riots were closely linked to the experience of policing. In community forums like London 24 residents have explicitly linked the eruption of violence to young people's anger at being subject to excessive stops in Tottenham, Hackney and in Lewisham. We feel that stop and search is intrinsic to understanding both why the

riots happened and how they can be avoided or minimised in the future. The location of much of the violence corresponds to areas of high social tension such as Birmingham, Hackney, Lewisham and Tottenham; there is a danger that the presence of looting in outlier areas such as Barnet distorts this. At the very least it seems clear that people who burn buildings and smash windows feel that they have little real stake in their community.

6. Dr. Ben Bradford has discussed the role of stop and search in undermining a community and an individual's feeling that they belong to wider society (Bradford 2011). This must surely be a prescient consideration in the context of the riots.

7. On the 7th of September the Committee on the Elimination of Racial Discrimination issued their response to the presentation of government policy to the UN in Geneva. The committee was a pains to highlight its concerns regarding the use of stop and search:

18. The Committee regrets the increased use of "stops and searches" by the Police which disproportionately affect members of minority ethnic groups, particularly persons of Asian and African descent.

8. We also feel it is enlightening to consider the event that sparked the riots – the death of Mark Duggan – in the light of the death of Stephen Lawrence as insensitive treatment of the relatives of the deceased marked both cases. It is disheartening to see that 10 years later such clumsy handling of community and family relations persists.

9. Key issues for the inquiry

We will now address some of the key issues raised by the inquiry and discuss how we feel a focus on community – police relations and consent based policing can be beneficial in answering them.

10. Police resources

Like many public services, the police are facing massive funding cuts. The committee have asked whether the police had sufficient resources to deal with the unrest. We feel that the government does not have sufficient resources to fund the police to a level that would prevent or significantly curtail the disorder witnessed in August and that increased resource can only be, at most, a partial solution. There is also a question of the priorities adopted by the police in their deployment of such resources they do have available. Since the riots large-scale resources are being devoted to operations to identify, arrest and prosecute riot participants. This heavy deployment of police in riot areas runs the risk of further incidents, such as the killing of Mark Duggan reoccurring.

11. A more useful response to the riots would be to look at how police can improve their relations with the community. Improved communications but also a reduction in the use and vitality in the disproportionality of stop and search would prove beneficial here. This would reduce the sense of grievance within the community, and in doing so reduce the burden on resources and improve safety as members would feel less resentment and more inclined to cooperate with the police. There is evidence that they would feel more invested within their communities reducing risk of future riots and reduce participation in the event of recurrence of disorder.

12. Police Equipment + non-standard procedure

Some commentators assume that if police have sufficiently high tech equipment they will be in a position to enforce better enforce the law. We feel that unless the police have the right attitude and relations with community, increased equipment will simply improve their ability to inflict violence when disorder occurs but do little to prevent it from erupting. It may be that equipping the police with certain equipment would deter future disorder. However it would involve radical changes to the nature of British policing; for instance the introduction of armed police patrols on the streets. We feel this would be an intolerable breach in the tradition of British policing, and one that would have little support either among the public or many police officers.

13. Police Tactics

The committee asks whether special training could be employed to improve police tactics in the future disturbances. It is entirely possible that a quicker, firmer response may have limited the degree to which the riots spread across London and the country. It also seems highly likely that much of the disturbance was a result of local tensions erupting, in Birmingham for instance, or Tottenham. Harder and faster police response would have had a limited impact upon these tensions. On a more pragmatic level, it should be noted that when London was flooded with police this involved 16000 police officers many drawn from areas outside London. Croydon has a population of 340,000 of which 21% are aged 16 or under. If a significant number of that population refuse to be policed then no degree of robust policing or sophisticated tactics – or at least none that should be countenanced by a democratic society – will be able to police it.

14. Police Powers

The debate over police powers exemplifies these issues. Arguably it is the excessive or clumsy deployment of the powers already available which has contributed so much to the tensions which erupted in August.

15. Since the Police and Criminal Evidence (PACE) guidelines were introduced the use of stop and search has increased exponentially. At the same time the licence given to officers to subject citizens to temporary detention has also expanded to a worrying degree. The number of stop and searches carried out has grown from 100,000 when PACE was introduced to 1,126,258 in 2008/9. At the same time evidence consistently indicates gross disparity in the distribution of these stops. Black people are stopped and searched at 7 times the rate of whites, Asians are stopped twice as often, yet the arrest rate for all groups remains broadly the same.

16. Recently police forces were released from the duty to even record and monitor their use of stop and account. This amounts to a major reduction in accountability in relation to a power which already causes significant tension between police and community.

17. In recent years we have also seen the extension of exceptional powers of stop and search, both on the streets and in ports and airports. Use of Section 60 of the Criminal Justice and Public Order act has grown over 282% in the period between 2005 and 2010. For ten years straight the whole of London lay under a Section 44 order which only ended when the European Court of Human rights ruled the law illegal. Meanwhile Schedule 7, which allows police at ports and airports to detain and question anyone, for up to 9 hours without reasonable suspicion or the right to a lawyer. Once these powers show drastic signs of disproportionality, section 60 is deployed against Black people at 27 times the rate of whites, Schedule 7 affects Asians at 42 times the rate of white people and it has been indicated is one of the most important factors affecting the Muslim community's relationship with the rest of the UK. (Ministry of Justice 2010)

18. Despite these worrying trends evidence for the effectiveness of stop and search remains at best slight. Only 2% of section 60 stops actually result in an arrest for violent crime related offences, only 4% result in any arrest at all. Counter-terrorism legislation like Schedule 7 has been linked to widespread feelings of persecution and harassment among Muslims that potentially undermines their purported aim of protecting the UK from Islamic extremist related violence. Yet less than 1% of Schedule 7 stops result in an arrest. (StopWatch 2011)

19. We would also point out that it is not simply advocacy groups and Tottenham residents who are disturbed by such disproportionality. In 2009, on the anniversary of the StephenLawrence report the Home Affairs Select Committee noted: *"In 1999, a black person was six times more likely to be stopped and searched under Section 1 of the Police and Criminal Evidence Act 1984; in 2006/07 it was seven times... balance... needs to be struck between use of the power to prevent or detect crime and the negative impact its use has on public co-operation with, and support for, the police."* (Home Affairs Committee 2009)

20. It might be useful for the committee to enquire into the extent to which, in the months leading up to the riots, the areas affected had been subject to targeted 'anti-

gang' raids or excessive use of police powers of stop and search, whether requiring reasonable suspicion (as under section 1 of PACE) or without (section 60 of the CJPOA 1994). The latter power is designed to prevent imminent acts of violence, but it may be that its use had the opposite effect in this instance.

21. Fundamentally there are no democratic ways of extending the power or licence that police officers exercise on the streets that would have had a significant impact either in curtailing the recent unrest, or preventing it in the future.

22. Conclusion

Since Sir Robert Peel founded the Metropolitan police force in 1829, the UK has operated with the recognition that the British Police Service can only act with the consent of the policed. The riots demonstrated what happens when that consent is withdrawn. Unless the committee is to propose serious incursions into liberty then there are no extensions of power, funding or licence that will prevent or dramatically limit the chances of a recurrence of the August disturbances. Such incursions would only be effective at the cost of a venerable tradition of British policing. One which achieves admirable levels of order and safety with few of the coercive mechanisms employed in comparable jurisdictions. It would also entail the loss of any workable relationship with Black and Minority Ethnic groups in the UK many of whom already often feel that they are subjects rather than beneficiaries of the police and criminal justice system. The riots were complex and our response must be nuanced. While the urge to act is understandable, simplistic reforms will exacerbate the very tensions that caused the riots.

References

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Further information on StopWatch can be found at: www.stop-watch.org