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## **New report: Drug policing drives racial disparity in the criminal justice system**

**Black people nine times more likely to be stopped and searched for drugs in England and Wales despite using less drugs than the white people**

**Cannabis laws criminalise the black community at disproportionate rates**

LONDON (October 14, 2018): *The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales*, a new report, was launched today by Stopwatch, Release, and the London School of Economics and Political Science. The report highlights that, whilst the use of stop and search has fallen significantly, there has been a shocking increase in racial disparities in the policing and prosecution of drug offences.

Black people are now nine times more likely to be stopped and searched for drugs despite using drugs at a lower rate than white people. This is a marked increase on 2010/11 figure when black people were six times more likely to be searched for drugs. Black people are now stopped and searched for any reason at more than eight times the rate of whites - a figure that has more than doubled since 1998/9, when the Stephen Lawrence Inquiry declared stop and search to be 'institutionally racist'. In 2016/17, every police force in England in Wales stopped and searched black people at a higher rate than white people.

Across England and Wales, drugs searches account for 60% of all stop and searches, and the vast majority are for simple possession. In some parts of the country the focus on drugs is much stronger - 82% of searches by Merseyside Police force in 2016/17 were for drugs.

Dr Michael Shiner, co-author of the report, said: "For all the talk of knife-crime, gangs, and serious violence, the reality is that stop and search is still being used to over-police vulnerable communities for low level drug possession. While studies have repeatedly shown that stop and search has no impact on knife crime and serious violence, it selectively criminalises black people and those from other minority groups for offences that are largely ignored in other contexts. Whatever the intention might be, stop and search is a driver of discrimination".

Dr Rebekah Delsol, co-author of the report, said: "More than four years after the Home Secretary declared that stop and search is unfair to young black men, it is shocking that the situation has got worse not better. The police are clearly unable or unwilling to deal with the problem and a solution needs to come from elsewhere. It is time for the Government to deliver on the promise of primary legislation. Forces that cannot use stop and search fairly and effectively should have the powers taken away from them until they can show that they can be trusted to use these powers appropriately."

The report also highlights that black people are treated more harshly when they are found in possession of drugs. The detection rate from stop and search is similar for all ethnic groups, but black people are arrested at a higher rate than whites and given out of court disposals at



a lower rate. Arrests for drugs as a result of stop and search fell by 52 per cent for white people between 2010/11 and 2016/17, but did not fall at all for black people.

Cannabis possession is driving much of the racial disparity in the prosecution and sentencing of drug offences. Black and Asian people were convicted of cannabis possession at 11.8 and 2.4 times the rate of white people in 2017 despite their lower rates of self-reported cannabis use, providing prima facie evidence of discrimination. More black people were prosecuted for cannabis possession than supply of Class A or B substances combined - this was the reverse for white people. Black people made up a quarter of those convicted of cannabis possession even though they comprise less than four per cent of the population.

Zoe Carre, report co-author, stated: “Not only are black people being discriminated against in the use of stop and search but they are being prosecuted at a much higher rate than white people for possession offences, especially in relation to cannabis. This is an appalling indictment of the criminal justice system, which is acting as a conveyor belt for the criminalization of young black people for low level offending, whilst treating white people more leniently for the same offences.”

Niamh Eastwood, Executive Director of Release, said: “If Theresa May is serious about tackling racial disparity in the criminal justice system then she has to address drug law enforcement, which she has abjectly failed to do. As our report shows police forces in some parts of the country are implementing innovative diversion programmes for those caught in possession of drugs, this should be rolled out nationally to prevent the over-criminalisation of young black men”.

*The full report can be found here: [The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales](#)*

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The authors of the report will be available for interviews and comments.

#### **Alternative Quotes for Journalists:**

##### **Hon Judge John Samuels QC (retired):**

“This highly important and relevant report emphasises similar themes which have become notorious; not least in the widely publicised and hard-hitting report of David Lammy MP.

There is a fundamental reason why the findings of the report are of such relevance to all judicial officers who apply the criminal law. The rule of law, and the respect which society as a whole has for the rule of law, depends on the principle of fairness and equal treatment for



all those affected by any aspect of law enforcement. When significant sections of society consider themselves treated unfairly, and any form of unequal treatment will contribute to the feelings of disrespect which they experience, their regard for the rule of law is to that extent eroded and potentially destroyed.

When a significant proportion of society, more particularly when identified on grounds of ethnicity, understandably develops such a reaction, the rule of law is potentially fatally undermined. Should this occur, the very fabric of civil society is under threat."

**The Rt Hon Diane Abbott MP, Labour's Shadow Home Secretary:**

"The report's findings are a cause for deep concern and the data reinforces what the community has been saying about their experience of policing for some time.

"We have learnt previously that stop and search inevitably leads to racial profiling. As previous research from both the Home Office and the College of Policing shows random stop and search is ineffective and can be counter-productive. Evidence shows the policing is better when its intelligence-led and when it's based on building links with all communities to enable them to be genuinely effective in fighting crime."

**Angela Herbert, MBE, Violent Crime Prevention Board:**

"Thank you for sight of this important report and for giving Dr Lawrence and I, co-chairs of the Violent Crime Prevention Board the opportunity to contribute our thoughts to these important but not new findings.

We do believe that knowledge of a systematic process, its impact and outcomes are hugely important where change is being sought.

VCPB endorses the use of evidence based practice, which the findings of the Colour of Justice report presents.

Dr Herbert and Dr Lawrence suggests that in the interest of transparency and continued positive interrelationships between communities, all services and agencies; this report gives MOPAC and the police an opportunity to be clear about its use of stop and search. If it is to reduce low-level cannabis use, this should be included in the policy and made clear; if not, the practice of disproportionate stop and search, arrest and charges of individuals using cannabis should cease immediately.



Priorities of stop and search should be influenced by data and evidence that result from current practices and outcomes, which is currently deemed a tool for the prevention of violent crime.

Failure to address this issue should result in the continued increase of predominantly Black males in the Criminal Justice System for low-level drugs, as well as an increased number of suppliers and users of Class A drugs, predominantly represented by members of the white community.”

**Simon Woolley, OBV Director, Board member of Police Now, and Board member of the Global Drugs Policy Project:**

“Drugs policy - Racial profiling and demonising must stop.

The Government, Police and Crime commissioners and the two main London Mayoral candidates should seriously take note of this damning report.

Drugs policy, particularly through police ‘stop and search’ is still shockingly, and at times brutally racialised.

Black people are nine times more likely to be stopped and searched for drugs, in spite of the likelihood that white people are more likely to be found with drugs during stops.

Young Black people are acutely aware that hundreds of thousands of white club goers and festival revellers virtually get a ‘free pass’ to take class A recreational drugs, whilst the ‘stop search’ and humiliate is routine for many Black youths.

The present drugs policy, which often translates as illegal racial profiling, has the opposite effect in the very real challenge against knife crime. Knife crime and gang violence cannot be solved by the dragnet ‘Stop and search’ approach, but rather by intelligence led from building trust in the Black communities. The present drugs policy approach, far from building trust, breeds anger, resentment and total distrust from the very communities who want the policy to effectively deal with knife crime and violence.

This report sadly shows that institutional racism within the police force is still a huge problem.

Furthermore, it should focus the minds on the Gov, Police and crime commissioners and the two London Mayoral candidate, both of whom have recently advocated for more ‘Stop and searches’. First, racial profiling is illegal and erodes the very concept of policing by consent. Secondly, until we have an honest debate about recreational drugs: who is using them, how safe can they use them, how do we limit the involvement of organised crime with drug use, then, we will continue to be hypocritical and racially biased in regards to turning a blind eye to white middle class and white festival goer drug-taking, whilst demonising Black urban mostly ‘splif’-taking youths.”



**Debbie Abrahams, Member of Parliament for Oldham East and Saddleworth:**

“The findings of this report raise serious questions for the Prime Minister. As Home Secretary in April 2014 Theresa May stated to Parliament that stop and search was ‘unfair, especially to young, black men’.\*

Under her watch as Home Secretary and now Prime Minister, despite the number of stop and searches falling, disproportionality has increased with black people now more than eight times as likely to be stopped and searched as white people.

With the Lammy Review showing that disproportionate use of stop and search drains trust in the justice system among BME communities, the Prime Minister must immediately come to Parliament, explain the failure of her reforms and honour her pledge to introduce primary legislation to ensure that stop and search powers are used fairly, effectively and proportionately.”

*\* Hansard, 30<sup>th</sup> April 2014, Column 833*

#### **Notes to editors:**

1. In 2014, Theresa May, the then Home Secretary, introduced a package of reform aimed at improving the use of stop and search. When presenting these reforms to Parliament she announced: “ I am very clear that if I do not see change, I will be back with primary legislation”  
<https://publications.parliament.uk/pa/cm201314/cmhansrd/cm140430/debtext/1404300001.htm#14043038000002>
2. StopWatch is a coalition of academics, lawyers, civil society organisations, young people, and community stakeholders, which works to promote fair, effective and accountable policing.
3. Release is the UK’s national centre of expertise on drugs and drugs law providing expert advice to the public.
4. The International Drug Policy Unit (IDPU) is a cross-regional and multidisciplinary project based at the London School of Economics and Political Science (LSE). Utilising LSE’s academic expertise and networks, IDPU fosters new research, analysis, and debate about global drug policies.
5. Report and Executive Summary attached. [View the report online here.](#)