

British government widens police stop-and-search powers

Paul Mitchell
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The British government has given the police more powers to stop and search people. It says it will implement a number of recommendations published last week in the report, *Review of Policing*, by the Chief Inspector of Police Sir Ronnie Flanagan. Using the claim that it will cut the “bureaucracy” that “burdens” the police, Flanagan recommends more stop and searches without the police having to explain the reasons and scrapping the form police have to fill in that records why they stop someone and his or her name, address and ethnic background.

The stop-and-search form was a recommendation of the 1999 Macpherson Inquiry into the racist murder of black teenager Stephen Lawrence and was supposed to reduce fears amongst Britain’s minority population that they were being unfairly targeted by the police. At the time, liberal commentators and equal rights campaigners welcomed the changes, saying it would make the police more accountable and help overcome the “culture of institutional racism” in the force.

In fact, the annual statistics of stop-and-search figures not only suggest the fears of the minority population in the UK are wholly founded but they reveal just how vast the scale of stop-and-search operations are.

About 1 million people a year are stopped—equivalent to 2 percent of the adult population—with the proportion amongst black and Asian people being much higher. Few stops lead to arrests, and still fewer result in court cases or convictions.

In the latest published statistics for 2005-2006, there were 878,153 stop and searches under the 1984 Police and Criminal Evidence Act (PACE), a quarter of which were classified as stops of “non-white” people. Only 12 percent led to an arrest—a very small proportion of the total of 1.3 million arrests in 2005-2006. There are no figures available showing how many convictions resulted.

In the same period, there were 36,248 stops under the 1994 Criminal Justice and Public Order Act and 44,543 under the 2000 Terrorism Act. Just over 100 people were arrested on terrorism charges—way below 1 percent of those stopped—but again no information is available on the number convicted. Figures for 2002-2003 and 2003-2004 showed that none of the tens of thousands of people stopped ended up being found guilty of terrorism.

These figures prove research quoted in the government’s own stop-and-search guidance document that “shows no clear correlation between number of searches and detection rates for crime...or that increased stop and searches have an impact on crime rates.” “The more they are used, the more ineffective they are,” it adds. They have also led the Metropolitan Police’s former chief terrorist officer Andy Hayman to remark, “It is unlikely that a terrorist is going to be carrying bomb-making equipment around with them in the street. So I am not sure what purpose it serves, especially as it upsets so many people, with some sections of our community feeling unfairly targeted.”

Last week, two British Transport Police officers in Scotland claimed they were warned they face disciplinary action if they do not stop enough people and meet unofficial targets brought in following last year’s Glasgow Airport terror attacks. One of the officers said, “At the start of the shift, officers are told by supervisors ‘I need you to do say five or six today’ and questions are asked if you’re not achieving this. My worry is they seem to be using them as fishing exercises for other things like drugs and weapons but using terrorism laws as a catch-all power.”

The officer added, “You have officers stopping grannies or 15-year-old children and it is just embarrassing. They are so focused on keeping the numbers up and making sure the paperwork is up to date. People have been told to just get names out of the phone book so forms are completed.”

Other officials claim that though there may be few arrests or convictions, anti-terrorist stop and searches act as a deterrent to would-be terrorists. However, these powers were never justified to parliament on the basis of a general deterrent effect through the use of random searches but on the basis that specific intelligence would be gathered leading to the targeting and arrest of identified terrorist suspects. A year after Sir John Quinton of the Metropolitan Police Authority made a statement to this effect to the House of Commons Home Affairs Committee, the absurdity of this argument became apparent. In July 2005, London was rocked by terrorist bombs that led to the deaths of 52 people and the injury of hundreds more.

Since Flanagan presented his interim report to the government in September of last year, there has been a

concerted right-wing campaign to overcome public resistance to further police powers and steamroll through his recommendations. The pages of the newspapers have been plastered with lurid stories of the UK as a country stuffed full of “no-go” areas and plagued by gun crime. Particular venom has been directed at young black males, focusing on the 30 deaths from gang-related shootings and stabbings last year. Both Prime Minister Gordon Brown and opposition Conservative leader David Cameron demanded new powers for the police.

Milena Buyum, vice-chair of the National Assembly Against Racism, commented, “We are concerned that the extremely serious issue of gun and knife crime should be exploited to undermine one of the most important recommendations from the Lawrence Report, effectively removing its gains.

“The media storm on crime obfuscates the reality that crime is reduced on many indices; effective policing cannot be dictated by attempting to appease this agenda.

“It is unacceptable that any particular community should be brought under siege, with the pretext of the criminal actions of a tiny minority.”

Research by Professor Danny Dorling of the University of Sheffield recognises that though racism may be “rife” in the UK, it has not led to “rising levels of neighbourhood segregation, nor are any ghettos likely to be formed in the near future.” Further research by Dr. Ludi Simpson in the *Journal of Urban Studies* actually indicates that “racially, Britain is becoming more mixed, even though poor and wealthy areas have polarised under Conservative and Labour governments alike.”

This last observation goes to the heart of the reason why legislation has become increasingly repressive and the government is intent on giving the police whatever powers they need to prevent opposition to growing social inequality.

As Simpson points out, Britain has polarised along class lines. In recent decades, successive governments have carried out a major redistribution of wealth from working people to a tiny, privileged elite. Essential services that millions of workers and their families depend upon have been systematically gutted in order to provide tax breaks for the rich and the major corporations, and decent paying jobs have been replaced by low-wage labour. This has been accompanied by a law-and-order offensive aimed at the poorest and most vulnerable sections of society, particularly ethnic minorities.

In the 1970s, the police used their stop-and-search powers, known as the “Sus” laws, to arbitrarily harass working class areas, particularly the poorest black communities. Use of the Sus laws led to urban rioting in the early 1980s. The Scarman Inquiry into the Brixton riots made several recommendations that formed the basis of PACE, which states that police must have “reasonable suspicion” that a person had stolen goods, offensive weapons or “articles intended for damaging property” before they could stop and search them. This limited safeguard

has been under attack ever since.

In 1994, with the public bombarded by stories of uncontrolled football hooliganism and young people partying at raves, the Criminal Justice and Public Order Act allowed police to stop and search people without “reasonable suspicion.” It can only be invoked when there is a “threat of public disorder,” must be sanctioned by a high-ranking police officer and cannot last longer than 24 hours.

Under the banner of the “war against terrorism,” the Labour government has stepped up the attacks on fundamental democratic and legal rights. The 2000 Terrorism Act provided another justification for the police not needing reasonable suspicion to stop people. The government assured parliament it would only be used based in strictly defined circumstances. There had to be “an objective assessment of the threat posed by terrorism”—i.e., good intelligence—and a “formal briefing” of the officers involved, who could only stop people for “the purpose of searching for articles of a kind which could be used for terrorism.” Any stop-and-search operation was limited to 28 days, and had to be authorised by an assistant chief constable and ratified by the Secretary of State within 48 hours.

The anti-terrorism laws were used politically in 2003 against people protesting outside the Fairford Air Base and outside Europe’s biggest arms fair in London in 2003. Some 144 people were arrested in connection with the Defence Systems Equipment International show in London’s Docklands. During the court case that followed, it was not only shown that the arrests were illegal but it emerged that the Metropolitan Police had had its stop-and-search powers renewed every 28 days since the Act came into force two years earlier. Until then, no one knew that these powers were in permanent effect.

In 2005, 82-year-old Labour Party member Walter Wolfgang was famously thrown out of its annual conference for heckling Foreign Secretary Jack Straw as he tried to defend the war in Iraq. Police then used powers under the Terrorism Act to prevent Wolfgang’s re-entry.

In August 2007, these powers were used again at the Camp for Climate Action outside Heathrow airport. A hysterical atmosphere was whipped up by the media, with stories of anarchists trying to bring the airport to a standstill with bomb hoaxes and attempting to tear down the perimeter fences.



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