

# UK police to be given greater repressive powers after riots

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Britain's police are to be given significant new public order powers, according to proposals outlined in a Home Office consultation document. They include plans to declare specific places "no go areas", with a police superintendent empowered to instruct people to leave "to prevent or address serious disorder."

The proposals accept that it will not be possible in all instances to obtain judicial approval prior to the enforcement. A superintendent will be able to make the order, based on a "credible intelligence of a serious threat of such disorder in that place and at that time."

Other measures under consideration include giving police powers to force people to remove face coverings and impose individual curfews.

The Home Office document follows the riots in London and other cities in early August, after the police killing of 29 year-old father of four, Mark Duggan.

The disturbances are the result of increasing social deprivation and police brutality, faced by many working class youth. More than one in five 16 to 24 year-olds is out of work, and the situation is worsening as a consequence of the coalition government's austerity measures.

The government and the media insist that the riots were solely the product of a "feral underclass" that must be dealt with by greater repression. To date, almost 3,000 people have been arrested for offences relating to the disturbances. Many have been subject to punitive and politically-directed custodial sentences for often minor offences.

By September 12, according to Home Office figures, almost 1, 800 people had been brought before courts, mainly in London, for burglary and violent disorder. Some 43 percent of those charged with public disorder offences received immediate custody, compared to 12 percent for similar offences in 2010. The average

sentence handed down was also up from 2.5 months to 5.1 months.

At Crown Courts, which can imprison people for longer, 89 percent of those sentenced received immediate custody, with an average sentence of 18.5 months, up from 11.3 months the year previous.

The United Nation's children's fund, Unicef, has attacked the Conservative-Liberal Democrats' rush to imprison young people, especially those under-18-years old, for involvement in the disturbances. Figures show that 21 percent of those appearing in court for riot-related offences were juveniles, aged between 10 and 17. A further 31 percent were aged 18-20.

According to Ministry of Justice statistics, of the 269 children whose cases had not been completed by mid-September, almost 45 percent were remanded in custody. This compares with the average rate of 10 percent last year. Of those remanded, 60 percent have no previous convictions.

Unicef said the figures were "very worrying", and represented a possible breach of international law on children's rights, which stipulates jail should only be used as a last resort.

"The UN convention on the rights of the child is clear in article 37 that the detention of children should only happen as a last resort in criminal proceedings. The fact that 45% of the children detained on charges of rioting and looting are completely unknown to the UK's criminal justice system is, therefore, very worrying," its statement said.

According to figures from the Youth Justice Board, in the wake of the riots, the child jail population increased by 8 percent, with 170 detained due to the disturbances.

The UK imprisons more children than any other country in western Europe. Last year, 75 percent of children in custody were jailed for non-violent

offences.

Andrew Neilson, director of campaigns at the Howard League for penal reform, said the organisation was “very concerned that there was a rush to custody. Normally young people would be recognised as vulnerable and different and that would be reflected... and that wasn’t happening. It’s been a one-size-fits all approach.

“Children are by definition vulnerable in prison, and those on remand even more so. We should not disregard the fact that these children are innocent until proven guilty, and even if convicted many would not expect to receive custodial sentences.”

John Drew, the chief executive of the Youth Justice Board, said that overcrowding is now a pressing problem in children’s prisons. Many of those recently incarcerated have no previous experience of the criminal justice system. As a consequence all those remanded for riot offences have been categorised as vulnerable—an unprecedented step.

“We’ve suddenly gained 80 or so youngsters who have not been anywhere near the criminal justice system before,” he said. “They go into custody and there [are] all sorts of codes and ways of getting through a sentence that is alien to them. So the establishments have treated them all as vulnerable...”

Drew admitted that the large numbers detained, especially in London, meant prisons faced “congestion”. The trend to imprisonment has been remorseless in the capital. Just one of 50 young people awaiting sentence in Manchester was remanded in custody, according to reports, while in London the figure was 85 out of 219.

Drew said that as a result, “We had to move some children [out of London to the] north. We tended to move kids who were on a sentence in order to make room for those remanded. But there’s no secret in that, we did have to move kids around. It is simply about supply and demand and our capacity to afford the ideal.”

The situation is set to worsen, as the government makes clear its intention to intimidate and criminalise young people. The Sentencing Council, which promotes guidelines for standard sentencing in England and Wales, has thrown its weight behind the summary justice meted out in the wake of the riots—making theft in the course of social disorder an aggravating factor

for imprisonment. This means that those charged with looting shops or premises, even if only trifling items, can expect to be jailed.

The new guidelines will apply from January 16. Anyone charged with burglary during public disorder will have the upper limit of their sentences increased. Usually domestic burglary receives a custodial sentence of 26 weeks maximum. This will rise to two years during riots. Those charged with aggravated burglary—involving a weapon—will face up to nine years in jail if in the context of a riot, up from four years.

The guidelines also suggest that factors, such as possible gang membership, will affect judge’s decisions on sentencing. The government and media has made great play of the role of “gang-culture” in the riots, despite figures showing that less than 15 percent of those arrested were involved in anything remotely resembling “gangs”.

The accusation is being used to justify an intensified state clamp down on working class neighbourhoods. On October 13, police mounted a dozen raids on the homes of suspected “gang members” in areas of the capital affected by the riots. According to reports, the Metropolitan Police had earlier delivered letters to the homes warning the occupants that they would face “Al Capone-style” raids if they refused to give up their gang connections.

The raids were modelled on anti-gang measures in the United States and coincided with a visit by former New York police commissioner, Bill Bratton, to the UK. Bratton, who is credited with a “zero tolerance” approach to crime in New York, has been brought in to advise the government on policing measures. Expressing the thinking of the ruling class in the US and across the Atlantic, Bratton declared in a recent interview, “We got it wrong for so many years. We felt crime was caused by the economy, racism, poverty, demographics—these are influences and sometimes significant influences—but what causes crime is human behaviour.”



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