



Knowledge Exchange Network (May 2022): Disproportionality

The [Knowledge Exchange Network](#) on 3rd May met to address the theme of disproportionality in the criminal justice system. Young adults are disproportionately subject to police powers, most notably stop and search, and this is particularly the case for young Black men. The Network heard presentations on and discussed what is driving this, why current practice may be counter-productive and any local initiatives that have started to rectify it.

Stephen Walcott, Researcher at the Police Foundation

Stephen started the session with a presentation to introduce the topic. Key points, most of which were taken from the Police Foundation's [Strategic Review of Policing](#), included:

- Asian people, people of mixed ethnicity and people of 'other' ethnicity are all between 2.5x and 3x more likely to be stopped and searched under the Police and Criminal Evidence Act 1984 (PACE) than White people. Black people are 9x more likely.
- Ethnic minority groups are 7x and Black people specifically are 18x more likely to be stopped and searched under section 60 of the Criminal Justice and Public Order Act 1994, which does not require an officer to have reasonable suspicion that an individual is carrying something unlawful.
- [In London only](#), between January and December 2021, 17 per cent of all stops and searches were of children and 37 per cent were of young adults (aged 18-24). Young Black men were 18x more likely (rising to 26x more likely to weapons searches) to be stopped in London compared to the whole population. Young Black men were 4x more likely than young White men of the same age.
- Although the MPS carries out around half of all stops and searches and approximately 80 per cent of searches of Black people, every police force in England and Wales stops and searches Black people disproportionately to its resident populations.
- 16 per cent of all use of force incidents in the year ending March 2020 involved a Black person despite Black people only making up around 3 per cent of the

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population. This is a rate 6x higher than that of White people. The disparities differ by type of force used.

- The disparities continue throughout criminal justice outcomes. Black people, people of mixed ethnicity and people of 'other' ethnicity are disproportionately likely to be arrested and are overrepresented in the prison population. Around half of children in custody are from an ethnic minority background and 28 per cent are Black. Black young adults are over 8x more likely to be convicted of 'revolving door' offences.

Anthony, New Generation campaigner at Revolving Doors

Anthony spoke about his experiences of policing, the impact these have had personally and on his community, and what he thinks the solutions are. He explained that before his first contact with the police (at 12 years old) he had positive assumptions about them. However, since then, he has been stopped, searched and arrested many times, normally under the Misuse of Drugs Act.

Anthony recounted a particular incident when he was having a mental health breakdown and someone called the police anonymously. He explained that of the group of police officers that turned up, a male police officer was particularly aggressive while others were more empathetic. From his experiences, he believes police officers are more brutal when they are in a group.

Experiences like these have had an adverse impact on Anthony's views of the police. He no longer has trust and confidence in them. It has made him less encouraged to engage with the police and the agencies they work with. He also feels targeted because he is Black which is having a negative impact on his mental health. More widely, he feels that unequal policing has made him and his community less able to access opportunities.

Anthony suggested five solutions to disproportionate policing:

- **Diversity:** there needs to be more diversity in recruitment. Not only should there be more officers from an ethnic minority background and more women, reflecting the community being served, but also more people that understand adverse experiences. For example, being brought up in care.
- **Training:** services need to better identify vulnerabilities and be better equipped to support young people with specific needs. The person in front of them should be responded to rather than merely following a process of arrest.
- **Involvement:** young people with lived experience should be involved in police officer training so that they can better understand the communities they serve.
- **Investment:** for alternatives to arrest to work and diversions to be effective, youth services and mental health services need greater investment.
- **Informing:** police officers should have a better understanding of the value of diverting young adults and be briefed on the impact a diversion has had on an individual they have been in contact with.

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Laura Garius, Policy Lead at Release

Laura discussed how the criminalisation of drugs is can drive racially disproportionate policing. As stated by [Eastwood et al. \(2016: 6\)](#), “drug laws are often imposed most harshly against ethnic minority communities despite prevalence rates among these groups being no higher than among the White population”.

[HMICFRS \(2021:6\)](#) found that “drug searches influence the disproportionality rate more than other types of search”. 69 per cent of searches under PACE are for drugs and just 12 per cent are for weapons despite stop and search being widely justified as a tool to tackle serious violence. In addition, the stop and search rate disparity outlined above is not explained by drug use trends; the find rate is lower for people from ethnic minority backgrounds.

It is for cannabis that people come into contact with the criminal justice system most frequently. Laura explained that the criminalisation (and therefore policing) of cannabis drives stop and search use and its inequitable outcomes. It can also drive controversy when the smell of cannabis is used by the police as reasonable grounds to search someone. Many countries have reformed their cannabis laws which, according to [Volteface](#) research, is widely supported by the UK public.

It is for these reasons that [HMICFRS \(2021: 2\)](#) has called for “an evidence-based national debate on the use of stop and search in the policing of controlled drugs”. Release advocate for a no punishment model of decriminalisation de jure, taking a social equity approach, for six key reasons:

- Drugs have existed throughout history and are used across many groups of people, and just one in 10 users have a problem with drug misuse (90 per cent of people use drugs recreationally).
- Current policies do not reflect the relative harm of different substances.
- Drugs policing and sentencing are socially and racially disparate.
- Criminalisation of drugs can be a gateway into further drug use.
- Harm is unequally distributed in society and is linked to poverty and trauma.
- Prohibition is a costly and harmful failure.

Catherine Roper, MET Police Commander

Catherine spoke about disproportionality in the issuing of court disposals (OOCs). These are available to children and young people for low level offences if there is an admission of guilt. Catherine was commissioned in 2022 by the Youth Justice Board (YJB) to review out of court processes. This review has found and is seeking to understand why fewer young Black men receive out of court disposals and a greater number become caught up in the judicial disposal process compared to young White men.

One of the key reasons for this is a lack of trust and confidence in the police. To receive a community resolution or diversion the offence has to be admitted or remorse has to be shown and responsibility accepted. This is less likely to happen if the individual does not trust the system. This is compounded by a lack of support, guidance and legal advice.

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Therefore, White people, who are more likely to have trust and confidence in the police, receive out of court disposals at a higher rate. Catherine made clear that it is unfair to essentially reward acquiesce.

The review is also looking across England and Wales and has found inconsistencies in processes, support, outcomes and data recording, and therefore inconsistent levels of admitting offences. There are also inconsistencies in thresholds for offences. For example, drug possession is treated more seriously in some areas compared to others.

Catherine asked a number of questions that have helped inform recommendations:

- Do we look at the reasons for repeated offences and give sufficient attention to the drivers of the activity?
- Do we allow people to 'take a moment'? Do we have a decompression process?
- Are people receiving the right legal advice?
- Are schools officers consistent?
- Is there the appropriate diversity and diversity of thought in the workforce?
- Are community scrutiny panels effective and do they do enough to understand the young person in front of them?
- Do we give enough attention to the collateral impact of our actions?

Chris Excell, Chair of the Met Black Police Association

Chris started his presentation recognising that police powers are an important tool. The issue is how powers are used not that they exist. The latest [IOPC \(2022\)](#) report is simply the latest evidence for disproportionality. The police remain a force for some and a service to others. He pointed out that the conversations we are having are nothing new, it is just the rules and players continually change. It remains a significant concern that not all of Macpherson's recommendations have been implemented. Many of the IOPC's recommendations overlap but it has no statutory powers to enforce change, it can only request a response from police forces.

In response to a call for a workforce that reflects the diversity of the communities being served, Chris agreed that diversity would result in more equitable treatment but that care should be taken to ensure the burden of responsibility is shared. Emotional intelligence and empathy are vital, as is ensuring police officers [hold each other to account](#). Chris made a useful distinction between knowing grounds exist and believing grounds exist. For example, regarding stop and search, often grounds may exist legally but the police too often fail to use their initiative to look at what is in front of them. This is in part due to wider cultural bias. There is a lack of understanding of the spirit of the power.

Related is the fact there is no training on using discretion. Chris argued that it is better to do nothing than to act on thin grounds. This is what gains trust. The police culture needs to provide a safe space for uncomfortable discussions. There are of course wider structural inequalities and societal bias at play, but the police must be held to higher standards because they are an enforcement agency.

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Q&A discussion

How much of the issue of disproportionate policing is because of race and how much is because of age? In Devon and Cornwall police for example, many of the issues lie in Plymouth and Exeter where the age structures are 20 years younger. People aged under 25 are stopped disproportionately which means the statistics show racial disproportionality.

- It is very complex and there are lots of different explanations. It's important to look at personal circumstances such as living standards and educational attainment. We cannot just take one thing in isolation.
- A regression analysis controlling for age might be useful in this instance. There are issues with intersectionality. For example, men are twice as likely to use drugs but make up 90 per cent of all stops.
- There's a need to recognise intersectionality but evidence shows that ethnicity drives disproportionality when other factors are controlled for.

Black people disproportionately go missing but there is little understanding of the reasons why.

- There are examples of discrimination against people of colour when they report someone missing, for example, by not being taken seriously. There are examples of poor choices being made by the police and of assuming the missing person will come back on their own accord.
- There is also a point about how incidents of missing people are reported in the media, in part due to a lack of diversity in media.

Different forces are taking different approaches to drugs/stop and search. Are there any examples of initiatives having an impact?

- There are currently pre-arrest diversion schemes in 13 forces. Diversion is generally as far as police can go; only policymakers can officially decriminalise or legalise drugs.
- West Midlands Police allow low level supply to be considered for diversion post-arrest. They also allow people to go through diversion as many times as required if it is not completed.
- London has set up a diversion scheme trial for cannabis in three boroughs. This should be made as wide as possible.

The next Knowledge Exchange Network meeting will take place on Wednesday 27th July at 10:30am – 12pm. We will be discussing policing women and young girls. Please contact Stephen Walcott (stephen.walcott@police-foundation.org.uk) or Arooj Razvi (Arooj.razvi@revolving-doors.org.uk)