POLICING RACE AND TERRORISM IN THE UK: CLOSING THE RACIAL JUSTICE GAP

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Copies of the case can be downloaded free of charge, and information on other cases in this series can be found, at the ACES website: www.american.edu/aces/cases.htm

*PC [Police Constable] Pulling: "A dog that's born in a barn is still a dog, a Paki born in Britain is still a f****** Paki."*
*PC Hall: "I'll stop him cos he's a Paki. Sad innit but I would. He's a Paki and I'm stopping him cos I'm f****** English." (laughs)*
*PC Salkeld: "Asian, Paki. It's f****** built in lad. It's built in since you were f****** two."*
PC Harrison: "I class them as one thing and that's it, Pakis."[1]
Transcript from BBC's documentary "The Secret Policeman"

In 2003, a British journalist working for the BBC went undercover to investigate racism among the police. He applied and was accepted at the police academy where he received training, finished the course, and even served on the street briefly as a police constable. He secretly filmed and recorded discussions (excerpted above) with many of his fellow trainees and documented the racist statements and views that some held, positions that are grounds for immediate dismissals under police services' rules. Three of the officers were suspended and five resigned. Though sensationalized as is often the case with British documentaries, the program found a deep resonance among the UK's Black and Asian communities who have long argued that they suffer disproportionate abuse and discrimination at the hands of the British police and the criminal justice system (CJS) in general.[2]

The terrorist events of July 2005, still resonating at the time of this paper, have increased the anxieties among minority communities fearful that a racial backlash will come not only from traditional rightwing sources, but also from the country's policing service. These fears went into overdrive when on July 22, Jean Charles de Menezes, a Brazilian native was brutally shot and killed by a UK anti-terrorism squad who mistakenly thought he was about to blow himself up in a suicide bomb attempt on a London subway

platform. After following him for a period, believing that he was a terrorist, he was shot eight times, seven in the head. The horror of his death, witnessed by many, raised the fears that any non-white, suspects or otherwise, would be vulnerable to the shoot-to-kill policy that was being employed to go after suicide bombers.[3] By the time of de Menezes' death, hundreds of racial incidents against Asians had been recorded following the transportation bombings. (See details below)

The always explosive relationship between race and crime in the UK has been especially tense in recent years. Race riots between mostly white and Asian youths in northern England as recent as 2001 in the towns of Burnley, Oldham, Bradford, and elsewhere led to a great deal of introspection, official reports, such as the one issued in December 2001 known as "the Cantle Report," and pledges to address the issues of social exclusion, racism, and Islamophobia.[4] Yet, little has been done since that period to ease the anger of young whites and Asians in the area, both groups feeling abandoned by mainstream political officials. While some white youth are turning to the more extremist right-wing and neo fascist parties, such as the National Front and the British National Party, many of the young alienated Asians and Blacks are engaging in socially and personally destructive behavior, or in a growing number of cases, turning to fanatical and anti-British expressions of Islam. Afro-Caribbean communities and to a somewhat slightly lesser degree others of color suffer high rates of police stops, arrests, and incarceration. These numbers continue to rise in spite of efforts by the communities, police, and other government officials to intervene. The rise of gun violence among young Blacks in London, Birmingham, and other cities have left many frustrated and frightened. Given

both the seemingly always present threat of racist violence and self destructive behavior, this has placed many parents in a situation where they have a fear for their children and a fear of their children.

The issue of discrimination against the UK's black and minority ethnic communities (BME) is compounded by the fact that the CJS has not effectively addressed the issue of racism within its own ranks. While Blacks and Asians are vastly overrepresented as defendants and in the prisons, they are underrepresented as police officers, magistrates, and prison administrators. These disparities are echoed in other areas of UK society in an interrelated network of social exclusion, neglect, and discrimination.

In a broader context, these trends are occurring in a period of dramatic transitions across Europe and the UK in particular. The shift from manufacturing to service, increased immigration, and the collapse of social democratic governance and generous welfare policies are feeding the social tensions that manifest in a number of ways including racial and cultural nationalism and xenophobia. Globalization and the shift of manufacturing to the global South over the last three decades helped to destroy a great deal of the industrial north of England leaving a wasteland of high unemployment, social marginalization, and hopelessness for many. The shift from a manufacturing-driven economy to a service-driven one, couple with a need for new labor to fill this work is now the impetus behind the rise in immigration from the global South. At the same time, the austerity that has come from the collapse of the welfare state in western European countries has given rise to a fortress mentality, which vehemently opposes new immigrants let alone refugees and

Asylum Seekers. The new racism is appeased by the move rightward by social democratic parties such as the UK's Labour Party under Tony Blair. Resentment that is racial, ethnic, and religious masks as national pride and cultural defense, but emerges as economic protectionism, racism, and intolerance.

The Spring 2005 French and Dutch rejections of the proposed European Union Constitution delayed or scuttled what seemed to be a fairly certain refutation in the UK. Although British Europe-skepticism is driven by a number of factors, immigrant-phobia has been a central theme of the Conservative Party and parties much further to the right such as the British National Party (BNP). Though relatively small numerically, the right wing BNP has made surprisingly strong electoral gains in recent years including in Burnley and Oldham the year after the riots. It grew from having only three council seats nationally in 2002 to holding as many as 21 in 2005. These numbers are miniscule given there are more than 20,000 council seats UK-wide, but it has been receiving a rising percentage of votes. More significant, the themes raised by the BNP – immigration, so-called "bogus" asylum seekers, black criminality, and, most recently, a thoroughly racialized view of the terrorist threat – have dominated mainstream political discourse. Blair's New Labour Party tact rightward toward (and some would say past) the center has only encouraged increased efforts at mobilization by the far right. Labour, under Blair's leadership, has highlighted the reduction of crime as one of its top priorities.

There are any number of ways to explain the tensions and history of strife between the UK's racial and ethnic minority communities and the policing services. One view argues

that it is those communities themselves who are responsible for their poor relationship with the police, a blame-the-victim approach. Conservative politicians and tabloids, in fact, call for even more stringent policies. This "color blind" perspective simply denies the existence of racism as a variable in society. A second approach sees lack of integration or assimilation of Black and Asian communities as the cause of the problem, but also articulates a harsh line, i.e., Blair's aphorism of being "tough on crime and tough on the causes of crime." However, because the integration or assimilation process is on terms external to these communities, this argument shifts the cause of the problem to those who are most affected by it and finds its way back to blaming those communities. While the first approach demands little of the state other than more policing and incarceration, the second calls for resources to be put into schemes that will facilitate integration, i.e., citizenship and English classes, multicultural and diversity training, behavioral guidelines and other tactics along with longer sentences, identification cards, and more restrictions on civil liberties. Both fail to bring structural and fundamental changes in the way the state delivers and understands legal and policing services relative to marginalized communities.

An alternative approach is the application of what can be called a critical race analysis (CRA). This framework locates its roots in Critical Race Theory, which evolved in the mid-1970s as a framework for understanding what has been termed, "the vexed bond between the law and racial power."[5] CRT challenged the notion that legal structures are neutral and unaffected by the racial structures of hierarchy in society. Applying this framework in terms of the UK's struggle to negotiate the relationship between the police

and minority communities, a critical race analysis has three central characteristics. First, it recognizes that racism continues to exist as a salient phenomenon in modern society. CRA rejects the argument that racism has disappeared as a result of a number of UK civil rights and anti-discrimination legislation. Second, this analysis contends that racism is not only personal involving individual prejudice and discrimination, but that it is also institutional and systemic. To acknowledge the institutional nature of racism elevates it from the subjective and personal to the objective and social. Finally, a critical race assessment is also intersectional, i.e., racism is seen as linked to socially determinant variables and categories such as gender, class, citizenship status, sexual identity, and others.[6] The promotion of anti-racism is also directly interrelated with the effort to build a human rights culture. In the UK and elsewhere a number of anti-racism and human rights have adopted the slogan that "racism is a violation of human rights."[7] Human rights and racial equality are goals that both the UK government and non-governmental organizations agree are intertwined, and that view is beginning to manifest in public policy, not the least in the area of criminal justice.

The racial dimensions of the UK's anti-crime campaigns have never been far from the surface. Both minority communities and the state agree that more than ever is a need for a healthy and trusting relationship between policing services and those communities most affected by their work. Racial profiling, disproportionate incarceration, deaths in custody, and other continuing issues affecting Black and Asian communities require active policy intervention. This paper examines the status of the relationship between the UK policing and minority communities on these issues and the potential of a human rights and critical

race analysis approach to policing as a means of developing appropriate remedies in what will be a very difficult period ahead.

Rising Tensions: State of UK Race Relations

The beginning of the modern era of UK race relations can be traced arguably back to the evening of April 22, 1993. At around 10:30 pm, black teenager Stephen Lawrence and his friend, Duwayne Brooks were attempting to catch a bus on Well Hall Road in the Eltham area of Southeast London. By 10:40, Lawrence, who hoped to become an architect, would be dying. As he stepped away from his friend to see if the bus was coming, he was suddenly surrounded by a group of five or six young white males. Without any provocation, he was grabbed by the group and one of the youth stabbed him five inches deep on both sides of his chest. He managed to break free and he and Brooks tried to run away, but Lawrence only got about 100 yards and collapsed. As he lay dying on the street, Brooks was unable to get any cars to stop and help. Finally a white couple, the Taaffes, who were walking home from church, came to give assistance as did off-duty police officer James Geddis. By the time an ambulance arrived shortly before 11:00 pm, Lawrence was dead.

The tragedy was compounded by the wholesale botching of the investigation by the police. First, the police refused to see the incident as a hate crime or racially-motivated crime. This blind spot, many believe, conditioned subsequent events. The police did not gather evidence at the scene of the crime, or keep a log of what happened. They also procrastinated in searching the neighborhood for the perpetrators, who ran off after the

murder, although there had been witnesses who named them, or look for the weapon used to kill Lawrence in a timely manner. There were also substantial delays in arresting the youth who were eventually identified as having been involved - Jamie Acourt, Neil Acourt, David Norris, Gary Dobson and Luke Knight. The investigation was so poorly handled that by July the charges were dropped. There was also a great deal of criticism regarding the insensitive treatment of Stephen's parents, Doreen and Neville, by hospital staff and the police on the night of his killing. In 1996, a private prosecution was brought against three of the defendants – Neil Acourt, Dobson and Knight – and a trial was held. But after the trial judge determined that the main witness, Brooks, was unreliable, the three were acquitted. To this day, none of the five or anyone else has ever been found guilty of Lawrence's murder.

His case, however, would change UK history and reconfigure the nature of the relationship between the police and the black community, and the state of race relations more generally. Doreen and Neville Lawrence, in the face of police intransigence refused to let the case go, and supported by a black community that had witnessed other racially-motivated murders go uninvestigated and ignored, mobilized a UK-wide, grassroots campaign for justice. Demonstrations, community hearings, newspaper articles, and other strategies were employed to keep the pressure on the UK government to seriously investigate what happened to Stephen and why the police had handled the case so badly. By the time of the 1997 UK general election for Prime Minister, the case had become the number one issue for black communities. Then-candidate Tony Blair promised that if Labour won the election, an official government inquiry would take place, an inquiry that

the Conservative Party government of Margaret Thatcher and John Major refused to authorize. Keeping his word, in 1998, the inquiry into the murder and the slipshod investigation was launched chaired by Sir. William MacPherson. In 1999, it would release its devastatingly blunt report.[8] The report concluded that the central reason why the Lawrence case was mishandled was because the UK police force was "institutionally racist," which it defined as

> The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin … can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.[9]

This conclusion, for the first time in UK history, gave an official imprimatur to what Black and Asian communities had been arguing for decades. The MacPherson Report made 70 strong recommendations for addressing these concerns that would have an impact not only on the criminal justice system but on government anti-racism policy across the board. It would directly lead to the passage of the Race Relations Amendment Act in 2000, the most sweeping restructuring of UK anti-racism policies ever (See discussion below).

The need for a revolution in anti-discrimination public policy was acute. The growing Black and Asian population was increasingly demanding inclusion and justice, but being rebuffed. The UK's ethnic minority population constitutes about 7.9 percent of the population according to the last census. (See Table 1) Asians (Indian, Pakistani, Bangladeshi, and Other Asians) are about 4 percent and Blacks (Caribbean, African, and

Other Blacks) are about 2 percent of that figures respectfully. Black and Asian

populations in the UK are disproportionately concentrated in London; more than two

million live in the capital city constituting about 29 percent of the city's population. In

England, 46 percent of the nation's black and Asian populations live in London.[10]

However, the numbers are growing – and generating tensions – in other parts of the UK.

The census indicates that Leicester, about an hour outside of London, will become the

first city to become majority Black and Asian sometime around 2010.

Table 1

UK Population by Race and Ethnicity
2001

GROUP	NUMBER	PERCENTAGE
White	54,153,898	92.1
Mixed	677,117	1.2
All Asian or Asian British	2,331,423	4.0
Indian	*1,053,411*	*1.8*
Pakistani	*747,285*	*1.3*
Bangladeshi	*283,063*	*0.5*
Other Asian	*247,664*	*0.4*
All Black or Black British	1,148,738	2.0
Black Caribbean	*565,876*	*1.0*
Black African	*485,277*	*0.8*
Black Other	*97,585*	*0.2*
Chinese	247,403	0.4
Other ethnic groups	230,615	0.4
All minority ethnic pop.	4,635,296	7.9
All population	**58,789194**	**100**

Source: UK census, www.statistics.gov.uk.

Similar to minority communities in the United States, the UK's Black and Asian

populations suffer disproportionate disadvantages across the economic and social

spectrum. The status of racial and ethnic minority communities in London mirrors those

across the UK. Blacks and Asians makeup about 29 percent of London's population, and the percentage is rising. In economic terms, BME unemployment is twice that of whites – about 12 percent compared to less than six percent.[11] In London, black and minority ethnic people are 44 percent of those unemployed.[12] For those who are employed, there is a high racial concentration. While only 18 percent of managers and senior officials are from Black and Asian communities, 58 percent of all cashiers and checkout operators are from these groups.[13] Work in the public sector has been important in terms of fair opportunities. According to the Greater London Authority, "On average, black and minority ethnic workers earn 72 per cent [sic] of the median for white workers in the private sector, compared with nearly 89 per cent [sic] in the public sector."[14]

Race and religion blend into a particular form of discrimination known as Islamophobia. In 1997, the Runnymede Trust, a UK-based anti-racist advocacy group, argued that Muslims were experiencing a distinct form of discrimination that they labeled Islamophobia. They advanced a definition of "Islamophobia" that included seeing it as "a monolithic bloc, static and unresponsive to change," as not having "values in common with other cultures," as "barbaric, irrational, primitive and sexist," and "hostility towards Islam is used to justify discriminatory practices towards Muslims and exclusion of Muslims from mainstream society."[15] Since that time, the term has come into popular, academic, and policy usage, albeit with a great deal of debate regarding its legitimacy and usefulness as an analytical category. Some have argued, such as scholar Kenan Malik, that "The trouble with the idea [of Islamophobia] is that it confuses hatred of, and discrimination against, Muslims on the one hand with criticism of Islam on the other,"

and 'Islamophobia' has become a one-stop explanation for the many problems facing Muslims."[16] He contends that Muslim leaders have distorted the term and used it as a means of consolidating their power base. However, even Malik acknowledges the disproportionate stops of Asians – a proxy for the police and others of who is Muslim – under the Terrorism Act, and this even prior to July 2005.

In the wake of September 11th, Muslims and others thought to be Muslims were verbally and physically attacked in the UK.[17] Though the number of assaults was small, the intensity of the backlash, including attacks on Muslim shopkeepers and setting mosques on fire, accelerated the alarm that Samuel Huntington's infamous "clash of civilization" thesis was being realized.[18]

Racial tensions have also been heightened by bigoted reactions to the rise in the numbers of immigration, refugees, and asylum seekers coming to the UK from the global South. Initializing a moral panic about crime and the supposedly increased in the number of Asylum Seekers, as well as other immigrants, may result in successful political gains and media sales, but ultimately generates bad policy. In addition, the rightwing press has evolved its hysterics from railing against "bogus asylum seekers" to uncontrolled fits of outrage against "criminal asylum seekers."[19]

Anti-Racism Laws

There have been important advances in UK anti-racism public policy since the 1950s when Blacks and Asians began to arrive in significant numbers. Responding to the rise in

racist violence and demands by the Blacks and Asians, in 1976, the Race Relations Act (RRA) was passed. The Act, similar to U.S. civil rights legislation, outlawed racial discrimination in a wide range of economic and social areas. Discrimination was covered on the grounds of race, color, nationality, ethnic origin, and national origin. The Act also established the Commission on Racial Equality (CRE) to monitor, research, and, within certain limits, confront and end racial discrimination.[20] While the RRA applied to employment, vocational training, housing, education, and membership in clubs, trade unions, and professional associations, it did not cover key areas of policing and criminal justice, such as prisons and detention centers.

As noted above, as a response to the Stephen Lawrence inquiry, the Race Relations Amendment Act 2000 was passed. It strengthened the investigative and remedial capacity of the CRE, and included police services, prisons, and other criminal justice related areas. Under the RRAA, all UK public authorities, i.e., central and local government bodies and private bodies carrying out public functions are mandated not only to end racial discrimination but to also promote racial equality. Under an order from the Home Secretary, most public authorities are obligated to produce a "Race Equality Scheme," which identifies and assesses those authorities' policies and how they impact on race relations.

Another legislative advance was the passage of the Human Rights Act (HRA) in 2000. The HRA is the transposition of the European Convention on Human Rights into UK law. In England, Wales, and Scotland, all new and existing legislation must comply with

the provisions of the HRA unless there is a formal derogation. In Northern Ireland,

derogation is not allowed. The most significant weakness of the European Convention –

and its transposition into UK law – is that Article 14, which addresses discrimination, is

not "self-executing." The article reads, "The enjoyment of the rights and freedoms set

forth in this Convention shall be secured without discrimination on any grounds such as

sex, race, colour, language, religion, political or other opinion, national or social origin,

association with a national minority, property, birth or other status." However, it can only

be invoked in relation to another violation of the Convention. In other words, a charge of

race or sex discrimination, for instance, can not be made separate from another rights

violation in the Convention such as the provisions against torture (Article 3) or

enslavement (Article 4). When the Convention became UK law, the government chose

not to declare Article 14 self-executing, consistent with its refusal to do so at the regional

level. While this lack of declaration has no real impact in the UK because of the strength

of other anti-racist and anti-discrimination legislation, it signals the continuing

unwillingness of the Blair government to make the Convention more robust as human

rights and anti-discrimination activists advocate.

Other laws that specifically include anti-racist or anti-discrimination provisions are also

on the books. The Public Order Act (1986), Part III, outlaws incitement of racial hatred

although few cases have been brought to the courts under this law. The Football Offences

Act (1991), under Sec. 3, makes it a crime to chant remarks of a "racist," while the

Telecommunications Act (1984), under Sec. 43, prohibits use of the telephone to send

messages that are grossly offensive, obscene, or menacing, acts that can and have been

used against racists. In a similar vein, the Malicious Communication Act (1988) outlaws using the mail for threatening purposes. The Crime and Disorder Act (1998) introduced nine provisions specifically addressing racially aggravated and aggressive behavior including physical assault and bodily harm. Finally, local governing authorities or local police can issues anti-social behavior orders (ASBOs) that prohibits individuals from conducting specific acts or behaviors. While ASBOs have been aimed at juveniles and others who are socially disruptive, they can be very important in addressing the racial harassment of Blacks and Asians by neighbors or others. Violation of an ASBO can lead to penalties and even jail time.

Finally, it should be noted that the UK is also obligated and under the jurisdiction of regional anti-discrimination legislation from the European Union and the Council of Europe. A number Directives [EU legal instruments] directly addressing racism in employment and the delivery of services have been adopted in recent years including the Race Directive of 2000.[21] States can be, technically, sanctioned for not upholding EU law and policies. Elsewhere, the Council of Europe oversees the European Court of Human Rights whose decisions regarding cases under the European Convention on Human Rights are binding on all states within Europe. Anti-discrimination cases from the UK and other states have played an important role in defending or extending the rights of Europe's racial, ethnic, and religious minorities.

Walking While Black

"[T]he police shall carry out their tasks in a fair manner, in particular, guided by the principles of impartiality and non-discrimination."[22]

James Goldston defines "ethnic profiling" as "the use of racial/ethnic stereotypes, rather than individual behavior, as a basis for making law enforcement and/or investigative decisions about who has or may be involved in criminal activity."[23] He identifies a practice that is at the core of the animosity between the police and its minorities. For decades, the UK's Black and Asian communities have fought what is both the "racialization of crime" and "criminalization of races." Britain's racial and ethnic minority communities have long criticized the UK's police services of bias and unfair treatment. These complaints have taken on many targets including disproportionate incarceration, a high number of deaths in custody, and, most maddening, stop-and-search policies. To these traditional and long-standing concerns by Blacks and Asians can be added the relatively new panic regarding terrorism. While the UK has a great deal of experience around terrorism due to the conflict in Northern Ireland, the targeting of Islamic extremists and the race, ethnic, and religious issues bounded up with that effort have complicated and generated new tensions along these divides.

For many Blacks and Asians, their primordial encounter with the CJS begins on the roads, estates, and streets of the cities. While relatively few Whites have to reflect or worry on whether a common everyday walk to work, church, or the corner carryout will be interrupted by an unwanted rendezvous with a police authority, at a rate of six-to-one no less, Black and Asian men have no such luxury. One of the most controversial policing tactics has been the policy of intrusively stopping individuals on the public street and interrogating and possibly searching their person. "Stop-and-search," has emerged as

ground zero for the contestation between minority communities and street level policing. The tactic, under numerous labels and forms, has a long, unpleasant history in poor, minority, and ethnic communities around the world including the ones in the UK.[24] Many believe that stop-and-search tactics are a legal cover for state-sanctioned harassment and two-tiered policing.

Contemporary UK stop and search laws have their roots in the infamous "SUS" – for suspicion – laws of the 1960s, which were employed to control the so-called disruptive elements in the community.[25] The Scarman Report, issued after the 1981 riots in the black community, specifically noted that anger at the SUS laws played a direct role in the cause of the rebellions.[26]
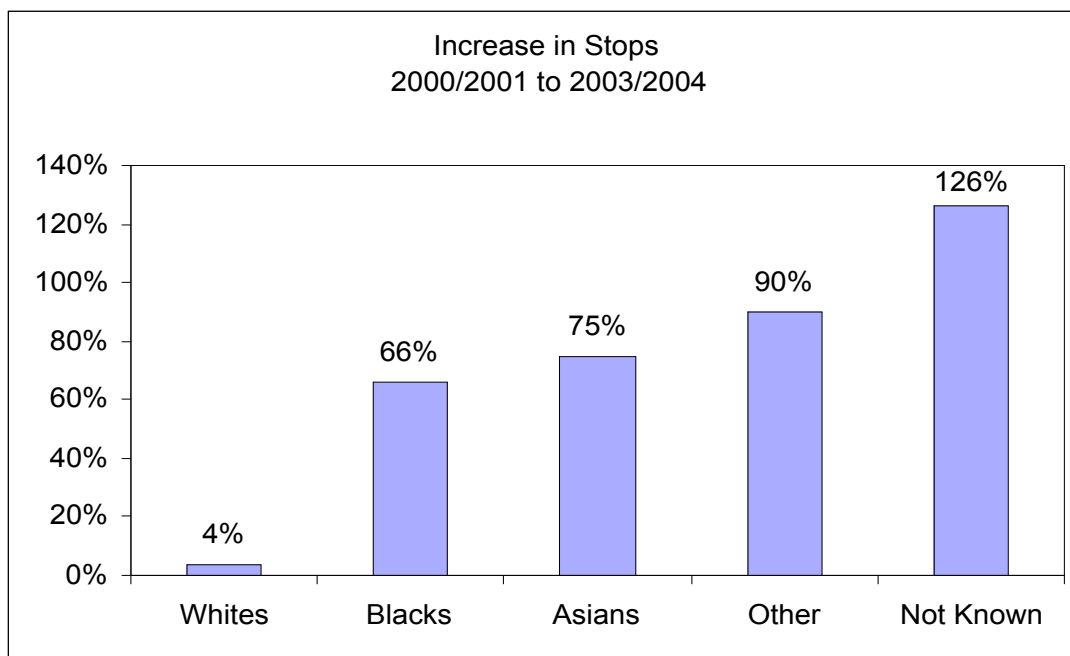
The MacPherson report also addressed the issue of stop-and-searches. Recommendation 61 of the report stated,

> That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all 'stops' and 'stops and searches' made under any legislative provision (not just the Police and the Criminal Evidence Act). Non-statutory or so-called 'voluntary' stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped."[27]

This was followed by Recommendation 62 that argued "that these records should be

monitored and analyzed by the Police Services and Police Authorities, and reviewed by

HMIC [Her Majesty's Inspectorate of Constabulary] on inspections. The information and

analysis should be published."[28] Although the black communities wanted a stronger

policy that would call for an inquiry by the CRE if it was determined that racial

disproportionality was occurring, these recommendations were highly welcomed. In

April 2004, the Home Office issued guidelines on stop and search, and in July 2004, it

established a Stop and Search Action Team whose purpose is to ensure that the procedure

is implemented fairly and effectively.

However, despite the changes made by the UK government, the data shows that

disproportionate application of stop and search continues. There are 19 Acts of legislation

under which stop and search is allowed, but of those three constitute the main use of the

procedure: Sec. 1 of the Police and Criminal Evidence Act (PACE) of 1984, Sec. 60 of

the Criminal Justice and Public Order Act (POA) of 1994, and Sec. 44 of the Terrorism

Act of 2000. As *Statewatch* notes, "The use of the first two powers over the last year has

shown a decline of 15% and 9% respectively. The use of section 44, the anti-terrorist

power, has increased by over 36%."[29] In the period from 2000 to 2004, there has been an

overall increase in the use of stop and search disproportionately concentrated on Blacks,

Asians, and "Others." (See Figure 1)

Figure 1

Increase in Stops
2000/2001 to 2003/2004

Category	Percent
Whites	4%
Blacks	66%
Asians	75%
Other	90%
Not Known	126%

Source: *Statewatch*, Vol. 15, No. 1, 2005.

The authority to conduct a stop and search is different under the each law. According to the Home Office,

> Section 1 of PACE allows an officer to stop and search a person or vehicle to look for stolen or prohibited items. Section 44 of the Terrorism Act allows an officer to stop and search persons and vehicles – at a time and place where an appropriate authorization exists – to look for articles that could be used in connection with terrorism. Section 60 of the Criminal Justice and Public Order Act allows a senior officer to authorise the stop and search of persons and vehicles where "he believes that to do so would help to prevent incidents involving serious violence."[30]

Following the publication of the MacPherson report, in 2000-2001, although the overall number of stops and searches by UK police dropped by 17 percent in the period, the number of Black people who were exposed to this police tactic actually went up by 4 percent. In London, where the overall instances of stops dropped 40 percent in 2000 and 6 percent in 2001, the number of Blacks and Asians stopped in those years rose by 6

percent and 3 percent respectively while for Whites they dropped by 14 percent.[31] In

2003/4, there were 738,016 stops overall by UK police forces. Blacks were 15 percent of

these stops, Asians 7 percent, and the category "other" 1 percent, the rest being White.

(See Table 2)

Table 2

Stop and Searches by Ethnicity in England and Wales
2003/4

| Race	No. of Stops	Percent of Total Stops
Whites	548,076	74%
Blacks	108,265	15%
Asians	54,083	7%
Other	10,963	1%
Not Known	16,629	2%
TOTAL	738,016	100%

Source: *Statistics on Race and the Criminal Justice System*, p. 26.

The increase use of stop and search has been staggering. In 1989, 202,000 stops occurred

in the UK. Those figures grew to 690,000 in 1995, and a colossal 1.1 million in 1998.

The numbers only begin to drop after incessant complaints and the political atom bomb

of the Stephen Lawrence Inquiry Report. In 2002/3, black people were 6.4 times more

likely and Asians almost twice as likely to be stopped and search as white people.[32] In

2002/3, searches for black people were up 55 percent on the 230 percent of the previous

year; for Asians people up 22 percent from 302 percent, of white people 43 percent from

118 percent.[33] It is important to emphasize that "the largest of all increases have been

experienced by those who are classified by the police as 'Other' (90%) and 'Not known'

(126%)." One explanation, suggested by *Statewatch*, is that "these two categories are

being used by the police to disguise the actual characteristics of those being stopped and

searched."[34]

The differential increases in the use of these powers have further compounded their disproportionate use against the ethnic minority communities. Figure 2 shows the total number of stop and searches per 1,000 of population for each ethnic group in 2003/2004. As can be seen, 14 per 1,000 of the white population are subject to stop and searches compared with 93 per 1,000 of the black population and 29 per 1,000 of the Asian population. (See Figure 2) In short, black people are nearly 7 times and Asian people over twice as likely to be stopped and searched as white people.[35]

Figure 2

Stops per 1,000

Category	Value
Asians	29
Blacks	93
Whites	14
Other	25
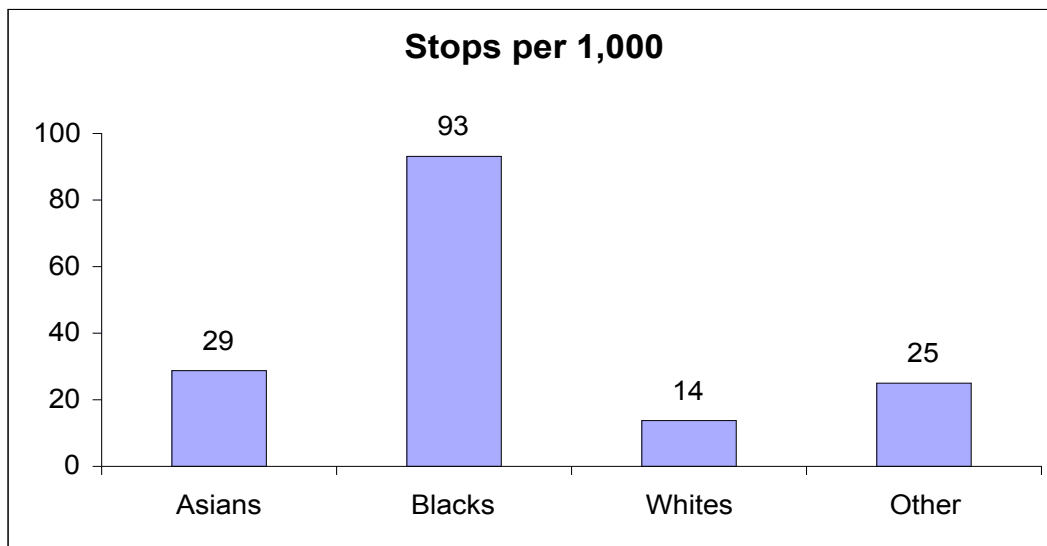
Source: *Statewatch*, Vol. 15, No. 1, 2005.

There some large differences within individual police forces. For example, the "Greater Manchester police stop and search 121 black people per 1,000 compared with 2.5 per 1,000 in Cumbria. Similarly, South Yorkshire stop and search 35 Asians per 1,000 compared with 5.5 per 1,000 in Surrey."[36] Overall, according to the Metropolitan Police

Authority, about a quarter of all stop and searches occur in the London metropolitan area.[37]

In addition to the disproportional application of the tactic, it also appears not to be effective in actually preventing crime. For all the time, resources, and energy put into it, very few people were actually arrested under PACE. According to Home Office numbers, 87 percent of the total people stopped were found not to have violated any law and were not arrested.[38]

Not only are Black people victimized by a policy that was in theory written to be racially neutral but also by laws that were meant to address specific issues almost universally associated with Whites. Section 60 of the Crime, Justice and Public Order Act (1994), which allows for stops and searches, was written to tackle football hooligans – many of whom scream alcohol-enhanced racist epithets at Black and Asian players on their home team – and noisy revelers. Both of these groups have few Black or Asian participants. Unlike under PACE, Section 60 stops do not require even the façade of "reasonable suspicion." In effect, when allowed to act with impunity and little restriction, the apparent natural inclination of street officers, at least tacitly sanctioned by higher ups, is to apply the policy in a racially discriminatory manner.[39]

It is possible that the policy of stop and search could be challenged under Article 5.1.c of the HRA and Article 9.1. of the UN's International Convention on Civil and Political

Rights. Though focused on the rights of the arrested, it can be presumed that the circumstances leading to a potential arrest are also covered.

Under PACE stop and search provisions, officers are allowed to determine when "reasonable" suspicion exists, which means that the policy is not a prima facia violation of rights. This is not the case with Section 60 of the Crime, Justice and Public Order Act. However, the broad leeway under PACE easily becomes a mask for racial profiling by another name. Racial profiling entails a predisposition on the part of law enforcement officers to make judgments regarding the supposed inherent criminality of Black people. Anti-racist and human rights campaigners may very well want to pursue a test case that would clarify what constitutes pre-arrest "detention," "reasonable suspicion," and legality of the policy of stop and search in light of a human rights context and legal framework. Again, it can be argued that deprivation of liberty takes place when a stop occurs and, at least momentarily, detention unfolds.

Incarceration and Racism

As in the United States, there is a disproportionate rate of incarceration of Blacks and Asians. When arrests do occur in the UK, whether under stop and search or otherwise, they continue the trends of racial discrimination. Broken down by race, the rate of arrests for Whites is 26 per 1,000, for Asians, 29 per 1,000, and for Blacks, 89 per 1,000 in 2003/4.[40] Black and Caribbean people are six times more likely to be arrested than Whites.[41]

According to the latest figures, the UK has the highest incarceration rate in Western

Europe. More individuals are incarcerated, and for more time, than at any point in recent

memory.[42] In 1991, there were 42,000 people locked up in UK jails and prisons; by 2001,

the figure had grown to over 62,000.[43] In 2003, the number had risen slightly to more

than 67,000. Each prisoner costs UK taxpayers about £36,000 annually.

UK Prison Service recorded about 24.6 percent of prison population is Black and Asian,

including foreign nationals. Blacks were 16 percent of that number and Asians and

"others" together the other 8 percent. In its 2005 report on crime, the Home Office noted,

> The Black prison population increased by 138% between 1993 and 2003; White
> and Asian prisoners increased by 48% and 73% respectively. Thirty-seven percent
> of prisoners belonging to a Black and Minority Ethnic group were foreign
> nationals in 2003.[44]

Broken down by gender, Black and Asian women constitute 30.9 percent of all women

incarcerated. Within that figure, an alarming number of Black women are included, about

25.3 percent.

Both adults and young Black people are being affected by these despairing trends.

Compared to their counterparts, young Black males are treated more harshly and receive

longer sentences reflecting the pervasiveness of stereotypes that view Asian and Afro-

Caribbean males as the most threatening and criminal elements of society. In one survey,

55 percent of respondents believe that certain ethnic groups are more inclined to commit

crimes. Of those who held this view Asians (39%) and Black Caribbean (34%) ranked the

two highest among respondents.[45] Such attitudes find their way into sentencing. About 89

percent of young Black prisoners were sentenced for over 12 months compared to 75 percent of young white and 77 percent of Asian prisoners.

Being incarcerated is also dangerous. Since the late 1970s, Black and Asian minority communities have mobilized around deaths in custody. As noted in *Black to Black*, "Since David Oluwale's death in 1969 over 1,000 black and minority ethnic people have died in police custody, prisons and mental health custody in Britain."[46] The journal also notes that "Black people are 10 times more likely to die in police custody than their white counterparts."[47] (See Figure 3)

Figure 3

Black and Minority Ethnic Deaths in Police Custody 1994 - 2004
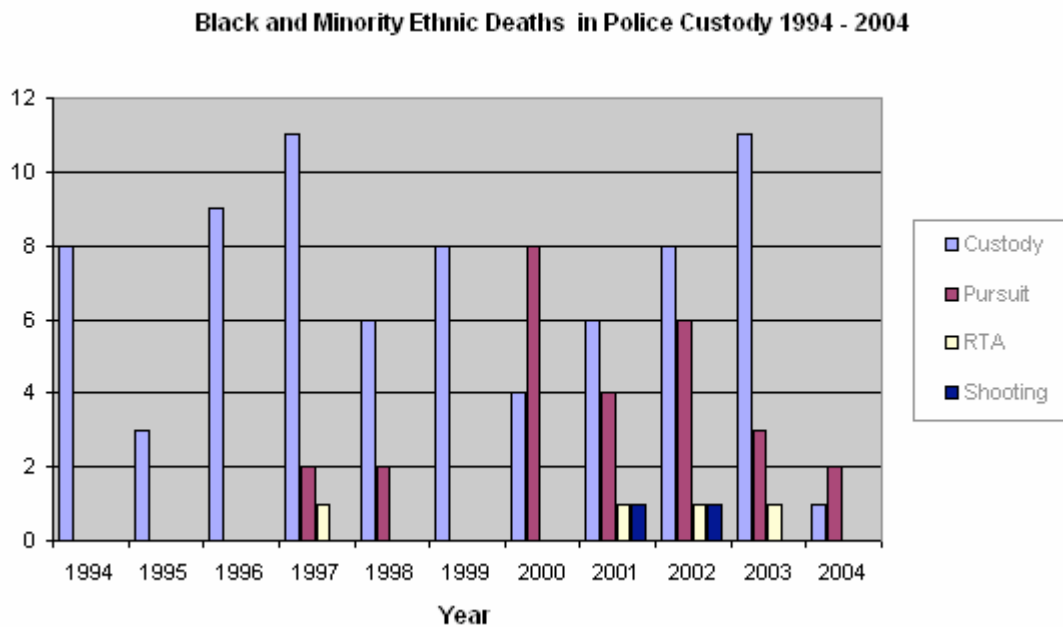
Source: UK Home Office.

All of these numbers indicate especially troublesome concerns for the UK's Black community. Given that it makes up on two percent of the population, these figures demonstrate trends that can not simply be explained by theories of an overactive black

criminality in which color-blind law enforcement operates in an objective and unbiased manner. This explanation has been rejected not only by the black community but by police officials as well.[48]

Perhaps one of the reasons for the high disproportionality and rampant discrimination is the lack of Blacks and Asians in the positions of authority within the UK CJS. Despite the intense and high level of BME involvement in the criminal justice system, very few Black and Asian faces appear in the robes, wigs, and uniforms of power. Blacks and Asians constitute a tiny number of the police, magistrates, judges, criminal justice officials and policy-makers around the UK, the former who make decisions on arrest and incarceration, the latter who draft and pass criminal and civil laws. In other words, the decisions that determine at every stage what happens throughout the criminal justice system are unrepresentative of Black and Asian communities. Ethnic minorities constitute only 4.5 percent of the 30,000 magistrates, who try 95 percent of all court cases heard in England and Wales.[49] One of the most pressing issues related to the experiences of policing in the Black and Asian communities is the small number of minority police officers in the UK. In England and Wales, they are less than 3 percent of the total. About 5.5 percent of the 26,000 officers in London, a city that is nearly one-third Black and Asian, are from racial or ethnic communities.[50] A target of 7.9 percent has been set.

In addition, the treatment meted out to those officers by fellow officers has been deplorable. Their mere presence is not enough to reverse institutional racism. In recent years, Merseyside police officer Dawn Devana, Metropolitan Police Detective Inspector

David Michael, Superintendent Sultan Taylor, and even Met Police Chief Inspector

Leroy Logan, who is also head of the National Black Police Association, have had to

combat racism within the force.[51]

Racialization of Terrorism

Unlike most western nations, the UK has a relatively long history of dealing with terrorist

acts. Decades of strife over the situation in Northern Ireland and battles with the Irish

Republican Army prepared, to a degree, both the British government and the British

people for the new era of terrorism that has emerged. Prior to September 11, the UK

passed the Terrorism Act of 2000 that replaced the earlier and ostensibly temporary

Prevention of Terrorism Act. The 2000 Act defined terrorism in very broad terms

essentially as an act or threat that involves serious violence "designed to influence the

government or to intimidate the public" in order to advance a "political, religious, or

ideological cause."[52] Human rights groups feared that the Act would be used against

legitimate dissent and protest rather than the Northern Ireland groups it was originally

written to address.

Following the terrorist actions in London, anxiety among UK Muslims grew even more.

According to a July 2005 Guardian/ICM poll, about 63 percent of UK's Muslims

surveyed stated that they seriously considered leaving Britain after the terrorist attacks

and the backlash against Muslim communities.[53] Given a population estimate of around

1.6 million Muslims that frustration ranges to over 500,000. The UK police report over

1,200 suspected Islamophobic incidents, probably an underestimation, in the first three weeks after the bombings.[54]

September 11th not only transformed the politics and face of terrorism discourse and policy in the United States but in the UK as well. The face of terror has changed from white to other generating fears that new anti-terrorism legislation and policy would be aimed in broad strokes against the Muslim population as a whole. These feelings were captures in a Guardian/ICM Mori poll from March 2004 that revealed that more than two-thirds of Muslims in the UK feel that the anti-terrorism laws are unfairly applied against the Muslim community.[55]

In the wake of September 11, 2001, the UK adopted new and stronger anti-terrorism legislation including the Anti-Terrorism, Crime and Security Act 2001 (ATC) and Prevention of Terrorism Bill 2005 (POT). Since 2001, the Terrorism Act of 2000 has led to over 700 arrests and of those only 17 were convicted of any violations under the Act.[56] UK government figures show that between 2001/2002 and 2002/2003, there was a ` percent rise in the number of Asians who were stopped and searched under the stop and search provisions of the Act.[57] The numbers were even higher in London.

Among the provisions in Part 4 of the ATC, it allows for the indefinite detention of foreign nationals who are suspected of being terrorists or involved in terrorist activities but have nowhere to be deported or lack identifiable citizenship. This legislation, which specifically discriminates against foreign nationals, was passed only after declaring

derogation from the ECHR and the UK Human Rights Act. The UK, in December 2001, formally invoked Article 15 of the ECHR that allows states to derogate from their human rights obligations "in time of war or other public emergency threatening the life of the nation."[58] However, the European Commission Against Racism and Intolerance, a division of the Council of Europe, has recommended in its "General Policy Recommendation No. 8" that protection from racial discrimination be "among the rights from which no derogation may be made even in time of emergency."[59] In December 2004, the House of Lords, which does not have legislative authority, found that Part 4 was in contradiction to the UK and European human rights laws.

Remarks perceived to be callous by UK government officials have raised the tensions between the Muslim community and policing and security services. Following the July 7th bombings, Hazel Blears, UK Minister of State for Policing, Security and Community Safety, stirred the waters with what appeared to be a fairly clear statement that Muslim would be targeted unfairly in the new security environment. She stated,

> Dealing with the counter-terrorist threat and the fact that at the moment the threat is most likely to come from those people associated with an extreme form of Islam, or falsely hiding behind Islam, if you like, in terms of justifying their activities, inevitably means that some of our counter-terrorist powers will be disproportionately experienced by people in the Muslim community. That is the reality of the situation, we should acknowledge that reality and then try to have as open, as honest and as transparent a debate with the community as we counter the threat, because the threat at the moment is in a particular place, then your activity is going to be targeted in that way.[60]

The reaction to her remarks and the general tone of the anti-terrorism campaign as manifest in the rhetoric of the Conservative Party, tabloid press, and even Labour officials has been strong. She later retreated and stated that "The counter-terrorism

powers are not targeting any community in particular" and that she "never, ever endorsed" racial profiling.[61] In the document, A Black Manifesto produced by a coalition of Black and Asian organizations, it argued that "The anti terrorism measures are flawed as they undermine the central pillars of the British legal system, protection against unlawful detention, the right to a fair trial, and the presumption of innocence."[62]

Despite the growing anxiety of the Muslim and minority communities about the usefulness, racial dimensions, and even deadly nature of current anti-terrorism laws, there is more on the way. Home Secretary Charles Clarke announced in a letter to Parliament that the government was seeking to add three anti-proposals arising out of the post-July 7th events. The three proposals focused on criminalizing "acts preparatory to terrorism," "indirect incitement to terrorism," and "giving and receiving of terrorist training."[63] Blair also announced that the government would initiate new anti-terrorism measures that include greater deportation powers, prohibitions "glorifying terrorism," closing places of worship (read: mosques) that foment extremism, and criminalizing speech that incites or attempts to justify terrorism.[64]

In March 14-19, 2004, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made a visit to the United Kingdom to interview, in private, prisoners being held at Belmarsh and Woodhill prisons and Broadmoor Special Hospital. The purpose of the delegation was to investigate the treatment and conditions under which the twelve of the 14 individuals arrested under ATC's Part IV provision were being held. In June 2005, the CPT issued its report.[65] The

CPT interviewed all the detainees and found numerous concerns including racial abuse, religious insensitivity, and unmet health needs. The conditions, according to the report, reinforced the ATC detainees' "sense of stigmatisation and isolation, and their fear of being totally abandoned."[66] It was found that there was a "risk of racist conduct by other prisoners towards" the ATC detainees.[67]

Backlash

Following July 7th, the backlash against Muslims and racial minorities in general was swift and broad. Scotland Yard released figures in early August showing that there had been a 600 percent leap in attacks motivated by racial or religious bias.[68] The Metropolitan police report that between July 7th and August 1st, there were 800 incidents recorded in London alone.[69] North Wales police documented 64 cases in the same period.[70] In Nottinghamshire, more than 70 incidents were reported by the BBC in the same period.[71] According to the Independent Race and Refugee News Network, which is keeping a record of the backlash, incidents have included arson attacks on mosques, businesses, and homes; death threats; verbal abuse; car windows smashed; racist graffiti; and physical assaults that have left a number of people injured, including youngsters, and, at least one death.[72] On July 10, Kamal Raza Butt, a visitor from Pakistan, was attacked by a gang of white youths in Nottingham, allegedly called "Taliban," and then was beaten and later died in the hospital.[73]

In a case that many see as a tragic echo of the murder of Stephen Lawrence, on July 29, 2005, 18-year-old Anthony Walker, who is black, and a cousin walked his girlfriend, who

is white, to catch a bus in the Huyton area of Liverpool. As they waited for the bus they were verbally accosted by a white man near the bus stop. To escape the abuse, the three decided to leave and began walking through a park. Suddenly, at least four young white men came up on them. Anthony's cousin and girlfriend ran off, but Anthony was trapped behind. By the time his cousin and girlfriend had come back with help, Anthony had been beaten and struck fatally with an axe that still remained in his skull. Within a couple of weeks the police had arrested two suspects.

Local police and politicians were quick to point out that the case did not resemble the Stephen Lawrence incident and that the killing was an aberration in a community that lived together in relative harmony. However, Black and Asian residents and activists in the Liverpool area strongly disputed that assessment. They pointed out that, in fact, there had been an escalation of racist assaults with little response from local authorities. As the 1990 Trust documented, "Despite having a tiny Black and Ethnic Minority (BME) population of just 1.4 percent Huyton suffered 25 recorded incidents of race attacks in the last two months."[74] The figures for reporting racist incidents in May and June 2005 marked a doubling of racial incidents compared to April 2005.

A steady increase in racially aggravated crimes across the UK has been exacerbated. There was a 28 percent increase in racially motivated assaults from 2003/04 to 2004/05 according to the Home Office. While many of the incidents were did not involve physical attacks on persons, there were 22 racially motivated murders between 2001 and 2004 of which five have no suspects or arrests. Since 2000, about 50,000 incidents a year have

been reported to the police and law enforcement authorities. (See Table 4) The surge

between 1998-1999 and 1999-2000, in part, has to do with implementing the MacPherson

report recommendation that a racist incident be defined as "any which is perceived to be

racist by the victim or any other person," and thus better reporting.[75] By the same logic,

however, a more aggressive anti-racist campaign and new policies should have witnesses

a decrease. As stunning as the official numbers may be, the actually number is much

higher. According to British Crime Survey estimates, there are more than 200,000

racially motivated incidents yearly.[76]

Table 4

Year	No. of reported incidents
1996-1997	13,151
1997-1998	13,878
1998-1999	23,049
1999-2000	47,814
2000-2001	53,092
2001-2002	54,370
2002-2003	49,078
2003-2004	52,694

Source: Internet Centre and Anti-Racism Europe, www.icare.to.

The rising number of racial incidents should not be taken lightly. As the population of

Blacks and Asians grow, particularly outside of London into areas that have historically

had few racial, ethnic, or religious minorities, tensions will surely expand unless there is

a pro-active intervention by communities and the state.

Conclusion

Race qualitatively shapes policing in the UK criminal justice system, and, at the same

time, policing decisions and procedures redound on race relations in significant ways.

Despite some of the more progressive anti-racist and anti-discrimination legislation in the world, and advances made over the last three decades, the racial gap in the area of criminal justice continues and may be worsening. In particular, as anti-terrorism becomes the epicenter of policing and security concerns in the UK, and Islamic extremists become the main target of the discourse and the policies, all indications are that police-Black/Asian relations could become potentially explosive.

In *A Black Manifesto*, anti-discrimination activists recommended that the UK government "Facilitate an independent and critical race analysis and impact assessment of the criminal justice system and government approach to addressing crime."[77] The authors believe that only by conducting a regular, rigorous, and detailed assessment of stop and search and other police procedures could policies be developed that can reduce or ameliorate racial discrimination in policing.

Stop and search, by all studies and research, continues to be implemented in a racially disproportionate manner that demonstrates little capacity to stop and only builds resentment on the part of large sector of the Black and Asian communities. The MacPherson recommendations of providing a receipt to those who are stopped and keeping a record go along way in bringing the tactic under control and limiting, though not eliminating, the racial impact. And under PACE and POA, reasonable cause for a search is an appropriate guideline in tandem with the recommendations. However, Sec. 44 of the Terrorism Act, which does not require reasonable suspicion, is too broad and sweeping, and should be repealed.

The transformation of UK police-community relations should not be an in-house affair. There is a critical need for transparent, comprehensive, and institutionalized consultation with Black and Asian communities. In fact, under the European Union's Race Directive legislation and the Race Relations Amendment Act, the UK government is obligated to conduct consultation on anti-racism policies.

As a result of the Race Directive and its accompanying instrument known as the Employment Directive, which addresses discrimination relative to age, religion, sexual orientation, and disability – and an earlier Directive addressing gender discrimination – the UK made a decision to consolidate its existing monitoring bodies. In addition to the CRE, the Equal Opportunity Commission, which dealt with gender, and the Disability Rights Commission, are all being joined into a broader body to be called the Commission on Equality and Human Rights. Anti-racist campaigners have been concerned that anti-racism issues will be marginalized or significantly compromised in the larger commission. It is incumbent upon the UK government to reassure Black and Asian communities through policy and other means that their concerns will not be subsumed in the name of efficiency, cost-savings, and expediency. The CEHR will need sufficient staff, resources, legal authority, and government backing to be effective in stopping racial discrimination as well as the other areas. Black and Asian communities also note that gender, disability, religious, sexual orientation, and age issues affect them also.

Many have felt that too often during its tenure, New Labour's efforts to comfort their conservative opponents important rhetorical and policy concessions on racism and human rights standards have been made. Specifically, in terms of the CJS, a greater effort must be made to recruit, train, and promote more Blacks and Asians throughout the system from police to magistrates to policy specialists.

The period ahead may be one of the most difficult that the UK will face in recent history. Similar to the United States after September 11th, the impact of the July 2005 terrorist attacks lingers long after the events themselves. Tentative progress being made in police-community relations suffered a setback as security fears hardened public apprehensions about the role of ethnic and racial minorities in UK society, particularly related to terrorism and crime, and raised concerns among Blacks and Asians of a backlash from the state and non-state actors. With the documented attacks and at least two racially charged deaths in the immediate weeks, a clear urgency to address these concerns has emerged. More than ever, UK government leaders in collaboration with community leaders must find the right balance between security and advancing the anti-racism agenda, a balance that will be determine to a significant degree by the efficacy and racial sensitivity of policing strategies.

End Notes:

[1]BBC, "The Secret Policeman," 21 October 2003.

[2]The Council of Europe's European Commission against Racism and Intolerance also expressed concern after seeing the documentary.

[3]Dominic Kennedy and Stewart Tendler, "Shoot-to-kill Policy is Based on Israeli Model," *London Times*, 25 July 2005.

[4]See Ted Cantle, *Community Cohesion: A Report of the Independent Review Team*, UK Home Office, December 2001.

[5]Kimberle Crenshaw, Neil Gotanda, Garry Peller, and Kendall Thomas, eds, *Critical Race Theory: The Key Writings That Formed the Movement* (New York: New Press, 1995), p. xiii.

[6]Kimberle Williams Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," in Crenshaw, Op. Cit.

[7]Among the groups that have used or referred to the slogan, "racism is a violation of human rights," are Global Rights, World Council of Churches, International Labor Organization, and the 1990 Trust.

[8]William MacPherson, "The Stephen Lawrence Inquiry," Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, February 1999.

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[10]United Kingdom, Greater London Authority, *Black People Pushing Back the Boundaries II*, 1.

[11]Ibid.

[12]Ibid, 6.

[13]Ibid.

[14]Ibid, 2.

[15]The Runnymede Trust *Islamophobia: A Challenge for Us All* (London: The Runnymede Trust, 1997).

[16]Kenan Malik, "Islamophobia Myth," *Prospect Magazine*, 10 February 2005. http://prospectmagazine.co.uk.

[17]See Hugh Muir and Laura Smith, *Islamophobia: Issues, Challenges, and Action* (Stoke on Trent, England: Trentham Books Limited, 2004).

[18]Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1998).

[19]Arun Kundani, "The Hate Industry," Institute of Race Relations, 6 March 2003, http://www.irr.org.uk/2003/march/ak000003.html. About three-quarters of the roughly 381,000 immigrants to the UK since the mid-1980s have been from developed countries, i.e., the face of most immigrants is white. The UK government turned down half of the 282,000 asylum seekers who applied between 1995 and 1999, disproportionately from the developing world, and the number of applications has been going down. Les Back, Lisa Schuster, and John Solomos, Letter to editor, *The Guardian*, 6 May 2002.

[20]Barbara Cohen, "The Race Relations Act and Other Legislation to Combat Racism and Racial Discrimination," in *Challenging Racism: Using the Human Rights Act* Barry Clarke, ed. (London: Lawrence & Wishart, 2003), 28-28.

[21]See "Council Directive Implementing the Principle of Equal Treatment Between Person Irrespective of Racial and Ethnic Origin" (OJ L 180, 19/07/2000) also known as the "Race Directive."

[22]Recommendation Rec(2001) 10 of the Committee of Ministers to member states on the European Code of Police Ethics, Appendix, Article 20.

[23]James A. Goldston, "Toward a Europe Without Ethnic Profiling," *Justice Initiative*, June 2005, 7.

[24]See Misti Duvall, "Evidence of Ethnic Profiling in Selected European Countries," *Justice Initiatives*, June 2005, 14-25.

[25]The 1960s-1970s SUS laws grew out of the 1824 Vagrancy Act that was enacted to stop soldiers who were returning home from the Napoleonic war from begging on the streets.

[26]House of Commons, "The Scarman Report: The Brixton Disorders," 10-12 April 1981 (1982)

[27]Ibid, *MacPherson Report*, Recommendation 61.

[28]Ibid, Recommendation 62.

[29]"Stop & Search: Ethnic Injustice Continues Unabated," *Statewatch* 15, no.1 (2005) 16.

[30]Ibid, *Statistics on Race and the Criminal Justice System – 2004*, UK Home Office, 2005, 23.

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[32] Ibid.

[33] Operation Black Vote, et al., *A Black Manifesto: The Situation Facing Asian, African, and Caribbean People in Britain and What the Government Must do to Address it,* (Spring 2005), 18-19.

[34] Ibid, "Stop & Search: Ethnic Injustice Continues Unabated," 16.

[35] Ibid.

[36] Ibid.

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[38] Ibid, *Statistics on Race and the Criminal Justice System – 2004*, 31.

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[43] Ibid, *Statistics on Race and the Criminal Justice System – 2004*, 88.

[44] Ibid, 87.

[45] See "The Making of a Criminal," *The Observer Magazine*, April 27, 2003, 18.

[46] Heather Holloway, "Dobo Tragedy – When Will Cop Custody Deaths End?," *Black to Black*, (Spring 2004): 14.

[47] Ibid, 14.

[48] Ibid, *Report of the MPA Scrutiny on MPS Stop and Search Practice*, 38-40.

[49] Christopher Middleton, "Bench Test," *Guardian Society*, 3 October 2001, 2.

[50] Ibid, *Black People Pushing Back the Boundaries II*, 39.

[51] Vic Motune, "May the Force Be With Us All," *Voice*, 17&24 December 2001.

[52] Terrorism Act 2000, Sec. 1.1.b and Sec. 1.1.c.

[53] Vikram Dodd, "Two-Thirds of Muslims Consider Leaving UK," *Guardian*, 26 July 2005.

[54] Ibid.

[55] Ibid, *Report of the MPA Scrutiny on MPS Stop and Search Practice*, 28.

[56] Ibid, *A Black Manifesto*, 19.

[57] Kenan Malik, "Islamophobia Myth," *Prospect Magazine*, 10 February 2005. http://prospectmagazine.co.uk.

[58] European Convention on Human Rights.

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[60] Home Affairs Select Committee, "Uncorrected Minutes of Evidence," 1 March 2005, HC 156-v.

[61] Colin Brown and Nigel Morris, "Race-Hate Crime Surge After Bombs," *The Independent*, 3 August 2005; and Mark Oliver, "Blears Backs Away From Racial Profiling," *The Guardian*, 2 August 2005.

[62] Ibid, *A Black Manifesto*, 19.

[63] See Home Secretary Charles Clarke letter to Parliament, 20 July 2005.

[64] Kevin Sullivan and Mary Jordan, "Blair Acts Against Muslim 'Fringe,'" *Washington Post*, 6 August 2005.

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[67] Ibid, 26.

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[69] Martin Wainwright, "Race Attacks Rise After Bombs," *The Guardian*, 1 August 2005.

[70] Ibid.

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[73] Ibid.

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