

Crime & Deviance (3)

The role of the police and judiciary in the social construction of the official criminal statistics (OCS)

In addition to examining the role of victims and the general public in the social construction of the criminal statistics (guide 2a), interpretivists argue that **the most important influence on the OCS are the police.**

Interpretivists argue that **the official criminal statistics tell us more about the nature of policing in the UK than they tell us about crime and criminality.** In particular, the OCS may tell us a great deal about **police administrative procedures**, how **police officers interact with suspects** especially those from relatively powerless social groups and **police culture.**

(a) Police administrative procedures

It is important to understand that the **43 police forces in the UK do not operate in a standardised fashion**, i.e. they do not necessarily follow the same rules or have the same priorities as each other. For example, **the OCS on cannabis use and prostitution are often unreliable because some forces consistently crackdown on these offences whilst others turn a blind eye to them.** In other words, **the statistics for these offences are not collected in the same way by every police force.**

However, **these police forces do have to categorise many property and violent crimes in the same way by following the Home Office's counting rules.**

Unfortunately, **these counting rules frequently change, therefore, artificially increasing or decreasing the OCS.** For example, in 2001-02, the government changed the counting rules by **re-defining particular types of violence and introducing new categories of it.** This made it virtually impossible **to compare violence post-2002 with violence pre-2002.** **The Labour Government (1997-2010) further contributed to the increase in crime reporting by introducing over 3000 new laws (and therefore 3000 new crimes).**

Furthermore, the police may exercise **discretion** in terms of how they define and consequently count crime because of **political pressures** to improve their clear-up rates or to improve police efficiency. **Crimes are often re-defined by the police as 'less serious'**, e.g. attempted burglary and car theft may be defined as criminal damage. Some crimes may not be recorded because the police regard them as **too trivial to classify.**

The OCS have also been affected by police take-up of new technology. For example, the common use of **surveillance cameras in city centres (CCTV) and at football stadiums** has led to **an increase in arrests, prosecutions and convictions, particularly for violent offences. Note that violent offences are probably not on the increase despite the OCS suggesting they are** – rather CCTV means that the police can react more quickly and make more arrests. Finally, since 1997, there has been a **20,000 increase in the number of police officers on the streets. More police are likely to record more crime.** (However be aware that austerity cuts in policing in recent years have resulted in police chiefs reducing the number of officers responding to crime – this may eventually result in an artificial fall in offences as police officers no longer record crimes that they would have previously responded to.)

Interpretivist sociologists conclude that all these pressures and influences on the reporting and recording of crime mean that **the statistics do not help us in terms of working out how much crime there actually is.** This can be illustrated by **the fact that**

- **for every 100 crimes committed,**
- **only 47 are reported to the police**
- **–even less – 27 – are actually recorded by the police, and**
- **only 5 are actually cleared up in the form of a caution or conviction.**

(b)Police stereotyping

It is important to understand that **the police are expected to police all sections of society equally.** However, interpretivist sociologists note that **this rarely happens – some groups attract more police attention and consequently are more likely to end up in the OCS.**

John Lambert notes that the official criminal statistics are a **social construction** in that **they originate in interaction between police officers and suspects.** He points out that this interaction is not equally balanced or neutral because **police officers have the power and authority to choose to ignore an incident, to label people as ‘suspicious’ or ‘potentially criminal’, to stop and search a person, to issue formal or informal warnings and to arrest a person using force if necessary.**

John Lambert observed **police-suspect interaction on the streets** and noted that officers use **stereotypical assumptions or labels** about what constitutes ‘suspicious’ or ‘criminal’ in terms of **social types and behaviour, i.e. the decision to stop or**

arrest someone may be based on whether they or the group to which they belong correspond to a negative stereotype held by a police officer.

(c) Evidence of racism in policing

There is strong evidence that suggests **racial profiling or stereotyping** by some police officers may be a crucial element governing their decision to stop people from ethnic minority backgrounds.

- (i) The **McPherson Report (2000)** which examined the police investigation into the racist murder of the Black teenager **Stephen Lawrence** by several White youths, concluded that the London Metropolitan police were guilty of '**institutional racism**' with regard to how they treated Black people. **McPherson broke the concept of 'institutional racism' down into four observable factors:**
 - **Unwitting prejudice** - officers were not aware that their behaviour was prejudiced and discriminatory.
 - **Ignorance** - police officers knew little about ethnic minority cultures which fuels stereotyping and racism.
 - **Thoughtlessness** - officers were insensitive about the needs of ethnic minority people
 - **Racial stereotyping** - a significant minority of officers assumed that **ALL** ethnic minorities were welfare scroungers, muggers, drug runners, illegal immigrants etc.
- (ii) **Townsley & Marshall's** interviews with police officers in 2004 suggest that London police officers engaged in a **racial profiling** practice called '**driving whilst Black**' – cars containing young Black people were much more likely to be stopped by police than cars driven by young Whites.
- (iii) **Phillips and Bowling** (2002) claim that the criminalisation of minority ethnic groups starts **with the 'over-policing' of neighbourhoods where ethnic minorities, particularly African-Caribbeans are heavily concentrated.** In the 1970s and 1980s there was ample evidence of this with oppressive policing techniques such as **mass stop and search operations, the use of riot squads using semi-military equipment such**

as water cannon, excessive surveillance, unnecessary armed raids and police use of racially abusive language. Some of this treatment of ethnic minority communities such as Brixton and Broadwater Farm in London, Toxteth in Liverpool and St. Pauls in Bristol led to **riots** (although ethnic minority communities prefer to use the word 'uprising').

Point of discussion

Why might the authorities and elements of the mass media prefer to use the word 'riots' to describe inner-city disturbances? In contrast, why might members of ethnic-minority groups and left-wing politicians prefer to use the word 'uprising'?

Official police stop and search statistics in 2011 show that **African-Caribbean young males are 8 times more likely to be stopped and searched than young White males.** There is some disagreement among criminologists as to how this particular statistic should be interpreted. Some sociologists insist that the figure merely means that there are simply more members of minority ethnic groups available to be stopped and searched in the urban areas where such stops are likely to take place. However, other criminologists, notably **Tim Newburn (2007)** argues that **the types of areas in which police decide to conduct stops and searches could reflect police racism. The police may assume that areas with high proportions of minority ethnic residents are more prone to crime and therefore patrol them more.** Furthermore, **Ministry of Justice (2011)** figures show that black people are more likely to be stopped than white people in the vast majority of police force areas.

Newburn, Shiner and Hayman (2004) studied **strip-searches** in a single police station in London over 18 months. They found that **African-Caribbean suspects who had been arrested were about twice as likely to be strip-searched compared with white suspects** even when the type of offence and its seriousness were taken into account. The study concluded that this was a more hidden aspect of police racism. **Phillips and Bowling (2007)** also argue that **police racism is reflected by the proportion of DNA samples that make up the national database, i.e. in 2006, some 37% of black men, 13% of Asian men and just 9% of white men** were on this database. Phillips and Bowling describe this as a form of **genetic surveillance.**

- (iv) Interviews with police officers have also found evidence of **racist attitudes held by individual officers** which affect **decisions about who to stop and how suspects are treated during stops**. **Bowling (1999)** found that **some police officers resented ethnic minorities** for taking over what had formerly been white areas. **Many police officers in the study felt that African-Caribbeans and Asians antagonised white people (and police officers) by failing to adapt to 'British culture'**.

Holdaway (2002) argues that there is substantial evidence of police stereotyping of ethnic minorities in the form of **derogatory language, jokes and banter between white police officers in police stations** and particularly in **police canteens** where most officers eat. **The Crompton Report** into policing in the UK in 2005 notes that **senior officers have failed to tackle the racist canteen culture of rank and file officers** and that **diversity training** (aimed at helping officers to understand ethnic minority cultures) **has generally failed**.

There is also evidence of **racism among police recruits** – **Michael House** found extensive racist stereotyping among trainee officers at **Hendon Police College** in the 1980s. In 2008, the BBC journalist **Mark Daly** in the Panorama documentary '**The Secret Policeman**' uncovered racism among approximately 20% of new recruits in a Manchester police college.

- (v) **Simon Holdaway** notes the existence of **internal racism** within police forces– there is evidence that **some White officers have demonstrated racist attitudes and behaviour towards their fellow ethnic minority officers**. In 2008 the **Black Met Police Officers Association** advised would-be ethnic minority recruits **not to join the police** because of the limited promotion opportunities which they argued was due to a **racist glass ceiling**, e.g. 87% of ethnic minorities never get beyond PC level, and the continued existence of a **racially hostile canteen culture** which sees Black and Asian officers as an easy target for racist jokes.

(d) Attitudes of minority ethnic groups towards the police

Studies of Black people's experience of policing conducted by **Bowling (2003)** and **Wilson and Rees (2006)** suggest that young Asian and Black males have few positive experiences in their encounters with the police, and consequently interactions often

involve **conflict and confrontation**. Research for the **Policing for London** project (2002) found that between 1981 and 2000 **the percentage of people in all ethnic groups saying the police treat ethnic minorities unfairly had risen**. Among blacks it had risen from 48% to 50%, among Asians from 36% to 39% and among whites from 20% to 34%.

Moreover, Wilson and Rees found that the young Asians and African-Caribbeans in their sample were convinced that **police officers routinely discriminated against them on the basis of racial stereotypes and that the areas in which they lived were over-policed**. Some young black people saw the police as an **'occupying army'** and were generally hostile towards the police because of the **over-use of stop and search**.

Research into the 2011 riots and looting in London, Birmingham and Manchester by **The Guardian newspaper** found that **45% of the participants were black** who had originally gone out onto the streets in protest at the police shooting of **Mark Duggan**, a black suspect, by the Metropolitan police. The research found that **hostility to the police was the second most cited explanation for taking part in the riots after poverty**. No less than 73% of the rioters had been stopped and searched one or more times in the previous year and many complained of feeling harassed by the police. **Many felt that there was a racial element in police harassment**. Consequently a desire to take revenge on the police was an important motivation for many of the rioters.

In summary, then, **the high proportion of black people found in the OCS may not be there because they are more criminal than other sections of the population**. Their presence in the OCS may be socially constructed - **they may show up more because of police behaviour and culture**

(e) Other examples of police stereotyping

However, it is not just black people who are stereotyped by the police. In areas in which there are few ethnic minorities, it may be the case that **young people, males and working-class people** also fit a criminal stereotype and may be more likely to be the **subject of police attention than older people, females and the middle-class respectively**. Evidence suggests that **working-class areas** in Leeds, for example, **are subjected to more police patrols than middle-class areas**.

Feminist criminologists such as **Heidensohn** note that **females are under-represented in the OCS**. However this too may be a social construction in that

male officers may treat female suspects and criminals more softly than males. Heidensohn argues that male police officers tend to adopt **paternalistic (fatherly, protective) attitudes** towards female offenders which means that **they are less likely to be stopped, arrested and charged**. They are less likely to be stereotyped by police officers as 'suspicious' or criminal and when found committing criminal offences, they are more likely to be cautioned rather than arrested and charged. Consequently they do not turn up in the OCS and this gives the (false) impression that crime is an exclusively male activity.

(f) The judicial system – judges, magistrates and juries

Research into the **social background of magistrates and judges** has also raised the question of whether there is **class, gender and racial bias in the judicial system** which may partly be responsible for the over-proportionate number of young people, black people and working class people in the official criminal statistics and the prison population.

Research by Hood has shown that **almost 80% of magistrates are from the professional classes I and II** whilst there is a **marked absence of unskilled working class, black and Asian magistrates**. Griffiths' research into the social and educational backgrounds of the judiciary indicates that **the vast majority of judges are from upper class backgrounds as seen in the fact that up to 70% of them attended the top public schools and Oxbridge**. Griffiths also found that judges tend to be **disproportionately male and white** and rather old.

Griffiths argues that **these very narrow social backgrounds make it difficult for magistrates and judges to understand the situations and experiences of the working class and black people who appear in front of them**. For example, research by Box found that **magistrates and judges are more likely to see middle class criminality as an 'accident' or as 'out of character and consequently treat such offenders more leniently than working class or black offenders**. Consequently middle-class offenders were **less likely to be sentenced to prison**.

Studies of juries also indicate that they use stereotypical assumptions about particular social groups rather than the objective evidence put in front of them to judge the innocence or guilt of those being prosecuted. This too may contribute to the social construction of the official criminal statistics.

Race and the judicial process

There have been a number of studies into **the relationship between prosecution, sentencing and race.**

- **Mhlanga (1999)** found that the Crown Prosecution Service (CPS) were more likely to terminate cases involving minority ethnic groups. On the surface this might suggest discrimination in favour of minority ethnic groups. However, **Phillips and Bowling** suggest two other possible causes. Firstly it may be that **the police tend to forward cases involving ethnic minorities to the CPS where the evidence is weak because the police tend to have negative stereotypes of minorities.** Secondly, the decisions of the CPS may reflect the ethnic mix of that organisation in that 12% of CPS staff come from minority ethnic backgrounds.
- Phillips and Bowling found that once it has been decided to bring a prosecution, **minority ethnic groups are more likely than whites to be tried in a Crown Court rather than a Magistrates Court.**
- **Roger Hood's (1992) study of 3,300 cases heard in the West Midlands Crown Courts in 1989** found that **black males have a 17% greater chance of receiving a custodial sentence than whites for the same offence and that the average length of prison sentence was longer for both blacks and Asians when they pleaded not guilty. It is therefore not surprising that the prison population statistics show a high proportion of black people.**

In 2011 the Guardian newspaper carried out an analysis of more than one million court records and discovered that **offenders from ethnic minorities are more likely than their white counterparts to be sentenced to prison for certain categories of crimes.** The study found black offenders were 44% more likely than white offenders to be sentenced to prison for driving offences, 38% more likely to be imprisoned for public disorder or possession of a weapon and 27% more likely for drugs possession. Asian offenders were 41% more likely to be sent to prison for drugs offences than their white counterparts and 19% more likely to go to jail for shoplifting.

Conclusions

In conclusion, then, interpretivist sociologists argue that the way the official criminal statistics are collected and put together is **not reliable** and that consequently **the picture of crime and criminals they present is not valid.** The OCS probably tell us more about the fears and anxieties of victims, journalists and the general public,

and the prejudices and actions of police officers, magistrates and judges than they tell us about crime.