

Anti-racist Wales CONSULTATION RESPONSE



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About StopWatch

Stopwatch was formed in 2010 as a coalition of academics, lawyers, civil society organisations, and community stakeholders, StopWatch works to promote fair, effective, and accountable policing in England and Wales, with a primary focus on stop and search. We have delivered stop and search training in Wales, and we have followed the Anti-racist Wales Action Plan with great interest.

This response from Stopwatch will predominantly be relating to the crime and justice part of the consultation letter on the **Anti-racist Wales Action Plan (ARWAP)**. Within this document, we will discuss racial disproportionality within the criminal justice system (CJS). As an organisation focussed on stop and search, this consultation response will be predominantly focussing on stop and search and the relationship stop and search shares with communities. The consultation letter published by the Welsh government asks contributors to 'examine the progress of the Racial Disparity Unit, and determine whether there are gaps in data collection and analysis of data is being carried out effectively' and asked for a focus on responses relating to the CJS.

On the Racial Disparities Unit

On page 16 of ARWAP, it is written that 'We also recognise that young ethnic minority men, for example, are more likely than other groups to be stopped and searched by the police.' Stop and search in Wales has its legacy in the sus laws¹, something that has been notorious in the historic and multigenerational experiences of Black, Asian, and Minority Ethnic (BAME) people in Wales. We are grateful to see the acknowledgement of the disproportionate nature of stop and search on minority ethnic men, and the desire of the Welsh government to minimise ethnic and racial inequalities in Wales relating to the CJS to support our shared aims and goals of community cohesion.

In weeks proceeding and up to 28 September 2023, there has been no aggregated data made available through South Wales police's website (appendix item 1)² or through the Police UK's website from South Wales police on the topic of stop and search. There is a systemic lack of data available on the criminal justice system within Wales. Despite the creation of a Racial Disparities Unit, there is no publicly accessible data on racial inequality and ethnicity relating to the criminal justice system in Wales. It is disappointing that there is not more publicly available data on racial inequality in the Welsh public sphere following the creation of the Racial Disparities Unit.

Stop and search in South Wales

We have [hosted a dashboard of stop and search activity](#) on our website for many years that has acted as a quantitative and qualitative resource for campaigners and practitioners. We have also historically delivered some stop and search awareness training in Butetown, Cardiff. This information we will discuss below is from qualitative and quantitative data on stop and search that is available in the public domain from police forces. This data we will discuss below from South Wales is from national police powers and procedures datasets³ because of a lack of available published data by South Wales police force on stop and search and ethnicity. We are taking South Wales police as our example, mainly owing to the fact that Cardiff⁴ is 14% Black, Asian, and Minority Ethnic, resulting in Cardiff being over twice the Welsh minority ethnic average.

In 2022/23, compared with white people, Black people were stopped and searched three times more often by South Wales police. According to the Lammy Review⁵, Welsh ethnic minorities are overrepresented at every point of the criminal justice system. We believe that inequalities produced by the stop and search process is an indicator of the health of police forces and the communities within which they are embedded, and points to a wider culture of class, race, data collection and transparency within the South Wales police force. As such, we advocate for an immediate and significant reduction in the egregious use of the tactic on racialised communities.

The first goal under 'Criminal Justice' of the ARWAP (p.112) is 'To work with the police and other criminal justice partners (eg. Criminal Justice in Wales and members within it) to create an anti-racist criminal justice system in Wales, taking a challenging and radical approach to improve outcomes and to tackle systemic racism'. The **Criminal Justice Anti-Racism Action Plan for Wales** doesn't mention reducing ethnic disproportionalities in stop and search, but it does seek to reduce racial inequality within the CJS. We would advise that the Racial Disparity Unit creates bodies of information that are publicly available for stakeholders working in and around racial inequality in Wales, that a lack of devolution in policing and CJS is posing a barrier in the location of information for the wellbeing of current and future generations and that this is a barrier to achieving an anti-racist Wales by 2030. This is because of how deeply embedded sus law has been in areas such as Butetown in Cardiff and Pillgwenlly in Newport, home to some of the oldest continuous Black, Asian, and Minority Ethnic communities in Wales owing to the multigenerational nature of the docklands.

The second goal of ARWAP under the Criminal Justice section reads: 'To respond to the clear evidence from stakeholders that strengthening the evidence base to identify racial disparity within the justice system is vital, we will collect and report robust, granular, timely and consistent criminal justice data on ethnicity and race, together with working closely with ethnic minority people to improve their knowledge/trust in how their data will be used to increase their confidence to share data with government and partner organisations.' It is unclear what this means for stakeholders and members of the public because of the ongoing gaps on criminal justice data, or what monitoring system has been created between the creation of ARWAP and the consultation into the implementation of ARWAP. For example,

access to that data would make a robust evidence base from which we could analyse data and submit in the form of the consultation.

There is a lack of transparency and clarity within **Equality, Race and Disability Evidence Units: Priorities 2022 to 2027**. Point 1.08 of 'Equality, Race and Disability Evidence Units Priorities, and their contributions to key plans and strategies (draft)' says: 'Develop a one stop shop for Wales-based equality, race, and disability evidence alongside advice and guidance to support others with the collection and use of equality data'. While this report is a draft, there is no timescale for 1.08, and the delay of a publicly available timeline for evidence units is an urgently needed intervention to support the delivery of the ARWAP because of this barrier to implementing the plan.

We believe that there needs to be transparency and better data collection from Welsh forces so that ethnic minorities will have a heightened trust in South Wales police given the historic relationship of the police to ethnic minorities following the 1919 race riots, Mahmood Mohammad Mattan, the Cardiff 5, the Cardiff 3, the Christopher Kapessa campaign, the Ely riots of 1991, the Ely riots of 2023, the overrepresentation of minority ethnic people within the criminal justice system along with enduringly high levels of stop and search and incarceration. We believe that this transparency will support other ongoing goals of the ARWAP, to 'To ensure that Wales continues to strive to be an anti-racist country and so is a safe place to live, by eliminating hateful attitudes and supporting victims of racially motivated hate crime' (p.119).

In a piece called Racial Violence and the Brexit State written by Jon Burnett for the Institute of Race Relations⁶, Burnett's research found that South Wales police were amongst the top 15 police forces with the highest number of racial incidents between 24 June and 23 July 2016. The Welsh government is actively seeking more people with protected characteristics to report hate crime, but it is unclear how much progress has been made on changing the culture of police forces in Wales. Therefore, building trust and transparency between ethnic minorities and the police in demonstrably lower levels of racial inequality within the criminal justice system to boost confidence in reporting. This can be obtained in the availability of more data by police forces, particularly on stop and search.

References

- ¹ Fighting Sus! then and now - Institute of Race Relations <https://irr.org.uk/article/fighting-sus-then-and-now/>
- ² Stop and search | Police.uk <https://www.police.uk/pu/your-area/south-wales-police/performance/stop-and-search/?tc=>
- ³ Police powers and procedures England and Wales statistics - GOV.UK <https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>
- ⁴ Ethnicity by area and ethnic group <https://statswales.gov.wales/Catalogue/Equality-and-Diversity/Ethnicity/ethnicity-by-area-ethnicgroup>
- ⁵ The Lammy Review https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf
- ⁶ Racial violence and the Brexit state - Institute of Race Relations <https://irr.org.uk/article/racial-violence-and-the-brexit-state/>