

**IMPROVING POLICING AND THE CRIMINAL
JUSTICE SYSTEM: MORE JUSTICE AND EQUALITY
A PERSONAL COMMENTARY**

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Arguably the current stop and search policy should be discontinued because it is very discriminatory and abusive, and further distances police from communities. People are much more likely to be stopped and searched if they belong to an ethnic group other than 'white', resulting in black people being six times more likely to be stopped and searched than white people. Recently it was found that 27% of searches might be illegal and actually only 10% resulted in arrest.² This clearly shows the ineffectiveness of this procedure. Why should society be subjected to something that creates a lack of credibility and trust in policing? Nowadays police more than ever should be aiming at improving their image and trying to eliminate dubious practices that might lead to controversial and questionable results. Stop and search is certainly a controversial policy.

Drawing from personal experience, I know how intimidating and embarrassing it can be to be stopped and questioned by the police in a public space. Automatically you are put under the spotlight or at least you feel so. It is enough just to look foreign or different to raise suspicion. Regrettably, it is natural that people do not trust those whom they do not know. We have learned to read and understand those who surround us and with whom we share common culture and values, but it is not so easy when we have to deal with people from different cultural backgrounds. It is common to apply stereotypes and other kinds of 'knowledge' that we possess when dealing with people from different cultures, which unsurprisingly regularly leads to misjudgement.

Professor Kahneman, a Nobel Prize winner with his extensive work and research, has proved that the human mind is capable of many errors and even the most trained specialists may be guilty of the same errors as anyone else. He concluded that there is nothing much that we can do about the way our mind works. What we can do is to change the system so that we are likely to make fewer mistakes (Kahneman, 2012). This argument underlines the

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² BBC News. (2014) *Police Stop and Search Powers to be Overhauled*. [Online] Available from: <http://www.bbc.co.uk/news/uk-27224887>. [Accessed: 15th November 2014].

need to avoid such practices as stop and search. It is the system that needs to be changed because communities cannot rely on sound, impartial and consistent police judgement while conducting stop and search procedures, due to the errors that every human mind is capable of making.

Nowadays we live in a multicultural society, therefore, to pretend that somebody will be able to assess other members of society without prejudice is very unlikely at least at the current time. Nevertheless, people from all backgrounds should feel equally safe in the public domain and the police should not be allowed to continue this racially discriminatory practice. People should not be prejudged on the basis of their skin colour or because of association with certain religious groups or because they simply have chosen to stand out from the crowd. By constantly pointing out the differences we forget the common interests and values that we share as human beings. People should not only understand and respect the differences between various cultures but also embrace the understanding of togetherness. When we will learn this lesson the world will be a better and safer place to live.

To my mind, stop and search powers allow the police to stand above society and to have unjustified control over people. This situation creates a negative notion about policing. It is no longer about trusting police; it is about being constantly under their control and surveillance, reminding us that 'Big Brother is watching you'. Do we really want to live in such a society? Even though the stop and search mandate has been revised several times making police more accountable for their actions by requiring 'reasonable grounds for suspicion', statistical data suggest that there are still many improvements needed. But why should we waste time and effort in order to improve something that might never bring the needed outcomes? So far it has not been able to do so. Would it not be an easier and more viable solution simply to abandon this practice? No legislative regulations or rules can change our perceptions, and biased attitudes towards different nationalities and social backgrounds may unfortunately be inevitable.

Benefits from stripping police of stop and search powers would include positively empowering communities and improving police relations with ethnic minorities. The police would be perceived in a more positive light from all members of society, as people's liberties would not be jeopardised regardless of their ethnicity, social and economic background. It is essential to ensure that everyone, irrespective of ethnicity or appearance, is treated with the same respect in the public domain. People's personal space and liberties should be equally respected whether in public or at home. Why do police have this mandate to stop and search

somebody in public without written warrant, whereas for entry onto private property normally police would require a search warrant? Why do we provide more protection for our property but not our body?

Unless a member of the public poses a real threat to other members of society, the police should not intervene in any manner. For example, even if somebody might be carrying some kind of weapon, it does not mean that he or she will actually use it. I do not support 'punitive' punishment, because people should be judged by their actions and not by a potential threat which might never be realised. There is a need for preventive actions in order to reduce the possibilities of criminal acts, but our current criminal justice system does not provide needed resources to support those who are on the brink of criminal activity and thus direct them away from crime. I would like to argue that it is more beneficial to rebuild trust and mutual respect between communities and police than for police to be able to use one of its coercive powers - stop and search.

The relationships between police and society should be based on dialogue and cooperation. Therefore, the police should carefully consider which practice promotes that and contributes towards bridging the gap between communities and which practice can bring contrary effects and, therefore should be avoided. Sometimes it seems that police are using too much force and very little consideration is given as to how their actions further affect people's lives. There is in general too little care about people's lives and, instead of focusing on problems and their solutions, police are enforcing only the punishment. This is not to suggest that police should undertake the function of psychologist or other specialist that deals with human mental issues, but what I would like to put forward is a new system where people are at the heart of the criminal justice system and thus are adequately supported.

The name itself 'criminal justice system' implies that justice is achieved via this system. Currently this idea certainly can be contested. It seems that justice can be easily found when dealing with offenders that can be caught on the streets and not those sitting in the high offices. Recent scandals that involved famous British celebrities who took part in a tax evasion scheme shows how little justice can be achieved when you move up the social hierarchy. Will they ever be put into jail? Will they ever be treated the same as those who have no celebrity status and empty bank accounts? I have certainly doubts about it. They will not be imprisoned, and even if they were the best possible circumstances would be provided for them. Thus, my question is would the police ever stop and search famous celebrities and influential people looking for evidence of misconduct? For how long will we punish those who

come from deprived and disadvantaged communities and cannot afford such luxury lifestyles? As Wacquant has argued in his book *Punishing the Poor: the Neoliberal Government of Social Insecurities* current penal policies are not intended to rehabilitate offenders or change either their outlook or behaviour, but instead act as a repressive mechanism which is applied to the poor and powerless (Wacquant, 2009). By locking up the 'dangerous suspects' that by definition can possess a threat for the rest of the society, a country makes sure that it is fulfilling its duty to protect its citizens. Have we really envisaged such a system and for how long do we want to continue with it? Do we have alternatives and do we want to enforce them? There are more questions than answers but my firm belief is that this system has to change.

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