2. In the debate about race and policing, why is it important to distinguish between discretion, disproportionality and forms of discriminatory processes?

Introduction:

- Overall, the main role of the police is believed to be to record and conduct an investigation if they have reasonable grounds for believing that a crime has been committed and to bring them to court if their investigation certifies their suspicion (Waddington, 1999).
- Issues arise when the police ignore certain offences and allow certain suspects to be free, also known as discretion. (Waddington, 1999)
- It is common belief that discretion takes place due to the fact that the police discriminate people based on different aspects.
- Discrimination is known as behaviour, attitudes and processes that disadvantages minority ethnic people through prejudice, ignorance and racist stereotyping (Stephen Lawrence Inquiry Report, 1999) and can also take place based on someone’s age, gender, ethnicity, religion, etc.
- This essay will focus on issues regarding race and policing, identify the links between discretion, disproportionality and discrimination in depth and analyse how different discriminatory processes have different impacts on statistics as well as the society as a whole in order to understand why it has been and still remains a significant issue in the police system.

Different discriminatory processes:

- It is possible to suggest that the reason why it is important to distinguish between discretion, disproportionality and forms of discriminatory processes is due to the fact that they are all linked together.
- However, Reiner states a central concern - does discretion necessarily mean discrimination? (Reiner, 2010)
- The radical critique agrees with the statement and states that differential treatment is the result of biased stereotyping (Chapman 1968).
- However, conservative critiques oppose the view and instead, states that this statement unjustly vilifies the police and the differential treatment reflects the varying deviance of different social groups (Wilbanks 1987).
- Therefore, when the differences between discretion, disproportionality and discriminatory processes are analysed and the areas in policing in which they are used are observed, it becomes easier to study the statistics and literature based on race and policing and to come to a conclusion whether the police are just “doing their job” or whether there are other deeply rooted issues within the system.

Stop and Search:

- Following PACE (1984), Code A gave the police the power to stop and search even when there is “no reasonable suspicion”.
- Although this code was implemented to improve the safety of the citizens, it had a negative impact on ethnic minorities, suggesting that discrimination was taking place.
- This can be supported by the fact that 1 million searches were carried out under PACE of which 11% of searches were of black people, 5% Asians and 1% “other” non-white minorities despite the fact that only 2% of the population ages 10 and over in England and Wales were black, 3% Asian and 1% “other” non-white minorities. (Statistics of Race and Criminal Justice System (1997/98)).
- The statistics portray clear discrimination by the police, which leads to a high level of disproportion.
- The different types of discrimination that are responsible for the statistics are recognised by Reiner (2010):
  - Firstly, categorical discrimination is a direct form of discrimination based purely on the fact that someone belongs to a certain social category.
  - Secondly, statistical discrimination is based on a stereotypical belief that based on someone’s race, age or gender, they are likely to have certain characteristics, which can also be supported by