Biography

I am Senior Lecturer within the Department of Sociology, Manchester Metropolitan University where I have worked since April 2007. Prior to this appointment, I was employed as Research and Evaluation Officer for Greater Manchester Probation Trust being instrumental in the provision of an evidence-led research and evaluation function to Chief Probation Officers' and the senior management team to inform probation policy and practice supervision premised upon 'what works?' principles.

Throughout my career, I have written extensively on the topic of racial disparity within the Criminal Justice System (CJS) of England and Wales and, the differential treatment of racially minoritised people who encounter the CJS. In 2021, I was Co-Investigator on the Economic and Social Research Council (ESRC) funded research project on the impact of the pandemic on ethnic inequalities. This project resulted in two primary research reports the first entitled 'A threat to public safety: policing, racism and the Covid-19 pandemic'.[1] The second report explored the views of bereaved families whose family members had died following an encounter with the police. Provisionally entitled 'The police institutional killings of Black men: surfacing the barriers to justice' the findings from this report are contained within a co-authored academic paper.[2] These publications will be relied upon throughout this report.

Over the past 25 years, I have established an excellent reputation for rigorous research analysis to inform understandings of racialised processes of criminalisation and how this affects racially minoritised people. I have undertaken research on behalf of HM Government's Home Office and Ministry of Justice and have provided research consultancy to the Youth Justice Board (YJB) and Correctional Services Advice and Accreditation Panel (CSAAP). In 2016, I was invited as a member of the Academic Researchers Group to the Lammy Review and more recently, as Advisory Board member for Her Majesty's Inspectorate of Probation (2021) and Her Majesty's Inspectorate of Prisons (2022) two inspections that explored the topic of racial disparity and differential treatment in the National Probation Service (NPS) and Her Majesty's Prison Services (HMPS), respectively.

My research and published academic papers have been cited extensively contributing to a growing body of literature that considers the harmful effects of racialised constructions of crime and criminality and how such constructions drive the harmful mistreatment of racially minoritised people by the practitioners and agencies of the criminal justice system. Alongside my professional employment within statutory CJS organisations, my expertise and understanding of racial disparity and the criminalisation of minority ethnic children and young people, is grounded by my engagement with voluntary and charitable sector (VCS) organisations and communities. The following report is therefore informed by my professional and academic experiences and draws extensively on the research and evaluation studies, and data analyses of the numerous projects cited on my CV.

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[1] Harris, S., Jospeh-Salsbury, R., Williams, P. and White, L (2022) 'A threat to Public Safety: policing, racism and the Covid-19 pandemic.' London: Institute for Race Relations. https://irr.org.uk/wp-content/uploads/2021/09/A-threat-to-public-safety-v3.pdf

[2] Williams, P., While, L, Joseph-Salisbury, R. and Harris, S. (2023) 'Omission, Erasure and Obfuscation in the police institutional killing of Black men'. *Mortality*, 28(2), 250–268. https://doi.org/10.1080/13576275.2023.2190451

Introduction: institutional racism.

In 1999, Lord Macpherson in his inquiry into the death of Black teenager Stephen Lawrence characterised the Metropolitan Police as institutionally racism – defined as.

> '[T]he collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It 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.'

Since Lord Macpherson's assertions, Baroness Casey (2023) again found the Metropolitan Police to be 'institutionally racist, sexist and misogynistic'. While the temptation may be to argue that institutional racism is particular to policing across England and Wales, in a public address to the Scottish Police Authority Board, Sir Iain Livingstone (25 May 2023) offered that the following.

> '...it is right for me, the right thing for me to do as Chief Constable, to clearly state that institutional racism, sexism, misogyny and discrimination exists. Police Scotland is institutionally racist and discriminatory'.

The above declarations serve to affirm what racially minoritised people and communities have known for generations - that Black, Asian, Mixed and Other minority ethnic people have a qualitatively different experience of policing and law enforcement across the UK.

Racial and ethnic disparity in the CJS

Criminal Justice Systems across the United Kingdom are characterised by a differential treatment of racially minoritised groups and communities.[3] Even a cursory glance at official statistics illustrates that racially minoritised people[4] are more likely to encounter the police and law enforcement agencies when compared to their proportions in the general population.[5] According to the Audit Scotland, Annual Diversity Report (2023) White people accounted for

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[3] See for instance Ministry of Justice (2023) 'Statistics on Ethnicity in the Criminal Justice System of England and Wales.' London. https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html#:~:text=In%202022%2C%2077%25%20of%20all,6%25%20of%20all%20female%20prosecutions. Amnesty International UK. 'Northern Ireland: PSNI stop and search figures show continued racial disparity', [Press release] https://www.amnesty.org.uk/press-releases/northern-ireland-psni-stop-and-search-figures-show-continued-racial-disparity

[4] Throughout this report the term racially (or ethnically) minoritised groups references to people who are self- or police- defined as belonging to a 'White Other', 'Asian', 'Black', 'Mixed' or 'Other' ethnic group. It is noteworthy that these omnibus categories of ethnicity are primarily employed for research statistical analytical purposes (e.g. Census) and problematically assumes a sameness across ethnic categories which conceals the significant heterogeneity (difference) of ethnicity.

[5] Scottish Government (2023) 'Ethnicity in the Justice System'. https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2023/04/ethnicity-justice-system/documents/ethnicity-justice-system/ethnicity-justice-system/govscot%3Adocument/ethnicity-justice-system.pdf

95.4% of the Scottish population with racially minoritised people accounting for 'approximately' 4.5% of the population.[6]

In 'Ethnicity in the Justice System' (EJS) produced by the Scottish Government, there is evidence that racially minoritised people are more likely to be stop and searched, and more likely to appear in the High Court as suspects. Further, 'the incarceration rate for people from African, Caribbean or Black and Other ethnic groups' is significantly higher than for people who are white. The report also suggests that minority ethnic people are less likely to access 'diversion schemes' away from the criminal justice system. It is noteworthy that throughout the EJS report there is little attempt to explain disparities in the treatment for racially minoritised groups. For example, on the topic of 'use of force' the report illustrates that 'the vast majority of use of force forms were submitted in relation to individuals who identified as White Scottish/White Other British' (see page 46).

Given that approximately 95% of the population of Scotland is White, it is unsurprising that the 'vast majority' of people who come into contact with police, law enforcement and practitioners of the Scottish Justice System are themselves White. However, the phrase 'vast majority' is adopted throughout the report (used 26 times) and in my opinion serves to conceal the subjective experiences for people who encounter the police, including those from a White Scottish background. So, while 1.6% of the Scottish population are of Black ethnicity, Black people made up 3.3% of those who appeared in the High Court as the accused in 2021-22.

The methodological focus on the 'vast majority' serves to mask the local geographical variances and differences in the policing of racially minoritised people across Scotland. Unfortunately, the EJS report does not provide the information or data to allow for a more granular level of analysis. According to the Coalition for Racial Equality and Right (CRER)[7] in Scotland, while Police Scotland claimed there is no evidence of differences between the stop and search rates for different ethnic groups, they found there were 'concerning results found in Glasgow, Inverclyde, and across Ayrshire'. The blog continues that in South Ayrshire, the proportion of black individuals stopped and searched was the equivalent to six out of every 10 people in the area's Black communities.'

There is clearly a quantifiable reality to racial disparity across the criminal justice systems of the UK, and yet, rather than being read as topic of concern requiring urgent political attention such figures rarely receive public debate or attention, instead being (mis)read as criminological fact of a relationship between 'race and crime'. In what I have described elsewhere, as the 'criminological, political, and community silence'[8] such statistics cannot explain the institutional factors (policies, practices, and procedures) that drives the under-policing of 'White' people and the over-policing of Black, mixed, Asian, and other minority ethnic people. Therefore, the 'counts', 'percentages', 'proportions of', and 'totals' held for example within the Scottish Government's EJS report misleadingly reaffirms the public consciousness that non-white people are disproportionately engaged with and predisposed to criminality.

Academically, there is little robust evidence to support the assertion of a causal relationship between ethnicity and crime rates. Indeed, evidence suggests that racially minoritised people

[6] Audit Scotland (2023) 'Annual diversity report 2021-2022'.
https://audit.scot/uploads/docs/report/2022/as_diversity_2022.pdf
[7] CRER Blog, Carol Young - August 2014 - More transparency on stop and search and ethnicity in Scotland
[8] Williams, P. and Clarke, B. (2018) 'The Black criminal other as an object of social control. *Soc. Sci*. 2018, 7(11), 234; https://doi.org/10.3390/socsci7110234

commit offences at a similar rate to their white counterparts, and for some ethnic groups, levels of crime are lower than those of white people.[9] More recently, research conducted by Dr Lymperoupoulou questions the disparity of minority ethnic people in the CJS as being driven by differences in crime rates.[10] Lymperoupoulou's study being one of the first Ministry of Justice sponsored Administrative Data Research (ADR) Fellowship projects demonstrates that ethnic disproportionality in court sentencing is sustained even where the quantitative analysis controlled for variables related to socio-economic status, offences seriousness, and extra-familial factors. The central finding here is that disproportionality in CJS processes and outcomes cannot be explained by variations in offending behaviour patterns of different ethnic groups. This point is supported further by Her Majesty's Inspectorate of Probation and Her Majesty's Inspectorate of Prisons[11] where ethnic discrimination and disparity are a stubbornly intrinsic feature of contemporary probation and prison practice which affects racially minoritised people and specifically Black people.

Racialised criminalisation: the driver of ethnic/racial disparity

In order to better explain the stubborn persistence of racial (and ethnic) disparity it is necessary to look at the link between the process of racialised criminalisation and the over-policing of racially minoritised people.[12]

Racialisation *'refers to the process of attributing negative qualities and characteristics to groups based upon their belonging to a specific racial and/or ethnic group'*. It recognises the relations of institutional power as a historical socio-political feature of the society which helps us to understand why different groups, at different times, are portrayed and mediated as a (social, cultural, political, legal and/or economic) problem in different UK and European countries. Indeed, it is the characterisation of such groups and specifically racialised ethnic groups that increases the likelihood of encountering the police and in turn, criminalisation.[13]

Relatedly, criminalisation '*refers to a process where police and law enforcement agencies infer criminality on the behaviours, traits, or characteristics of a group - behaviours that in isolation are non-criminal*. The processes that drive criminalisation are enabled by policy makers and

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[9] Uhrig, N. (2016) 'Black, Asian, and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales'. London: Ministry of Justice.

[10] Lymperoupoulou, K. (2022) 'Ethnic Inequalities in the Criminal Justice System.' https://www.adruk.org/fileadmin/uploads/adruk/Documents/Ethnic-inequalites-in-criminal-justice-system.pdf

[11] HM Inspectorate of Probation (2023) 'Race equality in probation follow-up: A work in progress'. https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/09/Race-equality-in-probation-follow-up-thematic-inspection-v1.0.pdf

HM Inspectorate of Prisons (2022) 'The experiences of adult black male prisoners and black prison staff'. https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/the-experiences-of-adult-black-male-prisoners-and-black-prison-staff/

[12] Williams, P. (2020) 'Community empowerment approaches.' [CLINKS] https://www.clinks.org/sites/default/files/2020-09/clinks_EL_institutionalised-racism-dr-patrick-williams_V4.pdf

[13] Phillips, C. (2011) Institutional racism and ethnic inequalities: an expanded multilevel framework. *Journal of social policy*, 40 (01). pp. 173-192. https://eprints.lse.ac.uk/31350/1/Institutional%20racism%20and%20ethnic%20inequalities%20%28lsero%29.pdf

law enforcement agencies who define and label what behaviours are to be socially and legally regulated and subsequently what and who should be policed.'[14]

Taken together, racialised criminalisation is premised upon a series of racially charged, stereotypical presumptions of criminality conferred upon racially minoritised people across Scotland and the wider UK. Policing and law enforcement practices and resources are therefore trained and targeted upon Black and racially minoritised groups and communities whose mere presence offends and disrupts the normative boundaries of imagined (white) society, and where negatively racialised people and communities are mediated as outsiders and as 'not belonging'.[15]

Racism(s), racial disparity, and differential treatment across the criminal legal system.

To be clear, racial disparity and differential treatment is driven by racism as an intrinsic feature of policing and wider criminal justice practices in Scotland and across the UK. It arises due to the prevalence of racist views and embedded racialised tropes held across British society, and in turn, within public sector institutions and organisations.

At its simplest level racism can be defined as.

> '[F]irst a set of beliefs or a way of thinking within which groups identified on the basis of real or imagined biological characteristics (skin colour, for example) are thought necessarily to possess other characteristics that are viewed in a negative light. [I]t is rooted in the belief that certain groups, identified as 'races', 'ethnic minorities' or by some more abusive label, share attitudes or abilities and a propensity to certain behaviour. The assumption is made that every person, whether man, woman or child, classified as belonging to such a group, is possessed of all these characteristics.'[16]

From this position, non-white people have historically and more contemporaneously been 'viewed with a suspicion' which increases the likelihood that they will encounter the police and other law enforcement officers. When set against the police aims of 'keeping the King's peace', 'protecting the public' and 'detecting crime' disproportionate attention has always been paid to racial, social, and economically marginalised groups and communities - those who are popularly imagined and communicated as responsible for crime, criminality, and other anti-social behaviours.

For Black people, to be stopped and searched by the police is not a random, chance coincidence, but the logical result of stereotypical racist tropes of Black people and local areas

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[14] Muncie, J. (2008) 'The theory and politics of criminalisation'. London: Centre for Crime and Justice Studies. https://www.crimeandjustice.org.uk/publications/cjm/article/theory-and-politics-criminalisation-1

[15] Clarke, B. and Williams, P. (2020) '(Re)producing Guilt in Suspect Communities: The Centrality of Racialisation in Joint Enterprise Prosecutions', *International Journal for Crime, Justice and Social Democracy*, 9(3), pp. 116-129. https://www.crimejusticejournal.com/article/view/1268

[16] Thompson, N. (2020) *Anti Discriminatory Practice: Equality, Diversity and Social Justice*. Bloomsbury Publishing.

as prone to violence, drugs, criminality, and disorderly behaviour - a view which is stubbornly 'entrenched in the [white] public consciousness'.[17]

And yet, while institutional racism has been acknowledged by Police Scotland and across other Police Force areas, identifying (and demonstrating) how institutional racism drives violent encounters between Black people and the police remains complex. This complexity can be summed up as follows - 'I can't quite put my finger on it: racisms touch'. This sentiment presented by Professor Shirley Tate (in 2014) highlights the challenge of evidencing the 'invisible touch' of racism and discrimination as it manifests in public institutions. This problem is compounded by what I consider to be a contemporary 'pushback' against the (inter)national protests and demonstrations following the killing of George Floyd in 2020 - where institutions, and recent government publications claim that 'race no longer matters' and where criminal justice agencies attempt to assert that 'racism doesn't exist'.[18] In my opinion, publications such as the CRED report[19] are only considering interpretations of racism in its more overt forms - typically characterised by the use of racist language and expression by police officers and other public servants. On this point, *'discrimination is institutional – offensive language is merely a symptom'*.[20] Consequently, the logic of the prejudiced police officer, popularly described as the 'bad apple' has in and of itself facilitated denials of institutional racism, by diverting public and political attention away from the policing practices which harms and kills Black people. For Black people who are subjected to violent policing, it is this tension which evokes visceral personal and emotional feelings that accompanies negative encounters with the police – in which their claims of racism and discrimination are strategically denied, 'redacted' and erased.

Throughout the remainder of this report, I will draw upon the following co-authored reports and academic publications to evidence how police interactions and processes drives police encounters with Black men and how this can lead to their premature deaths.

The first co-authored report entitled 'A threat to Public Safety: policing, racism and the Covid-19 pandemic' considered the experiences of policing for racially minoritised people during the Coronavirus pandemic of 2020/21. The second is a co-authored academic paper entitled 'Omission, erasure and obfuscation in the police institutional killing of Black men' which builds upon the findings from an ESRC funded research study entitled 'The police institutional killings of Black men: surfacing the barriers to justice'.

"...if he was a white boy he would not be treated this way."[21]

> '[W]e need to tell them, you treated my child like this because he was Black, because if he was a white boy he would not be treated this way.'

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[17] Bowling, B and Phillips, C. (2002) *Racism, Crime and Justice*. Longman books.
[18] See for example HM Government (2021) Commission on Race and Ethnic Disparities (CRED). https://www.gov.uk/government/publications/the-report-of-the-commission-on-race-and-ethnic-disparities
[19] As above.
[20] INQUEST (2023) 'I can't breathe: Race, death and British policing'. London. https://www.inquest.org.uk/i-cant-breathe-race-death-british-policing
[21] The quotes and extracts within this section are taken from our reports and includes the pseudonyms of relatives and family members who contributed to our research.

> 'These are the things that they don't want us to say; they stop us. Yes, but sometimes we can't stop ourselves, we have to say [it is racism], because we are in pain. We lost our children, our boys. How many mothers lost sons and daughters and cousins and we cannot say, we are silenced.' [Relative cited in Williams et al 2023]

The police-related deaths of racially minoritised people do not represent aberrant, isolated incidents existing in a vacuum, but are instead the inevitable working through of particular racialised forms of police power and violence. These forms shape (i) the background to the death, (ii) the moment of killing itself and (iii) the discourses which emerge following the death. As developed earlier, attempts to individualise police actions to a 'bad apple' serves only to obfuscate and disguise the wider institutional and institutional*ised* nature of these deaths. Further, this reductionist approach also fails to surface the centrality of institutional racism, despite its presence across all areas of the criminal justice process.

Relatedly,

> "It feels a really strange thing to say, that the police literally just want to escalate the situation and the person." [Relative cited in Harris et al 2021]

Drawing upon our research, encounters with the police are marked by 'intimidating, humiliating and embarrassing' moments with those who were stopped holding a firm belief that it was their skin colour that precipitated and initiated the encounter. Also found across our interviews, there was a propensity for police encounters to escalate towards criminalisation, and the use of force including physical restraint and violence. In our analysis, the escalation of encounters between the police and Black people was informed by police (re)constructions of Black people as dangerous, risky and threatening, necessitating physical action or passive inaction to *manage* or *contain* racially-imagined risks, alongside an apparent unwillingness on the part of the police to de-escalate.' For participants,

> "They're trained in de-escalation apparently… like you don't de-escalate, you just bring more violence and harm. You drag community [members] across the floor, you're dragging young people, you're punching young people. Like what are you doing?"

And yet, people in our interviews spoke of the burden to de-escalate police encounters.

> "…you have to de-escalate. And it's just mad because you can't. Like, you have no tools to de-escalate when a person just assumes they are right." (Relative cited in Harris 2021)

Alongside the relative cited above, other people in interview noted that unless carefully negotiated, the police encounter would escalate and threaten their personal safety and wellbeing. In the context of what may appear to be (un)predictable 'aggressive and escalatory policing', the power differences between the police and those who are policed means that individuals were required to adopt strategies in their attempts to de-escalate – including (i) the use of mobile phones as a defensive documenting strategy; or (ii) appealing to a professional and/or non-criminal status. For one young man, the regularity of police encounters meant that for some young people was described in the following way.

> "Some people are going to frequently have that interaction [with the police] where they have to become a lawyer, they have to become the hostage negotiator. At the same time, they still have to just be themselves, the hostage […] Essentially that's what you

are, you know, and if you amplify it [the encounter] in a certain way, you'll be a real hostage because they'll put you in a cell."

Across both studies participants - shared stories of 'excessively controlling and heavily racialised police practices', revealed how lockdown conditions, the introduction of unprecedented police powers, and histories of racist police practices intersect and reinforce one another. Participants' acute awareness of the risks of criminalisation and violence that accompanies police encounters led to their attempts to mitigate the threats to their personal safety – sadly.

> "If you let the police roll you over... then your situation [with] the police can go very calm because they'll put their hands on you and they'll violate you and whatever. Like, you won't react. But if you react *it's an accelerant*... you can't even talk to them [the police] with sense because then they see it as an aggravating factor." (emphasis added)

In the final analysis, and of particular relevance to this report, racially minoritised peoples' attempts to negotiate away police violence are grounded and framed by a stark reality: that historically, and contemporarily, Black and Brown people have been killed because they encountered the police.[22]

Since 1990, there have been at least 1893 premature deaths in 'police custody'- a figure which serves as a poignant reminder of the risks and harms of encountering the police.[23] The monitoring of police-related deaths further reveals the regularity with which the police and wider law enforcement apparatus use lethal force against members of the public. For campaign and advocacy organisations such as United Families and Friends Campaign (UFFC) and INQUEST, 'counting the dead' has served bereaved families, communities, and legal campaigns in their pursuit for truth, justice, and accountability.

The combination of racialised criminalisation and the stigma of an assumed criminality means that Black people remain at a particular 'risk' of encountering the police and being subject to police stop and search. Of relevance, the presence of Black people in areas populated by a 'vast majority' of white people are viewed through a lens of suspicion (of criminality), with black people required to endure the humiliation of accounting for their presence within these localities and communities. Developed as a 'mutual disdain'[24] between (i) members of black communities who have always been over-policed and subject to negative stop and search encounters and (ii) an institutionally racist police force who stereotypically view Black people as (un)reasonably suspicious – police encounters between the policed and the police may inevitably escalate toward criminalisation and police use of force. Sadly – according to recent analysis provided by INQUEST (2023) Black people are 'seven times more likely to die than White people following the use of restraint by police'. In order to understand this reality,

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[22] INQUEST (2023) 'I can't breathe: Race, death and British policing'. London.
https://www.inquest.org.uk/i-cant-breathe-race-death-british-policing
INQUEST (2022) 'Deaths of racialised people in prisons 2015-2022: Challenging racism and discrimination. London https://www.inquest.org.uk/report-deaths-of-racialised-people-in-prison-2015-2022

[23] https://www.inquest.org.uk/deaths-in-police-custody

[24] Owusu-Bempah, A. (2017). 'Race and policing in historical context: Dehumanization and the policing of Black people in the 21st century'. *Theoretical Criminology*, 21(1), 23-34.
https://doi.org/10.1177/1362480616677493

'...it is important to take account of (a) the political and cultural context of a particular institutional environment and how it informs particular decisions that produce violent outcomes, whether intended or unintended, and (b) how those individuals and the institutions they represent are responsible for designing and implementing decisions that knowingly produce violence' (Cooper and Whyte 2018:5).

The drivers of police use of force and the institutional killings of Black men

In my opinion, it is the convergence of a number of institutional factors which drives the disproportionate use of physical restraint that eventuates the deaths of racially minoritised people - namely (i) the ascription of risks and riskiness to Black people across the agencies of the criminal justice systems, (ii) the stereotypical and racist crime types and tropes attributed to Black people (iii) the transmission of such ideas within the corporate memory and police institution.

First, my research identifies and centres 'risks' as central to contemporary policing, law enforcement and criminal justice practices. As research and evaluation officer for the National Probation Service, I observed the ascendency of risk as part of the then governments Evidence Based Practice initiative of the late 1990s (see Chapman and Hough 1998) characterised by the introduction and integration of an array of risk language, assessment and risk management tools into criminal justice practices.[25] By 2001, however, there were a number of dissenting voices and organisational concerns that such tools served to concentrate practitioner attention upon articulations of 'risk' (of reoffending and risk of harm), rather than paying due regard to the personal, social, and emotional needs of people who come into contact with the agencies of the criminal justice system (Williams 2020). Relatedly, there were particular concerns that attributions of riskiness were more likely to fall upon racially minoritised people.[26] Within a recent HM Inspection into prisons the following findings emerged in relation to the use of force.

'Risk assessment is central to the daily operation of a prison, and both prisoners and staff told us that staff were interpreting behaviour that they found unexpected, hard to understand or discomforting as indicators of risk rather than difference. One of the key requirements for effective de-escalation and the avoidance of conflict is the ability of staff to communicate confidently with prisoners, and this is supported by good existing relationships which were sorely missing.'[27]

While seemingly neutral, independent and objective of individual practitioners implicit and unconscious bias', constructions of risk and riskiness are subjectively communicated through occupational cultures. Black prisoners reported how they were often perceived as 'gang members' or violent with an array of risk-producing tropes directed against them.

Similarly, academics from the University of Cambridge found that despite contrary evidence taken from police data sources, that police officers maintained a view that high-crime areas

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[25] For further information see Garland, D. (2001) *The Culture of Control*. OUP
[26] Durrance, P., & Williams, P. (2003). Broadening the Agenda Around What Works for Black and Asian Offenders. *Probation Journal*, *50*(3), 211-224. https://doi.org/10.1177/0264550503503003
[27] https://www.russellwebster.com/the-experiences-of-black-men-in-prison-and-black-prison-staff/

and 'violent hotspots' were those areas characterised by levels of ethnic heterogeneity.[28] That is, the presence of Black and brown people was subjectively (and stubbornly) associated by officers, with higher levels of crime and criminality. In my opinion then this research reflects how knowledge and understanding (what the police delineate as risky areas and spaces) becomes embedded within the memory of the institution - being transmitted and transferred from one generation of practitioners to the other.

This also supports the significant scholarly work that points towards understandings of police work as conveyed through police 'canteen' cultures which prompts and guides discretionary (and differential) policing practices.[29] As such, drawing upon the work of Neocleous[30] *'reasonable suspicion is merely one more euphemism for the exercise of police power, offering vast discretionary powers to enable the police to structure a particular encounter'*.

Why then are Black people more likely to be killed by the police through the use of physical restraint? Based upon the findings from my research projects the convergence of racialised tropes framed by a presumption of criminality that informs police assessments and calculations of risks. Clearly, the presence of black people in what are imagined as 'white' communities will be viewed by members of that community and the police as suspicious. The predominance and widescale mediation of racist stereotypes such as Black people as involved in criminality – including violent (knife) crime, substance use, acquisitive crimes alert members of the public to the presence of, and reporting of blackness. The trope of the 'dangerous, volatile and hyper-criminal black male' connotes the risks that the police are statutorily mandated to contain. In my opinion, the police officers who initiate and enter such encounters are organisationally guided by the policies, procedures and risks management strategies of the police institution and are empowered to utilise all legally sanctioned powers (including the use of lethal physical violence) and weapons to minimise the risks to themselves and members of the (white) public. In such encounters then, there is no room for Black people to negotiate or de-escalate the encounter. Further, the attempts of Black people to negotiate or resist the violent encounter, in and of itself becomes interpreted as a risk and/or threat to the police officers present in the encounter. The speed at which negative police encounters can and do escalate towards a violence that eventuates death (often in a matter of seconds) serves to illustrates the absence of police control, the centrality of an imagined fear which drives the response against what is an exaggerated construct of the hyper-criminal Black criminal other – within this context, there emerges an inability or unwillingness to negotiation or to de-escalate their encounters with Black people. This may better explain the increased likelihood of Black people being killed by the police through physical restraint.

Such deaths are (and continue to be) borne out of stereotypes which present Black men and women as dangerous, deviant and/or disordered, and as requiring restraint, discipline and control. Policing thus operates not simply as law enforcement – which is itself far from neutral –

[28] Haining, R. and Law, J. (2007), Combining police perceptions with police records of serious crime areas: a modelling approach. *Journal of the Royal Statistical Society: Series A (Statistics in Society)*, 170: 1019-1034. https://doi.org/10.1111/j.1467-985X.2007.00477.x

[29] PAJ Waddington, Police (canteen) sub-culture. An appreciation, *The British Journal of Criminology*, Volume 39, Issue 2, March 1999, Pages 287–309, https://doi.org/10.1093/bjc/39.2.287

[30] Neocleous, M. (2000) The Fabrication of Social Order: A Critical Theory of Police Power. Pluto press (see page 103).

but more as order maintenance, marking out sources of threat to the current status of white, neoliberal capitalism societies.[31]

Writing in 'There ain't no Black in the Union Jack' Gilroy notes that Black people are (socially and politically) constructed as 'lesser breeds without the law' with this sentiment remaining as pertinent today as it was 40 years ago.[32] The disproportionate use of physical restraint that leads to institutional killings emerge within (and maintain) racist institutionalised norms and cultures that (uncritically) view Black men and women as a source of immediate threat, innately dangerous, deviant and/or 'disordered' and thus requiring disciplining, restraint, and control. Within this case, alongside that of numerous others, the fear and reporting of the dangerous Black man (as presented by members of the [white] public) represents and conjures the Black criminal other as an object of social control.

Concealing police violence

Finally, and arising as a particularly painful aspect of the police killing of Black men is the institutional response, which is often characterised by 'omission, erasure and obfuscation'. By way of clarification, through our research we found that post-killing processes and institutional responses were dominated by 'state talk' whereby official institutional discourses and narratives of stereotypical *risks* and *threat* were 'put out' through the media which serves to frame and conceal violence that kills, in a range of different yet related ways. For instance, we found through studying the institutional killings of five Black men (see Williams et al 2023) that initial media reports 'speaking ill of the dead' served to pathologise the deceased.[33] It was this that led one family member in our report to say.

> "So the first narrative that's put out straightaway is branding someone as a criminal. So, you know, drugs were involved, etcetera. And what that does is creates or instigates a certain type of perception. So 'let's conclude this as he deserved it'. Or, 'he was drunk, he deserved it anyway'. 'Oh, it was inevitable, another one off the streets' kind of thing."

With a remarkable similarity reference is made to drugs (as either consumed or drug-dealing) or alcohol alongside constructions and inferences of (serious) violence and other forms of criminality. At other times, reference was made to previous convictions or previous encounters with the police to present evidence of bad character in an act of desecrating the dead.

State talk works to conceal the extreme violence by reframing the violence as on some occasions helping those who are subjected to police violence or as the bravery of the police. The (first) narrative 'put out there' has the power to omit, erase and make invisible the violence that kills. State talk also intentionally draws upon the aforementioned pre-existing racialised and criminalising constructions of Black people. Hence, the trope around drugs serves to demonise and dehumanise the victims of police institutional killing, in part by utilising both real and imagined gaps in public and political sympathies to (re)present those killed as 'undeserving' of care and humanity, and as 'deserving' of and being solely responsible for their own deaths. The above characterisation sadly (re)presents what Lady Angiolini in 2017 declared

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[31] Correia, D. and Wall, T. (2022) Police: A Field Guide. Verso Books.
[32] Gilroy, P. (1987) There ain't no Black in the Union Jack. Unwin Hyman Ltd.
[33] Scraton, P., & Chadwick, K. (1986). Speaking Ill of the Dead: Institutionalised Responses to Deaths in Custody. *Journal of Law and Society, 13*(1), 93–115. https://doi.org/10.2307/1409920

as the racist constructions of black men as 'dangerous, violent and volatile' and subsequently as risks to be contained and managed.

Conclusion

The above is significant given the history of injury and death of racially minoritised individuals following police contact across the UK, many of which have involved police Use of Force, from restraint to firearms. The racial disparity and disproportionality apparent in Use of Force statistics offers a sobering reminder of the vulnerability of Black people to the 'legitimate powers of the state.'

However, rather than viewing deaths in custody as random and unfortunate events, it is necessary to engage in analysis that foregrounds the centrality of racialised criminalisation as it affects racially minoritised people and Black people. In my opinion, it is this concept that better explains the increased likelihood of police encounters, that such encounters are more likely to escalate and that use of force and especially physical restraint is more likely to be deployed against racially minoritised people. The attribution of risks and riskiness and presumptions of criminality means that rather than help and support, Black people are more likely to experience and endure the risks of escalatory police encounters that lead to their premature deaths.