

Chapter Four – Policing Racism or Policing Race?

Chapter summary

This chapter considers the historically troubled relationship between the police and the black and minority ethnic community, and asks if new forms of racism have emerged, which now actually allow racially discriminatory behaviour against members of the black and minority ethnic population to be legitimated. This chapter covers:

- The Macpherson Report (1999) which looked into the racist murder of Stephen Lawrence, a black African Caribbean youth in London. The report highlighted failures of the police and problems of institutional racism, and made a number of recommendations for criminal justice institutions to address problems of racism.
- Whether police discretion actually means police discrimination when it comes to the black and minority ethnic community.
- How the existence of ‘black vulnerability’ in situations that attract police attention results in the criminalization of black and minority ethnics and ignores crimes where the victim is black and minority ethnic.
- How the under-representation of black and minority ethnic officers, especially in high ranking positions suggest the continued existence of racism in recruitment and promotion, and by fellow officers once in the job.
- Police custody suites as dangerous spaces for black and minority ethnic suspects, where their vulnerability and risk of victimisation is enhanced.

- A study into the policing of racist incidents in Northern Ireland.

Links to SAGE articles

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Case study: Jean Charles de Menezes – A *lawful* killing?

The terrorist attacks of 9/11 in the USA and later 7th July in Britain created a unique sense of fear. This was further heightened when it was revealed that a series of suicide bomb attacks on London's public transport system had failed to detonate. Britain had, of course, experienced terrorist activity before, even that which involved use of explosives, for instance as we saw with the terrorist activity of the Irish Republican Army. However, the recent terror attacks were considered even more problematic, largely because of the willingness of terrorists to utilize suicide bombing strategies. Previous systems of ringing through coded warnings prior to explosive detonations, as a way of minimizing human casualties, were also abandoned. It was claimed that this form of terrorism was ready to cause death and destruction at any costs, even if this was the loss of innocent lives. Indeed, this new form of terror was considered ever more dangerous, and widely reported as being a real and present threat in British contemporary society. This was reflected in the media reports that followed the failed London attacks, along with the official reports which stated how 'following the attacks on 7 July, the threat level in respect to the threat posed to the UK from international terrorism was raised from Level 3 (substantial) to Level 1 (critical)' (IPCC, 2007: 17). Having never reached this threat level before in Britain, an 'imminent attack' (IPCC, 2007: 17) was expected. Public fear was at its highest than

ever before, illustrated by the high rates of public calls to the Anti-Terrorist Hotline which allowed members of the public to report on suspect packages, out of place bodies and suspicious behaviours. Within this context of fear, the police and special security services were granted an increase in powers. This included, as was detailed in ‘Operation Kratos’, the permitting of firing shots to the head of a terror suspect, and to do so without warning.

Those perceived as suspicious bodies during this time, were members of the black and minority ethnic community whose racial, ethnic, religious, national or cultural background was in any way, whether real or not, associated with the non-Western and/or Muslim world. Here, suspect bodies were mistakenly and crudely linked to a distorted view of Islam, which itself was perceived to be anti-Western (or to be more precise, anti-American or anti-British), and associated with fundamentalism. This was ultimately considered the pathway into terrorist activity against Western society. This period saw an extension in police powers, illustrated in their increased use of stop and search, heightened surveillance, and extended detention. The reality of the threat posed by the suspect status is not entirely significant. Rather its assumed or perceived status is considered sufficient for discriminatory policing – a form of policing passively supported by the majority of society. The reality of the atmosphere of panic is not denied. This is best reflected in an extract taken from Stockwell 1, an IPCC investigation report into the Menezes shooting: ‘The atmosphere of fear for those living and working in the capital cannot be over estimated. The United Kingdom had never experienced suicide bombings, but within 24 hours of the widespread joy felt in the capital of London being selected as the city to host the 2012 Olympic Games there was a state of fear and panic’ (IPCC, 2007: 16).

However, it is argued that a result of the increase in police powers and their workings within such an atmosphere of fear allowed a number of miscarriages of justice, as well as the increased victimization of members of the Muslim population (and those mistakenly perceived to be of Muslim background, for instance, Sikhs, Hindus and anyone of Arab or middle-Eastern appearance). As Sivanandan rightly notes:

The war on asylum and the war on terror – have converged to produce a racism which cannot tell a settler from an immigrant, an immigrant from an asylum seeker, an asylum seeker from a Muslim, a Muslim from a terrorist. We are, all of us Blacks and Asians, at first sight terrorists or illegals. We wear our passports on our faces or lacking them, we are faceless. (Sivanandan 2006: 2).

One of the most disturbing illustrations of the impact of this mistaking of identity and the imposing of a terrorist status is most powerfully illustrated by the case of Jean Charles de Menezes. Following the failed 21st July London attacks, a manhunt followed for one of the main suspects, Hussain Osman. The intelligence and security services identified an address in Scotia road as the possible residence of Osman. Having placed the property under surveillance, the police observed an individual leaving the property, which they initially suspected was Osman. This actually turned out to be Menezes, a Brazilian electrician, who had no connections to the 21st July planned attacks or any other terror related offences. Menezes left his flat on the morning of 22nd July 2005, unknowingly under the surveillance of the police. What followed was a series of gross errors, and the ultimate shooting and killing of Menezes by armed police. Within hours of Menezes' death, various media outlets

were broadcasting what were claimed to be eye-witness accounts of what occurred. Many of these were coded in racial terms, for instance with Menezes described as being 'Asian', which were then paired with the use of visual cues and behavioural traits consistent with the appearance of what we might expect of a stereotypical, alien, terrorist other, for example, he was suspiciously dressed for summer in a bulky jacket, capable of concealing who-knows-what, and from which protruded wires, and was behaving suspiciously, vaulting a ticket barrier at Stockwell tube station (Pugliese 2006). In the days that followed, some public sympathy and horror emerged when it was revealed that Menezes was completely innocent. However, these were quickly squashed, firstly through the attempt to divert attention away from any police wrongdoing with the (false) re-presentation of Menezes as a deviant other,. Similarly, any questions around problematic police practice were widely excused and legitimated with the use of the 'what if' and 'on balance' rationale – *what if* Menezes *had* been a terrorist? And, Menezes' death is unfortunate, yes, but on balance, *if* he had been a terrorist who was carrying explosives, hundreds, maybe thousands of people may have been killed. This emotional re-writing allowed the diverting of attention from the problematic policing that led to the killing of Menezes. In some instances, Menezes was considered collateral damage of a wider security agenda. All this was reflected in the direction of the Coroner at the 2008 inquest into the death of Menezes, who told jurors that they would only be allowed to return a verdict of 'lawful killing' or an 'open verdict' – with the latter being finally recorded.

References

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