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Commentary

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Notes on policing, racism and the Covid-19 pandemic in the UK

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Abstract: This commentary excerpts from the research report 'A threat to public safety: policing, racism and the Covid-19 pandemic', carried out by the Centre on the Dynamics of Ethnicity (CoDE) and published by the Institute of Race Relations in September 2021. One of the only pieces of research based on the experiences of the policed and their testimonies, the report suggests that policing during the Covid-19 pandemic undermines public health measures whilst disproportionately targeting Black and Minority Ethnic communities in the UK. The authors raise concerns about the policing of the pandemic and show that racially minoritised communities have been most harshly affected – being more likely to be stopped by the police, threatened or subject to police violence and falsely accused of rule-breaking and wrong-doing. The report argues that lockdown conditions, new police powers, and histories of institutionally racist policing have combined to pose a threat to already over-policed communities and the most marginalised and vulnerable sections of society.

Keywords: Covid-19, pandemic, policing racially minoritised communities, public safety

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The coronavirus pandemic has had a devastating impact, illustrated most acutely by a death toll which, at the time of writing, stands at over 4 million globally, including the death of over 130,000 people across the UK. The UK government was initially slow to recognise the profound dangers of the pandemic, but after Prime Minister Boris Johnson's 16 March 2020 plea to the public to stay at home, emergency legislation was rushed through parliament giving police extraordinary powers to enforce unprecedented restrictions on social gatherings and fine those who break the rules. On 25 March, the 350-page Coronavirus Act 2020 received royal assent, bringing the biggest restrictions on civil liberties in a generation into law on 26 March 2020.

This article, based on a research study,¹ is particularly interested in experiences of policing during the pandemic from the perspective of racially minoritised people and communities – in other words, those who have historically borne the brunt of over-policing and those who are most impacted by lockdown restrictions. From the outset, and in a context where police-controlled narratives are widespread, the study foregrounds the stories of *the policed* to bring to light the subjective experience of police encounters through in-depth qualitative research conversations. Foregrounding the voices of the policed facilitates a necessary counter to official police knowledge and its construction of reality. The study explores the experiences of racially minoritised people who encountered the police during the coronavirus pandemic, highlights the factors that initiate encounters between the police and racially minoritised people and communities in this context, and explores how and to what extent the pandemic shapes such encounters. Twenty-two people told their stories of police encounters with research conversations digitally captured (audio-recorded through the video conferencing software Zoom) between December 2020 and April 2021.

'Lockdown', policing and race and class inequalities

Discussions with participants underscored the significance of longstanding problems that did not begin with, but have been intensified by, the context of the Covid-19 pandemic. In some discussions, individuals were keen to emphasise their sense that, in relation to racially minoritised and working-class communities at least, the behaviour of the police had not substantially changed on account of the pandemic. For example, a number of individuals described how their experiences of policing had always been characterised by a sense of injustice and disproportionality. They were, therefore, sceptical about the idea that this was a symptom of the pandemic alone. Relatedly, a number of participants were doubtful that such experiences would improve due to the police's new role in supposedly promoting public health. One participant, Omar, summed this up in the following way: 'if they have got more space, more freedom to do as they please elsewhere, they have always had that feeling to do as they please here, so it makes no difference'. Whilst another, Kieran, suggested that 'a leopard is not going to change its spots because there's a disease outside'.

More generally, participants' accounts of their historical experiences with policing – whether as individuals or as part of a wider community – pointed to the legacies and intergenerational trauma of racist police violence. Kalifa recounted how during the first period of lockdown in 2020, a police officer had arrested one of her relatives who was dropping off food for elderly family members. During the incident, the officer had been physically violent towards Kalifa and her son, and other members of the community had been arrested and pepper-sprayed. Earlier on in the interview, however, and talking more broadly than the specific pandemic context, she described the racism of particular police officers as 'like a rage [which] comes out in them when they see Black people'. And importantly, she recognised this 'rage' as having a long history:

And don't forget, this isn't recently, this is a long history you know. I have a godfather, who's an old community activist . . . and we remember in the riots in the 80s and he was beaten so badly that [because of his specific injuries] he wears glasses till this day . . . we've already got a long history of racial abuse from the police in our Black community anyway.

The vast majority of participants felt strongly that in the context of the pandemic, forms of racist over-policing had been exacerbated. Individuals described how long periods of lockdown and unprecedented restrictions on movement resulted in fewer people being out in public places. Police were said to be 'bored', with less to do, and therefore more likely to target those who were out of their homes participating in everyday activities. For example, Kalifa went on to explain her sense that the incident was partly made possible by the broader circumstances of the pandemic:

I think if Covid wasn't here, it wouldn't have happened, because I think that that officer and those officers would have been busy doing other things, because shops were open, communities were open, they wouldn't have time to just drive round [our avenue], almost looking.

Yet she was also keen to emphasise that the personal and social consequences of life under 'lockdown' intersected with and exacerbated pre-existing forms of police racism:

Everything is heightened more, isn't it, your pressures, your habits, your edges, things that normally would distress you and worry you is going to be heightened now in Covid. But on the other hand, it's almost giving like a golden ticket to kind of go out there in Black communities and just ridicule us. . .

Whilst crime rates dropped significantly in the early months of the pandemic, use of force against members of the public increased, and this was racially disproportionate across a number of forces.² Pointing to the impact of wider social

conditions, individuals we spoke to also recognised that those more likely to be out in public during periods of heightened restrictions were those already most vulnerable to being targeted by police. As Cade observed:

With coronavirus, first of all, there was a lot of silencing of noise, people aren't going to work, people are staying at home. So, those that are still going to be out, those that, the ones who I like to call, who are the oppressed, those that are bearing the brunt of the oppression in this system, those that, if they don't go out and do what they've got to do, they can't eat. Those that can't go home because their parents are abusive, like, those are the ones that build a family out here on the roads are the ones that are going to be outside. So, the ones that are going to be targeted by the police more . . . where we have a heavier police presence, less presence of everyone else, all that attention is going to fall on their shoulders.

New police powers and racialised policing

In addition to this broader context, however, have been the unprecedented powers granted to police via the Health Protection (Coronavirus) Regulations and the Coronavirus Act,³ and many of those we spoke to expressed serious concerns about these new police powers. There was a general consensus that Coronavirus and associated police powers have further enabled the police in stopping and harassing racially minoritised individuals in public places:

Even though you do get stopped a lot, it's just now they feel like, oh, we can now, because we can say it's down to Covid, and that's what's really sticking like right there, it's like, I can drive out to the shop now, you know, I could go to, for example, McDonald's, and it's like, why are you out of your house? (Kyle)

I think it decreased the culpability because I think, within that time period, they were allowed to stop people without giving them any real reason . . . so, it just became a tool rather than you lot trying to protect public safety or whatever. (Kieran)

One individual with extensive experience working with young people in the context of policing described the granting of such unprecedented powers as a 'mad dystopia':

The gangs' unit that was operating in this area, a lot of them are volunteers, a lot of them are, yeah, they are from the special constabulary. So, we're living in a context where there are part-time officers that have day jobs and think they're doing well for the country, and they're coming here terrorising our communities, not knowing what people's rights are, not knowing what the law is, not knowing what they're doing. . . . but you've given the same group of officers even more power to now, not just stop people if they suspect them, but to stop people if they want to, to find out, why are you out? So this, it's a mad dystopia . . . (Cade)

Accounts given by participants suggest that – regardless of whether new police powers were actually used during specific encounters with police – the creep of policing into everyday life has increased even further in the context of the pandemic.

Several individuals did, however, describe how new police powers were invoked during their own encounters with the police over the course of the pandemic. Significantly, we heard multiple accounts which suggested that police were invoking or using Coronavirus regulations imprecisely and inconsistently. One account in particular highlights the ways in which Coronavirus regulations have been used in conjunction with other forms of over-policing to further target racially minoritised individuals. Cade, quoted above, was called out to the scene of an unlawful arrest of a young person they were supporting in a professional role. Cade describes how it was the young person's birthday, and the young person, along with two friends, had decided to visit their late friend's grave at a local cemetery. Whilst there, they were accosted by TSG (Territorial Support Group) police who accused them of possession of cannabis and violently arrested the young person in question. The participant, after arriving at the scene to offer support to the young person, was initially questioned under Coronavirus regulations and then arrested for an alleged road traffic offence, and held in the back of a police van in close proximity to four other officers. After police had found no evidence of a traffic offence, Cade describes how officers once again changed tack to fine him under Coronavirus regulations. A strikingly similar account came from another participant who described how a police stop predicated on possession of drugs was quickly replaced – and the stop justified – with a nod to Coronavirus regulation.

In such accounts, the invocation or actual use of new police powers were combined with other more traditional justifications for a police stop which have been shown to be heavily racialised, such as possession of drugs or intent to supply.⁴ These racialised forms of policing are predicated on stereotypes of racially minoritised people, and particularly Black people, as drug dealers and users. In such encounters, it seems that the context of Covid provides an easy entry point to pursue longer standing forms of racialised policing, or indeed an easy alternative justification for a stop when more traditional methods fail to yield results. Thus, the policing of the pandemic has overlapped with existing policing patterns, structural conditions, and racial stereotypes which draw on myths of Black criminality (which, as they morph from the spectre of the drug dealer to the virus spreader, demonstrate the elasticity of racism).

Perhaps just as important is the sense that these new police powers further exacerbate and enable the policing of 'the everyday' for racially minoritised communities, including the encroachment of policing into those intimate spaces (a graveside) and moments (a birthday) normally considered sacrosanct. Indeed, Cade whom we hear from just above, was keen to emphasise these 'layers' of police violence when describing the arrest of the young person:

Then, he called me, it must have been 2:30pm, something like that. I get a call and it's, like, yo, . . . He's getting arrested, we don't know what for, the police are moving violent. And in the background, all I can hear is him screaming, like, don't touch me, like, I fucking hate you. It's his birthday, bear that in mind, and it's not just that, it's the layers, it's his birthday and he's chosen to spend his birthday at the cemetery with his friend that was killed . . . no one should really have to, no child should have to do that.

Accounts such as this take us beyond the physical violence of the encounters that many participants described, and underscore the diversity of ways in which police violence and related trauma are experienced. Moreover, these accounts once again demonstrate how the context of the pandemic interacts with pre-existing patterns of racialised policing to place racially minoritised people at further risk of police harm and psychological trauma.

Police contact, Covid-19 risk and related trauma

A key concern amongst participants pertained to police conduct in relation to health and safety, and specifically the risk of police officers transmitting coronavirus to members of the public. Several participants in this study recalled police encounters in which they felt the police had put them at undue risk with regard to the virus, and described how this was a source of stress and trauma. The recollection of these encounters casts serious doubt upon the extent to which the policing of the pandemic can be considered to be in the interests of public health. In addition to fundamental questions about the non-necessity of many police encounters, participants raised specific concerns about police failures to maintain social distancing of two metres, and failures to wear face coverings or masks. Describing an incident in which he and a friend had been subject to 'an aggressive stop' whilst driving, Kieran recalled thinking, 'you haven't got a mask on; this isn't social distance'. When asked whether officers were wearing masks or PPE, another participant, Sean, responded, 'none of them. None of them at all. That's a breach in itself at this time'. As another participant noted, 'you're not wearing any mask. It's like one rule for you, one rule for us'. Whilst this is significant in its own right, it is also worth noting that such police conduct also contradicts the position outlined by the Police Federation as early as April 2020,⁵ and reiterated on several occasions.

Policing protest

The Black Lives Matter (BLM) protests of 2020 were a high-profile site in which police failures were visible with regard to social distancing and other Covid safety measures. Hafsa, a legal observer commented that: 'at BLM last year, we noticed that the police weren't wearing PPE at all. They weren't wearing masks.' Similarly, in a statement published as part of Netpol's research on the BLM protests, a protester noted the following:

Consistently, cops refused to remain two metres away from members of the protest who were trying to observe social distancing. Cops without masks or protective personal equipment approached every single person on that protest and entered into their space, even when requested not to, in order to inform them that they were breaching current COVID-19 legislation.⁶

The report also included testimonies from legal observers and other protesters. Some of these testimonies noted how confrontational policing, which was ‘horrible to watch’, aggravated the protests and made social distancing incredibly difficult, if not impossible.

The use of kettling,⁷ an already controversial police tactic, further undermined any pretence of a public health approach, or at least rendered the health of protesters – and particularly Black protesters – outside of such a conception. Reflecting not only on the 2020 BLM protests, but also on the 2021 ‘Kill the Bill’ protests, Hafsa continued to unpack the contradictions in the apparent public health approach to policing:

the whole irony of it and the whole illogic of it is the fact that obviously, breach of COVID regs is inherently meant to be a public health response, and it's just completely illogical that for them, a public health response involves sending like 40 to 100 police officers into an area, kettling people, using PAVA spray and then putting loads of people in police stations and in custody where obviously the risk of transmission is going to be higher. . .

(De)escalating encounters

Many participants were concerned about the dangers of police encounters escalating into more serious incidents. It was felt that escalated police encounters increase the risk posed to the safety and wellbeing of those who are subject to policing. Several participants recalled encounters in which police officers took combative and confrontational approaches, seeming to escalate rather than de-escalate interactions. ‘It feels a really strange thing to say, that the police literally just want to escalate the situation and the person’, noted Fola. Sean shared this view, noting that the police can be ‘quite provocative. . . they’re antagonistic in their approaches.’ Others recalled the police ‘F-ing and blinding’, and provoking those they were interacting with. Kieran’s encounter highlights some of these issues:

And then, with all of them trying to give us that reason, an officer has like come next to me and he said, I want to search you now. And, before anything, like in that process of him saying that, he's already put his hand in my pocket. I haven't agreed to being searched or anything, so I grabbed his hand and then he started panicking, he's like . . . he pulled out his handcuffs and he's like, 'assaulting a police officer da, da, di, da, if you don't give me your hands to handcuff you I'm gonna arrest you'. So, I'm like, cool,

whatever. Do your thing because now you've escalated it to the point of you want to arrest me and I know how it is, from he's already getting irate, two or three of his colleagues have come over to kind of back him up, you know what I'm saying. And they're not going to listen to me in that moment.

Fola's reflections are illustrative of police failures:

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

In the context of aggressive and escalatory policing, such as that highlighted by Fola, many participants spoke of a 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. (Kieran)

What is striking here is that the responsibility to de-escalate seems to often fall on the policed, rather than the police. Kieran continued to explain what can be required to de-escalate a police encounter:

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 with sense because then they see it as an aggravating factor.

As these accounts and others make clear, there is much at stake (most notably safety and wellbeing) when the policed carry the burden to manage and de-escalate police encounters. Kieran highlighted this further, arguing that 'some people are going to frequently have that interaction where they have to become a lawyer, they have to become the hostage negotiator'. At the same time, he points out, 'they still have to just be themselves, the hostage . . . Essentially that's what you are, you know, and if you amplify it in a certain way, you'll be a real hostage because they'll put you in a cell'. In a similar vein, Patrice suggested that those subject to policing have to be:

not like a therapist but like you've got to analyse the situation . . . you've got to look at it and think, what is the best solution and how do I react in this situation to do it. Some people ain't going to be able to articulate it correctly which is going to be . . . cause maybe confusion.

Discussions with participants about navigating police encounters revealed an acute awareness of who might be particularly vulnerable to police violence, and who might occupy particular positions which would allow them to more successfully de-escalate situations and therefore reduce the risk of harm. This had a

distinct gendered and generational dimension to it, and accounts from mothers were particularly revealing in this regard, with a number of participants who were mothers underscoring their fear in relation to the vulnerability of their Black sons. For instance, Clara reflected on what might have happened had one of her sons (instead of her) been wrongly accused of stealing a car:

If this was my 20-year-old son or my 16-year-old son that that man said tried to steal his car, what could have happened? Anything could have happened, anything from them being brought into the criminal justice system to them being harmed, a number of things could have happened just by them not having that same ability to articulate themselves and not having the profile that I have to be able to turn things around.

Sean contrasted his own skills in self-presentation with those of young people today:

It's discouraging, . . . because I look back at my situation . . . with the police, right? And I say to myself, I know how to articulate myself in a manner that's going to get my voice heard. Some of the conversations that I have with these young people today, just even their conversation starters; and I'm like, yo, how are you starting a conversation like that, and how are you speaking to people in that manner? Even from young, like, I knew how to articulate myself, I knew when it was appropriate to have a road language and terminology and use, but if I'm in a formal setting or I'm around the family and whatever else my whole demeanour is the same, but how I'm speaking and how I'm articulating myself is totally different.

He then goes on to reflect on the ways in which, in his own encounter with police during the pandemic (which involved a violent police stop), he 'almost lost' himself:

I said to myself, I'm actually acting like I don't know how to conduct myself. But that's no fault of my own, that's [because of the] circumstances that I'm in, that I'm getting irritated, that I was getting irritated, I'm getting frustrated.

Drawing on professional status

Against this backdrop, it is perhaps unsurprising that a number of those we spoke to felt compelled to refer to their jobs or professions within their encounters with police. At times this represented an attempt at regaining some control in the moment of the encounter. One example comes from Clara who was out running in her local neighbourhood – a notably white, suburban area – when she was pursued by a male stranger in a van. She fled to a local train station to seek help and, to her disbelief, was told by a police officer that the man who had followed her had accused her of attempting to steal his car. She describes the following, as discussions with the police officer became increasingly hostile:

He asked me about my job when I was so confident that you can't arrest me. I was like you can't arrest me . . . These are the stages, I said that and he said, what do you do?

And I said, I work for the . . . and he then said, oh, well you know, nothing was . . . it was in that moment that I think the situation changed for me. And that was what I needed in a way, cause it gave me some breathing space, you know because I was under attack before that. And I don't know where it's going to go and how it's . . . and it's very hard to control. I'm used to being able to control a situation, obviously, because I'm never on that side of the fence. But when you're on that side of the fence, you can't, I had to use, I had to show how I'm one of you or I'm acceptable, do you know what I mean, in order for it to change. Whereas had it [been] somebody else who may . . . it may not have been able to take that course as quickly as it did.

Similarly, as the following account from Kalifa suggests, appeals to professional status in the aftermath of a police encounter are seen as a way of taking back some control over the narrative used to justify police behaviour. Claiming a particular status, whether professional or moral, then represents one of various attempts at holding the police to account in an environment where this feels increasingly impossible:

There's no accountability for his behaviour, it's almost like they turned up and we're some violent, crazy, neurotic family. I mean, it was funny because at the time I was working at [a] monastery, it was – well, just before the lockdown, and my son said to [the police officer's] boss, do you know who my mum is? My mum's an upright citizen, she's a minister, she works at the monastery, and the police officer was dead embarrassed, but I was like that to [my son], shh, because I thought, it doesn't matter who I am, whether I've got 20 titles or whether I'm a local grassroots . . . it doesn't matter really. But I could see where [my son] was coming from, but to me it was irrelevant.

Conclusion

For communities concerned about the state's increasing reliance on policing, and the effects of institutionally racist policing, there are two pertinent points to raise. The first concerns a need to pay attention to how the punitive conditions accelerated by Covid, and seen as exceptional to Covid, may endure beyond the pandemic. The second issue concerns how we develop political imaginaries and alternative infrastructures so that ongoing and future crises, environmental, economic and political, may be responded to differently. That is, how do we build societies that do not place the police and policing at the heart of solutions to social problems? Such a question encourages us to grapple with the demands of the Black Lives Matter mobilisations, including calls to defund and divest from the police.

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- 7 Kettling describes a policing tactic in which police cordons are used to contain crowds in a confined area, see Netpol, <https://netpol.org>.