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A threat to public safety: policing, racism and the Covid-19 pandemic

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Contents

4 Introduction

5 Policing the (Coronavirus) ‘crisis’

7 Aims of the research

8 A note on ethics

10 ‘It’s like giving a golden ticket’: new police powers and discriminatory policing

10 ‘Lockdown’, policing, and race and class inequalities

12 New police powers and racialised policing

17 ‘One rule for you, one rule for us’: police contact, Covid-19 risk and related trauma

18 Policing the protests

19 Policing beyond the protests

21 ‘Becoming ‘the hostage negotiator’: navigating and managing police encounters

21 (De)escalating encounters

25 Drawing on professional status

27 Filming police encounters

30 Conclusion

32 References

Introduction

Emergency powers have only exacerbated unfair, excessive, and discriminatory policing, especially against racialised communities. (Deborah Coles, INQUEST, cited by Gidda, 2020a: no page)

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 131,000 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 report, while not questioning the vital need to prioritise the protection of life during the pandemic, questions why policing was made so central to the emergency response and why the police's leading role in enforcing unprecedented emergency measures has been left unscrutinised. Even as the Coronavirus Act 2020 was rushed through parliament, civil liberties organisations were alerting parliamentarians to its dangers, noting in particular Schedule 21 of the Act which permitted the police and law enforcement apparatus to 'restrict a "potentially infectious" individual's movements and to enforce measures such as isolation and testing' (Harris et al., 2021: 1-2). Overnight, the Coronavirus Act, along with the broader raft of legal restrictions under the Health Protection (Coronavirus) Regulations, made it unlawful to undertake a wide range of hitherto economically essential, pro-social and non-criminal behaviours and actions including 'limits on movement, travel, gatherings, and the operation of businesses and other premises' (ibid: 1). The implementation of these restrictions varied across time, with periods of heightened restrictions commonly referred to as 'lockdown'.

With the above context in mind, this report 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 (Elliott-Cooper, 2021), and those who are most impacted by lockdown restrictions (Katikireddi et al., 2021). The next section of the report considers race and policing and looks at some of the broad indicators regarding the policing of the pandemic. Thereafter we set out the research aims and methodology, and offer a note on ethics. The findings are divided into three sections in which we consider the accounts of participants. Firstly, we address how 'lockdown' conditions, in combination with new police powers, build upon and further enable long-standing patterns of racialised policing. Secondly, we consider police contact amidst the dangers of virus transmission, and the associated trauma arising from such encounters. Thirdly, we explore how those subject to policing navigate and manage police encounters in an attempt to mitigate the risk of police violence and criminalisation.

The theme of safety runs throughout the report. But those we spoke to were not just seeking safety from the threat of an infectious – and sometimes deadly – disease. Nor were they looking to the police as a source of safety in these unprecedented times. Rather, in the vast majority of cases, participants were also seeking safety *from* the violence and harassment posed by police, often painfully aware of the risk not just of injury, but also of death. What does it mean then, for the police to play a central role in protecting the public from the dangers of Coronavirus, when the history and present of policing is defined

by profound harm – a lack of safety – for certain communities? Together, the sections that make up this report demonstrate how, rather than contributing to public safety, policing during the pandemic has (re) produced profound harms for those from racially minoritised groups and communities.

Policing the (Coronavirus) ‘crisis’

[W]e must evaluate the state’s overreliance on police systems to handle its non-criminal problems because what the pandemic has shown us is that using the police to address health concerns transforms citizens in need into criminals to be confronted. (Dewey, 2021: 68-69)

Writing in 1978, Stuart Hall and colleagues documented the social construction and political role of the figure of the ‘Black mugger’. Hall et al. chart how this particular ‘folk devil’ emerged in response to a convergence of national economic, social and hegemonic crises, necessitating the re-articulation and reaffirmation of (an imagined white) Britishness (Hall et al, 2013 [1978]). Critically, Hall et al. explore the figure of the mugger in order to uncover the politically-sanctioned processes of criminalisation (including the over-policing) of racially minoritised communities amid the contradictions of state capitalism (Fekete, 2018). Contemporarily, the moral panic embodied in the ‘Black mugger’ has found its articulation through purported concerns over ‘gang culture’, ‘knife crime’, and ‘county lines’ - all of which are imagined in deeply racialised ways, with implications for experiences of policing (Bhattacharyya et al, 2021).

Police powers and differential experiences of being policed endure as vexed issues across England where official statistics consistently attest to the over-policing of racially minoritised communities. Reflecting long-standing trends, recent figures suggest that racially minoritised people are 10 times more likely to be stopped and searched when compared to their white counterparts, with these figures increasing to 20 times in particular geographical areas (Ministry of Justice, 2019). Across England and Wales, racially minoritised children and young people are significantly overrepresented in Young Offender Institutions, making up over 50% of the population (Youth Justice Board, 2021). Racially minoritised people are evidently at an increased risk of arrest and prosecution, are more likely to be exposed to more punitive and harsh sentences and are more likely to be disposed to lengthy custodial sentences.

The criminological evidence is clear: racially minoritised people are overrepresented across the agencies and institutions of the criminal justice system. Racial disparity self-evidently corresponds to an increased risk of being subject to police brutality and violence because racially minoritised groups are more likely to be subject to police powers. Given that crime rates are broadly similar and, more often than not, lower for racially minoritised groups when compared to their white counterparts (Uhrig, 2016), mainstream administrative criminological theories - which centralise criminality as a driver of ethnic disparity in Criminal Justice System practices - are incapable of adequately explaining racialised experiences of policing and criminal justice. Of more relevance then, and implicit throughout this report, is the contention that policing across England is driven by an unreasonable suspicion of racially minoritised groups and communities amid an enduring presumption of criminality which precipitates and drives up negative police encounters. As we go on to argue, this unreasonable suspicion manifests itself within the context of policing the pandemic, and with significant consequences. It is against this backdrop that the summer of 2020 gave rise to unprecedented global protests against racist police violence, with millions marching under the banner of Black Lives Matter. Video footage of the police murder of George Floyd in the United States catalysed those protests, and served as a visceral reminder of the countless deaths of racially minoritised people following encounters with the police. For many, the events in the US recalled and coalesced with the police brutality that has taken place across the UK both historically and contemporarily, with some particularly high-profile

cases of Black experiences of policing gaining attention in 2020. In light of this, and refusing suggestions that racism and police violence are only US problems, ‘the UK is not innocent’ emerged as a popular slogan during and beyond the protests.

Reflecting these issues, and as anti-racist commentators and academics forewarned (Frazer-Carroll, 2020; Khan, 2020), racial disproportionality and differential treatment by the police and law enforcement agencies have endured and in many instances have increased throughout the pandemic period. Data from the initial few months of the pandemic quickly pointed to a number of alarming patterns. For example, despite the drop in crime rates as the first lockdown came into effect, stop and search practices ‘surged’, with stop and search rates more than doubling in May 2020 compared to the previous year (Grierson, 2020). Between April and June 2020, there was also a 12.5% increase in recorded police Use of Force¹ across England and Wales (Gidda, 2020a; see also Turriff and Barter, 2020), with racially minoritised people disproportionately subject to it; for instance, over the same time period, 38% of the Met Police’s Use of Force was targeted at Black people, who make up just 13% of London’s population (Gidda, 2020a). Such state-sanctioned provisions are especially significant given the history of injury and death of racially minoritised individuals following police contact across the UK, many of which have involved the lethal application of police Use of Force, from restraint to firearms (Athwal and Bourne, 2015). The enduring disproportionality apparent in Use of Force statistics thus offers a sobering reminder of the vulnerability of racially minoritised people to the ‘legitimate’ powers of the state.

Crucially, these non-Covid-specific forms of policing have combined with Covid-specific police powers to compound the disproportionate impact of policing upon racially minoritised groups. The main raft of Coronavirus legal restrictions – differing slightly across England, Scotland, Wales and Northern Ireland – broadly include limits on movement, travel, gatherings, and the operation of businesses and other premises. These ‘Health Protection Regulations’ are enforceable by the police, and normally result in a fine (also known as a Fixed Penalty Notice, or FPN) if broken without a ‘reasonable excuse’. National Police Chief Council Data on Fixed Penalty Notices demonstrates clear racial disparities in Coronavirus policing. Whilst Asian people make up 7.5% of the population, they represent 13% of those issued with Fixed Penalty Notices, and where Black people constitute 3.3% of the population, they represent 8% of those fined (Joint Committee on Human Rights, 2021). There are disparities too in terms of social class, with those from deprived areas being more likely to be issued with FPNs. Already more likely to live in poverty, racially minoritised people have been at the sharp end of pandemic-induced economic hardship. In this light, the disproportionate issuing of FPNs to racially minoritised individuals is particularly egregious - forcing those fined into deepening economic hardship, or prosecution and further criminalisation.

It is important to note, here, that though giving a useful snapshot, the official figures described above are in and of themselves reliant upon police-recorded data which reflect police constructions of reality (Williams, 2015). Scholars have highlighted how police-recorded crime figures can be a by-product of external managerialist pressures to demonstrate organisational effectiveness and efficiency, and should therefore be read cautiously (Patrick, 2014). More than this, the quantification of policing practice through numerical counts and proportions can distort, objectify, decontextualise and dehumanise what are, in reality, highly subjective experiences of being policed (Sim et al., 2008; Krumer-Nevo and Sidi, 2012;

¹ The powers granted to the police to use force are legislated within Section 3 of the Criminal Law Act (1967) where ‘[the police] may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large’ (IPCC 2015). Use of Force includes, but is not limited to, the use of physical holds and distraction blows, handcuffing and/or ‘ties’, and the use of chemical and mechanical weapons such as pepper spray/tear gas, CEDs (Taser), water-cannon and firearms.

Williams, 2015). As such, we argue that these methodological approaches offer only a partial, police-centric view of policing, devoid of the perspectives of those who are on the receiving end of police powers. It is with all of this in mind that this project adopts a methodology that centres the experiences and perspectives of the policed: those subject to policing during the pandemic.

Aims of the research

This study was designed to better understand policing under Coronavirus restrictions. From the outset, and in a context where police-controlled narratives are widespread, the study foregrounds the stories of the *policed* to surface the subjective experiences of police encounters through in-depth qualitative research conversations. By foregrounding the voices of the policed, our methodological approach facilitates a necessary counter to official police knowledge and its construction of reality. The study pays particular attention to the following research aims:

- to explore the experiences of racially minoritised people who encountered the police during the Coronavirus pandemic;
- to highlight the factors that initiate encounters between the police and racially minoritised people and communities in this context;
- to explore how and to what extent the pandemic shapes such encounters.

The parameters for inclusion in the research were restricted to racially minoritised people who had at least one encounter with the police during the Coronavirus pandemic (beginning in March 2020 and ongoing at the time of writing) across England. While racial disparity in policing is frequently discussed within the context of Stop and Search practice as a feature of Section 1 of the Police and Criminal Evidence Act (1984) (PACE), within this study we adopt a more expansive concept of policing as an encounter. This moves us away from police-driven terms of discussion and towards experiences of policing as defined by those subject to it, meaning that the project captures a number of experiences that might otherwise go unrecorded in official data, as many too often do. In recognition of the qualitatively subjective experience of being policed, the research team refrained from ‘defining out’ or impeding stories by design, in favour of enabling participants to narrate the type, quality and effect of their interaction with the police - as their encounter. Participants were recruited to the study through three interrelated approaches. First, community organisations which work with and support individuals who come into contact with the police or the wider criminal justice system were approached to support in the recruitment of people who had disclosed an interaction with the police which took place at some point during the pandemic. Second, participants came forward to tell their stories on hearing about the research project, resulting in several ‘self-referrals’. Finally, participants were identified through the personal and community networks of research team members.

Taken together, 22 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. Research conversations varied in length between 31 minutes and 160 minutes. The sample consisted of 8 women and 14 men. The youngest respondent was 19 years of age with the oldest being 62 years of age. It is notable that studies relating to the over-policing of racially minoritised groups are overly concentrated on younger people, specifically young men, and as such the older (mean) age of this sample, along with the not insignificant number of women we spoke to, offers an insight into a broader range of experiences of policing. In light of the concentration of racially minoritised people within specific conurbations across England, this study deliberately sought to capture testimonies from across England

in order to present a more diverse range of views and experiences of being policed during the pandemic. As will be discussed in the next section, we refrain from naming the geographical locations of specific respondents in order to minimise the risk of revealing the identity of research participants. However, the geographical spread of the sample included locations in London, the Home Counties, the East Midlands, Yorkshire, Greater Manchester, and the North East.

As will become clear, the types of police encounters that research participants experienced were notably varied. While a significant number of those we spoke to shared accounts of being stopped and searched either on the street or in cars, there were also examples of police surveillance of homes and businesses, encounters with immigration officials (who we also consider a part of an expansive understanding of policing) and instances in which participants had approached the police for support.

A note on ethics

Ethical clearance was granted on 24 November 2020 by the University Research Ethics Committee (UREC) at the University of Manchester. Perhaps unsurprisingly, social research conducted from the perspective of the policed raises significant questions of trust. As previously discussed, police-community relations are beset by historical and ongoing experiences of police harassment, police intrusion and police violence. Such experiences can give rise to genuine concern that disclosures and discussions of negative police encounters may somehow ‘get back’ to the police. Consequently, the need to reassure participants of anonymity and confidentiality formed a crucial part of the ethical approach to the research. Participants have been given pseudonyms to protect their anonymity.

Whilst all social research necessitates the establishment of informed consent and provisions relating to anonymity and confidentiality, this can be especially prescient for racially minoritised people, instructive of a powerful mistrust of the police. The experience of being policed extends beyond the immediate encounter, seeping into the consciousness of those subject to policing, and research conversations can revive personal and/or collective memories of being policed.² There is therefore a need to consider the potentially traumatising and harmful effects of rehearsing and retelling stories of police encounters (Clarke, Chadwick and Williams, 2017). As will become evident in the subsequent section of this report, participants disclosed experiences of trauma and feelings of anxiety and fear. Arguably, such feelings are compounded for those who have multiple previous experiences of police encounters.

Our acknowledgement of the above informed a recruitment strategy in which community groups and organisations were our primary site for recruitment and through which initial feelings of apprehension could be assuaged. As a research team, we drew upon our involvement with community groups and campaigns as a way to develop links, build trust and facilitate engagement with potential participants. Given extractive histories within the field of social research, individuals and community organisations can often hold a healthy scepticism not only of the police, but of academic researchers. As such, we were conscious

2 This collective memory is not – as the recent Commission on Ethnic Minorities and Racial Disparities would have it – based on hearsay, myth and historical misinformation. Nor can it be characterised as a ‘victim mentality’ which holds communities back and leads to a misplaced mistrust of the police. Rather, collective memory is material. It finds its reflection in the many reports and studies which document how the over-policing of racially minoritised communities leads to psychological harm, injury and death. The collective memory of past injustices combines with negative everyday experiences of the police, particularly constant stop and search practices experienced as police harassment, to produce a trauma which should not be easily trivialised or dismissed.

that entering ‘the field’ demands a democratising of the research process, including mutual negotiation and dialogue in order to set the parameters of the research and to minimise the tendency of academic social research to ‘extract’ from the policed for the university’s ends or assets (Joseph-Salisbury and Connelly, 2021). Indeed, conversations with activists from a range of campaigning organisations and community groups which offered support in the recruitment process often pushed us to reflect on the aims, processes and outcomes of the project, and ultimately helped to shape the direction of the research as it progressed. In the following section we address the first set of findings, focusing on the relationship between new police powers and discriminatory policing.

1. ‘It’s like giving a golden ticket’: new police powers and discriminatory policing

In this section, accounts by participants point to the ways in which the policing of depopulated public spaces during the pandemic increased the targeting of the most marginalised and vulnerable sections of society. Policing is described as arbitrary and excessively controlling, with police officers displaying a heightened sense of power and awareness that the normal checks and balances did not apply. In this context, lockdown conditions and histories of racist policing intersect and become mutually-reinforcing.

‘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 the following sections we aim to highlight histories of economic inequality, police violence and racism, which often profoundly shaped the accounts given by participants, whilst also teasing out the specificities of racialised (and classed) over-policing during periods of pandemic-related restrictions.

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’. Relatedly, 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 in her community:

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. So this isn't just now, and that doesn't change the issue that the police got carried away in Covid, but we've already got a long history of racial abuse from the police in our Black community anyway.

These insights offer crucial historical context for understanding accounts of policing under the Covid-19 pandemic. Despite identifying long histories of police racism that well pre-date the onset of the spread of the disease, the vast majority of participants felt strongly that in the context of the pandemic, forms of racist over-policing had been exacerbated. A number of related interpretations were put forward by those we spoke to. Firstly, individuals described how long periods of lockdown and unprecedented restrictions on movement resulted in less 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. You know? To me, there's like something that triggers the police with Black people [...] they manhandle us, they verbally attack us, they treat us like animals, and then they go home and are dead nice to their wife and kids, how does that work? How...? Do you understand what I mean?

Kalifa's account here suggests that lockdown conditions provide fertile ground for the (re)articulation of racist policing, pointing to the near-inevitability that increased police powers will exacerbate the harm to Black communities. 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 police forces (Gidda, 2020a).

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 the police. As Cade poignantly 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.

Central to Cade's argument here is that 'lockdowns' have had the biggest impact on the most marginalised in society, reinforcing pre-existing inequalities. According to the Office of National Statistics, only a quarter of people (25.9%) were able to 'work from home', with the majority continuing to travel to workplaces during the pandemic (ONS, 2021; Partington, 2021). These patterns have been shaped by structural factors, including those pertaining to race, class and gender (Warren, Lyonette, Women's Budget Group, 2020; Women and Equalities Committee, 2020). The uneven impact of lockdown-type conditions has been noted in academic research and by human rights groups (Amnesty, 2021; Nazroo and Becares, 2021; Whitehead, 2021) and demonstrates how the pandemic interacts with existing social, economic and political conditions. As Cade suggests, these conditions also shape who becomes the target of policing, especially in a context where there is 'less [of a] presence of everyone else'.

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 (Spurrier, 2020), 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. It was just like, yeah, this is Coronavirus, this is Covid, what are you doing out of your house. Like, then it's like you are stopping the same people that you would have stopped anyway, 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 gang's 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. And now, you've given the same group of officers, under a different name, 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, like, thinking would we live in a society where the police can go up to anyone and say, why are you out today, are you going to the shop, is this an essential journey? Go home or I'll give you a fine, like, it's mind boggling. (Cade)

What such accounts point to is the sense of the overwhelming presence of policing in the lives of those we spoke to. This should come as no surprise given the extension, in recent years, of processes of criminalisation into spaces and institutions once viewed as separate from the institution of 'the police'. This includes, for example, the embedding of the UK government's 'counter-terrorism' agenda in schools, universities and hospitals (Heath-Kelly, 2017), as well as the intensification of multi-agency policing as seen in the proliferation of police-school partnerships (Nijjar, 2020). The accounts given by participants above 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. While 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. Cade, after arriving at the scene to offer support to the young person, was initially questioned under Coronavirus regulations:

Under Coronavirus you shouldn't be out, and I've let them know that I'm a key worker under the pandemic, at the beginning of the pandemic, I'm allowed to go and do my job. I can't work from home, if someone's called me for a crisis, what do you expect me to do, FaceTime them? I told them, don't do what you're about to do, I've got to go, be there in the situation, respond in the way that we respond and make sure people use that situation safely, that's my job. "Oh, well, you're, well..." and then they clocked that they can't come from that angle, so then they came from a different angle.

Cade was then arrested for an alleged road traffic offence and held in the back of a police van in close proximity to four officers (see section 2 for a more detailed account of Covid-19 risk and police contact). After police had found no evidence of a traffic offence, Cade describes how officers once again changed tack to fine him under Coronavirus regulations:

Now the focus went from them stopping me because they didn't know who I was, to them wanting to see my driver's... to see if that car was stolen or if it was my car, to then wanting to find out my name and my date of birth, to them, now, saying that I've breached Coronavirus [...] So, after all of this, he's then turned around and said, oh, I've tried to, you know, at the time, they released that guidance, what was it? Approach, encounter, encourage, something, something. There were steps, they can't just jump to enforce, they had to encounter, they had to encourage you to go home. They have to warn you, if you're going to go home, this is going to happen, and then they enforce. But with us, they just skipped all those stages, and went straight to enforce.

In addition to the disproportionate meting out of fines (or Fixed Penalty Notices) to racially minoritised people under new Coronavirus regulations (Gidda, 2020b), this account clearly demonstrates the ways in which the imprecise use of new police powers can accelerate and legitimise (in this case retrospectively) police Use of Force.

A strikingly similar account came from Darren who described the following interaction with police officers during a period of lockdown restrictions. Here, a police stop predicated on possession of drugs is quickly replaced - and the stop justified - with a nod to Coronavirus regulations:

I asked him [police officer] how come you're stopping me? And then he said you smell like you was in possession of cannabis, or I have smelled a strong smell of

cannabis coming from you. So I said, well, it's funny that you say that because I don't actually smoke and I don't have any cannabis on me, so then I'm saying, can I just ask you why don't you just search me and get it over with, like, I literally don't have anything on me so you'll know I'm innocent when you search me. He said to me, I don't have grounds to do that, or I don't need to do that, or something along them lines. So I said, well, if you don't have grounds to do that or you don't need to do that, why are you stopping me? He said, well, you and your mates are breaking Covid rules, we're in a Tier 4 lockdown and you was with them in Sainsbury's, wasn't you? So I said, I don't know who they are, I don't know how many times I have to tell you, but I don't know these people, do you know what I mean? You're only stopping me because I'm Black and you're racially profiling me; and I don't even want to play the race card, but some people would be acting a lot worse than I am right now.

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 (Koram, 2019; Shiner et al., 2018; Eastwood, Shiner and Bear, 2013). 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 police stop when more traditional methods fail to yield results. Which is to say, longstanding powers have also been used (and abused) as part of the police response to the pandemic. 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 – who 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 one 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, is 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. In Cade's account, his own arrest and detention is justified in part via new (Covid-related) police powers, and as a result a young, vulnerable person is denied professional support. In the following section we explore these 'layers' of violence in relation to the fear and anxiety that can arise when police contact is combined with risk of transmission of, and infection from, Covid-19.

2. ‘One rule for you, one rule for us’: police contact, Covid-19 risk and related trauma

In this section, participants describe the stress they experience when coming into contact with police officers during the pandemic. Accounts of everyday encounters, as well as public protests, suggest that police officers consistently fail to use PPE or observe social distancing regulations, leading to a risk of transmission and infection from Covid-19. Participants express the view that stop and search and public order policing tactics completely undermine the public health approach to the pandemic.

A key concern amongst research 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. These concerns were cast against a backdrop of high-profile cases such as that of the athletes Bianca Williams and Ricardo dos Santos, who were violently apprehended by officers and dragged away from their 3-month-old baby ‘without one piece of PPE [Personal Protective Equipment]’ (Christie, 2020: no page) to be searched. Like Williams and dos Santos, 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’. Such observations reflect many of the encounters recalled by research participants.

Both face coverings and social distancing have been identified in scientific research as key non-pharmaceutical interventions to reduce transmission and contraction of the virus (Aljayyousi, 2020; Blackburn, 2020). Relatedly, these measures have been taken up by governments in their response to the pandemic (Henriquez, Burleigh and MacKay, 2021). In the UK context, the importance of these measures has been etched into public consciousness, most obviously (though not solely) through the government’s ‘hands, face, space’ slogan, later adapted to ‘hands, face, space, fresh air’.

This is the political context in which our participants’ police encounters took place. It is against this backdrop that police disregard for the measures becomes particularly concerning (Aljayyousi, 2020). Put plainly, the actions of police officers go against widespread public understandings regarding safety measures, and in many cases, the guidance and regulations imposed upon the general public. 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 2020³ and reiterated on several occasions (Police Federation, 2020), including in subsequent guidance for forces (NPCC, the College of Policing, and the NPoCC, no date a; no date b; Police Federation, no date). The guidance notes that ‘a face covering may provide some protection for others’, and that ‘social distancing’ is among the ‘most effective way[s] to prevent transmission of disease’ (NPCC, College of Policing, and NPoCC, no date a: 1). It therefore advises that ‘if an officer or staff member are undertaking a policing activity with less than two metres between them and a member of the public, they should be wearing a fluid repellent surgical IIR mask, or a higher grade of protection’ (ibid: 1). Worryingly though, and reflecting our findings, the National Treasurer of the Police Federation observed in July 2020 that some police officers had stopped wearing PPE. He explained: ‘it may be that complacency has crept in. Certainly, it can be really uncomfortable to wear for long periods of time. I hear friends say, “if I was going to get Covid-19, I would have by now” or “the virus is not as bad as we thought” or the “pubs are open so it must be okay”’ (Kempton, 2020: no page).

Policing the protests

The Black Lives Matter (BLM) protests of 2020 were a high-profile site in which – in concert with institutionally racist policing (Elliott-Cooper, 2020) – police failures were visible with regard to social distancing and other Covid-related safety measures. Hafsa, a legal observer who took part in our research, 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 (Protester cited in Elliott-Cooper, 2020: 34).

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. Those present also reported ‘excessive force to arrest people without particular reason’, with Black protesters being targeted in particular (Elliott-Cooper, 2020: 36). Amongst other harms, such tactics significantly increase the risk of exposure to the virus, and again cast doubt on the purported public health aims of policing the pandemic.

The use of kettling,⁴ 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. Kettling at the Black Lives Matter protests saw people confined ‘without food, water, or access to toilets’ in a way that made ‘social distancing impossible’ (Elliott-Cooper, 2020: 4). 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:

3 ‘[U]nless you can keep a social distance of two metres or more from your colleagues and any member of the public, then it strongly recommends that you should wear a face mask’ (Sussex Police Federation, 2020: no page)

4 Kettling describes a policing tactic in which police cordons are used to contain crowds in a confined area (Netpol, no date).

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... So, it's just so obvious to us, this has got nothing to do with public health. This is just about the police being able to shut down protests. That's the reality of it, because if it was a genuine public health response, then what they're doing right now, wouldn't make sense.

Whilst this account is in regard to protest, it points to a wider contradiction between the purported aims of policing and the experiences of the policed. As we show in the next subsection, this resonates with policing experiences more widely.

Policing beyond the protests

Participants in our research shared a range of experiences, from traffic stops to street interactions such as stop and search. Sara recalled having had two police encounters during the pandemic whilst heavily pregnant. In terms of the questions over whether policing protects public health, it is worth noting that the National Health Service categorises pregnant women as clinically vulnerable, or in the 'moderate risk' group (NHS, no date). In both encounters, Sara explained that the police showed little regard for either social distancing or the wearing of masks. Of the first incident, she recalled:

I was heavily, maybe seven months pregnant at this point... They were all uniformed, no masks... Nobody had [a mask on], they weren't mindful of distance between us... they were literally up by the window and... don't have social distance.

Whilst a generous interpretation here might suggest that the police had simply not thought about the danger of virus transmission, she also noted how, given her pregnancy and that 'they were quite close to the window', her partner had asked 'can you move or wear masks', thus reminding the officers of the associated risks. This request was met with a blunt 'no'.

In the second encounter, whilst driving home from an antenatal appointment, she recalled another vehicle stop:

She got to my window and is hitting the window. So, then I told her to move because she didn't have a mask on and then she basically was ushering me to wind down the window. So, then I put my hand up to say wait, which, again, I feel like, I just feel like there's this expectation that you do things in their time and it's just quickly done, but I needed a mask, I wanted to mask. So, I told her wait and I'm looking for the mask, and

I can't find the mask, so she's hitting the window. I eventually found the mask, put the mask on, and I wound down the window but only slightly... I said can you please move back, I'm pregnant. She did step back, not far or away, but she, kind of, stepped back.

In both encounters the stops were supposedly in regards to public health and limiting the transmission of the virus, specifically in relation to ensuring that only essential travel is taking place. However, in both encounters Sara felt that the police officers increased the health risk – primarily through the unnecessary stop and interaction, but also through the lack of care for distancing and mask wearing. For Sara, these encounters were a source of stress, trauma and fear, and whilst these are often symptoms of police interactions, particularly for racially minoritised people, for Sara this was particularly exacerbated by the risk of infection/contamination.

Ghaith Aljayyousi, a research fellow interested in infectious diseases, has written about his own experience of being stopped and searched, with the police disregard for the 'steps needed to reduce the transmission of the disease' leading him to ask whether 'stop and search [is] contributing to the spread of Covid-19 in the UK?' (Aljayyousi, 2020: no page). Other participants in our study reported similar responses. As mentioned in the previous section, Cade, for example, reported being placed in the back of a TSG van in close proximity to others, without ventilation. Cade described how his anxieties in this scenario were also shaped by his mother's ill health, and the potential risk to her wellbeing. Kyle spoke of being 'in close proximity... to 50 plus officers' within a week: 'I don't know how I haven't contracted Covid-19', he reflected. He recalled a particular incident in which he was unwilling to wind down his car window due to concerns about contracting the virus. The police response was to smash his car window before proceeding to violently arrest him and search his car, therefore touching him and his possessions without PPE. In a context where he felt that the police had undermined his efforts 'to self-isolate and follow the rules', he was left feeling 'angry and agitated', not only by his experiences of police harassment, but also specifically by the risk of contamination posed by the police. The trauma and distress of his experiences left him feeling 'disgusted... and sick' when he thought of using his car.

The accounts shared by participants in this section challenge claims that 'officers and staff are strictly observing PPE guidance when in contact with members of the public' (NPoCC, 2021: 2), question the extent to which policing in the context of Covid is in the interests of public health, and highlight the ways in which the risk of virus transmission from the police exacerbates what are often already traumatic and distressing experiences. Ultimately, as Dewey (2021: 61) puts it, '[p]olicing risks social health and security when it is used to solve social and health problems'.

3. Becoming ‘the hostage negotiator’: navigating and managing police encounters

In this section, participants speak of the burden of navigating and managing police encounters, as the pressure to de-escalate falls on the public rather than the police. Participants describe drawing on their social class or professional status as a means of protection in a situation where police seem to hold all the power, and reflect on what this means for those who are most vulnerable. The pros and cons of filming police encounters are also discussed.

(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.

These recollections are significant not only because they reflect many of the experiences of our participants, but also because they mark a stark contrast between apparent approaches to policing set out in police guidance, and the realities of being policed as a racially minoritised person. Police guidance

suggests that forces are following ‘the 4 Es’, with efforts to ‘Engage. Explain. Encourage’ all coming before, and in an attempt to reduce, ‘Enforcement’ - an apparent last resort. Like Kieran’s, Fola’s reflections are illustrative of police failures in this regard:

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’s striking here is that the responsibility to de-escalate seems to often fall on the policed, rather than the police. This is despite the police occupying a professional position of power, with a professional responsibility to de-escalate, and in spite of police guidance and conciliatory rhetoric. Kieran’s account also points to the difficulties in de-escalating encounters with officers who often assume ‘they are right’, perhaps owing to the unequal power dynamics in such interactions. 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.

Kieran’s account here suggests that de-escalating police encounters can often mean not being able to challenge or question unjust policing and, instead, allowing the police to ‘roll you over’ and ‘violate you’. Several participants spoke of such encounters where they felt compelled to accept what would otherwise be unacceptable police behaviours in an attempt to mitigate the risk of further escalation. Sara, for example, said that despite knowing she ‘did not have to answer police questions’, and despite her frustration at experiencing what she understood as racist policing, she felt pressure to provide answers because she ‘just wanted it to be done with quickly because it doesn’t feel very nice’.

As these accounts and others make clear, there is much at stake (most notably safety and wellbeing) when the policed carry the burden of managing and de-escalating 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.

This account implores us to think about those situations in which the policed are unwilling or unable to de-escalate police encounters, where they are not 'able to articulate it correctly'. This might be the consequence of frustration, fear, or anger at experiences of unjust policing. Some of our participants reported having been stopped (or policed) near-countless times in their lives. Thus, they have to manage legitimate frustrations not only regarding the immediate encounter, but also the cumulative impact of persistent racialised police harassment. For instance, Sara described her partner (a Black man) being 'short and sharp', because of his 'annoyance' at experiencing a stop, something that 'happens all the time for him'. According to Sara, his approach risks aggravating police and escalating encounters. It seems, therefore, that racially minoritised people encountering the police may be forced to choose between expressing legitimate dissatisfaction with unjust policing and accepting unjust policing in an attempt to ensure their safety. Put differently, and reminiscent of Kieran's point above, the pressure to de-escalate police encounters, amidst the threat of police violence and criminalisation, curtails the scope for naming injustice.

Barriers to de-escalating police encounters may also be particularly acute for some groups. For example, for racially minoritised people, negative racial stereotypes - constructing racially minoritised people as threatening, or criminal, for example - may shape police perceptions and encounters, making de-escalation more difficult, if not impossible. Additionally, those experiencing mental health crises, and autistic crises, have been noted to face particular difficulties during police encounters (Crane et al., 2016; Haas and Gibbs, 2021; Panchal, 2021). Ill-equipped to deal with mental health and autistic crises, officers have been observed misreading crisis behaviours as escalatory, and responding in ways that further escalate encounters, sometimes with devastating consequences (Resistance Lab, 2020; Anonymous, 2020). The point here is that, when the burden of responsibility for de-escalating police encounters falls on the policed, rather than the police, the most vulnerable can be placed at a particularly heightened risk of harm. Ultimately, there are many reasons why de-escalation might not be possible; as Kieran suggested earlier, the balance of power lies with the police, rather than the policed. Thus, skill in, or commitment to, de-escalation, offers no guarantees against police harm, and this is accentuated for marginalised groups who are already overpoliced.

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.

These fears also appeared to shape interactions with police officers and other agencies (immigration officers, for example) where mothers and sons were both present. One participant, Vivian, had travelled abroad with her son in order to organise a family funeral during a period of Covid-related restrictions. Upon returning home, she and her son were questioned at the border by immigration officials. Her account points to the burden of managing such encounters - attempting to 'keep calm' in the midst of a highly stressful and upsetting situation - alongside the tacit knowledge of her son's particular vulnerability to state-sanctioned violence:

Well, I was trying to keep calm because I didn't want my son, who has got anxiety, to blow off, and we were in a long queue. And believe it or not, when we got there, the queue after us was still long. And we'd been there so long that the queue had gone. That's how long we were there just with this border control person asking all these questions. What for? And it was there in front of her, I gave her the whole story of what had happened. We'd gone because...you know, of compassionate grounds, we hadn't gone and had a jolly. But that person there was so... I'm not saying they weren't doing their job, and if I was a different type of person, it would have been quite... you know. Well, it was stressful, but it wouldn't have ended the way it did because I just tried to keep as calm as I could, tried to keep my son out of the way and just kept him in the background, and try and deal with it that way really.

Of course, such fears were not limited to mothers, and a number of other respondents, men and women, spoke of their concerns for younger racially minoritised people, whether part of their family or wider community. For Sean, a youth worker, this was articulated in terms of young people's presentation of self in different social settings and scenarios. Similarly to Clara's account above, 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. Totally different. Do you know what I mean?

He then goes on to reflect upon 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.

Rather than a generic complaint about younger generations, Sean's account is clearly underpinned by a fear concerning the treatment of young people in his community (whom he works closely with) by the police. Furthermore, his acknowledgement of the difficulties in maintaining a particular demeanour within his encounter with the police points to how, while it may be a strategy he favours, the protection offered by a particular mode of self-presentation is always contingent and fragile in the face of racialised police violence.

In instances such as these, it seems that those involved may be acutely aware of the specific racialised and gendered stereotypes ascribed to Black men (as threatening, for example), as well as the risks (of police violence, for example) that can arise as a consequence of those stereotypes. What we see, therefore, is an attempt to mitigate those risks through different strategies of self-preservation, whether that be a mother 'staying calm' and keeping her son 'out of the way', or an adult emphasising the importance of young people in their community 'conducting' themselves in a particular way.

Official statistics already illuminate the disproportionate over-policing of young Black men, and a growing body of research is highlighting the often fatal consequences for young Black men with mental health issues in particular (Bourne, 2021; Bruce-Jones, 2021; Thompson, 2021). But the accounts from participants here reveal the ways in which an awareness of such vulnerability permeates everyday life for racially minoritised people. This fear adds a further layer of trauma to racist police violence.

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.

Clara clearly acknowledges that this route towards 'acceptability' is not one available to everyone, echoing our previous argument around who exactly is able or indeed willing to de-escalate violent police encounters. But such accounts from participants also hint at the division of power more broadly, including the processes shaping police accountability, or lack thereof. For instance, in addition to the shifting power dynamics in the immediate encounter, Clara goes on to explain how her professional status granted her access to journalists who were able to help share her story, as well as police professionals who guided her in lodging a formal complaint about the incident. These are two channels of potential (and very rare) accountability amongst very few available, and as participants were well aware, such options rely on a level of cultural and material resources that are simply beyond reach for the vast majority of those on the receiving end of police racism and violence.

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.

It is important to note here that misrepresentations of individuals and families as 'violent, crazy, [and] neurotic', which rehearse long-standing racial stereotypes (Long, 2018), were not just a matter of Kalifa's perception but formed part of the official police report into this particular incident. In such circumstances, individuals must surely feel that they have little option but to draw on individual narratives of value to add weight to their own version of events in the process of seeking accountability. However, Kalifa's insistence that her professional or moral status should not matter, once again points to the underlying ambivalence that a number of participants felt in making such appeals. And, again, appeals to professional status, much like other accounts of attempts to de-escalate, offered no guaranteed recourse to police accountability.

While Clara's complaint against the police's treatment of her was being re-investigated at the time of interview, Kalifa had recently lodged an appeal after her and her family's initial complaint against the police officer resulted in little more than 'a telling off with his manager'.

Filming police encounters

The use, or not, of mobile phones was a recurring point of discussion in our interviews and seemed to be one of the first considerations for navigating police encounters. These considerations are surely influenced by a context in which mobile phone footage of George Floyd's murder had sparked global Black Lives Matter protests just months before interviews for this research took place, and that video had amplified, and been amplified by, viral footage of police violence against Black people in the UK.⁵ Underscored by a lack of faith in police body-worn cameras (which are, after all, turned on and off at the discretion of officers),⁶ participants offered several reasons for opting to record police encounters on their phones, and there was a general consensus, as Bashir put it, that 'getting your phone out in certain scenarios does save lives and it is very important'. In the first instance, taking out a phone was seen to have the potential to change the power dynamics of an encounter and to ensure that officers acted appropriately: 'when they see that camera, they try their best to behave', said Omar. Mousa attested to this as he recalled, 'we pulled up our camera and as soon as we did that, the tone changed'. Bobby, who had called the police out to deal with a neighbour dispute, disclosed how, upon recognising the escalation of his encounter, he felt compelled to use his mobile phone to deter the police officer from using a Taser (Conducted Energy Device):

He [policeman] took out his Taser. I sat down, picked the phone up, I said, bro... and I'm pointing at it. You're on camera, and I swear to God if you Taser me I'm going to Tase you with the same fucking Taser, we're going to dead head tonight. Go on, Taser me, for no reason, bro, because me and you know I haven't given you a reason, and I'm not going to be one of them Black victims.

Beyond the initial encounter, recordings were deemed to be important for providing, in the words of one participant, an 'evidence base', particularly in a context where it was felt that the testimonies of those subject to unjust policing would not be believed. As Omar describes:

I approach it as, record it, one of these days, one of these officers are going to cross the line as I am recording and, on that day, I don't want to miss it. I want

5 For instance, in March 2020, video footage circulated of Desmond Ziggy Mombeyarara being tasered in front of his 5-year-old son (Walker, 2020). Just months later, on 9 June and in the midst of the BLM demonstrations, the rapper Wretch 32 shared a video of his father, 62-year-old Millard Scott, being TASERED, which rendered him unconscious and caused him to fall down the stairs in his own home (PA Media, 2020).

6 This scepticism regarding police body-worn cameras is not necessarily misplaced. Once optimistically touted as a tool for increasing police accountability, and a solution to incidents of police misconduct, body-worn cameras are now a commonplace feature of policing in England, the United States, and several other countries. However, with no sign of an end to police misconduct and racism, there is scant evidence that body-worn cameras have fulfilled these aims. Conversely, body-worn cameras have been noted to deepen criminalisation, and concerns persist regarding privacy (Big Brother Watch, 2017).

to have it on tape, because no one is going to believe me when I tell them... at the end of the day, it is the officer's word against my word, and their word holds a significantly more amount of weight than mine does.

In a context in which the police are widely seen to be trustworthy, whilst racially minoritised individuals and communities are often stereotyped as untrustworthy, Omar's account suggests that filming police encounters is one way to mitigate the likelihood of not being believed – that is, to challenge police constructions of reality. This was deemed to be particularly important because of an (often experience-informed) sense that, as Kyle put it, 'the police will lie'.

Video footage was seen to be useful in seeking accountability, and in terms of raising awareness about police racism, harassment and violence, particularly in a context where, as Kalifa suggested, 'people don't believe it is happening, they think it's just in America'. Some of our participants chose to share their videos on social media, sometimes generating attention from mainstream media and the police. In other cases, participants shared the footage with the Independent Office for Police Conduct (IOPC), or with police forces themselves. And others noted that just having a video was important for their own mental wellbeing in terms of remembering what had happened during an incident, particularly as distorted narratives emerged.

Notwithstanding the general sentiment that mobile phones had empowered overpoliced communities, and specifically racialised communities, many respondents warned against seeing video footage as a panacea for unjust and racist policing. For example, Darren among others, noted that getting a phone out can 'aggravate the situation'. Whilst Lloyd warned that some officers can respond angrily: "put that fucking camera away or I'll smash it", like they don't give a shit'. Y-Stop, a Stop and Search project for young people, have noted that whilst there 'are potential benefits to recording stop and search' (as discussed above), there is also a risk of aggravating officers, and therefore no easy answer about 'the pros and cons of filming'. They suggest that those experiencing policing may have to read the situation and use 'common sense' (Y-Stop, no date). Moreover, and again looking beyond the initial encounter, it was still felt that, despite video evidence, gaining justice for the victims of unjust policing was incredibly unlikely. As Kalifa insisted: 'it's only going to make them accountable if we push for laws and if we push for reprimands.'

In terms of the limits or potentially negative implications of filming police encounters, there is one last point we wish to highlight here. Kalifa shared an account in which she described a loss of control with regard to the sharing of the video of her police encounter:

When our video went out, I was trying to get it off, and my reason why I was trying to get it off was because I was frightened that a riot might start, and I didn't want it to be at the hands of me and my son. I mean, that's just a personal thing, that, and we're well-known in our community, and I was begging so many people to take it down, because it was sent viral and we were getting calls from Africa and the Caribbean, people had just sent it viral and then people who knew us all over the world, they were just... our phones were like ringing solid for two days. So, me personally, I wanted it

off, because I had a fear of, I didn't want this to start a riot and it be at the hands of us.

Kalifa's specific concern relates to the potential dangers of the video of her encounter catalysing 'riots'. Whilst there may be other reasons that people do not want their videos to 'go viral', the fundamental issue pertains to a feeling of a loss of control regarding the content of the video, as well as the unsettling experience of being thrust into the limelight or public eye. These are significant issues to consider as part of any discussion around the filming and sharing of videos of police encounters.

Conclusion

In the face of the profound threats posed by the Coronavirus pandemic, the British state placed policing at the centre of its response. For those who have paid attention to political events in recent years, such an approach should not be particularly surprising. Prior to the onset of the pandemic, the Conservative government had made clear its commitment to increasing the numbers of police officers, to granting those police officers more powers, and to increasing the number of prison places in the UK. Sealing the parliamentary political consensus, the opposition, too, has repeatedly made clear its commitment to policing. This is to say, British society was already on a trajectory towards an increasingly punitive social order, with policing at its heart. The pandemic became a vehicle through which this trajectory was articulated and accelerated. For a punitive state, policing the pandemic was but a logical solution to a serious problem - but this is not to say that it was an appropriate solution. Bhattacharyya and colleagues capture the urgent socio-political context when they argue:

...the pandemic revealed the neglect and withdrawal of the state in all other functions but the punitive. The state could not distribute masks for nurses, but retained an incredibly well-resourced, militarised, police force (Bhattacharyya et al., 2021: 194).

As we have shown in this report, such punitive responses have consequences, and these consequences are felt unevenly. Whether evidenced through the resistance of grassroots organisations, through the enduring disparities laid bare by the (albeit limited) police data, or through qualitative research on the subjective experiences of racially minoritised people: the long history of differential treatment as a feature of institutional racism in British policing marks the context against which the State opted for a policing response to the pandemic. Even during the pandemic, this backdrop was brought to the fore of public consciousness by unprecedented Black Lives Matter mobilisations across the UK and internationally, drawing attention to - before also becoming a site of - institutionally racist policing.

A range of groups and commentators forewarned that increased police powers would hit racially minoritised communities hardest. Unheeded, these warnings came to pass with racially minoritised communities being disproportionately subject to the use of Covid-specific policing approaches, such as the issuing of (Covid-related) Fixed Penalty Notices, but also to over-policing through more traditional racialised policing practices such as stop and search. The policing of the pandemic therefore serves to demonstrate that increased power for the police and the punitive state maintains racial injustice, further entrenches existing structural inequalities, and poses a threat to the safety and wellbeing of racially minoritised and working-class communities. The questionable legality of the policing highlighted throughout this report suggests that, at times during the pandemic, some officers have displayed a disdain for the rule of law. For Lepore (2020: no page) there is a crucial need to recognise ‘keeping the “peace of the streets” as different and distinct from justice administered by the courts’. This distinction points to how policing subverts the rule of law in favour of the ‘rule of police’. Consequently, the rule of police endures as a feature of policing, legitimised more by a ‘popular morality than by the letter of the law’ (Sivanandan, 1981: 150) and guided by a presumption of criminality, which drives racial profiling and discriminatory policing.

Relatedly, police rhetoric and guidance suggested that the policing of the pandemic would be informed by a public health approach, with enforcement being a last resort after ‘engaging, explaining, and encouraging’. However, the evidence in this report suggests that – amidst confusion and a lack of understanding regarding new police powers – it was again the ‘rule of police’ to which the police reverted. As Dewey (2021: 68) observes:

When a state transforms social and health crises into criminal justice problems, they provide a legal green light for officers to do what they are trained to do: identify and control a threat, forcing cops to construct the public into the criminals they need to justify the very police behavior citizens protest against while exacerbating the very issues they are employed to resolve.

The accounts in this report detail experiences of harassment, intimidation, aggression, provocation, confrontation, and violence, all of which puncture the pretence of a more helpful and humane approach to policing. In concert with wider research on community policing, the evidence suggests that supposedly welfare-oriented policing is consistently superseded by more hegemonic punitive approaches, with harmful effects. It is therefore unsurprising that in response to questions from the Home Affairs Select Committee in July 2020, amid criticisms of the racialised use of stop and search during the pandemic, Cressida Dick, the head of the Metropolitan Police, responded to say ‘I am not alarmed, I’m alert’, continuing to suggest that those young Black people who were subject to police powers were ‘very violent repeat offenders who happen not to have it [weapon] there and then’ (Grierson, 2020: no page). It should be clear by now that such a statement is extraordinarily at odds with the experiences and disclosures of those who contributed to this report.

For communities concerned about the State’s increasing reliance on policing, and the effects of institutionally racist policing, there are two pertinent points that we want 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. For many, the unprecedented health crisis of the pandemic justified a rapid, emergency-style response from the State. While we argue that an emergency response did not have to centre around policing and criminalisation, we also want to underscore the fact that powers introduced in such conditions are rarely time-limited and exceptional. Rather, they pave the way for longer-standing forms of State control. Particular attention here should be given to the ‘Police, Crime, Sentencing and Courts Bill’: an unwieldy and draconian bill which is set to give the police more powers in a range of areas (Liberty, 2021).

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. To such questions, there are no easy answers – but, particularly for those at the sharp end of racist policing, there is much at stake.

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