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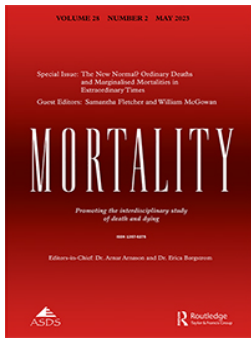
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# Omission, erasure and obfuscation in the police institutional killing of Black men

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## ABSTRACT

Between 1990 and the time of writing, 1,849 people have died in police custody or otherwise following police contact in England and Wales, with people from racially minoritised backgrounds over-represented in use of force and restraint related deaths. Drawing upon research undertaken by the authors, alongside bereaved families, this paper approaches these deaths as a form of institutional killings, surfacing the norms, cultures and values which systematically omit, obfuscate and mystify the violence of police action and inaction that eventuates these deaths. We contend that the police use of lethal force is therefore embedded and enmeshed within the processes, attitudes and behaviours of the police as an institution – both historically and in the present – which shapes how those killed encounter the police, how their deaths are (re)presented and how their bereaved families experience the processes which follow. The article argues that these processes follow a predictable pattern, with a similar lack of accountability also observable across other aspects of the criminal justice sector in relation to state deaths.

## KEYWORDS

Police; deaths in custody; institutional racism; institutional killings; state violence

## Introduction

The following article considers the police-related deaths of five Black men in England, and the manner and (re)presentation of their deaths. Rashan Charles<sup>1</sup>, Darren Cumberbatch<sup>2</sup>, Nuno Cardoso<sup>3</sup>, Edir ‘Edson’ Da Costa<sup>4</sup> and Leroy ‘Junior’ Medford’s<sup>5</sup> incomplete lives ended in 2017 and represent five of the 55 people known to have died in police custody or otherwise following contact with the police in England and Wales in that year alone. The events leading up to and following each of the five deaths are symbolic of a wider pattern of violent policing against Black people. When read together, the patterns of discriminatory policing can be seen through the representations and depictions of those whose lives are made incomplete due to police (in)action. In each of the five cases, the dead were responsibilised for their own death via the deliberate evocation by the police of racialised tropes focused upon criminality, drugs and dangerousness. These tropes mark the dead out as ‘Other’, as undeserving of public or political sympathy, whilst also

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mystifying the acts of police violence and neglect characterised by police inaction. Presented throughout as evidence of 'state talk' (Corrigan & Sayer, 1985; Pemberton, 2008; Sim, 2004) these mystificatory discourses omit and conceal the humanity of those who are killed and help shape a dominant police-informed media production to frame public understanding and attention *away* from the organisational and institutional factors that result in police-related deaths and towards locating culpability in the men who were killed by the police. (Barkas, 2014). To understand this,

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

The manner and representation of police-related deaths thus evidences the institutionalised nature of these harms which cannot be separated out from the politics, cultures and values which systematically omit, obfuscate, mystify and disguise the violent reality of police action and inaction. The police retain immense power over life and death being both the primary definers and perpetrators of violence, being 'violence workers' (Seigel, 2018) not only in the most literal of senses, but also in helping to shape the social meaning attached to their violence. As an institution, the police are deeply involved in framing how power is understood and the social, political and cultural messages it carries. As Seigel (2018, p. 10) has argued, 'police make real the core of the power of the state'. When viewed in this light, police-related deaths are often better understood as 'police institutional killings' – as outcomes of the violence of enforcement and the infliction of particular forms of 'order'. Power over life and death is core to police power (Correia & Wall, 2018; Linneman et al., 2014; Seigel, 2018) and written into the 'pain delivery' of policing, as observed in the infliction of injury, the use of weaponry, force, restraint and detention which is central to police practice (Correia & Wall, 2018; Harkin, 2015). Furthermore, 'stigma, trauma, intimidation, as well as generalised feelings of insecurity can all be a consequence of polic[ing] ... amplified by harassment' (Harkin, 2015, p. 46 see also Correia & Wall, 2018; Harris et al., 2021, 2022). These physical, psychological and social harms are core to the violent, coercive and threatening state-sanctioned institutional practice of policing – a practice that necessitates processes of mystification, reframing or omission to preserve the liberal myth (Box, 1983).

From this position, the neutralising language of 'deaths in police custody' portrays these deaths as if occurring in an isolated temporal vacuum, devoid of histories, contexts and futures. It is a form of what Correia and Wall (2018) might call 'cop-speak' in that the truth of policing and the police is obscured by the language we use to talk about police. This truth is that the existence of British policing is marked by extreme acts of violence, committed both on British homeland soil and former British colonies and territories (Elliott-Cooper, 2021; Moore, 2014). The reality is, just as Correia and Wall (2018, p. 102) have argued in relation to the United States, that 'violence is not just a right of police work, violence is a condition of police work ... coercive force structures all police practice'. Police labour rests upon violence and the threat of it (Seigel, 2018). In using the term 'police institutional killing' – rather than the state's language of, 'police-related deaths', 'deaths in police custody', or 'deaths following police contact' – this article recognises the

historical context of policing as intertwined and enmeshed within the institutional arrangements and structures of the British state. The policing of racially minoritised people and communities is shaped by the history of empire, internal and external colonialism, and constructions of 'race' which maintain racially minoritised people as outsiders, disturbing the normative boundaries of an imagined (white) Britishness, and in turn necessitating surveillance and state regulation (Scruton and Chadwick, 1991). Police institutional killing in England and Wales is thus a particular manifestation of broader processes of social murder (Engels, [1845], 2009) which compromise the life chances of marginalised groups and communities.

Additionally, the language of 'institutional killing' also bears an intentional resemblance to the term 'institutional racism'. Though the latter concept has a long history in anti-racist communities and activism (Bourne, 2001, Phillips, 2011), it came to wider attention in the UK after the publication of the Macpherson Report (Macpherson, 1999) following the murder of Stephen Lawrence in 1993. Unlike the Scarman Report (Scarman, 1981) which had largely linked police racism to a few 'bad apples', Macpherson (1999) found that the police and the wider criminal justice system of England and Wales was 'institutionally racist'. Macpherson described institutional racism as:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting [sic] prejudice, ignorance, thoughtlessness and racial stereotyping. (Macpherson, 1999 para 6.34)

Institutional racism is 'fundamental to economic and political power' (Elliott-Cooper, 2021, p. 17) and explains how racism permeates the 'apparatus of the state and the structures of society' (Bourne, 2001, p. 9). Here, as Seigel (2018, p. 21) writes in relation to the United States, the 'police function to create race' and this functioning has lethal outcomes. Police-related deaths display many of the same elements as – and in fact are often underpinned by – institutional racism and therefore again can only be understood as a form of 'institutional killing'.

For Neocleous (2021, p. 30), 'the thing that most often gets classified as an act of political necessity is the discretionary use of violence by agents of the state'. Through this discretionary power, the police can construct, identify and respond to sources of supposed threat in assorted ways (Correia & Wall, 2018). The institutional aspect of police institutional killings cautions against separating these deaths out from the legal (and socio-political) processes which follow police action. Here, the possibility of inquiries, inquests and prosecutions reflect the liberal imaginary around justice, whilst in reality, they operate as a form of 'containment' (Akhtar, 2020) and as 'ritual[s] of catharsis and reassurance ... convey[ing] the appearance of busy concern while the fundamentals of the status quo that conduce to custodial death are left in place' (Loader, 2020, p. 408). The impenetrability of the police institution to apportion culpability and to secure convictions against state agents who kill, further strengthens the argument that these are not egregious aberrations but are instead seemingly permissible outcomes of the institutional practices of policing and of criminal justice more broadly.

The article which follows explores how five Black men who were victims of police institutional killing encountered the police, how their deaths were (re)presented and how their bereaved families experienced the often protracted and painful processes which

followed the death of their relative. The work argues that these processes follow a predictable pattern and share a similar lack of accountability observable across a range of sectors regarding state involvement in deaths.

## Method

In foregrounding the reflections and direct experiences of families, this study centres how bereaved families understand, interpret and resist harmful encounters with state officials and state discourses. It extends the definition of ‘police encounters’ adopted in Harris et al. (2021) to acknowledge how ‘institutionalised responses’ (Scruton & Chadwick, 1986) to police-related deaths are representative of complex and symbolic interactions which exacerbate traumatic experiences for bereaved families. In compounding the grief following the killing of a family member, these official processes can traumatise and re-traumatise, disrupting the bereaved’s memories and understandings of their loved one, and their faith and trust in institutions. This work therefore embraces a critical interventionist social research approach geared towards an ‘aggressive’ retelling of the circumstances that contribute to the institutional killing of racially minoritised people (Butler, 1993; Clarke et al., 2017).

The research upon which this paper is based was initiated by INQUEST, who facilitated access to the families of the five men whose deaths lie at the centre of this account<sup>6</sup> Primary research took place in 2021 (during the COVID-19 Pandemic) and involved in-depth, unstructured conversations with the relatives of Nuno Cardoso, Edson da Costa, and Leroy ‘Junior’ Medford, with support and input from the families of Rashan Charles and Darren Cumberbatch all of whom died in England following an encounter with police between April and November 2017.<sup>7</sup> The in-depth conversations took place via online video recording platforms hosted by two members of the project team and were fully transcribed. Some family members took part in conversations on multiple occasions and space was provided for reflections on the process. The resulting transcriptions were then subjected to a dynamic process of thematic analysis. Throughout this project the voices and subjectivities of the families who the state often renders peripheral to official investigations are deliberately and unashamedly foregrounded, acknowledging their proximity to state harms and understanding of injustice (Clarke et al., 2017; Harris et al., 2021; Scruton & McNaul, 2021). The work thus purposefully adopts the language, definitions and concerns of bereaved Black families who have experienced the trauma and grief of police institutional killings and the processes which follow. Drawing upon family, rather than state, accounts of the antecedents of death serves to disrupt the simplistic representation of ‘deaths in custody’ as isolated and random events, towards one that surfaces the centrality of institutional killings as the logical consequence of institutional racism.

## Omnipresent harassment: contextualising police institutional killings

Conversations with families centred the prevalence of over-policing as a quotidian feature of life for racially minoritised people across England and Wales, shedding light on the histories of violent police encounters in the deaths of racially minoritised people. Relatives therefore framed their understandings of ‘what happened’ within the broader historical context of racism, violence and discrimination. For one,

[I]t didn't come as a shock that the system or the police force did what they did. It didn't come as a shock. These are things that I've always stood up against and have studied and looked into. So, it's inevitable that these things will just continue to happen over the years. (Relative of Edson)

They continued,

It is inevitable because the British Empire ... is not accountable for its role in history. They haven't admitted to the roles that they've played or the negative roles that they've played, so everything's very covert. [T]hat basically allows [the police] to act and behave in the ways that they do, because that's what history has shown - that [they] can act in these ways, [they] can behave in these ways and nothing will come of it. (Relative of Edson)

The history of racially marginalised people – and specifically Black people – across England and Wales is saturated with episodes of harassment, discriminatory policing and experiences of police violence and brutality. Official statistics have consistently illustrated what overpoliced communities have long known: racially marginalised people are more likely to experience negative police encounters and to become drawn into the agencies of the criminal justice system in England and Wales (Ministry of Justice, 2021; Scott, 2018; Shiner et al. 2018). For bereaved families, the killing of Black people by the police is intrinsically bound up with policing as a system of racial violence and oppression (Elliott-Cooper, 2021 ; IRR, 1991).

In the USA, the UK and elsewhere, there is a 'persistent historical fact of racialised police violence against the poor' as Correia and Wall (2018, p. 2) have argued. Understanding police institutional killings outside of this historical context of racism serves a dehistoricizing function that ignores, negates and detaches those who are killed by the police from the racialising context and structures within which contemporary policing is executed (Butler, 1993). Further, this facilitates the state's reconstruction and (re)presentation of those who are killed as Other. What emerges as evident is that families' retelling surfaces the contextual reality which vehemently contests police and state articulations of institutional killings as isolated aberrations. The accounts of families illustrate the consequences and material outcomes of institutional racism and state violence.

To elaborate this point further, for the Medford family, Junior's death can only be understood within the context of a 40-year history of police harassment against the family – which was disclosed as an enduring feature of his incomplete life. In cataloguing numerous encounters with the police, the family reflected:

Any trouble around where we lived they [police] came to our house because ... many young Black men there. And that was my life for that amount of time being at my parents. All negative connotations with the police ... [name of sibling] was only three months when the police came to the house after Sunday school and attacked my mum and just flooded [into] the house, and went for [brother name], attacked [him], arrested my mum, and she'd just had a baby. So, from then on, I think all the family [were] just affected by police. We've just had negative behaviour from the police ... from the time [I was] 15 years of age. (Relative of Junior)

On another occasion,

The police came to the door, got [younger brother] out of bed and then started putting him down on the ground. And I then became distraught and saying, 'Why are you doing this, why

don't you take them away?!'... I just thought, 'Oh it's the police again'. But when they started having him down on the gravel outside the door I became loud, and they ended up arresting me and going to kick me. They kicked my mum and made her leg bleed. Slapped me in the face when they shoved me in the police van, all that kind of thing. All because I was saying 'Why are you doing this to him? You need to take him away if you're going to arrest him. (Relative of Junior)

As these accounts powerfully demonstrate, the encounter that led to Junior's death was not random or isolated, but the culmination of a long history of police harassment and violence. Such encounters were so frequent that on the news of Junior's death, his relative reflected,

That's one of the things that hit me right in my mind when they said Junior died by the police, and I thought they've managed to kill one of us now. [A]nd I remember seeing Junior being a six-year-old when that [first] incident happened in our house and I thought right, it's gone full circle, they've managed to get one of us. (Relative of Junior)

Similarly, for the Cardoso family, a relative recalled that 'in 2017 ... Nuno was one of the boys that was killed by the police. And I think it's mainly because he was targeted from the beginning'. This 'targeting' saw Nuno arrested by the police following the so-called 'English Riots' in 2011, when he was 18 years of age. Years later in 2017, Nuno was arrested under the controversial joint enterprise powers<sup>8</sup> and remanded in custody and then released with no further action. Family disclosures of multiple episodes of *prior contact* with the police affirm the omnipresence of racialised policed encounters as a feature of Black lives and suggest that the final police encounter that resulted in their death cannot and should not be view in isolation from the historical context and the broader experience of being policed which preceded the killing.

## Reconstructing the dead as 'risky subjects'

Building upon the discussions of historical (over)policing, families bravely disclosed their understanding of the final encounter with the police which resulted in their death. The following disclosures are vivid, graphic revelations of the lived impact of state violence. Often visceral and emotionally charged, to *hear* such accounts from the bereaved remains a crucial act of witnessing – one which seeks to centralise families' understanding of the relationship between being policed, institutional violence and police-related death.

In response to the question 'What happened to Nuno?', his relative explained:

They had, like, seven police officers on top of him asphyxiating him on the floor ... [T]hey threw him on the floor and they started beating him. When my barrister asked, 'was that necessary', the police officer said, 'yes, it was necessary to control him'. My question is, 'why do you want to control someone who is not fighting you? Why do you need to beat him?' [O] kay, let's say you were scared that he had something, you handcuff him. [He] wouldn't do anything. You don't need to beat him, not six people on top of him. Of course, he reacted and anybody would do the same, he reacted and of course he started fighting. He was trying to run away. There's one point that he's crying, he's screaming, 'Mum, Mum'. He was calling ... to go and help him. This is how bad he was – 'Mum, Mum, Mum' - because they're beating him badly.

Captured on camera, the violence used by the police against Nuno Cardoso was admitted, though only in part, as evidence during the investigation into his death. Nuno's relative



struggled to reconcile the level of violence used against him with Nuno's vulnerability and clear pleas for help. They – and we – are left to question why the police could not have used an alternative method of managing the encounter. In a similar vein to these accounts of Nuno's killing, a relative of Edson described the fatal police encounter as follows:

They were being followed by police, ... They were asked to get out of the car. And one of them [police] floored my cousin and then [a witness] said they all just jumped on him. And next thing you know [Edson's] dead and they've taken him to the hospital. The gentleman that I spoke to that was present said ... 'You're killing him, you're killing him, you need to get off him, look, he can't breathe'. He was having a fit or something on the floor. That's what [the witness said] ... Those were his words. (Relative of Edson)

In common with Nuno's family, Edson Da Costa's family spoke of the extreme police violence - 'you're killing him' – that was used to 'neutralise' the (imagined) risk which according to the police, their loved ones posed. Similarly, in relation to the police institutional killing of Darren Cumberbatch,

[over] the course of the next ten minutes Darren was struck with batons, Tasers were discharged three times, PAVA incapacitant spray was directed at him, and officers used multiple closed fist punches and stamped on him. All inside the small cubicle. (INQUEST, 2019)

Evidenced in Harris et al. (2021), the propensity for police encounters to escalate towards violence is driven by historical and contemporary constructions of Black people as dangerous, risky and threatening, necessitating physical police action or passive inaction to manage or contain the racialised and imagined risks, alongside an apparent unwillingness on the part of the police to de-escalate. That 'Blackness' is equated with dangerousness and risk is not just experienced by Black men but can also be seen in the killing of Joy Gardner, who was killed in 1993, after police wrapped 13 feet of tape around her face during a raid on the family home (Athwal & Bourne, 2015; Erfani-Ghattani, 2018). Three police officers from the Met's 'Alien Deportation Group' were tried for manslaughter but were acquitted after telling a jury that Joy Gardner was the most violent woman they had ever encountered (Erfani-Ghattani, 2014). Gilroy's (1987, p. 84) finding that Black people are constructed as 'lesser breeds without the law' remains pertinent and is clearly evidenced by police institutional killings that emerge from (and maintain) racist institutionalised norms and cultures constructing Black men and women as a source of immediate threat, innately dangerous, deviant and/or 'disordered' and thus requiring disciplining, restraint and control (White, 2017a).

Families' testimonies subsequently shed light on the harassment, monitoring and surveillance experienced by those whose Blackness is deemed threatening to particular (white) conceptions of social order. Furthermore, through this perception of Blackness as threatening, [mostly white] police violence is cast as heroic. As Sim has shown, this all 'exaggerates the perceived [lethal] dangerousness of police work and encourages the public to evaluate police killings in stark 'him or me' terms (Sim, 2010 in Linneman et al., 2014, p. 521).

## Undeserving subjects – the criminalisation of those who are killed by the police

My issue . . . is the fact that they paint the picture straight away, so by the time the outcome of that death comes out, you've already subconsciously put into people's minds that that person deserved it. So by the time you say "Oh, it *wasn't* drugs in his mouth" or, you know, "A gun *wasn't* found on him" . . . it's too late by then because [the public] have already got in their minds whatever picture you've portrayed of them. (Relative of Edson)

'State talk' within official institutional discourse serves to misrepresent and reframe the police institutional killings at the centre of this article in a range of different yet related ways. For instance, an early statement from the Independent Police Complaints Commission (IPCC) given to the BBC (2017) regarding the death of Edson da Costa makes specific reference to 'a number of packages removed from [his] throat' - images which work to conceal the violent restraint that contributed to his death. Indeed, pathologising and criminalising tropes around drugs were common within all the cases considered as part of the study. Of importance, it is this state talk that serves to omit and erase the (in)actions of the police whether through restraint or neglect that eventuates the death of all five men. Further, the tropes around drugs serves to criminalise and demonise victims of police institutional killing, in part by utilising both real and imagined gaps in public and political sympathies to frame those killed as 'undeserving' of care and humanity, and as 'deserving' of and being solely responsible for their own deaths (Scruton & Chadwick, 1986, 1987).

The power of these accounts is predicated upon stigmatisation (Tyler, 2020) and is akin to what Scruton and Chadwick (1986, p. 113) describe as 'speaking ill of the dead'. This is a 'process of categorisation which suggests that to some extent the "violent", the "dangerous", the "political extremist", the "inadequate", the "mentally ill", contribute directly to their own deaths either by their personal condition or their personal choice' (Scruton & Chadwick, 1986, p. 113). Families experienced this process of categorisation and construction of 'undeservingness' as a particularly painful aspect of 'state talk', illustrating how the dehumanisation and demonisation of the victim violently affects bereaved families in ways which compound their grief and feelings of isolation.

I heard things of [Nuno] that I nearly died in court. I was shocked how criminal [they said] he was. Then . . . I asked my advisor to ask them, 'Was he ever involved in any gangs or any robberies or any armed?' 'Oh no, he was not, but he *knew* people that were involved'. So, how come this came to court as his case if he was never involved? . . . Like, he never had a gun or he was never involved in any robberies or anything, why did they bring that to court!?. (Relative of Nuno emphasis in the original)

The first narrative that's put out with things like this straightaway is branding someone as a criminal. So, you know, drugs were involved, etc. And what that does is . . . create or instigate a certain type of perception. . . So, 'Let's conclude this as he deserved it'. Or, 'He was drunk, he deserved it anyway'. 'Oh, it was inevitable'. 'Oh, you know, another one off the streets' kind of thing. (Relative of Edson)

I think people are tired of the same story. Like with Rashan Charles, it's like they always try to put that story over as 'The Bad Man - he must be selling drugs'. (Relative of Junior)

Underpinned by an array of racist stereotypes which precipitate police encounters, drug-focused 'state talk' influences public and political imaginations around the victims of police institutional killings. These discourses operate as processes of mystification, diverting attention away from state (in)action (Box, 1983) and responsibilising the dead for what happened to them. In discussions of the impact of such powerful imagery around drugs, families' testimonies highlighted their concerns about what is emphasised by dominant official and media stories in comparison to what is concealed, obfuscated, or omitted. A relative of Edson demonstrates how this occurs:

So then the story started coming together. Apparently, he tried to take [run] off and that's when [the police] floored him. He ended up on the floor. I think they said some wraps fell out of his mouth. They [police] jumped on him, asked him, 'What have you swallowed, what have you swallowed, spit it out, spit it out!'. (Relative of Edson)

The reference to 'wraps' with its images of criminality serve to legitimise the violent and harmful practice of restraint as a method to take 'control' of controlled substances. The police violence against Edson is therefore framed as a legitimate response to the threat of the imagined 'Black drug dealer' which intersects with other crime-ology categories to infer and attribute risk and riskiness. (Long & Joseph-Salisbury, 2018). As noted by Oakley in submission to the Angiolini Review (Angiolini, 2017), the racialised image of criminality is embedded within the 'police occupational culture' and corporate memory, with racially minoritised people made subject to over-policing on the basis of (mis)constructions of them as *culturally predisposed* to an array of criminal activities. As Loader (2020, p. 414) has suggested, these constructions mean that victims of police violence can then be viewed as being:

sacrificed in order to shore-up and defend a police system that protects the law-abiding majority from dangerous out-groups. One outcome of this powerful imaginary is that those who die in custody and their families are expelled from consideration both as fully democratic citizens and as victims of abuse or neglect.

This can be seen most clearly in the racialised construction of the 'gang'. Edson, Rashaan and Nuno's final encounters were with police officers who were deployed into communities that the police had labelled as 'gang-affected' (Independent Office for Police Conduct, 2018, p. 28).

In Edson's case:

At the time of the incident, the officers were involved in an [Metropolitan Police Service] operation intended to tackle gang related crime, named Operation Viper. They had been briefed on cars and individuals suspected of involvement in recent offences, and/or who were known to carry firearms, knives, acid and drugs. (Independent Office for Police Conduct, 2018, p. 28)

However,

Their role was to conduct intelligence-based stops to address armed criminality and violence in order to identify offenders and disrupt their criminal activity. If they saw any suspects or vehicles of interest or identified a possible threat of suspects in possession of a firearm, they were to alert firearms officers on standby who would then detain the suspects. (Independent Office for Police Conduct, 2018, p. 29)

To extend on this, the IOPC report into the death of Edson states that the police officer's 'suspicion' was aroused by a Mercedes car driven by a 'Black woman in her early twenties,

which “did not seem normal” as the vehicle was worth at least £30,000’ (Independent Office for Police Conduct, 2018, p. 29). This declaration was footnoted in the report with the following:

A report by the National Crime Agency (NCA) titled ‘County Lines Gang Violence, Exploitation and Drug Supply 2016’ states, ‘The majority of gangs use hire cars. Hire cars are commonly booked for gang members by adult drug users or female associates, often presenting as intended drivers. In some examples, these individuals will drive the vehicles. (Independent Office for Police Conduct, 2018, p. 29)

Evidently, the police officers’ assessment was that the ‘young Black woman’ who was driving the Mercedes car was ‘not normal’ and aroused suspicion. It is this suspicion that initiated Edson’s final encounter and which led to his premature death.

Alongside the report into the death of Rashan Charles in which the police disclose a suspicion of ‘weapon-carrying’ consistently frames those who are killed by the police as risky and dangerous, and with a sense of criminality. Consequently, the fatal police encounters of the men discussed in this paper were triggered by institutionally sanctioned notions of criminality that precipitates and guides the suspicions of police specialist gun, gang and violence suppression units, that are implemented in response to enduring panics of ‘the gang’, county lines and serious youth violence. As such, the police encounters were initiated not by the behaviour of those who are killed by the police, but by the police and state’s response to the racialised constructions of contemporary crime and criminality (see also Williams, 2015). These heavily resourced police units frequent ‘areas of interest’ popularly imagined by the police as ‘violence hotspots’ (Williams, 2018) and are also the same areas and communities characterised by racially marginalised populations (Haining & Law, 2007). Within these ‘areas of interest’, the ‘young Black woman’, the ‘expensive car’ and its occupants become framed as ‘gang nominals’ involved in ‘county lines’ informed by the institutional context of the police and therefore as risky and necessitating police attention.

For Neocleous (2000, p. 103), ‘reasonable suspicion is merely one more euphemism for the exercise of police power, offering vast discretionary powers to enable the police to structure a particular encounter’. As captured above, the testimony of the police officers speaks to their suspicions and stereotypical assumptions of what is ‘normal’ - this being the construction of racially minoritised people as ‘weapon carrying’, ‘gang’ involved/ associated and involved with drugs as either dealers or consumers (Chowdhury, 2021, Williams, 2015, 2018).

From this position then, fatal encounters that consequence death are not triggered by the individual officer’s bias but reflect an institutionalised policing practices embedded *within* and *organisationally affirmed* through police ‘intelligence briefings’ which inform the ‘operations’ that police officers are required to execute. The racialising assumptions – whilst concealed behind racialised criminalising tropes – are representative of the occupational culture and informal networks of power, embedded within the procedures and practices that the police officers cited above are legitimately empowered to execute, and those that Nuno, Rashan and Edson fatally encountered. This may also explain the woeful impact and ineffectiveness of official bodies who are charged with investigating institutional killings – where, for example, the Independent Office for Police Conduct’s (IOPC) approach to ascertain whether ‘race was a factor’ or to find ‘patterns of behaviour that

may indicate underlying prejudice' adopts a methodology that explores individual officer's 'complaint history' or the officer's 'past records of stop and search' (Independent Office for Police Conduct, 2018, pp. 24–25). Such investigatory approaches exclude any examination of the institutional culture which governs and legitimises discretionary violent policing practice. Therefore, IOPC outputs frustratingly convey what is left *unsaid* and not 'properly investigated'. Police cultures are therefore also cultures of immunity and impunity – a feature of state talk that absolves and erases discriminatory policing practices by reframing them as routine and politically sanctioned to control crime.

## The erasure of police violence

As Pemberton (2008) and Erfani-Ghettani (2018) have argued, the victims of police institutional killings are frequently portrayed as being *responsible* for their deaths through official narratives around dangerousness, risk, threat and criminality, as highlighted in the previous section. These folk devil-style narratives not only facilitate institutional killings but also seek to influence political and public sympathies (Hirschfield and Simon, 2010). However, it would be wrong to view 'state talk' only in these terms, as this discourse is dynamic, multi-layered and shifting. Rather than attempting to legitimise institutional killing by reframing it as part of a 'fight against crime', 'state talk' can also omit, erase and hide police violence completely. This form of 'talk' acts to reframe the circumstances of the encounter in ways which render *invisible* the police (in)action that led to the institutional killing.

Evidence of this can be clearly seen in an entrenched institutional practice of referring to victims of police action 'becoming unwell', often found in the Independent Police Complaints Commission's<sup>9</sup> (IPCC) press releases following the killings featured in this report. These omissions represent the deliberate misuse and/or erasure of information and evidence to mislead the family, campaigners, official investigators, the media and members of the public, as to the circumstances and (in)actions that resulted in death (Barkas, 2014; Charles, 2019). Through omission, state-talk works to distort and misrepresent police encounters in order to frame events away from the (often racist) factors that initiate fatal encounters. For example, following the death of Darren Cumberbatch,

On Wednesday 19 July, the IPCC was informed by Warwickshire Police that Darren Cumberbatch, whom the police had contact with some days earlier, had died in hospital. We know that he became *unwell* while the police were on the premises and he was then transported to a local hospital. (IPCC, 2017a emphasis added).

Regarding Nuno Cardoso,

The Independent Police Complaints Commission (IPCC) is investigating the circumstances surrounding the death of a 25 year old man who became *seriously unwell* and died after being arrested in Oxford in November ... At around 5.30am, Mr Cardoso was being taken to a police station in the back of a police van when officers reported that he had become *unwell*. Officers stopped the van in order to administer CPR. (IPCC, 2017b emphasis added)

In the case of Leroy 'Junior' Medford,

The man, 43, was arrested at around 1.30 pm on Saturday afternoon at an address in Reading. Our initial inquiries indicate that he was first taken to Loddon Valley police station. Officers

then became concerned about the *man's welfare* and he was taken to Royal Berkshire Hospital. He was later discharged by the hospital and returned to custody at Loddon Valley that evening (IPCC, 2017c emphasis added).

Lastly in an update from the investigation into the death of Edson Da Costa,

Mr Da Costa died following contact with officers from the Metropolitan Police Service (MPS) in Newham ... The pathologist has not yet determined Mr Da Costa's cause of death. Since the opening of the investigation, key witness statements from police officers, medical staff and members of the public have been collected, as has video footage including body worn video footage of the *first aid administered* to Mr Da Costa. (IPPC, 2017d emphasis added)

In some instances, what the family can *see* as recorded on CCTV cameras or mobile phone footage and what the families *know*, through their knowledge of their loved one and the testimonies from eyewitnesses and other 'interested parties', explicitly challenges state omissions which focus attention upon their loved one becoming 'unwell'. As a relative of Edson put it:

That's the most confusing thing because you've got this tape that clearly shows [police violence] ... Even if I was drinking right now and, you know, someone punched me and I died, would it be the alcohol or the punch that killed me? Would the punch not contribute towards my death? (Relative of Edson)

Yet perhaps the clearest example of these narratives of 'unwellness' can be seen in the IPCC press release following the death of Rashan Charles. This stated that 'a 20-year-old man left the scene and was followed on foot by an officer into a nearby shop. *The man became unwell* and first aid was provided by a police officer, police medic and paramedic ...' (IPCC, 2017e – emphasis added). As in the previous cases, Rashan's sudden poor health appears in a vacuum, without a clear cause or context. However, CCTV footage widely shared on social media in the immediate hours following this 'incident' showed Rashan had been thrown to the floor by a police officer, with the officer's arm wrapped around his throat with another man kneeling on his legs. Police violence can thus be seen clearly and explicitly in the CCTV images which document the final moments of Rashan's life and which evoked a degree of public outrage at the clear and explicit violence being used. Despite these images, a Coroner's inquest in 2018 recorded a finding of accidental death. For the family of Rashan, state narratives such as these 'mislead by omission' (Charles, 2019) by presenting an incomplete and partial view of the police behaviours and actions that led to Rashan's death.

A related method by which 'state talk' presents an incomplete picture is in the way institutional responses emphasise the police offering medical care to those fatally harmed by police violence. Such narratives present officers as professional, public servants providing a service – a presentation common to much official discourse about the violence of criminal justice and related agencies (see e.g. Sim, 2010; White, 2010, 2015).

For the Cardoso family, the CCTV footage of Nuno's encounter with the police was used to mislead by omitting and excluding the recording of his 'beating' and instead emphasising police *care*:

[A]t the end when the police officers noticed that [Nuno] was not responding, they started asking him, 'are you okay?' After they had beaten him up so much, he then sat down and they were asking 'are you okay, mate?' This is the footage that they showed, but they didn't show

the previous footage [as] to why he was sitting down and why they were asking him if he was okay – so it's like they select what they want the public to see. (Relative of Nuno)

Accounts such as this offer a sobering insight into the strategies which ensure that police (in)action are hidden away from legal and public scrutiny. The omission of the CCTV footage that showed the 'beating' or the police actions that are 'killing him' is governed through the reductionist *terms of reference* set by the investigation to narrowly determine a cause of death, rather than the contextualisation of the circumstances that drove the fatal encounter (Scruton & McNaul, 2021). Similarly, families spoke of the omission of significant events that they felt were central to understanding the familial, institutional and structural contexts which drove the fatal police encounter – contexts that previous sections of this article have highlighted.

The misleading focus on police professionalism in providing care to the dying is especially significant in cases where avoidable death is the culmination of neglect. This neglect occurs in spite of the existence of, for example, Code of Practice C of the Police and Criminal Evidence Act (1984) which sets out minimum standards of care for those detained in custody, including details on observation, the rousing of detainees and the keeping of records. Failures to suitably employ risk management strategies during police encounters (both inside and outside of custodial settings) may involve the withholding of 'help and support' where an individual may be experiencing a medical crisis (College of Policing, 2021; Harris et al., 2021).

State inaction and neglect can be understood as a form of institutional violence which kills through encounters with the police (Athwal & Bourne, 2015). This point was profoundly summed up by a relative of Junior:

I've said to my family, the police can kill you violently and they can kill you, what's the word I use? It's like ... violently or silently, you know, because by their actions you end up dead.

Though Coroners' reports, Criminal Justice inspections and independent reports have occasionally referenced police failures around neglect (see e.g. Adebawale, 2013; Angiolini, 2017), the resulting recommendations, 'Prevention of Future Deaths' reports and 'Learning Lessons' bulletins all have a depressing familiarity. They represent only a partial and sanitised version of the violence of state neglect. On the rare occasions where officers are deemed to have 'fallen short' in inquest and inquiries, they often do so in ways which mystify the precise nature of police responsibility, such as in Rashan's case. Here, the inquest found that 'failures to take immediate and appropriate action in the face of an emergency' did not make a difference as 'Rashan's life was not salvageable at a point prior to which the medical emergency was readily identifiable' (cited in Sky News, 2018).

Little of substance changes and families are left without formal accountability for the death of their loved one and/or meaningful acknowledgement of the role of police institutional processes in prematurely ending the lives of their family members.

## On remembering

This article has shed light on the common and institutionalised roots of police-related deaths. Too often, discussions of police-related deaths adopt an approach which reduces those whose lives were taken to statistics or 'cases'. Otherwise well-



intentioned work risks reducing those impacted by state violence to symbols of communal suffering in which individual memories are overshadowed by collective trauma (White, 2015, 2017b). In an attempt to address this, this paper concludes with some of the personal memories that families shared about their loved one. These recollections are deeply individual acts of remembering life prior to death and are in part intended as an act of reclamation – a reclaiming of lives from the harmful state narratives that accompany premature deaths. These moving testimonies personalise, humanise and deepen our understanding of the incomplete lives lost to police violence and neglect.

[H]e'd befriend anybody ... so many people were coming out with nice things about him, and it's the truth. I'm going to miss his smile. He's so cheeky. He's a charmer. He'd just want to help ... Junior would just come and put a cup of tea down for me, 'Oh thanks Junior'. And we talked and had a laugh about a lot of things. He was around me helping me ... What [the state said] about Junior's death, we weren't going to be put down because we know our brother, we love our brother. He was a vibrant part of our family. We always made this joke about how Junior was the 'Chicken Man' in the family ... I'm happy that he was around me because we'd be talking about, 'Oh, what shall I cook tonight, Junior? What shall we do?'. He was just a caring chap. ... (Relative of Junior)

He was a very happy boy. He loved football, football was his life ... He was kind, very kind with animals and especially young people, and he was a mentor to many, many young boys in education. He helped a lot, especially ... [old] ladies. I was surprised - I found out this during his funeral - people [said] I, 'Oh he used to help me with this, he used to help with that' and I didn't know that. Yeah, because most ladies didn't read, so he helped them ... fill out their application forms for whatever they needed to do with the Council. And I didn't know that. His friends, he had a mixture of all friends - I have never seen a person with so many friends ... Nuno had friends from all walks of life and this was reflected at his funeral - we didn't have space for everybody. This is how good he was. (Relative of Nuno)

The funny thing is that he was getting his life together ... Him, his partner and the child, they were in the process of moving out, getting their own place ... So that was something else that had to be sorted out because obviously he's no longer in the picture. So yeah, that just caused a lot of disrupted lives as well, [like] his son's life ... I think he missed Portugal a lot. He always used to go on about the Portuguese bread, he didn't understand ... because over there, the tradition is that you go out early in the morning and you buy fresh bread. He didn't understand the concept of a loaf of bread in a bag, sliced up. And we always used to [joke with him about] that ... my Dad would mention it all the time, constantly ... Happy child. Quiet, funny ... He was the type of person that if you asked something of him, he would do it for you ... So if you asked him to come and play ... he would drop everything and come and do it ... (Relative of Edson)

The recollections of bereaved families illustrate the depth of their loss and the trauma which surrounds their (ongoing) experiences of state violence. Their accounts of everyday life, personalities, hobbies and interests challenge the otherwise dehumanised and dehumanising depictions of those killed and/or the starkness of 'deaths in custody' statistics. The humanity and shared experiences of love, hope and laughter present in these personal testimonies begin to break down the state's politically constructed 'truth' which labels those who are killed as 'Other' and socially distances them beyond the boundaries of the normative society. In presenting something of the lives of Nuno, Edson and Junior, this article seeks to push back against the reduction of their lives to their final moments or to mere symbols of institutional police violence.



## Conclusion

As this work has shown, police are ‘violence workers’ whose capacity to inflict harm lies at the core of their policing power. Throughout the current research, families retained an unflinching belief that if their loved ones had not encountered the police at the time of their premature death, then they would still be alive. This belief held irrespective of the personal, social, emotional or wellbeing problems which had been experienced by those killed. This work argues that these avoidable and sudden deaths occurred not in an abstract, isolated form, but as a direct result of police action and inaction. Too often these deaths were (and continue to be) borne out of stereotypes and tropes which frame Black men and women as dangerous, deviant and/or disordered, and as requiring restraint, discipline and control. Policing thus operates not simply as law enforcement – which is itself far from neutral – but more as order maintenance, marking out sources of threat to the current status of white, neoliberal capitalism (Correia & Wall, 2018; Neocleous, 2021). The experiences of those killed and their families reveal the multifaceted violence of the state, and for the bereaved, there was often dismay at how the police were presented as peripheral to the circumstances that resulted in their loved one’s death. Investigatory attempts to ascertain *where, how and why* their loved one died without establishing criminal liability were a point of frustration for bereaved families (Angiolini, 2017; Scraton & McNaul, 2021). Such frustrated attempts highlight the inequality which lies at the heart of the criminal justice system, with accountability for institutional killing appearing only as an ever-receding horizon. Despite liberal claims to the contrary, the police’s use of violence rarely brings with it meaningful legal consequences and that by constructing police institutional killings referred to in this article (and many others) as ‘legal’, law operates to preserve the interests of the police and the wider construction of social order. The hope is that through the activism of families, their advocates and allies, we can begin to contest the omission, erasure and obfuscation which surrounds the police institutional killing of Black men, and in doing so ask important questions about marginalised mortalities and the role of criminal justice agencies in (re) producing death.

## Notes

1. Rashan Charles’ life was ended in London on 22<sup>nd</sup> July 2017, after he had been chased into a narrow shop aisle by a police officer and thrown to the ground in a neck hold. The inquest reached an accidental death conclusion in 2018.
2. Darren Cumberbatch’s life ended in Warwickshire, 19<sup>th</sup> July 2017, nine days after he was electrocuted with a TASER, sprayed with PAVA chemical weapon, struck with police batons, palm strikes, punches and thigh stamps – all whilst experiencing a mental health crisis and trapped in a cramped toilet cubicle. The 2018 inquest reached a critical narrative conclusion and found that the police use of restraint had ‘contributed to his death’.
3. Nuno Cardoso’s life was ended after being batoned and restrained by police in Oxford on 24<sup>th</sup> November 2017. The inquest jury reached an uncritical narrative conclusion in 2019.
4. Edson Da Costa’s life ended on 15<sup>th</sup> June 2017 in London, six days after being restrained, gripped around the throat, struck with palm strikes and punches and sprayed with 2-chlorobenzalmalononitrile (CS) gas at close quarters. An inquest in 2019 reached a majority conclusion of ‘death by misadventure’.
5. Junior Medford’s life ended in Thames Valley Police station on 2<sup>nd</sup> April 2017. An inquest in 2019 returned a critical narrative, arguing that there had been both individual and more systematic

failures by police to observe Junior (at the time, a vulnerable drug user) and provide him with medical care, which should have prevented him from swallowing a lethal quantity of heroin.

6. Funded as part of wider ESRC project 'Exploring the Policing of Minoritised People and Communities', ES/V013475/1.
7. Throughout this report, the term 'relative' will be used generically to refer anonymously to those family members who contributed to this study.
8. See <https://jointenterprise.co/>.
9. The Independent Police Complaints Commission (IPCC) became operational in 2004 and was tasked with responding to serious complaints against the police. Against a background of ongoing criticism about its ineffectiveness and lack of independence, it was rebranded and expanded in 2018 to become the Independent Office for Police Complaints (IOPC).

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