A Collision of Crises: Racism, policing, and the COVID-19 pandemic

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Key points

- **In response to the COVID-19 pandemic, the UK government has introduced unprecedented police powers under the Health Protection (Coronavirus) Regulations and the Coronavirus Act.**

- **At the same time, the 2020 Black Lives Matter protests ignited intense public debates around policing, which have continued into 2021 with the 'Kill the Bill' protests against the Police, Crime, Sentencing and Courts Bill.**

- **Reflecting historical patterns, the policing of the pandemic has had the greatest impact on racially minoritised communities, with new police powers adding to and exacerbating pre-existing forms of racist policing.**

- **Racial disparities are evident in official data on use of force, stop and search, Fixed Penalty Notices and use of Section 60, and apparent in widespread media reports of excessive policing across public settings.**

- **Ongoing research conducted by the Centre on the Dynamics of Ethnicity (CoDE) aims to capture the in-depth experiences of racially minoritised individuals and communities during the COVID-19 pandemic.**

- **A number of emerging themes from the research take us beyond the statistics, offering a more detailed picture of the lives of those subject to police racism at this critical juncture.**

Introduction

Taking hold in early 2020, the global COVID-19 pandemic has compounded the economic, political and social crises that have marked social life in Britain over the past few decades, including austerity, Brexit and rising state authoritarianism. Systemic racism has ensured that the effects of these crises have been disproportionately felt by racially minoritised communities. And nowhere has this been more obvious than in the particular 'collision' of crises that has taken place in this period, where racist police violence has met the racism and inequality which renders those from racially minoritised backgrounds significantly more likely to die from COVID-19 than their white counterparts (Nazroo and Bécares, 2021).

The Black Lives Matter (BLM) uprisings of 2020 forced an unprecedented public reckoning with the deaths of those killed after police contact. They also raised various questions concerning the very legitimacy of the police as an institution: do the police ever make society safer? What is the function of policing more widely? (How) can we imagine a world without or beyond the police?

At the same time, policing has been integral to the state's management of the pandemic in Britain, sharpening the urgency of such questions. The main raft of legal restrictions – differing slightly across England, Scotland, Wales and Northern Ireland – broadly includes 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'.

However, with the introduction of the Coronavirus Act in March 2020 (and its subsequent renewal in September 2020), police were granted even more unprecedented powers, leading human rights experts to condemn the Act as the 'biggest restriction on civil liberties in a generation' (Spurrier, 2020). Crucially, the Coronavirus Act includes what is known as 'Schedule 21'. This part of the Act applies to 'potentially infectious' people and allows a police, immigration or public health officer to restrict a 'potentially

infectious' individual's movements, and to enforce measures such as isolation and testing. Non-compliance under Schedule 21 can result in an individual being charged and taken to court. Campaigners have expressed concern that the widespread misinterpretation and misuse of Schedule 21 has so far had a disproportionate impact on Black and ethnic minority individuals (Spurrier, 2020).

Policing, racially minoritised communities and the pandemic: What we know so far

The 'live' nature of the situation presents challenges for researchers attempting to examine the particulars of policing during the pandemic – we are, after all, still living through it. Nevertheless, what we do know reflects familiar trends.

'Use of force' is officially understood as a range of particular techniques approved for use by the police, including handcuffing, restraints, baton use and Taser use, among others. During the months of April and May 2020 – two key months in the first period of 'lockdown' across the UK – there was a significant rise in use of force across 27 police forces in England, Wales and Northern Ireland according to data obtained by the BBC.[1] Similarly, data obtained and analysed by Liberty demonstrates that between April and June 2020, police deployed force against members of the public on average 12.5% more … than in the previous three months, despite a drop in crime rates' (Gidda, 2020). This increase was matched by a disproportionate use of force against Black, Asian and minority ethnic ('BAME') people in particular, across 11 police forces.[2]

There has also been a marked ethnic disproportionality in the administering of fines for breaching coronavirus restrictions: data shows that, over a six-week period in the initial lockdown, 'people of colour were 54% more likely to be fined than white people' (Gidda and Busby, 2020a). Similarly, 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 2021 compared with the previous year, and a staggering 21,950 searches of young Black men taking place in London alone during the first period of lockdown (Grierson, 2020).

The use of Section 60 orders has also increased since the onset of the pandemic and is a concern for human rights groups (Liberty, 2020). Put in place purportedly when violence is anticipated (originally designed to respond to football 'hooliganism'), Section 60 orders allow officers to stop and search people without grounds for suspicion, in a specified area, for a specified period of time. The powers are more likely to be used 'in deprived areas, which often have a higher population of Black people' (Steele, 2020:

25), and have long since been used against Black people at rates even more disproportionate than those of stop and search under 'reasonable suspicion' (StopWatch, 2012). Enabled by a controversial pilot scheme that 'lifted restrictions on who could authorise' the orders (Steele, 2020: 25), these patterns have continued during the pandemic, with Black people in London 'up to over 11 times' more likely to be stopped than white people, and the disparity even higher elsewhere (Liberty, 2020).

But statistics can only offer us a partial picture. Accompanying the numbers have been countless media reports of instances of police violence and excessive use of force against racially minoritised individuals, many of these mediated by the introduction of unprecedented restrictions on movement and new police powers. These accounts have often included mobile phone footage of the incident, recorded by bystanders or those being subject to policing (see, for example, Slater, 2020). Reflecting these accounts, qualitative research conducted in the early months of the pandemic with young people in England and Wales points to a gratuitous and 'aggressive' approach to policing under COVID-19, and shows that 'racial disproportionality is a key concern for young people' (Leaders Unlocked, 2020: 11).

The policing of the pandemic has also been particularly fraught on university campuses, with students often being confined to student halls and subject to heightened forms of policing from both the police and private security companies (Hall, 2021; NPMP, 2020; UoM Cops Off Campus, 2021). A high-profile incident at the University of Manchester in which a Black student was assaulted by campus security has illustrated how racially minoritised students are particularly at risk from 'the threat that police pose' (UoM Cops Off Campus, 2021: 3).

The Black Lives Matter protests that were ignited by opposition to racist police violence following the murder of George Floyd in the US were also a site where over-policing and police violence were enacted, with concern for public safety with regard to the spread of the coronavirus cited as at least partial justification (Elliott-Cooper, 2020). Showing how the BLM demonstrations, lockdown restrictions and 'the wider context of institutional racism in policing' were intimately entangled, a report by Netpol detailed evidence of 'excessive use of force, including baton charges, horse charges, pepper spray and violent arrest' (Elliott-Cooper, 2020: 2). The report also notes evidence of 'use of force being disproportionately targeted at black and other racially minoritised protesters' (Elliott-Cooper, 2020: 3).

Similarly, police violence was a feature of more recent protests sparked by the kidnap and murder of Sarah Everard (for which a Metropolitan Police officer is due to

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[1] Out of 37 police forces for which BBC Newsnight obtained use of force data (Turriff and Barter, 2020).
[2] Out of '13 police forces which saw an increased use of force during lockdown and which provided Liberty Investigates with ethnicity data by subject' (Liberty, 2020c).

go on trial), as well as the 'Kill the Bill' protests against the Police, Crime, Sentencing and Courts Bill. The bill – which passed its second reading in March 2021 and has provoked demonstrations across the country – proposes a whole raft of measures which would place even more power in the hands of the police, regardless of the ongoing pandemic. These changes, which range from increases in maximum sentences for certain crimes to draconian new restrictions on political protest, will invariably have the biggest impact on racially minoritised communities. Particularly troubling has been the arrest of, and issuing of fines to, legal observers at these recent protests, the majority of whom have been people of colour (Wolfe-Robinson and Morris, 2021; Liberty, 2021).

In light of the context set out above, there is a growing and urgent need for further research which moves beyond statistical and survey data to capture the in-depth *experiences* of those from minoritised backgrounds and over-policed communities at the current juncture.

Ongoing research and emerging themes

As part of CoDE (the Centre on the Dynamics of Ethnicity) at the University of Manchester, we are conducting ongoing research that explores experiences of policing during the COVID-19 pandemic from the perspective of the *policed.* Drawing on in-depth (online) research conversations with racially minoritised individuals, the research asks what the current context means for those at the sharp end of policing in England and Wales.

Emerging themes from the research point to a range of important considerations. More broadly, discussions have pointed to longstanding problems that did not begin with, but are intensified by, the context of the pandemic. Some participants felt that new police powers were having little effect in communities with a long history of police violence and harassment: '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'. However, others suggested that COVID-related regulations have further enabled the police in stopping and harassing racially minoritised individuals in public places. Some described how the appeal to new police powers is often combined with (racist) narratives and police tactics that have a long historical precedent – for example, stopping individuals under the pretext of COVID regulations before quickly changing tack to invoke suspicion of drug-carrying or drug-dealing offences. Initial analysis therefore suggests that COVID-related police powers exacerbate pre-existing forms of racist criminalisation.

We have also heard how the risk of contracting the coronavirus can add a worrying dimension to encounters with the police. For example, one participant reported how he was stopped in his car by police when dropping food off for a family member. Police officers were not wearing PPE (personal protective equipment) when they proceeded to

handcuff him and 'trash' his car. The participant described how the fear of contracting COVID-19 added to the trauma of the encounter, saying: 'I've done so well to self-isolate and follow the rules, and now I have to deal with this'. This was a common and recurring theme.

The accounts of racially minoritised individuals show how experiences of being policed are much more vast and diverse than what gets captured through official metrics on stop and search and use of force. Participants spoke of the surveillance of their homes and workplaces, of police harassment, and of generally aggressive and intimidatory behaviour by police officers, all of which too often go unrecorded and unrecognised. Furthermore, there is a sense that the broader context of the pandemic has intensified 'everyday' forms of policing by others in the community. As one participant said: 'I feel like just this whole COVID environment has exacerbated things and made people a bit more anxious and suspicious maybe'.

Detailed accounts from participants also reveal the ways in which encounters themselves are carefully navigated and managed by those subject to policing. Several participants emphasised the ways in which the weight of responsibility has fallen on them, the policed, to de-escalate the situation. Participants described a range of tactics that they drew on in such de-escalation attempts, including strategic compliance, management of body language and interaction style, and making reference to one's profession or class status. As one individual explained: 'you've got to be a lawyer, you've got to be a trainee negotiator ... the hostage negotiator ... and if you amplify it in a certain way, you'll be a real hostage 'cause they'll put you in a cell'.

Along with the unprecedented public health crisis, these trends must be situated against the backdrop of the global BLM movement, the latest iteration of which was sparked by the murder of George Floyd at the hands of a police officer in Minneapolis. Importantly, the violence meted out to George Floyd and countless others has been captured on mobile phones, the footage circulating and resonating around the globe. The BLM protests have emerged in research conversations in a variety of ways, from accounts of a perceived 'backlash' against Black communities from the police, to participants citing a heightened awareness of their proximity to death when encountering the police.

Perhaps unsurprisingly, there have also been multiple discussions on the use of mobile phones to record and document police encounters, which one participant described as giving communities like his 'a power that they never had before'. The use of mobile phones has been referred to as a potential route for seeking accountability (through sharing the recording) as well as a way to manage the immediate encounter (by letting the police know that they are being recorded). Some respondents have noted, however, that recording encounters also risks provoking a negative reaction from police officers.

Conclusion

The evidence on policing over the course of the coronavirus pandemic suggests that we are at a unique juncture: one defined by multiple, intersecting crises. Ongoing qualitative research offers a fuller picture of what this means for those at the sharp end of policing, namely racially minoritised individuals and communities with long histories of encounters with police violence. But just as these same communities and their allies have always resisted state violence, the 2020 Black Lives Matter protests offer an important contemporary context for resistance to racist policing.

As the UK continues on its 'roadmap' out of lockdown, what are the potential legacies of the pandemic for those subject to racist policing? And what will the end of restrictions mean for the persistence of new police powers? We are already witnessing a pre-emptive moral panic about a 'post-lockdown violent crime surge', which is being used to advocate for further investment in policing (BBC News, 2021), running counter to the calls to defund the police that have emerged through the BLM movement. In this vein, mayor of London Sadiq Khan has spoken of his desire to push forward plans to place more police into schools post-lockdown (BBC News, 2021), seemingly disregarding evidence that police in schools perpetuate institutional racism (Connelly, Legane and Joseph-Salisbury, 2020; Nijjar, 2020). The latest 'Kill the Bill' protests are a further indication, however, of the broader crisis in policing against which the pandemic has played out, and which looks set to continue.

Among all this, there remains a need for critical research which centres the experiences of the policed in particular. Whatever shifts we see in police powers over the coming months and years, we can be sure that police violence will endure, and that it will be most keenly felt by racially minoritised individuals and communities. But just as importantly, this violence will be met with inevitable – and perhaps growing – resistance. With crisis comes rupture, and with rupture comes the opportunity for real change.

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