POST-LAWRENCE POLICING IN ENGLAND AND WALES

Guilt, Innocence and the Defence of Organizational Ego

Michael Shiner*

One of the many reforms to have emerged from the Stephen Lawrence inquiry is that requiring the police to make a record of all stops (Recommendation 61). What might have been accepted as a fairly routine extension of the existing regulatory framework was widely resented by officers who considered it part of an 'attack' on the police service spearheaded by allegations of institutional racism. This 'attack', it is argued here, has been experienced as a form of collective trauma, giving rise to a series of defence mechanisms and allied forms of resistance that have distanced the new recording requirement from its intended purpose. Such defences, it is concluded, should be anticipated and addressed as part of the process of reform.

Keywords: police reform, Lawrence inquiry, defence mechanisms

Introduction

The judicial inquiry report into matters arising from the death of Stephen Lawrence amounted to a public declaration of police culpability, both in the failings surrounding this particular case and the maltreatment of black and minority ethnic communities more generally. The flawed investigation into Stephen's murder was judged to have been marred 'by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers' (Macpherson 1999: 46.1) and was considered symptomatic of a broader problem of institutional racism, which was said to exist 'both in the Metropolitan Police Service and in other Police Services and other institutions countrywide' (Macpherson 1999: 6.39). A decade or so on, after most of the inquiry's recommendations have been implemented, a concerted effort is being made to bring the matter to a close. In January 2009, Trevor Phillips, chair of the Equality and Human Rights Commission, wrote in the *Daily Mail* newspaper that the accusation of institutional racism against the police is no longer valid (19 January 2009); a few weeks later, Jack Straw, Secretary of State for Justice, told the BBC's *Politics Show* the inquiry's conclusion that the Metropolitan Police Service was a fundamentally racist institution is no longer true (*The Guardian*, 23 February 2009); the following day, at a conference marking the tenth anniversary of the inquiry report, Sir Paul Stephenson, Commissioner of the Metropolitan Police, claimed the force was no longer institutionally racist, saying it had made so much progress that the label was no longer useful (*The Guardian*, 24 February 2009); and two weeks later, Sir Paul's predecessor, Sir Ian Blair, told a Metropolitan Police Authority inquiry (*The Guardian*, 6 April 2009):

Anybody who had read the Macpherson report would recognise an institution that was treating people in a very monochrome way. I don't necessarily believe there was anything racist about

* Department of Social Policy, London School of Economics, Houghton Street, London WC2A 2AE, UK; m.shiner@lse.ac.uk.

the activities of the Metropolitan police in relation to the Lawrences. What the investigators did was they treated the Lawrences as they treated a whole range of working-class people and they just did not understand the expectations and experiences of the black community. That is what has changed.

The following analysis focuses on one of the reforms proposed by the Lawrence inquiry: that requiring police officers to make a record of all stops and to provide a copy to the person stopped (Recommendation 61). In practice, this meant extending the established regulatory framework covering stop and search, but emotionally and politically it meant something far more challenging. Drawing on psychoanalytic theory, the central argument of this paper is that the Lawrence inquiry report has been experienced within the police service as a form of collective trauma or as an attack on the organizational ego and that the primary response to this perceived attack has been one of self-protection based on well known defence mechanisms. At an organizational level, it will be argued, these psychic defences have given rise to various forms of resistance, which have distanced recording practices from their intended purpose of promoting public accountability.

The Stephen Lawrence Inquiry and the Politics of Reform

Although not the first unsolved racist murder in Britain (see Silver 2006), the killing of Stephen Lawrence was unprecedented in its impact, crystallizing the 'disastrous ebbing away of black confidence in the police' (Reiner 2000: 79) and prompting the 'most extensive programme of reform in the history of the relationship between the police and ethnic minority communities' (Bowling and Phillips 2003: 546). The inquiry into Stephen's death made 70 detailed recommendations, almost all of which have been implemented in some form (Home Affairs Committee 2007), including Recommendation 61 (Macpherson 1999: 47.61):

That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all 'stops' and 'stops and searches' made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so called 'voluntary' stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.

The practical significance of this recommendation was two-fold: first, the proposal to record all stops meant, in effect, extending existing regulations governing the use of stop and search to situations in which officers ask members of the public to account for themselves (i.e. their actions, behaviour, presence or possession of anything); second, the insistence on recording non-statutory stops represented a form of rule tightening as it sought to close a loophole that was widely used by officers to sidestep existing regulations (see Sanders and Young 2006). Beyond these practical considerations, Recommendation 61 had considerable symbolic significance due largely to the links that were made with long-standing concerns about the 'over-policing' of black and minority ethnic communities. Institutional racism, which the inquiry defined as the 'collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin' (Macpherson 1999: 6.34), was said to be apparent in the nationwide disparity in stop and search figures. While

acknowledging the complexity of the issue, the inquiry insisted that there remains 'a clear core conclusion of racist stereotyping (Macpherson 1999: 6.45), though it also expressed the hope and belief that 'the average police officer' and 'average member of the public' will accept that 'we do not suggest that all police officers are racist' and 'will both understand and accept the distinction we draw between overt individual racism and the pernicious and persistent institutional racism which we have described' (Macpherson 1999: 6.46). With on-going evidence of racial disproportionately in stop and search activity—in the year before the new recording requirement came into force, black people were more than six times as likely as whites to have been be stopped and searched, while Asians were twice as likely to have been so (Home Office 2005)[1]— those responsible for overseeing the implementation of Recommendation 61 viewed it as a means of promoting 'trust and confidence in the police by providing transparency and accountability on the spot at a strategic level, for police initiated non-statutory encounters' (Home Office 2004: 7).

The implementation of the new recording requirement was never going to be an entirely comfortable process, not least because the British police service has been uniquely able to 'undermine, frustrate, withstand, invert and deny' externally imposed change agendas and has been the most effective of all public sector organizations in '*resisting reform* and *subverting modernization*' (Savage 2003: 171; original emphasis). Added to this, police reactions to the Lawrence inquiry revealed a deeply divided organization. While several senior officers publicly accepted the charge of institutional racism, such statements were sharply at odds with the dominant mood among the rank-and-file (Rowe 2004). Protests by white officers that the finding of 'institutional racism' was an affront to their professionalism and claims of 'reverse racism' formed part of a broader backlash against the inquiry that was given considerable support by right-wing news media and politicians (McLaughlin 2007). Among others, William Hague, then leader of the Conservative party, claimed the inquiry report had led to a collapse in police morale and helped to brand every policeman a racist (*The Independent*, 14 December 2000). This conflation of individual and institutional racism has been partly attributed to conceptual ambiguities that were exacerbated by the inquiry report (Souhami 2007). As the single most powerful message officers received from the inquiry, the label of 'institutional racism' was widely taken to signify a widespread problem of individual racism, giving rise to considerable anger and acting as a possible barrier to change: 'Despite the avowed intention of the Lawrence Inquiry . . . the extraordinary resonance of the word *racism* within the term *institutional racism* was sufficient to deflect considerable police service attention away from the complex problem of indirect corporate discrimination' (Foster *et al.* 2005: 96–97; original emphasis). While certain media coverage, together with the reaction of some key stakeholders, encouraged this (mis)reading, the inquiry's own definition was also implicated. In particular, the claim that institutional racism can be seen or detected in 'processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping' (Macpherson 1999: 6.34) was considered to be more suggestive of individual than institutional racism, creating the potential for confusion.

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[1]The new recording requirement became compulsory for all forces on 1 April 2005.

Criminology, Psychology and Police Culture

Consistent with the predominantly sociological orientation of criminology, police occupational culture has largely been viewed as a response to external factors related to the nature of policing. Drawing on Bourdieu's notions of habitus and field, Chan (1996) situates police culture in the social and political context of police work, arguing that it should not be treated as some set of internalized rules or values independent of the conditions of policing. As with criminology more generally, psychological processes can be found embedded within sociological theories (see McGuire 2004). Reiner, for example, identifies commonalities in cop culture in different times and jurisdictions, which he attributes to the 'nature of police work' and the 'predicament of maintaining order and enforcing the law in liberal democracies' (Reiner 2000: 106), but also notes that 'canteen culture' serves an important function of 'tension release' and survives because of its 'elective affinity' or 'psychological fit' with 'the demands of the rank-and-file cop condition' (Reiner 2000: 87). By bringing psychological dimensions to the fore, my intention is to add to, rather than detract from, existing work. Without wishing to deny the importance of social conditions or sociological analysis, it is my contention that police culture is shaped by what happens inside the minds of those involved as much as by what happens on the street or in the police station, etc. From the perspective of organizational psychology, this claim might be understood in the following way: social institutions arise through the efforts of human beings to satisfy their needs, but then become external realities comparatively independent of individuals that nevertheless affect the structure of the individual (Menzies Lyth 1989).

By focusing on psychological defences, the following analysis shares much in common with neutralization theory, which starts from the premise that the way people frame the events of their lives says as much about their personal psychology as it does about the actual events and conditions they experience (Maruna and Copes 2005). Highlighting the role that excuses and justifications play in the aetiology of deviant behaviour, neutralization techniques serve to combat feelings of guilt, releasing people to engage in deviant acts without surrendering allegiance to mainstream social values and without spoiling their self-identity. Such techniques can be 'shared, social, collective and organised', as well as 'individual, personal, psychological and private' (Cohen 2001: 9). Neutralization theory owes much to Freudian ego-psychology, though this lineage has been obscured by the dominance of cognitive perspectives, with the result that something important has been lost from the theory. By moving beyond information processing, Freudian psychology provides a coherent explanatory framework, so that neutralizations are not simply seen as 'mistakes' or cognitive errors, but as 'cunning, unconscious mechanisms needed to ward off threats to one's ego' (Maruna and Copes 2005: 63).

According to Freudian psychology, the ego automatically calls on defence mechanisms to avoid psychic pain and anxiety through the resolution of emotional conflicts (Laughlin 1970). Such conflicts may be triggered when urgent impulses from the id come up against the socializing forces of the superego or when external events violate a preferred view of the self. Ego defences were first systematically explored by Anna Freud (1936) and generally function by distorting id impulses into acceptable forms or by unconsciously blocking them. Such processes form an important part of 'normal' psychological function, helping people to maintain a healthy self-image, and only become 'pathological' when persistent use leads to 'maladaptive' behaviour that adversely

affects physical and/or mental health. Certain defences are said to belong to specific stages of development and are placed in a hierarchy, varying from lower-order or 'primitive' mechanisms to higher-order or 'more advanced' mechanisms. While ego defences are, by definition, generally thought to operate outside conscious awareness, higher-order defences tend to operate at a less deeply unconscious level and are less automatic than lower-order defences (Laughlin 1970). Conscious endeavours made in a similar direction are, moreover, closely analogous to ego defences and usually share the same name. Given these similarities, the psychic world may be considered 'complex enough to accommodate both denial as unconscious defence and self-deception as bad faith' (Cohen 2001: 41).

Freudian psychoanalysis has heavily influenced the literature on organizational life, reflecting an apparent affinity between the resistance experienced by those initiating organizational change and that experienced by a psychotherapist while working with a client (Bovey and Hede 2001). As one of the pioneers of the field, the Tavistock Institute developed the notion of social systems as defence against unconscious anxiety, shedding light on the way in which organizational structures and cultures protect their members from distress by facilitating defence mechanisms (Menzies 1959). Organizations, like individuals, use psychological defence mechanisms to protect themselves from anxiety and the self-esteem of organizations is regulated by ego-defences, which protect the moral integrity of the organizational personality (Brown and Starkey 2000; Feldman 2003). According to Ketola (2006), organizations, like individuals, need to 'dose' the pain they experience in order to survive from a blow and do so by drawing on psychological defence mechanisms:

... denial gives time to comprehend what has happened, intellectualisation makes the incident look logical, projection eases the guilty feelings and rationalisation provides justifications. All these defences soothe the pain until the organisation is mentally ready to sublimate its wrongdoing through compensation…. organisations use many different kinds of defence mechanisms to escape responsibility, thrust the incident out of their minds and push off the lurking anxiety. (Ketola 2006: 149–50)

Methods

The following analysis grew out of the national evaluation of the implementation of Recommendation 61 (see Shiner 2006). Detailed qualitative fieldwork was conducted in four force areas, namely the Metropolitan Police Service (MPS), South Wales Police, Staffordshire Police and West Yorkshire Police. These force areas were selected on the basis that they appeared to demonstrate emerging good practice. In total, in-depth interviews were conducted with 34 police staff who were either involved in the force implementation teams or in implementing the recording requirement in selected borough command units (BCUs). Those interviewed included three Assistant Chief Constables, four Superintendents, four Chief Inspectors, five Inspectors, five Sergeants, two Constables and 11 civilian staff. Further group discussions were held with 38 front-line officers and in-depth interviews were conducted with eight people involved in the relevant Police Authorities and community police consultative groups. Although the analysis is largely based on this qualitative fieldwork, it has also been informed by two surveys that focused on the implementation process in forces and BCUs respectively.

Freudian ego psychology may seem an odd choice of analytic framework, not least because it is deeply unfashionable both within criminology and across the social sciences more generally. As with any theoretical framework, suspicions may be aroused that the findings have been forced to fit the theory. Given this, it should be noted that the detailed findings presented below emerged out of the fieldwork that was conducted for the original evaluation at a time when I had little knowledge or interest in Freudian psychology. Resentment, defensiveness and resistance were all widely evident at this point (see Shiner 2006), but what was missing was a plausible explanation for why the police reacted to Recommendation 61 in the ways they did. It was not until several years later that I began to develop an interest in Freudian psychology and began to see how such an approach might help to make sense of the findings by providing an answer to the deeper why questions. Further reading and consideration of the data confirmed this impression and revealed a comfortable analytic fit. Rather than presenting a monolithic view, moreover, care has been taken to reflect the diversity of opinions that were expressed by police officers and staff during the evaluation (see below, for example, under the heading *Support for the Macpherson agenda and higher-order defences*). Readers may well have doubts about some of what is to follow and alternative interpretations are, no doubt, possible, but the strength of the case that is presented does not simply lie in the detailed claims that are made and has as much to do with the way in which these claims fit together: that is to say, the whole is very much more than the sum of its parts. The challenge was to make sense of a sharply contested, confusing and apparently contradictory social reality. To the extent that this has been achieved, the analytic framework was crucial in pointing the way.

The Trauma of Institutional Racism

Police reactions to the new recording requirement were tightly bound up with feelings of anger and resentment over the Lawrence inquiry more generally and the finding of institutional racism in particular. Alongside these feelings, police staff gave voice to a palpable sense of loss and disorientation, encapsulating many of the key dimensions of psychological trauma. Derived from Greek words for wound and to pierce, 'trauma' is used in medical parlance to refer to any injury in which the skin is broken as a consequence of external violence (Laplanche and Pontalis 1973). Applied to psychoanalysis, the term carries over the ideas of a violent shock, a wound and of consequences affecting the whole organization, overwhelming the individual's ability to cope or integrate ideas and emotions involved with the experience. Put another way, it refers to 'An event in the subject's life, defined by its intensity, by the subject's incapacity to respond adequately to it and by the upheaval and long-lasting effects that it brings about in the psychical organization' (Laplanche and Pontalis 1973: 466).

Publication of the Lawrence inquiry report was quickly followed by a sharp dip in recorded stop and search activity, though, even with this trend, prior rates of disproportionality were more than maintained (Bowling and Phillips 2003). The psychic wounds and vulnerabilities accompanying these developments were laid bare by Sir Paul Condon, the outgoing Commissioner of the Metropolitan Police Service. Amid claims that crime was increasing because demoralized officers were disengaging from the use of stop and search for fear of being branded racist, Sir Paul declared that officers were 'grieving' for the loss of the force's reputation, claiming that some were so traumatized

they could 'no longer function as human beings': the whole business, he said, had been a 'tragedy' for the police service (*The New Statesman*, 21 February 2000; *The Guardian*, 24 February 2000). Although considerably more defended, such thinking was still evident five years later when the new recording requirement came into force and was voiced at all levels of the police organization, albeit with some differences of emphasis and mode of expression. The new recording requirement was generally considered part of a broader attack on the police that was spearheaded by the 'accusation' of institutional racism. This perceived attack was the source of considerable anger, but, rather than simply being a product of cognitive (mis)reading, such reactions also involved deeper processes of identity formation. The social isolation and solidarity that are characteristic of the police experience typically engender a strong degree of identification with the job (Reiner 2000), so that the perceived attack on the police service was experienced as an attack on the self. This blurring of individual and organizational identities was evident in protestations that 'I'm not institutionally racist' and related anxieties:

There's no doubt about it, it's a big slur to be told you're institutionally racist because, as I say, individual police officers won't look at that and say 'they're not saying I'm racist' …. They probably hear it that the police, as in policemen, policewomen, are racist and that's a bloody insult at the end of the day. (Sergeant, case study)

I don't like [the suggestion the police are institutionally racist], it hurts and I don't want to believe that my actions or the actions of officers are steering towards that sort of conclusion …. If you've dedicated your life to a job, and you think that the standard of the job is so much better than ever … it does hurt, you don't like to be labelled as sort of racist or violent or sexist or whatever. (Deputy Chief Constable, case study)

The Defence

The predominant police response to Recommendation 61 was a protective one based on well known defence mechanisms and closely analogous conscious processes. While such defences may be provided by the police subculture (Satzewich and Shaffir 2009), they are, nonetheless, profoundly psychological in origin and purpose, being geared towards the protection of ego. Obviously contradictory claims that had little regard for issues of evidence or consistency were buttressed by carefully constructed criticisms of the Lawrence inquiry. As such, unconscious and conscious defences seemed to be working in tandem, with the common aim of protecting the reputation of the police service.

Denial, projection, splitting and fantasies

Denial is a commonly used 'primitive' form of defence and was evident in a general denial of power and specific denial of responsibility for disproportionality. These processes were supported by other 'primitive' defences including projection, splitting and fantasies of omnipotence.

(1) Denial of power There was some talk among front-line officers in one of the group discussions of targeting 'bottom-feeders', 'hoodies' and 'junkies', but otherwise there was little explicit recognition of the powerful position the police occupy as one of the principle agencies entrusted with the state monopoly on the legitimate use of force.

Rather than viewing themselves as the strong arm of the law, buttressed by considerable political and public support, respondents portrayed the police as a beleaguered, undermined and undervalued minority. Reflecting long-standing suspicions of 'do-gooders' and politicians (Reiner 1985), this narrative rested on a process of splitting, whereby politicians, civil servants and the like were cast in the role of wrongdoers, while the police were presented as victims and, therefore, innocent and blameless (see Lamb 1996). This defence functions in much the same way as the neutralization technique characterized by Sykes and Matza (1957) as 'condemnation of the condemners'.

The image of the police as a beleaguered minority was evident in complaints about outside interference. A Deputy Chief Constable spoke of 'an army of interferers from the Government who add little but monitor a lot', noting that the Home Office is generally considered to be 'too prescriptive'. The new recording requirement was frequently described as 'just another piece of Home Office bureaucracy' and considerable resentment was evident over the way it had been marketed on the basis of improved accountability, which was taken to imply police malpractice. As part of this narrative, disproportionality was described as a 'huge political hot potato', while Recommendation 61 was variously described as a 'knee jerk reaction', an exercise in 'political correctness', a 'stick to bash us with', 'a weapon to use against us', a 'gimmick', a 'public relations stunt', 'an empty box' and the work of 'ivory tower' politicians and bureaucrats who do not support the police and were pandering to the demands of 'activists' and 'pressure groups'. The clear implication here is that the police are the *real* victims—victims of a system gone mad, where criminals are allowed to make false accusations and pull the 'race card', where officers have become scared to stop black people for fear of being accused of racism and where they have to protect themselves against malevolent allegations of wrongdoing that are given credence by a system that has become preoccupied with political correctness and has lost sight of what policing should be about (for a similar point, see Satzewich and Shaffir 2009).

Claims that policing was being distorted were evident in frequent complaints among front-line officers that they were being turned into 'clerical assistants' or 'secretaries' and that 'paperwork' is a distraction from 'real' police work:

[Constable A] I don't think anyone's got a problem accounting with what they do because what we do is legal. It has to be. It's the extra paperwork and the extra bureaucracy that goes with it that can sometimes stop us doing our jobs. And if we could just crack on with doing that job and had the support of our Government and the country . . . [Constable B] They're really very, very misplaced in spending their money on that. I mean what do they want? They either want us to go out there and arrest drug dealers and criminals and rapists and serial killers and all the other nasty people that are out there or they want us to, you know, be a namby pamby police service that is too scared to do the job, which is what they're trying to make us. (Group discussion, case study)

Concerns about bureaucracy were voiced at all levels of the police organization and the new recording requirement was generally considered to represent a cost to the police. The almost universal construction of bureaucracy as a burden located the provision of accountability outside of core policing activities, drawing on an enduring mythology about the action-oriented nature of police work, whilst simultaneously neglecting the importance of bureaucratic organization in the construction of police legitimacy and popular consent (Reiner 2000). As a defence, this narrative deflects attention away from criticisms of the police by playing on public anxieties about crime and has been central

to the broader political backlash against the Lawrence inquiry (see *Daily Mail*, 28 December 2008).

(2) Denial of responsibility for disproportionality   The clear message from the surveys and case studies was that police personnel did not generally consider disproportionality to be a problem and often sought to explain it in ways that did not implicate the police.[2] To that end, disproportionality was widely dismissed as an artefact of the recording procedure and/or black people were considered more likely to be stopped by virtue of their greater availability or greater rate of offending. This narrative centred on the notion that policing is carried out in a colour-blind fashion, with many officers insisting 'race' plays no part in the decisions they or their colleagues make about whom to stop and, in some cases, claiming not to see 'colour'.

The implicit and explicit claims made about colour-blindness are implausible for several reasons and are best regarded as omnipotent fantasies. Far from being statistically aberrant, stereotypes result from basic cognitive functions, including the need to classify, categorize and form judgments about objects in our environment (Wilson *et al.* 2004). Most people harbour unconscious racial biases, which work independently of conscious beliefs, so that those who are not consciously prejudiced have been found to operate on the basis of stereotypes when acting automatically (Harris 2007). Added to this, psychological research indicates that assertions of colour-blindness are associated with perceiving less discrimination, but also being less tolerant of diversity and more racially biased (Richeson and Nussbaum 2004). Following the Lawrence inquiry, moreover, Her Majesty's Inspectorate of Constabulary (1999: 9) found 'many officers . . . have race issues in the forefront of their minds' and even within the confines of the current study, there was plenty of evidence of racialized thinking that problematizes any suggestion of colour-blindness. Front-line officers in one of the case study areas suggested that large numbers of black people are stopped because they are criminals rather than because of institutional racism in the police force. While such 'explanations' were rarely elaborated on, they self-evidently departed from the theme of colour-blindness, drawing on stereotypical images of black criminality. A front-line officer in one of the group discussions stated that most of the drug dealers in his area 'are actually from Jamaica' and when asked what was driving disproportionality, a sergeant who was closely involved in the implementation process said he did not think it was racism and talked of a lack of parental control in black communities, of different morals and of black males seeking to 'father as many children from as many women, and the women likewise' (describing this as 'a known fact').

A further departure from the theme of colour blindness was evident in widespread claims about black people 'playing the race card' and of the police having to protect themselves against malevolent allegations of wrongdoing:

The mantra in [this area] and—you know, I'm sorry if it's not politically correct—people in [this area] constantly say to me 'you're only stopping this young man because he's black, you're a racist, you're a racist' . . . It seems to me that there is a lot of very ignorant people that we deal with here and they really don't understand what we're trying to do, even though we explain to them, and their only come back I feel, the criminal element, is to pull the race card, and if you can call it that. And it's not the

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[2]Disproportionality was evident in all four case-study forces: for black people figures varied from 2.7 to 4.4, while for Asians they varied from 1.07 to 1.64.

normal people of [the area] that do it, it's, you know, the people we stop and search . . . I don't see the institutionalised racism at all. (Police constable, group discussion, case study)

Intellectualization: availability, black criminality and intelligence

Attempts by police staff to explain disproportionality as a function of the available population and/or black criminality may be seen as a form of intellectualization, which serves to ward off anxiety by creating distance from the emotional aspects of a situation. The suggestion that disproportionately can be explained by black criminality lacks empirical support and was specifically rejected by the Metropolitan Police Authority (2004) on the grounds that there is no clear evidence people from black and minority ethnic groups offend at a higher rate than whites (see also Phillips and Bowling 2007). Even if parity in overall offending rates is assumed, some groups may remain more susceptible to police attention because of the types of offence they tend to commit, but comparisons between specific offence rates and the use of stop and search have revealed some important anomalies, which suggest that disproportionality can not be readily explained in this way (Phillips and Bowling 2003). Explanations based on black criminality also struggle to make sense of the similarly modest rate of arrest that is evident across all ethnic groups (somewhere in the range of 10–13 per cent of stop and search encounters lead to arrest, regardless of ethnicity) and the relatively high proportion of arrests of black and minority ethnic suspects that are discontinued by the Crown Prosecution Service (Phillips and Bowling 2007).

The suggestion that disproportionality may be explained by the available population has greater validity (MVA and Miller 2000; Waddington *et al.* 2004), but remains highly contested and has been described by National Black Police Association as a 'smokescreen' (see MPA 2004). In an organization that is renowned for its anti-theoretical action-orientation (Reiner 2000; Waddington 1999), it was striking just how often arguments relating to availability were cited by police staff at all levels of the organization. That this was an essentially defensive move was evident from the way in which availability tended to be treated as the final word on disproportionality, providing irrefutable evidence of police innocence, with little consideration of the associated methodological limitations, of broader issues relating to the social construction of availability and the impact on public confidence (see also Phillips and Bowling 2003) or of contrary evidence relating to the use of strip search (Newburn *et al.* 2004). Disproportionality has, in addition, been found to be much less marked in relation to stop and account, suggesting that the vulnerability of black and minority ethnic groups to stop and search cannot simply be explained as a function of their greater availability (Sanders and Young 2006; Bennetto 2009; see Ministry of Justice 2009).

The themes of black criminality and availability were further developed in claims about the role of intelligence. Police staff frequently suggested that disproportionality can be explained, and justified, by the use of intelligence, but descriptions of their day-to-day practices confirmed that there is a lack of clarity over what constitutes 'reasonable suspicion' (see Quinton *et al.* 2000) and that high-discretion stops are used to disrupt individuals' activities or gain intelligence (see FitzGerald 1999). The suggestion that disproportionately is driven by high-discretion police initiated searches (FitzGerald 1999) is important here because it is precisely under such circumstances that we might

expect 'generalisations and negative stereotypes about likely offenders [to] play a role' (Quinton *et al.* 2000: 17). Such thought processes were certainly evident in the clear-cut distinctions that front-line officers made between the types of people they target ('known offenders', 'the criminal fraternity' and 'bottom-enders') and those they leave alone ('normal members of the community', 'everyday law-abiding citizens', 'Joe average who's driving home from work', 'Mrs Bloggs with her two children' and 'ladies going with shopping bags').

Regression: back covering

Other defences were used to ward off anxieties about the new recording requirement that may be considered regressive in the sense that they seemed to involve a retreat to a less mature level of adjustment and development (Laughlin 1970). A common defence, repeated by front-line officers in each of the case study areas, was provided by the claim that stop and search encounters with people from black and minority ethnic groups are more likely to be recorded than those with whites. Black people, it was argued, are more likely to make a complaint, so that recording incidents was said to offer a means of 'covering your back', falsely creating the impression of disproportionality.

Although such claims were given credence by some more senior officers, they do not function well as a defence, not least because they implicate front-line officers in widespread selective non-compliance with statutory regulations. Nor do the core components of this defence stand up well to empirical scrutiny. Estimates based on the British crime survey indicate that the police record approximately three-quarters of all stop search encounters and also confirm that black and minority ethnic groups are over-represented among those stopped (Clancy *et al.* 2001). As such, disproportionality cannot simply be dismissed as an artefact of recording practices.

The assumption that people from black and minority ethnic groups are more likely to complain than whites is no less problematic. Such claims imply a degree of faith in the complaints procedure among minority communities that is simply not apparent (MPA 2004) and pay scant regard to who it is that actually complains. The vast majority of complaints about stop and search are made by white people and though figures for London indicate that the *rate* of complaints is higher for black and minority groups than for whites, the differences are not great: 17 per cent compared with 12 per cent (MPA 2004). Across England and Wales, moreover, minority ethnic groups account for proportionately fewer complaints to the police than stop and search encounters: around the time of the fieldwork, black people accounted for 11.3 per cent of complaints but 15.0 per cent of stop and search encounters, while the figures for Asians were 6.8 and 7.5 per cent, respectively (Home Office 2005; see also Ministry of Justice 2009).[3] While empirically dubious, claims that people from black and minority ethnic groups are more likely to complain than whites revealed a deeply racialized perspective that undermined any suggestion of colour-blindness:

I think if anything it creates a problem for us . . . because the perception is that it's a sensitive subject, you are likely to put a form in for someone you've stopped from an ethnic minority, whereas the nicer

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[3]Caution is required here because ethnicity was unrecorded in 24 per cent of complaints and these cases were excluded from the calculations. Ethnicity was unrecorded in less than 2 per cent of stop and search encounters.

white kid that was not a problem, you just stopped, talked to him, I've no worries at all and off he goes, you're not likely to put a form in as much from that, and then of course when the statistics come out, it says that we've stopped more of the minority people. (Police constable, group discussion, case study)

Displacement

To the extent that disproportionality was considered a problem, it was generally considered someone else's problem. Outside London, disproportionality was sometimes viewed as a creation of the Metropolitan Police Service, yet officers in one of the London-based group discussions suggested there was no disproportionality in their force, but thought there might be elsewhere. In fact, official figures point to significant disproportionality both inside and outside of the capital (Home Office 2005; Ministry of Justice 2009). Further evidence of displacement was provided by the surveys. Relatively few respondents to the force survey felt there was much of a problem with disproportionality in their force: 15 per cent felt some people were considerably or somewhat more likely to be stopped because of their 'race', colour, ethnicity, nationality or national origin and that this was unjustifiable, whereas 32 per cent felt people were no more likely to be stopped on such grounds. When thinking about the country as a whole, however, there was a marked shift of opinion as the ratio of those who felt there was a problem to those who felt there was not increased from 0.5:1 to 4.8:1. Similar differences were evident from the BCU survey (see Shiner 2006).

Support for the Macpherson agenda and higher-order defences

Defensive reactions to the new recording requirement were widespread but not universal. While many police staff expressed open hostility to the reform agenda, others were more pragmatic and some, albeit a small minority, were explicitly supportive. Previous research has found officers in London to be most angry about the Lawrence inquiry (Foster *et al.* 2005) and reactions to the new recording requirement varied along similar lines, although unifying themes were evident across the case study areas. Reactions to the broader recording agenda appeared to be linked, in part, to the role that 'race' played locally and were most emotionally charged in areas with sizeable black communities, where policing appeared to be highly politicized and racialized. Under these circumstances, front-line officers were more likely to be sharply critical of the move to record stops, which provided a focal point for more general anxieties and resentments. Where matters of 'race' and racism appeared to be less prominent, officers were more pragmatic. Front-line officers in one of the case-study BCUs, for example, noted that almost all their stops were of white people, saying 'we don't have a great ethnic problem', and describing the recording of stops as 'good practice': 'It's fine, working okay, if it's not broke don't fix it.'

Reactions to the recording requirement also varied within forces. Police personnel involved in the implementation of the new requirement seemed more familiar with, and made greater use of, intellectualized defences based on the notion of availability, while front-line officers tended to rely more heavily on arguments that disproportionality is an artefact of selective recording practices. These distinctions were not absolute, however, and much of what was said cut across rank and role. The misgivings and

defences described above were evident at all levels of the police organization and senior officers voiced many of the concerns identified by front-line officers, albeit using a more diplomatic language. Reactions to the new recording requirement also varied by 'race', though differences were, once again, not reducible to such distinctions. Black and minority ethnic police staff were generally supportive of the new requirement, though they included one of its most trenchant critics. Support for the recording of stops was also evident among some white staff, who felt disproportionality was a problem, if only at the level of community perception, and were prepared to consider the possibility that police racism, though not necessarily conscious or individual, may be a contributory factor.

Supporters of reform talked of a 'culture of denial' within the police service, describing some criticisms of the broader recording agenda as 'excuses' and debates about available populations as an unhelpful distraction:

If we deal with the culture of denial that often exists in the police, and people have tried to answer why this disparity may occur, and people often say well it's not racism but can't say what it is. So in that way all we know for sure is there's a disparity and there has been for years …. No, I think that [Recommendation 61] is a bitter pill to swallow and I think the first thing, if we stop taking up such a defensive position and taking it as a personal attack, and accept that it's not acceptable because there is disparity, and start finding, start searching for solutions to the problem instead of feeling we have to defend or justify the disparity. I think we have to acknowledge it, take it as not being right, and we're all professional and accept that okay we're doing okay but we can do better. (Police staff, case study)

In view of the anger that was still directed towards the Lawrence inquiry, this was a potentially uncomfortable position for police staff to adopt and gave rise to anxieties that were managed through higher-level defences such as altruism and introjections. For civilian staff and officers from minority ethnic groups, the boundaries of social solidarity and social isolation (Reiner 2000) may be less rigidly demarcated than for white officers and alternative identities may be more readily available that allow for positive introjections, whereby aspects of the external world are internalized into one's own psyche. Positive introjections and altruism (constructive service to others, etc.) were, nonetheless, also evident among white officers, some of whom identified strongly with the Lawrence-inquiry agenda and projected an occupational identity that was tightly bound up with the role of reformer, which represents a kind of insider/outsider status. The anxieties and sense of ambivalence that may accompany this status were highlighted by a Chief Inspector, who, speaking publicly at a national practice event, said that too many officers are 'still in denial about the problem [of disproportionality] or the way the issue causes problems and affects community relations', but privately admitted it felt 'disloyal' to make such statements.

Organizational Resistance

Drawing on evidence that racist talk among police officers does not seem to translate into widespread racist behaviour during the course of their duties, Waddington (1999: 295) argues that police subculture is a form of 'rhetoric that gives meaning to experience and sustains occupational self-esteem', serving 'mainly as a palliative, rather than as a guide to future action'. While recognizing the palliative function of what people say, neutralization theory points to a firmer relationship between word and deed.

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Neutralizations, it is argued, are an outward manifestation of a person's sense of self, forming part of their narrative identity that is both shaped by, and mediates, social interaction. As well as imposing order on actions and connecting behaviour to explanatory goals, motivations and feelings, these self-narratives 'shape and guide future behavior, as people act in ways that agree with the stories or myths they have created about themselves' (Maruna and Copes 2005: 33).

The psychic defences described above were given external expression though a combination of conscious action and unconscious acting out. These processes resulted in various forms of resistance, including formal adherence, absorption, adaptation and subversion, which served to distance implementation of the new recording requirement from the intended purpose of promoting accountability. Formal adherence is a retreatest strategy that was often framed in terms of the need to obey the command structure, but was highly selective and pragmatic. Responses to the survey indicated that many forces did not plan to implement the new recording requirement until it became mandatory to do so; several respondents expressed the view that the requirement was not a priority for their force because the force-area included a very small black and minority ethnic population; and some forces appeared to be doing the minimum that was required of them. This orientation was summed up by a Chief Inspector who responded to the force survey: 'All the requirement says is we've got to do it, it doesn't say anything about doing it well.'

The remaining patterns of resistance revolved around the idea that recording stops provided a means of gathering intelligence. Almost inevitably, perhaps, the new recording requirement was adapted to reflect police priorities and, while often presented in terms of a fairly subtle shift in emphasis, this process also took the form of outright subversion. Police staff directly involved in implementing the new requirement frequently emphasized the intelligence value of stop records and such a function was widely incorporated into the implementation process. Although not part of the regulatory requirement, and despite the additional bureaucracy involved, stop and search forms routinely included space for a description of the person stopped, presumably on the basis that this provides intelligence. In some cases, the intelligence function clearly displaced the intended regulatory function and was based on an explicit rejection of the broader reform agenda. A project coordinator in one of the survey forces felt the new recording requirement had been introduced to keep the 'English liberal intelligentsia happy', insisting:

The chief marketing strategy will not be based upon Recommendation 61 from the Lawrence inquiry and this Home Office demand. Rather we will sell it as a chance to increase our pool of intelligence to enhance our thief taking capacity. (Project coordinator, force-survey)

Although not typically tied to such a stark rejection of the reform agenda, the intelligence application of the new recording requirement was widely emphasized, not least because it was thought to offer a basis on which the recording of stops could be sold to front-line officers. A project coordinator in one of the case study forces viewed recording as both a monitoring and intelligence tool, noting that there 'must be something in it for officers'. This something was 'intelligence', which would 'defend' and 'support' the decision to stop and search. Although the monitoring function was maintained, the potential for distortion was clear, particularly as the force paid

little attention to community engagement, which it saw as being the responsibility of the police authority:

I would prefer not to be driven by the requirement to prove our integrity . . . I suppose I need to differentiate, in a sense, between the tremendous intelligence that can come out of properly recording and this needs to be pushed. I think what I'd be saying is we should be driven by the operational benefits and not the process being driven because the police can't be trusted in the way they use the power, and the driver at the moment is the perceived lack of integrity. If we can overcome that and then make a virtue of the recording through intelligence-led, well, of course it should be done because it's part of our bread and butter. (Assistant Chief Constable, case study)

In practice, the relationship between intelligence and stop records was less straightforward than was often implied. Resource limitations meant that stop records were not always routinely entered onto intelligence systems (see also FitzGerald 1999) or were not accessible because of the limited availability of the necessary IT equipment. Added to this, there was some scepticism among front-line officers about the intelligence value of stop records, which, it was suggested, would create a 'wealth of information . . . that's actually going to make any intelligence picture even harder to understand'. Given the apparent gap between rhetoric and practice, the emphasis on intelligence is, perhaps, best understood as an attempt to rebrand the recording of stops in a way that diverted attention away from the broader reform agenda.

The processes of adaptation, subversion and rebranding were further evident in the arrangements that had been made for monitoring, scrutiny and community engagement, many of which suggested a degree of damage limitation. Oversight of front-line officers was generally treated as an internal police matter, so that outside of the complaints procedure and with the exception of the scrutiny panels in one of the case study forces, there was little room for external agents to call individual officers to account for specific incidents (Shiner 2006; see also Delsol and Shiner 2006). External scrutiny typically involved corporate modes of accountability based on statistical information and passive forms of community engagement, such as consultation and awareness raising, that were geared towards demonstrating there was not a problem:

I think most of the headline thing about form filling is regrettable, I suppose from a policing point of view, but I just think that it's a necessary tool really because there's so much scrutiny on the police and the use of disproportional policing that I think that it's an obvious tool, just to add to the overall portfolio of things that could evidence that there isn't an issue. (Performance management officer, case study)

External scrutiny was further limited by difficulties accessing and interpreting data. Two respondents involved in independent monitoring in different case study forces reported problems getting the data they wanted from the police in the form they wanted it. Those involved in the scrutiny process also reported a sense of paralysis due to the polarized nature of debates surrounding disproportionality and of being bamboozled by the justifications and explanations offered by the police. While police staff sometimes implied there might be an 'acceptable' level of disproportionality, this remained a vague notion, with no indication of where the boundary might lie between what is acceptable and what is not. In the absence of such a boundary, these suggestions represent a form of mystification:

I don't think we understand disproportionality and we regularly ask, when we look at the figures . . . the police force tell us 'we are not acting in any way that we go out and look out for black Caribbeans or

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Africans or Asians', so why are we consistently getting more of one type of people being stopped more than others? . . . And no one gives us an explanation. The only thing you keep hearing is this argument about street populations, [but] . . . I don't think the police actually do know . . . I still feel we don't know as a force and if we don't know as a force, then we don't know as an Authority . . . we hear [claims about the available population] but we remain to be convinced . . . [there's some research that] seems to want to support this view, but the reaction from the Black Police Association is that this is close to heresy, so there are still some very strong polarised views . . . I do sit somewhere in the middle, trying to understand the two points of view and at the moment I can't really reconcile them. (Police authority representative)

There was, finally, evidence that opportunities for meaningful engagement with critical elements of the community were being missed. Two police officers involved in implementing the new recording requirement in one of the case study BCUs reported that information about disproportionality had not been circulated through community forums because there was no demand for it, yet their own accounts revealed that opportunities for meaningful dialogue had been foreclosed, apparently without conscious thought:

A: If somebody asks for that information then, obviously, we would give it but it's not something we pass out just for the sake of it. In fact—because I've never even considered it before to be honest—it's never raised as an issue. It's never been raised with me and most of the contact I have is with African Caribbean people and Asian people . . . I suppose other issues are raised in association with that . . .. There's sometimes complaints that they feel their children are stopped and checked or stopped or spoken to simply because they're in gangs of youths and they're wearing hooded tops and they're masked up. And my answer to that has got to be that 'we target priority crime and the main suspects for our robberies and our violent crime are groups of African Caribbean males masked up with hooded tops on' . . .. Q: What kind of reaction do you get when you say that? A: Well, there's no answer to that really. (Chief Inspector, case study)

Conclusion

Recommendation 61 has been blunted by the reform resistant nature of the British police. Even before it came into force the requirement that all stops be recorded had been distorted by a series of defence mechanisms and allied patterns of resistance which distanced the implementation process from the intended purpose of promoting accountability. This purpose was further undermined when complaints about 'unnecessary bureaucracy' were endorsed by *The Independent Review of Policing* conducted by Sir Ronnie Flanagan, former chief constable of the Royal Ulster Constabulary, and when the new recording requirement was all but abolished as part of what, the then Home Secretary hailed as a return to 'common sense' policing (Home Office 2009). Accordingly, officers are no longer required to make a record of stop and account incidents beyond the ethnicity of the person stopped (PACE, Order 2008). Concerns about accountability and due process have, in effect, been eclipsed by the values of crime control and a reform that was intended to increase regulation has inadvertently enhanced a 'power' that previously had no clear legal basis (Reiner 2010). As such, the conclusion to the story of Recommendation 61 would seem to be that the police, assisted by sections of the mass

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media and sympathetic politicians, have mounted a successful rear-guard action against an unwelcome reform they felt was part of an attack on the integrity of the service.

We may well question whether this campaign has served the broader interests of the police, however, particularly at a time when the service has lost the automatic trust it once enjoyed, when public confidence has to be negotiated on a case-by-case basis and when satisfaction and confidence are becoming increasingly important indicators of police performance (Reiner 2000; Neyroud 2009). Police reactions to the new recording requirement have done little, if anything, to allay the concerns that gave rise to Recommendation 61 and, for all the claims that have been made about progress and the finding of institutional racism no longer applying, the residual problem remains. Disproportionality is as high now as when the Lawrence inquiry met and recent moves to limit the bureaucracy associated with regulation have awakened fears of a return to the old discredited system, prompting some to question the legitimacy of stop and search powers (Bennetto 2009; Rollock 2009; see also Bowling and Phillips 2007). For police personnel to maintain that they are individually and collectively innocent in all this may lend a narrow supporting structure to the ego (see Moore 1990), but also entails a loss of moral authority. Whatever one thinks of the Lawrence inquiry and its formulation of institutional racism, the key point is surely this: 'Nobody in the minority ethnic communities believes that the complex arguments which are sometimes used to explain the figures are valid' and attempts to justify disparities without being seen to vigorously address discrimination 'simply exacerbates the climate of distrust' (Macpherson 1999: 45.8–45.10).

The final lesson from Recommendation 61 is that police reform should anticipate and address the defences it is likely to provoke. One of the ways this might be done is through restorative forums in which police officers are given the opportunity to experience the harmful consequence of their actions in ways that are difficult for them to neutralize (see Maruna and Copes 2005). Then, and perhaps only then, might we expect to see meaningful change.

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