



Over-policed but under-protected: Advancing a critical research agenda

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1. Introduction

2020 was marked by a global wave of protests directed against police violence and racism, prompted by the Black Lives Matter movement. Across the globe, demonstrations were organized. The igniting spark was the murder of George Floyd, who while being strangled to death by an officer gasped »I can't breathe«. From the USA, protests spread to the Nordic countries too, where people gathered, in solidarity, but also with the ambition to highlight difficulties with law enforcement *here*.

But how should problems in the Nordic context be understood? In this essay I will present my own research on matters of policing, highlighting a criminological research agenda concerned with matters of racism and discrimination (Schclarek Mulinari, 2020).

2. Analytical backdrop: The need to expand the focus

As in other parts of the world, the main concern of Nordic scholars when it comes to the topic of race/ethnicity *vis-à-vis* crime has been the overrepresentation in the criminal statistics of »ethnic minorities«, »immigrants«, and individuals with »foreign« or »non-Western background« – different categories have been invoked in different studies. Less explored is the subject of racial/ethnic bias in the criminal justice system. Nonetheless, contributions since the beginning of the 21st century have established that ethnic minorities and »racialized communities« – a term that accentuates the processual character of how difference is established based on socially constructed cultural and/or biological features and criteria – are not equal before the law.

A conclusion in the governmental report *Is Justice Just?* (SOU, 2006, *our translation*) is that ethnic minorities are treated negatively in all parts of the criminal justice system, particularly in interactions with the police. This landmark contribution could have been the Swedish version of the famous Macpherson report, which reshaped the discussion in the United Kingdom



concerning policing and »institutional racism« (1999).¹ Unfortunately, neither authorities nor researchers have to any greater extent continued this research path.

Even if Sweden, in a Nordic comparative perspective, is at the forefront when it comes to research concerning bias in the criminal justice system, since 2010 only three quantitative studies have been published on the topic, and none of these focus on policing and its consequences for ethnic minorities and racialized communities (Backhans & Sundlöf, 2019). Fortunately, qualitative scholars have filled part of the research gap. However, even more qualitative research is needed, preferably in tandem with quantitative explorations.

3. Over-policing as a form of racial profiling

In a community survey which I participated in constructing together with residents of Järva – a peripheral urban area of Stockholm that consists of the neighborhoods of Hjulsta, Tensta, Rinkeby, Akalla, Husby, and Kista – 45 percent of the 715 respondents answered that they had been stopped and searched by the police in the last twelve months. Of these, 12 percent stated that they had been stopped on one occasion during this period, 16 percent that it had happened to them between two and five times, 5 percent between six and ten times, and 11 percent more than ten times (Schclarek Mulinari & Wolgast, 2020). Given the design of the survey – a snowball sample – the results cannot be taken as representative for the population in Järva. Still, they are indicative that among certain segments of the population stop and search by the police is practiced recurrently and that, while the majority of those undergo the experience a few times during a year, a substantial number are subjected to it repeatedly.

Although the results are not generalizable, an analytical value of the survey comes from the possibility to examine differences within the group who responded to the questionnaire. As could have been expected, it is mainly men who are stopped and searched. Of the men who answered the questionnaire, 77 percent responded that they had been stopped by the police in the last twelve months, a result comparable with 26 percent among the women. The numbers can be interpreted in several ways. However, they confirm that extensive policing is a practice that mainly affects men. Nonetheless, the number of women stopped and searched suggests that the male-centric focus in the policing literature is problematic and should be reevaluated – an observation which also applies to my own work. In addition, the results indicate that the background of the respondents is influential regarding how police

1. The Macpherson report (1999) was a public inquiry into the murder of Stephen Lawrence, an 18-year-old black man who had been stabbed to death in a racially motivated attack. It concluded that the British police had problems with »institutional racism«, putting forward 70 recommendations, of which 67 were implemented fully or in part over the following ten years.



stops are experienced: it was about twice as common for individuals with background in Africa and the Middle East – defined as people born in these areas, or with parents who are – to experience that the police had subjected them to abusive treatment or used disproportionate force, compared to those with background in the Nordic countries. How should this be evaluated?

Nordic scholars have, mainly through interview and observation studies, highlighted the existence of tensions regarding the policing of ethnic minority groups and racialized communities (Barker, Peterson & Åkerström, 2013; Solhjell et al., 2020). In my own work, I have argued that experiences of racism, discrimination, and social exclusion are established through recurring encounters with the police. In one interview, the respondent gave the following description:

I was out walking with a couple of friends. It was a regular evening, nothing special. Suddenly, the police stop in front of us. They get out and push us up against the car. It happened for no reason whatsoever. None of us was wearing anything strange. No one had had anything to do with the police before. It was a question of our appearance: we're black. We saw another group of guys in front of us, all of them white. They weren't stopped. This is something that happens continuously. I can tell you about several similar experiences. It's nothing unusual (Man, Stockholm, 25).

I understand the extract from this interview as an example of »Walking While Black«, a popular way to name racial profiling in the USA by sarcastically word-playing with the term »Driving While Intoxicated« (Schclarek Mulinari, 2017). The offence in this case is the appearance of the interviewee. He establishes the importance of the analytical category of race, on the one hand by underscoring the different treatment that the »group of guys in front of us, all of them white« gets, and on the other hand by stressing that this experience with the police is not the first: »This is something that happens continuously.« This way of framing police critique, based on a comparison between oneself and subjects who hold a hegemonic position in society, departing from concrete, everyday experiences, is by no means exceptional: it is a pattern that has a strong resonance in the international literature (Glover, 2009).

The theoretical question is how to make sense of the phenomenon of disproportionate police stops. In my previous work I have argued for the importance of investigating racial profiling as a form of repression (Schclarek Mulinari, 2019), but also in relation to the concentration of crime and violent acts in certain neighborhoods where disadvantaged populations reside, many with migrant background. Sweden over the last decades has seen an increased number of deadly shootings in criminal milieus, a problem concentrated in »vulnerable areas« where the level of lethal violence is 3.5 times higher than elsewhere (Brå, 2019). Place as an analytical category is, however, not the only piece of the puzzle. According to my research, it is of utmost importance to investigate racial profiling in the Nordic context as a practice that enforces an imagined community based on whiteness as the norm against which the bodies of »others« are measured (Schclarek Mulinari & Keskinen, 2020). Racial



imaginaries among police officers play a central role as to who gets stopped in police controls:

We use skin color as a selection criterion in certain situations. If you're carrying out an internal immigration control, as the police are obliged to do since we joined the EU, then [. . .] if you see two individuals in the subway, one a towhead and the other like you, well, it's not really surprising that someone looking for foreigners automatically looks at you and not at the towhead (Swedish Police, Man).

The police officers that I have interviewed have all denied the existence of racial profiling within the force. They tended to regard their work as race-neutral and based on facts. In contrast, in this extract it is described how skin color constitutes a »selection criterion« when border controls are conducted, a feature in policing that Swedish scholars decades ago highlighted (Hydén & Lundberg, 2004). While »not really surprising« the taken for granted link between national identity and whiteness constitutes a violation to the law that does not allow for race or ethnicity to form the basis for police operations. An interpretation is that when the police officer refers to the interviewer, who has Latin-American background in opposition to the »towhead«, he reaffirms whiteness as a core principle on which the Swedish state formation is based.

4. Under-protection and the unequal distribution of security

In the community survey that we conducted in Järva, questions regarding policing were combined with questions related to exposure to crime and victimization. Of the respondents, 18 percent stated that they had been exposed to crime in the form of physical violence or threats of violence in the last twelve months. The community survey also revealed that harm caused by community violence extends beyond the individual experience. When asked whether they knew anyone in their residential area who had lost his/her life through lethal violence, 20 percent answered that they knew one such person and 35 percent that they knew several: a total of 55 percent. These results need to be contextualized: the Järva area of Stockholm is the place where the deadliest conflict between criminal networks has taken place in recent years, and three of Sweden's 60 »vulnerable areas« are located here according to the Police (Polisen, 2019). Given this background, it is not surprising that about half of the respondents in the community survey worried that friends or family members would lose their lives by lethal force. My interpretation is that these results disclose the problem with the under-protection of ethnic minorities and racialized communities. This is a phenomenon that comes in many forms:

A month ago, there was gunfire in Husby. Somebody had mixed up the car that my brother and his friends were sitting in and fired several shots at it. They were injured, but miraculously survived. [...] The ambulance didn't dare to come until the police were on site. So when the police get there, everyone's screaming: »Where's the ambu-



lance?» The guys start to argue with the police. That's when the police grab hold of my brother and say: »You're not going nowhere« – while he's bleeding from his face. There's a fuss, and the police put the guys in a car. Then the ambulance arrives. Only after they've been frisked are they taken to the hospital (Man, Stockholm, 30).

As with experiences of over-policing, experiences of under-protection appear in different ways. The phenomenon should therefore be evaluated in relation to a continuum of examples. In this case, the interviewee describes a life-threatening course of events where his brother and his friends, rather than being treated as victims in need of urgent care, are treated based on the risk assessment of their being potential criminals. Another consequence of the over-policing of ethnic minorities and racialized communities is avoidance. Nordic scholars have previously underlined that biased policing risks reinforcing spatial segregation, reducing the opportunities for some groups to use city spaces (Keskinen, et al., 2018; Saarikkomäki & Alvesalo-Kuusi, 2020). In my interviews this theme also emerges:

When I see the police, I take a detour. You don't want to run into them; you kind of run in the opposite direction. Avoiding them, instead of feeling: »Oh, there's the police – that feels safe. I can walk here« (Man, Stockholm, 20).

This interviewee chooses a different path when he encounters the police. I interpret this as the consequence of over-policing and the fact that he fits the 'profile', at risk of being stopped and searched. However, the consequence is that he does not feel »safe« in the sense of being protected by the officers of the law. As such, I suggest that the phenomenon of racial profiling should be explored – as argued before, in relation to crime – and in the spectrum of over-policing and under-protection. These three aspects constitute a triangle through which the phenomenon can be evaluated.

We were driving. I'd been to work; my husband came to pick me up. We were supposed to pick up our daughter from kindergarten, but my mother did instead – luckily. Because on the road, a guy in his mid-twenties approaches. He's an addict; we know him from before. He starts to drive into our car. It felt like being in a horror movie – I've never experienced anything like it. So I called 112 and screamed: »We're going to die soon.« Smoke began to come from the engine. I screamed into the phone: »We need the police.« [...] When the police did arrive, the first thing they said was: »Ah, so you're Roma. Can you not handle this yourselves?« Then they continued: »Is this a family dispute? Do you have a driver's license? Have you been drinking?« Like, nothing about the perpetrator. They thought maybe we had stolen the car (Woman, Gothenburg, 35).

The consequence of the police gaze being focused on the interviewees' background – »Ah, so you're Roma. Can you not handle this yourselves?« – is that inhabitants are not treated as equal before the law. Rather than protecting or providing order, stereotypes are reinforced. Security is a right of every citizen, and it is a value expected to be provided by the authorities. The interviewee underlines this in her statement: »I screamed into the phone: 'We need the



police.« The police being the main state institution tasked to combat crime, the consequence of failure is the unequal distribution of security across groups in society. This topic, particularly in the context of a concentration of violent acts in certain neighborhoods, must be critically assessed by criminologists interested in matters of racism and discrimination.

5. Concluding reflections

In this essay, I have presented my own research that critically explores current forms of policing that disproportionately target ethnic minorities and racialized communities. By highlighting problems with racial profiling, and focusing on matters of over-policing and under-protection, a research agenda has been advanced that I suggest is central for scholars interested in exploring forms of policing that meet community needs. This perspective is neither new nor innovative. In the Macpherson report, David Muir, representing the Black Churches, states that »the experience of black people over the last 30 years has been that we have been over policed and to a large extent under protected«. This judgment is commented upon in the following way by the authors of the inquiry:

That theme was heard wherever we went. It was also echoed by a simple but eloquent and clearly heartfelt plea which occurred and reoccurred with frequency and force at every location: »Please treat us with respect« (Macpherson, 1999, p. 45).

What my research suggests is a way to translate this theme to an analytical frame. This entails acknowledging problems with prejudice, discrimination, and racism within the force, in the way that crime is policed, and order enforced, as well as problems with victimization that follow from community violence. Given the accentuation of law and order polices in the Nordic countries that in particular are targeting ethnic minorities and racialized communities, this research agenda is of paramount importance.

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