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Citation:

Long, L (2021) The Ideal Victim: A Critical Race Theory (CRT) Approach. International Review of Victimology. ISSN 0269-7580 DOI: <https://doi.org/10.1177/0269758021993339>

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Article (Published Version)

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The ideal victim: A critical race theory (CRT) approach

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International Review of Victimology
1–19

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DOI: 10.1177/0269758021993339

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Abstract

Using a critical race theory (CRT) framework, this paper analyses Black and Black mixed-race people's experiences of reporting crime. It is based on qualitative interviews with 20 participants. The analysis finds that the process of becoming the (un)victim is mediated through the intersection of race with gender and masculinity, class and migrant status. Ultimately, Black and Black mixed-race men are the 'ideal offender' rather than the 'ideal victim' (Christie, 1986). The research finds that the (un)victim experiences racial re-victimization and develops an altered perception of the police as a trusted body. The racialized affect of being the (un)victim is greater than the effects of minor crime on the victim. The challenges that this poses to the relationship between Black communities and the police are explored and the implications for future practice discussed.

Keywords

Race, black, police, victim, critical race theory (CRT)

Introduction

There has been a significant political shift towards the rights of the victims in the UK since the early 1990's.¹ The first '*Victims Charter*', which set out what kind of service victims of crime could expect, represented a clear shift towards a customer service focused response to victims of crime as part of a wider political re-centering of punitive responses to offenders and a more victim-centred criminal justice system (see Rock, 1990). The charter was updated in 1996, towards a more 'victim friendly' criminal justice process and led to the creation of a number of victim-centred initiatives which encouraged courts and probation services to incorporate a 'victim perspective' (Spalek, 2017:144). It was superseded by the *Code of Practice for Victims* (Victims Code) in 2006, the most recent version of which, updated in 2015, sets out minimum requirements for the support and protection of victims of crime (Wedlock and Tapley, 2016). There are multiple entitlements set out in the Victims Code; in summary, at the time of reporting the offence, the provisions of the

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Code entitle the victim to be given written evidence that they have reported a crime, to be updated as to the progress of any investigation at intervals agreed with a police officer, to be informed if anybody is arrested or charged with the offence and to be referred to a victim support service (Ministry of Justice, 2015). However, these entitlements are only relevant to those who are identified as victims through a process of 'becoming' a victim (Rock, 2002). This involves several actors – the victim themselves, the public, the media and criminal justice agencies, including the police.

Black, Asian, mixed and other ethnic groups experience greater incidence of victimization than Whites in England and Wales (ONS, 2018). Further, Black or Black British adults are least likely to report confidence in their local police (ONS, 2015). However, unless their victimization is precipitated by 'racially motivated' behaviour, for example, in the case of racist violence (see Bowling, 1999) or hate crimes (Chakraborti, 2018; Zempi, 2018), it is generally interpreted through 'generalist frameworks', which fail to consider the impact of the subject's position on their experiences of victimization. Women are produced as 'risk-prone' (victims) and men as 'risk-free' (perpetrators) (see Walklate, 2007: 52). The construction of the perpetrator as male, within generalist frameworks of victimology, situates them as the 'ideal suspect' rather than the 'ideal victim' (Christie, 1986); this is compounded for Black men in particular, who are criminally racialized as 'perpetual suspects' (Long, 2018; Long and Joseph-Salisbury, 2019). Black people's relationship with the police has historically been characterized by over policing through stop and search and arrest (Home Office, 2018), use of force (Dearden, 2017; Gayle, 2015) and disproportionate deaths in police custody (Angiolini, 2017; IRR, 2015). Generalist frameworks of victimology have failed to address the impact of histories of racialization and criminalization on the process of 'becoming' the 'ideal victim' (Christie, 1986) and their intersection with class, gender and 'sexual politics' (Collins, 2004). Through a CRT framework, this paper analyses Black and Black mixed-race people's experiences and perceptions of reporting victimization to the police. It centres race and racism in its analysis and draws on experiential knowledge of racialized victims to develop a counter-story to the dominant narratives of victimization, hitherto understood with reference to generalist frameworks of victimization. Utilizing Christie's 'ideal victim' thesis, this paper examines how racialized policing shapes the process of 'becoming a victim' (Rock, 2002), re-conceptualizing the ideal victim through a CRT lens. It concludes that through racialized policing Black bodies become the (un)victim.

Becoming the victim

The procedural justice thesis proposes that public perceptions of the police, and their willingness to accept them as both a legitimate source of authority and protection, can be understood in relation to fair treatment and a fair process for administering justice (Sunshine and Tyler, 2003). From this perspective, unsatisfactory contact with the police erodes perceptions of their effectiveness, whilst positive contacts can improve perceptions of fairness (Bradford et al., 2009; Tyler, 2006). Satisfaction is contextual; for suspects fair treatment is the most significant factor in their perceptions of procedural justice, whilst for victims of crime a satisfactory outcome is most significant (Kristina, 2009). A courteous, concerned and understanding approach to the victim gives the impression of professionalism and greatly impacts on victim satisfaction (Brandl and Hovarth, 1991). However, procedural fairness is less effective at improving perceptions amongst ethnic minority communities. Murphy and Cherney (2011) suggest that procedurally unfair treatment by the police communicates to citizens that they are considered low status, and they are therefore less likely to

positively align with the 'superordinate' group. This is similar to the finding in Bradford et al. (2014) that identity operates as a 'social-psychological bridge' in citizen perceptions of fairness and legitimacy; when they are treated in procedurally unfair ways they are forced to question their relationship to the dominant group, and consequently their relationship to the state through the police. Whilst the fair treatment of victims of crime, by the police, has clear impacts for the satisfaction of the victim (Long, 2018), the procedural justice thesis fails to explicitly name racism or racialized processes of criminalization as mediating citizen/police encounters. There is an implicit acceptance that policing operates on the principle of consent and that it is both possible and desirable for all citizens to consent to being policed in order to secure legitimacy. From a post-colonial perspective, contemporary policing emerged through, and in relation to, colonial practices (Bell, 2013; Sinclair and Williams, 2007); it is, therefore, bound by its 'imperial linkages' (Cole, 1999). The core function of policing is to control the undesirable Other (Brogden and Ellison, 2013), who are the subject of policing and, therefore, cannot consent to being policed. Within a racially predicated society, Black bodies are constructed as the undesirable Other in relation to crime prevention and control. Racialized police practices, which respond to criminalizing narratives of the Black suspect, serve to uphold the racially predicated system of White supremacy (Mills, 1997), through which the police emerged in the colonial period. This is crucial to understanding the relationship between the police and Black communities in the UK, including their experiences of 'becoming' the (un)victim.

The ideal victim is a person or group who, when they experience crime, 'most readily are given the complete and legitimate status of being a victim' (Christie, 1986:18). The police are significant actors within this process of conferring victim status and they are often the first point of contact for the victim following the crime; it is their response to a report of crime which determines whether the complainant becomes a victim or not. The decision to act upon the report is influenced by the nature of the crime. The police broadly conceive of their role as crime fighters; incidents which do not require the performance of this role and tasks which involve paperwork and customer service are not seen as proper police work (Loftus, 2009; Reiner, 2010). Further, the decision to act upon a reported crime is influenced by the perceived worth of the victim. Worthiness is assessed in relation to socio-economic, structural and demographic factors, as well as the perceived legitimacy and innocence of the victim (Christie, 1986; Loftus, 2009; Van Wijk, 2013; Walklate, 2007). To receive victim 'services' the subject must first be accepted as a worthy and legitimate victim (Christie, 1986); in order to do so they must have sufficient power to make their case known, or they must not be prevented from making their case 'heard' by 'strong counter-powers' (Ibid:20). Within a racially ordered society, worth is predicated on proximity to Whiteness (Mills, 1997). Black bodies are routinely over-policed and constructed as criminal – 'perpetual suspects' – this limits the victim's power to make their case 'known' and the racialized relationship between police and Black communities' acts as the 'counter-power' to them being heard and taken seriously as victims of crime (Long, 2018). The process of 'becoming a victim' is discordant with the victim's perception that they are a victim by virtue of being the subject of crime, and that the police will treat them as such.

The *Code of Practice for Victims* sets out the victim's entitlement to 'services' in the aftermath of a crime. The victim is defined within the code as somebody who 'has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence' (Ministry of Justice, 2015:1). The physical, mental, emotional and economic harms upon the victim vary between crime type; however, the emotional impact of crime, including shock and anger, affects 80% of all crime victims (Shapland and Hall, 2007: 188). When victims receive

appropriate support in the aftermath of crime this can mitigate against the harm caused by the crime itself, whilst the failure to respond appropriately to victims of crime causes secondary harms or re-victimization. This is significant for Black victims. Yarrow (2005) found that Black victims of crime perceived that their reports of victimization would be taken less seriously than those made by Whites. Similarly, Sharp and Atherton's (2007:755) research indicates that, on the basis of their negative experiences of police contact, young Black males avoid the police and develop their own strategies to deal with this absence. Moreover, young Black and Minority Ethnic young people are left feeling 'victimized' by their experiences of stop and search (Keeling, 2017; also see Barrett et al., 2014), reducing the likelihood of them calling the police for assistance or to report a crime. Previous experiences of racialized policing, for example stop and search, unfair arrest or excessive use of force or restraint, have a significant impact on trust and confidence in policing (Long, 2018). Further, negative experiences of reporting crime impact upon Black people's willingness to approach the police in subsequent incidences of victimization (Ibid). The experience of police contact following victimization is frequently overlooked in the literature on Black people's relationship with the police; this paper will analyse these experiences and their impact on perceptions of the police as a source of help.

Methodology

Critical race (CRT)-grounded theory (GT) framework

The study utilized an adapted grounded theory (GT) method that adopts a CRT conceptual framework (also see Malagon et al., 2009). This differs from a traditional GT approach as it assumes an ontological standpoint that society is racially ordered, and this prior assumption cannot be set aside. CRT developed in North America through the work of Black scholars (notably, Bell, 1991, 1992; Crenshaw, 1989, 1995; Delgado, 1994, 1996; Matsuda, 1987, 1989), within the field of legal jurisprudence. More recently it has emerged as a research framework in the UK context, in the field of education (Doharty, 2019; Gillborn et al., 2012; Gillborn, 2015; Joseph-Salisbury, 2019); sport (Hylton, 2010, 2008) and criminology (Glynn, 2013; Long, 2018). A CRT approach draws from the experiential knowledge of racialized participants; it centralizes race and racism in its analysis of power and inequalities (see Delgado and Stefancic, 2017). Resultantly, theoretical understandings of the operation of White supremacy (Mills, 1997) and its maintenance through authoritarian police power (see Hall et al., 1978) emerge. The interview method was a good fit for the CRT framework; as argued by Parker and Lynn (2002:11) 'the interviewing process can be pulled together to create narratives that can be used to build a case against... discriminatory practices'. The constructivist approach to a GT method (see Charmaz, 2006) is inductive, and seeks to construct theory from the experiences that emerge from the participant's conversations with the researcher. The 'co-construction of meaning', through the 'subjective interrelationship' between the participant and the researcher (Mills et al., 2006), was facilitated through both the dialogue within the interview and the sharing and editing (where requested) of interview transcripts. The interviews were fully transcribed and coded in Nvivo, supplemented with manual coding. The CRT-GT approach facilitated an analysis of 'context, positions, discourses and meanings' (Charmaz, 2006: 362) through which a Critical Race Theory of policing emerged to challenge the dominant narrative of denial (see Long, 2018 for full discussion).

Research and participants

The aim of the study was to examine the lived experiences of Black and Black mixed-race men and women's experiences of policing in the post-Macpherson period.² The research was qualitative in nature and relied upon interview data from 20 semi-structured qualitative interviews with both men and women who identified as Black or Black mixed-race, over the age of 18, and who had an experience of policing that they wanted to talk about. The call for participants was deliberately non-specific in terms of the type of experience, potential participants were recruited if they had 'an experience of police contact that they wanted to talk about'. The final sample included 15 men and five women, between the ages of 23 and 55; all participants are referred to by a pseudonym. Recruiting younger participants proved difficult; therefore, the study represents a diverse sample, across a range of ages, education and professional backgrounds. Those in the older age bracket were able to reflect upon a longer trajectory of experiences spanning different periods in the pre- and post-Macpherson context. Participants were recruited through gatekeepers, attendance at local events, specifically those associated with Black History Month celebrations, a Facebook project page and through Black staff forums. The interviews were semi-structured and explored participants' experiences of police contact over the life course, and the ways in which their experiences were shaped through race, class and gender (sexuality and disability also emerged in a small number of interviews). The findings are presented in full in Long (2018); this paper focuses on one emergent theme – experiences of being a victim of crime. Therefore, this paper presents data from those participants who recalled experiences of victimization.

The interviewer was a White woman. In this context rapport building was an important part of the interview process. Edwards (1990:486) found that rapport was easier to establish once the (White) researcher acknowledged the difference in structural position within the interviewer/participant relationship. Recognizing the multiple identities that all participants in a research relationship occupy, including race, gender and class, is essential to building trust (Aitken and Burman, 1999: 277, Gunaratnam, 2003). Working in a self-revelatory mode, including recognizing identities, and the researcher's interest in the research area (originating with the friendship of, and campaigning with, a family member of a Black man who had died in police custody), established a level of trust from the outset. Further, the differences between participants in a research relationship can operate to challenge 'epistemologies of ignorance', through informing the 'knower's [researcher] relationship to knowledge production' (Ladson-Billings, 2000: 266).

Results and discussion

Becoming the (Un)victim

In order to successfully claim the legitimate status of victim, the individual must have sufficient power to make their case known, and not be prevented from being heard by 'counter-powers' (Christie, 1986: 20). However, the evidence suggests that those who perceive themselves to be victims are not heard equally and the racialized relations between the police and Black complainants position the police as a 'counter-power' in the reporting process. When Black people report being a victim of crime they are often treated as suspect. This is manifest in the failure of the police to take the complaint seriously, particularly when the offender is White and, most significantly, when the perpetrator is a White female. There were several examples of this in participants' experiences of reporting victimization. This is borne out in Shawn's experience of reporting an incident in which a White female driver bumped his car in slow moving traffic. Both drivers pulled

over to exchange insurance details; however, when Shawn got out of his vehicle, the woman drove off. Shawn was able to provide the police with the car registration number and they traced the driver. Her car was legitimately on the road and there was no obvious reason for her to avoid swapping insurance details. When the police spoke to her about the incident, she told them she had left the scene of the incident because of a perceived threat. The police officer told Shawn, 'I can't tell you what she said, but she said she felt threatened'. Shawn was unable to understand her fear as he had not spoken with her. He felt that the woman had responded to a stereotype of the 'big Black man' as a threat and she had used this as a reason for leaving the scene of the incident. It was not her perception that Shawn took issue with, rather it was the police officer's response:

I find it totally out of order; you know how the police handled it as well. They didn't even, you know, tell me if it was something she could get done for or if I could pursue it further. For me that's not justice. I wasn't happy at all. (Shawn, 39, Black, British, male)

Here, Shawn's expectation that the police would pursue his complaint was thwarted by the reality of being constructed, through Blackness, as perpetually suspect. Rather than becoming the victim in the interaction with the police officer, he is a threat; he becomes the (un)victim. In accepting the perpetrator's reason for leaving the scene of the incident, the officer legitimized her 'White fear'. In the act of 'moving away' (Russell-Brown, 1998) from the feared Black man she was seen as legitimately protecting herself. This unquestioning acceptance of the White woman's version of events, also prevented Shawn from making a complaint about the way he was treated.

I don't know if I'd ever find out what she said to the police, but I think I'd need to get some help with that [complaint], because of my race and you know so forth I don't think I'd be fully supported in that because of what she potentially said to the police.

Shawn's experience suggests that little has changed since Macpherson's (1999) finding that, in relation to racist incidents, Black victims were, time and time again, constructed as perpetrators, and the White version of such incidents was 'all too readily accepted by police officers' (Macpherson, 1999: 45, 11).

Shawn's experience was not uncommon; another two Black, male, participants recalled a similar incident in which a White perpetrator (one male, one female) hit their car and left the scene, without any repercussions. The gap between a victim's expectation of what will happen when they report an incident to the police and their experience, forces them to reflect on racialized policing as an explanation for the unsatisfactory police response. They, then, draw comparisons between their treatment and how they perceive that the outcome would be different if they were the perpetrator. As Shawn reflects:

If that was **me** [emphasis] I'd have probably been pulled up for that. Not to call the race card but if a [Black] man was to hit a lady's car, a lady on her own as she was, and drove off. I think it might have been a different story.

In the scenario that Shawn envisages here, the White women would be more likely to be accepted as the ideal victim through her perceived vulnerability to the threat of the 'big Black man'. The ideal victim (Christie, 1986) is weak (elderly, sick or very young), engaged in respectable activity, and therefore innocent. Referred to as 'she' in Christie's (1986) work, the ideal victim must also align with desirable

notions of (White) feminine demeanour (see Collins, 2004). She is unknown to the perpetrator and therefore has not precipitated her own victimization – the offender is ‘big and bad’ (Christie, 1986).

In the racialized relations between the police and Black bodies, the Black victim (men in particular) is suspect through ‘the fact of blackness’: the Black man has no ‘ontological resistance’ to his construction through the White gaze (Fanon, 1986: 257–258). This was evident in Eric’s description of his encounter with the police when reporting a burglary. Eric arrived home from work to find that his flat had been burgled and the intruder had left a kitchen knife on the floor. In a state of panic Eric called a friend who then advised him to contact the police. When the police arrived they made a note of the missing items and proceeded to question Eric about his contacts and friends, and whether he suspected anybody known to him. The line and manner of questioning made Eric feel like the ‘perpetrator’ rather than the victim:

When I got burgled, I was a suspect already rather than them trying to establish I was a victim. Nobody reassured me that you’ve been a victim of crime, they started asking me questions. Who do you think it was? Why did you take so long [to call the police]? (Eric, Black male, 32)

Eric’s expectation was that the police would validate his victim claim. Instead, he was questioned about his own response to the burglary and his contacts. Eric was left feeling ‘unsafe’, and the police’s lack of follow up action left him feeling that he had not been taken seriously. Scene of crime officers dusted the property for fingerprints on the day of the report and took Eric’s fingerprints for elimination purposes; however, there was no follow up information and Eric assumed, on this basis, that there had not been a full investigation into the burglary. The only follow up contact he received was a standard letter drawing his attention to the Victim Support charity (as required by the *Code of Practice for Victims*). Eric described his property as being in a ‘deprived’ area. The postcode is known locally as an area with a significant ethnic minority population and is perceived as a ‘high crime’ area. Drawing on the intersection of race and class, and the attribution of both to geographical space, Eric claimed that the police ‘don’t’ really care and don’t take people seriously’ when they live in such spaces, because of the higher crime rate. He compared this to how he thought that the police would treat a victim of burglary in a middle-class White area, and in the context of the theft of higher value items. In this case, Eric perceived that the police would make enquiries and attempt to ‘solve’ the crime rather than questioning the victims. Eric’s response underlines the racial affect³ of unsatisfactory police responses to victims of crime in the context of a racially unjust society. As shown in Bradford et al. (2014), the perception of unfair treatment by the police signals to people that they do not belong to the ‘superordinate’ group. This poses a challenge to both their identification and their perceptions of the police as trustworthy.

Not all participants felt that their initial contact with the police was negative, or that the police failed to take them seriously upon reporting a crime. However, even when initial contact is courteous, when victims’ expectations of the investigation process are not met they are confronted by their Otherness. Samuel contacted the police when his car was hit by another driver who drove away from the scene of the accident. He contacted the police station by telephone and had a positive experience of reporting the crime. During the initial phone call he found the officers who dealt with his report very helpful.

These staff who I talked to on the phone were willing to help, ‘please come in I will be there’, I went to the police station they inspected the car, he [officer] was really nice. What happened after that was a different story. (Samuel, 45, Black, male)

In Samuel's case, the officer did all of the things that Samuel expected. He was treated in a courteous manner, the car was inspected, the police officer took a statement and used the registration number to trace the (un-insured) owner of the vehicle and Samuel was given the name and number of one officer who would be dealing with the investigation. Initially, Samuel was satisfied with the way he had been dealt with. However, when he was not updated on the progress of the case, and was unable to speak to the named officer over a sustained period of time, he became increasingly 'frustrated'. He eventually pursued a complaint through his local councillor and was able to ascertain that the case had been closed; he had not been informed as is the appropriate course of action set out in the *Victims Code*. He was left feeling as though the police had not taken the incident seriously. As a recent migrant at the time of the incident (one month in the UK), and having lived in Scandinavia for a number of years previously and experienced racism there, it occurred to him that either or both of his migrant status and race could have been a factor in the failure to follow up. His expectations of the British police were higher than that in the country he had previously lived in (also as a migrant), because of the international coverage of the Stephen Lawrence Inquiry report findings. However, the unfair treatment he encountered led him to doubt the extent of the resulting reforms: 'I know they [police] do a good job but I also have something in the back of the mind that if it is something personal, they might not really deal with it'.

Being 'foreign' was a factor perceived to influence police engagement with victims.⁴ Signifiers such as accent or a non-English sounding name become signs of Otherness, limiting their power to make their case 'known' as the victim. When Kenneth's (Black-African, Male, 38) bike was stolen in a busy city centre area he reported it to the police, expecting that they would investigate or seek out and review CCTV evidence. He was told he would be kept informed as to the progress of the investigation; however, this did not happen. After one month he received a letter informing him that the case had been closed. Kenneth noted that when the police wrote to inform him that the case was to be closed, they mis-spelt his ('foreign') name; a name he had provided and spelled out upon reporting the theft. This, possibly unintentional, misspelling of Kenneth's name shows a lack of 'care' for the victim. Further, it marks his Otherness; as argued by Ahmed (2007:161) 'the stranger becomes a stranger because of some trace of a dubious origin'. This dubious origin distances the Black 'foreigner' from the 'ideal victim' image, because the 'dangerous man coming from far away' (Christie, 1986:26) represents the opposing figure of the 'ideal offender'. Through the already racialized relationship, which positions the Black body as 'suspect', the police serve as a 'counter-power' preventing the victim from being heard. The victim is denied victim status and, through this process, becomes the (un)victim.

Black masculinity and the ideal offender

Not only does the Black male body too readily become the (un)victim, the stereotypic, hypermasculine, hypersexual, threatening, big, Black man trope, relied upon to justify their enslavement and control in the nineteenth century, endures and serves to construct the Black male body as a 'monstrous' threat (Long and Joseph-Salisbury, 2019). As Bell Hooks argues, 'at the center of the way black male selfhood is constructed in white-supremacist capitalist patriarchy is the image of the brute' (Hooks, 2004: x). This looming spectre of Black threat is dichotomous to the image of the 'ideal victim'. This image serves to produce Black bodies as suspects rather than victims, and shapes their encounters when they contact the police for assistance. Marcus (Black British male aged 44) recalled an incident involving a dispute with his neighbour over a land boundary. Marcus had built a fence which the neighbour claimed was blocking her entrance. During an argument

about the fence, the (White) neighbour proceeded to kick the fence down, and Marcus called the police. When they arrived, they immediately went to speak to the neighbour. The woman denied kicking the fence down and following their inquiries, the police did not take any action against the 'offender'. They told Marcus that it was her word against his. This led him to reflect upon his worthiness as a victim- 'if it's my word against hers then why is my word not any better than her word?'. Marcus was left feeling that the police were 'protecting' the woman (perpetrator) from him (the victim); he concluded that 'as a Black person I am always seen as an offender'. Drawing upon his previous experiences of being treated as a suspect through routine police encounters, such as stop and search, Marcus is forced to confront his interpellation as the threatening Black man, and consider that this might explain the failure of the police officer to accept his version of events, when countered by the voice of the 'vulnerable' White woman.

Despite an increasing awareness of the experiences of male victims of crime, the legacy of the emergence of victimology within a positivist framework, which defined the victim in legal terms and paid little attention to the social construction of the victim, produced men as the 'victimological other' (Walklate, 2007). Their experiences of victimization fall outside of the 'normative' understanding of who is a victim as the ideal victim is female and the ideal perpetrator male. This is especially pertinent when men are victims of violence at the hands of a woman (see Cohen, 2018 on sexual violence). When this construction converges with the embodiment of the Black 'brute' the victim is imagined as the 'Black against the White victim' – both morally, as Christie (1986) argues and literally. Phillip recalled a situation when he called the police during a physical attack by a former partner:

I ran out of the flat and she went back in to get a knife to come to attack me [laughs] and I called the police because she's done it once before with stones to destroy my car. And this time when the police came, they went into her flat to try and calm her down, only for her to say I assaulted her and the police ended up arresting me . . . I thought the police came to protect me because I was the one who was being attacked. (Phillip, 45, Black, African, Male).

Despite the fact that Phillip's partner was significantly taller than him – 'she is about six-foot-tall very big and I'm five foot' – and had previously damaged Phillip's car, the police officers in attendance assumed that he was the aggressor. As Phillip reflected, 'I think the police saw it as their duty to protect the woman'. In this case, the aggressor was a Black woman; however, the assertion of vulnerability through the aggressor's deference to constructions of appropriate feminine demeanour (see Collins, 2004), enabled her to negotiate stereotypical constructs of Black women in this police encounter. This negotiation is not possible for perpetually suspect Black men (Long, 2018). The threatening Black male trope was, in this case, compounded by Phillip's sporting prowess – 'when I was interviewed, I remember the police officer saying "well she [partner] said you are a boxer"'. This narrative served to position the woman closer to the 'ideal victim' than the perpetrator and construct Phillip as the 'ideal offender'. Not only does he become the (un)victim, he is arrested and treated as the suspect.

Within the context of a victim-focused criminal justice politics, a more punitive discourse has emerged, within which citizens are dichotomized as either the 'law abiding' citizen or the 'law breaker'. This creates a victim-offender dichotomy; the state functions as the protector of the deserving law-abider and arbiter of the undeserving law breaker (see Drake and Henley, 2014). This dichotomy presupposes that a person is either a victim or an offender, but they cannot be both. Lee recalled a time when, as a university student, he was involved in a fight outside a nightclub

after being racially abused by a young White man. The police arrived and only Lee was arrested, whilst the White man who had verbally abused him was not. The fact that he had been the victim of a 'hate crime' was ignored. As Lee recalled:

They were very dismissive [about the racial abuse] . . . the onus was fully on me, there was nothing about the other direction. I was just constantly defending myself, no consideration of me being the victim. (Lee, Black mixed-race, male, 23)

In a racially predicated society, where Black male bodies are perpetually suspect, they are already constructed as the undeserving law breaker in the public and 'police imagination' (Long, 2018). The victim-offender binary makes it even more difficult to be heard as a victim when they are involved in an incident in which they are more easily seen as the offender. This is evident in Phillip's experience as a victim of crime at the hands of his female partner, and in Lee's encounter with the police when he reacted to racial victimization. This construction is consistent with the image of the 'ideal offender'. Christie (1986: 26) posits that 'the ideal offender differs from the victim. He is, morally speaking, Black against the White victim. He is a dangerous man coming from far away. He is a human being close to not being one'. Whilst Christie's work does not explicitly address the racialization of the victim, it is interesting to note that he uses black and white to make a moral distinction between the ideal victim and the ideal offender, in which the ideal offender is 'black' against the innocent victim's 'white'. The binary of deserving and undeserving victim is constructed in both moral and racial terms; further, the 'he' in Christie's work highlights that femininity is not associated with the construct of the 'ideal offender'.

When Black men's experiences are contrasted with Black women's experiences of reporting crime, their experiences are often more positive. For example, Janice, a professional Black woman (aged 37), expressed that when she had been a victim of crime, including burglary and criminal damage to a vehicle, the police had been 'nice and open minded' in their dealings with her. She felt that 'as a victim of crime they will support you'. Similarly, both Carol and Cynthia had contacted the police following a burglary. The police responded to their reports efficiently and provided 'reassurance' (Cynthia, 42, Black, female). None of the women here had a history of offending, and both Janice and Carol were employed in a respected profession. These factors are significant in understanding why their experiences were more positive than those recalled by the 'perpetually suspect' men. Compliance with the process and evidence of compliance with the law, through an absence of previous offending, and alignment with desirable social status (e.g. professional status), demonstrates that they are not like the threatening 'big Black man', nor are they like the stigmatized working class Black woman who represents the 'least desirable form of femininity' (Collins, 2004: 199).

Reporting victimization was a very different experience for Alice (Black mixed-race, female, 38), who had a history of petty offending linked to drug addiction. At the time of interview she was 'clean' and pursuing a degree; however, her experiences of the police were significantly shaped by being 'known' to them from the time of her first (minor) offence in her teenage years. She recalled a number of occasions when she had asked the police for help and had not been treated as a victim. On one occasion a stranger had knocked on her door and asked her to phone the police, as her boyfriend was being attacked. Alice contacted the police and waited an hour for a response, despite her insistence that it was an emergency. When a police officer attended, she was told 'oh, we heard your name and thought here we go'. In another, more serious, incident, Alice was the victim of sexual assault by her former partner, in front of her small child. Despite reporting this to the police and attending a specialist rape suite she was not examined. She provided her clothing, as evidence,

but heard nothing. The officer in question was intent in dissuading her from pursuing charges against the offender. This had a significant impact upon Alice and her perception of her own victim-worthiness in relation to the police. Alice said, 'it still affects me . . . it not just the police, it's the incident, but the fact that the police didn't help. I think it makes it ten times worse to be honest'. Through her previous contacts with the police as a suspect Alice becomes the 'delinquent victim' (Miers, 2000). As Rainbow (2018: 267) argues, the offender 'is already a victim of structural inequality and violence'; therefore, they become an acceptable 'target' for victim discourses that position them as less vulnerable, and less deserving of victim status. Through this discourse, Alice becomes an undeserving victim and she is deemed unworthy of assistance. In the process of becoming the (un)victim, Alice, like the Black men discussed here, is forced to confront the institutional Whiteness that determines victim-worthiness through racialized constructions. This has traumatic affective consequences for the victim, as they are re-victimized through the denial of victim status.

Racial affect and Re-victimization

According to the *Code of Practice for Victims*, the victim should 'receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimization' (Ministry of Justice, 2015: 1). When this does not happen, becoming the (un)victim has consequences for trust and confidence in the police. One of the material affects is a reluctance to approach the police in future instances of victimization. Jansson (2006) finds that Black people are less likely to report trivial crimes because they perceive that it is unlikely the police could do anything about it. This is reflected in the participants' accounts here:

[in future] if it's something petty I'll just deal with it myself. Because that was the first time I'd reported a police case. I thought they would deal with it but they didn't. (Kenneth, 38, Black, male)

Obviously, if it was something serious like if someone had burgled my house or you know if I got seriously attacked or something then I probably would go to the police, but if it was just a minor thing, I'd probably think I can't be bothered with the hassle of dealing with the police. (Robert, 27, Black mixed-race, male).

If there was another incident, I would still go for it again [report it to police]. Particularly if my kids are around, trying to teach them some good examples of how you go through things in an orderly fashion. But it just might mean that my expectations aren't maybe what other people's expectations are of getting a suitable conclusion to it. It just feels a bit like groundhog day sometimes. Right yea, sub-standard service again. (Andrew, 41, Black mixed-race, male)

Here, there is a reluctance to trust that the police would deal with the crime satisfactorily, as found in Jansson (2006). Further, the participants anticipated that an encounter with the police would cause 'hassle' or stress. Particularly, when previous experiences of reporting crime had not met with their expectations, Andrew's comparison of his expectations, with the expectations of 'others', underscores the racial affect of institutionalized Whiteness which, through denial, silences racialized differences in policing; however, its 'invisible touch' (Tate, 2016) is felt. This is also reflected in Marcus and Levi's exchange, which speaks to the strategies Black 'communities' draw upon collectively to manage their over policing – one of which is avoidance (see Long, 2018):

- Marcus: I know basically that they're not gonna really do anything. For instance, when they came out for my fence being kicked down they said to me how much is it worth because we only want to investigate crimes that are worth over a certain amount of money [laughs] . . . I don't know, it's a difficult one
- Interviewer: But you still would phone them if you were a victim?
- Marcus: I still would, yea definitely. I mean I think that's why the police get away with a lot of what they are getting away with cause a lot of Black people or ethnic minorities don't phone the police do they?
- Levi: I'm guilty of that
- Marcus: some things happen and you don't phone the police
- Levi: You're absolutely right
- Marcus: So when they look at their official numbers they probably think oh well you know nothing's happening to this cause we've not had anybody complaining or and that's because of the distrust that people have got about the police they won't phone up

The strategy of avoidance is informed by both personal experience and protective 'communal narratives' about the experiences of others (Long, 2018). Thomas expressed that he would like to be able to feel that his grandchildren could approach the police for help if they needed it; instead he felt that he needed to protect his grandchildren from the police, and on this basis would not advise them to approach the police as a source of help or protection:

I should be able to be normal and say you know what if you're stuck go and have a word with them, they'll put you in the right direction and I can't say that, I can't say that, I really can't say that' (Thomas, 55, Black, male)

The strategy of 'avoidance' serves a protective function for individuals and communities who are routinely over-policed (Long, 2018). However, it produces a situation whereby racialized victims of crime are excluded from the protection of the state in two ways: first, by virtue of the police response to them which produces them as (un)victims and, secondly, through 'avoidance' for survival.

Not all participants engaged in the sharing of these 'communal narratives' with their children. Andrew had an ambivalent perception of the police. He had experienced overpolicing in his teenage years and throughout his twenties. At the time of the interview he was a criminal justice professional and his role involved working alongside the police on a regular basis – however, in this context he had also witnessed unfair practice. Despite these experiences, he expressed a desire to 'set an example' to his children by encouraging them to deal with their experiences of victimization through the police. During the interview, Andrew recalled a recent incident in which his fourteen-year-old son was thrown to the floor by a local shopkeeper. After taking a statement from both parties, the police officer asked Andrew's son what he would like to happen. He stated that he would like to meet with the shopkeeper and for him to apologize. At a later date, he received a typed note of apology – which was not what had initially been agreed. For the victim, a face to face apology was important:

I'm kind of disheartened by the sub-standard service. I think my son probably just ripped it [typed note] all up and binned it because my son's words to me when he saw it 'is that it? I said what I wanted'. So

straight away you've got a 14-year-old who is disappointed by the police's response. (Andrew, 41, Black mixed-race, male)

In this example, the police have identified the 'tailored response' (*Code of Practice for Victims*) to the victim's complaint; however, when they failed to follow up on the agreed resolution, the victim was left feeling as though they had not been heard. Being heard is an important part of recovery from victimization. Bradford (2011) finds that victims who have access to Victim Support, which gives victims a voice and provide a neutral listening ear, have more positive perceptions of the fairness and effectiveness of the criminal justice process. However, when victims are not taken seriously, are not given a voice and are not given the opportunity to have their complaints fully 'heard', they feel that they have been treated unfairly. This reduces their trust and confidence in the police.

Most of the experiences of victimization discussed here are as a result of petty/minor crimes. However, the failure of the police to confer victim status and allow the victim to make their case 'known' has a greater affective consequence than the crime itself. For example, when the police legitimized the threat perceived by the White, female, interlocutor, who hit Shawn's car and drove off, the impact was evident four years later when he contacted the researcher to share his experience. At the end of the interview Shawn expressed relief that he had finally been able to unburden himself:

I just wanted to get it off my chest because I was so, so annoyed I was fuming with them. I was fuming, fuming. And as I say, I'm not of that nature I just take things with a pinch of salt usually but thinking that's not on that, that's just not on, just not on . . . so yea, really, really glad that I had the opportunity to air my feelings [laughs]. (Shawn, 39, Black, male)

Similar interjections were evident throughout the participants' recollections; exclamations of 'wow' and 'phew' served to release the emotions experienced when recalling brutalizing racist experiences. Laughter was also common (as in Shawn's account above). As Delgado (1989) argues, the stories of the marginalized and oppressed ('underdogs') are often 'ironic or satiric' (p. 2414). This is an element of the construction of the counter-story which, it can be argued, can challenge the dominant position through highlighting its absurdity; this was a key function of laughter in participants' accounts here. Further, it served as a 'pressure valve' which Hylton (2018: 339) argues 'allows a challenging reality to be shared'.

Racial affect is evident in the vehement opposition to the police as a source of help. This is acutely evident in the accounts of those who had extensive experience of being the 'perpetual suspect' (Long, 2018), or those who had experienced one significant, racist interaction with a police officer. Thomas was 55 years old at the time of interview and, during the interview, recalled multiple experiences of negative police contact, from childhood up to the present. Further, his son had recently been convicted of murder under the 'joint enterprise' principle⁵ – he felt that the police investigation and subsequent criminal justice processes had manifested institutionally racist practices, which resulted in his son being 'fitted up'. He had also experienced unsatisfactory responses to reporting victimization (discussed above). When he was asked whether he would approach the police for help if he was the victim of crime, he responded:

Why would I put myself there? Why would I encourage anybody to put themselves there? They've given me no reason to believe that I would be treat fairly. That on its own is enough, but to know that they've got this disease, I call it like a disease, where they have this belief that it's okay to treat Black people in the way they do'. (Thomas 55, Black, male)

The risk of falling victim to a police service contaminated with the 'disease' of racism, was of greater concern to Thomas than the risk of being a victim of crime. This perception that the police are perpetrators of, rather than protection from, victimization was also expressed in Derek's response:

[Laughs] that's a real tough question erm [long pause]. I tell you what, it would be the total and complete last resort going to the police yeah. Honestly, I think about it and I'm saying 'you know what just become a criminal because you've got legalised criminals out there in the shape of the police' but that's not me and I'm not looking to lower myself to those standards. Would I ring the police or would I ring one of my sons' friends and say 'yo, can you come and deal with this for me?' What would I do? It's a question that I can't answer right now because one, I don't want to talk to them, two I don't want them anywhere near me. So. no I don't think I would, there might be situations where I'd have to but right now in my head, I'm saying whatever it is I would not get in touch with the police now way, no way. (Derek, 46, Black, male)

At the time of the interview Derek was pursuing a complaint against the police, following an incident in which a taser was used to forcibly restrain him. At the time of the incident, Derek had attended the home of his ex- wife after he received a phone call from her stating that armed police officers were surrounding her house. Derek recalled that when he arrived at the house, and asked the officers in attendance what was happening, he was perceived as confrontational, and was repeatedly tasered and then verbally abused whilst restrained on the floor.⁶ Derek is a service management professional. Prior to this incident his job involved working with the police. However, following this experience he had time off work and 'turned to alcohol' to deal with the trauma. His complaint to the Independent Police Complaints Commission (IPCC now IoPC) had not resulted in a satisfactory conclusion. Derek was a victim of state violence; both material and symbolic. Further, through the failure of the complaints process to secure a satisfactory response, he experienced racial re-victimization. These mutually compounding experiences of becoming the (un)victim result in a lack of trust in the police; this foreshadows his expectations of the police response to future experiences of victimization. Thomas and Derek became the (un)victim, through racialized policing practices. This amounts to 'spirit injury' (Spalek, 2017), through what Ward (2015) refers to as the 'slow violence of state organized race crime'.

Conclusion

This paper has explored Black people's experiences of reporting crime and victimization to the police. This is a context that has often been overlooked in the literature on race and policing, which often focuses on criminalization through stop and search. Notwithstanding the importance of these experiences in the lives of Black people, victim experiences of reporting crime also have a significant impact on their perceptions of the police and resultant levels of trust and confidence in them. Further, as shown in this paper, their experiences of being treated as a suspect, through racializing and criminalizing discourses, and the resultant disproportionality in stop and search and other policing outcomes, cannot be considered as separate from their experiences of reporting crime. Most victims are 'non ideal' (Christie, 1986). However, Black men, and some Black women (particularly those with an offending history), are not only non-ideal victims; their racialized construction as the 'suspect' is incongruous with the ideal victim and they are constructed as the 'ideal offender'. Not only are they not ideal victims, they are not victims at all: they become the

(un)victim. This forces them to question their worthiness as both a victim and as a citizen and they are burned by the institutional ‘white gaze’ (Yancy, 2017; Fanon, 1986: 86). The lack of recourse to state protection from victimization can be understood as a manifestation of the ‘slow violence of state organized race crime’ (Ward, 2015). This violence is experienced as racial re-victimization and the racial affect can be more significant than the impact of the initial crime.

The counter-story developed through victims’ experiences within this paper foregrounds race and racialized relations as a key factor in understanding victims’ experiences of reporting crime. This presents a challenge to the dominant post-race police narrative and names the ‘invisible touch’ (Tate, 2016) of racism, which is felt within police/citizen encounters. This naming of racism is a crucial step in the process of speaking truth to power; however, once spoken the truth must be heard and accepted. Denial of racialized relations prevents meaningful action. The police as an institution are inextricably linked with histories of race making and control of the Other – their function is antithetical to equity in policing practice. However, recognizing this history and developing an institutional ‘racial literacy’ (Twine, 2004) is an important step towards the re-imagining of Black bodies as deserving victims instead of perpetual suspects.

Acknowledgements

With thanks to David Baker and Linzi Ladlow for their helpful and constructive feedback. This work was supported by the University of Leeds, Teaching and Research Scholarship 2012–2015.

Notes

1. See Rock (1990); Walklate (2007) and Spalek (2017) for a fuller discussion of the development of the victims’ rights agenda.
2. The period after the publication of the *Stephen Lawrence Inquiry Report* (Macpherson, 1999); an inquiry into the Metropolitan Police force’s handling of the racist murder of Black teenager Stephen Lawrence. The report concluded that the Metropolitan Police were institutionally racist. Macpherson’s recommendations led to a series of reforms in UK policing.
3. Racial affect is used throughout to refer to the outcome of the interaction between the felt experience of racialized policing, or the emotional register of its ‘invisible touch’ (Tate, 2016), and the racializing processes in the interaction between the citizen and police officer.
4. This is the case for both suspects and victims. See Long (2018) for a more in-depth consideration of the intersectionality of race, class and migrant status in the police encounter.
5. The joint enterprise principle provides that more than one person can be charged with the main offence through association i.e. all suspects were present at the scene of the crime. Through the racialization of anti-gang strategies, young Black men are significantly over-represented in joint enterprise convictions (see Crewe et al., 2014; Williams and Clarke, 2016)
6. This is discussed in full in Long (2018).

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