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Lisa. J. Long

Black women and White Criminal (in)Justice

Abstract

This chapter argues for the necessity of intersectional analyses of Black women's experiences of criminal justice in the UK. Black women are over- represented in policing and the criminal justice system and are more likely to be victimized than White women; however, there is a dearth of evidence about their experiences. Through an intersectional analysis of the evidence pertaining to Black women's experiences of policing, victimization and imprisonment, this chapter shows that racialized and gendered constructions of Black masculinity and femininity shape criminal justice responses to Black women both as suspects and victims. In some contexts, Black women can mitigate the excesses of contemporary criminal (in)justice through displaying respectability aligned to desirable [White] femininity. Nevertheless, when Black women are poor, 'angry' or criminal, they embody, like the Black man, the ultimate criminal threat and are subject to the excesses of White criminal (in)justice.

Key words: Black, Women, Criminal Justice, Policing, Victims, Prison, Intersectionality

Introduction

Public consciousness, and academic research about racist policing and criminal justice is shaped through a masculinist lens that acknowledges the brutalization of Black men's bodies by agents of the state, whilst ignoring Black women. Three months before the killing of George Floyd[1],26-year-old Brionna Taylor was shot and killed by a police officer executing a search warrant at her home. The lack of public outcry following her death has been held up as an example, through the #SayHerName campaign, of the consistent failure to elevate Black women's experiences of police brutality. Crenshaw (interviewed in Young and McMahon, 2020) argues that George Floyd's killing created such an overwhelming, global response, partly because it is "amplifying what we know racism to have been about". Conversely, we do not know the stories of Black women, and we do not have an accessible 'framework' through which to conceptualize their experiences of policing, including brutality and death at the hands of the police. Similarly, Black women's experiences are excluded from our understanding of crime and criminal justice more broadly (Rice, 1990); this is particularly stark with reference to Black women's experiences of policing, criminal justice and victimization in the UK context.

[1] George Floyd was killed in Minneapolis on 25 May 2020 by White police officer- Derek Chauvin. Video footage of Chauvin kneeling on Floyd's neck for 8 minutes and 46 seconds, an act resulting in his death, was shared around the world. Protests sparked by his killing began in Minneapolis and spread around the world.

This chapter specifically focuses on Black[2] women[3] within the UK criminal justice system. Through an exploration of examples of racialized policing, victimization and imprisonment, it analyses the way in which the 'dehumanization' (Owusu-Bempah, 2017) of Black women through racializing and gendered ideological constructions, shape their experiences of criminal justice. It argues that, in some contexts, Black women can mitigate the excesses of racist criminal justice processes through displays of desirable femininity-an advantage Black men do not have. When Black women are deemed to be 'angry' or criminal, they become like the Black man, an embodiment of the ultimate criminal threat, and like Black men their bodies become disposable through the excesses of White criminal (in)justice. Highlighting the dearth of evidence, and dominance of masculinist perspectives, the chapter argues for the necessity of intersectional research and analysis of Black women's experiences of UK criminal justice processes.

Racialization, Criminalization and Gender

Racism, rooted in slavery and colonialism, has contemporary continuities in racial discrimination in criminal (in)justice. Within a system of racially predicated social organization, Whiteness is the norm and non-Whites are othered to maintain 'White privilege' (Mills 1997). According to Cunneen (2011:251) the criminal justice system is one of the 'key mechanisms through which ideas about race are constructed'. Black women are excluded from both malestream and feminist criminology, leading Rice (1990:58) to conclude that they are the 'other dark figure of crime', overshadowed by both Black men and White women within the literature. Criminological explanations for the relationship between race, crime and justice often focus on race and ethnicity as variables that demonstrate elevated offending by some racialized minorities and under-class groups (Phillips and Bowling, 2003). Further, like other academic disciplines, explanatory frameworks within Criminology take a 'colour blind' approach (Webster 2012), failing to address the structural oppressions that create the conditions for crime, victimization and discriminatory criminal justice outcomes. This oversight has specific implications for poor Black women, whose life chances are determined by 'structural intersectionality', the multilayered forms of oppression that 'converge' in their lives to position them at the margins (Crenshaw, 1991). The discipline of Criminology has been heavily implicated in racial projects (Earle, 2017:116); it is rooted in Lombroso's (1876) biological, racial science that characterized the 'Criminal Man' by virtue of immutable physical characteristics. Lombroso (1893) also wrote the first book on women and crime, Criminal *Woman, the Prostitute, and the Normal Woman,* arguing that criminal women are atavistic- a throwback to an earlier evolutionary stage (Lombroso and Ferrero, 2004). In both of Lombroso's foundational texts, the 'European races' are considered the most highly evolved and therefore more civilized and less criminal. Criminal women are racialized and dehumanized, because 'woman stands for white woman' (Lugones, 2010:757) illuminating the 'coloniality of gender' (Ibid:747) in the earliest criminological texts. Whilst biological criminology is now discredited, its legacy remains.

[2] Black mixed-race people are racialized as Black in criminal justice encounters (see Long and Joseph Salisbury, 2019) - therefore, Black is used to refer to Black and Black mixed-race people throughout.
[3] The chapter elects to address the specificities of Black women's experiences as opposed to Black and women of colour, as in UK context they are the most over-represented 'ethnic minority' in criminal justice processes.

Knowledge continues to be produced through a White 'epistemology of ignorance' (Mills, 2007). Biological determinism continues to shape social categorization; race (Mills, 1997) and gender (Oyewumi, 1997) are simultaneously Western concepts designed as tools of domination in the context of the colonial enterprise. To focus solely on race as determining Black women's experiences of crime and criminal justice, easily 'conflates or ignores' experiences shaped through the intersection of racism and sexism (Crenshaw, 1991:1241; Collins, 2000;2004), and other oppressions such as class.

The racialization of crime and the criminalization of Black bodies constructs threat through race; however, Black men and Black women are constructed differently in relation to threat. Black masculinity is pathologized as hyper-masculine, hyper-sexualized and hyper-aggressive (Mutua, 2006; Collins, 2004); constructed in relation to hegemonic White masculinity - it is subordinate to it (Collins, 2004). White men possess authority over the 'mechanisms of [legitimate] violence' (Ibid: 189), while the 'big Black man' embodies the ultimate threat in the ''police imagination' (Long, 2018). As hooks (2004:79) writes 'within *neo-colonial, white supremacist, capitalist patriarchy, the black male body continues to be perceived as the embodiment of bestial, violent, penis as weapon, hypermasculine assertion'*. Black men find themselves represented in multiple fears around crime and criminality. The figure of the Black 'mugger' foreshadows the continuities in the identification of the Black man as folk devil in contemporary crime 'panics'- most recently seen in the drug dealer (Eastwood et al., 2013), the knife or gun wielding killer (Cushion et al. 2011) and the gang (Williams and Clarke, 2018). Conversely, Black women have not featured prolifically in moral panics about crime in the UK context. Nevertheless, Black women's bodies continue to be 'imbricated within the racialization of colonialism and slavery' (Tate, 2015:1). Their femininity transgresses the desirable middle class, white, hegemonic, femininity and is constructed through racialized images of 'bitches, bad mothers, mammies and the [more desirable] Black lady' (Collins, 2004: 199). Adaptations of these images are seen in the UK context in the strong black woman, lone welfare dependent parent, big mama (Tate, 2015:2) and 'angry black woman' (Doharty, 2020). Black women are implicated in the criminality of their children [sons] through the racist pathologization of the Black family as 'breeding *criminality and deviance out of cultural disorganisation and generational conflict*' (Gilroy, 1982: 48-49). Their construction as immoral, 'angry' and 'strong' creates an association with criminality and threat that is not associated with 'desirable' white femininity. The 'dehumanization' of Black bodies (Owusu-Bempah, 2017) through gendered, ideological constructions of them as animalistic and criminogenic, delimits their capacity to achieve justice in a 'white man's' criminal justice system (Hudson, 2006).

Policing

Racialized policing is understood through a masculinist lens. The literature broadly fails to address the ways in which policing negatively impacts Black women in the United Kingdom. One of the main ways in which policing impacts upon Black and people of colour is through the exercise of police stop and search powers. The majority of stop and searches (97% in 2018/19) are carried out using PACE 1984 powers (Home Office, 2020), for the purpose of detecting unlawful items on a person. A stop under this power requires that the officer has 'reasonable suspicion' based on information or intelligence. In the 2018/2019 recording year Black people were stopped and searched at a rate 9.5 times that of their white peers, whilst Asian and 'mixed ethnicity' were 2.5

times more likely (Ibid). Disproportionality increased significantly when carried out under 'section 60'[4] powers - under this power Black people were stopped at 40 times the rate of white people in 2017/18 (Townsend, 2019). The data is not disaggregated by gender; however, women do not experience stop and search to the same extent as men. This may be increasing due to changing perceptions around women's offending as revealed in *Reading the Riots* (Lewis et al, 2011) and, in relation to their vulnerability to being drawn into 'gang' crime (Lammy, 2017). Nevertheless, their experiences are almost entirely absent from the academic literature on stop and search, whilst men's are not (Sharp and Atherton, 2007; Bowling and Phillips, 2007; Keeling, 2017). My research found that Black women have a heightened awareness of police presence and surveillance and the risk that this poses to the men and boys in their families and communities (Long 2018). Whilst the women did not report being stopped and searched, they did discuss experiences of being surveilled in 'racially othered' spaces and overpoliced through car stops. In the UK, high profile Black women are increasingly speaking out about their experiences, prompted by an increasing global awareness of Black Lives Matter. Athlete Bianca Williams spoke out after she and her partner were placed in handcuffs and searched by Territorial Support Group (TSG) officers looking for weapons. In the video footage recorded by Williams, she is clearly distressed at having to leave her three-month-old child in the car. The encounter left her feeling that 'being black is a crime' (Siddique, 2020). Similarly, Baroness Doreen Lawrence, giving evidence to the Parliamentary Joint Committee inquiry on *Black People, Racism and Human Rights,* recalled being pulled over late at night and asked to get out of the car, soon after her son (Stephen Lawrence) had been fatally stabbed. She was initially reluctant as she was a woman, alone, late at night. The reason given for the stop was that she had been driving erratically; however, when she challenged this, she was told that the officers thought the car was stolen (Bowcott, 2020). There is an assumption that when a Black person is driving a 'nice' car, it is either stolen or acquired through the proceeds of criminality i.e. drug dealing (Long, 2018). The experience of being stopped and asked to get out of the vehicle is frightening for Black women (Bowcott, 2020, Dugan, 2020) not least because it often happens late at night or when they are alone, but additionally their expectations of police behavior are informed by the routine experiences of the Black men they know (Long, 2018).

Unlike stop and search, there is no official data captured on car stops, unless a search is carried out. An analysis of British Crime Survey data in 2012, found that mixed black and white ethnicities, Asian Muslim and black Caribbean ethnicities were more likely to report being stopped whilst driving (Stopwatch and Liberty 2017). Further, Black and other ethnic minorities are less likely to be provided with a reason for the stop and the stop is more likely to result in a search (Ibid). Neomi Bennet, a 47-year-old nurse, was arrested in April 2019, when she refused to leave her vehicle to allow the police officer to search for stolen property. She recalled being 'frightened' and informing the officer that she was going to call for legal advice. Despite the officers not finding anything in her vehicle, she was arrested, detained for 18 hours and charged with obstructing the police- a charge which has subsequently been overturned (Dugan, 2020). Bennett has now fitted cameras in her car to protect herself- '*I feel I have to protect myself from the police more than anything else as a black person in London'* (Ibid). During Black women's

[4] Section 60 is a power authorized by a Chief officer, in a specific location where violent crime has or is anticipated to take place, for a limited time period. Under section 60 stop and search can be carried out without grounds for 'reasonable suspicion' being established prior.

encounters with the police, a display of ‘appropriate feminine demeanor’ (Collins, 2004) can shape police officer responses to them; compliance with the officer’s instructions to get out of the vehicle, verifying the purpose of journey and providing identification, particularly identification which implies respectability through employment in a professional role, can result in a less hostile encounter - this is not the case for men (Long, 2018; also, Lindaman, 1996). However, non- compliance with a police officer’s instructions, poverty/lower class status and/or prior offending history, demonstrate that they are no different to the threatening ‘Big Black man’ or the aggressive working-class Black woman (Long 2018). It is therefore the burden of the Black woman to prove her respectability in order to de-escalate the perception of the threat in the ‘police imagination’(Ibid), mitigating the likelihood of aggression, force or arrest. Failure to do so can result in ‘victimization as mere punishment’ (Agozino, 1997) as Neomi Bennett discovered when she was arrested, detained and wrongly charged for her failure to get out of the car.

Common stereotypes of the ‘over aggressive- African’ and ‘Strong, dominant Afro-Caribbean’ women affect police attitudes towards them (Chigwada- Bailey, 2003:137). Black women are more than twice as likely to be arrested as white women; however, once arrested they are less likely to be charged (Lammy, 2017). This may suggest that they are more likely to be arrested in circumstances where the suspicion is unfounded. Perhaps unsurprisingly then, the first person to be arrested and prosecuted under the new Coronavirus Act 2020 in England, was Marie Dinou, a Black woman who was arrested and fined £660 for failing to comply with the act; the conviction was later quashed as the legislation had been incorrectly applied (BBC, 2020a). In Long (2018), Black women discussed their experiences of unwarranted arrest, often when they were mistaken as the aggressor. Janice, a Black youth worker, was arrested on duty whilst attempting to break up a fight between a group of youths, whilst her White colleague was not (Ibid: 149). Visher (1983) demonstrates that women's treatment in the criminal justice system depends upon their conformity with the ‘female role’; ‘chivalry’ is evident in arrest decision making where the suspect conforms to stereotypic gender norms, specifically benefiting older, white and female suspects, whilst their younger, Black or behaviorally more hostile peers were more likely to experience arrest. Race, age, class and sexual orientation intersect to produce a hierarchy of femininities (Collins, 2004) which shape police responses towards Black women. In Long (2018) protective factors included evidence of professional identity, for example a nurse wearing an NHS badge, and conformance to ‘preferred forms of femininity- i.e. non offending history and pleasant demeanor and compliance with the officer; these factors did not mitigate the excesses of criminal justice for men. For poor Black women without professional standing through which to demonstrate their respectability, and/or a history of offending, their experiences of unfair and discriminatory policing were comparable to those of perpetually suspect Black men (ibid).

In the US, the evidence overwhelmingly suggests that Black women and women of colour are subjected to racial profiling, use of force, car stops, police violence and sexual violence at the hands of the police (Richie, 2017). However, the evidence base pertaining to Black women and police violence in the UK is absent, except for some limited evidence pertaining to deaths following police contact. As is the case for Black men, albeit in smaller numbers, Black women die in police custody, often in unexplained circumstances and police officers are consistently not held accountable for their actions. Aseta Simms, died in Stoke

Newington police station in 1971. The police version of events was that she had drunk a bottle of whisky and had fallen over. The medical evidence presented at the inquest stated that there were injuries on the deceased consistent with having been beaten, including deep bruising over her head and a swollen brain. Nevertheless, a verdict of death by misadventure was recorded (BUFP, 1972). In the following decade, the uprisings in Brixton and Broadwater Farm, Tottenham in 1985 were triggered by police violence directed towards Black women; in both cases the mothers of Black men suspected of criminal activity. On 28th September 1985, armed police entered the home of Cherry Groce, looking for her son. During the raid Cherry Groce was shot in the chest by Inspector Douglas Lovelock. She was left paralyzed from the chest down and passed away in 2011 aged 63 with kidney failure. In 2014, an inquest into her death found that police failures had contributed to her untimely death (Jones, 2020). Her son, Lee Lawrence, who was 11 at the time of her shooting, recalled, "I [remember hearing] my mum saying in a faint voice that she can't breathe, she can't feel her legs, and she thought she was going to die" (cited in Ibid). As is so often the case following a death after police contact, Lovelock was cleared of all charges. Just over a week later, on the 5th October 1985, Cynthia Jarrett died during a police raid on her home in Tottenham; a raid carried out without a warrant. Cynthia's daughter claims that her mother was pushed by a police officer and fell onto a table, sustaining a fall severe enough to break it. Cynthia Jarrett, who had heart disease and high blood pressure suffered a cardiac arrest and died. Upon investigation the Police Complaints Authority (PCA) found no wrongdoing and the police officers were neither disciplined nor prosecuted (Teare, 1998).

Following a death in custody, there is a closing of ranks and the police version of events dominate in the press coverage, often misinforming the public about the events surrounding the death and the victim (Erfani- Ghettani, 2014). 'State talk' (Pemberton,2008) is employed to protect the police officers from accusations of wrongdoing. This 'state talk' serves an ideological function to present the police officers as heroes and the deceased as the villain, thorough discursive formations which present the victims as violent, poor/underclass, psychologically weak and/or drug users (Ibid). These discourses, premised on racialized stereotypes, justify the police perception of elevated threat and subsequent necessity of force (Pemberton 2008; Ward and Coles 1998). The 'dehumanization' (Owusu-Bempah, 2017) of Black bodies, through the racial schema, renders their humanity as less than the hegemonic white man or woman (Collins, 2004). These discursive formations are both racialized and gendered as can be seen in the media response to the death of Joy Gardner, a 40-year-old Jamaican national, killed on the 1st August 1993 during an immigration raid on her home. During the arrest, Joy was 'trussed up' with handcuffs, body belt and thirteen feet of adhesive tape which was wrapped around her head and face. She collapsed, fell into a coma and died four days later (Erfani-Ghettani, 2014; Amnesty, 1995). In 1995 three police officers stood trial for manslaughter-all were acquitted. Following her death, and the decision to charge the police officers, the right-wing press launched an offensive against Gardner in order to prove that she fit the stereotype of the 'extraordinarily 'strong and violent' Black woman in need of containment (Erfani-Ghettani, 2014). Furthermore, the attribution of the 'dehumanizing' (Owusu-Bempah, 2017) category of 'illegal immigrant' constructs the victim as blameworthy, legitimizing the police response.

As well as their own experiences of violence, Black women are acutely aware of the violence faced by their fathers, partners and sons and the increased likelihood of death at the hands of the police. Kadi Johnson, the sister of Sheku Bayoh who died in May 2015 following police restraint, describes the impact of knowing that the Black men she knows and loves are at increased risk of police violence, *'I'm scared when my children go out, when my nephews go out, if I see the police car I'm nervous, I don't know what they are going to do'* (cited by Inquest, 2020). Further, following police violence or a death in police custody it is most often women who lead the campaign for justice (Elliott- Cooper, 2019). Campaigners for justice often come under attack, and women campaigning for justice are subjected to actual and symbolic state violence and harassment. One example of many, is the treatment afforded to Janet Alder, who has fought tirelessly for justice for her brother Christopher Alder, who died at the hands of Humberside police in 1998[5]. In 2013, evidence was found to suggest that the police had been spying on Janet Alder and her (Black) barrister Leslie Thomas QC, at the inquest into Christopher's death in 2000, which ruled that Christopher had been unlawfully killed. The IPCC concluded that discrimination played a part in the spying, whilst Janet was viewed 'stereotypically' as a 'troublemaker intent on causing problems for the police by arranging demonstrations and seeking media attention' (Cited in Evans, 2018). This construction of a bereaved family member as the problem, rather than the death of her brother at the hands of an institutionally racist police institution (Macpherson 1999), is constituted through racist tropes of Black, working class femininity, that presents them as 'angry' and having the capacity for criminality that is not associated with desirable versions of middle class white femininity (Collins, 2004). Further, as victims of the criminal justice system, the intimidation of Black women campaigning for justice, is part of a broader pattern of dismissing Black victims of crime as unworthy (Long, 2020)- "...*the authorities want to ignore you, pick you off, sideline you, ignore, dismiss, intimidate you and worse*" (Alder, 2015:62). In 2018 a panel found that the officers involved had no case to answer in relation to the spying charges. Notwithstanding the evident material and symbolic violence directed towards Black women, when compared with Black men, the intersection of gender and class/respectability with race, may provide some mitigation, for some women, against the excesses of police violence in the UK[6] giving them a ' degree of agency or freedom' to protest and fight for justice on behalf of Black men (Elliott-Cooper 2019:549) - a freedom that Black men do not have.

Black women, crime and victimization

Black, Asian, Mixed and Other ethnic groups experience higher incidences of victimization than whites in England and Wales (ONS, 2018). Further, Black adults are less likely to report confidence in the police (ONS, 2015), which may partially be explained by their exposure to decades of over- policing and under protection (Long, 2018; Sharp and Atherton, 2007). The process of 'becoming' (Rock, 2002) a victim is mediated, in the police/citizen encounter, through

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[5] For a detailed account of the circumstances surrounding Christopher Alder's death see http://npolicemonitor.co.uk/uncategorized/christopher-alder-justice-campaign-appeal/. Janet Alder's memoir of her fight for justice is forthcoming.

[6] Much of the academic evidence base is US focused and where the evidence for police violence towards Black women is much more damning (see Richie, 2017).

the intersection of race, gender, class and migration/citizenship with crime type and reporting processes (Long, 2020). Within the victimology literature, 'generalist frameworks' construct women as 'risk prone' and men as 'risk free' (Walklate, 2017:52), thereby creating binary categories of victim and perpetrator that fail to interrogate the effects of the subjects' position, including ethnicity, racism and class. Within a 'racially predicated society' (Mills, 2007), respectability and victim-worthiness are established in relation to proximity to Whiteness. The 'ideal victim' is both racialized and gendered, represented by the image of an innocent, elderly female, engaged in respectable behavior and having no association or relationship with the offender (Christie, 1986; Van Wijk, 2013). Black bodies are ideologically constructed as dichotomous to that of the 'ideal victim' and are culpable for their victimization (Long, 2020). Therefore, they are not afforded treatment as a 'worthy' victim, instead they are treated as suspects; this is compounded for Black men who are the embodiment of the monolithic Black 'known' suspect (Ibid)

The evidence pertaining to Black women's experiences of victimization and police responsiveness in the UK is scarce. However, the available research suggests that gender intersects with race and class to produce different experiences for women, dependent on their social location. Long (2018) finds that Black women have more satisfactory experiences of reporting [minor] crime than Black men, they are less likely to feel that they are treated as suspects in the process of reporting crime and are more likely to feel that their complaint has been taken seriously and that the police are 'supportive'. However, this is only the case for women who can affirm their deservingness, by being a 'law abiding citizen' (ibid). For Black women who have a history of offending, not only are they the offender in the victim -offender dichotomy, upon which a victim-focused criminal justice narrative relies, but they also, through blackness, they transgress normative 'middle class, heterosexual, White femininity' (Collins, 2004). They become the derided, working class, Black women who represent the 'least desirable form of femininity' (Ibid). Mama (1993) finds that Black women are reluctant to call the police when they are victims of crime, and when they do the police are not willing to enforce the law in their interest; rather, in some cases, they are mistreated. Further, Mama (1993) finds that police responsiveness to Black, female victims of domestic violence was not perceived to be in the interest of protecting the women, but to control and punish Black men (also, see Long, 2018). Black women who report victimization risk being implicated in criminality if the police find evidence of offending by a male partner, particularly when they are trapped in an abusive relationship and may have been coerced into silence, complicity or cooperation in offending (Richie, 1996). Unlike women who can establish their 'victim worthiness' through recourse to the feminine demeanor implied by advanced class status, women who embody the least desirable form of femininity, Black, working class women (Collins, 2004:199), are not treated as worthy victims. In Long's (2018) study, Alice, a Black mixed-race woman with a history of petty, addiction related 'offending' recalled being sexually assaulted by her former partner in front of her child. Upon reporting the crime, she was discouraged from pursuing the complaint. Despite being taken to a specialist facility for dealing with rape victims, she was not examined. Alice felt that her victimization had not been taken seriously. In subsequent incidences of victimization, she did not bother to report as there was '*no point'* (p, 158). Stereotypes about Black women discursively construct them as sexually deviant (Collins, 2000), this positions them as culpable,

at odds with the 'ideal victim' (Christie, 1986) when they are victimized through sexual assault or interpersonal violence.

When Black women go missing and/or are killed, there is a lack of urgency in locating them, when compared to White women (Stillman, 2007) and discriminatory media reporting and police response (Neely, 2017). On 7th June 2020, sisters Bibaa Henry and Nicole Smallman were found dead in a North London park, they had been stabbed to death by a stranger. They were reported missing the previous day; however, the police were 'slow to respond' and their bodies, along with the murder weapon, were discovered by Nicole's boyfriend, who revisited their last known location, the following day (Oppenheim, 2020). Later that month, two police officers were placed under investigation after 'selfies'[7] of the officers, posing with the bodies of the two murdered women at the scene, were shared via social media (BBC, 2020b). This behaviour demonstrates a dehumanizing disregard for the violence and pain that the victims have endured and the emotional pain of their family. It is through the violence of slavery that Black flesh has been 'constructed' in the West, and through this same violence that Black women's bodies are commodified (Tate, 2018: 5-6); the contemporary continuities of the commodification of Black women's bodies through affective and symbolic forms of violence are illuminated in this act. Speaking to the *Guardian*, their mother Mina Smallman stated; *I knew instantly why they [police] didn't care. They didn't care because they looked at my daughter's address and thought they knew who she was. A black woman who lives on a council estate'* (Dodd, 2020). This statement powerfully illustrates the ways in which Black lives are 'dehumanized' (Owusu- Bempah, 2017) and their disposability mediated through the intersection of race with gender and class. From the experiences of petty minor crime such as burglary or car theft, through to sexual assault and murder, the racialized position of Black women intersects with dominant and subordinate femininities and socioeconomic status to produce differential outcomes for Black women as victims of crime. To be Black and female and poor is to be located at the 'margins' of intersecting oppressions (Crenshaw, 1991) which delimit Black women's humanity. This dehumanization is evident through the criminal justice systems in-justice towards those who are constructed as '(un)victims' (Long, 2020).

Black women within the 'prison industrial complex'

The number of women imprisoned in England and Wales, rose by over 100% in the period between 1995 and 2010 (Prison Reform Trust, 2017b). Within the women's prison estate there is significant ethnic disproportionality; Black women make up 3% of the general population and 8.9% of the prison population in England and Wales (Prison Reform Trust, 2017). Black women are more likely to be remanded or receive a custodial sentence, plead not guilty to the offence, which may lead to harsher sentencing in the crown court system and are more likely to be the sole carer for their children (Prison Reform Trust, 2017). Whilst in prison Black women experience discriminatory treatment. They are less likely to report positive relationships with prison staff further they must work harder to earn enhancements, intended to reward good behaviour, due to racism and stereotyping (Lammy 2017; Cox and Sacks-Jones, 2017). In

[7] Photographs taken of oneself, often using a smartphone

addition, their suffering is not taken seriously and failures in healthcare frequently lead to the death of Black women in prison (Coles, 2019). In recent years, the deaths of two women in privately run prisons, highlight the ways in which Black women's bodies are collateral in the for-profit prison industry. Annabella Landsberg died in her prison cell at Sodexo run, Peterborough prison in 2017 of diabetes related complications, after she collapsed and was left lying on her cell floor for 21 hours. In 2016, in HMP Bronzehall, also run by Sodexo, Natasha Chin died in her cell after vomiting for nine hours and could not access her essential medication. In both cases failures of staff to respond to clearly sick Black women and ensure appropriate medical treatment led to their death (ibid). Sarah Reed, a Black-mixed race woman, died in her cell in Holloway prison in January 2016, where she was being held on remand. In 2017, an inquest jury concluded that Sarah had taken her own life, but that she probably did not intend to do so. Further, unacceptable delays in psychiatric assessment and failures in care contributed to her death (Inquest, 2017). Previously, in 2012, Sarah Reed was at the centre of a police brutality case after PC James Kiddie was captured on CCTV pulling her hair, dragging her across the room, pressing on her neck and punching her. The officer in question was dismissed and served a mere 150 hours community service for the brutal assault; an assault that had contributed to the decline of her mental health (Gentleman and Gayle, 2016). These cases of the neglect of Black women's physical and mental pain, within the criminal (in)justice system, illuminates how Black women's pain is minimized through the dehumanizing constructions of their femininity as 'strong' and their distress disregarded as the problematic behaviour of the 'angry' Black woman. This is amplified, when, through their location in the prison, they have demonstrated that they are the least desirable, the stigmatized, working class [criminal] Black woman whose bodies are ultimately disposable.

The increasing presence of Black women's bodies in the prison estate over the last three decades, can be attributed to the global war on drugs (Sudbury, 2005) and the globalization of the prison industrial complex - '*a symbiotic and profitable relationship between politicians, corporations, the media and state correctional institutions that generates the racialized use of incarceration as a response to social problems rooted in the globalization of capital*" (Sudbury, 20115:166-7). Although it emerged in the US, the last two decades have seen the expansion of the prison industrial complex as a global phenomenon, seen across Western Europe and Australasia (Ibid). Since the early 1990's there has been a shift towards penal politics, the consequences of which are an increase in the use of imprisonment despite a consistent decline in crime (Newburn, 2007). The UK government (Conservative) introduced competition into offender management services, through the *Criminal Justice Act, 1991*, making it possible for private companies to tender for prison contracts (Beard, 2019). There are currently 13 privately run prisons in England and Wales, two specifically for female prisoners- Bronzefield and Peterborough, run by global security firm Sodexo (ibid). The prison industrial complex relies upon racialized tropes about crime and criminality, and upon the policing response to them, in order to populate the ever-increasing capacity for bodies. Therefore, the prison has become a 'black hole into which the detritus of contemporary capitalism is deposited' (Davis, 2003:16-17). Within these profit-making spaces, the symbolic threat posed by poor, Black bodies is contained and removed from public view. This relieves the state and society of responsibility for the social conditions that create 'criminality'. Black and women of colour are among the most 'economically, socially and politically disadvantaged groups' in both the global North and the

global South (Mirza and Gunaratnam, 2014: 126). This positionality traverses an increasingly global, 'racial capitalism' (Robinson, 2019), which relies upon the concept of 'racial difference' in order to exploit those at the bottom of the 'racialized, gendered, hierarchy- poor, Black women. This makes them both vulnerable to being drawn into offending and vulnerable to the excesses of a racialized criminal (in)justice system.

Conclusion

As highlighted within the chapter, there is a distinct lack of scholarship pertaining to Black women within the UK criminal justice system specifically. However, there is enough evidence here, to conclude that both structural and institutional racism drive Black women's entry into the criminal (in)justice system and their treatment within. An intersectional approach to understanding Black women within British criminal justice system reveals that racism, sexism and class discrimination are symbiotically constitutive of women's over policing, under-protection and over-representation in the criminal (in)justice system. Histories of criminal justice reform show that racism cannot be reformed out of existence. Rather, a social justice approach which advocates for alternatives to policing (Vitale, 2017) and imprisonment (Davis, 2003) would address the social problems that lead to crime. This resolution would see state funding for policing and imprisonment redirected towards social housing, education, physical and mental healthcare and a justice model based on 'reparation and reconciliation' as an alternative to retributive punishment (Davis,2003:107). This is not an immediate resolution, within a global system of racial capitalism (Robinson, 2019). Black bodies are required for the maintenance of 'White supremacy' (Mills, 1997). Abolition requires a complete reconfiguration of the system; 'a paradigm shift' away from militarization and neo- liberalism (West 2020, cited in Devega, 2020). Whilst a social justice approach is one that Critical Race scholars must continue to advocate for, the limitations of relying on the abolition agenda for immediate change, within a global system of 'White supremacy', must be recognized. Immediately, research is necessary to develop an intersectional understanding of the specificity of Black women's experiences of criminal (in)justice in the UK in order to push their experiences from the margins to the centre, thus disrupting the dominant narratives which understand race and criminal justice wholly through a masculinist lens.

References

Agozino, B. (1997) *Black Women and the Criminal Justice System,* Aldershot, Ashgate.

Alder, J. (2015) 'Pace yourself, It's a long hard slog!' in Athwal, H. & Bourne, J. *Dying for Justice,* London, *Institute of Race Relations*:62-63.

Amnesty. (1995) *UK - Death in Police Custody of Joy Gardner.* AI INDEX: EUR 45/05/95 available from https://www.amnesty.org/download/Documents/172000/eur450051995en.pdf (accessed 29th June 2020).

BBC. (2020a) Coronavirus: Woman 'wrongly charged under new law' BBC, 3rd April. Available at https://www.bbc.co.uk/news/uk-england-york-north-yorkshire-52148020 (accessed 7th June 2020).

BBC. (2020b) 'Sisters found dead after Fryent Country Park birthday party' *BBC, 8th June.*. Available at https://www.bbc.co.uk/news/uk-england-london-52954908 (accessed 8th June 2020)

Beard, J. (2019) *The Prison Estate: BRIEFING PAPER Number 05646*, 28 November 2019. House of Commons Library. Available at https://commonslibrary.parliament.uk/research-briefings/sn05646/ (accessed 14th July 2020)

Black Unity and Freedom Party (BUFP). (1972) *Who killed Aseta Sims?. BUFP Pamphlet, 1972.* Available at https://hackneyhistory.wordpress.com/2016/09/11/who-killed-aseta-simms-1972/ (accessed 14th July 2020)

Bowcott, O. (2020) 'Doreen Lawrence recalls being stopped by police shortly after son's killing' *Guardian, 6th July 2020.* Available at https://www.theguardian.com/uk-news/2020/jul/06/doreen-lawrence-recalls-being-stopped-by-police-shortly-after-sons-killing (accessed 7th July 2020)

Bowling, B. & Phillips, C. (2007) Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search. *The Modern Law Review,* 70**,** 936-961.

Chigwada-Bailey, R. (2003) *Black Women's Experiences of Criminal Justice: Race, Gender and Class: a discourse on disadvantage (2nd Edition). /* Winchester: Waterside Press.

Christie, N. (1986) The Ideal Victim. In: Fattah E.A (eds) *From Crime Policy to Victim Policy.* Basingstoke: Macmillan, pp17-30. Coles, D. (2019) Failing healthcare in jails is killing female prisoners. *Guardian, 05th April 2019.*
Available at. https://www.theguardian.com/commentisfree/2019/apr/05/healthcare-jails-killing-female-prisoners-black-women-annabella-landsberg (accessed 23rd June 2020)

Collins, P. H. (2000) *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment.* New York, Routledge.

Collins, P. H. (2004) *Black Sexual Politics: African Americans, Gender, and the New Racism.* New York, Routledge.

Cox, J and Sacks-Jones, K. (2017) *"Double disadvantage" The experiences of Black, Asian and Minority Ethnic women in the criminal justice system.* Agenda-alliance for women and girls at risk. Available from https://www.womeninprison.org.uk/perch/resources/double-disadvantage-1.pdf (accessed 30th May 2020).

Crenshaw, K. (1991) Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), 1241-1299. doi:10.2307/1229039

Cunneen, C. (2011) Postcolonial Perspectives for Criminology. In Bosworth, M and Hoyle, C. *What is Criminology*? Oxford University Press, pp, 249-264.

Cushion, S, Moore, K and Jewel, J, (2011) *Media representations of black young men and boys: Report of the REACH media monitoring project*. London: Department for Communities and Local Government.

Davis, A.Y. (2003) *Are Prisons Obsolete?* New York: Seven Stories Press.

Devega, C. (2020) Cornel West on this moment of "escalating consciousness" and the need for radical democracy. *Salon, 26th June*. Available at https://www.salon.com/2020/06/26/cornel-west-on-this-moment-of-escalating-consciousness-and-the-need-for-radical-democracy/ (accessed 26th June 2020)

Dodd, V. (2020) 'Cases that highlight claims of police racial profiling in England'. *Guardian, 9th July 2020.* Available at https://www.theguardian.com/uk-news/2020/jul/09/cases-that-highlight-claims-of-police-racial-profiling-in-england (accessed 9th July 2020).

Doharty, N. (2020) The 'angry Black woman' as intellectual bondage: being strategically emotional on the academic plantation, *Race Ethnicity and Education*, 23:4, 548-562, DOI: 10.1080/13613324.2019.1679751

Dugan, E. (2020) Nurse claims Met police wrongfully arrested her because she is black. *Guardian 18th June 2020*. Available from https://www.theguardian.com/world/2020/jun/18/nurse-claims-met-police-wrongfully-arrested-her-because-she-black-neomi-bennett (accessed 18th June 2020)

Earle, R. (2017). Anti-racist criminology**?** In: Amatrudo, Anthony ed. *Social Censure and Critical Criminology: After Sumner.* Palgrave Macmillan, pp. 115–138.

Eastwood, N., Shiner, M. & Bear, D. (2013) T*he Numbers in Black and White: Ethnic Disparities in the Policing and Prosecution of Drug Offences in England and Wales*. London: Release.

Elliott-Cooper, A. (2019) "Our life is a struggle": Respectable Gender Norms and Black Resistance to Policing. *Antipode*, 51: 539-557. doi:10.1111/anti.12497

Erfani-Ghettani, R. (2015) The defamation of Joy Gardner: press, police and black deaths in custody. *Race and Class.* 56 (3) 102-112.

Evans, R. (2018) 'Police targeting of dead man's sister 'probably influenced by racism'. *Guardian, 7th March 2018*. Available at https://www.theguardian.com/uk-news/2018/mar/07/police-spy-operation-janet-alder-probably-influenced-by-racism-ipcc (accessed 18th May 2020)

Gentleman, A and Gayle, D. (2016) Interview, Sarah Reed's mother: 'My daughter was failed by many and I was ignored'. *Guardian, 17th February*. Available at https://www.theguardian.com/society/2016/feb/17/sarah-reeds-mother-deaths-in-custody-holloway-prison-mental-health (accessed 17th July 2020)

Gilroy, P. (1982) The Myth of Back Criminality. *Socialist Register. 1982.*

Home Office (2020) Stop and Search. *Home Office, 19th March*. Available at https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest (accessed 20th June 2020)

Hooks, B. (2004) *We Real Cool: Black Men and Masculinity,* New York, Routledge.

Hudson, B. (2006). Beyond white man's justice Race, gender and justice in late modernity. *Theoretical Criminology,* 10**,** 29-47.

Inquest. (2017) 'Jury concludes unnecessary delays and failures in care contributed to death of Sarah Reed at Holloway prison'. *Inquest, 20th July 2017*. Available at https://www.inquest.org.uk/sarah-reed-inquest-conclusions (accessed 8th June 2020)

Inquest (2020) 'The world is watching; families speak out in light of Black Lives Matter'. *Inquest, 8th July 2020*. Available at https://www.inquest.org.uk/blm-news (accessed 8th July 2020).

Jones, S. (2020) Cherry Groce: Mum's police shooting 'robbed me of my childhood'. *BBC, 1st July 2020.* Available at https://www.bbc.co.uk/news/53233573 (accessed 1st July 2020).

Keeling. P. (2017) *No respect: Young BAME men, the police and stop and search*. Criminal Justice Alliance. Available at http://criminaljusticealliance.org/wp-content/uploads/2017/06/No-Respect-290617-1.pd

Lammy, D (2017) The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System. London: Home Office.

Lewis, P., Newburn, T., Taylor, M., McGillivray, C., Greenhill, A., Frayman, H. & Proctor, R. (2011) *Reading the Riots: Investigating England's Summer of Disorder*. London; UK: The London School of Economics and Political Science and The Guardian.
Loftus, B. 2009. *Police Culture in a Changing World,* New York, Oxford University Press.

Lombroso, L and Ferrero, G. (2004) *Criminal Woman, the Prostitute, and the Normal Woman.* London: Duke University Press.

Long, L.J. (2018) Perpetual Suspects: A Critical Race Theory of Black and Mixed-Race Experiences of Policing. London: Palgrave.

Long, L.J. (2020) The Ideal Victim: A Critical Race theory (CRT) Approach. *International Review of Victimology* (forthcoming)

Long, L and Joseph-Salisbury, R. (2019) Black mixed-race men's perceptions and experiences of the police, *Ethnic and Racial Studies*, 42:2, 198-215, DOI: 10.1080/01419870.2017.1417618

Lugones, M. (2010) Toward a Decolonial Feminism. *Hypatia*, 25: 742-759. doi:10.1111/j.1527-2001.2010. 01137.x

MacPherson, W. (1999) *The Stephen Lawrence Inquiry: Report of an Inquiry*. London: The Stationery Office.

Mama A. (1993) Black women and the police: A place where law is not upheld. In W James and C Harris (eds). *Inside Babylon: The Caribbean Diaspora in Britain.* London: Verso, pp, 135-152.

Mills, C. W. (1997) *The Racial Contract,* New York, Cornell University Press.

Mills, C. W. (2007) White Ignorance. *In:* Sullivan, S. & Tuana, N. (eds.) *Race and Epistemologies of Ignorance.* New York: University of New York Press.

Mirza, H.S. and Gunaratnam, Y. (2014) 'the branch on which I sit': reflections on black British feminism. *Feminist Review*. No. 108: 125-133.

Mutua, A. D. (2006) Progressive *Black Masculinities?* New York, Routledge.

Neely, C. (2017) *You're Dead—So What? Media, Police, and the Invisibility of Black Women as Victims of Homicide*. Michigan State University Press.

Newburn, T. (2007). "Tough on Crime": Penal Policy in England and Wales. *Crime and Justice, 36*(1), 425-470. doi:10.1086/592810

Office for National Statistics. (2015) *Crime Statistics, Focus on Public Perceptions of Crime and the Police, and the Personal Well-being of Victims: 2013 to 2014*. Report, ONS. Available at https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/crimestatisticsfocusonpublicperceptionsofcrimeandthepoliceandthepersonalwellbeingofvictims/2015-03-26 (Access date 18 March 2019).

Office for National Statistics. (2018) *Victims of Crime: December 2017.* Report, ONS. Available at https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/crime-and-reoffending/victims-of-crime/latest (Access date18 March 2019).

Oppenheim, M (2020). Family of murdered sisters 'found their bodies and had to conduct search themselves'. *Independent, 27th June.* Available at https://www.independent.co.uk/news/uk/crime/nicole-smallman-bibaa-henry-sisters-murdered-wembley-a9589106.html (accessed 27th June 2020).

Owusu-Bempah, A. (2017) Race and Policing in Historical Context: Dehumanization and the policing of Black people in the 21st Century. *Theoretical Criminology.* 21 (1) 23-34. Doi:10.1177/1362480616677493

Oyewumi, O. (1997) *The Invention of Women*. University of Minnesota Press.

Pemberton, S. (2008) Demystifying Deaths in Police Custody: Challenging State Talk. *Social and Legal Studies*, 17, 237–262.

Phillips, C. & Bowling, B. (2003) Racism, Ethnicity and Criminology. Developing Minority Perspectives. *British Journal of Criminology,* 43**,**269-290.

Prison Reform Trust (2017a) *Counted Out: Black, Asian and minority ethnic women in the criminal justice system.* London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Counted%20Out.pdf (accessed 15th June 2020).

Prison Reform Trust (2017b) Why focus on reducing women's imprisonment? Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/whywomen.pdf

Rice, M. (1990). Challenging orthodoxies in feminist theory: a black feminist critique. *In:* Gelsthorpe, L. & Morris, A. (eds.) *Feminist perspectives in criminology.* Milton Keynes: Open University Press.

Richie, B. (1996) *Compelled to Crime: The Gender Entrapment of Battered Black Women*. London: Routledge.

Richie, A.J. (2017) Invisible *No More: Police Violence Against Black Women and Women of Color.* Boston: Beacon Press.

Robinson, Cedric J. (2019) Quan, H. L. T. (eds.). *Cedric J. Robinson: On Racial Capitalism, Black Internationalism, and Cultures of Resistance*. Pluto Press.

Rock, P. (2002) On becoming a victim. *In:* Hoyle, C. & Young, R. (eds.) *New Visions of Crime Victims.* Oxford: Hart Publishing.

Sharp, D. & Atherton, S. (2007) To serve and protect? The experiences of policing in the community of young people from black and other ethnic minority groups. *British Journal of Criminology,* 47**,** 746-763.

Siddique, H. (2020) 'Athlete stopped by Met police says it feels like 'being black is a crime''. *Guardian, 6th July.* Available at https://www.theguardian.com/uk-news/2020/jul/06/bianca-williams-athlete-stopped-by-met-police-being-black-is-a-crime (accessed 6th July 2020)

Stillman, S. (2007) 'The Missing White Girl Syndrome': Disappeared Women and Media Activism. *Gender and Development, 15*(3), 491-502.

Stopwatch and Liberty (2017) "*Driving while black": Liberty and StopWatch briefing on the discriminatory effect of stop and search powers on our roads. Available at https://www.stop-watch.org/uploads/documents/StopWatch_Liberty_Driving-while-black_2017.pdf* (accessed 20th June 2020)

Sudbury, J. (2005) Celling Black Bodies: Black Women in the Global Prison Industrial Complex. *Feminist Review,* (80), 162-179.

Tate, S. (2018) *The Governmentality of Black Beauty Shame: Discourse, Iconicity and Resistance.* Basingstoke: Palgrave Macmillan.

Tate, S. (2015) *Black Women's Bodies and the Nation: Race, Gender and Culture,* Basingstoke, Palgrave Macmillan.

Teare, K. (1988) *Under Siege: Racism and Violence in Britain Today*. Harmondsworth: Penguin.

Townsend, M. (2019) Black people '40 times more likely' to be stopped and searched in UK. *Guardian, 4th May*. available at https://www.theguardian.com/law/2019/may/04/stop-and-search-new-row-racial-bias

Van Wijk, J. (2013) Who is the 'little old lady' of international crimes? Nils Christie's concept of the ideal victim reinterpreted. *International Review of Victimology,* 19**,** 159-179.

Visher, C (1983). Gender, Police Arrest Decisions, and Notions of Chivalry. Criminology. 21. 5 - 28. 10.1111/j.1745-9125. 1983.tb00248. x.

Vitale, A (2017) *The End of Policing*. New York: Verso.

Walklate, S. (2007) *Imagining the Victim of Crime,* Berkshire, Open University Press.

Ward, T. & Coles, D. (1998) Investigating Suspicious Deaths in Police Custody. *In:* Liebling, A. (ed.) *Deaths of Offenders: The Hidden Side of Justice.* Winchester: Waterside.

Webster, C. (2012) The Discourse on 'Race' in Criminological Theory. chapter in Hall, S and Winlow, S. New Directions in Criminological Theory. London: Routledge.

Williams, P and Clarke, B. (2018) The Black Criminal Other as an Object of Social Control. *Social Sciences*. [online] 7(11), p.234. http://dx.doi.org/10.3390/socsci7110234

Women of Broadwater Farm. (1989) Broadwater Farm Defence Campaign: Into Our Homes. In C. Dunhill (Ed.), *The Boys in Blue: Women's Challenge to the Police*. London: Virago.

Young, R and McMahon, S (2020) '#SayHerName Puts Spotlight on Black Women Killed by Police' *Wbur, 16th June 2020. Available at https://www.wbur.org/hereandnow/2020/06/16/black-women-deaths-protests (accessed 30th June 2020).*