

CJC PhD Conference 2024

Thursday 2nd May 2024 9:30am – 4pm (S0.18) and online



Roundtable 1 Deconstructing the Police: Exploring the Personal and Political Tensions of the Modern Police Officer

Chair: Professor Ana Aliverti

Gonzalo Garcia-Campo Alemendros (Centre for Criminology, University of Oxford)

Theoretical Framework: Policing literature has argued that police forces can be studied through the concept of the sacred, as that which societies honour through visible representation, producing meaning and collective manifestation. This category allows appreciation of the symbolic meaning of police forces beyond their actions. Following this insight, this work examines how *Carabineros de Chile*, the largest Chilean police force, uses the figure of the 'martyr' to honour their members who had 'surrendered their lives fulfilling their oath of service'.

Methods: I draw on two sources. First, I analyse the administrative instruments regulating the martyr figure within Carabineros. These are 'General Orders' enacted by the 'General Director', the highest command of the institution. Secondly, I do an extensive review of Carabineros' institutional magazine. The magazine is a monthly publication elaborated by the institution and delivered to every precinct nationwide and other state agencies. I review all magazines from 2005 (N = 206) to analyse who became martyrs, under which circumstances and what the martyrs mean to the institution.

Contributions: I underline three consequences of the invocation of martyrs by the police. First, I affirm that using this figure is a way for the institution to legitimise itself before society by presenting it as the one that defends society from threats. Secondly, and intimately linked, by recognising institutional martyrs, the police reinforce their doctrine and identity, nurturing allegiance from their members. Thirdly, the concept of martyrs reinforces social divisions by tracing lines between those who deserve to be defended and those who are threats and should be controlled.

Rebecca Plimmer (Psychology, University of Warwick)

Understanding individual differences in police attitudes about violence and decision making: The modern police officer experiences various occupational strains, one particular source of strain is police violence a rising health and media concern within the UK. Police violence has been reported to have various causes and consequences, this includes both personal (i.e., officers poor physical and mental health, stress coping, violent victimisation, and interpersonal relationships) and political tensions (i.e., pressure and impact of negative media coverage, funding, public trust and confidence, and wider crime reporting and victimisation). The current work attempts to improve these tensions by understanding how they may be associated with potential risk factors for officer's violent ideations, as well as the research aiming to provide practical solutions to reduce these tensions by reducing officer's violent perpetration. Research has investigated various domains of police violence (i.e., general violence/use of force, sexual violence, and racial violence)

individually, despite their co-existence and shared risk factors. Equally, evidence has accounted for the role of demographic, situational and organisational risk factors for police violence, yet there remains an important gap surrounding the extent to which psychological risk factors (i.e., malevolent personality traits) drive officers' violent ideation. The study is theoretically grounded, using moral disengagement and intrasexual competition, which have been fruitful in explaining violent attitudes and behaviour within the general population, but have yet to be considered within the context of police violence. The current research will build upon prior work by conducting a large online survey study with Police Forces across England and Wales, where officers will be asked to complete a battery of measures to examine: general, racial, and sexually violent attitudes, where we expect these attitudes to be correlated and to have greater prevalence in policing than the general population (study 1). Additionally the research will investigate the predictive utility role of dark tetrad traits, psychological entitlement (study 1); and theories of moral disengagement and intrasexual competition (study 2) where we expect these psychological and theoretical factors to have greater explanatory power; as well as examining the impact of situational determinants (i.e., type of force, suspect race and physical characteristics including attractiveness and dominance) on officer use of force attitudes (study 3), where we expect more lenient use of force attitudes toward minority suspects who are physically attractive or dominant. The research aims to assist UK police forces in identifying and managing officers at risk of engaging in violence and has practical implications regarding police practice and culture.

dipbuk Panchal (Sociology, University of Warwick)

The body, face and the police uniform. The inter-relationship between these elements as they converse with the institution of the police in England. Kirklees police chief condemns jokes about 'baby-faced' The body, face and the police uniform. The inter-relationship between these elements as they converse with the institution of the police in England.

Kirklees police chief condemns jokes about 'baby-faced' recruits, was the headline in the BBC news (Baynes, 2023). Another in the Daily Mail following the airing of BBC 4's Night Copper reads, "Baby-faced Brighton police officer, 20, who underwent training on ZOOM, still lives at home with his parents and says "a lot of the job is making it up as you go...." (Johnston, 2022). Amid ambitious targets to recruit more police officers, attrition through officers retiring or leaving undermines efforts to sustain an effective police force. The discrepancy between leavers and joiners also means that the police force is becoming younger and less experienced (Allen & Carthew, 2024).

The modern police officer is highly educated, agile and technologically adept. Professionalism is at the core of their training (some, such as Holdaway (2017), argue it has always been this way). However, with the widespread adoption of the policing degree, entry without a degree more difficult. The term "modern policing" implies tensions between politics (Bowling et al., 2019), civic duty and professionalism (Williams et al. (2019), bringing about new or unforeseen challenges. Although this may be difficult to refute, the nature of policing and personal experience tells me perhaps this has always been the case.

In terms of modern scholarship on identity, the work of Charman (2017) in particular has set the scene, building upon the work of scholars such as Holdaway (1997) regarding the construction of Black and Asian police officer identity. Within the modern police officer's identity lies the baby face. However, the conception of the baby face police officer is not new. On 18 January 2024, the Criminal Cases Review Commission quashed the convictions of two men Basil Peterkin and Saliah Mehmet on the basis of fabricated evidence in the 1970s by DS Derek Randall, and once again baby face is a characterisation (Hattenstone, 2024). As the news media examples above show, public and institutional pressure on the modern police officer to fit into the uniform is immense. My research examines experiences of the body's constituent parts and identity as it interacts with power.

Roundtable 2 Embodying the State: Perceptions of Autonomy, Choice, and Power

Chair: Professor Vanessa Munro

Bel Rawson (Law School, University of Warwick)

'Complicating Perceptions of the Modern Bureaucrat: Tempered Radicalism in UK Asylum & Immigration Tribunals':

This paper frames Asylum and Immigration Tribunals in the UK as sites of contestation and struggle against the hostility and structural violence that border bureaucracies perpetuate. It considers whether some Home Office Presenting Officers, who perform a quasi-legal function in defending government administrative asylum decisions in the tribunal setting, can be conceptualised as what Meyerson and Scully (1995) refer to as 'tempered radicals'.

Tempered Radicals struggle between their desire 'to be accepted as insiders and their commitment to change the very system that often casts them as outsiders' (Meyerson 2008: 5). Emotional turmoil brought on by this fundamental tension within the self, cause them to confront unique moral challenges associated with their ambivalent identities and stimulate them to act in ways that undermine organisational orientations, usually in moderation, and often in subtle ways. For the tempered radical, dissent is concealed in their daily interactions and their radicalism is tempered by the subtle nature of the resistance performed, leading to incremental change rather than radical or drastic change within their organisation.

Despite common perceptions of a lack of personal agency, bureaucrats have discretion to develop creative styles of work and to give expression to them (Zacka 2017). Understandings of institutional participation by bureaucrats should be complicated to include the kinds of agency demonstrated by those who resist institutional norms. Conceptualising Home Office Presenting Officers as 'tempered radicals' thus allows for an in-depth exploration of the interrelated nature of emotional labour and moral action, and whether these are connected to a subversive impulse that is suppressed within border bureaucracies. Such an impulse emerges against, but is constrained by, the States' attempts to repress the emotional and morally relevant processes of its representatives and their exposure to human suffering, a plurality of violence and the injustice in many asylum appeal outcomes. The existence of a subversive impulse might be indicative of an emancipatory potential within a given context, helping us to consider how we might reimagine modes of resistance to, and from within, border bureaucracies, and examine a broader potential to disrupt systematic violence within the asylum context.

Puja-Arti Patel (Sociology, University of Warwick)

Belonging across bureaucratic borders: Exploring territoriality, technology, and time in Gujarat, India: My research project will explore the multifaceted dynamics of belonging among Pakistani Hindu asylum seekers navigating bureaucratic borders between India and Pakistan in the state of Gujarat in western India. Through ethnographic fieldwork and digital analysis, it will examine how territoriality, technology, and time intersect to shape perceptions of belonging for citizens, migrants, and bureaucrats. By focusing on the case of Pakistani Hindu asylum seekers, it will evaluate notions of belonging amidst the backdrop of Hindu nationalism in India. I define belonging as an evolving process of 'becoming', influenced by mobility and socio-political contexts. My study will first delve into the historical and ethnographic dimensions of territoriality, analysing how bureaucratic structures define and negotiate national identity. Interviews with stakeholders will elucidate how territoriality extends beyond physical boundaries, impacting social interactions and power dynamics. The second objective of my study is to investigate the role of digital technology in facilitating belonging, including state-provided platforms for citizenship applications and social media engagement. By examining technology's role in navigating bureaucratic processes, I expand an understanding of digital tools beyond identity construction. Thirdly, I will explore temporal dimensions of belonging through individuals' memories and aspirations, particularly in the context of Partition legacies. By centring oral histories of Pakistani Hindu migrants, I will highlight how past experiences shape present belonging and future aspirations.

Overall, my research hopes to offer insights into how individuals negotiate belonging across bureaucratic borders, shedding light on the evolving nature of national identity in contemporary India for migrants, bureaucrats, and residents alike.

Paula Hollstein Barria (Law School, University of Warwick)

The Coercive and Controlling Behaviour Offence: Some Paradoxical Effects on Victims'/Survivors' Autonomy:

Stories of abuse are often ignored, simplified, or redefined (McLane, 1996, p. 109). This phenomenon occurs not only through the actions of abusers and those around them but also through language. The law imposes its own terms, suppressing the voices of domestic abuse (DA) victims/survivors. The law and its interactions with institutions lead victims/survivors to adopt certain interpretations as the authoritative narrative. They feel compelled to conform to 'the legal narrative' dictated by police officers, social services, and the media. This narrative tends to focus on disturbing incidents, especially those of a physical nature. Although the law is powerful, it is not set in stone. Legal categories constantly change their faces with new understandings, albeit not radically. This phenomenon is seen in the recent addition of the coercive and controlling behaviour offence to English criminal law.

In this paper, I will share a reflective analysis where I assess how a local charity campaign conveying the coercive and controlling approach echoes the personal narratives of DA. My argument suggests that Coventry Haven's version of the controlling approach could help victims/survivors get closer to what I call 'resonance'—*an acknowledgement that what happened to them was real, wrong, and matters*. I believe this reflective exercise was crucial because it relies on a fundamental assumption: for the law to have a meaningful impact on victims/survivors, it must be capable of sparking a reaction in their subjective experiences. To evoke a response from the legal system, individuals must be able to initiate an inquiry into their own experiences and find a certain level of identification. It is essential to highlight that my resonance assessment came from real-life examples and expressions of feelings rather than a deep study of the technicalities of the English legal definition. Despite this resonance provided by street-level advocates, I argue that the 'criminal option' could also endanger the autonomy of marginalized individuals, failing to provide care and, ultimately, healing for victims/survivors. There is a risk of misinterpretation where victims/survivors may be mistakenly charged with controlling behaviour, particularly if they do not fit the stereotype of a helpless victim. Additionally, the criminal justice system might still be ill-equipped to address the complexities of the coercive and controlling behaviour offence cases, consequently remaining loyal to the physical incident model.

Roundtable 3 Between Law and Justice: Fairness, Truth, and Power

Chair: Dr Henrique Carvalho

Shivam Kataria (Law School, University of Warwick)

Reevaluating Procedural Fairness in Adversarial Criminal Trials: This presentation examines the foundational premise of the adversarial criminal trial- that it is only a factual inquiry but also aims to ensure procedural fairness for all participants, particularly the accused. Despite this ideal, reality often sees lay participants—be they witnesses, victims, or defendants—experiencing confusion, frustration, and alienation, ultimately obstructing their effective participation. Through a comparative analysis of fair trial jurisprudence in India and the UK, this presentation highlights similar patterns of marginalization, challenging the idea that current procedural implementations sufficiently address these concerns.

By adopting a critical and historical perspective, I argue that the very structure of the criminal trial is inherently inaccessible to lay participants. This presentation will argue that without structural reform, procedural fairness in criminal trials risks devolving into a hollow ritual, upheld by the mystique of legal authority and the coercive power of law. This critique will hopefully force one to reimagine trial processes to genuinely uphold the promise of fairness and active participation for all involved.

James White (Law School, University of Warwick)

'The Truth of the Crime: From Epistemic Fallibilism to Ethical Dialogue', although a working title for this abstract might be 'Where is truth?' The basic idea for the PhD is that punishment (in the sense of 'hard treatment') may rarely if ever be justified, due to law's strained relationship with truth; Mending that relationship will provide support for dialogic/therapeutic responses to crime. So-called 'humane retributivists' have expressed the idea that we have a right to punishment because the alternatives are somehow worse, e.g. Morris sets up the spectre that is 'therapy' (1968, 480-489). Part of his critique is that 'therapy' does not 'treat a person as a person' while punishment respects their choices, even that free choice to break the law (ibid. 485). But how often is this really choice, and how free? I link this to the form and fictions of the liberal criminal trial.

Law links at least tacitly to truth. A guilty verdict also entails authoritative pronouncements about that person's prior actions, and their mental state at that time. But in liberal law, in proof as in punishment, we are to stay out of the 'inner citadel' of the mind where, if anywhere, these things are known. This leaves the question where truth features in the criminal trial. I see a divide between the moral truth present within general human interaction, and a 'legal truth' which filters and supplants this. At the same time, I am no truth relativist, but a (budding) critical realist (CR).

Tenets of CR include the acknowledgment that there is an objective reality, and evading the 'epistemic fallacy' of reducing that reality to the knowledge we have of it (Porpora 2015, 67-70). Bhaskar further understands truth as, inter alia, epistemic-ontic, and not propositional but a real property of things (Bhaskar 2008, 203; Norrie 2010, 128). How we might locate and hope to access (e.g.) the ontological truth of intent or guilt, however, is what I would like to discuss in the panel and my talk.

Aura Bamber (Law School, University of Warwick)

The Right to Custodial Legal Advice, In Law or in Limbo? The Long Road to an Effective Article 6 for Scottish Suspects. The suspect's right to legal assistance in police custody, while established in law in Scotland some thirteen years ago, remains ineffective in practice. Although it is not uncommon for

suspects in Scotland to waive their rights in up to 70% of cases, sharing a similar rate of waiver with the rest of the United Kingdom, this is not the only reason we have to believe that the right to custodial legal advice is failing to apply in practice. Of the 30% who request legal assistance, only 25% are offered face-to-face contact with a lawyer, with the majority receiving a telephone consultation in which they are often only urged to remain silent. Individuals can be expected to maintain silence for up to a maximum of 24 hours, whilst also being subjected to coercive police tactics which often rely upon an assumption of guilt with the strategic objective of obtaining a quick resolution i.e. a confession. Thus, most suspects do not benefit from the advice, reassurance and support of a lawyer. Situations such as this risk of enabling procedural errors and false confessions as the conditions of detention, adherence to proper procedure and distress of the suspect go unchecked by an external party. Through observational fieldwork and interviews, the current research aims to investigate the absence of lawyers in Scottish police custody, the wider impacts this has on the custody process and the fair trial rights of the accused. The findings will help to inform policy reform, enabled by collaboration with JUSTICE Scotland.

Natasha Narwal (Law School, University of Warwick)

My presentation will look at the dominant state discourses of penal administration and governance in post-colonial India by a close reading of a few texts and policy guidelines and official communications. The colonial legal and penal structures apparatus continued to operate and frame the institutions as well as discourses of penalty in the post-independence period but it's not enough just to state that. One has to map what became possible and desirable when the open horizon of postcolonial statehood lay before the new Indian state's governing classes; to attend to how the post-colonial state made it legible within the new political vocabularies of constitutional democracy, rule of law and popular sovereignty,¹ and the promise of democratic citizenship. I will also tease out the tensions between the rhetoric of rehabilitation and reform that became the hegemonic language of penal administration and the continued everyday functioning of prisons on the principles of deterrence and punishment.