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*Discrimination in the Paradigm of Crime: A Sociolegal Approach*

# Secção I

# Investigação Científica[*]

# Discrimination in the Paradigm of Crime: A Sociolegal Approach

# Discriminação no Paradigma do Crime: Uma Abordagem Sociolegal

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**ABSTRACT:** Critical race theory informs the investigation on racism and crime and perpetuated inequalities in the current contextual climate of heightened local and global conflict in the international community. A sociology of law explores the phenomenon of discrimination to dialogue between the theoretical and practical implications of the relationship between 'race' and crime, primarily in the U.S. context and extended to the E.U. and global south. Multi-fold discrimination based on gender, race, ethnicity/religion, and other sociocultural markers of difference is a systemic cycle which must urgently be considered as a structural concern in sociolegal frameworks embedded as citizen and police paradigms. Racial discrimination in society may extend to discrepancies in police action, seen to escalate ideologies of fear, reinforcing vulnerability and mistrust in the relationship.  The diffusion of negative stereotypes has been pronounced historically until the contemporary moment conveying power imbalances which reinforce favouritism of certain identities and burdening, violence and exclusion of others. (Dis)empowerment reproduce and subject the 'other' into a category of inferiority evident in criminological conduct. Racism and the perpetuity of racist discourses are in this way critically redressed to reveal the significance of multidisciplinary approaches within sociolegal apparatus and the interwoven potentials of justice in society to recognise and protect all identities as human beings under international law.
**KEYWORDS:** racism; crime; discrimination; identity politics; sociolegal analysis, critical race theory, international law

**RESUMO:** A teoria crítica da raça informa a investigação sobre o racismo e o crime e as desigualdades perpetuadas no atual clima contextual de intensificação do conflito local e global na comunidade internacional. Uma sociologia do direito explora o fenómeno da discriminação para dialogar entre as implicações teóricas e práticas da relação entre 'raça' e crime, principalmente no contexto dos EUA e estendida à UE e ao sul global. A

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discriminação múltipla baseada no género, raça, etnia/religião e outros marcadores socioculturais de diferença é um ciclo sistémico que deve ser urgentemente considerado como uma preocupação estrutural nos quadros sociolegais incorporados nos paradigmas dos cidadãos e da polícia. A discriminação racial na sociedade pode estender-se a discrepâncias na acção policial, vistas como uma escalada de ideologias de medo, crescimento de vulnerabilidade e a desconfiança na relação. A difusão de estereótipos negativos pronunciou-se historicamente até ao momento contemporâneo mostra desequilíbrios de poder que reforçam o favoritismo de determinadas identidades e a sobrecarga, a violência e a exclusão de outras. O (des)empoderamento reproduz e submete o 'outro' a uma categoria de inferioridade evidente na conduta criminológica. O racismo e a perpetuidade dos discursos racistas são desta forma criticamente corrigidos para revelar a importância das abordagens multidisciplinares dentro do aparelho sociolegal e os potenciais interligados da justiça na sociedade para reconhecer e proteger todas as identidades como seres humanos ao abrigo do direito internacional.

**PALAVRAS-CHAVES:** racismo; crime; discriminação; política de identidade; análise sociojurídica, teoria crítica da raça, direito internacional

### Introduction

Considering heightened global conflict and sociopolitical tensions in the global north and south and international community at large, including but not limited to; increased migration, prejudice, violent crime, and selective recognitions of human rights, this discussion contributes towards urgent reconciliation between interwoven bonds of sociology and law, in a critical discussion of discrimination in sociolegal apparatus. The formulation of minority perspectives in criminology and the 'race and crime' debate are significant towards a multi-dimensional approach to understanding minorities' experience of victimisation, offending, criminal justice processing and working within the criminal justice field[2]. The discussion redresses how sociolegal frameworks may reinforce, and have the potential to transform, racist discourses in the crime paradigm such as relationships between identity groups and the differential ways by which these may encounter (in)justice in the contemporary climate. A wider horizon of scientific approaches to justice and access to it offers a multidisciplinary outlook which may inform policy and sociological and legal professionals' methodological approaches regarding questions of anti-racism in legal aid work, advocacy or social work, to find alternate ways to challenge

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[2] Phillips & Bowling. Racism, Ethnicity and Criminology. Developing Minority Perspectives, *The British Journal of Criminology.* 1 March 2003. Vol. 43, nº 2, p. 3 https://doi.org/10.1093/bjc/43.2.269

barriers in an inclusive, democratic and empowering sense[3] across international and regional legislative bodies.

The critical approach to sociolegal studies allows interdisciplinary underpinnings of the relationship between society and justice, and community identity/belonging and crime, discerning that these are not isolated entities. Enveloped in this methodology is the influence that each societal sphere produced different institutions with their functional emphases and processes of differentiation, as law obtained a central role in the construction of society[4]. This sheds light on how certain identities in society are perceived and dealt with in criminal legislation and trajectories of discrimination against certain individuals by both society and two-fold, by legal practitioners' and infrastructures' normalisation of racism, and additional forms of discrimination based on gender, ethnicity, ableism, class, and other social signifiers. Systematic racism is a key contextual factor that strongly influences selective success, education opportunities, exposure to violence and addiction, who lives in expensive homes and communities, and who suffers in poverty and within the criminal system[5]. A sociolegal approach contributes to spaces promoting the significance of space and context to decrease discrimination across local and global locations and critically inform international law and other legal and sociological apparatus from alternate situations in world security. Sociolegal methodology outlines the constant possibility that, where national political systems withdraw from the system of global law, they always run the risk of jeopardising national processes of legal inclusion and legitimation[6]. Discrepancies call for grounding knowledge in comprehensive frameworks which move beyond 'national' boundaries to discuss implications sociolegal analysis has for identity politics across terrains in the global community in terms of peace and international legal security discourses.

The discussion is enriched by critical race theory (CRT) to thematically map

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[3] Storgaard et al. Introduction. Access to Justice from a Multi-Disciplinary and Socio-Legal Perspective: Barriers and Facilitators. *Oñati Socio-Legal Series*. 2023. Vol. 13, nº 4, 1, p. 1205. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1351

[4] Thornhill. The Sociology of Law and Global Sociology. *Zeitschrift für Soziologie*. 2018. Vol. 47, no. 6, pp. 376. https://doi.org/10.1515/zfsoz-2018-0124

[5] Galvan & Payne. Implicit Bias as a Cognitive Manifestation of Systemic Racism. *Daedalus* 2024. Vol. 153, nº 1, p. 112. doi: https://doi.org/10.1162/daed_a_02051

[6] Thornhill. The Sociology of Law and Global Sociology. *Zeitschrift für Soziologie*. 2018. Vol. 47, no. 6, pp. 397. https://doi.org/10.1515/zfsoz-2018-0124

complex dynamics of the relationship in literature. Developed by this theoretical and ontological positioning, a dual discussion is drawn exploring socially; how groups may be targeted and treated differentially to others, and legally; how dynamics of discrimination correlate with criminological portrayals of victim/offender paradigm with police, to contemplate patterns in societal trust and vulnerability in legal domains and ideals and implementations of justice in society. CRT, grounded in social justice, initially unfolded from the field of critical legal studies and has become a toolset for examining the relationship between law and racial inequality. Scholars are encouraged to investigate different areas and endeavours to uncover how race has been conceptualised and operationalised in their fields[7]. Theorists contribute to bottom-up perspectives which remain conscious of the social processes that structure the world, in a racially stratified and unequal global society which systematically disenfranchises the oppressed[8]. Critical race theorists, primarily in the United States (U.S.), assert that racism continues to be an essential feature of life, law, and culture, and any attempt to address and eradicate racial inequities must be grounded in the socio-historical legacy of racism[9] as racist ideologies have largely shaped social practices, structures and society discourses[10]. As racism is systematic, anti-racist interventions should too be systematised. CRT describes a process, methodological, conceptual, and theoretical movement[11] which disrupts racism in education[12] and all societal realms and institutions, continually developing[13] across global margins. CRT can be used in other contexts across the European

[7] Lin. Exposing the chameleon-like nature of racism: a multidisciplinary look at critical race theory in higher education. *Higher Education.* 2023. *Vol.* 85, p. 1097. https://doi.org/10.1007/s10734-022-00879-9.

[8] Hylton. Talk the Talk, Walk the Walk: Defining Critical Race Theory in Research. *Race Ethnicity and Education.* 2012. Vol. 15, nº 1, pp. 24. doi:10.1080/13613324.2012.638862.

[9] Delgado & Stefancic. *Critical race theory: An introduction.* New York: New York University Press, 2001. https://jordaninstituteforfamilies.org/wp-content/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf

[10] Lin. Exposing the chameleon-like nature of racism: a multidisciplinary look at critical race theory in higher education. *Higher Education.* 2023. *Vol.* 85, p. 1086. https://doi.org/10.1007/s10734-022-00879-9.

[11] Taylor. A primer on critical race theory. *Journal of Blacks in Higher Education.* 1 January 1998. Nº 19, pp. 122-124. DOI 10.2307/2998940.

[12] Solórzano. Critical race theory, race and gender microaggressions, and the experience of Chicana and Chicano scholars. *International Journal of Qualitative Studies in Education.* 1 January 1998. Vol. 11, nº 1, pp. 121-136. DOI 10.1080/095183998236926.

[13] Rema & Darquillius. Recounting Racism, Resistance, and Repression: Examining the Experiences and #Hashtag Activism of College Students with Critical Race Theory and Counternarratives. *The Journal of Negro Education*, 1 July 2017. Vol. 86, n º 3, pp. 283–304. DOI 10.7709/JNEGROEDUCATION.86.3.0283.

Union (EU) and global South as a signifier of race-centred methodology traversing cultural and geopolitical borders. CRT enhances itself to decolonise from western-centric distinctions, having emerged from the legal sphere to unroot embedded patterns of racial exclusion[14]. Seeing nuances in race and racial discrimination commits to social justice. Assuming uniformity in CRT and identities is discriminatory as while all 'races' and racialised markers have been socially divided along socioeconomic, political, religious, sexual orientation, ethnicity, national origin, etc. systematic classifications, these identities in societies overlap and intersect; even within groups that are seemingly alike, one finds attitudinal differences[15]. Societal stratification may perpetuate racist discourse while assimilating it, and must be countered across multiple, sociolegal fields of reference and exchange.

Central to CRT is that categories are not just hypothetical as identities are directly and indirectly ingrained across geopolitical, metaphorical and physical terrains. How identity is framed, from which location and by whom, highly predicts and depicts who has power to speak, represent, and define, and who consequently falls outside of this privilege, sentenced in a looping nexus of vulnerability in sociolegal apparatus. As theory is a philosophical reflection of epistemology[16], CRT asks how 'race' can be centred rather than ignored?[17] Standpoints, across sociolegal, multidisciplinary sites underline the importance of different contexts and actors[18] and the value of varying gazes. *Critical* inquires the way by which people and territories are framed and how this impacts the perspectives of individual actors. These distinguish human rights experiences[19]

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[14] Parker & Lynn. What's Race Got to Do With It? Critical Race Theory's Conflicts with and Connections to Qualitative Research Methodology and Epistemology. *Qualitative Inquiry*, 1 February 2002. Vol. 8, nº 1, p. 12. DOI 10.1177/107780040200800102.

[15] Delgado & Stefancic. *Critical race theory: An introduction*. New York: New York University Press, 2001. pp. 54-5. https://jordaninstituteforfamilies.org/wp-content/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf.

[16] Ferreira Dias. "In Theory, Doctrine Diverges": A Dialogue Between the Notion of Doctrine and Theory, from the Critical Theory of Race". *Revista Jurídica Portucalense*, October 2022. p. 143. https://revistas.rcaap.pt/juridica/article/view/26158

[17] Hylton. Talk the Talk, Walk the Walk: Defining Critical Race Theory in Research. *Race Ethnicity and Education.* 2012. Vol. 15, nº 1, pp. 24. doi:10.1080/13613324.2012.638862.

[18] Storgaard et al. Introduction. Access to Justice from a Multi-Disciplinary and Socio-Legal Perspective: Barriers and Facilitators. *Oñati Socio-Legal Series*. 2023. Vol. 13, nº 4, 1, p. 1205. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1351

[19] Delgado & Stefancic. *Critical race theory: An introduction*. New York: New York University Press, 2001, p. 55. https://jordaninstituteforfamilies.org/wpcontent/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf

across intersectional layers overlapping between race, power and social roles[20]. The approach may contribute to legal practitioners' moral and ethical conduct to counter racial profiling and bias in critical legal work. The limitations of some CRT studies include personal bias brought by investigators[21] in academic, sociopolitical, legal and communication channels. Researchers', legal, political and educational practitioners', and journalists' awareness of differential gazes promotes the commitment and ethical responsibility towards making a conscious effort to overcome presumptions about individuals/ groups being represented, taught, or trialled and to listen to - rather than speak for - them. Critiques to the principles of CRT highlight an "inversion of the values and ideals of the West against itself, and do not offer an oppositional alternative discourse or practical consciousness"[22]. While western-centric viewpoints may silence other discourses/values or portray what is different as invalid, inverting the same epistemology still uses it. Critically deconstructing ontological standpoints offers alternate views challenging canons in interdisciplinary domains. This commits to sociolegal architectures across cultural terrains, not despite different cultural terrains. The suggestion that what is beyond the canon must be contrary is itself a western installation of power in dichotomy, where identity canons' *we* feelings are consolidated against an imagined 'other'. CRT promotes consciousness and deconstructs rather than recodes. While CRT has provided insights on racial inequality, crime is quite unexplored[23]. Sociolegal frameworks may bridge gaps between community ideals and legal implementation emphasising the scientific value of critical approaches to racial justice research[24] and the representation of diverse identities in societal realms. The normalisation that racism is embedded in systems, makes it difficult to detect and lessen the ways that traditional colourblind treatment may remedy only the most blatant forms of it[25], within

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[20] Ferreira Dias. "In Theory, Doctrine Diverges": A Dialogue Between the Notion of Doctrine and Theory, from the Critical Theory of Race". *Revista Jurídica Portucalense*, October 2022. p. 150. https://revistas.rcaap.pt/juridica/article/view/26158

[21] *Ibid*.

[22] Mocombe. Against critical race theory. *Explorations in Ethnic Studies*, 1 January 2017. Vol. 37, nº 1, p. 83. DOI 10.1525/ESR.2017.37_38.1.83

[23] Delgado & Stefancic. Critical race theory and criminal justice. *Humanity & Society*. May 2007. Vol. 31, n º 2–3, p. 133–145. DOI 10.1177/016059760703100201.

[24] Storgaard et al.. Introduction. Access to Justice from a Multi-Disciplinary and Socio-Legal Perspective: Barriers and Facilitators. *Oñati Socio-Legal Series*. 2023. Vol. 13, nº 4, 1, p. 1201. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1351

[25] Delgado & Stefancic. Critical race theory and criminal justice. *Humanity & Society*. May 2007.

systems. Racism, in its structural forms is not recognised as such and racism in its direct forms is understudied and remains unchallenged.

### Sociolegal Discussion of 'Race' & Crime

The social construction of race abstracts shared traits across humanity and inhibits the equal treatment of human beings. Research has shown that higher genetic variation occurs within races than between them[26], as difference transects identity groups. Intersectionality articulates that no individual has a single identity and that different intersectional identities lead to diverse and varying ways of experiencing reality[27]. With identity-based politics prevalent in societies, communities and intellectual development for marginalised groups across racial, gender and economic markers remains stratified in hierarchies. The reconciliation of this political sociology with dominant conceptions of social justice has caused tension as intragroup differences are frequently combined or ignored[28]. With complexities silenced, ambiguity and perfunctory generalisations are reinforced, as ignoring difference within groups increases tension among them[29]. Similarly, *generic* intersectionality moves to displace focus on racial justice by assuming neutrality or whiteness[30].

Racialised abstractions prompt symbols like "driving while Black"[31], with minorities. Stereotypes based on conventional imageries enforce a relationship of (dis)empowerment and claiming of some spaces and activities as foreign to certain identities, making these spaces more out of reach and forging feelings of imposter syndrome and vulnerability. The familiar alignment of colonial subjects – Black/White, Self/Other – is disturbed and the traditional grounds of racial identity are dispersed, whenever they are found to rest in the narcissistic myths of negritude or white cultural supremacy[32]. Besides impacting people from other ethnic, religious, and racial minorities and people appearing or presumed to be

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Vol. 31, n º 2–3, p. 136. DOI 10.1177/016059760703100201.

[26] *Ibid.*, p. 136.

[27] *Ibid.*, p. 143.

[28] Crenshaw. Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, July 1991. Vol. 43, No. 6, pp. 1242.

[29] Ibid. p. 1242.

[30] Christofferson. Is Intersectional Racial Justice Organizing Possible? Confronting Generic Intersectionality. *Ethnic and Racial Studies.* 2021. Vol. 45, nº 3, p. 425 doi:10.1080/01419870.2021.1928254.

[31] Delgado & Stefancic. Critical race theory and criminal justice. *Humanity & Society*. May 2007. Vol. 31, n º 2–3, p. 142. DOI 10.1177/016059760703100201.

[32] Bhabha. *The location of culture*. New York: Routledge, 1994, p. 40. https://doi.org/10.4324/9780203820551

from such minorities in different non-linear ways; a crucial point intersectionality considers is the relationship between racial and gender discrimination. Racism sustains and rearticulates sexism and race does not exist outside of gender and gender does not exist outside of race[33]. Due to wide-ranging concerns of racial justice movements certain subgroups and intersectional identities; groups like non-western, non-white women, go invisibilised[34]. Centric conclusions ignore the realities they speak for, fuelling multi-fold patriarchies and burdening[35] marginalised identities. This widespread problem sees hegemonic categorisations of race or superficial rights but overlooks complexities within each group, embedding polarisation in societal normality. Implications of future research should encompass a wider theoretical spectrum of frameworks related to race and widening the lens to consider other perspectives besides the Black-White paradigm[36], which escalates the paradox.

Institutional racism is invisibilised as discussions about racism are rare in majority-white institutions where 'unconscious bias', claiming to be (un)aware of racism would be exposed not due to a lack of awareness or information but as "ignoring racism, a wilful and intentional turning away from what whiteliness has produced"[37]. Responses to institutional racism within the police service convey the importance of conceptual accuracy for both generating investigational analysis, and in directing organisational responses[38]. This contributes to efforts which represent diverse communities and intersectional identities (most of the research and studies are in the U.S.) to alleviate burdens of discrimination for ethnic and racial minorities across institutional sectors, most critically, justice. This begins to rectify the relationship between societal groups and the justice

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[33] Parker & Lynn. What's Race Got to Do With It? Critical Race Theory's Conflicts with and Connections to Qualitative Research Methodology and Epistemology. *Qualitative Inquiry*, 1 February 2002. Vol. 8, nº 1, p. 12. DOI 10.1177/107780040200800102.

[34] Delgado & Stefancic. *Critical race theory: An introduction*. New York: New York University Press, 2001. https://jordaninstituteforfamilies.org/wp-content/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf.

[35] Loza. Challenges of orientalist productions and frames of an imagined other: a media monitoring analysis, *Journal of Humanities and Applied Social Sciences*, 2023, Vol. 5, nº 3, pp. 178-192. https://doi.org/10.1108/JHASS-01-2022-0002

[36] Parker & Lynn. What's Race Got to Do With It? Critical Race Theory's Conflicts with and Connections to Qualitative Research Methodology and Epistemology. *Qualitative Inquiry*, 1 February 2002. Vol. 8, nº 1, p. 12. p. 17. DOI 10.1177/107780040200800102.

[37] Tate & Page. Whiteliness and institutional racism: Hiding behind (un)conscious bias. *Ethics and Education. 2018. Vol. 13,* nº 1, pp. 147. https://doi.org/10.1080/17449642.2018.1428718

[38] Souhami. Institutional Racism and Police Reform: An Empirical Critique. *Policing and Society,* 2012. 24 (1), p. 18. doi:10.1080/10439463.2012.703198.

system, and to distinguish between each without previous prejudice to circumvent more crimes.

The risk perceived in speaking out against racism is influenced by cognitive reflections from previous events in history and contemporarily. Elements of reciprocal mistrust in state actors' protection of rights and security of all societal groups, perpetuate victim-blame for crimes whereby the individual was physically or emotionally attacked or mistreated due to social prejudice, reinforcing stigmatisation and injustice. Legal policies are seen as palpable productions of the process of justice formation, and selective (dis)enforcement may cause more reverberations of infliction[39] in patterns of the cycle of discrimination. Crimes have devastating psychological, legal and sociopolitical impact on people, their families and close and extended communities, and people who identify with the group. These must be countered through all levels of repercussions to prevent further criminal targeting. Victim-blaming studies portray that victim's and offender's race indicate sensitivity to racial status asymmetry[40] and respondents considerably blame victims less when the offender is white[41]. Deviant behaviour among socially and economically marginalised people is more likely to be labelled as criminal, to result in formal sanctions by the state, and to lead individuals to be propelled through the criminal justice process towards imprisonment[42]. Black individuals in the U.S. are more likely to experience traumatic injury and subsequent emotional and physical violence mostly due to racism[43]. Criminological discourses portray tendencies in how certain victims and offenders are viewed for a closer assessment of law and social accountability.

Non-white, women, as mentioned for example, are burdened by the intersects of race and gender, in addition to socioeconomic factors which act as barriers to empowerment at times highly consolidated by strong institutions.

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[39] Iganski. Hate crimes hurt more. *American Behavioral Scientist*. 1 December 2001. Vol. 45, nº 4, p. 626–638. DOI 10.1177/00027640121957394.

[40] Lyons. LYONS, Christopher J. Stigma or Sympathy? Attributions of Fault to Hate Crime Victims and Offenders. *Social Psychology Quarterly*, 1 March 2006. Vol. 69, nº 1, p. 48. DOI 10.1177/019027250606900104.

[41] *Ibid*.

[42] Phillips & Bowling. Racism, Ethnicity and Criminology. Developing Minority Perspectives, *The British Journal of Criminology*. 1 March 2003. Vol. 43, nº 2, p. 20. https://doi.org/10.1093/bjc/43.2.269

[43] Geier et al. History of Racial Discrimination by Police Contributes to Worse Physical and Emotional Quality of Life in Black Americans After Traumatic Injury. *Journal of racial and ethnic health disparities.* 2024. Vol. 11, nº 3, p. 1774. doi:10.1007/s40615-023-01649-8.

Studies have shown that community norms of police avoidance rooted in historic experience of race-based discrimination were potent deterrents for contacting police for the Black women[44]. Women who are refugees or immigrants in the EU, may "fear overzealous law enforcement response rooted in racial discrimination, contextualised by historic and present-day police brutality, abuse, and discriminatory policing in their communities"[45], which impacts their trust in law enforcement and decisions to report crime. While data is limited as not all crimes are recorded or seen as crimes, hesitation to call for protection underlines the discrepancies between the social and legal. Non-lawyers have proven to be advocates of democratic commitment for individuals to be able to safeguard their rights themselves[46], conveying that legal protection must be sought outside the traditional mechanisms of law if they are inadequate. The recognition that interpersonal costs may inhibit members of stigmatised groups from expressing experiences of discrimination is a necessary initial step in changing discriminatory practices[47]. This is also a crucial point of departure in the research endeavour contributing towards more open, diverse narratives which embrace and listen to victims' accounts from their perspectives and challenge mutual mechanisms of distrust and vulnerability, in justice and society. Nuances in structural state apparatuses delineate difficulties in creating an objective, 'one-size-fits-all' approach in situations of injustice due to the complexities of the current sociopolitical climate and actors' perspectives. By investigating the selective burdens, risks and responsibilities certain people may take depending on the situational and social position from which they are speaking and with whom they are speaking, and similarly, the (non)risks of others in neutralising discrimination and languages of exclusion.

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[44] Decker et al. "you do not think of me as a human being": Race and gender inequities intersect to discourage police reporting of violence against women. *Journal of Urban Health*. 18 June 2019. Vol. 96, nº 5, p. 772–783. DOI 10.1007/s11524-019-00359-z.

[45] *Ibid*.

[46] Storgaard et al., 2023. Introduction. Access to Justice from a Multi-Disciplinary and Socio-Legal Perspective: Barriers and Facilitators. *Oñati Socio-Legal Series*. 2023. Vol. 13, nº 4, 1, p. 1205. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1351

[47] Kaiser & Miller. Derogating the victim: The interpersonal consequences of blaming events on discrimination. *Group Processes & Intergroup Relations.*July 2003. Vol. 6, nº 3, p. 236. DOI 10.1177/13684302030063001.

Challenging conventional sociolegal frameworks' perpetration through vulnerability-based frameworks[48] counters dominant silencing of peoples' realities. Resistance has been characterised through qualitative focus on experiences and resilience. As a rejection of victim identity an immigrant says she will not be thrown out of the country because she is an immigrant[49] as an act of strength, rejecting to be subjected in the trap of not belonging and assertively taking position against racism. Critical methodologies expand spaces to reconcile sociolegal apparatus, so people do not have to defend themselves or surrender. The co-creation of "narratives formed by the interaction between the researcher who conducted the interviews and the participants"[50] conveys interview-methodology to enrich the conversation, in addition to the role of the researcher which cannot be overlooked as part of the knowledge gathering and analysis process.

Racism denial is itself a dangerous racism, maintaining it and inhibiting constructive conversations: precisely because they know racism is bad, whites often exert great effort to find that it is not present[51] and exclude the voices of whom have been subjected to it by diverting focus to security or depicting victims as offenders. This systematically asserts privilege as an orderly condition. A study investigating how Black people perceive prejudice found that explicit denials of discrimination and/or claiming to have African American friends at best produced no improvement in African Americans' impressions of Whites and possibly made them more suspicious of Whites' racial attitudes, conveying that equal treatment and authenticity were the way to be perceived as not racially biased[52]. The claim of 'having Black friends' is an indicator of racist attitudes and how they are invisibilised. Narrative accounts of perspectives diversify research to ponder

[48] Chakraborti & Garland. Reconceptualizing hate crime victimization through the lens of vulnerability and 'difference'. *Theoretical Criminology*. 22 April 2012. Vol. 16, nº 4, p. 499–514. DOI 10.1177/1362480612439432.

[49] Lumsden et al. 'I Will Not Be Thrown Out of the Country Because I'm an Immigrant': Eastern European Migrants' Responses to Hate Crime in a Semi-Rural Context in the Wake of Brexit. *Sociological Research Online*. 1 June 2019. Vol. 24, nº 2, p. 181. DOI 10.1177/1360780418811967.

[50] Hagerlid et al. How victims conceptualize their experiences of hate crime. 27 June 2018, p. 7. DOI 10.31235/osf.io/53ysc.

[51] Cooper. Cop fragility and blue lives matter. *University of Illinois Law Review,* 2020*,* nº 2, p. 645. https://www.illinoislawreview.org/wp-content/uploads/2020/04/Cooper.pdf

[52] Winslow et al. Americans' Lay Theories About the Detection of Prejudice and Nonprejudice. *Journal of Black Studies*, 1 January 2011. Vol. 42, nº 1, p. 64. DOI 10.1177/0021934709357025.

society in the contemporary justice system to critically resist racial discrimination, and magnify the voices that are muffled, and further persecuted under limiting structures.

Police officers are considered as the marker and symbol of enforcement of justice, appearing in public space as the primary agents and protectors of the law and civil order. The power dynamics which interplay in the process of racial discrimination may reflect personal bias and fairness of police officers, and the underlying structural mechanisms shaping recognition and justice for some victims, and desensitisation of violence, and the unfortunate silencing and injustice towards others. The police are exemplary units in society and officers' cognition, attitudes and behaviours can be assessed to investigate the current state of discrimination and race bias in the contextual climate. The implications of this are significant in informing national and regional policies to ensure justice for people and as a critical effort in anti-racism strategies, societal and international security.

Police are prominent actors in the process of assigning victim status as they are usually the first point of contact for the victim after the crime and their response to a report determines whether the complainant becomes a victim[53], an offender or neither nor. The "decision to act upon a reported crime is influenced by the perceived worth of the victim"[54] in the momentary perspective of the police of the victim group rather than from the victims' perspectives of crimes and hurt caused. The differential value attributed to people has unfortunately been observed at many instants as a racially selective thought rather than humanistic resolution.

The intersections of racial bias, social groups and the police remain prominent in discourses of criminal justice, as the site at which identity markers intersect is where identity politics takes place[55]. The political narrative explores the generations of fear of confrontations between certain groups which are depicted as dangerous. The process whereby the seemingly equal treatment of minority groups is indirect bias and has a discriminatory effect despite the

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[53] Long. The ideal victim: A critical race theory (CRT) approach. *International Review of Victimology*, 9 March 2021. Vol. 27, nº 3, p. 346. DOI 10.1177/0269758021993339.
[54] *Ibid*.
[55]Crenshaw. Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, July 1991. Vol. 43, No. 6, pp. 1299.

application of neutral formal criteria[56]. Police attempts to neutralise the racial character of shootings frame them as an understandable response to the fear rather than as a problem of racial misconduct[57]. Linking fear to 'race' deflects racism, while employing it. When police appear 'colour-blind', they contain racial grammars which asserts coded affiliations of race to danger, while rejecting accusations of racism because there are no direct references to any racial group[58]. The dichotomies convey the anxiety around the relationship between certain identities when perceived as threat and feel unprotected if not targeted by police, validating the idea that groups are against each other rather than functioning as part of a cohesive society.

'Cop fragility', is an "analogous oversensitivity to criticism that blocks necessary conversations about race and policing"[59]; placing blame on subjects of crime, while constructing a false victim status for the police, which undermines civil rights[60]. Framing police as victims does not address the roots of this relationship and may divert away from racism, lessen trust between society and institutional apparatus and increase vulnerabilities. The choice to discuss race or not is arguably one of privilege. "White fragility" captures many whites' reluctance to discuss racism and their privilege; in two imagined fantasies: the idea of neutrality and erasing race - false objectivity - and that only certain bad people perpetuate racial subordination - bad intent theory[61]. Discomfort in discussing and researching race may be an indicator and strategy of privilege preservation, where focus is again diverted back to the 'power' group's perspective, parading its immunity and diminishing the struggle and humanity of victims anew.

The lack of clear theory of police behaviour to explain disparate treatment of minority citizens is possibly the most crucial gap in the current literature on

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[56] Phillips & Bowling. Racism, Ethnicity and Criminology. Developing Minority Perspectives, *The British Journal of Criminology*. 1 March 2003. Vol. 43, nº 2, p. 21. https://doi.org/10.1093/bjc/43.2.269

[57] Mason. Blue Lives Matter and Hate Crime Law. *Race and Justice*. 16 June 2020. Vol. 12, nº 2, p. 4. DOI 10.1177/2153368720933665.

[58] *Ibid*.

[59] Cooper. Cop fragility and blue lives matter. *University of Illinois Law Review,* 2020, nº 2, p. 621. https://www.illinoislawreview.org/wp-content/uploads/2020/04/Cooper.pdf

[60] *Ibid*., p. 622.

[61] *Ibid*., p. 621.

racial profiling[62]. The manufacture of 'race' is a consequence of slavery and conquest[63] and feeds the systematic denial of racialised relations hindering adequate action[64]. Racial disparities in policing are reflected by several factors, including police policies and practice, structural inequalities in education, income, housing, and employment[65]. The police as an institution are obscurely linked with histories of race making and control of the Other – their function is antithetical to equity in policing practice[66], posing a predicament for societal, regional and international security at large. The procedural justice thesis fails to distinctly name racism or racialised processes of criminalisation as mediating citizen/police encounters[67] and continues to function largely within frameworks of racial profiling. Association between regional racial biases of Whites and the disproportionate use of lethal force with Blacks[68] was detected with measurements of indirect and direct racism. Racial bias, echoes 'race' through systems of oppression operating until today, strengthened, institutionally, through sociolegal apparatus. Public salience of brutal murders and violations of international law expresses societal outrage globally and the adequate response from institutions, only to 'control' the situation rather than address it.

When the dominant group believes that it is entitled to valuable resources, that the group will have an affinity with the institutions that serve their interests such as the criminal justice system[69], suggesting that police could be a tool for privilege. Moreso; "for many whites, it seems sensible for law enforcement to target minority individuals or minority neighbourhoods"[70] unjustly 'rationalizing'

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[62] Smith & Alpert. Explaining Police Bias: A Theory of Social Conditioning and Illusory Correlation. *Criminal Justice and Behavior*, 1 October 2007. Vol. 34, nº 10, p. 1262. DOI 10.1177/0093854807304484.

[63] Carter et al. You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities. *Urban Education*. 19 August 2016. Vol. 52, nº 2, p. 209. DOI 10.1177/0042085916660350.

[64] Long. The ideal victim: A critical race theory (CRT) approach. *International Review of Victimology*, 9 March 2021. Vol. 27, nº 3, p. 358. DOI 10.1177/0269758021993339.

[65] Kahn & Martin. The Social Psychology of Racially Biased Policing: Evidence-Based Policy Responses. *Policy Insights from the Behavioral and Brain Sciences*. October 2020. Vol. 7, nº 2, p. 108. https://doi.org/10.1177/2372732220943639.

[66] *Ibid*.

[67] *Ibid*., p. 346.

[68] Hehman et al. Disproportionate Use of Lethal Force in Policing Is Associated with Regional Racial Biases of Residents. *Social Psychological and Personality Science.* 27 July 2017. Vol. 9, nº 4, pp. 393–401. DOI 10.1177/1948550617711229.

[69] Weitzer & Touch. Racially Biased Policing: Determinants of Citizen Perceptions. *Social Forces*. 1 March 2005. Vol. 83, nº 3, p. 1010. DOI 10.1353/SOF.2005.0050.

[70] *Ibid*., p. 1011.

racism. Relevance of work in criminal law is "underscored by the well-documented fact that a disproportionately large number of Black males comprise the population of prison and correctional facilities in the country"[71]. The usual situation for these defendants in law enforcement is to be "tried before a predominantly or exclusively white jury, quite probably with racist attitudes which affect their overall participation in court proceedings"[72]. Within a "racially predicated society, Black bodies are constructed as the undesirable Other in relation to crime prevention and control"[73]. Marginalisation implies vulnerability to the widespread mis assessment by white clinicians, and clinicians' tendency to evaluate Blacks from the frame of reference of white society[74]. Structural bias in law enforcement apparatus is extended in that the "people responsible for deciding whether discrimination has occurred may focus on a perpetrator's intent more often than a victim's experience of harm in cases of White-on Black discrimination"[75]. The importance of assessing personality variables, and prediction of group dynamics in jury deliberations was introduced by a team of Black psychologists for the trial Angela Davis in Santa Clara County in 1972 to include "style, ego strength, suggestibility, and dependence"[76] for impartial and fair jury in a predominantly White country in the U.S. Cognitive style as a focus of analysis was chosen as there is evidence that different personality types perceive, attend to, and experience the world quite differently[77]. This more personal effort promotes inclusiveness and diversity to respond more promptly to the case and emphasise human characteristics that go beyond the racialised.

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[71] Hilliard. Applications of Psychology and the Criminal Justice System: A Black Perspective. *Journal of Black Psychology*. August 1978. Vol. 4, nº 1–2, p. 66. DOI 10.1177/009579847800400106.

[72] *Ibid.*, p. 67.

[73] Long. The ideal victim: A critical race theory (CRT) approach. *International Review of Victimology*, 9 March 2021. Vol. 27, nº 3, p. 346. DOI 10.1177/0269758021993339.

[74] Hilliard. Applications of Psychology and the Criminal Justice System: A Black Perspective. *Journal of Black Psychology*. August 1978. Vol. 4, nº 1–2, p. 71. DOI 10.1177/009579847800400106.

[75] Simon et al. Pick your perspective: Racial group membership and judgments of intent, harm, and discrimination. *Group Processes & Intergroup Relations*, 1 February 2019. Vol. 22, nº 2, p. 230. DOI 10.1177/1368430217735576.

[76] Hilliard. Applications of Psychology and the Criminal Justice System: A Black Perspective. *Journal of Black Psychology*. August 1978. Vol. 4, nº 1–2, p. 70. DOI 10.1177/009579847800400106.

[77] *Ibid*.

Individual and institutional levels of analysis are distinct but should not be completely separated from one another[78] in that "policy implementation is almost necessarily influenced by individuals' perceptions, biases, and experience"[79] and both realms must be used to inform awareness on racism and help in the deconstruction of oppressive forms of racist apparatus. Indirect bias is a core determinant of unintentional behaviour, whereas direct bias has a greater role in influencing deliberate behaviour"[80]. Racism is often overlooked in instances of injustice, heightened by reverberations, frequencies, and acceptability of the crimes. Systematic "microaggressions" can appear as a waiter serving a White patron before someone of colour; in schools, microaggressions can be acts that convey underlying messages about people's intelligence, danger and inferiority[81], apparent in daily interactions and reactions to crime. Therse forms of discrimination are distinct but interdependently impacted by each other yet remain somewhat independent of one another[82] as awareness of this bias is intentional, people may manipulate their behaviour. Unconscious racial discrimination is understood as the "cognitive reflection of systemic racism"[83], disadvantaging certain groups. Manipulation of this bias is difficult as it is based on attribution, unlike survey methods, based on social desirability or norms against expressing prejudice[84]. Deep-seated attitudes operate outside conscious awareness and may even conflict with a person's stated values[85], measured with

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[78] Borgida & Miller. Implicit and Explicit Measurement Approaches to Research on Policy Implementation: The Case of Race-Based Disparities in Criminal Justice. *PS: Political Science & Politics*. 21 June 2013. Vol. 46, nº 03, p. 534. DOI 10.1017/s1049096513000668.

[79] *Ibid*.

[80] Morrison et al. Stacking the Jury: Legal Professionals' Peremptory Challenges Reflect Jurors' Levels of Implicit Race Bias. *Personality and Social Psychology Bulletin*, 27 June 2016. Vol. 42, nº 8. p. 1129.DOI 10.1177/0146167216651853

[81] Carter et al. You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities. *Urban Education*. 19 August 2016. Vol. 52, nº 2, p. 216. DOI 10.1177/0042085916660350.

[82] Borgida & Miller. Implicit and Explicit Measurement Approaches to Research on Policy Implementation: The Case of Race-Based Disparities in Criminal Justice. *PS: Political Science & Politics*. 21 June 2013. Vol. 46, nº 03, p. 532. DOI 10.1017/s1049096513000668.

[83] Galvan & Payne. Implicit Bias as a Cognitive Manifestation of Systemic Racism. *Daedalus* 2024. Vol. 153, nº 1, p. 107. doi: https://doi.org/10.1162/daed_a_02051

[84] Ibid. p. 108.

[85] Carter et al. You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities. *Urban Education*. 19 August 2016. Vol. 52, nº 2, p. 215. DOI 10.1177/0042085916660350.

an association test[86]. While internal biases do not automatically suggest racist decision making, they uphold discriminatory behaviours particularly when such biases remain unstated and unexamined[87]. As this bias is an emergent property of racial inequality in the social context, interventions that do not change the social context should leave these biases relatively unchanged[88]. The field of social psychology has acknowledged the existence of subconscious stereotyping since at least the early 1990s[89]. There is consistent quantitative evidence that these biases are evident in legal discourse and the entrenchment of racial biases in policing[90] as the language of the law imposes another obstacle to racial justice[91]. The processes by which people they relate to or distinguish themselves from each other highly impacts prejudgement and activating empathy toward strangers, whether from racial in-group or out-group lessens bias[92]. Apathy and normalisation exacerbate racism by a lack of recognition and identification with a certain group.

Measuring indirect racial discrimination comparing officers' association of African Americans with threat, depending on external stressors and hours of sleep found that officers' lack of sleep indicated higher likelihood of associating Black Americans with weapons[93]. Strain theory also suggests that violence grew since the COVID-19 pandemic, impacting disadvantaged groups more and higher

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[86] Smith & Alpert. Explaining Police Bias: A Theory of Social Conditioning and Illusory Correlation. *Criminal Justice and Behavior*, 1 October 2007. Vol. 34, nº 10, p. 1279. DOI 10.1177/0093854807304484.

[87] Carter et al. You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities. *Urban Education*. 19 August 2016. Vol. 52, nº 2, p. 215. DOI 10.1177/0042085916660350.

[88] Galvan & Payne. Implicit Bias as a Cognitive Manifestation of Systemic Racism. *Daedalus* 2024. Vol. 153, nº 1, p. 114. doi: https://doi.org/10.1162/daed_a_02051

[89] Jost et al. The existence of implicit bias is beyond reasonable doubt: A refutation of ideological and methodological objections and executive summary of ten studies that no manager should ignore. *Research in Organizational Behavior. 2009.* Vol. 29, p. 41 https://doi.org/10.1016/j.riob.2009.10.001

[90] Phillips & Bowling. Racism, Ethnicity and Criminology. Developing Minority Perspectives, *The British Journal of Criminology*. 1 March 2003. Vol. 43, nº 2, p. 22 https://doi.org/10.1093/bjc/43.2.269

[91] Rice et al. Racial bias in legal language. *Research & Politics.* 14 May 2019. Vol. 6, nº 2, p. 4. DOI 10.1177/2053168019848930

[92] Pashak et al. Empathy Diminishes Prejudice: Active Perspective-Taking, Regardless of Target and Mortality Salience, Decreases Implicit Racial Bias. *Psychology*. 13 June 2018. Vol. 09, nº 6, p. 1352. DOI 10.4236/PSYCH.2018.96082.

[93] James. The Stability of Implicit Racial Bias in Police Officers. *Police Quarterly*. September 2018. Vol. 21, nº 1, p. 43. ISSN 1552-745X. Available from: https://doi.org/10.1177/1098611117732974.

arrests and health injuries[94], posing the question if this is due to shifts in offending or to changes in enforcement responses[95]. Contextual circumstances inducing anxiety of threat may perpetuate the dangerous cycle of racially profiled criminalisation of people based on these markers, and worsened conditions for marginalised groups.

Black Lives Matter became a U.S. historical movement in 2014 following street protests after the firearm deaths of African American males, Michael Brown in Missouri by a white police officer and the police use of fatal force (suffocation) of Eric Garner in New York[96], and further sparked with the killing of George Floyd in 2020. Similar incidents of racialised police brutality and murder have occurred around the world. Studies have shown the impact of the coverage of high-profile cases on people, primarily in the U.S. and E.U. Despite increasing visibility in coverage of crime and the frequency of police killings of unarmed Black people in the US, limited research has been carried out which further abstracts the traumatic and psychological impact of chronic exposure to police killings, particularly from the perspectives of those historically and disproportionately affected by it[97]. This indicates that the consequences of the relationship between certain groups affect more than the people directly impacted by crimes, but additionally people who can relate and identity with victims.

Shooter bias likely reflects other policing behaviours impacted by racism such as decisions to follow, stop, search, detain, etc.) which would not be resisted as strenuously as shooting[98]. Anticipated stereotype threat in the hypothetical police encounter and translated into racial differences in levels of anxiety, self-regulatory efforts, and behaviour that is commonly perceived as suspicious by police officers perpetuates a resounding impact. Institute anti-discrimination

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[94] Geier et al. History of Racial Discrimination by Police Contributes to Worse Physical and Emotional Quality of Life in Black Americans After Traumatic Injury. *Journal of racial and ethnic health disparities.* 2024. Vol. 11, nº 3, p. 1781. doi:10.1007/s40615-023-01649-8

[95] Proffit & Feldmeyer. COVID-19, Race, and Crime: An Early Look at Racial Disparities in U.S. Arrest Data throughout the COVID-19 Pandemic. *Societies*. 2024. 14, no. 3: 37. p. 12 https://doi.org/10.3390/soc14030037.

[96] Price & Payton. Implicit Racial Bias and Police Use of Lethal Force: Justifiable Homicide or Potential Discrimination? *Journal of African American Studies.* 30 September 2017. Vol. 21, nº 4, p. 675. DOI 10.1007/S12111-017-9383-3.

[97] Wilson et al. 'Am I Next?': A Qualitative Study of Black College Students' Experiences of Stress, Trauma, and Grief from Exposures to Police Killings. *Journal of Human Behavior in the Social Environment,* 2023. 34 (3), p. 391. doi:10.1080/10911359.2023.2173353.

[98] Spencer et al. Implicit Bias and Policing. *Social and Personality Psychology Compass*, 1 January 2016. Vol. 10, nº 1, p. 55. DOI 10.1111/SPC3.12210.

training and body cameras to be worn by police are measures which would aid in transparency, data collection, and accountability, all of which have the potential to reduce bias if they are enacted and enforced[99].

Conscious bias, when an individual reports dislike for a group based on an identity (such as race) or racialised group preference[100] targets people based on race and identities such as religion, sexuality, or profession[101] and is also hard to extinguish. Direct racism plays a strong role in investigations, in which intentionality takes precedence over automatic processing[102]. Behaviour-analytic technologies can be applied conceptually, experimentally, and therapeutically in many spheres of knowledge to rectify current practices disproportionately impacting marginalised identities and executive policies, such as police use of-force reform[103]. In states where "Black people were arrested for violent crime at higher rates, the explicit association between Black people and weapons was stronger"[104] which further outlines the resonations of discrimination in society and how these exacerbate racialised or de-racialised attitudes. The violent stereotype of racial bias appears to be stemming from multiple sources as a cultural transmission of the cognitively dissonant belief that there is "consistent bias toward Black people being associated with violence, even among states where White people commit higher rates of violent crime"[105]. Measuring racial bias, intentional discrimination was found to predict whether people find a White officer who killed a Black man guilty in that people's explicit racial bias increases perceived threat and, thus, the perceived justification of using lethal force[106], and less perceived guilt or remorse. This overlooks and underpins racial bias,

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[99] Kahn & Martin. The Social Psychology of Racially Biased Policing: Evidence-Based Policy Responses. *Policy Insights from the Behavioral and Brain Sciences.* October 2020. Vol. 7, nº 2, p. 112. https://doi.org/10.1177/2372732220943639.

[100] Beckford. The Effect of Empathy on Implicit Bias. *Bard Digital Commons* [online]. Spring 2016, Vol. 345, p. 14. Available from: https://digitalcommons.bard.edu/senproj_s2016/192/

[101] *Ibid.*

[102] Kahn & Martin. The Social Psychology of Racially Biased Policing: Evidence-Based Policy Responses. *Policy Insights from the Behavioral and Brain Sciences.* October 2020. Vol. 7, nº 2, p. 109. https://doi.org/10.1177/2372732220943639.

[103] *Ibid*.

[104] Johnson & Chopik. Geographic Variation in the Black-Violence Stereotype. *Social Psychological and Personality Science*, March 2019. Nº 3, p. 291. https://doi.org/10.1177/1948550617753522.

[105] *Ibid.*, p. 291-2

[106] Cooley et al. Personal prejudice, other guilt: Explicit prejudice toward black people predicts guilty verdicts for white officers who kill black men. *Personality and Social Psychology Bulletin.* 24 September 2018. Vol. 45, nº 5, p. 765. DOI 10.1177/0146167218796787.

depending on the sociolegal framing of security in identity politics and the layers of discriminatory beliefs in society and crime. There is vigorous evidence regarding ever-present bias that exists in society and, more specifically, in police conduct; however, subconscious bias in police officers does not necessarily imply that they will respond to certain groups with racial prejudice or bias[107]. These discussions convey many facets of the problem and difficulties to detect racial discrimination when it is embedded and at times normalised, silenced and perpetuated by criminal justice. Leaving racism to be detected or fought against to people subjected by it is a burdening responsibility which magnifies racist segregation rather than dismantling it. While victims of racism may critically inform narratives on experiences and institutional justice, sociolegal operations at large must assume the ethical and moral responsibility to protect all people and prioritise the care of vulnerable communities.

**Discussion**

The lack of adequate data regarding policing outcomes conveys that communities need to implement more community review boards regarding police actions[108] to monitor racialised crimes and legal misconduct. The gaps between policies and implementation must be addressed and it is critical that prosecutors and courts become more rigorous in punishing police officers who inappropriately use lethal force to overpower certain racial/ethnic minority groups[109]. Measuring racial bias in police officers through the outset of their careers and with the impact of training, a significant decrease in xenophobic attitudes in young police officers over a 4-year period[110] was observed. These results highlight the efficiency of training modules that focus on the promotion of intercultural competence, social skills, and intercultural communication[111]. Such research may inform officer training, the use of technology to provide objective accounting and increased accountability, and federal policies to track, prosecute, and remediate

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[107] Price & Payton. Implicit Racial Bias and Police Use of Lethal Force: Justifiable Homicide or Potential Discrimination? *Journal of African American Studies.* 30 September 2017. Vol. 21, nº 4, p. 681. DOI 10.1007/S12111-017-9383-3.
[108] *Ibid.*
[109] *Ibid.,* p. 682.
[110] Krott et al., 2018, p. 181
[111] Ibid.

problematic officers and departments[112] to contribute to more fair policing outcomes according to informed scientific data of the relationship. Critical training may include representation of diverse identities as practitioners.

Influential sociolegal spheres addressing racism in the criminal justice system, increase voting power and political representation[113] in addition to language rights to more accurately depict the society justice claims to protect. Autonomous categorisation of crime legislation has advantages and disadvantages regarding how discrimination and crime impact one another and social justice, and the political climate requires crime and criminal justice visibility from minority perspectives[114]. Enhancing anti-discrimination laws is a challenge when discrimination is inherent in the law itself[115]. Increasing awareness on crimes for professionals in legal realms will improve responses as the law cannot enforce itself and is therefore limited without social change[116]. Visibility would also enhance research statistics in national and regional records and promote inclusive security politics to clarify the sociolegal relationship and define, despite social classifications and complexities of discrimination, where do legal distinctions end and where does discrimination start?[117] Racial profiling, as when police intentionally stop 'minority-looking motorists' for searches, is similar to 'statistical discrimination' by people who avoid minorities because they believe members of these groups are more likely than whites to be perpetrators of crime[118]. Negative identity discourses alienate people further from each other, and from structural apparatuses of protection and must mean more representation of marginalised groups in legal positions and civil societies of

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[112] Kahn & Martin. The Social Psychology of Racially Biased Policing: Evidence-Based Policy Responses. *Policy Insights from the Behavioral and Brain Sciences*. October 2020. Vol. 7, nº 2, p. 112. https://doi.org/10.1177/2372732220943639.

[113] Delgado & Stefancic. *Critical race theory: An introduction*. New York: New York University Press, 2001, p. 113. https://jordaninstituteforfamilies.org/wp-content/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf

[114] Phillips & Bowling. Racism, Ethnicity and Criminology. Developing Minority Perspectives, *The British Journal of Criminology*. 1 March 2003. Vol. 43, nº 2, p. 35 https://doi.org/10.1093/bjc/43.2.269

[115] Terlouw & Van Der Pas. The Battle against Ethnic Discrimination: Realizing the (Utopian) Promise of Non-Discrimination Law. *Ethnic and Racial Studies*. 2024. Vol. 47, nº 9, pp. 1900-1919 (p.1903). doi:10.1080/01419870.2024.2328345.

[116] Ibid. p. 1902.

[117] Ibid.

[118] Delgado & Stefancic. *Critical race theory: An introduction*. New York: New York University Press, 2001, p. 114. https://jordaninstituteforfamilies.org/wp-content/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf

protection to counter racialised abstractions through lens of CRT and the interlinking sociolegal implications of discrimination.

Despite critique about the production of evidence, and the means of 'proving' racism, the question about the lack of reconstructive knowledge on the reality of racial discrimination prevails. The absence of direct accounts of racist experiences contributes to the silencing gap and 'racist mechanisms of speaking about racism'. Rather than becoming anti-racist; the systemic denial and perpetuation of racism through racist language increases the problem and diminishes peoples' voices and recognitions of people as such. Racist violence, seen as a problem of public order, like normal crime, and a problem of social cohesion[119]. In this way, the sentiments, emotions, and experiences of ethnic minority groups and society are extremely important measures of policy effectiveness[120], and societal wellbeing. Reflections on inclusive definitions of racism and racist violence in different national state legislations differ; subsequently impacting the data claiming to illustrate statistics. Grassroot approaches to understanding the process of discrimination in societal frameworks and their legislative bodies are embraced from layered, geopolitical sites to speak from their positionings. It is important to ask whether "targeted groups feel like they are included and respected by the state, or do they feel isolated and vulnerable? Do citizens of the country feel united, or do they feel divided by race, ethnicity, religion, or national origin?"[121] to increase security for vulnerable groups and consequently the societies and states to which they pertain and live.

The limitations of this discussion are mostly theoretically linked to the U.S. or British policing and more research should be carried out in E.U. countries to inform the current climate of identity politics and international justice. Rather than claim to speak for all CRT theorists across all disciplines and contexts, the purpose of this paper is to provide a snippet of the theoretical terrain of racist discourse in justice apparatus and need for more research to expose and

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[119] Bleich. Hate Crime Policy in Western Europe: Responding to Racist Violence in Britain, Germany and France. *American Behavioral Scientist*. October 2007. Vol. 51, nº 2, p. 161. DOI 10.1177/0002764207306047.
[120] *Ibid*.
[121] *Ibid*.

dismantle it[122]. Insecurity in the South has spread immigration/refugee influxes to Europe further heightening political tension and discrimination in the climate of surrounding wars, crisis and inflation, and attention must be paid to different situations for global inclusive democratic legislation of all groups in society, ensuring their security and therefore E.U. security. Inequalities echo into all realms of society including social networks and protection frameworks. The vicious cycle of distrust also implies that numerous victims of racial discrimination are isolated, suffering in silence, and/or internalise blame for their predicament[123]. Experiences of police discrimination cause higher distrust among young Arab males in Germany, for example[124] and immigrant descendants distrust police more than people from non-adolescent backgrounds[125]. Discrimination is identified as such by those who are subjected to it. The crimes that are reported, recorded, and dealt with, therefore, only convey a portion of the scope of discrimination in legal frameworks and justice practitioners can inform societal conduct of how people may be treated, what is acceptable, what is criminal, and what are the consequences of criminal behaviour. To counter traumatisation and injustice and promote healing there is an urgent need for policy reform in law enforcement that consistently holds officers accountable for unjustly brutalizing and killing unarmed marginalised communities and peoples[126]. The continuum has been shown to reinforce selectivity in recognition and treatment of racialised crime and inequalities in societal apparatus and criminal justice. With proper recognition of and legislation against racist violence and crime, citizens are more likely to trust in the power of law enforcement to protect them rather than perpetuate dislike, blame and discriminatory attitudes. Reciprocally, higher trust in police may decrease insecurity and discriminatory spirals of not reporting crimes and not recognising crimes as such. Efforts to overcome structural

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[122] Lin. Exposing the chameleon-like nature of racism: a multidisciplinary look at critical race theory in higher education. *Higher Education.* 2023. *Vol.* 85, p. 1096. https://doi.org/10.1007/s10734-022-00879-9

[123] Delgado & Stefancic. *Critical race theory: An introduction*. New York: New York University Press, 2001, p. 43. https://jordaninstituteforfamilies.org/wp-content/uploads/2020/04/Delgado_and_Stefancic_on_Critical_Race_Theory.pdf

[124] Kogan, Weißmann & Dollmann. Police discrimination and police distrust among ethnic minority adolescents in Germany. *Frontiers in Sociology.* 2024. 9. p. 2. DOI: 10.3389/fsoc.2024.1231774.

[125] Ibid. p. 11

[126] Wilson et al. 'Am I Next?': A Qualitative Study of Black College Students' Experiences of Stress, Trauma, and Grief from Exposures to Police Killings. *Journal of Human Behavior in the Social Environment,* 2023. 34 (3), p. 391. doi:10.1080/10911359.2023.2173353.

discrimination and racist symbols in the crime paradigm may inform national bodies in the E.U. and international law through grounded critical research that interrogates racist discourse sited across societal contexts and geopolitical terrains in the sociolegal landscape.

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