



Alternative Positions on Crime and Criminality: An Examination of Perspective from the Margins

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Abstract

The study presents a case for expanding discussions about crime to include ideological variances, circumstances and societal contexts. A content analysis approach was used to interpret civilian interviews reflecting the problematic acceptance of crime as an understood construct and to highlight the need for recognition of interpretative diversities. The study analyses civilians' perspectives that are critical to an understanding of how they view crime, and outlines the possible impact of such understandings on their relations with police officers. The article presents a case for the consideration of alternative understandings of crime, which contradict state delineation, and for reflection on the potential impact of these interpretations on enhancing the interface between police officers and civilians.

Keywords

Conflicting worldviews; crime; criminality; police/civilian relations.

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Introduction

The issue of crime remains at the forefront of discussions among stakeholders globally. International threats prompt fear (Ferraro 1995), panic and retaliation from citizens (Covington and Taylor 1991). Practices once deemed acceptable are being criminalised by the state and the judicial notion of extending benefit of doubt—such that a person is assumed to be innocent until proven guilty—is being replaced by precautionary assumptions of guilt. In an increasingly interrelated world, global emphases and assumptions about crime and its management can have harsh impacts on local contexts. Trinidad and Tobago, whose criminal activity has been fed by its geopolitical positioning as a drug transshipment point between North and South America, its vulnerable coastlines and the increasing occurrence of gang and gun violence, is a case in point. Crime management strategies in the twin-island republic include, but are not limited to, policy reform, citizen sensitisation, community outreach and revised policing strategies (Watson and Kerrigan 2018; Watson et al. 2018). Policing strategies are placed at the forefront of such discussions, particularly in areas identified as crime hotspots. Officers appear to be unpopular and there are negative sentiments about their performance in the line of duty (Harkin 2015). Effective policing is also marred by veiled allegations of police criminality, as represented in the media (Schlesinger and Tumber 1994; Watson and Kerrigan 2018). Most accounts of questionable policing practices relate specifically to instances in which policing is actioned within marginalised communities or communities branded crime hotspots. Officers are regularly described as inhumane, in that they ‘deliver pain to individuals and groups, virtuously, justifiably, accidentally, maliciously or otherwise’ (Harkin 2015, 3). Sensationalised anecdotes about communities ‘plagued’ with criminal elements, increasing hotspots and acts presented as inhumane further highlight the need for intervention by law enforcement bodies (Romer, Jamieson and Aday 2003; Watson 2016a). One is led to question whether police actions resulting in breached civilian trust can be considered an act of criminality, whether descriptions of crime and criminality should be restricted to acts in violation of the law, and what allowances exist to facilitate the consideration of ethical and/or ideological violations.

The focus of discussions about crime centres around who commits the acts and what measures can be established to prevent acts of criminality or punish individuals deemed criminal (Lynch 2002; Sherman et al. 1997; Walklate 1998; Watson 2016b). What is not presented in these accounts is a contextual discussion of crime outside its interpretation within established statutes. Instead of its treatment as a societal manifestation of dysfunction, it is presented as an epidemic warranting containment (Marcus 1996) or a contaminant for treatment or eradication (Bratton and Knobler 2009). These accounts give rise to questions about conceptualising crime and concerns about the scope of its definition as a basis for required police–civilian interaction. Addressing crime cannot occur independent of its interpretation and description as a subjective societal construct (Froggio and Agnew 2007; LeBel et al. 2008). Failure to understand how civilians conceptualise crime is likely to aid in its continuance, as multiple isolated understandings of crime and criminality promote conflicting ideologies upheld by parties required to interact.

Therefore, the study presents an argument in support of considering alternative descriptions of crime to include its social dimensions (Dammert 2012). It contributes to these discussions by offering a contextual description of crime as evidenced in its representation in the discourses of two specific groups of civilians—victims of crime and criminal suspects—in conflict with the officers of the law mandated to respond to crime (Seidman and Rappaport 2013). The article moves from an examination of the existing literature on crime to a description of civilians’ conceptualisations within and outside legal statutes accounting for crime’s identification and interpretation, as well as their relationship with police officers engaged in acts of policing.

Definition-schisms: Crime defined, (un)defined and (re)defined

Discussions about crime emphasise established statutes and violations that occur in accordance with such descriptions (Dammert 2012; Lynch 2002; Walklate 1998; Watson 2014). These accounts are likely to exclude behaviours in violation of the social interests of individuals operating on the margins of society (Seidman and Rappaport 2013) or those who uphold ideological positions deemed foreign by 'authoritative voices' (Marenin and Reisig 1995). Tappan (1947) points to societal complexities and lack of integration as key factors affecting the subjectivity of crime and its 'convenient packaging' as a unitary construct (Froggio and Agnew 2007). The impact of assigning 'artificial categories' to address behaviours influenced by differing or unconventional ideological underpinnings is also of concern (Tappan 1947, 97). Existing definitions of crime move from describing it as an 'intentional act in violation of the criminal law, committed without defence or excuse and penalized by the state as a felony or misdemeanor' (Tappan 1947, 100) to more flexible descriptions to include 'many forms of behaviour that are not sanctioned by the state' (Gottfredson and Hirschi 1990, 116). Extensive descriptions can also be found in statutes and policy documents informing actions deemed offensive committed by members of the larger populace, or more specifically, criminal segments. The *Trinidad and Tobago Criminal Offences Act* provides a seven-page description of what constitutes a crime or act of criminality.

These definitions of crime, while detailed in their description of punishable offences, remain silent on the issue of societal differences, social ideologies and shifting schemata. They also have in common an emphasis on a populace in need of policing (Harkin 2015) and the framing of the upholders of the laws as operating on a higher moral level, presumably untainted by the inclination to engage in criminal acts (Toch 2002). Existing descriptions of crime and criminality bear similarities in their acknowledgement of actions depictive of societal manifestations of dysfunction. Much more, however, can be said to expand descriptive parameters or to include allowances to address unconventional or differing positions informed by alternative systems of knowing and being. Such allowances acknowledge the contextual nature of crime and the impact of operational value systems (Geis 2000; Gottfredson and Hirschi 1990; Marenin and Reisig 1995).

To describe crime as simply a breach of law excludes several forms of socially, culturally or traditionally acceptable behaviour that do not align with behaviours deemed acceptable in legal statutes. Descriptions do not reflect understanding of societal contexts in the labelling of an act as a crime. Such descriptions perceive crime as more than simply an act of poor self-control. To accept theories of self-control as valid to the description of crime and to ignore variability (Gottfredson and Hirschi 1990) work in the disservice of accurate understandings of crime and criminality. Such positions ignore slippage in self-control or upheld societal values informing behaviour and contextual variables affecting individual behaviours and how these behaviours are perceived by others with shared ideological positions, or more specifically, 'culturally specific meaning' (Marenin and Reisig 1995, 502). A shared focus on anti-social behaviour, or more specifically behaviours contradicting upheld ideologies of sects within a society, is likely to result in the expansion of the description of crime to include acts that occur beyond the scope of accountability, yet depicting prowess or absurdities of a dysfunctional nature. Greater insight would be derived from why some actions resulting in harm or hurt (physical, emotional or psychological) to others are deliberately committed if an interpretative and interactive framework for crime and criminality is established. Here, I propose an examination of civilian perspectives on crime and criminality as useful to ongoing discussions and implementing measures of social control. This is premised on a notion of societal dynamisms and the need for applicable and relevant statutory intervention (Lott and Roberts 1989).

The validity of a contextual understanding of crime is paramount to improving police-civilian relations in hotspot communities (Ratcliffe and McCullagh 2001; Short et al. 2010). To quote

Finckenauer (2005, 68), these descriptions affect 'how laws are framed, how investigations and prosecutions are conducted, how research studies are done, and, increasingly, how mutual legal assistance across national borders is or is not rendered'. Tappan (1947) also points to contestations over representations of societal truths. Truth in this context is treated as a flexible representational construct, one that remains open to interpretation, is contextual, not immune to biases or omissions, yet categorically relevant.

Research methods

Data

Data were extracted from interview materials collected for a larger study on police–civilian relations in a marginalised community in Trinidad and Tobago (see Appendix 1 for interview protocol). The larger study necessitated the acquisition of information about civilians' reasons for interacting with police officers, their perceptions about these interactions and the assumed roles or social positions of either party during the interaction. To identify participants for that study, known individuals within the community and people identified by police officers were contacted by the principal researcher on the larger study. Although a target was set to identify 20 civilian participants from each category—suspects and victims—this aim was not accomplished, as identified victims no longer lived within the community or people identified as suspects were not willing to participate. The social position of the researcher as a former resident of the community, however, made it possible to secure sufficient civilian participation.

Individuals were categorised based on their required interactions with police officers in their roles as suspects (people believed to have committed a crime) or victims (people believed to have experienced acts of criminality committed against them). A total of 40 civilian participants from the community were identified for that study. Thirteen of those individuals were prior victims of crimes as defined within legal statutes, while the remaining 27 individuals were suspected by police officers of engagement in criminal activities. These categorisations were determined solely based on participants' accounts of their interaction with police. For example, an individual who provided an account of interaction with police for a domestic dispute resulting in personal injury was identified as a victim, whereas an individual providing an account of interaction with police for marijuana possession was identified as a suspect. It is important to note that the assigned categorisations, while aligned with police categorisations, do not necessarily reflect the views of the participants. While the sample for the larger study represented gender, race, age and education variation within the community, this information was not included, as the focus here is primarily on civilian discourses reflecting alternative representations of crime.

Process

For the purpose of this study, a soft copy of the transcribed interviews from the larger study was examined to identify information deemed necessary. The examination focused specifically on the identification of civilian perspectives about crime, perpetrators of these identified crimes and the role of officers in preventing/performing/enabling acts of criminality. These were initially identified by examining the data for the words 'crime', 'criminality' and their synonyms. Ideas about crime were framed in discourses including those lexical items, making them relevant to the study. All responses pertaining to crime—as defined in the laws of the country or crime as constructed by civilians—were identified and interpreted.

Documented police and civilian interaction

Over a five-year period (2008–2012) and in accordance with legal statutes defining crime and criminality, there were 17 documented serious crimes and 27 minor offences within the community. Of the 17 documented serious crimes, seven were committed by residents—four sexual offences, two break-ins, one robbery and two acts of larceny. Of the 27 minor offences, 19 were committed by residents—one malicious wounding, three firearm and ammunitions

possessions and 15 narcotics possessions. These numbers reflect individuals charged for offences (Crime and Problem Analysis Branch Trinidad and Tobago Police Service, Police Database). Records kept at the police station responsible for responding to calls for service from the community reflect a total of 376 arrests for the same period. This would indicate only 26 (seven per cent) of the arrested individuals were charged. Twenty-seven of the study participants claimed to have been detained by police for questioning on one occasion at least, most claiming to have been detained on more than five separate occasions. During the partial State of Emergency¹ of 2011, 102 residents were detained for either breaking curfew or for suspected involvement in criminal activities. None of these individuals, however, were charged with any acts of criminality. Over the five-year period (2008–2012), there were 590 documented police shootings in the area (Trinidad Express Archives 2014).

Considering civilians' definitions of crime and criminality

The data interpreted revealed the subjectivity of crime as an understood construct. In some instances, descriptions of crime as indicated within legal statutes were acknowledged by civilians and accepted as accurate, whereas in other instances they were not acknowledged or simply unknown. Civilian responses also revealed instances in which descriptions were acknowledged, yet dismissed as invalid. How crime was constructed was largely dependent on several variables, inclusive of but not limited to social actor, context, causal factors and situational outcome. Civilians' conceptualisation of crime is appropriately discussed under three broad categories based on a preliminary examination of the data—crime as socially acceptable, crime as shifting and crime as actions of those entrusted with the authority to uphold the laws of the land. The categories specifically reflect social dimensions accounting for how crime was perceived. In the first instance, emphasis is placed on variations between state and community outlook. In the second, the focus is on state definitions being overlooked or treated as secondary to community outlook. In the third, emphasis is placed on stakeholders being presented as criminals. These categories are further discussed in the following sections.

Socially acceptable crime

Under this subheading, civilian discourses indicating acts deemed criminal by the state but considered acceptable at the community level are discussed. Several instances were revealed depicting involvement in actions resulting in bodily harm to others, possession of illegal firearms and narcotics, obstruction of the process of the law and participation in deviant behaviours. In all these instances, discourses revealed no acknowledgement of wrongdoing. Instead, they revealed instances of unfair police treatment and victimisation because of place of residence. The following samples present crime as acceptable, or more specifically, the absence of acts of criminality. Instances of 'normalcy' resulting in police action are discussed.

In the first instance, a civilian discusses the possession of firearms by residents: 'Like they feel we supposed to just be afraid ah them cause they have gun but we have bigger and better gun than them'.

Here, the possession of illegal firearms is presented as an accomplishment. The civilian suggests actions by police officers intended to illicit fear from civilians. He also presents a response to such attempts by boasting of advanced preparedness for the use of deadly force by residents. It is important to note that none of the residents boasting of firearm possession had legal documentation and they justified the act as necessary to protect themselves and their families. Unless the weapons were used to inflict harm on another civilian, they believed no crime was committed. Another civilian justified firearm possession because of police officers' perceived cruelty: 'They just vicious. They cold family. Just because one time I get hold with fire, they always on me! I never hurt ah fly family! I doh even eat meat'.

He portrays officers as villains. His innocence in the midst of illegal firearm possession is maintained as a result of his self-proclaimed gentle nature, which extends to kindness towards animals. The phrase 'just because' is used to trivialise the act of possession and suspicions about him held by officers. Innocence is maintained despite the acknowledged act of criminality, as his ideological stance on crime and criminality differs to state upheld positions. A like-minded civilian presents conflict at the community level as 'normal'. Instead of viewing such actions as a societal manifestation of dysfunction, it is presented as an acceptable way to resolve disputes: 'Like if they know we and Hell Yard² warring, they will take ah man for questioning and drop him off in Hell Yard. Is real terrorist thing with them'.

For the civilian, 'warring' with residents of another community is not deemed a crime; instead, it is the act of placing a civilian from another community into an environment in which bodily harm is the anticipated outcome that is considered the criminal act.

Participation in deviant behaviour was also presented as normal and justified. Such instances were evidenced in discourses relating specifically to tampering with state-owned utilities. Civilians admitted to accessing electricity and water despite their failure to pay for these services. The unlawful manner in which these services were obtained was neither presented as relevant, nor the issue warranting attention. Instead, police involvement in the act resulting in the service disruption was presented as the issue:

Babylon [police] come and turn off the lines with WASA [Water and Sewage Authority] and want to play they chasing everybody inside. Well, I loud up the scene [made a commotion] and let them fellas know what going on cause my lil brother and them was outside dey too nah. We tell them plain we not taking them kinda advantage thing and as soon as they gone we turning it back on. I know my rights family. As they gone we turn back on the pipe ... yuh know they come back and turn it off. Well Ras get mad and buss the fuckin pipe and they play they locking him up for destroying WASA property but we pay for that. We ain't let them hold him. They mad! They too advantageous and like to advantage poor people.

The extract presents a civilian account of an instance in which police officers accompanied an employee of a utility company to disconnect services for non-payment of the utility bill. Instead of allowing the employee to perform his duty, the civilian notified relatives and requested their assistance to prevent the disconnection attempt. The civilian admitted to reconnecting the service after it was disconnected. He provided another account of further destruction of state property by another civilian, who later resisted arrest. The civilian also attested to other residents assisting the individual resisting arrest. The civilians' actions are not understood or presented as criminal by the resident. Instead the actions are perceived as acts against injustice faced by disadvantaged individuals.

Similarly, another civilian provided an account of such deviance, in which he illegally reconnected his electricity after disconnection: 'When I come home the house in darkness and my family in darkness. I just hook back up the fuckin light'.

His action is justified, as the act is done to restore normalcy to his home for his family. The solution does not come, however, through paying the utility bill. Several similar accounts were identified within the data. Crime in these instances was described as depriving individuals of utilities. The restoration of these services by unconventional means was justified and decriminalised. Civilians' understanding of freedom, along with their misinterpretation of their rights as outlined within statutes, also affects their understanding/description of crime. This is primarily evidenced in their use of expletives as an accepted way of communicating. For them, it is neither offensive nor punishable when done by an adult. A civilian argued, 'Is ah free country. I is ah big man, I ain't no child. Them cyah tell me not to cuss. Slavery done'.

The said civilian was later arrested for the use of offensive language as outlined within the law. This resulted in an uprising by residents, who held the view that no wrongdoing had taken place. There was a shared perception about the individual's freedom to express himself in that manner, as no bodily harm was caused to anyone and the language was customarily used during interactions in which alcohol was consumed.

Their understanding of the freedom to use public spaces or gather presented an additional context for redefining crime. A curfew was described as a state infringement on citizens' rights. Therefore, being outdoors during a curfew was not perceived as a criminal act, as it was the right of citizens:

Them does want to come up here and tell big man come off the block and go inside like if we in jail. We is free man up here. What curfew them does be telling people bout? I know my rights! I is ah free man! Nobody can't dictate my pace.

For the civilian, the state-implemented curfew is meaningless and his actions during this time, therefore, cannot be categorised as a crime. As an adult, his movement can only be lawfully restricted, in his opinion, if he is imprisoned.

Crime ... not really

Here, I discuss state-determined offences that are acknowledged as crimes by civilians, yet are trivialised. Such acts are understood to be wrong in accordance with state-outlined statutes, yet they are deemed 'allowable' at the community level. These acts are neither confined to behavioural nor legalistic categorisations (Geis 2000). They are not frowned upon by residents, who classify such acts as unworthy of police attention because they are minor and do not conflict with upheld ideologies at the community level. Such acts include, but are not limited to, civilian possession of small amounts of marijuana for personal use, failure to pay fines and bribery.

A civilian maintained his innocence despite marijuana possession: 'The man ain't do nothing yuh know but he had ah small piece on him nah so he was trying to get out ah it. They shoot the man! Them is murderers family'.

The civilian described another civilian's failed attempt to avoid arrest, resulting in bodily harm being inflicted by police officers. Despite an obvious and stated attempt to avoid arrest, the civilian overlooks this trivialises the possession of a small quantity of marijuana. In this instance, attempting to avoid police officers was justified, as the small quantity of illegal substances may have been found during an interaction. The use of deadly force is described as murder by the civilian. For him, an innocent civilian wrongfully fell victim to police criminality.

Another civilian provided a similar account, trivialising acts of criminality. He used the adjectival marker 'lil' to describe warrants issued for failure to pay child maintenance fines and marijuana possession. Arrest of civilians for such acts is viewed as malicious. The cruelty of the arrest is intensified if actioned on Fridays, as individuals are deprived of weekends, a time they devote to rest and relaxation. He argued:

They [police] does give you case for nothing and like if you don't help them and they know you have warrant for lil small thing ... chile support or lil herbs nah ... they will pick you up on Friday when they know you can't get bail.

A similar account was provided in which a civilian's request for assistance results in his arrest. The fact that the civilian had a warrant issued for failure to pay child support fines was trivialised to the point of treatment as a non-issue. The focus was instead placed on the opportunistic actions of officers and the unjust arrest of the civilian deemed a victim by the author of the discourse. 'I

see man call them for help and them self-turn round and lock up the man just because he had ah lil warrant for chile support ... woman thing ... yuh know how allyuh woman stop.'

The use of marijuana, though not deemed a crime by residents of the community, is acknowledged as a wrongdoing because of the consequences attached to such actions. Therefore, civilians described marijuana use as an act warranting caution or to be conducted in secrecy. As such, the act of criminality is attached to direct observation by police officers. A civilian provided an account of police harassment of an innocent civilian:

Ah youth man stand up by the road smoking ah blunt ... the kush³ done burn out eh family. Babylon roll up so the youth man put he hand on he head nah ... normal thing cause they always feel you have thing on you so hand in pocket is they excuse to shoot nah. You know them terrorist come out the van and start to hassle the youth man.

Despite the civilian's possession and use of an illegal narcotic in public, his innocence is premised on the completion of the act before his interaction with police officers. The completion in this instance absolves him of all wrongdoing. The officers questioning of the individual is instead presented as the act of criminality, a situation described as a regular occurrence within the community.

The following quotation depicts the trivialisation of marijuana sales and acceptance of bribes. A civilian described his payment of police officers to overlook his sale of illegal substances. He justified the bribe as necessary to conduct his income generating venture:

To run my business I hadda pay Babylon dues. Yuh can't play stupid this rounds cause everybody hadda help each other. Yuh understand? Them is the real hardcore killers so is better yuh let them eat ah food and keep them on the payroll. I does try to show them youth man is better to have ah puppet than ah shot caller on yuh back any day. Yuh hadda be smart out here this rounds.

It is interesting that neither the 'business venture' nor the acceptance of monies by officers from civilians is criminalised within the discourse. Instead, it is the possible outcome of the interaction with officers where civilians fail to pay a bribe that becomes highlighted as potential acts of criminality. Civilians can possibly be shot or killed if they fail to provide bribes. Civilian discourses provided several similar cases in which marijuana sale was described as trivial or presented as simply another business venture. In some instances, it was further praised as a worthy alternative to failing to provide for one's family. Therefore, officers are villainised when they attempt to hinder such business ventures deemed acceptable at the community level.

Police criminals

This section explores discourses framing police officers as criminals. Whether the acts described align with legal definitions of criminality is not the focus here. Instead, emphasis is placed on upholders of the law being presented as engaging in societal crime. Civilians described several acts committed by police officers as criminal in nature, be it the ultimate act of criminality, taking a life, or the miscommunication of information in the line of duty.

Therefore, crime in this sense can be equated to misrepresentation of information by police officers:

You does tell them one thing and them does be writing what they want in them book. When the fellas beat my son over by the bridge the one who take the report

write wrong thing in the book and the case get throw out! Is cause he doh like him they do that. Real criminal behaviour!

The civilian described an offence committed against his son by another civilian. For this individual, the officer's assumed failure to perform his duty competently resulted in a mistrial. The civilian viewed the officer's assumed shortcomings as a crime against his son. In this instance, obstructing the legal process is acknowledged as a crime.

Acts of brutality committed by officers against civilians are also considered criminal. Civilians refer to the use of physical force as acts of criminality: 'Yuh see that and them they [points to scars] is them criminals do that'.

What accounted for the use of physical force was not mentioned in this instance by the civilian. He did, however, consider the act of a criminal nature.

The use of physical force against children or females was also interpreted by civilians as acts of criminality. The following sample provides an account of the use of physical force during an interaction with a female resident:

Just watch how they does deal with them woman and them chirren and yuh know them is haters. Real man doh want to play ranking thing for woman and children. I watch them slap up ah woman right by Blackie shop over dey.

The civilian trivialises the violent actions of the woman towards the officer and her attempts to resist arrest. He overlooks the fact that the woman slapped, bit and scratched the officer, during which time she also used offensive language and spat in his face. He went on to trivialise her actions by asking how hard a female could possibly hit a male to warrant what was described as the officer's barbaric response in the form of a slap. An officer's misuse of physical force is also evidenced in this quotation: 'They beat up the man in the station and drop him in the hospital and say was gang thing!'.

Here, a civilian described an account of police criminality in which officers caused bodily harm to a civilian and provided a false account of how the civilian was injured. Injuries gained while in police custody were falsely described as the result of a gang dispute. Although the civilian's involvement in gang-related activity is not stated, the officers' alleged actions are intended to skew views about the individual and taint perceptions about how he acquired the injuries. Another account of police criminality is evidenced in the excerpt below:

You want to know who the real crook and big fish is round here, check Babylon. Them does come in here and tax the fellers on the block hustling they lil living and if yuh doh pay up, they does seize they pine or give them case. Is real criminals yuh watching them cool so.

Here, a civilian described police officers forcefully taking funds from civilians for personal purposes. Unlike the previous civilian, who described the payments as a necessary evil, this civilian deemed it a criminal act. He goes on to highlight the injustices experienced by the civilians, as failure to pay bribes results in the confiscation of their merchandise. It is interesting that civilians' sale of an illegal substance is trivialised in the account. It is presented as civilians attempting to earn a living and being unfairly victimised by police officers. The fact that civilians are not arrested for the sale of marijuana is also not the focus. Officers overlooking the transactions is also not frowned upon.

The following extract depicts police officers as murderers. The civilian recalled police officers wounding an individual and delaying medical treatment, which resulted in the civilian's death:

I stand up here and watch them shoot ah feller and throw him in the back of the Jeep bloody. Next thing on the news, the man dead. You ever hear anybody dead from shot in the shoulder? And on top ah that he dead in San Fernando general hospital! Look which part here is! Why they gone quite south with the man? Them is criminals! Is kill they kill him. It doh have no respect between we and them! Is we against them and we or them.

The account suggests extreme cruelty by officers. Not only was the civilian 'shot' and 'thrown', he was taken to a treatment facility more than 57 km from the incident as opposed to the nearest facility, less than 12 km from the community. While the reason for the use of deadly force was not indicated, the act was described as malicious and an act of criminality.

Another example of perceived police criminality was evidenced in the following account of police misuse of force during the partial State of Emergency. The civilian described violent encounters and wrongful arrests:

Them is puppets! Imagine just because that woman [reference made to former prime minister] say lockdown, them just rushing in and beating people and locking up man just so! You think that right?

The beating and wrongful arrest of civilians are deemed acts of criminality.

For individuals within the researched community, crime is neither static nor restricted to its description within legal statutes. Instead it is a subjective construct, reflected and interpreted in a multiplicity of ways and subject to definitional change dependant on social actors. Crime can manifest through hindrance of actions, failure to act, acting in a manner deemed unacceptable by the majority or inflicting harm to individuals deemed subordinate and unable to mount a worthy defence. Civilians acknowledge varying degrees of criminality and acts of a criminal nature ranging from trivial or minor to major or heinous. Crime is also presented as acts deemed acceptable or unacceptable depending on the outcome and effects. The primary perpetrators of crime for these individuals, however, are police officers.

Discussion

Civilians' description of crime points to the need for the expansion of parameters informing its treatment within legal statutes, or more specifically, policies intended to address crime within marginal communities. Evidenced here is the use of an objective definition intended to inform situations that manifest unconventionally and in a multiplicity of ways. The descriptions provided by both segments of civilians not only point to the subjectivity of the construct, but to the ideological variations upheld by members of the community and individuals charged with the responsibility of designing and implementing strategies geared towards maintaining law and order.

Civilians (victims of crime and criminal suspects alike) appear clear in their description of what they understand to be a crime, what is deemed a crime by others but viewed as trivial offences by them, and what is not considered a crime. The difficulty with these understandings of what accounts for criminal actions and what does not arises when these civilians come into conflict with police officers operating within or outside legal statutes. Instances arise in which legitimate acts of policing contradict civilians' engagement in actions deemed acceptable and not of a criminal nature at the community level. The problematic nature of the interface is also evidenced where policing directly contradicts state and community notions of acceptable conduct. Unacceptable police behaviour then becomes the justification for dysfunctional civilian behaviours deemed defensive by them.

For civilians, the description of crime shifts and depicts contextual flexibility. Despite shared perspectives by residents about what behaviours depict acts of criminality, there seems to be a level of bias with regard to the consideration of acts of criminality dependant on the social actor and the assumed power of the individual. When an act deemed a manifestation of dysfunction is committed by a social actor deemed powerless by residents, there seems to be a tendency to downplay severity if the action did not result in bodily harm to another individual. When a similar act is committed by a social actor perceived as powerful, it is interpreted as an act of criminality. Therefore, the description assigned becomes reliant on the consequences attached, as well as the resultant factor. For example, engaging in a fist fight is not a crime unless it results in severe harm or the death of an individual involved. Crime in this sense is complex and subjectively described.

Conclusion

Insight drawn from exploration of police–civilian interaction has significance for police interaction with individuals operating on societal margins. These revelations suggest the need for broadened descriptions within judicial processes and serve as an impetus for positive change during interactions. A context is provided for communicative redress with an understanding of the multiple worldviews operationalised when officers and civilians interact. The understanding of what accounts for crime and criminality must be expanded to include civilian positions and police actions that inflict hurt or pain. The acceptance of top-down hegemonic descriptions of crime is in itself problematic and likely to alienate segments of the population it was established to keep ‘in check’. It is not enough to limit categorisations of crime as actions constituting an offence punishable by law if in reality the scope of the categorisation is limited to a subset of society, while excluding other members of that society who are required to function within the parameters established by the elite group.

The findings of the study suggest that behaviours selected for control at state levels and the consequences attached to such acts do not always align with actions deemed offensive at the community level. Individuals believed to be engaged in acts of criminality as part of their daily undertakings seem to demonstrate casual disrespect for laws seeking to circumscribe their normative behaviours. They appear dismissive of externally assigned behavioural taboos intended to effect control over their normal everyday actions. A resultant factor of operationalising only state-assigned descriptions is the exclusion of all members of a society operating outside these recognised codes of conduct or positions informed by alternative ideas of normalcy. While the value of operational scopes or descriptions is evidenced in their usefulness in the maintenance of societal order, it is useful to establish flexibility parameters to inform interactive realities. A general understanding of the alternative positions on crime and criminality upheld by civilians provides an informed standpoint from which interaction can take place. What works in the disservice of such interactions, however, is the mindsets and punitive actions of police officers, which undermine all possibilities for dialogue.

The study also identifies the need for visible measures to ensure police accountability or to enforce action when officers operate outside established parameters governing acceptable police behaviour. Civilians’ faith in the state’s ability to uphold law and order is likely to diminish when there are no transparent indicators of actions taken against officers operating outside the parameters of the law. Such instances are likely to further destabilise descriptions of crime and criminality, where a differentiation between perpetrators and upholders of the law cannot be made. Therefore, descriptions of crime and criminality must reflect knowledge of the outlook of all social actors and transparent measures operationalised to address such instances as they manifest.

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¹ In an attempt to address the spiralling crime epidemic, a partial State of Emergency was enforced by the Prime Minister of Trinidad and Tobago on 21 August 2011. Curfews were implemented in several marginalised communities identified as ‘crime hotspots’ throughout the country. The categorisation, however, did not align with state definitions of a crime hotspot.

² Hell Yard is a marginalised high-crime community in Trinidad and Tobago.

³ Another name for marijuana.

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Legislation cited

Trinidad and Tobago Criminal Offences Act 2014 (Trinidad & Tobago)

Appendix 1: Interview Protocol - Civilians

1. Gender Male Female

2. How long have you lived in the Drive? _____

3. Have you ever been accused of committing a crime?
 Yes No
4. Have you ever been detained by the police?
 Yes No
5. Has any member of your present household ever been the victim of a crime?
 Yes No
6. How would you describe police officers?

7. What is opinion about the attitude of police officers towards residents?

8. What are the major problems encountered during interaction with police?

9. Do you think police officers are respectful to the rights of individuals within the community? Explain your response

10. Do you know of any labels (names) attached to police?

11. What powers do you have as a civilian when interacting with police?

12. What powers do police officers have when interacting with civilians?

13. Tell me a situation you witnessed where police officers interacted with other persons from the community.

14. What is the difference between a suspect and a victim and how do you think they are similar or different?

15. Describe an example of a difficult type of police officer

16. Describe an example of a helpful police officer

17. Do you trust the police and their ability to address the issue of crime in the community?

18. What do you think can be done by the community to assist police officers in their line of duty?

19. Why do you think the community is called a hotspot?

20. (Using a viral video story about a police/crime situation) What are your thoughts about this footage?